

**REPORT OF THE SENATE STANDING COMMITTEE ON
PARLIAMENTARY AFFAIRS**



House of the Federation

"THE MEMBERS OF PARLIAMENT PRIVILEGES BILL, 2022"

**INTRODUCED BY SENATOR MIAN RAZA RABBANI ON 21ST OCTOBER, 2022
AND REFERRED FOR CONSIDERATION AND REPORT**

Presented by:

**SENATOR TAJ HAIDER
Chairman**

Senate Standing Committee on Parliamentary Affairs

Report No. 2/2021-24

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE OF PARLIAMENTARY AFFAIRS ON "THE MEMBERS OF PARLIAMENT PRIVILEGES BILL, 2022", INTRODUCED BY SENATOR MIAN RAZA RABBANI ON 21ST OCTOBER, 2022 AND REFERRED FOR CONSIDERATION AND REPORT

I, Senator Taj Haider, Chairman Standing Committee on Parliamentary Affairs, have the honor to present on behalf of the Committee, this report on "The Members of Parliament Privileges Bill, 2022", introduced by Senator Mian Raza Rabbani on 21st October, 2022 and referred to the Committee for consideration and report.

2. The composition of the Committee is as under:-

1. Senator Taj Haider	Chairman
2. Senator Azam Nazeer Tarar	Member
3. Senator Muhammad Azam Khan Swati	Member
4. Senator Dr. Muhammad Farogh Naseem	Member
5. Senator Sania Nishtar	Member
6. Senator Abida Muhammad Azeem	Member
7. Senator Hilal ur Rehman	Member
8. Senator Farooq Hamid Naek	Member
9. Senator Kamran Murtaza	Member
10. Senator Prof. Sajid Mir	Member
11. Senator Syed Ali Zafar	Member
12. Senator Walid Iqbal	Member
13. Minister for Parliamentary Affairs	Ex-Officio-Member

3. The Committee took up the Bill in its meeting held on 14th November, 2022, which was attended by the following Members and Mover:-

i) Senator Taj Haider	Chairman
ii) Senator Abida Muhammad Azeem	Member
iii) Senator Prof. Sajid Mir	Member
iv) Senator Syed Ali Zafar	Member
v) Senator Walid Iqbal	Member
vi) Senator Mian Raza Rabbani	Mover

4. The Mover of the Bill, submitted to the Committee his statement of objects and reasons for introduction of the Bill. The Mover was of the view that arrest of Members of Parliaments under detention laws, civil or criminal proceedings has become a common practice with the aim to induce a change in Party loyalties and/or prevent Members from performance of their constitutional and parliamentary duties especially from voting or forcefully abstaining in a crucial vote. The Mover informed that the purpose of the Bill is to facilitate them to perform their constitutional duty without hindrance rather than to grant additional privileges.



5. The Mover also placed before the Committee a letter written to the Chairman Senate with copy to the Speaker, National Assembly and the Minister of Law and Justice proposing enactment of said law on arrest or detention of Member Parliament rather than amending the Rules of Procedure and Conduct of Business, of either House.

6. Secretary, Ministry of Parliamentary Affairs apprised the Committee that the Ministry, in terms of Rule 28 of the Rules of Business, 1973, has solicited views and comments from the Ministries of Interior and Law and Justice on the said Private Member Bill which are still awaited. However, the Ministry is of the opinion that the said Bill regarding arrest and detention is essential. The Ministry proposed to modify the title of the Bill by adding the words "Immunities and" in pursuance of Article 66 (2) of the Constitution of Islamic Republic of Pakistan. The same was agreed by the Mover and the Members of the Committee.

7. The Committee thereafter commenced clause by clause consideration of the Bill. In definition clause 2 of the Bill, Senator Walid Iqbal proposed to substitute the word "and" with the word "or" in paragraph (c) and omission of paragraph (d). The Committee discussed in detail clause 3 of the Bill and opined that the period of fifteen days as defined in said clause is not practical and should be amended. The Committee proposed to add the expression "once the session is summoned by the President or the Chairman or Speaker, as the case may be" in clause 3 of the Bill and to omit the subsequent sub-clause. Senator Syed Ali Zafar also proposed to insert the overriding effect clause in the proposed Bill.

8. In the light of detailed discussion and recommendations of the Committee, the Committee unanimously approved following amendments in The Members of Parliament Privileges Bill, 2022;

- (i) **Amendment in the proposed Long Title, the Members of Parliament Privileges Bill, 2022.** – In the Members of Parliament Privileges Bill, 2022, hereinafter referred as the said Bill, in the long title, before the word "Privileges" the words "Immunities and" shall be inserted.
- (ii) **Amendment in the proposed Preamble, the Members of Parliament Privileges Bill, 2022.**– In the said Bill, in the preamble, before the word "Privileges" the words "Immunities and" shall be inserted.
- (iii) **Amendment in the proposed clause 1, the Members of Parliament Privileges Bill, 2022.**–In the said Bill, in clause 1, sub-clause (1), in the short title, before the word "Privileges" the words "Immunities and" shall be inserted.
- (iv) **Amendment in the proposed clause 2, the Members of Parliament Privileges Bill, 2022.** – In the said Bill, in the definition clause 2,
 - (i) In paragraph (c) for the word "and" occurring after the word "Pakistan" the word "or" shall be substituted.
 - (ii) Paragraph (d) shall be omitted and subsequent paragraphs shall be renumbered accordingly.



(*) Amendment in the proposed clause 3, the Members of Parliament Privileges Bill, 2022. – In the said Bill, in clause 3,

(i) In sub-clause (1) after the words “preventive detention” the expression “once the session is summoned by the President or the Chairman or Speaker, as the case may be” shall be inserted.

(ii) Sub-clause (2) shall be omitted and clause 3, shall be renumbered accordingly.

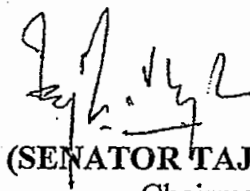
(vi) Insertion of new clause 11, the Members of Parliament Privileges Bill, 2022. – In the said Bill, after clause 10, a new clause 11, shall be added namely.-

“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.”

9. Accordingly, the Committee unanimously voted in favour of the Bill as amended by the Committee and recommended that “The Members of Parliament Privileges Bill, 2022”, as reported by the Committee may be passed by the Senate. Copy of the Bill as introduced in the Senate is at Annex – A and the Bill as reported by the Standing Committee is at Annex – B.



(HASSAN FAROOQ DAR)
Section Officer/ Secretary Committee



(SENATOR TAJ HAIDER)
Chairman

Senate Standing Committee on Parliamentary Affairs

Islamabad, the
17th November, 2022.

INTRODUCED ON 21.10.2022.
[AS INTRODUCED IN THE SENATE]

A
BILL

to provide for the Members of Parliament Privileges

WHEREAS clause (2) of Article 66 of the Constitution of the Islamic Republic of Pakistan provides, *inter alia*, that 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 Privileges Act, 2022.

- (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 and the National Assembly;
- (d) **"Parliament"** means the Senate of Pakistan and the National Assembly;
- (e) **"Senate"** means the Senate of Pakistan;
- (f) **"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
- (g) **"Speaker"** means the Speaker of the National Assembly.

3. Arrest under preventive detention laws.- (1) No Member shall be detained under any law pertaining to preventive detention.

(2) Nothing in sub-section (1) shall be construed as applying to any Member who is detained under any such law as is referred to in sub-section (1).

- (a) At any time during the period commencing on the 15th day before the commencement of a Session and till the 15th day after the conclusion of the Session.

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.

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**

[AS REPORTED BY THE STANDING COMMITTEE]

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, 2022**.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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(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;

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