

Provincial Assembly Of The Punjab Privileges Act, 1972

2 of 1972

[28 July 1972]

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An Act to provide for privileges of the Provincial Assembly of the Punjab, its Members and Committees. Preamble.- WHEREAS Article 118 of the Interim Constitution of the Islamic Republic of Pakistan inter alia provides that the privileges of members of a Provincial Assembly may be defined by Act of the Provincial Legislature; AND, WHEREAS it is expedient to define the privileges of the Provincial Assembly of the Punjab, its members and committees, and of the

person entitled to speak and otherwise take part in the proceedings of the Assembly, and to provide for matters incidental and supplemental thereto; It is hereby enacted as follows:-

1. Short Title And Commencement :-

(1) This Act may be called the Provincial Assembly of the Punjab Privileges Act, 1972.

(2) It shall come into force on the date when the Provincial Assembly of the Punjab Privileges Ordinance, 1972, ceases to operate in accordance with the provisions of clause (2) (a) of Article 135 of the Interim Constitution of the Islamic Republic of Pakistan.

2. Definitions :-

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

(a) "Assembly" means the Provincial Assembly of the Punjab;

(b) "Assembly Secretariat" means the Secretariat of the Assembly;

(c) "Committee" means a committee appointed by the Assembly, and includes a Standing Committee and a Select Committee of the Assembly;

(d) "Constitution" means the Interim Constitution of the Islamic Republic of Pakistan;

(e) "Government" means the Government of the Punjab;

(f) "Governor" means the Governor of the Punjab;

(g) "Member" means a member of the Assembly and includes the Speaker, the Deputy Speaker and a Minister;

(h) "precincts of the Assembly" means the Assembly Chambers building courtyard and gardens appurtenant thereto, and includes the hall, members lobbies, galleries, rooms of the Speaker, Deputy Speaker, Ministers and other officers of the Government located in the Assembly building, committee rooms and the officers of the Assembly Secretariat [2][and any other premises which are notified as such for a specified time by the Speaker in the official Gazette;]

(i) "Rules of procedure" means the rules regulating the procedure of the Assembly for the time being in force; and

(j) "Speaker" means the Speaker of the Assembly.

(2) Save as otherwise provided in this Act or where the context otherwise requires, all expressions used in this Act shall bear the same meanings as they bear in the constitution.

3. Members Not Liable To Civil Or Criminal Action :-

Subject to the provisions of Article 118 of the Constitution, no civil or criminal proceedings shall lie against any member by reason of any matter or thing which he may have brought up or given notice of his intention to bring up before the Assembly or any Committee thereof by bill, resolution, motion, question or, otherwise, and notwithstanding such resolution, motion, bill, question or other thing being disallowed or not having been admitted by the Speaker.

4. Freedom From Detention :-

(1) No member shall be detained under any Provincial law relating to preventive detention or be required to appear in person in any civil or Revenue Court, or before any Commission [3][* * *] during a session of the Assembly and for a period of fourteen days before and fourteen days after the session of the Assembly, and no member of a Committee shall be so detained or required to appear before such Court, [4][or Commission] during a sitting of the Committee and for a period of three days before and three days after the meeting of the Committee.

(2) Nothing in sub-section (1) shall be construed as-

[5][(a) applying to any member detained under any such law as is referred to therein-

(i) at any time during the period commencing on the fifteenth day next after the conclusion of a session of the Assembly and ending on the fifteenth day before the commencement of the next session; or

(ii) for reasons of State connected with defence, external affairs, or the security of Pakistan or any part thereof; or]

(b) precluding a member from being detained under any such law during any time that the Assembly is not in session and for a period of fifteen days before and fifteen days after the session for any act against such law committed by him during the period that the Assembly is in session or during the period of fifteen days before and fifteen days after the session or at any other time.

5. Section 5 :-

6. Attendance Of A Member Detained Or Arrested On A Bailable Charge :-

If a member is arrested or detained on any criminal charge and the

Court before which any case relating to such charge is pending against such member, is duly informed by the member that he has been summoned to attend any session of the Assembly or a meeting of any Committee thereof, such Court shall, if the charge against such member relates to a bailable offence, release such member on his personal recognizance in sufficient time to enable him to attend the session of the Assembly or a meeting of any Committee thereof, as the case may be:

Provided that the provisions of this section shall not be construed as exempting any such member from attending such Court on the day or days which the Court may in usual course fix for the trial of the case against such member.

7. No Process To Be Served In The Assembly :-

No process, civil or criminal, shall be served upon a member within the precincts of the Assembly building except with the leave of the Speaker.

8. No Attachment Of Salaries And Allowances :-

Salaries and allowances paid or payable to the members under any law for the time being in force shall not be liable to attachment in execution of a decree under the provisions of the Code of Civil Procedure, 1908.

9. Non-Liability For Removing Persons Infringing Rules :-

No action, civil or criminal, shall lie against any person for removing or excluding by order or authority of the Speaker of the Assembly, any person infringing the Rules of procedure or otherwise behaving in a disorderly manner within the precincts of the Assembly.

10. Summoning Of Witnesses :-

(1) Subject to the provisions contained in sub-section (7), the Assembly or any Committee thereof may direct any person to appear before the Assembly or the Committee, as the case may be, and to produce or cause to be produced any paper, book, record or document in the possession or under the control of such person.

(2) Any order made under sub-section (1) shall be notified to the person required to attend or to produce any paper, book, record or document, under the hand of the Secretary, by order of the Speaker or the Chairman of a Committee, as the case may be, and

in every such order there shall be stated the date, the time and the place where the person summoned is required to attend or produce the paper or other document.

(3) Such order shall be served by the delivery thereof to, or leaving at the usual or the last known place of residence of the person concerned, through the District magistrate within whose jurisdiction the said residence lies, who shall get it served by any person authorised by him in this behalf.

(4) Any person so summoned shall be entitled to receive, from the Secretary, such travelling and daily allowances as may be admissible under rules framed by Government in this behalf.

(5) The Assembly or any Committee thereof may require any witness appearing before it to make an oath, and it shall be lawful thereupon for the Secretary or any person authorised by the Speaker or the Chairman of the Committee, as the case may be, to administer oath to such witness.

(6) Subject to the provisions contained in sub-section (7), if any person summoned to appear refuses or fails, without a reasonable cause, to appear or to produce or cause to be produced on requisition any paper, book, record or document, as the case may be, in his possession or power or under his control, he shall be punished with simple imprisonment which may extend to six months or with fine which may extend to one thousand rupees.

(7) When Government is of opinion that in the interest of security of the State or the maintenance of public order or generally in the public interest or on account of any other sufficient reason, any particular record summoned from any office of or authority under Government, or set up or established by Government, should not be furnished to the Assembly or any Committee thereof, or a person in the service of the State should not be summoned or compelled to give evidence, the Government may claim privilege for that record or exemption for the public servant, as the case may be:

Provided that in such case the Assembly or the Committee thereof, as the case may be, may obtain orders of the Governor whether the privilege or exemption, as the case may be, is properly claimed, and the orders of the Governor in this behalf shall be final and conclusive on such point, and shall not be questioned in any Court.

Explanation- The powers and rights conferred on Government or the Governor under this section shall in relation to any record summoned from any office of or authority under the Central[7] Government, or set up or established by that Government, or the

summoning of any person serving in connection with the affairs of the Centre[8], be the powers and the rights of the Central[9] Government or the President, as the case may be.

11. Penalty For Causing Disturbance In The Precincts Of The Assembly :-

Whoever, not being a member, creates any disturbance within the precincts of the Assembly, whereby the proceedings of the Assembly, or of a Committee thereof are or are likely to be interrupted or obstructed, shall be punished with imprisonment which may extend to six months, or with fine which may extend to [10][twenty thousand rupees], or with both.

12. No Prosecution Except On Complaint Under Order Of The Speaker :-

No prosecution shall lie under the provisions of this Act save on the complaint in writing of the Secretary, made under the orders of the Speaker and with the concurrence of the Minister for Parliamentary Affairs.

13. Withdrawal Of Proceeding :-

Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1898, the Speaker may, in pursuance of a resolution of the Assembly, request the Court in which any proceedings are pending in respect of a complaint made under section 12, to drop further proceedings, and on receipt of such request, the Court shall drop all further proceedings in regard to the complaint, and the complaint shall be deemed to have been withdrawn.

14. Cognizance Of Offences :-

No Court other than the Court of a first class magistrate shall take cognizance of or shall try offence punishable under the provisions of this Act.

15. Members To Be V.I.Ps :-

The members shall be V.I.Ps.

15A. Official Plate For Vehicle :-

- (1) A member shall be entitled to display on his vehicle, for distinctive appellation, an official plate issued by the Assembly Secretariat along with jacket at Government expense.
- (2) The official plate shall be used only on a specific vehicle, the registration number of which shall be intimated to the Assembly Secretariat.
- (3) The official plate shall be exhibited only when the member himself is present in the vehicle, and in all other cases it shall be covered by the jacket provided along with the plate.
- (4) The Assembly Secretariat shall, on satisfaction that the vehicle has been stolen or, the original plate has been rendered unserviceable on account of accident or otherwise and the original plate so damaged has been surrendered to the Assembly Secretariat, issue a duplicate plate on payment of such charges as may be specified, from time to time, by the Speaker.
- (5) In case of violation of sub-sections (2) and (3) by a member, the Speaker may restrict the use of official plate by such member and direct him to surrender the official plate to the Assembly Secretariat.
- (6) On ceasing to hold office for any reason whatsoever, the member shall surrender the official plate to the Assembly Secretariat within three days.

16. Accommodation In Circuit Houses, Etc :-

A member shall, on previous intimation to the authority concerned and subject to the availability of accommodation, be entitled to accommodation in every circuit house, rest house and dak bungalow maintained by Government or any local body under the control of Government on payment of such amount as is charged from touring officer, while on duty for accommodation in such circuit house, rest house or dak bungalow, as the case may be.

17. Visit To Hospitals Etc :-

- (1) A member shall be entitled to visit hospitals, dispensaries, health centres, social welfare offices, educational institutions for boys located within his constituency with previous intimation.
- (2) After such visit the member may submit his report to the Minister-in-charge.

18. Inspection Of Jails By Members :-

Every member of the Provincial Assembly of the Punjab shall be authorised to inspect the jails falling within the district of his constituency within office hours.

19. Indemnity :-

No suit, prosecution or other legal proceedings shall lie against any person for anything in good faith done or intended to be done under this Act.

