

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

Bill

to regulate the system of moon sighting for commencement of Islamic Hijri calendar months

WHEREAS, it is expedient to enact a law to provide for a mechanism to regulate the system of moon sighting for the purpose of commencement of Islamic *Hijri* calendar months and consequently to bring harmony amongst followers of various schools of thought of Islam to perform their religious obligations with unanimity and for the matters ancillary thereto;

AND WHEREAS, the Provincial Assemblies of the Provinces of Khyber Pakhtunkhwa, Punjab, Sindh and Balochistan have passed resolutions under Article 144 of the Constitution of the Islamic Republic of Pakistan to the effect that *Majlis-e-Shora* (Parliament) may by law regulate the matter of *Ruet-e-Hilal*;

It is hereby enacted as follows:-

1. **Short title, extent and commencement.**- (1) This Act shall be called the Pakistan *Ruet-e-Hilal* Act, 2021.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. **Definitions.**- (1) In this Act, unless there is anything repugnant in the subject or context,-

(a) "chairperson" means a chairperson of the Federal *Ruet-e-Hilal* committee, and includes every chairperson of each Provincial *Ruet-e-Hilal* committee, appointed under this Act;

- (b) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);
- (c) "district committee" means district *Ruet-e-Hilal* committee constituted by each Province in their respective districts under this Act;
- (d) "division concerned" means the division to which business of this Act stands allocated;
- (e) "electronic media" means shall have same meaning as assigned thereto in clause (hc) of section 2 of the Pakistan Electronic Media Regulatory Authority Ordinance, 2002(XIII of 2002);
- (f) "Federal committee" means the Federal *Ruet-e-Hilal* committee constituted under this Act;
- (g) "ICT" means the Islamabad Capital Territory;
- (h) "ICT committee" means the ICT *Ruet-e-Hilal* committee constituted by the division concerned under this Act;
- (i) "member" means a member of a *Ruet-e-Hilal* committee, appointed under this Act;
- (j) "month" means the Islamic *Hijri* calendar month;
- (k) "PEMRA" means the Pakistan Electronic Media Regulatory Authority established under the Pakistan Electronic Media Regulatory Authority Ordinance, 2002 (XIII of 2002);
- (l) "provincial committee" means Provincial *Ruet-e-Hilal* committee constituted by a Province under this Act;
- (m) "prescribed" means prescribed by rules made under this Act;

- (n) "provincial department" means a department of a Province to which business of *Ruet-e-Hilal* stands allocated;
- (o) "rules" means rules made under this Act;
- (p) "*Shariah*" means injunctions of Islam as laid down in the Holy Quran and Sunnah; and
- (q) "witness of moon sighting" means a person who provides information about the moon sighting in accordance with *Shariah*.

2. Words and expression used but not defined under this Act shall have the same meaning as assigned thereto under the Code or the Pakistan Penal Code (Act XLV of 1860).

3. **Federal committee.**-(1) Within one month of the commencement of this Act, the division concerned shall, by notification in the official Gazette, constitute a Federal *Ruet-e-Hilal* committee, consisting of the Chairperson and members as specified in column (2) of the Table below, namely:-

TABLE

S.No.	Person appointed or nominated	Status
(1)	(2)	(3)
1.	A person who has got <i>Shahadat ul Aalamiyya</i> degree from an institute recognized by any of the <i>Wafaqs</i> recognized by Higher Education Commission (HEC) or (possesses a) master degree in <i>Islamiyat</i> having a minimum of fifteen years experience in the relevant	<i>Chairperson</i>

	<i>field:</i>	
2.	Two <i>Ulema</i> from each Province having the qualifications and experience provided for under S.No.1.	<i>Member</i>
3.	One <i>Aalim</i> from ICT having the qualifications and experience provided for under S.No.1.	<i>Member</i>
4.	One <i>Aalim</i> from Gilgit Baltistan having the qualifications and experience provided for under S.No.1.	<i>Co-opted Member</i>
5.	One <i>Aalim</i> from the State of Azad Jammu and Kashmir having the qualifications and experience provided for under S.No.1.	<i>Co-opted Member</i>
6.	A representative not below the rank or equivalent of BPS-20 officer of the Federal Government nominated by the meteorological department.	<i>Member</i> <i>ex-officio</i>
7.	A representative not below the rank or equivalent of BPS-20 officer of the Division to which business of science and technology stands allocated.	<i>Member</i> <i>ex-officio</i>
8.	A representative not below the rank or equivalent of BPS-20 officer of the Federal Government nominated by the Pakistan Space and Upper Atmosphere Commission	Member <i>ex-officio</i>

	(SUPARCO).	
9.	Director General or such other officer of the Division concerned dealing with matters of <i>Ruet-e-Hilal</i> .	<i>Member-cum-Secretary</i>

(2) The committee constituted under sub-section (1) shall be under administrative control of the division concerned with its headquarters at Islamabad.

4. Provincial and ICT committees.- (1) Within forty-five days of the commencement of this Act, each provincial department to the extent of that province and the division concerned to the extent of ICT respectively shall, by notification in the official Gazette, constitute a Provincial and ICT *Ruet-e-Hilal* committee.

(2) Each Provincial committee shall consist of a Chairperson and twelve other members who shall be appointed, from the recognized *Ulema* of all schools of thought and a representative of the concerned Provincial department.

(3) The ICT *Ruet-e-Hilal* committee shall consist of not exceeding seven members including the Chairperson thereof.

(4) The ICT committee shall comprise the recognized *Ulema* of all schools of thought and a representative each of the division concerned and the Islamabad *auqaf* directorate.

5. District committee.- (1) Within sixty days of the commencement of this Act, each Province shall constitute a district *Ruet-e-Hilal* committee in each district for the purposes of this Act consisting of six members by giving therein representation to *Ulema* of all schools of thought.

(2) The district committee shall be governed under supervision of the concerned deputy commissioner or in his absence by such other head of the district by whatever name called.

6. **Prohibition of private committees.**- No committee, entity or organization by whatever name called, other than the Federal, Provincial and district committees for sighting the moon shall operate in all over the Pakistan or any part thereof.

7. **Term of the committees.**- The term of Federal, Provincial, ICT and district *Ruet-e-Hilal* committees shall be three years.

8. **Meeting of the committee.**- (1) The meeting of the Federal *Ruet-e-Hilal* committee shall be convened by its Chairperson on the 29th day of each month or at any time at his own or as directed by the division concerned.

(2) The meetings of the Federal *Ruet-e-Hilal* committee shall be held in Provincial headquarters and ICT on rotation basis as may be prescribed.

(3) The meetings of the Provincial, ICT and district *Ruet-e-Hilal* committees shall be held simultaneously in their respective headquarters and districts.

(4) Proceedings of the committee shall be recorded in writing.

(5) The committee may co-opt any person or invite any expert to attend its meetings or deliberations, for the purpose of advising it on any matter under discussion however such co-opted or invited member shall have no right to vote.

9. **Term and functions of Chairperson.**- (1) The Chairperson shall discharge such duties and perform any other functions as are assigned to him under this Act and the rules made thereunder.

(2) The Chairperson may resign from his office, by writing under his hand addressed to the secretary of the division concerned in case of the Federal committee and ICT committee and to the Provincial department in case of Provincial committee.

(3) The Chairperson of the Federal committee shall be appointed on rotation basis from the Provinces and the ICT.

10. Appointment of members of Provincial and ICT committees.-

The concerned Provincial department or, as the case may be, the division concerned shall appoint such person as member of the Provincial committee or, as the case may be, the ICT committee who has got *Shahadat ul Alamia* degree from an institute recognized by any of the *Wafaqs* recognized by Higher Education Commission (HEC) or who possesses a master degree in Islamiyat having a minimum of ten years experience in *Shariah*.

11. Appointment of member of district committee.- The concerned Provincial department in consultation with relevant deputy commissioner or, as the case may be, such other head of the district by whatever name called shall appoint such person as member of the district committee who has got *Shahadat ul Alamia* degree from an institute recognized by any of the *Wafaqs recognized by HEC* or who possesses a master in Islamiyat having a minimum of seven years experience in *Shariah*.

12. Removal of Chairperson and members of the committee.- The Chairman and members of the committees may be removed by the division concerned in case of Federal committee and ICT committee and by relevant Provincial departments in case of provincial committees and district committees after giving notice of not less than seven days containing grounds for removal or on recommendation of the members of the concerned committee by vote of two- third majority.

13. Acceptance of witness for moon sighting.- The Federal, Provincial, ICT and district *Ruet-e-Hilal* committees shall accept evidence regarding moon sighting only in accordance with *Shariah*:

Provided that the evidence of moon sighting under sub-section (1) shall for the purpose of announcement under section 15 be sent to the Federal committee by the ICT committee and the provincial committee directly and by the district committee through the concerned provincial committees.

14. Public institutions to act in aid of the *Ruet-e-Hilal* committees.- All the relevant public institutions shall act in aid of the *Ruet-e-Hilal* committees.

15. Announcement of decision of moon sighting.- Only the Chairperson of the Federal committee or any member of the committee authorized in this behalf by the Chairperson thereof shall be responsible to announce the decisions of moon sighted or not sighted.

16. Punishment.- (1) Whoever violates any provision of this Act shall be punished with fine up to five hundred thousand rupees.

(2) Electronic media that broadcast the news of moon sighting before the official announcement of moon sighting under section 15 shall be liable to punishment of fine up to one million rupees or suspension of their licences by the PEMRA or with both.

(3) Any person or persons who give false evidence regarding moon sighting shall be liable to the punishment of imprisonment of either description for a term which may extend to three years or with fine upto fifty thousand rupees or with both.

17. Cognizance of offences.- (1) Notwithstanding anything contained in the Code, an offence punishable under section 16 shall be cognizable, non-bailable and non-compoundable.

(2) No Court other than a Court of Sessions shall take cognizance of an offence under this Act except on a complaint of the Federal, ICT, provincial or district committees, as the case may be, made in writing, with reasons to be recorded in writing alongwith full particulars of the offence committed under this Act.

(3) A complaint made under sub-section (2) may be made upon the information received, either upon its own or otherwise, as the case may be.

(4) The provisions of the Code, so far as not inconsistent with the provisions of this Act, shall apply.

(5) Notwithstanding anything contained in the Code, the Court of Sessions shall decide the complaint under sub-section (2) within a period of sixty days.

18. Power to make rules.- (1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing powers, such rules may provided for-

- (a) appointment, removal, qualification and the training of Chairman and members;
- (b) travelling and lodging expenses for the Chairman and members;
- (c) powers, functions and responsibilities of Chairman and members;
- (d) manner of coordination between the committees;
- (e) the manner of aid to the committees by the relevant institutions; and
- (f) matters connected therewith or ancillary thereto.

19. Power to make regulations.- The Federal, ICT, provincial or district committees may, by notification in the official Gazette, make regulations for the purpose to give effect to their functions.

20. Removal of difficulties.- If any difficulty arises in giving effect to any of the provisions of this Act, the Prime Minister may make such order not inconsistent with the provisions of this Act as may appear to him to be necessary for removal of the difficulty.

STATEMENT OF OBJECTS AND REASONS

In order to regulate the system of moon sighting for the purpose of commencement of Islamic Hijri clander months and consequently to bring harmony amongst followers of various schools of thought of Islam to perform their religious obligations with unanimity throughout the country.

2. The Bill seeks to achieve the aforesaid objective.

MINISTER-IN-CHARGE