

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON RELIGIOUS AFFAIRS AND INTER-FAITH HARMONY ON "THE NATIONAL COMMISSION FOR MINORITIES BILL, 2023"

I, Chairman of the Standing Committee on Religious Affairs and Inter-Faith Harmony have the honour to present report on the Bill to provide for establishment of a national commission for minorities, [The National Commission for Minorities Bill, 2023] (Government Bill), referred to the Committee on 20th February 2023 and an identical Private Member's Bill moved by Dr. Ramesh Kumar Vankwani, MNA.

2. The Committee comprises the following members:

1)	Honourable Syed Imran Ahmad Shah	Chairman
2)	Honourable Choudhary Faqir Ahmed	Member
3)	Honourable Mr. Ehsan-ul-Haq Bajwa	Member
4)	Honourable Begum Tahira Bokhari	Member
5)	Honourable Ms. Shahnaz Saleem Malik	Member
6)	Honourable Ms. Seema Mohiuddin Jameeli	Member
7)	Honourable Mr. Kesoo Mal Khecal Das	Member
8)	Honourable Mr. Naveed Aamir Jeeva	Member
9)	Honourable Pir Syed Fazal Ali Shah Jillani	Member
10)	Honourable Ms. Shagufta Jumani	Member
11)	Honourable Mr. Muhammad Anwar	Member
12)	Honourable Ms. Shahida Akhtar Ali	Member
13)	Honourable Ms. Saira Bano	Member
14)	Honourable Prince Muhammad Nawaz Allai	Member
15)	Honourable Raja Riaz Ahmad	Member
16)	Honourable Senator Muhammad Talha Mahmood	Ex-officio Member
	<i>Minister for Religious Affairs and Inter-Faith Harmony</i>	

- Dr. Ramesh Kumar Vankwani, MNA Mover

3. The Committee considered the Bill as introduced in the Assembly, placed at Annex-'A', in its meetings held on 15th May 2023 and 2nd August 2023, and made the following amendments therein:-

1)

Section 3

- in sub-section (2), the word 'twenty-nine' shall be substituted by the word 'thirty'.
- in sub-section (2), the word 'seventeen' shall be substituted by the word 'eighteen'.
- in para (b) of sub-section (2), the word 'four' shall be substituted by the word 'five'.

- iv) in sub-section (4), the word 'official' shall be substituted by the word 'ex-officio'.

2)

Section 4

- i) in para (c) of sub-section (1), the word 'thirty' shall be substituted by the word 'thirty five'.
- ii) in sub-section (4), the table shall be replaced by the following:

1	Former Chief Justice of Supreme Court of Pakistan nominated by the Chief Justice of Pakistan	Chairman
2.	A prominent Member of Civil Society, nominated by Secretary Ministry of Human Rights with the consultation of Human Rights Commission of Pakistan (HRCPP)	Member
3.	Secretary, Ministry of Religious Affairs and Inter-Faith Harmony	Member / Secretary

- iii) in sub-section (6), the phrase, 'salaries, allowances' shall be omitted.
- iv) After sub-section (7), the following new sub-section shall be added, namely:
(8) The Federal Government shall initiate the process of establishment of new Commission at least three months before the termination of the term of existing Commission.

- 3) in para (a) of Section 22, the coma after the word fees and the word 'honorarium' shall be omitted.

4. The Committee recommends that the Bill as amended by the Committee placed at Annex-'B', may be passed by the Assembly.

Sd/-
(TAHIR HUSSAIN)
Secretary

Islamabad, the 3rd August 2023

Sd/-
(SYED IMRAN AHMAD SHAH)
Chairman
Standing Committee on Religious
Affairs and Inter-Faith Harmony

[AS INTRODUCED IN 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-Muslims, 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 that is to say 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-Muslim 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 twenty-nine members out of which seventeen shall be non-official members from different faiths and twelve shall be official members.

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

- (a) four Christian members to be taken from its different denominations;
- (b) four Hindu members out of which at least two must be taken from the scheduled or marginalized casts e.g. Kabootaray, Kohli, Megwar, Baghri, Bhail, Mali, Thukar, Mehasheri, etc.;
- (c) three 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 official 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 deem 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;
- (b) is a member of relevant faith mentioned in clauses (a) to (h) of sub section (3) of section 3;
- (c) is not less than thirty years of age;
- (d) is a person of integrity, eminent ability and good repute, in relation to his work;
- (e) is in possession of not less than ten years of demonstrable national or international working experience on human rights or minorities rights;
- (f) has not been dismissed, removed or given compulsory or directory retirement from service of Pakistan constitutional, statutory or corporate body on the grounds of corruption or any other form of misconduct; and
- (g) has not been adjudged as insolvent or his application for this purpose is not pending adjudication;
- (h) has not been by a competent court of law convicted for a criminal offence involving moral turpitude; or
- (i) has not been by a competent court of law declared as of unsound mind or insane.

(2) Notwithstanding any other provision of this Act, no person shall be appointed as Chairperson unless he fulfills the qualifications of sub-section (1) with the modification that he shall be from amongst the persons being minorities.

(3) The division to which business of this Act stands allocated shall, as soon as possible, but not later than thirty days of the commencement of this Act or a vacancy having occurred, invite nominations through public notice from the public for appointment as a member of the Commission.

(4) A selection panel comprising the following persons shall, after interviewing eligible candidates, recommend to the Federal Government a panel of three suitable persons in order of merit, against each vacancy of non-official members, namely:-

1.	a retired judge of a High Court;	<i>Convener</i>
2.	a representative not below the rank of an officer in BPS-21 or equivalent of the division to which business of human rights stands allocated;	<i>Member</i>
3.	a representative not below the rank of an officer in BPS-21 or equivalent of the division to which business of interior affairs stands allocated;	<i>Member</i>
4.	a representative not below the rank of an officer in BPS-21 or equivalent of the division to which business of law and justice stands allocated;	<i>Member</i>
5.	a representative not below the rank of an officer in BPS-21 or equivalent of the division to which business of this Act stands allocated.	<i>Member-cum-Secretary</i>

(5) The Federal Government shall appoint, from amongst the candidates recommended by the selection panel, a non-official member against each vacancy and shall also appoint a Chairperson from amongst the selected members, provided that the Chairperson shall be from minorities.

(6) The Chairperson and members of the Commission shall be entitled to such salaries, allowances, privileges and other terms and conditions as may be prescribed in the rules.

(7) The Commission shall, within fifteen days of its first meeting, elect from amongst its members a Vice-Chairperson who shall act in place of the Chairperson if he is unable to attend his duties:

Provided that the Chairperson and Vice-Chairperson shall not be from the same faith of the minorities community.

5. Term of office of Chairperson and members.— (1) The Chairperson and every member, other than official members, shall hold office for a term of three years extendable for a further term of three years, provided that Chairperson or a member, other than official members, shall not hold office for more than two terms.

(2) The Chairperson or a member may, at any time, resign from his office in writing under his hand addressed to the Federal Government through the division to which business of this Act stands allocated.

6. Vacancy in office of the Chairperson or a member.— If a vacancy occurs in the office of the Chairperson or of any member, whether by reason of death, resignation or removal, such vacancy shall

be filled within a period of sixty days by making a fresh appointment in accordance with the provisions of section 4 and the person so appointed shall hold the office for the residual of the term of office of the Chairperson or member of whom the vacancy has arisen.

7. Removal of the Chairperson or a member.— (1) The Government may remove a Chairperson, Vice Chairperson or a member, if he—

- (a) ceases to be a citizen of Pakistan;
- (b) becomes insolvent;
- (c) is guilty of misconduct or is convicted for an offence involving moral turpitude;
- (d) becomes of unsound mind or stands so declared by a competent medical board;
- (e) remains absent from four consecutive meetings of the Commission without obtaining leave of absence in writing; or
- (f) has, in the opinion of the Government, misused the position of the Chairperson, Vice Chairperson or member to render his continuance in office detrimental to the interests of minorities or the public interest.

(2) The Chairperson or a member shall not be removed unless he has been given opportunity of being heard in person by the selection panel as referred to in sub-section (2) of section 4.

8. Officers and staff of the Commission.— (1) The Federal Government shall in the prescribed manner appoint a secretary out of a panel of three officers recommended by the selection panel constituted under section 4.

(2) The secretary shall be an officer of the rank of BPS-20 or equivalent MP scale, having relevant qualifications and experience. The term of office of secretary shall be three years.

(3) The secretary shall be responsible for efficient implementation of all decisions and orders of the Commission, as well as for effective administration, management and supervision of the officers, employees and assets of the Commission.

(4) The Commission may, in the manner as may be prescribed by regulations and subject to its budgetary resources, appoint including to appoint by deputation such number of officers and employees including advisers, consultants and experts as it considers necessary.

(5) The Commission shall determine the eligibility criteria, salaries, allowances and other terms and conditions of service of its

officers and employees including advisers, consultants and experts in the manner prescribed by regulations.

9. Facilitation to the Commission.— All Federal and Provincial Governments, local agencies and executive authorities shall subject to such conditions, qualifications or restrictions as may be imposed by their respective governing statutes or any other law for the time being in force and subject to national and public interest, facilitate the Commission in discharge of its duties and performance of its functions.

CHAPTER III FUNCTIONS OF THE COMMISSION

10. Functions of the Commission.— The Commission shall perform the following functions, namely:—

- (a) assess and monitor implementation of the constitutional guarantees and safeguard for promotion and protection of rights of minorities ;
- (b) examine and review existing or proposed policies or programmes, plans of action, legislation, rules, regulations, administrative instruments, or other affirmative measures and recommend amendments, give advice or propose suggestion for prevention of discrimination and protection of rights of minorities ;
- (c) develop a national action plan for promotion and protection of rights of minorities;
- (d) study the application of international minorities' rights, agreements and conventions, and provide the Government with reports, proposals, or recommendations necessary for effective application of such rights, agreements and conventions;
- (e) establish and maintain database on complaints received concerning violation of rights of minorities or any such violations otherwise coming to notice of the Commission;
- (f) advise victims of the minorities' rights on applicable legal procedures and, where appropriate, assist them in pursuing their complaints with the relevant authorities;
- (g) ensure and monitor implementation of minorities' job quota in private and public sector organizations;
- (h) ensure and monitor the protection, rehabilitation and preservation of places of worship of minorities across Pakistan;

- (i) on an application presented to it by a victim or any person on his behalf or on a reference by Government or by the Supreme Court of Pakistan, a High Court or by itself, inquire into, or refer to a concerned agency for investigation or inquiry into allegations of-
 - (A) any violation of rights of minorities or abetment or aiding thereof by any organization, public or private, or any body, department, authority or instrumentality of any Federal, Provincial or local government; or
 - (B) any neglect or willful breach of any provision of law in the prevention of or fair and independent inquiry or investigation of such a violation by any person or authority;
- (j) subject to any relevant law, rules, regulations and policy, participate in proceedings involving violation of rights of minorities, before a civil society forum or police or a court, by becoming a party to such proceedings;
- (k) subject to any relevant law, rules, regulations and policy, a member of the Commission or any person authorized by it in this behalf may visit any police station, jail or any other place of detention under the control of the Government or its agencies, where convicts, under trial prisoners or detainees being minorities are lodged or detained to ascertain legality of such detention and recommend appropriate remedial measures to the concerned authorities, if so required;
- (l) sponsor, initiate, encourage and undertake studies, research and other necessary interventions for analysis of the issues faced by minorities, and make appropriate recommendations to the Government for empowerment, progress and development of these communities;
- (m) subject to any relevant law, rules, regulations and policy, seek and receive information, data and documents regarding minorities communities, from any source or entity in the course of performance of its functions;
- (n) organize consultations, dialogues and seminars, with civil society groups, actors and other similar institutions for promoting awareness on issues of minorities, institutional safeguard available for their protection and proposing a way forward to the Government in these matters;
- (o) monitor implementation status of minorities right, judgments and, where necessary, seek guidance and support of higher judiciary to effectively deal with any bottlenecks;

- (p) subject to the relevant law, rules, regulations and policy, recommend to the concerned authorities to remove any discriminatory, hate material or other divisive content appearing on social media, which is aimed at any minorities in Pakistan and to take appropriate action under the law against the publishers and creators of such material;
- (q) participate in local, regional and international forums concerned with the protection and promotion of rights of minorities;
- (r) closely work with the Federal and provincial organizations and agencies with the aim of ensuring discriminatory, hate material or other divisive content is removed and respect for minorities and interfaith harmony is promoted;
- (s) advise the Government and their relevant departments on promotion of religious tourism of minorities in Pakistan;
- (t) submit special reports to both Houses of the *Majlis-e-Shoora* (Parliament) through the Government on any matter pertaining to minorities and in particular the challenges encountered by them; and
- (u) carry out such other functions related or incidental to the above functions as the Commission may consider necessary for promotion and protection of the rights of minorities under this Act.

11. Advice of the Commission.— The Federal Government may refer to the Commission for opinion any issue deemed appropriate relating to the functions of the Commission.

12. Administrative and financial powers of the Commission.— (1) The Commission shall enjoy complete administrative and financial autonomy.

(2) The Commission shall have full powers to create, abolish, re-designate, up-grade or downgrade any post, provided that the expenditure is met with from within the allocated budget of the Commission.

(3) The Commission shall have full powers to reappropriate, in the manner as may be prescribed by regulations, funds from one head of account to another head of account and to sanction expenditure on any item from within the allocated budget.

(4) The Chairperson shall be the chief executive officer of the Commission and also its principal accounting officer.

13. Procedure of meetings of the Commission.- (1) The Commission shall regulate its own procedure in the manner prescribed by regulations.

(2) The Commission shall meet at least on quarterly basis or whenever a need so arises.

(3) Notice for the meeting either at the direction of the Chairperson or when so requested by one-third of the Commission's total strength shall be issued, along with agenda, at least ten days before the date of meeting.

(4) The quorum for meetings shall be one-half of the Commission's total existing strength, including any members joining through modern techniques like video link conferencing.

(5) No decision of the Commission shall be valid unless taken by a majority of the total members present and voting:

Provided that where an issue or matter pertains to a particular minority, no decision of the Commission shall be valid unless the members belonging to that minority community are part of the session of the Commission in which such a decision is taken.

(6) In the event of a tie, the person chairing the meeting shall have a casting vote.

(7) The Chairperson may invite to the Commission's meeting any persons whose opinion or experience he deems appropriate to seek concerning a matter brought before the Commission for discussion, decision or review. Any such person shall not be entitled to vote.

(8) All orders and decisions of the Commission shall be authenticated by the secretary or any other officer of the Commission duly authorized by the Chairperson in this behalf.

14. Vacancy not to invalidate proceedings of Commission.- No act or proceedings of the Commission shall be invalid merely by reason of existing of a vacancy in or defect in constitution of the Commission.

15. Executive committee of the Commission.- (1) The Commission shall constitute an executive committee comprising the Chairperson, two members and secretary of the Commission.

(2) The executive committee constituted under sub-section (1) shall perform such functions as may be assigned by the Commission.

16. Appointment of sub-committees of the Commission.-

(1) The Commission may constitute sub-committees comprising of its members and may refer to them any matter for consideration.

(2) The Commission may as it thinks fit constitute an expert or advisory committee, possessing a special knowledge, which shall fix an honorarium for services of the experts from the designated fund.

(3) The sub-committees constituted under sub-section (2) shall be need based and time bound.

**CHAPTER IV
POWERS OF THE COMMISSION**

17. Inquiry into complaints.- (1) The Commission, while inquiring into the complaints of violations of minorities' rights, may call for information or report from the Government or any other authority or organization subordinate thereto, within such time as may be specified by it:

Provided that if the information or report is not received within the time stipulated for the purpose, the Commission may proceed to inquire into the complaint on its own.

(2) Without prejudice to anything contained in sub-section (1), if the Commission considers it necessary, having regard to nature of the complaint, it may initiate an inquiry without calling for any information or report.

(3) If at any stage of the inquiry, the Commission-

- (a) considers it necessary to inquire into the conduct of any person; or
- (b) is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry,

it shall give to that person a reasonable opportunity of being heard and to produce evidence in his defence:

Provided that nothing in this sub-section shall apply where the credit of a witness is being impeached.

18. Powers of the Commission relating to inquiries.- (1) The Commission shall, while inquiring into complaints under this Act, have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely: -

- (a) summoning and enforcing the attendance of witnesses and examine them on oath;
- (b) requiring discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office; and
- (e) issuing commission for examination of witnesses or documents.

(2) The Commission shall have power to require any person, subject to any privilege which may be claimed by that person, to furnish information on such points or matters as, in opinion of the Commission, may be useful for or relevant to the subject matter of the inquiry.

(3) The Commission may take any of the following, amongst other, steps upon the completion of an inquiry held under this Act, namely:—

- (a) where the inquiry discloses violation of minorities' rights or negligence in prevention of violation of minorities' rights by a public servant, it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons;
- (b) recommend to the concerned Government or authority for the grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary;
- (c) provide a copy of the inquiry report to the accused and complainant or his representative;
- (d) the Commission shall send a copy of its inquiry report together with its recommendations to the concerned Government or authority which shall, within a period of one month or such further time as the Commission may allow, submit its reply indicating the action taken or proposed to be taken to implement the recommendations or reasons why these cannot or should not be implemented; or
- (e) the Commission shall publish its inquiry report together with its recommendations and the reply of the Government or authority thereto and place the same on its website.

19. Statement made to the Commission.— Any statement made by a person while giving evidence before the Commission shall not subject him to, or be used against him, in any civil or criminal proceedings except prosecution for giving false evidence.

20. Protecting witness identity.— Where the Commission considers it necessary to protect the identity of a person who has made a complaint or furnished or proposes to furnish information or produced or proposes to produce a document or given or proposes to give evidence or made or proposes to make a submission to the Commission or to a person acting for or on behalf of the Commission, it may give directions prohibiting the disclosure of the identity of such person:

Provided that if the Commission is satisfied that such person, his family, friends or associates are at risk of any kind of serious harm in the case of disclosure of his identity, it may give directions for their protection:

Provided further that such directions may, where appropriate, include directions for giving requisite physical protection, security of employment, protection of privacy and securing human rights of such person.

CHAPTER V FUNDS, FINANCE, ACCOUNTS AND AUDIT

21. National Commission for Minorities Fund.— (1) There shall be created a fund to be known as the National Commission for Minorities Fund which shall vest in the Commission and shall be used by the Commission to meet charges in connection with its functions under this Act.

(2) The following shall be the sources of the Fund, created under sub-section (1), namely:—

- (a) such annual grants as shall be allocated by the Government;
- (b) donations, contributions or grants made by the Provincial Governments;
- (c) donations, if any, made by private individuals, national and international institutions and other Governments; and
- (d) income from investment made by the Commission.

(3) There shall be a separate account maintained in a scheduled bank for meeting routine expenses of the Commission out of the Fund in the manner as may be prescribed in the regulations.

22. Expenditure to be charged on the Fund.— The following expenditures shall be charged to the Fund, namely: -

- (a) expenditure lawfully incurred by the Commission, relating to remuneration of its members, employees, advisers and consultants, including legal fees, honorarium and other costs;
- (b) expenses, costs or expenditure incurred or accepted by the Commission in performance of its functions or in exercise of its powers under this Act;
- (c) purchasing or hiring of accommodation, equipment, machinery, repair and maintenance thereof and any other work or undertaking in the course of performance of its functions or in the exercise of its powers under this Act; and
- (d) repayment of any financial liabilities.

23. Accounts and audit.— (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such a form as may be prescribed in accordance with the provisions of Articles 169 and 170 of the Constitution.

(2) The accounts of the Commission shall be audited by the Auditor-General at such intervals as may be specified by him.

(3) The Auditor-General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with the audit of Government's accounts and in particular shall have the right to demand the production of books, accounts, connected vouchers, other related documents and papers, and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Federal Government by the Commission, and the Federal Government shall cause the audit report to be laid, as soon as may be after it is received, before both Houses of the *Majlis-e-Shoora* (Parliament).

CHAPTER VI MISCELLANEOUS

24. Annual and other reports.— (1) The Commission shall, by end of September each year, prepare an annual report giving a true and

full account of the Commission's activities during the previous financial year along with any recommendations.

(2) The Chairperson shall present the annual report to the President. The Commission shall simultaneously forward copies of the report to the Government.

(3) The Commission may at any time prepare special reports on any matters which in its opinion are of particular urgency or importance.

(4) The Federal Government shall, within three months of receipt of annual report and within one month of receipt of any special report, cause these reports to be laid before both Houses of the *Majlis-e-Shoora* (Parliament) along with a memorandum indicating the action taken or proposed to be taken on the recommendations of the Commission and reasons for non-implementation of the recommendations, if any.

(5) In case of non-acceptance of any recommendations, the Federal Government shall inform the Commission of its reasons thereof.

(6) The Commission shall, after presentation to the President under sub-section (2), place the annual report and special reports on its official website for information of general public.

25. Chairperson, members and employees of the Commission to be public servants.— The Chairperson, members and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

26. Returns or information.— The Commission shall furnish to the Federal Government such returns or other information with respect to its activities as the Federal Government may, from time to time, require.

27. Delegation of powers.— The Commission may, by notification in the official Gazette, delegate such of its powers as deemed necessary to a standing committee or a member.

28. Indemnity.— No civil, criminal or any other proceedings shall lie against the Commission, Chairperson, Vice-chairperson, member or employee or any other person of the Commission for anything which is done, or intended to have been done, in good faith, in pursuance of this Act or the rules or regulations made thereunder or by or under the authority of the Commission.

29. Power to make rules.— (1) The Commission may, with the approval of the Federal Government, make rules for carrying out the purposes of this Act in respect of its external matters.

30. Power to make regulations.— (1) The Commission may, by notification in the official Gazette, make regulations for the conduct of its internal business, including efficiently and effectively organizing and managing its resources and its administrative, operational and other functions under this Act.

(2) In particular and without prejudice to generality of the foregoing powers, the regulations may provide for all or any of the following matters, namely:—

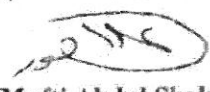
- (a) salary, allowances, status, privileges and other terms and conditions of service of the members appointed under section 4;
- (b) terms and conditions of the administrative and technical staff and the salaries and allowances of officers and other staff appointed under section 8;
- (c) the form in which the annual statement of accounts is to be prepared under section 24; and
- (d) any other matter which has to be, or may be, prescribed by regulations under this Act.

31. Act to have overriding effect.— The provisions of this Act shall have effect notwithstanding anything contrary contained in any other law for the time being in force.

32. Power to remove difficulties.— If a difficulty arises in giving effect to any provision of this Act, the Federal Government may by order in writing published in the official Gazette, make such provision as may appear to it to be necessary for removing the difficulty.

STATEMENT OF OBJECTS AND REASONS

- (1) Whereas all citizens are equal before law and entitled to equal protection of law according to the Constitution of Pakistan, 1973.
- (2) Whereas the state is bound to promote respect of Religious Diversity and create favorable conditions in which followers of Minority Religions are enabled to freely practice, express and develop their own culture as it is guaranteed in the Constitution of Pakistan, 1973.
- (3) Whereas the Islamic Republic of Pakistan is a state party to various International Instruments on Human Rights, including the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities of the United Nations which require measures for the protection of the Religious Minorities and their promotion.
- (4) Whereas the state is committed to protect, empower and develop underrepresented Communities, including Religious Minorities, to ensure their effective participation in economic, political and public life.
- (5) Whereas, the Supreme Court of Pakistan, in a judgment dated 19.06.2014 in Suo Moto Case No. 1 of 2014, on the protection of Minorities, has directed that Federal Government should constitute a statutory body for monitoring and making appropriate recommendation for realization of the constitutional and legal safeguards guaranteed to the religious minorities under the constitution and the law; and
- (6) Whereas, in pursuance of Article of 144 of the Constitution of Islamic Republic of Pakistan, the provincial Assembly of Khyber Pakhtunkhwa in its sitting held on 06.08.2021 has unanimously passed Resolution No. 1186 which resolves that Majlis-e-Shoora (Parliament), may by Law establish National Commission for Minorities;
- (7) Now therefore, the instant Bill, titled the "National Commission for Minorities Act, 2022", is placed before this House for consideration and approval.


Mufti Abdul Shakoore
Federal Minister

[AS REPORTED BY THE COMMITTEE]

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) five Hindu members out of which, at least two must be taken from the scheduled or marginalized casts e.g. Kabootaray, Kohli, Megwar, Baghri, Bhail, Mali, Thukar, Mehasheri etc.;

- (c) three 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 with in Pakistan, as it may be deem 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;
- (b) is a member of relevant faith mentioned in clauses (a) to (h) of sub section (3) of section 3;
- (c) is not less than thirty five years of age;
- (d) is a person of integrity, eminent ability and good repute, in relation to his work;
- (e) is in possession of not less than ten years of demonstrable national or International working experience on human rights or minorities rights;
- (f) has not been dismissed, removed or given compulsory or directory retirement from service of Pakistan constitutional, statutory or corporate body on the grounds of corruption or any other form of misconduct; and
- (g) has not been adjudged as insolvent or his application for this purpose is not pending adjudication;
- (h) has not been by a competent court of law convicted for a criminal offence involving moral turpitude; or
- (i) has not been by a competent court of law declared as of unsound mind or insane.

(2) Notwithstanding any other provision of this Act, no person shall be appointed as Chairperson unless he fulfills the qualifications of sub-section (1) with the modification that he shall be from amongst the persons being minorities.

(3) The division to which business of this Act stands allocated shall, as soon as possible, but not later than thirty days of the commencement of this Act or a vacancy having occurred, invite nominations through public notice, from the public for appointment as a member of the Commission.

(4) A selection panel comprising the following persons shall, after interviewing eligible candidates, recommend to the Federal Government a panel of three suitable persons in order of merit, against each vacancy of non-official members, namely:-

1	Former Chief Justice of Supreme Court of Pakistan nominated by the Chief Justice of Pakistan	Chairman
2.	A prominent Member of Civil Society, nominated by Secretary Ministry of Human Rights with the consultation of Human Rights Commission of Pakistan (HRCP)	Member
3.	Secretary, Ministry of Religious Affairs and Inter-Faith Harmony	Member / Secretary

(5) The Federal Government shall, appoint, from amongst the candidates recommended by the selection panel, a non-official member against each vacancy and shall also appoint a Chairperson from amongst the selected members provided that the Chairperson shall be from minorities.

(6) The Chairperson and members of the Commission shall be entitled to such, privileges and other terms and conditions as may be prescribed in the rules.

(7) The Commission shall, within fifteen days of its first meeting, elect from amongst its members a Vice-Chairperson who shall act in place of the Chairperson if he is unable to attend his duties:

Provided that the Chairperson and Vice-Chairperson shall not be from the same faith of the minorities community.

(8) The Federal Government shall initiate the process of establishment of new Commission at least three months before the termination of the term of existing Commission.

5. Term of office of Chairperson and Members.- (1) The Chairperson and every member, other than official members, shall hold the office for a term of three years extendable for a further term of three years, provided that Chairperson or a member, other than official members, shall not hold office for more than two terms.

(2) The Chairperson or a member may, at any time, resign from his office in writing under his hand addressed to the Federal Government through the division to which business of this Act stands allocated.

6. Vacancy in office of the Chairperson or a member.- If a vacancy occurs in the office of the Chairperson or of any member, whether by reason of death, resignation or removal, such vacancy shall be filled within a period of sixty days by making a fresh appointment in accordance with the provisions of section 4 and the person so appointed shall hold the office for the residual of the term of office of the Chairperson or member of whom the vacancy has arisen.

7. Removal of the Chairperson or a member.- (1) The Government may remove a Chairperson, Vice Chairperson or a member if he:-

- (a) ceases to be a citizen of Pakistan;
- (b) becomes insolvent;
- (c) is guilty of misconduct or is convicted for an offence involving moral turpitude;
- (d) becomes of unsound mind or stands so declared by a competent medical board;

(e) remains absent from four consecutive meetings of the Commission without obtaining leave of absence in writing; or

(f) has, in the opinion of the Government, misused the position of the Chairperson, Vice Chairperson or member to render his continuance in office detrimental to the interests of minorities or the public interest.

(2) The Chairperson, or a member shall not be removed unless he has been given opportunity of being heard in person by the selection panel as referred to in sub-section (2) of section (4).

8. Officers and staff of the Commission.- (1) The Federal Government shall in the prescribed manner appoint a secretary out of a panel of three officers recommended by the selection panel constituted under section 4.

(2) The secretary shall be an officer of the rank of BPS-20 or equivalent MP scale, having relevant qualification and experience. The term of office of secretary shall be three years.

(3) The secretary shall be responsible for efficient implementation of all decisions and orders of the Commission, as well as for effective administration, management and supervision of the officers, employees and assets of the Commission.

(4) The Commission may, in the manner as may be prescribed by regulations and subject to its budgetary resources, appoint including to appoint by deputation such number of officers and employees including advisers, consultants and experts as it considers necessary.

(5) The Commission shall determine the eligibility criteria, salaries, allowances and other terms and conditions of service of its officers and employees including advisers, consultants and experts in the manner prescribed by regulation.

9. Facilitation Board to the Commission.- (1) All Federal and Provincial Governments, local agencies and executive authorities shall subject to such conditions, qualifications or restrictions as may be imposed by their respective governing statutes or any other law for the time being in force and subject to national and public interest, facilitate the Commission in discharge of its duties and performance of its functions.

CHAPTER-III FUNCTIONS OF THE COMMISSION

10. Functions of the Commission.- The Commission shall perform the following functions, namely:-

(a) assess and monitor implementation of the constitutional guarantees and safeguard for promotion and protection of rights of minorities ;

(b) examine and review existing or proposed policies or programmes, plans of action, legislation, rules, regulations, administrative instruments, or other affirmative measures and recommend amendments, give advice or propose suggestion for prevention of discrimination and protection of rights of minorities ;

(c) develop a national action plan for promotion and protection of rights of minorities ;

(d) study the application of international minorities' rights, agreements and conventions, and provide the Government with reports, proposals, or recommendations necessary for effective application of such rights/agreements and conventions;

(e) establish and maintain database on complaints received concerning violation of rights of minorities or any such violations otherwise coming to notice of the Commission;

(f) advise victims the minorities' rights on applicable legal procedures and, where appropriate, assist them in pursuing their complaints with the relevant authorities;

(g) ensure and monitor implementation of minorities' job quota in private and public sector organizations;

(h) ensure and monitor the protection, rehabilitation and preservation of places of worship of minorities across Pakistan;

(i) on an application presented to it by a victim or any person on his behalf or on a reference by Government or by the Supreme Court of Pakistan, a High Court or by itself, inquire into, or refer to a concerned agency for investigation or inquiry into allegations of -

(A) any violation of rights of minorities or abetment or aiding thereof by any organization, public or private, or any body, department, authority or instrumentality of any Federal, Provincial or local government; or

(B) any neglect or willful breach of any provision of law in the prevention of or fair and independent inquiry or investigation of such a violation by any person or authority;

(j) subject to any relevant law, rules, regulations and policy, participate in proceedings involving violation of rights of minorities, before a civil society forum or police or a court, by becoming a party to such proceedings;

(k) subject to any relevant law, rules, regulations and policy, a member of the Commission or any person authorized by it may visit any police station, jail or any other place of detention under the control of the Government or its agencies, where convicts, under trial prisoners, or detainees being minorities are lodged or detained to

ascertain legality of such detention and recommend appropriate remedial measures to the concerned authorities, if so required;

(l) sponsor, initiate, encourage and undertake studies, research and other necessary interventions for analysis of the issues faced by minorities , and make appropriate recommendations to the Government for empowerment, progress and development of these communities;

(m) subject to any relevant law, rules, regulations and policy, seek and receive information, data and documents regarding minorities communities, from any source or entity in the course of performance of its functions;

(n) organize consultations, dialogues and seminars, with civil society groups, actors and other similar institutions for promoting awareness on issues of minorities, institutional safeguard available for their protection and proposing a way forward to the Government in these matters;

(o) monitor implementation status of minorities right, judgments and, where necessary, seek guidance and support of higher judiciary to effectively deal with any bottlenecks;

(p) subject to the relevant law, rules, regulations and policy, recommend to the concerned authorities to remove any discriminatory, hate material or other divisive content appearing on social media, which is aimed at any minorities in Pakistan and to take appropriate action under the law against the publishers and creators of such material;

(q) participate in local, regional and international forums concerned with the protection and promotion of rights of minorities;

(r) closely work with the Federal and provincial organizations and agencies with the aim of ensuring discriminatory, hate material or other divisive content is removed and respect for minorities and interfaith harmony is promoted;

(s) advise the Government and their relevant departments on promotion of religious tourism of minorities in Pakistan;

(t) submit special reports to both Houses of the Majlis-e-Shoora (Parliament) through the Government on any matter pertaining to minorities and in particular the challenges encountered by them; and

(u) carry out such other functions related or incidental to the above functions as the Commission may consider necessary for promotion and protection of the rights of minorities under this Act.

11. Advice of the Commission.- The Federal Government may refer to the Commission for opinion any issue deemed appropriate relating to the functions of the Commission.

12. Administrative and financial powers of the Commission.- (1) The Commission shall enjoy complete administrative and financial autonomy.

(2) The Commission shall have full powers to create new posts and abolish old posts, to change nomenclature and upgrade or downgrade any post provided the expenditure is met from within the allocated budget of the Commission.

(3) The Commission shall have full powers to appropriate, in the manner as may be prescribed by regulations, funds from one head of account to another head of account and to sanction expenditure on any item from within the allocated budget.

(4) The Chairperson shall be the chief executive officer of the Commission and also its principal accounting officer.

13. Procedure of meeting of the Commission.- (1) The Commission shall regulate its own procedure in the manner prescribed by regulations.

(2) The Commission shall meet at least on quarterly basis or whenever a need so arises.

(3) Notice for the meeting either at the direction of the Chairperson or when so requested by one-third of the Commission's total strength shall be issued, along with agenda, at least ten days before the date of meeting.

(4) The quorum for meetings shall be one-half of the Commission's total existing strength, including any members joining through modern techniques like video link conferencing.

(5) No decision of the Commission shall be valid unless taken by a majority of the total members present and voting:

Provided that where an issue or matter pertains to a particular minority, no decision of the Commission shall be valid unless the members belonging to that minority community are part of the session of the Commission in which such a decision is taken.

(6) In the event of a tie, the person chairing the meeting shall have a casting vote.

(7) The Chairperson may invite to the Commission's meeting any persons whose opinion or experience he deems appropriate to seek concerning a matter brought before the Commission for discussion, decision or review. Any such person shall not be entitled to vote.

(8) All orders and decisions of the Commission shall be authenticated by the Secretary or any other officer of the Commission duly authorized by the Chairperson in this behalf.

14. Vacancy not to invalidate proceedings of Commission.-No act or proceedings of the Commission shall be invalid merely by reason of existing of a vacancy in or defect in constitution of the Commission.

15. Executive committee of the Commission.- (1) The Commission shall constitute an executive committee comprising the Chairperson, two members and Secretary of the Commission.

(2) The executive committee constituted under sub-section (1) shall perform such functions as may be assigned by the Commission.

16. Appointment of sub-committees of the Commission.- (1) The Commission may constitute sub-committees comprising of its members and may refer to them any matter for consideration.

(2) The Commission may as it thinks fit constitute an expert or advisory committee, possessing a special knowledge, which shall fix an honorarium for services of the experts from the designated fund.

(3) The sub-committees constituted under sub-section (2) shall be need based and time bound.

CHAPTER-IV POWERS OF THE COMMISSION

17. Inquiry into complaints.- (1) The Commission, while inquiring into the complaints of violations of minorities' rights, may call for information or report from the Government or any other authority or organization subordinate thereto, within such time as may be specified by it:

Provided that if the information or report is not received within the time stipulated for the purpose, the Commission may proceed to inquire into the complaint on its own.

(2) Without prejudice to anything contained in sub-section (1), if the Commission considers it necessary, having regard to nature of the complaint, it may initiate an inquiry without calling for any information or report.

(3) If at any stage of the inquiry, the Commission-

(a) considers it necessary to inquire into the conduct of any person; or

(b) is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry,

it shall give to that person a reasonable opportunity of being heard and to produce evidence in his defence:

Provided that nothing in this sub-section shall apply where the credit of a witness is being impeached.

18. Powers of the Commission relating to inquiries.- (1) The Commission shall, while inquiring into complaints under this Act, have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely: -

- (a) summoning and enforcing the attendance of witnesses and examine them on oath;
- (b) requiring discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office; and
- (e) issuing Commission for examination of witnesses or documents.

(2) The Commission shall have power to require any person, subject to any privilege which may be claimed by that person, to furnish information on such points or matters as, in opinion of the Commission, may be useful for or relevant to the subject matter of the inquiry.

(3) The Commission may take any of the following, amongst other, steps upon the completion of an inquiry held under this Act, namely: -

- (a) where the inquiry discloses violation of minorities' rights or negligence in prevention of violation of minorities' rights by a public servant, it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons;
- (b) recommend to the concerned Government or authority for the grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary;
- (c) provide a copy of the inquiry report to the accused and complainant or his representative;
- (d) the Commission shall send a copy of its inquiry report together with its recommendations to the concerned Government or authority which shall, within a period of one month or such further time as the Commission may allow, submit its reply indicating the action taken or proposed to be taken to implement the recommendations or reasons why these cannot or should not be implemented; or
- (e) the Commission shall publish its inquiry report together with its recommendations and the reply of the Government or authority thereto, and place the same on its website.

19. Statement made to the Commission.- Any statement made by a person while giving evidence before the Commission shall not subject him to, or be used against him, in any civil or criminal proceeding except prosecution for giving false evidence.

20. Protecting witness identity. - Where the Commission considers it necessary to protect the identity of a person who has made a complaint or furnished or proposes to furnish information or produced or proposes to produce a document or given or proposes to give evidence or made or proposes to make a submission to the Commission or to a person acting for or on behalf of the Commission, it may give directions prohibiting the disclosure of the identity of such person:

Provided that if the Commission is satisfied that such person, his family, friends or associates are at risk of any kind of serious harm in the case of disclosure of his identity, it may give directions for their protection:

Provided further that such directions may, where appropriate, include directions for giving requisite physical protection, security of employment, protection of privacy and securing human rights of such person.

CHAPTER-V

FUNDS, FINANCE, ACCOUNTS AND AUDIT

21. National Commission for Minorities Fund.- (1) There shall be created a fund to be known as the National Commission for Minorities Fund which shall vest in the Commission and shall be used by the Commission to meet charges in connection with its functions under this Act.

(2) The following shall be the sources of the Fund, created under sub-section (1) namely: -

- (a) such annual grants as shall be allocated by the Government;
- (b) donations, contributions or grants made by the Provincial Governments;
- (c) donations, if any, made by private individuals, national and international institutions and other Governments; and
- (d) income from investment made by the Commission.

(3) There shall be a separate account maintained at a scheduled bank for meeting routine expenses of the Commission out of the Fund in the manner as may be prescribed in the regulations.

22. Expenditure to be charged on the Fund.- The following expenditures shall be charged to the Fund, namely: -

- (a) expenditure lawfully incurred by the Commission, relating to remuneration of its members, employees, advisers and consultants, including legal fees and other costs;
- (b) expenses, costs or expenditure incurred or accepted by the Commission in performance of its functions or in exercise of its powers under this Act;

(c) purchasing or hiring of accommodation, equipment, machinery, repair and maintenance thereof and any other work or undertaking in the course of performance of its functions or in the exercise of its powers under this Act; and

(d) repayment of any financial liabilities.

23. Accounts and audit.- (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such a form may be prescribed in accordance with the provision of Articles 169 and 170 of the Constitution.

(2) The accounts of the Commission shall be audited by the Auditor-General at such intervals as may be specified by him.

(3) The Auditor-General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with the audit of Government's accounts and in particular shall have the right to demand the production of books, accounts, connected vouchers, other related documents and papers, and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Federal Government by the Commission, and the Federal Government shall cause the audit report to be laid, as soon as may be after it is received, before both Houses of the Majlis-e-Shoora (Parliament).

CHAPTER-VI MISCELLANEOUS

24. Annual and other reports.- (1) The Commission shall, by end of September each year, prepare an annual report giving a true and full account of the Commission's activities during the previous financial year along with any recommendations.

(2) The Chairperson shall present the annual report to the President. The Commission shall simultaneously forward copies of the report to the Government.

(3) The Commission may at any time prepare special reports on any matters which in its opinion are of particular urgency or importance.

(4) The Federal Government shall, within three months of receipt of annual report and within one month of receipt of any special report, cause these reports to be laid before the Majlis-e-Shoora (Parliament) along with a memorandum indicating the action taken or proposed to be taken on the recommendations of the Commission and reasons for non-implementation of the recommendations, if any.

(5) In case of non-acceptance of any recommendations, the Federal Government shall inform the Commission of its reasons thereof.

(6) The Commission shall, after presentation to the President under sub-section (2), place the annual report and special reports on its official website for information of general public.

25. Chairperson, members and employees of the Commission to be public servants. – The Chairperson, members and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

26. Returns or information. – The Commission shall furnish to the Federal Government such returns or other information with respect to its activities as the Federal Government may, from time to time, require.

27. Delegation of powers. – The Commission may, by notification in the official Gazette, delegate such of its powers as deemed necessary to a Standing Committee or a Member.

28. Indemnity. – No civil, criminal or any other proceeding shall lie against the Commission, Chairperson, Vice-chairperson, Member or employee of the Commission for anything which is done in good faith, in pursuance of this Act or the rules or regulations made thereunder or by or under the authority of the Commission.

29. Power to make rules. – (1) The Commission may, with the approval of the Federal Government, make rules for carrying out the purposes of this Act in respect of its external matters.

30. Powers to make Regulations. – (1) The Commission may, by notification in the official Gazette, make regulations for the conduct of its internal business, including efficiently and effectively organizing and managing its resources and its administrative, operational and other functions under this Act.

(2) In particular and without prejudice to generality of the foregoing powers, the regulations may provide for all or any of the following matters, namely:–

- (a) salary, allowances, status, privileges and other terms and conditions of service of the members appointed under section 4;
- (b) terms and conditions of the administrative and technical staff and the salaries and allowances of officers and other staff appointed under section 8;
- (c) the form in which the annual statement of accounts is to be prepared under section 24; and
- (d) any other matter which has to be, or may be, prescribed by regulations under this Act.

31. Act to have overriding effect. – The provisions of this Act shall have effect notwithstanding anything contrary contained in any other law for the time being in force.

32. Power to remove difficulties.- If a difficulty arises in giving effect to any provision of this Act, the Federal Government may by order in writing published in the official Gazette, make such provision as may appear to it to be necessary for removing the difficulty.

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- (1) Whereas all citizens are equal before law and entitled to equal protection of law according to the Constitution of Pakistan, 1973.
- (2) Whereas the state is bound to promote respect of Religious Diversity and create favorable conditions in which followers of Minority Religions are enabled to freely practice, express and develop their own culture as it is guaranteed in the Constitution of Pakistan, 1973.
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- (5) Whereas, the Supreme Court of Pakistan, in a judgment dated 19.06.2014 in Suo Moto Case No. 1 of 2014, on the protection of Minorities, has directed that Federal Government should constitute a statutory body for monitoring and making appropriate recommendation for realization of the constitutional and legal safeguards guaranteed to the religious minorities under the constitution and the law; and
- (6) Whereas, in pursuance of Article of 144 of the Constitution of Islamic Republic of Pakistan, the provincial Assembly of Khyber Pakhtunkhawa in its sitting held on 06.08.2021 has unanimously passed Resolution No. 1186 which resolves that Majlis-e-Shoora (Parliament), may by Law establish National Commission for Minorities;
- (7) Now therefore, the instant Bill, titled the "National Commission for Minorities Act, 2022", is placed before this House for consideration and approval.

Sd/-
Mufti Abdul Shakoor
Federal Minister