[AS PASSED BY THE NATIONAL ASSEMBLY]

A
BILL

to provide for punishment on contempt of parliament or a Committee thereof or breach of privilege of a House or a member;

WHEREAS, it is expedient to provide for punishment by a House, of a person who willfully fails or refuses to obey any order or direction of a House or a Committee thereof; or commits the contempt of the *Majlis-e-Shoora* (Parliament) or breach the privilege of a House;

It is hereby enacted as follows: -

1. Short title, extent and commencement. – (1) This Act shall be called the Contempt of *Majlis-e-Shoora* (Parliament) Act, 2023.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.- (1) In this Act, unless there is anything repugnant in the subject or context,-

(a) "Chairman" means a Chairman or Chairperson of a Contempt Committee;

(b) "Chairman Senate" means the Chairman or the Deputy Chairman of the Senate, as the casemay be;

(c) "Chairman of Privilege committee" means a chairman of the privilege committee constituted under the Rules of Procedure and Conduct of Business of respective House;

(d) "Committee" means a Standing Committee, a Special Committee or any Committee of the National Assembly, the Senate or joint sitting constituted under the respective Rules of Procedure and Conduct of Business of either house;

(e) "Constitution" means the Constitution of the Islamic Republic of Pakistan;

(f) "Contemnor" means a person who willfully fails or refuses to obey any order or direction of a House or a Committee thereof; or commits the contempt of the *Majlis-e-Shoora* (Parliament) or breach the privilege of a House as provided under Section 3 of this Act;

(g) "Contempt Committee" means a Committee constituted by the Speaker under Section 5 of this Act;

(h) "House" means either House of the Parliament and includes the Joint Sitting;

(i) "member" means a member of either House of the Parliament, as the case may be;

(j) "official" means member of service of Pakistan as defined in Article 260 of the Constitution and includes employee of the Federal or Provincial statutory Bodies, Autonomous Bodies, Corporation and employees of the Companies exclusively owned bythe Public Sector;

(k) "person" means any person who is a citizen of Pakistan as defined by law and

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includes a natural person;

(l) "Schedule" means Schedule made under this Act;

(m) "Secretary" means Secretary of a Contempt Committee; and

(n) "Speaker" means the Speaker or the Deputy Speaker of the National Assembly, as the casemay be.

(2) All other words and expressions used but not defined in this Act, shall unless the context otherwise requires, have the same meanings assigned to them in the Constitution or in the Rules of Procedure and Conduct of Business of the respective House.

3. Contempt and grounds of contempt. - A person is guilty of contempt under this Act, if he is found to have willfully breached the privilege of a member, a House or a Committee which may include but not limited to the offences prescribed under the Schedule.

4. Cognizance of contempt. – (1) A committee shall be competent to refer any matter of its breach of privilege or contempt to the privilege committee for action under this Act.

(2) Privilege committee shall prepare report within sixty days with recommendations on the matter referred to it. The report of the committee shall be laid in the respective House for its decision to refer the matter to the contempt committee:

Provided that if, the report of the privilege committee is carried by the respective House, the contemnor shall be barred to perform any official assignment till the conclusion of the contempt proceeding under this Act.

5. Contempt Committee. - **(1)** The Speaker shall within thirty days of coming into force of this Act, constitute a Contempt Committee for the purposes of this Act.

(2) The Contempt Committee shall consist of:-

a)	A member National Assembly nominated by the Speaker	Member
b)	Two members from National Assembly, one nominated by the leader of the House and the other by the leader of Opposition	Member
c)	Two members from Senate, one nominated by the leader of the House and the other by the leader of Opposition	Member

(3) The Chairman/Chairperson shall be elected by the Committee amongst its members in its first meeting and the Secretary shall cause the notification to be published in the gazette.

(4) Secretary, National Assembly Secretariat shall act as Secretary of the Contempt Committee.

6. Issuance of summons and warrant etc. – **(1)** The Contempt Committee shall have powers as vested in civil court under the Code of Civil Procedure, 1908 (V of 1908), for enforcing the attendance of any person and compelling the production of documents.

(2) The Chairman may after recommendation duly issued by the committee, direct issuance of summons of any person, to appear before the Committee, to give evidence or to produce documents in his possession or under his control. Such summons shall be duly signed by the Secretary Committee.

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(3) If a person to whom summon is issued, does not appear or willfully avoids to appear before the Committee, or avoids service, the Chairman may, upon being satisfied that, the summon was duly served under this section, may issue a warrant for his appearance through local police, at such time and place stated in the warrant for his appearance:

Provided that no such warrant shall be issued without prior approval of the Speaker or the chairman Senate, as the case may be.

7. Grounds to produce documents and evidence. - If production of documents or giving evidence pertains to any Government Ministry/Division/Department or Organization, the administrative head of the respective organization may decline to produce a document on the ground that its disclosure would be prejudicial to the defense, security or externalrelations of Pakistan or detrimental to public interest:

Provided that in case of refusal under this section the Speaker or the Chairman Senate, as the case may be, shall pass a ruling in this regard which shall be final

8. Power to award punishment. - A contempt Committee, shall have the power to award any of the punishments under this Act by a majority decision.

9. Punishment. - Whoever commits contempt under this Act, shall be punished with simple imprisonment for a term which may extend to six months or with fine which may extend to one million rupees or with both.

10. Execution of the punishment. – Any decision of a House shall be executed and enforced by District Magistrate, within whose territorial jurisdiction the accused is temporarily residing or working, under relevant provisions of the Code of Criminal Procedure, 1898 (V of 1898).

11. Appeal. (1) Appeal against decision under this Act may be filed before the appellate forum, within thirty days of its announcement.

(2). The appellate forum under this Act shall consist of the Speaker of the National Assembly and the Chairman of Senate.

(3). Secretary Senate will act as secretary to the appellate forum and will provide fulla assistance as and when required.

(4). Parliament may prescribe rules providing procedure regarding such appeal

12. Proceedings before the Contempt Committee– (1) All proceedings before the Committee shall be quasi-judicial.

(2) Any document produced or evidence recorded by Committee shall not be admissible in evidence in any court.

13. Power to amend the Schedule.- The Speaker of the National Assembly with the consultation of the Chairman of the Senate shall be competent to amend, rescind, add or omit any entry from the Schedule.

14. **Power to make rules,**- the Committee may by notification in the official gazette make rules for carrying out the purpose of this Act.

15. Removal of difficulties. – (1) Where a difficulty arises in giving effect to any of

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the provisions of this Act, the President of the Islamic republic of Pakistan may, by notification in the official Gazette, make such order not inconsistent with the provisions of this Act as may appear to him to be expedient for the purpose of removing of the difficulty.

(2) The powers of the President of the Islamic Republic of Pakistan under sub-section (1) shall not be exercisable after expiry of two years from commencement of this Act.

16. Provisions of this Act to be in addition of other laws. The provisions of this Act shall be in addition to, and not in derogation of any other law, rules, regulations and proceeding of the National Assembly and Senate of Pakistan for the time being in force.

Schedule
[see section 13]

(a)willfully violated any law prescribing the immunities or privileges of the members;

(b) willfully failed or refused to obey any order or direction of a House or a Committeethereof;

(c)refused to give evidence or recorded false statement before a Committee;

(d) attempted or influenced a witness either by intimidation, threat or use of force to prevent him from providing evidence, producing documents or appearing before the Committee or the House; and

(e)fail to provide any documents or submits tempered documents before the House or a Committee.

STATEMENT OF OBJECTS AND REASONS

Whereas, loyalty to State is the duty of every citizen under Article 5 of the Constitution and whereas, the *Majlis-e-Shoora* (Parliament) of Pakistan enjoys sovereignty to frame laws on the Federal subjects, the obedience to the Parliamentary oversight has to be given ultimate importance. Parliamentary Committees act as extension of their respective Houses and such Committees not only give threadbare consideration to proposed legislation but also perform oversighting functions including conduct of public hearings. At times, people do not appear before these Committees despite notice which not only undermine the respect of the *Majlis-e-Shoora* (Parliament) but also hamper proceedings of such Committees as well as redressal of public grievances. Entry 42 of the Federal Legislative List of the Fourth Schedule of the Constitution empowers *Majlis-e-Shoora* (Parliament) to make laws for the punishment, by a House, of persons who refuse to give evidence or produce documents before a Committee of a House, when duly required by the Chairman of the Committee to do so.

2. Therefore, there is a need to frame law providing for punitive measures against personswho are reluctant to comply with the directions of a House of the *Majlis-e-Shoora* (Parliament) or a Committee thereof. This Bill aims at condemning and awarding punishment for the actions thataccounts for breach of the sovereignty and integrity of the prestigious House of the *Majlis-e- Shoora* (Parliament) in any form or shade.

3. This Bill seeks to achieve the above objectives.

Sd/-
(RANA MUHAMMAD QASIM NOON)
Member, National Assembly

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