

The Members of the National Assembly (Exemption from Preventive Detention and Personal Appearance) Ordinance, 1963

ORDINANCE NO. IX OF 1963

16TH NOVEMBER, 1963

An Ordinance to provide for certain privileges
of the Members of the National Assembly of Pakistan.

WHEREAS Article 111 of the Constitution provides, inter alia, that the privileges of Members of an Assembly may be determined by law;

AND WHEREAS it is expedient to provide for exemption from preventive detention, and from personal appearance of the Members of the National Assembly of Pakistan in Civil and Revenue Courts and before Election Tribunals, for specified periods;

AND WHEREAS the National Assembly is not in session and the President is satisfied that circumstances exist which render immediate legislation necessary;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of Article 29 of the Constitution, and of all other powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:---

1. Short title, extent and commencement. —(I) This Ordinance may be called the Members of the National Assembly (Exemption from Preventive Detention and Personal Appearance) Ordinance, 1963.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(a) "Assembly" means the National Assembly of Pakistan;

(b) "Member" means a Member of the Assembly;

(c) "session" means the period commencing on the day of the first meeting of the Assembly after having been summoned until the Assembly is prorogued or dissolved.

3. The privilege, etc. — (1) No Member shall be detained under any law relating to preventive detention, nor shall any Member be required to appear in person in any Civil or Revenue Court, or before any Election Tribunal, during a session, and for a period of fourteen days before and fourteen days after the session.

(2) Nothing in sub-section (1) shall be construed as applying to any Member detained under any such law as is 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.

4. Proceedings in Civil Courts, etc. — (1) Notwithstanding anything to the contrary contained in any law for the time being in force, no Civil or Revenue Court, and no Election Tribunal, shall proceed, during a session and for a period of fourteen days before and fourteen days after the session, with any matter before it in which a Member is a party, unless the privilege conferred by section 3 is waived, by application made in writing to the Court or Tribunal, as the case may be, by the Member concerned with the matter, and, where more Members than one are so concerned, by all of them.

(2) The provisions of sub-section (1) shall apply to all matters pending immediately before the commencement of this Ordinance in any Civil or Revenue Court, or before any Election Tribunal, in which a Member is a party, and no such Court or Tribunal shall proceed further with any such matter, unless the privilege referred to therein is waived in accordance with the provisions thereof, or the period specified therein has lapsed.