



National Assembly of Pakistan

PROCEDURAL MANUAL



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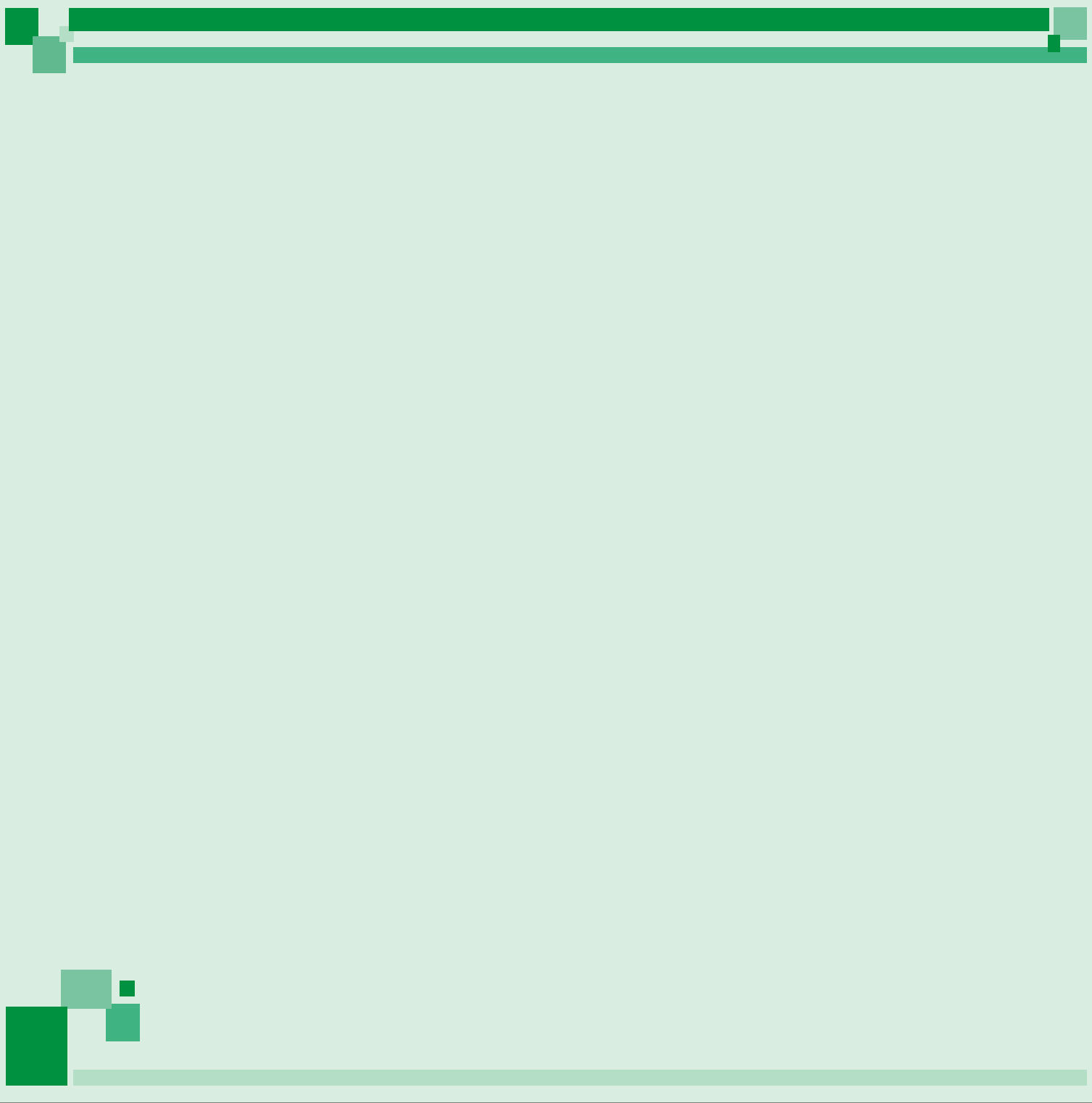
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Foreword


It gives me great pleasure to commend to Members the first issue of a Procedural Manual.

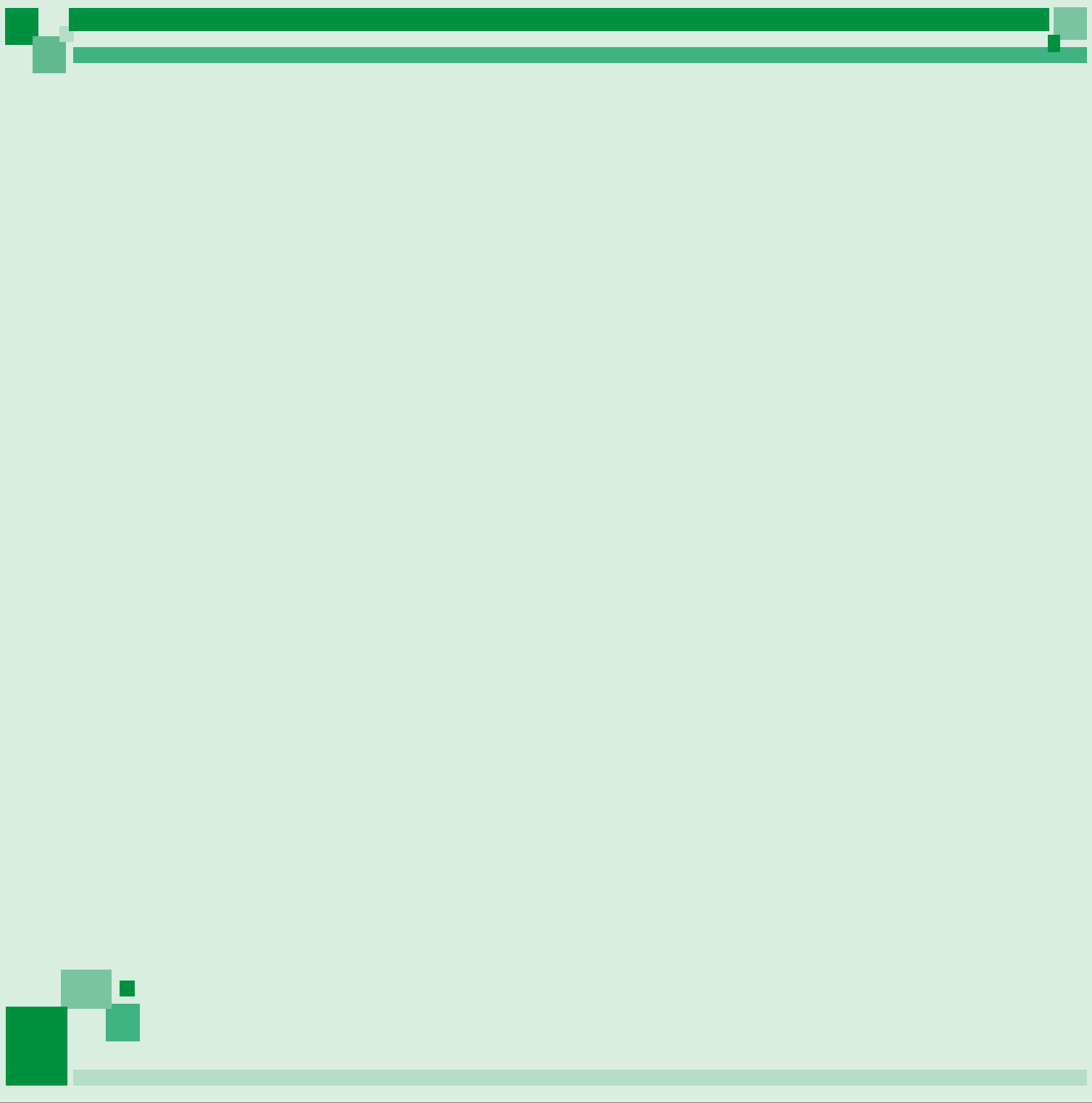
Parliamentary procedure is inevitably complicated, and may appear arcane and incomprehensible, particularly to Members elected for the first time. Rules of Procedure are necessarily couched in legalistic phraseology containing terms which are not familiar to the average person. Yet they need to be understood by Members if they are to be able to carry out the responsibilities for which they were elected to make good laws, to debate the great issues of the day, to authorize money for the Government and to scrutinize the actions of the Executive on behalf of the electorate.

This manual cannot of course have the authoritative status of the Constitution or of the Rules of Procedure, and needs to be read in conjunction with them. Nevertheless it is designed to give Members a clear guide to current procedures and, together with the companion Handbook for Members which describes the administrative services of the National Assembly, should enable them to be better equipped to carry out their manifold responsibilities.

Parliament is a dynamic institution and its current procedures will be changed from time to time. Revised versions of this Manual will be produced to take account of changes made.

Ch. Amir Hussain
Speaker
National Assembly of Pakistan





Glossary of Legislative Terminology

Legislative Terminology

The glossary contains those terms and phrases, which are connected with the parliamentary work and are used frequently by members in their speeches. These expressions, with their meanings and implications, are described below:

Act- A Bill passed by the Majlis-e-Shoora (Parliament) or the National Assembly and assented to by the President.

Adjournment of Debate- Postponement of a debate on a Motion/Resolution/Bill on which the Assembly is then engaged, to some other time or date.

Adjournment of the sitting of the House- An adjournment terminates the sitting of the Assembly, which meets again at the time appointed for the next sitting.

Adjournment sine die- Termination of a sitting of the Assembly without specifying a date for the next sitting.

Amendment- It means a motion to amend an earlier motion before that earlier motion is put to the Assembly for its decision.

Annual Budget Statement- Annual financial statement of the estimated receipts and expenditure of the Federal Government in respect of a financial year.

Article- It means an Article of the Constitution.

Assembly- It means the National Assembly.

Bicameral- It means a legislature having two chambers, usually the Senate and the Assembly or House of Representatives.

Bill- Bill means a motion for making a law

Bulletin- It means the Bulletin of the Assembly containing a brief record of the House proceedings at each of its sittings and information on any matter relating to or connected with the Assembly or its Committees..

Calendar of Sittings- A provisional Calendar of Sittings shows the days on which the Assembly is to sit.

Casting Vote- The vote cast by the Speaker, or the person Acting as such in the Assembly and by the Chairman or person acting as such in a Committee, in case of an equality of votes on a matter.

Chairperson- means a member of the National Assembly nominated by the Speaker to preside over a sitting of the Assembly in the absence of the Speaker or the Deputy Speaker.

Chamber- The place where the Assembly meets to transact its business.

Closure- It is one of the means by which a debate may be brought to a close by a majority decision of the Assembly, even though all members wishing to speak have not done so.

Committee- It means a Committee constituted under the Rules of Procedure and Conduct of Business in the National Assembly, 2007.

Crossing floor of the House- Passing between a member holding floor of the House and the Speaker. To cross the floor is a breach of Parliamentary rules.

Constitution- It means the Constitution of the Islamic Republic of Pakistan.

Dilatory Motion- A motion, including a motion for the adjournment of a debate on any matter pending in the Assembly, moved with a view to frustrate the proceedings of the Assembly.

Division- The mode of arriving at a decision on a proposed measure or question before the Assembly by recording separately, votes for or against it.

Draw of Lot- A method applied to determine the relative precedence of private members' Bills and Resolutions, motions etc. or any other notice given by more than one member simultaneously for being taken up on the same day.

Expunction- Deletion of words, phrases or expressions from the proceedings or record of the Assembly by an order of the Speaker which, in his opinion, are defamatory or indecent or unparliamentary or undignified.

Filibuster- Means an act to obstruct legislation by unnecessary speeches, motions, etc.

Finance Bill- A Bill ordinarily introduced every year to give effect to the financial proposals of the Government of Pakistan for a financial year and includes a Bill to give effect to supplementary financial proposals for any period.

Gazette- The Gazette of Pakistan.

Government- Means the Federal Government.

Guillotine- It is a different form of closure of outstanding question or questions relating to the business in hand on expiry of the time allotted for discussion. It is not preceded by any motion. The Speaker forthwith puts the question without further debate.

House- It means the Assembly or the Senate, as the case may be.

Leader of the House- Means the Prime Minister or a Minister appointed by the Prime Minister to represent the Government and regulate Government business in the Assembly.

Leader of the Opposition- A member of the House who, in the opinion of the Speaker, is for the time being the leader of majority of members in Opposition to the Government.

Lobby- Means the rooms and the covered corridors adjoining the Chamber and designated as Division Lobbies by the Speaker. The Division Lobbies are situated on either side of the Chamber. The 'Ayes' Lobby is situated to the right of the Speaker's Chair and the 'Noes' to its left.

Maiden Speech- The first speech of a member after his election for the first time. Such a member is, as a matter of courtesy, called upon by the Speaker to make his maiden speech in preference to others rising to speak at the same time. It is a recognized parliamentary convention that a member making a maiden speech is not interrupted by another member.

Mediation Committee- It means the Committee constituted under Article 71 of the Constitution. If a Bill transmitted to a House of the Parliament, under Article 70, is rejected or is not passed within

90 days of its receipt or is passed with amendment, the Bill, at the request of the House in which it originated can be referred to a Mediation Committee for consideration and formulation of an agreed Bill which is likely to be passed by both the Houses in their sittings.

Member- Means a member of the Assembly or the Senate.

Member in-charge- Means, in case of a Government Bill, a Minister and, in any other case, the member who has introduced the Bill or the member authorized by him in writing to assume charge of the Bill.

Message- A communication from the President to a House or Houses of Parliament; and also a communication sent from one House of Parliament to the other House.

Minister- means the Prime Minister, a Federal Minister or a Minister of State, or a Parliamentary Secretary in respect of any function delegated or entrusted to him by a Minister.

Money Bill- A Bill containing only provisions dealing with all or any of the matters specified in Article 73 of the Constitution.

Motion- A formal proposal made by a member or a Minister relating to any matter which may be discussed by the Assembly and includes an amendment.

Motion of Thanks- A formal motion moved in the Assembly, or in the Senate, expressing its gratitude for the Address delivered by the President, under Article 56 of the Constitution, to either House or both the Houses assembled together.

Order, order- The Speaker sometimes pronounces this to call the Assembly to order, or to ask the House to hear the Chair or a member holding the floor of the House. Generally, this call is made under various circumstances, including:

When a member seeking to intervene is not allowed to interrupt.

When a member speaking is found to be irrelevant.

When a member rises to speak when he should not.

When a member is in any manner disorderly.

When there is noise and confusion in the House and the Speaker wants that order should prevail.

When there is an occasion for the Speaker to speak on a matter of procedure at any time.

Orders of the Day- means the list of business to be brought before the Assembly on any day.

Ordinance- A law promulgated by the President, when the National Assembly is not in session, in exercise of the powers vested in him by Article 89 of the Constitution.

Panel of Chairpersons- A panel of not more than four members of the Assembly nominated by the Speaker at the commencement of each session, is known as panel of Chairpersons. A Chairperson, in order of precedence, presides over a sitting of the Assembly in the absence of the Speaker and the Deputy Speaker.

Papers laid on the Table- The papers or documents laid on the Table of the Assembly for purpose of bringing them on the record of the House by a Minister or by a private member or by the Secretary General in pursuance of the provisions of the Constitution or the Rules of Procedure and Conduct of Business in the National Assembly, 1992. All papers so laid on the Table are either printed as part of the proceedings of the Assembly or placed in the Library or kept in the appropriate file.

Parliament House- Means the building used for the purpose of the sittings of the Assembly.

Point of Order- A point relating to the interpretation or enforcement of the Rules of Procedure or such Articles of the Constitution as regulate the business of the Assembly, raised in the House. The decision of the Speaker as to whether a point raised is a point of order or not, is final.

Precincts of the Assembly- It means and includes the Chamber (Main hall of the Assembly), the Lobbies, the Galleries, offices attached to the Parliament and parking lots, offices which are in use of the Assembly, the places which are part of the Parliament House, and such other places as the Speaker may from time to time specify.

Presiding Officer- This means, in relation to a sitting, any person who is presiding at that sitting.

Private Member- This means a member other than a Minister.

Proposing the Question- When a member, moving a certain motion, has concluded his speech, the Speaker proposes the question to which the motion relates in the following form: 'Motion moved' and reads the text of the motion. The discussion on the question commences after the question has been proposed by the Speaker.

Prorogation- The termination of a session of the Assembly by an order made by the President under

Article 54(1) of the Constitution or by the Speaker in terms of Article 54 (3) of the Constitution.

Putting the Question- When debate on a question is closed, the Speaker reads the question to the House, beginning with “The question is, that:”

Question Hour- The first hour of a sitting of the Assembly, except on Tuesday, is reserved for asking and answering of questions notices of which were given by the members.

Question of Privilege- A member may raise a question involving a breach of privilege either of a member or of the Assembly or of a Committee thereof, normally after disposal of questions.

Quorum- Means the minimum number of members required to be present at a sitting of the Assembly or a Committee for transaction of its business. The quorum required during the course of a sitting of the Assembly or a Committee meeting is one-fourth of the total membership of the Assembly or the Committee, as the case may be.

Resolution- It means a motion for the purpose of discussing and expressing an opinion on a matter of general public importance and includes resolutions specified in the Constitution.

Roll of Members- A register in which newly elected members sign, after making the oath and before taking their seats for the first time in the Assembly. It is kept on the Table of the House.

Rule- It means the rules framed by the Assembly for regulating its business. The existing rules are contained in a publication entitled “The Rules of Procedure and Conduct of Business in the National Assembly, 1992.”

Schedule- It means a schedule appended to the Constitution, law or the Assembly rules, as the case may be.

Secretary- Means the Secretary of the Assembly, and includes any person for the time being performing the duties of the Secretary.

Session- It means the period commencing on the day of the first sitting of the Assembly after having been summoned and ending on the day it is prorogued or dissolved.

Short Notice Question- A question relating to a matter of urgent public importance asked with notice shorter than fifteen clear days.

Sitting- It means a meeting of the Assembly or of a Committee on a day and covers the period from the commencement of its business to the termination of the business for that day.

Speaker- Means the Speaker of the Assembly and includes the Deputy Speaker or any other member for the time being acting as a Chairperson.

Starred Question- It means a question for an oral answer on the floor of the Assembly. It is distinguished by an asterisk.

State- The state, under the Constitution (Article 7) means the Federal Government, Parliament, a Provincial Government, a Provincial Assembly, and such local or other authorities in Pakistan as are by law empowered to impose any tax or cess.

Statutory Resolution- A resolution in pursuance of a provision of the Constitution or an Act of Parliament.

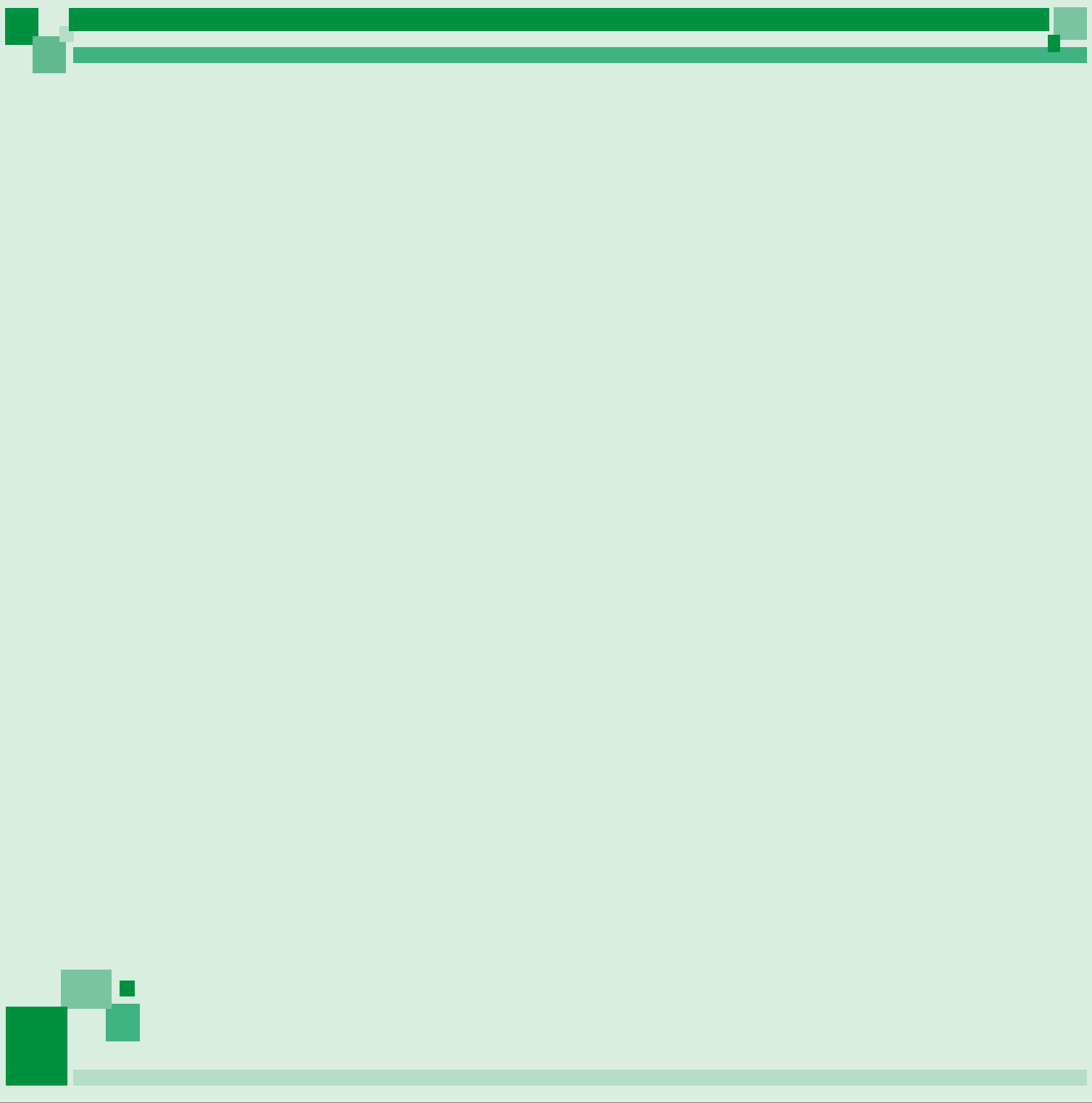
Subordinate Legislation- Rules, regulations, orders, schemes, bye-laws, etc. having the force of law, framed by the Executive or any other subordinate authority in pursuance of the power conferred on it by the Constitution or delegated to it by an Act of Parliament.

Summons- An official communication issued by the Secretary General of the Assembly, under the orders of the President or Speaker, to the members of the Assembly informing them of the place, date and time of the commencement of a session of the National Assembly.

Table- Means the Table of the Assembly and includes its Library.

Unicameral- It means consisting of one chamber.

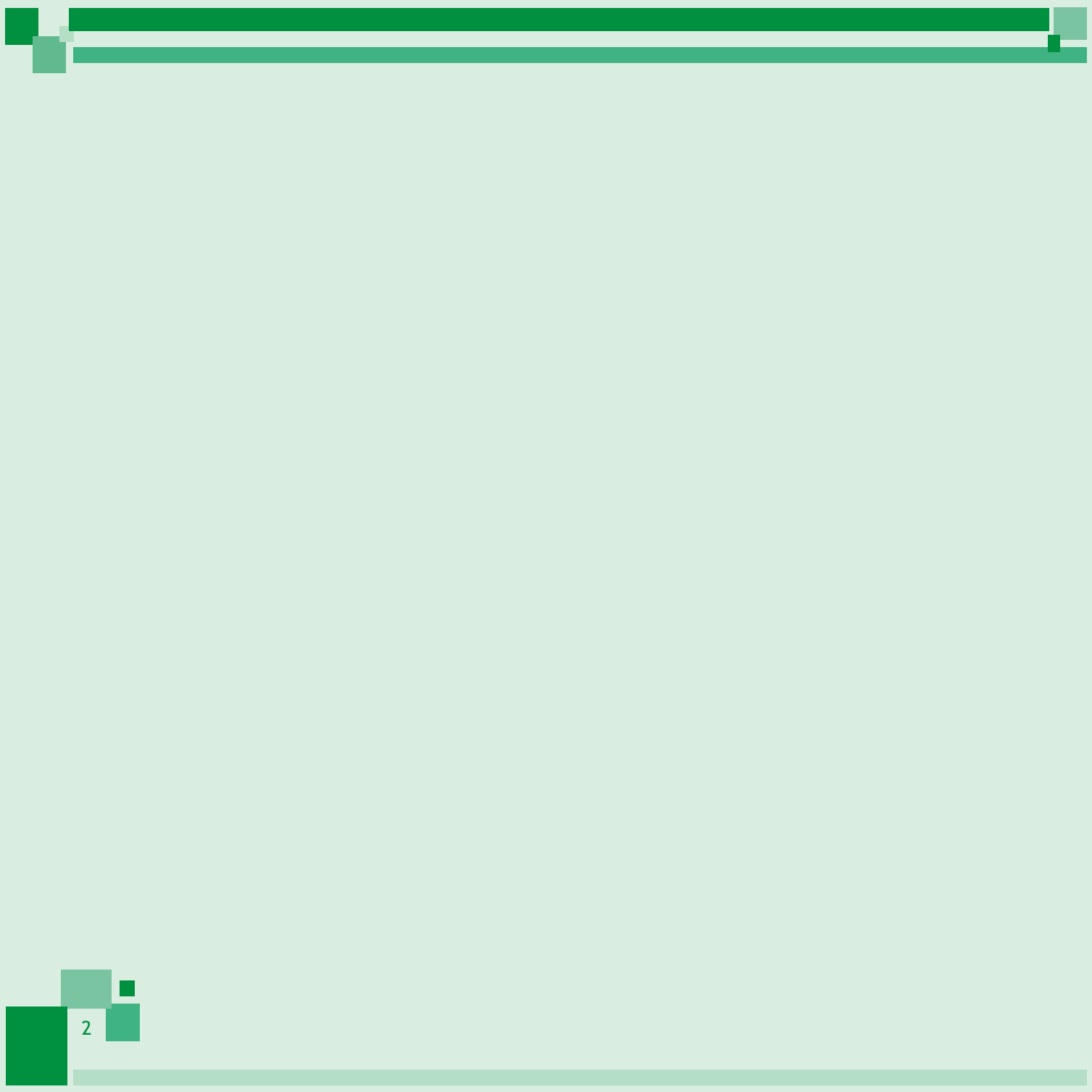
Unstarred Question- Means a question only for a written reply by the Minister. No supplementary question can be asked on an unstarred question.





Chapter I

Historical Perspective



HISTORICAL PERSPECTIVE

The first move towards democratic government in the South Asia Sub-Continent was attempted under the Minto Morley Reforms in 1909. Those reforms envisaged a unicameral legislature, which proved to be a “Rubber Stamp” body, with no power. Consequently, in 1919 a new series of reforms titled as “Montague Chelmsford” reforms were put into motion, introducing a bicameral legislature for the first time in the Sub-Continent. However, even those reforms could not run for long. These were replaced with the Government of India Act, 1935, which ushered into a two House legislature. The Government of India Act, 1935 was the last constitutional arrangement in the British India.

The State of Pakistan was created under the Independence Act of 1947. The Act transformed the then existing Constituent Assemblies into dominion legislatures. Those legislatures were to exercise all the powers, which were formally exercised by the Central Legislature in addition to the powers regarding the framing of a new Constitution. Till the adoption of a new Constitution, all territories were to be governed in accordance with the Government of India Act, 1935.

The maiden session of the first Constituent Assembly of Pakistan was held on August 10, 1947 at the Sindh Assembly Building, Karachi. The Assembly elected unanimously Pakistan's founding father, Mr. Muhammad Ali Jinnah as its President, and also formally approved the National Flag. On August 12, 1947, the Assembly approved a resolution regarding officially addressing Mr. Muhammad Ali Jinnah as “Quaid-I-Azam Muhammad Ali Jinnah.”

On the same day, a Special Committee called the “Committee on Fundamental Rights of Citizens and Minorities of Pakistan,” was appointed to look into and advise the Assembly on matters relating to the fundamental rights of the citizens, particularly the minorities, with the aim to legislate on these issues appropriately. In this way, due importance was given to the minorities and fundamental rights of the citizens at large, from day one.

On August 14, 1947, the Transfer of Power took place. Lord Louis Mounbatten, Governor General of India, addressed the Constituent Assembly of Pakistan. Replying to the address, Quaid-I-Azam spelled out the principles of the State of Pakistan. Mr. Jinnah was sworn in as the first Governor General of Pakistan on August 15, 1947 and he remained in this position till his death on September

11, 1948.


The Objectives Resolution was moved in the House on March 7, 1949 and the Constituent Assembly adopted it on March 12, 1949 laying down the principles which later became substantive part of the Constitution of Pakistan. After the passage of the Objectives Resolution, the Assembly formed, on the same day, a Basic Principles Committee, comprising of 24 members, to prepare a draft Constitution on the basis of the Objectives Resolution.

The final draft of the Constitution was prepared in 1954. However, before the draft could be placed in the House for approval, the Assembly was dissolved on October 24, 1954. Thereafter, the Governor General convened the Second Constituent Assembly in May, 1955, which framed and passed the first Constitution of Pakistan on February 29, 1956. That Constitution came into force on March 23, 1956, which provided for a parliamentary form of Government with a unicameral legislature. Earlier, from August 14, 1947 to March 1, 1956, the country retained the Government of India Act, 1935 as its Constitution.

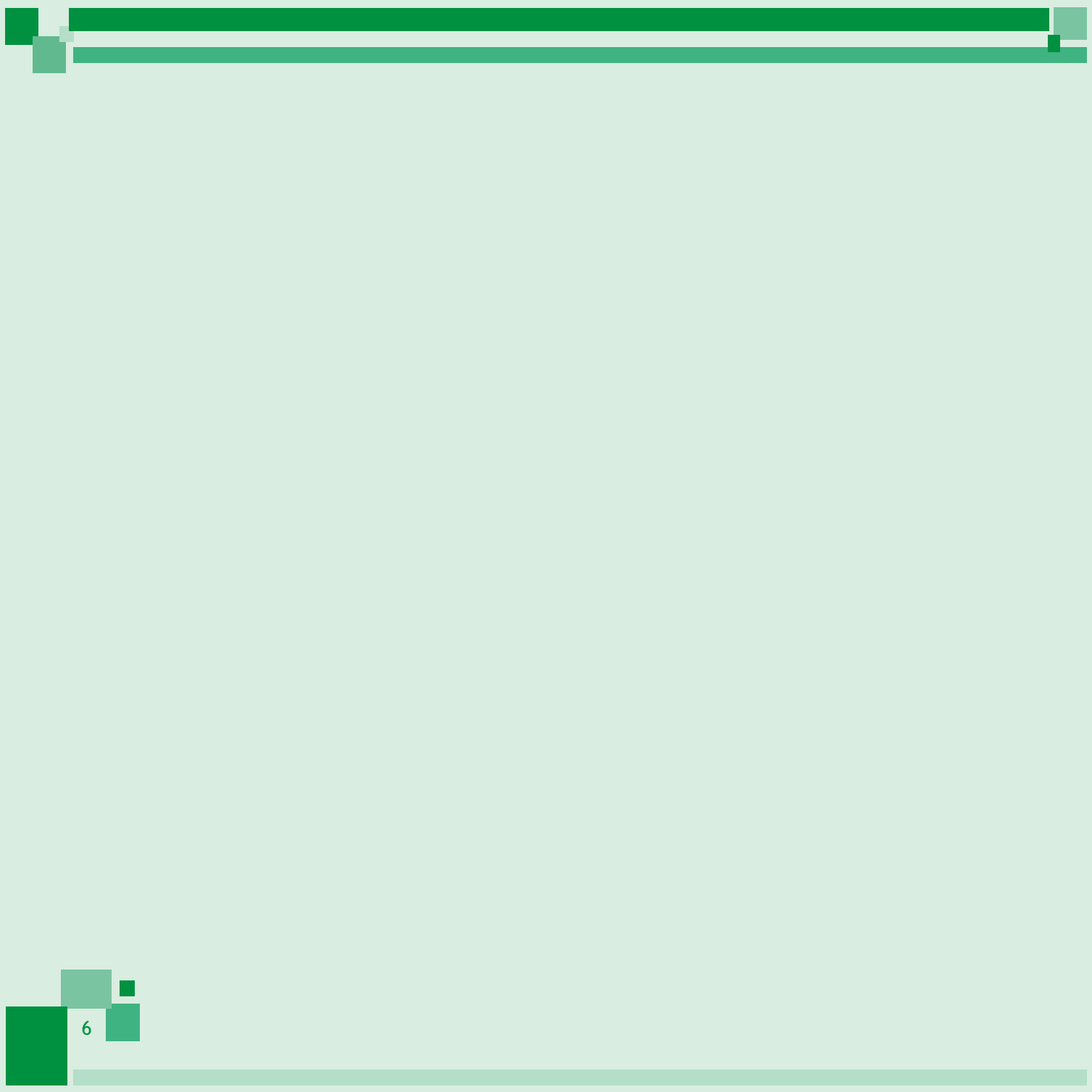
On October 7, 1958, Martial Law was promulgated and the Constitution abrogated. The Military Government appointed a Constitution Commission in February, 1960 which framed the 1962 Constitution. That Constitution provided for a Presidential form of Government with a unicameral legislature. The 1962 Constitution was abrogated on March 25, 1969. The Civil Government, which came to power in December, 1971 pursuant to 1970 elections, gave the nation an interim Constitution in the year 1972.

The 1970 Assembly framed the 1973 Constitution, which was passed on April 12, 1973 and came into force on August 14, 1973. Article 50 of the 1973 Constitution provides for a parliamentary form of Government with a bicameral legislature Majlis-e-Shoora (Parliament), consisting of the President and two Houses to be known respectively as the National Assembly and the Senate. The main purpose of creating the Senate was to give equal representation to all provinces in this House because in the National Assembly the membership was determined on population basis. Equal provincial membership in the Senate was designed to balance the demographical formula extant in the National Assembly. In this way, under the 1973 Constitution, the Senate came into existence for the first time. The elections of the first Senate were held on July 10, 1973. Before this date, under all previous Constitutions only one House had operated in Pakistan.

Many changes occurred as a result of the Eighth Amendment in the Constitution in 1985 and the Legal Framework Order (LFO) enforced on August 21, 2002. Not only the tenure of Senators was raised from four to six years, their number was also increased from 63 to 87 in 1985 and later under



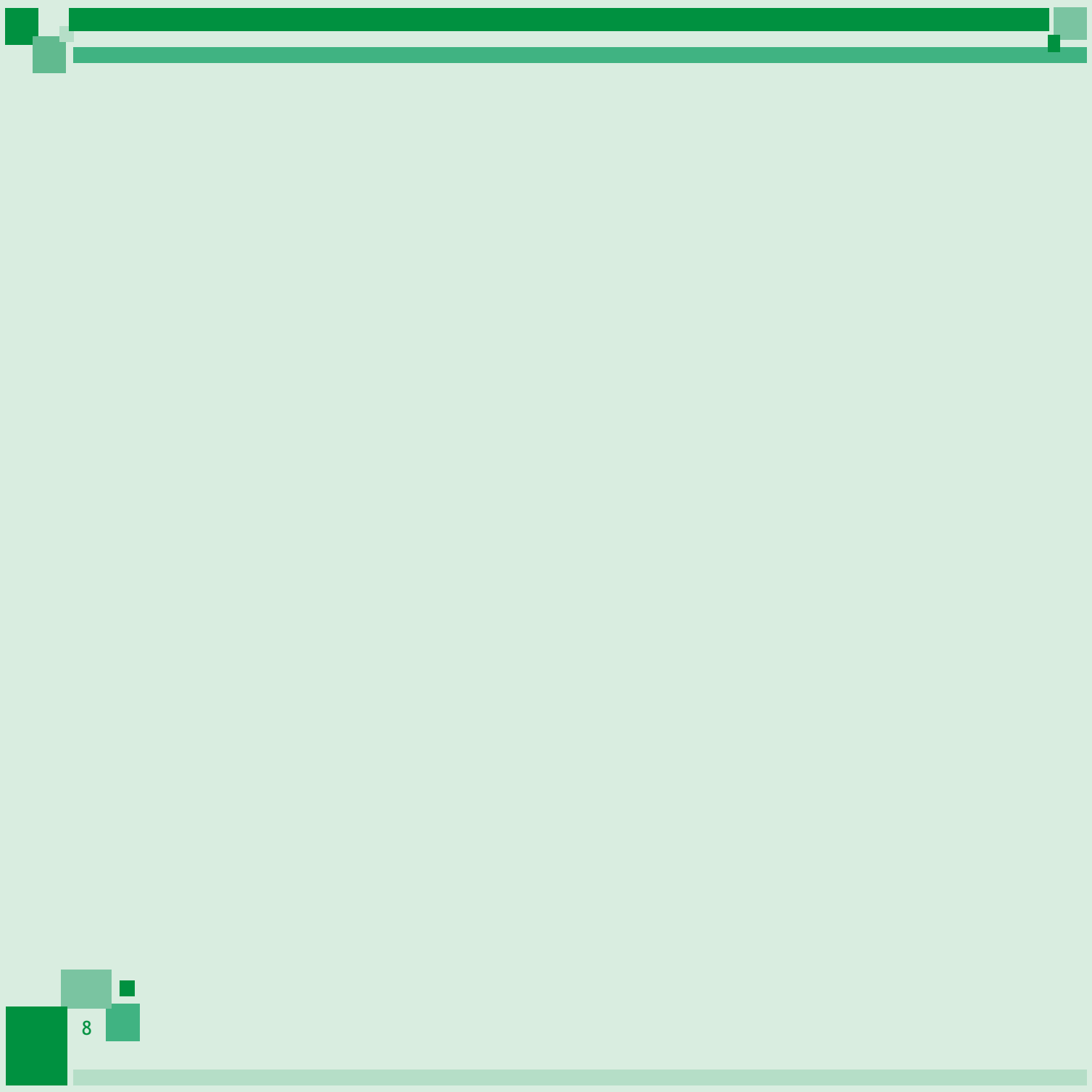
the LFO to 100. The LFO also raised the membership of the National Assembly to 342, which was 237 since 1985. The Eighth Amendment also added paragraph (b) to clause (2) of Article 58, according to which the President's role acquired a new face, as he was given more powers than any President held in a parliamentary form of government. The new clause empowered the President to dissolve the National Assembly in his discretion with the result that since 1985 to 1999 none of the four Assemblies could manage to complete their full term of five years. In 1997, when the new Assembly came into power with an overwhelming majority, one of its first act was to strike off paragraph (b) of clause (2) of Article 58 from the Constitution vide Constitution Thirteenth Amendment Bill. However, the power of the President to dissolve the National Assembly, at his discretion, has been restored through LFO with the condition that in such an eventuality the President shall be bound to refer the matter to the Supreme Court, which shall decide the reference within 30 days.





Chapter II

House Procedures



HOUSE PROCEDURES

Summoning and Prorogation of Assembly

The President, from time to time, summons either House or both the Houses of Parliament under Article 54(1) of the Constitution. However, on a requisition made by at least one-fourth of the total membership of the Assembly, the Speaker can also, under Article 54(3), summon the National Assembly. Only Speaker can prorogue the House summoned by him. On summoning of the session, in either case, the Secretary causes a notification to be published in the Gazette stating the date, time and place of the meeting. Summoning of the Assembly sessions is also announced over the radio/TV and in the Press. Likewise, a notification with regard to prorogation of the Assembly is also published in the Gazette.

Each session of the National Assembly starts from the date of commencement of its first sitting and concludes when the House is prorogued by the President or the Speaker, as the case may be. The sessions are given consecutive numbers.

Oath

A person elected as member, before taking seat in the Assembly, is required to make an oath before the Assembly in the following form set out in the Third Schedule to the Constitution, namely:

“I,----- do solemnly swear that I will bear true faith and
(Name of member)
allegiance to Pakistan:

That, as member of the National Assembly, I will perform my functions honestly, to the best of my ability, faithfully, in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and the rules of the Assembly, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan:

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan:

And that I will preserve, protect and defend the Constitution of the Islamic Republic of Pakistan.

May Allah Almighty help and guide me (A'meen).”

A member may make oath in Urdu or in English, as he/she chooses.

Oath is generally made at the commencement of a sitting immediately after recitation from the Holy Quran. The oath is administered as the first item of business of the day. The member taking the oath faces the Chair while making the oath. Thereafter, the member signs the Roll of Members. After signing the Roll, the member takes the seat assigned to him in the House. (Rules 6 & 7)

Seating

The members, as per rule 8, sit in the Assembly Chamber in such order as the Speaker may determine. Each member is allotted a particular seat number.

The Treasury Benches are seated on the right hand side while the Opposition Benches are seated on the left hand side of the Speaker.

Days of Sitting

It is mandatory, under Article 54(2) of the Constitution, for the National Assembly to hold at least three sessions and further to meet for not less than 130 days in each parliamentary year. In addition, more than 120 days should not intervene between the last sitting of the Assembly in one session and the date appointed for its first sitting in the next session.

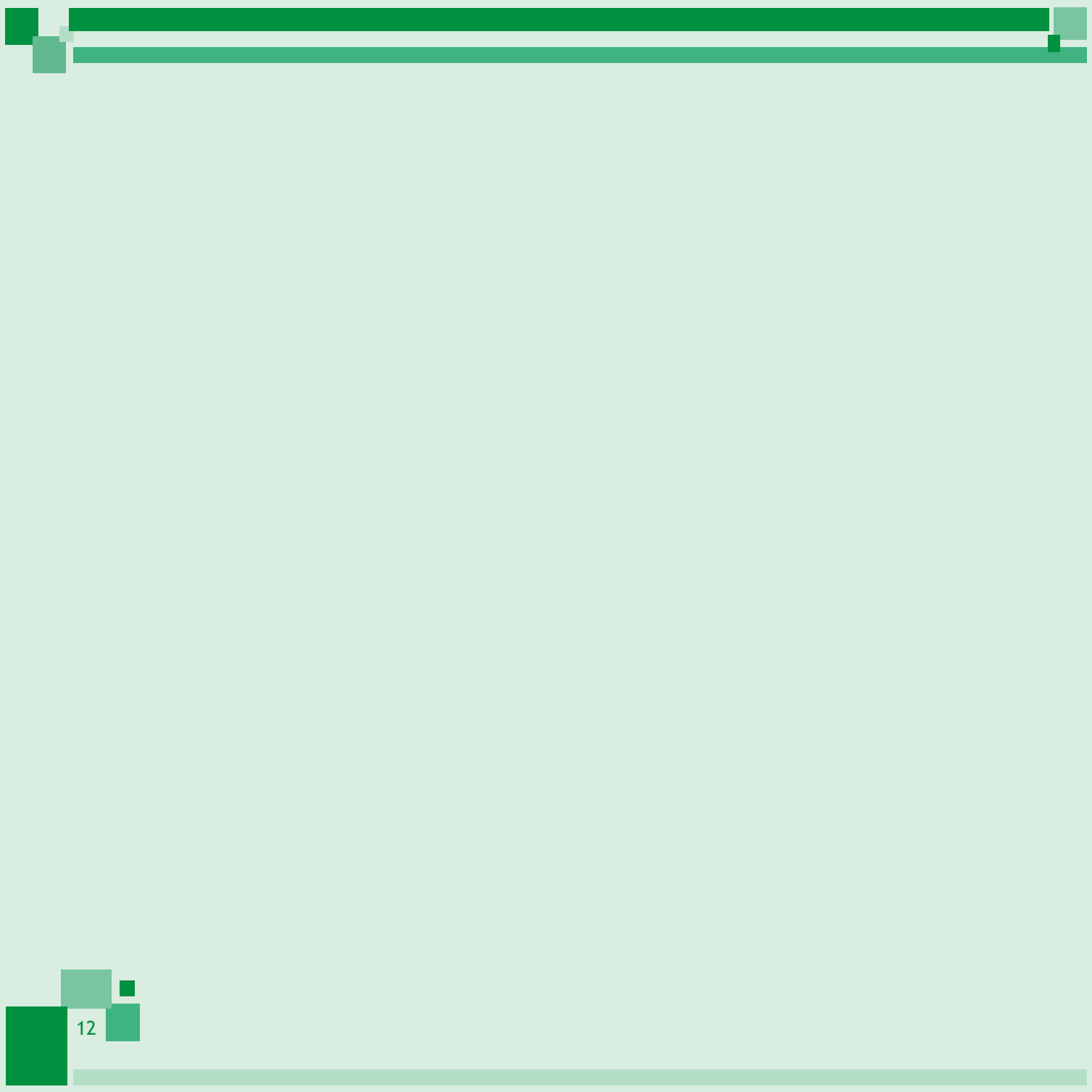
Quorum

Under rule 5, if at any time during a sitting of the National Assembly, the attention of the chairperson is drawn to the fact that less than one-fourth of the total membership of the Assembly is present, he either suspends the business of the Assembly until at least one-fourth of such membership is present, or causes the bells to be rung for five minutes. But, if no quorum is available even on resumption of the proceedings after suspension, or when the bells stop ringing, he adjourns the sitting for the next working day.



Chapter III

Sittings and Business of the Assembly



SITTINGS AND BUSINESS OF THE ASSEMBLY

Annual Calendar of Business

At the commencement of each parliamentary year, the Government is required, under rule 46, to provide to the Speaker a calendar of sessions for the ensuing parliamentary year. The Secretary forthwith circulates the calendar amongst the members.

As regards the summoning of sessions, the President, on the advice of the Prime Minister, summons the Assembly to meet, as far as practical, in keeping with the dates mentioned in the calendar. However, the President may, if advised by the Prime Minister, summon the Assembly to meet on a date different from that mentioned in the calendar. The rule, however, does not limit the power of the Speaker to summon a requisitioned session of the Assembly to meet at any time in accordance with the Constitution.

Classes of Business

Rule 50 divides business of the Assembly under two heads- (i) Government business; and (ii) private members' business.

Government business: It includes Government Bills, resolutions, amendments and other motions introduced or initiated by a Minister. A Minister can introduce a Bill, after giving a written notice, accompanied by a copy of the Bill and a Statement of Objects and Reasons, to the Secretary. The introduction of the Bill is ordinarily included in the Orders of the Day for a day allotted for Government business.

Private members' business: It includes Bills, resolutions, amendments and other motions introduced or initiated by private members. A private member can introduce a Bill, including constitutional amendments, after giving to the Secretary ten days written notice of his intention to do so. The notice has to be accompanied by the Bill, together with Statement of Objects and Reasons, in triplicate, signed by the member. After scrutiny as to whether it conforms to the

constitutional and other mandatory requirements, the Bill is listed for introduction and it is set down in the Orders of the Day for a day meant for Private members' business.

Except Tuesday, when private members' business has precedence, Government business is transacted on all other days of the week, as per provisions of rule 51. However, a Government Bill of urgent nature can be introduced on private members' day as a last item of Orders of the Day.

In case there is no sitting on Tuesday, private members' business shall have precedence on the next working day. If any Tuesday is allotted by the Speaker for the presentation of the Budget or for any stage of the Budget, then he is required to set apart some other day, in lieu of such Tuesday, for private members' business.

Other Business

The Majlis-e-Shoora (Parliament), under Article 144 of the Constitution, can by law regulate any matter not enumerated in either List in the Fourth Schedule for two or more provinces by consent if resolution to this effect has been passed by those Provinces.

Article 237 empowers the Parliament to make any law indemnifying any person in the service of the Federal Government or a Provincial Government or any other person, in respect of any act done in connection with the maintenance or restoration of order in any area in Pakistan.

The recommendations of the National Finance Commission (NFC) and the reports of the Council of Islamic Ideology (CII) are also tabled in the National Assembly for discussion. The Assembly may, by resolution, express its opinion or make any observation or recommendations on NFC and CII reports, that is, reports under Article 160 : rule 167 and Article 230 : rule 179 respectively.

Orders of the Day

The National Assembly business is transacted, as per rule 57, in the order in which it appears on the Orders of the Day, unless the Speaker directs otherwise.

The Secretary prepares the Orders of the Day and makes its copy available for use of every member and any other person entitled under the Constitution to speak or participate in the proceedings. Under rule 52, the Secretary arranges the Government business in such order as intimated by the Minister for Parliamentary Affairs. The relative precedence of private members' Bills is determined

by ballot at least five days prior to the day with reference to which the ballot is held.

Questions

Rules 69 to 86 deal with the asking of questions by members and furnishing of replies to those questions by the Cabinet. A member can ask questions for which, under rule 70, a fifteen days prior notice has to be given in writing, under member's own signature with full name, addressed to the Secretary. Notice has to be delivered to the Notice Office kept open for this purpose on every working day or can be sent by post. A separate notice for each question is another requirement under rule 71.

After recitation from the Holy Quran and taking oath by members, if any, the first hour of every sitting is available for asking and answering of questions, as per rule 69. There is no question hour on Tuesday.


A question addressed to a Minister must relate to the public affairs with which he is officially connected or public concern within the special cognizance of the Minister 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.

Question hour is meant to make the government answerable to the public and make the latter aware of the activities of the Ministries and Divisions. In addition, through these questions, members can obtain information on matters of national importance.

For the convenience of the members, a translation cell has been established in the Secretariat, which translates into Urdu replies sent by various Ministries. The MNAs can send their questions in Urdu also to the Questions Branch, which arranges their translation into English and sends them to the Ministries and Divisions concerned.

Kinds of Questions

Questions are of two kinds- starred questions and unstarred questions. A question to which a written reply is read out by the Minister is a starred question. An unstarred question is the one to which a written reply is supplied but not read out. Each member may ask two starred and two unstarred questions for any day's sitting. A member who desires to ask a starred question for any day has to distinguish it with an asterisk.



After reply by the Minister, supplementary questions are allowed to seek clarifications and throw light on different aspects of the question and its reply. Ordinarily, not more than two supplementary questions can be asked in respect of any question.

Short Notice Questions

With the consent of the Speaker and the Minister concerned, a member may ask a question relating to a matter of public importance with shorter notice than the normal notice of fifteen clear days. The official designation of the Minister to whom a Short Notice Question is addressed, along with the reasons for asking the question with shorter notice, should be stated therein. Where no reasons have been assigned in the notice of question, the question is returned to the member.

On receipt of such notice, an enquiry is made from the Minister concerned whether he is in a position to answer the question at shorter notice and, if so, at which date. In case the Minister is not in a position to answer the question at a short notice and the Speaker is of the opinion that the question is of sufficient public importance to be orally answered in the House, he may direct that the question be placed as the first question on the list of questions for the day on which it would be due for answer (Rule 70). In such a case not more than one such question is accorded first priority on the list of questions for any day.

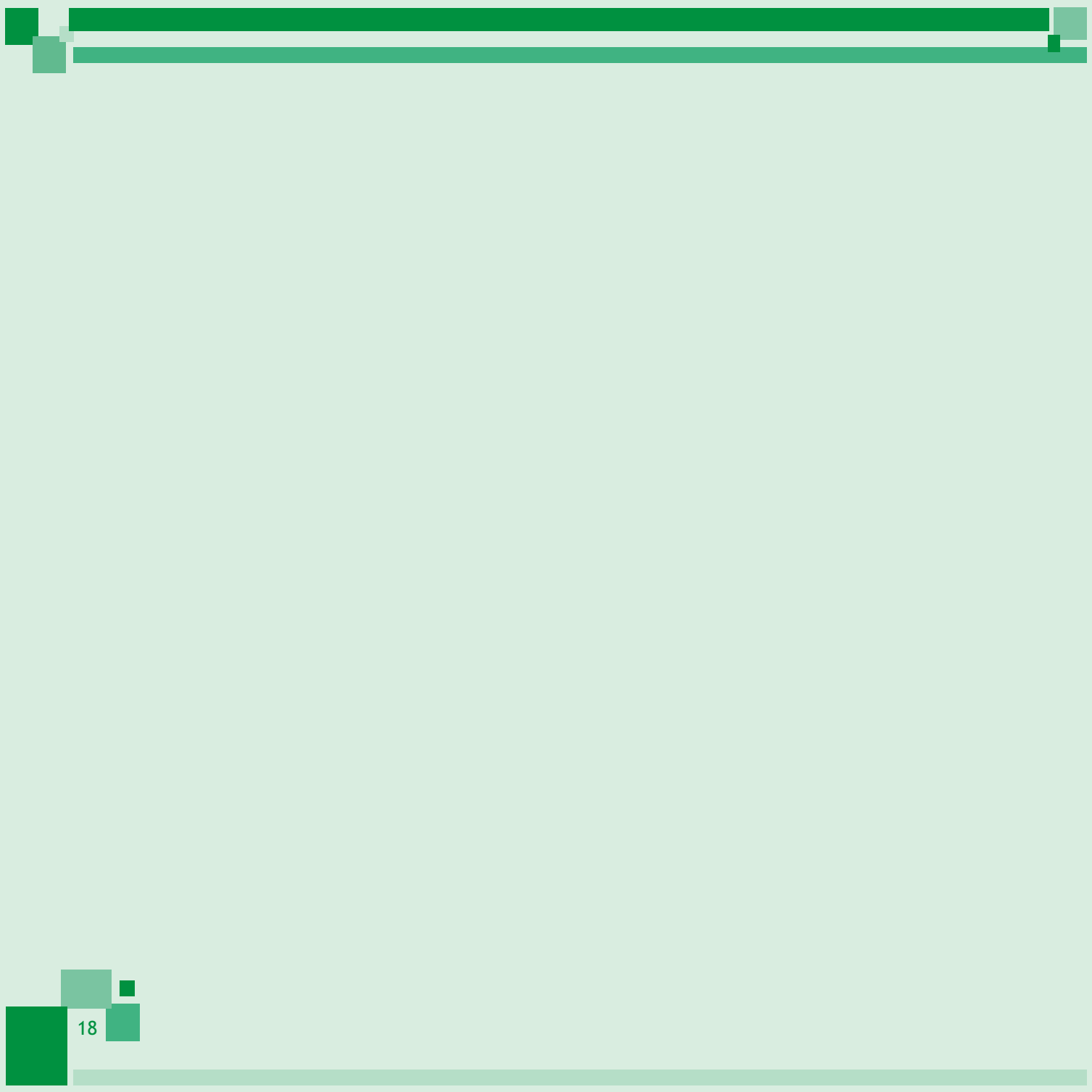
Questions relating to Assembly Secretariat

Questions relating to the Secretariat of the Assembly may be asked of Speaker by means of a private communication and not otherwise. (Rule 80)



Chapter IV

Motions and Resolutions



MOTIONS AND RESOLUTIONS

The Parliament or its Houses express their opinion on important issues, matters of sufficient public interest or the breach of privilege either of a member or the House or a Committee thereof through Motions. A brief account of various types of Motions is given below.

Motion of Thanks on President's Address

The President may address either House or both Houses of Parliament assembled together in each parliamentary year in accordance with Article 56.

On a Motion of Thanks moved by Minister for Parliamentary Affairs and seconded by any Minister or member, both the Houses, in their separate sittings, discuss the matters referred to in the President's address. The scope of discussion on the address is very wide and members are free to speak on a variety of issues, both national and international. The Speaker allots time to members for debate on the Motion of Thanks.

The discussion on the President's Address may be postponed, under rule 66, in favour of a Government Bill or other business of the Government.

A Minister, whether he has previously taken part in the discussion or not, has a general right of defending the Government, under rule 65, and rebutting points raised during the discussion in addition to his right to reply at the end of the discussion. Thereafter, the Motion of Thanks is put to vote of the House.

The President may also send a message to either House of the Parliament under Article 56(2). The Speaker, on receipt, reads the message to the House and gives necessary directions with regard to the procedures for consideration of the required matter. (Rule 67)

Question of Privilege

After the disposal of leave applications, 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 a Committee thereof in the manner prescribed in rules 95-101.

A member who wishes to raise a question of privilege should give a notice in writing to the Secretary before the commencement of the sitting on the day he/she proposes to raise the question. However, in case of urgency, the Speaker may allow it to be raised at any time during the course of a sitting after the disposal of questions.

If the Speaker holds the motion in order, the Assembly may consider and decide a question of privilege or may refer it for report to the Committee on Rules of Procedure and Privileges. If a motion to that effect is moved and adopted by the House, the House decides whether a breach of the privilege, as alleged in the motion, has occurred or not. Rule 102(3) vests in the Speaker the powers to implement the decisions of the Assembly, and any matter requiring action against a functionary of the Government shall be referred to the Concerned Division or Ministry to take action and submit a compliance report to the Assembly within the specified period.

Adjournment Motion

A member may move a motion with Speaker's consent, under rule 109, for adjournment of normal business of the House to discuss a definite matter of urgent public importance. An Adjournment Motion is, ordinarily, admissible if it raises an issue of urgent public importance, relates substantially to one definite issue, is restricted to a matter of recent occurrence and satisfies such other conditions as are laid down in rule 111.

The Speaker determines the admissibility of each Adjournment Motion. If the Speaker is of the opinion that the matter proposed to be discussed is in order, he shall ask whether the member has the leave of the House to move the motion; and, if objection is taken, he shall request the members in favour of the leave being granted to rise in their seats. If less than majority of the members present rises, the Speaker shall inform the member that he does not have the leave of the House, but if majority of the members present rises, the Speaker shall announce that leave is granted and then, under rule 113, the motion is taken up before the last Calling Attention Notice for discussion for not more than two hours, on such day, as the Speaker may fix. However, under rule 117, a discussion on the adjournment motion should not exceed two hours and the time for each member's speech should not exceed 10 minutes in duration.

Discussion on Matters of Public Importance

Before taking up last Calling Attention Notice, the Speaker may allot last half an hour of a sitting on private members' day for raising discussion on a matter of urgent public importance, including matters which have been the subject of a recent question.

A member who wishes to raise a matter, is required, under rule 87, to give notice in writing to the Secretary three days in advance of the day on which the matter is desired to be raised. The notice should briefly specify the point or points he/she wishes to raise and should be accompanied by an explanatory note stating the reason for raising discussion on the matter.

Without a formal motion or voting, the member, who has given notice, makes a short statement and the Minister concerned furnishes reply.

Calling Attention Notice

Rule 88 contains provision for a Calling Attention Notice to draw the attention of a Minister towards any matter of urgent public importance. Through this notice, any member can request a Minister that he should pay attention to a particular matter of national importance and take necessary steps. Under rule 91, this notice should be given in writing to Secretary one day before the day on which the notice is to be considered.

No member can give more than one calling attention notice for any sitting. Further, not more than two such matters can be raised at the same sitting. In the event of more than one matter being presented for the same day, priority is given to the matter which, in the Speaker's opinion, is more urgent and important.

On the appointed day, with the Speaker's permission, the member presents the matter before the House to which the relevant Minister gives his answer in the shape of a brief statement or asks for time to make a statement at a later hour or date.

RESOLUTIONS

The Parliament or its Houses often express their opinion or make recommendations or convey a message on some definite important issue in the form of a resolution. Through its resolution, sometimes, the House commends, urges or requests an action or calls attention to a matter or

situation for consideration by the Government. Under rule 157 any member or a Minister may move a resolution relating to a matter of general public interest.

However, as per rule 160, a resolution must relate to substantially one definite issue, which is primarily the concern of the Government or in which the Government has substantial financial interest. Rule 161 vests in the Speaker the authority to decide about the admissibility of a resolution.

Under rule 158, in the case of a private resolution, seven days notice has to be given whereas in the case of a resolution, moved by the Minister, three days notice is required. The resolutions are set down on the Orders of the Day after determining their priority by balloting. A time limit is fixed for each speech on a resolution. If the member in whose name a resolution stands in the Orders of the Day is absent, under rule 162(2) the resolution shall be dropped.

CLASSIFICATION of RESOLUTIONS

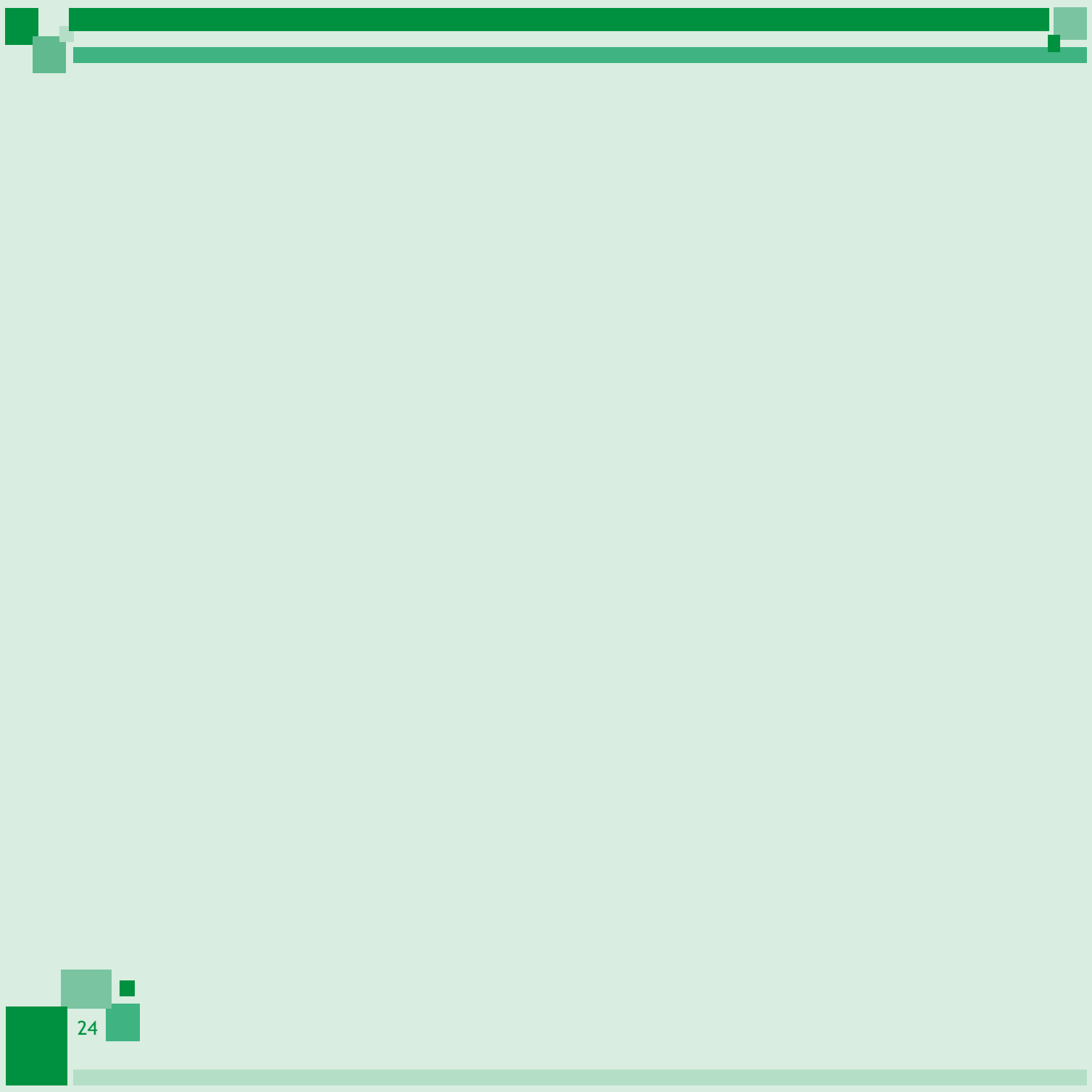
The resolutions may be classified into four categories on the basis of who moves them in the Assembly or their constitutional position. The types of resolutions are:

1. **Government Resolutions:** When a resolution is moved by a Minister, it is often called a resolution of the Government.
2. **Private Member's Resolutions:** A resolution which is moved by a member, other than a Minister, is called a private member's resolution.
3. **Resolutions not mentioned in the Constitution:** Often referred to as non-statutory resolutions, these resolutions are moved either by a member or a Minister on a matter of general public interest and importance. These resolutions are dealt with under rules 157 to 169.
4. **Resolutions mentioned in the Constitution:** A resolution, given notice of by a Member/Minister, in pursuance of a provision of the Constitution or an Act of Parliament, is called a Statutory Resolution. Resolutions mentioned in the Constitution include: Resolution for the removal or impeachment of the President (Article 47), resolution for vote of confidence in the Prime Minister (Article 91), resolution for vote of no-confidence against the Prime Minister (Article 95), resolution for removal of Speaker (Article 53(7)(c)), resolution for the disapproval of Ordinances (Article 89), resolution for the approval of a Proclamation of emergency (Article 232) and resolution for extension in the term of the Chief Election Commissioner for a period not exceeding one year (Article 215). Rules 170 to 174 deal with these resolutions.



Chapter V

Legislative Procedures



LEGISLATIVE PROCEDURES

Legislation

Both the Houses of Majlis-e-Shoora (Parliament), that is, the Senate and the National Assembly work together to carry out Parliament's basic work-legislation or lawmaking. The procedure for introduction and adoption of Bills is laid down vide Articles 70-77 and it is interdependent on both the Houses, except for Money Bills where the National Assembly enjoys an exclusive jurisdiction.

Definition of Bill


A Bill can be defined as a legislative proposal in a distinct format, which becomes an Act of Parliament if passed by both the Houses and assented to by the President.

Classification of Bills

On the basis of their contents, the Bills may be classified into: Original Bills (Bills embodying new proposals, ideas or policies), Amending Bills (Bills which seek to modify, amend or revise existing Acts), Consolidating Bills (Bills which seek to consolidate existing law on a particular subject), Expiring Laws (Continuance) Bills (Bills to continue an expiring Act), Bills to replace Ordinances, Constitution (Amendment) Bills and Money/Financial Bills. However, generally Bills are classified into private member Bills and Government Bills, accordingly as they are sponsored by a private member or a Minister.

Private Members' Bills

In the case of a private members' Bill, as per rule 118, a member may move for leave to introduce a Bill after giving ten days written notice of his intention to do so. The notice has to be accompanied by three copies of the Bill and the Statement of Objects and Reasons signed by the member. In this regard, the Assembly Secretariat would render possible assistance to the members so that the Bills are not rejected merely on technical grounds.



When the Bill comes up for consideration, the Speaker puts the question to the House and if the House agrees, the leave is granted. The member introduces the Bill by rising in his seat and saying “I introduce the Bill.”

Government Bills

In the case of Government Bill, it is introduced by a Minister, in accordance with the provisions of rule 120, after giving a written notice, accompanied by a copy of the Bill and Statement of Objects and Reasons signed by the Minister.

Pre-Introduction Examination

Upon receipt in the Assembly or the Senate Secretariat, the Bill is scrutinized with a view to ensuring that it conforms to the various constitutional provisions and the rules. When the Bill satisfies these requirements, a 'Bill Number' is indicated at the top of the Bill.

Reference to Standing Committee

Under rule 122, a Bill, other than a Finance Bill, upon introduction, stands referred to the Standing Committee concerned with the subject matter of the Bill. However, the House can dispense with this provision, if the member-in-charge moves for it.

Inclusion in Orders of the Day

When received back from the Standing Committee, or when the time fixed for the Standing Committee to send it back has expired, or Bill is deemed to have been received back from the Standing Committee as a result of suspension of the requirement of rule 122, the Bill is included in the Orders of the Day for consideration. At this stage, under rule 124, the member-in-charge of the Bill can move a motion (a) that it be taken into consideration at once; or (b) that it be taken into consideration on a date to be fixed forthwith; or (c) it be referred to a Select Committee; or (d) it be circulated for the purpose of eliciting opinion thereon.

However, before any of the above motions is made, if a member raises, under rule 125, the objection that the Bill is repugnant to the Injunctions of Islam, the Assembly may, by a motion supported by not less than two-fifths of its total membership, refer the question to the Council of

Islamic Ideology for advice.

In the case of a Bill originating in the Senate, after it has been passed by the Senate it is transmitted to the National Assembly. When it is taken up for consideration, a member may move as an amendment that the Bill be referred to the Standing Committee concerned. If such motion is carried, under rule 148, the Bill stands referred to the Standing Committee. Thereafter, the procedure regarding consideration and passage of the Bill is adopted.

Legislative Competence of the House

A Bill, with respect to any matter in the Federal Legislative List, or in the Concurrent Legislative List, can originate in either of the two Houses, with the exception of a Money Bill which originates only in the National Assembly but a copy of which is simultaneously transmitted to the Senate for making recommendations to the National Assembly within seven days. Upon introduction, a Bill shall, unless the member-in-charge moves a motion for dispensation of this requirement of the rule, stand automatically referred to the concerned Standing Committee of the House for scrutiny and report within a stipulated period of time.

When a Bill, except a Money Bill, is passed by the House, in which it originated, it is transmitted to the other House and that Bill, if passed without amendment, by the other House is transmitted to the President for assent.

Money Bills

As far as Money Bill is concerned, it is the prerogative of the National Assembly only to consider it. However, under the LFO, 2002, a copy of the Money Bill is to be simultaneously transmitted to the Senate for making recommendations to the National Assembly. When the Bill is taken up clause by clause, the recommendations made by the Senate are considered in the order of the clauses of the Bill to which they relate, in accordance with the provisions of rules 131 and 133. When passed by the Assembly, an authenticated copy of the Money Bill is transmitted to the President for assent under Article 75.

Constitutional Amendment Bills

A constitutional amendment Bill can be passed by the votes of not less than two-thirds of the total membership of both the Houses of Parliament in their separate sittings. Rule 156(4), however,

requires the members to rise in their seats whenever a consideration motion has to be carried by the votes of not less than two-thirds of the total membership of the Assembly.

A Constitutional Amendment Bill, passed by one House and also passed by the other, without amendment, by votes of not less than two-thirds of the total membership, is presented to the President for assent under clause (2) of Article 239.

President's Assent

With the exception of Money Bills, all Bills, after having been passed by both the Houses, are required to be sent to the President for assent after which a Bill becomes a law. Where a Bill sent for the Presidential assent, is returned for reconsideration, it shall be reconsidered by the Majlis-e-Shoora (Parliament) and, if it is again passed, with or without amendment, by the Parliament and presented to the President, the President shall not withhold assent therefrom.

Mediation Committee

If a Bill transmitted to a House, under clause (1) of Article 70, is rejected or is not passed within 90 days of its receipt or is passed with amendments, the Bill, at the request of the House in which it originated, is referred to a Mediation Committee, constituted under Article 71, for its consideration and resolution. Under rule 155, any Minister in the case of a Government Bill and any member in other cases, after giving two days' notice, can move on any working day that the said Bill be referred to a Mediation Committee.

Both Houses of Majlis-e-Shoora (Parliament) nominate eight members each as members of the Mediation Committee within fifteen days from the date of referral of a Bill. The House, in which the Bill had originated, nominates a member of the Mediation Committee as its Chairman and the other House nominates a member as its Vice-Chairman. All decisions of the Mediation Committee are made by a majority of the total number of members of each House in the Committee.

The Mediation Committee has to formulate, within ninety days, an agreed Bill, likely to be passed by both the Houses of the Parliament and place the agreed Bill separately before each House in accordance with the Mediation Committee Rules made under clause (4) of Article 71. If both the Houses pass the Bill, proposed by the Mediation Committee, it is presented to the President for assent.

Stages of Bills

A Bill, however, has to pass through following stages before it becomes an Act, namely:-

First Reading: Under rule 126, when a Bill comes up for consideration, the principles and general provisions of the Bill can be discussed, but the details of the Bill cannot be discussed beyond a point that is necessary to explain its principles. At this stage amendments to the Bill are not moved. However, a member can move as an amendment that the Bill be circulated for the purpose of eliciting opinion, if any. On the conclusion of general discussion, the motion for consideration of the Bill is put to the House.

Second Reading: If the Assembly adopts the motion for its consideration, the Bill is taken into consideration clause-by-clause. The amendments, if any, to a clause may be moved at this stage in accordance with the provisions of rule 130. Each clause, together with amendments, if any, is put to House and adopted by a majority vote. (Rule 133)

Third Reading: After clause-by-clause consideration of the Bill, the member-in-charge of the Bill can move a motion that the Bill be passed. At this stage, the debate is confined to arguments either in support of the Bill or for its rejection, without referring to the details thereof. (Rules 137 and 138)

Adoption of Bills

For passing a Bill other than a Bill to amend the Constitution, a simple majority of members present and voting is necessary. But in the case of a Bill to amend the Constitution a majority of not less than two-thirds of the total membership of the either House in their separate sittings, as stipulated vide Article 239, is required. When a Bill is passed by both the Houses, it is presented to the President for assent. Only after the assent is given, the Bill becomes an Act.

VOTING & DIVISION

Generally, Parliaments decide matters by voting. In parliamentary parlance, this is called 'Division,' i.e. dividing the House to decide a matter by majority vote. Every matter requiring the decision of the House is decided by means of a question put by the Speaker on a motion made by a Member. After the motion has been moved, the Speaker formally proposes or places the motion for consideration of the House. At the end of the debate on the motion, he puts the motion for the

decision of the House.

Rules 276 and 277 provide for different methods of Voting in the House. The votes of members on any question, put by the Speaker, may be taken by the voice vote in the first instance. On the conclusion of a debate, the Speaker puts the question and invites those who are in favour of the motion to say “Aye” and those against the motion to say “No.” The Speaker then says: “I think the Ayes (or, as the case may be, the Noes) have it.”

If the opinion of the Speaker as to the decision of a question is not challenged, he says twice: “The Ayes (or, as the case may be, the Noes) have it” and the question before the Assembly is determined accordingly.


If the opinion of the Speaker, as to the decision of a question, is challenged, he orders that the Lobby be cleared. After the lapse of two minutes, he puts the question a second time and declares whether in his opinion the “Ayes” or the “Noes” have it. If the opinion of the Speaker is again challenged, he directs that the votes be recorded either by division in the manner set out in the Fifth Schedule or by operating the automatic vote recorder. Then he announces the result of voting by division, which cannot be challenged.

However, if in the opinion of the Speaker, the division is unnecessary, he asks the members who are for “Aye” and those for “No” respectively to rise in their places, and after the count of the members has been taken he declares the determination of the House. In such a case, the names of the voters are not recorded unless a member requests otherwise.

A member may not vote on any question in which he has a direct and personal pecuniary interest. If he votes on such a question, the vote can, on a substantive motion carried by the House, be disallowed.

RULINGS OF THE CHAIR

The Speaker pronounces rulings on various issues and questions raised during the proceedings of the House, involving interpretation of the Constitutional provisions concerning the Assembly, various statutes, and Rules of Procedure and Conduct of Business from time to time during sittings of the Assembly. Under rule 28, the decisions and rulings of the Speaker are final and no decision or ruling can be called in question, except on a motion for rescinding it



The Secretariat brings out compilations of these rulings periodically. Each ruling begins with a compendium containing a brief account of facts and a concise statement of issues involved and the decision itself. This is followed by a resume of facts and reasons which the Speaker invoked in reaching the decision; supplemented by citation, as may be relevant and necessary.

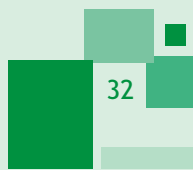
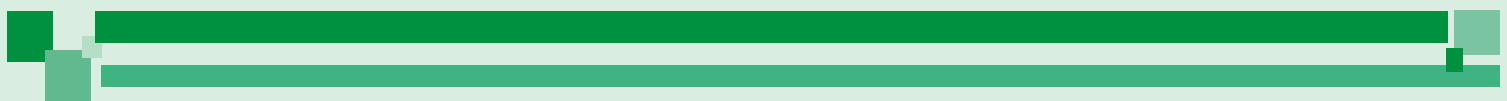
Every effort is made in all decisions to reproduce substantially the relevant facts, the contentions raised and the arguments advanced by members so as to conform them textually to the printed debates of the House. To enable members to trace the relevant ruling readily, an exhaustive index, with various appropriate heads, arranged alphabetically, is appended at the end of each volume.

CIRCULATION OF DOCUMENTS

The Secretariat is responsible, under rule 248, for dispatch and delivery of parliamentary papers relating to the business of the House, its Committees etc. to members both during Session and off-Session. The Secretariat, if it is practicable to do so, circulates a copy each of the notice or other paper, which is required to be made available to each member and every other person entitled to take part in the proceedings of the Assembly.

Every notice and other papers are sent to the members by post on the address officially communicated by the members to the National Assembly Secretariat and, ordinarily, these are deemed to have been duly served on the members if so sent.

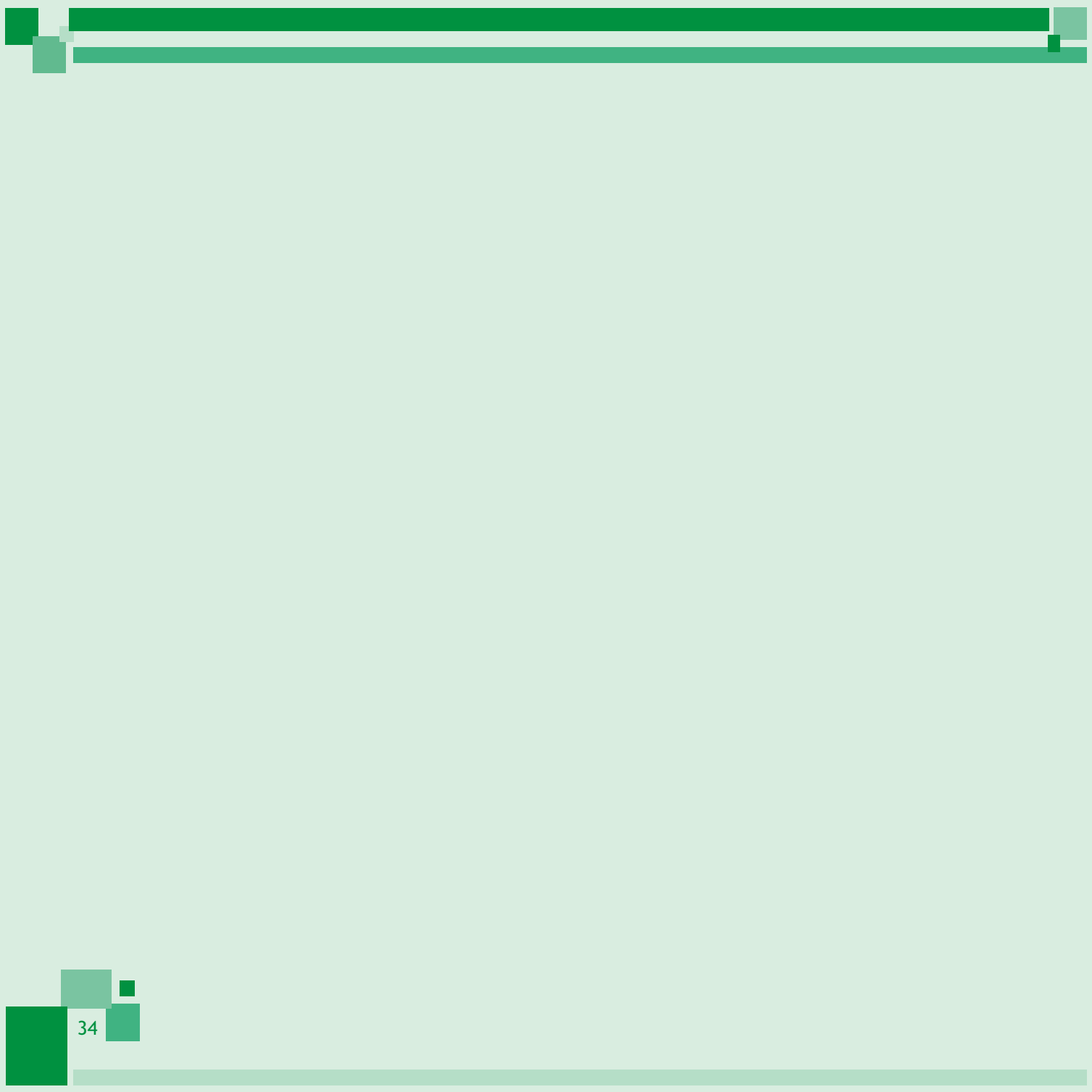
During the session, notices are delivered at the local address indicated by each member or, in its absence, deposited in the member's mail box.





Chapter VI

Parliamentary Committees and their Functions



34

PARLIAMENTARY COMMITTEES AND THEIR FUNCTIONS

Introduction

The prime constitutional functions of any Legislature are to make laws and to oversee how the Executive functions according to those laws. The parliamentary committees provide the settings where both these functions are realized.

The ever-increasing complexity of a Legislature's role has resulted in a corresponding increase in reliance on parliamentary committees. Reliance on the committees is primarily due to increase in demand on the time of elected representatives, which limits the amount of time left for legislative work. Legislative Bills and other important issues, which warrant in-depth discussion are, therefore, referred to the committees. If it were not for the committees of the Parliament, the legislative business transacted by parliaments would be enacted in summary proceedings thereby defeating the objectives of thorough scrutiny and flawless legislation.

The role of parliamentary committees in carefully monitoring the operations of the government is so paramount that American President Woodrow Wilson described the parliamentary committees as “little legislatures” and Speaker Reed as “the eyes, the ears, the hand and very often, the brain of the House.”

In his study on Congressional Government, Woodrow Wilson believed that “Committees not only ensure more in-depth analysis of the issues involved, they also provide a more congenial climate for interaction between different views and approaches.

The time constraints under which discussions are held in a House of the Parliament are relieved to some extent in a committee. The possibilities of evolving consensus are also far greater. That is why there is almost universal recognition of their role in the fulfillment of the functions of the parliament.

The Committee System in Pakistan today is stronger and more effective than before, in particular after 1992 when the National Assembly adopted its Rules of Procedure and Conduct of Business, which were further amended and improved in 2007. The underlying philosophy of the National

Assembly's revamped Committee System has been to fulfill the three-fold role of making laws, supervision of administration and also to pursue its obligations to the electorate. Rules 198-245 regulate the working of the committees of the Assembly.

Types and Functions of Committees

The Committees of the Assembly may be classified as “Standing Committees” and “Other Committees.”

Standing Committees

In addition to two non-Departmental Standing Committees, viz Public Accounts Committee and Committee on Government Assurances; and three Domestic Committees, namely Committee on Rules of Procedure and Privileges, House and Library Committee and Business Advisory Committee; rule 198 provides for a Standing Committee of the Assembly for each Ministry of the Government. All the Standing Committees are permanent responsibility committees and, under rule 200, their members are required to be elected by the Assembly within thirty days after the ascertainment of the Leader of the House.

Committees Corresponding To Ministries

Presently, the Assembly has 34 Standing Committees so as to correspond one committee for each Ministry of the Government. Consisting of 17 members each, these Standing Committees are empowered to view all matters pertaining to ministries/divisions of the Federal Government, if remitted either by the Speaker or the House or upon the will of the Committee. The committees of Pakistan's Parliament can invite or summon any member or any person having a special interest in relation to any matter under consideration of a committee and may hear expert evidence and hold public meetings. (Assembly rule 227, Senate rule 165). The committee Chairmen can also call for the production of such papers and records as may be required and considered necessary for the discharge of their duties.

Once a committee report is presented in the House, the committee chairperson or any of its members may move that the report be taken into consideration whereupon the Speaker may permit a debate on the motion, not exceeding half-an-hour in duration. After the motion is carried out, the Speaker may allot, as per rule 237, one or more days for discussion on the report. In their process of enquiry/investigation, under rule 224, the committees can appoint sub-committees,

which are enquiry or fact-finding committees and cease to exist upon completion of the assigned task.

Public Accounts Committee

The principle functions of this Committee are: to examine appropriations of Government expenditure, the annual finance accounts of the Government, the report of the Auditor-General of Pakistan and such other matters as the Minister for Finance may refer to it. It comprises of 19 members. (Rules 202 and 203)

Committee on Government Assurances

The main functions of the Committee on Government Assurances are: to take note of and scrutinize the assurances, promises, commitments and undertakings of the Government given by the Ministers, from time to time, on the floor of the House. It consists of 16 members. (Rules 210 and 211)

Committee on Rules of Procedure and Privileges

The principle functions of this committee are: to consider matters of procedure and conduct of business in the Assembly and examine questions of privileges referred to it by the House or the Speaker. It has 22 members. (Rules 206 and 207)

House and Library Committee

It deals with matters relating to the issue of admission cards to galleries, residential accommodation for members and matters pertaining to Library, its Reading Room, Automation and Reference Centre. It comprises of 13 members. The Deputy Speaker is the Chairman of this committee. (Rules 208 and 209)

Business Advisory Committee

The main functions of this committee include: to recommend the time that should be allocated for the stage-wise discussion of the Government Bills and other business as the Speaker, in consultation with the Leader of the House, may direct for being referred to it. It consists of 19

members. (Rules 212 and 213)

FINANCE COMMITTEE

In addition to Public Accounts Committee, there is a Finance Committee, constituted under Article 88, to control Assembly's expenditure within the authorized appropriations. This Committee of the House consists of the Federal Finance Minister and such other members as may be elected by the House. The Speaker presides over its meetings. The Committee approves the budget for the House for inclusion in the Federal Budget and also advises it with regard to control over the expenditure.

OTHER COMMITTEES

The “Other Committees” include 'Select Committees on Bills,' and 'Special Committees' appointed by the Assembly for specific functions.

A) Select Committees on Bills


These are ad-hoc committees constituted to consider Bills referred to them by the House. These committees consist of the Minister-in-charge of the Ministry to which a Bill relates, the Chairman of the Standing Committee concerned with the Bill, the member-in-charge, the Minister for Law and Justice and the Minister for Parliamentary Affairs and other members, as elected by the House while referring the Bill to the Committee. A Minister may be elected as the Chairman of the Select Committee. {(Rule 244 (A)}

B) Special Committees

The Assembly may appoint a Special Committee to carry out functions as may be specified in the motion. The motion also spells out the composition of such committees. {(Rule 244 (B)}

FUNCTIONS IN THE LEGISLATIVE PROCESS

The committees examine and submit reports with suggestions and recommendations on a Bill, subject or matter referred to them by the House or the Speaker, as a prime function, as per rule 201. When the House has not fixed any time for the presentation of a report, it shall be presented,



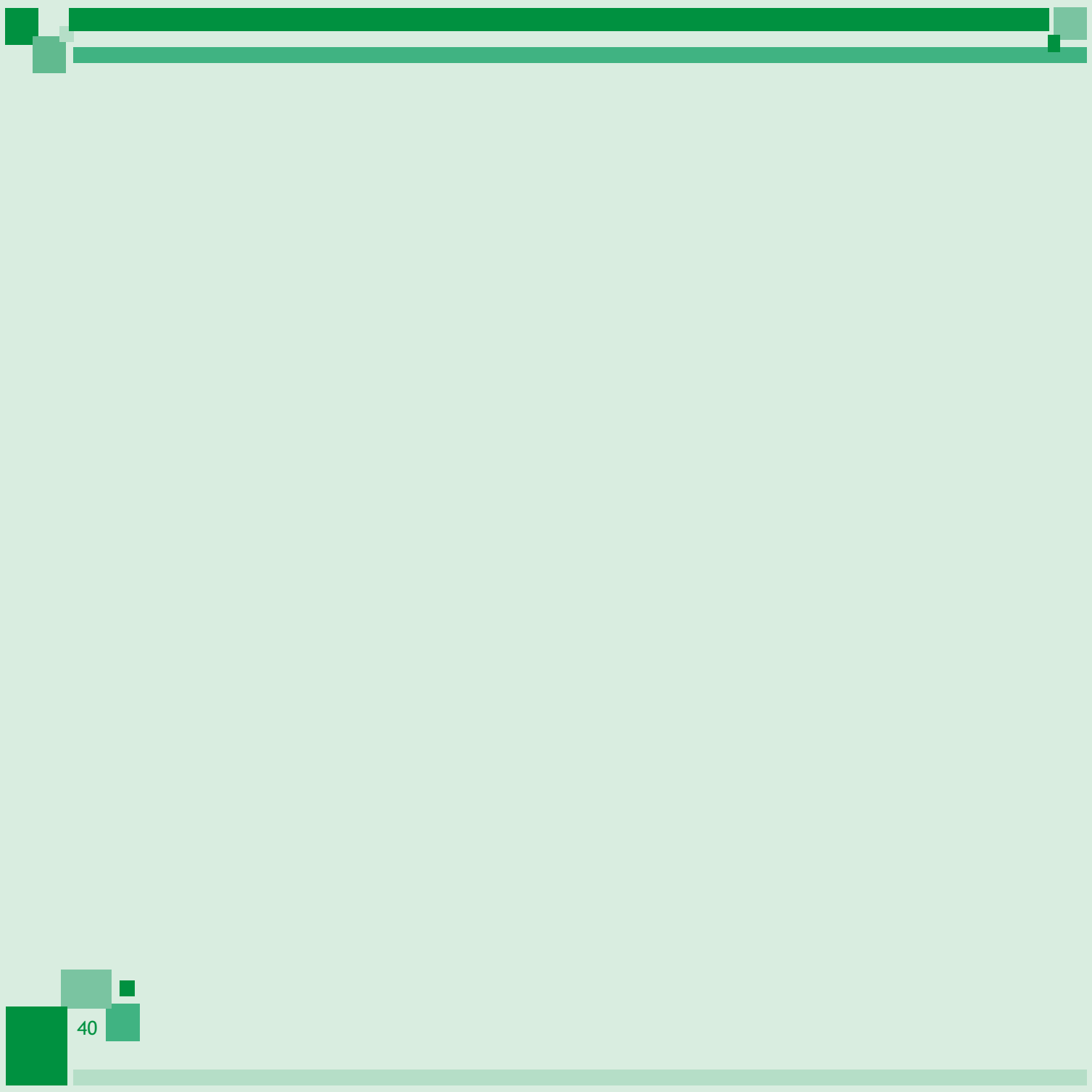
as required by rule 235, within thirty days from the date on which reference was made to it by the Assembly.

ORGANIZATION OF COMMITTEE MEETINGS

The time-table of the business of a Committee and the agenda for each meeting is determined, under rule 239, by the Chairman of the Committee in consultation with the Minister concerned. Under rule 216, each committee elects its own Chairman from amongst its members within thirty days after the election of the Committee. A Minister or a Parliamentary Secretary cannot be elected as Chairman of a Standing Committee. However, in the case of a Special Committee, under rule 244, a Minister can be the Chairman of that Committee.

The committee chairpersons enjoy many privileges. In addition to his/her own vote as a member, the chairman of a committee or chairperson presiding in his/her absence, under rule 223, in the event of equality of votes, has a casting vote. They are also provided with an office and some exclusive staff.

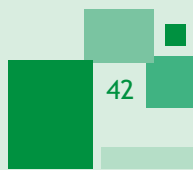
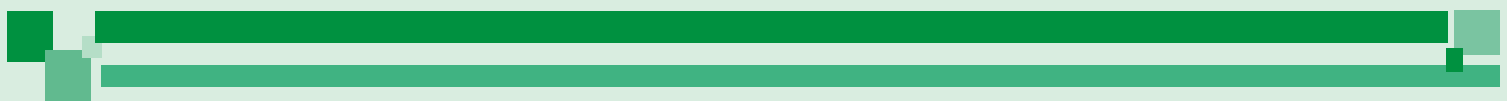
Under rule 217, the quorum to constitute a sitting of a committee meeting is one-fourth of the total membership of the committee concerned.





Chapter VII

Rules for Members



RULES FOR MEMBERS

Every member is required to observe certain rules and conventions, as spelled out under rules 30 and 31, while present in the Assembly and/or while speaking on the floor of the House.

Conduct During House Sitzings

While the Assembly is sitting, *a member should not*:

- ♦ Read any book, newspaper or letter, except in connection with the business of the Assembly.
- ♦ Pass between the Chair and any member who is speaking.
- ♦ Interrupt any member's speech by disorderly expression or noises or in any other disorderly manner.
- ♦ Obstruct proceedings or make running commentaries during the speeches.
- ♦ Indulge in rowdy behaviour, chant slogans, display banners/placards, throw and tear table documents/reports, etc.
- ♦ Approach the dais of the Speaker in a threatening manner.
- ♦ Act in any manner detrimental to the order and decorum of the House, or act to erode its sanctity or lower its dignity.
- ♦ Applaud when a stranger enters a gallery, except when a foreign delegation/dignitary is specially invited to the sitting.
- ♦ Make reference to a stranger in any of the galleries while speaking, except when a foreign delegation/dignitary is specially invited to the sitting>
- ♦ Occupy a seat in the galleries or engage himself in conversation with any visitor in a gallery.
- ♦ Use a mobile telephone.
- ♦ Chew or eat or drink or smoke.
- ♦ Bring any stick unless permitted by the Speaker.

Further, during Assembly sittings, *a member should*:

- ♦ Always address the Chair.
- ♦ Keep to his usual seat while addressing the Assembly.
- ♦ Maintain silence when not speaking in the Assembly.

Conduct While Speaking

Rule 31 requires that subject matter of every speech should be relevant to the matter before the Assembly. Further, a member may not read his speech. While speaking, **a member should not:**

- ♦ Discuss any matter which is subjudice.
- ♦ Reflect upon the President in his personal capacity.
- ♦ Discuss the conduct of any judge of the Supreme/High Court in the discharge of his duties.
- ♦ Make a personal charge against a member, Minister or the holder of a public office, except when relevant in regard to the matter before the Assembly.
- ♦ Use his right of speech for willfully and persistently obstructing the business of the Assembly.
- ♦ Use offensive expressions about the conduct of proceedings in the joint sitting, National Assembly, Senate or a Provincial Assembly or a Committee or Sub-Committee.
- ♦ Cast reflection on the conduct of any person who cannot defend himself before the Assembly.
- ♦ Reflect on any determination of the Assembly, except on a motion for rescinding it.
- ♦ Use the President's name for purpose of influencing the debate.
- ♦ Utter treasonable, seditious or defamatory words or make use of offensive or unparliamentary expression.

Mode of Address

Under rule 265, a member desiring to speak on any matter before the Assembly or to raise a point of order or question of privilege, shall speak only when called upon by the Speaker to do so. He shall speak from his place, shall rise when speaking and shall address the Speaker. The Speaker may, however, permit a member, disabled by sickness or infirmity to speak while sitting. Members should refrain from irrelevant or tedious repetition either of their own arguments or of the arguments used by other members in debates in accordance with the provisions of rule 268.

Procedure when Speaker addresses

Whenever the speaker address the Assembly, he shall be heard in silence, as per rule 272, and any member who is then speaking or offering to speak shall immediately resume his seat. Further, no member shall leave his seat while the Speaker is addressing the Assembly.

Withdrawal of Member

Under rule 20, in case of disorderly conduct, if the Speaker directs a member to withdraw from the Assembly, the member so ordered shall immediately withdraw and remain absent during the remainder of the day's sitting.

Suspension of Member


If a member disregards the authority of the Speaker or abuses the Assembly rules by consistently and willfully obstructing the business of the House, under rule 21, the Speaker may suspend that member from the service of the Assembly for a period not exceeding the remainder of the session.

Leave of Absence from Assembly

A member desirous of obtaining leave of absence from any sitting of the Assembly is required, under rule 40, to make an application in writing to the Speaker stating reasons for his absence. On receipt of application, the Speaker, immediately after the questions, if any, but before any other business of the day is entered upon, put the question, without debate, that the leave be granted. Where a member is prevented or incapacitated from making such an application, leave of the Assembly may be granted on a motion moved by any other member, or on the basis of an application made ex-post-facto.

Resignation of Seat

A member may resign his seat, under Article 64(1) of the Constitution. After the Speaker has received intimation from a member, in writing under his/her hand, as per rule 43, the Speaker shall inform the Assembly of the resignation. When the Assembly is not in session, the Speaker shall direct that intimation of his resignation, specifying the date of resignation, be given to every member immediately. The Secretary will then get the information published in the Gazette and



forward a copy of the notification to the Chief Election Commissioner for taking steps to fill the vacancy.

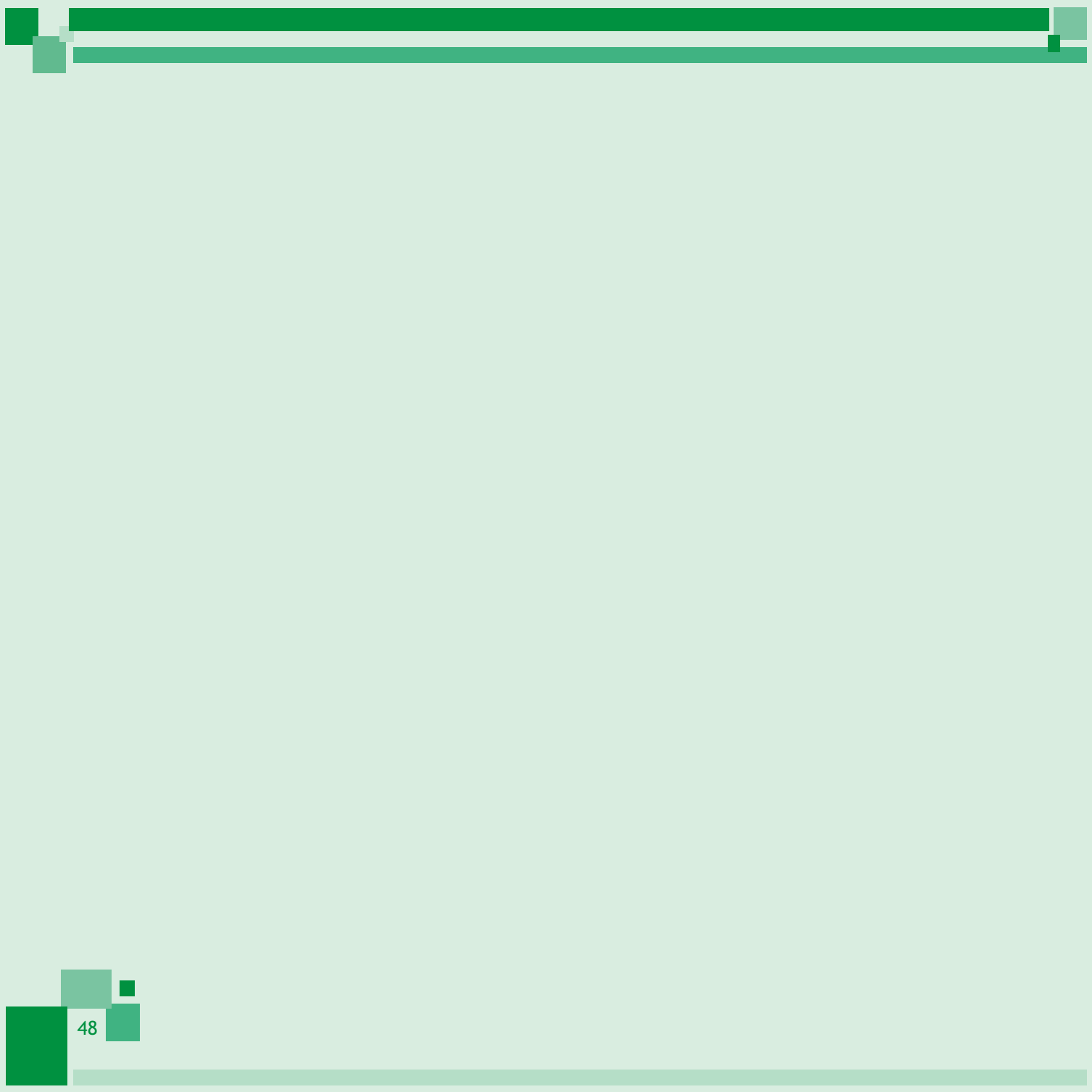
Under Clause (2) of Article 64, the National Assembly may declare the seat of a member vacant if, without leave of the House, he/she remains absent for forty consecutive days of its sittings.

Rule 42 requires the Secretary to keep a register showing the attendance of each member at each sitting. The members can inspect the register, if they desire.



Appendix 1

*[EXCERPTS FROM THE CONSTITUTION
PERTAINING TO THE PRESIDENT,
MAJILIS-E-SHOORA AND
PARLIAMENTARY SECRETARIAT]*



48

**[EXCERPTS FROM THE CONSTITUTION
PERTAINING TO THE PRESIDENT,
MAJLIS-E-SHOORA AND
PARLIAMENTARY SECRETARIAT]**

The President

41. (1) There shall be a President of Pakistan who shall be the Head of State and shall represent the unity of the Republic.

(2) A person shall not be qualified for election as President unless he is a Muslim of not less than forty-five years of age and is qualified to be elected as member of the National Assembly.

(3) The President to be elected after the expiration of the term specified in clause (7) shall be elected in accordance with the provisions of the Second Schedule by the members of an electoral college consisting of —

(a) the members of both Houses; and

(b) the members of the Provincial Assemblies.

(4) Election to the office of President shall be held not earlier than sixty days and not later than thirty days before the expiration of the term of the President in office:

Provided that, if the election cannot be held within the period aforesaid because the National Assembly is dissolved, it shall be held within thirty days of the general election to the Assembly.

(5) An election to fill a vacancy in the office of President shall be held not later than thirty days from the occurrence of the vacancy:

Provided that, if the election cannot be held within the period aforesaid because the National Assembly is dissolved, it shall be held within thirty days of the general election to the Assembly.

(6) The validity of the election of the President shall not be called in question by or before any court or other authority.

(7) The Chief Executive of the Islamic Republic of Pakistan —

(a) shall relinquish the office of Chief Executive on such day as he may determine in accordance with the judgement of the Supreme Court of Pakistan of the 12th May, 2000; and

(b) having received the democratic mandate to serve the nation as President of Pakistan for a period of five years shall, on relinquishing the office of the Chief Executive, notwithstanding anything contained in this Article or Article 43 or any other provision of the Constitution or any other law for the time being in force, assume the office of President of Pakistan forthwith and shall hold office for a term of five years under the Constitution, and Article 44 and other provisions of the Constitution shall apply accordingly.

(8) Without prejudice to the provisions of clause (7), any member or members of a House of Majlis-e-Shoora (Parliament) or of a Provincial Assembly, individually or jointly, may, not later than thirty days from the commencement of the Constitution (Seventeenth Amendment) Act, 2003, move a resolution for vote of confidence for further affirmation of the President in office by majority of the members present and voting, by division or any other method as prescribed in the rules made by the Federal Government under clause (9), of the electoral college consisting of members of both Houses of Majlis-e-Shoora (Parliament) and the Provincial Assemblies, in a special session of each House of Majlis-e-Shoora (Parliament) and of each Provincial Assembly summoned for the purpose, and the vote of confidence having been passed, the President, notwithstanding anything contained in the Constitution or judgement of any court, shall be deemed to be elected to hold office for a term of five years under the Constitution, and the same shall not be called in question in any court or forum on any ground whatsoever.

(9) Notwithstanding anything contained in the Constitution or any other law for the time being in force, the proceedings for the vote of confidence referred to in clause (8) shall be regulated and conducted by the Chief Election Commissioner in accordance with such procedure and the vote shall be counted in such manner as may be prescribed by the rules framed by the Federal Government:

Provided that clauses (8) and (9) shall be valid only for the forthcoming vote of confidence

for the current term of the President in office.

Removal or impeachment of President

47. (1) Notwithstanding anything contained in the Constitution, the President may, in accordance with the provisions of this Article, be removed from office on the ground of physical or mental incapacity or impeached on a charge of violating the Constitution or gross misconduct.

(2) Not less than one-half of the total membership of either House may give to the Speaker of the National Assembly or, as the case may be, the Chairman written notice of its intention to move a resolution for the removal of, or, as the case may be, to impeach, the President; and such notice shall set out the particulars of his incapacity or of the charge against him.

(3) If a notice under clause (2) is received by the Chairman, he shall transmit it forthwith to the Speaker.

(4) The Speaker shall, within three days of the receipt of a notice under clause (2) or clause (3), cause a copy of the notice to be transmitted to the President.

(5) The Speaker shall summon the two Houses to meet in a joint sitting not earlier than seven days and not later than fourteen days after the receipt of the notice by him.

(6) The joint sitting may investigate or cause to be investigated the ground or the charge upon which the notice is founded.

(7) The President shall have the right to appear and be represented during the investigation, if any, and before the joint sitting.

(8) If, after consideration of the result of the investigation, if any, a resolution is passed at the joint sitting by the votes of not less than two-thirds of the total membership of Majlis-e-Shoora (Parliament) declaring that the President is unfit to hold the office due to incapacity or is guilty of violating the Constitution or of gross misconduct, the President shall cease to hold office immediately on the passing of the resolution.

Chairman or Speaker to act as, or perform functions of, President

49. (1) If the office of President becomes vacant by reason of death, resignation or removal of the President, the Chairman or, if he is unable to perform the functions of the office of President, the Speaker of the National Assembly shall act as President until a President is elected in accordance with clause (3) of Article 41.

(2) When the President, by reason of absence from Pakistan or any other cause, is unable to perform his functions, the Chairman or, if he too is absent or unable to perform the functions of the office of President, the Speaker of the National Assembly shall perform the functions of President until the President returns to Pakistan or, as the case may be, resumes his functions.

Majlis-e-Shoora (Parliament)

50. There shall be a Majlis-e-Shoora (Parliament) of Pakistan consisting of the President and two Houses to be known respectively as the National Assembly and the Senate.

National Assembly

51. (1) There shall be three hundred and forty-two seats of the members in the National Assembly, including seats reserved for women and non-Muslims.

(1A) The seats in the National Assembly referred to in clause (1), except as provided in clause (2A), are allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital as under:

	General Seats	Women	Total
Balochistan	14	3	17
The North-West Frontier Province	35	8	43
The Punjab	148	35	183
Sind	61	14	75
The Federally Administered Tribal Areas	12	--	12
The Federal Capital	2	--	2
Total	272	60	332

- (2) A person shall be entitled to vote if —
- (a) he is a citizen of Pakistan;
 - (b) he is not less than eighteen years of age;
 - (c) his name appears on the electoral roll; and
 - (d) he is not declared by a competent court to be of unsound mind.

3*****

(2A) In addition to the number of seats referred to in clause (1A), there shall be, in the National Assembly, ten seats reserved for non-Muslims.

(3) The seats in the National Assembly shall be allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital on the basis of population in accordance with the last preceding census officially published.

(4) For the purpose of election to the National Assembly, —

- (a) the constituencies for the general seats shall be single member territorial constituencies and the members to fill such seats shall be elected by direct and free vote in accordance with law;
- (b) each Province shall be a single constituency for all seats reserved for women which are allocated to the respective Provinces under clause (1A);
- (c) the constituency for all seats reserved for non-Muslims shall be the whole country;
- (d) members to the seats reserved for women which are allocated to a Province under clause (1A) shall be elected in accordance with law through proportional representation system of political parties' lists of candidates on the basis of total number of general seats secured by each political party from the Province concerned in the National Assembly.

Provided that for the purpose of this sub-clause the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the

publication in the official Gazette of the names of the returned candidates;

(e) members to the seats reserved for non-Muslims shall be elected in accordance with law through proportional representation system of political parties' lists of candidates on the basis of total number of general seats won by each political party in the National Assembly :

Provided that for the purpose of this sub-clause the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates;

2*****

Duration of National Assembly

52. The National Assembly shall, unless sooner dissolved, continue for a term of five years from the day of its first meeting and shall stand dissolved at the expiration of its term.

Speaker and Deputy Speaker of National Assembly

53. (1) After a general election, the National Assembly shall, at its first meeting and to the exclusion of any other business, elect from amongst its members a Speaker and a Deputy Speaker and, so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall elect another member as Speaker or, as the case may be, Deputy Speaker.

(2) Before entering upon office, a member elected as Speaker or Deputy Speaker shall make before the National Assembly oath in the form set out in the Third Schedule.

(3) When the office of Speaker is vacant, or the Speaker is absent or is unable to perform his functions due to any cause, the Deputy Speaker shall act as speaker, and if, at that time, the Deputy Speaker is also absent or is unable to act as Speaker due to any cause, such member as may be determined by the rules of procedure of the Assembly shall preside at the meeting of the Assembly.

(4) The Speaker or the Deputy Speaker shall not preside at a meeting of the Assembly when

a resolution for his removal from office is being considered.

(5) The Speaker may, by writing under his hand addressed to the President, resign his office.

(6) The Deputy Speaker may, by writing under his hand addressed to the Speaker, resign his office.

(7) The office of Speaker or Deputy Speaker shall become vacant if —

(a) he resigns his office;

(b) he ceases to be a member of the Assembly; or

(c) he is removed from office by a resolution of the Assembly, of which not less than seven days' notice has been given and which is passed by the votes of the majority of the total membership of the Assembly.

(8) When the National Assembly is dissolved, the Speaker shall continue in his office till the person elected to fill the office by the next Assembly enters upon his office.

Summoning and prorogation of Majlis-e-Shoora (Parliament)

54. (1) The President may, from time to time, summon either House or both Houses or Majlis-e-Shoora (Parliament)] in joint sitting to meet at such time and place as he thinks fit and may also prorogue the same.

(2) There shall be at least three sessions of the National Assembly every year, and not more than one hundred and twenty days shall intervene between the last sitting of the Assembly in one session and the date appointed for its first sitting in the next session:

Provided that the National Assembly shall meet for not less than one hundred and thirty working days in each year.

Explanation. In this clause, "working days" includes any day on which there is a joint sitting

and any period, not exceeding two days, for which the National Assembly is adjourned.

(3) On a requisition signed by not less than one-fourth of the total membership of the National Assembly, the Speaker shall summon the National Assembly to meet, at such time and place as he thinks fit, within fourteen days of the receipt of the requisition; and when the Speaker has summoned the Assembly only he may prorogue it.

Voting in Assembly and quorum

55. (1) Subject to the Constitution, all decisions of the National Assembly shall be taken by majority of the members present and voting, but the person presiding shall not vote except in the case of equality of votes.

(2) If at any time during a sitting of the National Assembly the attention of the person presiding 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 meeting until at least one-fourth of such membership is present.

Address by President

56. (1) The President may address either House or both Houses assembled together and may for that purpose require the attendance of the members.

(2) The President may send messages to either House, whether with respect to a Bill then pending in the Majlis-e-Shoora (Parliament) or otherwise, and a House to which any message is so sent shall with all convenient despatch consider any matter required by the message to be taken into consideration.

(3) At the commencement of the first session after each general election to the National Assembly and at the commencement of the first session of each year the President shall address both Houses assembled together and inform the Majlis-e-Shoora (Parliament) of the causes of its summons.

(4) Provision shall be made in the rules for regulating the procedure of a House and the conduct of its business for the allotment of time for discussion of the matters referred to in the address of the President.

Right to speak in Majlis-e-Shoora (Parliament)

57. The Prime Minister, a Federal Minister, a Minister of State and the Attorney General shall have the right to speak and otherwise take part in the proceedings of either House, or a joint sitting or any committee thereof, of which he may be named a member, but shall not by virtue of this Article be entitled to vote.

Dissolution of National Assembly

58. (1) The President shall dissolve the National Assembly if so advised by the Prime Minister; and the National Assembly shall, unless sooner dissolved, stand dissolved at the expiration of forty-eight hours after the Prime Minister has so advised.

Explanation. - Reference in this Article to "Prime Minister" shall not be construed to include reference to a Prime Minister against whom a notice of a resolution for a vote of no-confidence has been given in the National Assembly but has not been voted upon or against whom such a resolution has been passed or who is continuing in office after his resignation or after the dissolution of the National Assembly 3***

(2) Notwithstanding anything contained in clause (2) of Article 48, the President may also dissolve the National Assembly in his discretion where, in his opinion, -

- a) a vote of no-confidence having been passed against the Prime Minister, no other member of the National Assembly is likely to command the confidence of the majority of the members of the National Assembly in accordance with the provisions of the Constitution, as ascertained in a session of the National Assembly summoned for the purpose; or
- b) a situation has been arisen in which the Government of the Federation cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate is necessary.

(3) The President in case of dissolution of the National Assembly under paragraph (b) of clause (2) shall, within fifteen days of the dissolution, refer the matter to the Supreme Court and the Supreme Court shall decide the reference within thirty days whose decision shall be final.

The Senate

59. (1) The Senate shall consist of one hundred members, of whom,

- (a) fourteen shall be elected by the members of each Provincial Assembly;
- (b) eight shall be elected 4* * * from the Federally Administered Tribal Areas. in such manner as the President may, by Order, prescribe;
- (c) two on general seats, and one woman and one technocrat including *aalim* shall be elected from the Federal Capital in such manner as the President may, by Order, prescribe;
- (d) four women shall be elected by the members of each Provincial Assembly;
- (e) four technocrats including ulema shall be elected by the members of each Provincial Assembly.

(2) Election to fill seats in the Senate allocated to each Province shall be held in accordance with the system of proportional representation by means of the single transferable vote.

(3) The Senate shall not be subject to dissolution but the term of its members, who shall retire as follows, shall be six years:-

- (a) of the members referred to in paragraph (a) of clause (1), seven shall retire after the expiration of the first three years and seven shall retire after the expiration of the next three years;
- (b) of the members referred to in paragraph (b) of the aforesaid clause, four shall retire after the expiration of the first three years and four shall retire after the expiration of the next three years;
- (c) of the members referred to in paragraph (c) of the aforesaid clause,—
 - (i) one elected on general seat shall retire after the expiration of the first

three years and the other one shall retire after the expiration of the next three years; and

(ii) one elected on the seat reserved for technocrat shall retire after first three years and the one elected on the seat reserved for woman shall retire after the expiration of the next three years;

(d) of the members referred to in paragraph (d) of the aforesaid clause, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years; and

(e) of the members referred to in paragraph (e) of the aforesaid clause, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years:

Provided that the term of office of a person elected 2* * to fill a casual vacancy shall be the unexpired term of the member whose vacancy he has filled.

2*****

Chairman and Deputy Chairman

60. (1) After the Senate has been duly constituted, it shall, at its first meeting and to the exclusion of any other business, elect from amongst its members a Chairman and a Deputy Chairman and, so often as the Office of Chairman or Deputy Chairman becomes vacant, the Senate shall elect another member as Chairman or, as the case may be, Deputy Chairman.

(2) The term of office of the Chairman or Deputy Chairman shall be three years from the day on which he enters upon his office.

Other provisions relating to Senate

61. The provisions of clauses (2) to (7) of Article 53, clauses (2) and (3) of Article 54 and Article 55 shall apply to the Senate as they apply to the National Assembly and, in their application to the Senate, shall have effect as if references therein to the National Assembly, Speaker and Deputy Speaker were references, respectively, to the Senate, Chairman and Deputy Chairman and as if, in

the proviso to the said clause (2) of Article 54, for the words one hundred and thirty the word "ninety" were substituted.

provisions as to Members of Majlis-e-Shoora (Parliament)

Qualifications for membership of Majlis-e-Shoora (Parliament)

62. A person shall not be qualified to be elected or chosen as a member of Majlis- e-Shoora (Parliament) unless —

- (a) he is a citizen of Pakistan;
- (b) he is, in the case of the National Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral roll in —
 - (i) any part of Pakistan, for election to a general seat or a seat reserved for non-Muslims; and
 - (ii) any area in a Province from which he seeks membership for election to a seat reserved for women.
- (c) he is, in the case of Senate, not less than thirty years of age and is enrolled as a voter in any area in a Province or, as the case may be, the Federal Capital or the Federally Administered Tribal Areas, from where he seeks membership;
- (d) he is of good character and is not commonly known as one who violates Islamic Injunctions;
- (e) he has adequate knowledge of Islamic teachings and practices obligatory duties rescribed by Islam as well as abstains from major sins;
- (f) he is sagacious, righteous and non-profligate and honest and ameen;
- (g) he has not been convicted for a crime involving moral turpitude or for giving false evidence;
- (h) he has not, after the establishment of Pakistan, worked against the integrity of the

country or opposed the ideology of Pakistan :

Provided that the disqualifications specified in paragraphs (d) and (e) shall not apply to a person who is a non-Muslim, but such a person shall have good moral reputation; and

- (i) he possesses such other qualifications as may be prescribed by Act of Majlis-e-Shoora (Parliament).

Disqualifications for membership of Majlis-e-Shoora (Parliament)

63. (1) A person shall be disqualified from being elected or chosen as, and from being, a member of the Majlis-e-Shoora (Parliament), if —

- (a) he is of unsound mind and has been so declared by a competent court; or
- (b) he is an undischarged insolvent; or
- (c) he ceases to be a citizen of Pakistan, or acquires the citizenship of a foreign State; or
- (d) he holds an office of profit in the service of Pakistan other than an office declared by law not to disqualify its holder; or
- (e) he is in the service of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest; or
- (f) being a citizen of Pakistan by virtue of section 14B of the Pakistan Citizenship Act, 1951 (II of 1951), he is for the time being disqualified under any law in force in Azad Jammu and Kashmir from being elected as a member of the Legislative Assembly of Azad Jammu and Kashmir; or
- (g) he is propagating any opinion, or acting in any manner, prejudicial to the Ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, or morality, or the maintenance of public order, or the integrity or independence of the judiciary of Pakistan, or which defames or brings into ridicule the judiciary or the Armed Forces of Pakistan; or

- (h) he has been convicted by a court of competent jurisdiction on a charge of corrupt practice, moral turpitude or misuse of power or authority under any law for the time being in force; or
- (i) he has been dismissed from the service of Pakistan or service of a corporation or office set up or, controlled by the Federal Government, Provincial Government or a Local Government on the grounds of misconduct or moral turpitude; or
- (j) he has been removed or compulsorily retired from the service of Pakistan or service of a corporation or office-set up or controlled by the Federal Government, Provincial Government or a Local Government on the grounds of misconduct or moral turpitude; or
- (k) he has been in the service of Pakistan or of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest, unless a period of two years has elapsed since he ceased to be in such service; or
- (l) he is found guilty of a corrupt or illegal practice under any law for the time being in force, unless a period of five years has elapsed from the date on which that order takes effect; or
- (m) he has been convicted under section 7 of the political Parties Act, 1962 (III of 1962), unless a period of five years has elapsed from the date of such conviction; or
- (n) he, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account or as a member of a Hindu undivided family, has any share or interest in a contract, not being a contract between a cooperative society and Government, for the supply of goods to, or for the execution of any contract or for the performance of any service undertaken by, Government :

Provided that the disqualification under this paragraph shall not apply to a person —

- (i) where the share or interest in the contract devolves on him by inheritance or succession or as a legatee, executor or administrator, until the expiration of six months after it has so devolved on him;

(ii) where the contract has been entered into by or on behalf of a public company as defined in the Companies Ordinance, 1984 (XLVII of 1984), of which he is a shareholder but is not a director holding an office of profit under the company; or

(iii) where he is a member of a Hindu undivided family and the contract has been entered into by any other member of that family in the course of carrying on a separate business in which he has no share or interest; or

Explanation. - In this Article "goods" does not include agricultural produce or commodity grown or produced by him or such goods as he is, under any directive of Government or any law for the time being in force, under a duty or obligation to supply.

(o) he holds any office of profit in the service of Pakistan other than the following offices, namely :-

(i) an office which is not whole time office remunerated either by salary or by fee;

(ii) the office of Lumbardar, whether called by this or any other title;

(iii) the Qaumi Razakars;

(iv) any office the holder whereof, by virtue of such office, is liable to be called up for military training or military service under any law providing for the constitution or raising of a Force; or

(p) he has been convicted and sentenced to imprisonment for having absconded by a competent court under any law for the time being in force; or

(q) he has obtained a loan for an amount of two million rupees or more, from any bank, financial institution, cooperative society or cooperative body in his own name or in the name of his spouse or any of his dependents, which remains unpaid for more than one year from the due date, or has got such loan written off; or

(r) he or his spouse or any of his dependents has defaulted in payment of government dues and utility expenses, including telephone, electricity, gas and water charges in excess of ten thousand rupees, for over six months, at the time of filing his nomination papers, or

(s) he is for the time being disqualified from being elected or chosen as a member of the Majlis-e-Shoora (Parliament) or of a Provincial Assembly under any law for the time being in force.

(2) If any question arises whether a member of Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker or, as the case may be, the Chairman shall, within thirty days from raising of such question refer the question to the Chief Election Commissioner.

(3) Where a question is referred to the Chief Election Commissioner under clause (2), he shall lay such question before the Election Commission which shall give its decision thereon not later than three months from its receipt by the Chief Election Commissioner.

Disqualification on grounds of defection, etc.

63A. (1) If a member of a Parliamentary Party composed of a single political party in a House —

- (a) resigns from membership of his political party or joins another Parliamentary party; or
- (b) votes or abstains from voting in the House contrary to any direction issued by the Parliamentary Party to which he belongs, in relation to —
 - (i) election of the Prime Minister or the Chief Minister; or
 - (ii) a vote of confidence or a vote of no-confidence; or
 - (iii) a Money Bill;

he may be declared in writing by the Head of the Parliamentary party to have defected from the political party, and the Head of the Parliamentary Party may forward a copy of the declaration to the Presiding Officer, and shall similarly forward a copy thereof to the member concerned :

Provided that before making the declaration, the Head of the Parliamentary Party shall provide such member with an opportunity to show cause as to why such declaration may not be made against him.

(2) A member of a House shall be deemed to be a member of a Parliamentary Party if he, having been elected as a candidate or nominee of a political party which constitutes the Parliamentary Party in the House or, having been elected otherwise than as a candidate or nominee of a political party, has become a member of such Parliamentary Party after such election by means of a declaration in writing.

(3) Upon receipt of the declaration under clause (1), the Presiding Officer of the House shall within two days refer the declaration to the Chief Election Commissioner who shall lay the declaration before the Election Commission for its decision thereon confirming the declaration or otherwise within thirty days of its receipt by the Chief Election Commissioner.

(4) Where the Election Commission confirms the declaration, the member referred to in clause (1) shall cease to be a member of the House and his seat shall become vacant.

(5) Any party aggrieved by the decision of the Election Commission may, within thirty days, prefer an appeal to the Supreme Court which shall decide the matter within three months from the date of the filing of the appeal.

(6) Nothing contained in this Article shall apply to the Chairman or Speaker of a House.

(7) For the purpose of this Article,—

- (a) "House" means the National Assembly or the Senate, in relation to the Federation; and a Provincial Assembly in relation to the Province, as the case may be;
- (b) "Presiding Officer" means the Speaker of the National Assembly, the Chairman of the Senate or the Speaker of the Provincial Assembly, as the case may be.

Vacation of seats

64. (1) A member of 1Majlis-e-Shoora (Parliament) may, by writing under his hand addressed to the Speaker or, as the case may be, the Chairman resign his seat, and thereupon his seat shall become vacant.

(2) A House may declare the seat of a member vacant if, without leave of the House, he remains absent for forty consecutive days of its sittings.

Oath of Members

65. A person elected to a House shall not sit or vote until he has made before the House oath in the form set out in the Third Schedule.

Privileges of members, etc.

66. (1) Subject to the Constitution and to the rules of procedure of Majlis-e-Shoora (Parliament), there shall be freedom of speech in Majlis-e-Shoora (Parliament) and no member shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Majlis-e-Shoora (Parliament), and no person shall be so liable in respect of the publication by or under the authority of Majlis-e-Shoora (Parliament) of any report, paper, votes or proceedings.

(2) In other respects, the powers, immunities and privileges of Majlis-e-Shoora (Parliament), and the immunities and privileges of the members of Majlis-e-Shoora (Parliament), shall be such as may from time to time be defined by law and, until so defined, shall be such as were, immediately before the commencing day, enjoyed by the National Assembly of Pakistan and the committees thereof and its members.

(3) Provision may be made by law for the punishment, by a House, of persons who refuse to give evidence or produce documents before a committee of the House when duly required by the chairman of the committee so to do :

Provided that any such law —

- (f) may empower a court to punish a person who refuses to give evidence or produce documents; and
- (g) shall have effect subject to such Order for safeguarding confidential matters from disclosure as may be made by the President.

(4) The provisions of this Article shall apply to persons who have the right to speak in, and otherwise to take part in the proceedings of, Majlis-e-Shoora (Parliament) as they apply to members.

(5) In this Article. Majlis-e-Shoora (Parliament) means either House or a joint sitting, or a committee thereof.

Procedure Generally

Rules of procedure, etc.

67. (1) Subject to the Constitution, a House may make rules for regulating its procedure and the conduct of its business, and shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the House shall not be invalid on the ground that some persons who were not entitled to do so sat, voted or otherwise took part in the proceedings.

(2) Until rules are made under clause (1), the procedure and conduct of business in a House shall be regulated by the rules of procedure made by the President.

Restriction on discussion in Majlis-e-Shoora (Parliament)

68. No discussion shall take place in Majlis-e-Shoora (Parliament) with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties.

Courts not to inquire into proceedings of Majlis-e-Shoora (Parliament)

69. (1) The validity of any proceedings in Majlis-e-Shoora (Parliament) shall not be called in question on the ground of any irregularity of procedure.

(2) No officer or member of Majlis-e-Shoora (Parliament) in whom powers are vested by or under the Constitution for regulating procedure or the conduct of business, or for maintaining order in Majlis-e-Shoora (Parliament), shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

(3) In this Article, Majlis-e-Shoora (Parliament) has the same meaning as in Article 66.

Legislative Procedure

Introduction and passing of Bills

70. (1) A Bill with respect to any matter in the Federal Legislative List or in the Concurrent

Legislative List may originate in either House and shall, if it is passed by the House in which it originated, be transmitted to the other House; and, if the Bill is passed without amendment, by the other House also, it shall be presented to the President for assent.

(2) If a Bill transmitted to a House under clause (1) is rejected or is not passed within ninety days of its receipt or is passed with amendment, the Bill, at the request of the House in which it originated, shall be referred to a Mediation Committee constituted under Article 71 for consideration and resolution thereon.

(3) Where a Bill is referred to the Mediation Committee under clause (2), the Mediation Committee shall, within ninety days, formulate an agreed Bill which is likely to be passed by both Houses of the Majlis-e-Shoora (Parliament) and place the agreed Bill separately before each House, and if both the Houses pass the Bill, it shall be presented to the President for assent.

(4) In this Article and the succeeding provisions of the Constitution, "Federal Legislative List" and "Concurrent Legislative List" means respectively the Federal Legislative List and the Concurrent Legislative List in the Fourth Schedule.

Mediation Committee

71. (1) Both Houses of Majlis-e-Shoora (Parliament) shall, within fifteen days from the date of referral of the Bill by the House in which it was originated for consideration and resolution by the Mediation Committee under clause (2) of Article 70, nominate eight members each as members of a Mediation Committee.

(2) The House in which the Bill was originated shall nominate a member of the Mediation Committee as Chairman of the Committee and the other House shall nominate a member as the Vice-Chairman thereof.

(3) All decisions of the Mediation Committee shall be made by a majority of the total number of members of each House in the Committee.

(4) The President may, in consultation with the Speaker of the National Assembly and Chairman of the Senate, make rules for conduct of business of the Mediation Committee.

Procedure at joint sittings

72. (1) The President, after consultation with the Speaker of the National Assembly and the Chairman, may make rules as to the procedure with respect to the joint sittings of, and communications between, the two Houses.

(2) At a joint sitting, the Speaker of the National Assembly or, in his absence, such person as may be determined by the rules made under clause (1), shall preside.

(3) The rules made under clause (1) shall be laid before a joint sitting and may be added to, varied, amended or replaced at a joint sitting.

(4) Subject to the Constitution, all decisions at a joint sitting shall be taken by the votes of the majority of the members present and voting.

Procedure with respect to Money Bills

73. (1) Notwithstanding anything contained in Article 70, a Money Bill shall originate in the National Assembly:

Provided that simultaneously when a Money Bill, including the Finance Bill containing the Annual Budget Statement, is presented in the National Assembly, a copy thereof shall be transmitted to the Senate which may, within seven days, make recommendations thereon to the National Assembly.

(1A) The National Assembly shall, consider the recommendations of the Senate and after the Bill has been passed by the Assembly with or without incorporating the recommendations of the Senate, it shall be presented to the President for assent.

(2) For the purposes of this Chapter, a Bill or amendment shall be deemed to be a Money Bill if it contains provisions dealing with all or any of the following matters, namely:

(a) the imposition, abolition, remission, alteration or regulation of any tax;

(b) the borrowing of money, or the giving of any guarantee, by the Federal Government, or the amendment of the law relating to the financial obligations of that

Government;

- (c) the custody of the Federal Consolidated Fund, the payment of moneys into, or the issue of moneys from, that Fund;
- (d) the imposition of a charge upon the Federal Consolidated Fund, or the abolition or alteration of any such charge;
- (e) the receipt of moneys on account of the Public Account of the Federation, the custody or issue of such moneys;
- (f) the audit of the accounts of the Federal Government or a Provincial Government; and
- (g) any matter incidental to any of the matters specified in the preceding paragraphs.

(3) A Bill shall not be deemed to be a Money Bill by reason only that it provides —

- (a) for the imposition or alteration of any fine or other pecuniary penalty, or for the demand or payment of a licence fee or a fee or charge for any service rendered; or
- (b) for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

(4) If any question arises whether a Bill is a Money Bill or not, the decision of the Speaker of the National Assembly thereon shall be final.

(5) Every Money Bill presented to the President for assent shall bear a certificate under the hand of the Speaker of the National Assembly that it is a Money Bill, and such certificate shall be conclusive for all purposes and shall not be called in question.

President's assent to Bills

75. (1) When a Bill is presented to the President for assent, the President shall, within thirty days,

(a) assent to the Bill; or

(b) in the case of a Bill other than a Money Bill, return the Bill to the Majlis-e-Shoora (Parliament) with a message requesting that the Bill or any specified provision thereof, be reconsidered and that any amendment specified in the message be considered.

(2) When the President has returned a Bill to the Majlis-e-Shoora (Parliament), it shall be reconsidered by the Majlis-e-Shoora (Parliament) 5* * * and, if it is again passed, with or without amendment, by the Majlis-e-Shoora (Parliament), in accordance with Article 70, it shall be deemed for the purposes of the Constitution to have been passed by both Houses and shall be presented to the President and the President shall not withhold assent therefrom.

(3) When the President has assented to a Bill, it shall become law and be called an Act of Majlis-e-Shoora (Parliament).

(4) No Act of Majlis-e-Shoora (Parliament), and no provision in any such Act, shall be invalid by reason only that some recommendation, previous sanction or consent required by the Constitution was not given if that Act was assented to in accordance with the Constitution.

Bill not to lapse on prorogation, etc.

76. (1) A Bill pending in either House shall not lapse by reason of the prorogation of the House.

(2) A Bill pending in the Senate which has not been passed by the National Assembly shall not lapse on the dissolution of the National Assembly.

(3) A Bill pending in the National Assembly, or a Bill which having been passed by the National Assembly is pending in the Senate, shall lapse on the dissolution of the National Assembly.

Tax to be levied by law only

77. No tax shall be levied for the purposes of the Federation except by or under the authority of Act of Majlis-e-Shoora (Parliament).

Secretariats of Majlis-e-Shoora (Parliament)

87. (1) Each House shall have a separate Secretariat :

Provided that nothing in this clause shall be construed as preventing the creation of posts common to both Houses.

(2) Majlis-e-Shoora (Parliament) may by law regulate the recruitment and the conditions of service of persons appointed to the secretarial staff of either House.

(3) Until provision is made by Majlis-e-Shoora (Parliament) under clause (2), the Speaker or, as the case may be, the Chairman may, with the approval of the President, make rules regulating the recruitment, and the conditions of service, of persons appointed to the secretarial staff of the National Assembly or the Senate.

Finance Committees

88. (1) The expenditure of the National Assembly and the Senate within authorised appropriations shall be controlled by the National Assembly or, as the case may be, the Senate acting on the advice of its Finance Committee.

(2) The Finance Committee shall consist of the Speaker or, as the case may be, the Chairman, the Minister of Finance and such other members as may be elected thereto by the National Assembly or, as the case may be, the Senate.

(3) The Finance Committee may make rules for regulating its procedure.

Ordinances

Power of President to promulgate Ordinances

89. (1) The President may, except when the National Assembly is in session, if satisfied that circumstances exist which render it necessary to take immediate action, make and promulgate an Ordinance as the circumstances may require.

(2) An Ordinance promulgated under this Article shall have the same force and effect as an Act of Majlis-e-Shoora (Parliament) and shall be subject to like restrictions as the power of Majlis-e-Shoora (Parliament) to make law, but every such Ordinance —

(a) shall be laid —

(i) before the National Assembly if it contains provisions dealing with all or any of the matters specified in clause (2) of Article 73, and shall stand repealed at the expiration of four months from its promulgation or, if before the expiration of that period a resolution disapproving it is passed by the Assembly, upon the passing of that resolution;

(ii) before both Houses if it does not contain provisions dealing with any of the matters referred to in sub-paragraph (i), and shall stand repealed at the expiration of four months from its promulgation or, if before the expiration of that period a resolution disapproving it is passed by either House, upon the passing of that resolution; and

(b) may be withdrawn at any time by the President.

(3) Without prejudice to the provisions of clause (2), an Ordinance laid before the National Assembly shall be deemed to be a Bill introduced in the National Assembly.

The Cabinet

91. (1) There shall be a Cabinet of Ministers, with the Prime Minister at its head, to aid and advise the President in the exercise of his functions.

(2) The President shall in his discretion appoint from amongst the members of the National Assembly a Prime Minister who, in his opinion, is most likely to command the confidence of the majority of the members of the National Assembly.

(2A) Notwithstanding anything contained in clause (2), after the twentieth day of March, one thousand nine hundred and ninety, the President shall invite the member of the National Assembly to be the Prime Minister who commands the confidence of the majority of the members of the National Assembly, as ascertained in a session of the Assembly summoned for the purpose in accordance with the provisions of the Constitution.

(3) The person appointed under clause (2) or, as the case may be, invited under clause (2A) shall, before entering upon the office, make before the President oath in the form set out in the Third Schedule and shall within a period of sixty days thereof obtain a vote of confidence from the National Assembly.

(4) The Cabinet, together with the Ministers of State, shall be collectively responsible to the National Assembly.

(5) The Prime Minister shall hold office during the pleasure of the President, but the President shall not exercise his powers under this clause unless he is satisfied that the Prime Minister does not command the confidence of the majority of the members of the National Assembly, in which case he shall summon the National Assembly and require the Prime Minister to obtain a vote of confidence from the Assembly.

(6) The Prime Minister may, by writing under his hand addressed to the President, resign his office.

(7) A Minister who for any period of six consecutive months is not a member of the National Assembly shall, at the expiration of that period, cease to be a Minister and shall not before the dissolution of that Assembly be again appointed a Minister unless he is elected a member of that Assembly :

Provided that nothing contained in this clause shall apply to a Minister who is a member of the Senate.

(8) Nothing contained in this Article shall be construed as disqualifying the Prime Minister or any other Minister or a Minister of State for continuing in office during any period during which the National Assembly stands dissolved, or as preventing the appointment of any person as Prime Minister or other Minister or as Minister of State during any such period.

Federal Ministers and Ministers of State

92. (1) Subject to clauses (7) and (8) of Article 91, the President shall appoint Federal Ministers and Ministers of State from amongst the members of Majlis-e-Shoora (Parliament) on the advice of the Prime Minister :

Provided that the number of Federal Ministers and Ministers of State who are members of the Senate shall not at any time exceed one-fourth of the number of Federal Ministers.

(2) Before entering upon office, a Federal Minister or Minister of State shall make before the President oath in the form set out in the Third Schedule.

(3) A Federal Minister or Minister of State may, by writing under his hand addressed to the President, resign his office or may be removed from office by the President on the advice of the Prime Minister.

Advisers

93. (1) The President may, on the advice of the Prime Minister, appoint not more than five Advisers, on such terms and conditions as he may determine.

(2) The provisions of Article 57 shall also apply to an Adviser.

Vote of no-confidence against Prime Minister

95. (1) A resolution for a vote of no-confidence moved by not less than twenty per centum of the total membership of the National Assembly may be passed against the Prime Minister by the National Assembly.

(2) A resolution referred to in clause (1) shall not be voted upon before the expiration of three days, or later than seven days, from the day on which such resolution is moved in the National Assembly.

(3) A resolution referred to in clause (1) shall not be moved in the National Assembly while the National Assembly is considering demands for grants submitted to it in the Annual Budget Statement.

(4) If the resolution referred to in clause (1) is passed by a majority of the total membership of the National Assembly, the Prime Minister shall cease to hold office.

Extent of Federal and Provincial laws

141. Subject to the Constitution, Majlis-e-Shoora (Parliament) may make laws (including laws having extra-territorial operation) for the whole or any part of Pakistan, and a Provincial Assembly may make laws for the Province or any part thereof.

Subject-matter of Federal and Provincial laws

142. Subject to the Constitution —

(a) Majlis-e-Shoora (Parliament) shall have exclusive power to make laws with respect to any matter in the Federal Legislative List;

(b) Majlis-e-Shoora (Parliament), and a Provincial Assembly also, shall have power to make laws with respect to any matter in the Concurrent Legislative List;

(c) a Provincial Assembly shall, and Majlis-e-Shoora (Parliament) shall not, have power to make laws with respect to any matter not enumerated in either the Federal Legislative List or the Concurrent Legislative List; and

(d) Majlis-e-Shoora (Parliament) shall have exclusive power to make laws with respect to matters not enumerated in either of the Lists for such areas in the Federation as are not included in any Province.

Power of Majlis-e-Shoora (Parliament) to legislate for two or more Provinces by consent

144. (1) If two or more Provincial Assemblies pass resolutions to the effect that Majlis-e-Shoora (Parliament) may by law regulate any matter not enumerated in either List in the Fourth Schedule, it shall be lawful for Majlis-e-Shoora (Parliament) to pass an Act for regulating that matter accordingly, but any act so passed may, as respects any Province to which it applies, be amended or repealed by Act of the Assembly of that Province.

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Term of office of Commissioner

215. (1) The Commissioner shall, subject to this Article, hold office for a term of three years from the day he enters upon his office:

Provided that the National Assembly may by resolution extend the term of the Commissioner by a period not exceeding one year.

(2) The Commissioner shall not be removed from office except in the manner prescribed in Article 209 for the removal from office of a Judge and, in the application of the Article for the purposes of this clause, any reference in that Article to a Judge shall be construed as a reference to the Commissioner.

(3) The Commissioner may, by writing under his hand addressed to the President, resign his office.

Majlis-e-Shoora (Parliament) may make laws of indemnity, etc.

237. Nothing in the Constitution shall prevent Majlis-e-Shoora (Parliament) from making any law indemnifying any person in the service of the Federal Government or a Provincial Government, or any other person, in respect of any act done in connection with the maintenance or restoration of order in any area in Pakistan.

Amendment of Constitution

238. Subject to this Part, the Constitution may be amended by Act of Majlis-e-Shoora (Parliament).

Constitution, amendment Bill

239. (1) A Bill to amend the Constitution may originate in either House and, when the Bill has been passed by the votes of not less than two-thirds of the total membership of the House, it shall be transmitted to the other House.

(2) If the Bill is passed without amendment by the votes of not less than two-thirds of the total membership of the House to which it is transmitted under clause (1), it shall, subject to the

provisions of clause (4), be presented to the President for assent.

(3) If the Bill is passed with amendment by the votes of not less than two-thirds of the total membership of the House to which it is transmitted under clause (1), it shall be reconsidered by the House in which it had originated, and if the Bill as amended by the former House is passed by the latter by the votes of not less than two-thirds of its total membership it shall, subject to the provisions of clause (4), be presented to the President for assent.

(4) A Bill to amend the Constitution which would have the effect of altering the limits of a Province shall not be presented to the President for assent unless it has been passed by the Provincial Assembly of that Province by the votes of not less than two-thirds of its total membership.

(5) No amendment of the Constitution shall be called in question in any court on any ground whatsoever.

(6) For the removal of doubt, it is hereby declared that there is no limitation whatever on the power of the Majlis-e-Shoora (Parliament) to amend any of the provisions of the Constitution.

FOURTH SCHEDULE

[Article 70 (4)]

LEGISLATIVE LISTS

Federal Legislative List

PART I

1. The defence of the Federation or any part thereof in peace or war; the military, naval and air forces of the Federation and any other armed forces raised or maintained by the Federation ; any armed forces which are not forces of the Federation but are attached to or operating with any of the Armed Forces of the Federation including civil Armed Forces; Federal Intelligence Bureau; preventive detention for reasons of State connected with defence, external affairs, or the security of Pakistan or any part thereof ; persons subjected to such detention; industries declared by Federal law to be necessary for the purpose of defence or for the prosecution of war.
2. Military, naval and air force works; local self-government in cantonment areas, the constitution and powers within such areas of cantonment authorities, the regulation of house accommodation in such areas, and the delimitation of such areas.
3. External affairs; the implementing of treaties and agreements, including educational and cultural pacts and agreements, with other countries; extradition, including the surrender of criminals and accused persons to Governments outside Pakistan.
4. Nationality, citizenship and naturalisation.
5. Migration from or into, or settlement in, a Province or the Federal Capital.
6. Admission into, and emigration and expulsion from, Pakistan, including in relation thereto the regulation of the movements in Pakistan of persons not domiciled in Pakistan, pilgrimages to places beyond Pakistan.
7. Posts and telegraphs, including telephones, wireless, broadcasting and other like forms of communications; Post Office Saving Bank.

8. Currency, coinage and legal tender.
9. Foreign exchange; cheques, bills of exchange, promissory notes and other like instruments.
10. Public debt of the Federation, including the borrowing of money on the security of the Federal Consolidated Fund ; foreign loans and foreign aid.
11. Federal Public Services and Federal Public Service Commission.
12. Federal pensions, that is to say, pensions payable by the Federation or out of the Federal Consolidated Fund.
13. Federal Ombudsman.
14. Administrative Courts and Tribunals for Federal subjects.
15. Libraries, museums, and similar institutions controlled or financed by the Federation.
16. Federal agencies and institutes for the following purposes, that is to say, for research, for professional or technical training, or for the promotion of special studies.
17. Education as respects Pakistani students in foreign countries and foreign students in Pakistan.
18. Nuclear energy, including —
 - (a) mineral resources necessary for the generation of nuclear energy;
 - (b) the production of nuclear fuels and the generation and use of nuclear energy; and
 - (c) ionizing radiations.
19. Port quarantine, seamen's and marine hospitals and hospitals connected with port quarantine.

20. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.
21. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of port authorities therein.
22. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes.
23. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.
24. Carriage of passengers and goods by sea or by air.
25. Copyright, inventions, designs, trade-marks and merchandise marks.
26. Opium so far as regards sale for export.
27. Import and export across customs frontiers as defined by the Federal Government, inter-provincial trade and commerce, trade and commerce with foreign countries; standard of quality of goods to be exported out of Pakistan.
28. State Bank of Pakistan; banking, that is to say, the conduct of banking business by corporations other than corporations owned or controlled by a Province and carrying on business only within that Province.
29. The law of insurance, except as respects insurance undertaken by a Province, and the regulation of the conduct of insurance business, except as respects business undertaken by a Province; Government insurance, except so far as undertaken by a Province by virtue of any matter within the legislative competence of the Provincial Assembly.
30. Stock exchanges and futures markets with objects and business not confined to one Province.
31. Corporations, that is to say, the incorporation, regulation and winding-up of trading corporations, including banking, insurance and financial corporations, but not including corporations owned or controlled by a Province and carrying on business only within that Province,

or cooperative societies, and of corporations, whether trading or not, with objects not confined to a Province, but not including universities.

32. National planning and national economic coordination including planning and coordination of scientific and technological research.

33. State lotteries.

34. National highways and strategic roads.

35. Federal surveys including geological surveys and Federal meteorological organisations.

36. Fishing and fisheries beyond territorial waters.

37. Works, lands and buildings vested in, or in the possession of Government for the purposes of the Federation (not being military, naval or air force works), but, as regards property situate in a Province, subject always to Provincial legislation, save in so far as Federal law otherwise provides.

38. Census.


39. Establishment of standards of weights and measures.

40. Extension of the powers and jurisdiction of members of a police force belonging to any Province to any area in another Province, but not so as to enable the police of one Province to exercise powers and jurisdiction in another Province without the consent of the Government of that Province; extension of the powers and jurisdiction of members of a police force belonging to any Province to railway areas outside that Province.

41. Elections to the office of President, to the National Assembly, the Senate and the Provincial Assemblies; Chief Election Commissioner and Election Commissions.

42. The salaries, allowances and privileges of the President, Speaker and Deputy Speaker of the National Assembly, Chairman and Deputy Chairman of the Senate, Prime Minister, Federal Ministers, Ministers of State, the salaries, allowances and privileges of the members of the Senate and the National Assembly; and the punishment of persons who refuse to give evidence or produce documents before committees thereof.

43. Duties of customs, including export duties.
44. Duties of excise, including duties on salt, but not including duties on alcoholic liquors, opium and other narcotics.
45. Duties in respect of succession to property.
46. Estate duty in respect of property.
47. Taxes on income other than agricultural income.
48. Taxes on corporations.
49. Taxes on the sales and purchases of goods imported, exported, produced, manufactured or consumed.
50. Taxes on the capital value of the assets, not including taxes on capital gains on immovable property.
51. Taxes on mineral oil, natural gas and minerals for use in generation of nuclear energy.
52. Taxes and duties on the production capacity of any plant, machinery, undertaking, establishment or installation in lieu of the taxes and duties specified in entries 44, 47, 48 and 49 or in lieu of any one or more of them.
53. Terminal taxes on goods, or passengers carried by railway, sea or air; taxes on their fares and freights.
54. Fees in respect of any of the matters in this Part, but not including fees taken in any court.
55. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List and, to such extent as is expressly authorised by or under the Constitution, the enlargement of the jurisdiction of the Supreme Court, and the conferring thereon of supplemental powers.
56. Offences against laws with respect to any of the matters in this Part.

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- 57. Inquiries and statistics for the purposes of any of the matters in this Part.
 - 58. Matters which under the Constitution are within the legislative competence of Majlis-e-Shoora (Parliament) or relate to the Federation.
 - 59. Matters incidental or ancillary to any matter enumerated in this Part

PART II

1. Railways.
2. Mineral oil and natural gas; liquids and substances declared by Federal law to be dangerously inflammable.
3. Development of industries, where development under Federal control is declared by Federal law to be expedient in the public interest; institutions, establishments, bodies and corporations administered or managed by the Federal Government immediately before the Commencing day, including the 1[Pakistan Water and Power Development Authority and the Pakistan Industrial Development Corporation]; all undertakings, projects and schemes of such institutions, establishments, bodies and corporations, industries, projects and undertakings owned wholly or partially by the Federation or by a corporation set up by the Federation.
4. Council of Common Interests.
5. Fees in respect of any of the matters in this Part but not including fees taken in any court.
6. Offences against laws with respect to any of the matters in this Part.
7. Inquiries and statistics for the purposes of any of the matters in this Part.
8. Matters incidental or ancillary to any matter enumerated in this Part.

Concurrent Legislative List

1. Criminal law, including all matters included in the Pakistan Penal Code on the commencing day, but excluding offences against laws with respect to any of the matters specified in the Federal Legislative List and excluding the use of naval, military and air forces in aid of civil power.

2. Criminal procedure, including all matters included in the Code of Criminal Procedure, on the commencing day.
3. Civil procedure, including the law of limitation and all matters included in the Code of Civil Procedure on the commencing day; the recovery in a Province or the Federal Capital of claims in respect of taxes and other public demands, including arrears of land revenue and sums recoverable as such, arising, outside that Province.
4. Evidence and oath; recognition of laws, public acts and records and judicial proceedings.
5. Marriage and divorce, infants and minors; adoption.
6. Wills, intestacy and succession, save as regards agricultural land.
7. Bankruptcy and insolvency, administrators-general and official trustees.
8. Arbitration.
9. Contracts, including partnership, agency, contracts of carriage, and other special forms of contracts, but not including contracts relating to agricultural land.
10. Trust and trustees.
11. Transfer of property other than agricultural land, registration of deeds and documents.
12. Actionable wrongs, save in so far as included in laws with respect to any of the matters specified in the Federal Legislative List.
13. Removal of prisoners and accused persons from one Province to another Province.
14. Preventive detention for reasons connected with the maintenance of public order; or the maintenance of supplies and services essential to the community; persons subjected to such detention.
15. Persons subject to preventive detention under Federal authority.
16. Measures to combat certain offences committed in connection with matters concerning

the Federal and Provincial Governments and the establishment of a policeforce for that purpose.

17. Arms, fire-arms and ammunition.
18. Explosives.
19. Opium, so far as regards cultivation and manufacture.
20. Drugs and medicines.
21. Poisons and dangerous drugs.
22. Prevention of the extension from one Province to another of infectious or contagious diseases or pests affecting men, animals or plants.
23. Mental illness and mental retardation, including places for the reception or treatment of the mentally ill and mentally retarded.
24. Environmental pollution and ecology.
25. Population planning and social welfare.
26. Welfare of labour; conditions of labour, provident funds; employers' liability and workmen's compensation, health insurance including invalidity pensions, old age pensions.
27. Trade unions; industrial and labour disputes.
28. The setting-up and carrying on of labour exchanges, employment information bureaus and training establishments.
29. Boilers.
30. Regulation of labour and safety in mines, factories and oil-fields.
31. Unemployment insurance.
32. Shipping and navigation on inland waterways as regards mechanically propelled

vessels, and the rule of the road on such waterways; carriage of passengers and goods on inland waterways.

33. Mechanically propelled vehicles.
34. Electricity.
35. Newspapers, books and printing presses.
36. Evacuee property.
37. Ancient and historical monuments, archaeological sites and remains.
38. Curriculum, syllabus, planning, policy, centers of excellence and standards of education.
39. Islamic education.
40. Zakat.
41. Production, censorship and exhibition of cinematograph films.
42. Tourism.
43. Legal, medical and other professions.
2[43A. Auqaf].
44. Fees in respect of any of the matters in this List, but not including fees taken in any court.
45. Inquiries and statistics for the purpose of any of the matters in this List.
46. Offences against laws with respect to any of the matters in this List; jurisdiction and powers of all courts except the Supreme Court, with respect to any of the matters in this List.
47. Matters incidental or ancillary to any matter enumerated in this List.