The Decisions given by the chair on different issues or situations play an important role in the parliamentary history of a country. They not only set out guiding principles for the persons holding the distinguished position of the Speaker of the National Assembly, but are also widely used as reference during the proceedings of the Assembly. Therefore, the importance of compilation of these decisions cannot be denied.

Pakistan is a country which has a history marked by interruption and frequent suspension of parliamentary system. This situation makes the compilations of any documents relating to Parliamentary history a hectic job. Even the, efforts in this direction were not discontinued which resulted in compilation of six volumes of decisions of the chair, extracted from the debates of the National Assembly, but those volumes did not cover all the periods right from the first Constituent Assembly of Pakistan to the year 1999. Hence, need for a compilation of rulings of the chair which can cover all the Parliamentary areas has always been there.

The present compilation is, therefore, intended to give full account of the rulings of the chair since the inception of Parliamentary system of Pakistan. It's important features also include an exhaustive alphabetical index to make the retrieval of relevant decisions prompt.

It would have been difficult to accomplish this task without the valuable cooperation extended by the Legislation Wing and other relevant Sections of National Assembly Secretariat. However, the services rendered and assistance provided for timely completion of the job by Strengthening of Democracy through Parliamentary Development Project (SDPD) Deserve special gratitude.

In the accomplishment of this compilation, the continued interest and guidance of Ch. Amir Hussain, former Speaker, National Assembly of Pakistan and the enthusiasm shown by Dr. Fahmida Mirza, the Honorable Speaker, National Assembly of Pakistan was a driving force.

Islamabad, the 30th August, 2008.

(KARAMAT HUSSAIN NIAZI)
Secretary
National Assembly of Pakistan
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1. **ABSENTEE MEMBERS: AMENDMENTS OF ABSENTEE MEMBER CAN BE MOVED ONLY IF AUTHORIZED BY HIM IN WRITING:**

On February 28, 1955, while the Constitution Bill was being considered clause by clause, Mr. Zuhiruddin wanted to move an amendment on behalf of Sardar Fazlul Karim, who was absent from the House. Honorable Deputy Speaker informed the member that the Chair would be only too pleased to allow that if the honorable member had been authorized in writing by Sardar Fazlul Karim to move the amendment on his behalf. As the absentee member had not authorized any member in writing to move amendments on his behalf, Mr. Zahiruddin was not allowed to move the above amendment.

(1-1, Vol 1)
Pp. 36-39.

2. **ABSENTEE MEMBERS: CHAIR MAY, IN ITS DISCRETION, ALLOW A RESOLUTION, MOTION OR AMENDMENT TO BE MOVED ON BEHALF OF AN ABSENTEE MEMBER IF HIS ABSENCE IS NOT DELIBERATE: MODE OF ASKING QUESTIONS DIFFERENT FROM THAT OF MOVING NON-OFFICIAL RESOLUTIONS:**

In the course of discussion on a bill, on 26th January, 1973, the Speaker allowed an amendment to clause 12 to be moved on behalf of an absentee-member. When a member requested the Chair to lay down some guidelines for moving of resolutions and other motions tabled by absentee-member, Mr. Speaker observed:
“It is within the discretion of the Chair to allow another member to move a particular resolution or motion or amendment if he is absent. So, in exercising my discretion I can withhold my consent to the moving of a resolution by another member.”

After these observations, another member suggested that, like questions, a resolution given notice of by an absentee-member may be moved by another member, without any restriction. The Speaker did not agree and remarked that:

“If somebody has asked a question and the answer has been provided it will be highly unfair disallow the question. A member who has to move a resolution on a non-official day is deliberately absent; why should I allow any member to move it on his behalf? But when the Bill is in progress and the member who has given notice of amendment is unavoidably absent, for the disposal of that particular business, I can allow any other member to move.”

(1-1, Vol IV)
Pp. 890-891.
ADJOURNMENT MOTIONS

3. ADJOURNMENT MOTION: ADJOURNMENT MOTIONS BEING IN THE NATURE OF CENSURE MOTIONS CANNOT BE MOVED IN THE CONSTITUENT ASSEMBLY, IN WHICH THE GOVERNMENT DOES NOT FUNCTION AS SUCH:

On 31st March, 1950, a member gave notice of an adjournment motion. Mr. President ruled the adjournment motion out of order and observed:-

"I may point out that adjournment motions are in the nature of censure motions and censure motions can be brought only against the Government. Here in this House, the Government does not function as Government at all. All the members have equal rights here; no member functions as a representative of the Government. Therefore, there is no meaning in moving an adjournment motion in a House like this. That is why there is no provision for an adjournment motion."

(3-2, Vol-I)
Pp. 11-12.

4. ADJOURNMENT MOTION: AN ADJOURNMENT MOTION TO COMPLY WITH THREE DEFINITE CONDITIONS I.E. IT MUST BE DEFINITE MATTER. IT MUST BE A MATTER OF URGENT PUBLIC IMPORTANCE AND IT MUST BE OF RECENT OCCURRENCE:

On 17th November, 1951, Sirdar Shaukat Hayat Khan sought leave to move an adjournment motion to discuss the failure of the Government to give full assistance to Egyptian brethren in their
struggle for the liberation of their territory from the Imperialist stranglehold. Thereupon, Mr. President gave the following ruling:

"I don't think any further submission is necessary. Honourable Members must have noticed that our rules and, in fact, the rules of every Parliament, regarding adjournment motions are very strict. The reason for this strictness is that such motions interrupt the usual business of the House. Certain very definite conditions have to be complied with before such an extraordinary motion can be entertained.

Now, there are three matters which must be complied with. First of all it must be a definite matter; it must be a matter of urgent public importance and it must be of recent occurrence. All these requirements must be complied with. I do not like to enter into all these requirements with regard to this motion before the House. I would like to refer to one of these requirements only it must be a definite matter of importance. Now, this is the wording of the motion:

'The failure of the Government to give full assistance to their Egyptian brethren in their laudable democratic struggle for the liberation of their territory from the Imperialist stranglehold'.

Failure, regarding what? Failure to give full assistance. The resolution does not mean to say that the Government have not given any assistance. In fact there is tacit admission that Government has done something, but it has not given full assistance. By the introduction of the words "full assistance", I think, the honourable member has introduced an element of indefiniteness into the resolution. There may be difference of opinion as to the degree of assistance that should have been given. Therefore, I think it is not a definite matter and I, therefore, disallow the motion".

(36-21, Vol-I)
C.A. Deb. (L), 17th November, 1951.
Pp. 72

5. **ADJOURNMENT MOTION: WHEN ACTION IS TAKEN IN PURSUANCE OF A LAW, THAT CANNOT BE MADE THE SUBJECT MATTER OF AN ADJOURNMENT MOTION: KNOWLEDGE OF A MEMBER ABOUT A PARTICULAR MATTER DOES NOT CREATE URGENCY: THE MATTER ITSELF SHOULD BE OF RECENT OCCURRENCE.**

On 19th November, 1951, a member moved an adjournment motion regarding the situation created in the province of Sind by the recent maladministration of the evacuate laws definitely with the
object of expropriating properly owned by Hindus and squeezing out owners thereof by repeated attempts to represent the *bona fide* Pakistani Hindus as intending evacuees. After hearing the mover and the Ministers, Mr. President gave the following ruling:

"This motion seems to me to be obviously out of order as an adjournment motion. First of all the allegation is that certain notices have been issued to certain persons according to a particular law. Now if action has been taken in pursuance of a law that action has been taken legally. It cannot be said that illegal action has been taken. Therefore this is not the form in which such grievances can be ventilated by way of an adjournment motion. There may be other ways of bringing the matter before this House. Those other methods are not debarred but, whether a matter like this can be brought before the House by way of adjournment motion, which pushes a side and normal business of the day, is the only question to be considered now. So far as this point is concerned, there are previous parliamentary precedents about it. I am referring to a previous ruling in the Indian Legislature. Mr. Mohan Lal Sexena sought to move the adjournment of the House to discuss the order of the Police Commissioner, Calcutta, banning processions, meetings and other demonstrations for a period of seven days from the 29th March to 4th April, 1937, within the city and suburb with a view to prevent the observance of hartal on the 1st of April in pursuance of the resolution of the Indian National Congress. The Home Member objected to the motion on the ground that the order was passed by the Police Commissioner under statutory and legal authority vested in him and asked the Chair to rule the motion out of order quoting the ruling reported at page 1562 of the Legislative Assembly Debates, dated 21st September, 1936, where the president ruled that it is a very well established rule that an order passed in the ordinary administration of law whether by a judicial authority or a magistrate or by any other mainly constituted authority cannot be the subject of an adjournment motion. As regards the facts the Chair has been furnished with information by the Honourable the Home member that the order in question was passed by the Police Commission of Calcutta under section 39(a) of the Calcutta Suburbs and Police Act, 1866, etc.

It appears, therefore, that when action is taken in pursuance of law, that cannot be made the subject matter of an adjournment motion. According to a statement that has been attached to this notice by the mover, certain notices have been served and no final orders have yet been passed. The notices have been issued legally. Therefore, this cannot be made the subject of an adjournment motion. Secondly comes the question of recent occurrence. I cannot hold that it is a matter of such recent occurrence on which an adjournment motion can be successfully moved. The reason given by the Honourable Member who has given notice for the delay in tabling his motion is this that he came to know about these incidents, namely serving of the notices, only yesterday. That does not make the occurrence itself a recent occurrence. The only thing that is recent is the knowledge of the Honourable Member but the knowledge of the Honourable Member is not the subject matter of the motion. Therefore, this cannot be taken to be a matter of
RULING OF THE CHAIR

recent occurrence. In this connection, I might refer to a ruling of the Speaker of the House of Commons. An adjournment motion was sought to be moved in the House of Commons on certain matters about which the Member in question had knowledge only shortly before the motion was moved. It was contended that: “While it is true that these events are perhaps twelve months old, they have been revealed to us in the last few days”. The Speaker said: “The revelation does not create a matter of urgency”. Therefore, it is obvious that, on this ground also, this motion is out of order”.

(39-23, Vol-I)
C.A. Deb. (L), 19th November, 1951.
Pp. 126-129.

6. ADJOURNMENT MOTION: EVENTS LIKELY TO OCCUR IN FUTURE CANNOT BE DISCUSSED THROUGH AN ADJOURNMENT MOTION;

On 13th November, 1952, permission was sought to table an adjournment motion regarding the impending visit of the Prime Minister of Pakistan to England to attend the Commonwealth Prime Minister’s Conference. On an objection that an impending visit was not a matter which had already occurred, it was explained by the member that he wanted to discuss not the visit itself but the decision taken be the Prime Minister thereabout.

The motion was ruled out on the ground that it did not clearly state that the decision to make the visit and not the visit itself was to be discussed. Additionally, it was observed that an adjournment motion should be moved on matters which had already happened and not on those which had yet to occur.

(6-4, Vol-I)
Pp. 138-140

7. ADJOURNMENT MOTION: MATTERS CONCERNING APPOINTMENTS, LEAVE OR RESIGNATION OF OFFICERS CANNOT BE MADE THE SUBJECT MATTER OF AN ADJOURNMENT MOTION.

On 13th November, 1952, Sirdar Shaukat Hayat sought leave to move an adjournment motion regarding “the leave and resignation of Mr. Din Mohammad, Governor of Sind”. Mr. Pirzada Abdul Sattar, Minister for Food, Agriculture and Law opposed the motion and quoted the following ruling of the Indian Legislative Assembly which was given on the 7th October, 1937.

“I must make the position of the Chair quite clear in respect of the motion that has been
laid down more than once that in the case of any appointment even an important appointment that cannot be made the subject matter of motion for adjournment”.

Khawaja Nazim-ud-Din pointed out that the notification which appeared in the Press said that leave had been granted to Mr. Din Mohammad, and if leave was granted to him, the question of his resignation did not arise. Thereupon, Mr. President observed that leave and resignation were acts which were voluntary in nature. Since the motion did not reveal that he had been compelled to resign, the Government could not be held responsible for his resignation. Mr. President held the motion out of order on the above ground.

(15-11, Vol-I)
Pp. 141-142.

8. ADJOURNMENT MOTION: ADJOURNMENT MOTION NOT TO BE BASED ON A WIDE QUESTION OF POLICY:

On 13th November, 1952, Sirdar Shaukat Hayat Khan sought the leave of the House to discuss an adjournment motion regarding the economic crisis in the country. Mr. President ruled the motion out of order on the ground that it raised a wide question of policy and not a definite matter. He further observed that the economic crisis proposed to be discussed, in fact, covered a vast field and had been created by various circumstances. As such, it was impossible to discuss such a wide question during the course of two hours allotted for the discussion of the adjournment motion. However, a date for full-fledged discussion on that issue could be fixed by the Government, if it was so desired.

(17-11, Vol-I)

9. ADJOURNMENT MOTION: FIRST OPPORTUNITY TO BE AVAILED OF FOR MAKING A MOTION: RULED OUT OF ORDER:

On 12th March, 1953, Sirdar Shaukat Hayat sought leave to move an adjournment motion for discussing the disturbed conditions in the Punjab leading to the imposition of Martial Law in Lahore and use of the Army at various other centers. Mr. President pointed out that, since the notice of his motion was not given by Sirdar Shaukat Hayat in proper time, it could not be admitted for discussion, unless he was prepared to give tangible reasons for not having availed himself of the first opportunity to give notice of his motion. Sirdar Sahib explained at length the extraordinary circumstances which obstructed him from boarding the train and airplane at Lahore so as to reach Karachi on the first day of the Session. After some discussion, Mr. President observed:
"The only question that I have to decide now is whether the Members concerned had sufficient reasons for not being present at the earliest possible time and for not giving notice in proper time. If there is sufficient reason, then I think the question of urgency may be waived, but the question is whether in this case there was sufficient reason for the Members not to have given notice in time. It appears from the discussion that has taken place that the members got permits in time to start for Karachi on Sunday morning and had they started on Sunday, they would have arrived in time to be able to be present at the meeting of the Assembly. That they did not start might have been due to an error of judgment, as the Prime Minister has suggested. In any case, due care and caution were not taken by the Member concerned. If they had started and the train was actually late, that would have been a very good excuse for them and the question of urgency might have been waived. In this view I think there was no justification on the part of the Member for not having given notice in proper time. So, the motions which relate to be Punjab disturbances and Martial Law, are out of order".

(9-5, Vol-I)
Pp. 79-85.

10. ADJOURNMENT MOTION: POLICY STATEMENTS MADE BY THE CHIEF MINISTER OF A PROVINCE OR A PROVINCIAL MINISTER SHOULD NOT BE MADE THE SUBJECT MATTER OF AN ADJOURNMENT MOTION:

On 12th March, 1953, a member sought leave to move an adjournment motion regarding the statement appearing in the "Dawn" of 11th March, 1953, by the Chief Minister of the Punjab, announcing the latest policy of his Government and that of the Central Government about the Punjab disturbances. It was pointed out that the Central Government were not concerned with the statement of a Provincial Minister, nor had they anything to do with the policy statement of the Chief Minister of the province. Mr. President ruled the motion out of order on the above ground.

(18-12, Vol-I)
C.A. Deb., (L), 12th March, 1953.
Pp. 87-88.

11. ADJOURNMENT MOTION: ADJOURNMENT MOTION IN RESPECT OF AN UNSATISFACTORY REPLY GIVEN BY A MINISTER TO A QUESTION CAN BE ALLOWED PROVIDED IT COMES UNDER THE PURVIEW OF THE RELEVANT RULES.

On 1st October, 1953, Mian Iftikharuddin moved an adjournment motion regarding the
unsatisfactory nature of reply given to a question by the Foreign Minister with regard to the Government's attitude on the Korean issue, leading to Pakistan's vote in the United Nations against the Asian representation on the Korean Political Conference and thus alienating the members of the Arab-Asian Group from Pakistan. On a query from Mr. President, the honorable member explained that it was an usual practice in other Houses that, if reply to a question or to any problem of importance was not satisfactory, the matter could be raised at the earliest possible time in the form of an adjournment motion. The Prime Minister, opposing the motion, clarified that the issue raised therein was not of recent occurrence and it was not for the first time that the information contained in the motion was elicited in reply to a question. Thereupon, Mr. President observed:

"Mian Iftikharuddin has said that it is the usual practice in other parliaments that adjournment motions are allowed on an unsatisfactory reply given by a Minister to a question. I find that there are some precedents of the Indian Parliament with regard to this matter. But in one of those rulings, although an adjournment motion was allowed, the Chair made it quite clear that that should not be taken as a precedent. However, what I think of the matter is this that a motion must come under the purview of our rules. It can be permissible only under the rules. It must be a matter of urgent public importance and it must be of recent occurrences and there must be some Government responsibility also. It has not been shown to me that this motion comes under the purview of our rules from that point of view.

I might refer the House to some rulings of the British House of Commons in this respect. One is to be found in the Debates, Volume 299, Mr. Brillias said:

"I rise to ask your ruling, sir, upon a point of constitutional importance. I wish to know whether it would be in order for a member to move the adjournment of the House in order to call attention to the following matter, which seems to me of great public importance, viz., the refusal of the Minister responsible to this House to give the grounds of his actions in a matter in which he acted in his capacity as responsible Minister. Can the adjournment motion be moved on the refusal of the Minister to state the grounds of his action"?

Mr. Deputy Speaker said.

"I should like to thank the honorable member, in the first place, for having given me such notice as he was able to give of his intention to put this question. My reply to him is that I do not think it is competent to move the adjournment of the House on this ground. A Minister cannot be forced to give an answer if he declines it on the ground of public policy. Under those circumstances, I could not accept the motion of the honorable gentleman to move the adjournment of the house under standing Order No. 10.

This one ruling and I might refer the House to another ruling. It is this. A member said, "I
beg to ask leave to move the adjournment of the House for the purpose of discussing a
definite matter of urgent public importance, viz., the unsatisfactory manner in which the
Foreign Secretary has replied to a question upon an urgent public matter," Mr. Speaker
said, "that motion does not fulfill any of the conditions laid down in standing Order No.
10.

That is the crux of the whole situation. Whether it comes by way of a reply to a question
or in some other way, if the matter is a matter of urgent public importance and in other
respects also conforms to the rules of the Assembly, in that case only it can properly form
that subject matter of an adjournment motion. Otherwise it cannot be allowed. I think
this motion is not in order".

(14-9, Vol-1)
C.A. Deb., (L), 1st October, 1953.
Pp.723.

12. ADJOURNMENT MOTION: ADJOURNMENT MOTION RAISING DISCUSSION
ON DEFINITE ISSUES AND FACTORS AND POINTING OUT SITUATION OF A
DEFINITE CHARACTER, TO BE HELD ADMISSIBLE.

On 23rd September, 1953, a member sought permission to move an adjournment motion to
discuss "the situation arising out of abnormal rise in prices, in some cases non availability of many
essential articles as, for example, paper, clothes, essential consumer goods .................. Mr.
Brohi, the Minister of Law, opposed the motion on the ground that it contravened the provisions of rules,
as it involved more than one question and was not confined to a specific matter of recent occurrence. Mr.
President, however, held the motion in order and observed:

"Objection has been raised to this motion on two main grounds: one ground is that it
violates Rules 2, sub-rule (2), which provides that, not more than one matter can be
discussed in the same motion and the motion must be restricted to a specific matter of
recent occurrence. The Honourable Mr. Brohi has submitted that the question involved in
this motion is not one but several and in support of his contention, he has also referred to
a previous ruling given by me. The Honourable Mr. Pirzada has also referred to my
previous ruling. That motion stood like this.

The motion was for "discussion a definite matter of urgent public importance, namely,
the economic crisis created in Pakistan by the utter lack of planning and foresight on the
part of the Government". So far as that motion was concerned it was disallowed because
it was not considered to be definite and it involved a wide question of policy. But I do not
think that the present motion stands on the same footing. There the question was the
alleged economic crisis. That of course was a vague question since nothing was stated as
to what were the causes of the economic crisis and what was its character, whereas in this motion it has been definitely stated that it seeks to consider the serious situation which has arisen out of certain factors. Further it has been said that this motion seeks to discuss more than one matter. I am sorry I am unable to accept this contention either because the matter to be discussed is only one, that is the situation that has arisen out of certain factors. The factors might be one, two, three, four or even more. But the factors are definite and the situation is also of a definite character. The factors are rise in prices of consumer goods in some cases and non-availability of some consumer goods and the goods are also specified in certain cases. Therefore, I think that it is not a question which can be said to be indefinite, nor do I think is it a question involving consideration of more that one issue. So, I think, the motion is in order. 

(19-12, Vol-I)
C.A. Deb., (L), 23rd September, 1953.
Pp. 50-55.

13. ADJOURNMENT MOTION: ADJOURNMENT MOTION SHOULD NOT BE BASED ON HYPOTHETICAL ISSUES. IT MUST BE RESTRICTED TO SPECIFIC MATTERS OF RECENT OCCURRENCE.

On 7th November, 1953, a member sought leave to move an adjournment motion regarding the impending talks for a military alliance between the U.S.A. and Pakistan, as reported by the Karachi Press, quoting the New York Times. Minister A.K. Brohi opposed the motion, stating that it did not deal with a matter of recent occurrence nor had it raised a definite matter of urgent public importance. Mr. Deputy President ruled it out of order with the remark that a motion should be restricted to a specific matter of recent occurrence and should not raise hypothetical issues.

(32-19, Vol-I)
C.A. Deb. (L), 7th November, 1953.
Pp. 1443-1445.

14. ADJOURNMENT MOTION: MOTION TO BE MADE WITH THE CONSENT OF THE PRESIDENT: MATTER RAISED MUST BE DEFINITE.

On 12th March, 1953, a member wanted to move an adjournment motion to discuss the conditions prevailing in the Punjab on the 10th March, 1953, as had appeared in the “Dawn” of 11th March, 1953. The Minister, opposing the motion, pointed out that the mover had not raised a definite matter of urgent public importance and wanted to discuss the conditions prevailing in the Punjab as a whole. Mr. President agreed that certain conditions prevailing in an entire Province could not be regarded as a definite matter. He ruled the motion out of order as it had neither raised a definite matter for discussion,
15. ADJOURNMENT MOTION: CONDUCT OF DIPLOMATIC REPRESENTATIVES IN PAKISTAN CANNOT BE MADE THE SUBJECT MATTER OF AN ADJOURNMENT MOTION:

On 12th April, 1954, Mian Iftikharuddin sought leave to move an adjournment motion for discussion "the failure of the Government to make a public protest and take other necessary measures against the interference of the American Ambassador in Pakistan in the internal affairs of our country, by making an ill-advised pronouncement at Peshawar as reported in the newspapers of the 1st April, 1954, with regard to the effect of the recent Bengal elections on the position and policies of the Central Government of Pakistan------" Mr. A.K.Brohi, the Law Minister, opposed the motion on the ground that nothing could be done regarding the conduct of diplomatic representatives in Pakistan by way of public protest, but if at all any action had to be taken in that respect it could be taken by means of a diplomatic representation. He further clarified that, under the law relating to foreign relations and international morality, it was out of the question for any Govt. to make a public protest in regard to the conduct of any foreign representative. As such, there was no failure on the part of the Government to make such a protest. Accepting the point raised by the Law Minister, Mr. President ruled the motion out of order.

16. ADJOURNMENT MOTION: QUESTIONS OF POLICY CONTINUING FROM DAY TO DAY CANNOT BE MADE THE SUBJECT MATTER OF AN ADJOURNMENT MOTION: THE SUBJECT MATTER MUST BE OF RECENT OCCURRENCE AND OF URGENT CHARACTER.

On 28th August, 1954, Mr. Dhirendra Nath Dutta sought leave to move an adjournment motion to discuss the continuance of the Governor, Rule in East Bengal under Section 92-A, in the light of the statement made by the Prime Minister on the 1st August, 1954, according to Mr. Dutta, it was evident from the Prime Minister's statement that, despite the normalcy of the situation and establishment of peace and security in East Bengal, the Central Government wanted to continue to administer the Province under Section 92-A, contrary to the Provisions of the Law. The Prime Minister opposed the motion on the ground that the matter raised therein was neither definite nor urgent in character and recent in occurrence.
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Thereupon, Mr. President observed:

"Now, what is the situation that has been created and what is the cause of this situation? It is contended that the cause of the situation is the speech. I do not know what the situation is and how it might have been created by the speech of the Prime Minister, if a new situation which has not been defined has been created at all, it has been created by other circumstances. Therefore, it does not appear to me to be quite a definite question which can be brought forward in the House by means of an adjournment motion. Secondly, the objection taken by the Prime Minister is more cogent. The motion seeks to discuss a question, which is a continuing question of policy. Sections 92-A has been imposed and it is continuing. The Prime Minister has referred to a ruling of the Indian Parliament to the effect that continuing questions of policy like this cannot be brought forward by means of an adjournment motion. The subject matter of an adjournment motion must be recent occurrence and it must be of an urgent character. Section 92-A Rule has been going on in East Bengal for some time and, therefore, it cannot now be said to be an urgent matter of recent occurrence and cannot be brought forward by means of adjournment motion. There might be other ways in which this matter could be brought before the House, but an adjournment is uncalled for. An adjournment motion is meant to be brought forward only in exceptional circumstance after deferring other matters which are for considerations of the House. The question involved in the motion cannot be considered to be a matter which should be given preference to other matters which are before the House awaiting disposal. Therefore, I think the motion is not in order:"

(25-16, Vol-I)
Pp. 1635-1640.

17. ADJOURNMENT MOTION: ADJOURNMENT MOTION SHOULD NOT SUFFER FROM VAGUENESS: IT SHOULD BE BASED ON A DEFINITE ISSUE.

On 31st July, 1954, Mian Iftikharuddin sought leave to move an adjournment motion to discuss "the repressive policy of the Government as exhibited in recent indiscriminate arrests in West Pakistan of political workers and journalists, resulting in a feeling of despair and demoralization among the people, when the immediate problems, including the Canal Waters Dispute, demanded a resolute and united action of the entire people". Minister of law, Mr. Brohi opposed the motion for its vagueness and also for the reason that the matter raised therein had no urgent public importance, nor did the motion refer to any concrete situation. Mr. President, therefore, observed:

"As regards the first point, that notice was not given to the Honourable Minister for Interior. The Honourable member who has given notice, says that he left the notice at the office of the Honourable Minister. That is the statement of the Honourable Member and I
think it should be accepted. Therefore, I do not think that the motion should be thrown away on the ground that proper notice was not given.

So far as the second question is concerned, that the motion does not speak of a definite matter, I think the objection taken by the Honourable Mr. Brohi has a good deal of force. Mian Sahib, in the text of his motion, has taken objection to certain recent arrests which he describes as indiscriminate; he has not given any date whatsoever. Since when, these arrests have been taking place, he has not said. He has not spoken of any recent policy of the Government in pursuance of which these arrests are being made. These arrests might have commenced from before the last day of the Assembly. If that is so, then this motion is too late today. Having regard to all these things, I think that the motion is vague and not definite. Therefore, I would rule it out of order”.

(33·19, Vol-I)
Pp. 1576-1579.

18. ADJOURNMENT MOTION: RULED OUT OF ORDER: ARREST OF MEMBERS OF THE CONSTITUENT ASSEMBLY: CANNOT BE MOVED IN THE CONSTITUENT ASSEMBLY.

On November 29, 1955, Mian Muhammad Iftikharuddin wanted to move an adjournment motion regarding the arrest of two members of the Constituent Assembly during its session, Mr. Speaker thereupon observed as follows:

“…… The honourable member is fully aware, as an old Parliamentarian, that there is no provisions in our Rules for an adjournment motion of this kind. It is in the Legislature and it has been so many times said by myself and also by my predecessor (the Chairman), when this question was raised in the House, that no such adjournment motion can be moved in the Constituent Assembly and, therefore, I rule it out of order”.

(28·17, Vol-I)
Pp. 1713-1714.

19. ADJOURNMENT MOTION: RULED OUT OF ORDER: COPY OF NOTICE NOT DELIVERED TO THE MINISTER CONCERNED IN TIME.

On March 17, 1956, Mr. Muhammad Abdul Khalique, moved an adjournment motion about
failure on the part of the Central Government to rush supplies of food to the Province of East Pakistan, where famine conditions were alleged to be prevailing. The Minister concerned objected to the motion being moved on the ground that a copy of the notice had not been made available to him before the commencement of the sitting. Mr. Speaker, thereupon, observed:

“It is now quite obvious that the notice of the adjournment motion was given to the honourable Minister after the commencement of the sitting. Therefore, on that objection, I declare it out of order”.

(29-18, Vol-I)
Pp. 40-43.

20. ADJOURNMENT MOTION: FAILURE OF GOVERNMENT TO PROTECT LIVES OF ITS CITIZENS: PROVINCIAL MATTER RULED OUT OF ORDER:

On September 8, 1958 Chaudhri Aziz Din moved an adjournment motion regarding the failure of Government to protect the lives of its citizens. The Speaker ruled the adjournment motion out of order as it related to provincial law and order position.

(8-5, Vol-I)
N.A. Deb., 8th September, 1956.
Pp. 604.

21. ADJOURNMENT MOTION: RULED OUT OF ORDER: INCIDENTS OF VIOLENCE AND BREACH OF LAW AND ORDER: PROVINCIAL SUBJECT:

On October 8, 1956, Mr. Farid Ahmad moved an adjournment motion regarding the incidents of violence and breach of law and order, which took place in Dacca. The Minister concerned objected to the adjournment motion being moved on the ground that it was the matter of maintenance of law and order which was primarily the concern of the Provincial Government. Thereupon, the speaker observed:

“I think the matter has been sufficiently debated. I am afraid it is a matter which is primarily the concern of the Provincial Government. In the present form, as it stands, it is not in order.”

(30-18, Vol-I)
N.A. Deb., 8th October, 1956.
RULING OF THE CHAIR

22. **ADJOURNMENT MOTION: RULED OUT OF ORDER ON THE GROUND OF ANTICIPATION: FAMINE CONDITIONS PREVAILING IN EAST BENGAL: NOT PRIMARILY THE CONCERN OF THE CENTRAL GOVERNMENT:**

On March 17, 1956, Mr. A. H. Deldar Ahmad moved an adjournment motion regarding alleged famine conditions prevailing in East Bengal. The Speaker observed that the subject matter of the motion could conveniently be debated during discussion on the demands for grants relating to the Ministry of Food and directed the member to satisfy the Chair on the point that it did not anticipate a matter, already appointed for discussion within the meanings of rule 12 (iv) of the Rules of Procedure. The member pleased that it did not anticipate a matter already appointed for discussion. The Minister concerned objected to the adjournment motion on the ground that the matter raised was not primarily the concern of the Central Government. The Speaker ruled the motion out of order and observed:

"In view of the assurance given, on behalf of the Government, that the demand for grant, under the Ministry of Food will be taken up earlier than usual and thereby offered opportunity for discussion about the subject matter of this adjournment motion very shortly during the budget discussion, which will begin to day, I find that the object of the motion can be achieved within a reasonable time. I, therefore, hold the motion out of order under Rule 12(iv) on the ground of anticipation".

(31-18, Vol-I)
Pp. 44-47.

23. **ADJOURNMENT MOTIONS: ARREST OF POLITICAL WORKERS AND STUDENTS: MATTER SUB-JUDICE: NOT OF RECENT OCCURRENCE: RULED OUT OF ORDER:**

On February 17, 1957, Mr. Yusuf A. Haroon moved an adjournment motion regarding the alleged invidious discrimination shown by the Karachi Administration against political workers and students. The motion was opposed on the ground that action was taken by authority in due course of administration of law. Moreover, the matter was sub-judice. After hearing both the sides, the Speaker reserved his ruling for the next day.

On February 18, 1957, Mr. Speaker gave the following ruling:

"Yesterday, Mr. Yusuf Haroon moved an adjournment motion to discuss the situation arising out of the arrest of Mr. A.M. Qureshi and six other students, who were sent to jail in Karachi on the 16th February, 1957, for taking out a procession on the 25th January, 1957."
The fact of the case are that, on the 16th February, 1957, when the case of Mr. Qureshi and others was taken up, all the accused were present in the court. The prosecution prayed for an adjournment. The Magistrate adjourned the case to the 20th February, 1957, and directed the accused to execute a personal recognizance bond in the sum of Rs. 200 each to attend on the next date of hearing. On the refusal of the accused to sign the bonds for appearance, they were remanded to judicial custody.

It is, therefore, quite clear that the subject-matter of the adjournment motion has arisen out of a judicial order in a criminal case which is under adjudication in a court of law. No motion is permissible in such matters.

Mr. Yusuf Haroon has alleged invidious discrimination having been shown against political workers—namely, Mr. Qureshi and six others, for being sent to jail on the 16th February, 1957. It is not contended that any discrimination was made on the 16th February, 1957. It is not contended that any discrimination was made on the 16th February. On the 16th February, 1957, therefore, no discrimination has taken place.

This prosecution, as alleged by the mover, arises out of the procession on the 25th January, 1957, and any incident relating to the procession of that date is not a matter of recent occurrence for purposes of adjournment motion now.

I, therefore, disallow the motion.”

(2-1, Vol-I)
N.A. Deb., 17th February, 1957.
Pp. 697.

24. ADJOURNMENT MOTION: DEMOLITION OF MOSQUE: MATTER NOT OF RECENT OCCURRENCE: ORDINARY PARLIAMENTARY OPPORTUNITY AVAILABLE TO RAISE THE MATTER DURING DISCUSSION ON BUDGET: RULED OUT OF ORDER:

On February 19, 1957, Mr. Farid Ahmed moved an adjournment motion regarding Government decision to demolish the Masjid-e-Hanifa, Victoria Road, Karachi. The motion was opposed on the ground that the matter, proposed to be discussed, was not of recent occurrence. Mr. Farid Ahmed explained that, although the government took decision sometime in January, 1957, he came to know of it only yesterday. The Speaker observed that, according to the established parliamentary practice, if facts were revealed only recently, it did not makes the grievance 'recent' and the matter, if not raised at the earliest opportunity, would fail in its urgency. The matter raised by Mr. Farid Ahmed could not, therefore, be accepted as one of recent occurrence and raised without delay. The Speaker further observed that no motion for adjournment could lie when ordinary parliamentary opportunity would occur shortly or in
time. He held the view that the matter involved could conveniently be raised during the current discussion on the Finance Bill. He concluded -

"It has been urged that I should admit the adjournment motion because of the importance of the matter and give a chance to the question of the mosque being discussed. The position is that, under rule 36 of the Rules of Procedure of the National Assembly, it is not sufficient that matter to be discussed on an adjournment motion should be only a matter of public importance, but it is also mandatory that it should satisfy other requirements of the rules, including urgency. Therefore, even if I have a member's sentiments, I cannot ignore the rules and the parliamentary practices, which require that the matter should be of recent occurrence within the meaning of the earlier decisions. That is my main difficulty in allowing this motion. I have no doubt that I have not shut out a discussion on the question from the Assembly. The matter can be raised during the discussion now going on, on the Finance Bill and has, in fact, been raised by Maulana Ather Ali Yesterday, and the Purpose with which the adjournment motions had been tabled has been and will be served during the debate on the Finance Bill. I have, therefore, no hesitation in my mind that the matter can be brought before the House in many other ways, even if it fails to fulfill the requirements of an adjournment motion, under the rules. If this matter had been raised at the first meeting of the Assembly during the current session, it could have been admissible under the rules as an adjournment motion.

I have very carefully considered all the aspects of this matter but, in view of the numerous rulings on the subject. I have no alternative but to declare the motion to be out of order."

(5-3, Vol-I)
N.A Deb., 17th February, 1957.
Pp. 745-749.
N.A Deb., 20th February, 1957.
Pp. 803-804.

25. ADJOURNMENT MOTION: FAILURE OF GOVERNMENT TO FINALIZE THE APPOINTMENT OF A COMMISSION UNDER ARTICLE 198(3) OF THE CONSTITUTION: ADMITTED:

On April 8, 1957, Mr. Yusuf A. Haroon moved an adjournments motion regarding the alleged failure of the Government to finalize and appoint a Commission under Article 198(3), of the Constitution to make recommendations for bringing the existing laws into conformity with the injunctions of Islam. The motion was objected to on two grounds, viz., it was not based on facts and that as it raised two issues, it did not relate to a definite matter. A reference was also made to a Gazette notification according to which the President had already appointed Mr. Justice Mohammad Sharif, a Judge of the
Supreme Court of Pakistan, as Chairman of the Commission. After some discussion the Speaker observed as follows:

"Now, it may be contended that the Commission can consist of only one man. The Oxford Dictionary given the meaning of the "Commission" as "an authority committed or entrusted to any one". In this particular case, however, it is obvious that the Government did not intend to constitute a one-man Commission; they have themselves stated in the last sentence of the Gazette notification, dated 22nd March, 1957, that the names of the other members, to be appointed to the Commission, will be announced after consultation with the Chairmen. So, it is an admission that the Commission is not fully constituted yet. It will not be immediately able to start its work and make recommendations, because it is not fully constituted. In this, I think, the mover of the motion has a case for the admission of this motion."

The leave of the House for making the motion was also granted and time for its discussion was fixed.

(7-4, Vol-I)
C.A. Deb., 8th April, 1957.

26. ADJOURNMENT MOTION: FORCIBLE EJECTMENT OF REFUGEES FROM SULTANABAD COLONY KARACHI: NOT PRIMARILY CONCERN OF THE CENTRAL GOVERNMENT: ORDERS PASSED IN THE ORDINARY ADMINISTRATION OF LAW CANNOT BE MADE SUBJECT MATTER OF ADJOURNMENT MOTION. RULLED OUT OR ORDER:

On February 26, 1957, Mr. Yousuf A. Haroon moved and adjournment motion regarding the adjustment of 200 refugees from Sultanabad Colony, Karachi. The motion was opposed on the ground that notices for ejectment had been issued by the Rehabilitation Commissioner under the normal administration of law. After hearing both sides, Mr. Speaker reserved his ruling for the next day.

On February 27, 1957, the Speaker gave the following ruling:-

"........ Objections have been raised on the admissibility of the motion on two grounds. Firstly, that the order has not been issued by the Central Government but has been passed merely by the authorized officer in the ordinary administration of the law and cannot, therefore, be the subject of an adjournment motion. Rulings have been cited in support of this objection. Mr. Haroon has cited two rulings. The first ruling relates to a motion moved to discuss in human treatment meted out to political prisoners convicted on non-violence offence and to handcuff them, on their transfer from the jail on or about
the 7th of December, 1941. To a question by President, Sir Abdur Rahim, whether in this matter any distinction was made between the political and other prisoners, the Home Minister of the Central Government said that personal inquiries have been made and he himself is confident that no distinction of any kind would be made. It seems to me the President took it to account that it was for the Central Government to decide whether or not the distinction should be made between the political prisoners and the ordinary convicts from whom there is a danger of the breach of peace. The motion was, therefore, admitted not on account of the order issued by the authorities in the ordinary administration of the law, but because of the failure of Central Government to make a distinction between the political prisoners and the ordinary convicts.

The other ruling quoted by Mr. Yousuf Haroon relates to the arrest and detention of Mr. Sarat Chandra Bose on or about the 12th February, 1942. The arrest of Mr. Bose was under the orders of the Central Government itself. Therefore, it was rightly held that the arrest was not in the ordinary course of administration of law but under the orders of the Central Government. The question, however, arises out of an order issued by the authorized officer in the ordinary administration law; it is an established rule that orders passed in the ordinary course of law by any competent authority cannot be a subject of adjournment motion in the Assembly.

The second motion is that the Land Control Act of 1952 provides relief under section VII(D) and an adjournment motion cannot, therefore, lie where other relief have been provided in the Act itself. I, therefore, rule the motion out of order.”

(10-6, Vol-I)
N.A. Deb., 27th February, 1957.
Pp. 1278.

27. **ADJOURNMENT MOTION: GOVERNMENT’S ALLEGED FAILURE TO UTILISE U.S.A. AID: NOT A SPECIFIC MATTER OF RECENT OCCURRENCE: RULE OUT OF ORDER:**

On August 24, 1957, Mr. Yousuf A. Haroon moved an adjournment motion to discuss the alleged failure of the Government to utilize ten million dollars aid granted to Pakistan by the I.C.A. of U.S.A. The motion was opposed on the ground that it related to a matter which was neither specific nor of recent occurrence. After hearing arguments from both the sides, the Speaker observed:

"As far as I can see, this motion falls through because there is nothing in the motion itself that it refers to a matter of recent occurrence. From the motion, it is not clear as to whether the failure had occurred three years back, one year or one month back. It is
necessary, under rule 36, that the motion should be restricted to a specific matter of recent occurrence. In view of lack of this ingredient, the motion is inadmissible."

(11-7, Vol-I)
Pp. 192-194.

28. ADJOURNMENT MOTION: GOVERNMENT'S ORDER TO STOP PRINTING OF ELECTORAL ROLLS: ALLEGED FACTS DENIED: PRINTING OF ELECTORAL ROLL RESPONSIBILITY OF THE ELECTION COMMISSION WHICH IS AN AUTONOMOUS BODY: RULED OUT OF ORDER:

On November 28, 1957, an adjournment motion to discuss the alleged orders of the Government of Pakistan to stop the printing of electoral rolls, already prepared under the existing law, was moved. The motion was opposed on the ground that printing of electoral rolls was the responsibility of the Election Commission and not of the Federal Government. It was also denied that any instructions had been issued by the Government of Pakistan in the matter. The speaker observed:

"I have heard both the sides of the House. The adjournment motion, as it is worded, seems to be out of order in the sense that the subject matter of the motion refers to the orders of printing and other orders of the Election Commission, which is an autonomous body and which cannot be brought in for criticism in the House. Therefore, the motion is out of order."

(12-8, Vol-I)
N.A. Deb., 28th November, 1957.
Pp. 114.

29. ADJOURNMENT MOTION: HOLDINGS OF MEETINGS OF A POLITICAL PARTY IN PRESIDENT HOUSE: RULED OUT OF ORDER:

On April 15, 1957, Mr. Yusaf A. Haroon moved an adjournment motion to discuss the holding of meetings of a political party in the President’s House. The motion was opposed on the ground that, by discussing this motion, the House would be discussing the conduct of the President, which, under the rules, could not be permitted. The Speaker observed:

"Now, as I have already indicated, according to the practice in the House of Commons, this is never allowed on the floor of the House and, therefore, I rule it out of order. I would refer to Mian Iftikhar ud din himself when he said that this motion could have
been more happily worded and to Mr. Farid Ahmad when he says that it is an academic discussion; it is not a place for academic discussions. Therefore, on these points also, the motion is out of order.’

(13-8, Vol-I)
N.A. Deb., 15th April, 1957.

30. ADJOURNMENT MOTION: MOVER ABSENT: TREATED AS DROPPED:

On April 25, 1957, the Speaker called upon Mr. Yusuf A. Haroon to move certain adjournment motions, of which he had given notice. However, the member concerned was not present in the House. Thereupon, the Speaker observed that the motions may be treated as dropped.

(16-11, Vol-I)
N.A. Deb., 25th April, 1957.
Pp. 1082.

31. ADJOURNMENT MOTION: POSTPONEMENT OF DATE OF OPENING OF TENDERS FOR SUPPLY OF AMMONIUM SULPHATE: MATTER NOT OF URGENT PUBLIC IMPORTANCE: RULED OUT OF ORDER:

On April 25, 1957, Mr. M. A. Khuhro moved an adjournment motion to discuss the second sudden postponement of the date of opening of the tenders for the supply of ammonium sulphate for the “Grow More Food” campaign. The motion was opposed on the ground that the matter was not of urgent public importance. Thereupon, the Speaker observed:

“I think that it is a matter in the ordinary course of administration and it is not a matter of urgency. As such, I have no other alternative but to disallow the motion”:

(21-14, Vol-I)
N.A. Deb., 25th April, 1957.
Pp. 1084.

32. ADJOURNMENT MOTION: PRIME MINISTER’S OFFER TO MEDIATE IN ARAB-ISRAEL DISPUTE: ALLEGED FACTS DENIED: RULED OUT OF ORDER:

On August 22, 1957, Mr. Fazlur Rahman moved an adjournment motion to discuss the situation
arising out of Prime Minister's alleged offer, during his recent visit to U.S.A. in July, 1957, to mediate in the Arab-Israel dispute. The alleged facts were denied by the Prime Minister. The Speaker, thereupon, observed:

"I have read the newspaper report. Mr. Fazlur Rehman has attributed a statement to the Prime Minister which the Prime Minister has categorically denied. In the face of that, it is out of order. It has always been the practice that, if a certain allegation is denied by Government, unless some authentic evidence is available, the facts as stated by Government have to be accepted. Therefore, the adjournment motion is out of order".

(22-14, Vol-I)
N.A. Deb., 22nd August, 1957.
Pp.50-51.

33. ADJOURNMENT MOTION: PRIME MINISTER'S REFUSAL TO ANSWER SHORT NOTICE QUESTION: CONSENT OF THE MINISTER CONCERNED OBLIGATORY FOR ADMISSION OF A SHORT NOTICE QUESTION: RULED OUT OF ORDER:

On August 27, 1957, Mr. Mahmud Ali moved an adjournment motion to discuss the refusal of the Prime Minister to answer his short notice question. The Speaker observed:

"The consent of the Minister, to whose Ministry a question relates, is obligatory before a question is admitted as short notice question. Under rule 20, a short notice question is not admissible if the Minister concerned withholds his consent. It is entirely within his discretion.

Now, I do not think it can form the subject matter of an adjournment motion. For obvious reasons, his motion is out of order and I cannot allow the honourable member to argue:"

(23-15, Vol-I)
Pp. 305.

34. ADJOURNMENT MOTION: PRIME MINISTER'S STATEMENT IN LONDON JUSTIFYING THE INTERVENTION OF THE BRITISH GOVERNMENT IN OMAN: BASED ON NEWSPAPER REPORT: ALLEGED FACTS DENIED: MOVER FAILED TO PRODUCE ANY AUTHENTIC DOCUMENT: RULED OUT OF ORDER:

On August 22, 1957, Mr. Mahmud Ali moved an adjournment motion to discuss the situation
arising out of the Prime Minister’s statement in London, justifying the intervention of the British Government in Oman. The Prime Minister maintained that the motion was based on an error of facts as he did not justify the intervention of the British Government in Oman. Mr. Speaker enquired from the mover if he could produce any authentic document in the matter, which could be relied upon. The member expressed his inability to produce any such document. Thereupon, the Speaker observed:

"In view of the statement made by the Prime Minister and in the absence of any authentic document produced by either Mr. Mahmud Ali or Mian Iftikharuddin, I cannot allow the motion. Therefore, I rule it out of order".

(24-14, Vol-I)
N.A. Deb., 22nd August, 1957.
Pp. 45-49.

35. ADJOURNMENT MOTION: REMOVAL OF TOP-RANKING OFFICERS OF THE SPECIAL POLICE BASED ON NEWSPAPER REPORTS: ALLEGED FACTS DENIED: MATTER OF ORDINARY ADMINISTRATION: RULED OUT OF ORDER.

On August 24, 1957, Mr. A. M. Khuhro moved an adjournment motion to discuss the alleged removal of top-ranking officers of the Special Police. The Prime Minister denied the alleged facts. He also suggested that as the newspaper reports, generally, cater for the sensational news and more than often these reports were false and contentious and could not be relied upon, the adjournment motions should not be based on such reports. The Speaker observed as under:

"The honourable member has based his motion on newspaper reports. This is a matter of ordinary administration and cannot be deemed to be a good subject-matter for an adjournment motion. The motion is disallowed".

(27-17, Vol-I)
Pp. 172-173.

36. ADJOURNMENT MOTION: STATEMENT MADE BY A MINISTER ON THE FLOOR OF THE HOUSE CANNOT BE FORMED A SUBJET MATTER OF AN ADJOURNMENT MOTION: RULED OUT OF ORDER:

On April 15, 1957, Mr. Yusuf A. Haroon moved an adjournment motion to discuss the situation arising out of the statement of constitutional significance made by the Minister for Foreign Affairs on the floor of the House on 13th April, 1957. After hearing both the sides, the Speaker observed as follows:

On August 24, 1957, Mian Muhammad Iftikharuddin moved an adjournment motion to discuss the situation arising out of an alleged controversy having developed between the Election Commission and the Government. The motion was opposed on the ground that the matter raised was neither urgent public importance nor the primary concern of the Federal Government. After hearing both the sides, the Speaker observed:

"The Election Commission is an autonomous body provided under the Constitution and is not responsible to the Government. According to the rules, no adjournment motion can be moved in respect of a matter on which a resolution cannot be moved. One of the restrictions for moving a resolution is that it must refer to a matter with which the Government of Pakistan is primarily concerned. Restriction, therefore, will apply to the moving of this adjournment motion. The adjournment motion of Mian Iftikharuddin, therefore, becomes inadmissible and I rule it out of order".

(37-22, Vol-I)


Pp. 177-187.

38. **ADJOURNMENT MOTION: TO DISCUSS HARASSMENT TO THE MUSLIM LEAGUE WORKERS IN THE FEDERAL CAPITAL: MATTER NEITHER DEFINITE NOR OF RECENT OCCURRENCE: CONTINUING PROCESS: RULED OUT OF ORDER:**

On April 20, 1957, Mr. Yusuf A. Haroon moved an adjournment motion to discuss the alleged uncalled for, extraordinary and unwarranted action of Government in harassing the Muslim League
workers in the Federal Capital. The motion was opposed on the ground that it was neither definite nor did it relate to a matter of urgent public importance. Thereupon, the Speaker observed:

“Now, I have heard both the sides. It has been admitted by Mr. Yusuf A. Haroon, though quite unguardedly, that this is a continuous process this harassment by this Government, according to him, is continuing. Now, once a matter is continuing, it cannot be said to be a matter of recent occurrence and, moreover, it has not been made definite in that sense in which it is really meant, i.e., which of the political workers or under what circumstances. Apart from that, whatever be the real position, Mr. Yusuf Haroon has himself conceded that it is a continuing harassment by the Government. So the motion does not fall within the scope of adjournment motion and, therefore, it is out of order”.

(38-22, Vol-I)
N.A. Deb., 20th April, 1957.
Pp. 790-792.

39. ADJOURNMENT MOTION: RIOTS IN NAZIMABAD, KARACHI: NOT TO BE MOVED DURING BUDGET DISCUSSION: CHAIR NOT COMPETENT TO WAIVE CONDITION OF URGENCY: WITHDRAWN:

On March 6, 1958, during discussion on Demands for Grants, Mr. Yusuf A. Haroon wanted to move an adjournment motion regarding riots in Nazimabad, Karachi. The Speaker pointed out that this would be against traditions and conventions according to which adjournment motions are not moved during the Budget discussion. The mover informed the Chair that, in case the condition of urgency was waived, the motions could be discussed later on. The Speaker did not agree with this suggestion, as there was no provision for the same in the rules. Thereupon, the mover of the motion stated that Government had already agreed to place all the facts before the House. The Speaker observed:

“I know all that. I do not mind if you can arrange with the Treasury Benches because, according to the procedure, the motion will be refused. If you can arrange with the Treasury Benches that you can select some subject, on which you can have a discussion and in which this matter could be included, I think the Speaker may be able to do some thing. That is one way out of it. The second way out is that I will admit your adjournment motion and I will fix time from 6 to 8, but then you lose two hours today. You want to run the risk as you say, but I will not be dishonest with you and waive urgency because I cannot give a guarantee that I will take it up tomorrow”.

The notice of the adjournment motion was subsequently withdrawn.

(20-13, Vol-I)

26
40. **ADJOURNMENT MOTION: RECRUITMENT OF PERSONS FROM OUTSIDE KARACHI IN KARACHI POLICE: HELD IN ORDER: LEAVE REFUSED BY THE HOUSE.**

On September 8, 1958, Chaudhri Muhammad Hussain Chatha moved an adjournment motion regarding recruitment of persons from outside Karachi to serve as police constables in Karachi. Mr. Speaker held the motion in order and read out the statement to the House. However, leave to discuss the adjournment motion was not granted by the House. As such, the adjournment motion fell through.

(26-17, Vol-I)
N.A. Deb., 8th September, 1958.
Pp. 603-604.

41. **ADJOURNMENT MOTION: PRESIDENT'S ORDER ENABLING MEMBERS OF ASSEMBLIES TO BECOME CABINET MINISTERS UNDER ARTICLE 224(3) OF THE CONSTITUTION: RULED OUT OF ORDER.**

On 19th June, 1962, a Member sought to move an adjournment motion in respect of President’s Order under Article 224(3) of the Constitution enabling Members of National and Provincial Assemblies to become Ministers of Presidential and Governors’ Cabinets without losing their seats in respective Assemblies. The Law Minister on behalf of the Government claimed that the motion was out of order as the Presidential order could not be called in question and the House could not adjudicate on the constitutionality or propriety of the said Order. He also drew attention to Rules 49 (v) and 78 (6) of the Rules of Procedure and said the adjournment motion and the written statement appended to it contained serious aspersions and reflections on the conduct of the President in several directions. Then the Law Minister cited some decisions of the Chair in support of his contention and on these grounds maintained that the said motion was completely out of order. Some Members spoke in support of the adjournment motion and a full debate followed. The Minister for Food and Agriculture spoke against the motion. The Minister for Foreign Affairs suggested that according to the parliamentary convention and practice prevalent in Bengal Legislative Assembly one adjournment motion may be selected for discussion and all others allowed to lapse whereupon Mr. Speaker ruled as follows:-

“I am not sure whether we should speak of the conventions of other legislative bodies and I am also not sure whether these conventions should be prevalent in our legislative.

At the outset I would like to dispel one misunderstanding that has arisen. It has been pointed out by some Members that if this motion is disallowed on the ground that this
House has got not power to consider the questions—whether this House is competent to make a Constitution or not—then this House will, in future, be unable to make any amendment whatsoever. I think that is not the position.

We will now consider some limited question, namely, the question whether this motion is admissible or not. And for that we should abide by certain rules. I refer to a ruling on this point. The powers of the House to amend the Constitution in any way lie, of course, with the consent of the President, according to the Constitution. That point should be made clear.

Now, two main objections have been made to the admissibility of this adjournment motion. The first objection is that there is a provision that some orders cannot be objected to in any Court of Law. I do not give any decision on this point just now. It is not so and I am somewhat doubtful whether that point is really a forceful point. However, I do not give any decision on that point whatsoever, but with regard to the other point whether this motion is admissible on the ground that it contains some expressions derogatory to the dignity of the President or an aspersion on the President, that point, I think, is the only point on which this motion can be disposed of. Here we are bound by the Rules of Procedure made for us by the President. It has been pointed out that an adjournment motion cannot be moved on a subject on which a resolution cannot be moved. We have all heard what has been submitted by the Law Minister. A Member has observed that question only refers to the subject-matter of the resolution and not to the contents of the resolution. I really find it very difficult to make a distinction between the subject-matter of the resolution and the contents of the resolution and I do not think there is any real distinction between the two. In view of the fact that the motion itself contains some expressions which are objectionable from that point of view, and that in the course of the debate such expression are likely to be referred to by honourable Minister of this House, I think that this motion is not in order. It is disallowed.

(1-1, Vol-II)

42. ADJOURNMENT MOTION: NOTICE OF A MOTION GIVEN EARLIER DISALLOWED ON GROUNDS OF NOT BEING URGENT: FRESH NOTICE ON THE SAME SUBJECT INADMISSIBLE.

On 2nd July, 1962, a Member referred to his earlier adjournment motion dated 30th June, 1962, regarding eviction of residents of Keamari Village, Karachi, and said he had given a fresh notice of the same motion. The earlier motion had been disallowed by the Speaker on the ground that it was not urgent. Thereupon the Speaker observed:
"No, that can't be done now".


Pp. 875.

43. ADJOURNMENT MOTION: FULL PARTICULARS NOT READILY AVAILABLE: MOVER REQUESTS THE MINISTER TO GIVE AN ASSURANCE WHICH WAS GIVEN BY THE MINISTER CONCERNED: MEMBER NOT SATISFIED WITH THE ASSURANCE BUT DID NOT RISE SOON AFTER THE MINISTER SPOKE: ANOTHER MEMBER MOVED HIS ADJOURNMENT MOTION LAPPED: FRESH NOTICE REQUIRE: MOTION CANNOT BE MOVED BY PROXY.

On 4th July, 1962, a Member moved an adjournment motion relating to the threatened ejectment of residents of Keamari (Karachi). On behalf of the Government Mr. Abdus Sobur Khan raised no objection but said that he had not received full particulars till then and that he was answering a short notice question the next day, which might cover the subject-matter of the adjournment motion and so requested the Member to wait till next day and not to press his adjournment motion. The Member wanted an assurance from the Minister as he was leaving the town the next day. The Minister gave an assurance that every possible attention would be paid to the problems mentioned in the motion. After this another Member rose to move his adjournment motion. At this stage the Member again rose up and wanted a ruling on his motion. The Speaker observed that he thought that the mover was satisfied with the assurance given by the Minister and as he did not immediately rise after the Minister spoke nothing could be done at the stage. The Member persisted in requesting for a ruling and also said that he would give authority to another Member to move his adjournment motion. Thereupon the Speaker ruled that another Member could not move his adjournment motion and because the Member appeared to be satisfied with the reply of the Minister, there is need for a fresh notice which would be considered on the next day. Then the Speaker called upon the other Member to move his adjournment motion.


Pp. 993-994.

44. ADJOURNMENT MOTION: ARREST OF POLITICAL WORKERS UNDER PROVINCIAL LAW: PERSON PRODUCED BEFORE A COURT: MATTER SUB JUDICE: MOTION RULED OUT.

On 6th July, 1962, a Member sought permission to move his adjournment motion, whereupon
another Member pointed out that there was an adjournment motion earlier deferred at which the Speaker observed that the Member could move his adjournment motion only after the disposal of the earlier motion. Another Member also referred to some other adjournment motion at which the Speaker remarked that first the pending motion should be disposed of. The Minister-in-Charge, Khan Habibullah Khan, informed the House that the arrests were made under Section 16 of West Pakistan Maintenance of Public Order Ordinance, 1960, and that two persons were arrested for substantive offence. Thereupon Mr. Speaker ruled the motion out of order. After this a Member enquired from the Minister-in-Charge whether disturbances had actually occurred since the arrest of these two persons. Mr. Bhutto pointed out that the motion had been ruled out of order. The mover then pleaded that he should have been given opportunity to reply and the motion could not be ruled out of order without such opportunity having been given to him. Thereupon the Speaker pointed out that it was a Provincial matter. The Member sought further information from the Minister-in-Charge at which the Minister reading Section 16 of the Ordinance pointed out that the persons arrested had been produced before a court.

(4-4, Vol-II)
Pp. 1101-1103.


On 6th July, 1962, a Member sought leave to move an adjournment motion on the arrest of Khan Abdul Qayyum Khan from Lahore. In the first instance the Home Minister raised a point of order under Rule 49 that more than one motion cannot be made in one sitting. Another Member pointed out that the discussion on admissibility of an adjournment motion did not mean that a motion had been made. The admissibility of several adjournment motions had been discussed and these precedents and those in other Legislatures had to be taken into account. Mr. Z. A. Bhutto urged that adjournment motions cannot be held in abeyance and kept alive from day to day.

A Member said that adjournment motions had been held over in the Budget Session itself. Then another Member referred to the precedent in Indian Legislature whereby an adjournment motion on South Africa had been deferred till next day. Mr. Z. A. Bhutto was of the view that Rule 49 should be followed and not precedents of Indian Legislature and it was against the very spirit of adjournment motions if they are kept pending from day to day. Thereupon the Speaker observed:

"I think several questions have been mixed together. The first question is: what is the meaning of the words 'that a motion has been made'? I think Mr. Bhutto is not quite correct when he says that simply because a motion was discussed for adjournment it has
been made. If a motion is discussed for admission and it is admitted and leave is granted then we may say that the motion has been moved but otherwise simply because the admissibility of the motion was discussed, that does not mean that the motion was actually made. So I hold that the contention of Mr. Bhutto is not quite correct. Then there is another point raised by a Member that after an adjournment motion has been disposed of on a particular day, then the others remain pending for discussion on other days.

The Speaker then enquired whether there was any objection to the motion. On behalf of the Government the Minister for Home Affairs objected on the ground that arrest had been made under Section 3 of West Pakistan Maintenance of Public Order Ordinance of 1960, which was a Provincial Law, exclusively within Provincial jurisdiction. A member pointed out that under the Constitution 'security of Pakistan' was a central subject and Provinces acted as agents of the Centre in such matters and that the motion sought to discuss the situation arising out of the arrest and not merely the act of arrest itself. The Speaker then asked the mover to satisfy him on the point that it was not a Provincial subject and that it was a primary concern of the Central Government.

Another Member said that the West Pakistan Maintenance of Public Order Ordinance, 1960, was enacted during the Martial Law and so obviously at the instance of Central Government and that preventive detention was a Central and not a Provincial subject and that it was the 'vicarious liability of the Centre'. A third member also said that security was a Central subject and Khan Abdul Qayyum Khan was not only an all-Pakistan but an Indo-Pakistan personality. Another Member also supported the view that security was primarily and exclusively the Central concern. The sponsor of the motion then, quoting Article 66 of the Constitution, argued that it was inconceivable that in this case the Governor would have acted on his own without the approval of the Central Government or the President.

Mr. Z. A. Bhutto referring to the Preamble of the Constitution pointed out that Pakistan was a federation and Provinces were autonomous and so Centre should not trespass on rights of provinces. The Centre cannot interfere in Provincial matters. He asked the Members to make distinction between Provincial and Central Laws and security of Pakistan and maintenance of public safety and public order in a Province.

A point of order was raised whether the Minister for Home Affairs who was not a member of National Assembly has a right of reply whereupon the Speaker ruled he had a right of reply and right of audience.

The Home Minister then pointed out that security of Pakistan or entire state which covered Defence, External Affairs, etc., was different from security of public safety and public order, which related to a Province and that the said Ordinance was enacted by the
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Governor of West Pakistan and not by the Martial Law authorities or the President.

He further stated that there would not be two forums for one and the same adjournment motion as it would be awkward, and cause confusion and embarrassment and the proper forum for such motions was the Provincial assembly and not the Central Legislature. Thereupon the Speaker gave the following ruling:-

"The motion on which all these points of order and points of admissibility or inadmissibility have been raised runs thus:

'I beg to move for adjournment of the business of the Assembly for the purpose of discussing a definite matter of recent and urgent public importance, namely, the arrest of Khan Abdul Qayyum Khan, at 3:45 this morning from 33, Gulberg 5, Lahore, the residence of the mover of the motion.'

The Members will notice that the motion seeks to discuss the arrest and not, as some Members have said, the situation arising out of the arrest. That was a misapprehension on the part of some Members of this honourable House. Now I see that a very large number of Members is desirous that this matter should be discussed on the floor of this House. But whether it is desirable or not, that is not the question with which we are at present concerned. We are only concerned with the admissibility of this motion, not on any other ground than this that this is purely a Provincial matter and as such it cannot be discussed in the Central Assembly. That is the only point which has to be decided to come to a conclusion as to the admissibility of this motion. Some honourable Members have said that it was not exclusively the concern of the Central Government; then, of course, it would have been primarily the concern of the Central Government. The question is whether it is primarily the concern of the Central Government. Now, to establish that it is primarily the concern of the Central Government some honourable Members have said that the Provincial Government only acts as the agent of the Central Government. If that argument has to be accepted, then all acts of the Provincial Government will be subject to the jurisdiction of this House, and I think no matter which primarily concerns the provincial Government could be ruled out of order in this House. I am afraid that is position which I am unable to accept. It has also been argued that preventive detention is primarily the concern of the Central Government. That is also not a fact. Preventive detention is the concern both of the Central Government as well as of the Provincial Government but the field of the two Governments has been divided in the different Acts. The Provincial field is quite different from the Central field. Therefore, in execution of these laws, if a provincial authority takes an action under the Provincial Ordinance or a Provincial Act, as it may be, in that case the Central Government can have no concern will not do. Our only purpose is to see whether it is primarily the concern of the Central Government. Under our present Rules, I cannot in any manner see how we can say that this matter is primarily the concern of the Central Government. It may be indirectly the
concern of the Central Government but this is not what our Rules say. Our Rules are definite on this point and, therefore, I think, I have no other alternative than to declare this motion inadmissible.”

(5-5, Vol-II)
Pp. 1103-1119.

46. ADJOURNMENT MOTION: FAMINE IN PARTS OF EAST PAKISTAN: REPLY [ASSURANCE] CAN BE GIVEN BY ANY MINISTER: MOTION NOT PRESSED.

On 6th July, 1962, a Member sought permission to move an adjournment motion on famine conditions prevailing in parts of East Pakistan. Mr. Bhutto, pointed out that an identical motion was moved in the Provincial Assembly and gave assurance to the House that everything would be done to assist the Provincial Government. Another Member pointed out that the reply should have come from the Minister-in-Charge and not from Mr. Bhutto. At this the Speaker ruled as follows:-

“The aim is that the House requires a satisfactory answer. Therefore, it is immaterial whether it comes from the Minister-in-Charge or any other Minister.”

The sponsor of the motion then pointed out that the motion moved in the Provincial Assembly was a different one and read out a letter to substantiate his contention. Mr. Abdul Qadir on behalf of the Government gave an assurance that he would give 20 lakhs to East Pakistan Government. Thereupon the Member wanted a further assurance that the Minister for Food and Agriculture would see things for himself by visiting the affected area, which assurance was duly given by the Minister-in-Charge. Thereafter the Member declared that he did not want to pursue his motion any further.

(6-9, Vol II)
Pp. 1123-1129.

47. ADJOURNMENT MOTION: SUDDEN RISE IN THE PRICE OF GOLD IN EAST PAKISTAN: PRICE OF GOLD NOT CONCERN OF THE CENTRAL GOVERNMENT: MOTION RULED OUT OF ORDER.

On 7th July, 1962, a Member sought permission to move an adjournment motion regarding sudden rise in the price of gold in East Pakistan from Rs.155 to 162 per tola in one day. In the first instance, the Speaker pointed out that the notice of the motion was not given in time because according
to the version of assembly Secretariat it was received at 7.15 a.m. while the Assembly sat at 8.00 a.m. Then the Speaker observed that the motion was not properly addressed. On behalf of the Government the Finance Minister took objection on several grounds, viz., firstly, the notice received by the Minister was late, i.e., at about 10 minutes to 8, secondly, it was not a matter of recent and urgent public importance; thirdly, it was not the concern of Central Government; fourthly, the motion did not relate to a single matter of recent occurrence. Some discussion followed and ultimately the Speaker ruled as follows:--

"I do not think that the motion is admissible because it has been categorically stated that the Government does not control the price of gold and as such it is not concern of the Government at all. I rule the motion out or order."

(7-9, Vol-II)
Pp. 1155-1157.

48. ADJOURNMENT MOTION PERMISSION TO MR. FAIZ AHMAD FAIZ TO VISIT MOSCOW: NEITHER OF RECENT OCCURRENCE NOR AN URGENT MATTER: RULED OUT OF ORDER.

On 9th July, 1962, a Member gave notice of a fresh adjournment motion seeking adjournment of the House to discuss the permission granted by Pakistan Government to Mr. Faiz Ahmad Faiz to visit Moscow. Mr. Speaker enquired whether a notice was given previously too which was confirmed by the mover. On this Mr. Speaker remarked:--

"You are late. The motion cannot be admitted. You ought to have taken the earliest opportunity. It has nothing to do with the actual going of Mr. Faiz Ahmad Faiz to Moscow."

The member took the plea that he was under the impression that Mr. Faiz Ahmad Faiz had already left for Moscow, but as the latter had not by that date left for Moscow, as such it made a difference. Therefore, he wanted to raise the matter again. The Speaker allowed the motion to be read in the House as the Home Minister raised an objection on the ground that the motion was not of recent occurrence or urgent as the permission to Mr. Faiz was given on 12th May and the same motion was first actually tabled on the 4th July, 1962, but was not moved. Therefore, the first available opportunity had not been taken. Thereupon the Speaker ruled as follows:--

"I am sorry your motion goes by default. It is neither a matter of recent occurrence nor is it an urgent matter. In this connection I like to say that the Members should be a little careful in bringing up adjournment motions before this House. Adjournment motions are very special motions which are allowed on account of several very important factors, i.e., it must be of such an urgent nature that it does not brook delay and therefore, it has to
get preference over the ordinary business of the day. Today, for example, we have got some very important business on the schedule that has to be deferred if this motion is to be discussed on the floor of the House. I hope the Members will give their careful thought before they rush in for moving adjournment motions. Adjournment motions are very special motions and unless certain very stringent conditions are fulfilled these motions cannot be permitted to be taken up. I hope the honourable Members would kindly bear this in mind."

(8-10, Vol-II)
Pp. 1185-1187.

49. ADJOURNMENT MOTION: BLACK-LISTING OF NEWSPAPERS BY GOVERNMENT DURING MARTIAL LAW REGIME: NOT OBLIGATORY ON GOVERNMENT TO GIVE ADVERTISEMENT TO ANY NEWSPAPER: RULED OUT OF ORDER NOT BEING OF RECENT OCCURRENCE.

On 11th July, 1962, a Member sought leave to move an adjournment motion to discuss the situation arising out of black-listing of three newspapers, namely, Pakistan Observer, Ittefaq, and Sangbad for purposes of Government and semi-Government advertisements and subscription. In the first instance, Mr. Z. A. Bhutto on behalf of the Government informed the House that he was not in full possession of the facts although he was trying to ascertain them. Mr. Bhutto also pointed out that the Minister, the parliamentary Secretary, and the Secretary of the Ministry were not present in Rawalpindi at which the Speaker remarked as follows:-

"Rule 49 of the Rules does not allow the Minister to take shelter on the plea that the Secretary is absent."

Thereafter the Speaker postponed the matter till the evening sitting.

In the evening Mr. Z. A. Bhutto admitted that the order had been issued by the Central Government, but that it related to the Martial Law period and the orders were issued in April and May, 1962, by the previous Government. He took the plea that the matter was not of recent occurrence; that it was not of public importance and that it was not obligatory on Government to give advertisement to any newspaper. After some discussion the Deputy Speaker inter alia remarked:-

(a) That a Member can discuss only matters which are relevant to admissibility of the motion.

(b) The Chair directed the Member to satisfy him firstly that this was of matter of recent occurrence secondly, that it was of public importance and, thirdly, that it was of
urgent public importance.

(c) The Chair asked a Member to avoid indulging in repetition.

Finally the Deputy Speaker ruled as follows:-

"I think the emphatic utterance of the word 'urgent' does not make the matter urgent". I am going to give my ruling.

"The adjournment motion moved by the Member is to the effect that the Government has withdrawn some of its advertisements from some of the papers which, according to him, have the largest and widest circulation in that part of the country. The honourable Member has said that it is a matter of recent occurrence. He has said that since he came to know of this only recently and also had not other means of knowing the fact earlier, it should be held that the matter is of recent occurrence. I am afraid I cannot accept this position. This is a matter, as has been told by the honourable Minister-in-Charge, which has been dealt with by the previous Governments, by the Martial Law Government some time in the months of April and May, and even if it is correct that this is a continuous grievance, then the grievance does not, in any way, make that this is tantamount to placing a restriction on the freedom of Press. I am afraid, I cannot agree with that view either. The honourable Member has drawn my attention to a decision, No.357, Selection from the Decisions of the Chair, Pakistan reprint, 1955. I am afraid this would not apply to the case in point. He has made a reference that there was some restriction placed on the publication of the news about Mahatama Gandhi in New Delhi. That was an altogether different matter and, I am afraid, it does not by any stretch imagination, amount to a curb or a restriction on the freedom of the Press and, I am afraid, I cannot agree with this view. In so far as the question of giving advertisements to the various newspapers is concerned, this is a matter in which the Government has unfettered discretion and no paper can, as a matter of right, claim an entitlement to the receipt of advertisements from the Government. In this case also I would hold that this is by no means a matter of recent occurrence. At the moment, I would like to refer to May's Parliamentary Practice, page 307, and on this short ground I would rule the adjournment motion out of order."

(9-11, Vol-II)


Pp. 1308-1312.

50. ADJOURNMENT MOTION: LATHI CHARGE IN CHITTAGONG ON STUDENTS DEMONSTRATING AGAINST A CENTRAL MINISTER: RULED OUT OF ORDER BEING A PROVINCIAL RESPONSIBILITY.
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On the 15th July, 1962, a member moved an adjournment motion on the situation arising out of the lathi charge in Chittagong on students when demonstrating against a Central Minister. The Speaker interrupted the Member while he was reading statement declaring that it was an argument.

On behalf of the Government, Minister for Home Affairs objected to the motion on the ground that it related to Law and Order which was a Provincial subject. The Member argued that a Central Minister was involved in the incident and for various other reasons it was a Central subject. The Minister for Home Affairs objected to the mover going into the merits of the case at which the Speaker observed:

"The Member should know that on such occasions when a member is trying to establish the admissibility of his motion, he should be succinct and as brief as possible, and he has got to confine himself to the question of its admissibility."

The Speaker then asked the Member to show how it was a Central responsibility. Thereafter the Speaker ruled as under:-

"I cannot allow more speakers. Will you please resume your seat? I do not need any more assistance in this matter. I have heard the Government side as well as the sponsor of the motion and also one or two other Members on the point. The whole question for consideration is whether it is primarily the concern of the Central Government or of the Provincial Government. An attempt has been made to show that it is a Central responsibility on account of the fact that a serious situation has arisen and, if not checked at its birth, it may spread further and may create a very difficult situation for the smooth working of democracy in this country. All that may be true, and I think any Government worth its salt will try to look into this question, but so far as the situation that has arisen is concerned, that to my mind still remains a Provincial responsibility. Nothing has arisen which goes beyond the question of law and order is the primary concern of the Provincial Government. From that point of view I do not think we can, by any stretch of imagination, make this matter a Central responsibility; so I rule this motion out of order."

(10-13, Vol-II)
Pp. 1573-1580.

51. ADJOURNMENT MOTION: ALLEGED SERIOUS ILLNESS OF A POLITICAL PRISONER IN PESHAWAR JAIL: GOVERNMENT EXPLAINED THE FACTS OF THE CASE: DISALLOWED, NOT BEING OF AN URGENT NATURE.

On 15th July, 1962, a Member sought leave to move an adjournment motion in respect of
serious illness of Mr. Mehr Dil Khan of Hoti, a political prisoner in Peshawar Jail. On behalf of the Government, the Minister for Home Affairs, declared that he had taken some prompt action in the matter and that the condition of the detenue was satisfactory and if his life were ever in danger, necessary steps would be taken. The Speaker inquired from the mover whether he wanted to press his motion. The Member stated that he was not satisfied with what the Minister said and wanted to press his motion because the condition of the detenue was serious. Thereupon the Speaker observed:

"In view of the statement made by the Minister for Home Affairs I do not think that the matter is of such an urgent nature as to form proper subject for an adjournment motion. So I do not allow this motion."

(11-15, Vol-II)
Pp. 1580-1582.

52. ADJOURNMENT MOTION: MOTIONS TECHNICALLY DEFECTIVE AND THOSE WHICH ARE NOT THE PRIMARY CONCERN OF THE CENTRAL GOVERNMENT MAY BE RULED OUT OF ORDER BY THE SPEAKER IN HIS CHAMBER.

On 5th December, 1962, the Speaker informed the House that there were 20 adjournment motions pending up to that time and then observed:

"And I am surprised to find that most of these motions are on subjects which are not the concern of the Central Government. So, if in this way motions are tabled on subjects which are not the concern of the Central Government, I think, those motions should not come up for discussion before the House.

Hitherto the procedure that we have been following is that motions which are technically defective are ruled out by the Speaker in his Chamber. But motions which require consideration on other grounds, i.e., urgency and public importance and things like that, the admissibility of those motions is discussed on the floor of the House. But motions which are obviously on subjects which are not of Central concern, they also should, likewise, be ruled out by the Speaker in his Chamber. There may be borderline cases which should come within the discretion of the Speaker to bring to the House. I think that procedure will be agreed to by the Members”.

Thereafter some discussion followed. On behalf of the Government Rule 51 of the Assembly Rules was invoked and it was suggested that the precedent of 1962 Budget Session should not be followed. On behalf of the Opposition it was urged that the House should know as to what was happening and as was done during the first session, the Members should be allowed to read their motions in the House. The Speaker said that most of the motions were on subjects relating to the
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Provincial sphere and only three or four related to the Centre. The Chair also pointed out that Members were abusing their rights and that the time of the House should not be wasted.

(12-16, Vol-II)
N. A. Deb., 5th December, 1962.
Pp. 467-470.

53. ADJOURNMENT MOTION: WHILE MOVING HIS MOTION A MEMBER MAY READ ONLY THE MOTION AND NOT THE STATEMENT.

On 5th December, 1962, a Member sought leave to move an adjournment motion on the situation created by putting a ban on Mr. Suhrawardy addressing Public meetings at Sukkur and Hyderabad. An objection was taken on behalf of the Government that it was a Provincial subject.

Foreign Affairs Minister submitted that under Rule 51 it was the Speaker alone who had to determine whether a motion was in order or not. He also pointed out that if the statement is read out and an explanation given then it was bound to be answered and this should not be done at the cost of the time of the House. On behalf of the Opposition it was urged that a Member should be allowed to establish the definiteness, the urgency and the importance of his motion. Thereupon the Speaker observed:

"I was not going to give my ruling outright. I only wanted to take the opinion from each side of the House and to come to a satisfactory arrangement acceptable to all. Unfortunately, I find that there is no such agreement. Therefore, the Speaker has now to discharge his duty to decide this matter, and I think that after he has decided the question it will not be further discussed on the floor of this House. The procedure which I will follow will be this that the Member who has given notice of a motion will be asked to only read out his motion and not his statement, and then he will say only a few words as to why he thinks that the motion is admissible".

The motion was then ruled out of order by the Chair.

(13-16, Vol-II)
N. A. Deb., 5th December, 1962.
Pp. 470-474.

54. ADJOURNMENT MOTION: A MEMBER WHEN CALLED UPON BY THE SPEAKER TO MOVE HIS MOTION MUST BE IN POSSESSION OF A COPY OF MOTION.
On 5th December, 1962, the Speaker called upon a Member to seek leave to move his adjournment motion. Member pointed out that his copy had been misplaced. Thereupon the Speaker observed that it fell through and went over to the next item.

(14-17, Vol-II)
N. A. Deb., 5th December, 1962.
Pp. 474.

55. ADJOURNMENT MOTION: NON-PUBLICATION OF PAY AND SERVICES COMMISSION REPORT, NOT AN URGENT MATTER.

On 5th December, 1962, a Member sought leave to move an adjournment motion on the situation arising out of the non-publication of the Pay and Services Commission Report. On behalf of the Government, Mr. Abdul Qadir, the Finance Minister, objected on the ground that it was not an urgent matter. Thereupon the Speaker ruled the motion out of order.

(15-18, Vol-II)
N. A. Deb., 5th December, 1962.
Pp. 474-475.

56. ADJOURNMENT MOTION: MOTION HELD OUT OF ORDER WHEN AN OPPORTUNITY WAS TO OCCUR TO DISCUSS THE MATTER WHEN AN ORDINANCE DEALING WITH THE SAME SUBJECT WAS TO BE PLACED BEFORE THE HOUSE.

On 5th December, 1962, a Member sought leave to move an adjournment motion to discuss the situation arising out of Government’s failure to ensure a fair price to jute growers. On behalf of the Government Mr. Wahiduzzaman took objection under Rules 144 and 145. Thereupon the Speaker observed:

“The position is that this matter can be discussed when the Jute Ordinance comes up before the House and therefore your motion seems to be out of order. So my ruling is that your motion is out of order”.

and added:

“Members should retain themselves to some extent. If the time of the House is consumed like this by crossing swords between the two sections that will be very unfortunate indeed I hope Members will exercise more restraint than they have been showing.”
The Speaker further observed:

"An objection has been raised to this motion on the ground stated in Rule 49, sub-rule (iv) which lays down "that a motion shall not anticipate a matter for the consideration of which a date has been previously appointed." A Member says that when we discuss the Jute Ordinance this matter will not be proper to be brought forward in that connection. That is what he says. I think the Jute Ordinance was promulgated for the purpose of giving a fair price to the Jute growers".

"If that purpose has not been attained I think Members will be within their rights to discuss that question and they will be in a position to show that a serious situation has arisen and that the Ordinance has not served its purpose. In view of this the motion is not admissible".

(16-18, Vol-II)
N. A. Deb., 5th December, 1962.
Pp. 475-477.

57. ADJOURNMENT MOTION: HELD TO BE ANTICIPATORY BECAUSE THE MATTER WOULD COME UP FOR DISCUSSION UNDER "SUPPLEMENTARY GRANTS".

On 5th December, 1962, a Member sought leave to move an adjournment motion on the situation arising out of the failure of Government to provide adequate relief to flood affected people of East Pakistan. The Finance Minister opposed the motion on the ground that it was a Provincial subject and not of recent occurrence and that it would be discussed under Supplementary Grants which were coming before the House. The Speaker then ruled that the motion was out of order on account of anticipation among the other grounds.

(17-19, Vol-II)
N. A. Deb., 5th December, 1962.


On 6th December, 1962, a member sought leave to move an adjournment motion to discuss the
Public investigation against the M.N.As, on the basis of a letter censored by the Government. He argued that as the Governor of a Province was the agent of the President, it was the responsibility of the Central Government. On behalf of the Government, the Home Minister pointed out that the Central Government was not responsible for any action in the matter and that the Provincial Government had taken action by opening a letter under postal transmission and so it was a Central responsibility as the Postal Department was under the Centre. Thereupon the Speaker observed:-

"As already pointed out, this question was discussed threadbare during the last session of the Assembly. The argument that has been used by the Member, if accepted, would mean that all matters which are Provincial subjects under the Constitution will be admissible in this Assembly. On that ground such adjournment motions were disallowed in the last session. So, I do not see any reason why I should depart from a decision already taken. I rule this adjournment motion out of order".

The Speaker ruled out another similar adjournment motion standing in the name of the Member. The Member persisted in raising the issue of his adjournment motion on a point of order. At this the Speaker remarked:

"I may have decided regarding your motion wrongly. Even if it is so, you cannot challenge my ruling. The House cannot transact any business if you behave like this."

Later on the Member again raised the question, whereupon the Speaker declared:

"I do not see how the Member can say that there is a conflict in my rulings. So far as Member's motion was concerned it was ruled out of order on the ground that the same matter had already been dealt with in this House. So far as Member's motion is concerned, I think his motion was exactly similar to the motion that had been disposed of. He assured me that it was different and I also found on reading it that it was actually different. It was, of course, somewhat similar to the other motion. That is why I allowed him to read out his motion. I do not see how there was any anomaly in my ruling and moreover it is very improper on the part of a Member to question the ruling of the Chair".

(18-20, Vol-II)
Pp. 502-505 and 508-509.

59. ADJOURNMENT MOTION: MATTER STATED IN THE MOTION SHOULD BE DEFINITE: STATEMENT WAS NOT THE MOTION:

On 6th December, 1962, a Member sought leave to move an adjournment motion to discuss the
Finance Minister's statement regarding pay increase. Objection was taken on behalf of Government under Rule 49 that the motion was vague and not specific. Thereupon the Speaker observed that the motion was not clear, it was not definite and ruled motion out of order declaring that the “Statement” submitted along with the motion was not the “motion” itself.

(19-21, Vol-II)
Pp. 505-508.

60. ADJOURNMENT MOTION: IS NOT A CENSURE MOTION.

On 6th December, 1962, a member gave notice of an adjournment motion regarding eviction of residents of Lyari Quarters, Karachi, and their shifting to North Nazimabad. Another Member raised a point of order that the adjournment motion was practically a censure motion on the Government and so it could not be moved from the Government side. The Speaker observed:

"According to our Rules, it is not a censure motion at all."

Thereafter Mr. Z.A. Bhutto assured the mover that residents of Lyari will not be shifted and requested him to withdraw his motion, whereupon the mover withdrew his motion. Thereafter the Speaker observed:

"The procedure that we were following was this that initially an adjournment motion is only to be read and then the Government side should say whether they object to the motion being admitted or not. In this case it was not done so; but I think in future we shall follow the previous procedure that we were following. When a motion is read out by the sponsor of the motion, the Government side will only speak about its admissibility."

(20-21, Vol-II)
Pp. 509-510.

61. ADJOURNMENT MOTION: ISSUE OF JOINT COMMUNIQUE REGARDING INDIA AND PAKISTAN WITHOUT TAKING THE HOUSE INTO CONFIDENCE, HELD TO BE OUT OF ORDER.

On 6th December, 1962, the Speaker taking up an adjournment motion observed:

"The situation said to be created by the Joint Communiqué issued by the President of Pakistan and Pandit Nehru without taking the National Assembly into confidence does
not arise, that has already been discussed."

(21-22, Vol-II)
Pp. 511.

**62. ADJOURNMENT MOTION: REPETITION OF A SUBSTANTIALLY IDENTICAL MOTION NOT IN ORDER.**

On 6th December, 1962 the Speaker addressing a Member declared that he had a motion similar to the one tabled by the Member which had been ruled out earlier. He added that he would pass on to another motion and in the meantime the wordings of his motion would be examined. The Member stated that if any other adjournment motion was admitted then his motion would not be taken up; the Speaker told him that it would nevertheless come up. Thereafter this motion was taken up by the Chair. And although the Member urged that it was different, the Speaker ruled:

"Your motion seems to be similar to that of members; that is enough I have heard you enough."

(22-23 Vol-II)
Pp. 511-514.

**63. ADJOURNMENT MOTION: NOT ADMISSIBLE: IF IT AMOUNTS TO ANTICIPATION OF MATTER TO BE DISCUSSED.**

On 6th December, 1962, a Member tabled an adjournment motion on the sufferings of jute growers due to abnormal fall in jute price. In the first instance the Speaker remarked that this motion was covered by discussion on another adjournment motion. A Member urged that it was a different motion, thereupon the Speaker observed:

"A member will be entitled to take up this question during the discussion of the Ordinance that will come up before this House. In that view the motion is out of order on the grounds of anticipation."

(23-23, Vol-II)
64. **ADJOURNMENT MOTION: INADMISSIBLE IF THE MATTER IS SUB JUDICE: ANOTHER MEMBER MAY SPEAK ON THE QUESTION OF ADMISSIBILITY IF THE MOVER CANNOT EXPLAIN HIMSELF.**

On 6th December, 1962, a member sought leave to move an adjournment motion on the arrest of Maulana Abdul Karim under Frontier Crimes Regulation. On behalf of the Government objection was taken on the ground that the case had been challenged in a court and so was sub judice and that it was a Provincial subject. Thereafter another Member put forward arguments for the admissibility of the motion. A point of order was raised that the mover of the motion should argue his own case and not through a lawyer. Thereupon the Speaker observed:

"The adjournment motion is to be argued by the Member himself but in this case since the Member does not know English. I think it is fair that another Member should be allowed to help him."

The Member then concluded his arguments, whereupon the Speaker observed:

"It is needless to pursue this question any further. As the matter is sub judice it cannot be raised here."

(24-24, Vol-II)
Pp. 515.

65. **ADJOURNMENT MOTION: HELD INADMISSIBLE WHEN FACTS DISPUTED BY GOVERNMENT OR WHEN THE MATTER COMPLAINED OF IS NOT RECENT.**

On 6th December, 1962, a member gave notice of an adjournment motion regarding the situation arising out of abnormal fall in cotton prices. On behalf of Government objection was taken on the ground that the prices have gone up rather than gone down, and that the motion was vague. The Minister also informed the House that the export duty on cotton had to be reduced from Rs.75 to 25. Another Member raised a point of order that the minister was going into the merits of the case. Thereupon the Speaker observed:

"So far as this point is concerned the Minister says that the arguments of the Minister are not relevant on account of the fact that at this stage the merits of the question are not to be discussed. But in this case the very subject-matter of the motion is fall of price of cotton. That fact itself is being disputed. So this is a different case from those which have been hitherto disposed of. Therefore, I think the Minister was quite in order. The point is that the prices
The mover then produced some press cuttings. After some discussion, the Speaker Ruled:

“So far as the motion is concerned the honourable Member who has given notice of it has based his Motion on a newspaper report. He has read out the newspaper report which shows that prices this year are lower than the prices during the previous year. There is nothing that paper cutting to show that recently the prices have gone down. So, I rule the motion out of order.”

(25-24, Vol-II)
Pp. 515-520.

66. ADJOURNMENT MOTION: MUST BE URGENT, AND SUCH THAT CANNOT BROOK DELAY.

On 8th December, 1962, a Member tabled an adjournment motion on the statement made by the Law Minister the previous day regarding the bringing of Laws in conformity with the Holy Quran and Sunnah. The Law Minister, in the first instance, requested the Speaker not to give his consent under Rule 47 to the said adjournment motion. He also denied that he had made any statement as contained in the said motion. An objection was taken that the speech of the Minister before the motion was actually put to the House was out of order. Thereupon the Speaker observed:

“I must reply to what the Law Minister has said. He has objected to the honourable Member reading out his adjournment motion on the ground that first of all the Speaker under the Rules of Procedure has to give his consent to the motion. So far as that matter is concerned, we have been following this practice in this House that the Member who gives notice of an adjournment motion is allowed to read out the text of his motion, then it is enquired whether any Member has got any objection to the motion being admitted, if there is any objection then the sponsor of the motion is requested to say why he thinks that his motion is admissible; after hearing him the Speaker either gives his consent to the motion or withholds his consent. The consent is not given after hearing the sponsor of the motion as well as any other Member who may object to it. In view of that I think the sponsor of the motion should be allowed simply to read out his motion.”

The Law Minister sought clarification whether under Rule 47 he could appeal to the Chair to withhold consent to the motion, whereupon the Speaker remarked:

“Certainly you are quite right, a Member can appeal”.
And added:

"I am not objecting to what you are saying."

Thereafter the number was allowed to read his adjournment motion. After this some discussion followed and the Speaker gave the following ruling:

"At this stage I have only to decide whether the motion is in order, whether the motion is admissible or not. But in this particular case certain other matters have also been gone into which should not have been done. However, I am very sorry to find that the allegations in the motion are not quite correct as has been pointed out by the Law Minister. Whatever that may be, that is not being decided just now. I am not dealing with the merits of the case at all. That the matter is important is beyond doubt. It is a very important matter. But there is another side of the question. Simply because it is an important matter, that is not sufficient. The matter also must be urgent. An urgent matter is that which does not brook delay. So far as this matter is concerned, every one will agree that it will take years to deal with a matter like this. Therefore, I do not see why it is necessary to bring forward this matter before this House by means of an adjournment motion. This can be done a month hence or a few months hence at a future session of the Assembly. Therefore, I do not hold that it is an urgent matter which must be brought today before the Assembly. I rule this motion out of order."

(26-25, Vol-II)

N. A. Deb., 8th December, 1962.

Pp. 641-647.
thereby demolishing not only the foundation of democracy and of free and fair plebiscite, but also creating an atmosphere not congenial to the healthy growth of democratic institutions and causing widespread frustration in the minds of the citizens of Pakistan who are avowedly opposed to the dictatorial form of rule now prevalent in Pakistan.

The words 'dictatorial form of rule...' are inferential and unparliamentarily. Many adjournment motions have been ruled out of order in most legislatures on the mere ground of being couched in intemperate or improper language. Apart from this, the substance of the motion is the alleged grave situation arising out of the undue and undesirable interference by the Ministers and the Governor. The position is that Governors and Ministers are by law permitted to canvass for candidates. Canvassing, therefore, was legally permissible and it is not interference. Now about other public servants, no specific instance has been given and the allegation is neither definite nor specific, which is an essential condition under the Rules for the admissibility of adjournment motions; Rule 49, sub-rule (ii) lays down that:

'The motion shall relate to a single specific matter of recent occurrence.'

It must be a specific matter; it must be a single matter. According to May:

'Matters raised by an adjournment motion must not be couched in general terms or covering a great number of cases.' Again, according to Lord Campion the matter of an adjournment motion must be definite, and a 'definite matter' is defined as one 'that must not be framed in general terms, but must deal with a particular case.' The motion does not mention any definite or a single specific matter.

"Now the next point for consideration is whether an allegation, if denied by Government, can constitute the subject-matter of an adjournment motion. There are several precedents both in this Assembly and in other Legislatures that when Government disputes facts alleged in an adjournment motion, authentic official information is necessary for its admissibility.".

"When Mr. Mohsan Lal Saksena, in October, 1936, moved an adjournment motion in the Indian Legislative Assembly for a discussion that a certain patwari was transferred because he couldn't canvass votes for a particular candidate, the ruling of the Chair was that when the Government denied the allegation, the motion for adjournment could not be allowed unless some authentic information was available. In regard to this motion the Law Minister has denied that there has been any interference by public servants. In the absence of any authentic information to the contrary or even any specific instance, and, also, because of other reasons which I have stated already, I rule that the motion is not in order."
68. **ADJOURNMENT MOTION: COPY TO BE SUPPLIED TO EACH MEMBER AFTER ADMISSION AND BEFORE THE DISCUSSION OF MOTION.**

On 2nd December, 1963, a member raised a point of order that all the members should be supplied with a copy of adjournment motions as moved in the House. Thereupon the Speaker ruled:

"Regarding the point of order raised by the Member it is not the parliamentary practice to circulate copies of adjournment motions proposed to be moved beforehand. Such motions are not part of the proceedings unless they are admitted for discussion and cannot be circulated. But once it is admitted before the discussion takes place, each Member may get a copy of the adjournment motion."


On 2nd December, 1963, on an adjournment motion moved by a Member on the failure of Central Intelligence Department to apprise the Government of conspiracy against Maulana Maudoodi, the Speaker observed:

"This adjournment motion proposed to be moved by the Member runs thus: The House do now stand adjourned to discuss a definite matter of recent and urgent public importance, namely, the situation arising out of the failure of the Central Intelligence Department to apprise the Government of the conspiracy to make an attempt on the life of Maulana Maudoodi at the All-Pakistan Jamaat-e-Islami Conference held recently in Lahore."

"Points have been made out by honourable Members on my left and on my right. I do not think my ruling is called for on all the points raised. I hold that law and order is the primary responsibility of the Provinces concerned under the Constitution. On that point
alone, I rule that the motion is out of order."

(29-30, Vol-II)

70. ADJOURNMENT MOTION: STATEMENT BY AN INDIAN MINISTER ABOUT PLANNED EXPULSION OF INDIAN MUSLIMS: STATEMENT OF A MINISTER OF FOREIGN GOVERNMENT NOT A FIT MATTER FOR SUCH MOTIONS: IN VIEW OF ITS DIRECT REPERCUSSION IN PAKISTAN MOTION HELD IN ORDER.

On 3rd December, 1963, the Speaker gave the following ruling on the adjournment motion moved by Syed Abdus Sultan regarding the situation arising out of, and as revealed by, the statement of Mr. G.L. Nanda, an Indian Minister in respect of planned expulsion of Muslims from India. This ruling covered three more adjournment motions moved by three other different Members:

"The member proposes to move an adjournment motion on the subject of the Muslims' expulsion from India in a planned way, as has been revealed by the statement of the Indian Minister, Mr. Nand. He has given notice of another adjournment motion about the expulsion of some members of the staff of the Pakistan High Commission in India. Another member proposes to move an adjournment motion on the eviction of Indian Muslims by the Government of India. Again a Third Member wants to move an adjournment motion on the infiltration of more than 45,000 Muslims as a result of Indian Government's belligerent policy of evicting them from Assam and Tripura. A Fourth Member proposes to move an adjournment motion on the eviction of Indian Muslims from Tripura and Assam. All these four adjournment Motions are analogous in substance, and if the sponsors of these motions want to participate in the debate which will follow during discussion of any of these motions, if admitted, they will be allowed to do so. So far as the first motion is concerned, normally any statement of a Minister of a Foreign Government should not be the subject-matter of an adjournment motion in this House, but since the statement of the Indian Government reveals a plan which if carried out will pose a problem for Pakistan, the honourable Members have stated that it will hit hard the economy of Pakistan and entail great hardship to the people who will come here in finding employment. Another point which was made by one honourable Member was that Pakistan came into being as the homeland of the Mussalmans and their plight is a matter of deepest concern to the Government of Pakistan. I agree that if anything happens to Mussalmans anywhere in the World that is bound to have repercussions in the minds of the Muslims in other countries. At the moment I do not, however, give a ruling on that point. But so far as this adjournment motion is concerned I rule it in order. As already stated by me, other similar motions proposed to be moved and which are analogous to this motion may be discussed together. The honourable Members will thus have an opportunity to dwell upon the points they want to raise or to pin-point the
problems that will arise in Pakistan-problems which according to the honourable Member will have a serious bearing on the economy of the country and also in other ways. The motion is admitted for discussion."

(30-30, Vol-II)

71. ADJOURNMENT MOTION: EXPULSION AND MANHANDLING OF THREE MEMBERS OF PAKISTAN HIGH COMMISSION BY INDIAN AUTHORITIES: MOVER ABSENT: MOTION FALLS THROUGH.

On 4th December, 1963, the Speaker calling upon the member, who had given notice of an adjournment motion to move his adjournment motion on the situation arising out of the expulsion by Indian Authorities and manhandling by Indian Police, of three members of Pakistan High Commission in New Delhi observed:

"He is not here. The motion falls through."

(31-32, Vol-II)

72. ADJOURNMENT MOTION: SITUATION ARISING OUT OF PRESS CONFERENCES HELD BY HOME MINISTER ATTACKING JAMAAT-I-ISLAMI AND MAULANA MAUDOodi: MINISTERS NOT DEBARRED FROM POLITICAL ACTIVITIES: MATTER NOT URGENT OR SUDDEN: MOTION HELD INADMISSIBLE.

On 4th December, 1963, on an adjournment motion, moved by a Member, the Speaker gave the following ruling:-

"The Member proposes to move an adjournment motion to discuss what he considers to be a definite matter of recent occurrence and of urgent public importance, viz., the situation arising out of the repeated Press Conferences held by the Minister for Home and Kashmir Affairs, violently attacking a lawful political and its leader i.e. Jamaat-e-Islami and Maulana Syed Abdul A'la Maudoodi."

"I have nothing on record to show that the Ministers are barred from taking part in political activities. Statements or counter-statements by Ministers, who have a right to express their views freely is a normal democratic process. There is nothing extraordinary, unusual or urgent about such statements, which is the test of the
admissibility of an adjournment motion. The word 'urgent' laid down in the Rules of Procedure, has been defined in May's Parliamentary Practice as something which emerges suddenly. The event in question is a continuing process "repeated statement" as has been stated in the adjournment motion itself. In view of these facts, I hold that the motion is not admissible.

(32-33, Vol-II)

73. ADJOURNMENT MOTION: ANNOUNCEMENT BY THE CHAIR: TWO MEMBERS FROM EITHER SIDE TO SPEAK ON ADMISSIBILITY.

On 5th December, 1963 the Speaker announced as follows:-

"Before we proceed with the consideration of the admissibility of the adjournment motions, I would like to inform this August House that it would be good practice if not more than two Members from either side speak on the question of, admissibility of adjournment motions, confining themselves to the basic issues relevant to the determination of admissibility. I would request honourable Members to cooperate. That will be a proper practice and will also save time. I would request the Member to read out his motion which he proposes to move."

(33-33, Vol-II)
N. A. Deb., 5th December, 1963.

74. ADJOURNMENT MOTION: SITUATION ARISING OUT OF SCARCITY OF CEMENT IN EAST PAKISTAN AND FAILURE OF GOVERNMENT TO TAKE ADEQUATE STEPS: SITUATION SUDDENLY DETERIORATED: HELD IN ORDERS.

On 5th December, 1963, the Speaker, on an adjournment motion regarding scarcity of cement of East Pakistan and failure of Government to take adequate steps in this behalf observed:

"I have heard the Members on both the sides. I hold that the motion is in order, as it appears prima facie that the situation has suddenly deteriorated although it may not have emerged suddenly."

(34-33, Vol-II)
N. A. Deb., 5th December, 1963.
On the 3rd August, 1964 in adjournment motion which was moved by a Member earlier but deferred because the Minister concerned was not present on that day, was taken up. The Speaker ruled:

"The adjournment motion wants to discuss the failure of the Government in ensuring the cost of production of jute to the jute growers. The adjournment motion does not claim that no minimum price is fixed for jute. You have heard the honourable Commerce Minister, who did say that the minimum price ranges between Rs.20 and Rs.23. There is no voice in this House challenging that is not the minimum price and that it should be guaranteed to the jute growers. There are many rulings in other legislatures of the world, that if any matter is suggested in an adjournment motion, and that is denied categorically by the treasury Benches, the Speaker ruled that the adjournment motion could not be discussed. I have repeated pointed out to the other Deputy Speaker if he could point out one precedent in the history of parliaments where an adjournment motion was allowed, if the matter concerning the adjournment motion was denied by the treasury Benches. But he couldn't cite me one instance. I would welcome any member of the House if he could educate me in this respect, and then probably I would give my ruling in the light of such disclosure, without going into other aspects of this adjournment motion. It is not a question of my personal feelings; it is a question of what it should be according to the rules and according to the precedents in the parliamentary history. In view of the denial categorical denial by the honourable Commerce Minister about the factum of the adjournment motion. I hold, the motion is not a fit one to be discussed in this House. It comes to that: I rule the motion out of order.

But I would request the Commerce Minister to consider if he could find it possible to discuss the jute policy of the Government and its implications in this House. So that the representatives of the country may be taken into confidence with regard to the programme of the Government for ensuring economic stability in the country. Well, that is for the honourable Commerce Minister to decide; but so far as the adjournment motion is concerned, under the rules, I have already indicated that I hold it to be out of order."

(35-34, Vol-II)

RULING OF THE CHAIR

ADJOURNMENT MOTION

75. ADJOURNMENT MOTION: FAILURE OF THE GOVERNMENT TO ENSURE THE COST OF PRODUCTION OF JUTE TO THE JUTE GROWERS: GOVERNMENT DENIED ALLEGATIONS OF SELLING OF JUTE BELOW FIXED MINIMUM PRICE: MOTION RULED OUT OF ORDER.
76. **ADJOURNMENT MOTION: MECHANISM OF DEALING WITH—FROM NOTICE TO TERMINATION OF DISCUSSION: MOTION BEFORE THE HOUSE: WHEN IT HAS LEAVE OF THE HOUSE.**

The Speaker gave the following ruling:-

“A Member raised a point of order seeking to clarify the mechanics of dealing with an adjournment motion—right from the notice stage up to the termination of the discussion. Chapter VIII of the Rules of Procedure answers his queries. According to Rule 47 “A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of recent and urgent public importance may be made with the consent of the Speaker. The consent of the Speaker is, therefore, the first prerequisite for a motion to be before the House. That is one stage, when the Member concerned is permitted to ask for leave under Rule 50 of the Rules of Procedure—and the motion is before the House. Now Rule 51 on which emphasis was given by learned Members lays down the procedure as to how the leave of the House is to be obtained. It says, “if the Speaker is of the opinion that the matter proposed to be discussed is in order”—and the motion is already there when the Speaker has given his consent under Rule 47 and the Member concerned has been allowed to make the motion under Rule 50. “he shall read the statement to the Assembly”. This is the Speaker’s duty, under Rule 51, to ask whether the Member has leave of the Assembly to move the adjournment motion. If not less than 25 Members rise in their seats in support of the motion, the Speaker shall intimate that leave is granted and the motion shall be taken up as the last item for the Day. I will refer you to Rule 52 which has been discussed by distinguished Members. The caption there is, ‘limitation of time of discussion,’ on an adjournment motion. The motion is thus already there. It further says that ‘if the debate is not concluded within two hours, it shall automatically terminate and no question shall be put’. So, this should be clear that as soon as the Speaker after the admission of the motion fixes the time for discussion, the motion is before the House. Nowhere in the Rules of Procedure it is said that a member has got to move the motion again formally in the House having done so once while asking for leave to make the motion under Rule 50. Of course, the mover will as of course repeat the motion when he speaks in support of it. As such my interpretation of the Rules would be that as soon as the Speaker gives his consent under Rule 47 and allows the motion to be made under Rule 50, it is before the House and when the motion has the leave of the House, it is to be discussed for 2 hours by the Assembly. So, the motion is already there before the House.”

(36-35, Vol-II)

ADJOURNMENT MOTION: DISALLOWED BY SPEAKER IN HIS CHAMBER, CANNOT BE RAISED IN THE HOUSE:

On 29th November, 1965, when Mr. Hasan A. Shaikh rose to move his adjournment motion regarding failure of Government to publish Education Commission's report, Mr. Deputy Speaker informed him that his motion had been disallowed by the Speaker in the Chamber and an intimation to that effect was sent to him. Mr. Hasan A. Shaikh contended that the question of giving or refusing consent under Rule 47 could only be decided on the floor of the House and not in the Chamber of the

The Law Minister argued that the Speaker was competent to decide the admissibility of the motion in his Chamber and his decision would be taken as final in that respect. Mr. Deputy Speaker ruled that the adjournment motion was disallowed by the Speaker in the Chamber and the matter could not be reagitated in the House.

(1-1, Vol-III)
Pp. 727-730.

ADJOURNMENT MOTION: QUESTION OF DAILY OCCURRENCE OR SITUATION OF A NORMAL NATURE CANNOT BE THE SUBJECT MATTER OF AN ADJOURNMENT MOTION:

On 24th November, 1966, Moulana Abdul Hafez Mohsenuddin Ahmad brought an adjournment motion in the House to discuss the shortage of foodstuffs in the country and the consequent hardship faced by the people.

The Food Minister, Mr. A.H.M. Shams-ud-Doha, opposed the admissibility of the adjournment motion on the ground that the statements in the newspapers about non-availability of food were incorrect and advised the Member to read the statements issued by the Government, from time to time, about the availability of food.

Mr. Acting Speaker, however, put the motion to the House. The motion was defeated as the requisite number of thirty members did not rise to support it.

(5-3, Vol-III)
Pp. 75-78.
79. ADJOURNMENT MOTION: ON THE DAY THE NO-CONFIDENCE MOTION AGAINST THE SPEAKER IS TO BE MOVED, ALL THE ADJOURNMENT MOTIONS ARE AUTOMATICALLY DEFERRED TILL THE NEXT WORKING DAY.

On 6th May, 1968, a member raised a point of order to enquire about the fate of the adjournment motions shown on the Orders of the day, when the motion of no-confidence against the Speaker was to be discussed on that day.

Mr. Senior Deputy Speaker observed that the adjournment motions, given notice of for discussion on that day, would be deferred till the next working day and the question of urgency would not arise.

(3-2, Vol-III)
Pp.12.

80. ADJOURNMENT MOTION: POINT OF ORDER: ADJOURNMENT MOTION CAN BE DEFERRED TILL SUCH TIME IT BECOMES EXPEDIENT TO DISCUSS IT.

On 7th May, 1968, when the admissibility of an adjournment motion was being discussed regarding the construction of Farakka Barrage, Mr. Abdu Sobur Khan, Leader of the House, pointed out that, since a team of experts to negotiate the issue was going to New Delhi shortly, it would not be appropriate to discuss the matter in the House until deliberations of the negotiation were known to the Government. He, therefore, requested for deferment of the adjournment motion until after the conference in New Delhi was over. After some discussion, Mr. Speaker ruled that the adjournment motion may be held over till the result of the conference was known.

(4-3, Vol-III)
N. A. Deb., 7th May, 1968.
Pp.104-112.

81. ADJOURNMENT MOTION: NO ADJOURNMENT MOTION CAN BE ADMITTED WHICH DOES NOT CONTAIN THE AUTHENTIC SOURCE OF INFORMATION:

On 7th February, 1969, Mr. Mukhlesuzzaman Khan tabled an adjournment motion to discuss the situation created by the Government of Pakistan's reported proposal to re-examine the viability of the Sylhet Paper and Pulp Mills, particularly at a time when a huge amount of loan had been arranged for the expansion of the Karnaphuli Paper Mills.
The Law Minister objected to its admissibility mainly on the ground that the adjournment motion did not state as to when the Government made the proposal of examining the feasibility of the Sylhet Paper and Pulp Mills which, it seemed, was based on hearsay.

Mr. Speaker gave his ruling on 11th February, 1969, as under:

"I heard Mr. Mukhliesuzzaman on the admissibility of his motion. He alleged that reopening the question of feasibility of the said Mill, after its approval by the NEC, was a matter of concern and importance. The motion was opposed by the Minister for Law and Parliamentary Affairs on the grounds that the Member had not stated the authority on which the motion was based and he also did not prove that the motion was based on a recent happening, thereby, failed to fulfill the condition of urgency. He also stated that the motion was hit by rule 50(e) of the Rules of Procedure, 1966, as the statement appended with the motion contained ironical expressions and inferences in terms of rule 79(4). However, I find from the records that the adjournment motion was based on a report in the Pakistan Observer, dated the 7th February, 1969. Furthermore, it is not obligatory on a Member, tabling and adjournment motion, to furnish the document on which an adjournment motion is based, as in the case of a privilege motion."

Although the project is a matter of public importance, the alleged decision of the Government to have a fresh feasibility study cannot give rise to an adjournment motion, as the Government is duty-bound to ensure that a project is well conceived and economically viable and feasible. Nothing has been said by the sponsor of the motion to show that the implementation of the project has been abandoned. His fear that the delay will cause harm to the economy of East Pakistan is, therefore, hypothetical and inferential. There is every possibility, on the other hand, that a well conceived and well planned project may be of greater benefit to the people of this region. Further, the Member has used ironical expressions, like 'fishy' etc., as pointed out by the Minister for Law and Parliamentary Affairs.

I, therefore, disallow the adjournment motion under rule 59(g) and rule 50(e) read with rule 79(4) of the Rules of Procedure, 1966.

(2-1, Vol-III)
Pp. 668-671 and 682.

82. ADJOURNMENT MOTION: WOULD NOT BE COMPETENT IN CENTRAL LEGISLATURE TO DISCUSS THE CIVIL ARMED FORCES UNDER THE CONTROL OF PROVINCIAL GOVERNMENT:

On 6th February, 1969, Dr. Aleem-al-Razee sought to move an adjournment motion to discuss
the grave situation arising out E.P.R. firing on a peaceful procession in Tangail, District Mymensingh, on the 5th February, 1969, and contended that, since E.P.R. was a part of the regular armed forces, the National Assembly was competent to discuss the issue.

The Defence Minister opposed its admissibility on the ground that E.P.R. was civil armed force under the control and direction of the Provincial Government.

Mr. Speaker ruled as follows:

"Prima facie, the matter falls within the sphere of the Provincial Government. But it seems the Member has been labouring under the impression that E.P.R. are the full responsibility of the Central Government and that, for all their actions, the Central Government is responsible. The fact, however, is that, in the matter of internal security duties, the EPR are under the control of the Provincial Government.

The subject-matter of the adjournment motion is, therefore, hit by rule 50(e) read with rule 79(2) of the Rules of Procedure and Conduct of Business in the National Assembly of Pakistan, 1966. Accordingly, I rule the motion out of order, as the matter is not the primary concern of the Central Government."

(6-3, Vol-III)
Pp. 573-574 and 668.

83. **ADJOURNMENT MOTION: INADMISSIBLE IN THE MEETING OF NATIONAL ASSEMBLY AS A CONSTITUTION MAKING BODY UNDER THE INTERIM CONSTITUTION OF 1972:**

In the meeting of National Assembly (Constitution-making body) held on 14th August, 1972, a member sought to move an adjournment motion whereupon the Minister for Law and parliamentary Affairs observed that no business other than the business with respect to the making of the Constitution or an amendment to the Constitution could be transacted according to the Constitution.

The Chair ruled that, as pointed out by the Law Minister, the position was abundantly clear. The Provisions of the Constitution could not be superseded by the rules framed under the Constitution. In the event of a rule being inconsistent with the Constitution, the provision of the Constitution must prevail. As such, under article 96 of the constitution, the adjournment motion could not be allowed to be moved.

(25-16, Vol-IV)
84. **ADJOURNMENT MOTIONS: INADMISSIBLE: SUBJECT MATTER OF THE MOTION A PROVINCIAL MATTER AND ALSO SUB-JUDICE:**

In the meeting of the National Assembly (Legislature) on 31st August, 1972, a member gave notice of a motion to adjourn the House in order to discuss the unwarranted firing on peaceful Christian demonstrators resulting in the deaths and injuries to innocent citizens in Rawalpindi on the 30th August, 1972, as reported in the Daily "Nawa-I-Waqt" Jang 'Pakistan Time' and other newspapers of the 31st August, 1972. An identical adjournment motion was given notice of the same day by another member. Mr. Speaker enquired if the adjournment motion related to the sphere of responsibilities of the Federal Government. The mover replied that it did as the new education policy was framed by the Central Government and the incident flowed directly from implementation of the policy. The Minister for Interior opposed the moving of the motions on the ground that, firstly, it was a matter which did not concern the Federal Government. Being a law and order problem, it concerned the Government of the Punjab. Secondly, the Additional Deputy Commissioner had already been appointed to hold a judicial inquiry into the incident, that is, the matter was before a court of inquiry and, therefore hit by rule 55 of Rules of Procedure and Conduct of Business in the National Assembly (legislative), 1972. Mr. Speaker then gave the following ruling:

"These two adjournment motions notices of which have been given by Ch. Zahur Illahi and Mr. Amirzada Khan are ruled out of order, first because is a provincial matter; secondly, because a judicial enquiry is going on in the matter; Certain persons have been arrested and the case is going to a court of law, and the matter is Sub-Judice."

(76-47, Vol-IV)

85. **ADJOURNMENT MOTIONS: INADMISSIBLE: MATTER SUB-JUDICE WHEN WRIT FILED IN A COURT: PENDENCY OF WRIT FOR ADMISSION FOR HEARING IMMATERIAL:**

In the meeting of National Assembly (Legislature) on 21st August, 1972, the admissibility of six identical adjournment motions regarding the arrest of Agha Shorish Kashmiri under the Defense of Pakistan Rules came up for discussion. The Minister for Interior objected to the moving of the motions on the ground that the matter was under adjudication in a court of law because the wife of Agha Shorish kashmiri had filed a writ petition in a court of law. Another member stated that the objection was not
correct because the writ had not yet been admitted for hearing by the court. As such, he added the matter was not sub judice. The member argued that unless the writ was admitted, it could not be deemed to be under adjudication.

Mr. Speaker ruled that even if the writ was not admitted, the matter became Sub-judice as soon as the writ was filed. A member expressed his disagreement with the observation of the Chair. Mr. Speaker observed:

“‘I want to say that if a petition for habeas corpus or a writ petition, is filed in a court, as soon as it is filed, it becomes sub-judice whether it is admitted or not.’”

In reply to another point raised by another member about the admissibility of the motions, Mr. Speaker ruled:

“‘But the discretion contained in rule 88 (5) is that when a matter is Sub-judice, no resolution can be moved; and if no resolution can be moved, then no adjournment motion can be moved. So, I think all these motions are out of order.’

(97-67, Vol-IV)

N. A. (L) Deb., 21st August, 1972
Pp.209-210

86. ADJOURNMENT MOTIONS: INADMISSIBLE: MATTER UNDER ADJUDICATION IN A COURT OF LAW:

In the meeting of National Assembly (Legislature) on 22nd August, 1972, a member gave notice of an adjournment motion to discuss the murder of the late Dr. Nazir Ahmad, a member of the National Assembly, and the threats received by the widow of the deceased which was causing a sense of insecurity and apprehension in the minds of the Opposition. A member pointed out that the matter did not relate to the Federal Government because the murder took place in a Province and prevention of crime and law and order are Provincial responsibilities. Another member supported the adjournment motion on the ground that the deceased was a member of this House and whatever concerned this House should be allowed to be discussed here. The Minister for Interior objected to the moving of the motion, inter alia, on the ground that the accused in the case relating to the murder of Dr. Nazir Ahmad had been challaned and that the case was pending in the court of a magistrate. He, therefore, maintained that under rule 54(c) read with rule 88 (5) of the Rules of Procedure and Conduct of Business in the National Assembly (Legislature), 1972, the motion was inadmissible.

Mr. Speaker ruled the motion out of order on the ground that the matter was under adjudication in a court of law.
87. **ADJOURNMENT MOTIONS: A MOTION STANDING IN THE NAME OF SEVERAL MEMBERS CAN BE MOVED BY ANY ONE OF THEM:**

On 30th May, 1973, when Sahibzada Ahmad Raza Khan Qasuri stood up to move an adjournment motion which was given notice of by several members and said "we the undersigned give notice of a motion .............", Malik Mohammad Akhtar objected to the moving of the motion on the ground that under rule 57 of the Rules of Procedure and conduct of Business in the National Assembly (Legislature), 1972, such a motion could not be moved by one member. Mr. Speaker ruled:

"Even if an adjournment motion is standing in the name of many members, only one member will be called upon to ask for leave of the House, but the member while reading the motion may use the word 'we'."

(3-2, Vol-IV)

88. **ADJOURNMENT MOTION: CENSURE MOTION CAN BE MOVED ONLY THROUGH A RESOLUTION AND NOT THROUGH AN ADJOURNMENT MOTION:**

On 4th December, 1973, a member wanted to censure the Federal Government through a motion for adjournment of the House for its failure in giving directions to the Provinces for the proper exercise of their executive authority. It was alleged that the Provinces were being governed under the cover of Defense of Pakistan Rules and this had become a great menace to the peace and tranquility of Pakistan and the Federal Government had failed to prevent it.

Malik Mohammad Akhtar opposed the adjournment motion by placing reliance on ruling No. 20, reported in Decisions of the Chair, 1962-65, wherein it was held that an adjournment motion was not censure motion.

The Law Minister argued that, through an adjournment motion, censure against the Federal Government could not be allowed. The Law Minister also contended that, as laid down in rule 80(b) and (c) of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, the scope of the adjournment motion was very much limited while the scope of the censure motion was very wide.
On the other hand, Prof. Ghafoor Ahmad supported by Mr. Ahmad Raza Qasuri vehemently argued that through an adjournment motion censure against the Government could be debated. Prof. Ghafoor Ahmad relied on ruling No. 360 reported in decision of the Chair 1941-45, to support his plea.

Mr. Speaker observed that the ruling cited by Malik Mohammad Akhtar did not solve the controversy. He also did not agree to follow the ruling cited by Prof. Ghafoor Ahmad because it was delivered when the British India was governed under the Government of India Act which did not contain provisions relating to a resolution of No-confidence against the Prime Minister which have now been made in Article 96 of the constitution. Mr. Speaker said that the Clear and Mandatory provisions of the Constitution and the rules could not be circumvented by having recourse to adjournment motions.

Drawing distinction between an adjournment motion and substantive motion, Mr. Speaker observed:

"I do not want to express my opinion at this stage as to what is the scope of an adjournment motion. It is a lengthy matter. I will confine myself only to the difference between the adjournment motion and the censure motion. I have consulted May's Parliamentary Practice (page 271). There is a clear distinction between a substantive motion and a motion for the adjournment of the House. Substantive motion has been defined as follows:

"A substantive motion: Self-contained proposal submitted for the approval of the House and drafted in such a way as to be capable of expressing a decision of the House."

I am of the opinion that censure motion can only be moved through a resolution mentioned in the Constitution and not through an adjournment motion. The Present adjournment motion also........does not relate to one definite issue or a matter of recent occurrence, So, the motion is ruled out of order.............."

(7-4, Vol-IV)
Pp. 129-130.

89. ADJOURNMENT MOTION: DISCUSSION ON THE ADMISSIBILITY OF AN ADJOURNMENT MOTION-NO BAR TO THE MOVING OF ANOTHER ADJOURNMENT MOTION ON THE SAME OBJECT: "DISCUSSION" CONTEMPLATED BY RULE 80 (B) IS DISCUSSION ON THE MERITS OF AN ADJOURNMENT MOTION: PROVISIONS IN THE RULES DISALLOWING
RULING OF THE CHAIR

ADJOURNMENT MOTIONS WHICH ARE DISCUSSED OR RULED OUT IN THE
SENATE NOT ULTRA VIRES OF THE CONSTITUTION:

On 10th December, 1973, a member sought to raise the adjournment of the business of the
Assembly to discuss the increase in the price of petroleum products. A member objected that since a
similar motion moved in the Senate earlier was ruled out of order by the Chairman, discussion on the
same subject could not revised under the rule 80 (d) of the Rules of Procedure and Conduct of Business in
the National Assembly, 1973. The minister without Portfolio, however, pointed out that the word
“discussion” in the said rule meant discussion on the merit of a motion and not on its admissibility.

Main Mahmud Ali Kasuri contended that rule 80 (d), in so far as it debarrad the National
Assembly to discuss a motion which had earlier been discussed or disallowed in the
Senate, was ultra vires of the Constitution which has created two separate and
independent Houses, with power defined in the Constitution. He also suggested that the
said rules should be amended so as to bring them in line with the constitutional position.

Mr. Speaker ruled:

"Maulana Shah Ahmed Noorani gave notice of an adjournment motion to discuss the
announcement by Government regarding increase in the price of various kinds of
petroleum and other related items as reported in the daily "Jang" dated 22nd November,
1973, during the debate on the admissibility of the motion on 5th December, 1973, an
objection was raised that a similar motion had been tabled in the Senate but it was ruled
out of order by the Chairman of the Senate, and, therefore, the present adjournment
motion was hit by rule 80 (d) of the Rules of Procedure and Conduct of Business in the
National Assembly, 1973, which requires that a motion shall not revive discussion in the
same session or in the Senate within Six months. A perusal of the proceedings of the
Senate shows that the adjournment motion in the Senate was ruled out of order on the
ground that the matter was at that time sub-Judice.

Main Mahmud Ali Kasuri argued that rule 80 (d) was ultra vires of the Constitution which
has created two separate and independent Houses with powers defined under the
constitution. He also requested that the rule in question may be suspended in exercise of
the Speaker’s powers under rule262. He further argued that rule 80 (d)should be
amended in accordance with rule 269.

I cannot agree with Mian Mahmud Ali Kasuri that the rule is ultra vires of the
Constitution. So far as the amendment of the rule is concerned, a procedure is laid down
under the rule 269 and any honourable member can have recourse to that rule.

Mr. Khurshid Hasan Meer, Minister without Portfolio, advanced the view that the word “
discussion” in rule 80 (d) meant full discussion on the merits of an adjournment motion
after it had been admitted, and did not refer to a discussion on the admissibility of a particular adjournment motion.

Malik Mohammad Jafar supported this view and stated that the Government was accountable to parliament, any matter for which Government could be held accountable could be debated either in National Assembly or in the Senate, but since the Cabinet is responsible to the National Assembly, discussion on a matter in this sovereign House should not be barred.

I have given a careful consideration to the question and the relevant provisions of the Constitution... and the rules of procedure. There are instances of overlapping provision, but as to the jurisdiction of the Nation Assembly and the scope of discussion, I do not want to enter into a controversy at this stage. For the first time in the history of the country a bi-cameral legislature has been set up and there is bound to be some sort of overlapping. The idea should be to resolve controversies and not to make the controversies more complicated. We shall look into this aspect of the matter at some later time, as pointed out by the minister without Portfolio, interpretation of the word "discussion" used in rule 80(d) has to be given. Reference in this connection may be made to rule 82(1) which pertains to grant or withholding of leave: “If the Speaker is of the opinion that the matter proposed to be discussed is in order, he will take the sense of the House whether leave should be granted or refused.” A discussion on the admissibility of an adjournment motion is not a discussion of the motion which can only take place after leave has been granted.

The words used in rule 54(10), which relates to admissibility of a question, are also significant:

"The question shall not repeat in substance questions already answered or disallowed by the Speaker or the Chairman or to which an answer was refused in the Assembly or the Senate during the last two sessions."

The provisions relating to admissibility of a question are thus more stringent than the provisions relating to adjournment motions. Rule 80(d) does not state that an adjournment motion, which is ruled out of order or disallowed by the Chairman of the Senate, should not be moved in the National Assembly. It only says that it shall not revive discussion on a matter which has been discussed in the Senate.

I cannot fail to take notice of the weight of the argument with regard to the independence of both the Houses in their respective spheres and the accountability of the Government to the National Assembly. At Present, there is no need to explore this point further, but I must say the Nation Assembly cannot be deprived of an opportunity to discuss urgent matters of public importance facing the nation, as the accountability of the Government, of the opposition and of the individual members is directly to the
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nation.

The Minister without Portfolio has also stated that the matter is no longer sub-judice. Thus, the main consideration of which the adjournment motion was ruled out of order by the Chairman of the Senate, does not apply any longer and the admissibility of the motions cannot be challenged.

On this ground now . . . . .

I hold the rule 80(d) is not attracted in this case for the following reasons:

1) the matter is no longer sub-judice; and
2) discussion of admissibility does not amount to revival of discussion within the meaning of rule 80(d).

(18-10, Vol-IV)

90. ADJOURNMENT MOTION: MINISTER CANNOT MAKE STATEMENT ON THE MERITS OF THE MOTION BEFORE GRANT OF LEAVE BY THE HOUSE FOR ITS DISCUSSION:

When an adjournment motion tabled by a member for the Opposition was found in order the Minister concerned wanted to make a statement on the floor of the House for explaining the Government position on the question involved in the motion. He added that if the Opposition did not like him to make the statement and wanted to discuss the motion, he was prepared for its discussion. A member suggested that before leave of the House was asked for, the Minister may be allowed to make a statement because, unless his views were known the Members could not form any opinion. Mr Speaker did not agree and, referring to rule 264 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, observed that a Minister was allowed to make a statement only to satisfy the other side or to correct a certain position if some facts were denied; but not otherwise.

(22-15, Vol-IV)
P.363.

91. ADJOURNMENT MOTIONS: IF AN ADJOURNMENT MOTION INVOLVES A QUESTION OF BREACH OF PRIVILEGE, THE QUESTION OF PRIVILEGE SHOULD BE RAISED IN WRITING, BY MEANS OF A SEPARATE NOTICE:
On the 5th December, 1973, when an adjournment motion tabled by Sardar Inayat Ur Rahman Abbasi regarding the conduct of Mr. Abdul Wali Khan was moved, Mr. Speaker observed that earlier a similar motion moved by Mr. Mahmood Azam Farooqui had been ruled out of order.

Sirdar Shaukat Hyat Khan argued that as the adjournment motion referred to the conduct of an honorable member of the House, who was also the Leader of the Opposition, there arose a question of breach of his privilege. He, therefore, proposed that the matter should be referred to the Privileges Committee.

The Law Minister replied that if reference to the Privileges Committee was sought, a motion, in writing, to the effect would have to be made.

Mr. Speaker ruled that if any honourable member thought that his privilege had been breached, he could give a written notice of a privilege motion to be moved in the House.

(24-16, Vol-IV)
Pp. 131-139.

92. ADJOURNMENT MOTIONS: LEAVE OF THE HOUSE TO BE ASKED EVEN OF OBJECTION IS TAKEN NOT BY THE MINISTER BUT BY ANY OTHER MEMBER:

When an adjournment motion was found admissible, an objection to its discussion was taken by the Minister without portfolio but not by the Minister concerned. The Speaker desired to ask for the leave for the House. Main Mahmud Ali Kasuri maintained that as the Minister concerned did not object to the motion, there was no need to ask the members to rise in their seats for the purposes of giving leave. Mr. Speaker did not agree and asked the leave of the house which was refused.

(26-17, Vol-IV)

93. ADJOURNMENT MOTIONS: MINISTER CONCERNED NOT OBJECTING TO THE DISCUSSION OF THE MOTION: DESPITE HIS AGREEMENT, ADMISSIBILITY OF THE MOTION TO BE DETERMINED:

When the Speaker asked the mover of an adjournment motion to establish its admissibility, a member raised a point of order that as the Minister concerned had agreed to the discussion of the motion, it could be discussed by the House. Mr. Speaker observed that the agreement of the Minister was not enough and it had to be seen whether the motion was admissible or not. He added that the
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admissibility was to be determined according to the rules.

(28-18, Vol-IV)
Pp. 345.

94. ADJOURNMENT MOTIONS: PROCEDURE EXPLAINED IN DETAIL: SPEAKER CAN DISALLOW A MOTION IN THE CHAMBER IF IT IS AN ABUSE OF THE RIGHT OF MOVING A MOTION: MOTION TO BE READ OUT IN THE HOUSE ONLY WHEN FOUND IN ORDER:

On 26th November, 1973, Mr. Ahmad Raza Khan Qasuri, MNA sought adjournment for the House to discuss the Prime Minister's statement about the future of Kashmir, when he was reading his adjournment motion. A preliminary objection was raised by Mr. Khurshid Hasan Meer, Minister without Portfolio, under rule 80 (g) of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, to the reading of the statement. He contended that the statement was argumentative, ironical, etc. This gave rise to a lengthy debate whereafter Mr. Speaker delivered the following ruling, on 13th December, 1973, explaining the procedure relating to the adjournment motions:

"Mr. Ahmad Raza Khan Qasuri....... Tabled an adjournment motion on 26th of November, 1973....... Mr. Ahmad Raza Khan was reading his adjournment motion when a preliminary objection was raised by Mr Khurshid Hasan Meer, under rule 80(g). The honourable minister argued that the mover could not be allowed to read the motion as it was inadmissible under rule 80(g). This led to a heated debate, but it was fruitful and productive. A number of honourable members have participated. A number of rulings, authorities, precedents have been quoted to explain the meaning of adjournment motion, the different procedural stages through which an adjournment motion is to pass, the scope of an adjournment motion,......the mover's right to speak on it, the opposer's right to reply, the authority of the chair inside the House, in the chamber, and finally the purpose and object of the adjournment motion........ Reference has also been made to May's Parliamentary Practice and to 'Practice and procedure of Indian Parliament' by S.S. More. The references and rulings are of great help but it would be better if we confine ourselves to the rulings of our own National Assembly and the previous National Assemblies of Pakistan. I am grateful to Malik Mohammed Akhtar for quoting a very important ruling relevant to the point, reported as ruling No. 55 at page 36 of decisions of the chair, 1921 to 1940.......The ruling gives entire history of the adjournment motion, its scope and other allied matters. I am thankful to Sirdar Shaukat Hyat Khan for quoting Chapter 11 of S.S. More's book, pages 462 to 482, with special reference to page 477.

I have tried to look into the matter in detail, and have gone through the precedents and practice of the present National Assembly and of the previous National Assemblies of
Pakistan. The usual practice followed in the present National Assembly is that all the adjournment motions are laid before the house and no adjournment motion is ruled out of the chamber. Arguments have been advanced in support of, and against, this proposition. I am not going to depart from this practice but this is not the only answer. The departure from this practice but this is not the only answer. The speaker is perfectly competent to decide the admissibility of an adjournment motion in the chamber, as it is done in the case of questions and resolution. Mr. Khurshid Hasan Meer has vehemently argued that by reading an adjournment motion, the mischief is done. An adjournment motion, which is defamatory, contains arguments, inferences or ironical expressions, should not be allowed to be read in House. It should be straight way ruled out in the chamber. I agree with this contention and I am fortified by the ruling of no less a Speaker than Maulvi Tamizuddin Khan, ruling No. 12, page 10, Decisions of the chair 1962-65. The worthy Speaker has clearly held:

And I am surprised to find that most of these motions are on subjects which are not the concern of the Federal Government. So, if in this way, motions are tabled on subjects which are not the concern of the central government, I think those motions should not come up for discussion before the House.

Hitherto the procedure that we have been following is that motions, which are technically defective are ruled out by the speaker in his chamber, but motions which require consideration on other grounds, i.e. urgency and public importance and things like that, and things like that, the admissibility of those motions is discussed on the floor of the House. There may be borderline cases, which should come within the discretion of the Speaker to bring to the House. I think that procedure will be agreed to by the member.

I may mention here that before laying down this rule, the speaker asked Sardar Bahadur Khan as to how many motions had been tabled. Sardar Bahadur Khan replied: "Only 20, Sir." A debate followed the observations made by Maulvi Tamizuddin Khan, in which Messrs. Masihur Rahman, Syed Abdus Sultan and Sardar Balakh Sher Khan Mazari asserted that the House should know the contents. Thereupon, the speaker remarked:

"I see twenty motions have been tabled and except for two or three, all are on provincial subjects. Why should the time of the house be wasted by discussing admissibility of such motions. If a matter is not the concern of this legislature, why should the House know about it?"

Maulvi Mufti Mahmood also asserted that the motion be read out in the House but the Speaker disagreed with Maulvi Mufti Mahmood. The Speaker further remarked, at page 469, that adjournment motions should not be brought as an abuse of the right of an honourable member to bring forward an adjournment motion. Sardar Balakh Sher Khan
Mazari raised another point that if the adjournment motion was not read in the House, how the member would be able to know the ground on which it had been ruled out, so that the mistake was not committed again, to which the Speaker replied that the member would be informed by an official communication.

Rule 80 is clear on the subject that, before the moving of an adjournment motion, its admissibility is governed by rule 80. Rule 79 lays down that the notice of the motion shall be delivered to the secretary. The secretary shall, thereupon, bring the notice to the knowledge of the speaker, the leader of the House, the minister concerned and the minister for law and parliamentary affairs. Rule 81 clearly lays down: “Leave to make a motion shall be asked for after question…….” The rule does not say that leave to make a motion includes the reading of a motion. It implies that just after question hour, the motion shall be taken up. It only says that the motion shall be brought to the notice of the House.

Since I have already ruled that no adjournment motion shall be ruled out in the Chamber, this is the stage when objection to its admissibility can be raised by any honourable member of the House, without going into the merits and without reading the motion. Once it is held that the motion is admissible, then the second stage comes that “it is in order” and then, of course, the motion will be read out and replied to.

Ruling No. 55 quoted by Malik Mohammad Akhtar is also a very useful ruling on the history of adjournment motions and it is laid down by Mr. Mavalankar, Speaker of Lok Sabha, that since 15th August, 1947, the entire constitutional and political set-up has changed. The Ministry is fully responsible to the House and the members have now ample opportunities of discussing various matters. The Government being responsible, time can be had by a pressing request made to the Government. The ruling further says that the character and importance of an adjournment motion in a sovereign Parliament, against, a Government which is responsible to it, do not seem to have been properly appreciated or realized and that is why, some honourable members feel that their right are being restricted by disallowance of adjournment motions. In fact, there is no restriction on anybody’s right to raise a discussion. Opportunities, therefore, are now very much widened and advantage may be taken of these opportunities.

The book quoted by Sirdar Shaukat Hayat Khan is also very useful and relevant on the subject----Practice and Procedure of Indian Parliament, by S. S. More. At page 463, it is clearly laid down that the question as to what is a matter of urgent, definite and public importance, has to be decided by the Chair. The rulings given by the successive Speakers, in order to interpret these terms, have resulted in making the test of urgency and importance very rigid, with the desired result that such motions have become rare and progressively less frequent. The truth of this statement is substantiated by statistics. Between 1920–30, leave was given for seventeen urgency motions. Between 1930-40
only seven such motions were debated. Page 465 of the same book reads as under:—

“Before independence, disallowance of a motion was a rare exception but after 1947 and particularly since 1952, admission of a motion has become a unique occurrence. During the 15 sessions of the first House of People (LoS Sabha, 1952-57, 157 adjournment motions were tabled, but only one was given consent of by the Speaker.”

Page 477 deals with the Speaker’s consent. It clearly differentiates between the procedure followed in the House of Commons and that in the Indian Parliament. In the House of Commons, the only responsibility of the Speaker is to see that the matter sought to be discussed is in order, but the procedure of the House of People seems to be to make number one ‘giving consent’ and then holding the matter in order, as two separate processes. The English Speaker acts with the limited purpose and a motion moved in the House of Commons must comply with the provisions of standing order No. 9 but the Indian Speaker endowed with the power of giving or refusing consent, always exercises larger measure of power than their English counterparts, at page 479 the following has been clearly laid down:

“While disallowing an adjournment motion on March 5, 1952, the Speaker did not read it to the House. When the member requested that the House Should Know of it, the Speaker made the following observations:—

“Not at all. I am Not bound to read out any frivolous motions of that type”.

When the member persisted that, if it was a frivolous motion, it would be made known to the House, the Speaker ruled as follows:

“It is the privilege of the Chair to decide whether a motion is frivolous or not. So long, at least, as the rules are there, I do not propose to part with the right of the chair in favour of the House, with all respect to the house, of course.”

Replying to a query whether the contents of the adjournment motion to which consent was refused by the Speaker, could be brought to the notice of the house by the member concerned, the Speaker observed as follows:—

“He is perfectly entitled, but in the case of adjournment motions, which are obviously inadmissible under any rules of any parliament, I am not going to read those motions in the house.”

Holding that the subject-matter of a motion was defamatory, the speaker announced that he would not mention “the subject on which the adjournment motion is based.” The member concerned, by way of explanation, mentioned the subject, the Speaker declared
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that he would order the expunction of what little he mentioned "because I do not want this House to be used or this floor to be used for the purpose of defamation of any person."

As stated earlier, I will strictly follow the rules of procedure in the National Assembly.... and the rulings and the practice of the present National Assembly and of the National Assemblies of Pakistan. I am in prefect agreement with the principle enunciated and laid down by the great Speaker, Maulvi Tamizuddin Khan......... I have already held that every adjournment motion shall be taken up in the house and will not be ruled out in the chamber, unless and until I feel it is an abuse of the right of moving an adjournment motion, but in the house, before the adjournment motion is moved. the notice of adjournment motion will be the basis to determine admissibility as laid down in rule 80”.

(33-20, Vol-IV)

95. ADJOURNMENT MOTIONS: TWO SEPARATE ADJOURNMENT MOTIONS TABLED TO DISCUSS THE SAME MATTER: IN ONE MOTION THE HOUSE REFUSED LEAVE FOR DISCUSSION: OTHER MOTION TAKEN UP THEREAFTER AT THE SAME SITTING: MINISTER CONCERNED DID NOT OBJECT: LEAVE GRANTED WITHOUT RISING IN SEATS: DATE FIXED FOR DISCUSSION:

Two adjournment motions were tabled to discuss increase in the price of petroleum products. After the house had refused to grant leave to discuss one motion, the other motion was taken up at the same sitting. It was not objected to by the Minister concerned or anyone else. The Law minister observed that there was no need to ask for the leave of the House. Mr. Speaker, however, put the question to the house for seeking leave and asked the members who were in favour of the motion to say "AYES". The members replied that they had no objection. Thereupon, Mr. Speaker observed that the leave was granted and fixed a date for discussion of the adjournment motion.

(41-29, Vol-IV)
Pp. 349-364

96. ADJOURNMENT MOTION: THERE CAN BE NO ADJOURNMENT MOTION REGARDING A CONTINUING GRIEVANCE:

A member sought adjournment of the business of the House, inter alia to discuss the alleged failure of the Government of Pakistan to reinstate the lawful Government of Baluchistan.
The Law Minister pointed out that, as for the formation of the Provincial Government, the procedure was laid down in the constitution and, therefore, no adjournment motion could be moved in violation of the mandatory provisions of the constitution.

Mr. Speaker observed that the situation obtaining in Baluchistan was there in the month of September also and, if the matter was urgent, the motion should have been moved then. He, therefore, ruled out the motion saying that there could not be an adjournment motion in regard to a continuing process.

(63-40, Vol-IV)
Pp. 630-633.

97. **ADJOURNMENT MOTIONS: ALLEGATION OF PLANTING OF A BOMB ETC. FOR PURPOSE OF ASSASSINATING AN IMPORTANT POLITICAL PERSONALITY: NOTICE MIXED UP WITH THE STATEMENT OF FACTS: EXTRANEOUS MATTERS INTRODUCED: DOES NOT RELATE TO A SINGLE SPECIFIC MATTER: RELATES TO LAW AND ORDER AND THUS PRIMARILY THE CONCERN OF THE FEDERAL GOVT.: NOT ADMISSIBLE:**

On 31 May, 1973, Sahibzada ahmad Raza Khan Qasuri sought the adjournment of the business of the house alleging that a bomb was planted in the aeroplane of Air Marshal (Retired) Asghar Khan, President of Tehrik-e-istaqlal, at Quetta Airport.

Mr. Speaker gave the following ruling:

"Mr. Ahmad Raza Khan Qasuri has mixed up the notice of the adjournment motion with the statement of the matter proposed to be discussed. He has violated rule 53(1) of the Rule of Procedure and Conduct of Business in the National Assembly (Legislature), 1972. Further, the adjournment motion does not relate to one single specific matter as required by rule 54(b). He had brought in other extraneous matter such as the planting of a bomb in the aeroplane by which Marshal Asghar Khan was to travel from the Quetta airport as well as the alleged Killing of Dr. nazir Ahamd, Khwaja Rafique and Javed Nazeer. Rule 54(b) which requires that the motion should relate to a single specific matter of recent occurrence has been violated.

The matter referred to by the mover relates to law and order in the Province which is not primarily the concern of the Federal Government. On such matters, no adjournment motion can be moved vide rule 88(2) read with rule 54(e) of the rules. Hence, the
adjournment motion cannot be entertained. In view of the violation of rules 53(1), 54(b) and 54(e) read with rule 88(2), the motion is ruled out of order"

(65-41, Vol IV)

98. ADJOURNMENT MOTIONS: FAILURE OF FEDERAL GOVERNMENT TO PROVIDE FINANCIAL HELP TO RAIN-AFFECTED PEOPLE OF KARACHI: MATTER RELATED TO PROVINCIAL GOVERNMENT: VERBAL ASSURANCE OF PRESIDENT THAT FINANCIAL ASSISTANCE WILL BE PROVIDED DOES NOT BRING THE ISSUE WITHIN THE FEDERAL SPHERE: INADMISSIBLE:

On 1st August, 1973, a member wanted to move an adjournment motion to discuss the failure of the Federal Government to provide financial help for the rehabilitation of rain-affected people of Karachi. The motion was opposed on the ground that it related to the Provincial Government. On this reply, it was contended that on 10th July, 1973, the President had given a verbal assurance that financial assistance will be rendered to the affected persons. Mr. Speaker observed that the President had, no doubt, given an assurance to the people that they would be given help, but it was not specifically stated that the help would be given from the Federal exchequer. If the Provincial Government thought that they did not have adequate funds to rehabilitate the rain-affected people, they could approach the Federal Government for financial assistance and, in the event of the Federal Government having decline to render the desired assistance, the adjournment motion could be moved. Since such a situation had not arisen, the adjournment motion was ruled out of order.

(72-45, Vol-IV)
Pp.17.

99. ADJOURNMENT MOTIONS: SEIZURE AND BURNING OF COPIES OF A NEWSPAPER: RULED OUT OF ORDER: NEWSPAPERS GOVERN BY PROVINCIAL LAW: MATTER WITHIN THE SPHERE OF EXECUTIVE AUTHORITY OF PROVINCE OCCASIONAL INCIDENTS OF VIOLENCE DO NOT CONSTITUTE A GRAVE MENACE TO THE PEACE AND TRANQUILITY TO WARRANT DIRECTION BY THE FEDERAL GOVERNMENT:

On 24th January, 1973, a member moved an adjournment motion regarding seizure and burning of the copies of the Daily "Masawat" by Pakhtoon Zalme, in Charsadda, on 22nd January. When an objection was raised that the question concerned the provincial Government, the member contended
that the matter involved the freedom of the Press granted by the Constitution. He also maintained that under Article 148(4) of the Interim constitution, the Federal Government could give directions to a provincial Government for the purpose of maintaining peace and tranquility in any part of the country.

Mr. Speaker did not agree with the mover and ruled as follows:

"it is true that, under clause (4) of Article 148, Federal Government can give directions to a Province as to the manner in which the executive authority thereof is to be exercised for the purposes of preventing any grave menace to the peace or tranquility of Pakistan or any part thereof. One or more occasional incidents of violence, like the one which is the subject to the present adjournment motion, cannot be said to constitute a grave menace to the peace or tranquility of any part of Pakistan within the meaning of clause (4) of Article 148.

As regard the other aspect of the adjournment motion, namely freedom of the Press, it may be pointed out that newspapers, Books, Printing presses are included in item 19 of part I of the Concurrent Legislative List contained in the Fourth Schedule of the Constitution. Clause (2) of Article 148 does provide that the executive authority of the Federation shall also extend to the giving of directions to Provinces as to the carrying into execution therein of any Act of the Federal legislature which relates to a matter specified in Part II of the Concurrent List...... but the subject relating to newspapers etc., falls in part I of the concurrent legislative list, and not in Part II thereof. Further, the existing legislation governing the newspaper is the West Pakistan Press and Publications ordinance, 1963, Which is a provincial law.....

The upshot of the discussions that the matter involved in the adjournment motion does not primarily concern the Federal Government. Therefore, under rule 54 (a) read with rule 88 (2) of the Rules of Procedure and Conduct of Business in the National Assembly (Legislature), 1972 it is ruled out of order.'

(77-48 Vol-IV)
Pp. 785-787.

.100. ADJOURNMENT MOTIONS: ALLEGED UNLAWFUL INTERFERENCE OF MINISTRY OF KASHMIR AFFAIRS IN THE INTERNAL AFFAIRS OF AZAD JAMMU AND KASHMIR STATE: INTERFERENCE IN THE INTERNAL AFFAIRS OF AZAD JAMMU AND KASHMIR GOVERNMENT BY THE PAKISTAN GOVERNMENT CAN ONLY BE TO THE EXTENT OF THE IMPLEMENTATION OF THE UNCIP RESOLUTION: SENSITIVE MATTER: DISCUSSION WILL HAVE
INTERNATIONAL REPERCUSSIONS AND WILL DO MORE HARM THAN GOOD:
RULED OUT:


The minister of State for Foreign Affairs. Mr. Aziz Ahmed, objected to the moving of the motion and said that neither under any of the provisions of the Constitution of Pakistan nor under any of the laws of Pakistan could the Government of Pakistan interfere in matters concerning the internal affairs of the Azad Jammu and Kashmir Government. He said that the Pakistan Government could only interfere in such matters as are laid down in sections 13 and 20 of the Azad Jammu and Kashmir Government Act of 1970 whereby the President of Azad Jammu and Kashmir shall so exercise his powers as not to impede or prejudice the responsibilities of the Government of Pakistan under the UNCIP Resolution and for the defense and security of Azad Jammu and Kashmir and shall not prevent the Government of Pakistan from taking such action as it might consider necessary for the effective discharge of those responsibilities. He said that if any action lay, it lay under the Act of 1970 by the Legislature of that State and not by this House. Therefore, he said, this House had no jurisdiction to discuss the conditions or happening inside Azad Kashmir territory. He said, this house had no jurisdiction to discuss the conditions or happenings inside Azad Kashmir territory. He also pleaded that if the motion was allowed to be discussed, that would impinge on the relations of Pakistan with India which the Government under the Simla Agreement was trying to improve.

Mr. Speaker gave the following ruling:

"The adjournment motion relates to a news item, which appeared in the Daily 'Jang' of Rawalpindi dated the 25th of May, 1973. No where is it mentioned in that news item that the Government of Pakistan or the Ministry of Kashmir Affairs is interfering in the internal affairs of Jammu and Kashmir State. No details have been given. It is just mentioned that the Ministry of Kashmir Affairs is interfering unconstitutionally in the internal affairs of Jammu and Kashmir. The movers of the adjournment motion have not mentioned any specific act of the Ministry which is unconstitutional. So far as the relationship of the Ministry of Jammu and Kashmir and the government of Pakistan is concerned, there is a clear provision in the Act in sections 13 and 28 which have been read out by Mr. Aziz Ahmed. So, we cannot say that the Government of Pakistan has nothing to
do with Jammu and Kashmir. It has a limited relationship under the Resolution of the United Nations. Therefore, to some extent, there can be interference; but if the interference is beyond that, that has not been mentioned in the adjournment motion nor in the news-item. Therefore, I think, it is a very sensitive matter and it has international repercussions. The matter is also rather *sub-Judice* between India and Pakistan and, in my humble opinion, discussion of this matter, where extraneous things will be brought in, will do more harm than good to the people of Pakistan and to the People of Jammu and Kashmir. Therefore, I rule it out of order".

(80-50, Vol-IV)
Pp. 56-78.

101. **ADJOURNMENT MOTIONS: FAILURE OF THE GOVERNMENT TO TRY YAHYA KHAN, EX-PRESIDENT OF PAKISTAN, ALLEGEDLY RESPONSIBLE FOR THE FALL OF EAST PAKISTAN: MOTION RULED OUT OF ORDER: MATTER ALSO EXAMINED BY A COMMISSION OF INQUIRY BUT ITS FINDINGS NOT MADE PUBLIC: DISCUSSION PREJUDICIAL TO NATIONAL INTEREST:**

On 1st January, 1973, a member sought adjournment of the Assembly to discuss the failure of the Federal government to try Yahya Khan, Ex-President of Pakistan, for his treacherous role resulting in the fall of East Pakistan.

The Speaker observed that the matter had been investigated by a Commission of Inquiry, headed by the Chief Justice of Pakistan, but the findings of the commission had not been published. Since the discussion sought to be raised would involve a debate on sensitive questions touching the defense forces and the foreign policy, it would prejudice the interest of the country. The motion was, therefore, ruled out of order.

(82-53, Vol-IV)
Pp. 132-144.

102. **ADJOURNMENT MOTIONS: DISCUSSION OF FOREIGN POLICY: FOREIGN POLICY OR INTERNAL POLICY NOT TO BE DISCUSSED THROUGH AND ADJOURNMENT MOTION: TREASURY BENCHES GAVE ASSURANCE TO DISCUSS FOREIGN POLICY ON ANY AGREED DATE: MOTION WITHDRAWN:**
On 16th August, 1973, when a member sought to move the adjournment of the House to discuss the foreign policy of Pakistan in the light of the cancellation of the tour of the President of Pakistan to USA, the Speaker observed that the foreign policy of the country could not be discussed through an adjournment motion because it was a wide subject and required full one day for discussion. He said that it was a well settled principle that the internal or external policy of the country could not be debated by means of an adjournment motion. The Minister of State for Foreign Affairs offered to discuss the foreign policy on a day to be fixed in due course. There-upon, the adjournment motion was withdrawn by its mover.

(85-54, Vol IV)
Pp. 251-258.

103. ADJOURNMENT MOTIONS: GOVERNMENT OF PAKISTAN REPLY TO THE JOINT COMMUNIQUE ISSUED BY THE GOVERNMENTS OF BHARAT AND BANGLADESH TOUCHING SOME MATTERS RELATING TO PAKISTAN: POLICY CANNOT BE DISCUSSED THROUGH ADJOURNMENT MOTION:

On 24th May, 1973, Mr. Mahmood Azam Farooqui, sought the adjournment of the business of the House to discuss the Government of Pakistan’s reply to the Joint Communiqué issued by the Governments of Bharat and Bangla Desh touching some matters relating to Pakistan.

Mr. Speaker did not allow the adjournment motion inter alia for the reason that it involved discussion on a matter of policy too large to form the subject-matter of an adjournment motion.

(86-55, Vol IV)
N.A. Deb., 24th March, 1973
Pp. 1

On 29th November, 1973, Mr. Mahmood Azam Farooqui sought adjournment of the business of the house to raise a discussion on the alleged negotiation of the Federal Government with some Opposition leaders for the formation of a coalition Government in Baluchistan. The motion for adjournment was based on a news-item appearing in a newspaper that Mr. Ghulam Mustafa Jatoi, Minister for Communications, had discussions in the matter.

The law Minister contended that the newspaper report had been categorically denied by the Federal Minister, Mr. Ghulam Mustafa Jatoi, by means of a statement published in another newspaper.

Mr. Mahmood Azam Farooqui argued that if the news-item relied upon by him was incorrect, the denial should have come immediately but it actually appeared in the news after eight days when the negotiations had broken down. He, however, wanted the denial to be made by the Minister on the floor of the House.

Malik Muhammad Akhtar maintained that if a statement appearing in a newspaper was disputed by a member of the Government or any other member of the House, then the motion for adjournment should not be allowed unless some authentic official information was available to refute such member. To support his contention, Malik Muhammad Akhtar relied on two rulings of the Indian legislative Assembly, reported as rulings no. 25 and 27 in the Decisions of the Chair, 1921-40. As for the denial on the floor of the House, he said that the denial had been affirmed by the Law Minister inside the House.

After hearing these arguments, Mr. Speaker ruled as follows:

"Adjournment motion is ruled out because there is no official version to Mr. Jatoi's having met the leaders; and then I would hold that the denial had been made and that denial has been affirmed by the Law minister; I cannot go into it now".

(93-57, Vol-IV)


Pp.237-245

105. ADJOURNMENT MOTIONS: PLACING OF DR. ABDUL HAYEE BALUCH, M.N.A IN HANDCUFFS: ALLEGATION DENIED BY GOVT: RELATES TO A QUESTION OF PRIVILEGE AND A PROVINCIAL SUBJECT: RULED OUT:

On 1st December, 1973, Prof. Ghafoor Ahmad sought adjournment of the business of the House to discuss the question of placing a member, Dr. Abdul Hayee Baluch, in handcuffs. In order to establish the admissibility of his motion, he relied on ruling No. 355 of the Indian legislative Assembly, reported
in the Decisions of the chairs, 1941 to 1945, wherein an adjournment motion regarding the transfer of some political prisoner in handcuffs from the Delhi Jail to some other place was held to be in order. Mr. speaker remarked that the said ruling was not applicable to the adjournment motion in question because this ruling relating to the period when Delhi was a Centrally Administered Area and was not part of any Province.

Mr. Khurshid Hasan Meer, Minister without Portfolio, denied the allegation levelled in the adjournment motion.

After some discussion, Mr. Speaker ruled out the motion on the ground that it related to a question of privilege and to a Provincial subject. He, however, observed that there was no question of M.N.A's being taken out in handcuffs to any place because that was done only in the case of hardened criminals.

(94-58, Vol-IV)
Pp. 16-21.

106. ADJOURNMENT MOTIONS: STATEMENT REGARDING A SUB JUDICE MATTER: RULED OUT: IF CONTEMPT OF COURT COMMITTED, REMEDY LIES IN MOVING THE COURT CONCERNED:

A member sought to move a motion for the adjournment of the business of the House to discuss a statement alleged to have been made by the Federal Information Minister against the Daily 'Jasarat' in respect of a matter which was pending in a court of law. He contended that the statement amounted to interference with the administration of justice.

The Law Minister pointed out that, by making the alleged statement, if the Information Minister had committed contempt of court, the court concerned could take action against them; but as the aforesaid court had not taken any action, the matter was not of any importance whatsoever.

Mr. Speaker observed:
the motion is ruled out because, if the Federal Information Minister has made any statement which prejudiced the case which is sub-judice, the remedy lies against the Minister in the court where the case is pending”.

(99-68, Vol-IV)
N. A. Deb., 3rd December, 1973
Pp. 21-25.
107. ADJOURNMENT MOTION: ANOTHER MATTER WAS SOUGHT TO BE DISCUSSED WHEN ORIGINAL MOTION HAD BECOME INFRUCTUOUS: MOTION PASSED OVER AS INFRUCTUOUS AND ANOTHER ADJOURNMENT MOTION HELD NECESSARY TO DISCUSS ANOTHER MATTER:

An honourable member moved an adjournment motion to discuss failure of Government about notice of strike by the Audit and Accounts employees. Strike was called off and some ring leaders were penalized according to Law. While moving the motion, honourable mover sought to discuss the punishments meted out to the employees according to the law.

Mr. Speaker declared the adjournment motion as having become infructuous and ruled that another adjournment motion will be necessary to discuss a matter for Post-strike development.

(4-2, Vol-IV)
N.A. Deb., 24\textsuperscript{th} July, 1974.

108. ADJOURNMENT MOTIONS: ARMED FORCES IN BALUCHISTAN: GOVERNMENT AGREES TO DISCUSSION: TIME FIXED ONE HOUR RESERVED FOR GOVERNMENT AND ONE HOUR FOR OPPOSITION NOT TO FORM PRECEDENT:

(Connected with Previous discussion)

On 26\textsuperscript{th} June, 1974, the Law Minister informed the House that the Government would welcome a discussion on the adjournment motion relating to use of armed forces in Baluchistan and proposed that it be taken up between 11:30 a.m. and 1:30 p.m. the next day. This was agreed to by the Leader of Opposition. The law Minister further suggested that one hour should be reserved for the opposition and one hour for the Treasury Benches and that this was being done by agreement and it would not be a precedent for the future.

The Speaker, agreeing to proposed arrangements, held the motion to be in order and asked the house whether the member had the leave of the Assembly to move the adjournment motion. The leave having been granted, Mr. Speaker announced that it would be taken up for discussion between 11:30 am and 1:30 pm next day. He also announced that one hour was reserved for the Treasury Benches and one hour for opposition and that it was for each side to regulate the number of Speaker.

(4-2, Vol-IV)
109. **ADJOURNMENT MOTIONS: MINISTER CONCERNED NOT PRESENT: DEFERRED: NO SPEECHES ON IT IN THAT SITTING:**

On 16th July, 1974, adjournment motion No.3 and 12, which were pending, had again to be deferred as the Minister of State concerned was not present.

Later on, an honourable member requested that the said motion be taken up immediately, the Speaker ruled that once a decision had been taken in a sitting to defer the motion to another day, no speeches could be allowed to be made on the same subject during that sitting.

(10-6, Vol-IV)


110. **ADJOURNMENT MOTIONS: DEATH OF A PERSON NOT TO BE MADE A CONTROVERSIAL ISSUE FOR DISCUSSION THROUGH AN ADJOURNMENT MOTION:**

On Monday, the 22nd April, 1974, a member sought to move an adjournment motion about the alleged failure of the Government to pay proper respect to Field Marshal Mohammad Ayub Khan on his death. Mr. Speaker stopping him observed:

"......... I think it is a convention of the House that we do not make any controversy out of the death of any person, because this is the practice that we followed at the time of the death of Ch. Mohammad Iqbal, MNA. ............ I will not allow it."

(14-7, Vol-IV)

N.A. Deb., 22nd April, 1974.

111. **ADJOURNMENT MOTIONS: DEFERRED TO NEXT DATE DUE TO SHORTAGE OF TIME:**

On 24th July, 1974, a member moved an adjournment motion regarding the failing health of a detenue member. The Minister-in-charge pointed out that the case was pending in a court and also denied the facts given in the motion. Mr. Speaker deferred discussion on the motion on the ground that
the time of half an hour allotted for adjournment motions had already passed.

(15-7, Vol-IV)

112. 

ADJOURNMENT MOTION: DISCUSSED IN NATIONAL ASSEMBLY AS WELL AS SENATE CAME UP BEFORE THE HOUSE: LEAVE WAS NOT GRANTED BY THE HOUSE FOR MOVING THE SAME: OBJECTION TO ADJOURNMENT MOTION CAN BE RAISED BY ANY MINISTER OR PARLIAMENTARY SECRETARY IRRESPECTIVE OF THE FACT THAT IT RELATED TO A DIFFERENT MINISTER:

An adjournment motion regarding the impact of Tarbela Dam crisis on the national economy came up before the House. The Minister-in-charge raised an objection under rule 80(a), (c) and (d) of Rules of Procedure and Conduct of Business in the National Assembly, 1973, and contended that the matter had been discussed, both in the National Assembly and the Senate, during the last session and hence could not be re-agitated. The Minister of State for Parliamentary Affairs also contended that it was not a specific issue and could only be discussed under rule 220 or through a resolution.

A member from the Opposition raised an objection that the matter related to the Ministry of Finance and Economic Affairs and not the Fuel, Power and Natural Resources. The Minister of State for parliamentary Affairs replied that any Minister or Parliamentary Secretary could raise an objection to an adjournment motion and could reply also. After some discussion, the Speaker held the motion to be in order. It was put to the House for leave being granted, but as twenty member rose in their seats, leave was refused and the motion stood defeated.

(16-8, Vol-IV)
N. A. Deb., 11th December, 1974.
Pp. 32-38.

113. 

ADJOURNMENT MOTIONS: IDENTICAL MOTION PENDING BEFORE SENATE: DATE FOR DISCUSSION FIXED THERE: MOTION FOR SUSPENSION OF RULE 84 TO TAKE UP THE ADJOURNMENT MOTION OUT-OF-TURN TO ENABLE DISCUSSION EARLIER THAN SENATE: RULED OUT: DISCUSSION IN SENATE NO BAR TO DISCUSS THE MATTER IN NATIONAL ASSEMBLY IN EXCEPTIONAL CASES:

On 10th December, 1974, Professor Ghafoor Ahmad moved a motion that rule 84 of the rules of
procedure and conduct of Business in the National Assembly, 1973, be suspended and adjournment motion tabled by Mrs. Jennifer Qazi Musab be taken up out-of-turn. Mr. A.H. Pirzada, opposing the motion, stated that it could not be debated because an adjournment motion on the same subject has been admitted and was going to be debated in the Senate on the 16th December, 1974. Thereupon Mr. Speaker observed:

"Before putting Prof. Ghafoor’s motion to vote, I may remind those members of the House who were not present here yesterday that an adjournment motion relating to White Paper was taken up in the House and it was agreed that we should await the debate in the Senate, because we had two debates on Baluchistan in this House. After a debate had taken place in the Senate, a debate in the National Assembly will not be shut out. The Senate did not have an opportunity to discuss Baluchistan, whereas we had debated it twice. There was a proposal that both the Houses should meet, but I opposed it on the ground that the Senate members never participated in a debate on Baluchistan and in a joint House, it is the member of the National Assembly who have the preference to speak. I think that we should wait till the 16th, on which date the adjournment motion will be debated in the Senate. We can wait till the next week."

It was further observed:

"Under the circumstances, I do not want to create any situation in the House. Which will hamper or cause any obstacle in the debate, which is going to be held on the 16th in the Senate. I may be wrong, but this is my personal view.

Even if an adjournment motion or a privilege motion is discussed in the Senate, it will be open for discussion here provided that there is need for it, because the responsibility of the National Assembly is direct and that of the Senate indirect. The second point, which I want to make, is that I am not in favour of a joint debate or a joint session so far as this motion is concerned. The Senate has not participated in the debate on this topic. So, the Senate should have its debate exclusively so far as the Baluchistan situation is concerned."

Mr. A.H. Pirzada then suggested that the Opposition should make an attempt to get the debate in the Senate on this issue advanced and get it discussed on the next day, instead of getting it postponed till the 16th as had been demanded by their counterpart Opposition in the Senate. He further added that the Senate and the national Assembly were the creations of the Constitution and they should respect each other.

Thereupon, Mr. Speaker, remarked:

"I made it clear that the rule is that the matter, which has been debated in either House shall not be taken up in the other House. I make it clear yesterday that, there again, this
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rule will not act as a bar so far as this discussion is concerned. I think that there have been compromises on taking so many adjournment motions out-of-turn. My own worry and difficulty, which is a genuine one, is that any step taken in this house, might prejudice the debate in the Senate to which they have a right."

Mr. Speaker further pointed out that the Opposition should try to get the debate in the Senate started the next day, so that this motion could be accepted and a date for discussion fixed for it. Mr. Pirzad pointed out that, if the matter was really urgent, all the adjournment motions standing ahead of the motion in the list may be withdrawn and it may be taken up first. Mr. speaker pointed out that a motion could only be taken up out-of-turn if there was an agreement or understanding between the Government and the Opposition, otherwise he was helpless, as he had no discretion under the rules.

Thereafter, a motion for the suspension of rule 84 was put to the House and rejected.

(17·8, Vol·IV)
N. A. Deb., 10th December, 1974.

114. ADJOURNMENT MOTIONS: SHORTAGE OF KEROSENE OIL IN THE COUNTRY: DISCUSSION OF A MATTER IN THE SENATE NOT TO DEBAR ITS DISCUSSION IN THE NATIONAL ASSEMBLY: MATTER HAVING BEEN ALREADY DISCUSSED IN THE NATIONAL ASSEMBLY DURING ITS LAST SESSION: ADJOURNMENT MOTION RULED OUT OF ORDER:

On 21st January, 1974, Prof. Ghafoor Ahmad Sought leave to move an adjournment motion regarding the shortage of kerosene oil in the country. The adjournment motion was objected to on the ground that the matter had been discussed in the national Assembly during the last session and in the Senate during the present session and was, therefore, barred under rule 80 (d) of the Rules of Procedure and Conduct of Business in the National Assembly, 1973. Replying to the objection, Prof. Ghafoor Ahmad drew attention of the Chair to the earlier rulings in which it had been held that the accountability of the National Assembly was direct to the nation, as it was directly elected body and discussion of a matter in the Senate should not debar its discussion in the National Assembly.

The Speaker observed that he would not object to the adjournment motion on the ground that it had been discussed in the Senate. He, however, explained that the object of the instant adjournment motion was to discuss the shortage of kerosene oil in the country and this aspect of the matter had been sufficiently debated not only in the Senate but also in the National Assembly during its last session when the debate on the enhancement of prices of kerosene oil was held and a discussion on the shortage of kerosene oil was also held. He recalled that, during the discussion, Maulvi Mufti
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Mehmood, Prof. Ghafoor Ahmad and Maulana Shah Ahmad Noorani Siddiqi had taken up the shortage of kerosene oil in the country. The Government had duly explained the position relating to the shortage of kerosene oil and placed on record the statistics regarding distribution of kerosene oil during the past period. He held the view that the object of the adjournment motion would be fulfilled if similar statistics were placed before the National Assembly by Government, Province-wise. The motion was accordingly ruled out of order under rule 80(d) of the aforesaid rules.

(19-13, Vol-IV)

115. ADJOURNMENT MOTION: DISCUSSION ON A MOTION: LEADER OF THE OPPOSITION AND MINISTER CONCERNED ALLOWED FIVE MINUTES MORE THAN THE TIME ALLOTTED TO THEM:

During discussion on an adjournment motion, the Leader of the Opposition was, at his request, allowed five minutes more than the time allocated to him. Thereafter, the Minister of State concerned also made a similar request. Mr. Speaker allowed the request as in the case of Leader of the Opposition.

(20-14, Vol-IV)
N.A. Deb., 18th July, 1974.

116. ADJOURNMENT MOTIONS: FACTS NOT TO BE DISCUSSED UNLESS MOTION IS HELD IN ORDER BY THE CHAIR AND LEAVE TO MOVE IT IS GRANTED BY THE ASSEMBLY:

On 17th February, 1974, a member sought leave to move an adjournment motion regarding import of an expensive car for the Chief Minister of the Punjab. A member sought the Speaker’s permission to say a few words about the facts. Thereupon, Mr. Speaker observed that according to his earlier ruling, an adjournment motion would first be read out to the House and, if it was objected to by the other side, members desirous of speaking on the admissibility would be allowed to speak. However, members could speak about the facts only when an adjournment motion had been held in order by the chair and leave to move the motion was granted by the Assembly. Unless this was done, no member could speak about the facts of an adjournment motion.

(21-14, Vol-IV)

85
117. ADJOURNMENT MOTIONS: MASSING OF TROOPS BY INDIA AND AFGHANISTAN ON PAKISTAN BORDERS: NATIONAL ASSEMBLY UNANIMOUSLY SUSPENDED THE PROVISION CONTAINED IN RULE 84 OF THE RULES OF PROCEDURE TO TAKE UP THE MOTION OUT-OF-TURN: SUGGESTIONS REGARDING SECRET SESSION AND PRESENCE OF PRIME MINISTER DURING DISCUSSION RULED OUT:

An adjournment motion was moved regarding the massing of troops by India and Afghanistan near the borders of Pakistan. An honourable member raised a point of order that the adjournment motion could not be entertained, out-of-turn, without suspending rule 84 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973. Thereupon, a motion was moved and adopted under rule 262 ibid for the suspension of the provisions contained in rule 84 under which such motions are to be taken up at their turn. Thereafter, Mr. Speaker called upon the honourable Minister of State concerned to make a short statement on the motion. The Minister made an elaborate statement but it did not satisfy the mover. Mr. Speaker, thereupon, put the motion to the House for leave to discuss it. The leave was granted by the House unanimously.

A suggestion was made that the discussion on the motion be held in camera. Another member requested that the Prime Minister of Pakistan should also be present during the discussion. Mr. Speaker ruled these suggestion to be out of order on the ground that proceedings in camera were possible only at the request of the Leader of the House., and the presence of the Prime Minister was not essential for discussion on the motion. The debate on the Motion was adjourned to the next day after an understanding that one hour each will be given to the member from Opposition and the members from Treasury Benches respectively for its discussion.

(27-17, Vol-IV)

118. ADJOURNMENT MOTIONS: OBJECTION TO ADMISSIBILITY CAN BE TAKEN AFTER MOTION IS READ OUT IN THE HOUSE: CHAIR TO DECIDE IF IT WAS DETRIMENTAL TO PUBLIC INTEREST OR HYPOTHETICAL:

An adjournment motion of a member was taken up. The Minister-in-charge contended that the motion, if read in the House, was likely to be detrimental to public interest, besides being hypothetical, and should be ruled out under rule 80(c) and (k) of the Rules of Procedure and Conduct of Business in the National Assembly, 1973. Thereupon, Mr. Speaker observed:

"The proper time is when it is read, and we will see whether it is detrimental to the public
interest, I will look into this matter and I will take up this matter tomorrow. I myself will examine and, after that, I will give my ruling whether it is detrimental to the public interest or not."

(31-19, Vol-IV)
N. A. Deb., 18th December, 1974.

119. ADJOURNMENT MOTIONS: MOVER’S RIGHT TO SPEAK FOR THIRTY MINUTES CANNOT, IN HIS ABSENCE, BE GRANTED TO ANY OTHER MEMBER:

A motion for adjournment of the business of the Assembly tabled by Prof. Ghafoor Ahmad, to raise discussion on the repercussions of the underground nuclear explosion, carried out by India on 18th May, 1974, was admitted for discussion on 7th June, 1974. At the appointed hours, the mover was called upon to speak on his adjournment motion, but he was not present. A suggestion was made that, in his absence, the right of the mover to speak for thirty minutes by granted to some other member. The suggestion was not accepted by the Speaker who observed that, there being no set order of speeches on adjournment motions, the mover could come at any time during the course of discussion and claim his right of speaking for thirty minutes.

Ch. Zahur Illahi raised the point that, as he had also tabled an adjournment motion on the same subject, he be allowed the mover’s right to speak for thirty minutes. Mr. Speaker ruled that, when one adjournment motion was admitted, other identical adjournment motions become infructuous and no other member could get the right of the mover even if he may have tabled an adjournment motion on the same subject.

(34-25, Vol-IV)
N.A. Deb., 7th June, 1974.

120. ADJOURNMENT MOTIONS: STATEMENT MADE BY MINISTERS IN PUBLIC MEETINGS NOT TO BE MADE SUBJECT-MATTER:

On 16th January, 1974, Maulana Shah Ahmad Noorani Siddiqi sought to move an adjournment motion to discuss the statement made by the Prime Minister in a public meeting about corruption and malpractices in the administration and complaints received by him against certain Ministers. He was not allowed to move the motion by the Speaker who observed that statement made by Ministers outside the House could not be made a subject-matter of an adjournment motion.

(36-26, Vol-IV)
121. **ADJOURNMENT MOTIONS: PROCUREMENT PRICE OF WHEAT: MOTION TAKEN OUT-OF-TURN AFTER SUSPENDING RULE 84:**

A member, referring to his adjournment motion relating to procurement price of wheat, requested that it might be taken up out-of-turn. The Minister for law agreed to the proposition. The motion for the suspension of rule 84 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, was duly moved and put to the House and, thereupon, the member was allowed to move the adjournment motion out-of-turn.

(37-26, Vol-IV)

122. **ADJOURNMENT MOTIONS: REQUEST FOR TALKING OUT OF TURN: RULE 84 SUSPENDED UNDER RULE 262:**

On 25th June, 1974, before the demands for grants were taken up, the Speaker informed the House that a request had been received by his for taking up an adjournment motion relating to the use of armed forces in Baluchistan, out-of-turn. He pointed out that, under rule 84, of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, adjournment motions shall be taken up in the order in which their notices were received. The adjournment motion, which was at S. No. 54, could not be taken up out-of-turn. A member of the Opposition suggested that it could be taken up by suspending rule 84. Thereupon, the Speaker agreed and directed that a formal motion for the suspension of rule 84 be made. Accordingly, Mr. Ghafoor Ahmad moved a formal motion under rule 262 for the suspension of the rule 84 in relation to the adjournment motion in question. The motion was adopted; the adjournment motion was taken up out-of-turn and discussion on its admissibility commenced.

(38-26, Vol-IV)

123. **ADJOURNMENT MOTIONS: MOTIONS ON SAME SUBJECT TAKEN UP TOGETHER FOR DETERMINATION OF ADMISSIBILITY: DISCUSSION OF MERITS AND FACTUAL POSITION DURING ADMISSIBILITY STAGE ABUSE OF PRIVILEGE OF SPEAKING: NATIONAL ASSEMBLY NOT COMPETENT TO GO INTO THE VALIDITY OF ACTIONS WITHIN EXCLUSIVE JURISDICTION OF
On 7th February, 1974, Maulana Shah Ahmad Norrani Siddiqi sought leave to move an adjournment motion relating to strike by the workers of Tarbela Joint Venture. Ch. Zahir Iliahi and Shahibzada Ahmad Raza Khan Qasuri had also tabled adjournment motions of the same subject. The Speaker allowed all the three members to read out their adjournment motions for the determination of their admissibility.

2. After hearing views from both sides of the House, Mr. Speaker observed that certain members had exceeded the limit imposed by rules by discussing the merits of the adjournment motion, which was not desirable. He further observed that a number of issues, namely, strike by labourers, mishandling and repression of labour at Tarbela, firing by police at the project site and stoppage of work of a national importance, had been raised in the motions. Summing up the discussion, he noted that two different views had been expressed by the members. One view was that the matter proposed to be discussed related to law and order situation and the welfare of the labour, which fell within the provincial field. It was also within the jurisdiction of the Provincial Government to regulate and implement the law relating to laborers and all remedies available to laborers or to the Trade Unions are available at the Provincial level. It was also argued on behalf of Government that Tarbela Joint Venture was a consortium of Companies and there were contractual liabilities between the consortium and the Government.

3. The other view taken was that it was the responsibility of the Federal Government to issue directions to the Provincial Government under Article 148 of the Constitution.

4. Mr. Speaker ruled the motions out of order and observed:

"...I have considered all the aspects of the matter carefully and gone through the speeches made by the honorable members. I am of the view that the Federal Government is quite competent to formulate and regulate policies in relation to matters in Part II of the Federal Legislative List. Item No. 3 of Part II of the Federal Legislative List includes West Pakistan Water and Power Development Authority. Hence, Tarbela Project of WADPA can be discussed on the floor of this House. But I am, however, afraid that the points raised in all the three adjournment motions cannot be the subject-matter of discussion in the National Assembly. The mis-handling by the police, firing by the police or the question relating to law and order are strictly a provincial subject and hence the National Assembly will not go into the validity of an action which is within the exclusive jurisdiction of Provincial Government. As regards the matter relating to the strike by the labourers or by the Trade Unions, it is again within the exclusive Jurisdiction of the Provincial Government. So, all the three adjournment
motions are ruled out of order for being of Provincial Jurisdiction and for not being related to one definite issue”.

(39-27, Vol-IV)

124. ADJOURNMENT MOTIONS: TIME OF TWO HOURS FIXED FOR DISCUSSION NOT TO BE EXTENDED TO THREE HOURS EXCEPT IN VIEW OF AN AGREEMENT BETWEEN THE GOVERNMENT AND OPPOSITION: SUGGESTION TO PUT IT TO THE HOUSE: RULED OUT:

On 18th July, 1974, an adjournment motion regarding concentration of Indian and Afghan Forces of Pakistan borders was under discussion in the House. A member requested that, the matter being important, the time for discussion be extended from two hours to three hours. Mr. Speaker observed that, unless there was an agreement between the Government and Opposition, time could not be extended under the rules. A member further requested that the proposition may be put to the House. Mr. Speaker did not agree to it.

(43-30, Vol-IV)
N.A Deb., 18th July, 1974

125. ADJOURNMENT MOTIONS: NEWS-ITEMS SHOULD NOT FORM BASIS OF AN ADJOURNMENT MOTION UNLESS THERE IS SOMETHING DEFINITE THEREIN:

On 7th February, 1974, a member sought to move an adjournment motion, based on an article appearing in a Weekly about the corrupt practices in the Income Tax Department, Lahore. He stressed that the said Weekly was one of the leading and very widely circulated weeklies and that the article gave a survey describing the Income Tax Department as behaving like a 'Thana of sharifs'. Mr. Speaker ruled the adjournment motion out of order and observed:

"........... I have already held a number of times that a news-item shall not be the basis of an adjournment motion, unless there is something definite in it. We have different sections of press, some support one point of view, some support the other and, on the basis of such news-items, the House should not be paralysed".

(44-30, Vol-IV)
N.A Deb., 7th February, 1974.
126. **ADJOURNMENT MOTIONS: BASED ON A PRESS-STATEMENT ALLEGED MADE BY A MINISTER: RULED OUT OF ORDER:**

A member moved an adjournment motion against alleged contradictory statement made by the Prime Minister of Pakistan and the Chief Minister of the Punjab about the loss suffered on account of Tarbela Dam disaster. The Minister-in-charge contended that the motion was not admissible under paras(a), (c) and (d) of rule 80 of the Rules of Procedure, and conduct of Business in the national Assembly, 1973, as damages have not been assessed officially so far. Mr. Speaker remarked that the adjournment motion was based on press statement, which were never taken into account. He, therefore, ruled it out of order with the observation that a full-fledged debate will be invited, after official report about the damage came out.

(45-30, Vol-IV)

127. **ADJOURNMENT MOTIONS: ITEMS IN NEWSPAPER NOT TO FORM BASIS FOR ADJOURNMENTS MOTION:**

On 16th December, 1974, Maulana Abdul Mustafa-al-Azhari moved an adjournment motion relating to the hoisting of Pakistani flag in wrong position in Tehran, when the success of Mr. Mohammad Younis, a Pakistani player, was celebrated. Mr. Speaker thereupon observed:

“That is my considered decision. I shall never make newspapers a basis for adjournment motion because twenty papers will write twenty different versions.”

Malik Meraj Khalid explained that he was present on the occasion and he had protested to the management, who expressed regrets, and apologized. Mr. Speaker ruled that this was a sufficient explanation and closed the matter.

(46-31, Vol IV)
N.A. Deb., 16th December, 1974.

128. **ADJOURNMENTS MOTIONS: WITHDRAWN BY ITS MOVER: NO OTHER MEMBER CAN BE ALLOWED TO SPEAK ON IT:**

An adjournment motion was withdrawn by the mover on the assurances held out by the minister-in-charge. A member intervened to say that certain anomalous words were used in the motion
and that he should be heard. Mr. Speaker observed that the matter had already come to an end and the motion stood disposed of. Therefore, he would not allow any member to speak thereon, as it would be unnecessary by procedure and rules.

(47-31, Vol IV)

129. ADJOURNMENT MOTIONS: WRONG INFORMATION SUPPLIED BY MINISTER: PRIVILEGE MOTION WOULD LIE:

A member moved an adjournment motion relating to Samadani Tribunal regarding the Rabwah incident. The Minister for the Interior requested for time to collect information, whereupon the motion was deferred. Later on, the mover pointed out that the minister for the Interior had earlier given a wrong statement. Mr. Speaker observed that a privilege motion should be moved, if necessary.

(48-32, Vol IV)
N.A. Deb., 18th December, 1974.

130. ADJOURNMENT MOTIONS: ILLEGAL ENTRY OF AFGHAN NATIONAL INTO PAKISTAN: FEDERAL CONCERN: MOTION OPPOSED AS OF NOT RECENT OCCURRENCE AND BEING IRONICAL ETC: CHAIR KEPT THE MOTION PENDING TO SATISFY ITSSELFAbout ITS ADMISSIBILITY:

On 16th December, 1974 Malik Mohammad Akhtar raised a technical objection to an adjournment motion relating to the alleged entry of thousands of afghan nationals into Pakistan. On the premise that it was a continuing process. Mr. speaker, intervening, Enquired whether the plea that hundreds of people were entering daily and thus creating a law and order problem, debarred the Assembly from debating the matter. Malik Mohammad Akhtar pointed out that the ruling of the Chairman in the Senate on the same subject might be taken into account. Mr speaker observed that the ruling in the senate was very brief and did not touch upon the point on which the Chair wanted to satisfy itself, and posed a pointed question to the Minister whether and adjournment motion could be in order when the first alien national entered Pakistan or the middle or the last, to indulge in sabotage. In short, at what stage could an adjournment motion be tabled? Malik Mohammad Akhtar, admitting that it was a matter of public importance, took the line of argument that it was a continuing process and not urgent and recent and that an identical motion had been ruled out by the senate. He also, later on, pleaded that important persons and politicians are supposed to know important happenings in the county, that it was a provincial subject and not an abnormal or extra-ordinary phenomenon.

Mr. Mahmood Azam Farooqui, intervening said that the ruling given in the senate was
not binding on the National Assembly. Mr. Speaker advised that this controversy should not be invoked. Mr. M.A. Farooqui further submitted that the security of the frontiers of Pakistan was a Federal subject and unauthorized immigration across the frontier was the concern of the Federal Government. Sirdar Shaukat Hayat Khan also stated that immigration was the responsibility of the Minister for Home Affairs. Sahibzada Ahmad Raza Khan Qasuri argued that the principle of jurisprudence was that vertical decisions were binding, but horizontal decisions were not binding or mandatory for bodies or persons of equal status and that every fresh illegal entry into Pakistan was a fresh occurrence.

Malik Mohammad Akhtar then put forward the plea that the motion in question was ironical and inferential and so it could be ruled out under rule 80 (g) of the Rules of Procedure and Conduct of Business in the National Assembly, 1973. Mr. Speaker thereupon, said that he had gone through scores of rulings, but he was not sure whether a motion would lie when the first man entered or the middle or the last one. Malik Mohammad Akhtar then requested for postponement, so that he could satisfy the house. Mr. Speaker agreeing kept the motion pending.

(49-32, Vol-IV)
N.A. Deb., 16th December, 1974.

131. ADJOURNMENT MOTIONS: ILLEGAL ENTRY OF AFGHAN NATIONALS IN PAKISTAN: ADJOURNMENT MOTION HELD IN ORDER AND ADMITTED BY HOUSE:

An adjournment motion regarding the entry of thousand of afghan nationals into Pakistan came up before the House. The Minister of State for Parliamentary Affairs opposed the motion on the ground that it was not in order, being not of urgent nature or of public importance. Besides, it was allegedly to be continuing process and as such inadmissible. The Minister quoted page 265 of May's Parliamentary Practice and decisions of the Chair for 1962-65 of the National Assembly of Pakistan to support his contention. Mr. Speaker disagreed with the arguments of the Minister on the ground that entry of foreigners into Pakistan without proper documents was a matter which could be mooted in the National Assembly. The adjournment motion was accordingly held in order and put to the House, which admitted it.

(52-34, Vol-IV)
N.A. Deb., 17th December, 1974.

132. ADJOURNMENT MOTIONS: LOSING URGENCY OR PUBLIC IMPORTANCE:
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ADJOURNMENT MOTION

RULED OUT:

A member moved an adjournment motion regarding the shutting down of industries from Karachi to Ghara due to defects in the Karachi Nuclear Power Plant. The Minister concerned contended that the defects had been removed and the matter no more remained urgent or of public importance. Madam Deputy Speaker observed as follows:

"This adjournment motion has lost its urgency. A similar adjournment motion was moved in the Senate, which was ruled out of order by the Chairman of the Senate on the Ground that the matter is not urgent."

(54-36, Vol-IV)
N. A. Deb., 6th December, 1974.

133.  ADJOURNMENT MOTIONS: NOT OF URGENT PUBLIC IMPORTANCE: RULED OUT:

A member moved an adjournment motion about the alleged anti-state activities of Government functionaries by misusing the Foreign Office bag to accommodate private person of eminence. Mr. Speaker ruled out the motion, while agreeing with the concerned Minister that the matter was not urgent public importance.

(55-36, Vol-IV)

134.  ADJOURNMENT MOTIONS: NOT CONFINING TO DEFINITE ISSUES AND RELATING TO GENERAL POLICY: RULED OUT:

A member moved an adjournment motion about the statement given by the prime Minister that if people take one meal a day, there would be no need to import food-grains from abroad. Mr. Speaker ruled the motion out of order with the following observation;

"One definite issues is not there. General policy is being discussed. It cannot be the subject-matter of an adjournment motion"

(56-37, Vol-IV)
N. A. Deb., 14th December, 1974.

135.  ADJOURNMENT MOTIONS: BASED ON NEWSPAPER EDITORIAL: WAR
PREPARATION BY INDIA NOT OF RECENT OCCURRENCE: MOTION RULED OUT:

An adjournment motion was moved regarding war preparation of India, on the basis of an editorial of a local Daily. The Leader of the House objected that war preparation of India was not a matter of recent occurrence and the editorial of the newspaper could not form the basis for an adjournment motion. Mr. Speaker, agreeing with the above contention, ruled the motion out of order.

(59-38, Vol-IV)
N. A. Deb., 16th December, 1974.

136. ADJOURNMENT MOTIONS: ANTICIPATORY MATTERS CANNOT BE DISCUSSED THROUGH AN ADJOURNMENT MOTION:

On the 25 March, 1974, a member sought leave to move an adjournment motion regarding the likely increase in the PIA domestic fares. The Minister-in-Charge of Civil Aviation stated that the matter was still under consideration of the Government and no decision had yet been taken. The member, seeking leave, stressed that the Chairman of the PIA had categorically stated in his speech in the General body meeting of the PIAC that fares were going to be increased. Mr. Speaker ruled the adjournment motion out of order and observed that there could not be any discussion on matter which were going to happen but had not yet happened.

(61-39, Vol-IV)

137. ADJOURNMENT MOTION: BASED ON AN EVENT WHICH HAS TO HAPPEN IN FUTURE: NOT ALLOWED:

A member moved an adjournment motion in respect of the annual gathering of 'Qadianeis' in Rabwa in the last week of December, 1974. Mr. Speaker observed that it was a motion regarding an event which had yet to occur and, so, it could not be raised through an adjournment motion.

(62-39, Vol-IV)
N. A. Deb., 19th December, 1974.

138. ADJOURNMENT MOTION: BASED ON INCIDENTS HAPPENING IN FOREIGN COUNTRY: NOT CONCERN OF GOVT. OF PAKISTAN: MOTION RULED OUT:
A member moved an adjournment motion regarding the hanging of five ulemas by the Government of Iraq. The Minister of State for Parliamentary Affairs contended that it might be construed as an interference in the internal affairs of another country and, as such, it was not in the public interest to discuss the matter. It was further contended that the matter at issue was not the responsibility of the Govt. of Pakistan. Mr. Speaker observed as under:

"We are concerned with our own affairs. We are least concerned with what is happening in Iraq. Adjournment motion are not meant for these matters"

(64-40, Vol-IV)
N.A. Deb., 19th December, 1974.

139. ADJOURNMENT MOTIONS: CENTRAL FORCES WORKING AT REQUEST OF PROVINCIAL GOVERNMENT: MATTER REMAINS PROVINCIAL: VIOLATION OF FUNDAMENTAL RIGHT: REMEDY IN COURTS: NOT IN LEGISLATIVE ASSEMBLIES.

An adjournment motion regarding the arrest and detention of Air Marshall Asghar Khan came up before the House. It was contended by a member of the Opposition that the arrest of Asghar Khan by the Federal Security Force and Punjab Police through the orders of the Federal Government violated the fundamental rights granted under the Constitution and was cognizable by the National Assembly. The motion was opposed by the Minister of State for Parliamentary Affairs on the ground that it was a provincial matter. Another Minister contended that the Air Marshal was an ordinary citizen and, therefore, the National Assembly could not come to his protection. The then Presiding Officer (Mr. Mohammad Haneef Khan) ruled out the motion with the observation that, although the FSF was a Federal Force, its use under the orders of Provincial Government would make the matter Provincial. Similarly, it was held that the contention that the arrest was made at the orders of the Federal Government without any concrete proof would not make the Federal Legislature competent to take cognizance of the matter. The third plea that it violated fundamental rights was also repelled on the ground that the National Assembly was a legislative body and had noting to do with the enforcement of rights or administration of justice. In such cases, the aggrieved person should go to the relevant court, instead of agitating the matter in the Assembly.

(69-43, Vol-IV)
N. A. Deb., 5th December, 1974.

140. ADJOURNMENT MOTIONS: CRISIS DUE TO SHORTAGE OF VEGETABLE GHEE IN AN AREA UNDER THE CONTROL OF PROVINCIAL GOVERNMENT: NATIONAL ASSEMBLY NOT PROPER FORUM FOR DISCUSSION:
A member moved an adjournment motion about the crisis following shortage of banaspati ghee in the country. The minister for Parliamentary Affairs raised an objection under rule 80(d) of the Rules of Procedure and Conduct of Business in the national Assembly, 1973 that the matter could not be reopened, as it has already been discussed twice i.e once during the Budget debates and, subsequently, during the question hour. However, the Minister concerned volunteered to make a detailed statement to explain the causes resulting in the shortage of ghee all over the country. He was allowed to do so. The mover insisted on bringing the matter under discussion. Mr. Speaker thereupon observed that, although the production of ghee was the responsibility of the Central government, its distribution rested with the Provincial Governments and, since the adjournment motion related to an area under the administrative control of Provincial Government, the National Assembly was not the proper forum for discussion.

(70-44, Vol-IV)

141. ADJOURNMENT MOTIONS: DEATH OF CERTAIN PERSONS IN THE PROVINCIAL CITY AFTER CONSUMPTION OF LIQUOR: PROVINCIAL MATTER: MOTION RULED OUT:

A member moved an adjournment motion regarding the death of 25 persons after the use of liquor in Karachi. The Minister of State for Parliamentary Affairs opposed the motion on the ground that it was a Provincial subject. Madam Deputy Speaker ruled as follows:

"I have to say one thing. The mover has depended upon information from newspapers. The information in the newspapers is that the Provincial Government is taking adequate steps to do whatever they can and the matter of the motion falls within the Provincial sphere. As such it is ruled out of order under rule 80(f)."

(71-44, Vol-IV)

142. ADJOURNMENT MOTIONS: ILLEGAL DETENTION OF A PERSON: LIES WITH LAW-COURTS: MOTION RULED OUT:

A motion regarding illegal detention of Air Marshal (Retd) Asghar Khan of the Tehrik-e-Istiqlal in house near Hyderabad by the Federal Security Force came up before the house. The Minister of State for Parliamentary Affairs opposed the motion on the ground that it was a question of Law and Order relating to Provincial Government and the motion was allegedly hit by rule 80 (f) of the Rules of
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Procedure and Conduct of Business in the National Assembly, 1973. The Interior Minister also supported this contention. After some discussion, the Interior Minister made a short statement that the Federal Government had nothing to do with the detention of Air Marshal (Retd) Asghar Khan. Mr. Speaker, thereupon, observed that the remedy for illegal detention lay with the courts. The mover urged that he wanted to have a political discussion on the issue, but Mr. Speaker ruled the motion out of order.

(74-46, Vol-IV)
N. A. Deb., 18th December, 1974.

143. ADJOURNMENT MOTION: INCREASE IN GRAZING CHARGES: PROVINCIAL MATTER: RULED OUT:

A member moved an adjournment motion relating to increase in grazing charges fixed by the Forest Department. The Minister-in-Charge raised an objection that it was a provincial matter as the rates had been fixed by the Provincial Government. The mover contended that the rates were increased under the recommendation of the Committee constituted by the Central Government for the purpose and hence the matter could be agitated in the National Assembly. The Minister concerned repeated his objection that the rates had not been actually enhanced by the Committee set up by the Central Government and that it had made only certain recommendations, whereupon the Provincial Government took the decision being objected to. It was, therefore, maintained that the mere recommendation of the Committee for the enhancement of rates would not involve the Central Government. After hearing the mover and the Minister concerned, Mr. Speaker ruled out the motion on the ground that it was a provincial matter.

(75-47, Vol-IV)
N. A. Deb., 18th July, 1974.

144. ADJOURNMENT MOTIONS: TEAR-GASSING OF LADY AND MALE TEACHERS AT MAZAR OF QUAID-I-AZAM. PROVINCIAL MATTER: RULED OUT:

A member moved an adjournment motion about the tear gassing and beating of lady and male teachers by the Police at the Mazar of Quaid-i-Azam. The Minister-in-Charge contended that the striking teachers violated section 144 Cr. P.C., Whereupon the Provincial authorities had to take the necessary action. The motion was ruled out on the ground that it was a provincial matter.

(78-50, Vol IV)

145. ADJOURNMENT MOTIONS: INDUCTION OF MODERN WEAPONS INTO THE
ARMS FORCES OF A NEIGHBORING COUNTRY: RULED OF ORDER:
DISCUSSION DETERIMENTAL TO PUBLIC INTEREST:

On 16th January, 1974, Maulna Shah Ahmad Noorani Siddiqi sought to move an adjournment motion relating to the statement of General Tikka Khan, Chief of Staff of Pakistan Army, on the installation of latest weapons near the border of the country. The Minister of State for Defense objected to the adjournment motion stating that the statement of General Tikka Khan appeared to have been mis-reported in the newspapers in as much as he had disclosed about the induction of modern weapons into the armed forces of the neighboring country and not about the installation of the same on the borders of Pakistan. He assured the House that Government was taking necessary measures to meet the situation, but could not disclose the same in the public interest. The objection was upheld by the speaker who ruled the motion out of order as a discussion thereon would be detrimental to the public interest.

(83-53, Vol-IV)

146. ADJOURNMENT MOTIONS: SECTARIAN ISSUES: RULED OUT: [CONNECTED WITH PREVIOUS DISCUSSION]

The Minister-in-Charge made a statement on the adjournment motion moved by a member regarding inadequate representation of Sunni ulama on the Curriculum Committee for school students. The Minister pointed out that the Committee was properly represented by Sunni Ulema and further contended that the curriculum had been prepared with the consensus of Ulema of both the sides. He also invited the mover to come to the Ministry and see the books and manuscripts regarding syllabus. The mover as well as some other member wanted to speak on the issue but Mr. Speaker did not permit them on the ground that he would not allow a debate in the House on sectarian issues. He accordingly ruled out the motion.

(84-54, Vol-IV)
N. A. Deb., 12th December, 1974.

147. ADJOURNMENT MOTIONS: RELATING TO POLICY MATTER: NOT SPECIFIC AND RECENT BUT A CONTINUING PROCESS: RULED OUT OF ORDER:

A member moved an adjournment motion regarding serious economic situation caused by a drastic drop in the rate of investment in 1973-74. Another member raised an objection that it was a matter of policy and not a specific issue. The Minister of State for Parliamentary Affairs added that it was not recent but a continuing process and could not be raised through an adjournment motion. Mr. Speaker agreed with the above contentions and ruled the motion out of order.
148. **ADJOURNMENT MOTIONS: BAN ON MOVEMENT OF FOOD GRAINS BY ROAD TO CHECK SMUGGLING: NO RESTRICTION ON TRANSPORTATION BY RAIL: RULED OUT:**

A member moved an adjournment motion regarding ban on movement of food grains by Punjab Government, resulting in famine-like conditions in the Hazara district. The Minister-in-charge said that there was no ban on the movement of food grains by rail, but certain restrictions had been placed on their transportation by means of road in order to check smuggling. The motion was then ruled out of order.

(91-57, Vol-IV)

149. **ADJOURNMENT MOTIONS: INVOLVEMENT AND SENTENCE OF THE SON OF A PAKISTANI DIPLOMAT FOR SUPPLYING CHARAS: FACTS DENIED BY MINISTER CONCERNED: MOTION RULED OUT:**

A member moved an adjournment motion regarding involvement and sentence of the son of a Pakistani Diplomat for smuggling 'charas' thereby bringing a bad name to the country. The facts were denied by the Minister-in-charge, whereupon the motion was ruled out on the ground that a definite denial by the Minister concerned on the floor of the House, regarding the involvement of any such official or his relative in the matter, should be accepted as true.

(92-57, Vol-IV)
N.A. Deb., 18th July, 1974.

A number of adjournment motions were tabled by several members relating to the incident which took place on the Rabwah Railway Station on 29th May, 1974, resulting in the injury of students of Nishtar Medical College, Multan. As all the adjournment motions related to the same incident, these were taken up together, out-of-turn, by suspension of rule 84 of the Rules of procedure and Conduct of Business in the National Assembly, 1973, to discuss their admissibility. After a length debate, the Speaker ruled the motions out of order and gave the following ruling on 4th June, 1974:

"......... Ch. Zahur Illahi, Professor Ghafoor Ahmad and Maulana Mufti Mahmood have given notice, under rule 79 of the rules, to adjourn the business of the House to discuss a matter of general public importance, namely, failure of the Federal Government in protecting life and property of railway passengers when one compartment of Chenab Express carrying Nishtar Medical College students was attached at Rabwah Railway Station on 29th May, 1974. It was detached from the train, peaceful and innocent student passengers were taken out and were mercilessly beaten by armed hooligans, wounding many of them seriously and depriving them of their valuables. This has caused great unrest throughout the country and must be discussed in the Assembly. This adjournment motion is numbered 27. Sahibzada Saifullah has also tabled another adjournment motion which is numbered 31, but it is exactly on the same lines; ground mention are identical with adjournment motion No. 27. Maulana Ghulam Ghausizarvi also wants the matter to be taken up through his adjournment motion No. 32 on identical facts. Maulana Abdul Haskeem's motion No.36 is also on the same subject, but it contains some other matters like possibility of a conspiracy with far reaching effects. Another motion was moved by Mr. Ahmed Raza Khan Qasri numbered 40. The honourable member wants to discuss the situation of law and order in the province of Punjab, which has been created due to the Rabwah incident.

Rule 84 was a bar to take up the motions before the disposal of the adjournment motions received earlier i.e motions Nos. 1 to 26. Prof. Ghafoor Ahmed made a request under rule 262 to suspend the operation of rule 84. The Law Minister did not object on the condition that the motion shall be dealt with strictly on merit and in accordance with our rules and constitutional provisions. The Law Minister further stated that the Treasury Benches would not oppose the suspension of the rules provided no inflammatory speeches were made and the matter was discussed in accordance with the rules and the Constitution, to which the members of the Opposition unanimously agreed. The motion to suspend rule 84 was put to the House and was carried unanimously.

Ch. Zahur Illahi moved his motion No. 27. Motions Nos 31 and 32 were also taken up together. During the course of debate, motions No. 36 and 40 had been received, so all can be disposed of together as all relate to the same matter and contained identical facts, with some variation. The Law Minister raised preliminary legal objections; the arguments advanced are that, under the Constitution, maintenance of law and order is the exclusive responsibility of the provincial government and secondly, a Judge of the
High Court has been appointed to hold enquiry into the matter, hence the motions are hit by rule 80, sub rule (f) and (n). The Law Minister was of the opinion that we have to wait to see the development and at present the adjournment motion was inadmissible under rule 80. Ch. Zahur Illahi, in order to rebut the arguments of the Law Minister, relied on the Railways Act. Chaudhary Sahib admitted that maintenance of law and Order was a Provincial subject, but the occurrence had been committed at a place which attracted the provisions of the Railways Act and hence the Federal Government was competent to take cognizance. Ch. Zahur Illahi was also of the view that discussion in the Provincial Assembly could not create a bar to its discussion in the National Assembly and the appointment of a Judge to hold enquiry into the matter should not be taken as a hurdle to discuss the matter in the National Assembly. Ch. Zahur Illahi was also of the view that postponement for 2 or 3 days to discuss the pros and cons of the matter and to consider how to stop such incidents so that security of the country was not endangered.

Maulana Ghulam Ghaus Hazarvi was of the view that the matter was very urgent and important and National Assembly should go into the merits. Maulana Sahib was of the opinion that there was no need to go into the details of the occurrence but discussion should be held to consider his suggestions. Ch. Jahangir Ali from the treasury benches objected to the admissibility of the motion on the point of its being detrimental to public interest. Prof. Ghafoor Ahmed based his arguments on the Railways Act and relied on two decisions reported as Decision Nos. 365 and 366 (Decisions of the Chairs 1941-45). Prof. Sahib vehemently asserted that it was a very serious problem which needed discussion and to satisfy the nation the discussion was needed so that a solution be sought. Maulana Mufti Mahmood also was of the opinion that discussion would be useful to look into many basic problems of the issue and to find out the solution. Maulana Sahib was of the opinion that it was not an incident but a conspiracy and it needed a detailed discussion. Sirdar Shaukat Hayat Khan also participated in the discussion. My attention was also drawn to the proviso to rule 80. Some of the members of the opposition were of the view that a statement should be made by the Government on the issue.

The leader of the House replied to the arguments of the Opposition and made a statement on the issue also. The leader of the House was of the opinion that it was not a new development and this issue had been in the country since partition, even before. He was of the opinion that adjournment motion was not the solution of the immediate problem. The Prime Minister stated on the floor of the house that Government was not a party to the matter. The Government was fully seized of the matter. The Government was worried about it and there was no denying the fact that it was a serious problem. The problem was a national problem and the solidarity of the country was involved, but the object of discussion in the National Assembly should always be to resolve the controversy where every honourable member speaking as a patriotic Pakistani should look into all the dimensions of the issue and then find a suitable solution in accordance with the Constitution and law. The leader of the House was of the opinion that we should
not ignite the situation and allow the citizens to kill each other; our intention, our job was to bring back tranquility again to the country, restore the law and order situation and then sensibly the matter should be taken up for discussion either in camera, on party basis or in the house, whatever, method was devised. The Prime Minister argued that if the debate by means of adjournment motion could solve the problem, he would agree at this very moment provided it was necessary for the solidarity of the Country. The leader of the House added that an impartial enquiry by a judge of the High Court had been ordered and we should wait the report of enquiry. The Government was prepared to face the opposition as it had clean hands. The Leader of the House also raised another constitutional objection regarding the admissibility of the adjournment motion by relying on Article 106(3) of the Constitution where the minorities are defined and also drew the attention of the Chair to the oath to be taken by the President and the Prime Minister wherein it is clearly laid down that the President and the Prime Minister the highest officers of the country must have a faith in the last Prophet, Muhammad (peace be upon his) as the last Prophet and that there can be no Prophet after him and said that it was quite clear that Pakistani nation believed in the finality of the Prophethood and there could be no Prophet after our Prophet. The leader of the House concluded his arguments by saying that we should wait till the report of the Tribunal is finalized and then as friends and as representatives of people and not as opposition and the Government not as enemies, get together in the national interest; and if there was a need of debate, debate would be held definitely.

I have tried to look into the matter in detail and have tried to examine all the aspects of it. The fact that it is a serious matter, the fact that it is an urgent matter, cannot be denied. The fact that it is a basic problem which hits the national solidarity, integrity and unity of the country, nobody can deny. The Treasury Benches as well as the opposition benches are fully aware of the background of the issue, the gravity of the situation which is existing and its consequences and repercussions which can endanger the national integrity of the country if some solution is not arrived at through constitutional and democratic manner. Honourable members of the National Assembly, irrespective to which party they belong, from which Province they come, which constituency they represent, are fully aware of the magnitude of the problem. They are fully conscious of their duties.

It is the duty of the people of Pakistan, the entire nation, to see through their elected and chosen representatives that controversies, problems, issues and disputes are resolved through a constitutional and democratic process and not through violence. In a democratic set-up, the most sacred document is the Constitution and it is they duty of every one of us to see that constitution is not violated and the institutions created by the constitution should not only be respected but should be allowed to function as laid down in the constitution. The constitution, the law and the rules democrat the spheres of activities of different functionaries of the state and the Government. We have not only
to confine but submit ourselves to these institutions without which there will be chaos and we cannot move an inch forward. We cannot interpret the Constitution and the rules to our convenience. We have to examine all the issue in the light of the above, law of the land and the rules of procedure.

It is an admitted fact that an occurrence at Rabwah did take place. It is an admitted fact that it is a serious matter. It is an admitted fact that events that have taken place as a result of that incident are also of serious nature. It is also an admitted fact that the issue is not only confined to occurrence at Rabwah but it has a background and it has so many dimensions. Anyhow, we have to see what National Assembly can do in this matter. A discussion in the National Assembly is guided by the Constitution and the rules. The rules contemplate different types of motions and different sorts of debates under different rules.

Chapter X, which deals with the adjournment motions, has a very limited scope. As laid down by the rules of our own National Assembly, the present National Assembly, House of commons, Lock Sabha and different such like institutions working in other democrat countries, the scope of the adjournment motion is not only narrow but is a very limited one.

I am sorry to point out that the legal objections raised by the Law Minister have not been answered by the Opposition or by any honorable member of the House. It is admitted by all the honorable members who have participated in the debate that it is a law and order situation which is in the exclusive jurisdiction of the Provincial Government. The province has taken cognizance of it, debated it in the Assembly and hence the Federal Government cannot interfere in the working of Provincial Government to maintain law and order unless and until the administrative machinery has completely broken down. I do not agree with the proposition that since the occurrence has happened on a railway station, the Federal Government is competent to look into the matter. The incident is not confined to the railway station only but has other bearing also.

Nobody has answered to objection under sub-rule (n) of rule 80 wherein it is laid down that an adjournment motion shall not be admitted if the matter is pending before any court or other authority performing a judicial or quasi-judicial functions. I repeatedly requested honorable members to help me if I could get out of this rule, but I am again sorry to remark that not even a single member has quoted or cited any authority or precedent. The proviso to rule 80 does not apply and hence I am of the opinion that an adjournment motion cannot be debated when the matter is being enquired into by a court of enquiry. This is my findings as regards the incident which took place at Rabwah Railway Station on 29th May. In respect of other matters mentioned in the different adjournment motions. I would hold that such matters cannot come under the purview of an adjournment motion because it does not constitute one definite issue. As I have
already stated above, it is an issue of urgent public importance but so many issues are involved. The motions are hit by sub-rule (b) of rule 80 also. The National Assembly is not debarred in discussion other matter raised in the adjournment motions but those matters can be conveniently discussed and debated under different rules and not through adjournment motions. Another point which was not mentioned in the adjournment motion but was debated and discussed on the floor of the house by the honourable members of the opposition and was replied by the leader of the House regarding the statues of the Ahmadies, I am afraid it cannot be a matter of an adjournment motion. Minorities have been defined under article 106 (3) of the Constitution. To determine the status of any community, it needs amendment in the Constitution and then again a bar is created under rule 80 (L) which reads as follows:

"it shall not relate to a matter which can only be remedied by legislation" hence this point cannot be agitated through an adjournment motion

"how the enquiry is being conducted and what would be its scope, the Leader of the House has given an assurance to Sirdar Shaukat Hayat. How the investigation is to proceed, this is in the exclusive jurisdiction of the Provincial Government where such matter can be properly raised and debated. Any Matter relating to the law and order situation can be agitated before the Provincial Assembly. For the other matter such as the constitutional position, any act prejudicial to the solidarity and integrity of the country, no doubt, National Assembly is the forum and discussion can be held but under proper rules and procedure. With these observations, I rule out all the adjournment motion as out of order."

After Mr. Speaker had given the above ruling, some members started discussing certain aspects of the matter involved, whereupon the Speaker observed:

"After the ruling, there cannot be a debate but, if something said in good faith for the proper running of the Assembly, this may be allowed. There is a rule of convenience also"

(95-59, Vol-IV)
N. A. Deb., 4th June, 1974

151. ADJOURNMENT MOTIONS: A FEDERAL MINISTER ALLEGEDLY MADE A STATEMENT IN A DAILY PAPER ON CERTAIN DATE: MOVER QUOTED WRONG DATE OF PUBLICATION OF PAPER: MOTION RETURNED:

Sahibzada Ahmad Raza khan Kasuri moved an adjournment motion relating to the statement of a Federal Minister published in the Daily 'Nawa-i-Waqi' dated 8th October, 1974, that the Opposition was attempting to create a justification for Afghanistan's aggression over Pakistan. The Minister of
State for Parliamentary Affairs, relying upon ruling No. 32 from the Decisions of the Chair, 1962-65, pointed out that no adjournment motion against a statement made by a Minister was admissible. The Law Minister also pointed out that the motion was tabled 21 days after the event and so it was neither immediate nor recent. The Federal Minister concerned added that his statement was never published on 8th Oct. 1974 in the 'Nawa-i-Waqt' and, as such, the matter was hypothetical and was inadmissible under rule 80 (k) of the Rules of Procedure, and Conduct of Business in the Business in the National Assembly, 1973. A member from the Opposition pointed out that the adjournment motion had been tabled before the Commencement of the Assembly Session and hence the point of delay could not be pressed to defeat the motion. Mr. Speaker then scrutinized the cutting from the newspaper given with adjournment motion and found that it was dated 9th Oct. 1974 and not the 8th Oct, 1974, as suggested in the motion. It was returned to the mover on that ground.

(100-69, Vol-IV)
N. A. Deb., 2nd December, 1974

152. **ADJOURNMENT MOTIONS: ALLEGED INTERFERENCE BY A GOVERNOR IN A BY-ELECTION: NOT IN ORDER: REMEDY LIES IN ELECTION PETITION:**

On 16th January, 1974, Maulvi Mufti Mahmood sought to move an adjournment motion relating to the alleged interference by the Governor of NWFP in a by-election to the Provincial Assembly. He argued that under the Constitution, a Governor was supposed to be a non-political person and should not, therefore take part in any election campaign. He further argued that the election being a Federal subject, the adjournment motion could be discussed in the National Assembly. The Law Minister stated that, under the constitution, the responsibility for ensuring fair election lay with the Chief Election commissioner and any alleged irregularity or illegality could be challenged only through an election petition for setting aside the election. He further stated that the National Assembly was not competent to discuss the alleged irregularity in any election. Mr. Speaker, agreeing with the law Minister, observed that the National Assembly could not sit and hold an inquiry in an election dispute; the remedy for any irregularity or illegality of an election lay in filing an election petition with the Chief Election Commissioner. The Adjournment motion was accordingly ruled out of order.

(104-71, Vol-IV)

153. **ADJOURNMENT MOTIONS: FAILURE OF GOVERNMENT TO MEET THE JUST DEMANDS OF JOURNALISTS: POLICY ALREADY DISCUSSED THROUGH CUT-MOTIONS DURING BUDGET DEBATE: COULD ONLY BE DISCUSSED THROUGH MOTION UNDER RULE 220: RULED OUT OF ORDER:**
An adjournment motion relating to the failure of Government to meet the just demands of the journalist was allowed to be read in the House. It was pointed out by a member that the motion did not relate to any specific matter and was not related to a Federal subject. After some discussion, Mr. Speaker pointed out that the policy of the Government on the subject had been already discussed through cut-motions in the Budget session. The policy of the Govt. in the matter could be discussed only through a motion under rule 220 of the Rules of procedure and conduct of Business in the National Assembly, 1973. The Motion was therefore, ruled out of order.

(105-72, Vol-IV)

154. **ADJOURNMENT MOTIONS: RELATING TO GENERAL ELECTION OF 1970 IN A PROVINCE: NOT PROPER SUBJECT MATTER: MOTION RULED OUT:**

A member moved an adjournment motion regarding a statement by the Chief Minister of Baluchistan that proper elections were not held in 1970 in the Province. Mr. Speaker observed that it was not a proper subject for adjournment motion and ruled it out.

(108-74, Vol-IV)
N. A. Deb., 14th December, 1974.

155. **ADJOURNMENT MOTION: ADMISSIBILITY: MINISTER TO SPEAK ON A PRIVILEGE OR ADJOURNMENT MOTION BEFORE THE DEBATE AS TO ITS ADMISSIBILITY COULD START:**

A member moved a privilege motion and wanted to speak on it first. Mr. Speaker observed that when an adjournment motion or a privilege motion was presented, the Minister concerned was to reply to the motion before a debate regarding its admissibility could open.

N. A. Deb., 14th April, 1975.

156. **ADJOURNMENT MOTIONS: BASED ON THE OPINION OF A MEMBER: NOT ADMISSIBLE:**

Sirdar Shoukat Hyat moved a adjournment motion to discuss the alleged failure of the Government to implement an accord reached by the Government with the Opposition on 6th February,
1975, resulting in a deadlock and abstention of the members of the Opposition from attending the Assembly. It was stated in the motion that the Leader of the Opposition, Maulvi Mufti Mahmood, had declared on 25th May 1975, that the decision to remove the deadlock rested with the Prime Minister. The Speaker ruled out the motion on the ground that it was based on the opinion of a member, namely Maulvi Mufti Mahmood.

(6-3, Vol-IV)
N.A. Deb., 26th May 1975.

157. ADJOURNMENT MOTIONS: CHAIR NEVER EXPLAINS ITS CONDUCT IN RESPECT OF THE RULING OUT OF MOTIONS:

After Mr. Speaker ruled out an Adjournment motion, a member protested against the ruling out of adjournment motions by the Chair on one ground or the other. On this, Mr. Speaker observed:

“Speakers never explain their conduct. They may give a wrong decision, they may give an unjust decision, but the decision has o be respected.”

(8-5, Vol-IV)

158. ADJOURNMENT MOTION: CONSIDERATION DEFERRED ONCE FOR THE ABSENCE OF MINISTER CONCERNED AND AGAIN FOR THE ABSENCE OF MOVER:

On 14th November, 1975, Mian Mohammad Attaullah, Minister of State, desired that an adjournment motion may be taken up even in the absence of its mover. Mr. Speaker remarked that as he had deferred it previously because the Minister was not present, he would also defer it for the absence of the mover. The consideration of the motion was, therefore, postponed.

(9-5, Vol-IV)
N.A. Deb., 14th November, 1975.

159. ADJOURNMENT MOTIONS: MOVER NOT ATTENDING THE HOUSE FOR A LONG TIME: DISMISSED:

Four adjournment motions were standing in the names of four different members. These could not be taken up for a long time because movers were not attending the House. Mr. Speaker, dismissed the motions on the ground that there was no use to keep them on the agenda any more.
160. ADJOURNMENT MOTIONS: MOVER NOT PRESENT: KEPT PENDING:

On 30th October, 1975, Mr Speaker took up adjournment motions tabled by Maulana Abdul Mustafa-a.l Azhari and observed that as the mover was not present, they would be kept pending.

161. ADJOURNMENT MOTIONS: MOVER NOT PRESENT: MOTION FILED LATER: REQUEST FROM MOVER FOR POSTPONEMENT OF MOTIONS RECEIVED: MOTION DEFERRED AS PER REQUEST:

On 24th November, 1975, Mr Speaker took up adjournment motions tabled by Maulana Abdul Hakeem and remarked that since the mover was not present and no request had been received for deferment, the motions were filed.

Later on, Mr Speaker reviewed his decision with the remarks that request for postponement of motions had already been received from the mover and so the motions were deferred.

162. ADJOURNMENT MOTIONS GOVERNMENT POSITION ON THE POINT RAISED IN AN ADJOURNMENT MOTION EXPLAINED BY THE MINISTER CONCERNED: MOVER ASKED FOR POSTPONEMENT OF MOTION WITH PERMISSION TO RE-AGITATE THE MATTER IF THE SITUATION SO WARRANTED: NOT ALLOWED:

A member moved an adjournment motion on the basis of a news item in respect of the suspension of trains on main and branch lines of the Pakistan Railways. The Minister for communication denied the facts stated in the news-item and said that all the trains were running normally. The mover thereupon desired to defer discussion on the issue till next day to see if situation had improved by then.
He wanted to reserve his right to re-agitate the matter if the situation so warranted. Mr. Speaker ruled that adjournment motion could not be deferred but there was no bar to the making of a fresh motion.

(23-15, Vol-IV)
N. A. Deb., 10th April, 1975.

163. ADJOURNMENT MOTIONS: MOVER TO SPEAK ON ADJOURNMENT MOTION BEFORE THE MINISTER IS CALLED UPON TO GIVE REPLY:

Before the commencement of debate on an adjournment motion to discuss the failure of Government to help the earthquake affected people, a member raised a point of order suggesting that the Minister concerned should speak first to explain the policy of the Government in relation to the rehabilitation of the aforesaid people so that in the light of his explanation the other member may express their views. Madam Deputy Speaker ruled out the point of order saying that, according to the procedure, the members have to speak first in support of the adjournment motion and then the Minister has to give his reply.

(29-18, Vol-IV)

164. ADJOURNMENT MOTION: NOT PROPERTY OF THE HOUSE TILL IT IS READ OUT IN THE HOUSE:

A member stated that he had received a letter regarding the adjournment motion but did not know as to what happened to his motions. Mr. Speaker directed him to talk about the matter in his Chamber. The member stated that the motions were the property of the House. Mr. Speaker ruled that they would become property of the House when they would be read out in the House and not earlier.

(30-19, Vol-IV)

165. ADJOURNMENT MOTIONS: ONCE DIRECTED TO BE DISCUSSED IN CHAMBER: TO BE DISCUSSED THERE ONLY:

On 2nd December, 1975, Mr. Speaker took up an adjournment motion tabled by Sahibzada Ahmad Raza Khan Qasuri and remarked that he would discuss the matter in his Chamber after two days. Mr. Ahmad Raza Khan Qasuri urged that the motion did not need detailed discussion and might be taken
up in the House. Mr. Speaker reiterated that he would like to take it up in his Chamber.

(32-19, Vol-IV)
N. A. Deb., 2nd December, 1975.

166. ADJOURNMENT MOTIONS: PRESS CONFERENCE HELD. AND STATEMENT MADE, OUTSIDE THE HOUSE CANNOT BE DEBATED BY MEANS OF AN ADJOURNMENT MOTION:

On 26th November, 1975, Sahibzada Ahmad Raza Khan Qasuri moved an adjournment motion relating to the statement made at a Press Conference by Malik Miraj Khalid, Minister for Law, about the aims and objects of the Constitution (Fourth Amendment) Bill. Disallowing the motion, Mr. Speaker observed:

“There is no need of reply. Our settled practice in this House for the last three years is that statement made, and Press Conference held, outside the Houses are never made subject-matter of document motions.”

(35-25, Vol-IV)

167. ADJOURNMENT MOTIONS: SEVERAL MOTIONS REGARDING SAME MATTER: DECISION ON ONE TO DISPOSE OF OTHERS ALSO: TWO MEMBERS EACH TO SPEAK FROM BOTH SIDES:

On 3rd November, 1975, Mr. Speaker took up an adjournment motion tabled by Maulana Abdul Mustafa-al-Azhari regarding alleged firing by the Federal Security Force at a meeting in Lahore. Denying the allegations, Malik Mohammad Akhtar, Minister of State for Parliamentary Affairs, stated the Provincial Government had requisitioned the services of the Federal Security Force to assist the Civil Administration but the said force was not actually used. Mr. Abdul Hafeez Pirzada added that the Force nowhere near the place where the meeting in question was held. He also suggested that all motions on this issue may be taken up together to avoid repetition. Thereupon, Mr. Speaker observed that he would take up one adjournment motion and the decision on that motion will dispose of other similar motions unless different points were involved in the other motions. He also added that he would not allow ten members each of the Opposition and of the Government Party to speak on the adjournment motion and would permit only two members to speak from each side.

(40-28, Vol-IV)
168. ADJOURNMENT MOTIONS: SUBJECT MATTER PERSONALLY KNOWN TO MOVER: MOTION VALID EVEN IF THE NEWSPAPER REFERRED TO IN THE MOTION IS NOT PRODUCED.

A member wanted to move an adjournment motion regarding shortage of electricity reported in a section of the Press. The motion was opposed inter alia on the ground that the relevant cutting of the newspaper had not been produced. Mr. Speaker observed that since shortage of electricity was commonly and personally known to the mover, it was not necessary to produce the newspaper cutting.

(42-29, Vol-IV)
N.A. Deb., 18th January, 1975.

169. ADJOURNMENT MOTIONS: ACCIDENT BETWEEN BUS AND A RAIL CAR: NO TECHNICAL OBJECTION RAISED BY GOVERNMENT: MOTION HELD TO BE IN ORDER: LEAVE OF THE HOUSE ASKED FOR: NO OBJECTION RAISED BY ANY MEMBER: LEAVE REFUSED BY THE HOUSE:

An adjournment motion was moved regarding a collision between a rail car and a bus. The Minister of State concerned opposed the motion on the ground that there was no fault of the Railway Authorities and that inquiry was being conducted to ascertain the cause of accident. However, no technical objection was raised against the motion. Mr. Speaker, therefore, held that the motion was in order. He then asked for the leave of the House. No member raised any objection, but the House did not grant leave to discuss the motion.

(50-33, Vol-IV)

170. ADJOURNMENT MOTIONS: BLAST AT KARACHI AIRPORT MOTION ALLEGEDLY RELATED TO MORE THAN ONE ISSUE: A MINISTER SAID MATTER UNDER INVESTIGATION OF FIA AND POLICE: STATEMENT ALSO MADE BY MINISTER OF STATE FOR DEFENCE: MOTION HELD IN ORDER BUT LEAVE REFUSED BY HOUSE: ONCE MOTION HELD IN ORDER OPINION OF MOVER HAD NO WEIGHT:

On 1st December, 1975, Mr. Ahmed Khan Qasuri moved an adjournment motion relating to a blast at Karachi Airport on 30th November, 1975, causing injuries to certain persons and damage to the
Airports. Mr. Abdul Qaiyum Khan, Minister for Interior, opposed the motion contending that it was not in order as it related to more than one matter. However, he made a statement that the matter was under investigation of the Federal Investigation Agency and the Sind Police. Mr. Aziz Ahmed, the Minister of State for Defense, made a supplementary statement that the airport Security Force was being raised to look after such incidents at the airports. Mr. Speaker thereupon observed as follows:

"The matter is of urgent public importance and the adjournment motion is in order. Now .............. I will ask for the leave of the House if it is to be discussed, but before that I will ask the honorable mover if he is satisfied with the statement of Mr. Aziz Ahmad and the Inferior Minister. If he is not, then I will ask for leave of the House."

Mr. Mohammad Haneef Khan raised a point of order that once the motion was held in order, the opinion of the mover had no weight against the decision of the Chair. Mr. Speaker agreed with him and put the motion for leave of the House, which was refused.

(51-34, Vol-IV)
N.A Deb., 1st December, 1975.

171. ADJOURNMENT MOTIONS: INCREASE IN PRICE OF PETROL: OBJECTION TAKEN ON THE GROUND THAT IT WAS NOT URGENT: INCREASE IN THE PRICE TOOK PLACE A MONTH BACK WHEN ASSEMBLY WAS NOT IN SESSION: MOTION TABLED AT THE FIRST SITTING OF THE ASSEMBLY FOLLOWING THE INCREASE: MATTER NO LONGER URGENT: RULED OUT:

A member moved an adjournment motion regarding increase in the price of petrol announced by the Government on 30th September, 1975. The Minister concerned, Mr. Muhammad Yusuf Khattak opposed the motion on the ground that the matter involved therein was no longer of urgent public importance as a month had elapsed since the rise of prices.

Mr. Speaker ruled as follows:-

"Maulana Abdul Mustafa-al-Azhari moved a motion to adjourn the business of the Assembly to discuss a matter of urgent public importance, namely, there was no justification to increase the prices of oil on the 30th September, 1975, because the Government had sufficient stock which the Government had purchased earlier, and thereby the people were burdened with high prices and the Government made profit out of it. Prof Ghafoor Ahmad also gave notice of a similar adjournment motion. Both were taken up together. The Minister in-charge admitted the increase in oil prices but urged that it was not at Government's own initiative, the price increase had been due to
increase of oil price by the OPEC countries. The honorable Minister stated that prices of kerosene oil, diesel oil, etc., had not been raised, which were mostly consumed by the poor people. The honorable Minister had further argued that there could not be two oil prices in the same country, one received before the rise in oil prices and the other received after the increase. Lastly, the honorable Minister stated that the prices were increased on 30th September, and so it was no longer an urgent matter. I think, there is a lot of force in what has been argued by the Government side. There is no urgency in the matter to adjourn the proceedings of the house and hence both the adjournment motions are ruled out of order.”

(53-35, Vol-IV)
N. A. Deb., 29th October, 1975.

172. ADJOURNMENT MOTIONS: NOT RELATING TO A SPECIFIC ISSUE AND WIDE ENOUGH TO CALL FOR A GENERAL DEBATE: NOT ALLOWED:

A member moved an adjournment motion to discuss the suspension of the Provincial Assembly of the North-West Frontier Province following the murder of Mr. Hayat Mohammad Khan sherpao, a Minister of that province.

It was opposed by Minister of State for parliamentary Affairs on the ground that order suspending the Assembly was issued to save the province from external aggression and internal interference and that the impugned action of the Federal Government was justified under clause (3) of article 148 of the Constitution. Besides, he contended that it was not matter of recent occurrence and also embraced a wide range of issues. The adjournment motion was disallowed on the ground that it did not relate to any specific issue and was wide enough to call for a general debate.

(57-37, Vol-IV)
N. A. Deb., 2nd April, 1975.

173. ADJOURNMENT MOTION: REINTEGRATION AND CLOSE TIES WITH BANGLADESH: NOT URGENT OR DEFINITE AND AGAINST PUBLIC INTEREST: A DELICATE MATTER: INTERFERENCE IN INTERNAL AFFAIRS OF ANOTHER COUNTRY: MATTER RELATES TO FOREIGN POLICY: FOREIGN POLICY CAN NOT BE DISCUSSED THROUGH ADJOURNMENT MOTION DISALLOWED:

On 2nd December, 1975, Sahibzada Ahmad Raza Khan Qasuri moved an adjournment motion on the reintegration of and close fraternal ties between, Bangla Desh and Pakistan. Malik Mohammad Akhtar opposed the motion on the ground that Bangla Desh was separate country and it was not in the
public interest to discuss the matter. He also contended that it was not an urgent and definite matter of recent occurrence and was not primarily the concern of the Federal Government.

Mr. Ahmad Raza Khan Qasuri argued that the subject-matter of his motion was not hit by any of the provisions of the rules of procedure and Conduct of Business in the National Assembly, 1973, and, Therefore, a discussion on the motion was permissible. He also stated that he was not proposing any legislation in respect of Bangla Desh or its people and was only suggesting discussion and debate, which was a matter relating to foreign policy.

Sirdar shaukat Hyat Khan objected to the discussion of the motion on the ground that it was against national interest and related to a delicate matter.

Mr. Speaker thereupon observed:

".............. if we admit this adjournment motion, that amounts to interference in the internal affairs of another country, now a friendly country, which is against the policy of the Government. Moreover, it is not our job to discuss the statement made by certain of their nationals outside their country. Thirdly, the matter relates to foreign policy which cannot be discussed through an adjournment motion. Through a debate on the foreign policy in the National Assembly, this matter can be taken up, but not through adjournment motion. So, with these remarks, I disallow the adjournment motion."

(58-37, Vol-IV)
N. A. Deb., 2nd December, 1975.

174. ADJOURNMENT MOTIONS: MATTER PERSISTING FOR ABOUT THREE YEARS: NOT OF RECENT OCCURRENCE: RULED OUT:

On 16th January, 1975, an adjournment motion was sought to be moved to discuss the alleged said plight of non-Bengalies in Bangladesh. The motion was opposed by the Treasury Benches on the ground that it was not of recent occurrence because the alleged state of affairs existed in Bangladesh for the last about three years. Mr. Speaker ruled out the adjournment motion saying that a situation obtaining for the last three years was not a matter of recent occurrence.

(60-39, Vol-IV)

175. ADJOURNMENT MOTIONS: ALLEGED FAILURE OF THE FEDERAL
GOVERNMENT TO RESOLVE DIFFERENCES BETWEEN THE GOVERNOR AND THE CHIEF MINISTER OF THE PUNJAB: HELD INADMISSIBLE FOR NOT BEING THE CONCERN OF THE FEDERAL GOVERNMENT:

A member wanted to move an adjournment motion to discuss the alleged failure of the Federal Government to resolve differences between the Governor and the Chief Minister of Punjab, which endangered the public tranquility in the Province:

Mr. Speaker ruled out the adjournment motion with the following observations:

"I have gone through the adjournment motion. In substance, it relates to the differences between the Governor and the Chief Minister of the Punjab and aims at raising a discussion thereon in this House. The subject matter of the motion in hand obviously does not come with in the purview of the Federal Government. The adjournment motion would have been admissible had it raised an issue concerning the break-down of the political machinery in a Province."

(66-41, Vol-IV)

176. ADJOURNMENT MOTIONS: NON-AVAILABILITY OF MEAT IN ISLAMABAD AND RAWALPINDI: MATTER RELATED TO LOCAL AND MUNICIPAL AUTHORITIES: RULED OUT:

On 20th November, 1975, Maulana Abdul Hakeem moved an adjournment motion relating to non-availability of meat due to mal-administration in the slaughter at Sihala. Ch. Jahangir Ali, Minister of State for Works, opposed the motion on the ground that the matter in issue was not a Federal subject. Maulana Abdul Hakeem pointed out that the Sihala slaughter house was constructed by the Capital Development Authority and as such it was a Federal issue. Ch. Jahangir Ali argued that the whole of Islamabad was constructed by the said authority but every matter relating to it was not a Federal subject. He was of the view that since this matter related to the Provincial Government and municipal authorities, the National Assembly had no jurisdiction to deal with it.

Mr. Khurshid Hasan Meer argued that the situation arising out of this issue not only concerned Rawalpindi city but had also affected the Federal Capital which was a responsibility of the Federal Government.

Mr. Speaker ruled that since the motion related to a local matter, it could not be discuss in the National Assembly.
ADJOURNMENT MOTIONS: ARMED Dacoity in a Bank at Lahore: Law and Order Problem: Provincial Matter: Matter Sub-Judice: Plea that Banks were in the Federal Sphere Immaterial: Policy about Banks cannot be discussed by means of an Adjournment Motion: Ruled Out:

on 4th December, 1975, Sahibzada Ahamd Raza Khan Qasuri moved an adjournment motion relating to armed dacoity in a bank at Lahore. Mr. Mohammad Haneef Khan opposed the motion on the ground that it concerned law and order which was a Provincial matter. It was further contended that the matter was Sub-Judice in a law court. The mover then contended that Banks were a Federal subject and, therefore, National Assembly was a proper forum to discuss them. Mr. Speaker ruled out the motion with the observation that firstly it was a Provincial subject and secondly the policy about Banks could not be discussed through an adjournment motion.

ADJOURNMENT MOTIONS: Failure to Enforce Safety Measures in Coal Mines Resulting in Some Death: Two or Three Member Can Only Speak on Admissibility: Held to be a Provincial Subject: Arguments that It Falls in the Concurrent Legislative List and That in View of the Proclamation of Emergency the Federal Government Can Give Directions to Provincial Government Not Accepted: Federal Minister Assured to Look into the Matter: Ruled Out:

An adjournment motion relating to the failure of the Federal Government to enforce safety measures in coal mines, resulting in tragic deaths of workers in a coal mine near Quetta in September, 1975, came before the House. The Minister concerned maintained that although it was a Provincial subject, the Federal Government was doing its best to take safety measures. The Minister of State for Parliamentary Affairs added that an inquiry committee had already been set up. The mover contended that the matter was covered by item No. 31 of the Concurrent Legislative List appearing in the Fourth Schedule to the Constitution and therefore, the Federal Government had responsibility in the matter.

Mian Mahmud Ali Kasuri argued that as the Proclamation of Emergency, under Article
232 of the constitution, was in force in the country, the Federal Government could issue
directions even in respect of Provincial matters.

Dr. Ghulam Hussain also wanted to speak on the motion but Mr. Speaker did not allow him
with the observation that two or three members could speak on the point of
Admissibility keeping in view the past practice of our own Assembly and of other
Parliaments.

Mr. Speaker ruled the motion out of order on the ground that it was provincial subject,
and also because this Minister concerned had assured to look into the matter

(73-46, Vol IV)

179. ADJOURNMENT MOTIONS: BASED ON STATEMENT OF A PUBLIC LEADER:
MOTION FRIVOLOUS: AN ABUSE OF RIGHT OF MOVING AN ADJOURNMENT
MOTION: MINISTER NEED NOT BE CALLED UPON TO DENY THE FACTS
ALLEGED IN SUCH MOTIONS:

On 8th December, 1975, Sahibzada Ahmad Raza Khan Qasuri moved an adjournment motion
relating to certain Law Reforms proposed to be introduced by the Government. Mr. Speaker remarked
that it was based on a Statement made by a Public leader and was frivolous. The mover and another
member requested that the Minister concerned may deny the facts alleged by the said leader. Mr.
Speaker ruled that there was no need for it, because the motion was frivolous on the face of it. The
Minister should only be called upon to make a statement with a view to removing some ambiguity and
not otherwise. The moving of frivolous motions was held to be an abuse of the rights to move
adjournment motions.

(79-50, Vol IV)
N. A. Deb., 8th December, 1975.

180. ADJOURNMENT MOTIONS: CHARGES LEVELED BY AN EX-MINISTER OF
AZAD JAMMU AND KASHMIR GOVERNMENT AND AN EX-MEMBER OF AZAD
JAMMU AND KASHMIR ASSEMBLY AGAINST THE FEDERAL GOVERNMENT:
NATIONAL ASSEMBLY OF PAKISTAN COULD NOT INTERFERE IN THE AFFAIRS
OF AZAD KASHMIR:

A member moved an adjournment motion regarding certain charges leveled by a former
member of the Azad Jammu and Kashmir Assembly and former Minister of the Azad Jammu and Kashmir Government against the Federal government. Mr. A. H. Pirzad objected on the ground that Azad Kashmir was not a part of Pakistan and it was against the national interest to permit such motions to be read out in the House. Mr. Speaker pointed out that the objection should have been raised before it was moved. The mover contended that the Prime Minister of Pakistan and Mr. Pirzad were the President and Vice-president respectively of the Azad Kashmir Council and were also members of the national Assembly, hence the matter could be taken up in the House. Mr. Speaker disallowed the adjournment motion with the observation that the national Assembly of Pakistan could not interfere in the affairs of Azad Kashmir.

(81-52, Vol-IV)

181. ADJOURNMENT MOTIONS: POLICY MATTER NOT TO BE DISCUSSED BY MEANS OF AN ADJOURNMENT MOTION:

On 30th October, 1975, Prof. Ghafoor Ahmad moved his adjournment motion relating to theft of medicines from the store of the Jinnah Post-Graduate Medical Centre, Karachi. The minister concerned, Mr. Hafeezullah Cheema, made a statement that a departmental enquiry had already started and the police was investigating to bring the culprits to book. The mover, however, wanted to discuss the matter in the House. Mr. A. H. Pirzad contended that the policy matter should not be allowed to be debated through adjournment motions. The motion was, therefore, not allowed to be discussed.

(87-55, Vol-IV)
N. A. Deb., 30th October, 1975.

182. ADJOURNMENT MOTIONS: ALLEGED CONVERSION OF LIAQUAT MEMORIAL HALL, RAWALPINDI, INTO A DANCING HALL: FACTS DENIED: NOT URGENT: RULED OUT: COULD BE DISCUSSED UNDER RULE 220 OR AS A RESOLUTION:

A member moved an adjournment motion relating to alleged conversion of Liaquat Memorial Hall, Rawalpindi, into a dancing hall. The Education Minister contended that the motion was not tabled at the earliest opportunity and also made a statement denying the fact. Mr. Speaker ruled the motion out of order as the matter was not urgent. He also observed that it could be discussed under rule 220 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, or by means of a resolution.
183. ADJOURNMENT MOTIONS: ALLEGED FIRING AND TEAR-GASSING IN LAHORE BY THE FEDERAL SECURITY FORCE UNDER THE ORDER OF THE FEDERAL MINISTER: MINISTER CONCERNED DENIED THE CHARGES: MOTION RULED OUT:

An adjournment motion, relating to alleged firing and tear-gassing by the Federal Security Force in Lahore, under the orders of Mr. Abdul Hafeez Pirzada, a Federal Minister, on 15 October, 1975, came up before the House. The Minister concerned denied the allegation being vicious and amounting to poisonous attacks. The mover tried to intervene but Mr. Speaker observed that personal remarks should be avoided otherwise the minister concerned will have the right to make a statement.

Mr. Abdul Hafeez Pirzada thereafter made a statement denying the allegations and stated that the F.S.F was kept in reserve but was never used. He further contended that he was in Rawalpindi at that particular time and as such the allegations against him were false. Mr. Speaker, relying on the statement of the Minister, ruled the motion out of order.

184. ADJOURNMENT MOTIONS: DISMISSAL OF OFFICERS AND AREA MANAGERS OF STATE LIFE INSURANCE CORPORATION: MATTER SUBJUDICE EVEN IF SOME BUT NOT ALL OF THEM HAVE GONE TO A COURT OF LAW: THREAT OF HUNGER STRIKE IMMATE RAIL: GOVERNMENT PREPARED TO LOOK INTO THE MATTER: RULED OUT:

On 20th November, 1975, Maulan Abdul Hakeem read out his adjournment motion relating to dismissal and hunger-strike of the officer and Area managers of State Life Insurance Corporation. Mir Afzal Khan, the Minister for commerce, denied the facts stated in the motion. He also contended that the matter was sub judice. Mr. Speaker enquired from the Minister concerned if he was ready to look into the matter. The Minister replied that he would do so only if the motion was ruled out or accepted.

Mr. Khurshid Hasan Meer pointed out that some of the employees had gone to the court. Mr. Speaker observed that even if one had gone to the court, the matter would become sub judice and the question of independence of judiciary would be involved.
Sahibzada Ahmad Raza Khan Qasuri contended that if a case has been registered with the police, then the matter would not become *sub judice*. But if it was pending in a court, then of course it was *sub judice*.

Mr. Speaker ruled out the adjournment motion with the following observations:

"This adjournment motion is ruled out of order on the ground that the matter is pending in the court. I have also gone through the news item which has been attached with the motion. There is only the threat of hunger-strike. There hunger strike at present. It has been contradicted by the Minister, and ultimately the request is the department might look into the matter."

(96-66, Vol-IV)
N. A. Deb., 20th December, 1975.

185. ADJOURNMENT MOTIONS: INCOMPLETE: RETURNED TO THE MOVER:

On 25th November, 1975, Maulana Abdul Hakeem moved an adjournment motion relating to a seminar allegedly sponsored by a Special Adviser to the Federal Minister for Education. The Minister for Education, Mr. Abdul Hafeez Pirzada, denied that he had any Special advisor. Mr. Speaker returned the motion to the mover with the observation that it was incomplete as it did not contain the necessary ingredients, such as, name, time and place of incident.

(101-69, Vol-IV)

186. ADJOURNMENT MOTIONS: NOT ACCOMPANIED BY NECESSARY MATERIAL OR DOCUMENT: RETURNED TO MOVER: MOTIONS BASED ON SAME FACTS CAN BE TAKEN UP TOGETHER:

Two motions by two different members regarding a resolution passed by the Punjab Union of Journalists demanding that the Federal Government might revise its alleged policy of suppressing and killing the independence of newspapers came up before the House. Mr. Speaker observed that since the substance of both the adjournment motions was the same and they were based on identical facts, he would dispose them of together. The motions under discussion were however, returned to movers with the following observations:

"................The adjournment motions and privilege motions moved in the House lacked the necessary material, date or relevant documents. In very few cases, the material or the document might not be available to the movers or there might not be any
necessity of any document to be attached with the motion, but in most of the cases where the document is easily available, and is not attached with the concerned motions, it not only delays the matter but makes the motions confused and the arguments irrelevant to subject under issue. The rules and the previous practice have been very strict in this matter. In the previous Assemblies of our country, the practice has been to return such motions to the honourable members for attaching necessary documents. I think we have to adopt the same practice in order to save the valuable time of the House. I have repeatedly requested the honourable members that they should not base their motions on the items of newspapers alone because the experience has not only shown but proved that about the same news there are different versions in different newspapers. It is difficult to know as to what is the actual news. . . . . If the honourable members can get some other materials also, it would not only be convenient but expedient to arrive at some definite conclusion. I am not doubting the credibility of any particular newspaper. I have great respect and regard for the press. In a democratic setup, independence of the press is as much essential as other democratic institutions are. In many cases, the authenticity of any news appearing in any newspaper or periodical is not denied but, for the purpose of the adjournment motions and privilege motions, we have to confine ourselves to the definite point which is to be discussed because it is the rule, procedure and practice.

What I found in both the adjournment motions, although both the honourable movers want the House to adjourn its proceedings to discuss the resolution passed by PUJ, but that very resolution is missing for which the House has to be adjourned. A news-item has been referred in which the substance of the resolution is given, but what is the actual language of the resolution, what it contains and with what object it has been passed, I am quite in the dark. It is very difficult for me to arrive at some definite conclusion. Hence, I have no other option but to return both the adjournment motions to the honourable movers to attach along with their motions copy of the resolution passed by the PUJ”.

(102-70, Vol-IV)

187. ADJOURNMENT MOTIONS: ALLEGED MALPRACTICE IN A BY ELECTION: ELECTION CANNOT BE QUESTIONED EXCEPT THROUGH AN ELECTION PETITION: RULED OUT:

A member moved an adjournment motion alleging that malpractices had been committed during a by-election at Karachi. It was alleged that the Federal Security Force intimidate the people, ballot-boxes were stolen and Polling Agents were arrested and beaten up. The Minister of State for Parliamentary Affairs contended that, under Article 225 of the Constitution, and election could not be
called in question except by an election petition to the Election Tribunal. The Interior Minister denied the use of Federal Security Force during the by-election. In view of the discussion, the motion was ruled out of order.

(103-71, Vol-IV)
N. A. Deb., 29th October, 1975.

188. ADJOURNMENT MOTIONS: NOT RELATED TO A PERSON IN HIS OFFICIAL OR PUBLIC CAPACITY: POLICY OF GOVERNMENT REGARDING RECRUITING AGENCIES SOUGHT TO BE DISCUSSED: COULD BE DISCUSSED BY MEANS OF A MOTION UNDER RULE 220 OR A RESOLUTION: NOT ALLOWED:

A member moved an adjournment motion alleging the inability of the Federal government to control Recruiting Agencies, resulting in the Murder of a house wife and her four children in Karachi. The Minister concerned contended that no recruiting agent was involved in the matter and that the case had already been registered and its investigation was in progress. It was further contended that the incident did not relate to any person in his official or public capacity and as such was in-admissible under rule 80 (h) of the Rules of Procedure and Conduct of Business in the National Assembly, 1973. It was also maintained that since the affairs of the Recruiting Agencies were to be brought under discussion, it would amount to criticism on the policies of the Government which could be discussed through a resolution or a motion under rule 220 ibid. In view of these arguments, discussion on the adjournment motion was not allowed.

(106-72, Vol-IV)
N. A. Deb., 30th October, 1975.

189. ADJOURNMENT MOTIONS: STATEMENT REGARDING MISUSE OF DEFENSE OF PAKISTAN RULES BY A PROVINCIAL GOVERNMENT OR BY ITS FUNCTIONARIES: SHOULD BE DEBATED WHEN STATE OF EMERGENCY IS UNDER DISCUSSION AND NOT BY WAY OF AN ADJOURNMENT MOTION:

On the 28th January, 1975, Maulana Syed Muhammad Ali Rizvi sought to move an adjournment motion, on the basis of press report, to discuss the alleged statement of Attorney General of Pakistan in Jurist conference that in certain cases the Police misused the defense of Pakistan Rules in some Provinces. It was, therefore, contended that statement of Attorney General amounted to an admission on the part of the Government that the D.P.R were misused by Provincial Governments. The Attorney General submitted that he had made reference to the misuse of their powers under D.P.R by some Provincial Government and had suggested that such powers should be withdrawn from them. As for the Federal Government, he explained that it did not come into the picture at all.
Malik Mohammad Jafar argued that the Attorney General was speaking as the head of the Bar Association and did not represent Government as a Minister and, as such, his statement was only meant for legal profession. Ch. Zahir Iliahi pointed out that in whatever capacity Mr. Yahya Bakhtiar was speaking in the jurists conference, it was a fact that he was also the Attorney General of Pakistan and voice his sentiments as such before the distinguished gathering of the lawyers drawn from all over the world. If his statement was correct, then the matter was fit for discussion in the House by way of an adjournment motion.

Mr. Speaker ruled out the motion on the ground that the matter was not of urgent nature as Government had admitted, while discussing the state of Emergency, that the D.P.R were misused to some extent. He observed that the matter could be better discussed during the debate on Emergency if a motion came up for its continuance.

(107-73, Vol-IV)

190. ADJOURNMENT MOTION: CANNOT BE READ IN THE HOUSE IF RELATED TO PROVINCIAL MATTERS:

A member pointed out that adjournment motions on very important and urgent matters should be allowed to be read in the House and, thereafter, the Chair may allow or disallow them. Mr. Speaker observed that, since the motions related to Provincial matters, they could not be allowed to be brought to the House. The Proper forum for them was the Provincial Legislature.

(1-1, Vol-V)

191. ADJOURNMENT MOTION: DISCUSSION ON LAW AND ORDER SITUATION: PROVINCIAL MATTER: RULED OUT: POLICY MATTER, TO BE DISCUSSED THROUGH RESOLUTION ETC.

A member wanted to discuss law and order situation, allegedly caused by the policy followed by the Federal land Commission. The motion was opposed by the Minister concerned on the ground that it dealt with the law and order situation, which was a Provincial matter. Mr. Speaker, agreeing with the Minister ruled out the motion with the observation that only a policy matter, on this subject can be discussed and that also through a Resolution.

(2-1, Vol-V)
N.A. Deb., 3rd March, 1976
RULING OF THE CHAIR

192. ADJOURNMENT MOTIONS: INADMISSIBLE: VIOLATION OF PROVISIONS OF A PROVINCIAL LAW CANNOT BE DISCUSSED IN THE NATIONAL ASSEMBLY:

On 16th August, 1976, during discussion on the admissibility of an adjournment motion tabled by Sahibzada Saifullah regarding the alleged exhibition of an Indian film in a cinema hall of Peshawar, Malik Muhammad Jafar, Minister of State for Tourism, raised the objection that the exhibition of an uncertified film in any cinema was a breach of the law rather than an issue of urgent public importance calling for the adjournment of the business of the Assembly. He maintained that, if every offence was sought to be discussed in the House by way of an adjournment motion then, besides setting a bad precedent, this House would almost daily be confronted with a spate of adjournment motions. Further, he said that, if an offence had been committed under a Provincial law, it was for the Provincial Government to deal with the matter.

2. Mr. Speaker upheld the objection and observed that the National Assembly was not a police station where, for every breach of the law, a FIR in the form of an adjournment motion can be lodged. He said that an offence of this nature could be dealt with by the Provincial Government, which is responsible for the control and exhibition of films.

(3-1, Vol-V)


On 1st July, 1976 a member moved an adjournment motion to discuss the failure of the Federal Government in giving directions to the Provinces for relaxation of restrictions imposed under Section 144 of PPC in connection with the Centenary Celebrations of the Father of the Nation which resulted in a lathicharge and tear-gasing on the opening session of the Quaid-i-Azam Convention in Lahore.

The Minister for Law opposed the motion on the grounds that the motion pertained to an action taken by the Provincial administration and relaxation of restrictions imposed under Section 144 of the PPC also rested with the Provincial Governments. Besides, it was not mandatory on the Federal Government to issue directions and, according to the rules, an adjournment motion should relate to a matter which was primarily the concern of the Federal Government. The action taken by a Provincial Government could not be debated in the National Assembly.

An opposition member said that the Prime Minister, as Chairman of the Committee which
was formed to celebrate the Birth Centenary of the Father of the Nation, had issued directives to all the Provinces to celebrate the Centenary of the Quaid-i-Azam. Another member stated that, according to the Constitution, it was the primary responsibility of the Federal Government to look after sanctity attached to memory of the Father of the Nation. He argued that they had a right to discuss the situation even if the responsibility of the Federal Government were only one per cent.

Mr. Speaker observed that the adjournment motion indirectly aimed at discussing the lathicharge in Lahore, which was a provincial matter. He further observed that the incident occurred on the 19th June, 1976 and appeared in the newspapers on the 20th June, 1976. The notice of motion was received on the 21st June, 1976 whereas it should have been submitted on the 20th June, 1976. The adjournment motion thus stood overruled.

(4-2, Vol-V)
N.A. Deb., 1st July, 1976

194. ADJOURNMENT MOTION: IN RESPECT OF PROVINCIALY ADMINISTERED TRIBAL AREAS AND A MATTER RELATING TO THE ARMED FORCES IN AID OF CIVIL POWER CANNOT BE DISCUSSED IN THE NATIONAL ASSEMBLY.

On 18th November, 1976, Mian Mahmud Ali Kasuri, sought to move an adjournment motion to discuss the reported clash between the civilians and the Civil Armed Forces of Pakistan in the District of Dir, allegedly resulting in the loss of several lives.

The Minister for the Interior, Mr. Abdul Qaiyum Khan, opposed it admissibility on the ground that it was a provincial subject. The Law Minister, Malik Muhammad Akhtar, contended that the matter had already been discussed in the Senate. Mian Mahmud Ali Kasuri, speaking on the motion, contended that, although the incident took place in Dir District but since practically it was a part of Tribal Area within the meaning of article 246 of the Constitution, therefore, the Federal Government had full control of it because the writ of the Provincial Assembly did not extend to that under Article 247. It was, therefore, reiterated that National Assembly was the proper forum for discussion of such an issue.

Secondly, he contended that since the Federal Government had completed control over the use of the Defence Forces during the time of peace or war, and as it was responsible to the National Assembly therefore a discussion on the motion could be made there.

Mr. Speaker, however, called upon the Hon'ble Member to say something on the effect of
the discussion over a similar motion relating to the same incident in the Senate of Pakistan and also upon it pendency in the NWFP Assembly. The Hon'ble Member did not touch upon these points and reiterated the arguments advanced above.

Mr. Speaker, while announcing his ruling on the 19th November, 1976, observed that the incident under discussion related to law and order situation in a Province and, since the Armed Forces were used in aid of such Province, it remained primarily a Provincial concerned and could not be discussed in the National Assembly without prejudicing the autonomy guarantee granted to the Provinces under the Constitution. The motion was, accordingly, ruled out.

(5-3 vol-V)

195. ADJOURNMENT MOTION: CONTAINING IRONICAL EXPRESSIONS, ETC. NOT
TO BE BROUGHT TO THE HOUSE:

On 27th February, 1976, Mr. Ahmad Raza Khan Qasuri pointed out than his thirteen adjournment motions had been killed in the Chamber, without hearing him. Thereupon Mr. Speaker observed that adjournment motions relating to judicial matters, or those containing ironical expressions, aspersions or arguments could not be brought in the House for discussion, as it would amount to wastage of time.

(6-4 vol-V)

196. ADJOURNMENT MOTION: COULD BE TAKEN UP IN THE ABSENCE OF THE
MINISTER-IN-CHARGE IF THE MINISTER ANSWERING IT WAS FULLY
CONVERSANT WITH THE SUBJECT:

An adjournment motion relating to an accident of fire in a railway oil tanker near Hyderabad on the 10th September, 1976, was pending for a long time. The Law Minister, Malik Muhammad Akhtar, requested that it might be taken up in the absence of the Minister for Railways.

Mr. Speaker observed that every matter could be disposed of in the House provided that the Minister, replying on behalf of the Minister-in-charge, was fully conversant with the details of the subject matter and answered the queries so as to satisfy the other side completely.
197. ADJOURNMENT MOTION: IF A MOTION IS ALREADY FIXED FOR DISCUSSION, A FRESH MOTION ON THE SAME SUBJECT NOT PERMISSIBLE:

While replying to the adjournment motion No. 93 on the subject on 2 April, 1976, Sahebzada Muhammad Nazeer Sultan, Parliamentary Secretary for Communications, enumerated detailed measures being adopted by the government for checking road accidents. Sardar Shaukat Hyat Khan wanted a full debate on it. Mr. Speaker observed that, under rule 80(e) of the Rules of Procedure, a motion shall not anticipate a matter for consideration for which a date had already been previously fixed and, since the subject matter of the motion, which was included for discussion in the Orders of the Day for 1 April, 1976, being a Private Members’ Day, had already been deferred for discussion till the next Private Members’ day, the motion, being anticipatory, was inadmissible.

198. ADJOURNMENT MOTION: INADMISSIBLE: MOTION ON SAME SUBJECT Ruled Out of Order in the Other House: Rulings of Presiding Officer of One House of the Parliament to Be Respected by Presiding Officer of Other House.

On 6 July, 1976, a member tabled an adjournment motion regarding the suspension of the Provincial Government of Baluchistan and the assumption of the power by the Governor on behalf of the Federal Government.

The Speaker observed that, under rule 80(d) of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, an adjournment motion shall not revive discussion on a matter which has been discussed in the same session or in the Senate within the last six months. Since some debate had taken place in the Senate on an adjournment on the above subject and a definite ruling had been given by the Chairman of the Senate, it would be very difficult for him to reopen the matter. He further observed.
that the presiding officers of the two House of Parliament should have respect for the rulings of each other. He accordingly ruled the adjournment motion out of order under he aforesaid rule.

(9-7 vol-V)

199. ADJOURNMENT MOTION: INADMISSIBLE: PROVISION OF RELIEF A CONTINUING PROCESS: SUBJECT MATTER TOO VAST TO BE ADEQUATELY COVERED BY AN ADJOURNMENT MOTION:

On 24th August, 1976, Mian Mahmud Ali Kasuri sought the adjournment of the House to discuss the alleged inadequacy of relief being provided to the flood-affected persons.

The Minister for Information and Broadcasting objected to the admissibility of the motion on the ground that it was premature in as much as the provision of relief measures was a continuing process and it was not yet time to judge whether or not all the requirements of the flood affected people had been met.

The Minister for law pointed out that the alleged inadequacy of relief measures had been denied by the Finance Minister in his statement made in the National assembly earlier and that could be contradicted by the other side only on the basis of an authentic source.

After hearing both the sides, the Speaker postponed his decision till the 25th August, 1976.

On the 25th August, 1976, the Speaker made the following observation:

"According to Mian Mahmud Ali Kasuri's adjournment motion dated the 24th instant, the relief being provided by the Federal Government to the flood affected persons was inadequate. A heated debate took place to determine it admissibility. I will not go into the details of these nor is there any need to discuss the points taken up by both the sides. But I am of the opinion that the subject matter is so vast that it cannot be adequately covered by an adjournment motion nor is there one single definite issue to be discussed. Moreover, the Finance Minister has already made detailed statement in the House on the 23rd August, 1976, spelling out the measures so far taken and those proposed to be taken in the future. This is a continuing process. The adjournment motion, therefore, cannot be admitted. Such a matter can better be discussed through a motion

(10-6 Vol-V)

200. ADJOURNMENT MOTION: LANGUAGE USED IN THE MOTION OBJECTED TO: SUCH OBJECTION SHOULD BE RAISED BEFORE MEMBER IS ALLOWED TO READ HIS ADJOURNMENT MOTION:

On 19th August, 1976, after Sahibzada Saifullah had read out his adjournment motion regarding an alleged strike in the Carriage Factory of Islamabad, a point of order was raised by Malik Muhammad Akhtar, Minister for Law and Parliamentary Affairs, that the language used in the motion was objectionable and infringed rule 80(g) of the Rules of Procedure and Conduct of Business in the National Assembly, 1973. The Speaker, while upholding the point of order, observed that, in accordance with the past practice and procedure followed in the National Assembly, such an objection should have been raised by the Minister-in-charge before the member was allowed to read his adjournment motion. He directed the member not to repeat his adjournment motion. The motion was, subsequently, ruled out of order as the facts alleged were denied by the Minister concerned.

(11-7 vol-V)

201. ADJOURNMENT MOTION: NON-AVAILABILITY OF TICKETS AT A RAILWAY STATION IS NOT A MATTER OF URGENT PUBLIC IMPORTANCE: RULED OUT:

On 7th July, 1976, a member moved an adjournment motion regarding the non-availability of tickets at Rahoo Halt due to the absence of the Station Master for about a month. The Minister for Law and Parliamentary Affairs opposed the motion and contended that the Station Master was sick, but a substitute has been provided to work in his place. Mr. Speaker thereupon observed that this was not such a matter of serious and urgent public importance as to call for the adjournment of the proceedings of the National Assembly. The motion was accordingly ruled out.

(12-7 vol-V)
N.A. Deb., 7th July, 1976
202. ADJOURNMENT MOTION: PERTAINING TO SENSITIVE ISSUE: HELD IN ADMISSIBLE:

On 4th November, 1976, Mr. Mahmood Azam Farooqui sought to move an adjournment motion to discuss the repercussions of the landing of a Bharati hijacked aircraft at the Lahore airport on the 10th September, 1976. The Minister for Law and Parliamentary Affairs, Malik Muhammad Akhtar, opposed the admissibility of the motion on the ground that it pertained to a sensitive issue.

Mr. Speaker, thereupon, observed that the matter, being sensitive in nature, could not be taken up through an adjournment motion.

(13-8 vol-V)
N.A. Deb., 4th November, 1976

203. ADJOURNMENT MOTION: TERMINATION OF SERVICES OF CERTAIN PIA EMPLOYEES ALLEGEDLY IN ACCORDANCE WITH THE SERVICE RULES: MATTER HELD NOT OF URGENT PUBLIC IMPORTANCE: MOTION RULED OUT:

On 8th November, 1976, Prof. Ghafoor Ahmad sought to move for the adjournment of the business of the Assembly to discuss the termination of services of 41 workers of PIA without, allegedly, serving upon them any show cause notice.

Earlier, on the 4th November, 1976, Mr. Mahmood Azam Farooqui had moved an adjournment motion on the same subject and it was decided to take up both the adjournment motions together at a later date (NA Deb., 4th November, 1976).

The Law Minister, Malik Muhammad Akhtar, raised an objection that a bona-fide action taken by the Department under the law could not be the subject matter of an adjournment motion. He contended that PIA dispensed with the services of its employees in accordance with their Service Rules and, as such, the motion was not competent. He placed his reliance on Ruling No.30 of the Decisions of the Chair form 1921 to 1940 at Page 21, to support his contention.

Prof. Ghafoor Ahmad, rebutting the argument of the Law Minister, pointed out that the action taken by PIA was against the provisions contained in the Standing Order No.3 of the Industrial Commercial Employees Standing Orders Ordinance, 1968.

The Minister of State for Labour, Mr. Abdus Sittar Gabol, averred that the Standing Orders, referred to above, were held in abeyance for a period of two months during which
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the services of the PIA employees were terminated and, as such, those Orders had no application to their case.

Mr. Abdul Hafeez Pirzada also supported the Minister of State for Labour and added that the Essential Services (Temporary Powers) Rules were made applicable to the employees of the PIA at the relevant time.

On the 19th November, 1976, Mr. Speaker disallowed the adjournment motion with the observation that the matter was not of urgent public importance to warrant the adjournment of normal legislative business of the Assembly.

(14-8 vol-V)


204. ADJOURNMENT MOTION: ARREST OF PAKISTANI FISHERMEN AND CAPTURING OF FISHING BOATS BY INDIAN NAVY: HELD IN ORDER: LEAVE GRANTED BY THE HOUSE FOR DISCUSSION:

On 8th December, 1985, Sheikh Rashid Ahmad, MNA sought leave of the House to move an Adjournment Motion relating to arrest of Pakistani fishermen and capturing of fishing boats by Indian Navy. Some other members also moved similar adjournment motions.

Mr. Speaker held the Motions in order and put them same to the House for leave which was granted for discussion of the Motions.

(11-7, Vol-VI)

N.A. Deb., 8th December, 1985.

Pp. 5395-5401.

205. ADJOURNMENT MOTION: BASED ON NEWSPAPER EDITORIAL: EXPLODING OF AN ATOMIC BOMB BY PAKISTAN AND IMPORT OF X-RAY MACHINE FROM SWEDEN FOR THE PURPOSE: RULED OUT OF ORDER.

On 17th November, 1985, a member sought to move an Adjournment Motion based on the statement of an American Journalist published in the daily “Jang” regarding exploding of an atomic bomb by Pakistan and import of X-ray machine from Sweden for the said purpose. The Minister of State for foreign Affairs objected that the editorial of newspaper could not form the basis for an adjournment motion. He also relied upon Ruling No. 59(1972-75) of the National Assembly as well as a ruling of the House of commons in support of has contention. Mr. Speaker agreeing with the said contention ruled the
motion out of order.

(14-8, Vol-VI)
Pp. 3555.

206. ADJOURNMENT MOTION: DEFECTS IN SIX BOEING 737 AND 303 PLANES PURCHASED BY PIA: DOES NOT RELATE TO ONE SPECIFIC ISSUE: RULED OUT OF ORDER:

On 29th September, 1985, three identical Adjournment Motions regarding defective condition of six Boeing 737 and 303 Planes purchased by PIA were moved. The Minister of State for Foreign Affairs opposed the motion on the ground that the matter does not relate to one specific issue of urgent public importance and of recent occurrence inasmuch as the Boeings were delivered in May, 1985, the decision to purchase them was taken in 1984 and initiated in 1983. The Minister proposed that the issue can, however, be brought under discussion through other procedural devices but not as an adjournment motion.

Mr. Speaker ruled the motion out of order on the ground that the matter involved in the motion does not relate to one specific issue.

(17-10, Vol-VI)
Pp. 970-972.

207. ADJOURNMENT MOTION: DISTRIBUTION OF ARMS AND MONEY AMONG PAKISTAN TRIBESMEN BY AFGHAN GOVERNMENT DOES NOT RELATE TO ONE DEFINITE ISSUE: RULED OUT OF ORDER:

A member moved an adjournment motion regarding distribution of arms and money among Pakistan tribesmen by Afghan Government. After some discussion, the Minister of State for Parliamentary Affairs informed the House that the matter in the motion primarily relates to foreign policy debate and the Prime Minister has already announced that in the first joint meeting of the two Houses two days will be fixed for the foreign policy debate. However the mover pressed his motion whereupon Mr. Speaker ruled it out of order on the ground that it does not relate to one definite issue.

(18-10, Vol-VI)
Pp. 2337-2344.
208. ADJOURNMENT MOTION: EFFECT OF CONSTRUCTION OF KALABAGH DAM IN NWFP: MATTER CONSIDERED IN THE SENATE DURING PAST SIX MONTHS: NOT ADMISSIBLE: RULED OUT OF ORDER:

On 2nd October, 1985, five identical Adjournment Motions regarding effect of construction of Kalabagh Dam on NWFP were moved by different members. The Minister for Water and Power, Mir Zafarullah Khan Jamali made an exhaustive statement on the subject but technically opposed the motion on the ground that an identical Adjournment Motion was moved and discussed in the Senate during the last session and as such the Adjournment Motions were inadmissible. Certain other members also expressed their views on the admissibility of the motions. Mr. Speaker, after hearing the debate at length, ruled the motions out of order on the ground that the matter was discussed in the Senate during the last six months and thus discussion was not permissible in the National Assembly.

(19-10, Vol VI)
Pp. 1398-1415.

209. ADJOURNMENT MOTION: INCREASE IN THE PRICES OF WHEAT AND TRACTORS NOT SPECIFIC: RULED OUT OF ORDER:

A member moved an adjournment motion relating to increase in the prices of Wheat and Tractors, which has caused great discontentment amongst the farmers. The Minister for Industries raised an objection that the motion does not relate to one definite issue and also no time or information is specified in it. The Minister requested the movers to provide definite time and information so that he could reply to it. After hearing the movers and Minister concerned, Mr. Speaker rules out the motion on the ground that it was not specific and in fact general in nature.

(25-14, Vol-VI)

210. ADJOURNMENT MOTION: INCREASE IN THE SECURITY DEPOSITS OF SUI-GAS: MATTER BEING NOT OF RECENT OCCURRENCE: RULED OUT OF ORDER:

On 4th December, 1985, Haji Muhammad Yunus Ellahi sought to discuss the matter of increase in the security deposits of Sui-Gas connections for domestic consumer, as reported in daily “Jang”
The Minister for Petroleum and Natural Resources opposed the motion that during last session two similar adjournment motions were held inadmissible after their discussion and as such the same issue now being raised is not a matter of recent occurrence.

Mr. Speaker, after hearing the mover and the Minister concerned rules the motion out of order by observing that it is not a matter restricted to recent occurrence.

(26-14, Vol-VI)
Pp. 4765-4767.

211. ADJOURNMENT MOTION: MATTER BEING NOT OF RECENT OCCURRENCE:
RULED OUT OF ORDER:

On 4th December, 1985 a member sought adjournment of the business of the House, inter-alia, to discuss the alleged circulation of fake currency notes in the country as reported by daily “Nawa-e-Waqt” dated 8-10-1985.

The parliamentary Secretary for Defence Rana Naeem Mehmood khan stated that an information was received by CIA staff Lahore that fake currency notes were being printed at a printing press in Lahore and the currency notes were being stored at residence of one Muhammad Naeem, in Lahore. However search of the house of said person yielded recovery of foreign currency notes of huge quantity and consequently a case was registered by the police. It was further stated that after this big haul of foreign currency, a raid was conducted on the printing press from where a machine operator was taken in custody who was also keeping such currency notes. Moreover, during investigation fifteen more persons were also arrested, and from the investigation conducted, it revealed that no currency was distributed in the market. The Minister denied that the notes worth Rs: 2-3/4 crores were seized as alleged by the mover.

Mr. Speaker ruled the motion out of order and observed that the matter was not restricted to recent occurrence.

(30-17, Vol-VI)
Pages: 4758-4763.
212. **ADJOURNMENT MOTION: MATTER BEING NOT OF RECENT OCCURRENCE: RULED OUT OF ORDER:**

On 14th November, 1985 an Adjournment Motion was sought to be moved to discuss the plight of the labourers of PECO who had observed strike on the appeal of MRD against imposition of Martial Law.

Mr. Speaker ruled the motion out of order under Rule 80(c) of the Rules of procedure, saying that the matter relates to an occurrence having taken place in 1979 and was not a matter of recent occurrence.

(32-18, Vol VI)
N.A. Deb., 14th October, 1985.
Pp. 4210.

213. **ADJOURNMENT MOTION: MATTER BEING PRIMARILY NOT RELATED TO THE GOVERNMENT OF PAKISTAN: RULED OUT OF ORDER:**

A member sought leave to move an Adjournment Motion regarding prohibition on offering of prayers in 264 mosques in India as published in the daily "Jisarat" Karachi, dated 15th October, 1985. The Minister of State for Foreign Affairs contended that the issue has already been dealt with in principle, in reply to an Adjournment Motion No. 109/85 dated 17th August, 1985 moved by Mian Muhammad Zaman, MNA. However, he submitted that the facts are that in its issue of December, 1948 the Indian periodical "Muslim India" reported that the Indian government has for long adopted the position that having taken the mosques under the control of the Archeological Survey of India it has the authority to prohibit or regulate the performance of Nimaz individual or congregational, regular or casual on its premises. The All India Muslim Majlis-e-Mushawarat held talks with the Indian Government to redress this grievance and according to published report, the Indian Government agreed, in principle, in March, 1984 of the freedom of Nimaz in all protected mosques which are under the control of Archeological Survey of India. The Minister further stated that the issue, however, is being pursued by the Indian Muslim community with their government and negotiations with Indian Government are continuing.

The Minister expressed his concern over the issue but contended that the matter raised in the motion concern another government over which the Government of Pakistan has no administrative control, therefore the matter at issue was not the responsibility of the Government of Pakistan.

Mr. Speaker ruled the motion out of order and observed that the motion is hit by Rule 80(f) of the Rules of procedure being not primarily concern of the Federal Government.
214. **ADJOURNMENT MOTION: MURDERS IN HYDERABAD AND KARACHI BY TERRORISTS: MATTER BEING PROVINCIAL: RULED OUT OF ORDER:**

On 5th December, 1985, an Adjournment Motion was sought to be discussed by Mr. Wasi Mazhar Nadvi, MNA relating to murders in Hyderabad and Karachi by terrorists.

Mr. Speaker after hearing the view of both sides ruled the motion out of order on the ground that the matter raised in the motion does not primarily relate to the Federal Government being provincial concern.

(35-20, Vol-VI)
N.A. Deb., 5th December, 1985.
Pp. 4984-4991.

215. **ADJOURNMENT MOTION: MURDER OF FIVE PERSONS AT BALAPIR: RULED OUT OF ORDER BEING PROVINCIAL CONERN.**

In the meeting of the National Assembly on 7th October 1985, four identical adjournment motions, regarding murder of five persons of a family at Balapir were moved. The Minister of State for Frontier Regions and Kashmir Affairs opposed the motion on the ground that although the issue raised in the motions was of a serious nature but the same relates to the government of Azad Kashmir.

Mr. Speaker after hearing both sides ruled the motions out of order on the ground that the issue pertains to local authorities of AJK Government.

(36-20, Vol-VI)
Pages: 2060-2072.

216. **ADJOURNMENT MOTION: POLICY MATTER NOT TO BE DISCUSSED BY MEANS OF AN ADJOURNMENT MOTION: RULED OUT OF ORDER:**

On 28th September 1985, two identical adjournment motions regarding inconvenience caused to general public in the matter admission problems in schools and colleges throughout the
country were moved. The minister for education opposed the motions on the ground that it was a matter of policy and was also hit by rule 80(a) of the rules of procedure. Mr. speaker ruled the motion out of order on the ground that the matter does not relate specifically to a particular issue and deals with a policy issue.

(38-22, VolVI)
Pp. 906-911.

217. ADJOURNMENT MOTION: PROPOSED LOAD-SHEDDING OF SUI-GAS IN SOME AREAS OF NWFP AND PUNJAB: MATTER NOT BEING OF RECENT OCCURRENCE: RULED OUT OF ORDER:

On 4th December, 1985 a member moved and adjournment motion relation to proposed load-shedding in NWFP and Punjab as allegedly disclosed by the Minister for Petroleum and Natural Resource based upon a newspaper report. The Minister for petroleum and Natural Resources stated that the adjournment motion is based upon mis-communication because in his statement, he had clarified that the government has taken measures to overcome the problems of load-shedding as result of which there will be no load-shedding in some areas of the country. The minister pointed out that the news report appears to be based on misconception.

Mr. Speaker, ruled the motion out of order saying that the matter is not restricted to recent occurrence.

(40-23, Vol-VI)
Pp. 4763-4765.

218. ADJOURNMENT MOTION: PROVINCIAL MATTER: RULED OUT OF ORDER.

On 6th October, 1985 certain members moved the adjournment motion regarding conduct of Thori Gate case by the Martial Law court in which five students were killed and some other injured. The mover contended that the said incident was discussed in the National Assembly and Senate and in answer to a question assurance was given that the said case will not be taken up by the Martial Law court. The Minister for Interior stated that it is entirely a provincial matter whereupon the Speaker ruled the motion out of order, being provincial subject.

(41-23, Vol-VI)
219. **ADJOURNMENT MOTION: ALLEGED ANTI-PAKISTAN STATEMENTS MADE AT THE RECEPTION OF KHAN ABDUL WALI KHAN: NOT OPPOSED BY THE TREASURY BENCHES: LEAVE GRANTED FOR DISCUSSION:**

On 5th November, 1986, certain members sought leave to discuss identical adjournment motions regarding anti-Pakistan statements made at the reception of Khan Abdul Wali Khan. The Minister for Interior stated that he would not oppose the motion on any technical or other grounds except that the facts of the motion were altogether incorrect. He further said that in case the Honourable members want to have a debate in the matter, then he had no objection. The Interior Minister did not oppose the motion in view of the feelings of the members for having a debate in the matter.

Mr. Speaker found the motions to be *prima facie* in order and put them to the leave of the House which was granted and the Speaker informed the House that motions shall be fixed for discussion in due course of time.

(1-1, vol-VI)

220. **ADJOURNMENT MOTION: ALLEGED COMPLAINT OF AMERICAN AMBASSADOR REGARDING AWARD OF CONTRACT FOR CIVIL WORK AT TARBELA DAM: NOT OF RECENT OCCURRENCE: RULED OUT:**

On 9th October, 1986 three identical adjournment motions which were moved on 23rd September, 1986 regarding alleged complaint of American Ambassador award of contract for civil work at Tarbela Dam were taken up. The Minister for Water and Power explained that nothing wrong had been committed as the Asian Development Bank had got all the facts and figures before the award of the contract to a Korean Firm instead of award of contract to an American Firm.

Mr. Acting Speaker, gave the following ruling:

"I do not see any reason to hold it in order because it is a continuous kind of happening, not the corruption but the delay in the tenders. So, I rule it out of order".

(3-2, Vol-VI)
221. ADJOURNMENT MOTION: ALLEGED INDIAN PLANNING TO ATTACK ON PAKISTAN: MATTER BEING OF URGENT NATURE: MOTION ADMITTED:

On 12th October, 1986, Ch. Mumtaz Ahmed Tarar, MNA, sought leave to move an adjournment motion regarding the alleged Indian planning to attack on Pakistan, as appeared in news report.

The Minister for Defence opposed the motion on the ground that the matter raised in the motion is hypothetical which is hit by rule 80(k) of the Rules of Procedure.

Mr. Acting Speaker however, gave the following ruling:

"Keeping in view of the urgency of adjournment motion that the mover has explained, I am of the considered opinion that the adjournment motion be admitted".

(6-4, Vol-VI)

222. ADJOURNMENT MOTION: ARTIFICIAL SHORTAGE OF MEDICINES: MATTER BEING NOT OF RECENT OCCURRENCE: RULED OUT OF ORDER:

On 5th November, 1986, a member sought leave to move an adjournment motion regarding artificial shortage of medicines by the Pharmaceutical Companies. The motion was opposed by the Treasury Benches on the ground that it had offices and drug inspectors all over the four Provinces and even Provincial Governments keep on sending the Federal Government regular reports, and therefore, neither there was any shortage of drugs in the country nor any doctor has reported to the said effect.

Mr. Speaker, gave the following ruling:
“During the discussion, I found that this increase in prices is not owing to any single cause but is a part of general trend and is also a continuous process, therefore, the adjournment motion is hit by rule 80(c) of the Rules of Procedure. As such it is ruled out of order”.

(12-7, Vol-VI)
Pp. 200-204.

223. ADJOURNMENT MOTION: RIOTS IN KARACHI AND HYDERABAD: MATTER BEING OF UTMOST PUBLIC IMPORTANCE AND NOT OPPOSED BY TREASURY BENCHES: MOTION HELD IN ORDER:

On 2nd November, 1986 some identical adjournment motions regarding rioting in Karachi and Hyderabad causing several deaths and imposition of the curfew in both the cities were moved. The Minister for Interior, Mr. Muhammad Aslam Khan Khattak, said that the matter raised in these motions was not primarily the concern of the Federal Government and is a provincial subject. Another member pointed out that incidents of those sort took place every time but the Government avoid its discussion on the pretext of its being a provincial subject. He wanted to know whether deployment of army in provinces was not the responsibility of the Federal Government was not the responsibility of the Federal Government. The Interior Minister explained that he had said that the central Government was not involved in maintaining law and order but he feels unhappy of the incident that had taken place. However the Minister submitted that the matter could more appropriately be agitated before Sindh provincial Government. He requested the honourable members of the House to allow him to get the reports from provincial Government which could be placed before the House for having a debate upon it. Another member urged upon the need for discussion of the matter which was of utmost importance and said that there was nothing more important than the situation prevailing in both the cities.

Mr. Deputy Speaker after hearing the debate at some length held the motion in order and asked the members to rise on their seats when the Interior Minister stood up and said that he did not oppose the motion. Mr. Deputy Speaker informed the House that the adjournment motion is admitted and would be discussed later on.

(42-24, Vol VI)
Pp. 58-75.

224 ADJOURNMENT MOTION: STATEMENT OF LIBYAN PRESIDENT FOR RELEASE OF MISS BENAZIR BHUTTO: MOTION BEING RELATED TO MORE THAN ONE
DEFINITE ISSUE: RULED OUT:

On 5th October, 1986 two members sought to move identical Adjournment motions for adjournment of the business of the House to discuss the statement alleged to have been made by the Libyan President regarding release of Miss Benazir Bhutto, daughter of former Prime Minister of Pakistan and the Leaders of MRD. The movers contended that the statement amounted to interference in the internal affairs of the country.

The Minister of State for Foreign Affairs stated that the motions were inadmissible under the rules governing admissibility of the motions as the same contained argument, inferences and defamatory statement. The Minister also contended that the motions relates to more than one definite issue as well.

Mr. Speaker ruled the motion out of order being hit by rule 80(b) of the Rules of procedure and conduct of Business in the National Assembly, 1973.

225. ADJOURNMENT MOTION: ALLEGED MISAPPROPRIATION OF AMERICAN AID IN PAKISTAN WATER RESEARCH COUNCIL: MINISTER CONCERNED CONTRADICTED THE CHARGES: MOTION RULED OUT:

An adjournment motion relating to alleged misappropriation of American Aid in Pakistan Water Research Council came up before the House. The Minister concerned denied the allegation on which the adjournment motion was based. He referred to Practice and Procedure of Parliament of India by M. N. Kaul page 421 (Third Edition) to contend that when the Government dispute the facts stated in the notice of an adjournment motion, the Speaker accepts the Government version of fact.

Mr. Speaker relying on the statement of the Minister ruled the motion out of order.

226. ADJOURNMENT MOTION: CONDUCT OF FOREIGN REPRESENTATIVE IN PAKISTAN NOT TO BE MADE A SUBJECT MATTER OF AN ADJOURNMENT
MOTION: RULED OUT OF ORDER:

An adjournment motion moved earlier by a member regarding poor response on Russian moves on Afghanistan was taken up on 3rd March, 1987. Mr. Zain Noorani, Minister of State for Foreign Affairs opposed the motion on the ground that it had consistently been held by the Chair that the conduct of the diplomatic representative cannot be made a subject matter of an adjournment motion. He relied upon the Constituent Assembly Debate dated 2nd April, 1954 pages 209-211 as well as Practice and Procedure of Parliament in India by M.N. Kaul, (Third Edition) page 420.

Mr. Deputy Speaker observed that as per rules and the Parliamentary Practice we could not really take the statement of diplomatic corps as basis for an adjournment motion, therefore, the motion is ruled out of order.

(16-9, Vol-VI)

227. ADJOURNMENT MOTION: INCREASE IN THE ARMS LICENCE FEE: NOT OPPOSED FIXED FOR TWO HOURS DISCUSSION:

On 25th June, 1987, Ch. Mumtaz Ahmed Tarar, MNA moved an adjournment motion relating to increase in the arms licence fee by the Federal Government. Certain other members also moved similar adjournment motions. The Minister for Interior opposed the motion firstly on the ground that it did not raise a matter of urgent public importance because the news regarding increase in the fee appeared in the press on the 19th of June, 1987 and secondly that the increase in fee was made by the Federal Government in exercise of powers under the Arms Ordinance, 1965. The Minister further contended that the issue raised in the motion, being a policy matter, could not be discussed by means of an adjournment motion.

A lengthy debate took place on the admissibility of the motion where after, realizing that the matter being of general public importance, the Minister did not oppose the motion which was admitted by Mr. Speaker for two hours discussion to be fixed later on.

(22-12, Vol-VI)

228. ADJOURNMENT MOTION: INCREASE IN THE PRICE OF COTTON YARN DUE TO IMPOSITION OF EXPORT DUTY: HELD IN ORDER:
On 29th June, 1987, some adjournment motions were moved relating to increase in the price of cotton yarn due to imposition of export duty. The Minister of State for Commerce opposed the motion on the ground that no decision had been taken so far to increase the export duty on the cotton yarn but a proposal was under consideration. The motion was deferred which was taken up again on the next day when the Minister of State for Commerce further explained and informed the House that on this issue the Government had tried to strike a balance between two industries i.e. EPTMA and Ancillary. The Minister stated that from December, 1986 onward both Ancillary Industry and EPTMA representatives were taken into confidence. It was stated that numerous meetings were held at the level of Commerce and Industries Minister, Deputy Chairman Planning Commission and senior officials of the Ministries concerned, therefore, efforts were being made to assess realistic requirements of cotton yarn for Ancillary Industry to ensure availability of cotton yarn.

After a lengthy discussion the movers of the motion insisted for admission of the motion for detailed discussion on the issue, whereupon Mr. Speaker held the motion in order and said that the matter would be discussed later on.

(24-13, Vol VI)
Pp. 2270-2445.

229. ADJOURNMENT MOTION: LOSING URGENCY: RULED OUT OF ORDER:

On 8th January, 1987 three identical adjournment motions regarding forcible occupation of airport being constructed at parachinar by several persons and their demand for payment of compensation of land were moved.

The Minister of State for foreign Affairs contended that the land was acquired in 1985, compensation settled and most of the people were given compensation where after everyone went away and after some time they came back again. He submitted that a few people have again occupied the airport for the reason that the political Agent had withheld their compensation for their failure to pay certain Government dues in time. The Minister further stated that the land had been vacated which was now in occupation of the Civil Aviation Authority for construction of the airport.

Mr. Speaker observed as follows:-

"In view of the fact that the work on the airport has started again after its vacation, the matter has lost its urgency and, therefore, it is ruled out of order under rule 80(a) of the Rules of procedure."
On 4th February, 1987 Mr. Liaqat Baloch, MNA sought leave to move an adjournment motion based on a news item dated 16th December, 1987, wherein it was disclosed that Rupees eleven crore were over spent in Defence Services and serious embezzlements as per report of the Auditor General of Pakistan, had been committed causing concern amongst the public.

Mr. Zain Noorani, Minister of State for Foreign Affairs opposed the motion contending that the adjournment motion was not admissible under rule 80(c) of the Rules of procedure and Conduct of Business in the National Assembly, 1973. He pointed out that the report of the Auditor General was presented in the National Assembly on 20th November, 1986 and referred to the Public Accounts Committee whereas notice of the motion was given on 18th December, 1986. Relying on practice and procedure of parliament in India M.N.Kaul page 125, the Minister submitted that an occurrence did not become recent because the facts had recently come to the notice of the honourable member. He maintained that the Public Accounts Committee was dealing with the matter and an opportunity would certainly arise for the honourable members of House to discuss the report after its presentation if they so desired. The Minister apprised the House of the fact that a similar notice for adjournment motion containing the same matter was given in the Senate which was ruled out of order by the Chairman on the ground that it was not a matter of urgent public importance or of recent occurrence. He therefore, requested the Chair that since the adjournment motion was inadmissible in view of rule 80(a) (c) and (d) of the Rules of procedure, therefore, the same may be held as such.

Mr. Speaker ruled out the adjournment motion with the following observation:-

"The motion is based on the report of the Auditor General of the accounts of Defence Services for the year 1984-85, news about which appeared in the daily "Nawa-i- waqt", dated 16th December, 1986. As held by Mukarjee, an occurrence is not recent merely because the facts have come to light recently (page 125). This is notwithstanding the argument, which we have on the floor of the House, furthermore, report of the Auditor General has already been laid before the National Assembly and has been referred to the Public Accounts Committee for scrutiny and report to the House. Therefore, as far as I
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can see the House is already seized of the matter and discussion on the subject can take place when the report is presented. Moreover, the matter is not of recent occurrence as required by rule 80(c). I rule the motion out of order."

(31-17 Vol-VI)
Pp. 1478-14913.

231. ADJOURNMENT MOTION: MURDER OF FOURTEEN PERSONS AT UMER GOPHANG, LARKANA: NOT OPPOSED BY THE GOVERNMENT: MOTION HELD IN ORDER AND NOT PUT TO THE VOTE OF HOUSE: DATE FOR DISCUSSION TO BE FIXED LATER ON:

On 30th April, 1987, certain Adjournment Motions regarding murder of fourteen persons at Umer Gophang, Larkana were moved. Admissibility of motions was discussed and then it was deferred for 2nd May, 1987 and as such there was a delay of nine days in moving the motion. The Minister relied upon the Rules of procedure governing admissibility of the adjournment motion which states that firstly it should be a matter of urgent public importance and secondly that it shall be restricted to recent occurrence. He further contended that even if there was a delay of one day in presenting the adjournment motion, it is fatal to the adjournment motion. It was further contended by the Minister that the motion was also inadmissible being a provincial matter. The Federal Government comes into picture only at the policy level.

Mr. Speaker after hearing movers and Minister at some length observed that it has become a practice in this House that majority of issues regarding law and order have been taken up on the floor of the House and some time at behest of the Federal Government itself. It was further observed that loss of the lives of fifteen / twenty peoples was certainly not a minor matter and keeping in view previous practice of the House, the motion to be prima facie in order.

After the said observation of the Honourable Speaker, the Government did not oppose the motion whereupon the motion was admitted for discussion. Mr. Speaker however, observed that since the motion was not opposed therefore, it would not be put to the vote of the House and the date for its discussion would be fixed later on.

(37-21, Vol VI)
Pp. 549-561.

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232. ADJOURNMENT MOTION: POLICY MATTER NOT TO BE DISCUSSED BY MEANS OF AN ADJOURNMENT MOTION: RULED OUT OF ORDER:

On 2nd March, 1987 an adjournment motion moved earlier by Sehlibzada Muhammad Ahmad and others regarding the alleged sale of AWACS aircrafts by USA to Pakistan was taken up. Mr. Zain Noorni, Minister of State for Foreign Affairs opposed the motion on the ground firstly that it was policy matter of defece of Pakistan and a continuing process, secondly, it was based on incorrect presumption, thirdly, that it was not a matter of urgent public importance and fourthly, that the motion was of general nature. Relying upon the practice and procedure of parliament in India by M.N. kaul, page 442 the Minister submitted that a matter continuing for some time cannot be raised through an adjournment motion.

After a lengthy debate on the issue, Mr. Speaker ruled the motion out of order holding that a policy matter cannot be discussed by means of an adjournment motion.

(39-22, Vol-VI)
Pp. 110-122.

233. ADJOURNMENT MOTION: STRIKE BY THE FEDERAL GOVERNMENT EMPLOYEES AND THEIR CONSEQUENT ARREST BY POLICE: MATTER SUBJUDICE: RULED OUT:

On 28th June, 1987, three adjournment motion were moved regarding strike by the clerks of the federal government and their consequent arrest by the police which had caused grave concern amongst them. The concerned Parliament Secretary opposed the motion on the ground that the matter was subjudice.

After discussion at some length Mr. Deputy Speaker ruled the motion out of order on the ground that the matter was subjudice.

(44-25, Vol-VI)
Pp. 2166-2176.

234. ADJOURNMENT MOTION: ALLEGED FAILURE OF SIXTH FIVE YEAR PLAN: MATTER NOT OF RECENT OCCURRENCE: RULED OUT OF ORDER:

On 14th April, 1988, an adjournment motion was moved by Mr. Mumtaz Ahmad Tarar, MNA
regarding alleged failure of sixth five year's plan on the basis of a review carried out by Ministry of Planning and Development. Opposing the motion Mr. Wasim Sajjad, Minister for Justice explained that in the Sixth Five Year Plan in some matters the Government had achieved the targets while in certain cases targets have not been achieved whereas in some matters more was needed to be done. He maintained that without going into merits of the adjournment motion, the subject has been extensively covered by the press by the statements of the honourable Minister and various people who have written and talked about the Sixth five Year Plan. He submitted that technically the matter was not restricted to recent occurrence and in fact the implementation of failure of the said Plan is a continuous process over a period of five years.

Mr. Speaker after hearing the mover and the Minister reserved his ruled on 14th April, 1988 and agreeing with the contention of the Minister ruled the motion out of order on 20th April, 1988 on the ground that this was not an event of recent occurrence within the meaning of rules and further observed that it was an established Parliamentary Practice that a subject which could be discussed by means of other Procedural device viz. motion under rule 220 is not permissible to be admitted rather than on the basis of an adjournment motion.

(4-2, Vol-VI)

N.A. Deb., 14th April, 1988.

Pp. 357-360.


Pp. 559.

235. **ADJOURNMENT MOTION: ALLEGED SUPPLY OF CONTAMINATED DRINKING WATER TO ISLAMABAD AND RAWALPINDI: FACTS DENIED BY MINISTER CONCERNED: MOTION RULED OUT:**

On 1st October, 1989 Begum Aamira Ehsan, MNA, moved an adjournment motion relating to supply of contaminated drinking water to Islamabad and Rawalpindi based upon a news report. The facts were denied by the Minister who stated that his Ministry after getting samples had examined the water but no contamination in the drinking water was found. He further stated that the water was also not found injurious to health, as per report of National Institute of Health.

Madam Acting Speaker ruled the motion out of order and observed that according to Parliamentary Practice M. N. Kaul (Third Edition) page 421, when facts contained in an adjournment motion are disputed, the version of the Government is taken as correct.

(8-5, Vol-VI)

236. **ADJOURNMENT MOTION: EXPLOSION IN SUI-GAS PLANT, IN BALOCHISTAN:**

**MATTER PENDING BEFORE AUTHORITY/ COMMITTEE: RULED OUT OF ORDER:**

On 18th December, 1990, Sardar Farooq Ahmed Khan Leghari and others moved an adjournment motion relating to explosion in Sui-gas plant in Balochistan, causing death of two persons and injuries to certain others. Ch. Nisar Ali Khan, Minister for Petroleum and Natural Resources opposed the motion contending that it was not admissible in view of rule 80(a), (b) and (c) of the Rules of Procedure. However, he made a statement that so far as the detail of the incident was concerned, he had received information at 5.00 a.m. (morning) whereupon under the direction of the Prime Minister, he reached the place of incident and arranged shifting of injured persons to different hospitals. He denied complete destruction of the Plant, as stated by a member in the House, and submitted that as a result of fire, a little part of the Plant has been effected but the supply of gas was restored within three days by doing hard work. The Minister pointed out that they never disconnected the domestic supply at any time and the supply to a few industrial units which was suspended, was also restored. The Minister clarified that the matter was under investigation of a Committee and as such the Adjournment Motion was not in order under Rule 80(n) of the rules of Procedure. He however, suggested that he was prepared to submit report of the said Committee before the House, if so desired by the House.

Mr. Speaker observed that since the matter was pending before the Investigation Committee, therefore, the Adjournment Motion was inadmissible and accordingly, it was ruled out of order under Rule 80(n) of the Rules of Procedure.

(20-11, Vol VI)
N.A. Deb., 18th December, 1990.
Pp. 312-328.

237. **ADJOURNMENT MOTION: ALLEGED GOVERNMENT ASSISTANCE TO MOHIB SHEHDI A NOTORIOUS DACOIT:**

**FACTS DENIED: NOT URGENT: RULED OUT:**

On 13th October, 1991 a member moved an Adjournment Motion relating to Government assistance to an notorious dacoit and offender namely Mohib Shehdi went out of the country accompanied by more than one hundred dacoits as proclaimed offenders. A member pointed out that the said Mohib Shehdi is by now dead and he also performed Hajj and certain other persons went out the country along with him.

The Minister for Interior made a statement whereby he denied the allegations of the
mover. Mr. Speaker thereupon relying on the said statement of the Minister observed as followed:-

"The honourable Minister has not accepted the plea of the mover of the Motion that Mohib Shehdi performed Hajj. If the facts are not admitted by the Government, the honourable member must produce some authentic information in respect of their Adjournment Motion. However, no authentic document has been shown to prove that when Mohib Shehdi performed the Hajj. Therefore, according to Parliamentary Practice (Mukharjee page 125) if the facts stated in an Adjournment Motion are disputed then the version of the Government is taken as correct."

After the above observation Mr. Speaker ruled the motion out of order on the ground that as Mohib Shehdi had since been killed in an encounter with the law-enforcing agency the Motion has lost its element of urgency within the meaning of Rule 80(a) of the Rules of Procedure.

(5-3, Vol-VI)
Pages: 120-130.

238. ADJOURNMENT MOTION: INCREASE IN EXCISE DUTY ON TELEPHONE CALLS: MATTER BEING REMEDIALBE BY LEGISLATION: RULED OUT OF ORDER:

On 16th October, 1991 some members moved identical Adjournment Motions relating to increase of 25% Excise Duty on telephone calls. A member pointed out that 25% of increase was made in the Budget and thereafter another increase being made now was not justified because the Government had raised this duty without any authorization in budget statement and approval. The Minister for Law and Justice opposed the Motion on the ground that the Government was competent to make an increase on the basis of authority given by an Act of Parliament.

Mr. Speaker after hearing the movers and the Minister at great length reserved his ruling on 16th October, 1991 which was given on the next day with the following observation:-

"The sub-schedule read with section 2 of the Finance Act, 1991, relates to the imposition of Excise Duty up to 50 percent. This Act was passed after full discussion and increase in Excise Duty was based on the authority given to the concerned agency by the Act of Parliament. It will therefore, be seen that there is no violation of articles' 77 or 80 of the Constitution. The grievances voiced by the honourable movers of the Adjournment Motion can be remedied by a piece of Legislation and therefore, the motions are hit by
rule 80(1) of the Rules of Procedure and Conduct of Business in the National Assembly, 1973. The Motion are accordingly ruled out of order."

(23-13, Vol-VI)
Pp. 408-433 and 603.

239. ADJOURNMENT MOTION: MATTER BEING NOT OF RECENT OCCURRENCE: RULED OF ORDER.

On 5th March, Maulana Ali Akbar, MNA sought leave to move an adjournment motion that according to preliminary survey it has been decided that Indus Highway will be passing near Bannu city and the decision was to implement it from this year but it is learnt that another survey report has been prepared according to which the proposed Highway will be constructed 25 KM away from Bannu which has caused concern amongst the people of Bannu city. The Motion was opposed by the Minister for Communications who contended that the project in question had already been approved which cannot be changed now.

Mr. Speaker after hearing the mover and the Minister at some length ruled the motion out of order on the ground that the matter pertains to the year 1988 and was not restricted to recent occurrence.

(33-19 vol VI)
Pp. 2109-2117.

240. ADJOURNMENT MOTION: TECHNICAL FAULT IN PRIME MINISTER PLANE: ITS LANDING DUE TO DEFECT IN MACHINERY: RULED OUT OF ORDER:

On 11th February, 1992 Mr. Hamza, MNA, moved an adjournment motion regarding landing of special plane of the Prime Minister at Tehran Airport due to technical fault when the prime Minister was proceeding to Switzerland. The mover argued that due to this incident the nation became surprised and criticised the poor performance of PIA. The Parliamentary Secretary for Defence opposed the motion on the ground that due to minor defect in the plane it had to land in Tehran Airport departed for Europe after a delay of five hours and returned back safely.

Mr. Speaker ruled the motion out of order, saying that the plane had to land on Tehran Airport due to technical defect and thus there was no fault on the part of its pilot.
241. ADJOURNMENT MOTION: ALLEGED CANCELLATION OF VISIT OF CHIEF OF WORLD BANK TO PAKISTAN: FACTS DENIED BY THE TREASURY BENCHES: MOTION RULED OUT:

On 29th September, 1996, an adjournment motion was moved by Opposition members regarding alleged cancellation of visit of the Chief of the World Bank to Pakistan. The fact was denied by the Treasury Benches whereupon the motion was ruled out of order with the following observation:-

"The Minister has stated that the visit of the World Bank's Chief has not been cancelled. It was and is to take place in second phase of his tour.

It is well settled that the adjournment motion does not lie when facts are in dispute. When the Government dispute facts contained in a motion, the Speaker accepts the version of the Government, (Kaul Page 450). Even otherwise, conduct of foreign Government over which the Government has no control cannot be discussed, (Kaul page 449)."

242. ADJOURNMENT MOTION: A MOTION NOT OPPOSED BY THE TREASURY BENCHES BUT TWO HOURS DISCUSSION NOT PRACTICABLE WITHIN THE SAME SESSION DUE TO ITS PROROGATION: CHAIR MAY FIX A DAY FOR TWO HOURS DISCUSSION DURING THE NEXT SESSION WITH CONSENT OF THE GOVERNMENT PARTY:

On 23rd May, 1996 Ch. Nisar Ali Khan moved an adjournment motion to discuss to statement of the President regarding the sale of Burma Castrol Shares in Pakistan Petroleum Limited to Hashoo Group and Bone/PPL Shares in Qadir Pur Gas Field to an Australian Firm. The Minister for Petroleum and Natural Resources did not oppose the motion and under rule 95(2) of the Rules of Procedure, a day was to be fixed by the Speaker for two hours discussion with in the same session. However, since the House was being prorogued on the same day, the chair with consent of the Government Party agreed to fix a day for two hours discussion during the next session.
243. **ADJOURNMENT MOTION: BASED ON NEWSPAPER REPORT: REPORT OF AMERICAN AMBASSADOR ON HUMAN RIGHTS VIOLATIONS NOT OF RECENT OCCURRENCE RULED OUT:**

On 20th May, 1996 an adjournment motion was moved by the Opposition members regarding reports of American Ambassador on human rights violations on the basis of a newspaper report. The Minister of State for Law objected that the motion was not restricted to a matter of recent occurrence and even otherwise, the report in question cannot be discussed by means of an adjournment motion. Mr. Speaker agreeing with the above contention ruled the motion out of order.

(15-9, Vol-VI)

N.A. Deb., 20th May, 1996.
Pp. 1458-1481.

244. **ADJOURNMENT MOTION: IMPORT OF MAD SHEEP FROM AUSTRALIA: ALLEGED FACTS DENIED BY THE GOVERNMENT: HELD THAT WHEN THE GOVERNMENT DISPUTE THE FACTS VERSION OF THE GOVERNMENT IS ACCEPTED: MOTION RULED OUT:**

On 29th August, 1996 Ch. Barjees Tahir and other Opposition Members moved an Adjournment Motion regarding the import of Mad sheep from Australia. The facts were denied by the Government whereupon the motion was ruled out on the ground that when the Government dispute the facts contained in a Motion the version of the Government is accepted as correct. Reliance was placed on M.N. Kaul page 450 and Mukerjee 125.

(21-12, Vol-VI)

N.A. Deb., 29th August, 1996.
Pp. 1373-1378.

245. **ADJOURNMENT MOTION: INVOLVEMENT OF THE BROTHER OF A FEDERAL MINISTER IN CHARAS SMUGGLING: FACTS DENIED BY MINISTER CONCERNED AND THE MATTER ALSO PENDING BEFORE A JUDICIAL AUTHORITY: MOTION RULED OUT:**
On 13th May, 1996 some opposition members moved an Adjournment Motion regarding involvement of a brother of a Federal Minister in charas smuggling. The facts were denied by the Interior Minister whereupon, the Motion was ruled out of order by Mr. Speaker relying upon Ruling No. 92 (Decision of the Chair 1972-75) and Practice and Procedure of Parliament in India by M.N. Kaul Page 450 wherein it is stated that an Adjournment Motion does not lie when facts are in dispute or before they are available. When Government dispute the facts stated in the notice of the Adjournment Motion, the Speaker accepts the Government version of facts. It was also ruled that an adjournment motion seeking to raise discussion in a matter pending before any authority performing judicial or quasi-judicial function is not ordinarily permitted to be moved in view of rule 93(n) of the Rules of Procedure and M.N. Kaul (Third Edition) Page 432.

(28-15, Vol-VI)
N.A. Deb., 13th May, 1996.

246. ADJOURNMENT MOTION: ANNOUNCEMENT BY PUNJAB FLOUR MILLS ASSOCIATION TO ENHANCE THE RATE OF ATTA BASED UPON NEWSPAPER REPORTS OF THE COUNTRY: FACTS HAVING BEEN DENIED BY THE GOVERNMENT: RULED OUT OF ORDER:

On 1st September, 1997 a member moved an adjournment motion regarding announcement by the Punjab Flour Mills Association to enhance the rate of atta based upon newspaper reports of the country. The Minister for Food and Agriculture said that the Punjab Flour Mills Association has contradicted the news report regarding likely increase in the rate of atta, therefore, the motion may be ruled out of order.

Mr. Speaker observed that since the facts contained in the notice have been denied by the Government being factually incorrect, the motion is ruled out of order.

(10-6, Vol-VI)
Pp. 1466-1469.

247. ADJOURNMENT MOTION: BASED ON INCIDENTS HAPPENING IN FOREIGN COUNTRY: NOT CONCERN OF GOVERNMENT OF PAKISTAN: MOTION RULED OUT:
On 9th May, 1997 a member moved an Adjournment Motion regarding unsatisfactory arrangements and facilities for Hujjaj-I-Ikram during the Haj Session specially after the eruption of fire in Mina. The Motion was opposed by the Government on the ground that the Motion was inadmissible in view of Rule 93(f) of the Rules of Procedure being not Primarily concern of the Government and the eruption of fire was accidental incident. Mr. Speaker ruled the Motion out of order and observed:-

"The Government version is that all facilities were provided to Hujjaj-I-Ikram and eruption of fire was an incidental accident. The primary responsibility regarding incident was that of the Saudi Government. Besides Adjournment Motions based on incident happening in foreign countries are also inadmissible. Ruling No. 64 Decision of the Chair 1972-75. Under rule 93(f) also the Motion is not in order."

(13-8, Vol-VI)
Pp. 444-459.

248. ADJOURNMENT MOTION: INCREASE IN THE SUGAR PRICES: FACT HAVING BEEN DENIED BY THE MINISTER: RULED OUT OF ORDER:

On 2nd September, 1997 an adjournment motion already moved by Syed Naveed Qamar, MNA, regarding increase in the sugar price was taken up in the House. Haji Muhammad Akram Ansari, Parliamentary Secretary for Industries opposed the motion on the ground that the motion was based upon a news which was factually incorrect.

Mr. Speaker ruled the motion out of order relying upon Practice and Procedure of Parliament by M.N. Kaul page 50 that it is well settled Parliamentary Practice that when Government dispute the facts contained in the notice of an adjournment motion, the Speaker accepts the Government version of the facts.

(27-15, Vol-VI)
Pp. 1555-1568.
AGENDA

249. AGENDA: AGENDA OF THE DAY TO BE SUBMITTED BEFORE-HAND.

On 10th August, 1947, a member raised a point of order that items of the agenda, which was to be taken up that day, should be indicated specifically on the orders of the Day. Thereupon, Mr. Chairman observed that the agenda of the Day should be submitted before-hand.

(40-24, Vol-I)
Pp. 3.
Allotment of Seats

250. **Allotment of Seats**: A member elected on the ticket of a political party cannot sit on the Independent Benches without first disassociating himself from that party.

On 2nd September, 1976, the Speaker inquired from Mr. Khurshid Hasan Meer, who was occupying a seat along with the independent members, whether he still belonged to the PPP. The member replied in the affirmative. Thereupon, the Speaker observed that until and unless a member disassociates himself from the party on whose ticket he contested the election, he could not occupy a seat on the Independent Benches. He accordingly asked Mr. Meer to occupy the seat which was allotted to him on the Treasury Benches.

(15-9, Vol-I)
N.A. Deb., 2nd September, 1976.
251. AMENDMENT: CANNOT BE TERMED OUT OF ORDER IF IT SEEMS TO SOME MEMBERS AS BEING DONE IN A CLUMSY MANNER: AN AMENDMENT CAN BE MOVED TO ALTER A PARTICULAR PROPOSITION.

A member raised a point of order that certain amendments, proposed to be made in the Constituent Assembly Rules, were irrelevant and were being done in a clumsy way. The Chairman overruled the objection and said:

"This Assembly is not attempting to amend certain rules which were made by the Assembly itself. About the competency of the Assembly to change its own rules there is no doubt. All that has been said against the attempt to make these changes or against the amendments proposed amounts to this that it is being done in a clumsy way. If it comes to that then I must say that it is not a point of order. I cannot rule this out of order on a ground like that. You can persuade them to do it in a way which you think to be best but I cannot rule that because it is not being done in a manner which is desired by certain members of this House it is out of order.

I do not know why it has been contended that the amendment is not relevant to the motion. What is, after, all an amendment? An amendment seeks to alter a particular proposition. Either the amendment may seek to add to it or subtract from it, but it cannot actually bring in something which has a negative effect on the original motion. Save and except that, anything is permissible. The objection is that something new is going to be introduced. It is precisely for this purpose, that is to add something new, that the amendments are proposed. I cannot rule that the amendment is out of order on that ground."

(42-25, Vol-I)
C.A. Deb., 18th May, 1948.
252. **AMENDMENT: MEMBER REQUESTING TO BE ALLOWED TO WRITE HIS AMENDMENT IN THE HOUSE: PERMISSION NOT GRANTED.**

During the second reading of a bill, a member requested for permission of the President to write his amendment in the House. Mr. President refused to accord the permission and observed that the House could not wait until the member made up his mind and wrote his amendment. He added that the House could not be asked to wait for that purpose.

(44-26, Vol-I)
P. 48.


On 18th January, 1950, Mr. President *suo moto* observed that, on the 6th January, 1950, the Assembly had passed two Bills relating to the amendment of the Government of India Act, 1935, and both bore one and the same title "Government of India (Amendment) Act, 1950", whereas actually the title of the second Bill should have been "Government of India (Second Amendment) Act, 1950". As the desired change in the title was of a purely formal nature and did not, in any way, touch the substance of the measure, it was effected with the approval of the House without putting a formal motion to the House.

(43-26, Vol-I)
P. 63.

254. **AMENDMENT: CANNOT BE MOVED ON BEHALF OF AN ABSENT MEMBER:**

On September 3, 1955, a member was called upon the move his amendment but he was not present in the House. Another member desired to move the amendment on his behalf. Mr. Speaker, thereupon, observed that the honourable member could not act as proxy for the absent member, as there were no such precedents.
255. **AMENDMENT: OBTAINING PRESIDENTS CONSENT TO A BILL OR AMENDMENT MOVED BY A MEMBER UNDER ARTICLE 26 OF THE CONSTITUTION NOT THE RESPONSIBILITY OF THE ASSEMBLY SECRETARIAT.**

On 4th July, 1962, a Member gave notice of some amendments requiring consent of the President, which was not communicated to the Member by the Minister-in-Charge. On an enquiry by the Speaker from the Minister-in-Charge, the latter started that he did not know whether the consent of the President had been accorded in that case. A Member pointed out that it was a vital matter affecting the fundamental rights of the Member. Another Member requested that all amendments then pending and requiring consent should be sent to the President to which the Deputy Speaker pointing out that it was the Member’s duty to get the consent of the President and not the responsibility of the Assembly Secretariat.

256. **AMENDMENT OF THE CONSTITUTION: CONSIDERATION MOTION TO BE PASSED BY SIMPLE MAJORITY: OBJECTION RAISED BY POINT OF ORDER HELD THAT CONSIDERATION STAGE IS AN INTERMEDIATE LEGISLATIVE PROCESS: TWO-THIRDS MAJORITY NOT NEEDED AT THIS STAGE EXCEPT FOR ADOPTION: OBJECTION OVERRULED.**

On 23rd December, 1963, when the consideration motion of Constitution (First Ammendment) Bill, 1963 was adopted by less than two-thirds majority an objection was taken by a Member that the Bill could not be declared as past. The Speaker ruled: "A Motion for consideration of a Bill is a legislative process; an intermediate stage. It is not legislation itself. This view is supported by precedents in the American Congress. Under the American Constitution two-thirds majority is required for adoption of an amendment of the Constitution. But for taking the amendment into consideration two-thirds majority is not required; a simple majority is enough. This procedure is followed both in the Senate and in the House of Representatives. Had it been the question of voting on the amendment itself, two-thirds majority would have been required. Since it is at this stage only a motion to consider the proposed amendment to the Constitution, it does not require that majority."
I dispose of the point of order raised by the Member. Objection overruled. Now the Bill will be taken into consideration”.

(38-37, Vol-II)

257. AMENDMENT OF THE CONSTITUTION: BILL COULD BE PUT TO VOTE AS A WHOLE IF NOT OBJECTED TO BY ANY MEMBER: FOR PASSAGE TWO-THIRDS MAJORITY NEEDED, BUT FOR INTERIM STAGES IN PROCESS OF LEGISLATION SIMPLE MAJORITY IS ENOUGH.

On 24th December, 1963, the Speaker gave the following ruling on the mechanics of voting for adoption of a Constitutional amendment:

“Before we commence the proceedings. I would like to invite the attention of the House to the procedure that will be followed in voting when we take up amendments of the Constitution. This will be in addition to the ruling that I gave yesterday with regard to the voting procedure.

I would like to explain to the honourable Members the position regarding the mechanics of voting on the Constitution (Amendment) Bill and give my ruling so that the business of the House is not interrupted during discussion and voting.

Rule 75 prescribes that the voting on the Bill shall be by Division only. The Rule further requires that a clause of the Bill, a schedule to the Bill or the Bill as a whole shall be declared as passed only if not less than two-thirds of the total number of Members have voted in its favour. There is also a provision that the Bill may be put to the vote of the House as a whole by the Speaker with the concurrence of the Assembly, but even if one member requests that any clause or clauses, as amended, be put separately, then clauses shall be put to vote separately and the voting shall be by Division.

Under this Rule only clauses of the Bill, the Schedule and the Bill as a whole will need two-thirds majority for passage. Amendments proposed by honourable members can be rejected by a simple majority. The position as stated above is quite clear under our Rules, but to satisfy myself I have looked into the precedents of the American Legislatures. According to the procedure of the House of Representatives, in voting upon an amendment it is not necessary to have two-third vote. This has been quoted in Hinds Precedents, Volume V, page 1012.

The position therefore is that under our Constitution and the Rules two-third majority is
needed for the passage of a Bill amending the Constitution but for the interim stages in the process of legislation a simple majority is enough. Two-thirds majority is needed to amend the Constitution and to change it. But a proposal to modify the proposed Amendment Bill only needs a simple majority to be considered or a simple majority to be negatived.

This should clarify the position and ensure uninterrupted proceedings of the House during discussion and voting on the Constitution Amendment Bill.”

(39-38, Vol-II)

258. AMENDMENT OF THE CONSTITUTION: CHAIR CONSENTS TO THE PROCEDURE AGREED UPON BY BOTH SIDES REGARDING DIVISION AND VOTING ON AMENDMENTS ETC.....

On 24th December, 1963, on the second reading of Constitution (First Amendment) Bill, 1963, the Speaker, after an agreement between the Opposition and the Government side as to the procedure to be followed in regard to discussion and division on amendments, observed:

“Now when both sides agree, and according to Rules, this is permissible that if any Member chooses to challenge a division, his request will have to be acceded to unless it is an abuse of the Rules. But the Government amendments will have to be put to vote by division for passage as they are proposed as amendments to the Constitution.”

(40-39, Vol-II)

259. AMENDMENTS: LEAVE OF THE HOUSE REQUIRED FOR A VERBAL AMENDMENT SUBSTITUTING CLAUSE:

On Tuesday, the 23rd April, 1974, when the Law Minister sought to move an oral amendment to substitute a clause of the Bill of the constitution (First Amendment) bill, 1974, an objection was raised that, as a clause was being sought to be substituted by an oral amendment, leave of the House was required. Mr. Speaker agreed and observed that, for a new clause, there should be leave of the house.

(110-74, Vol-IV)
N. A. Deb., 23rd April, 1974.
260. **AMENDMENTS : IN JOINT SITTING OF PARLIAMENT: ADOPTED: AMENDED CLAUSE FORMED PART OF BILL ON A MOTION MOVED TO THAT EFFECT:**

On 10th December, 1975, an amendment to clause 18 of the Divorce (Amendment) Bill was moved by Malik Muhammad Jafar, in a joint sitting of parliament, which was adopted by the House. A move was thereafter made that clause 18, as amended, formed part of the Bill. This motion was also adopted.

(109-74, Vol-IV)
N. A. Deb., 10th December, 1975.

261. **AMENDMENT: INCONSISTENT WITH PREVIOUS DECISION OF THE ASSEMBLY ON THE SAME QUESTION: QUESTION BEING Meticulous AND DIFFICULT TO DECIDE BY THE CHAIR: BENEFIT EXTENDED TO MOVER AND PARTICULAR AMENDMENT ALLOWED TO BE MOVED.**

On 12th October, 1985, Haji Muhammad Saifullah khan moved an amendment to the constitution (Eighth Amendment) Bill, 1985, being amendment No. 14 to clause (2) of the Bill. The Minister for Justice and Parliamentary Affairs rising on a point of order drew attention of the Speaker to rule 99(ii) of the Rules of Procedure to contend that the amendment was inadmissible as the matter had already been dealt with in amendment No. 12 and therefore, under rule 99 and 221 of the Rules of procedure, the same can not be moved. The Minister relying on the said rules submitted that an amendment on a question shall not be inconsistent with previous decision on the same question at the same stage of a bill or matter. The mover of the amendment stated that had the amendment at serial No. 12 approved by the House, then the objection raised by the honourable Law Minister would have prevailed but this amendment is different from the previous amendment. The Minister for Education also relied upon rule 99 and submitted that the question of deletion of Proviso as proposed in amendment had already had negatived by the Assembly on earlier amendment No. 12 and as such the same question being again raised through amendment prevision earlier amendment No. 14 can not be brought forward now as an amendment. Certain other members and Attorney General also participated in the discussion for rejection of the amendment to the Bill. Mr. Speaker, however, after hearing all of them gave benefit of doubt to the mover and allowed the amendment to be moved by observing that it was one of those question which are meticulous and difficult to decide.

(46-26, Vol-VI)
Pp. 2814-2827.
CONSIDERATION SINCE VERY LONG TIME: NOTICE BEING SHORT OF TWO CLEAR DAYS UNDER RULE 98 OF THE RULES OF PROCEDURE: MOTION TO MOVE AMENDMENT DISALLOWED.

On 12th October, 1985, Mr. speaker inquired from the House regarding admissibility of notice of an amendment to a Bill which was received at 10:55 a.m. on the said day. Haji Muhammad Saifullah khan, MNA suggested the Honourable Speaker to firstly invite the mover to move his amendment and if there is no objection from any one then the amendment shall be considered as having been moved and in case any objection is raised then it is the discretion of the chair to allow or may not allow the amendment to be moved. Accordingly with the permission of Mr. Speaker, the mover moved that para (b) of clause (ii) of the Bill be deleted. Mr. Iqbal Ahmed khan, Minister for Justice and parliamentary Affairs raised an objection relying upon rule 98 of the Rules of procedure and stated that the notice of amendment falls short of two clear days before the day on which the clause of the Bill was to considered, and since the amendment had no proper notice, therefore, it could not be moved.

Mr. speaker disallowed the motion regarding moving of amendment under rule 98, in his discretion by observing that the Bill is under consideration since very long time and notice of the amendment was not given at an appropriate time. Another similar notice of amendment given by Mr. M.P. Bhandara was also disallowed by Mr. Speaker under the said Rule.

(47-27, Vol-VI)
Pp. 2814-2827.

263. AMENDMENT: NOTICE PERIOD OF AMENDMENTS TO BE RECKONED WITH PREFERENCE TO CONSIDERATION STAGE OF THE CLAUSES TO WHICH THE AMENDMENTS RELATE:

On 22nd June, 1987 a member raised an objection while the Finance Bill was under consideration that the list of amendments to the said Bill were circulated to members last night when amendments were under discussion and therefore, since the amendments being short of two clear days notice, therefore, the same were inadmissible.

Mr. Speaker informed the member that notice of amendments had been given in time covering required period of two days notice. He further stated that he said two clear days notice was meant for enabling the secretariat to circulate the notice after their process by the secretariat under Rule 210 of rules of procedure.
The member then quoted rule 98 of the Rules of procedure to contend that no amendment could be moved to a Bill, if notice thereof had not been given by the member two clear days before the days on which the relevant clause or schedule to the Bill were considered and any member might raise an objection to the moving of amendments which objection would prevail unless the Speaker allows the amendments to be moved. Mr. Speaker informed the member that the secretariat did receive notice of amendments before more than two days and even at this time no body was going to move the said amendment which would be move during the second reading of the Bill. The objection was thus turned down.

(48-27, Vol-VI)
Pp. 1611-1621.

264. AMENDMENT: WHETHER A SENATOR BEING MINISTER CAN MOVE AN AMENDMENT TO A BILL IN THE NATIONAL ASSEMBLY: POINT RULED OUT ON THE GROUND THAT THE ONLY RESTRICTION IMPOSED UPON A SENATOR-MINISTER IS THAT HE CANNOT VOTE IN THE NATIONAL ASSEMBLY BUT CAN TAKE PART IN ALL OTHER PROCEEDINGS:

On 11th March, 1987 while the Constitution (Eighth Amendment) Bill, 1985 was being considered under second reading, Haji Muhammad Saifullah khan, MNA raised a point of order and sought ruling from the speaker whether a Minister who was a senator could move an amendment to a Bill because he did not have the right to vote. He contended that there had been no precedent or record from 1973 till 1977 of the National Assembly that a Minister in the capacity of his being Senator could have moved an amendment to any Bill.

Mr. Speaker ruled out the point of order saying that the only restriction imposed upon a Minister who is also a Senator, is that he cannot vote in the National Assembly but he can take part in all the other proceedings.

(49-28, Vol-VI)
Pp. 983-984.
AMENDMENT IN BILL

265. AMENDMENT IN BILL: EACH AMENDMENT TO BE MOVED SEPARATELY IN RESPECT OF BILL:

During the course of the second reading of the Constitution (Fifth Amendment) Bill 1965, Mr. Speaker allowed a member to move two separate amendments in the Bill. It was objected to by Mr. Fazal Elahi Chaudhury on the ground that it would create some difficulties in future if all the amendments were allowed to be moved together although these were of different nature. Mr. Speaker observed that there is a rule that while putting the question clause by clause with the concurrence of the Speaker, if the House desires, all the clauses and the whole Bill can be put together. However, when objection is raised, they will have to be moved separately.

(7-4, Vol-III)
Pp. 420-422.
266. **ASPERSION: QUESTION WHETHER THE EXPRESSION, "THE MOTION WOULD HAVE BEEN ADMITTED IN ANY OTHER HOUSE", AMOUNTS TO AN ASPERSION ON THE CHAIR:**

On 17th November, 1951, Mian Iftikharuddin moved an adjournment motion to discuss the failure of the Government to lend necessary and adequate support to the demand of Egyptian people for the removal of British troops from the territory. Before the motion was admitted, Mian Iftikharuddin remarked that he would not press it, although he was fully convinced that the motion was in order and that in any other House it would have been permitted in the form in which it was presented by him. The members took objection to the aforesaid remarks which, according to them, was an aspersion on the Chair. Mian Sahib was accordingly asked to withdraw his remarks, but he was not willing to do so. Thereupon, Mr. President observed:

"He says that he means no aspersion at all. Now if a particular Member does not feel that he has acted in a wrong way and is not prepared to withdraw his statement which another section of the House wants him to do, then the position becomes really very difficult. It appears that Mian Sahib is acquainted with the rules of procedure of all the Houses of the world and therefore he can make a definite statement that this motion would have been admissible in any other House. I do not think that any other Honourable Member of this House is acquainted with the rules of procedure of all the Houses in the world. Therefore it is very difficult to counter the position that has been taken up Mian Sahib. Therefore, I, think this matter should not be pursued any further."

(45-26, Vol-I)


Pp.73-75.
267. **ASSEMBLY BUSINESS: ADJOURNED TO NEXT DAY INTENDED TO BE TAKEN UP ON THE NEXT WORKING DAY:**

Mr. Speaker deferred a certain privilege motion by saying that it will be taken up "Tomorrow". As the next day was Saturday, when sittings are not generally held, a member enquired if the Assembly was going to sit on Saturday. Mr. Speaker thereupon clarified that "Tomorrow" meant the next working day.

(111-75, Vol-IV)

268. **ASSEMBLY BUSINESS: MINISTER OR MEMBERS HAVING THEIR BUSINESS ON AGENDA SHOULD BE PRESENT IN HOUSE:**

On 5th May, 1976, Mr. Speaker called upon Makhdoomzada Muhammad Amin, a Minister for State, to present the report of a Standing Committee shown against his name in the Orders of the Day. He was not present, whereupon a request was made to the speaker to wait for him. Mr. Speaker, however, observed as to why he was not present in the House in respect of his business? It was further added by the Speaker that all the honorable members, specially those, who had got questions, adjournment motions or privilege motions or something else on the agenda, must be present in the House. In the meantime, Makhdoomzada Muhammad Amin entered the Chamber and was allowed to conduct the business standing in his name.

(16-10, Vol-V)
N.A. Deb., 5th May, 1976.
269. ATTENDANCE REGISTER: UNLESS SO DECIDED BY THE HOUSE MEMBERS COULD NOT BE ASKED TO SIGN THE REGISTER:

On 17th June, 1975, Prof. Ghafoor Ahmad, MNA, informed the Speaker that an attendance register had been kept in the lobbies and the members had been requested to sign it in token of their attendance. He maintained that this was against rule 27 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, which provided that Secretary shall cause a register to be kept, showing the attendance of each member at each sitting. The rule did not require members to sign the register. On being informed that it had been done in accordance with the decision of the Privileges Committee, some members, pointed out that the Privileges Committee had no jurisdiction or authority to decide an issue unless it was approved by the House. The Speaker upheld the objection and direction that the register be removed from the lobbies.

(112-75, Vol IV)
N. A. Deb., 17th June, 1974.
270. BILL: SOUGHT TO BE CONSIDERED BEFORE THE EXPIRY OF THE PRESCRIBED PERIOD OF THREE DAYS AFTER ITS CIRCULATION AMONG THE MEMBERS: OBJECTION OVER RULED ON THE GROUNDS THAT MEMBERS HAD BEEN GIVEN 24 HOURS TO STUDY THE BILL, THAT MORE THAN THREE DAYS AGO THE HOUSE WAS INFORMALLY TOLD THAT THE BILL WAS COMING UP BEFORE IT AND THAT THE BILL WAS ALSO NOT A COMPLICATED ONE:

On 2nd March, 1948, when a motion that the Government of India (Amendment) Bill 1948 be taken into consideration was made, a member objected that the Bill could not be taken into consideration as a three day period had not elapsed since the copies of the Bill were circulated amongst the members. To support his plea, the member relied on Rule 41F, which provided that a motion for the consideration of a Bill shall not be made until after copies of the Bill had been made available for the use of Members, that any member may object to any such motion being made, copies of the Bill had been so made available 3 days before the day on which the motion is made and that such an objection shall prevail, unless the President, in the exercise of his power to suspend this rule, allows the motion to be made.

In reply, the Prime Minister, Mr. Liaquat Ali Khan said:

"I Just point out that the copies of the Bill have been in the hands of the Honourable Members since yesterday and now I request you, Sir, kindly to suspend this rule and allow me to make this motion and the House to take my Bill into consideration. This is nothing new, Sir, as you are aware, in the Central Legislative Assembly of undivided India there had been many occasions on which a Bill had been introduced and the next motion was that it be taken into consideration; and the next motion that it be passed, have all been done at the same sitting and the Members did not have even copies of the Bill
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before them. Now there in this case the subject-matter of this Bill has been before the Honourable Members since the 28th of February because the Honourable the Finance Minister had told them in his speech as to what was intended to be done. The Bill itself has been in the hands of the Honourable Members for at least 24 hours and as I pointed out in the beginning the urgency of the matter is such that this House must dispose of this business if the business of the Constituent Assembly, when it meets as Legislature, is to continue. Otherwise, I think, that the Constituent Assembly would really be creating a deadlock if it did not pass this Bill today”.

Agreeing with Mr. Liaquat Ali Khan, Mr. President overruled the objection and observed:

“The three day notice, upon which the Honourable Member so much insists, he had-I think, all the Honourable Members had noticed of it for more than three years, when they listened to the speech of the Honourable the Finance Minister on the 28th. There is nothing new in this Bill. Over and above that, the Honourable Members had the actual copy of the bill last night and they had the whole of today and the whole of the night to ponder over it. And, therefore, it cannot be urged that it is such a complicated Bill that it requires a prolonged study of it. It is an essential Bill. Then what ground can I have for not suspending this rule. I see no ground and, if I did not suspend the rule and give permission, the result will be obstruction of the Finance Bill. And I think that I shall not be justified in adopting that course and be a party to such a result. Therefore, I have no other course and there are precedents to be followed but to grant my permission and suspend the rule”.

(47-28, Vol I)

271. BILL: CIRCULATION FOR ELICITING PUBLIC OPINION: SEPARATE MOTION ABOUT MODE OF ELICITING PUBLIC OPINION TO BE MOVED AFTER THE MOTION FOR CIRCULATION IS ADOPTED: COMBINED MOTION NOT PERMISSIBLE:

On August 24th, 1955, a member moved the following amendment to the motion that the Establishment of West Pakistan Bill be taken into consideration:

“That the Bill be circulated for the purpose of eliciting opinion thereon by means of referendums to be held province-wise and state-wise, by the 30th November, 1955, on the basis of adult franchise, wherever possible, and in accordance with the rules to be framed by the Constituent Assembly”.

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An objection was raised that the amendment, in its present form, was out of order and could not be moved. Mr. Speaker informed the House that, after going through the convention and practice of the House of Commons, a ruling will be given on the following day. Accordingly, the following ruling was given by the Chair on August 25, 1955:

“Honourable members will recall that, while discussing the motions for consideration and for the circulation of the Establishment of West Pakistan Bill, I promised to give a ruling accordingly at the outset. I would draw the attention of the honourable mover of the motion, Shaikh Mujibur Rahman, that there are two parts of his motion: the first part relates to the circulation of the Bill for the purpose of eliciting public opinion thereon by the 30th November, 1955, and the other part relates to the mode of eliciting public opinion. Now, as far as the first part is concerned, the honourable member may be allowed to move, at the present stage but, as to the second part about the procedure for eliciting public opinion thereon, he may move that part later, if the motion for circulation succeeds. When the honourable member moves that motion, the Chair will consider the admissibility of that motion as well as of any other motion that any other honourable member may like to bring forward. So, for the present, I will ask the honourable member, Shaikh Mujibur Rahman, to restrict his amendment only to the substantive part of it. I will, therefore ask him to move the substantive part of the amendment and not the procedural part at this stage”.

(46-27, Vol-I)
P. 291.

272. BILL: THIRD READING: SCOPE OF DEBATE:

On September 30, 1955, during the third reading of the Establishment of West Pakistan Bill, when Shaikh Mujibur Rahman was speaking on the Bill, the honourable Deputy Speaker was pleased to observe as under:

“I wanted to help you to be relevant to the Bill. Therefore, in order to make the position clear, you will kindly listen for a minute. Will you, kindly sit down. It is from May’s Parliamentary Practice regarding debate on the third reading:

“The procedure on the third reading of the Bill is similar to that as it obtains in relation to the second reading, but the debate is more restricted at the later stage, being limited to the matters contained in the Bill”.
Then, again, it says:

'...As the third reading would be confined to the contents of the Bill, reasoning amendments, which raise matters not included in the provisions of the Bill, are not permissible......'.

So, when you are speaking, just bear these two points in mind. Now, please carry on”.

(49-30, Vol-I)
P. 1408.

273. **BILL: THE ELECTORATE (AMENDMENT) BILL: MOTION FOR CONSIDERATION MOVED IMMEDIATELY AFTER INTRODUCTION OF THE BILL: MOTION OPPOSED OBJECTION UPHeld:**

On April 20, 1957, Mr. H. S. Suhrawardy, Prime Minister, after introducing the Bill to amend the Electorate Act, 1956 also moved that the Bill be taken into consideration. The motion was opposed on the ground that as, under rule 47 of the Rules of Procedure, copies of the Bill had not been made available to the members three days before, the Bill could not be taken into consideration. It was argued from the Government side that, under the proviso to the said rule, the Speaker had discretionary have to waive the requirement of the rule. It was further argued that the Bill in question had already been published in the Gazette dated 18th April 1957. The Deputy Speaker, thereupon, observed:

“Well, I honestly feel that I cannot justify the exercise of my discretion to suspend the rule. If what you have told the House is your urgent reason, then the members of a party, this side or that, could have met within the proper time to give notice under this rule. I thought that you would advance some really reasonable grounds for me to exercise my discretion. The objection taken under rule 47 holds good”.

(48-29, Vol-I)
N. A. Deb., 20th April, 1957.
Pp. 797-806.

274. **BILLS MOTION FOR LEAVE TO INTRODUCE A PRIVATE MEMBER’S BILL: NO POINT OF ORDER IN REGARD TO THE INTRODUCTION: MOTION TO BE RAISED: NO MEMBER HAS A RIGHT TO SPEAK AT THIS STAGE.**

On 2nd July, 1962, while a Bill to repeal the Muslim Family Laws Ordinance, 1961, was being
introduced by a Member, another member raised a point of order that it was repugnant to Article 5 and 6 of the Constitution. The Speaker thereupon observed:

"I think the point of order is premature because now the question before the House is whether leave should be granted so far as the provisions of the Bill are concerned. Therefore the only limited question before the House is whether leave should be granted."

And added:--

"So far as this point of order is concerned, I am not ruling it out that it cannot be raised at any time; at a later stage it may come up, if leave is granted to the honourable Member by this House and the Bill is introduced. Then thereafter it will be time for you to raise this point of order."

Thereafter objection to the introduction of the Bill was taken and the Speaker observed:

"I would like to dispel any misunderstanding that might still exist. The correct position is that if this Bill is introduced and even after that there is any objection, it will automatically go to the Council of Islamic Ideology, provided that the House grants leave to introduce it. That being the position, I am now putting the motion to vote."

When the motion for introduction of the Bill was put to the House some members demanded division. The division took place as a result of which the Bill was introduced. A Member stood on a point of personal explanation to explain his vote, whereupon the Speaker observed:

"I think there is no right for a member to speak at this stage. I do not think it is a point of personal explanation."

(40-41, Vol-II)
Pp. 883-894.

275. BILLs: INTRODUCTION: A BILL INTRODUCED EARLIER: ANOTHER IDENTICAL BILL DROPPED.

On 2nd July, 1962, a Member sought leave to introduce a Bill to amend the Medical Council Ordinance, 1962, whereupon the Speaker inquired whether it was identical in terms with any other Bill. The Member replied in the affirmative. Thereupon the Speaker observed:
276. BILL: AFTER ADAPTATION OF CONSIDERATION MOTION THE BILL MAY BE PASSED THE SAME DAY.

On 4th July, 1962, on the consideration motion of the Members of the National Assembly (Salary and Allowances) Bill, when a Member including the mover had made short speeches, the Law Minister moved the closure motion whereupon the Speaker observed:

"I think the discussion is finished, it will be put now."

Thereafter the consideration motion was put to the House and adopted. The Bill passed through clause by clause and third reading stages on the same day.

(43-41, Vol-II)
Pp. 998-1003.

277. BILLS: AMENDMENTS: PRESIDENTS CONSENT UNDER ARTICLE 26 OF THE CONSTITUTION: PROMISE BY MR. SPEAKER IN RESPECT OF MACHINERY FOR OBTAINING.

On 4th July, 1962, while Preventive Detention (Amendment) Bill was under consideration a Member raised a point or order that he had sent to the Assembly Secretariat some amendments which required the consent of the President, and that the speaker had promised that he would provide facilities to Members for getting consent of the President through Assembly Secretariat but the Secretariat had informed the Member that he should approach Ministry of Law and Parliamentary Affairs for obtaining such consent. The member insisted on a ruling. Thereupon the Speaker observed as follows:

"I say you have got no right to ask the office to obtain permission, but in order to help the Members I promised that I would look into the matter sympathetically, and I shall try to see that Members get facilities of obtaining the necessary permission through the Assembly Secretariat."

(44-42, Vol-II)
278. **BILLS: AMENDMENT TO: NON-INCLUSION OF ALL AMENDMENTS IN THE ORDERS OF THE DAY: QUESTION CANNOT BE RAISED ON THE FLOOR OF THE HOUSE.**

On 4th July, 1962, a Member while moving his amendments on Preventive Detention (Amendment) Bill pointed out that, out of 11 of his amendments only two were included in the list of amendments. Thereupon the Speaker observed:

"These matters I cannot discuss in the open House. If there was any complaint, you should have seen me in my Chamber, and I cannot allow them to be discussed on the floor of the House. It is not possible to discuss such things here."

(45-42, VolIII)

279. **BILLS DISCUSSION: NO PROVISION IN RULES FOR FIXATION OF THE TIME-LIMIT FOR SPEECHES.**

On 11th July, 1962, at the commencement of discussion on clauses of the Political Parties Bill a question arose as to imposition of time-limit on the speeches. Mr. Speaker ruled as follows:

"The position in fact has already been explained by Ch. Fazal Elahi, Mr. Sardar Bahadur Khan and others that the universal parliamentary practice is that when Bills are discussed there is no time-limit imposed anywhere in any country of the world and in any parliament whatsoever and our Rules also do not provide for any time-limit in so far as Bills are concerned. I think the time-limit is prescribed only in two cases—in the case of adjournment motions and in the case of resolutions. Nowhere else time-limit is prescribed by the Rules. So in view of the fact there is this objection—if there was unanimous agreement that would have been another question, but since there is such a strong objection to the imposition of time-limit I am sorry it cannot be done. That is unfortunately the position. We have to take recourse to the Rules that we are working under and that may be dilatory in certain cases but I think that if things not think there is any remedy except this. I was hoping that the Government and the Opposition might come to some sort of agreement but unfortunately that fell through and nothing further can be done. I would again like to state for the importation of the Government side that during my long parliamentary experience I have seen that a determined group even with a small number of people, if they want to oppose the Government, can hold up..."
proceeding for a very long time and generally some sorts of understanding is arrived at regarding time schedule. If in future that could be done, that will be helpful for the Government and for all others. So let us proceed with the consideration of the Bill clause by clause."

(46-43, Vol-II)
Pp. 1319-1325.

280. BILLS: AMENDMENTS: DELETION OF A CLAUSE: STRICTLY CANNOT BE CALLED AMENDMENT BUT MEMBERS CONCERNED HAVE RIGHT TO APPOSE THE CLAUSE-PRIORITY TO BE ACCORDED TO SUCH MEMBERS: AMENDMENTS TO THE CLAUSE TO BE TAKEN LATER.

On 11th July, 1962, the Speaker while discussion on the first clause, i.e. clause 2 of the Political Parties Bill, was under way, made the following preliminary observation:-

"We take up clause 2 now. There are several amendments regarding clause 2. I would like to settle one point. First of all one amendment seeks to delete clause 2 altogether: There are similar amendments like this about other clauses. Strictly speaking, motions like this are not amendments because these motions are direct negation of the proposition itself. Therefore, it is no amendment. But those Members who have given notices of such amendments can certainly oppose the clause and that comes to the same thing as deleting the whole clause.

Now the question that we want to decide is: which thing should be placed first before the House, whether the detailed amendments which seek to omit a part of the clause or which seek to amend in other ways a part of the clause or the proposition to oppose the clause. During my experience I have always given preference to the proposition of opposing the entire clause because if that falls through then other amendments can be considered; but some detailed amendments are accepted. Those who oppose the entire clause do not find any opportunity to place their motions before the House. If the House agrees, I would like to follow that practice. It means this that I shall first of all allow those who oppose the entire clause to put their motion before the House and if the clause is omitted then other amendments naturally fall through. But if that motion is defeated, then the detailed amendments regarding the clause may be taken up later on.

(47-44, Vol-II)
Pp. 1319-1325.
281. **BILLS: AMENDMENTS: MEANING OF NEGATIVE AMENDMENT.**

On 12th July, 1962, while the Speaker took the Chair which had been occupied before him by the Deputy Speaker, a Member raised a point of order that the Deputy Speaker disallowed the negative amendments to clauses i.e., "Clauses so and so be deleted", to be moved whereas the Speaker had allowed such motions. After some discussion by various members including the Deputy Speaker, Ch. Muhammad Afzal Cheema, and reference to Rule 146, the Speaker observed as follows:-

"Well, I think, there has been a very serious misunderstanding and so far as I am concerned, I do not remember that actually a point of order was raised. It was myself who voluntarily raised the question when the question of an amendment like that came up that, strictly speaking such amendments were not in order. But, I think, such amendments are in order in certain circumstances. Any Member can oppose an entire clause. So, therefore, I said exactly what Mr. Cheema has said. I do not think there is any conflict whatsoever."

Thereafter further discussion followed and the Law Minister sought clarification as to what would happen if an amendment is moved whereby the whole, field, policy and principle of the Bill is covered.

Thereupon the Speaker remarked:-

"I think I shall consider that point when actually a question like that arises. That will depend upon the scope of the amendment. The scope of the amendment can be of such a sweeping and far reaching character that it may touch all the aspects of the Bill. Therefore, it is very difficult to give a definite ruling on that point just now. If a question like that arises I shall deal with this point on that. I think this point is not as easy as it may look on the surface of it. I shall explain the point. The relevant rule stands like this. I am referring to Rule 146, sub-rule (3). An amendment shall not be moved which has sub-rule merely the effect of a negative vote. So if this rule is strictly interpreted, an amendment asking for the deletion of an entire clause becomes out of order. But if this question is regarded from the point of view of entire Bill, i.e., if an proposing that the entire Bill be amended by the deletion of this clause—let the rest stand but let this clause be deleted from that point of view, it would not have the effect of a negative vote, so far as the entire Bill is concerned, but it can have the effect of a negative vote so far as the particular clause is concerned.

Now let us go further. Then we go to the consideration of several sub-clauses of one clause of a Bill. Now a Member proposes that a particular portion of the clause, namely, that a particular sub-clause be deleted, i.e., he wants that the clause be amended by deleting a sub-clause while the rest of the clause may stand, but let the sub-clause be omitted. Now suppose you omit this also, then where are you to stop; then everything
that smacks of a negative vote becomes out of order under this Rule.

I thought of that. When a Member Moves an amendment asking for the deletion of one of the sub-clauses of a Bill that is an amendment of that sub-clauses and, therefore, it does not have the effect of a negative vote so far as the entire clause is concerned, but it has got the effect of a negative vote in so far as the particular subclause is concerned. There is some sort of conflict but we have to decide somewhere where we should come to a conclusive end. From that point of view I think Mr. Ramizuddin Ahmed was in order but if you consider the whole matter from another point of view then even the deletion of the whole clause will be in order because that does not have the effect of a negative vote in so far as the entire Bill is concerned. All that the Member wanted was that the Bill be amended by the deletion of that clause and from that point of view it may also be held to be in order. So there is all this confusion in these rules and I wanted to put a limit to this matter and I thought that when a Member implied that a particular clause be omitted by omission of one of the sub-clauses then I would allow that. From that point of view I have allowed Mr. Ramizuddin Ahmed. If any Members have got any further suggestions I would like to discuss them so that we may come to a satisfactory conclusion”.

Still further discussion followed and several Members participated. Thereafter the Speaker ruled as follows:-

“This matter has been discussed threadbare. I think the honourable Members will agree to the view that I expressed at the outset and I have been reinforced in my opinion by the opinions expressed by some Members. Now what we are considering is Mr. Ramizuddin’s amendment to the clause itself. We are not amending the sub-clause. Then personally from that point of view I think Mr. Ramizuddin’s amendment is quite in order and so I make once more clear that my ruling in this respect is that when a particular amendment seeks to amend an entire clause that amendment will come into conflict with subclause 3 of clause 146 and will be out of order but when a part of a clause, may be an entire sub-clause, is sought to be amended by way of an amendment, that amendment will be in order.”

(48-45, Vol-II)
Pp. 1433-1438.

282. BILLS: DECISION ON THE OBJECTION THAT A BILL OR ANY OF ITS PROVISIONS VIOLATES THE PRINCIPLES OF LAW-MAKING NOT SPEAKER’S RESPONSIBILITY.

On 14th July, 1962, a member raised a point of order that part (a) of sub-clause (2) of clause 5
of Political Parties Bill was *ultra vires* of the Constitution, on the ground that it amounted to *ex post facto* legislation and involved double jeopardy and that it was *ultra vires* of clause 9 of the Principles of Law-making. The Law Minister objected to this on the ground that it had already been decided by the House through a division that the said Bill did not violate the Principles of Law-making. Therefore this question could not be raised again. Thereupon the Speaker observed:

"I would like to observe one thing as a preliminary. This point, whether it has been already dealt with, as has been stated by Mr. Munir, or not I think a point like this—cannot be decided by the Speaker. I do not exactly remember the references just now but the late eminent jurist, Sir Abdul Rahim, gave a ruling while he was the President of the Indian Central Legislature that matters like this cannot possibly be decided by the Speaker; matters like this could probably be raised before a Court of Law. A Court of Law is assisted by eminent jurists and there these matters are discussed and a Court of Law may possibly decide a question like this. When a Speaker decides a point of order, he decides in a manner which confirms to the provisions of the Constitution under which he acts; he has to act under the Rules of Procedure and the laws of the land that are there for the time being available to the Speaker, but not these complicated questions of jurisprudence which the Speaker may not be in position to decide. Moreover, the Speaker may be quite a layman; he may not be a legal man at all. So, it will be unfair to call upon a Speaker to give a decision on such complicated points of law. That is my tentative opinion. I think the House will agree with me and there should not be any further discussion on this point. It would be quite futile to discuss this point here and it will unnecessarily kill a good deal of time of the House although discussion on this point may be very interesting. I would therefore appeal to the House not to pursue this point any further having regard to what I have already observed."

Another Member raised the plea that the Constitution debarred the courts from going into the question of legality or otherwise of any law and so the Speaker has to decide the issue. The Speaker declared that it was not his headache. The Member persisted in his assertion, whereat the Speaker observed:

"As has already been pointed out by the Law Minister, the question whether we are going to violate any of the Principles of Law-making as enunciated in our Constitution to far as this Bill is concerned has already been decided by the House. Having regard to that I am sorry that I cannot deal with this point of order further and I do not like this point of order to be discussed any further."

(49-48, Vol II)

N.A. Deb, 14th July, 1962.


On 15th July, 1962, during the discussion on the Preventive Detention Laws (Amendment) Bill, a Member had raised a point of order as to the scope of general discussion at the Second Reading stage of the Bill. In his view, certain provisions of three Acts were under amendment by the present Bill, viz., Security of Pakistan Act, Bengal Regulation and Foreigners Act. The scope of this Bill was, therefore, limited to these three Bills to be brought in conformity with the Constitution. There was discussion at length on this point. The Speaker declared that the scope of the Bill is indicated and determined by the amendments to modify the original Acts in a particular way. He also remarked that a Member can accept or reject them in a way he likes but he could not go beyond that. The Law Minister contended that only those Sections of the Security Act which were under amendment by the Bill under discussion could be dilated upon and not the principles underlying the Security Act or any other detention laws in the world or what happened in the Lahore Fort, etc. Thereupon the Speaker ruled:

"I agree with the Law Minister as to what he has said regarding the scope of the Bill. I hope honourable Members will keep within the bounds of amendments that have been proposed, and not go beyond them, and discuss the principles of the Bill, not the entire Act, that is proposed to be amended, only some Sections of which are proposed to be amended."

At a later stage when the law Minister again drew the attention of the chair that Members were speaking about the Security Act, the Speaker observed:

"I fully agree with you. In fact, I had already given a ruling that to speak about the entire Act would be out of the scope of this very limited Bill, but it appears that honourable Members do not seem to realize the significance of the ruling. I realize that many of them are laymen and they do not realize its niceties at all, but I find even some eminent lawyers are transgressing my ruling and going astray. I am really sorry for that but I have not given them any scope, because I think this is the last day of the session and as Members wanted to be brief I did not like to interfere because that would only prolong the proceedings, but if Members go on like this I do not think I can allow them to do so any further."

(90-49, Vol-II)


On 7th July, 1962, the Law Minister was to present the report of the Select Committee on
Political parties Bill, 1962, but as the report was not ready he sought permission to present it a few minutes later. The Speaker thereupon deferred the presentation of the report for the time being.

(60-64 Vol-II)
Pp. 1157.

285. **BILLS: SELECT COMMITTEE REPORT: OBJECTION TO TAKING REPORT INTO CONSIDERATION WITHIN SEVEN DAYS MUST BE TAKEN AFTER MOTION IS PUT BEFORE THE HOUSE: DISCRETION TO SUSPEND RULE 64 (2) VESTS IN SPEAKER: IF SPEAKER REFUSES TO USE HIS DISCRETION, ON A MOTION MOVED TO THIS EFFECT BY A MEMBER THE SENSE OF THE HOUSE COULD BE TAKEN.**

On 9th July, 1962, the Law Minister moved the motion that the political Parties bill, as reported by the select committee, be taken into consideration. Before the Speaker formally put the said motion to the house a member raised a point of order that the report of the select Committee cannot be taken into consideration according to rule64(2). In the first instance, the speaker pointed out that a point of order can be raised only after the motion has been put before the house and then putting the motion before the House allowed the law Minister to make his speech. Thereafter the member raised his point of order that unless Members are given 7 days times to study the bill under rule 64 (2) the Bill cannot be considered. On behalf of the Government 2 Ministers argued for suspension of the said rule. It was also stated by a Minister that some other Rules were suspended by the Deputy Speaker. Against this the Opposition Members argued that Rule 64 had never been suspended and without the consent of the House Rules should not be suspended. Thereupon the Speaker observed as follows:-

"I do not think that a rule can be suspended for any purpose
Other that for the specific purpose for which it is suspended
On a particular occasion; therefore, the suspension, if any,

That might have been made on a previous occasion, I do not think, holds good for all time.
I there is a fresh suspension of rules required again then only I think the rule can be dispensed with."

A Minister then argued that the Bill was urgent and it should be considered at the earliest stage. The Speaker pointed out that the Point of order was under consideration whether the rule should be suspended afresh or not. Mr. Bhutto moved a formal motion that Rule 64(2) be suspended. At this a Member raised a point of order. Then the Speaker remarked that the House was already seized of one point of order which should be disposed of first, A Member argued that under Rule 64(2) the Speaker alone can suspend
the rule and the House did not come into the picture. Mr. Bhutto however pointed out that Rule 170 was of a general nature while 64 was a special Rule and, therefore, Rule 64 should have precedence over Rule 170, Ch. Muhammad Afzal Cheema also supported this contention. The Law Minister also argued that in case of conflict between general and special Rules the special or particular over-rides the general and, therefore, Rule 170 was not applicable. Another attempt was made to raise a fresh point of order at which the speaker observed that he was already hearing a point of order. After some discussion the Speaker remarked as follows:-

"I know that although in many places the speaker has been given the power to suspend rules, I was at one time of the view that Rule 170 governs all rules but in view of the explanation that has now been given, I accept the view that Rule 170 does not govern the other Rules and Speaker has the discretion to suspend the Rule when he thinks fit and that also seems to be the general trend of the House."

"Although I think I can suspend the Rule but if the majority of the house is of the view that no Rule should be suspended like this, I do not think that I should go against the wishes of the House."

A Member raised a point that it was in the proceedings of the House that the House agreed to take the bill into consideration on the 9th. Mr. Cheema also suggested that the record of the proceedings be examined. After discussion at length the Speaker adjourned the House for 15 minutes. When the Assembly reassembled the Speaker observed as follows:

"I have consulted the records. Although there was some talk about suspension of the rule and the Deputy speaker definitely stated that if necessary the rules could be suspended or that particular rule could be suspended, there was actually no formal suspension. So in view of that we have now to decide how to proceed further.

There are two questions which have to be decided now. One is that the Speaker should use his discretion to suspend the rule concerned. The second also should be looked into. 

Supposing the speaker refuses to use his discretion. There is before the House a motion, formal motion, made by one of the Members, Mr. Z. A. Bhutta, that the rule be suspended, under Rule 170. That is now before the House. Now these two questions are before the House."

On behalf of the Opposition it was urged that the power vested in the speaker and it was not a question of discretion of the house. The Speaker observed as follows:--

I am sorry to find that actually reference has been made to something which took place
or we are trying to decide outside this House. All these are private negotiations and I do not think they should have been referred to in this House at all whether in the chamber or outside the House. The long and short of the whole thing is that no agreement was ultimately arrived at. At one stage it may be that an agreement was arrived at but later on it was found that the agreement did not actually materialize.

Therefore, the long and short of the whole matter is that there was no agreement. In the absence of a general agreement I have now to give my ruling. In fact, I have already given my ruling and I accepted previously also that Rule 170 does not govern Rule 64 but that does not help you. But if I use my discretion under Rule 64 (2) then the meaning of that will be that I suspend the ruling. I do not use that discretion, the rule remains as it is but now I do not see how you can avoid Rule 170 which everyone knows is independent of Rule 64. Under Rule 170 any Member has a right to move that a particular rule be suspended and that right has been exercised by honorable Members. The rules cannot be suspended in this case.”

Then the Speaker tried to put the motion relating to Rule 64 before the House to which some objection was taken whereupon the chair ruled as follows:-

“. . . After all when a contentious matter arises, the will of the majority has to prevail, that is the sine qua non. I agree with the procedure. Therefore, I have no other alternative. The minority has its rights but the majority has also its own rights. Therefore, I cannot ignore the views of the majority. So, I have allowed Mr. Bhutto; I have not disallowed Mr. Bhutto’s motion to be moved, that is the formal motion of this House. Now we put that motion before the House ‘that Rule 64 (2) be suspended’.”

Thereafter some Members demanded a division which took place and by majority vote Rule 64 (2) was suspended. The Speaker then put the Bill, as reported by the select Committee, before the House.

(61-64 vol, II)
N.A. Deb., 9th July, 1962,
Pp.1188-1208.

286. BILLS: SELECT COMMITTEE: PREVENTIVE DETENTION BILL: REPORT NOT READY: SIGNATURES OF SOME MEMBERS COULD NOT BE OBTAINED: REPORT HELD OVER: PRESENTED LATER ON.

On 9th July, 1962 Home Minister informed the House that the report of the Select Committee was ready but signatures of some members could not be obtained. The Minister informed that up to 12 p.m. attempts were made to contact the Members, but this could not be done and so requested that the
presentation be held over till 10 a.m. The speaker thereupon says that there was no objection to it and
the matter might be held over.

Thereafter interrupting the debate on political parties Bill the Speaker observed:

“I know it is an irregularity but I am allowing the Minister to present the report of the
select Committee on the Bill to amend certain laws relating to preventive detention.”

Then the Minister presented the report to the House.

(62-67 Vol-II)
Pp. 1187 to 1188 and 1218.

287. BILLS: CONSIDERATION MOTION ALONG WITH REPORT OF STANDING
COMMITTEE: OBJECTION TO SUCH CONSIDERATION MOTION IN ABSENCE
OF MINISTER CONCERNED: Ruled OUT.

On 5th December, 1963, when a Parliamentary Secretary moved a motion for consideration of
the Bill further to amend the Geneva Convention Implementing Act, 1936, along with the Report of
Standing Committee, a Member took objection by raising a point of order on the ground that the Minister
concerned i.e., Minister for Health was not present, whereupon the Speaker ruled out the point of order.

(51-50, Vol-II)
N.A. Deb., 5th December, 1963.

288. BILLS: NON-OFFICIAL: POINT OF ORDER RAISED THAT BALLOT SHOULD BE
HELD FIVE DAYS BEFORE TAKING UP A BILL: BALLOT HELD ON PREVIOUS
DAY: RULE 23 INVOLVED HELD THAT IT WAS NOT A MAJOR VARIATION:
DEPARTURE FROM RULES ALLOWED CHAIR POWERS VESTED IN SPEAKER:
POINT OF ORDER RULED OUT.

On 22nd December, 1963, a member objected to the motion for consideration of a non-official
Bill to amend the Medical Council Ordinance, 1963, on the ground that the ballot was held on the previous
day although under Rule 23 five days should elapse before such a Bill could be considered. The Speaker
thereupon observed.

“This is not considered to be a major variation. With a view to facilitating the business of
the Assembly of the House, I have allowed this minor departure from the Rules under the powers vested in the Speaker by Rule 171 of the Rules of Procedure. As such your point of order is ruled out."

(52-51, Vol-II)

289. BILLS: LEAVE OF THE HOUSE TO MOVE A BILL: MEMBER BECOMES PARLIAMENTARY SECRETARY AFTER GIVING NOTICE: HELD THAT HE CEASES TO BE A PRIVATE MEMBER.

On 16th December, 1963, when a Member sought leave of the House to introduce his Bill, an objection was raised by another member that since the Member, who now seeks the leave of the House to move the Bill, has become a Parliamentary Secretary, as such he should not be allowed to move a Bill as a Private Member. The Speaker observed as follows:-

"One view was that a Member, in spite of the fact that he becomes a Parliamentary Secretary still remains a Member, does not cease to be a Member and is entitled to all rights and privileges of a Member.

The other view, as I said, was expressed by the honourable Deputy Speaker. If we refer to the definition of a Private Member under Rule 2 it makes the position quite clear. ‘Private member means a Member other than a Parliamentary Secretary’.

Now, the honourable Member, while he originally gave notice of the Bill, was not a Parliamentary Secretary at that time. But today when the House is discussing a Private Member’s Bill, by this time he had become a Parliamentary Secretary and as such he ceased to be a Private Member. In this view of the matter, I am inclined to agree with the position taken up by the other honourable Deputy Speaker and I am further supported and fortified in this by a clarification made by P.A. Bromhead in his book ‘Private Members’ Bills in the British Parliament’ as given at page 87. Now, this, as I have said, obviously refers to House of Commons, the Parliamentary System of Government. It reads as follows:-

'A Minister (and this term, for our present purpose, include any person holding office in the Government by custom may not introduce a Bill in his capacity as a Private Member. The existence of a convention to this effect seems to be suggested by the action of Sir Hugh Lucas Tooth in 1952. Having received no office at the beginning of Mr. Churchill’s new Government in the autumn of 1951, he won the fifth place in the ballot which was held soon after the beginning of the session, and introduced the Intestates’ Estates Bill. Before the Bill came up for second reading he was appointed to the office of Under Secretary of State for the Home Department, and when the Bill came up for debate he
announced that he would take no part in the discussion'.

Now, the definition of the words 'Private Member' having been covered by this reference regarding an established convention to the same effect, I maintain the point of order raised by the other honorable Deputy Speaker and hold that Parliamentary Secretaries should not be allowed to move Private Members' Bills in their personal capacity on Private Members' Day.

(53-51, Vol-II)
N.A. Deb., 16th December, 1963.

290. **BILLS: CONSENT OF THE PRESIDENT UNDER CONSTITUTION: SPEAKER TO DECIDE WHETHER CONSENT IS NECESSARY OR NOT UNDER RULE 54.**

On 7th April, 1964, on the objection that the Bill to provide for Electoral College of Pakistan required the consent of the President under relevant Article of the Constitution, the Speaker observed:

"I have jurisdiction to allow anybody to move a Bill wherein it is provided anywhere that the consent of the President is required. I, under Rule 54 subclause (3), suspend the rule and allow the Law Minister to move his Bill".

and added:

"If a question arises where a Bill does or does not require the previous consent of the President it shall be decided by the Speaker and I have decided that it will not be necessary."

(54-53, Vol-II)
N.A. Deb., 7th April, 1963.


On 8th April, 1964, while the Bill to provide for an Electoral College of Pakistan was under discussion at the amendment stage, an amendment was moved to substitute title of the Bill by the following:

"A Bill to provide for the constitution of the Electoral College for election of the second
President of the Islamic Republic of Pakistan under Article 165."

Thereupon The Deputy Speaker observed:

"You see the function of the Electoral College is to elect the President and also to elect the Assemblies. As such no Electoral College or the functions of any Electoral College could be confined only to the election of the President. As such this amendment itself is ultra vires of the Constitution and I am afraid I cannot hold it in order unless the honorable Member satisfies me."

And added:

"Whatever be the purpose I cannot hold it in order."

The Deputy Speaker further observed:

"By moving this amendment it virtually amounts to seeking an amendment of the Constitution itself. Now we cannot proceed on the assumption that the Constitution will be amended or has already been amended. We have only to base our amendments on the Constitution as it exists today. As such I hold this amendment out of order."

Still further the Deputy Speaker remarked:

"In the first instance I have given my ruling and to revise it now I am open to conviction and correction. The question remains, the honourable Members will bear in mind and I have to refresh their memory that an amendment has got to be within the scope of the Bill itself. Now if an honourable Member wishes to give notice of an amendment which in fact or in final analysis amounts to seeking an amendment of the Constitution itself, that would be very obviously out of order. This amendment is not within the scope of the Original Bill. What I said was and I repeat it again and I would request the honourable Members to kindly appreciate this that only such amendments which are within the scope of the point of order, such provisions of the Bill which are allegedly ultra vires in Italics of the Constitution itself will be deferred and their consideration will be postponed for the time being. But the honorable Members will bear in mind and that is very clearly stated in the rules and that has also been our practice in this House right from the very beginning that an amendment has got to be within the scope of the Bill itself. You cannot just strike right, left and centre. I have ruled it out of order and for very good reasons too."

(55-53, Vol-II)
N.A. Deb., 8th April, 1964.

On 9th April, 1964, on the point of order whether the Bill to provided for an Electoral College of Pakistan was an ordinary Bill or a Bill to amend the Constitution, the Speaker observed:-

"A Member has raised a point of order seeking my ruling in respect of the Electoral College Bill, 1964, as was introduced by the honourable Law Minister. It was introduced on the 26th of March, and he sought in his point of order a ruling from the Chair whether this Bill should be treated as an amendment to the Constitution or should be treated in the ordinary way. The honourable Law Minister told the House that he wants it to be treated as an ordinary Bill, and mechanics of processing an ordinary Bill should be observed in respect of getting this Bill through the House. The Member was followed by other distinguished Members, and many of them contended, and tried to impress on me that a ruling is very much called for, in view of the fact that the Speaker is the guardian, of the rights and privileges of the House, and unless the Speaker jealously guards the rights and privileges of the House, and sees that the Constitution is observed, there will be chaos in the House and no Rule and no Article of the Constitution will be observed. I entirely agree that it is the solemn duty of the Speaker of the House to see that the decency and decorum of the House are observed. Constitution is not flouted, and Rules of Procedure are strictly adhered to. I hold that it is within the jurisdiction of the Speaker to give a ruling on these points".

Now I come to the point of order itself. The honourable Members, if I remember aright, talking in a general manner, raised three objections in regard to the Electoral College Bill, which is under the consideration of the House. First, it has been contended that this Bill is a violation of the Constitution. Second, that the Bill could not be moved without the previous consent of the President under Article 26 of the Constitution. Thirdly, that the Bill involves amendment of the Constitution, and it does need two-thirds majority for its passage. Ancillary to these points, a question was also raised whether these objections could be raised on a point of order, and whether the Speaker is competent to give a decision in the matter.

As regards the first point, I made it abundantly clear the other day that the decision whether a Bill is a violation of the Constitution or in conflict with the Constitution, unless it is *prima facie* clear that it is so, lies beyond the jurisdiction of the Speaker. No ruling on this point is, therefore, called for.
In regard to the second point, I had given my consent to the introduction of the Bill. The fact of my giving consent meant that I did not hold that the Bill comes within the purview of Article 26, of the Constitution. And even if for argument's sake, it is taken that it does come within the purview of Article 26 of the Constitution, I have got the inherent power that where there is no specific mention in the Rules of Procedure, I could allow it. The point may be argued, "how could you allow it?" The power that has been given to the Speaker under Rules of Procedure would be like this.

"Any matter arising in connection with the business of the Assembly for which no specific provision exists in the Rules, Shall be decided by the speaker in conformity with the tenor and spirit of these Rules."

In respect of Private Members, the distinguished Member Mr. Akhtar-Uddin Ahmad conceded, "Yes; Speaker has the right to allow a Bill to be moved, had it been a Private Member's Bill". But following the tenor of the Rules, I take it upon myself that I can exercise my power, and I can allow any Bill to be moved which needed the previous consent of the President. So, I have followed Rule 171, and also I have followed the tenor of the Rule which empowers the Speaker to allow a Private Member to move a Bill which needed the prior consent of the President. I do not propose further to discuss Article 26 or what the words "relating to" mean, because it is not called for. In view of what I have stated earlier, when I have acted under that Rule which empower me to give a ruling on any matter where there is no specific provision in the Rules of Procedure, and that also must be according to the tenor of the Rules. As I have indicated to the August House, there is a Rule in respect of Private Members that the Speaker could waive the consent of the President, and could allow a Member to move a Bill. That is disposed of.

The third point on which my ruling has been sought is whether the proposed Electoral College Bill amounts to an amendment of the Constitution. As a corollary to this question; two further questions have been posed one, whether such question can be raised on a point of order; and two, whether the speaker is competent to give a ruling in this behalf. As regards the scope of the point of order, our Rules of Procedure have not defined or prescribed the limits. We will, therefore, have to rely on Parliamentary practice and precedents in other Legislatures. According to S.S. More-

A point of order shall relate to the interpretation or enforcement of the rules or such articles of the Constitution as regulate the business of the House. The test whether a point of order is a point of order or not is whether it involves an interpretation of the rules, standing order's, and various parts of the Constitution that regulate the business of the House, and whether it raises a question which the Chair alone can decide. This view was held in the Indian Legislative Assembly in 1930, and this ruling was given by President V.J. Patel, the distinguished President of the Indian Legislative Assembly. I hold the same view. I therefore hold that a point of order raising the question of the
procedure and mechanics of the passage of a Bill, is within the ambit of a point of order, and Speaker is not only competent but bound to give a ruling, if sought for.

Now I come to the last point as to whether the Bill amounts to an amendment of the Constitution or not. The honourable Member Mr. Mashuq Rahman and the honourable Minister of Industries, Mr. Abdullah-al-Mahmood, very senior Member, agreed that, if palpably anything offends any Article of the Constitution, the Speaker shall intervene and shall give a ruling. Let us now examine whether this Bill or any provisions of the bill has offended palpably any provisions of the Constitution. If it does, well I have got to act, if it does not, it is beyond me. Now the provision that has been under fire in this Bill:

Clause 3. Election Authority. It is stated here in clause 3, sub-clause (1):

“For the purpose of this Act, the Central Government shall by notification in the official Gazette, appoint an Election Authority for the whole of Pakistan”.

And the purpose of the Bill is to provide for the constitution of the Electoral College in Pakistan. Now let us see whether this provision in the Bill that the Central Government shall by notification in the official Gazette appoint a Electoral Authority for the whole of Pakistan to provide for the constitution of the Electoral College of Pakistan offends any provision of the Constitution of Pakistan.

Honourable member Mr. Fazal Ellahi has relied on Article 153 of the Constitution to bring the provision of the Bill into collision with this Article of the Constitution. What is the function of an Election Commission and the Chief Election Commissioner? I read out Article 153 clause (1) which has been so much relied upon by the distinguished Member Mr. Fazal Ellahi in order to attract my ruling as according to him clause (3) of the Bill offends Article 153 of the Constitution and so this Bill under consideration will amount to an amendment of the Constitution. Article 153 of the Constitution runs thus:-

“For the purposes of---

a) each election for the office of the President;
b) each general election of the Members of an Assembly; and
c) each referendum required to be held under this Constitution an Election Commission shall be constituted accordance with this Article---Article 153.”

Of course in clause (2) you have:

“An Election Commission shall consist of---

a) the Commissioner, who shall be Chairman of the Commission; and

b) a Judge of the High court of the Province of East Pakistan and a Judge of the High Court of West Pakistan.”
Now the Article is Article 153. As Speaker of the House I do not sit here as the Chief Justice of Pakistan. As Speaker of the House I have to see if any provision of this Bill does offend prima facie any Article of the Constitution. If it offends as has been pointed out by Mr. Mashiur Rahman and Mr. Abdullrah-al-Mahmood, I have no other alternative but to act and do what I am supposed to do as a Speaker in order to regulate the business of the House according to Constitution and according to the Rules of Procedure. The Bill is Electoral College Bill of Pakistan. The Election Commission would be, according to Article 153 of the Constitution, appointed for-

(a) each election for the office of the President, (b) each general election of the Members of Assembly, (c) each referendum required to be held under the Constitution.

Now the question is: honourable Mr. Fazal Elahi tried to explain to me the meaning of the words “for the purpose of” used in Article 153. May I inform my distinguished colleagues that I shall only take the literal meaning of what is stated in Article 153 of the Constitution. I shall not go into the allegory or into interpretation of words used in that Article. literal meaning is one thing, interpretation is another. The word 'interpretation' means according to dictionary 'expounding'. I am not here to expound any Provision or any word of Constitution. I am here to accept the literal meaning of what is stated there. In the absence of the fact that the words "Electoral College of Pakistan" are not in the list of those subjects which have been stated to be the function of the Election Commission or the Chief Election Commissioner, I cannot hold that clause 3 of the Bill offends the provision of Article 153 of the Constitution. I therefore, hold that Point of order raised by the member will call for a ruling from me and the ruling is this:

"This Bill in the absence of any provision which will offend any Article of the Constitution may be treated as an ordinary Bill and may be processed as an ordinary Bill in this House."

(56-55, Vol-II)
N.A. Deb., 9th April, 1964.

293. BILLS: BEFORE INTRODUCTION OF A MONEY BILL RECOMMENDATION OF THE PRESIDENT MUST BE OBTAINED UNDER ARTICLE 47 OF THE CONSTITUTION: RECOMMENDATION OF THE PRESIDENT CIRCULATED SUBSEQUENT TO INTRODUCTION: POINT RAISED THAT PROCEEDINGS IN REGARD TO THE CONSIDERATION OF THE BILL PRIOR TO OBTAINING PRESIDENT'S RECOMMENDATION WOULD BE NULL AND VOID.
On 9th April, 1964 while the Electoral College of Pakistan Bill, 1964, was under consideration by the Assembly, a Member raised a point of order that the copy of the Bill circulated to Members contains a note to the effect that under Article 47 of the Constitution of the Islamic Republic of Pakistan, the President has been pleased to recommend introduction of the Bill in the National Assembly. The Bill when introduced and for ten days when it was under consideration did not contain that note. It was contended that at the time of introduction of the Bill about 2 weeks ago, and even during the discussion on the Bill, the requisite approval-recommendation of the President for the introduction of the Bill not been obtained.

The Speaker observed:

“Now the point which is being made out by some Member, is that a Money Bill could not be introduced in this House unless it was recommended by the President of Pakistan: and the Law Minister has not disputed the fact that this is a Money Bill. I think this letter shows that he has already said this, there is no dispute about it. Now, let met have the letter and I will give my ruling. Since this is an important matter, I was in the premises of this House, so it would be a good convention if I keep the chair. I am sorry that I have to disturb the proceedings, meanwhile. The letter is---I will read verbatim what is said here:

“Ministry of Law and Parliamentary Affairs
(Law Division)
Rawalpindi, the 8th April, 1964

FROM:
Mr. Aminul Islam, Joint Secretary to the Government of Pakistan.

Subject:-- Introduction of the Electoral College Bill, 1964.

Sir,

I beg to inform that the President has been pleased to accord his recommendation to the aforesaid Bill under Article 47 of the Constitution...

Your obedient servant,

SD/- AMINUL ISLAM,
Joint Secretary to the Govt. of Pakistan”

“I hold that when the Law Minister would introduce or any honourable Member would
introduce a Money Bill, it must have the recommendation of the President. Now, the question will be, when the recommendation has been made? This is an information about the recommendation—this is not the order of recommendation. It is dated 8th April. We do not know when the recommendation was made. It was made earlier—must have been made earlier, but we know in Pakistan there are people who are lazy people also. Sometimes they type letters with mistakes. So, I take it after the solemn statement of the Law Minister, that the recommendation was made before the introduction of the Bill. I hold the point out of order.

Had it been a letter of the President of 8th April, I would have held that the introduction was illegal. Since this is not his letter—this is an information by the Joint Secretary, Ministry of Law—the recommendation must have been made earlier and in view of the solemn statement by the Law Minister, I cannot disbelieve him. It must have been made before introduction of the Bill. So, I am afraid, I have got to rule the point of order out of order”.

(57-60, Vol-II)
N.A. Deb., 9th April, 1964.

294. **BILLS: BILL OR AMENDMENT OF A BILL, PROVIDING FOR OR RELATING TO PREVENTIVE DETENTION SHALL NOT BE INTRODUCED OR MOVED IN THE NATIONAL ASSEMBLY: WITHOUT THE PREVIOUS CONSENT OF THE PRESIDENT.**

On 8th August, 1964, during the Third Reading of the National and Provincial Assemblies (Elections) Bill, 1964, a member raised a point of order referring to part (a) of sub-clause (1) clause 103 of the Bill. In this connection he pointed to the provision contained in Article 26 of the Constitution which provides that No Bill, or amendment of a Bill, providing for or relating to preventive detention shall be introduced or moved in the National Assembly without the previous consent of the President'. He maintained that part (a) contains actually the same words as have been used in Article 26 of the Constitution. He contended that it was not known so far whether the previous consent of the President was obtained or not. Without the consent of the President, part (a) of sub-clause (1) of clause 103 of the Bill was out of order and, for that matter, the Bill might be considered as out of order. The Deputy Speaker observed as follows:

"A very elaborate speech was delivered in support of the contention of the Honourable Member, which was raised by way of a point of order. The Honourable Member has been pleased to draw my attention to Article 26 of the Constitution which says that-

"No Bill, or amendment of a Bill, providing for a relating to preventive detention shall be
 introduced or moved in the National Assembly without the previous consent of the President."

And in view of the provision under part (a) of sub-clause (1) clause 103 of the Bill, the Honourable Member seems to be of the view that this Bill relates to preventive detention, and as such the previous consent of the President was necessary in this regard. Actually by merely making a reference in one of the provisions of the Bill, my interpretation is that it cannot be held to be relating to preventive detention. My interpretation of the expression "relating to preventive detention" would be if mainly, by and large, the Bill relates to preventive detention. But merely the fact that the expression "preventive detention" finds a mention would not bring it within the purview of Article 26. However, even if there may be difference of opinion and I fail to convince the Honourable Member, who has raised this point of order, I am afraid during the Third Reading of the Bill, it would be difficult for me to go back on what has already taken place. As such, I leave it to the discretion of the Court of Law, to which, if need be, the Honourable Members might refer the matter and if at this stage I give a ruling one way or other, that would be tantamount to interfering with the jurisdiction of the Court of Law. As such, the point of order is ruled out."

The member thereupon contended that the ruling given by the Chair is against the existing ruling given by the Speaker himself on the 9th April relating to similar matter. Therefore he requested the Chair to reconsider and to consult that ruling.

The Deputy Speaker further observed: "At the moment I have disposed of the point raised by the Honourable Member. For that I have advanced two argument. During the third reading of the Bill it would be too late and this is not the proper stage for the Honourable Member to raise the point of order. I have advanced two reasons: firstly, this is no stage; secondly, according to my interpretation this Bill does not relate to preventive detention, merely because of the fact that the expression 'preventive detention' does find a reference in the Bill which contains as many as 114 clauses. This is my interpretation. I have given reasons for it that this stage is not the proper stage. I have given ruling to this effect that if I give a ruling, in a way, that would be tantamount to interference with the discretion of the courts. Now an Honourable member says that this ruling is not in consonance with an earlier ruling which is purported to have been given by the Chair. I would therefore be prepared to reconsider my position after the Honourable Member has convinced me in my Chamber. The point of order is overruled."

(58-61 Vol-II)

295. BILL: SHORT NOTICE AMENDMENTS TO BILL TO PROVIDE FOR ELECTORAL COLLEGE OF PAKISTAN: MEMBER DESIROUS TO RAISE A POINT OF ORDER
THAT IT VIOLATED ARTICLE 131 OF THE CONSTITUTION ALLOWED TO PUT THIS POINT WHEN THAT CLAUSE WAS TO BE TAKEN UP LATER ON.

On 10th April, 1964 on the discussion on a Bill to provide for the electoral College of Pakistan at the stage of amendment, on a short notice amendment just then circulated, a member pointed out that he wanted to raise a point of order that it violated Article 131 of the Constitution and so he be allowed to raise that point. Thereupon the Deputy Speaker observed:

“I hold that the honourable Member may be allowed to raise his point of order when this clause is taken up by the House”

(59-63 Vol-II)
N.A. Deb., 10 April, 1964.


On 29th June, 1966, during the course of third reading of the Finance Bill, 1966, Mr. Mashiur Rahman started discussing the merits of a tax proposal, which had already been approved. Mr. Mohammad Haneef Khan raised a point of order that the merits and demerits of the Bill could not be discussed during its third reading. Mr. Speaker observed that the likely effect of a taxation proposal could be discussed during the third reading and allowed the member to continue the speech. However, when Mr. Mashiur Rahman began to deal in the merits of the Bill in detail, Mr. S.M. Zafar Minister for law and Parliamentary Affairs raised an objection that, during the third reading, a general discussion on the Bill is not permissible. In this connection, he contended that the Bill have been discussed thoroughly during the general discussion, only the relevant taxation proposals in the Finance Bill could be touched. He further contended that discussion on a bill as whole was not permissible even during the second reading, what to speak of the third reading, which was at a later stage. For this contention, reliance was placed on Decision No.50 from the Decisions of the Chair, 1962-65, page 33. He also relied upon May’s Parliamentary Practice, 16th Edition, page 528, to show that the purpose of the third reading was to review a Bill in its final shape. He also quoted decision No.237, page 157, of the Decisions of the Chair from the Central Legislative Assembly of India, 1921-1940, to show that a Member must confine himself to the Bill, as it has been accepted by the house, and should not go beyond it during the third reading.

Mr. Senior Deputy Speaker agreed with the contentions of the Law Minister and, after quoting from page 227 of the introduction to the Procedure of the House of Commons by Lord Compion, ruled that no member could travel beyond the contents of the Bill during its third reading.
297. BILL: MOVER OF A BILL AND THE MEMBER OPPOSING ITS INTRODUCTION ENTITLED TO SPEAK AND NO OTHER MEMBER:

On 21st March, 1966, Mr. Majibur Rahman Chowdhury sought leave of the house to introduce a Bill further to amend the Constitution of the Islamic Republic of Pakistan (The Constitution Seventh Amendment) Bill, 1966 which was opposed by Mr. Abdul Awal. After the mover had spoken, the Deputy Speaker called upon Mr. Abdul Awal, who had opposed the introduction of the Bill, to speak. The Deputy Speaker thereafter called upon Syed Asghar Hussain Zaidi to speak. On this, Shah Azizur Rahman raised a point of order that, under Rule 55, there was no scope for any other member to speak on the motion. Mr. S.M. Zafar Minister for Law also supported the said view. Thereupon, the Deputy Speaker upheld the point of order with the observation that the Rule permitted no further discussion after the mover and the opposing Member had spoken on the motion.

298. BILL: THE PROVISIONS IN A RULE RELATING TO PRIVILEGE MOTION, NOT TO APPLY TO SPEECH BY A MEMBER ON A BILL:

On 29th June, 1966, Mr. Mashiur Rahman, MNA, during the discussion on the Finance Bill, 1966, wanted to refer to a news-item appearing in the 'Indian Express' dated the 29th April, 1966, regarding the meeting that took place between the Finance Minister of Pakistan and the Indian Minister of Planning. Major Zulfiqar Ali Qizilbash, the Parliamentary Secretary, relying on Ruling No. 104 of the Decisions of the Chair, 1962-1965, contended that a copy of relevant news paper must be produced before the matter could be taken up. Thereupon the Senior Deputy Speaker observed that the Ruling relied upon by the Parliamentary Secretary related to a Privilege Motion and Rule 173 of the Rules of Procedure, 1965, provided that the newspaper containing the relevant news-items shall accompany any reference in that respect. However, the said ruling was held to be inapplicable, because no such condition was stipulated by any rule relating to discussion on a Bill.
299. BILL: DURING INTRODUCTION OF A BILL THE PARLIAMENTARY SECRETARY IN CHARGE MADE REFERENCE TO A JUDGMENT OF A COURT: A MEMBER REQUESTED FOR COPY OF THE JUDGMENT: CHAIR DIRECTED THAT COPY BE SUPPLIED:

On 3rd June, 1968, during the course of discussion on the Pakistan Essential Services (Maintenance) (Amendment) Bill, 1968, Mr. Farid Ahmad raised a point of order that the Parliamentary Secretary, while introducing the Bill, made a reference to the judgment of a court in his speech which, he said, should be supplied to the Members.

Mr. Speaker, thereupon, directed that the Parliamentary Secretary should provide a copy of the judgment to the honourable Member.

(8-4 Vol-III)
Pp. 1613-1614.

300. BILL: FINANCE [SUPPLEMENTARY] BILL, 1973: NO DISCUSSION AS TO THE TECHNICALITIES OF THE BILL AT THE STAGE OF THIRD READING:

On 14th December, 1973, when the Finance (Supplementary) Bill, 1973, entered the third reading stage, a member wanted to oppose it. Mr. Speaker told the member that it was the third reading of the Bill and that he should not discuss any technical defect of the Bill at that stage.

(124-83, Vol-IV)

301. BILLS: REFERENCE TO THE COUNCIL OF ISLAMIC IDEOLOGY CAN BE MADE BEFORE THE CONSTITUTION OF THE COUNCIL: RULING IN THE MATTER TO BE GIVEN ONLY ON A MOTION AND NOT ON A POINT OF ORDER:

On 28th November, 1973, after the motion for dispensation of requirement of sub-rule (2) of rule 92 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, in regard to a Bill had been moved, Prof. Ghafoor Ahmad raised a point of order that although article 228 of the constitution provided for the constitution of a Council of Islamic Ideology within ninety days from the day on which the Constitution came into force, the Council had not been set up. This, he contended, deprived the Assembly of its right to refer a Bill to the council to determine whether or not any of its provisions was repugnant to the Holy Quran and Sunnah.
The law Minister maintained that even if the Council had not been constituted, there was no harm in referring any proposed law to them, by making a motion.

Thereupon Mr. Speaker observed:

"I can give ruling only when a motion is moved......only then I am supposed to give a ruling; and without a motion........ no honourable member can take shelter of a point of order".

(132-86, Vol IV)

302. **BILLS: SECOND READING: ARGUMENTS TO BE CONFINED ONLY TO THE PARTICULAR CLAUSE UNDER CONSIDERATION: GENERAL PRINCIPLES OF THE BILL CANNOT BE DISCUSSED AT THE STAGE:**

During the course of the second reading of a Bill, a member tried to speak on the principles of the Bill, Mr. Speaker did not permit him to do so and observed that during the second reading of a Bill, the member have to confine their arguments to its particular clause under consideration.

(133-87, Vol IV)
Pp. 304.

303. **BILL: AMENDMENT SEEKING DELETION OF WHOLE CLAUSE OR SUB-CLAUSE TO BE DISPOSED OF BEFORE THE AMENDMENTS SEEKING MODIFICATIONS THEREIN: AMENDMENT FOR SUBSTITUTION TO BE TAKEN UP AFTER DISPOSAL OF AMENDMENT FOR DELETION:**

On 13th March, 1973, when amendments to article 9 of the Constitution Bill were being discussed in the House, a member pointed out that out of the 67 amendments on that article, one amendment sought deletion of the clause (3) to (9) of that Article. The other amendments sought some modifications in the said clauses but not their total omission. It was argued that if the amendment for deletion was put to the House before other amendments and the House rejected that amendment, then all other amendments requiring modifications in the clauses in question would become redundant. A ruling was, therefore, desired as to whether in that event there was any point in moving the amendments other than the amendment for deletion.

The Speaker ruled that if there was an amendment of total deletion of a clause or sub
clause, the amendment seeking total omission thereof will be taken in the end. The Speaker also observed that if there was any amendment for substitution of a clause or sub-clause, it shall be taken up after the amendment for its deletion, if any, is disposed of.

(146-94, Vol IV)
Pp.1144.

304. Bills: Amendment seeking total deletion of a clause not permissible: Member not in favour of its retention may oppose it without giving notice of an amendment:

A member gave notice of an amendment for deletion of Article 77 of the Constitution Bill. During the Second reading of the bill when that Article was taken up, Mr. Speaker observed that no amendment seeking deletion of the whole article could be allowed. He added that in an amendment a member could ask for the alteration or omission of certain parts of the clause or Article but not for the deletion of the whole of it. The member contended that as they were dealing with the Bill as a whole and Article 77 was a part thereof, the amendment for its deletion was competent in as much as it was for removal of a part of the Bill.

Mr. Speaker did not agree and ruled as follows:

"This is clause by Clause consideration of the Bill and if an amendment is moved that certain clauses be deleted, it is not amendment. This means that you want to oppose the clause. You can oppose it even without giving an amendment."

(147-94, Vol-IV)
Pp. 1706-1707.

305. Bills: Notice of amendments to individual clauses: Notice period to be reckoned with reference to the consideration stage of the clauses to which the amendments relate:

On 2nd February, 1973, after the adoption of the motion to grant leave to introduce the Constitution Bill, Prof. Ghafoor Ahmad pointed out that, under rule 64 of the Rules of Procedure and Conduct of Business in the National Assembly (Constitution), 1972, notice of an amendment had to be given two clear days before the day on which the Bill was to be considered. He said that if amendments
on all the Chapters were to be given before the Bill was to be considered, some of the amendments might, at a later stage, become redundant. Therefore, he suggested that before the 17th February, when the bill was to be taken up for consideration, the members might be allowed to give notice of their amendments with respect to only two Chapters.

Sheikh Muhammad Rashid, the Minister for health, said that rule 64 provided for the tabling of all the amendments in respect of the constitution Bill two clear days before the day on which the Bill was to be considered.

Main Mahmud Ali Kasuri said that the object of the rule was that whenever any clause was being considered, the amendments in relation to the clause must be given notice of two days before they were to be moved in the House.

Mr. Speaker observed that before the Bill was taken up for consideration, clause by clause, there might be a motion for circulation of the Bill to elicit public opinion thereon or its reference again to the Constitution Committee or similar other motions. He said that all such motions or amendments should be given notice of two clear days before they were to be moved in the House. And so far as notice of amendment of any clause was concerned, that would be given in due course after thorough discussion on the consideration motion and the adoption of that motion.

(151-96, Vol-IV)
Pp.28-29

306. BILLS: REQUEST FOR REFERENCE TO THE FEDERAL GOVERNMENT FOR OBTAINING ITS CONSENT TO AN AMENDMENT TO A MONEY BILL: NOT ENTERTAINABLE AT THE STAGE OF THE SECOND READING OF THE BILL:

During the course of the second reading of the tariff (Amendment) Bill, 1973, Prof. Ghafoor Ahmad raised a point of order that, since he was not aware that under Articles 73 and 74 of the Constitution, an amendment to a Money Bill required prior consent of the Federal Government, his amendment relating to the provision of the Bill may be referred to the Federal Government for obtaining its consent.

Mr. Speaker observed that every member was presumed to know law and, since the stage of obtaining the consent had passed with the adoption of consideration motion, he ruled out the point of order.

(154-98, Vol-IV)
307. BILLS; MOTION FOR CIRCULATION OF A BILL TO ELICIT PUBLIC OPINION THEREON OR FOR ITS REFERENCE TO A SELECT COMMITTEE CANNOT BE MADE AT THE STAGE OF THE SECOND READING OF THE BILL:

On 11th December, 1973, Mian Mahmud Ali Kasuri sought to move his motion for circulation of the Tariff (Amendment) Bill to elicit public opinion thereon and contended that as his motion was not hit by any of the Constitutional provisions mentioned in Articles 73 and 74, it was perfectly a legitimate attempt to get the House to defer its judgment till the views of the People were obtained. He said that his motion was akin to a motion for reference of a bill to a Select Committee and as such was innocuous.

Malik Mohammad Akhtar Pointed out that under rule 93 of the Rule of Procedure and Conduct of Business in the National Assembly, 1973, the motion ought to have been made on the day when the Bill was set down for consideration of its principles. He said that with the adoption of consideration motion, the first reading of the Bill was over and, Therefore, no motion to elicit public opinion could be made thereafter.

Mr. Speaker observed that after the commencement of the second reading of a bill, no motion for eliciting public opinion or for reference to a Select committee could be made under rule 93 and ruled the motion of Mian Mahmud Ali Kasuri out of order.

(156-98, Vol-IV)
Pp.35-43.

308. BILL: MEMBER SHOULD REFRAIN FROM CRITICIZING LAWS AND DECISIONS OF THE ASSEMBLY:

During discussion on the Road Transport Workers (Amendment) bill, 1974, a member uttered some Unparliamentary words about the decisions of the House. Mr. Speaker thereupon observed that the members should refrain from making such comments about the laws passed by them, and should respect the decisions of the Assembly.

(126-84, Vol-IV)
309. **BILLS: MOTION FOR TAKING BILLS INTO CONSIDERATION BY SUSPENDING RULES 91 AND 92 SHOULD BE RARELY MOVED: RIGHT TO SUSPEND RULES RESTS WITH THE ASSEMBLY:**

On 10\textsuperscript{th} April, 1974, when a motion for the dispensation of the requirement of rule 91 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, in regard to the Provincial Service Tribunals (Extension of Provisions of the Constitution) Bill, 1974 was moved, a member raised the objection that adequate time had not been given to members to study the provisions of Bills and to table amendments thereto. The Speaker, agreeing with the objection, held that suspension of rule 91 and 92 should be rarely resorted to and that Government was committed in this respect. He recalled that, during the last session, the provisions of proviso to rule 91 and of sub-rule (3) of rule 92 were rarely invoked. Referring to the present bill, he informed the house that it had been introduced, and referred to the Standing Committee and also considered in the House but was later on withdrawn as the provincial Assembly of Punjab had not passed a resolution under Article 144 of the Constitution asking the parliament to legislate in the matter. The Bill had been brought before the Assembly for the second time and there was nothing new in it. So, he observed, that could be regarded as an exceptional case. He further informed the House that the right to suspend the rule was that of the Assembly and any motion for suspension of the rules could be decided only by the Assembly and not by the Speaker.

(128-85, Vol-IV)
N. A., Deb., 10\textsuperscript{th} April, 1974.

310. **BILLS: SECOND READING COMPLETE: A MEMBER REQUESTED TO SPEAK: NOT ALLOWED: HOWEVER ALLOWED TO SPEAK AT THIRD READING:**

A member had finished his winding up speech on a bill. Mr. Speaker was about to put the motion to the House. When Mr. Mahmud Ali kausri requested that he might be allowed to speak on the Bill. The Chair observed that it would be a bad precedent and suggested that the might speak at the time of the third reading. The mover also objected to Mian Mahmud Ali kasuri's Speaking at that stage. A member pointed out the lack of quorum. The House was adjourned for a short period. The Assembly reassembled and Mr. Speaker put the motion for the consideration of the Bill Straight to the House which was adopted.

Main Mahmud Ali Kasuri was however allowed to speak at the third reading of the Bill.

(134-87, Vol-IV)
N. A. Deb., 14\textsuperscript{th} December, 1974.

311. **BILLS: SECOND READING: MOTION REFERRING A BILL TO THE COUNCIL OF**
ISLAMIC IDEOLOGY SHOULD BE IN WRITING: OBJECTION TO A BILL BEING AGAINST THE INJUNCTIONS OF ISLAM SHOULD BE RAISED DURING THE FIRST READING:

On 12-2-1974, during the second reading of the Banks (nationalization) Bill, 1974, a member from the opposition raised a point of order that the Bill, being repugnant to the injunctions of Islam, should be referred to the Council of Islamic Ideology under rule 94 of the Rules of Procedure and conduct of Business in the National Assembly, 1973. Thereupon, the Speaker observed that, under the aforesaid rule, a bill could be referred to the Council of Islamic ideology for advice as to whether it was or was not repugnant to the injunctions of Islam, by a motion supported by not less than two-fifth of its total membership. Since no such motion had been moved the point of order raised by the honourable members was not valid. The member raising the point of order then sought leave to move the motion orally. This was not, however, allowed by the Chair, who held that the motion had to be in writing. He also pointed out that objection was being taken against the principles of the Bill and not against any clause thereof. Such objection should have been raised during the first reading of the Bill and not at the second reading.

(135-88, Vol IV)

312. BILLS: SECOND READING: STRESS ON CERTAIN POINTS NEEDS AMENDMENTS ON THOSE POINTS:

During the second reading of the West Pakistan Industrial Development Corporation (Transfer of projects and Companies) Bill, 1974, in the National Assembly on 1st April, 1974, a member proceeded to speak on the detailed provisions contained in the bill. The Speaker enquired from the member whether he had any amendment to the provisions of the bills, which were being discussed by him. The member replied in the negative but argued that he was entitled to speak on every point relating to the Bill during general discussion. Thereupon the Speaker observed:

"............. you can discuss all the matters but stress on certain points needs amendment on those points also".

The member argued that what he was discussing was very important because it went to the root of the Bill. Thereupon, the Speaker ruled:

"............. So that your cannot do it until or unless there is an amendment".

(136-88, Vol IV)
N. A., Deb., 1st April, 1974.
313. **BILLS: THIRD READING: ARGUMENTS CAN BE EITHER FOR ACCEPTANCE OR FOR TOTAL REJECTION OF A BILL: AMENDMENT OR ANY OTHER PROPOSAL CANNOT BE MADE DURING THIRD READING:**

On 5th February, 1974, during debate on the third reading of the Marketing of Petroleum Products (Federal Control) Bill, 1974, a member proceeded to make proposals for the exploration and distribution of petroleum. This was objected to by a member who argued that, at the third reading stage of a Bill, discussion should be confined to arguments either in support of the Bill or for its total rejection, and no member could deal with the proposals for the detailed working of a Bill. The objection was upheld by the Speaker, who observed that amendments or any other proposals could not be moved at the third reading stage of a Bill.

(138-89, Vol-IV)

314. **BILLS: TWO SIMILAR BILLS CANNOT REMAIN ON THE AGENDA OF SENATE AS WELL AS NATION ASSEMBLY: MOTION TO WITHDRAW A BILL FROM NATIONAL ASSEMBLY ALLOWED:**

The Minister of State for Parliamentary Affairs moved a motion for leave to withdraw a bill. It was contended that, while the bill was pending before the Assembly an Ordinance was promulgated. As the matter related to the concurrent legislative list, a bill to that effect was introduced in the Senate and a motion was pending to refer it to a Select Committee. It was, accordingly, claimed that two similar Bills could not be placed before the two Houses at the same time, It was opposed by the member from the opposition on the ground that foul play was involved in the present course being adopted. Mr. Speaker, did not agree with the above contentions and put the motion to the House, which was adopted.

(141-91, Vol-IV)
N. A., Deb., 20th December, 1974.

315. **BILLS: LEAVE SOUGHT TO INTRODUCE CAPITAL DEVELOPMENT AUTHORITY (AMENDMENT) BILL BY A PRIVATE MEMBER OBJECTION RAISED THAT IT WAS A MONEY BILL: CONSENT OF PRESIDENT NECESSARY UNDER ARTICLE 74 OF THE CONSTITUTION: OBJECTION TO BE RAISED WHEN LEAVE FOR INTRODUCTION SOUGHT: ITEM WOULD NOT REMAIN ON AGENDA NOR WOULD IT BE DEEMED PENDING:**

A private member moved for leave to introduce the Capital Development Authority
(Amendment) Bill, 1974. The minister concerned opposed the introduction on the premises that it was a money bill and as envisaged by Article 73 (2) of the Constitution, the previous consent of the President under Article 74 of the Constitution was necessary. The mover agitated that since it was on the orders of the day and had been cleared by the Speaker, no objection could be raised. It was observed by Mr. Speaker that objection could be raised at the time of introducing the Bill. After some discussion the mover conceded to the objection and agreed to seen the permission of the President. Mr. Speaker further observed that the item would not remain on the agenda nor would be deemed to be pending.

(143-92, Vol-IV)

316. **BILLS: MOTION FOR AMENDMENT TO BILL: HOUSE GRANTED PERMISSION TO MOVER TO MOVE THE MOTION: MOVER WITHDREW THE MOTION: OBJECTION THAT MOTION SHOULD NOT HAVE BEEN WITHDRAWN: OVER RULED:**

A member obtained leave of the House to move an oral motion to introduce an amendment to a pending Bill. Later, he withdrew his amendment. Another member raised an objection that it was not proper that, after getting the permission of the House, the member concerned did not move the motion. Mr. Speaker observed that it was the right of the member concerned to withdraw his motion.

(150-96, Vol-IV)
N. A. Deb., 11th December, 1974.

317. **BILLS: ORAL AMPENDMENT ALLOWED AND ADOPTED AT THE STAGE OF A BILL, WHILE IT WAS UNDER CONSIDERATION CLAUSE BY CLAUSE:**

A Bill was under consideration, clause by clause. A member moved an oral amendment, which was allowed and adopted by the House.

(153-97, Vol-IV)

318. **BILLS: CANNOT BE TAKEN INTO CONSIDERATION AT ONCE WITHOUT REFERRING THE SAME TO STANDING COMMITTEE: A MOTION WAS MOVED FOR SUSPENSION OF RULES 91 AND 92 TO AVOID SUCH REFERENCE:**

Prof. Ghafoor Ahmad pointed out that the Frontier Corps Ordinance (Amendment) Bill, 1974,
could not be taken up for consideration at one as no motion for non-submission of the Bill to the standing committee had been approved by the House. After some discussion, the relevant motion for suspension of rule 92(91) under rule 262 was formally moved by the Minister-in-charge. It was approved by the House, thereafter the Bill was duly taken up and passed.

(155-98, Vol-IV)

319. **BILLS: A MEMBER DEMANDED THAT MINISTERS SHOULD EXPLAIN THE BILLS AT LENGTH: BRIEF SPEECH RESULTS INTO VAGUENESS LEADING TO DISCUSSION INSIDE AND OUTSIDE ASSEMBLY: CHAIR UPHELD THE PRACTICE OF MAKING A SHORT SPEECH.**

On 24th November, 1975, Sahibzada Ahmad Raza Khan Qasuri pointed out that the Minister concerned explained the aims and objects of the Constitution (Fourth Amendment) Bill concisely without going into its details, which led to vagueness resulting in discussion inside and outside the Assembly. Mr. Speaker observed as follows:

“No, Mr. Raza Qasuri, the practice is that the Minister makes only a very brief speech at the time of consideration. In other countries, there is debate outside the House as well as inside the house . . . . . .”

(113-76, Vol-IV)

320. **BILLS: CLAUSES COULD NOT BE PUT TOGETHER IN JOINT SITTING AS THERE WAS NO “VOICE” VOTE IN A JOINT SITTING: CLAUSES TO BE PUT SEPARATELY AND VOTE TAKEN ONE BY ONE:**

On 10th December, 1975, Mr. Speaker enquired whether all the clauses of a bill on which there were no amendments could be put together to the joint sitting. Malik Muhammad Akhter, Minister of State for Parliamentary Affairs, said that the rules were silent on the point. Mr. Abdul Hafiz Pirzada contended that each clause had to be put separately. Mr. Speaker remarked that unlike the National Assembly, there was no “voice” vote in the joint sitting. Thereafter Mr. Speaker put various clauses of the Bill one by one to the House and votes of the members were taken by asking them to rise in their seats.

(114-76, Vol-IV)
N. A. Deb., 10th December, 1975.
321. **BILLS: CONDUCT OF A PARTICULAR JUDGE CANNOT BE DISCUSSED BUT REFERENCE COULD BE MADE TO THE HIGH COURTS AND OTHER COURTS WHILE MAKING LAW RELATING THERETO:**

On 4th December, 1975, Mr Noorul Arfin raised a point of order during the debate on introduction of a private member’s Bill, namely, The Contempt of Courts (Amendment) Bill, 1975, that the mover was discussing the conduct of the Judges which could not be done under the Rules of Procedure and Conduct of Business in the National Assembly, 1973. Malik Mohammad Akhtar also contended that no reference could be made even to a retired judge, now sitting as a member in the House, Mr. Mohammad Haneef Khan was of the view that since the mover was not discussing the conduct of any Judge in relation to any judicial case, a discussion on the proposed law was not barred. Mr. Speaker then quoted rule 226 (3) (c) ibid and observed that as the discussion did not relate to a particular Judge and instead a law relating to the courts was proposed to be enacted, a reference could be made to the High Courts and the Other Courts.

(115-76, Vol-IV)
N. A. Deb., 4 December, 1975.

322. **BILLS DIVORCE (AMENDMENT) BILL: NEW CLAUSES ADDED BY SENATE TO A BILL PASSED BY THE NATIONAL ASSEMBLY: LEAVE OF JOINT SITTING NECESSARY FOR A NATIONAL ASSEMBLY: LEAVE OF JOINT SITTING NECESSARY FOR A MOTION FOR ADOPTION OF THE NEW CLAUSES:**

On 10th December, 1975, when clause 25 of the Divorce (Amendment) Bill was taken up in joint sitting, it was pointed out that this was a new clause added by the Senate to the Bill passed earlier by the National Assembly. Mr. Speaker observed that for a new clause leave of the House was necessary. Thereafter, leave was asked for and granted.

(116-77, Vol-IV)
N. A. Deb., 10th December, 1975

323. **BILLS: PROCEDURE FOR PASSAGE OF A BILL IN JOIN SITTING UNDER RULE 9 OF PARLIAMENT (JOINT SITTING) RULES, 1973: AMENDMENTS MADE BY THE HOUSE OTHER THAN THE ORIGINATING HOUSE TO BE MOVED AND PUT ONE BY ONE: WHOLE BILL TO BE CONSIDERED CLAUSE BY CLAUSE: VOTES TAKEN BY ASKING THE MEMBER TO RISE IN THEIR SEATS:**

The Divorce (Amendment) Bill, 1975, originated in the National Assembly. After it was passed
by the Assembly, it was transmitted to the Senate, which passed it with amendments. As the Bill fell under Article 71 of the constitution, at the request of the National Assembly, it was referred to the joint sitting of Parliament.

When the bill came up before joint sitting, Mr. Speaker remarked that every clause would have to be put separately and it would have to be passed by the majority of total membership of the two Houses. Relying on rule 9(2) of the Parliament (Joint Sitting) Rules, 1973, Mr. Abdul Hafeez Pirzad maintained that the bill, as passed by the National Assembly, was before the House and only amendments suggested by the other house, i.e. the Senate, could be taken up, but they would have to be moved by any member of the House with the leave of the joint sitting, and no other amendments could be moved unless they were consequential or incidental or alternative to such amendments. He was of the view that if no member got up to move the amendments made by the Senate, they would not form part of the Bill as passed by the National Assembly.

Malik Mohammad Jafar contended that the clauses of the bill which had not been amended by the Senate, would have also to be put before the joint sitting.

Thereafter Malik Mohammad Jafar moved an amendment for substitution of clause 2 of the bill.

Mr. Abdul Hafeez Pirzada moved for leave to make an oral amendment to the amendment to Malik Mohammad Jafar, which was granted by the House. Mr. Pirzada then moved the following amendments:

"That for clause 2 of the bill, as passed by the National Assembly, the following be substituted, namely:

The Amendment moved by Malik Jafar was then added to this."

Mr. Pirzada explained that what they had to do was to substitute clause 2 as passed by the National Assembly by the clause as passed by the Senate with amendment.

After the said motion was passed, Mr. Pirzada said that once the above substitution had been approved by the House, the whole of clause 2 had been adopted and there was no need to put that clause for adoption by the joint sitting. Mr. Speaker thereupon announced that clause 2 had been passed. Mr. Abdul Hafeez Pirzada then moved the following amendment:

"that for clause 3 of the bill as passed by the National Assembly, the following be substituted namely:

"Omission of Section 4, Act IV of 1969, In the said Act, section 4 shall be omitted."
The Motion was also adopted. The Speaker then, without putting clause 3 to the joint sitting, announced that it had been passed.

After this, the clauses on which there was no amendment were put one by one to the House and adopted.

The votes of the members on all occasions were taken by asking them to rise in their seats.

324. **BILLS: SUGGESTION THAT ONLY AMENDMENTS PROPOSED IN A BILL BY SENATE COULD BE DEALT WITHIN THE JOINT SITTING AND NO FURTHER DISCUSSION WAS NECESSARY: CHAIR OBSERVES THAT THE WHOLE BILL AND ALL ITS CLAUSES TO BE RE-CONSIDERED:**

During discussion on the Divorce (amendment) bill, 1975, which had been passed earlier by the National Assembly and was passed by the Senate with amendments, Mr. Khurshid Hasan Meer said that the members could only deal with the amendments suggested by the Senate and no further discussion was necessary. Mr. Speaker observed that the bill had to be reconsidered as a whole, clause by clause, in view of Article 70(4) of the Constitution.

325. **BILLS: CONSTITUTION (FORTH AMENDMENT) BILL, 1975: POINT OF ORDER THAT CONSIDERATION MOTION SHOULD BE DECIDED BY DIVISION TWO-THIRD MAJORITY: PRECEDENT OF INTERIM CONSTITUTION (AMENDMENT) BILL, 1972 CITED: POSITION DIFFERENT UNDER INTERIM AND PERMANENT CONSTITUTION: POINT RULED OUT:**

On 13th November, 1975, when the Law Minister, Malik Miraj Khalid, Moved the consideration motion in respect of the Constitution (Forth Amendment) bill, 1975, Sahibzada Ahmad Raza Khan Qasuri, raised a point of order that in view of Article 239 and 67 of the Constitution and rule 123(4) of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, votes on the consideration motion may be taken by means of a division. This resulted in a long debate. Mr. Mohammad Haneef Khan argued...
that the objection was premature. Mian Mahmud Ali Kasuri referred to a incident when the first amendment bill in respect of the Interim Constitution was moved in National Assembly in August, 1972. He said that it was then propounded that a bill for the amendment of the Constitution could not be taken into consideration unless two-third of member rose in support thereof.

Mr. Abdul Hafeez Pirzada pointed out that it was due to specific provision in the Interim Constitution that every question and every motion relating to such a bill had to be carried in the House by Majority of not less the 75 members. He also stated that for withdrawal of the bill, 75 member were not needed and, therefore, a ruling was given by the then Speaker that the Bill could be withdrawn by a majority of less than 75 members. Mr. Pirzada maintained that the position under the present Constitution and the rules was quite different. Now, under Article 239, for the passage of a bill, two-third majority was needed.

Mr. Speaker remarked that two-third majority was also necessary for passage of clauses etc. when the members had to rise in their seats; while the motion for the passage of the bill was to be decided by division in the Lobbies by two-third majority of the total membership of the Assembly. It was pointed out that the first, second and third bill for amendment of the present constitution had been passed in the manner.

Main Mahmud Ali Kasuri referred to the provisions of rule 123 ibid and contended that as the consideration motion was a motion under the said, it had to be passed by 97 members i.e two-third of the total membership of the Assembly.

Mr. Speaker read out the relevant proceedings of the National Assembly, dated 25th August, 1972, and it became clear that the ruling given by the then Speaker was only with regard to withdrawal of the Constitution amendment bill which was done by a vote of 73 members, only a simple majority. Mr. Mahmud Ali Kasuri also admitted that there was a difference in the language used in the present Constitution and the rules. Mr. Speaker pointed out that under the rules, for the adoption of a clause, two-third majority was needed, but there was no provision for such a majority for introduction of the bill and for consideration motion relating thereto.

Mr. Muhammad Haneef Khan also supported the view that for introduction of the bill and for consideration motion, normal provisions relating to bills had to be applied under rule 123. Mr. Pirzada maintained that it was due to the use of the words “All questions” in Article 96 (7) of the Interim constitution, that every motion including a motion for introduction of a bill had to be passed by the two-third majority or a majority of 75 members.

Sahibzada Ahmad Raza Khan Qasuri argued that the rules of the Assembly were framed under Article 67 of the Constitution and that rules regarding amendment of the Constitution had been provided in a separate chapter and, therefore, a special procedure had been visualized under the rules. Relying on Article 239 of the constitution, he insisted that as the motion had
been opposed, it should be decided by means of voting through division.

Mr. Speaker did not agree to adopt the procedure which was applicable to the constitution amendment bill under the Interim Constitution and observed:

"Ruling given at that stage does not apply to the present case because at that time constitution was different, the rules were different; now the Constitution is different, the rules are different."

When Sahibzada Ahmad Raza Qasuri still insisted on a division. Mr. Abdul Hafeez Pirzada pointed out that the motion made by Malik Miraj Khalid on Tuesday was under rule 93(b) which was duly carried and Thursday was fixed for debate on the bill and, therefore, the House had to proceed with general discussion on the bill. Thereupon, referring to an earlier ruling regarding the first constitution amendment bill, Mr. Speaker ruled that two-third majority will be required during the second reading of the bill and not at the stage of its first reading when the constitution was not in fact amended. Disallowing the point of order raised by Mr. Raza Qasuri, Mr. Speaker observed that vote of two-third majority will be each clause of the bill during its second reading.

(119-79, Vol-IV)

326. BILLS: CRITICISM OF A MINISTER IN HIS PERSONAL CAPACITY NOT ALLOWED DURING DISCUSSION OF A BILL:

On 4th November, 1975, a member, while speaking on land reforms (amendment) bill, 1975, started discussing the Minister concerned in his personal capacity. Thereupon, Mr. Speaker observed that personalities were not relevant during discussion of a bill.

(120-81, Vol IV)

327. BILLS: DEBATE CANNOT BE ALLOWED ON AN AMENDMENT WHICH IS NOT FORMALLY MOVED:

A bill was under discussion, clause by clause, when a member made a request to speak in support of an amendment which was not formally moved. Disallowing the request, Mr. Speaker observed as follows:
"This amendment has not been moved. If an amendment is moved, any member can speak in its favour or against; but if an amendment is not moved, no discussion can take place in respect of that. Mere notice to introduce amendment would no be sufficient to invite debate."

(121-82 Vol-IV)

328. BILLS: DECISION ON A CLAUSE CAN BE RE-OPENED WITH THE LEAVE OF THE HOUSE AT THE THIRD READING STAGE OF A BILL: SUCH CLAUSE CAN ALSO BE AMENDED BY MOVING ORAL AMENDMENT WITH THE LEAVE OF THE HOUSE:

On 10th December, 1975, during the third reading of the Divorce (Amendment) Bill, in the joint sitting. Mr. Abdul Hafeez Pirzada suggested that it was necessary to re-open the decision on clause 25 of the Bill. After some debate, he moved for leave of the House to re-open the decision of the house on clause 25 and stated that on the final day of the passing of the Constitution Bill a similar procedure was followed. Mr. Speaker then deferred consideration of the third reading of the Bill. A member maintained that in exercise of his residuary power under rule 34 of the parliament (Joint Sitting) Rules, 1973, the Speaker could re-open a clause which had been passed. Mr. Speaker referring to rule 33 observed that the procedure of National Assembly could be applied at his discretion. Some members were not sure as to which motion or item he had deferred by the Chair, whereupon Mr. Speaker observed that he had deferred consideration of item No. 5 on the orders of the Day, relating to the third reading of the Bill. Mian Masud Ahmad drew attention of the Chair to section 6 of the original Act also. Mr. Speaker observed that provisions of the original Act could not be re-opened. Thereafter the motion of Mr. Abdul Hafeez Pirzada to re-open decision on clause 25 of the bill was put to the House and adopted. After this Mr. Pirzada sought leave to move an oral amendment to clause 25, which was granted. The clause 25, as re-drafted, was put to the House ad after some debate the oral amendment moved by Mr. Pirzada was adopted by the House. Later on, amended clause 25 was also adopted.

(122-82, Vol-IV)
N. A., Deb., 10th December, 1975.

329. BILL: DURING DISCUSSION ON A BILL, REPORTS OF THE STANDING COMMITTEE ON OTHER BILLS ALLOWED TO BE PRESENTED:

On 3rd November, 1975, while discussion on the land Reforms (Amendment) bill was going on, Mr. Speaker interrupted the debate and allowed the Minister of Commerce to present reports of the Standing Committees on other Bills. After the Presentation of these reports, the House resumed
discussion on the Land Reforms (Amendment) Bill.

(123-83, Vol-IV)

330. **BILL: LACK OF QUORUM TO BE POINTED OUT OTHERWISE VALIDITY OF BILLS PASSED CANNOT BE QUESTIONED:**

A member enquired from the Chair if, in the absence of quorum, a Bill can be passed by the House. Mr. Speaker thereupon observed that, if lack of quorum was pointed out, then the Chair had no alternative but to ring the quorum bells and, if the quorum was not complete, then to adjourn the House. It was also added in this connection as follows:

"The rule is quite clear. Even you pass the Bill with four members, it cannot be questioned in any court of law on the ground that the quorum was not there, unless lack of quorum had been pointed out."

(125-83, Vol-IV)

331. **BILLS: MINISTER-IN-CHARGE OF A BILL NOT PRESENT: CABINET COLLECTIVELY RESPONSIBLE: IF NECESSARY, CLARIFICATION COLD BE GIVEN BY OTHER MINISTERS OR PARLIAMENTARY SECRETARIES:**

On 28th November, 1975, Begum Nasim Jahan raised a point of order that the Minister-in-charge was not present during the debate on a bill. The chairman, Mr. Mohammad Haneef Khan, pointed out that the law Minister, a Minister of State and the Parliamentary Secretaries were sitting the House and in a democratic Government the cabinet being collectively responsible, if any clarification was needed, it could be given by any one of them.

(127-84, Vol-IV)

332. **BILLS: MOVER HAS TO EXPLAIN THE BILL EVEN IF IT IS NOT OPPOSED:**

When a member moved that a private Bill be taken into consideration it was not opposed. The mover then wanted to speak on the Bill but a member objected on the Ground that debate could be allowed only if the Bill was opposed. Mr. Speaker ruled that even when a Bill was not opposed, the mover
had to explain its provisions.

(129-85, Vol-IV)

333. **BILLS: PASSED IN NATIONAL ASSEMBLY AND SUBMITTED TO SENATE WHICH PASSED IT WITH AMENDMENTS: TO BE CONSIDERED AS A WHOLE IN THE NATIONAL ASSEMBLY: ARTICLE 70 (4) OF CONSTITUTION RELIED UPON:***

The Pakistan International Airline Corporation (Amendment) bill, 1975, was introduced in, and passed by the national Assembly. After its transmission to the Senate, it was passed by the Senate with some amendments. When the bill Again came up before the national Assembly, it was suggested by a member that only those clauses which were amended or added by the Senate should be taken up in the Assembly. Mr. Abdul Hafeez Pirzada, relying on Article 70(4) of the Constitution, contended that the Bill would have to be reconsidered as a whole. Mr. Speaker agreed with him, and the normal process for passage of a Bill was adopted.

(130-86, Vol-IV)

334. **BILL: PRIVATE MEMBER'S MEMBERS BILL: CANNOT BE MOVED IN THE ABSENCE OF MOVER NOR CAN IT BE TAKEN UP ON THE NEXT PRIVATE MEMBER'S DAY:**

On a private member's day, a Bill given notice of a private member came up before the House. The mover was absent. Mr. Speaker held that a private member's Bill could not be moved in the absence of its mover, nor could it be postponed to the next non-official day.

(131-86, Vol-IV)
N. A. Deb., 30th October, 1975.

335. **BILLS: THE CHAIRMAN AND SPEAKER (SALARY, ALLOWANCES AND PRIVILEGES) BILL, 1975: TRADITION OF PASSING SUCH BILLS UNANIMOUSLY: PASSED WITHOUT ANY RESISTANCE:**

On 8th December, 1975, the Chairman and Speaker (Salary, Allowances and Privileges) Bill,
1975, was moved for consideration by the Assembly. Mr. Ahmad Raza Khan Qasri from the Opposition Benches point out that it was a tradition to pass such Bills unanimously and, therefore, nobody should oppose the Bill. Accordingly, the Bill was passed without any resistance.

(137-89, Vol-IV)
N. A., Deb., 8th December, 1975.

336. BILLS: THIRD READING: MEMBER ONLY TO ARGUE WHETHER IT BE PASSED OR NOT: DETAILED ARGUMENTS NOT ALLOWED:

During third reading of a Bill, a member started discussing the details of the Bill. The Minister of State for parliamentary Affairs raised a point of order that at that stage the arguments should be confined to question relating to the passing of the Bill. Madam Deputy Speaker upheld the point of order and directed the member not to go into the details of bill.

(139-90, Vol-IV)

337 BILLS: TRANSITIONAL PROVISION: QUESTION WHETHER IT WAS TO BE INCORPORATED IN THE AMENDING BILL OR IN THE ORIGINAL ACT: COULD BE ADDED TO EITHER OF THEM: INCORPORATED IN THE AMENDING BILL:

On 10th December, 1975, the Divorce (Amendment) Bill was considered by the joint sitting. While adopting a new clause No. 25 to the Bill, as proposed by the Senate, a question arose as to where it was going to be incorporated in the original Act of 1869. Mr. Abdul Hafeez Pirzada was of the view that it was only a transitional provision, applying to pending proceedings, and not a substantive part of the law and was, therefore, not of a permanent nature. Mr. Kamal Azfar and Mr. Tahir Mohammad Khan contended that it should form part of the original act and should be incorporated as section 63 of the Act. Mr. Abdul Qaiyum Khan sought that it could be a part of the original Act or the amending Bill. Mr Noorul Arfin stated that the saving clause was of a temporary nature and would lose its utility when pending proceeding were complete and would have to be omitted when its utility was over. Mr. Khurshid Hasan Meer thought that it should form part of the amending Bill. Malik Mohammad Jafar, reading section 5 of the original Act, stated that a similar transitional provision existed in that Act itself which was brought about by an amending Act. Mr. Speaker then observed that partly both sides were right.

Thereafter clause 25 as proposed by the senate was moved by Malik Mohammad Jafar and adopted by the House as the last clause of the amending Bill.

(140-90, Vol-IV)
338. **BILLS: INTRODUCTION OF A PRIVATE MEMBER'S BILL: MOVER CAN SPEAK AT LENGTH TO CONVINCE THE HOUSE AND MEMBERS ON PRIVATE MEMBERS DAY THE TIME BELONGS TO PRIVATE MEMBER:**

On 4th December, 1975, Sahibzada Ahmad Raza Khan Qasuri, was speaking to seek leave of the House to introduce a private Bill. Malik Muhammad Akhtar, minister of State for parliamentary Affairs, raised an objection, under rule 88(2) of the Rules of procedure and Conduct of Business in the National Assembly, 1973, that the member should be allowed to make a brief statement and then the motion should be put to the House. Mr. Speaker remarked that the term “brief” was relative term and pointed out that in case of private Bills, the mover had to convince the House and the members, before leave could be granted. He also observed that it was private member’s day and so the time belonged to private members.

(142-91, Vol-IV)


339. **BILLS: SUBJECTS NOT ENTERED EITHER IN THE FEDERAL LEGISLATIVE LIST OR IN THE CONCURRENT LEGISLATIVE LIST FALL IN THE PROVINCIAL SPHERE: MOTION SEEKING LEAVE TO INTRODUCE A BILL RELATING TO A PROVINCIAL SUBJECT RULED OUT OF ORDER:**

A member moved for leave of the house to introduce Prohibition of Dancing Bill, 1975. An objection was raised that since the subject of dancing was not included either in the Federal legislative list or in the Concurrent Legislative List appended to the constitution, it was a provincial subject and the National Assembly could not deal with it. A member contended that if the aforesaid subject was intended to be a provincial subject, it would have found place in Provincial Legislative list. Mr. Speaker observed that any matter which was not in the Federal Legislative list or the Concurrent Legislative list was in the provincial sphere.

Mr. Speaker wanted to know under what rules he could disallow the motion. He also inquired the question relating to the admissibility of motion should be decided by him or by the House.

Mr. Qaim Ali Shah said that if anything was against the Constitution, it should not be put to the house.

Mr. Speaker observed that if there were no rules to meet the situation, the matter had to
be disposed of in the light of the provisions of the constitution. He added that since the Bill related to a provincial matter, it could not be considered by the National Assembly.

The motion seeking leave to introduce the Bill was, therefore, ruled out of order.

(144-92, Vol-IV)

340. **BILLs: AMENDMENT FOR ELICITING PUBLIC OPINION UNDER DISCUSSION: MINISTER CONCERNED WANTS TO REPLY TO DEBATE ON BOTH CONSIDERATION MOTION AND AMENDMENT: CHAIR DIRECTS THAT HE COULD SPEAK ON AMENDMENT AND NOT ON CONSIDERATION MOTION:**

During discussion on the motion to take a bill into consideration, Sirdar Shaukat Hyat Khan moved an amendment for circulating the bill for eliciting public opinion thereon, Mr. Speaker called upon the Minister-in-Charge, Maulana Kausar Niazi, to speak on the amendment of Sirdar Shaukat Hyat, whereupon the Minister indicated that he wanted to reply to the arguments advanced on the consideration motion also. Mr. Speaker did not agree and asked him to speak on the amendment only. The Minister still insisted, whereupon Mr. Speaker observed:

"At the most I can allow you to reply to those arguments which have been advanced on this amendment. I cannot allow you to reply to the arguments which have been advanced yesterday, on Friday or when you moved the Bill, because that will be done only when you wind up on the first reading, may be today, may be after six months. I can allow you to this extent and you can meet, or reply to, any objection which has been raised today in connection with this amendment . . . . . . .

(145-93 Vol-IV)

341. **BILLs: AT THE FIRST READING STAGE OF A BILL A MEMBER WANTED TO MOVE AN ORAL AMENDMENT TO CIRCULATE IT FOR PUBLIC OPINION: LEAVE OF THE HOUSE TO MOVE ORAL AMENDMENT ASKED FOR AND REFUSED: FIRST READING OF THE BILL RESUMED:**

On 2nd December, 1975, when the debate on the consideration motion relating to a bill was about to be resumed, Sahibzada Ahmad Raza Khan Qasuri suggested that the Bill be circulated for eliciting public opinion. Mr. speaker enquired whether he had tabled any amendment to that effect. Mr. Ahmad Raza Khan Qasuri thereupon sought permission of the Chair to do so. Thereafter, Mr. Speaker
asked the House if Mr. Raza Qasuri had leave of the house to move an oral amendment. The leave was refused by the House and the Debate on the bill was resumed.

(148-95, Vol-IV)

342. **BILLS: CONSEQUENTIAL AMENDMENT NEED NOT BE FORMALLY MOVED:**

On 10th December, 1975, during discussion on the Divorce (Amendment) Bill in the joint sitting, Malik Mohammad Jafar moved an amendment to clause 23, whereupon Mr. Speaker observed that it was a consequential amendment. Thereafter, clause 23 as passed by the Senate was put to the House and Adopted.

(149-95, Vol-IV)
N. A., Deb., 10th December, 1975.

343. **BILLS: DURING FIRST READING OF A BILL, WITH THE LEAVE OF THE HOUSE, ORAL AMENDMENT WERE MOVED TO PUBLISH THE BILL FOR ELICITING PUBLIC OPINION THEREON AND FOR ITS REFERENCE TO A SELECT COMMITTEE: MINISTER-IN-CHARGE ALSO MOVED A MOTION FOR REFERRING THE BILL TO A SELECT COMMITTEE WHICH WAS ADOPTED BY THE HOUSE:**

During the first reading of the Dowry and Bridal Gifts (Restriction) Bill, Sirdar Shaukat Hyat, with the leave of the House, moved an oral amendment for circulation of the Bill for eliciting public opinion thereon. While he was in the middle of his argument, Begum Nasim Jahan, with the leave of the House, moved an oral amendment to the amendment of Sirdar Shaukat Hyat for eliciting public opinion, especially women and social welfare organizations. Also, Mr. Khurshid Hassan Meer with the leave of the House, mobbed an oral amendment that the Bill be referred to a Select Committee. In view of their amendments discussion was going on, when the Minister-in-Charge made a motion to the effect that the Bill be referred to a Select Committee, which may report with in one month of reference to it. The motion was adopted by the House.

(152-97, Vol-IV)

344. **BILLS: MOTION FOR CIRCULATION OF THE BILL FOR ELICITING PUBLIC**
OPINION: OBJECTED TO BY GOVERNMENT ON THE GROUND THAT MOTION TO CONSIDER THE BILL ON AN APPOINTED DATE HAD ALREADY BEEN ADOPTED: OBJECTION UPHELD AND CIRCULATION MOTION DISALLOWED:

During discussion on the Constitution (Fourth Amendment) Bill, 1975, an amendment was moved that the bill be circulated for eliciting public opinion. Mr. Abdul Hafeez Pirzada pointed out that the motion should have been moved two days back when the motion for consideration of the Bill on an appointed date, under rule 93 (b) of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, was made by the Law Minister and adopted by the House. He argued that now when the motion under rule 93 (b) had been carried and a date for discussion on that motion had been fixed, the motion for circulation of the Bill to elicit public opinion was barred. He maintained that once the motion to consider a Bill on an appointed date was adopted and passed under rule 93 (b), the House had to proceed with the consideration of the principles of the Bill.

Professor Ghaffor Ahmed contended that the Bill was at the stage contemplated by rule 95(1) and, therefore, amendment for circulation of the Bill should be taken up first and then the main motion relating to its consideration. Mian Mahmud Ali Kasuri demanded that before having discussion on the Bill two clear days should be given to members under rule 92(2). Mr. Abdul Hafeez Pirzada pointed out the rules 91 and 92 had been suspended. Mr. Speaker then read out the relevant proceedings of 11th November, 1975, in the House and pointed out that the motion relating to Constitution (Fourth Amendment) Bill, 1975, being taken into consideration on Thursday, the 13th November, 1975, had been passed and adopted by the House. Mian Mahmud Ali kasuri contended that this understanding between the Treasury Benches and the opposition was that consideration motion would be taken up on the 13 and, therefore, a motion for circulation of the Bill for eliciting public opinion could be made. Mr. Speaker upheld the objection of Mr. Pirzada and ruled that the stage for moving amendment for eliciting public opinion had passed.

(157-99, Vol-IV)

345. BILL: AMENDING BILL: REFERENCE CAN BE MADE ONLY TO THOSE PROVISIONS OF THE ORIGINAL LAW WHICH ARE RELEVANT AND ARE SOUGHT TO BE AMENDED: ANY DISCUSSION ON THE VARIOUS OTHER PROVISIONS OF THE ORIGINAL LAW NOT PERMISSIBLE:

On 20th August, 1976, while discussing the Defence of Pakistan (Third Amendment) Bill, 1976, a member referred to the various provisions of the Defence of Pakistan Ordinance, 1971, so as to cover it
in its entirety. The Law Minister raised an objection that the member could not discuss the entire Defence of Pakistan Ordinance while discussing a Bill amending particular provisions of the Ordinance. Mr. Speaker, agreeing with the Law Minister, observed that the member could refer and discuss only those provisions of the Defence of Pakistan Ordinance which were relevant and were sought to be amended.

(17-10, Vol-V)

**346. BILL: ASSURANCE BY A MINISTER IN THE HOUSE HAS NO FORCE OF LAW BUT CARRIES RESPECTABILITY:**

On 12th November, 1976, Prof. Ghafoor Ahmad, moved an amendment to clause (2) of the Newspaper Employees (Conditions of Service) (amendment) Bill, 1976, so as to enable a working journalist to become a member of the Tribunal.

The Minister of State for Labour, Mr. Abdul Sattar Gabol held out an assurance to the House that a law would be made later on to enable a journalist to become a member of the Tribunal. Mr. Speaker, thereupon, observed that an assurance given by a Minister in the House, although it did not have the force of law, carried respectability with respect to the implementation of such an assurance. The motion was, however, put to the House and rejected.

(18-11, Vol-V)

**347. BILL: DISCUSSION TO BE CONFINED TO SUBJECT MATTER OF THE BILL:**

During the third reading of a Bill, Mr. Speaker pointed out to a member, in possession of the floor that, except during the Budget session, the political situation of the country could not be discussed and the discussion should be confined to the provisions of the relevant Bill.

(20-12, Vol-V)

**348. BILL: LONG TITLE NEED NOT SPECIFICALLY PROVIDE FOR ALL THE DETAILS:**

On 17 November, 1976, Prof. Ghafoor Ahmad raised a point of order that the contents of the
federal bank of Cooperatives and Regulation of Cooperative banking bill, 1976, were not covered by its
long title and the bill ought to be with-drawn for re-drafting. He referred to compto's Introduction to the
procedure of the house of commons, to support his contention.

The Finance Minister, Rana Muhammad Hanif, relying on clause 3 of the Bill, contended
that it went very well with the long title.

Madam Deputy Speaker, agreeing with the Finance Minister, ruled out the point of order
and observed that the long title of a Bill need not specially provide for all the details.


349. BILL: MEMBERS TO REFRAIN FROM TOUCHING SECTARIAN ISSUES WHILE
SPEAKING ON BILLS ETC.

Intervening during the debate on a private Members’ Day, Mr. Speaker observed that
Members should refrain from touching sectarian issues while speaking on a Bill or a Resolution.


350. BILL: PARLIAMENTARY SECRETARY CAN, UNDER RULES, PILOT A
GOVERNMENT BILL: DELEGATION OF AUTHORITY UNDER RULE 2 CAN BOTH
BE IMPLIED OR EXPRESS:

On 4th August, 1976, Sirdar Inayatur Rehman Khan Abbasi, Parliamentary Secretary for Fuel,
Power and National Resources sought to move that the Bill further to amend the Oil and Gas
Development Corporation Ordinance, 1961, as reported by the Standing Committee, be taken into
consideration at once. Malik Mohammad Akhtar, Law Minister, expressed doubt whether, under the rules,
a Parliamentary Secretary could pilot a government Bill on behalf of a Minister. He held that, under rule
2 of the rules of Procedure and Conduct of Business in the National Assembly, 1973, “member-in-
charge” in the case of a Government Bill, meant a Minister. It was, however, pointed out that the
definition of “member-in-charge” had to be read with the definition of “Minister”, which had since been
amended to include the Prime Minister, a Federal Minister, a Minister of Stat or a Parliamentary
Secretary in respect of any function delegated or entrusted to him by a Minister. The Speaker overruled
the objection raised by the Law Minister and observed that, under rule 2 as amended in respect of
“Minister” a Parliamentary Secretary could perform all the functions in the House on behalf of a
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Minister. He further observed that the delegation, as mentioned in the aforesaid definition, could be implied or expressed.

(24-13, Vol-V)


351. BILL: PASSED BY ONE HOUSE NEED NOT BE REFERRED TO STANDING COMMITTEE WHILE UNDER CONSIDERATION OF THE OTHER HOUSE IF IT DOES NOT NEED MORE ARGUMENTS AND EXAMINATION:

On 27th February, 1976, Rao Khurshid Ali Khan raised a point that every Bill introduced in or presented before the House gets referred to the Standing Committee automatically. On this, Mr. Speaker observed that only such Bills stood automatically referred to the Standing Committee which had originated in the House concerned. However, such a reference would not be automatic if the Bill had originated and had been passed by the other House. In such a case, the second House might refer the Bill to a Standing Committee if it needed more arguments and examination.

(25-14, Vol-V)


352. BILL: REFERENCE TO THE ORIGINAL ACT CAN BE MADE WHILE DISCUSSING AN AMENDMENT TO THAT ACT WITHOUT GOING INTO THE HISTORICAL BACKGROUND OF SUCH AN ENACTMENT OR WITHOUT TOUCHING THE FACTS OF ANY CASE BEING TRIED UNDER SUCH ACT.

Mian Mahmud Ali Kasuri, while speaking on the Criminal Law Amendment (Special Court) (Second Amendment) Bill 1976, referred to the trials being conducted under the original Act by the Special court at Hyderabad.

The Law Minister, Malik Muhammad Akhtar, raised a point of order that the member must confine himself to the proposed amendment without going into the historical background of the original Act.

Mr. Speaker observed that the member could touch upon the provisions of the original Act while discussing the proposed amendment without, however, going into the historical background or the facts of the trial, being conducted under the original Act by the Special Court at Hyderabad.
353. **BILL: TO BE ACCOMPANIED BY SIGNED STATEMENT OF OBJECTS AND REASONS:**

An honourable member drew the attention of the Speaker to the proposition that every bill introduced in the House must be accompanied by a signed Statement of Objects and Reasons. Thereupon Mr. Speaker heard upon the arguments of the Law Minister and the Minister for Education and decided to rule out the point raised by the honorable member.

354. **BILL: CONSIDERATION OF A BILL DEFERRED AFTER INTRODUCTORY SPEECH BY THE MINISTER-IN-CHARGE, TO ENABLE MEMBERS TO SPEAK AFTER NECESSARY STUDY.**

On 12th May, 1977, during discussion on the motion to take the Price Control and Prevention of Profiteering and Hoarding Bill, 1977 into consideration, Mr. Abdul Aziz Bhatti raised a point of order that as the copies of the Bill had just been supplied to the members, they got hardly any time to study it. He, therefore, requested that the debate on the Bill may be deferred for the next day.

2. Mr. Speaker (Mr. Miraj Khalid) observed that it was no point of order. However the member urged once move for postponement of the debate. Mr. Ahmed Wahid Akhtar also made a similarly request. Mr. Speaker, thereupon observed that such a request may be made after the Minister-in-charge had finished his speech on the Bill.

3. After the Minister-in-charge completed his speech, the Law Minister, Mr. S.M. Mosud, requested for the deferment of the debate, to enable the members to speak on the Bill after due study thereof. Keeping in view the sense of the House, Mr. Speaker deferred discussion on the Bill for the next following day.

(26-14, Vol-V)

(27-15, Vol-V)

(19-11, Vol-V)
355. BILL: MEMBER'S REQUEST TO SPEAK AFTER THE CONCLUSION OF THE WINDING UP SPEECH BY THE MINISTER-IN-CHARGE: TURNED DOWN.

On 13th May, 1977, Mr. Abdul Aziz Bhatti wanted to speak after Mr. Mohammad Hanif Khan, the Minister-in-charge, for the Prevention of Gambling Bill, 1977, had finished his winding up speech during its third reading. Mr. Ahmed Wahid Akhtar objected to such a course on the plea that it was against the rules. Thereupon, Mr. Bhatti contended that such an objection could only be taken up by the Minster-in-charge and none else. Mr. Speaker, however, sustained the objection raised by Mr. Ahmed Wahid Akhtar and turned down the request of Mr. Bhatti to speak on the Bill, after its third reading had concluded.

(23-13, Vol-V)

356. BILL: THIRD READING: MINISTER-IN-CHARGE CANNOT BE COMPELLED TO REPLY TO THE POINTS RAISED DURING DISCUSSION: CLARIFICATION OF A POINT CANNOT BE SOUGHT FOR ON A POINT OF ORDER:

On 27th April, 1977, Sahibzada Noor Hassan raised certain points during his speech on the Labour Laws (Amendment) Bill, 1977. The Minister for Labour, while winding up discussion on the Bill during its third reading, did not touch upon those points. The member, thereupon, raising on a point of order sought clarification from the Minister on the points raised by him. Mr. Speaker, thereupon observed that it was no point of order, through it was up to the Minister concerned to throw any light upon the points raised by the member in his speech.

(28-15 Vol-V)

357. BILLS: TWO OR MORE BILLS LISTED IN THE SAME ORDERS OF THE DAY HAVING COMMON PROVISIONS MAY BE DISCUSSED TOGETHER IN THE FIRST READING: SECOND AND THIRD READING TO BE DONE SEPARATELY.

On 7th January, 1977, Mr. Speaker proposed that the first reading of the two Bills, namely, the Bill to provide for further Land Reforms (The Land Reforms Bill, 1977) and the Bill to provide for Taxation on Agricultural Income (The Finance Supplementary Bill, 1977), may be done together because many of the provisions of these two Bills were common to each other. The Finance Minister, Rana Mohammad Hanif Khan, enquired if this was a normal procedure?
2. Mr. Speaker, thereupon, observed that there was no harm in discussing both the Bills, simultaneously. The members unanimously agreed to the proposal of the Chair. The Finance Minister also agreed and remarked that although it will be a new procedure it will obviate duplication of discussion.

3. Mr. Speaker explained that it was not a new procedure and such Bills had in the past been taken up together during their first reading. The two Bills were, accordingly, allowed to be taken up together, with the remark that the second and third readings thereof will be done, separately.

(29-15, Vol-V)

358. BILL: ALLEGED OBJECTION REGARDING INTRODUCTION OF A BILL BEING REPUGNANT TO THE CONSTITUTIONAL PROVISIONS: OBJECTION BEING PRE-MATURE AND ANTICIPATORY RULED OUT: UPON INTRODUCTION A BILL STANDS REFERRED TO THE STANDING COMMITTEE CONCERNED UNDER THE RULES WHERE PROVISIONS OF BILL CAN BE SCRUTINIZED:

On 11th November, 1985 Mr. Iqbal Ahmed Khan, Minister for Justice and parliamentary Affairs moved a motion to introduce a Bill further to amendment the political parties Act, 1962 (Act No. III of 1962) to be called the political parties (Amendment) Bill, 1985. Haji Muhammad Saifullah Khan, MNA raised a point of order that the Bill in question sought to be introduced through a motion is repugnant to the constitutional provisions as the same relates to the election of the members. His contention was that once a member is elected, his election can only be called in question through an Election petition presented to a Tribunal in such manner as may be determined by an Act of Majis-e-Shoora (Parliament) as contemplated under Article 225 of the Constitution. He further submitted that once a member takes oath as a member of the House, then he can under no law be disqualified unless and until the Provisions regarding disqualification given in the Constitution are violated. His precise contention was, that the provisions of the Bill regarding disqualification of the members on the basis of defection are wholly violative of the constitution.

Mr. Iqbal Ahmed Khan, Minister for Justice and parliamentary Affairs, opposed the point of order of the Honourable member and submitted that under rule 91 of the Rules of Procedure a proper motion for reference of a Bill has to be moved, which upon introduction, stands referred to the Standing committee. He stated that the objection of the honourable member can be considered by the Standing Committee where the bill is scrutinized and Honourable member is also at liberty to raise such an objection at the time of presentation of the report of standing Committee on the Bill at an appropriate
Mr. Deputy Speaker, after hearing the mover, Minister concerned and two other members ruled the objection out of order and allowed the motion to be moved whereupon the Bill stood referred to the Standing Committee under rule 91 of the rules of procedure.

(50-29, Vol-VI)
Pp. 3976.

359. **BILL: OBJECTION THAT RULE 91 OF THE RULES OF PROCEDURE CANNOT BE SUSPENDED THROUGH A MOTION SOON AFTER INTRODUCTION OF A BILL: RULED OUT OF ORDER:**

On 30th September, 1985 Mr. Iqbal Ahmad Khan, Minister for Law, Justice and Parliamentary Affairs introduced a Bill further to amend the Constitution of the Islamic Republic of Pakistan, (The Constitution (Eighth Amendment) Bill, 1985) and thereafter moved a motion for the dispensation of the requirements of Rule 91 of the Rules of procedure and Conduct of Business in the National Assembly, 1973. Hajji Muhammad Saifullah Khan rising on a point of order raised an objection that under Rule 91 upon introduction, a Bill other then a Finance bill shall stand referred to the Standing Committee Concerned with the subject matter of the Bill and if the Minister wanted to move the motion for dispensation, it should have come along with the introduction of the Bill so that the process is stopped with the introduction of the Bill and a decision taken thereon. He contended that the Bill stood referred to the Standing Committee, therefore it is not within the competence of the Chair to put the suspension motion to the House because the Bill is now before the Standing Committee. Mian Muhammad Yasin Khan Wattoo pointed out that under proviso to rule 91 afore quoted a Member in charge of the Bill may move for suspension and if the motion is carried the Provision of rule 92 shall apply to the Bill as if it was received back from the Standing Committee on the day on which the motion is carried. He further submitted that the law and the rule is to be read as a whole and the objector cannot take refuge.

After that some members spoken on the admissibility of the motion, the debate continued on the next day i.e. 1st October, 1985 when many members from opposition and treasury benches also took part in the debate.

Mr. Deputy Speaker who was presiding over the sitting held the motion in order and put the same to the House which was adopted by the House.

(52-31, Vol-VI)
N.A. Deb., 30th September, 1985
Pp. 1081-1108
360. BILL: OBJECTION THAT RULE 92(2) OF THE RULES OF PROCEDURE CANNOT BE SUSPENDED THROUGH A MOTION UNTIL THE STAGES OF SUB-RULE (1) OF RULE 92 OF THE SAID RULES WERE COMPLETED: Ruled Out:

On 1st October, 1985 Mr. Iqbal Ahmad Khan, Minister for Law and parliamentary Affairs moved suspension of sub-rule (2) of Rule 92 of the Rules of procedure and Conduct of Business in the National Assembly, 1973 in regard to the Bill further to amend the Constitution of the Islamic Republic of Pakistan, 1973 [The Constitution (Eighth Amendment) Bill, 1985]. Haji Muhammad Saifullah Khan, MNA objected to the suspension of the Rule and said that under Rule 92(1) the requirement of sub-Rule (1) of Rule 92(1) copies of Bill as introduced shall have to be supplied to the members within seven days because the Bill is considered to have been received back from the Standing Committee as a result of suspension of the Rule 91 of the Rules of Procedure. He contended that before suspending Rule 92(2) have to be completed and thereafter the motion can be brought on the orders of the day. He was of the view that till the requirements of Rule 92(1) are not fulfilled, the orders of the day is in contravention of the said Rules. The Minister for Law and parliamentary Affairs argued that there are several rulings of this House that the requirements of Rule 91 of the Rules of procedure had been suspended after introduction and supply of the copies of the Bill to the members. The Minister added that copies of the Bill have already been supplied to the members and thus the requirements of Rule 92(1) regarding seven days time stood fulfilled. Mr. Muhammad Yasin Khan Wattoo submitted that the motion is in accordance with the Rules and if the House agrees to the suspension of Rule 92 (2) then under Rule 92(3) it can at once be taken up under the provision of Rule 93 and sub-Rule 92(1) does not stand in the way of the motion moved by the Law Minister.

After hearing the point at some length the Honourable Deputy Speaker ruled the point out of order and observed that after having suspended Rule 91 of the Rules of procedure the stages have almost been covered and held the suspension motion in order.

Pp. 1245-1369.

361. BILL: PRIVATE MEMBERS BILL CANNOT BE MOVED IN THE ABSENCE OF MOVER NOR CAN IT BE TAKEN UP ON THE NEXT PRIVATE MEMBERS DAY: BILL SHALL LAPSE UNLESS THE MOVER GIVES A FRESH NOTICE:

On 4th March, 1986 which private Members' Day, a Bill given notice of by a private member
came up before the House. The mover was absent. Hajji Muhammad Saifullah Khan, MNA, raised a point of order that the notice of the said private member's bill would not lapse and it be included in the Orders of the Day of next private Member's Day.

Mr. Speaker held that a private member's bill cannot be moved in the absence of its mover nor can it be postponed to the next non-official day unless the mover of the Bill gives a fresh notice.

(54-33, Vol-VI)
Pp. 2158-2166.

362. BILL: MOTION FOR LEAVE OF THE HOUSE TO INTRODUCE A PRIVATE MEMBER'S BILL: OPPOSED WITH REFERENCE TO EXISTENCE OF LAW ON THE SUBJECT ALREADY AND CONSTITUTIONAL PROVISION: MOVING OR OPPOSING OF A BILL DOES NOT FORM IPSO FACTO A VIOLATION OF CONSTITUTION: POINT RULED OUT:

On 21st December, 1993 Mr. Muzaffar Ahmed Hashmi, MNA moved for leave of the House to introduce the Teaching of Nazirah Holy Quran Bill, 1993, which was opposed by Syed Iqbal Haider, Minister for Law and Justice on the ground that the teaching of Holy Quran in all the educational institutions had already been made compulsory and as such there was no need to re-enact the same law which was already in existence. Dr. Sher Afgan Khan Niazi also raised an objection that since the subject matter of the Bill was not included in the Federal Legislative List or Concurrent Legislative list appended to the Constitution, it was a provincial subject and the National Assembly could not deal with it. Another member Syed Iftikhar Hussain Gilani contended that the subject was very much there in the concurrent Legislative List at S.No.39 thus the parliament had the right to legislate over it. A Member also referred to Article 31 of the Constitution concerning principles of policy and submitted that the Bill was in consonance with the said Article.

Mr. Acting Speaker after hearing arguments of both sides at some length ruled the point out of order and observed:

"There is an issue of Constitution, issue of principles of policy, which was made subject matter of point of order by Mr. Iftikhar Gilani, I want to give a ruling in this respect. Mr. Iftikhar Gilani raised a point of order that opposing the Bill on Teaching of Nazirah Holy Quran, 1993 was violative of Article 31(2) of the principles of policy mentioned in the Constitution. It was stated that the Bill was in accordance with the Constitution. The issue is that if opposing the Bill, whether by extension or directly, which is projected to be in accordance with the principles of policy is violating the Constitution in respect of moving
or opposing a Bill, it is ruled that moving or opposing a Bill, whether it is mentioned in
the principles of policy or within the ambit of Federal or Concurrent Legislative Lists, is a
matter of interpretation of the Constitution and does not form *ipso facto* a violation of
Constitution”.

(51-30 Vol-VI)
Pp. 243-255.

363. **BILL: WHERE A BILL CONTAINS MANY CLAUSES, THE SAME CAN BE TAKEN
UP TOGETHER FOR CONSIDERATION:**

On 11th December, 1997, when the Motion that a Bill be taken into consideration had been
carried, Mr. Speaker during the second reading took clauses 2 to 45 of the Bill together and put them to
the vote of the House a member raised an objection that each clause of the Bill was to be submitted
separately, whereupon Mr. Speaker observed:

“Why not. Let me answer the point raised by Syed Zafar Ali Shah. This is Practice and
Procedure and Parliament Legislation. In case of the State’s Re-organization Bill, 1956,
which contained 114 clauses and 6 Schedules, and clauses 16 to 45 and schedule 1,2,3,
and clauses 17 to 144 and schedule 4,5,6 were taken up for consideration together. So, I
am doing by that way”.

(55-33, Vol-VI)
N.A. Deb., 11th December, 1997.
Pp. 1087-1089.
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364. BOYCOTT BY OPPOSITION: PRIVILEGE MOTIONS AND ADJOURNMENT MOTIONS TABLED BY OPPOSITION MEMBERS BEFORE THEY BOYCOTTED THE ASSEMBLY PROCEEDINGS: MOVERS AWAITED FOR A DAY OR SO BEFORE DISALLOWING THEIR MOTIONS: CONSIDERATION OF MOTIONS TABLED AFTER THE BOYCOTT NOT TO BE DEFERRED:

The opposition boycotted the Assembly proceedings on account of an incident which took place on 14th of November, 1975. Some of them had tabled privilege motions and adjournment motions which were pending before the House. On 17th November, 1975, when the said motions were to be taken up, Mr. Speaker found the movers absent. Thereupon he observed:

"I have not received any intimation from honourable members who had moved adjournment or privilege motion to keep them pending or postpone them for a day or two, but still I will wait for a day for all these motions which were filed before the 15th November, 1975, and were being heard or remained pending or it was declared that they would be taken up the next day. But I will call out those privilege motion which were filed after 15th because there is no justification at all to keep them pending."

(158-100, Vol IV)
365. **BUDGET: GENERAL DISCUSSION: FIXATION OF TIME-LIMIT: TWENTY MINUTES FOR EACH MEMBER.**

On a point raised by a member regarding fixation of time-limit for general discussion on the Budget Mr. Speaker decided as follows:

"I think fifteen minutes will do. The time may have to be reduced further. But for the time being I do not think fifteen minutes will be quite sufficient. I would rather add that every Member will have twenty minutes."

(63-68, Vol II)
N.A. Deb., 18th June, 1962.
P. 90.

366. **BUDGET: WINDING UP SPEECH: QUESTIONS TO THE FINANCE MINISTER TO BE PUT LATER ON, IF TIME PERMITTED.**

On a question put by a Member to the finance Minister who was delivering his winding up speech on Budget, Mr. Speaker observed as follows:-

"Order please. You can put questions later on, if there is time of course."

Later on some members put some more questions and the Speaker remarked as follows:-
"I had said earlier that I would like the questions to be put after the Finance Minister had finished. I am afraid there is no time for question. Please allow him to finish his speech very soon."

(64-68, Vol II)
N.A. Deb., 22nd June, 1962.
P. 366-367.

367. BUDGET: CENTRAL CONSOLIDATED FUND: FIXATION OF TIME-LIMIT FOR DISCUSSION: 10 MINUTES FOR EACH MEMBER.

Mr. Speaker while taking up the discussion of central consolidated fund in the House gave the following ruling:

"I think it is better to fix up a time-limit. yes, 10 minutes for each speaker."

(65-69, Vol II)
N.A. Deb., 22nd June, 1962.
P. 370.

368. BUDGET: DEMAND FOR GRANTS: MODE OF GENERAL DISCUSSION ON DEMANDS AND CUT-MOTIONS AND VOTING.

On the eve of discussion on Demands for Grants Mr. Speaker took the consensus of the House as to the mode of discussion on Demands for Grants and cut-motions in general. Ch. Fazal Elahi suggested that each Demand should be taken up separately along with the cut-motions on that Demand and then voting on demands should take place. Mr. Speaker remarked as follows:

"I do not think any voting should be necessary each time on the cut-motion. I would also like to remind the House about the discussion. These cut-motions are generally meant for censure motion but here in this House under the constitution, I do not think the question of censure motion arises. All the Members could have tabled motions against the reduction of any Demand if they thought it necessary but since that has not been done generally, I assume that no Member actually desires that any Demand should be reduced They are entitled to do so in respect of certain Demands only."

(66-69, Vol II)
Pp. 391-392.
369. **BUDGET: CUT-MOTION: MEMBER WHO HAS GIVEN NOTICE HAS RIGHT TO SPEAK.**

On 6th December, 1962, during the discussion on a cut-motion moved by a Member on a demand for supplementary grants for 1962-63, a point of order was raised by another Member that two other cut-motions may also be allowed to be moved. An objection was taken on the ground that there was an agreement that the other cut-motion would not be moved. The Deputy Speaker observed:

"I would like to clear up the position. An Honourable Member who has given notice has right to move."

and added:

"Unless a Member is prepared to withdraw, he must be given the right and priority to speak."

(68-71, Vol II)

N.A. Deb, 6th December, 1962.

Pp. 533-534.

370. **BUDGET: SUPPLEMENTARY DEMANDS: FIXATION OF TIME BY SPEAKER.**

On 6th December, 1962, on the eve of the discussion on demands for supplementary grants for the year 1962-63, the Speaker observed:

"I am not talking of time-limit for each speaker. Under the rules it is one of the duties of the Speaker to fix the time for discussion of the Budget Estimates, and that is what I am going to do now."

After some discussion the Speaker fixed two and a half hours for the debate on supplementary grants. The Speaker in reply to a query by the Finance Minister whether he would be allowed to speak on the motion first remarked:

"Yes you will be allowed to speak first. Then I think that when the discussion is actually taken up, item No. 6 should be taken up first. That will be more convenient, because there will be a short discussion of a general type, if at all, on item No. 6. But on item No. 5 longer discussion will be necessary, and there are also cut-motions with regard to that demand. So I think the maximum time-limit for item No. 6 should be half an hour although it may take less, and the rest of the time will be devoted to item No. 5."
The speaker then inquired whether anybody wanted to speak on item No. 6 but as no Member rose, he asked whether all the cut-motions may be taken first and then discussed together. He also observed:

"So far as the cut-motions are concerned, I think all the motions are similar. Therefore, one motion may be moved and the other intending movers only speak on the motion already moved."

A Member at that stage suggested reconsideration of the decision, allowing first the general discussion and thereafter moving of cut-motions. The speaker observed:

"I am prepared but the procedure that I announced earlier seems to have been accepted by the opposition. But since there is another suggestion I have no objection to it; the suggestion is that the Demand should be discussed first and then the amendments should be taken up. In that case, I would like to ask whether there should be some time-limit for each speaker."

And added:

"There are two points to be decided. One point is whether there should be separate time-limits for general discussion and discussion on the cut-motions. On this point after hearing the Members I am of opinion that the better procedure will be that the entire things should be discussed together. I have no objection if that is agreed to. Then another suggestion has been made by another Member that there should be a time-limit for the speakers. I myself consider that desirable, otherwise many members who are willing to speak will not get a chance at all."

Thereafter the speaker fixed ten minutes as the time-limit for each individual Member.

(69-72, Vol II)
N.A. Deb, 6th December, 1962.
Pp. 524-528.

371. **BUDGET:** **CUT-MOTION:** **ADMISSIBLE EVEN THOUGH IT SEeks TO RAISE DISCUSSION** ON THE INADEQUACY OF THE AMOUNT ALLOTTED INDIRECTLY: **SEeks TO INCREASE IT.**

On 6th December, 1962, a Member moved the following cut-motion in respect of a grant:

"that the Demand under the sub-head A-2 'Grants to East Pakistan Government for Flood
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Relief and Works Programme' (New Expenditure) be reduced by Re. 1 to raise a discussion on the inadequacy of the amount provided in view of the acute sufferings of the people of East Pakistan on account of the flood and other natural calamities”.

After the speech of a Member, the Finance Minister rose to oppose the cut-motion on technical and constitutional grounds. Some Members raised an objection that the Finance Minister could not oppose at that stage because it was against the agreement whereby cut-motions were to be moved, followed by General Discussion and the reply of the Finance Minister. The Deputy Speaker remarked:

“That may be true but the Honourable Minister for Finance wants to raise an objection which according to him is a technical one. I cannot refuse that”

Some further discussion followed and the Finance minister, referring to Articles 41 and 47 of the Constitution and Rule 96, maintained that as the above motion related to increase in expenditure it could not be moved without the assent of the President.

In reply to this it was argued that it was only a technical cut-motion, that is, to raise a general discussion and that there was no motion for increase before the House. Thereupon the Deputy Speaker observed:

“I have considered the objection raised by the Honourable the Finances Minister and also the reply given by the Honourable Member on these side of the House. My own view is that it is a cut-motion which seeks a reduction by rupee one. It is a technical cut-motion the object of which is, by way of a technical and procedural device, to raise discussion. As such, technically speaking, this cut-motion would be perfectly in order. The Honourable Member would be within his right to raise a discussion on the basis of a cut-motion made well in time and admitted in time according to the Rules of procedure”

(67-70, Vol II)
N.A. Deb, 6th December, 1963.
Pp. 528-533.

372. BUDGET: QUESTIONS DURING THE GENERAL DISCUSSION NOT ALLOWED:

During the Winding up of general discussion on the Budget for 1966-67, Mr. Hasan A. Shaikh put certain questions to the Finance Minister, thereupon Mr. Senior Deputy speaker remarked:

“This is not question hour that everybody should put questions. Unless the Honourable Finance Minister, himself yields the floor, no questions are permitted.”
373. **BUDGET: THE TERM 'EVERYTHING UNDER THE SUN CAN BE DISCUSSED DURING GENERAL DISCUSSION' WOULD NOT INCLUDE REFERENCE TO MINISTERS OR MEMBERS IN THEIR PERSONAL OR PRIVATE CAPACITY:**

On 15th June, 1968, during the general discussion of the Budget for 1968-69, in the course of his speech Mr. Hasan A. Shaikh referred to certain observations made by the then Minister for Commerce somewhere else with regard to the management of daily 'Kohistan'.

The Law Minister, while relying on rule 155 of the Rules of Procedure 1966, raised a point of order that a member, while speaking, shall not make charges of a personal nature against any Member or Minister.

Mr. Deputy Speaker, upholding the point of order, observed that, although there is a famous term that every thing under the sun can be discussed during the general discussion on a Budget, it would not extend to the leveling of charges of a personal nature. He was further observed that the charges should be limited to official actions and not to private ones.

374. **BUDGET: DEMANDS FOR GRANTS: DISCUSSION TO BE SPLIT UNDER APPROPRIATE HEADS: RULE OF CONVENIENCE ADOPTED:**

On 25th June, 1974, during the course of discussion and voting on demands for grants, the Speaker observed that there were five separate demands for grants relating to the Ministry of Information and Broadcasting, Auqaf and Haj. He expressed the view that these related to two different Organizations, namely Information and Broadcasting, and Haj Organization. On Consultation, Minister for information suggested that the discussion should be split into two parts, one on all the demands for grants relating to Information and Broadcasting and the other on demands for Grants relating to the Haj Organization. The Speaker then, agreeing, announced that it was the best arrangement. However, a member interrupted stating that, according to rules, each demand for grant was to be taken up
separately. Thereupon the Speaker observed:

“There is one rule which is not given in this book and that is the rule of convenience”.

Some members still continued to interrupt, thereupon the Speaker further observed that, if he followed the rules strictly, no member could speak.

(160-101, Vol IV)

375. **BUDGET: DEMANDS FOR GRANTS: A MEMBER ALLOWED TO SPEAK WITHOUT MOVING HIS CUT-MOTION:**

On 24th June, 1974, when demands for grants were under discussion, the Law Minister proposed that there should be no further debate, whereupon Sahibzad Ahmad Khan Qasuri pleaded that he had a cut-motion and should, therefore, be allowed to participate in the debate. The Law Minister suggested that the member be allowed to participate in the debate provided that he did not move his cut-motion. This was agreed to by the Speaker.

(161-101, Vol IV)
N. A., Deb, 24th June, 1974.

376. **BUDGET: DEMANDS FOR GRANTS: CUT-MOTIONS: OBJECTION TAKEN UNDER RULE 158: DISCUSSION SHOULD BE RELEVANT TO THE SPECIFIC POINTS MENTIONED IN THE CUT-MOTIONS: DISCUSSION ON MATTERS OUTSIDE THE SCOPE OF THE DEMAND NOT PERMISSIBLE: DEMANDS ALREADY PASSED CANNOT BE DISCUSSED OR SUBJECTED TO CUT-MOTIONS:**

On 24th June, 1974, when demand No 68 relating to head 'Other Expenditure of Interior Division' was moved and certain cut-motions relating to 'Federal Security Force', Anti-Smuggling Measure' and 'Special police Establishment' were under discussion, some members started discussing other subjects relating to the Ministry of Interior. Thereupon, Malik Muhammad Akhtar, referring to rule 158, of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, raised a point of order that members should confine themselves to the specific points mentioned in the cut-motions and within the scope of the Demand. He maintained that the subject which related to other demands or the points which were not mentioned in the cut-motions could not be brought under discussion. A long debate followed and the members of the opposition and Government wanted to
discuss the whole Ministry in general, although in respect of some of the matters desired to be discussed by the members of the opposition, relevant Demands for Grants had already been passed by the House.

The Minister for the Interior was also of the view that the 'FSF', Anti-Smuggling Measures' and 'Special Police Establishment', which were within the scope of the Demand, could only be discussed. He also stated that he was not aware of any arrangement and that he could not be a party to re-open the discussion on Demands which had already been passed.

Mr. Mohammad Haneef Khan, who was then in the Chair, expressed his difficulty that he could not allow the Demands which had already been passed by the House to be brought under discussion again and therefore he remarked:

"............This is a well-establish parliamentary practice that whatever is passed by this Honourable House, unless this Honourable House, by a motion put to the House, re-opens that thing, it cannot be discussed or cannot be made subject matter of discussion".

During discussion on the Demands, the Speaker occupied the Chair and observed that, while other Demands relating to the Ministry of the Interior had been passed in the morning sitting, Demand No. 68 was left over for the evening sitting. He ruled that the Demands which had already been passed could not become the subject-matter of cut-motions again.

When pointed out that the cut-motions relating to Demand no 68 were not in order, the Speaker observed that it was not the intention to stifle the debate on cut-motions and, therefore, those cut-motions were held to be in order.

(162-102, Vol IV)
N. A. Deb., 24th June, 1974.

377. **BUDGET: DISCUSSION ON DEMANDS FOR GRANTS: TIME LIMIT FOR SPEECHES FIXED: MEMBERS MARKING CONSTRUCTIVE SUGGESTIONS CAN BE ALLOWED MORE TIME TO SPEAK:**

On 21st June, 1974 during discussion on Demands for Grants, the Speaker observed:

"Mr. Zafar Ahamd Ansari, you can take some more time if you have some constructive and concrete suggestions to make, even more than ten minutes. I would not mind. Rather I would welcome it. I do not allow more time to such members who repeat their arguments. These five or ten minutes are fixed for only those Honourable members who
378. BUDGET: DEMANDS FOR GRANTS: WHILE THE MINISTER FOR INFORMATION GIVING REPLY: REQUEST FOR ADJOURNMENT OF THE MORNING SITTING: MINISTER SPEECH DISCONTINUED AND DEMANDS OF MINISTRY OF FINANCE TAKEN UP MINISTER FOR INFORMATION CONTINUED HIS SPEECH IN THE AFTERNOON SITTING BY AGREEMENT:

On 25th June, 1974, during discussion on Demands for Grants, while the Minister for Information and Broadcasting, Maulana Kausar Niazi, was replying to the debate on the demands relating to his Ministry some members wanted the House to adjourn. On an inquiry from the Speaker as to how long would he take, the Minister said that he would take one hour more. The Law Minister, thereupon, suggested that some demands relating to the Ministry of Finance might be taken up in the remaining period of the morning sitting and the Minister for Information might speak in the afternoon. This was agreed to by the Speaker and discussion on the Demands relating to the Ministry of Information and Broadcasting, Auqaf and Haj, was suspended. Instead, the Demands relating to the Ministry of Finance were taken up and passed. The Minister for Information continued his speech in the afternoon.

(164-104, Vol IV)

379. BUDGET: DISCUSSION ON FEDERAL CONSOLIDATED FUND: CERTAIN REMARKS ABOUT PRESIDENT EXPUNGED:

On 20th June, 1974, during discussion on Federal consolidated Fund, the Speaker announced:

"I would like to mention that certain remarks about the President were made by Ch. Zahur Ilahi. This shall not be reported by the press. I will look into the speech and make an order about the expunction of certain personal remarks. Some reference to the President's expenditure in his personal capacity was made by Ch. Zahur Ilahi. Those remarks shall not be reported by the Press."

(165-104, Vol IV)

380. BUDGET: EXPENDITURE CHARGED ON FEDERAL CONSOLIDATED FUND:
**UNDIGNIFIED REMARKS AGAINST PRESIDENT NOT ALLOWED:**

On 20th June, 1974, before giving floor to the Finance Minister to enable him to reply to the debate on Charged Expenditure on the Federal Consolidated Fund, the Speaker emphasized the Desirability of showing due respect to the office of the President. He observed that under no circumstances should the office of the President or the person office of the President. He observed that under no circumstances should the office of President or the person of President be brought under discussion in the House. If any remark is to be made about the official conduct of the President, it should be made in a dignified manner.

(168-106, Vol IV)
N. A., Deb, 22nd June, 1974.

**381. BUDGET: GENERAL DISCUSSION: LEADER OF THE OPPOSITION ALLOWED TO GO INTO DETAILS OF DISPUTED POLITICAL MATTERS:**

On 19th June, 1974, during general discussion on budget, objection was taken to the leader of the Opposition leveling charges against Government for harassing politicians and his going into details of disputed political matters, thereupon, the Chair observed that, though it was a general discussion on the budget, yet a member of the House has converted it into a political discussion on the plea that everything under the sky could be discussed during the general discussion. He further observed that a member should not ordinarily go into minute details of matters which had no direct bearing on the budget.

(169-106, Vol IV)

**382. BUDGET: GENERAL DISCUSSION: MEMBER NOT ACCOMMODATED TO BE GIVEN PREFERENCE DURING SUPPLEMENTARY BUDGET:**

On 19th June, 1974, the Speaker, during the general discussion non the Budget, announced that those honourable members who could not be accommodated would be given preference for speeches during discussion on Supplementary Budget.
383. **BUDGET: GENERAL DISCUSSION: MINISTER CANNOT BE FORCED TO TAKE UP A PARTICULAR SUBJECT:**

On 19th June, 1974, while Shaikh Mohammad Rashid, Minister for Food and Agriculture, was replying to the criticism, leveled against Government during general discussion on the budget, Sirdar Shokat Hayat Khan put a query to him about Barani area where wheat was grown. The Speaker, thereupon, observed that a Minister could choose whatever subject he liked. He could not be forced to take up a particular question could be put to Ministers in the House of Commons. Thereupon the Speaker observed:

> "We are not concerned with the House of Commons. We are concerned with the National Assembly of Pakistan".

(171-107, Vol IV)

384. **BUDGET: GENERAL DISCUSSION: READING FROM A WRITTEN SPEECH TO BE DEPRECATED:**

On 13th June, 1974, while an Opposition member was reading from a written speech, Malik Mohammad Akhtar raised a point of order that under the rules, nobody could read a written speech. Another member pointed out that under rule 226 (2) of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, the Speaker could permit a member to read his written speech. The Deputy Speaker, who was in the Chair, pointed out that the member, had been permitted by the Speaker and as such the point of order should be raised when the Speaker was present. The member was allowed to continue his speech.

Subsequently, when the Speaker resumed the Chair, he upheld the objection of Malik Mohammad Akhtar and observed that it was not a good precedent to read a written speech and it had to be disapproved.

He further added:

".......I tell you that I will get it cyclostyled and then the objection of the honourable member would be avoided. That would be much better. I do not think that the agreement also contains this provision that is why I am considering that this procedure is to be deprecated and shall not be repeated".

The member who read the speech wanted to know whether his decision would apply to the speech of the Finance Minister also. The Speaker said "No", and cited the instance of
the glass of water which is supplied only to the Finance minister in the House. The member pointed out that, in the May's "Parliamentary" Practice, there was no restriction on written speeches. The Speaker observed that it would amount to setting a bad precedent and added:

"...... I have disapproved it and I say that this is to be discouraged; this is not the privilege of a member."

(172-107, Vol IV)

385. BUDGET: GENERAL DISCUSSION: SCOPE OF:

On 15th June, 1974, while Sahibzada Ahmad Raza Khan Qasuri was dilating at length on foreign policy during general discussion on the budget, the Minister of State for Parliamentary Affairs raised the objection that his speech should have some bearing on the Budget or related to the administration of the Federal Government. He referred to ruling cited at Nos. 229 and 406 of Decisions of the Chair (1921 to 1945) in support of his objection. The Speaker upheld the objection and observed that general discussion on Budget could not be converted into an exclusive debate on foreign policy or on law and order situation on any such other matter and anything said must be relevant to the Budget itself, which was under discussion. He further observed that other opportunities were available to members for holding debate on foreign policy or on law and order situation or on any such matter and anything must be relevant to Budget itself, which was under discussion. He further observed that other opportunities available to other members for holding debate on foreign policy and other similar matters and, as such, the Speech about these matters during discussion on Budget could be allowed only to the extent of their relevancy to the Budget.

(173-108, Vol IV)

386. BUDGET: GENERAL DISCUSSION: REMARKS ABOUT DESPONDENCE OR SURVIVAL OF THE COUNTRY TO BE AVOIDED IN SPEECHES:

During general discussion on the budget, a member said that people were becoming a bit despondent about the survival of the country. A Minister took objection to these remarks whereupon the Speaker was pleased to observe that we should distinguish between the Government and the Country. The Government might be subjected to Criticism but the country was never criticized, Hon. Members irrespective of the party (affiliation) should always wish well of the country. Speeches should not be in
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this tone. He added that he had said last year that he shall not allow anybody to preach for the
disintegration of the country on the floor of the House or say anything alluding to it. He would again
request the honorable members to avoid such remarks in their speeches.

(174-108, Vol IV)
N. A., Deb, 16th June, 1974.

387. BUDGET: MOTION FOR DISCUSSION UNDER ARTICLE 82(1) OF CHARGED EXPENDITURE AS SHOWN IN SUPPLEMENTARY DEMAND FOR GRANTS: NEED NOT TO BE OPPOSED FOR PARTICIPATION IN THE DISCUSSION:

On 26th June 1974, Sheikh Mohammad Rashid, Federal Minister, moved that under clause (1) of
Article 82 of the constitution, 'charged expenditure' as shown in the Supplementary Demands for Grants
be discussed. Sahibzada Ahmad Raza Khan Qasuri, opposed the motion so that he could participate in
the discussion. Thereupon, the Chair observed that the motion itself was for discussion of 'charged
expenditure' and there was no need for any member to oppose it with a view to participate in the
discussion.

(175-109, Vol IV)
N. A., Deb, 26th June, 1974.

388. BUDGET: SUPPLEMENTARY DEMANDS FOR GRANTS: MEMBER CAN SPEAK ONLY ABOUT ADDITIONAL EXPENDITURE INVOLVED IN SUPPLEMENTARY DEMANDS:

On 28th June, 1974, while supplementary demands for grants were under discussion, a
member started rambling discussion and giving suggestions in a general way. The Speaker, thereupon,
observed that the appropriate time for giving such suggestions was during the general discussion on the
Budget. During the discussion on supplementary budget, the member could speak only about the
additional expenditure asked for in the supplementary demands.

(177-110, Vol IV)
N. A., Deb, 28th June, 1974.

389. BUDGET: SUPPLEMENTARY SCHEDULE OF AUTHORIZED EXPENDITURE: DATE ON THE PRINTED COPIES MISSING: ORIGINAL DOCUMENT CONTAINING THE DATE: HELD IN ORDER:
On 30th June, 1974, while the supplementary schedule of Authorized expenditure for the year 1973-74 was laid before the House, Mr. Mahmood Azam Farooqui, raised as point of order that the date on which the Prime Minister had signed the schedule was not given. Thereupon, the Speaker informed the house that he was in the possession of the original document, which contained the 29th June, 1974, as the date on which it was signed by the Prime Minister. The member remarked that, if the Speaker was satisfied it was all right.

(178-110, Vol IV)
N. A., Deb, 30th June, 1974.

390. BUDGET: RAILWAY AND GENERAL: PROGRAMME FOR PRESENTATION AND DISCUSSION:

On 5th June, 1974, at the eve of the presentation of Budget, the Speaker decided the schedule and programme to be followed during the Budget discussion, in consultation with the members of the Assembly. The Speaker further said that no member would be deprived of his right of Speech and, if necessary, there would be two sittings on every day. He would like to know if some sort of Agreement or arrangement could be arrived at. In the end, he observed:

"Mr. Finance Minister, this is not final. Any arrangement on this issue can be arrived at between the members of the National Assembly by agreement."

(179-110, Vol IV)
N. A., Deb, 5th June, 1974.

391. BUDGET: RAILWAY: POINT OF ORDER RAISED TO THE EFFECT THAT AS MAJORITY OF MEMBERS FROM BOTH SIDES HAD EXPRESSED DISAPPROVAL OF INCREASE IN THE RAILWAY FARES THE HOUSE WAS NOT COMPEENT TO FURTHER DISCUSS THE BUDGET: DISAPPROVAL OF INCREASE OF FARES DOES NOT MEAN VOTING AGAINST DEMAND: RULLED OUT OF ORDER: OPPOSITION TO SHOW MAJORITY OF THE TOTAL MEMBERSHIP TO REFUSE A DEMAND:

On 13th June, 1974, when Demands for Grants in respect of the Railway Budget were to be moved by the Railway Minister, Ch. Zahir Ilahi, raised a point of order to the effect that, as during the general discussion on the Railway Budget, almost all the members from both sides had expressed their disapproval of the increase in the railway fares, the House was not competent to further discuss the budget and pass it with votes without first withdrawal by Government of the increase in the fares. He
suggested that the majority party might like to reconsider the matter. The law Minister declared that there was no difference of opinion whatsoever in the majority party about the passing of the Railway Budget and that it could be passed with the majority of votes but that would be against the mandatory procedure laid down in Article 82 of the Constitution under which, for a period of ten years, a demand shall be deemed to have been passed, unless by the votes of majority of the total membership of the Assembly it was refused. Therefore, he held that unless the Opposition was able to show the required majority of votes against the demand it would be deemed to have been assented to by the Assembly and a positive vote on a Demand was not required.

Mr. Speaker ruled the point out of order and observed that members had a right to criticize the budget but that did not mean voting against it.

(180-111, Vol IV)

N. A., Deb, 28th June, 1974.

392. BUDGET: DEMAND FOR GRANTS: OPPOSITION TO SHOW MAJORITY OF TOTAL MEMBERSHIP TO REFUSE A DEMAND FOR GRANT OR TO ASSENT TO IT WITH REDUCTION: POSITIVE VOTE FOR DEMAND OF GRANTS NOT REQUIRED FOR TEN YEARS UNDER ARTICLE 82 OF THE CONSTITUTION:

On 13th June, 1974, when a Demand for Grant relating to railway Budget was put to the House by the Chair, objection was taken from the Government side that it was not necessary to put the Demand to positive vote. Referring to the proviso to Article 82 of the Constitution, the Law Minister stated that for ten years from the commencing day a demand for grant shall be deemed to have been assented to, unless majority of the total membership of the House votes against it. He maintained that, according to the mandatory procedure laid down in the above article of the Constitution, positive vote for a Demand was not required. Thereafter, a discussion followed and a member of the opposition argued that voting was essential in a positive way and the Government which claimed to have a majority and really had a majority should not refuse to demonstrate it on the floor of the House. He maintained that proviso to Article 82 of the Constitution could come into operation only after such a positive vote.

The law Minister recalled that the proviso to Article 82 had been incorporated in the Constitution as a result of the Agreement with the opposition parties after re-opening the relevant article of the Constitution which had already been adopted and contained a proviso similar to the one relating to the resolution for a vote of no confidence against the Prime Minister. He further said that, if any rule was in conflict with the constitution, it was ultra vires of the Constitution. He stressed that the burden of the word 'deemed' in the proviso to Article 82 of the Constitution was that all concerned would have to presume and take judicial notice of the fact that the Assembly had voted and passed the Demand. He further maintained that the proviso related to exceptions and departure from the normal procedure. Thereafter the Speaker observed:
There are certain special provisions in the Constitution, which are temporary provisions, and which will cease to exist after a certain period of time. These provisions are in Chapter-Transitional. This is the life of the first national Assembly; and then the second national Assembly will come in full strength. So, there are the provisions which are for a certain period of time or for certain term, which shall be operative only till the eventuality takes place or the period lapses. The proviso is only for that period which it contemplates for a period practice of the parliamentary government in the world, as said by Mian Mahmud Ali kaursi. It is for providing political safeguard or political stability or for whatever consideration it may be, as laid down in the deliberations of the Constitution Committee. But if I go on to the other side and if I hold that there should be positive vote for the demands, that means a negation of the Constitution, that means I am overriding the proviso to Article 82, because we are going through the first ten years. Mian Sahib has not been able to let me know that if I get a negative vote, is there any illegality or is it unconstitutional and how it can be remedied. So, I hold that there is no need of a positive vote for the first ten years and I will put the demands turn by turn as the time comes. Then I will ask as to how many members are against the motion and they may rise in their seats. So it will satisfy their arguments as well as the constitutional provision.”

(181-111, Vol IV)

393. BUDGET: ANY MATTER MAY BE DISCUSSED BY MEMBERS DURING GENERAL DISCUSSION ON THE BUDGET:

During general discussion on the Budget when a member criticized general administration, the Finance Minister objected that as the criticism was not relatable to any item of the Budget, it was not permissible. The Deputy Speaker observed that there was no ruling which could be invoked to restrain any member from making speech on any subject of his choice or from criticizing Government policies, during the budget session.

(159-101, Vol IV)
N. A. Deb, 17th June, 1975.

394. BUDGET: DISCUSSION ON PARTY POLITICS DISALLOWING DURING BUDGET SPEECH: CRITICISM OF GOVERNMENT POLICIES IN GENERAL AS WELL AS THOSE CONCERNING BUDGET PERMISSIBLE:
On 18th June, 1975, a member wanted to criticize the party politics during the course of his Budget speech. Thereupon, Mr. Speaker intervened and ruled:-

"you have a right to criticize the Government .......you have a right.......to bring to the notice of the House all the malpractices and whatever is going on; but we have to make a distinction between the Assembly proceedings, party proceedings and the public meeting. So, I would request the Honourable members...........to avoid all that can be said or should be said at the public meetings or at the party platform. Here all the speeches should be with reference to the Budget and to the Government. You have a right to criticize the Government; but if you criticize the People's Party, then this is not the forum. This House is not meant for the people's Party; this is a national House to discuss the national problems”.

(166-105, Vol IV)
N. A., Deb, 18th June, 1975.

395. BUDGET: EACH DEMAND FOR GRANT IS REQUIRED TO BE MOVED AND DISCUSSED IN THE HOUSE:

On 27th June, 1975, the Minister of State for parliamentary Affairs raised a point of order to the effect that the Demands for Grant may directly be put to the House by the Chair, assuming that they have already been moved by the Finance Minister, so that the Time of the House was saved. In this connection he quoted a ruling of Lok Sabha. Mr. Speaker thereupon observed:

"I do not think that the practice in Lok Sabha, quoted by you, applies to us because we have our own rules on the subject. We are dealing with these demand under the provisions of Constitution, according to which each Demand has to be moved and discussed in the House”.

(167-105, Vol IV)

396. BUDGET: OPPOSITION TO OPEN GENERAL DISCUSSION ON BUDGET:

A point was raised in the House as to whether general discussion on the Budget should be initiated by the Treasury Benches or the Opposition Benches. Mr. Speaker ruled that according to Parliamentary practice. Opposition has a right to start general discussion on the Budget. He disapproved of any deviation from this practice. A member from Opposition was, therefore, permitted to open general discussion on the Budget as against a member from the Treasury Benches.
397. **BUDGET: A MINISTRY NOT AGREED TO BE TAKEN UP FOR DISCUSSION CANNOT BE DISCUSSED LATER BY A CUT MOTION:**

On 23rd June, 1976, a cut motion was tabled by a member on a demand in respect of a Ministry which had not initially agreed upon between the Government benches and the opposition, to be taken up for discussion. At this Mr. Speaker observed:

"... I will not take it up because it was not an agreed Ministry. It will be against the parliamentary practice and convention".

398. **BUDGET: DEMANDS FOR GRANTS: CUT MOTION INADMISSIBLE: CUT MOTION SHOULD INDICATE IN PRECISE TERMS THE PARTICULARS OF THE POLICY PROPOSED TO BE DISCUSSED:**

On 24th June, 1976, a member moved a cut motion to discuss the policy underlying the demand. An objection was raised, on behalf of the Government that, under rule 158 of the Rules of Procedure and Conduct of Business in the National Assembly 1973 a member giving notice of such a cut motion shall indicate in precise terms the particulars of the policy which is proposed to be discussed. Mr. Speaker ruled the cut motion out of order observing that, as the specific points were not mentioned, the cut motion was inadmissible.

399. **BUDGET: DEMANDS FOR GRANTS: CUT MOTIONS: CHAIR DIRECTED THE MOVERS OF CUT MOTIONS TO CONFINES THEMSELVES TO THE SPECIFIC POINT OR POINTS MENTIONED IN THE NOTICE OF A CUT MOTION: DISCUSSION ON A MATTER OUT SIDE THE SCOPE OF THE DEMANDS NOT PERMISSIBLE:**
On 22nd June, 1999 when Demand No. 4 relating to Land Reforms was moved and certain cut motions were under discussion, Mr. Speaker before giving the floor to Mrs. Fahmida Mirza, MNA to speak on the cut motion, drew the attention of the movers to Rule 170(a) of the Rules of Procedure and Conduct of Business in the National Assembly, 1992 and requested them to confine themselves to the particular grievance specified in the cut motion.

(56-34, Vol V)
N.A. Deb, 22nd June, 1999.
Pp: 1405-1412.
400. BUSINESS: PRIORITY TO THE BUSINESS BEFORE THE HOUSE CAN BE GIVEN WITH THE AGREEMENT OF THE HOUSE.

On 10th July, when the general discussion on political parties Bill was to be resumed, a Member suggested that the preventive Detention Bill be taken up prior to the said Bill as it was unanimously recommended by the select Committee. The Home Minister objected on the ground that horses could not be changed midway as the political parties Bill was already half under way. The Speaker declared that this could only be done if the entire House agreed. As there was no such agreement, the Speaker observed:

"So the suggestion is not accepted.......Let us proceed with the motion under discussion."

General discussion on political parties Bill was then resumed.

(70-73, Vol II)
N.A. Deb, 10th July, 1962,
P. 1237.

401. BUSINESS: OBJECTION THAT THE SPEAKER CANNOT EXPRESS HIS OPINION REGARDING THE PENDING ASSEMBLY BUSINESS OUTSIDE THE HOUSE: OBJECTION OVER RULED: SPEAKER CAN EXPRESS HIS OPINION IN HIS PERSONAL CAPACITY:

On 8th January, 1987 Hajji Muhammad Saifullah Khan sought a ruling from the Chair whether
the Speaker could express his opinion about pending business outside the House through press. He referred to the press statement of the honourable Speaker wherein he had expressed his opinion on the Constitutional Ninth Amendment Bill.

Mr. Speaker observed as follows:—

"I do not know about any rule which stops the Speaker from giving his opinion in his personal capacity. If there is one, you will let me know and I will not do so again. But if you have any complaint about the conduct of the Speaker, the only way that you can deal with it is to bring a substantive motion of no confidence against the Speaker. I will thank you not to bring such a subject in the House again."

(57-34, Vol VI)
Pp. 75-76.
CALLING ATTENTION NOTICE

402. CALLING ATTENTION NOTICE: LOSS CAUSED TO WHEAT IN PAK PATTAN: MATTER REFERRED TO STANDING COMMITTEE WITH CONSENSUS:

On 31st August, 1994, Ch. Muhammad Barjees Tahir and others invited attention of the Minister for Food and Agriculture regarding the loss caused to wheat in Pak Pattan. The Minister for Food and Agriculture, Nawabzada Muhammad Yousaf Talpur, made a statement on the Calling Attention Notice and the movers asked questions from the Minister. However, since the movers were not satisfied with the answers, the matter raised in the Calling Attention Notice was referred to the Standing Committee for Food and Agriculture under Rule 180 of the Rules of Procedure, with the consent of the Minister and the movers.

(58-35, Vol VI)
Pp.1499-1506.
403. CHAIR: NO CRITICISM IS ADMISSIBLE AGAINST THE CHAIR.

On 29th March, 1954, a member from the Opposition, during his speech on the Finance Bill, contended that the Muslim League had lost the confidence of the people of East Bengal (East Pakistan). Elaborating his point, he stated that the Muslim Leaguers from West Pakistan, including the Prime Minister and the President, Constituent Assembly, went to East Bengal (East Pakistan) for canvassing in favour of the Muslim League candidates, but the people rejected them. Mr. President took exception to the remarks made by the member and observed that there were appropriate methods of taking action against the President, but while he was in his Chair, no criticism could be made against him. Thereupon, the member withdrew his remarks.

(50-30, Vol I)

404. CHAIR: REFLECTION ON: MEMBER ASKED TO WITHDRAW REMARK ON HIS REFUSAL TO DO SO: MEMBER ASKED TO WITHDRAW FROM THE HOUSE: OPPOSITION MEMBERS STAGED A WALK-OUT IN: PROTEST:

On February 7th, 1956, during the second reading of the Constitution Bill, Shaikh Mujibur Rahman remarked that the Chair had been unjust to the Opposition from the beginning. The Deputy Speaker asked the member to withdraw the remark, which was held to be a reflection on the Chair. The member refused to obey the orders of the Chair. The member was, therefore, ordered by the Chair to withdraw from the House. Thereupon, the Opposition members staged a walk-out as a protest.

(51-31, Vol I)
405. CHAIR: BOWING IN THE HOUSE BY THE SPEAKER OR THE MEMBERS IS NOT UNCONVENTIONAL OR UN-ISLAMIC: IT IS DISCREETIONARY WITH MEMBERS TO BOW OR NOT:

Mr. Hasan A. Shaikh raised a point of order on 6th June, 1966, that according to the practice obtaining in the House, whenever the Speaker or a Deputy Speaker came to the House, he would bow in reverence to the dignity of the House which was un-Islamic. He suggested that, instead of bowing, the Speaker as well as the Members should say “Assalam-o-Alaikum”.

The Senior Deputy Speaker favoured the suggestion of referring the issue to the ‘Ulemas’, but observed that, till then, the practice in vogue should be followed as, according to him, there was nothing un-Islamic in it, and it was in line with the parliamentary practice. It was, however, further observed that, if a member wants to bow he may; and if he does not want to bow, he may not.

(14-7, Vol III)
P. 468.

406. CHAIR: CAN ATTEND CABINET MEETING TO DISCUSS MATTERS RELATING TO LEGISLATIVE BUSINESS: STATEMENT BY A MEMBER ABOUT THE LEGAL STATUS OF THE NATIONAL ASSEMBLY: MATTER TO BE DISCUSSED WITH SPEAKER IN HIS CHAMBER:

On 24th June, 1974, Sahibzada Ahmad Raza Khan Qasuri, drawing attention to a photograph of a Cabinet meeting with the Speaker sitting next to the Prime Minister, as published in a newspaper, observed that Speaker was not a member of the Cabinet and he had no place in a party meeting or the meeting of the executive and was rather above the Cabinet. Mr. Abdul Qaiyum Khan, Minister for the Interior said that the Cabinet could invite any person to attend its meeting on any matter. The Deputy leader of the House, Sheikh Muhammad Rashid, clarified that the Prime minister had to discuss the schedule of the Budget session and had invited the Speaker to attend the meeting. Thereupon the Speaker observed:

"............ That is what I was going to tell. I was summoned about the legislative
business before the Assembly as to how long the Budget Session will continue and what was the programme, how much the time will the present session consume and whether the members would like to have some recess. For this reason I was there. I can confer with the opposition and I can confer with others.”

Another member referred to the statement made by Sahibzada Ahmad Raza Khan Qasuri during his visit to England to the effect that the Assembly had no legal status and as such he had no respect for the House. The Chair observed that it was paradoxical for him to talk in these terms in the House also. Mr. Qasuri wanted to intervene and say something in the matter whereupon the Speaker remarked:

“..... I do not allow it. We can discuss it in the Chamber and if you are not satisfied we can again come to the House. This matter needs to be discussed in the Chamber and you have a right to come to me and then I will explain certain matters to you. That is for your benefit that is for the benefit of the House and that is the benefit for the democracy.”

The Speaker further informed Mr. Qasuri that, from the day he had been elected as Speaker, he had not attended any party meeting or any public meeting or held any Press Conference.

(182-113, Vol IV)

407. CHAIR: UNCALLED FOR REMARKS: EXPUNGED BY MR. SPEAKER WITH APOLOGY TO MEMBER CONCERNED:

Mr. Speaker used the word “acting” in relation to a member, but expunged the said word on the following day with apology on the ground that it was an uncalled for remarks.

(183-114, Vol IV)

408. CHAIR: A SPEECH WITHOUT PERMISSION OF CHAIR CAN BE EXPUNGED IN TOTO OR IN PART:

A point of order was raised by Maulana Mufti Mahmood whether a member can go on speaking even if he has been directed by the Chair to stop. The Presiding Officer observed that, if a member spoke without the permission of the Chair and would not stop despite repeated directions, then
even if he may have spoken for an hour, his speech could be expunged without giving reasons. The Honourable member contended that what the learned Presiding Officer head said was not covered by rule 258 of the Rules of Procedure. The learned presiding Officer did not agree and maintained his ruling

(184-114, Vol IV)
N.A. Deb, 5th December, 1974.

409. CHAIR: ADJOURNMENT MOTION NOT PRESSED IN VIEW OF THE STATEMENT MADE BY A MINISTER: CHAIR THANKS THE MOVER: A MEMBER ASKED BY THE CHAIR THANKED THE MOVER: SPEAKER NOT SUPPOSED TO ANSWER SUCH QUESTIONS HIS CONDUCT CANNOT BE QUESTIONED:

One 3rd November, 1975, Mr. Speaker look up an adjournment motion tabled by Prof. Ghafoor Ahmad regarding breakdown of Electric Power Station at Guddu, resulting in huge loss and inconvenience. Mr. Mohammad Yusuf Khattak opposed the motion on the ground that it was not urgent as the incident took place in August, 1975. He, however, made a statement in this matter. There upon the mover said that he did not want to press the motion. On this Mr. Speaker thanked the mover. Ch. Zahur Ilahi raised a point of information as to why the Chair had thanked the mover. Mr. Speaker observed:

"I am not supposed to answer the question because it relates to the conduct of the Speaker, which cannot be questioned in the Assembly. .......... It is not point of information."

(185-115, Vol IV)

410. CHAIR: A MINISTER WHEN NEEDED WENT OUTSIDE THE CHAMBER: SUGGESTION THAT HE BE RECALLED THROUGH SERGEANT-AT-ARMS: SPEAKER REMARKED THAT HE HAD NO SUCH POWERS:

On 11th December, 1975, Mian Masud Ahmad suggested that Malik Mohammad Akhtar, Minister of State for Parliamentary Affairs, who had gone out of the Assembly Chamber, may be called back though the Sergeant-at-Arms, as he was needed in the House in connection with certain matter. Mr. Speaker observed he had no powers to get a member back in the House from outside.

(186-115, Vol IV)
411. **CHAIR: PROCEDURE ADOPTED BY THE CHAIR TO CONDUCT THE BUSINESS OF THE HOUSE DOES NOT CALL FOR ANY EXPLANATION:**

Dr. Begum Ashraf Abbasi, Deputy Speaker, was in the Chair during some sittings of the National Assembly when the general discussion on the Budget took place. At another sitting of the House discussion on the Budget took place. At another sitting of the House when she was not in the Chair, she wanted to offer some explanation as to why she had given time to certain members to speak on the Budget. Mr. Speaker, who was then presiding over this sittings, intervened and observed that she need not explain her conduct, because the Speaker never explained his conduct. He added that if this were done, the Speaker would be asked to explain his conduct everyday.

(187-115, Vol IV)
N.A. Deb., 20th June, 1975.

412. **CHAIR: SPEAKER TO BE ADDRESSED BY DESIGNATION AND NOT BY NAME:**

On 1st December, 1975, while deciding an adjournment motion, Mr. Speaker observed that he should be addressed by designation and not by name.

(188-116, Vol IV)

413. **CHAIR: DECISION OF THE CHAIR CANNOT BE CHALLENGED:**

A member, while speaking on a Private Member's Bill pointed out that his adjournment motions are ruled out of order by the Chair. Thereupon, Mr. Speaker observed that the decision of the Chair cannot be challenged either inside the Chamber or in the House.

(32-17, Vol V)

414. **CHAIR: DECISION OF THE CHAIR CANNOT BE CHALLENGED:**

On 28th September, 1989 Ch. Asad-ur-Rehman rising on a point of order requested Madam Acting Speaker to allow him to move an adjournment motion notice whereof had already been given by
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him and was pending. Madam Acting Speaker informed the member that it was not before her and as such she could not take it out of turn. The member stated that he had just received a letter from the Secretariat wherein he was informed that the said adjournment motion was inadmissible but no reason was stated.

Madam Acting Speaker ruled that the decision of the Speaker could not be challenged.

(59-35, Vol VI)
Pp. 887-888.

415. CHAIR: DECISION OF THE CHAIR CANNOT BE CHALLENGED WHETHER GIVEN IN THE HOUSE OR ON A DEPARTMENTAL FILE:

On 11th October, 1989 Syeda Abida Hussain, MNA, rising on a point of order stated that a privilege motion regarding Wular Barrage was submitted in the Secretariat by many members which could not be taken up and today she has received a letter from the Secretariat informing that the said privilege motion has been held inadmissible by the Speaker in the Chamber. She insisted that the privilege motion should be taken up for discussion.

After a lengthy discussion, relying on parliamentary practice, Madam Deputy Speaker ruled the point out of order and observed:—

"It is right of the Speaker to interpret the Constitution and Rules so far as the matters relating to the House are concerned, and no one, including the government, can enter into any argument or controversy with the Speaker over such interpretations. His rulings constitute precedents by which subsequent Speakers, member and offices are guided. Such precedents are collected and in course of time formulated as rules of procedure and are followed as conventions. The Speakers rulings, as already stated, cannot be questioned except of a substantive motion. A member who protests against the ruling of the Speaker, commits contempt of the House and the Speaker. The Speaker’s decision is equally binding, whether given in the house or in a departmental file."

(61-36, Vol VI)
Pp. 1496-1520.

416. CHAIR: NO UNCALLED FOR REMARKS TO BE MADE AGAINST THE CHAIR:
On 19th June, 1989, after Madam Deputy Speaker had vacated the Chair some members made uncalled for remarks against her, like “Thanks God she has vacated the Chair”. Mr. Mukhtar Ahmed Ahmed Awan, requested Mr. Speaker either to expunge these remarks or direct the members who had made such remarks to withdraw them. He therefore, sought a ruling from the Chair on the said count.

Mr. Speaker thereupon observed as follows:-

"As for as Hon'ble Ministers and MNAs are concerned, certain remarks within the bounds of Parliamentary decorum may be made against them but no remarks what-so-ever should be made against the Chair at all”.

(62-36, Vol VI)


Pp. 2326-2327.

417. CHAIR: DECISION OF THE CHAIR CANNOT BE CHALLENGED:

On 8th January, 1990 during the speech of a member made on the Presidential Address, Mr. Ahmed Saeed Awan, MNA raised a point of order that the decision of the Honourable Speaker regarding holding of Zakat and Ushr Bill as Money Bill had been challenged by the member during his speech which was not permissible and sought a ruling thereon.

Mr. Speaker ruled that the decision of the Speaker could not be challenged.

(60-35, Vol VI)

N.A. Deb, 8th January, 1990.

Pp. 1120.
418. **CHAIRMAN: RULING GIVEN BY THE CHAIR BEFORE THE ELECTION OF THE SPEAKER HELD IN ORDER.**

On a point raised by a member that the Assembly could sit only after the election of the speaker was completed, Mr. Speaker gave the following ruling:

"I am afraid that may not be the correct position because the chairman who was my predecessor had all the power of speaker before a regular Speaker could be elected and took the oath of office. So his ruling was proper and it should be respected."

(71-74, Vol II)

N.A. Deb, 11th June, 1962.

P. 49.
419. CLOSURE: CHAIR ALLOWED TEN MINUTES AFTER THE FORMAL MOTION.

On 30th November, 1963, Mr. Murid Husain Syed moved for closure on an official resolution for the approval of the Customs Act (Amendment) Ordinance, 1963, whereupon the Speaker observed:

"I would request the Member who has moved that the question be now put not to press for it and to let some more Members on the other side speak. I allow only 10 minutes."

(72-74, Vol II)
420. CLOSURE MOTION: CAN BE PUT WHILE THE OTHER MEMBER IS SPEAKING:
HOUSE FINAL AUTHORITY TO DECIDE THE QUESTION:

On July 14th, 1955, during general discussion on the Constituent Assembly (Proceeding and
Privileges) Bill, 1955, several members requested the Chair to put the question. The Chair accordingly
put the question which was adopted by the House. A member took objection to the question having been
put. Thereupon, the Chair observed as under:

"Under the Rules, the Chair has to put the closure motion when it is moved, if it is
satisfied that the motion is not in infringement of the right of reasonable debate. A
closure motion can be moved while the other member is speaking".

The Chair further observed:

"I draw the attention of the honourable members to rule 33 of the Rules of Procedure. I
shall also quote from the rulings of the Chair on this point for the guidance of the
honourable members. On the third reading of the Drug Bill in the Indian Legislative
Assembly, a member referred to the fact that, during the discussion on the consideration
motion, certain members on the Treasury Benches moved the closure a bit too early, and
proceeded to comment on it when the President observed: "The honourable member is
really not in order in discussing the closure. The closure motion has to be accepted by the
Chair, and the Chair does not accept any closure that is moved, unless it is satisfied that
there has been a sufficient debate. And once it is accepted, it is not open to discuss it.

Nobody can say that sufficient time has not been allowed for discussion on this motion.
The House discussed this motion the whole day yesterday. Another member, who rose
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CLOSURE MOTION

today, was permitted to speak. Under these circumstances—when a motion for closure was moved, the Chair had to put it to the House. It is ultimately for the House to decide whether the debate should end or not”.

(52-31, Vol I)

421. CLOSURE MOTION: CAN BE ALLOWED IF THE SPEAKER IS OF OPINION THAT THE DISCUSSION HAS UNNECESSARILY BEEN PROLONGED WITH TEDIOUS REPETITIONS:

When the Basic Democracies (Second Amendment) Ordinance, 1966, was under discussion, Khwaja Shahabuddin at one stage wanted to wind up the debate. The Acting Speaker observe that, unless there was a closure motion, he would not allow the Minister to wind up the debate. On this, Major Zulfiqar Ali Khan Qazilbash moved a closure motion.

Mr. Acting Speaker, thereupon ruled as follows:-

“... No new argument could be advanced. It would be a sheer waste of time of the House. I would now call upon Khawaja Shahabuddin, (the Minister-in-charge) to reply to the debate.”

(15-8, Vol III)
Pp. 324-325.

422. CLOSURE MOTION: NO CLOSURE MOTION CAN BE MOVED IN RESPECT OF A MOTION BEFORE A DEBATE HAS TAKEN PLACE ON SUCH MOTION:

Simultaneously with the moving of a motion that the Legal Practitioners and Bar Councils Bill, 1972, be passed, the Law Minister moved a closure motion saying that the Bill had already been debated for more than three and half days during the first and second readings of the Bills. Mr. Speaker did not allow the moving of the closure motion and observed that as the Bill had reached a new stage, anyone could speak about its repercussions. He further ruled that a closure motion could not be moved at a stage at which there had been no speech.

(189-116, Vol IV)
P. 975.
423. **CLOSURE MOTION CHAIR: MOVER OF A PRIVATE RESOLUTION WANTED TO MOVE A CLOSURE MOTION; SPEAKER DISALLOWED CONSENSUS OF THE HOUSE ALREADY TAKEN BY CHAIRMAN TO CONTINUE THE DEBATE; SPEAKER BOUND BY DECISION OF CHAIRMAN:**

On 20th November, 1975, during the debate on her resolution regarding status of women, Begum Nasim Jahan wanted to the closure motion. Mr. Nazar Hussain Kayani pointed out that consensus closure motion. Mr. Nazar Hussain Kayani pointed out that consensus of the House had been taken by the Chairman to continue the debate. Begum Nasim Jahan stated that she had also consented when the House had decided to prolong the debate. Mr. Speaker thereupon observed:

"I am bound by the decision of my predecessor, the Presiding Officer, who occupied the Chair. I am bound by that. I am bound by the decision of the Presiding Officer. So, it is good to go to the next week."

(190-116 Vol IV)

424. **CLOSURE MOTION: DEBATE ON A BILL IN OPINION OF CHAIR PROTRACTED: DISCRETION EXERCISED BY CHAIR: CLOSURE MOTION MOVED BY A MEMBER PUT TO THE HOUSE:**

On 4th December, 1985 during the debate on the Political Parties (Amendment) Bill, 1985, Mr. Muhammad Abdullah Ghazi moved a closure motion under rule 235 of the Rules of procedure that the question be now put. A member pointed out that certain members who had opposed the motion, had yet to speak on the Bill which is their legal right and unless and until they do not take part in the debate, the closure motion may not be put. Some members further pointed out that it is the discretion of the Speaker under the rules, when it appears to him that the motion is an abuse of the rules or infringement of the right of reasonable debate, he may not put the question, otherwise he is bound by the rules to put this question. They submitted that a lot of debate on the Bill had taken place by now and the motion is neither abuse nor infringement of the rules, and therefore, the question may be put.

After lengthy debate Mr. Speaker held the closure motion in order and gave the following ruling:-

"According to Parliamentary Practice in India by A.R. Mukerjee when a motion is under discussion, any member, in order to put a stop to the debate, may move, that the question be now put and such a motion is known as a closure motion. It is within the discretion of
the Presiding Officer to accept such motion, if he thinks that the motion has been sufficiently debated and the right of the minority to have a fair discussion on the motion, could not be infringed thereby, he may put the question, “that the question be now put” to be moved from the House. And there can be no discussion on the closure Motion, if the question of the Closure motion has been agreed to by a majority, the motion which was being discussed, when the closure Motion was moved, must be put without further discussion. The Presiding Officer has the discretion under the rules, to allow the mover of a motion to reply to the debate but this is not the case here. Now this is the general discussion on this Bill going on. I have given time to a number of the honourable members, who have spoken an participated in the debate. Two of the honourable members have just asked me that they don’t want to speak and forego their right. There is no doubt in it, that the repetition, how come in this debate, and repetition in debate sometime has occurred. It occurs and it is to be avoided as far as possible. Now as earlier, in very beginning, just submitting the question I had said Categorically, that first I have to be convinced, and when I am convinced, then it is mandatory upon me to put the question. Seeing the speed of the debate, the length of the speeches and the time consumed by the honourable members, so many honourable members in the list still appear to speak. If we keep this further by this stage, I think, the Bill in question has been thrashed out by the honourable members sufficiently and the debate has been prolonged sufficiently. The mover has said that it will be the abuse of the rules and infringement of right of the reasonable debate, it has been protracted and there is no further scope of any reason for the discussion and no more point is yet left to be further clarified.”

(63-37, Vol VI)


Pp. 4838-4884.
425. COMMITTEES: FORMAL MOTION REFERRING A BILL TO A SELECT COMMITTEE NECESSARY: NAMES OF MEMBERS OF THE COMMITTEE TO BE GIVEN IN THE MOTION:

On 5th June, 1974, a Minister requested that a Bill, received back from the Standing Committee, referred to a Select Committee. The Chair directed the Minister to move a formal motion under rule 93(c) of the Rules of Procedure and Conduct of Business in the National Assembly, 1973. After some discussion, a formal motion was orally moved by the Minister, but it did not contain the names of the members of the Select Committee. A member drew attention to decision No.403 cited at page 43 if Decisions of the Chair (1941-1945) and said that it was incumbent on the mover of the motion to give names of the members of the proposed Select Committee in the motion. Thereupon, the Speaker observed:

"It is the practice of this House that the members chosen for the Select Committee should be supplied beforehand. I insist on this".

The Minister accordingly amended the motion, mentioning therein the names of the members of the Select Committee. The motion was then adopted by the House.

(191-117, Vol IV)
N.A Deb, 5th June, 1974.
CONSTITUENT ASSEMBLY

426. CONSTITUENT ASSEMBLY OF PAKISTAN: SOVEREIGN BODY: HAS GOT ALL POWER AND RIGHT TO DO WHATEVER IT WANTS TO DO: ITS MAIN FUNCTION IS TO FRAME A CONSTITUTION AND ITS SECONDARY FUNCTION IS TO MAKE LAWS.

Mr. Chairman remarked in his inaugural address that the Constituent Assembly of Pakistan is a sovereign body. It has got all the powers and right to do whatever it wants to do. He added that the main function of the Assembly is to frame a Constitution for the country and that the enactment of legislation is its secondary function.

(53-32, Vol I)
P.2.

On 22nd June, 1967, during the course of discussion on expenditure charged upon the Central Consolidated Fund. Dr. Aleem-al-Razeen pointed out that Article 39 provided for certain expenditures as charged upon the Central Consolidated Fund. But the government had included certain new items, about 18 in number, such as Debt, Services, Audit, Privy purses, Civil Works, staff household allowance and Development Expenditure of the Ministry of Finance, in the Central Consolidated Fund and some other items other than those included in Article 39. It was, therefore, argued that inclusion of any new item in the Central Consolidated Fund was illegal and ultra vires of the Constitution.

Mr. S.M. Zafar, the Minister for Law and Parliamentary Affairs contended that the expenditure shown against the Civil works related to the President's House, and it was covered under Article 39(a) of the Constitution. Similarly, it was argued that the objection with regard to the inclusion of privy purses was covered under Article 39(f) which related to 'other items declared by this constitution or by an Act of the Central legislature to be so charged'. In this regard, it was contended that, under Article 202 of the 1956 Constitution, privy purses were included, by virtue of an agreement with the rules as being charged on the Central Consolidated Fund and that obligation was being carried on under the 1962 Constitution and they would, therefore, be covered under clause (f) of Article 39 of the Constitution. Lastly, the development expenditure of the Ministry of Finance, was allegedly covered by Article 39(b)(v).
Replying to the points raised by the Law Minister, Dr. Aleem-al-Razee said that, ordinarily, the statute relating to financial provisions must be construed strictly. He added, that Article 39(b)(iv) although included 'the Chief Election Commissioner''election' could not be included under that head. Similarly, expenditure on the Council of Ministers was one thing, the expenditure on the Cabinet was entirely a different thing. He, therefore, reiterated that, unless the items referred to by the Law Minister were specifically included in charged expenditure under Article 39(f) of the constitution, the inclusion of those eighteen items was unconstitutional and illegal.

Mr. Senior Deputy Speaker observed as follows:

"All rights, liabilities and obligations of the Government of Pakistan or of the Government of a province, whether arising out of a contract or otherwise, shall, as from the commencing day, continue to be respectively the rights, liabilities and obligations of the Central Government or the Government of the Province in view of the comprehensive provision, in Article 232 (3) of the Constitution. That is whatever was considered to be charged expenditure, before this constitution came into force, will continue to be charged expenditure under the present Constitution. Many expenditures, such as expenditure on Civil Works and expenditure relating to the President's House, are charged expenditure under Article 39 of the Constitution. Article 39(f) provides for other sums declared by this Constitution or by Act of the Central Legislature to be so charged. Now, if there is no Act of Central Legislature by which any item has been declared to be charged expenditure, the first part of the provision, i.e. the other sums declared by this Constitution, will come into play. So, when this Constitution in Article 232 clearly states that all obligations and liabilities will be borne by the Central Government and since obligations relating to privy purses or arising out of any contract existed before this Constitution came into force, these will be borne by the Consolidated Fund. I think this point of order has no force and I rule it out."

(16-8, Vol III)

N.A. Deb., 22nd June, 1967.

Pp. 1861-1867.
CONSTITUTION AMENDMENT BILL

428. CONSTITUTION AMENDMENT BILL: RECOMMENDED BY SPECIAL COMMITTEE OF THE WHOLE HOUSE: FURTHER AMENDMENT CANNOT BE MOVED AT THE TIME OF PASSAGE OF THE AMENDING BILL- IF NOT AGITATED BEFORE THE COMMITTEE: FULL SECRECY TO BE MAINTAINED BY MEMBERS AND PRESS REGARDING RECORD OF SUCH COMMITTEE:

The unanimous recommendations of the Special Committee of the Whole House regarding the Qadiani issue were presented and adopted by the National Assembly. After that, the Constitution (Second Amendment) Bill, 1974 was introduced, the requirements of rules 91 and 92 of the Rules of procedure and Conduct of Business in the National Assembly, 1973, were dispensed with and the Bill was taken into consideration at once. A member wanted to move a short notice amendment, but objection was taken by the Law Minister that no such amendment was moved when the Constitution (Amendment) Bill was unanimously adopted in the Committee of the whole House and, therefore, the said amendment was redundant. The House refused permission for the moving of the said amendment. The constitution (Amendment) Bill, 1974, was then after put to vote and passed unanimously by the House.

Mr. Speaker before adjourning the House sine die observed as follows:

"I want to remind the honourable members that all the documents and all the record which are in these possession are confidential and secret and also, members of the press, nothing can be published out of any of the records, which we deal with in the secret meetings, unless the same are officially released by the “National Assembly Secretariat”.

(195-122, Vol I)
N.A. Deb., 7th September, 1974.
429. **CONSTITUTION AMENDMENT BILL: TWO-THIRDS MAJORITY OF VOTES NOT REQUIRED FOR A MOTION TO TAKE A CONSTITUTION AMENDMENT BILL INTO CONSIDERATION:**

On 23rd April, 1974, when the motion to take the Constitution (First Amendment) Bill, 1974, into consideration was put by the Chair to the voice vote, a member raised a point of order to the effect that the members should be counted as, under the Constitution, the motion to amend the Constitution was to be adopted by the votes of not less than two-thirds of the total membership of the Assembly. Thereupon, the Speaker observed that, since, by adopting the motion, Constitution was not amended, it was not necessary to count the members for a two-thirds majority of the total membership. Such a majority was required, he added, when a clause of the amending Bill was put to vote or when the Bill as a whole was put to the vote of the House.

(196-123, Vol IV)
N.A. Deb., 23rd April, 1974.
430. **CONSTITUTION BILL: COUNTING OF VOTES TO BE DONE BY THE ASSEMBLY SECRETARIAT: ANY MEMBER MAY ALSO COUNT BUT CANNOT CHALLENGE THE COUNT BY THE SECRETARIAT OFFICIAL: PLEA FOR A DIVISION TURNED DOWN FOR BEING ABUSE OF THE RULES:**

In the Constitution-making session of the National Assembly held on 19th March, 1973, when an Article was put to vote and the members rose in their seats for the purpose of voting, there were eighty votes in favour of the motion. As the Opposition members were not satisfied with the count being done by the Assembly Secretariat, Mr. Speaker remarked that any one of them also could count the voted. On this, Ch. Zahur Ilahi also counted the votes on behalf of the Opposition. Mr. Speaker observed that although it was the duty of the National Assembly Secretariat to count the vote she had no objection to the counting being done by any member, but he would not allow any member to challenge the counting done by the Assembly Staff. Thereupon, Ch. Zahur Ilahi asked for a division but his plea was turned down by the Chair with the following observations:

“When I took the count, it was 19 against 80. The count . . . was challenged. Then I had to give more time to count again. When they counted again, it was 80. It took some time to recount. Now again they want a division. This is clear that they want to waste the time of the House. They do not want the work of the Assembly to continue smoothly.”

(193-119, Vol IV)

431. **CONSTITUTION BILL: RIGHTS, PRIVILEGES AND IMMUNITIES**
During the consideration of the Constitution Bill, Sahibzada Ahmad Raza Khan Qasuri, MNA, raised a point of order about the sitting Mr. Mahmud Ali and Mr. Aziz Ahmed, Ministers of State, in the House. He contended that, as the National Assembly was meeting as a Constitution-making body, they could not take part in the proceedings of the House. He further argued that had the National Assembly of Pakistan as a legislative body and the National Assembly of Pakistan as a Constitution-making body been one and the same, there could not have been two separate sets of rules of procedure: and if that were not the position, then Article 96 of the Interim Constitution would become redundant because it provided that when the National Assembly met as Constitution-making body, every motion made there at had to be passed by the votes of not less than seventy-five members.

The Law Minister, Mr. Abdul Hafeez Pirzada, referred to Article 70 of the Interim Constitution where right has been conferred on every Minister, Minister of State and the Attorney-General to speak, and otherwise take part, in the proceedings of the National Assembly or any Committee there of which he may be a member, but shall not, by virtue of this Article, be entitled to vote. He pointed out that unless the Speaker came to the conclusion that Article 70 did not govern the proceedings of the National Assembly while it sat as a Constitution—making body, the point of order would not have any force at all.

Mian Mahmud Ali Kasuri referred to Article 95 of the Interim Constitution which provides that principal function of the National Assembly shall be to enact a Constitution for Pakistan. He said that when the members were making the Constitution, they were making it for the entire country, not for their constituencies, and, therefore, the Ministers of State could not be debarred from sitting in the House.

After hearing arguments from both the sides, Mr. Speaker gave the following ruling:

"On the 17th February, 1973, Mr. Ahmad Raza Khan Qasuri raised a point of order that a Minister of State. Who was not a member of the National Assembly, could not speak or take part in the proceedings of the National Assembly when it met as a Constitution-making body. The argument advanced was that when the National Assembly sat under Chapter 4, Part III, of the Interim Constitution, it could not, according to Article 96, transact any other business except with regard to Constitution-making, and since a Minister of State has not functions to perform in this respect, he was not entitled to sit or take part in the proceedings of the National Assembly sitting under Chapter 4. In support of this contention, another Honourable member referred to the definition of "Minister" given in rule 2 of the Rules of Procedure and Conduct of Business in the National Assembly (Constitution), 1972, which says that a "Minister" means a member
of the Council of Ministers appointed under Article 62 of the Interim Constitution. Whereas a Minister of State was appointed under Article 64.

The Rules of procedure are controlled by the constitutional provision. Under Article 70 of the Constitution, a Minister of State can speak, and otherwise take part, in the proceedings of the Assembly, but he cannot vote unless he is a member of the Assembly. Further, under clause (5) of Article 78, persons who have the right to speak, and otherwise take part, in the proceedings of the National Assembly enjoy the same privileges and immunities as members of the National Assembly.

The National Assembly constituted under Article 67 and functioning as the Federal Legislature also functions as the Constitution-making body under Article 96. As such, the rights, privileges and immunities guaranteed to a Minister of State in Articles 70 and 78 continue irrespective of the fact whether the National Assembly sits as a legislative body or as constitution-making body.

In the Rules of Procedure, the term "Minister of State" was not defined because, in the body of the rules, there is no mention of the Minister of State. He was also deliberately omitted from the definition of the term "Minister" because the intention was that he should not perform any of the functions which have been specifically entrusted to a Minister under the rules. A Minister of State cannot act as the Member-in-charge as defined in rule 2 of the Rules of procedure for the purpose of introducing the Constitution Bill in the Assembly, but this does not mean that he cannot speak on a Bill moved by a member of the National Assembly or on any other matter brought before the House.

It will, therefore, be observed that the rules are not inconsistent with the Constitution. Even if there had been any inconsistency, the rules would have to give way to the constitutional provisions as it is a well established and settled principle of law that the main legislation over-rides the subordinate legislation.

The cumulative effect of the constitutional provisions and the Rules of Procedure, therefore is that when the Assembly meets as the Constitution-making body, the Minister of State can speak, and otherwise take part, in the proceedings of the Assembly, but he cannot vote unless he is a member of the Assembly; nor can he perform the functions specifically assigned to a Minister under the Rules of procedure. As regards the Minister who is not a member of the Assembly, he can not only speak, and otherwise take part, in the proceedings of the Assembly, but also act as a Member-in-charge and perform other functions entrusted to a Minister of State under the rules. Like a Minister, however, he will not be entitled to vote.

The point of order raised by Mr. Ahmad Raza Qasuri is disposed of accordingly.”
432. **CONSTITUTION BILL: CLAUSES OF THE CONSTITUTION BILL TO BE CONSIDERED IN THE SAME ORDER AS ADOPTED IN RESPECT OF OTHER BILLS: CLAUSE I TO BE TAKEN UP AT THE END: THE FACT THAT IT CONTAIN PROVISIONS OTHER THAN THOSE RELATING TO SHORT TITLE AND COMMENCEMENT IMMATERIAL: RULE SUSPENDED TO REMOVE DOUBT:**

When, after the adoption of the consideration motion, the Speaker took up clause by clause consideration of the Constitution Bill, he took up clause 1. It was contended that according to rule 65 of the Rule of Procedure and Conduct of Business in the National Assembly (Constitution), 1972 the amendments were to be considered in the order of the clauses to which they respectively related and as there were amendments on clause 1, that clause should be taken up first. Mr. Speaker observed that the Constitution Bill had to be considered like any other Bill and that clause 1 and the preamble were always taken up later on. The Opposition argued that as clause 1 of the Constitution Bill defined the boundaries of the territories of Pakistan for which the Constitution was being framed and unlike the ordinary Bills did not simply relate to short title and commencement of the Constitution, that clause should be taken up first.

The Speaker asked for an instance to show that clause 1 of any Bill was taken up at the very outset, but the Opposition members could not cite any such instance. He, therefore, repeated that he could start with any clause.

Relying on rule 66, the Treasury Benches maintained that the Speaker had the discretion to take up any part of the Bill. The members from the Opposition conceded that this discretion vested in the Speaker but contended that, when he had decided to take up any part, he had no discretion to alter the order of the clause in that part for the purposes of consideration. They were of the view that since clauses 1 and 2 both figured in Part 1 of the Bill, the Speaker could not change their order for the purpose of consideration after taken up that part for consideration.

Mr. Speaker ruled as follows:

"This has to be considered like any other Bill. Clause 1 and preamble are always taken up at the end. I can start with any clause."

After this ruling, the Law Minister observed:
“May I make a submission? We are grateful that you have taken a decision. But we would appeal to take the burden if question is to be put in accordance with the rules. Let the majority of members decide whether clause 1 be taken or clause 2. I am quite willing to make a motion. We would not burden the Chair with this responsibility.”

He then moved the following motion:

“Sir under rule 82 of the Rules of Procedure and Conduct of Business in the National Assembly, I beg to move that rule 66, its application, if there be any doubt, be suspended so as to enable this House to take up for consideration clause 2 of Part 1 and leave clause till the end.

The motion was carried and clause 2 was taken up first.

(192-118, Vol IV)
Pp. 969-971.
433. CONSTITUTION COMMITTEE: PROCEEDINGS OF CONSTITUTION COMMITTEE SECRET: REFERENCE CANNOT BE MADE TO IT:

While discussing a privilege motion, Mr. Abdul Hafeez Pirzada, made a reference to the proceedings of Constitution Committee which prepared draft of the Constitution enacted in 1973, Mr. Mahmud Ali Kasuri, raised a point of order that such reference could not be made as the proceedings were secret. Mr. Pirzada reiterated that since the report was submitted to the National Assembly, it had become a public property. Mr. Speaker thereupon observed that although report of the Committee was public property yet its proceedings were secret. Thereupon Mr. Pirzada withdrew the reference.

(197-123, Vol IV)
N.A. Deb., 18th January, 1975.
RULING 434-435

CUT-MOTION

434. CUT-MOTIONS: ORDER PASSED BY THE SPEAKER IN THE CHAMBER RELATING TO INADMISSIBILITY OF CUT-MOTIONS COULD BE REVIEWED BY HIM IN THE HOUSE AFTER HEARING THE MEMBERS:

Mr. Speaker held, in this Chamber, that certain cut-motions given notice of by some members were inadmissible. Before taking up the demands for grants in which these cut-motions were sought to be moved, Mr. Speaker observed that his decision in the Chamber was not irreversible and that he would, in his discretion. Review that decision if, after hearing the members in the House, it was found that the motions were in order and conformed to the relevant rules.

(198-124, Vol IV)

435. CUT-MOTIONS: RULED OUT FOR WANT OF ADEQUATE NOTICE:

A cut-motion was moved by a member on 25th June, 1975 although the Budget was presented on 7th June, 1975. It was ruled out of order on the ground that it related to a specific demand and the member had failed to give two days' notice as required under rule 161 of the Rules of Procedure and Conduct of Business in the National Assembly of Pakistan, 1973.

(199-124, Vol IV)
436. DEBATE INTERRUPTIONS: MILD INTERJECTION CAN BE ALLOWED TO
ENLIVEN THE DEBATE INTERRUPTION BY SEVERAL MEMBERS AT ONE AND
THE SAME TIME NOT ALLOWED.

On September 23, 1955, during the second reading of the Establishment of West Pakistan Bill,
several members were repeatedly interrupting the speech of a member. Thereupon, the Speaker
observed as under:

"As I said on another occasion and I repeat it again that I can allow only mild
interjections and that too not by several members at one and the same time. Mild
interjections do enliven the debate. Sometimes, if the Honourable member who is
speaking accepts them, he can improve his speech. But, I found on this occasion that four
Honourable members of this House were trying to have interjections that amount to
interruptions. Mr. Fazlul Rahman, I should say, was standing at the time to talk and talk.
Now, this is not becoming of the Honourable members of this House. He can have his
turn."

(56-34, Vol I)
P. 1120.

437. DEBATE: WRITTEN SPEECHES NOT PERMITTED: POLICY STATEMENT CAN
BE READ:

On August 24, 1955, it was pointed out to the Chair that the member in possession of the floor
is reading his speech, which is not permissible under the rules. Mr. Speaker, thereupon, observed that the member has been permitted to read the policy statement. However, he will make a speech also in this connection.

(57-36, Vol I)
P. 260.

438. DEBATE: COURTESY OF: MEMBER MAKING ALLEGATIONS SHOULD BE IN HIS SEAT TO HEAR THE REPLY:

On March 4, 1958, during general discussion on the Budget, before the Prime Minister commenced his speech, the Deputy Speaker drew the attention of members to an earlier ruling cited at S. No. 205 of the "Decisions of the Chair" 1920-40 and observed that the courtesy of debates demanded the members, particularly whose who had tabled cut-motions or had levelled any serious charges against the Government to be present in the House to hear Government's replies to their charges.

(54-32, Vol I)
Pp. 785-786.

439. DEBATE: GENERAL DISCUSSION ON BUDGET: SUPPLY OF LISTS OF MEMBERS DESIROUS OF TAKING PART IN THE GENERAL DISCUSSION BY WHIPS: MEMBERS OF SMALL GROUPS WITH NO WHIP SHOULD RISE IN THEIR PLACES TO CATCH EYE OF THE CHAIR: INTERPRETATION OF RULES OF PRIVILEGE OF THE CHAIR: RULING OF THE CHAIR TO BE ACCEPTED WITHOUT DISPUTE OF RESERVATION:

On March 5th, 1958, the Deputy Speaker made the following announcement:

During the general discussion on the Budget and on the first day of the consideration of demands for grants, the Chief Whips furnished the 'Chair lists of Members, desiring to participate in the discussion; but, I regret to observe that, with the best of intentions, this practice has not succeeded in its objective. It appears that there are a small groups in the House, who are not prepared to recognize the Chief Whips, nor is it possible for the Chair to deviate from the usual practice of recognizing only such parties or groups as comprise a minimum number of Members required to form the quorum of the House. I am, therefore, discarding the practice of securing lists from the Chief Whips.
I now propose to leave the Members to the operation of Rule 125 of the Rules of Procedure. Under that rule, a Member, desiring to speak, shall rise or, if unable to do so, shall otherwise intimate his desire to the Chair and shall only speak when called upon to do so by the Chair. Hereafter, Members who want to participate in the discussions on demands for grants will kindly rise in their places and try to catch the eye of the Chair. If more than one member does so, the mover of a cut motion will have preference.

I propose to try this method in an attempt to maintain an orderly and proper decorum in the conduct of the business of the House and I strongly plead with the Honourable Members in favour of a proper decorum. I cannot be expected to succeed in regaining the prestige of the House unless I get complete cooperation from every single Member.

I need hardly remind the Members that the House has determined its own Rules of Procedure. Under the Rules, as well as under age-old Parliamentary practice, the interpretation of the rules has been the obligation of the Chair. I am certain in my mind that, in the interpretation of those rules, the Chair cannot satisfy the contending parties. But, in accordance with the rules and requirements for the prestige and decorum of the House, I appeal to the members not to question the authority of the Chair. Rather, it is for the Members of the House to afford complete cooperation to the Chair in its attempt to carry out its onerous task, to the best of its limited ability.

Undoubtedly in the final analysis, it will be for the House to determine what the provisions of the rules should be and, if the House finds that an interpretation of a certain rule is not what the if House intended, then it would be open to the House to amend that rule and bring it in line with its intention. But as long as the rule or ruling stands, I earnestly appeal to the Members to accept the rulings of the Chair, without any disputor reservations.

Recently, I have noticed a tendency among the Members, whom a ruling has affected or other Members who thought that the ruling was incorrect, to question it on the floor of the House. This is extremely deplorable and in complete disregard of the established practices and traditions of parliament. I would, therefore, appeal to the Members, most earnestly, not to create practices and traditions which have no resemblance with the accepted practices and traditions of Parliamentary institutions. I also appeal to every member to extend his complete cooperation to the Chair in maintaining a proper decorum in the House and in raising the prestige of the parliament.

I should like to take this opportunity to speak a word to the Press, who hold the distinction of special attention by the Parliament by allotment of seats in the Press Gallery, through a Committee of their own, to help the Parliament to raise its prestige and to refrain from publication of reports which was tend to be partial, tainted or incomplete. I would like the Press to report the proceedings of the Parliament in full. if this is not possible a faithful report of the proceedings ought to be given. In either case, it
must be correct. Extracts of the proceedings of the Parliament, prepared with the notion of the sensational appeal to the public, is neither permissible nor tolerable to the Assembly or the Chair. A full report may be shown of unimportant details or repetitions, but shall not be devoid of the important attribute of Parliamentary reporting, namely, impartialing report of the proceedings of the Honourable House. I shall take a serious view of an infringement, if any, in future.

(55-33, Vol I)
N. A Deb., 5th March, 1958.
Pp. 840-841.

440. DEBATE: MEMBER SHOULD NOT SPEAK PARTLY IN ENGLISH, PARTLY IN URDU AND PARTLY IN BENGALI IN THE COURSE OF THE SAME SPEECH.

On 3rd July, 1962, a Member first spoke in English and then in Urdu and Bengali. Thereupon the Deputy Speaker observed:

"Please speak in one language in which you consider yourself liable to express clearly. Not all at once. Any one of them. It should not be partly Urdu, partly Bengali and partly English. We have just had a very good demonstration of all the three languages being spoken at one and the same time. My ruling is that this sort of thing cannot be allowed."

The Member again started speaking in Urdu. Thereupon the Deputy Speaker said he could not allow that sort of thing. The Member then sought permission to speak in Bengali. The Deputy Speaker observed that he could not allow that sort of rehearsal on the floor of the House. Mr. Muhammad Ali argued that a Member cannot be stopped from speaking in any of the three languages and the Chair should be generous to allow a Member to choose the language in which he wants to speak. The Deputy Speaker thereupon observed:

"I am prepared to take a charitable view of the situation, but the point is that I take an exception only to the question that it was not actually one language; it was just a hotchpotch of three languages. So far as possible, expression should be confined to one single language to which I have absolutely no objection."

(73-75, Vol II)
Pp. 948-951.

441. DEBATE: RESOLUTION: MINISTER-IN-CHARGE CAN SPEAK A SECOND TIME
WITH THE PERMISSION OF THE CHAIR.

While discussion on a resolution on the use of Bengali script was going on on 3rd July, 1962, a Member raised a point of order whether the debate could be allowed to continue after the Minister-in-charge had already given his reply to the debate. The Deputy Speaker observed:

"Nobody has actually moved that the question be put and till that time it will be perfectly in order for the speeches to continue."

The Member then sought clarification whether the Minister concerned would be allowed a second time to give a reply to the speeches that were delivered after his first speech. Thereupon the Deputy Speaker remarked:

"Only the Minister concerned can speak if he has not availed himself of this opportunity and that he can do with my permission."

(74-75, Vol II)
P. 953.

442. DEBATE: REFERENCE TO THE PROCEEDINGS OF THE SELECT COMMITTEE IN THE HOUSE NOT PERMISSIBLE.

On 15th July, a Member while speaking on the consideration motion of the Preventive Detention Laws (Amendment) Bill, as reported upon by the Select Committee, state that "in the Select Committee we proposed an amendment.

Interrupting the member the Speaker observed:
"You cannot disclose what happened in the Select Committee."

(75-76, Vol II)
P. 1583.

443. DEBATE: IN CERTAIN CASES THE MATTER DISCUSSED NEED NOT BE FRAMED AS A SPECIFIC MOTION.

On 22 November, 1962, during the debate on Foreign Affairs a Member raised a point of order that the motion moved by Mr. Muhammad Ali, Minister for Foreign Affairs, should be in the form of a
resolution and that it was not a motion according to the definition of the said word given in the rules.

Thereupon the Speaker observed:

“A point of order has been raised and that must be disposed of first of all. What the honorable Member has said is true to a certain extent so far as his point of order is concerned. But motions like this are also not unknown in Parliamentary history. The House may, of course, formally decide whether they want to take the subject-matter of the motion into consideration or not. If the House decides not to take it into consideration, then the matter ends there. Otherwise discussion would continue though it may not be of any definite purpose. This is more or less a motion without any definite purpose. But still motions like these are not unknown in the Parliamentary history, as I have already said.

Therefore, I cannot say that this motion is out of order.”

(76-77, Vol II)

444. DEBATE: POINT OF ORDER: SCOPE OF

On 22nd November, 1962, when a Member rose to introduce a Bill, another Member raised a point of order that ordinary legislative business should not be transacted in a special emergency session.

Thereupon the Speaker observed:
“Point of order arises only on the question for the time being under consideration.”

(77-77, Vol II)
Pp. 34-35

445. DEBATE: REFERENCE TO A SPEECH MADE IN A SECRET SESSION NOT PERMISSIBLE IN OPEN SESSION.

On 26th November, 1962, during the debate on Foreign Affairs, when a Member was about to state as to what the President had said in the Secret Session, the Foreign Minister rose on a point of order that a reference was being made to a speech in the Secret Session.
RULING OF THE CHAIR

Thereupon the Deputy Speaker observed:

"I would request the Member not to make a reference to any such matter."

(78-78, Vol II)
P. 108.

446. DEBATE: PRESENCE OF THE MINISTERS DESIRABLE DURING THE COURSE OF SPEECHES IN THE HOUSE.

On 27th November, 1962, during the debate on Foreign Affairs, when a Member requested the Chair that Members of the Cabinet should be asked to be present otherwise his side of the House would have to walkout of the Chamber, the Deputy Speaker remarked:

"I would draw the attention of the Home Minister who seems to be the sole representative of the Cabinet in the House at the moment to please see if the could do something to prevail upon the other members of Cabinet to be present in the House and to listen to the speeches."

(79-78, Vol II)
P. 157.

447. DEBATE: LIST OF SPEAKERS REPRESENTING VARIOUS PARLIAMENTARY GROUPS SHOULD BE GIVEN TO THE SPEAKER THROUGH THE LEADER OF THE PARTY.

On 27th November, 1962, in the middle of the debate on Foreign Affairs, the Deputy Speaker observed:

"Now that the formation of various Political Parliamentary Groups in the House is almost complete, I think the best course would be to submit the lists of speakers through the leaders of various groups functioning in the House instead of everybody getting up and putting the Chair in an embarrassing position".

(80-79, Vol II)
P. 165.
448. **DEBATE: SELECTION OF SPEAKERS DISCRETION OF THE CHAIR.**

On 29th November, 1962, a Member inquired the Chair about the number of speakers selected from the list. Thereupon the Deputy Speaker observed:

“For the information of Member and also for the information of other Members of House, I would like it clear that I have received four lists containing, in all, eighty names and it has been left to my discretion to pick-upon me accordance with the keeping in view the numerical strength of the different groups and also the representation of the different blocks in the House.”

(81-79, Vol II)
P. 221.

449. **DEBATE: CONTINUANCE OF DEBATE ON A SUBJECT WHEN IN THE OPINION OF SOME MEMBERS THE POSITION HAS CHANGED: PERMISSIBLE UNDER THE RULES.**

On 30th November, 1962, when the Assembly met to discuss the emergency situation soon after the issue of the joint communiqué on Kashmir a Member raised a point of order that Government should come out with specific proposals, and the discussion on the motion then before the House was out of order. Another Member agreed that a new situation had arisen and Government should come out with a statement and take the House into confidence. He, therefore, suggested that the sitting should be adjourned till next day. The Speaker observed:

“First of all a Member has raised a point of order. His point of order is this that in view of the joint communiqué that was issued in New Delhi and Rawalpindi last night further continuance of this debate will be out of order. In fact, what he has raised is not a point of order to my mind but it is a question of propriety. So under the rules of the Assembly I cannot hold that this point of order has any force. I rule out this point of order.”

“As regards the point raised by the other Member, this is also a question of propriety. He has proposed that this House should adjourn now and re-assemble after the Government has made a statement on the communiqué. So far as this matter is concerned, if the whole House agrees, I can adjourn the House or in the absence of that, that can only be done on a motion being carried to that effect.”

(82-80, Vol II)
450. DEBATE: MEMBER IN POSSESSION OF THE HOUSE TO RESUME SEAT WHEN A POINT OF ORDER IS RAISED.

On 4th December, 1962, during the debate on the joint Communiqué on Kashmir, a Member raised a point of order while a Member was in the middle of her speech. The Speaker asked the Lady Member to resume her seat but she continued speaking. Thereupon the Speaker observed:

"Lady Member, a point of order has been raised. When a point of order is raised it is the duty of the Member who is in possession of the House to resume his or her seat; will you kindly resume your seat."

(83-81, Vol II)
P. 332.

451. DEBATE: MEMBER CATCHING THE EYE OF THE SPEAKER TO SPEAK.

On 4th December, 1962, during the debate on Foreign Affairs, the Deputy Speaker called upon a Member to speak. Another Member complained that he had been standing for five minutes but could not get a chance. Thereupon the Deputy Speaker observed:

"I deeply sympathies with the honourable Member but I am afraid I am not to blame for this: I am trying to do my best. In following the order of speakers which I am not otherwise bound to do, I have to say that I have to maintain a balance between East and West, Government and Opposition and I have also to give due representation to the four groups. And, there are several other factors which I have to keep in mind. I am sorry I have not been able to accommodate the Member but I am afraid I cannot help."

Still some Members represented that those who had spoken should not be given any opportunity. The Deputy Speaker then ruled:

"I would like to make it absolutely clear to the members that they have no right to dictate to the Chair. Secondly, I would also like to make it clear that the original motion has been considerably changed. As such every member has a right to speak twice or for a second time. It all depends on who catches the eye of the Speaker."

(84-81, Vol II)
452. **DEBATE: ANOTHER MEMBER CANNOT INTERVENE IF THE MEMBER SPEAKING DOES NOT YIELD THE FLOOR.**

On 4th December, 1962, during the debate on Emergency Situation, while a member was speaking, another Member rose to make an objection, whereupon the Speaker observed:

"Unless the Member who is already in possession of the House, yields the floor, you cannot speak or stand up; this is irregular; please resume your seat; please sit down."

Thereafter the Member rose on a point of privilege, whereupon the Speaker call him to order.

(85-82, Vol II)
P. 376.

453. **DEBATE: TIME OF SITTING-EXTENSION OF.**

On 4th December, 1962, during the debate on Emergency Situation, a Member suggested an extension of one hour in the duration of sitting. Mr. Z. A. Bhutto agreed to fifteen minutes extension on behalf of Government. Thereupon the Speaker observed:

"I have never seen or heard that in any legislature all the members of the House can get an opportunity to speak on a single subject. So far as this occasion is concerned, I think we have made a record, which no other legislature has been able to set.

Therefore, I think, the suggestion made by Mr. Bhutto is quite reasonable and should be accepted. Otherwise I am afraid the time cannot be further extended."

(86-82, Vol II)
P. 383.

454. **DEBATE: SEEKING CLARIFICATION BY INTERRUPTING A MEMBER WHILE SPEAKING NOT PERMISSIBLE.**

On 8th December, 1962, during the debate on a resolution on jute Ordinance a Member sought a clarification from the Minister concerned who was then speaking whereupon the Deputy Speaker observed: "I am afraid, the rules do not permit the raising of a question seeking clarification about what
the honourable Minister is stating.

(87-83, Vol II)
N.A. Deb., 8\textsuperscript{th} December, 1962.
P. 678.

455. **DEBATE: NAMES: MENTION OF PARTICULAR NAMES NOT PERMISSIBLE IN DEBATES.**

On 7\textsuperscript{th} December, 1962, during the discussion on a Government resolution for approval of an Ordinance a member mentioned some particular names. Thereupon the Chair observe:

"The honourable Members should not name anybody. He should discuss the general principles."

(88-83 Vol II)
N.A. Deb., 7\textsuperscript{th} December, 1962.
Pp. 592-597.

456. **DEBATE: REFLECTION BY A MEMBER ON A DECISION OF THE HOUSE: OBJECTION TAKEN: NO MEMBER ENTITLED TO SPEAK AGAINST OR REFLECT ON THE DETERMINATION OF THE HOUSE EXCEPT BY A RESCINDING MOTION: OBJECTION UPHELD.**

On 20\textsuperscript{th} December, 1963, a Member remarked that a law was passed in the interest of a particular Minister. The Law Minister took objection to this whereupon the Speaker observed:

"I uphold the point of order raised by the Honourable Law Minister. For the benefit of the House, I will read out extracts from More's Practice and Procedure of Indian Parliament.

"On a Member having sought a ruling on the point the Chair ruled that the established parliamentary rule of debate is that no member is entitled to speak against or reflect on any determination of the House except on a motion for rescinding it.""

and added:

"On the point raised by Mr. Syed ul Zaman, may I point out that a Member is within his rights to refer to the laws in the 'Rider Clause' but not on the merits of any of the laws which had been approved or passed by this House, except when a motion to amend those
On 4th December, 1963, on a point of order raised by a Parliamentary Secretary the Speaker remarked:

"According to a well-recognized parliamentary practice, quoted by S.S. More, 'No Member can make a personal charge against any other Member. All imputations of improper motives or unbecoming reference to a Member's private affairs and all personal reflections are deemed highly disorderly.'"

On 10th April, 1964, a point of order was raised by a Member that the Ministers being non-Members were not entitled to the protection of the Chair and were only entitled to right of audience. It was further suggested that the Ministers had different rights, privileges, obligations, etc., when compared to Members. The Speaker thereupon observed:

"I refer to Article 25 of the Constitution, sub-clause (2): 'A member of the president's Council of Ministers and the Attorney-General shall have the right to speak in, and otherwise take part in, the proceedings of the National Assembly, or of any of its Committees, but shall not be entitled to vote.'"

Now I refer to the preface for the Rules of procedure: "Pursuant to Article 231 of the
constitution, the president has been pleased to make these Rules of procedure for the National Assembly of Pakistan. These Rules shall regulate the Procedure of the Assembly until Rules of Procedure are made by the Assembly. Therefore they can take part in the proceedings. This rule shall apply to them also. And again I quote you another ruling by more from the Lok Sabha:

"Under section 63(E)(4) of the Government of India Act every member of the Executive Council who is not a member of the Assembly has the right of attending and addressing the Assembly. This provision must be construed as conferring on such Executive Council member the right to take part in any debate in the Assembly. Therefore it follows that, when so speaking, such member is to submit to all the restrictions and limitations imposed on members of the Assembly by the Rules-and Standing Orders." This is 1933 L.A. Debates.

(A member: Not privileges!)

"Whatever be the privileges. If anybody is allowed to take part in the proceedings, he is subject to restrictions and he has got the privileges which are conferred by the Rules of procedure. The debate is closed."

(91-85, Vol II)
N.A. Deb., 10th April, 1964.

459. DEBATE: THE REPORT OF THE CENTRAL PUBLIC SERVICE COMMISSION CANNOT BE DISCUSSED IMMEDIATELY AFTER ITS PRESENTATION IN THE HOUSE:

On 6th May, 1968, immediately after the presentation of the Report of the Central Public Service Commission by the Information Minister, Mr. Farid Ahmad moved a motion that 'the Assembly do proceed to discuss the report of the Central Public Service Commission'. Mr. Senior Deputy Speaker pointed out that there was no provision for it either in the Constitution or in the rules nor was it admissible under any precedent to discuss such a report immediately.

The Law Minister, thereupon, raised an objection that the Honourable Member could not move the motion, unless it was shown in the Orders of the Day.

The Member, replying to the point raised by Mr. Senior Deputy Speaker, contended that a 'motion' was a proposal made by a Member relating to any matter which might be discussed by the Assembly and included an amendment.

The Member further contended that Article 43(4) of the Constitution (1962) stated that the
'schedule of the Authorized Expenditure shall be laid before the National Assembly for its
information' while Article 189 of the Constitution stated that the report shall be caused to be
laid before the Assembly by the President. He also pointed out that the omission of the
expression 'for its information' in Article 189(3) was very significant. He, therefore, reiterated
that, while in one case, it was laid before the Assembly merely for information, in the other, it
had been deliberately omitted so as to enable the Assembly to discuss the report.

Mr. Senior Deputy Speaker, thereupon, observed as follows:

"I think that whatever the phraseology of the two Articles, in one case the schedule of
expenditure is to be laid before the assembly for the information of Members and in the other
case the report of the Public Service Commission is to be laid before the Assembly. There is no
provision that it could be discussed then and there. But it could be very well visualized that the
honourable Members should go through the report and, at an appropriate time, they can also
discuss this report, say, during the budget discussion or at any other appropriate time. It is not
obligatory that it should be discussed immediately."

(17-10, Vol II)

460. DEBATE: MALICIOUS OR MALA FIDE REMARKS TO BE AVOIDED:

While criticizing the capitalistic system during the discussion of a Bill, some members made
personal attacks against one another.

Mr. Speaker observed:

"Every Honourable member has a right to condemn capitalism, every member has a
right to condemn the agents of capitalism, but no personal remarks should be levelled
against anyone. . . . You have right to condemn a system and agents of that system and
anybody deriving any strength or acting for that system; they have a right to condemn
any system; but so far as any malicious or mala fide remarks are concerned, . . . . They
should not be passed."

(213-219, Vol IV)
P. 182.
461. **DEBATE: GENERAL DISCUSSION ON RAILWAY BUDGET: REFERENCE TO RAILWAY OFFICIALS SITTING IN THE GALLERY: MEMBER ASK TO REFRAIN FROM SUCH REFERENCES:**

On 12th June, 1974, during general discussion on the Railway Budget, a member referred to certain Railway Officers sitting in the gallery, whereupon the Speaker remarked:

"You cannot refer to any person sitting in the gallery. This is under the rules. You can refer to a person sitting in the House, but no honourable member can refer to any person sitting in the gallery Official, President's, Prime Minister’s, members to refrain themselves from this."

(203-126, Vol IV)

N.A. Deb., 12th June, 1974.

462. **DEBATE: GENERAL DISCUSSION ON BUDGET: DECISION OF THE HOUSE NOT TO BE CRITICISED:**

On 18th June, 1974, during general discussion on the Budget, a member said that, although people had rejected the proposed recognition of Bangladesh. It was brought in the Assembly and approved which, according to him, was against the spirit of democracy. A member raised a point of order that a decision of the Assembly could not be re-opened or criticized. Thereupon, the Chair observed that the decision of the House could not be criticized or termed as 'dictatorial'.

(204-126, Vol IV)

N.A. Deb., 18th June, 1974.

463. **DEBATE: GENERAL DISCUSSION ON THE BUDGET: NO CHARGES AGAINST M.P.AS TO BE MADE IN NATIONAL ASSEMBLY AS IT VIOLATES CONSTITUTION:**

On 21st June, 1974, Ch. Zahur Illahi, while speaking on demands for grants. Made certain allegations against certain members of a Provincial Assembly. Thereupon, the Speaker observed that no charge against any MPA could be levelled in the National Assembly as it would be a violation of the Constitution.

(205-126, Vol IV)

464. **DEBATE: GENERAL DISCUSSION ON BUDGET: REFERENCE TO PROVINCIAL SUBJECTS NOT IN ORDER:**

On 17th June, 1974, during general discussion on the Budget, a member referred to the ejection of some small “khatedars” or owners of small pieces of land. The Speaker pointed out that it was provincial matter. The member, however, contended that it related to Land reforms which was a Central subject. Thereupon, the Speaker observed:

“General discussion should be connected with and relevant to the Federal Budget. I may remind the honourable member that, in India, during discussion on demands for grants, Dr. Sir Ziauddin Ahmad had proceeded to criticize provincial administrations, whereupon the president pointed out that the honourable members must remember that there must be a limitation on the criticism of the administration of the Provinces, which are autonomous under the 1935 Act. All that honourable members are entitled to do is to deal with the question of financial relations between the Provinces and the Centre and may touch on anything directly relevant to that”.

(206-127, Vol IV)  
N. A. Deb., 17th June, 1974.

465. **DEBATE: INTERRUPTIONS IN WINDING-UP SPEECH OF FINANCE MINISTER: NOT WARRANTED:**

On 20th June, 1974, after some interruptions in the winding-up speech of the Finance Minister on the Budget, the Speaker declared:

“May I remind both the Qasuries that, for seven days, the Finance Minister has heard the Opposition and the Government side, and today he is replying. There is no need of punctuation or just making running commentaries, You have said what ever you liked and nobody stopped you.”

(207-127, Vol IV)  
N. A. Deb., 20th June, 1974.

466. **DEBATE: WINDING-UP SPEECH OF THE FINANCE MINISTER: NO QUESTIONS CAN BE PUT OR INTERRUPTIONS ALLOWED DURING A SPEECH:**

On 20th June, 1974, while the Finance Minister was winding up his budget speech, Begum Shireen Wahab asked for permission to put a question to the Minister. The Speaker remarked that there
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was no rule under which a question could be put to a member making the speech or any interruption could be allowed during his speech.

(208-127, Vol IV)
N.A. Deb., 20th June, 1974.

467. DEBATE: DISCUSSION ON DEMANDS FOR GRANTS: REPETITION BY MEMBER SPEAKING: PROHIBITED UNDER RULES:

On 25th June, 1974, during discussion on Demands for Grants, the Minister for Hajj, Auqaf and Broadcasting, Maulana Kausar Niazi. Raised a point of order that the Honourable member speaking was repeating the arguments. The Speaker thereupon remarked:

"There is prohibition in the rules also on repetition but, if the members do not follow the rules, it is really a pity".

(209-128, Vol IV)

468. DEBATE: INTERVENTION BY A MEMBER WHILE SPEAKER PUTTING LEAVE APPLICATION OF ANOTHER MEMBER TO THE HOUSE: MEMBER ASKED TO SPEAK ONLY WITH PERMISSION OF THE CHAIR:

On 11th June, 1974, a Member interjected while the Speaker was putting the leave application of a certain member to the House. The Speaker asked the member to speak only with the permission of the Chair

(211-129, Vol IV)
N.A. Deb., 11th June, 1974.

469. DEBATE: MEMBERS NOT SPEAKING ON RAILWAY BUDGET BE GIVEN MORE TIME WHILE SPEAKING ON GENERAL BUDGET: CHAIR PROMISES TO LOOK INTO MATTER AS REASONABLE REQUEST:

On 11th June, 1974, during discussion on Railway Budget a member requested the Speaker that those members who did not speak on Railway Budget should be given more time on the General Budget. The Chair remarked:
470. DEBATE: MENTIONING NAMES OR MAKING REFERENCE ABOUT PERSONS WHO CANNOT DEFEND THEMSELVES SHOULD BE AVOIDED:

During discussion on a resolution regarding destruction of forests in Dir, Swat, Chitral and Hazara, a member referred to certain officers by name. Thereupon, another member raised a point of order that mentioning of names of officers in the debate was not in order. The Chair upheld the point of order and observed that, in order to keep up the decorum of the House and the standard of debate names of the persons who could not defend themselves should neither be mentioned nor any reference be made about them in a way so as to enable members to draw an inference.

(219-132, Vol IV)

471. DEBATE: MEMBER TO BE RELEVANT TO MATTER IN ISSUE: MR. SPEAKER POINTED OUT PRECEDENT THAT DEBATE ON AMENDMENTS IN LAW NEVER TOOK MORE THAN THREE OR FOUR MINUTES:

A member, while speaking on the amendment moved by him to a Bill, started to digress and enter into a rambling discussion, whereupon Mr. Speaker stopping him observed that he should confine to the amendments before the House and should not repeat himself, and finally added:

"In this House, no amendment in law has been debated for more than three or four minutes. This is the precedent."

(220-132, Vol IV)
N.A. Deb., 18th December, 1974.

472. DEBATE: NO CROSSING OF FLOOR BETWEEN THE CHAIR AND MEMBER SPEAKING: MEMBER TO BE IN HIS SEAT BEFORE SPEAKING:

On 11th June, 1974, during the General discussion on Railway Budget, a member crossed the floor between the Chair and the member speaking. Thereupon, Speaker reminded the member that nobody can cross the floor like this. The member crossing started replying, whereupon the Speaker observed; "You cannot speak like this. You have to be in your seat."
473. DEBATE: PERSONAL REMARKS NOT RELATABLE TO ANY SPECIFIC MEMBER NEED NOT BE EXPUNGED:

A member, while referring to a cartoon published in a paper, said that the fat man shown therein was dubbed by the paper as an MNA of the ruling party. An objection was raised that personal remarks should not be allowed and the same should be expunged. Madam Deputy Speaker remarked:

"I think let it be on the record. What does it matter when have not taken it to be personal."

474. DEBATE: POINT OF ORDER: ALLEGATION ABOUT EMPLOYEES DISTRIBUTING PAMPHLETS OF PAKISTAN PEOPLE'S PARTY: POINT OF ORDER NOT UPHELD: CAN BE RAISED AS PRIVILEGE MOTION:

On 28th June, 1974, Mr. Mahmood Azam Farooqui, a member from the opposition, rising on a point of order, drew the attention of the Chair to the allegation that certain employees of the Assembly were distributing pamphlets of the Pakistan peoples party, captioned “Atom Bomb of Baharat” within the precincts of the Assembly. He was joined by Maulana Mufti Mahmood, who remarked that nobody could distribute literature to members in the Assembly. The Speaker held that it was no point of order. He further observed that the matter could be raised as a privilege motion. If any employee of the Assembly was found distributing pamphlets, as alleged, serious action could be taken against him.

Later, during the course of the proceedings, the Speaker informed the House that none of the employees of the Assembly had distributed the pamphlets.

475. DEBATE: PROPER PROCEDURE TO POINT OUT ANY ALLEGED INACCURACY IN A SPEECH IS TO SAY 'QUESTION':
On 18th June, 1947, while a Minister was making a statement on the nuclear explosion by India, a member said that the Minister was making a wrong statement. The Speaker thereupon remarked that the proper procedure to point out any alleged inaccuracy in a speech by a member was to say “question”.

(227-134, Vol IV)
N.A. Deb., 18th June, 1974

476. DEBATE: REFERENCE TO OFFICERS SITTING OUTSIDE THE CHAMBER INSTEAD OF THE GALLERY: HELD UNPARLIAMENTARY:

On 26th June, 1974, Sahibzada Ahmad Raza Khan Qasuri pointed out that the officers of the Ministry of Finance, instead of sitting in the gallery, were sitting outside. Malik Mohammad Akhtar, pointed out that no reference could be made to the staff or officers. The Chair observed that any reference to the sitting in or absence from the official gallery of officers was unparliamentary.

(228-135, Vol IV)
N.A. Deb., 26th June, 1974.

477. DEBATE: REFERENCE TO STATEMENTS MADE BY A MINISTER OUTSIDE THE HOUSE TO BE AVOIDED:

During the third reading of the Development of Industries (Federal Control) (Amendment) Bill, 1974 on the 10th April, 1974, a member referred to certain statements alleged to have been made by the Prime Minister about Baluchistan outside the House. Another member rising on a point of order said “........... I do not think that the Leader of the House as Prime Minister has made this commitment on the floor of the House. For anything said outside the Assembly we are not bound”. The Speaker agreeing with the objection raised observed that if a statement was made outside the House, the Assembly could not ask about it. That statement might be of a political nature and the Minister could not be asked to make the same statement on the floor of the House.

(229-135, Vol IV)
N.A. Deb., 10th April, 1974.

478. DEBATE: REFLECTIONS MADE ON THE CHAIR: REQUEST FOR EXPUNGE:
SPEAKER DIRECTS MEMBER TO TALK IN THE CHAMBER AND NOT TO MALIGN THE CHAIR:

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On 18th June, 1974 a member made some reflection on the Chair during the discussion on the General Budget. Thereupon, the Speaker observed:

“You can challenge the Speaker’s impartiality but there must be some foundation for it. I have no love for this chair. This is one of the highest impartial chairs of the country. I do not want this chair to be maligned in any manner and, if you have got any matter against me, you can talk in the Chamber or in your party but do not malign this. I am only here to keep the dignity of the House. I have no other interest.”

The Leader of the Opposition said that an aspersion had been cast on the Chair and another member suggested that it should be expunged. Thereupon, the Speaker remarked that it should remain on record. He added “Holding the mike and saying what ever you may want is no way of speaking in the House. Why should a member damage democracy in the country by doing so. It must be realized that the Speaker is in a very delicate position. He cannot go to the cafeteria or the Lobby. He cannot defend himself, whereas a member can go anywhere and say or issue press statements as he liked.”

(230-136, Vol IV)
N.A. Deb., 18th June, 1974.

479. DEBATE: RUNNING COMMENTARY ON THE SPEECH OF A MEMBER NOT WARRANTED BY RULES:

On 11th June, 1974, during general discussion on the Railway Budget, a member was interrupting the the speech of another member. The Speaker thereupon observed:

“You can thump the table, you can do whatever is permitted by the rules, running commentary is not warranted by the rules”

(231-136, Vol IV)
N.A. Deb., 11th June, 1974.

480. DEBATE: SEDITIOUS AND UNDESIRABLE REMARKS MADE BY A MEMBER NOT TO BE PUBLISHED IN THE PRESS BUT TO FORM PART OF RECORD:

On 15th June, 1974, during discussion on General Budget Mr. Abdul Khaliq Khan, made certain remarks like “mercenary army” with reference to Pakistan army, and also made allegations of atrocities committed by the army on East Pakistanis. Objection was taken under rule 226(j) of the Rules of
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Procedure and Conduct of Business in the National Assembly, 1973 that the words were treasonable, seditious and defamatory. Thereupon, the Speaker observed that the words "mercenary army" shall not be published in the press, but they should remain on record. A member requested that it should be published in the press to expose such persons. The Speaker thereupon observed:

"Whatever the honourable member has said about the Army shall come in the Press. It shall be reported. All his speech, whatever he said about India, shall come into the Press. There is no restriction, because every member is responsible for his own utterances. So far as clapping is concerned, every body has seen it. Only one word, i.e. the word "mercenary army" shall not come into the Press but shall form part of the record. It shall not be expunged.

Thereafter, the Deputy Leader of the House requested that allegations of atrocities on East Pakistanis, which were made by Mr. Abdul Khaliq Khan in his speech, should also not be published in the press as the War Commission was inquiring into it had international complications. The Speaker then ruled:

"Yes, I agree with you, because that Commission is already there. So this portion shall form part of the record. The remarks of the Honourable speaker, Mr. Abdul Khaliq Khan, regarding the allegation of atrocities in East Pakistan shall not be published. They shall form part of the record."

(232-137, Vol IV)
N.A Deb., 15th June, 1974.

481. DEBATE: THE RIGHT OF SPEECH OF A MEMBER TAKES PREFERENCE OVER THE RIGHT OF REPLY BY THE MINISTER:

During discussion on the Provincial Service Tribunal (Extension of Provisions of the Constitution) Bill, 1974, the Minister Incharge wanted to reply to certain points made by some honourable members. Another member sought permission to make his speech before the Minister was asked to wind up the debate on the Bill. The Speaker, agreeing with the member, observed that right of speech of the member should take preference over the right of reply by the Minister.

(233-137, Vol IV)
N.A. Deb., 9th April, 1974.

482. DEBATE: UNDESIRABLE GESTURE BY A MEMBER TOWARDS ANOTHER MEMBER HELD UNPARLIAMENTARY:
On 20th June, 1974, the Speaker noted some undesirable gesture being made by Sahibzada Ahmad Raza Khan Qasuri towards some other member and observed that making of such gestures was unparliamentary.

(235-138, Vol IV)
N.A. Deb., 20th June, 1974.

483. DEBATE: UNPARLIAMENTARY: THE WORD “REGIME” HELD UNPARLIAMENTARY:

On 22nd January, 1974, during the second reading of the Criminal procedure (Amendment) Bill, 1974 a member criticized the Government of the day frequently, calling it the “regime”. Mr. Speaker took note of the sarcastic strain of the speech and observed:

“.........my learned and Honourable friend from Kasur has been using so many words in a Contemptuous manner and Contemptuous tone. I am not here to correct each and every word. The proper word, i.e. Government should have been used......... Government of a democratic country is elected by the people. It is not a “regime” is always taken in a different form. Regime is taken as if some body has taken it by force. I object to it.

The Speaker thereafter ruled the word “regime” to be un-parliamentary.

(236-138, Vol IV)

484. DEBATE: USE OF PHRASEOLOGY “WORST THAN WOMEN” HELD UNPARLIAMENTARY:

On 20th June, 1974, a member referring to a Minister used the phraseology you are worst than women. A lady member protested against the use of the phraseology and said that all Lady members would walk out if the member did not apologise. The Speaker, holding the words to be unparliamentary, asked the member to apologise. Thereupon the member withdrew his remarks.

(237-139, Vol IV)
N.A. Deb., 20th June, 1974.

485. DEBATE: WITHDRAWN WORDS NOT TO BE ANSWERED:
On 21st January, 1974, a member was directed by the Speaker to withdraw certain objectionable words. The words were duly withdrawn by the member concerned. Another member tried to reply to the words which had been withdrawn. Thereupon, the Speaker observed that the withdrawn words were never answered.

(238-139, Vol IV)

486. **DEBATE: WRITTEN SPEECH NOT ALLOWED TO BE READ:**

On 18th June, 1974, while Ch. Mohammad Aslam was reading from a written speech, a member raised a point of order that, instead of reading the written speech, it be handed over for record to save the time of the House. When enquired by the Chair, the member admitted that it was written speech but held that there had been a precedent in which a member was allowed to read his written speech. Thereupon, the Speaker declared that he would not allow a written speech to be read in the House. If there might have been a bad precedent, he did not want it to be repeated.

(239-139, Vol IV)
N.A. Deb., 18th June, 1974.

487. **DEBATE: A PRIVATE RESOLUTION UNDER DISCUSSION: CONSENSUS OF ASSEMBLY TAKEN TO PROLONG THE DEBATE: MEMBERS AGREE: MOVER ALSO AGREES: DEBATE PROLONGED:**

On 20th November, 1975, during the course of debate on the resolution regarding status of women, Rai Hafeezullah suggested that the debates should be prolonged. Mr. Mohammad Haneef Khan, who was then presiding, took the sense of the House. The members suggested that the debate should be continued. The mover remarked that if all the members wanted it. The debate may be continued. The Chairman thanked the mover and agreed to the suggestion made by Rai Hafeezullah.

(200-124, Vol IV)

488. **DEBATE: CASUAL REMARKS BY A MEMBER DO NOT AMOUNT TO HIS SPEECH FOR THE PURPOSE OF DEBATE:**

On 4th November, 1975, when Mr. Abdul Hafeez Pirzada was speaking on a privilege motion,
Mian Mahmud Ali Kasuri, rising on a point of order, contended that Mr. Pirzada had spoken earlier also by making some remarks on the said motion and that a member can speak. Only once on a motion. Mr. Speaker thereupon observed:

“If I count all the remarks as speeches then I think most of the members will be debarred from speaking.”

(201-125, Vol IV)

489. DEBATE: DISCUSSION ON BOYCOTT OF ASSEMBLY PROCEEDINGS BY THE OPPOSITION: DEFERRED TO AVOID ARRIVAL OF OPPOSITION:

On 18th November, 1975, when discussion on the boycott of Assembly Session by the opposition members, for about nine months, came up before the House, Malik Muhammad Akhtar suggested that it may be deferred to wait for the return of the Opposition. Mr. Abdul Hafeez Pirzada contended that the discussion could be taken up. Mr. Speaker said that there would be only one-sided discussion if it was taken up in the absence of the Opposition and deferred it till next Thursday.

(202-125, Vol IV)
N.A. Deb., 18th November, 1975.

490. DEBATE: IF THE MEMBERS SCHEDULED TO SPEAK ARE NOT PRESENT WHEN CALLED UPON TO SPEAK, THEY WILL NOT BE ALLOWED TO SPEAK AFTERWARDS:

The names of some Opposition members, who were to speak on the Constitution (Fourth Amendment) Bill, 1975 were called out; but a number of them were not present in the House. The Chair was informed that they were busy in parleys with the ruling party to devise ways and means to regulate the debate.

Mr. Speaker thereupon observed as follows:

“Only three or four Honourable members are busy in the parleys. They are Mr. Mahmud Ali Kasuri, Maulana Mufti Mahmood, Prof. Ghafoor Ahmad and Ch. Zahirullahi. These four members are busy with Mr. Abdul Hafeez Pirzada and the law Minister. The rest are supposed to sit in the House and their names can be called any time; and if they are not
491. **DEBATE: LAW AND ORDER SITUATION IN PROVINCES CAN BE CRITICISED IN THE HOUSE IN SO FAR AS IT RELATES TO THE ROLE OF CERTAIN AGENCIES ENTIRELY FINANCED BY FEDERAL GOVERNMENT AND ENGAGED IN THE MAINTENANCE OF LAW AND ORDER:**

During general discussion on the budget, a member criticized the role of certain Federal agencies in connection with the law and order situation in the Provinces. The Interior Minister objected that the law and order situation in Provinces was the exclusive responsibility of the Provincial Governments and, therefore, Federal Government could not be involved in such matters.

Mr. Speaker held that there were certain Federal Agencies which could be utilized by the Provincial Governments for maintaining law and order. As these Agencies were financed by the Federal Government, any incident showing failure on the part of such Agencies to maintain law and order in the Provinces could be discussed in the House and criticism to that extent was justified.

(212-129, Vol IV)

N.A. Deb., 13th June, 1975.

492. **DEBATE: MEMBER IN POSSESSION OF FLOOR ABSENT WHEN CALLED OUT: LATER REQUESTS FOR RESUMPTION OF HIS SPEECH: CHAIR DECLARES IT NOT ACCORDING TO RULES: CONSENSUS OR MEMBERS OBTAINED AND ALLOWED TO SPEAK: NOT TO BE TREATED AS PRECEDENT:**

A member was speaking on a resolution moved by another member when the Assembly was adjourned to meet again. He was absent when the Assembly took up the resolution during its next sitting. He later appeared and requested to complete his speech. Madam Deputy Speaker, who was then presiding, observed that it was against the rules to allow him to resume the debate because he was absent when called out earlier. However, the sense of the House was ascertained, which had no objection to the speech of the said member. Madam Deputy Speaker allowed the member to complete his speech but observed that it shall not become a precedent for future.

(214-130, Vol IV)

N.A. Deb., 18th November, 1975.
493. DEBATE: MEMBER IN POSSESSION OF FLOOR NOT PRESENT TO RESUME HIS SPEECH AFTER A SHORT BREAK OF THE HOUSE: ANOTHER MEMBER SOUGHT PERMISSION TO SPEAK: THE CHAIR WAITED FOR THE ABSENTEE MEMBER FOR A MINUTE BUT HE DID NOT TURN UP: FLOOR GIVEN TO ANOTHER MEMBER:

On 10th December, 1975, when the Joint Sitting re-assembled after Maghreb prayers, Sahibzada Ahmad Raza Khan Qasuri, who was in possession of the floor, was called upon by the Chair to resume his speech; but he was not present. Maulana Abdul Hakim asked for permission to speak. Mr. Speaker observed that he would wait for Mr. Qasuri for a minute before giving the floor to another member. As Mr. Qasuri did not turn up within the said time, the floor was given to Maulana Abdul Hakim.

(215-130, Vol IV)
N.A. Deb., 10th December, 1975.

494. DEBATE: MEMBER NOT TO MAKE REFERENCE OR REMARKS ABOUT THE STAFF OR ANY PERSON OTHER THAN A MEMBER SITTING IN THE HOUSE: OR IN RESPECT OF VISITORS SITTING IN THE GALLERIES:

While speaking on a Bill, a member made a reference to certain officials present in the House, whereupon Mr. Speaker ruled that such references or remarks could not be made in respect of any person other than a member sitting in the House, nor reference could be made to persons sitting in the galleries or the staff present in the House. The remarks were thereupon withdrawn by the member concerned.

(217-131, Vol IV)

495. DEBATE: MEMBERS SPEAKING FROM SEATS OTHER THAN THEIR OWN: NOT TO BE RECOGNISED:

On 20th November, 1975, a member intervened in a debate from a seat other than his own. Addressing him, Mr. Speaker observed:

"I will not recognize any point of order as you are not speaking from your seat. This is not the way of debate in the Assembly. I had conceded floor on a point of order to Begum Shireen Wahab. Since you have not made any protest from your seat, I will not recognize you."
496. **DEBATE: NO POINT OF CLARIFICATION UNDER THE RULES:**

On 20th November, 1975, during debate on a resolution, Begum Nasim Jahan rose on a point of clarification. The Chairman, who was then presiding, observe:

"There is no point of clarification under the rules, but the Honourable lady is allowed to speak."

(222-133, Vol IV)

497. **DEBATE: OBJECTIONABLE REMARKS MADE AND WITHDRAWN: NO POINT OF EXPLANATION OR POINT OF ORDER CAN BE RAISED AGAINST SUCH REMARKS:**

On 4th December, 1975, Mr. Speaker asked a member to withdraw certain remarks which he had made against another member during the course of the debate. The member complied with the orders of the Chair. The member against whom the remarks were made tried to explain his position with reference to the aforesaid remarks. Thereupon, Mr. Speaker observed that according to the parliamentary practice when the words are withdrawn there is no point of explanation or point of order because such words do not form part of the record.

(223-133, Vol IV)
N.A. Deb., 4 December, 1975.

498. **DEBATE: POSITION WITH REFERENCE TO ANY POINT RAISED IN A PREVIOUS SPEECH OF ANOTHER MEMBER CAN BE CLARIFIED: SPEECHES CRITICISING THE PEOPLE OF A PARTICULAR PROVINCE OR PROPAGATING PROVINCIALISM SHOULD BE AVOIDED:**

During general discussion on the Budget, a member wanted to discuss a point previously made by another member. Mr. Speaker ruled that he was justified in clarifying the position regarding the aforesaid point but, while doing so, he should avoid criticizing the people of a particular province or
making such remarks as may lead to the propagation of provincialism.

(226-134, Vol IV)
N.A. Deb., 19\textsuperscript{th} June, 1975.

499. **DEBATE: TIME-LIMIT FOR DEBATE FIXED BY THE SPEAKER IN JOINT SITTING UNDER RULE 33 OF THE JOINT SITTING RULES READ WITH RULE 228 OF THE NATIONAL ASSEMBLY RULES:**

On 10\textsuperscript{th} December, 1975 during a joint sitting of Parliament, Mr. Speaker fixed a time-limit for a debate, under rule 33 of the Parliament (Joint Sitting) Rules, 1973 read with rule 228 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973. He observed:

"The debate shall conclude at 8 p.m. Under rule 228 of the Rules of Procedure of the National Assembly, I feel that the debate is being unduly protracted and I fix 8 p.m. for the conclusion of the debate and then I will put the motion to the House."

(234-138, Vol IV)
N.A. Deb., 10\textsuperscript{th} December, 1975.

500. **DEBATE: A MEMBER MAY BE ALLOWED TO TRANSLATE THE SPEECH OF ANOTHER MEMBER MADE IN THE LANGUAGE OTHER THAN OFFICIAL LANGUAGE OF THE ASSEMBLY:**

On 23\textsuperscript{rd} June, 1976, a member wanted to speak in Pushto. Maulana Mufti Mahmood requested to Speaker to give him permission to translate the speech of the member into urdu. Mr. Speaker observed that this could not be done. Thereupon, Maulana Mufti Mahmood pointed out that this was well established convention in the 1962 Assembly and he himself was once allowed to translate the speech of a member, who addressed the House in Pushto. At this, Mr. Speaker further observed that, if this was the convention, the speech might be translated. The request was accordingly allowed.

(33-17, Vol V)
N.A. Deb., 23\textsuperscript{rd} June, 1976.

501. **DEBATE: GOVERNMENT BUSINESS CAN BE TAKEN UP ON PRIVATE MEMBERS' DAY:**
On 7th July, 1976, when an official Bill was under discussion, a member requested the Speaker to postpone its further consideration till the next day, which happened to be a Private Members' Day.

Mr. Speaker observed that, though on the Private members' Day, a Government business could be taken up, preference would be given to the private members' business. It was further observed that such a course was neither illegal nor irregular, particularly when the Treasury and Opposition benches agreed to such an arrangement.

(34-17, Vol V)

502. DEBATE: IRRELEVANCE PRESENTS NO JUSTIFICATION FOR ANOTHER MEMBER TO BE IRRELEVANT:

A member, while speaking on a Bill, became irrelevant to the matter in issue. Another member, while giving a re-joinder to the former also became irrelevant. Mr. Speaker, thereupon, observed, that irrelevancy is against the rules and therefore, it does not provide any justification to another member for being irrelevant during the re-joinder.

(35-18, Vol V)

503. DEBATE: PERMISSION TO SPEAK AFTER THE WINDING UP SPEECH BY A MINISTER: REFUSED:

On the 23rd June, 1976, when a Minister had made his winding up speech, a member wanted to speak.

Mr. Speaker observed that he would not allow a bad precedent to be created by allowing a member to speak after winding up speech of a Minister.

(37-19, Vol V)

504. DEBATE: REFERENCE TO THE PERSONS SITTING IN THE GALLERIES NOT
PERMISSIBLE:

Mr. Hakim Ali Zardari, while speaking on the Federal Bank of Co-operatives and Regulation of Co-operative banking Bill, 1976, referred to the officials, sitting in the official gallery, as persons belonging to "the old school of thought".

Mr. Speaker observed that no reference could be made to the official sitting in the galleries. He also added that the Finance Minister was responsible for his Ministry.

(38-19, Vol V)

505. DEBATE: REFERENCE TO JUDGES DURING DEBATE, EVEN IF PRAISE-WORTHY, NOT ALLOWED:

During the course of his speech on a Bill, Mr. Ahmad Raza Khan Qasuri contended that, instead of curtailing the powers of the High Court, it should be left to the discretion of Judges to decide if a certain persons was an offender or not, keeping in mind the concept of fair play and equity. Mr. Speaker, thereupon, observed that the honourable member was irrelevant to say as to what attitude might the judges adopt towards certain persons or a class of persons. Mr. Qasuri, thereafter, contended that he was not criticizing the conduct of judges so as to debar him from discussing them. Mr. Abdul Hafeez Pirzada argued that the Judges cannot be praised or criticized during the debate. Mr. Qasuri reiterated that he was only contending that the powers of Judges should not be curtailed, because they knew where to apply their powers, and of course they are the best judges for it. Mr. Speaker, finally, observed that even this type of discussion would tell upon the partiality or impartiality of Judges and therefore cannot be allowed. The Honourable Member was disallowed to continue referring to the Judges during his debate.

(39-19, Vol V)

506. DEBATE: RESOLUTION: MEMBERS, SPEECHES DURING A DEBATE ON ANY MEASURE, DECIDED UPON BY GOVERNMENT, TO BE REGULATED BY THE CHAIR IN ACCORDANCE WITH THE WISHES AND SENSE OF THE HOUSE.

On 14th May, 1977, a resolution was moved in the joint sitting of the Parliament to discuss the Referendum formula, presented by the Prime Minister of Pakistan in the National Assembly on the 13th May, 1977 in order to resolve the political crisis in the country. Almost every member wanted to speak on
the measure. It was, therefore, proposed by Mr. Nazar Hussain Kayani that since the feelings of the members on the matter were fully represented by the speech of Maulana Kausar Niazi, the debate should be wound up by the Deputy Leader of the House. Mr. Kayani was supported by Mr. Abdul Aziz Bhatti. However, Sardar Abdul Aleem, who was already making his speech, requested that full opportunity should be given to the members to speak on the subject.

(At this stage the Speaker, for a short while vacated the chair, which was occupied by Khan Habibullah Khan, Chairman of the Senate).

2. The Chairman put the proposal of Mr. Kayani to the House, which was supported by a majority of the members. Mr. Chairman, thereupon, observed that, keeping in view the sense of the House, Mr. Aleem may finish his speech within four minutes and, thereafter, the floor shall be given to the Deputy Leader of the House to wind up the debate.

(36-18, Vol V)

507. DEBATE: UN-NECESSARY INTERFERENCE DURING SPEECH OF A MEMBER BY ANOTHER MEMBER: DEPRICATED CHAIR:

On 3rd December, 1985 while Syeda Abida Hussain, MNA was speaking on the Political Parties (Amendment) Bill, 1985, Mr. Gohar Ayub Khan rising on a point of order wanted to clarify some point whereupon Mr. Speaker requested him to refrain from un-necessary interruption so that the Speaker may continue her speech.

(66-39, Vol VI)
Pp. 4665.

508. DEBATE: OBJECTIONABLE REMARKS AGAINST THE PRIME MINISTER AND THE CABINET BY MEMBERS: EXPUNGED FROM PROCEEDINGS:

On 12th May, 1992 during discussion on an adjournment motion some members made objectionable remarks against Prime Minister and Cabinet during their speeches. An objection was raised that such remarks/allegations leveled against the Prime Minster and Cabinet should be expunged.

Honourable Deputy Speaker remarked “all remarks against Prime Minister and Cabinet which were derogatory, stand expunged.”
509. DEBATE: NO MEMBER CAN OPPOSE OR EVEN PRAISE THE DECISION OF ANY JUDGE OF THE SUPREME COURT OR HIGH COURT IN THE DISCHARGE OF HIS DUTIES:

On 25th March, 1996 while the discussion on the judgment of the Supreme Court regarding the appointment of the Judges of the Superior Courts was going on Mr. Shahid Khaqan Abbasi, MNA sought a ruling from that Chair as to whether Nawabzada Ghazanfar Ali Gul, MNA who was making his speech could refer the conduct of a Judge of the Supreme Court in the discharge of his duties in view of the bar contained in Article 68 of the Constitution of the Islamic Republic of Pakistan, 1973.

Mr. Speaker observed:-

"According to Article 68 of the Constitution no discussion shall take place in Majlis-i-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.

In discharge of his duties there should be no praise or opposition. Thank you very much."

(64-38, Vol VI)
Pp. 86-94.
DECEASED PERSON

510. DECEASED PERSONS: CONDUCT OF DECEASED PERSON SHOULD NOT BE DISCUSSED IN THE HOUSE:

On 3rd January, 1993 Mr. Muhammad Afzal Khan, MNA made certain objectionable remarks against late Jam Sadiq Ali, Chief Minister of Sindh. Jam Mashooq Ali, MNA raised a point of order that since Jam Sadiq Ali, is not a member of the House and is dead, therefore, his conduct should not be discussed.

Mr. Speaker directed Mr. Muhammad Afzal Khan to refrain from discussing the conduct of the deceased Jam Sadiq Ali, Ex-Chief Minister, Sindh.

(67-39, Vol VI)
P. 1089.
511. **DECORUM: NO MOVEMENT DURING RECITATION OF HOLY QURAN:**

On 28th November, 1973, after the recitation from the Holy Quran was over, Mr. Speaker observed that the members entering the Chamber during recitation should occupy the nearest seats and go to their own seats only when the recitation is over. The Assembly staff should also not be seen walking in the chamber during the recitation.

(247-142, Vol IV)
Pp. 121.

512. **DECORUM: SITTING IN THE CHAMBER: MEMBER SITTING ON THE ARM OF HIS CHAIR IN THE HOUSE: NO WAY OF SITTING IN PARLIAMENT:**

On 24th June, 1974, Mr. Khurshid Hasan Meer, Minister without portfolio, rising on a point of order, drew the attention of the Speaker to Sahibzada Ahmad Raza Khan Qasuri who was sitting on the arm of his chair and remarked that this was a disrespect to the Chair. The Speaker upheld the point of order and observed:

“That is no way of sitting in Parliament,”

(240-140, Vol IV)
N.A. Deb., 24th June, 1974.
513. DECORUM: A MEMBER WHILE SPEAKING POINTED OUT THAT SOME OTHER MEMBERS WERE CREATING DISORDER: CHAIR OBSERVED THAT THERE WAS NO DISORDER: MEMBERS ALLOWED TO TALK BUT NOT LOUD ENOUGH TO CREATE DISTURBANCE:

On 2nd December, 1975, while Begum Nasim Jahan had started her speech on an amendment to the consideration motion regarding a Bill, she pointed out that the Deputy Leader of the House and another member were creating disorder in the House and another member were creating disorder in the House. Mr. Speaker observed that they were just talking and there was no disorder. He added that the members were allowed to talk, but they should not talk loud enough to disturb others.

(241-140 vol IV)
N.A. Deb., 2nd December, 1975.

514. DECORUM: MINI-ASSEMBLY GOING ON INSIDE THE CHAMBER: ATTENTION OF CHAIR DRAWN: CAN CONTINUE PROVIDED DISORDER IS NOT CREATED:

On 28th November, 1975, while Mr. Ahmad Raza Khan Qasuri was speaking on a Bill, Mr. Mohammad Haneef Khan pointed out to the Chair that a mini-Assembly (a group of members talking together) was going on within the House, headed by a Parliamentary Secretary. Mr. Speaker observed:

“Yes, you are right, but up till now, Mr. Haneef Khan, they have not created disorder. They can hold a mini-Assembly, but if they create disorder, then definitely the order will come into operation.”

(242-141, Vol IV)

515. DECORUM: A MINISTER OF STATE CALLED UPON BY THE CHAIRMAN TO SHOW RESPECT TO THE CHAIR WHEN TAKING HIS SEAT:

On 20th November, 1975, Mr. Mohammad Haneef Khan, who was then presiding, observed that Malik Mohammad Akhtar, a Minister of State, should show respect to the Chair before taking his seat. The Minister promised to show respect and bowed to the Chair.

(243-141, Vol IV)
516. DECORUM: DEPUTY LEADER OF THE HOUSE MADE SOME REMARKS WHILE PASSING BEHIND THE MEMBER SPEAKING: SUCH REMARKS NOT PERMISSIBLE:

On 2nd December, 1975, Sheikh Mohammad Rashid, the Deputy Leader of the House, while passing behind Mr. Mohammad Haneef Khan, who was then speaking on a Bill, made some remarks, whereupon Mr. Speaker observed:

"The Deputy Leader of the House cannot make such comments while passing behind the Speaker ........ he can object to his speech; he can reply."

The Deputy Leader of the House expressed his regrets.

(244-141, Vol IV)
N.A. Deb., 2nd December, 1975.

517. DECORUM: MEMBERS NOT TO PRESENT APPLICATIONS TO MINISTERS IN ASSEMBLY CHAMBER: IT SHOULD BE DONE IN MINISTERS' CHAMBERS:

During question hour, Mr. Speaker noticed some members presenting applications to the Ministers. Thereupon he observed:

"I would remind the Honourable members that they should forget the application business here. It should be done in the Minister's Chambers. The decorum and the sanctity of the Assembly is to be kept up."

(245-142, Vol IV)

518. DECORUM: MEMBERS NOT TO TREAT THE HOUSE AS 'MALL ROAD' TO MOVE FROM ONE END TO THE OTHER: CAN GO TO THE LOBBY TO TALK AND COME BACK FOR VOTING:

On 10th December, 1975, Mr. Speaker observed:

"I will request the honourable members not to make the House, the 'Mall Road', on which
RULING OF THE CHAIR

519. DECORUM: NO MEMBER SHOULD CROSS THE FLOOR IN FRONT OF THE MEMBER AND THE SPEAKER:

On 4th June, 1986, Mr. Speaker observed:

"That once an Honourable member is on his feet addressing the House or the Chair, I would request the Honourable members should avoid crossing between the two Speakers and also the Honourable members should not create disturbance particularly, those in the front row."

(69-41, Vol VI)
N.A. Deb., 4th June, 1986.
P. 654.

520. DECORUM: ALLEGED DEROGATORY BEHAVIOR OF MINISTERS TOWARDS THE DEPUTY SPEAKER PRESIDING OVER THE SITTING AND WALK OUT OF A MINISTER AS A PROTEST AGAINST HIS CONDUCT:

On 18th March, 1996 Mr. Mehmood Khan Achakzai raised a point of order and drew attention of the Speaker regarding the objectionable and derogatory behavior of three Ministers towards Deputy Speaker who was presiding over the sitting a day before yesterday. He referred to rule 256 of the Rule of Procedure and said that whenever the Speaker addresses the Assembly he shall be heard in silence and any member who is then speaking or offering to speak shall immediately resume a seat. Another member also drew attention of the Speaker to rule 256(2) of the Rules of Procedure and said that no member shall leave a seat while the Speaker is addressing the Assembly. He stated that one of the Minister walked out under protest and argued with the Chair. It was suggested to the Chair by a member that any member who disregards the authority of the Speaker and willfully obstruct the business of the Assembly should be suspended from the Assembly to uphold the dignity and authority of the Chair.

Mr. Speaker observed:

"Under the definition, the Speaker means the Speaker of the Assembly and includes the Deputy Speaker or any other member for the time being acting as a presiding officer. Under rule 15, the presiding officer shall have the same powers as the Speaker when
presiding at a sitting and all references in these rules to the Speaker shall be deemed to include a reference to the presiding officer. Under Rule 256(1), whenever the Speaker addresses the Assembly, he shall be heard in silence and any member who is then speaking or offering to speak shall immediately resume his seat. Under sub-rule (2) of the said rule no member shall leave his seat while the Speaker is addressing the Assembly. According to the Decision of the Chair, 1972-75 Decision No. 187, procedure adopted by the Chair to conduct a business of the House does not call for any explanation. According to Ruling No. 32 (Decision of the Chair 1976-June, 1977), decision of the Chair cannot be challenged. Similarly according to the Practice and Procedure of Parliament by M.N. Kaul page 111 the Speaker’s ruling as already stated cannot be questioned except on a substantive motion. A member who protests against the ruling of the Speaker commits contempt of the House and the Speaker.”

(68-40, Vol VI)
N.A. Deb., 18th March, 1996.
DEMANDS FOR GRANTS

521. DEMANDS FOR GRANTS: DEMANDS FOR GRANTS ON WHICH CUT MOTIONS ARE MOVED MAY BE DISCUSSED; DEMANDS ON WHICH NO CUT-MOTIONS ARE MOVED MAY BE PUT TO VOTE WITHOUT DISCUSSION:

On 25th June, 1975, Mulana Ghulam Ghaus Hazarvi wanted to oppose a demand for grant on which he had not given notice of a cut-motion. Mr. Speaker wanted to know whether a demand for grant could be opposed without giving notice of a cut-motion.

Malik Mohammad Akhtar, Minister of State for Parliamentary Affairs, expressed the view that procedure for opposing a demand for grant was given in rule 158 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, and that members were not entitled to oppose a demand unless there was a specific cut-motion on it.

Mr. Khurshid Hasan Meer expressed the view that a demand for grant was in the nature of a motion before the House and members had the right to discuss it under rules 155(iii) and 163(1) ibid, even if there was no specific cut-motion on it. He said that, first, cut-motions, if any, on a demand, were to be discussed and voted upon under rule 163(2) and then the demand as a whole could be opposed and discussed under rule 163(1) before it was put to vote.

Maulana Abdul Hakim expressed the view that a vote either for or against a motion could only follow discussion on that motion. If the members had no right to discuss a demand, the question of vote thereon could not arise. Malik Muhammad Jafar expressed the opinion that rule 163(1) did not give the right of discussion of a demand without moving a cut-motion thereon. He explained that rule 163(1) simply provided that the demands which required to be discussed on account of cut-motions moved thereon should be
discussed separately. He maintained that if all demands for grants could be opposed and discussed even without cut-motion, it would amount to re-opening of general discussion on the Budget which could hardly be the intention of the rule-makers.

Sheikh Muhammad Rashid, Minister for food and Agriculture, said that rules 155(iii), 158, 163(1) and 163(2) *ibid*, were to be read together and not in isolation. According to him, the cumulative effect of these rules was that demands for grants could be discussed by cut-motions and not otherwise. Rana Mohammad Hanif Khan, Minister for Finance, also shared the same view.

Concluding the argument, Mr. Speaker observed:

“So far as the rules are concerned, they are in favour of Maulana Hazarvi. But so far as the practice.............and past history of the National Assembly is concerned, that is against what has been pointed out by Mr. Khurshid Hasan Meer and Maulana Hazarvi.............I am not giving any ruling. I reserve my ruling on this point because it is a very delicate point and needs further probe and precedents not only of the National Assembly but also of Lok Sabha and other Parliaments. I reserved the ruling and shall follow the past present of this National Assembly where there shall be no discussion on the demands on which there is no cut-motion.

Mr. Speaker observed that a Special Committee was engaged in the revision of rules of procedure and conduct of business. His suggested that the aforesaid point may be considered by the Committee in the light of the precedents.

(248-143, Vol IV)
DETENTION OF MEMBER

522. DETENTION OF MEMBER: ISLAM IS NOT AGAINST THE DETENTION OF A PERSON IF IT IS NECESSARY KEEPING IN VIEW THE CIRCUMSTANCES OF THE COUNTRY:

Moulana Abdul Hafez Mohsenuddin Ahmad raised a point of order regarding the detention of Mr. Mizanur Rahman Chaudhury that, according to the Holy Quran and Sunnah, no human being could be detained without informing him of the charge against him. In support of the above contentions, paragraphs (B) and (C) of the Preamble of the Constitution of the Islamic Republic of Pakistan were pressed into service. It was, therefore, urged that the detention of Mr. Mizanur Rahman Chaudhury, without trial, was un-constitutional as well as un-Islamic.

Mr. Acting Speaker ruled the point out of order with the observation that, if the circumstances in the country are such that they necessitate the detention of any person, what has Islam got to say against it? The member was, however, advise to go to the court and get a verdict on it.

(18-11, Vol III)
   Pp. 73-74.
DISCUSSION IN SENATE

523. DISCUSSION IN SENATE: ANY DISCUSSION IN SENATE ON A MATTER CREATES NO BAR FOR ITS DISCUSSION IN NATIONAL ASSEMBLY:

Professor Hhafoor Ahmad brought to the notice of the House that the white paper issued by the Government on Baluchistan had been discussed in the Senate and suggested that it should be taken up in a Joint Sitting of both the Houses. A member expressed the apprehension that the matter once discussed in the Senate may not be reopened in the Assembly. Mr. Speaker repeated his earlier ruling that the accountability of the members of the National Assembly was direct to the nation and further added:

"I made it clear and, so far as I recollect I said, that this new experiment in our country and, for the first time, both the Houses are there. Our aim should be that we should work in cooperation with each other and a discussion in one House, although there is a rule to this effect, should not shut or bar a discussion in the other. If need be, we can again discuss it."

(249-144, Vol IV)
524. DISCUSSION: ON A MOTION UNDER RULE 65 OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE NATIONAL ASSEMBLY, 1973, CAN ONLY BE MADE IF PERMITTED BY MR. SPEAKER: DISCUSSION PERMISSIBLE EVEN ON PRIVATE MEMBER'S DAY:

On 11th November, 1976, Mr. Ghulam Nabi Chaudhry raised a point of order that under rule 65 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, he wanted to discuss a matter of Public importance raising out of an answer to a question given on the 8th November, 1976, the notice of which was given and accepted by the Minister for Food and Agriculture.

Mr. Speaker observed that, even if the Minister concerned had agreed to the acceptance of the motion, it could not be taken up unless its admissibility was determined under rule 65(2) of the Rules of Procedure. He, however, allowed it to be taken up on next Thursday, i.e. a Private member's day, by invoking the provisions contained in sub-rule (2) of the same rule.

(40-20 Vol V)
DISCUSSION ON RAILWAY BUDGET

525. DISCUSSION ON RAILWAY BUDGET: SPEECHES EVEN IF IRRELEVANT DURING DISCUSSION ON BUDGET NOT TO BE INTERRUPTED:

On 12th June, 1974, while Malik Mohammad Akhtar was speaking on the Railway Budget, a member from the Opposition interrupted to raise a point of order, whereupon the Speaker observed that speeches during general discussion on the budget are not normally interrupted.

(250-145, Vol IV)
N.A. Deb., 12th June, 1974.
526. **DIVISION: NON-RINGING OF BELL IN A PARTICULAR ROOM: NO GROUND FOR HOLDING A FRESH DIVISION: ORDER TO BE MAINTAINED DURING DIVISION: UNDUE INFLUENCE ON LADY MEMBERS NOT PERMISSIBLE.**

On 11th July, 1962, after the division on one of the clauses of Political Parties Bill, Mr. A.K. M.M. Fazul Quader Chowdhury complained that 17 to 18 Members were sitting in the café, be the division bell did not ring there and so these Members could not cast their votes. A Member raised a point of privilege and asked for a fresh division. Another Member complained that the vote of a Member who was absent has been recorded on the Government side. Thereupon the Speaker after making enquiries give the following ruling:

"I am very sorry to point out that the Member is not correct at all in his statement. Mr. Wali Khan has not voted.

I am very sorry to find-in fact, in my life as a parliamentarian I have never seen-things like this and I again appeal to the Members to co-operate with me to keep order in this House and to act in a disciplined manner. I found that the lady Members were coerced to vote this way or that way. That is a very serious thing and I am sorry to find that so many responsible Members take these things light-heartedly. I hope in future the Members will behave more properly and in a more disciplined manner, so far as these things are concerned. Again a point of privilege has been raised. It is said that the bell did not ring in a particular room in this building. This has been brought to my notice very late and I think this question was raised at another time also but at that time the question was that the bell did not ring anywhere. At present it is found that the bell did not ring in some place; it might not have rung in one particular place. If that happened I think Members were given sufficient time to bring their companions to the House to vote for the
RULING OF THE CHAIR

respective sides, and they ought to have been a little more vigilant. In the beginning when Mr. Bhutto wanted that I should permit Mr. Muhammad Munir who was not Member of the House to come into the House I allowed him to do so because I was told that a very useful suggestion might be given by Mr. Muhammad Munir which might be helpful to this House. That is why I allowed him. Then I came to know that not only Mr. Munir but other ministers also wanted to enter and I could not possibly allow that.

I would ask my staff to see that henceforward the bills ring every where. They should test it just now and see if the bell is all right. If not, it may be set right as quickly as possible and before it is set right I think no division can take place and the proceedings could be held over and I remind Mr. Abdullah-al-Mahmood that in this case except for the question that the bell may not have rung in a particular part of the building the proceeding have taken place exactly according to the Rules. Therefore the question of privileges does not arise. Now I have to announce the result of the division. The 'Ayes' have got 48 and 'Noes' 50".

(92-86 Vol II)
N.A. Deb., 11th July, 1962
Pp. 1331-1332.

527. DIVISION: VOTING: MEMBER ENTERS THE CHAMBER THROUGH PRESS GALLERY: VOTE EXCLUDED.

On 24th December, 1963, during a Division on a Schedule to Constitution (First Amendment) Bill, objection was taken to the vote of a Member who had entered the Chamber of the House through the Press Gallery. Thereupon the Speaker observing that he would exclude the vote, announced:

"Result of Division on Mr. Mahbubul Huq’s motion regarding omission of the 4th Schedule:
Ayes 22, Noes 106 minus Mr. Wali Khan’s vote-105."

(93-87, Vol II)
FATEHA PRAYER

528. FATEHA PRAYER: NO PRECEDENT TO MOURN THE DEATH OF THE FATEHA OF A MEMBER BY OFFERING 'FATEHA':

Maulana Mufti Mahmood suggested that Prayers for the departed soul of the father of another member, Mr. Ahmad Raza Khan Qasuri might be held in the House to console his assassination. Mr. Speaker disallowed the suggestion and observed that he and the members had sympathy with the bereaved member, but there was no precedent about mourning the death, as suggested.

(251-145, Vol IV)
N.A. Deb., 29th November.
1974.

529. FATEHA PRAYER: A MEMBER MADE SUGGESTION FOR OFFERING FATEHA PRAYER FOR PERSONS WHO DIED IN A RIOT: NOT ALLOWED: MEMBER OFFERED FATEHA PRAYER BY HIMSELF:

On 29th October, 1975, Ch. Zahur Ilahi suggested that Fateha prayer may be offered for certain persons who died in Tapipure, a suburb of Lahore, as a result of a riot. Madam Deputy Speaker, who was then in Chair, disallowed the suggestion on the ground that there was no precedent for it. The member, however, insisted for the Fateha prayers. Madam Deputy Speaker pointed out that he was speaking without the permission of the Chair, whereupon the member concerned offered the Fateha prayer by himself.
530. **FATEHA PRAYER: A MEMBER SUGGESTED THAT FATEHA PRAYERS BE OFFERED FOR AGHA SHORISH KASHMIRI: DEPUTY SPEAKER AGREED:**

FATEHA PRAYERS OFFERED:

On 29th October, 1975, Mr. Ghaffor Ahmad requested that Fateha prayers may be offered for the departed soul of Agha Shorish Kashmiri, a renowned journalist.

Madam Deputy Speaker, who was then in Chair, agreed and asked Maulana Abdul Mustafa-Al-Azhari to lead the Fateha prayers.
531. **FINANCE BILL: PROVISION OF FINANCE BILL COULD BE DISCUSSED DURING GENERAL DISCUSSION ON THE BUDGET:**

During general discussion on the budget, a member suggested the incorporation of some provision in the Finance Bill. The Minister of State for Parliamentary Affairs raised a point of order as to whether the provisions of the Finance Bill could be discussed during general discussion on the budget. Mr. Speaker ruled that anything could be discussed during general discussion on the budget.

(254-146, Vol IV)

N. A. Deb., 10th June, 1975.
532. FINANCE (SUPPLEMENTARY) BILL: PROCEDURE APPLICABLE TO BUDGET OR SUPPLEMENTARY BUDGET NOT APPLICABLE TO FINANCE (SUPPLEMENTARY) BILL:

A motion was moved for suspension of Rule 59 of the Rules of Procedure, 1962, for taking up the Finance (Supplementary) Bill, 1965. A member, without opposing the motion raised a point whether the provisions of Rule 99 in respect of Supplementary Demands were complied with. In this connection it was contended that the demands for grants along with the whole of Budget were to be presented to the House as required by Rule 90. The Finance Minister contended that no supplementary demand was placed before the House whereupon Mr. Speaker ruled that since it was supplementary Finance Bill, and not a supplementary Budget, the Rule quoted by the Honourable Member was not applicable.

(19-11, Vol III)
N.A. Deb., 22nd November, 1965
P. 389
FIRST READING

533. FIRST READING: ARGUMENTS IN RESPECT OF THE POLICY UNDERLYING A NUMBER OF BILLS AND OTHER COMMON PROVISIONS THEREOF CAN BE MADE DURING FIRST READING OF THE FIRST BILL: REST OF THE PROVISIONS WHICH DIFFER FROM BILL TO BILL TO BE TAKEN UP IN THE SECOND OR THIRD READING OF EACH RESPECTIVE BILL:

The Orders of the Day for 23rd August, 1976, contained items relating to the consideration motions in respect of (i) the Flour Million Control and Development Bill, 1976, (ii) the Rice Milling Control and Development Bill, 1967, and (iii) the Cotton Ginning Control and Development Bill, 1976. The Speaker suo moto observed that since the three Bills related to the nationalization of industries pertaining to the flour milling, rice milling and cotton ginning all arguments for or against the nationalization and other common provisions should be made in the first reading of the first Bill to expedite the Passage of the Bills and to avoid tedious repetitions. The rest of the provisions which differed from Bill to Bill should be taken up separately in which the second reading of each Bill. This was agreed to by the Houses.

(41-20, Vol V)
FORCIBLE REMOVAL OF MEMBERS FROM THE HOUSE

534. Forcible Removal Of Member Form The House: Opposition Member Object To Holding Of Evening Sitting Evening Sitting Held: Speaker Calls Up On Member In Obstruct And Do Not Allow Him To Speak: Chair Names Three Opposition Members Under Rule 244 To Withdraw: Members Did Not Withdraw As Directed By Mr. Speaker Whereupon Sergeant At Arms Removed Them From House: speaker Not Explain His Conduct Although He Made Statement On Incident For General Information.

On 14th November, 1975 during the debate on the Constitution (Fourth Amendment) Bill, 1975, Mr. Speaker, enquired form the members at 12:30 p.m. On Friday, if the House should be adjourned to meet again at 4 or 6 p.m. Mr. Ghafoor Ahmad requested that there should be no sitting in the evening. Mr. Speaker observed that he would take the sense of the House. Ch. Zahur Illahi contended that there was no occasion for haste. Mr. Speaker then remarked that the script of the previous proceedings was before him, wherein it was decided that there would be two sitting on Friday, and adjourned the House to meet again at 4 p.m. on the same day. Ch. Zahur Illahi remarked the he would see how the session was held at 4 p.m.

The House re-assembled at 4 p.m. according to the schedule. Ch. Zahur Illahi raised a point of order that there should be no hurry about the Constitution (Fourth Amendment) Bill and it should be, processed at normal pace without bulldozing it. The Law Minister Malik Meraj Khalid, stated that the Bill was being processed according to the agreement between the Treasury Benches and the Opposition and as such the question of bulldozing the Bill did not arise. Malik Mohammad Suleman alleged that there was no such agreement. However, Malik Meraj Khalid gave out the details of agreement in which it was settled that there will be two sitting on each day and, if
necessary, the House would sit on Saturday also. A reference to record was made to support his contention.

Mr. Speaker referred to rule 227 of the Rules of Procedure and Conduct of Business in the Nation Assembly, 1973, and pointed out that except Ch. Zahur Ilaahi, who had raised a point of order earlier, no other member had a right to speak. Ch. Zahur Ilaahi alleged that in Karachi, a procession taken out by the lawyers against the Bill had been lathi-charged. He also used unparliamentary language about the House and the Bill. Mr. Speaker ruled out the point of order with the observation that there will be no restrict on the member or speakers, there will be no time-limit for a speech and the Bill will proceed in the normal manner.

Mr. Ghafoor Ahmad then contended that the Bill was given to the Opposition on 11th and it had no time to prepare and tabled amendment, if any. It was, therefore, suggested that the sitting should not be held then and the Assembly should be adjourned to meet on Saturday and Sunday. Maulana Abdul Mustafa-al-Azhari also stated that he was opposed to Friday evening sitting. Mr. Speaker pointed out that Maulvi Mufti Mahmood had agreed to the sitting being held on Friday after Maghrib Prayers. Maulvi Mufti Mahmood emphasized that the Bill should be processed in the normal way as there was no emergency. He also contended that there should be no sittings on Fridays evening and on Saturday and Sunday as in the past, and discussion should be held on Monday.

Mr. Speaker again called upon Sahibzada Ahmad Raza Khan Qasuri to resume his speech, but Ch. Zahur Ilaahi intervened. Whereupon it was remarked that he should not speak without permission of the Chair. Ch. Zahur Ilaahi continued to interrupt persistently.

Mr. Abdul Hafeez Pirzada said that the proceedings were going on according to rules and that several concessions had been extended by the Treasury Benches to the Opposition. He maintained that frivolous objections and points of order where being raised. He also pointed out that Ch. Zahur Ilaahi had threatened during the morning session that he would not allow the evening sitting to be held and that he was acting in furtherance of that object. Mr. Speaker proposed to put the motion to the assembly whether the sitting should continue or not. Prof. Ghafoor Ahmad, referring to rule 29 contended that the decision should be taken by the Chair itself. Mr. Speaker observed that it was necessary to obtain the sense of the House. Mr. Ghafoor Ahmad insisted that the Assembly be adjourned to give them more time for preparation of amendments. Mr. Speaker did not agree and called upon Sahibzada Ahmad Raza Khan Qasuri to proceed with his speech. Ch. Zahur Ilaahi again interrupted with the remarks that he would not allow the debate to take place. Mr. Speaker continued to call Sahibzada Ahmad Raza Khan Qasuri to continue his speech and Ch. Zahur Ilaahi went on intervening. Mr. Speaker remarked that he had been accommodating the members from Opposition for the last two days but had not
been responsive to his calls to prced in accordance with the normal procedure and rules.
It was, therefore, ruled that whatever was being spoken without his permission from that
time onwards would not be reported.

Mr. Speaker again called upon Sahibzada Ahmad Raza Khan Qasuri to continue with his
speech and did not so nearly for ten times, but member from the Opposition created
complete pandemonium in the House by interruptions and unparliamentary utterances.
Mr. Speaker called the House to order on several occasions and appealed to the members
in the name of decency and decorum to stop disturbance but without any salutary effect.
Mr. Speaker finally put a question to Sahibzada Ahmad Raza Khan Qasuri if he wanted to
proceed with his speech or not, whereupon Ch. Zahur Illahi said that he would not allow
him to speak. Mr. Speaker called upon Ch. Zahur Illahi not to obstruct another member,
otherwise he would ask him to withdraw from the House. Mr. Speaker again called the
House to order, but as the disorder persisted, he ultimately named Ch. Zahur Illahi, Mian
Mahmood Ali Qasuri and Malik Mohammad Suleman and directed them, under the rule
244, to withdraw from the House for that day’s sitting. The Sergeant-at- Arms was
directed to remove them if they remained in the Chamber. The House was
simultaneously adjourned till 6 p.m. The members named above, however, did not
withdraw, whereupon the Sergeant-at-Arms, with the help of his staff, removed them
form the House.

Thereafter the Assembly re-assembled at about 7:20 p.m, when the Chair observed that
although the Speaker never explained his conduct, yet he would like to make a statement
for general information. During the course of his statement, Mr. Speaker said that for the
last ten days he had been tolerating all sorts of insults and mockery, but the members of
the Opposition obstructed the passage of the Bill and threatened that hey would not
allow it to be passed. He also observed that he had given the member half an hour to
withdraw honorably before force was used. Mr. Speaker said that he felt constrained to
take the aforesaid action, under rules 243 and 244, in the interest of democracy and with
a view to running the Assembly in accordance with the rules.

N.A. Deb., 14th November, 1975.

(255-146, Vol IV)
535. GENERAL BUDGET: MINISTERS TO BE PRESENT DURING DISCUSSION ON GENERAL BUDGET.

During the discussion on General Budget on 23rd March, 1951, a member pointed out the absence of Ministers from the House. Mr. President observed that Ministers should be present in the House during the course of general discussion on the Budget.

(58-35, Vol I)
C. A. Deb., (L), 23rd March, 1951.
P. 105.

536. GENERAL BUDGET: DEMAND PERTAINING TO THE MINISTRY OF RAILWAYS CAN BE DISCUSSED AND APPROVED DURING THE CONSIDERATION OF GENERAL BUDGET.

On 25th June, 1976, a demand in respect of the Ministry of Railways was moved in the House. A member raised an objection that the demand was not in accordance with Chapter XVI of the Rules of Procedure and conduct of Business in the National Assembly, 1973. It was further contended that the demand should have been moved during the railway Budget and not in the General Budget.

Mr. Speaker, relying on May's parliamentary Practice, observed that moving of such a demand during the General Budget might be an irregularity, but there was no illegality in discussing or approving it, even, at this stage.
537. GENERAL BUDGET: CUT MOTION: ACTION TAKEN BY PROVINCIAL GOVERNMENT CANNOT BE DISCUSSED THROUGH A CUT MOTION:

On 24th June, 1976, Mr. Mahmood Azam Farooqui was criticizing the imposition of Section 144 of the Pakistan Penal Code under a cut motion in respect of the Ministry of Interior, the Minister for the Interior raised a point of order that Section 144 could not be discussed. He explained that the power to promulgate Section 144 rested with the local authorities in Provinces and the appropriate forum for raising the discussion in the matter were the Provincial Assemblies.

Mr. Mahmood Azam Farooqui, however, argued that one of the reasons given for the establishment of the Federal Security Force was that it would assist the Provincial Governments in the maintenance of law and order. He further said that the enforcement of Section 144 of the Code was itself a proof of the lack of law and order and, as such, the matter could be discussed in the National Assembly.

Mr. Speaker observed that a member could discuss the general political situation in the country during general discussion on the Budget but, under a specific cut motion, he could deal with only those matters which were raised therein.
538. **HOUSE: ENTRY INTO: PEONS OF MINISTERS NOT PRIVILEGED TO ENTER THE HOUSE: CROSSING OF FLOOR BETWEEN SPEAKER AND THE CHAIR NOT DESIRABLE:**

On November 9, 1955, the Honourable Deputy Speaker was pleased to make the following remarks.

"Just before I adjourn the House, there are two points which have been brought to my notice by the Honourable members. One is that the Honourable members have complained to me that, when speaking or listening to a debate, the peons of Ministers and others come into the House with paper to be signed and cross between the speakers and the Chair. Now, in the first instance, I am almost certain that the peons of Ministers are not privileged to enter this House and I would request the Honourable Ministers to issue the necessary instructions to them. The second thing is that those peons, who are eligible to enter the House, must not cross between the speaker and the Chair and I would request the office issue to be necessary instructions to them.....".

(59-35, Vol I)
C. A. Deb., 9\textsuperscript{th} November, 1955.
P. 1709.

Mian Mahmud Ali Kasuri raised a point of order whether the persons sitting in the galleries or
the officials of the Assembly, performing their functions inside the chamber, formed part of the House
and, as such, were supposed to rise in their seats along with the members, on the entry of the Speaker in
the Chamber at every sitting of the House.

Mr. Speaker observed that the persons sitting in the galleries, whether of the Speaker,
official, the Press on the DVG, did not form part of the House. They were, therefore, not
supposed to rise in their seats on such occasions.

(44-22, Vol V)

540. LANGUAGE: MEMBERS MAY ADDRESS THE ASSEMBLY IN URDU OR ENGLISH: PREFERENCE HAS HOWEVER, TO BE GIVEN TO URDU:

On 12th June, 1989, during Question Hour, Maulvi Muhammad Khan Sherani, MNA invited attention of the Chair to Article 25 of the Constitution which provides that the National language of Pakistan is Urdu and raised an objection that the members of the House should only speak in English when they can not speak Urdu or have to face some problem in speaking Urdu. He, therefore, urged that the members should address the House in Urdu so that the other members who do not know English could benefit from the knowledge and Parliamentary experience of those who usually express their views in English. Another member Syed Faisal Saleh Hayat, pointed out that the facility of interpretation of translation of English into Urdu was available to the Member, therefore, his objection was not valid. Mr. Speaker however, said that it was the most appropriate suggestion from the Honourable Member but Maulvi Muhammad Khan Sherani, MNA sought a ruling from the Chair with reference to Article 251 of the Constitution, where-upon Mr. Speaker observed:–

"According to the Constitution the members can address in Urdu or English, however, preference should be given to Urdu".

(70-41, Vol VI)
Pages: 1153-1154.
541. LANGUAGE: OBJECTION REGARDING MAKING OF SPEECH BY A MINISTER IN ENGLISH BEING VIOLATIVE OF ARTICLE 251 OF THE CONSTITUTION: RULED OUT: MEMBER CAN ADDRESS THE ASSEMBLY IN URDU OR ENGLISH UNDER THE RULES OF PROCEDURE:

On 18th February, 1992, Mr. Hamza, MNA, raised a point of order and drew the attention of Honourable Deputy Speaker to Article 251 of the Constitution to the effect that the national language of Pakistan is Urdu and arrangements shall be made for its being used for official and other purpose within 15 years from the commencing day and contended that the speech made by Makhdoom Shahabuddin, was not permissible and wanted a ruling from the chair on this point.

Mr. Deputy Speaker ruled the point out of order saying that a member can, under the rules, address the Assembly both in Urdu and English.

(71-42, Vol VI)
Pp. 965-966.

542. LANGUAGE: OBJECTION THAT A MEMBER CANNOT MAKE A SPEECH IN BALOCHI LANGUAGE: SPEAKER EMPOWERED TO PERMIT ANY MEMBER TO ADDRESS THE ASSEMBLY IN HIS MOTHER TONGUE: OBJECTION OVER RULED:

On 19th October, 1993 after the process regarding ascertainment of a member who commands the confidence of the majority of the members of the Assembly for the Prime Minister was over and Mohtarma Benazir Bhutto was declared leader of the House, some members made speeches felicitating her on her success. Nawab Muhammad Akbar Khan Bugti, MNA, also wanted to felicitate her by delivering his speech in Balochi language whereupon an objection was raised by member that a speech could only be made in two languages, i.e. Urdu and English and there was no tradition or rule allowing the member to make speech in Balochi language.

Mr. Speaker gave the following ruling:-

"Under rule 278 the member shall address the Assembly in Urdu or English provided that the Speaker may permit any member who cannot adequately express himself in any of these languages to address the Assembly in his mother tongue. I have already given the
permission."

(72-42, Vol VI)
Pp. 18-20.
543. LANGUAGE OF THE HOUSE: LANGUAGE OF THE HOUSE IS ENGLISH: PRESIDENT MAY PERMIT A MEMBER UNACQUAINTED WITH ENGLISH TO ADDRESS IN ANY VERNACULAR LANGUAGE:

A member sought permission to address the House in Hindustani. The President ruled that the language of the House was English, but the President might permit a member, unacquainted with English, to address the House in any vernacular language.

(60-36, Vol I)
Pp. 23.
LEAVE OF ABSENCE

544. LEAVE OF ABSENCE: MOVED ON BEHALF OF OTHER DETAINED MEMBERS: PUT AND GRANTED BY THE ASSEMBLY:

On 11th June, 1974 Mr. Jennifer Jehanzab Qazi Musa presented an application for leave on behalf of Mir Ghaus Bakhsh Kahn Bazanjo and Dr. Abdul Hayee Baluch, who were under detention. The request for leave was duly put to the House and granted.

(256-149, Vol IV)
N. A. Deb., 11th June, 1974.

545. LEAVE OF ABSENCE: QUESTION PUT TO THE HOUSE DURING DISCUSSION ON DEMANDS OF GRANTS:

On 21st June, 1974, during discussion on demands for grants, the Speaker informed the House that he would be unable to attend the session of the National Assembly on the 24th and 25th June, 1974 and requested the leave of absence be granted to him for these two days. The members of the House agreed and the leave was granted.

(257-149, Vol IV)
546. LEGISLATION: THE CENTRAL GOVERNMENT CAN LEGISLATE ON ANY MATTER WHETHER IT IS MENTIONED IN THE THIRD SCHEDULE OR NOT UNDER ARTICLE 131(4) OF THE 1962 CONSTITUTION:

On 3rd July, 1967, during the course of discussion on the University of Islamabad Bill, 1967, Shah Azizur Rahman raised a point of order that, under Article 131(4) of the Constitution, the Central Government was not competent to enact a law for setting up the Islamabad University. He also referred to item 30 of the Third Schedule, which provided for enactment of a Central Act for the purpose of creating central agencies and Central institutions, for the promotion of special studies and special research. But, he pointedly referred to the preamble of the Islamabad University Bill, which indicated that the University would be a teaching University simpliciter and would not import special studies or carry out special research. It was, therefore, contended that the Central Government had the authority to legislate on any matter that was enumerated in the Third Schedule only with regard to matters relating to the development of the Capital and not to any other thing. A reference was also made to the report of the commission on Students' Problems and Welfare, which expressed doubt that the Central Government had power to undertake such a legislation. Mr. Muhammad Qasim Laik contended that the Bill aimed at establishing a University in Islamabad for post-graduate and research studies. It was, therefore, allegedly covered by Article 131(4) and item 30 of the Third Schedule of the Constitution, which empowered the Central Government to set up such an institution and enact a law for that purpose.

Mr. Mohammad Haneef Khan, Chief Parliamentary Secretary, said that Article 13(1) of the constitution and not Article 131(4), as referred to, was relevant so far as enactment of a law in connection with special research and study was concerned.

Mr. S.M Zafar, the Law Minister, stated that clause (4) of the Article 131 of the Constitution empowered the Central Legislature to make Law for Islamabad Capital Territory with regard to any matter not enumerated in the Third Schedule. It was, therefore, argued that the power of
Central law-making was given in Article 131 (1) of the Constitution, which provided for the exclusive jurisdiction of the Central Legislature to legislate on matters given in the Third Schedule. The Bill provided for setting up of the Islamabad University for carrying out special studies and special research, which allegedly fell within the purview of items 30 of the Third Schedule.

Mr. Senior Deputy Speaker ruled:
"On this point, two sets of arguments have been advanced. First, that under clause (4) of Article 131, the Central Legislature has powers to legislate or make laws for the Islamabad Capital Territory and the Dacca Capital Territory with respect to any matter not enumerated in the Third Schedule.

The second set of argument is that item No. 30 of the Third Schedule to the Constitution contains a provision that the Central Legislature can legislate about Central agencies and Central institutions for the promotion of special studies and special research. These are the two arguments. So far as the second argument is concerned, some doubt has been expressed in the report of the Commission on Students Problems and Welfare wherein the learned authors of that report have said that "we are not sure that the existing legislative power of the Central Government to legislate for Central agencies and Central institutions for the promotion of special studies and special research can be interpreted to include within it the power of setting up a teaching University". These words which have been quoted from time No.30 of the Third Schedule can be interpreted to include the power of setting up a University at Islamabad. They have expressed some doubt whether item No.30 of the Third Schedule would empower the Central Government to set up a University at Islamabad. I, therefore, do not intend to go into this second set of argument whether the case is covered by item No.30 of the Third Schedule. But so far as Article 131(4) is concerned, I think the case is fully covered and this Legislature has got power to legislate about any matter, whether it is mentioned in the Third Schedule or not. So far as the territory of Islamabad or the Second Capital at Dacca is concerned, it can pass any law about, and this University is being set up at Islamabad. Therefore, this Legislature is competent to consider the Bill. The point of order raised by Shah Azizur Rahman is, consequently, ruled out."

(546-335) (20-11, Vol II)
Pp. 2602-2608.

547. LEGISLATION: STATEMENT OF OBJECTS AND REASONS DOES NOT FORM PART OF LEGISLATION:

On 11th May, 1976, the Minister of Religious Affairs wanted to move an amendment in respect of the Statement of Objects and Reasons of the Dowry and Bridal Gifts (Restriction) Bill, 1975, whereupon
Mr. Speaker enquired whether an amendment can be made in the Statement of Objects and Reasons? Mr. Abdul Hafiz Pirzada replied that, since it was not a part of the legislation, it should not be amended. Mr. Speaker, agreeing with this view, observed that the Statement of Objects and Reasons is not a part of the legislation, as it disappears from the body of a Bill, after it is passed by the House. Thereupon, the proposed amendment was dropped.

(45-22, Vol V)
548. MEMBERS: SHOULD ENSURE ABOUT THE CORRECTNESS OF THEIR STATEMENTS WITH REGARD TO ALLEGATIONS MADE ON THE FLOOR OF THE HOUSE:

On 26th June, 1968, Mr. Farid Ahmad put a starred question to the Minister-in-charge of the Establishment Division asking whether the government had given permission to the members of the Civil Services of Pakistan to attend a political party meetings and collect funds. The Minister-in-charge replied in the negative. This led to several points of order which were replied to by the Minister and, ultimately the Speaker ruled as follows:

"It is an accepted parliamentary practice that, once a supplementary question is admitted by the Speaker, the Minister or Parliamentary Secretary concerned is expected to give a suitable reply to it, unless the reply involves the disclosure of any secret information or of information which may be against the public interest. This does not necessarily mean that a Minister or a Parliamentary Secretary is bound to answer a question in a particular manner."

"If, however, a reply cannot be readily given, the Minister or Parliamentary Secretary, answering the question, may ask for fresh notice. The question of discussing such a matter outside the House does not arise."

"I would, therefore, advise members, raising issue containing allegations of a serious nature, to ensure the correctness of their statements."

"A member making a statement shall make himself responsible for its accuracy."

(21-13, Vol III)
549. **MEMBERS: CAN TALK TO EACH OTHER IN THE HOUSE IF FIRST READING CONTINUES FOR LONG:**

On 17th December, 1974, Mr. Zulfiqar Ali Bajwa raised a point of order that four ministers were sitting together and talking. Maulana Abdul Mustafa-al-Azhar, thereupon, said that they were creating disorder. Mr. Speaker pointed out that this was the first reading of a Bill regarding the Federal Investigation Agency. If the first reading continues for two to four hours, conversation among members cannot be completely stopped.

(258-150, Vol IV)
N.A., Deb., 17th December, 1974.

550. **MEMBERS: GRANT OF LEAVE OF ABSENCE: ATTENDANCE IN MEETING OF ASSEMBLY MANDATORY:**

On 2nd April, 1974, when requests of certain members for the grant of leave of absence form the Assembly were being put to the House for decision, the Law Minister expressed the view that, in future, when any member sought leave of absence from the House, he must specify the reasons for which he was seeking leave. Thereupon Mr. Speaker observed:

"-------------we have been stressing the need of attendance in the Assembly. I have been making repeated requests and have been pressing those honorable member who are not present in the House. What about those honorable members who do not sent their applications? They do not attend the session of Assembly regularly. They come off and on, they sit here for five or ten minutes and then go away. What about those honorable members? I think the most important and most urgent work for a member of the National Assembly is to attend the National Assembly when it is in session. He has to leave all his work. Just about a month ago, I told the House that a member who had set a telegram about his illness and asked for leave of absence form the House was seen by me roaming about. We cannot say that applications must be accompanied by medical certificates. He said that he was seriously ill but I saw him hale and hearty. What about those? We cannot appoint inquiry officers. It is a must for member to attend the Assembly sessions. It is mandatory. I thing it is not obligatory, but it is a duty to his electorates, five laces of peoples. They want their Ministers and memberst to sit in the Assembly to speak for them to speak for their difficulties....."

A member raised a point of order that neither the rule nor law had made it obligatory for a member to make and application in the since in which an application is required to be made. He referred to practice prevailing in the Assembly according to which, whenever
an honorable member said that he was unable to attend and sought leave, leave had been granted to him and it was never refused. He stressed that the past practice should continue. Thereupon, the Speaker further observed as under:

“--------This is the House which is meeting under the permanent Constitution of Pakistan. We have to lay our traditions. We have to be strict because it is the duty of this House to lay the foundations of democracy. We have to depart from the normal practice if need be. So, we will have our own practice so that they may be guidelines for future, according to rules certainly”.

(259-150, Vol IV)
N.A. Deb., 2nd April, 1974.

551. MEMBERS: TALKING LOUDLY WHILE SITTING TO BE AVOIDED:

In the meeting of the National Assembly held on 9th April, 1974, a member pointed to some honorable members engaged in mutual consultation said that a mini-Assembly was going on there. The member in the possession of the floor protested against such violation of decorum of the House and remarked 'even now the Minister is not prepared to come to his seat'. Thereupon, the Speaker observed that nobody could force any honorable member to go this seat. He further observed that honorable member could sit here ever they liked, but while sitting in another seat, they should not talk so loudly that the other honorable member making a speech was not heard.

(260-151, Vol IV)
N.A. Deb., 9th April, 1974.

552. MEMBER: MEMBER FROM TREASURY BENCHES CAN THUMP THE DESK TO EXPRESS HIS FEELINGS WHILE SITTING ON OPPOSITION BENCHES BUT CAN NOT SPEAK:

On 15th June, 1989, during the general discussion on the Budget, a member raised a point of order and sought a ruling from the Chair whether a member from treasury benches could come over to the other side and thump desk there to express his feelings.

Madam Deputy Speaker, thereupon observed that such a member could thump a desk but cannot speak.

(73-43, Vol VI)
P. 1878.
553. MEMBER: WHILE SITTING IN THE ASSEMBLY, A MEMBER SHALL ALWAYS ADDRESSTHE CHAIR: POINT UPHELD.

On 11th June, 1989, during general discussion of the Budget, Dr. Sher Afgan Khan Nizai, MNA by rising on a point of order drew attention of the Chair to the effect that some members in the House were directly addressing each other instead of addressing the Chair in violation of rule 225 of the rules of Procedure and sought a Ruling from the Chair thereon.

Mr. Speaker upheld the point of order and directed that members from the treasury benches as well as the Opposition should always address the Chair.

(75-44, Vol VI)
N.A. Deb., 11th June, 1989.
Pp. 1010-1011.

554. MEMBER OBJECTION: RAISED BY A MEMBER THAT A MEMBER CAN NOT OCCUPY A SEAT IN THE GALLERIES: HELD VALID:

On 18th December, 1990, Mian Muhammad Yasin Khan Wattoo, raised a point of order and invited attention of Mr. Speaker to an objection taken in the House that no member could sit in gallery of the House, was valid. He opined that we could sit in the Lobby and like-wise a member could also sit in he galleries. He stated that member could sit in another member’s seat, but the difference was that he could not speak while addressing the Assembly from that seat and allowed to speak only from his own seat. He, therefore, sought a ruling from the chair whether there was any restriction on a member to sit in the galleries.

Mr. Speaker ruled the Point of Order and observed:

"Under rule 225(xi) of the Rules of Procedure a member shall not occupy a seat in the galleries nor while in the chamber engage himself in conversation with any visitor in a gallery."

(74-43, Vol VI)
N.A. Deb., 18th December, 1990.
MEMBERS OF SENATE FORM FEDERAL CAPITAL

555. MEMBERS OF SENATE FORM FEDERAL CAPITAL: CHOOSING OF THE WORD "CHosen" OCCURRING IN ARTICLE 59(1) (C) DOES NOT HAVE THE SAME MEANING AS THE WORD "ELECTION" USED IN ARTICLE 226 OF THE CONSTITUTION:

On 9th July, 1973, the National Assembly met to choose two members of the Senate from the Federal Capital, under the Senate (Members form Federal Capital) Order, 1973. According to Article 12 of the said Order the members of the Senate had to be chosen by the members of the National Assembly by registering their votes in a division. A point of order was raised that the method of election by division in the lobbies was unconstitutional inasmuch as according to Article 226 of the Constitution all election under the Constitution, other than those of the Prime Minister and Chief Minister, had to be by secret ballot.

The said Order was promulgated by the President in pursuance of sub-clause (c) of clause(1) of Article 59 of the Constitution in which it was laid down that two members of the Senate shall be chosen from the Federal Capital in such manner as the President may, be by Order, prescribe. In regard to the word "chosen" used in sub-clause (c) ibid the member contended that the use of this word did not change the character of the act of the Assembly. Referring to the dictionary meaning of the word "election" he maintained that "election" also meant "the action of choosing for an office, dignity or position". He therefore, pleaded that the members of the Senate could not be elected thought voting by division unless the law was amended.

In reply, the Minister for Law and Parliamentary Affairs contended that the seats in the Senate had to be filled in three different manners referred to in subclasses (a), (b) and (c) of clause (1) of Article 59. In clauses (a) and (b) the word used was "elected" but the word
employed in clause (c) was “chosen”. He argued that while using the word “choosen” in contradiction to the word “election” the makers of the constitution were conscious that the choosing of the members of the Senate from the Federal Capital was not election with in the meaning of Article 226 of the Constitution. He added that the President could prescribe any manner for choosing of the Senators form the Federal Capital.

Agreeing with the Law Minister, the Speaker ruled as follows:

"The point is very clear. In Article 59(1) (c) different method has been prescribed for choosing two Senators form the Federal Capital area. The President could very well prescribe any other method. But he has deemed it fit to allow the National Assembly to choose these Senators. He could prescribe, as I have told earlier, some other method. For instance, some corporate body like the C.D.A. could send two persons form the Federal Capital... and secondly the word “choosen” is not the same as “election”... therefore, I think, this point of order has no force and is ruled out."

(261-151, Vol IV)
Pp. 4-17.
After the motion moved by the Finance Minister that the Tariff (Amendment) Bill, 1973, be taken into consideration was adopted, Malik Mohammad Akhtar raised a point of order that Bill was a Money Bill and, therefore, an amendment tabled by Prof. Ghafoor Ahmed for substitution of certain provisions of Bill relating to the imposition of duty could not be moved without the consent of the Federal Government. According to Article 73(2) of the Constitution, a Bill or amendment shall be deemed to be a Money Bill if it contains provisions dealing with the alteration of any tax. The definition of the term “taxation” given in Article 260 of the Constitution includes duty.

Malik Mohammad Akhtar quoted ruling No. 89 of the Indian Legislative Assembly (Decisions of the Chair, 1921-40). This ruling was in respect of an amendment of clause 2 of the steel Industry (Protection) Bill and suggested that the proceeds from the duty shall not be carried to the general revenues. It was objected that such a proposal could not be made except with the recommendation of the Governor General. The President upheld the objection and ruled:

“I am inclined to think that the amendment of Mr. Joshi is clearly a proposal for the appropriation of the revenue or monies for a certain purpose. I do not think the honorable member form Bombay will contest that position. In that view I am of the opinion that the amendment is out of order.”

Malik Mohammad Akhtar also quoted another ruling No. 88 reported at page 58 of the
Decisions of the Chair 1921-40 in which it was held that the sanction of the Governor-General was necessary in case of an amendment which sought to impose or augment a tax. The relevant portion of the ruling is as follows:

"In dealing with these amendments, the principles to be borne in mind are that no motion to impose a tax can be made except on the recommendation of the Crown, nor can the amount of a tax proposed on behalf of the Crown be augmented without a similar recommendation. Similarly, every motion for grant of money for the public revenues and every motion for appropriation of public revenues or for creating a charge on such revenues can again be made only on the sanction or recommendation of the Crown. These are constitutionally recognized fundamental principles on which Bills of this character have to be dealt with . . . ."

Relying on these authorities, Malik Mohammad Akhtar Maintained that no amendment can be moved to increase, decrease or impose any tax without the consent of the federal Government.

Prof. Ghafoor Ahmad agreed that if the amendment proposed any change in the duty, prior consent of the Federal Government was necessary. He, however, contended that the amendment proposed by him did not suggest any decrease or increase in the duty but merely a change in the wordings of the Bill.

Contradicting him, the Finance Minister said that the amendment did vary the amount and the revenue of the Government.

The Law Minister argued that it was absolutely clear from the provisions of the Articles 73 and 74 that the amendment in question required the consent of the Federal Government. He added that the issue before the House did not concern the later part of the Article 73 because it related to an amendment to a Money Bill. The Law Minister said that if the intervening words of the Article 73 were taken away it would read as follows:

"A Money Bill shall not be introduced or moved in Parliament except by or with the consent of the Federal Government."

He pointed out that the definition of the Money Bill as given in Article 73(2) included an amendment of a Money Bill. He was, therefore, of the view that the amendment of Professor Ghafoor Ahmad was hit said by the provision of the Constitution and the consent of the Federal Government was necessary before the amendment could be moved.

Mian Mahmud Ali Kasuri said that Article 73 merely defined a Money Bill but restriction upon which reliance as being placed was to be found in Article 74. He pleaded that since Article 74 relates to the authority of the House, audit had been consistently held that the
provision which limit the authority of courts as well as of the legislature are to be construed very strictly, Article 74 should be construed strictly. He pointed out that there were two kinds of amendments, namely, the amendment which propose modifications in the calculations and the amendment which did not affect the substantive provisions of the Bill such as an amendment suggesting circulation of a Bill for eliciting public opinion. Mian Mahmud Ali Kasuri did not express any definite view regarding the amendment of first category but contended that the other type of amendment were not hit by Article 74.

Agreeing with Malik Mohammad Akhtar and the Law Minister, Mr. Speaker ruled that the amendment given notice of by Professor Ghafoor Ahmad could not be moved, without the consent of the Federal Government.

(262-153 Vol IV)
557. MOTIONS: UNDER RULE 220: DISCUSSION ABOUT SPECIFIC ISSUES RELATING TO AGRICULTURAL PRODUCTION: MEMBER CLAIMS ANY FACTORS ABOUT AGRICULTURAL PRODUCTION COULD BE DISCUSSED: SPEAKER DISAGREED:

On 19th December, 1974, while a motion under rule 220 regarding boosting of wheat production per acre and development of new varieties of wheat seed was under discussion, Dirdar Sher Baz Khan Mazari, raising a point of order, asserted that all the factors regarding agricultural production were relevant and could be discussed under this motion. The Speaker disagreed.

(263-155, Vol IV)
N. A. Deb., 19th December, 1974.

558. MOTIONS: ORAL MOTION FOR LEAVE FOR FIXATION OF QUORUM FOR SELECT COMMITTEE AND FOR EXCEPTION OF TIME FOR SUBMISSION OF REPORT BY THE COMMITTEE: LEAVE REFUSED: MOVER INSISTS FOR PUTTING THE MOTION AGAIN TO THE HOUSE: ORAL MOTION FOR LEAVE TO RE-OPEN THE ISSUE MOVED BY ANOTHER MEMBER AND ADOPTED: MOTION FOR FIXATION OF QUORUM AND EXTENSION OF TIME THEN MOVED AND ADOPTED:

On 27th November, 1975 Maulana Ghulam Ghaus Hazarvi moved for leave to fix the quorum of the select Committee on the Official Language Bill, 1972, and to extend the day for submission of the report of that committee by a month. The leave was refused by the House. Mr. Speaker then advised
Maulana Sahib to give notice of regular motion for the next non-official day. Maulana Hazarvi requested the motion for leave be put again, but the chair observed that the issue could not be re-opened. Maulana Hazarvi said that the meeting of the Select Committee was held under the Chairmanship of Mr. Abdul Hafeez Pirzada, Minister for education, but it was adjourned because the Assembly did not fix its quorum. Mr. Speaker observed that as the motion was not on the Orders of the Day, leave of the House had to be taken. Maulana Sahib was accordingly advised to move motion to re-opened the issue. Maulana Ghulam Ghaus Hazarvi moved a motion to re-open the previous decision of the House, regarding the leave to move the motion about quorum. Mr. Ahmad Raza Khan Qasuri objected to Maulana Hazarvi moving the motion for re-opening the issue on the ground that a wrong precedent was being set because the member who moved the original motion could not move the second motion in the relation thereto. Thereafter, Maulana Abdul Hakim sought leave to move the motion for reconsideration of the decision of the House, which was granted after which Maulana Ghulam Ghaus moved the first motion about quorum and extension of time-limit for submission of report by the Select Committee, which was adopted by the House.

(264-155, Vol IV)
559. MOTIONS FOR AMENDMENT: REQUIRED NOTICE UNDER RULE 222 OF RULES OF PROCEDURE: DEFERRED TO ANOTHER DATE:

The Minister for Parliamentary Affairs moved for leave to introduce a motion for the amendment of rule 2 of the Rules of Procedure and Conduct of Business in the National Assembly regarding addition of the definition of Parliamentary Secretaries. An Object was taken on the ground that Parliamentary Secretaries had no executive authority and could not be placed at par with the Ministers under rule 2. Hence they should be defined separately. The Minister concerned pointed out that fifty would have to be amended if a separate provision was to be made for Parliamentary Secretaries. Thereupon, leave was granted to put the motion to the House. The Minister then moved the main motion for the amendment of the rule, which was opposed by member, with reference to rule 222 requiring notice of one day. Mr. Speaker, accepting the contention, deferred the matter to some future date.

(265-156 Vol IV)
560. **OATH: OBJECT AGAINST ELECTION OF MEMBER MAKING OATH: RULED OUT:**

On 29th October, 1975, when Mr. Noorul Arfeen, a newly elected member of the National Assembly, was called upon by Mr. Speaker to make oath, Maulana Abdul Mustafa-al-Azhar raised a point of order. Mahmud also contended that since Mr. Arfeen had not been returned as a result of a fair election, the making of oath by him was not in order. Mr. Speaker ruled out the point of order and allowed the member concerned to make the oath.

(266-157 Vol IV)
N.A. Deb., 29th October, 1975.

561. **OATH: OBJECTION RAISED THAT THE MEMBER MAKING OATH DID NOT UNDERSTAND ITS MEANING: RULED OUT:**

When a member elected from the Tribal Area made the oath in Urdu, and object was raised that the member concerned did not understand the meaning of the oath and as such the oath made by him was not in order. It was suggested that somebody else should be allowed to explain the oath to him and that he should make the oath again. Mr. Speaker ruled out the point order with the observation that the requirement regarding the making of oath had been complied with.

(267-157, Vol IV)
N.A. Deb., 29th October, 1975.

On 7th December, 1988, a point of order came up before the House whereby the ruling of the Chair on the validity of the oath administered to the member-elect of the National Assembly by the Chief Election Commissioner was sought. Mr. Speaker gave the following ruling:

"Our plea in short is that there is no provision in the Rules of Procedure and Conduct of Business in the National Assembly allowing any person or authority other than the speaker to administer the oath to the members-elect. This point was also agitated on a point of order with reference to Article 53(3) of the Constitution when the meeting was being presided over by the Chief Election commissioner who was pleased to rule out the point of order.

Article 53(1) of the Constitution is about the election of the Speaker and Deputy Speaker at the first meeting of the Assembly, to the exclusion of any other business, while clause (3) states that when the office of Speaker is vacant or he is unable to perform his duty, the Deputy Speaker shall act; and if the Deputy Speaker is also absent or unable to perform his duty, such member as may be determined by the rules of procedure of the Assembly shall preside. Clause (3) applies when the members have taken oath and also elected the Speaker and Deputy Speaker and subsequently these offices happen to be vacant or the holders of these offices are unable to perform their duty.

A member-elect to the National Assembly cannot vote or sit in the House until he has taken oath before the House in terms of Article 65 of the Constitution. Only after taking oath, members-elect become members of the Assembly and can participate in the election of the Speaker and the Deputy Speaker. Clause (3) of Article 53 of the Constitution is, therefore, not applicable to the meeting of the Assembly convened for administering oath to the members-elect.

The Chief Election Commissioner is nominated by the President under rule 9(3) of the Rules of Procedure and Conduct of Business in the National Assembly, which states that at the first meeting of the Assembly, after the members have taken oath, the Assembly shall elect a Speaker and the meeting of the Assembly shall be presided over by the outgoing speaker or, in his absence, by a person nominated by the President for that purpose. It is not a requirement of rule 6 or rule 9 that the oath must be administered by the Speaker. The only requirement is that the oath be made before the House. In 1985 also, the oath was administered by the Chief Election Commissioner as the Presiding Officer."
The point of Order raised by the honourable member is without any merit and is overruled.

(76-44 Vol VI)
Pp. 47-48

563. **OATH: OBJECTION RAISED THAT THE MEMBER MAKING OATH ADDED SOME WORDS IN ADDITION TO THE ORIGINAL TEXT OF THE OATH PROVIDED IN THE CONSTITUTION OF PAKISTAN: SUCH ADDITION NOT PERMISSIBLE**

POINT UPHELD:

On 3rd May, 1992, when Maulana Azam Tariq, a member-elect from Jhang took oath in Urdu, he added some words in addition to the original text of the oath i.e. that he will preserve, protect and defend Constitution of Islamic Republic of Pakistan according to "Quran and Sunnah" an honourable member raised point whether any word can be added in the original ext of oath given in the Constitution of Islamic Republic of Pakistan, whereupon Mr. Speaker observed that the same is not permissible.

(77-46 Vol VI)
Pp. 35-36.
564. OBITUARY REFERENCE: NO RIGID PROCEDURE FOR MAKING SUCH A REFERENCE IS FOLLOWED BY THE HOUSE:

On 28th May, 1968, Shah Azizur Rahman raised a point of order that, on the 27th May, 1968, an obituary reference was made in respect of Mr. Altaf Hussain, a distinguished journalist and an ex-Minister of the Central Government. He said that the time Honoured convention of the Parliaments all over the world, including that of Pakistan had been that, whenever an Honourable Member or an important citizen of the country died, the Leader of the House initiated a reference in the House recounting the past achievements of the deceased with which the Leader of the Opposition associated himself.

The Law Minister agreed with the views expressed by the Honourable Member, but disagreed that there was any rigid convention followed by the House regarding the mode in which the reference could be made.

Mr. Speaker observed that there was no such convention established in the Parliament of Pakistan because, in the last Assembly when Mr. Hasan Akhtar, MNA died, the Chair alone had made the reference and neither the Leader of the House nor the Leader of the Opposition felt the need of participation. However, he expressed the hope that, if the House desired to follow the line of action suggested by the Honourable Member, that could be done in future.

(22-14, Vol III)

N.A. Deb., 28th May, 1968.
Pp. 1293-1294
565. **OBITUARY REFERENCE: TO BE MADE IN RESPECT OF ONLY THE MEMBERS OF THE NATIONAL OR PROVINCIAL ASSEMBLIES OR A POLITICAL FIGURE OR A VERY HIGH DIGNITARY:**

After some obituary references were made on the death of Mr. Abdul Samad Khan Achkzai, a member of the Baluchistan Provincial Assembly, Prof. Ghafour Ahmad requested for such a reference to be made for two students killed in Multan and Karachi.

Mr. Speaker observed that the convention of the Assembly was that obituary references are made on the death of a member of this House or a member of a Provincial Assembly or a political figure or a very dignitary.

(268-157, Vol IV)
OFFICERS AT THE TABLE

566. OFFICERS AT THE TABLE: REMARKS AGAINST OFFICERS AT THE TABLE NOT ALLOWED IN THE HOUSE: COMPLAIN, IF ANY, AGAINST THEM CAN BE MADE TO THE SPEAKER IN THE CHAMBER.

A member while speaking on the Constitution (Fourth Amendment) Bill, made certain marks about the officers at the Table. Mr. Speaker observed:

"I will not allow any word to be passed in the house against the officials of the house because, for that, you can make a complaint in the chamber. They are protected under the rules."

(269-158, Vol IV)
ORDER OF THE DAY

567. ORDER OF THE DAY: NON-OFFICIAL DAY: OBJECTION TAKEN ON GROUND THAT BILLS REPORTED UPON BY STANDING COMMITTEES SHOULD HAVE PRECEDENCE OVER BILLS TO BE INTRODUCED: REFERENCE TO RULES 23 AND 59: OBJECTION OVERRULED: PRECEDENCE GIVEN TO BILLS TO BE INTRODUCED:

On 22nd December, 1963, an objection was taken to the preparation of the Order of the day on the ground that under Rule 59 the Bills received back from and reported upon by Standing Committees should have precedence over Bills sought to be introduced; but in the Orders of the Day the latter had been given precedence over the former. After some discussion the Speaker overruled the objection and allowed the private Member's bills to be introduced.

(94-88 Vol II)

568. ORDERS OF THE DAY: OBJECTION TAKEN TO MODIFICATION BY GOVERNMENT IN: POINT OF ORDER RAISED: GOVERNMENT HAS POWER OF MODIFICATION: GOVERNMENT ASKED NOT TO REPEAT IN FUTURE.

On 7th April 1964, after the introduction of the Constitution (Second Amendment) Bill when the motion for suspension of sub-rule (1) of Rule 58 was moved an objection was taken. This was done by modifying the Orders of the Day. Thereupon the Speaker quoting a ruling from the Indian Legislative Assembly observed:

"On 25th March, 1935, the Leader of the House made a statement that as the motion for
consideration of the Finance Bill had been finished Government proposed to take up the Supplementary Demands after the motion had been disposed of, and then resume consideration of the clauses of the Finance Bill.

"A point of order was raised whether Government had the right and the power to make any modification in the business of the House after it had been already announced."

The president ruled:
"The Chair has considered the matter carefully, and it finds that Standing Order No. 7 is in general terms and gives power to the Governor-General in Council to arrange the order of Official Business in this House. The Chair quite sees the force of the contention of Mr. Satayamurti that once the Order of Business has been announced to this House, it is extremely inconvenient if that order is altered but the point of order is whether Government have got the power and the right to do so. On that point the Chair has not the least hesitation in holding that the Government has such power. The Chair has also made enquiries and it is informed that in the past modification in the list of Business as announced, has been made. At the same time, the Chair must point out that it must cause considerable inconvenience to the House if the Order Paper is materially altered without sufficient notice."

I hold the same view. I would warn that the Government should not repeat it in future."

(95-89, Vol II)
N.A. Deb., 7th April, 1964.

569. ORDERS OF THE DAY: THE ITEM RELATING TO THE CONSTITUTIONAL OBLIGATION OF PRESENTING A REPORT ON THE DAY WHEN A NO-CONFIDENCE MOTION AGAINST THE SPEAKER IS TO BE MOVED SHOULD BE POSTED FIRST ON THE ORDERS OF THE DAY:

On 6th May, 1968, a member rose on a point of order to say that the agenda of that day gave the first item as the report, to be placed before the House by the Minister for Information under Article 189, clause (3), as it was obligatory upon the President to cause the report to be presented to the House at the first meeting after the 31st of January of the year. In this regard, he relied upon sub-rule (3) of rule 11 of the Rules of Procedure 1966, wherein it was provided that no other item was to be included in the Orders of the Day if a no confidence motion was to be moved against the Speaker on that day. It was argued that precedence must, necessarily be given, on the day on which the motion was being taken up, to the resolution of no confidence and no other business should be taken up earlier.

Mr. Senior Deputy Speaker ruled as follows:
"I am quite relieved that the Honourable Member himself has drawn the attention of the
House to Article 189 of the Constitution, which makes it obligatory on the Government to place the report of the Public Service Commission on the first day when the Assembly meets. With this clear provision in the Constitution, the Rules cannot override any provision of the Constitution, and it is a must that this report of the Public Service Commission be placed on the Table of the House on the first day.

Now, the question arises whether the no confidence motion should have precedence or the placing of the report of the Commission, as has been pointed out by the Honourable Member. As a matter of fact, and as a matter of prudence, I think that the placing of the report is just a formality. It does not take any time. But the other item, which is to be discussed to day, may take very long, even till the end of the sitting, and we may not have time left. During the discussion, it would not be possible for me to call upon the Government to place the report of the Public Service Commission on the Table of the House. So, I think, that as a matter of convenience and as a matter of prudence, that report should be placed first. We should then proceed with the other item which may take us till the end of the sitting, or which may not take so long but that is not as yet known. Therefore, I think the Secretariat has done well to put it as item one, because nothing is to be done on this item. The report has only to be placed, and we have not to discuss it.”

(23-14, Vol III)
P. 13.

570. ORDERS OF THE DAY: SHOULD REACH THE MEMBERS 24 HOURS BEFORE THE APPOINTED TIME:

A member pointed out that the Orders of the Day were sent to the members at night, when they could not consult the Library. Mr. Speaker observed that the Orders of the day should reach the members 24 hours before the appointed time.

(270-158, Vol IV)


On 9th December, 1975, Mr. Speaker called upon Sheikh Muhammad Rashid, the Deputy Leader
of the House, to present the report of the Standing Committee in respect of the Land Reforms (Baluchistan Pat Feeder Canal) Regulation (Amendment) III, 1975. Sahibzada Ahmad Raza Khan Qasuri objected to the presentation of the report on the ground that it was not entered in the Orders of the Day. He suggested the permission of the House was necessary for presenting the report. Mr. Speaker took leave of the House and thereafter the Deputy Leader of the House presented the report.

(271-158, Vol IV)

N.A. Deb., 9th December, 1975.
ORDINANCES

572. ORDINANCE: PLACING OF ORDINANCES FOR APPROVAL.

On 22nd November, 1962, a Member with reference to Article 29 of the Constitution, raised a point of order pleading that the Ordinance promulgated by the Government should not be placed before the House during that session. Thereupon the Speaker observed:

"This is not a point of order. But the point that has been raised by the Member may be replied to by the Government, if they think it necessary. All I can say is that to place the Ordinance on the Table of the House will be quite in order. The Member has said something as to the propriety of placing of the Ordinance before the House in this session. He suggests that the Ordinance may better be placed before the House during the next session, which should be held early enough for the purpose in January."

(96-89 Vol-II)


Pp. 16-19.

573. ORDINANCE: DECLARED ULTRA VIRES OF THE CONSTITUTION BY THE DACCA HIGH COURT CAN BE DISCUSSED AND APPROVED BY THE ASSEMBLY: ALLOWED BY THE CHAIR.

On 20th August, 1964, when the Commerce Minister moved a resolution "that this Assembly approves under clause (3) of Article 29 of the Constitution the Inter-provincial Trade Ordinance, 1964 promulgated by the president." A Member raised a point of order that the Ordinance under
consideration was infructuous because the Honourable High Court of East Pakistan had held that Ordinance ultra vires of the Constitution as it violated certain fundamental rights of the Citizens of Pakistan. As such it should not be discussed and approved by the Assembly.

Thereupon the Acting Speaker observed: "A point has been raised by an Honourable Member that since the East Pakistan High Court has been pleased to hold this Ordinance which is not before the House, null and void, discussion should not be allowed, and this motion seeking approval of the Ordinance should be held out of order. It has also been argued that since in view of the statement made by the Honourable Law Minister, they wish to go in for appeal before the Supreme Court, the matter should be considered as sub-judice. As such under our Rules of procedure, particularly Rule 78(5) and (6) it cannot be discussed, and would come within the mischief of sub-rules (5) and (7) of Rule 78 of the Rules of procedure. Now having considered all the aspects of the matter, firstly, my view is, which is not being expressed for the first time on the floor of the House-I gave a very detailed and elaborate ruling on this point-that the Chapter on Resolutions does not envisage the Resolutions which are mentioned in Article 29 of the Constitution because a resolution envisaged by Article 29 of the Constitution is type of Resolution to which no amendment could be made. Secondly, the ban mentioned in Rule 80 on the discussion of a Resolution would not be applicable to such a Resolution. At that time I also remember to have invited the attention of the Law Minister that while framing our new Rules of Procedure this should be particularly kept in view and Special Rules governing Resolutions envisaged by Article 29 of the Constitution should be framed. As such I repeat my earlier ruling on this point that some of the provisions which govern the Resolutions in Chapter XI of our Rules of procedure are not applicable to the resolution envisaged by Article 29. Secondly, there is a lot of force in the contention of the Honourable Law Minister. I suggested to him, leaving aside the question of the legality of the point, for reasons of propriety if he will be prepared to consider that at this stage the Government should not press this Resolution. There is a lot if force in his argument inasmuch as once this Resolution dies its natural death after a lapse of 42 days, it would be sort of abuse of the powers of the president vesting in him to promulgate a fresh Ordinance to the same effect. It has already been ruled many a time by the Chair that the Chair cannot assume or attribute to itself the powers of court of law. This is a matter which, if not right now, is going to be referred to and agitated before the Supreme Court for final determination. As such any decision by the chair one way or the other would be to the prejudice of the Supreme Court. In that view of the matter I am not prepared to interfere because if today this Resolution is not allowed to be moved then the Government will be prejudiced and they will not be in a position to take the case to the Supreme Court. As such I overrule the point of order and allow the discussion to go on."

(97-90, Vol II)
574. ORDINANCE: LAID BEFORE THE HOUSE DURING EMERGENCE: CANNOT BE DISCUSSED DURING THAT PERIOD UNLESS THERE IS AN APPROVAL MOTION MOVED BY THE GOVERNMENT FOR THE PURPOSE OF BRINGING THAT ORDINANCE PERMANENTLY ON THE STATUTE BOOK:

On 3rd June, 1968, the Parliamentary Secretary in-charge laid before the House the Criminal Law (Special Tribunal) (Amendment) Ordinance, 1968 (IV of 1968) as required under clause (5) of Article 30 of the 1962 Constitution. Dr. Aleem-al-Razee raised a point of order that, originally, the Criminal Law (Amendment) Ordinance, was laid on the table of the House on 7th May, 1968. Thereupon, Mr. Abdul Quasem tabled a motion of approval and he (Dr. Razee) filed an amendment to that Ordinance. He contended that, without discussion of the earlier motion of approval tabled by Mr. Abdul Quasem, the Government surreptitiously amended that Ordinance and, in an amended form, laid that Ordinance on the table of the House. He further contended that, unless the motion that had been tabled by Mr. Abul Quasem approving the Ordinance was discussed, the amending ordinance could not be laid on the Table of the House. He relied upon Article 30(5) and (6) of the Constitution to support his contention.

The Law Minister, thereupon, stated that, when the emergency was continuing, the President was entitled under the Constitution to promulgate laws through Ordinances. The requirement of the Constitution was that, whenever such an Ordinance was to be passed, it must be laid before the House under clause (5) of Article 30. Under clause (6) of that Article, the Assembly shall have no power to disapprove of the Ordinance, but a resolution might be moved for its approval upon such a motion, the Assembly might approve the Ordinance with or without any amendment. He said that, under clause (6) if an Ordinance was approved before it ceased to have effect, with or without any amendment, it shall have the effect of being an Act of the Legislature. The intention in enacting the Ordinance was that its provision should continue to exist till the emergency remained in force and not later. If however, the Government wanted to bring that Ordinance on the statute book permanently after the expiry of the period of emergency, it would bring an approval motion for that purpose, with or without amendment.

Mr. Senior Deputy Speaker, while agreeing with the submissions of the law Minister, ruled out the point of order as premature, because the motion regarding the approval or disapproval of the Ordinance was before the House.

(24-15 Vol III)


Pp. 1615-1629.

575. ORDINANCE: OBJECTIONS (I) THAT AN ORDINANCE LAID BEFORE THE ASSEMBLY REQUIRES ITS REFERENCE TO THE STANDING COMMITTEE THOUGH A MOTION AND (II) THAT LAYING OF ORDINANCE IN VIEW OF
CONSIDERATION OF ANOTHER BILL SIMILAR TO THE ORDINANCE NOT PERMISSIBLE: POINTS RULED OUT ORDER:

On 24th March, 1990 Khawaja Ahad Tariq Rahim, Minister for Parliamentary Affairs laid before the National Assembly the Suppression of Terrorists activities (Special Courts) (Amendment) Ordinance, 1990 (Ordinance No. 1 of 1990) whereupon Mr. Speaker enquired whether the said Ordinance was to be referred to the Standing Committee. Khawaja Ahmad Tariq Rahim, stated that the Ordinance was only required to be laid under Article 89 of the Constitution. An Opposition member pointed out that under “sub-rule (1) of Rule 137 of the Rules of Procedure, an Ordinance laid before the Assembly shall be deemed to be a Bill introduced in the National Assembly on the day it is so laid and that since the Ordinance has been laid, it shall be deemed to be a Bill”. Therefore, he submitted that the contention of the Minster for Parliamentary Affairs was not in accordance with the requirement of the Rules when he said that since the Ordinance had been laid it did not require reference to the Standing Committee for Law and Parliamentary.

He, therefore, sought ruling from the Chair whether the Ordinance was required to be referred to the Standing Committee or not. Dr. Sher Afzal Khan Niazi, Minister of State for Parliamentary Affairs stated that under “Article 89(2) of the Constitution it has been made mandatory that an Ordinance has to be placed before the National Assembly and being a Bill it stand referred to the Standing Committee”.

Ch. Amir Hussain wanted to clarify that when a Bill was already under consideration in the National Assembly, whether the second Bill could be introduced or not. He was of the view that under the provisions of the rules and the Constitution two identical matters being in the form of introduction of a Bill and the other through a motion for consideration of a Bill could not simultaneously be brought before the House and requested the Chair not to allow introduction of the Bill in view of the said legal position.

The Minister for law and Justice submitted that if on Ordinance was promulgated 10 or 20 times it was to be laid on the table of the House which was the requirement of Article 89 of the Constitution. He contended that if there was any objection to the Ordinance, a Resolution for disapproval of ordinance could be given under Rule 137 of the Rules of Procedure.

Mr. Speaker after hearing the arguments of both sides gave the following ruling:

"It is obvious to me that there is no difference in principle. It is only a question of interpretation, a very delicate interpretation but to my mind, having heard both sides, I think, it is a constitutional obligation that any Ordinance must be laid on the Table of the House. That obligation has been fulfilled, the Ordinance has been laid on the Table. As to
what will be beyond that Act, that we will come to know when we have the occasion. But there is no doubt in my mind at all and I rule that the Ordinance has been properly laid before the House.”

(79-47 Vol VI)
Pp. 112-120.

576. ORDINANCES: REPEATED PROMULGATION OF ORDINANCES BY THE PRESIDENT: ALLEGEDLY CONSTITUTE BREACH OF PRIVILEGE OF MEMBERS AND THE HOUSE: RULED OUT OF ORDER: PRESIDENT UNDER ARTICLE 89 OF THE CONSTITUTION IS EMPOWERED TO PROMULGATE ORDINANCES WHEN THE NATIONAL ASSEMBLY IS NOT IN SESSION IF HE IS SATISFIED THAT CIRCUMSTANCES EXIST WHICH RENDER IT NECESSARY TO TAKE IMMEDIATE ACTION: RULED OUT OF ORDER:

On 5th June, 1994 when Dr. Sher Afgan Khan Niazi was going to lay on the table some Ordinances by moving a motion, Mr. Gohar Ayub Khan raised a Point of Order that the Opposition had moved a Privilege Motion against repeated promulgation of Ordinances by the President which constituted breach of privilege. He stressed upon Mr. Speaker to bring the said Privilege Motion on the floor of the House so that it could be discussed once for all. He submitted that twelve Ordinances sought to be laid on the table of the House had to be brought before the House as Bills to be introduced but it was the malafide intent of the Government throughout to by-pass the National Assembly which is a sovereign body.

Syed Ifikhar Hussain Gilani contended that the action of the President was in accordance with the requirement of the Constitution and the Supreme Court Judgment on the subject. Mr. Speaker after hearing the arguments ruled out the point of order and observed as follows:

“Article 89 of the Constitution empowers the President to promulgate an Ordinance when the National Assembly is not in session, if he is satisfied that circumstances exist that render it necessary for him to take immediate action, is final and conclusive. It can be promulgated in exercise of powers under Article 89. Since an Ordinance has the force of law, validity of the Ordinance cannot be decided by the ruling of the speaker. (Kaul page 523).

The question whether re-promulgation of the Ordinance is valid or not, cannot be decided by the speaker and the Assembly may disapprove an Ordinance as provided by the Constitution and the rules.
RULING OF THE CHAIR

ORDINANCE

I may refer to the past practice. Ordinances No. XII, XV, XVI, XIII, XIV, XVII and XVIII of 1991 were promulgated on 27-4-1991 while the Session was earlier summoned on 24-4-1991 for 28-4-1991. Ordinance No. 37 was issued on 7-10-1991 and a day earlier 6-10-1991, the Assembly was summoned to meet on 30-10-1991. Again ordinance No. 78 of 1992 was promulgated on 24th April, and 2nd May, 1992, respectively when the Assembly had been summoned on 23rd April to meet on 3rd May, 1992. Similarly, Ordinance No. 10, 11, 12 of 1992 were promulgated on 30-7-1992 and the Assembly was summoned on 27-7-1992 for 3-8-1992.

(78-46 Vol VI)

577. ORDINANCE: UNDER THE CONSTITUTION THE PRESIDENT CAN PROMULGATE AND RE-PROMULGATE AN ORDINANCE:

On 27th August, 1995, fifteen Ordinances were to be laid before the National Assembly by Professor N.D. Khan, Minister for Law and Parliamentary Affairs, Mr. Gohar Ayub Khan, raised a point of order that in view of a judgment of the Honourable Supreme Court of Pakistan, the President could not re-promulgate an Ordinance without bringing them in the shape of the Bills before the National Assembly. According to him laying of the said fifteen Ordinances amounts to by-pass the National Assembly which was violative of Article 89 of the Constitution. It was contended that the said Article says that the President may, except when the National Assembly is in session, if satisfied that circumstances exist which render it necessary to take immediate action, may promulgate an Ordinance as the circumstances may require. He submitted that the Government is in the habit of not only issuing Ordinances but the Ordinances were even being re-promulgated without any urgency and justification. He point out that according to the decision of the Supreme Court, re-promulgation of the Ordinances is unconstitutional. Mian Raza Rabbani, Minister of State for Law and Justice stated that the judgment of the Supreme Court which was being referred to by the Honourable member was a split judgment and not unanimous. He pointed out that a larger Bench of the Supreme Court in another case was already seized of the matter and had yet to give its judgment in this regard.

Mr. speaker after hearing point of views from the Opposition and the Treasury Benches observed:-

“Three points have been raised. No. 1 point was whether the President can promulgate an Ordinance or not, and No. 2 in his capacity whether he is justified or not, and No.3 whether there is any verdict of the Court in this behalf. I have to give a ruling on all these three points.
About the Ordinances, there is no bar under the Constitution that can stop the President to promulgate the Ordinances. Ordinances made and promulgated under Article 89(1) of Constitution have to be laid before the National Assembly under Article 89(2) of the Constitution. It is a constitutional requirement, and therefore, upon laying of the Ordinances no objection can be raised. Furthermore, I have already given detailed ruling on this point and I feel no need to repeat it again. So far as the question regarding justification of the President to promulgate Ordinance is concerned, it is not the function of the Speaker to give a decision thereon. However, under the Constitution, the Assembly may disapprove an Ordinance through a resolution to be passed by it. Under Article 89(2) (a) of the Constitution an Ordinance shall be repealed at the expiration of four months from its promulgation or if before the expiration of that period a resolution disapproving it is passed by the Assembly. However, I would advise the Government not to resort to Ordinances except in very urgent and exceptional circumstances. Reliance is placed on M.N. Kaul page 548. The deputy Leader of the Opposition has referred the minority view of the Supreme Court Judgment while the majority view is that the President is justified to promulgate the Ordinances under Article 89 of the Constitution. If you go through the majority point of view, you will understand that. Thank you very much.

578. ORDINANCES: UNDER THE CONSTITUTION THERE IS NO BAR ON THE GOVERNMENT TO REQUEST THE PRESIDENT TO ISSUE AN ORDINANCE IF CIRCUMSTANCES EXIST AND IMMEDIATE ACTION IS REQUIRED: OBJECTION THAT THE PRESIDENT SHOULD NOT RESORT TO ISSUE ORDINANCES WHEN THE NATIONAL ASSEMBLY HAS ALREADY BEEN SUMMONED BY HIM: POINT RULED OUT:

On 1st February, 1995 before Prof. N.D. Khan, Minister for Law and Parliamentary Affairs had to lay certain Ordinances before the National Assembly through a motion to be moved by him at item No. 4 of the agenda, Mr. Gohar Ayub Khan, raised a point of order that the President should not resort to issue Ordinances frequently without there being any urgency. He pointed out that the President had till date signed 136 ordinances and further a number of ordinances were being signed by him without giving reason of urgency. Mr. Raza Rabbani, Minister of State for Law and Justice contended that the Honourable member in his capacity as Speaker of the National Assembly had himself delivered a ruling that under the Constitution there is no bar on the Government to request the President to issue an Ordinance, if circumstances exist and immediate action is required.
Mr. Speaker after hearing both sides gave the following ruling:-

"There was an objection by the Opposition about the ordinances. Ch. Aitzaz Ahsan raised a point of order on 3rd August, 1992 that a number of ordinances were issued by the President after summoning the National Assembly Session. These Ordinances pertain to matters which did not involve any emergency, as such this constituted a breach of privilege of the House. The then Honourable Speaker Stated in his ruling that Article 89, sub para (1), is very clear. The President may, except when the National assembly is in Session, if satisfied that circumstances exist which render it necessary to take immediate action, make and promulgate an Ordinance as the circumstances may require. Under the Constitution, there is no bar against the Government to request the President, to issue an Ordinance, if circumstances exist and an immediate action is required. He has already given his ruling and advised the Government that we should remain within the ambit of Article 89(1) of the Constitution. However, under the rules any member may move for disapproval of an Ordinance."

(81-50 Vol VI)


Pp. 1516-1518.
579. PARLIAMENTARY DELEGATION FROM ABROAD: VISIT OF ROMANIAN PARLIAMENTARY DELEGATION: TO THE HOUSE MEMBER WELCOMED THE DELEGATION BY THUMPING TO DESKS: SPEAKER INTERRUPTED THE DEBATE TO MAKE REFERENCE TO THE PRESENCE OF DELEGATION IN THE GALLERY: RICH TRIBUTES PAID BY THE CHAIR:

On 3rd December, 1975, the Speaker announced:

"I want to bring to the notice of the honorable members that the Romanian parliamentary delegation will be visiting to witness the National Assembly session at quarter to seven.

Then he adjourned the House for Maghrib Prayers. After Maghrib prayers, the House re-assembled and some business was transacted. Later on, when discussion on a Bill was on, the Romanian parliamentary delegation entered the Speaker’s gallery. The members welcomed them by thumping of desk. Interrupting the proceedings, Mr. Speaker announced that the parliamentary delegation from Romania, headed by Mr. Nicolae Giosan, Chairman of the Grand National Assembly of Romanian, was presenting the gallery to witness the proceedings. On behalf of the members of the National Assembly, he extended warmest welcome to the delegation and paid rich tributes to the president of Romania. He also wished them a happy sojourn in Pakistan.

(272-159, Vol IV)
580. PARLIAMENTARY SECRETARY: SPEECH OF ONE PARLIAMENTARY SECRETARY WILL NOT DEBAR OTHER PARLIAMENTARY SECRETARIES FROM TALKING PART IN THE DISCUSSION ON A BILL:

A point of order was raised that Government was represented in the House by the Parliamentary Secretaries, and if any one of them had spoken, the others had no right to speak on the same motion. Mr. Deputy Speaker ruled out the point of order with the observation that every Parliamentary Secretary was a good member of the House as the Mover-Parliamentary Secretary and, as such, he had a right to participate in the discussion on a bill.

(25-16 Vol III)
581. **PERSONAL EXPLANATION: A MEMBER CAN SPEAK BY WAY OF PERSONAL EXPLANATION WITH REFERENCE TO ANY REMARKS MADE IN THE HOUSE AFFECTING HIS POLITICAL OR PUBLIC CHARACTER, PROVIDED HE HAS THE LEAVE OF THE CHAIR TO DO SO: NO DEBATE ON A PERSONAL EXPLANATION IS ADMISSIBLE:*

On 24th July, 1954, Khan Abdul Ghaffar Khan raised a point of personal explanation on certain remarks made by the Prime Minister in his speech about him. He stated that, as a member of the Assembly, he wanted to make his position clear and to remove the misunderstanding that was created against him and his party as a result of the remarks made by the Prime Minister in his speech. He further stated that he had a right to give his personal explanation under the rules. Mr. A.K. Brohi explained that there was no specific provision in the rules about personal explanations. He however, stated that, in the British Parliament, members were allowed to speak by way of personal explanation on any remark made against him as a member inside the House or affecting his political or public character outside the House, provided that he had the leave of the Chair to do so. Mr. President, accepting the view expressed by Mr. Brohi, allowed Khan Abdul Ghaffar Khan to read out the portion of the Prime Minister's speech to which he had taken exception or about which he wanted to offer an explanation. He, however, warned him not to raise any debatable matter during the course of his explanation.

(61-36, Vol I)
Pp. 1520-1522.

582. **PERSONAL EXPLANATION: EXTRANEOUS: MATTERS OR NEW ARGUMENTS NOT BE BROUGHT IN:**
On August 8th, 1955, while a member was speaking on a point of explanation, the Chair observed as follows:

"An honourable member can explain his position if an allegation or personal reference has been made to him, but he cannot introduce extraneous matters in making a personal explanation." The Chair further observed:

"In making a personal explanation, the honourable member can only explain the remarks or parts of his speech which have not been correctly understood. He cannot advance new arguments in support of his proposition, as it would amount to a second speech, which is not permissible under the rules."

(62-37 Vol I)

583. PERSONAL EXPLANATION: SHOULD NOT BE MADE DURING SPEECH INVOLVING MATTER BUT IMMEDIATELY AFTER ITS CONCLUSION: MEMBER CALLED TO GIVE PERSONAL EXPLANATION: OPPORTUNITY NOT AVAILED: FRESH CHANCE NOT ALLOWED:

On September 12th, 1955, during his speech on the Establishment of West Pakistan Bill, Mr. M.A. Khuho made certain remarks about the formation of Awami League in West Pakistan, which were objected to by Mr. H.S. Suhrawardy, who rose on a point of personal explanation. The Speaker thereon observed:

"Honourable member will rise on a point of personal explanation later on. I will not allow Mr. Suhrawardy to interrupt. After Mr. Khuho has finished his speech, then he may rise only on a point of personal explanation if he has been misunderstood."

On September 14th, 1955, when Mr. Khuho had concluded his speech, Mr. Speaker enquired from Mr. Suhrawardy whether he wanted to say something as a personal explanation. Mr. Suhrawardy informed the Speaker that he would speak afterwards if he felt like doing so.

On September 16th, 1955, after some other members had spoken on the aforesaid Bill, Mr. Suhrawardy desired to rise to offer a personal explanation. Objection was taken that he should have risen immediately after Mr. Khuho had concluded his speech and that he could not do so at that late stage. Mr. Speaker ruled:
"The House will remember that, at the conclusion of Mr. Khuhro’s speech, I offered Mr. Suhrawardy an opportunity to speak on a point of personal explanation if he chose to do so. He did not. Then other Honourable members spoke; Mr. Hamidul Huq Chaudhry also spoke. Mr. Suhrawardy said that he had an inkling that Mr. Chaudhry would also say something. I expected that he would rise after Mr. Hamidul Huq Chaudhry, but he did not purposefully I believe. Now, according to the rules prevailing in the House of Commons and according to the rules in our House, I am afraid no fresh chance can be given and Mr. Suhrawardy has allowed the opportunity to slip away from under his feet. He cannot rise on a point of personal explanation at this stage—at a very late stage.”

584. PERSONAL EXPLANATION: A MEMBER CANNOT MAKE A SPEECH WHILE ON POINT OF PERSONAL EXPLANATION:

A member wanted to speak on personal explanation regarding an interview of M.N.A’s., taken by the representatives of Radio Pakistan in M.N.A’s Hostel. Mr. Speaker observed that it did not concern the House. The member, however, alleged that he wanted to offer a personal explanation, whereupon Mr. Speaker directed him to file a privilege motion against Radio Pakistan, as it was not a point of personal explanation.

The member insisting on pursuing the matter, Mr. Speaker expressed his displeasure and remarked:

“........You cannot make speeches like this here. You go and make the speeches in public, it is a wrong practice. Under the excuse of personal explanation, you wanted to make a speech. This is wrong.”

585. PERSONAL EXPLANATION: PERSONAL EXPLANATION WITH THE OBJECT OF MAKING CHARGES AND COUNTER CHARGES NOT ALLOWED:
A member sought permission of the Chair, under rule 231 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, to make a personal explanation with reference to certain remarks and insinuations made against him on the floor of the House. Mr. Speaker refused the permission and ruled that the National Assembly was not the forum meant for leveling charges and counter-charges of personal nature and that, in future, speeches containing personal remarks and in insinuations would not be allowed.

(274-160 Vol IV)
N.A Deb., 24th June, 1975.

586. PERSONAL EXPLANATION: SPEECH BY THE PRIME MINISTER ON RADIO AND T.V. REGARDING CONDUCT OF THE OPPOSITION: A MEMBER OF THE OPPOSITION: A MEMBER OF THE OPPOSITION WANTED TO SPEAK BY WAY OF PERSONAL EXPLANATION: SPEECHES MADE OUTSIDE THE ASSEMBLY NOT COVERED BY RULE 231 RELATING TO PERSONAL EXPLANATION:

A member of the opposition raised a point of personal explanation about the speech of Prime Minister on the radio and television regarding the boycott of Opposition. Mr. Speaker ruled out the point with the following observations:--

"The point of explanation will be only on matters which are discussed in the House. For a public speech or for a public meeting, the counter reply may be made but not in the House."

(275-160 Vol IV)
N.A Deb., 3rd November 1975.

587. PERSONAL EXPLANATION: PERSONAL EXPLANATION WITH THE OBJECT OF MAKING CHARGES AND COUNTER CHARGES: NOT ALLOWED:

On 9th June, 1996 some members of the Opposition and Treasury Benches made allegations and insinuations against each other with regard to corruption. During the course of discussion, some members wanted to make personal explanations to contradict the news reports on which allegations or corruption were based.

Mr. Speaker observed as follows:--

"According to the Practice and Procedure of Parliament by M.N. Kaul page 365, a member
has the right to make personal explanation notwithstanding the fact that the allegations made against him in the House do not relate to him in his capacity as a Member of Parliament but otherwise. The forum of the House should not however, be used to make personal explanation to contradict or clarify reports, not connected with the proceedings of the House published in the Press, Decisions of the Chair 72-75, Decision No. 274. Personal explanation with the object of making charges and counter charges not allowed. A member sought permission of the Chair under Rule 253 of the Rules of Procedure and Conduct of Business in the National Assembly 1992, to make a personal explanation with reference to certain remarks and insinuations made against him on the floor of the House. Mr. Speaker refused the permission and ruled that the National Assembly was not the forum meant for levelling charges and counter charges of personal nature and that, in future speeches containing personal remarks and insinuations would not be allowed. Thank you very much."
588. PERSONAL REMARKS AGAINST GOVERNMENT OFFICIAL: PERSONAL REMARKS OR CHARGES AGAINST GOVERNMENT OFFICIALS SHOULD BE AVOIDED DURING SPEECHES IN THE HOUSE:

During the course of his speech on the Finance Bill on 29th March, 1954, a member from the Opposition made some personal remarks against a responsible officer of the Custodian Department. Mr. Deputy President, thereupon, observed:

"I would like to draw the attention of the House to some very healthy precedents that have been laid down. Standing Order No. 29 (2) (II) says that a member while speaking shall not make a personal charge against a member. The member who is present can defend himself but when a charge is made, names are mentioned of persons or officers of Government who are not here, it is very unfair to them that such remarks should be made and I will quote to you two or three rulings given in the Indian Legislature where the President has ruled that that should not be done. I would, therefore, request that in future the Honourable Members can criticise the Executive but they should not mention names or make specific charge which may be defamatory or deprecatory for their character and conduct. I did not like this to happen but I was not in the Chair. If I had been in the Chair I would have requested Mr. Nandy not to do so. Since he had mentioned it, I allowed the Honourable Minister to give a reply but I would request the House to bear this ruling in mind and the definite rulings given by different Chairmen that this is very unhealthy practice. The ruling runs as this:

"In the debate, reference to non-members should be avoided. During the general discussion on the budget a member referred to Birlas, Tattas and Dalmias in uncomplementery words. I might suggest that it would be better if the Honourable
Member does not mentioned names particularly against the people who are not present here in this House. There is another ruling in the Indian Legislature where a reference to an officer was made. There, also, the President refers to the same Standing Orders. Our Standing Orders are exactly the same. "Standing Orders prohibit any defamatory statements being made and the Chair expects that the Honourable Member will abstain from making any such statements with reference to any one and particularly such person who is not present in the House to defend himself. The Chair thinks that the Honourable Members must not make charges against individuals."

(64-38 Vol I)
P. 918.
589. **Point Of Order: There Can Be No Point Of Order To another Point Of Order: When One Point Of Order Has Not Finished, Another Cannot Be Raised.**

A member raised a point of order when another point of order was being discussed. Mr. Chairman rejected the second point of order and ruled that there could be no point of order to another point of order. He observed that, when one point of order had not finished, members could not raise any other point of order.

(73-45 Vol I)
C.A. Deb., 18th May, 1948.
P. 15.

590. **POINT OF ORDER: WHETHER THE CONDUCT OF A JUDGE OF UNDIVIDED INDIA CAN BE CRITICISED POINT OF ORDER UPHELD:**

On 3rd July, 1954, Mr. Abdullah-al-Mehmood raised a point of order against the remark passed by Mr. Dhirendra Nath Dutta against the conduct of a Judge of pre-partitioned India during his speech on the motion regarding the imposition of section 92(A) of the Government of India Act, 1935, over East Bengal. Mr. Dutta, in his defence stated that the provision of the relevant rule that a member, while speaking, should not reflect upon the conduct of any Court of Law, actually referred to the Courts of Law in Pakistan; whereas in his speech he had referred to the judgement of a Judge of undivided India. Mr. A.K. Brohi, the Law Minister pointed out that the Courts of Law in Pakistan were successors-in-office to the Courts in undivided India and, as such if any adverse comments are made about the predecessor court of India, it would be tantamount to a reflection on the Court of Law in Pakistan. Thereupon, Mr.
President observed:

"So far as the last point is concerned, I agree with Mr. Brohi. So far as the Courts of Law of pre-partitioned India are concerned, they stand in the same footing in this respect as Pakistan courts. If Mr. Dutta infringed any rule or procedure by commenting upon the conduct of a judge of pre-partitioned India, that may be said to apply *mutatis mutandis* to the conduct of a Pakistani Judge also. So far as that point is concerned, I am of the same opinion as Mr. Brohi. But so far as the other point is concerned, i.e., whether a member can comment upon the conduct of a Judge in the exercise of his judicial functions it is altogether a different question. The question is whether such comment upon the judgment of a Court of Law is prohibited by our rules of procedure. I am not expressing an opinion on this point just now. I would only say to Mr. Dutta that it is not at all in good taste that he should refer in disparaging language to a Judge of pre-partitioned India."

(75-46 Vol I)
Pp. 1406-1407.

591. POINT OF ORDER: POINT OF ORDER RAISED AGAINST A MEMBER'S SPEECH ON A MOTION HELD INADMISSIBLE.

On 3rd July, 1954, Mr. Shamsur Rahman raised a point of order against the time taken by another member on his speech on a motion regarding imposition of Section 92(A) of the Government of India Act, 1935, over East Bengal. He contended that, according to the relevant rules, a member, while delivering his speech, should be strictly relevant to the matter before the Assembly, and he should not use the right of speech for purposes of wilfully and persistently obstructing the business of the Assembly. Thereupon, Mr. President observed:

"That is not a proper point of order, so far as the question at issue is concerned. That is a question of fact whether the Honourable Member infringes that rule or not and I am definitely of view that he is not infringing that rule. Therefore, I give this ruling against Mr. Shamsur Rahman. But I would like to tell Mr. Shamsur Rahman that the Rules of Procedure on a motion like this do not authorise the President to fix any time-limit. Therefore, I have only to appeal to the good sense of the Members to be a short as possible. I had already made that appeal: otherwise I have no power to fix any time-limit."

(69-42 Vol I)
592. POINT OF ORDER: ARRANGEMENT OF BUSINESS: NO BUSINESS CAN BE TRANSACTED ON THE DAY THE NEW SPEAKER IS TO BE ELECTED:

On August 12th, 1955, a member rose on a point of order and pointed out that some items, which were left over on the last working day, in accordance with the agreement between the leaders of different parties, had to be included in the Orders of the Day for that day, but the same had not been included. The Chair thereupon observed as follows:

"I have followed the parliamentary practice in arranging the business of the house for today. On the day when a new Speaker is to be elected no other business is included in the Orders of the Day. The procedure followed in the British Parliament is that, as soon as the new Speaker is elected and is conducted to the Chair, he receives formal felicitations from various parts of the House, makes a formal reply and adjourns the House till the next working day. He then arranges the business of the House, which is included in the Orders of the Day. I have no doubt that the business which was left over on the last working day will be included in the Orders of the Day for the next working day."

(66-40 Vol I)
P. 207.

593. POINT OF ORDER: PERSONAL EXPLANATION: PERSONAL ALLEGATIONS MADE BY A MEMBER AGAINST ANOTHER MEMBER IN HIS SPEECH: OTHER MEMBER MAY BE GIVEN AN OPPORTUNITY TO MAKE HIS POSITION CLEAR THROUGH A PERSONAL EXPLANATION WITH THE PERMISSION OF THE CHAIR:

On July 14th, 1955, a member rose on a point of order and stated that an honourable member, during his speech, had made serious allegations against another member. As such the member concerned should be allowed to give a reply to the allegations. Thereupon, the Chair observed as under:

"First of all, I would like to point out that no honourable member is entitled to give a ruling on behalf of the Chair. It is for the Chair to decide whether an honourable member is relevant or not. A member can, of course, draw the attention of the Chair if another member is not relevant or is making personal allegations against another member. A member against whom any reference has been made by a previous speaker can, at the conclusion of the speech and with the permission of the Chair, make a statement by way of personal explanation. In the present case, the honourable member concerned did not
RULING OF THE CHAIR

594. POINT OF ORDER: REFLECTION ON THE REPRESENTATIVE CHARACTER OF THE HOUSE NOT IN ORDER:

On July 9th, 1955, Main Itikharuddin, while speaking on the Representation of States and Tribal Areas Bill, made some remarks casting reflection on the representative character of the Assembly itself. Mr. S. H. Suhrawardy, Minister for Law, rose on a point of order and drew the attention of the Chair to the fact that the House was considering a Bill and the representative character of the Assembly was not under discussion. The Chair, thereupon, observed as follows:

"The point of order raised is this that any reference to the representative character of this House is not in order. I agree with the view. It is a great discourtesy to this House to make a reflection on its representative character and I hope the honourable member will refrain from making such remarks."

595. POINT OF ORDER: RULED OUT: PROVISIONS OF RULE 32 NOT APPLICABLE TO AMENDING BILLS:

On November 29th, 1955, Mr. Farid Ahmad rising on a point of order, objected to the introduction of the Establishment of West Pakistan (Amendment) Bill. He pleaded that, under rule 32 of the Rules of Procedure of the C.A.P., no question, which had once been decided by the Assembly, could be re-opened except with the consent of at least one-half of the members present and voting. Mr. Speaker ruled out the point of order and observed:

"I have since carefully gone into the matter and my ruling is that rule 32, which provides that in question decided by the Assembly shall be reopened except with the consent of at least one-half of the members present and voting, does not apply to Bills which propose to amend Acts already passed. So, my ruling is that rule 32 is not a bar to this motion."

596. POINT OF ORDER: TIME-LIMIT FIXED FOR SPEECHES: CAN BE WAIVED FOR A MEMBER MAKING A GOOD POINT OR POINTS:

do so. If the honourable member concerned had risen in his seat and requested for an opportunity to make a personal explanation, the Chair would have permitted him to do so. The Chair is the custodian of the rights and privileges of the House as a whole and it is the duty of the Chair to ensure that the time of the House is properly utilized and that the business of the House is conducted in accordance with the Rules of Procedure. The House has accepted the closure motion and the matter ends there..."
On January 17th, 1956, Mr. Fazlur Rahman, rising on a point of order, requested the Chair that, while fixing a time-limit for speeches in connection with the consideration of the Bill to provide a Constitution for the Islamic Republic of Pakistan, the decision taken in the Indian Constituent Assembly in regard to the fixation of time limit for speeches on the Constitution Bill be kept in view. The Deputy Speaker who was in the Chair agreed with the proposal.

On January 21st, 1956, the Deputy Speaker made the following announcement:

"...In reference to the point made by the honourable member, Mr. Fazlur Rahman, I have examined the position in the Indian Constituent Assembly, when the Constitution was presented to that Assembly. I find that a time-limit of ten minutes was fixed for each speaker. The honourable members know that there is a persistent demand from all over the country to frame the Constitution as quickly as possible. Considering this demand and the need of the hour, in exercise of the powers conferred by rule 26 of the Rules of Procedure fix thirty minutes' time-limit for each speaker, and four days, i.e. 21st, 23rd, 24th and 25th January 1956, for general discussion and the amendment for eliciting public opinion, moved by Mr. Abdul Mansur Ahmad, and for the two amendments referring the Bill to a select committee standing in the name of Mr Zahiruddin. But I may here mention that, if any member is making a good point or points, I shall certainly waive the time-limit."

PP 1841-1842.
Pp. 1888-1889.

597. POINTS OF ORDER: AMENDMENTS TO RULES GIVEN NOTICE OF BY A PRIVATE MEMBER TO BE: INCLUDED IN THE ORDERS OF THE DAY FOR PRIVATE MEMBERS DAY:

On March 8th, 1958, Mr. Yusuf A. Haroon, rising on a point of order, drew the attention of the Chair to the fact that amendments to the Rules of Procedure, of which he had given notice earlier and which, according to rule 117, should have been included in the Orders of the Day within seven days of the expiry of the notice, had not been included in the Orders of the Day so far. On a suggestion from the Finance Minister, the matter was deferred for the next day.

On the following day, the same question was raised by Mr. Fand Ahmad. The Deputy Speaker, thereupon, observed:

"I have examined the matter as also the office, and it appears that the Minister for Parliamentary Affairs was informed of all these motions for amendment of the rules. He was asked to obtain the consent of the Leader of the House to bring them on the order paper within the prescribed limits of sub-rule (2) of rule 117. But, as he was not satisfied that it was a Government business, he did not include it in the order paper on those days. I am further informed that Mr Speaker has ruled that they should be brought on the Order paper on the 13th, which is a Private Member's Day. But, as I said, there is a lacuna in these rules. Now, Yesterday, it was pointed out in the House that some members may..."
move for the suspension of a rule in order to accommodate amendments to rules. On examining it, I find that it is not possible either."

(65-39, Vol I)
N.A. Deb. 8\textsuperscript{th} March, 1958.
Pp. 1055-1058.
N.A. Deb., 9\textsuperscript{th} March, 1958.
Pp. 1110-1112.

598. POINT OF ORDER: MONEY BILL: DEFINITION OF:

On March 9\textsuperscript{th}, 1958, Mr. Yusuf A. Haroon rising on a point of order stated that as the Finance Bill contained provisions, which had no direct bearing with regard to the provisions of the budget or the collection of taxes, it is not a Money Bill within the meaning of Article 58 of the Constitution. He was strongly supported by the Leader of the Opposition as well as some other opposition members. The question was debated at great length. After hearing both the sides, Mr. Deputy Speaker observed as follows:-

"Mr. Yousuf Haroon has raised a point of order that the Finance Bill, introduced by Syed Amjad Ali, Finance Minister, is not a Money Bill within the meaning of Article 58 of the Constitution. Mr. Chundrigar, the Leader of the Opposition, and Mr. Fazlur Rahman have strongly supported Mr. Yusuf Haroon’s contention and cited some provisions of the Bill as being outside the scope of clause (1) of Article 58 of the Constitution. They lay stress on the word 'only' in the first part of clause (1) of Article 58 and say that the word 'only' restricts the scope of the term Money Bill."

I fully agree with the contention of Mr. Chundrigar and Mr. Fazul Rahman that the term 'Money Bill' has to be construed strictly in view of the word 'only' occurring in clause (1) of Article 58 of the Constitution.

It is, therefore, imperative to examine whether the Finance Bill, introduced by Syed Amjad Ali offends against the provision of clause (1) of Article 59. Sub-clause (1) of clause (1) of Article 58 refers to the imposition, abolition, remission, alteration or regulation of any tax. Sub-clause (f) thereof, refers to any matters, incidental to any of the matters specified in the other sub-clauses. The matter, which has been cited by Mr. Chundrigar and Mr. Fazlur Rahman and other members as being outside the scope of clause (1) of Article 58 have, therefore, to be examined. I have given a careful thought to the clauses of the Bill cited as being outside the scope of the Bill. In my view a Bill, dealing with the imposition, alteration or regulation of any tax can, incidentally, deal with matters, such as machinery for collection and prevention of the evasion of tax and mode of assessment of tax. If it is felt that the imposition of a tax can be reduced in its rigour by setting up an adequate and fool-proof machinery for the prevention of evasion of tax and, if in doing so, such machinery is elaborated for the purpose of removing any doubt or dispute with regard thereto, then I am of the opinion that such provisions as relate thereto would be within the scope of the term "incidental" as specified in sub-clause (f) of clause (1) of Article 58. I fortified in this observation by referring you to
page 800 of May's parliamentary Practice, 16th Edition, heading 'Scope of Finance Bills':

"The scope of a Finance Bill is not limited to the imposition and alteration of taxes for the purpose of adjusting the revenue of the year. It is not intended to be an annual act in the same sense as the Appropriation Act, but normally includes many provisions of a permanent character for the regulation of fiscal machinery and other purposes.

In the light of these observations, I hold the Finance Bill to be in order."

(67-40 Vol I)

Pp. 1118-1134.

599. POINT OF ORDER: SUPPLY OF ANSWERS TO THE QUESTIONS TO THE HOUSE MANDATORY: QUESTIONS ANSWERS OF WHICH NOT SUPPLIED REPEATED FOR NEXT ROTA DAY:

On March 2nd, 1958, a member, rising on a point of order, drew the attention of the Chair to the fact that answers to certain questions had not been made available to the House. The Minister concerned stated that the delay in the supply of copies of answers to questions was due to some officers of his Ministry being on leave. The Minister for Parliamentary Affairs informed the Chair that he had already sent around a note to the Ministries to supply answers to questions to the Parliament Secretariat in time. Thereupon, the Deputy Speaker observed:

"I want the Minister for Parliamentary Affairs to satisfy me whether this is not a fit case for reference to the Committee of Privileges. Firstly, they have not complied with the directions of the Chair; secondly, they have not complied with the instructions given by the Minister for Parliamentary Affairs; and thirdly, they have flouted a mandatory rule of procedure of this House—rule 41—by not providing the answers."

The Minister for Parliamentary Affairs suggested that the best thing would be to call for an explanation of the Ministry concerned this time and if after that, there was a case and the Chair was satisfied, the matter could be referred to the Committee. Thereupon, the Deputy Speaker observed:

"I am prepared to accept that, but I must also see to the interests of the members. Therefore, I rule that, as there are several questions, answers to which have not been received till 3 p.m. today and of some up to 3 p.m. yesterday, these questions will be repeated on the day allotted to the Ministries concerned and shall not be added to the members' quota prescribed in rule 32(1)."

(72-44 Vol I)

Pp. 497-499.
600. **POINT OF ORDER: THERE CANNOT BE ANY POINT OF ORDER TO POINT OF ORDER.**

During the discussion on an Adjournment Motion a Member raised a point of order on which another Member rose to raise another point of order. Mr. Deputy Speaker ruled as follows:

"There cannot be a point of order on a point of order."

(98-91 Vol II)
P. 858.

601. **POINT OF ORDER: MINISTER, WHO IS NOT A MEMBER OF THE ASSEMBLY, CAN INTRODUCE A BILL IN THE HOUSE.**

On 4" July, 1962, a Member raised a point of order with reference to Article 25 of the Constitution that Minister who was not a Member of the Assembly could not introduce or move a Bill in the House and that he was entitled only to the audience of the House like the Attorney-General. Thereupon the Deputy Speaker ruled:

"I am sorry to point out that you have repeated your point a thousand times. Please don't waste the time of the House. The point is quite clear. So far as I remember, this point has also already been referred to by some honourable Members, probably Mr. Farid Ahmad, or some other Member. Any way, the constitutional position is quite clear. A member of the president's Council of Ministers and the Attorney-General shall have the right to speak and otherwise take part in the proceedings of the Assembly. Now in so far as this phrase is concerned, namely "otherwise take part in" this is quite enough to cover the introduction of a Bill. But still if you just take the other view, the rules is not in any way repugnant to this constitutional provision. The rule state: "A Minister or a Parliamentary Secretary may introduce a Bill by giving to the Secretary in writing a notice of his intention; the rule is not in any way in violation (601-383) of the constitutional provisions. It is not in any way repugnant to the constitutional provision which itself has the weight enough to cover even the introduction of the Bill."

(99-92 Vol II)
P. 1031-1034.
602. **POINT OF ORDER: NEGOTIATION OF MEMBERS WITH PERSONS SITTING IN PRESS, OFFICIAL OR VISITORS GALLERIES NOT PERMISSIBLE:**

A member raised a point of order during discussion on a bill that the Parliamentary Secretary for Defence in contravention of the Rules of Procedure and the established parliamentary practice was talking to the officers in the Official gallery. Mr. Deputy Speaker thereupon remarked that negotiation of members with the persons sitting in Press, Official or Visitors galleries was not permissible under the rules and was not in line with parliamentary practice.

(29-20 Vol III)
P. 1600.

603. **POINT OR ORDER: ORDINANCE PROMULGATED BY PRESIDENT HAS THE FORCE OF LAW, UNLESS DISAPPROVED BY ASSEMBLY, AND CAN BE AMENDED BY ANOTHER ORDINANCE:**

A point of order was raised by a member that since the original Ordinance just approved by the Assembly had not yet received the assent of the President, therefore, it had not yet become law and no amending Ordinance could be moved or passed.

Mr. Deputy Speaker ruled that Ordinance always is first approved by the President, and unless it is disapproved by the Assembly, it has the force of law. It could, therefore, be amended by another ordinance.

(30-20 Vol III)

604. **POINT OF ORDER: PROVISION FOR RETROSPECTIVE PUNISHMENT NOT PERMISSIBLE UNDER THE CONSTITUTION: EXCEPTION TO THE APPLICATION OF ARTICLE 6 WAS MADE IN RESPECT OF DECENCE SERVICES IN CLAUSE (3) OF THE ARTICLE:**

On 16th July, 1965, when the approval motion relating to the Pakistan Army (Amendment) Ordinance, 1965 was being debated, Mr. Abdul Quasem, MNA, raised a point of order that the said ordinance was *ultra vires* of the Constitution in as much as it provide for retrospective punishment whereas Article 6 made a safeguard that "No law shall authorize the punishment of a person for an act or omission that was not punishable by law at the time of the act or omission."
Mr. Deputy Speaker ruled out the point of order with the observation that clause (3) of Article 6 of the Constitution created exception so far as the laws relating to the members of the Defence Services, or of the forces charged with the maintenance of public order, were concerned.

(31-20 Vol III)
N.A. Deb., 16th July, 1965
Pp. 1606 and 1610

605. POINT OF ORDER: REFERENCE TO AN EXECUTIVE ACTION OF THE HOLDER OF A PUBLIC OFFICER IN DISCHARGE OF HIS OFFICIAL DUTIES NOT BEING DEFAMATORY, WAS NOT COVERED BY RULE 148 OF THE RULES OF PROCEDURE, 1962:

On 22nd November, 1965, during the course of discussion on the Constitution (Fifth Amendment) Bill, 1965, Mr. Mashiur Rahman contended that Executive officers were vested with vast powers which they exercised arbitrarily. In this connection a reference was made to the action of District Magistrate, Karachi who allegedly acquired forcibly the jeep of Mr. Mahmudul Haq Usmani, with whom he was unhappy, to promote the war efforts.

Mr. S. M. Zafar the Law Minister, raised a point of order that a member was not permitted under Rule 148 of the Rules of Procedure, 1962, to refer to the action of the District Magistrate because the same was taken by him as holder of public order with remarks that the reference by a member to a particular executive action of the holder of public office as not covered by Rule 148 ibid as it was in no way defamatory.

(32-21 Vol III)

606. POINT OF ORDER: WHEN AN APPROVAL MOTION IS MOVED, A MOTION FOR DISAPPROVAL CAN ALSO BE MOVED: BOTH THE MOTIONS ARE SUBSTANTIAL:

On 16th July, 1965, when a motion was moved for approval of the Aircraft (Removal of Danger to Safety) Ordinance, 1965, a disapproval motion was moved by Mr. Abdul Quasem, MNA, a point of order was raised by Mr. Hassan A. Shaikh, MNA, against the disapproval motion. He urged that under the Constitution, if there was a motion for approval of an Ordinance, it could either be approved or
disapproved by a requisite majority and, as such, a disapproval motion on the same subject was out of order.

Mr. Fazal Elahi Chaudhury, MNA, contended that there were three alternatives before the Assembly. The Assembly could either approve or disapprove of an Ordinance or neither approve nor disapprove of it. If a motion for approval was negatived, then the other motion could be put for disapproval. In case that too was negatived then under Article 29(4) of the Constitution, an Ordinance would cease to have effect and shall be deemed to have been repealed upon the expiration of the period mentioned in the Ordinance.

The Law Minster supported the contention of Mr. Fazal Elahi Chaudhry and added that if an ordinance was disapproved it would take effect immediately but if it was approved then it would usually go up to a particular period prescribed therein. If, however, an Ordinance was neither approved nor disapproved, then it would automatically lapse. There were, according to him, three attitudes, viz, positive, negative and neutral.

Mr. Speaker agreed with the view points of Mr. Fazal Elahi Chaudhry and the law Minster and ruled that since both the approval and disapproval motions were substantial they should be moved and ruled out the point of order raised by Mr. Hassan A. Shaikh.

(34-21 Vol III)


Pp. 1582-85.

607. POINT OF ORDER: A COPY OF AN ORIGINAL ACT OR AN ORDINANCE IS NOT NECESSARILY TO BE SUPPLIED TO THE MEMBERS WHENEVER AN AMENDMENT TO SUCH AN ACT OR ORDINANCE IS SOUGHT TO BE MADE: RULED OUT:

After approval motion in respect of an ordinance was moved, a Member raised a point of order to the effect that, according to the past rulings and the convention of the House, a copy of the original Ordinance, as approved by the House, should be supplied to the Members to enable them to know the exact purpose for which an amendment was sought to be made. Mr. Hasan A. Shaikh also supported the contention on the ground that the Members would not be able to determine the impact of the amending Ordinance on the original act in the absence of its original text.

However, Mian Mohammad Rafique Saigol pointed out that under Rule 59 of the Rules of Procedure, it was not necessary that, whenever, a motion for the amendment of an Act or an Ordinance was moved in the House, the Members should be supplied with copies of the Original Act or the Ordinance.
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Mr. Deputy Speaker thereupon ruled out the point of order raised by the member.

(26-17, Vol III)
Pp. 172-176.


During consideration of the approval motion in respect of the Islamabad (Preservation of Landscape) Ordinance, 1966, Mr. Aminul Islam Chaudhury raised a point of order that, if a Member raised an objection that a Bill as a whole, or any part thereof, disregarded, violated or was otherwise not in conformity with any of the principles of law-making enumerated in Article 6 of the Constitution, no further proceedings could be taken with reference to that Bill, unless the objection so raised was disposed of by the Assembly. It was contended that Mr. Mashi-ur-Rahman had earlier pointed out that the Ordinance was against the fundamental rights of the people of Islamabad and infringed the principles of law-making. The Bill, he said, therefore could not be considered, unless the point of order raised by him was first disposed of.

Mr. S. M. Zafar, the Law Minister, said that, firstly, Rule 61 in its application was only available if it was a Bill and not an Ordinance and secondly, the principles of law making, which were later changed into fundamental rights, were no longer available in the Constitution after the adoption of the First Constitutional amendment. Before the passage of the First Amendment, the National Assembly could go into the question whether or not any of the principles of law making were violated, but with adaptation of those principles as fundamental rights on the passage of the First Constitutional Amendment, the right to interpret the violation of any of these rights vested in the High Courts and not in the Legislature.

Dr. Aleem-al-Razee said that the expression ordinance had not been defined anywhere in the rules nor in the Chapter of Fundamental Rights or the Principles of Policies in the Constitution. Therefore, he said that the argument of the Law Minister that Rule 61 dealt with only a Bill and not an ordinance, was not correct. He contended that the expression 'ordinance' was not exclusively provided in rule 61 and Article 6(2) of the Constitution,
which provided that the state shall not make any law which took away or abridged the rights so conferred. Therefore, in his opinion, whether it was an ordinance or a Bill, it come automatically under the mischief of Article 6(2) of the Constitution and Rule 6 of the Rules of Procedure. He therefore finally argued that the above distinction between a Bill and an Ordinance made by the Law Minister was odious.

My Deputy Speaker observed:

"There has been sufficient discussion. I think Rule 61 had been discussed elaborately at a time when the original Constitution was in force and Article 6 had not been amended, because at that time the principle enunciated in the Constitution was that, if any law was made which was repugnant to certain principles of policy or principles of law making, then the Courts had no jurisdiction to go into the validity of that piece of legislation, whether Provincial or the Central, in order to determine whether the law was against the principles of law making or against the principles which were enunciated in Article 6. So, that rule was absolutely necessary. I mean Rule 61, because the Legislature had to determine whether a certain law was good or bad. Court has not jurisdiction in the matter. But, with the amendment of the Constitution, the First Amendment as we call it, when these Fundamental Rights were incorporated in the Constitution, this power was transferred to the law courts. They would now determine whether a law made by the Legislature is valid or void or against the Fundamental Rights granted by the Constitution or against the principles which have been enunciated in the Constitution. They would now determine whether a law was good or bad. Now the Legislature has no function of that type of determine as the authority which was given to the Legislature has been vested in the Courts. Therefore, Rule 61 of the Rules of Procedure is absolutely redundant and we cannot invoke this Rule in a manner in which we used to invoke the Constitution had not been amended.

So far as the other point is concerned, that this would not apply to an Ordinance and it would only apply to Bills, I do not agree with the contention of the honourable Law Minister because, in the old Constitution, under Article 5 it was provided that the Principles set out in this Chapter shall be known as the principles of law making and it was the responsibility of each Legislature to ensure that may proposed law was not made by it if it disregarded the authority and was not in accordance with the principles of law making. The works used are "proposed law" and not any Bill. The Rules of Procedure, however, provide for the term 'Bill' and not 'Ordinance'. But Rule 61 of the Rules of Procedure of the Assembly is subject to the constitution. Now the Constitution provides that no law shall be made which violates certain principles. Therefore, whether it is an Ordinance or a Bill, those principles would have applied if the Constitution and with the definite provision that the law courts are now to determine whether the law is good or bad or whether any law violates certain principles or not, I think Rule 61 has become redundant and it cannot be invoked to determine whether this law is against certain
Therefore, I rule out the point of order.

(27-17 Vol III)
Pp. 248-249.


On 30th May, 1967, during the course of discussion on a Bill, Shah Azizur Rahman, Deputy Leader of the Opposition, rose on a point of order to state that the word "trial" was being substituted by the words "dealt with". Thereupon, Mr. Senior Deputy Speaker made the following observations:

"It is not a point of order. Point of order means that there is some violation of the rules of Procedure, the Constitution, the Rules of Business or there is something to extraordinary that this should not have happened. But merely pointing out some inaccuracies or saying that the argument advanced is not correct or applicable is not a point of order".

(33-21 Vol III)
N.A. Deb., 30th May, 1967.
Pp. 578-79.

610. POINT OF ORDER: MONEY BILL IS ONLY TO CONTAIN THE PRINCIPLES AND NOT THE DETAILS:

On 3rd June, 1968, after the motion that the Privy Purse (Charged Expenditure Bill) 1968, be taken into consideration, M. Abdul Quasem raised a point of order that it was not a proper Bill, as it did not disclose the details of the expenditure. He contended that a Money Bill, like a Budget, should contain definite provisions and details of the proposed expenditure under the relevant Head. Mr. Hasan A. Shaikh supported the proposition raised above and added that the President's consent was to be sought before presentation, as required by Article 47 of the Constitution.

The law Minister contended that the Bill embodied the principle and not the details, because the details were never mentioned in the Money Bill:
Mr. Senior Deputy Speaker ruled that it was not necessary to give details of the amount to be paid, because that law had been already given in the relevant agreement. It was further observed that requirements of Article 47 of the Constitution were satisfied in view of a printed note on the back of the Bill that the President was pleased to recommend the Bill in the National Assembly.

(28-19 Vol III)
Pp. 1642-1644.

611. POINT OF ORDER: ADVICE TENDERED BY A MINISTER TO THE PRESIDENT CANNOT BE DIVULGED: REPORT OF A COMMITTEE CONSISTING OF A MINISTER AND OTHERS CAN BE DISCLOSED IF ITS DISCLOSURE IS NOT HARMFUL TO THE COUNTRY.

In the meeting of National Assembly (Legislature), on the 21st August, 1972, during the Question Hour, a Member raised a point of order asking for a ruling of the Chair as to whether any advice tendered by a Minister to the President could by divulged in reply to a question on the floor of the House. It was contended on behalf of the Treasury Benches that such advice was protected under rule 42 (XV) of the Rules of Procedure and Conduct of Business in the National Assembly (Legislature), 1972,

Mr. Speaker ruled:-

"I will not allow any question about advice tendered to the President by a Minister. This is an established rule but if there is a Committee consisting of a Minister and others to inquire into the matter which is of public importance, then there is no harm in asking questions about it. But if the government thinks that it is a sensitive matter and by disclosing the report of the committee great harm would be done to the country, they can say that they do not want to disclose the information."

(276-161, Vol IV)

612. POINT OF ORDER: MEMBER NOT SWORN IN OR ANOTHER MEMBER ON HIS BEHALF NOT TO ASK QUESTIONS: SUPPLEMENTARY QUESTIONS ON BEHALF OF AN ABSENT MEMBER MAY BE ASKED WITH PERMISSION OF THE CHAIR.
In the meeting of National Assembly (Legislature) on 21st August, 1972, a member raising on a point of order asked the Chair whether a member who had not been sworn in or another member on his behalf could put a question.

Mr. Speaker observed that he would consider the matter in detail on the basis of precedents and parliamentary practices. On August 22nd, 1972, Mr. Speaker gave the following ruling:

"Yesterday during the Question Hour I reserved my ruling on the following two points:

1. Whether a question put in the name of a member who has not yet taken the oath can be asked.

2. Whether supplementary questions can be asked in respect of a question which has been put by another member on behalf of a member who actually put the question and is absent.

I have looked up previous records and the practice followed in other Parliaments. According to Article 74 of the Constitution a person who is a member of the National Assembly shall not sit or vote in the Assembly until he makes before the President an oath in such form as set out in the Constitution. Accordingly, a member who has not taken the oath of office cannot discharge his functions on the floor of the House (Ruling 263, page 176 of the Selection from the Decisions of the Chair of the Indian Central Assembly).

This is the ruling of the old Indian Central Assembly. I will, however, have no objection to the notice of questions and resolutions being received before the oath was taken in order that the stage of admission might be gone through before business is done in the Assembly but when it comes to asking questions or the performance of any other function on the floor of the House, that will not be done until the oath is taken.

As regards putting up supplementary questions in respect of a question which has been put by a member on behalf of another member, the practice hitherto has been that another member may put the question with the permission of the Chair on behalf of member who is not present; when such a question is permitted to be put, it may be followed by a supplementary question, if any. This practice will continue."

(278-161, Vol IV)
N.A. Deb., (I), 22nd August, 1972.
P. 267.
613. **POINT OF ORDER: QUESTIONS ONCE ADMITTED SHOULD BE ANSWERED: OVERRULED:**

In the meeting of National Assembly (Legislature) held on 28th August, 1972, the Minister for Political Affairs and Communications rose on a point of order saying that Starred Question No.91 and 92 could not be answered here because both the questions related to Provincial subjects. Mr. Deputy Speaker overruled the point of order on the ground that the questions had been admitted by Mr. Speaker and, therefore, its admissibility could not be objected to in the House.

(282-163, Vol IV)
P. 505.

614. **POINT OF ORDER: NO FRESH POINT OF ORDER CAN BE RAISED WHEN A POINT OF ORDER IS ALREADY UNDER DISCUSSION:**

On Monday, the 22nd April, 1974, when Mr. Abdul Hafeez Pirzada, law Minister, was speaking on a point of order, another member sought to interrupt him by raising another point of order. Thereupon the Speaker observed that, when a point of order had been raised and was under discussion, no fresh point of order could be raised until the first point of orders was disposed of according to rules.

(279-162 Vol IV)
N.A. Deb., 22nd April, 1974.

615. **POINT OF ORDER: MIS-QUOTATION CANNOT BE CHALLENGED THROUGH A POINT OF ORDER:**

On Monday, the 22nd April, 1974, when a member was speaking on the Constitution (First Amendment) Bill, 1974, a member raised a point of order to the effect that the member who was in the possession of the floor was mis-quotting. Thereupon, the Speaker observed:

"...if he mis-quotes, then you can contradict him in your speech, but this is not the way anybody can mis-quote but it cannot be made the subject matter of a point of order. It can be contradicted by an Honourable member when he makes his speech."

(280-163, Vol IV)
N.A. Deb., 22nd April, 1974.
616. POINT OF ORDER: RULE 226 APPLICABLE TO THE SUBJECT-MATTERS OF A SPEECH AND NOT THE WORDING OF A MOTION:

On 21st January, 1974, during discussion on the admissibility of a privilege motion regarding mis-representation of assembly proceedings., a member raised a point of order stating that the privilege motion contained defamatory words and offensive expression and was, therefore, hit by rule 226(j) of the Rules of Procedure and conduct of Business in the National Assembly, 1973 and could not be discussed in the House. The speaker observed that the aforesaid rule applied to a speech and not to the wording of a motion. The point of order was accordingly disposed of.

(281-163, Vol IV)
N.A. Deb., 21st April, 1974.

617. POINT OF ORDER: FRESH POINT OF ORDER CANNOT BE RAISED TILL THE PREVIOUS ONE IS DECIDED:

A member raised a point of order during the course of discussion on another point of order. Mr. Speaker drew his attention to sub-rule (3) of rule 242 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, and observed that nobody could raise a point of order before the Chair had disposed of the earlier point of order.

(277-161, Vol IV)

618. POINT OF ORDER: REGARDING MISREPORTING OF ASSEMBLY PROCEEDINGS TO BE RAISED AFTER QUESTION HOUR:

On 4th November, 1975, Mr. Zulfiqar Ali Bajwa wanted to raise a point of order in respect of misreporting of Assembly proceedings regarding his privilege motion, before the question hour Mr. Speaker advised him to raise it after the questions were over.

(288-164, Vol IV)

619. POINT OF ORDER: MATTER SUB-JUDICE: REFERENCE TO A CASE PENDING WITH A COURT CAN BE MADE WITHOUT MAKING ANY COMMENTS ON THE
PROCEEDINGS ON THE FUTURE COURSE OF EVENTS:

On 21st August, 1976, during discussion on the Defence of Pakistan (Third Amendment) Bill, 1976, a member stated that the NAP leaders were not being tried by the Tribunal created under the DPR and instead, they were being tried by a Special Court. The Law Minister raised a point of order that, under rule 226 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, a member, while speaking, shall not discuss any matter which is sub-judice. As such, the cases pending in a court could not be discussed directly or indirectly. The member, however, contended that the rule was intended to avoid reference to a case before the court, which might prejudicially affect it, but a reference to the trial of a case by a particular court could be made.

The Speaker, after hearing both the sides, observed that a reference could be made about a case pending in a court, but the merits of the same nor the future course of events in the court in regard thereto could be discussed.

(46-23, Vol IV)

620. POINT OF ORDER: ORDERS OF THE DAY TO BE SO FRAMED AS TO ALLOW TWO DAYS TO MEMBERS TO STUDY BILLS BEFORE CONSIDERATION MOTION IN RESPECT THEREOF ARE MOVED:

On 6th August, 1976, Maulana Kausar Niazi, Minister for Religious Affairs was called upon to moved that the Auqaf (Federal Control) Bill, 1976, as passed by the Senate, be taken into consideration at once. Prof. Ghafoor Ahmad raised a point of order that, according to rule 115 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, the members are to be given not less than two days time, from the receipt of the notice of a Bill passed by the Senate, for its study before a motion for its consideration could be moved in the House.

2) The Law Minister said that the expression “unless the Speaker otherwise directs” in rule 115 connotes an implied direction of the Speaker to waive the notice period of two days.

3) Mr. Speaker, while upholding the point of order, observed that the word “shall” mentioned in rule 115 made it obligatory upon the Secretary, National Assembly Secretariat who, under rule 36 of the aforesaid rules, is responsible for the preparation of the Orders of the Day, to so frame them that the members are provided with not less than two days’ time for the study of a Bill before its consideration motion is set down in those Orders.
621. **POINT OF ORDER: PREVIOUS SANCTION OF THE PRESIDENT: NOT REQUIRED IN CASE OF A BILL REPLACING AN ORDINANCE:**

On 24th June, 1976, when a motion to dispense with the requirement of rule 92 of the Rule of Procedure and conduct of Business in the National Assembly, 1973, in regard to the Bill further to amend the Land Reforms Regulation, 1972, was moved, a member raised a point of order that, under clause (2) of Article 268 of the Constitution, the laws specified in the Sixth Schedule would not be altered, repeated or amended without the previous sanction of the President. Therefore, he held that, the Bill required the Previous Sanction of the President.

The Minister-in-charge of the Bill explained that the Bill had emerged out of an Ordinance and, since prior sanction of the President had already been obtained before the promulgation of the Ordinance, it was to be deemed to be a continuing approval for the Bill replacing the Ordinance. The Law Minister also explained that, by virtue of clause (3) of Article 89 of the Constitution the Ordinance had been converted into a Bill. It did not therefore, require a fresh sanction of the President for its being processed in the Assembly to which the Speaker concurred.

622. **POINT OF ORDER: STATEMENT BY A MINISTER UNDER RULE 264: NO QUESTION TO BE PUT OR A DISCUSSION RAISED THEREON:**

On 23rd August, 1976, after the statement of the Finance Minister on the flood situation, a member raised a point of order that its copies might be supplied to the members, to enable them to put questions or raise a discussion.

Mr. Speaker, over ruling the point of order, observed that rule 264 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, did not permit any question to be put or a discussion raised on the statement made by a Minister inside the House on a matter of public importance.
623. **POINT OF ORDER: UNPARLIAMENTARY EXPRESSIONS "UTTERANCES" HELD NOT TO BE UN-PARLIAMENTARY:**

On 23rd June, 1976, during discussion on the admissibility of a privilege motion, a member termed the remarks of another member as "utterances". Another member raised a point of order and objected to the use of the word "utterances" being too harsh. The Speaker observed that, unless it was established that the word is used in a bad sense, the point of order could not be upheld.

(50-25, Vol V)


On 18th November, 1986 soon after the recitation from Holy Quran, Mr. Liaqat Baloch rising on a point of order drew the attention of the honourable Speaker to the effect that a big procession of "Muth-Hida Shariat Muhaz" is holding a public meeting outside the Parliament Building for enactment of a law with regard to enforcement of Shariat in the country which resulted into a lengthy debate.

Mr. Speaker, after hearing the viewpoints of honourable members from both sides at great length held the point of order inadmissible in view of rule 242 of the Rules of Procedure, being not within his cognizance.

(86-54, Vol VI)

N.A. Deb., 18th November, 1986.

Pp. 733-760.

625. **POINT OF ORDER: OBJECTION THAT CRITICISM ON THE SHORTCOMINGS OF THE GOVERNMENT POLICY BY A MEMBER OF TREASURY BENCHES SHOULD BE MADE IN PARTY MEETINGS AND NOT ON THE FLOOR OF THE**
HOUSE: OBJECTION DOES NOT PREVAIL BECAUSE IT IS THE MORAL DUTY OF A MEMBER TO EXPRESS HIS OPINION:

On 19th April, 1988 during discussion on an adjournment motion regarding construction of a barrage on the river Jehlum in Occupied Kashmir by Indian Government, Mr. M.P. Bhandara raised a point of order that Sheikh Rashid Ahmed belonging to treasury benches and a member of the Government party should not have criticized the shortcomings of the Government policy during his speech on the adjournment motion. He submitted that if a member of the Government party felt aggrieved at the lack of action taken by the Government regarding the Wullar Barrage then he should take it up with his own party. He contended that in the present form it would be a mockery of the parliamentary practice that adjournment motion was also supported by the members of the Government party.

Mr. Chairman gave the following ruling:

"The member of the House should be enabled to participate and contribute to the reservoir of wisdom of this Parliament and there should not be any suppression of their personal opinion in the name of party allegiance. I think we would be doing immense good by establishing real meaningful party traditions if members are acknowledged their right to free expression and I think he is within his limits while expressing an participating in this adjournment motion."

Sheikh Rashid Ahmad later on clarified that he was not criticising the policy of the Government but in fact he was criticising the Indian government. He further stated that being a member of the House he was supposed to express his feelings and opinion on national issues and thus he recommended to the Government to present the issue to the Indian Government to refrain from taking steps to construct a barrage on the river Jehlum.

(87-54, Vol VI)
Pp. 523-524.

626. POINT OF ORDER: A MEMBER IS AT LIBERTY TO RAISE A POINT OF ORDER IF IT IS IN ACCORDANCE WITH THE SPIRIT OF THE RULES:

On 9th February, 1989 during the discussion of Presidential address a member raised a point of order that unnecessary interference was being made in the House by some members under the garb of points of order time and again requested the Chair to refrain them from doing so through a ruling.

Mr. Speaker observed that it was a right of every member to raise a point of order when he felt that the proceedings were being conducted in violation of rules. However, if the
Speaker considers that a point of order had not been made in accordance with the spirit of rules then he may rule it out of order.

(83-52, Vol VI)
P. 436

627. **POINT OF ORDER: OBJECTION THAT ONCE A PRIVILEGE MOTION WAS MOVED AND GOVERNMENT REPLY GIVEN THEN MINISTER WAS JUSTIFIED TO REPEAT EARLIER VIEW POINT: OBJECTION OVER RULED:**

On 6th December, 1989 some members moved identical privilege motions regarding grant of funds to the members belonging to Pakistan People's Party where after the movers spoke on the admissibility and the Minister for Parliamentary Affairs replied to them. Thereafter some members again spoke on the admissibility of the motions and the Minister reiterated his earlier point of view, whereupon, Mr. Abdul Ghafoor Chaudhry, MNA raised a point of order and sought ruling of the Chair to the effect that once a motion was moved and the Government reply was given by any Minister or Minister of State, whether it was permissible under the rules that the honourable Minister should again repeat the same points of view of the Government which had already been covered by him earlier. Madam Deputy Speaker gave the following ruling:-

"Firstly, I have the authority to listen to any member at any time and secondly after the statement of the Minister some members raised more points, so the Minister was justified in giving the answers."

(88-55, Vol VI)
Pp. 325-326.

628. **POINTS OF ORDER: RAISING OF UNNECESSARY POINTS OF ORDER SHOULD BE AVOIDED:**

On 5th October, 1989 during discussion on an adjournment motion regarding desecration of National Flag at Sukkur Airport. Some members wanted to speak under the garb of points of order Mr. Imran Farooq, MNA raised an objection that the honourable member were raising points of orders which were not relevant to the issue and sought a ruling of Madam Deputy Speaker, whether the honourable members were right in raising such points of order.

Madam Deputy Speaker agreeing with Mr. Imran Farooq, MNA gave the following ruling:-

"Unnecessary points of order have been raised since yesterday, we are unable to go
forward due to these points of order and therefore, I have decided not to allow
unnecessary points of order. This decision has the support of rules."

(89-56, Vol VI)
N.A. Deb., 5th October, 1989.
Pp. 1281-1282.

629. **POINT OF ORDER: CLARIFICATION BY A MINISTER ON PLIGHT OF BIHARIS
THROUGH A POINT OF ORDER: NOT PERMISSIBLE BEING CONTRARY TO
RULES: SUCH CLARIFICATION SHOULD BE MADE BY MEANS OF A POLICY
STATEMENT BY MINISTER:**

On 7th August, 1992, Maulana Abdul Sattar Khan Niazi, Minister for Religious Affairs raised a
point of order and wanted to make clarification regarding plight of Biharis in Bangladesh to correct the
record. Whereupon Mr. Speaker observed that clarification regarding plight of Biharis should be given
through a policy statement by the Minister because the point of order is to be raised when there is some
violation of rules governing the proceedings of the House or of the constitution. He, therefore, observed
that the issue of Biharis existing in Bangladesh does not form a point of order.

(85-53, Vol VI)
Pp. 1180-1187.

630. **POINT OF ORDER: A POINT OF ORDER IS USUALLY TO BE RAISED WHERE
THERE IS SOME VIOLATION OF RULE OR ARTICLE OF CONSTITUTION
REGULATING THE BUSINESS OF THE ASSEMBLY OR SOME WRONG
PROCEDURE IS BEING ADOPTED BY THE CHAIR AND NOT OTHERWISE:
POINT NOT PERMISSIBLE:**

On 11th January, 1993 Syed Zafar Ali Shah, MNA, raised a point of order that under the rules no
statement could be made in the House with regard to the conduct of any judge of the Supreme Court or of
a High Court in the Discharge of his duties whereas the Prime Minister has allegedly criticized the
conduct of judges which amounts to putting pressure and influence upon the judiciary and thus it was
violation of rules.

Ch. Amir Hussain, MNA, objected to the point on the ground that this was not a point of
order under the rules, because the honourable member has misunderstood the
statement of the Prime Minister who had simply suggested the need for further
improvement of judicial system and in fact he had not criticized any judge. He argued
that in view of the said statement of the Prime Minister the point of order of the
honourable member was misconceived and unjustified.

Mr. Speaker ruled that a point of order was normally raised when either there was some violation of any rule or Article of the Constitution regulating the business of the Assembly or some wrong procedure was adopted by the Chair and not otherwise.

(84-53, Vol VI)

631. POINT OF PRIVILEGE: DISCUSSION ON THE STATEMENTS MADE BY THE RUSSIAN PREMIER AND THE COMMUNIST PARTY LEADER ABOUT KASHMIR: CANNOT BE DISCUSSED IN THE CONSTITUENT ASSEMBLY:

On 15th December, 1955, Khan Mohammad Jalaluddin Khan, rising on a point of privilege, suggested that the proceedings of the House be adjourned so that the statements made by Russian Premier, Marshal Bulgain and the Communist Party Leader Mr. Kruchev, in Scinage about Kashmir could be debated. Thereupon the Speaker observed:

"I think I should make my statement. I am very conscious of the strong feelings inside and outside this House on the subject to which the honourable member has referred just now, but I am afraid the matter cannot be taken up, as the honourable members know, in the Constituent Assembly. I hope, however, that the honourable Prime Minister will take note of what the honourable member has just stated on the floor of this House, but I am afraid that, at the moment, no discussion can be allowed."

(77-47, Vol I)
Pp. 1727-1728.

632. POINT OF PRIVILEGE: INADMISSIBLE: RIGHT OF REPLY TO THE MOVER OF AN AMENDMENT: MOVER HAS NO SUBSTANTIVE RIGHT TO REPLY AFTER ADOPTION OF CLOSURE MOTION:

On 16th September, 1955, after the general discussion on the Establishment of West Pakistan
Bill had concluded, Sardar Fazlul Karim rose on a point of privilege that he had the right to reply to the discussion over his amendment. On the following day, the Speaker gave the following ruling:

"The honourable member, Sardar Fazlul Karim, raised a point of privilege yesterday that he had a right to speak again, being a mover of the amendment. In view of the fact that the closure motion had been adopted by the House, the mover of the motion has no substantive right to reply."

(80-48, Vol I)
P. 857.
P. 861.

633. POINT OF PRIVILEGE: CRITICISM OF THE SPEECH OF A MEMBER IN EDITORIALS WRITTEN BY TWO NEWSPAPERS: MATTER REFERRED TO THE PRIVILEGES COMMITTEE:

On 23rd January 1956, Mr. Abdul Mansur Ahmad raised a point of privilege regarding editorials written by two newspapers- Morning News of 19th January and Karachi Times of 21st January, 1956. He stated that it had been alleged in the editorials that, during his speech on the Constitution Bill, he had pleaded for dismemberment of the country. Thus he maintained the papers had not only infringed the prestige of the individual member, they had also infringed the privileges of the House. After some discussion, the matter was referred to the Privileges Committee.

(76-46, Vol I)

634. POINT OF PRIVILEGE: HELD IN ORDER: REFERRED TO THE PRIVILEGES COMMITTEE: PROCEEDINGS OF THE HOUSE QUESTIONING BY POLICE:

On 1st February, 1956, Mr. Mahmud Ali raised a question of privilege that, while under arrest, he was questioned on 29th November, 1955 by the Intelligence Branch of the East Bengal Police, Dacca, as to why he had opposed the One Unit Bill. He maintained that the activities in and the proceedings of the House could not be questioned at any other place except in the House itself. The matter was prima facie held to involve a breach of privilege of the House and referred to the Privileges Committee, with the consent of the House.
635. POINT OF PRIVILEGE: HELD IN ORDER: SUPPLY OF ORDERS OF THE DAY IN BENGALI:

On 17th January, 1956, Shaikh Mujibur Rehman raised a point of privilege regarding non-supply of Orders of the Day in Bengali, which was also one of the languages in which the members could address the House and in which official records of the proceedings of the assembly were to be kept. The Deputy Speaker promised to look into the matter.

On January 21st, 1956, the Deputy Speaker informed the House as follows:

"I now have to announce that, on the 17th instant, Honourable Shaikh Mujibur Rahman raised a point of privilege complaining that the Orders of the Day were not being supplied to the Honourable members in Bengali. I promised to look into the matter and endeavour to satisfy the Honourable members on this point. I have done so and made arrangements to ensure that the Orders of the Day and other papers are supplied in Bengali to those members who request for their supply. I understand that they are already being supplied to such members, but if there are any other members who desire that the Orders of the Day, in Bengali, be supplied to them, they may kindly address such a request to the Secretariat and I have no doubt that every attempt will be made to supply them with these papers. I understand that the same procedure is being followed in the case of papers in Urdu."

636. POINT OF PRIVILEGE: MISREPORTING OF SPEECH: MATTER REFERRED TO THE PRIVILEGES COMMITTEE:

On 4th February, 1956, Mr. H. S. Suhrawardy raised a point of privilege regarding the misreporting of his speech by the Times of Karachi. The matter was referred to the Privileges Committee.
637. POINT OF PRIVILEGE: MOVING OF AMENDMENT AT SHORT NOTICE: MEMBERS CAN RAISE OBJECTION TO THE MOVING OF AMENDMENTS WITHOUT PROPER NOTICE: UNSAFE TO MOVE AMENDMENTS OF SUBSTANTIVE NATURE AT SHORT NOTICE:

On February 8th, 1956, during the second reading of the Constitution Bill, Mr. Zahnidaddin raised a point of privilege about moving amendments of a substantive nature at short notice. He pleaded that the practice put the members in an awkward position, as they had no time to study the same properly. Inviting the attention of the House to rule 57 of the Rules of Procedure according to which, if notice of an amendment had not been given two clear days before the day on which the Bill is to be considered, any member could object to the moving of the amendment, the Chair was pleased to observe:

"In a Bill of this nature—the Constitution Bill it would be dangerous to move amendments at short notice, and the House would agree with me that any amendment over which the member-in-charge has not had time to ponder and to think and to consult his drafting advisers, might change the meanings, create conflicts in between the provisions and cause anomalies to creep in. So, it would be unsafe to move substantive amendments at short notice.

(82-49, Vol I)
Pp. 2727-2728.

638. POINT OF PRIVILEGE. PRIOR NOTICE FOR RAISING A QUESTION OF PRIVILEGE DESIRABLE:

On January 23rd, 1956, the Deputy Speaker was pleased to make the following announcement:

"I have an announcement to make. Under rule 21(5)(e) it is provided that no notice is required for a motion on a question of privilege. Although this provision does not make the notice obligatory, Honourable members will appreciate that, in case where sufficient time is available at the disposal of Honourable members before they raise a particular question of privilege, it is only fair and appropriate that the Speaker should have previous information that such a point is intended to be raised. It is also desirable that the Leader of the House and Leader of Opposition or, if they are not available, their Whips are given a prior intimation of such an intention. This will help an appreciation of the point of privilege, for an attack on the privilege of any member is not only the concern of that member alone, but is also the concern of the whole House and, as such, of every member of the House. But where an opportunity is not afforded to create a proper atmosphere for the purpose of discussing the question of privilege by giving due
intimation thereof to both the sides of the House, it is quite likely that the whole atmosphere may be vitiated and an important point of privilege may be lost for default.

I, therefore, wish to suggest to the House that, although there is no rule that notice is required for raising a point of privilege, an intimation is given to the Leader of the House and Leader of Opposition and the Speaker, unless a point of privilege arises out of something that takes place on the floor of the House during its sittings and no time is available to the members for taking such a step."

(83-49, Vol I)

639. POINT OR PRIVILEGE: REFERRED TO THE PRIVILEGES COMMITTEE
COMMENTS OF TIMES OF karachi ON THE POINT OF PRIVILEGE RAISED IN
THE HOUSE AND REFERRED TO THE PRIVILEGES COMMITTEE EARLIER:

On January 24th, 1956, Shaikh Mujibur Rahman, rising on a point of privilege, stated that the "Times of Karachi had committed a breach of privilege by publishing its comments under the heading "Abdul Mansur's Privilege". The Deputy Speaker, thereupon, observed as follows:

"At the commencement of today's proceedings, Honourable member, Shaikh Mujibur Rahman raised a point of privilege in respect of an article published in today's issue of the "Times of Karachi". I promised to look into the matter during the first prayer interval and to place my observations before the House thereafter. In this connection, I have to draw the attention of the Honourable members to the motion of privilege moved by Mr. Abdul Mansur Ahmad on 23rd January, 1956, in respect of the editorial of the Morning News dated 19th January, 1956, and an article appearing in the comments column of the times of Karachi, dated 21st January, 1956, which, when put to the House for referring the matter to the Committee of Privileges for consideration and report, was adopted unanimously. In today's issue of the Time of Karachi, an article questioning the right of freedom of speech of the Honourable members and the privileges of this House has been published in the comments column under the caption "Abdul Mansur's Privilege."

After quoting extracts from the Newspaper, the Honourable Deputy Speaker further observed:

"I consider it most improper for anyone, much more so for a newspaper, to comment on the merits or demerits of a matter which has been referred to the committee of Privileges in a manner which is likely to influence the proceedings of that Committee. In
this particular case, the Editor of the Times of Karachi against whom the Honourable
member has complained has criticized not only the Honourable member for moving the
motion, which he had the privilege to do, but has also criticized the House for the
decision it has taken unanimously. It is an undoubted privilege of the House that the
members of the Assembly shall have full freedom of speech. Sub-section (2) of section
4 of the Constituent Assembly Proceedings and Privileges Act, 1955, state:

"No member of the Assembly shall be liable to any proceedings in any court in respect
of anything said or any vote given by him in the Assembly or in any Committee thereof
and no person shall be so liable in respect of publication by or under the authority of
the Assembly of any report, paper, votes or proceedings."

It will be clear from this that there is no restricting or qualifying words in respect of
anything which an Honourable member may say in the House. The only restriction that
is there is that imposed by the House itself under its Rules of Procedure.

In the House of Commons in the United Kingdom also, it is the unquestionable right of
the House to settle its own code of procedure. The House is not responsible to any
external authority for following the rules it lays down for itself, but may depart from
them at its own discretion. May, on Parliamentary Practice, says that this holds good
even where the procedure of a House or the right of its member to take part in its
proceedings is dependent on statute. For such purposes, the House can "practically
change or practically supersede the law." May gives quotations from the Judgment of
Mr. Justice Stephen in Bradlaugh's case, where the relation between the jurisdiction of
the courts and that of the House of Commons over the internal proceedings of the
House has been defined as follows:

"Suppose that the House of Commons forbids one of its members to do that which an
Act of Parliament requires him to do, and, in order to enforce its prohibition, directs its
Executive Officer to exclude him from the house by force, if necessary. Is such an order
one which we can declare to be void and restrain the Executive Officer of the House from
carrying out? In my opinion, we have no such power. I think that the House of Commons
is not subject to the control of her Majesty's Courts in its administration of that part of
the statute law which has relation to its own internal proceedings."

In the opinion of the Chair, there is a prima facie breach of the privileges of the House
committed in the article referred to. I would, therefore, like that this may also be
referred to the Committee of Privileges, if the House has no objection.

As there have been several cases of complaint against newspapers in regard to
breaches of privileges of the House, the Chair must give a warning to the Editors of
newspapers to be careful in what is either reported in their newspaper or commented
If, in future, the Chair finds such interference on the part of Editors of newspapers, it will not for a moment hesitate to take strong action against them in such manner as it deems necessary to uphold the powers, privileges and the dignity of this House.”

The matter was referred to the Privileges Committee.

(84-50, Vol I)

640. POINT OF PRIVILEGE: SUPPLY OF REPLIES TO QUESTIONS TO THE MEMBERS IN ADVANCE: RESPONSIBILITY OF THE GOVERNMENT:

On October 10th 1956, Sardar Farul Karim, rising on a point of privilege drew the attention of the Chair to the fact that replies to his questions were not made available to him in advance due to which he could not frame supplementary questions. The Speaker, thereupon, observed:

"I fully realize the difficulty and I am myself suffering from it. It is the function of the Government to make the answers available earlier to all the members, so that they can make up their minds as to the supplementary questions they want to frame. I request the Government whip to see that this grievance is remedied.”

(85-52, Vol I)
N.A. Deb., 10th October, 1956.
Pp. 150.
641. POLICY STATEMENT: DEMAND OF MAKING POLICY STATEMENT BY THE GOVERNMENT WITH REGARD TO IRAQ-KUWAIT CONFlict AND SUBSEQUENT U.S. ATTACK ON IRAQ: POINT UPHELD:

On 14th January, 1993, Mr. Liaqat Baloch, MNA, raised a point of order with reference to Iraq-Kuwait conflict and subsequent U.S. attack on Iraq and requested the Chair to direct the Government to give a policy statement on the issue in the House enabling the members to move a unanimous resolution thereon.

Mr. Speaker upheld the point of order and urged upon the Government to make policy statement on the said important matter in the House under the rules.

(90-56, Vol VI)
On 15th August, 1994 Hajji Muhammad Nawaz Khokhar raised a point of order that given of the precincts of the Assembly for holding of function on the 14th August was not permissible. He referred to Rule 288 of the Rules of Procedure and contended that the chamber cannot be used for any purpose other than the joint sittings or the sittings of the Assembly. Syed Iqbal Haider, Minster for Law, Justice and Parliamentary affairs pointed out that there was a vast difference between “Precincts” and the “Chamber” and stated that the premises of the Assembly could be used for any purpose with permission of the speaker which in the instant case had already been granted. He however, submitted that the restriction contained in rule 288 was specifically with regard to use of Chamber for any purpose other than the joint sittings or the sittings of the Assembly and did not relate to precincts of the Assembly.

Mr. speaker after hearing the member and the Minster for Law, Justice and Parliamentary Affairs at some length ruled out the point of order and observed as follow:-

“I have given the permission for the display of the paintings and for the functions and somebody reported that Quaid-e-Azam’s portrait was not there. I myself was present. The first painting was of Quaid-e-Azam. It was for the first time ever that I was personally present and therefore, I have given the permission for holding of painting exhibition and other functions for the celebration of the Independence Day. The Chamber
and the precincts are separately defined in the Rules of Procedure, therefore, the point of order is ruled out of order.

(91-57, Vol VI)
Pp. 93-106.
PRESENTATION OF REPORT

643. PRESENTATION OF REPORT: THE WORK RELATING TO THE DIVISIONS UNDER THE CHARGE OF THE PRESIDENT CAN BE LOOKED AFTER IN THE ASSEMBLY BY ANY MINISTER UNDER THE DIRECTIVE OF THE PRESIDENT:

On 6th May, 1968, the Information Minister was allowed to present the report of the Central public Service Commission under Article 189 of the 1962 Constitution. Mr. Farid Ahmad raised a point of order that the Central Public Service Commission was under the Establishment Division, which was under the charge of the President and not under the Minister for Information, therefore, the Minister of Information was not competent to present the report.

The Minister for Information and Broadcasting, thereupon, informed the House that, since the President had made him in-charge of the business of the Establishment Division in the Assembly, he was competent to deal with the subject.

Mr. Senior Deputy Speaker observed that the President vide his order of the 16th April, 1968, had allocated the Assembly work relating to the Divisions, which were under his own charge, to different Ministers including the Minister for Information and Broadcasting there was not need to publish this as a notification in the Official Gazette, because the President could very well assign the Assembly business with regard to those Divisions to any particular Minister. He also added that even the Rules of Procedure (1966) did not insist for any particular Minister answering any particular Division. The point of order was accordingly ruled out of order.

(35-22, Vol III)
644. PRESENTATION OF REPORT OF PRIVILEGES COMMITTEE: PRESENTATION OF REPORTS OF THE PRIVILEGE COMMITTEE TO FOLLOW THE ADJOURNMENT MOTIONS:

On the 1st August, 1973, when the Speaker announced that there was an adjournment motion standing in the name of a member, a point of order was raised that it should be taken up after the presentation of reports of the Privilege Committee set out in the Orders of the Day. Rule 240 of the Rules of Procedure and Conduct of Business in the National Assembly, 1972 accorded priority to the motion for consideration of the report of the Privileges Committee but not to the presentation of the report. The Speaker, therefore, ruled that the adjournment motion will be taken up before the presentation of the reports. He also observed that after the reports were presented, a date will be fixed for their discussion and on that day they will have priority.

(284-164, Vol IV)
On 7th December, 1962, during the debate on supplementary grants a Member referred to the president, whereupon the Deputy Speaker observed:

"The honourable Member should know that he cannot bring the president under discussion under our Rules of Procedure."

(100-93, Vol II)
N.A. Deb; 7th December, 1962.
P. 574.
646. **Presidents Address: Matters Referred to in President's Speech Delivered in the Assembly Session Under a Special Order Cannot Be Discussed in Its Constitution-Making Session:**

In the meeting of the National Assembly (legislature) on 15th August, 1972, Mr. Mahmood Azam Farooqui raised a point that the members may be allowed to discuss the matter referred to in the address delivered by the President in the Assembly on 14th and 15th July, 1972, when the Assembly met under the National Assembly (Special Session) Order, 1972, to consider the Simla Accord, Mr. Farooqui relied on rule 25 of the Rules of Procedure and conduct of Businesses in the National Assembly (Legislature), 1972, to support his move.

2. The Minister for Law and Parliamentary Affairs opposed the proposal on the ground that the said speech of the President could not be made a subject-matter of discussion as the rules relied upon Mr. Farooqui were not in force at the time when the speech was delivered, that the President spoke on the said occasion as a member and not as President of Pakistan and that the session in which he made the speech was a session under an extra-constitutional order and not the in term Constitution of the Islamic Republic of Pakistan.

3. Malik Mohammad Akhtar also objected to the point raised by Mr. Farooqui on the ground that the said Order itself laid down a complete procedure to be followed by the Assembly and since there was nothing in the provisions of the Order to permit the members to discuss the speech of the President, the members could not be allowed to do so.

4. In support of the point of Mr. Farooqui it was also maintained that if the Rules of
Procedure were not applicable at the time of the speech of the president, the matters involved in his speech could be discussed by means of a vote of thanks as was done in the British Parliament.

5. Having considered all these arguments, Mr. Speaker ruled as follows:-

"After hearing all points of view I look upon this discussion from two angles, Number one, during the Special Session whatever business was to be transacted has been transacted and that session is over, we cannot introduce matters discussed in that session into this regular session of the Assembly where we have other business before us. The present Assembly business is regulated by the Rules of Procedure (legislature), 1972, and the provisions of the Interim Constitution. Secondly, the vote of thanks on an address by the President or the Head of the State is at the time of opening up of the Parliament and if the Parliament is opened with an address by the Queen or by the Head of State, then there is a vote of thanks and amendments to that vote of thanks can be moved. That situation does not exist in our House. The President addressed that House at the end of the debate which was finished with the passing of the motion under discussion. Having passed that motion we are not competent at this stage to reopen it, if we discuss the speech of the President, then we will be reopening the decision of the House on that motion, which we are not competent to do. It was not an address in the sense that it was an address by the Head of State in opening the Parliament and a formal motion of thanks was moved on behalf of Government and there were amendments from the other parties in the House. I think the analogy quoted by the honourable Member from Karachi is not applicable to this issue and the points raised in the speech of the president cannot be discussed in this session. Therefore, the point of order raised by Mr. Farooqi is ruled out."

(285,164 Vol IV)
Pp.7-14.

647. PRESIDENT'S ADDRESS: PRESIDENT FAILURE TO ADDRESS A JOINT SESSION AT THE COMMENCEMENT OF THE 1ST SESSION OF EACH YEAR OF THE NATIONAL ASSEMBLY UNDER ARTICLE 56(3) OF THE CONSTITUTION: RULED OUT OF ORDER:

On 19th December, 1994 Syed Naveed Qamar, Syed Iftikhar Hussain Gillani and many other Opposition members raised a question on a breach of privilege regarding failure of President to address a Joint Session at commencement of the 1st Session of each year of the National Assembly under Article 56(3) of the Constitution.

The motion was opposed by the Treasury Benches whereafter a lengthy debate took
place and both the Opposition and Treasury Benches spoke on the admissibility of the Motion. Mr. speaker after hearing both sides ruled the motion out of order and observed:

"Syed Iftikhar Hussain Gillani and other Opposition MNAs have raised a question of breach of privilege by contending that failure of the President to address the two Houses at the commencement of the first session of each year in terms of Clause (3) of Article 56 of the constitution is a breach of privilege of the House.

On the day the new Parliamentary year started, the Opposition requisitioned the session of the Assembly under Article 56(3) of the Constitution. Accordingly, the Assembly was summoned by me to meet on 29th October, 1994. An objection has been raised that address of the President to the two Houses assembled together, under Article 56(3) of the Constitution, is necessary before the first session of the Assembly and thus a violation of the Constitution provision has taken place.

A question, therefore, arises whether the speaker may summon a session of the Assembly on a requisition under Article 54(3) of the Constitution before the address of the President under Article 56(3). Clause (3) of Article 56 reads that at the commencement of the first session after the each general election to the National Assembly and at the commencement of the first session of each year, the President shall address both the Houses assembled together.

The provision does not clearly state that it would be the first session of the Assembly, and since the Address of the President is to be the two Houses assembled together an inference may be made that the relevant session might be that of the two Houses assembled together. However, even if it is the first session of the Assembly, the provision does not required that the Address should be before the commencement of the first session. The expression "at the commencement" include a reasonable time.

In 1988 also such an objection was taken on Privilege Motion when the President addressed the two Houses during the second session of the Assembly. The then Honourable speaker ruled the Privilege Motion out of order. Similar Privilege Motion was also moved in the Senate and was ruled out of order in 1986. In 1990 the President Addressed the two Houses after the second session of the Assembly. Earlier, in 1986, the first session was started on 26.5.1986 but the first addressed the two Houses on 8.7.1986.

Moreover, under Article 54(3) the Speaker is bound to summon a session of the Assembly within 14 days of there question and under Article 56(3) the speaker has no role in appointment of date of the President's Address. The Speaker has to discharge his Constitutional obligation under Article 54(3). In view of the legal and factual position explained by me, the Privilege Motion is ruled out of order."
648. **PRESIDENT’S ADDRESS: PRESIDENT’S FAILURE TO ADDRESS A JOINT SESSION UNDER ARTICLE 56(3) OF THE CONSTITUTION AFTER EACH GENERAL ELECTION AT THE COMMENCEMENT OF THE 1ST SESSION OF THE NATIONAL ASSEMBLY WAS A CONSTITUTIONAL VIOLATION:**

On 19th February, 1997 Syed Naveed Qamar rising on a Point of Order drew attention of the Chair to Article 56(3) of the Constitution and contended that President’s failure to address a Joint Session at the commencement of the 1st Session after general election was a violation of the Constitution. He said that the ascertainment regarding vote of confidence in the Prime Minister being sought should have been taken up after President had addressed both Houses together. Mr. speaker gave the following ruling:

"The attention was invited to Clause 3 of Article 56 of Constitution by contending that it places obligation on the President to address both Houses assembled together at the commencement of the 1st Session after each general election and failure to do so by the President before the Session of the National Assembly has resulted in breach of the Constitutional provision.

The point as urged by the Honourable member terms on the interpretation of the Article 56(3) of the Constitution. The phrase :First Session" does not clearly denote whether it refers to the First Session of the Parliament or the Assembly or the Senate and as such an ambiguity apparently arises. However, the ambiguity as to the effect that the President shall address both the Houses assembled together and inform of the causes of its summons clearly refers to Majlis-e-Shoora and not the Senate or National Assembly.

I may inform the August House that in 1988 the Prime Minister obtained the vote of confidence on 12th December, 1988 while the President addressed the two Houses assembled together under Article 56(3) of the Constitution subsequently, that is on 14th December, 1988.

Similar Objection was taken on that Privilege Motion that omission to address the two Houses assembled together after the general election amounts to violation of Article 56(3) of the Constitution. The then Honourable Speaker ruled the Privilege Motion out of order.

Similar Privilege Motion was moved in the Senate which was ruled out or order by the learned Chairman in 1986.
In 1990 also the President addressed the two Houses after the 2nd Session. In 1986 the 1st Session was started on 25th of May, 1986 but the President addressed the two Houses on 8th of July, 1986. In 1994 the same issue was agitated through a Privilege Motion which was also ruled out of order by my learned predecessor.

Under Clause 3 of the Article 91 of the Constitution the Prime Minster has to seek vote of confidence within 60 days from the date of entering upon his office and this provision being distinct cannot be subject to Article 56(3) of the Constitution. No violation of Constitution has taken place and the point of order is ruled out”.

(59-93, Vol VI)


Pages: 2-7.
649. PRESIDING OFFICER: RULING GIVEN BY DEPUTY SPEAKER AS PRESIDING OFFICER CANNOT BE OVERRULED.

On a point raised a Member, the Speaker gave the following ruling:

"The other point is about the revision of a ruling. I have already observed that when a ruling is given by the Deputy Speaker as the presiding officer, it cannot be overruled. On some other occasion, however, a ruling given earlier could be reviewed, if the circumstances justified it. Certainly I have a right to revise my own ruling or rulings given by the Chair. It happens in the High Courts and the Supreme Court. So, there is nothing new about it. But this is definite that no ruling of the Chair or the conduct of the Speaker or Deputy Speaker can be discussed except by a formal motion of no confidence by the House."

(100-92, Vol II)
A Member from Opposition Benches moved a privilege motion complaining that certain news media committed breach of privilege of the House as well as of Mr. Speaker by ignoring the directives issued by him for giving full coverage to the proceedings of the House.

An objection was raised against the motion on the ground that it was directed against Press coverage given to the Prime Minister’s speech. It was contended that no member could be allowed to question the prominence given to such a speech as compared to the speech of any other member of the House, because the Prime Minister, being Chief Executive of the Federation, should be given due and preferential coverage by the news media.

Mr. Speaker ruled as follows:

"There claim is that so far as the policies of the Government are concerned, outside the House, the news media is perfectly at liberty, because the Chief Executive of the Federation has to be given due prominence and coverage in the press. However, inside the House, there are two sides, and this is the essence of parliamentary democracy that there should be two sides: the Government and the Opposition. When publicity is given to the Prime Minister or the Government Benches, then the members of the Opposition are also entitled to due publicity. This is their claim. As Mr. Pirzade has told, the policies of the Government should get preference in the matter of publicity. Therefore, the criticism against the policies of the Government by the opposition must also get due space in the newspapers because this is the essence of parliamentary democracy".

(286-166, Vol IV)
On 3rd November, 1975, during question hour, Ch. Zahur Ilahi made an allegation that permits up to 10 tractors had been given to MNAs and MPAs of a particular party. Objection was taken that it was a wild charge and an allegation against the whole House. Mr. Mohammad Hanif Khan requested that it should not form part of the proceeding. Mr. Speaker observed that it was a wild charge and a baseless allegation of a highly derogatory nature. He directed that it shall not be reported by the Press, but will remain part of the record.
PRESS CONFERENCE IN COMMITTEE ROOMS

652. PRESS CONFERENCE IN COMMITTEE ROOMS: PRESS CONFERENCE IN COMMITTEE ROOMS BY ANY POLITICAL PARTY OR INDIVIDUAL MEMBER NOT ALLOWED: COMMITTEE ROOMS MAY BE USED FOR PRESS CONFERENCE BY MINISTERS ONLY.

On 27th March, 1973, a point of order was raised by the Minister for law and parliamentary Affairs against the use of Committee Rooms by some members for addressing a Press Conference. The speaker decided the point of order with the following ruling:

"In the Rules of Procedure and Conduct of Business in the National Assembly (Constitution), 1972, or the rules of Procedure and Conduct of Business in the National Assembly (Legislature), 1972, there is no express provision regarding the use of any part of the Assembly premises by members of the assembly for purpose of addressing a Press conference. Rule 29 of the latter rules, however, does provide that the Chamber of the Assembly shall not be used for any purpose other than the sitting of the assembly. The term "chamber" has not been defined in this rule but it is commonly understood as the Assembly Hall.

In a ruling, which has some bearing on the issue in hand, of the Indian Legislative Assembly in which, on 23rd September, 1921, the President made the following observations in respect of the use of the Chamber precincts for a non-parliamentary purposes:

"I have received notice from the Secretary that an invitation has been issued without his authority or that of the President, to a meeting in one of the rooms of this building, tomorrow. Neither this Chamber, nor any of the rooms in this building, can be used for
any purpose beyond those for which they were designed without the permission of the President. It is improper to summon meetings of this kind without the express consent of the Chair. I have no intention of using my powers to stand in the way of the meeting which it is proposed to hold tomorrow but I wish it to be clearly understood that there is no decision in the matter for honourable members to ask or not to ask anyone outside this house to enjoy the hospitality of this building without the previous sanction of the president."

It is a matter of common knowledge that ever since the national Assembly started functioning, various Parliamentary parties, groups of members and even individual members have been holding meeting and also addressing Press Conference in the Committee Rooms of the Assembly, with or without the knowledge of the Assembly Secretariat when these rooms were not required by any Committee of the House. The sanctity of the Committee Rooms which are a part of the Assembly building must be maintained and no outsiders should ordinarily have access to them. I have, therefore, decided that no press conference shall be addressed in any Committee Room by any political party, group or individual members of the National Assembly. The committee Rooms may, however, be used for an official press briefing or conference by Ministers only."

(288-178 Vol IV)
Pp. 2073-2074.
PRESS GALLERY

653. PRESS GALLERY: ABSENCE OF JOURNALISTS FROM THE PRESS GALLERY DOES NOT CONSTITUTE BREACH OF PRIVILEGE OF THE MEMBERS:

On 11th December, 1968, Shah Azizur Rahman raised a point of order that it was his privilege to get his speeches published in the newspapers which being denied to him due to the strike and consequent absence of journalists from the press gallery, Mr. Deputy Speaker ruled that the absence of Journalists from the press gallery did not constitute breach of privilege of any member or of the Assembly or of a Committee. The privilege motion was accordingly held inadmissible.

(36-23, Vol III)
N.A. Deb., 11th December, 1968.
Pp. 335-339.
654. PRIVATE MEMBERS DAY: ONLY LEFT OVER BUSINESS OF ONE CLASS SHOULD RECEIVE PRECEDENCE OVER THE BUSINESS BELONGING TO THE SAME CLASS ON THE NEXT FOLLOWING DAY: NO HARD OR FAST RULE THAT BILLS SHOULD RECEIVE PRECEDENCE OVER RESOLUTIONS OR VICE VERSA ON THE ALTERNATE DAYS CONSULTATION WITH THE LEADER OF THE OPPOSITION FOR SETTING DOWN THE PRIVATE MEMBERS BUSINESS IS NOT NECESSARY:

On 23rd May, 1968, Mr. Hasan A. Shaikh raised a point of order that according to the practice followed in the House, out of private members day, alternatively on one day Bills take precedence over Resolution, whereas on the next following day Resolutions should have been given precedence over the Bills. It was, therefore, contended that the Resolution should have been given precedence over the bills as, on the last succeeding day, Bills had received precedence. Besides, it was contended that the Leader of the Opposition should have been consulted while fixing the work on a Private Member's Day, particularly as it was a convention of our own House as well as of the parliaments of different democratic countries.

The law Minister, relying on rule 26 of the Rules of Procedure and Conduct of Business in the National Assembly, 1966, contended that the left over business of the preceding day should receive precedence over the other work of the same class on the next following day, irrespective of the fact that it comprised of Bills or Resolutions.

Mr. Speaker, agreeing with the law Minister, ruled that there was no hard and fast rule that Bills should receive precedence over Resolutions, on one day where as, on the next following day, the Resolution should receive precedence over Bills. It was, however, observed that the left over business of one class should receive precedence over the other business of the same
class on the next following day. Lastly, it was observed that, since the private Members Day was meant for the members of the Opposition as well as the members belonging to the Treasury Benches, a prior consultation with the Leader of the Opposition was not necessary for setting down the work on such day. The point of order was accordingly ruled out.

(37-23, Vol III)
Pp. 1070-73.

655. PRIVATE MEMBERS DAY: RESERVATION OF PRIVATE MEMBERS DAYS IN LIEU OF DAYS SPENT DURING BUDGET PROCEEDINGS TO BE SETTLED IN THE CHAMBER OF MR. SPEAKER AS MEMBERS WERE BUSY IN SPECIAL COMMITTEE:

On 16th July, 1974, an honourable member pointed out that under Rule 31, Thursday were reserved as Private Members' day but they had all been appropriated by the Budget proceedings. Mr. Speaker asked the member to discuss the matter in his Chamber. He further observed that there was a convention that three Private Members' day were given, after the Budget Session, to compensate for the days lost to the private members. However, since the members were busy with the Special Committee work, he would like to discuss the matter in his Chamber for a suitable solution.

(289-168, Vol IV)

656. PRIVATE MEMBERS' DAY: REPORT OF STANDING COMMITTEE ON BILLS CAN BE PRESENTED ON THE PRIVATE MEMBERS' DAY:

On a day meant for private members' business, a member, who was Chairman of a Standing Committee, wanted to present a report of that Committee. An objection was raised by another member that no official business could be taken up on private members' day before disposal of the private member's business. In reply, it was contended that presentation of the report of a committee on a Bill did not amount to the transaction of official business. In view of the peculiar nature of the business in question, the Speaker allowed the report of the Standing Committee to be presented.

(290-169, Vol IV)
N.A.Deb., 29th May, 1975.
657. **Private Members’ Day: Rule 31 Suspended To Shift Business Fixed On A Private Members’ Day To Another Day:**

On 11th November, 1975, when discussion was going on about arrangement for debating the Constitution (Forth Amendment) Bill, 1975, Mr. Speaker agreed to the shifting of discussion on the Bill to Thursday, which, under rule 31 of the Rules of Procedure and Conduct Of Business in the National Assembly, 1973, was a private members’ day. As for the business fixed for the aforesaid Thursday, with a view to avoid another ballot relating to the resolution etc. fixed for that day, Mr. A.H. Pirzada, with the leave of the House, moved a motion, under rule 262, for suspension of rule 31, which was adopted by the House.

(291-169, Vol IV)

658. **PRIVATE MEMBER’S DAY: IF THERE IS NO SITTING ON TUESDAY PRIVATE MEMBER’ BUSINESS SHALL HAVE PRECEDENCE ON NEXT WORKING DAY POINT UP HELD.**

On 14th October, 1992, Mr. Liaqat Baloch, MNA, drew attention of that Chair to rule 32 of the Rules of Procedure to contend that under the said rule if there is no sitting on Tuesday, Private Members’ business shall have precedence on next working day. He, therefore, submitted that since there was no sitting on Tuesday, the Private Members’ day should have been fixed for today.

Mr. Speaker up-held the point of order and observed that the Private Members’ day in lieu of such Tuesday should be covered on the next working day.

(94-61, Vol VI)
Pages: 1085-1089.

659. **PRIVATE MEMBERS’ DAY: PRIVATE MEMBERS’ BUSINESS FIXED FOR TUESDAY A PRIVATE MEMBERS’ DAY, SHIFTED TO WEDNESDAY BY CONSENSUS:**

On Tuesday, 12th March, 1996, which a Private Members’ Day, Mian Raza Rabbani, Minister of State for Law and Justice, requested the Chair that the Private Members’ Business fixed for the said day be taken up on the next day i.e Wednesday in order to facilitate two hours debate on Forward Kahuta and
to take up the bill regarding ablution of whipping. The Minster informed the Chair that he had also taken consent of the Deputy Leader of the Opposition and there was consensus in the House as well for the said change.

Mr. Speaker accepted the change but observed that in future the requirements of rules should be fulfilled and if there be any change, necessary motion for suspension of the relevant rules has to be moved regarding shifting of Private Members' Business to any other day.

(95-61, Vol VI)
Pages: 283-284.
660. PRIVILEGE: WRITTEN NOTICE NECESSARY: RULE 173

On 7th July, 1962, a Member raised a point of privilege whereupon the Speaker inquired whether the member had given the notice in writing. Another Member argued that the Chair could dispense with notice in writing, where necessary. The Speaker thereupon read out Rule 173 of the Rules of Procedure which laid down that a notice in writing one hour before the sitting of the Assembly was necessary.

(102-93, Vol II)
Pp. 1154-1155.

661. PRIVILEGE: A MOTION WAS MOVED THAT THE ACCOUNTS OF THE CENTRAL GOVERNMENT FOR THE PERIOD PRIOR TO THE COMMENCING DAY OF THE 1962 CONSTITUTION WERE NOT SUBMITTED TO THE PUBLIC ACCOUNTS COMMITTEE HELD THAT ACCOUNTS RELATING TO SUCH PERIOD COULD NOT BE EXAMINED BY PUBLIC ACCOUNTS COMMITTEE, AS THE LATER COULD ONLY EXAMINE THE ACCOUNTS RELATING TO THE PERIOD FOLLOWING THE COMMENCING DAY: MOTION RULED OUT OF ORDER:

Mr. Hasan A. Shaikh moved a privilege motion on 18th March, 1966, that the Finance Minister/Parliamentary Secretary committed a breach of privilege by not laying before the Assembly the report of the Comptroller and Auditor General on the accounts of the Central Government for the years 1958-1962 under Article 191 of the Constitution read with rule 113(4) and (5) of the Rules of Procedure.
(1962) of the National Assembly before the public Accounts Committee constituted by the House. An objection was also raised to the constitution of another ad-hoc Committee on 13th November, 1965 by the president of Pakistan, to examine the Appropriation Accounts of the Government of Pakistan for the year 1959 to 1962, with the Finance Minister as its chairman. It was alleged that the Constitution of any such Committee, over and above the head of the Public Accounts Committee, already set up by the House, was bound to attract the rules regarding contempt of the House or its Committees. In this context it was said that the Leader of the Opposition, Mr. Nurul Amin, in his capacity as Chairman of the Public Accounts Committee, wanted to call a meeting of the Committee on the 4th or 5th March, 1966 but the Finance Minister placed impediments in his way and the meeting could not be called.

Mr. S. M. Zafar, the Law Minister said that, so far as financial matters were concerned, they were to be divided into two portions: namely, (1) in respect of the financial year ending on 30th June, 1962 and (2) in respect of the financial year preceding the financial year commencing with 1st July, 1962. He quoted Articles 44(1), (2), (3) and (4) so far as the periods after 1962 were concerned. He said that there were two steps, laid down. Firstly, from the Controller and Auditor General, the budget and excess payments, etc., had to come to the President and from the President those had to come to the National Assembly because, with regard to the expenditure after 1962, any excess expenditure must be authorized by the National Assembly. He however, relied upon Article 235(1) and (4) about the expenditure before 1962 and contended that, since the authorization was done by the President and not by the National Assembly, the accounts for such period were not to be placed before the Public Accounts Committee as would be clear from Article 236 of the Constitution (1962) and the President was competent to authorize them.

Mr. Deputy Speaker ruled out the Motion with the following observations:

"Firstly, in respect of accounts relating to the period when this Assembly had not come into being, when there was no Constitution, it is not necessary that these accounts should be submitted to a Public Accounts Committee formed by this House. Now as to the position when the Constitution came into being, the Public Accounts Committee was set up and the reports of the Auditor General or Comptroller General have to be laid before the Public Accounts Committee and this is being done in pursuance of the provisions of this Constitution. When this Constitution was not in force, there was no obligation on anybody's part to submit those accounts to the Public Accounts Committee formed under this Constitution.

Articles 235 and 236 are in the Chapter relating to transitional and temporary provisions. When the Constitution was to be brought into force, certain transitional and temporary provisions were incorporated in the Constitution, so that the change-over from the martial law to the constitutional form of Government should be made easy. Now, in connection with these provisions, it has been provided that, so far as the accounts of the financial year ending on the 30th June, 1962 is concerned, the President has to perform certain functions. He has to submit the accounts of that particular year to National Assembly, and not the accounts of
previous year. In Article 236, it is only provided that the Comptroller and Auditor General shall perform the same functions and exercise the same powers in relation to accounts which have not been completed or audited before the commencing day as, by virtue of this Constitution, he is empowered to perform or exercise in relation to other accounts, and Article 198 shall, with the modifications, apply accordingly.

Now this Article says that the Comptroller and Auditor General should go into these accounts, although these accounts related to a period when the Constitution was not in force. He can go into these accounts, but there is no obligation that the Public Accounts Committee, as such, should consider these reports. As you have taken your stand on the provisions of the Constitution which was not in force prior to 8th June, 1962, the question does not arise that the accounts relating to the previous periods should have been submitted to any Public Accounts Committee formed by this House. Therefore, I rule it out of Order.”

(38-24, Vol III) (661-427)
N.A. Deb., 18th March, 14966.
Pp. 718-731.

662. PRIVILEGE: DECISION OF CHAIR CANNOT FORM BASIS OF PRIVILEGE MOTION IF GIVEN IN ACCORDANCE WITH RULES:

On 30th May, 1966, Mr. Mukhlesuzzaman Khan, raised a privilege motion that, while rejecting his resolution in the Chamber relating to the shifting of the Naval Headquarters from West Pakistan to East Pakistan, Mr. Speaker did not quote the rule on the basis of which the said resolution could not have been moved. This allegedly violated rule 172 of the Rules of Procedure.

The Minister for Law and Parliamentary Affairs contended that the decision of Mr. Speaker cannot form the basis of a Privilege Motion as he is competent to decide the matter before him under the rules. Mr. Senior Deputy Speaker observed:

“This particular resolution, which was given notice of by Mr. Mukhlesuzzaman, has been disallowed by the Honourable Speaker. Now a privilege motion is sought to be moved against his decision, and I think I am not competent to hold that his decision on that particular resolution is open to any objection, specially when no specific rule has been quoted to me about the infringement of any privilege. Therefore, I rule it out of order”.

(39-26, Vol III)
N.A. Deb., 30th May, 1966.
663. PRIVILEGE: NO MEMBER HAS VESTED RIGHT TO BE NOMINATED ON PANEL OF CHAIRMAN: CHAIR TO DECIDE IN ITS DISCRETION:

On 30th May, 1966, Mr. Hasan A. Shaikh raised a question a question of privilege that the members of the Opposition were excluded from the panel of Chairmen. He contended that, according to the past practice and convention of the House, at least one member from the Opposition should have been taken.

Mr. S. M. Zafar, Minister for Law and Parliamentary Affairs Contended that there was no vested privilege in any member, because no method of selection had been provided in Rule 5 of the Rules of Procedure of the National Assembly of Pakistan, 1965, which says that the Speaker shall nominate from amongst the members of the Assembly a panel of not more than four Chairmen

Mr. Senior Deputy Speaker observed:

"Since I am bound by the Rules, which do not confer any privilege on any section of the house to be represented on the panel of Chairmen, I am constrained to rule out this privilege motion."

(40-26, Vol III)
N.A. Deb., 30th May, 1966.

664. PRIVILEGE: QUESTION OF BREACH OF PRIVILEGE TO BE RAISED THROUGH A WRITTEN NOTICE AND NOT A POINT OF ORDER:

On 27th June, 1966, during discussion on the Finance Bill, Mr. Mahmud Ali raised a point of order that Mr. Mianzur Rahman Chaudhury had been arrested under the Defence of Pakistan Rules while the Assembly was in session. He contended that, according to section 3rd of the Ordinance promulgated in 1963, the Members of the National Assembly were exempted from preventive detention during the session.

He further stated that some information had been suppressed from the National Assembly, while intimating the arrest of the detenue, which amounted to a breach of privilege of the Assembly.

Mr. Senior Deputy Speaker observed that the Honourable Member had initially raised a point of order, but ultimately turned it into a point of privilege. It was further observed that a privilege motion can only be raised through a written notice, and it could be discussed
immediately if the Speaker was satisfied that it had suddenly arisen. The member was, therefore, directed to give a written notice of privilege motion instead of raising a point of order.

(41-27, Vol III)
Pp. 1575-1576.

665. PRIVILEGE: THE PRIVILEGE OF FREEDOM FROM ARREST IS LIMITED TO CIVIL CAUSE AND DOES NOT EXTEND TO CRIMINAL CHARGES:

On 24th November, 1966, Shah Azizur Rehman, MNA, raised a question of breach of privilege with regard to the detention of Mr. Mianzur Rahman Chowdhury under the Defence of Pakistan Rules which, according to him, contravened the provisions of the Privileges of Members of the National Assembly (Exemption from Preventive Detention and Personal Appearance) Act, 1963, which said that no Member shall be detained under any law relating to preventive detention during a session and for a period of fourteen days before and fourteen days after the session. He, therefore, said that Mr. Mianzur Rahman was prevented from participating in the session of the National Assembly which commenced on the 24th November, 1966.

Mr. Nurul Amin said that, if the Honourable Member had been taken into custody under the Defence of Pakistan Rules for a specific case like murder etc., then his detention would not be hit by the Act of 1963 referred to by the mover but, if he was detained under any preventive detention law, then the Act under reference will apply. Mr. S. M. Zafar, Minister for Law and Parliamentary Affairs referred to section 4 of the Defence of Pakistan Ordinance and contended that the provisions of the Act 1963 were over shadowed by the Rules and, as such, no protection was available to the detinue.

Mr. Acting Speaker, after hearing the members, ruled the Privilege motion out of order and observed as follows:

"The privilege motion by Mr. Shah Azizur Rahman raises a question with regard to the detention of Mr. Mianzur Rahman Chowdhury, an Honourable member of this House. While discussing this point, I would quote Maitland, who, quoting Sir Erskine May, in his "Constitutional History of England", divides breach of privileges into four classes:

1) disobedience to general orders or rules of either house;
2) disobedience to particular orders;
3) indignities offered to the character of proceedings of Parliament; and
4) assaults or insults upon Members for reflections upon their character and conduct in Parliament or interference with officers of the House in
the discharge of their duties.

It is also a settled principle in the House of Commons that no new privilege can be created beyond what has been established by statute, custom or convention.

The subject-matter of Mr. Azizur Rahman's privilege motion is that Mr. Mizanur Rahman Chowdhry, a Member of the Assembly, has been detained under the Defence of Pakistan Rules, and is not being allowed to participate in the ensuring session of the National Assembly. The Member has also referred to exemption from Preventive Detention and Personal Appearance ordinance, 1963, which provides that no member shall be detained under any law relating to preventive detention during a session or for a period of fourteen days before and fourteen days after the session.

In essence, the contention is that the arrest of Mr. Mizanur Rahman Chowdhury is an infringement of his privilege as a Member.

The Exemption from Preventive Detention Ordinance, 1963, referred to by Mr. Azizur Rahman, is not operative in cases of detention under the Defence of Pakistan Rules. Section 4 of the Defence of Pakistan Ordinance, 1965, provides:

"Any rules made under section 3, and any order made under any such rule, shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Ordinance or in any instrument having effect by virtue of any enactment other than this Ordinance."

The privilege motion is based on the misconception that the arrest of a member of the National Assembly is an interference with the discharge of his duties as a member of the Assembly. The members of the legislature have no immunity against the operation of any law. The privilege of a member cannot be invoked against the operation of the law. According to May, page 87, the privileged does not extend to arrest on indictable offences:

"The privilege of freedom from arrest is limited to civil causes, and has not been allowed to interfere with the administration of criminal justice or emergency legislations".

The point has been further elaborated by May as follows:

'The privilege of freedom from arrest does not extend to criminal charges, and upon the same principle the internment of a member under Regulations enabling the Home Secretary to detain persons in the interests of public safety or defense of the realm has been held not to constitute a breach of privilege'.

May P. 21.
The committee of Privileges of the House of Commons reported in 1940 that, in the detention of a member under Regulation 18-8 of Defence (General) Regulations, 1939, no breach of privilege was involved. This is quoted in May at page 80.

Under Rule 174 of the Rules of Procedure, one of the conditions of admissibility of a question of privilege is that "the matter requires the intervention of the Assembly." The Assembly has no power or jurisdiction to undo or interfere with the exercise of powers vested in the Government for detaining a person under the Defence of Pakistan Rules.


666. PRIVILEGE: ADMISSIBLE: PROVISIONS CONTAINED IN THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE NATIONAL ASSEMBLY (LEGISLATURE), 1972, IN RESPECT OF PRIVILEGES OF MEMBERS APPLICABLE TO THE NATIONAL ASSEMBLY BOTH TO THE LEGISLATURE AND THE CONSTITUTIONAL-MAKING BODY: QUESTION OF PRIVILEGE RELATING TO PROCEEDINGS OF THE ASSEMBLY AS CONSTITUTION-MAKING BODY CAN BE RAISED WHEN IT MEETS AS A LEGISLATIVE BODY: QUESTION OF PRIVILEGE REFERRED TO THE COMMITTEE ON RULES OF PROCEDURE AND PRIVILEGES. WITHOUT A FORMAL MOTION, BUT WITH THE LEAVE OF THE HOUSE:

In the meeting of National Assembly (Legislature) held on 28th August, 1972, a Member sought leave to move a privilege motion alleging a breach of the privilege of the Members of National Assembly said to have been committed by Mr. Iftikhar Ahmad Tari, a Minister in the Punjab Government by threatening the mover with dire consequences in case he raised a point of privilege against the Government of the Punjab as was done by him earlier in a meeting of the National Assembly when it was sitting as a Constitution-making body. The mover added that what the Minister said was a direct threat to the freedom of the elected representatives in the Opposition. He produced copies of the newspapers in which the said remarks of Mr. Iftikhar Ahmad Tari were published. The Minister for Education and Provincial Co-ordination raised a point of order objecting to the admissibility of the privilege motion on the ground that the reference was to an incident which occurred when the National Assembly was sitting as a Constitution-making body. He, therefore, argued that under the rules this matter should be raised by the Member when the Assembly sits as a Constitution-making body.

It was also contended that the speech of the Minister of the Punjab violated the privilege of a member of this House as it affected his freedom of speech and immunity from...
criticism. Further a threat had been held out that a certain Member of this House would not be allowed to live in Lahore.

Mr. Speaker after hearing these arguments ruled as follows:-

"(I) I think there are two different capacities in which we transact business in this House—one is Constitution making and the other is legislative and I think the point of privilege raised by the Honourable Member relates to the sitting of the Assembly as a Constitution-making body".

It was argued that the rules under the Privileges Act, 1955, were applicable both to the Constituent Assembly and to the legislative Assembly. Replying Mr. Speaker observed:-

"(II) The point raised is that the question which is the subject-matter of this privilege motion relates to the sitting of the Assembly as the Constitution-making body and, therefore, it would be appropriate to raise this question when it sits as a Constitution-making body".

(III) I have considered this matter and I am of the view that the incident took place when the Assembly was sitting as a Constitution-making body. It should have been properly raised when it again sits as the Constitution-making body but in the Rules of Procedure of the Constitution-making body, the question of privilege is not dealt with. It is only dealt with in the Rules of Procedure and Conduct of Business in the Legislature and we have to follow these rules. Therefore, I think, this matter can be discussed in this House. But if there is a motion, then the matter has to be referred to the Privileges Committee. The rule is:

'If the Speaker holds the motion to be in order, the Assembly may consider and decide a question of privilege or may, on a motion either by the member who raises the question or by any other Member, refer it for report to the Committee on Rules of Procedure and Privileges.

Since we have constituted a Committee of Rules of Procedure and Privileges, therefore, it would be appropriate to send it to the Privileges Committee so that both sides may represent their viewpoints before that Committee."

There was motion for referring the matter to the Privileges Committee; but, after getting the sense of the House, Mr. Speaker announced that the matter is referred to the Privileges Committee which will make its report to the House by the 5th of September, 1972.
667. PRIVILEGE: INADMISSIBLE: MEMBER NOT IMMUNE FROM DETENTION EXCEPT DURING FOURTEEN DAYS BEFORE AND AFTER THE ASSEMBLY SESSION: RULES OF PROCEDURE NOT TO APPLY RETROSPECTIVELY:

On 16th August, 1972, Haji Moula Bakhsh Soomro sought leave to move a privilege motion regarding detention of Mr. Abdul Hamid Jatoi, MNA, on the 29th May, 1972, at Karachi. Mr. Soomro contended that the detention of Mr. Jatoi, which was eventually found to be illegal by the High Court, had caused him humiliation and harassment. Mr. Speaker ruled that there was nothing in the Constitution or any law exempting a member from detention at any time except during a period of fourteen days before and after the session of the National Assembly, and since Mr. Jatoi was not detained within these limits of time, no breach of privilege was involved in his case.

2. The mover then urged that under rule 241 of the Rules of Procedure and Conduct of Business in the National Assembly (Legislature), 1972, the Speaker should have been informed about the detention of Mr. Jatoi; but as this was not done, it had resulted in the breach of privilege. Mr. Speaker held that since Mr. Jatoi was detained before 11th August, 1972, when the said rules came into operation, the rules were not applicable to his detention.

3. The motion tabled by Haji Moula Bakhsh Soomro was, therefore, ruled out of order.

668. PRIVILEGE: CAN BE MOVED IN THE NATIONAL ASSEMBLY EVEN WHEN IT MEET AS A CONSTITUTION-MAKING BODY: POWERS, PRIVILEGES AND IMMUNITIES GUARANTEED BY CONSTITUTION ARE AVAILABLE TO THE NATIONAL ASSEMBLY AND ITS COMMITTEES AND THE MEMBERS EVEN WHEN THEY ARE PERFORMING THE FUNCTION IN RESPECT OF CONSTITUTION MAKING: NO ACTION ON A PRIVILEGE MOTION, HOWEVER, POSSIBLE UNTIL SUITABLE PROVISION IS MADE UNDER THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE NATIONAL ASSEMBLY (CONSTITUTION) 1972:
On 17 February, 1973, Mr. Abdul Wali Khan wanted to raise a question of privilege on the alleged statement of Mr. Zulfiquar Ali Bhutto, Chairman of Pakistan People Party made at a public meeting in Karachi relating to former’s alleged remarks on the floor of the House to the effect that he would shoot Mr. Abdul Hafeez Pizrada and his leader. A few other members also wanted to raise question of privilege in the National Assembly meeting as a constitution making body.

A Member pointed out that, according to article 96(6) of the interim constitution, whenever the National Assembly sat under chapter 4 of the constitution no business other than the one with respect to the making of the constitution could be transacted.

Mr. Speaker ruled as follows:-

"On 17th February, 1973, when the National Assembly met for constitution, making four privilege motion where moved by three Honourable Members. A point of order was raised by an Honourable Member that a privilege motion could not be moved when the National Assembly meet under Chapter 4 part 3 of the interim constitution of the Islamic Republic of Pakistan for the purpose of framing a constitution. Reliance was placed on clause (6) of article 96 of the interim constitution, which say that whenever the National Assembly sat under this chapter no business other than the business with respect to the making of the Constitution or an amendment of the interim constitution shall be transacted. Several Honourable Member spoke in favour of a against the proposition that a Privilege motion could not be move in the National Assembly while it sat as the Constitution-making body. Since the Rule of Procedure and Condition of Business in the National Assembly (Constitution) 1972 are silent on the question of admissibility of privilege motion, I reserved ruling on this point until the matter had been examined more deeply and the precedent studied.

The provision of Chapter 4, of part 3, of the interim Constitution have to be placed in their proper perceptive and read as whole, Chapter 2 Part 3 of the interim Constitution deals with Constitution and function of the Federal legislature including provision to the privilege of the Assembly and of its Committees and Members. Chapter 4 deals with the enactment of the Constitution. The National Assembly referred to in this Chapter is the same as is defined in article 290 read with clause (2) of article 67 of the Constitution. Provisions with regard to privilege vested in the National Assembly and its members, content Article 78 and all other provision of Chapter 2, which are not inconsistent with anything contained in Chapter 4, Applicable to National Assembly when it sits for Constitution making.

Article 78 provides that there shall be freedom of speech in the National Assembly and no member shall be liable to any proceeding in any court in respect of any thing said and any vote given by him in the Assembly or any committee there of. Rule 7 of the Rules of
procedure (Constitution) repeats these provisions. As contemplated by Articles 91 and 98, separate rules of National Assembly (Constitution) have been framed. The rules pertaining to legislature contain elaborate provisions in chapter XX about moving of privilege motion, but the rules relating to constitution-making do not contain such provision.

The aforesaid provisions of the constitution and the rules show that the powers, privileges and immunities of the members of the National Assembly, mentioned in Article 78, are available when the National Assembly meets for the purpose of constitution-making. To hold otherwise would lead to serious consequences as no legislative body, whether it functions for the purpose of law-making, or constitution-making, would be able to discharge its constitutional mandate without such powers, privileges and immunities.

I would, therefore, hold that the powers privileges and immunities guaranteed by Article 78 are available to the National Assembly and its committees and members even when they are performing the function in respect of Constitution-making.

Now the question arises as to how the said privileges should be given effect to. In the rules of procedure of the National Assembly (Constitution), there are no provisions laying down procedure for raising questions of privilege and their determination. In the absence of such provisions it is not possible to regulate the processing of privilege motions. Necessary action, under rule 83 of the said rules is, therefore, being contemplated to make provisions for consideration of motions involving breach of privilege. Till such provisions are made, it will not be possible to deal with privilege motions already moved."

(296-172, Vol IV)

669. PRIVILEGE: CAN BE MOVED ON BEHALF OF THE MEMBER GIVING NOTICE OF:

On 12th December, 1973, when a member wanted to move a privilege motion tabled by another member, the Speaker sought clarification whether a privilege motion given notice of by a member could be moved on his behalf by another member.

A number of members, including the Law Minister, expressed the view that under rule 66 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, it was not incumbent on a member to raise the question personally and that it could be raised by another member regardless of the fact whether the notice was given by the member whose privilege had been breached or by any other member. The view was also accepted
670. PRIVILEGE: ARREST OF A MEMBER ON A SUBSTANTIVE CRIMINAL CHARGE DOES NOT CONSTITUTE A BREACH OF PRIVILEGE OF THE HOUSE OR OF A MEMBER:

Sirdar Shaukat Hyat Khan moved a privilege motion on 17th February, 1973 alleging that a breach of privilege was committed by the Punjab Government in arresting Ch. Zahur Ilahi, MNA, at Gujarkhan, when he was on his way to Islamabad to take part in the Constitution-making. Thereupon the Speaker observed:

"The simple point is whether the arrest of a member of this House is under the detention laws or under a substantive offence. If it is under the detention laws, then this arrest is illegal and unconstitutional. But if it is under a specific offence, then, of course, there is no immunity or privilege attached to the person of a member. As Mr. Zahur Ilahi has been arrested under 124-A P.P.C., I am bound to say that the arrest is not under the detention laws. Therefore, the question of breach of privilege is not involved in this case, and the motion is ruled out."

671. PRIVILEGE: PRIVILEGE OF FREEDOM FROM ARREST NOT AVAILABLE CRIMINAL CASES: WRIT PETITION FILED IN THE HIGH COURT: MATTER SUB-JUDICE: ASSEMBLY HAS NO JURISDICTION TO ORDER PRODUCTION OF MEMBER BEFORE IT OR AWARD BETTER CLASS IN THE JAIL: RULED OUT:

On 26th November, 1973, eighteen members of the Opposition moved a joint privilege motion regarding the arrest of Ch. Zahur Ilahi, a member of the National Assembly. A similar motion was separately moved by a member from the Treasury Benches.

In these motions it was stated that the life and person of Chaudhery Zahur Ilahi, who was in the custody of the Government, was in imminent danger. He was lodged in the jail as a "c" class prisoner and was going to be tried by a Jirga and not an ordinary court. The Speaker of National Assembly was, therefore, requested to take steps to protect the
RULING OF THE CHAIR

Privilege

highest privilege of all the members of the National Assembly, viz., to be safe from physical harm and destruction of life when in public custody, except when such harm or extinction of life is ordered by the ordinary courts of justice established in Pakistan. It was also desired that he may be awarded a better class in the jail and his trial by a Jirga may be stopped. Another prayer made was that Ch. Zahur Ilahi may be produced before the Assembly.

Mr. Speaker heard some of the members and the Law Minister at great length and ruled as follows:

"I have carefully perused the..... evidence on the record. It is an admitted fact that Ch. Zahur Ilahi was arrested on 15th November, 1973, in case State vs. Ch. Mohammad Shafi under sections 120, 121, 121-A and 122 P.P.C. and is facing a trial in the court of Assistant Commissioner-cum-Additional District Magistrate F.C.R. Kohlu. It is also established that a writ challenging validity of his arrest is pending in the High Court of Sind and Baluchistan. The High Court has not only admitted the writ petition but has also deputed a medical officer to examine the physical condition of the detene. I agree with most of the objections raised by the Law Minister. It is an established practice that the Assembly will not interfere in the matters which are sub-judice or which, are Provincial subjects and Provincial concern or for which a writ has been filed. In the present case all the conditions necessary are fulfilled and the privileged motion is not such as requires the intervention of the Assembly. There is nothing in the Constitution or in any Law empowering the National Assembly to intervene in the administration of criminal justice......... Members of National Assembly (Exemption from Preventive Detention and Personal Appearance) Ordinance, 1963, can be of no help in this case. May's Parliamentary Practice (18th edition, page 100) also clearly lays down that freedom from arrest "is limited to civil cases and is not available in criminal cases." For a malicious prosecution or malafide arrest the remedy is available which is not within the jurisdiction of the National Assembly. As for the grant of better class,...... it is the trial court, the District Magistrate or the High Court which can make such an order. So far as the production of Ch. Zahur Ilahi in the National Assembly is concerned, no rule has been cited, no instance has been quoted. So I have no other option except to disallow the motion"

(326-193 Vol IV)

772. PRIVILEGE: PREVENTING A MEMBER FROM TAKING PART IN THE PROCEEDINGS OF THE ASSEMBLY IN RESPECT OF A BILL: THE MOVER HAVING TAKEN PART IN THESE PROCEEDINGS WAS NOT LEFT WITH ANY
CAUSE FOR COMPLAINT: MATTER NOT SPECIFIC: RULED OUT:

On 25th May, 1973, Mian Mahmud Ali Kasuri moved a privilege motion alleging that certain hinderances were being put in the way of his taking part in the proceedings of the National Assembly in respect of the Constitution Bill. He maintained that he had been subjected to a large number of threats of punitive actions and physical harassment to himself and other members of his family etc., and that he had been warned to withdraw his opposition to the Constitution Bill.

Mr. Abdul Hafeez Pirzada, the Law Minister, objected to the admissibility of the privilege motion on the ground that the mover, by lumping up several issues, did not raise a specific issue. Besides, he said, as the Honourable member had already taken part in the proceedings of the Constitution Bill, which was passed earlier, his allegation that he was prevented from taking part in these proceedings was baseless.

Mr. Speaker ruled out the privilege motion on the following grounds that:

1. The Constitution had since been framed and enacted and the member having taken part in the proceedings relating to the Constitution-making had no cause to say that he was prevented from the performance of his duties; and

2. The motion did not relate to a specific issue.

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PRIVILEGE: WHAT IS SAID OUTSIDE THE HOUSE IN RELATION TO THE CIVIL RIGHTS OF A MEMBER DOES NOT CONSTITUTE A BREACH OF PRIVILEGE:

On 12th December, 1973, Sahibzada Ahmad Raza Khan Qasuri moved a privilege motion regarding a speech made by the Information Minister in Lahore in which he was alleged to have criticised the views of Mr. Abdul Wali Khan, Leader of the Opposition, in respect of certain political matters. Before the mover was allowed to speak on his motion, Mr. Abdul Wali Khan said that in view of incessant propaganda against him by the publicity media, no useful purpose would be served by discussing the motion.

The Law Minister said that an attack on any member concerning civil rights enjoyed by him outside the House did not constitute a breach of privilege. The remedy lay in a court of law.
Mr. Speaker ruled out the motion under rule 71 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973 for the reasons that (1) the Honourable member, whose privilege was said to have been breached, did not want to pursue it, and (2) the House was not concerned with what was being said outside the House. He added that the Assembly was concerned only with what was said inside the House.

(333-197 Vol IV)

674. PRIVILEGE: A MEMBER DESIRES OF SPEAKING ABOUT THE ALLEGED BREACH OF PRIVILEGE SHOULD FORMALLY MOVE A PRIVILEGE MOTION: WITHOUT DOING SO HE HAD NO RIGHT TO SPEAK:

On 31st January, 1974, a member stood up to speak about the alleged mis-statement made by a member on the floor of the House, involving a breach of privilege of the House. He said that, although he could move hundred privilege motion, he did not want to move any in the formal way on the advice of the Party leader. He, however, insisted on speaking without moving a formal motion. This was objected to by the Speaker who observed that the right of speech was regulated by rules.

No member could speak without formally moving a motion. If the member wanted to speak, he should formally move a privilege motion but, without doing so, he could not speak on the point.

(292-169, Vol IV)

675. PRIVILEGE: QUESTION RAISED ORALLY: THREAT THAT MEMBER AND ASSEMBLY BUILDING WILL BE BURNT: ASKED TO MOVE IN PROPER MANNER:

On 1st June, 1974, Mr. Mahmood Azam Farooqui raised a question of the privilege over a letter handed over to him, while coming to the Assembly stating that, if the Quadianis were not declared a minority up to a certain date, the Assembly building would be burnt along with the members. The speaker first remarked that the motion should be definite and then observed:

"Then move it in a proper manner."

(293-170, Vol IV)
676. PRIVILEGE: RELATING TO ACTUAL OCCURRENCE OUTSIDE THE ASSEMBLY PREMISES: ITS INVESTIGATION A PROVINCIAL SUBJECT: SIMILARLY PROTECTION OF MEMBERS OUTSIDE ASSEMBLY CONCERN OF PROVINCIAL ADMINISTRATION: MOTION RULED OUT:

Ch. Zahur Illahi moved a privilege motion regarding alleged attack on the life of another member. An objection was raised that the matter was sub judice and related to provincial subject. The mover pleaded that the rules may be relaxed, but the Speaker did not agree, saying the rules were for everyone and could not be twisted. The Law Minister contended that the motion could not be discussed without deciding its admissibility. A point was inter alia raised as to what constituted a breach of the privilege. A lively discussion followed from both sides of the House and instances from the Parliament of Great Britain were quoted. Similarly, it was said that all the privileges under the 1956 and 1962 Constitutions were still available to members, and the point could be finally clinched in their light. Mr. Speaker, who reserved his ruling on that day, announced on the next day, the motion out of order with the following observation:

"... I am of the opinion that the privilege motion contents to parts the first which relate the actual occurrence and the second which relate to the protection of the member of the Assembly. As far as the first part is concerned, I think the Assembly is not complete to enter into an enquiry on whether the matter should be conditioned by a judge of the High Court and or investigation by the police. I am not clear as to whether the Speaker of the National Assembly can enquire from the Provincial Government about the progress of the result of an investigation in a criminal case. If it is both to my notice that the Assembly can then certainly I will enquire from the Provincial Government about the progress. As for as the second point is concerned it is quite clear that the member of the National Assembly are entitled to protection regarding themselves, their family and their property.

Inside the chamber, rather in the Assembly Premises, it is the duty of the speaker to provide adequate protection to the Members of the National Assembly. But outside the Assembly premises the Speaker has no Authority. Responsibility to provide protection outside the Assembly premises vests with the Provincial Government. Any Honourable Member can ask or request such protection whenever the apprehends any danger in that case the usual and normal procedure laid down will be followed. It is the duty of the House to see that the Members of House irrespective of which side they belong or motto of obstructed. The Members have right to discharge their duties unobstructed, subject to the restrictions imposed on them by the Constitution or law or what ever protection is available under the Constitution and law will be made available to the Honourable Member. With these remarks, I am of the opinion that the privilege motion is not in order.
677. PRIVILEGE: CORRECT PROCEDURE: IT SHOULD BE FIRST REFERRED TO THE MINISTER CONCERNED FOR REPLY BEFORE TAKING IT UP IN THE HOUSE:

A Privilege motion moved by an Honourable member was to be taken up on 17-7-1974. Mr. Speaker ruled that the correct procedure was to refer the motion to the Minister concerned in the first instance for reply, before it was brought to the House. It was also observed that, if the mover was, meanwhile, satisfied by the reply of the Minister, the matter would end there and the time of the house will not be wasted.

(294-170, Vol IV)
N.A. Deb., 2nd December, 1974.

678. PRIVILEGE: MEMBER GIVING NOTICE NOT PRESENT: OTHER MEMBER NOT ALLOWED TO MOVE. MOTION FILED.

On 4th June, 1974, member was called by the Chair to move his privilege motion, but he was not present. The Speaker ruled that the motion be filed. Thereupon, another member asked for permission of the chair to move the motion on behalf of the absent member. As under rule 69 of Rules of Procedure and Conduct of Business in the National Assembly, only the member who gave notice could, when called upon, move the privilege motion, the other member was not allowed by the Chair to move the motion on behalf of the absent member.

(300-175 Vol IV)
N.A. Deb., 4th June, 1974.

679. PRIVILEGE: MATTER RAISED BEING DELICATE: MEMBER ADVISED TO FIRST DISCUSS IT WITH THE SPEAKER IN HIS CHAMBER.

On 1st June, 1974, Sirdar Shaukat Hyat Khan sought to raise a question of privilege relating to certain alleged remarks of a judge of the Supreme Court about the National Assembly. The Chair observed that the question pertained to a very delicate matter and, before giving his consent to its
being raised in the House, he would like to discuss it with the member in his Chamber. The member agreed.

(304-177 Vol IV)
N.A. Deb., 1st June, 1974

680. PRIVILEGE: NO AMENDMENT CAN BE MADE TO THE TEXT OF A PRIVILEGE MOTION IN THE HOUSE.

On Friday, May 31st, 1974, a member gave notice of his intention to move a privilege motion regarding the allegations made by Mr. Yaqoob Maan, MPA against Mr. Ghulam Mustafa Khar, for the Murder of Dr. Nazir Ahmed, an ex-MNA. Mr. Speaker pointed out that the motion before his contained the name of Sh. Mohammad Rashid, the Federal Minister also. The mover said that he had amended the privilege motion and replaced it and that the motion which he was reading was a new motion. An objection was raised by a member to the effect that, under the rules or parliamentary practice, an amendment to a privilege or an adjournment motion could not be made in the House. It was also argued whether replacement or substitution could be allowed under the rules,. It was further pointed out that there was not formal request from the mover for the withdrawal of the original privilege motion and that both privilege motions were before the House.

The mover, however, contended that he had not moved the original motion but had only given notice of his intention to raise a question and the notice could not termed as actually moving in the House. Therefore, he maintained that the question of withdrawal did not arise. Mr. Speaker ruled that the proper procedure should have been for the member to first withdraw his original privilege motion and then table a revised motion. There was no rule by which a privilege motion could be replaced and that replacement did not mean withdrawal of the original privilege motion.

(305-177 Vol VI)

681. PRIVILEGE: NOT TO LAPSE EVEN IF ASSEMBLY IN PROROGUED:

On 17th December, 1974, a question was raised if the pending privilege motions will lapse or not with the prorogation of the National Assembly. Mr. Abdul Hafeez Prizada Contended that pending business will not lapse even if the Assembly is proroged. Malik Mohamm Akhtar, Minister of State for Parliamentary Affairs, while referring to rule 212 of the Rules, agreed with the above contention. Mr. Speaker, accepting the contention, ruled accordingly.
682. PRIVILEGE: TO BE TAKEN UP LATER ON: MOVER SHOWS DISORDERLY BEHAVIOR: SPEAKER GIVES WARNING UNDER RULE 245:

On 4th June, 1974, Sahibzada Ahmad Raza Khan Qasuri tabled a privilege motion on which the Speaker remarked that it would be taken up later on. But the member concerned tried to indulge in disorderly behavior, whereupon the Speaker observed:

"I told him that I was going to take up the motion later on. This is an utter disregard of the Chair. He starts speaking without getting the permission of the Chair. Can any Honourable member to permitted to do like this? I said I was going to take up this privilege motion just after sometime. It is my duty to run the House and I am not going to run the House on the whims of one who said that he would not obey anybody. We all obey the House, we obey the rules and anybody who does not want to do so has no right to sit in the House. The House has to run the country and this House has to run democracy. You may not obey but you have to submit to the rules, you have to submit to the Constitution and you have to submit to the will of the House. You cannot make a mockery of this Assembly. So, you shall not speak without getting the permission of the speaker and, in case you speak, I shall name you under rule 245 and then a motion for your expulsion from the House can be made by the House."

After some discussion, the Speaker further observed:

"Even I am subordinate to the house; I am subordinate to the rules. How can we proceed with the business of the house if we do not observe the rules. This is my duty. Irrespective of the fact whether an Honourable member is a Prime Minister, a minister or leader of the opposition, I have to give protection to him and if I cannot give to an Honourable member, whether sitting on the front or the back benches, there is no use of my sitting here; there is no use of my staying here. It is a strange position that anyone stands up and takes the mike in his hand and without permission begins speaking whatever he likes, it is not my job to go on expunging form the proceedings. I cannot go to defend myself. I have no forum. People go from here and they talk in the library or go from here to Karachi or from Peshawar and take. If the rules are violated and if disrespect is shown to the House, You tell me what should be done. If I cannot protect the Honourable members and maintain the dignity of the House, no business can be transacted. Rules cannot be enforced according to the whims of a few Honourably member. I shall not tolerate the violation of the rules, Shahibzada Ahmad Raza khan Qasuri, this is my last warning to you. I have reminded you again and again that you are abusing your right of speaking. I will name you under rule 245 and it is up to the
House to make a motion or not to make a motion..."

(308-178 Vol IV)
N.A. Deb., 4th June, 1974.

683. PRIVILEGE: INCORRECT REPORTING OF THE PROCEEDINGS OF THE NATIONAL ASSEMBLY IN THE PRESS: NEWSPAPERS WARNED: PROCEEDINGS SHOULD BE CORRECTLY PUBLISHED:

On 29th March, 1974, a member sought leave to move a privilege motion about the alleged mis-reporting of the Assembly proceedings by a local newspaper. After hearing the views expressed by some members, Mr. Speaker warned the newspaper to be careful in future while reporting the proceedings of the Assembly and observed:

"...I want to make one thing clear to the Honourable members of the House. We cannot force any particular newspaper to publish any particular member's speech in full or any particular part thereof. The newspapers have their own rights to publish. They have a right to criticise. We cannot shut ourselves in this House and say that we are not subject to any criticism but, so far as the reporting of the proceedings of the Assembly is concerned, it has to be reported correctly".....

(310-180 Vol IV)

684. PRIVILEGE: INCORRECT REPORTING BY PRESS: NOT PRESSED: SPEAKER DIRECTS FOR MAKING CORRECTION:

A privilege motion of Mr. Ghafoor Ahmad came up before the House. The mover pointed out that a wrong report was published in the Daily 'Jang', Rawalpindi that he did not join the Opposition on its walk-out and remained sitting in the House. The mover, however, did not press the motion and requested that direction be given by the Speaker to the newspaper for making correction. Mr. Speaker, thereupon, observed that he could not force any newspaper to publish the speech of any Honourable member, but the actual and factual position occurring in the House should be correctly reported. A direction for making necessary rectification was given with the observation that the press would be careful in reporting the correct position in the future. The motion was decided accordingly.

(311-180 Vol IV)
N. A. Deb., 11 December, 1974
685. PRIVILEGE: WRONG CAPTION GIVEN UNDER A PHOTOGRAPH BY A NEWSPAPER: SPEAKER PROMISED INSTRUCTION TO PRESS, NO NEED OF PRIVILEGE MOTION:

On 11th June, 1974, Ch. Zahur Ilahi moved a Privilege motion against a caption given by a newspaper under a photograph taken inside the House. The Speaker declared that he would issue instructions to the press and there is no need for a privilege motion.

(313-181 Vol IV)
N.A. Deb., 11th June, 1974.

686. PRIVILEGE: REFERRED TO PRIVILEGES COMMITTEE WITHOUT DECIDING ITS PRIMA-FACIE ADMISSIBILITY: NO DISCUSSION ADMISSIBLE IN THE HOUSE UNTIL REPORT OF THE COMMITTEE HAS BEEN RECEIVED: ANOTHER CO-MOVER TO APPEAR BEFORE THE COMMITTEE:

On 30th June, 1974, Mr. Abdul Hamid Jatoi moved his privilege motion regarding the speech of Mr. S.M. Masood, MPA, (Punjab), in the Pakistan National Centre, Lahore, allegedly casting aspersions on the Baluchis and Baluchistan. After a little discussion, the Speaker referred the motion to the Privileges Committee without deciding its prima-facie admissibility. Ch. Zahur Ilahi rose to speak on the motion on the ground that it had been the property of the House. Thereupon, the Speaker observed that, since the matter raised in the privilege motion had been referred to the Privileges Committee for determining its admissibility, there was nothing before the House on which the member could speak. He could do so only when the report of the Committee had been received by the House and is set down for discussion. On it suggestion of the member, the Committee was directed to report back within fifteen days.

(312-181 Vol IV)
N.A. Deb., 30th June, 1974.

687. PRIVILEGE: REFERENCE TO PRIVILEGES COMMITTEE UNANIMOUSLY DEMANDED BY HOUSE: NO NEED TO RESERVE RULING: WISH OF HOUSE HONORED AND MATTER REFERRED TO COMMITTEE CONCERNED:

A member moved a privilege motion against a Daily which described him as 'Mirzai' or 'Qadiani'. The Minister of State for Parliamentary Affairs had no objection to refer the matter to the Privileges Committee. The members from the Opposition Benches also supported the motion. However, Madam Deputy Speaker reserved the ruling. She was of the view that some important points needed
solution in the light of rules. Some of the members insisted that, since there was no Opposition to the motion from any side, there was no need of any ruling from the Chair and that the wish of the House should be respected. Madam Deputy Speaker ultimately reviewed her earlier decision and referred the motion to the Privileges Committee.

(316-182 Vol IV)
N.A. Deb., 6th December, 1974.

688. PRIVILEGE: MOTION RELATING TO RESOLUTION OF SARGODHA BAR ASSOCIATION ON THE SPEECH OF A MEMBER IN THE ASSEMBLY: RULE 71 SUSPENDED TO REFER THE MOTION AND OTHER PENDING MOTIONS REFERRED TO PRIVILEGES COMMITTEE WITHOUT FIRST HOLDING THEM IN ORDER:

On 26th June, 1974, when admissibility of a privilege motion tabled by Ch. Jahangir Ali, MNA, regarding the resolution passed by the Sargodha Bar Association was under discussion, the Law Minister suggested that, as the resolution of the Bar Association prima facie amounted to pressure on a member of the Assembly, it be referred to the Privileges Committee. But since it was a borderline case, the Committee be requested to give an opinion whether it amounted to breach of privilege or not. The Speaker agreed to refer it to the Privilege Committee. Some members of the Opposition were of the view that the matter was not such as required the intervention of the Assembly. Thereupon, the Speaker observed that the matter was being referred to the Privileges Committee to examine as to whether it amounted to a breach of privilege or not and that members could discuss the matter after the receipt of the report of the Committee.

Thereupon, a member raised the point that, under rule 71, privilege motion could not be referred to the Privileges Committee, unless it had been held in order. In the instant case, since the motion had not yet been held to be in order, it could not, he maintained, be referred to the Committee. After some discussion, the Law Minister moved a motion under rule 262 for the suspension of rule 71 of the Rules of Procedure to refer all the pending privilege motions to the Privileges Committee, without the Speaker first holding them in order. It was put to the House and adopted. Thereafter, all the pending privilege motions were referred to the Privileges Committee for examination as to whether these related to breach of privilege or not.

(317-183 Vol IV)
N.A. Deb., 26th June, 1974.
689. PRIVILEGE: MEMBERS OF NATIONAL ASSEMBLY TO BE RESPECTED IRRESPECTIVE OF THEIR AFFILIATIONS: MOTION WITHDRAWN ON ASSURANCE GIVEN BY A MINISTER THAT MATTER WILL BE LOOKED INTO AND DEFAULTERS WILL BE ADMONISHED IF NECESSARY:

On 17th December, 1974, Mr. Speaker took up the pending privilege motion of Sardar Sher Baz Khan Mazarisaying that it was to be taken up last Monday but as the mover was not present, it did not come up before the House. It was alleged in the motion that police officials did not allow him to see the detenues at Sihala and, as such, violated the privilege of a member of the National Assembly. Malik Mohammad Akhtar, Minister of State for Parliamentary Affairs referred to rule 570 of Punjab Jail Manual and contended that written permission of Superintendent of Jail, Rawalpindi, was necessary before an interview with the detenues at Sihala could be granted. It was also contended that there was no such violation of the privilege, which needed intervention by the Assembly. A reference to rule 68 sub-rule (3) of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, was made to support the contention. The mover then

Pointed out that members are the representatives of the people and should not be humiliated by public functionaries. It was also urged that the dignity of members should be recognised, irrespective of their affiliation to treasury benches or otherwise. Mr. Abdul Hafeez Pirzada, agreeing with Honourable member held out an assurance that Government will look into the grievances of the Honourable member and, if necessary, the defaulting officials will be admonished. He also assured that he would report to the House as to what had been done. Mr. Speaker thereupon observed that members of the National Assembly must be respected as such, whether they are on that side or this side of the House. The mover withdrew the motion on the assurance held out to him by Mr. Abdul Hafeez Pirzada.

690. PRIVILEGE: PRESS PUBLISHES PROHIBITED MATTER: MISREPORTING IN PRESS: REFERRED TO PRIVILEGES COMMITTEE FOR ENQUIRY:

On 20th June, 1974 on the last day of general discussion on the Budget, Ch. Zahir Ilahi referred to the privilege motion tabled by him. The Speaker informed him that he had called for the record and added:

"There is a privilege motion by Ch. Zahir Ilahi because the privilege motion relates to both the speeches and expungement, I will go through them and then I will take up the matter as I have to examine the record. One thing which I want to say specifically is that.
yesterday, I specifically asked the press not to report the unpleasant incident which occurred. It has been reported in one of the newspapers. This is a very serious matter, because some sanctity is attached to the proceedings of the House and, if some unpleasant incident happens and there is a specific order that it should not be published and it is published then that matter has to be referred to the Privileges Committee. The publication of that matter was specifically prohibited, and I have been making so many requests to the press that, in publishing the proceedings, care should be taken not to twist the statements or speeches. All the Members have complained from both sides of the House that their names and speeches are not properly reported and that they are even misreported. If we do not proceed with the privilege motion each time, it does not mean that the press is at liberty to publish whatever it liked. Some sanctity is attached to the proceedings of the House. They may report the proceedings, but cannot twist them. After all, when this Assembly has decided that certain things should not go to the press, the press should not publish them. Of course, we cannot control the press and ask them to publish such and such a thing, as the press has got its own code of ethics. But one thing is certain that a thing which is not allowed to be published should not be published by the press."

The mover suggested that it should be referred to the Privileges Committee as the decision of the Speaker had been flouted. Some discussion followed. The Speaker finally remarked:

"I would suggest that this matter be enquired through the Privileges Committee. In the meantime, if we can find some rules as to how can this direction be enforced on the press we will look into the same."

(322-188 Vol IV)
N.A. Deb., 20th June, 1974.


On 24th June, 1974 Dr. (Mrs.) Ashraf Khatoon Abbasi, Deputy Speaker and Chairman of the
House and Library Committee moved a privilege motion against Malik Mohammad Sadiq, MNA, for lodging a civil suit with the administrative Civil Judge, Rawalpindi against the Government of Pakistan and the Chairman of the House and Library Committee, challenging the decision of the Committee to realise punitive charge from those members, who were unauthorisedly occupying accommodation in the Central Government Hostel. The said member had also filed an application with the Court for a stay order and the Administrative Civil Judge had summoned the Deputy Speaker in her capacity as Chairman of the Committee to appear on 11th June, 1974. The mover explained that the decision relating the punitive charges was taken by the Committee in exercise of the powers vested under the Constitution. Under Article 69(2) of the Constitution, the Deputy Speaker being an officer of the National Assembly was not subject to the jurisdiction of any court in respect of the exercise of the powers as Chairman of the Committee. The is, by bringing the legal proceedings against her, Malik Mohammad Sadiq had committed a breach of privilege granted to the Assembly under the aforesaid Article of the Constitution. It was also pointed out that, in his complaint, the member had alleged that "decision of the so-called Committee. Is malafide as the object behind it is to exercise favour declaring an MNA in unauthorised possession and giving the same room to another MNA by getting it vacated for the fear of penalty". These allegations amounted to serious reflections on the Committee and thus constitute a breach of privilege of the Committee and its members. As the, application for stay order was filed and proceeded with when the Assembly was in session, the conduct of the said member in relation to the application also offended against the provisions of sections 3 and 4 of the Members of the National Assembly (Exemption from Preventive Detention and Personal Appearance) Ordinance, 1963.

When enquired by the Speaker if the privilege motion moved by the Deputy Speaker could be referred to the Privileges Committee, Sirdar Shaukat Hyat Khan, MNA, suggested that as the highest privilege of the whole House was involved, it did not need to be referred to the Privileges Committee and that it could be discussed in the House and action taken against the member. Thereupon the Speaker observed:

"An opportunity must be given to the person against whom you want to take action. First it should go to the Privileges Committee and they should report back to the House within a week" after some discussion, the House decided that the privilege motion should be referred to the Privileges to report back to the House within seven days.

There was another privilege motion on the subject relating to the action of the Administrative Civil Judge, Rawalpindi, for committing a breach of privilege laid down in Article 69(2) of the Constitution and by summoning the Chairman of the Committee when the Assembly was in session in violation of the privileges granted under sections 3 and 4 of the Members of the National Assembly (Exemption from Preventive Detention and Personal Appearance) Ordinance, 1963. Since under rule 68(1) of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, not more than one question of privileges shall be raised by the same member in the same sitting., Speaker Advised that the second privilege motion should be moved by some other member of the Committee in the evening sitting. According, in the evening sitting, Mr. Mohammad
Haneef Khan, MNA, moved a verbal motion for the suspension of sub-rule 3(a) of rule 261 of the Rules of Procedure with barred discussion on any matter which was sub-judice. The suspension motion having been adopted, Mr. Mohammad Haneef Khan moved the second privilege motion which also, after some discussion, was referred to the Privileges Committee to report back within fifteen days.

(323-190 Vol IV)
N.A. Deb., 24th June, 1974.

692. PRIVILEGE: MOVER DIRECTED TO SATISFY ABOUT THE ADMISSIBILITY OF A MOTION, ARISING OUT OF A SPEECH MADE OUTSIDE THE ASSEMBLY, BEFORE IT COULD BE FORMALLY BROUGHT TO THE HOUSE:

The Leader of the Opposition wanted to move a privilege motion, with reference to a speech delivered by the Prime Minister outside the House. It was objected to by the Treasury Benches on the ground that similar speeches had been made by the members of the Opposition but no breach of privilege was claimed. It was further argued that a Minister had been criticised by other members outside the House, for which the former had to file suits in a law court to seek redress. It was, therefore, urged that criticism outside the House would not present any justification for moving a privilege motion. Thereupon, a member of the Opposition contended that the matter be referred to a Special Committee of the House to examine if any breach of privilege had been involved. This was opposed on the ground that, since no privilege of the Committee or its member had been violated, the matter could not be referred to the Privilege Committee.

Agreeing with the above contention, Mr. Speaker refused to refer the matter to the Privilege Committee and observed that the democratic process outside the House could not be stopped. It was further ruled by him that such a motion could be brought before the House only after he was satisfied about its admissibility.

(334-198 Vol IV)

693. PRIVILEGE: IF RELATING TO ANYTHING SAID AGAINST A MEMBER, CAN ONLY BE ENTERTAINED IF IT RELATES TO MATTER RAISED OR SAID WITHIN THE HOUSE: ANYTHING SAID OUTSIDE THE HOUSE CANNOT FORM BASIS OF PRIVILEGE MOTION:

A member moved a privilege motion relating to certain serious charges levelled by one
Minister against the other and some MNAs. Mr. speaker ruled the motion out of order with the observation that, in such a case, only such privilege motions can be entertained which relate to anything said within the House. Whatever may have been said outside the House cannot form the basis of a privilege motion.

(335-198 Vol IV)
N.A. Deb, 16 December, 1974.

694. PRIVILEGE: ALLEGED MISCONDUCT OF EX-MNAS OR, GOVERNORS NOT A BEFITTING SUBJECT OF A PRIVILEGE MOTION:

On Tuesday, the 23rd April, 1974, a member sought to move a privilege motion regarding certain alleged serious allegations against Malik Ghulam Mustafa Kher, ex-Chief Minister and ex-Governor of the Punjab. Thereupon, the Speaker observed that, since Mr. Kher was no more a member of the National Assembly, his alleged misconduct could not be debated in the House through a privilege motion. He further observed that the Assembly had never gone into the validity of anything done by an ex-MNA or an ex-Governor and that no question of breach of privilege of the House could lie against them. He further observed that it would be a very bad precedent if such a motion was allowed to be raised in the Assembly.

(338-199 Vol IV)
N.A. Deb., 23rd April, 1974

695. PRIVILEGE: A MERE STATEMENT APPEARING IN THE PRESS WILL NOT CALL FOR INTERVENTION OF THE ASSEMBLY:

On 1st June, 1974, Mr. Speaker gave the following ruling on the privilege motion regarding press allegations about murder of Dr. Nazir Ahmad an ex-MNA:

“I have given my ruling on one privilege motion raised yesterday by Prof. Ghafoor Ahmad, Member of the National Assembly from Karachi. It gave notice of his intention to raise a question of privilege. Notice as well as the motion was received by the Secretariat on 30th May, 1974 due to the untimely demise of Mian Manzoor-i-Hassan, a Member of this House from Gujranwala. On 31st May, Prof. Ghafoor Ahmad sent a fresh notice which was received at 11.00 a.m. wherein it was stated that he be allowed to replace his privilege motion by another motion which was attached with the letter of request”.

“Prof. Ghafoor Ahmad actually moved in the House the motion which he had replaced for the original. During the debate which followed many points were raised touching many
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legal problems. It was contended that there was no formal request for the withdrawal of the original privilege motion. It was also debated as to whether replacement or substitution could be allowed under the rules. It was also pointed out that the procedure adopted was unwarranted by the rules. Professor Ghafoor Ahmad stated that he had not moved the original motion but had only given notice of his wish to raise the question and that notice could not be termed as actually moved in the House, hence the question of withdrawal did not arise.

"Neither the original nor the substituted or replaced privilege motion calls for the intervention of the House. The alleged breach of privilege relates to a murder case in which it is alleged that Mr. Ghulam Mustafa Kher was responsible for a certain murder. I am afraid we cannot go into the validity of either the criminal case or the person responsible. A mere statement appearing in the Press will not call for intervention of the Assembly. The privilege motion is inadmissible under rule 68(iii). Intervention of the Assembly is not required in this matter. I rule it out of order".

(339-200 Vol IV)
N.A. Deb., 1 June, 1974.

696. PRIVILEGE: NATIONAL ASSEMBLY NOT PROPER FORUM TO DISCUSS A MATTER INVOLVING CONTEMPT OF SUPREME COURT: RULED OUT OF ORDER:

On 29th January, 1974, Maulana Shah Ahmad Noorani Siddiqui sought leave to move a privilege motion regarding the alleged illegal confinement of Ch. Zahur Ilahi, MNA, in Karachi Jail for more than six hours after his release orders were granted by the Supreme court of Pakistan. The privilege motion was ruled out of order by the Chair who observed:

"......The burden of the privilege motion is that there has been a few hours' delay in securing compliance with the orders of the Supreme Court regarding release of Ch. Zahur Ilahi. If this allegation is correct, it means the contempt of the Supreme Court. Therefore, the Supreme Court is the proper forum for making a complaint involved in the privilege motion. In any case, it does not call for the intervention of the National Assembly. Therefore, the privilege motion is hit by rule 68 (iii)". He further observed: It has been alleged in the privilege motion that the release of Ch. Zahur Ilahi was delayed with a view to prevent him from attending the Assembly proceedings. Admittedly, Ch. Zahur Ilahi was released shortly before the mid-night of 28th January, 1974. If he had intended to attend the Assembly proceedings without any loss of time, it was possible for him to do so but he is not here today. Therefore, it is not correct to say that the release of Ch. Zahur Ilahi was deferred with a view to prevent him from participating in the Assembly proceedings. For the reasons stated above, the privilege motion is not
admissible and is ruled out of order”.

(340-201 Vol IV)

697. Privilege: Alleged Denial Of Right Of Voting To Women In By-election In N.W.F.P.: Ruled Out Of Order: National Assembly Not Competent To Discuss Irregularities Or Illegalities Of Election:

On 18th January, 1974 a lady member sought leave to move a privilege motion relating to the alleged denial of right of voting to women electorate in the by-election in N.W.F.P. The Speaker observed that the National Assembly could not form itself into an Election Tribunal and could not go into the validity or irregularity committed during any election. Under Article 225 of the Constitution election to a House or a Provincial Assembly could be called in question except by an election petition presented to such Tribunal and in such manner as might be determined by an Act of Parliament. Therefore, he observed that the National Assembly was not competent to discuss the privilege motion, which was ruled out of order.

(341-202 Vol IV)
N.A. Deb., 18th January, 1974.

698. Privilege: Censoring And Curtailment Of Proceedings Of Assembly Regarding Rabwah Incident: Facts Denied By Minister: Motion Not In Order:

On 3rd June, 1974, Sahibzada Ahmad Raza Khan Qasuri, MNA, sought to raise a question of privilege regarding the alleged censoring and curtailment of the proceedings of the National Assembly about the Rabwah incident, by the Ministry of Information and Broadcasting.

The Minister for Information and Broadcasting denied the allegations. After some discussion, the Speaker withheld his consent to the raising of the question and observed that the alleged facts having been denied by the Minister concerned, the matter should end there. He further remarked that the only embargo that could be placed on the proceedings of the Assembly was by the Assembly itself through the Speaker and not by anyone from outside. Unless the member had any evidence in support of his allegation, the matter could not, in view of denial of the alleged facts by the Information Minister, be allowed to be perused.
699. PRIVILEGE: POINT OF PRIVILEGE RAISED BY A MEMBER DURING THE SITTING OF THE ASSEMBLY: DIRECTED TO RAISE IT IN WRITING ON NEXT WORKING DAY.

On 18th November 1975, Sahibzada Ahmed Raza Khan Qasuri, raised a point of privilege starting that he was in possession of the floor when some Member here ask be the Speaker to withdraw but he was also forcibly thrown outside the Assembly premises all other his name was never mentioned in that connection. Mr. Speaker directed him to give his privilege motion in writing Sahibzada Ahmed Raza Khan Qasuri, ask whether he could move it on the next working day. Mr. Speaker observed that he could do so, subject to any objection being taken by the Government. Mr. Abdul Hafeez Pirzada added that since the member was moving the matter under the direction of chair their could be no objection.

(295-171, Vol IV)
N.A. Deb., 18th November, 1975.

700. PRIVILEGE: ADMISSIBILITY: MINISTER TO SPEAK ON PRIVILEGE/ADJOURNMENT MOTION BEFORE THE DEBATE AS TO ITS ADMISSIBILITY COULD START:

A member moved a privilege motion and wanted to speak on it first. Mr. Speaker observed that when an adjournment motion or a privilege motion was presented, the Minister concerned was to reply to the motion before a debate regarding its admissibility could open.

(298-175, Vol IV)
N.A. Deb., 14th April, 1975.

701. PRIVILEGE: ANOTHER MEMBER ALLOWED TO LOOK AFTER THE PRIVILEGE MOTION IN THE ABSENCE OF THE MOVER:

On 1st December, 1975, Maulana Ghulam Ghaus Hazarvi moved a privilege motion relating to the failure of Radio Pakistan Broadcast speech made in the Assembly on his Bill. Malik Mohammad Akhtar stated that he would like to see the script of the news and to show it to the mover. He wanted two days to do the needful. The mover stated that he was going on Haj. Malik Mohammad Akhtar agreed that the matter may be taken up the next day. Mr. Speaker remarked that he would allow Maulana Abdul Hakim to look after the motion on behalf of the mover the next day.
702. PRIVILEGE: NOT RELATING TO SPECIFIC MATTER AND LACKING IN DETAILS: RETURNED TO ITS MOVER FOR DOING THE NEEDFUL; OBJECTION RAISED AGAINST ITS RETURN OVER. RUL ED IN VIEW OF PREVALENT PROCEDURE.

A member raised a point of privilege alleging that his speech in the House was not adequately reported by the news media. An objection was taken that the news media had not been specified in the motion. Mr. Speaker returned the motion to the member for supplying necessary details. It was contended on behalf of the Treasury Benches that the privilege motion, once moved, became property of the House and as such was liable to be rejected, instead of being returned. Mr. Speaker over-ruled the object saying that his direction in respect of return of the motion was in consonance with the procedure being followed for the last two or three years.

703. PRIVILEGE: FAILURE OF GOVERNMENT TO PRESENT REPORT OF PAKISTAN BROADCASTING CORPORATION BEFORE THE ASSEMBLY: YEAR OF REPORT NOT GIVEN: MOTION RETURNED TO MOVER FOR INDICATING THE YEAR.

On 4th November, 1975, Sahibzada Safiullah move a privilege motion regarding failure of the Government to present the report of Pakistan Broadcasting Corporation before the Assembly, Malik Mohammad Akhtar pointed out that motion was vague as the year for which the report was not presented, had not been indicated. Mr. Speaker, returning the motion to the mover, asked him to specify the year.

704. PRIVILEGE: PENDING MOTION TO BE TAKEN UP IN THE PRESENCE OF ITS MOVER:

On 31st October, 1975 (Friday), the mover of a pending privilege motion was not present when called up. Mr. Speaker observed that it would be taken up on Monday.
705. PRIVILEGE: ALLEGED DISTORTION OF PROCEEDINGS OF ASSEMBLY BY T.V. NEITHER SPECIFIC NOR CONFINED TO ONE ISSUE. OMISSION OF PROCEEDINGS NOT A BREACH OF PRIVILEGE: MOTION WITHDRAWS:

On 5th November, 1975, Mr. Speaker read out privilege motion No. 13, which had already moved by Maulana Abdul Hakim on 4th November, 1975, and called upon Malik Mohammad Akhtar to reply. Malik Akhtar contended that the motion was not specific, as more than one issue had been raised. He further contended that due to the announcement of the Supreme Court decision and the coverage of the same in the Press, the proceedings of the Assembly were not reported on that day and that these were not left out deliberately. He also quoted a ruling from "Law of Parliamentary Privileges in India", wherein it was held that omission of proceedings was not regarded as distortion, so it was not a breach of privilege. The Minister also welcomed any suggestions from the mover which would be acceptable. Maulana Abdul Hakim raised certain other unconnected issues and said that nobody was responsible for this department. Mr. Speaker then remarked that the motion had been withdrawn after the assurance by the Minister.

(309-179 Vol IV)

706. PRIVILEGE: MISREPORTING BY NEWSPAPER: NEWSPAPER DIRECTED TO MAKE CORRECTIONS:

A question of privilege was raised by a member that his speech made in the House was misreported by a newspaper.

Mr. Speaker ruled that he had verified from the record that the speech in question was not correctly reported by the newspaper. He directed the newspaper to publish the correct version.

(312-181 Vol IV)

707. PRIVILEGE: CAN BE REFERRED TO THE PRIVILEGES COMMITTEE WITHOUT DETERMINING ITS VALIDITY:

A member tabled a privilege motion alleging that he was subjected to lathi charge by the police when he reached a place of public meeting at Lahore to address the meeting. It was contended that by resorting to lathi charge the police deprived him of his privilege and right of freedom of speech. It
was, therefore, requested by him that the matter be referred to Privileges Committee for consideration. His plea was opposed *inter alia* on the ground that the motion could be referred to Committee only if it was in accordance with the rules. Mr. Speaker observed that there were two precedents in which privilege motions were referred to the Committee without determining their validity.

(314-181 Vol IV)
N.A. Deb., 18th January, 1975.

708. PRIVILEGE: REGISTRATION OF ALLEGEDLY FALSE CRIMINAL CASE AGAINST A MEMBER FOR POINTING OUT IRREGULARITIES OF CERTAIN OFFICIALS: MOTION REFERRED TO THE PRIVILEGES COMMITTEE FOR ENQUIRY WITHOUT TOUCHING THE MERITS OF LEGAL PROCESS:

A member moved a privilege motion that certain Government officials allegedly manoeuvred a false criminal action against him because he had pointed out certain irregularities committed by them in the discharge of their public duties. He contended that institution of criminal suit against him amounted to the breach of privilege because he criticised the said officials while performing his duties as people’s representative.

A discussion followed on the point whether the House should take cognizance of a matter, such as a criminal action, which was apparently within the exclusive jurisdiction of courts. It was contended by Mr. Abdul Qaiyum Khan, Minister for Interior, that a line should be drawn between the circumstances which preceded the filing of case in the court and the pendency of actual case in the court. In this respect he further said that it could be argued that when a matter had reached a court of law, then the Assembly could not interfere in that matter; but in the instant case there was a chain of events which indicated that the Honourable member was obstructed or threatened or over-awed in the discharge of his duties as a public representative and, as such, that part of the privilege motion might be referred to the Privileges Committee.

This view was supported by Mr. Mohammad Haneef Khan who contended that the Honourable member did not request the Assembly to interfere with the criminal proceedings or the complaint against him, which he could meet in the court in accordance with the law, but his assertion that he was obstructed in the performance of his functions as a public representative could be referred to the Privileges Committee, particularly when he had a definite case of illegal gratification and other such like charges against a public functionary.

It was felt that if the above facts were proved by the Honourable member in the Committee, then it could be apprehended that in future too he may be obstructed in the
performance of his duties as a public representative. It was, therefore, suggested that the privilege motion was in order and could be referred to the Privileges Committee on that account.

Thereupon, Mr. Speaker referred the motion to the Privileges Committee to enquire into the matter on the lines indicated in the above arguments, without going into the validity of the legal process.

(318-184 Vol IV)
N.A. Deb., 8th April, 1975.

709. PRIVILEGE: INTIMATION OF RELEASE AND ARREST OF AN MNA (MOVER)
NOT GIVEN TO THE SPEAKER: INTIMATION CLAIMED TO HAVE BEEN SENT TO SECRETARY, NATIONAL ASSEMBLY: UNDER RULE 208 OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE NATIONAL ASSEMBLY, 1973, INTIMATION TO SECRETARY AS GOOD AS INTIMATION TO THE SPEAKER: CONSENT GIVEN FOR MOVING THE MOTION DOES NOT MEAN THAT IT IS ALSO IN ORDER: SPEAKER RULED THE MOTION TO BE IN ORDER AND REFERRED IT TO THE PRIVILEGES COMMITTEE:

On 4th November, 1975, Dr. Ghulam Hussain moved a privilege motion alleging that his release from Camp Jail, Lahore, on 13th October, 1975, was not intimated to Mr. Speaker, under rule 74 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973. He also moved another privilege motion regarding his arrest by Deputy Superintendent of Police, Lahore, on 13th October, 1975, of which no intimation was sent to Mr. Speaker under rule 73 ibid.

Malik Mohammad Akhtar, opposing both the motions, read out a letter from the Superintendent, Camp Jail, Lahore, addressed to the Secretary, National Assembly, about release and re-arrest of the mover. He also referred to Ruling No. 353 of Lok Sabha, suggesting that privilege motion should not be raised straightaway in the House and should first be taken up in the Chamber of the Speaker. The facts alleged in the motion were, however, denied.

Prof. Ghafoor Ahmad, referring to rules 73 and 74 ibid, contended that the letter should have been addressed, in the prescribed form, to the Speaker and not to the Secretary, National Assembly. Mian Mahmud Ali Kasuri, referring to rule 75 ibid, argued that either the intimation should have been read in the Assembly or circulated to all the members for their information. He also urged that the motion had since been admitted or held in order by the Speaker and, therefore, either it should be debated in the House or sent to the Privileges Committee for examination.
Mr. Abdul Hafeez Pirzada, pointing out various stages through which a privilege motion passes, contended that it had not been held in order and it was still at the stage contemplated by rule 71 ibid and the Chair had to say whether it was in order or not. He was also of the view that information to the Secretary of the Assembly amounted to an information to the Speaker as laid down in rule 208 ibid. It was further maintained that if the motion was held in order then the House was to discuss it straightaway unless a motion was made that it be referred to the Privileges Committee.

Mr. Speaker observed that he had admitted the motion but had not yet held it to be in order.

Several Opposition members urged that the matter be referred to the Privileges Committee. Rao Khurshid Ali Khan contended that admitting a motion and holding it in order were one and the same thing and that after consent was given, the motion stood admitted and should either go to the Privileges Committee or be discussed in the House.

After hearing the mover in his chamber, Mr. Speaker held the motion to be in order and referred it to the Privileges Committee.

(321-187 Vol IV)
N.A. Deb., 5th November; 1975.

710. PRIVILEGE: REGISTRATION OF ALLEGEDLY FALSE CRIMINAL CASES AGAINST AN MNA AND HIS RELATIVES: MATTER SUB JUDICE: RULE OUT:

A member moved a privilege motion regarding breach of privilege of the National Assembly as well as of Mr. Mohammad Suleman, M.N.A., alleging that false criminal cases had been registered against him and his relatives. In reply, it was inter alia contended by the Minister of State for Parliamentary Affairs that matter having become sub-judice could not be agitated before the House. The contentions of the Minister were controverted on the ground that the reference of the privilege motion to the Privileges Committee would not in any manner, interfere with the cases pending in the Courts.

Mr. Speaker ruled the motion out of order with the observation that since the matter was sub-judice, the National Assembly was not competent to deal with it.

(327-194 Vol IV)
N.A. Deb., 30th October, 1975.
711. PRIVILEGE: INVOLVEMENT OF AN MNA AND HIS RELATIVES AND FRIENDS IN ALLEGEDLY FALSE REGISTERED UNDER NORMAL LAW: NO MEMBER OR OTHER PERSON IMMUNE FROM COURT PROCEEDINGS: SIMILAR MOTION ALREADY DISPOSED OF: OBJECTION TAKEN UNDER RULE 215: MOTION RULED OUT:

On 4th November, 1975, Ch. Zahur Ilahi moved a privilege motion, relating to involvement of Dr. Ghulam Hussain and his relatives and friends in allegedly false and frivolous criminal cases by Government. Malik Mohammad Akhtar pointed out that certain cases of corruption and misuse of public office had been registered under the normal law against some persons but that did not amount to breach of privilege. It was also contended that no M.N.A. or his relatives were immune from legal proceedings and since the matter was sub-judice, any comment might constitute contempt of court. Mr. Speaker observed that a similar motion had already been disposed of earlier. Mr. Abdul Hafeez Pirzada argued that the present motion raised substantially identical issue which had already been disposed of through another motion during the current session and, therefore, it was barred under rule 215 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973. Mr. Speaker thereupon ruled the motion out of order.

(328-194 Vol IV)

712. PRIVILEGE: NOT RELATING TO ANY SPECIFIC MATTER, NOR ALLEGING ANY PARTICULAR BREACH OF PRIVILEGE: RULED OUT OF ORDER:

On 27th May, 1975, a member moved a privilege motion to discuss the entire Statement of Prime Minister made in the House on 26th May, 1975 in relation to an adjournment motion pertaining to the alleged failure of Government to implement the accord of 6th February, 1975 with Opposition. The motion was ruled out of order on the grounds that it did not relate to any specific matter, nor any particular breach of privilege had been alleged.

(329-195 Vol IV)

713. PRIVILEGE: MOTION CONTAINING UNDIGNIFIED AND UN-PARLIAMENTARY EXPRESSIONS: RULED OUT:

On 1st July, 1975, Mr. Khurshid Hasan Meer wanted to read out his privilege motion, whereupon
Malik Mohammad Akhtar, Minister of State for Parliamentary Affairs, *inter alia*, contended that as the motion contained scandalous, defamatory and unparliamentary language, it should not be allowed to be read in the House.

In reply, Mr. Khurshid Hasan Meer contended that the position of the House was analogous to that of a court of law. He, therefore, urged that as a Presiding Officer of a court would not throw out the complaint of a person without trying the charges leveled therein, the House should also not reject a privilege motion on the ground that the same contained scandalous, defamatory or unparliamentary language.

Mr. Speaker, however, ruled that motion out of order on the ground that it contained undignified and Un-Parliamentary Expressions.
symposium was arranged by a private organization and as such the aforesaid statement could not be objected to in the National Assembly. Mr. Speaker agreed, with Mr. Pirzada and ruled the motion out of order.

(336-199 Vol IV)
N.A. Deb, 12th November, 1975.

716. PRIVILEGE: SPEECHES MADE AGAINST ISLAM IN A CONVENTION CLAIM THAT 'ISLAMIC PRIVILEGE' VIOLATED: NO SUCH MOTION CAN BE MOVED: RULED OUT

Maulana Abdul Hakim moved a privilege motion relating to speeches against Islam made in a convention held in Hyderabad. He alleged that these speeches had violated his Islamic privilege. The Law Minister stated that if had to be seen it such a privilege motion could be moved or not. Mian Masud Ahmad suggested that proper forum for the motion was the Islamic Ideology Council. The mover contended that speeches were made in that convention against Islam and the integrity of Pakistan and they were also published in the Press. Mr. Speaker observed that motion was not in order as no privilege of Assembly or any member had been violated.

(337-199 Vol IV)

717. PRIVILEGE: NON-SUPPLY OF ANSWER TO A STARRED QUESTION DOES NOT AMOUNT TO A BREACH OF PRIVILEGE : DISCUSSION CAN ONLY BE ALLOWED ON A MOTION UNDER RULE 65:

A member moved a privilege motion regarding non-supply of answer relating to a starred question. Relying on rule 64 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973 Mr. Abdul Hafeez Pirzada, pointed out that no discussion on a question could take place except by means of a motion under rule 65. He, therefore, contended that non-supply of answer to a question did not amount to a breach of privilege. Mr. Speaker accepted the plea raised by Mr. Pirzada and advised the mover to move a motion under rule 65, if the so liked.

(342-202 Vol IV)

718. PRIVILEGE: NON-AVAILABILITY OF MEAT TO THE MOVER: AMOUNTED TO AN
ABUSE OF RIGHT TO MOVE PRIVILEGE MOTION: RULED OUT: IN FUTURE SUCH MOTIONS TO BE RULED OUT IN THE CHAMBER:

A member moved a privilege motion stating that he was suffering from diabetes and lived on meat alone but due to the mal-administration of the Slaughter House by the C.D.A., the meat was not available in the city for the last many days with the result that his health had been badly affected. Mr. Speaker ruled the motion out of order on the ground that it was an abuse of the right to move a privilege motion. He also observed that in future such like motions will be ruled out in the Chamber.

(343-202 Vol IV)

719. PRIVILEGE: NON COMPLIANCE WITH ARTICLE 54 OF THE CONSTITUTION REQUIRING NATIONAL ASSEMBLY TO SIT FOR 130 WORKING DAYS IN A YEAR: MOTION PREMATURE: RULED OUT:

A privilege motion was moved regarding non-observance of Article 54 of the Constitution requiring the National Assembly to sit for not less than 130 working days during a year. It was pointed out that the National Assembly had its sitting on 68 days during the current year, whereas it had to meet for 62 days more to comply with the above constitutional requirement. It was, therefore, maintained that with the balance of 64 days of the current year, it was not possible to meet the target. The Minister for Parliamentary Affairs contended that the motion was premature because out of the remaining 64 days of the year, the Assembly could meet for 62 days to fulfil the constitutional obligation. The mover pointed out that the Assembly was to sit upto 11th December, 1975 according to the programme issued by its Secretariat, and as such sittings for 62 days were not practicable. Mr. Speaker observed that the programme was tentative and not final. Mr. Abdul Hafeez Pirzada argued that last year the Assembly had counted such days as its sitting days which were utilised for sittings of Special Committee of the whole House. It was also stated that Government had several options to overcome the hurdle, if any, and that the Opposition will be taken into confidence. The mover and some other members suggested that the motion may be kept pending. Mr. Speaker did not agree with this suggestion and ruled that the motion was premature. He, however, asked the mover to bring a fresh motion, if necessary.

(345-203 Vol IV)
N.A. Deb., 29th October, 1975.

720. PRIVILEGE: MEMBER IN POSSESSION OF THE FLOOR OF THE HOUSE WAS UNABLE TO SPEAK DUE TO PANDEMONIUM IN THE HOUSE: THREE MEMBERS NAMED AND ORDERED TO WITHDRAW: ON THEIR REFUSAL TO
WITHDRAW THEY WERE FORCIBLY REMOVED FROM THE HOUSE: PRIVILEGE- MOTION BY MEMBER IN POSSESSION OF THE HOUSE THAT HE WAS ALSO REMOVED FORCIBLY BY MEMBERS OF THE SECURITY FORCE, WITHOUT BEING NAMED, AND NOT ALLOWED TO RE-ENTER THE HOUSE: SPEAKER'S CONDUCT CANNOT BE DISCUSSED EXCEPT THROUGH A MOTION OF NO-CONFIDENCE: HIS RULING CANNOT BE CRITICISED IN THE PRESS OR OUTSIDE THE HOUSE: SPEAKER HAS ABSOLUTE POWER TO ENFORCE HIS ORDERS: NO UNQUALIFIED RIGHT OF SPEECH BY A MEMBER: PRIVILEGE MOTION OUT OF ORDER AND AN ABUSE OF THE RIGHT TO MOVE SUCH MOTIONS:

Mr. Ahmad Raza Qasuri raised a question of the breach of his privilege in which it was stated that on 14th November, 1975, he was ill possession of the floor of the House when at 12.30 p.m. the session was adjourned to 4 O'clock in the afternoon. In the evening session, he was called upon by the Speaker to resume his unfinished speech, but due to pandemonium in the House it was not possible for to continue his speech. Thereupon, Mr. Speaker named three Honourable members, asked them to withdraw from the House for the remainder of the days' sitting and adjourned the House for 6.00 p.m. The said members however, did not leave the House despite its adjournment. It was alleged that at 6.45 p.m. the Sergeant-at-Arms came in the House, along with the members of the Federal Security Force who were attired in civilian dresses to implement the orders of the Speaker. While removing the offending members from the House, the members of the Federal Security Force also removed him (Mr. Qasuri) out of the House forcibly and then he was not allowed to enter the Assembly premises till 11.00 p.m. Mr. Qasuri further said that sanctity of the House had been violated by the F.S.F. and Intelligence Services and that he was debarred from continuing his speech. He requested that an enquiry might be conducted by the Privileges Committee and the offenders punished.

During debate on the privilege motion, the mover was heard at length. Many other honourable members also spoke on the motion. During the course of the debate, the conduct of the mover in relation to the execution of the Speaker's order by the Sergeant-at-Arms was also discussed. It was also pointed out that obstruction was caused by the Honourable members of the Opposition when the Sergeant-at-Arms along with his staff requested the three persons named by the Speaker to withdraw from the House. Disallowing the privilege motion, Mr. Speaker ruled as follows:

"I will confine myself to the relevant issues and will not go into the details.

There has been a categorical denial by the Interior Minister regarding the alligation of the use of the Federal Security Force in the Assembly Chamber. I have also taken a report from the Sergeant-at-Arms. The F.S.F. was not used for the removal of the Honourable members. Hence, this part of the privilege motion falls through.
Now I will take up another important issue which is very essential and very much relevant for the decision of this privilege motion.

The privilege motion, as it has been presented and the debate which followed, clearly indicate that indirectly, if not directly, it challenges the validity of Speaker's ruling. Its object is to discuss the conduct of the Chair. Hence the main issue rather the only issue is whether ruling or conduct of the Chair can be discussed in any manner whatsoever or not.

With all humility and respect for the House, my answer is, no, under no circumstances, through any sort of motion, can the Honourable members discuss any such matter except by means of a motion of no-confidence against the Speaker.

I would not have gone into the details of it but since this question has arisen for the first time in our House, it is my duty to make the matter clear.

It is a settled practice throughout the world where there are parliamentary democracies that it is the responsibility of the Speaker to preserve order, decorum and decency in the House. If Speaker is not invested with any power by which he can discharge his duties, then it is practically impossible for him to run the Assembly. Rule 243 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, is quite clear, which reads as 'under:

"Speaker to Preserve Order and enforce Decisions".- (I) The Speaker shall preserve order and shall have all powers necessary for the purpose of enforcing his decisions".

It may also be mentioned here that no Honourable member has unqualified and unrestricted right of speech in the House. Right to speak in the House is controlled by the Rules of Procedure and Conduct of Business in the National Assembly. Under the rules, there are a number of restrictions mentioned in rules 225 and 226.

Rule 227 clearly says that a member shall speak only when he is called upon by the Speaker to do so. Under no circumstances has any Honourable member a right to speak in the House without the permission of the Speaker, and then under rule 230 the Speaker can direct any Honourable member to continue his speech.

Rule 234 is also clear that whenever Speaker addresses the Assembly, he shall be heard in silence, and any member who is then speaking or offering to speak shall immediately resume his's seat. Whenever any Honourable member violates any of these rules, he is creating disorder in the House and on such occasions rule 243 comes into operation and heavy duty is cast on the Speaker to preserve order, who has all powers necessary for
enforcing his orders. The Sergeant-at-Arms assist the Speaker in enforcing his orders.

Rule 244 and 245 are two distinct rules. Under rule 244, it is the Speaker who can direct any member to withdraw immediately while under rule 245 the Speaker can name a member and then he will put the question to the Assembly and decision of the Assembly will be final. In both the rules, a member so named either under rule 244 or rule 245 shall withdraw forthwith and if the does not withdraw, the Speaker has unfettered powers to get his orders implemented through Sergeant-at-Arms. Standing Orders for the Watch and Ward Staff, 1975, which are issued under rule 247 read with rule 263 of the Rules, make it quite clear. Para 3(b) puts all the personnel of the security agencies under the supervision of the Watch and Ward Officer, who shall act according to his directions. Hence in case of any disorder in the House which is beyond the control of the Speaker for which Speaker has issued specific orders, these are to be carried out by the Sergeant-at-Arms with the help of the security agencies posted within the Assembly premises.

I need not go into the details of the disorder which was created in the House which necessitated the passing of order under rule 244 when the conduct of some of the honourable members in my opinion, was so such grossly disorderly that it was practically impossible to run the House. The action taken by the Sergeant-at-Arms was perfectly valid and in accordance with orders and instructions.

May's Parliamentary Practice is considered as the most important authority in all the Parliaments of the World. Chapter XIX deals with "Maintenance of Order during Debate and Powers of the Chair to Enforce Order". Relevant pages are from page 427 to page 433 of the 18th (1971) edition. It is very much in detail on the subject but I will confine myself only to some important matters mentioned therein. The author has classified the breaches of order and decorum which may arise from time to time and also the appropriate methods to deal with them:

1. Irrelevance or tedious repetition;
2. Minor breaches of order;
3. The use of disorderly or unparliamentary expressions;
4. Grossly disorderly conduct;
5. Grave disorder; and
6. Obstruction of the business of the House otherwise than by disorderly conduct or persistence in irrelevance or tedious repetition."[pages 427-428 (ibid)]"

These are different stages of disorder and the worst situation arises from stage (4):

Grossly disorderly Conduct.- It is clearly laid down that "......when, however, a member persists in disorderly conduct or conducts himself in a grossly disorderly manner, the Speaker is enjoined by S.O. No. 23 either (1) forthwith to order him to withdraw from the
House for the remainder of the sitting or (2) if he thinks the authority and dignity of the House would not be sufficiently vindicated by excluding the offender from the House for the remainder of the sitting, to name him." (Page 429 ibid). Three cases are also cited under this heading in which a member who addressed the Prime Minister in grossly discourteous terms and then when a member used insulting language to the Chairman and again a member who used insulting language to the Speaker from beyond bar. All were ordered to withdraw. Obstruction to the business of the House.- The last stage, is taken as the most serious matter in Parliamentary democracy. A member who abuses the rules of the House, according to May is guilty of the contempt of the House. At pages 431-32, it is clearly mentioned that "A member who is suspended from the service of the House under this order must forthwith withdraw from the House. If he does not withdraw, the Speaker directs him to do so. If he does not comply with the direction, the Speaker orders the Sergeant-at-Arms to summon the member to obey the Speaker’s direction. If he still refuses to obey, the Speaker calls the attention to the House to the fact that recourse to force is necessary in order to compel obedience to his direction, and directs the Sergeant to remove the refractory member. The Standing Order provides that in such a case the member shall thereupon, without any further question being put, be suspended from the service of the House for the remainder of the session".

"On 2nd July, 1931, a member persisted in disregarding the authority of the Chair, whereupon the Speaker named him and he was suspended on the motion of the Prime Minister. The Speaker then directed the member to withdraw, but he refused to comply. Accordingly, the Speaker directed the Sergeant-at-Arms to remove him. The Sergeant-at-Arms, finding that force was necessary, brought in his officers who in their attempt to remove the member were resisted not only by that member but by certain other members. The member who had been suspended was eventually removed. While this was taking place, the Speaker announced that grave disorder had arisen and suspended the sitting. After an interval of a quarter of an hour the Speaker resumed the Chair, and informed the House, that resort to force having been necessary to remove the member, he was therefore suspended from the service of the House for the remainder of the session".

"On 6th July, after the conclusion of questions, the members concerned expressed deep regret for the incident, and the Prime Minister acknowledged the expressions of regret and suggested that they should be accepted by the House. The House ordered that the proceedings be entered in the journals".

May’s Parliamentary Practice mentions a number of cases where the Speaker of the House of Commons had directed the Sergeant-at-Arms to cause a member to be removed from the House and the proceedings to remain suspended till the member was removed. The most important and recent cases are mentioned at page 432 ibid.
According to May’s Parliamentary Practice, page 122, a member can be remanded to the custody of Sergeant-at-Arms for the breach of the privilege of the House or for the contempt of the House.

There is no need to further elucidate this point. Many such cases are reported in the debates of the House of Commons, Lok Sabha, Parliaments of Sri Lanka, Canada and Australia.

In some cases walk-out against the decision of the Chair has been termed as unparliamentary and even speaking in a louder voice against Chair’s orders has been condemned in parliamentary practice.

In Lok Sabha, "on March 9, 1953, a member was called to order but refused to resume his seat and started speaking louder than before in defiance of the Chair’s order. This resulted in some noisy atmosphere in the House. The Chair at that stage sent the Marshal to the member’s seat and the member then resumed his seat. A point of order was raised by another member asking whether the Chair could send the Marshal to, eject a member; the Chair declared:

“If necessary, I would not hesitate to use force. I am bound to maintain order. I will not allow any Member, however big he might be, or any small group of Members, to disturb order in this House. The Chair is sufficiently strong to take care of itself.”

(Pages 133-34, Practice and Procedure of Indian Parliament by S.S. More).

In Sri Lanka, on 19th June, 1953, Mr. Speaker found it necessary to name a member for disorderly conduct in the Chamber and, after an appropriate motion had been moved by the Prime Minister, it was resolved by the House that the member should be suspended.

“In accordance with this Resolution, Mr. Speaker requested the Member concerned to leave the Chamber, which he refused to do, stating that he would like to be taken out by force. Persuasion having failed, Mr. Speaker reported to the House that the Member refused to obey his orders and that he had to order the Sergeant-at-Arms to remove him. Thereafter, he suspended the sitting of the House for ten minutes to enable the Member to be removed.

“The Sergeant-at-Arms, having unsuccessfully endeavored to persuade the Member to leave the Chamber, called in the members of the Police Force in attendance on the House, and requested them to remove the Member by force. The member was carried out of the Chamber in his chair and was deposited on the pavement outside the precincts of the House.

(Page 148, The Table, Vol. XXVI)
In India, there have been frequent cases of removal by force of the Honourable members whose conduct was termed as disorderly by the Speaker. Mava Lankar, the Speaker of the Lok Sabha, pointed out in the Speakers' Conference that "Members of the police force who are inside the premises are under the orders of the Speaker. If that convention is established I think matter can be put straight."


I need not go into further details in this respect. The point is settled that the responsibility of the Speaker is absolute to maintain order, decorum and decency in the House and Speaker has unfettered powers to use such force which he thinks necessary to get his orders carried out or enforced.

On 14th November, 1975, the orders of the Speaker had to be carried out and if any Honourable member had caused any obstruction in the implementation of those orders, that member had to be removed also.

Now I will take up the most important issue in this privilege motion as to whether the action, the conduct or the ruling of the Chair can be discussed directly or indirectly inside the House or outside the House. As I mentioned above in para 8, the law, rules and the practice throughout the world is settled that it cannot be discussed by any means except through a motion of no-confidence. Authorities and precedents are available from all the parliaments of the world, few of which I will mention briefly.

Page 75 of "Parliament at Work" by Messrs. A.H. Hanson and H.V. Wiseman cites cases where it was held by the Speaker of the House of Commons:

"Mr. Speaker: The Hon. Gentleman is really obliquely criticising my action in the Chair. If he wishes to criticise my action, he knows that there is one way of doing so."

Another authority from the House of Commons is to be seen at page 293 of "Blackmore's Decisions-1857-1884" which is as under:

"If an hon. member challenges the Speaker's action he must do so by notice of motion, and the matter is one of order not privilege.

"Mr. Speaker, upon his own responsibility and from a sense of duty to the House having brought to a close the debate on the protection of Person and Property (Ireland) Bill.

"At the next sitting of the House Mr. Parnell challenged the action of the Speaker by
proposing "That the action of Mr. Speaker in refusing to permit further debate on the motion for leave to introduce the Preservation of Life and Property (Ireland) Bill is a breach of the privileges of this House."

"Mr. Speaker ruled that the matter was one of order, not of privilege, and that the matter could be brought forward in the regular way by notice of motion, but not at the present time and as a matter of privilege:"

"And on an attempt to move the adjournment of the House with a view to calling in question what had been done.

"Mr. Speaker ruled that such a course would be quite out of order".

Likewise, in Lok Sabha, it is a settled practice that against the ruling of the Speaker there cannot be any protest or criticism, "Practice and Procedure of Indian Parliament" by S.S. More is relevant on the subject. At pages 118 and 119 are mentioned many cases in which this rule was followed by the Chair:

"A member must without asking questions, accept the ruling of the Chair.

"On June 18, 1952, a member protested against a ruling of the Chair. The Speaker, thereupon, observed that the member:

"Should know that no Hon'ble Member has a right to protest against the ruling of the Speaker. A Member's first and only duty is to submit to it and if he is dissatisfied, he has other remedies under the rules. He can move a motion for the removal of the Speaker or some such things, but that is a different matter".

"On November 9, 1953, some members staged a walk-out against the ruling of the Chair. The Leader of the House suggested that the names of those who had walked out might be noted down. Some members submitted that members have a right to disagree with the rulings of the Chair and also the further democratic right of recording the protest by silently walking out. The Chair remarked:

"Members have no right to protest against my ruling. If any member says so, then it is a protest, and it means that the gentleman wants me to go against my ruling or change my ruling merely because he refuses to accept my ruling".

"No body can challenge a ruling from the Chair.

A ruling by the Chair cannot be criticised or discussed in the House.
"A member wished to know if he would be in order in proposing a motion 'that the Speaker do now leave the Chair', in order to discuss a ruling of the Chair given that morning. The President, overruling the motion observed:

"We have no such procedure at all. Here the decision of all points of order is entirely and finally vested in the Chair and the House cannot discuss the ruling of the Chair."

A ruling cannot be criticised even outside the House.
"The President of the Legislative Assembly had given a ruling which was criticised publicly in the press in a statement issued by the Leader of the Opposition and Leader to the National Party. Serious note was taken of the criticism and the matter was discussed by the Leader of the House with the leaders and representatives of the various parties in the House including the two leaders who issued the statement. The discussion led to an agreement by all that:

"It should not be open to any member of the House to criticise directly or indirectly outside the House any ruling given, opinion expressed or statement made by the President in the discharge of his duties".

"It was further agreed that if:

"Any member desired to make a statement regarding any expression of opinion or statement made by the President, he shall be entitled to do so in the House by the permission of the President".

"The President, to whom this agreement was conveyed, remarked that the agreement was in harmony with the tradition and practice of the House. He further stated, that any statement, which a member desired to make regarding any statement of opinion of the President, should be for elucidating a point and not to 'criticise' any statement by the President."

Taking the privilege motion of the Honourable member from Kasur in the light of the above discussion, it is not only completely out to order but an abuse of the right to move a privilege motion. I might have decided this motion in my Chamber but then it might have created some misunderstandings. So I thought it fit to bring it to the notice of the House. I allowed debate on this privilege motion so that there may not be any misunderstanding in future. Accordingly, I rule out the privilege motion of Mr. Ahmad Raza Khan Qasuri. Let the copies of this ruling be circulated among the Honourable members and given to the press. I have also released portions of the proceedings of the House on 14th November, 1975 for which I had made my observation that day that they were not to be reported."
721. PRIVILEGE: DISTORTION OF NAME AND SPEECH OF A MEMBER: HELD IN ORDER: PRESS DIRECTED TO MAKE NECESSARY CORRECTIONS:

On 2nd June, 1976, a member raised a point of privilege that the daily "Jang", dated the 1st June, 1976, had published the proceedings of the National Assembly wherein his name had been distorted and other tenor of his speech changed. Mr. Speaker observed that if the speech of a member was not reported, that would not amount to a breach of privilege. But misreporting of a speech of or attributing certain things to a member which he had not spoken would render the press guilty of breach of privilege. The Speaker directed the press to make necessary corrections in respect of the name as well as the speech of the member concerned.

722. PRIVILEGE: NON-SUBMISSION OF REPORT BY A COMMITTEE: REMEDY LIES UNDER RULES 170 (3) OF THE RULES OF PROCEDURE: PRIVILEGE MOTION NOT COMPETENT:

A Select Committee was constituted by the National Assembly on the 23rd March, 1976, to consider the Criminal law (Amendment) Bill, 1975 and to submit its report within one month. Prof. Ghafoor Ahmad tabled a privilege motion on 18th November, 1976, to the effect that, inspite of the passage of eight months since the composition of the Committee, neither any report had been submitted to the House nor any extension of time had been sought for.

The Law Minister, Malik Muhammad Akhtar, explaining the delay, contended that the Committee could not hold its meeting due to a lack of quorum.

Mr. Speaker thereupon, ruled the motion out of order with the observation that the subject matter could be considered by the Assembly, without waiting for the report, upon a motion by any member under rule 170 (3) of the Rules of Procedure and Conduct of Business in the National Assembly, 1973.

723. PRIVILEGE: PAY OF A MEMBER CANNOT BE WITHHELD BY ACCOUNTANT GENERAL UNLESS ORDER OF SUCH WITHDRAWAL IS MADE BY THE
SPEAKER: NO. PRIVILEGE MOTION COMPETENT AGAINST THE CHAIR:

On 4th May, 1976, Prof. Ghafoor Ahmad and Maulana Mufti Mahmood gave notice of a Privilege Motion against the withholding of salary of Mrs. Jennifer Jehanzeba Qazi Musa, an honourable member of the House. Mr. Speaker after discussing the matter in some detail, ruled as follow:

"...The motion was taken up in the House on 5th May, 1976. On the request of the law Minister, it was deferred to 6th of May, when he requested for further time and told the House that he would try to sort out and discuss the matter. Thereupon, Sher Baz Khan Mazari insisted that the Honourable Law Minister should make a statement in the House as he had promised earlier, upon which the Law Minister opposed the motion and a heated debate did take place. The mover also participated in the debate. The Law Minister raised among other the following objections.

1) It can be raised only with the consent of the Speaker.
2) It should have been raised at the earliest opportunity.
3) Salaries are granted by the same authority which withholds the grant or consents to it.

I am very much surprised to hear the arguments of the Honourable Law Minister, some of which are contradictory, and I would say that the law Minister tried to confuse the situation. If the Speaker is the sole authority then the Law minister should not be in a position to make a categorical statement that payment will be made by him shortly.

Mr. Abdul Hafeq Pirzada, Minister for Education, participating in the debate, was very clear to say that this is a matter between the Speaker and the Honourable member, whose salary has been stopped. Mr. Mohammad Haneef Khan, Minister of Information was also of the view that the order of the Accountant General was subject to the order made by the National assembly of Pakistan as far as the payment of salaries to the members is concerned and the Accountant General has to look towards the Speaker of the National Assembly and towards nobody else.

I agree with the arguments advance by the Minister for Education. The privilege motion is uncalled for because it cannot be brought against the Chair. Besides, it does not require intervention of the Assembly, as required by rule 68(3) of the Rules of Procedure. At the same time, from the perusal of the record, it transpires that the Honourable member has not been paid the salary for the last five months. It is really a pity that the Honourable member, who has been attending the session of the National Assembly, if not regularly, at regular intervals, and has ever been nominated to the Panel of the Chair and I think, she also presided for sometime during the winter session, is deprived of, what is rightly due to her. I do not agree with most of the arguments advanced by the Law Minister, and I
will not touch the complicated position, which the Law Minister has stated. In case of a reference, it would be premature, without a final adjudication, to pass a judgment on any member, who may have been elected through a legal process, be sitting in the House, may have taken his seat under the Constitution and who may have been performing his duties as a member of House. She continues to do so, unless her election has been set aside by the competent authority or she has incurred a disqualification mentioned in the Constitution or under any law. I will not go into the details of the question regarding her qualification or disqualification, because it is not necessary for me to dispose of this privilege motion. I, accordingly, order that the salaries should be released forthwith so far as the cases of Mrs. Jahanzeba Musa, Mr. Ghulam Faruque and Mr. Umra Khan are concerned."

(53-26, Vol V)

724. PRIVILEGE: SPEAKER’S CONDUCT CANNOT BE DISCUSSED THROUGH A PRIVILEGE MOTION:

On 30th April, 1976, Maulana Mufti Mahmood sought to move a privilege motion regarding the failure of the Government to discuss the report of Council of Islamic Ideology, which was placed before the National Assembly. The law Minister asserted that, since the responsibility for fixing a date for its discussion was that of the Speaker, it would set a bad precedent to discuss the conduct of the Speaker in this regard. Sirdar Shaukat Hyat Khan referred to Article 230(4) of the Constitution and said that it was obligatory on the Speaker to invite discussion on the report, after its presentation before the National Assembly. Prof. Ghafoor Ahmad pointed out that it was the responsibility of the Law Minister to suggest a date to the Speaker for fixing a date for discussion on the report and not of the Speaker.

After hearing the arguments Mr. Speaker observed that the Islamic Council had to submit final report within seven years of its appointment. Besides, it had to submit an interim report annually, which was to be laid before the Assembly. The report was laid before the Assembly and, in fact, discussion started on it on 12th December, but could not conclude as the Assembly adjourned sine die. Thereafter, discussion could not be restarted in the next session, as nobody pointed this out. He further observed that he could fix a date for its discussion only if somebody had pointed it out to him. Since none did so, the matter could not be brought on the agenda. It was finally, ruled that the proper procedure in such a matter would be to address a letter to Mr. Speaker and not to move a Privilege Motion. The motion was accordingly ruled out as misconceived.

(54-29, Vol V)
N.A. Deb., 30th April, 1976.
725. PRIVILEGE: WOMEN MEMBERS OF NATIONAL ASSEMBLY ELECTED INDIRECTLY AGAINST RESERVED SEATS HAVE NO RIGHT TO ELECT MINORITY MEMBERS FOR THE SAID ASSEMBLY: NO BREACH OF PRIVILEGE: MOTION RULED OUT:

Begum Shireen Wahab moved a privilege motion on 25th March, 1976, that the women members of the National Assembly have been deprived of their right to cast vote in respect of election to the reserved seats for the minorities in Pakistan, which allegedly amounted to breach of privilege of the women members of the Assembly.

2. Malik Mohammad Akhtar, the Minister for Law and Parliamentary Affairs opposed the motion on the ground that under clause (1) of Article 51 of the Constitution, the electoral college for the election of minority seats consisted of members elected on the basis of popular vote. As the women members were elected indirectly and not directly, they had no right to elect the minority members.

3. Mr. Speaker, agreeing with the Minister for Law and Parliamentary Affairs, ruled out the motion with the following observation:

"....One argument is sufficient that the electoral college, constituted to elect the women members, shall elect the minorities also. The ladies do not constitute the electoral college. For the Ladies reserved seats itself, an electoral college, consisting of all the members of the National Assembly, was constituted. The same electoral college will elect the minorities ladies have been indirectly elected, while the members of the National Assembly have been elected, directly. I uphold the Law Minister. The real voters are the directly elected members of the National Assembly and not the indirectly elected members. Since ladies are indirectly elected, the same principle applied to the election of minorities also."

(55-29, Vol V)

And 26th March, 1976.

726. PRIVILEGE: ALLEGATION REGARDING INVOLVEMENT OF MEMBERS OF NATIONAL AND PROVINCIAL ASSEMBLIES IN DRUGS SMUGGLING BY A NEWSPAPER: HELD IN ORDER: REFERRED TO PRIVILEGES COMMITTEE.

On 7th October, 1985 Mian Muhammad Zaman, MNA, moved a Privilege Motion regarding publication of an editorial in the daily "Jang" dated 5th September, 1985 alleging involvement of
members of National and provincial Assemblies in drugs smuggling. Mr. Muhammad Aslam Khan Khattak, Minister for Interior stated that he was really surprised that some irresponsible people allege things and then one of the popular paper like the daily “Jang” publishes the same without ascertaining the facts. The Minister further stated that since the publication of the editorial has injured the feelings of the members of this House, therefore, he had no objection to refer the matter to the Privileges Committee. Some other members also supported the motion.

Mr. Speaker held the motion in order and upon a motion moved by Hajji Muhammad Saifullah Khan, MNA, referred the same to the Privileges Committee.

(96-62 Vol VI)
Pp. 2044-2049.

727. PRIVILEGE: ALLEGED DISCRIMINATION BETWEEN DEPUTY COMMISSIONERS AND THE MNAs ABOUT ISSUANCE OF ARMS LICENCES: DOES NOT CONSTITUTE BREACH OF PRIVILEGE: RULED OUT OR ORDER.

On 6th November 1985, a member moved a privileged motion to the effect that on recommendation of an MNA, only twenty arms licences are issued on monthly basis whereas the Deputy Commission has been given legal right to issue two hundred such licences every month which is a clear discrimination and constitute breach of privilege.

The Minister for Interior opposed the motion on the ground that it is not a privilege but just a courtesy extended to the Honourable Members that licences can be issued on their recommendations. The Minister emphasized that the difference between the licences issued by the District Magistrate and Honourable members is a great one because wherever an Honourable member recommends the issuance of arms licence, no inquiries are made whatsoever and the licences are issued immediately but on the other hand the licences issued by District Magistrate are to gone through half a dozen, if not more, process of ascertaining the character of and verifying the person which is a very big task. The Minister further submitted that if the Honourable members want to change the criteria for issuance of any number of licences they can make suggestions to the Government which shall be given due consideration.

Mr. Speaker after hearing both sides observed that the matter raised in the motion does not warrant intervention by the Assembly under the rules concerning privileges and accordingly ruled the motion out of order.

(100-64, Vol VI)
728. PRIVILEGE: ALLEGED INCORRECT STATEMENT BY FINANCE MINISTER IN
REPLY TO QUESTIONS RELATING TO RETURN OF BIHARIS FROM
BANGLADESH: STATEMENT HAVING BEEN MADE BEING NOT DELIBERATE
OR WILFUL: RULED OUT OF ORDER.

On 4th November, 1985, Shah Baligh-Ud-Din, MNA, moved a Privilege Motion alleging that the
Minister for Finance had given wrong answers to question No. 192 and 425 relating to return of Biharis
from Bangladesh, which constitute breach of privilege of the House.

Mr. Speaker after hearing the Parliamentary Secretary for Cabinet ruled the motion out of
order that there was not willful mis-statement and as such no case of breach of
privilege was involved.

(104-68, Vol VI)
Pp. 3683-3684.

729. PRIVILEGE: NO BREACH OF PRIVILEGE IS COMMITTED IF A MINISTER
DOES NOT MAKE A FALSE STATEMENT DELIBERATELY: RULED OUT OF
ORDER:

A member raised a question of privilege alleging that during the question Hour dated 11th
November, 1985, in reply to a Question No. 709, paragraph 3, incomplete, incorrect and distorted
information was provided which constitute breach of privilege of the entire House. The mover submitted
that in the said question of it was asked that whether there is any proposal under consideration to
extend the employment period of an officer to which the Parliamentary Secretary for communication
stated that it is not applicable which answer was incomplete and incorrect. Shahzada Mohiuddin,
Parliamentary Secretary opposed the motion on the ground that he had given an exhaustive reply to the
question and further stated that he had requested the Honourable member to go through the Civil
Servants Act which was the reply to his question. However, the Parliamentary Secretary submitted that
the aforesaid officer shall be retired from service on attaining the age of 60-years and as such there was
no question of any incorrect reply as alleged by the mover.

Mr. Speaker ruled that this was an individual case and the Parliamentary Secretary
did not make the false statement deliberately, there was not breach of privilege of
the House or any of its members.
730. PRIVILEGE: PROTOCOL RITUAL AT AIRPORT ON THE ARRIVAL OF TURKISH PRESIDENT BY THE PRIME MINISTER OF PAKISTAN BY WALKING WITH HIS CAR SHOWN IN PTV NEWS BULLETIN: NO CASE OF BREACH OF PRIVILEGE INVOLVED: RULED OUT OF ORDER.

On 1st December, 1985 Hajji Muhammad Yunus Illahi, MNA moved a privilege Motion relating to protocol ritual at airport on arrival of the Turkish President by the Prime Minister of Pakistan by walking with his car shown on PTV news bulletin which according to movers, amounts to breach of privilege of the members as well as the National Assembly. Mr. Iqbal Ahmed Khan, Minister for Law, Justice and Parliamentary Affairs submitted that the Honourable guests are often received at airport by the President, Prime Minister, Ministers and members etc. and usually it so happens that when ever an Honourable guest is seen off at airport, the hosts have to stand near the moving vehicle of such guests. The Minster contended that he cannot say anything about the alleged grievance voiced in the motion having shown by PTV but it appears that the mover has, taken wrong impression in his mind in this behalf, which even otherwise, in no way constitute breach of any privilege either of Honourable members or Assembly.

Mr. Speaker ruled the motion out of order under Rule 68(iii) of the Rules of Procedure as it was not a matter, requiring intervention by the Assembly.
732. PRIVILEGE: BASED ON NEWSPAPER REPORT REGARDING AN INTERVIEW GIVEN BY AIR MARSHAL (RETD) ASGHAR KHAN.

Rai Ahmed Nawa, MNA moved a privilege motion relating to an interview given by Air Marshal (Retd) Asghar Khan wherein he alleged that Pakistan did not come into existence for Islam but for promoting values of Islam. The mover stated that the said interview has breached privilege of the House as well.

Mr. speaker ruled the motion out of order on the ground that it does not come within the purview of privilege at all.

(126-89, Vol-VI)
N.A. Deb., 4th November, 1985
Pp. 3679-3681

733. PRIVILEGE: ALLEGED DEROGATORY REMARKS AGAINST HOLY PROPHET (PEACE BE UPON HIM): CHAIR DIRECTED THE INTERIOR MINISTER TO REGISTER A CASE AGAINST THE CULPRIT: MOTION HOWEVER, RULED OUT OF ORDER:

On 4th June, 1986, Begum Nisar Fatima Zahra, MNA, moved a privilege motion wherein she alleged that in a function held in Islamabad Hotel under auspices of Women Action forum, Asma Jillani had passed certain derogatory remarks against the Holy Prophet (Peace be upon Him). The Minister of State for Justice stated that a provision exist in the Pakistan Penal Code where under any person who use derogatory remarks or defiles the sacred name of Holy Prophet Muhammad (Peace be upon Him) can be punished and a report to this effect can also be lodged. However, the Minster submitted that the National Assembly was not competent to punish any such person who makes derogatory remarks against the Holy Prophet (Peace be upon Him) under its Rules of Procedure and since it is a penal offence, therefore, he will investigate into the matter and get the case registered against the culprits. Another member suggested that the Administration and Police should _suo-moto_ take notice of the matter and arrest the culprits whose case should be sent to the Criminal Courts for trial. He urged upon the Government to do the needful itself. Mr. Speaker after hearing debate at some length gave the following ruling:

"Before I give my ruling, I request the Honourable Minster for Interior to use his good offices and ensure that a case is registered against the culprit. As regard the privilege motion, I am afraid, technically it is inadmissible as this is hit by rule 66 and 68(2) of the
Rules of Procedure. As such privilege motion is ruled out of order".

(99-63, Vol VI)
N.A. Deb., 4th June, 1986.
Pages; 611-614

734. PRIVILEGE: ALLEGED INTIMIDATION OF MEMBERS OF PML PARLIAMENTARY GROUP WHO VOTED AGAINST NO-CONFIDENCE MOTION AGAINST SPEAKER: UNLESS IT IS ESTABLISHED THAT THE MEMBERS WERE ACTUALLY THREATENED OR INTIMIDATED NO CASE OF BREACH OF PRIVILEGE INVOLVED: RULED OUT OF ORDER:

On 3rd June, 1986 Mr. Ellahi Bux Soomro, moved a privilege motion alleging that Malik Muhammad Naeem Khan, MNA and Secretary PML Parliamentary Group have admitted that secret defection in PML Parliamentary Group was observed when the members cast their votes through secret ballot against and in favour of the resolution moved against the former Speaker Syed Fakhar Imam. It was alleged that the Parliamentary Secretary had pointed out that such defection would be searched out and taken note of which is a grave threat and tantamount to breach of privilege of the members and the whole House. Sheikh Rasheed Ahmed; also moved a similar motion.

The Law Minister opposed the motion and said that the alleged statement of Parliamentary Secretary had been contradicted by him and even otherwise, it is an internal affair of the party itself for the purpose of maintaining discipline in it, therefore, there was no question of breach of privilege. Dr. Sher Afgan Khan Niazi, made a reference of Article 66(1) of the Constitution to contend that there is a freedom of speech in the Majlis-e-shoora(Parliament) and no member is liable to any proceeding in any court in respect of any thing said or any vote given by him in Majlis-e-Shoora (Parliament) and no person shall be so liable in respect of any report, paper, vote or proceeding. He submitted that any statement made within the House is protected by the Constitutional provision but if any threat is extended outside the House in the manner as a Parliamentary Secretary has done that would certainly constitute a breach of privilege.

Having considered the arguments of both sides Mr. Deputy Speaker ruled as follows:
"Since the statement alleged to have been made by Malik Naeem Khan does not really contain any threat or intimidation to the members concerned and unless and until it is established that the members have been actually threatened or intimidated, no breach of privilege has been threatened or intimidated, no breach of privilege has been committed so, therefore, the privilege motion in question is ruled out of order."
735. PRIVILEGE: ALLEGED MIS-STATEMENT MADE BY MINISTER WHILE REPLYING TO A CUT MOTION: MINISTER DENIED RULED OUT OF ORDER.

On 29th June 1986, Mr. Muzaffar Ahmad Hashmi sought leave to move privilege Motion on the ground that the Minister for Industries while replying his cut motion denied that the investment limit in cottage industry was not Rs. 1 Lakh but it was Rs. 10 Lakhs, which according to the mover was contrary to the facts. Minister for Industries opposed the motion and stated that it was a slip of tongue that the extent of investment in small industry was not as the Honourable member had sated 1 Lakh Rupees but 10 Lakh Rupees. He further sated that it was mentioned by him inadvertently and regretted the matter.

Mr. Speaker after hearing both sides ruled the motion out of order by observing that intervention of the Assembly was not required under Rule 68(iii) of the Rules of Procedure.

736. PRIVILEGE: ALLEGED MIS-STATEMENT BY MINISTER/ PARLIAMENTARY SECRETARY FOR FOOD AND AGRICULTURE: ALLEGED MIS-STATEMENT HAVING NOT BEEN MADE DELIBERATELY: MOTION RULED OUT OF ORDER:

On 4th March, 1986, a privilege motion moved earlier by a member regarding alleged misstatement by Minister/Parliamentary Secretary for Food and Agriculture in reply to a question was taken up. The Parliamentary Secretary for Food and Agriculture opposed the motion on the ground that the privilege motion was not relevant to the National Assembly question No. 375 asked by the Honourable member and the motion was misconceived.

Mr. Speaker, ruled the motion out of order and observed as flows:

"I rely on Shgdher and Kaul for my ruling. When two members sought to raise a question of privilege against the Minister for Food and Agriculture on the ground that he has suppressed the truth and misled the Public Accounts Committee, when he appeared before them, the Speaker, iter alia ruled:"
“Incorrect statement made by a Minister cannot make any basis for a breach of privilege. It is only a deliberate lie, if it can be substantiated that would certainly bring the offense within the meaning of breach of privilege. Other lapses, other mistakes, do not come under this category because everyday we find that Ministers make their statements in which they make mistakes and correct afterwards. I do not think, in this instance it is a deliberate lie and, therefore, I do not think this constitute a breach of privilege either of the House or the member.

(109-71 Vol-VI)
N.A. Deb., 4th March, 1986
Pp. 2110-2112.

737. PRIVILEGE: ALLEGED MIS-STATEMENT MADE BY MINISTER IN REPLY TO A SUPPLEMENTARY QUESTION: FALSE STATEMENT HAVING NOT BEEN MADE DELIBERATELY: RULED OUT OF ORDER

On 24th June, 1986 a member sought leave to move a Privilege Motion on the ground that the Minister for State and Frontier Regions made a false statement that the payment had been made to the persons whose land was acquired for Refugee Camp but in Dergai and Malakand Agency it had not been paid which constitute breach of privilege.

Mr. Speaker after hearing the mover, the Minister for State and Frontier Regions and other members held the motion inadmissible and observed that he could find no specific inaccuracy in the statement made by the Minister and the Privilege Motion was not bases on facts. He relied upon parliamentary practice according to which incorrect statement made by a Minister could not make any basis for a breach of privilege unless it is substantiated that the false statement was made by him deliberately.

(110-72, Vol-VI)
N.A. Deb., 24th Jun, 1986
Pages: 1986-1994

738. PRIVILEGE: ALLEGED REFUSAL OF BANKS TO PRODUCE ACCOUNTS BEFORE PUBLIC ACCOUNTS COMMITTEE: PUBLIC ACCOUNTS COMMITTEE HAS NOT FINALLY ASKED TO PRODUCE ACCOUNTS AND THE MATTER BEING PREMATURE: RULED OUT OF ORDER.

On 23rd September, 1987, Dr. Muhammad Shafiq Chaudhry sought leave to raise a question of breach of privilege arising out of alleged refusal of banks to produce accounts before the Public
Accounts Committee of the National Assembly as published by daily PUKKAR, dated 18th September, 1986. The member contended that the newspaper has also pinpointed certain influential persons who had misappropriated the public money in connivance with the bank administration which constituted breach of privilege of the House. The Parliamentary Secretary for Finance, opposed the motion on the ground firstly that the privilege motion was not based on facts and secondly that the audit of the commercialized banks was carried out by the State Bank under the Company Law as well as by independent statutory auditors and as such the question of refusal by the commercial banks did arise. It was further contended that if there was any change having been made in this procedure, the Government was empowered to do so by resorting to the National Assembly and if the Public Accounts Committee and Government so decides the commercialized banks would have no hesitation in submitting their accounts to the Public Accounts Committee.

After hearing the mover, the Parliamentary secretary for Finance and some other members, Mr. Speaker ruled as follows:-

"Under Rule 190, the Public Accounts Committee has the power to require the production of paper or records, if such course is considered necessary for the discharge of its duties. Government can only decline to produce any documents on the round that its disclosure would be prejudicial to the defence, security or external relations of Pakistan. Nationalized Banks accounts do not come under this purview. However, as Speaker of the National assembly, have access to the minute so the proceedings of the Public Account Committee and before taking up this privilege motion, I went through those minutes and found that the position as stated the Honourable Parliamentary Secretary was very close to the Public Accounts Committee has directed that the position as obtains in India and Egypt be ascertained and then placed before the Public Accounts Committee for a final decision. As such I find that no real breach of the privilege seems to have been committed as yet. If the Public Accounts Committee finally decides to ask for the record and they are not presented then I am sure, the Chairman of the Public Accounts Committee for a final decision. As such I find that no real breach of the privilege seems to have been omitted as yet. If the Public Accounts Committee finally decides to ask for the record and they are not presented then I am sure, the Chairman of the Public Accounts Committee will let us know and the matter can then be taken up. At his point time, I have no option but to rule it out of order."

(115-77, Vol VI)
N.A. Deb., 23rd September, 1986
Pp. 265-276

739. PRIVILEGE: ALLEGED STATEMENT OF MEMBER OF SINDH ASSEMBLY THAT RESIDENTIAL PLOTS ARE BEING GIVEN TO MEMBERS AS POLITICAL BRIBE: MOTION PRIME FACIE HELD IN ORDER AND REFERRED TO SPEAKER OF
THE SINDH ASSEMBLY:

On 30th June, 1986, a member moved a privilege motion relating to a statement given by a member of the Sindh Assembly with regard to allotment of plots to Ministers and member of the National and Provincial Assemblies in Karachi as a political bribe which has allegedly damaged the reputation of the members of the House. Mr. Speaker heard the mover and other movers at great length and reserved his ruling which was later on given on 9th July, 1986 as follows:

"The point of contention raised in the privilege motion No. 78 moved by Mr. Hamza on 30th of Jun, 1986 was that the statement of Dr. Muhammad Ather Qureshi, as published in press was that Ministers and members of the National Assembly and Provincial Assemblies were being allotted plots in Karachi as a political bribe. According to the Honourable member, the news has created the impression that all the members of the National Assembly, without exception were involved in the alleged political bribe, and thus it has a damaging effect on the reputation of the members as a whole.

All the members who took part in the discussion on the admissibility of the motion, particularly those belonging to Karachi, were Unanimous in expressing the view that the statement of Dr. Muhammad Ather Qureshi had cast serious aspersion on the integrity of all the member and undermined the confidence reposed by the public in their elected representatives.

Mr. Speaker after hearing the movers observed that it is by now an established practice in Parliaments that speeches and writing reflecting on the House or its Committees or members are treated as contempt on the principle that such acts may tend to obstruct the House or member in the performance of their functions by diminishing the respect due to them. Thus libel under the civil or criminal law. Further, reflection upon a member or members, when particular individuals have not been named or otherwise specified, are equivalent to reflections on the House and treated as a contempt of the House.

Therefore, judged by the above standard, I feel that the statement of Dr. Muhammad Ather Qureshi involving all the members of the National Assembly in the reckless charge of political bribe has a tendency to diminish the respect due to them. I, therefore, hold the motion moved by Mr. Hamza to be prima facie in order.

However, since Dr. Muhammad Ather Qureshi is a member of the Provincial Assembly of Sindh, therefore, in keeping with the parliamentary conventions, the matter will not be considered by the privileges Committee of this Assembly, and will, instead, be referred to the speaker of the Sindh assembly for being dealt with as if it was a matter involving a breach of privilege of that Assembly, and will, instead, be referred to the Speaker of the Sindh Assembly for being dealt with as if it was a matter involving a breach of privilege of that Assembly.
RULING OF THE CHAIR

740. PRIVILEGE: CONSTITUTION OF SEVEN MEMBERS COMMITTEE OF THE HOUSE BY-PASSING THE STANDING COMMITTEE ON CABINET-MOTION HELD INADMISSIBLE:

On 3rd July, 1986 a member moved a Privilege Motion regarding constitution of a 7-members committee of the House by-passing the Standing Committee on Cabinet to look into the defects of construction and maintenance of the Parliament House. According to the mover a breach of privilege of the Standing Committee on Cabinet had occurred because the Parliament House was under the control of CDA which was under the control of Cabinet Division. The mover contended that a Standing Committee on Cabinet had been constituted under rule 167 of the Rules of Procedure and as such constitution of the House Committee was in violation of Rule 167 of the Rules of Procedure and if at all it was decided to by-pass the Standing committee then a special committee under rule 205 of the Rules of Procedure should had been constituted. The Minister for Justice and Parliamentary Affairs opposed the Motion contending that the said Committee was constituted by the Prime Minister in his official capacity which cannot be called as a House Committee.

Mr. Speaker, after hearing the mover and the Minister held the motion out of order and observed that intervention of the Assembly was not required under rule 68(iii) of the rules of Procedure.


On 30th June, 1986, a member moved a Privilege Motion regarding criticism by a lady member of the Sindh Assembly on the statement of the Interior Minister with regard to law and order situation prevailing in Sindh province and placing it under the control of the Army. The Parliamentary Secretary for
Interior denied that facts contained in the motion contending that the Government has no intention to place the Sindh province under the control of Army and further stated that the matter being provincial no case of breach of privilege is involved. Mr. Speaker ruled the motion out of order with the observation that the allegations contained in the Privilege motion are not relatable to any privilege of Honourable members and as such intervention by the Assembly was not required under rule 68(iii) of the Rules of Procedure.

(130-92, Vol VI)
N.A. Deb., 30th June, 1986.
Pp. 2587-2592.

742. PRIVILEGE: DELAY IN APPOINTMENT OF GOVERNOR IN NWFP: MATTER INVOLVING INTERPRETATION OF CONSTITUTION: NATIONAL ASSEMBLY NOT COMPETENT TO DISCUSS THE ISSUE: RULED OUT OF ORDER:

Two identical Privilege Motions were moved by Mr. Liaquat Ali Baloch and Dr. Sher Afgan Khan Niazi regarding delay in appointment of a permanent Governor in NWFP. The Parliamentary Secretary for Cabinet opposed the motion contending that the matter of appointment of the governor does not require intervention by the National Assembly under rule 68(iii) of the Rules of Procedure. Mr. Speaker after hearing the movers at some length ruled the motion out of order on the ground that the matter involves interpretation of the Constitution which primarily falls within the purview of the Courts of Law and National Assembly is not competent to make interpretation of the Constitution.

(131-92, Vol VI)
Pp. 2736-274.

743. PRIVILEGE: NON-COVERAGE OF THE SPEECHES OF THE PUBLIC MEETINGS OF THE OPPOSITION MEMBERS BY THE PTV/ RADIO; DOES NOT CONSTITUTE A BREACH OF PRIVILEGE EITHER OF A MEMBER OR OF THE HOUSE: RULED OUT:

On 2nd June, 1986, two identical privilege motions were moved by Sheikh Rasheed Ahmed and Sahibzada Noor Hassan MNAs that the PTV and Radio were not giving coverage to the big public meetings of the opposition members whereas the performance of the Muslim League government and its Ministers was being given full coverage over the radio and television. Opposing the admissibility of the motion the Minister of State for Justice and Parliamentary Affair referred to rule 68(2) of the rules of Procedure which provide that the question shall relate to a specific matter and shall be raised at the
earliest opportunity and contended that it was not clear whether the motion either relates to a specific matter or pertains to the government party the Ministers or other peoples. He placed reliance on Practice and Procedure of Parliament by M.N. Kaul and said that a privilege can not be claimed as a right on the ground that the coverage should be given by T.V. or Radio to the speeches of members or an individual. The Minister maintained that firstly there should be a privilege and then there will be a breach.

Mr. Speaker, ruled the privilege motion out of order:

“In my opinion and it has been ruled so in this House before me that coverage is not a privilege, not even for a member of this August House. What is not a privilege of a member of this House cannot be a privilege of any commoner out side.”

(139-97, Vol VI)
N.A. Deb., 2nd June, 1986.
Pp. 439-442.

744. PRIVILEGE: NO PRIVILEGE MOTION CAN BE ENTRAINED IF NOT SIGNED BY A MEMBER:

On 13th November, 1986, some members wanted to move their unsigned privilege motions whereupon Mr. Deputy Speaker observed:

“Let me tell the Honourable members if they want to move any privilege motion (or and document) in this House, they better be signed. I have said in my earlier ruling also that the members, better sign it. I will not entertain any privilege motion, if it is sent unsigned.”

(146-104, Vol VI)
P. 639.

745. PRIVILEGE: POLICE VERIFICATION FOR ARMS LICENSES RECOMMENDED BY MNAS IS NOT A SPECIFIC PRIVILEGE AND A POLICY MATTER: RULED OUT OF ORDER:

On 1st June, 1986, a member moved a privilege motion that according to a news item it has revealed that arm licenses would now be processed and verified by police after recommendation by the member of the National Assembly which constitute breach of privilege.
Mr. Aslam Khan Khattak, Minister for Interior opposed the motion and said that although there is some truth in the statement of the Honourable member but the point is that some of the members have signed these licenses without taking into consideration the fact for whom they were signing it. It was, therefore, reported by the police that a number of these peoples were not of good character, as such a decision had been taken due to the reason that recommendations were routinely being made without full knowledge of the antecedent of the applicants. In the view of the matter of the control on firearm licenses, as envisaged under the Pakistan Arms Ordinance had been considerably eroded in deference to wishes an recommendations of Honourable members. The Minister further said that the issuance of the licenses for prohibited and non-prohibited weapons in such a large number and that too without any verification of the antecedent of the applicants, was fraught with dangerous consequences which was not unlikely and it has been proved that some very undesirable persons took advantage of this situation and succeeded in procuring lethal weapons which was detrimental to the security, law and order. The Minister contended that in view of this situation the Ministry had strongly felt that the existing liberal policy issuance of license was required to be reviewed.

Mr. Speaker, after hearing some members observed as follows:
“Since the issuance of arms licenses to persons on the recommendation of the Honourable members of this house is not any specific privilege which given to any Honourable member, it may be a licensing policy, the privilege motion is ruled out of order.”

(148-105, Vol VI)


On 22nd June, 1986 Ch. Muhammad Iqbal and Ch. Muhammad Nawaz Bosal sought leave to move two identical Privilege Motions alleging that the Minister for Information and Broadcasting has deliberately prevented the press from Publishing extracts of their budget speeches made in the National Assembly.

Ch. Shujaat Hussain, Minister for Information and Broadcasting, contended that a similar speech of another Honourable member Nawabzada Mazhar Ali Khan was reported by different newspapers and no such advice was issued by him to the press which is totally independent.
Mr. speaker after hearing the movers and the Minister ruled the Privilege Motions out of order and observed as follows:

"In the instant case, it has been alleged by the movers that the Minister for information, in his capacity as Minister, has deliberately prevented the newspapers from publishing extracts from their speeches delivered as by them in the National Assembly. Though it has been ruled in this August House in the past incomplete reporting or even a complete omission of any member's speech does not constitute a breach of privilege, there are precedents where it has been held that misrepresentation or suppression of speech of a particular member does not constitute a breach of privilege. Evidence of this can be found in Kaul, page 225. However, it has to be proved that this suppression was deliberate.

As the Honourable Minister for Information has clarified that a similar speech was reported in the press, I feel that the Honourable movers have not been able to substantiate that this move was deliberate on the part of the Honourable Minister for Information. Also, technically speaking, the members delivered the speeches on the 16th, as had been reported by the National Assembly Secretariat, and the motions were tabled on the 19th; as such, these are also hit by rule 68(ii) of the Rules of the Procedure".

(155-111, Vol VI)
N.A. Deb., 22nd June, 1986.
Pp. 1769-1775.

747. PRIVILEGE: ALLEGED CONSTRUCTION OF KALA BAGH DAM: MINISTER CONCERNED DENIED THE FACTS CONSTRUCTED IN THE MOTION:

On 27th June, 1987, certain privilege motions regarding construction of Kala Bagh Dam based upon a news item were moved by some members. The Minister concerned denied the facts contained in the motions. After a lengthy debate Mr. speaker observed that it was big issue which could be discussed as an adjournment motion but the same could not be discussed by means of a privilege motion. Accordingly, the motion was ruled out of order.

(98-63, Vol VI)
Pp. 2031-2050.
748. PRIVILEGE: ALLEGED DISCRIMINATORY TREATMENT METED OUT TO PERSONS TRIED UNDER MARTIAL LAW: RELEASE OR RETRIAL OF PERSONS BY MILITARY COURTS HAS NOTHING TO DO WITH PARLIAMENTARY PRIVILEGES OF MEMBERS: RULED OUT OF ORDER:

On 7th October, 1987 forty two members sought leave to move a Privilege Motion regarding discriminatory treatment of the Federal Government is setting aside the conviction of a person accused of smuggling by a Martial Law Court as per report published in the daily “Muslim”, dated 3rd July, 1987. The movers contended that the special committee of the House constituted by the Prime Minister to review hardship cases of the Martial Law period had not yet presented its report to the Parliament and the Ex-Governor of the Punjab Malik Ghulam Mustafa Khar as well as hundreds of other persons convicted by Martial Law Courts for political activities were suffering from long and harsh sentences in prison, an individual convicted on more than one occasion for smuggling had been set free. Mr. Wasim Sajjad, Minister for Law, Justice and Parliamentary Affairs while opposing the motion clarified that the action was not taken by the Federal Government but it was an action taken by the Provincial Governor in exercise of powers under a legal statute which had been protected under the Martial Law Order No. 107 where under the Governor had the power to grant pardon to persons under certain circumstances. The Minister further contended that if the powers were wrongly exercised, there were venues available to the aggrieved person to approach the Court of Law or to file a Review Application before the Government himself. According to the Minister the notice of privilege motion was also not in accordance with Rule 67 of the Rules of the Procedure as the order of the Governor was not appended with the Privilege Motion.

The Honourable Speaker after hearing a lengthy debate on the Privilege Motion, ruled the motion out of order and observed as following:

"It is a difficult decision, but we have to abide by the law. In my opinion, at this point in time, we are not here to debate the morality of the issue but to determine whether a breach of privilege of this House has been committed. As far as I can judge Parliamentary privileges are granted to member so that they perform their duty in the House without any let or hindrance. A complaint of breach of privilege must relate, if not closely at least remotely, to the transaction of the business of the House itself. Release or retrial of persons convicted by Military Courts has nothing to do with parliamentary privilege of members.

Furthermore this motion should have been moved at the earliest opportunity, which is not the case. Also, it has been alleged that an assurance was given on the floor of the House that a methodology was being worked out to give a right or appeal to people convicted by Martial Law Courts. If you look at Kaul page 37, it says that non-implementation of an assurance given by Minister on the floor of the House is neither a breach of privilege nor a contempt of the House."

(101-65, Vol VI)
749. PRIVILEGE: ALLEGED FAILURE OF SINDH GOVERNMENT TO OPEN SCHOOLS IN THE CONSTITUENCIES OF MEMBERS NATIONAL ASSEMBLY: DISCRIMINATION OF A MEMBER ON POLITICAL GROUND WHICH BRING HIM IN DISREPUTE CONSTITUTES BREACH OF PRIVILEGE: MOTION REFERRED TO THE SINDH PROVINCIAL ASSEMBLY BEING PRIMARILY CONCERN OF THAT ASSEMBLY: MOVER REQUESTED THE CHAIR TO REVIEW THE RULING: CHAIR REOPENING ITS DECISION HELD THE MOTION IN ORDER: MOTION REFERRED TO PRIVILEGES COMMITTEE:

On 15th September, 1987, Mr. Abdul Hameed Jatoi, MNA sought leave to move a privilege motion alleging that the Sindh Government had sanctioned schools under Prime Minister’s five point programme to all the members of National Assembly and Provincial Assemblies, therefore, one primary school and ten mosque schools were allotted in his name. The member stated that he was also asked to intimate location of schools by the Secretary Education, Sindh Government, and on his intimation tenders were called by the Engineer, Education Works Division, Dadu. However, on the instruction of the Education Minister, the work order is not being issued and tenders are being kept in abeyance in office of Executive Engineer, Education Works Division. The Minister for Education Syed Sajjad Haider explained that firstly the matter did not relate to the Federal Government and secondly the federal Government had already fulfilled its obligations and that the matter now rests with the Sindh Government. The Minister further stated that all the members had been extended facilities of utilization of fifty lac Rupees each year in every constituency, as far as the proposal made by the mover was concerned the same had been sent to the Provincial Government for implementation. The Minister assured the mover that if he was facing any difficulty then he was ready to request the Provincial Government to expedite the matter. The mover explained that there was no matter regarding utilization of fifty lac Rupees but in actual fact, his constituency, was being discriminated due to his non-affiliation with ruling party. He emphasized that only his proposal had been cancelled which was a discrimination between the members of the ruling party and the opposition.

Mr. Deputy Speaker after hearing the arguments at great length gave the following ruling:

“Let me bury this thing, discrimination of a member on political grounds which bring him in disrepute, is a breach of privilege. But this motion would be referred to the Provincial Assembly of Sindh rather than here because it is still primarily the Sindh Assembly and its members who are to be associated with the matter.”

On being inquired by the mover as to what was the decision of the Chair, Mr. Deputy
Speaker said that in his opinion privilege of the member was breached and the motion was being sent to the Sindh Provincial Assembly. Another member rising on a point of order said that although he was not challenging the ruling of the Chair but requested the Chair to refer the motion to the Privilege Committee of the National Assembly. The mover also supported the said submission of the member.

Mr. Deputy speaker by reviewing his earlier decision held the motion _prima facie_, in order and on a motion being moved by a member referred it to the Privileges Committee.

(102-66, Vol VI)
N.A. Deb., 15th September, 1987
Pp. 882-896.

750. PRIVILEGE: ALLEGED OMISSION OF NAME OF MEMBER BY THE NEWSPAPER WHO PARTICIPATED IN DISCUSSION ON A PRIVATE MEMBERS’ RESOLUTION ALONG WITH OTHER MEMBERS: MEMBER HAVING NO PROOF WITH REGARD TO SUCH WILLFUL OMISSION OF SPEECH: RULED OUT OF ORDER:

On question of privilege was raised by a member on 8th September, 1987 that he had made a speech on a resolution regarding road accidents on National Highways and fourteen members had also made their speeches on the resolution. However, the Roznama Nawa-i-Waqt did not publish his name in the newspaper whereas the names of other thirteen members who spoke on the resolution were published. The Minister for Information and Broadcasting explained that the present Government was a democratic Government which believed in freedom of press. However, the Minister stated that the Government is unable to force any newspaper or media to print or not to print any material.

Mr. speaker inquired from the member whether he had any proof concerning willful omission of his name by the newspaper, whereupon the latter submitted that it was enough proof when the newspaper had failed to publish his name notwithstanding the fact that names of other thirteen members who also made speeches on the resolution were published by the newspaper.

Mr. speaker ruled the motion out of order under rule 68(3) of the Rules of Procedure and observed that it was quite possible that the name of the mover had been inadvertently omitted for its publication by the newspaper.

(114-77, Vol VI)
N.A. Deb., 8th September, 1987
P. 506.
751. PRIVILEGE: ALLEGED REFUSAL OF PERMISSION TO VISIT JAILS TO SEE POLITICAL PRISONERS CONVICTED UNDER MARTIAL LAW: SUBJECT MATTER BEING OF PROVINCIAL GOVERNMENT: RULED OUT OF ORDER:

On 24th June, 1987, a privilege motion moved by Mr. Mumtaz Ahmed Tarar, MNA relating to alleged refusal of permission to visit jails to see political prisoners convicted under Martial Law was taken up. Opposing the motion Mr. Wasim Sajjad, Minister for Interior contended that the jails were run by the Provincial Government and necessary legislation and rules were there for determining and regulating the visits and if any honourable member wanted to visits any Martial Law prisoner he could request the Home secretary for the purpose who would decide the matter under the rules. He said that as the matter raised in the motion did not primarily relate to the Federal Government, therefore, intervention of the National Assembly was not warranted. The Minister however, clarified that the Federal Government was willing to make recommendation to the Provincial Government to give the same right to the members of the National Assembly as had been granted to the members of the Provincial Assembly for visiting jails in their constituencies.

Mr. Speaker after hearing the mover, the Minister and some other members, ruled the motion out of order and observed:

"The motion itself does not really make it a privilege motion. To regulate jails is the subject matter of the Provincial Government. This is not privilege motion and hence I rule this out of order."

(116-79, Vol VI)

Pp. 1782-1791.

752. PRIVILEGE: ALLEGED STATEMENT OF PRIME MINISTER REGARDING THE INDIRECT LOCAL GOVERNMENT ELECTIONS BEING VIOLATIVE OF ARTICLE 32 OF CONSTITUTION: SPEAKER NOT TO GIVE RULING NONLEGAL ISSUES EXCEPT WHERE THE CONDUCT OF THE HOUSE ITSELF IS CONCERNED:

On 23rd April, 1987, a privilege motion was moved regarding the Prime Minister’s statement about the indirect elections for the forthcoming local Government being vocative of Article 32 of the Constitution. The Ministry for Local Government and Rural Development opposed the motion on the ground that the Federal Government was not going to change Local Government Law and further said that all the four Provinces had their own Local Government Laws, therefore, each Province had to amend
its own Laws respectively. After a long discussion Mr. Speaker gave the following ruling.

"A mention has been made to Article 32 of the Constitution. I am afraid, it is not for the Speaker to give ruling on legal issues except where the conduct of the House itself is concerned. As this is a provincial subject and conduct of the National Assembly of Pakistan is not involved, and if any Constitutional provision has been violated the National Assembly is not proper forum to bring it up. Further it is mentioned during discussion on admissibility of the motion that the Law is to be amended by the National Assembly but an assurance has been given that I will not do so, as it is a Provincial subject. Finally as I have understood from the discussion no such decision has been taken. In any case to admit or have lengthy discussion on a privilege motion on the subject would be I think premature. Therefore, I rule this motion to be out of order under Rule 68(iii) of the Rules of Procedure as intervention of the Assembly is not required."

(119-82, Vol VI)
Pp. 70-82.

753. PRIVILEGE: ANTI PAKISTAN STATEMENT MADE BY MR. G.M. SYED: NOT OPPOSED: REFERRED TO PRIVILEGES COMMITTEE:

On 9th June, 1987 a privilege motion moved by Mian Muhammad Zaman and other MNAs regarding anti Pakistan statement made by Mr. G.M. Syed came up before the House. The Minister of State for Interior, Raja Nadir Pervaiz Khan stated that the statement was made by Mr. M.M Syed on his 84th Birth Anniversary and it was very unfortunate that he made such utterances which were purely his personal expression and based on his own belief. He contended that the matter relates to the Sindh Province and the Sindh Government was fully alive to the situation. He clarified that the Federal government had contacted the Sindh Government in the matter and the latter had assured that the case will be handled by it. The Minister however, assured that if the honourable movers wanted to discuses the matter then he would have no objection for the admission of privilege motion.

Mr. Deputy speaker thereupon held the motion in order and on a motion moved by Mr. Liaqat Baloch, MNA, referred the same to the Privileges committee.

(121-84, Vol VI)
On 27th January, 1987 Mr. Muhammad Usman Ramz and many other MNAs sought leave to move identical privilege motions relating to arrest of 13-members of Sindh Assembly within the premises of Assembly Building by the police without permission of the speaker. Ch. Amir Hussain, drawing attention of the Chair to Rule 66 of the Rules of Procedure contended that although there was no denial of the fact that the incident was unfortunate yet the matter could not be raised on the floor of the National Assembly because no breach of privilege has occurred of any member of the National Assembly itself and a similar question had already been raised in the Sindh Assembly which had been referred to the Privileges Committee by the Speaker of the Sindh Provincial Assembly. The motion was deferred for 28th January, 1987 for further discussion. On that date the admissibility of the motions was discussed at great length. On conclusion whereof the honourable Speaker ruled the motion out of order and observed:-

"The question to be decided by me is not whether a breach of privilege of that Assembly has been committed or not but whether a question of breach of privilege of a Provincial Assembly or a member of a Provincial Assembly can be debated in the National Assembly of Pakistan. Under rule 66 of our Rules of Procedure, the question of a breach of privilege which can be raised by a member in the National Assembly is restricted to the breach of privilege either of a member or of the Assembly or of a Committee thereof. This rule clearly places a bar on the raising of a question of breach of privilege other than those specified not to speak of a question relating to a breach of privilege of members of the Provincial Assembly, en a question involving the breach of privilege of a Senator who is a member of Parliament cannot validly be raised in the National Assembly. I may also say for the benefit of the members that according to established Parliamentary Practice, even a question of privilege of a member or of the Assembly or of a Committee thereof, when breached by a member of any other House whether he is a member of the Senate or of the Provincial assembly cannot be discussed and determined in the National Assembly.

A reference has to be made, as was pointed out by Mr. Hamza, to the speaker or Chairman of the appropriate House. In the instant case, the matter raised concerns the breach of privilege of the members of the Sindh Assembly. The Sindh Assembly is the sole arbiter of its own privileges, it has its own rules of Procedure to take cognizance of the complaints of breach of its privileges, in fact, privilege motions, raising this very matter have already been moved in that Assembly and according to press reports held by the Speaker to be Prima facie in order. Any discussion of the matter will not only prejudice consideration of the matter before the Sindh assembly but could be interpreted to be an
interference in the affairs of that House. Some honourable members also argued that the
unfortunate incident was in violation of the constitutional provisions relating to the
dignity of man, freedom of movement, freedom of Assembly, speech and other human
rights and as such should be taken notice of by the National Assembly of Pakistan. Here
again, I feel that proper forum for raising this aspect of the matter would be a court of
law and not the National Assembly. This view is substantiated by Kaul on page 100 and I
quote that it is not for the Speaker to give his ruling on the legal issues. I, therefore, rule
the privilege motions to be out of order under rule the 68(iii) as the intervention of the
Assembly is not required.

(124-87, Vol VI)
Pp. 1013-1047.
Pp. 1052-1076.

755. PRIVILEGE: BASED UPON INCORRECT NEWSPAPER REPORT: RULED OUT OF
ORDER:

On 10th March, 1987, Mr. Javed Hashmi sought leave to move a privilege motion based upon a
news report regarding alleged interference of the Prime Minister in the disposal of election petition
against him. Opposing the admissibility of the motion, Mr. Wasim Sajjad, Miniter for Justice and
Parliamentary Affairs contended that the new report was absolutely incorrect and the case on which the
honourable member had based his privilege motion was sub judice in a Court of Law.

Mr. Deputy speaker observed that since there was a categorical denial by the Minister
therefore, the motion was ruled out of order.

(127-90, Vol VI)
N.A. Deb., 10th March, 1987
Pp. 781-784

756. PRIVILEGE: IMPLEMENTATION OF DEVELOPMENT SCHEMES THROUGH
PROJECT COMMITTEES: SPONSORING OF THE SCHEMES BY THE MEMBERS
DOES NOT CONSTITUTE PRIVILEGE OF THE MEMBER: RULED OUT:

On 1st March, 1987, a member sought leave to move a privilege motion alleging that the
Government had restricted the District Councils and Project Committees from undertaking MNAs and
Senators Schemes and a circular and a circular had been issued from the Ministry of Local Government
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and Rural Development as well as from the Government of NWFP to the said effect. The Motion was opposed by the Minister for Local Government and Rural Development who stated that no circular restricting the District Councils or Project committees from undertaking such schemes had been issued from the Ministry of Local Government and Rural Development but only circulation of a copy of the said Ministry was made by the NWFP Government which however, did not restrict District Councils or Project committees from undertaking MNAs and Senators schemes.

Mr. Speaker, after hearing some members ruled the motion out of order on the ground that sponsoring of schemes by the members does not constitute privilege of the Members.

(134-94 Vol VI)

757. PRIVILEGE: NON-INVIATION OF THE MEMBERS TO RECEIVE THE PRIME MINISTER OF CHINA: DOES NOT CONSTITUTE BREACH OF PRIVILEGE: RULED OUT OF ORDER:

On 23rd June, 1987 Mir Balakh Sher Khan Mazari sought leave to move a privilege motion regarding non-inviting of members to receive the Prime Minister of China. Mr. Zain Noorani, Minister of State for Foreign Affairs stated that he had appreciated the sentiments of the Honourable member which were implicit in his privilege motion that he wanted to extend a personal welcome to the Prime Minister of China on his arrival in Islamabad on 21st June, 1987. He, however, opposed the admissibility of the motion on the ground that neither the rules of Procedure nor past precedent provide that every member of National Assembly must be invited to receive a foreign dignitary. He further pointed out that the visiting dignitary would not have been in a position to shake hands with 237 members of the National Assembly which would have been troublesome for him.

The mover of the motion contended that it was very necessary and important that the members of the Assembly should have been asked to come along and show their respect by going for the reception of the Prime Minister of China in view of the fact that Pakistan had a very deep friendship with China for which purpose the members of the National Assembly wanted to show their appreciation and gratitude to the country from which we had been given so much support and help. He, therefore, suggested that if that could not have been done then a resolution should be passed from the House as token of welcome to the visiting dignitary. Mr. Deputy speaker advised the mover to move the proposed resolution and said that such a resolution should be moved by the Government and the members will support it.

Mr. Deputy Speaker thereupon, ruled the motion out of order saying that the
Government would if it feels, move a resolution according to the suggestion of the mover.

(141·99, Vol VI)
Pp. 1719-1729.

758. PRIVILEGE: NON-REPLY OF QUESTIONS DUE TO ABSENCE OF FEDERAL MINISTER FROM THE HOUSE: MINISTERS DIRECTED TO ENSURE THEIR PRESENCE IN THE HOUSE SO THAT THE WORK OF THE HOUSE PROCEEDS SMOOTHLY: BREACH OF RULES CONVENTIONS AND PRACTICES ARE NOT REGARDED AS BREACH OF PRIVILEGES: RULED OUT OF ORDER:

On 14th October, 1987 certain members sought to raise a question of breach of privilege regarding absence of Federal Ministers from the House who were allegedly reported to have been witnessing the Cricket Match in Hyderabad, Sindh on 8th October, 1987 as a result of which the Assembly Questions could not be properly answered. The Speaker after listening the members at great length ruled the motion out of order and observed as under:-

"In this privilege motion, as far as I could understand, two basic issues were raised: one the quality of the answers given by the various Ministries during the questions Hour or during the period reserved for privilege motions and adjournment motions; and, secondly, the fact that Ministers were absent from the House and that their presence should be ensure. These were the two basic issues, as far as could understand, raised in this particular privilege motion. We will take the first part i.e. the quality of the Questions and answers, before we take up the second part. In this regard, I would like to quote and extract from a book: “Practice and Procedure of Indian Parliament” by S.S More, Advocate of the Supreme Court, and I Quote:

“It is not the function of the Chair to direct the Government to give proper answer. The Chair can regulate the answer given by the Government. It has been ruled often in the House that whether an answer given to a question is satisfactory or not. It is not the business of the Chair”. This is the firstly part of it.

Another extract that I would like to quote is from a book by Mukherjee, Parliamentary Procedure in India,” and I quote again:

“A Minister is not bound to answer a question, and the Presiding Officer has no power to compel a Minister to answer a question or to answer it in any particular way. In the British House of Commons a Minister is not bound to answer the question if it is not in the public
interest to do so. The same practice is followed in India. An answer is never refused except on security grounds, or because the Minister does not possess the information and can convince the House or the Presiding Officer that it is not reasonable for him to have it. If answers to questions are refused unreasonably, it might lead to a feeling that the Government would suffer politically as a result.

In other words, the final judge of whether a question has been properly answered or not are the people of Pakistan and their representatives. You are welcome to like or dislike a question but the Presiding Officer has no authority in this regard. Now I come to the second part about the presence of the Ministers in the House. There is no rule that I know which provides for the presence of the Ministers in the House during its proceedings. The Speaker has no power to enforce the attendance of any particular Minister in the House, but certain conventions regarding the presence of Ministers in the House have developed as a result of observations made by the Speaker from time to time under his inherent powers. It is now an established convention that on important occasions like Questions Hour, (Questions Hour is considered to be an important occasion) discussion on the Budget or the President's Address or a motion regarding international situation, concerned Ministers are required to be present in the House as far as possible. On other occasions, the Ministers Incharge of the business before the House is required to be present. In the case of unavoidable absence of the Minister Incharge from the House, it is expected that an arrangement is made for some other Minister to take notes of the debate in the House. Where a Minister goes out of the House for a short time, he is required to send an intimation to the Speaker and also to inform him of the name of the Minister deputizing in his absence. It has been ruled by the Speaker that in the absence of the Ministers, the Government cannot be represented by private members.

The Speaker has observed that when the House is sitting, the Law Minister or one of his deputy should be available to give opinion on legal matters which might arise during the discussion. Whenever a Minister goes out of Delhi on official business (this is Kaul and Shakhdhar, so he is talking about Delhi; in our case it would be Islamabad) on official business or otherwise, he is required to inform the Speaker in advance and to intimate him the arrangement made by him to attend to his business in the House during his absence. A Minister need not be present in the House when a Minister of State or a Deputy Minister attached to his Ministry is present in the House to answer for him. however, the Speaker has made observations from time to time that Cabinet Ministers should be present at all times when business relating to their Ministries and Departments either directly or indirectly is before that House. However, the Speaker has made observations from time to time that Cabinet Ministers should be present at all times when business relating to their Ministries and Departments directly or indirectly is before that House. I have read twice for you. Now the question that we come to is whether there has been a breach of privilege, Parliamentary conventions have been explained to the House not only now but before this also. I have personally requested all
members, including the Ministers, to ensure their presence in the House so that the work of the House proceeds smoothly. Now we come to the final part whether, by the absence of a Minister or Ministers, a breach of privilege is committed. In this regard, Kaul, on page 236 very clearly stats:

"Breaches of rules, conventions and practices are not regarded as breach of privileges".

I, therefore, rule this privilege motion to be out of order under Rule 68(iii).

(145-102, Vol VI)
Pp. 3176-3195.

759. PRIVILEGE: NO PRIVILEGE MOTION CAN BE MOVED AGAINST RULING OF THE SPEAKER:

On 3rd February, 1987 Mr. M.P. Bhandara raised a point of order that a privilege motion given notice of by him on 13th January, 1987 had not come up for discussion before the House. He, therefore, requested the Chair that the same be taken up for discussion.

Mr. Speaker observed as follows:

"Mr. M.P. Bhandara, I understand, your privilege motion was, against one of my rulings. You cannot really move a privilege motion against the ruling of the Speaker, you can really bring a substantive motion for removal of the Speaker instead of moving a privilege motion."

(147-105, Vol VI)
Pp. 1398-1399.

760. PRIVILEGE: ALLEGED ILLEGAL TAKE-OVER OF FARM OF SYEDA ABIDA HUSSAIN MNA: MATTER SUBJUDICE: RULED OUT OF ORDER:

On 2nd July, 1987, a privilege motion regarding alleged illegal and unlawful take-over of the farm of Syeda Abida Hussain, MNA by the Local Administration in defiance and contravention of status quo order granted by a Division Bench of the High Court was moved. Mr. Deputy Speaker observed that although the matter raised in the privilege motion does constitute breach of privilege but since the matter was pending before the High Court and was sub judice, the motion was ruled out of order.
761. PRIVILEGE: A PRIVILEGE MOTION BASED ON A PRESS REPORT WHICH DOES NOT DISCLOSE THE SOURCE OF INFORMATION DOES NOT JUSTIFY INTERFERENCE BY THE ASSEMBLY:

On 7th December, 1988 Mr. Speaker gave the following ruling on a privilege motion moved by Mrs. Aamra Ehsan regarding the alleged effort on the part of the Prime Minister-designate in contacting the Governor of the Punjab to postpone oath taking ceremony of the Chief Minister:-

"Parliamentary privileges are granted to members so that they may perform their duties in the House without let or hindrance. The privileges are closely linked with the performance of the duties in the House. Again the privilege motion is based on a press report which does not disclose the source of information. There is only mention of reliable source. Such like statements do not justify intervention of the Assembly. Reliance is placed on Ruling No. 339, Decisions of the Chair, 1975. This motion is ruled out of order."

762. PRIVILEGE: DISTORTION OF SPEECH, NAME AND CONSTITUENCY OF THE MEMBER BY PAKISTAN TELEVISION: HELD IN ORDER: REFERRED TO PRIVILEGES COMMITTEE:

On 7th March, 1988 a privilege motion of Mr. Muhammad Rafiq Safdar, MNA, came up before the House. The mover pointed out that the Pakistan Television in its News Bulletin had distorted his speech, his name had been wrongly reported and also in the subsequent coverage of the proceedings of the House it was wrongly reported that he represented Sahiwal instead of Sheikupura. The mover requested that he would not press the motion, if necessary direction was issued by the Chair to the concerned authorities for correction.

Mr. Deputy Speaker however, held the privilege motion in order and on a motion being made by Mr. Liaqat Baloch, MNA, referred the same to the Privileges Committee.
763. PRIVILEGE: REGARDING CONSTITUTIONAL AMENDMENTS MADE BY THE PRESIDENT CONSTITUTING BREACH OF MEMBERS OF NATIONAL ASSEMBLY: RULED OUT:

On 27th May, 1985, Mr. Mumtaz Ahmed Tarar, MNA, moved a Privilege Motion regarding certain important and basic amendments made by the President himself on 10th March, 1985 in the constitution without presenting them in the National Assembly which came into being after free and fair elections of 25th February, 1985. These ex-parte amendments are repugnant to democratic values and Islamic Principles of consultation as well as prejudicial to the status and dignity of National Assembly and thus constituted a breach of privilege of the members of National Assembly.

The Minister for Parliamentary Affairs questioned the admissibility of this motion and he also said that this privilege motion should be raised at the earliest opportunity according to sub-rule (ii) and if it was admitted, it would reflect the personal conduct of the president and therefore, this motion was not maintainable under Rule 68(iv). Haji Muhammad Saifullah Khan raised a point of order and challenged the arguments advanced by the Minister and was of the view that each and every thing came under the official function of the President could not be termed as personal conduct and because the President was the executive authority of the Federation and his personal conduct was not involved in this capacity.

On hearing the both sides Mr. Speaker ruled the privilege motion out of order and observed that the House was competent by law to re-amend, if it wanted to, or re-amend any other clause or Article of the Constitution.

(97-62, Vol VI)
Pp. 223-226.

764. PRIVILEGE: ARREST OF AN ARMED PERSON FROM THE PRECINCT OF THE ASSEMBLY: MATTER UNDER INVESTIGATION AS A RESULT WHEREOF THE ACCUSED WILL FACE TRIAL IN A COURT OF LAW: INTERVENTION OF THE ASSEMBLY WAS NOT REQUIRED: RULED OUT:

On 27th February, 1989 six identical privilege motions were moved regarding the arrest of an
armed person from the precincts of the Assembly.

The movers stated that on 9th February, 1989 a gun was recovered from the possession of one Zafar Iqbal within the precincts of the Assembly when the Prime Minister was also sitting in the House she was taken by the Security Staff out of the assembly Hall and the Ministers and Advisers followed her. It was further stated that no information was given either to the Deputy speaker or to the members regarding the incident.

Opposing the motions Mr. Aitzaz Ahsan, Minister for Interior, contended that the matter was being investigated by the Police authorities and he was prepared to take the Leader of the Opposition into confidence about the said investigation. He maintained that since the matter was being investigated, therefore, intervention of the Assembly was not called for under Rule 68(iii) of the rules of Procedure.

Mr. speaker heard the members and the Interior Minister at great length and reserved his ruling which was announced by Mr. Chairman on 28th February, 1989 as follows:-

"The privilege motions relate to arrest of a person, known as Zafar Iqbal on 9th February, 1989 at about 12 noon. It had been alleged in the privilege motions and contended before me that the person was carrying explosive material sufficient to balst the House along with the members. The security staff took the Prime Minister out the Assembly Hall and Minister and the Advisors followed her. The members were not informed by the Government and, as such, the privilege of the House has been breached.

The Interior Minister explained the position in detail and also informed that the investigation conducted was almost complete.

No. doubt, safety of the members is of prime importance but in the instant case none was harmed and the accused was apprehended by the Assembly staff before he could do any damage. It is also incorrect that the accused was found in possession of explosive material sufficient to blow the Parliament House.

No Breach of privilege is involved on account of statements on the other important issues made outside practices are not regarded as breach of privilege. (Kaul, page 236).

Further, a statement could be made by the Minister in terms of rule 264, but that should have been as comprehensive as possible convening all the points which may be raised by members through adjournment motions, questions, etc. this was not possible earlier. The accused was arrested promptly, but without proper investigation the Government was unable to given necessary detailed immediately after the arrest of the accused.

One of the important conditions for admissility of question of privilege is that the shall
be such as required intervention of the Assembly. The investigation has been conducted by the investigating agency. Depending on the result of the investigating, the accused would have to face trial in accordance with law, intervention of the Assembly at this stage is hardly required.

The privilege motions are therefore, ruled out of order under clause (iii) of Rule 168."

(123-85, Vol VI)
Pp. 1521-1554.
Pp. 1639-1640.

765. PRIVILEGE: HARASSMENT OF MNA BY PUNJAB CHIEF MINISTER: NOT OPPOSED BY THE TREASURY BENCHES: REFERRED TO PRIVILEGES COMMITTEE:

On 21st June, 1989, Ch. Anwar Aziz, moved a privilege motion regarding the alleged harassment case by the Punjab Chief Minister to him by implicating him in a murder case.

Dr. Sher Afgan Khan Niazi, Minister of State for Parliamentary Affairs, by relying upon Practice and Procedure of Indian Parliament stated that interference with freedom of the members and others in performance of their parliament duty constitutes a breach of privilege. He, therefore, did not oppose the motion and requested the Chair to refer the motion to the Privileges Committee.

Mr. Speaker, observed that the privilege motion has two parts, the first part relates to the member of the Provincial Assembly and shall be sent to that Assembly and the other part concerning police shall be referred to the Privileges Committee.

(133-93 Vol VI)
Pp. 2771-2774.

766. PRIVILEGE: MISBEHAVIOR OF A PUBLIC SERVANT WITH THE MEMBER: NOT OPPOSED BY THE TREASURY BENCHERS: REFERRED TO THE PRIVILEGES COMMITTEE:

On 28th September, 1989 Ch. Amir Hussain, MNA moved a privilege motion relating to
misbehavior of Mr. Muhammad Saleem Butt, Director, Telephone Department with him.

Makhdoom Muhammad Amin Faheem, Minister for communications did not oppose the motion whereupon Madam Acting Speaker held the motion in order and on a motion moved by the mover referred the same to the Privileges committee.

(135-94 Vol VI)
Pp. 885-886.

767. PRIVILEGE NON-COVERAGE OF THE SPEECHES OF THE MOVERS OF THE ADJOURNMENT MOTION BY PTV DOES NOT CONSTITUTE BREACH OF PRIVILEGE: MOTION RULED OUT:

On 8th October, 1989, a member moved a privilege motion alleging that the Pakistan Television in its news bulletin dated 24th September, 1989 had not covered the speeches of the movers of the adjournment motion regarding forced migration of people from Sindh to other part of the country, while the statement of Interior Minister made on the adjournment motion was telecast with full details which constituted breach of privilege. Opposing the motion the Minister-in-Charge, Dr. Sher Afgan Khan Niazi clarified that the Honourable mover had in fact made statements on the adjournment motion when it was moved on 21st September, 1989 which were telecast by the PTV in its news bulletin along with their names on the said date whereafter the Interior Minister made his statement over the issue. However, while the minister was giving the statement, the Assembly was adjourned to 24th September, 1989 and as such the Minister continued his remaining statement and concluded on 24th September, 1989. He submitted that this was the reason that the PTV telecast the proceeding of the House to the extent of speech made by the Interior Minister on 24th September without giving the names of Honourable movers and thus the question of privilege was based upon misconception. He remarked that even otherwise non-coverage of speech of a member shall still not come within the ambit of a privilege motion.

After hearing both sides, Madam Deputy speaker, ruled the Privilege motion out of order and observed:--

"No breach of privilege is involved if a Member's speech has not been covered in full or has been covered in a summary from in the press or over the Radio or TV. It is also not a breach of privilege if a particular speech is not covered as adequately as other speeches or is not given prominence."

(138-96 Vol VI)
N.A. Deb., 8th October, 1989.
Pp. 1375-1381.
On 6th December, 1989 Syeda Abdia Hussain and four other Opposition members moved identical privilege motion arising out of publicised proceedings of the meeting of the Pakistan People's Party chaired by Begum Nusrat Bhutto in which she allegedly attributed secessionist tendencies to the Punjab Province and a decision was taken that the PPP MNAs would have one lac rupees at their disposal from the nationalized banks to issue scholarship or for Jahez fund at their discretion and to recommend two jobs in grade-17 in the financial institutions as well as seven jobs each up to grade-16 in WAPDA. According to movers these allocations being discriminatory constitute breach of privilege of those members of the National Assembly who do not belong to Pakistan People's party.

Opposing the admissibility of the motions, Dr. Sheraf Afgan Khan Niazi, Minister of State for Parliamentary Affairs, submitted that under sub-rule (ii) of Rule 68 of the Rules of Procedure, the question would relate to a specific matter and further under Sub-rule (iii) of the said Rule the matter would be such as required the intervention of the Assembly. He therefore, contended that in the motions four different issues had been raised which relates to financial institution, WAPDA, PPP MNAs, PTC and thus the motions were not permissible.

Madam Deputy Speaker after hearing the arguments of Treasury Benches and the movers reserved her ruling on 6th December, 1989 which was given by her on 12th December, 1989 whereby the privilege motion was ruled out of order. It was observed:

"Several issues i.e. the statement of the senior Federal Minister regarding secessionist tendency in Punjab, decision relating to educational scholarship and Jahez Fund, and recommendation of two jobs in financial institutions and seven in WAPDA; have been agitated in the privilege motion. The requirement of clause (ii) of rule 68 is that a question of breach of privilege must relate to one specific matter.

The privilege motion is based on news-item published in the "Frontier post", dated 4th December, 1989, the careful perusal of which reveals that the amount would not be handed over to MNAs, but they would recommend individual cases to the authorities. Similarly, MNAs could recommend only those persons for employment who fulfill merit and other qualifications required for the post. It will, therefore, be seen that the MNAs have not been given any authority, except to make recommendations in respect of the deserving candidates who possess merit and qualifications. The authority given to MNAs does not create any privilege and is, at the most, a facility.

No question of breach of privilege is involved and, hence, the privilege motion is ruled out of order."
769. **PRIVILEGE: REGISTRATION OF ALLEGEDLY FALSE AND UNFOUNDED FIR BY THE POLICE AGAINST MEMBER AND OTHERS:**

On 8th October, 1989 Ch. Shujaat Hussain moved a privilege motion that his body-guard had lodged a written complaint with the S.H.O Kohsar Police Station, Islamabad regarding the harassment caused to him by the intelligence staff on 4th October, 1989 but no action was taken thereon and instead the Police has falsely maneuvered on FIR against him, his domestic servants and Sheikh Rashid Ahmad, MNA.

Mr. Aitzaz Ahsan, Minister for Interior, opposed the motion on the ground that a privilege motion moved by the Honourable member on the same subject and not opposed by the Government was earlier referred to the Privileges Committee which was already seized of the matter and that the matter having become subjudice could not be re-agitated before the House.

Madam Deputy Speaker after hearing both sides reserved her ruling on 8th October, 1989 which delivered by her on 10th October, 1989. The privilege motion was ruled out of order with the following observations:-

"The Grievance voiced by Honourable member is that his bodyguards lodged FIR with the SHO, Police Station, Kohsar, regarding incident of 4th October, 1989, and instead of taking action, a case has been registered against him, Sheikh Rashid Ahmad, MNA and others. It was contended that the frequent visits of police officers on the pretext of investigation of the case were aimed at harassing him and so, constitute breach of privilege.

Privileges of Parliament do not place a member of a higher and different footing from that of ordinary citizens in matters of application of law unless so specified in the Constitution or any law. Fundamental principle is that all citizens including members of parliament have to be treated equally in the eyes of law. There is no provision either in the Constitution or in any law which prevents the police from registration or investigation cases against a member of the House.

The Interior Minister while speaking on the earlier privilege motion of the Honourable
member in the House stated that there was a counter version. The privilege motion was referred to the Committee on the Rules of Procedure and Privileges.

The Honourable member in the very opening sentences of the privilege motion contended that the matter sought to be discussed, concern the incident of 4th October, 1989, which was referred to the Committee. In other words, the allegations leveled in the present motion are closely linked with the incident of 4th October which is under consideration of the committee. The allegations made in the instant privilege motion can be look into by the Committee and the Honourable member can also draw attention of the committee to these matters.

The motion does not involve breach of any privilege and is ruled out of order.”

(152-109, Vol VI)
N.A. Deb., 8th October, 1989.
N.A. Deb., 10th October, 1989.
Pp. 1491-1492.

770. PRIVILEGE: REMOVAL OF POLES FOR WIDENING OF ROAD: MATTER HAVING NO CONCERN WITH THE PARLIAMENTARY DUTIES OF THE MEMBER: RULED OUT:

On 4th October, 1989 Madam Deputy Speaker gave the following ruling which was reserved previously on the privilege motion moved by Ch. Shujaat Hussain, MNA regarding removal of poles for the purpose of widening of road within the limits of Gujrat:-

“Privileges are granted to members in order that they may be able to perform their duties in Parliament without any difficulty and they apply to individual members only in so far as they are necessary in order that the House may freely perform its functions. It is well established that an act of omission which obstructs a member in the discharge of his duty in the House constitutes a breach of privilege. A complaint of breach of privilege, if not closely, at least remotely must relate to the performance of duties in the House. Removal of poles for the purpose of widening a road within the municipal limits of Gujrat has however, nothing to do with the Parliamentary duties of the Honourable member. The matter raised is essentially between the Municipal Committee of Gujrat and WAPDA. I, therefore, rule the motion out of order.”

(150-107, Vol VI)
RULING OF THE CHAIR

771. PRIVILEGE: TAPING OF RESIDENTIAL AND OFFICIAL TELEPHONES OF A MEMBER: HELD IN ORDER: REFERRED TO PRIVILEGE COMMITTEE:

On 15th June, 1989, Sheikh Rashid Ahmed, MNA moved a privilege motion alleging that his residential and official telephones were being taping and he was also being pursued by the cars of Intelligence Agencies which constitutes breach of his privilege.

Dr. Sher Afgan Khan Niazi, Minister of State for Parliamentary Affairs, denied the allegation contained in the motion and said that no official of CID or IB was involved in harassing the Honourable Members and as such no case of breach of privilege was involved. The Minister, therefore, requested that Chair that the motion may be ruled out of order. he also argued that a similar privilege motion was moved by the same Honourable Member in 1987 which was also ruled out of order.

Mr. Speaker after hearing the mover and the Minister of State for Parliamentary Affairs held the motion in order and on a motion moved by the mover, the privilege motion was referred to the Privileges Committee.

(157-113, Vol VI)
Pp. 1782-1783.

772. PRIVILEGE: TAPING OF TELEPHONES OF LEADER OF THE OPPOSITION: NOT OPPOSED: REFERRED TO THE PRIVILEGES COMMITTEE:

On 1st October, 1989, some identical privilege motions were moved by opposition members alleging therein that the telephones of Leader of the Opposition were being tapped and his two telephones were also out of order for the last one week.

Makhdoom Muhammad Amin Faheem, Minister for Communications submitted that he had great regard for each and every member of this House belonging to Opposition or Treasury Benches and he had already issued instructions to his department to ensure that there was no defect even in the telephone of a common man. He clarified that the Government had a great regard for each member of the House whether belonging to Opposition or Treasury Benches and he would make best effort to improve performance of his Department. As regards taping to telephone of Leader of Opposition, the Minister
categorically assured the House that he had never issued any instruction or order in any manner whatsoever and if any body had a proof of his having done so, he would be responsible and accountable to the House for the consequences. He concluded that notwithstanding to his said assurance even if the honourable members still desire reference of the privilege motion to the Standing Committee, he would have no objection.

Ch. Abdul Ghafoor, MNA however, suggested that although they had full trust upon the Minister but in order to check that the privileges of the members of the House were protected and safeguarded, the matter be referred to the Privileges Committee for investigation and report.

Madam Acting Speaker held the motion in order and referred the same to the Privileges Committee.

(158-113, Vol VI)
Pp. 983-993.

773. PRIVILEGE: ALLEGED HARASSMENT AND INTIMIDATION OF THE MEMBER BY THE PUNJAB GOVERNMENT: HELD IN ORDER: REFERRED TO PRIVILEGES COMMITTEE:

On 2nd January, 1990 Mr. Ghulam Mustafa Bajwa, MNA moved a Privilege Motion that in view of the prevailing political situation in the country, he being a member of [J] had announced to support the Prime Minister for the sake of democracy. However, as a result of the said announcement the Chief Minister of Punjab extended threats and his son was falsely involved in a criminal case and arrested with a view to pressurise him so that he could contradict his statement. He further alleged that in order to put further pressure upon him, his son was arrested after registration of a case under section 16 MPO at Police Station, Chak Jhumra and his family was also insulted which amounted to breach of privilege.

Mr. Aitezaz Ahsan, Minister for Interior did not oppose the motion and said that he had no objection if the Privilege Motion is referred to the Privileges Committee. Ch. Abdul Ghafoor point out that since the son of the mover was not a member of the House as such the Privilege Motion was inadmissible to this extent.

Mr. Speaker after hearing the point of view of the members, observed that the privilege motion consisted of two portions, one related to the Chief Minister and the other was regarding excess of police. He ruled that the matter regarding police excess could be sent to the Privilege Committee for investigation and so far as the allegation against the
Chief Minister was concerned, it would be sent to the speaker of the Provincial Assembly of Punjab for an appropriate action.

With the above observation the Privilege Motion was disposed of accordingly.

(103-68, Vol VI)
N.A. Deb., 2nd January, 1990
Pp. 850-858

774. PRIVILEGE: ALLEGED MISBEHAVIOR OF A.S.F STAFF WITH THE MEMBER AT KARACHI AIRPORT: FACTS AS ALLEGED BY THE MEMBER DENIED BY THE MINISTER YET NO OBJECTION RAISED FOR REFERENCE OF THE MOTION TO THE PRIVILEGES COMMITTEE FOR ASCERTAINMENT OF FACTUAL POSITION: MOTION REFERRED TO PRIVILEGES COMMITTEE:

On 9th January, 1990 Syed Saleem-ul-Haq, MNA raised a question of Privilege relating to alleged misbehavior of staff of Airport Security Force at Karachi Airport with him. The Minister of State for Parliamentary Affairs opposed the motion denying the facts contained therein but in principle agreed to send the motion to the Privileges committee for ascertainment of factual position.

Thereupon, Mr. speaker referred the privilege motion to the Privileges Committee for examination and report to the House.

Pp. 1219-1225.

775. PRIVILEGE: ALLEGED MURDEROUS ATTEMPT ON LIFE OF CH. AITIZAZ AHSAN, MNA AT KARACHI: ALLEGED FACTS DENIED BY THE GOVERNMENT: RULED OUT OF ORDER:

On 30th October, 1991 Syed Azfar Ali Shah and other Opposition members sought leave to move identical Privilege Motions arising out of Press reports regarding alleged murderous attempt on life of Ch. Aitzaz Ahson, MNA. The movers stated that they learnt through newspapers that when Ch. Aitzaz Ahson was coming from the Airport on his vehicle he was followed by another vehicle and near Shahra-e-Faisal, Shah Faisal Bridge some body fired upon him with a view to pressurize him and to prevent him from discharge of his parliamentary duties.

Opposing the motion Ch. Shujat Hussain, Minister for Interior stated that according to the information received from the Provincial Government no such incident had ever taken
Mr. Speaker after hearing both sides at great length gave the following ruling:-

“‘I have heard this in detail but I wanted Ch. Aitzaz Ahsan to tell me that whether the firing was made from the rear side on his car or from parallel direction or whether from front side. He himself said that it was evening, 7-0 clock, lights were on and he was going in Pajero. Now normally if the lights of the vehicle were on and when it falls on the reflector of the vehicle then the lights of vehicle following the first vehicle could be seen, but the vehicle could not be identified, especially on Drig Road Bridge where there is always a lot of traffic and so many lights. Now it has been said in the Privilege Motion that attempt has been made on the life of Ch. Aitzaz Ahsan and the firing is done with a kalashinkov on his Pajero but it is impossible to miss the Pajero from 20 or 50 meters while firing with the kalashinkov. It is possible that the bullets have been fired in the air but my mind cannot accept that the firing has been made straight on Pajero and even a single bullet failed to hit the vehicle. My mind accept that the bullets could be fired in air just to scare but not with the attempt to take life of Ch. Aitzaz Ahsan. Therefore, the Privilege Motion is ruled out of order”.

(111-73, Vol-VI)
N.A. Deb., 30th October, 1991
Pp. 1689-1708.

776. PRIVILEGE: ALLEGED OBJECTIONABLE CONDUCT OF SOME MEMBERS OF THE NATIONAL ASSEMBLY BELONGING TO PDA IN PRESENCE OF HONORABLE PRESIDENT OF ISLAMIC REPUBLIC OF IRAN IN THE HOUSE: HELD IN ODER AND REFERRED TO PRIVILEGE COMMITTEE:

On 9th September, 1992 Mr. Javed Ali Shah, MNA, moved a privilege motion relating to boycott of the Joint Scission held on 7th September, 1992 by some members belonging to PDA. A similar motion was also moved by Mr. Liaquat Baloch MNA. The first privilege motion was not opposed whereas second motion moved by Mr. Liaquat Baloch, was opposed by the Law Minister.

Ch. Muhammad Altaf, MNA, raised an objection saying that the motion had no substance and therefore, should not have been permitted to be brought before the House for discussion. Mr. Hamza, MNA, requested the Chair that the motion may be admitted for discussion because the conduct of the PDA members was un-dignified. Another member Rai Munsib Ali Khan submitted that the conduct of the PDA members was against norms of the Parliamentary practice as they boycotted not only the proceedings of the House but also protested in presence of the Honourable President of the Islamic Republic Iran
and such conduct has to be condemned.

Ch. Abdul Ghafoor, Minster for Law referred to rule 77 of the Rules of Procedure and said that a member may, with the consent of the speaker raise a question involving a breach of privilege either of a member or of the Assembly or of a Committee. Since it was joint sitting when a foreign dignitary was present, therefore, it was unjustified for the PDA members to go out of the House, which constitute breach of privilege.

After a lengthy debate, Mr. Speaker held the motion *prima facie* in order and on motion being moved by Ch. Ameer Hussasain, the matter was referred to Special Committee under rule 225(b) of the Rules of Procedure to be constituted by the Speaker.

(113-76, Vol VI)
N.A. Deb., 9th September, 1992
Pp. 237-2402

777. PRIVILEGE: MIS-STATEMENT BY MINISTER FOR WATER AND POWER IN REPLY TO A STARRED QUESTION: MIS-STATEMENT HAVING NOT BEEN MADE BY THE MINISTER DELIBERATELY OR WILLFUL: RULE OUT

On 3rd May, 1992, a Privilege Motion moved by Mr. Ahmed Hassan, MNA, regarding the alleged mis-statement made by Minister for Water and Power in reply to a starred question was taken up.

Mr. Speaker observed that a breach of privilege arises only when the member or Minister makes a false statement or an incorrect statement deliberately, willfully and knowingly but not otherwise. He, therefore, ruled the motion out of order on the grounds that there was no mis-statement having been made by the Minister and mover of the motion was requested to sit with honourable Minister to resolve the issue.

(136-95 Vol VI)

778. PRIVILEGE: ATTACK ON THE HOUSE OF A MEMBER WITH MACHINE GUNS AND ROCKET LAUNCHER; SUCH PRESSURE ON A MEMBER AS A RESULT OF WHICH HE IS UNABLE TO ATTEND THE SESSION: DOES CONSTITUTE BREACH OF PRIVILEGE MOTION HELD IN ORDER AND REFERRED TO PRIVILEGES COMMITTEE:
On 4th August, 1992, Malik yar Muhammad Rind, MNA, sought leave of the House to move a Privilege Motion alleging that his house was attacked by heavy machine gun and rocket launcher when he was away from his house. The mover alleged that as a result of said attack his personal bodyguard returned the firing and combat continued almost till the contingent of the Federal Constabulary of the Baluchistan Ranger and Police present on the spot remained natural and did not help his men in stopping the attack. Ch. Amir Hussain, Minister for Parliamentary Affairs opposed the motion on technical ground and said that as per reports from Provincial Government it was a tribal dispute and there was an exchange of firing from both sides. The Minister argued that the occurrence which has taken place is within the jurisdiction of Provincial Government, an FIR has been lodged and investigation into the incident is being conducted. According to Minister there was neither any session of the Assembly in those days when the occurrence took place nor the honourable member was prevented from attending the session, therefore, no case of breach of privilege was involved.

After hearing both sides the honourable Speaker observed that although the honourable mover was not present in his house when firing took place but he feels that there is almost less attendance of honourable mover in the National Assembly because of these threats. Consequently, he was unable to represent his area in the National Assembly whereas he has to be in the National Assembly at the time of session. Mr. Speaker further observed that although mover was not present at the time of firing yet he came to him and stated that the main reason was for his usual absence from the National Assembly sittings are the constant threats extended to him in his area and he also remain un-aware as to what is happening there when he is present in the House. Accordingly the motion was held in order and referred to Privilege Committee.

(125-89, Vol VI)
Pp. 224-231.

779. PRIVILEGE: ALLEGED MISBEHAVIOR OF POLITICAL AGENT, KHYBER AGENCY WITH THE MEMBER: NOT OPPOSED BY THE MINISTER REFERRED TO THE PRIVILEGES COMMITTEE:

On 21st June, 1993 Mr. Muhammad Ajmal Khan Khattak, MNA sought leave to move a privilege motion relating to misbehavior of Political Agent, Khyber Agency with him. The Minister for State and Frontier Regions, Sardar Yaqoob Khan Nasir did not oppose the privilege motion and on a motion moved by the mover the matter was referred to the privileges Committee.

(107-70, Vol VI)
On 22nd August, 1994, Mr. Speaker gave the following ruling on the privilege motions moved by Sardar Mohammad Yousaf and Mr. Mateen Khan, MNAs arising out of alleged non-release of development funds and withholding of development schemes of members of National Assembly under the People's Works Programme which was reserved on 22nd June 1994, after hearing the movers and the Parliamentary Secretary for Local Government as well as other members on the subject:-

"On 22nd June 1994, Sardar Mohammad Yousaf and Mr. Abdul Mateen Khan MNAs, sought leave to move an identical privilege motion arising out of alleged non-release of development funds and withholding of development schemes of Honourable members of this August House under the People's Works Programme. Opposing the motion, the Parliamentary Secretary for Local Government made a categorical statement that all the schemes are being executed in accordance with the procedure and the government has no intention whatsoever to withhold development funds or to create hindrance in any scheme submitted by members of the Opposition. The House was assured that every MNA would get his fund and there would be no discrimination in this behalf. After hearing arguments for and against, I reserved the ruling. It may be explained that Parliamentary privileges are granted to members in order that they may be able to perform their duties in the House without let or hindrance (Kaul page 177) in order, therefore, to constitute a breach of Privilege, a complaint by a member must, if not closely, at least remotely, relate to some proceedings of the House. In the present case, however, the member was not rendering any service to the House. Sponsoring of the development schemes by MNAs under the People's Works Programme is just a facility having no concern with the Parliamentary duties of the Honourable members. Association of the elected representatives with the development schemes of their constituencies is rather a good gesture on the part of the Government, but certainly does not on from part of the privilege. The question of breach of privilege can arise only if an Honourable member is obstructed from the performance of the parliamentary duty apart from the privilege enjoyed under the Constitution and the Law. In this view of the matter, when there is no individual right or privilege conferred as such on the Honourable member, therefore, this does not constitute a breach of privilege either of the members or the House. May I invite attention of the Honourable members to ruling given by my learned predecessor on 30th October, 1987. Shah Balighuddin, an Honourable member, raised a question of privilege alleging that on account of his being an Opposition member, the government is
using dilatory tactics in the implementation of his development schemes approved by it. Similarly, earlier on the 4th April, 1986, Sahibzada Noor-ul-Hassan, MNA, had moved a privilege motion regarding discrimination in the amount development schemes in the constituencies of the Ministers/Members. In both these cases, it was held that the schemes of inviting proposals of the MNAs from the development of their constituencies or non-implementation of Development Schemes in their respective constituencies, did not confer any right or privilege upon any member and the motion was ruled out of order. For these reasons, I hold the privilege motion out of order. All other privilege motions on this subject shall be treated to have been disposed off accordingly. However, the Assurance Committee can scrutinize the assurance and at the same time, I would expect the Government that the development schemes of the Honourable members shall be completed and full cooperation shall be extended to them in the execution of their respective works with facilities availed of by them as members of this August House.”

(112-74, Vol VI)
N.A. Deb., 22nd August, 1994
Pp. 619-629

781. PRIVILEGE: NON-RELEASE OF DEVELOPMENT FUNDS AND WITHHOLDING OF DEVELOPMENT SCHEMES GIVEN BY OPPOSITION MNAs UNDER THE PEOPLE’S WORKS PROGRAMME SCHEMES OF INVITING PROPOSALS OF MNAs OR NON-IMPLEMENTATION OF DEVELOPMENT SCHEMES IN THEIR CONSTITUENCIES DID NOT CONFER ANY RIGHT OR PRIVILEGE UPON ANY MEMBER: RULED OUT OF ORDER.

On 22nd August, 1994 Mr. Speaker referred to two identical issues moved by former MNA of the former Assemblies. Both these issues were ruled out of order by the then Speaker on the grounds that the Schemes of inviting proposals of the MNAs from the development Schemes in their respective constituencies, did not confer any right or privilege upon any Member. So in the same way the two identical motions were also ruled out of order. He further added that he would expect the Government that the development Schemes of the honourable Members are completed and full cooperation extended to them in the execution of their respective works with facilities availed of by them as Members of this August House.

(144-101, Vol VI)
782. PRIVILEGE: QUESTION RAISED ORALLY: ALLEGED INSULT OF MEMBER AT MAIN GATE OF PARLIAMENT HOUSE: ASKED TO GIVE NOTICE IN WRITING IN PROPER FORM:

On 23rd November, 1994, Khawaja Kamal-ud-Din Anwar wanted to raise a question of privilege by rising on a point of order regarding his insult at main gate of Parliament House while coming to attend the National Assembly sitting. Mr. Deputy Speaker advised the member to give notice of the Privilege Motion in writing so that the matter could be referred to the Privileges Committee suo-moto.

(150-107, Vol VI)

783. PRIVILEGE MOTION: ALLEGED SALE OF LAND AT GAWADER COAST TO THE SULTANAT OF OMAN: FACT HAVING BEEN DENIED BY THE GOVERNMENT: RULED OUT OF ORDER:

On 22nd January, 1995, some privilege motions moved on 17th January, 1995 by opposition members regarding sale of land at Gawader Coast to the Sultanat of Oman were taken up. Mir Zafarullah Khan Jamali, MNA, stated that during the last session of the Assembly the issue regarding the sale of Gawader Coast was refuted by the Minister for Defence and Foreign Affairs on the floor of the House and also in the press but later on the Minister had admitted that the Government has sold the said land in Gawader to Sultanat of Oman as a result of which his privilege as well as privilege of House was breached due to the said wrong statement of the Minister. Mr. Aftab Shaban Khan Mirani, Minister for Defence opposed the motion on the ground that the alleged sale or lease of Gawader is false, baseless and motivated by partisan consideration at cost of National interest. He submitted that the Gawader is an integral part of Pakistan and there is no question of selling or leasing out any part of Pakistan including Gawader to any Foreign State.

After hearing the opposition members and treasury benches at great length, the motions were ruled out of order by Mr. Speaker by observing.

"Question of privilege has been raised by a number of members alleging that an incorrect statement was made on behalf of the Government in the House that land in Gawader has not been sold to Oman. The movers alleged that since it has now been admitted that the land has been sold, the Privilege of the house and members had been breached. The Minister for Defense denied lease or sale of any land in Gawader. In order to constitute a breach of privilege or contempt of the House it has to be proved that the statement was not only wrong or misleading but it was made deliberately to mislead the House. A breach of privilege can arise only when a member makes a false statement
willfully, deliberately and knowingly (Kaul page 258, 4th Edition). This view has also been taken consistently in Pakistan by various Speaker from time to time. Ruling 332 (Decisions of the Chair, 1972-5), National Assembly Debate, dated 8th May, 1991 and National Assembly Debate dated 12th May, 1991, page 606 contain such precedents. Since the Government has denied the sale of land in Gawader and it has also not been proved that such a statement was deliberately made in order to mislead the House, no breach of privilege is constituted."

184. PRIVILEGE: A MEMBER IS NOT ALLOWED TO MAKE A STATEMENT ON THE FLOOR OF THE HOUSE THOSE QUESTION OF PRIVILEGE IS ALREADY REFERRED TO THE PRIVILEGES COMMITTEE SUO-MOTO UNDER RULE 83 OF THE RULES OF PROCEDURE BY THE SPEAKER:

On 21st June, 1995 Rao Qaiser Ali Khan, MNA, wanted to say some thing on a point of order relating to a Privilege Motion which had already been referred to the Privileges committee by the speaker under rule 83 of the rules of Procedure.

The Minister of State for Law and Justice Mian Raza Rabbani, raised an objection that since the privilege motion of the member had already been referred under Rule 83 to the Privileges Committee by the speaker which was already seized of the matter, therefore, the honourable member could not be allowed to make statement thereon on the floor of the House. Some other members also expressed their view points in the matter where after Mr. Speaker observed as follows--

"I have heard the view points from both Treasury and the Opposition. Rao Qaiser Ali Khan, moved his Privilege Motion, that an FIR was registered against the persons who had manhandled him but no development has taken place so far. He also met me in my Chamber and under rules 83, I referred the matter to the Privileges committee. Now the question is whether the matter which is already pending before the Privileges Committee can be taken up now or not? Under Rule 90, a similar situation developed on the floor of the House. I heard the view points from both the treasury and the opposition and at that time I reserved my ruling. I gave time to almost all the members who were present in the House and I have yet to give a decision on that matter which was also referred under rule 83 to the Privileges Committee. Now the stand taken
by Rao Qaiser Ali Khan is that the delay caused in finalization of Privileges committee's report is a breach of privileges prime face I had held the privilege motion in order and referred the matter under rule 83 to the privileges Committee. Because I have already reserved my ruling in the matter arising out of rule 90 I will not give the floor to anybody. Thank you very much.

(120-83, Vol VI)
Pp. 1486-1494.

785. PRIVILEGE: CHARGES LEVELLED BY INTERIOR MINISTER AGAINST THE LEADER OF THE OPPOSITION OUTSIDE THE HOUSE: RULED OUT ON THE GROUND THAT ANYTHING SAID OUTSIDE THE HOUSE CANNOT FORM BASIS OF THE PRIVILEGE MOTION:

On 6th December, 1995, a Privilege Motion relating to certain charges levelled by the Interior Minister against the Leader of Opposition outside the House was taken up. Mr. Speaker, after hearing the Opposition Members and Treasury Benches ruled the Motion out of order. Firstly, in view of ruling No. 334 (Decision of the Chair 1972-75) wherein it was observed that a speech made outside the Assembly would not present any justification for moving a Privilege Motion; secondly, Ruling No. 335 (Decision of the Chair 1972-75 whereby a similar Privilege Motion was also ruled out of order by the then honourable Speaker that a Privilege Motion can only be entertained if relates to anything said within the House and whatever may have been said outside the House cannot from the basis of Privilege Motion.

Mr. Speaker also relied upon (M.N. Kaul page 247) and observed that in order to constitute a breach of privilege, however, a liable upon a Member of Parliament must concern his character or conduct in his capacity as a member of the House and must be based on matter arising in actual transaction of the business of the House. Reflections upon members, otherwise, than in their capacity as members do not, therefore, involve any breach of privilege or contempt of the House. Mr. Speaker also made reference to a ruling delivered on 4th March, 1991 whereby a similar Privilege Motion regarding leveling of some charges against Mr. Asif Ali Zardari by the Chief Minister of Sindh was also ruled out of order.

(128-90, Vol VI)
Pp. 482-484.
786. PRIVILEGE: NON-INSTALLATION OF FIVE VHF PCO’S FOR OPPOSITION MEMBERS UNDER THE PEOPLES WORKS PROGRAMME: SPONSORING OF DEVELOPMENT SCHEMES BY THE MAN’S UNDER THE PEOPLES WORKS PROGRAMME BEING JUST A FACILITY HAVING NO CONCERN WITH THEIR PARLIAMENTARY DUTIES: MOTION RULED OUT OF ORDER:

On 27th September, 1995 certain Privilege Motions moved by the opposition members regarding non-installation of VHF PCOs for Opposition Members under the People Works Programme were taken up. The movers contended that the opposition members were being discriminated against under the orders of the Prime Minister of Pakistan in this regard which amounted to an interference in the discharge of their Parliamentary duties and constitute breach of their privilege. The Parliamentary Secretary for Communications opposed these motions and categorically denied that no such order was ever issued by the Prime Minister.

Mr. speaker after hearing opposition members and Treasury Benches gave the following ruling:–

“It may be explained that the Privileges of Parliament are granted to members in order that “they may be able to perform their duties in the Parliament without let or hindrance” (Kaul page 177). In order therefore, to constitute a breach a privilege a complaint by a member must if not closely, at least, remotely should relate to some proceedings of the House or the service the member to render to the House.

In the present case, however, the members were not rendering any service to the House. Sponsoring of development schemes by MNAs under the Peoples Works Programme is just a facility having no concern with the parliamentary duties of the honourable members. Association of the elected representatives with the development schemes of their constituencies is rather a gesture on part of the Government but certainly does not form part of their privilege. The question of breach of privilege can arise only when a Honourable member is obstructed from performance of his parliamentary duty, or privilege enjoyed under the Constitution and the law.

In view of the matter when there is no individual right or privilege conferred as such on the Honourable members, this does not constitute a breach of privilege either of the members or of the House. May I invite the attention of the Honourable members to ruling given by my learned predecessors.

On 13th October, 1987, Shah Balighuddin, an Honourable member raised the question of privilege alleging that on account of his being an Opposition member the Government is using dilatory tactics in the implementation of his development scheme approved by it.
Similarly, on the 4th April, 1986, Sahibzada Noor Hassan, MNA, moved a privilege motion regarding discrimination in the amount of development schemes in the constituencies of Minister/Members. In both cases, it was held that the scheme of inviting proposals from MNAs for the development of their constituencies or non-implementation of the development schemes in the respective constituencies did not confer any right or privilege upon any member and the motions were ruled out of order.

For these reasons, I hold the privilege motion out of order. All the other privilege motions on this subject shall be treated as to have been disposed of accordingly. Thank you very much.”

(140-97 Vol VI)
Pp. 1488-1528.

787. PRIVILEGE: NON-PRODUCTION OF FOUR DETAINED MNAS DESPITE HAVING BEEN SUMMONED BY THE SPEAKER; NOT OPPOSED BY THE TREASURY BENCHES: REFERRED TO THE PRIVILEGE COMMITTEE:

On 20th April, 1995 Mr. Gohar Ayub Khan and other opposition members moved a privilege motion regarding non-production of four detained MNAs namely (i) Sheikh Rashid, lodged in Bahawalpur Jail (ii) Sheikh Tahir Rashid, lodged in Multan Jail (iii) Haji Muhammad Boota, lodged in Multan Jail and (iv) Mian Abass Shrif, lodged in Adiala Jail Rawalpindi to the House despite having been summoned by the Speaker.

The motion was not opposed by Mr. Raza Rabbani the Minister of State for Law whereupon Mr. speaker referred the same to the Privileges Committee.

(142-100 Vol VI)
Pp. 244-246.

788. PRIVILEGE: NON-PROVISION OF THE FACILITIES TO A MEMBER IN JAIL: HELD IN ORDER: REFERRED TO PRIVILEGE COMMITTEE:

On 24th January, 1996 three Privilege Motions were moved by opposition members stating that Sheikh Rashid Ahmed, MNA who was in Adiala Jail, Rawalpindi was not being provided necessary facilities and also visitors were not allowed to see him allegedly on the behest of the Prime Minister. The Motion was opposed by Minister of State for law and Justice on the ground that non-grant of facility to a
detained person does not constitute a breach of privilege. He drew attention of the Chair to “Mays Parliamentary Practice” page 115 which define as to what constitute a breach of privilege in the following manners:-

“Generally speaking, any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty or which has a tendency, directly or indirectly, to produce such results, may be treated as a contempt, even though there is no precedence of the offence.”

He, therefore, contended that non-grant of facility in no manner, falls in the obstruction or in the discharge of his Parliamentary duty.

Mr. Speaker after hearing the Opposition and the Treasury Benches at some length gave the following ruling:-

“I was under this impression that we all are MNAs and the Government would not oppose and I would have referred the matter to the Privileges Committee, but the Government has opposed. I personally feel that there should be no complaints from the MNAs. It is extremely shameful if the MNAs are begging for the privileges. It is quite an insult. It is the privilege of the members that they should communicate with their constituents, which is their right. For the interpretation of the rules, it is the sole prerogative of the Speaker and none else. Therefore, I think, it is a breach of privilege of the members and I refer the matter to the Privileges Committee.”

(143-100, Vol VI)
Pp. 143-165.
789. PRIVILEGE MOTION: MATTER REFERRED TO THE PRIVILEGES COMMITTEE:
ARREST OF TWO MEMBERS DURING ASSEMBLY SESSION:

On November 29, 1955, a member raised a point of privilege about the arrest of two members of the Assembly during its session. The Leader of the House informed the House that these arrests had been made under the order of the East Bengal Government. He further stated that, as the privileges of the House had prima facie been infringed, the matter should be referred to the Privileges Committee. Mr. Speaker thereupon observed as follows:

"I think, after the statement by the Honourable Mr. Mohammad Ali, report will come up before the House. So, the only thing that the House should now expect is that the Privileges Committee should finish its deliberations, as early as possible. I happen to be the Chairman of this Committee. This Committee will take up its work expeditiously and place the matter in all its aspects before the House. After this, no further debate should be allowed to pre-judge or even prejudice the matters, which will come up before the Committee. Therefore, at this stage, I would not allow any further debate."

Inspite of the above ruling, some members from the Opposition insisted that the matter might be discussed on the floor of the House. Thereupon the Speaker ruled as follows:

"I will not allow any more speeches. Mr. Shaikh Mujibur Rahman also referred to Privileges Committee in his speech, and the Leader of the House, Honourable Mr. Mohammad Ali, has also said that it should be referred to the Privileges Committee, where the whole matter may be investigated and decided. It is the right of the Speaker to send it to the Privileges committee. The matter may, therefore, be referred to the Privileges Committee to examine and investigate it in all its aspects. I only want to add that the Committee should be very alert in submitting its report to the House as early as
possible, say, within a week or within a fortnight.

(89-55, Vol I)
Pp. 1711-1715.

790. PRIVILEGE MOTION: BASED ON AN ALLEGED PUBLIC STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS AND COMMONWEALTH RELATIONS; SPEAKER NOT COMPETENT TO TAKE A DECISION ON A PRIVILEGE MOTION; MOTION FOR REFERENCE TO THE PRIVILEGE COMMITTEE WAS PUT TO THE HOUSE AND NEGATIVED:

On February 9, 1957, Mr. Yousuf A. Haroon moved a privilege motion relating to the public statement made by the Minister for Foreign Affairs and Commonwealth Relations, to the effect that the Muslim League had refrained from voting and speaking on the Electoral Bill in Dacca. A lengthy debate took place and arguments for and against the motion were made. Some of the members requested the Chair for a ruling on the point whether or not the matter prima facie involved a breach of privilege. Thereupon, the Speaker observed:

"Mr. Yusuf Haroon's privilege motion is before the House and not a point of order on which I can give my ruling. On privilege motion, the Speaker cannot give a ruling, as it is a motion and Speaker gives a ruling only on points of order and not on motions. As the House will remember, on previous occasions, the House had readily agreed to refer some matters to the Privilege Committee. The Speaker then took the leave of the House and the matters were readily referred to that Committee. Here, in this case, the members, who have spoken, have appealed to the House and not to me."

Mr. Speaker further observed:

"The present motion relates only to the fact whether it should be referred to the Privilege Committee. It does not say that it should be discussed here in this House. The motion relates and to reference to the Privilege Committee. Now, as Mr. Fazlur Rahman has said it will be for the makes to levied as to what will be the interpretation of the effect of this motion, if its reference to the Privilege Committee is refused. But, at the moment, the motion relates to reference to the Privileges Committee."

Thereafter, the motion was put to vote of the House for reference to the Privileges Committee and was negatived.

(87-53, Vol I)

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791. **Privilege Motion: Observation by a News Paper on the Ruling Given by the Speaker Held an Aspersion on the Chair: Matter Referred to the Privileges Committee:**

On April 12th, 1957, Moulvi Farid Ahmad raised a point of privilege regarding the observations made by the 'Morning News', Karachi, in its issue of date to the effect that the Speaker gave a ruling on April 11, 1957 from a written text. The observations of the paper were not factual. As such, he maintained, the newspaper had cast an aspersion on the Speaker. Thereupon, Mr. Speaker observed that it was indeed an aspersion on the Chair and, if the House agreed, the matter should be referred to the Privileges Committee. The House agreed and the matter was referred to the Privileges Committee.

(90-56, Vol I)
N.A. Deb., 12th April, 1957.
Pp. 221-222.

792. **Privilege Motion: Presentation of Budget Not to Be Interfered by Anything: Privilege Motions Allowed to Be Moved After Presentation of the Budget and Introduction of the Finance Bill:**

On February 9th, 1957 Mr. Farid Ahmad and Yusuf A. Haroon, wanted to raise a point of privilege. The day having been appointed for presentation of Budget and as nothing could interfere with the presentation of Budget, the members were informed that the point of privilege could not be raised on that day. Mr. Yousuf A. Haroon, however, contended that, under the rules, a member could raise a point of privilege at any time and there was not ban raising the point on account of presentation of the Budget. He insisted on raising the point of privilege. After some discussion, the Speaker agreed to allow the member to raise the point in the form of a privilege motion, after the introduction of the Finance Bill.

(91-56, Vol I)

793. **Privilege Motion: Publication of Acts as Assented To by The President in the Gazette by the Ministry of Law instead of by the Parliament Secretariat: Referred to the Privileges Committee:**

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On April 10th, 1957, Mr. Yusuf A. Haroon moved a Privilege motion regarding its publication by the Ministry of Law of Acts after assent by the President, instead of the Parliament Secretariat. After some discussion, Mr. Speaker observed as follows:

"As a matter of fact, the Rules Committee appointed a Sub-Committee to examine this particular question; so it is for the House to decide whether we should refer the matter to that sub-committee or to the privileges Committee. I think the purpose can be served by referring this matter to that particular sub-Committee......."

Latter, in compliance with the desire of the House, the matter was referred to both the Committees—the Privileges Committees as well as the Sub-Committee.

794. PRIVILEGE MOTION: U.S. AMBASSADOR'S COMMENTS ON THE CONDUCT OF A MEMBER: HELD IN ORDER: REFERRED TO THE PRIVILEGES COMMITTEE:

On April 9th, 1957, Main Muhammad Iftikharuddin moved a privilege motion regarding the statement made by the United States' Ambassador in Pakistan and commenting upon his conduct as a member of the assembly. He maintained that these comments tended to degrade him and to interfere with the performance of his duties as a member of the parliament. After hearing both the sides, the motion was referred to the privileges committee with the consent of the House.

795. PRIVILEGE MOTION: ATTEMPT TO SUBVERT THE CONSTITUTION: MEMBER NOT ALLOWED TO READ THE PRIVILEGE MOTION: RULED OUT OF ORDER: NOTICE READ TO THE HOUSE BY THE CHAIR:

On March 1, 1958, Mr. Zahiruddin sought permission of the Chair to move a privilege motion regarding the attempt of some individuals to subvert and overthrow the Constitution, notice of which had been given by him earlier. Attention of the member was drawn by the Deputy Speaker to proviso to rule 150(1) of the Rules of Procedure which laid down that, if the Speaker was of the opinion that the matter proposed to be discussed was not in order, he might, if he thought necessary, read the notice of
the question of privilege and state that he holds the notice of question of privilege to be out of order. Thereafter, the Deputy Speaker read out the notice of the motion to the House and ruled the privilege motion out of order.

(86-53, Vol I)
Pp. 417-419.

796. PRIVILEGE MOTION: DISALLOWANCE OF CUT-MOTIONS RULING OF THE SPEAKER CAN BE GIVEN IN ABSENTIA: RULED OUT OF ORDER:

On March 6, 1958, Mr. Farid Ahmad sought the permission of the Chair to move a Privilege motion regarding omission of certain cut-motions from the list circulated to the members. The Deputy Speaker informed the member that the cut-motions in question had been ruled out by the Speaker. The orders passed by the Speaker were also read out to the House. However, Mr. Farid Ahmad pleaded to be informed of the reasons for disallowing his cut-motions. It was explained to him that the orders had been passed by the Speaker and had the force of his ruling, which could not be upset by the Deputy Speaker. The member raised the point whether a ruling could be given by the Speaker in absentia. The member was informed by the Chair that it could be so.

In regard to the privilege motion the Deputy Speaker observed: "Please refer to the proviso to rule 150:

'Provided that where the Speaker is of the opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary, read the notice of the question of privilege and state, that he holds that the notice of question of privilege is not in order.'

In view of the long debate which has taken place on this matter, I do not consider it necessary to read the notice of question to the House. I hold he privilege motion out of order."

(88-54, Vol I)
Pp. 900-905.

797. PRIVILEGE MOTION: CONSIDERATION OF, TAKEN UP IN THE HOUSES IN THE ORDER RECEIVED.
On 5th December, 1962, a Member before the question hour said that he had a privilege motion in his name but he thought that it would be taken up after question hour. Another Member said that was the right position. The Speaker then called for questions to be put. After the question hour the Member wanted to proceed with his privilege motion, but the Speaker took up the privilege motion of another Member which was tabled earlier.

(103-94, Vol II)
N.A. Deb., 7th July, 1962,
Pp. 397-452 and 465-466.

798. PRIVILEGE MOTION: MATTER RAISED SHOULD BE PRECISELY STATED AND IF IT REFERS TO A PRESS REPORT, THE NEWSPAPER MUST BE MADE AVAILABLE TO THE CHAIR.

On 7th December, 1962, during the debate on supplementary grants for 1962-63, a Member raised a point of privilege on the ground that Pakistan Times gave a different version regarding the Minister's assurance given on the floor of the House. The Deputy Speaker advised the Member to raise the said point when Mr. Bhutto was in the House. The Chair further asked him to give him in writing the mis-reporting and other allegation in regard to his point and added:

"I would like to consider in the first instance, and would like to give ruling as to whether the Honourable member is within his rights or not, i.e., whether I will uphold the point of privilege or I am going to rule it out. To enable me to give a ruling on that writing his point of privilege along with the relevant cutting"

(104-94, Vol II)
N.A. Deb., 7th December, 1962,
Pp. 567-568.

799. PRIVILEGE MOTION: EXTERNMENT BY AN EXECUTIVE ORDER OF A MEMBER OF THE NATIONAL ASSEMBLY FROM HIS CONSTITUENCY DOES NOT CONSTITUTE A BREACH OF PRIVILEGE: MOTION RULED OUT OF ORDER.

On 8th December, 1962, the Speaker delivered the following ruling on the privilege motion relating to externment of Member:-

"First of all I propose to give my ruling on the privilege motion that was moved the other day. As my ruling will take some time, with the indulgence of the House I would like to pronounce it while sitting"
The privilege motion that was moved by the Honourable Member runs thus:

"I hereby give notice of my intention to raise a question of privilege tomorrow. In that an Honourable Member of this House, namely, Mir Khair Bakhsh Marri has been externed from Marri and Bugti Tribal Areas of Sibi District. The original order passed in August last having expired has now been extended for three months. According to a report published in the Pakistan Times today, the Honourable Member is being debarred by an executive order of his right to visit his Constituency."

That is the text of the privilege motion. Mir Khair Bakhsh Marri, the Member concerned, represents constituency No.5 North-West, comprising the District of Quetta, Sibbi, Lora, Zhob and Chagai in the former province of Baluchistan. The first Government order against him was passed under section 4 of the Baluchistan public Safety Regulations of 1947. He has been externed from the Marri Bugti Tribal Areas which appear to be a part of his constituency. I would first of all like to observe that it is highly regrettable that circumstances arose under which an Honourable Member of this House has been served with an externment order like this. A Member of this House is a very important functionary of the State and it is always a serious matter when such a person is to be prevented from going to an area within his constituency, which will necessarily prevent him from exercising his functions as a Member properly. So, it is very desirable that whenever such an order is contemplated against an honourable Member of this House the matter should be considered very carefully. I hope in future this will be done. I do not know, of course, whether in this case it has not been done. I draw the attention of authorities concerned to this matter.

The Honourable Member sponsoring this motion contends that the externment order constitutes a breach of privilege of an Honourable Member of this House. Under Rule 175 of the Rules of procedure of this Assembly, the Speaker is first of all to decide whether the motion is in order and for this purpose he has obviously to examine whether the alleged act constitutes a breach of privilege. This procedure seems to be in conformity with the procedure followed in the British House of Commons. In support of this, I would like to read a passage from Abraham and Howtrey’s Parliamentary Dictionary at page 40. This is the passage which I place before the House.

'If an alleged breach of privilege is brought to the notice of the House of Commons at the earliest possible opportunity, it will be given precedence over the business of the day, provided that the speaker is satisfied that the Member who Makes the complaint has made out prima facie case.'

The expression 'prima facie case' does not in this context bear the meaning attached to it by lawyers. What the Speaker has to decide is whether assuring that the facts are as
stated, the conduct complained of could reasonably be held to be a breach of privilege. So, the first point to be decided by the Speaker is whether the act complained against actually constitutes a breach of privilege. In support of the contention that breach of privilege has been committed, the Member has relied upon Article 6, item 5 of the Constitution. I am placing that Article before the House. Article 6, item 5 deals with freedom of movement and the right to acquire property. It runs thus:

1. No law should impose any restriction_

(a) On the freedom of a citizen to move throughout Pakistan or to reside or settle in any part of Pakistan; or

(b) On the freedom of a citizen to acquire, hold or dispose of property in any part of Pakistan.

Then there is sub-item (2) which runs thus:

'This principle may be departed from where it is necessary so to do in public interest.'

So, it is necessary to be clear in our minds as to the import of word 'privilege' particularly 'parliamentary privilege.' The Article I have read will show that the rights described there are not absolute rights. Those rights are circumscribed by sub-item (2) which says that whenever the question of public interest arises, in the Public interest these rights may be restricted. Then, I was posing the question: what are privileges? That should be first of all inquired into. Here again I would like the House to refer to Sir Erskine May's Parliamentary Practice. I refer to the passage at page 42: (Seventeenth Edition).

"Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of parliament, and by members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals. Thus privilege, though part of the law of the land, is to a certain extent an exemption from the ordinary law."

It would, therefore, appear that Parliamentary privileges are certain special rights which are not enjoyed by the ordinary citizens of the State. Members of Parliament enjoy both these rights—ordinary rights as well as special rights, called parliamentary privileges. When ordinary rights are infringed, the remedies, if any, available to the person concerned, even if they are Members of Parliament, are the same as those to all citizens. It is clear from this that infringement of ordinary rights, which are also enjoyed by parliamentarians, does not constitute a breach of parliamentary privilege. The question of breach of privilege arises only when the special right of a parliamentarian, or of the House for the matter of that, is infringed.
Now the rights mentioned in Article 6 (2) relied upon by the honourable Member can, by
no stretch of imagination, be called parliamentary privileges. These are rights enjoyed
by all persons: these are special rights of parliamentarians. These rights are enjoyed by
every citizen of the State. It may also be seen that these rights, too, are not absolute
rights as I have already said. Sub-item (2) of item 5 of the Article 6 of the Constitution
has already been ready out to you in this respect. It follows, therefore, that under
appropriate circumstances such rights may be restricted, as has been done in this case.

It will be profitable if we ready in this connection Articles 5 and 6 of the Constitution in
full:--

"The principles set out in this Chapter shall be known as the Principles of Law-making,
and it is the responsibility of each legislature to ensure that a proposed law is not made
by it if the proposed law disregards violates or is otherwise not in accordance with those
Principles."

So these Principles are to be kept in mind by the Legislature only when laws are made.
The legislature is to be careful that these Principles are not infringed when a law is made.
Then Article 6 runs thus:--

"6.(1) The responsibility of deciding whether a proposed law does or does not disregard
or violate, or is or is not otherwise in accordance with, the Principles of Law-making is
that of the legislature concerned, but the National Assembly or a Provincial Assembly,
the President or the Governor of a Province may refer to the Advisory Council of Islamic
Ideology for advice any question that arises as to whether a proposed law disregards or
violates, or is otherwise not in accordance with those principles.

(2) The validity of a law shall not be called in question on the ground that the law
disregards, violates or is otherwise not in accordance with the Principles of Law-
Making."

This is very important. First of all, these principles have to be kept in view only when a
law is being enacted and these do not apply at all to existing laws. Sub-clause (2) says
'the validity of a law shall not be called in question on the ground that the law disregards
violates or is otherwise not in accordance with the Principles of Law-making. So, it
appears that this House has no jurisdiction to consider whether the law under which the
Honourable Member has been externed is a good law or a bad law.

Now let us see what are the privileges of the Members of this House and whether
immunity from an externment order is included in those privileges. For this we have, first
of all, to see Article 111 of the Constitution. That Article deals with the Privileges of the
Members of this House would not like to read out the Article to the Members because they are conversant with it. They will see that immunity from externment from a particular place is not one of the privileges of the Members of this House.”

(At this stage the Leader of the Opposition pointed out that the Constitution referred to internment and not externment whereupon the Speaker pointed out that there was no immunity from externment either under the constitution). Thereafter the Speaker Added:

In view of the observations made by the Leader of the Opposition, I will read out the entire Article III.

It will be seen that the matter referred to by the Leader of the Opposition is not at all included in Article III of the Constitution. So what I said previously was correct.

Now as I have said, under Article III, sub-Article (6), this House is entitled to frame laws defining further privileges of the Members of this House. Such a law, as the Members know, has not yet been enacted.

Now to find whether the Members of the Assembly have any other privileges we have to inquire whether there is any other law existing in this respect Members will find that there is such a law in existence. That law was passed by the Constituent Assembly in 1955 and that Act is still in force under Article 225 of our Constitution. I am referring to section 4, sub-section 5 of that law. Section 4 deals with the privileges of Members. That section enumerates a number privileges and without reading the section I would like to tell the House that immunity from externment is not one of those privileges that are enumerated therein. Sub-section (5) is important. It says, in other respects the powers, privileges and immunities of the Assembly and of the Members and committees thereof shall be those of the commons House of parliament of the United Kingdom, Great Britain and Northern Ireland and of its member and committees at the date of commencement of this Act’. So this gives a very important field of privileges to the members of this House. As far as I have been able to investigate I have nowhere found that immunity from externment is one of the privileges of the Member of the House of Commons. So this law also does not seem to be of any help so far as the present question is concerned. It will also be found that even preventive detention which is a far more aggravated form of restriction, does not constitute a breach of privilege in the House of Commons. This may be found in May’s Parliamentary Practice at page 121. ‘the privilege of freedom from arrest does not extend to criminal charges and upon the same principle the internment of Member under Regulations enabling the Home Secretary to detain persons in the interest of public safety or the defence of the Realm has been held not to constitute a breach of privilege.” [H. C. debates, 164(1939-40)].
Taking the precedents of the Indian Legislature, I mean, the 'House of the People' or the 'Lok Sabha,' there also 'externment' does not constitute a breach of privilege. For this we may refer to a book entitled 'Selection from Decisions from the Chair, 1921-1950.' The relevant ruling is to be found at pages 34 and 35; on the 28th February, 1950, the Speaker informed the House that he had received the following two adjournment motions, namely, (i) the externment from Delhi District of an Honourable Member of the Indian Parliament, Professor Shibban Lal Saksena, for three months under Section 4 of the East Punjab Public Safety Act, 1949, as applied to the State of Delhi by the District Magistrate of Delhi while the parliament was in session infringing the basic privilege of a Member of the Parliament.

(2) The removal of Shri Shibban Lal Saksena, a Member of parliament, from Delhi under the provision of East Punjab public Safety Act, 1947, and his interdiction from returning to Delhi District without the permission of the District Magistrate of Delhi, in pursuance of an order, dated the 28th February, 1950, under the said act. As his preliminary remarks to the subsequent discussion the Speaker observed, 'one of the motions raises the question of privileges of the Members of the House and in that respect I may point out that a similar question arose on the 28th of January, 1948. A question of privileges in the case of a Member who was arrested confined or detained was raised by an Honourable Member, Mr. Kamath, and there I made the following observation:

'All can say just at present is that an Honourable Member of the House is subject to ordinary law and if he has done any thing which deserves arrest or necessitates it—of course detention included—Ido not think that in view of the fact of his being a Member of this Assembly we can make him free from all laws of the country and give him full licence. So merely because there is the detention or arrest under the ordinary law of the land of a Member of this House it cannot be said that a question of privilege is necessarily involved. So far as the executive Government is acting under the authority vested in it by the law, no question of privilege can arise because he is as good as any other citizen and the executive Government will be presumed to be acting with the authority vested in it by this very House in pursuance of a law enacted by it.'

Continuing the Speaker laid down:

"Unless there is a breach of privilege, mere arrest is not a definite matter of urgent public importance to justify the admission of the adjournment motion."

So I have not been able to find anywhere that immunity from externment is one of the privileges of the Members of the House of Commons. Then some of the Members urged that to prohibit a Member from visiting his constituency is tantamount to preventing him
from properly discharging his function as a Member of the National Assembly. Even if this contention were valid it raises the question of creating a new parliamentary privilege in the nature of conferring an immunity from an executive order preventing a Member from visiting his constituency. Obviously the Speaker has no power by means of a ruling to create a new privilege. That can only be done by law. Members will see that this House has not yet done that. In this connection I may say that even if this House attempts to make such a law it will not be an easy task at all because to provide an effective privilege like this it will be necessary not only to enact such a law but it will also be necessary to amend Article 6, item 5, sub-item 2 of the Constitution without which no effective privilege like this could be created by this House. However, that is quite a different question. In view of the observations I have already made I am constrained to hold that the privilege motion is not in order."

(105-95, Vol II)
N.A. Deb., 28th November,
5th, 7th and 8th December, 1962.
Pp, 167, 252, 560-561 and 634 to 639.

800. PRIVILEGE MOTION: CIRCULAR LETTER ISSUED BY CHIEF SECRETARY, WEST PAKISTAN GOVERNMENT REGARDING THEREAT BY OPPOSITION MEMBERS OF THE NATIONAL AND PROVINCIAL ASSEMBLIES TO ASK QUESTIONS TO GET FAVOR FROM OFFICIALS: CHAIR TO DECIDE ADMISSIBILITY ON RECEIPT OF ALLEGED CIRCULAR LETTER.

On 30th November, 1963, on a privilege Motion moved by Mr. Saifur Rahman Arbab the Speaker observed:

"A Member wishing to raise a question of Privilege shall give notice in writing to Secretary not less than one hour before the commencement of the sitting on the day the question is proposed to be raised. If the question raised is based on a document or a newspaper report the notice shall be accompanied by the document or the newspaper, as the case may be, in original. A copy of the notice shall be given to the Speaker and the Secretary of the Assembly."

Now, I read the motion of the Member, Mr. Saifur Rahman Arbab, for the benefit of the House.

'Hereby I give you notice of my intention to raise a question involving a breach of privilege of Members of the Opposition of the National Assembly of Pakistan, contained in a circular letter issued by the Chief Secretary of West Pakistan Government to Government officers, stating that the members of the Opposition both in the National and provincial Assemblies threatened to ask question in order to get favor from the
officials.

His knowledge of the matter referred to in the first paragraph will emanate only from the circular letter, not from newspapers.

But in the statement, it has been stated that: 'In the Pakistan Times of November, 29, 1963, published from Lahore, while reporting the debate on privilege motion moved by Khawaja Mohd. Safdar, Leader of the Opposition in West Pakistan provincial Assembly, has reported that the privilege motion concerning the circular letter of the Chief Secretary of the Government of West Pakistan issued to the Government officers was not denied by the Government benches and they conceded the fact and the contents of the letter.'

This report cannot be the basis of the motion. The circular letter is the basis of the knowledge of the Member who moves the motion.

I therefore rule that the Honourable Member should furnish a copy of the letter and if that be not possible for him to get, the Secretariat will ask for a copy of the circular letter. After perusing the impugned letter I will decide the question of the admissibility of the motion."

(106-102, Vol II)

801. PRIVILEGE MOTIONS: MOTIONS BASED ON CIRCULAR LETTERS ISSUED BY PROVINCIAL GOVERNMENTS OF EAST AND WEST PAKISTAN: ORIGINAL COPIES NOT AVAILABLE: GOVERNMENT OF WEST PAKISTAN CLAIMED PRIVILEGE FOR THE DOCUMENT UNDER RULE 179; DECISION ON MOTIONS, DEFERRED: CONDITIONS OF 'RECENCY AND EARLIEST OPPORTUNITY' AS LAID DOWN BY RULE 167 WAIVED: MOVERS TO GIVE FRESH NOTICES IN THE NEXT SESSION.

On 24th December, 1963, the Speaker gave the following ruling on the two Privilege Motions, moved by Mr. Saifur Rahman Arabab and Mr. Farid Ahmad, regarding circular letters issued by West Pakistan and East Pakistan Governments against M.N. As. And M.P. As. belonging to the Opposition:

"I want to apprise the House in regard to two pending privilege Motions: Mr. Saifur Rahman Arabab had tabled a privilege Motion on 30th November. The privilege Motion related to a circular letter stated to have been issued by the Chief Secretary, Government of West Pakistan. As a copy of the circular letter was not furnished, I had deferred consideration of the admissibility of the privilege Motion pending the availability of the
circular referred consideration of the admissibility of the privilege Motion pending the availability of the circular referred to in motion. On 5th December, the National Assembly Secretariat requested the Chief Secretary of the West Pakistan Government to supply a copy of the circular. As no reply was received a telegraphic reminder was sent on the 18th December. We have now received a telegraphic reply from the Additional Chief Secretary, Government of West Pakistan which reads as follows:

"Circular letter referred to therein secret and privileged document provincial Government regret that under rule 179 of Rules of procedure of National Assembly a copy thereof cannot be furnished."

I would like the Honourable Members of procedure and privileges shall have power to require the attendance of persons or the production of papers or records if such a course is considered necessary for the discharge of its duties.

If any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee the question shall be referred to the Chairman of the Committee whose decision shall be final, but the Government may decline to produce a document on the ground that its disclosure would not be in the public interest."

There is another analogous Rule 114, which empowers a Standing Committee to summon and examine the record of the Central and provincial Governments. In this Rule also there is a proviso that when the Ministry is of the opinion that in the public interest a particular record should not be furnished to the Committee, the Government may claim privilege for that record. In this Rule it has been further provided that when the Ministry has not so furnished the record, the Speaker at the request of the Chairman of the Committee may seek a ruling from the president whether the privilege was properly claimed, and the President's ruling shall be final.

In this case as no Ministry of the Central Government is involved the power of the Speaker to refer the case to President does not seem to be attracted.

In the absence of the circular letter it is not possible for the Speaker to decide the admissibility of the Privilege Motion. The actual words used in the circular have to be seen by us before a decision is taken whether prima facie a breach of the privilege of the Members of the National Assembly is involved. Under the circumstances it is not possible for us to admit the motion, but I am not inclined to reject it either until I have looked into the Matter further. The decision on the admissibility of the Privilege Motion is therefore deferred.

A similar privilege motion had been tabled by Honourable Mr. Farid Ahmad. This motion
related to a circular stated to have been issued by the Government of East Pakistan. A typed copy of the alleged circular was also submitted by Mr. Farid Ahmad. As an unsigned copy is not an authentic document, in this case also the Secretariat has requested the Provincial Government to send copy of the circular. No reply from the Provincial Government has so far been received. The decision on the admissibility of this motion is therefore also deferred.

In deferring consideration of the admissibility of these two privilege Motions there is a technical difficulty. Under Rule 167 which reads as follows:

"On the prorogation of a session all notices other than notices of intention to introduce a Bill shall lapse and fresh notices shall be given for the next session."

The Notice of privilege Motions already given, will lapse.

If the honourable Members concerned wish that the matter should be further considered during the next session, they may give fresh notice during that session. In view of the special circumstances of this case, namely, the non-availability of the circular which is stated to have constituted the breach of the privilege. I shall waive the two conditions precedent to that admissibility of Privilege Motions, namely, (a) that the question shall be restricted to a specific matter of recent occurrence, and (b) that the question shall be raised at the earliest opportunity.

(107-103, Vol II)

802. PRIVILEGE MOTION: PROCEEDINGS OF THE DAY PERCOLATE INTO NEXT DAY AFTER PAST MID-NIGHT: CHAIR URGED TO GIVE PRIORITY TO PRIVILEGE MOTION OVER LEGISLATIVE BUSINESS: HELD THAT THE CHAIR COULD TAKE THE MOTION ANY TIME IT LIKED AND DECIDED TO TAKE IT UP LATER ON.

On 10th April, 1964, when the proceedings of the Assembly relating to Legislative Business percolated technically into the next day after past mid-night a Member raised a point that there was a Privilege Motion scheduled for 11th April, 1964, and so it should have precedence over Legislative Business. Thereupon the Speaker observed:

"The rule is that the Speaker can take that motion at any time he likes."

And added:
803. PRIVILEGE MOTION: MEMBER GIVING NOTICE MUST MOVE HIMSELF ANOTHER MEMBER SOUGHT TO MOVE ON BEHALF OF ABSENT MEMBER: NOT ALLOWED.

Mr. Attaullah Khan Sardar Mengal, M.N.A., who was confined in the Central jail, Karachi, gave a notice of a question of privilege on 27th May, 1964 that a breach of privilege of the National Assembly has occurred due to the behaviour of the Superintendent, Central Jail, Karachi, by deliberately destroying his starred question and not sending it to the National Assembly which he had sent through him on 22nd March, 1964.

Mr. Speaker observed:

"I would like the august House to take note of what I feel regarding this matter. From other ground, as the Member himself will not be present to move his motion, it cannot be moved."

Under the Rules the Member giving notice of a privilege Motion has to move it himself [Ref: Rules 173, 175 (1)]. According to the practice and rules of the House of Commons and of the House of Representatives, another Member cannot raise the question of privilege when the notice of motion has been given in the name of some other Member. I request the House to kindly listen as to how it is decided. As I said, according to practice and rules of the House of Commons and the House of Representatives, when the notice also has been given in the name of some other Member, another Member cannot raise the question of privilege. The Speaker of the House of Representatives ruled as follows:

"Any Member of the Congress has the right to raise the question of privilege of the House. Any Member has the right to raise the question of his own privilege, but the Chair is not aware of any precedent where one gentleman can raise a question of personal privilege respecting another gentleman."

(Ruling No.569, vol. vi, pp. 808-809 of Cannon's Precedents of the House of representatives of the U.S.)

In the matter of allowing privilege Motions the procedural technicalities are strictly
enforced by the Speaker. On a privilege notion sought to be raised by Ltd. Col. Lipton on 19th December, 1955, the Speaker of the House of Commons disallowed the motion on a mere technical ground that on the first day Col. Lipton had only submitted a cutting from the newspaper, which was alleged to constitute a breach of privilege of the parliament, instead of submitting the whole paper as required under the Rules. The Speaker gave the following ruling:

"The House always has a distinct bias in its procedure to stick to the Orders of the Day. If, for a special reason, provision is made for them to be departed from as in the case of Standing Order 9, it is hedged about with rules which must be complied with, and it is part of my duty to enforce them". (This is Hanson and Wiseman: parliament at Work, P.4)

It will be observed from the above quoted ruling that the Speaker did not decide that no prima facie case had been made out. He had on a purely technical point been compelled by the Rules of the House to rule against the Member. The fact that the mover of this motion is in jail and cannot possibly come to the House to move his privilege motion does not alter the position. The rule prescribes that the Member himself has to move his motion and if he is not able to do it, whatever may be the reason, the motion cannot be taken up.

In case some other Member raises this question on a privilege motion subsequently, that motion will be inadmissible on the technical ground that the earliest opportunity was not availed of, and the notice was not given one hour before the commencement of the sitting on the first day when the Assembly met. The above quoted ruling of the house of Commons will be applicable in the case also. Col. Lipton had submitted only a cutting from the newspaper on the first day. When his attention was drawn to this by the Chair, he submitted the whole paper the next day, but then on the second day the motion suffered from the defect that earliest opportunity had not been availed of. Apart from this procedural defect from which motion will suffer, it is doubtful if a question of personal privilege of a Member can be raised by any other Member. The American practice is clear on the point and according to the ruling cited above this is not permissible.

I may mention to the August House that a notice of privilege Motion has been received from Mr. Mengal but as he is absent, the motion full through. May I also put on record that if Mr. Mengal wishes to raise this question himself when he is able to attend the House I will not invoke the restriction of "earliest opportunity" because for him that would be the first opportunity. For the information of the House may I mention that he had some complaint about the jailor. I am informed by responsible quarters that action has been taken against the jailor for his default in this respect.

(109-106, Vol II)
804. PRIVILEGE MOTION: DISALLOWED OUTSIDE THE HOUSE: MEMBER SOUGHT INTERPRETATION OF RULES GOVERNING THE PROCEDURE REGARDING DISPOSAL OF PRIVILEGE MOTIONS.

Mr. Farid Ahmad, M.N.A., gave notice of a question of privileges on 31st May, 1964, regarding resignation of Mr. Shah Nawaz from the membership of the National Assembly. Mr. Speaker disallowed the motion in his Chamber under Rule 174 and the Member was informed accordingly.

On 1st June, 1964 at the time of raising questions of privilege in the House Mr. Farid Ahmad rose on the pretext of a point of order and sought guidance of the Chair in regard to the interpretation of Rules 173-175 of the Rules of procedure and contended that even if the question of Privilege is not admissible under Rule 174 the Procedure laid down in Rule 175 should be followed. Mr. Speaker promised to give a ruling on the next day.

On 2nd June, 1964, after the Question Hour was over Mr. Speaker observed:

"Mr. Farid Ahmad raised the question of the interpretation of the Rules relating to the procedure to be followed in disposing of privilege motions. This he did yesterday during the sitting of the Assembly. Both our Rules of procedure and the precedents are clear on the subject. Rule 174 of the Rules of procedure of the National Assembly of Pakistan provides that the right to raise a question of privilege shall be governed by certain conditions. This rule means that the right of raising a question of privilege in the House by Members is not unfettered or unrestricted. It is subject to certain conditions and unless these conditions are fulfilled the questions of privilege cannot be raised in the House. It is duty of the Speaker to decide prima facie whether these conditions are satisfied or not. In case they are held not to have been satisfied the question of privilege cannot be raised in the House. Rule 172 of the Rules of Procedure of the National Assembly of Pakistan says:

'A Member may raise a question involving a breach of privilege either of a member or of the Assembly or of a Committee thereof'.

It has to be read with Rule 174 and not in isolation. This is so obvious that I do not think it needs any stressing. I will, however, clarify it by referring to Rule 173. If Rule 172 were to be erroneously interpreted to give an unfettered right to any Member to raise any matter which in his opinion involves a breach of privilege and it was considered to unrelated to Rule 173 or Rule 174 than position would be that there will be no procedure for giving notice of questions of privilege or of compliance with certain other formalities which have been laid down. Rule 175 contemplates a different situation. It refers to a case where the notice of a privilege motion given by a Member is not prima
facie held by the Speaker to be out of order. In that case the Speaker to be out of order. In that case the Speaker calls the Member concerned to make a short statement in the House or he himself reads out the notice of question, if he is satisfied that the matter proposed to be discussed is in order. In the case of Mr. Farid Ahmad's motion Rule 174 has been invoked by the Speaker and not Rule 175. In the House of Commons the Speaker refused to allow a privilege motion to be moved on the 16th July, 1897, because in his opinion the matter sought to be raised did not constitute a breach of privilege. This ruling is mentioned in the parliamentary Debate, volume 51, column 311. The procedure followed in the House of Commons is explained by Sir Erskine May on page 382. I quote:

'The Speaker requires to be satisfied both that there is a *prima facie* case that the breach of privilege has been committed and also that the matter is being raised at the earliest opportunity. If he is not so satisfied, if the circumstances are first brought to his attention he may inform the member that he is not entitled to raise the matter as a question of privilege.'

As regards the Indian practice according to 'More' no question of privilege can be raised without the prior consent of the Speaker (page 174, practice and procedure of Indian parliament). Again according to the same author Indian rulings have always been to the effect that the Indian Speaker gives his consent only when he is satisfied that there is a *prima facie* case of the breach of privilege. It, therefore, means that the question of privilege can only be raised with the consent of the Speaker. It was not the Honourable Member's intention to discuss whether I withheld my consent rightly or wrongly nor am I prepared to allow my ruling to be discussed. It is a firmly established principle and practice that the rulings and decisions of the Chair are not subject to discussion in the House."

(110-109, Vol II)  
N.A Deb, 2nd June, 1964.

805. PRIVILEGE MOTION: INFRINGEMENT OF THE PRIVILEGE OF THE HOUSE AND ITS MEMBERS BY GIVING OF INCORRECT INFORMATION BY THE PARLIAMENTARY SECRETARY, HOME AFFAIRS DIVISION IN REPLY TO QUESTIONS ASKED ON THE FLOOR OF THE HOUSE REGARDING CANCELLATION OF THE PASSPORT OF MAULANA SYED ABUL ALA MAUDDODI: RULE OUT OF ORDER.

On 20th August, 1964, when the privilege motion regarding cancellation of the passport of Maulana Syed Abul Ala Mauoodi was under discussion. Mr. Acting Speaker gave the following ruling:
If I give the entire background, it would be a mere repetition of all that I have said just now. But, however, in order to make it a complete ruling I shall have to say how the question arose. The Honourable Members know that on the 14th March, 1964, notice of a question was given by Mr. Akhtaruddin Ahmad, a Member of this August House, who wanted to know the reasons for the cancellation of Maulana Maudoodi's passport. In answer to that the honourable Minister was pleased to say that Maulana Maudoodi was indulging in anti-Pakistan propaganda in Saudi Arabia and as such the Jammat-i-Islami was banned and he was not considered a suitable person for the issuance of a passport. That was the reason why his passport was cancelled. Subsequently, on the 21st of March, 1964, Mr. Abbas Ali Khan, who is the mover of the present privilege motion gave notice of a question No. 129 in which he sought further clarification of the answer given earlier and wanted to know the details of the anti-Pakistan propaganda in which Maulana Maudoodi allegedly indulged during his stay in Saudi Arabia. In an answer that Maulana Maudoodi during his stay employed all media of expression while indulging in anti-Pakistan propaganda and that he got some material published, printed and issued in Saudi Arabia which according to him amounted to anti-Pakistan propaganda. Again on the 10th of August, 1964, Mr. Shamsur Rahman, another Member of this August House, sought further clarification and wanted to know the details whether any pamphlets or books had been received by the Government from Pakistan Embassy in Saudi Arabia. In an answer to that it was said that the two pamphlets, "A rejoinder to Dawn" and the other "Jamaat-i-Islami and the foreign policy" were the two publications had been received by the Pakistan Government from its Embassy in Jedda.

Now the contention of the honourable mover of the privilege motion is that two incorrect answers have been supplied to the Members of this House. Firstly, that the Government has admitted that those were actually published in Pakistan. As such it amounts to the breach of the privilege of the House because incorrect and wrong information has been communicated to the honourable Members of the House. The second point is that according to the honourable mover of privilege motion, these two books or pamphlets did not contain anything which could amount to anti-Pakistan propaganda and as such wrong information has been supplied by the Government to this August House which amounts to breach of privilege. On an earlier occasion, rather on more than one occasion I have positively held that once the Government chooses to answer a question they must supply the correct answer to the question. Of course, they are perfectly within their rights to withhold answer. They may refuse to answer on any ground, say, on grounds of public policy, but once they choose to answer a question it must be a hundred percent correct answer supplied to the Members of this House. That being the case, I have to see whether any incorrect information has been supplied or not to mislead the August House. In so far as the first allegation is concerned, the mere fact that a book was published in Pakistan and not in Saudi Arabia would not be very material. It has been argued by the Parliamentary Secretary concerned that according to their earlier information it was published in Saudi Arabia, but subsequently they supplied a correct
answer and corrected themselves by saying or admitting that it was published in Pakistan. The crux of the whole thing is that whether these publications do really contain any material which amounts to anti-Pakistan propaganda and whether they were issued, published and distributed in Saudi Arabia or not. In so far as the earlier question is concerned I hold that the mere fact that it was not printed in Pakistan is not very material and I hold that it is a question of a bonafide mistake on the part of the Government, the mistake being a minor one.

Now, I come to the second point. The second point is that in spite of my pointed reference to the Government that they should place their finger on the point where the shoe pinches, and refer to those portions of these books which according to them amount to anti-Pakistan propaganda, they have not been able to do so. As such, personally, I am not convinced. But it appears that the Government sticks to its position and they still maintain that these pamphlets do contain anti-Pakistan propaganda. Now the question remains what should be the attitude of the Chair in such a situation when the Government maintains and sticks to a particular position and a Member of the House takes up another position. I have made it abundantly clear that the Government has not been able to lay its finger on any portion which could reasonably be held by the Chair as amounting to anti-Pakistan propaganda. But when they stick to a position and maintain it, and they have every right to do so, rightly or wrongly, reasonably or unreasonably I am afraid, in such situation it would be difficult for me to allow such a privilege motion. I this regard I have to refer this August House to a ruling of the Lok Sabha in which both the questioner and the representative of the Government answering on behalf of the Government struck to their own positions, and when notice of a breach of privilege was given in House, the Speaker ruled:

"I had received a notice of breach of privilege motion yesterday from Dr. Lohia and Mr. Kishen Pattnayak. It related to the statement of the Minister of State for Finance, Mr. Bhagat, when he was replying to the allegations that had been made by Dr. Lohia with regard to the appointment of one Mr. Mehta to the Union Public Service Commission. The notice yesterday was based on the plea that the statement of Mr. Bhagat was not complete and was incorrect. I had disallowed that notice yesterday. Mr. Kishen Pattnayak stood up yesterday to raise it in the House. I asked him to see me in my office if he had any grievance. He met me and Dr. Lohia also met me. Both of them did meet me yesterday and they asserted that according to their own understanding and what they thought was correct, there was a breach of privilege.

"I had considered this matter and argued with them also. I am definitely of the opinion that if any statement is made by any Member or Minister which another Member believes to be untrue, incomplete or in correct, then there is no breach of Privilege. This view has been held by my predecessors as well as by myself. There are other remedies by which it can be raised and the one that we have been adopting newly here is that if a
Member feels aggrieved or feels that a statement made by another Member or minister is not correct, be it during a discussion or during a *suo motu* announcement by a Minister, then he can write to me giving the portions that he believes to be correct or any suppressions or untruths that are contained in it.

"And I can ask the Minister to make a statement. If the dispute is not resolved, then the only remedy left is that they should be on the record for the public to judge who is right and who is not right. We cannot enter into an enquiry or investigation here."

The sum and substance of the whole thing, or the rational of the ruling is that if the sides stick to their own positions, then it would not be a matter which could be held amounting to a breach of the privilege, but perhaps a case of honest difference of opinion. As such I hold the privilege motion out of order.

((111-111, Vol II)

806. PRIVILEGE MOTION: ARREST OF MR. MIZANUR RAHMAN CHAUDHRY, M.N.A UNDER THE PUBLIC SAFETY ORDINANCE AND DETENTION DURING THE SESSION OF THE ASSEMBLY: HELD IN ORDER BUT LEAVE NOT GRANTED BY THE HOUSE: MOTION FELL THROUGH:

On 16th January, 1965, when the privilege Motion regarding the arrest of Mr. Mizan ur Rahman Choudhry M.N.A., on 28th December, 1964 at Chandpur by the Government of East Pakistan under Public Safety Ordinance was taken up. The Speaker holding the motion in order gave the following ruling:

"In considering the admissibility of a Privilege Motion the fundamental question is whether the alleged grievance or complaint constitutes a breach of privilege. And in deciding this the content and scope, of Privilege has to be determined and spelled out. The other day I had referred briefly to the fact that in the House of Commons, privileges are not defined in comprehensive or consolidated statute. Honourable Mr. Farid Ahmad had asserted that it was not so. Without entering into any controversy I would quote Sir William Anson, who is probably the most distinguished authority on the Law and custom of the constitution of England, and is well-known, Lord Halsbury frequently quotes Anson in his 'Laws of England' and Anson says, "the privileges of the House of Commons exist chiefly for the maintenance of the dignity and independence of that House. The Rules of which consist are not readily as certain able, for they only obtain legal definition when they are cast in statutory form, or when a conflict between the House and the Courts has resulted in some question of Privilege being settled by Judicial decision' [P.153,...] [Anson's Law and Custom of the Constitution].

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As regards this particular privilege Motion the issue is not whether the detention of Mr. Mizan ur Rahman constitutes a breach of privilege according to the precedents or customs of the House of Commons, because there is a specific law as far as Pakistan is concerned which provides exemption from preventive detention to the Members of the National Assembly in a particular field. Neither in the House of Commons nor in the Indian Lok Sabha, nor in any other legislature of the world that I know of, this immunity from preventive detention is provided by law. I have, therefore, to consider the question of admissibility of this privilege Motion with reference to Ordinance No. IX of 1963 which provides certain privileges to the Members of the National Assembly.

The correct procedure for the consideration of the admissibility of privilege Motions by the Speaker is, according to Sir Erskine May-"what the Speaker has to decide is whether, assuming that the facts are as stated, the conduct complained of could reasonably be held to be a breach of privilege. In other words, the Speaker has to decide whether the Member has made out a prima facie case," And the expression "prima facie case" in this context, according to May, does not bear the meaning attach to it by lawyers.

Let me refer you to the Rules of procedure of this House-what are the conditions of admissibility of a Privilege Motion. I read out Section 174: "(i) not more than one question shall be raised by the same Member at the same sitting; (ii) the question shall be restricted to a specific matter of recent occurrence; (iii) the question shall be raised at the earliest opportunity; (iv) the matter requires the intervention of the Assembly; and (v) the question shall not reflect on the personal conduct of the president, nor any court of law in the exercise of its judicial functions."

What is the duty of the speaker when a Privilege Motion is sought to be moved? He has not to decide whether there has been a breach of privilege; he is not to decide whether the privilege Motion contains something which is very necessary for the prestige and dignity of the House. He is only to decide whether the whole thing is in order according to the Rules of procedure. He has not got to interpret the law or anything like that. He has to go by the prima facie meaning of it.

In the Rawalpindi Session of the National Assembly I gave ruling wherein I said that I am not to interpret law; I will go by the prima facie meaning of it. If anybody is interested in the interpretation of law the courts of Pakistan are there. They are the proper authority to interpret law. As far as I am concerned, I will go by the prima facie and plain meaning of the Statute.

Section 3 of the Ordinance provides "that no Member shall be detained under any law relating to preventive detention during a session, and for a period of fourteen days before and fourteen days after the session. Sub-section (2) of this section further
provides that nothing in sub-section (1) shall be construed as applying to any Member detained under any such law as referred to therein immediately before the commencement of this Ordinance, or at any time during the period commencing on the fifteenth day next after the conclusion of a session and ending on the fifteenth day before the commencement of the next session.

It is not my intention nor my business to interpret the statute and come to any decision in regard to the scope of this section. What I am concerned with is whether prima facie the continued detention of Mr. Mizanur Rahman Choudhury is hit by section 3 of the Ordinance which provides certain privileges to the Members of the National Assembly.

As I have said earlier, I am also not concerned with the facts as stated in the privilege Motion. What the Speaker has to decide is whether, assuming that the facts are as stated, the matter complained of could reasonably be held to be a breach of privilege from a plain reading of section 3 it appears to me that what is stated by Mr. Farid Ahmad in his motion needs consideration. It has been argued by the Home Minister that their interpretation of the statute is correct. As I have no right to interpret the law I will go by the plain meaning of it. As there is some confusion in my mind th regard to the plain meaning of section 3 and sub-section (2) wherein restriction has been imposed on the privileges conferred by clause 3 (1) of the law, I would like to go to the preamble, if I could get any light from it. The preamble is very clear; "Exemption from preventive Detention"; it is not exemption from arrest. There could be exception from arrest-if a Member is guilty of a criminal charge, It is an exemption from preventive detention. And as I go through the debates, I find it is in order to facilitate the Members to attend the session. I quite understand the complications involved. If the session is interpreted in that manner: that no arrest could be made fifteen days before, fifteen days after and during the session, no detention could be continued during that period. I know the complications! But the law is there. To my mind it need consideration. As such my duty is only to say that there could be a discussion in this House about this. It is for the House to decide whether there has been a breach of privilege; it is for the House to decide whether it should be referred to the privileges Committee of the House. My duty, as speaker, is only to say: "all right! there could be a discussion."

In that view of the matter- I do not commit as a lawyer's interpretation of law (I would go by the plain meaning of it) I hold from a plain reading of section 3 that the detention of Mr. Miaznumz Rahman is a matter which could be discussed by this House. Therefore I hold the motion to be in order.

In this context I would like to mention for the benefit of the House that whereas it is not the concern of the Speaker to adjudicate on legal points or interpret the law, in this particular case it is not the question of interpretation of a statute but the determination of the point whether a breach of privilege is involved or not. As in the present case, the
breach of privilege is stated to have been constituted by alleged disregard of the provisions of section 3 of Ordinance IX of 1963. A decision on this point has to be made by this House. As such I hold the motion in order.

The Member then sought leave of the House to move the privilege Motion but leave was not granted. Thus the motion fell through.

(112-114, VolIII)
807. PROCEEDINGS: INCORRECT REPORT PUBLISHED IN NEWSPAPERS: PRESS ASKED TO MAKE CORRECTION:

On 27th November, 1975, Sahibzada Safiullah pointed out that proceedings in respect of his privilege motion regarding non-submission of the report of Pakistan Broadcasting Corporation had not been correctly reported in the Press. Mr. Speaker thereupon remarked:

"This is not correctly reported. The press to make necessary correction."

(347-213, Vol IV)
N. A. Deb., 7th November, 1975.

808. PROCEEDINGS: SPEECHES DELIVERED BY MEMBERS NOT RECEIVED BY THEM: COPY OF SPEECH TO BE DESPATCHED TO A MEMBER WITHIN THREE DAYS OF THE MAKING OF SPEECH BY HIM:

A member wanted to present a privilege motion that the members were not regularly getting copies of the speeches delivered by them in the House. Mr. Speaker directed that copy of the speech of a member be made available to him within three days of the making of the speech in the House.

(348-214, Vol IV)
N. A. Deb., 7th November, 1975.
809. PROCEEDINGS: ASSEMBLY PROCEEDINGS TO BE CORRECTLY REPORTED: IF POSSIBLE, NAMES OF PARTICIPANTS IN THE DEBATE "TO BE GIVEN:

On 24th November, 1975, Sahibzada Ahmad Raza Khan Qasuri pointed out that although on Friday last he was the only member who, spoke in the National Assembly yet the Radio and the Television mentioned that Malik Mohammad Akhtar addressed the House. He contended that correct news should be given. Mr. Speaker thereupon observed:

"There must be correct reporting of the Assembly proceedings and if it is possible the names of all the participants in the debate should be given by the Radio."

(349-214, Vol IV)

810. PROCEEDINGS: ASSEMBLY PROCEEDINGS TO BE CORRECTLY REPORTED: HOWEVER, PRESS IS FREE TO GIVE IMPORTANCE TO NEWS ACCORDING TO ITS WILL, PRESS BEING FREE:

On 4th August, 1992 Maulana Azam Tariq, MNA, pointed out that yesterday although he has made a speech on his Privilege Motion, yet the Radio and Television did not mention his name in their news bulletin. He further contended that the Media used to publish the news regarding the proceedings against the Opposition and the proceedings are usually distorted. Mr. Speaker thereupon observed that there must be correct reporting of the Assembly proceedings. However, the Press is free in giving importance and preference of news according to its will, the Press being free.

(159-114, Vol VI)
Pp. 222-223.

811. PROCEEDINGS: COMMUNICATION OF THE PROCEEDINGS OF THE HOUSE OUTSIDE BY THE INTELLIGENCE AGENCY FROM GALLERY ON TELEPHONE NOT PERMITTED:

On 4th May 1992 Ch. Aitzaz Hassan, MNA, rising on a point of order drew attention of the honorable Speaker about the proceedings of the house which in his opinion were being conveyed outside the House from Gallery by a person of an Intelligence Agency on telephone.

Mr. Speaker re-iterating on his precious ruling observed that no person of any intelligence Agency was
allowed to enter in the House except the Security Staff of the National Assembly and said that he will enforce his order strictly in this regard, if such a complaint is brought to his notice in future.

(160-114, Vol VI)
Pp. 235-257.

812. PROCEEDING: DISCONNECTION OF ELECTRICITY AT THE TIME OF TELECAST OF KHABARNAMA ON PTV AND TELECAST OF ASSEMBLY PROCEEDINGS LATE IN NIGHT:

On 20th June, 1993 Mr. Tariq C. Qasir raised a point of order that disconnected and that the proceedings of the National Assembly were also telecast at 12:15 a.m. (night) which was not the proper time as the people at large could not wait till such time to watch the proceedings as they were asleep. He requested the concerned Minister through the Chair to make arrangements for telecast of the proceedings of the House soon after Khabarnama and also to ensure that there would be no load shedding during this time.

Mr. Speaker observed that the matter regarding electricity disconnection at the time of telecast of Khabarnama did not constitute a point of order and as such ruled it out of order. However, about delayed telecast of National Assembly proceedings, he directed the Minister for Information and Broadcasting to make necessary arrangements so that the nation could know as to what was happening in the Assembly.

(161-115, Vol VI)
Pp. 312-313.

813. PROCEEDINGS: PROCEEDINGS OF THE ASSEMBLY BEING CONDUCTED WITHOUT PRESENCE OF THE MINISTERS NOT ILLEGAL: HOWEVER THE MINISTERS SHOULD PRESENT THE GOVERNMENT AND AT LEAST ONE OF THE MINISTER MUST REMAIN IN THE HOUSE: THE PARLIAMENTARY SECRETARY IN VIEW OF DEFINITION OF A MINISTER IS CONSIDERED MINISTER ONLY WHEN ANY FUNCTION IS DELEGATED OR ENTRUSTED TO HIM BY A MINISTER:

On 9th April, 1997 Syed Naveed Qamer, MNA moved an Adjournment Motion relating to closure of Zealpak Cement Factory in Hyderabad resulting in death of workers and their dependents due to non-
availability of medical supply. The motion was opposed by the Parliamentary Secretary in the absence of the concerned Minister. Ch. Asad ur Rehman, MNA, raised a point of order contending that under Article 91 of the Constitution the Cabinet together with the Ministers of State is collectively responsible to the National Assembly. He referred to the definition of the Minister contained in the Rules of Procedure and said that the Parliamentary Secretary does not come within the Purview of a Minister unless he is delegated or entrusted any function by a Minister. Babu Ghulam Hussain, another member pointed out that the notification of the Parliamentary Secretary had not yet been issued, therefore, he was not supposed to make any reply to the adjournment Motion. Mr. Speaker informed the member that unless it is established that notification of the Parliamentary Secretary was not issued, the presumption will go in favour of the Parliamentary Secretary. Mr. Speaker however, observed that a Parliamentary Secretary is only considered a Minister by virtue of definition of a Minister in the Rules of Procedure of any function is delegated or entrusted to him by a Minister and not beyond that. He also observed that legally the proceeding of the House conducted without presence of the Minister are not illegal but in order to represent the Government at least one member of the Cabinet have to remain in the House or in the absence of the Minister, the Parliamentary Secretaries should be delegated or entrusted the function to be discharged by them in the House by the Minister who could represent the Government in the House.

(162-115, Vol VI)
N.A. Deb., 9th April, 1997.
Pp. 743-749.

814. PROCEEDINGS: WHETHER PROCEEDINGS OF THE NATIONAL ASSEMBLY ALONG WITH EXPUNGED PORTIONS THEREOF CAN BE SUPPLIED TO THE SUPREME COURT: CHAIR HELD THAT THE OBJECT OF THE EXPUNGENCE OF THE REMARKS IS TO AVOID THE EXISTENCE FOR THEIR USE IN FUTURE FOR ANY PURPOSE AND SINCE THEY DO NOT FORM PART OF THE OFFICIAL RECORD, AS SUCH THEY CANNOT BE USED OR SUPPLIED FOR USE OF ANY PURPOSE:

On 17th November, 1997 Mr. Javed Ibrahim Paracha, MNA rising on a point of order drew the attention of the Chair to a news published in the newspapers of the country regarding provision of the proceedings of the National Assembly to the Supreme Court Pakistan by the Speaker and sought a ruling whether the expunged proceedings of the House can be provided to the Supreme Court.

Mr. Speaker ruled:

"Rule 281 of the Rules of Procedure and Conduct of Business in the National Assembly, 1992 empowers the speaker to order expunction of any defamatory incident, unparliamentary or undignified words from the proceedings of the Assembly. Any person
presiding over a sitting of the Assembly has the same powers in that sitting under rule 15 of the said rules. The Deputy speaker was residing over the sitting on 29th October, 1997 and he ordered the expunction of the remarks and accordingly they were deleted. The effect in law of an order of the Speaker expunging words, remarks or portion of the proceedings may be that the same had not been spoken. The object of the is to delete the remarks to avoid their existence or their use in future for any purpose. They do not form part of the official record and, therefore, they cannot be used or supplied for used for any purpose. I hope this meets the requirement of the House.”

(163-116, Vol VI)


Pp. 4 and 51.
815. PROCEEDINGS OF COMMITTEES: CANNOT BE DISCUSSED IN THE HOUSE:

On 4th October, 1950, a member said in his speech that the members of the majority community, who were members of the Minorities Sub-Committee, were responsible for delay in the submission of the report of the committee. On a point of order having been raised against it, Mr. President ruled that neither the Proceedings of the Committee nor the matter as to who was responsible for delay in the submission of the report of the committee, could be discussed in the House. He further observed that it could not be disclosed as to what took place in the minorities committee and which party took what view.

(94-57, Vol I)
P. 77.
816. **PROCLAMATION OF EMERGENCY: THE WHOLE SITUATION IN THE COUNTRY SHOULD BE DISCUSSED: DISCUSSION ON A SPECIFIC TOPIC NOT PERMISSIBLE:**

During discussion on the resolution for the continuance in force of the Proclamation of Emergency in the joint sitting on March 4th, 1974, a Senator severely criticised the Government for creating trouble for the people of Baluchistan by allowing the armed forces to operate in some areas. Mr. Speaker, thereupon, observed that, during discussion on the Proclamation of Emergency, the situation in the country as a whole could be discussed, but it was not desirable to dilate on one specific topic.

(350-214, Vol IV)

817. **PROCLAMATION OF EMERGENCY DEBATE: DISCUSSION ON MATTER ALREADY DEBATED IN THE NATIONAL ASSEMBLY SHOULD BE AVOIDED IN JOINT SITTING:**

On March 4th, 1974, during discussion in the joint sitting on a resolution for the continuance in force of Proclamation of Emergency in the country, a Senator entered into the details of the situation prevailing in Baluchistan, where control of certain areas was alleged to have been handed over to the armed forces. Mr. Speaker interrupted the Senator and reminded him that a full-fledged debate on the Baluchistan situation had already been held in the National Assembly only a few days back and that it was a rule of relevancy and prudence that a matter, which had already been discussed, should not be allowed to be re-discussed. Another Senator raised a point of order saying that the Baluchistan situation had been discussed in the National Assembly and not in the joint sitting. He maintained that a
member of the Senate had every right to speak on the issue. Thereupon, the Speaker observed:

"But the National Assembly is the major portion of Parliament and it is directly elected by the people of the country any discussion in either of the Houses is sufficient to debar a discussion in the other House. That will be multiplicity of the situation, so it can be avoided and it should be avoided."

(351-215, Vol IV)
818. PRODUCTION OF MEMBERS: A MATTER OF PUBLIC IMPORTANCE LIKE NON-PRODUCTION OF DETAINED MNA'S DESPITE HAVING BEEN SUMMONED BY THE SPEAKER UNDER RULE 90 OF THE RULES OF PROCEDURE TO PARTICIPATE IN THE ASSEMBLY PROCEEDINGS CAN BE RAISED AND DEBATED DURING THE DISCUSSION ON THE PRESIDENTIAL ADDRESS.

On 17th January, 1995, Mr. Gohar Ayub Khan, raised a point of order that many MNAs who were detained in jails had not so far been produced to participate in the Assembly proceedings despite having been summoned by the Speaker under rule 90 of the Rules of Procedure. He pointed out that the said MNAs were kept in jails in a condition which was not medically suitable for them. Mr. Speaker was therefore, requested to take steps for enforcement of rule 90 and to arrange presence of said MNAs on humanitarian grounds as well. Mian Raza Rabbani, Minister of State for Law said that the issue of rule 90 could not be debated on a point of order because under the rules a point of order may be raised in relation to the business before the Assembly at the moment. He referred to rule 265(1) of the Rules of Procedure to submit that 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 cognizance of the Speaker. Mr. Shah Mehmood Qureshi Minister of State for Parliamentary Affairs said that the Honourable member had raised many issues under the garb of point of order which course was not practicable, yet the Honourable member could discuss whatever issue he like during the discussion on Presidential Address. According to Syed Iftikhar Hussain Gillani, the interpretation of rule 265 of the Rules of Procedure by the Minister of State for Law was misconceived. He pointed out that the opening sub-rule of rule 265 was that a point of order shall relate to the interpretation or enforcement of these rules, so they were talking about enforcement of rule 90 and not about any other rule. Some other members also expressed their viewpoints.

Mr. Speaker, thereafter, upheld the point of order with the following observation:-
RULING OF THE CHAIR

"The issue under discussion, is about point of order. It was a point of order which everybody discussed without touching the point of order under rule 90. Interpretation of the Rules of National Assembly is the sole prerogative of the Speaker and none else. Rule 90 is very clear. I have already exercised my powers under rule 90 and for non-production of the MNAs I have referred the matter to the Privileges Committee. Being a custodian of the House, it is my duty to listen to point of order where enforcement and interpretation of rules is concerned. Page 839 M. N. Kaul has been given as reference. In India, under rule 377 issues of public importance can be raised besides Calling Attention Notice. Therefore, as pointed out by the Minister of State for Parliamentary Affairs those can be discussed during the discussion on the Presidential Address. Today is the Private Members' Day, therefore, it is not possible to discuss the Presidential Address and earlier as it has been stated by the Minister for Special Education that there should be the Minister for Special Education that there should be no repetition. In fact, the matter on the Presidential Address has already been discussed but again the Opposition members wanted to raise it. Therefore, there would be repetitions, there are repetitions because that matter has already been discussed Mr. Muhammad Nawaz Khokhar has been arrested after that discussion. Therefore, it was my duty on a point of order to listen to the members and being a custodian, it is my responsibility. I will advise the Government, to investigate as to whether the detained MNAs are kept in a place which, as Members, behaves their standard or not. I would therefore, suggest, that the matter of public importance can be raised during the discussion on the Presidential Address and debated. Thank you very much."

(164-117, Vol VI)
Pages: 211-267.

819. PRODUCTION OF MEMBERS: THAT THREE DETAINED MNA'S ARE NOT ALLOWED TO PARTICIPATE IN THE PROCEEDINGS OF NATIONAL ASSEMBLY DEPUTE HAVING BEEN SUMMONED BY THE SPEAKER UNDER RULE 90:
CHAIR REITERATING HIS EARLIER RULING REFERRED THE QUESTION OF NON-PRODUCTION OF THE MEMBERS TO THE PRIVILEGE COMMITTEE UNDER RULE 83:

On 14th June, 1995 while Makhdoom Shahabuddin, Minister of State for Finance was presenting the Federal budget for the year 1995-96, Mr. Gohar Ayub Khan rising on a point of order drew the attention of the Chair to the effect that three of the position members were in jail who were not being allowed to participate in the proceedings of the National Assembly to represent their voters and the party despite having been summoned by the Speaker under Rule 90 of the Rules of Procedure and
Conduct of Business in the National Assembly, 1992. He pointed out that this was going on for over a year as a result of which the dignity of the House was being lowered daily. He referred to a ruling of the Chairman Senate in this regard and said that the contention of the Minister for Parliamentary Affairs that since the matter has already been referred to Privilege Committee, therefore, it cannot be agitated through a point of order now, was misconceived. Mr. Gohar Ayub Khan then said that till the matter is resolved by the Chair or the Government, the opposition will boycott the budget speech and not participate in it.

Mian. Raza Rabbani, Minister of State for Law and Justice said that the Government had greatest respect of the ruling of the Speaker of the National Assembly as well as Chairman of the Senate but there are certain technical difficulties that fall in our way to implement those rulings. He contended that they had suggested a manner for various MNAs and Senators to avail the remedy of their participation in the respective Houses from concerned courts so that the practical implementation of the ruling of the Chair could be brought about. He also made a reference of some cases where applications of the detained Parliamentarian were allowed where after the participated in the proceedings and the Government had never prevented them from participating in the proceedings of the House.

Mr. Speaker, thereupon observed as follows:-

"I want to repeat my ruling given on 2nd November, 1994. In exercise of powers conferred by rule 90 of the Rules of Procedure and Conduct of Business in the National Assembly, 1992 I made an order to the Provincial Government of Punjab and NWFP to produce members in custody in jails on the charges of commission of non bailable offences. They have not been produced in the compliance with the order. Rule 90 has been Introduced in 1992 and it is a provision that does not exist in other Parliaments of the world.

The country has no established practice of Parliamentary democracy. We also do not have a long history of this practice. Non-production of the members in custody in compliance with the orders under this rule is a new situation that requires thorough examination. I therefore, refer the question of non-production of the members to the Standing Committee on Rules of Procedure and Privileges under rule 83, for examination investigation and report. Thank you."

(165-119, Vol VI)
N.A. Deb., 14th June, 1995.
pages:- 624-627.
820. QUESTIONS: SUPPLEMENTARY QUESTIONS TO CONTAIN ARGUMENTS:

On 23rd March, 1951, Mr. H. Jaffer put supplementary questions regarding setting up of Satellite Towns around Karachi. He also asked the Minister concerned whether, in view of his statement that 2,500 acres of land had been developed by providing water, was it not necessary that first preference should have been given to the poor refugees by providing them water. Mr. President, thereupon, observed that this was not a question but an argument put forward by the member.

(98-59, Vol I)
P. 91.

821. QUESTION: SHOULD BE ADDRESSED TO THE PROPER MINISTRY: SPEAKER NOT RESPONSIBLE FOR THE QUESTION NOT PROPERLY ADDRESSED:

On April 12th, 1957, in reply to a question, the Minister for States and Frontier Regions informed the member that it was not the concern of his Ministry and that it should be addressed to the Ministry of Finance, which was concerned with the subject matter thereof. Another member contended that, by admitting the question and putting it against certain Ministry, the Speaker had ruled that it fell within the purview of that Ministry. Mr. Speaker, thereupon, observed that he had no responsibility in that sense. The question is supposed to be addressed to the proper Ministry.

(97-59, Vol I)
N.A. Deb., 10th April, 1957.
Pp. 204-205.
822. QUESTIONS: SHORT NOTICE OF ABSENTEE MEMBERS: CANNOT BE ASKED BY ANY OTHER MEMBER WITHOUT WRITTEN AUTHORITY FROM THE MEMBER CONCERNED:

On January 7th, 1958, the Speaker called upon Mr. Aziz Din to put his Short Notice Question. He was not present in the House. Another member desired to put the question on his behalf. Thereupon, the Speaker observed:

"Unless written authority has been given to you by the member concerned, I am afraid you cannot put it."

(96-58, Vol I)
P.77.

823. QUESTIONS: Supplementaries: No Speech Allowed:

On 5th July, 1962, while putting a supplementary question a Member began to dilate at length whereupon the Deputy Speaker observed that he could not make a speech on the pretext of putting a supplementary question.

(113-118 Vol II)
N.A. Deb, 5th July, 1962,
P.1040.

824. QUESTIONS: SUPPLEMENTARIES: MINISTER WANTING NOTICE CANNOT BE FORCED TO REPLY IMMEDIATELY.

On 5th July, 1962 a Member put the following supplementary question:

"Will the Minister be pleased to state what are the projects in west Pakistan which have been found more lucrative and yielding more profit or interest?"

To this the Minister replied that he wanted notice. The Member urged for a reply on the ground that it arose out of his own statement.

Thereupon the Deputy Speaker ruled that if a Minister wants notice to reply to a supplementary question he cannot be forced to give a reply immediately.
825. QUESTION: SUPPLEMENTARIES: INFORMATION CANNOT BE GIVEN BY MEMBER PUTTING THE QUESTION.

On 5th July, 1962, a Member put a supplementary question in the following words:

"May I inform him that according to the impression obtaining ... ."

Thereupon the Deputy Speaker interrupting observed that the Member could ask a question but could not give information to the Minister.

826. QUESTIONS: SUPPLEMENTARIES: NOTICE WANTED: POINT OF ORDER: RULED OUT.

On 5th July, 1962, a Member asked a supplementary question to which the Minister replied that he wanted notice. On this the Member raised a point of order that asking for notice is no answer. Thereupon the Deputy Speaker ruled out the point of order.

827. QUESTIONS: SUPPLEMENTARIES: EXPLANATION OF PURPOSE OF THE SUPPLEMENTARY QUESTION NOT ALLOWED.

While putting a supplementary question on 5th July, 1962, a Member tried to elaborate the purpose of his supplementary question whereupon the Deputy Speaker observed that the Member should put a supplementary question and not explain the purpose of his original question.
828. **QUESTIONS: SUPPLEMENTARIES: PERMISSION TO PUT IN PASHTO: CHAIR REQUESTED THE MEMBER TO PUT THE QUESTION IN URDU: MEMBER AGREES.**

On 5th July, 1962, a Member sought permission to put supplementary questions in Pushto. The Deputy Speaker requested the Member to put the question in Urdu to avoid the difficulty of translation of the question and the reply from Pushto to Urdu and vice versa. Thereupon the Member put the question in Urdu and the reply was rendered into Urdu by a Member.

(118-120, Vol II)
Pp.1049-1050.

829. **QUESTIONS: SUPPLEMENTARIES: ONLY ONE SUPPLEMENTARY CAN BE PUT AT A TIME.**

A Member while putting a supplementary question on 5th July, 1962, asked several questions at a time. Thereupon the Deputy Speaker directed the Member to put only one supplementary question at a time.

(119-120, Vol II)
P.1051.

830. **QUESTIONS: SUPPLEMENTARIES: QUESTION OF A PERSONAL NATURE NOT PROPER.**

While a question regarding educational institutions was under reply a Member asked a supplementary question also whether the education imparted by Mission Schools was responsible for the fact that Mr. Bhutto did not know Urdu despite belonging to West Pakistan. Mr. Speaker said:

"This is not a proper question."

(120-120, Vol II)
N.A. Deb., 29th June, 1962.
P.752.
831. **QUESTIONS: MINISTER REQUESTS DEFERMENT FOR THE TIME BEING: QUESTIONS ANSWERED AS THE LAST QUESTION ON THE SAME DAY.**

On 2nd July, 1962 the Speaker called question No.18 whereupon the Minister concerned, Mr. Z.A. Bhutto, requested the Chair to go over to the next question. Thereupon the Speaker deferred the question for the time being. The said question was answered as the last question on that very day.

(123-121, Vol II)  
N.A. Deb., 2nd July, 1962,  
Pp.869-870 and 872-873.

832. **QUESTIONS: MINISTER CONCERNED NOT PRESENT: CHAIR ASKED THE MINISTER TO BE PRESENT: QUESTION HELD OVER: MINISTER CAME TO THE HOUSE: ALLOWED TO ANSWER THE QUESTION:**

On 4th July, 1962, the Speaker called upon the Minister concerned to answer question No.144 but Minister was not present in the House. Mr. Mohammad Ali on behalf of the Government requested that the question may be held over to which the Speaker agreed but asked the Ministers to make it a point to be present in the House to answer questions. In the meantime the Minister concerned came to the House and he was allowed to answer the question.

(124-122, Vol II)  
N. A. Deb., 4th July, 1962,  
Pp.971.

833. **QUESTIONS: FINANCE MINISTRY'S REPLIES NOT PRINTED: REPLIES SHOULD BE FURNISHED IN TIME SO THAT PRACTICE OF PRINTING MAY BE OBSERVED.**

On 6th July, 1962, a Member asked question No. 193 of which the reply was not printed like other Questions. The Finance Minister stated that it was not compulsory that the reply should be printed. Thereupon the Speaker ruled as follows:

"This has become the practice, so it will be better if you can supply the replies in time so that these may be printed.

(125-122, Vol II)  
N.A. Deb., 6th July, 1962,  
Pp.1089-1090.
834. **QUESTIONS: MAY BE PUT BY ANOTHER MEMBER IF AUTHORISED.**

On 5th December, 1962, a Member sought leave to put questions on behalf of another Member because he had authorized him to do so. The Speaker, after making enquiries as past practice, allowed the Member to put the question on behalf of the other.

(127-123, Vol II)
N.A. Deb., 5th December, 1962,
Pp. 397-398.

835. **QUESTIONS: REPLY TO BE GIVEN IN ENGLISH.**

On 5th December, 1962, a member asked a question in Urdu. Mr. Abdus Sabur Khan, the Minister concerned did not give any reply. The Member said if the Minister did not know Urdu then the answer may be given by another Minister or parliamentary Secretary. The Minister then answered in English. The Member still pleaded for a reply in Urdu. Thereupon the speaker observed:

"If the Ministers start giving replies in Bengali, we would be up against very difficult situation indeed."

and added:

"I think all this confusion has arisen on account of the fact that the honourable Members are not using the headphones. The matter is being simultaneously translated in the different languages and the Members will be able to understand every thing that is going on in the House, if they use their headphones."

(128-123, Vol II)
N.A. Deb., 5th December, 1962,
Pp. 401-403.

836. **QUESTIONS: PARLIAMENTARY SECRETARIES CAN ANSWER QUESTIONS IN THE PRESENCE OF THE MINISTERS CONCERNED.**

On 5th December, 1962, a Member raised a point of order whether in the presence of a Minister it was proper for a parliamentary Secretary to reply to a question especially in view of the fact that Ministers were then Member of the Assembly. Thereupon the Speaker observed:

"You have said that it would not be proper for the parliamentary Secretary concerned to reply in the presence of the Minister concerned. So it is a question of propriety and not of
and order."

And added:

"I think the parliamentary Secretaries can answer question."

The Member raised a fresh point of order that parliamentary Secretary could only reply to the original question and not to supplementaries. The Speaker ruled this out of order.

837. QUESTIONS: SHOULD BE CONFINED TO ASKING FOR INFORMATION AND NOT MAKING A STATEMENT.

On 5th December, 1962, the Speaker during the course of supplementary questions stopped a member from making a statement and asked him to confine himself to asking the question.

838. QUESTIONS: PUTTING OF QUESTIONS BY ONE PARLIAMENTARY SECRETARY TO ANOTHER PARLIAMENTARY SECRETARY OR MINISTER INADMISSIBLE: BUT QUESTIONS BY DEPUTY SPEAKERS ADMISSIBLE.

On 6th December, 1962, the Parliamentary Secretary for Defence put a Supplementary Question to the parliamentary Secretary for Industries, during the question hour, which was duly replied by the latter. Thereafter a point of order was raised by Deputy Speaker whether a parliamentary Secretary could ask a question of another parliamentary Secretary. The Member added that a parliamentary Secretary was part of the Government. Minister sought clarification whether a Deputy Speaker could also put a question. Thereupon the Speaker observed:

'A point has been raised whether a parliamentary Secretary is entitled to ask questions of the Government. I think, it is every unusual for a Parliamentary Secretary or for a Minister, because he is a part of the Government and he may get the desired information from his colleague. Therefore, I think that a Parliamentary Secretary should not ask questions. Secondly, a question has been raised whether a deputy Speaker can ask a question. The Deputy Speaker is a Member of the House and so far as my experience
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go, I have seen Deputy Speakers in other Assemblies not only asking questions but taking part in debates like all other Members. Therefore, I rule that Deputy Speaker can ask questions.”

(131-125, Vol II)


P. 481-482.

839. QUESTIONS: ANSWER MAY BE DEFERRED IF THE MINISTER OR PARLIAMENTARY SECRETARY CONCERNED WERE NOT ABLE TO ATTEND THE HOUSE AND MAY BE ANSWERED BY ANOTHER MINISTER IF THE ABSENCE WAS PROLONGED.

On 7th December, 1962, Mr. Abdus Sabur Khan informed the Chair that the Parliamentary Secretary of Establishment Division had fallen ill and therefore questions relating to that Division may be held over. Thereupon the Speaker decided to hold over the questions concerned.

On 8th December, 1962, soon after the Assembly met a Member raised a point of order that certain questions had been withheld due to the illness of the Parliamentary Secretary concerned the previous day. The Speaker informed that the Parliamentary Secretary was still ill and could not attend and so nothing could be done about it. On behalf of the Opposition it was urged that it was the joint responsibility of the Cabinet and so this duty should be performed by another Minister, or Parliamentary Secretary otherwise it would be denial of a valuable right of the Members. Thereupon the Law Minister, Mr. Mohammad Munir, offered to reply to those questions pleading his inability to answer supplementaries, whereupon the Speaker observed:

"Please answer the questions first. As regards the supplementary questions, it will be seen whether you are in a position to answer them or not when such questions are asked. It may be that you are in a position to answer some of them. If you are not, that would be the end of the matter."

After this the Law Minister answered some of the questions.

(132-126, Vol II)

N.A. Deb., 7th and 8th December, 1962.

Pp. 540 and 623-624

840. QUESTIONS: LANGUAGE IN WHICH TO BE ASKED.
On 7th December, 1962, a Parliamentary Secretary replied in Urdu to a supplementary question, whereupon a Member asked a supplementary question in Bengali, which was replied to by the parliamentary Secretary in Pushto. Another Member raising a point of order urged that the Parliamentary Secretary should reply in any one of the State languages. Thereupon the Speaker observed:

"I think not only the Parliamentary Secretary but also many other members are trying to make fun of the proceedings of the House. This is very regrettable. We have to conduct the business of this House in an orderly manner and I think that should be the concern of everybody here. We have got three recognized State languages, but all these three languages are not known to all Members of the House. In these circumstances we have to conduct the business of the House. For this purpose headphones are provided to the Members. If the Members use those headphones, they will be able to understand the questions that are asked and the speeches that are made, because the language used by a speaker is translated into all the other languages. But unfortunately all Members do not use the headphones. Furthermore in future member from East Pakistan who knows English and ask questions of a Minister or parliamentary Secretary who does not know Bengali, for the sake of convenience should in doing so refrain from using the Bengali language, and ask their questions in English. When questions are actually asked in Bengali I think the Minister or the Parliamentary Secretary concerned should use the headphone so that he may understand the questions or the speeches, as the case may be. I think we should now go on with business of the House."

(133-126, Vol II)
N.A Deb., 7th December, 1962,
P.546.

841. QUESTIONS: SHORT NOTICE: ANOTHER MEMBER ALLOWED TO PUT ON VERBAL AUTHORITY: QUESTION NOT AVAILABLE WITH THE MEMBER AND SO HE COULD NOT READ IN THE HOUSE CHAIR CALLED THE NEXT QUESTION TO BE PUT.

On 6th July, 1962, the Speaker called upon a Member to put his short notice question whereupon another member sought the permission of the Chair to put the question on behalf of the questioner claiming that he had verbal authority to do so. Thereupon the Speaker allowed him to put the question but as the Member did not have the short notice question with him and could not read the question in the House, the Speaker passed on to the next question.

(141-132, Vol II)
N.A Deb., 6th July, 1962,
842. QUESTIONS: THAT THE REPLY GIVEN IN PREVIOUS SESSION DID NOT COVER LATER PERIOD: POINT OF ORDER RAISED THAT UP-TO-DATE INFORMATION BE GIVEN: HELD THAT THE MEMBER COULD PUT ANOTHER QUESTION FOR PERIOD NOT COVERED.

On 4th December, 1963, a point of order was raised by a Member that the parliamentary Secretary had stated in answer to a question that a reply had been given in an earlier session to a similar question. But according to the Member that answer did not cover the period subsequent to that. He therefore requested the Chair to direct the Parliamentary Secretary to give up-to-date information.

The Speaker thereupon observed:

“You are free to put another question to him according to the Rules of procedure to elicit information for the period which has not been covered by his replies. That would meet your point.”

(134-127 Vol II)

843. QUESTIONS: QUESTION HOUR TO BE SUSPENDED FOR CONSIDERATION OF CONSTITUTION (FIRST AMENDMENT) BILL, 1963: CHAIR AGREED TO SUSPEND.

On 20th December, 1963, at the suggestion of the Law Minister the Speaker suspended the question hour in respect of the proceedings for the next day to allow more time for debate on the Constitution (First Amendment) Bill, 1963.

(136-129 Vol II)

844. QUESTIONS: QUESTION HOUR SUSPENDED BUT QUESTIONS AND ANSWERS TO FORM PART OF PROCEEDINGS.

On 21st December, 1963, the Speaker suspended the question hour and allowed the questions and answers to form part of the proceedings for that day.

(137-129, Vol II)
845. **QUESTIONS: SUPPLEMENTARIES: CHAIR REQUESTED TO ASK PARLIAMENTARY SECRETARY TO COME PREPARED: HELD THAT IT WAS A MATTER OF PROPRITY.**

On 2nd December, 1963, on a request by a Member that the Chair should ask the Parliamentary Secretary concerned to come prepared, the Speaker remarked:

"Well, it is not a matter of ruling. It is a matter of propriety."

(122-121, Vol II)

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846. **QUESTIONS: SUPPLEMENTARIES: A PARLIAMENTARY SECRETARY ALLOWED TO PUT A SUPPLEMENTARY QUESTION.**

On 8th April, 1964, on a clarification sought by a Parliamentary Secretary, whether he, being a parliamentary Secretary could still put a question, the Speaker observed:

"It does not need any ruling. Any Member can put a supplementary question."

(121-121, Vol II)
N.A. Deb., 8th April, 1964.

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847. **QUESTIONS: ANSWERS: RIGHT OF GOVERNMENT TO REFUSE TO DISCLOSE INFORMATION IN THE PUBLIC INTEREST IN ORDER.**

On 7th July, 1962, a Member put a starred question, in reply to a part of which the Minister concerned said that he could not give the answer in public interest. The Member insisted that this was no answer to his question at which the Speaker observed that the Minister had given the necessary reply.

(126-123, Vol II)
P.1141.
848. **QUESTIONS: ANSWER TO A QUESTION SHOULD NOT REFER TO A REPLY GIVEN EARLIER BUT IT SHOULD CONTAIN IN WRITING THE REPLY GIVEN EARLIER.**

On 1st August, 1964, in reply to a Starred question No. 10 the parliamentary Secretary to the Defence Division drew the attention of the questioner to a reply given by him on the 20th March, 1964. Thereupon a Member raised a point of order that the Parliamentary Secretary should not refer to a reply given earlier. If he wants to refer to a previous answer then the previous answer should be repeated.

Mr. Speaker upholding the point of order ruled that in future the answer should contain the earlier reply instead of merely referring to it in the reply.

Thereupon the Leader of the House submitted that he was not aware of any such ruling and that on a specific matter when an answer had already been given he did not think it was not relevant to refer to that answer given on previous occasion. If the Speaker allowed these answers to be repeated then in every session the same questions would be put and they would be placed in the same embarrassing position. So, he requested the Speaker to reconsider the matter.

The Speaker observed:

"The Honourable the Leader of the House is quite reasonable when he draws my attention that it will be mere repetition if same questions and same answers come before the House. For this reason, in its wisdom, this August House has made Rules of Procedure which envisage the screening of questions before they are put to the House. For this question there is no such reason. The answer ought to be given. If it would have been against the rules, it would have been screened out by the Assembly Secretariat."

(135-128, Vol II)

849. **QUESTIONS: ANSWERS MINISTERS AND PARLIAMENTARY SECRETARIES CONCERNED TO REMAIN PRESENT TO GIVE ANSWERS AS FAR AS POSSIBLE: OTHER MINISTERS AND PARLIAMENTARY SECRETARIES ALLOWED TO ANSWER ON BEHALF OF THEIR COLLEAGUES WITH PRIOR APPROVAL OF THE SPEAKER IN EXCEPTIONAL CIRCUMSTANCES.**

On 8th April, 1964, on the question as to whether Ministers and Parliamentary Secretaries other than those who are concerned with a particular question should be allowed to answer the question the Speaker ruled:
“Before I proceed with Questions I want to give my ruling once and for all as to who could answer questions in the absence of the Parliamentary Secretary concerned or in the absence of the Minister concerned.

The senior most Minister of the Presidential Cabinet and some other Ministers discussed with me in my Chamber the procedure and mechanics of answering of questions by the ministers and Parliamentary Secretaries. They assured me that Ministers and their Parliamentary Secretaries will always endeavour to remain present in the House to answer questions pertaining to their Divisions. But sometimes they may be unable to attend due to unavoidable reasons. They accordingly suggested for my consideration that while Ministers and Parliamentary Secretaries would always try to be present in the House to answer questions, in cases where they may be absent due to unavoidable reason, another Minister or Parliamentary Secretary may be permitted to answer questions on their behalf, after having previously intimated this to the Speaker.

What I have not agreed to earlier and what I do not agree to now is the abrupt absence of the Ministers or the Parliamentary Secretaries and some other Ministers or Parliamentary Secretaries trying to answer questions on their behalf without my knowledge and prior permission.

The institution of Questions is a very valuable privilege of the members under our existing rules, and I would like that questions are duly answered. If I wholly preclude questions being answered by other ministers and parliamentary Secretary concerned, many questions may remain unanswered, especially the Supplementary Questions and the Members may be deprived of information which they sought. But, if on the other hand I give a carte blanche to all Ministers and Parliamentary Secretaries to answer questions on each other’s behalf, detailed and proper information, which Members try to elicit through Supplementary Questions, may not be forthcoming due to understandable lack of knowledge on the part of the Minister or the Parliamentary Secretary answering Questions concerning other Divisions. I would, therefore, urge upon the Ministers and Parliamentary Secretaries to remain present to answer questions relating to their Divisions as far as possible, but in exceptional circumstances I would permit other Ministers or Parliamentary Secretaries to answer those questions with my prior approval.”

(138-130, Vol II)
N.A. Deb., 8th April, 1964.

850. QUESTIONS: THE CHAIR CAN PERMIT ANY MEMBER TO PUT A QUESTION ON BEHALF OF ANY ABSENTEE MEMBER.
On 8th April, 1964, a question cropped up whether a Member putting question on behalf of an absentee Member should have authority from the member as well as permission from the Speaker when he asks the question. The Speaker thereupon observed:

"Whatever be the ruling of the Lok Sabha or the Indian Assembly of those days-I have got in my hand the ruling of the Indian Legislative Assembly which was subsequently called Lok Sabha-our ruling is different. I am quoting the ruling of the Speaker of the Indian Legislative Assembly:

'The Speaker may, if time permits, call another question which has not been asked by reason of the absence of the member in whose name it stands and may also permit a Member to ask a question standing in the name of another Member, if so authorized by him.'

But our rule is different.

And added:

"The question of authority does not arise. Any Member could seek my permission. If I allow, that is the end of the matter. The authority you are talking of is required under the rules of the Lok Sabha, not under our Rules."

(139-131 Vol II)
N.A Deb., 8th April, 1964.

851. QUESTIONS: PRINTED IN THE LIST OF QUESTIONS: THOSE NOT PUT IN THE HOUSE TO BE INCORPORATED IN THE PROCEEDINGS.

On 9th April, 1964, on the query of an Honourable Member the Deputy Speaker observed:

"Actually the decision taken in regard to such questions as were not put on the floor of the House was that they shall be incorporated in the proceedings of the House."

(140-132, Vol II)
N.A. Deb., 9th April, 1964.

852. QUESTIONS: ARE SUPPOSED TO BE ANSWERED ONLY WHEN THEY ARE PUT AND REPLIED TO IN THE HOUSE: MERE SUPPLY OF PRINTED ANSWERS TO THE MEMBERS CANNOT BE CONSIDERED TO BE PROPER REPLIES:
On 10th December, 1968, Mr. Farid Ahmad raised a point of order that he had received a communication from the National Assembly Secretariat that his privilege motion, which was to be moved on that day arising out of an answer to Question No. 102, given by the law minister on 9th December, 1968, had been disallowed by the Speaker in his chamber. He contended that the Speaker could not kill it in his Chamber.

The Law Minister argued that questions were supposed to be answered when put in the house and not when merely printed. It was pointed out by him that questions were printed only for the convenience of members and, as such, did not contain complete answers. It was, therefore, contended that a Minister, while answering a starred question on the floor of the House, could add to or subtract from it, besides replying to supplementaries arising out of it.

Mr. Deputy Speaker observed that under rules 181 and 182 of the Rules of Procedure 1966 the privilege motion tabled by Mr. Farid Ahmad could not be admitted, as the Government was entitled to answer any question in any manner if like. It was for the Members, he further observed, to find faults with that answer through supplementaries.

853. QUESTION: A WRITTEN STATEMENT CAN BE READ IN THE HOUSE IN REPLY TO SUPPLEMENTARY TO A STARRED QUESTION:

On 11th February, 1969, in reply to a supplementary to starred Question No.1 the Defence Minister wanted to read or place on the Table of the House a statement, which Air Marshal Asghar Khan, the former managing Director of PIA has supplied to the Parliamentary Secretary for Defence. A member raised a point of order that the Defence Minister was not justified in reading a statement.

Mr. Speaker ruled out the point of order and allowed the statement to be read.

854. QUESTIONS: GOVERNMENT CANNOT BE COMPELLED TO DISCLOSE THE SOURCE OF ANY STATEMENT MADE IN THE HOUSE BY A MINISTER, OR THE NAMES OF THE OFFICERS WHO PREPARED ANY ANSWER TO A QUESTION:
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On 11th February, 1969, when supplementaries to the starred question No. 1 were being asked, Dr. Aleem-Razee raised a point of order to let the House know the source from where the statement, which the Defence Minister tried to read in the House, had originated and also the name of the Secretary or the officers of the Ministry, who had prepared the answer to the question.

Mr. Speaker, while ruling out the point of order, observed that it was for the Government to give out the source or not.

(45-30, Vol III)
N.A. Deb., 11th February, 1969
P. 752

855. QUESTIONS: ORAL ANSWERS NOT TO BE CHALLENGED:

On 19th December, 1973, when the correctness of an oral answer to starred question No. 229 was challenged, Mr. Speaker pointed out that the member could not challenge the reply but could ask supplementary questions. The member quoted rule 262 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, which allows supplementary questions for elucidation of the answer. Mr. Speaker observed that supplementary questions in elucidation of an answer might be asked without challenging the answer.

(365-219, Vol IV)
P.30.

856. QUESTIONS: PLEA FOR SUPPLYING PRINTED QUESTIONS WITH ANSWERS TO THE MEMBERS TWELVE HOURS BEFORE THE TIME FIXED FOR ORAL ANSWERS NOT ACCEPTED: PRINTED QUESTIONS THE ANSWERS TO BE PLACED IN THE HOUSE SUFFICIENTLY BEFORE THE COMMENCEMENT OF THE RELEVANT AT SITING, IF RECEIVED FROM THE PRESS IN TIME:

On 31st January, 1973, Maulana Abdul Hakim suggested that answers to questions should be supplied to the members at least twelve hours before the time fixed for oral answers in the House to enable them to study the answers and frame supplementary questions. Mr. Speaker did not approve of the suggestion and ruled as follows:

"At present lists of admitted questions are supplied to the members and the Ministers eight days ahead of the day on which the questions are to be answered. In some cases the replies from the Ministries are received very late and the consolidated replies have
to be sent to the printing press on the evening preceding the commencement of the sitting. The printed lists are, therefore, generally received from the press about two hours before the hour of the sitting. Sometimes the printed lists of questions and answers are received only a short while before 4 p.m.

The correct position is that a reply to a question becomes the property of the House after the answer is given on the floor of the House. A Minister is entitled to revise his written reply supplied to the National Assembly Secretariat in advance, before his oral reply in the House.

The practice followed in other countries, such as the U.K., Australia and India, is to give oral answers in the House which, along with supplementaries thereon, are printed in the Debates. In fact, rule 57 of the Rules of Procedure and Conduct of Business in the Lok Sabha of India is to the effect that "answers to questions which Ministers propose to give in the House shall not be released for publication until answers have actually been given on the floor of the House or laid on the Table." Answers are not available until the oral reply is given. An exception is only made when the reply is very lengthy, in which case the questioner is permitted to see the statement fifteen minutes before the question hour begins. (Page 225 of Parliament in India by Morris Jones).

In view of the past practice and the practice in other Parliaments which have similar rules, as also having regard to the practical difficulties involved in advance distribution of printed answers, no change in the existing practice seems to be necessary. Supplementaries can be framed even on the basis of the questions which are supplied sufficiently in advance to all members. In future printed questions with answers will be placed in the House sufficiently before the commencement of a sitting, if these have been received from the press in time. Members wishing to study the written replies to questions may do so in the Chamber before the commencement of the proceedings.

(367-221, Vol IV)
Pp. 1356-1357.

857. QUESTIONS: SUPPLEMENTARY QUESTION SHOULD SEEK INFORMATION INSTEAD OF GIVING INFORMATION: QUESTION HOUR MEANT FOR ANSWERING QUESTIONS AND NOT FOR DISCUSSION:

When, on 7th July, 1973, during the course of supplementary questions, a member asked whether the Minister agreed to his view that the resettlement of the Tarbela Dam displaced persons was a much bigger problem than what had been spelt out in the reply to the question in hand. Mr. Speaker observed:
"Instead of seeking information you are giving information. Please formulate a supplementary so that he can reply. It should be in the form of a question. For example: "will the Honourable Minister please tell whether other steps are being taken to rehabilitate persons in industries, etc."

The member said, "it comes to that". On this, the Speaker remarked that the question hour was meant for answering questions and not for discussion.

(381-226, Vol IV)

858. QUESTIONS: SUPPLEMENTARY QUESTION WITH THE HELP OF WRITTEN MATERIAL CANNOT BE ASKED WITHOUT THE PERMISSION OF THE CHAIR:
NOTHING SHOULD BE READ IN THE HOUSE, EXCEPT WITH THE PERMISSION OF THE CHAIR:

A member asked a supplementary question in respect of a starred question by reading the supplementary question from a piece of paper. The Law Minister objected to the asking of supplementary question in this manner.

Mr. Chairman (Mr. Mohammad Haneef Khan) observed:

"In fact, the normal parliamentary practice is that nobody should be allowed, unless the Speaker permits, to read something in the House. The idea behind it is that no foreign material is allowed to be imported into the Assembly. Every honourable member, I think, is capable of expressing himself and he represents his constituency..... So, in future, I will request the honourable members to do away with this practice of reading something inside the House unless it is permitted by the Speakers".

(383-227, Vol IV)
Pp. 220-221.

859. QUESTIONS: SUPPLEMENTARIES CAN BE REPLIED TO BY ANY MINISTER:

On 30th May, 1973, when supplementaries were being asked on starred question No. 44, Sahibzada Ahmad Raza Khan Qasuri drew the attention of the Speaker to the fact that two Ministers were simultaneously replying to the supplementary question. Mr. Speaker remarked:
"There are no provisions in the rules that only a particular Minister should reply to the supplementaries. The responsibilities of the Ministers are almost joint. Therefore, any Minister can reply. If a Minister has read out the oral answer from the printed matter on behalf of the Minister-in-charge of the Department concerned, the supplementaries can be replied to by any other Minister."

(386-228, Vol IV)

860. QUESTIONS: SUPPLEMENTARIES IN EXCESS OF THE NUMBER FIXED IN THE RULES CAN BE ALLOWED ON IMPORTANT QUESTIONS:

During question hour, when the number of supplementaries on a starred question had exceeded the normal number of three allowed under rule 62 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, Mr. Speaker observed:

"This is an important question on sugarcane and I would allow a few more supplementaries."

(388-229, Vol IV)
P.76.

861. QUESTIONS: CONCERNED MINISTER NOT PRESENT: OTHER MINISTER UNABLE TO REPLY TO SUPPLEMENTARIES: QUESTIONS FIXED FOR THE DAY DEFERRED TO NEXT WEEK:

A Minister wanted to answer a question on behalf of another Minister. Mr. Speaker enquired if he would be able to reply to the supplementaries also, whereupon the Minister said that he would not be able to do so, as he had not received the relevant papers. Mr. Speaker thereupon deferred the said question to the next week.

(353-216, Vol IV)

862. QUESTIONS: DISCUSSION ON DEMANDS FOR GRANTS: TREATED AS UNSTARRED AND RELEASED TO THE PRESS:
On 24th June, 1974, the Speaker declared, during the discussion on Demands for grants, that the questions which were fixed for the day would be treated as unstarred questions and released to the Press.

(354-216, Vol IV)
N.A. Deb., 24th June, 1974.

863. QUESTIONS: SUPPLEMENTARY QUESTIONS CANNOT BE DEFERRED:

During question-hour on 6th February, 1974, the Minister, replying to Starred Question No. 92 relating to the post-war development rehabilitation in Kasur Sub-Division, on behalf of the Minister concerned wanted notice to reply to a supplementary question.

The member, putting the supplementary question, requested the Speaker to defer the supplementary question. Thereupon, the Speaker observed that questions could be deferred, but supplementary questions could not be deferred. If the member wanted a reply to his supplementary question, he could give a fresh notice for the same.

(356-216, Vol IV)

864. QUESTIONS: REPLIES TO QUESTIONS AND SUPPLEMENTARIES: DEFERRED IN ABSENCE OF MINISTER-IN-CHARGE:

A Minister undertook to reply to the questions standing in the name of another Minister, but was unable to reply, as he could not study the relevant papers. Mr. Speaker deferred the questions with the observation that justice could not be done to the questions and, consequently, to the supplementaries, in the absence of the Minister-in-Charge.

(357-217, Vol IV)

865. QUESTIONS: DEFERRED STARRED QUESTIONS AND THEIR ANSWERS NOT TO BE RELEASED BY THE PRESS:

During question hour on Monday, the 22nd April, 1974, Mr. Speaker deferred certain starred questions and observed that the deferred questions and their answer shall not be released by the Press.
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till they have actually been asked and answers given thereof on the floor of the House on a subsequent date.

(359-217, Vol IV)
N. A. Deb., 22nd April, 1974

866. QUESTIONS: IF A MEMBER WHO HAS GIVEN NOTICE OF A QUESTION IS PRESENT IN THE HOUSE NO OTHER MEMBER CAN ASK THAT QUESTION ON HIS BEHALF:

On Monday, the 22nd April, 1974, during question hour, Mr. Speaker called for the next starred questions standing in the name of Malik Karam Bakhsh Awan who was present in the House. However, Ch. Ghulam Rasul Tarar stood up to ask the question on his behalf whereupon Mr. Speaker observed:

".....if the member is present, no-body else can put a question on his behalf. If the member is busy in talking, I cannot help it. Proxy is allowed for the absentee members only".

(361-218, Vol IV)
N. A. Deb., 23rd April, 1974.

867. QUESTIONS: NOTICE REQUIRED FOR SUPPLEMENTARIES INVOLVING COLLECTION OF DATA:

During" the course of supplementary question to starred question 14 regarding the export of vegetables during 1972-73, a member asked the Minister concerned to inform the House about the foreign exchange earned out of such export. The Minister was agreeable to answer the question, but the Speaker observed that fresh notice was required for supplementaries involving collection of data. He further observed that, if such questions were allowed to be asked and answered, it will create a bad precedent.'

(364-219, Vol IV)

868. QUESTIONS: SOURCE OF INFORMATION NEED NOT BE GIVEN BY A MINISTER:

On 3rd June, 1974, a member enquired about the source 'of information for the answer given
by the Minister to a supplementary question regarding the alleged burning of sugarcane in the area around Shah Taj Sugar Mills. The Speaker thereupon ruled that a Minister need not tell the source of his information.

(372-223, Vol IV)

869. **QUESTIONS: TWO ROUNDS OF QUESTION-HOUR ON ONE DAY:**

In the meeting of the National Assembly held on Tuesday, the 9th April, 1974, Mr. Speaker informed the House that, as the Minister for Works and Labour was not feeling well and would be coming to the Assembly in the evening sitting, certain starred questions relating to him would be taken up for answer in the evening sitting. There were, therefore, two rounds of question-hour on the aforesaid day, one in the morning and the other in the evening. The questions indicated by Mr. Speaker were taken up for answers in the evening sitting.

(375-224, Vol IV)
N. A. Deb., 9th April, 1974.

870. **QUESTIONS: WRONG REPLY ALLEGEDLY GIVEN TO AN UN-STARRED QUESTION: MEMBER ASKED TO GIVE IN WRITING SO THAT MINISTER CONCERNED BE ASKED FOR HIS EXPLANATION TO BE PLACED BEFORE THE HOUSE:**

On 18th July, 1974, a Member raised a point of privilege orally that reply to an un-starred question was incorrect. Mr. Speaker advised him to give in writing that an incorrect information has been supplied so that the same could be sent to the Minister concerned for his explanation to be placed before the House afterwards.

(376-225, Vol IV)
N. A. Deb., 18th July, 1974.

871. **QUESTIONS: SUPPLEMENTARY QUESTION INVOLVING RELATION WITH A FOREIGN COUNTRY NOT PERMISSIBLE:**

During question-hour on 24th January, 1974, when supplementary questions were being asked on starred question No. 38 relating to the production of crude oil in the country, a member asked a
supplementary as to whether the Minister would be pleased to state whether there was any truth in the
rumours that a neighboring country was against oil exploration in Pakistan, because the base of oil-belt
was reported to be in Pakistan. Mr. Speaker disallowed the supplementary question on the ground that it
involved relations with a foreign country.

(380-226, Vol IV)

872. QUESTIONS: SUPPLEMENTARIES: A SUPPLEMENTARY QUESTION SHOULD
NOT BE A MIXTURE OF SEVERAL SUPPLEMENTARIES:

On 3rd June, 1974, a member desired to have information about a number of matters through
one supplementary question. The Speaker ruled that a supplementary question should not include
several supplementaries.

(385-227, Vol IV)

873. QUESTIONS: SUPPLEMENTARIES: DETAILS NOT COVERED BY ORIGINAL
QUESTION CANNOT BE ASKED THROUGH A SUPPLEMENTARY:

On 1st June, 1974, a member asked a supplementary question about the names of persons to
whom export licences had been issued and the names of exportable items. The Speaker disallowed the
question and observed that it required the collection of detailed information about the names of
persons to whom licences had been issued and the exportable items. It was outside the scope of the
original question, which dealt with only the number of persons and not their names.

(387-228, Vol IV)
N. A. Deb., 1st June, 1974.

874. QUESTIONS: SUPPLEMENTARIES: ALLEGED SUPPLY OF PETROL ON
CONCESSIONAL RATE TO DIPLOMATIC PASSPORT HOLDERS AND
THROUGH THEM TO OTHERS: FACTS DENIED: QUESTION ABOUT GRATIS
ISSUE OF PASSPORTS TO MEMBERS RAISED: HELD THAT IT WAS A
QUESTION OF PRIVILEGE AND SHOULD BE TAKEN TO PRIVILEGES
COMMITTEE:
During question hour on 25th July, 1974, an Honourable member asked in a supplementary whether petrol on concessional rates was being supplied to diplomatic passport holders and others through them. The Minister concerned denied this, upon which another Honourable member enquired whether gratis passports issued to Honourable members had been cancelled and were being no more issued to them. The Speaker observed that this had nothing to do with the question in hand. It involved a question of privilege and should be taken by the Honourable member to the Privileges Committee.

(389-229, Vol IV)

875. QUESTIONS: SUPPLEMENTARY: MINISTER SAYS HE DID NOT HAVE THE REQUIRED INFORMATION: MEMBER REQUESTED FOR DEFERMENT OF SUPPLEMENTARY FOR SOME MINUTES TO ENABLE THE MINISTER TO CONSULT SOMEONE: CHAIR DISAGREED:

On 3rd December, 1975, Sahibzada Ahmad Raza Khan Qasuri put a supplementary question. The Minister of State, Malik Mohammad Akhtar, said that he did not have the required information. Thereupon, Mr. Raza Qasuri suggested that the Minister may consult someone and the supplementary be deferred for five or ten minutes. Mr. Speaker observed that it was not the correct procedure to defer a supplementary for the reason that the Minister was unable to give complete answer.

(358-217, Vol IV)

876. QUESTIONS: DEFERRED AT THE REQUEST OF THE MEMBER ASKING THEM: A BAD PRECEDENT: NOT TO BE ALLOWED IN FUTURE: QUESTIONS DEFERRED ONLY WHEN MINISTER IS NOT PREPARED TO REPLY:

On 2nd December, 1975, Mr. Speaker observed:

"These are questions which were deferred on 24th November at the request of Maulana Abdul Hakim. It will not be done in future. It was a bad precedent. Questions are deferred only if the honourable Minister is not prepared to reply."

(355-216, Vol IV)
N. A. Deb., 2nd December, 1975.

877. QUESTIONS: CAN BE ASKED TO FIND OUT FACTS AND FIGURES AND NOT TO
RAISE A DEBATE:

While asking a supplementary question, a member observed that the Constitution required that all laws shall be in conformity with the provisions of the Holy Quran and Sunnah and asked as to why huge amount was being spent on the import of liquor. Mr. Speaker disallowed the supplementary on the ground that questions could be asked to find out facts and figures but not for raising a debate.

(352-215, Vol IV)
N. A. Deb., 3 June, 1975.

878. QUESTIONS: FIXED FOR THE DAY TAKEN UP ALONG WITH QUESTIONS DEFERRED FROM AN EARLIER DATE: ADDITIONAL TIME ASKED FOR: EXTENSION OF TIME ONLY POSSIBLE THROUGH A MOTION TO THAT EFFECT:

It was proposed by a member that time for questions may be extended to deal with the deferred questions also. Mr. Speaker observed that the time for questions was fixed as one hour under the rules and, therefore, it could be extended only through a motion.

(360-218, Vol IV)
N. A. Deb., 18th November, 1975.

879. QUESTIONS: STANDING IN THE NAME OF A MEMBER PRESENT IN THE HOUSE CANNOT BE PUT, ON HIS BEHALF, BY ANOTHER MEMBER:

A starred question standing in the name of Rai Shahadat Ali Khan, MNA, who was present in the House, was sought to be put by another member on his behalf. Whereupon Mr. Speaker ruled that in the presence of the member who had given notice of the question, it could not be put by any other member.

(362-218, Vol IV)

880. QUESTIONS: NOTICE GIVEN OF BY BOYCOTTING MEMBER: CAN BE ASK ON HIS BEHALF BY SOME OTHER MEMBER:

On 3rd June, 1975, a member inquired question standing in the name of a member boycott the Assembly session could be asked by any other member present in the House. Relying on an earlier ruling of the Chair, dated 26th January, 1973, Mr. Speaker remarked:
"My learned predecessor has given this clear ruling: If somebody has asked a question and answer has been provided: it will be highly unfair to disallow the question."

With these observations, Mr. Speaker allowed another member to ask a question given notice of by a boycotting member.

(363-219, Vol IV)

881. QUESTIONS: NOT PERMISSIBLE REGARDING COMMITMENT MADE BY A FEDERAL MINISTER WHILE HOLDING THE POST OF CHIEF MINISTER OF A PROVINCE:

A member wanted to know, through a supplementary to a starred question, from a Federal Minister as to why no action was taken on the application made before him to declare Rawalpindi as under-developed area while he was holding, the office of Chief Minister of the Punjab. Mr. Speaker disallowed the question on the ground that since the Federal Minister had ceased to be the Chief Minister of the Punjab, he was not supposed to answer a question relating to any commitment made by him in that capacity.

(366-220, Vol IV)

882. QUESTIONS: PRESENCE OF THE MINISTER CONCERNED FOR ANSWERING SUPPLEMENTARY QUESTIONS NECESSARY:

During question hour, Mr. Speaker deferred certain questions because the Minister concerned was not present in the House. He observed that, as a rule, the question should be asked when the Minister concerned was present so that he was able to answer supplementaries also.

(368-221, Vol IV)

883. QUESTIONS: PROXY SYSTEM NOT GOOD: MINISTER CONCERNED SAID TO BE IN A MEETING: NATIONAL ASSEMBLY TO BE GIVEN PREFERENCE OVER OTHER MEETINGS:
A Question was replied by a Minister on behalf of another Minister who was stated to be busy in a meeting. Discouraging the proxy system, Mr. Speaker observed that the meetings of the National Assembly being most important, they must be given precedence over other meetings.

(369-222, Vol IV)
N. A. Deb., 6 November, 1975.


On 13th November, 1975, Mr. Speaker observed that there would be no question hour on that day. Ch. Zahir Ilahi and Maulvi Mufti Mahmood raised an objection that the questions could not be dispensed with. Mr. Abdul Hafeez Pirzada said that it was a part of the understanding between the Treasury Benches and the Opposition that two sittings of the Assembly would be held on Thursday and they would be devoted specially for discussion of the Constitution (Fourth Amendment) Bill and that this was not the first time that such a thing had happened. Maulvi Mufti Mahmood reiterated that the questions, adjournment motions and privilege motions should all be taken up in the normal way. Mr. Speaker observed:

"So far as the agreement outside the House is concerned, we are not concerned with it. Whatever proceedings have taken place in the House shall form part of the record and we shall abide by that. So far as questions are concerned..... have not yet gone through the relevant rule by which they can be deferred. If they cannot be deferred, questions shall be taken up in the evening. So far as the privilege motion is concerned, I am going to take it up....."

Later on questions were also taken up in the evening sitting.

(370-222, Vol IV)

885. QUESTIONS: STRAIGHT SUPPLEMENTARY QUESTIONS TO BE PUT: CROSS-EXAMINATION OR CONFRONTATION TO BE AVOIDED:

On 24th November, 1975, Sahibzada Ahmad Raza Khan Qasuri put supplementary questions
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regarding registration of Pakistanis and issue of identity cards to them. He also asked the Minister concerned as to why he was unable to give exact figures about the "Ahmadis" registered so far. Mr. Speaker observed:

"Repeat the question and put the supplementary straightaway. It is not cross-examination. It is not a court. It is question and answer of the Assembly. You should not confront him that he made such and such statement previously and now he is making another statement. There should not be any confrontation."

(373-223, Vol IV)

886. QUESTIONS: SUBJECT-MATTER OF A QUESTION CANNOT BE DEBATED BY PUTTING A LARGE NUMBER OF SUPPLEMENTARIES:

After reply to a question was given, several members wanted to put supplementaries to discuss the subject-matter of the question. This was not allowed by Mr. Speaker who observed that if the point involved was sought to be debated, it should be done by making a motion under rule 220 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, or by making a resolution, etc.

(734-224, Vol IV)

887. QUESTIONS: SUPPLEMENTARY: A MINISTER OR PARLIAMENTARY SECRETARY CANNOT BE ASKED TO ANSWER A SUPPLEMENTARY ON OATH:

A member asked a Parliamentary Secretary to state on oath that the answer given by him to a supplementary question was correct. This was disallowed by Mr. Speaker with the following observations:

"You cannot force the Minister or the Parliamentary Secretary to take oath on any supplementary. Everybody sitting in the House is under an oath."

(377-225, Vol IV)
N. A. Deb., 8th December, 1975.

888. QUESTIONS: SUPPLEMENTARY: COULD NOT BE ASKED ON BEHALF OF
ANOTHER MEMBER: EVERY MEMBER CAN ASK A SUPPLEMENTARY QUESTION DIRECTLY:

A member wanted to put a supplementary question on behalf of another member. Mr. Speaker informed him that a supplementary question could not be put by proxy and advised him to himself ask a supplementary question directly.

(378-225, Vol IV)
N. A. Deb., 17th December, 1975.

889. QUESTIONS: SUPPLEMENTARY OF PERSONAL NATURE: MINISTER MAY OR MAY NOT REPLY:

While asking a supplementary question, a member referred to incorrect estimates of wheat production in Pakistan and enquired if these were compiled under the supervision of Malik Khuda Bakhsh Bucha, Special Assistant to the Prime Minister; and so, whether he had been censured or not. Mr. Speaker observed that the Minister concerned may or may not reply to the supplementary question because it was a personal question.

(379-225, Vol IV)
N. A. Deb., 29th October, 1975.

890. QUESTIONS: SUPPLEMENTARY SEEKING INFORMATION AS TO A DEFINITE DATE OR A PARTICULAR ACTION NOT ALLOWED: INDEPENDENT QUESTION SHOULD BE ASKED FOR THE PURPOSE:

A member asked a supplementary question to know as to what action was taken by the Government regarding a particular incident, and on which date. The Minister-in-charge wanted a separate notice for it. Mr. Speaker ruled that a question asking for a definite date required a separate notice.

(382-226, Vol IV)

891. QUESTIONS: SUPPLEMENTARIES: A PARLIAMENTARY SECRETARY WAS ASKED BY THE CHAIR TO INSPECT CONDITION OF A PROVINCIAL HIGHWAY AND GIVE DIRECTIONS TO THE PROVINCIAL GOVERNMENT AND ALSO
SUPPLY INFORMATION TO THE MEMBER PUTTING THE QUESTION:

On 11th December, 1975, during the course of supplementary questions, Mr. Speaker asked the Parliamentary Secretary concerned to inspect the condition of a Provincial highway and give necessary directions to the Provincial Government and also supply correct information to the member putting the supplementary question.

(384-227, Vol IV)
N. A. Deb., 11th December, 1975.

892. QUESTIONS: QUESTION OR SUPPLEMENTARY DIRECTED AGAINST CONSTITUTIONAL PROVISION'S NOT ALLOWED:

A supplementary question criticising activities relating to the promotion of a regional culture was objected to on the ground that it challenged the provisions of Article 28 of the Constitution allowing promotion of regional culture. Madam Deputy Speaker, who was then in Chair, upheld the objection and ruled that since Article 28 allowed promotion of regional language and culture, the purpose of the constitutional provisions embodied in Article 28 could not be defeated by means of a supplementary question.

(371-223, Vol IV)

893. QUESTION: A QUESTION ONCE ACCEPTED BY THE MINISTRY, SHOULD BE PROPERLY REPLIED: OBJECTION REGARDING ITS VAGUENESS CANNOT BE PLEADED IN HOUSE:

On 16th March, 1976, while replying to a Supplementary question, the Minister of State for Health contended that, since the question was vague, the answer to it appeared incorrect. Mr. Speaker, thereupon, observed that, if the question was vague, the Ministry could have sought clarification by referring it back to the National Assembly Secretariat. But, having once accepted the question and after the reply to it was printed, the plea that the question was vague could not be taken up in the House.

(56-30, Vol V)
894. QUESTION: INADMISSIBLE: FORESTALLING EVENTS:

During the question hour on the 1st July, 1976, a member enquired whether the new pension rule would include the pensioners retired before 1962. Thereupon, Mr. Speaker observed that the supplementary question could not be answered, because all the pension rules would be announced simultaneously and the Minister could not forestall any decision. That would be tantamount to disclosing facts prematurely.

(57-31, Vol V)
N.A. Deb., 1st July, 1976

895. QUESTION: CORRECTIONS OF A REPLY TO A QUESTION MAY BE CHALLENGED THROUGH A LETTER ADDRESSED TO THE SPEAKER:

During question hour a member asked whether the Minister concerned will hold an inquiry if an answer to a question was incorrect? Mr. Speaker observed that, if any Honourable member believed that the answer given on the floor of the House was not correct, the proper procedure for him would be to address a letter to the Speaker with facts and figures saying that answer was false and misleading, whereupon the Speaker would forward the same to minister concerned for necessary action.

(58-31, Vol V)
N.A. Deb., 6th May, 1976

896. QUESTIONS: MINISTER CANNOT BE CROSS-EXAMINED:

On 5th April, 1976, in reply to a starred question, supplementary were being asked by different members wanting to know as to which agencies were responsible for transporting thousands of persons for Umra? Mr. Speaker observed that Ministers could be asked specific questions and supplementary, but they could not be cross-examined.

(59-31, Vol V)
N.A. Deb., 5th April, 1976

897. QUESTIONS: QUESTION DEFERRED: MINISTER ANSWERING QUESTION ON BEHALF OF ANOTHER MINISTER NOT PREPARED TO ANSWER
SUPPLEMENTARY:

On 29th June, 1976, the law Minister rose to reply a starred question during the question hour on behalf of the Minister of State for Defence and said that he could only read out the printed reply but was not prepared to answer any supplementary. The Speaker observed that in that case he would defer the question till the next rota day, so that the Minister concerned was present to answer the question and the supplementary thereto.

(60-32, Vol V)
N.A. Deb., 29th June, 1976.

898. QUESTIONS: REQUEST TO DEFER A STARRED QUESTION SHOULD BE MADE BEFORE IT IS PUT IN THE HOUSE:

On 7th July, 1976, a starred question was put in the House and supplementary also started. A request was made by a Minister to defer the question as the Minister-in-Charge was not present. There upon, Mr. Speaker observed that the request for deferment of starred questions should come beforehand and not when the questions were put in the House.

(61-32, Vol V)

899. QUESTIONS: THE MINISTER, THE MINISTER OF STATE CONCERNED OR THE PARLIAMENTARY SECRETARY SHOULD BE PRESENT TO ANSWER QUESTIONS RELATING TO HIS MINISTRY/DIVISION:

During question hour on 1st July, 1976, Mr. Speaker deferred a starred question so that the Minister concerned, who was not present, could explain the position arising out of supplementary. Thereupon, a member from the opposition raised a point of order that, as the questions about different Ministries were set down for answer eight clear days before, the Ministers concerned should be present in the House to answer questions relating to their Ministries. The Speaker, agreeing with the member, observed:

"I have repeatedly pointed out that, on the questions day, the Minister concerned or, in his absence, the Minister of State or the Parliamentary Secretary should be present".
900. **QUESTIONS: AMENDMENT/DELETION OF A PORTION OF QUESTION: PREROGATIVE OF THE SPEAKER IN ACCORDANCE WITH THE RULES: RULED OUT OF ORDER:**

On 14th November, 1985 Syeda Abida Hussain raised a Point of Order asking for a ruling of the Chair stating that her Question No. 587 which was on the Orders of the Day, the substantial portion of the said questions, as it seems, have been deleted or censored. She submitted that the main crux of the question that had been submitted to the Secretariat, was to obtain an information from the ministry concerned as to whether the moneys were expanded on those experts group meeting, but that portion of the question dies not appear on the question/answer book.

Mr. Speaker ruled out the Point of Order on the ground that the speaker is empowered to amend any question or a part thereof which in his opinion, is in contravention of the rules or he may, in his discretion amend it in from, which is his discretion.

901. **QUESTIONS: PUBLISHED QUESTION-IN ABSENCE OF INDISPOSED MINISTER CANNOT BE DEFERRED-TAKEN AS READ:**

On 22nd September, 1985, Mr. Speaker informed the House that Mr. Muhammad Azam Khan Hoti, Minister for communications was indisposed and as such he would be unable to attend the Assembly Session, and as such the Supplementary question in respect of the published question could not be answered. A member suggested that the question should be deferred whereupon an Honourable member, Rana Naeem Khan, raised a point of order to ascertain as to under what rule the published question can be deferred. After some discussion Mr. Speaker gave his ruling that the questions shall be taken as read because these have already been published and their deferment will be of no use.
902. **QUESTIONS: ANSWERS TO CERTAIN QUESTIONS NOT RECEIVED IN TIME:**

Chair advised the Minister that the answers of the questions should be supplied 48 hours before the commencement of the Questions Hour on the day on which the questions are set down in list of questions:

During the Questions Hour on 9th May, 1996 it transpired that most of the answers to the Questions had not been received. The Minister for Law and Parliamentary Affairs Prof. N.D. Khan assured the House that he will ensure that the Answers to Questions are properly given in time.

Mr. Speaker, however, advised the Minister that the answers to the Questions should be sent 48 hours before the commencement of the Questions Hour on the day which the Questions are set down in the list of Questions under rule 64 of the Rules of Procedure.

(168-121, Vol VI)
Pages: 497-499.

903. **QUESTIONS: PARLIAMENTARY SECRETARIES ANSWERS THE QUESTIONS WHEN POWERS DELEGATED TO THEM BY THE MINISTERS: HOWEVER MINISTERS CAN ALSO REPLY TO QUESTION WHEN INSISTED NOTWITHSTANDING DELEGATION OF SUCH POWERS WHILE PRESENT IN HOUSE:**

On 13th February, 1992, Liaqat Baloch, MNA, raised a point of order and enquired from the Speaker whether a Minister who delegates his powers to a Parliamentary Secretary under the rules for asking the questions, his own powers are ceased and he cannot answer the questions while present in the house, notwithstanding the fact that he wants to answer the questions. Mr. Speaker observed as under:

"The policy decisions are given by the Cabinet and they are not of the individual Minister, it is the policy of the Cabinet. When questions come on the floor of the House then it is precedent that Parliamentary Secretaries are appointed to reply these questions as it is a training ground for them. Parliamentary Secretaries are trained in their departments so that they are acquainted with them. The Minister should remain present to give reply on matter of policy decision it Parliamentary Secretaries are not aware well about them"
or it is insisted by the opposition or ruling party that a reply should be given by the Ministers themselves. This has been a practice in the Parliaments. In several Parliaments, Ministers themselves reply to the questions instead of Parliamentary Secretaries but in our Parliament and specially in National Assembly, Parliamentary Secretaries reply and where insisted Ministers further elaborate them."

(169-122, Vol VI)
N.A. Deb., 13\textsuperscript{a} February, 1992
Pages: 596-597

904. QUESTIONS: PARLIAMENTARY SECRETARY CAN ANSWER THE QUESTIONS IN THE PRESENCE OF THE MINISTER CONCERNED: (NOT PRINT OUT DUE TO DOUBLING)

A member raised a point of order whether in presence of a Minister it was proper for Parliamentary Secretary to reply to questions especially, when Minister delegates their powers to the Parliamentary Secretary.

Mr. Speaker observed that the policy decision are made by the Cabinet and not by an individual Minister and it has been the tradition that Parliamentary Secretary are appointed in the same who play the role of training ground who gets training from their departments so that they are up to date and reply to the questions when there taken up on the floor of the House. However, if there is a need of the Minister upon the reply to a question they can do so in order to elaborate any matter arising out of questions.

(170-123, Vol VI)
N.A. Deb., 13\textsuperscript{a} August, 1992
Pages: 596-599

905. QUESTION: REPLY NOT GIVEN IN ACCORDANCE WITH THE INFORMATION ASKED FOR IN THE QUESTION: QUESTION DEFERRED FOR THE NEXT ROTA DAY:

During the Question Hour on 8\textsuperscript{a} February, 1993 Mr. Speaker called for asking the starred question standing in the name of Mr. Tariq C.Qasir who was not present in the House. However, Mr. Wasim Ahmed stood up to ask the question on his behalf. The member sought information regarding the member of posts, Grade-wise, lying vacant in the Ministry of Railways and its attached departments at present separately, along with the names of the posts and the time the same would be filled in to which the Minister answered that at present 13 posts in the Ministry of Railways and 7703 posts of various
grades were lying vacant in Pakistan Railways.

Mr. Wasim Ahmed sought ruling of the Chair as the Minister had not properly answered the question because the information was sought regarding the number of posts grade wise lying vacant in the Ministry and its attached departments, separately, along with the names of the posts and the time the same would be filled in but contrary to that, the Minister had furnished reply only total number of posts lying vacant in the Ministry of Railways and Pakistan Railways and the answer was not in accordance with the question asked for.

Mr. Speaker, while agreeing with the member observed that the reply regarding the posts lying vacant in the Ministry of Railways and its attached departments at present separately, had not been given and therefore, the question was deferred to the next rota day. Later on Ch. Nasir Iqbal informed the Chair that he had the details asked for by the member which could be given to him. However, Mr. Speaker remarked that in the case it should come on the answer sheet in the House with such details that would satisfy the members.

(172-124, Vol VI)
N.A. Deb., 8th February, 1993
Pages: 213-214

906. QUESTIONS: A MEMBER WHO HAS GIVEN NOTICE OF A QUESTION, IF INTERESTED IN HIS QUESTION SHOULD BE PRESENT AT THE TIME OF ASKING OF QUESTION IN THE HOUSE BECAUSE THE ABSENCE OF THE MEMBER WITHOUT APPLYING FOR LEAVE INDICATE THE LACK OF INTEREST OF THE MEMBER: HOWEVER, IN CASE ANY MEMBER CANNOT ATTEND THE HOUSE DUE TO SOME PROBLEM HE SHOULD AUTHORIZE ANOTHER MEMBER IN WRITING TO ASK QUESTION ON HIS BEHALF:

On 25th August, 1997, during Questions Hour Mr. Speaker called for the next Starred Question standing in the name of Pir Aftab Hussain Shah Gillani, MNA who was not present in the House. However, another member stood up to ask the question on his behalf whereupon Mr. Speaker said that he was not going to allow to ask the question on behalf of a member who is absent which indicate that the member is not interested in his question. Mr. Speaker further said that he will allow the question to be asked on behalf of an absentee member but hereafter he will not allow the question to be asked on behalf of a member who is not present in the House which indicate the lack of interest of a member. Mr. Asfan Yar Khan Wali contended that there may be any member who have faced some serious problems and could not attend the House and in such circumstances some other member can ask a question on his behalf. Mr.
Speaker observed that he is in agreement with the suggestion but there should be a request regarding 
grant of leave for such member. Mian Muhammad Yasin Khan Watoo, suggested that where a member 
is interested in his question but is unable to attend the House due to some unavoidable circumstances he 
may be allowed to authorized another member in writing to ask the question on his behalf to which Mr. 
Speaker agreed.

(166-120, Vol VI) 
Pages: 834-835.
907. QUESTION HOUR: QUESTION WHETHER PRESIDENT COULD EXPRESS PERSONAL OPINION IN HIS ADDRESS: STATEMENT OF A MINISTER JUSTIFYING THE PRESIDENT ACTION DESIRED TO BE DISCUSSED: SUBSTANTIVE MOTION REQUIRED FOR DISCUSSION ON POINTS ARISING OUT OF A MINISTER'S STATEMENT:

On 13th April, 1957, during question hour, Mr. Yusuf A. Haroon enquired through a supplementary question whether the President-speech dated March 23, 1957 in which he had expressed certain personal opinion on a controversial matter concerning the transfer of Railways to the Provinces, had been made with the approval of the Cabinet. Another member wanted to know whether, by expressing his personal views on a public matter, the President had not transgressed his statutory powers. In order to clarify the position, the Foreign Minister (Malik Mohammad Firoz Khan Noon) stated that, according to British Parliamentary practice, an address of the Head of the State voiced the views of the Cabinet on official matters. But that fact did not prevent the Head of the State from having any personal views on anything else. The Opposition, however, maintained that, since very important issues had been raised by the Foreign Minister, the business of the House should be adjourned to have a debate in the matter. Mr. Speaker, thereupon, observed as follows:

"I can say, on the face of it, that no motion about discussion of the points raised in the speech of the Minister for Foreign Affairs can be made save and except by a substantive motion. So, if you can point out and satisfy me that there is any other extra ordinary way of doing it, I will look into it. But I should say, at the moment, that there is no way of discussing these points save and except by a substantive motion."

(95-58, Vol-I)
N.A Deb., 13th April, 1957.
908. **QUESTIONS HOUR: BEGINNING AND END OF**

On 5th July, 1962, a Member raised a point of order enquiring from the Chair at what time the question hour was to end on that day. The Deputy Speaker observed that the questions started at 8.14 a.m and would end at 9.14 a.m.

(142-133, Vol II)
N.A. Deb., 5th July, 1962,
Pp. 1054.

909. **QUESTION HOUR: REQUEST FOR RESTORATION OF-WHICH HAD EARLIER BEEN SUSPENDED: CHAIR RESTORES**

On 8th April, 1964, on the request of some Honourable Members that the question hour, which had earlier been suspended should be restored the Speaker observe:

"The House would recall when the decision was taken to suspend the question Hour, the decision was unanimously reached. I consented to the consensus of opinion in this House- so the question hour was suspended.

As I indicated earlier- Honourable the Leader of the House was absent- I do not find anything in the Rules of procedure that if he is absent I shall have to wait for his pleasure when he is in House.

If the House would recall, the decision was to suspend the question Hour till the general discussion on the current bill is over. There is no ambiguity about that. If any Honourable Member has forgotten that, I am not to blame neither this House. In any case I have no power to impose any decision in respect of suspension of question Hour without the consent of the House.

Some Members have now requested that there must be question Hour. I have no other alternative but to take up the questions now. I am very sorry if there has been any misunderstanding in any section of the House about the suspension of the question Hour. But what can I do- there is no ambiguity. The decision was only till the general discussion on the Bill was over. There will be some inconvenience, but it is all printed.

(143-133, Vol II)
N.A. Deb, 8th April, 1964.
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910. QUESTION HOUR: NO MATTER OTHER THAN THAT RELATING TO QUESTIONS CAN BE RAISED DURING QUESTION HOUR:

On 31st January, 1974, during question hour an Opposition member who had been released from detention, entered the House. The Opposition members greeted him by thumping the desks. An Opposition member stood up to congratulate the Speaker saying that it was the Chair which had taken the responsibility of the protection of the life of the detained member, who had since returned to the House. The Speaker thereupon observed that no matter other than that relating to questions could be raised during the question-hour.

(390-229, Vol IV)

911. QUESTION HOUR: SUSPENDED DURING BUDGET DISCUSSION: IMPORTANT QUESTIONS CAN BE REPEATED:

On 17th June, 1974, the question hour was suspended by the Speaker and it was decided to release the printed questions and answers to the Press. On a request by a member to keep questions pending to enable the member to put supplementaries, the Speaker remarked:

"If you have any important question, you can repeat it and I will allow that question for supplementaries. If I keep all questions pending, there will be so many questions and it may not be possible to take them up for oral answers".

(391-230, Vol IV)
912. QUORUM: LOBBY DOES NOT FROM PART OF THE HOUSE FOR PURPOSES OF QUORUM.

On 3rd July, 1962, the Deputy Speaker observed that the House was short of quorum. A Member suggested that as postulated by a ruling given in the Indian Parliament the lobby should be treated as part of the House. The Deputy Speaker expressed his regret that he could not accept that position.

(144-134, Vol II)
N.A. Deb, 3rd July, 1962,
P. 942.

913. QUORUM: RESPONSIBILITY FOR FORMING-WHO IS ENTITLED TO POINT OUT THAT THERE IS NO QUORUM.

A ruling was sought by the Leader of the persons Opposition as to whose moral responsibility it is to have a quorum in the House. The Speaker remarked: "In my opinion the persons most interested in the discussion of an adjournment motion should be the party of the mover as they have also the have the requisite number to give leave of the House. But I must say it is also the moral responsibility of each and every Member of the Assembly to be present on an occasion where the House has already granted leave to discuss a definite matter of recent, and urgent public importance. Every Member of the House should be present to hear or take part in that discussion. So I cannot agree with the Leader of the Opposition that it is the moral responsibility of this side or that side of the House only to provide the quorum."
Another point was raised as to who is entitled to point out that there is no quorum in the House. The Speaker observed:

"But so far as the question whether there was a quorum is concerned, somebody charged that the Honourable Leader of the House said that Mr. Mahbub ul Huq drew the attention of the Speaker and Mr. Mahbub ul Huq said that he did not draw the attention of the Speaker and that he was only trying to draw the attention of the Members sitting outside to come inside. I do not know what the correct position was as I was not in the Chair. This is true that officially nobody other than the members, Ministers and Attorney General who are constitutionally allowed to participate in the proceedings of the House, can draw the attention of the Speaker to the lack of quorum but certainly the clerk of the House, in our case the Secretary of the Assembly, might officially inform the Speaker that probably there was no quorum. The Deputy Speaker gave the ruling that there was no quorum. That is final."

(145-135, Vol II)

914. QUORUM: CHAIR HAS DISCRETION TO ADJOURN THE ASSEMBLY TILL THE NEXT DAY FOR WANT OF QUORUM, OR SUSPEND THE MEETING UNTIL THE QUORUM IS COMPLETED: RULE OVER-RIDDEN BY CONSTITUTIONAL PROVISION LOSES ITS APPLICATION: POINT OF ORDER RULED OUT:

On 21st March, 1966, when a Resolution was under discussion, Mr. Mohammad Abdul Matin raised a point that there was no quorum in the House. The count revealed that the House was short of quorum. It was accordingly adjourned for fifteen minutes. When the House re-assembled at 12.15, Shah Azizur Rahman raised a point of order that, under Rule 154, Speaker could only adjourn the House for fifteen minutes and, if the quorum was not complete by there, the only alternative open to him was to adjourn the Assembly till the next following day, but he could not adjourn the House for forty five minutes to complete the quorum. However, the Chair, disagreeing with the above contention, held that he was competent to suspend or adjourn the House for more than fifteen minutes, to that the quorum could be completed. In this respect, reliance was placed on Article 110 of the Constitution, which provided that, if at any time during a meeting of an Assembly the attention of the person presiding at the meeting was drawn to the fact that less than forty members were present, it shall be the duty of the person presiding either to adjourn the meeting or to suspend the meeting until forty members were present. It was accordingly observed that, since rule 154 of the Rules of Procedure had been over-ridden by the Constitutional provision, it would not hold good. The point of order was ruled out.

(46-31, Vol III)
915. QUORUM: A MEMBER, WHILE SPEAKING, MAY HIMSELF POINT OUT LACK OF QUORUM:

Rao Khurshid Ali Khan, while speaking on a Bill, pointed out lack of quorum in the House. Mr. Mohammad Haneef Khan, who was presiding at the sitting, directed that quorum bells be rung. Meanwhile Mr. Speaker resumed the Chair and observed:

"The quorum is not complete and there is no alternative except to adjourn the House."

(392-230, Vol IV)

916. QUORUM: CATCHING THE SPEAKER’S EYE; PERMISSION OF CHAIR TO BE OBTAINED FOR POINTING OUT LACK OF QUORUM: PROCEDURE FOR CATCHING EYE OF THE SPEAKER:

During the progress of debate on a Bill, a member rose and requested Mr. Speaker to ascertain if the House was in quorum. A point of order was raised by the member addressing the House that lack of quorum could be pointed out only with the permission of the Chair.

The Chairman (Mr. Mohammad Haneef Khan) upheld the point of order and ruled that the member pointing out the lack of quorum should catch eye of Speaker in the following manner:

"He should rise in his seat or ask the Speaker, address the Speaker, 'Mr. Speaker'. If Mr. Speaker is not looking towards him, he should say, 'Mr. Speaker' and then when Mr. Speaker will look to him he will say, 'yes, please'. Then he can say, 'I am on a point of order'. If the Honourable Speaker or anybody who is occupying the Chair is of the opinion that really the House is not in order, he will permit the person to raise that point of order; and if he sees that it is justified he will decide it accordingly. So, this is the way. Now the point raised by the Honourable member from Rawalpindi was about the quorum and I think the quorum is complete."

(393-220, Vol IV)
917. **QUORUM: LACK OF QUORUM NOT TO BE POINTED OUT DURING RECITATION OF HOLY QURAN:**

On 3rd November, 1975, at the start of recitation from the Holy Quran, Sahibzada Safiullah wanted to raise a point of order about the lack of quorum, but it was not allowed to be raised till the conclusion of the recitation.

(394-231, Vol IV)

918. **QUORUM: ONE-FOURTH OF TOTAL MEMBERSHIP OF 145: 37 MEMBERS INCLUDING THE CHAIR CONSTITUTED THE QUORUM:**

On 24th November, 1975, during discussion on a Bill, Sahibzada Ahmad Raza Khan Qasuri pointed out that the quorum was not complete. Mr. Speaker declared that there were more than 37 members present and so it was complete. Mr. Qasuri insisted that 38 members were needed. Mr. Speaker observed that only 37 members, including the Chair, were needed.

(395-231, Vol IV)

919. **QUORUM: A GOVERNMENT MEMBER POINTS OUT LACK OF QUORUM: SPEAKER REMARKS THAT IT WAS AGAINST PARLIAMENTARY TRADITIONS AND CONVENTIONS:**

On 28th November, 1975, when Madam Deputy Speaker was in the Chair, Mr. Mohammad Khan Chaudhary, a member of the Government party, pointed out that there was no quorum. Thereafter Mr. Speaker returned to the Chamber and observed:

"In Parliaments, there are certain parliamentary traditions. There are certain Parliamentary conventions that Government Party never points out lack of quorum. Quorum is always meant for the Opposition to hamper the Government business and to delay it."

(396-231, Vol IV)
920. QUORUM: LACK OF QUORUM POINTED OUT WHEN CHAIR WAS PUTTING A MOTION TO THE HOUSE: CHAIR DIRECTS THAT NO BODY CAN SPEAK WHEN SPEAKER IS SPEAKING: THE MEMBER SHOULD HAVE POINTED OUT LACK OF QUORUM AFTER CHAIR HAD FINISHED:

On 12th December, 1975, while Mr. Speaker was putting a motion to the House for taking vote on it, Sahibzada Ahmad Raza Khan, pointed out that the quorum was not complete. Saying that the quorum was complete, Mr. Speaker observed that if the member felt that there was lack of quorum, he should have pointed out the same after he (Speaker) had stopped speaking, because it was a basic and fundamental rule that when Mr. Speaker was speaking, nobody could speak.

(397-232, Vol IV)

921. QUORUM: WHEN OBJECTION REGARDING LACK OF QUORUM SHOULD BE RAISED:

A member, immediately on the commencement of the sitting and replying on rule 5 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, pointed out that the quorum was not complete. Mr. Speaker, while agreeing with the objector, observed that the rule was correctly pressed into action, but at the same time desired that the question of quorum should not be taken up during the question hour, privilege or adjournment motions, because these were tabled to the advantage of members. However, such an objection could be taken during the legislative business with success.

(63-33, Vol V)
N. A. Deb., 16th March, 1976

922. QUORUM: A MEMBER POINTED OUT COMMENCEMENT OF SITTING BY FORTY MINUTES LATE AND PROPOSED THAT THE MATTER BE REFERRED TO PRIVILEGES COMMITTEE:

On 5th June 1986, Mr. M.P Bhandara, MNA, pointed out that there was a delay of forty minutes in commencement of the sitting of the National Assembly which practice had become virtually a routine to start late and therefore, he proposed that the matter be referred to the Privileges Committee so that whenever Assembly is unable to meet the scheduled time, all the members should suffer some sort of equal penalty for this lapse.
Mr. Speaker, observed:

"I agree with you Mr. Bhandara, that the Honourable members should come here in time. But again I can only make this request. There is ruling by the Speaker of this very August House on the subject and I will read it out to you.

"Ruling was sought by the Leader of the Opposition as to who was morally responsible to have quorum in the House. The speaker remarked:

"In my opinion the persons most interested in the discussion of an adjournment motion should be the party of the mover as also to have the requisite number to give leave of the House. But I must say that it is also the moral responsibility of each and every member of the Assembly to be present on an occasion when the House has already granted leave to discuss a definite matter of recent and urgent public importance. Every member of the House should be present here to take part in the discussion. So, I cannot agree with the Leader of the Opposition that it is the moral responsibility of this side or that side of the House only to provide the quorum."

(173-124, Vol VI)

N.A. Deb., 5th June, 1986.

Pp. 692-693.

923. QUORUM: A MEMBER RAISED POINTED OF ORDER RELATING TO LATE COMMENCEMENT OF THE ASSEMBLY SESSION DAILY WHICH HAD BECOME A ROUTINE AND SUGGESTED TO START SITTING WITHOUT QUORUM: POINT HELD NOT IN ORDER AS SPEAKER CAN PRESIDE ONLY IF THERE IS A QUORUM:

On 29th April, 1987 Mr. Muhammad Usman Ramz, MNA pointed out that the sittings of the Assembly were being started by delay of one to two hours daily which caused inconvenience to the members. He, therefore, suggested that there should be a via media to avoid this situation without amending the relevant rules concerning quorum which imposed restriction relating to commencement of the sittings unless one fourth of its total membership was present and said that the sittings should commence with the presence of 30 MNAs which could resolve the issue.

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

"Now this is for the Speaker to determine that there is quorum in the House before he
comes and presides over the sitting. I see no way that the Speaker can ignore the relevant rules unless those are amended. As such I really cannot think of the way that I can be of help in this regard. Yes, subsequently after the sitting has commenced if there is a shortage of quorum, the Speaker is not supposed to take notice of it till it is brought to his notice by any Honourable member, but at the Commencement but, it is the duty of the Speaker to decide and preside only when there is a quorum.”

N.A. Deb., 29th April, 1987
Pages: 297-298

924. QUORUM: POINT THAT THE SPEAKER CANNOT ENTER THE HOUSE WHEN THERE IS NO QUORUM: NOT VALID DUE TO DELETION OF RELEVANT RULE PERTAINING TO QUORUM:

On 26th February, 1992, Ch Muhammad Altaf, raised an objection that it is agreed that in the normal course when the House is in progress and there is no quorum perhaps obviously take an exception to that and will forego, rather we have been doing that. However, he submitted that under the provision of Constitution, once a quorum is complete only then the Speaker should enter the house and it is against honour and prestige of the Honourable speaker that he should enter the empty house. He therefore, asked the honourable Speaker that he should come to the house when the same is in order and thereafter, if the quorum is not there and no body point out then he may continue.

Mr. speaker remarked that rule 5(2) of the Rules of Procedure pertaining to the quorum has been deleted and gave the following ruling:

"Under Article 55(2) of the Constitution all decision shall be taken by majority that is all right but if at anytime during the sitting of the National Assembly the attention of the Presiding Officer is drawn to the fact that less than one-fourth of the total membership of the Assembly is present he shall either adjourn the Assembly or suspend the meeting until one-fourth of membership is present. Now, it does not mention anywhere that the Speaker cannot enter the Hall unless there is quorum. Now Ch. Altaf Hussain Sahib, has now pointed out the requirement which was there previously in the rules framed in 1973 and whereas that has been deleted. They very specific requirement that the speaker will not enter the hall till the quorum is present, has been deleted. The Constitution is totally silent on it and so, the point is not valid. It is ruled out."

(176-127, Vol VI)

Pages: 1331-1332.
925. QUORUM: LACK OF QUORUM POINTED OUT BY A MEMBER WHEN CHAIR WAS PUTTING A MOTION REGARDING CLAUSE BY CLAUSE CONSIDERATION OF A BILL TO THE HOUSE: CHAIR DIRECTED THAT NOBODY CAN SPEAK WHEN SPEAK IS SPEAKING: THE MEMBER SHOULD HAVE POINTED OUT LACK OR QUORUM AFTER CHAIR HAD FINISHED:

On 27th January, 1999 while Mr. Speaker was putting a motion to the House regarding clause by clause consideration of a Bill, Mr. Shamusul Rehmen Khattak, MNA pointed out that the quorum was incomplete. Mr. Speaker, relying upon the Ruling of the Chair No. 397 (Decision of the Chair 1972-75) observed that if the member felt that there was lack of quorum, he should point out the same after the Speaker had stopped speaking because it was a basic and fundamental rule that when Mr. Speaker was speaking nobody could speak. Mr. Speaker further observed that since he was already reading a Bill cause by clause, it was not correct to point out the quorum as he had already informed the House that once he had completed the reading he will take the quorum.

(174-125, Vol VI)
Pages: 1927-1929.
926. QUOTATION FROM A DOCUMENT: CANNOT BE QUOTED UNLESS A COPY OF THE DOCUMENT IS PLACED BEFORE CHAIR:

On September 30th, 1955, while participating in the third reading of the Establishment of West Pakistan Bill, Mr. Zahiruddin wanted to quote some portions from a document. The Deputy Speaker, thereupon, observed as under:

"I have clearly said that I shall not prevent the member from reading from the document which he has before him, provided that he can place it before me, so that I can satisfy myself that he is not misquoting."

(99-59, Vol I)
P. 1429.

927. QUOTATIONS FROM DOCUMENTS/NEWSPAPERS: NO REFERENCE TO DOCUMENTS NOT STRICTLY RELEVANT TO THE MATTER BEFORE THE HOUSE: REFERENCE CAN BE MADE TO DOCUMENTS WHICH ARE NOT OFFICIAL OR STATE PAPERS: A MINISTERS READING OR QUOTING A STATE DOCUMENTS SHOULD UNLESS DETRIMENTAL TO PUBLIC INTEREST, LAY IT BEFORE THE HOUSE: READING OF EXTRACTS FROM NEWSPAPERS PERMISSIBLE:

On September 30th, 1955, while taking part in the general discussion on the Establishment of West Pakistan Bill, Sardar Abdur Rashid Khan wanted to quote extracts from a document, which was
claimed to have been given to him by the then Finance Minister. However, the authenticity of the
document in question was challenged. Thereupon, the Speaker observed that the matter will be
discussed with the Leader of the House and the Leader of the Opposition in his Chamber. Until the
matter was thrashed out, the Honourable member should proceed without referring extensively to
quotations.

2. Again on September 9\textsuperscript{th}, 1955, Mian Muhammad Iftikharuddin, while speaking on
the said Bill, started to quote from the disputed document. The Speaker asked the
member that, as already decided earlier, he should not quote from the document until a
decision in the matter had been taken.

3. On September 24\textsuperscript{th}, 1955, the Speaker informed the House that he had examined
the two documents referred to by Sardar Abdur Rashid and Mian Iftikharuddin during
their speeches and had also discussed the matter with the Leaders of the House and
Opposition at four sittings held in his Chamber, during which the two member were also
present. The documents could not he termed as official, as alleged by Sardar Abdur
Rashid. In fact, these were prepared by outsiders and, except for a portion of one paper,
these did not contain the views of Ch. Muhammad Ali.

4. As regards the question whether papers of such a nature could be allowed to he
quoted from in the House, the Speaker referred to the rulings of the Indian Assembly
cited at Sr. No. 193, 194 and 195 of the (Decisions of the Chair·1921-1924) according to
which reference could not he made to discussions taking place at private meetings.
Reference could not also be made to the proceedings of a Committee in the House unless
the report of the Committee has been laid before the House.

5. On the question of citing of reference by a Minister from an official document, the
Speaker referred to the practice obtaining in the British House of Commons as stated at
page 441 of the May's Parliamentary Practice (15th Edition) according to which a
document, cited by a Minister, should be laid before the House, if in doing so the public
interest is not injured.

6. The Speaker also cited a number of cases from Hansard's Parliamentary Debates
(Vol. 179-C. 489, Vol. 140-C. 764 and Vol. 376-C. 2206) in regard to the reading of extracts
from private documents and observed:

"It appears from these that there is no restriction in regard to quoting from papers, if the
quotations are relevant. Exception is, however, made when a Minister reads or quotes
from a despatch or other State paper not before the House. In that case, he should lay the
document unless it would be to the detriment of public interest."

7. The Speaker concluded
“Honourable members could refer to documents, which are not official or State papers, or to newspapers. I would, however, invite honourable member’s attention to rule 37 of our Rules. No reference should be made which is not strictly relevant to the matter before the House and nothing should be read out which cannot be spoken by the member under rules of debate.............”

(100-60, Vol I)
Pp. 508-511.
Pp. 613-628, and
RECOGNITION OF GROUPS AND PARTIES

928. RECOGNITION OF GROUPS AND PARTIES: CHAIR TO RECOGNISE SEPARATE GROUPS.

On 24th December, 1963, the Speaker announced that Mr. Yusuf Khattak has been elected as the new Leader of the Opposition. An objection was taken whereupon the Speaker remarked:

"It is unfortunate that the Speaker is called upon to decide such matters. It is for the Honourable Members to decide amongst themselves who should lead them. But I can assure that if any group chooses to separate itself from the rest of the distinguished Members in the Opposition, the Speaker shall recognize that.

So, I do not think it proper that a discussion should start on this."

Later on the Speaker advised the Members to discuss these matters with him in his Chamber.

(146-135, Vol II)
N.A. Deb, 24th December, 1963.
REFLECTION ON PERSONAL CONDUCT OF PRESIDENT

929. REFLECTION ON PERSONAL CONDUCT OF PRESIDENT: REFLECTION ON THE PERSONAL CONDUCT OF THE PRESIDENT EVEN IN HIS CAPACITY AS A MEMBER OF THE NATIONAL ASSEMBLY OR THE HEAD OF A POLITICAL PARTY NOT PERMISSIBLE:

On 15th June, 1973, during the course of his speech, when a member tried to cast aspersion on the personal conduct of the President on the plea that besides being the President of the country, he was the Chairman of the Pakistan People's Party and a member of the House. It was also contended that he was as much subject to criticism as a Minister or any other member. Relying on rule 190 (2) (b) of the Rules of Procedure and Conduct of Business in the National Assembly (Legislature), 1972, Mr. Speaker Observed:

"You can really discuss that portion which relates to anything done by him (President) in his official capacity, but so far as his person is concerned, whether he is a member or not, whether he is the head of a political party or not, the President cannot be criticised in his personal capacity."

(398-332, Vol IV)
930. RELAY OF SPEECH FROM THE HOUSE: FINANCE MINISTER'S SPEECH ON THE OCCASION OF PRESENTATION OF THE NATIONAL BUDGET OR A SUPPLEMENTARY FINANCE BILL CAN BE RELAYED TO THE NATION FROM THE HOUSE.

On 22nd November, 1965, Mr. Speaker announced that the Finance Minister's speech on the Supplementary Financial proposals will be relayed to the nation from the House in the National Hook Up. The Leader of the Opposition objected to its being relayed from the House on the ground that the Members represented the nation and, as such, they have a right to hear the speech first of all in the House. It should not reach anybody outside the House simultaneously. Any departure will amount to an insult to the Members and there was no parliamentary practice or convention to do so.

The Leader of the House contended that the speech was being broadcast through the Radio keeping in view the past practice in the House and that there was noting new in it.

Mr. Speaker ruled out the objection of the Leader of the Opposition and observed that broadcast of speech on the Radio was in line with the past practice of this house and was supported by the convention prevalent in other parliaments such as in New Zealand.

(47-31, Vol II)
N.A. Deb., 22nd November., 1965.
Pp. 380-381.
REPORT OF STANDING COMMITTEE

931. REPORT OF STANDING COMMITTEE: IF A STANDING COMMITTEE IS PRESIDED OVER BY A LADY MEMBER, SHE MAY BE CALLED "CHAIRWOMAN" INSTEAD OF "CHAIRMAN" BUT THE USE OF WORD 'CHAIRMAN' WOULD NOT MAKE REPORT DEFECTIVE:

On 10th June, 1966, on the Private Members day, Shah Azizur Rahman, MNA made a motion that the medical Council (Amendment) Bill, 1965 be taken into consideration. Mr. Hasan A. Shaikh raised a point of order that the Report of the Standing Committee on the Bill was not a 'Report' in as much as it was the report of the Committee presided over by a Chairwoman and not a "Chairman" as referred to in Rule 106. In this respect, it was contended that the rule cited above excluded a lady member to be the Chair woman of a Standing Committee. As such, there being no legally constituted Committee, its report was in valid. The Deputy Speaker, disagreeing with the member, observed that actually the word 'Chairman' is put against the name of a lady member if she is presiding over a Standing Committee. If it is said in the report of a Standing Committee that the Standing Committee was presided over by Chair woman, there is nothing wrong in it. The point of order was ruled out, being meritless.

(48-32, Vol III)  
N.A. Deb., 10th June, 1966  
Pp. 666-668

932. REPORT OF STANDING COMMITTEE: A REPORT CAN ONLY BE PRESENTED BY THE CHAIRMAN OF THE COMMITTEE OR IN HIS ABSENCE BY ANY OTHER MEMBER AUTHORIZED BY COMMITTEE:
On 28th April, 1976, Malik Muhammad Akhtar, Minister for law and Parliamentary Affairs wanted to present the report of a Standing Committee on behalf of its Chairman, whereupon Mr. Speaker observed that as provided in the Rules, report of a Committee could only be presented by its Chairman or, in his absence, by any other member authorized by the Committee.

(64-33, Vol V)

N.A. Deb., 28th April, 1976

933. REPORT OF STANDING COMMITTEE: ALLEGED FAILURE OF THE STANDING COMMITTEE TO SUBMIT REPORT ON A BILL WITHIN A SPECIFIED TIME VIZ. 22nd NOVEMBER, 1985 AND WITHOUT SEEKING EXTENSION OF TIME FROM THE HOUSE ITS PRESENTATION NOT LEGAL: REPORT SUBMITTED ON 23nd NOVEMBER, 1985 (22nd FRIDAY) BEING HOLIDAY AND NON-WORKING DAY: HELD IN ORDER: POINT RULED OUT:

On 1st December, 1985 Hajji Muhammad Saifullah Khan raised a point of order seeking ruling of the Chair to the effect firstly, that he raised an objection regarding the report of the Standing Committee on the Political Parties Act presented before the House on 28th November, 1985. His contention was that the Assembly had fixed a time i.e. 22nd November, 1985 for the presentation of the report of the Committee whereas it is evident from the Report that it was considered by the committee on 23rd November, 1985 which gave the decision thereon on the said date. He submitted that the committee was legally incompetent to consider the report after 22nd November, 1985 and if the Committee has completed the Report on 23rd November, 1985 then an extension of time in presentation of report on 23rd November, 1985 should have been sought from the Assembly for the delay of one day having occurred and it cannot be said that 22nd November, being holiday the presentation of Report on 23-11-1985 will be presumed as legal. The mover submitted that there is no provision in the Rules of Procedure prohibiting holding of a meeting on holiday and thus the Report of the Committee either should have been submitted by 22nd November or it should have been finalized by 22nd November but no proper motion for extension of the time was brought before the Assembly and as such its presentation is against the rules.

The Second point raised by the mover was that the Report reveals that it has been presented with consensus of all the members whereas it is obvious from the Report itself that Maulana Gohar Rehman, MNA had given a dissenting note on the report which is appended with the Report. The mover added the Maulana Gohar Rehman has stated in his dissenting note that he does not agree with the contents of the Bill and the dissenting note was written on 19th November, 1985 whereas the Report was prepared on 23rd November, 1985. In this view of the matter the contention of the mover was that the Report was not prepared with consensus of the members and since the Report is contrary
RULING OF THE CHAIR

REPORT OF STANDING COMMITTEE

to the factual position, therefore, neither the same should have been presented nor the House can take it into consideration.

Mr. Iqbal Ahmed Khan, Minister for Law and Parliamentary Affair, opposed the point of order and stated that according to mover himself there was holiday on 22nd November, 1985 being Friday when the Assembly Secretariat remained closed on the said date. The Minister further submitted that the Report in question was in fact completed before 23rd November, but it was considered necessary that the draft of the Report be shown to the Committee members, thus the report was accordingly approved on 23rd November, and on the same date it was presented to the National Assembly. The Minister further submitted that there is a routine procedure that when there occurs a holiday at the end of due date then it is ever presumed that there is a working day on the next day. The Minister clarified that due to holiday on 22nd November, the Report was submitted on the next working day i.e. 23rd November, 1985 which was in time. The minister pointed out that the Honourable mover should have raised the aforementioned objections too on 23rd November, 1985 when the Report was presented and the objection at this belated stage has no legal value whatsoever.

As regards the second objection, that Minister clarified that question of presentation of the Bill under the Constitution came into consideration before the Standing Committee and Maulana Gohar Rehman, MNA had raised an objection to the extent that if the provisions of the Bill are not in accordance with the Constitution then it be enforced on coming into existence of the next Assembly. The Minister added that Maulana Gohar Rehman, MNA had principally no objection on the present Bill but had some other objections which relates to the main Political Parties Act and if seen carefully, the dissenting note in actual fact is based upon such objections.

Mir Nawaz Khan Marwat being member of the Standing committee reiterated the contentions of the Law Minister and further stated that there was complete consensus on the Bill amongst thee members of the Standing Committee but further suggestions of Maulana Gohar Rehman having not been covered by the Bill were given the form of dissenting note.

Mr. Speaker after hearing the view points of the Minister and other members at great length ruled out the points of orders and observed as follows:

"(i) We have so far two issues to be resolved-one is that the report of the Committee should have been finalized by 22nd November, 1985 and the view point of Haji Muhammad Saifullah Khan that no extension beyond this date could have been given without permission of the House. The Contention of Minister for Justice is that since 22nd November, was non-working day(being Friday) of the Secretariat, therefore that next
working date falling on 23rd November should be considered as working day. Rule 208 of the Rules of Procedure provides that a notice delivered when the Notice Office is closed, shall be treated as given on the next working day and therefore, the report of the Standing Committee was submitted in time and the same can be treated as such.

(ii) Haji Muhammad Saifullah Khan has contended that the working days and working hours are fixed by the Speaker which is correct. However, it may be mentioned here that the Speaker also fixed the working days in accordance with certain rules which he and the Secretariat have arrived at. They of course, can be changed with the consent of Speaker. Presently, Fridays are closed and I think in this particular way, we can treat this motion as such on the next working day.

(iii) So far as the consensus is concerned, I will read out some definitions from the Oxford English Dictionary:

"Consensus" means "a general concord of different organs of the body in effecting a given purpose; sympathy."

Second definition is "agreement in opinion". The words which have been used here are:

"There was full consensus among the Members of the Committee to the effect that the Bill as received may be passed.

While supporting the provisions of the Bill, Maulana Gohar Rehman suggested certain amendments relating to other provisions regarding political parties in the Constitution and the Political Parties Act, 1962, and also submitted a note of dissent as at Annexure I. Khawaja Muhammad Safdar, however, expressed the view that these amendments were outside the scope of the present Bill.

Now the difficulty which arises here is that a Note of Dissent has been given and the question is whether the words "there was full consensus" be used or not. The exact words of Maulana Gohar Rehman are:

Here I think there is a slight contradiction. I would say that the bill, as it stands, should be admitted, but, in the future, people who draft such Committee reports should be more careful in the language that they actually use so that the meanings that are conveyed in the Notes of Dissent must be accurately reflected in the report that is presented to the House. This would be my plea to the Honourable members. Thank you.

(177-128, Vol VI)
Pp. 4401-4414.
RESIGNATION

934.  RESIGNATION: RESIGNATION TENDERED BY A MEMBER FROM HIS SEAT IN THE ASSEMBLY TAKES EFFECT AS SOON AS IT REACHES THE SPEAKER:

On 10th December, 1973, the Speaker informed the House that Mr. Ghulam Mustafa Khar had resigned from the membership of the National Assembly. Thereupon a member inquired if the resignation had been accepted by the Speaker. Mr. Speaker observed:

"The Speaker has no other option; he cannot reject it. I cannot reject; anybody can resign.
As soon as it reaches the Speaker, the resignation becomes effective."

(399-233, Vol IV)
P.348.

935.  RESIGNATIONS SUBMITTED BY MINISTERS TO PRIME MINISTER AND NOT REACHED THE PRESIDENT: UNDER CONSTITUTIONAL PREVISION A RESIGNATION MUST BE ADDRESSED TO THE PRESIDENT AND REACH HIM: NO BREACH OF PRIVILEGE INVOLVED: RULED OUT:

On 3rd December, 1989 Sheikh Rashid Ahmad and other Opposition members moved identical privilege motions to the effect that the Cabinet Ministers had tendered their resignations which had allegedly been accepted by the Prime Minister but the same were not forwarded to the President as per the required procedure.
The mover explained that the Prime Minister had declared that the Ministers and Advisers had tendered their resignations which after acceptance, as per the information of the mover, had been sent to the President. Another member Lt. Gen. (Retd.) Malik Abdul Majeed, stated that the Prime Minister had said that the entire Cabinet had resigned and the resignations were with her which had been accepted and as such there was no legal or moral reason for her in not forwarding these resignations to the President. In his view the Cabinet had ceased to exist. Ch. Amir Hussain, MNA invited attention of the Honourable Madam Deputy speaker to Article 46 of the Constitution to contend that under the provision of said Article the Prime Minister was legally bound to communicate to the President the decisions of the cabinet relating to the administration of the affairs of the Federation. He pointed out that since the resignations were tendered by the Ministers in the Cabinet meeting and the Prime Minister had failed to send these resignations to the President, therefore, the question raises whether the said failure of the Prime Minister constituted breach of privilege of the House. In this regard, he argued that because of the fact that whenever there was a violation of the Constitution it constituted breach of Privilege of the members of Parliament and submitted that under Article 91 of the Constitution, the Cabinet, together with the Ministers of States were collectively responsible to the National Assembly and there was no specific mention of the Prime Minister in the said Article but it was clear from the said definition that the Cabinet was headed by the Prime Minister and whereas the whole Cabinet including the Prime Minister did not discharge its functions under Article 46 of the Constitution, therefore, the National Assembly was bound to interfere in the matter as there was a clear violation of the said Article.

Mr. Imran Farooq, MNA submitted that despite resignations tendered by the Ministers they were still working in their Ministeries which was un-constitutional and undemocratic.

Opposing the admissibility of the motions Syed Iftikhar Hussain Gillani, the Minister for Law and Justice contended that the motions were not permissible under the rules and the law. He argued that Article 46 talked of the collective decision of the Cabinet, while under the Constitution, the Prime Minister was bound to inform the President, but this was confined only to the collective decision of the Cabinet and not the independent decision of a Minister. He pointed out that after the Minister, in his or her wisdom took an individual decision, that decision was an individual decision, and there was no provision in any law that the Prime Minister was bound or under obligation to inform the President. He, therefore, urged that Article 46 of the Constitution was not applicable in the case and as long as the resignations did not reach the President they were of no legal value one way or the other.

After hearing the debate at length, Madam Deputy speaker ruled the motion out of order and observed:-
“Under clause (3) of Article 92 of the Constitution, a resignation by a Minister must be addressed to the President. Since the resignations have been submitted to the Prime Minister and have not yet reached the President there is no breach of any privilege.”

(179-131, Vol IV)
Pp. 123-166.

936. RESIGNATION: CANNOT BE ACCEPTED ON A POINT OF ORDER:

On 26th October, 1992 Mr. J. Salik, Minority member wanted to resign from the membership on a point of order to which Mr. Speaker did not agree say that such a important decision cannot be taken on point of order and the resignation under his signatures may be handed over by the member in the Speaker Chamber which can subsequently be notified to the Chief Election Commissioner under the law.

(178-131, Vol VI)
N.A. Deb., 25th October, 1992
Pp. 1720-1721
937. **RESOLUTION**: MEMBER MOVING AMENDMENTS HAS NOT GOT RIGHT OF ANOTHER SPEECH: HE SHOULD SAY WHATEVER HE WANTS TO ONLY AT THE TIME OF MOVING HIS AMENDMENTS: THERE CANNOT BE ANY SECOND GENERAL DISCUSSION:

During discussion on a resolution on the future Constitution of Pakistan Mr. President, while putting the amendment of one member, told another member that his amendment was covered by the amendment already moved and so he could speak on it later on. Thereupon, the Prime Minister, Mr. Liaquat Ali Khan suggested the following procedure:

"May I point out the general procedure that those Honourable Members who have moved amendments do not have a right of another speech, otherwise this discussion will become indefinite and therefore whatever they have to say about the Resolution they should say it while they are moving their amendments? Therefore, I would submit for your consideration and for the consideration of the House that if there are three or four amendments standing in the name of one member he may move all the amendments at one time and then make a speech dealing with each amendment and if he wants to make any observations on the other parts of the Resolution he should be allowed to do so. But, if the members are going to move amendments, then make speeches and then again take part in the discussion I think this debate will never terminate."

Mr. President approved of the above procedure and observed that it would greatly economise on time. He further ruled that, so far as movers of amendments were concerned, it would give them an opportunity to speak on the amendments which stood in their names and also on the resolution as a whole.
938. RESOLUTION: CHAPTER XI OF THE RULES OF PROCEDURE NOT APPLICABLE TO GOVERNMENT RESOLUTIONS.

On 7th December, 1962, a Parliamentary Secretary moved a resolution for the approval of an Ordinance. A point of order was raised by a Member that under Chapter XI relating to resolutions, there was no distinction between a private and a Government resolution and so the said resolution should undergo all the formalities contained in Schedule I to the Rules. Reference to Rule 77 was also made. On behalf of the Government Article 29 of the Constitution was invoked and reference to Rule 142 was made and it was maintained that a resolution and a motion were interchangeable terms. It was also suggested that Rule 171 could be applied in the case. After some discussion the Deputy Speaker observed:

"Having heard both the sides, I am now going to give my ruling on the point of order raised by the Honourable Member. In the first instance, in so far as the power to move a Resolution is concerned the Rules do not make a distinction whatsoever between Members belonging to one side or the other. As such, a Member belonging to the Treasury Benches would be perfectly within his rights to move a Resolution. That disposes of the first part of the objection raised by the Honourable Member. In so far as the second objection that the Honourable Member belonging to the Treasury Benches while moving a resolution should be governed by the same pre-conditions as laid down in case of a private Member moving a resolution is concerned, I have to submit that schedule I given on page 44 of the new Rules of procedure deals with the conditions which are laid down in connection with Bills and Resolutions which are moved by a private Member. They do not deal with official resolutions or official Bills. I would, therefore, come to the irresistible conclusion that in the absence of any positive rules to the effect that Government business shall also be subject to the same conditions which would govern the Resolutions and Bills moved by Private Members, Government Resolution and Bills would be exempt from the observance of these conditions. The only logical conclusion I believe is that a Member belonging to the Treasury Benches would be perfectly within his rights only if he complied with the original conditions laid down in Rule 77, namely, giving a notice and supplying a copy of the Resolution; that is all. I would, therefore, rule the point of order as out of order."
939. **RESOLUTION: MEMBER GAVE NOTICE OF A RESOLUTION BUT SUBSEQUENTLY ON PRIVATE ASSURANCE GIVEN BY THE MINISTER CONCERNED DID NOT MOVE THE RESOLUTION IN ORDER.**

On 2nd July, 1962, a Member who had given notice of a resolution on stabilization of jute prices, informed the House that the Minister for Commerce had assured him that he would take necessary steps in the matter and so he was not moving his resolution.

Another member urged that the Member should not enter into private arrangement with a Minister and get reply privately and that this would set a very bad convention in the House. Thereupon the Speaker observed:

"I am sorry under the rules if an Honourable Member is unwilling to move his motion, nothing can compel him to do so."

And added:

"Whatever may be the reason, the position is that he does not like to move his motion."

(147-136, Vol II)
Pp. 901.


On 4th December, 1963, on the various points of order raised in respect of the Government Resolution, for approval of the Capital Area Determination Ordinance, 1963, the Speaker gave the following ruling:

"There are four main issues which have been raised by Honourable Members with regard to the resolution moved by the Honourable Minister for Agriculture and Works. The first point being whether the Ordinance-making power of the President is co-ordinate and co-extensive with the powers of the Central Legislature."
Second, whether Article 211 clause (2) of the Constitution imposes any restriction on the legislative powers of the President vested in him under Article 29.

Third, whether the Speaker has the power to decide the legality or otherwise of an Ordinance promulgated by the President.

A question ancillary to this has also been posed as to whether the Speaker can prevent the moving in the Assembly of a resolution approving or disapproving an ordinance under clause (3) of Article 29 of the Constitution, on the ground that it is ultra vires of the Constitution.

I shall deal with the last point first because the basic question is whether the Speaker is required to, or is competent to decide the legality of an ordinance or a law which is on the Statute book. This is the most relevant point for our purpose. The answer is clear. There is no such power vested in the Speaker under the Constitution or the Rules of procedure. In the case of Resolutions other than those contemplated under the Constitution, the Speaker has undoubtedly the power to disallow the moving of a Resolution or a Bill on the ground that it infringes any of the Rules of Procedure of the Assembly. But a Resolution moved under Article 29 of the Constitution for the approval of an Ordinance falls in a different category, because an Ordinance is a law already made. Whether good or bad, ultra vires or intra vires, it is no longer under the Speaker’s jurisdiction.

Another point arising out of this is whether under sub-rule (4) of Rule 3 of the Rules of Procedure which empowers the Speaker to decide all points of order, his power can be invoked to seek a ruling on the legality of an Ordinance. In this connection it has first to be determined what is a Point of Order. According to well recognized Parliamentary practice, S.S. More has defined it as follows:

‘A point of Order shall relate to the interpretation or enforcement of the Rules of procedure or such Articles of Constitution as regulate the business of the House and shall raise a question which is within the cognizance of the Speaker.’

(Practice and procedure of Indian parliament, p.114)

Norman Wilding and Philip Laundy (An Encyclopedia of Parliament) have defined a point of order as follows:

‘Any Member of parliament can and should bring to the Speaker’s immediate notice any instance of what be considers a breach of order or a transgression of any written or unwritten law of the House, and he may ask for the guidance and assistance of the Chair regarding any obscurities in the procedure,'
“It is thus obvious that a Point of Order is something that relates to the procedure of the House, to the mechanics of the transaction of business of the Legislature, but not to matters pertaining to the interpretation of the Constitution or purporting to be a decision on the legality of laws or Ordinances. The latter function is outside the jurisdiction of the Speaker.”

“The position therefore is that the Speaker having no power of jurisdiction to give a ruling on the legality or otherwise of laws or to interpret the Constitution with a view to determining the *vires* of a law, I do not propose to give any ruling on the Constitutional and legal issues raised by the Honourable Members. The Chair does not give rulings on matters outside its jurisdiction or on hypothetical propositions. The only point for determination by me, therefore, is whether the Speaker can in a case like this prevent moving of a Resolution under clause (3) of Article 29. As I have stated earlier the Speaker has no such power. Accordingly I rule out the points of Order and allow the Honourable Works Minister to move Resolution.”

(149-138, Vol II)
N.A. Deb, 4th December, 1963.

941. **RESOLUTION: DIVISION CANNOT BE CLAIMED AS A MATTER OF RIGHT:**

On 28th June, 1966, when the resolution regarding the shifting of the Headquarters of the National Assembly Secretariat to Dacca was being put to vote, the members of the Opposition wanted a division thereon. Mr. Senior Deputy Speaker remarked that he intended to proceed under Rule 152, as he considered that the claim for a division was an abuse of those Rules.

Mr. Mashiur Rahman raised a point of order that Rule 152 did not debar the members to ask for a division. It merely laid down that the Rule should not be misused. The question of having the votes recorded was a part of the parliamentary procedure and reflected the political thinking of the members. It was further contended that, during the entire Budget discussion, the division was requested for the first time, and in his opinion, this did not amount to misuse of the Rule.

After hearing the members, Mr. Senior Deputy Speaker made the following observations:

“It is so obvious that the Honourable gentlemen, who are for the resolution or who are in favour of the division are so few and the Honourable gentlemen who oppose this resolution are in a vast majority. If a division is claimed in such circumstances, the only
result which to me seems very obvious, would be wasting the time of the House, because there are so many other resolutions on the agenda. We have been discussing this resolution during the last non-official day and we have been discussing this resolution today and it is almost 12.30 by now. There are so many resolutions on the Order of the Day. The Honourable members who have been making speeches have been repeating the same arguments. I consider that it shall be an abuse of these rules, especially when there is no difference of material nature between the view points of the Opposition and the Government”.

(49-32, Vol III)


Pp. 1657-1660.

942. RESOLUTIONS: NON-OFFICIAL RESOLUTION TO BE SET DOWN FOR DISCUSSION ON A NON-OFFICIAL DAY: ORDINANCE CEASE TO HAVE EFFECT IF NOT APPROVED WITHIN SIX WEEKS OF THE MEETING OF THE NATIONAL ASSEMBLY:

Professor Ghafoor Ahmad raised a point on 23rd September, 1972, that the resolution under Article 101 of the Constitution regarding disapproval of the Finance Ordinance, notice of which was given by Sirdar Shaukat Hyat Khan, had not been circulated to members or set down in the Orders of the Day. Sirdar Shaukat Hyat Khan contended that the Finance Ordinance had been placed before the Assembly and when an Ordinance is tabled, it can be disapproved by the Assembly by resolution. Such resolutions do not come within the definition of private business but under official business and can be taken up on any day reserved for official business.

Mr. Speaker gave the following ruling:

"The point is that this Ordinance is one of those which was promulgated before the Assembly met. Now when the Assembly meets, the list of Ordinances is laid on the table of the House, but they had not so far been set down in the business of the Day on which you can move a resolution even though it is Government business. Since it has not been put before the Assembly in the form of a Bill, therefore, your resolution remains a private member's resolution. As it is a non-official resolution, it should be set down for discussion on next Thursday."

Answering a point raised by Professor Ghafoor Ahmad the Speaker clarified that if the Ordinance is not approved by the House as a Bill within six weeks of the meeting of the Assembly then it will cease to have effect.
943. RESOLUTIONS: OBJECTION TAKEN TO NATIONAL ASSEMBLY'S COMPETENCE TO DISCUSS RESOLUTION ON RECOGNITION OF BANGLADESH (FORMER EAST PAKISTAN): OBJECTION OVER-RULED: SUPREME COURT HELD THAT THE ASSEMBLY WAS COMPETENT TO DISCUSS THE RESOLUTION:

On 9th July, 1973, a member raised a point of order that the National Assembly was not competent to discuss a resolution for recognition of Bangladesh (former East Pakistan) because both the Speaker and the members of the House were under oath to protect the sovereignty, solidarity and integrity of Pakistan were as the resolution sought the approval of the National Assembly to the secession of a part of Pakistan. Earlier, this matter was referred to the Supreme Court of Pakistan by the President for advice, under Article 186 of the Constitution. The opinion delivered, by the Supreme Court was that the National Assembly could discuss the motion. In view of the verdict of the Supreme Court, the Speaker ruled out the point of order.

944. RESOLUTIONS: RESOLUTION REGARDING RECOGNITION OF BANGLADESH (FORMER EAST PAKISTAN): EVEN WHERE CERTAIN COGNATE ISSUES ARE LUMPED TOGETHER IN A RESOLUTION IT IS ADMISSIBLE PROVIDED IT RAISES SUBSTANTIALLY ONE SINGLE ISSUE IN ITS OPERATIVE PART: SHORT HISTORY AND OTHER RELEVANT STATEMENTS DO NOT MAKE A RESOLUTION ARGUMENTATIVE:

On 9th July, 1973, when the Minister without Portfolio moved a resolution for the recommendation of the Assembly that the Government of Pakistan may accord formal recognition to Bangladesh (former East Pakistan), a member raised a point of order that under rule 88 of the Rules of Procedure and Conduct of Business in the National Assembly (Legislature), 1972, a resolution was inadmissible if it was argumentative, raised more than one issue and was not in the form of a declaration of opinion by the Assembly. The resolution, he said suffered from these deficiencies and, therefore, could not be taken up.

After referring to a similar resolution moved in the Indian Legislative Assembly on 23rd September, 1921 (Legislative Assembly Debate, Vol. II, Part II, 1921, page 956), seeking the transfer of
(i) all Provincial subjects to the administration of the Governor acting with Ministers;
(ii) the transfer from among the Central subjects all subjects except Army, Navy, Foreign and Political Departments to the administration of the Governor-General acting with Ministers; and
(iii) conferment of full Dominion self-Government to India, the

Speaker ruled as follows:

"If we can consider that resolution wherein three definite matters were taken up in a wider context, it was substantially one issue, self-rule and self-Government for India. Therefore, I can say on the analogy of that ruling (resolution) that this resolution on Bangladesh raises substantially one issue and does not raise more than one issue. It is the question of the mutual relationship between the two Muslim communities, living in East and West. Now the second point is that it is argumentative. If we go through this resolution we find that it gives a short history of the issue. It places certain restrictions on the Government that they are not to depart from the principles which have been stated in paragraphs 2 and 3 while acting on the operative part of paragraph 4. Therefore, we cannot say that it is argumentative In the United Nations and other international bodies you find that for a single substantial matter even six pages of a resolution are there, preamble, short history and the operative part So, in my opinion this resolution is not contrary to the spirit of the rules. The point of order raised is ruled out."

(404-235, Vol IV)

945. RESOLUTIONS: A MINISTER OTHER THAN THE MINISTER CONCERNED WANTED TO STATE THE GOVERNMENTS POSITION ON A PRIVATE MEMBER'S RESOLUTION: MOVER REQUESTED THAT CONCERNED MINISTER SHOULD REPLY ON BEHALF OF GOVERNMENT: POINT UPHELD:

On 18th November, 1975, on a resolution moved by Begum Nasim Jahan regarding the status of women, Mr. Abdul Qaiyum Khan wanted to state the Government's point of view on the resolution. Begum Nasim Jahan, referring to rule 232 (2) of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, wanted a clarification whether Mr. Qaiyum Khan was the Minister-in-charge in respect of the resolution because in the newspapers she had read that the Minister for Health and Social Welfare was the Minister concerned. Malik Mohammad Akhter pointed out that any Minister could speak on behalf of another Minister. Mr. Abdul Qaiyum Khan asserted that he had been given the brief and he was the concerned Minister, but he was willing to yield if the mover wanted some other Minister to reply. Madam Deputy Speaker, who was then in Chair, pointed out that in respect of International Women's Year the Minister for Health was the concerned Minister and, therefore, he was considered to be the concerned Minister. Mr. Abdul Qaiyum Khan, bowing to the decision of the Chair, yielded ground to the Minister for Health and Social Welfare.
946. **RESOLUTIONS: ORAL AMENDMENT MOVED BY A MINISTER SUGGESTING THAT A PRIVATE MEMBER'S RESOLUTION BE REFERRED TO A SPECIAL COMMITTEE: MOVER OF THE RESOLUTION OBJECTED TO THE AMENDMENT UNDER RULES 130 AND 221: AS LEAVE FOR MOVING AMENDMENT GIVEN BY THE HOUSE, RULE 130 NOT APPLICABLE: RULE 221 ALSO ATTRACTION: OBJECTION OVERRULED:**

On 27th November, 1975, with the leave of the House, a Federal Minister, Mr. Abdul Hafeez Pirzada, moved an oral amendment to Begum Nasim Jahan’s resolution on status of women, suggesting that the resolution may be referred to a Special Committee. Begum Nasim Jahan objected to the moving of the amendment under rule 130 of the rules of Procedure and Conduct of Business in the National Assembly, 1973, saying that two days’ notice was necessary before an amendment to a resolution could be moved. Mr. Speaker pointed out that leave had been granted by the House and so it could not be reopened. Begum Nasim Jahan then referred to rule 221 ibid and contended that the amendment was beyond the scope of the main resolution. Mr. Speaker, observed that the said rule also did not apply.

947. **RESOLUTIONS: MOVED BY AN OPPOSITION MEMBER: NOT OPPOSED BY TREASURY BENCHES: MOVER WANTED TO SPEAK ON THE RESOLUTION: NOT ALLOWED: RESOLUTION PUT TO VOTE WITHOUT DEBATE:**

A member moved a resolution which was not opposed by the Treasury Benches. Despite its acceptance by the Government, the mover wanted to speak on the resolution. The Federal Minister for Law and Parliamentary Affairs contended that there was no need of discussion on a resolution which had been accepted by the Government. He was supported by Mr. Ahmad Raza Khan Qasuri, Mr. Mahmood Azam Farooqi, however, maintained that the main object of moving the resolution was to invite the attention of Government to a particular matter of general public importance and that the acceptance of resolution could not take away the right of its mover to make the speech as permitted by rule 128 read with rule 133 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, Mr. Speaker put the resolution to vote with the observation that there was no scope for a debate over a resolution which was not opposed by Government.
948. **RESOLUTIONS: MINISTER ASKED FOR LEAVE TO MOVE ORAL AMENDMENT TO A PRIVATE MEMBER'S RESOLUTION: MOVER OF THE RESOLUTION WANTED TO SPEAK TO OPPOSE THE AMENDMENT: DIRECTED TO SPEAK AFTER MOTION WAS PUT TO THE HOUSE:**

On 27th November, 1975, a resolution moved by Begum Nasim Jahan on the status of women was going to be discussed. Mr. Abdul Hafeez Prizada sought leave to move an oral amendment to the resolution. Begum Nasim Jahan wanted to oppose the leave for oral amendment, whereupon Mr. Speaker directed her to do so after he had put the motion for leave to move the amendment to the House.

949. **RESOLUTIONS: SPEECHES BY MEMBERS: TIME-LIMIT REDUCED TO FIVE MINUTES INSTEAD OF TEN:**

On 20th November, 1975, Mr. Speaker, announcing the names of those who wanted to speak on the resolution moved by Begum Nasim Jahan, directed that intending speakers would take five minutes each instead of ten minutes (provided in the rules), so that the debate could be completed in one hour.

950. **RESOLUTION: A MEMBER WAS NOT ALLOWED TO MOVE A RESOLUTION ON BEHALF OF ANOTHER MEMBER AS A MATTER OF PRACTICE:**

Syed Mohammad Ali Rizvi a member, drew the attention of Mr. Speaker to the fact that last time he wanted to move a Resolution on behalf of Sahbzada Safiullah, but he was not permitted to do so. At this, Mr. Speaker observed that Resolutions are not allowed to be moved by other members as a matter of practice.
951. **RESOLUTION: POINT OF ORDER: DISCUSSION ON MOTION UNDER RULE 220 RELATING TO CRISIS IN THE POWERLOOM INDUSTRY SHOULD BE CONFINED TO THAT INDUSTRY: MATTERS PERTAINING TO THE TEXTILE INDUSTRY CAN BE REFERRED TO BUT NOT DISCUSSED IN DETAIL:**

On 5th August, 1976, during the course of his speech on a motion under rule 220 relating to the situation arising from the powerloom crisis, Prof. Ghafoor Ahmad started discussing the closure of sixteen textile mills in Karachi. Mr. Ghulam Nabi Chaudhry raised a point of order that, since the motion related to the powerloom industry exclusively, the member was going beyond its scope to discuss the textile industry. His point of view was also supported by Mian Mohammad Attaullah, Minister of Industries, who stated that the motion dealt with only the powerloom crisis.

2. Prof. Ghafoor Ahmad, however, maintained that all major textile mills had installed powerlooms as component which formed the main business of the industry and only a few mills confide their business exclusively to spinning.

3. Mr. Speaker observed that the mover should discuss the powerloom industry rather than textile mills, because different laws governed the powerloom industry and the textile industry. He further observed that a reference could, however, be made to the textile industry without distracting from the motion before the House.

(66-34, Vol V)

RULING OF THE CHAIR:

952. RULING OF THE CHAIR: COPY CAN BE SENT TO PROVINCIAL GOVERNMENT WITH PERMISSION OF SPEAKER:

Mr. Speaker delivered a ruling on an adjournment motion regarding the murder of the father of a member. It was requested that a copy be sent to Provincial Government, so that it may know the mind of the Chair. Mr. Speaker allowed the request and directed that a copy be given.

(408-238, Vol IV)
N.A. Deb., 11th December, 1974.
SELECT COMMITTEE

953. SELECT COMMITTEE: A COMMITTEE ENQUIRES IF THERE WOULD BE SITTING OF THE SELECT COMMITTEE ON THE NEXT DAY: CHAIR INFORMS THAT IN VIEW OF THE BUSINESS COMING UP BEFORE THE ASSEMBLY, THERE WILL BE NO SITTING OF THE SELECT COMMITTEE ON THAT DAY:

On 17th November, 1975, Maulana Ghulam Ghaus Hazarvi enquired if the meeting of the Select Committee would be held on the next day. Mr. Speaker informed that in view of the business coming up before the Assembly, there will be no sitting of the Select Committee on that day.

(409-238, Vol IV)
954. **SENATE: A MEMBER MADE REMARKS PRAISING THE SENATE FOR MAKING VALUABLE AMENDMENTS IN A BILL: REMARKS IRRELEVANT: TWO HOUSES CREATION OF THE CONSTITUTION AND SHOULD NOT BE POISED AGAINST EACH OTHER:**

On 10th December, 1975, while a member was praising the Senate on making valuable amendments in the Divorce (Amendment) Bill, 1975, which had been transmitted to the Senate after its passage by the National Assembly, Mr. Speaker observed:

"For God's sake, Mr. Ghulam Nabi Chaudhury, do not bring anything about two Houses. The two Houses are the creation of the Constitution. They are running smoothly and if today one honourable member praises this House, the other honourable member will try to discourage the other House. These things should be avoided. It is totally irrelevant.".

(410-238, Vol IV)
N. A. Deb., 10th December, 1975.
955. SESSIONS: SIMULTANEOUS SITTINGS OF THE SENATE AND THE NATIONAL ASSEMBLY IN CONSONANCE WITH THE PRACTICE OF OTHER COUNTRIES:

On 17th November, 1975, Maulana Abdul Hakim suggested that the sessions of National Assembly and Senate should not be held simultaneously. Mr. Speaker observed that in other Parliaments also the two Houses usually met simultaneously and as such the meeting of National Assembly and Senate at one and the same time was in accordance with the universally known parliamentary practice.

(411-239, Vol IV)
956. **SPEAKER: HAS CASTING VOTE ONLY IN CASE OF EQUALITY OF VOTES WHETHER IT IS A CONSTITUTIONAL AMENDMENT OR AN ORDINARY LEGISLATION.**

On 24th December, 1963, a point of order was raised and some Members suggested that the Speaker had a right to vote in case of a Constitutional amendment which was not normal legislation, but the Speaker, disagreeing, ruled:

"I am very thankful to Honourable Sardar Bahadur Khan, a distinguished Member of this House, for his sympathies for the powers of the Speaker. But unfortunately Article 110 (b) is very definite. It makes no distinction between Constitutional amendments and ordinary legislation. It has taken away the Speaker's right to vote, unless there is equality of votes. I may be sorry for my pitiable plight but I am bound by the Constitution.

(150-140, Vol II)
N.A. Deb, 24th December, 1963.

957. **SPEAKER: DURING THE COURSE OF DISCUSSION ON A POINT OF ORDER RELATING TO A MOTION OF NO-CONFIDENCE AGAINST THE SPEAKER, THE ASSEMBLY WAS ADJOURNED FOR SHORT TEA BREAK.**

On 6th May, 1968, during the course of discussion of a point of order whether or not leave to move the motion should first be sought, Mr. Hasan A. Shaikh wanted a short tea break of the Assembly.
RULING OF THE CHAIR

Thereupon, the Law Minister referred to sub rule (5) of rule 11 of the Rules of Procedure (1966) and said that the Assembly could not be adjourned until that motion was disposed of.

However, the Senior Deputy Speaker did not agree with the contentions of the Law Minister and adjourned the House for tea break.

(50-33, Vol III)
Pp. 35.

958. SPEAKER: LEAVE TO MOVE A NO-CONFIDENCE MOTION AGAINST THE SPEAKER IS NECESSARY BEFORE A MEMBER IS ALLOWED TO GO INTO THE MERITS OF THE CASE:

On 6th May, 1968, Mr. Mukhlesuzzaman Khan moved the following motion:

“I hereby give notice of my intention to move the following resolution for removal of the Speaker of the National Assembly, Mr. Abdul Jabbar Khan, under clause 8(b) of Article 108 of the Constitution of the Islamic Republic of Pakistan read with rule 11 of the Rules of Procedure and Conduct of Business of the Assembly. That the speaker Mr. Abdul Jabbar Khan, be removed from the office of the Speaker of the National Assembly of Pakistan on the following grounds...”

Mr. Senior Deputy Speaker pointed out that, unless leave to move the motion was granted, the Member could not go into its merit.

Mr. Hasan A. Shaikh said that the mover’s motion was a resolution and that was a resolution mentioned in the Constitution. There were two chapters mentioned in the Rules of Procedure (1966), which dealt with resolutions: Chapter X dealt with the motions not mentioned in the Constitution, Chapter XI dealt with the resolutions mentioned in the Constitution and the forms and contents prescribed in Chapter X were not reproduced in Chapter XI. He said that, while the national Assembly Secretariat could touch the form and content of a resolution not mentioned in the Constitution (Chapter X), in such a way as they considered it to be appropriate, there was no analogous provision in Chapter XI to give any power to them to change even a comma of the resolution tabled by a Member under the said Chapter. He, therefore, contended that the mover had moved the resolution in accordance with constitutional provisions and wanted leave to move the resolution in the same shape, and not in the shape given to it by the Secretariat of the National Assembly. A Member could not move for leave of a resolution, which he had not himself tabled. He further stated that notice to move the motion had been given by the
mover and that notice had to be included as a whole, as it was circulated to all the members of the House and change would be a gross contempt of the House.

Dr. Aleem-al-Razee contended that, once notice of a constitutional resolution had been circulated among the members, there was no need to seek leave of the House even in the case of the impeachment of the President of Pakistan, and what was needed was only the giving of 14 days notice, and nothing else.

The Law Minster controverted the above contentions by alleging that the mover and members from opposition benches wanted to move the resolution first, and then seek for leave to move it. He further contended that it was contrary to rules as well as wisdom. It was further alleged that, first of all, the mover should make the motion to seek leave of the House to move the resolution, and when such a leave is granted, then alone the merit of resolution in detail could be touched.

Mr. Senior Deputy Speaker ruled as follows:

"Many points have been raised during the discussion, but mainly the fundamental point raised by Dr. Aleem-al-Razee is that there is no provision in the Constitution that leave to move the Resolution requires that thirty Members should stand in favour of the motion. According to him, no such restrictions can be imposed by rules when there is no such provision in the Constitution. This is his point. I would rule that the Constitution simply makes a provision that a Speaker can be removed by a vote of no confidence and fourteen days notice is to be given. As to how the process of discussing the matter in the Assembly should be regulated is always done by the Rules of Procedure. Therefore, there is nothing in the Rules of Procedure (1966) where by this condition of thirty Members rising in their seats to vote in favour of leave being granted can be termed as derogatory or in contravention of the Constitution. It is a sort of procedural step which is necessary, because if there were no such provision in the rules, the Constitution can be abused very often. I, therefore, do not see any reason why I should think that the Rules of Procedure, which the Assembly was authorized to frame under Article 110 of the Constitution, and which this Assembly itself framed, are ultra vires of the Constitution.

The Second point is: Before the question of leave is decided, the grounds on which the resolution is based, should also be read out by the Member who is the author of such a resolution. Now, if as a matter of fact, these grounds were such an integral part of that motion or resolution, because I do not really draw any distinction between a motion and a resolution, then of course it would be different, but if by taking away the grounds, we can put a motion or a resolution before the House on which the House can give a decision, then I think reading of the grounds would be superfluous. If such an interpretation is made, then this provision is also liable to be abused, because such grounds can be given in 100 pages or in 200 pages and then there would be insistence that all the grounds
should be read out. So, in order to safeguard against such a contingency, I think that it would be healthy to decide that, once leave is granted, the Member should be entitled to put forward his arguments based on the grounds. But, before leave is granted, he should confine himself strictly to the motion for leave and I have already allowed him to move his motion for leave. Now I am going to put it before the House to know whether the House is prepared to grant leave to that motion. I will read out the motion in the words of Mr. Mukhlesuzzaman Khan, because they have been objecting that the language in which the Secretariat has circulated the motion is different. Although it is not different, but still to meet their objection, I would read out his motion.”

The motion was accordingly put to the House, but was defeated as only seventeen Honourable Members as against thirty lose to Support it.

(51-34 Vol III)
Pp. 24-58.

959. **SPEAKER: QUESTIONS NOT TO BE INCLUDED ON THE ORDERS OF THE DAY WHEN NO CONFIDENCE MOTION AGAINST THE SPEAKER IS TO BE DISCUSSED.**

On 6th May, 1968, a Member raised a point of order to ask if the question hour was going to be dispensed with on that day because of a motion of no confidence to be moved against the Speaker.

Mr. Senior Deputy Speaker, while relying on rule 11, sub rule (3) and rule 30 of the Rules of Procedure (1966), ruled that no other item shall be put on the orders of the Day when a motion for the removal of the Speaker was to be moved in the House.

(52-36, Vol III)
Pp. 11-12.
960. SPECIAL COMMITTEE OF WHOLE HOUSE: CONVERTED INTO NATIONAL ASSEMBLY TO INFORM MEMBERS ABOUT THE TARBELA DAM DISASTER:

On 22nd August, 1974, the session of the Special Committee of the whole House was converted into a formal meeting of the National Assembly. Mr. Speaker, thereupon, observed that a separate record of the proceedings would be kept. The Minister for Law made a statement on the Tarbela Dam disaster for the information of members. Mr. Speaker made it clear that the statement was given under rule 264 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, and therefore no questions or discussion will follow. The Law Minister however volunteered to give information to members regarding the incident. Some members made certain queries which were answered. Mr. Speaker then ruled that only the statement of the Minister would go to the Press. The questions and answers shall not be published, as these were for the benefit of members. The National Assembly was again converted into the Special Committee of the whole House.

(412-239, Vol IV)
N. A. Deb., 22nd August, 1974.
STANDING COMMITTEES

RULING 961-963

961. STANDING COMMITTEE: ELECTION TO: WHETHER A MINISTER WHO IS NOT A MEMBER OF THE ASSEMBLY CAN PROPOSE THE NAMES OF MEMBERS: ALLOWED BY THE CHAIR.

On 19th August, 1964, during the course of election of Members to the Standing Committees, Minister for Law and Parliamentary Affairs proposed the names of some Members to the Standing Committees. Thereupon, a Member raised a point of order whether the Honourable Law Minister, who is not a Member of this House, could propose the names of Members.

The Acting Speaker referred to sub-rule (3) of Rule 2 of the Rules of Procedure which provides:

"Unless the context otherwise requires, wherever these Rules provide that Member may move a Bill, an amendment, a motion or a resolution, the word "Member" will be deemed to include a Minister."

As a matter of fact, that is something which pertains to the legislative functions of the Assembly in which a Minister is competent to participate in his capacity as a Minister. But if I allow the Honourable Minister to make a proposal, that would be allowing him to participate in an election. That is the question which should be decided, because even if this proposal is a motion, the question would be whether a Minister can be Participate in an election. That is the question. Now we take the definition of the word 'Motion'. 'Motion' means a proposal submitted to the Assembly for its decision.

Now this is actually a matter which is to be decided by the Assembly. As such the point of order raised by the Honourable Member is overruled, and I hold that the Law Minister is
within his rights to make a motion proposing the name or names of some Members for the membership of Standing Committees.

(151-141, Vol II)

962. STANDING COMMITTEE: NO PROVISION IN THE RULES THAT THE MEMBERS OF THE OPPOSITION MUST BE NECESSARILY INCLUDED IN THE STANDING COMMITTEES TO BE CONSTITUTED FROM THE TIME TO TIME BY THE HOUSE:

On 11th December, 1968, after the presentation of the report of the Standing Committee on Defence regarding Merchant Shipping (Amendment) Bill, 1968, Shah Azizur Rahman raised a point of order that the report of the Committee was unauthorized in as much as not a single Member from the Opposition was included in the Committee. He further contended that it amounted to a breach of privilege of the Members, as the composition of the Committee was against the conventions followed in different parliaments.

Mr. Deputy Speaker after referring to rule 111 of the Rules of Procedure 1966 ruled out the point of order with the observation that, at the time of election of the Standing Committees of the Assembly, the relevant rule was presumed to have been followed, the wishes of the Members ascertained and leaders of all the parties consulted.

(53-36, Vol III)
N.A. Deb., 11th December, 1968.

963. STANDING COMMITTEES: DETAILS OF DISCUSSION ON A BILL IN A STANDING COMMITTEE NOT TO BE DIVULGED IN THE HOUSE AS MATTER OF CONVENTION:

While speaking on a Bill, a member, who was also a member of the Standing Committee which had reported on the Bill, referred to the discussion of the Bill in the Committee. This was objected to by the Minister-in-charge. Mr. Chairman (Mr. Muhammad Haneef Khan) ruled that, as a matter of parliamentary convention, the details of discussion taking place in the Standing Committee are not to be disclosed in the House.

(413-240, Vol IV)
N. A. Deb. 8th April. 1975.
STATEMENT BY MINISTER

964. STATEMENT BY MINISTER: NO QUESTION CAN BE PUT DURING THE COURSE OF THE STATEMENT NOR CAN IT BE DISCUSSED AFTERWARDS:

After a Federal Minister had made a statement under rule 264 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973, refuting an allegation by a member of the Opposition that the oil purchased by Pakistan from Arab countries was being sold to the United States of America, another Opposition member, Prof. Ghafoor Ahmad, sought permission to clarify the position of the Opposition on certain points raised by the Minister during the course of his statement. When an objection was taken that no question could be put nor any discussion take place on the statement made by a Minister under rule 264, Prof. Ghafoor Ahmad maintained that the said bar operated only during the course of the statement; but after the statement had been made the discussion could be raised.

Mr. Speaker did not agree with Prof. Ghafoor Ahmad and ruled that no discussion could take place on the statement made by a Minister even on the conclusion of the statement.

(414-240, Vol IV)
Pp. 640-647.

965. STATEMENT BY MINISTER: MINISTER CAN MAKE STATEMENT, UNDER RULE 264, RELATING TO ANY MATTER TIER OF PUBLIC IMPORTANCE EVEN IF IT DOES NOT RELATE TO HIS MINISTRY:

On 28th January, 1975, when Mr. Mumtaz Ali Bhutto, Minister for Communications, wanted to
make a statement on the floor of the House with regard to the allegation that he supported the so-called "Sindhu Desh Movement". A member pointed out that the Minister should confine his statement to the activities of his Ministry only as he was not supposed to offer his personal explanation under rule 264 of the Rules of Procedure and Conduct of Business in the National Assembly, 1973.

Professor Ghafoor Ahmad contended that, under rule 264, the Minister was entitled to make a policy statement on behalf of the Federal Government, but not a personal statement. Ch. Zahir Illahi supported Professor Ghafoor Ahmad and also maintained that personal explanation was only possible through a privilege motion, which could also be discussed in the House. Mr. Mohammad Haneef Khan, however, differed with them and urged that a Minister had collective and individual responsibility for his acts in relation to the Government and as such he could make a statement on a matter of public importance.

Mr. Speaker ruled that rule 264 permitted a Minister to make a statement on a matter of public importance which may not necessarily relate to his Ministry. Mr. Mumtaz Ali Bhutto was, therefore, allowed to make a statement touching any matter of public importance.

(415-240, Vol IV)

966. STATEMENT BY A MINISTER: NO QUESTION CAN BE PUT ON THE STATEMENT MADE BY A MINISTER AFTER THE STATEMENT IS MADE:

On 20th June, 1993 after the minister of State for Foreign Affairs had made a statement under Rule 287 of the Rules of Procedure and Conduct of Business in the National Assembly, 1992 regarding the situation in Bosnia and about the refugees which the Government of Pakistan had suddenly received, a member, namely, Mir Hasil Khan Bazenjo sought permission to ask a question as to whether there was any proposal under consideration of the Government to repatriate the Afghan, Iranian, Bengalese and other refugees from Pakistan.

Mr. Speaker did not allow the member to raise the said question and ruled that no question could be asked on the statement made by a Minister under rule 287 of the Rules of Procedure and Conduct of Business in the National Assembly, 1992.

(180-133, Vol VI)
Pp. 306-312.
On March 2nd, 1958, the Leader of the House sought the permission of the Chair to make a short statement. Objection was raised that, as the Leader of the House was also allowed to make a statement on the previous day, he could not be allowed to make another statement again. It was contended by the Government side that it was a well-known practice that, if the Leader of the House wanted to make a statement in the House, he had always the Procedure. Thereupon, the Deputy Speaker observed:

"Yesterday, I permitted the Leader of the House to make a statement and what the Honourable member, Mr. Hamidul Haq Chaudhury, says is correct. It is a convention that, when the Leader of the House wishes to make a statement, it is expected that the House will listen to the statement. But there is also a convention that the Leader of the Opposition also enjoys the privilege to make a statement."

(102-62, Vol I)
Pp. 525-527.
SUPPLEMENTARY BUDGET

968. SUPPLEMENTARY BUDGET: REPLY OF THE MINISTER CONCERNED IN RESPECT OF A SUPPLEMENTARY GRANT TO BE REGARDED AS THE FINAL REPLY ON THAT DEMAND:

On 31st March, 1952, Mr. Mohammad Ali, Minister for Finance, moved a supplementary demand in respect of the Ministry of Education. After the conclusion of discussion on that demand, when the Education Minister gave his reply a member made a request to speak on that demand Mr. Chairman did not allow him to speak, as the Minister had already given his reply. Some of the members were, however, of the view that the final reply on a demand should come from the Finance Minister in his capacity as the mover, and therefore, the demand was open for discussion till such time as he had, finally spoken on that demand. Thereupon, Mr. Chairman observed:

"I think there is practically no doubt that there has existed a convention in this House of the kind which is said to be followed. Now even in today's proceeding, Honourable Minister for Industries gave reply and the Honourable Mr. Mohammad Ali was not asked to give any final reply. The motion was put to the vote after the reply of Honourable Sardar Abdur Rab Nishtar. Now, as the House is not willing to decide and they want that I should give a ruling, my ruling, therefore, is that the convention has been in this House and it is that, in cases where the Minister concerned with the subject gives the reply, that may be considered to be the reply given on the subject on behalf of the mover. I do not see any reason for disturbing that convention which has been established by this House and the reasons, adduced do not appear to me to be sufficient for disturbing that practice."

(103-62, Vol I)
969. **SUPPLEMENTARY BUDGET DISCUSSION SHALL BE HELD ON THE SUPPLEMENTARY BUDGET AS ON THE GENERAL BUDGET:**

On a point of order raised by the Minister of State for Parliamentary Affairs during discussion on the Supplementary Budget, the Speaker observed that almost the same procedure as has been prescribed for the General Budget would be followed in dealing with the Supplementary Budget. Besides, discussion on the Supplementary Budget would take place as in the case of General Budget.

(416-241, Vol IV)
N. A. Deb., 27th June, 1975.
On 31st October, 1975, Mian Mahmud Ali Kasuri raised an objection about item No. 8 entered in Supplementary Orders of the Day relating to the presentation of report of Standing Committee on the Land Reforms (Amendment) Bill, 1975, and said that the Supplementary Orders of the Day was received by him only five minutes back and it was a surprise for him. The Minister of State for Parliamentary Affairs stated that in the past too, off and on, reports had been presented through supplementary agenda. It was suggested that oral amendments may be allowed to be moved when the Bill came up for consideration. Allowing the presentation of report, Mr. Speaker observed that oral amendments could be moved when the Bill came up for consideration.
SUPPLEMENTARY QUESTION

971. SUPPLEMENTARY QUESTION: NOT ALLOWED IN RESPECT OF A PROMISE HELD OUT IN THE PREVIOUS SESSION OF THE NATIONAL ASSEMBLY:

A member wanted to put a supplementary question in respect of a starred question asked in the previous session of the National Assembly in which a promise was held out at the floor. Mr. Deputy Speaker ruled that no supplementary question can be allowed to agitate the promise held out in the previous session of the Assembly.

(54-37, Vol III)
P. 76.

972. SUPPLEMENTARY QUESTIONS: SUGGESTIVE SUPPLEMENTARY: NOT ALLOWED:

During question hour, a member asked a suggestive supplementary question. It was not allowed by Mr. Speaker on the ground that it was of a suggestive nature. Mr. Speaker also observed that the object of a question is to seek information and not to suggest a particular course.

(418-242, Vol IV)

973. SUPPLEMENTARY QUESTIONS: MINISTER CANNOT BE CALLED UPON TO PRODUCE OFFICIAL RECORD TO SUPPORT HIS REPLY TO A QUESTION:
A member, while putting a supplementary question, assailed the correctness of the reply given by a Minister and asked him to produce record in support of the reply. Mr. Speaker ruled that the Minister cannot, by means of a supplementary question, be required to produce record to substantiate the answer given by him even if the answer was incorrect. He added that if the Minister had given an incorrect reply, there were other methods to challenge his statement.

(419-242, Vol IV)
N. A. Deb., 10th April, 1975.

974. **SUPPLEMENTARY QUESTIONS: SHOULD DEFINITELY RELATE TO A CERTAIN MATTER:**

On 29th October, 1975, Mr. Speaker observed that a supplementary question should definitely relate to a certain matter.

(420-243, Vol IV)
N. A. Deb., 29th October, 1975.

975. **SUPPLEMENTARY QUESTIONS: TO BE PUT THROUGH CHAIR AND NOT DIRECTLY:**

A member put a supplementary question directly to the Parliamentary Secretary concerned. Mr. Speaker observed that it was a wrong way of putting a question and directed that the supplementary question should be asked through the Chair.

(421-243, Vol IV)
SUSPENSION MOTION

976. SUSPENSION MOTION: NO MOTION REGARDING SUSPENSION OF RULE CAN BE MOVED WITHOUT CONSENT OF THE CHAIR:

On 20th June, 1989, during Questions Hour, Sheikh Rashid Ahmed, MNA, sought to move an adjournment motion regarding a press conference held by Indian and Pakistani Defence Secretaries about withdrawal of forces from Siachin Glaciers by suspending rule 262 of the rules of procedure. Madam Deputy Speaker pointed out to the Member that according to the rules, notice of an adjournment motion was to be given two hours before the commencement of the sitting and that too with the leave of the Speaker.

Mr. Iftikhar Hussain Gilani, Minister for Law & Justice contended that the government of Pakistan has already taken up the Siachin Issue, with the government concerned which shall be decided in the best and supreme interest of Pakistan. He therefore, requested the Chair not to give the consent to moving of the suspension motion. Ch. Aitzaz Ahsan, said that the adjournment motion should be taken up in accordance with rules and the Government will accept the debate on the motion as and when the motion comes in the House for discussion. Thus there was no need for suspension of the rules to take the motion out of turn.

Mr. Speaker after hearing both sides did not give his consent to moving of suspension motion and said the adjournment motion shall be taken up on its turn.

(181-133, Vol IV)
N.A. Deb., 20th June, 1989
Pp. 2581-2588.
TIME TABLE FOR ASSEMBLY SESSIONS

977. TIME TABLE FOR ASSEMBLY SESSION: ASSEMBLY TO MEET IN EVENING ON MONDAY, TUESDAY, WEDNESDAY AND THURSDAY: SITTING ON FRIDAY IN MORNING: SATURDAY AND SUNDAY TO BE RECESS DAYS:

On 11th December, 1974, during the question hour, the Leader of the Opposition Mr. Abdul Wali Khan pointed out that it was high time for getting more serious about the questions asked in the House. As a possible remedy, he suggested that the timing of the two Houses be fixed at different hours, so that responsible Ministers are available to answer the questions. Mr. Speaker observed:

"I agree with the Leader of the Opposition to some extent. But we have got some difference. We start at 4, they start at 5:30, or they might do it at about 6. By then questions are over. I have made an arrangement that for the Ministers, whose day is fixed, for instance, on Monday, their questions be taken up on Tuesday, in the Senate. We are trying to have this arrangement. It may be difficult for a week or ten days, but I think it will operate quite successfully. The Ministers are new and it takes time for new people to pick up. It is for the convenience of the Honourable members, because the Honourable members have always been saying that the Houses should meet simultaneously and in the evening, so that they can attend to their business, the Ministers can attend offices and the MNAs can attend to people, party and other work in the morning. It is for the convenience of the Opposition and the Government. We have tried very hard to make both the Houses run together. But we are also handicapped. In many countries of the world, both Houses are running simultaneously. If we could do well, we will continue, otherwise we will go back to our old system."

Mr. Inayat-Ur-Rahman Abbasi expressed the view that everyone who replied on behalf of the Government did so with full sense of responsibility. Mr. Speaker then added:
"I think it is convenient to work simultaneously. There is difficulty in the initial stages. This is an experiment for the first time, we have two Houses and so there will be some difficulties."

Maulana Shah Ahmad Noorani Siddiqui contended that the Assembly should meet in the morning and a suggestion to that effect had already been made to Mr. Speaker in his Chamber. Mr. Speaker maintained that a unanimous time-table had been agreed to by both the sides to the effect that the sessions would be held in the evening on Monday, Tuesday, Wednesday and Thursday; on Friday, the sitting will be in the morning whereas Saturday and Sunday would be recess days.

(422-243, Vol IV)

N. A. Deb., 11th December, 1974.
TIMINGS OF ASSEMBLY SITTING

978. TIMINGS OF ASSEMBLY SITTINGS: FORMAL MOTION NOT NECESSARY: SPEAKER CAN TAKE DECISION: CAN CALL MEETING EVEN ON A HOLIDAY:

In the meeting of National Assembly (Legislature) on 2nd September, 1972, the Minister for Law and Parliamentary Affairs announced the programme of sittings of National Assembly where under the Assembly was also to meet on 6th September, which was a holiday. Mr. Speaker observed that if the House was agreeable, he had no objection. The Minister for Law and Parliamentary Affairs then sought leave to formally move that the House would work on Wednesday, the 6th, and not on Saturday, the 9th. Mr. Speaker observed:

"No, I do not think there is any formal motion necessary. I have got the sense of the House and I can straightway say that the House will not be sitting on the 9th and on Friday, the 8th, the sitting time can be 9 O'clock in the morning and we can go up to 2 O'clock."

On further remarks of the Minister for Law and Parliamentary Affairs regarding the timings of the sittings, Mr. Speaker observed:

"These timings will be announced as we adjourn every day. For the next day we can announce the hour of sitting. So there is no need to have a formal decision of the Assembly on this."

(423-244, Vol IV)
UNPARLIAMENTARY EXPRESSIONS

979: UNPARLIAMENTARY EXPRESSION: ASCRIPTION OF MOTIVES: "LIE":

In the course of the debate on 29th March, 1952, a member, in his speech on the cut motions, referred to the speech delivered by another member and described it as having "ulterior motives". Another member of the House described the aforesaid expression as a "lie".

On 3rd April, 1952, Mr. Chairman declared both the aforesaid expressions as unparliamentary and ordered their expunction from the proceedings.

(104-63, Vol I)
C.A. Deb., 11L: 3rd April, 1952.
P. 1016.

980: UNPARLIAMENTARY EXPRESSIONS: IMPUTATION OF MOTIVES TO MEMBERS:

On July 13th, 1955, Mian Muhammad Iftikharuddin, while speaking on the Constituent Assembly (Proceedings and Privileges) Bill, 1955 remarked that the mover of the Bill did not want the members to take the Bill seriously, as they had only twenty-four hours' notice to study its implications. He further remarked that, out of the total seventy-two members, seventy one were busy in political bargaining. The Bengal group was busy in deciding as to what demands should they put in order to agree to the proposal of one Unit, whereas the Muslim League was engaged in resolving a minor crisis created by the North-West Frontier Province. Mr. Chairman, thereupon, observed as follows:

"The Honourable member cannot impute motives to another member of the House and I
would request him to refrain from making such insinuations against the Honourable members. This is unparliamentary.”

(105-63, Vol I)
P. 131.

981. UNPARLIAMENTARY EXPRESSION: REFLECTIONS ON THE RULES OF PROCEDURE: REMARKS WITHDRAWN:

On July 13, 1955, Mr. Abdul Wahab Khan, while taking part in the general discussion on the Constituent Assembly (Proceedings and privileges) Bill, 1955 remarked that the Rules of Procedure of the last Constituent Assembly were defective and arbitrary to some extent. Thereupon, the Chair observed that the rules of the Assembly were framed by the Assembly itself and the Honourable member should withdraw the expression “arbitrary” with reference to the decision of the House, which is unparliamentary. The remarks were accordingly withdrawn by the member.

(106-64, Vol I)
P. 145.

982. UNPARLIAMENTARY EXPRESSIONS: “TREACHERY BENCHES”: WITHDRAWN:

On August 25th, 1955, a member while taking part in the general discussion on the Establishment of West Pakistan Bill, referred to the Treasury Benches as “Treachery Benches”. Thereupon, the Chair ordered the member to withdraw the remarks as it was an unparliamentary expression and an insult to the House. The member concerned withdraw the remarks.

(107-64, Vol I)
P. 293.

983. UNPARLIAMENTARY EXPRESSIONS: USE OF WORDS “IMPERIAL MAJESTY, SHAHINSHAH OF PAKISTAN” FOR THE PRESIDENT OF PAKISTAN: IRONICAL EXPRESSION AGAINST THE HEAD OF THE STATE NOT ALLOWED: WITHDRAWN:
On 5th March, 1973, during the course of his speech on the Constitution Bill, Mr. Abdul Wali Khan referred to the dismissal of the Mengal Ministry in Baluchistan and said that the "orders came from the Imperial Majesty, Shahin shah of Pakistan from Islamabad...".

The Law Minister, rising on a point of order, objected to the use of these words and asked for their withdrawal. Explaining his position, Mr. Abdul Wali Khan said that the word 'Shahin shah' used by him had the same connotation as the word 'Shahin shah' used for the Iranian monarch. He said that he did not mean any contempt to the Head of the State. Mr. Speaker remarked that the rules did not permit ironical expressions against the Head of the State. He insisted for the withdrawal of the expression in question which, after some arguments, was done by the Leader of the Opposition.

(424-245, Vol IV)
Pp. 625-630.

984. UNPARLIAMENTARY EXPRESSIONS: "NACHO":

During discussion on the admissibility of an adjournment motion, Malik Mohammad Akhtar rose on a point of order. When Mr. Mahmood Azam Farooqui objected to his rising, Malik Mohammad Akhtar said, "Nach-Nacho". The former sought a ruling whether the word, "Nach" was parliamentary. Mr. Speaker declared that it was an unparliamentary expression. Thereupon, Malik Mohammad Akhtar withdrew his remarks.

(425-245, Vol IV)
Pp. 293.

985. UNPARLIAMENTARY EXPRESSIONS: WORD 'PIMP' HELD UNPARLIAMENTARY: EXPUNGED:

On 13th June, 1974, during the general discussion on the Railway Budget, a member used the word 'Pimp' for a Minister. The Speaker declared the word to be unparliamentary and expunged if from the proceedings.

(426-246, Vol IV)
N. A. Deb., 13th June, 1974.
UNPARLIAMENTARY WORDS

986. UNPARLIAMENTARY WORDS: SAYING THAT HOUSE IS NOT DEMOCRATIC AMOUNTS TO CASTING ASPERSIONS ON THE HOUSE: NOT PERMISSIBLE:

A member said that it was justifiable for anyone amongst the public or even amongst the members to entertain suspicion with regard to the powers that were continued to be appropriated by the House. On a point of order having been raised against it, Mr. President ordered the member to resume his seat and ruled that saying that the House was not democratic amounted to casting aspersions on the House and could not be allowed.

(110-65, Vol)
C.A. Deb., 10th December, 1949.
Pp. 9-10.

987. UNPARLIAMENTARY WORD INSINCERITY NOT AN UNPARLIAMENTARY EXPRESSION:

A Member, while referring to previous speakers said that he doubted the sincerity of those gentlemen. A point of order was raised that the Honourable member was not entitled to cast aspersions on any other member. Mr. Chairman ruled that 'insincerity' was not an unparliamentary word.

(108-64, Vol I)
Pp. 136-137
988. **UNPARLIAMENTARY WORD: "LIE", AN UNPARLIAMENTARY EXPRESSION:**

With reference to an assertion made by a number, another member said that was a lie. On a point of order having been raised against the use of that word, Mr. President held that "lie" was an unparliamentary word. Thereupon, the member, using that word, withdrew it.

(109-64, Vol I)


Pp. 79-80.
VISIT OF FOREIGN DIGNITARIES

989. VISIT OF FOREIGN DIGNITARIES: HOUSE NOT TO BE IN SESSION.

On 15th July, 1962, on the visit of the President of Philippines, the Speaker interrupting the debate on an adjournment motion announced as follows:

"I would like to make a request to you just now. Please resume your seat. I was going to announce the arrangements that have been made for the visit of the President of the Philippines but as there was a question from Mr. Bhutto I forgot to do so."

A Member suggested that the House, according to Parliamentary convention and practice, should not be in session as the heads of the Foreign States are not part of the legislature. The Speaker inquired whether the Government has any objection to this procedure. The Home Minister signified no objection while the Law Minister said that the Assembly could remain in session. Thereafter the Speaker declared:

"If the House is regarded to be in session, I am afraid any Member may raise any question, and it will be a very awkward thing. I hope that no one will think of doing this; but I think from that point of view it will be better if we decide that the House will not be formally in session during his visit."

And added:
"We have decided that the House will not be in session. The House now stands adjourned till about 10.30 a.m."

(152-142, Vol II)
Pp.1574-1575.
990. VISITORS: NO APPLAUSE TO BE MADE BY VISITORS IN THE GALLERIES:

During the course of a speech of a member, some signs of applause were made by the visitors in the galleries. The Law Minister said that some people were brought into the galleries to give "daad" for whatever was said in the House.

Mr. Speaker observed:
"All those sitting in the galleries should know that they are not allowed to show any applause for any speech or to give any sort of gesture on the performance of this House. The galleries must behave in a proper manner and must hear calmly the speeches of the Honourable members."

(427-246, Vol IV)
991. VOTE: MEMBERS NOT OCCUPYING THEIR OWN SEATS: NOT COUNTED:
DURING VOTING IN JOINT SITTING: MEMBERS NOT RISING ALSO NOT
COUNTED:

On 10th December, 1975, while taking vote on the Divorce (Amendment) Bill, 1975, Mr. Speaker
noticed a member sitting in a seat other than his own. Similarly a member remained sitting in his own
seat at the time of counting. Mr. Speaker thereupon observed that the votes of such members would not
be counted or considered.

(428-246, Vol IV)
N. A. Deb., 10th December, 1975.
992. **VOTING: NO SPEECH OR INTERRUPTION ALLOWED WHEN VOTES ARE BEING TAKEN OR COUNTED:**

On February 9th, 1956, a member wanted to speak, when votes were being counted. Another member pointed out that no member can speak when the counting of votes is in progress. Honourable Deputy Speaker thereupon observed as follows:

"There are certain stages when votes are being taken or when counting is going on. During those particular stages, there is supposed to be no talk. There should be a pin-drop silence. If somebody says something, it will not be noted."

(111-65, Vol I)
P. 2766.

993. **VOTING: THE PRECEDENT AND PRACTICE OF VOTING ON CONSTITUTION AMENDMENT BILL BY RISING IN SEATS HELD VALID:**

On a point of order raised by a member that, on each clause of the Constitution Amendment Bill, the motion should be carried through division by way of casting of votes in the lobby, Mr. Speaker observed that, keeping in view the practice and precedent of the last three years, if two thirds of the total membership of the Assembly rose for the motion, the requirement of the rule would have been fulfilled.
994. VOTING: CONSTITUTION (EIGHTH AMENDMENT) BILL, 1985: THE PRECEDENT AND PRACTICE OF VOTING ON CONSTITUTION AMENDMENT BILL BY RISING IN SEATS: HELD VALID:

On 12th October, 1985 a point of order was raised by Hajji Muhammad Saifullah Khan, MNA, that on each clause of the constitution (Eighth amendment) Bill, 1985 the motion should be carried through division by way of casting of votes in the lobby, Mr. Speaker ruled the point out of order and observed that, keeping in view the practice and precedent of the House, if two-third of the total membership of the Assembly rose for the motion, the requirement of the rule was fulfilled. He further pointed out that he had earlier said that the amendments be by voice vote, clause would be by two-third majority of the members standing up, and the passage of the Bill would be by division, which is the legal definition as well as the practice of the House.
995. WALK-OUT: OPPOSITION MEMBERS: SERIOUS MATTER:

On 8th December, 1962, after the Speaker ruled out the privilege Motion relating to the externment of a Member, the Opposition Members staged a walk-out. Mr. Z. A. Bhutto pointed out that this was a very serious matter and the House should take a serious note of it. Thereupon the Speaker observed:

"This is a serious matter, no doubt, but what action, if any, is called for is for the Honourable Members to consider."

(153-143 Vol II)
N.A. Deb., 8th December, 1962.
Pp. 639.

996. WALK-OUT: AGAINST A DECISION OF THE CHAIR: MEMBERS HAVE NO RIGHT TO PROTEST AGAINST THE RULING OF THE CHAIR NOR CAN IT BE DISCUSSED OR CRITICISED.

On 9th April, 1964, the Speaker on the question of protest walk-out by some Members against a certain ruling of the Chair observed:

"At the very outset before I announce my ruling on the point of order raised in this House in respect of the Electoral College Bill, 1964, introduced by the Honourable Law Minister, I would like to draw the kind attention of the August House to a ruling of the Chair of the
Indian Lok Sabha, This is necessary in view of the fact that this is my solemn duty to remind the Honourable Members about the decency and decorum to be maintained in this House in the interest of the dignity of the house and in the untwist of the dignity of individual distinguished Member of the National Assembly of Pakistan. It so happened, on June 18th, 1952, that a member of the Lok Sabha protested against the ruling of the Chair. The Speaker, thereupon, observed that the Member “should know that no Honourable Member has a right to protest against the ruling of the Speaker. A Member’s first and only duty is to submit to it, and if he is dissatisfied, he has other remedies under the rules. He can move a motion for the removal of Speaker or some other thing, but that is a different matter.”

On November 9, 1953, some members staged a walk-out against the ruling of the Chair. The Leader of the House suggested that the names of those who had walked-out might be noted down. Some members submitted that the members have a right to disagree with the ruling of the Chair and also the further democratic right of recording the protest by silently walking-out. The Chair remarked:

“Members have no right to protest against my ruling. If any Member says so, then it is a protest, and it means that the gentleman wants me to go against my ruling or change my ruling merely because he refuses to accept my ruling.” That was very much discouraged by the ruling of the Chair of the Lok Sabha in 1953. I consider it my duty to remind the honourable Members of the House about the convention that is being developed in other countries in respect of ruling of the Chair, and how that should be taken by the honourable members of the House. It comes to this. Nobody can challenge a ruling from the Chair; neither a ruling by the Chair can be criticized or discussed in the House. This also I am quoting from the 'Conventions of the Lok Sabha'.

(154-143, Vol II)
N.A. deb, 9th April, 1964.
WHITE PAPER ISSUED BY GOVERNMENT

997. WHITE PAPER: ISSUED BY GOVERNMENT: NOT AN ASSEMBLY RECORD AND COULD NOT FOR PURPOSES OF SUPPLY TO MEMBERS BE TREATED AS SUCH:

On 3rd December, 1974, Sirdar Sher Baz Khan Mazari wanted copies of White Paper on Baluchistan to be supplied to the members of the National Assembly. Malik Mohammad Akhtar without making a promise, said that he would supply the document to the members, if sufficient printed copies were available. The Speaker observed that the White Paper was not an Assembly record and could not be so treated.

(429-247, Vol IV)

998. WORKING DAYS: NON-COMPLIANCE WITH THE CONSTITUTIONAL PROVISION CONTAINED IN ARTICLE 54(2) THAT THE NATIONAL ASSEMBLY SHALL MEET FOR NOT LESS THAN 160 WORKING DAYS: HELD: TIME STARTS FROM 20TH MARCH, 1985 ENDING ON 20TH MARCH, 1986: RULING RESERVED TILL THE STIPULATED TIME EXPIRES:

On 22nd December, 1985 Haji Muhammad Saifullah Khan, MNA sought leave to raise a question of breach of Privilege arising out of the failure of the National Assembly to meet of 160 days in a year as required by Article 54(2) of the Constitution. The mover contended that despite inclusion of the sitting held on 22.12.1985 the National Assembly met for 98 days so far whereas only nine days were left for expiry of one year period, as such it would not be possible for the National assembly to compete 160 working days for which it was required to meet under the constitutional provision. He therefore, urged that there had been a clear breach of Privilege of the House.

Opposing the motion, the Minister for Education, Mian Muhammad Yasin Khan Wattoo explained that the National Assembly came into being on 23rd March, 1985 and in this way the whole year was not available to it as stated by the mover that the year shall be treated to commence form 1st January till 31st December. He submitted that the provision of the Constitution could not be made applicable to a situation where the whole year is not available to the National Assembly. It was further contended that the said provision was not mandatory but directory in nature and that the Removal of Difficulties Order issued by the President was attracted in the present situation.

Mr. Speaker gave the following ruling:-
“The central point which is being considered in this privilege motion is that Article 54(2) states:--

Provided that the National assembly shall meet for not less than one hundred and sixty working day in each year.

Article 262 states:--

For the purposes of the Constitution, periods of time shall be reckoned according to the Gregorian calendar.

As I stated in my previous ruling, summoning and prorogation of the Majlis-e-Shoora (Parliament) is the onus which falls upon the President of Pakistan, on the advice or in consultation with the Prime Minister. But, at the same time, if one looks at and none of your gentlemen or ladies pointed this out, Honourable members, there is another provision:

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

This is an additional clause of the Constitution which exist, which can be brought about by the honourable members.

Now, my submission is that I take the interpretation that the period of time starts as of March, 20, 1985. Let us go till March 20, 1986 and then I shall again apply one of these provisions to this particular point of order. So, I reserve my judgment till then.

(184-135, Vol VI)
Pp. 5721-5742.

999. WORKING DAYS: PERIOD INTERVENING BETWEEN DISSOLUTION OF THE NATIONAL ASSEMBLY AND ITS RESTORATION BY THE SUPREME COURT SHALL NOT BE COUNTED AS WORKING DAY:

On 7th June, 1993 Mian Muhammad Usman, MNA raised a point of order that the speaker had made announcement that the National assembly shall meet on 19th April, 1993, which could not hold its meeting on the said date because of its dissolution by the President on 18th April, 1993. He, therefore, sought a Ruling from the Chair that since the Assembly was restored by the Supreme Court on 26th May,
1993, the period intervening between the dissolution and restoration of the Assembly (about 38 days) would be counted as working days or not. Mr. Speaker thereupon, gave the following Ruling:

“The Constitutional requirement is to have a minimum of 130 working days, but the days intervening between the dissolution and the restoration of the National Assembly would not be counted as working days.”

(183-134, Vol VI)
N.A. Deb., 7th June, 1993.
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**ABSENCE OF JOURNALISTS**

Press Gallery: Absence of Journalists from the Press Gallery does not constitute breach of privilege of the Members

**ABSENCE OF RIGID PROCEDURE**

Obituary Reference: No rigid procedure for making such a Reference is followed by the House

**ACTION TAKEN BY PROVINCIAL GOVERNMENTS**

General Budget: Cut-motion Action taken by Provincial Governments cannot be discussed through a cut-motion

**ADJOURNMENT MOTION**

An Adjournment motion to comply with three definite conditions i.e. it must be a definite matter. It must be a matter of urgent public importance and it must be of recent occurrence.

- Arrest of political workers and students: Matter sub-judice: Not of recent occurrence: Ruled out of order.
- Adjournment motions being in the nature of censure motions cannot be moved in the constituent assembly, in which the Government does not function as such.
- Conduct of diplomatic representatives in Pakistan cannot be made the subject matter of an adjournment motion.
- Demolition of a mosque: Matter not of recent occurrence: Ordinary parliamentary opportunity available to raise the matter during discussion on Budget: Ruled out of order.
- Events likely to occur in future cannot be discussed through an adjournment motion.
- Failure of Government to finalize the appointment of a Commission under Article 198(3) of the Constitution: Admitted
Failure of Government to protect lives of its citizens. Provincial matter. Ruled out of order.

Ruling No. 20 Page No. 15

First Opportunity to be availed for making a motion: Ruled out of order.

Ruling No. 9 Page No. 7

Forcible ejectment of refugees from Sultanabad Colony Karachi: Not primary concern of the Central Government: Orders passed in the ordinary administration of law cannot be made subject matter of an adjournment motion: Ruled out of order.

Ruling No. 26 Page No. 19

Government's alleged failure to utilize U.S.A. Aid: Not a specific matter of recent occurrence: Ruled out of order.

Ruling No. 27 Page No. 20

Government's order to stop printing of electoral rolls: Alleged facts denied: Printing of electoral roll responsibility of the Election Commission which is an autonomous body: Ruled out of order.

Ruling No. 28 Page No. 21

Holdings of meetings of a political party in President House: Ruled out of order.

Ruling No. 29 Page No. 21

Adjournment motion in Respect of an unsatisfactory reply given by a minister to a question can be allowed provided it comes under the purview of the relevant rules.

Ruling No. 10 Page No. 8

Matters concerning appointments, leave or resignation of Officers cannot be made the subject matter of an adjournment motion

Ruling No. 7 Page No. 6

Mover absent: Treated as dropped.

Ruling No. 30 Page No. 22

Adjournment motion not to be based on a wide question of policy.

Ruling No. 8 Page No. 7

Postponement of date of opening of tenders for supply of ammonium sulphate: Matter not of urgent public importance: Ruled out of order.

Ruling No. 31 Page No. 22

Prime Minister's offer to mediate in Arab-Israel dispute: Alleged facts denied: Ruled out of order.

Ruling No. 32 Page No. 22

Prime Minister's refusal to answer short Notice Question: Consent of the Minister concerned obligatory for admission of a Short Notice Question; Ruled out of order.

Ruling No. 33 Page No. 23

Prime Minister's statement in London justifying the intervention of the British Government in Oman: Based on newspaper report: Alleged facts denied: mover failed to produce any authentic document: Ruled out of order.

Ruling No. 34 Page No. 23
Questions of policy continuing from day to day cannot be made the subject matter of an adjournment motion; The subject matter must be of recent occurrence and of urgent character.

Policy statements made by the chief minister of a province or a provincial minister should not be made the subject matter of an adjournment motion.

Adjournment motion raising discussion on definite issues and factors and pointing out situation of a definite character, to be held Admissible.

Recruitment of persons from outside Karachi in Karachi Police: Held in order: Leave refused by the House.

Removal of top-ranking officers of the Special Police: Based on newspaper reports: Alleged facts denied: Matter of ordinary administration; Ruled out of order.

Riots in Nazimabad, Karachi: Not to be moved during Budget discussion: Chair not competent to waive condition of urgency; Withdrawn.

Ruled out of order Arrest of members of the Constituent Assembly: Cannot be moved in the Constituent Assembly.

Ruled out of order: Copy of notice not delivered to the Minister concerned in time.

Ruled out of order on the ground of anticipation: Famine Conditions prevailing in East Bengal: Not primarily the concern of the Central Government.

Ruled out of order: Incidents of violence and breach of law and order: Provincial subject.

Adjournment Motion should not be based on Hypothetical Issues: It must be restricted to specific matters of recent occurrences.

Adjournment motion should not suffer from vagueness: It should be based on a definite issue.

Statement made by a Minister on the floor of the House Cannot be formed a subject matter of an adjournment motion; Ruled out of order.
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**Motion to be made with the consent of the President:** Matter raised must be definite.

**Adjournment motion:** An adjournment motion to comply with three definite conditions i.e. it must be a definite matter, it must be a matter of urgent public importance and it must be of recent occurrence.

**To discuss controversy between the Government and the Election Commission:** Matter neither of urgent public importance nor of the primary concern of the Federal Government: Ruled out of order.

**To discuss harassment to the Muslim League workers in the Federal Capital:** Matter neither definite nor of recent occurrence: Continuing process: Ruled out of order.

When action is taken in pursuance of law, that cannot be made the subject matter of an adjournment motion: Knowledge of member about a particular matter does not create urgency; The matter itself should be of recent occurrence.

**President's order enabling Members of Assemblies to Become Cabinet Ministers under Article 224(3) of the Constitution:** Ruled out of order.

**Notice of a Motion given earlier disallowed on grounds of not being urgent:** Fresh notice on the same subject inadmissible.

**Full particulars not readily available:** Mover requests the Minister to give an assurance which was given by the Minister concerned: Member not satisfied with the assurance but did not rise soon after the Minister spoke: Another Member moved his Adjournment Motion: Motion lapsed: Fresh notice required: Motion cannot be Moved by proxy.

**Arrest of political workers under provincial Law:** persons produced before a Court: Matter sub-judice: Motion ruled out.

**Arrest of Khan Abdul Qayyum Khan under the West Pakistan Maintenance of public Order Ordinance, 1960:** Not primarily the concern of the Central Government: Ruled out of order: Definition of the term 'A Motion has been made'.

**Famine in parts of East Pakistan reply/assurance can be given by any Minister:** Motion not pressed.

**Sudden rise in the price of Gold in East Pakistan:** price of Gold not concern.
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- **of the Central Government**: Motion ruled out of order
- **Permission to Mr. Faiz Ahmad Faiz to visit Moscow**: Neither of Recent / Occurrence nor an urgent matter: Ruled out of order.
- **Black-listing of newspapers by Government during martial law regime**: Not obligatory on Government to give advertisement to any newspaper: Ruled out of order, not being of recent occurrence.
- **Lathi Charge in Chittagong on students demonstrating against a Central Minister**: Ruled out of order being a provincial responsibility.
- **Alleged serious illness of a political prisoner in Peshawar Jail**: Government explained the facts of the case: Disallowed, not being of an urgent nature.
- **Motions technically defective and those which are not the primary concern of the Central Government may be ruled out of order by the Speaker in his Chamber**.
- **While moving his motion a Member may read only the motion and not the Statement**.
- **A Member when called upon by the Speaker to move his Motion must be in possession of a copy of motion**.
- **Non-publication of pay and Services Commission Report**: Not an urgent matter.
- **Motion held out of order when an opportunity was to occur to discuss the matter when an Ordinance dealing with the same subject was to be placed before the House**.
- **Held to be anticipatory because the matter would come up for discussion under “Supplementary Grants”**.
- **Inadmissible**: Censoring of letters of M.N.A s. under orders of provincial government is not the responsibility of the Central Government.
- **Matter stated in the motion should be definite**: ‘Statement’ was not the Motion.
- **Issue of Joint Communiqué regarding India and Pakistan without taking**
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- **Held in order**
- **Failure of the Government to ensure the cost of production of jute to the jute growers**: Government denied allegations of selling of jute below the fixed minimum price: Motion ruled out of order
- **Mechanism of dealing with-from notice to termination of discussion**: Motion before the House: When it has leave of the House
- **Disallowed by Speaker in his Chamber, cannot be raised in the House**.
- **No Adjournment motion can be admitted which does not contain the authentic source of information**
- **Point of Order: Adjournment motion can be deferred till such time it becomes expedient to discuss it**.
- **Question of daily occurrence or situation of a normal nature cannot be the subject matter of an adjournment motion**.
- **Would not be competent in Central Legislature to discuss the Civil Armed Forces under the control of Provincial Government**
- **Accident between a bus and a rail car**: No technical objection raised by Government: Motion held to be in order: Leave of the House asked for: No objection raised by any member: Leave refused by the House:
- **Admissibility: Minister to speak on a privilege or adjournment motion before the debate as to its admissibility could start**.
- **A Federal Minister allegedly made a statement in a daily paper on certain date**: Mover quoted wrong date of publication of paper: Motion returned:
- **Allegation of planting of a bomb etc, for purpose of assassinating an important political personally**: Notice mixed up with the statement of facts. Extraneous matters introduced: Does not relate to a single specific matter: Relates to law and order and thus not primarily the concern of the Federal Government: Not admissible
- **Alleged conversion of Liaqat Memorial Hall, Rawalpindi into a dancing hall**: Facts denied: Not urgent: Ruled out Could be discussed under rule 220 or as resolution:
- **Alleged failure of the Federal Government to resolve difference between**
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the Governor and the Chief Minister of the Punjab: Held inadmissible for not being the concern of the Federal Government.

Alleged firing and tear gassing in Lahore by the Federal Security Force under the order of the Federal Minister: Minister concerned denied the charges: Motion ruled out.

Alleged interference by a Governor in a bye-election: Not in order: Remedy lies in election petition.

Alleged malpractices in a by-election: Election cannot be questioned except through an election petition: Ruled out.

Alleged unlawful interference of Ministry of Kashmir Affairs in the internal affairs of Azad Jammu and Kashmir State: Interference in the internal affairs of Azad Jammu and Kashmir Government by the Pakistan Government can only be to the extent of the implementation of UNCIP Resolution: Sensitive matter: Discussion will have international repercussions and will do more harm than good: Ruled out.

A motion standing in the name of several members can be moved by any of them:

Another matter was sought to be discussed when original motion has become infructuous: Motion passed over as infructuous and another adjournment motion held necessary to discuss another matter.

Anticipatory matters cannot be discussed through adjournment motion.

Armed dacoit in a bank at Lahore: law and order problem: Provincial matter Matter sub-judice: Plea the banks were in the Federal sphere immediately: Policy about banks cannot be discussed by means of an adjournment motion: Ruled out.

Armed forces in Baluchistan: Government agrees to discussion: Time fixed: One hour reserved for Government and one hour for Opposition: Note to form precedent.

Attack on students at Rabwah railway station: Motions tabled by several members taken up together: Suspension of rule 84 for taking up the motions out-of-turn: Matter sub-judice and of provincial concern: Can be remedied by legislation: Can be debated under other rules and provisions: Ruled out of order: No debate after ruling of the Chair.
RULING OF THE CHAIR

Ban on movement of food grains by road to check smuggling: No restriction on transportation by rail: Ruled out:

Based on an event which has to happen in future: Not allowed:

Based on a press-statement allegedly made by a Minister: Ruled out of order:

Based on incidents happening in foreign country: Not concern of Government of Pakistan: Motion ruled out:

Based on newspaper editorial: War preparations by India not of recent occurrence: Motion ruled out:

Based on statement of public leader: Motion frivolous: An abuse of right of moving an adjournment motion: Minister need not be called upon to deny the facts alleged in such motions:

Based on the opinion of a member: Not admissible:

Based of an adjournment motion on news-items should not form unless there is something definite therein:

Blast at Karachi Airport: Motion allegedly related to more than one issue: A Minister said mater under investigation of FIA and police: Statement also made by Minister of State of Defense: Motion held in order but leave refused by House: Once motion held in order opinion of mover had no weight:

Censure motion can be moved only through a resolution and not through an adjournment motion:

Central forces working at request of Provincial Government: Matter remains Provincial: Violation of fundamental right: Remedy in courts: Not in legislative Assemblies:

Chair Adjournment motion not pressed in view of the statement made by a Minister: Chair thanks the mover: A member asked why the Chair thanked the mover: Speaker not supposed to answer such question: His conduct cannot be questioned:

Chair never explains its conduct in respect of the ruling out of motions:

Charges leveled by an Ex-Minister of Azad Jammu and Kashmir Government and an Ex-Member of Azad Jammu and Kashmir Assembly
against the Federal Government: National Assembly of Pakistan could not interfere in the affairs of Azad Kashmir:

Consideration deferred once for the absence of Minister concerned and again for the absence of mover:

Crisis due to shortage of vegetable ghee in an area under the control of Provincial Government: National Assembly not proper forum of discussion:

Death of a person not be made a controversial issue for discussion through an adjournment motion:

Death of certain persons in the Provincial city after consumption of liquor: Provincial matter: Motions ruled out:

Deferred to next date due to shortage of time:

Discussed in National Assembly as well as senate camp up before the House: Leave was not granted by the House for moving the same: Objection to adjournment motion can be raised by any Minister of Parliamentary Secretary irrespective of the facts that it related to a different Minister:

Discussion of foreign policy: Foreign policy or internal policy not to be discussed through an adjournment motion: Treasury Benches gave assurance to discuss foreign policy on any agreed date: Motion withdrawn:

Discussion on a motion: Leader of the Opposition and Minister concerned allowed five minutes more than the time allotted to them:

Discussion on the admissibility of an adjournment motion no bar to the moving of another adjournment motion on the same object: "Discussion" contemplated by rule 80 (b) discussion on the merits of an adjournment motion: Provisions in the rules disallowing adjournment motions which are discussed or ruled out in the Senate not ultra vires of the Constitutions:

Dismissal of officers and area managers of State Life insurance corporation: Matter sub-judice even if some but not all of them have gone to a court of law: Threat of huger-strike immaterial: Government prepared to look into the matter: Ruled out:

Facts not to be discussed unless motion is held in order by the Chair and
leave to move it is granted by the Assembly:

Failure of Government to meet the just demands of journalists: Policy already discussed through cut-motions during Budget debate: Could only be discussed through motion under rule 220: Ruled out of order:

Ruling No. 153  Page No. 106

Failure of Federal Government to provide financial help to rain-affected people of Karachi: Matter related to Provincial Government: Verbal assurance of President the financial assistance will be provided does not bring the issue within the Federal sphere: Inadmissible:

Ruling No. 98  Page No. 73

Failure of the Government to try Yahya Khan Ex-President of Pakistan, allegedly responsible for the fall of East Pakistan: Motion ruled out of order: Matter also examined by a Commission of Inquiry but its findings not made public: Discussion prejudicial to national interest:

Ruling No. 101  Page No. 76

Failure to enforce safety measures in coal mines resulting in some debates: Two or three members can only speak on admissibility: Help to be a Provincial subject: Arguments that it falls in the concurrent Legislative List and that in view of the proclamation of emergency the Federal Government can give directions to Provincial Government not accepted: Federal Minister assured to look into the matter: Ruled out:

Ruling No. 178  Page No. 117

Government of Pakistan's reply to the Joint Communiqué issued by the Governments of Bharat and Bangladesh touching some matters relating to Pakistan: Policy matter cannot be discussed through an adjournment motion:

Ruling No. 103  Page No. 77

Government position on the point raised in an adjournment motion explained by the Minister concerned: Mover asked for postponement of motion with permission to agitate the matter if the situation so warranted: Not allowed:

Ruling No. 162  Page No. 109

Identical motion pending before Senate: Date for discussion fixed there: Motion for suspension of rule 84 to take up the adjournment motion out-of-turn to enable discussion earlier than Senate: Ruled out: Discussion in Senate: No bar to discuss the matter in National Assembly exceptional cases:

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Mover’s right to speak for thirty minutes cannot in his absence, be granted to any other member:

Mover to speak on adjournment motion before the Minister is called upon to give reply:

News-item regarding negotiations by a Federal Minister with the Leaders of the Opposition to form a coalition Government for Baluchistan: No official version of the negotiations available: The Minister denied outside the House, that he had any such negotiations with the Opposition leaders: Denial affirmed, inside the House, by another Federal Minister: Ruled out:

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Several motions regarding same matter: Decision on one to dispose of others also: Two members each to speak from both sides:

Shortage of Kerosene Oil in the country: Discussion of a matter in the Senate not to debar its discussion in the National Assembly: Matter having been already discussed in the National Assembly during its last session: Adjournment motion ruled out of order:

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/ Statements made by Ministers in public meetings: not to be made subject-matter:

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Tear-gassing of lady and male teachers at Mazar of Quaid-i-Azam: Provincial matter: Ruled out:

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Two separate adjournments motions tabled to discuss the same matter: In one motion the House refused leave for discussion: Other motion taken up thereafter at the same sitting: Minister concerned did not object: Leave granted without rising in seats: Date fixed for discussion:
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Withdrawn by its mover: No other member can be allowed to speak on it:

Wrong information supplied by Minister: Privilege motion would lie:

Cannot be read in the house if related to Provincial matter

Containing Provincial expressions, etc. not to be brought to the House

Could be taken in the absence of the Minister-in-charge if the Minister answering it was fully conversant with the subject

Discussion on law and Order situation: Provincial matter: Ruled out: Policy matter, to be discussed through Resolution etc.

If a motion is already fixed for discussion, a fresh motion on the same subject not permissible

Inadmissible motion on same subject ruled out of order the other House: Ruling of presiding officer of one House of the Parliament to be respected by presiding officer of other house.

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Language used in the motion objected to: Such objection should be raised before member is allowed to read his adjournment motion

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Based on newspaper editorial: Exploding of an Atomic Bomb by Pakistan and import of x-ray machine from Sweden for the purpose: Ruled out of order.


Conduct of foreign representative in Pakistan not to be made a subject matter of an adjournment motion: Ruled out of order.

Defects in Six Boeing 737 and 303 planes purchased by PIA: does not relate to one specific issue: Ruled out of order.

Distribution of arms and money among Pakistan tribesmen by Afghan government does not relate to one definite issue: Ruled out of order.

Effect of construction of Kalabagh Dam on N.W.F.P: matter considered in the Senate during past six months: Not admissible: Ruled out of order.

Explosion in Sui-gas plant, in Balochistan: Matter pending before authority/committee: Ruled out of order.

Import of mad Sheep from Australia: Alleged facts denied by the government: Held that when the government dispute the fact version of the government is accepted: Motion ruled out.

Increase in the Arms Licence fee: Not opposed fixed for two hours discussion.

Increase in excise duty on telephone calls: Matter being remediable by legislation: Ruled out of order.

Increase in Price of Cotton Yarn due to imposition of Export Duty held in order.

Increase in the prices of wheat and tractors not specific: Ruled out of order.

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AGENDA

Agenda of the day to be submitted before-hand.

ALLEGATIONS IN STATEMENTS

Members: Should ensure about the correctness of their statements with regard to allegations made on the floor of the House.

ALLOTMENT OF SEATS

A member elected on the ticket of a Political Party cannot sit on the independent benches without first disassociating himself from that Party

ALTERATION OF PROPOSITION

Amendment: Cannot be termed out of order if it seems to some members as being done in a clumsy manner: An amendment can be moved to alter a particular proposition.

AMBASSADOR'S COMMENTS

Privilege motion: U.S. Ambassador’s comments on the conduct of a member: Held in order: Referred to the Privileges Committee.

AMENDING BILLS

Point of order: Ruled out: Provisions of rule 32 not applicable to amending Bills.

Reference can be made only to those provisions of the original law which are relevant and are sought to be amended: Any discussion on the various other provisions of the original law not permissible.
AMENDMENTS

Absentee members: Amendments of an absentee member can be moved only if authorized by him in writing.

Cannot be moved on behalf of an absent member.

Cannot be termed out of order if it seems to some members as being done in a clumsy manner: An amendment can be moved to alter a particular proposition.

Formal amendment not touching the substance of a Bill, already passed by the House, could be made at the instance of the Chair and with the approval of the House without formally putting the amendment to the House.

Member requesting to be allowed to write his amendment in the House: Permission not granted.

Resolution: Member moving amendments has not got right of another speech: He should say he whatever wants to only at the time of moving his amendments: There cannot be any second general discussion.

Obtaining President's consent to a Bill or amendment moved by a Member under Article 26 of the Constitution not the responsibility of the Assembly Secretariat.

Consideration motion to be passed by simple majority: Objection raised by point of order: Held that consideration stage is an intermediate legislative process: Two-thirds majority not needed at this stage except for adoption: Objection overruled.

Bill could be put to vote as a whole if not objected to by any Member: For passage two-thirds majority needed, but for interim stages in process of legislation simple majority is enough.

Chair consents to the procedure, agreed upon by both sides regarding Division and voting on Amendments etc.

Bill: Amendments for eliciting public opinion under discussion Minister concerned wants to reply to debate on both consideration motion and amendment: Chair directs that he could speak on amendment and not on consideration motion.
Bill: Amendment seeking deletion of whole or sub-clause to be disposed of before the amendments seeking modifications therein. Amendment for substitution to be taken up after disposal of amendment for deletion:

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Bill: Amendment seeking total deletion of a clause not permissible: Member not in favour of its retention may oppose it without giving notice of an amendment:

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Bill: Decision on a clause can be re-opened with the leave of the House, at the third reading stage of a Bill: Such clause can also be amended by moving oral amendment with the leave of the House:

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Bill: Motion for amendment to Bill: House granted permission to mover to move the motion: Mover withdrew the motion: Objection that motion should not have been withdrawn: Over-ruled:

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Bill: Notice of amendments to individual clauses: Notice period to be reckoned with reference to the consideration stage of the clauses to which the amendments relate:

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Resolution: Minister asked for leave to move oral amendment to a private members resolution: Mover of the resolution wanted to speak to oppose the amendment: Directed to speak after motion was put to the House:

Resolution: Oral amendment moved by a Minister suggesting that a private member's resolution be referred to a special committee: Mover of the resolution objected to the amendment under rules 130 and 221: As leave for moving amendment given by the House, rule 130 not applicable: Rule 221 also not attracted: Objection over-ruled:

Senate: A member made remarks praising the Senate for making valuable amendments in a Bill: Remarks irrelevant: Two House creation of the Constitution and should not be poised against each other:

Inconsistent with previous decision of the Assembly on the same question: Question being meticulous and difficult to decide by the Chair: Benefit extended to mover and particular amendment allowed to be moved:

Notice of an Amendment to a Bill under consideration since very long time: Notice being short of two clear days under rule 98 of the Rules of Procedure: Motion to move Amendment disallowed.

Notice period of amendments to be reckoned with reference to consideration stage of the clauses to which the amendments relate.

Whether a Senator being Minister can move an amendment to a bill in the National Assembly: Point ruled out on the ground that the only restriction imposed upon a Senator-Minister is that he cannot vote in the National Assembly but can take part in all other proceedings.

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Each amendment to be moved separately in respect of a Bill.
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<td>Privilege motion: Matter referred to the privileges Committee: Arrest of two members during Assembly Session.</td>
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Adjournment motion: Ruled out of order: Arrest of members of the Constituent Assembly: Cannot be moved in the Constituent Assembly.

**ARTICLE 131(4) OF THE CONSTITUTION 1962**

Legislation: The Central Government can legislate on any matter whether it is mentioned in the third schedule or not under Article 131(4) of the 1962 constitution

Ruling No. 546 Page No. 344

**ARTICLE 198(3) OF THE CONSTITUTION**

Adjournment motion: Failure of Government to finalize the appointment of a Commission under Article 198(3) of the Constitution: Admitted.

Ruling No. 25 Page No. 18

**ASCRPTION OF MOTIVES**

Un-parliamentary expression: Ascription of motives; “Lie”.

Ruling No. 979 Page No. 668

**ASPERION OF CHAIR**

Privilege motion: Observation by a newspaper on the ruling given by the Speaker held an aspersian on the Chair: Matter referred to the Privileges Committee.

Ruling No. 791 Page No. 539

**ASPERIONS ON THE HOUSE**

Un-parliamentary words: Saying that House is not democratic amounts to casting aspersions on the House: Not permissible.

Ruling No. 986 Page No. 671

**ASPERION**

Question whether the expression, “The motion would have been admitted in any other House,” amounts to an aspersion on the Chair.

Ruling No. 266 Page No. 167

**ASSEMBLY SESSION**

Privilege motion: Matter referred to the Privileges Committee: Arrest of two members during Assembly Session.

Ruling No. 789 Page No. 537

**ASSEMBLY**

Adjournment Motion: Discussed in National Assembly as well as Senate came up before the House: Leave was not granted by the House for moving the same: Objection to adjournment motion can be raised by any
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Minister or Parliamentary Secretary irrespective of the fact that it related to a different Minister:

Adjournment Motion: Facts not to be discussed unless motion is held in order by the Chair and leave to move it is granted by the Assembly:

Adjournment Motion: Identical motion pending before Senate: Date for discussion fixed there: Motions for suspension of rule 84 to take up the adjournment motion out of turn to enable discussion earlier than Senate: Ruled out: Discussion in Senate: No bar to discuss the matter in National Assembly in exceptional cases:

Adjournment Motion: Massing of troops by India and Afghanistan on Pakistan Borders: National Assembly unanimously suspended the provisions contained in rule 84 of the Rules of Procedure to take up the motion out to turn: Suggestions regarding secret session and presence of Prime Minister during discussion: Ruled out:

Adjournment Motion: Motions on same subject taken up together for determination of admissibility: Discussion of merits and factual position during admissibility stage abuse of privilege of speaking: National Assembly no competent to go into the validity of actions within high exclusive jurisdiction of Provincial Governments: More than one definite issue raised in motions: Ruled out of order:

Adjournment Motion: Shortage of kerosene oil in the country: Discussion of a matter in the Senate not to debar its discussion in the National Assembly: Matter having been already discussed in the National Assembly during its last session: Adjournment motion ruled out of order:

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Timings Of Assembly Sittings: Formal Motion Not Necessary: Speaker Can Take Decision: Can Call Meeting Even On A Holiday:

**ASSEMBLY BUSINESS—**

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Ministers or Members having their business on agenda should be present in House
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#### ASSEMBLY CHAMBER—

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#### ASSEMBLY PREMISES—

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Bill: assurance by a Minister in the House has no force of law but carries respectability

#### ATTENDANCE REGISTER—

Unless so decided by the House members could not be asked to sign the register:

#### BILL

Circulation for eliciting public opinion: Separate motion about mode of eliciting public opinion to be moved after the motion for circulation is adopted: Combined motion not permissible.

Sought to be considered before the expiry of the prescribed period of three days after its circulation among the members: Objection over-ruled on the grounds that members had been given 24 Hours to study the Bill, that more than three days ago the House was informally told that the Bill was coming up before it and that the Bill was also not a complicated one.

The Electorate (Amendment Bill): Motion for consideration moved immediately after introduction of the Bill: Motion opposed: Objection upheld.

Third reading: Scope of debate.
Motion for leave to introduce a private Members’ Bill: No point of order in regard to the introduction motion to be raised: No Member has a right to speak at this stage

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Amendment to: Non-inclusion of all amendments in the Orders of the Day: Question cannot be raised on the floor of the House.

Discussion: No provision in rules for fixation of time-limit for speeches

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Amendments: Meaning of negative amendment

Decision on the objection that a Bill or any of its provisions violate the principles of Law-making not Speaker’s responsibility

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Consideration motion along with Report of Standing Committee: objection to such consideration motion in absence of Minister concerned: Ruled out

Non-official: Point of order raised that ballot should be held five days before taking up a Bill: ballot held on previous day: Rule 23 involved: Held that it was not a major variation: Departure from rules allowed by Chair under powers vested in Speaker: point of order ruled out

Leave of the House to move a Bill: Member becomes parliamentary Secretary after giving notice: Held that he ceases to be a private Member

Consent of the president under the Constitution: Speaker to decide whether consent is necessary or not under Rule 54

Amendment: Substitution of the Title beyond the scope of: Amendment
tantamount to amendment of the Constitution: Amendment ruled out of order

To provide for Electoral College of Pakistan: point of order raised: Whether the bill was an amendment of the Constitution requiring two-third majority for passage: Chair not to expound any provision or word of the Constitution: Held that the bill did not offend any Article of the Constitution and so was an ordinary Bill.................

Before introduction of a money bill recommendation of the president must be obtained under article 47 of the Constitution: Recommendation of the president circulated subsequent to introduction: point raised that proceedings in regard to the consideration of the Bill prior to obtaining president's recommendation would be null and void

Bill or amendment of a Bill, providing for or relating to preventive detention shall not be introduced or moved in the National Assembly without the previous consent of the president

Short notice amendments to Bill to provide for Electoral College of Pakistan: Member desirous to raise a point of order that it violated Article 131 of the Constitution allowed to put this point when that clause was to be taken up latter on

Select Committee: Report not ready: Presentation deferred for the time being

Select Committee report: objection to taking report into consideration within seven days must be taken after motion is put before the House: Discretion to suspend Rule 64(2) vests in Speaker: If Speaker refuses to use his discretion, on a motion moved to this effect by Member the sense of the House could be taken

Select Committee: preventive Detention Bill: Report not ready: Signatures of some Members could not be obtained: Report held over: Presented later on

During introduction of a bill the Parliamentary Secretary in charge made reference to a judgment of a Court: A member requested for copy of the judgement: Chair Directed that copy be supplied.

In the third reading, the likely effect of a Taxation proposal can be discussed: But the members should confine to the contents of the Bill: General discussion not permissible.
Mover of a Bill and the member opposing its introduction entitled to speak and no other member.

The Provisions in a Rule relating to Privilege Motion, not to apply to speech by Member on a Bill.

A member demanded that Ministers should explain the Bills at length: Brief speech results into vagueness leading to discussion inside and outside Assembly: Chair upheld the practice of making a short speech:

Amendment for eliciting public opinion under discussion: Minister concerned wants to reply to debate on both considerations motion and amendment: Chair directs that he could speak on amendment and not on consideration motion:

Amendment seeking deletion of whole Clause or sub-clause to be disposed of before the amendments seeking modifications therein. Amendment for substitutions to be taken up after disposal of amendment for deletion:

Amendment seeking total deletion of clause not permissible: Member not in favour of its retention may oppose it without giving notice of an amendment:

At the first reading stage of a Bill a Member wanted to move an oral amendment to circulate it for public opinion. Leave of the House to move oral amendment asked for and refused: First reading of the Bill resumed:

Cannot be taken into consideration at once without referring the same to Standing Committee: A motion was moved for suspension of rules 91 and 92 to avoid such reference:

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During first reading of a Bill, with the leave of the House, oral amendments were moved to publish the Bill for eliciting public opinion thereon and for its reference to a Select Committee: Minister-in-Charge also moved a motion for referring the Bill to a Select Committee which was adopted by the House: 343 219

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- Leave sought to introduce Capital Development Authority (Amendment) Bill by a private member: Objection raised that it was a Money Bill.
- Consent of President necessary under Article 74 of the Constitution.
- Objection to be raised when leave for introduction sought: item would not remain on agenda nor would it be deemed pending.
- Members should refrain from criticizing laws and decision of the Assembly.
- Minister-in-Charge of a Bill not present: Cabinet collectively responsible; if necessary, clarification could be given by other Minister or Parliamentary Secretaries.
- Motion for amendment to Bill: House granted permission to mover to move the motion: Mover withdrew the motion objection that motion should not have been withdrawn: Over-ruled.
- Motion for circulation of a bill to elicit public opinion thereon or for its reference to a Select Committee cannot be made at the stage of the second reading of the Bill.
- Motion for circulation of the Bill for eliciting public opinion: Objected to by Government on the ground that motion to consider the Bill on an appointed date had already been adopted objection upheld and circulation motion disallowed.
- Motion for taking Bills into consideration by suspending rules 91 and 92 should be rarely moved: Right to suspend Rules rests with the Assembly.
- Mover has to explain the Bill even if it is not opposed.
- Notice of amendments to individual clauses: Notice period to be reckoned with reference to the consideration stage of the clauses to which the amendments relate.
- Oral amendment allowed and adopted at the stage of a Bill, while it was under consideration clause by clause.
- Passed in National Assembly and submitted to Senate which passed it with amendments: to be considered as a whole in the National Assembly: Article 70(4) of Constitution relied upon.
- Private member's Bill: Cannot be moved in the absence of mover nor can it be taken up on the next private members' Day.
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Procedure for passage of a Bill in joint sitting under rule 9 of parliament (Joint Sitting) Rules, 1973: Amendments made by the House other than the original House to be moved and put one by one: Whole Bill to be considered clause by clause: Votes taken by asking the members to rise in their seats:

Reference to the Council of Islamic Ideology: Can be made before the constitution of the Council: ruling in the matter to be given only on a motion and not on a point of Order:

Request for reference to the Federal Government for obtaining its consent to an amendment to a Money Bill: Not entertainable at the stage of the second reading of the Bill:

Second Reading: Arguments to be confined only to the particular clause under consideration: General principles of the bill cannot discussed at this stage:

Second reading complete: A member requested to speak: Not allowed: However allowed to speak at third reading

Second reading: Motion referring a Bill to the council of Islamic Ideology should be in writing: Objection to a Bill being against the injunctions of Islam should be raised during the first reading:

Second reading: Stress on certain points needs amendments on those points:

Standing Committee: Details of discussion on a Bill in a Standing Committee not to be divulged in the House as a matter of convention:

Subjects not entered either in the Federal Legislative List or in the concurrent legislative List fall in the Provincial sphere: Motion seeking leave to introduce a Bill relating to a Provincial subject ruled out of order:

Suggestion that only amendments proposed in a Bill by Senate could be dealt with in the joint sitting and no further discussion was necessary: Chair observes that the whole Bill and all its clauses to be re-considered:

The Chairman and Speaker (Salary, allowances and privileges) Bill, 1975: Tradition of passing such Bills unanimously: Passed without any resistance

Two similar Bill cannot remain on the agenda of Senate as well as National Assembly: Motion to withdrawn a Bill from National Assembly allowed:
Third reading: Arguments can be either for acceptance or for total rejection of a bill: Amendment or any other proposal cannot be made during third reading:

Third reading: Member only to argue whether it be passed or not: Detailed arguments not allowed:

Transitional provision: Question whether it was to be incorporated in the amendment Bill or in the original act: Could be added to either of them: Incorporated in the amending Bill:

Assurance by a Minister in the House has no Force of law but carries respectability

Consideration of a Bill deferred after introductory speech by the Minister-in-charge, to enable Members to speak after necessary study

Discussion to be confined to subject matter of the Bill

Long title need not specifically provide for all the details

Members to refrain from touching sectarian issues while speaking on Bills etc

Member’s request to speak after the conclusion of the winding up speech by the Minister-in-charge turned down

Reference to the original Act can be made while discussing an amendment to that Act without going into the historical background of such an enactment or without touching the facts of any case being tried under such Act

Parliamentary Secretary can, under Rule, pilot a Government Bill: Delegation of authority under Rule 2 can both be implied or express

Passed by one House need not be referred to Standing Committee while under consideration of the other House if it does not need more arguments and examination

Third Reading: Minister-in-charge cannot be compelled to reply to the points raised during discussion: Clarification of a point cannot be sought for on a point of order

To be accompanied by signed Statement of Objects and Reasons
Two or more Bills listed in the same Orders of the Day having common provisions may be discussed together in the first reading; second and third reading to be done separately

Alleged objection regarding introduction of a Bill being repugnant to the Constitutional provision: Objection being pre-mature and anticipatory ruled out: Upon introduction a Bill stands referred to the Standing committee concerned under the rules where provisions of Bill can be scrutinized.

Motion for leave of House to introduce a private member’s Bill: Opposed with reference to existence of law on the subject already and constitutional provision: Moving or opposing of a Bill does not form ipso facto a violation of constitution point ruled out.

Objection that rule 91 of the rules of procedure cannot be suspended through a motion soon after introduction of a Bill: Ruled out of order.

Objection that rule 92(2) of the Rules of Procedure cannot be suspended through a motion until the stages of sub-rule (1) of rule 92 of the said rules were completed: Ruled out.

Private members bill cannot be moved in the absence of mover nor can it be taken up on the next private member’s day: Bill shall lapse unless the mover gives a fresh notice.

Where a Bill contains many clauses, the same can be taken up together for consideration.

BILL REPLACING AN ORDINANCE

Point of Order: Previous sanction of the President, not Required in case of a Bill Replacing an ordinance

BOWING BY SPEAKER OR MEMBERS

Chair: Bowing in the House by the speaker or the Member is not unconventional or un-Islamic: It is discretionary with members to bow or not
BOYCOTT BY OPPOSITION

Privilege motion and adjournment motions tabled by opposition member before they boycotted the Assembly proceedings: Movers awaited for a day or so before disallowing their motions: Consideration of motions tabled after the boycott not to be deferred

BREACH OF PRIVILEGE

Privilege: Question of breach of privilege to be raised through a written notice and not a point of order.

BUDGET

General discussion: Fixation of time-limit: Twenty minutes for each Member

Winding up speech: Questions to the Finance Minister to be put later on, if time permitted

Central Consolidated Fund: Fixation of time-limit for discussion: 10 minutes for each Member

Demands for Grants: Mode of General discussion on demand and cut-motions and voting

Cut-motion: Admissible even though it seeks to raise discussion on the inadequacy of the amount allotted indirectly seeks to increase it

Cut-motion: Member who has given notice has right to speak

Supplementary Demands: Fixation of time by Speaker

Questions during the general discussion not allowed.

The term 'Everything under the sun can be discussed during general discussion' Would not include reference to Ministers or members in their personal or private capacity.

Any matter may be discussed by members during general discussion on the Budget:

Demands for grants: A member allowed to speak without moving his cut-motion:
Demands for Grants: Cut-motions; objection taken under rule 158: Discussion should be relevant to the specific points mentioned in the cut-motions. Discussion on matters outside the scope of the demand not permissible. Demands already passed cannot be discussed or subjected to cut-motions.

Demands for Grants: Discussion to be Split under appropriate heads: rule of convenience adopted;

Demands for Grants: Time Limit For Speeches Fixed: Members Marking Constructive Suggestions can be allowed some more time to speak.

Demands for Grants: While the Minister for Information giving reply: Request for adjournment of the morning sitting: Demands of Ministry of finance taken up: Minister continued his speech in the afternoon sitting by agreement:

Demands for Grants: opposition to show majority of total membership to refuse a Demand for grant or to assent to it with reduction: positive vote for Demand of Grants not required for 10 years under Article 82 of the Constitution:

Discussion on Federal Consolidated Fund: Certain remarks about President expunged:

Discussion on party politics disallowed during budget speech: Criticism of Government policies in general as well as those concerning Budget permissible:

Discussion on Railway Budget: Speeches even if irrelevant during discussion on Budget not to be interrupted:

Each Demand for Grant is required to be moved and discussed in the House:

Expenditure charged on Federal consolidated Fund: undignified remarks against President not allowed

Finance Bill: Provisions of Finance bill could be discussed during general discussion on the Budget

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General Discussion: Members not accommodated to be given preference during supplementary Budget:

General discussion: Minister cannot be forced to take up a particular subject:

General discussion: Reading from a written speech to be deprecated:

General discussion: Remarks about despondence or survival of the country to be avoided in speeches

General discussion: Scope of

Motion for discussion of charged expenditure as shown in Supplementary Demand for Grants etc. under Article 82 (1): Need not to be opposed for participation in the discussion:

Opposition to open general discussion on budget:

Railway and General; Programme for presentation and discussion:

Railway: Point of order raised to the effect that as majority of member from both sides had expressed disapproval of increase in the Railway fares the House was not competent to further discuss the Budget: disapproval of increase of fare does not mean voting against demand: Ruled out order: Opposition to show majority of the total membership to refuse a demand:

Supplementary Demands for Grants: Member can speak only about additional expenditure involved in Supplementary Demands:

Supplementary Schedule of authorized expenditure: Date on the printed copies missing: Original copy containing the date: held in Order:

A ministry not agreed to be taken up for Discussion cannot be Discussed later by a cut-motion

Demands for grants: Cut motions inadmissible, cut-motion should indicate in Precise terms the particulars of the policy proposed to be discussed

Demands for grants: Cut motions: Chair directed the movers of cut motions to confine themselves to the specific point or points mentioned in the notice of a cut motion: Discussion on a matter out side the scope of the demands not permissible.
RULING OF THE CHAIR

BUDGET DISCUSSION

Adjournment motions: Riots in Nazimabad, Karachi: Not to be moved during Budget discussion: Chair not competent to waive condition of urgency: Withdrawn.

BUSINESS

Priority to the Business before the House can be given with the Agreement of the House:......

Objection that the Speaker cannot express his opinion regarding the pending Assembly business outside the House: Objection overruled: Speaker can express his opinion in his personal capacity.

CABINET MEETING

Chair can attend cabinet meeting to discuss matter relating to legislative business: Statement by a member about the legal status of the National Assembly: Matter to be discussed with Speaker in his chamber.

CALLING ATTENTION NOTICE:

Loss caused to wheat in Pak Pattan: Matter referred to Standing Committee with consensus.

CENTRAL GOVERNMENT ACCOUNTS

Privilege: A motion was moved that the accounts of the Central Government for the period prior to the commencing day of the 1962 Constitution were not submitted to Public Accounts relating to such Held that accounts relating to such period could not be examined by Public Accounts Committee, as the latter could only examine accounts relating to the period following the commencing day: Motion ruled out of order.

CENTRAL LEGISLATURES

Adjournment Motion: Would not be competent in Central Legislature to discuss the Civil Armed Forces under the control of Provincial Governments.
Censure Motion

Adjournment motion: Adjournment motions being in the Nature of Censure motions cannot be moved in the constituent Assembly, in which the Government does not function as such

Adjournment Motion: Adjournment Motion: Censure motion can be moved only through a resolution and not through an adjournment motion:

Chair

Aspersion: Question whether the expression, "the motion would have been admitted in any other House," amounts to an aspersion on the Chair.

No criticism is admissible against the Chair.

Reflection on: Member asked to withdraw remark on his refusal to do so, member asked to withdraw from the House: Opposition members staged a walk-out in protest.

Bowing in the House by the Speaker or the Members is not unconventional or un-Islamic: It is discretionary with members to bow or not.

Adjournment Motion: Chair never explains its conduct in respect of the ruling out of motions:

Adjournment Motion not pressed in view of the statement made by a Minister: Chair thanks the mover: A member asked why the Chair thanked the mover: Speaker not supposed to answer such questions: His conduct cannot be questioned:

Adjournment Motion: Objection to admissibility can be taken after motion is read out in the House: Chair to decide if it was detrimental to public interest or hypothetical:

A Minister When needed Went outside the Chamber: Suggestion that he be recalled through Sergeant-at-Arms: Speaker remarked that he had no such powers:

A Speech without permission of Chair can be expunged in total or in part:

Can attend Cabinet Meeting to discuss matters relating to legislative business: Statement by a member about the legal status of the National Assembly: Matter to be discussed with Speaker in his Chamber
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Debate: Intervention by a member while Speaker putting leave of another member to the House: Member asked to speak only with permission of the Chair.

Debate: Member in possession of floor not present to resume his speech after a short break of the House: Another member sought permission to speak: The Chair waited for the absent member for a minute but he did not turn up: Floor given to another member.

Debate: Members not speaking on Railway Budget be given more time while speaking on General Budget: Chair promises to look into matter as reasonable request:

Debate: Reflections made on the Chair: Request for expungement: Speaker directs member to talk in the Chamber and not to malign the Chair:

Decorum: A Minister of state called upon by the Chairman to show respect to the Chair when taking his seat:

Mover of a private resolution wanted to move a closure motion: Speaker disallowed: Consensus of the House already taken by Chairman to continue the debate: Speaker bound by decision of Chairman:

Procedure adopted by the Chair to Conduct the business of the House does not call for any explanation:

Quorum catching the Speaker's eye: permission of chair to be obtained for pointing out lack of quorum: Procedure for catching eye of the Speaker:

Speaker to be addressed by designation and not by name:

Uncalled remarks: Expunged by Mr. Speaker with apology to member concerned:

Decision of the Chair cannot be challenged

Decision of the Chair cannot be Challenged.

Decision of the Chair cannot be Challenged whether given in the House or on a departmental file.

No uncalled for remarks to be made against the Chair:
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**CHAIRMAN**

Ruling given by the Chair before the election of the Speaker held in order.

**CHAIRMEN TO PRESENT THE REPORT**

Report of Standing Committee: A report can only be presented by the Chairman of the Committee or in his absence by any other member authorized by committee.

**CHAIRWOMAN**

Report of Standing Committee: If a Standing Committee is presided over by a lady member, she may be called "Chairwoman" instead of "Chairman" but the use of word 'Chairman' would not make report defective.

**CHAMBER**

Debate: Reference to officers sitting outside the Chamber instead of the gallery: held Unparliamentary.

**CHARGED EXPENDITURE**

Budget: Motion for discussion of charged expenditure as shown in Supplementary Demand for Grants etc, under Article 82(1): Need not to be opposed for participation in the discussion.

**CHALLENGING A REPLY**

Question: correctness of a reply to a question may be challenged through a letter addressed to the Speaker.

**CHIEF MINISTER OR PROVINCIAL MINISTER**

Adjournment motion: Policy statements made by the Chief Minister of a Province or a Provincial Minister should not be made the subject matter of an adjournment motion.

**CIVIL ARMED FORCES**

Adjournment Motion: Would not be competent in Central Legislature to discuss the Civil Armed Forces under the control of Provincial
Governments

CLOSURE

Chair allowed ten minutes after formal motion

CLOSURE MOTION

Can be put while the other member is speaking: House final authority to decide the question.

CLOSURE MOTION

Point of Privilege: Inadmissible: Right of reply to the mover of an amendment: Mover has no substantive right to reply after adoption of closure motion.

Can be allowed if the Speaker is of opinion that the discussion has unnecessarily been prolonged with tedious repetitions.

Mover of a private resolution wanted to move a closure motion: Speaker disallowed: Consensus of the House already taken by Chairman to continue the debate; Speaker bound by decision of Chairman

No Closure motion can be moved in respect of a motion before a debate has taken place on such motions:

Debate on a Bill in opinion of the Chair protracted: Discretion exercised by Chair: Closure motion moved by a member put to the House.

CLUMSY MANNER

Amendment: Cannot be termed out of order if it seems to some members as being done in a clumsy manner: An amendment can be moved to alter a particular proposition.

COMMITTEE-

Formal motion referring Bill to a Select Committee necessary: Names of members of the committee to be given in the motion:
COMMITTEE ROOMS-

Press conference in Committee Rooms: Press Conference in Committee Rooms by any political party or individual member not allowed: Committee Rooms may be used for Press Conference by Ministers only:

COMMENTS OF NEWSPAPER

Point of privilege: Referred to the Privileges Committee: Comments of Times of Karachi on the point of privilege raised in the House and referred to the Privileges Committee earlier.

COMMITTEE REPORT

Privilege: Non submission of report by a Committee: Remedy lies under rules 170(3) of the Rules of Procedure: Privilege motion not competent

COMMON PROVISIONS

Bills: Two or More Bills listed in the same Orders of the Day having common provisions may be discussed together in the first reading; Second and third reading to be done separately

COMPETENCE OF SPEAKER

Privilege motion: Based on an alleged public statement by the Minister for Foreign Affairs and Commonwealth Relations: Speaker not competent to take a decision on a privilege motion: Motion for reference to the Privilege Committee was put to the House and negatived.

CONCERN OF CENTRAL GOVERNMENT

Adjournment motion: Ruled out of order on the ground of anticipation: Famine conditions prevailing in East Bengal: Not primarily the concern of the Central Government.

CONDITIONS OF ADJOURNMENT MOTION

Adjournment motion: An adjournment motion to comply with three definite conditions i.e it must be a definite matter, it must be a matter of
urgent public importance and it must be of recent occurrence.

CONDITION OF URGENCY

Adjournment motions: Riots in Nazimabad, Karachi: Not to be moved during Budget discussion: Chair not competent to waive condition of urgency: Withdrawn.

CONDUCT OF MEMBER

Privilege motion: U.S Ambassador’s comments on the conduct of a member: Held in order: Referred to the Privileges Committee.

CONSENT OF THE MINISTER

Adjournment motion: Prime Minister’s refusal to answer Short Notice Question: Consent of the Minister concerned obligatory for admission of a Short Notice Question: Ruled out of order.

CONSENT OF THE PRESIDENT

Adjournment motion: Motion to be made with the consent of the President: Matter raised must be definite

CONSIDERATION MOTION-

Bill: Constitution (Fourth Amendment) Bill, 1975: Point of Order that consideration motion should be decided by Division and two-third majority: Precedent of interim Constitution (Amendment) Bill, 1972 cited: Position Different Interim and Permanent Constitution Point ruled out:

CONSIDERATION BEFORE PRESCRIBED PERIOD

Bill: Sought to be considered before the expiry of the prescribed period of three days after its circulation among the members: Objection overruled on the grounds that members had been given 24 hours to study the Bill, that more than three days ago, the House was informally told that the Bill was coming up before it and that the Bill was also not a complicated one.

CONSTITUTION

All rights, liabilities and obligations of the Government of Pakistan or of the Government of a Province, etc. under the Constitution of 1956
continue to be the rights, liabilities and obligations of the Central Government or of the Government of the province respectively, under the Constitution of 1962.

CONSTITUENT ASSEMBLY

Adjournment motion: Adjournment motions being in the nature of censure motions cannot be moved in the Constituent Assembly, in which the Government does not function as such.

Adjournment motion: Ruled out of order: Arrest of members of the Constituent Assembly: Cannot be moved in the Constituent Assembly.

Point of Privilege: Discussion on the statements made by the Russian Premier and the Communist Party Leader about Kashmir. Cannot be discussed in the Constituent Assembly.

CONSTITUENT ASSEMBLY OF PAKISTAN

Sovereign Body. Has got all Power and right to do whatever it wants to do. Its main Function is to frame a Constitution and its secondary function is to make Laws.

CONSTITUTIONAL AMENDMENT

Two-thirds majority of votes not required for a motion to take a Constitution amendment Bill into consideration.

CONSTITUTION AMENDMENT BILL

Recommended by Special Committee of the whole House: further amendment cannot be moved at the time of passage of the amending Bill if not agitated before the committee: Full secrecy to be maintained by members and press regarding record of such Committee:

Voting: The precedents and practice of voting on Constitution Amendment Bill by rising in seats held valid

CONSTITUTION BILL-

Clauses of the Constitution Bill to the considered in the same order as adopted in respect of other bills: Clause 1 to be taken up at the end: The fact that it contain provisions other than those relating to short title and
commencement immaterial: Rule suspended to remove doubt:

Counting of votes to be done by the Assembly Secretariat: Any member may also count but cannot challenge the Count by the Secretariat officials: Plea for a division turned down for being abuse of the Rules:

Rights, Privileges and immunities guaranteed to a Minister or A Minister of State in Articles 70 and 78 of the Interim Constitution continue irrespective of the fact whether the National Assembly sits as a Legislative body or as a Constitution making body:

CONSTITUTION COMMITTEE-

Proceedings of Constitution Committee secret: reference cannot be made to it:

CONTINUING PROCESS


CORRECTNESS OF STATEMENTS

Members: Should ensure about the correctness of their statements with Regard to Allegations made on the Floor of the House.

COPY OF DOCUMENT

Quotation from a document: Cannot be quoted unless a copy of the document is placed before the Chair.

COPY OF NOTICE

Adjournment motion: Ruled out of order: Copy of notice not delivered to the Minister concerned in time.

COUNCIL OF ISLAMIC IDEOLOGY-

Bill: Reference to the Council of Islamic Ideology: Can be Made before the Constitution of the Council. Ruling in The matter to be given only on a
motion and on a point of order:

COUNTING OF VOTES-

Constitution Bill: Counting of votes to be done by the Assembly
Secretariat: Any member may also count but Plea for a Division turned down for being abuse of the Rules:

CRITICIZING THE CHAIR

Chair: No Criticism is admissible against the Chair.

CROSSING OF FLOOR

House: Entry into: Peons of Ministers not privileged to enter the House:
Crossing of floor between speaker and the Chair not desirable.

Debate: No crossing of floor between the Chair and member Speaking:
Member to be in his seat before speaking:

CROSS EXAMINATION OF MINISTER

Questions: Ministers cannot be cross examined

CUT MOTION

Budget: A Minister not agreed to be taken up for discussion cannot be discussed later by a cut motion

Budget: Demands for grants: Cut motions inadmissible, cut motion should indicate in precise terms the particulars of the policy proposed to be discussed

General Budget: Cut motion: Action taken by Provincial Governments cannot be discussed through a cut motion

Privilege motion: Disallowance of cut-motions: Ruling of the Speaker can be given in absentia: Ruled out of order.
Demand for Grants: Demands for Grants on which cut-Motions are moved may be discussed; Demands on which No cut-motions are moved may be put to vote without discussion:

Order Passed by the Speaker in the Chamber relating to inadmissibility of cut-motions could be reviewed by him in the clause after hearing the members:

Cut Motion: Ruled out for want of adequate notice:

DAILY OCCURRENCES

Adjournment Motion: Question of daily occurrence or situation of a normal nature cannot be the subject matter of an adjournment motion

DEBATE

General discussion on Budget: Supply of lists of members desirous of taking part in the general discussion by Whips: Members of small groups with no whip should rise in their places to catch eye of the Chair: Interpretation of rules privilege of the Chair: Ruling of the Chair to be accepted without dispute or reservation.

Personal explanation: A Member can Speak by way of personal Explanation with reference to any remarks made in the House affecting his Political or public character: Provided he has the leave of the Chair to do so. No debate on a personal Explanation is Admissible.

Interruptions: Mild interjection can be allowed to enliven the debate: Interruption by several members at one and the same time not allowed.

Written Speeches not permitted: Policy statement can be read.

Member should not speak party in English, partly in Urdu and partly in Bengali I the course of the same Speech

Resolution: Minister-in-Charge can speak a second time with the permission of the Chair

Reference to the proceedings of the select Committee in the House not permissible
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In certain cases the matter discussed need not be framed as a specific motion

Point of order: Scope of

Reference to a speech made in a secret Session not permissible in Open Session

Presence of the Ministers desirable during the course of speeches in the House

List of speakers representing various parliamentary Groups should be given to the Speaker through the Leader of the party

Selection of speakers discretion of the Chair

Continuance of debate on a subject with in the opinion of some Members the position has changed: permissible under the Rules.

Member in possession of the House to resume seat when a point of order is raised.............

Member catching the eye of the Speak

Another Member cannot intervene if the Member speaking does not yield floor

Time of sitting: Extension of

Seeking clarification by interrupting a member while speaking not permissible

Names: Mention of particular names not permissible in debates.

Reflection by a Member on a decision of the House: objection taken: No Member entitled to speak against or reflect on the determination of the House except by a rescinding motion: Objection up-held

Personal remarks, imputations of motives, unbecoming references, reflection, etc., held highly disorderly

Point of order raised that Ministers not being Members only entitled to right of audience and no other right, privilege or protection: Anybody allowed to take part in proceedings of the House is subject to same
restriction and privileges as conferred by rules

Non-ringing of bell in a particular room no ground for holding a fresh Division: order to be maintained during Division: Undue influence on Lady Members not permissible

The Report of the Central Public Service Commission cannot be discussed immediately after it Presentation in the House.

A private resolution under discussion: Consensus of Assembly taken to prolong the debate: Members agree: Mover Also agrees: Debate prolonged:

Casual remarks by a member do not amount to his speech for The purpose of debate:

Discussion on boycott of Assembly proceedings by the opposition: Deferred to await arrival of opposition:

Discussion on Demands for Grants: repetition by member speaking: Prohibited under Rules:

General Discussion on Budget: Decision of the House not to be criticized:

General discussion Budget: Reference to Provincial subjects not in order:

General discussion on Railway Budget: Reference to Railway officials sitting in the gallery: Member asked to refrain from such references:

General discussion on the Budget: No charges against M.P.As. to be made in National Assembly as it violates Constitution:

If the members scheduled to speak are not present when called upon to speak, they will not be allowed to speak afterwards:

Interruptions in winding-up speech of Finance Minister: Not warranted:

Intervention by a member while Speaker putting leave application of another member to the House: Member asked to speak only with
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Permission of the Chair:

Law and Order situation in Provinces can be criticized in the House in so far as it relates to the role of certain agencies entirely financed by Federal Government and engaged in the maintenance of law and order.

Malicious or mala fide remarks to be avoided:

Member in possession of floor absent when called out: Later requests for resumption of his speech: Chair declares it not according to Rules: Consensus of members obtained and allowed to speak: Not to be treated as precedent:

Member in possession of floor not present to resume his speech after a short break of the House: Another member sought permission to speak: The chair waited for the absentee member for a minute but he did not turn up: Floor given to another member:

Members not speaking on Railway Budget be given more time while speaking on General Budget: Chair Promises to look into matter as reasonable request:

Members not to make reference or remarks about the staff or any person other than a member sitting in the House, or in respect of visitors sitting in the Galleries:

Members speaking from seats other than their own not to be recognized:

Member to be relevant to matter in issue: Speaker pointed out precedent that debate on amendments in law never took more than three or four minutes:

Mentioning names or making reference about persons who cannot defend themselves should be avoided:

No Crossing of Floor between the Chair and member speaking: Member to be in his seat before speaking:
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No point of clarification under the rules:

Objectionable remarks made and withdrawn: No point of explanation or point of order can be raised against such remarks:

Parliamentary delegation from abroad: Visit of Romanian Parliamentary delegation to the House: Members welcomed the delegation by thumping of desks: Speaker interrupted the debate to make reference to the presence of delegation in the gallery: Rich tributes paid by the chair:

Personal remarks not relatable to any specific member need not be expunged:

Point of order: Allegation about employees distributing pamphlets of Pakistan peoples party: point of order not upheld: can be raised as privilege motion

Position with reference to any point raised in a previous speech of another member can be clarified: speeches criticizing the people of a particular province or propagating provincialism should be avoided:

Proper procedure to point out any alleged inaccuracy in a speech is to say 'question'

Reference to officers sitting out side the chamber instead of the gallery: Held unparliamentary:

Reference to statement made by the minister outside the House to be avoided:

Reflection made on the Chair: Request for expungement: Speaker directs member to talk in the chamber and not to malign the chair:

Running Commentary on the Speech of a member not warranted by rules:

Seditious and undesirable remarks made by a member not to be published in the press but to form part of record:
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The right of speech of a member takes preference over the right of reply by the minister:

Time limit for debate fixed by the speaker in joint sitting under Rule 33 of the joint sitting Rules read with rule 228 of the National Assembly Rules:

Undesirable gesture by a member towards another member held unparliamentary:

Unparliamentary: The word “Regime” Unparliamentary:

Use of phraseology worst than women held unparliamentary.

Winding-up speech of the finance minister: No questions can be put or interruptions allowed during a speech:

Withdrawn word not to be answered:

Written speech not allowed to be read:

A member may be allowed to translate the speech of another member made in the language other than the official language of the Assembly

Government business can be taken up on private members day

Irrelevance presents no justification for another member to be irrelevant

Permission to speak after the winding up speech by a Minister: Refused

Reference to judges during debate, even if praise worthy, not allowed

Reference to the persons sitting in the galleries not permissible

Resolution: Members' Speeches during a debate on any measure, decided upon by Government, to be regulated by the Chair in accordance with the wishes and sense of the House

No member can oppose or even praise the decision of any Judge of the Supreme Court or High Court in the discharge of his duties.

Objectionable remarks against the Prime Minister and the Cabinet by members: Expunged from proceedings.
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**Un-necessary interference during speech of a member by another member:** Depreciated by Chair

**DEBATE, COURTESY OF**

Member making allegations should be in his seat to hear the reply.

**DECEASED PERSON:**

Conduct of deceased person should not be discussed in the House.

**DECISION OF THE CHAIR**

Chair: Decision of the Chair cannot be challenged

Privilege: Decision of Chair cannot form basis of privilege motion if given in accordance with Rules.

**DECORUM**

A member while speaking pointed out that some other members were creating disorder: Chair observed that there was no disorder: Members allowed to talk but not loud enough to create disturbance:

A minister of state called upon by the chairman to show respect to the chair when taking his seat:

Deputy Leader of the House made some remarks while passing behind the member speaking: Such remarks not permissible:

Member Not to present application to ministers in assembly chamber: It should be done in ministers Chamber’s:

Member Sitting on the arm of his chair in the House: no way of sitting in Parliament:

Member not to treat the House as 'Mall Road' to move from one end to the other: Con go to the lobby to talk and come back for voting:

Mini-Assembly going on inside the chamber: Attention of chair drawn: can
continue provided disorder is not created:

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No movement during recitation of Holy Quran:

Alleged derogatory behaviour of Ministers towards the Deputy speaker presiding over the sitting and walked out a Minister as a protest against his conduct.

No member should cross the floor in front of the member and the Speaker.

DEFEENCE SERVICES

Point of order: Provision for retrospective punishment not permissible under the Constitution: Exception to the application of Article 6 was made in respect of Defence Services in clause (3) of the Article.

DEFERMENT OF MOTION

Adjournment Motion: Point of Order: Adjournment Motion can be Deferred till such time it becomes expedient to discuss it.

DEFINITE ISSUE

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Adjournment Motion: Adjournment motion raising discussion on definite issues and factors and pointing out situation of a definite character, to be held admissible.

DEFINITE MATTER

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Unparliamentary word: Insincerity, not an unparliamentary expression.

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well as Leader of the Opposition have the privilege to make statements whenever they wish to do so.

LEADER OF THE OPPOSITION:

Adjournment Motion: Discussion on a motion: Leader of the Opposition and Minister concerned allowed five minute more than the time allotted to them:

Leave of Absence: Moved on behalf of other detained members: Put and granted by the Assembly:

Question put to the house during discussion on Demands of Grants:

Members: Grant of leave of absence: Attendance meeting of Assembly mandatory:

LEAVE REFUSED

Adjournment Motion Accident between a bus and a rail car: No technical objection raised by Government: Motion held to be in order: Leave of the House asked for: No objection raised by any member: Leave refused by the House:

Adjournment Motion: Blast at Karachi Airport: Motion allegedly related to more than on issue: A Minister said matter under investigation of FIA and Police: Statement also made by Minister of state for defence: once motion held in order opinion of mover had no weight

LEAVE OF NO-CONFIDENCE MOTION

Speaker: Leave to move a no confidence Motion against the Speaker is necessary before a member is allowed to go into the merits of the case.

LEGISLATION

Statement of objects and reasons does not form part of legislation

The Central Government can legislate on any matter whether it is mentioned in the Third Schedule or not under Article 131(4) of the 1962
Constitution.

LEGISLATION UNDER ARTICLE 13(4) OF CONSTITUTION OF 1962

Legislation: The Central Government can legislate on any matter whether it is mentioned in the Third Schedule or not under Article 13(4) of the 1962 Constitution.

LETTER TO THE SPEAKER

Question: Correctness of a reply to a question may be challenged through a letter addressed to the speaker.

LONG TITLE

Bill: Long title need not specifically provide for all the details.

"LIE":

Unparliamentary Expression: Expression of motives: "lie".

Unparliamentary word: "Lie" an unparliamentary expression.

MATTER SUB JUDICE

Point of Order: Matter sub Judice: Reference to a case pending with a court can be made without making any comments on the proceedings or the future course of events.

Allotment of Seats: A member elected on the ticket of a Political Party cannot sit on the independent benches without first disassociating himself from that part.

MEMBERS:

Unparliamentary Expression: Imputation of motives to Members.

Detention of member: Islam is not against the detention of a person if it is necessary keeping in view the Circumstances of the country.

Should ensure about the correctness of their statements with regard to allegations made on the Floor of the House.

Absentee Members Chair may, in its discretion, allow a resolution, motion.
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**MEMBERS OF OPPOSITION**

Standing Committee: No Provision in the Rules that the Members of the Opposition must be necessarily included in the standing Committees to
be constituted from time to time by the House.

MEMBER OPPOSING INTRODUCTION

Bill: Mover of a Bill and the member opposing its introduction entitled to speak and no other member.

MEMBER’S PRIVILEGE

Press Gallery: Absence of journalists from the press gallery does not constitute breach of privilege of the Members.

MEMBER OF SENATE FROM FEDERAL CAPITAL

Choosing of: The word “Chosen” occurring in Article 59(1)(c) does not have the same meaning as the word “Election” used in Article 266 of the Constitution.

MEMBERS OF SMALL GROUPS:

Debate: General discussion on Budget: Supply of lists of members desirous of taking part in the general discussion by whips: Members of small groups with no whip should rise in their places to catch eye of the Chair: Interpretation of the rules privilege of the Chair. Ruling of the Chair to be accepted without dispute or reservation.

MILD INTERJECTION:

Debate: Interruptions: Mild interjection can be allowed to enliven the debate: Interruption several members at one and the same time not allowed.

MINISTER:

Adjournment motion: Adjournment motion in respect of an unsatisfactory reply given by a Minister to a Question can be allowed provided it comes under the purview of the relevant Rules.

Presentation of Report: The work relating to the Divisions under the charge of the President can be looked after in the Assembly by any Minister under the Directive of the President.

MINISTER’S STATEMENTS:

Question Hour: Question whether President could express personal
opinion in his address: Statement of a Minister justifying the President's action desired to be discussed: Substantive motion required for discussion on points arising out of a Minister's statement.

MINISTRY OF LAW:

Privilege motion: Publication of Acts as assented to by the President in the Gazette by the Ministry of Law instead of by the President Secretariat: Referred to the privileges Committee.

MINISTERS/MEMBERS IN PRIVATE CAPACITY

Budget: The term 'Everything under the sun can be discussed during general discussion' would not include reference to Ministers or members in their personal or Private capacity.

MININTER-S-IN-CHARGE

Bill: Minister-in-Charge of a Bill not present: Cabinet collectively Responsible: If necessary, clarification could be given by other Ministers or Parliamentary Secretaries:

Adjournment Motion: Admissibility: Minister to speak on a privilege or adjournment motion before the debate as to its admissibility could start

Adjournment Motion: Government position on the point raised in an adjournment motion explained by the Minister concerned: Mover asked for postponement of motion with permission to re-agitate the matter if the situation so warranted: Not allowed:

Adjournment Motion: Minister cannot make statement on the merits of the motion before grant of leave by the House for its discussion:

Adjournment Motion: Minister concerned not objecting to the discussion of the motion: Despite his agreement, admissibility of the motion to be determined:

Adjournment Motion: Minister Concerned not present: Deferred: No speeches on it in that sitting:

Adjournment Motion: Mover to speak on adjournment motion before the Minister is called upon to given reply:

Adjournment Motion: Statements made by Ministers in public meetings
not to be made subject-matter:

Privilege: Admissibility: Minister to Speak on Privilege Adjournment
Motion before the debate as to its Admissibility could start:

MINISTER ANSWERING ON BEHALF OF ANOTHER MINISTER

Question Deferred: Minister answering question on behalf of another Minister not prepared to answer supplementaries

MISREPORTING OF SPEECH:

Point of privilege: Misreporting of speech: Matter referred to the Privileges Committee.

MONEY BILL

Point of order: Money Bill: Definition of:

Point of Order: Money Bill is only to contain the Principles and not the Details.

Amendment to a Money Bill also a Money bill: Consent of the Federal Government required for moving an amendment seeking alteration in the rate of duty:

MOTION

Bill Motion for circulation of a Bill to elicit public opinion thereon or for its reference to a select Committee cannot be made at the stage of the second reading of the Bill:

Bill: motion for circulation of the Bill for eliciting public opinion: Objected to by Government on the ground that motion to consider the bill on an appointed date had already been adopted objection upheld and circulation motion disallowed:

Bill: Motion for taking Bill into consideration by suspending rule 91 and 92 should be rarely moved: Right to suspend rules rests with the Assembly:

Oral motion for leave for fixation of quorum for Select Committee and for extension of time for submission of report by the committee: Leave refused: Mover insists for putting the motion again to the House: Oral motion for leave to reopen the issue moved by another member and
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adopted: Motion for fixation of quorum and extension of time then moved and adopted:

Under rule 220 in discussion about specific issues relation to agricultural production: Member claims any factors about agricultural production could be discussed: Speaker Disagreed:

**MOTION FOR AMENDEMENT**

Required notice under rule 222 of Rules of Procedure: Deferred to another date:

**MOTION FOR CIRCULATION**

Bill: Circulation for eliciting public opinion: Separate motion about mode of eliciting public opinion to be moved after the motion for circulation is adopted: Combined motion not permissible.

**MOTION FOR PUBLIC OPINION**

Bill: Circulation for eliciting public opinion: Separate motion about mode of eliciting public opinion to be moved after the motion for circulation is adopted: Combined motion not permissible.

**MOTION AGAINST THE CHAIR**

Privilege: Pay of a member cannot be withheld by Accountant General unless order of such withdrawal is made by the Speaker: No Privilege Motion competent against the Chair

**MOTION ON BEHALF OF ANOTHER MEMBER**

Resolution: A member was not allowed to move a Resolution on behalf of another member as a matter of practice

**MOTION UNDER RULES 220**

Resolution: Point of Order: Discussion on Motion under Rule 220 relating to crisis in the powerloom industry should be confined to that industry: Matters pertaining to the textile industry can be referred to but not discussed in detail
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**MOVER OF AN AMENDMENTS**

Point of Privilege: Inadmissible: Right of reply to the mover of an amendment: Mover has no substantive right to reply after adoption of closure motion.
### MOVING OF AMENDMENTS

Point of privilege: Moving of amendments at short notice: Members can raise objection to the moving of amendments without proper notice. Unsafe to move amendments of substantive nature at short notice.

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### NATIONAL BUDGETS

Relay of speech from the House: Finance Minister’s speech on the occasion of Presentation of the National Budget or a Supplementary Finance Bill can be Relayed to the Nation from the House.

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### NECESSARY DETENTION

Detention of Member: Islam is not against the detention of a person if it is necessary keeping in view the Circumstances of the country.

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Point of Order: Negotiation of Members with persons sitting in Press, official or Visitors galleries not permissible.

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Personal explanation: Extraneous matters of new arguments not to be brought in:

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### NEWS-ITEM

Adjournment Motion: Basis of and Adjournment Motion News-items should not form unless there is something definite therein:

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Adjournment Motion: News-item regarding negotiation by a Federal Minister with the Leaders of the Opposition to form a coalition Government for Baluchistan: No official version of the negotiations available: The Minister denied; outside the House, that they had any such negotiations with the Opposition Leaders: Denial affirmed, inside the House, by another Federal Minister: Ruled out:

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### NEWSPAPER

Adjournment Motion: Items in newspapers not to form basis for adjournment motion:

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Adjournment Motion: Seizure and burning of copies of a newspaper: Ruled out of order: Newspapers governed by Provincial law: Matter within the sphere of executive authority of Province: Occasional incidents of violence do not constitute a grave menace to the peace and tranquility to warrant direction by the Federal Government:

Privilege: Misreporting by Newspaper: Newspaper directed to make corrections:

Privilege: Wrong caption given under a photograph by a Newspaper: Speaker promised instruction to Press, no need of privilege notion:

Proceedings: Incorrect report published in Newspapers: Press asked to make correction:

**NEWSPAPER REPORT**

Adjournment motion: Prime Minister’s statement in London justifying the intervention of the British Government in Oman: Based on newspaper report: Alleged facts denied: Mover failed to produce any authentic document: Ruled out of order:

Adjournment motion: Removal of top-ranking officers of the Special Police: Based on newspaper reports: Alleged facts denied: Matter of ordinary administration: Ruled out of order.

Adjournment Motions: Inadmissible: Provincial matter based on a newspaper report should be submitted on the day on which it appeared in the papers.

**NEW SPEAKER**

Point of Order: Arrangement of business: No business can be transacted on the day the new Speaker is to be elected.

**NEXT ROTA DAY**

Point of order: Supply of answers to the questions to the House mandatory: Questions answers of which not supplied repeated for next rota day:
### NON-AVAILABILITY OF RAILWAY TICKETS

Adjournment Motion: Non availability of tickets at a railway station is not a matter of urgent public importance: Ruled out

Ruling No. 201 Page No. 130

### NOT OF URGENT PUBLIC IMPORTANCE

Adjournment Motion: Termination of services of certain PIA employees allegedly in accordance with the service Rules: Matter held not of urgent public importance: Motion Ruled out Objection Regarding Quorum Quorum When objection regarding lack of quorum should be raised

Ruling No. 203 Page No. 131

### NO-CONFIDENCE MOTION

Adjournment Motion: On the day the No-confidence motion against the Speaker is to be moved, all the Adjournment motion are Automatically deferred till the Next working day.

Speaker: During the course of discussion on a point of order relating to a motion of no-confidence against the Speaker, the Assembly was adjourned for short tea break.

Speaker: Questions not to be include don the Orders of the Day when No-Confidence motion against the Speaker is to be discussed.

Ruling No. 79 Page No. 55

Ruling No. 957 Page No. 649

Ruling No. 959 Page No. 652

### NO-CONFIDENCE MOTION AGAINST THE SPEAKER

Order of the Day: The item relating to the constitutional obligation of presenting a Report on the Day a when no-confidence motion against the Speaker is to be moved should be posted first on the Orders of the Day.

Ruling No. 569 Page No. 366

### OATH

Objection against election of member making oath: Ruled out:

Ruling No. 560 Page No. 359

Objection raised that the Member making oath did not understand its meaning: Ruled out:

Ruling No. 561 Page No. 359

The oath administered to the members-elect of the National Assembly by the Chief Election Commissioner was not valid: Point ruled out of order as there was no requirement in the rules that oath must be administered by the Speaker and the only requirement was that the oath be made before the House.

Ruling No. 562 Page No. 360

Objection raised that the member making oath added some words in

Ruling No. 563 Page No. 361
addition to the original text of the oath provided in the Constitution of Pakistan: such addition not permissible point upheld.

**OBITUARY REFERENCE**

No rigid procedure for making such a reference is followed by the House.

To be made in respect of only the members of the National or Provincial Assemblies or a political figure or a very high dignitary:

**OBSERVATION BY NEWSPAPER**

Privilege motion: Observation by a newspaper on the ruling given by the Speaker held an aspersion on the Chair: Matter referred to the Privilege Committee

**OFFICERS**

Adjournment Motion: Matters concerning appointments, level or Resignation of officers cannot be made the subject matter of an Adjournment motion:

**OFFICERS AT THE TABLE**

Remarks against officers at the Table not allowed in the House: Complaint, if any, against them can be made to the Speaker in the Chamber:

**OFFICIAL OR STATE PAPERS**

Questions from documents / newspapers: No reference to documents not strictly relevant to the matter before the House: Reference can be made to documents which are not official or state papers. A minister reading or quoting a state document should unless detrimental to public interest, lay it before the House: Reading of extracts from newspapers permissible:

**OFFICIAL LANGUAGE**

Debate: A member may be allowed to translate the speech of another Member made in the Language other than the official language of the Assembly

**ONCE ACCEPTED**

Question: A question once accepted by the Ministry should be properly
replied: Objection regarding its vagueness cannot be pleaded in House

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Budget: Opposition to open General Discussion on Budget:

Debate

Debate: Discussion on boycott of Assembly proceeding by the Opposition:
Deferred to await arrival of Opposition:

Forcible removal of member from the house: Opposition Members object to holding of evening sitting: Evening sitting held: Speaker calls upon member in possession of floor to speak: Some Opposition members obstruct and do not allow him to speak: Chair names three Opposition Members under rule 244 to withdraw: Members did not withdraw as directed by the Speaker: Whereupon not to explain his conduct although he made statement on incident for general information:

ORDERS OF THE DAY

Point of order: Amendments to Rules given notice of by a private member to be included in the orders of the day for private Members day:

Non-official day: objection taken on ground that Bills reported upon by Standing committees should have precedence over Bills to be introduced: Reference to Rules 23 and 59: objection overruled: precedence given to Bills to be introduced

Objection taken to modification by Government in Point of order raised: Government has power of modification: Government asked not to repeat in future

Speaker: Questions not to be included on the Orders of the Day when no confidence motion against the Speaker is to be discussed.

The item relating to the constitutional obligation of presenting a report on the day when a no confidence motion against the Speaker is to be moved should be posted first on the Orders of the Day.

Report of the Standing Committee on a Bill, not entered in Orders of the Day: Objection taken to the presentation of the report to the House: Leave of the House taken to present the report:
Should reach the Members 24 hours before the appointed item:

Point of Order: Orders of the day to be so framed as to allow two days to Members to study Bills before consideration motion in respect thereof are moved

Bills: Two or more Bills listed in the same orders of the Day having common provisions may be discussed together in the first reading: Second and third reading to be done separately

ORDERS OF DAY IN BENGALI

Point of Privilege: Held in Order: Supply of orders of the day in Bengali:

ORDINANCES

Placing of Ordinances for approval

Declared ultra vires of the Constitution by the Dacca High court can be discussed and approved by the Assembly: Allowed by the chair

Laid before the House during emergency cannot be discussed during that period unless there is an approval motion moved by the Government for the purpose of bringing that Ordinance permanently on the Statute Book

Repeated promulgation of ordinances by the President: Allegedly constitute breach of privilege of the members and the House: Ruled out of order: President under Article 89 of the Constitution is empowered to promulgate ordinances when the National Assembly is not in session of he is satisfied that circumstances exist which render it necessary to take immediate action: Ruled out of order.

Objection (i) That an Ordinance Laid before the Assembly requires its reference to the Standing Committee through a Motion and (ii) that laying of Ordinance in view of consideration of another Bill similar to the Ordinance not Permissible: Points Ruled out of order.

Under the Constitution the President can promulgate and repromulgate

Under the Constitution there is no bar on the Government to request the President to issue an Ordinance if circumstances exist and immediate action is required: Objection that the President should not resort to issue Ordinances when the National Assembly has already been summoned by him: Point Rule out.
ORDINANCE PROMULGATED BY PRESIDENT

Point of order: ordinance promulgated by President has the force of law, unless disapproved by Assembly, and can be amended by another Ordinance.

RULING No. 603
PAGE No. 394

OTHER PARLIAMENTARY SECRETARIES

Parliamentary Secretary: Speech of one parliamentary Secretary will not debar other Parliamentary Secretaries from taking part in the discussion on a bill.

RULING No. 580
PAGE No. 378

PANEL OF CHAIRMEN

Privilege: No member has vested right to be nominated on Panel of Chairmen: Chair to decide in its discretion.

RULING No. 663
PAGE No. 442

PARLIAMENT SECRETARIATS

Privilege motion: Publication of Acts as assented to by the President in the Gazette, by the Ministry of Law instead of by the Parliament Secretariat: Referred to the privileges Committee.

RULING No. 793
PAGE No. 539

PARLIAMENTARY DELEGATION FROM ABROAD

Visit of Romanian Parliamentary delegation to the House: Members welcomed the delegation by thumping of desks: Speaker interrupted the debate to make reference to the presence of delegation in the gallery: Rich tributes paid by the Chair:

RULING No. 579
PAGE No. 377

PARLIAMENTARY SECRETARY

Speech of one Parliamentary Secretary will not debar other Parliamentary Secretaries from taking part in the discussion on a bill.

RULING No. 580
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PARLIAMENTARY SECRETARY IN CHARGE

Bill: During Introduction of a Bill the Parliamentary Secretary In charge made Reference to a judgment of a Court: A member requested for copy of the judgment: Chair directed that copy by supplied.

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Point of Order: Unparliamentary expressions-utterances held not to be un-parliamentary............................................

PASSED BY ONE HOUSE

Bill: Passed by one House need not be referred to Standing Committee while under consideration of the other House if it does not need more arguments and examination

PAY OF A MEMBER

Privilege: Pay of a member cannot be withheld by Accountant General unless order of such withdrawal is made by the Speaker: No Privilege Motion competent against the Chair

PEONS OF MINISTERS

House: Entry into: Peons of Ministers not privileged to enter the House. Crossing of floor between Speaker and the Chair not desirable.

PERMISSION OF THE CHAIR UNDER RULE 65:

Discussion: On a Motion under Rule 65 of the Rules of Procedure and conduct of Business in the National Assembly, 1973 can only be made if permitted by Mr. Speaker: Discussion permissible even on Private Members day

PERMISSION TO SPEAK

Debate: Permission to speak after the winding up speech by a Minister: Refused

PERSONAL ALLEGATION

Point of Order: Personal Explanation: Personal allegations made by a member against another member in his speech: Other member may be given an opportunity to make his position clear through a personal explanation with the permission of the Chair:

PERSONAL EXPLANATION

A member can speak by way of personal Explanation with reference to
any remarks made in the House affecting his political or public character, Provided he has the leave of the Chair to do so: No debate on a personal explanation is admissible:

Explanation matters of new arguments not to be brought in: 582 379

Point of Order: Personal explanation: Personal allegations made by a member against another member in his speech: Other member may be given an opportunity to make his position clear through a personal explanation with the permission of the Chair:

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Attempt to subvert the Constitution: Member not allowed to read the Privilege Motion: Ruled out of order: Notice read to the House by the Chair:

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Observation by a newspaper on the ruling given by the Speaker held an aspersion on the Chair: Matter referred to the Privileges Committee:

Presentation of Budget not to be interfered by anything: Privilege motions allowed to be moved after presentation of the Budget and introduction of the Finance Bill:

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Ministry of Law instead of by the Parliament Secretariat: Referred to the privilege Committee.

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Exeunt from an executive order of a member of the National Assembly from his constituency does not constitute a breach of privilege: Motions ruled out of order.

Circular letter issued by Chief Secretary, West Pakistan Government regarding threat by opposition Members of the National and Provincial Assemblies to ask questions to get favour from officials: Chair to decide admissibility on receipt of alleged circular letter.

Motions based on circular letters issued by provincial Governments of East and West Pakistan: Original copies not available: Government of West Pakistan claimed privilege for the document under Rule 179: Decision on motions deferred: Conditions of 'Recency' and 'earliest opportunity as laid down by Rule 167 waived: Movers to give fresh notice in the next session.

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That three detained MNAs are not allowed to Participate in the proceedings of National Assembly despite having been summoned by the Speaker under Rule 90: Chair reiterating his earlier ruling referred the question of non-production of the Members to the Privilege

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Amending Bill: Reference can be made only to those provisions of the original law which are relevant and are sought to be amended: Any discussion on the various other provisions of the original law not permissible

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Closure Motion: Can be allowed if the Speaker is of opinion that the discussion has unnecessarily been prolonged with tedious repetitions.

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Supplementary Question: Not allowed in respect of a promise held out in the previous session of the national Assembly.

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### PROTECTION FROM ARREST

Privilege: The privilege of freedom from arrest is limited to civil cases and does not extend to criminal charges.

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### PUBLIC ACCOUNTS COMMITTEE

Privilege: A motion was moved that the accounts of the Central Government for the period prior to the commencing day of 1962 Constitution were not submitted to public accounts relating to such held that accounts relating to such period could not be examined by Public Accounts Committee, as the latter could only examine accounts relating to the period following the commencing day: Motion ruled out of order.

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### QUESTIONS

Short notice: Of absentee members: Cannot be asked by any other

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member without written authority from the member concerned:

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Should be addressed to the proper Ministry: Speaker not responsible for the questions not properly addressed.

Supplementaries: No speech allowed

Supplementaries: Minister wanting notice cannot be forced to reply immediately

Supplementaries: Information cannot be given by Member putting the question.

Supplementaries: Notice wanted: point of order ruled out

Supplementaries: Explanation of purpose of the supplementary question not allowed.

Supplementaries: permission to put in Pushto: chair requested the Member to put questions in Urdu: Member agrees

Supplementaries: only one supplementary can be put at a time.

Supplementaries: Question of a personal nature not proper

Supplementaries: A parliamentary Secretary allowed to put a supplementary question

Supplementaries: A chair requested to ask parliamentary secretary to come prepared: Held that it was matter of propriety.

Minister requests deferment for the time being: Question answered as the last question on the same day

Minister concerned not present: chair asked the Minister to be present: Question held over: Minister came to the House. Allowed to answer the question

Finance Ministry's replies not printed: Replies should be furnished in time so that practice of printing may be observed.

Answers: Right of Government to refuse to disclose information in the public interest in order

May be put by another Member if authorized

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Reply to be given in English
Parliamentary Secretary can answer questions in the presence of the Ministers concerned
Should be confined to asking for information and not making a statement
Putting of questions by one parliamentary Secretary to another parliamentary Secretary or Minister inadmissible: But questions by Deputy Speakers admissible
Answer may be deferred if the Minister or Parliamentary Secretary concerned were not able to attend the House and may be answered by another Minister if the absence was prolonged.
Language in which to be asked
That the reply given in previous session did not cover later period: point of order raised that up-to-date information be given: Held that the Member could put another question for period not covered
Answer to a question should not refer to a reply given earlier but it should contain in writing the reply given earlier
Question hour to be suspended for consideration of Constitution (First Amendment) Bill, Chair agreed to suspend
Question hour suspended but questions and answers to form part of proceedings
Answers: Ministers and parliamentary Secretaries Concerned to remain present to give answers as far as possible: other Ministers and parliamentary Secretaries allowed to answer on behalf of their colleagues with prior approval of the speaker in exceptional circumstances
The Chair can permit any Member to put a question on behalf of any absent Member
Printed in the list of questions: Those not put in the House to be incorporated in the proceedings
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<td>Question not available with the Member and so he could not read in the House: chair called the next question to be put. A written statement can be ready in the House in reply to Supplementary to a starred question.</td>
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<td>Are supposed to be answered only when they are put and replied to in the House. More supply of printed answers to the members cannot be considered to be proper replies.</td>
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<td>Government cannot be compelled to disclose the source of any Statement made in the House by a Minister, or the officers who prepared any answer to Question.</td>
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<td>A question once accepted by the Ministry, should be properly replied: Objection regarding its vagueness cannot be pleaded in House.</td>
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<td>Correctness of a reply to a question may be challenged through a letter addressed to the Speaker.</td>
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<td>The Minister, the Minister of state concerned or the Parliamentary Secretary should be Present to answer questions relating to his Ministry/Division.</td>
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<td>Request to defer a starred question should be made before it is put in the House.</td>
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<td>A member who has given notice of a question, if interested in his question should be present at the time of asking of question in the house because the absence of the member without applying for leave indicate the lack of interest of the member: However, in case any member cannot attend the House due to some problem he should authorize another member in writing to ask question on his behalf.</td>
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<td>Amendment/deletion of a portion of question: prerogative of the Speaker in accordance with the rules: Ruled out of order.</td>
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Minister that the answers of the questions should be supplied 48 hour before the commencement of the questions hour on the day on which the questions are set down in list of questions.

Parliamentary Secretaries answer the question when powers delegated to them by the Ministers: however Ministers can also reply to question when insisted notwithstanding delegation of such powers while present in house.

Parliamentary Secretary can answer the questions in the presence of the Minister concerned: (not print out due to doubling)

Published question- in absence of indisposed Minister cannot be deferred-taken as read.

Reply not given in accordance with the information asked for in the question: Question deferred for the next rota day.

Can be asked to find out facts and figures and not to raise debate

Concerned Minister not present: Other Minister unable to reply to supplementaries: Questions fixed for the day deferred to next week

Deferred at the request of the member asking them: A bad precedent: Not to be Allowed in future: Questions Deferred only when Minister not prepared to reply

Deferred starred questions and their answers not to be released by the press

Discussion on demands for grants: Treated as unstirred and released to the Press:

Fixed for the day taken up along with questions deferred form an earlier date: Additional time asked for : Extension of time only possible through a motion to that effect:

If a member who has given notice of a question is present in the House no other member can ask that question on his behalf:

Notice required for supplementaries involving collection of date:

Notice given of by a boycotting member can be asked on his behalf by some other ember:
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<td>Source of information need not be given by a Minister:</td>
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inspect condition of a provincial highway and give directions to the Provincial Government and also supply information to the member putting the question:

Supplementaries: A supplementary question should not be mixture of several supplementaries

Supplementaries can be replied to by any Minister:

Supplementaries: Details not covered by original question cannot be asked through a supplementary:

Supplementaries in excess of the number fixed in the rules can be allowed on important question:

Supplementaries: Supply of petrol on concession rate to diplomatic passport holder and through them to others: Facts denied: Question about gratis issue of passports to members raised: held that it was a question of privilege and should be taken to Privileges Committee:

Supplementary: A Minister or parliamentary Secretary cannot be asked to answer a supplementary on oath:

Supplementary: Could not be asked on behalf of another member. Every member can ask a Supplementary question directly:

Supplementary: Minister says he did not have the required information: Member requested for deferment of supplementary for some minutes to enable the Minister to consult someone: Chair disagreed:

Supplementary: Of personal nature: Minister may or may not reply

Supplementary question involving relation with a foreign country not permissible:

Supplementary questions cannot be deferred:

Supplementary question: Minister cannot be called upon to produce official record to support his reply to a question:

Supplementary Question should seek information instead of giving information: question hour meant for answering questions and not for discussion:

Supplementary Question with the help of writing material cannot be
asked without the permission of the Chair: Noting should be read in the
hose, except with the permission of the Chair:

Supplementary question seeking information as to a definite Date or a
particular action not allowed: Independent question should be asked for
the purpose:

Two rounds of question-hour on one day

Wrong reply given to an un-starred question; member asked to give in
writing so that Minister Concerned be asked for his explanation to be
placed before the House

QUESTIONING BY POLICE

Point of Privilege: Held in order: Referred to the Privileges Committee:

QUESTION HOUR

Question whether President could express personal opinion in his
address: Statement of a Minister justifying the President’s action desired
to be discussed: Substantive motion required for discussion on points
arising out of a Minister’s statement:

Beginning and end of ........................................

Request for restoration of which had earlier been suspended: chair
restores..................................................

No matter other than relating to question can be raised during question-
hour

Point of order: Regarding misreporting of Assembly proceedings to be
raised after question hour:

Questions: Two rounds of questions-hour on one day

Suspended during Budget discussion: Important question can be
repeated:

QUESTION OF POLICY

Adjournment Motion: Adjournment Motion not to be based on a wide
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**QUESTION OF PRIVILEGE**

Point of Privilege: Prior Notice for raising a question of privilege desirable.

**QUESTION FROM A DOCUMENT**

Cannot be quoted unless a copy of the document is placed before the Chair:

**QUOTATIONS FROM DOCUMENTS/NEWSPAPERS**

No reference to documents not strictly relevant to the matter before the House: Reference can be made to documents which are not official or State papers: A Minister reading or quoting a state document should unless detrimental to public interest, lay it before the House. Reading of extracts from newspapers permissible:

**QUESTIONS AND REPLIES IN THE HOUSE**

Questions: Are supposed to be answered only when they are put and replied to in the House. More supply of printed answers to the members cannot be considered to be proper replies.

**QUESTIONS DURING BUDGET DISCUSSION**

Budget: Questions during the general discussion not allowed.

**QUORUM**

Lobby does not form part of House for purposes of quorum.

Responsibility for forming-who is entitled to point out that there is no quorum.

A Government member pointed out lack of quorum: speaker remarked that if was against parliamentary tradition and conventions:

A member while speaking, may himself point out lack of quorum

Bill: lack of quorum to be pointed out other wise validity of Bills passed cannot be questioned.
Catching the Speaker’s eye: Permission of chair to be obtained for pointing out lack of quorum: procedure for catching eye of the Speaker:

Lack of quorum not to be pointed out during Recitation of Holy Quran:

Lack of quorum pointed out when chair was putting a motion to the House: chair directs that nobody can speak when Speaker is speaking: The Member should have pointed out lack of quorum after Chair had finished

One-Forth of total membership of 145: 37 members including the Chair constituted the Quorum:

Chair has discretion to adjourn the Assembly till the next day for want of quorum, or suspend the meeting until the quorum is completed: Rule over ridden by constitutional provision loses this application: Point of order ruled out.

When objection regarding lack of quorum should be raised

A member pointed out commencement of sitting by forty minutes late and proposed that the matter be referred to Privileges Committee.

A member raised point of order relating to late commencement of the Assembly Session daily which had become a routine and suggested to start sitting without quorum: Point held not in order as Speaker can preside only if there is a quorum.

Lack of quorum pointed out by a member when Chair was putting a motion regarding clause by clause consideration of a Bill to the House: Chair directed that nobody can speak when speaker is speaking: the member should have pointed out lack of quorum after Chair had finished.

Point that the Speaker cannot enter the house when there is no quorum: Not valid due to deletion of relevant rule pertaining to quorum.

RECENT OCCURRENCE

Adjournment motion: Arrest of political workers and students: Matter sub-judice: Not of recent occurrence: Ruled out of order:

Adjournment motion: Demolition of a mosque: Matter not of recent occurrence: Ordinary parliamentary opportunity available to raise the matter during discussion on Budget: Ruled out of order.
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REFERENCE TO ORIGINAL ACT

Bill: Reference to the original Act can be made while discussing an amendment to that Act without going into the historical background of such an enactment or without touching the facts of any case being tried under such Act

REFERENCE TO ORIGINAL LAW

Amending Bill: Reference can be made only to those provisions of the original law which are relevant and are sought to be amended: Any discussion on the various other provisions of the original law not permissible

REFERENCE TO STANDING COMMITTEE

Bill: Passed by one House need not be referred to Standing Committee while under consideration of the other House if it does not need more arguments and examination

REMEDY UNDER RULE 170 (3):

Privilege: Non submission of report by a Committee: Remedy lies under Rule 170 (3) of the rules of Procedure: Privilege Motion not competent

REPLIES IN ADVANCE

Point of Privilege: Supply of replies to question to the members in advance: Responsibility of the Government:

REPLAY OF SPEECH FROM THE HOUSE

Finance Minister's Speech on the occasion of presentation of the National Budget or a Supplementary Finance Bill can be relayed to the nation from the House.

REPRESENTATIVE CHARACTER:

Point of Order: Reflection on the Representative Character of the House: not in order.

REPORT

Debate: The report of the central Public Service Commission cannot be
discussed immediately after its presentation in the House.

REPORT OF C.P.S.C.


REPORT OF STANDING COMMITTEE

A report can only be presented by the Chairman of the committee or in his absence by any other member authorized by committee.

If a Standing Committee is presided over by a lady Member, she may be called "Chairwoman" instead of "Chairman" but the use of word 'Chairman' would not make report defective.

Alleged failure of the Standing Committee to submit report on a Bill within a specified time viz. 22nd November, 1985 and within seeking extension of time from the House. Its presentation not legal: Report submitted on 23rd November, 1985 (22nd Friday) being holiday and non-working day: Held in order: Point ruled out.

REQUEST FOR COPY OF JUDGMENT

Bill: During introduction of a Bill the Parliamentary Secretary in charge made reference to a judgment of a court. A member requested for copy of the judgment: Chair Directed that copy be supplied.

RESIGNATION

Resignation tendered by a member from his seat in the Assembly: Takes effect as soon as it reaches the Speaker.

Resignation cannot be accepted on a point of order.

Resignations submitted by Ministers to Prime Minister and not reached the President: Under constitutional provision a resignation must be addressed to the President and reach him: No breach of Privilege involved: Ruled out.

RESPONSIBILITY OF SPEAKER

Question: Should be addressed to the proper Ministry: Speaker not
responsible for the questions not properly addressed.

RESOLUTION

Member moving Amendments has not got right of another speech: He should say whatever he wants to only at the time of moving his Amendments: There cannot be any second General Discussion.

Division cannot be claimed as a matter of right.

A member was not allowed to move a Resolution on behalf of another member as a matter of practice

Adjournment Motion: Discussion on Law and order situation: Provincial matter: Ruled out. Policy matter, to be discussed through Resolution etc.

Debate: Resolution: Members' speeches during a debate on any measure, decided upon by Government, to be regulated by the Chair in accordance with the wishes and sense of the House

Point of Order: Discussion on motion under Rule 220 relating to crisis in the Powerloom Industry should be confined to that Industry: Matters Pertaining to the Textile Industry can be referred to but not discussed in detail

Member gave notice of a resolution but subsequently on private assurance given by the Minister concerned did not move the resolution in order

Chapter XI of the Rules of procedure not applicable to Government resolutions

Resolution under Article 29 of the Constitution: Approval of Capital Area Determination Ordinance: points of order raised whether president is competent to determine area of Capital under Article 211 of the Constitution by Ordinance: Rulings on the vires of Laws or the interpretation of the Constitution not within the Jurisdiction of the Chair: point of order ruled out: Resolution: Allowed to be moved

A Minister other than the Minister concerned wanted to state the Government's position on a private member's resolution: Mover requested that concerned Minister should reply on behalf of government: point upheld
Debate: A private resolution under discussion: Consensus of Assembly taken to prolong the debate: member agrees: Mover also agrees: Debate prolonged:

Minister asked for leave to move oral amendment to a private Member's resolution: Mover of the resolution wanted to speak to opposed the amendment: Directed to speak after motion was put to the House

Moved by an opposition member: Not opposed by Treasury Benches: Mover wanted to speak on the resolution not allowed resolution put to vote without debate

Non-official resolution to be set down for discussion on a Non-official day: Ordinance cease to have effect if not approved within six weeks of the meeting of the National Assembly

Objection taken to National Assembly's competence to discuss resolution non recognition of Bangla Desh ( Former East Pakistan): Objection over rule: Supreme Court held that the Assembly was competent to discuss the resolution:

Oral amendment moved by a Minister suggesting that a private member's resolution be referred to a Special Committee mover of the resolution objection to the amendment under rules 130 and 221: As leave for moving amendment given by the House, Rule 130 not applicable Rule 221 also not attracted: Objection Over ruled

Resolution regarding recognition of Banla Desh (former East Pakistan): Even where certain cognate issue are lumped together in a resolution it is admissible provided it raises substantially one singly issue in its operative part: Short history and other relevant statements do not make a resolution argumentative:

Speeches by Members: time-limit reduced to five minutes instead of ten:

RETROSPECTIVE PUNISHMENT

Point of order: Provision for retrospective punishment not permissible under the Constitution: Exception to the application of Article 6 was made in respect of Defence Services in clause (3) of the Article.
RIGHTS AND LIABILITIES OF GOVERNMENT UNDER 1956 CONSTITUTION:

Constitution: All rights, liabilities and obligations of the Government of Pakistan or of the government of a Province, etc., under the constitution of 1956 continue to be the rights, liabilities and obligations of the Central Government or of the Government of the Province respectively, under the Constitution of 1962.

RIGHTS, LIABILITIES, OBLIGATIONS UNDER 1962 CONSTITUTION

Constitution: All rights, liabilities and obligations of the Government of Pakistan or of the government of a province, etc., under the constitution of 1956 continue to be the rights, liabilities and obligations of the Central Government or of the Government of the Province respectively, under the Constitution of 1962.

RIGHT OF SPEECH

Bill: Mover of a Bill and the member opposing its introduction entitled to speak and no other member.

Debate: The right of speech of a member takes preference over the right of reply by the Minister:

RULE AGAINST THE CONSTITUTION

Quorum: Chair has discretion to adjourn the Assembly till the next day for want of quorum, or suspend the meeting until the quorum is completed: Rule overridden by constitutional provision loses its application: Point of order ruled out.

RULE 32

Point of order: Ruled out: Provisions of Rule 32 not applicable to amending Bills.

RULES OF PROCEDURE

Unparliamentary Expressions: Reflections on the Rules of Procedure: Remarks withdrawn:
RULING ABSENTIA

Privilege motion: Disallowance of cut-motions: Ruling of the Speaker can be given in absentia: Ruled out of order:

RULING OF ONE HOUSE TO BE RESPECTED IN THE OTHER

Adjournment Motion: Inadmissible motion on same subject ruled out of order in the other House: Ruling of presiding officer of one House of the Parliament to be respected by presiding officer of other House

RULING OF THE CHAIR

Copy can be sent to Provincial government with permission of speaker:

RUNNING COMMENTARY

Debate: Running commentary on the speech of a member not warranted by rules:

SANCTION OF THE PRESIDENT

Point of Order: Previous Sanction of the President, not required in case of a Bill Replacing an ordinance

SCOPE OF DISCUSSION

Point of Order: Statement by a Minister under Rule 264: No question to be put or a Discussion raised thereon

SCOPE OF DEBATE

Bill: Third reading: Scope of debate:

SCOPE OF POINT OF ORDER

Point of Order: Should relate to some violation of the Rules of Procedure, the Constitution, the Rules of Business or some extraordinary happenings.
### SECOND GENERAL DISCUSSION

Resolution: Member moving Amendments has not got right of another Speech: He should say whatever he wants to only at the time of moving his Amendments: There cannot be any Second General Discussion.

### SECOND READING

Bill: Second reading: Arguments to be confined only to the particular clause under consideration: General principles of the Bill cannot be discussed at this stage

Bill: Second reading complete: a Member requested to speak: Not allowed: however allowed to speak at third reading:

Bill: Second reading: Motion referring a Bill to the Council of Islamic ideology should be in writing: Objection to a Bill being against the Injunction of Islam should be raised during the first reading:

Bill: second reading: Stress on certain points needs amendment on those points:

### SECTARIAN ISSUE

Bill: Members to refrain from touching sectarian issues while speaking on Bills etc.

### SELECT COMMITTEE

A committee enquired if there would be sitting of the Select Committee on the next day: Chair informs that in view of the business coming up before the Assembly, there will be no sitting of the Select committee on that day:

Motion: oral motion for leave of fixation of quorum for Select committee and for extension of time for Submission of report by the committee: Leaver refused: Mover insist for putting the motion again to the House: Oral motion for leave the motion to reopen the issue moved by another member and adopted: Motion for fixation of quorum and extension of time and then moved and adopted

### SENATE

A Member made remarks raising the Senate for making valuable
amendments in a bill: Remarks irrelevant: Two House creation of the Constitution and should not be poised against each other:

Bill: Divorce (Amendment) Bill: New clauses added by Senate to a Bill passed by the National Assembly: leave of joint sitting necessary for a motion for adoption of the new clauses;

Bill: two similar bills cannot remain on the agenda of Senate as well as National Assembly: Motion to withdraw a bill from National Assembly allowed:

Discussion: An issue discussed in Senate creates no bar for its discussion in National Assembly:

Members of Senate form Federal Capital: Choosing of: the word "choosing" occurring in article 59(1) (c) does not have the same meaning as the word "Election" used in article 226 of the Constitution;

Session: Simultaneous sitting of the Senate and the National Assembly in consonance with the practice of other countries

**SEPARATE MOTION**

Amendment in Bill: Each amendment to be moved separately in respect of a Bill.

**SENSITIVE ISSUE**

Adjournment Motion: Pertaining to Sensitive Issue: Held inadmissible

**SHORT NOTICE QUESTION**

Adjournment motion: Prime Minister's refusal to answer Short Notice Question: Consent of the Minister concerned obligatory for admission of a Short Notice Question: Ruled out of order.

**SHORT NOTICE**

Question: Short notice: of absentee members: Cannot be asked by any other member without written authority from the member concerned.

Point of privilege: Moving of amendments at short notice: Members
can raise objection to the moving of amendments without proper notice. Unsafe to move amendments of substantive nature at short notice:

**SIGNd STATEMENT OF OBJECTS AND REASONS**

Bill: To be accompanied by Signed Statement of objects and Reasons

**SOURCE OF INFORMATION**

Adjournment Motion: No adjournment motion can be admitted which does not contain the authentic source of information.

**SOURCE OF STATEMENT**

Question: Government cannot be compelled to disclose the Source of any statement made in the House by a Minister, or the officers who prepared any answer to a question.

**SOVEREIGNTY OF CONSTITUENT ASSEMBLY**

Constituent Assembly of Pakistan: Sovereign Body: Has got all Power and right to do whatever it wants to do: Its main function is to frame a Constitution and its secondary function is to make Laws.

**SPEAKER**

Adjournment Motion: Disallowed by Speaker in his Chamber, cannot be raised in the House.

Closure Motion: Can be allowed if the Speaker is of opinion that the discussion has unnecessarily been prolonged with tedious repetitions.

During the course of discussion on a Point of Order relating to a motion of no confidence against the Speaker, the Assembly was Adjourned for short tea break.

Leave to move a no confidence motion against the Speaker is necessary before a member is allowed to go into the merits of the case.

Questions not to be included on the Orders of the day when no confidence motion against the Speaker is to be discussed.
No provision in the Rules that the members of the opposition must be necessarily included in the Standing Committees to be constituted from time to time by the House.

Has casting vote only in case of equality of votes whether it is a constitutional amendment or an ordinary legislation.

**SPEAKER'S CONDUCT**

Privilege: Speaker's Conduct cannot be Discussed through a Privilege Motion

**SPEECHES DURING A DEBATE**

Debate: Resolution: members' speeches during a debate on any measure, decided upon by Government, to be regulated by the Chair in accordance with the wishes and sense of the House.

**SPEAKER'S DISCRETION**

Privilege: No member has vested right to be nominated on panel of Chairmen: Chair to decide in its discretion.

**SPEAKER/MEMBERS**

Chair: Bowing in the House by the Speaker or the members is not unconventional or un-Islamic: It is discretionary with members to bow or not.

**SPEECH BY A MEMBER**

Bill: The provisions in a Rule relating to privilege Motion, not to apply to speech by a member on a Bill.

**SPEECH OF ONE PARLIAMENTARY SECRETARY**

Parliamentary Secretary: Speech of one Parliamentary Secretary will not debar other Parliamentary Secretaries from taking part in the discussion on Bill.

Report of Standing Committee: If a Standing Committee is presided over by a lady member, she may be called "Chairwoman" instead of "Chairman" but the use of word 'Chairman' would not make report defective.
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**SPECIAL COMMITTEE OF WHOLE HOUSE:**

Converted into National Assembly to inform members about the Tarbela Dam disaster:

**SPECIAL COMMITTEE RECORD**

Constitution (Amendment) Bill: Recommended by Special Committee of the whole House: Further amendment cannot be moved at the time of passage of the amending Bill if not agitated before the Committee: Full secrecy to be maintained by members and press regarding record of such committee:

**SPECIFIC MATTER**

Adjournment motion: Government's alleged failure to utilize U.S.A. Aid: Not a specific matter of recent occurrence: Ruled out of order:

Adjournment motion: Adjournment motion should not be based on hypothetical issues: It must be restricted to specific matters of recent occurrence.

**SPEECH OF A MEMBER**

Point of Privilege: Criticism of the speech of a member in editorials written by two newspapers: Matter referred to the Privileges Committee:

**SPEECH OR INTERRUPTION**

Voting: No speech or interruption allowed when votes are being taken or counted.

**SPEECHES IN THE HOUSE**

Personal remarks Against Government officials: Personal remarks or charges against Government officials should be avoided during speeches in the House.

**SPEECH ON A MOTION**

Point of Order: Point of order raised against a Member's Speech on a Motion, held in admissible.
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No question can be put during the course of the statement nor can it be discussed afterwards:

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No question can be put on the statement made by a Minister after the statement is made.

Ruling No. 966  Page No. 957

STATEMENTS

Statement by Leader of the House: Leader of the House as well as Leader of the Opposition have the privilege to make statements whenever they wish to do so:

Ruling No. 967  Page No. 658

STATEMENT BY A MINISTER UNDER RULE 264

Point of Order: Statement by a Minister under Rule 264: No question to be put on a Discussion Raised thereon

Ruling No. 622  Page No. 405

STATEMENT OF OBJECT AND REASONS

Legislation: Statement of object and reasons does not form part of legislation

Ruling No. 547  Page No. 345

STUDY OF BILLS

Point of Order: orders of the day to be so framed as to allow two days to Members to Study Bills before consideration motion in respect thereof are moved

Ruling No. 620  Page No. 404

SUBJECT MATTER OF MOTION

Adjournment Motion: Question of daily occurrence or situation of a normal nature cannot be the subject matter of an adjournment motion.

Ruling No. 78  Page No. 55

SUB-JUDICE

Adjournment motion: Arrest of political workers and students: Matter sub-judice: Not of recent occurrence: Ruled out of order.

Ruling No. 23  Page No. 16

SUBJECT-MATTER

Adjournment motion: Statement made by a Minister on the floor of the House cannot be formed a subject matter of an adjournment motion: Ruled out of order.

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by the chair to inspect condition of a Provincial highway and give directions to the provincial Government and also supply information to the member putting the question:

Questions: Supplementaries: A supplementary question should not be mixture of several supplementaries

Question: supplementaries can be replied to by any Minister

Questions: Supplementaries: Details not covered by original question cannot be asked through a supplementary

Questions: Supplementary in excess of the member fixed in the rules can be allowed on important question

Questions: Supplementaries: Supply of petrol on concession rate to diplomatic passport holders and through them to other; Fact denied: question about gratis issue of passports to members raised: held that it was a question of privilege and should be taken to privileges committee:

SUPPLEMENTARY BUDGET

Discussion shall be held on the Supplementary Budget as on the General Budget:

SUPPLEMENTARY BUDGET

Reply of the Minister Concerned in respect of a supplementary Grant to be regarded as the final reply on that demand.

SUPPLEMENTARY GRANTS

Supplementary Budget: Reply of the Minister Concerned in respect of a supplementary Grant to be regarded as the Final reply on that demand.

SUPPLEMENTARY DEMANDS FOR GRANTS

Budget: Supplementary Demands for Grants: member can speak only about additional expenditure involved in Supplementary Demands:
SUPPLEMENTARY ORDERS OF THE DAY

To present report of standing committee: received five minutes earlier than the report: Member objected to it: practice to lay report through supplementary agenda quoted in support: objection overruled: however, consideration of Bill postponed to enable member to have time as laid down in rule 92 (2)

SUPPLEMENTARY QUESTIONS

Not to contain arguments.

A member or Parliamentary Secretary cannot be asked to answer a supplementary on oath:

Cannot be deferred:

Could not be asked on behalf of another member: every member can ask a supplementary question directly:

Involving relation with a foreign country not permissible:

Minister cannot be called upon to produce official record to support his reply to a question:

Minister says he did not have the required information: member requested for deferment of supplementary for some minutes to enable the Minister to consult someone: Chair disagreed:

Of personal nature: Minister may or may not reply:

Presence of the Minister concerned for answering supplementary questions necessary:

Question or supplementary directed against constitutional provision not allowed:

Seeking information as to a definite date or a particular action not allowed: independent question should be asked for the purpose:

Should definitely relate to a certain matter:

Should seek information instead of giving information: question hour meant for answering questions and not for
straight supplementary questions to be put: Cross examination or confrontation to be avoided

Suggest Supplementary: Not allowed

To be put through Chair and not directly:

With the help of writing material cannot be asked without the permission of the Chair: Nothing should be read in the House, expect with the permission of the chair:

SUPPLY OF AMMONIUM SULPHATE

Adjournment motion: Postponement of date of opening of tenders for supply of ammonium sulphate: Matter not of urgent public importance. Ruled out of order.

SUPENSION MOTION:

No motion regarding suspension of rule can be moved without consent of the Chair.

SUPENSION OF RULE

Private member’s day: Rule 31 suspended to shift business fixed on a private member’s day to another day

TERMINATION OF SERVICE ACCORDING TO RULES

Adjournment Motion: Termination of services of certain PIA employees allegedly in accordance with the service Rules: Matter held not of urgent public importance: Motion Ruled out

THE ELECTORATE BILL

Bill: The Electorate (Amendment) Bill: Motion for consideration moved immediately after introduction of the Bill: Motion opposed: Objection upheld.

THIRD READING

Bill: Third reading: Scope of debate.

Bill: Third reading: Arguments can be either for acceptance of rejection of a bill: Amendment or any other proposal cannot be
Ruling of the Chair

made during third reading:

Bill: third reading: member only to argue whether it be passed or not: Detailed arguments not allowed:

Bill: Third Reading: Minister-in-charge cannot be compelled to reply to the points raised during discussion. Clarification of a point cannot be sought for on a point of order.

Translation of Speech by Member

Debate: A Member may be allowed to translate the speech of another Member made in the language other than the Official Language of the Assembly.

Time-Limit for Speeches

Point of order: Time-limit fixed for speeches: Can be waived for a member making a good point or point.

Time-Limit

Debate: times for debate fixed by the Speaker in joint sitting under rule 133 of the joint sitting rules read with rule 228 of the National Assembly Rules.

Questions: Fixed for the day taken up along with questions deferred from an earlier date: Additional time asked for extension of time only possible through a motion to that effect.

Resolution: Speeches by members: Time-limit reduced to five minutes instead of ten.

Time Table for Assembly Session

Assembly to meet in evening on Monday, Tuesday, Wednesday, and Thursday. Sitting on Friday in morning: Saturday and Sunday to be recess day.

Timing of Assembly Sitting

Formal motion not necessary: Speaker can take decision: can call meeting even on a holiday.
### TIME OF SUBMISSION

**Agenda:** Agenda of the Day to be submitted before-hand.  
Ruling No.: 249  
Page No.: 156

### TIME OF OBJECTION

**Adjournment Motion:** Language used in the motion object to: Such objection should be raised before member is allowed to read his adjournment motion.  
Ruling No.: 200  
Page No.: 130

### "TREACHERY BENCHES"

**Unparliamentary Expressions:** "Treachery Benches": Withdrawn.  
Ruling No.: 982  
Page No.: 669

### TRANSITIONAL PROVISION

**Bill:** Transitional provision: question whether it was to be incorporated in the amending Bill or in the original Act: Could be added to either of them: Incorporated in the amending Bill:  
Ruling No.: 337  
Page No.: 216

### UNAUTHENTIC INFORMATION

**Adjournment Motion:** No adjournment motion can be admitted which does not contain the authentic source of Information  
Ruling No.: 81  
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### UNDIVIDED INDIA

**Point of order:** Whether the conduct of a Judge of Undivided India can be criticized: Point of order upheld.  
Ruling No.: 590  
Page No.: 386

### UNPARLIAMENTARY EXPRESSION

**Ascription of Motives:** "Lie".  
Ruling No.: 979  
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**Imputation of motives to members.**  
Ruling No.: 980  
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**Reflections on the Rules of Procedure:** Remarks withdrawn.  
Ruling No.: 981  
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**"Treachery Benches": Withdrawn**  
Ruling No.: 982  
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**Unparliamentary word:** "Lie", an unparliamentary Expression.  
Ruling No.: 988  
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**"Nacho"**  
Ruling No.: 984  
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**Use of word “ Imperial majesty, Shahin shah of Pakistan” for the**  
Ruling No.: 983  
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President of Pakistan: Ironical expression against the head of the State not Allowed: withdrawn:

Word "PIMP" held Unparliamentary: Expunged: 985 670

Point of Order: Un-parliamentarily expressions utterances held not to be un-parliamentary

UNPARLIAMENTARY WORD

"Insincerity" not an unparliamentary expression. 997 681

"Lie", an unparliamentary expression. 988 672

Saying that House is not democratic amounts to casting aspersions on the House: not permissible. 986 671

UNSATISFACTORY REPLY

Adjournment motion: Adjournment motion in respect of an Unsatisfactory reply given by a Minister to a question can be allowed provided it comes under the purview of the relevant Rules. 10 8

URGENT CHARACTER

Adjournment motion: Questions of policy continuing from day to day cannot be made the subject matter of an Adjournment motion: The subject matter must be of recent occurrence and of urgent character. 16 12

URGENT PUBLIC IMPORTANCE

Adjournment motion: Postponement of date of opening of tenders for supply of ammonium sulphate: Matter not of urgent public importance: Ruled out of order. 31 22

U.S. AID

Adjournment motion: Government's alleged failure to utilize U.S.A. Aid: Not a specific matter of recent occurrence: Ruled out of order. 27 20

VAGUENESS

Adjournment motion: Adjournment motion should not suffer from Vagueness: It should be based on a definite issue. 17 13
VAGUENESS OF QUESTIONS

Question: A question once accepted by the Ministry, should be properly replied: Objection regarding its vagueness cannot be pleaded in House

VERNACULAR LANGUAGE:

Language of the House: Language of the House is English: President may permit a Member unacquainted with English to address in any vernacular language.

VISITORS

Debate: Members not to make reference or remarks about the staff or any person other than a member sitting in the House, or in respect of visitors sitting in the galleries:

No applause to be made by visitors in the galleries:

VOTING

No speech or interruption allowed when votes are being taken or counted.


VOTES

Constitutional Amendment: Two-third majority of votes not required for a motion to take a constitution( Amendment) Bill into consideration:

Members not occupying their own seats: Not counted during voting in joint sitting; Members not rising also not counted:

VIOLATION OF LAW MAKING PRINCIPLES

Point of order: An objection that a certain Bill violated the principles of law making, not tenable after the passage of the First Amendment of the Constitution held high courts and not the National Assembly to determine such issue: The term "proposed
**VISITORS IN THE GALLERIES**

Debate: Reference to the persons sitting in the galleries not permissible

House: Neither the Galleries nor the Assembly officials performing their functions inside the Chamber formed part of the House and as such they were not supposed to rise on the Arrival of Mr. Speaker in the House

Voting: The precedents and practice of voting on Constitution Amendment Bill by rising in seats held valid

**WITHDRAWAL MEMBER**

Chair: Reflection on: Member asked to withdraw remark on his Refusal to do so, member asked to withdraw from the House: opposition members staged a walk-out in protest.

**WORKING DAYS:**

Non-compliance of with the Constitutional provision contained in Article 54(2) that the National Assembly shall meet for not less than 160 working days: Held: Time starts from 20th March, 1985 ending on 20th March, 1986: Ruling reserved till the stipulated time expires.

Period intervening between dissolution of the National Assembly and its restoration by the Supreme Court shall not be counted as working days.

**WRITING OF AMENDMENT**

Amendment: Member requesting to be allowed to rite his Amendment in the House: Permission not granted.

**WHITE PAPER OF GOVERNMENT**

Not an Assembly record and could not for purpose of supply to members, be treated as such
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