[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

to provide for punishment on contempt of Majlis-e-Shoora (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 or a member;

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 shall extend 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 as defined in clause (f);

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

(c) "Committee" means a Standing Committee, a Special Committee or any Committee of the National Assembly, the Senate or joint sitting; constituted

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under the respective Rules of Procedure and Conduct of Business of either House;

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

(e) "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;

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

(g) "House" means the Senate or the National Assembly or the Joint Sitting of the two Houses;

(h) "member" means a member of the Senate or the National Assembly, as the case may be;

(i) "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 by the Public Sector;

(j) "person" means any person who is a citizen of Pakistan as defined by law and includes a natural person;

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

(l) "Speaker" means the Speaker or the Deputy Speaker of the National Assembly, as the case may be.

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(2) 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 for contempt. - (1) A person is said to have committed contempt of Majlis-e-Shoora (Parliament) if he is found to have:

(a) willfully breached the privilege of a member, a House or a Committee, in any manner whatsoever it may be;

(b) willfully violated any law guarantying the immunities or privileges of the members;

(c) willfully failed or refused to obey any order or direction of a House or a Committee thereof;

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

(e) 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; and

(f) failed to provide any documents or submitted tempered documents before a House or a Committee thereof.

4. Cognizance of contempt. – (1) A House through a Motion may charge any person for contempt of a House and; the Speaker or the Chairman Senate, may refer the matter to the Contempt Committee.

(2) When a Committee is of the view that any person shall be charged for its contempt, the Chairman of that Committee may move such Motion in the House as provided in sub-section (1).

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5. Contempt Committee. - (1) The Speaker shall within thirty days of the commencement of this Act, constitute a Contempt Committee for the purposes mentioned in this Act.

(2) The Contempt Committee shall consist of twenty-four members having equal representation from each House.

(3) The Contempt Committee shall have fourteen members from the Treasury Benches, duly nominated by the Leader of the House including seven Members from each House and ten from the opposition Benches, five from each House duly nominated by the Leader of the Opposition of each House.

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

(5) Decisions of the contempt Committee shall be the decision of majority of members present and voting and shall be in the form of recommendations.

(6) Right of fair trial as enshrined in the Constitution shall be provided to each but no one shall be allowed to appear before the Committee through legal practitioner or an Advocate.

(7) The Contempt Committee in its first meeting shall elect a Chairman from amongst its members.

(8) The Contempt Committee shall have power to declare any of the proceedings before it as in camera.

6. Issuance of Summons, Warrants and Power of Civil Court. – (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.

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(2) The Chairman may direct the issuance of summon 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.

(3) Any person so summoned, not being the official, shall be entitled to receive such travelling and daily allowances as may be admissible to a witness summoned by a Civil Court in connection with proceedings under the Code of Civil Procedure, 1908 (V of 1908).

(4) Summons issued under this section shall be served through registered post/urgent mail service, addressed to the person to whom it is directed, at his last known place of residence or business:

Provided that if for any reason the summons cannot be served on such person in the manner provided aforesaid, it shall be forwarded to the relevant Deputy Commissioner, District Police Officer or any law enforcement agency as prescribed in the Code of Criminal Procedure, 1898 (V of 1898), who shall cause it to be served by a person authorized by him for the delivery thereof.

(5) 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 for declining production of documents and evidence. - If production of documents or giving evidence pertains to any Government Ministry/Division/Department or Organization, the administrative head of the

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respective Organization may decline to produce a document on the ground that its disclosure would be prejudicial to the defense, security or external relations of Pakistan or detrimental to public interest.

8. Power to award punishment. - A House, on recommendations of the committee, shall have the power to award any of the punishments prescribed under this Act:

Provided that the decision of the House shall be the decision of the majority of members present and voting.

9. Punishment. - Whoever is found guilty of contempt of a House or a Committee thereof, under section 3, shall be punished with simple imprisonment for a term which may extend to six months or with fine which may extend to ten million rupees or with both.

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

11. Appeal. – (1) Appeal against any decision of a House can be filed before the Joint Sitting, within thirty days of announcement of the decision.

(2) The Joint Sitting may refer such appeal to the Committee of Joint Sitting, which shall give its final report within thirty days.

(3) The Majlis-e-Shoora (Parliament) may prescribe rules prescribing procedure regarding such appeal.

12. Proceeding before the Contempt Committee. – (1) All proceedings before the Committee shall be deemed to be a quasi-judicial proceedings.

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

13. Immunity of witnesses in respect of evidence. - Any person giving evidence or producing documents before the Committee shall not be liable to any civil, criminal or departmental proceedings by reasons whatsoever.

14. Indemnity. - In addition to indemnity granted under clause (2) of Article 69 of the Constitution, for members and officers of the *Majlis-e-Shoora* (Parliament), no suit, prosecution or other legal action shall lie against any person involved in any act done or purported to be done in good faith, pursuant to any provision of this Act.

15. Power to make Rules. – The Committee may by notification in the official Gazette make Rules for carrying out the purposes of this Act.

16. Act to override other laws etc. – The provisions of this Act, shall have effect notwithstanding anything contained in any other law, rules or regulations for the time being in force or judgment of any Court.

17. Validity of proceedings under this Act. – When any act or thing is required by this Act to be done within a particular period and it is not done within that period, the doing of the act or thing shall not be invalid or otherwise ineffective by reason only that it was not done within that period.

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

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these Committees despite notices which not only undermines the respect of the *Majlis-e-Shoora* (Parliament) but also hampers 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 persons who 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 that accounts 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.

(RANA MUHAMMAD QASIM NOON)
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