

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

*to provide for constitution of the National Commission for Rights of Non-Muslims*

**WHEREAS** it is expedient to establish Commission for protection of and provide rights of Non-Muslims and provide for matters connected therewith and incidental thereto;

**1. Short Title and Commencement.** - (1) This Act may be called "the National Commission for Rights of Non-Muslims Act, 2021".

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(a) "Commission" means National Commission for Rights of Non-Muslims constituted under section 3 of this act;

(b) "Chairperson" means a person as appointed under section I of this act, and includes acting chairperson appointed under section 8 of this act;

(c) "Member" means a person selected by the Federal Government under section 5 of this act;

(d) "Secretary" means a person appointed under section 10 of this act;

(e) "Minority" refers to any religious community as defined in Article 260(3)(b) of the Constitution of Pakistan;

(f) "Government" means the Federal Government.

**The National Commission for Minority Rights**

**3. Establishment of the Commission.** - (1) The Government shall constitute a National Commission for Rights of Non-Muslims, to exercise the powers conferred upon, and functions assigned in this Act.

(2) The Commission shall consist of-

(a) Chairperson, who shall be a member of a minority community having demonstrable knowledge with experience of working on issues related minorities for not less than ten years;

(b) A Vice Chairman who shall be a member of a minority community having demonstrable knowledge with experience of working on issues related minorities shall be the members of the Commission;

(c) Ten renowned persons from the minority who contributed for the cause of minorities shall be the members of the Commission;

(d) Two members each from the Punjab, Sindh Provinces, and Khyber Pakhtunkhwa one each from Balochistan, Khyber Pakhtunkhwa, Azad Jammu and Kashmir, Gilgit-Baltistan, and Islamabad Capital Territory shall possess experience not less than five years of working on issues related to religious minorities;

(e) In addition to the Chairperson and members, there shall be a Secretary who shall not have the rights to vote;

(f) *Ex-officio* members representing all the Ministries related with the subject of

religious minorities, not below BPS-20, and who shall not have the right to vote;

(g) Chairperson of the National Human Rights Commission;

(h) Chairperson of the National Commission on the Status of Women.

(3) A member appointed under paragraph (c) of sub-section (2) shall be not less than thirty years of age, with a minimum working experience of five years on issues related to minority.

(4) Headquarter of the Commission shall be in Islamabad.

(5) The Commission shall be a body having perpetual succession and a common seal with power, among other, to acquire, hold and dispose of any property and shall sue and is used by the said name.

**4. Appointment of Chairperson.** - (1) The Government through a public notice shall invite suggestions for suitable persons for the appointment of the Chairperson and, after proper scrutiny, shall submit a list of those persons to the Prime Minister and the Leader of the Opposition in the National Assembly.

(2) The Prime Minister in consultation with the Leader of the Opposition shall forward three names for the Chairperson to the Parliamentary Committee of the National Assembly for hearing and confirmation of any person from the proposed names:

Provided that in case there is no consensus between the Prime Minister and the Leader of the Opposition, each shall forward separate list of three people each to the Parliamentary Committee.

(3) The Parliamentary Committee shall be constituted by the Speaker of the National Assembly and shall comprise 50 (fifty) percent members from the treasury benches and 50 (fifty) percent from the opposition parties, based on their strength in the Majlis-e-Shoora (Parliament), to be nominated by the respective Parliamentary Leaders:

Provided that the total strength of the Parliamentary Committee shall not exceed twelve members out of which one-third shall be from the Senate.

Provided further that half of these nominated persons shall belong to minority communities.

(4) The Parliamentary Committee shall regulate its own procedure for nominating the Chairman.

(5) The Parliamentary Committee shall forward the name of the nominee confirmed to the Prime Minister, who shall appoint the Chairperson accordingly.

(6) The Chairperson shall be thirty-five years or above.

**5. Appointment of Members.** - (1) The *ex-officio* members shall be appointed by the Prime Minister.

(2) The other members shall be selected from amongst the names recommended under section 4 and with consultation of the Chairperson.

(3) Two members from the Punjab, two members from Sindh, two member from Khyber Pakhtunkhwa, one member from Balochistan, one from ICT, one from Azad Jammu and Kashmir and one from Gilgit-Baltistan shall be chosen.

(4) Half of the members of the commission shall be women.

(5) Two of the members shall be from the Christian community, one from the caste Hindu community, one from the Dalit community, one from the Sikh community, one from the Parsi or any other minority and four from the Muslim majority, meeting the selection criteria.

(6) A vacancy of a member shall be filled as provided in sub-section (1) within thirty days of the occurrence of the vacancy.

6. **Term of Office of Chairperson and of Members.** - (1) A person appointed as the Chairperson or a Member shall hold office for a term of three years from the date he or she enters into office. The term of office may be extended only once.

(2) The Chairperson or a Member may resign from office through a hand written letter addressed to the Prime Minister of the Islamic Republic of Pakistan and on acceptance of such resignation, such vacancy shall be filled within thirty days for the unexpired term of the member.

7. **Removal of Chairperson and members.**- The Chairperson and Members may be removed from office as prescribed in Article 209 of the Constitution of Pakistan:-

(a) after proper inquiry, found guilty of misconduct:

Provided that in the case of the Chairperson, such finding shall be submitted to the Parliamentary Committee for confirmation;

(b) if adjudged an insolent;

(c) if unfit to continue in office by reason of being mentally or physically challenged and stands so declared by a competent medical authority;

(d) if refuses to act or becomes incapable of acting;

(e) if without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission;

(f) if has, in the opinion of the Federal Government, so abused the position of Chairpersonship, 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.

(g) if has, on conviction of any offence involving moral turpitude been sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his/her release.

8. **Acting Chairperson.**- By reason of vacancy in office of Chairperson due to death, illness, resignation or otherwise, the Prime Minister shall appoint a woman from amongst the members of the Commission to act as Chairperson for a period of not exceeding thirty days or until the appointment of a new Chairperson, whichever is earlier.

9. **Terms and conditions as applicable to Chairperson and Members.** - (1) The traveling daily allowance and other allowances payable to and terms and conditions as applicable to members, other than *ex-officio* members, is prescribed as follows:

(a) The Chairperson of the Commission shall be full-time, shall have the status equivalent to a Minister of State of the Federal Government;

(b) The Members of the Commission shall be full-time, shall have the status of basic-pay scale 20;

(c) The salary and allowances payable to and terms and conditions applicable to the Chairperson and members shall be such as prescribed by the Government.

(2) The executive and financial authority and responsibility of the Commission shall vest in the Chairperson who shall be the overall in-charge of the Commission.

10. **Secretariat of the Commission.** - (1) There shall be a Secretariat of the Commission