

**NATIONAL ASSEMBLY SECRETARIAT**

**REPORT OF THE STANDING COMMITTEE ON INTERIOR ON THE RELIGIOUS SCHOLARS, ULEMA AND PESH IMAMS (PRAYERS LEADERS) BILL, 2017**

I, the Chairman of Standing Committee on Interior, have the honor to present this report on the Bill to provide for welfare of Religious Scholars, Ulema and Pesh Imams (Prayer Leaders) in the country and [The Religious Scholars, Ulema and Pesh Imams (Prayer Leaders) Welfare Act, 2017] (Private Member's Bills) referred to the Committee on 14<sup>th</sup> March, 2017.

2. The Committee consists of the following: -

1) <b>Rana Shamim Ahmad Khan</b>	<b>Chairman</b>
2) Syed Javed Ali Shah	Member
3) Mr. Ghalib Khan	Member
4) Dr. Ibadullah	Member
5) Sheikh Muhammad Akram	Member
6) Syed Iftikhar-ul-Hassan	Member
7) Makhdoomzada Basit Bokhari	Member
8) Mian Shahid Hussain Khan Bhatti	Member
9) Makhdoom Syed Ali Hassan Gillani	Member
10) Ms. Tahmina Daultana	Member
11) Mir Dostain Domki	Member
12) Mr. Nauman Islam Shaikh	Member
13) Mr. Ehsan-ur-Rehman Mazari	Member
14) Nawab Muhammad Yousuf Talpur	Member
15) Mr. Khial Zaman Orakzai	Member
16) Dr. Arif Alvi	Member
17) Kanwar Naveed Jameel	Member
18) Shaikh Salahuddin	Member
19) Ms. Naeema Kishwer Khan	Member
20) Mr. Sher Akber Khan	Member
21) Mr. Ahsan Iqbal, Minister for Interior	Ex-officio Member

3. The Committee considered the Bill placed at Annex-A in its meetings held on 02-05-2017, 12-05-2017, 19-07-2017 and 29-09-2017. The Committee recommends that the Bill placed at Annex-A may not be passed by the National Assembly.

Sd/-

**(TAHIR HUSSAIN)**

Secretary

Islamabad, the December 18, 2017

Sd/-

**(RANA SHAMIM AHMAD KHAN)**

Chairman

Standing Committee on Interior

**(AS REPORTED BY THE STANDING COMMITTEE)****A****BILL**

to provide for welfare of Religious Scholars, *Ulema* and *Pesh Imams* (Prayer Leaders) in the country.

WHEREAS it is expedient to provide for welfare of Religious Scholars, *Ulema* and *Pesh Imams* (Prayer Leaders) who are serving for the cause of Islam and Muslim *Ummah* by providing their services in Mosques, *Masjids*, *Hujrahs* and *Maddarasahs* or other religious places of different schools of thought of Muslims in the country and matters ancillary and relating thereto;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the Religious Scholars, *Ulema* and *Pesh Imams* (Prayer Leaders) Welfare Act, 2017.

- (2) It extends to the Islamabad Capital Territory.
- (3) It shall come into force at once.

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

- (a) "Board" means the Religious Scholars, *Ulema* and *Pesh Imams* Welfare Board established under this Act;
- (b) "Chairman" means the Chairman of the Board;
- (c) "Federal Government", for the purposes of this Act, means the Ministry of Religious Affairs and Interfaith Harmony;
- (d) "member" means the member of the Board;
- (e) "*Pesh Imam* (Prayer Leader)" means a person who is a *Pesh Imam* (Prayer Leader), *Khateeb*, *Moulvi*, *Imam* or whatever other nomenclature is used for the purpose of a person who is leading prayers in a mosque, *masjid*, *hujra* or any other place which is formally used for prayers by different schools of thought of Muslims irrespective of its nomenclature whatsoever and the word Muslim has the same connotation and meanings as defined in clause (3) of Article 260 of the Constitution of the Islamic Republic of Pakistan;
- (f) "Prescribed" means prescribed by rules or regulations, as the case may be;
- (g) "religious scholar, *aalim* or *Ulema*" means a person who is formally qualified in religious education from any recognized institution which is accepted as such recognized institution by the Federal Government or a Provincial Government or any other authority constituted and established for the purpose whether by the Federal Government or a Provincial Government, as the case may be;
- (h) "Secretary" means Secretary of the Board;
- (i) "welfare" includes all measures which are necessary to ensure commensurate and dignified social and economic well-being as well as other steps which are necessary

for enhancement and maintaining dignified social and economic status of the religious scholars, *Ulema* and *Pesh Imam*; and

(j) "Welfare Fund" means Religious Scholars, *Ulema* and *Pesh Imams* Welfare Fund.

3. **Establishment of Religious Scholars, *Ulema* and *Pesh Imams* Welfare Board.**- (1) On the commencement of this Act, the Religious Scholars, *Ulema* and *Pesh Imams* Welfare Board shall stand established for carrying out the purposes of this Act.

(2) The Board shall consist of –

- |     |   |                      |
|-----|---|----------------------|
| (a) | Minister for Religious Affairs and Interfaith Harmony   | Chairman             |
| (b) | A prominent member of the Board as designated by the Prime Minister in consultation with Minister for Religious Affairs | Vice Chairman        |
| (c) | One prominent Religious Scholar, <i>aalim</i> or <i>Pesh Imam</i> belonging to each Muslim sect.                        | Members              |
| (d) | Secretary, Finance Division   | Member               |
| (e) | Secretary, Ministry of Religious Affairs and Interfaith Harmony   | Member and Secretary |

(3) The headquarter of the Board shall be at Islamabad.

(4) The Board may establish its offices at provincial capitals.

(5) The Board shall be a body corporate with a seal having power to acquire, sell, possess, dispose of moveable and immovable properties and may sue and be sued in its name.

(6) The Federal Government shall nominate prominent Religious Scholars, *Ulema* or *Pesh Imams* belonging different Muslim schools of thought as members of the Board for a period of two year:

Provided that a member may resign from his membership at any time, in writing, addressing a letter to the Prime Minister:

Provided further that such resignation shall take effect after fifteen days of tendering of such resignation unless it is earlier accepted by the Prime Minister:

Provided also that for such vacancy a Religious Scholar, *aalim* or *Pesh Imam* of same school of religious thought shall be appointed for remaining period of term of such member.

(7) The members of the Board shall be offered remuneration for participation in meetings of the Board in addition to an allowance for travelling, lodging and boarding, etc.

(8) Notwithstanding anything contained in the foregoing provisions, the Federal Government has power to reconstitute the Board at any time if it is necessary and expedient.

(9) The Chairman shall chair the meetings of the Board.

(10) The Chairman may delegate any of its functions to the Vice Chairman in writing.

**4. Aims and objects of the Board.-** The Board shall-

- (a) undertake social, economic and other welfare measures for social and economic security and protection of religious scholars, *Ulema* and *Pesh Imams* in the country who are registered with the Board;
- (b) arrange funds for different social and economic welfare schemes for the welfare and enhancement of social status and dignity of religious scholars, *Ulema* and *Pesh Imams* by ensuring reasonable economic security to them in the country;
- (c) propose monthly *rr.ushairah* (maintenance allowance) of different categories of religious scholars, *Ulema* and *Pesh Imams*;
- (d) introduce and prepare scheme for performance of Hajj, Umrah, Ziaraat and in participation of different religious ceremonies at international level for such religious scholars, *Ulema* and *Pesh Imams* who are not possessing sufficient financial resources for the purpose;
- (e) promote Islamic way of life as provided in Article 31 and also make efforts for strengthening of bonds with Muslim world as provided in Article 40 of the Constitution of the Islamic Republic of Pakistan through exchange of delegations of religious scholars, *Ulema* and *Pesh Imams*;
- (f) approve appointments of all employees of the Board and other institutions established for welfare and protection of religious scholars, *Ulema* and *Pesh Imams*;
- (g) appoint committees to ascertain ways and means for carrying out welfare of religious scholars, *Ulema* and *Pesh Imams*;
- (h) make arrangements for well-being, health and scholarly advancement of religious scholars, *Ulema* and *Pesh Imams* in collaboration with well-known religious educational institutions of the world particularly in Muslim countries;
- (i) cooperate and collaborate with other social, economic and welfare organizations at national and international level;
- (j) make regulations for proper functioning of the Board including regulations for appointment of different categories of employees under the administrative control of the Board;
- (k) publish reports and other material for guidance and welfare of senior citizens; and
- (l) take all such other steps and adopt such measures which are necessary for social welfare, economic facilitation and protection of senior citizens permanent residents of Islamabad Capital Territory.

**5. Procedure and meetings of the Board.-** (1) The Board shall regulate procedure of its meetings by making regulations as prescribed.

(2) All meetings of the Board shall be presided over by its Chairman and in his absence the Vice Chairman and in his absence by any person as may be nominated by the Chairman in consultation with the Vice Chairman on his behalf and decisions of such meeting which may be presided over by a nominee on behalf of the Chairman shall be subject to confirmation and approval of the Chairman.

(3) All decisions of the Board shall be taken with consensus and in the absence of such consensus of simple majority of the total membership of the Board.

(4) The quorum for any meeting of the Board shall not be less than one-third of its total membership.

(5) The Board shall meet at least once during each quarter of the calendar year.

(6) Decisions of the Board shall be recorded by the Secretary of the Board who shall circulate such decisions for confirmation to each member and the Chairman within fifteen days of each meeting.

(7) Secretary of the Board shall be responsible for implementation of decisions of the Board under the direction, supervision and control of the Chairman.

(8) The Secretary shall report progress on implementation of each decision taken by the Board, to the Board, in the next following meeting of the Board.

6. **Secretary.**- (1) The Secretary shall be the head of the secretariat of the Board and perform his functions under the direction, control and supervision of the Chairman.

(2) The Chairman may delegate his powers to the Secretary as prescribed through rules.

(3) The Secretary shall be responsible for day to day administration and management of affairs of the Board and its employees and officers.

(4) The Secretary shall have the following powers and perform the following functions, namely:-

- (a) recommend the suitable persons for appointment to different posts created and maintained for the purposes of the Board and its other institutions as may be necessary for the approval of the Board;
- (b) identify the welfare activities and opportunities for religious scholars, *Ulema* and *Pesh Imams* at national and international level;
- (c) identify different facilities which are necessary for welfare of religious scholars, *Ulema* and *Pesh Imams* with complete feasibility reports and steps necessary for their provisions;
- (d) prepare plans and make proposals for achieving the aims and objects of the Act;
- (e) manage the Religious Scholars, *Ulema* and *Pesh Imams* Welfare Fund established for the purpose by the Board under the Act;
- (f) make recommendations to the Federal Government for welfare and social security of Religious Scholars, *Ulema* and *Pesh Imams*; and
- (g) take all other necessary steps which may be suitable for social and economic welfare, security and protection of Religious Scholars, *Ulema* and *Pesh Imams* from time to time.

7. **Religious Scholars, *Ulema* and *Pesh Imam Mushairah* or Allowance.**- (1) The Board shall determine a reasonable sum differently for different categories of Religious Scholars, *Ulema* and *Pesh Imam* as *Mushairah* or Maintenance Allowance which shall be paid on monthly basis from the Religious Scholars, *Ulema* and *Pesh Imams* Welfare Fund.

(2) The amount of Religious Scholars, *Ulema* and *Pesh Imams* Musharah shall be increased according to proportionate ratio of increase in salaries of the civil servants by the Federal Government, from time to time.

(3) The *Mushairah* admissible under sub-section (1) shall be payable throughout life of the Religious Scholar, *aalim* and *Pesh Imam*, as the case may be.

**8. Religious Scholars, *Ulema* and *Pesh Imams* Welfare Fund.-** (1) There shall be a Religious Scholars, *Ulema* and *Pesh Imams* Welfare Fund.

(2) The Fund shall be financed from the following sources, namely:-

- (a) grants made by the Federal Government;
- (b) grants received from Provincial Governments, public sector organizations or private sector organizations;
- (c) grants received from the Pakistan Bait-ul-Mal or any other organization of the Federal Government or any Provincial Government;
- (d) donations and endowments from national and international organizations;
- (e) profits on investments from the Fund;
- (f) funds generated through different investment schemes by investment of saved amounts from the Fund; and
- (g) funds received or contributed by any lawful source.

(3) The funds shall be kept in such custody and shall be utilized and regulated in such manner as may be approved by the Board, from time to time.

(4) The salaries and allowances of employees of the Board shall also be borne from the Fund.

(5) The accounts of the Board shall be maintained in such form and manner as may be prescribed and shall be audited by an auditor to be appointed by the Federal Government being a person who is a Chartered Accountant within the meaning of the Chartered Accountants Ordinance, 1961 (X of 1961).

(6) The Secretary shall, after the end of every financial year, submit to the Board an audited annual statement of accounts of the Board together with the report of the auditor.

**9. Report of the Board.-** The Secretary shall publish an annual report about the welfare activities, income, expenditure, funding, budget and other functions performed by the Board within three months after the end of each of the financial year.

**10. Personal liability.-** The Secretary shall be personally liable for utilization of Fund of the Board according to aims, objects and purposes of the Board.

**11. Power to make rules and regulations.-** (1) The Board may make rules for the purposes as prescribed.

(2) The Secretary, with previous approval of the Board, shall make regulations for the purposes of this Act within six months of the commencement of the Act and such regulations shall take effect after their publication in the official Gazette.

12. **Exemption.**- (1) The Religious Scholars, *Ulema* and *Pesh Imams* Welfare Fund shall be exempted from all kinds of taxation or levies under any law in force for the time being.

(2) No law relating to trade unions shall be applicable on employees of the Board.

(3) No suit, prosecution, or other legal proceedings shall lie against the Board, the Chairman or any member of the Board in respect of anything in good faith done or intended to be done under the Act or the rules and regulations made thereunder.

13. **Removal of difficulties.**- (1) If any difficulty arises in giving effect to any provision of the Act, the Federal Government may, by notification published in the official Gazette, may make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be appropriate or necessary for the purpose of removal of such difficulty.

(2) No power under sub-section (1) shall be exercised after two years of the commencement of this Act.

#### **STATEMENT OF OBJECTS AND REASONS**

Religious Scholars, *Ulema* and *Pesh Imams* are persons of dignity and respect as they are serving the cause of Islam through their concerted efforts in different ways. However, since the establishment of Pakistan, no steps have been taken for organization and strengthening of fraternity of Religious Scholars, *Ulema* and *Pesh Imams*. Religious Scholars, *Ulema* and *Pesh Imams* are devoting their whole lives for the prestige and upholding principles and beliefs of Islam instead of formal efforts for their livelihood. Certainly it is the responsibility of the Government of the Islamic Republic of Pakistan to ensure reasonable financial resources for a dignified and respectful living of Religious Scholars, *Ulema* and *Pesh Imams* so that they devote their lives for the service of Islam but also they will be free from all financial worries for their family members. Similarly, there are so many Religious Scholars, *Ulema* and *Pesh Imams* although they are serving the Islam and Muslim *Ummah* but they are not getting opportunity of *Hajj*, *Umrah* and other *Ziaraat* only due to unavailability of financial resources and it is the first right of Religious Scholars, *Ulema* and *Pesh Imams* to perform *Hajj*, *Umrah* or *Ziaraat* so that they may revive true spirit of Islam among people of Pakistan which is necessary for a true welfare and pious society.

(2) There is no doubt that panacea for all social, economic and other evils is in revival of true spirit of Islam so that our society may get rid of terrorism, corruption, social evils and other harmful practices which are not the part of Islamic way of life.

(3) A true Islamic way of life and strengthening of bonds with Muslim *Ummah* is also a constitutional obligation in addition to high profile objectives mentioned in the Preamble and

Objectives Resolutions as contained in Article 2A of the Constitution of the Islamic Republic of Pakistan.

(4) Economically well off and dignified social and economic life of Religious Scholars, *Ulema* and *Pesh Imams* will enhance the effectiveness of their role in our society with peace of mind.

(5) Therefore, it is necessary that State should realize its role and ensure a dignified and respectful place for Religious Scholars, *Ulema* and *Pesh Imams*.

6) Bill seeks to achieve the above-said aims and objects.

Sd/-

**Ms. Kishwer Zehra,**  
**Mr. Muhammad Salman Khan Baloch,**  
Members, National Assembly