

NATIONAL ASSEMBLY OF PAKISTAN



RULINGS OF THE CHAIR

1999-2017

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PREFACE

Rulings, decisions and observations made by the Chair from time to time on different issues play important role in the parliamentary history. They set precedent which gives guidance to subsequent Speakers, members and officers. The instant publication “Rulings of the Chair” consists of decisions taken by the Chair extracted and compiled from the printed debates of the National Assembly for the years 1999-2017. These decisions either involve an interpretation of rule or conduct or any new situation, seeking clarification or ruling of the Chair.

Previous compilation “Decisions of the Chair” covers decisions/rulings of the Chair from 1947-1999. For the facility of the reader and to locate the Rulings subject-wise and for ready reference a table of contents and an exhaustive index has been added to the said publication.

We are deeply indebted to honourable Sardar Ayaz Sadiq, Speaker, National Assembly, Secretary, Ministry of Law and Justice, Mr. Karamat Hussain Niazi, Special Secretary, Mr. Qamar Sohail Lodhi and Mr. Muhammad Mushtaq Additional Secretary (Legislation) National Assembly Secretariat, who took personal interest in the accomplishment of this difficult task.

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Islamabad, the
11th April, 2018

(Tahir Hussain)
Secretary
National Assembly

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ABSENCE FROM GALLERIES

- 1. ABSENCE OF SECRETARIES: SECRETARIES OF THE MINISTRIES WERE FOUND ABSENT FROM OFFICIAL GALLERY: THE CHAIR DIRECTED THE SECRETARY ESTABLISHMENT TO TAKE ACTION AND REPORT TO THE HOUSE.**

On 30th December 2011, the Secretaries of the Ministries whose business was on the Orders of the Day were found absent from the official gallery except Secretary of Ministry of National Regulation and Services. Mr. Deputy Speaker drew attention of Chief Whip of the Ruling Party to the meeting held in the Speaker's Chamber regarding absence of the Secretaries from session and lack of control of the Ministers over the Secretaries. Syed Khursheed Ahmed Shah endorsed the viewpoint of the Chair and recommended for taking action against those who were not present.

Mr. Deputy Speaker ruled:

“I refer the case to Secretary Establishment Division to inquire as to why the Secretaries had not attended the session and to take action against them for their absence and report to the House by Monday.”

Vol. XXXVII, Nos. 1-13
N. A. Debate, dated: 30-12-2011
Page No. 5
Page Nos. 295-307

ABSENCE OF MINISTERS

2. **MINISTER: ABSENCE OF MINISTERS/PARLIAMENTARY SECRETARIES DURING SESSION. MINISTER ON BEHALF OF OTHER MINISTERS WAS NOT GIVING PROPER ANSWERS: CHAIR OBSERVED THAT THE MINISTER OR PARLIAMENTARY SECRETARY SHOULD BE FULLY PREPARED; OTHERWISE ANSWERS TO QUESTIONS WILL NOT BE ACCEPTABLE.**

On 18th September 2006, during the question hour, it was observed that neither the concerned Ministers nor the Parliamentary Secretaries were present in the House. Raja Pervaiz Ashraf, MNA pointed out their absence and stated that Dr. Sher Afgan Niazi was not properly answering the questions on behalf of other Ministers. He requested the Chair to direct the Ministers to be present on their Rota Day; otherwise, no Minister would be allowed to give replies on their behalf.

The Speaker ruled:

“The Ministers or Parliamentary Secretaries should be fully briefed. They are duty bound to be present on their Rota Day. If the concerned Minister is unable to attend the sitting due to any compelling reasons i.e. official visits abroad etc; then the Minister of State or the Parliamentary Secretary may be briefed and they should be present in the House. The Secretary of the Ministry concerned or other senior officers/staff are duty bound to brief the Minister of State or Parliamentary Secretary of their Ministry. If both are not available, they (the officers) may request any other Minister to give replies on behalf of their Minister. Answering supplementary questions by the other Minister, not fully briefed by the Ministry, is not acceptable and should not be repeated in future.”

Vol. XXXVII, Nos. 21-32
N. A. Debate, dated: 18-09-2006
Page No. 3203

3. MINISTER: ABSENCE OF MINISTERS/PARLIAMENTARY SECRETARIES FROM HOUSE DURING QUESTION HOUR: CHAIR DIRECTED THAT TIMELY PRESENCE OF MINISTER/PARLIAMENTARY SECRETARY BE ENSURED TO AVOID DEFERMENT OF QUESTIONS.

On 27th August 2008, during the question hour, it was found that the concerned Ministers and the Parliamentary Secretaries were not present for answering Questions.

Madam Speaker observed:

“During Question Hour, timely presence of concerned Minister or Parliamentary Secretary should be ensured to avoid deferment of questions.”

Vol. VI, Nos. 7-12

N. A. Debate, dated: 27-08-2008

Page No. 1434

4. MINISTER: ABSENCE OF CONCERNED MINISTER FROM THE HOUSE ON ROTA DAY: CHIEF WHIP WAS DIRECTED TO ENSURE PRESENCE OF MINISTERS.

On 13th April 2009, during the question hour when Dr. Abdul Qadir Khanzada, MNA was called upon to ask supplementary question, he pointed out that neither the concerned Minister nor the Parliamentary Secretary of the Environment Ministry were present. He added that only Minister for Parliamentary Affairs, Dr. Zaheer-ud-Din Babar was present for answering the questions asked by the members.

Madam Speaker ruled:

“The Chief Whip of the Ruling Party may ensure the presence of the Ministers on their Rota day, and in case of their absence the Parliamentary Secretary should be properly briefed to answer the questions in the House.”

Vol. XII, Nos. 1-6

N. A. Debate, dated: 13-04-2009

Page No. 189

5. MINISTERS: MINISTERS WERE ABSENT DURING QUESTION HOUR: CHAIR DIRECTED THE CHIEF WHIP TO ENSURE THE PRESENCE OF MINISTERS.

On 19th December 2011, during the question hour, it was found that some of the Ministers were not present to answer the questions relating to their Ministries and the questions had to be deferred. The Chairperson took serious notice of their absence and observed:

“During the question hour, the absence of concerned Minister is deplorable. The Chief Whip of the ruling party is directed to ensure the presence of the Ministers, in future.”

Vol. XXXVII, Nos. 1-13
N. A. Debate, dated: 19-12-2011
Page No. 8

ABSENCE OF MEMBERS

6. **MEMBERS: ABSENCE OF MEMBERS FROM THE HOUSE WHOSE QUESTIONS WERE ON THE LIST OF QUESTIONS: PARLIAMENTARY LEADERS WERE ADVISED TO ENSURE PRESENCE OF MEMBERS WHO'S QUESTIONS WERE ON THE LIST OF QUESTIONS.**

On 13th November 2008, during the question hour, it was found that the members whose names were on the list of questions were not present in the House. The questions had to be deferred.

The Speaker observed:

“Question Hour is very important part of the proceedings of the House. The Parliamentary Leaders should ensure the presence of MNAs who have given the questions. Mostly the Questions are to be deferred because of the absence of the concerned members.”

Vol. VIII, Nos. 1-10
N. A. Debate, dated: 13-11-2008
Page No. 321

ADVISOR

7. **ADVISOR: OBJECTION WAS RAISED TO GIVING REPLIES TO THE QUESTIONS BY THE ADVISOR: THE CHAIR OBSERVED THAT ADVISOR HAS THE RIGHT TO TAKE PART IN THE PROCEEDINGS BUT NOT ENTITLED TO VOTE IF WAS NOT A MEMBER OF THE HOUSE. POINT OF ORDER WAS RULED OUT.**

On 17th March 2004, during the Question hour, Ms. Neelofar Bakhtiar, Adviser on Women Development was replying to the supplementary questions relating to Women Development Division Makhdoom Shah Mahmood Hussain Qureshi rising on a point of order objected to giving replies of the questions by a person who was not an elected member of the House. Mr. Nayer Hussain Bokhari, MNA, with the permission of the Chair read out the provision of Article 57 of the Constitution which says as under:-

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.”*

Mr. Nayer Hussain Bokhari, MNA stated that there was no mention of Advisor in the above said provision. Therefore, the Adviser could not take part in the proceedings of the House. Hence, she had no right to give replies to the questions asked by the members. At this stage, Sheikh Rasheed Ahmad, MNA got the floor. He referred to Article 93 which reads as under:-

‘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.'

He stated that by virtue of sub-clause (2) of Article 93 read with Article 57, the Adviser appointed under Article 93 (1) has the right to take part in the proceedings and may answer the questions put by the members Mr. Speaker ruled as follows:

“The Adviser appointed under the Constitution has a right to take part in the proceedings and can give answers to the questions asked by the members. However, an Adviser who is not an elected member of the House cannot be entitled to vote.”

Vol. XIII, Nos. 8-14
N. A. Debate, dated: 17-03-2004
Page Nos. 1024, 1090, 1091

ADJOURNMENT MOTION

8. ADJOURNMENT MOTION: RAILWAY ACCIDENT AT RAILWAY CROSSING MALIKWAL: A MATTER ALREADY PENDING BEFORE THE COMMITTEE CONSTITUTED BY THE GOVERNMENT: RULED OUT OF ORDER.

On 4th November 2003, during the proceedings of the House, Ch. Anwar Ali Cheema, MNA, sought leave to move adjournment motion regarding Railway accident occurred on the 20th of September 2003, at Railway crossing Malikwal in which at least 40 passengers were killed and many injured. It was informed that at that Railway crossing there was a Chowkidar but later on the Railway department removed the Chowkidar and the Railway crossing as well. He said that the Railway department was responsible for the terrible accident. He requested for two hours discussion on the matter after suspending the proceedings of the Assembly. Mr. Ghous Bux Mehar, Minister for Railways opposed the adjournment motion. He stated that the department had inquired into the matter and report was sent to the Cabinet. The report was very comprehensive and it had addressed every aspect of the matter in detail.

After hearing both sides at length, Mr. Speaker held the adjournment motion inadmissible and observed as under:

“The matter raised to in the adjournment motion is pending before the Committee constituted by the government therefore, the motion is hit by rule 93 of the Rules of Procedure and Conduct of Business in the National Assembly, 1992.”

Vol. X, Nos. 25-37

N. A. Debate, dated: 04-11-2003

Page Nos. 2388-2389

**9. ADJOURNMENT MOTION: KILLING OF MR. MURAD BALOCH
MPA IN KARACHI: A PROVINCIAL MATTER: ADJOURNMENT
MOTION HELD TO BE INADMISSIBLE**

Raja Pervaiz Ashraf, MNA, on 10th March 2004, sought leave to move adjournment motion regarding deteriorating law and order situation in Karachi due to murder of Mr. Abdullah Murad Baloch, MPA of Pakistan Peoples' Party in Karachi. Other members also spoke on the issue. They condemned the killing and demanded strict action against the murderers. They added that the matter was of urgent public importance, therefore, the proceedings of the House be adjourned to discuss the matter at length for two hours in order to expose the killers, the motive behind the murder and the failure of the government to control law and order situation in Karachi. The Minister for Parliamentary Affairs opposed the motion. After hearing the members and the Minister, the Speaker observed:

“The matter raised in the motion does not primarily relate to the Federal Government, therefore, the motion is ruled out of order. However, the Interior Minister may, if desires make a policy statement on the issue.”

Vol. XIII, Nos. 1-7

N. A. Debate, dated: 10-03-2004

Page Nos. 268-269,284

**10. ADJOURNMENT MOTION: ALLEGED SHORTAGE OF
CHICKEN DUE TO BIRD FLU TO BENEFIT THE POULTRY
INDUSTRY: FACTS CONTAINED IN THE ADJOURNMENT
MOTION DENIED BY THE MINISTER: HELD INADMISSIBLE.**

Hafiz Hussain Ahmad, MNA, on 8th June 2004, sought leave to move an adjournment motion regarding shortage of chicken due to bird flu. He stated that it was an artificial shortage and was created to benefit the tycoons of the poultry industry. He added that the government did nothing to control the shortage. As the matter was of

urgent public importance and of recent occurrence, therefore, he requested that the proceedings of the House be suspended and discussion thereon be allowed. The Parliamentary Secretary opposed the adjournment motion and denied the facts as stated by the honourable member. After hearing both sides, the Speaker ruled:

“In view of the parliamentary practice and rulings of the chair, when the government disputes the facts stated in the adjournment motion the Speaker accepts the government version. Therefore, the adjournment motion is not allowed as the facts are disputed by the government. The adjournment motion is held not in order.”

Vol. XIV, Nos. 1-8

N. A. Debate, dated: 08-06-2004

Page Nos. 799-803

11. ADJOURNMENT MOTION: BAN ON CONSTRUCTION IN THE RURAL AREA OF ISLAMABAD CAPITAL TERRITORY: MATTER TO BE RAISED THROUGH OTHER PROCEDURAL DEVICES COULD NOT BE DISCUSSED THROUGH ADJOURNMENT MOTION: RULED OUT OF ORDER.

On 8th June 2004, Syed Nayyer Hussain Bokhari, MNA, sought leave to move an adjournment motion regarding ban on construction in the rural areas of Islamabad Capital Territory. He stated that the matter was of extremely urgent public importance and of recent occurrence, therefore, the proceedings of the House be adjourned to discuss it for two hours. Raja Pervaiz Ashraf, MNA, also supported the views expressed by the mover. The Minister for Interior opposed the motion by denying the facts alleged by the movers. The Chair observed as under:

“The motion is inadmissible as the matter has already stood discussed through Calling Attention Notice in this very august House. Further, the matter which can be raised under any

other procedural devices, i.e. the Calling Attention Notices, Questions, Short Notices Questions, Half an Hour Discussion etc. cannot be raised through an adjournment motion.”

Vol. XIV, Nos. 1-8

N. A. Debate, dated: 08-06-2004

Page Nos. 803-804,810

12. ADJOURNMENT MOTION: PARTONAGE OF CULPRITS BY POLICE IN DISTRICT NOSHERO FEROZ: A PROVINCIAL MATTER: ALREADY DISCUSSED IN THE HOUSE: HELD INADMISSIBLE.

On 28th July 2004, Syed Zafar Ali Shah, MNA, moved a motion for suspension of rules to discuss an adjournment motion regarding patronage of culprits by police in District Noshero Feroz. He argued that there was total lawlessness in District Noshero Feroz. The office of District Nazim was being entirely in impartial and pernicious manner and all the departments under him were being used for his personal aggrandizement and glorification. As the matter was of urgent public importance and recent occurrence, he requested to suspend the rules to discuss the matter for two hours.

The Minister for Interior opposed the adjournment motion on two grounds; firstly, that the matter had already been discussed through Calling Attention Notice; secondly, it was a provincial concern. The Chair agreeing with the Minister ruled as under:

“The matter which has already been discussed through a Calling Attention Notice cannot be discussed again through an adjournment motion, further it also relates to a province. The adjournment motion is held inadmissible.”

Vol. XVII, Nos. 6-10

N. A. Debate, dated: 28-07-2004

Page Nos. 1023-1033

13. ADJOURNMENT MOTION: ARMY ACTION IN SOUTH WAZIRISTAN: MATTER ALREADY DISCUSSED: A MATTER CONTINUING FOR SOME TIME CAN NOT BE DISCUSSED THROUGH ADJOURNMENTMOTION: RULED OUT OF ORDER.

Dr. Farid Ahmed Paracha, Raja Pervaiz Ashraf, Ch. Nisar Ali Khan, Khawaja Saad Rafique, and other MNAs, moved similar adjournment motions on 13th September 2004, regarding army action in South Waziristan with the request to discuss it after adjourning the normal proceedings of the House as the matter was of urgent public importance and recent occurrence. The Minister for Law and Justice opposed the motion being against the rules. The Minister for Interior argued that the action of the law enforcing agencies was in retaliation to the activities of the terrorists and that it was still continuing. The Chair ruled it out of order as under:

“It is a fact that operation in Wana has been going on for the last more than six months and it is still continuing. A matter which has been continuing for some time cannot be raised through adjournment motion. (M.N. Kaul, Page No. 451). According to the government version, the matter has already been discussed in this very House in the month of September, so it is hit by Rule 93(d) of the Rules of Procedure and Conduct of Business in the National Assembly, 1992. Furthermore, according to the government version this operation is against the foreigners who are the terrorists, hiding there and not against the local population. According to parliamentary practice, when the government disputes the facts, the version of the government is to be accepted.”

Vol. XXI, Nos. 1-9

N. A. Debate dated: 13-09-2004.

Page Nos. 103,128.

14. ADJOURNMENT MOTION: KIDNAPPING OF PARTY LEADERS IN BALOHISTAN: IDENTICAL ADJOURNMENT MOTION ALREADY MOVED IN THE SENATE: RULED OUT OF ORDER.

On the 24th August 2006, Mr. Abdul Rauf Mengal, MNA, moved an adjournment motion regarding kidnapping of some party leaders in Balochistan on the 23rd August 2006 which was opposed by the Minister. It was admitted by the mover that the kidnapped leaders were the brothers of Senators Sanaullah Baloch, who had already moved the adjournment motion on the same issue in the Senate.

Mr. Speaker ruled:

“An identical adjournment motion has already been moved and is under discussion in the Senate. The same cannot be taken up in the Assembly.”

Vol. XXXVII, Nos. 1-10

N. A. Debate, dated: 24-08-2006

Page Nos. 1770-1772

AMENDMENT

- 15. AMENDMENT TO THE BILL: CLAUSE BY CLAUSE DISCUSSION ON A BILL: AMENDMENT SUBMITTED ON THE SAME DAY: TWO CLEAR DAYS NOTICE REQUIRED: MOVING OF AMENDMENT ALLOWED SUBJECT TO THE CONDITION THAT WOULD NOT BE ALLOWED IN FUTURE.**

On 5th November 2010, clause by clause consideration of The Islamabad Capital Territory Bill (The West Pakistan) Regulations and Control to Loud Speaker and Sound Amplifiers (Amendment) Bill 2007 was started. The Chair announced that there was an amendment in clause 2 standing in the names of Mr. Baligh-ur-Rehman, Mr. Zahid Hamid, Mr. Muhammad Pervez Malik, Engineer Khurram Dastagir Khan and Ms. Anusha Rehman Advocate, however, the amendment was submitted in the morning.

Mr. Deputy Speaker ruled:

“According to rules one clear day notice for an amendment in a Bill is required which was not given. However, the member is allowed to move the amendment as a special case. This practice will not be followed in future.”

Vol. XXVI, Nos. 1-5
N. A. Debate, dated: 05-11-2010
Page Nos. 508-514

- 16. AMENDMENT IN THE BILL: TAKING UP AMENDMENT OF THE MINISTER FIRST AND THEN OF THE MEMBER WAS OBJECTED: THE AMENDMENTS GIVEN BY THE MINISTER INCHARGE TO BE TAKEN UP FIRST AND AFTER ITS DISPOSAL, THAT OF THE MEMBER.**

On 15th February 2007, amendments in clause (3) of the Law Reforms Bill, 2005, were under consideration in the House that Syed

Zafar Ali Shah, MNA, pointed out that before taking his amendment in the clause, the amendment given by the Minister on that clause was taken up and adopted by the House. He objected to the procedure adopted and insisted that first his amendment was to be taken up and after disposal thereof, the amendment notice given by the Minister in-charge should have been taken up.

After hearing the Member and the Minister In-charge the Speaker observed:

“When a Minister In-charge and a member, both have given amendments in a particular clause of a Bill, the proper procedure is to take up the amendments given by the Minister first; and after its disposal the amendment given by the member is to be taken up.”

Vol. XXXIX, Nos. 1-8

N. A. Debate, dated: 15-02-2007

Page Nos. 774-775

17. VALIDITY OF THE AMENDMENTS MADE IN THE CONSTITUTION THROUGH LFO: AMENDMENTS ARE VALID AND FORM PART OF CONSTITUTION AS THOSE ARE WITHIN THE PARAMETERS LAID DOWN BY THE SUPREME COURT: POINT OF ORDE RULED OUT.

On 21st November 2002, Mr. Liaqat Baloch, MNA rising on a point of order expressed his concern in respect of the Speaker’s comments regarding the status of Legal Framework Order (LFO). He stated that in a press conference the Speaker termed the LFO a valid law and amendments made through it formed part of the Constitution. In his view, the Speaker’s comments were premature and would affect the supremacy of Parliament and would prejudice the privilege of the House as it was the right of the House to make amendments in the Constitution in accordance with the laid down procedure. Mr. Liaqat Baloch, while elaborating his point of view explained that at the time

of taking oath by the members-elect on the 16th November 2002, many members categorically pointed out that they would take oath only under the Constitution of 1973 and on the assurance of Mr. Illahi Bux Soomro, then Speaker of the Assembly, who was presiding the sitting, that the oath would be under the 1973 Constitution, the members took oath. Mr. Liaqat Baloch emphasized that the Speaker should review his stand on LFO in order to maintain his impartiality. M/s Makhdoom Muhammad Javed Hashmi, Makhdoom Amin Fahim, Mr. Muhammad Ejaz-ul-Haq and Maulana Fazal-ur-Rehman, MNAs also spoke on the issue and supported the views expressed by Mr. Liaqat Baloch.

After hearing the honourable members, ruling was reserved. On Saturday, the 14th June 2003, the Honourable Speaker Ch. Amir Hussain gave the following ruling in the House:

“The Supreme Court *vide* its Judgment in Syed Zafar Ali Shah’s case reported in PLD 2000 at Page No. 869 held that the Chief Executive is entitled to perform all such acts and promulgate all legislative measures as enumerated below namely:-

- (a) All acts and legislative measures, which are in accordance with or could have been made under 1973 Constitution including the power to amend it. The Chief Executive, taking into consideration various compelling facts and after lengthy debates, promulgated LFO. It is significant to note that all the major parties have contested the general election 2002, under the Conduct of General Election Order, 2002, Chief Executive’s Order No. 7 of 2002 and none of them filed a petition before the Supreme Court to assail any provision of the legal Framework Order (LFO). Now after the election, the National and Provincial Assemblies and the Senate have been constituted and they are holding their sessions regularly. Many provisions of the LFO have thus been implemented and acted upon.

I may like to mention here that in almost identical situation, General Muhammad Zia-ul-Haq made amendments in the 1973

Constitution of Pakistan through different Presidential Orders. During the proceedings of the Assembly in 1985, Mr. Mumtaz Ahmed Tarar, the then MNA, raised a question of privilege that amendment made by General Muhammad Zia-ul-Haq in the Constitution outside the Parliament breached the privilege of the House as only the House was competent to make amendments in the Constitution, in accordance with the procedure laid down in the 1973 Constitution. He further stated that in case the amendments were inevitable and were in the national interest, those should have been placed before the Parliament for validation. After hearing the learned member and the Minister for Law, Justice and Parliamentary Affairs, Mr. Iqbal Ahmed Khan (late), Mr. Speaker, Syed Fakhar Imam, ruled the privilege motion out of order, by observing that:

‘They can be amended by this House and this House is competent to take up these amendments afresh and amend them. This House is competent to make law, to re-amend it, if it wants to, or amend any other clause or Article of the Constitution. Therefore, the Privilege Motion is ruled out of order’.

Now, my ruling, which I am giving today, after this background, I, in response to a question, in Press conference stated that the amendments made through LFO are part of the Constitution, by way of the powers given to the Chief Executive of Pakistan to make amendments in the Constitution by the Supreme Court of Pakistan. The learned members have failed to convince me that the amendments made through LFO 2002, were invalid or otherwise in violation of the decision made by the Supreme Court of Pakistan. I, therefore, still hold the same view that the Constitution was rightly amended through the LFO on the basis of the decision of the Supreme Court and the amendments made through it in the Constitution, are valid.

Further, the amendments made in the Constitution through LFO, 2002, remain within the parameters laid down by the Supreme Court and do not violate any of the salient features identified by the

apex court and I hold that LFO is part of the Constitution of the Islamic Republic of Pakistan 1973, and therefore, I rule out the point of order raised on the 21st of November 2002, by the honourable members”.

Vol. VII, Nos. 1-6
N. A. Debate, dated: 14-06-2003
Page Nos. 776-778

18. AMENDMENT: DELETION OF THE WHOLE CLAUSE OF THE BILL SOUGHT: WHOLE CLAUSE NOT TO BE DELETED; ONLY AMENDED, CHAIR OBSERVED.

On 22-08-2017, during clause by clause consideration of the Elections Bill, 2017, Mr. Shafaqat Mahmood, MNA was called upon to move his amendment in clause 10 of the above said Bill. Before moving his amendment he said that his above said amendment seeking deletion of the whole section was not included in the list whereupon Mr. Speaker said that amendment which is negative is rejected according to the rules and observed that a clause can be amended and not deleted.

The 14th Assembly, 5th year and 44th Session
Tuesday, 22-08-2017, page No. of Debate: 32

BILL

19. **BILL: A CLAUSE OF THE LAW REFORMS BILL, 2005 WAS OPPOSED BY A MEMBER: HE INSISTED TO SPEAK AND DEMANDED EXPLANATION OF THE CLAUSE BY THE MINISTER: NOTICE OF AMENDMENT WAS NOT GIVEN BY THE MEMBER: CHAIR HELD THAT A MEMBER WHO HAS GIVEN NOTICE OF THE AMENDMENT HAS THE RIGHT TO SPEAK ON THE AMENDMENT AND DISCUSS THE CLAUSE OF THE BILL:**

On 15th February 2007, the Law Reforms Bill, 2005 was under consideration, Syed Zafar Ali Shah, MNA, opposed a particular clause of the Bill. The clause was put to the vote of the House. Syed Zafar Ali Shah, objected to the procedure adopted. He was of the view that when a particular clause was opposed by a member it was the Minister's duty to explain the spirit of that clause. Mr. Speaker ruled:

“During clause by clause consideration of the Bill, only the question relating to that clause is put to the House even if it is opposed by a member. If there is an amendment to that clause, the member who has given notice of the amendment has the right to speak on the amendment and discuss that clause, if it is opposed by the Minister. No explanation is needed by the Minister when no amendment to that clause has been given. However, if the Minister In- charge of the Bill voluntarily wants to give explanation, he is allowed to do so.”

However, the Minister gave explanation.

Vol. XXXIX, Nos. 1-8

N. A. Debate, dated: 15-02-2007

Page Nos. 787-788

20. BILL: OBJECTION WAS RAISED BY A MEMBER ON THE CONSIDERATION OF BILL BY THE STANDING COMMITTEE AND PRESENTATION OF ITS REPORT IN THE HOUSE WITHOUT INFORMING HER: HELD CONSIDERATION OF BILL BY THE COMMITTEE IS VALID IF QUORUM IS AVAILABLE.

On 5th April 2004, Ms. Mahreen Anwar Raja, MNA raised a point of order regarding the consideration of a Bill by the Standing Committee on Law, Justice and Human Rights and presentation of report thereof without informing her about the Committee meeting.

The Speaker observed:

“Notices to all the Committee members were issued informing them the date and agenda of the meeting. If any member did not attend the meeting or notice was not received by him it has no effect on the report of the Standing Committee. All the members should be informed when a Bill is taken up by the Standing Committee for consideration. However, if a member is not informed due to any reason, and the quorum is complete, the report of the Standing Committee is considered to be valid as per the rules.”

Vol. XIII, Nos. 15-23

N. A. Debate, dated: 05-04-2004

Page Nos. 3101-3102

21. BILL: OBJECTION WAS RAISED TO THE DISTRIBUTION OF COPIES OF PRIVATE MEMBERS' BILL AT THE TIME OF INTRODUCTION INSTEAD AT THE STAGE OF SEEKING LEAVE FOR INTRODUCTION: SUPPLY OF COPIES OF THE BILL ON ITS INTRODUCTION IS IN ACCORDANCE WITH RULES.

On 7th February 2006, during the proceedings of the House, Kunwar Khalid Yunus, MNA sought leave to introduce a Bill further to amend the Offence of Qazf (Enforcement of Hadd) Ordinance, 1979 [The Offence of Qazf (Enforcement of Hadd) (Amendment) Bill, 2005] (Amendment of Section 6). The House granted leave to the member to introduce the aforesaid Bill. Accordingly, the Bill was introduced and referred to the Standing Committee concerned. Thereafter, Mr. Aitzaz

Ahsan, MNA rising on a point of order stated that copies of the Bill were distributed after the introduction of the Bill and not at the stage of seeking leave for introduction. He added that the leave was to be granted to the member by the House and unless the members knew about the details of the Bill how could they form concrete opinion in favour of or against the Bill?

The Speaker referred to sub-rule (2), (3) and (4) of rule 101 of the Rules of Procedure and Conduct of Business in the National Assembly 1992, which says:

'(2) If a motion for leave to introduce a private members' Bill is opposed, the Speaker, after permitting, if he so thinks fit, a brief explanatory statement by the member seeking leave and by the member or the Minister opposing it, may without further debate put the question.'

(3) If leave is granted, the member-in-charge shall move forthwith to introduce the Bill, and on the motion being made the Bill shall stand introduced.

(4) Copy of the Bill shall be supplied to the members on its introduction.'

Thereafter the Speaker ruled as follows:

"It is clear that according to rules copies of the Bill are supplied on the Introduction of the Bill. However, rule 101 (2) empowers the Speaker to have brief explanatory statement by the mover for information of the Members regarding the purpose and principles of the Bill."

Vol. XXXII, Nos. 1-10

N. A. Debate, dated: 07-02-2006

Page Nos. 210-211

22. BILL: PRIVATE MEMBER'S BILL: LEAVE TO INTRODUCE THE BILL SOUGHT: MEMBERS STARTED DISCUSSION ON THE CONTENTS OF THE BILL: HELD DISCUSSION NOT ALLOWED ONLY BRIEF STATEMENT TO BE GIVEN WITH THE PERMISSION OF THE SPEAKER AT THE STAGE OF ASKING LEAVE FOR INTRODUCTION.

On 8th August 2006, Ms. Sherry Rehman, MNA sought leave to introduce "The Prevention of Domestic Violence Bill, 2006. Dr. Sher

Afgan Khan Niazi, Minister for Parliamentary Affairs opposed the Bill. The Speaker called upon Ms. Sherri Rehman to give a brief explanatory statement regarding the Bill. Ms. Sherri Rehman started discussion on the contents of the Bill and its clauses at that stage.

Mr. Speaker observed:

“There is no discussion at the stage of asking leave for introduction of a Bill but only a brief statement, with the permission of the Chair, is to be given. The contents of the Bill shall be discussed during its passage after the presentation of the report of the Standing Committee.”

Vol. XXXVII, Nos. 1-10
N. A. Debate, dated: 08-08-2006
Page Nos. 338-341

23. BILL: PRIVATE MEMBERS' BILL OPPOSED: MINISTER INSISTED TO SPEAK ON THE BILL: CHAIR HELD THAT A MEMBER CAN NOT SPEAK FOR THE GRANT OF LEAVE AS A RIGHT.

On 22nd August 2006, Sahibzada Hajji Muhammad Fazal Karim, MNA sought leave to introduce the Constitution (Amendment) Bill, 2006. Dr. Sher Afgan Khan Niazi, Minister for Parliamentary Affairs, opposed the Bill and wanted to speak on the Bill. Mr. Speaker observed that when leave to introduce a Bill is sought, usually the members are not heard; however, he was allowed to speak on the Bill and it was held that for the grant of leave to introduce a Bill a member cannot speak as a right. The leave was not refused by the House.

Vol. XXXVII, Nos.1-10
N. A. Debate, dated: 22-08-2006
Page Nos. 1512-1515

BOYCOTT

- 24. BOYCOTT: OBJECTION WAS RAISED TO THE CONSIDERATION AND PASSAGE OF A BILL IN THE ABSENCE OF OPPOSITION: AFTER PASSING OF THE BILL LEADER OF THE OPPOSITION CH. NISAR ALI KHAN) RAISED OBJECTION TO THE PASSING OF THE BILL IN ABSENCE OF OPPOSITION ALTHOUGH IT WAS DEFERRED FOR EVOLVING CONSENSUS: MADAM SPEAKER OBSERVED: OPPOSITION AN IMPORTANT PART OF THE HOUSE, HOUSE CANNOT BE PROPERLY RUN WITHOUT OPPOSITION.**

On 7th October 2010, in the absence of the members of the opposition, the Sacked Employees (Re-instatement) Bill, 2010 was passed by the House. Thereafter, the Leader of the Opposition Ch. Nisar Ali Khan came to the House and made a lengthy speech and raised objections to the passing of the aforesaid Bill in their absence which was deferred for evolving consensus between the opposition and the Ruling Party. While winding up his speech, he announced boycott of the proceedings of the House for the whole Session. Syed Khursheed Ahmed Shah, Chief Whip stated that the opposition should have listened to their point of view but they left the House. He added that the Committee had recommended the said Bill unanimously and that they had also remained throughout in consultation with Mr. Zahid Hamid MNA as such there was no justification for the opposition to boycott the Session. Before proceeding further, Madam Speaker requested the members of the treasury benches to approach the opposition members and persuade them to participate in the proceedings.

Madam Speaker also observed as under:

“Opposition is an important part of the House. The proceedings of the House cannot be properly run without them. The House is the only forum where the opposition discusses the matter of public importance and place their point of view and here they agree or disagree.”

Vol. XXV, Nos. 1-5

N. A. Debate, dated: 07-10-2010

Page Nos. 1597-1607

BUSINESS

25. BUSINESS: A MEMBER DISCUSSED THE BUSINESS OF THE ASSEMBLY IN A TELEVISION PROGRAMME: CHAIR OBSERVED THAT BUSINESS COULD NOT BE DISCUSSED IN THE MEDIA UNLESS BROUGHT BEFORE THE HOUSE.

On 7th April 2006, during the proceedings of the House, Dr. Sher Afgan Khan Niazi, Minister for Parliamentary Affairs stated that according to Rules of Procedure and Conduct of Business in the National Assembly, 1992, privilege motion or an adjournment motion or any other business, notice whereof was given by a member were not to be discussed unless the matter was presented to the House. He pointed out that Mr. Aitzaz Ahsan, MNA, had discussed a matter relating to the business of the Assembly in a Television programme. Mr. Speaker ruled:

“Until a business is presented to the House it cannot be discussed in the print and electronic media.”

Vol. XXXIV, Nos. 1-8
N. A. Debate, dated: 07-04-2006
Page Nos. 92-93

26. BUSINESS: REPLY OF QUESTION NOT RECEIVED FROM CHAIRMAN PARC: CHAIR OBSERVED THAT THE BUSINESS OF THE HOUSE BEING IMPORTANT AND WAS GIVEN PRIORITY AND SHOULD BE TAKEN SERIOUSLY.

On the 5th November, 2010, during the question hour, Mr. Liaqat Ali Khan, Parliamentary Secretary for Food and Agriculture informed that reply the of the question was not received from the Chairman PARC due to his pre-occupation and requested for its deferment. Madam Speaker ruled:

“Business of the House is very important and it has priority over all other business. It should be taken very seriously by all concerned.”

Vol. XXVI, Nos. 1-5
N. A. Debate, dated: 05-11-2010
Page No. 454

BUSINESS ADVISORY COMMITTEE

- 27. BUSINESS ADVISORY COMMITTEE DECISION: NON-COMMUNICATION OF THE DECISIONS OF BUSINESS ADVISORY COMMITTEE TO THE PARLIAMENTARY PARTIES: CHAIR DIRECTED CHIEF WHIP TO CONVEY THE DECISIONS OF BUSINESS ADVISORY COMMITTEE TO THE OPPOSITION PARTIES FOR INFORMATION AND COMPLIANCE.**

On 11th May 2010, during the proceedings of the House it was observed that the decisions made by the House Business Advisory Committee were not conveyed to the parliamentary parties.

Mr. Acting Speaker observed:

“The Chief Whip of the ruling party is directed to ensure that in future, the decisions of the House Business Advisory Committee would be properly conveyed to the opposition parties for information and compliance.”

Vol. XXII, Nos. 7-10

N. A. Debate, dated: 11-05-2010

Page No. 709

- 28. BUSINESS ADVISORY COMMITTEE: MEMBER BELIEVED THAT HIS QUESTION OF PRIVILEGE AS DISCUSSED IN THE BUSINESS ADVISORY COMMITTEE WOULD BE TAKEN UP: MATTERS DISCUSSED IN THE BUSINESS ADVISORY COMMITTEE NOT TO BE DISCUSSED IN THE HOUSE.**

On 11th June 1999, after disposal of leave applications, Syed Khursheed Ahmed Shah, MNA pointed out that his privilege motion was discussed in the Business Advisory Committee and he believed that the privilege motion would be taken up that day.

Mr. Speaker observed:

“No such decision/commitment was made in the Committee and secondly whatever was discussed in the Committee could not be discussed in the House.”

Vol. VII, Nos. 1-12

N. A. Debate, dated: 11-06-1999

Page No. 598

29. BUSINESS ADVISORY COMMITTEE: NON-IMPLEMENTATION OF DECISIONS OF THE BUSINESS ADVISORY COMMITTEE: DECISIONS TAKEN IN BUSINESS ADVISORY COMMITTEE TO BE IMPLEMENTED IN LETTER AND SPIRIT.

On 20th December 2010, the Leader of the Opposition, Ch. Nisar Ali Khan pointed out that the ruling party, off and on, bypassed the decisions made by the Business Advisory Committee which were taken in the best interest and for the smooth running of the proceedings of the House. He was of the view that by not abiding by the decisions taken in the Business Advisory Committee, the ruling party was rendering the Business Advisory Committee redundant. Therefore, he insisted upon the implementation of those decisions.

Mr. Deputy Speaker ruled:

“Any decision taken in the Business Advisory Committee or any commitment made by the ruling party in that Committee shall be implemented in letter and spirit. In future, the Speaker office will implement the decisions of the Business Advisory Committee.”

Vol. XXVII, Nos. 1-12

N. A. Debate, dated: 20-12-2010

Page Nos. 103-106

30. BUSINESS: POINT OF ORDER IS ALSO A BUSINESS IF RAISED IN ACCORDANCE WITH RULES AND NOT OTHERWISE.

On 9th March 2006, after the announcement of the Panel of Chairpersons for the session as required by sub-rule (1) of rule 13 of the Rules of Procedure and Conduct of Business in the National Assembly, 1992, the Speaker (Ch. Amir Hussain) invited attention of the members to Rule 31 and asked the members to go through the rule before he gave his ruling as what was the business of the House?

Thereafter, the Speaker ruled:

“The business of the House is classified as:

- i) Government business; and
- ii) Private Members’ business

There are two types of business as mentioned earlier. It starts with the commencement of question hour.

Point of order should be raised it is also a business of the House, however, in accordance with the as rules and not otherwise.”

Vol. XXXIII, Nos. 1-2
N. A. Debate, dated: 09-03-2006
Page No. 37

CALLING ATTENTION NOTICE

- 31. CALLING ATTENTION NOTICE: NON-PAYMENT OF COMPENSATION TO THE RELATIVES OF THE VICTIMS OF RAILWAY ACCIDENT OCCURED AT SOVO DARO RAILWAY CROSSING NEAR JACOBABAD: CHAIR OBSERVED THAT A MEMBER MAY ASK A QUESTION; NOT TO MAKE A STATEMENT.**

On 18th April 2006, during the proceedings of the House, Mir Ijaz Hussain Jhakarani, MNA, invited attention of the Minister for Railways to the non-payment of compensation to the relatives of the victims of Railway accident occurred at Sovo Daro Railway crossing near Jacobabad. After a brief statement made by the Minister for Railways instead of asking a question h/e sought permission of the Speaker to give a brief statement regarding the background of the accident. The Speaker did not allow him to give brief statement and observed as under:

“On a Calling Attention Notice after a brief statement made by a Minister, a member has the right to ask a question, but brief statement by a member is not permissible.”

Vol. XXXIV, Nos. 1-8

N. A. Debate, dated: 18-04-2006

Page Nos. 752-753

- 32. CALLING ATTENTION NOTICE: PROTEST AND SLOGANEERING BY HUJJAJ AGAINST THE GOVERNMENT AT AIRPORT: MATTER REFERRED TO COMMITTEE FOR INVESTIGATION AND REPORT**

On 14th January 2010, attention of the Minister for Religious Affairs was invited to the mal-administration during Hajj. Mr. Nadeem Afzal Gondal, MNA, pointed out that anti-country and anti-

government slogans were chanted at the Airport. He added that it was due to mal-administration and mismanagement of the Ministry of Religious Affairs. The Hujjaj were looted during Hajj. The buildings which were far away from Haram Sharif were hired on the exorbitant rates. Fed up with the corruption of Ministry of Religious Affairs, the Hujjaj when landed in Pakistan protested against the Ministry of Religious Affairs and chanted anti-government slogans. Mr. Deputy Speaker ruled as under:

“No one can chant such slogans against Pakistan. It is a matter of great concern to all of us. So I under rule 199 of the Rules of Procedure refer the Calling Attention Notice to the Standing Committee on Religious Affairs for investigation and report.”

Vol. XVIII, Nos. 1-8
N. A. Debate, dated: 14-01-2010
Page No. 493.

CASTING ASPERSIONS ON THE CHAIR

- 33. CASTING ASPERSIONS ON THE CHAIR: MEMBER CAST ASPERSION ON THE CHAIR: CHAIR OBSERVED THAT IT IS THE PREROGATIVE OF THE CHAIR TO GIVE FLOOR TO ANY MEMBER: MEMBERS SHOULD AVOID CASTING ASPERSIONS ON THE CHAIR.**

On 17th March 2010, during the proceedings of the House Shaikh Salahuddin, MNA, when given the floor, started casting aspersions on the Chair whereupon the Chairperson ruled as under:

“It is the prerogative of the Chair to give floor to any member. However, in exercise of this discretion, the Chair acts judiciously. The member should not make un-called for remarks against the Chair but avoid casting aspersion on the Chair.”

Vol. XX, Nos. 1-7

N. A. Debate, dated: 17-03-2010

Page No. 374.

CHAIR

- 34. CHAIR: OBJECTION WAS RAISED TO THE APPOINTMENT/NOMINATION OF LEADER OF OPPOSITION: RULINGS/DECISIONS OF THE CHAIR COULD NOT BE DISCUSSED/QUESTIONED INSIDE OR OUTSIDE THE HOUSE: ANY CRITICISM AMOUNTS TO CONTEMPT OF THE HOUSE.**

On 31st May 2004, Raja Pervaiz Ashraf, MNA rising on a point of order objected to the appointment/nomination of the Leader of Opposition. He stated that the office of the Leader of the Opposition remained vacant for about eighteen months and therefore Moulana Moulana Fazal-ur-Rehman was declared as Leader of the Opposition. He further stated that Makhdoom Amin Fahim of Pakistan Peoples' Party had commanded the majority of the opposition members with the strength of 80 members, whereas, Moulana Fazul-ur-Rehman, had 67 members in his favour. Hence declaration of Moulana Fazul-ur-Rehman as the Leader of the Opposition was illegal and it was in violation of rules. Eight other members from the opposition side also spoke on the issue giving similar arguments. The Minister of State for Parliamentary Affairs submitted that the points raised were not points of order. He referred to sub rule (1) of Rule 2 of the Rules of Procedure and Conduct of Business in the National Assembly, 1992 which defines the Leader of Opposition. It says, "Leader of Opposition means a member who in the opinion of the Speaker is for the time being leader of the majority of the members in the opposition". The Minister said, "As the Speaker has given his ruling on the matter, therefore, it cannot be discussed or challenged."

After hearing both sides the Chair observed:

"The rulings, decisions of the Speaker once announced could not be discussed or questioned inside or outside the House. The Speaker's decision, ruling is binding. Members cannot criticize the same outside or inside the House. Any member

who objects to it or criticizes it, commits contempt of the House and the Speaker can take action if he so wishes.”

Vol. XIV, Nos. 1-8

N. A. Debate, dated: 31-05-2004

Page Nos. 124,128-130,171,175

35. CHAIR: CHAIRMAN DID NOT ALLOW THE MEMBER TO SPEAK ON AN AMENDMENT: MEMBER REQUESTED THE SPEAKER TO REVERSE THE DECISION OF CHAIRMAN: DECISION NOT TO BE REVERSED:

On 8th February 2007, Mr. M. P. Bhandara in the Chair did not allow Syed Zafar Ali Shah, MNA to continue his discussion on the amendments in Pakistan Electronic Media Regulatory Authority (Amendment), Bill, 2005. In the meanwhile, Mr. Speaker occupied the Chair. Some members agitated against the attitude of the Chairman and requested the Speaker to reverse the decision given by the Chairman.

Mr. Speaker ruled:

“It is inappropriate to reverse the decision of the Chairman at this stage. It would not be in good taste.”

Vol. XXXIX, Nos.1-8

N. A. Debate, dated: 08-02-2007

Page Nos. 256-257

36. CHAIR: MEMBERS INSISTED TO ON SPEAK THE POINT AFTER RULING GIVEN BY THE SPEAKER: HELD NO DEBATE PERMISSIBLE ON THE RULING OF THE CHAIR ONCE GIVEN.

On Friday, the 28th February 2003, during the question hour, Syed Naveed Qamar, MNA, asked a supplementary Question relating

to the Minister In-Charge of the Prime Minister Secretariat. The Minister for Manpower and Overseas Pakistanis, Mr. Abdul Sattar Lalika requested the Speaker to defer the question so that the concerned Minister could be present in the House to answer the supplementary question. After discussion, the Speaker accepted the request of the Minister for Manpower and Overseas Pakistanis and deferred the question for half an hour and proceeded to take up the next question. Some members agitated the matter and pointed out that it was the responsibility of the Minister to be present in the House and answer the supplementary questions raised by the members. The members could not wait for the Minister. The Speaker proceeded further and observed that once the ruling is given, no further debate thereon is permissible.”

Vol. IV, Nos. 1-7

N. A. Debate, dated: 28-02-2003

Page No. 187

CIRCULATION OF DOCUMENTS IN THE HOUSE

37. CIRCULATION OF DOCUMENTS IN THE HOUSE: CIRCULATION OF DOCUMENTS BY A MEMBER WITHOUT PERMISSION OF THE SPEAKER, HELD NOT PERMISSIBLE:

On the 15th of November 2006, Dr. Sher Afgan Khan Niazi, Minister for Parliamentary Affairs, drew attention of the Chair towards the circulation of private documents by Mr. Muhammad Malik, MNA. Mr. Speaker stopped the circulation of the documents and ruled as under:

“No document of any kind can be circulated in the House by any person without the permission of the Speaker. Circulation or distribution of any document without such permission is the violation of rules and it must be avoided.”

Vol. XXXVIII, Nos. 1-4
N. A. Debate, dated: 15-11-2006
Page No. 373

COMMITTEES

38. COMMITTEE: CONSTITUTION OF ETHICS COMMITTEE SUGGESTED BY A MEMBER: HELD RULES DO NOT ALLOW CONSTITUTING ETHICS COMMITTEE: AMENDMENTS IN THE RULES REQUIRED.

On 29th December 2010, during the proceedings of the House, Mian Riaz Hussain Pirzada, MNA, drew attention of the Chair towards the incorrect replies often given by the Minister on the floor of the House. He added that many Ministers had tendered their resignations but they were still working in their respective Ministries. He suggested that Ethics Committee should be constituted so that the Ministers could be re-seated. The Prime Minister of Pakistan responded to the point raised by the member. He admitted that some of the Ministers had tendered their resignations and said that as and when all their resignations were received in his office, it would be forwarded to the President; until their resignations are accepted by the Prime Minister, they are still Ministers. As regards formation of the Ethics Committee, the Prime Minister agreed to the proposal and extended his full support to it. Madam Speaker ruled:

“Committees are constituted under the rules. The Rules of Procedure and Conduct of Business in the National Assembly 2007, does not allow constituting the Ethics Committee. To constitute the Ethics Committee, rules are to be amended.

Vol. XXVII, Nos. 1-2

N. A. Debate, dated: 29-12-2010

Page Nos. 969-698

39. COMMITTEES: A POINT WAS RAISED THAT COMMITTEES HAD NO POWER TO COMPEL GOVERNMENT OFFICIAL TO ATTEND THE COMMITTEE MEETING: COMMITTEES HAVE THE POWERS VESTED IN A CIVIL COURT UNDER THE CODE OF CIVIL PROCEDURE 1908 (ACT V OF 1908) FOR ENFORCING THE ATTENDANCE OF ANY PERSON AND COMPELLING THE PRODUCTION OF DOCUMENTS.

On 18th June, 2010, during discussion on the Budget, Dr.

Araish Kumar, MNA pointed out that the Committees were powerless. He stated that as a Convener of a Sub-Committee he could not compel a government official to attend the committee meeting. Mr. Deputy Speaker observed:

“The Committee has very vast powers under sub-rule (4) of Rule 227 of the Rules of Procedure and Conduct of Business in the National Assembly, 2007. This provision confers upon the Committee, the powers vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908) for enforcing the attendance of any person and compelling the production of documents. The Committee may exercise such powers.”

Vol. XXIII, Nos. 1-21

N. A. Debate, dated: 18-06-2010

Page No. 1144

40. COMMITTEE MEETING: A MEMBER RAISED OBJECTION FOR NOT CALLING MEETING OF STANDING COMMITTEE: THE MATTER COULD NOT BE DISCUSSED IN THE HOUSE: MEMBER WAS ADVISED TO TAKE UP THE MATTER IN ACCORDANCE WITH THE RULES.

On 6th February 2006, Mr. Muhammad Pervaiz Malik, MNA, raised the matter of not calling meeting of the Standing Committee on Textile for the last three and a half years. He stated that several issues/matters of public importance were pending and could not be discussed due to not calling the meeting of the Standing Committee.

Mr. Speaker ruled:

“This matter cannot be raised on the floor of the House. The member may take it up in accordance with rules. However, the member may discuss the matter in my Chamber for its resolution.”

Vol. XXXII, Nos.1-10

N. A. Debate, dated: 06-02-2006

Page Nos. 117-118

CONSTITUTION

41. **CONSTITUTION: ISSUING FATWAS BY THE PEOPLE OUTSIDE THE PARLIAMENT TERMING THE CONSTITUTION AND THE INSTITUTIONS ESTABLISHED THERE-UNDER UNISLAMIC OR DECLARING ANY PERSON TO BE NON-MUSLIM: MR. SPEAKER OBSERVED THAT THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN AND THE INSTITUTIONS ESTABLISHED THEREUNDER ARE CONSTITUTIONAL AND LEGAL:**

On 23rd April 2009, during discussion on the Motion of Thanks, Syed Haider Abbas Rizvi, MNA, in his speech pointed out that some of the people sitting outside the Parliament were issuing Fatwas regarding the Constitution and the institutions established there-under. He added that they were publicly stating that the Constitution of the Islamic Republic of Pakistan, the Parliament of Pakistan, the Judiciary of Pakistan and many other institutions were un-Islamic. He further stated that those persons under the garb of religion had declared other Muslims to be "Kafir". He was of the view that members of the National Assembly were the real representatives of the people and only they had the right to speak on behalf of the people. The miscreant had no right to issue such Fatwas or declare any person non-Muslim. He sought ruling from the Chair on the issue. Mr. Speaker observed:

"By the grace of Almighty Allah we are all Muslims. A Muslim cannot become a non-Muslim by calling by someone as such. The Constitution of the Islamic Republic of Pakistan and institutions established there-under are all constitutional and legal."

Vol. XII, Nos. 7-13

N. A. Debate, dated: 23-04-2009

Page Nos. 1289-1309

COMMUNICATION OF SENATE

42. **COMMUNICATION FROM SENATE: OBJECTION WAS RAISED TO THE READING OUT COMMUNICATION OF LEADER OF THE HOUSE IN THE SENATE BY MINISTER FOR PARLIAMENTARY AFFAIRS IN THE HOUSE WITH THE PERMISSION OF SPEAKER: OBJECTION OVERRULED, THE MINISTER WAS ALLOWED.**

On the 12th August 2006, Dr. Sher Afgan Khan Niazi, Minister for Parliamentary Affairs with the permission of the Speaker read out a communication of Mr. Wasim Sajjad, Leader of the House in the Senate, in clarification of the statement made by Mr. Aitzaz Ahsan, MNA, in the Assembly regarding appointments made by him (Mr. Wasim Sajjad) in violation of rules when he was Chairman of the Senate. Mr. Wasim Sajjad, in the communication, stated that during his tenure as Chairman of the Senate no appointments were made by him in violation of the recruitment rules. The opposition members objected to the reading out of the statement in the House. It was also objected that the Rules of Procedure do not allow such communication by a member of the Senate to be read out in the Assembly. The Speaker referred to rule 287 of the Rules of Procedure and Conduct of Business in the National Assembly 1992, which reads as under:

'287. **Statement made by a Minister.-** A statement may be made by a Minister on a matter of public importance with consent of the Speaker but no question shall be asked nor discussion can take place thereon at the time the statement is made.' Thereafter the Speaker ruled as under:

"The member casts reflection on the conduct of a member of another House, if he was in the Chair and the member would have not been allowed it. However, in exercise of inherent power under rule 230, I allowed the Minister to read out the communication for clarification."

Vol. XXXVII, Nos. 1-10
N. A. Debate, dated: 12-08-2006
Page Nos. 845-851

CONDUCT

43. **CONDUCT: RUNNING COMMENTARY BY A MEMBER DURING THE SPEECH OF MINISTER OF INTERIOR: MEMBER OR MINISTER WHEN GIVEN FLOOR NOT TO BE INTERRUPTED BY ANY MEMBER; BY DISORDERLY EXPRESSION OR NOISES OR ANY OTHER DISORDERLY MANNER.**

On 11th March 2006, Maulana Syed Nek Zaman, MNA, rising on a point of order stated that during the recent bombardment in South Waziristan about 20-30 persons including women and children were killed. He added that the people of FATA were patriotic Pakistanis but he did not know why they were being attacked and killed. He asked the Minister for Interior to explain the position of the government and also to satisfy him and the people of South Waziristan about their concerns. The Minister for Interior clarified the position of the government. Thereafter, the Leader of the Opposition, Maulana Fazal-ur-Rehman further elaborated the issue and while the Interior Minister was responding, the members stood up and started running comments and made noises.

Mr. Speaker directed the members to take their seats and ruled as follows:

“When a member or a Minister is given Floor and he is speaking he shall not be interrupted by any member by disorderly expression or noises or any other disorderly manner.”

Vol. XXXIII Nos. 1-2

N. A. Debate, dated: 11-03-2006

Page Nos. 99-113

44. CONDUCT: MAKING NOISES, CROSS-TALK AND RUNNING COMMENTARIES DURING THE SPEECH OF MINISTER FOR PARLIAMENTARY AFFAIRS: CHAIR OBSERVED THAT MEMBERS WERE NOT ALLOWED TO INTERRUPT THE SPEECH OF MEMBER.

On 7th April 2006, when Dr. Sher Afgan Khan Niazi, Minister for Parliamentary Affairs was explaining the position of the government on the letter issued by the Cabinet Division, some members interrupted his speech by making noises, cross talk and running commentaries.

Mr. Speaker ruled as under:

“It is not permissible for other members to stand up and interrupt the speech of Minister by making noises, cross talk and running commentaries.”

Vol. XXXIV, Nos. 1-8

N. A. Debate, dated: 07-04-2006

Page No. 90

45. CONDUCT: DISCUSSION ON THE JUDGMENT OF THE SUPREME COURT BY A MEMBER DURING HIS SPEECH: CHAIR INTERRUPTED THE MEMBER AND OBSERVED THAT DISCUSSION ON THE JUDGMENT OF THE COURT SHOULD BE AVOIDED.

On 12th August 2006, while the House was considering the motion under rule 241 of the Rules of Procedure and Conduct of Business in the National Assembly 1992, regarding Privatization policy of the government, Hafiz Hussain Ahmad, MNA, started discussion on the judgment of the Supreme Court on the subject.

Mr. Speaker interrupted the member and observed:

“The Supreme Court announced judgment on the subject. Propriety demands that we should avoid discussion on the judgment of the Supreme Court as it may expose the members for contempt of court.”

Vol. XXXVII, Nos.1-10

N. A. Debate, dated: 12-08-2006

Page Nos. 851-853

46. CONDUCT: A MEMBER INTERRUPTED MINISTER FOR RELIGIOUS AFFAIRS WHEN HE WAS ON POINT OF PERSONAL EXPLANATION: CHAIR DIRECTED HIM TO SEE HIM IN HIS CHAMBER WHO REFUSED. IT IS AGAINST DECORUM CHAIR OBSERVED

On 12th September 2006, Mr. Ejaz-ul-Haq, Minister for Religious Affairs was on a point of personal explanation, Mr. Amjad Ali Warraich, MNA, interrupted him repeatedly. Mr. Speaker advised him not to interrupt the Minister and directed him to see him in his Chamber to resolve the issue. Mr. Amjad Ali Warraich refused to see the Speaker's in his Chamber in that regard whereupon Mr. Speaker observed as follows:

“The refusal of a member to comply with the request/direction of the Speaker to see him in his Chamber is against the decorum and established parliamentary practices and norms. It should be avoided.”

Vol. XXXVII, Nos. 21-32

N. A. Debate, dated: 12-09-2006

Page Nos. 2992-2994

47. CONDUCT: CROSS-TALK DURING THE SPEECHES OF MEMBERS ON PRICE-HIKE IN THE COUNTRY BY THE MEMBERS: CHAIR OBSERVED THAT CROSS TALK DURING DISCUSSION TO BE AVOIDED.

On 10th June 2008, during discussion on price-hike in the country it was observed that some members were indulged in cross-talk and they were not listening to the speeches. Mr. Deputy Speaker observed as follows:

“The members should observe the rules. Cross-talk by members while sitting in the House and by the member who is making speech, is violation of rules and it be avoided.”

Vol. V, Nos. 1-8

N. A. Debate, dated: 10-06-2008

Page No. 795

48. CONDUCT: READING WRITTEN SPEECHES BY THE MEMBERS ON THE FLOOR OF THE HOUSE WITHOUT PRIOR PERMISSION OF SPEAKER: NOT ALLOWED EXCEPT WITH PRIOR PERMISSION OF SPEAKER.

On 15th June 2008, it was observed that some members were reading their speeches on the floor of the House whereupon Madam Speaker observed as under:

“It is often found that some members read their written speeches. Sub-rule (2) of rule 31 of the Rules of Procedure and Conduct of Business in the National Assembly 2007, says as follows:

‘Except with the permission of the Speaker, a member may not read his speech but may refresh his memory by reference to his notes.’

Therefore, the members are not allowed to read written speeches. However, with prior permission of Speaker, members may refresh their memory by reference to their notes.”

Vol. V, Nos. 9-14
N. A. Debate, dated: 15-06-2008
Page No. 1247

49. CONDUCT: READING WRITTEN SPEECHES BY THE MEMBERS ON THE FLOOR OF THE HOUSE WITHOUT PRIOR PERMISSION OF SPEAKER: NOT ALLOWED WITHOUT PRIOR PERMISSION OF THE SPEAKER.

On 17th June 2008, it was observed that some members were reading their speeches on the floor of the House. Madam Speaker observed as follows:

“It has frequently been noticed that some members read their written speeches. Sub-rule (2) of rule 31 of the Rules of Procedure and Conduct of Business in the National Assembly 2007, says;

‘Except with the permission of the Speaker, a member may not read his speech but may refresh his memory by reference to his notes’

Therefore, the members are not allowed to read their speeches. However, with prior permission of the Speaker, the members may refresh their memory by reference to their notes, which they have already taken.”

Vol. V, Nos. 9-14
N. A. Debate, dated: 17-06-2008
Page No. 1568

50. CONDUCT: CONDUCT OF A MEMBER WHILE SPEAKING: TO ADDRESS THE CHAIR, LOOKING HERE AND THERE TO BE AVOIDED.

On 21st June 2009, during discussion on Demands for Grants it was observed that some of the members while speaking did not address the Chair rather they looked around by turning their faces whereupon Madam Speaker referred to rule 30(d) of the Rules of Procedure and Conduct of Business in the National Assembly, 2007, and observed that while the Assembly was sitting a member should always address the Chair' and ruled as follows:

“The members are duty-bound to address the Chair. Turning faces towards other members or looking hither and thither should be avoided.”

Vol. VI, Nos. 15-19
N. A. Debate, dated: 21-06-2008
Page No. 2622

51. CONDUCT: ADDRESSING THE PRIME MINISTER INSTEAD OF THE CHAIR BY A MEMBER : MEMBERS DIRECTED TO ADDRESS THE CHAIR WHILE SPEAKING IN THE HOUSE.

On 12th August 2008, during the proceedings of the House Ms. Marvi Memon, MNA while explaining the Constitution (Amendment) Bill, 2008 was addressing the Prime Minister instead of the Chair. Mr. Deputy Speaker observed:

“It is for the information of Ms. Marvi Memon and all other members that they should always address the Chair.”

Vol. VI, Nos. 1-6
N. A. Debate, dated: 12-08-2008
Page No. 184

- 52. CONDUCT: MEMBERS HOLDING APPLICATIONS IN THEIR HANDS WERE STANDING AROUND THE SEAT OF THE PRIME MINISTER OF PAKISTAN DURING PROCEEDINGS OF THE HOUSE: MADAM SPEAKER RULED THAT CROWDING AROUND THE PRIME MINISTER IN THE HOUSE AGAINST THE DIGNITY OF THE HOUSE AND CAUSED OBSTRUCTION IN THE PROCEEDINGS: MEMBERS WERE ADVISED TO AVOID IT.**

On 21st August 2008, during the proceedings, it was observed by the Chair that there was a crowd of MNAs holding applications in their hands around the seat of the Prime Minister of Pakistan in the House. Madam Speaker ruled as follows:

“I often find that whenever the Prime Minister occupies his seat, a big crowd of MNAs holding applications in their hands, gather around the Prime Minister. Such crowding is not only against the dignity of the House but also causes obstruction in the proceedings. It is advised that the members should place their applications on the desk of the Prime Minister and avoid crowding around the Prime Minister.”

Vol. VI, Nos. 7-12

N. A. Debate, dated: 21-08-2008

Page No. 1031

- 53. CONDUCT: USE OF MOBILE PHONES BY THE MEMBERS DURING THE PROCEEDINGS OF THE HOUSE: USE OF MOBILE/CELL PHONE NOT ALLOWED IN THE HOUSE: MEMBERS ADVISED TO SWITCH OFF THEIR PHONES WHILE SITTING IN THE HOUSE.**

On 21st November 2008, it was observed that some of the members were using mobile phones in the House which caused interference as well as disturbance in the proceedings of the House. Mr. Deputy Speaker ruled as follows:

“The use of mobile phone in the House is prohibited under the rules. Members should switch off their phones while sitting in the House.”

Vol. VIII, Nos. 1-10

N. A. Debate, dated: 21-11-2008

Page No. 1168

54. CONDUCT: INTERFERENCE BY A MEMBER DURING THE SPEECH OF THE MINISTER FOR EDUCATION: MEMBERS SHOULD NOT DISTURB THE MINISTER WHILE SPEAKING IN THE HOUSE.

On 23rd December 2008, Mir Hazar Khan Bijarani, Minister for Education was speaking, when Ch. Abid Sher Ali, MNA, started making speech without the permission of the Speaker and thus caused interruption and interfered in the speech of the Minister. Madam Speaker observed as follows:

“Mr. Abid Sher Ali, keep your seat. I will not allow you to raise point of order as I have already given you time. When an important issue is under discussion and Minister is speaking, the member should not disturb his speech by raising a new issue to the subject under discussion.”

Vol. IX, Nos. 1-8

N. A. Debate, dated: 23-12-2008

Page Nos. 679-682

55. CONDUCT: CONVERSATION WITH THE GUESTS IN THE GALLERY BY THE MEMBERS: MEMBERS NOT TO ENGAGE THEMSELVES WITH THE VISITORS IN THE GALLERY.

On 23rd December 2008, during the proceedings of the House, Mr. Deputy Speaker observed that some members were talking with

the guests sitting in the galleries. The Deputy Speaker observed as follows:

“Members should not engage themselves with the guests sitting in the galleries. It is the violation of rules.”

Vol. IX, Nos. 1-8
N. A. Debate, dated: 23-12-2008
Page No. 700

56. CONDUCT: RUNNING COMMENTARIES MADE BY THE MEMBERS OF THE TREASURY BENCHES WHEN THE LEADER OF THE OPPOSITION WAS ON HIS LEGS: MEMBERS WERE ADVISED TO LISTEN TO HIM CALMLY AND SILENTLY: CROSS-TALK/INTERFERENCE DURING HIS SPEECH NOT ALLOWED.

On 12th January 2009, when the Leader of the Opposition, Ch. Nisar Ali Khan was on his legs, he was interrupted time and again by the members sitting on the treasury benches by disorderly expressions, noises and running commentaries. Mr. Deputy Speaker observed as follows:

“The office of the Leader of the Opposition is of high dignity. When the floor is with the Leader of Opposition, members are required to listen to him calmly and silently. No interference or cross-talk during his speech is allowed...”

Vol. X, Nos. 1-8
N. A. Debate, dated: 12-01-2009
Page Nos. 73-76

57. CONDUCT: INTERRUPTION IN THE SPEECH OF MS. KHUSH-BAKHT SHUJAAT MNA BY A MEMBER:CHANTING SLOGANS BY MEMBERS IN THE HOUSE NOT ALLOWED, CHAIR OBSERVED.

On 12th January 2009, during the proceedings of the House while Ms. Khush Bakht Shujaat, MNA was speaking, Mr. Jamshed Ahmed Dasti, MNA, rose up in his seat and started interrupting her

speech. The Deputy Speaker requested him to take his seat and listen to the speech of the member. Mr. Jamshed Ahmed Dasti, thereafter, started chanting slogans in the House. Mr. Deputy Speaker ruled as follows:

“Chanting slogans by a member in the House is not allowed. It is the violation of rules.”

Vol. X, No. 1-8

N. A. Debate, dated: 12-01-2009

Page No. 82

58. CONDUCT: HOLDING APPLICATIONS BY THE MEMBERS IN THEIR HANDS AROUND THE SEAT OF THE PRIME MINISTER OF PAKISTAN DURING THE PROCEEDINGS OF THE HOUSE: CROWD OF MEMBERS AROUND THE PRIME MINISTER’S SEAT IN THE HOUSE: CHAIR OBSERVED IT IS AGAINST THE RULES: MEMBERS ADVISED TO AVOID IT.

On 13th January 2009, Mr. Asif Hasnain, MNA, was on a point of order that a large number of MNAs holding applications in their hands gathered around the seat of the Prime Minister in the House. The gathering was not only causing obstruction in the proceedings of the House but it was also against the good conduct of the members who were required to keep silent and maintain decorum of the House. The Deputy Speaker ruled as follows:

“Standing around the seat of the Prime Minister in a group by the members holding applications in their hands, is the violation of rules. Members should avoid making such crowd. They are advised to place their applications quietly on the table of the Prime Minister and move to their respective seats.”

Vol. X, Nos. 1-8

N. A. Debate, dated: 13-01-2009

Page No. 144

59. CONDUCT: OCCUPATION OF SEAT BY MEMBERS IN THE GALLERY WITH THE VISITORS DURING THE PROCEEDINGS OF THE HOUSE: VIOLATION OF RULES, CHAIR OBSERVED.

On 14th January 2009, during the proceedings of the House, Pir Haider Ali Shah, MNA, was sitting in the gallery along with the visitors. Mr. Deputy Speaker observed:

“The galleries are meant for visitors and not for the members. They should avoid sitting in the galleries as it is the violation of rules.”

Vol. X, Nos. 1-8

N. A. Debate, dated: 14-01-2009

Page No. 308

60. CONDUCT: READING WRITTEN SPEECH BY A MEMBER DURING DISCUSSION ON PRESIDENT’S ADDRESS TO BOTH THE HOUSES ASSEMBLED TOGETHER: READING SPEECH WITHOUT THE PERMISSION OF THE CHAIR NOT ALLOWED.

On 21st January 2009, during the discussion on President’s Address to both the Houses assembled together, Ms. Fouzia Ejaz Khan, MNA, was making her speech by reading from a written speech. Madam Speaker drew her attention to sub-rule (1) & (2) of rule 31 of the Rules of Procedure and Conduct of Business in the National Assembly, 2007, which states as under:

- ‘31. (1) the subject matter of every speech shall be relevant to the matter before the Assembly.
- (2) Except with the permission of the Speaker, a member may not read his speech but may refresh his memory by reference to his notes.’

Thereafter, Madam Speaker ruled:

“In future the member who want to read written speech should first obtain the permission of the Speaker.”

Vol. X, Nos. 1-8

N. A. Debate, dated: 21-01-2009

Page No. 946

61. CONDUCT: A MEMBER INVITED ATTENTION OF THE PRIME MINISTER INSTEAD OF THE CHAIR: MEMBER TO ADDRESS THE CHAIR WHILE SPAKING IN THE HOUSE,CHAIR OBSERVED.

On 3rd March 2009, Ms. Marvi Memon, MNA, when she was on her legs, invited the attention of the Prime Minister towards a letter which was allegedly written by her to the Prime Minister. Mr. Deputy Speaker ruled:

“A member while speaking shall address to the Chair only and none-else.”

Vol. XI, Nos. 1-8

N. A. Debate, dated: 03-03-2009

Page No. 119

62. CONDUCT: OCCUPATION OF SEAT BY A MEMBER IN THE GALLERY WITH THE VISITORS DURING THE PROCEEDINGS OF THE HOUSE: MEMBERS NOT ALLOWED OCCUPYING SEAT IN THE GALLERIES.

On 16th April 2009 Mr. Mahmood Hayat Khan, MNA, was sitting in the gallery and having conversation with the visitors.

Mr. Deputy Speaker ruled:

“Members are not allowed to sit in the galleries. It is violation of rules.”

Vol. XII, Nos. 1-6

N. A. Debate, dated: 16-04-2009

Page No. 663

63. CONDUCT: MEMBERS ENGAGED IN CONVERSATION WITH THE VISITORS IN GALLERIES : MEMBERS NOT ALLOWED TO ENGAGE THEMSELVES IN CONVERSATION WITH THE VISITORS IN THE GALLERIES, CHAIR OBSERVED.

On 21st April 2009, some MNAs while in the House were having conversation with the visitors sitting in the gallery.

Mr. Acting Speaker ruled:

“Members are not allowed to engage themselves with the visitors/guests sitting in the galleries.”

Vol. XII, Nos. 7-13

N. A. Debate, dated: 21-04-2009

Page Nos. 1053-1054

64. CONDUCT: MEMBERS ENGAGED IN CONVERSATION WITH THE VISITORS SITTING IN THE GALLERIES DURING QUESTION HOUR: MEMBERS NOT TO ENGAGE THEMSELVES IN CONVERSATION WITH THE VISITORS SITTING IN THE GALLERIES:.

On 12th June 2009, during the Question Hour some of the members were engaged in conversation with the visitors/guests sitting in the galleries. Madam Speaker observed:

“Members while present in the House cannot talk or engage themselves in conversation with the visitors/guests sitting in

the galleries. It is violation of the rules. In future, it should be avoided.”

Vol. XIV, Nos.1-5

N. A. Debate, dated: 12-06-2009

Page No. 48

65. CONDUCT: PASSING OF MEMBERS BETWEEN THE CHAIR AND THE MEMBER MAKING SPEECH ON THE FLOOR OF THE HOUSE: MEMBERS ADVISED NOT TO PASS BETWEEN THE CHAIR AND A MEMBER WHO IS SPEAKING.

On 12th June 2009, during the proceedings of the House, some of the members passed between the Chair and the member who was speaking on the floor of the House.

Madam Speaker ruled:

“Any member while walking in the House for some reason should not pass between the Chair and the member who is speaking on the floor of the House.”

Vol. XIV, Nos. 1-5

N. A. Debate, dated: 12-06-2009

Page No. 90

66. CONDUCT: TURNING BACK BY MEMBERS TOWARDS THE CHAIR WHILE STANDING/SITTING IN THE HOUSE: AGAINST DECORUM OF THE HOUSE AND IN VIOLATION OF RULES.

On 17th June, 2009, during general discussion on the Budget for the year 2009-10 some members especially in the front two rows had turned their backs towards the chair while standing in the House. Madam Speaker observed:

“The members while speaking or standing in the House should not turn their backs towards the Chair as it is against decorum of the House and is also violation of rules.”

Vol. XIV, Nos.1-5

N. A. Debate, dated: 17-06-2009

Page No. 324

67. CONDUCT: READING WRITTEN SPEECH BY MEMBERS DURING DISCUSSION ON BUDGET 2009-10: READING SPEECH BY A MEMBER NOT ALLOWED: MEMBER HAS TO SEEK PRIOR PERMISSION OF THE SPEAKER.

On 20th June 2009, during discussion on Budget 2009-2010, Mrs. Shaheen Ashfaq, MNA was reading her speech. Mr. Deputy Speaker drew attention of the members to sub-rule (2) of rule 31 of the Rules of Procedure and Conduct of Business in the National Assembly, 2007 which states as under:

‘31 (2) Except with the permission of the Speaker, a member may not read his speech but may refresh his memory by reference to his notes.’

and thereafter ruled as follows:

“The members should not read their speeches except with the prior permission of the Speaker. This time, I allow you to make written speech. In future, you should first seek permission of the Speaker.”

Vol. XIV, Nos. 6-9

N. A. Debate, dated: 20-06-2009

Page Nos. 1010-1011

68. CONDUCT: READING WRITTEN SPEECH BY A MEMBER WITHOUT PRIOR APPROVAL: MEMBER NOT ALLOWED.

On 22nd June 2009, Ms. Farkhanda Amjad, MNA, was reading her speech.

Mr. Deputy Speaker observed as follows:

“I have already pointed out that a member cannot read his speech. However, if you read your speech, you should first seek the permission of the Speaker.”

Vol. XIV, Nos. 6-9

N. A. Debate, dated: 22-06-2009

Page No. 1136

69. CONDUCT: TAKING SNAPSHOT WITH CELLPHONE BY A MEMBER IN THE HOUSE DURING DISCUSSION ON THE CUT MOTIONS:NOT ALLOWED: MEMBER ADVISED TO AVOID IT.

On 23rd June 2009, during discussion on the Cut motions Ms. Kashmala Tariq, MNA, while sitting in the House took snapshot with her cell phone. Mr. Deputy Speaker observed:

“Taking snapshots by a member with her/his Cell phone while sitting in the House, is not allowed. It is violation of the rules. It should be avoided.”

Vol. XIV, Nos. 6-9

N. A. Debate, dated: 23-06-2009

Page No. 1414

70. CONDUCT: MEMBERS ENGAGED IN CONVERSATION WITH VISITORS IN THE GALLERIES OF THE HOUSE : MEMBERS NOT TO ENGAGE THEMSELVES IN CONVERSATION WITH THE VISITORS IN THE GALLERY,CHAIR OBSERVED

On 25th June 2009, during the proceedings of the House, some of the members were engaged in conversation with the visitors sitting in the galleries of the House. Mr. Deputy Speaker ruled:

“Members should not engage themselves in conversation with the visitors sitting in the galleries. It is violation of the rules.”

Vol. XIV, Nos. 10-14
N. A. Debate, dated: 25-06-2009
Page No. 1757

71. CONDUCT: TURNING BACK BY A MEMBER TOWARDS THE CHAIR WHILE STANDING IN THE HOUSE DURING DISCUSSION ON ADJOURNMENT MOTION: CHAIR OBSERVED THAT TURNING BACK TOWARDS THE CHAIR BY THE MEMBERS DURING THE PROCEEDINGS OF THE HOUSE IS AGAINST THE DECORUM OF THE HOUSE: MEMBERS ADVISED TO AVOID IT.

On 30th June 2009, during discussion on an adjournment motion regarding the power crisis in the country, Mr. Samsam Bukhari, MNA, was standing in front of a Minister, sitting in the first row, with his back towards the Chair.

Mr. Deputy Speaker observed:

“The member is advised to have a seat along with the Minister. A member while present in the Chamber cannot turn his back towards the Chair. It is against the decorum of the House. In future, it should be avoided.”

Vol. XIV, Nos. 10-14
N. A. Debate, dated: 30-06-2009
Page No. 2115

72. CONDUCT: A MEMBER ADDRESSED THE CHAIR WHILE ROAMING THE HOUSE DURING DISCUSSION ON THE PREVENTION OF DOMESTIC VIOLENCE BILL 2008: CHAIR OBSERVED THAT IT IS NOT THE WAY TO ADDRESS THE CHAIR.

On 4th August 2009, during clause by clause consideration of the Prevention of Domestic Violence Bill, 2008, Mr. Jamshaid Ahmad Dasti, MNA, addressed the Chair while roaming over the floor of the House.

Mr. Acting Speaker observed:

“Mr. Jamshaid, you are not roaming in the market. It is not the way to address the Chair. You should know the rules. Please go to your seat and then seek permission.”

Vol. XV, Nos. 1-4

N. A. Debate, dated: 04-08-2009

Page No. 193

73. CONDUCT: INTERRUPTION BY DISORDERLY EXPRESSION, NOISES AND MAKING RUNNING COMMENTARIES BY MEMBERS BELONGING TO MQM DURING THE SPEECH OF THE LEADER OF THE OPPOSITION: MEMBERS ADVISED TO MAINTAIN ORDER IN THE HOUSE AND LISTEN TO SPEECH.

On 19th August 2009, during the speech of the Leader of the Opposition (Ch. Nisar Ali Khan) the members belonging to MQM were interrupting him continuously by disorderly expression, noises and making running commentaries. Despite repeated observations of the Chair to maintain order in the House and listen to the Leader of the Opposition attentively and patiently, they continued interrupting the speech. Madam Speaker observed:

“The democratic system has been in place after many

sacrifices. In the prevailing situation, we have to be united and avoid giving an impression of disunity. I request you to listen to the speech and maintain order in the House. If any member differs with the view- point of Leader of the Opposition he can respond to it in his speech on his turn.”

Vol. XV, Nos. 10-14
N. A. Debate, dated: 19-08-2009
Page Nos. 1611-1612

74. CONDUCT: MEMBERS GATHERED AROUND THE SEAT OF PRIME MINISTER: CHAIR OBSERVED STANDING AROUND THE SEAT OF THE PRIME MINISTER IN A CROWD AGAINST THE RULES.

On 21st August 2009, some members holding applications in their hands gathered around the seat of the Prime Minister of Pakistan causing disturbance and interruption in the proceedings of the House. Mr. Deputy Speaker observed:

“Members are requested to place their applications/files on the desk of the Prime Minister and take their seats. Standing around the seat of the Prime Minister in a crowd is against the rules. It may be avoided.”

Vol. XV, Nos. 10-14
N. A. Debate, dated: 21-08-2009
Page No. 1893

75. CONDUCT: CROSS-TALK BY MEMBERS DURING THE SPEECH OF A MEMBER: CHAIR OBSERVED THAT MEMBERS SHOULD NOT INTERRUPT ANY MEMBER WHILE SPEAKING BY DISORDERLY EXPRESSION OR NOISES OR IN ANY OTHER DISORDERLY MANNER AND ADVISED TO OBSERVE RULES.

On 10th June 2010, during the speech of Mr. Muhammad

Barjees Tahir, MNA, on budget some members were indulged in cross-talk. The Chair particularly pointed out Mr. Ghazanfar Ali Gul, Advisor to the Prime Minister on Cabinet. Thereupon, he rose on point of personal explanation and said that cross-talk was to make the Assembly lively and referred to the practice in the Assemblies of India, Hong Kong and Singapore etc in that regard. He further remarked that cross-talk was the beauty of the debate in the Assembly.

Mr. Chairperson observed:

“The members are required to observe rules. Paragraph (c) of rule 30 of the Rules of Procedure and Conduct of Business in the National Assembly 2007 deals with the conduct of members while present in the Assembly. It says:

“A member shall not interrupt any member while speaking by disorderly expression or noises or in any other disorderly manner.”

Vol. XXIII, Nos. 1-21

N. A. Debate, dated: 10-06-2010

Page Nos. 479-483

76. CONDUCT: READING WRITTEN SPEECH BY A MEMBER DURING DISCUSSION ON THE ANNUAL BUDGET: MEMBER TO SEEK PRIOR PERMISSION OF SPEAKER.

On 17th June 2010, during discussion on the annual Budget, Ms. Tasneem Siddiqui, MNA, was reading her speech.

Mr. Deputy Speaker ruled:

“If any member wishes to read his/her speech, he/she should first seek permission of the Chair. A member is not allowed to read speech without the prior permission of the Speaker.”

Vol. XXIII, Nos. 1-21

N. A. Debate, dated: 17-06-2010

Page No. 1065

77. CONDUCT: TAKING PHOTOGRAPHS WITH CELLPHONE BY A MEMBER DURING THE PROCEEDINGS OF THE HOUSE: HELD TO BE VIOLATION OF THE RULES AND SHOULD BE AVOIDED.

On 3rd November 2010, Ms. Kashmala Tariq, MNA, was taking photographs with her cell phone during the proceedings of the House.
Mr. Acting Speaker ruled:

“Taking photographs with cell phone during the proceedings of the House a member or by a visitor sitting in the gallery is violation of the rules. It should be avoided.”

Vol. XXVI, Nos. 1-5
N. A. Debate, dated: 03-11-2010
Page No. 169

78. CONDUCT: INTERRUPTION OF THE SPEECH OF THE LEADER OF THE OPPOSITION BY THE MEMBERS BY DISORDERLY EXPRESSION/NOISES AND CROSS-TALK: HELD INTERRUPTION OF SPEECH OF OPPOSITION LEADER NOT PERMISSIBLE AND SHOULD BE AVOIDED.

On 20th December 2010, when the Leader of the Opposition, Ch. Nisar Ali Khan was making his speech, some of the members were interrupting him by disorderly expression/noises and cross-talk.

Mr. Deputy Speaker observed:

“When the Leader of the House or the Leader of the Opposition is speaking, the members are required to listen to the speech. No cross-talk or interruption by disorderly expression during their speeches is permissible. It should be avoided.”

Vol. XXVII, Nos. 1-12
N. A. Debate, dated: 20-12-2010
Page Nos. 95-99

79. CONDUCT: MEMBER'S DESIRE TO MAKE A SPEECH WHEN THE FLOOR WAS GIVEN TO THE HONOURABLE PRIME MINISTER OF PAKISTAN: NO MEMBER IS ALLOWED TO MAKE SPEECH OR INTERRUPT WHEN THE FLOOR IS WITH THE LEADER OF THE OPPOSITION OR LEADER OF THE HOUSE.

On 25th April, 2011, after the speech of the Leader of the Opposition, Ch. Nisar Ali Khan, when the Honourable Prime Minister of Pakistan was given the floor, Mr. Munir Khan Orakzai, MNA, rose on a point of order and wanted to make a speech.

Mr. Acting Speaker ruled out the point of order and observed:

“When the floor of the House is with the Leader of the Opposition or with the Leader of the House, no other member is allowed to interrupt or make speech.”

Vol. XXX, Nos. 7-13

N. A. Debate, dated: 25-04-2011

Page No. 1398

80. CONDUCT: USE OF CELLPHONE BY THE MEMBERS IN THE HOUSE: VIOLATION OF THE RULES: NOT ALLOWED.

On 30th March 2012, during the proceedings of the House, some members were using mobile phones in the House. Mr. Deputy Speaker ruled:

“The honourable members cannot use mobile phones in the House, as it is violation of the rules”

N. A. Debate dated: 30-03-2012.

81. CONDUCT: INTERRUPTION OF THE SPEECH OF THE LEADER OF THE OPPOSITION BY MEMBERS: INTERRUPTION OF THE SPEECH OF ANY MEMBER PARTICULARLY THE LEADER OF THE OPPOSITION IS VIOLATION OF RULES AND BE AVOIDED.

On 26th April 2012, during the speech of Ch. Nisar Ali Khan, Leader of the Opposition, some members were interrupting his speech continuously by disorderly expressions and noises. Madam Speaker observed:

“I have heard hooting and slogans from the members. The members may have a difference of opinion on any of the point raised by the Leader of the Opposition during his speech but they have to maintain decorum, keep silence and listen to the speech of the Leader of the Opposition with patience. Interruption in the speech of any member particularly the Leader of the Opposition is violation of the rules and it may be avoided.”

N. A. Debate dated: 26-04-2012.

82. CONDUCT: READING WRITTEN SPEECH BY A MEMBER WITHOUT PRIOR PERMISSION: MEMBER NOT ALLOWED WITHOUT PERMISSION OF THE SPEAKER.

On 6th June 2012, Syed Mustafa Mehmood, MNA was reading his speech on the floor of the House.

Mr. Deputy Speaker ruled:

“It is for the information of all members especially those who have joined this House for the first time, that a member cannot read his speech without the permission of the Speaker.”

N. A. Debate dated: 06-06-2012.

83. CONDUCT: DISPLAY PLACARDS/BANNERS IN THE HOUSE BY THE MEMBER DURING THE PROCEEDINGS OF THE HOUSE: CHANTING SLOGANS, DISPLAY BANNERS/PLACARDS IN THE HOUSE HELD TO BE IN VIOLATION OF RULES AND BE AVOIDED.

On 9th June 2014, during the proceedings of the House Ms. Shaugfta Jumani, MNA displayed placards and banners in the House. Mr. Speaker drew attention of the member to rule 30 of the Rules of Procedure and Conduct of Business in the National Assembly 2007, and observed:

“Paragraph (h) of rule 30 of the Rules of Procedure provides that a member while present in the Assembly shall not chant slogans, display banners or placards. They should avoid to display banners or placards in the House.”

N. A. Debate, dated: 09-06-2014

84. CONDUCT: MEMBERS RAISED SLOGANS IN THE HOUSE DURING DISCUSSION ON THE RESOLUTION: MEMBERS ADVISED NOT TO RAISE SLOGANS IN THE HOUSE: SANCTITY OF THE HOUSE TO BE UPHELD.

On 26th August 2003, during discussion on the resolution moved by Mr. Riaz Fatyana, MNA, regarding provision of office and staff to each MNA in Islamabad and in their constituencies. As soon as Mr. Speaker, (Ch. Amir Hussain) occupied the Chair some of the members started raising slogans in the House. Mr. Speaker advised them not to raise slogans and that it was the violation of rules. However, the members continued raising slogans and did not pay heed to the Speaker’s advice.

The Speaker ruled:

“Sanctity of the House will be upheld. Its conversion into a public gathering cannot be allowed. The Speaker is bound to implement the Rules of Procedure in letter and spirit.”

Vol. X, Nos. 1-10

N. A. Debate, dated: 26-08-2003

Page Nos. 517-518

DECLARATION OF ASSETS

85. DECLARATION OF ASSETS: NON-DECLARATION OF ASSETS BY BUREAUCRATS, MILITARY GENERALS AND BIG BUSINESSMEN ETC: PARLIAMENT IS SUPREME AND RAY OF HOPE FOR THE PEOPLE: PARLIAMENTARIANS SHOULD DECLARE THEIR ASSETS.

On 22nd September 2010, Leader of the Opposition Ch. Nisar Ali Khan drew attention of the House to the campaign launched in the print and electronic media for filing declaration of assets only by the parliamentarians. All other citizens like bureaucrats, military Generals and big businessmen etc. are not required to declare their assets. In response, the Prime Minister of Pakistan Syed Yusuf Raza Gillani said that he would support the Bill providing for across the board accountability.

After hearing the members' point of view, Madam Speaker ruled:

"I am thankful to the Leader of the Opposition and to the Prime Minister for raising such an important issue. The parliamentarians are the most accountable as after every five years in general elections and in by-election, the people of the country make them accountable. It has already been ruled that Parliament is supreme. Parliament makes the Constitution and the laws. All the powers flow from the Parliament. The Parliament is the ray of hope for the people. However, the parliamentarians should declare their assets."

Vol. XXV, Nos. 1-5

N. A. Debate, dated: 22-09-2010

DEFECTION

86. DEFECTION: DECLARATION OF DEFECTION BY THE HEAD OF PAKISTAN TEHREEK-E-INSAF (PTI) OF THE MEMBERS OF HIS PARTY: NOT COVERED UNDER ARTICLE 63(1) OF THE CONSTITUTION: NOT REFERRED TO CHIEF ELECTION COMMISSION.

Mr. Imran Khan, Head of Pakistan Tehreek-e-Insaf (PTI) forwarded three separate Declarations under Article 63-A, declaring that Mr. Gulzar Khan, Ms. Mussarat Zeb and Mr. Nasir Khan Khattak MNAs had defected from PTI and hence their seats in the National Assembly were liable to be vacated in terms of Article 63-A of the Constitution.

Mr. Speaker considered the declarations and ruled as follows:

Mr. Imran Khan, Head of Pakistan Tehreek-e-Insaf (PTI) has forwarded three separate Declarations under Article 63-A, declaring that Mr. Gulzar Khan, Ms. Mussarat Zeb and Mr. Nasir Khan Khattak MNAs have defected from PTI and hence their seats in the National Assembly are liable to be vacated in terms of Article 63-A of the Constitution.

It has been stated in the Declarations that the above named MNAs, were elected on the PTI ticket. On 04-08-2014 in the meeting chaired by Vice Chairman, Makhdoom Shah Mehmood Hussain Qureshi, it was unanimously decided to hand over their resignations to Chairman PTI to be submitted to the Speaker National Assembly as and when he deems fit. The aforesaid MNAs in disregard and disobedience to the unanimous resolution of the Parliamentary Party failed to tender resignations. Separate show Cause Notices were issued to them. Mr. Gulzar Khan did not respond. The remaining two members submitted their replies, but the replies were found unsatisfactory. Mr. Imran Khan, the Chairman PTI and also a Party

Head terminated their membership of the party and had declared them defected from PTI through separate Declarations in terms of Article 63-A which were sent to the Speaker.

For the sake of convenience, the provision of clause (1) of Article 63-A which lists the disqualification on the grounds of defection, is reproduced as under:-

“63-A . Disqualification on grounds of defection, etc.

- (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 or a Constitution (Amendment) Bill;

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

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

Explanation.- "Party Head" means any person, by whatever name called, declared as such by the Party.

Under Article 63-A the Speaker has limited powers. The Speaker has only to see whether prima facie case as envisaged in Article 63-A is made out in the Declaration forwarded by the Party Head and if not, he can refuse to refer it to the Chief Election Commissioner. This is why the Speaker has been given only two days under clause (3) of Article 63-A for reference of the Declaration to the Chief Election Commissioner on receipt of it.

Perusal of the Declarations, reveal that the three MNAs belonging to PTI did not submit resignations from their seats according to the unanimous decision of the Parliamentary Party. After show cause notices, the Party Head terminated their membership of the party and declared them defected from PTI and forwarded the declarations to the Speaker.

As it appears from above, the MNAs neither resigned from the membership of their political Party (PTI) nor they have joined another Parliamentary Party, therefore, prima facie the case is not covered under clause (1) of Article 63-A. I, therefore, decline to refer it to the Chief Election Commissioner.

(SARDAR AYZAZ SADIQ)

Speaker

National Assembly of Pakistan

Islamabad, the 30th of September, 2014.

DEVELOPMENT FUNDS

- 87. DEVELOPMENT FUNDS: NON-RELEASE OF DEVELOPMENT FUNDS TO THE OPPOSITION BY THE NWFP GOVERNMENT: DEVELOPMENT FUNDS ARE A CONCESSION TO THE MEMBER FOR THE WELFARE OF PUBLIC: NO DISCRIMINATION BETWEEN THE TREASURY AND OPPOSITION MEMBERS.**

On Friday, the 22nd August 2003, Mr. Sher Akbar, MNA rising on a point of order said that the Provincial Government of NWFP had not till that time released the development funds to the opposition members, although the Federal Government had already released those funds to the Opposition as well as the government members. Mr. Speaker observed:

“Development funds are a concession to a member for the welfare of the public. Hence there should be no discrimination between the treasury and opposition members in the release of those funds. The Speaker’s ruling is very clear on this matter. Therefore, the Speaker emphasizes on the release of the development funds of NWFP opposition members.”

Vol. X, Nos. 1-10

N. A. Debate, dated: 22-08-2003

Page No. 190

DEATH OF A MEMBER

88. DEATH OF A MEMBER: MEMBERS DESIRED TO RAISE POINT OF ORDER: CHAIR OBSERVED THAT IT IS AN ESTABLISHED PRACTICE TO ADJOURN THE HOUSE WITHOUT TRANSACTING ANY BUSINESS: POINT OF ORDER ALSO CONSTITUTES BUSINESS:

On 10th November 2006, soon after the recitation from the Holy Quran and the announcement of the Panel of Chairpersons, the Minister for Religious Affairs requested the Chair for offering Fateha for the departed souls of a sitting member, Mr. Abdul Sattar Afghani, former President, Mr. Ghulam Ishaq Khan and former MNA Mr. Darya Khan Khoso. Some members wanted to speak on point of order.

Mr. Speaker observed:

“It is an established practice that when a sitting member passes away during the off session days, on the first day of its meeting, the House offers Fateha for the departed soul and the House is adjourned for next day without transacting any other business. Point of order is also business of the House. Therefore, no point of order or any other business will be allowed. It is also an established convention that Fateha is offered only for the departed souls of sitting members, former members of the Assembly or persons who remained part of Parliament.”

Thereafter, the House offered Fateha for the departed souls and the House was adjourned.

Vol. XXXVIII, Nos. 1-4
N. A. Debate, dated: 10 & 13-11-2006
Page Nos. 45-46 and 104

EXPUNCTION OF REMARKS

89. EXPUNCTION OF REMARKS: PRINTING OF EXPUNGED WORDS IN THE PRESS: EXPUNGED REMARKS NOT TO BE PRINTED: BREACH OF PRIVILEGE OF THE HOUSE, CHAIR OBSERVED.

On 17th June 2011, Mr. Nadeem Afzal Gondal, MNA, pointed out that despite expunction of words from the debate by the Speaker such expunged words were printed in the press.

Madam Speaker observed:

“When any un-parliamentary, indecent or abusive words are expunged, its effect is that such expunged words were not spoken at all. Those remarks/words could not be printed, whosoever prints those words commits breach of privilege of the House.”

Vol. XXXI, Nos. 9-13

N. A. Debate, dated: 17-06-2011

Page No. 1270

90. EXPUNCTION OF REMARKS: PERSONAL REMARKS AGAINST THE LEADERS OF THE OPPOSITION PARTIES: CHAIR OBSERVED THAT MEMBERS NOT TO PASS REMARKS AGAINST THOSE PERSONS WHO CANNOT DEFEND THEMSELVES IN THE HOUSE.

On 18th June 2009, some members in their speeches passed personal remarks against the leaders of the main opposition parties.

Madam Speaker ruled:

“The members in their speeches should not pass personal remarks against anybody especially against those who cannot defend themselves in the House. When those remarks were passed I was not on the Chair. Therefore, I expunge the remarks passed against Mr. Asif Ali Zardari and Mian Muhammad Nawaz Sharif.”

Vol. XIV, Nos. 1-5

N. A. Debate, dated: 18-06-2009

Page No. 597

FATEHA

- 91. FATEHA: REQUEST BY A MEMBER FOR OFFERING FATEHA FOR A GIRL: CHAIR OBSERVED THAT OBITUARY REFERENCES ARE MADE ONLY ON THE DEATHS OF PARLIAMENTARIANS, THE FAMILY MEMBERS AND VICTIMS OF NATURAL CALAMITY: ASSEMBLY OBSERVED ONE MINUTE SILENCE FOR THE VICTIM.**

On 25th January 2010, after disposal of leave applications, Ms. Bushra Gohar, MNA, requested the Speaker to offer Fateha for the departed soul of a child namely Shazia, a Christian by faith, who was murdered in a cruel manner. The honourable member also requested the Minister for Labour and Manpower to take steps to initiate legislation for the child labour.

The Acting Speaker observed:

“For Shazia we will observe one minute silence. But traditionally obituary references are only made on the death of a parliamentarian, their family members and also the persons who are the victims of natural calamity. This forum is not meant for offering Fateha/Dua for every individual’s death. In future, we will follow the established convention/ precedent.”

Vol. XVIII, Nos. 9-15

N. A. Debate, dated: 25-01-2010

Page No. 1419

FINANCE BILL

92. FINANCE BILL: INCLUSION OF THE BILLS IN FINANCE BILL WHICH WERE PENDING BEFORE THE STANDING COMMITTEE: HELD MONEY BILLS PENDING BEFORE THE STANDING COMMITTEES COULD BE INCLUDED IN THE FINANCE BILL.

On 21st June 2006, during consideration on the Finance Bill 2006 in the House, Mr. Muhammad Hussain Mehanti, MNA raised objection that certain laws were included in the Finance Bill which were pending before the Standing Committee for examination. He was of the view that the Bills pending before the Standing Committee for examination could not be included in the Finance Bill.

Mr. Speaker rejected the objection raised by the member and ruled as follows:

“A Money Bill which is already pending before a Standing Committee for consideration can be included in the Finance Bill and brought before the House for passage.”

Vol. XXXVI, Nos. 11-15
N. A. Debate, dated: 21-06-2006
Page Nos. 2778-2779

GALLERY

93. **GALLERY: PHOTOGRAPHS TAKEN BY THE MEDIA PERSONNEL OF THE PROCEEDINGS OF THE HOUSE: CHAIR OBSERVED THAT TAKING PHOTOGRAPHS FROM PRESS GALLERY OR VISITORS GALLERY AGAINST THE RULES AND NOT PERMISSIBLE.**

On 28th April 2011, during discussion on the President's address some of the media personnel were taking photographs of the proceedings of the House with their mobile phones.

Mr. Acting Speaker took serious notice and observed:

“Taking photographs either from the Press Gallery or from the visitors Galleries is the violation of rules and is not permissible. Strict directions have already been issued in this regard. Media personnel and the visitors are again directed to avoid taking photographs in future; otherwise action would be taken including forfeiture of their cell phones.”

Vol. XXXX, Nos. 14-19

N. A. Debate, dated: 28-04-2011

Page No. 1692

94. **GALLERIES: ABSENCE OF OFFICIALS OF THE MINISTRIES WHOSE BUSINESS WAS ON THE ORDER OF THE DAY FROM THE OFFICIAL'S GALLERY: CHAIR DIRECTED CHIEF WHIP TO PROCEED AGAINST THE ABSENT OFFICIALS.**

On 27th of April 2011, during the proceedings of the House, it was observed that none of the officials of the Ministries whose business was on the Orders of the Day were present in the official gallery taking serious notice thereof, Mr. Acting Speaker directed the Chief Whip:

“Check the official gallery and proceed against those who are absent, otherwise the National Assembly will take action against them.”

Vol. XXX, Nos.7-13

N. A. Debate, dated: 27-04-2011

Page No. 1477

95. VISITORS' GALLERY: PHOTOGRAPHS TAKEN BY THE VISITORS IN THE GALLERY: VISITORS NOT ALLOWED TAKING PHOTOGRAPHS: CHAIR DIRECTED TO DELETE THE PHOTOGRAPHS.

On 27th March 2012, during the proceedings of the House it was observed that some of the visitors sitting in the galleries were taking photographs with their mobile phones.

Mr. Deputy Speaker ruled:

“Taking photographs by the visitors in the visitors' galleries with their mobile phone is the violation of rules. Even the MNAs are not allowed to take photographs with mobile phones. They are directed to delete the photographs taken by them”

N. A. Debate, dated: 27-03-2012.

96. VISITORS' GALLERIES: CHANTING SLOGANS BY VISITORS IN THE GALLERIES HELD VIOLATION OF RULES: VISITORS ADVISED NOT TO RAISE SLOGANS AS IT INTERRUPTS THE PROCEEDINGS.

On 24th March, 2008, during the process of the ascertainment of a member of the National Assembly who commands the confidence of the majority of the members, the visitors present in the galleries started chanting slogans. The Speaker repeatedly directed them not to

raise slogans and remain silent. However, the visitors kept on raising slogans. The Speaker observed:

“Chanting slogans is violation of the Rules of Procedure. The visitors are requested to stop raising slogans and not to interrupt the proceedings of the House otherwise; it may entail removal of those visitors who are raising slogans.”

Vol. I-III, Nos. 1-2

N. A. Debate, dated: 24-03-2008

97. GALLERIES: CLAPPING BY VISITORS IN THE GALLERIES: CLAPPING NOT ALLOWED: VISITORS ADVISED TO WATCH PROCEEDINGS CALMLY AND QUIETLY.

On 24th March 2014, after taking oath by a member-elect, Mr. Omar Ayub Khan, the visitors sitting in the Galleries started clapping. Mr. Speaker observed:

“The visitors in the galleries are not allowed to clap or applause in any manner. They should observe the proceedings of the House, calmly and quietly.”

Vol. X No. 1-11

N. A. Debate, dated: 24-03-2014

Page No. 2

98. OFFICIAL GALLERY: ABSENCE OF SECRETARY, ADDITIONAL SECRETARY, JOINT SECRETARY AND SECTION OFFICER (COUNCIL) OF THE MINISTRY OF INTERIOR FROM THE GALLERY OF HOUSE: MINISTER DIRECTED TO SUSPEND THE SECTION OFFICER AND REPORT TO THE HOUSE.

On 11-10-2017, Mr. Acting Speaker (Mr. *Murtaza Javed Abbasi*) was in the Chair. He observed that most of the questions relating to

Ministry of Interior were not answered. Minister of Interior, Minister of State for Interior, Parliamentary Secretary for Interior were not present in the House. It was also noticed that the Secretary, Additional Secretary, Joint Secretary and the Section Officer (Council) of the Ministry of Interior were also not present in the gallery of the House. Twenty minutes were given to them to be present in the House. However, they did not come to the House. Later, Minister of State for Interior came to the House who was in the Senate. Mr. Acting Speaker observed that none of the Secretary, Additional Secretary, Joint Secretary and Section Officer (Council) of the Ministry of Interior was present in the official gallery and directed the Minister of State for Interior to suspend the Section officer (Council) M/O Interior and report to the House.

The 14th Assembly, 5th year and 47th Session
Tuesday, 11-10-2017, page No. of Debate: 17-18

IDENTICAL PRIVATE MEMBERS BILLS

- 99. IDENTICAL PRIVATE MEMBERS' BILLS: GRANT OF LEAVE TO THE IDENTICAL BILLS PLACED ON THE ORDERS OF THE DAY: HELD IF A BILL SECURING FIRST PLACE IN THE BALLOT IS MOVED THE REMAINING BILLS SHALL NOT BE PROCEEDED WITH.**

On Tuesday, the 17th January 2012, on the Private Members' Day, Mr. Wasim Akhtar, MNA sought leave to introduce a Constitution (Twentieth Amendment) Bill, 2012. The House granted leave and the Bill was introduced and stood referred to the Standing Committee concerned. Syed Khursheed Ahmad Shah, Minister for Religious Affairs did not object to the grant of leave to the identical Bills placed on the Orders of the Day at serial No. 19, 29 and 33.

Mr. Deputy Speaker referred to rule 54 of the Rules of Procedure and Conduct of Business in the National Assembly 2007, which says as under:-

- '54. If notices of two or more identical Bills are received, the Bill securing first place in the ballot shall be proceeded with and, in case a motion for leave to introduce the Bill securing first place in the ballot is moved, the remaining Bills shall not be proceeded with.'

Accordingly, Mr. Deputy Speaker ruled:

"The House has granted leave to the Bill and the remaining identical Bills standing at serial No. 19, 29 and 33 of the Orders of the Day will not be proceeded with."

Vol. XXXVIII, Nos. 1-6
N. A. Debate, dated: 17-01-2012
Page Nos. 14-15

LEAVE OF ABSENCE

100. LEAVE OF ABSENCE: REASONS NOT STATED IN THE LEAVE APPLICATION BY THE MEMBERS: MEMBERS ADVISED TO MENTION REASONS FOR ABSENCE IN THEIR APPLICATIONS AND MINISTERS AS WELL.

On 2nd May 2006, after disposal of leave of absence of the members Mr. Speaker ruled:

“I have found that asking leave of absence, over a time, has become a routine matter. The members do not bother to mention the reasons for their absence. The business of the House has priority over all other matters. Mentioning reasons in the application provides justification for absence of a member. Asking leave without reasons or on flimsy grounds be avoided. Likewise, informing the House of their absence, the Ministers should also indicate the reasons of absence.”

Vol. XXXIV, Nos. 1-6

N. A. Debate, dated: 02-05-2006

Page Nos. 149-150

LOBBIES

101. LOBBIES: LOBBIES MEANT FOR MEMBERS ONLY: ENTRY OF VISITORS/ STRANGERS INTO THE LOBBIES NOT ALLOWED.

On 12th May 2010, during the proceedings of the House, Mian Riaz Hussain Pirzada, MNA, rising on a point of order drew attention of the Chair that guests were frequently found sitting in the lobbies. He also stated that lobbies were the part of the Chamber and were meant only for members. However, during lunch time, members could bring guests with them in the lobbies. Presence of strangers in the lobbies was not only a breach of privilege of the members but also a security risk as those persons could not be identified or checked by any security personnel. He requested the Speaker to ban the entry of the strangers/guests in the lobbies and to take strict action against those who violated it.

The Speaker upheld the point of order and ruled:

“The lobbies are meant only for members. Presence of visitors in the lobbies is the violation of rules. The visitors or strangers are not allowed to enter into the lobbies. In future, strangers shall not be allowed entry into the lobbies.”

Vol. XXII, Nos. 7-10

N. A. Debate, dated: 12-05-2010

Page Nos. 886-887

MATTER WHICH IS NOT POINT OF ORDER

102. MATTER WHICH IS NOT POINT OF ORDER: OBJECTION WAS RAISED TO THE PROCEDURE FOR APPOINTMENT OF INVESTIGATION OFFICERS IN THE NAB UNDER RULE 18 AND RULING WAS SOUGHT: MEMBERS CAN RAISE ANY MATTER UNDER RULE 18 BUT RULING NOT REQUIRED THEREON, THE CHAIR OBSERVED

On 4th May 2007, Mr. Ghulam Murtaza Satti, MNA, raised the matter of the appointment of Investigation Officers (I.Os) in the National Accountability Bureau (NAB) and expressed his concern about the procedure adopted for their recruitment and sought ruling of the Chair.

Mr. Speaker observed:

“The members can raise any matter under rule 18 of the Rules of Procedure and Conduct of Business in the National Assembly, 2007. The rule is commonly known as Zero Hour. However, no ruling is required on the matter raised under the said rule.”

Vol. XL, Nos.9-16

N. A. Debate, dated: 04-05-2007

Page No. 1073

MEDIA REPORTING

103. MEDIA REPORTING: INCORRECT REPORTING IN THE MEDIA REGARDING SALARIES, ALLOWANCES AND PRIVILEGES OF MEMBERS: ADVISED MEDIA TO PUBLISH THE CORRECT FIGURE: BREAK UP OF MONTHLY SALARIES /ALLOWANCES TO BE GIVEN BY THE SECRETARIAT.

On 16th January 2012, during the proceedings of the House, Ms. Parveen Masood Bhatti, MNA, drew attention of the Chair to the news item published in the Daily "Jang" dated: 15.01.2012, regarding the salaries, allowances, perks and privileges being paid to the parliamentarians. She stated that exaggerated pay of Rs. 120,000 per month allowances of Rs. 100,000/-, forty air tickets, free electricity and sui gas were shown whereas the basic pay of a member was Rs. 23,000/- per month and total gross pay including allowances was Rs. 54,000/-per month. She was of the view that a systematic propaganda was launched to malign the parliamentarians that they were looting the country by drawing huge salaries and allowances. She requested the Speaker to invite the media and brief them about the correct position of the pay, allowances, perks and privileges being paid to the parliamentarians. Madam Speaker observed:

"You are perfectly right. A negative message is being conveyed by publishing an exaggerated amount of salaries, allowances, perks and privileges being paid to the Parliamentarians. I direct the Secretariat to release the break-up of monthly pay and allowances and perks and privileges being paid to a member. I am of the view that the parliamentarians in Pakistan are getting the lowest pay and facilities as compared to the other parliamentarians in the world. I hope that the print media would publish the exact figure as will be released by this Secretariat so that the public may come to know about the exact position"

Vol. XXXVIII, Nos. 1-6
N. A. Debate, dated: 16-01-2012
Page Nos. 45-46

104. MEDIA REPORTING: IRRESPONSIBLE AND AN UNFAIR REPORTING BY MEDIA REGARDING OUTSTANDING DUES AGAINST SPEAKER/DEPUTY SPEAKER: REPORT PUBLISHED IN MEDIA RELATING TO OUTSTANDING DUES AGAINST SPEAKER/DEPUTY SPEAKER ABOUT THEIR OFFICIAL RESIDENCES WITHOUT VERIFICATION THROUGH THE ASSEMBLY SECRETARIAT: MEDIA ADVISED TO AVOID SUCH REPORTING AND TO CONTRADICT IT.

On 6th March 2013, Mr. Abdul Ghafoor Chaudhary, MNA drew attention of the Chair to an-irresponsible report published in the daily "Dawn" regarding the outstanding dues against the Speaker and the Deputy Speaker, National Assembly in respect of their official residences. He further stated that the report also contained the name of Makhdoom Shahab-ud-Din and many others. Mr. Abdul Ghafoor Chaudhary, referred to section 8 of the Chairman and the Speaker, (Salaries, Allowances and Privileges Act, 1975) which provides that the Chairman and the Speaker shall be entitled, without payment of rent, to the use of residence throughout their term of office and for 15 days immediately thereafter and no charge shall fall on them personally in respect of the maintenance.' In view of the clear provision of law, the outstanding dues in respect of official residences of the Speaker, the Deputy Speaker could not be shown against their names. He termed it an irresponsible and an unfair reporting and suggested that an institution might be established where journalists might be trained. Madam Speaker observed:

"It is an irresponsible reporting. It is not fair. The report has been published without knowing or consulting the relevant law on the subject. The payment of dues against the official residences is the responsibility of the government not of the occupants. The media is advised to avoid such reporting and also contradict it in explicit words."

Vol. L, No. 1-19

N. A. Debate, dated: 06-03-2013

Page No. 76-79

MEDIA COVERAGE

105. MEDIA COVERAGE: PROPER COVERAGE NOT GIVEN TO MEMBERS BY THE ELECTRONIC AND PRINT MEDIA : PRINT/ELECTRONIC MEDIA ADVISED TO GIVE EQUAL COVERAGE TO MEMBER.

On 18th April 2006, during the proceedings of the Assembly, Mr. Abdul Akbar Chitrali, MNA rising on a point of order stated that the previous night some of the members were not given proper media coverage by the PTV. They were totally ignored. He further stated that it was their privilege that whatever said by the members in the House should be given proper coverage by the electronic and print media so that their voters might judge or evaluate their performance in the House.

The Speaker observed:

“Print and electronic media whether official or private ought to give an equal and reasonable coverage to all the members without any discrimination.”

Vol. XXXIV, Nos. 1-8

N. A. Debate, dated: 18-04-2006

Page No. 733

OATH

106. OATH: MEMBER-ELECT DESIRED TO CAST VOTE IN THE SPEAKER'S' ELECTION: THE QUESTION WAS PUT TO THE HOUSE: THE HOUSE ALLOWED HIM TO TAKE OATH.

On 19th March 2008, during the election of Speaker, National Assembly, Mr. Hameed Ullah Jan Afridi, member-elect was present in the House and wanted to cast his vote. The Speaker informed the Assembly that a member-elect could neither take a seat in the House, nor cast a vote unless he took oath before the Assembly. The Speaker further stated that casting vote was the fundamental and basic right of a member and in no case a member should be deprived of that right. Thereafter, the Speaker placed the matter before the Assembly for decision. The House was unanimous in allowing the member to take oath.

The Speaker observed:

“The House is unanimous in allowing the member-elect to take oath. Even otherwise, the Speaker has powers under rule 29 of the Rules of Procedure and Conduct of Business in the National Assembly, 2007, to allow the member-elect to take oath after suspending the business of the House.”

Vol. I-III, Nos. 1-2

N. A. Debate, dated: 19-03-2008

Page Nos. 51- 52

107. OATH: MEMBERS INSISTED TO TAKE OATH UNDER THE CONSTITUTION OF 1973 AS AMENDED UP TO 2ND NOVEMBER 2007: THEY WERE TOLD THAT WORDING OF THE OATH IS THE SAME AS WAS IN THE CONSTITUTION OF 1973 EXCEPT ADDITION OF LAST SENTENCE.

On 17th March 2008, during the oath taking by the Members-elect, Syed Naveed Qamar, MNA, pointed out that the members belonging to PPPP, PML(N), ANP and JUI etc. had decided to take oath only under the Constitution of 1973, as amended by the Parliament till the 2nd November 2007, and to that extent he sought clarification from the Speaker.

The Speaker cleared the point and observed:

“Oath of President, Prime Minister, Chairman Senate, Speaker National Assembly, Ministers and Members of Parliament is set out in the Third Schedule of the Constitution. The wording of the oath is the same as was in the Constitution of 1973. That oath has not been amended except that only one sentence was added in 1985 which is the last sentence of the oath.”

Thereafter, all the members-elect took oath.

Vol. I-III, Nos. 1-2
N. A. Debate, dated: 17-03-2008
Page Nos. 2-3

OBSERVANCE OF RULES

108. OBSERVANCE OF RULES: MEMBERS WERE STANDING AND CHATTING IN THE HOUSE DURING THE SPEECH OF THE LEADER OF THE OPPOSITION: CHAIR DIRECTED THEM TO COMPLY WITH THE RULES.

On 22nd December 2011, Ch. Nisar Ali Khan, Leader of the Opposition, during his speech in the House drew attention of the Chair towards a group of members who were standing and chanting slogans. He requested the Chair to make them sit and listen to him patiently. He proposed that the Speaker should arrange a training course for the members including Ministers to teach them parliamentary etiquettes and practices to be observed by the members while sitting and speaking in the House. In the meanwhile, a lady member passed between the Chair and Ch. Nisar Ali Khan.

Mr. Deputy Speaker observed:

“Every member is educated and supposed to know the Rules of Procedure. If the members go through the rules and comply with rules in letter and spirit, it would be better for them. Passing between the Chair and the member who is speaking is violation of the rules.”

Vol. XXXVII, Nos. 1-13

N. A. Debate, dated: 22-12-2011

Page No. 81

ORDINANCES

109. ORDINANCES: INCLUSION OF CONTEMPT OF COURT ORDINANCE 2004 IN THE ORDERS OF THE DAY AND ITS LAYING IN THE HOUSE WAS OBJECTED BY A MEMBER: MEMBER WAS ADVISED TO MOVE RESOLUTION FOR DISAPPROVAL OF ORDINANCE: OBJECTION OVERRULED.

On 19th July 2004, Ch. Nouraz Shakoor laid the Contempt of Court Ordinance 2004 in the House. Mr. Aitzaz Ahsan, MNA challenged it and argued that the said Ordinance was not an Ordinance and that it was another matter. He insisted that it should not have been placed even on the Orders of the Day. He referred to Article 89 of the Constitution which says as under:-

- '89. (1) The President may, except when the [Senate or] 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 shall be laid before the National Assembly.'

The Chair observed:

“The Ordinance has already been laid before the National Assembly, the honorable member or any honorable member who wants to challenge it, may move a resolution under the rules for its disapproval.”

Vol. XVII, Nos. 1-5
N. A. Debate, dated: 19-07-2004
Page Nos. 259-262,280

110. ORDINANCE: OBJECTION RAISED BY A MEMBER TO THE PROMULGATION OF AN ORDINANCE BY THE GOVERNMENT INSTEAD OF BRINGING LEGISLATION: CONSTITUTIONAL RIGHT OF THE GOVERNMENT TO PROMULGATE AND LAY ORDINANCES IN THE HOUSE: DISCUSSION AT THAT STAGE NOT ALLOWED

On 7th August 2006, Mr. Speaker called upon Mr. Muhammad Wasi Zafar, Minister for Law and Justice to move item No. 4 relating to the Ordinances to be laid before the House. When the Minister moved item No. 4, Syed Naveed Qamar and Mr. Liaqat Baloch, MNAs, wanted to discuss those Ordinances at that stage. Syed Naveed Qamar did not object to the laying of the Ordinances as that was a constitutional requirement. However, he was of the view that the government should have brought legislation before the House instead of promulgating Ordinance under Article 89 and that the said provision ought to be invoked in urgent circumstances. Mr. Liaqat Baloch also endorsed the views expressed by Syed Naveed Qamar.

After hearing them the Speaker ruled:

“The government has a constitutional right to promulgate an Ordinance and to lay it before the House after the commencement of a session. At this stage no discussion thereon is allowed. Discussion can only take place at the time of moving a resolution for its disapproval or at the time of its passage.”

Vol. XXXVII, Nos. 1-10

N. A. Debate, dated: 07-08-2006

Page Nos. 214-216

PANEL OF CHAIRPERSONS

- 111. PANEL OF CHAIRPERSONS: OBJECTION ON THE NOMINATION OF CHAIRMAN STANDING COMMITTEE ON THE PANEL OF CHAIRPERSONS WAS RAISED BY A MEMBER: CHAIRMAN STANDING COMMITTEE BEING A MEMBER AND ON THE PAY ROLL OF THE NATIONAL ASSEMBLY CAN BE NOMINATED IN THE PANEL OF CHAIRPERSONS. OBJECTION OVERRULED.**

On 12th June 2009, at the commencement of the session a panel of Chairpersons as required by rule 13 (1) of the Rules of Procedure and Conduct of Business in the National Assembly, 2007 was announced. Mr. Riaz Hussain Pirzada, rising on a point of order objected to the nomination of Chairman Standing Committee in the panel of Chairpersons. Madam Speaker ruled:

“Chairman Standing Committee is a member and is on the pay roll of the National Assembly. He does not represent the government or draw any salary, allowances or any other perks and privileges from the Government. Therefore, a Chairman Standing Committee can be nominated on the panel of Chairpersons under the sub rule (1) of rule 13 of the Rules of Procedure and Conduct of Business in the National Assembly 207, being a member of the National Assembly.”

Vol. XIV, Nos. 1-5

N. A. Debate, dated: 12-06-2009

Page No. 3

PERSONAL REMARKS

112. PERSONAL REMARKS: MEMBERS TO AVOID PERSONAL REMARKS IN THEIR SPEECHES AGAINST THE MEMBERS PARTICULARLY FEMALE MEMBERS: MEMBERS ADVISED TO RESPECT EACH OTHER IRRESPECTIVE OF GENDER.

On 31st March 2004, Ms. Kashmala Tariq, MNA rising on a point of order said that discussion in the House should be on specific issue and personal remarks particularly against the female members ought to be avoided. The member objected to certain remarks of Mian Riaz Hussain Pirzada, MNA who had praised the beauty of one of the Ministers and remarked "looking at a beautiful person is not objectionable". The Advisor on Social Welfare and Women Development stated that women members should be respected in the House, whereupon Mr. Speaker observed:

"The members should be respectful to each other irrespective of gender. Offending expressions or words should be avoided in speeches".

Vol. XIII Nos. 15-23

N. A. Debate, dated: 31-03-2004

Page Nos. 2613-2617

POINT OF ORDER

113. POINT OF ORDER: DEPORTATION OF MIAN SHAHBAZ SHARIF AT LAHORE AIRPORT: DOES NOT CONSTITUTE POINT OF ORDER: MATTER SUBJUDICE: RULED OUT OF ORDER.

On 1st June 2004, Khawaja Saad Rafique, MNA raised a point of order regarding deportation of Mian Shahbaz Sharif, ex-Chief Minister and President PML (N Punjab. He added that Mian Shahbaz Sharif had landed at Lahore Airport on the 11th May 2004 but he was deported. Five other members also spoke on the issue. They claimed that the Supreme Court of Pakistan in a judgment held that every Pakistani citizen had the right to live in the country and had a right to go outside or come into his country without any restriction. However, it was evident that the matter was sub-judice.

After hearing the members, the Speaker ruled as follows:

“A point of order is defined under rule 265 of the Rules of Procedure and Conduct of Business in the National Assembly, 1992 which is as under:

‘Decision on points of order.— (1) A point of order shall relate to the interpretation or enforcement of these rules or such Articles as regulate the business of the Assembly and shall raise a question which is within the cognizance of the Speaker.

(2) A point of order may be raised in relation to the business before the Assembly at the moment:

Provided that the Speaker may permit a member to raise a point of order during the interval between the termination of one item of business and the commencement of another if it relates to

maintenance of order in, or arrangement of business before, the Assembly.

(3) A point of order may not be raised before the Speaker has disposed of the earlier point of order.

(4) Subject to the provisions of sub-rules (1), (2) and (3), a member may formulate a point of order and the Speaker shall decide whether the point raised is a point of order and, if so, give his decision thereon, which shall be final.

(5) No debate shall be allowed on a point of order, but Speaker may, if he thinks fit, hear members before giving his decision.

(6) A point of order is not a point of privilege.

(7) A member shall not raise a point of order –

- (a) to ask for information; or
- (b) to explain his position; or
- (c) when a question on any motion is being put to the Assembly; or
- (d) which may be hypothetical; or
- (e) that Division Bells did not ring or were not heard.

(8) There shall be no discussion on a decision on a point of order.'

The matter raised by Khawaja Saad Rafique supported by five other members does not fall within the definition of the point of order. Therefore, it is ruled out of order. It is further ruled that the matter of deportation of Mian Shahbaz Sharif is sub judice and is pending in the

court. According to rules, sub judice matter cannot be discussed in the House.”

Vol. XIV, Nos. 1-8

N. A. Debate, dated: 01-06-2004

114. POINT OF ORDER: MEMBER INSISTED TO RAISE A QUESTION OF PRIVILEGE THROUGH POINT OF ORDER: QUESTION OF PRIVILEGE CANNOT BE RAISED THROUGH A POINT OF ORDER: WRITTEN NOTICE REQUIRED.

On 30th March 2004, Dr. Tahir-ul-Qadri, MNA rising on a point of order insisted to raise a Question of Privilege regarding statement made by the Chief Election Commissioner. The Speaker did not allow him and observed:

“Point of order and question of privilege both have different procedure under the rules; question of privilege can be raised through a written notice but not on a point of order.”

Vol. XIII, Nos.15-23

N. A. Debate, dated: 30-03-2004

Page Nos. 2374-2375

115. POINT OF ORDER: TEHRIK NIFAZ-E-SHAARIAT MUHAMMADI (TNSM) DECLARED THE WHOLE SYSTEM OF GOVERNANCE OF THE COUNTRY TO BE UN-ISLAMIC: DEMAND MADE FOR ADOPTING RESOLUTION TO THAT EFFECT: RESOLUTION ALREADY ADOPTED: NO NEED TO PASS ANOTHER RESOLUTION.

On 20th April 2009, Dr. Farooq Sattar, Minister for Overseas Pakistanis sought ruling of the Speaker regarding a serious question raised by Tehrik Nifaz-e-Shariat Muhammadi (TNSM), when they declared the whole system of Governance of the country to be un-Islamic. He added that on 13th April 2009, the House had already adopted a resolution wherein introduction of Nizam-e-Aadal

Regulation passed by the Provincial Assembly was endorsed and extended its moral support to that Bill in spite of that they had challenged our system and status. He suggested to adopt another resolution in that regard whereupon.

The Acting Speaker ruled:

“This House has already adopted a resolution and expressed its opinion through that resolution. There is no need to give ruling or to pass another resolution.”

Vol. XII, Nos. 7-13
N. A. Debate, dated: 20-04-2009
Page Nos. 947-949

116. POINT OF ORDER: IN CAMERA SITTING WAS DEMANDED FOR BRIEFING ON LAW AND ORDER SITUATION AND SECURITY IN THE COUNTRY: SECRET SITTING WOULD BE HELD ON THE DIRECTION OF THE LEADER OF THE HOUSE.

On 14th March 2009, during the proceedings of the House, Ms. Marvi Memon, MNA, rising on a point of order stated that in the last session of the Assembly, the Advisor on Interior had offered to give briefing to the House in a secret sitting on law and order situation in the country and the threats to the security of the country. She added as that was the last day of the session, therefore, she wanted to know about the in camera session of the Assembly.

Mr. Deputy Speaker observed:

“The secret sitting of the House shall be fixed on the asking of the leader of the House. It cannot be fixed on the asking of the Advisor on Interior. The secret sitting would be in accordance with the rules.”

Vol. XI, Nos. 1-8
N. A. Debate, dated: 14-03-2009
Page Nos. 691-692

117. POINT OF ORDER: OBJECTION WAS RAISED BY A MEMBER THAT DEPUTY SPEAKER WHILE PRESIDING THE HOUSE SHOULD BE ADDRESSED AS SPEAKER INSTEAD OF DEPUTY SPEAKER: POINT OF ORDER WAS UPHELD.

On 10th June 2008, Mr. Deputy Speaker was presiding over the sitting of the Assembly. It was observed that some MNAs addressed the Chair as “Mr. Deputy Speaker.” Mr. Abdul Qadir Patel, MNA, rising on a point of order stated that whosoever was sitting in the Chair should be addressed as a “Speaker” and sought the ruling of the Chair on the point. Mr. Deputy Speaker observed:

“I have already given the ruling that whosoever is occupying the Chair is to be addressed as a ‘Speaker’.”

Vol. V, Nos. 1-8

N. A. Debate, dated: 10-06-2008

Page No. 785

118. POINT OF ORDER: OBJECTION WAS RAISED THAT RULE 31 OF THE RULES OF PROCEDURE WHICH BARS DISCUSSION ON SUB-JUDICE MATTERS, REFLECTION ON THE PRESIDENT IN HIS PERSONAL CAPACITY AND CONDUCT OF ANY JUDGE OF THE SUPREME COURT OR OF A HIGH COURT IN THE DISCHARGE OF HIS DUTIES RESTRICTS THE FREEDOM OF SPEECH: FREEDOM OF SPEECH IS SUBJECT TO CONSTITUTION AND RULES OF PROCEDURE.

On 23rd February 2007, during the proceedings of the House, Maulana Abdul Akbar Chitrali, MNA, rising on a point of order stated that the members could not criticize the conduct of President, Judges of High Courts and the Supreme Court and also sub-judice matters. He was of the view that members were the public representatives and it was their constitutional right to represent them. He added that the Constitution had guaranteed the freedom of speech in the House, but Rules of Procedure restricted that right. He specifically referred to rule 31 of the Rules of Procedure and Conduct of Business in the National Assembly 2007 which bars discussion on a sub-judice

matter, reflection on the President in his personal capacity and discussion on the conduct of any judge of the Supreme Court or of a High Court in the discharge of his duties.

Mr. Speaker did not agree to the point of view of the member and observed that:

“The freedom of speech under Article 66 is subject to the Constitution and to the Rules of Procedure. Under Article 68 of the Constitution; 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. Therefore, rule 31 is not ultra vires of the Constitution”.

Vol. XXXIX, Nos.9-14

N. A. Debate, dated: 23-02-2007

Page Nos. 1572-1573

119. POINT OF ORDER: MEMBER REQUESTED TO TAKE UP HIS QUESTION OF PRIVILEGE WHICH WAS UNDER PROCESS IN THE SECRETARIAT: QUESTION COULD NOT ASKED REGARDING THE BUSINESS UNDER PROCESS: RULED OUT OF ORDER

On 8th February 2007, during the proceedings of the House Mr. Abdul Mujeeb Pirzada, MNA, requested the Speaker to take up his question of privilege on urgent basis. Mr. Speaker ruled:

“The business which is under process in the Secretariat cannot be raised on the floor of the Assembly”.

Vol. XXXIX, Nos. 1-8

N. A. Debate, dated: 08-02-2007

Page Nos. 210-211

Page Nos. 195-209

120. POINT OF ORDER: ATTENTION OF THE CHAIR DRAWN TO THE ABSENCE OF A MEMBER AND HIS SUBMISSION OF LEAVE APPLICATION: QUESTION COULD NOT BE PUT TO THE CHAIR: POINT OF ORDER RULED OUT.

On 4th May 2007, Mr. Krishan Bheel Advocate, MNA rose on a point of order and drew attention of the Chair to the fact that Mr. Gayan Chand Singh, MNA had not been attending the session of the Assembly for the last six months. He put the question to the Chair whether any leave application had been submitted by the member?

Mr. Speaker ruled the point out of order as under:

“No question can be put to the Chair. It should be avoided.”

Vol. XL, Nos. 9-16
N. A. Debate, dated: 04-05-2007
Page No. 1052

121. POINT OF ORDER: ATTACK ON A FAMILY OF MINORITY COMMUNITY: POINT OF ORDER RAISED TO DIRECT THE PROVINCIAL GOVERNMENT TO ARREST THE CULPRITS: PROVINCIAL GOVERNMENTS COULD NOT BE DIRECTED BUT REQUESTED TO TAKE ACTION.

On 23rd July 2004, Mr. Gayan Chand Singh, MNA rising on a point of order stated that a family belonging to minority group was attacked in District Mansehra. The member requested the Chair to direct the provincial government to arrest the culprits who were still at large.

The Chair observed:

“The provincial government cannot be directed, however, we can request them to take notice of the matter.”

Vol. XVII, Nos. 1-5
N. A. Debate, dated: 23-07-2004
Page Nos. 683-684

122. POINT OF ORDER: ALLOTMENT OF TIME FOR DISCUSSION ON THE MOTION OR RESOLUTION: MR. SPEAKER TO ALLOT TIME FOR DISCUSSION ON THE MOTION OR RESOLUTION, THE CHAIR OBSERVED.

On 22nd October 2004, Mr. Aitzaz Ahsan, MNA raised a point of order regarding allocation of time for the movers of motions. The point of order was raised during discussion on the resolution for the removal of the Speaker from his office. The Chair gave the following Ruling:

“It is the inherent power of the Speaker to fix time for discussion on any motion, resolution etc. Today is Friday, and the House is to be adjourned at 12:30 noon for Jumma Prayers. Therefore, I fix the time for discussion on resolution for the removal of the Speaker from his Office for two hours. The mover who has actually moved the resolution, (Ruling of the Chair dated 28.6.2003), and the Speaker will speak for 30 minutes. Other members will speak for not more than 15 minutes.

In India when leave to move resolution for the removal of the Speaker of Lok Sabha was granted on 18.12.1954, the Deputy Speaker who was in the Chair, fixed time for discussion as 15:30 and two hours were allotted for discussion. I am, therefore, of the view that the mover of the resolution under the proviso to sub-rule (6) of rule 12 of the Rules of Procedure and conduct of Business in the National Assembly 1992 is the member who actually moved the resolution and only he may speak for thirty minutes on the resolution.”

Vol. XXII, Nos.1-12,
N. A. Debate, dated: 22-10-2004
Page Nos. 728,734-736

123. POINT OF ORDER: NO RIGHT OF MEMBERS TO CRITICIZE THE RELIGIOUS BELIEFS OF OTHER MEMBERS: MEMBERS MAY HAVE DIFFERENCE OF OPINION BUT HAVE NO RIGHT TO CRITICIZE THE RELIGION OR RELIGIOUS BELIEFS OF OTHERS: ADVISED TO AVOID GIVING OPINION ON THE OTHERS' BELIEFS.

On 30th January 2006, during discussion on Balochistan situation, Mr. Ghyan Chand Singh, MNA criticized those people who were with Americans in Afghan War and fighting against Russians considering them as Kafirs. Moulana Abdul Ghafoor Haidri, MNA, rising on a point of order stated that he respected the member from minorities and his religious beliefs but he had no right to criticize the religious beliefs of other members. "Jihad" is one of the pillars of Islam and no one would be allowed to criticize it.

Mr. Speaker observed:

"The members may have difference of opinion on any issue, but they have no right to criticize the religion or religious beliefs of others. They should avoid giving any opinion on the others' beliefs which may hurt the sentiments or feelings of its followers".

Vol. XXXI, Nos. 1-3

N. A. Debate, dated: 30-01-2006

Page Nos. 235-237

124. POINT OF ORDER: MEMBER SOUGHT CLARIFICATION FROM THE MINISTER FOR INTERIOR AS WHY AND UNDER WHAT LAW RED NOTICES TO MOHTARAMA BENAZIR BHUTTO AND MR. ASIF ALI ZARDARI WERE ISSUED: CHAIR OBSERVED THAT A MEMBER COULD NOT ASK QUESTION/ EXPLANATION FROM ANY MEMBER/MINISTER DIRECTLY WITHOUT PERMISSION OF THE CHAIR.

On 30th January 2006, Ms. Naheed Khan, MNA on a point of

order invited attention of the Chair towards the issuance of Red Notices to Mohtarma Benazir Bhutto and Mr. Asif Ali Zardari. She stated that both were never convicted under any case and the issuance of Red Notices was illegal. She asked the Minister for Interior as to why and under what law the Red notices were issued. She added that if no reply was given, she would stage a walk-out and would boycott the proceedings of the House. Mr. Speaker observed:

“Under the rules, a member cannot ask any question/ explanation from another member or a Minister without the permission of the Chair. A member should abide by the rules and seeking reply/explanation from a member or Minister directly be avoided”.

Vol. XXXI, Nos.1-3

N. A. Debate, dated: 30-01-2006

Page Nos. 245-248

125. POINT OF ORDER: OBJECTION WAS RAISED BY A MEMBER FOR NOT PLACING HER ADJOURNMENT MOTION ON THE ORDERS OF THE DAY REGARDING ISSUE OF RED NOTICES BY INTERPOL AGAINST MOHTARMA BENAZIR BHUTTO: CHAIR OBSERVED THAT BUSINESS OF THE HOUSE SUBMITTED TO THE SECRETARIAT COULD NOT BE DISCUSSED ON A POINT OF ORDER.

On 3rd February 2006, during the proceedings, Ms. Naheed Khan, MNA pointed out that an adjournment motion regarding the issuance of Red Notice by Interpol against Mohtarma Benazir Bhutto, who remained twice the Prime Minister of Pakistan, and also the Leader of the Opposition in the National Assembly, was not placed on the Orders of the Day. She added that the matter was of an urgent public importance and of recent occurrence and she requested the Speaker to take up the adjournment motion.

Raja Pervaiz Ashraf, MNA, also supported and endorsed the views expressed by the Member. He added that the issuance of Red

Notice by Interpol was a conspiracy against the national leadership of Pakistan and that it was tantamount to her character assassination and political victimization.

After hearing the members, the Speaker ruled out the point of order and observed:

“Business of the House submitted to the Secretariat cannot be discussed in the House on a point of order. The matter was also discussed in the Business Advisory Committee. As various adjournment motions on that matter are being processed by the office, therefore, they will be taken up after processing according to rules.”

Vol. XXXII, Nos.1-10

N. A. Debate, dated: 03-02-2006

Page Nos. 5-9

126. POINT OF ORDER: SUGGESTION MADE BY A MEMBER TO DISCUSS BUDGET FOR THREE OR FOUR MONTHS BY THE HOUSE: NOT RELATED TO THE BUSINESS BEFORE THE ASSEMBLY: RULED OUT OF ORDER.

On 6th February 2006, Dr. Fareeda Ahmed, MNA rising on a point of order suggested that the House should discuss the budget for three or four months, as done by several other countries.

Mr. Speaker ruled:

“Budget has not been presented as yet. The point of order does not relate to the business before the Assembly at the moment. It is ruled out of order.”

Vol. XXXII, Nos.1-10

N. A. Debate, dated: 06-02-2006

Page No. 116

127. POINT OF ORDER: OBJECTION WAS RAISED TO THE FREQUENT CANCELLATION OF THE MEETINGS OF STANDING COMMITTEE: THE MATTER COULD NOT BE DISCUSSED IN THE HOUSE: CHAIR DIRECTED THE TO COME TO HIS CHAMBER: OBJECTION OVER RULED.

On 4th May 2007, rising on a point of order, Khwaja Muhammad Asif, MNA, drew attention of the Chair towards the frequent cancellation of meetings of the Standing Committee on Privatization and alleged that the purpose of cancellation of the meetings of Standing Committees was to avoid discussion on the Privatization of NIT and also to pre-qualify Mr. Arif Habib for NIT against whom the Supreme Court of Pakistan had passed strictures in Pakistan Steel Mills case. He requested the Speaker to take steps to prevent that big scam.

Mr. Speaker observed:

“The matter of summoning of the meeting of Standing Committee or cancellation thereof by the Chairman Standing Committee cannot be raised on the floor of the House. You may come to my Chamber and I will call the Minister and the Chairman of the Committee to resolve the issue. Point of order is ruled out.”

Vol. XL, Nos. 9-16

N. A. Debate, dated: 04-05-2007

Page Nos. 1041-1044

128. POINT OF ORDER: OBJECTION WAS RAISED BY A MEMBER TO THE CONDONATION MOTION IN RESPECT OF DELAY IN THE PRESENTATION OF COMMITTEE REPORT WITHOUT ANY REASON: POINT OF ORDER WAS HELD IN ORDER.

On 7th June 2007, Rai Aziz ullah Khan, MNA, sought leave of the House to condone delay in the presentation of the report of the

Standing Committee on “Pakistan Iqbal Academy Bill, 2007. The House adopted the motion and condoned the delay. Mr. Muhammad Hussain Mehanti, MNA, rising on point of order, stated that invariably the Bills which were referred to the Standing Committees were not reported back within the prescribed period and the delay without any reason was being condoned by the House. He added that the Standing Committees should present their reports within the prescribed period and whenever the delay was requested to be condoned, the reasons for delay should have been indicated.

The Speaker held it in order and ruled:

“I have already given ruling upon this issue wherein it was stated that condonation of delay should not be claimed as a matter of right. Under the Rules of Procedure and Conduct of Business in the National Assembly, 2007, the Standing Committees are bound to present their reports within 30 days. I repeat the same ruling that for the delay of the presentation of report, there must be some justifiable reasons for its condonation.”

Vol. XLI, Nos. 1-6

N. A. Debate, dated: 07-06-2007

Page Nos. 253-255

129. POINT OF ORDER: OBJECTION WAS RAISED BY A MEMBER TO LESS REPRESENTATION OF A PARLIAMENTARY PARTY IN COMMITTEES AND INDUCTION OF FEDERAL MINISTER AS MEMBER IN THE STANDING COMMITTEE ON LAW AND JUSTICE: MADAM SPEAKER HELD, RULES DID NOT SPECIFY THE REPRESENTATION: RULED OUT OF ORDER.

On 2nd November 2009, Ch. Nisar Ali Khan, Leader of the Opposition pointed out to the less representation of their members in the Committees according to the agreed formula and he hoped that steps would be taken to resolve the problem. Objection to the

induction of a Federal Minister as a member of the Standing Committee on Law and Justice, particularly at the time of introduction of National Re-Conciliation Bill, was also raised and termed it malafide.

After hearing the member, Madam Speaker observed:

“It is clarified that the members of the Standing Committees are elected by the House, not nominated by the Speaker. The Rules of Procedure does not prescribe any specific representation for a parliamentary party. However, a convention has been established to give proportional representation to each parliamentary party according to its strength in the House. The House elects members and invariably authorizes the Speaker to make changes in the composition of the Committee in consultation with the respective parliamentary leaders as and when required. However, the Speaker normally does not increase the agreed strength of the members of a particular parliamentary party in a Committee.

The election of a Minister in the Standing Committee on Law and Justice was made much earlier than the introduction of National Re-conciliation Bill. Therefore, the views expressed by the member are devoid of any basis.”

Vol. XVII, Nos. 1-6

N. A. Debate, dated: 02-11-2009

Page Nos. 103-105

130. POINT OF ORDER: THE QUESTION OF PARTY MEMBERSHIP IN THE STANDING COMMITTEE ALLEGEDLY NOT IN ACCORDANCE WITH THE PROPORTIONAL REPRESENTATION WAS RAISED: MEMBERS OF STANDING COMMITTEES ARE ELECTED BY THE HOUSE NOR BY THE SPEAKER NOR THE SPEAKER'S SECRETARIAT: CHAIR OBSERVED THAT MEMBER WHO HAS ANY OBJECTION TO THIS EFFECT SHOULD SEE THE SPEAKER IN HIS CHAMBER.

On 15th February 2010, during the proceedings of the House, it was pointed out that the party's membership in the Standing Committees was not in accordance with proportionate representation. In response, Madam Speaker read out rule 200 of the Rules of Procedure and Conduct of Business of the National Assembly 2007 for information of the members which states as under:

'except otherwise provided in these rules, each Committee shall consist of not more than twenty members to be elected by the Assembly within thirty days after the election of the Leader of the House.'

Thereafter the Speaker ruled:

"It is clear that the members of a Standing Committee are elected by the House not by the Speaker nor the Speaker's Secretariat. If anybody has any objection regarding the representation of the members in the Committees, he should see the Speaker in his Chamber to resolve the issue."

Vol. XIX, Nos. 1-9

N. A. Debate, dated: 15-02-2010

Page No. 548

131. POINT OF ORDER: MINISTER OF STATE POINTED OUT TO THE GRIEVANCES OF THE JOURNALISTS AND SUBSEQUENT WALKOUT OF THE PRESS: THE MATTER WAS REFERRED.

On 14th June 2010, Syed Sumsam Ali Shah Bukhari, Minister of State for Information rose on a point of order and drew attention of the Chair towards the walk-out by the Press and explained the reasons of the walk-out and grievances of the media personnel. He stated that most of the Journalists were neither paid their wages for the last five/six months nor arrears. Further, their wage award was not by that time announced. They also complained against Pakistan Broadcasting Corporation, which would be addressed by the Government. He requested the Chair to refer the grievances of the Journalists to the Standing Committee on Information so that the issue could be resolved after deliberation and consultation and if any legislation was required for that purpose that would also be done. He also requested the Journalists to end the boycott and start attending the Session.

Mr. Deputy Speaker ruled:

“In exercise of the powers conferred by Rule 199 of the Rules of Procedure and Conduct of Business in the National Assembly 2007, the matter is referred to the Standing Committee on Information for recommendation or to suggest legislation.”

Vol. XXIII, Nos. 1-21
N. A. Debate, dated: 14-06-2010
Page Nos. 707-708

132. POINT OF ORDER: MINISTER REQUESTED THE CHAIR TO EXPEDITE THE BUSINESS PENDING BEFORE THE STANDING COMMITTEES: CHAIR OBSERVED THAT THE BUSINESS IS BEING DELIBERATED UPON AND CONSENSUS DEVELOPED THEREUPON: IT WOULD NOT BE APPROPRIATE TO EXERT INFLUENCE ON THE STANDING COMMITTEES.

On 18th January 2012, Syed Khursheed Ahmed Shah, Minister

for Religious Affairs requested the Chair to direct the Standing Committees to expedite the pending legislation. He stated that some very important legislation relating to public issues was pending before the Committees but no meeting was held for the last six months. He suggested that the Speaker, being the Chairperson of the Council of Chairmen should give directions to the Chairmen Standing Committees to expedite the legislation. Madam Speaker observed:

“The legislation is before the Standing Committees and the members are discussing and deliberating thereon trying to develop consensus on that legislation. Therefore, it would not be appropriate to exert influence upon the Standing Committees. I request you and all the members to get together, sit down and resolve the issue as soon as possible.”

Vol. XXXVIII, Nos.1-6
N. A. Debate, dated: 18-01-2012
Page Nos. 11-12

133. POINT OF ORDER: A MEMBER POINTED OUT THE LACK OF REPRESENTATION OF A PARTY IN THE STANDING COMMITTEES FORMED BY THE SPEAKER: CHAIR OBSERVED THAT COMMITTEES ARE ELECTED BY THE HOUSE NOT FORMED BY THE SPEAKER: STHE POINT SHOULD HAVE BEEN RAISED AT THE TIME OF ELECTION: RULED OUT OF ORDER.

On 5th March 2014, Mr. Sher Akbar Khan MNA, rose on a point of order and stated that the members of his party were given no representation in the Standing Committees formed by the Speaker.

Mr. Speaker observed:

“The Committees have been elected by the House, not formed by the Speaker. You should have raised such objection when the Committees were being elected by the House. At this stage, your objection cannot be entertained. Point of order is ruled out.”

N. A. Debate, dated: 05-03-2014

134. POINT OF ORDER: MINISTER FOR PORTS AND SHIPPING POINTED OUT THE BREAK DOWN DUE TO DUST STORM IN SINDH: CHAIR OBSERVED THAT MINISTER SHOULD HAVE MADE STATEMENT IN THE HOUSE IF THE MATTER WAS OF URGENT PUBLIC IMPORTANCE.

On 18th June 2009, during the proceedings of the House Senator Babar Khan Ghauri, Minister for Ports and Shipping pointed out that due to heavy storm in most of the areas of Sindh normal life of the people was interrupted. There was a break-down of electricity which had not been restored till that time. Raja Pervez Ashraf, Minister for Water and Power admitted that the dust storm affected the 500 KV transmission line from Dadu to Jam Shoro which caused break-down of electricity in that area. Thereafter, many other members wanted to speak on the issue.

Mr. Deputy Speaker observed:

“If such an un-expected situation arises which is of an urgent public importance it is desirable that the Minister concerned should give a statement in the House explaining the whole facts so as to avoid raising unnecessary points of order.”

Vol. XIV, Nos. 1-5

N. A. Debate, dated: 18-06-2009

Page Nos. 436-437

135. POINT OF ORDER: OBJECTION WAS RAISED BY A MEMBER TO THE DISTRIBUTION OF LITERATURE, QUESTIONNAIRE OR PAMPHLETS ETC NOT CONCERNED WITH THE BUSINESS OF THE HOUSE WITHIN THE PREMISES OF THE PARLIAMENT: RULED THAT SUCH DISTRIBUTION NOT ALLOWED WITHOUT PRIOR PERMISSION OF THE SPEAKER.

On 22nd June 2008, Ms. Shagufta Jumani, MNA pointed out the distribution of a pamphlet in the House by an opposition member

against the member belonging to the Treasury Benches which was the violation of rules. The Prime Minister and Dr. Donia Aziz MNA also supported the view point expressed by the member.

Mr. Deputy Speaker ruled:

“Keeping in view the rules, parliamentary conventions and precedents, members are not allowed to distribute any literature, questionnaire, or pamphlets etc. not concerned with the business of the House within the premises of the Parliament unless prior permission has been obtained from the Speaker.”

Vol. V, Nos. 15-19

N. A. Debate, dated: 22-06-2008

Page Nos. 2640-2642

136. POINT OF ORDER: A MEMBER DREW ATTENTION OF THE CHAIR TOWARDS THE DISTRIBUTION OF NEWSPAPER CONTAINING OBJECTIONABLE MATERIAL: RULED THAT NO DOCUMENT OF ANY KIND NOT CONNECTED WITH THE PROCEEDINGS OF THE HOUSE CAN BE DISTRIBUTED WITHIN THE PRECINCTS OF THE PARLIAMENT HOUSE WITHOUT PRIOR PERMISSION OF THE SPEAKER.

On 19th December 2008, soon after oath taking of the members-elect, Begum Shahnaz Sheikh, MNA, drew attention of the Chair, towards the distribution of a newspaper containing the caricature of a leader of a major political party within the precincts of the Assembly. Mr. Muhammad Hanif Abbasi, MNA alleged that the ruling party was involved in the distribution of that document. He suggested that a committee should be constituted to unearth the conspiracy. The Prime Minister took the floor and stated that according to the parliamentary practice and procedure no document of any kind except the document related to the business of the House could be distributed within the House. Without the prior permission of the Speaker no document could be distributed. Mr. Farooq H. Naek,

Minister for Law and Justice pointed out that according to the parliamentary practice and procedure members could not distribute within the precincts of the Assembly any literature, questionnaire or pamphlets etc. not connected with the business of the House without prior permission in writing of the Speaker. He referred to rule 30 (k) of the Rules of Procedure and Conduct of Business in the National Assembly, 2007, and also mentioned the precedents in that regard. He was of the opinion that distribution of any document within the House, without the prior permission of the Speaker, was the violation of rules and was misconduct on the part of the member responsible for such distribution.

After hearing the members at length Mr. Deputy Speaker ruled:

“No document of any kind, not connected with the proceedings of the House can be distributed within the precincts of the Parliament House without the prior permission of the Speaker.”

Vol. IX, Nos. 1-8
N. A. Debate, dated: 19-12-2008
Page Nos. 529-539

137. POINT OF ORDER: OBJECTION WAS RAISED TO LENGTHY REPLIES TO THE SUPPLEMENTARY QUESTIONS: CHAIR OBSERVED THAT REPLIES TO THE SUPPLEMENTARY QUESTIONS BE BRIEF AND CONCISE.

On 6th October 2010, during the question hour Rana Tanveer Hussain, MNA pointed out that the Ministers were giving lengthy and detailed replies to supplementary questions raised by the members. He requested the Chair to advise the Ministers to be brief and precise.

Madam Speaker observed:

“You are right. Supplementary questions may be asked for elucidation of answer rather than giving information or making suggestion for action. Supplementary questions should be

precise, brief, specific, relevant and within the scope of the subject matter of the main question. Speeches, suggestions or lengthy and detailed replies should be avoided so as to accommodate maximum number of members to ask supplementary.”

Vol. XXV, Nos. 1-5
N.A. Debate, 06-10-2010
Page Nos. 1418-1419

138. POINT OF ORDER: MINISTER FOR PARLIAMENTARY AFFAIRS RAISED OBJECTION AND REQUESTED FOR EXPUNCTION OF THE WHOLE SPEECH: MEMBER INSISTED TO CLARIFY. HELD NO DEBATE PERMISSIBLE ON A POINT OF ORDER.

On 17th April 2006, Mr. M. P. Bhandara, MNA raised a point of order regarding election of Finance Committee and other issues. In response, Minister for Parliamentary Affairs stated that the point of order was vague and baseless. He further stated that the member had used indecent and un-parliamentary expression not only against the Prime Minister but also against the august House. He also used unpleasant remarks against the Chair. The Minister requested the Speaker to expunge the whole speech of the member. However, Mr. Bhandara, insisted to explain his position. Mr. Speaker did not allow and ruled:

“No. debate is permissible on a point of order.”

Vol. XXXIV, Nos. 1-8
N. A. Debate, dated: 17-04-2006
Page Nos. 612-615

139. POINT OF ORDER: NON-APPOINTMENT OF COUNCIL OF COMMON INTERESTS: RULING ALREADY RESERVED ON THE MATTER: RULED OUT OF ORDER.

On 19th April 2006, during the proceedings of the House, Mr. Abdul Mujib Pirzada, MNA, rose on a point of order and raised the

matter of non-constitution of the Council of Common Interests under Article 153 of the Constitution. The Speaker ruled:

“The matter of non-appointment of the Council of Common Interests was earlier raised and after hearing, ruling thereon was reserved. Till the announcement of the ruling it could not be raised again. Point of order is ruled out of order.”

Vol. XXXIV, Nos. 1-8
N. A. Debate, dated: 19-04-2006
Page Nos. 960-961

140. POINT OF ORDER: REGISTRATION OF CRIMINAL CASES AGAINST THE MEMBER: ISSUANCE OF DIRECTIONS TANTAMOUNT TO INTERFERE IN THE INVESTIGATION PROCESS/JUDICIAL MATTERS: RULED OUT OF ORDER.

On 29th April 2006, Mr. Aitzaz Ahsan, MNA, referred to the registration of many cases one after another against Mr. Saad Rafique, MNA. He added that in two criminal cases, his bail petition was accepted by Lahore High Court, Lahore. He alleged that the provincial government was pressurizing the police and interfering with the investigation. Such interference was unfair and illegal and should be stopped. Mr. Aitzaz Ahsan sought the indulgence of Hon. Speaker in the matter. Mr. Speaker observed as follows:

“The Speaker has the power under the rules to issue production order for a detained member who is accused of a non-bailable offence to attend the session of the Assembly. Production order of Mr. Saad Rafique, has already been issued. Issuance of orders/directions as suggested by the member will be tantamount to interfere in the investigation process or in judicial matters. Point of order is ruled out.”

Vol. XXXI, Nos.1-3
N. A. Debate, dated: 29-04-2006
Page Nos. 99 -101

141. POINT OF ORDER: MEMBERS WANTED TO RAISE POINT OF ORDER DURING THE COUNTING OF VOTES ON DEMANDS FOR GRANTS: HELD NO BUSINESS INCLUDING POINT OF ORDER CAN BE TRANSACTED DURING THE PROCESS OF COUNTING.

On 17th June 2006, during the proceedings of the House, Minister of State for Finance moved Demand No. 147 which was adopted by the House. Mr. Liaqat Baloch, MNA, challenged the decision. The Speaker ordered the counting by rising of the members in their seats. During the process of counting, Hafiz Hussain Ahmad and Syed Khursheed Ahmad Shah, MNAs, wanted to raise points of order. The Speaker did not allow them and ruled:

“No business including the point of order can be transacted during the process of counting.”

Vol. XXXVI, Nos. 11-15
N. A. Debate, dated: 17-06-2006
Page Nos. 2174-2176

142. POINT OF ORDER: MEMBER WANTED TO KNOW THE STATUS OF THE BILL PENDING IN THE COMMITTEE: DISCUSSION AT THIS STAGE NOT PERMISSIBLE: RULED OUT OF ORDER.

On 12th September 2006, Mr. Abdul Mujeeb Pirzada, MNA, rising on a point of order stated that for consideration of Women Protection Bill, the session was extended for one week, but the Bill was not brought before the House. He explained the background of the Bill and wanted to discuss the bill at the Committee stage. Mr. Speaker interrupted the member and observed that as the Bill was not under consideration in the House, he could not discuss the Bill at that stage. He will be allowed to speak on the Bill at length when brought before the House. However, Mr. Abdul Mujeeb Pirzada insisted upon discussing the Bill.

Mr. Speaker ruled:

“The Women Protection Bill has already been introduced in the Assembly and is pending in the Committee. The Bill is not before the House. Discussion on the Bill at this stage is not permissible. Point of order is ruled out of order.”

Vol. XXXVII, Nos.21-32

N. A. Debate, dated: 12-09-2006

Page Nos. 2967-2968

143. POINT OF ORDER: MEMBER REQUESTED THE SPEAKER TO TAKE UP HIS ADJOURNMENT MOTION: BUSINESS UNDER PROCESS IN THE SECRETARIAT COULD NOT BE RAISED IN THE HOUSE: MEMBER ADVISED TO SEE THE SPEAKER IN HIS CHAMBER.

On 8th Feb, 2007, during the proceedings of the House, Syed Zafar Ali Shah, MNA, rose on a point of order and requested the Speaker to take up his adjournment motion regarding the bad treatment given to Mr. Akhtar Mengal.

Mr. Speaker observed:

“The business which is under process in the Secretariat cannot be raised in the House. The member is advised to see the Speaker in the Chamber in this regard.”

Vol. XXXIX, Nos. 1-8

N. A. Debate, dated: 08-02-2007

Page No. 229

144. POINT OF ORDER: MEMBER-ELECT WANTED TO RAISE POINT OF ORDER: MEMBER-ELECT HAVE NO RIGHT TO RAISE POINT OF ORDER: CHAIR GAVE FLOOR TO MEMBER-ELECT AND CLARIFIED THAT WHATEVER STATED BY THE MEMBER WAS NOT TO FORM PART OF THE RECORD.

After General Election of 2008, the National Assembly was summoned on 17th March 2008, for taking oath of members-elect. Syed Naveed Qamar, MNA, soon after the recitation from the Holy Quran, wanted to raise a point of order relevant to the oath. The Chair invited his attention to Rules of Procedure which provided that on the day of taking oath by the members-elect, no other business could be transacted except taking oath by the members before the Assembly. However, the member insisted on raising his point and wanted to have clarification from the Chair.

The Speaker observed:

“No one, as a matter of right, can raise any issue in the House before taking oath, but during meeting with the representatives of all the parliamentary parties in the Assembly, it was decided that Speaker, in exercise of his inherent powers, will allow a member-elect to express his point of view regarding taking of oath as whether it was under the Constitution of 1973. Accordingly, in exercise of inherent powers I give floor to Mr. Naveed Qamar. However, whatever is stated, that will not be a part of the record”.

Vol. I-III, Nos. 1-2

N. A. Debate, dated: 17-03-2008

Page No. 2

145. POINT OF ORDER: NON-REGULARIZATION OF SERVICES OF DAILY WAGES EMPLOYEES OF PTCL: MEMBER WANTED ASSURANCE FROM THE CONCERNED MINISTER FOR THEIR REGULARIZATION: NO REQUIREMENT TO OBTAIN RESPONSE FROM MINISTER ON POINT OF ORDER: RULED OUT OF ORDER.

On 3rd November 2003, Malik Amin Aslam Khan, MNA rising on a point of order stated that PTCL had earned record profit that year which was in billions. There were about four or five thousand daily wages employees who had been wholeheartedly working for the department for many years but their services were not regularized. He sought assurance of the Minister for regularization of their services. The speaker ruled the point of order and observed:

“There is no requirement to obtain response from the Minister on a point of order.”

Vol. X, Nos. 25-37

N. A. Debate, dated: 03-11-2003

Page No. 2381

146. POINT OF ORDER: MEMBER SOUGHT PERMISSION TO RAISE A POINT OF ORDER BEFORE DISPOSAL OF THE EARLIER POINT OF ORDER: NOT ALLOWED.

On 26th April 2007, Dr. Sher Afgan Niazi, Minister for Parliamentary Affairs rising on a point of order stated that according to the Rules of Procedure and Conduct of Business in the National Assembly, 2007, a member stood disqualified if he remained absent from the Assembly for forty consecutive sittings. At this stage, Syed Nayyer Hussain Bokhari, MNA, sought permission of the Speaker to raise point of order.

Mr. Speaker did not allow the member and observed:

“No debate is allowed on a point of order. The point of order raised by Dr. Sher Afgan Niazi has not yet been disposed of, therefore, another point of order cannot be allowed before the disposal of the earlier point of order.”

Vol. XL, Nos. 1-8
N. A. Debate, dated: 26-04-2007
Page Nos. 410-412

147. POINT OF ORDER: MEMBER WANTED TO RAISE POINT OF ORDER DURING THE SPEECH OF MEMBER: POINT OF ORDER COULD NOT BE RAISED DURING THE SPEECH OF MEMBER: NOT ALLOWED.

On 8th August 2007, when the foreign policy was under discussion in the House and Ms. Rozina Tufail, MNA was making speech on the foreign policy. Mr. Pervaiz Malik, MNA, wanted to raise a point of order.

Mr. Deputy Speaker did not allow him and observed:

“Point of order cannot be raised during the speech of a member. However, it can be raised after the speech of the member.”

Vol. XLII, Nos. 8-14
N. A. Debate, dated: 08-08-2007
Page No. 869

148. POINT OF ORDER: OBJECTION WAS RAISED BY A MEMBER ON THE CONTRADICTION IN THE STATEMENTS MADE BY THE MINISTER IN THE HOUSE AND ON TV: THE MINISTER EXPLAINED HIS POSITION: CHAIR OBSERVED WHATEVER STATED BY THE MINISTER ON THE FLOOR OF HOUSE WAS CORRECT: ANYTHING SAID OUTSIDE THE HOUSE WAS NOT ACCEPTABLE.

On 10th August 2007, during the question hour, Begum Nasim Ch., MNA, pointed out that Minister for Education, Lieutenant General

(R) Javed Ashraf Qazi, while speaking on PTV had opposed the national language and added that she herself had heard those words and whatever the Minister was saying in the House, was totally different from that what he had said on PTV. The Minister for Education explained his position and stated that his statement was misunderstood. He never appeared on PTV a day before. However, he was present in an award giving ceremony of a school where he distributed certificates and while addressing the gathering, he only said that English and Urdu both the languages should be compulsory for our children to compete internationally.

After explanation by the Minister, the Deputy Speaker observed:

“Whatever is stated on the floor of the House is correct, authentic and acceptable. If anything is said outside the House it is not acceptable.”

Vol. XLII, Nos. 8-14

N. A. Debate, dated: 10-08-2007

Page No. 1154

149. POINT OF ORDER: NON-REPRESENTATION OF WOMEN FROM FATA IN THE NATIONAL ASSEMBLY AGAINST RESERVED SEATS: CONSENSUS TO BE DEVELOPED TO AMEND THE RELEVANT LAW.

On 25th April 2008, Syed Akhonzada Chatan, MNA drew attention of the Chair towards the non-representation of women from FATA in the National Assembly. He stated that no reserved seat for woman was allocated for FATA. He requested the Government to give representation to the tribal women from FATA, like allocation of reserved seats for women in the provinces.

Madam Speaker observed:

“A very valid point has been raised. I am of the view that consensus may be developed to amend the relevant law for giving representation to the women from the FATA.”

Vol. IV, Nos. 1-11
N. A. Debate, dated: 25-04-2008
Page No. 929

150. POINT OF ORDER: SEVERAL MEMBERS INSISTED TO RAISE POINT OF ORDER: POINT OF ORDER MUST RELATE TO INTERPRETATION OR ENFORCEMENT OF RULES OR SUCH ARTICLES AS REGULATE THE BUSINESS OF THE ASSEMBLY.

On 5th June 2008, during the proceedings of the House, the members one after another wanted to raise points of order. Madam Speaker advised them to raise point of order in accordance with rule 17 of the Rules of Procedure and Conduct of Business in the National Assembly 2007, as most of the points of order were found to be in contravention of the said rule and had to be ruled out of order.

Madam Speaker observed:

“The point of order must relate to the interpretation or enforcement of rules or such Articles as regulate the business of the Assembly and shall raise a question which is within the cognizance of the Speaker.”

Vol. V, Nos. 1-8
N. A. Debate, dated: 05-06-2008
Page No. 433

151. POINT OF ORDER: MEMBER SOUGHT TIME FRAME FROM MINISTER FOR ACTION ON HIS APPLICATION: NO POINT OF ORDER: RULED OUT.

On 15th August 2008, rising on a point of order, Khawaja Sohail Mansoor, MNA stated that an application containing some urgent

matters had been submitted to the Minister for Defence but the fate of that application had not till that time been known to him a lapse of reasonable time. He requested the Minister to give time frame for taking action thereon. Madam Speaker ruled:

“This is no point of order.”

Vol. VI, Nos. 1-6

N. A. Debate, dated: 15-08-2008

Page No. 562

152. POINT OF ORDER: INTERRUPTION BY a MEMBER DURING THE SPEECH OF MINISTER: CHAIR OBSERVED THAT DECISION OF THE MAJORITY IN THE COMMITTEE IS THE DECISION OF COMMITTEE: MEMBER SHOULD BE SATISFIED WITH THE DECISION.

On 23rd December 2008, Ch. Abid Sher Ali, MNA, Chairman Standing Committee on Education rising on a point of order stated that Standing Committee on Education was being interrupted in its proceedings on the issue of excess marks obtained by the daughter of Chief Justice of Pakistan(Mr. Abdul Hameed Dogar). He that the members were also stopped added from discussing the matter in the House on the plea that the matter was sub-judice. He was of the view that the Parliament being supreme could discuss any matter including the aforesaid matter. The Minister for Education, Mir Hazar Khan Bijrani clarified and stated that the Committee had decided to discuss the matter *in camera*. He assured that the government would extend all cooperation for the judicious discussion on the matter. During the speech Minister, of Education Mr. Abid Sher Ali, MNA was interrupting the Minister by rising in his seat frequently and passing remarks whereupon Madam Speaker read out paragraph (f) of sub-rule (3) of rule 31 of the Rules of Procedure and Conduct of Business in the National Assembly, 2007 which says as under:

‘31 (3) A member while speaking shall not-

- (f) *use offensive expression about the conduct of proceedings in the joint sitting, National Assembly, Senate or a Provincial Assembly or a Committee or Sub-Committee.'*

Madam Speaker observed:

“In a parliamentary system of governance, the minority has its say and the majority has its way. Whatever the majority of the members of Committee decide that would be the decision of the Committee and all the members of the Committee would be bound to accept it. In view of the assurance given by the Minister for Education on the floor of the House, the member should be satisfied of the fair decision in the Committee without any outside interference.”

Vol. IX, Nos. 1-8

N. A. Debate, dated: 23-12-2008

Page Nos. 682-683

153. POINT OF ORDER: LENGTHY SPEECH MADE BY MEMBER ON POINT OF ORDER: POINT OF ORDER TO BE PRECISE AND BRIEF.

On 20th January 2009, Molvi Asmatullah, MNA, on a point of order made a lengthy speech. Interrupting the speech, Madam Speaker advised him to be brief and precise but he continued his speech.

Madam Speaker ruled:

“Point of order should be precise and brief.”

Vol. X, Nos. 1-8

N. A. Debate, dated: 20-01-2009

Page Nos. 758-763

154. POINT OF ORDER: ABSENCE OF MINISTER AND SECRETARY COMMERCE FROM THE HOUSE/OFFICIAL GALLERY RESPECTIVELY WAS POINTED OUT: AS COLLECTIVE RESPONSIBILITY UNDER THE CONSTITUTION ANOTHER MINISTER COULD GIVE ANSWER TO THE QUESTIONS: RULED OUT OF ORDER.

On 5th August 2009, during the Question Hour, when the House took up the questions relating to Ministry of Commerce Syed Faisal Saleh Hayat, MNA invited attention of the House towards the absence of Secretary Commerce and Minister for Commerce. Referring to the previous ruling of the Chair regarding presence of Federal Secretaries in the official galleries whose business was placed on the list of the business of the Assembly, he demanded action against the Secretary. As for the absence of the Minister, he inquired whether the Minister had informed the Speaker in writing about his visit abroad and further sought the ruling on the matter whether in the absence of concerned Minister; other Minister could answer the questions of members on his behalf.

Mr. Acting Speaker ruled:

“I had already given ruling on the presence of Secretaries in the official galleries and the Prime Minister also assured to take action against the absent Secretaries. Minister for Commerce has informed in writing about his absence due to visit abroad. His application was read out in the House for information. As a collective responsibility, under Article 91 of the Constitution, the other Minister who is properly briefed by the Ministry can answer the questions of the members. The point of order is ruled out of order.”

Vol. XV, Nos. 1-4
N. A. Debate, dated: 05-08-2009
Page Nos. 281-284

155. POINT OF ORDER: ATTENTION OF THE CHAIR WAS INVITED BY A MEMBER TO THE VIOLATION OF RULE 17 BY OTHER MEMBERS BY RAISING UNNECESSARY POINTS OF ORDER: MEMBER HIMSELF VIOLATED THE RULE BY MAKING LENGTHY SPEECH ON A POINT OF ORDER: POINT OF ORDER RULED OUT.

On 11th August 2009, Syed Alla-ud-Din, MNA rising on a point of order made a lengthy speech regarding violation of rule 17 of the Rules of Procedure and Conduct of Business in the National Assembly 2007 by raising unnecessary points of order. He requested the Chair to strictly ensure the compliance of rule 17 by the members. The Chair ruled:

“The member has drawn attention to rule 17 which relates to raising of a point of order. However, he himself violated the rule. Presently, we are taking matters under rule 18 which are not points of order. In the beginning, I have already announced it. Therefore, the point raised by the member is ruled out of order.”

Vol. XV, Nos. 5-9

N. A. Debate, dated: 11-08-2009

Page Nos. 971-975

156. POINT OF ORDER: QUORUM POINTED OUT BY A MEMBER DURING QUESTION HOUR DESPITE DECISION OF BUSINESS ADVISORY COMMITTEE: CHAIR OBSERVED THAT MEMBERS ARE BOUND TO ACT UPON THE DECISION OF COMMITTEE.

On 12th November 2009, during the proceedings of the House, Mr. Ghous Bux Khan Mahar, MNA, rising on a point of order drew attention of the Chair towards the lack of quorum.

Madam Speaker observed:

“It is for the information of the members that Business

Advisory Committee decided that quorum would not be pointed out during question hour. All the members are bound to implement and act upon the decision made by the Business Advisory Committee; otherwise the Committee would become redundant.

Vol. XVII, Nos. 7-11
N. A. Debate, dated: 12-11-2009
Page No. 888

157. POINT OF ORDER: CAMPAIGN AGAINST A MEMBER IN THE MEDIA REGARDING ALLEGEDLY POSSESSING FAKE DEGREE IN ORDER TO LOWER HIS STATUS IN THE PUBLIC: CHAIR DIRECTED THE MEDIA TO TAKE CARE AND VERIFY THE NEWS ABOUT MEMBERS BEFORE ITS PUBLICATION.

On 5th October 2010, during the proceedings of the House, Syed Dewan Ashiq Hussain Bokhari, MNA rising on a point of order stated that he was a genuine degree holder. His degree was also reconfirmed by Shah Abdul Latif Bhitai University, Khairpur. However, in the print media a campaign had been started that his degree was fake to defame him and lower his status in the eyes of the public. The honourable member requested the honourable Speaker to direct the print media to stop that campaign and also to publish his point of view on a conspicuous place in the newspapers. Madam Speaker regretted the publication of false and irresponsible news against the member which not only lowered his status in the eyes of the public but also breached the privilege of the member.

Madam Speaker directed the media:

“Before publishing any news about the members, the media persons should take extra care and get it properly verified.”

Vol. XXV, Nos. 1-5
N. A. Debate, dated: 05-10-2010
Page Nos. 1304-1305

158. POINT OF ORDER: A MEMBER SUGGESTED TO PUT THE CHARGED EXPENDITURE TO THE VOTE OF THE ASSEMBLY: NOT ALLOWED: THE EXPENDITURE CHARGED UPON THE FEDERAL CONSOLIDATED FUND COULD NOT BE PUT TO THE VOTE OF THE ASSEMBLY UNLESS THE RELEVANT PROVISION WERE AMENDED.

On 17th June 2011, Ms. Asiya Nasir, MNA rising on a point of order stated that the expenditure charged upon the Federal consolidated Fund could be discussed but not be voted upon. She suggested that charged expenditure should be submitted to the vote of the Assembly.

Madam Speaker read out clause (1) of Article 82 of the Constitution which says:

‘82 (1) So much of the Annual Budget Statement as relates to expenditure charged upon the Federal Consolidated Fund may be discussed in, but shall not be submitted to the vote of, the National Assembly.’

Madam Speaker observed:

“The member can only discuss the expenditure charged upon the Federal Consolidated Fund unless this provision is amended. The expenditure charged upon the Federal Consolidated Fund cannot be put to the vote of the House.”

Vol. XXXX, Nos. 9-13

N. A. Debate, dated: 17-06-2011

Page No. 1205

159. POINT OF ORDER: NON-REGISTRATION OF AN FIR OF A DACOITY COMMITTED INTO THE HOME OF A LADY MNA AND MISBEHAVIOUR OF THE POLICE WITH HER: MINISTER DIRECTED TO GET REPORT FROM PROVINCIAL GOVERNMENT: MEMBER ADVISED TO RAISE QUESTION OF PRIVILEGE.

On 20th June 2013, Ms. Shahjehan Muneer Mangrio, MNA rose on a point of order and said that on 11th June 2013, when she was away from her residence to attend the Budget Session of the National Assembly, a dacoity was committed into her residence in the night. She contacted the DSP in that regard but he did not support her on the plea that she was member of the National Assembly not of the Provincial Assembly. She also contacted the IG police Sindh but he also did not take any action as he was busy. Upon her insistence, the DSP arrested some individuals but released them. She added that the politicians were insulted deliberately as they were not protected by the government.

The Chairperson observed:

“The Police Officer misbehaved with the member. No FIR was registered by the police despite the member’s repeated requests. The Minister for SAFRAN was directed to get a report from the provincial government of Sindh and place it before the House within two days. Meanwhile, the member may raise a question of breach of her privilege if she deems fit.”

N. A. Debate, dated: 20-06-2013

160. POINT OF ORDER: MEMBER MADE LENGTHY SPEECH ON A POINT OF ORDER: LENGTHY SPEECH NOT PERMISSIBLE ON A POINT OF ORDER.

On 24th February 2014, a member rose on a point of order and

made a lengthy speech. Mr. Speaker observed:

“A point of order is usually raised when there is some violation of rules or interpretation or enforcement of provisions of Constitution relating to the business of the Assembly. It should be brief and to the point. Making a lengthy speech on a point of order is not permissible.”

Vol. IX No. 1-10

N. A. Debate, dated: 24-02-2014

Page Nos. 106-107

161. POINT OF ORDER: OBJECTION TO MOVING OF THE RESOLUTION FOR EXTENSION OF AN ORDINANCE WAS RAISED AS THE ORDERS OF THE DAY WAS SUSPENDED: IT WAS CLARIFIED THAT THE WHOLE AGENDA WAS NOT SUSPENDED, OTHER BUSINESS INCLUDING RESOLUTION FOR EXTENSION OF ORDINANCE COULD BE MOVED.

On 15th June 2015, Mr. Deputy Speaker called upon the Minister for Defence to move item No. 2 regarding a resolution for extension of an Ordinance for a further period of one hundred and twenty days in terms of clause 2 of Article 89 of the Constitution. Mr. Abdul Rashid Godil, MNA rising on a point of order objected to moving of the resolution on the ground that since the agenda was suspended by the House, therefore, other business could not be transacted. Mr. Ishaq Dar, Minister for Finance pointed out that only question hour and calling attention notices were suspended, not the whole Orders of the Day and added that the resolution for extension of an Ordinance for a further period and added that of one hundred and twenty days was a constitutional requirement and therefore, the objection raised by Mr. Godil was without any force. The Speaker ruled:

“As only the question hour and calling attention notices were suspended by the House, therefore, other business could be

transacted including the moving of the resolution for extension of an Ordinance. The point of order raised is ruled out of order.”

N. A. Debate, dated: 15-06-2015

162. POINT OF ORDER: TWO PERSONS IN MILITARY UNIFORM STOPPED MEMBERS AND A MINISTER FROM COMING INTO THE PARLIAMENT: ENQUIRY DEMANDED: THE SPEAKER HELD IT A BREACH OF PRIVILEGE AND DIRECTED TO PRESENT THE ENQUIRY REPORT TO THE HOUSE.

On 8th November 2010, Ch. Nisar Ali Khan, Leader of the Opposition rising on a point of order stated that he was informed by a group of MNAs that they were stopped from coming into Parliament House by two persons wearing military uniform. They further stated that the official conveyance of a Federal Minister hoisting a country flag was also stopped and when the staff of the Minister tried to move forward, they took up positions pointing their guns at his vehicle. He deplored this sorry state of affairs which was not only intolerable but also against the democratic system of Pakistan. He hoped that an inquiry would be conducted and report back to the House within two or three days. Mr. Deputy Speaker observed:

“It is a breach of privilege of the Parliament. Report of inquiry shall be presented to the House within three days before the prorogation of the current session of National Assembly. “

Vol. XXVI, Nos. 6-9
N. A. Debate, dated: 8-11-2010
Page Nos. 615-619

163. POINT OF ORDER: ALLEGED INVOLVEMENT OF MEMBERS FROM TREASURY BENCHES IN GANG RAPE OF A GIRL: CHAIR OBSERVED THAT THE NAME OF THE MEMBERS ALLEGED TO BE INVOLVED IN GANG RAPE WAS NOT ALLOWED TO BE MENTIONED UNLESS INVESTIGATION COMPLETED AND CHALLAN SUBMITTED.

On November 2010, Ms. Marvi Memon rising on a point of order stated that some MNAs from the government benches were involved in the gang rape of a girl in Nousharo Feroz.

Mr. Deputy Speaker observed:

“Naming members and alleging them that they are involved in a gang rape of a girl is not permissible unless investigation is complete and challan is submitted.”

Vol. XXVI, Nos. 6-9
N. A. Debate, 08-11-2010
Page Nos. 685-688

164. POINT OF ORDER: A MEMBER MADE LENGTHY SPEECH ON POINT OF PERSONAL EXPLANATION: LENGTHY SPEECH ON POINT OF PERSONAL EXPLANATION NOT ALLOWED UNDER THE RULES: MEMBERS ADVISED TO AVOID REPETITION.

On 17th January 2006, Mr. Aitzaz Ahsan, MNA, while on personal explanation regarding certain remarks made against him in the House started a lengthy speech by giving background of the issue. During his statement he repeated a single point several times, whereupon the Chair intervened. However, the member insisted on pressing the matter.

The Speaker observed:

“Rules do not allow lengthy speech on a point of personal explanation. The rules also do not allow repetition of the same

point again and again. The member should avoid repetition and wind up his explanation within one minute.”

Vol. XXXI, Nos. 1-3
N. A. Debate, dated: 17-01-2006
Page No. 27

165. POINT OF ORDER: ABSENCE OF SECRETARY COMMUNICATIONS FROM OFFICIAL GALLERY DURING DISCUSSION ON CUT MOTION OF HIS MINISTRY: SECRETARIES NOT ABOVE THE PARLIAMENT: THE CONCERNED SECRETARY IS REQUIRED TO BE PRESENT DURING CONSIDERATION OF CUT MOTIONS RELATING TO HIS MINISTRY.

On 23rd June 2009, during discussion on cut motion relating to Ministry of Communications, Mr. Muhammad Hanif Abbasi, MNA, drew attention towards the absence of Secretary of Ministry of Communications. In response, Mr. Arbab Alamgir, Minister for Communications stated that the Secretary Communications had gone to Karachi to attend the meeting convened by the President of Pakistan. Mr. Deputy Speaker observed:

“It is a sufficient justification. However, the Secretaries are not above the Parliament. This House represents one hundred and seventy million people of Pakistan. In future, when cut motions of a particular Ministry are to be discussed in the House its Secretary must be present in the official gallery.”

Vol. XIV, Nos. 6-9
N. A. Debate, dated: 23-06-2009
Page No. 1351

166. POINT OF ORDER: MEMBERS INSISTED ON RAISING POINTS OF ORDER ON THE DAY OF THE PRESENTATION OF BUDGET: NO BUSINESS CAN BE TRANSACTED ON THE DAY THE BUDGET IS TO BE PRESENTED.

On 5th June 2010, when the Budget was to be presented, soon

after the recitation from the Holy Quran, a large number of members stood up in their seats and insisted to raise points of order. The Speaker requested the members to take their seats and invited their attention to rule 184 of the Rules of Procedure and Conduct in the National Assembly, 2007 which reads as under:

'184. The Budget shall be presented by the Minister for Finance or, in his absence, any other Minister authorized by the Leader of the House, hereafter in this chapter referred to as the Minister-in-Charge:

Provided that on the day the Budget is presented, no other business, including questions, calling attention notices, question of privilege and adjournment motion, shall be transacted except introduction of Finance Bill.'

Mr. Speaker ruled:

“According to the rules no other business can be transacted on the day, the Budget is to be presented.”

Vol. XXIII, Nos. 1-21

N. A. Debate, dated: 05-06-2010

Page No. 226

167. POINT OF ORDER: A MEMBER OBJECTED TO GIVING MORE TIME TO MEMBERS THAN THE TIME ALLOCATED: SPEAKER CAN GIVE MORE TIME TO MEMBERS THAN THE TIME ALLOCATED.

On 18th March 2004, during discussion on the President's address while Mr. Ghulam Sarwar Khan, MNA was on his legs, Mr. Asadullah Bhutto, MNA raised a point of order and stated that in the meeting of the Business Advisory Committee it was decided that every member will be given 10 minutes time to speak. The member pointed out that decision of the Committee was violated as more time was being given to the member than the allocated time. Mr. Speaker ruled:

“Mr. Speaker can give more time to a member than the time decided in order to balance the ratio of allocated time to the parties.”

Vol. XIII, Nos. 8-14
N. A. Debate, dated: 18-03-2004
Page No. 1413

168. POINT OF ORDER: OBJECTION WAS RAISED REGARDING THE POLITICAL ACTIVITIES OF PRESIDENT IN HIS CHAMBER IN THE PARLIAMENT HOUSE: PRESIDENT BEING PART OF PARLIAMENT CAN PERFORM HIS CONSTITUTIONAL DUTIES IN HIS OFFICE.

On 5th May 2006, Ch. Nisar Ali Khan, MNA pointed out that the President of Pakistan while present in his Chamber at 4th Floor of the Parliament House had been resolving internal differences of a particular political party. He said that the President of Pakistan was not the President of a particular political party; therefore, the President should not involve himself in the political activities while sitting in the Parliament House. Mr. Speaker ruled:

“The President is the part of Parliament under the Constitution. He has an office in the Parliament House. He can perform his constitutional duties while sitting in his office in the Parliament House. Any member whether sitting on Opposition or on Treasury Benches can meet him there.”

Vol. XXXV, Nos. 1-6
N. A. Debate, dated: 05-05-2006
Page Nos. 464-465

169. POINT OF ORDER: ALLEGED STATEMENT MADE BY DEPUTY SPEAKER IN THE MEDIA AGAINST CHAIRMAN PAKISTAN TEHREEK-E-INSAF: WHATEVER SAID IN THE MEDIA TO BE CLARIFIED IN THE MEDIA NOT ON THE FLOOR OF THE HOUSE.

On 10-08-2017, during the question hour when Mr. Deputy Speaker (Mr. *Murtaza Javed Abbasi*) was in the Chair, Dr. *Shireen*

Mehrunnisa Mazari, MNA rose on a point of order and referred to the statement made by Mr. Deputy Speaker in the media against Mr. Imran Khan, Chairman Pakistan Tehreek-e-Insaf (PTI) which according to her was shown on Geo news TV channel which she condemned as well. Mr. Deputy Speaker contradicted the statement and observed that whatever said in the media is clarified in the media not on the floor of the House.

The 14th Assembly, 5th year and 44th Session
Wednesday, 10-08-2017, page Nos. of Debate: 5-7

170. POINT OF ORDER: QUORUM WAS POINTED OUT: MEMBER WANTED TO FURTHER CONTINUE HIS SPEECH: NOT ALLOWED WHEN QUORUM POINTED OUT; CHAIR OBSERVED.

On 11-10-2017, Mr. Acting Speaker (Mr. *Murtaza Javed Abbasi*) was in the Chair. Engineer *Ali Muhammad Khan* Advocate, MNA rose on point of order and drew attention of the Chair towards the lack of quorum in the House. He wanted to further continue his speech, whereupon Mr. Acting Speaker interrupted him and observed that speech cannot be made after pointing out the quorum.

The 14th Assembly, 5th year and 47th Session
Wednesday, 11-10-2017, page No. of Debate: 52

POLITICAL VICTIMIZATION OF A MEMBER

171. POLITICAL VICTIMIZATION OF A MEMBER: REGISTRATION OF FALSE CASES AGAINST THE MEMBER ON THE INSTRUCTION OF DEPUTY INSPECTOR GENERAL (POLICE): CHAIR DIRECTED THE MINISTER FOR INTERIOR TO TAKE ACTION AGAINST THE OFFICER RESPONSIBLE.

On 15th March 2010, Mr. Ghaus Bux Khan Mahar, MNA, rising on a point of order said that he had raised a question of breach of privilege against the Ministry of Interior on the ground that he was being politically victimized, which was referred to the Standing Committee on Rules of Procedure and Privileges. The Committee put the question of privilege on the agenda for consideration but the meeting was adjourned. However, during that period a criminal case was registered against him which was referred to the Court. During the previous session he had also raised the question of registration of false case against him and termed it as a political victimization. The Minister for Interior assured him that he would not be politically victimized. The Court dismissed the case but again the challan was sent to the Sessions Court. It was being done on the instruction of Deputy Inspector General (Police). He further stated that despite that the Session's Court dismissed false and frivolous case of kidnapping of a person, the case was again sent to the Sessions Court. He alleged that it was a clear case of political victimization but the Minister had failed to give him any satisfactory answer. Thereafter, he along with his party members staged walk-out from the House.

The Chairperson observed:

“A day before yesterday, the Honourable Prime Minister categorically stated that during his tenure no political victimization would be allowed’.”

The Chairperson directed the Minister of Interior:

“Take action against the officer who was acting against the clear policy of the government and satisfy the member who was former Speaker of the Provincial Assembly of Sindh.”

Vol. XX, Nos. 1-7
N. A. Debate, dated: 15-03-2010
Page Nos. 215-217

PRESENTATION OF BUDGET

172. PRESENTATION OF BUDGET: OBJECTION RAISED BY MEMBERS TO PRESENTATION OF THE BUDGET WITHOUT THE ANNOUNCEMENT OF NFC AWARD AND THE PARLIAMENT HAVING NOT BEEN ADDRESSED BY THE PRESIDENT AS REQUIRED BY ARTICLE 56(3) OF THE CONSTITUTION: NO RESTRICTION IN THE CONSTITUTION ON PRESENTATION OF BUDGET: RULING ON PRESIDENT ADDRESS TO PARLIAMENT ALREADY RESERVED: NOT TO RAISE THE MATTER UNTIL RULING ANNOUNCED.

On 6th June 2005, soon after the recitation from the Holy Quran, Makhdoom Muhammad Amin Faheem, MNA rising on a point of order stated that the Budget could not be presented because NFC Award had not been announced and the President had not till that time addressed the Assembly as required by Article 56 of the Constitution and as such no business could be transacted including the passage of the Bill by the Assembly. Ch. Nisar Ali Khan, MNA and some other members also supported the point raised by Makhdoom Muhammad Amin Faheem. Mr. Speaker after hearing the members ruled the point out of order and observed:

“Article 160 relates to National Finance Commission. It provides no such restriction that the annual Budget of the federation could not be presented without the announcement of the award by NFC. As regards the address of the President at the commencement of each parliamentary year, suffice it to say that I have already reserved my ruling on that issue and till the announcement of my ruling; the same point cannot be raised again.”

Vol. XXVI, Nos. 1-6

N. A. Debate, dated: 06-06-2005

Page Nos. 198-203

QUESTION OF PRIVILEGE

173. QUESTION OF PRIVILEGE: THE PRESIDENT TO TAKE OFF MILITARY UNIFORM: EXPRESSION OF OPINION ON THE UNIFORM NOT BREACH OF PRIVILEGE: RULED OUT OF ORDER.

On 14th September 2004, Raja Pervaiz Ashraf, MNA raised a question of privilege regarding the President in military uniform. It was contended that the President was bound to take off uniform before or on the 31st day of December 2004, Further, 17th Amendment in the Constitution also undermined the supremacy of the Parliament. Some other members also spoke on the issue giving similar arguments. The Minister for Law and Justice argued that the matter under discussion had already been solved in the 17th Amendment.

The Chair ruled as follows:

“In my opinion, breach of privilege of the House or of the members, referred to in those privileges and amenities and powers which are conferred on the House or a member so that the House or the member may be able to effectively discharge its or his functions or their functions in accordance with the law and the Constitution. The Constitution guarantees freedom of speech and expression to every citizen of Pakistan. Article 19 of the Constitution of Pakistan was quoted by the honourable Law Minister. A person may form an opinion and express the same regarding any issue of national importance. In the formation of that opinion, he may interpret the provisions of law or the Constitution as he deems fit and, of course, it is equally the right of any other person or honourable member to differ with that interpretation. Thus, the expression of opinion on the uniform by the above said honourable members and persons do not breach the privilege of the House.”

Vol. XXI, Nos. 1-9

N. A. Debate, dated: 14-09-2004

174. QUESTION OF PRIVILEGE: QUESTION OF PRIVILEGE AGAINST DPO MANDI BAHUDDIN WAS OPPOSED BEING PROVINCIAL CONCERN: RULES DO NOT IMPOSE SUCH CONDITION: ADMITTED AND REFERRED TO COMMITTEE.

On 25th August 2003, Mr. Aijaz Ahmed Chaudhry raised a question of privilege against the DCO, Mandi Bah-ud-Din. Major(R) Tahir Iqbal, Minister of State opposed the question of privilege and argued that as the DCO was an employee of the provincial government, therefore the question of privilege might be held inadmissible. The Speaker ruled as follows:

“Rules do not impose such condition for admissibility. Hence, an employee of a provincial government cannot be allowed to insult a Member of National Assembly.”

Accordingly, the question of privilege was held in order and referred to the Committee on Rules of Procedure and Privileges.

Vol. X, Nos. 1-10

N. A. Debate, dated: 25-08-2003

Page Nos. 477-479

175. QUESTION OF PRIVILEGE: DETENTION OF MEMBER BY POLICE IN KARACHI: NOT BASED ON VALID EVIDENCE: HELD INADMISSIBLE.

On 18th April 2006, Syed Zafar Ali Shah, MNA raised a question of privilege that Mr. Abdul Rauf Mengal MNA was detained by police in the house of Sardar Akhtar Mengal, former Chief Minister of Baluchistan in Karachi where he was also staying. Mr. Abdul Rauf Mengal was not allowed to move at his will and that he was also harassed by the police. Due to unlawful confinement and harassment, Mr. Abdul Rauf Mengal was unable to attend the session. He was of the view that creating hindrance for the member and to restrain him from performing his parliamentary duties is not only breach of the privilege

of the member but also of the House. Therefore, he requested to refer the question of privilege to Standing Committee on Rules of Procedure and Privileges for examination and report. Minister for Parliamentary Affairs opposed and denied the facts as stated. He said that Sardar Akhtar Mengal was not under house arrest and that Mr. Abdul Rauf Mengal, MNA, was neither detained nor arrested by the Police but was voluntarily staying with his party leader and was not attending the session of the House at his own free will.

Mr. Speaker held the question of privilege inadmissible having no solid evidence:

Vol. XXXIV, Nos. 1-8
N. A. Debate, dated: 18-04-2006
Page Nos. 737-740

QUESTION

176. QUESTION: ALLEGED WRONG REPLY TO THE QUESTION BY THE MINISTER: MEMBERS DESIRED TO DEBATE IT: NOT ALLOWED: MEMBERS MAY RAISE QUESTION OF PRIVILEGE IF NOT SATISFIED.

On 8th July 1999, during the question hour, some members objected to the answer given by the Minister for Water and Power in response to Question No. 291. They were of the view that the Minister gave wrong information and they wanted to debate it.

The Speaker observed:

“The Members have asked supplementary questions and the Minister has given the answers. No debate can be allowed on the answers to questions. However, if the members are not satisfied with the answers they can move a question of privilege against the Minister for deliberately giving wrong information/reply”.

Vol.VII, Nos. 23-37

N. A. Debate, dated: 08-07-1999

Page No. 2519

177. QUESTIONS: MEMBER DEMANDED TO PROVIDE REPLIES TO THE QUESTION ONE DAY BEFORE THEIR ROTA: HELD AGAINST THE RULES.

On Friday, the 28th February 2003, Haji Gul Muhammad Dummar, MNA, rising on a point of order, requested the Speaker to provide the replies to the questions one day before their Rota Day so that they might come prepared after going through the questions and their answers. The Speaker ruled as follows:

“It would be violation of the rules to place the replies to questions one day before in advance.”

Vol. IV, Nos. 1-7
N. A. Debate, dated: 28-02-2003
Page No. 203

178. QUESTION: ABSENCE OF MINISTER DURING THE QUESTION HOUR: QUESTION DEFERRED: MEMBERS WANTED TO DEBATE THE ISSUE: NO DEBATE ON THE QUESTION ONCE DEFERRED.

On 22nd August 2003, when Mr. Speaker, Ch. Amir Hussain, took up starred question No. 57 asked by Syed Naveed Qamar, MNA, relating to Minister In-charge of the Prime Minister Secretariat, the Minister was not present to respond to the question. . The Minister for Manpower and Overseas Pakistanis, Mr. Abdul Sattar Lalika requested the Speaker to defer it for half an hour so as to enable the Minister to be present in the House and accordingly, the Speaker deferred the question. Thereafter, some members started debating the issue. They were of the view that the concerned Minister should have been present in the House well in time. Some of the members pointed out that it was the collective responsibility of the Cabinet and the Ministers present there could answer the question raised by the members.

The Speaker ruled:-

“Once a question is deferred by the Speaker no further debate thereon could be allowed.”

Vol. X, Nos. 1-10
N. A. Debate, dated: 22-08-2003
Page Nos. 189-190

179. QUESTION: SUPPLEMENTARY QUESTION: OBJECTION TO THE BALLOTING OF HAJJ APPLICATIONS ON INDIVIDUAL BASIS: NOT PROPER PROCEDURE.

On 7th March 2005, in response to a supplementary question asked by Syed Naveed Qamar, MNA, Syed Asad Murtaza Gillani, Minister of State for Religious Affairs replied that total quota for Pakistani pilgrims was 1, 30,000 out of which 1, 28,000 could actually proceed for Hajj and the rest could not proceed because the ballot was made on individual basis.

Mr. Speaker observed:

“The ballot was not rightly made. It should not have been made on individual basis as, in that case, the wife could not proceed to perform Hajj, even she was successful in ballot, as her husband could not proceed with her being un-successful in the ballot. Please change the procedure of balloting to avoid such cases.”

Vol. XXIII, Nos. 7-12

N. A. Debate, dated: 07-03-2005

Page No. 1555

180. QUESTION: LEFT OVER QUESTION WAS NOT TAKEN UP LATER ON BY THE CHAIR: QUESTION ONCE CALLED AND MEMBER FOUND ABSENT COULD NOT BE TAKEN UP LATER: CHAIR HAS INHERENT POWER TO ALLOW THE QUESTION AT A LATER STAGE.

On 22nd September 2005, Mr. M.P. Bhandara, MNA pointed out that Question No. 158 standing in the name of Ms. Belum Hasnain, MNA was not taken up due to the absence of the member. However, the Chairperson allowed the question to be answered when the member was present. He added that previously in such situation the Chair declined to take up his left over question.

The Speaker ruled out the point of order and observed:

“According to rules once the question is called and the member is found absent, that question cannot be taken up later on. However, the Speaker or the Chairperson has the inherent powers to allow that question later on.”

Vol. XXVII, Nos. 1-2

N. A. Debate, dated: 22-09-2005

Page No. 1104

181. QUESTIONS: OBJECTION WAS RAISED FOR NOT FIXING THE QUESTION HOUR FOR ASKING AND ANSWERING QUESTIONS ON THE ORDERS OF THE DAY: NOTICE PERIOD NOT COMPLETE: QUESTION HOUR COULD NOT BE FIXED UNDER THE RULES: OBJECTION OVER RULED.

On Friday the 3rd February 2006, questions were not placed on the Orders of the Day. Mr. Ijaz Ahmed Chaudhry, MNA rising on a point of order drew attention of the Chair towards rule 50 of the Rules of Procedure and Conduct of Business in the National Assembly 1992 which related to question hour. Rule 50 was read out which says as under:

“50. Except as otherwise provided in these rules, the first hour of every sitting, after the recitation from the Holy Quran, and taking oath by members, if any, shall be available for asking and answering of questions:

Provided that there shall be no question hour on Tuesdays”.

The member pointed out that as it was Friday, therefore, there should have been a question hour. He was of the view that rule 50 had been violated.

The Speaker asked the member to read out rule 51 which says as under:

“51 Not less than fifteen clear days notice of a question shall be given unless the Speaker, with the consent of the Minister concerned, allows a question to be asked at shorter notice.”

Mr. Speaker ruled.-

“As notice period of fifteen clear days has not completed, therefore, in terms of rule 51 there is no question hour for today.”

Vol. XXXII, Nos. 1-10

N. A. Debate, dated: 03-02-2006

Page No. 16

182. QUESTION: SUPPLEMENTARY QUESTION TOO LENGTHY AND CONTAINED MORE THAN ONE SUPPLEMENTARY QUESTION: CHAIR OBSERVED THAT SUPPLEMENTARY QUESTION SHOULD BE PRECISE, BRIEF AND TO THE POINT.

On 13th February 2006, during the question hour, Malik Zaheer Ahmad, MNA, asked a supplementary question regarding non-observance of two percent quota allocated for disabled persons in the government service and non-regularization of the services of the blind persons working on contract/daily wages basis. Major Tahir Iqbal, Minister of State for Environment while replying to the question pointed out that the supplementary question was too lengthy and comprised more than one supplementary.

The Speaker observed:

“There is a lot of difference between a question and a speech. The question must be precise, brief and to the point.”

Vol. XXXII, Nos.1-10

N. A. Debate, dated: 13-02-2006

Page Nos. 298-299

183. QUESTIONS: FREQUENT USE OF ABBREVIATIONS IN REPLIES: THE MINISTERS WERE ADVISED TO AVOID USE OF ABBREVIATIONS.

On 11th January 2010, during the question hour, Mr. Deputy Speaker observed that use of abbreviations in the replies given by the Ministries, had created confusion, misunderstanding and had given rise to asking unnecessary supplementary questions for clarification. Mr. Deputy Speaker ruled.

“The Ministry should avoid use of abbreviations in the replies and in future; full words should be written.”

Vol. XVIII, Nos. 1-8

N. A. Debate, dated: 11-01-2010

Page No. 17

184. QUESTIONS: DISPUTE AROSE OVER THE SUBJECT MATTER BETWEEN THE TWO MINISTRIES: HELD THAT DISPUTE OVER THE SUBJECT MATTER BETWEEN THE MINISTRIES WOULD BE DECIDED BY THE CABINET DIVISION.

On 28th June 2010, during the question hour, Mr. Ghazanfar Ali Gul, Advisor to Prime Minister on Cabinet stated that Question No. 80 did not relate to his Ministry. It was the subject of the Ministry of Petroleum and Natural Resources. Mr. Deputy Speaker ruled:

“In case of a difference of opinion as to which Ministry the

question relates, it is to be resolved by the Cabinet Division.”

Vol. XXIII, Nos. 1-21

N. A. Debate, dated: 28-06-2010

Page No. 2179

185. QUESTIONS: MEMBERS WHOSE QUESTIONS WERE ON THE LIST OF QUESTIONS WERE ABSENT: OTHER MEMBERS WERE ALLOWED TO ASK QUESTIONS ON THEIR BEHALF.

On 8th October 2010, during the question hour it was observed that majority of the members whose questions were on the list were not present in the House. It was pointed out that majority of the questions addressed to the Minister for Water and Power was of questions notices whereof were given by the members belonging to PML (N) who had boycotted the session of the Assembly during the previous day.

Madam Speaker observed:

“The other members may ask questions on behalf of the absent members.”

Vol. XXV, Nos. 1-5

N. A. Debate, dated: 08-10-2010

Page No. 1659

186. QUESTIONS: PARLIAMENTARY SECRETARY WANTED TO ASK SUPPLEMENTARY QUESTION: NOT ALLOWED.

On 28th January 2011, during the question hour, Mr. Noor Alam Khan, Parliamentary Secretary asked a supplementary question relating to Ministry of Interior. He wanted to know the reasons for release of an accused who was neither American national nor a diplomat nor was he claiming any immunity.

Mr. Deputy Speaker observed:

“You are a Parliamentary Secretary. You cannot ask supplementary question. Further, Minister for Interior is making a policy statement after question hour, on the matter you have raised.”

Vol. XXVIII, Nos. 1-5
N. A. Debate, dated: 28-01-2011
Page Nos. 484-485

187. QUESTIONS: NON-RECEIPT OF REPLIES OF CERTAIN QUESTIONS FROM THE MINISTRY: CHAIR DIRECTED THE MINISTER TO TAKE ACTION AGAINST THE OFFICIALS RESPONSIBLE.

On 20th December 2012, during the question hour it was observed that there was a list of Starred Questions which contained total of 39 questions and out of which 25 questions were not replied by the Minister of Interior.

Mr. Deputy Speaker directed the Minister of State for Interior, to take action against those officials who were responsible for not replying to the questions and not taking the business of the House seriously.”

N. A. Debate, dated: 20-12-2012.

188. QUESTION: NON-RECEIPT OF REPLIES TO QUESTIONS IN THE HOUSE: ABSENCE OF MINISTERS FROM THE HOUSE: CHAIR DIRECTED CHIEF WHIP TO ENSURE IN TIME SUBMISSION OF REPLIES TO THE HOUSE IN FUTURE.

On 22nd August 2013, during the question hour, Mr. Abdul Rashid Godil, MNA pointed out that eighteen questions on the list of questions were not replied. He deplored the sorry state of affairs and said that not answering to the questions had become a routine matter not only the Minister concerned had not attended the House on their

Rota day but also they did not bother to submit written replies to the questions addressed to them. He requested the Chair to take strict action and make it binding upon them to give written replies to the questions in time. Mr. Deputy Speaker directed the Chief Whip of the Ruling Party to ensure the submission of written replies in time to the House in future.”

Vol. IV No. 1-13
N. A. Debate, dated: 22-08-2013
Page Nos. 20-21

189. QUESTION: LATE SUBMISSION OF REPLY TO THE QUESTION: CHAIR DIRECTED TO INITIATE ENQUIRY AGAINST THOSE WHO WERE RESPONSIBLE AND BE PUNISHED.

On 30th July 2015, Mr. Baligh-ur-Rehman, Minister for Capital Administration and Development Division (CADD) apologized for not submitting reply in time to question No. 9.

Mr. Speaker observed:

“This question was asked in the 21st Session and we have not got its answer till now in the 24th Session. It is not for the first time. Order an inquiry in this regard and whosoever is found responsible, for this lapse/delay, should be punished.”

N. A. Debate, dated: 30-07-2015

190. QUESTION: OBJECTION WAS RAISED TO THE INCLUSION OF MORE THAN TWO QUESTIONS OF THE SAME MEMBER IN THE LIST OF QUESTIONS FOR ONE DAY: QUESTIONS DEFERRED OR TRANSFERRED FROM EARLIER DATES TO BE EXCLUDED FROM THE LIMIT OF NUMBER OF QUESTIONS:

On 3rd February 2011, during the question hour, Dr. Donya

Aziz, MNA referred to rule 73 of the Rules of Procedure and Conduct of Business in the National Assembly 2007, which provides that not more than two Starred questions and two Un-Starred questions from the same member shall be placed on the list of questions for any one day. She pointed out to Questions No. 27, 132 & 133 standing in the name of the same member which was violation of rule 73. After hearing the member Honourable Speaker referred to rule 73 which says as under:

'73. Not more than two starred questions including a short notice question and two Un-starred question from the same member shall be placed on the list of questions for any one day:

Provided that nothing in this rule shall apply to a question postponed or transferred from an earlier date or to another Division.'

Thereafter the Speaker ruled:

"The proviso is very clear. The deferred or transferred questions from an earlier date are excluded from the limit of number of questions. Questions No. 27 and 37 were deferred during the previous Session. As such, there is no violation of rule 73."

Vol. XXVIII, Nos. 6-10

N. A. Debate, dated: 03-02-2011

Page No. 1004-1005

191. QUESTIONS: DISPUTE AROSE OVER THE SUBJECT MATTER BETWEEN THE TWO MINISTERIES: CHAIR DIRECTED THAT IN CASE OF DISPUTE OVER THE SUBJECT, THE MATTER REFERRED BY THE HOUSE TO THE MINISTRY SHALL BE REFERRED TO CABINET DIVISION FOR DECISION.

On 15th December 2011, during the question hour, Capt. (Retd.)

Rai Ghulam Mujtaba Kharral, Parliamentary Secretary for Interior stated that Question No. 53 was not related to his Ministry so it was referred to the FBR through the Ministry of Finance. Ministry of Finance was of the view that it did not relate to that Ministry.

Madam Speaker ruled:

“This issue was also raised during the last Session. Both the Ministries are not accepting the question. The Rules of Business provides that in case of difference of opinion the Ministry to whom the matter/question is referred by the House, should refer it to the Cabinet Division for decision.”

Vol. XXXVII, Nos. 1-13

N. A. Debate, dated: 15-12-2011

Page No. 6

192. QUESTION: SUPPLEMENTARY QUESTION ABOUT REPAIR OF RAILWAY LINE FROM MIRPUR TO NAWABSHAH WAS ASKED BY A MEMBER: MINISTER DID NOT REPLY TO THE SUPPLEMENTARY QUESTION BEING NOT RELEVANT TO THE QUESTION: HELD THAT THE SPEAKER WAS TO DECIDE THE RELEVANCE OF SUPPLEMENTARY QUESTION.

On 3rd March 2003, during the question hour, Mr. Krishan Bheel, MNA asked a supplementary question addressed to Minister for Railways. The supplementary question was regarding the abandoned Railway line from Mirpur to Nawab Shah and the member wanted to know as when it would be repaired and made ready for plying trains. The Minister in reply stated that the supplementary question was not relevant to the question and could not be answered. The reply of the Minister for Railways was not in accordance with the parliamentary practices whereupon the Speaker observed as follows:

“The only authority to decide the relevance of the supplementary question is the Speaker; the Minister has no authority to decide it himself”

He further observed that

“As the supplementary question is not relevant, therefore, it needs fresh notice.”

Vol. IV, Nos. 1-7

N. A. Debate, dated: 03-03-2003

Page No. 358

193. QUESTION: MEMBER INSISTED TO ASK SUPPLEMENTARY QUESTION: MAXIMUM THREE SUPPLEMENTARY QUESTIONS PERMISSIBLE: NOT ALLOWED.

On Friday, 28th February 2003, during the question hour, Syed Naveed Qamar, MNA asked Question No.57, the Finance Minister replied to the question and supplementary questions were asked by other members. Mr. Sher Akbar Khan, MNA, stood up and insisted to ask another supplementary question from the Finance Minister.

The Speaker did not allow and observed:

“Maximum three supplementary questions are allowed. However, in special circumstances, the Speaker may allow more questions.”

Vol. IV, Nos. 1-7

N. A. Debate, dated: 28-02-2003

Page No. 195

194. QUESTION: SUPPLEMENTARY QUESTION SHOULD BE BRIEF, CONCISE AND TO THE POINT.

On 15th August 2008, after the question hour, Syed Khursheed Ahmed Shah, Minister for Labour, Manpower and Overseas Pakistanis pointed out that minimum two or three supplementary questions should be allowed so that maximum questions on the list could be asked and replies given on the floor of the House.

Agreeing with the Minister, Madam Speaker observed:

“Supplementary questions should be brief, concise and to the point. It is desirable that it should be asked within thirty seconds so as to accommodate other members and also that maximum questions placed on the list of questions could be taken up in the House.”

Vol. VI, Nos. 1-6
N.A. Debate, 15-08-2008
Page Nos. 534-535

195. QUESTION: PERMISSION SOUGHT TO ASK SUPPLEMENTARY QUESTION RELATING TO THE PREVIOUS QUESTION: NOT ALLOWED.

On 25th April 2007, during the question hour, Moulana Ahmad Ghafoor, MNA sought permission of the Chair to allow him to ask a supplementary question relating to the previous question.

Mr. Speaker did not allow and observed:

“Supplementary question cannot be asked on a previous question which has already been answered.”

Vol. XL, Nos. 1-8
N.A. Debate, 25-04-2007
Page No. 141

196. QUESTION: QUORUM POINTED OUT: QUESTION NOT TO BE ASKED WHEN QUORUM POINTED OUT.

On 09-08-2017, during the question hour, Mr. *Abdul Sattar Bachani*, MNA rose on point of order and drew attention of the Chair towards the lack of quorum in the House, while count was being made a member wanted to ask a question, whereupon Mr. Speaker did not allow him and observed that when quorum is pointed out, question cannot be asked; only count can be made.

The 14th Assembly, 5th year and 44th Session
Wednesday, 09-08-2017, page Nos. of Debate: 3-5

197. QUESTION: SUPPLEMENTARY QUESTION: DISCUSSION IN THE SPEAKER'S CHAMBER REFERRED TO ON THE FLOOR OF THE HOUSE: MATTER REFERRED TO THE COMMITTEE CONCERNED: WHATEVER DISCUSSED IN THE CHAMBER NOT TO BE REFERRED ON THE FLOOR OF THE HOUSE; CHAIR OBSERVED.

On 10-08-2017, during the question hour, Mr. Deputy Speaker, (Mr. *Murtaza Javed Abbasi*) was in the Chair that Dr. *Arif Alvi*, MNA asked a supplementary question with regard to starred Question No 44 relating to the mangroves which according to him were being destroyed and that the Karachi Port Trust (KPT) was not giving correct information to the House in that regard. He also referred to the discussion which took place in the Speaker's Chamber that Parliamentary Secretary for Ports and Shipping was agreed to refer the matter either to the concerned Standing Committee or to constitute a Special Committee. Mr. Deputy Speaker referred the matter to the concerned Standing Committee with the observation that the honourable Member and any other member who is not member of the Committee may attend the meeting as a special invitee and also that discussion which takes place in the Chamber is not referred to on the floor of the House.

The 14th Assembly, 5th year and 44th Session
Tuesday, 10-08-2017, page Nos. of Debate: 28-29

QUESTION HOUR

- 198. QUESTION HOUR: QUESTION HOUR NOT TO BE STOPPED DUE TO ANY BREAK/INTERRUPTION: CHAIR OBSERVED THAT IF THE HOUSE DECIDED TO TAKE MORE QUESTIONS AFTER BREAK EVEN AFTER EXPIRY OF ONE HOUR, IT COULD BE TAKEN.**

On 27th September 2010, during the question hour Syed Naveed Qamar, Federal Minister for Petroleum and Natural Resources rising on a point of order stated that once the question hour had commenced it could not be stopped due to any break or interruption in the proceedings. Madam Speaker upheld the point and ruled:

“You are right and rules are very clear on the matter. However, if the House decides to take some more questions after break, even after expiry of one hour, those can be taken.”

Vol. XXV, Nos. 1-5

N. A. Debate, dated: 27-09-2010

Page No. 622

- 199. QUESTION HOUR: OBJECTION WAS RAISED BY A MEMBER TO CUT SHORT QUESTION HOUR DUE TO BREAK FOR PRAYER: TO BE CONSIDERED IN BUSINESS ADVISORY COMMITTEE.**

On 4th October 2010, Mohtarma Qudsia Arshad, MNA, raised a point of order that the Question hour was cut short.

Madam Speaker observed:

“Due to break for prayers during the question hour, the question hour is cut short. It will be considered in the Business Advisory Committee to adjust the time accordingly.”

Vol. XXV, Nos. 1-15

N. A. Debate, dated: 04-10-2010

Page Nos. 1284-1285

QUORUM

- 200. QUORUM: QUORUM WAS POINTED OUT DURING QUESTION HOUR WHEN THE HOUSE WAS IN ORDER: IT WAS OBSERVED THAT PARLIAMENTARY PRACTICE WAS SET THAT NEITHER THE QUORUM NOR ANY OTHER POINT OF ORDER SHOULD BE RAISED DURING QUESTION HOUR.**

On 27th April 2009, during the proceedings of the House Begum Shahnaz Shaikh, MNA, drew attention of the Chair to the lack of quorum. The Chairperson ordered that count be made. The House was not found in order as one fourth of the membership was not present in the House. Accordingly, the proceedings of the House were suspended till the quorum was available.

When the House re-assembled after the quorum was available, the Chairperson observed:

“It is for the information of the members that we have established a parliamentary tradition that neither the quorum nor any other point of order is to be raised during the Question Hour.”

Vol. XII, Nos. 7-13

N. A. Debate, dated: 27-04-2009

Page No. 1525

- 201. QUORUM: QUORUM WAS POINTED OUT DURING CLAUSE BY CLAUSE CONSIDERATION OF A BILL: HELD THAT DRAWING ATTENTION TO THE LACK OF QUORUM IS A CONSTITUTIONAL RIGHT OF MEMBER: MEMBERS ADVISED NOT TO POINT OUT QUORUM WHEN SERIOUS ISSUE IS UNDER CONSIDERATION.**

On 15th October 2012, during clause by clause consideration of

the Drug Regulatory Authority of Pakistan Bill, 2012, Begum Ishrat Ashraf, MNA drew attention of the Chair towards the lack of quorum. Syed Khursheed Ahmed Shah, Minister for Religious Affairs said that to point out quorum during the passage of a Bill was not a good tradition.

Mr. Deputy Speaker ruled:

“Drawing attention of the Chair to the quorum is a Constitutional right of a member. However, when a serious issue is under consideration, it is advisable not to point out the quorum.”

Vol. XLVI, No. 1-8

N. A. Debate, dated: 15-10-2012

Page Nos. 113-114

REPORT OF STANDING COMMITTEE

202. REPORT OF STANDING COMMITTEE: PRESENTATION OF REPORT OF THE BILL BY THE CHAIRMAN STANDING COMMITTEE ON INFORMATION AND BROADCASTING WAS OBJECTED BEING NOT THE RELEVANT MINISTRY: IT WAS RULED THAT THE BILL AT THE TIME OF INTRODUCTION WAS THE CONCERN OF MINISTRY OF INFORMATION AND BROADCASTING, RIGHTLY REFERRED TO THAT COMMITTEE.

On 16th May 2005 when the PEMRA Bill, 2005 was taken up clause by clause, Mr. Liaquat Baloch, MNA, rose on point or order and pointed out that the subject matter of the Bill was the concern of the Cabinet Division and presenting report of the Bill to the House by the Standing Committee on Information and Broadcasting was against the rules. He requested that the Bill be referred to Standing Committee on Cabinet.

After hearing the Minister for Parliamentary Affairs and the member, the Speaker observed:

“When the Bill was introduced in the National Assembly, the subject matter of the Bill was with the Ministry of Information and Broadcasting and therefore, at that time it was rightly referred to the Standing Committee on Information and Broadcasting. The Committee considered the Bill at length and presented its reports to the House. When the Bill was taken up for passage, the subject matter of the Bill stood transferred from the Ministry of Information and Broadcasting and assigned to the Cabinet Division. The contention that the Bill be referred to the Standing Committee on Cabinet which is the relevant committee is misconceived. The Bill was rightly referred to the Standing Committee on Information and Broadcasting which presented its report. Thereafter, the assignment of the subject matter to the Cabinet Division would

not affect the powers of the Standing Committee on Information and Broadcasting and without conceding, if any irregularity of proceedings is there, that is protected under rule 264 of the Rules of Procedure and Conduct of Business in the National Assembly, 1992. The point of order is ruled out.”

Vol. XXV, Nos. 1-12

N. A. Debate, dated: 16-05-2005

Page Nos. 979-980

REFERENCE

- 203. REFERENCE OF DISQUALIFICATION OF MR. IMRAN KHAN UNDER ARTICLE 63(2) OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN READ WITH SECTION 99 (1) (d), (e) and (f) OF THE REPRESENTATION OF PEOPLE ACT, 1976 ON THE GROUNDS THAT THE MEMBER HAD A DAUGHTER FROM SITA WHITE WITHOUT BEING LEGALLY WEDED TO HER AND THE FACT WAS PROVED BY THE JUDGEMENT OF SUPERIOR COURT OF CALIFORNIA, LOS ANGELES: THE QUESTION WAS REFERRED TO THE ELECTION COMMISSION BEING COVERED UNDER ARTICLE 63(2) OF THE CONSTITUTION.**

Dr. Sher Afgan Khan Niazi, Minister for Parliamentary Affairs made reference and raised question of disqualification of Mr. Imran Khan from being a member of the Assembly, under Article 63(2) of the Constitution read with Article 63(1) (s), Section 99 (1) (d),(e) and (f) of the Representation of the People Act, 1976 and Article 62 (d) ,(e) and (f) of the Constitution.

He added that Mr. Imran Khan, MNA had a daughter from Sita White, without being legally wedded to her and this fact was proved by the judgment dated 13th August, 1997 of the Superior Court of the State of California, for the County of Los Angeles and thus he was disqualified from being elected or chosen as member of the Majlis-e-Shoora (Parliament) under the provisions of Representation of People Act, 1976, read with Article 63 (1) (s) of the Constitution. As a result, a question has arisen about the disqualification of Mr. Imran Khan from being a member of National Assembly under Article 63 (2) of the Constitution.

The speaker after consideration referred the question to the Chief Election Commissioner as required by Article 63(2) of the Constitution.

(CH. AMIR HUSSAIN)
Speaker
National Assembly of Pakistan
Islamabad, the 20th of June, 2007.

204. REFERENCE: REFERENCE OF DISQUALIFICATION OF KHAWAJA MUHAMMAD ASIF AND FIVE OTHER MNAS UNDER CLAUSE (2) OF ARTICLE 63 OF THE CONSTITUTION ON THE GROUNDS THAT THE MEMBERS IN THEIR STATEMENTS PUBLISHED IN ELECTRONIC AND PRINT MEDIA BERATED AND CRITICIESED THE CREDIBILITY AND IMPARTIALITY OF JIT: HELD THAT NO QUESTION OF DISQUALIFICATION WAS MADE OUT IN TERMS OF ARTICLE 63 (2) OF THE CONSTITUTION: NOT REFERRED TO ELECTION COMMISSION.

Ms. Amna Malik, through Mr. Muhammad Azhar Siddique, Advocate Supreme Court of Pakistan and seven other Advocates has submitted Reference (17.2.2017) under clause (2) of Article 63 of the Constitution of the Islamic Republic of Pakistan wherein she has claimed that a question has arisen of the disqualification of Khawaja Muhammad Asif, Khawaja Saad Rafique, Mr. Mohsin Shah Nawaz Ranjha, Mr. Daniyal Aziz, Mr. Muhammad Tallal Chaudry and Ms. Marriyum Aurangzeb, MNAs from being members of the National Assembly due to the reason that they have berated the Joint Investigated Team (JIT) working under the supervision and direction of Honourable Supreme Court of Pakistan and got up all sorts of antics to disparage the members of JIT through different statements, maneuver the credibility and impartiality of the ongoing accountability process and criticized the Honourable Supreme Court and role of JIT through controversial statements given through social, print and electronic media and has requested that it may be referred to the Election Commission of Pakistan.

The Speaker considered the Reference and ruled as follows:

“Ms. Amna Malik, through Mr. Muhammad Azhar Siddique, Advocate Supreme Court of Pakistan and seven other Advocates Supreme Court of Pakistan (hereinafter referred to as Petitioner), has submitted Reference under clause (2) of Article 63 of the Constitution of the Islamic Republic of Pakistan (hereinafter referred to as the Constitution) wherein she has claimed that a question has arisen of

the disqualification of Khawaja Muhammad Asif, Khawaja Saad Rafique, Mr. Mohsin Shah Nawaz Ranjha, Mr. Daniyal Aziz, Mr. Muhammad Tallal Chaudry and Ms. Marriyum Aurangzeb, MNAs (hereinafter referred to as the Respondents) from being members of the National Assembly and has requested that it may be referred to the Election Commission of Pakistan.

2. Clause (2) of Article 63 of the Constitution relating to the desiccation of the Speaker as to whether any question has arisen that a member of Parliament has become disqualified from being a member is reproduced below:-

“63 (1)...

(2) if any question arises whether a member of the (Majlis-e-Shoora (parliamentary) has become disqualified from being a member, the Speaker, or as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission.”

3. The Superior Courts have held that if a reference is submitted to the Speaker, he is not bound to forward/transmit the same to the Election Commission for decision forthwith. He has to apply his mind judiciously after fully taking into consideration the relevant provisions on the subject and then decide as to whether “any question” in the nature of disqualification has “arisen” which may justify the making of reference to the Election Commission of Pakistan. (Reference PLD 2005 SC 52 and 1995 MLD 1903 [Lahore]).

4. I have given careful and detailed consideration to all the allegations contained in the Petition and the only document, i.e., a compact disc (CD-R 80 MQ), attached therewith.

5. In my opinion, the contents of the petition do not substantiate the allegations contained therein as discussed below:-

(1) the only document, i.e., a compact disc (CD-R 80 MQ) attached with the Petition could neither be read nor heard when inserted in the computer to examine it;

(2) the petitioner could not bring on record any other document with reference to the contents of the program "Power Play" by Mr. Arshad Sharif, on ARY TV Channel aired on 08.02.2017, relied upon by her;

(3) there is nothing on record to show that the Respondents have been convicted by a court of competent jurisdiction with respect to the allegations made in the petition;

(4) even otherwise, for the alleged contempt of court the subject petition is not maintainable; and

(5) the cases referred to in the petition are being adjudicated upon by the superior courts which could take cognizance of the contempt of the court, if any, committed by any one.

6. In view of the above, in my opinion, no question has arisen of the disqualification of the Respondents in terms of clause (2) of Article 63 of the Constitution. I, therefore, hereby decide not to refer the petition to the Election Commission.

(Sardar Ayaz Sadiq)

Speaker

National Assembly of Pakistan

Islamabad, the 6th March, 2017.

205. REFERENCE: REFERENCE OF DISQUALIFICATION OF MS. MARRIYUM AURANGZEB AND FIVE OTHER MNAS UNDER CLAUSE (2) OF ARTICLE 63 OF THE CONSTITUTION ON THE GROUND THAT THE MEMBERS IN THEIR STATEMENTS PUBLISHED IN ELECTRONIC AND PRINT MEDIA BERATED AND CRITICISED THE CREDIBILITY AND IMPARTIALITY OF JIT: THE SPEAKER FOUND THAT NO QUESTION OF DISQUALIFICATION OF THE MEMBERS HAD ARISEN IN TERMS OF CLAUSE (2) OF ARTICLE 63 OF THE CONSTITUTION: NOT REFERRED TO ELECTION COMMISSION.

Ms. Amna Malik through Mr. Muhammad Azhar Siddique, Advocate Supreme Court of Pakistan and eight other Advocates has submitted Reference (13.6.2017) under clause (2) of Article 63 of the Constitution of the Islamic Republic of Pakistan wherein she has averred that question has arisen of the disqualification of Ms. Marriyum Aurangzeb, Mr. Daniyal Aziz, Mr. Muhammad Tallal Chaudry, Mr. Moshin Shahnawaz Ranjha, Dr. Tariq Fazal Chaudhary and Ms. Maiza Hameed, MNAs from being members of the National Assembly due to the reason that they have berated the Joint Investigated Team (JIT) working under the supervision and direction of Honourable Supreme Court of Pakistan and got up all sorts of antics to disparage the members of JIT through different statements, maneuver the credibility and impartiality of the ongoing accountability process and criticized the Honourable Supreme Court and role of JIT through controversial statements given through social, print and electronic media and has requested that it may be referred to the Election Commission of Pakistan.

The Speaker considered the Reference and ruled as follows:

Ms. Amna Malik through Mr. Muhammad Azhar Siddique, Advocate Supreme Court of Pakistan and eight other Advocates (hereinafter referred to as the petitioner) has submitted Reference under clause (2) of Article 63 of the Constitution of the Islamic Republic of Pakistan (hereinafter referred to as the Constitution)

wherein she has averred that question has arisen of the disqualification of Ms. Marriyum Aurangzeb, Mr. Daniyal Aziz, Mr. Muhammad Tallal Chaudry, Mr. Moshin Shahnawaz Ranjha, Dr. Tariq Fazal Chaudhary and Ms. Maiza Hameed, MNAs (hereinafter referred to as the Respondents) from being members of the National Assembly and has requested that it may be referred to the Election Commission of Pakistan.

2. The petitioner has prayed for initiation of the contempt of court proceedings against the Respondents under Article 204 read with sections 3 and 5 of the Contempt of Court Ordinance, 2003 as well as sending reference of their disqualification to the Election Commission of Pakistan under clause (2) of Article 63 of the Constitution, on the basis of the following allegations:-

- 1) that since the inception of Panama case the Respondents are promoting the culture of suffocating the judicial procedure, trying to maneuver the credibility and impartiality of the ongoing accountability process;
- 2) criticizing and pressurizing the Supreme Court of Pakistan and Joint Investigation Team (JIT), constituted by the Supreme Court in Panama case, through their controversial statements aired on TV channels and published in various newspapers; and
- 3) used abusive, derogatory and contemptuous language against the honourable Judges of the Supreme Court of Pakistan thus violated their oaths.

3. The petitioner has referred to the news clipping published in the news papers and press briefings of the Respondents aired on TV channels as evidence. Moreover, the petitioner has completely relied upon the judgment of the august Supreme Court of Pakistan reported as "Muhammad Azhar Siddique and others Vs Federation of Pakistan and others" (PLD 2012 S.C. 774).

4. Clause (2) of Article 63 of the Constitution relating to the decision of the Speaker as to whether any question has arisen that a member of Parliament has become disqualified from being a member is reproduced below:-

“(63) (1)....

(2) If any question arises whether a member of the (Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker, or as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission.”

5. The Superior Courts have held that if a reference is submitted to the Speaker, he is not bound to forward/transmit the same to the Election Commission for decision forthwith. He has to apply his mind judiciously after fully taking into consideration the relevant provisions on the subject and then decide as to whether "any question" in the nature of disqualification has "arisen" which may justify the making of reference to the Election Commission of Pakistan. (Reference PLD 2005 SC 52 and 1995 MLD 1903 [Lahore]).

6. I have given careful and detailed consideration to all the allegations contained in the petition.

7. In my opinion, the contents of the petition do not substantiate the allegations contained therein as discussed below:-

[1] there is nothing on record to show that the Respondents have been convicted by a court of competent jurisdiction with respect to the allegations made in the petition;

(2) even otherwise, for the alleged contempt of court, the subject petition is not maintainable; and

(3) the cases referred to in the petition are being adjudicated upon by the superior courts who could take cognizance of the contempt of the court, if any, committed by anyone.

8. In view of the above, in my opinion, no question has arisen of the disqualification of the Respondents in terms of clause (2) of Article 63 of the Constitution. I, therefore, hereby decide not to refer the petition to the Election.

(Sardar Ayaz Sadiq)
Speaker
National Assembly Of Pakistan
Islamabad, the 4th July, 2017

206. REFERENCE: A QUESTION OF DISQUALIFICATION OF SYED YOUSAF RAZA GILLANI, PRIME MINISTER OF PAKISTAN UNDER CLAUSE (2) OF ARTICLE 63 OF THE CONSTITUTION FROM BEING MEMBER OF THE HOUSE WAS RAISED ON THE GROUNDS OF HIS CONVICTION BY THE SUPREME COURT UNDER THE LAW OF CONTEMPT OF COURT: REFERENCE REJECTED.

On 30th April, 2012 Moulvi Iqbal Haider made a reference under clause (2) of Article 63 of the Constitution wherein he prayed for referring the question of disqualification of Syed Yousaf Raza Gillani, from being a member to the Election Commission as he had become disqualified from being a member of the Assembly due to his conviction by the Supreme Court of Pakistan under contempt of court of law.

The Speaker considered the reference and ruled as follows:

The Criminal Petition No. 06 of 2012 in Suo motu case No. 4 of 2010 was decided by the Supreme Court of Pakistan vide Short Order

dated 26-04-2012 whereby the Prime Minister of Pakistan was punished under Section 5 of Contempt of Court Ordinance, 2003 (Ordinance V of 2003) with imprisonment till the rising of the Court. Sentence was executed forthwith. The detailed judgment was released on 08-05-2012. Both the Orders have been conveyed to me.

Meanwhile, on 30-04-2012, a reference under clause (2) of Article 63 by Moulvi Iqbal Haider was also received in my office. He prayed for referring the question of disqualification of Syed Yousaf Raza Gillani, from being a member, to the Election Commission, as he has become disqualified from being a member of the Assembly due to his conviction by the Supreme Court of Pakistan under Contempt of court of law.

I have gone through the said reference/ application, the Short Order and detailed judgment of the Supreme Court. I have also gone through the relevant provisions of the Constitution and the Contempt of Court Ordinance, 2003.

Before proceeding further, I may like to show my serious concerns regarding letters through which Short Order and detailed judgment of the Supreme Court were separately conveyed by the Assistant Registrar writing for Registrar and addressed directly to the Speaker. The Speaker holds a constitutional position. He/She is an elected head of the House and guardian of the rights of 342 members of the country, representing the will of the people of Pakistan. The provision of clause (2) of Article 72 of the Constitution confers the privilege upon the Speaker to preside over a Joint Sittings of the Majlis-e-Shora (Parliament), comprising 446 members. He/She may often require performing the functions of the President of Pakistan under Article 49. The Speaker is placed in Article 2 of Warrant of Precedence. In view of the above, the office of the Speaker demands the highest respect from other organs of the State and functionaries of the Government. The contents of the letters are in bad taste and also against the parliamentary norms and traditions.

Now coming to the point as to whether any question arises for

disqualification of a member from being a Member of Parliament under clause (2) of Article 63 of the Constitution on the basis of material and information placed before me and the powers and jurisdiction of the Speaker under the said Article. I may like to reproduce the provision of clause (2) of Article 63 as under:

"If any question arises whether a member of the Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker or, as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission."

It would be advantageous here to quote the case law on the subject. It has been held in *Kanwar Intizar Muhammad Khan VS Federation of Pakistan and others* reported in 1995 MLD Lahore 1903 that the Speaker while examining a reference under Article 63(2) of the Constitution is not supposed to act merely as post office. If a reference is submitted to him, he is not bound to forward/transmit the same, to the Chief Election Commissioner for decision forthwith. The Speaker has to apply his own mind judiciously after fully taking into consideration the relevant provisions on the subject and then decide as to whether "any question" in the nature of disqualification has "arisen" which may justify the making of reference to the Chief Election Commissioner." The same view was also expressed by Supreme Court of Pakistan in PLD 2005 SC 52.

The Supreme Court framed the following charge against Syed Yousaf Raza Gillani, Prime Minister of Pakistan:

"That you, Syed Yousaf Raza Gillani, the Prime Minister of Pakistan, have willfully flouted, disregarded and disobeyed the direction given by this Court in para 178 in case of *Dr. Mobashir Hassan vs Federation of Pakistan* (PLD 2010 SC 265)" to revive the request by the Government of Pakistan for mutual legal assistance and status of civil party and the claims lodged

to the allegedly laundered moneys lying in foreign countries, including Switzerland, which were unauthorizedly withdrawn by communication by Malik Muhammad Qayyum, former Attorney General for Pakistan to the concerned authorities, which direction you were legally bound to obey and thereby committed contempt of Court within the meaning of Article 204 (2) of the Constitution of Islamic Republic of Pakistan, 1973 read with Section 3 of the Contempt of Court Ordinance (Ordinance V of 2003), punishable under Section 5 of the Ordinance and within the cognizance of this Court. We hereby direct that you be tried by this Court on the above said charge."

It appears from above, that no specific charge regarding the propagation of any opinion or acting in any manner against the independence of the judiciary or defaming or ridiculing the judiciary as contemplated under Article 63 (1) (g) has been framed.

I may like to cite here the case of Mr. Makhdoom Javed Hashmi, the then MNA who, vide judgment dated: 12th April, 2004 passed by Sessions Judge, Islamabad in Session case No. 52 of 2003 was convicted and sentenced to imprisonment of 19 years in aggregate under Sections 124-A/131/109/505 (a)/468/471/500/469, PPC.

Makhdoom Javed Hashmi, MNA on 26-08-2004 filed three separate nomination papers as candidate for ascertainment of the Leader of the House. The Government side raised objection that Mr. Hashmi being convicted is no more member of National Assembly as he has become disqualified under Article 63 (1) (g) for propagating and defaming the Armed Forces of Pakistan, therefore, he cannot be a candidate for ascertainment of the Leader of the House and his nomination papers might be rejected. However the Speaker of the National Assembly over ruled the objection and accepted the nomination papers of Mr. Hashmi on 26-08-2004 and accordingly the Secretariat made all the arrangements/preparations for ascertainment of the Leader of the House for 27-08-2004 between two contesting candidates i.e. Mr. Shoukat Aziz and Makhdoom Javed Hashmi.

In the light of what has been stated above, I am of the view that the charges against Syed Yousaf Raza Gillani are not relatable to the grounds mentioned in paragraph (g) or (h) of clause (1) of Article 63, therefore, no question of disqualification of Syed Yousaf Raza Gillani from being a member arises under clause (2) of Article 63 of the Constitution. The letters of the Assistant Registrar (IMP) for Registrar of the Supreme Court stand answered accordingly. Furthermore, the petition of Moulvi Iqbal Haider, Advocate being without any merit, is not maintainable and accordingly rejected.

(DR. FEHMIDA MIRZA)

Speaker

National Assembly of Pakistan

Islamabad, the 24th of May, 2012.

207. REFERENCE: A QUESTION OF DISQUALIFICATION OF CH. ABID ALI MINISTER OF STATE FOR WATER AND POWER UNDER CLAUSE (2) OF ARTICLE 63 OF THE CONSTITUTION WAS RAISED ON THE GROUNDS THAT THE MEMBER IN HIS STATEMENT PUBLISHED IN ELECTRONIC AND PRINT MEDIA BERATED AND CRITICISED THE CREDIBILITY AND IMPARTIALITY OF JIT: HELD THAT NO QUESTION OF DISQUALIFICATION HAS ARISEN IN TERMS OF ARTICLE 63(2) OF THE CONSTITUTION: NOT REFERRED TO ELECTION COMMISSION.

Ms. Amna Malik through Mr. Muhammad Azhar Siddique, Advocate Supreme Court of Pakistan and eight other Advocates has submitted Reference (4.7.2017) under clause (2) of Article 63 of the Constitution of the Islamic Republic of Pakistan wherein she has averred that a question has arisen of the disqualification of Ch. Abid Sher Ali, Minister of State for Water and Power from being member of the National Assembly due to the reason that they have berated the Joint Investigated Team (JIT) working under the supervision and direction of Honourable Supreme Court of Pakistan and got up all sorts of antics to disparage the members of JIT through different statements, maneuver the credibility and impartiality of the ongoing

accountability process and criticized the Honourable Supreme Court and role of JIT through controversial statements given through social, print and electronic media and has requested that it may be referred to the Election Commission of Pakistan.

The Speaker considered the Reference and ruled as follows:

Ms. Amna Malik through Mr. Muhammad Azhar Siddique, Advocate Supreme Court of Pakistan and eight other Advocates (hereinafter referred to as the Petitioner) has submitted Reference under clause (2) of Article 63 of the Constitution of the Islamic Republic of Pakistan (hereinafter referred to as the Constitution) wherein she has averred that a question has arisen of the disqualification of Ch. Abid Sher Ali, Minister of State for Water and Power (hereinafter referred to as the Respondent) from being member of the National Assembly and has requested that it may be referred to the Election Commission of Pakistan. The Petitioner has also prayed for initiation of the contempt of court proceedings against the Respondent under Article 204 read with sections 3 and 5 of the Contempt of Court Ordinance, 2003 on the basis of following, amongst others, allegations:-

- 1) that the Respondent berated the Joint Investigation Team (JIT) working under the supervision and directions of Honourable Supreme Court of Pakistan and got up all sorts of antics to disparage the members of the JIT through different statements;
- 2) that the Respondent tried to maneuver the credibility and impartiality of the ongoing accountability process; and
- 3) that the Respondent criticized the Honourable Supreme Court and role of JIT through controversial statements given through social, print and electronic media.

2. The petitioner has placed reliance on the news stories reported in the media and the judgment of the Honourable Supreme Court of

Pakistan reported as "Muhammad Azhar Siddique and Others Vs Federation of Pakistan and others" (PLD 2012 S.C. 774).

3. Clause (2) of Article 63 of the Constitution relating to the decision of the Speaker as to whether any question has arisen that a member of Parliament has become disqualified from being a member is reproduced below:-

"63(1) ...

(2) If any question arises whether a member of the (Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker, or as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission."

4. The Superior Courts have repeatedly held that if a reference is submitted to the Speaker, he is not bound to forward/transmit the same to the Election Commission for decision forthwith. He has to apply his mind judiciously after fully taking into consideration the relevant provisions on the subject and then decide as to whether "any question" in the nature of disqualification has "arisen" which may justify the making of reference to the Election Commission of Pakistan. (Reference PLD 2005 SC 52 and 1995 MLD 1903 [Lahore])

5. I have given careful and detailed consideration to all the allegations contained in the Petition.

6. In my opinion, the contents of the petition do not substantiate the allegations contained therein as discussed below:-

(1) there is nothing on record to show that the Respondent has been convicted by a court of competent jurisdiction with respect to the allegations made in the petition;

(2) even otherwise, for the alleged contempt of court, the subject petition is not maintainable;

(3) the case referred to in the petition is being adjudicated upon by the court which could take cognizance of the contempt of the court, if any, committed by anyone; and

4) the facts of the case vide PLD 2012 S.C. 774 referred to in the subject petition are distinguished from the allegations against the Respondent.

7. In view of the above, in my opinion, no question has arisen of the disqualification of the Respondent in terms of clause (2) of Article 63 of the Constitution. I, therefore, hereby decide not to refer the petition to the Election Commission.

(Sardar Ayaz Sadiq)
Speaker
National Assembly Of Pakistan
Islamabad, the 17th July, 2017

208. REFERENCE: REFERENCE OF DISQUALIFICATION OF MR. MUHAMMAD NAWAZ SHARIF PRIME MINISTER OF THE ISLAMIC REPUBLIC OF PAKISTAN UNDER CLAUSE (2) OF ARTICLE 63 OF THE CONSTITUTION ON THE GROUNDS THAT THE MEMBER IN HIS STATEMENT PUBLISHED IN ELECTRONIC AND PRINT MEDIA BERATED AND CRITICIESED THE CREDIBILITY AND IMPARTIALITY OF JIT: HELD THAT NO QUESTION OF DISQUALIFICATION WAS MADE OUT IN TERMS OF ARTICLE 63 (2) OF THE CONSTITUTION: NOT REFERRED TO ELECTION COMMISSION.

Ms. Amna Malik through Mr. Muhammad Azhar Siddique, Advocate Supreme Court of Pakistan and eight other Advocates has submitted Reference (04.07.2017) under clause (2) of Article 63 of the Constitution of the Islamic Republic of Pakistan wherein she has averred that a question has arisen of the disqualification of Mr.

Muhammad Nawaz Sharif, Prime Minister of the Islamic Republic of Pakistan from being member of the National Assembly due to the reason that he has berated the Joint Investigation Team (JIT) working under the supervision and direction of Honourable Supreme Court of Pakistan and got up all sorts of antics to disparage the members of JIT through different statements, manoeuvre the credibility and impartiality of the ongoing accountability process and criticized the Honourable Supreme Court and role of JIT through controversial statements given through social, print and electronic media and has requested that it may be referred to the Election Commission of Pakistan.

The Speaker considered the Reference and ruled as follows:

Ms. Amna Malik through Mr. Muhammad Azhar Siddique, Advocate Supreme Court of Pakistan and eight other Advocates (hereinafter referred to as the Petitioner) has submitted Reference under clause (2) of Article 63 of the Constitution of the Islamic Republic of Pakistan (hereinafter referred to as the Constitution) wherein she has averred that a question has arisen of the disqualification of Mr. Muhammad Nawaz Sharif, Prime Minister of the Islamic Republic of Pakistan (hereinafter referred to as the Respondent) from being member of the National Assembly and has requested that it may be referred to the Election Commission of Pakistan. The Petitioner has also prayed for initiation of the contempt of court proceedings against the Respondent under Article 204 read with sections 3 and 5 of the Contempt of Court Ordinance, 2003 on the basis of following, amongst others, allegations:-

- 1) that the Respondent berated the Joint Investigation Team (JIT) working under the supervision and directions of Honourable Supreme Court of Pakistan and got up all sorts of antics to disparage the members of the JIT through different statements;
- 2) that the Respondent tried to manoeuvre the credibility and impartiality of the ongoing accountability process; and

3) that the Respondent criticized the Honourable Supreme Court and role of JIT through controversial statements.

2. The petitioner has placed reliance on the news stories reported in the media and the judgment of the Honourable Supreme Court of Pakistan reported as "Muhammad Azhar Siddique and Others Vs Federation of Pakistan and others" (PLD 2012 S.C. 774).

3. Clause (2) of Article 63 of the Constitution relating to the decision of the Speaker as to whether any question has arisen that a member of Parliament has become disqualified from being a member is reproduced below:-

"63 (1) ...

(2) If any question arises whether a member of the (Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker, or as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission."

4. The Superior Courts have repeatedly held that if a reference is submitted to the Speaker, he is not bound to forward/transmit the same to the Election Commission for decision forthwith. He has to apply his mind judiciously after fully taking into consideration the relevant provisions on the subject and then decide as to whether "any question" in the nature of disqualification has "arisen" which may justify the making of reference to the Election Commission of Pakistan. (Reference PLD 2005 SC 52 and 1995 MLD 1903 [Lahore]).

5. I have given careful and detailed consideration to all the allegations contained in the Petition.

6. In my opinion, the contents of the petition do not substantiate the allegations contained therein as discussed below:-

- (1) there is nothing on record to show that the Respondent has been convicted by a court of competent jurisdiction with respect to the allegations made in the petition;
- (2) even otherwise, for the alleged contempt of court, the subject petition is not maintainable;
- (3) the case referred to in the petition is being adjudicated upon by the court which could take cognizance of the contempt of the court, if any, committed by anyone; and
- (4) the facts of the case vide PLD 2012 S.C. 774 referred to in the subject petition are distinguished from the allegations against the Respondent.

7. In view of the above, in my opinion, no question has arisen of the disqualification of the Respondent in terms of clause (2) of Article 63 of the Constitution. I, therefore, hereby decide not to refer the petition to the Election Commission.

(Sardar Ayaz Sadiq)
Speaker
National Assembly of Pakistan
Islamabad, the 4th July, 2017

209. REFERENCE: REFERENCE OF DISQUALIFICATION OF KHAWAJA SAAD RAFIQUE, MINISTER FOR RAILWAYS UNDER CLAUSE (2) OF ARTICLE 63 OF THE CONSTITUTION ON THE GROUNDS THAT THE MEMBER IN HIS STATEMENT PUBLISHED IN ELECTRONIC AND PRINT MEDIA BERATED AND CRITICIESED THE CREDIBILITY AND IMPARTIALITY OF JIT: NOT REFERRED TO ELECTION COMMISSION.

Ms. Amna Malik through Mr. Muhammad Azhar Siddique, Advocate Supreme Court of Pakistan and eight other Advocates has submitted Reference (05.07.2017) under clause (2) of Article 63 of the Constitution of the Islamic Republic of Pakistan wherein she has averred that a question has arisen of the disqualification of Khawaja Saad Rafique, Minister for Railways from being member of the National Assembly due to the reason that he has berated the Joint Investigation Team (JIT) working under the supervision and direction of Honourable Supreme Court of Pakistan and got up all sorts of antics to disparage the members of JIT through different statements, manoeuvre the credibility and impartiality of the ongoing accountability process and criticized the Honourable Supreme Court and role of JIT through controversial statements given through social, print and electronic media and has requested that it may be referred to the Election Commission of Pakistan.

The Speaker considered the Reference and ruled as follows:

Ms. Amna Malik through Mr. Muhammad Azhar Siddique, Advocate Supreme Court of Pakistan and eight other Advocates (hereinafter referred to as the Petitioner) has submitted Reference under clause (2) of Article 63 of the Constitution of the Islamic Republic of Pakistan (hereinafter referred to as the Constitution) wherein she has averred that a question has arisen of the disqualification of Khawaja Saad Rafique, Minister for Railways (hereinafter referred to as the Respondent) from being member of the National Assembly and has requested that it may be referred to the Election Commission of Pakistan. The Petitioner has also prayed for initiation of the contempt of court proceedings against the Respondent under Article 204 read with sections 3 and 5 of the

Contempt of Court Ordinance, 2003 on the basis of following, amongst others, allegations:-

- 1) that the Respondent berated the Joint Investigation Team (JIT) working under the supervision and directions of Honourable Supreme Court of Pakistan and got up all sorts of antics to disparage the members of the JIT through different statements;
- 2) that the Respondent tried to maneuver the credibility and impartiality of the ongoing accountability process; and
- 3) that the Respondent criticized the Honourable Supreme Court and role of JIT through controversial statements given through social, print and electronic media.

2. The petitioner has placed reliance on the news stories reported in the media and the judgment of the Honourable Supreme Court of Pakistan reported as "Muhammad Azhar Siddique and Others Vs Federation of Pakistan and others" (PLD 2012 S.C. 774).

3. Clause (2) of Article 63 of the Constitution relating to the decision of the Speaker as to whether any question has arisen that a member of Parliament has become disqualified from being a member is reproduced below:-

"63 (1) ...

- (2) If any question arises whether a member of the (Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker, or as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty

days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission.".

4. The Superior Courts have repeatedly held that if a reference is submitted to the Speaker, he is not bound to forward/transmit the same to the Election Commission for decision forthwith. He has to apply his mind judiciously after fully taking into consideration the relevant provisions on the subject and then decide as to whether "any question" in the nature of disqualification has "arisen" which may justify the making of reference to the Election Commission of Pakistan. (Reference PLD 2005 SC 52 and 1995 MLD 1903 [Lahore J]).

5. I have given careful and detailed consideration to all the allegations contained in the Petition.

6. In my opinion, the contents of the petition do not substantiate the allegations contained therein as discussed below:-

- (1) there is nothing on record to show that the Respondent has been convicted by a court of competent jurisdiction with respect to the allegations made in the petition;
- (2) even otherwise, for the alleged contempt of court, the subject petition is not maintainable;
- (3) the case referred to in the petition is being adjudicated upon by the court which could take cognizance of the contempt of the court, if any, committed by anyone; and
- 4) the facts of the case vide PLD 2012 S.C. 774 referred to in the subject petition are distinguished from the allegations against the Respondent.

7. In view of the above, in my opinion, no question has arisen of the disqualification of the Respondent in terms of clause (2) of Article

63 of the Constitution. I, therefore, hereby decide not to refer the petition to the Election Commission.

(Sardar Ayaz Sadiq)
Speaker
National Assembly of Pakistan
Islamabad, the 17th July, 2017

210. REFERENCE: REFERENCE OF DISQUALIFICATION OF MR. AHSAN IQBAL, MINISTER FOR PLANNING, DEVELOPMENT AND REFORM UNDER CLAUSE (2) OF ARTICLE 63 OF THE CONSTITUTION ON THE GROUNDS THAT THE MEMBER IN HIS STATEMENT PUBLISHED IN ELECTRONIC AND PRINT MEDIA BERATED AND CRITICIESED THE CREDIBILITY AND IMPARTIALITY OF JIT: NOT REFERRED TO ELECTION COMMISSION.

Ms. Amna Malik through Mr. Muhammad Azhar Siddique, Advocate Supreme Court of Pakistan and eight other Advocates has submitted Reference (05.07.2017) under clause (2) of Article 63 of the Constitution of the Islamic Republic of Pakistan wherein she has averred that a question has arisen of the disqualification of Mr. Ahsan Iqbal, Minister for Planning, Development and Reform from being member of the National Assembly due to the reason that he has berated the Joint Investigation Team (JIT) working under the supervision and direction of Honourable Supreme Court of Pakistan and got up all sorts of antics to disparage the members of JIT through different statements, manoeuvre the credibility and impartiality of the ongoing accountability process and criticized the Honourable Supreme Court and role of JIT through controversial statements given through social, print and electronic media and has requested that it may be referred to the Election Commission of Pakistan.

The Speaker considered the Reference and ruled as follows:

Ms. Amna Malik through Mr. Muhammad Azhar Siddique, Advocate Supreme Court of Pakistan and eight other Advocates (hereinafter referred to as the Petitioner) has submitted Reference under clause (2) of Article 63 of the Constitution of the Islamic Republic of Pakistan (hereinafter referred to as the Constitution) wherein she has averred that a question has arisen of the disqualification of Mr. Ahsan Iqbal, Minister for Planning, Development and Reform (hereinafter referred to as the Respondent) from being member of the National Assembly and has requested that it may be referred to the Election Commission of Pakistan. The petitioner has also prayed for initiation of the contempt of court proceedings against the Respondent under Article 204 read with sections 3 and 5 of the Contempt of Court Ordinance, 2003 on the basis of following, amongst others, allegations:-

- 1) that the Respondent berated the Joint Investigation Team (JIT) working under the supervision and directions of Honourable Supreme Court of Pakistan and got up all sorts of antics to disparage the members of the JIT through different statements;
- 2) that the Respondent tried to maneuver the credibility and impartiality of the ongoing accountability process; and
- 3) that the Respondent criticized the Honourable Supreme Court and role of JIT through controversial statements given through social, print and electronic media.

2. The petitioner has placed reliance on the news stories reported in the media and the judgment of the Honourable Supreme Court of Pakistan reported as "Muhammad Azhar Siddique and Others Vs Federation of Pakistan and others" (PLD 2012 S.C. 774).

3. Clause (2) of Article 63 of the Constitution relating to the decision of the Speaker as to whether any question has arisen that a

member of Parliament has become disqualified from being a member is reproduced below:-

"63(1) ...

(2) If any question arises whether a member of the (Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker, or as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission."

4. The Superior Courts have repeatedly held that if a reference is submitted to the Speaker, he is not bound to forward/transmit the same to the Election Commission for decision forthwith. He has to apply his mind judiciously after fully taking into consideration the relevant provisions on the subject and then decide as to whether "any question" in the nature of disqualification has "arisen" which may justify the making of reference to the Election Commission of Pakistan. (Reference PLD 2005 SC 52 and 1995 MLD 1903 [Lahore]).

5. I have given careful and detailed consideration to all the allegations contained in the Petition.

6. In my opinion, the contents of the petition do not substantiate the allegations contained therein as discussed below:-

- (1) there is nothing on record to show that the Respondent has been convicted by a court of competent jurisdiction with respect to the allegations made in the petition;
- (2) even otherwise, for the alleged contempt of court, the subject petition is not maintainable;

- (3) the case referred to in the petition is being adjudicated upon by the court which could take cognizance of the contempt of the court, if any, committed by anyone; and
- 4) the facts of the case vide PLD 2012 S.C. 774 referred to in the subject petition are distinguished from the allegations against the Respondent.

7. In view of the above, in my opinion, no question has arisen of the disqualification of the Respondent in terms of clause (2) of Article 63 of the Constitution. I, therefore, hereby decide not to refer the petition to the Election Commission.

(Sardar Ayaz Sadiq)
Speaker
National Assembly Of Pakistan
Islamabad, the 17th July, 2017

211. REFERENCE: REFERENCE OF DISQUALIFICATION OF MIAN MUHAMMAD NAWAZ SHARIF, PRIME MINISTER OF PAKISTAN FROM BEING A MEMBER OF THE ASSEMBLY UNDER ARTICLE 63(2) OF THE CONSTITUTION ON THE GROUNDS THAT THE MEMBER AS PUBLISHED IN THE PRESS HAD SOUGHT ASSISTANCE/HELP FROM PAKISTAN ARMY TO RESOLVE THE POLITICAL IMPASSE/CRISES WHILE ACTING AS ARBITRATOR AND THEREAFTER BACKED OUT OF HIS WORDS: HELD THAT NO QUESTION OF DISQUALIFICATION MADE OUT IN TERMS OF ARTICLE 63(2). NOT REFERRED TO ELECTION COMMISSION OF PAKISTAN.

Mr. Muhammad Azhar Siddique Advocate Supreme Court of Pakistan along with four Advocates sent a reference under Article 63(2) of the Constitution wherein they raised a question of disqualification of Mian Muhammad Nawaz Sharif, Prime Minister of

Pakistan from being a member of the National Assembly due to the reason that as reported by the national press that the member had sought assistance/help from Pakistan army to resolve the political impasse/crises while acting as Arbitrator and thereafter backed out of his words and they have requested that the matter may be referred to the Election Commission of Pakistan.

Mr. Speaker considered the reference and ruled as follows:

Mr. Mohammad Azhar Siddique, Advocate Supreme Court of Pakistan along with four Advocates, (hereinafter referred to as the Petitioners) sent this Notice under Article 63(2) wherein they raised a question of disqualification of Mian Muhammad Nawaz Sharif, Prime Minister of Pakistan (hereinafter referred to as the Respondent) from being a Member of the National Assembly and requested that the matter may be referred to the Election Commission of Pakistan.

According to paras 3 and 4 of the Notice, it has been stated:

"3. That as reported by the National Press through electronic and print media that the Member of the Assembly has sought assistance/help from Pakistan Army by requesting Chief of Army Staff/Army Personnel to resolve the political impasse/crises while acting as Arbitrator/Negotiator/facilitator/Guarantor between the government as well as protestors. On the said request by the member, representative of the Chief of Army Staff contacted leaders of protesting parties i.e. PTI and PAT. On giving consent by the protestors Leaders, Pakistan Army agreed upon to act as Arbitrator/Negotiator/Facilitator/ Guarantor for the resolution of the prevailing problem, which in any case is an appreciable act. In this regard, as reported,24 hours period was fixed to resolve the matter.

That even before the expiration of the fixed period, the Member has during the session of the National Assembly falsely stated and misrepresented the apex House while addressing the Honourable Speaker of the Assembly that he

has not sought any help/assistance from Pakistan Army to act as an arbitrator and Guarantor rather this is a conspiracy against him. On the other hand, ISPR has clarified this point that assistance/help has been sought by the Prime Minister for resolving the prevailing political crises between the government and protestors. Therefore, the Member has backed out of the words previously uttered, which is very alarming and shattered the confidence of Honourable institution of the country i.e. National Assembly and also the office of Prime Minister in the whole country. Furthermore, such statement of the Member and backing out of the words previously given is tantamount to defame and destroy the confidence of the Pakistan Army for this act as Arbitrator and Guarantor. National press has already reported such incidents with supportive evidence that the member has falsely stated and he has backed out of his previously uttered words, which is tantamount to his disqualification in view of Article 62(1)(d) and 62(1)(e) of the Constitution of the Islamic Republic of Pakistan, 1973. At this state, through the instant Notice, your office is requested to initiate appropriate proceedings against the Member for finally declaring him disqualified and to cease him being a Member of the Legislative National Assembly.

To determine whether any question arises for disqualification of the Respondent from being a Member of the Parliament under Article 63 (2), I would like to reproduce the said provision as under:

"Article 63 (2)

(2) If any question arises whether a member of the Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker or, as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission."

If a reference is submitted to the Speaker, he is not bound to

forward/transmit the same to the Election Commission of Pakistan for decision forthwith. He has to apply his own mind judiciously after fully taking into consideration the relevant provisions on the subject and then decide as to whether "any question" in the nature of disqualification has "arisen" which may justify the making of reference to the Election Commission of Pakistan. The same view was also held by the Supreme Court of Pakistan in PLD 2005 SC 52 and Lahore High Court too in 1995 MLD Lahore 1903.

Let me attend to the legality of the Notice. Article 62 of the Constitution invoked in the Notice enumerates the qualifications for a person to be elected or chosen as a member of the Parliament thus making the qualifications which a person must possess to be competent to qualify for the membership of the Parliament, meaning thereby that it is operative prior to elections. Whereas Article 63 contains disqualifications from membership of the Parliament which categorically says that "A person shall be disqualified to be elected or chosen as, and from being, a member of Majlis-e-Shoora (Parliament) unless" (Emphasis added). Expression "and from being" is missing from Article 62 which distinguishes both the provisions. Therefore, Article 62 is not attracted in the instant case. Further, the wording of Article 63 (2) categorically speaks of dis-qualification which is linked with Article 63 and no procedure whatsoever is prescribed vis-a-vis Article 62.

The qualifications for membership of Majlis-e-Shoora (Parliament) as laid down in Article 62 of the Constitution are qualifications of the nature which are conditions precedent therefore. Therefore, no notice can be given or entertained by the Speaker with reference to Article 62, as prayed, after the member has been elected by the electorate. Hence, the power of the Speaker under Article 63 (2), as referred to by the Petitioners, is not attracted in the instant case.

Apart from the above legal position, the ground for alleged disqualification cannot be invoked unless supported by a declaration by a Court of competent jurisdiction.

Moreover, any statement of a member made in one of the sittings of the National Assembly constitutes internal proceedings of the House. In this connection Article 66 (1) is reproduced below for ready reference:

"Article 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." (Emphasis added)"

This provides complete protection to a member of the Parliament from any proceedings or anything said by him at any forum. [Pakistan Vs. Ahmed Saeed PLD-1958 SC 397].

Furthermore, the perusal of the debate of the National Assembly reveals that the allegations in the notice are even otherwise factually incorrect.

In view of the above, this notice being legally and factually baseless, does not raise any question of disqualification under Article 63 (2) and, therefore, I decline to refer it to the Election Commission of Pakistan.

(SARDAR AYAZ SADIQ)

Speaker

National Assembly of Pakistan

Islamabad, the 25th of September, 2014.

212. REFERENCE: A QUESTION OF DISQUALIFICATION OF MR. IMRAN KHAN MNA FROM BEING A MEMBER WAS RAISED ON THE GROUND OF VIOLATING CONSTITUTION BY ANNOUNCING CIVIL DISOBEDIENCE AND INSTIGATING PUBLIC NOT TO PAY TAXES AND UTILITY BILLS ETC: NOT REFERRED TO ELECTION COMMISSION OF PAKISTAN BEING NOT COVERED UNDER ARTICLE 63(2) OF THE CONSTITUTION.

Ch. Muhammad Bukash Tarar, resident of Thsil Pindi Bhattian District Hafizabad sent a letter dated 30.08.2014 to Speaker wherein he requested that proceedings may be initiated against Mr. Imran Khan MNA for violating the Constitution, for high treason and to send reference against him to the Election Commission of Pakistan.

Mr. Speaker considered the letter/Reference and ruled as follows:

Ch. Muhammad Bukhsh Tarar, a resident of Tehsil Pindi Bhattian, District Hafizabad has sent a letter dated 30-08-2014 requesting for initiating proceedings by the Parliament against Mr. Imran Khan for violation of the Constitution for high treason and for sending a reference against him. In this letter, the petitioner raised many issues/charges against Mr. Imran Khan, but reading in between the lines, this letter is treated as Reference under Article 63(2) and is dealt with hereinafter accordingly. It has been stated in the letter that Mr. Imran Khan has violated his oath as member of the National Assembly and also the provisions of Article 5 and 6 of the Constitution by announcing civil disobedience instigating the public not to pay taxes and utility bills to the government and urging the expatriates not to send money through banking channel but through 'Hundi'. It has further been stated that Mr. Imran Khan had declared general elections, 2013 as massively rigged without any proof and without decisions from the Election Tribunals or Superior Courts. On the basis of so-called rigged elections, he is demanding resignation of the Prime Minister of Pakistan which is unconstitutional. It is pointed out that the workers of PTI were instigated to attack the Parliament,

Supreme Court of Pakistan and Presidency. Mr. Imran Khan, in his speeches has also defamed and brought into ridicule the judiciary and armed forces.

On the basis of the above allegations, it has been requested that proceedings may be initiated against Mr. Imran Khan for high treason on the ground of gross violation of the Constitution and also a reference may be forwarded under Article 63(2) of the Constitution to the Election Commission of Pakistan.

I may like to mention here that the Speaker cannot take action/cognizance of violation of Article 5 & 6 of the Constitution. The Court can take cognizance of an offence under Article 6, only on a complaint in writing by a person authorized by the Federal Government. This is provided in Section 3 of the High Treason (Punishment) Act, 1973. The attack/Gherao on the Parliament or ridiculing or defaming Parliament is not a ground for disqualification of a member from being a member of the National Assembly under Article 63(2). Propagating against the independence of judiciary/armed forces with a view to defame or bringing it into ridicule, is a disqualification from being a member of the Assembly under Article 63(1) (g) if a court of competent jurisdiction has convicted that person. No proof of conviction of respondent has been given or placed on record; therefore, question of disqualification of Mr. Imran Khan on this ground does not arise.

In view of the above, no question of disqualification of Mr. Imran Khan from being a member of the National Assembly on the allegations leveled by the petitioners arises under Article 63 (2), therefore, this reference has no basis and I decline to refer it to the Election Commission of Pakistan.

(SARDAR AYAZ SADIQ)

Speaker

National Assembly of Pakistan

Islamabad, the 26th of September, 2014.

213. REFERENCE: A QUESTION OF DISQUALIFICATION OF MIAN MUHAMMAD NAWAZ SHARIF, PRIME MINISTER OF PAKISTAN FROM BEING A MEMBER OF THE ASSEMBLY UNDER ARTICLE 63(2) OF THE CONSTITUTION WAS RAISED ON THE GROUND OF CONCEALMENT OF HOLDINGS/ASSETS OF HIS CHILDREN IN THE NOMINATION FORMS DURING GENERAL ELECTION, 2013: NO QUESTION OF DISQUALIFICATION OF MEMBER FROM BEING A MEMBER HAS ARISEN: QUESTION OF DISQUALIFICATION NOT MADE OUT: NOT REFERRED TO ELECTION COMMISSION OF PAKISTAN.

Moulvi Iqbal Haider Advocate, a resident of House No C-333 Block-6 Federal "B" Area Karachi sent reference wherein he has raised a question of disqualification of Mr. Muhammad Nawaz Sharif, Prime Minister of Pakistan from being a Member of National Assembly on the ground that he (Muhammad Nawaz Sharif) canceled holdings of his children at the time of filing nomination papers along with declaration as a candidate during the General Election, 2013.

Mr. Speaker considered the reference and ruled as follows:

Moulvi Iqbal Haider, Advocate, S/O Sardar Haider (Late) resident of C-333, Block-6, Federal "B" Area, Karachi (hereinafter referred to as the Applicant) sent subject reference through TCS, received in my office on 07-04-2016. The applicant has raised a question of disqualification of Mr. Muhammad Nawaz Sharif, the Prime Minister of Pakistan (hereinafter referred to as the Respondent) from being a Member of the National Assembly on the ground that the Respondent concealed holdings of his children at the time of filing of nomination papers along with declaration as a candidate during the General Election, 2013. Recently, alleged assets of his children were disclosed in Panama Papers, available on the website of the International Consortium of Investigative Journalists. Therefore, he is disqualified under paragraph (p) of clause (1) of Article 63 of the Constitution read with section 99(1)(f) of the Representation of the People Act, 1976 besides liability for

prosecution under section 82 of the Act *ibid* and sections 193, 196, 197, 198 and 199 of the Pakistan Penal Code, 1860.

The Applicant further averred that as a question under clause (2) of Article 63 has arisen that the Respondent has become disqualified from being a member of the National Assembly, therefore, the question may be referred to the Election Commission of Pakistan for decision.

3. Before proceeding further I would like to reproduce the provisions of clause (2) of Article 63 for ready reference as under:

"(2) If any question arises whether a member of the Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker or, as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission."

There is galaxy of *stare decisis* like 1995 MLD Lahore 1903, PLD 2005 Supreme Court 52 and PLD, 2006 Quetta 36 etc. that the Speaker while examining a reference under clause (2) of Article 63 is not supposed to act just as a post office and forward the reference without judicious determination of the matter. The Speaker has to apply his own mind judiciously to the allegations made in the reference, after fully taking into consideration the relevant provisions of law on the subject and then to decide as to whether "any question" in the nature of disqualification has "arisen" which may justify to refer the question to the Election Commission as the exercise amounts to interference with the choice of electorate who are presumably more wiser than one individual, in matter of election of their representative. It was also added that in order to initiate proceedings of disqualification against a Member of the Parliament, allegations of misconduct have to be based upon cogent material, which shall have to be proved by positive evidence and "the question" must be of substantial nature and not a simulacrum thereof.

The Applicant has neither referred to nor given any evidence/precedent in support of his allegations. The Respondent has not been declared disqualified from being elected or chosen as a member of Majlis-e-Shoora (Parliament) or of a Provincial Assembly under any law for the time being in force as envisaged in paragraph (p) of clause (1) of Article 63.

Previously, similar alleged questions raised against:

- 1) Mr. Muhammad Nawaz Sharif by Mr. Asif Ezdi retired Ambassador on 26.08.2014;
- 2) Mr. Imran Khan by Ch. Muhammad Bukhsh Tarar resident of Tehsile Pindi Bhattian, District Hafiz Abad on 30-08-2014; and
- 3) Mr. Muhammad Nawaz Sharif by Mr. Muhammad Azhar Siddique, Advocate Supreme Court of Pakistan along with four other Advocates on 30.08.2014 being unsubstantiated were not referred to the Election Commission of Pakistan.

In my considered view, the allegations appear to have been leveled merely on the basis of conjectures and surmises which do not link the Respondent by any stretch of the imagination with the alleged grounds of disqualification sought for. Accordingly, under clause (2) of Article 63, this Question of disqualification of Mr. Muhammad Nawaz Sharif, Member National Assembly (Prime Minister of Pakistan) is also bereft of any substance and is, therefore, not fit for reference to the Election Commission of Pakistan.

(SARDAR AYZAZ SADIQ)

Speaker

National Assembly of Pakistan

Islamabad, the 2nd of May, 2016.

214. REFERENCE: A QUESTION OF DISQUALIFICATION OF MIAN MUHAMMAD NAWAZ SHARIF, PRIME MINISTER OF PAKISTAN FROM BEING A MEMBER OF THE ASSEMBLY UNDER ARTICLE 63(2) OF THE CONSTITUTION WAS RAISED FOR HIS FAILURE TO TAKE ACTION AGAINST THOSE PAKISTAN IS WHO HAD PROTESTED AGAINST HIM AND PAKISTAN IN USA AND TO GRANT EXTENSION IN THE TENURE OF CHIEF OF ARMY STAFF : THE ALLEGATIONS LEVELED ON THE BASIS OF CONJECTURES AND SURMISES: QUESTION OF DISQUALIFICATION NOT MADE OUT: NOT REFERRED TO ELECTION COMMISSION OF PAKISTAN.

Professor Waheed Kamal Coordinator General Raheel Lovers sent application/reference raising a question of disqualification of Mr. Muhammad Nawaz Sharif Prime Minister of Pakistan on the grounds that the (Muhammad Nawaz Sharif) failed to take action against those Pakistanis who had pretested against him and Pakistan in USA and to grant extension in the tenure of Chief of Army Staff as requested by him for durable peace in the Country.

Mr. Speaker considered the application/reference and ruled as follows:

Professor Waheed Kamal, Coordinator General Raheel Lovers House No. 630, Sector G-9/2, Islamabad (hereinafter referred to as the Petitioner) sent the subject application received in my office on 28-06-2016. The Petitioner has raised question of disqualification of Mr. Muhammad Nawaz Sharif, the Prime Minister of Pakistan (hereinafter referred to as the Respondent), on the grounds:

- (i) That the Respondent failed to take action against those anti Pakistanis who protested against him and Pakistan in United States of America during his meeting with Mr. Barak Obama, the President of USA as he even did not address the matter subsequently; and
- (ii) That the petitioner had submitted an application to the Respondent on 19-09- 2015 for extension in the tenure of service of the Chief of Army Staff for durable peace in

the country but the Respondent failed to grant extension till date because of undue influence of Senator Aitzaz Ahsan as reported in the Daily Jang, Multan Dated 15.1.2016.

The Petitioner, therefore, contended that a question has arisen that the Respondent has become disqualified from being member of the National Assembly; hence the question may be referred to the Election Commission of Pakistan.

At the very outset I would like to reproduce the provision of clause (2) of Article 63 of the Constitution of the Islamic Republic of Pakistan for ready reference as under:

"(2) If any question arises whether a member of the Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker or, as the case may be, the Chairman shall unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission."

There is plethora of stare decisis like 1995 MLD Lahore 1903, PLD 2005 Supreme Court 52 etc. that the Speaker while examining a reference under clause (2) of Article 63 is not supposed to act just as a post office and forward the reference without judicious determination of the said aspect of the matter. The Speaker has to apply his own mind judiciously to the allegations made in the reference, after fully taking into consideration the relevant provisions of law on the subject and then to decide as to whether "any question" in the nature of disqualification has "arisen" which may justify to refer the question to the Election Commission as the exercise amounts to interference with the choice of voters who are presumably wiser than one individual, in matter of election of their representative. It was also added that in order to initiate proceedings of disqualification against a Member of the Parliament, allegations of misconduct have to be based upon cogent material, which shall have to be proved by positive evidence

and “the question” must be of substantial nature and not a simulacrum thereof.

The Petitioner has neither referred to, nor given any evidence/ precedent in support of his allegations that the Respondent allegedly violated his oath made by him under the Constitution.

Previously, similar alleged questions raised against:

- 1) Mr. Muhammad Nawaz Sharif by Mr. Gohar Nawaz Sindhu, Advocate on 13-04-2016;
- 2) Mr. Muhammad Nawaz Sharif by Moulvi Iqbal Haider Advocate on 07-04-2016;
- 3) Mr. Imran Khan by Ch. Muhammad Bukhsh Tarar resident of Tehsil Pindi Bhattian, District Hafiz Abad on 30-08-2014;
- 4) Mr. Muhammad Nawaz Sharif by Mr. Muhammad Azhar Siddique, Advocate Supreme Court of Pakistan with four other Advocates on 30-08-2014; and
- 5) Mr. Muhammad Nawaz Sharif by Mr. Asif Ezdi retired Ambassador on 26-8-2014;

being unsubstantiated were not referred to the Election Commission of Pakistan.

In my considered view, the allegations appear to have been leveled merely on the basis of conjectures and surmises which do not link the Respondent by any stretch of the imagination with the alleged grounds of disqualification sought for. Accordingly, under clause (2) of Article 63, this Question of disqualification of Mr. Muhammad Nawaz Sharif, Member National Assembly (Prime Minister of Pakistan) is also bereft of any substance and is, therefore, not fit for reference to the Election Commission of Pakistan.

(SARDAR AYZAZ SADIQ)

Speaker

National Assembly of Pakistan

Islamabad, the 25th of July, 2016.

215. REFERENCE: A QUESTION OF DISQUALIFICATION OF MR. IMRAN KHAN, MNA UNDER CLAUSE (2) OF ARTICLE 63 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN WAS RAISED ON THE GROUNDS OF MIS-STATEMENT IN THE DECLARATION OF ASSETS AND LIABILITIES REGARDING 300 KANALS OF LAND: SPEAKER FOUND THE MIS-STATEMENT IN DECLARATION AND ACCORDINGLY REFERRED IT TO THE CHIEF ELECTION COMMISSION.

Mr. Muhammad Talal Chaudhry and six other MNAs submitted reference under Article 63(2) of the Constitution against Mr. Imran Khan MNA that a question has arisen of his disqualification from being a member in respect of transaction of land measuring 300 canals which was shown as a gift in his statement of assets and liabilities for the years 2013 and 2014 but is apparently a purchase as per the documents.

Mr. Speaker considered the reference and ruled as follows:

Mr. Muhammad Talal Chaudhry and six other MNAs (hereinafter referred to as the Petitioners) have submitted this Reference under clause (2) of Article 63 of the Constitution of the Islamic Republic of Pakistan (hereinafter referred to as the Constitution) wherein they have claimed that a question has arisen of the disqualification of Mr. Imran Khan, MNA, (hereinafter referred to as the Respondent) from being a member of the National Assembly and have requested that it may be referred to the Election Commission.

Clause (2) of Article 63 of the Constitution, relating to the decision of the Speaker as to whether any question has arisen that a member of Parliament has become disqualified from being a member is reproduced below:-

“63. (1) ...

- (2) If any question arises whether a member of the Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker, or as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission.”

The superior courts have held that if a reference is submitted to the Speaker, he is not bound to forward/transmit the same to the Election Commission for decision forthwith. He has to apply his mind judiciously after fully taking into consideration the relevant provisions on the subject and then decide as to whether “any question” in the nature of disqualification has “arisen” which may justify the making of reference to the Election Commission. [*Reference PLD 2005 SC 52 and 1995 MLD 1903 (Lahore)*].

I have given careful and detailed consideration to all the allegations contained in the petition and the documents attached therewith.

Perusal of the aforesaid documents reveals the following material facts regarding the transaction relating to 300-kanals of land:-

- (1) the revenue record, the General Power of Attorney of Mrs. Jemima Khan and Statements of Assets and Liabilities of the Respondent for the years 2013 and 2014 annexed with the petition show that:-
 - (a) land measuring 300-Kanals was initially transferred in the name of Mrs. Jemima Khan during the period April, 2002 to June, 2005 in lieu of Rs. 43,475,000/- through five mutations of sale;
 - (b) the same land measuring 300-kanals was transferred in the name of the Respondent on the 29th of October 2005, in lieu of Rs. 43,536,500/- through a mutation containing the following details:-

- (i) Mrs. Jemima Khan is shown as transferor through her attorney Saifullah Sarwar Khan Niazi;
 - (ii) in the Column of “New Entries”, Mrs. Jemima Khan has been shown as seller and the Respondent as the buyer;
 - (iii) the consideration for the transfer is Rs. 43,536,500/-;
 - (iv) in the order of the Revenue Officer, the transaction has been mentioned as a “gift” in lieu of Rs. 43,536,500/-; and
- (c) In the Power of Attorney, Mrs. Jemima Khan clearly stated that the land in question was purchased by the Respondent himself and that it was transferred in her name by the Respondent as a benami transaction which she did not intend to keep after the separation/divorce between her and the Respondent.

The above mentioned statement by Mrs. Jemima Khan that the original purchase was a *benami* transaction and the actual purchaser was the Respondent gives rise to the presumption that the consideration of Rs. 43,475,000/- of land measuring 300-Kanals purchased during the period April, 2002 to June 2005 through five mutations was paid by the Respondent himself.

The last mutation of transfer in the name of the Respondent mentions Mrs. Jemima Khan as the seller and the Respondent as the buyer whereas the order of the Revenue Officer states that it is a “gift” for an amount of Rs. 43,536,500/-, all of which again gives rise to the presumption that the said amount was paid by the Respondent.

In either case, in the “Cost of Assets” column in the Respondent’s Statements of Assets and Liabilities annexed with the petition for the years 2013 and 2014, he has shown the land as “gift” whereas the documents discussed above reveal that it is a purchase by the Respondent which under the law should have been declared as such in his Statements of Assets and Liabilities for the relevant periods.

In view of the above, in my opinion a question has arisen within the meaning of clause (2) of Article 63 of the Constitution in respect of the transaction of land measuring 300-kanals which has been shown as a gift in the Respondent's Statements of Assets and Liabilities for the years 2013 and 2014 but is apparently a purchase as per the documents attached with the petition. Accordingly, I decide to refer the petition to the Election Commission.

In the circumstances, a question having arisen relating to the transaction of land as mentioned above, in my opinion, there is no need to advert to the other allegations contained in the petition which may be considered by the Election Commission to which this petition is being referred.

(Sardar Ayaz Sadiq)

Speaker

National Assembly of Pakistan

Islamabad, the 2nd of September, 2016

216. REFERENCE: A QUESTION OF DISQUALIFICATION OF MR. IMRAN KHAN, MNA UNDER CLAUSE (2) OF ARTICLE 63 OF THE CONSTITUTION WAS RAISED ON THE GROUNDS THAT AN AMOUNT OF 400 MILLION POUNDS OF THE FUNDS COLLECTED FOR EDUCATIONAL INSTITUTION I.E. NAML WAS LAUNDERED BY HIM: NO QUESTION OF DISQUALIFICATION OF MEMBER FROM BEING A MEMBER HAS ARISEN: NOT REFERRED TO THE ELECTION COMMISSION.

Mr. Muhammad Khan Daha and three other MNAs submitted reference under Article 63(2) of the Constitution of the Islamic Republic of Pakistan that a question of disqualification of Mr. Imran Khan MNA from being a member of the National Assembly has arisen on the ground that he had collected an amount of 400 million pounds charity funds for his educational institution NAML were sent to Dubai for offshore company and thus laundered the said money. They have

therefore requested that it may be referred to the Election Commission.

Mr. Speaker considered the reference and ruled as follows:

Mr. Muhammad Khan Daha and three other MNAs (hereinafter referred to as the Petitioners) have submitted this Reference under clause (2) of Article 63 of the Constitution of the Islamic Republic of Pakistan (hereinafter referred to as the Constitution) wherein they have claimed that a question has arisen of the disqualification of Mr. Imran Khan, MNA, (hereinafter referred to as the Respondent) from being a member of the National Assembly and have requested that it may be referred to the Election Commission.

Clause (2) of Article 63 of the Constitution, relating to the decision of the Speaker as to whether any question has arisen that a member of Parliament has become disqualified from being a member is reproduced below:-

“63. (1) ...

(2) If any question arises whether a member of the Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker, or as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission.”

The superior courts have held that if a reference is submitted to the Speaker, he is not bound to forward/transmit the same to the Election Commission for decision forthwith. He has to apply his mind judiciously after fully taking into consideration the relevant provisions on the subject and then decide as to whether “any question” in the nature of disqualification has “arisen” which may

justify the making of reference to the Election Commission. [Reference PLD 2005 SC 52 and 1995 MLD 1903 (Lahore)].

I have given careful and detailed consideration to all the allegations contained in the petition and the documents attached therewith.

In my opinion, the documents attached with the petition do not substantiate the allegations contained therein as discussed below:-

- 1) The Petitioners have themselves asserted that the allegation regarding the collection of public donations by the Respondent is being investigated by the British Charity Commission which has not yet been concluded;
- 2) The only material available on record is a news item of "abbtakk.tv" and two news items of the daily "The News" which do not per se make out a case for disqualification.

In view of the above, in my opinion, no question has arisen of the disqualification of the Respondent in terms of clause (2) of Article 63 of the Constitution. I, therefore, hereby decide not to refer the petition to the Election Commission.

(Sardar Ayaz Sadiq)
Speaker
National Assembly of Pakistan
Islamabad, the 2nd of September, 2016

217. REFERENCE: A QUESTION OF DISQUALIFICATION OF MIAN MUHAMMAD NAWAZ SHARIF, PRIME MINISTER OF PAKISTAN UNDER CLAUSE (2) OF ARTICLE 63 OF THE CONSTITUTION WAS RAISED ON THE GROUND THAT AT THE TIME OF GOING ABROAD TO SAUDI ARABIA AFTER SEEKING REMISSION OF PUNISHMENT AGAINST PLANE HIJACKING CASE HE FIRST DENIED ANY AGREEMENT WITH THE GOVERNMENT AND LATER ADMITTED AND ALSO HE HAD MADE STATEMENT BEFORE THE TRIAL COURT THAT HE HAD NOT GIVEN DIRECTIONS AT ALL TO DIVERT THE AIRCRAFT OF PIA AND THEREAFTER TOOK OPPOSITE STANCE ON THE ISSUE.: NO QUESTION OF DISQUALIFICATION MADE OUT: NOT REFERRED TO ELECTION COMMISSION.

Al -Haj Sardr Umar Farooq Khan, Ex MNA submitted Reference under clause (2) of Article 63 of the Constitution that a question of disqualification of Mian Muhammad Nawaz Sharif, Prime Minister of Pakistan from being a member of the Assembly has arisen that Mian Muhammad Nawaz Sharif at the time of going abroad to Saudi Arabia after seeking remission of punishment against plane hijacking case had made agreement with the government for not engaging in any business or political activities in Pakistan for a period of ten years which he first denied and then admitted and also that he had made statement the before the trial court that he had not given directions at all to divert the aircraft of PIA No. PK-805 on 12-10-1999 and thereafter took opposite stance on the issue.

Mr. Speaker considered the reference and ruled as follows:

Al-Haj Sardar Umar Farooq Khan, Ex-MNA, (hereinafter referred to as the Petitioner) has submitted this Reference under clause (2) of Article 63 of the Constitution of the Islamic Republic of Pakistan (hereinafter referred to as the Constitution) wherein he has claimed that a question has arisen of the disqualification of Mian Muhammad Nawaz Sharif, Prime Minister of Pakistan (hereinafter referred to as the Respondent) from being a member of the National

Assembly and has requested that it may be referred to the Election Commission.

Clause (2) of Article 63 of the Constitution relating to the decision of the Speaker as to whether any question has arisen that a member of Parliament has become disqualified from being a member is reproduced below:-

“63. (1) ...

- (2) If any question arises whether a member of the Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker, or as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission.”

The superior courts have held that if a reference is submitted to the Speaker, he is not bound to forward/transmit the same to the Election Commission for decision forthwith. He has to apply his mind judiciously after fully taking into consideration the relevant provisions on the subject and then decide as to whether “any question” in the nature of disqualification has “arisen” which may justify the making of reference to the Election Commission. [*Reference PLD 2005 SC 52 and 1995 MLD 1903 (Lahore)*].

I have given careful and detailed consideration to all the allegations contained in the petition and the documents attached therewith.

In my opinion, the documents attached with the petition do not substantiate the allegations contained therein as discussed below:-

- (1) the excerpts from the book *Capitalism’s Achilles Heel* by Raymond W. Baker and the Article of Mr. Ardeshir Cowasjee in the daily “The Dawn” dated May 21, 2000

- relied upon by the Petitioner contain allegations only and do not *per se* constitute any proof;
- (2) The selected contents of the reported judgment of the Supreme Court in Zafar Ali Shah's case (PLD 2000 SC 869) relied upon by the Petitioner are actually the submissions of the parties in the proceedings and not the findings of the Court against the Respondent;
 - (3) No document establishing the Respondent's ownership of the properties detailed in the petition has been annexed;
 - (4) Neither the statements of Mr. Hussain Nawaz in his purported interviews nor the decision of the High Court of Justice, Queen's Bench nor the speech of the Respondent (as per documents attached with the petition) establish the Respondent's ownership of the properties mentioned therein;
 - (5) "The agreement" referred to in the petition relating to ban on the Respondent to enter into Pakistan was declared illegal by the Supreme Court of Pakistan in the case cited as K.L.R. 2008 Supreme Court 1. Perusal of the judgment reveals that the Bench of the Supreme Court was headed by the then Chief Justice of Pakistan (who is presently the head of the Pakistan Justice and Democratic Party under whose flag the Petitioner has filed this Petition);
 - (6) The allegation regarding diversion of PIA Flight No. PK-805 on 12.10.1999 and the statement attributed to the Respondent during the course of trial are irrelevant in view of the judgment of the Supreme Court of Pakistan in the case reported at PLD 2009 SC 814.

Apart from the fact that no material has been produced by the Petitioner to substantiate the allegations contained in the petition, the Petitioner himself has admitted in para-50 of the petition that his ".... case is not covered under Article 63 (a)(b)(e)(d)(f) and (i) of the Constitution....". In my opinion, therefore, no question has arisen of the disqualification of the Respondent in terms of clause (2) of Article

63 of the Constitution. I, therefore, hereby decide not to refer the petition to the Election Commission.

(Sardar Ayaz Sadiq)
Speaker
National Assembly of Pakistan
Islamabad, the 2nd of September, 2016

218. REFERENCE: A QUESTION OF DISQUALIFICATION OF MIAN MUHAMMAD NAWAZ SHARIF, PRIME MINISTER OF PAKISTAN UNDER CLAUSE (2) OF ARTICLE 63 OF THE CONSTITUTION WAS RAISED ON THE GROUND THAT AT THE TIME OF GOING ABROAD TO SAUDI ARABIA AFTER SEEKING REMISSION OF PUNISHMENT AGAINST PLANE HIJACKING CASE HE MADE AGREEMENT WITH THE GOVERNMENT WHICH HE FIRST DENIED AND LATER ON ADMITTED AND ALSO LAUNDERED MONEY: NO QUESTION OF DISQUALIFICATION MADE OUT: NOT REFERRED TO ELECTION COMMISSION.

Makhdoom Shah Mehmood Hussain Qureshi and six other MNAs submitted Reference under clause (2) of Article 63 of the Constitution and claimed that a question of disqualification of Mian Muhammad Nawaz Sharif, Prime Minister of Pakistan from being member of National Assembly has arisen on the ground that at the time of going abroad to Saudi Arabia after seeking remission of punishment against plane hijacking case made agreement with the government which he had first denied any agreement and later admitted and also that he had laundered money etc and have requested that the Reference may be referred to Election Commission.

Mr. Speaker considered the reference and ruled as follows:

Makhdoom Shah Mehmood Hussain Qureshi and six other MNAs (hereinafter referred to as the Petitioners) have submitted this Reference under clause (2) of Article 63 of the Constitution of the

Islamic Republic of Pakistan (hereinafter referred to as the Constitution) wherein they have claimed that a question has arisen of the disqualification of Mian Muhammad Nawaz Shairf, Prime Minister of Pakistan (hereinafter referred to as the Respondent) from being a member of the National Assembly and have requested that it may be referred to the Election Commission.

2. Clause (2) of Article 63 of the Constitution, relating to the decision of the Speaker as to whether any question has arisen that a member of Parliament has become disqualified from being a member is reproduced below:-

“63. (1) ...

(2) If any question arises whether a member of the Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker, or as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission.”

The superior courts have held that if a reference is submitted to the Speaker, he is not bound to forward/transmit the same to the Election Commission for decision forthwith. He has to apply his mind judiciously after fully taking into consideration the relevant provisions on the subject and then decide as to whether “any question” in the nature of disqualification has “arisen” which may justify the making of reference to the Election Commission. [*Reference PLD 2005 SC 52 and 1995 MLD 1903 (Lahore)*].

I have given careful and detailed consideration to all the allegations contained in the petition and the documents attached therewith.

In my opinion, the documents attached with the petition do not substantiate the allegations contained therein as discussed below:-

- (1) the excerpts from the book Capitalism's Achilles Heel by Raymond W. Baker and the Article of Mr. Ardeshir Cowasjee in the daily "The Dawn" dated May 21, 2000 relied upon by the Petitioner contain allegations only and do not *per se* constitute any proof;
- (2) The selected contents of the reported judgment of the Supreme Court in Zafar Ali Shah's case (PLD 2000 SC 869) relied upon by the Petitioner are actually the submissions of the parties in the proceedings and not the findings of the Court against the Respondent;
- (3) No document establishing the Respondent's ownership of the properties detailed in the petition has been annexed;
- (4) Neither the statements of Mr. Hussain Nawaz in his purported interviews nor the decision of the High court of Justice, Queen's Bench nor the speech of the Respondent (as per documents attached with the petition) establish the Respondent's ownership of the properties mentioned therein;
- (5) "The agreement" referred to in the petition relating to ban on the Respondent to enter into Pakistan was declared illegal by the Supreme Court of Pakistan in the case cited as K.L.R. 2008 Supreme Court 1.

In view of the above, in my opinion, no question has arisen of the disqualification of the Respondent in terms of clause (2) of Article 63 of the Constitution. I, therefore, hereby decide not to refer the petition to the Election Commission.

(Sardar Ayaz Sadiq)
Speaker

National Assembly of Pakistan
Islamabad, the 2nd of September, 2016

219. REFERENCE: A QUESTION OF DISQUALIFICATION OF MIAN MUHAMMAD NAWAZ SHARIF, PRIME MINISTER OF PAKISTAN UNDER CLAUSE (2) OF ARTICLE 63 OF THE CONSTITUTION WAS RAISED ON THE GROUND THAT AT THE TIME OF GOING ABROAD TO SAUDI ARABIA AFTER SEEKING REMISSION OF PUNISHMENT AGAINST PLANE HIJACKING CASE HE MADE AGREEMENT WITH THE GOVERNMENT WHICH HE FIRST DENIED AND LATER ON ADMITTED AND ALSO LAUNDERED MONEY: NO QUESTION OF DISQUALIFICATION MADE OUT: NOT REFERRED TO ELECTION COMMISSION.

Makhdoom Shah Mehmood Hussain Qureshi and twenty one other MNAs have submitted reference under Article 63(2) of the Constitution wherein they have claimed that a question has arisen of the disqualification of Mian Muhammad Nawaz Sharif, Prime Minister of Pakistan from being a member of National Assembly on the ground that the time of going abroad to Saudi Arabia after seeking remission of punishment against plane hijacking case made agreement with the government which he had first denied any agreement and later admitted and also that he had laundered money etc for alleged agreement relating to ban on him to entry into Pakistan and have requested that it may be referred to Election Commission.

Mr. Speaker considered the reference and ruled as follows:

Makhdoom Shah Mehmood Hussain Qureshi and twenty one other MNAs, (hereinafter referred to as the Petitioners) have submitted this Reference under clause (2) of Article 63 of the Constitution of the Islamic Republic of Pakistan (hereinafter referred to as the Constitution) wherein they have claimed that a question has arisen of the disqualification of Mian Muhammad Nawaz Sharif, Prime Minister of Pakistan (hereinafter referred to as the Respondent) from being a member of the National Assembly and have requested that it may be referred to the Election Commission.

2. Clause (2) of Article 63 of the Constitution, relating to the decision of the Speaker as to whether any question has arisen that a member of Parliament has become disqualified from being a member is reproduced below:-

“63. (1) ...

(2) If any question arises whether a member of the Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker, or as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission.”

3. The superior courts have held that if a reference is submitted to the Speaker, he is not bound to forward/transmit the same to the Election Commission for decision forthwith. He has to apply his mind judiciously after fully taking into consideration the relevant provisions on the subject and then decide as to whether “any question” in the nature of disqualification has “arisen” which may justify the making of reference to the Election Commission. [*Reference PLD 2005 SC 52 and 1995 MLD 1903 (Lahore)*].

4. I have given careful and detailed consideration to all the allegations contained in the petition and the documents attached therewith.

5. In my opinion, the documents attached with the petition do not substantiate the allegations contained therein as discussed below:-

(1) Neither the statements of Mr. Hussain Nawaz in his purported interviews nor the decision of the Hough Court of Justice, Queen’s Bench nor the speech of the Respondent (as per documents attached with the petition) establish the Respondent’s ownership of the

properties mentioned in the petition; even otherwise the Respondent was not a party to the proceedings in the High Court of Justice, Queen's Bench;

- (2) No document establishing the Respondent's ownership of the properties detailed in the petition has been annexed therewith;
- (3) There is no document showing the Respondent as owner of any off-shore company;
- (4) The selected contents of the reported judgment of the Supreme Court in Zafar Ali Shah's case (*PLD 200 SC 869*) relied upon by the Petitioners are actually the submissions of the parties in the proceedings and not the findings of the Court against the Respondent;
- (5) The Petitioners have not attached any order of any court or Federal Board of Revenue or any other authority declaring the Respondent as defaulter; and
- (6) The "agreement" referred to in the petition relating to ban on the Respondent to enter into Pakistan was declared illegal by the Supreme Court of Pakistan in the case cited as K.L.R. 2008 Supreme Court 1.

6. In view of the above, in my opinion, no question has arisen of the disqualification of the Respondent in terms of clause (2) of Article 63 of the Constitution. I, therefore, hereby decide not to refer the petition to the Election Commission.

(Sardar Ayaz Sadiq)
Speaker

National Assembly of Pakistan
Islamabad, the 2nd of September, 2016

220. REFERENCE: A QUESTION OF DISQUALIFICATION OF MIAN MUHAMMAD NAWAZ SHARIF, PRIME MINISTER OF PAKISTAN FROM BEING A MEMBER OF THE ASSEMBLY UNDER ARTICLE 63 (2) OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN FROM BEING A MEMBER OF THE ASSEMBLY WAS RAISED THAT IT WAS ALLEGED THAT MIAN NAWAZ SHARIF HAD OPPOSED THE IDEOLOGY OF PAKISTAN AND THUS INCURRED DISQUALIFICATION UNDER ARTICLE 62(1)(G) OF THE CONSTITUTION : HELD ALLEGATION IS RELATABLE TO PRE-ELECTION PERIOD: NOT REFERRED TO ELECTION COMMISSION OF PAKISTAN.

Mr. Asif Ezdi a retired Ambassador sent reference to the Speaker which was received on 26.08.2014 wherein he raised a question of disqualification of Mian Muhammad Nawaz Sharif, Prime Minister of Pakistan from being a member of the National Assembly on the ground that he (Muhammad Nawaz Sharif) had opposed the Ideology of Pakistan in his speech made by him in Lahore on 13.08.2011 at a Seminar Building Bridges in the Sub-Continent organized by South Asia Free Media Association (SAFMA), therefore he had incurred disqualification under Article 62(1)(g) of the Constitution and had become disqualified from being a member of the National Assembly.

The Speaker considered the reference and ruled as follows:

Mr. Asif Ezdi a retired Ambassador (hereinafter referred to as the petitioner) sent this reference through post, received in my office on 26-08-2014 wherein the petitioner raised a question of disqualification of Mian Muhammad Nawaz Sharif, Prime Minister of Pakistan (hereinafter referred to as the respondent) from being a member of the National Assembly on the ground that the respondent has opposed the Ideology of Pakistan in his speech, made by him in Lahore on 13-08-2011 at a Seminar "Building Bridges in the sub-Continent" organized by South Asia Free Media Association (SAFMA). Therefore, he incurred disqualification under Article 62(1) (g), and hence has become disqualified from being a member of the National

Assembly.

It has further been stated that as a question under Article 63(2) has arisen that the member has become disqualified from being a member of the National Assembly, it has been requested that the matter may be referred to the Election Commission of Pakistan for decision, along with this letter, the petitioner has attached excerpts from the speech of respondent.

Before proceeding further I may like to reproduce the provision of Article 63 (2) for ready reference:-

62. (1).....

(2) "If any question arises whether a member of the Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker or, as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission."

It has been held in the Case of Kanwar Intizar Muhammad Khan reported in 1995 MLD Lahore 1903 that the Speaker while examining a reference under Article 63(2) of the Constitution is not supposed to act merely as post office. If a reference is submitted to him, he is not bound to forward/transmit the same to the Chief Election Commissioner for decision forthwith. The Speaker has to apply his own mind judiciously after fully taking into consideration the relevant provisions on the subject and then decide as to whether "any question" in the nature of disqualification has "arisen" which may justify the making of reference to the Chief Election Commissioner. The same view was also upheld by Supreme Court of Pakistan in PLD 2005 SC 52.

It is stated in the reference that the respondent made a speech

on 13-08-2011 wherein the respondent opposed the Ideology of Pakistan and therefore, he has incurred disqualification as mentioned in Article 62 (1)(g). For the sake of convenience the provision of Article 62 (1) (g) is reproduced as under:

63. (1) A person shall not be qualified to be elected or chosen as a member of Majlis-e-Shoora (Parliament) unless:-
- (a) *****
 - (b) *****
 - (g) he has not, after the establishment of Pakistan, worked against the integrity of the country or opposed the ideology of Pakistan.

Without discussing the merits of the speech suffice it to say that the disqualification incurred under Article 62(1)(g) is relatable to pre-election period and is not at all relevant as per provision of Article 63(2) which specifically deals with the situation when the so called disqualification is acquired by a "Member" after his election, that is to say, that Article 63 of the Constitution provides mode to oust a Member of the Parliament if he incurs disqualification subsequent to his election as Member. (1995 MLD 1903 & PLD 2005 SC 52)

The alleged disqualification is relatable to pre-election period and it is un-relatable to any of the grounds contained in paragraphs (a) to (p) of Article 63 of the Constitution, therefore, I am of the considered view that no question of disqualification of the respondent from being a member of the National Assembly, arises under Article 63 (2). Accordingly, this reference has no basis and I decline to refer it to the Election Commission of Pakistan.

(SARDAR AYAZ SADIQ)

Speaker

National Assembly of Pakistan

Islamabad, the 26th of August, 2014.

221. REFERENCE: A QUESTION OF DISQUALIFICATION OF MIAN MUHAMMAD NAWAZ SHARIF, PRIME MINISTER OF PAKISTAN FROM BEING A MEMBER OF THE ASSEMBLY UNDER ARTICLE 63 (2) OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN WAS RAISED, IT WAS ALLEGED THAT MIAN NAWAZ SHARIF HAD THE OWNERSHIP OF OFFSHORE COMPANY AND THUS INCURRED DISQUALIFICATION UNDER ARTICLE 62(1)(G) OF THE CONSTITUTION: HELD ALLEGATIONS NOT SUBSTANTIATED: NOT REFERRED TO ELECTION COMMISSION OF PAKISTAN.

Sheikh Rashid Ahmad MNA submitted Reference under Article 63(2) of the Constitution and claimed that a question of disqualification of Mian Muhammad Nawaz Sharif, Prime Minister of Pakistan from being a member of National Assembly has arisen for having ownership of offshore company and violation Article 62(1)(f) of the Constitution and has requested to refer it to Election Commission.

Mr. Speaker considered the Reference and ruled as follows:

Sheikh Rasheed Ahmad, MNA, (hereinafter referred to as the Petitioner) has submitted this Reference under clause (2) of Article 63 of the Constitution of the Islamic Republic of Pakistan (hereinafter referred to as the Constitution) wherein he has claimed that a question has arisen of the disqualification of Mian Muhammad Nawaz Shairf, Prime Minister of Pakistan (hereinafter referred to as the Respondent) from being a member of the National Assembly and has requested that it may be referred to the Election Commission.

2. Clause (2) of Article 63 of the Constitution, relating to the decision of the Speaker as to whether any question has arisen that a member of Parliament has become disqualified from being a member is reproduced below:-

“63. (1) ...

(2) If any question arises whether a member of the Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker, or as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission.”

3. The superior courts have held that if a reference is submitted to the Speaker, he is not bound to forward/transmit the same to the Election Commission for decision forthwith. He has to apply his mind judiciously after fully taking into consideration the relevant provisions on the subject and then decide as to whether “any question” in the nature of disqualification has “arisen” which may justify the making of reference to the Election Commission. [*Reference PLD 2005 SC 52 and 1995 MLD 1903 (Lahore)*].

4. I have given careful and detailed consideration to all the allegations contained in the petition and the documents attached therewith.

5. In my opinion, the documents attached with the petition do not substantiate the allegations contained therein as discussed below:-

- (1) the Petitioner has not given particulars of any off-shore company nor attached any document to establish the ownership of the Respondent of the subject properties;
- (2) although transcript of the speech of the Respondent has not been appended, a perusal thereof from the record does not substantiate the allegations made by the Petitioner;
- (3) no document establishing the ownership of the Respondent of the properties or assets/liabilities mentioned in the petition has been annexed therewith;
- (4) the Petitioner has not attached any order of any court or any other authority declaring the Respondent as defaulter; and

(5) neither any document has been placed on record to show that the Respondent has violated the provision of paragraph (f) of clause (1) of Article 62 of the Constitution, nor any declaration by any court to that effect has been attached with the petition.

6. In view of the above, in my opinion, no question has arisen of the disqualification of the Respondent in terms of clause (2) of Article 63 of the Constitution. I, therefore, hereby decide not to refer the petition to the Election Commission.

(Sardar Ayaz Sadiq)

Speaker

National Assembly of Pakistan

Islamabad, the 2nd of September, 2016

222. REFERENCE: REFERENCE AGAINST MR. JAHANGIR KHAN TAREEN, MNA UNDER CLAUSE (2) OF ARTICLE 63 OF THE CONSTITUTION ON THE GROUND THAT HE HAD COMMITTED INSIDE TRADING: REFERRED TO ELECTION COMMISSION.

Mr. Muhammad Khan Doha and four other MNAs submitted reference to Speaker under Article 63(2) of the Constitution that a question of disqualification of Mr. Jahangir Khan Taseen MNA has arisen from being a member of National Assembly due to committing "Insider Trading" and have requested to refer it Election Commission.

Mr. Speaker considered the reference and ruled as under:

Mr. Muhammad Khan Doha and four other MNAs, (hereinafter referred to as the Petitioners) have submitted this Reference under clause (2) of Article 63 of the Constitution of the Islamic Republic of Pakistan (hereinafter referred to as the Constitution) wherein they have claimed that a question has arisen of the disqualification of Mr. Jahangir Khan Tareen, MNA, (hereinafter referred to as the Respondent) from being a member of the National Assembly and have requested that it may be referred to the Election Commission.

2. Clause (2) of Article 63 of the Constitution, relating to the decision of the Speaker as to whether any question has arisen that a member of Parliament has become disqualified from being a member is reproduced below:-

“63. (1) ...

(2) If any question arises whether a member of the Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker, or as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission.”

3. The superior courts have held that if a reference is submitted to the Speaker, he is not bound to forward/transmit the same to the Election Commission for decision forthwith. He has to apply his mind judiciously after fully taking into consideration the relevant provisions on the subject and then decide as to whether “any question” in the nature of disqualification has “arisen” which may justify the making of reference to the Election Commission. [*Reference PLD 2005 SC 52 and 1995 MLD 1903 (Lahore)*].

4. I have given careful and detailed consideration to all the allegations contained in the petition and the documents attached therewith.

5. Perusal of the aforesaid documents reveals the following material facts relating to Insider Trading:-

(1) the Respondent, in response to a show cause notice issued by Securities and Exchange Commission of Pakistan (SECP) on December 3, 2007 regarding “Insider Trading” committed by the Respondent, vide his letter dated the 8th of December 2007, admitted his

liability and SECP vide order dated January 11, 2008 concluded as follows:-

- (a) the Respondent recognized the violations made by him as mentioned in SECP's said letter;
- (b) SECP accepted the offer of the Respondent to make payment of the gain of Rs. 70.811 million, in terms of section 15B (3) of the Securities and Exchange Ordinance, 1969;
- (c) the Respondent admitted to have violated the provisions of the laws detailed in SECP's letter dated January 11, 2008, as he made payment of the amounts including fines imposed upon him by the SECP, relevant excerpt of the aforesaid letter is reproduced below for ready reference:-

"... to make payment of the said gain of Rs. 70.811 million, in terms of section 15B (3) of the Securities and Exchange Ordinance, 1969, in admission of your obligation under the law, in addition to maximum applicable fines totaling Rs.1.256 million under the following relevant provisions of law as detailed below:-

		Section	Amount
1.	Securities and Exchange Ordinance, 1969	15-B(3)	70,811,000
2.	Companies Ordinance, 1984	214	5,000
3.	Companies Ordinance, 1984	216	5,000
4.	Companies Ordinance, 1984	222	246,000
5.	Listed Companies (substantial Acquisition of Voting Shares and Takeovers) Ordinance, 2002	4	1,000,000
	Total		72,067,000

Additionally, and as agreed by you through your counsel, you shall also pay the Commission's legal costs totaling Rupees one million, thereby aggregating to Rs. 73.067 million.

You are accordingly directed to make immediate payment of the above mentioned aggregate amount of Rs. 73.067 million through bank draft failing which the Commission will be entitled to take appropriate action against you as prescribed by law.”

(2) the Respondent having accepted the said order of the SECP, imposing upon him the said fine and requiring him to make payment of the said amounts, made the following payments in the manner detailed hereinbefore to the SECP:-

- (a) Muslim Commercial Bank Ltd. Demand Draft dated 14 January, 2008 for a sum of Rs. 72,067,000/-;
- (b) The Bank of Punjab, Demand Draft dated 14 January, 2008 for a sum of Rs. 1,000,000/-.

6. In view of the above, in my opinion, on the basis of the material available on record, the Respondent has not only admitted to have violated the provisions of the Securities and Exchange Ordinance, 1969, the Companies Ordinance, 1984 and the Listed Companies (Substantial Acquisition of Voting Shares & Takeovers) Ordinance, 2002, by misusing his position as public office holder and as a Director of JDW Sugar Mills Ltd., but also deposited the amount illegally gained along-with the maximum applicable fines and SECP’s legal costs, and therefore, a question of disqualification has arisen in terms of clause (2) of Article 63 of the Constitution and is accordingly referred to the Election Commission.

7. In the circumstances, a question having arisen relating to the Insider Trading committed by the Respondent as mentioned above, in my opinion, there is no need to advert to the other allegations contained in the petition which may be considered by the Election Commission of which this petition is being referred.

(Sardar Ayaz Sadiq)
Speaker
National Assembly of Pakistan
Islamabad, the 2nd of September, 2016

223. REFERENCE: A QUESTION OF DISQUALIFICATION OF MR. MEHMOOD KHAN ACHAKZAI, MNA UNDER CLAUSE (2) OF ARTICLE 63 OF THE CONSTITUTION WAS RAISED ON THE GROUND THAT HE HAD MADE STATEMENT AGAINST THE IDEOLOGY, SOVEREIGNTY AND INTEGRITY OF PAKISTAN WHICH WAS PUBLISHED IN THE PRINT AND ELECTRONIC MEDIA: QUESTION OF DISQUALIFICATION NOT MADE OUT: NOT REFERRED TO ELECTION COMMISSION.

Professor Waheed Kamal and three others submitted Reference under Article 63(2) of the Constitution wherein they have claimed that a question of disqualification of Mr. Mehmood Khan Achakzai MNA from being member of National Assembly has arisen as according to print and electronic media, Mr. Mehmood Khan Achakzai, stated that Khyber Pakhunkhwa belongs to Afghans, i.e., it is part of Afghanistan, and that the statement made by Mr. Mehmood Khan Achkzai, member, National Assembly is clearly against the ideology, sovereignty and integrity of Pakistan; he is disqualified from being a member of national Assembly and have requested to refer it to Election Commission.

Mr. Speaker considered the reference and ruled as follows:

Professor Waheed Kamal and three other (hereinafter referred to as the Petitioners) have submitted this Reference under clause (2) of Article 63 of the Constitution of the Islamic Republic of Pakistan (hereinafter referred to as the Constitution) wherein they have claimed that a question has arisen of the disqualification of Mr. Mehmood Khan Achakzai, MNA, (hereinafter referred to as the Respondent) from being a member of the National Assembly and have requested that it may be referred to the Election Commission.

2. Clause (2) of Article 63 of the Constitution, relating to the decision of the Speaker as to whether any question has arisen that a member of Parliament has become disqualified from being a member is reproduced below:-

“63. (1) ...

(2) If any question arises whether a member of the Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker, or as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission.”

3. The superior courts have held that if a reference is submitted to the Speaker, he is not bound to forward/transmit the same to the Election Commission for decision forthwith. He has to apply his mind judiciously after fully taking into consideration the relevant provisions on the subject and then decide as to whether “any question” in the nature of disqualification has “arisen” which may justify the making of reference to the Election Commission. [*Reference PLD 2005 SC 52 and 1995 MLD 1903 (Lahore)*].

4. I have given careful and detailed consideration to all the allegations contained in the petition.

5. In view of the above, in my opinion, the petition does not raise a question of disqualification of the Respondent in terms of clause (2) of Article 63. I, therefore, hereby decide not to refer it to the Election Commission.

(Sardar Ayaz Sadiq)

Speaker

National Assembly of Pakistan

Islamabad, the 2nd September, 2016

224. REFERENCE: A QUESTION OF DISQUALIFICATION OF DR. MUHAMMAD FAROOQ SATTAR AND TWENTY-ONE OTHER MNAs, BELONGING TO MQM UNDER CLAUSE (2) OF ARTICLE 63 OF THE CONSTITUTION WAS RAISED ON THE GROUND THAT ON 22-8-2016 THEIR LEADER/QUAID DELIVERED HIGHLY OBJECTIONABLE IMPUGNED SPEECH AGAINST THE SOLIDARITY, SOVEREIGNTY, INTEGRITY AND SECURITY OF PAKISTAN, EVEN AT THAT TIME, NOR TILL DATE THEY HAD NEITHER AGITATED THE IMPUGNED SPEECH NOR RAISED SLOGAN AGAINST ALTAF HUSSAIN : QUESTION OF DISQUALIFICATION NOT MADE OUT: NOT REFERRED TO ELECTION COMMISSION.

Moulvi Iqbal Haider Advocate submitted Reference under Article 63(2) of the Constitution that a question of disqualification of Dr. Muhammad Farooq Sattar and twenty-one other MNAs has arisen from being members of National Assembly on the ground that on 22-8-2016 their Leader/Quaid delivered highly objectionable impugned speech against the solidarity, sovereignty, integrity and security of Pakistan, even at that time, nor till date they have neither agitated the impugned speech nor raised slogan against Altaf Hussain. They have no right to remain in Office, though they have disassociated themselves from Altaf Hussain. He has requested to refer it to Election Commission.

Mr. Speaker considered the reference and ruled as follows:

Moulvi Iqbal Haider, Advocate (hereinafter referred to as the Petitioner) has submitted this Reference under clause (2) of Article 63 of the Constitution of the Islamic Republic of Pakistan (hereinafter referred to as the Constitution) wherein he has claimed that a question has arisen of the disqualification of-

- 1) Dr. Muhammad Farooq Sattar,
- 2) Dr. Khalid Maqbool Siddiqui,
- 3) Syed Waseem Hussain,
- 4) Mr. Muhammad Salman Khan Baloch,

- 5) Mr. Sohail Mansoor Khawaja,
- 6) S.A. Iqbal Quadri,
- 7) Mr. Mehboob Alam,
- 8) Mr. Abdul Waseem,
- 9) Sheikh Salahuddin,
- 10) Mr. Muhammad Rehan Hashmi, [he had resigned on 5.2.2016}
- 11) Kanwar Naveed Jameel,
- 12) Mr. Sufyan Yusuf,
- 13) Syed Ali Raza Abidi,
- 14) Mr. Abdul Rashid Godil,
- 15) Mr. Muhammad Muzammil Qureshi,
- 16) Mr. Muhammad Ali Rashid,
- 17) Mr. Asif Hasnain,
- 18) Mr. Iqbal Muhammad Ali Khan,
- 19) Mr. Sajid Ahmed,
- 20) Ms. Kishwer Zehra,
- 21) Dr. Fouzia Hameed,
- 22) Dr. Nikhat Shakeel Khan, and
- 23) Mr. Sanjay Perwani.

Members National Assembly belonging to MQM (hereinafter referred to as the Respondents) from being Members of the National Assembly and has requested that it may be referred to the Election Commission.

2. Clause (2) of Article 63 of the Constitution, relating to the decision of the Speaker as to whether any question has arisen that a member of Parliament has become disqualified from being a member is reproduced below:-

“63 (1) ...

- (2) If any question arises whether a member of the Majlis-e-Shoora (Parliament) has become

disqualified from being a member, the Speaker, or as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission.”

3. The Superior Courts have held that if a reference is submitted to the Speaker, he is not bound to forward/transmit the same to the Election Commission for decision forthwith. He has to apply his mind judiciously after fully taking into consideration the relevant provisions on the subject and then decide as to whether “any question” in the nature of disqualification has “arisen” which may justify the making of reference to the Election Commission. [*Reference PLD 2005 SC 52 and 1995 MLD 1903 (Lahore)*].

4. I have given careful and detailed consideration to all the allegations contained in the petition and the documents attached therewith.

5. In my opinion, the documents attached with the petition do not substantiate the allegations contained therein as discussed below:-

- 1) That the Petitioner has sought disqualification of the respondents only on the basis that they are representatives of Altaf Hussain and after the objectionable speech of Altaf Hussain, they have no right to remain in office, though they have disassociated themselves from Altaf Hussain publicly.
- 2) That a resolution was passed in the National Assembly on the 2nd of September 2016, condemning Altaf Hussain for raising slogans against Pakistan. All the members present in the National Assembly supported the resolution, which is reproduced as under:-

“This House condemns in the strongest possible terms, the anti-Pakistan slogans, the controversial and provocative speech of the MQM founder, Altaf Hussain, attack on the

foundation and integrity of Pakistan and assaults on Media Houses, particularly on ARY Channel as a consequence of hunger strike of MQM at Karachi Press Club on Monday, the 22nd of August, 2016.

This House denounces every type of crimes, violence, terrorism and anti-Pakistan slogans or activities committed from any side and forcefully demands a swift and precise action in line with the law and the Constitution against the persons involved therein.

The House expresses its complete solidarity with the Parliament, Armed Forces, Media and Judiciary of Pakistan as well as the democratic bodies working under the Constitution of Islamic Republic of Pakistan.”

Whatever is said in the House that is more authentic.

- 3) That Mr. Muhammad Rehan Hashmi (mentioned at serial No. 10 in the list of respondents) is no more Member of the National Assembly as he had resigned on the 5th of February 2016.
- 4) That the only material available on record is news clipping regarding incident of violence occurred after the impugned speech of Altaf Hussain on 22-08-2016, which do not *per se* constitute any proof or make out a case for disqualification.
- 5) No other material has been produced by the petitioner to substantiate the allegations to make out a case for disqualification.

6. In view of the above, in my opinion, no question has arisen of the disqualification of the Respondents in terms of clause (2) of Article 63 of the Constitution. I, therefore, hereby decide not to refer the petition to the Election Commission.

(Sardar Ayaz Sadiq)
Speaker
National Assembly of Pakistan
Islamabad, the 14th of October, 2016

225. REFERENCE: A QUESTION OF DISQUALIFICATION OF DR. MUHAMMAD FAROOQ SATTAR AND TWENTY-THREE OTHER MNAs, BELONGING TO MQM UNDER CLAUSE (2) OF ARTICLE 63 OF THE CONSTITUTION WAS RAISED ON THE GROUND THAT THEY HAD TAKEN OATH OF ALLEGIANCE TO ALTAF HUSSAIN WHO IS GUILTY OF HIGH TREASON DUE TO HIS ANTI-PAKISTAN SPEECH : QUESTION OF DISQUALIFICATION NOT MADE OUT: NOT REFERRED TO ELECTION COMMISSION.

Mr. Muhammad Waseem Taheem Advocate submitted reference to Speaker under Article 63(2) of the Constitution that a question of disqualification of Dr. Muhammad Farooq Sattar and all members National Assembly belonging to MQM from being members of National Assembly on the basis that they had taken oath of allegiance to Altaf Hussain who is guilty of high treason on the basis of his anti -Pakistan speech. He has requested to refer it to Election Commission.

Mr. Speaker considered the reference and ruled as follows:

Mr. Muhammad Waseem Thaheem, Advocate (hereinafter referred to as the Petitioner) has submitted this Reference under clause (2) of Article 63 of the Constitution of the Islamic Republic of Pakistan (hereinafter referred to as the Constitution) wherein he has claimed that a question has arisen of the disqualification of Dr. Muhammad Farooq Sattar and all Members National Assembly belonging to MQM (hereinafter referred to as the Respondents) from being Members of the National Assembly and has requested that it may be referred to the Election Commission.

2. Clause (2) of Article 63 of the Constitution, relating to the decision of the Speaker as to whether any question has arisen that a member of Parliament has become disqualified from being a member is reproduced below:-

“63 (1) ...

(2) If any question arises whether a member of the Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker, or as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission.”

3. The Superior Courts have held that if a reference is submitted to the Speaker, he is not bound to forward/transmit the same to the Election Commission for decision forthwith. He has to apply his mind judiciously after fully taking into consideration the relevant provisions on the subject and then decide as to whether “any question” in the nature of disqualification has “arisen” which may justify the making of reference to the Election Commission. [*Reference PLD 2005 SC 52 and 1995 MLD 1903 (Lahore)*].

4. I have given careful and detailed consideration to the allegations contained in the petition. In my opinion, the petition do not substantiate the allegations contained therein as discussed below:-

(1) That the Petitioner has sought disqualification of the respondents only on the basis that they had taken oath of allegiance to Altaf Hussain who is guilty of High Treason on the basis of his anti-Pakistan speeches. In fact the Members of the National Assembly belonging to MQM have disassociated themselves from Altaf Hussain publicly.

(2) A resolution has been passed in the National Assembly on the 2nd of September 2016, condemning Altaf Hussain for raising slogans against Pakistan. All the members including the Members of MQM who were present in the National Assembly supported the resolution, which is reproduced as under:-

“This House condemns in the strongest possible terms, the anti-Pakistan slogans, the controversial and provocative speech of the MQM founder, Altaf Hussain, attack on the foundation and integrity of Pakistan and assaults on Media Houses, particularly on ARY Channel as a consequence of hunger strike of MQM at Karachi Press Club on Monday, the 22nd of August, 2016

This House denounces every type of crimes, violence, terrorism and anti-Pakistan slogans or activities committed from any side and forcefully demands a swift and precise action in line with the law and the Constitution against the persons involved therein.

The House expresses its complete solidarity with the Parliament, Armed Forces, Media and Judiciary of Pakistan as well as the democratic bodies working under the Constitution of Islamic Republic of Pakistan.”

Whatever is said in the House that is more authentic.

- (3) No material has been produced by the petitioner to substantiate the allegations to make out a case for disqualification.

5. In view of the above, in my opinion, no question has arisen of the disqualification of the Respondents in terms of clause (2) of Article 63 of the Constitution. I, therefore, hereby decide not to refer the petition to the Election Commission.

(Sardar Ayaz Sadiq)
Speaker

National Assembly of Pakistan
Islamabad, the 14th of October, 2016

RESOLUTION OF NO-CONFIDENCE

226. RESOLUTION OF NO-CONFIDENCE: POINT OF ORDER WAS RAISED THAT ALL THE SIGNATORIES OF NO-CONFIDENCE RESOLUTION WERE MOVERS AND ENTITLED TO SPEAK:THE SPEAKER RULED THAT THE MOVER WHO ACTUALLY MOVED THE RESOLUTION WAS MOVER AND WAS ENTITLED TO SPEAK FOR THIRTY MINUTES.

On the 28th June 2003, during discussion on a resolution of no-confidence against the Speaker, when Sardar Muhammad Yaqoob, Deputy Speaker was presiding the House, Makhdoom Shah Mahmood Hussain Qureshi, MNA pointed out that all those who had signed the notice of no confidence resolution against Mr. Speaker were movers and therefore they were entitled to make speeches.

The Honourable Deputy Speaker ruled as follows:

“The contention that all the members who have signed the notice of the motion/resolution are movers within the meaning of sub-rule 6 of rule 12 of the Rules of Procedure and Conduct of Business in the National Assembly 1992 and have a right to speak for thirty minutes has been misconceived and also against the spirit of the said rule. **Rules are made to facilitate the smooth working of the House and not to create hindrance or difficulty in this regard.** In case the majority of the total membership signs a motion/resolution, then it will take days or in some cases months to conclude the debate. I am, therefore, of the view that the mover of the resolution under the provision of sub-rule (6) of rule 12 is the member who actually moves the resolution in the House and only he may speak for thirty minutes on the resolution.”

Vol. VIII-IX, No. 1

N. A. Debate, dated: 28-06-2003

RESIGNATIONS

227. RESIGNATIONS: PRESENCE OF MEMBERS OF PAKISTAN TEHREEK-E-INSAF AFTER SUBMISSION OF THEIR RESIGNATIONS WAS OBJECTED: THE RESIGNATIONS RECEIVED EN BLOC IN THE SPEAKER'S OFFICE AND NOT HANDED OVER TO SPEAKER PERSONALLY: THEIR GENUINENESS AND VOLUNTARY NATURE REQUIRED TO BE DETERMINED: POINT OF ORDER DISPOSED OF.

On 6th April 2015, during the proceedings of the Joint Sitting, some of the members chanted slogans against the presence of the members Pakistan Tehree-e-Insaf in the House. Molana Amir Zaman, MNA, questioned the presence of members of Pakistan Tehree-e-Insaf as members of in the House. Dr. Farooq Sattar, MNA, rising on a point of order objected to the presence of Pakistan Tehreek-e-Insaf members in the House after a period of more than seven months of the submission of their resignations had elapsed. He read out clause (1) of Article 64 of the Constitution and argued that, 'when a member by writing under his hand addressed to the Speaker submits his resignation then his seat shall become vacant' and there was no requirement of acceptance of resignation by the Speaker.

He further asserted that after submission of resignations, the Chairman of Pakistan Tehreek-e-Insaf and its members had been categorically stating that they had resigned from their seats in the National Assembly coupled with their continuous absence for several months after their resignations clearly indicated their intention of resigning from their seats. He was of the view that the PTI members sitting in the House were strangers and thus the proceedings of the House had become illegal and un-constitutional by their presence as strangers.

Dr. Muhammad Farooq Sattar also referred to clause (2) of Article 64 which provides for the declaration of seat vacant by the House, if a member, without leave of the House, remains absent for

forty consecutive days of its sittings. Augmenting his argument, he added that under the above said provision of the Constitution read with sub-rule (1) of rule 44 of the Rules of Procedure and Conduct of Business in the National Assembly, 2007 a motion was submitted by Jamiat Ullama Islam JUI (F) members in the Secretariat which was not brought before the House.

Khawaja Muhammad Asif, pointed out that the matter raised by Dr. Muhammad Farooq Sattar was very important, therefore, each member of the PTI should clarify his stand in the House regarding his resignation as it was a constitutional requirement.

After hearing the views of the members, the Speaker read out Article 64 which is as under:

“64 (1) Vacation of Seats.- *‘A member of [Majlis-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.’

Clause (1) of Article 64 was interpreted by the Supreme Court of Pakistan in a case reported as PLD 1976 SC 504. The Apex Court declared:

‘That under Article 64 of the Constitution the Speaker had the right and duty under the Constitution to satisfy himself as to the genuineness and the validity of the resignation by a member, before it is allowed to take effect. As a necessary corollary of that the Speaker will have to make a proper enquiry, if there appears anything tending to create any doubt with regard thereto. What

will be the magnitude of the enquiry or whether, in a particular case, any such enquiry will at all be necessary, will depend on the facts of each case and it is neither possible nor even desirable to lay down a criterion for general application.'

At that time when the above referred judgment was announced, the Rules of Procedure and Conduct of Business in the National Assembly, 1973 were in vogue, which provided no procedure of dealing with the resignation given by a member. In the year, 1992, new Rules of Procedure and Conduct of Business in the National Assembly were adopted by the House wherein rule 25 was inserted in line with the aforesaid judgment of the Supreme Court. Those rules were again replaced in the year 2007. New rule 43 of the Rules provides the procedure to be followed in case of a resignation submitted under clause (1) of Article 64, which is identical to rule 25 of the repealed Rules of Procedure and Conduct of Business in the National Assembly, 1992.

Rule 43 says:

'Resignation of Seat. - (1) *A member under clause (1) of Article 64 may, by writing under his hand addressed to the Speaker, resign his seat.*

(2) *If,-*

- (a) *a member hands over the letter of resignation to the Speaker personally and informs him that the resignation is voluntary and genuine and the Speaker has no information or knowledge to the contrary; or*
- (b) *the Speaker receives the letter of resignation by any other means and he, after such inquiry as he thinks fit, either himself or through the National Assembly Secretariat or through any other agency, is satisfied that the resignation is voluntary and genuine, the Speaker shall*

inform the Assembly of the resignation:

Provided that if a member resigns his seat, when the Assembly is not in session, the Speaker shall direct that intimation of his resignation specifying the date of the resignation be given to every member immediately.'

(3) not relevant

(4) not relevant

Facts are that the resignations were submitted *enbloc* in the Speaker's office. As those were not handed over to the Speaker personally, therefore, in accordance with the provisions of the Constitution and the Rules, notices were issued to the members to see the Speaker in the Chamber in order to determine the genuineness and voluntary nature of the resignations. Before that on 02.09.2014, Makhdoom Muhammad Javed Hashmi, MNA, belonging to PTI attended the House, delivered a speech and at the end, he requested the Speaker to accept his resignation. Accordingly, his resignation was given effect and notified.

On 03.09.2014, Makhdoom Shah Mahmood Hussain Qureshi along with other members attended the Session of the Joint sitting. He was asked to come to the Speaker's Chamber to discuss the issue of resignations but after making speech, he along with other PTI members left the House. That means that they were not ready to verify the genuineness and voluntary nature of their resignations and uptill now they have not yet individually appeared and verified their resignations.

The next point raised was regarding the vacation of seat due to absence of a member for forty consecutive days of the sittings under clause (2) of Article 64. Suffice it to say that the fact of their absence from the House was brought to the notice of the Assembly as required under sub-rule (1) of rule 44 of the Rules of Procedure and Conduct of

Business in the National Assembly, 2007. The motion was to be moved by a member and thereafter the House would decide about the acceptance or rejection of the motion and not the Speaker. However, no motion was at that time moved.

As stated above, the resignations submitted by the PTI members were dealt in accordance with the provisions of Constitution and the Rules and in line with the decisions of the Superior Courts. The points of order stand disposed of accordingly.”

Joint Sitting Debate dated: 06-04-2015

228. RESIGNATION OF MINISTER: MINISTER SUBMITTED HIS RESIGNATION TO THE PRIME MINISTER: SPEAKER RULED THAT NOTIFICATION OF RESIGNATION HAS NOT YET BEEN RECEIVED IN THE HOUSE, THEREFORE MINISTER WOULD REMAIN MINISTER FOR ALL PRACTICAL PURPOSES.

On 20th December 2011, during the proceedings of the House when the Federal Minister, Mr. Amir Muqam was called upon to answer a query, he stated that he had submitted his resignation to the Prime Minister; therefore, he was not a Minister.

Mr. Acting Speaker ruled:

“As notification of your resignation has not yet been received, therefore, for all practical purposes you are a Minister.”

Vol. XXXVII, Nos. 1-13
N. A. Debate, dated: 20-12-2011

SECRETARIES

229. SECRETARIES: SECRETARIES WERE NOT PRESENT IN THE OFFICIAL GALLERY OF THE HOUSE: CHAIR DIRECTED TO REPORT TO THE PRIME MINISTER FOR ACTION AGAINST THEM.

On 21st January 2010, when the Prime Minister was present in the House, Mr. Deputy Speaker directed Dr. Zaheer-ud-Din Babar Awan, Minister for Law, Justice and Parliamentary Affairs to check the presence of Secretaries in the official gallery so that those found absent could be reported to the Prime Minister for taking action against them.

The Deputy Speaker ruled:

“The Secretaries who are not present may be reported to the Prime Minister for taking action against them.”

Vol. XVIII, Nos. 9-15

N. A. Debate, dated: 21-01-2010

Page No. 1083

STATEMENT BY A MINISTER

230. STATEMENT BY A MINISTER: MEMBER RAISED CERTAIN QUESTIONS REGARDING THE STATEMENT MADE BY THE MINISTER AND SOUGHT ANSWERS FROM THE MINISTER: SPEAKER RULED THAT NO DISCUSSION COULD TAKE PLACE ON THE STATEMENT OF THE MINISTER.

On 6th July 1999, Mr. Muhammad Siddique Khan Kanju, Minister of State for Foreign Affairs sought the consent of Speaker under Rule 287 of the Rules of Procedure and Conduct of Business in the National Assembly 1992, to allow him to make a statement and brief the august House on the current escalation along with the line of control in Kashmir, Pakistan's diplomatic initiative for defusing the situation and revival of the Lahore process to address the core issue of Jammu and Kashmir. He also wanted to give details of Kargil issue and situation arising therefrom. With the permission of Mr. Speaker, the Minister of State gave a lengthy statement on the Kargil issue and the action taken by the government to defuse the situation. After the statement, Syed Naveed Qammar, MNA, rising on a point of order, raised many questions and sought answers from the Minister and also to have a debate on the whole issue including the points raised by him.

Mr. Speaker ruled:

“Under rule 287 of the Rules of Procedure no discussion can take place on the statement made by the Minister”.

Vol. VII, Nos. 23-37

N. A. Debate, dated: 06-07-1999

Page Nos. 2449-2452

SUSPENSION OF MEMBERS

231. SUSPENSION OF MEMBERS: MEMBERS DISREGARDING THE AUTHORITY OF SPEAKER AND OBSTRUCTING THE BUSINESS OF THE ASSEMBLY WERE NAMED BY THE SPEAKER: THE QUESTION WAS PUT TO THE HOUSE: MOTION WAS ADOPTED AND BOTH THE MEMBERS WERE SUSPENDED ACCORDINGLY.

On 13th October 2009, Dr. Azra Fazal Pechuho, MNA pointed out that some of the members were using offensive language against the person who could not defend himself in the House. She particularly cited the example of Mr. Haqqani who was the Ambassador in USA. She stated that naming the Kerri-Lugar Bill as Kerri-Haqqani Bill was totally obnoxious and un-acceptable. She also made some offensive remarks against Makhdoom Syed Faisal Saleh Hayat, MNA, whereupon other members reciprocated. The Speaker expunged the indecent and un-parliamentary remarks used from both sides. However, many members stood up and wanted to reply but the Chairperson did not allow them and maintained the decorum. Meanwhile, Mr. Jamshaid Ahmed Dasti, MNA rushed towards the seat of Syed Khursheed Ahmad Shah, Minister for Religious Affairs near Makhdoom Syed Faisal Saleh Hayat, and hurled abusive language towards Mr. Faisal Saleh Hayat. Due to that grossly and disorderly behavior of Mr. Jamshaid Ahmed Dasti, who was also disregarding the authority of the Speaker and obstructing the business of the Assembly, the Chairperson adjourned the sitting of the House for the next day.

On 14th October 2009, Sardar Mehtab Abbasi, MNA, rising on a point of order referred to the incident which had occurred a day before and the use of un-parliamentary and abusive language against a member and requested the Speaker to take action otherwise, they would not attend the House. Mr. Munir Khan Orakazi, MNA and Dr. Zaheer-ud-Din Babar Awan, Minister for Parliamentary Affairs also spoke on the matter.

The Speaker named Makhdoom Syed Faisal Saleh Hayat and Mr. Jamshaid Ahmed Dasti, MNAs under rule 21 for disregarding the authority of the Speaker by consistently and willfully obstructing the business of the Assembly and put the question to the House for suspension of Makhdoom Syed Faisal Saleh Hayat, for one day and suspension of the services of Mr. Jamshaid Ahmed Dasti, for the remaining days of the Session from the House. The motion was adopted by the House and both the members were suspended accordingly.

Vol. XVI, Nos. 6-10

N. A. Debate, dated: 13 & 14-10-2009

Page Nos. 917-921, 1058

SUPREMACY OF THE CONSTITUTION

232. SUPREMACY OF THE CONSTITUTION: THE MATTER OF SUPREMACY OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN WAS RAISED: HELD THAT CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN AND THE PARLIAMENT ARE SUPREME.

On 15th December 2008, during the proceedings Ch. Nisar Ali Khan, Leader of the Opposition, underlined the sovereignty of Parliament. He stated that in the past the sovereignty of the Parliament was undermined by illegal and un-constitutional acts by military Dictators. He said that the then Parliament was the first in the history of Pakistan whose sovereignty was undermined by a decision of Supreme Court of Pakistan. All the members, whether on the treasury Benches or on the opposition Benches were one and united and determined to protect the sovereignty of the Parliament in accordance with the provisions of the Constitution and would not allow any other institution to undermine it. He categorically stated that they would not interfere in the affairs of other institutions and would not allow any other person or institution to interfere into their domain.

He further stated that the Minister for Education had committed in the Business Advisory Committee that Standing Committee on Education would meet within the next 2 or 3 days and would decide the issue of giving more marks to Farrah Dogar, against the rules and regulations, enabling her to get admission in the Medical College. The Leader of Opposition showing his utmost respect to the Speaker appreciated her for the conduct and manner in which the Speaker was running the business of the Assembly. He reposed full confidence in the Speaker.

Responding to these remarks, Madam Speaker thanked the Leader of the Opposition for his kind words and observed:

“The Constitution of the Islamic Republic of Pakistan is Supreme. We are the makers of the Constitution and under the Constitution the Parliament is supreme. There are no two opinions about that.”

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N. A. Debate, dated: 15-12-2008

UN-PARLIAMENTARY EXPRESSIONS

233. UN-PARLIAMENTARY EXPRESSIONS: UN-PARLIAMENTARY REMARKS USED BY A MEMBER AGAINST ANOTHER MEMBER: MEMBER WHO UTTERED REMARKS AND WITHDREW IT: MEMBERS WERE ADVISED TO REFRAIN FROM USING SUCH KIND OF REMARKS.

On 20th September 2013, when Mr. Abid Sher Ali, MNA was on his legs, Mr. Salim-ur-Rehman, MNA stood up and said '*Bakwas Kar Raha Hai*'.

Mr. Speaker ruled:

“Such remarks are totally uncalled for and are un-parliamentary. Members should refrain from using such remarks against their other colleagues.”

Meanwhile, realizing the gravity of his remarks, the member stood up and voluntarily withdrew his remarks/words.

N. A. Debate, dated: 20-09-2013

WITHDRAWAL OF NAME FROM QUESTION OF PRIVILEGE

- 234. WITHDRAWAL OF NAME FROM QUESTION OF PRIVILEGE: MEMBER MAY WITHDRAW HIS NAME FROM THE QUESTION OF PRIVILEGE NOTICE GIVEN BY MORE THAN ONE MEMBER BUT IT WILL NOT STAND WITHDRAWN: THE TOP NEXT SIGNATORY AS PER THE LIST/PAST PRACTICE WILL BE INVITED /TREATED AS MOVER.**

On 19-9-2016, Dr. Shazia Sobia and six other members gave notice of question of privilege against Justice (Retd) Ali Nawaz Chairman Human Rights Commission (NHRC) for not attending the 10th and 11th meetings of the Standing Committee on Human Rights held on 29th and 30th August, 2016 respectively. They were of the view that he had deliberately avoided to attend the meeting of the Committee and that he had not obeyed the directions of the Committee to make raid in Rawalpindi and take action against the criminal persons/institutions involved in illegal human organ transplantation. Mr. Acting Speaker referred the question of privilege to Standing Committee on Rules of Procedure and Privileges. Thereafter, Dr. Shazia Sobia, the first signatory requested for withdrawal of her name.

Mr. Speaker ruled as follows:

“The question of privilege may not stand withdrawn, but the member wanting to withdraw her name may. The name on the top i.e. next signatory as per the list and past practice will be invited/ treated as mover.”

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A question of disqualification of Ch. Abid Ali Minister of state for water and power under Clause (2) of Article 63 of the Constitution was raised on the grounds that the Member in his statement published in Electronic and Print Media berated and criticised the credibility and impartiality of JIT: held that no question of disqualification has arisen in terms of Article 63(2) of the Constitution: Not referred to Election Commission.	207	170
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A question of disqualification of Mian Muhammad Nawaz Sharif, Prime Minister of Pakistan under Clause (2) of Article 63 of the Constitution was raised on the ground that at the time of going abroad to Saudi Arabia after seeking remission of punishment against plane hijacking case he made agreement with the Government which he first denied and later on admitted and also laundered money: No question of disqualification made out: not referred to Election Commission.	219	208

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A question of disqualification of Mian Muhammad Nawaz Sharif, Prime Minister of Pakistan from being a Member of the Assembly under Article 63 (2) of the Constitution of the Islamic Republic of Pakistan from being a Member of the Assembly was raised that it was alleged that Mian Nawaz Sharif had opposed the Ideology of Pakistan and thus incurred disqualification under Article 62(1)(g) of the Constitution : Held allegation is relatable to pre-election period: Not referred to Election Commission of Pakistan.	220	211
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A question of disqualification of Mr. Imran Khan MNA from being a Member was raised on the ground of violating Constitution by announcing civil disobedience and instigating public not to pay taxes and utility Bills etc: Not referred to Election Commission of Pakistan being not covered under Article 63(2) of the Constitution.	212	188
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Reference of disqualification of Ms. Marriyum Aurangzeb and five other MNAs under Clause (2) of Article 63 of the Constitution on the ground that the Members in their statements published in Electronic and Print Media berated and criticised the credibility and impartiality of JIT: The Speaker found that no question of disqualification of the Members had arisen in terms of Clause (2) of Article 63 of the Constitution: Not referred to Election Commission.	205	163
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