

**SINDH ACT NO.XIII OF 2011**

**THE SINDH PROTECTION OF HUMAN RIGHTS ACT, 2011**

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# SINDH ACT NO.XIII OF 2011

## THE SINDH PROTECTION OF HUMAN RIGHTS ACT, 2011

[9<sup>th</sup> 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 the human rights in the Province of Sindh and to provide for matters connected therewith or ancillary thereto. **Preamble.**

It is hereby enacted as follows:-

### **PART-I PRELIMINARY**

1. (1) This Act may be called the Sindh Protection of Human Rights Act, 2011. **Short title, extent 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 subject or context - **Definitions.**

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

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

(iii) "Government" means the Government of Sindh;

(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;

(vi) "prescribed" means prescribed by rules;

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

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

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#### PART-II ESTABLISHMENT OF THE COMMISSION

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

(2) The Commission shall consist of -

(i) a person who has been a Judge of High Court, was or is qualified as such, to be appointed by Government; **Chairperson**

(ii) two persons who have been District and Sessions Judges or Additional District and Sessions Judges to be appointed by Government; **Members**

(iii) **four persons including two Members of Provincial Assembly to be nominated by the Speaker;**

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

(5) The Chairperson and member shall, unless resigned or removed earlier, hold office for a term of three years and shall be eligible for re-appointment for one similar term.

(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.

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(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 –

- (i) inquire, suo moto or on a petition presented to it by a victim or any person on his behalf, into complaint of –
  - (a) violation of human rights or abetment thereof;
  - (b) negligence in the prevention of such violation, by a public servant;
- (ii) recommend to Government the remedial measures including action to be taken against the persons involved in violation of human rights;
- (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;

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- (v) review the safeguards provided by or under the Constitution or any law for the time being in force for protection of human rights and recommend measures for their effective implementation;
- (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;
- (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 the field 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 Commission in each quarter of a year. **Meetings of the Commission.**

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(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 four members.

(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 Chairperson or a member, if he –

**Removal of  
Chairperson or  
member.**

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

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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 Secretary.**
- (i) all correspondence on behalf of the 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
  - (iii) general supervision, control and administration of the office and staff.

### PART-V FUND, ACCOUNTS AND AUDIT

8. (1) There shall be a Fund known as the Sindh Human Rights Commission Fund. **Fund.**
- (2) The 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 the Director General Audit Sindh or his nominee.

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(iii) The audited annual statements of receipts and expenditure shall cover the period of the proceedings of financial year ending on 30<sup>th</sup> 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 it any document, return, statement statistics or any other information regarding any matter pertaining to the Commission and the Commission shall comply with such requisition. **Returns, statement etc.**
10. The Commission may, by general or special order and subject to such conditions as it may impose, delegate to the Chairperson, members or its Officers, any of its powers, duties or functions under this Act or the rules made thereunder. **Delegation of Powers.**
11. The Chairperson, members and employees of the 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. **Public Servant.**
12. Government may make rules for carrying out the purposes of this Act. **Rules.**
13. No court shall have jurisdiction to entertain any proceedings or make any order in relation to anything done or purported to be done under this Act. **Jurisdiction of courts barred.**
14. No suit or legal proceedings shall lie against Government, the Commission or officer and servant in respect of anything done or purported to be done in good faith under this Act. **Indemnity.**