

SIND ACT No. VIII OF 1946¹.

[THE SIND LEGISLATIVE ASSEMBLY (POWERS AND PRIVILEGES) ACT,
1945.]

[20th June, 1946]

An Act to define certain powers and privileges of the Sind Legislative Assembly and of its members.

WHEREAS it is expedient to define certain powers and privileges of the Sind Legislative Assembly and of its members and to make certain other provisions with a view to enable such members to discharge their functions duly and properly ; It is hereby enacted as follows :—

PART I.

PRELIMINARY.

1. This Act may be called the Sind Legislative Assembly Short title.
(Powers and Privileges) Act, 1945.

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

(a) " Assembly " means the Sind Legislative Assembly ;

(b) " Assembly Hall " means the hall or room where a meeting of the Assembly is held and except in section 13 includes its galleries and lobbies and the Chamber of the Speaker ;

(c) " Assembly premises " includes the whole of the building with the compound, if any, in which the Assembly is for the time being summoned to meet ;

(d) " Committee " in sections 15 to 18 means the Committee of Privileges ; elsewhere it means any committee of the Assembly ;

(e) " member " means a member of the Assembly and except in sections 6 and 16 includes a person who by virtue of the Government of India Act, 1935, has a right to speak in or otherwise take part in the proceedings of the Assembly ;

(f) " newspaper " shall have the meaning assigned to it in the Press and Registration of Books Act, 1867 ;

26 Geo. V.,
Ch. 2.

XXV of
1867.

¹ For Statement of Objects and Reasons, see S. G. G., 1946, Pt. IV, pp. 635-637 ; for the Report of the Select Committee, see S. G. G., 1945, Pt. IV, p. 43 ; and for proceedings in Assembly, see S.L.A. Debates, 1941 and 1945, Vol. XIII-Book No. 15, pp. 62-67 ; Vol. XXII-Book No. 14, pp. 47-51.

(g) " Secretary " means the Secretary to the Assembly ;
and

(h) " Speaker " includes any person for the time being performing the duties of the Speaker.

PART II.

GENERAL PRIVILEGES OF MEMBERS.

Members exempt from personal appearance in civil and revenue courts.

3. A member shall be exempt from personal appearance in any civil or revenue court during the continuance of a session of the Assembly and during a period of seven days before its commencement and after its conclusion and where a session of the Assembly is adjourned to a specified date, the adjournment being for a period not exceeding seven days, during the period of such adjournment.

Members not liable to civil or criminal action in respect of any submission to Assembly.

4. No suit, prosecution or other legal proceeding shall lie against a member on account of any matter or thing which he has submitted to or has given notice of his intention to submit to the Assembly by petition, Bill, resolution, motion, question or by any other form of submission.

Communication of information of arrest of member on criminal charge to Speaker.

5. If any member is arrested or detained on a criminal charge or is, on conviction by any criminal court, sentenced to imprisonment, information of such arrest, detention or sentence, together with the particulars of the charge made and of the charge proved against such member and of his conviction, shall, forthwith, be communicated to the Speaker by the authority which has ordered the arrest or detention or imposed the sentence. The Speaker shall, if the Assembly is in session, at the earliest opportunity, or if the Assembly is not in session, on the opening day of the next session of the Assembly, place before it the information, together with the particulars so received by him.

Exemption of salary and allowances from attachment or sale in execution of decree.

6. Notwithstanding anything contained in the Code of Civil Procedure, 1908, the salary and allowances paid or payable to the Speaker, the Deputy Speaker, a Minister or a member shall be exempt from attachment in execution of a decree :

V of 1908.

Provided that if the salary or allowances for any three or more months have not been drawn after they have become payable, the amount equal to the salary and allowances of two months only and no more shall be so exempt.

PART III.

PRIVILEGES OF MEMBERS DURING THE ASSEMBLY SESSION.

7. Notwithstanding anything contained in any law for the time being in force, during the continuance of a session of the Assembly and during a period of seven days before its commencement and after its conclusion, no civil or criminal process, shall be served on a member within the Assembly premises :

No process to be served within the Assembly premises.

Provided that a member accused of an offence may be arrested within such premises, but not within the Assembly Hall while a meeting of the Assembly is being held therein.

8. (1) A member who is accused of a bailable offence and is arrested or is detained in custody, may intimate to the authority arresting or detaining him or, if the matter be pending in a court, may apply to the court that he desires to attend a meeting of the Assembly.

Attendance of a member detained in custody at Assembly meetings.

(2) On receiving such intimation or application, the authority or the court, as the case may be, shall, if the Assembly has been summoned to meet or is in session, forthwith, release the member on his personal recognisance.

PART IV.

PUBLICATION OF THE DEBATES AND PROCEEDINGS OF THE ASSEMBLY.

9. Any publication of a report, paper, notes or proceedings in connection with the Assembly by order of the Speaker shall be deemed to be published by or under the authority of the Assembly, and no suit, prosecution or other legal proceeding shall lie against a person in respect of anything done in pursuance of such authority or order.

Publication of Assembly proceedings by or under the authority of the Assembly.

10. It shall be competent to the Speaker before the close of the meeting for the day to prohibit the publication of the proceedings of that day or any part thereof.

Prohibition of publication of proceedings.

11. Subject to the provisions of section 10, no publisher of a newspaper shall publish in a newspaper a report of the proceedings of the Assembly unless it is a faithful and correct report or a faithful, accurate and fair summary of the proceedings of the Assembly.

Faithful and correct report of proceedings.

Immunity
from legal
action of
publisher,
etc.

12. No suit, prosecution or other legal proceeding shall lie against an editor, printer or publisher of any newspaper or any person connected with the editing, printing or publishing of a newspaper on account of the publication of a faithful and correct report or a faithful, accurate and fair summary of the proceedings of the Assembly, the publication whereof has not been prohibited by the Speaker under section 10.

PART V.

CONTEMPT OF THE ASSEMBLY AND DISTURBANCE OF ASSEMBLY.
PROCEEDINGS.

Contempt of
Assembly.

13. (r) Whoever, not being a member, or being a member in a place other than the Assembly Hall—

(a) makes wilful misrepresentation of the debates or proceedings of the Assembly ;

(b) makes or publishes any libellous reflection upon the proceedings of the Assembly ;

(c) publishes any proceeding or a report of a Committee, before such proceeding or report has been presented to the Assembly or is published in the *Official Gazette* ;

(d) publishes any question unless it is answered in the Assembly or before it is so answered ;

(e) publishes a resolution or a motion before it is admitted by the Speaker ;

(f) publishes any adjournment motion before leave for making the motion is granted by the Speaker ;

(g) makes or publishes any reflection upon the character or conduct of the Speaker or any imputation of partiality against him, in the discharge of his duties ;

(h) makes or publishes any maliciously false or scandalous charge or imputation or a libellous charge against a member concerning his conduct as such member ;

(i) unduly influences any witness in regard to any evidence to be given by him before a Committee ;
and whoever whether within or without the Assembly Hall—

(j) uses any criminal force to, or obstructs, assaults, threatens or insults any member—

(k) while he is on his way to attend a meeting of the Assembly or while he is returning from the Assembly after attending a meeting thereof ; or

(ii) on account of any vote given, speech made, or other action taken or not taken, by such member ; or

(iii) with a view to influence the conduct of any member in respect of any matter pending in, or expected to be brought before, the Assembly ;

shall be guilty of contempt of the Assembly.

Explanation 1.—A statement to the effect that any person will not vote for, or will not support, or will oppose, the re-election of a member if such member pursues a certain course of action, in relation to any matter pending in, or expected to be brought before, the Assembly shall not amount to a threat for the purposes of this sub-section.

Explanation 2.—In this sub-section the words "assault" and "criminal force" have the meanings respectively assigned to them in the ^{XLV of} 1860. ¹[Pakistan] Penal Code, 1860.

(2) The provisions of sub-section (1) are in addition to, and not in derogation of, the provisions of any other law for the time being in force :

Provided that no person shall be punished twice for the same offence.

14. Whoever, not being a member, creates any disturbance within the Assembly premises whereby the proceedings of the Assembly are or are likely to be interrupted or obstructed shall commit an offence. Disturbance in the Assembly proceedings.

PART VI.

COMMITTEE OF PRIVILEGES.

15. (1) There shall be constituted a Committee called the Committee of Privileges which shall consist of seven persons elected by the Assembly from among its members according to the principle of proportional representation by means of a single transferable vote or in such other manner as the Speaker may determine. Constitution of Committee of privileges.

(2) Such Committee shall be constituted at the commencement of every session of the Assembly. The members of the Committee shall hold office until a new Committee is constituted at the next session.

¹ Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 4 (w. e. f. 30th May 1955), for " Indian ".

(3) The Committee shall elect a Chairman from among its members.

Duties of
Committee
of Privileges.

16. (1) It shall be the duty of the Committee of Privileges to enquire into—

(a) any allegation made against a member that he has accepted or agreed to accept, or obtained or attempted to obtain any bribe, fee, compensation or gift as an inducement or reward for doing or for bearing to do any act in the execution of his duties as a member or in respect of the promotion of, or support or opposition to, any Bill, resolution, question, matter or other thing submitted or intended to be submitted to the Assembly ;

(b) any matter falling under clauses (g) to (j) of sub-section (1) of section 13.

(2) If the enquiry relates to the conduct of a member of the Committee such member shall not vote or otherwise take part in the proceedings of the Committee during such enquiry.

(3) The Committee shall in the case of every enquiry submit its findings to the Assembly in the form of a report and the Assembly shall, after discussion thereon, adopt or reject the report or make such other directions as it deems fit.

(4) Nothing in this section shall affect the provisions of sub-section (3) of section 71 of the Government of India Act, 1935.

Proceedings
not invalid
by reason of
a vacancy or
defect in
the election
of a member.

17. No act or proceeding of the Committee of Privileges shall be deemed invalid by reason only of a vacancy in the Committee or a defect in the election of a member thereto. 26 Geo. V,
Ch. 2.

Power of
Committee
of Privileges
to summon
witnesses.

18. (1) ¹[Subject to the provisions of sub-section (11)] the Committee of Privileges may direct any person to attend before it either to give evidence or to produce a document in his possession or power.

(2) A person directed to attend before the Committee shall be served with a summons issued under the hand of the Secretary under orders of the Chairman of the Committee.

(3) Every such summons shall specify the time and place at which the person summoned is required to attend, and also whether his attendance is required for the purpose of giving evidence or to

¹ Ins. by Sind 13 of 1947, s. 2 (a).

produce a document or for both purposes, and any particular document he is called on to produce shall be described in the summons with reasonable accuracy.

(4) Wherever practicable, service of the summons shall be made in person. But where after due and reasonable diligence the person summoned cannot be found, service may be effected by the serving officer leaving the summons at the usual or the last known place of residence of such person.

(5) A summons shall be served through the District Magistrate in whose jurisdiction the person summoned is found or within whose jurisdiction the usual or the last known place of residence of such person is situate. The District Magistrate shall get the summons served by any person authorised by him in this behalf.

(6) Any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce the same.

(7) The Committee may require any witness attending before it to be examined upon an oath or affirmation and it shall be lawful for the Secretary or the Chairman of the Committee to administer such oath or affirmation.

(8) ¹[* * * * *]
* * * * *] no person summoned shall—

(a) refuse or fail, without reasonable cause, to attend before the Committee ; or

(b) refuse or fail to produce a document which he has been summoned to produce ; or

(c) intentionally give a false answer to any question put to him.

(9) ²[* * * * *]
* * * * *] every person summoned before the Committee shall answer fully and faithfully any question put to him or produce the document required by the Committee and no such person shall be liable to any civil or criminal proceeding in respect of any such answer ³[or by reason of the production of any such document].

¹ The words, figures and brackets "Subject to the proviso to sub-section (4) of section 71 or any other provision of the Government of India Act, 1935," omitted by Sind 13 of 1947, s. 2(b).

² The words and figures "Subject to the provisions of the Government of India Act, 1935," omitted *ibid.*, s. 2(e)(i).

³ Subs. *ibid.*, s. 2(e)(ii), for "or document".

(10) Any proceedings taken against any person in contravention of the provisions of sub-section (9) shall be stayed on the production of a certificate signed by the Speaker under the Seal of the Assembly declaring that the answer or the document which has given rise to such proceedings was given in evidence before the Committee or was produced in obedience to a summons issued by the Committee.

[(11) Nothing in this section shall apply to a person who is or has been, in the service of the Crown^{2*} * and who may be required by the Committee of Privileges to attend before it for giving evidence relating to his official duties or for producing any official documents or for both these purposes, and the attendance of such person before the Committee for any of the said purposes shall be regulated by the Sind Legislative Assembly Committees (Evidence of Officials) Rules, as for the time being in force.]

Travelling and Daily allowances to witnesses.

19. A person summoned to attend before the Committee shall be entitled to receive such travelling and daily allowances as may be admissible under rules made in this behalf by the Provincial Government.

PART VII.

PENALTIES AND PROCEDURE.

Punishment for an offence under section 17.

20. Any person contravening the provisions of section 17 shall, on conviction, be punished with simple imprisonment which may extend to six months or with fine which may extend to one hundred rupees or with both.

Punishment for an offence under section 13.

21. Any person found guilty of contempt of the Assembly within the meaning of section 13 shall, on conviction, be punished with simple imprisonment which may extend to six months or with fine which may extend to one hundred rupees or with both.

Punishment for an offence under section 14.

22. Any person contravening the provisions of section 14 shall, on conviction, be punished with simple imprisonment which may extend to three months or with fine not exceeding one hundred rupees or with both.

Punishment for an offence under section 18.

23. (1) Any person contravening the provisions of clause (a) or (b) of sub-section (8) of section 18 shall, on conviction, be punished with simple imprisonment which may extend to three months or with fine which may extend to one thousand rupees or with both.

¹ Sub-section (11) ins. by Sind 13 of 1947, s. 2(d).

² The word "in India" rep. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 6, Sch. II.

(2) Any person contravening the provisions of clause (c) of sub-section (8) of section 18 shall, on conviction, be punished with simple imprisonment which may extend to two years and with fine which may extend to two thousand rupees.

24. (1) No prosecution for any offence under this Act shall be instituted and no such prosecution shall be withdrawn except upon a complaint or an application in writing, as the case may be, of the Secretary made by or under order of the appropriate authority.

Institution and withdrawal of prosecution.

(2) The expression "appropriate authority" in sub-section (1) means—

(a) in the case of an offence under clause (c) to (f) of sub-section (1) of section 13 or an offence under section 14, the Speaker ;

(b) in any other case, the Assembly, on a report of the Committee of Privileges.

25. No court other than the court of a First Class Magistrate shall take cognizance of any offence under this Act.

Cognizance of offence.

26. Except as otherwise provided in, and subject to the provisions of this Act, the provisions of the Code of Criminal Procedure, 1898, and of the ^{1*} Evidence Act, 1872, shall apply to the trial of offences under this Act.

Trial of offences.

V of 1898.
I of 1872.

PART VIII.

MISCELLANEOUS.

27. (1) No person other than a member shall, during the continuance of a meeting of the Assembly, enter the Assembly Hall without the express permission of the Speaker.

No person other than a member to enter the Assembly Hall without Speaker's permission.

(2) Any such person so entering the Assembly Hall without such permission may be removed by order or under the authority of the Speaker.

28. No suit, prosecution or other legal proceeding shall lie against any person for any act done or purporting to be done in pursuance of any provision of this Act.

No action to lie for any act done by or under the authority of the Assembly.

¹ The word "Indian" omitted by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 4 (w. e. f. 30th May 1951).

Applicability
of the Act to
Committees.

29. The provisions of this Act applicable to the Assembly shall, so far as may be, also apply to a Committee and in such a case a reference in this Act to the Speaker shall be construed as a reference to the Chairman of the Committee and a reference to a member shall be construed as a reference to a member of the Committee.

Power to
make rules.

30. (1) The Provincial Government may make rules for carrying out the purposes of this Act.

(2) A draft of the rules proposed to be made under sub-section (1) shall be laid upon the table of the Sind Legislative Assembly and no further proceedings shall be taken in relation thereto except in pursuance of a resolution of the said Assembly that the rules be made either in the form of the draft or in any amended form agreed to by it.