



# **Toolkit on Sindh's Parliamentary Bodies' Role in Business and Human Rights**



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The Sindh Human Rights Commission (SHRC) was established under the Sindh Protection of Human Rights Act 2011 (amended in 2023) for the promotion and protection of human rights in the Province of Sindh. The Government of Sindh has constituted the SHRC under Section 3 (1) of the Act on 9th May 2013. The SHRC is currently headed by the Chairperson, Mr. Iqbal Ahmed Detho.

## Foreword



It is with great pride that I present the "Toolkit on Sindh's Parliamentary Bodies' Role in Business and Human Rights." The intersection of business and human rights is a complex, often fraught domain that requires vigilant oversight and a deep commitment to ethical governance.

The Sindh Human Rights Commission (SHRC) is an independent statutory body established under Sindh Protection of Human Rights Act, 2011 (SPHRA), with the mandate to protect and promote human rights in the province of Sindh.

Recently, the SPHRA (Amendment) 2022 enhanced the scope of SHRC's functions to include 'Business and Human Rights' as one of the important core responsibilities of the SHRC. Further, Section 4 (vii) also mandates the SHRC to 'undertake and promote research in the field of human rights'.

It is clear that our parliamentary bodies have a pivotal role in shaping a framework where business operations not only thrive but do so in a manner that respects and upholds the fundamental rights of all individuals, as outlined in the Constitution of Pakistan.

This toolkit is designed to provide a comprehensive overview of how Sindh's parliamentary bodies can effectively contribute to this goal. It encompasses the structure, mandates, and procedural workings of these bodies, offering a detailed understanding of their legislative, supervisory, and budgetary roles. The comparative analysis with European best practices, particularly the functions of the European Parliament, offers valuable insights into how advanced frameworks can be adapted to our context, enhancing our oversight and legislative capacities.

A crucial feature of this toolkit is its focus on practical measures. It delves into the specifics of Sindh's legislative environment, examining past and current business and human rights laws. It also aligns our efforts with international legal obligations and the United Nations Guiding Principles on Business and Human Rights (UNGPs). This alignment ensures that our strategies are not only locally relevant but also internationally coherent.

The toolkit's exploration of various parliamentary mechanisms—ranging from question hours and calling attention notices to the roles of committees and budgetary oversight—provides actionable guidance on how these tools can be employed to promote and protect human rights in the context of business activities.

As we navigate the evolving landscape of business and human rights, this toolkit will serve as an essential resource for legislators, policymakers, and all stakeholders involved. It embodies our collective aspiration to foster a society where economic growth does not come at the expense of human dignity and rights.

I extend my heartfelt gratitude to Barrister Rida Tahir (the author) and the UNDP Pakistan for their consistent support in the arena of Business and Human Rights. I urge everyone to engage with this toolkit actively, leveraging it to enhance our parliamentary processes and uphold the highest standards of human rights in Sindh.

Together, let us forge a future where business and human rights are seamlessly intertwined, ensuring prosperity and dignity for all.

Sincerely,

**IQBAL AHMED DETHO**

Chairperson, Sindh Human Rights Commission

## Acronyms and Abbreviations

BnHR	Business and Human Rights
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CBD	Convention on Biological Diversity
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CRC	Corporate Social Responsibility
CrPC	Code of Criminal Procedure 1898
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
CSR	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
FLL	Federal Legislative List
GSP+	The EU GSP+ serves as a special incentive arrangement to promote good governance and sustainable development by facilitating trade.
HRD	Human Rights Department
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
NAP	National Action Plan on Business and Human Rights
NGO	Non-Governmental Organization
NHRCA	National Commission on Human Rights
NHRIs	National Human Rights Institutions
OHCHR	Office of the High Commissioner for Human Rights. The UN office that works to promote and protect human rights globally.
PPC	Pakistan Penal Code 1860
RBA	Rights-Based Approach
SHC	Sindh High Court
SHRC	Sindh Human Rights Commission
Sindh	A province in Pakistan, the geographic focus of the study, which may include specific regional business practices and human rights issues.
SPHRA	SPHRA Sindh Protection of Human Rights Act 2011 (Amended 2022)
TIC Treaty Implementation Cell	TIC Treaty Implementation Cell
UNFCCC	United Nations Framework Convention on Climate Change
UNGPs	United Nations Guiding Principles on Business and Human Rights

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## 1. INTRODUCTION:

Parliamentary bodies play a crucial role in Business and Human Rights (BHR) by creating and enforcing laws that mandate ethical business practices and protect human rights. They oversee the implementation of these laws, ensuring compliance through monitoring and accountability mechanisms. Additionally, parliamentary bodies can advocate for human rights by engaging in policy development to align local practices with international standards. Through these efforts Parliamentary bodies can ensure that businesses operate responsibly and respect human rights in their operations.

## 2. THE STRUCTURE, MANDATES, AND PROCEDURES OF SINDH'S PARLIAMENTARY BODIES:

The legal framework of Pakistan is multifaceted, drawing from various sources and encompassing different branches of the law. The Constitution of Pakistan serves as the supreme law of the land. It defines the structure of the government, including the structure, mandates, and procedures of parliamentary bodies. The Constitution delineates the powers of various state institutions, guarantees fundamental rights to citizens, and establishes the framework for the legal system.

The Constitution of Pakistan, 1973 is federal in nature, therefore, there is a constitutional division of power between the central government and the provincial governments.

In this regard, the Eighteenth Amendment to the Constitution of 1973, which was passed in 2010 is extremely important. The Eighteenth Amendment introduced a number of changes in the Constitution—of which, one of the most significant changes pertained to the devolution of powers to the provinces from the federation.<sup>1</sup>

The Eighteenth Amendment abolished the Concurrent Legislative List, resulting in the expansion of the powers domains of authority and responsibility.<sup>2</sup> This grants the Provincial Assemblies the exclusive powers to legislate in respect of any matter that do not appear on the Federal Legislative List (The Federal Legislative List has been attached to this toolkit in Annexure A).

The transfer of several subjects from the federal legislative list to the concurrent legislative list results in the provinces gaining greater autonomy and authority over the subjects.

In addition, Article 142(b) of the Constitution has vested the provinces with concurrent jurisdiction to legislate in respect of criminal law, criminal procedure and the law of evidence. Article 142(c) provides that a Provincial Assembly shall and Majlis-e-Shoora (Parliament) shall not have power to make laws with respect to any matter not enumerated in the Federal Legislative List.

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<sup>1</sup> Institute of South Asian Studies. The 18th Amendment: Historical developments and debates in Pakistan. Retrieved July 24, 2024, from <https://www.isas.nus.edu.sg/papers/the-18th-amendment-historical-developments-and-debates-in-pakistan/>

<sup>2</sup> Ibid

The Constitution of Pakistan provides freedom from exploitation (Article 3). Further fundamental rights are enshrined in Part II of the Constitution (Articles 8 to 28) and include various rights aimed at safeguarding the dignity, liberty, and equality of citizens. These rights are justiciable, meaning they can be enforced through the courts, and the Constitution provides mechanisms for citizens to seek remedies if their fundamental rights are violated. Some of the fundamental rights guaranteed by the Constitution of Pakistan that have a bearing on BnHR include:

- Right to life and liberty (Article 9)
- Slavery is non-existent and forbidden (Article 11)
- The right to form associations or unions (Article 17)
- Freedom of trade, business or profession (Article 18)

The Principles of Policy are outlined in Part II of the Constitution (Articles 29 to 40) and provide guidance for the state in formulating policies and making laws. While the principles of policy are not enforceable by the courts, they serve as directives for the government. Their implementation is subject to available resources and progressive realization and include provisions related to:

- Protection of the family, particularly women and children (Article 35)
- Promotion of social justice and eradication of social evils (Article 37)
- Promotion of social and economic justice (Article 38)

The criminal law structure of Pakistan is primarily governed by the Pakistan Penal Code (PPC), which was enacted in 1860 during British rule and has since undergone numerous amendments. The PPC defines various criminal offenses and prescribes punishments for them. The Code of Criminal Procedure (CrPC) 1898 lays down the procedural rules for the investigation, trial, and punishment of criminal offenses. It governs the procedures followed by law enforcement agencies, courts, and other stakeholders in the criminal justice system.

Additionally, Pakistan is a party to numerous international treaties, conventions, and agreements covering a wide range of issues, including BnHR.

According to Pakistan's constitution schedule IV, Federal Legislative List (FLL) - 1 item no. 3, the federal government is empowered to regarding "External affairs; the implementing of treaties and agreements, including educational and cultural pacts and agreements, with other countries; extradition, including the surrender of criminals and accused persons to Governments outside Pakistan". Further 32 provides the powers related to "International treaties, conventions and agreements and international arbitration." These provisos empower the federal government to enter into international agreements, conventions, covenants. However, Article 97 provides that, " Subject to the Constitution, the executive authority of the Federation shall extend to the matters with respect to which [Majlis-e-Shoora (Parliament)] has power to make laws, including exercise of rights, authority and jurisdiction in and in relation to areas outside Pakistan..."

Therefore, in Pakistan, the 'dualist' doctrine is followed concerning both customary international law and treaties. This means that treaties do not become enforceable automatically in Pakistan's domestic law simply by ratification. This means that the provisions of the treaty must be incorporated into domestic law through legislative measures or executive directives. Once this is done, the provisions of the treaty become part of Pakistan's domestic legal system.

### 3. THE PARLIAMENT OF PAKISTAN:

After the constitutional amendment, in terms of Article 142(a), the Parliament's legislative mandate extends on the subjects contained in the FLL. Therefore, a large number of subjects and activities previously being handled by Ministries/Divisions in the Federal Government are now being administered exclusively by the Provincial Governments.

In this regard, Article 141 of the Constitution provides that: "Extent of Federal and Provincial laws Subject to the Constitution, Majlis-e-Shoora (Parliament) may make laws (including laws having extra-territorial operation) for the whole or any part of Pakistan, and a Provincial Assembly may make laws for the Province or any part thereof."

Further, Article 142 of the Constitution provides that: Subject to the Constitution-

- (a) Majlis-e-Shoora (Parliament) shall have exclusive power to make laws with respect to any matter in the Federal Legislative List;
- (b) Majlis-e-Shoora (Parliament) and a Provincial Assembly shall have power to make laws with respect to criminal law, criminal procedure and evidence;
- (c) Subject to paragraph (b), a Provincial Assembly shall, and Majlis-e-Shoora (Parliament) shall not, have power to make laws with respect to any matter not enumerated in the Federal Legislative List;
- (d) Majlis-e-Shoora (Parliament) shall have exclusive power to make laws with respect to all matters pertaining to such areas in the Federation as are not included in any Province.

Nevertheless, there can be the issue of inconsistency between the Federal and Provincial Laws. Therefore, Article 143 clarifies that if any provision of an Act of a Provincial Assembly is repugnant to any provision of an Act of Parliament which, the Parliament is competent to enact, then the Act of Parliament, whether passed before or after the Act of the Provincial Assembly, shall prevail and the Act of the Provincial Assembly shall, to the extent of the repugnancy, be void.

Article 144 then gives power to the Parliament to legislate for one or more Provinces by consent. It states that, "If one or more Provincial Assemblies pass resolutions to the effect that Majlis-e-Shoora (Parliament) may by law regulate any matter not enumerated in the Federal Legislation List in the Fourth Schedule, it shall be lawful for Majlis-e-Shoora (Parliament) to pass an Act for regulating that matter accordingly, but any act so passed may, as respects any Province to which it applies, be amended or repealed by Act of the Assembly of that Province."



## 4. THE PROVINCIAL ASSEMBLY OF SINDH

The Provincial Assembly of Sindh has provincial autonomy and consists of a unicameral legislature, which means consisting of a single chamber. Members are elected for a term of five years, unless the assembly is dissolved sooner.

Part IV of the Constitution is titled 'Provinces'. Chapter 2 of Part IV of the Constitution provides the powers, functions, structures and mandate of the Provincial Assemblies.

Article 106 provides for the 'Constitution of Provincial Assemblies' and states that each Provincial Assembly shall consist of general seats and seats reserved for women and non-Muslims as specified below:

	General seats	Women	Non-Muslims	Total
Sindh	130	9	9	168

Further, Article 107 provides the duration of Provincial Assembly, they shall, unless sooner dissolved, continue for a term of five years from the day of its first meeting and shall stand dissolved at the expiration of its term.

As per Article, 109 the Governor is provided the powers of summoning and prorogation of Provincial Assembly. The Governor can "(a) summon the Provincial Assembly to meet at such time and place as he thinks fit; and (b) prorogue the Provincial Assembly."

The process regarding dissolution of Provincial Assembly is provided in Article 112, which provides that "the Governor shall dissolve the Provincial Assembly if so advised by the Chief Minister; and the Provincial Assembly shall, unless sooner dissolved, stand dissolved at the expiration of forty-eight hours after the Chief Minister has so advised." Further, "(2) The Governor may also dissolve the Provincial Assembly in his discretion, but subject to previous approval by the President..."

It is provided that the Provincial Government's consent is required for financial measures. Article 115 (1) provides that a Money Bill, or a Bill or amendment which if enacted and brought into operation would involve expenditure from the Provincial Consolidated Fund or withdrawal from the Public Account of the Province shall not be introduced or moved in the Provincial Assembly except by or with the consent of the Provincial Government. Nevertheless, Article 115 (4) makes it clear that if any question arises whether a Bill is a Money Bill or not, the decision of the Speaker of the Provincial Assembly will be final.

Process Relating to a Bill of the Provincial Assembly: It is provided in Article 116 titled 'Governor's assent to Bills' that when a Bill has been passed by the Provincial Assembly, it shall be presented to the Governor for assent (Article 116 (1)). However, when a Bill is presented to the Governor for assent, the Governor shall, within ten days (Article 116 (2)), either

- (a) assent to the Bill; or
- (b) in the case of a Bill other than a Money Bill, return the Bill to the Provincial Assembly with a message requesting that the Bill, or any specified provision thereof, be reconsidered and that any amendment specified in the message be considered.

Article 116 (3) provides that when" the Governor has returned a Bill to the Provincial Assembly it shall be reconsidered by the Provincial Assembly and, if it is again passed, with or without amendment, by the Provincial Assembly, by the votes of the majority of the members of the Provincial Assembly present and voting, it shall be again presented to the Governor and the Governor shall [give his assent within ten days, failing with such assent shall be deemed to have been given] "

Further, Article 116 (4) makes it clear that when the Governor has assented [or is deemed to have assented] to a Bill, it shall become law and be called an Act of Provincial Assembly."

Article 117 is titled 'Bill not to lapse on prorogation, etc.' and provides that a Bill pending in a Provincial Assembly shall not lapse by reason of the prorogation of the Assembly (Article 117(1)) However, it is made clear in Article 117 (2) that, a Bill pending in a Provincial Assembly shall lapse on the dissolution of the Assembly.

Article 143 provides guidelines where there are any inconsistencies between Federal and Provincial law. It provides that: "If any provision of an Act of a Provincial Assembly is repugnant to any provision of an Act of Majlis-e-Shoora (Parliament) which Majlis-e-Shoora (Parliament) is competent to enact, then the Act of Majlis-e-Shoora (Parliament), whether passed before or after the Act of the Provincial Assembly, shall prevail and the Act of the Provincial Assembly shall, to the extent of the repugnancy, be void.

Article 144 gives power to the Parliament to legislate for one or more Provinces by consent. It states that, "If one or more Provincial Assemblies pass resolutions to the effect that Majlis-e-Shoora (Parliament) may by law regulate any matter not enumerated in the Federal Legislation List in the Fourth Schedule, it shall be lawful for Majlis-e-Shoora (Parliament) to pass an Act for regulating that matter accordingly, but any act so passed may, as respects any Province to which it applies, be amended or repealed by Act of the Assembly of that Province."

The Rules of Procedure of the Provincial Assembly of Sindh, 2013 were adopted by the Provincial Assembly of Sindh in its sitting held on 31st October 2013.

## 5. ORDINANCES:

Ordinances are a mechanism through which laws can be enacted on an urgent basis by the executive. According to Article 89, titled 'Power of President to promulgate Ordinances', "the President may, except when the Senate or National Assembly is in session, if satisfied that circumstances exist which render it necessary to take immediate action, make and promulgate an Ordinance..."

Further, Article 128, titled 'Power of Governor to promulgate Ordinances', provides that: " 1. The Governor may, except when the Provincial Assembly is in session, if satisfied that circumstances exist which render it necessary to take immediate action, make and promulgate an Ordinance.."

Nevertheless, an ordinance promulgated under Article 89 stands repealed at the expiration of one hundred and twenty days from its promulgation whereas an ordinance promulgated under Article 128 stand repealed at the expiration of ninety days.

## 6. EUROPEAN UNION BEST PRACTICES OF INTEGRATING BUSINESS AND HUMAN RIGHTS INTO PARLIAMENTARY BODIES:

### 6.1 The European Parliament:

The European Parliament is the EU's law-making body. It serves as a key platform for political discussion and decision-making within the EU. Its members are directly elected by citizens from all Member States to represent their interests in EU law-making and ensure that other EU institutions operate in a democratic manner. It is directly elected by EU voters every 5 years. The last European elections took place on 6-9 June 2024. The European Parliament was established in: 1952 as Common Assembly of the European Coal and Steel Community, 1962 as European Parliament, first direct elections in 1979. It is located in Strasbourg (France), Brussels (Belgium) and Luxembourg.<sup>3</sup>

The Parliament has 3 main roles: Legislative, Supervisory and Budgetary:

#### 6.1.1 Legislative Functions:

- Passing EU laws in collaboration with the Council of the EU, based on proposals from the European Commission.
- Deciding on international agreements.
- Determining EU enlargement.
- Reviewing the Commission's work program and requesting legislative proposals.

#### 6.1.2 Supervisory Functions:

- Providing democratic oversight of all EU institutions.

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<sup>3</sup> European Union. "European Parliament." Accessed August 25, 2024. [https://european-union.europa.eu/institutions-law-budget/institutions-and-bodies/search-all-eu-institutions-and-bodies/european-parliament\\_en](https://european-union.europa.eu/institutions-law-budget/institutions-and-bodies/search-all-eu-institutions-and-bodies/european-parliament_en).

- Electing the President of the Commission and approving the Commission as a whole, with the power to issue a motion of censure that can force the Commission to resign.
- Granting discharge, which involves approving how EU budgets have been utilized.
- Reviewing citizens' petitions and initiating inquiries.
- Discussing monetary policy with the European Central Bank.
- Questioning the Commission and the Council.
- Observing elections.

### 6.1.3 Budgetary Functions:

- Co-establishing the EU budget with the Council.
- Approving the EU's long-term budget, known as the Multiannual Financial Framework.

The work of Parliament involves two main stages:

1. Committees - to prepare legislation: The Parliament's political and legislative activities are managed through 20 standing committees and three subcommittees. These committees review legislative proposals, allowing MEPs (Members of the European Parliament) and political groups to suggest amendments or recommend rejecting a bill. The proposed legislation and related issues are also debated within the political groups.<sup>4</sup>

Each month, one to two weeks are dedicated to committee work. During these meetings, MEPs engage in discussions on legislative and non-legislative reports, propose and vote on amendments, and follow up on negotiations with the Council of the European Union. Committees play a significant role in shaping the legislative agenda, including providing input before the adoption of the Commission's annual Work Programme. They are crucial in overseeing EU activities by monitoring the proper use of the EU budget, ensuring the correct implementation of legislation and international agreements, and organizing hearings with experts to scrutinize other EU institutions and bodies.<sup>5</sup>

Each committee elects a chair and up to four vice-chairs. At the beginning of each new legislature, the Parliament allocates Members to these committees based on their expressed preferences. This allocation is significant as it influences the areas where Members will concentrate their efforts. The committees are essential in the policy-making process, as they prepare Parliament's positions, especially regarding new legislative proposals.

The ordinary legislative procedure ensures that Parliament and the Council of the European Union have equal standing. This procedure applies to a broad spectrum of areas, including issues related to BHR such as environmental issues and consumer protection.<sup>6</sup>

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<sup>4</sup> European Parliament. About Committees Booklet. Accessed August 25, 2024.

<https://www.europarl.europa.eu/cmsdata/236967/About-committees-booklet-EN.pdf>

<sup>5</sup> European Parliament. (26, February 2020). European parliamentary committees and their work. Retrieved August 25, 2024, from <https://www.europarl.europa.eu/committees/en/european-parliamentary-committees-their-/product-details/20200226CAN53523>

<sup>6</sup> European Parliament. "Fundamental Rights in the EU." Accessed August 25, 2024.

<https://www.europarl.europa.eu/about-parliament/en/democracy-and-human-rights/fundamental-rights-in-the-eu>.

2. Plenary sessions – to pass legislation: During plenary sessions, all MEPs convene to cast a final vote on the proposed legislation and amendments. These sessions are typically held in Strasbourg for four days each month, with occasional additional sessions in Brussels.

In line with the above, the EU stands as a global leader in Responsible Business Conduct and is at the forefront of implementing the UN Guiding Principles on Business and Human Rights. These principles represent the first globally recognized standard for preventing, addressing, and remedying the negative impacts on human rights caused by business activities.<sup>7</sup>

The EU has adopted a strategic combination of voluntary and mandatory measures regarding business and human rights, including due diligence requirements for companies to identify and address adverse human rights and environmental impacts related to their operations. This includes the Directive on corporate sustainability due diligence (Directive 2024/1760),<sup>8</sup> which entered into force on 25 July, 2024. The aim of this Directive is to foster sustainable and responsible corporate behavior in companies' operations and across their global value chains.<sup>9</sup> The new regulations will require companies within the scope to identify and address negative human rights and environmental impacts resulting from their activities both within Europe and globally.<sup>10</sup> The benefits of this directive include:

- Enhanced protection of human rights, including labor rights.
- A healthier environment for current and future generations, addressing issues such as climate change and migration.
- A harmonized legal framework within the EU, providing legal certainty and a level playing field.
- Increased customer trust and greater employee commitment.
- Enhanced awareness of companies' negative impacts on human rights and the environment, with reduced liability risks.
- Improved risk management, greater resilience, and heightened competitiveness.<sup>11</sup>

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<sup>7</sup> European External Action. "Business and Human Rights." Accessed August 25, 2024.

[https://www.eeas.europa.eu/eeas/business-and-human-rights\\_en](https://www.eeas.europa.eu/eeas/business-and-human-rights_en).

<sup>8</sup> Directive (EU) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859

<https://eur-lex.europa.eu/eli/dir/2024/1760/oj>

<sup>9</sup> European Commission. "Corporate Sustainability Due Diligence." Accessed August 25, 2024.

[https://commission.europa.eu/business-economy-euro/doing-business-eu/sustainability-due-diligence-responsible-business/corporate-sustainability-due-diligence\\_en](https://commission.europa.eu/business-economy-euro/doing-business-eu/sustainability-due-diligence-responsible-business/corporate-sustainability-due-diligence_en).

<sup>10</sup> Ibid

<sup>11</sup> Ibid

## 7. TOOLKIT ON SINDH'S PARLIAMENTARY BODIES' ROLE IN BUSINESS & HUMAN RIGHTS

### 7.1 A snapshot of Sindh Province:

Sindh with its 55.69 population stands second largest Province by population in Pakistan. The population of Sindh increased by 2.57 per cent in 2023.<sup>12</sup> Further, Sindh has the second largest economy in Pakistan.<sup>13</sup> About 67% establishments/ factories are located in Karachi Division and remaining 33% are located in other districts of Sindh.<sup>14</sup> Sindh's Civilian Labor Force (CLF) in 2020-21 stood at 48.83% with 36.52% males and 7.31% female participating in the labor force. The employment rate of the CLF in Sindh stood at 96.14%. Of these 15.27% of the CLF participated in manufacturing, 16.48% in wholesale and retail trade and 36.46% in agriculture/forestry and fishing.<sup>15</sup>

Due to its inherent economic strengths, Sindh is poised for significant economic growth in the next 10 to 15 years. This growth will be fueled by increased global trade and enhanced trade within Pakistan. With appropriate policies in place, Sindh can leverage its youthful and expanding workforce, strategic geographical position, abundant natural resources, and dynamic business community. These factors collectively position the province to emerge as a key driver of Pakistan's economic expansion.<sup>16</sup>

It is important to highlight that Pakistan also benefits from the Generalised System of Preferences Plus Status (GSP+), granting it preferential access to the EU market. To maintain this status, Pakistan must adhere to the effective implementation of the 27 international core conventions underlying the GSP+ scheme, which is required for beneficiary countries in order to continue benefitting from GSP+ status. The 27 conventions cover the four areas of human rights, labour rights, environmental standards and good governance.<sup>17</sup>

The GSP+ program holds significant promise for the Sindh government by incentivizing enhancements in labor rights, thereby fostering more sustainable and fair economic growth in the region.

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<sup>12</sup> Pakistan Bureau of Statistics (2023) '7th Population and Housing Census'. Available at <https://www.pbs.gov.pk/sites/default/files/population/2023/Press%20Release.pdf>

<sup>13</sup> Government of Sindh. Economy. Retrieved from <https://www.sindh.gov.pk/economy#:~:text=Historically%2C%20Sindh's%20contribution%20to%20Pakistan's,from%2036.7%25%20to%2046.5%25>.

<sup>14</sup> Bureau of Statistics, Planning & Development Department, Government of Sindh. (2023). Monthly Industrial Production & Employment Survey (MIPE) December, 2023. Retrieved from <https://sbos.sindh.gov.pk/files/SBOS/MIPE/2023/MIPE%20Report%20Dec-2023.pdf>

<sup>15</sup> Government of Sindh. 2023. *Sindh statistics 2022-2023*. Sindh Bureau of Statistics. <https://sbos.sindh.gov.pk/files/SBOS/Development%20Statistics/SINDH%20STATISTICS%202022-04092023.pdf>

<sup>16</sup> World Bank Group. (2017). Sindh Growth Strategy: Overview of the Sindh Growth Strategy. Retrieved from <https://pnd.sindh.gov.pk/storage/resourcePage/TymyMhAjzp6d6LwHzh7o7pLipwHfgKjzaVKCxuXr.pdf>

<sup>17</sup> - European External Action Service (EEAS). "European Union releases fourth GSP+ report evaluating implementation of 27 international conventions." Accessed July 18, 2024. Available at: EEAS - GSP+ Report

## 7.2 What business and human rights related laws have been passed by the Provincial Assembly?

After the 18th Constitutional Amendment, the Provincial Assembly of Sindh enacted 17 Labour laws after tripartite consultations.<sup>18</sup> These include:

1. The Sindh Industrial Relations Act, 2013.
2. The Sindh Workers Welfare Fund Act, 2014 (amended in 2023)
3. The Sindh Employees Old-Age Benefits Act, 2014.
4. The Sindh Companies Profits (Workers Participation) Act, 2015.
5. The Sindh Workers Compensation Act, 2015.
6. The Sindh Minimum Wages Act, 2015.
7. The Sindh Terms of Employment (Standing Orders), Act, 2015.
8. The Sindh Bonded Labour System (Abolition) Act, 2015.
9. The Sindh Factories Act, 2015.
10. The Sindh Shops & Commercial Establishment Act, 2015.
11. The Sindh Payment of Wages Act, 2015.
12. The Sindh Employees Social Security Act, 2016 (amended in 2022)
13. The Sindh Prohibition of Employment of Children Act, 2017.
14. The Sindh Occupational Safety & Health Act, 2017.
15. The Sindh Home Based Workers Act, 2018.
16. The Sindh Women Agricultural Workers Act, 2019.
17. The Sindh Maternity Benefits Act 2018

## 7.3 What are Pakistan's International Law Obligations?

Pakistan is a party to numerous international treaties, conventions, and agreements covering a wide range of issues, including business and human rights. Those relevant to business and human rights are reflected in the table below:

UN International Instruments	ILO International Instruments
1. Convention on the Rights of the Child: Ratified on November 12, 1990.	1. Forced Labour Convention, 1930 (No. 29): Ratified on February 14, 1951.
2. International Covenant on Civil and Political Rights (ICCPR): Ratified on June 23, 2010.	2. Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87): Ratified on August 14, 1951.
3. International Covenant on Economic, Social and Cultural Rights (ICESCR): Ratified on April 17, 2008.	3. Right to Organise and Collective Bargaining Convention, 1949 (No. 98): Ratified on January 14, 1952.
4. Convention on the Elimination of All Forms of Discrimination Against Women	4. Equal Remuneration Convention, 1951 (No. 100): Ratified on June 24, 2001.

<sup>18</sup>Labour & Human Resources Department, Government of Sindh. "Labour laws have been enacted by the Provincial Assembly of Sindh after tripartite consultations." Labour & Human Resources Department, Government of Sindh, n.d., [lhr.sindh.gov.pk/](http://lhr.sindh.gov.pk/). Accessed 18 July 2024.

<p>(CEDAW): Ratified on March 12, 1996.</p> <p>5. Convention on the Rights of Persons with Disabilities (CRPD): Ratified on November 5, 2011.</p> <p>6. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD): Ratified on September 19, 1966.</p> <p>7. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT): Ratified on June 23, 2010.</p> <p>8. Convention on Biological Diversity (CBD): Ratified on September 12, 1994.</p> <p>9. United Nations Framework Convention on Climate Change (UNFCCC): Ratified on April 24, 1994.</p> <p>10. Paris Agreement: Ratified on November 10, 2016.</p>	<p>5. Discrimination (Employment and Occupation) Convention, 1958 (No. 111): Ratified on June 24, 2001.</p> <p>6. Minimum Age Convention, 1973 (No. 138): Ratified on June 30, 2006.</p> <p>7. Worst Forms of Child Labour Convention, 1999 (No. 182): Ratified on October 14, 2001.</p> <p>8. Labour Inspection Convention, 1947 (No. 81): Ratified on 10 Oct 1953</p>
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## 7.4 What are the Guiding Principles on Business and Human Rights (UNGPs)?

The Guiding Principles on Business and Human Rights (UNGPs) are the global standard for preventing and addressing the risk of adverse impacts on human rights involving business activity, and they provide the internationally accepted framework for enhancing standards and practices regarding business and human rights. The Human Rights Council unanimously endorsed the Guiding Principles in its resolution 17/4 of 16 June 2011.<sup>19</sup> These Guiding Principles are grounded in recognition of:

- (a) States' existing obligations to respect, protect and fulfil human rights and fundamental freedoms;
- (b) The role of business enterprises as specialized organs of society performing specialized functions, required to comply with all applicable laws and to respect human rights;
- (c) The need for rights and obligations to be matched to appropriate and effective remedies when breached.

<sup>19</sup> Office of the United Nations High Commissioner for Human Rights. (n.d.). Business and human rights. Retrieved July 13, 2024, from <https://www.ohchr.org/en/business-and-human-rights>



The UNGPs for business and human rights establish that businesses have a responsibility to uphold human rights. This entails ensuring that a business does not cause harm to human rights and takes steps to address any negative impacts on human rights that may involve individuals.<sup>20</sup>

The concept of Business and Human Rights encompass a wide range of human rights violations, which include (but are not limited ) to those reflected in the table below:

Twelve human rights are particularly relevant to the workplace:	Eighteen human rights that shape people's lives and can be affected by the way a business runs its operations:
<ul style="list-style-type: none"> <li>• freedom of association</li> <li>• right to equal pay for equal work</li> <li>• right to organize and participate in collective bargaining</li> <li>• right to equality at work</li> <li>• right to non-discrimination</li> <li>• right to just and favourable remuneration</li> <li>• abolition of slavery and forced labour</li> <li>• right to a safe work environment</li> <li>• abolition of child labour</li> <li>• right to rest and leisure</li> <li>• right to work</li> <li>• right to family life</li> </ul>	<ul style="list-style-type: none"> <li>• right to life, liberty and security of the person</li> <li>• right of peaceful assembly</li> <li>• right to an adequate standard of living (including food, clothing, and housing)</li> <li>• freedom from torture or cruel, inhuman or degrading treatment</li> <li>• right to marry and form a family</li> <li>• right to physical and mental health; access to medical services</li> <li>• equal recognition and protection under the law</li> <li>• freedom of thought, conscience and religion</li> <li>• right to education</li> <li>• right to a fair trial</li> <li>• right to hold opinions, freedom of information and expression</li> <li>• right to participate in cultural life, the benefits of scientific progress, and protection of authorial interests</li> <li>• right to self-determination</li> <li>• right to political life</li> <li>• right to social security</li> <li>• freedom of movement</li> <li>• right to privacy.</li> </ul>
<p><b>Source:</b> Equality and Human Rights Commission. (2014). A guide to business and human rights. Retrieved from <a href="https://www.equalityhumanrights.com/sites/default/files/a_guide_to_business_and_human_rights_1_1.pdf">https://www.equalityhumanrights.com/sites/default/files/a_guide_to_business_and_human_rights_1_1.pdf</a></p>	

Under Guidance 25 of the UNGP " As part of their duty to protect against business-related human rights abuse, States must take appropriate steps to ensure ...legislative or other

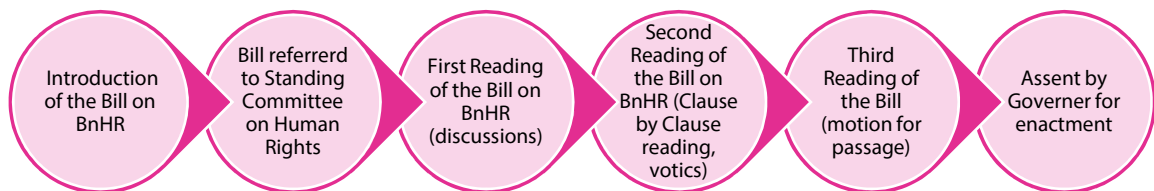
<sup>20</sup> UN Guiding Principles Reporting Framework. (2015). Reporting on human rights impacts: A guide for corporate reporting on the UN Guiding Principles on Business and Human Rights. Retrieved from [https://www.ungpreporting.org/wp-content/uploads/2015/07/UNGPRF\\_businesshumanrightsimpacts.pdf](https://www.ungpreporting.org/wp-content/uploads/2015/07/UNGPRF_businesshumanrightsimpacts.pdf)

appropriate means, that when such abuses occur within their territory and/or jurisdiction those affected have access to effective remedy.”

## 7.5 How can Sindh’s Parliamentary bodies promote and protect business-related human rights?

Parliamentary bodies can promote and protect business and human right through enacting and amending legislation on business-related human rights abuses. For example, in Sindh Province a law regarding workplace harassment has not been enacted. The Sindh Provinces has adopted the federal Protection against Harassment of women at the Workplace Act, 2010 (2022 Amendment). Post the 18<sup>th</sup> Amendment this subject has been devolved to the provinces.

The process regarding the enactment of legislation is provided below:



## 7.6 How can the Parliamentary bodies exercise oversight for the implementation of laws pertaining to business-related human rights abuses?

It is one of the key functions of the Provincial Assembly of the Sindh to exercise oversight over the provincial government to ensure that the government is functioning efficiently.

The Members of the Provincial Assembly of Sindh can exercise their oversight powers through several parliamentary tools:

1. Question Hour
2. Calling attention notices
3. Adjournment motions
4. Committees of the House
5. Resolutions
6. Budget and Financial Matters



Question Hour



Calling attention notices



Adjournment motions



Committees of the House



Resolutions



Budget and Financial Matters

## 1. Question Hour

Chapter VII of the Rules of Procedure of the Provincial Assembly of Sindh 2013 stipulate the procedure and process regarding questions as follows:

### 38. TIME OF QUESTIONS:–

(1) Except as otherwise provided in these rules, the first hour of every sitting, after the recitation from the Holy Quran and Naat Shareef and the swearing in, of members, if any, shall be available for asking and answering of questions.

### 39. NOTICE OF QUESTIONS:–

Not less than fifteen clear days notice of a question shall be given unless the Speaker, with the consent of the Minister concerned, allows a question to be asked at shorter notice: Provided that if the consent of the Minister is not received within seven days from the receipt of the communication, the Speaker may admit a short notice question if he is satisfied that it is a matter of urgent public importance.

### 40. SHORT NOTICE QUESTIONS:–

Questions at a short notice, shall ordinarily be answered at the commencement of the question hour: Provided that – (i) a member shall not ask more than one short notice question in a sitting; and (ii) a short notice question shall not be asked to anticipate a question of which notice has already been given.

### 41. FORM OF NOTICE OF QUESTION:–

(1) A separate notice of every question shall be given in writing to the Secretary and shall specify the official designation of the Minister to whom it is addressed. (2) A member, who desires to ask a starred question, shall distinguish it with an asterisk. (3) If, in the opinion of the Speaker, any starred question is of such a nature that a written reply would be more appropriate, he may direct that such question be placed on the List of Unstarred Questions.

#### 42. SUBJECT MATTER OF QUESTIONS:–

(1) Subject to the provisions of these rules, a question may be asked for the purpose of obtaining information on a matter of public concern within the special cognizance of the Minister to whom it is addressed. (2) A question addressed to a Minister shall relate to the public affairs with which he is officially connected, or to a matter of administration for which he is responsible.

(3) The questions relating to a Department for which there is no Minister shall be addressed to the Minister for Law and Parliamentary Affairs.

#### 43. ADMISSIBILITY OF QUESTIONS:–

In order that a question may be admissible, it must satisfy the following conditions, namely:-

(a) it shall not contain any name or statement unless it is necessary to make it intelligible;

(b) if it contains a statement, the member shall make himself responsible for the accuracy of the statement;

(c) it shall not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements;

(d) it shall not seek an expression of opinion or any matter or solution of an abstract legal question or a hypothetical proposition;

(e) it shall neither refer to the character or conduct of any person except in his official or public capacity nor to the character or conduct which can be challenged only on a substantive motion; (f) it shall not be of excessive length;

(g) it shall not relate to a matter which is not primarily the concern of the Government;

(h) it shall not ask for information on any matter under the control of bodies or persons not primarily responsible to the Government, except where the Government has financial interests in such bodies or persons;

(i) it shall not ask for information on matters under the consideration of a Committee, nor shall it ask about the proceedings of the Committee, unless such proceedings have been placed before the Assembly by a report of the Committee;

(j) it shall not make or imply a charge of a personal character;

(k) it shall not raise questions of policy too large to be dealt within the limits of an answer to a question;

(l) it shall not repeat in substance questions admitted for the same session or already answered or disallowed by the Speaker or to which an answer was refused in the Assembly during the last two sessions;

(m) it shall not be trivial, vexatious, vague or meaningless;

(n) it shall not ask for information contained in documents easily accessible to the public or in ordinary works of reference;

(o) it shall not contain references to newspapers by name and shall not ask whether statements in the Press or by private individuals or by non-official bodies are accurate;

(p) it shall not ask for information regarding Cabinet discussions or any advice given to the Governor, or in relation to any matter in respect of which there is constitutional or statutory obligation not to disclose information;

#### 44. SPEAKER TO DECIDE ADMISSIBILITY OF QUESTIONS:–

The Speaker shall decide the admissibility of a question and shall disallow any question or a part thereof which, in his opinion, is in contravention of these rules, or he may, in his discretion, amend it in form.

#### 45. NOTICE OF ADMISSION OF QUESTIONS:–

A question shall not be included in the List of Questions for answer before expiry of ten days from the day when, after its admission by the Speaker, it was brought to the notice of the Minister.

#### 46. ALLOTMENT OF DAYS FOR QUESTIONS:–

The time for answering questions shall be allotted in rotation on different days for the answering of questions relating to such Department or Departments of the Government as the Speaker may, from time to time, specify and on such day only questions relating to the Department or Departments for which time on that day has been allotted, shall be placed on the List of Questions for answers.

#### 47. NUMBER OF QUESTIONS FOR A SITTING:–

(1) Not more than three starred questions including short notice questions and three unstarred questions from the same member shall be placed on the List of Questions for a sitting: Provided that nothing in this rule shall apply to a question postponed or transferred from an earlier date or to another department. (2) Not more than thirty-five starred questions shall be placed on the List of Questions for a sitting and the remaining questions mature for answers, if any, shall be taken over to the next day allotted for the Department concerned. (3) The questions shall be placed on the List of Questions in the order in which their notices are received, but a member may, by notice in writing given at any time before the sitting for which his question has been placed on the said List, withdraw his question.

## **2. Calling attention notices:**

Chapter X of the Rules of Procedure of the Provincial Assembly of Sindh 2013 stipulate the procedure and process regarding calling attention notices: as follows:

#### 65. PROCEDURE REGARDING CALLING ATTENTION:–

(1) A member may, with the consent of the Speaker, call the attention of the concerned Minister to any matter involving the law and order situation in the Province, through a 'Call Attention Notice'. Explanation: 'Call Attention Notice' means a notice by which a special question of public importance may be raised. (2) The 'Call Attention Notice' shall be in the form of a question addressed to the concerned Minister and shall be given in writing to the Secretary not less than forty-eight hours before the commencement of the sitting on the day on which it is proposed to be fixed.

66. ADMISSIBILITY:–

(1) A question under rule 65 shall not be admissible unless– (a) it relates to a definite matter of recent and urgent public importance; and (b) it satisfies the conditions mentioned in rule 43. (2) A member shall not ask more than one such question in a sitting.

68. MODE OF RAISING THE QUESTION:–

Upon being asked by the Speaker, the member concerned may raise the question and the Minister concerned may answer the question on the same day or on any other day fixed by the Speaker.

### **3. Adjournment motions**

Chapter XII of the Rules of Procedure of the Provincial Assembly of Sindh 2013 stipulate the procedure and process regarding calling adjournment motions as follows:

85. SPEAKER'S CONSENT:–

Subject to the provisions of these rules, a motion for an adjournment of the business of the House for the purpose of discussion on a definite matter of an urgent public importance may be made with the consent of the Speaker.

88. CONDITIONS OF ADMISSIBILITY OF A MOTION:–

A motion shall not be admissible unless it satisfies the following conditions; namely:-

(a) it shall raise an issue of urgent public importance;

(b) it shall relate substantially to one definite matter;

(c) it shall be restricted to a matter of recent occurrence;

(d) it shall not repeat in substance, motions for which consent has been refused by the Speaker or which have been found to be inadmissible or for which leave has been refused by the House or which have already been discussed by the Assembly;

(e) it shall not anticipate a matter for the consideration of which a date has been previously appointed;

- (f) it shall relate to a matter which is primarily the concern of the Government or a statutory body under the control of the Government or to a matter in which the Government have a substantial financial interest;
- (g) it shall not contain arguments, inferences, ironical expressions or defamatory statements;
- (h) it shall not refer to the conduct or character of a person except in his official or public capacity;
- (i) it shall not deal with a matter in respect of which a resolution could not be moved;
- (j) it shall not relate to a matter of privilege;
- (k) it shall not deal with a hypothetical case;
- (l) it shall not relate to a matter which can only be remedied by legislation;
- (m) it shall not raise discussion which is detrimental to the public interest;
- (n) it shall not deal with any matter which is sub-judice...

#### 90. PROCEDURE:–

(1) If the Speaker is of the opinion that the matter proposed to be discussed is in order, he shall read the statement to the Assembly and ask whether the member has the leave of the Assembly to make the adjournment motion and if objection is taken, he shall request such of the members as may be in favour of leave being granted to rise in their seats. (2) If members less than one-fifth of the total membership of the Assembly rise in their seats, the Speaker shall inform the member that he has not the leave of the Assembly. (3) If members not less than one-fifth of the total membership of the Assembly so rise, the Speaker shall announce that leave is granted and the motion shall be taken up for discussion in the same session as last item for not more than two hours on such day, as soon as possible, within three days after the leave is granted, as the Speaker may fix: Provided that the Speaker may on his own or on a motion made by a member extend the sitting of the Assembly on such day by two hours.

#### 91. TIME LIMIT FOR DETERMINATION OF ADMISSIBILITY:–

In a sitting, the aggregate time for the asking of leave under rule 89 and the granting or withholding of leave under rule 90, shall not exceed half an hour.

92. LIMITATION OF TIME OF DISCUSSION:– On an adjournment motion being moved, the Speaker shall put the question “that the Assembly do now adjourn”, but no such question shall be put after the time for the discussion of the motion has expired.

93. TIME LIMIT FOR SPEECHES:– (1) A speech during the debate on a motion for adjournment shall not exceed ten minutes in duration: Provided that the mover and the Minister or Parliamentary Secretary concerned may speak for twenty minutes each. (2) After

the matter has been discussed, the contents of the debated adjournment motion shall be forwarded to the Cabinet for consideration, through a substantive motion.

## 4. Committees of the House

Chapter XX of the Rules of Procedure of the Provincial Assembly of Sindh 2013 stipulate the procedure and process regarding Committees of the House as follows:

### 161. STANDING COMMITTEES:-

(1) There shall be a Standing Committee for each Department (s) of Government. (2) Whenever there is any change in the composition of Departments or their nomenclature, the Speaker shall, in consultation with the Minister for Law and Parliamentary Affairs and the Minister concerned, issue suitable directions in regard to the reallocation of the existing Standing Committees or, as the case may be, the modification in their nomenclature and election of the new Standing Committees. (3) In addition to the Standing Committees constituted under rules 189, 195, 197, 199 and 201, there shall be elected by the Assembly after a general election the following Standing Committees for the duration of the Assembly for the departments noted against each:-

S.No.	Name of the Committee	Department
1.	Standing Committee on Agriculture	Agriculture
2.	Standing Committee on Industries and Commerce	Industries and Commerce
3.	Standing Committee on Works & Services	Works & Services
4.	Standing Committee on Cooperatives	Cooperatives
5.	Standing Committee on Culture, Tourism and Antiquities	Culture, Tourism and Antiquities
6.	Standing Committee on Higher, Technical Education and Research, School Education (upto Matriculation) and Special Education	Higher, Technical Education and Research, School Education (upto Matriculation) Special Education
7.	Standing Committee on Forest, Wildlife and Environment	Forest, Wildlife and Environment
8.	Standing Committee on Excise, Taxation & Narcotics	Excise, Taxation & Narcotics
9.	Standing Committee on Finance	Finance
10.	Standing Committee on Food	Food
11.	Standing Committee on Livestock & Fisheries	Livestock & Fisheries
12.	Standing Committee on Primary Health (BHU, HRC and Vertical Programmes) and Secondary Health (Rest of Health)	Health
13.	Standing Committee on Home	Home
14.	Standing Committee on Local Government, Rural Development, Public Health, Engineering, Housing, Town Planning	Local Government, Rural Development, Public Health, Engineering, Housing, Town Planning
15.	Standing Committee on Information and Archives	Information and Archives



16.	Standing Committee on Information, Sciences and Technology	Information, Science and Technology
17.	Standing Committee on Irrigation	Irrigation
18.	Standing Committee on Labour and Human Resources	Labour and Human Resources Department
19.	Standing Committee on Law & Parliamentary Affairs and Human Rights	Law & Parliamentary Affairs and Human Rights
20.	Standing Committee on School Education (upto Matriculation)	School Education (upto Matriculation)
21.	Standing Committee on Mines and Minerals	Mines and Mineral
22.	Standing Committee on Planning, Development and Special Initiatives	Planning, Development and Special Initiatives
23.	Standing Committee on Population Welfare	Population Welfare
24.	Standing Committee on Auqaf, Religious Affairs, Zakat and Ushr	Auqaf, Religious Affairs, Zakat and Ushr
25.	Standing Committee on Revenue, Land Utilization and Relief and Rehabilitation	(i) Revenue, Land Utilization and Relief and (ii) Rehabilitation
26.	Standing Committee on Services, General Administration & Coordination Department (Services, GA, I&C & IPC Wings)	Services, General Administration & Coordination Department (Services, GA, I&C & IPC Wings)
27.	Standing Committee on Social Welfare	Social Welfare
28.	Standing Committee on Sports and Youth Affairs	Sports and Youth Affairs
30.	Standing Committee on Transport & Mass Transit	Transport & Mass Transit
31.	Standing Committee on Women Development	Women Development
32.	Standing Committee on ENERGY	Energy including Coal Energy
33.	Standing Committee on Katchi Abadis	Katchi Abadis
34.	Standing Committee on Minorities Affairs	Minorities Affairs

#### 167. FUNCTIONS OF COMMITTEES:-

(1) A Committee shall examine a Bill or other matter referred to it by the Assembly and shall submit its report to the Assembly with such recommendations, including suggestion for legislation, if any, as it may deem necessary.

(2) In the case of a Bill, the Committee shall also examine whether or not the Bill violates, disregards or is otherwise not in accordance with the Constitution.

(3) The Committee may propose such amendments as are within the scope of the Bill, but the Committee shall have no power of preventing the Bill from being considered by the Assembly.

(4) The amendments will be shown in its report along with the original provisions of the Bill.

(5) A Committee may, with the approval of the Speaker, appoint a sub-committee, for a specified function arising out of the matter referred to the Committee.

(6) If a Committee does not present its report within the specified period, or within the extended period, if any, the Bill or the matter referred to it may, on a motion by a member, or a Minister, be considered by the Assembly without waiting for the report.

(7) A Committee may examine the expenditures, administration, delegated legislation, public petitions and policies of the Department concerned and its associated bodies, and may forward reports of findings and recommendations to the Department and the Department shall submit its reply to the Committee within a period of two weeks.

## **5. Resolutions:**

Chapter XV of the Rules of Procedure of the Provincial Assembly of Sindh 2013 stipulate the procedure and process regarding resolutions on matters of general public interest as follows:

### **123. RIGHT TO MOVE RESOLUTION:–**

Subject to the provisions of these rules, a member or a Minister may move a resolution relating to a matter of general public interest.

### **124. NOTICE OF RESOLUTION:–**

(1) A private member who wishes to move a resolution shall give seven days' notice and shall submit together with the notice a copy of the resolution which he intends to move.

(2) A Minister who wishes to move a resolution shall give three days' notice and shall submit together with the notice a copy of the resolution which he intends to move; provided that a resolution shall not be moved on private members' day.

(3) The names of all members from whom such notices are received, shall be balloted and those members who succeed to secure more than one Resolution in the ballot, the Resolution of a Member drawn at first instance shall have precedence over his other Resolutions.

### **125. FORM AND CONTENTS OF RESOLUTION:–**

The right to move a resolution shall be subject to condition that the resolution –

(1) shall be in the form of a declaration of opinion of the Assembly;

(2) shall relate to a matter which concerns Government; provided that a resolution recommending to a Government, to approach the Federal Government in a matter which is not a concern of Government shall be admissible;

(3) shall be clearly and precisely expressed and shall raise substantially one definite issue;

(4) shall neither contain arguments, inferences, ironical expressions or defamatory statements nor it shall refer to the conduct or character of a person except in his official or public capacity;

(5) shall not relate to a matter which is under adjudication by a Court of law having jurisdiction in any part of Pakistan;

(6) shall not contain a reflection on the conduct of President, Governor, a Judge of the Supreme Court or a High Court;

(7) shall not raise discussion on a matter pending before any statutory Tribunal or statutory Authority performing any judicial or quasi-judicial functions or any commission or court of enquiry or a matter in respect of which any Minister raises any objection on the ground that it is detrimental to the public interest.

## **6. Budget and Financial Matters**

Chapter XIX of the Rules of Procedure of the Provincial Assembly of Sindh 2013 stipulate the procedure and process regarding budget and financial matters as follows:

### **145. BUDGET:–**

(1) The Budget shall be presented to the Assembly on such day and at such time as the Chief Minister may appoint.

(2) The Secretary shall cause the day and time appointed under sub-rule (1) to be notified in the Gazette.

(3) The demand for grant shall be entertained only if it is certified to have been made on the recommendations of the Chief Minister.

(4) The Budget shall not be referred to a Standing Committee or to a Select Committee and no motion in respect thereof shall be made except as provided in the this Chapter.

### **146. PRESENTATION OF THE BUDGET:–**

The Budget shall be presented by the Finance Minister or, in his absence, by any other Minister nominated by the Chief Minister.

### **148. STAGES OF THE BUDGET:–**

The Budget shall be dealt with by the Assembly in the following stages, namely:- (a) general discussion on the budget as a whole, (b) discussion on expenditure charged upon the Provincial Consolidated Fund; and (c) discussion and voting on demands for grants;

### **150. GENERAL DISCUSSION:–**

- (1) No motion shall be moved nor shall the budget be submitted to the vote of the Assembly on the day allotted for general discussion.
- (2) The Finance Minister or the Minister who has presented the budget shall have a general right of reply at the end of the discussion.
- (3) The Speaker may prescribe a time-limit for speeches.

151. COMPLETION OF STAGES OF THE BUDGET:– The Speaker shall, on the last day of the days allotted for any stage of the budget, just before the termination of the sitting, put every such question as is necessary to dispose all the outstanding matters in connection with the completion of that stage.

The above functions of the Provincial Assembly of the Sindh regarding exercise of oversight over the provincial government are crucial for ensuring that the provincial government upholds business and human rights effectively.

## 8 Conclusion

This toolkit on Sindh's Parliamentary Bodies' Role in Business & Human Rights offers a comprehensive framework for understanding and enhancing the intersection of legislative oversight and human rights within the sphere of business and human rights in Sindh.

As Sindh continues to navigate the complex landscape of business and human rights, the application of the principles and recommendations outlined in this toolkit will be pivotal in advancing business and human rights.

Sindh's Parliamentary Bodies have the opportunity to lead by example and foster an environment where business and human rights are not mutually exclusive, but mutually reinforcing.

## ANNEXURE

### FOURTH SCHEDULE: LEGISLATIVE LISTS - Federal Legislative List [Article 70 (4)]

#### PART 1

1. The defence of the Federation or any part thereof in peace or war; the military, naval and air forces of the Federation and any other armed forces raised or maintained by the Federation; any armed forces which are not forces of the Federation but are attached to or operating with any of the Armed Forces of the Federation including civil Armed Forces; Federal Intelligence Bureau; preventive detention for reasons of State connected with defence, external affairs, or the security of Pakistan or any part thereof; persons subjected to such detention; industries declared by Federal law to be necessary for the purpose of defence or for the prosecution of war.
2. Military, naval and air force works; local self-government in cantonment areas, the constitution and powers within such areas of cantonment authorities, the regulation of house accommodation in such areas, and the delimitation of such areas
3. External affairs; the implementing of treaties and agreements, including educational and cultural pacts and agreements, with other countries; extradition, including the surrender of criminals and accused persons to Governments outside Pakistan.
4. Nationality, citizenship and naturalisation.
5. Migration from or into, or settlement in, a Province or the Federal Capital
6. Admission into, and emigration and expulsion from, Pakistan, including in relation thereto the regulation of the movements in Pakistan of persons not domiciled in Pakistan, pilgrimages to places beyond Pakistan.
7. Posts and telegraphs, including telephones, wireless, broadcasting and other like forms of communications; Post Office Saving Bank.
8. Currency, coinage and legal tender.
9. Foreign exchange; cheques, bills of exchange, promissory notes and other like instruments.
10. Public debt of the Federation, including the borrowing of money on the security of the Federal Consolidated Fund; foreign loans and foreign aid.
11. Federal Public Services and Federal Public Service Commission.
12. Federal pensions, that is to say, pensions payable by the Federation or out of the Federal Consolidated Fund.
13. Federal Ombudsman.

14. Administrative Courts and Tribunals for Federal subjects.
15. Libraries, museums, and similar institutions controlled or financed by the Federation.
16. Federal agencies and institutes for the following purposes, that is to say, for research, for professional or technical training, or for the promotion of special studies.
17. Education as respects Pakistani students in foreign countries and foreign students in Pakistan.
18. Nuclear energy, including a. mineral resources necessary for the generation of nuclear energy; b. the production of nuclear fuels and the generation and use of nuclear energy; c. ionizing radiations; and d. boilers
19. Port quarantine, seamen's and marine hospitals and hospitals connected with port quarantine.
20. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.
21. [omitted]
22. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes.
23. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.
24. Carriage of passengers and goods by sea or by air.
25. Copyright, inventions, designs, trade-marks and merchandise marks.
26. Opium so far as regards sale for export.
27. Import and export across customs frontiers as defined by the Federal Government, inter-provincial trade and commerce, trade and commerce with foreign countries; standard of quality of goods to be exported out of Pakistan.
28. State Bank of Pakistan; banking, that is to say, the conduct of banking business by corporations other than corporations owned or controlled by a Province and carrying on business only within that Province.
29. The law of insurance, except as respects insurance undertaken by a Province, and the regulation of the conduct of insurance business, except as respects business undertaken by a Province; Government insurance, except so far as undertaken by a Province by virtue of any matter within the legislative competence of the Provincial Assembly.
30. Stock exchanges and futures markets with objects and business not confined to one Province.

31. Corporations, that is to say, the incorporation, regulation and winding-up of trading corporations, including banking, insurance and financial corporations, but not including corporations owned or controlled by a Province and carrying on business only within that Province, or cooperative societies, and of corporations, whether trading or not, with objects not confined to a Province, but not including universities.
32. International treaties, conventions and agreements and International arbitration.
33. [omitted]
34. National highways and strategic roads.
35. Federal surveys including geological surveys and Federal meteorological organisations.
36. Fishing and fisheries beyond territorial waters.
37. Works, lands and buildings vested in, or in the possession of Government for the purposes of the Federation (not being military, naval or air force works), but, as regards property situate in a Province, subject always to Provincial legislation, save in so far as Federal law otherwise provides.
38. [omitted]
39. Establishment of standards of weights and measures.
40. [omitted]
41. Elections to the office of President, to the National Assembly, the Senate and the Provincial Assemblies; Chief Election Commissioner and Election Commissions
42. The salaries, allowances and privileges of the President, Speaker and Deputy Speaker of the National Assembly, Chairman and Deputy Chairman of the Senate, Prime Minister, Federal Ministers, Ministers of State, the salaries, allowances and privileges of the members of the Senate and the National Assembly; and the punishment of persons who refuse to give evidence or produce documents before committees thereof.
43. Duties of customs, including export duties.
44. Duties of excise, including duties on salt, but not including duties on alcoholic liquors, opium and other narcotics.
45. [omitted]
46. [omitted]
47. Taxes on income other than agricultural income.

48. Taxes on corporations.

49. Taxes on the sales and purchases of goods imported, exported, produced, manufactured or consumed, except sales tax on services.

50. Taxes on the capital value of the assets, not including taxes on immovable property.

51. Taxes on mineral oil, natural gas and minerals for use in generation of nuclear energy.

52. Taxes and duties on the production capacity of any plant, machinery, undertaking, establishment or installation in lieu of the taxes and duties specified in entries 44, 47, 48 and 49 or in lieu of any one or more of them.

53. Terminal taxes on goods, or passengers carried by railway, sea or air; taxes on their fares and freights.

54. Fees in respect of any of the matters in this Part, but not including fees taken in any court.

55. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List and, to such extent as is expressly authorised by or under the Constitution, the enlargement of the jurisdiction of the Supreme Court, and the conferring thereon of supplemental powers.

56. Offences against laws with respect to any of the matters in this Part.

57. Inquiries and statistics for the purposes of any of the matters in this Part.

58. Matters which under the Constitution are within the legislative competence of Majlis-e-Shoora (Parliament) or relate to the Federation.

59. Matters incidental or ancillary to any matter enumerated in this Part

## PART 2

1. Railways.

2. Mineral oil and natural gas; liquids and substances declared by Federal law to be dangerously inflammable.

3. Development of industries, where development under Federal control is declared by Federal law to be expedient in the public interest; institutions, establishments, bodies and corporations administered or managed by the Federal Government immediately before the Commencing day, including the Pakistan Water and Power Development Authority and the Pakistan Industrial Development Corporation; all undertakings, projects and schemes of such institutions, establishments, bodies and corporations, industries, projects and undertakings owned wholly or partially by the Federation or by a corporation set up by the Federation.



4. Electricity.

5. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of port authorities therein.

6. All regulatory authorities established under a Federal law.

7. National planning and national economic coordination including planning and coordination of scientific and technological research.

8. Supervision and management of public debt.

9. Census.

10. Extension of the powers and jurisdiction of members of a police force belonging to any Province to any area in another Province, but not so as to enable the police of one Province to exercise powers and jurisdiction in another province without the consent of the Government of that Province; extension of the powers and jurisdiction of members of a police force belonging to any Province to railway areas outside that Province.

11. Legal, medical and other professions.

12. Standards in institutions for higher education and research, scientific and technical institutions.

13. Inter-provincial matters and co-ordination.

14. Council of Common Interests.

15. Fees in respect of any of the matters in this Part but not including fees taken in any court.

16. Offences against laws with respect to any of the matters in this Part.

17. Inquiries and statistics for the purposes of any of the matters in this Part.

18. Matters incidental or ancillary to any matter enumerated in this Part.



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