



The Sindh Government Gazette

PUBLISHED BY AUTHORITY

KARACHI, WEDNESDAY, JUNE 25, 1975

PART IV

PROVINCIAL ASSEMBLY OF SIND

NOTIFICATION

Karachi, the 25th June, 1975

No. PAS/Legis/Bill-11/75.—The Sindh Provincial Assembly (Members) Privileges Bill, 1975 having been passed by the Provincial Assembly of Sindh on the 4th June, 1975 and assented to by the Governor of Sindh on 17th June, 1975 is hereby published as an Act of the Legislature of Sindh:—

THE SIND PROVINCIAL ASSEMBLY (MEMBERS) PRIVILEGES ACT, 1975.

SIND ACT NO. XI OF 1975.

(First published after having received the assent of the Governor of Sindh in the Gazette of Sindh (Extra-ordinary), dated 25th June, 1975.

AN

ACT

to provide for the privileges of the members of the Provincial Assembly of Sindh.

WHEREAS it is required by clause (1) of Article 250 of the Constitution of the Islamic Republic of Pakistan that within two years from the commencing day of the Constitution, provision shall be made for determining the privileges of the members of the Provincial Assembly; Preamble.

It is hereby enacted as follows:—

Short title
and Commence-
ment.

1. (1) This Act may be called the Sind Provincial Assembly (Members) Privileges Act, 1975.

(2) It shall come into force at once.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context—

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

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

(c) "Constitution" means the Constitution of the Islamic Republic of Pakistan;

(d) "Government" means the Government of Sind;

(e) "Governor" means the Governor of Sind;

(f) "Member" means a member of the Assembly;

(g) "Rules of Procedure" means the rules regulating the procedure and conduct of business in the Assembly;

(h) "Secretary" means the Secretary of the Assembly;

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

Members to
civil or
criminal
action.

3. Subject to the Constitution, no civil or criminal proceeding shall lie against any member for the 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, by bill, resolution, motion, question or otherwise, notwithstanding that such resolution, motion, bill, question or other thing has not been allowed or admitted by the Speaker.

Privilege
against
detention.

4. No member of the Assembly or, a Committee shall be detained under any law of preventive detention, for the time being in force, during a session of the Assembly and a period of fourteen days immediately preceding and following such session or, as the case may be, during a meeting of the Committee and a period of three days immediately preceding and following such meeting.

Attendance
of a Member
detained or
arrested on
a bailable
charge.

5. Where a member arrested or detained in a criminal case informs the Court, before which such case is pending, that he has been summoned to attend a session of the Assembly or a meeting of a Committee, such Court shall, if the case is of a bailable offence, release him on his personal recognizance well in time to enable him to attend the session or the meeting, as the case may be:

Provided that any such member shall attend such Court on the day or days as the Court may, from time to time, fix for proceeding with the case.

(3) Such order shall be forwarded to the District Magistrate concerned, who shall cause it to be served by delivering or tendering a copy thereof duly signed and sealed to the person summoned or, as the case may be, required to produce the record or document, or affixing such copy at the conspicuous place of the last known residence of such person.

(4) A person summoned to give evidence or produce any record or document shall be entitled to receive, from the Secretary, such travelling and daily allowance, as may be admissible to a witness appearing in a court.

(5) The Assembly or a Committee may require any witness appearing before it to take an oath, whereupon the Secretary or any person authorised by the Speaker or the Chairman of the Committee, as the case may be, shall administer oath to such witness.

(6) Where Government is of the opinion that, it is not in the interest of security of the state or maintenance of public order or for such other reason that any record of any office or authority set up or established by Government be summoned by, or furnished to, the Assembly or a Committee or, that any person in the service of Pakistan be summoned by, or compelled to give evidence before, the Assembly or Committee, it may claim privilege in respect of such record or person, as the case may be:

Provided that the Assembly or the Committee, as the case may be, may obtain orders of the Governor whether the privilege claimed by Government is justified and the orders of the Governor in this behalf shall be final and shall not be questioned in any Court.

Explanation.—Government and Governor in this section shall respectively be read as Federal Government and President, in relation to any record summoned from any office of or authority under the Federal Government or set up or established by such Government, or the summoning of any person serving in connection with the affairs of the Federation.

Breach of
privilege.

14. (1) Whoever contravenes any provision of this Act or in any manner commits any breach of a privilege of a member or the Assembly or a Committee, shall be punished with imprisonment of either description which may extend to six months or with fine which may extend to five thousand rupees or with both.

(2) Subject to section 13, if any person summoned to give evidence or required to produce or cause to be produced any record or document, before the Assembly or a Committee, refuses or fails without a reasonable cause to appear or produce or cause to be produced the record or document before the Assembly or the Committee, as the case may be, he shall be punished with simple imprisonment which may extend to six months or, with fine which may extend to one thousand rupees or with both.

(3) Where a person other than a member creates any disturbance within the precincts of the Assembly, whereby the proceedings of the Assembly or a Committee are, or are likely to be, interrupted or obstructed, he shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

15. (1) No Court other than the Court of First Class Magistrate shall take cognizance of an offence under this Act and except upon a complaint made, in writing, by the Secretary or any other officer of the Assembly authorized by him. Cognizance of offence and stay of proceedings.

(2) A complaint under sub-section (1) shall be made under the orders of the Speaker.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), if the Speaker informs the Court that the Assembly has passed a resolution recommending that the complaint filed under this section be withdrawn, the Court shall drop further proceedings whereupon the complaint shall be deemed to have been withdrawn.

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

17. The Provincial Assembly of Sind Privileges Act, 1972 and the Provincial Assembly of Sind Privileges (Amendment) Act, 1972 are hereby repealed. Repeal.

By order of the Speaker,
Provincial Assembly of Sind.

JAMALUDDIN ABRO,
Secretary,
Provincial Assembly of Sind.