

THE PROVINCIAL ASSEMBLY OF BALOCHISTAN PRIVILEGES ACT, 1975

(Balochistan Act VI of 1975)

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'THE PROVINCIAL ASSEMBLY OF 7BALOCHISTAN

Preamble.

Short title and
commencemen
t.

Definitions.

1

PRIVILEGES ACT, 1975

(Balochistan Act No. VI of 1975)

[14" July, 1975]

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

WHEREAS the Constitution of the Islamic Republic of
Pakistan? 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 Balochistan, 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:—

1. (1) This Act may be called the Provincial Assembly
of Balochistan Privileges Act, 1975.

(2) It shall come into force at once.

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

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

(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 Constitution of

the Islamic Republic of Pakistan’;

This Act was passed by the Provincial Assembly of Balochistan on 2TM July, 1975; assented to by the Governor of Balochistan published in the Balochistan Gazette (Extraordinary) No. 34, dated 14" July, 1975.

2

Spelling of the word “Baluchistan”, wherever it appears in this Act, is corrected by insertion of letter “o” instead of “u”; as per Government of Balochistan, S&GAD’s Notification No. SORI (4) 6/ S&GAD-89, dated 18" June, 1989.

3

Constitution of the Islamic Republic of Pakistan (1973); enacted on 10" April, 1973 and authenticated by the Assembly on 12" April, 1973; published on the same day in the official Gazette of Pakistan; and came into force with effect from 14" August, 1973.

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Members not liable
to civil or
criminal action.

Freedom from
detention.

4

(ec) "Government" means the Government of
Balochistan;

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

(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 Chamber's Buildings, Court-
yard and the 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
offices of the Assembly Secretariat;

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

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

(k) "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 meaning as they bear in the Constitution.

3. Subject to the provisions 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 there of, 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. (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 '[* * *]', during a session of the Assembly and

Constitution of the Islamic Republic of Pakistan (1973); enacted on 10" April, 1973 and authenticated by the Assembly on 12" 1973; published on the same day in the official Gazette of Pakistan; and came into force with effect from 14" August, 1973.

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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 '[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—

*[(a)

(b)

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

(i1) for reasons of State connected with defence, external affairs or the security of Pakistan or any part thereof; or]

precluding a Member from being detained under any such law during any time that the Assembly is not in session and for 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.

(Section 5. Freedom from appearance in civil cases etc. —

Words "or Election Tribunal" omitted by Balochistan Ordinance VIII of 1978; made by Governor of Balochistan on 15" March, 1978.

published in the Balochistan Gazette (Extraordinary) No. 19, dated 21st March, 1978. Save and validated under Article 270-A of the Constitution of Islamic Republic of Pakistan, 1973. Also see Schedule to the Federal Amending Act XXI of 1977; published in the Gazette of Pakistan, Extraordinary Part I, dated 16" May, 1977.

Substituted, *ibid*, for the comma and the words "Commission or Tribunal".
Substituted, *ibid*, for clause (a).

Section 5 omitted by the Balochistan Ordinance XVI of 1984; made by Governor of Balochistan on 31 December, 1984; and published in the Balochistan Gazette (Extraordinary) No. 2, dated 9" January, 1984. Saved and Validated by Article 270-A of the Constitution of the Islamic Republic of Pakistan, 1973.

For omitted section 5 and the amendments therein, See:-

(a) the Balochistan Act VI of 1974; published in the Balochistan Gazette (Extraordinary) No. 34, dated 14" July, 1975.

(b) the Balochistan Ordinance VIII of 1978; published in the Balochistan Gazette (Extraordinary) No. 19, dated 21s' March, 1978.

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

No Process to be
served in the
Assembly.

No attachment of
Salaries and
Allowances.

Non-liability of
removing
persons
infringing
rules.

Summoning of
witnesses.

1 Act V of 1908.

Omitted)

6. If a Member is arrested or detained on any criminal charge and the Court before which any such case is pending against such Member 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.

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.

8. Salaries and allowances paid or payable to the Members under the 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. 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 disorderly manner within the precincts of the Assembly.

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 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 documents.

(3) Such order shall be served by the delivery thereof to, or leaving it 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 the Finance Committee of the Assembly in this behalf.

(5) The Assembly or any Committee thereof may require any witness appearing before it to be upon 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, which may be in his possession, power or 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 orders of the Governor in this behalf shall be final and conclusive on such point, and shall not be questioned in any court.

Prohibition to carry
arms in the
Assembly.

Penalty for causing
disturbance in
precincts of the
Assembly.

Trial of persons by
the Assembly
and its
procedure.

1

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 Federal Government or set up or established by that Government, or the summoning of any person serving in connection with the affairs of the Federation, be the powers and the rights of the Federal Government or the President, as the case may be.

11. (1) Whoever carries any fire-arms of any description or knives, lathies, sticks, any explosive or corrosive substance and any weapon of offence, within the precincts of the Assembly shall be liable to punishment with imprisonment of either description, which may extend to six months or with fine which may extend to one thousand rupees or with both.

(2) The Speaker may direct the Sergeant- at-Arms to take appropriate measures, on discovery of any such material as described in sub-section (1) above, within the precincts of the Assembly as defined in clause (pp) of sub-rule (1) of Rule 2 of the Provincial Assembly of Balochistan Rules of Procedure and Conduct of Business, 1974!.

12. | 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 likely to be interrupted or obstructed or commits contempt of the Assembly in any manner whatsoever, shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees, or with both.

13. (1) The punishment mentioned in sub-section (6) of section 10 and section 12 may be awarded by the Assembly itself.

(2) If the Assembly decides to proceed with a matter, as stated in sub-section (1) above, the Assembly shall refer the matter to the Committee on Rules of Procedure and Privileges to consider the charges. The Committee shall examine the charges, and after giving the person or persons so charged an opportunity of being heard, submit its report to the Assembly within such time as the Assembly may direct:

Provided that the notice shall be served on the person or persons so charged through the District Magistrate

These rules have been made under Article 67 (1) read with Article 127 of the Constitution of Islamic Republic of Pakistan (1973)

Provincial Assembly of Balochistan.

No appeal.

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

1 Act V of 1898.

2 Act V of 1898.

with jurisdiction and after the service of the notice the Committee shall proceed to consider the charges and examine witnesses, if any, whether the person or persons charged appear or do not appear before the Committee. The person or persons charged, while appearing before the Committee in obedience to the notice, can take help of a counsel if they so desire, and can examine witnesses in their defence.

(3) The Committee shall submit its report to the Assembly, and the Assembly may on a motion by a member award the punishment or exonerate the person or persons so charged as it deems fit.

(4) The decision of the Assembly awarding the punishment shall be authenticated by the Speaker, and a copy thereof, along with the person so convicted, if he is present, be forwarded by the Secretary to the District Magistrate, who shall prepare a warrant of commitment under section 383 of the Code of Criminal Procedure, 1898! and send the person so convicted to the District Prison to serve out the sentence. If the punishment is only of fine and if it is paid, the District Magistrate shall inform the Secretary of it at the earliest. If the convicted person is not present, when the punishment is awarded by the Assembly, the authenticated decision of the Speaker will be sent to the District Magistrate concerned, who shall issue warrant of arrest of the convicted person, and after the arrest he shall send him to the District Prison with a warrant of commitment and shall inform the Secretary of the Assembly accordingly.

14. Notwithstanding anything contained in any other law no appeal or other proceeding shall lie against any order made, proceedings taken or punishment awarded by the Assembly under this Act.

15. (1) If the Assembly does not decide to proceed with the matter in accordance with section 13, the Speaker may, if the Assembly so decides shall, direct the Secretary to lodge a complaint in the Court of competent jurisdiction and the

Secretary shall lodge the complaint in writing accordingly.

(2) Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 18987, the Speaker may in pursuance of a resolution of the Assembly,

Cognizance of
offences under
the Act.

Telephone
Allowance.

Members to be
VLPs.

Accommodation in
Circuit House
etc.

Visit to Hospitals
etc.

Inspection of Jails
by Members.

Indemnity.

Repeal of
Balochistan
Act No. VII of
1973.

request the Court in which any proceedings are pending in respect of a complaint made under sub-section (1), to drop further proceeding 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.

16. Subject to the provisions of section 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.

17. Every Member (other than the Speaker and Minister) shall be paid a telephone allowance of Rs.200/- per mensem.

18. The members shall be V.I.Ps.

19. | 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 the Government on payment of such amount as is charged from a touring officer, while on duty for accommodation in such circuit house, rest house or dak bungalow, as the case may be.

20. (1) A Member shall be entitled to visit hospitals,

dispensaries, health centres, social welfare offices, and educational institutions for boys with previous intimation.

(2) After such visit the Member may submit his report to the Minister-in-Charge.

21. Every Member of the Provincial Assembly of Balochistan shall be authorised to inspect the jails within office hours.

22. 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.

23. The Provincial Assembly of Balochistan Privileges Act, 1973', shall stand repealed.

1 Balochistan Act VII of 1973, passed by the Provincial Assembly of Balochistan on 4" January, 1973; assented to by the Governor of Balochistan on 11" January, 1973; and published in the Balochistan Gazette No. 17, dated 6" April, 1973. Now repealed by S.

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