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No. 34 QUETTA, MONDAY, JULY, 14 1975,

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FS BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

i" NOTIFICATION

Quetta, the 14th July, 1975.

No. Legis: X (11)/75. The Provincial Assembly of Baluchistan Privileges Bill, 1975, having been passed by the Provincial Assembly of Baluchistan on 2nd July, 1975 and assented to by the Governor of Baluchistan, is hereby published as an Act of the Provincial Assembly.

'THE PROVINCIAL ASSEMBLY OF BALUCHISTAN PRIVILEGES ACT, 1975.

BALUCHISTAN ACT NO. VI OF 1975.

(Fitst published after having received the assent of the Governor of Baluchistan, in the Baluchistan Gazette (Extraordinary) dated the 14th July, 1975.) .

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ACT

to provide for the privileges of the Provincial Assembly of Baluchistan, its Members and Committees.

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Preamble.

Short title and

commencement,

Definitions.

Members not  
liable to civil  
or criminal  
action,

' Freedom from  
detention.

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 Baluchistan, 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 Baluchistan Privileges Act, 1978.

(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 Baluchistan;

(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;

(e) "Government" means the Government of Baluchistan;

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

(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; 2

(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 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.

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 to 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.

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To edom from  
appearance in  
civil cases etc.

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.

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3

(1) 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 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.

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 privilege referred to therein is waived in accordance with the provisions thereof or the period specified therein has elapsed.

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.

Prohibition to  
carry atms in the  
Assembly.

Penalty for  
causing distur-  
bance im precincts  
of the Assembly,

Trial of persons  
by the Assembly  
and its procedure.

4

(3) Such order shall be served by the delivery thercof to, or leaving it at the usual orthe 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 t 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 monthsor 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 theservice of theState 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.

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.

II. (1) Whoever carries any fire-arms of any description or knives, Jathies, sticks, auy 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 Baluchistan 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. (ft) The punishment mentioned in sub-section (6) of section 10 and section 12 may te awarded by the Assembly itself.

«No appeal.

No prosecution  
except on com-  
plaint of Speaker  
and stay of  
proceedings.

Cognizance of  
offences under  
the Act.

Telephone  
Allowance.

Members to

be V.L.Ps. “  
Accommodation  
in Circuit  
House etc.

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(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 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, alongwith 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 any thing 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, 1898, the Speaker may in pursuance of a resolution of the Assembly, 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.

Visit to Hospi-  
tals etc.

Inspection of  
Jails 'by Mémbers.

indemnity.  
Repel of Batuchis-

tan Act No. VH of  
1973,

6

20... (1) A.Méinber shall be entitled to visit hospitals, dispensaries, health centres, socia. 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.

2t. Every Member of the Provincial Assembly of Baluchistan shall be authorised to inspécit the jails within office hours.

22. No suit, prosecution pr other legal proceedings shall lie against any person for anything im good faith done or intended to be done under this Act.

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

MUHAMMAD ATHAR  
Secretary,  
Provincial Assembly of Baluchistan.