**THE PROVINCIAL ASSEMBLY OF THE PUNJAB PRIVILEGES (AMENDMENT) BILL 2021**

A

Bill

*further to amend the Provincial Assembly of the Punjab Privileges Act, 1972*

It is necessary further to amend Provincial Assembly of the Punjab Privileges Act, 1972 (II of 1972) to define the powers, immunities and privileges of the Provincial Assembly of the Punjab, its Committees and its Members.

Be it enacted by Provincial Assembly of the Punjab as follows:

**1. Short title and commencement**.– (1) This Act may be cited as the Provincial Assembly of the Punjab Privileges (Amendment) Act, 2021.

 (2) It shall come into force at once.

**2. Substitution of Preamble of Act II of 1972**.– In the Provincial Assembly of the Punjab Privileges Act, 1972 (II of 1972), hereinafter referred to as ‘the Act’, the preamble be substituted as follows:

“**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, its Committees and its Members 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 of the Punjab, its committees and its Members and to make certain other provisions with a view to enabling them to discharge their constitutional functions properly and effectively.”

**3. Amendments in section 2 of Act II of 1972**.–In the Act, in section 2:

 (i) in sub-section (1), after clause (b), the following new clause (ba) shall be inserted:

 “(ba) “Chamber” means the place where the Assembly meets to transact its business and notified by the Speaker as Chamber;”;

 (ii) in sub-section (1), for clause (c), the following shall be substituted:

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

 (iii) in sub-section (1), in clause (d), the word “Interim” shall be omitted;

 (iv) in sub-section (1), after clause (f), the following new clause (fa) shall be inserted:

 “(fa) “Judicial Committee” means the Judicial Committee as constituted under section 11B;”;

 (v) in sub-section (1), after clause (g), the following new clause (ga) shall be inserted:

 “(ga) “Officer of the Assembly” means and includes 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;”;

(vi) in sub-section (1), after clause (i), the following new clause (ia) shall be inserted:

 “(ia) “Schedule” means the Schedule appended to this Act;”; and

 (vii) in sub-section (2), the words “or in the Rules of Procedure of the Provincial Assembly of the Punjab 1997” be added at the end.

**4. Amendment in section 3 of Act II of 1972**.– In the Act, in section 3, for the expression “Article 118”, the expression “Article 66” shall be substituted.

**5. Insertion of section 5 in Act II of 1972**.– In the Act, after section 4, the following new section 5 shall be inserted:

“**5. Power to preside a meeting**.–(1) Any meeting convened by the Government or semi Government institution or autonomous body, in which a 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.”

**6. Insertion of new section 10A in Act II of 1972**.–In the Act, after section 10, the following new section shall be inserted:

“**10A. Power to Arrest**.– The Sergeant-at-Arms or any other Officer authorised by the Speaker in this regard may if satisfied that with a view to preventing any person from acting in any manner prejudicial to breach of any of the privileges specified in the Schedule, it is necessary so to do, may, by an order in writing, direct the arrest and detention in such custody as may be prescribed under the rules

**7. Omission of section 11 and insertion of new sections in Act II of 1972**.–In the Act, section 11 shall be omitted and the following new sections shall be inserted:

“**11. 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.

**11A. 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 Rules of Procedure of Provincial Assembly of the Punjab 1997 for the time being in force.

**11B. Cognizance of Offence**.–Subject to the provisions of this Act, if the Committee on Privileges of the Assembly is satisfied that a person has breached the privilege of the House or a Committee thereof or of a Member within the meaning of section 11 of this Act, and punishment is to be inflicted upon him under section 11B of this Act, a reference shall be made to the Judicial Committee.

**11C. Jurisdiction and Procedure**.– (1) The Judicial Committee of the Assembly, notified by the Speaker, 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) On receipt of the reference, the Judicial Committee shall initiate proceedings against the accused in accordance with this Act and rules made thereunder.

 (3) The proceedings before the Judicial Committee shall commence by the issuance of a Notice, or a show-cause notice at the discretion of Judicial Committee.

 (4) The Judicial Committee may administer oath to any person whose evidence is or may be, relevant.

 (5) The provisions of section 10 shall apply in all respects for the purpose of enabling evidence to be recorded 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.

 (6) 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 (3) in relation to that offence.

 (7) Notwithstanding anything contained to the contrary in any other law for the time being in force, the sentence awarded by the Judicial Committee shall be executed as if the same were a sentence awarded by the Magistrate of 1st Class.

**11D. Appeal, etc**.– Notwithstanding anything contained in any other law for the time being in force, an appeal against any order passed under this Act shall lie to the Speaker, with in thirty days, whose decision shall be final.

**11E. 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 or an aggrieved person authorised by the Speaker, in that behalf.

**11F. Power to arrest**.– (1) For the purpose of securing the attendance of any person before the Committee or of removing from the precincts of the Assembly any person whose removal has been ordered under this Act or the Rules of Procedure of Provincial Assembly of the Punjab 1997, 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 Committee, as the case may be, the District Police Officer shall be bound to procure the attendance of the person or persons, so required as if the summons or warrants were issued by the Magistrate of 1st Class.

**8. Substitution of section 14 of Act II of 1972**.– In the Act, for section 14, the following shall be substituted:

 “**14. Power to try summarily.–** The proceedings before the Judicial Committee shall be summary proceedings.”

**9. Insertion of new sections 20, 21 and 22 in Act II of 1972**.– In the Act, after section 19, the following new sections 20, 21 and 22 shall be inserted:

“**20. Power to make rules**.– The Speaker, in consultation with the Committee on Privileges of the Assembly, may make rules for carrying out the purposes of this Act.

 **21. Power to amend the Schedule**.– The Speaker may amend the Schedule through a Notification to be published in the official Gazette.

 **22**. **Overriding effect.–** The provisions of the Act shall have effect notwithstanding anything contained in any other law for the time being in force.”

**10. Insertion of Schedule in Act II of 1972**.– In the Act, the following Schedule shall be inserted at the end:

# “SCHEDULE

| **Sr No.** | **Acts and omissions** | **Maximum Punishment** |
| --- | --- | --- |
| **1** | **2** | **3** |
|  | Using criminal force to, or obstructing, assaulting, threatening or insulting any Member or an Officer of the Assembly in the discharge of their official duty | Imprisonment of either description for six months, or fine of ten thousand rupees, or both. |
|  | Contravention of the provisions of the Rules of Procedure of Provincial Assembly of the Punjab, 1997 | Fine of ten thousand rupees. |
|  | Breach of any of the privileges as provided in section 16, or section 17 or section 18, as the case may be. | Imprisonment of either description for three months, or fine of ten thousand rupees, or both. |
|  | Tampering with, deterring, threatening, or any way unduly influencing any witness with regard to evidence to be given by him before the Assembly or any of its Committee. | Imprisonment of either description for one month, or fine of five thousand rupees, or both. |
|  | Presenting to the Assembly or a Committee any false, untrue, fabricated or falsified document with intent to deceive the Assembly or its Committee, or destroying or materially damaging any document knowingly or having reasons to believe that it has been requisitioned by the Assembly or any Committee or giving of false evidence before the Assembly or a Committee or 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 or misconduct as a witness before the Assembly or its Committee. | Imprisonment of either description for one month, or fine of five thousand rupees, or both. |
|  | Wilfully publishing any false or perverted report of any debate or proceedings of the Assembly or any Committee or wilfully misrepresenting any speech made by a Member before the Assembly or any Committee. | Imprisonment of either description for three months, or fine of ten 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 or expunged by the Presiding Officer. | Imprisonment of either description for three months, or fine of ten 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 three months, or fine of twenty 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 ten 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 tendering in evidence of any such copy as aforesaid. | Imprisonment of either description for three months, or fine of ten thousand rupees, or both. |
|  | Publication of any proceedings or report of a Committee before they are reported to the Assembly or published in the official Gazette. | Imprisonment of either description for three months, or fine of ten thousand rupees, or both. |
|  | Wilful failure or refusal to obey any order of the Judicial Committee under this Act, or any order of the Presiding Officer or any Member or Officer of the Assembly which is duly made under this Act. | Imprisonment of either description for three months, or fine of five thousand rupees, or both. |
|  | Interference, resistance or obstruction by a stranger in the execution of duties by an Officer of the Assembly. | Imprisonment of either description for three months, or fine of five thousand rupees, or both. |
|  | Disrespectful or contemptuous conduct | Imprisonment of either description for one month, or fine of five thousand rupees, or both. |
|  | Creating or joining in any disturbance in the Chamber or in a Committee or in the vicinity or precincts of the Assembly while the Assembly or the Committee is sitting, knowing or having reason to believe that the proceedings of the Assembly or Committee are likely to be interrupted. | Imprisonment of either description for three months, or fine of five thousand rupees, or both. |
|  | Abetment of any act or omission specified above. | Same as for the act or omission. |

# EXPLANATION

1. In this Schedule, the words 'assault' and 'criminal force' have the same meanings as respectively assigned to them in the Pakistan Penal Code 1860 (XLV of 1860).
2. A penalty of imprisonment or fine imposed in accordance with this Act shall not be affected by a prorogation or dissolution of the Assembly.”

**STATEMENT OF OBJECTS AND REASONS**

 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, its Committees and its Members shall be such as may from time to time be defined by Act of the Provincial Assembly. Hence, it is expedient to further elaborate and define the powers, immunities and privileges of the Provincial Assembly of the Punjab, its committees and its Members and to make certain other provisions with a view to enabling them to discharge their constitutional functions properly and effectively.

 Hence this Bill.

 **SAJID AHMAD BHATTI, MPA (PP-67)**

 **MIAN SHAFI MUHAMMAD, MPA (PP-258)**

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 **SYED USMAN MEHMOOD, MPA, (PP-264)**

**Lahore: MUHAMMAD KHAN BHATTI**

**18 June 2021 Secretary**