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SINDH ACT NO.III OF 2023
THE SINDH PROTECTION OF HUMAN RIGHTS (AMENDED & INTEGRATED) ACT, 2023

[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 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;

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

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

¹ New "Clauses (i-a) and (i-b)", inserted by the Sindh Act No.III of 2023, dated:13-02-2023.

² New "Clause (ii-a), inserted., ibid.

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- (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;
- ¹[(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 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 -

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

¹ "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.

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

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Judges to be appointed by Government;

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

²[(iii-a) Four persons with demonstrable experience in the field of Human Rights, atleast 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]; **Members**

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

(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.

³[(4-A) The Chairperson and Members appointed under clause (i), (ii) and (iii 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.].

¹ Subs, in sec-3, sub-sec-2, for clause (iii), by the Sindh Act No.III of 2023, dated:13-02-2023.

² New clauses (iii-a) and (iii-b), inserted., *ibid*.

³ 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 –

- (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;

**Powers and
Functions of the
Commission.**

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- 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;

¹ New clause (ii-a), inserted by the Sindh Act No.III of 2023, dated:13-02-2023.

² New clause (iv-a), inserted, *ibid.*.

³ Subs for clause (v)., *ibid.*

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- (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.**

(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 ¹[five members].

¹ 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 Chairperson or a member, if he –

**Removal of
Chairperson or
member.**

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

¹[(a-i) is found lunatic or become of unsound mind;];

(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;

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**

¹ New clause (a-i), inserted by the Sindh Act No.III of 2023, dated:13-02-2023.

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- (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
- (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 **Fund**. Human Rights Commission 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.

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

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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.**