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SIND ACT NO. VI of 1972
THE PROVINCIAL ASSEMBLY OF SIND PRIVILEGES ACT, 1972

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SIND ACT NO. VI of 1972
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[18th July,1972]

An Act to provide for privileges of the Provincial Assembly of Sind, its Members and Committees.

Preamble.

WHEREAS Article 118 of the Interim Constitution of the Islamic Republic of Pakistan interalia provides that the privileges of Members of an Assembly may be determined by law;

AND WHEREAS, it is expedient to define the privileges of the Provincial Assembly of Sind, its Members and Committees, and of the persons entitled to speak in the Assembly and to provide for matters incidental and supplemental thereto;

It is hereby enacted as follows:-

Short title and commencement.

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

(2) It shall come into force at once.

Definition.

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

(a) "Assembly" means the Provincial Assembly of Sind;
(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 Sind;
(f) "Governor" means the Governor of Sind;
(g) "Member" means a member of the Assembly and includes the Speaker, a Deputy Speaker and Minister and a Parliamentary Secretary;
(h) "Rules of Procedure" means the rules regulating the procedure of the Assembly for the time being in force;
(i) "Secretary" means the Secretary of the Assembly.
(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 the Act shall bear the same meaning as they bear in the Constitution.

Members not liable to civil or criminal action.

3. Subject to the provisions of Article 118 of the Constitution, no civil or criminal proceeding 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.

Freedom from detention

4. (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 or Election Tribunal 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 ot appear before such Court, Commission or Tribunal 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—

(a) applying to any Member detained under any such law as is referred to therein immediately before the commencement of this Act, or 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

(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.

Freedom from appearance in Civil cases etc.

5. (1) Notwithstanding anything to the contrary contained in any law in force for the time being, no Civil or Revenue Court and no Commission or Election Tribunal shall proceed during a session of the Assembly and for a period of fourteen days before and fourteen days after the session, with any matter before it in which a Member is a party, unless the privilege

conferred by section 4 is waived, by application made in writing to the Court, Commission or Tribunal, as the case may be, by the Member concerned with the matter, and where more Members than one are so concerned, by all of them.

(2) The provisions of sub-section (1) shall apply to all matters pending immediately before the commencement of this Act in any Civil or Revenue Court, or before any Commission or Election Tribunal, in which a Member is a party, and no such Court, Commission or Tribunal shall proceed further with such matter, unless the privileges referred to therein is waived in accordance with the provisions thereof, or the period specified therein has elapsed.

Attendance of a Member detained or arrested on a bailable charge

6. If a Member is arrested or detained on any criminal charge and the Court before which any such case is pending against such Members is duly informed by the Member that he has been summoned to attend any session of the Assembly or 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 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.

No process to be served in the Assembly

7. 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.

No attachment of salaries and allowance.

8. Salaries and allowances paid or payable to the Speaker, the Deputy Speaker and Members under the Law for the time being in force shall be liable to attachment in execution of a decree under the provisions of the Code of Civil Procedure, 1908.

Non-liability of removing persons infringing rules.

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

Summoning of witnesses.

10. (1) Subject to the provisions contained in sub-section (7), the Assembly or any Committee thereof may direct any person to attend before the Assembly or the Committee, as the case may be, and to 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 or residence of, the person concerned through the District Magistrate within whose jurisdiction the said residence lies, who shall get it served by any person authorized 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 in this behalf by Government.

(5) The Assembly or any Committee thereof may require any witness appearing before it to take an oath and it shall be lawful thereupon for the Secretary or any person authorized 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 to produce or cause to be produced on requisition any paper book, record or documents as the case may be, which may be in his possession he shall be liable to simple imprisonment which may extend to six months or with fine which may extend to one thousand rupees.

(7) When Government if 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 reasons, 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, 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 Government or set up or established by that Government, or the summoning of any person serving in connection with the affairs of the Centre, be the powers and the rights of the Central Government and the President, as the case may be.

Penalty for causing disturbance in the precincts of the Assembly.

11. 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 one thousand rupees, or with both.

No prosecution except on complaint of Speaker and stay or proceedings.

12. (1) 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 Chief Minister of Sind.

(2) 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 complaint made under sub-section (1), 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.

Cognizance of offences under Act.

13. No Court other than the Court of a First Class Magistrate shall take cognizance of or shall try any offence punishable under the provisions of this Act.

Indemnity.

14. 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.