

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A

Bill

to provide for constitution of the National Commission of Minorities

WHEREAS it is expedient to establish a Commission for protection of rights of the minorities and provide for matters connected therewith and incidental thereto;

It is hereby enacted as follows:-

1. Short title, extent and commencement.- (1) This Act shall be called the National Commission for Minorities Act, 2021.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.- (1) In this Act, unless there is anything repugnant in the subject or context,-

(a) "Chairperson" means chairperson of the National Commission for Minorities and includes any other member acting as chairperson from time to time;

(b) "commission" means the National Commission for Minorities established under this Act;

(c) "Government" means the Federal Government of Pakistan;

(d) "Member" means member of the Commission;

(e) "minority" for the purposes of this Act, means a community notified as such by the Federal Government;

(f) "Prescribed" means prescribed by rules or regulations made under this Act;

- (g) "public servant" means a public servant defined under section 21 of the Pakistan Penal Code (Act XLV of 1860)
- (h) "secretary" means the Secretary of the Commission and includes any person performing the duties of the secretary from time to time.
- (i) "regulations" means the regulations made under this Act; and
- (j) "rules" means the rules made under this Act; and

(2) All other words and expressions used but not defined in this Act shall have the same meaning as assigned to them in respective laws for the time being in force.

3. Establishment of the Commission.- (1) The Government, after the commencement of this Act, within three months, shall constitute a Commission to be known as the National Commission for Minorities exercise its powers and perform its functions under this Act.

(2) The Commission shall consist of-

- (a) a Chairperson, who has been, or is qualified to be a judge of the Supreme Court or a person having demonstrable knowledge with fifteen years' practical experience in law especially matters relating to minorities rights;
- (b) six members are official members, not below the rank of BPS-20, nominated by the Government from amongst persons having a demonstrate knowledge of rights of minorities in particular and human rights in general and, which are representative from-
 - (i) ministry of Interior;
 - (ii) ministry of Law and Justice;

- (iii) ministry of Human Rights;
 - (iv) ministry of Federal Education and Professional Training Division;
 - (v) ministry of Religious Affairs and Interfaith Harmony; and
 - (vi) Chairman, National Commission on Human Rights; and
- (c) twelve members are non-official members including the Chairperson may be from amongst the minority communities:

Provided that out of total membership of the Commission, at least ten percent of the Commission shall be women members, one youth, one lawyer and two activists from civil society. The Commission should compose of all ethnic and religious groups from minority communities.

(4) The Commission shall be a body corporate having perpetual succession and a common seal with powers subject to the provisions of this Act to hold and dispose of property by the said name, sue and be sued.

(5) Ministry of Religious Affairs and Interfaith Harmony shall be the Secretariat of the Commission.

4. Appointment of Chairperson and members.- (1) The Chairperson and members, other than ex-officio members, shall be appointed by the Government on such salary, allowances, privileges and other terms and conditions as may be prescribed.

(2) The salary, allowances, privileges and other terms and conditions of the Chairperson or any member of the Commission, as the case may be, shall not be varied to their disadvantage of previous service after their appointment in the Commission.

5. Term of office of Chairperson and members.- (1) The Chairperson and members other than *ex-officio* members, shall hold office for a term of three years, extendable for a further term of three years:

Provided that the Chairperson or a member, other than *ex-officio* member, shall not hold office for more than two terms.

(2) The Chairperson or an official member may, at any time by writing under his hand addressed to the Government, resign from his office.

6. Disqualification.- A person shall be disqualified for becoming or being the Chairperson or a member of the Commission, if such person-

- (a) is an un-discharged insolvent or has been declared a bankrupt;
or
- (b) is of unsound mind or has physical infirmity to discharge his functions under this Act; or
- (c) has been dismissed from public service of Pakistan on grounds of inefficiency, misconduct, fraud or corruption; or
- (d) has been convicted of an offence of moral turpitude.

7. Removal from office.- (1) Subject to the provisions of sub-section (2), the Chairperson or a member may be removed from office on-

- (a) the grounds of misconduct;
- (b) any condition under section 6; or
- (c) a resolution passed for such removal by fifty percent of the total members of the Commission.

(2) No person shall be removed under sub-section (1) until-

- (a) the reasons in writing for the removal have been communicated to the person concerned by the Government;

- (b) he has been given an opportunity of submitting, against the communication under clause (a), a reply in writing within seven days of receipt of the communication from the Government; and
- (c) such person has been given an opportunity of being heard in person after submission of reply under clause (b).

8. Vacancy in office of the Chairperson or member.- If a vacancy occurs in the office of the Chairperson or of any member, whether by reason of death or resignation or removal under section 7, such vacancy shall be filled within a period of sixty days by making a fresh appointment in accordance with the provisions of this Act and the person so appointed shall hold office for the residual of the term of office of the Chairperson or member of whom the vacancy has arisen.

9. Acting Chairperson.- Where at any time the Chairperson is unable to perform his functions due to any reason, the Government may appoint acting Chairperson for performance of functions under this Act till the vacancy is filled on regular basis under this Act:

Provided that period of acting appointment shall not exceed four months.

10. Procedure for transaction of business.- (1) The Commission shall meet regularly at such time as the Chairperson thinks fit, but at least once in every quarter.

- (2) All decisions at a meeting shall be taken by majority:

Provided that in the case of equality of votes, the Chairperson or in his absence the person presiding shall have and can exercise a second or casting vote.

(3) If for any reason, the Chairperson is unable to attend a meeting of the Commission, any member chosen by the members present from amongst themselves at the meeting shall preside.

(4) Quorum of the meeting shall not be less than fifty percent of its total membership at the time of such meeting:

Provided that the fifty percent of ex-officio members are also present.

(5) In the event of a requisition signed and presented by one-fourth of the members, the Chairperson shall call a meeting of the Commission within seven days of such requisition, presented to the Chairperson.

11. Standing bodies and committees.- The Commission may from time to time appoint such standing bodies or committees from amongst its members as it may consider necessary to assist it in the performance of its functions and to discharge such of its functions as it may assign to them on such terms and conditions as may be prescribed by regulations.

12. Secretary, officers and other employees of the Commission.- (1) The Government shall appoint Secretary of the Commission on such terms and conditions as may be prescribed.

(2) The Secretary shall be responsible for proper administration of affairs of the Commission and its day-to-day management and shall exercise and discharge such other-powers and perform such other functions as may be prescribed.

(3) The Commission may appoint consultants, researchers, experts, advisers, officers and other staff members on such terms and conditions and criteria as may be prescribed.