

THE [KHYBER PAKHTUNKHWA]

PROVINCIAL ASSEMBLY (POWERS, IMMUNITIES

AND PRIVILEGES) ACT, 1988.

?[KHYBER PAKHTUNKHWA] ACT NO. IX OF 1988)

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THE [KHYBER PAKHTUNKHWA] PROVINCIAL ASSEMBLY (POWERS, IMMUNITIES AND PRIVILEGES) ACT, 1988.

?[KHYBER PAKHTUNKHWA] ACT NO. IX OF 1988

[First published after having received the assent of the Governor of the *[Khyber Pakhtunkhwa] in the Gazette of “(Khyber Pakhtunkhwa) (Extraordinary), dated the 12th March, 1988].

AN
ACT

to define the powers, immunities and privileges of the Provincial Assembly and its Committees, and the immunities and privileges of the Members of the Provincial Assembly.

Preamble.—WHEREAS clause (2) of Article 66 read with Article 127 of the Constitution of the Islamic Republic of Pakistan provides that the powers, immunities and privileges of the Provincial Assembly and its Committees, and the immunities and privileges of Members of the Provincial Assembly shall be such as may from time to time be defined by Act of the Provincial Assembly;

AND WHEREAS it is expedient to define the powers, immunities and privileges of the Provincial Assembly and of its Committees, and the immunities and privileges of Members of the Provincial Assembly and to make certain other provisions with a view to enabling them to discharge their functions properly and effectively;

It is hereby enacted as follows:

PART-I
PRELIMINARY.

1. Short title, extent and commencement.—(1) This Act may be called the *[Khyber Pakhtunkhwa] Provincial Assembly (Powers, Immunities and Privileges) Act, 1988.

(2) It shall come into force at once.

(3) It shall extend to the whole of the °[Province of the Khyber Pakhtunkhwa].

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

(a) ‘Assembly’ means the Provincial Assembly of the [Khyber Pakhtunkhwa];

‘Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

*Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

*Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

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Khyber Pakhtunkhwa Act No. IV of 2011

7Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

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“Chamber” means the place where the Assembly meets for the transaction of its business;

“Committee” means a Standing Committee, a Special Committee, a Select Committee or any other Committee set up by or under the authority of the Assembly in connection with the business of the Assembly;

“Constitution” means the Constitution of the Islamic Republic of Pakistan;

“Government” means the Government of the ‘[Khyber Pakhtunkhwa];

“Member” means a Member of the Assembly and, except for the purposes of section 5, includes a person who by virtue of the provisions of the Constitution has a right to speak in or otherwise take part in the proceedings of the Assembly;

“Newspaper” means any periodical work containing public news or comments on published news, and includes any Organization or Agency disseminating such news or comments and such other class of periodical works as the Assembly may, by notification in the official Gazette, declare to be a newspaper within the meaning of this clause;

“Officer of the Assembly” means any person who may from time to time be appointed to the staff of the Provincial Assembly Secretariat, whether permanently or temporarily, and includes any Police Officer on duty within the precincts of the Assembly;

“precincts of the Assembly” includes the Chamber, the Lobbies and Galleries of the Assembly and such other places as the Presiding Officer may, from time to time, specify;

“Presiding Officer” means Speaker and includes Deputy Speaker and, except for the purposes of section 10, 14 and 19 includes any person presiding at a sitting of the Assembly;

“Procedure and Conduct of Business Rules” means the rules regulating the Procedure and Conduct of Business of the Assembly

for the time being in force;

“Schedule” means the schedule to this Act;

Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

(m) "Secretary" means Secretary of the Assembly and includes any other officer or person for the time being performing the duties of the Secretary;

(n) "Session" means the period commencing on the day of the first sitting of the Assembly after having been summoned and ending on the day the Assembly is prorogued; and

(o) "stranger" means any person who is not a Member or an Officer of the Assembly Secretariat or a Police Officer deployed on duty.

(2) Words and expressions used but not defined in this Act shall, unless the context otherwise requires, have the same meanings assigned to them in the Constitution or in the Procedure and Conduct of Business Rules.

PART-II
POWERS, PRIVILEGES AND IMMUNITIES
OF THE HOUSE OF ASSEMBLY.

3. General Provision.---(1) The powers, immunities and privileges of the House of Assembly shall, mutatis-mutandis, be such as may from time to time be defined by the Parliament (Majlis-e-Shoora) for the House as if any reference to the Parliament is a reference to the Assembly and, until so defined, shall be such as are enjoyed by the National Assembly of Pakistan and the Committees thereof under any law for the time being in force.

(2) Without prejudice to the generality of sub-section (1), the provisions embodied in sub-section (5) of section 4 of the Constituent Assembly (Proceedings and Privileges) Act, 1955, shall be applicable to the Assembly as if any reference to the Constituent Assembly is a reference to the Assembly under this Act.

(3) The provisions contained in this Act shall be in addition to and not in derogation of the provisions provided for in sub-sections (1) and (2).

PART-II
POWERS, PRIVILEGES AND IMMUNITIES
OF THE MEMBERS.

4. Attendance of Member detained or arrested on a bailable charge.---
Notwithstanding anything contained in any other law for the time being in force, where in respect of a Member arrested or detained on any criminal charge the court is satisfied that he has been summoned to attend a session or a meeting of a Committee, such court shall, if the offence of which such Member is accused is not punishable with death or transportation for life, release such Member on his personal recognizance in sufficient time to enable him to attend the session or meeting, 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 the usual course fix for the trial of a case against such Member.

5. Members not liable to civil or criminal action.---Subject to the provisions of Article 66 read with Article 127 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 by Bill, resolution, motion, question or otherwise, whether or not such Bill, resolution, motion, question or other thing is allowed or admitted by the Presiding Officer.

6. No attachment of salary and allowances of Members.---The salary and allowances paid or payable to the Speaker, the Deputy Speaker or any Member of the Provincial Assembly shall not be liable to attachment in execution of a decree under the Code of Civil Procedure, 1908 (Act V of 1908).

[7. Power to preside a meeting.---(1) Any meeting convened by the Government or Semi-Government institution or autonomous body, in which Member is supposed to participate shall be presided over by the Member:

Provided that where the Governor or a Federal Minister is present, the Member shall not preside over the meeting.

(2) In case where more than one Member is to participate in the meeting, the presiding Member shall be-

- (i) through consensus among members: or
- (ii) through voting among members.]

8. Preventive detention.---Notwithstanding anything contained in any other law for the time being in force, no Member shall be detained under any law relating to preventive detention,-

(a) during the period commencing fourteen days before the commencement of a session and ending fourteen days after the conclusion of the session; and

(b) during the period commencing seven days before the commencement of the meeting of a Committee of which he is a Member and ending seven days after the conclusion of the meeting.

9. Additional Privileges.---Notwithstanding anything contained in any other law for the time being in force, a Member shall be entitled to,-

Inserted vide Khyber Pakhtunkhwa Act No. V of 2010.

(a) free of charge accommodation in every Circuit House, Rest House, Dak Bungalow or any other accommodation maintained by Government or any Local Council or other authority under the control of Government for a period of three days;

(b) licenses for four non-prohibited bore weapons free of fee during his life time;

(c) exemption from payment of all toll taxes;

(d) visit jails, hospitals, dispensaries, health centers, population planning centers, social welfare centers and educational institutions for boys, [Deleted] and in the case of woman Members, educational institutions for girls, *[Deleted] after previous intimation to the authorities concerned; and

(e) exercise full powers of the Justice of Peace.

(f) fix a plaque on personal car bearing inscription of M.P.A.

PART-IV

EVIDENCE.

10. Summoning of witnesses, etc.---(1) Subject to the provisions of sub-section (9), the

Assembly or any Committee may direct any person to appear 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 of or under the control of such person.

(2) Any summons issued under sub-section (1) shall be notified to the person required to appear or to produce any paper, book, record or document, by order of the Presiding Officer or the Chairman of the Committee, as the case may be, and shall be signed by the Secretary. In every such order there shall be stated the date on which, the time at which and the place where the person summoned is required to attend or produce the paper, book, record or document.

(3) Such summons shall be served by forwarding it by registered post addressed to the person to whom it is directed at his last known place of residence or business:

Provided that if for any reason the summons cannot be served on such person in the manner aforesaid, it shall be forwarded to the District Magistrate within whose jurisdiction the last known place of residence of such person lies, who shall cause it to be served by a person authorised by him for the delivery thereof to, or leaving it at the last known place of residence of, the person to whom it is directed.

'Deleted vide Khyber Pakhtunkhwa Act No. I of 1990

*Deleted vide Khyber Pakhtunkhwa Act No. I of 1990

(4) If a person to whom a summon under sub-section (3) is directed does not appear before the Assembly or the Committee, as the case may be, at the time and place mentioned therein, the Presiding Officer or, as the case may be, the Chairman of the Committee, may, upon being satisfied that the summon was duly served or that the person to whom the summon is directed wilfully avoids service, issue a warrant for his being apprehended and brought, at a time and place to be stated in the warrant, before the Assembly or the Committee, as the case may be.

(5) A warrant issued under sub-section (4) shall be forwarded to the District Magistrate referred to in sub-section (3) who shall cause it to be executed as if it were a warrant issued by him.

(6) The Presiding Officer or, as the case may be, the Chairman of a Committee on issuing a warrant for the arrest of any person under sub-section (4) may, if he thinks fit, by endorsement on the warrant, direct that the person named in the warrant be released after arrest on his appearance before the Assembly or, as the case may be, the Committee, as may be required in the endorsement.

(7) Any person so summoned, not being a servant of the Federal Government or a Provincial Government, shall be entitled to receive such traveling and daily allowances as may be admissible to a witness summoned by a civil court in connection with proceedings under the Code of Civil Procedure, 1908 (Act V of 1908).

(8) Assembly or a Committee may require any witness appearing before it to make an oath, and it shall be lawful thereupon for the Presiding Officer or the Chairman of the Committee, as the case may be, to administer oath to such witness.

(9) When Government is of opinion that, in the interest of defence, security of the state, external relations of Pakistan or the maintenance of public order, any particular record summoned from any officer or authority under the Government or set up or established by Government, should not be furnished to the Assembly or any Committee, or that a person in the service of Pakistan 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.

11. Answers before the Assembly or Committee not to be admissible in proceedings.---Any answer by a person to a question put by the Assembly or a Committee shall not, except in the case of criminal proceedings for an offence under section 193 of the Pakistan Penal Code (Act XLV of 1860), or an offence under this Act, be admissible in evidence in any civil or criminal proceedings against him.

12. Proceedings to be deemed judicial for certain purposes.---The proceedings before the Assembly or a Committee authorized by the Procedure and Conduct of Business Rules, or a resolution of the Assembly to send for persons, papers and records shall be deemed to be judicial proceedings for the purposes of Chapter XI of the Pakistan Penal Code (Act XLV of 1860).

13. Evidence of proceedings in the Assembly not to be given without leave.---No Member or Officer or Reporter of the Assembly shall, without first obtaining the leave of the Presiding Officer, give evidence elsewhere in respect of the contents of the evidence before the Assembly or a Committee or the contents of any manuscript or document laid before the Assembly or a Committee or in respect of the proceedings of, or examination of any person before, the Assembly or a Committee.

14. Immunity of witnesses in respect of evidence.---(1) Subject to the provisions of sub-section (2), person who give evidence before the Assembly or a Committee shall not be liable to any civil or criminal proceedings by reason of anything which he may have said in such evidence.

(2) Any proceedings taken against any person in contravention of the provision of sub-section, (1) shall be stayed on the production of a certificate under the authority of the Presiding Officer or, as the case may be, the Chairman of the Committee declaring that the answer or the document which has given rise to such proceedings was given or produced in obedience to a summon issued by the Assembly or the Committee.

(3) Nothing in this section shall be deemed to prevent the institution or maintenance of any proceedings against any person under section 193 of the Pakistan Penal Code (Act XLV of 1860), or for any offence under this Act in respect of any evidence given by him before the Assembly or a Committee.

PART-V

CONDUCT OF STRANGERS.

15. Entry to Chamber.---No stranger shall be entitled, as of right, to enter or remain within the Chamber.

16. Orders relating to admittance to the Chamber or Precincts of the Assembly.---

The Presiding Officer or an Officer authorised by him, shall issue such orders as he may deem necessary for the regulation of the admission of strangers to the Chamber or the precincts of the Assembly, as the case may be.

17. Power of Arrest.---The Sergeant-at-Arms or any other Officer of the Assembly Secretariat may,-

(a) arrest any person who commits breach of any of the privileges specified at serial numbers 1,2,3,6,22, 25, 26, 27, 28, 30 and 31 and 32 of the Schedule; and

(b) when so ordered by the Presiding Officer, arrest any person within the Chamber or precincts of the Assembly when the reasonably suspect him of having committed the breach of any other privileges.

18. Removal of strangers, etc.---(1) The Presiding Officer or any other Officer of the Assembly Secretariat authorised by him in that behalf may,-

(a) at any time order any stranger to withdraw from the Chamber or the precincts of the Assembly;

(b) prohibit any stranger from entering the precincts of the Assembly for a specified period or permanently; and

(c) prohibit a representative of a newspaper from attending the proceedings of the Assembly for a specified period or permanently.

(2) If any person against whom an order has been made under sub-section (1) fails to obey such order, he may be removed by any Officer of the Assembly Secretariat or a Police Officer from the Chamber or, as the case may be, the precincts of the Assembly with the use of such force as may be necessary.

PART-VI.

PUBLICATION OF THE DEBATES AND PROCEEDINGS OF THE ASSEMBLY.

19. Publication of proceedings of the Assembly under the authority of the Assembly.---The publication of a notice, report, paper, votes or proceedings of the Assembly by order of the Presiding Officer or other competent authority shall be deemed to be published by or under the authority of the Assembly and no suit, prosecution or other legal proceedings shall lie against any person in respect of such publication.

20. Prohibition of publication of proceedings.---The Presiding Officer may prohibit the publication of the proceedings of the Assembly of any day or any part thereof.

21. Faithful and correct report of the proceedings.---Subject to the provisions of section 20, 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 or publish any malicious, false, defamatory or derogatory statement or comments concerning the proceedings of the Assembly or the conduct of any Member in such proceedings.

22. Immunity from legal action of publisher, etc.---No suit, prosecution or other legal proceedings 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 Presiding Officer under section 20, or for making any fair comments on the proceedings of the Assembly.

23. Debates to be *prima facie* evidence in inquiry touching the privileges.-- Subject to the provisions of this Act, a copy of the debates or a cassette of the Assembly or of a report of any Committee which has been or purports to have been printed, cyclostyled or photostated under the authority of the Assembly shall be received as *prima facie* evidence in any inquiry under this Act.

PART - VII.

BREACH OF PRIVILEGES OF THE ASSEMBLY AND

PUNISHMENT THEREOF.

24, Breach of privilege.---Each of the acts and omissions specified in column 2 of the

Schedule shall constitute a breach of privilege of the Assembly, its Members and Committees thereof.

25. Breach of privilege to be an offence.---(1) A breach of privilege shall be an offence punishable in accordance with the provisions of this Act as provided in column No. 3 of the Schedule.

(2) The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force or the Procedure and Conduct of Business Rules for the time being in force.

26. Jurisdiction.---(1) The Assembly, or a Committee of the Assembly, notified for this purpose, as the case may be, shall have exclusive jurisdiction to try offences and award punishments for the offences punishable under this Act.

(2) The Committee constituted under sub-section (1) shall be known as Judicial Committee.]

^o[(3) Notwithstanding anything contained to the contrary in any other law for the time being in force, the sentence awarded by the Assembly or the Committee shall be executed by the District Magistrate or a Magistrate of 1st Class authorised by him for the purpose as if the same were a sentence awarded by him.]

3[26-A.Cognizance of Offence.---(1) Subject to the provision of this Act, if the Privileges Committee of the House, constituted under the Rules of Business in vogue, is satisfied that an accused has breached the privilege of the House or a Committee thereof or of a Member within the meaning of section 24 of this Act, and punishment is to be inflicted upon him under section 25 of this Act, a reference shall be made to the Judicial Committee; and

(2) On receipt of the reference, the Judicial Committee shall initiate proceedings against the accused in accordance with this Act and rules framed thereunder.]

Added vide Khyber Pakhtunkhwa Act No. III of 1990.

2Re_ numbered 1wa Act No. IIL of 1990.

3Added vs r of

BAdded Vj qq Khybe IH of 1990.

27. Suspension of Members, etc.--- (1) Without prejudice to the powers of the Assembly under section 26,-

(a) Assembly may suspend a Member from its service for any period not exceeding the duration of a session; and

(b) the Presiding Officer,-

(i) may order the removal of a Member from the Chamber or the precincts of the Assembly; or

(ii) may admonish a Member.

(2) No salary or allowances payable to a Member for his service as such shall be payable in respect of any period during which he remains suspended from the service of the Assembly under the provisions of this Act or the Procedure and Conduct of Business Rules.

(3) A Member who has been suspended from the service of the Assembly under this Act or the Procedure and Conduct of Business Rules shall not, while the suspension is in force, enter or remain within the Chamber or precincts of the Assembly or be entitled to reside in the place meant for the residence of Members, and any such Member who is found within the Chamber or precincts of the Assembly or such place of residence may be removed therefrom by any officer of the Assembly or a Police Officer.

28. Procedure in the Assembly.---(1) The Assembly may hear and decide cases under this Act in such manner as it may deem fit, with or without reference to a Committee.

(2) The Assembly or a Committee may administer oath to any person whose evidence is or may be, in the opinion of the Presiding Officer or Chairman of the Committee, relevant.

(3) The provisions of section 10 shall apply in all respects for the purpose of enabling evidence to be recorded under sub-section (2) in like manner as they apply for the purpose of enabling evidence to be taken by a Committee and, for the purposes aforesaid, the Assembly or the Presiding Officer shall have the same powers as are conferred by that section on a Committee or the Chairman thereof.

(4) The provisions of section 13 and 14 shall apply in relation to any evidence given for the purposes of sub-section (2).

(5) Notwithstanding anything contained in the preceding provisions of this section, a person who is alleged to have committed an offence under this Act shall not be bound or compelled to make any statement under sub-section (2) in relation to that offence.

29. Appeal, etc.---Notwithstanding anything contained in any other law for the time being in force, no appeal or other proceedings shall lie against any order made, proceedings

taken or punishment awarded by the Assembly or the Committee under this Act, but a revision petition may be made to the Assembly or the Committee, as the case may be, for reconsideration.

30. Cases under ordinary laws.---Notwithstanding anything contained in this Act, when an offence under this Act is also an offence under any other law for the time being in force, it shall be tried under that law:

Provided that no person shall be prosecuted under any other law for having committed such offence except on a complaint made by an Officer of the Assembly authorised by the Presiding Officer in that behalf.

31. Power of arrest.---(1) For the purpose of securing the attendance of any person before the Assembly or the Committee or of removing from the precincts of the Assembly any person whose removal has been ordered under this Act or the Procedure and Conduct of Business Rules, it shall be lawful for the sergeant-at-Arms or any other Officer of the Assembly or Police Officer, if ordered so to do by the Presiding Officer, to arrest such person without warrant at any place within the precincts of the Assembly and to use such reasonable force as may be necessary.

(2) Notwithstanding any law for the time being in force, on the receipt of summons or warrants issued by the Assembly or the Committee, as the case may be, the District Magistrate shall be bound to procure the attendance of the person or persons, so required as if the summons or warrants were issued by him.

32. Indemnity.---No suit, prosecution or other legal proceedings shall lie against any person for any act done or purporting to be done in pursuance of any provisions of this Act or the Procedure and Conduct of Business Rules in good faith.

[32A. Notwithstanding any contained in any other Provincial Law for the time being enforce and without prejudice to the generality of the Act, the provisions of the Act, shall override all other provisions of the Provincial laws, if found inconsistent with the provisions of this Act.]

33. Power to make rules.---The Assembly may make rules for carrying out the purposes of this Act.

34. Repeal.---The Provincial Assembly of the North-West Frontier Province Privileges Act, 1973 (N.W.F.P. Act No. XVII of 1973) is hereby repealed.

Added vide Khyber Pakhtunkhwa Act No. I of 1990.

SCHEDULE

(see section 25)

Serial Breach of privilege. Maximum punishment

No.

1 2 3

1. Using criminal force to, or obstructing,

assaulting, threatening or insulting any

Member or an Officer of the Assembly,--

(i) | while such Member or Officer is on his way | Imprisonment of either to attend a meeting of the Assembly or a | description for six months, or Committee or is returning from the House | fine of five thousand rupees, or after attending such meeting; or both.

(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 influencing the conduct of such Member or Officer in respect of any matter pending in, or expected to be brought before the Assembly or any Committee.

2. Assaulting, insulting, or wilfully obstructing any | Imprisonment of either Member in the Chamber or in a Committee or in | description for six months, or the precincts of the Assembly. fine of five thousand rupees, or

both.

3. Assaulting or resisting or wilfully interfering with | Imprisonment of either an Officer of the Assembly in the Chamber or in a | description for six months, or Committee or in the precincts of the Assembly. fine of five thousand rupees, or

both.

4. Contravention of the provisions of the Procedure | Fine of five hundred rupees. and Conduct of Business Rules for the time being in force

5. Breach of any of the privileges as provided in | Imprisonment of either section 3 or 9 or both, as the case may be. description for three months, or

fine of five thousand rupees, or both.

6. Contravention of any provisions of the Procedure | Imprisonment of either and Conduct of Business Rules by a stranger | description for one month, or admitted to the Chamber. fine of five hundred rupees, or

both.

7. Tampering with, deterring, threatening, or any way | Imprisonment of either unduly influencing any witness in regard to | description for one month, or evidence to be given by him before the Assembly | fine of five hundred rupees, or any Committee. both.

8. Presenting to the Assembly or a Committee any | Imprisonment of either

false, untrue, fabricated or falsified document with

description for one month, or

intent to deceive the Assembly or, as the case may be, the Committee.

fine of five hundred rupees, or both.

Destroying or materially damaging any document knowing or having reasons to believe that it has been requisitioned by the Assembly or any Committee.

Imprisonment of either description for one month, or fine of five hundred rupees, or both.

Giving of false evidence before the Assembly or a Committee.

Imprisonment of either description for three month, or fine of five thousand rupees, or both.

Refusing to be examined before or to answer a lawful and relevant question put by the Assembly or any Committee, unless such refusal be excused as provided in sub-section (9) of section 10.

Imprisonment of either description for three months, or fine of five thousand rupees, or both.

Mis-conduct as a witness before the Assembly or in a Committee.

I [Imprisonment of _ either description for six months, or fine of Rs. 5000/- or both.]

Wilfully publishing any false or perverted report of any debate or proceedings of the Assembly or any Committee or wilfully mis-representing any speech made by a Member before the Assembly or any Committee.

Imprisonment of either description for three months, or fine of five thousand rupees, or both.

Wilfully publishing any report of any debate or proceedings of the Assembly or a Committee the publication of which has been prohibited by the

Presiding Officer.

Imprisonment of either
description for three months, or
fine of five thousand rupees, or
both.

Publication of any defamatory or derogatory
statement reflecting on the proceedings or the
character of the Assembly.

Imprisonment of either
description for three months, or
fine of five thousand rupees, or
both.

Casting or publishing any reflection upon the
character or conduct of the Presiding Officer or
any imputation of partiality against him, in the
discharge of his duties.

Imprisonment of either
description for six months, or
fine of five thousand rupees, or
both.

Making or publishing any maliciously false,
scandalous, defamatory or derogatory statement
concerning any Member in respect of his conduct
as a Member or an Officer of the Assembly.

Imprisonment of either
description for three months, or
fine of five thousand rupees, or
both.

Printing of a copy of any Act or Ordinance or of
any report, paper, minutes or notes of proceedings
of the Assembly or any Committee, which
purports to have been printed by or under the
authority of the Assembly or any Committee but
which in fact has not been so printed or the

Imprisonment of either
description for three months, or
fine of five thousand rupees, or
both.

¹ Substituted vide Khyber Pakhtunkhwa Act No. III of 1990.

tendering in evidence of any such copy as aforesaid.

19. Publication of any proceedings or report of a | Imprisonment of either Committee before they are reported to the | description for three months, Assembly or published in the official Gazette. or fine of five thousand rupees,

or both.

20. Publication of any question unless it is answered | Imprisonment of either in a House or before it is so answered. description for one month, or

fine of two hundred rupees, or both.

21. Publication of any resolution or motion before it is | Imprisonment of either admitted by the Presiding Officer. description for one month, or

fine of two hundred rupees, or both.

22. Publication of any adjournment motion before it is | Imprisonment of either taken up in the Assembly. description for one month, or

fine of two hundred rupees, or both.

23. Wilful failure or refusal to obey any order of the | Imprisonment of either Assembly under this Act, or any order of the | description for three months, or Presiding Officer or any Member or Officer of the | fine of five hundred rupees, or Assembly which is duly made under this Act. both.

24. Entry of a stranger in the Chamber without due | Imprisonment of either permission. description for one month, or

fine of five hundred rupees, or both.

25. Attending any sitting of a House as representative | Imprisonment of either of any newspaper after a general permission | description for one month, or granted under the authority of the Presiding | fine of five hundred rupees, or Officer to the representative or representatives of | both. that newspaper has been revoked.

26. Interference, resistance or obstruction by a | Imprisonment of either stranger in the execution of duties by an Officer of | description for three months, or the Assembly. fine of five hundred rupees, or

both.

27. Sitting or voting in the Assembly without being a | Imprisonment of either Member. description for three months, or

fine of five thousand rupees, or both.

28. Disrespectful conduct '[.....]. Imprisonment of either description for one month, or fine of five hundred rupees, or both.

29. Offering to, or acceptance by, any Member or | Imprisonment of either

"Deleted vide Khyber Pakhtunkhwa Act No. VII of 2005.

Officer of the Assembly of a bribe to influence him in his conduct as such Member or Officer, or the offering to, or acceptance by, any Member or Officer of the Assembly of any fee, compensation, gift or reward for or in respect of the promotion of or opposition to any Bill, resolution, matter or thing brought before or intended to be brought before the Assembly or its any Committee.

description for six months, or fine of five thousand rupees, or both.

30. Creating or joining in any disturbance in the | Imprisonment of either Chamber or in a Committee or in the vicinity or | description for three months, or precincts of the Assembly while the House or the | fine of five thousand rupees, or Committee is sitting, knowing or having reason to | both. believe that the proceedings of the Assembly or Committee are or are likely to be interrupted.

31. Abetment of any act or omission specified above. | Same as for the act or omission.

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 Schedule.

EXPLANATION (2).

In this Schedule, the words 'assault' and 'criminal force' have the meanings respectively assigned to them in the Pakistan Penal Code.