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PART-I

GOVERNMENT OF SINDH
LAW, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS DEPARTMENT

Karachi dated the 20th December, 2013.

NOTIFICATION

NO. S. Reg. 4 (11)-2013. In exercise of the powers conferred by section 12 of the Sindh Protection of Human Rights Act, 2011, the Government of Sindh are pleased to make the following rules to regulate the conduct of its business:-

1. (1) These rules may be called the Sindh Human Rights Commission Rules, 2013. **Short title and commencement.**

(2) They shall come into force at once.

2. (1) In these rules, unless there is anything repugnant in the subject or context – **Definitions.**

(a) "Act" means the Sindh Protection of Human Rights Act, 2011;

(b) "agenda" means list of business to be disposed of in a meeting;

(c) "business" means the business of the Commission under the Act;

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

(e) "Commission" means the Sindh Human Rights Commission constituted under section 3 of Act;

(f) "committee" means a committee or sub-committee appointed by the Commission for a particular matter;

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

(h) "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 1973 and enforceable by law;

(i) "meeting" means a meeting of the Commission;

(j) "member" means a member of the Commission;

(k) "Registrar" means the Registrar of the Commission;

(l) "Secretary" means the Secretary of the Commission;

(m) "section" means a section of the Act.

(2) The words and expressions used but not defined in these rules shall have the same meaning as assigned to them under the Act.

Headquarters.

3. The headquarter of the Commission shall be at Karachi and the Commission may, with the previous approval of Government, establish offices at District level.

Powers and Functions of the Commission.

4. Subject to the provisions of the Act, the Commission shall -

(i) sponsor, steer, encourage research to generate information, analysis and studies and maintain a database relating to human rights issues;

(ii) develop and maintain interaction and dialogue with non-governmental organizations, experts and individuals, association in society with similar commissions and institutions in other countries for collaboration and action to achieve the maximum target to stop violation of human rights at the national, regional and international level of training standards;

(iii) mobilize grants from domestic and international, including multi and bilateral agencies approved by Government for meeting any of its obligations or performing its functions;

(iv) seek and receive information, data and documents from any provincial source or entity in the course of performance of its functions;

(v) call for information or report from Provincial or District Government, civil society organization and autonomous body concerned while inquiring into complaints of violations of human rights;

(vi) inspect or visit under intimation to Government and in accordance with the relevant laws and rules, any jail, sub-jail or other places of custody where innocent citizens are kept, detained and admitted for treatment, reformation or protection, and to see the living conditions of the inmates and to make appropriate recommendations to the authorities concerned;

(vii) appoint advisors, consultants and experts, if necessary, with the approval of Government.

Transaction of Business.

5. All business of the Commission shall be disposed of in a meeting which may be held in accordance with the provisions herein contained.

Meetings.

6. (1) There shall be held ordinary meetings and special meetings.

(2) An ordinary meeting shall be held as often as may be necessary but at least once in three months.

(3) A special meeting shall be convened as soon as may be on receipt of requisition in writing by atleast three or more members and such meeting shall be convened after giving at least three days notice within a period of not exceeding fifteen days of receipt of such requisition.

(4) The Secretary under the instructions of the Chairperson shall convene meetings on such date and time as fixed by the Chairperson.

(5) A special meeting shall have priority over an ordinary meeting.

Notice of meeting.

7. (1) Seven days clear notice shall be given for an ordinary meeting and three days clear notice for a special meeting.

(2) The Secretary shall cause a notice with a copy of agenda to be served on the members and a copy thereof be pasted at the office of the Commission.

(3) The notice shall inter alia specify the place, date and time of the meeting and be accompanied by an agenda.

Agenda.

8. (1) The agenda for a meeting shall be prepared by the Secretary with the approval of the Chairperson.

(2) The agenda for an ordinary meeting shall be prepared in the following order:-

(a) confirmation of the minutes of the previous meeting;
(b) all matters deferred in previous meeting including directions of Government, if any;
(c) reports of the committee or sub committee;
(d) any other business with the permission of the Chair.

(3) The agenda for special meeting shall be prepared in the following order:-

(a) consideration of the matter for which the meeting has been convened;

(b) any other business approved by the Chairperson;

(4) Subject to the availability and the orders of the Chairperson, the members shall be provided copies of documents or information relating to the matters on agenda.

Adjournment of meeting.

9. No meeting may be adjourned until the agenda thereof is disposed of or a resolution of adjournment is passed or the Chairperson for any reason to be recorded in writing.

Consideration of business.

10. The business shall be considered in the order prepared under rule 8 but the Chairperson on its own or on the motion of atleast three members may change the order.

Powers and Functions of the Chairperson.

11. (1) The Chairperson shall be the Chief Executive of the Commission and also shall act as Principal Accounting Officer and shall have inter-alia following functions and powers:-

(i) to coordinate, supervise and manage the work of the Commission and exercise general supervision and control the affairs of the Commission;

(ii) to preside over every meeting of the Commission and in his or her absence, by the member elected by the members present in the meeting from amongst themselves and the person so elected shall exercise all the powers of the Chairperson under these rules during a meeting;

(iii) to interact closely with all Ministries and Departments at Federal and Provincial level with regard to the affairs of the Commission;

(iv) to delegate by general or special order, the powers and functions of the Chairperson to any member, officer or Secretary of the Commission.

Functions of the Members.

12. The Members of the Commission shall have following powers and functions:-

(i) to assist the Chairperson to coordinate and support the work of Commission;

(ii) to assist the Commission in its mandate and functions particularly in the planning, implementation, monitoring and networking roles with all stakeholders including Government, civil society and the international community;

(iii) to liaise with members of other similar Commissions, Provincial Secretariat and regional offices;

(iv) to perform such other duties and functions as may be assigned by the Chairperson.

Functions of the Secretary of the Commission.

13. Subject to the provisions of the Act, the Secretary shall have the following powers and functions:-

(i) to prepare, under the directions of the Commission or Chairperson, three years strategic plan, annual work plan and annual budget for the approval of the Commission and forward to the concerned authority.

(ii) to carry out administrative orders and decisions of the Commission;

(iii) to perform such other duties and functions as may be assigned to him by the Commission or Chairperson.

Commission to co-opt expert or advisor.

14. The Commission may co-opt any person expert or advisor to attend a meeting, if need be, but he shall not be entitled to vote.

Quorum.

15. (1) The quorum for a meeting of the Commission shall be four members.

(2) A meeting shall be adjourned for want of a quorum but no quorum shall be necessary at a meeting held after the meeting which was adjourned for want of quorum.

(3) The members shall inform in writing to the Chairperson in advance with regard to their absence from Commission's meetings.

(4) Any member of the Commission who is absent from the Commission's three consecutive meetings without giving cogent reasons shall be issued notice and his absence would be reported to Government for action.

Decision.

16. (1) All matters in the agenda shall be decided by the majority of votes of the members present in the meeting.

(2) The voting shall be by show of hands.

(3) The result of the voting shall be declared after the voting by the Chairperson and such declaration shall be final and conclusive.

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

Minutes of the Proceedings.

17. (1) Minutes of the proceedings of each meeting shall be drawn up by the Secretary.

(2) The minutes shall comprise of, the names of members present at the meeting and the number of items brief notes and decisions taken.

(3) The minutes shall be submitted to the Chairperson for approval and signed by the Chairperson or the Presiding Member and circulated amongst the members within two weeks after the meeting.

(4) A copy of the minutes of the proceedings of each meeting duly confirmed shall be recorded in a minutes book maintained for the purpose.

Appointment of Committees and Sub-committees.

18. (1) The Commission may appoint such number of committees and sub-committees as may appear to it, to be necessary for technical and other advice on matters referred to it, such as –

(a) experts on human rights;
(b) liaising and networking between Commission, Government Departments and stakeholders;
(c) budget and finance.

(2) The business of every committee and sub-committee shall be conducted in such manner as it may decide.

(3) Every committee or sub-committee shall be headed by one of the Members appointed by the Chairperson.

(4) The Member, so appointed shall preside the meeting of the committee.

(5) The proceedings or report of the committee or sub-committee shall be submitted to the Chairperson as early as possible for placing it before the Commission.

(6) Any member who is absent from three consecutive meetings of the Committee and Sub-Committee without showing sufficient cause, he or she shall cease to be a member of the Committee and in his or her place another member shall be appointed.

Correspondence to be conducted by the Chairperson through Secretary.

19. (1) All correspondence of the Commission with Government or any authority or person shall be conducted by the Chairperson through Secretary.

(2) The Secretary shall be responsible for day to day affairs of the Commission and shall perform such functions as may be assigned to him by the Commission or Chairperson.

Remuneration for committee or sub-committee.

20. The members of the committee or sub-committee shall be honorary members and shall not be paid any remuneration except the expenditures which may include travelling, boarding and lodging costs, their rates may be determined by the Commission.

Petitions, applications and other communications.

21. (1) All petitions, applications, emails, faxes, suo-moto notice or telephonic information addressed or communicated made to the Commission, its Chairperson, members or Secretary either by name or designation shall be entertained and registered by the Commission in the register meant for the purpose.

(2) A register shall be maintained by the Commission for entering in, serial wise, the petition, application, communication and suo-moto notice and shall be placed before the Chairperson or Members for preliminary consideration, as expeditiously as possible but not later than three days from the date of its receipt:

Provided that the petition, application, communication or suo-moto notice which requires urgent consideration shall be placed before the Chairperson as far as possible within twenty four hours of its receipt.

(3) No fee shall be chargeable on such petitions, applications, or other communications.

(4) The petition, application or other communication shall disclose the facts leading to the violation of human rights.

(5) The Chairperson or Members may issue notice to victim, applicant or petitioner for personal hearing or to any other person who in the opinion of the Chairperson or Members should be heard for appropriate disposal of the matter.

(6) The Commission may seek further information or affidavit as may be considered necessary.

(7) The Commission upon consideration of the report and personal hearing of applicant, petitioner and victim shall call comments from the concerned authority, institution or department and thereafter recommend the Government remedial measures including action to be taken against the person involved in the violation of human rights.

Dismissal of petition, application or other communication.

22. The Commission may dismiss in-limine the petition, application or other communication of the following nature:-

(i) illegible;
(ii) vague, anonymous, pseudonymous;
(iii) allegations do not make out any specific violation of human rights;
(iv) matter is sub-judice before court or tribunal;
(v) the matter is outside the purview of the Commission on any other grounds.

Disposal of petitions, applications and suo-moto actions.

23. (1) Each member shall be assisted by the Registrar or any other officer authorized in this behalf, when member takes up for consideration the case assigned to him or her for final disposal. It shall be the duty of the Registrar or authorized

officer to study and present the cases and render such other assistance as may be required for consideration and disposal of the cases.

(2) If on consideration of the petition or application, the Commission dismisses the petition or application in-limine, the said order shall be communicated to the petitioner or applicant and the case shall be treated as closed.

(3) If on consideration of the petition, application, other communication or suo-moto notice, the Commission admits and directs issuance of notice to any authority calling upon it to furnish information or report or comments, a notice shall be issued enclosing copy of the application, petition or other communication and notice shall be signed by the Registrar.

(4) On receipt of the information or report or comments called for, a detailed note in the form of a synopsis shall be prepared or caused to be prepared by the Registrar or authorized officer, whereupon the case shall be treated as ready for being placed before the Commission for final disposal.

(5) When the Commission upon consideration of the information, report or comments finally disposes of the case without any recommendation, the case shall be treated as closed.

(6) If the report, information or comments is not received from the concerned authority within the given time, the case shall be placed before the Commission for further directions.

Transmission of records.

24. (1) The records of all cases finally disposed of shall be transmitted to the Record Section after completing the entries in the register with regard to each such case.

(2) Unless otherwise directed by the Chairperson, the entire records of disposed of cases shall be destroyed after the expiry of a period of two years from the date of final disposal. However, register containing detailed information regarding such cases shall be retained permanently.

MIR MUHAMMAD SHAIKH
LAW SECRETARY

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