

As
[TO BE INTRODUCED IN THE SENATE]

A

BILL

to provide for protection of rights of the religious minorities

WHEREAS it is expedient to provide for the protection of the rights of the religious minorities and eradication of violence against them in Pakistan;

It is hereby enacted as follows:-

1. Short title, extent and commencement.— (1) This Act may be called the Protection of the Rights of Religious Minorities Act, 2020.

(2) It shall extend to whole of the Pakistan.

(3) It shall come into force at once.

2. Definitions.— In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them,-

- (a) **"Act"** means the Protection of the Rights of Religious Minorities Act, 2020;
- (b) **"Discrimination"** means unfair or unequal treatment of an individual or group in all fields of life, because of his religious belief;
- (c) **"Educational Curriculum"** includes the syllabus of the schools, colleges, universities or the other educational institutions being used for the purpose of learning and education;
- (d) **"Forced Conversions"** includes coercing, intimidating, forcing or threatening someone to leave one's religion or adopt a different religion;
- (e) **"Forced Marriages"** means coercing, intimidating, threatening or forcing someone to act under duress to marry against one's will and includes the marriage of the minors;
- (f) **"Freedom"** includes the freedom to profess one's religion and religious rituals, propagate one's religion, visit one's place of worship and all other fundamental freedoms ensured by the Constitution of the Islamic Republic of Pakistan.

- (g) "**Government**" means the Federal Government;
- (h) "**Guardian**" means the natural or legal guardian of the minors;
- (i) "**Hate Speech**" means public speech that expresses hate or encourages violence towards a person or a group;
- (j) "**Minor**" means the person defined as minor in the Guardians and Wards Act, 1890;
- (k) "**Offender**" means any person who, either by himself or as a member or leader of a group of persons or organization, commits or attempts to commit or abets or instigates or provokes the commission of violence under this Act;
- (l) "**Person**" includes both male and female;
- (m) "**Place of Worship**" includes the places where the religious minorities worship and associate religious sanctity to such places;
- (n) "**Religious Heritage**" includes the valuable objects and qualities such as historical buildings and cultural traditions that have been passed down from the previous generation to the present generation of a specific religious minority or hold a sentimental sanctity to specific religious minority;
- (o) "**Religious Minorities**" include Hindu, Christians, Parsis, Baha'is, Bhuddists and followers of any other religion not being the state religion; and
- (p) "**Violence**" includes an act which causes or may cause any harm, injury or endangering the life of any person because of his religious association with the meaning of this Act, or causing damage or loss to the property belonging to that person or causing damage to the place of worship.

3. Changes in Educational Curriculum.— Any material demeaning, humiliating or spreading hatred against any religious minority shall not be the part of educational curriculum. Any such material from the educational curriculum shall be abolished after the publication of this Act in the official gazette.

4. Prohibition of Forced Conversions.— The forced conversions of any group or individual of a religious minority shall be prohibited. In case of forced conversion, the victim shall be provided adequate assistance and protection from the government and the offender shall be punished with imprisonment which may extend to seven years or fine upto one hundred thousand rupees, or with both. The victim shall be paid the compensation by the offender as ordered by the court.

5. Prohibition of Inter-faith Forced Marriages and Minority Marriages.—(1) The interfaith forced marriages shall be prohibited under this law.

(2) In case of the inter-faith forced marriage of any minor belonging to a religious minority, the presumption shall be that the marriage is forced.

(3) The inter-faith forced marriage shall stand annulled.

(4) In case of inter-faith forced marriage the offender shall be punished with imprisonment which may extend to ten years or fine which shall not be less than five hundred thousand rupees or with both.

(5) The offender shall be punished with imprisonment which shall not be less than ten years and not more than fourteen years in case of inter-faith forced marriage of a minor and fine which shall extend to five hundred thousand rupees.

6. Freedom to Profess Religion and to manage Religious institutions.— The religious minorities shall enjoy their right to freedom as provided in the Constitution of the Islamic Republic of Pakistan.

7. Penalties.— The offences under this Act shall be punishable as under:

(i) **Penalty for Hate Speech:** Whoever commits the offense of hate speech shall be punished with an imprisonment which may extend to three years and fine which shall not be more than fifty thousand rupees.

(ii) **Penalty for Violence:** Whoever commits the offense of violence shall be punished with an imprisonment which shall not extend three years or fine which shall not be more than fifty thousand rupees, or with both.

- (iii) **Prohibition of discrimination:** whoever commits the offense of discrimination shall be punished with an imprisonment which shall not extend one year or fine which shall not be more than twenty five thousand rupees or with both.
- (iv) **Protection of the Religious Heritage:** The religious heritage of the religious minorities shall be maintained and protected by the government. Any offender doing any damage to the religious heritage shall be punished with an imprisonment which shall not be less than seven years and fine which may extend to fifty thousand rupees.

8. Complaint.— Any person aggrieved of any of the offenses mentioned in this Act may file a complaint with the police or directly submit it to the court.

9. Offenses to be cognizable and non-bailable.— All the offenses mentioned under this Act shall be cognizable and non-bailable.

10. Procedure.— The provisions of the Code of Criminal Procedure, 1898 shall mutatis mutandis apply to this Act for the conduct of proceedings in the court of law.

11. Offenses to be tried— All the offenses under this Act shall be tried by the Court of Sessions.

12. Implementation— The Minister-in-charge of the Federal Government shall ensure implementation of this Act.

13. Over-riding effect— In case of any law repugnant to said Act, this Act shall have the over-riding effect.

14. Power to make Rules— The Federal Government may make Rules for the implementation of this Act.

STATEMENT OF OBJECTS AND REASONS

The Constitution of Pakistan safeguards the rights of the religious minorities as reflected by the father of the nation Quaid-e-Azam Muhammad Ali Jinnah in his various speeches. The judgments of honourable Supreme Court of Pakistan in the case of church bombing in Peshawar had laid down the need of a law for the protection of the religious minorities. This Act is needed to implement the Constitution of Pakistan in its true letter and spirit.

**SENATOR MUHAMMAD JAVED ABBASI
MEMBER-IN-CHARGE**