

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A BILL

to provide for the establishment of Pakistan Minorities Rights Commission

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:-

CHAPTER I PRELIMINARY

1. Short title, extent and commencement:- (1) This Act may be called the Pakistan Minorities Rights Commission Act, 2016.

(2) It extends to the whole of the Pakistan.

(3) It shall come into force at once.

2. Definitions:- In this Act, unless anything repugnant, in the subject of the context:

“Chairperson” means chairperson of the Pakistan Minorities Rights Commission and includes any other member for the time being acting as chairperson.

“Commission” means Pakistan Minorities Rights Commission constituted under Section 3 of this Act.

“Government” means the Government of the Pakistan.

“Member” means member of the Commission.

“Minority” for the purposes of this Act, means a community notified as such by the Federal Government.

“Prescribed” means prescribed by rules made under this Act.

“Public Servant” means a public servant defined under section 21 of the Pakistan Penal Code (Act XLV of 1860).

“Secretary” means the Secretary of the Commission and includes any person for the time being performing the duties of the Secretary.

Chapter –II

THE PAKISTAN MINORITIES RIGHTS COMMISSION:

3. Constitution of the Commission:- (1) As soon as may be after the commencement of this Act, the Pakistan Government shall constitute a Commission to be known as the Pakistan Minorities Rights Commission to exercise the powers conferred on, and to perform the function assigned to it under this Act.

(2) Composition of the Commission.-

The Commission shall consist of:-

(a) a Chairperson, having demonstrated knowledge of, or practical experience in the matters of rights of minorities in particular and human rights in general. The Chairperson shall belong to the minority communities with at least 1 years of experience;

(b) eleven members nominated by the Government from amongst person of eminence, ability and integrity and having a demonstrate knowledge of, or 07 years practical experience in the matters of rights of minorities in particular and human rights in general:

Provided that 6 members including the Chairperson shall be from amongst the minority communities;

Provided further that out of total membership of the Commission, at least 33% 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. Appointment of Chairperson and Members.- (1) The Government shall, through public notice, invite suggestions for suitable persons for appointment as Chairperson and Members of the Commission and, after proper scrutiny, shall appoint the chairperson and Members.

(2) Subject to section 3, a member shall not be less than 35 years age.

5. Term of office and conditions of service of Chairperson and Members:- (1) The Chairperson and every member shall hold office for a term of four years from the date of assuming office.

(2) The Commission shall be a body corporate having perpetual succession and a common seal with powers, among other, to acquire, hold and dispose of any property and shall sue and be sued by the said name.

(3) The Chairperson or as the case may be, a member may, by writing under his hand resign from his office at any time.

(4) The Chairperson and a Member shall address his resignation to the Government and the Chairperson respectively.

(5) A vacancy caused under sub section (3) or otherwise shall be filled by fresh nomination.

(6) The salaries and allowances payable to and other terms and conditions of service of, the Chairperson and Members shall be such, as may be prescribed by the Government in consultation with the Commission.

(7) The Chairperson shall be full time employee of the Government Pakistan and members shall perform their duties on honorary basis.

(8)The Commission shall have its Headquarter in Islamabad, and may, in future, establish regional offices at divisional and district levels in all the provinces of the Pakistan.

6. Acting Chairperson:- At any time when the Chairperson is absent and unable to perform the duties of his office for any reason, or in the event of vacancy in Members of the Commission by reason of his death, resignation or otherwise, the Members of the Commission shall elect an Acting Chairperson from amongst themselves until the incumbent Chairperson resumes his office, or as the case may be, until the appointment of a new Chairperson to fill such vacancy which shall not exceed sixty days.

7. Officers and other employees of the Commission.- The 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.

8. Removal of Chairperson and Members.- The Chairperson and members may be removed from office on the grounds and in the manner provided in Article 209 of the Constitution of the Islamic Republic of Pakistan.

9. Procedure to be regulated by the Commission:- (1) The Commission shall regulate its own procedure.

(2) All orders and decisions of the Commission shall be authenticated by the Secretary.

(3) The decision of the Commission shall be taken by the majority of its members present and in case of equality of votes, the chairperson shall have casting vote.

CHAPTER III
FUNCTIONS OF THE COMMISSION

10. Functions of the Commission.- The Commission shall perform all or any of the following functions, namely.-

- (1) examine the policy, programmes and other measures taken by the Government on issues relating to equality of minorities, empowerment, protection, political participation, representation, education, assess implementation and make suitable recommendations to the concerned authorities;
- (2) review all laws, rules and regulations affecting the status and rights of minorities and suggest repeal, amendment or new legislation essential to eliminate discrimination;
- (3) safeguard and promote the interest and welfare of minorities and achieve equality before law in accordance with the Constitution and obligations under international covenants and commitments in consultation with the Foreign Affairs Division;
- (4) sponsor, steer, encourage research to generate information, analysis and studies and maintain a database relating to minorities and minority issues to provide knowledge and awareness for national policy and strategic action for empowerment and welfare of minorities;
- (5) make periodical or special reports to the Government on matters relating to issues faced by minorities;
- (6) undertake projects, research or programmes to raise the status of minorities in Pakistan which may include but not be limited to literacy, awareness, increased interaction, highlighting heroes of the minority community, eliminating hate material and speech etc.
- (7) develop and maintain interaction and dialogue with non-governmental organizations, experts and individuals in society and an active association with similar commissions and institutions in other countries for collaboration and action to achieve equality of minorities at all levels;
- (8) mobilize grants from domestic and international, including multi and bilateral agencies for meeting any of its obligations or performing its functions in consultation with the Finance and Interior Division;
- (9) facilitate and monitor implementation of international instruments and obligations affecting minorities to which Pakistan is a signatory;
- (10) coordinate or liaison with national minority rights commission over matters relating to international instruments
- (11) seek and receive information, data and documents from any Pakistan source or entity in the course of performance of its functions;
- (12) look into specific complaints of violations of the rights of minorities;
- (13) call for information or report from the Pakistan Government, civil society organizations and autonomous or concerned bodies; and in this regard the Commission shall have the powers vested in a civil court under the Code of Civil Procedure 1908 (Act V of 1908) for enforcing the attendance of any person and compelling the production of documents;
- (14) may in accordance with relevant laws and rules and prior permission of the Government concerned inspect any jail, sub-jail or other places of custody where persons of minorities are kept to make appropriate recommendations to the authorities concerned;