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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 4th July, 1997

No. F. 22(104)/97-Legis.—The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on the 3rd July, 1997, and is hereby published for general information:—

ACT NO. XXIV OF 1997

An Act further to amend the Constitution of the Islamic Republic of Pakistan

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan in order to prevent instability in relation to the formation or functioning of government;

It is hereby enacted as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Constitution (Fourteenth Amendment) Act, 1997.

(2) It shall come into force at once.

(1495)

Price : Rs. 3.00

[1021(97)/Ex. Gaz.]

2. **Addition of new Article 63A in the Constitution.**—In the Constitution of the Islamic republic of Pakistan after Article 63 the following new Article shall be inserted, namely :—

“63A *Disqualification on ground of defection, etc.*—(1) If a member of a Parliamentary Party defects, he may be means of a notice in writing addressed to him by the Head of the political party, or such other person as may be authorized in this behalf by the Head of the political party, be called upon to show cause, within not more than seven days of such a notice, as to why a declaration under clause (2) should not be made against him. If a notice is issued under this clause, the presiding officer of the concerned House shall be informed accordingly.

Explanation.—A member of a House shall be deemed to defect from a political party if he, having been elected as such, as a candidate or nominee of a political party, or under a symbol of political party or having been elected otherwise than as a candidate or nominee of a political party, and having become a member of a political party after such election by means of a declaration in writing.

- (a) commits a breach of party discipline which means a violation of the party Constitution, code of conduct and declared policies, or
 - (b) votes contrary to any direction issued by the Parliamentary Party to which he belongs or,
 - (c) abstains from voting in the House against party policy in relation to any Bill.
- (2) Where action is proposed to be taken under the Explanation to clause (1), sub-clause (a), the disciplinary committee of the party, on a reference by the Head of the party, shall decide the matter, after giving an opportunity of a personal hearing to the member concerned within seven days. In the event the decision is against the member, he can file an appeal, within seven days, before the Head of the Party, whose decision thereon shall be final. In cases covered by the Explanation to clause (1), sub-clause (b) and (c), the declaration may be made by the Head of the party concerned after examining the explanation of the member and determining whether or not that member has defected.

- (3) The Presiding Officer of the House shall be intimated the decision by the Head of the Political Party in addition to an intimation which shall also be sent to the concerned member. The Presiding Officer shall within two days transmit the decision to the Chief Election Commissioner. The Chief Election Commissioner, shall give effect to such decision, within seven days from the date of the receipt of such intimation by declaring the seat vacant and announcing the schedule of the bye-election.
- (4) Nothing contained in this Article shall apply to the Chairman or Speaker of a House.
- (5) For the purpose of this Article.—
 - (a) "House" means the National Assembly or the Senate, in relation to the Federation, and the Provincial Assembly in relation to the Province, as the case may be;
 - (b) "Presiding Officer" means the Speaker of the National Assembly, the Chairman of the Senate or the Speaker of the Provincial Assembly, as the case may be.
- (6) Notwithstanding anything contained in the Constitution, no court including the Supreme Court and a High Court shall entertain any legal proceedings, exercise any jurisdiction, or make any order in relation to any action under this Article."

KHAN AHMAD GORAYA,
Secretary.