

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

Bill

to provide for establishment of a national Commission for minorities

WHEREAS in accordance with Article 144 of the constitution of the Islamic Republic of Pakistan, the Provincial Assembly of Khyber Pakhtunkhwa has passed resolution to the extent that the Majlis-e-Shoora (Parliament) may by law constitute a national Commission for minorities;

WHEREAS it is expedient to provide for constitution of a national Commission for minorities to safeguard and promote social, economic, political and legal rights and interests of non-Muslim, as provided for in the Constitution of the Islamic Republic of Pakistan, and in accordance with duly ratified applicable international instruments relating thereto;

AND WHEREAS it is necessary that in order to enable the national Commission for minorities to perform its functions effectively, it should be provided with sufficient resources and adequate powers to ensure its administrative and financial autonomy and to 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 shall be called the National Commission for Minorities Act, 2023.

(2) It extends to 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) "**Chairperson**" means the Chairperson of the Commission appointed under section 4;
- (b) "**Commission**" means the National Commission for Minorities constituted under section 3;
- (c) "**Fund**" means National Commission for Minorities Fund created under section 21;
- (d) "**Government**" means the appropriate Government; i.e. Federal or a Provincial Government, as the case may be;
- (e) "**human rights**" mean the fundamental rights as guaranteed in chapter 1 of Part II of the Constitution of the Islamic Republic of Pakistan;

- (f) "**member**" means a person appointed as member of the Commission by the Federal Government under this Act and includes Chairperson and Vice-Chairperson;
- (g) "**minorities** " shall have the same meaning as assigned to the non-Muslims in paragraph (b) of clause(3) of Article 260 of the Constitution;
- (h) "**minorities ' rights**" or "**rights of minorities** " including human rights in general, encompasses, subject to the Constitution of the Islamic Republic of Pakistan, special safeguards and protections provided by the law, including any affirmative measures and policy interventions to minorities , exercisable individually and collectively;
- (i) "**prescribed**" means prescribed by rules or regulations made under this Act;
- (j) "**President**" means the President of the Islamic Republic of Pakistan;
- (k) "**Prime Minister**" means the Prime Minister of the Islamic Republic of Pakistan;
- (l) "**public servant**" means a public servant as defined under section 21 of the Pakistan Penal Code (Act XLV of 1860);
- (m) "**regulations**" means the regulation made under this Act;
- (n) "**rules**" means rules made under this Act;
- (o) "**secretary**" means a person appointed as secretary under section 8;
- (p) "**staff**" includes secretary, officer, adviser, consultant, expert, intern and any other employee of the Commission; and
- (q) "**Vice-Chairperson**" means vice-chairperson of the Commission elected in accordance with the provisions of this Act.

Chapter II

The National Commission for Minorities

3. Constitution of the Commission.- (1) The Federal Government shall, by notification in the Official Gazette, constitute a Commission to be known as the National Commission for Minorities , to exercise its powers and perform its functions under this Act.

(2) The Commission shall consist of thirty members out of which eighteen shall be non-official members from different faiths and twelve shall be official members.

(3) The following shall be the non-official members, of the Commission, namely:-

- (a) four Christian members be taken from its different denominations,
- (b) six Hindu members;
- (c) two Sikh members;
- (d) one Parsi member;
- (e) one Kalash member;

- (f) one Baha'i member;
 - (g) one Buddhist member; and
 - (h) two Muslim members.
- (4) The following shall be ex-officio members of the Commission, namely: -
- (a) a representative not below the rank of an officer in BPS-20 or equivalent of the division to which business of interior stands allocated;
 - (b) a representative not below the rank of an officer in BPS-20 or equivalent of the division to which business of human rights stands allocated;
 - (c) a representative not below the rank of an officer in BPS-20 or equivalent of the division to which business of Law and Justice stands allocated;
 - (d) a representative not below the rank of an officer in BPS-20 or equivalent of the division to which business of Religious Affairs and Interfaith Harmony stands allocated;
 - (e) a representative not below the rank of an officer in BPS-20 or equivalent of the division to which business of Federal education stands allocated;
 - (f) Provincial secretaries of the departments to which business of human rights and minorities stands allocated;
 - (g) a representative not below the rank of an officer in BPS-20 or equivalent of the Council of Islamic Ideology;
 - (h) Chairman, Evacuee Trust Property Board; and
 - (i) Secretary, of the Commission.
- (5) Preferably at least one-third of the members of the Commission may be women:
- (6) The Commission shall be a body corporate, having perpetual succession and a common seal, with power to acquire and hold property both movable and immovable, and to enter into contracts, and shall by the said name sue and be sued.
- (7) The headquarters of the Commission shall be located at Islamabad. The Commission may set up sub-office or camp office at other places within Pakistan, as it may be deemed appropriate.

4. Appointment of Chairperson and members.- (1) No person shall be appointed as non-official member of the Commission, unless he –

- (a) is a citizen of Pakistan;