

HANDBOOK

for

PARLIAMENTARIANS



Provincial Assembly of the Punjab
2002

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Introduction

Democracy

The constitutional and parliamentary history of Pakistan over a period of fifty-three years is rather thought-provoking. For multifarious reasons too well known to the nation, we are still far off the goal of instituting genuine democracy within the framework of Islam.

Democracy which is the rule of the majority, involves the concept of the '*rightness*' of the majority. The essential attributes of a liberal democracy include that toleration and endurance are exercised by all; the government is limited and accountable and its rules are in the common interest of all; it remains representative and is responsive to the changing public opinion; the elementary rights and liberties are guaranteed and are made inviolable; and, the political groups in minority are given a chance to try, within the design of the Constitution, to become a majority.

Freedom of speech and association and free elections *inter alia* constitute the basis of a responsible government but these rights become meaningless if the people do not have the ability to exercise them. Free elections presuppose "the existence of, and free competition between, political parties"¹ and they mean that neither the government in

¹Lively, J., *Democracy*, 1975, p.44.

power nor anyone else may illegally determine the electoral result. Fraud, intimidation and bribery are thus incompatible with responsible government.”¹

A society or a state to be democratic should not only vouch for certain basic rights against the Executive but it must also afford opportunity to the individuals to exercise those rights freely. Want and deprivation lead to frustration, defeat and resignation. Instead of being cognizant of their rights, the dispirited and discontented souls, tend to fall a facile prey to the malevolent factors and are beguiled by the overstated prospects. Unless, therefore, the ‘*freedom from want*’ is actually realized, the other cherished rights may be destroyed or diluted. Equally important is the protection of the under-privileged in the society against the ruthless competition. The need is to strike a balance between the ‘*haves*’ and ‘*have nots*’.”²

Constitution

A community to be amicably arrayed must have a popular network of rights and obligations and an operative mechanism for the prompt and affable settlement of the dissension that does arise from the act of being together. The approbation of such rights and duties first produced the customary law which was, later, complemented, and in many cases, replaced by the laws of State organization.³

¹Lively, J., *Democracy*, 1975, p.44.

²Subbarao, S.K., *Freedoms in Free India*, AIR 1986 Journal 21, at pp.22-23.

³Sen, S.D.K., *A Comparative Study of the Indian Constitution*, Vol. I, Calcutta, 1960, p.2.

Law is public or private. The former, which *inter alia* relates to the structure, powers, rights and activities of the State, is either constitutional law or administrative law.

Constitutional law is the legal framework of a nation¹ and a scheme whereby the country is governed.² It conceives a system or principles according to which the nation, state or body politic is constituted;³ it “contains the basic rules of conduct for the governance of a country”;⁴ it sets out the framework and the principal functions of the organs of the government of a state and declares the principles governing the operation of these organs;⁵ it provides “devices for the limitation and control of political power”;⁶ and, embodies the rights of the individuals as against the authorities of the State.⁷

Generally speaking, a constitution is the *grund norm* and, being at the acme of legal scheme, it “lays down the fundamental, constituent and organic law.”⁸ It is “the common

¹McIlwain, C.H., *Constitutionalism, Ancient and Modern*, New York, 1947, p.24.

²*Encyclopedia of Britannica*, Vol.6, p.396 and *Halsbury's Laws of England*, Vol.8, para 801.

³Swarup, J., *Constitution of India*, Allahabad, p.84.

⁴Nasim Hasan, *Constitution, Law and Pakistan Affairs*, Lahore, 1986, p.3. A Constitution serves three purposes; viz., “to establish different organs of government”; “to assign to them their respective functions”; and “to make provisions for the general welfare of the people.” Also see Sardar Muhammad Iqbal, *The Constitution of Pakistan*, PLD 1975 Journal, p.77.

⁵Phillips, O.H., *Constitutional and Administrative Law*, London, 1973 (5th ed), p.5.

⁶Loewenstein, K., *Political Power and the Government Process*, 1957, p.123.

⁷In its broader sense, a constitution “comprehends the normative attitudes held by the people towards government, their conception of how power ought to be regulated, of what it is proper to do and not to do. There are, as it were, pre-constitutional norms regulating government, and it is upon these that the health and viability of democratic systems will depend” — see Bogdanor, V. (ed), *Introduction to Constitutions in Democratic Politics*, Dartmouth Publishers, 1988, p.7. Also see M. Allen, B. Thompson and B. Walsh in *Cases and Materials on Constitutional and Administrative Law*, London, 1990, pp.11-12.

⁸*Kesavananda Bharati v State of Kerala*, AIR 1973 SC 1461.

denominator with reference to which all statutes, legislation and every action in the country have to be tested.”¹ All public authorities² derive their powers; all laws, their validity;³ and all subjects, their rights from the constitution. Thus, “no power can be claimed by any functionary which is not to be found within the four-corners of the constitution nor can any one transgress the limits therein specified.”⁴ By cramping power, it secures a government by law⁵ *i.e.* a government which is carried on in accordance with the principles and objectives of the constitution⁶ and with due regard to the confines imposed by it.⁷

¹“It is the supreme verdict of the people and all other organs must subserve to it” — Mukharji, P.B., *The Aspirations of the Indian Constitution*, AIR 1955 Journal 101.

²Where, legislature is not supreme, it imposes restriction “on the power of legislature itself by prohibiting it from making certain laws” — M. Munir, *Constitution of the Islamic Republic of Pakistan*, Lahore, 1965, p.5.

³Kagzi, M.C.J., *The Constitution of India*, Vol. I, Delhi, 1984, p.3.

⁴Fazlul Quader Chowdhury v Muhammad Abdul Haque, PLD 1963 SC 486, at p 535, *per* Hamoodur Rehman J.

⁵A Constitution, no doubt, allocates functions; but, “to allocate functions, powers and duties is also *ipso facto* to limit power.” For details, *see* Bogdanor, V. (ed), *Introduction to Constitutions in Democratic Politics*, Dartmouth Publishers, 1988, pp.3-7. “A constitution is not the act of a government, but of a people constituting a government, and a government without a constitution is power without right” — *see* K.C. Wheare, *Modern Constitutions*, OUP, 1966. In Chapter 2, he classifies constitutions as — written and unwritten; rigid and flexible; supreme and subordinate; federal and unitary; separated powers and fused powers; and, republican and monarchical. “A constitution is a thing antecedent to a government, and a government is only the creature of a constitution” — *see* Paine, T., *Rights of Man in The Complete Works of Thomas Paine*, pp.302-03, quoted by M. Allen, B. Thompson and B. Walsh in *Cases and Materials on Constitutional and Administrative Law*, England, 1990, p.1.

⁶Bolingbroke, *A Dissertation Upon Parties (1733-34) in The Works of Lord Bolingbroke*, 1841, Vol. II, p.88: extracts reproduced by M. Allen, B. Thompson and B. Walsh in *Cases and Materials on Constitutional and Administrative Law*, England, 1990, p.3.

⁷A constitution, in fact, “springs from a belief in limited government.” For details, *see* K.C. Wheare, *Modern Constitutions*, OUP, 1966, pp.4-8.

To be acceptable to the people and to extract obedience from them, a constitution must mirror their needs and aspirations; embody the ideologies of the nation; realize the objectives envisioned by its founders; make provisions and pave way for the extensive welfare of the people;¹ and, ensconce the rule of law through a responsible and representative government. If, in practice, it nullifies its goal or else it is “destructive of the values it was intended to promote”,² it cannot stay tenable with the populace.

Constitutional Government

The expression ‘constitutional government’ is closely affiliated with the concept of constitutionalism in its actual undertone. Constitutionalism, which is a global phenomenon and which originates from a belief and practice in limited government, must “be set in contradistinction to arbitrary power.”³ By apportioning power and limiting it, constitutionalism provides “effective restraints upon governmental action.”⁴ It is a style and tendency which comes only if the rules of government are followed over a long period of time; it is the name given to a willingness to live according to rules; and, it is an environment which capacitates private interests to bring their views to bear on governments. To cap it all, it is the quintessence of a modern democracy.

The Legislature

¹Munir, M., *Constitution of the Islamic Republic of Pakistan*, Lahore, 1965, p.5.

²Vile, M.J.C., *Constitutionalism and the Separation of Powers*, OUP, 1967, p.1.

³*Ibid.*

⁴Friedrich, C.J., *Limited Government: A Comparison*, Prentice-Hall, N.J., 1974, p.13.

The Punjab can rightly boast of a rich democratic heritage. Not only that it played an active role during the Pakistan Movement, it has also been contending hard for the advancement of the cause of democracy. Various legislatures in the Punjab, by whatever name called, always raised a meaningful voice for strengthening democracy even against massive and unwieldy odds. Needless to mention that under the impact of the national politics, the Punjab also encountered constant fluctuations and changes of the governments, and continual cessation or suspension of the democratic and parliamentary setup.

The following thirteen Provincial Assemblies have been constituted since the creation of Pakistan in 1947 –

- (a) West Punjab Legislative Assembly (15 August 1947 to 25 January 1949);¹
- (b) Punjab Legislative Assembly (7 May 1951 to 14 October 1955);²
- (c) Interim Provincial Assembly of West Pakistan (14 October 1955 to 22 March 1956);³

¹Remained on ground for 1 year 5 months and 11 days. Constituted under section 5(1) of the Pakistan (Provincial Legislatures) Order 1947 (GGO 19 of 1947), published in the Gazette of Pakistan (Extraordinary), dated 13 September 1947, pp.85-86. The Governor of the Punjab dissolved the Assembly *vide* West Punjab Legislative Assembly Notification No.G-1(3), dated 25 January 1949, published the same day in the West Punjab Gazette (Extraordinary), p.15.

²Stayed for 4 years 5 months and 8 days. Punjab Legislative Assembly Debates, 7 May 1951, Vol.1, p.1. Ceased to exist on the formation of the Province of West Pakistan with effect from 14 October 1955 under the Establishment of West Pakistan Act 1955 (PLD 1955 Central Statues 277).

³Continued for 7 months and 8 days. Provision was made for the constitution of an Interim Provincial Assembly of West Pakistan comprising 310 Members, under Section 11 read with Second Schedule of the Establishment of West Pakistan Act, 1955. The elections of the Assembly were held on 19 January 1956 — *see* Ministry .of Law Notification No.F.4(6)/55-Con(I), dated 20 December 1955, published the same day in Gazette of Pakistan (Extraordinary), pp.2059-65. The results of the elections were notified on 29 January 1956 — *see* Gazette of West Pakistan (Extraordinary), dated 24 January 1956, pp.63-71. The Constitution of the Islamic Republic of Pakistan (1956) declared it as ‘Provincial Assembly of West Pakistan’, with effect from 23 March

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|--|---|
| (d) Provincial Assembly of West Pakistan | (19 May 1956 to 7 October 1958); ¹ |
| (e) Provincial Assembly of West Pakistan | (9 June 1962 to 8 June 1965); ² |
| (f) Provincial Assembly of West Pakistan | (9 June 1965 to 25 March 1969); ³ |
| (g) Provincial Assembly of the Punjab | (2 May 1972 to 13 January 1977); ⁴ |
| (h) Provincial Assembly of the Punjab | (9 April 1977 to 5 July 1977); ⁵ |
| (i) Provincial Assembly of the Punjab | (12 March 1985 to 30 May 1988); ⁶ |
| (j) Provincial Assembly of the Punjab | (30 November 1988 to 6 August 1990); ⁷ |

1956: the day on which the Constitution came into force. The said Assembly had its first meeting on 19 May 1956.

¹Had a life of 2 years 4 months and 19 days. West Pakistan Legislative Assembly Debates, 19 May 1956, Vol.1, p.109. The Assembly constituted under the Establishment of West Pakistan Act 1955 [published in the Gazette of Pakistan (Extraordinary) dated 3 October 1955, pp.1663-1689], was declared to be the Provincial Legislature under the Constitution (1956) – Article 225(2). Dissolved under the Proclamation of Martial Law, dated 7 October 1958 (PLD 1958 Central Statues 577).

²Ceased to exist on the completion of three-year term prescribed under the Constitution.

³Remained on ground for 3 years 9 months and 17 days. Provincial Assembly of West Pakistan Debates, 9 June 1965, Vol.1, No.1, pp.1-6. Dissolved under the Proclamation of Martial Law, dated 25 March 1969, published the same day in the Gazette of Pakistan (Extraordinary), pp.185-86.

⁴Stayed for 4 years 8 months and 12 days. Provincial Assembly of the Punjab Debates, 2 May 1972, Vol.1, No.1, pp.1-33. Under Article 273(1) of the 1973 Constitution, the Assembly had to complete its life on 14 August 1977; however, the Governor dissolved it with effect from 13 January 1977 – Provincial Assembly of the Punjab Notification No.PAP/Legis-1(1)/77/1, dated 11 January 1977, published the same day in the Punjab Gazette (Extraordinary), p.27.

⁵Remained on ground for 2 months and 27 days. Provincial Assembly of the Punjab Debates, 9 April 1977, Vol.1, No.1, pp.1-14. Dissolved under the Proclamation of Martial Law dated 5 July 1977, published the same day in the Punjab Gazette (Extraordinary), p.411.

⁶Stayed for 3 years 2 months and 19 days. Provincial Assembly of the Punjab Debates, 12 March 1985, Vol.1, No.1, p.1. The Governor dissolved the Assembly *vide* SG&I Department Notification No.CAB-II/2-5/86, dated 30 May 1988, published in the Punjab Gazette (Extraordinary) dated 31 May 1988, p.1559.

⁷Had a life of 1 year 8 months and 8 days. Provincial Assembly of the Punjab Debates, 30 November 1988, Vol.1, No.1, p.1. The Governor dissolved the Assembly *vide* SG&I

- (k) Provincial Assembly of the Punjab (5 November 1990 to 28 June 1993);¹
- (l) Provincial Assembly of the Punjab (18 October 1993 to 17 November 1996);²
- (m) Provincial Assembly of the Punjab (18 February 1997 to 11 October 1999);³

Thus, in slightly above fifty-three years, the Provincial Assemblies operated, with intervals, for less than thirty-four years. They had been dissolved or suspended either under the Proclamation of Martial Law or the Proclamation of Emergency or by the Governor, at times in his discretion and at others on the advice of the Chief Minister.

The Rules of Procedure

Legislatures, all over the world, necessarily formulate a framework and procedural guidelines so as to direct and

Department Notification No.CAB-II/2-13/88, dated 7 August 1990, published the same day in the Punjab Gazette (Extraordinary), p.1559-A.

¹Stayed for 2 years 7 months and 24 days. On the advice of the Chief Minister, the Governor initially dissolved the Assembly on 29 May 1993; but, the Lahore High Court, Lahore *vide* order dated 28 June 1993, held the dissolution of the Assembly as illegal and restored the same. The Governor, on the advice of the Chief Minister, again dissolved the Assembly on 28 June 1993, within minutes of its restoration by the Lahore High Court. For details, *see* Ch Parvez Elahi v Province of the Punjab (PLD 1993 Lahore 595).

²Remained in tact for 3 years and 1 month. *See* Provincial Assembly of the Punjab Debates, 18 October 1993, Vol.1, No.1, p.1. The Governor dissolved the Assembly *vide* Provincial Assembly of the Punjab Notification No.Legis-1(111)/93/122, dated 17 November 1996, published in the Punjab Gazette (Extraordinary) dated 18 November 1996, pp.617-19.

³Had an active life of 2 years 7 months and 23 days. Initially, placed under suspension with effect from 12 October 1999 under Proclamation of Emergency dated 14 October 1999, issued *vide* Cabinet Division Notification No.2-10/99-Min.I, dated 14 October 1999, published the same day in the Gazette of Pakistan (Extraordinary), pp.1265-66 and dissolved with effect from 20 June 2001, *vide* The Chief Executive Order (Order No.2 of 2001), published in the Gazette of Pakistan (Extraordinary) Notification No2-10/99-Min.I., dated 20 June 2001, pp.775-76.

monitor their indoor working, and steer the proceedings and business in the House in a democratic and productive manner. The conduct of business in the Provincial Assemblies of the Provinces, by whatever name called, had throughout been regulated and governed by the relevant provisions of the Constitution and the rules of procedure framed, from time to time, either by the Governor or the Assembly itself. Since 1947, the following rules regulated the procedure and conduct of business in the Provincial Assemblies –

- (a) The West Punjab Legislative Assembly Rules of Procedure (1948);¹
- (b) The Rules of Procedure of the Legislative Assembly of West Pakistan (1955);²
- (c) The Provincial Assembly of West Pakistan Rules of Procedure (1956);³
- (d) The Rules of Procedure of the Provincial Assembly of West Pakistan (1962);⁴

¹To regulate the procedure of the West Punjab Legislative Assembly, which had its first sitting on 5 January 1948, the Speaker, in terms of subsection (3) of section 84 of the Government of India Act 1935, adapted, with modifications, the Punjab Legislative Assembly Rules of Procedure 1938 as supplemented by the Punjab Legislative Assembly (Special Procedure) Rules 1939. Subsequently under the Indian Independence (Amendment) Act 1950, the Province of West Punjab was re-named as Province of the Punjab; and, as a result thereof, the word 'West' in the Rules of Procedure was omitted. Later the Rules of Procedure of the Legislative Assembly West Pakistan (1955) replaced the said rules with effect from 14 October 1955.

²*Ibid.*

³The Governor adapted, with modifications and amendments, the West Pakistan Legislative Assembly Rules of Procedure (1955) under para 10 of the Fourth Schedule of the Constitution of the Islamic Republic of Pakistan (1956) *vide* Government of West Pakistan, Law Department Notification No.Gen.5-16/56, dated 23 April 1956, published in the Gazette of West Pakistan (Extraordinary), dated 24 April 1956, pp.335-48. These rules were later replaced by the Rules of Procedure of the Provincial Assembly of West Pakistan (1962) with effect from 8 June 1962.

⁴Pursuant to Article 110 of the Constitution (1962), the Governor of West Pakistan adapted, with amendments, the Rules of Procedure of the National Assembly of Pakistan as the Rules of Procedure for the Provincial Assembly of West Pakistan. For details, *see* Government of West Pakistan, Law Department Notification No.Gen-5-4/62/3167, dated 8 June 1962, published the same day in the

- (e) The Rules of Procedure of the Provincial Assembly of West Pakistan (1968);¹
- (f) The Rules of Procedure of the Provincial Assembly of the Punjab 1972;²
- (g) The Rules of Procedure of the Provincial Assembly of the Punjab 1973;³ and
- (h) The Rules of Procedure of the Provincial Assembly of the Punjab 1997.⁴

The forthcoming Assembly shall be regulated by the relevant provisions of the Constitution and the Rules of Procedure of the Provincial Assembly of the Punjab 1997 as well as the long established parliamentary traditions.

Gazette of West Pakistan (Extraordinary), pp.2343-46. These rules were replaced, with effect from 15 July 1968, by the Provincial Assembly of West Pakistan Rules of Procedure 1968.

¹Pursuant to Article 110 of the Constitution (1962), the Governor of West Pakistan adapted, with amendments, the Rules of Procedure of the National Assembly of Pakistan as the Rules of Procedure for the Provincial Assembly of West Pakistan. For details, *see* Government of West Pakistan, Law Department Notification No.Gen-5-4/62/3167, dated 8 June 1962, published the same day in the Gazette of West Pakistan (Extraordinary), pp.2343-46. These rules were replaced, with effect from 15 July 1968, by the Provincial Assembly of West Pakistan Rules of Procedure 1968.

²Made by the Governor under Article 132 of the Interim Constitution (1972). For details, *see* Provincial Assembly of the Punjab Notification No.PAP/Legis-(7)/72/7, dated 27 April 1972, published the same day in the Punjab Gazette (Extraordinary), pp.719-93. These rules were, later, replaced by the Rules of Procedure of the Provincial Assembly of the Punjab 1973 with effect from 10 September 1973.

³Promulgated by the Governor under Article 67 read with Article 127 of the Constitution (1973). For details, *see* Provincial Assembly of the Punjab Notification No.PAP/Legis-1(87)/73/165, dated 10 September 1973, published the same day in the Punjab Gazette (Extraordinary), pp.1315-D to 1315-OOOO. These rules were substituted by the Rules of Procedure of the Provincial Assembly of the Punjab 1997 with effect from 29 January 1997

⁴Initially made by the Governor under Article 67 read with Article 127 of the Constitution (1973); however, the Assembly adapted the same on 25 June 1997. For details, *see* Provincial Assembly of the Punjab Notification No.PAP/Legis-1(94)/96/11, dated 29 January 1997, published the same day in the Punjab Gazette (Extraordinary), pp.73-128 and No.Legis-1(94)/96/82, dated 25 June 1997.

The new Provincial Assembly of the Punjab, consisting of 371 members, will be the 8th Provincial Assembly of the Punjab under the Constitution of the Islamic Republic of Pakistan 1973. Majority of the members have returned to the Assembly for the first time, and need be imparted knowledge and guidance to equip them to perform their functions effectively.

The Handbook has been prepared with a view to providing the Members basic information about the conduct of business in the Assembly as well as other matters incidental thereto, including the privileges of the Members. This is in no way a substitute of the Constitution and the Rules of Procedure. However, the references to these documents given at various places in this Handbook will facilitate and encourage the members to reach the original source.

It is hoped that the publication would be a valuable reference book for public representatives and others.

Dr Syed Abul Hassan Najmee
Secretary
Provincial Assembly of the Punjab

Chapter-I

The Assembly Building

The first Punjab Legislative Assembly was constituted under the Government of India Act 1935. As the Assembly did not have its own building, the first sitting of that Assembly, consisting of 175 members, was held on 5 April 1937 in the Council Hall, Punjab Civil Secretariat Lahore.¹

Bazel M. Sullivan (Superintending Architect, Punjab) designed the gorgeous building, and Sir Jogendra Singh (Minister for Agriculture) laid its foundation on 17 November 1935. The building and its lawns occupy eight acres of land. It is a spectacular piece of Roman architecture, and is one of the historical and prestigious buildings of the country. The Assembly Chamber demonstrates a rare blend of simplicity and magnificence.

The fourth session of the Punjab Legislative Assembly was held in this building on 10 November 1938. Hon'ble Sir Shahab-ud-Din (Speaker) presided over the sitting. Hon'ble Sir Sikander Hayat Khan (Premier) conducted the prayer in silence.² Since 1947, the present building has been the permanent seat of the Punjab as well as the West Pakistan Assemblies.

¹Dewan Bahadur Raja Narendra Nath, who was appointed for the purpose, presided over the sitting – *Punjab Legislative Assembly Debates, 1937, Vol.I, p.1.*

²*Punjab Legislative Assembly Debates, 1938, Vol.VI, pp.1-3.*

Chapter-II

The Assembly

Composition

Provincial Assembly of the Punjab consists of 371 members: 297 general seats, 66 seats reserved for women and 8 seats reserved for non-Muslims.¹ The election to the general seats was held on 10 October 2002, on the basis of joint electorate and single member territorial constituencies distributed over 34 districts in the Punjab. However, the members to fill the seats reserved for women and non-Muslims were elected through the proportional representation system of political parties' lists of candidates on the basis of the total number of general seats secured by each political party in the Assembly. The total number of general seats won by a political party also included the independent returned candidates who had joined a political party within three days of the publication in the official Gazette of the names of the returned candidates.²

¹*The Constitution of the Islamic Republic of Pakistan*, Article 106(1).

²*Ibid.*, Article 106(3).

Duration

Unless sooner dissolved, the Assembly has a life of five years from the day of its first meeting, and it stands dissolved at the expiration of that term.¹ The Assembly is required to hold at least three sessions, and to have minimum seventy working days in an year. The interval between the two sessions cannot exceed one hundred twenty days.² The Assembly year is counted with effect from its first meeting.³

Dissolution of the Assembly

The Governor is required to dissolve the Assembly on the advice of the Chief Minister. In case, the Governor does not so dissolve the Assembly, it automatically stands dissolved at the expiration of forty-eight hours after the Chief Minister has so advised. However, the Chief Minister, against whom a notice of a resolution for a vote of no confidence has been received, cannot advise the Governor to dissolve the Assembly.⁴ The Governor can also dissolve the Assembly, in his discretion, but subject to the previous approval of the President, if –

¹*The Constitution of the Islamic Republic of Pakistan*, Article 107.

²*Ibid.*, Article 54(2) read with Article 127.

³*Ibid.*, Article 107.

⁴*Ibid.*, Article 112(1).

- (a) after a vote of no confidence has been passed, no other member of the Assembly is in a position to command the confidence of the members of the Assembly to form the Government; or
- (b) a situation has arisen in which the Government of the Province cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate is necessary.¹

Double Membership

No person can, at the same time, be a member of both Houses of the Parliament, or a House and a Provincial Assembly, or the Assemblies of two or more Provinces, or a House or a Provincial Assembly in respect of more than one seat. However, a person may contest election for two or more seats at the same time, whether in the same Assembly or in different Assemblies. If he is elected to more than one seat, he must, within a period of thirty days after the declaration of the result for the last such seat, resign all but one of his seats. If he does not so resign, all the seats to which he was elected become vacant at the expiration of the said period of thirty days, except the seat to which he was elected last. In case he was elected to more than one seat on the same day, the seat for election to which his nomination was filed last remains in tact. Still, such a person cannot take a seat in the Provincial Assembly of the Punjab until he has resigned all but one of his

¹*The Constitution of the Islamic Republic of Pakistan*, Article 112(2).

seats in the Assembly.¹ Whereas, a member of a Council may contest an election without resigning from the membership of the Council, the Nazims and the Naib Nazims of Zila Councils, Tehsil Councils, Town Councils, and Union Councils cannot contest election for a seat in either House of the Parliament or in the Provincial Assembly without resigning from their offices. However, even a member of a Council cannot hold more than one office at a time.²

Summoning and Prorogation

The Governor, from time to time, summons and prorogues the Assembly.³ However, the Speaker of the Assembly is also required to summon the Assembly, within fourteen days of the receipt of requisition from at least one-fourth of the total membership of the Assembly (*93 members*). In that case, the Speaker alone prorogues the Assembly.⁴

In either case, Assembly Secretariat publishes a notification in the Punjab Gazette (Extraordinary) indicating the date, time and place of the meeting. Copies are endorsed to the members for information. Its announcement over the radio/TV and in the Press is also made. A notification with regard to prorogation of the Assembly is also published likewise.⁵

¹*The Constitution of the Islamic Republic of Pakistan*, Article 223.

²*The Punjab Local Government Ordinance 2001*, section 158.

³*The Constitution of the Islamic Republic of Pakistan*, Article 109 read with Article 105.

⁴*Ibid.*, Article 54(3) read with Article 127.

⁵*The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rules 3 and 4.

First Meeting

The first meeting of the Assembly will be held on such date as may be specified by the President. In that meeting, the newly elected members will make oath and elect a Speaker and a Deputy Speaker.¹ The President shall also specify a date for the ascertainment of the member who enjoys the confidence of the majority of the membership of the Assembly to be the Chief Minister.² Till the election of the Speaker, the meeting of the Assembly will be presided over by a person nominated by the Governor for this purpose. The Governor has the power either to nominate a member-elect or somebody else. In case, the Governor nominates a member-elect, he will first make oath before the Assembly.³

Oath

A person elected to the Assembly cannot sit or vote in the Assembly until he has made before the Assembly oath in the form prescribed in the Constitution.⁴ Broadly speaking, while making the oath, a member-elect solemnly swears that—

- (a) he will bear true faith and allegiance to Pakistan;
- (b) as a member of the Assembly, he will perform his functions honestly, to the best of his ability,

¹*Legal Framework Order 2002* (C.E. Order 24 of 2002), clause 2(3).

²*Ibid.*, clause 2(4).

³*The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rules 6 & 9.

⁴The Constitution of the Islamic Republic of Pakistan, Article 65 read with Article 127, and the Third Schedule.

faithfully in accordance with the Constitution, the law and the rules of the Assembly, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan;

(c) he will strive to preserve Islamic Ideology which is the basis for the creation of Pakistan; and

(d) he will preserve, protect and defend the Constitution.

After making oath, each member is required to sign the Roll of members in the presence of Secretary Assembly.¹

Seating

The members sit in the Assembly in such order as may be determined by the Speaker, and in his absence, as may be specified by the Secretary. The members are required to occupy the seats allocated to them, and they cannot speak or vote from any other seat.²

Due to inadequate capacity, it is not possible that all the 371 members are accommodated in the main Chamber. Additional seats have been provided by converting a major portion of the Visitors' Gallery into Members' Chamber.

It has been decided that for purposes of the introductory sittings of the Assembly for oath taking, the election of the Speaker and the Deputy Speaker, and the ascertainment for the office of Chief Minister, the members shall sit in order of the constituency/identity number. However, a separate block shall be allocated for the lady members.

¹The Rules of Procedure of the Provincial Assembly of the Punjab 1997, rule 7.

²*Ibid.*, rule 8.

Attendance and Leave of Absence

If a member remains absent for forty consecutive days of the sittings of the Assembly without its leave, the Assembly may declare his seat vacant.¹ Moreover, a member is paid the requisite allowances for the days he attends the sittings of the Assembly. It is therefore necessary to keep an authentic record of the presence of the members at each sitting. The Assembly Secretariat maintains an attendance register/sheet.² The members must mark their attendance at the earliest *inter alia* because the attendance register/sheet is concluded at the close of the proceedings on each day, and the data is computerized. After the close of a day, it will not be possible to entertain request for marking a member present on a back date. The attendance register/sheet is, however, open to inspection by any member.³

A member, desirous of obtaining leave of his absence from any sitting or session of the Assembly, may make an application in writing under his hand addressed to the Speaker stating reasons for his absence. This request is placed before the Assembly for approval. However, where a member is prevented or incapacitated from making such an application, leave of the Assembly may be granted on an application made by any other member on his behalf.⁴

¹The Constitution of the Islamic Republic of Pakistan, Article 64 read with Article 127, and the Rules of Procedure of the Provincial Assembly of the Punjab 1997, rule 36.

²The Rules of Procedure of the Provincial Assembly of the Punjab 1997, rule 37.

³*Ibid.*

⁴*Ibid.*, rule 34.

Resignation

A member may, by writing under his hand addressed to the Speaker, resign his seat and thereupon his seat becomes vacant.¹ The resignation is processed and notified in accordance with the procedure given in the rules.²

Language of the Assembly

A member must address the Assembly in Urdu. However, if any member is unable adequately to express himself in that language, the Speaker may allow him to address the Assembly in English language or in any other recognized language of the Province.³

Governor's Address

The Governor may address the Provincial Assembly of the Punjab and may for that purpose require the attendance of the Members.⁴

On receipt of intimation from the Governor, the Assembly Secretariat includes the item "Address by the Governor" in the List of Business for a date and time fixed in consultation with the Governor.⁵

¹*The Constitution of the Islamic Republic of Pakistan*, Article 64 read with Article 127.

²*The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rule 35.

³*Ibid.*, rule 218.

⁴*The Constitution of the Islamic Republic of Pakistan*, Article 110.

⁵*The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rules 39-41.

Advocate General

The Advocate General has the right to speak and otherwise take part in the proceedings of the Assembly. If so named as member, he has also right to speak and to take part in the proceedings of any Committee of Assembly. However, he is not entitled to vote.¹

¹*The Constitution of the Islamic Republic of Pakistan*, Article 111.

Chapter-III

The Functionaries

Speaker and Deputy Speaker

Election

At the first meeting of the Assembly, after the members present have made oath, the Assembly, shall elect, from amongst its members, a Speaker and a Deputy Speaker. The election is held by secret ballot, and a member obtaining majority of the votes of the members present and voting is declared to have been elected as Speaker or Deputy Speaker.¹ A member may propose another member for election as Speaker/Deputy Speaker but such a nomination must contain a written undertaking from the candidate that, if elected, he is willing to serve as Speaker/Deputy Speaker. The nominations for the purpose are received by Secretary Assembly before 5.00 pm on the day preceding the day fixed for the election. A member who is nominated may, in writing, withdraw his candidature at any time before the Assembly proceeds to elect a

¹The Constitution of the Islamic Republic of Pakistan, Article 108

Speaker/Deputy Speaker. In case, there is left only one candidate, no balloting is held, and the Presiding Officer declares him to have been elected as Speaker or as the case may be as Deputy Speaker. The election of Deputy Speaker is held in the same manner after the election of the Speaker.¹ The Speaker/Deputy Speaker assume office after making oath in the form prescribed in the Constitution.²

Term of office

Subject to the condition that they continue to be the members of the Assembly, the term of office of the Speaker and the Deputy Speaker is the same as that of the Assembly. However, the Speaker, on the dissolution of the Assembly, retains the office till the person elected to fill that office by the next Assembly assumes office.³

Resignation or Removal

The Speaker may submit his resignation to the Governor, and the Deputy Speaker, to the Speaker.⁴ The Speaker or the Deputy Speaker may also be removed from office by the majority of the total membership of the Assembly, in accordance with the procedure given in the rules.⁵ The

¹*The Rules of Procedure of the Provincial Assembly of the Punjab*, rules 9 and 10.

²*The Constitution of the Islamic Republic of Pakistan*, Article 53(2) read with Article 127, and the Third Schedule.

³*Ibid.*, Article 53(8) read with Article 127.

⁴*Ibid.*, Article 53 (5) & (6), read with Article 127.

⁵*The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rule 12.

Speaker/Deputy Speaker cannot preside the meeting of the Assembly in which a resolution for his removal from office is being considered.¹ Whenever the office of the Speaker or the Deputy Speaker becomes vacant, the Assembly elects another member to fill the vacant office.²

Functions

At the commencement of each session, the Speaker nominates, in order of precedence, from amongst the members, a panel of not more than four Chairmen to preside over the sittings of the Assembly in the absence of the Speaker and the Deputy Speaker.³

The Speaker takes a cardinal position in the Assembly. Although he is elected as a nominee of a political party, it is assumed that he would conduct the business of the Assembly as an impartial arbiter and shall manage the proceedings in line with the established norms of democracy. He is also required to effect a balance between the Treasury Benches and the Opposition Benches.

In addition to the functions relating to the conduct of business of the Assembly, the Speaker also performs certain administrative and financial functions under the Constitution and the rules. Briefly to say, the Speaker is required –

¹*The Constitution of the Islamic Republic of Pakistan*, Article 53(4) read with Article 127 of the Constitution.

²*Ibid.*, Article 53(3), read with Article 127, and the Rules of Procedure of the Provincial Assembly of the Punjab 1997, rules 11-12.

³*The Rules of Procedure of the Provincial Assembly of the Punjab*, rule 13.

- (a) to take the Chair at every sitting of the Assembly at the appointed time;
- (b) to call a sitting to order and to conduct business;
- (c) to preserve order and decorum, and to enforce decisions;
- (d) to decide all points of order;¹
- (e) to suspend or expel a member;²
- (f) to order the Galleries to be cleared or any stranger to be removed;³
- (g) to hold a secret sitting of the Assembly;⁴
- (h) to expunge any remarks from the proceedings of the Assembly;⁵ and
- (i) to amend notices and motions.⁶

In the absence of the Speaker, the Deputy Speaker takes the Chair. In case, he is also absent, the Chairman having precedence amongst those present at the sitting occupy the Chair. In the absence of all of them, the Assembly may elect one of the members present to preside at the sitting.⁷ The Presiding Officer has the same powers as the Speaker has when presiding at a sitting; and, all references in the rules to the Speaker are deemed to include a reference to the Presiding Officer.⁸

¹*The Rules of Procedure of the Provincial Assembly of the Punjab*, rule 14.

²*Ibid.*, rule 210.

³*Ibid.*, rules 211 and 212..

⁴*Ibid.*, rule 213.

⁵*Ibid.*, rule 221.

⁶*Ibid.*, rule 230.

⁷*Ibid.*, rules 13 & 14.

⁸*Ibid.*, rule 16.

The Chief Minister

Ascertainment

After the election of the Speaker and the Deputy Speaker, the Assembly cannot transact any other business unless it has been ascertained which one of the members commands the confidence of the majority of the members for office of the Chief Minister.¹ The ascertainment shall be made in a special session, summoned by the Governor on a day specified by the President.² A member may propose or second the name of another member in the form prescribed in the rules.³ The nomination shall contain a declaration from the candidate that he has consented to the nomination. The nominations shall be received by Secretary Assembly by 9.00 pm on the day preceding the day on which the ascertainment is to take place. The Speaker shall scrutinize the nomination papers the same day. He may reject a nomination paper by recording briefly the reasons for rejection. The decision of the Speaker accepting or rejecting a nomination paper is final. A Nomination paper may be withdrawn at any time before the ascertainment takes place.⁴

¹*The Rules of Procedure of the Provincial Assembly of the Punjab*, rule 17.

²Legal Framework Order 2002 (24 of 2002), clause 2(4) read with Article 109 of the Constitution of the Islamic Republic of Pakistan.

³*The Rules of Procedure of the Provincial Assembly of the Punjab*, rule 17 read with the First Schedule.

⁴*Ibid.*, rules 18 and 19.

The voting on each nomination paper will be held in the Assembly in the prescribed manner.¹ Briefly speaking, the method of ‘Division’ is adopted for voting: the members desiring to vote in favour of a candidate will pass in a single file from the Chamber to the Lobby by recording their votes at the door through the teller deputed for the purpose. If there is only one validly nominated candidate and he fails to obtain the vote of majority of the members of the Assembly, all proceedings for the ascertainment shall commence afresh. If there are two or more candidates, the candidate who secures the support of the majority of the members shall be declared successful. If no candidate succeeds in the first round, a second round shall be held between the two candidates who have obtained the first highest and second highest votes in the first round. In case two or more candidates secure equal votes, further round or rounds will be held between them until one of them secures the votes of the majority of the members.² The Speaker shall communicate to the Governor the name of the member so ascertained.³ The Governor shall invite such member to take oath of office of Chief Minister.⁴

Vote of Confidence

The new Chief Minister will, then, obtain, a vote of confidence from the Assembly within sixty days of his assuming office.⁵

¹*The Rules of Procedure of the Provincial Assembly of the Punjab*, rule 20 read with the Second Schedule.

²*Ibid.*

³*Ibid.*, rule 21.

⁴*The Constitution of the Islamic Republic of Pakistan*, Article 130(2-A) & (3).

⁵*Ibid.*, Article 130(3).

Vote of Confidence at the instance of the Governor

The Chief Minister holds office during the pleasure of the Governor; however, the Governor cannot remove him unless he has required the Chief Minister to obtain a vote of confidence from the Assembly in a session summoned for the purpose, and the Chief Minister is unable to do so.¹

Vote of No-Confidence

The majority of the total membership of the Assembly may also remove the Chief Minister by passing a resolution for a vote of no-confidence against him. The notice for the purpose is given to the Secretary Assembly by not less than twenty per centum of the total membership of the Assembly (74 members). The Chief Minister ceases to hold office as soon as the resolution is passed.²

Resignation

The Chief Minister may, by writing under his hand addressed to the Governor, resign his office.³

¹*The Constitution of the Islamic Republic of Pakistan*, Article 130(5). For procedural details, see the Rules of Procedure of the Provincial Assembly of the Punjab 1997, rule 22.

²*Ibid.*, Article 136. For procedural details, see *ibid.*, rule 23.

³*Ibid.*, Article 136(6).

The Cabinet

As soon as may be, a Cabinet of Ministers, headed by the Chief Minister, is formed to aid and advise the Governor in the exercise of his functions. The Governor appoints Provincial Ministers from amongst members of the Assembly on the advice of the Chief Minister. A Minister may submit his resignation to the Governor. He may also be removed from his office by the Governor on the advice of the Chief Minister.¹

Advisors and Special Assistants

The Chief Minister may appoint Advisors and Special Assistants to the Chief Minister, and assign functions and duties to them. The Chief Minister may also remove them from office.²

Parliamentary Secretaries

The Parliamentary Secretaries for one or more departments are appointed by the Chief Minister to deal with such Parliamentary affairs concerning their departments as may be entrusted to them by the Minister and perform such

¹*The Constitution of the Islamic Republic of Pakistan*, Article 132.

²For details, see the Punjab Special Assistants (Salary, Allowances and Privileges) Ordinance, 2002 and the Punjab Advisors (Salary, Allowances and Privileges) Ordinance, 2002.

public functions as may be entrusted to them by the Minister. A Parliamentary Secretary shall not be required to undertake any functions which may entail any interference in the internal working or administration of the department.¹

Leader of the Opposition

The Leader of Opposition is a member who, in the opinion of the Speaker, is for the time being leader of the majority of the members in the opposition.²

¹For details, *see* the Punjab Parliamentary Secretaries (Salary, Allowances and Privileges) Ordinance, 2002.

²*The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rule 2(1)(n).

Chapter-IV

General Procedure

The Rules of Procedure

The conduct of the business in the Assembly is regulated under the relevant provisions of the Constitution and the Rules of Procedure of the Provincial Assembly of the Punjab 1997.¹ However, all matters not specifically provided for in the Rules of Procedure and all questions relating to the detailed working of the rules of procedure are regulated in such manner as the Speaker may, from time to time, direct.² Similarly, all questions relating to the interpretation or enforcement of the Rules or such Articles of the Constitution as regulate the business of the Assembly are decided by the Speaker.³

¹Originally, the rules were made by the Governor of the Punjab, pursuant to the powers under Article 67 read with Article 127 of the Constitution. The rules were published in the Punjab Gazette (Extraordinary) dated 29 January 1997 (pp.73-130), *vide* Assembly Secretariat Notification No.PAP/Legis-1(94)/96/11, dated 29 January 1997. Later, the Assembly, under clause (1) of Article 67 read with Article 127 of the Constitution, adopted the rules, in its meeting on 25 June 1997. The decision of the Assembly was published in the Punjab Gazette (Extraordinary), dated 27 June 1997 (pp.949-50), *vide* Assembly Secretariat Notification No.PAP/Legis-1(94)/96/83, dated 27 June 1997.

²*The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rule 235.

³*Ibid.*, rule 209.

Amendment of the Rules

A member may give fifteen days' notice of a motion for leave to amend the rules. The leave to amend the rules may be granted by the Assembly by majority of the members present and voting. The Assembly may directly proceed to decide the proposed amendment or refer it to Standing Committee on Law and Parliamentary Affairs. In the latter case, the same procedure is followed as is prescribed for a Bill with such variations as the Speaker may direct.¹

Suspension of Rules

In case any inconsistency or difficulty arises in the application of the Rules, a member may, with the consent of the Speaker, move that any rule may be suspended in its application to a particular motion before the Assembly. The Assembly may, by a vote of the majority of the members present and voting, suspend the relevant rules.²

Sittings

The first sitting of the Assembly is held on such day and at such time as the Governor may specify in his order;³ and, in case the session is summoned by the Speaker, as may be

¹*The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rule 244-A.

²*Ibid.*, rule 234.

³*The Constitution of the Islamic Republic of Pakistan*, Article 109.

specified by him.¹ On subsequent days, the Assembly sits on such days and at such time as may be fixed by the Speaker at the time of adjourning the Assembly. Each sitting commences with recitation from the Holy Quran.²

Secret Sitzings

The sittings/meetings of the Assembly are open to general public. However, if so requested by the Leader of the House, or by a Minister, the Speaker may fix a day or part of the day for secret sitting of the Assembly. When the Assembly sits in secret, no stranger is permitted to be present in the Chamber, Lobbies or Galleries, except the Secretary and such other officers of the Assembly or other persons as the Speaker may direct.³

Classification of Business

The business of the Assembly is classified as Government business or as private members' business. Government business includes Bills, resolutions, amendments and other motions introduced by a Minister. Private members' business includes Bills, resolutions, amendments and other motions introduced by private members. Each Tuesday is allocated for transaction of

¹*The Constitution of the Islamic Republic of Pakistan*, Article 54(3) read with Article 127.

²*The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rules 24 and 25.

³For details, *see ibid.*, rules 213-17.

private members' business. On all other working days, Government business is transacted.¹

Arrangement of Business

Secretary Assembly arranges Government business in such order as the Minister for Law and Parliamentary Affairs or his delegatee Minister may intimate to the Assembly Secretariat. However, the relative precedence of private members' business is determined by ballot under the rules.² The Secretary prepares a List of Business (Agenda) for a sitting, and makes a copy thereof available to every member and any other person entitled to speak or otherwise take part in the proceedings of the Assembly.³

Quorum

The quorum for a sitting of the Assembly is one-fourth of the total membership of the Assembly *i.e.* not less than 93 members. If at any time, during a sitting of the Assembly, the attention of the Presiding Officer is drawn to the fact that less than one fourth of the total membership of the Assembly is present, he shall either adjourn the Assembly or suspend the sitting until at least one fourth of such membership is present.⁴

¹*The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rules 26 and 27.

²*Ibid.*, rules 28 & 29-31.

³*Ibid.*, rule 32.

⁴*The Constitution of the Islamic Republic of Pakistan*, Article 55 read with Article 127, and *ibid.*, rule 5.

Mode of Address

A member desiring to speak on any matter before the Assembly or to raise a point of order or privilege shall speak only when called upon by the Speaker to do so. He shall speak from his place, shall rise when he speaks and shall address the Speaker. The Speaker may, however, permit a member disabled by sickness or infirmity to speak while sitting. The speech of a member who speaks without the permission of the Speaker is not recorded and it does not form part of the proceedings of the Assembly.¹

Voting

Unless otherwise provided in the Constitution, all decisions of the Assembly are taken by majority of the members present and voting, but the person presiding does not vote except in case of equality of votes.² The votes on any question put to the Assembly are normally obtained by voices. If the decision of the Speaker is challenged, he may either count the votes by asking the members in favour of a question or against it to rise in their seats, or order a Division. For purposes of Division, the members in favour of a motion pass in a single file from the Chamber to the Lobby and record their votes.³

Notices and Notice Office

¹*The Rules of Procedure of the Provincial Assembly of the Punjab*, rule 201.

²*The Constitution of the Islamic Republic of Pakistan*, Article 55 read with Article 127.

³*The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rule 208 read with the Sixth Schedule.

Except when otherwise provided by the rules, every notice required by the rules must be given in writing addressed to the Secretary and signed by the member with his name and constituency number. All notices should be delivered in the Notice Office of the Assembly. The said office is kept open on every working day between such hours as may, from time to time, be notified.¹

Points of Order

A member may raise a point of order relating to the interpretation or enforcement of the rules or such Articles of the Constitution as regulate the business of the Assembly, and are in the cognizance of the Speaker. A point of order can also be raised in relation to the business before the Assembly at the moment. Ordinarily, no debate is allowed on a point of order, and the decision of the Speaker is final and binding.²

Personal Explanation

A member may, with the permission of the Speaker, make a personal explanation, although there is no such question before the Assembly; but, no debate is allowed on it.³

Expunction of Remarks

¹*The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rule 189.

²*Ibid.*, rule 209.

³*Ibid.*, rule 204.

If the Speaker is of opinion that words have been used in a debate which are defamatory, indecent, unparliamentary or undignified, he may, at any time, order that such words be expunged from the proceedings of the Assembly; and, such words do not form part of official record.¹

Decisions of the Assembly

The Assembly gives its decision on a motion. A matter requiring the decision of the Assembly is brought forward by means of a question put by the Speaker on a motion moved by a member.² A motion is a self-contained proposal submitted for the approval of the Assembly and drafted in such a manner as to be capable of expressing a decision of the Assembly.³ Any other member is entitled to move an amendment in a motion by any other member. Unless otherwise provided in the rules, a motion requires at least seven days' notice, and an amendment in a motion, two days' notice.⁴

Report of Proceedings

The Assembly Secretariat publishes a report of the *verbatim* proceedings of the Assembly. The report so published is an authentic record of the proceedings of the

¹*The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rule 221.
Also see rule 222.

²*Ibid.*, rule 191.

³*Ibid.*, rule 2(1)(t).

⁴*Ibid.*, rule 192 read with rule 198.

Assembly and cannot be questioned or challenged on any ground whatsoever.¹

Rulings

The decisions of the Chair on a point of order or otherwise are called '*Rulings of the Chair*'. Unless revised, the said decisions are final and binding.

Lapse of Business

On the prorogation of a session, all notices other than notices of questions and notices relating to the bills, lapse and fresh notices therefor shall have to be given for the next session. However, on the dissolution of Assembly, all pending business lapses.²

¹*The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rule 219.

²*Ibid.*, rule 225.

Chapter-V

The Assembly Business

Constitutional Mandate

Under the Constitution–

- (a) the State must exercise its powers and authority through the chosen representatives of the people;¹
- (b) the executive authority of the Province vests in the Governor and there is a Cabinet of Ministers with the Chief Minister at its head to aid and advise the Governor in the exercise of his functions;²
- (c) the Cabinet is collectively responsible to the Provincial Assembly;³
- (d) the executive authority of the Province ordinarily extends to the matters with respect to which the Provincial Assembly has power to make laws;⁴
- (e) the Parliament is empowered to make laws with respect to the matters enumerated in the Federal

¹*The Constitution of the Islamic Republic of Pakistan*, Preamble.

²*Ibid.*, Articles 129 & 30.

³*Ibid.*, Article 130(4).

⁴*Ibid.*, Article 137.

Legislative List as well as the Concurrent Legislative List;¹

- (f) the Provincial Assembly is empowered to make laws for the Province or any part thereof, with respect to any residuary matters *i.e.* the matters not enumerated in either the Federal Legislative List or the Concurrent Legislative List;²
- (g) the Provincial Assembly can also make laws with respect to any matter in the Concurrent Legislative List, if there is no Federal law on the subject in field;³
- (h) no expenditure from Provincial Consolidated Fund can be made unless it has been authorised by the Provincial Assembly and included in the Schedule of Authorised Expenditure laid in the Assembly;⁴ and
- (i) Auditor General is required to audit the expenditure made by the Provincial Government, and submit its reports to the Provincial Assembly through the Governor.⁵

Functions of the Assembly

The above reference, although brief, shows that the Assembly, in addition to making and unmaking the Provincial Government,⁶ performs the following functions –

¹*The Constitution of the Islamic Republic of Pakistan*, Article 142, read with the Fourth Schedule (Federal and Concurrent Legislative Lists).

²*Ibid.*

³*Ibid.*

⁴*Ibid.*, Article 123.

⁵*Ibid.*, Articles 168-71.

⁶For details, *see* Chapter-III (Functionaries).

- (a) Overseeing the Government;
- (b) Legislation; and
- (c) Financial Accountability.

Overseeing the Government

Various parliamentary tools have been provided in the Rules of Procedure of the Provincial Assembly of Punjab 1997 for obtaining necessary information about the working of the Government Departments, for overseeing the Government, and for making recommendations on matters of general public importance; *viz.*- Assembly Questions, Call Attention Notices, Adjournment Motions, Resolutions, General Discussion. A brief account of these parliamentary tools follows.

Questions

The first hour of every sitting is reserved for asking and answering questions. However, there is no question hour on certain days; *viz.*- the day fixed for general oath-taking, the day fixed for election of Speaker/Deputy Speaker, the day fixed for moving of a resolution of confidence in the Chief Minister, the day fixed for moving of a resolution of no confidence against the Speaker, the Deputy Speaker or the Chief Minister, the day fixed for address by the Governor, the day the budget is presented, the days fixed for the

discussion of the Budget, the day allocated for consideration of the Finance Bill.¹

Questions are either starred or unstarred. A starred question requires an oral answer. However, an unstarred question is to be replied in writing.² A member who desires to ask a starred question, must distinguish it with an asterisk.³ A member may ask questions after giving notice, in writing, to the Secretary. An ordinary question requires at least fifteen days' prior notice. However, the Speaker, with the consent of the Minister concerned may allow a question to be asked at a short notice. Such a question is called Short Notice Question.⁴

A question addressed to a minister must relate to a matter of public affairs with which he is officially concerned and should not be of undue length. The main purpose of questions is to seek information and also to draw attention of the government to public grievances and to get them redressed. After the reply has been read out by the Minister, supplementary questions are allowed to seek clarifications and throw light on different aspects of the question and its reply.⁵ Ordinarily, not more than three supplementary questions can be asked in respect of any question. The rules also provide for one-hour discussion on a matter of public importance arising out of the answer to a question.⁶

¹*The Rules of Procedure of the Provincial Assembly of the Punjab*, rules 42 & 136.

²*Ibid.*, rule 2(1)(ee) and (gg).

³*Ibid.*, rule 45(2).

⁴*Ibid.*, rules 43 and 44.

⁵*Ibid.*, rule 46.

⁶*Ibid.*, rule 61.

Call Attention Notices

A member may raise a matter of public importance involving law and order through a call attention notice. The notice is in the form of a question and is addressed to the Chief Minister. The notice must be given in writing to the Secretary not less than forty-eight hours before the commencement of the sitting in which it is proposed to be asked. The call attention notices are taken up on every Monday and Thursday in the order of priority in which they were received. The time for asking and answering such questions is fifteen minutes immediately after the question hour. Not more than two questions are included in the list of business for a sitting. The Chief Minister or a Minister may answer such a notice.¹

Adjournment Motions

A member may, with the consent of the Speaker, move a motion for adjournment of the Assembly to discuss a matter of urgent public importance dealing substantially with one definite issue of recent occurrence. The right to move an adjournment motion is limited by certain conditions mentioned in the rules. The notice of such a motion must be given, in triplicate, to the Secretary not less than one hour before the commencement of the sitting in which it is proposed to be moved. The time for discussing adjournment motions is half an hour in a sitting; however, not more than

¹*The Rules of Procedure of the Provincial Assembly of the Punjab*, rules 62 and 67.

one such motion is admitted on any one day and the pending motions are taken up on the next available day in the same order in which they were received. The motion which is admitted is discussed for not more than two hours on the day fixed by the Speaker under the rules.¹

Resolutions

A resolution, on any matter of general public interest, may be moved by a member on seven days' notice and by a Minister, on three days' notice. A resolution is in the form of an expression of the opinion of the Assembly on one definite issue. It should neither relate to a matter under adjudication in a court, nor should it reflect on the conduct of the President, the Governor or a Judge of the Supreme Court, or of a High Court. The admissibility of a resolution is decided by the Speaker. No debate is permissible on a resolution which has not been opposed. However, in other cases, the time limit for speeches is prescribed by the rules.²

The Assembly also takes up certain resolutions mentioned in the Constitution; *viz.*- a resolution disapproving an Ordinance, or a resolution authorizing the Parliament to make a law on a subject which is otherwise within the provincial legislative field.³

¹For details, *see The Rules of Procedure of the Provincial Assembly of the Punjab*, rules 80-88.

²For details, *see ibid.*, rules 114-126.

³For details, *see ibid.*, rule 127.

General Discussion

A Minister or a member may give notice of a motion that any policy or situation may be discussed by the Assembly.¹

Legislation

Powers and Limitations

The Provincial Assembly can make laws for the Province of Punjab on any subjects not enumerated in the Federal Legislative List or the Concurrent Legislative List. It can also make laws on the subjects included in the Concurrent List, if a federal law on the same subject does not hold ground.² The Assembly cannot, however, make any law –

- (a) which is repugnant to any provisions of the Constitution;
- (b) which is inconsistent with a federal law;³ or
- (c) which violates or contravenes any of the fundamental rights;⁴ or
- (d) which is repugnant to the injunctions of Islam as laid down in the Holy Quran and the Sunnah;⁵ or

¹For details, see *The Rules of Procedure of the Provincial Assembly of the Punjab*, rule 243.

²*The Constitution of the Islamic Republic of Pakistan*, Articles 142-43.

³*Ibid.*, Article 143.

⁴*Ibid.*, Article 8.

⁵*Ibid.*, Article 227.

(e) which is not in consonance with the Principles of Policy.¹

Acts and Ordinances

A law may be enforced either by an Act of the Assembly or through an Ordinance issued by the Governor. An Ordinance has the same force and effect as an Act of the Assembly and is subject to the same restrictions as are imposed on the powers of the Assembly. Generally speaking, the Assembly has the exclusive jurisdiction to make laws. However, in exigencies when immediate legislation is required and the Assembly is not in session, the Governor may make and promulgate an Ordinance. An Ordinance remains in force for a period of three months, and is required to be laid before the Assembly. Once so laid, it is treated as a Bill introduced in the Assembly. The Assembly is also competent to disapprove an Ordinance through a resolution.²

Bills

A proposal to make or amend a law is brought before the Assembly in the form of a Bill *i.e.* the proposed draft law. A bill is, in fact, a motion to make a law.³ A notice of a Bill must contain a statement of objects and reasons; however, no such statement is required in the case of an

¹*The Rules of Procedure of the Provincial Assembly of the Punjab*, Articles 29-40.

²*Ibid.*, Article 128.

³*The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rule 2(1)(d).

Ordinance laid in the Assembly.¹ A Bill with respect to any matter within the Provincial legislative field may, subject to the rules, be introduced in the Assembly.²

Government and Private Members Bills

The bills are either Government Bills or Private Members' Bills.³ Whereas, a Government bill may be introduced as a right by giving simple notice, a private members' Bill requires at least fifteen days' notice, and can be introduced with the leave of the Assembly. A private members' Bill is taken up on a private members day *i.e.* Tuesday.⁴ A money bill, or a bill or an amendment which if enacted and brought into operation would involve expenditure from the Provincial Consolidated Fund, or withdrawal from the Public Accounts of the Province cannot be introduced or moved in the Assembly except by, or with the consent of, the Provincial Government.⁵ Likewise, an amendment in a law mentioned in the Sixth Schedule of the Constitution cannot be introduced without the consent of the President.⁶

¹*The Rules of Procedure of the Provincial Assembly of the Punjab*, rule 91.

²*The Constitution of the Islamic Republic of Pakistan*, Article 142.

³*Ibid.*, rules 89-91.

⁴*The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rule 27.

⁵*The Constitution of the Islamic Republic of Pakistan*, Article 115.

⁶*Ibid.*, Article 268 read with the Sixth Schedule.

Introduction of a Bill

On introduction, a bill is published in the official Gazette,¹ and the Speaker refers it to the Standing Committee concerned, with the direction to submit its report by a specified date. When the report of the Standing Committee on a Bill has been received, the Bill may be taken into consideration at once or it may be referred to a Select Committee or it may be circulated for eliciting opinion thereon.² The Assembly considers the Bill in three stages, normally called the three readings of the Bill.

First Reading of the Bill

On the day fixed for consideration of the Bill, the principles of the Bill and its general provisions may be discussed but the details of the Bill are not discussed further than is necessary to explain its principles. At this stage, the Assembly is required to decide whether or not it wishes to consider the Bill further.³

Second Reading of the Bill

At this stage, the Assembly considers a Bill clause by clause. At this stage any member may propose such amendments to the Bill as are within the scope and relevant

¹*The Rules of Procedure of the Provincial Assembly of the Punjab*, rule 93.

²*Ibid.*, rules 94-96.

³*Ibid.*, rule 98.

to the subject matter of the Bill. Each clause is put to the vote of the Assembly.¹

Third Reading of the Bill

After the Assembly has completed the second stage of a Bill and has voted in respect of all the clauses of a Bill, a motion is moved by the member/minister concerned that the Bill be passed. The Assembly may pass the Bill by a majority of the members present and voting.²

Assent and Publication

A bill passed by the Assembly is submitted to the Governor for assent.³ When a Bill is assented to by the Governor, the Assembly Secretariat publishes it in the official Gazette as an Act of the Assembly.⁴

Financial Accountability

Mode of financial Accountability

The Assembly exercises its control over the financial affairs of the Government in two ways; viz.- consideration

¹*The Rules of Procedure of the Provincial Assembly of the Punjab*, rules 101-108.

²*Ibid.*, rule 109.

³For details, *see ibid.*, rules 89-113.

⁴*Ibid.*, rule 112.

as well as approval of the budget and consideration of the Reports of the Auditor General of Pakistan.

Passing of Budget

A Provincial Government is required to lay a statement of the estimated receipts and expenditure of the Provincial Government known as ‘Annual Budget Statement’ for the next financial year before the Assembly.¹ The Budget is presented to the Assembly on such day and at such time as the Governor may appoint.² The Finance Minister, or a Minister acting on his behalf, presents the Budget. The Budget is not referred to any Committee, and the Assembly considers it in two stages –

- (a) general discussion on the Budget as a whole; and
- (b) discussion and voting on demands for grants, including voting on motions for reduction, if any.³

The Speaker allots separate days for both the stages of the Budget; however, two days must intervene between the presentation of the Budget, and its discussion; and, at least four days must be allotted for general discussion of the Budget.⁴ After the general discussion concludes, the second stage of voting on demands reaches. At this stage, each demand is discussed separately. The members may move

¹*The Constitution of the Islamic Republic of Pakistan*, Article 120.

²*The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rule 134.

³*Ibid.*, rules 136 & 137.

⁴*Ibid.*, rule 138.

cut motions in the demands for grants. A cut motion aims at reducing the proposed amount of the grant in three ways –

- (a) “that the amount of the demand be reduced to Rs.1.00” representing disapproval of the policy underlying the demand;
- (b) “that the amount of the demand be reduced by a specific amount” representing the economy that can be effected; and
- (c) “that the amount of the demand be reduced by Rs.100.00” in order to ventilate a specific grievance.

The admissibility of a cut motion is decided by the Speaker. All cut motions in respect of a demand are discussed before the demand is put to vote.¹ On the last day of the days allotted for discussion and voting on the demands for grants, at the time when the sitting is to terminate, the Speaker forthwith puts every question necessary to dispose of all the outstanding matters in connection with the demands for grants. Thus, all outstanding demands for grants are voted upon and passed without discussion. In Parliamentary parlance, this is known as ‘*guillotine*’. After all the demands have been approved, the Chief Minister authenticates under his signatures the Schedule of Authorised Expenditure and the same is laid before the Provincial Assembly.²

¹*Ibid.*, rules 140-44.

²The Constitution of the Islamic Republic of Pakistan, Article 123.

Supplementary Budget

During a financial year, if it is found that the budgetary allocation for a service is insufficient or that a need has arisen for expenditure on some new service not included in the Budget, the Provincial Government has the power to authorise necessary expenditure in anticipation of the approval of the Assembly. However, the Government is required to lay before the Provincial Assembly a Supplementary/Excess Budget Statement.¹ The date for presentation of Supplementary Budget Statement is also fixed by the Governor and the procedure outlined above in respect of the Annual Budget is also followed in case of the Supplementary Budget. However, not more than two days can be allotted for general discussion on the Supplementary Budget.²

The Reports of the Auditor General

The forms, principles and methods for keeping the accounts of the Provincial Government are prescribed by the Auditor General of Pakistan with the approval of the President. The reports of the Auditor General relating to the accounts of the Province are submitted to the Governor who causes them to be laid before the Provincial Assembly.³

¹The Constitution of the Islamic Republic of Pakistan, Article 124.

²The Rules of Procedure of the Provincial Assembly of the Punjab 1997, rule 147

³The Constitution of the Islamic Republic of Pakistan, Articles 169-71.

The said accounts and audit reports are referred by the Assembly to its Public Accounts Committees for examination and report within a year.¹

In scrutinizing the said accounts and audit reports, a Public Accounts Committee is bound to satisfy itself that the expenditure has been made according to the authorised appropriation. If any money has been spent on any service during a financial year in excess of the amount granted by the Assembly for that purpose, the Committee examines with reference to the facts of each case the circumstances leading to such excess expenditure and makes such recommendations as it may deem fit. The report of the Public Accounts Committee containing its observations and recommendations on the appropriation accounts and audit paras contained in the audit reports, presented to the provincial Assembly is sent to the Provincial Government for implementation and follow up action.²

¹The Rules of Procedure of the Provincial Assembly of the Punjab, rule 129 read with rule 177.

²*Ibid.*, rules 177-78.

Chapter-VI

The Committees

Standing Committees

The Assembly has twenty two Standing Committees. Each committee deals with the business of the Government relating to the Department(s) with which it is concerned or any other matter referred to it by the Assembly. Each committee consists of ten members to be elected by the Assembly. The Minister and the Parliamentary Secretary concerned are *ex officio* members of a Committee. A Committee elects its Chairman from amongst its members. However the Speaker is the *ex officio* Chairman of the Finance Committee/Business Advisory Committee, and the Deputy Speaker, of the Library Committee. A committee may appoint sub-committees which exercise the powers of the whole Committee to examine any subject or matter which may be referred to them.¹

¹For details, see *The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rules 148-171.

Other Committees

Besides the said Standing Committees, there are two Public Accounts Committees,¹ the Committee on Privileges,² the Committee on Government Assurances,³ the Library Committee,⁴ the House Committee,⁵ and the Finance Committee of the Assembly.⁶

Business Advisory Committee

The Speaker nominates the committee in consultation with the Leader of the House and the Leader of the Opposition. It consists of not more than twelve members, including the Speaker who is its *ex officio* Chairman. The committee recommends the time that should be allocated for the discussion of the stage or stages of such Government Bills and other business as the Speaker, in consultation with the Leader of the House, may refer to the Committee. The Speaker may assign any other functions to the Committee.⁷

¹*The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rules 176-79.

²*Ibid.*, rules 180 and 81.

³*Ibid.*, rule 182.

⁴*Ibid.*, rule 183.

⁵*Ibid.*, rule 184.

⁶*Ibid.*, rule 185.

⁷*Ibid.*, rule 186.

Finance Committee of the Assembly

The expenditure of the Assembly and its Secretariat within the authorized appropriations is controlled by the Assembly on the advice of the Finance Committee. The said Committee consists of the Speaker of the Assembly, the Minister for Finance and seven other members who are elected by the Assembly. The Speaker is the Chairman of the Finance Committee.¹ The Committee approves the Annual and Supplementary Budget Estimates of the Assembly and its Secretariat, which are respectively included in the Annual Budget Statement and the Supplementary Budget Statement by the Government. The Committee may make recommendations in regard to any financial matter relating to the Assembly or its Secretariat referred to it by the Assembly or the Speaker. The procedure of the Committee is regulated under the Provincial Assembly of the Punjab Finance Committee Rules 1974.²

¹*The Constitution of the Islamic Republic of Pakistan*, Article 88 read with Article 127.

²*The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rule 185.

Chapter-VII

Conduct of the Members

The members are expected to conduct themselves in such a manner as is conducive to the dignity and decorum of the Assembly. They must observe the rules as well as the long established parliamentary conventions as well as the general rules of social conduct. In short, a member is required –

- (a) to bow to the Chair when entering or leaving the House, and to maintain order and decorum in the House;¹
- (b) not to read books or newspapers or letters unrelated to the business of the Assembly;
- (c) to remain reasonably silent while someone else is speaking and not to interrupt or disturb any member addressing the Assembly;
- (d) not to pass between the Chair and any member who is speaking;
- (e) to address the Chair and keep to his usual seat while addressing the Assembly;
- (f) to address the Chair and not to read his speech;

¹*The Rules of Procedure of the Provincial Assembly of the Punjab 1997, rule 210*

- (g) not to discuss any matter which is *sub judice* and not to reflect on the President or the Governor in their personal capacity;
- (h) not to discuss or reflect on the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his official duties;
- (i) not to make a personal charge against a member, minister or the holder of a public office, except in so far as it may be relevant in regard to the matter before the Assembly;
- (j) not to obstruct proceedings and not to make running commentaries when speeches are being made in the Assembly;
- (k) not to applaud when a stranger enters any of the Galleries except when a foreign delegation or a foreign dignitary is specially invited to the sitting;
- (l) not to make any reference, in his speech, to a stranger in any of the Galleries, except when a foreign delegation or a foreign dignitary is specially invited to the sitting;
- (m) not to occupy a seat in the Galleries and while in the Chamber not to engage himself in conversation with any visitor in a Gallery;
- (n) not to use a mobile phone in the Chamber;
- (o) to hear the Speaker in silence; and, whenever the Speaker opts to address the Assembly, to resume his seat;

- (p) not to leave his seat while the Speaker is addressing the Assembly;
- (q) not to cast unnecessary reflection on the conduct of any person who cannot defend himself before the Assembly;² and
- (l) not to be irrelevant and not to indulge in unnecessary and tedious repetition while addressing the House.³

²*The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rules 223 and 224.

³*Ibid.*, rule 203.

Chapter-VIII

The Privileges

Privileges of the Assembly/Committees

Subject to the Constitution and the Rules of Procedure of the Provincial Assembly of the Punjab 1997, there is freedom of speech in the Assembly and no member is liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly and no person is so liable in respect of the publication by or under the authority of the Assembly of any report, paper, votes or proceedings.¹ In addition, certain privileges have been enumerated in the Provincial Assembly of the Punjab Privileges Act 1972 and the Rules of Procedure of the Provincial Assembly of the Punjab 1997; viz. –

- (a) Civil or criminal proceedings do not 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 thereof by Bill, Resolution, Motion, Question or otherwise.²

¹The Constitution of the Islamic Republic of Pakistan, Article 66 read with Article 127.

²The Provincial Assembly of the Punjab Privileges Act 1972, section 3.

- (b) A member cannot be detained under any provincial law relating to preventive detention or be required to appear in person in any civil or revenue court or commission during a session of the Assembly and for a period of fourteen days before and fourteen days after the session of the Assembly.¹
- (c) If a member is arrested or detained on any criminal charge and the court before which any case relating to such charge is pending against such member is duly informed by the member that he has been summoned to attend any session of the Assembly or a meeting of any Committee thereof, such court shall, if the offence is bailable, release such member on his personal recognizance in sufficient time to enable him to attend the session of the Assembly or a meeting of any Committee thereof as the case may be.²
- (d) No process, civil or criminal, can be served upon a member within the precincts of the Assembly Building except with leave of the Speaker.³
- (e) The salaries and allowances paid or payable to the members under the law are not liable to attachment in execution of a decree under the provisions of the Code of Civil Procedure 1908.⁴
- (f) No action, civil or criminal, lies against any person for removing or excluding by order or authority of the

¹*The Provincial Assembly of the Punjab Privileges Act 1972*, section 4.

²*Ibid.*, section 6.

³*Ibid.*, section 7.

⁴*Ibid.*, section 8.

Speaker, any person infringing the rules of procedure or otherwise behaving in a disorderly manner within the precincts of the Assembly.¹

- (g) The Assembly or any Committee thereof 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 or under the control of such person.²
- (h) The members have been declared as VIPs.³
- (i) Subject to the availability of accommodation and previous intimation, a member is entitled to accommodation in every circuit house, rest house, dak bungalow maintained by Government or any Local Body under the control of the Government, on payment of such amount as is charged from a touring officer while on duty.⁴
- (j) Subject to previous intimation, a member may visit hospitals, dispensaries, social welfare centers, educational institutions for boys located within his constituency.⁵

¹*The Provincial Assembly of the Punjab Privileges Act 1972*, section 9.

²*Ibid.*, section 10.

³*Ibid.*, section 15.

⁴*Ibid.*, section 16.

⁵*Ibid.*, section 17.

- (k) A member is authorized to inspect the jails falling within the district of his constituency within office hours.¹
- (l) When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained under an executive order, the committing judge, magistrate or executive authority as the case may be, shall immediately intimate such fact to the Speaker, indicating the reasons in the back of the action, and the place where the member is detained or imprisoned.²
- (m) When a member is released on bail before or after conviction or is otherwise released, such fact shall be intimated to the Speaker by the authority concerned.³
- (n) The Assembly has the privilege to regulate its own procedure, and the validity of the proceedings in the Assembly cannot be called in question on the ground of any irregularity of procedure.⁴
- (o) The Assembly has the privilege to act, notwithstanding any vacancy in the membership thereof and no proceedings in the Assembly are invalid by reason only that a person who was disqualified for being or continuing as member, or a person who was otherwise

¹*The Provincial Assembly of the Punjab Privileges Act 1972*, section 18.

²*The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rule 77.

³*Ibid.*, rule 78.

⁴*The Constitution of the Islamic Republic of Pakistan*, Articles 67 and 69 read with Article 127. Also *see* rule 233 of the Rules of Procedure of the Provincial Assembly of the Punjab 1997.

not entitled to do so, was present at or voted or otherwise took part in the proceedings.¹

- (p) The unauthorised disclosure of the proceedings or decisions of a secret sitting by any person in any manner has been declared as gross breach of privilege of the Assembly.²

Privilege Motions

The matters of breach of privilege are taken up in the form of a privilege motion. The privilege motions are taken up after the question hour and the call attention notices, if any. A member may, with the consent of the Speaker, raise a question involving a breach of privilege either of a member or of the Assembly or of the Committee thereof. A privilege motion must relate to a specific matter and must be raised at the earliest opportunity and it should be such as requires the intervention of the Assembly. The privilege motions, which are admitted, are normally referred to the Privileges Committee for consideration and report.³

Limitations

Notwithstanding the privileges mentioned above, all the members are subject to the law of the land, like any other

¹*The Constitution of the Islamic Republic of Pakistan*, Articles 67 and 69 read with Article 127. Also see rule 233 of the Rules of Procedure of the Provincial Assembly of the Punjab 1997.

²*The Rules of Procedure of the Provincial Assembly of the Punjab 1997*, rule 217.

³*Ibid.*, rules 68-76.

citizen.¹ The privileges granted to the members do not aim at raising them above the law. The objective is to facilitate them in the performance of their duties as legislators. While sitting and conducting business in the Chamber, they are bound by the provisions of the Constitution/law, the Rules of Procedure of the Provincial Assembly of the Punjab 1997, and the parliamentary conventions.

Salary and Allowances

The salary, allowances and privileges of the Speaker, Deputy Speaker, Ministers, Advisors and Special Assistants to Chief Minister, Parliamentary Secretaries, Leader of the Opposition and the Members have been determined by the following laws—

- (a) The Punjab Provincial Assembly Speaker (Salary Allowances and Privileges) Act 1975.
- (b) The Punjab Provincial Assembly Deputy Speaker (Salary, Allowances and Privileges) Act 1975
- (c) The Punjab Ministers (Salaries, Allowances and Privileges) Act 1975.
- (d) The Punjab Provincial Assembly (Salaries, Allowances and Privileges of Members) Act 1974.
- (e) The Punjab Advisors (Salary, Allowances and Privileges) Ordinance 2002.

¹The Constitution of the Islamic Republic of Pakistan, Article 4.

(f) The Punjab Special Assistants (Salary, Allowances and Privileges) Ordinance 2002.

(g) The Punjab Parliamentary Secretaries (Salary, Allowances and Privileges) Ordinance 2002.

The salary, allowances and privileges admissible to the members under the Punjab Provincial Assembly (Salaries, Allowances and Privileges of Members) Act 1974, as amended up-to-date, are given below:-

On monthly basis

(a) Salary	Rs: 10,000
(b) Office maintenance allowance	Rs: 5000
(c) Telephone Allowance	Rs: 5000
(d) Sumptuary Allowance	Rs: 3000

On yearly basis

A sum of Rs:40,000 per year is paid to each member for purposes of private travel by him or the members of his family.

Other Allowances for the period of residence on duty

(a) Accommodation allowance	Rs: 1500 per day
(b) Daily allowance	Rs: 550 per day
(c) Conveyance allowance	Rs: 400 per day

Travelling Allowance

The allowance is admissible for the journeys in connection with the sessions of the Assembly or meetings of the Committees. In case of travel by air, the actual business class fare is admissible. In case of travel by train, one and a half fare of AC class is reimbursed. However, in case of journey by personal car, a member is paid @ Rs.3 per kilometer.

Installation of Telephone

A member is entitled, on government expense, the facility of a telephone at the place where he ordinarily resides, if the installation facility is available at such place. The installation charges are paid by the Government; however, the payment of monthly bills is the responsibility of the member himself; and, for the purpose, he is allowed the telephone allowance mentioned above.

Medical Facilities

A member, his/her spouse, minor children and unmarried daughters residing with and wholly dependent on him are entitled to free indoor and outdoor medical facilities of the standard admissible to a class one officer. A dispensary is allocated in the Assembly Building, under the administrative control of the Services Hospital Lahore for providing emergent outdoor treatment to the members.

Hostel Accommodation

The Assembly Secretariat or the Government undertakes no liability for providing hostel accommodation to the members for their stay at Lahore in connection with the sessions of the Assembly and meetings of the Committees. However, limited hostel accommodation is available in Pipals House and New MPAs Hostel: 40 rooms in the Pipals and 36 rooms in the MPAs Hostel. The allotment and occupation of accommodation in the hostels are governed under the Provincial Assembly of the Punjab Hostels Rules 2002. The said rules *inter alia* provide that –

- (a) the allotment will be made on *'first come first served basis'* on an application delivered to the Secretary;
- (b) the members elected from the constituencies of Lahore district, or who have their residential accommodation in Lahore or against whom previous dues have been outstanding are not eligible for allotment of hostel accommodation;
- (c) a member who is allotted hostel accommodation will not be entitled to the accommodation allowance @ Rs.1500 per day of residence on duty;
- (d) the allotment shall be subject to payment as under –
 - no rent shall be charged for a single room during the period of residence on duty; however, a sum of Rs:900 per day shall be charged for such room on other days;

- the rent for rooms on the third and the fourth floor of the MPA Hostel will be Rs: 700 per day during the period otherwise than residence on duty; and
- Rs:300/- per day shall be charged for a suite in Pipals House during the period of residence on duty, and Rs.1200/- per day on other days.

Chapter-IX

Members' Support Services

The Assembly Secretariat

The Assembly Secretariat, within the given restraints, tries to provide assorted legislative support services to the members. The Assembly Secretariat is composed of three major Divisions: Administration Division, Security and Maintenance Division; and, Research and Reference Division. Secretary Assembly is the administrative head of the Secretariat. In the performance of his legislative, financial and administrative functions, he is assisted by two Additional Secretaries and the other support staff. The Assembly employees have been under clear instructions to provide all sort of lawful assistance to the members, regardless of their party affiliation.

The Web

Necessary information about the Assembly and the Assembly Secretariat has been released on the web site of Punjab Assembly at (www.pap.gov.pk). The Page is kept updated on regular basis. Important information, in brief, is also provided to the callers through the automatic telephone

exchange of the Assembly (042-9200335 to 9200339). Limited internet facilities are available in the Library. In the near future, these facilities would be significantly augmented. The members are recommended and encouraged to use the facilities, and to suggest improvements.

The Publications

Besides this Handbook, a set of the following publications will also be provided to the members –

- (a) The Constitution of Islamic Republic of Pakistan 1973
- (b) The Rules of Procedure of Provincial Assembly of the Punjab 1997
- (c) The Parliamentary Privileges

Specialized Services

The Budget and Account section makes all necessary arrangements for payment of salary and allowances to the members; the Maintenance Branch looks after the affairs of the Pipals House and MPAs Hostel; the Security Branch is responsible for the safety and security of the members, the Assembly Building, Pipals House and New MPAs Hostel; and, the Research and Reference Wing provides support services to the members.

Members Lounge

A comfortable members' Lounge has been provided at the ground floor. The Lounge is exclusively reserved for the members (male as well as female). Visitors and journalists shall have no access to the Lounge.

Ladies Room

Although the Members' Lounge is open to both male and female members of the Assembly, Room No.212 on the first floor has been designated as Ladies Room. The said room is exclusively reserved for female members. Male members, visitors and journalists shall have no access to the Ladies Room.

Security and Traffic

The main Features of the standing security and traffic arrangement are as under –

- (a) The entry to the premises of the Assembly Building shall be from the Alfalah Building side, and is subject to vehicle search. The exit shall be from the WAPDA House side.
- (b) Members may enter the Assembly building from the main gate.
- (c) The carrying of arms and ammunition in the Assembly Building, even by the members, is prohibited.

- (e) No gunmen, drivers and visitors are allowed to enter the Assembly Building when the Assembly is sitting.
- (f) The inflow of any brief case or baggage or any other articles is subject to the scan on the X-Ray baggage scanning machine, and otherwise, too.
- (h) The circular road around the Assembly Building and the approach road from the duty free shop shall be used as parking area for vehicles of the members and official vehicles.
- (i) No vehicle shall be parked in the courtyard in front of the Assembly Building, except the personal vehicles of The Chief Minister, the Speaker, the Deputy Speaker, and the Leader of the Opposition.

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