

**[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]**

**A**

**BILL**

to provide for constitution of a National Commission for the education of Minority and of matters connected therewith or incidental thereto.

It is hereby enacted as follows:-

**CHAPTER I  
PRELIMINARY**

**1. Short title, extent and commencement.**- (1) This Act may be called “the National Commission for Minority Education Act, 2015”.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

**2. Definitions.**- In this Act, unless the context otherwise requires,-

(a) “affiliation” together with its grammatical variations, includes, in relation to a college, recognition of such college by, association of such college with, and admission of such college to the privileges of, a University;

(b) “Commission” means the National Commission for Minority Education constituted under section 3 of this Act;

(c) “Competent authority” means the authority appointed by the appropriate Government to grant no objection certificate for the establishment of any education quota by the minorities;

(d) “degree” means any such degree as may, with previous approval of the Federal Government, be specified in this behalf by the Higher Education Commission, by notification in the Official Gazette;

“(e) “college” means a college or teaching institution (other than a University) established under the law;

(da) “educational rights to minorities” means the rights of minorities to get admission in educational institutions of their choice;

(e) “Member” means a member of the Commission and includes the Chairperson;

(f) “minority”, for the purpose of this Act means a community notified as such by the Federal Government;

- (g) "Minority Education" means an educational facility established and administered for a minority or minorities;
- (h) "prescribed" means prescribed by rules made under this Act;
- (i) "qualification" means a degree or any other qualification awarded by a University;

## **CHAPTER II**

### **THE NATIONAL COMMISSION FOR MINORITY EDUCATION**

**3. Constitution of National Commission for Minority Education.-** (1) The Federal Government shall, by notification, in the Official Gazette, constitute a body to be known as the National Commission for Minority Education to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The Commission shall consist of a Chairperson and nine members to be nominated by the Federal Government.

**4. Qualifications for appointment as Chairperson or other Member.-** (1) A person shall not be qualified for appointment as the Chairperson unless he-

- (a) is a member of a minority community; and
- (b) has minimum fifteen year work experience of educating the minorities communities.

(2) A person shall not be qualified for appointment as a Member unless he,-

- (a) is a member of a educational fraternity; and
- (b) is a person of eminence, ability and integrity.

**5. Term of office and conditions of service of Chairperson and Members.-** (1) Every Member shall hold office for a term of five years from the date on which he assumes office.

(2) 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 Member at any time.

(3) The Federal Government shall remove a person from the office of Member 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; or

- (f) in the opinion of the Federal Government, has so abused the position of Chairperson or Member as to render that person's continuance in office detrimental to the public interest:

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

(4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination and a person so nominated shall hold office for the unexpired period of the term for which his predecessor in office would have held office if such vacancy had not arisen.

(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.

**6. Officers and other employees of 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, the Secretary, officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

**7. Salaries and allowances to be paid out of grants.-** The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the Secretary, officers and other employees referred to in section 6, shall be paid out of the grants referred to in sub-section (1) of section 14.

**8. Vacancies, etc., not to invalidate proceedings of Commission.-** No act or proceeding of the commission shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

**9. Procedure to be regulated by Commission.-** (1) The Commission shall meet as and when necessary at such time and place 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 in this behalf.

### CHAPTER III

**10. Minority education.-** The Federal Government shall ensure that religious education of different minorities is an integral part of the syllabi for each class of a school with a view to:

- (a) develop the sense of the principles and objectives of the Constitution, and respect for the rights of women and minorities in the students;
- (b) educate and encourage the students to defend the freedom of religion at all times, against all forms of abuse and violations;
- (c) develop courses for realizing the importance of minority education;
- (d) create awareness amongst students of minorities about their responsibilities and an appreciation of their rights and obligations as citizens of Pakistan;
- (e) achievement of true democracy arising from the existing inequalities between different strata of the population and measures necessary for re-dressing these inequalities;
- (f) propagate counter narrative to violence, terrorism and extremism;
- (g) develop the narrative of unity, faith, discipline and tolerance amongst the students; and
- (h) inculcate respect for all religions especially amongst the students.

**11. Responsibility of schools.-** (1) An in-charge of a school shall ensure that a prescribed quota be reserved for minorities in all schools.

2. An in-charge of school shall grant admission to the students of minorities communities in accordance with prescribed quota.

**12. Responsibility of curriculum authority.-** The curriculum authority shall ensure inclusion of various aspect of religious teachings for their respective minorities communities as an optional subject.

**13. Responsibility of examination body.-** An examination body shall examine the knowledge of the students about their respective religions and ensure at least ten percent questions in an examination relate to minorities.

**14. Responsibility of registering authority.-** (1) The registering authority shall conduct surprise inspections and tests in order to ensure the compliance of sections 10 to 13 of this act.

(2) If the school fails to show progress in compliance of subsection (1), the registering authority may, subject to notice and opportunity of hearing, suspend or cancel registration of the school and may order its closure.

#### **CHAPTER IV FUNCTIONS AND POWERS OF COMMISSION**

**15. Functions of Commission.-** Notwithstanding anything contained in any other law for the time being in force, the Commission shall-

- (a) advise the Federal Government or any Provincial Government on any question relating to the education of minorities that may be referred to it;

- (b) enquire, suo motu, or on a petition presented to it by any member of minority community, or any person on its behalf into complaints regarding deprivation or violation of rights of minorities.
- (c) intervene in any proceeding involving any deprivation or violation of the educational rights of the minorities before a court with the leave of such court;
- (d) review the safeguards provided by or under the Constitution, or any law for the time being in force, for the protection of educational rights of the minorities and recommend measures for their effective implementation;
- (e) specify measures to promote and preserve the minority status and character of institutions of their choice established by minorities;
- (f) make recommendations to the appropriate Government for the effective, implementation of programmes and schemes relating to the Minority Education; and
- (h) do such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Commission.

**16. Powers of Commission.-** The Commission shall, for the purposes of discharging its functions under this Act, 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 and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence of affidavits;
- (d) issuing commissions for the examination of witnesses or documents; and
- (f) any other matter which may be prescribed.

**17. Appeal against orders of the Competent authority.-** (1) Any person aggrieved by the order of the Competent authority under sections 10 to 14, may prefer an appeal against such order to the Commission.

(2) An appeal under sub-section (1) shall be filed within thirty days from the date of the order referred to in sub-section (1) communicated to the applicant:

Provided that the Commission may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.

(3) An appeal to the Commission shall be made in such form as may be prescribed and shall be accompanied by a copy of the order against which the appeal has been filed.

(4) The Commission, after hearing the parties, shall pass an order as soon as may be practicable, and given such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.



(5) An order made by the Commission under sub-section (4) shall be executable by the Commission as a decree of a civil court and the provisions of the Code of Civil Procedure, 1908, so far as may be shall apply as they apply in respect of a decree of a civil court.

**18. Power of Commission to investigate matters relating to deprivation of educational rights of minorities.-** (1) The Commission shall have the power to investigate into the complaints relating to deprivation of the educational rights of minorities.

(2) The Commission may, for the purpose of conducting any investigation pertaining to a complaint under this Act, utilize the services of any officer of the Federal Government or any Provincial Government with the concurrence of the Federal Government or the Provincial Government, as the case may be.

(3) For the purpose of investigation under sub-section (1), the officer whose services are utilized may, subject to the direction and control of the Commission,-

- (a) summon and enforce the attendance of any person and examine him;
- (b) require the discovery and production of any document; and
- (c) requisition any public record or copy thereof from any office.

(4) The officer whose services are utilized under sub-section (2) shall investigate into any matter entrusted to it by the Commission and submit a report thereon to it within such period as may be specified by the Commission in this behalf.

(5) The Commission shall satisfy itself about the correctness of the facts stated and the conclusion, if any arrived at in the report submitted to it under sub-section (4) and for this purpose the Commission may make such further inquiry as it may think fit.

**19. Power of Commission to call for information.-** (1) The Commission, while enquiring into the complaints of violation or deprivation of educational rights of minorities shall call for information or report from the Federal Government or any Provincial Government or any other authority or organization sub-ordinate thereto, within such time as may be specified by it:

Provided that:-

- (a) if the information or report is not received within the time stipulated by the Commission, it may proceed to inquire into the complaint;
- (b) if, on receipt of information or report, the Commission is satisfied either that no further inquiry is required, or that the required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and inform the complainant accordingly.

(2) Where the inquiry establishes violation or deprivation of the educational rights of the minorities by a public servant, the Commission may recommend to the concerned Government or authority, the initiation of disciplinary proceedings or such other action against the concerned person or persons as may be deemed fit.

(3) The Commission shall send a copy of the inquiry report, together with its recommendations to the concerned Government or authority and the concerned Government authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken, or proposed to be taken thereon, to the Commission.

(4) The Commission shall publish its inquiry report and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.

**20. Financial and administrative powers of Chairperson.-** The Chairperson shall exercise such financial and administrative powers as may be vested in him by the rules made under this section:

Provided that the Chairperson shall have authority to delegate such of the financial and administrative powers as he may think fit to any Member or Secretary or any other officer of the Commission subject to the condition that such Member or Secretary or officer shall, while exercising such delegated powers, continue to act under the direction, control and supervision of the Chairperson.

## **CHAPTER V**

### **FINANCE, ACCOUNTS AND AUDIT**

**21. Grants by 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 of money 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).

**22. 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 the Controller General of Accounts and Auditor-General of Pakistan.

(2) The accounts of the Commission shall be audited by the Controller General of Accounts and 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 Controller General of Accounts and Auditor-General.

(3) The Controller General of Accounts and 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 Controller General of Accounts and 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.

**23. 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 forwarded a copy thereof to the Federal Government.

**24. Annual report and audit report to be laid before Parliament.-** The Federal Government shall cause the annual report and the audit report to be laid before each House of Parliament.

## **CHAPTER VI MISCELLANEOUS**

**25. Chairperson, Members, Secretary, employees, etc., of Commission to be public servants.-** The Chairperson, Members, Secretary, Officers and other employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code. (1860).

**26. Directions by Federal Government.-** (1) In the discharge of its functions under this Act, the Commission shall be guided by such direction on questions of policy relating to national purposes, as may be given to it by the Federal Government.

(2) If any dispute arises between the Federal Government and the Commission as to whether a question is or is not a question of policy relating to national purposes, the decision of the Federal Government shall be final.

**27. Protection of action taken in good faith.-** No suit, prosecution or other legal proceeding shall lie against the Federal Government, Commission, Chairperson, Members, Secretary or any officer or other employee of the Commission for anything which is in good faith done or intended to be done under this Act.

**28. Act to have overriding effect.-** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

**29. 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) the salaries and allowances payable to, and the other terms and conditions of the service of the Chairperson, Members, the Secretary, officers and other employees;
- (b) the forms in which appeal under sub-section (1) of the section 17 shall be made;
- (c) the financial and administrative powers to be exercised by the Chairperson under section 20;
- (d) the form in, and the time at, which the annual report shall be prepared under section 23;
- (e) any other matter which is required to be, or may be, prescribed.

**30. 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 to be necessary or expedient, for removing the difficulty:

Provided that no such order shall be made after the expiry of the 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.

### **STATEMENTS OF OBJECTS AND REASONS**

The establishment of a Commission for Minority Education was long felt demand of the Minority communities. Among the various issues raised by the representatives of the Minority communities was the difficulty faced by them, despite the Constitutional guarantees accorded to them in this regard. The major problem was the issue of equal educational opportunities for minorities. Participants from the various minority communities affirmed the need to provide access to education without discrimination and to avoid restrictive conditions imposed by the existing system of the Educational Institutions for minority community as guaranteed in the Constitution of Pakistan. They felt that these conditions affected the rights granted to them on account of their Minority status. The fact that there was not effective forum for appeal and quick redressal only aggravated the sense of deprivation of the minority communities. In view of the commitment of the Government, the issue of setting up of a National Commission is a matter of utmost urgency.

Sd/-

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