

SIND ACT NO. XI OF 1975

THE SIND PROVINCIAL ASSEMBLY (MEMBERS) PRIVILEGES ACT, 1975

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[25th June, 1975]

An Act to provide for the privileges of the members of the Provincial Assembly of Sind.

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:-

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

Short title and commencement.

(2) It shall come into force at once.

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

Definitions.

(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.

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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.

Members to civil or criminal action.

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.

Privilege against detention.

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:

Attendance of a Member detained or arrested on a bailable charge

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.

6. No Civil or Revenue Court, Commission or Tribunal shall, proceed with any matter to which any member of the Assembly or a Committee is a party, or require such member to appear before it, 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:

Privilege against appearance before certain Courts.

Provided that nothing in this section shall apply, if such member, by making application to such Court, Commission or Tribunal, waives the privilege admissible under this section.

7. No process issued by any Court, Commission or Tribunal shall, except with the leave of the Speaker, be served upon a member, within the precincts of the Assembly building.

No process to be served in the Assembly.

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8. Salary or allowances admissible to a member, under any law for the time being in force, shall not be attached in execution of a decree under the provisions of the Code of Civil Procedure, 1908 (Act No.V of 1908).

No attachment of salaries and allowances.

9. A member shall have the status of, and be entitled to the privileges admissible to, a V I P under any law for the time being in force or instructions issued by Government.

Members to be V I Ps.

10. A member shall, on prior intimation to the authority concerned and subject to the availability of accommodation, be entitled to stay in a circuit house, rest house or dak bungalow maintained by Government or any local authority, on payment of such rent as it charged from a person on tour on official duty for accommodation in such circuit house, rest house or dak bungalow.

Accommodation in circuit houses etc.

10-A. A former Member and the spouse of such deceased Member who has remained as Member shall be entitled to all such facilities listed below:-

- (a) to access to all Government guest houses, rest houses and Sindh House Islamabad and Sindh House Gawadar, at the rates applicable to Government officers on official tours;
- (b) to a lifetime entry pass for the Assembly Secretariat, Assembly Library and Speakers gallery to observe sessions of the Assembly;
- (c) to use of VIP lounges at all airports, subject to rules of Federal Government;
- (d) for official or gratis passport for self and spouse, dependents under the age of 18 years of age for life, subject to rules of Federal Government;
- (e) for issuance and renewal of four weapons licences at fees applicable to government employees.".]

11. (1) A member may visit Government hospitals and educational or other institutions located within the district of his ordinary residence after giving prior intimation to the management of such hospitals or institutions.

Visit to institutions.

(2) A member may submit his report to the Minister-in-Charge about his visit under subsection (1).

¹ Section 10-A newly inserted vide Sindh Act No. XXXII of 2013. Dated April 12013.,

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12. A person who, by order or authority of the Speaker or Assembly, removes or excludes any other person from the precincts of the Assembly, for his disorderly behavior or otherwise infringing the rules of procedure, shall not be liable to any civil or criminal action for the removal or exclusion of such other person.

Non-liability of removing persons infringing rules.

13. (1) Subject to the provisions contained in subsection (6), the Assembly or a Committee may, summon any person to give evidence before the Assembly or the Committee, as the case may be or require any person to produce or cause to be produced, any record or document in the possession or under the control, of such person.

**Summoning
witness. of**

(2) Every order made under subsection (1) shall be under the hand of the Secretary, and shall state the date, time and place for attendance of the person summoned or, as the case may be, for production of the record or document.

(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 authorized 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 the Government is justified and the orders of the Governor in this behalf shall be final and shall not be questioned in any Court.

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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.

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.

Breach of privilege.

(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, refused 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 month 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, 1989 (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

Indemnity.

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against any person for anything done or intended to be done under this Act.

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