

THE ASSEMBLY MEMBER'S PRIVILEGES ACT, 1965
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SCHEDULE

¹**THE ASSEMBLY MEMBER'S PRIVILEGES
ACT, 1965.**

East Pakistan Act No. IX of 1965

[Passed by the East Pakistan Assembly on the 13th August, 1965.]

[Assent of the Governor was first published in the Dacca Gazette, Extraordinary, dated the 1st September, 1965.]

An Act to determine under clause (6) of Article 11 of the Constitution of the Islamic Republic of Pakistan, the privileges of Member of the Provincial Assembly.

Whereas it is expedient to determine, under clause (6) of Article 111 of the Constitution of the Islamic Republic of Pakistan, the privileges of Members of the Provincial Assembly;

It is hereby enacted as follows:-

Short title and commencement

1. (1) This Act may be called the ²[***] Assembly Members' Privileges Act, 1965.

(2) It shall come into force at once.

Definitions

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

- (a) "Assembly" means the Provincial Assembly of the Assembly;
- (b) "Assembly Secretariat" means the Secretariat of the Assembly;
- (c) "Constitution" means the Constitution of the Islamic Republic of Pakistan, 1962;
- (d) "committee" means a committee of the members set up by or under the authority of the Assembly;
- (e) "meeting" means a meeting of the Assembly during a session or of a committee of the Assembly during a session or out of session;
- (f) "member" means a member of the Assembly;
- (g) "session" means the whole period of a session of the Assembly from the time when it is assembled in pursuance of a summons issued under clause (1) or (2) of Article 73 of the Constitution to the time when it is prorogued;

¹ The expiration of thirty days after Ordinance No. III of 1980 was laid before the Parliament, the Ordinance ceased to have any effect and the repealed laws including Ordinance No. IX of 1963 continue to be in force...

1981 BLD 132 : Suranjit Senguptu V. Election Tribunal, Sylhet & Another, p. 133-138.

² The words "East Pakistan" were omitted by Article 5 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

- (h) "Speaker" means the Speaker of the Assembly and includes any person for the time being acting as the Speaker; and
- (i) "usual place of residence" means the place where a member generally resides for at least six months in the year.
3. A member shall be supplied, free of all charges, with Acts, Rules, Bye-laws, Bills, Regulations and all other publications of the ¹[Government], including *Dacca Gazette*, at his desired address in ²[Bangladesh]. Supply of publications of the ³[Government]
4. A member shall be entitled, on previous intimation to the authorities and on payment of usual charges, to rent-free accommodation in Circuit Houses Dak Bungalows, Rest Houses and other waiting places in mofussil under the control of the Government of District Councils or autonomous bodies: Accommodation for member
- Provided that a member shall not ordinarily stay for more than three days at a time.
- Explanation-** In determining the question of priority of accommodation, a member shall be deemed to have the status of a Deputy Commissioner for the purpose of this section.
5. No member shall be liable to any civil or criminal proceedings by reason of any matter which he may have brought or given notice of his intention to bring before the Assembly or any committee thereof, by petition, Bill, resolution, motion, question or otherwise on any ground whatsoever. Member not liable to any civil or criminal proceedings to bring any matter before the Assembly by petition, Bill, etc.
6. No person shall be liable to any proceedings in any Court in respect of the publications by, or under the authority of, a Provincial Assembly of any report, paper vote or proceedings, publication of an extract or an abstract of Assembly proceedings published bona fide and without malice shall be protected from any action for libel, but this protection shall not extend to the headline which is not a part of the proceedings of the Assembly. Person not liable to any proceeding in any court in respect of publications of any report, paper, vote or proceedings by, or under the authority of Assembly
7. (1) No member shall be required to appear in person in any civil, criminal or revenue court or any Exemption from personal attendance in civil, criminal or

¹ The word "Government" was substituted for the words "Provincial Government" by Article 8 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

² The word "Bangladesh" was replaced for the words "East Pakistan" by Article 5 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

³ The word "Government" was substituted for the words "Provincial Government" by Article 8 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

revenue court or
election tribunal

election tribunal during a session and a period of seven days before and seven days after the session.

(2) Notwithstanding anything to the contrary contained in any law for the time being in force, no civil, criminal or revenue court and no election tribunal shall proceed during a sessions and for a period of seven days before and seven days after the session, with any matter before it in which a member is contesting party or is charged,

as the case may be, unless the privilege offered by sub-section (1) is waived by application made in writing to the court or tribunal, by the member concerned with the matter, and, where more members than one are so concerned, by all of them.

(3) The provision of sub-section (2) shall apply to all matters pending immediately before the commencement of this Act in any civil, criminal or revenue court or before any election tribunal, in which a member is a party and no such court or tribunal shall proceed furtherwith any such matter unless the privilege referred to therein is waived in accordance with the provisions thereof or the period specified therein has elapsed.

Communication
to the Speaker
regarding arrest,
detention,
conviction or
release of
members

8. (1) Where 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 executive order, the Judge or the Magistrate or the executive authority ordering the arrest, and the Judge or the Magistrate sentencing the member, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or imprisonment of the member in the Form set out in the Schedule to this Act, and this fact shall be brought before the Assembly by the Speaker, in due course.

(2) Where a member is arrested and after conviction, released on bail pending an appeal, or otherwise released, such fact shall also be intimated to the Speaker by the authority concerned in the Form set out in the Schedule to this Act, and this fact shall be intimated by the Speaker to the Assembly.

Court's summons
to members

9. No Court, Civil or Criminal, shall send summons to a member to be served through the Speaker or any other officer of the Assembly Secretariat.

Right of
members to draw
daily allowance
on attending
meetings

10. Notwithstanding anything contained in any law, a member is entitled to draw daily allowance if he attends a meeting, irrespective of his usual place of residence.

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| <p>11. The Assembly Secretariat shall, on receipt of necessary particulars from a member, prepare his travelling allowance, daily allowance and conveyance allowance bills and after pre-audit by the Accountant-General, ¹[Bangladesh] arrange delivery of the cheque to the member, payable at the State Bank of Pakistan, Dacca, in the Assembly Secretary or at his Dacca residence.</p> | <p>Preparation of travelling, daily and conveyance allowance bills of members by Assembly Secretariat</p> |
| <p>12. A member shall be entitled to free medical treatment as admissible to a class I (Grade I) gazette government servant.</p> | <p>Medical attendance</p> |
| <p>13. (1) A member shall be entitled to visit hospitals, dispensaries, health centres, family planning centres, tahsil offices and educational institutions located within his district with previous intimation to the authorities concerned.</p> <p>(2) After such visits a member may submit his reports direct to the Minister-in-charge.</p> | <p>Visit to hospitals, dispensaries and educational institutions by members and submission of reports thereof</p> |
| <p>14. A member shall be deemed to be class I gazetted officer for the purposes of certificate of character and identification.</p> | <p>Member to be deemed Class I gazetted officer for purposes of character and identification</p> |
| <p>15. The ² [Government] may make rules for the purposes of carrying out the provisions of this Act.</p> | <p>Power to make rules</p> |
| <p>16. <i>[Repealed.] Rep. by the East Pakistan Repealing and Amending Ordinance, 1966 (E.P. Ord. XIII of 1966).</i></p> | <p>Repeal</p> |

SCHEDULE

(See Section 8.)

Form of Communication regarding arrest, detention, conviction or release, as the case may be, of a member.

Place

Date

To

The SPEAKER, Provincial Assembly, East Pakistan, Dacca.

¹ The word "Bangladesh" was replaced for the words "East Pakistan" by Article 5 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

² The word "Government" was substituted for the words "Provincial Government" by Article 8 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

DEAR MR. SPEAKER.

A

I have the honour to inform you that I have found it my duty, in exercise of the powers conferred upon me under section of the (Act) to direct that Mr..... Member of the

Provincial Assembly, East Pakistan, be $\frac{\text{arrested}}{\text{detained}}$ for

.....

(reasons for the arrest or detention, as the case may be)

Mr....., Member of the Provincial Assembly,

East Pakistan, was accordingly $\frac{\text{arrested}}{\text{taken in to custody}}$ at (time) on

..... (date), and is at present lodged in the (Jail)

..... (place).

B

I have the honour to inform you that Mr..... Member of the Provincial Assembly, East Pakistan, was tried at the Court before me on a charge (or charges) of (nature of offence charged).

On (date) after a trial lasting for days I found him guilty of and sentenced him to imprisonment for (period). (His application for leave to appeal to * is pending consideration).

Name of the court.

I, have the honour to inform that Mr..... Member of the Provincial Assembly, East Pakistan, who was convicted on (date) and imprisoned for (period) for..... (nature of offence for which convicted) was released on bail pending appeal (or, as the case may be) released on the sentence being set aside on appeal on the (date).

Yours faithfully,

Judge/Magistrate or Executive Authority.
