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[9th June, 2011]

An Act to provide for protection of the human rights in the Province of Sindh.

WHEREAS it is expedient to provide for protection of Preamble. the human rights in the Province of Sindh and to provide for matters connected therewith or ancillary thereto.

It is hereby enacted as follows:-

## PART-I

### PRELIMINARY

1. (1) This Act may be called the Sindh Protection of Short title, extent Human Rights Act, 2011. and commencement.

(2) It shall extend to the whole Province of Sindh.

(3) It shall come into force on such date as Government may, by notification in the official gazette, specify.

2. In this Act, unless there is anything repugnant in the Definitions. subject or context -

(i) "Chairperson" means the Chairperson of the Commission;

1[(i-a) "business and human rights" means the rights envisaged under the United Nations Guiding Principles (UNGPs) and corporate related human rights abuses;

(i-b) "Chief Minister" means the Chief Minister, Sindh;];

(ii) "Commission" means the Sindh Human Rights Commission constituted under section 3;

2[(i-a) "Department" means the Sindh Human Rights Department, Government of Sindh;];

(ii) | "Government" means the Government of Sindh;

' New "Clauses (i-a) and (i-b)", inserted by the Sindh Act No.III of 2023, dated:13-02-2023.

? New "Clause (ii-a), inserted., ibid.

(iv) "human rights" means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution of the Islamic Republic of Pakistan and enforceable by law;

(v) "member" means the member of the Commission;

[(v-i) "National Action plan on Business and Human Rights" means the National Action Plan on Business and Human Rights formulated by the Ministry of Human rights in keeping with UNGPs to ensure protection of human rights abuses by engaging business to foster corporate respect and due diligence for human rights;]

(vi) "prescribed" means prescribed by rules;

(vii) "rules" means the rules made under this Act;

and

(viii) "Secretary" means the Secretary of the Commission.

## PART-II

### ESTABLISHMENT OF THE COMMISSION

3. (1) As soon as may be, after the commencement Establishment of this Act, there shall be established a Commission to be of the known as the Sindh Human Rights Commission. Commission.

(2) | The Commission shall consist of -

2[(i) A person who has been a Chairperson Judge of High Court, was or is qualified as such, or a person having a demonstrable experience of fifteen (15) years in the field of Human Rights, to be appointed by Chief Minister];

(ii) 3[three] persons who have been Members District and Sessions Judges or Additional District and Sessions

| "New Clause (v-i)", inserted by the Sindh Act No.III of 2023, dated: 13-02-2023

2 Subs, in sec-3, sub-sec-2, for clause (i), *ibid*.

> Subs for the word "two", in sec-3, sub-sec-2, in clause (ii), *ibid*.

See oo

Judges to be appointed by  
Government;

1[(iii) two Members of the Provincial Members  
Assembly of Sindh, to be  
nominated by the Speaker,  
provincial Assembly of Sindh];

2[(iii-a) Four persons with Members

demonstrable experience in the  
field of Human Rights, at least one  
of whom shall be from minority  
community and one shall have  
considerable experience in  
Business and Human Rights, to be  
appointed by Chief Minister;

(iii-b) An Additional Secretary or Member  
Deputy Secretary of the  
Department to be nominated by  
the Secretary of department];

(iv) Secretary of Commission to be Secretary/  
appointed by Government. Member

(3) The Commission shall be a body corporate  
having perpetual succession and a common seal with  
powers, subject to the provisions of this Act, to enter into  
agreements, contracts, acquire and hold property, both  
moveable and immovable, and to sue and be sued in its  
name.

(4) | The headquarters of the Commission shall be at  
Karachi and the Commission may with the previous approval  
of Government, establish offices at district level.

3[(4-A) The Chairperson and Members appointed  
under clause (i), (ii) and (ii a) of sub-section (2), shall not be  
more than sixty five years of age.]

4[(5) The Chairperson and Members shall, unless  
resigned or removed earlier, hold office for a single non  
renewable term of four years.].

' Subs, in sec-3, sub-sec-2, for clause (iii), by the Sindh Act No.III of 2023, dated: 13-02-2023.

? New clauses (iii-a) and (iii-b), inserted., *ibid*.

> New Sub-section (4-A), inserted., *ibid*.

4 Subs, for sub-section (5)., *ibid*.



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(6) In case of death, resignation or removal of such Chairperson or a member, another Chairperson or as the case may be, a member may be appointed in his place for the un-expired term of such Chairperson or member.

(7) The salaries, allowances and other conditions of service of Chairperson and Members shall be such as may be prescribed; provided that neither the salary and allowances nor the other terms and conditions of service of a Chairperson or Member shall be varied to his disadvantage after his appointment.

8) There shall be a Secretary who shall be the Chief Executive Officer of the Commission and shall exercise such powers and discharge such functions of the Commission as it may assign to him.

9) The Chairperson or a member may, by writing under his hand, resign from his office but his resignation shall not take effect until it is accepted by Government.

10) No act or proceedings of the Commission shall be invalid by reason only of existence of a vacancy in, or the Constitution of the Commission.

PART-III  
POWERS AND FUNCTIONS  
OF THE COMMISSION

4. The Commission shall — Powers and

Functions of the

(i) inquire, suo moto or on a petition presented to it Commission.

by a victim or any person on his behalf, into  
complaint of —

(a) violation of human rights or abetment  
thereof;

(6) negligence in the prevention of such  
violation, by a public servant;

(i) recommend to Government the remedial  
measures including action to be taken against  
the persons involved in violation of human rights;

1[(ii-a) serve as an alternate dispute resolution and accountability mechanism for business related abuse of human rights and providing easy access to remedy;];

(iii) formulate, implement and regularly update policies with a view to protect human rights;

(iv) visit, Under intimation to Government, any jail or institution under the control of Government where persons are kept or detained or admitted for purpose of treatment, reformation or protection to see the living conditions of the inmates and make recommendations thereon;

2[(iv-a) to visit any business enterprise or corporate entity, with prior intimation to the concerned corporate entity's supervisory body or authority, to ascertain the reported violations or abuse and the working conditions of employees, workers or inmates of the supply chain or the value chain, as the case may be;];

3[(v) review the safe guards provided by or under the Constitution or any law for the time being in force for protection of human rights and also in the sphere of Business and Human Rights and National Action Plan on Business and Human rights to ensure accountability and access to remedy as an alternate dispute forum and to recommend measures for effective implementation of laid down procedure and for due diligence in business enterprises;];

(vi) study treaties and other — international instruments on human rights and make recommendations for their effective implementation;

(vii) Undertake and promote research in the field of human rights;

' New clause (ii-a), inserted by the Sindh Act No.III of 2023, dated: 13-02-2023.

? New clause (iv-a), inserted, ibid..

3 Subs for clause (v)., ibid.

(viii) spread human rights literacy among various sections of society;

(ix) | promote awareness of the safeguards available for protection of human rights through print and electronic media, seminars and other available means;

(x) encourage the efforts of -non governmental organizations and institutions working in thdield of human rights;

(xi) | publish or cause to be published the various policies, details, data and information relevant to the affairs of the Commission on a regular basis and ensure reasonable access of the public to the same;

(xii) appoint such officers and staff as may be necessary for carrying out the purposes of this Act, subject to the approval of Government; and

(xiii) shall perform such other functions necessary for protection of human rights, as may be

prescribed.

#### PART-IV

#### MEETINGS OF THE COMMISSION

5. (1) There shall be at least one meeting of the Meetings of the Commission in each quarter of a year. Commission.

(2) |The meetings of the Commission shall be held at such time and at such places and in such manner as may be prescribed by rules or, until rules are made in this behalf, as and when convened by the Chairperson.

(3) | Notwithstanding the provisions of sub-section (1), the Chairperson shall convene a meeting of the Commission if three or more members request him in writing and such meeting shall be convened after giving at least seven days notice within a period of not exceeding fifteen days of receipt of such requisition.

(4) The quorum for a meeting of the Commission shall be '[five members].

| Subs, for the words” four members”, in sec-5, subsec-4, by the Sindh Act No.III of 2023, dated: 13-02-2023.

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(5) | The Chairperson or, in his absence, a member elected by the members present in a meeting of the Commission shall preside at such meeting of the Commission.

(6) In the event of an equality of votes, the Chairperson or the member presiding a meeting shall have a casting vote.

6. Government may by \_ notification remove the Removal of Chairperson or a member, if he - Chairperson or member.

(a) is incapable of discharging his responsibilities under this Act;

![(a-i) is found lunatic or become of unsound mind;];

(6) has been declared insolvent; or

(c) has been declared to be disqualified for employment, or has been dismissed from the service of Government, or has been convicted for an offence involving moral turpitude; or

(d) has knowingly acquired or has continued to hold without the permission, in writing, of Government, directly or indirectly or through a partner, any share or interest in any, contract or employment with or on behalf of the Commission or in any land or property which, to his knowledge, is likely to benefit or has benefited as a result of the operations of the Commission:

Provided always that no action shall be taken under this section against the Chairperson or a member without affording him an opportunity of being heard.

7. The Secretary shall be responsible for - Powers and Functions of the

' New clause (a-i), inserted by the Sindh Act No.III of 2023, dated: 13-02-2023.

SSS S\$ Sac 10:

(i) all correspondence on \_ behalf of the Secretary.  
Commission, subject to this Act, and directions  
from time to time, issued by the Commission or  
the Chairperson;

(ii) the maintenance and safety of the records and  
all other property of the Commission; and

(ii) | general supervision, control and administration  
of the office and staff.

#### PART-V

#### FUND, ACCOUNTS AND AUDIT

8. (1) here shall be a Fund known as the Sindh Fund.  
Human Rights Commission Fund.

(2) he Fund shall consist of —

i) grant-in-aid from Government;

ii) | endowments, donations and contributions  
from public;

iii) contributions from District Governments  
and other institutions;

iv) sale proceeds of the publication and any  
bonafide income-generating means  
undertaken by the Commission.

(3) i) The Fund of the Commission shall be  
deposited in a scheduled Bank under  
such head of accounts as may be  
determined by the Commission.

ii) The account of the Fund shall be  
audited once in every financial year by  
he Director General Audit Sindh or his  
nominee.

iii) The audited annual statements of  
receipts and expenditure shall cover the  
period of the proceedings of financial  
year ending on 30! June and shall be  
submitted to the Commission by the

Secretary for approval.

(iv) In the Budget Meeting of the Commission, the Secretary shall submit the budget of the Commission for the financial year. The Commission — shall approve the budget with such modifications, if any, as it may deem necessary.

(v) A qualified auditor shall be appointed by the Commission to authenticate and audit the accounts of the Commission.

## PART-VI MISCELLANEOUS

9. Government may require the Commission to furnish to Returns, it any document, return, statement statistics or any other statement etc. information regarding any matter pertaining to the

Commission and the Commission shall comply with such requisition.

0. The Commission may, by general or special order and Delegation of subject to such conditions as it may impose, delegate to the Powers. Chairperson, members or its Officers, any of its powers, duties or functions under this Act or the rules made thereunder.

1. The Chairperson, members and employees of the Public Servant. Commission shall, while acting or purporting to act under this

Act or rules, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code.

2. Government may make rules for carrying out the Rules. purposes of this Act.

3. No court shall have jurisdiction to entertain any Jurisdiction of proceedings or make any order in relation to anything done courts barred. or purported to be done under this Act.

4. No suit or legal proceedings shall lie against Indemnity. Government, the Commission or officer and servant in

respect of anything done or purported to be don& good

faith under this Act.

