

AN
ACT

to protect the properties of minority communities meant
for their communal use

Preamble.--- WHEREAS it is expedient to protect the properties of minority communities meant for their communal use;

It is hereby enacted as follows:

1. Short title, extent, commencement and application.--- (1) This Act may be called the Khyber Pakhtunkhwa Protection of Communal Properties of Minorities Act, 2014.

(2) It extends to the whole of the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

(4) It shall apply to properties belonging to the minority communities in the Province of the Khyber Pakhtunkhwa for their communal use.

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

(a) "Commission" means the Khyber Pakhtunkhwa Commission for Minorities Affairs;

(b) "Government" means the Government of the Khyber Pakhtunkhwa; and

(c) "Property" means places of worship, monasteries, seminaries, vicarages, dharamshalas, gaoshalas, burial places, community centers, social welfare, educational, health and recreational institution meant for communal use of minority communities and includes side buildings, vacant places, lands, residential places or offices annexed to the said properties.

3. Composition of Commission.--- (1) As soon as may be after the commencement of this Act, Government shall constitute a commission to be known as the Khyber Pakhtunkhwa Commission for Minorities Affairs comprising the following:

(a) Minister for Minorities Affairs
Khyber Pakhtunkhwa; Chairman

(b) Secretary to Government, Auqaf, Hajj,
Religious and Minorities Affairs Department,
Khyber Pakhtunkhwa; Member

(c) a representative of Home and Tribal Member

Affairs Department, not below the rank of Additional Secretary;

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| (d) | a representative of Law Parliamentary Affairs and Human Rights Department, not below the rank of Additional Secretary; | Member |
| (e) | a representative of Revenue and Estate Department, not below the rank of Additional Secretary; | Member |
| (f) | one Member of the Provincial Assembly belonging to Hindu Community to be nominated by Speaker of the Provincial Assembly; | Member |
| (g) | one Member of the Provincial Assembly belonging to Christian Community to be nominated by Speaker of the Provincial Assembly; and | Member |
| (h) | one representative of other minorities to be nominated by Government. | Member |

(2) The non-official member who is to be nominated by Government shall hold office for a term of three years and he shall be paid such honoraria as may be determined by Government for attending the meetings of the Commission.

(3) The meeting of the Commission shall be held in such place and in such a manner as may be prescribed.

4. Ban on sale or transfer of minority communities properties.--- (1) No property of a minority community meant for its communal use shall be bought, sold or transferred by any person without No Objection Certificate from Government:

Provided that nothing contained herein shall apply to a property bought, sold or transferred for a Housing Scheme, meant for a minority community, approved by Government.

(2) The No Objection Certificate referred to in sub-section (1), may be given by Government on the recommendations of the Khyber Pakhtunkhwa Commission for Minorities Affairs.

(3) For obtaining No Objection Certificate, application shall be made to the Secretary to Government of Khyber Pakhtunkhwa Auqaf Department, who shall process the same for obtaining the recommendations of the Commission thereon.

5. Act not to apply to evacuee trust properties.--- Nothing in this Act shall apply to the evacuee trust properties forming part of Trust Pool under the Evacuee

Trust Properties (Management and Disposal) Act 1975 (Act No. XIII of 1975).

6. Punishment.--- Whoever buys, sells or transfers any property belonging to a minority community meant for its communal use in violation of section 3, shall be punishable with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine which shall not be less than one hundred thousand rupees and such transaction of sale and transfer shall be of no legal effect.

7. Removal of difficulties.--- If any difficulty arises in giving effect to any of the provision of this Act, Government may make such order, not inconsistent with the provisions of this Act, as may deems necessary for the purpose of removing the difficulty.

8. Power to make rules.--- Government may, by notification in the official Gazette, make rules for carrying out the purpose of this Act.

9. Repeal and Savings.---The Protection of Communal Properties of Minorities Ordinance, 2001 (Ordinance No. V of 2002) is hereby repealed to the extent of the province of Khyber Pakhtunkhwa.

(2) Notwithstanding the aforesaid repeal, anything done, action taken, rules make and notification or order issued under the aforesaid Act, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done; taken, made or issued, appointed, constituted, given, commenced or taken, under this Act, and shall have effect accordingly.

(3) Any document referring to the repealed Act, shall be construed as referring to the corresponding provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

It is desirable to provincialize the law relating to the Protection of Communal Properties of Minorities Ordinance, 2001 (Ordinance No. V of 2002), as the subject is devolved to the provinces in wake of 18th Amendment of the Constitution of the Islamic Republic of Pakistan. Hence, this Bill.

MINISTER-IN-CHARGE