

PASSED ON 16.01.2023.
[AS PASSED BY THE SENATE]

A

BILL

to provide for the Members of Parliament Immunities and Privileges

WHEREAS clause (2) of Article 66 of the Constitution of the Islamic Republic of Pakistan provides, *inter alia*, that Immunities and Privileges of Members of Parliament may be determined by law;

AND WHEREAS it is expedient to provide a law for exemption from preventive detention, safeguards against arrest, for specified periods;

NOW THEREFORE the Parliament enacts the following Act:-

1. Short title, extent and commencement.- (1) This Act shall be called the Members of Parliament Immunities and Privileges Act, 2023.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(a) **"Assembly"** means the National Assembly of Pakistan;

(b) **"Chairman"** means the Chairman Senate;

(c) **"Member"** means a member of the Senate of Pakistan **or** the National Assembly;

(d) **"Senate"** means the Senate of Pakistan;

(e) **"Session"** means the period commencing on the day of the first sitting of the Senate or the Assembly after having been summoned until the Senate or Assembly is prorogued; and

(f) **"Speaker"** means the Speaker of the National Assembly.

3. Arrest under preventive detention laws.- No Member shall be detained under any law pertaining to preventive detention once the session is summoned by the President or the Chairman or Speaker, as the case may be.

4. Registration of cases.- When an FIR is registered or Reference is filed, against a Member, the Chairman or Speaker, as the case may be, shall be informed and copy of the FIR or Reference, as the case may be, shall be provided within twenty four hours of such registration or filing.

5. Intimation of Arrest, Detention, etc., of a Member.- When a Member is required to be arrested or arrested on a criminal charge or for a criminal offence or is sentenced to be imprisonment by a Court or is detained under an executive order, the committing judge, magistrate or, as the case may be, executive authority, shall immediately intimate such fact to the Chairman or Speaker, as the case may be, indicating the reasons for the arrest, detention or imprisonment of the Member.

(2) When a Member of Parliament is summoned by or required to appear before any commission, tribunal, authority, organization, agency or other, for any investigation or inquiry, as the case may be, the Chairman or Speaker, as the case may be, shall be informed of the same. The concerned authority shall intimate the brief facts / reasons.

6. Intimation on release of a Member of Parliament.- When a Member of Parliament after his arrest or detention is released on bail or otherwise or is acquitted of a criminal charge, such fact shall be intimated to the Chairman or Speaker, as the case may be, by the authority concerned.

7. Production of Member in Custody.- (1) The Chairman, Speaker or Chairman of a Committee shall summon a Member of Parliament in custody on the charge of any offence or under any law related to preventive detention to attend a sitting or sittings of the Senate, Assembly or meeting of a Committee of which he is a Member.

(2) On a Production Order signed by the Secretary or by any other Officer authorized by the Chairman, Speaker, as the case may be, in this behalf, addressed to the Federal Government or, as the case may be, the Provincial Government where the Member Parliament is held in custody, or to the Authority having or holding custody of the Member of Parliament, the Federal Government or the Provincial Government or such other Authority, shall cause the Member Parliament in custody to be produced before the Sergeant-at-Arms, who shall after the conclusion of sitting or the meeting, deliver the Member Parliament into the custody of the Federal Government or the Provincial Government or other Authority, as the case may be.

8. Exemption from Arrest.- No Member shall be detained or arrested one week before the commencement of a session in which he is required to;

- (a) A vote for election of the Prime Minister or the Chief Minister; or
- (b) A vote of confidence or a vote of no confidence; or
- (c) A money bill (Annual Budget).

9. Arrest within the precincts of Parliament.- No Member of Parliament shall be arrested within the precincts of Parliament without the permission of the Chairman or Speaker, as the case may be.

10. Service of Legal Process.- A legal process issued by any Court, Tribunal or other Authority shall not be served on a Member within the precincts of Parliament.

11. Act not to prejudice, restrict or limit any other immunities and privileges.- The provisions of this Act shall be in addition to, and not in derogation of, any powers, immunities and privileges of the Members which may from time to time be defined by law or which are enjoyed by the Members, or any law relating to immunities and privileges, and nothing contained herein shall prejudice, restrict or limit, all or any of the immunities and privileges enjoyed by the Members or available to the Members under any law or otherwise.

STATEMENT OF OBJECTS AND REASONS

In Pakistan's chequered history, the arrest of Members of Parliaments under detention laws, civil or criminal proceedings has been a common phenomenon. The purpose being to induce a change in Party loyalties and or prevent Members from performance of their constitutional and parliamentary duties and functions, and or to prevent them from voting or forcefully abstaining in a crucial vote.

2. That, legislation in terms of the, "The Members of National Assembly (Exemption from Preventive Detention and Personal Appearance) Ordinance 1963, was promulgated. The said Ordinance melted like snow as it could not withstand the heat of our polity. Similar legislation exists in the subcontinent as well.

3. The purpose of the instant Bill is not of conferring a privilege on a Member of Parliament but to facilitate them in exceptional circumstances to perform their constitutional duty and obligation of performing their Parliamentary functions without let or hindrance.

**SENATOR MIAN RAZA RABBANI
MEMBER-IN-CHARGE**

