

The Sindh Government

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PART – I

GOVERNMENT OF SINDH
LAW DEPARTMENT
NOTIFICATION

Karachi, the 3rd, January, 2001

No. S.I.EGIS.1 (2)/2001 – The following Ordinance made by the Governor of Sindh is hereby published for general information:-

THE SINDH PRIVATE SECURITY AGENCIES (REGULATION AND
COPNTROL) ODRINANCE, 2000

Sindh Ordinance No. II of 2001

**AN
ORDINANCE**

To provide for regulation and control of private security agencies in the province of Sindh.

WHEREAS it is expedient to provide for regulation and control of private security agencies and to provide for matters ancillary thereto:

AND WHEREAS the Provincial Assembly stands suspended in pursuance of the Proclamation of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999.

AND WHEREAS the Governor of Sindh is satisfied that circumstances exist which render it necessary to take immediate action.

NOW, THEREFORE, in pursuance of the aforesaid Proclamation and the Provisional Constitution Order read with the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the Governor of Sindh is pleased to make and promulgate the following Ordinance:-

Short Title,
extent and
communicated

1. (1) This Ordinance may be called the Sindh Private Security Agencies (Regulation and Control) Ordinance, 2000.
(2) It extends to the whole of the Province of Sindh.
(3) It shall come into force at once.

Definitions

2. In this Ordinance, unless there is anything repugnant in the subject or context:-
 - (a) "Agency" means a private security agency carrying on the business of providing for consideration security guards or security arrangements and includes any branch of such agency.
 - (b) "Government" means the Government of Sindh.
 - (c) "License" means license granted under this Ordinance for carrying on the business of an agency.
 - (d) "Licensee" means a holder of a license.
 - (e) "Licensing Authority" means the Licensing Authority appointed under this Ordinance.
 - (f) "Security guards" includes a watchman engaged by the licensee under the rules.

Prohibition
against
establishment
of agency

3. No agency shall be established or continued except in accordance with the provisions of this Ordinance.

Authority

4. Government may by notification appoint any person or authority as the Licensing Authority to exercise all or any of the powers of the Licensing Authority.

Application
For license

5. (1) Any person intending to establish an agency and any person intending that any agency already in existence shall be continued as such shall, in the prescribed form and on payment of the prescribed fee, make an application to the Licensing Authority accompanied by a copy of the constitution of the agency and such other documents and information as may be prescribed.

(2) No license shall be issued if the applicant does not fulfill the conditions and requirements prescribed for grant of a license.

(3) The Licensing Authority, may on receipt of application, make such enquiry as it considers necessary and subject to such conditions and furnishing such security as may be prescribed grant the application or for reasons to be recorded in writing reject it.

(4) If the Licensing Authority grants the application, it shall issue on the prescribed form a license to the applicant.

(5) The license issued under sub-section (4) shall be valid for one year and be renewable on an application in the form and on payment of the prescribed fee.

(6) The Licensing Authority shall maintain a register containing such particulars as may be prescribed, of the licenses issued under sub-section (4).

Establishment
and continuance
of the agency

6. (1) An agency not in existence on the coming into force of this Ordinance shall be established only after a license has been issued under sub-section (4) of section 5.

(2) An agency already in existence shall not be continued for more than six months from the commencement of this Ordinance, unless an application for license has been made within thirty days of such commencement.

(3) Where any application as aforesaid has been made in respect of an existing agency such application is rejected, then, notwithstanding the period of six months provided in sub-section (2), the agency may be continued for a period of thirty days from the date on which the application is rejected, or if an appeal is preferred until such appeal is dismissed.

Possession of
arms, etc.

7. No licensee shall possess, keep or use arms, ammunition, wireless communication equipments or any other gadgets in accordance with the relevant laws.

Conditions to
be complied by
the agencies

8. (1) Every licensee shall:-

(a) at such time and in such manner as may be prescribed, submit its Annual Report and audited accounts to the Licensing Authority;

(b) furnish to the Licensing Authority such particulars with regard to personnel employed by it or its accounts, or other records or such other information as the Licensing Authority may from time to time require.

(2) The Licensing Authority, or any officer duly authorized by it in this behalf, may at all reasonable times inspect the premises of the licensee, books of account and other records of the licensee, including the record of the persons employed by the licensee, the securities, cash and other properties held by the agency, and all documents relating thereto.

Amendment of
the constitution
of the licensee

9. (1) No amendment of the constitution of a licensee shall be valid unless it has been approved by the Licensing Authority, for which purpose a copy of the amendment shall be forwarded to the Licensing Authority.

(2) If the Licensing Authority is satisfied that any amendment of the constitution is not contrary to any of the provisions of this Ordinance of the rules, it, if it thinks fit, approve the amendment.

Revocation of
license

10. If after making such inquiries as it may think fit, the Licensing Authority is satisfied that the licensee has failed to comply with the provisions of this Ordinance or rules or conditions of the license, or functioning as an organization formation of which is prohibited by law, it may, by order in writing revoke the license;

Provided that an order of revocation shall not be passed, unless the licensee has been given reasonable opportunity of showing cause.

Appeal

11. If the Licensing Authority rejects the application for licensee or revokes the license, the applicant or, as the case may be, the licensee may, within thirty days from the date of the order of the Licensing Authority prefer an appeal to Government and the order passed by the Government shall be final and given effect to by the Licensing Authority.

Penalties and
procedure

12. (1) Any person who

(a) contravenes any of the provisions of this Ordinance or any rule or order made there under; or

(b) in an application for a license under this Ordinance or in any report or statement submitted to the Licensing Authority, makes any false statement or false representation:

shall be punishable with imprisonment for a term, which may extend to two years, or with fine, which may extend to fifty thousand rupees, or with both.

(2) Where the person committing an offence under this Ordinance is a company, or other body corporate, or an association of persons, every director, manager, secretary and other officer thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

(3) No Court shall take cognizance of an offence under this Ordinance except upon a complaint in writing made by the Licensing Authority, or any officer authorized by it in this behalf.

(4) All offences under this Ordinance shall be triable by the Executive Magistrates.

Indemnity

13. No suit, prosecution or other legal proceedings shall lie against any person or anything, which is in good faith done or intended to be done under this Ordinance.

Delegation of
powers

14. Government, may by notification in the official Gazette, delegate all or any powers under this Ordinance either generally, or in respect of such agency or class of agencies as may be specified in the notification, to any of its officers.

Additional

15. (1) The provisions of this Ordinance shall be in addition to, and not in derogation of the provisions of any other law for the time being in force.

(2) Nothing in this Ordinance shall be construed as conferring on a licensee or his employees any of the powers, which by any law are conferred upon or exercisable by a police officer, or any other public servant.

Power to make
rules

16. Government may by notification in the official Gazette make rules for carrying into effect the provisions of this Ordinance.

Karachi
Dated 30th December, 2000

MOHAMMEDMIAN SOOMRO
GOVERNOR OF SINDH

SYED GHULAM NABI SHAH
SECRETARY TO THE GOVERNMENT OF SINDH
LAW DEPARTMENT