

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

to provide for the constitution National commission for Minorities and to provide for matters connected therewith or incidental thereto.

PART – I

PRELIMINARY

1. **Short title and commencement.**- (1) This Act may be called the National Commission for Minorities Act, 2015.

(2) It extends to the whole of Pakistan.

(3) It shall come into force on such date as the Federal Government may, by notification in Official Gazette, appoint.

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

a. "Commission" means the National Commission for Minorities constituted under section 3;

b. "Member" means a Member of the Commission and includes the Vice Chairperson;

c. "Minority", for the purposes of this Act, means a community notified as such by the Federal Government; and

d. "Prescribed" means prescribed by Rules made under this Act.

PART – II

THE NATIONAL COMMISSION FOR MINORITIES

3. **Constitution of National Commission for Minorities.**- (1) The Commission shall consist of a Chairperson, a Vice Chairperson and ten Members to be nominated by the Federal Government from amongst persons of eminence, ability and integrity:

Provided that ten Members including the Chairperson and vice Chairperson shall be from amongst the Minority communities.

4. **Terms of office and conditions of service of Chairperson and Members.**- (1) The Chairperson and every Member shall hold office for a term of three years from the date he assumes office.

(2) The Chairperson or a Member may, by writing under his hand addressed to the Federal Government, resign from the office of Chairperson or, as the case may be, of the Member at any time.

(3) The Federal Government shall remove a person from the office of Chairperson or a Member referred to in sub-section (2) if that person.-

- (a) becomes an un-discharged insolvent;
- (b) is convicted and sentenced to imprisonment for an offence which in the opinion of the Federal Government involves moral turpitude;
- (c) becomes of unsound mind and stands so declared by a competent court;
- (d) refuses to act or becomes incapable of acting;
- (e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission;
- (f) has, in the opinion of the Federal Government, so abused the position of Chairperson, or Member, as to render that person's continuance in office detrimental to the interests of Minorities or the public interest:

Provided that no person shall be removed under this clause until that person has been given a reasonable opportunity of being heard in the matter.

(4-A) vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination.

(5) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed.

5. Officers and other employees of the Commission.- (1) The Federal Government shall provide the Commission with a Secretary and such other officers and employees as may be necessary for the efficient performance of the functions of the Commission under this Act.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed by the Federal Government.

6. Procedure to be regulated by the Commission.- (1) The Commission shall meet as and when necessary at such time and places as the Chairperson may think fit.

(2) The Commission shall regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Secretary or any other officer of the Commission duly authorized by the Secretary on his behalf.

PART – III

FUNCTIONS OF THE COMMISSION

7. **Functions of the Commission.**- (1) The Commission shall perform all or any of the following functions, namely:-

- (a) evaluate the progress of the development of Minorities under the federation and its units;
- (b) monitor the working of the safeguards provided in the Constitution and in laws enacted by Parliament and the Provincial governments;
- (c) make recommendations for the effective implementation of safeguards for the protection of the interests of Minorities by the Federal Government or the Provincial Governments;
- (d) look into specific complaints regarding deprivation of rights and safeguards of the Minorities and take up such matters with the appropriate authorities;
- (e) cause studies to be undertaken into problems arising out of any discrimination against Minorities and recommend measures for their removal;
- (f) conduct studies, research and analysis on the issues relating to socio-economic and educational development of Minorities;
- (g) suggest appropriate measures in respect of any Minority to be undertaken by the Federal Government or the Provincial Governments;
- (h) make periodical or special reports to the Federal Government on any matter pertaining to Minorities and in particular the difficulties confronted by them.;
- (i) any other matter which may be referred to it by the Federal Government.

(2) The Federal Government shall cause the recommendations referred to in clause (c) of sub-section (1) to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Federation and the reasons for the non-acceptance, if any, of any of such recommendations.

(3) Where any recommendation referred to in clause (c) of sub-section (1) or any part thereof is such with which any State Government is concerned, the Commission shall forward a copy of such recommendation or part to such Provincial Government who shall cause it to be laid before the government of the province along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to that government and the reasons for the non-acceptance, if any, of any of such recommendation or part.

(4) The Commission shall, while performing any of the functions mentioned in sub-clauses (a), (b) and (d) of sub-section (1), have all the powers of a civil court trying a suit and, in particular, in respect of the following matters, namely:-

- a. Summoning and enforcing the attendance of any person from any part of Pakistan and examining him on oath.
- b. Requiring the discovery and production of any document.
- c. Receiving evidence of affidavits.

- d. Requisitioning any public record or copy thereof from any court or office.
- e. issuing commissions for the examination of witnesses and documents; and
- f. any other matter which may be prescribed.

PART – IV

FINANCE ACCOUNTS AND AUDIT

8. Grants by the Federal Government.- (1) The Federal Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Federal Government may think fit for being utilized for the purposes of this Act.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

9. Accounts and audit.- (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Federal Government in consultation with Auditor-General of Pakistan.

(2) The accounts of the Commission shall be audited by the Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Auditor-General.

(3) The Auditor-General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Auditor-General generally has in connection with the audit of government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

10. Annual Report.- The Commission shall prepare, in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Federal Government.

11. Annual Report and audit report to be laid before Parliament.- The Federal Government shall cause the Annual Report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Federal Government, and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report to be laid, as soon as may be after the reports are received, before each House of Parliament.

PART - V

MISCELLANEOUS

12. Chairperson, Members & staff of Commission to be public servants.- The Chairperson, Members and employees of the Commission shall be deemed to be public servants under the Civil Servants Act of Pakistan.

13. Power to make rules.- (1) The Federal Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-

- (a) salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members under sub-section (5) of section 4 and of officers and other employees under sub-section (2) of section 5;
- (b) any other matter under clause (f) of sub-section (4) of section 9;
- (c) The form in which the annual statement of accounts shall be maintained under sub-section (1) of section 11;
- (d) the form in, and the time at, which the Annual Report shall be prepared under section 12;
- (e) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may comprise of one session or two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree to make any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be-so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

14. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the Federal Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

After a year of continued delays and postponements, the government of Pakistan and opposition parties have agreed to set up a formal body to protect minorities and promote inter-faith harmony and to set up a body to protect non-Muslims from violence and attacks. The ten-member commission will include four Muslims, two Christians, two Hindus, a Parsi and a Sikh. Mere textual pledges in the constitution, though important, are not enough to ensure that minority rights would be honored in practice. With a population of more than 180 million people (97 per cent Muslim), violence against ethnic and religious minorities is commonplace across the country. The function of the said council should be to monitor the practical realization of the rights and safeguards provided to the minorities under the constitution and law. The Bill has been formulated to achieve the above said purpose.

Sd/-

**Ms. Belum Hasnain
Member, National Assembly**