

PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

REPORT OF THE STANDING COMMITTEE NO.1 ON, PROCEDURE AND CONDUCT OF BUSINESS RULES, PRIVILEGES AND IMPLEMENTATION OF GOVERNMENT ASSURANCES.

I, **Suriya Bibi, Deputy Speaker/Chairperson** of the Standing Committee No.1 on Procedure and Conduct of Business Rules, Privileges and Implementation of Government Assurances have the Honour to present Report of the Committee on the proposed amendments referred by the House in its sitting held on 02-12-2024 (**Annexure-A**).

2. The Committee in its sixteen (16) meetings held on 10th January, 2025, 17th & 18th February, 2025 in the Conference Room of the Assembly Secretariat, from 22nd to 27th February, 2025 at Islamabad, 18th & 19th March, 2025, 23rd, 25th & 28th July, 2025 and 6th & 11th August, 2025 in the Conference Room of the Assembly Secretariat considered and examined the referred amendments. Besides, the Committee thoroughly reviewed the whole Procedure and Conduct of Business Rules, 1988.

3. The Hon'ble Speaker attended the meeting on special invitation for his valuable inputs and proposed amendments.

4. The following were present:-

1.	Mr. Mushtaq Ahmad Ghani, MPA	Member/Mover.
2.	Mr. Taj Muhammad, MPA.	Member.
3.	Mr. Muhammad Abdul Salam, MPA.	Member.
4.	Mr. Sajjad Ullah, MPA.	Member.
5.	Mr. Munir Hussain, MPA.	Member.
6.	Mr. Muhammad Rashad Khan, MPA.	Member.
7.	Malik Adeel Iqbal, MPA.	Member.
8.	Mian Muhammad Umer, MPA.	Member.
9.	Arbab Muhammad Waseem, MPA	Member.
10.	Mr. Iftikhar Ali Mashwani, MPA	Member.
11.	Mr. Khalid Khan, MPA	Member.
12.	Mst. Sobia Shahid, MPA.	Member.

5. The following were attended the meeting as movers:-

1	Mr. Muhammad Anwar Khan, MPA.	Mover.
2	Mr. Daud Shah, MPA.	Mover.
3	Mr. Sher Ali Afridi, MPA.	Mover.
4	Mr. Akbar Ayub Khan, MPA.	Mover

6. The Committee examined the proposed amendments one by one and after detailed discussion recommended unanimously the Report attached as **Annexure-B**.

7. The Committee recommended that the Report attached as **Annexure-B** may be adopted.


(SURIYA BIBI)

Deputy Speaker/Chairperson.

**CHAPTER I
PRELIMINARY**

1. Short title and commencement.-(1) These rules may be called the Provincial Assembly of Khyber Pakhtunkhwa Procedure and Conduct of Business Rules, 2025.

(2) They shall come into force at once.

2. Definitions. -- (1) In these rules, unless the context otherwise requires, the following expressions shall have the meaning hereby ann

- (a) "Act" means an Act passed by the Assembly and assented to, or deemed to have been assented to, by the Governor;
- (b) "Adviser" means a person so appointed by the Chief Minister according to the law for the time being in vogue;
- (c) "Advocate-General" means the person appointed as Advocate General for the Province under Article 140 of the Constitution;
- (d) "Amendment" means a motion to amend an earlier motion before that earlier motion is put to the Assembly for decision;
- (e) "Assembly" means Provincial Assembly of the Khyber Pakhtunkhwa;
- (f) "Bill" means a motion for making a law;
- (g) "Budget" means the statement laid before the Assembly under Article 120 or 124 of the Constitution, as the case may be;
- (h) "Chairperson" in relation to a sitting of the Committee means any Member, who is presiding at that sitting;
- (i) "Chamber" means the place where the Assembly meets to transact its business and notified by the Speaker as Chamber;

- (j) "Clear day" means the period of Notice required, but does not include the day on which the Notice is received or the day on which it is placed on the list of business;
- (k) "Committee" means any Committee constituted under these rules;
- (l) "Constitution" means the Constitution of the Islamic Republic of Pakistan;
- (m) "Gazette" means the official Gazette of the Province;
- (n) "Government" means the Government of the Province;
- (o) "Governor" means the Governor of the Province and includes any person for the time being acting as Governor of the Province;
- (p) "House" means the place where the Assembly meets to transact its business;
- (q) "Leader of the House" means the Chief Minister or any Minister designated as such by the Chief Minister or in the absence of both, any other Minister acting as such;
- (r) "Leader of the Opposition" means a Member declared as Leader of the Opposition under sub rule (3) of Rule 24;
- (s) "Lobby" means the rooms and covered corridors immediately adjoining the Chamber and designated as Division Lobbies;
- (t) "Member" means a Member of the Assembly;
- (u) "Member-in-charge" means in the case of a Government Bill any Minister acting on behalf of Government, and in the case of a Private Member's Bill, the Member who has introduced it or any other Member authorized by him in writing to assume charge of the Bill in his absence;
- (v) "Member elect" means a person elected as Member and notified as such by the Election Commission of Pakistan, but has not as yet made an oath before the Assembly;

- (w) "Minister" means a Minister of Government and includes the Chief Minister;
- (x) "Minister for Finance" means the Minister appointed by the Chief Minister to perform the functions of Minister for Finance of Government or any other Minister acting as such;
- (y) "Motion" means a proposal made by a Member relating to any matter which may be discussed by the Assembly and includes a resolution and an amendment;
- (z) "Mover" means a Member who moves a Bill, a Resolution and Motion or amendments therein;
- (z1) "Official Website" means the website of the Assembly.
- (z2) "Parliamentary Secretary" means a Member so appointed by the Chief Minister under any law for the time being in vogue;
- (z3) "Presiding Officer" means in relation to a sitting of the Assembly, any person who is presiding at that sitting;
- (z4) "Private Member" means a Member who is not a Minister, Adviser, Special Assistant or a Parliamentary Secretary;
- (z5) "Province" means the Khyber Pakhtunkhwa Province;
- (z6) "Rules" means the Procedure and Conduct of Business Rules framed by the Assembly under Article 67 read with Article 127 of the Constitution;
- (z7) "Secretary" means the Secretary of the Assembly and includes any person for the time being performing the duties of the Secretary;
- (z8) "Schedule" means a Schedule appended to these rules;
- (z9) "Session" means the period commencing the day on which the Assembly first meets after having been summoned and ending the day on which the Assembly is prorogued or dissolved;

- (z10) "Sitting" means the meeting of the Assembly or any of its Committees from the commencement of its business to the termination of the business for the day;
- (z11) "Speaker" means the Speaker of the Assembly, and includes the Deputy Speaker when acting as Speaker;
- (z12) "Starred Question" means a question for an oral answer;
- (z13) "Un-starred Question" means a question for a written answer.

(2) Any word or expression used but not defined in these rules shall have the same meaning as assigned to it in the Constitution.

CHAPTER-II

SUMMONING, ADJOURNMENT AND PROROGATION

3. ***Summoning of the Assembly.*** - When the Assembly is summoned under the Constitution, the Secretary shall intimate to each Member the date, time and place fixed by the Governor or the Speaker, as the case may be, for the meeting of the Assembly and shall cause a notification in respect thereof to be published in the Gazette and posted on the official website:

Provided that if the Assembly is summoned at short notice or in case of an emergency, the Secretary shall also intimate the date, time and place of the meeting to the Members through press, electronic media, through the local administration or through other source of communication recognized by Law.

4. ***Adjournment.*** -- Subject to Constitution and of the rules, as the case may be, the Speaker may adjourn, the sitting of the Assembly from time to time.

5. ***Prorogation.*** -- (1) When the Assembly is prorogued under clause (b) of Article 109 and clause (3) of Article 54, the Secretary shall cause a notification to that effect to be published in the Gazette and posted on the official website.

- (2) A session of the Assembly is terminated by prorogation.

(3) On the prorogation of a session, all pending notices and business shall lapse, except Bills, Questions, Privileges and Resolution or the Amendment which has been moved and pending in the Assembly.

CHAPTER III

SEATING, OATH AND ROLL OF MEMBERS

6. ***Oath of Members.***- (1) At the first sitting of the Assembly after a general election, the Members elect, who are present shall make, before the Assembly, the oath in the form set out in the Third Schedule to the Constitution.

(2) The sitting held under sub rule (1) shall be presided over by the outgoing Speaker or, in his absence, by such Member elect as may be nominated by the Governor.

(3) The Presiding Officer nominated under sub rule (2) shall make oath under sub rule (1) before other Members elect do so.

(4) A Member elect, who has not already made the oath under the provisions of sub rule (1), may do so before the Assembly at any time, subject to the prior intimation to the Speaker or to the Secretary.

7. ***Roll of Members.***- There shall be a roll of Members which shall be signed in the presence of the Secretary by every Member after making the oath.

8. ***Seating of Members.*** -- The Members shall sit in such order as the Speaker may determine:

Provided that after the General Elections and before the election of Speaker, the Members shall sit in the order of their constituency.

CHAPTER IV

THE SPEAKER, THE DEPUTY SPEAKER AND PANEL OF CHAIRPERSONS

9. ***Election of Speaker.*** - (1) At the first sitting of the Assembly following a general election and after the Members elect who are present

at that sitting have made the oath, the Assembly shall, before proceeding to the transaction of any other business, proceed to elect the Speaker in the manner provided in this rule.

(2) The sitting of the Assembly for election of the Speaker shall be presided over by the outgoing Speaker and in his absence, by such Member nominated by the Governor under sub rule (2) of rule 6:

Provided that no Member shall preside at the sitting for the election in which he himself is a candidate.

(3) At any time before the 05:00 P.M. on the day preceding the day on which the election is to be held, any Member may propose another Member as a candidate for the office of the Speaker, by delivering to the Secretary a nomination paper set out in the sixth schedule signed by him and by the Member whose name is proposed that he is willing to serve as Speaker, if elected.

(4) A Member who has been nominated may withdraw his candidature in writing at any time before 08:00P.M. on the day preceding the day fixed for the election.

(5) Where, after the expiry of the time for withdrawal, there is only one duly nominated candidate for the office of the Speaker, such candidate shall be declared by the Presiding Officer to have been elected.

(6) Where there are more than one candidate, the Secretary shall read out to the Assembly the name of each such candidate together with the name of his proposer, and the Assembly shall then proceed to elect the Speaker by secret ballot which shall be held in such manner as the Presiding Officer may direct.

(7) Where there are only two candidates, the candidate securing the larger number of votes at the ballot, shall be declared elected, and in the event of equality of votes, the Presiding Officer shall exercise his casting vote to decide the election.

(8) Where there are more than two candidates, the candidate securing at ballot more votes than the aggregate of votes secured by the other candidates shall be declared by the Presiding Officer to have been elected. If no candidate secures such number of votes, there shall be a

second ballot, or, if necessary, subsequent ballots, and at the end of each such ballot, the candidate securing the lowest number of votes shall be excluded from the election. The balloting shall, in like manner, proceed with until one candidate secures more votes than the remaining candidates in the aggregate, and the candidate securing such number of votes at any ballot shall be declared elected.

(9) Where, at any ballot any two of the three or more candidates secure an equal number of votes and one of them has to be excluded from the election under sub-rule (8), the question as to which one of such candidates is to be excluded shall be determined by the casting vote of the Presiding Officer if he is an elected Member and, by drawing of lots, in any other case.

(10) The person so elected shall make an oath before the Assembly in the form set out in the Third Schedule to the Constitution for the oath of the Speaker of a Provincial Assembly.

10. *Vacancy in the office of Speaker or Deputy Speaker.* – (1) Whenever the office of Speaker becomes vacant, the Governor shall fix a date for the election of a new Speaker, if the Assembly is in session, as soon as possible during that session, and if the Assembly is not in session, at the commencement of the next session and the election shall be held in accordance with rule 9.

(2) Whenever the office of the Deputy Speaker becomes vacant, the Speaker shall fix a date for the election of a new Deputy Speaker and the election shall be held as soon as possible, if the Assembly is in session, during that session, and if the Assembly is not in session, at the commencement of the next session and the election shall be held in accordance with rule 11.

(3) The date fixed for election under sub-rule (1) and (2) shall be communicated to each Member by the Secretary.

11. *Election of Deputy Speaker.* - (1) Immediately after the election of Speaker, the Assembly shall proceed to elect a Deputy Speaker and the procedure prescribed in rule 8 for the election of Speaker, shall apply to

the election of Deputy Speaker as if references therein to Speaker were references to Deputy Speaker and references to the Presiding Officer were references to Speaker.

(2) A person elected as Deputy Speaker shall, before entering upon office, make before the Assembly oath in the form set out in the Third Schedule to the Constitution.

12. *Removal of Speaker or Deputy Speaker.* -- (1) A Member may give notice to the Secretary in writing of a motion for leave to move resolution under paragraph (c) of Clause (7) of Article 53 read with Article 127 of the Constitution for the removal of the Speaker or Deputy Speaker, as the case may be, and the Secretary shall, as soon as may be, circulate the notice to all the Members.

(2) The motion for leave of which notice has been given under sub-rule (1) shall be entered in the name of the Member concerned by the Secretary in the List of Business for the first working day after the expiry of seven clear days from the date of receipt of the notice.

(3) No other item shall be included in the List of Business for the day fixed for a motion for leave to move a resolution referred to in sub-rule (1).

(4) After a motion for leave of which notice has been given under sub-rule (1) has been moved, the Assembly shall not be adjourned until that motion or if leave is granted, the resolution is disposed off.

(5) As soon as a motion for leave of which notice under sub rule (1) was given has been moved, the Presiding Officer shall call such of the Members as may be in favour of leave being granted to rise in their seats. If at least one third of the total membership of the Assembly so rise, he shall call upon the Members concerned to move the resolution. In case at least one third of the total membership of the Assembly do not so rise, the Presiding Officer shall declare that the Member concerned has not the leave of the Assembly to move the resolution.

(6) Except with the permission of the Presiding Officer, a speech on the resolution by the mover and by the Speaker or Deputy Speaker, as the case may be, for whose removal the resolution has been

moved shall not exceed one hour and that by any other Member shall not exceed thirty minutes.

(7) Voting on the resolution shall be by secret ballot which shall be held in such manner as the Presiding Officer may direct.

(8) The Speaker or Deputy Speaker, as the case may be, shall not preside, when a resolution for his removal is under discussion, but he may speak on the resolution and may vote.

(9) The Speaker or, as the case may be, the Deputy Speaker, shall stand removed from office on the resolution being passed by majority of the total membership of the Assembly.

13. *Powers and functions of the Speaker.* - (1) In addition to the specific functions and powers provided for in these rules, the Speaker shall take the Chair at every sitting of the Assembly at the hour to which the Assembly is adjourned at the last sitting or at the hour at which the Assembly has been summoned to meet.

(2) The Speaker shall call the sitting to order.

(3) The Speaker shall preserve order and decorum, shall have all powers necessary for the purpose of enforcing his decisions and in the case of disturbance or disorder in the galleries, have the power to cause them to be cleared.

(4) The Speaker shall decide all points of order.

(5) The Speaker shall have the powers to withdraw his consent already communicated for the presentation of a privilege motion, an adjournment motion, Call Attention Notice or a resolution if some fresh material is furnished to him on account of which he is satisfied that the withdrawal of the consent already granted was necessary to be revoked.

(6) In the absence of the Speaker, the Deputy Speaker shall take the Chair at a sitting, and in the absence of the Speaker and the Deputy Speaker, such Member, as may be determined by these rules, shall take the Chair at a sitting.

14. *Delegation of powers of the Speaker.* -The Speaker may, by order in writing, delegate to the Deputy Speaker all or any of his powers under these rules and may revoke any such delegation from time to time.

15. *Panel of Chairpersons and temporary Chairperson.*-(1) The Speaker shall, as soon as may be, after the commencement of every session, nominate, from among the Members a panel of not more than four Chairpersons, any one of whom may preside at a meeting of the Assembly in the absence of the Speaker and the Deputy Speaker, when so requested by the Speaker, or in his absence, by the Deputy Speaker:

Provided that where no such request has been made either by the Speaker or the Deputy Speaker, any one of them may preside in the order in which their names appear in the panel.

(2) If at any time at a sitting of the Assembly neither the Speaker, nor the Deputy Speaker, nor any member of the panel of Chairperson is Present or unable to preside, the Assembly shall, if there is a quorum, by motion elect one of its Member present to preside the sitting and for this purpose the Secretary shall hold the election.

(3) A Chairperson nominated under sub-rule (1), shall hold office until a new panel of Chairperson is nominated.

(4) If, at the commencement of a sitting, the Speaker, is unavoidably absent or unable to preside, the Secretary shall inform the Assembly of the fact, before the Deputy Speaker or if he is also absent, a Chairperson takes the Chair.

16. *Powers of person presiding.*- The Deputy Speaker or other Member competent to preside over a sitting of the Assembly under the Constitution or these rules shall, when so presiding have the same powers as the Speaker when so presiding and all references to the Speaker in these rules shall in that case be deemed to be references to any such person so presiding.

CHAPTER V

CHIEF MINISTER

17. *Election of the Chief Minister to be without debate.*- After the Election of the Speaker and the Deputy Speaker following a general election, or whenever the office of the Chief Minister falls vacant for any

reason, the Assembly shall, to the exclusion of any other business, proceed to elect without debate one of its Members as the Chief Minister.

18. *Filing of nomination paper.* - (1) At any time before 3:00 pm preceding the day on which the Chief Minister is to be elected, any Member may nominate another Member for election as the Chief Minister (hereinafter called the candidate) by delivering to the Secretary a nomination paper set out in the Fourth Schedule signed by himself as proposer and by another Member as seconder, together with a statement signed by the candidate that he consents to the nomination.

(2) The nomination paper in terms of sub rule (1) may be delivered either by the candidate, the proposer or the seconder.

(3) More than one nomination papers may propose a candidate but no Member shall subscribe to more than one nomination paper either as proposer or as seconder.

(4) The Secretary shall endorse under his signature the date and time of the receipt on each nomination paper, shall record it in the register maintained for the purpose, and shall issue an acknowledgment as set out in the Fourth Schedule.

(5) If a Member has subscribed to more than one nomination paper, the nomination paper delivered to the Secretary prior in time shall be valid and all subsequent nomination papers shall be in-valid.

19. *Scrutiny.* - (1) The Speaker shall, at 4:00 pm on the same day or at such other time as he may determine, scrutinize the nomination papers received in terms of rule 18, in the presence of such candidates, their proposers or seconders as may wish to be present.

(2) The Speaker may reject a nomination paper if he is satisfied that-

- (a) the proposer or the seconder or the candidate is not a Member; or
- (b) any provision of rule 18 has not been complied with;
or

- (c) the signature of the proposer or the seconder or the candidate is forged.

(3) Notwithstanding anything in sub-rule (2), the Speaker shall not reject a nomination paper on the ground of any defect which is not of substantial nature and may allow any such defect to be rectified at the time of scrutiny.

(4) The Speaker shall endorse on each nomination paper his decision accepting or rejecting the nomination paper and shall, in case of rejection, record brief reasons for the rejection of a nomination paper.

(5) The rejection of a nomination paper of a candidate shall not invalidate the nomination of the candidate through another valid nomination paper.

(6) The decision of the Speaker, accepting or rejecting a nomination paper, shall be final.

20. *Withdrawal.* - A candidate may withdraw his candidature at any time before the commencement of the election by submitting an application, in writing under his hand, to the Speaker.

21. *Election.* -(1) Before the commencement of the election, the Speaker shall read out to the Assembly the name or names of the candidates validly nominated in the order in which their nomination papers were received and shall proceed to conduct the election in accordance with the procedure prescribed in the Fifth Schedule.

(2) If there is only one contesting candidate and he secures the votes of the majority of the total membership of the Assembly, the Speaker shall declare him to have been elected as the Chief Minister; but, in case, he does not secure that majority, all proceedings for the election, including nomination of the candidates, shall commence afresh.

(3) If no candidate secures the votes of the majority of the total membership of the Assembly in first poll, the Speaker shall conduct a second poll between the candidates who secure the two highest numbers of votes in the first poll and shall declare the candidate who secures the majority of votes of the Members present and voting to have been elected as Chief Minister:

Provided that if the number of votes secured by two or more candidates securing the highest number of votes is equal, the Speaker shall hold further polls between them until one of them secures the majority of votes of the Members present and voting, and shall declare such candidate to have been elected as the Chief Minister.

22. Procedure when Governor requires the Chief Minister to obtain a vote of confidence. -Whenever the Governor requires the Chief Minister to obtain a vote of confidence from the Assembly in a session summoned for the purpose under clause (7) of Article 130 of the Constitution, the voting shall be recorded in accordance with the procedure as laid down in the Fifth Schedule.

23. Resolution for vote of no confidence against the Chief Minister. (1) A notice of a resolution under clause (1) of Article 136 shall be given in writing to the Secretary by not less than twenty per centum of the total membership of the Assembly.

(2) The Secretary shall, as soon as may be, circulate the notice to the Members.

(3) A notice under sub rule (1) shall be entered in the name of the Members concerned in the List of Business for the first working day after the expiry of one clear day of receipt of notice.

(4) Leave, to move the resolution, shall be asked after questions, if any, and before other business entered in the List of business is taken up.

(5) When the resolution is moved, the Speaker may, after considering the state of business, allot a day or days for the discussion on the resolution.

(6) The resolution shall not be voted upon before the expiry of three days, or later than seven days, from the day on which the resolution is moved in the Assembly.

(7) The voting on the resolution shall be recorded in accordance with the procedure as laid down in the Fifth Schedule.

(8) The Assembly shall not be prorogued until the resolution is disposed off or, if leave is granted, the resolution has been voted upon.

24. Governor to be informed. -The Speaker shall, as soon as may be, inform the Governor,-

- (a) name of the Chief Minister elected under rule 21; or
- (b) result of the vote of confidence under rule 22; or
- (c) result of the vote of no confidence under rule 23.”.

CHAPTER VI

LEADER OF THE OPPOSITION

25. Declaration of Leader of the Opposition. – (1) After general election and at any time thereafter the Speaker shall declare Leader of the Opposition not later than thirty days, after the election of the Chief Minister.

(2) After the election of the Chief Minister, the Speaker shall inform the Members of Opposition about the date and place for submission of a name for the Leader of the Opposition. The Members of Opposition who are in majority may submit the name for the Leader of the Opposition under their signatures.

(3) The Speaker shall declare a Member as Leader of the Opposition having the greatest numerical strength after verification of the signatures of the Members:

Provided that any Member who is not signatory to the proposal, if he presents himself before the count, and sign the proposal, shall be included in the count.

(4) In case a Member of the Opposition has signed two or more proposals or he has not signed any proposal, the Speaker may ascertain the signatures of such a Member for purposes of declaration of the Leader of Opposition under this rule.

26. Removal of Leader of the Opposition. – (1) A notice signed by majority of the Members of the Opposition may be given to the Secretary showing that the Leader of the Opposition has lost the support of the majority of the Members of the Opposition.

(2) Such notice shall be accompanied by the nomination of a proposed new Leader of the Opposition signed by majority of the Members of the Opposition.

(3) After verification of the signatures of the Members, if the Speaker is satisfied that the Leader of the Opposition has lost the support of the majority of the Members of the Opposition, he shall, within a period of three days, declare him to be removed from office.

(4) When the Leader of the Opposition is removed, the Speaker shall immediately declare the Member who has been nominated in sub-rule (2) as Leader of the Opposition.

27. Resignation. -The Leader of the Opposition, may, by writing duly signed by him addressed to the Speaker resign his office. Where upon resignation shall become effective after verification of signature by the Speaker.

28. Vacancy in the office of Leader of the Opposition. – Whenever the office of the Leader of the Opposition becomes vacant except his removal, it shall be filled in the manner as provided in rule 25.

CHAPTER VII

SITTINGS OF THE ASSEMBLY

29. Commencement of the sitting.- Every sitting of the Assembly shall commence with a recitation from the Holy Qur'an with translation followed by a Hadith or Naat sharif and National Anthem.

30. Sitting of the Assembly. - (1) The Assembly shall sit on such day(s), time and place as the Speaker, having regard to the state of business of the Assembly, may from time to time direct.

(2) Unless the Speaker otherwise directs, the Assembly shall ordinarily meet for four hours a day during 09:00 AM to 05:00 PM as determined by the Speaker.

(3) If the business set down in the List of Business for the day is completed earlier, or if it is not completed at the closing hour, the Speaker shall adjourn the Assembly without question put, and the proceedings on any business then under consideration shall be interrupted:

Provided that:-

- (a) if at the time of interruption, the closure is moved or proceedings under Closure are in progress, the proceedings under the Closure and on any further motion as is specified in the rule as to Closure shall be completed before the Assembly is adjourned;
- (b) on notice given at question time a period not exceeding half an hour after the hour of interruption or after the conclusion of the business on the list for the day, whichever is earlier, may be allowed for the purpose of discussing any matter of urgent importance which has been subject of a question on that day, but no votes shall be taken at the end of such discussion: provided that the Speaker before allowing such a discussion shall informally ascertain by voices whether the Member giving notice of his intention to raise discussion has the leave of the Assembly for the purpose and if the Speaker declares thereupon that leave is refused the discussion shall not be raised;
- (c) a motion may be made by a Minister at the commencement of the business for the day to be decided without amendment or debate to the following effect that “the proceedings on any specified item or items of business be exempted at this day's sitting from the provisions of sub-rule (3);”
- (d) If such a motion is carried, the business so specified shall not be interrupted and if under discussion when a motion for adjournment under rule 103 is taken up, shall be resumed and proceeded with thereafter.

31. *Adjournment of sittings.* - Subject to the other provisions of these rules the Speaker may: --

- (a) adjourn a sitting of the Assembly; and

- (b) if he so thinks fit, call a sitting of the Assembly at a time and date different from that to which it was earlier adjourned.

32. *Annual Calendar for sessions of the Assembly.* – (1) Subject to the Constitution, after the commencement of each parliamentary year, the Speaker in consultation with Minister for Law and Parliamentary Affairs shall prepare a Calendar for sessions of the Assembly.

(2) The Secretary shall cause the Calendar to be circulated amongst the Members.

(3) The Assembly shall be summoned on the dates given in the Calendar but the Governor on the advice of Chief Minister may summon the Assembly on a date other than that mentioned in the Calendar.

(4) Nothing contained in this rule shall limit the power of the Speaker to summon a requisitioned session of the Assembly to meet at any time under clause (3) of Article 54 read with Article 127.

CHAPTER VIII

ARRANGEMENT AND TRANSACTION OF BUSINESS

33. *Transaction of business.* - (1) On Thursdays no business other than Private Members' business shall be transacted. On all other days, except with the consent of the Leader of the House or in his absence the Minister for Law and Parliamentary Affairs, no business other than Government business shall be transacted:

Provided that on a motion made after a day's notice by a Minister this rule may be suspended and the Assembly may transact Government business on a Thursday:

Provided further that if any Thursday is appropriated for Government business under the foregoing proviso or is a public holiday, or if there is no sitting on Thursday, private Members' business shall be transacted on the next working day;

Provided also that if any Thursday is appointed by the Government for the presentation of the Budget or is allotted by the Speaker for any

stage of the Budget, a day in lieu of such Thursday shall be set apart by the Speaker for Private Members' business.

(2) Notwithstanding anything to the contrary contained in sub-rule (1) or in any other rule, when the Assembly is summoned to meet in pursuance of clause (3) of Article 54 read with Article 127 of the Constitution, it shall transact that business for which it is summoned along with any other business.

Explanation-I.- For the purpose of this sub-rule, the term "***that business***" means and includes the following but it does not include Private Members' business i.e. Bills, Resolutions, Adjournment Motions and Call Attention Notices:-

- (a) Motion that, policy or situation or statement or any other matter of general public importance be discussed; and
- (b) Resolutions mentioned in the Constitution.

Explanation-II.- For the purpose of this sub-rule, the term "***any other business***" means Government business, statutory or any other reports."

34. Arrangement of business.- (1) The Secretary shall arrange Government business in such order as the Leader of the House or in his absence the Minister for Law and Parliamentary Affairs and in the absence of both of them any other Minister on behalf of Government may intimate.

(2) On days when Private Members' business has to be transacted, such business shall be taken up in the following order: -

- (a) Bills to be introduced;
- (b) Resolutions;
- (c) Bills which have been introduced:

Provided that the Speaker may direct that Bills and resolutions may be taken up on separate days, and on the day when Bills are so taken up the first half of the day shall be allowed for Bills to be introduced and the later half of the day for Bills, if any, which have advanced beyond the stage of introduction.

(3) The relative precedence of Bills to be introduced shall be determined by ballot.

(4) Bills which have been introduced shall be arranged in such order as to give priority to Bills most advanced, i.e., in the following order:--

- (a) Bills in respect of which the next stage is that the Bill be passed;
- (b) Bills in respect of which a motion has been carried that the Bill be taken into consideration;
- (c) Bills in respect of which the report of a Select Committee has been presented;
- (d) Bills in respect of which the next stage is the presentation of the report of a Select Committee;
- (e) Bills which have been circulated for the purpose of eliciting opinion thereon;
- (f) Bills which have been introduced, but which have not proceeded to any of the stages set out above:

Provided that the relative precedence of Bills falling within the same category shall be determined according to the priority of their introduction in the Assembly.

(5) A separate ballot shall be held to determine the relative precedence of resolutions which have been admitted.

(6) The ballot shall take place in accordance with the procedure set out in the First Schedule.

35. List of Business. - (1) A List of Business for each day shall be prepared by the Secretary and a copy thereof shall be made available for the use of every Member and other person entitled under the Constitution to take part in the proceedings of the Assembly.

(2) Save as otherwise provided in these rules. -

- (a) the business for the day shall be transacted in the order in which it appears in the List of Business for that day;
- (b) the business, not included in the List of Business, shall not be transacted at any sitting, except business of a formal or ceremonial nature which may be permitted by the Speaker; and
- (c) the business which require a notice shall not be set down in the list of business before the expiry of its notice period.

36. *Business outstanding at the end of the day.*- All business appointed for any day and not disposed off before the termination of the sitting, shall stand over until the next day available for such class of business, or until such other day in the session so available, as the Member-in-Charge of the business may desire; but Private Members' business so standing over shall have no priority on such day unless it has been commenced in which case it shall only have priority over Private Members' business fixed for such day.

37. *Giving of notice by Members.* -Save as otherwise provided in these rules, every notice required under the rules shall be given in writing addressed to the Secretary and shall be delivered at the Assembly Secretariat. If it is delivered during office hours of the Assembly Secretariat on a day when the Secretariat is open, it shall be treated as delivered on that day. If it is delivered at any later time or on any public holiday, it shall be treated as delivered on the day on which the Secretariat next opens. A notice or communication which is not legibly written may, and if it is not signed by the Member sending it, shall be rejected.

38. *Circulation of notice to Members.*- (1) The Secretary shall circulate to each Member and every other person entitled to take part in the proceedings of the Assembly under the Constitution, a copy of notice or other paper required under the rules to be made available.

(2) A notice or other paper shall be deemed to have been thus made available: -

- (a) if it is delivered by hand at the local address given by the Member when the Assembly is in session and for two days

before the commencement of the session, unless otherwise requested by the Member, or if it is placed in the seat allotted to the Member in the Assembly Chamber when the Assembly is sitting;

- (b) if it is delivered electronically through e-mail or any other source recognized by Law or posted on the official website at any time or displayed on the Desktop in the Assembly Chamber during the Assembly; and
- (c) if it is sent by post to the Member's permanent address as registered in the Assembly Secretariat at other times.

CHAPTER IX

GOVERNOR'S ADDRESS AND MESSAGES TO AND FROM THE ASSEMBLY

39. Governor's address.- (1) On receipt of an intimation from the Governor of his intention to address the Assembly, the Speaker shall cause the item "Address by the Governor" to be included in the List of Business for a date and time to be arranged in consultation with the Governor.

(2) No motion, resolution or debate shall be allowed during the Governor's Address.

(3) An authenticated copy of the address shall be made available by the Governor's Secretariat to the Assembly Secretariat after his address.

40. Discussion on Governor's address. - (1) At the first sitting of the Assembly held after the Governor's address, a Minister shall lay a copy of the address before the Assembly.

(2) The Governor's address may be discussed by means of a motion of thanks moved by Minister for Law and Parliamentary Affairs and seconded by any Minister or a Member.

41. Appointment of day(s) for discussion. - The Speaker shall appoint not more than 02 days for discussion on the Governor's address.

42. *Scope of discussion.* - The Assembly may discuss only the matters referred to in the Governor's address.

43. *Time-limit for speeches.* - The Speaker shall fix a time-limit for speeches keeping in view the day(s) allotted for discussion.

44. *Amendments.* -Amendments may be moved to a motion of thanks in such form as may be considered appropriate by the Speaker.

45. *Government's right of reply.* - A Minister shall have a general right of reply at the end of the discussion.

46. *Transaction of other business.*-(1) Notwithstanding that a day has been allotted for discussion on the Governor's address,-

- (a) a Government Bill may be passed on such day; and
- (b) other business of a formal character i.e. laying of reports, papers, etc., may be transacted on such day before the Assembly commences or continues the discussion on the address.

(2) The adjournment motion shall not be taken up during the discussion.

47. *Communications from the Governor.*- When a written communication from the Governor to Assembly is received by the Speaker, the Speaker shall read it out to the Assembly at the earliest opportunity and the Assembly shall with all convenience consider any matter which is required by the message to take into consideration.

48. *Communications to the Governor.*- Communications from the Assembly to the Governor shall be made through the Speaker by formal address after a motion has been made and carried in the Assembly.

CHAPTER X **QUESTIONS**

49. *Time of Questions.* - Except as otherwise provided in these rules, the first hour of every sitting, after the recitation from the Holy Qur'an and the swearing in of Member, if any, shall be available for asking and answering of Questions:

Provided that there shall be no Question hour. –

- (a) on the first day of the session;
- (b) on a day fixed after a general election for making of oath by Members generally;
- (c) on a day fixed for election of the Speaker and the Deputy Speaker;
- (d) on a day fixed for moving of a resolution for vote of confidence in the Chief Minister;
- (e) on a day fixed for moving consideration and voting of resolution for removal of:
 - (i) Speaker;
 - (ii) Deputy Speaker;
- (f) on a day fixed for vote of no confidence against Chief Minister
- (g) on a day fixed for address by the Governor;
- (h) on a holiday, if a sitting of the Assembly is held on such a day;
- (i) on the day the Budget is presented;
- (j) on the days fixed for discussion on Budget or for voting on demands for grants relating to the Budget; and
- (k) on a day fixed for consideration or passage of the Finance Bill.

50. Notice of Question.- Not less than fifteen clear days' notice of a Question shall be given unless the Speaker, with the consent of the Minister concerned, allows a Question to be asked at shorter notice.

51. Short notice Question.- Question at short notice shall ordinarily be answered at the termination of the Question hour:

Provided that. -

- (a) a Member may not ask more than one short notice Question on any one day;

- (b) a short notice question may not be asked to anticipate a Question of which notice has already been given.

52. Form of notice of Question.- (1) A separate notice of every Question shall be given in writing to the Secretary and shall specify the official designation of the Minister to whom it is addressed, or if the Question is addressed to a Private Member, the name of that Member.

(2) A Member, who desires an oral answer to his Question, shall distinguish it with an asterisk:

Provided that if, in the opinion of Speaker, any starred Question is of such a nature that a written reply would be more appropriate, he may direct that such Question be placed on the list of un-starred Questions and vice versa.

53. Notice of admission of Question.- No Question shall be placed on the list of Questions for answer until ten clear days have expired from the day on which notice of admission of the Question by the Speaker was given by the Secretary to the Minister or the Member to whom it is addressed.

54. Number of Questions to be put.- (1) Subject to sub-rule (2) not more than two Starred Questions including short notice Questions and two Un-starred Questions from the same Member shall be placed on the list of Questions for any one day.

(2) Not more than six Starred Questions and six Un-starred Questions of the same Member shall be placed on the list of Questions in the same week during session of the Assembly but the provision of this sub-rule shall not be applicable on the same Member, if Questions Starred or Un-starred of any other Member are not available or matured for answers for that week.

(3) Not more than sixteen Starred Questions and sixteen Un-starred Questions shall be placed on the List of Questions for a sitting and the remaining Questions mature for answers, if any, shall be taken over to the next day allotted for the Department concerned.

(4) The Questions shall be put on the list of Questions in the order in which their notices are received.

55. *Withdrawal of Questions.*- A Member may, by notice in writing given at any time before the meeting for which Questions have been placed on the list, withdraw his Question.

56. *Allotment of days for Questions.*- The time for answering Questions shall be allotted in rotation on different days for the answering of Questions relating to such Department or Departments of Government as the Speaker may, from time to time, specify and on such day only Questions relating to the Department or Departments for which time on that day has been allotted, and Questions addressed to Private Members, shall be placed on the list of Questions for answers.

57. *Written answers to Questions not replied orally.*- If any Question placed on the list of Questions for answers on any day is not called for answer within the time available for answering of Questions on that day, the answer shall be made available to the Members which shall be deemed as replied and neither oral answer shall be required for such a Question nor shall any supplementary Question be asked in respect thereof:

Provided that if, the Minister concerned is not ready with the answer to that Question, the Question shall be put for answer on the next day allotted for that Department.

58. *Subject matter of Questions.*- Subject to the provisions of these rules, a Question may be asked for the purpose of obtaining information on a matter of public concern within the special cognizance of the Minister, or the Member to whom it is addressed.

59. *Matter to which questions shall relate.*- (1) A question addressed to a Minister shall relate to the public affairs with which he is officially connected, or to a matter of administration for which he is responsible.

(2) A question addressed to a Private Member shall relate to some Bill, resolution or other matter connected with the business of the Assembly for which that Member is responsible.

60. *Delay as to answers.*- (1) If the Minister or the Parliamentary Secretary concerned is not ready with the answer to a Question, he shall state in the House the reasons thereof.

(2) If the Speaker is satisfied that it was beyond the control of the Minister or the Parliamentary Secretary concerned to have ready with

the answer, the Question shall be put for answer on the next day, allotted for that Department.

(3) The Speaker may direct that Minister concerned shall inquire into the matter and report the result of the inquiry including the action taken, if any, to the House on the next day, allotted for that Department.

61. *Conditions of admissibility.*- The Speaker may admit a Question if it satisfies the following conditions, namely:

- (a) it shall not bring in any name or statement not strictly necessary to make the Question intelligible;
- (b) if it contains a statement, the Member shall make himself responsible for the accuracy of the statement;
- (c) it shall not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements;
- (d) it shall not ask for an expression of opinion on or the solution of an abstract legal question or a hypothetical proposition;
- (e) it shall not refer to the character or conduct of any person except in his official or public capacity; nor to the character or conduct which can be challenged only on a substantive motion;
- (f) it shall not be of excessive length;
- (g) it shall not relate to a matter which is not primarily the concern of the Government;
- (h) it shall not ask for information on any matter under the control of bodies or persons not primarily responsible to Government, except where Government has financial interests in such bodies or persons;
- (i) it shall not ask for information on matters under the consideration of a Committee nor shall it ask about the proceedings of any such Committee, unless such

proceedings have been placed before the Assembly by a report of the Committee;

- (j) it shall not make or imply a charge of a personal character;
- (k) it shall not raise questions of policy too large to be dealt within the limits of an answer to a question;
- (l) it shall not repeat in substance any question already answered;
- (m) it shall not be trivial, vexatious, vague or meaningless;
- (n) it shall not ask for information contained in documents easily accessible to the public or in ordinary works of reference;
- (o) it shall not contain references to newspapers by name and shall not ask whether statements in the Press or by private individuals or by non-official bodies are accurate;
- (p) it shall not ask for information regarding Cabinet discussions or any advice given to the Governor, or in relation to any matter in respect of which there is constitutional or statutory obligation not to disclose that information;
- (q) it shall not.-
 - (i) contain any reflection on the conduct of the Governor or the Judges of the Supreme Court and the High Court; or
 - (ii) contain any criticism of the decisions of the Assembly; or
 - (iii) seek information about matters which are in their nature secret; or
 - (iv) contain any reflection on a decision of a court of law or statutory tribunal established in Pakistan or

such remarks as are likely to prejudice a matter which is subjudice; or

(v) refer discourteously to a foreign country.

62. *Speaker to decide admissibility of Questions.* – Within five days from the date of receipt of the notice, the Speaker shall decide on the admissibility of a Question and shall disallow any Question which, in his opinion, is in contravention of these rules, or he may, in his discretion, amend it in form.

63. *Procedure after admission of Questions.*– (1) When a Question has been admitted by the Speaker, the Secretary shall, cause it to be transmitted to the department concerned.

(2) The department shall ensure that the answer to that Question reaches the Assembly Secretariat within eight days from the date of transmission without waiting for the session of the Assembly or allotment of days by the Speaker.

64. *List of Questions.*– Subject to rules 50 and 56, Questions which have been admitted shall be entered in the list of Questions for the day along with the answers thereto which are received in the Secretariat of the Assembly at least two clear days before that day and shall be called in the order in which they stand in the list, unless the Speaker changes that order with the leave of the Assembly.

65. *Mode of asking Questions.*– (1) At the time of asking Questions, the Speaker shall call successively each Member in whose name a Starred Question appears in the list of Questions.

(2) The Member so called shall rise in his place and unless he states that it is not his intention to ask the question standing in his name, he shall ask the Question by reference to its number on the list of Questions.

(3) If on a Question being called, it is not put or the Member in whose name it stands is absent, the Speaker, at the request of any other Member, may direct that the answer to it be given.

66. *Supplementary Questions.*- When a starred Question has been answered, any Member may ask such Supplementary Questions as may be necessary for elucidation of the answer, but the Speaker shall disallow any Supplementary Question which, in his opinion, either infringes any provision of these rules relating to the subject matter and admissibility of Questions or is irrelevant or is beyond the scope of Question or does not arise out of the answer given:

Provided that not more than three Supplementary Questions shall be asked in respect of any Question:

Provided further that the Member who has given notice for asking the Question shall have the right to ask the first Supplementary Question:

Provided also that a Supplementary Question shall be short and precise and it shall not be in the form of a speech.

67. *Prohibition of discussion on Question or answer.*-There shall be no discussion on any Question or answer, except as provided in rule 68.

68. *Discussion on matter of public importance arising out of answer to a Question.*- (1) On every Tuesday, the Speaker may, on two clear days' notice being given by a Member, allot one hour for discussion on a matter of public importance which has recently been the subject of a Question, Starred or Un-starred.

(2) Such notices shall be considered by the Speaker in the order in which they are received, and when one such notice is admitted all other notices shall lapse.

(3) The Speaker shall decide whether the matter is of sufficient public importance to be put down for discussion, but he may not admit a notice which, in his opinion, seeks to revise the policy of Government.

(4) There shall be no voting nor any formal motion in the course of or at the conclusion of such discussion.

CHAPTER XI
LEAVE OF ABSENCE, RESIGNATION AND VACATION OF
SEATS IN THE ASSEMBLY

69. *Leave of absence from the Assembly.*-(1) A Member desirous of obtaining the leave of the Assembly for his absence may make an application in writing addressed to the Speaker, stating reasons for his absence.

(2) On receipt of an application under sub-rule (1), the Speaker shall immediately after the questions hour, if any, but before any other business for the day is entered upon put the question without debate, that leave be granted.

(3) Where a Member is prevented or incapacitated from making such an application, leave of the Assembly may be granted on an application made by any other Member on his behalf.

(4) The Secretary shall, as soon as possible, communicate the decision of the Assembly to the Member concerned.

70. *Resignation of seat.*-(1) A Member may resign his seat in accordance with clause (1) of Article 64 read with Article 127 of the Constitution.

(2) If-

- (a) a Member hands over the letter of resignation to the Speaker personally and informs him that the resignation is voluntary and genuine and the Speaker has no information or knowledge to the contrary; or
- (b) the Speaker receives the letter of resignation by any other means and he, after such inquiry as he thinks fit, either himself or through the Deputy Speaker is satisfied that the resignation is voluntary and genuine, the Speaker shall inform the Assembly of the resignation:

Provided that if a Member resigns his seat, when the Assembly is not in session, the Speaker shall direct that intimation of his resignation specifying the date of resignation be given to every Member immediately.

(3) The Secretary shall, after the Speaker satisfies himself that the letter of resignation is voluntary and genuine, cause to be published in the Gazette a notification to the effect that the Member has resigned his seat and forward a copy of the notification to the Election Commission of Pakistan.

(4) The date of resignation of a Member shall be the date specified in writing by which he has resigned or if no date is specified therein the date of receipt of such writing by the Speaker.

71. *Seat becoming vacant.*- (1) If a Member has been absent without leave of the Assembly for forty consecutive days of its sittings, the Speaker shall bring the fact to the notice of the Assembly and thereupon any Member may move that the seat of the Member who has been so absent be declared vacant.

(2) On consideration of the motion moved under sub rule (1), the Assembly may defer, reject or accept the motion and if the motion is accepted, the seat of the Member shall be declared vacant:

Provided that no such motion shall be considered before the expiry of seven days from the date on which the motion was moved.

(3) If the seat of the Member is declared vacant, the Secretary shall cause a notification to that effect to be published in the Gazette and forward a copy of the notification to the Election Commission of Pakistan.

72. *Unseating and disqualification of a Member.*- (1) If any Member is unseated as a result of an election dispute under Article 225 or becomes disqualified from being a Member under clause (1) of Article 63 or Article 63A read with Article 127 of the Constitution and intimated to the Speaker stating the date on which he has been unseated or, as the case may be, disqualified from being a Member and on receipt of such intimation the Speaker shall, as soon as may be, inform the Assembly that such Member has been unseated or disqualified by the Election Commission:

Provided that if the Assembly is not in session, the Speaker shall direct that the aforesaid information be given to the Members immediately.

(2) In case of the death of a Member, the Secretary with the approval of Speaker shall, publish in the Gazette a notification stating the name of the Member who has died along with the date of his death and forward a copy to the Election Commission for taking steps to fill the vacant seat.

73. *Attendance of Members.*- The Secretary shall keep a register or any biometric device for the attendance of every Member at each sitting and shall make the record available for inspection by the Members.

CHAPTER XII

CALL ATTENTION NOTICE

74. *Procedure regarding Call Attention Notice.*- A Member may call the attention of a Minister to any matter of urgent public importance and the Minister may make a brief statement or ask for time to make a statement during the same or next sitting:

Provided that no Member shall give more than one such notice for any one sitting.

75. *Conditions of admissibility.*- The Speaker may admit a Call Attention Notice if it satisfies the following conditions, namely:-

- (a) it shall not refer to a matter which is not primarily within the cognizance or special cognizance of the Minister concerned;
- (b) it shall not refer to a matter which is substantially identical to the matter already raised by a Member in the same session;
- (c) it shall not raise more than one issue and the issue shall not pertain to trivial matters;

- (d) it shall not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements;
- (e) it shall not refer to proceedings of a Committee;
- (f) it shall not refer to the conduct or character of persons except in their public capacity;
- (g) if it contains a statement, the Member shall make himself responsible for the accuracy of the statement;
- (h) it shall not ask for an expression of opinion on or the solution of an abstract legal question or a hypothetical proposition; and
- (i) it shall not relate to Cabinet discussions or any advice given to the Governor, or in relation to any matter in respect of which there is constitutional or statutory obligation not to disclose that information.

76. *No debate on the statement.*- There shall be no debate on such statement at the time it is made but each Member in whose name the item stands in the list of business may, with the permission of the Speaker, ask a question:

Provided that names of not more than five Members, shall be shown in the list of business.

77. *Notice of Call Attention.*- Notice of a Call Attention shall be given one day before the day on which the notice is to be considered and it shall be entered in the List of Business:

Provided that where a notice is signed by more than one Member, it shall be deemed to have been given by the first signatory only and in his absence, the next signatory and so on and so forth.

78. *Priority of the matter.*- In the event of more than one matter being presented for the same day, priority shall be given to the matter which is, in the opinion of the Speaker, more urgent and important.

79. Restriction on raising matters.- (1) Not more than three such matters shall be raised at the same sitting.

(2) No such matter shall be raised on any day fixed for discussion on the Budget under rule 173.

80. Notices to lapse.- (1) Notices on subjects that have not been selected for a particular day shall be carried forward for consideration of the Speaker for the next sitting of the Assembly.

(2) Notices not selected during the week for which they have been given, shall lapse at the end of the week.

(3) Members concerned may revive their notice(s) for the following week, if they so desire, by giving a fresh notice.

CHAPTER XIII

PRIVILEGES

81. Question of breach of privilege.- A Member may raise a question involving a breach of privilege either of a Member or of the Speaker or of the Assembly or of a Committee thereof, with the consent of the Speaker.

82. Notice of question of privilege.- (1) A Member wishing to raise a question involving a breach of privilege shall give notice in writing to the Secretary not less than one hour before the commencement of the sitting on the day the question is proposed to be raised.

(2) If the question raised is based on a document, the notice shall be accompanied by the document, unless the Member satisfies the Speaker that the document is not readily available.

(3) The Speaker may, if he is satisfied about the urgency of the matter, dispense with the requirement of the notice and allow a question of privilege to be raised at any time during the course of a sitting after the disposal of questions.

83. Conditions of admissibility.- The Speaker may admit a question of Privilege if it satisfies the following conditions, namely:-

- (a) the question shall relate to a privilege granted by the Constitution and the Khyber Pakhtunkhwa Provincial Assembly (Powers, Immunities and Privileges) Act, in vogue;
- (b) not more than one question shall be raised by the same Member at the same sitting regarding the same subject matter;
- (c) the question shall relate to a specific matter of recent occurrence;
- (d) the matter shall be such as requires the intervention of the Assembly; and
- (e) the question shall not reflect on the personal conduct of the Governor.

84. Mode of raising a question of Privilege.- (1) Where a notice raising a question involving a breach of privilege has been allowed to be raised, the Speaker shall, after the disposal of Questions and leave applications if any, call upon the Member who gave the notice and thereupon the Member shall raise the question of breach of privilege and make a short statement relevant thereto.

(2) Where a Member is allowed to raise the question of breach of privilege during the course of a sitting under sub rule (3) of rule 82, he shall raise the question immediately after he is being allowed to do so, or at such other time as the Speaker may direct.

85. Precedence of question of Privilege.- A question involving a breach of privilege shall have precedence over adjournment motions.

86. Consideration by the Assembly or reference to the Standing Committee on Privileges.- If the Speaker holds the motion to be in order, the Assembly may consider and decide a question involving a breach of privilege or may, on a motion either by the Member who raised the question or by any other Member, refers it to the Committee on Procedure and Conduct of Business Rules, Privileges and Implementation of Government Assurances, for report.

Provided that whenever the Assembly is not in session, the Speaker may refer any question involving a breach of Privilege to the Committee on Procedure and Conduct of Business Rules, Privileges and Implementation of Government Assurances.

87. Examination of the question by the Committee.- The Committee shall examine every question referred to it and determine with reference to the fact of each case whether a breach of privilege is involved and, if so the nature of the breach and the circumstances leading to it, and make such recommendations as it may deem fit.

88. Report of Committee.- (1) The Committee shall meet as soon as may be after a question involving a breach of privilege has been referred to it, and from time to time thereafter until a report is made within the time fixed by the Assembly. Where the Assembly has not fixed any time for the presentation of the report, the report shall, if the Assembly is in session, be presented to the Assembly within thirty days of the date on which reference to the Committee was made, or if the Assembly is not in session, at the commencement of its next session. The Assembly may, at any time, on a motion being made, direct that the time for the presentation of the report by the Committee be extended to a date specified in the motion.

(2) Report may either be preliminary or final.

(3) The report of the Committee shall be signed by its Chairperson on behalf of the Committee, or in case the Chairperson is absent or is not readily available, the Committee may designate another Member to sign the report on behalf of the Committee.

(4) After the report has been presented, any Member may move that the report be taken into consideration whereupon the Speaker may put the question to the Assembly:

Provided that any Member may move an amendment that the matter be re-committed to Committee, for examination of a point or points which may have been left out of consideration by the Committee.

89. Consideration of the report.- After the motion made under sub rule (4) of rule 88 is agreed to, any Member may after giving one day's notice move that the Assembly agrees with the recommendation or disagrees, or agrees with amendments, contained in the report.

90. *Priority for consideration of report of the Committee.-* A motion that the report of the Committee be taken into consideration shall be accorded the priority assigned to a matter of privilege and when a date has already been fixed for the consideration of the report, it shall be given priority as a matter of privilege on the day so appointed.

91. *Consent of Speaker before arrest, detention etc, of a Member:-* (1) When a Member has to be arrested on a criminal charge or for a criminal offence or has to be detained under an executive order, the Magistrate or the executive authority, as the case may be, shall seek consent of the Speaker indicating the reasons for the arrest or detention of the Member in the appropriate form set out in Second Schedule.

Provided that no Member shall be served with a legal process issued by any Court, Tribunal or authority or arrested within the precincts of the Assembly.

(2) Whenever a Member is sentenced to imprisonment by a Court of Law the committing judge shall immediately intimate such act to the Speaker indicating reasons thereof.

92. *Intimation to Speaker on release of a Member.-* When a Member is arrested and after conviction released on bail pending an appeal or otherwise released such fact shall also be intimated to the Speaker by the authority concerned in appropriate form set out in the Second Schedule.

93. *Treatment of communications received from Magistrate, etc.-* As soon as may be, the Speaker shall, after he has received communication referred to in rule 91 or rule 92 read it out in the Assembly if in session, or if the Assembly is not in session, direct that it may be circulated for the information of the Members.

94. *Production of Member in custody for a sitting of the Assembly or Committee thereof.-* (1) The Speaker, on the written request of the Member in custody or on his behalf by the respective Parliamentary Party Leader, may, if deem appropriate summon the Member in custody on the charge of non-bailable offence to attend sitting(s) of the Assembly or meeting(s) of Committees of which he is a Member.

(2) On a Production Order, signed by the Secretary or by any other Officer authorized in this behalf, addressed to the Government, the Government or such authority shall cause the Member in custody to be produced before the Sergeant-at-Arms, who shall, after the conclusion of the sitting of the Assembly or meeting of the Committee, as the case may be, deliver the Member into the custody of the Government or other authority concerned.

CHAPTER XIV

STATEMENTS AND PERSONAL EXPLANATIONS

95. *Personal statement by a resigning Minister.-* (1) A Member who has resigned the office of Minister may make a personal statement in explanation of his resignation.

(2) Such statement shall ordinarily be made after Questions and before the business on the list for the day is entered upon.

(3) On such statement no debate shall be allowed:

Provided that a Minister shall be entitled after the Member has made statement to make a statement pertinent thereto.

96. *Personal explanation by a Member.-* A Member may, with the permission of the Speaker, make a personal explanation although there is no question before the House but in this case no debatable matter shall be brought forward and no discussion shall be allowed thereon.

97. *Statement of public importance by a Minister.-* A statement may be made by a Minister on a matter of public importance with the consent of the Speaker but no question shall be asked nor discussion take place thereon at the time the statement is made.

CHAPTER XV

ADJOURNMENT MOTIONS

98. *Adjournment motions.-* A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance and recent occurrence may be made with the permission of the Speaker.

99. *Method of giving notice.-* Notice of a motion under rule 98 shall be given in writing to the Secretary not less than one hour before the commencement of the sitting in which it is proposed to be moved, and the Secretary shall thereupon bring the notice to the knowledge of the Speaker and the Minister concerned.

100. Restrictions on right to make Adjournment Motion.- The right to move for an adjournment of the Assembly, shall be subject to the following restrictions, namely:

- (a) not more than one such motion shall be made on any one day;
- (b) the remaining unconsidered motions, if any shall be held over for the next day and shall be taken up in the same order in which they were received, but before the motions of which notices are received subsequently; and
- (c) not be moved on any day reserved for any stage of the budget.

101. Conditions of admissibility.- The Speaker may admit an Adjournment Motion if it satisfies the following conditions, namely:-

- (a) raise an issue of urgent public importance;
- (b) relate substantially to one definite issue;
- (c) be restricted to a matter of recent occurrence, if no sufficient time is available to the Member to move a resolution;
- (d) not repeat in substance motions for which consent has been refused by the Speaker or which have been found to be inadmissible or for which leave has been refused by the House or which have already been discussed within the same session;
- (e) not anticipate a matter for the consideration of which a date has been previously appointed;
- (f) deal with a matter in respect of which a resolution could not be moved;
- (g) not relate to a matter of privilege;

- (h) not deal with a hypothetical case;
- (i) not relate to matters which can only be remedied by legislation;
- (j) not relate to a matter which is primarily the concern of the Government or to a matter in which the Government have substantial financial interest;
- (k) not contain arguments, inferences, ironical expressions or defamatory statements;
- (l) not refer to the conduct or character of a person except in his official or public capacity; and
- (m) not relate to a matter pending before any court or other authority performing judicial or quasi-judicial function:

Provided that the Speaker may, in his discretion, allow such matter being raised in the Assembly as is concerned with the procedure or subject or stage of enquiry if he is satisfied that it is not likely to prejudice the consideration of the matter by such court or authority.

102. Time for asking leave for motion for adjournment .- Leave to make a motion for adjournment shall be asked for only by the Member who has given notice thereof after questions, privilege motions and personal statements by resigning Minister if any, and before other Business entered in the List of Business of the day is taken up.

103. Procedure to be followed.- (1) After hearing the Member asking for leave and a Minister and any other Member, if necessary, if the Speaker is of the opinion that the matter proposed to be discussed is in order, he shall read the statement to the Assembly and ask whether the Member has the leave of the Assembly to make the adjournment motion and if objection is taken, he shall request such of the Members as may be in favour of leave being granted to rise in their seats.

(2) If less than one sixth of the total membership of the Assembly rise in their seats, the Speaker shall inform the Member that he has not the leave of the Assembly.

(3) If not less than one sixth of the total membership of the Assembly so rise, the Speaker shall announce that leave is granted and the motion will be taken up as the last item for discussion for not more than two hours on such day, as soon as possible, within three days after the leave is granted, as the Speaker may fix.

104. Time limit for determination of admissibility.- On any one day, the aggregate time taken for asking for leave under rule 102 and the grant of with-holding of leave under rule 103 shall not exceed half an hour.

105. Limitation of time of discussion.- On a motion under rule 98, the only question that may be put shall be “that the Assembly do now adjourn”, but no such question shall be put after the time for the discussion of the motion has expired.

106. Time limit for speeches.- A speech during the debate on a motion for adjournment shall not exceed ten minutes in duration:

Provided that the mover and the Minister concerned may speak for fifteen minutes each.

CHAPTER XVI

MOTION THAT POLICY OR SITUATION OR STATEMENT OR ANY OTHER MATTER BE DISCUSSED

107. Motion that policy or situation or statement or any other matter be discussed.- (1) Any Member may give a notice of a motion that any policy, situation, statement or any other matter of general public importance may be discussed when a session of the Assembly is being summoned in pursuance of clause (3) of Article 54 read with Article 127 of the Constitution.

(2) The Assembly shall proceed to discuss the motion after the mover has concluded his speech and no question shall be put at the conclusion of the speech of the mover unless any Minister or a Member, with the permission of the Speaker, who wish to speak in favour of or against the motion, has concluded his speech.

(3) After hearing the Minister and Member who support or object the motion, the Speaker shall put the question before the Assembly "that the motion be discussed by the Assembly" and if not less than one-sixth of the total membership of the Assembly rise in favour of the motion,

the Speaker shall declare that the Assembly has resolved to hold general discussion on the motion.

(4) If the Assembly resolves to discuss the motion under sub rule (3), the Speaker shall immediately allot a day or days keeping in view the nature of the matter in the motion and may determine time limit for speeches.

(5) At the conclusion of discussion, the Assembly may express its views through a resolution as a will of the legislature.

(6) When two or more motions are received under sub rule (1) and otherwise not disallowed under rule 108, the Speaker shall determine the precedence in which the motions are to be moved and if a motion under sub rule (3) is carried by the Assembly, all such other motions not put to the Assembly shall be carried forward to next sitting of the Assembly:

Provided that no such motion shall be put to the Assembly before general discussion on a motion is concluded.

108. *Speaker to decide the admissibility.*- The Speaker may disallow a notice of a motion given under sub rule (1) of rule 107, if it is,-

- (a) primarily not concerned with the Government; or
- (b) not within the legislative competency of the Assembly; or
- (c) previously discussed in the Assembly in its last two sessions.

CHAPTER XVII

LEGISLATION

PART-I INTRODUCTION OF BILLS

A – PRIVATE MEMBERS' BILLS

109. Notice of Private Members' Bills.– (1) Subject to sub rule (2), a Private Member may move for leave to introduce a Bill after giving to the Secretary fifteen days' written notice of his intention to do so.

(2) The Speaker may admit a Bill at a shorter notice upon the request of Member-in-charge of the Bill:

Provided that the Bill shall not be of such a nature which requires previous consent of the Government.

(3) The notice shall be accompanied by a copy of the Bill together with a statement of objects and reasons, signed by the Member, and if the Bill requires, under the Constitution, consent of the Government for its introduction, the notice shall also be accompanied by a request that such consent may be obtained.

(4) If a Bill is accompanied by a request under sub rule (3), the Secretary shall cause a copy of the Bill to be transmitted to the Department concerned for obtaining orders of the Government thereon, and shall, on receipt of such orders, communicate the same to the Member concerned:

Provided that the request of obtaining orders of the Government on such a Bill shall be placed before the Provincial Cabinet at the first available opportunity not later than fifty days of the receipt of such a Bill by the concerned Department and on the expiration of the said period, if the Government fails to do so, the Government shall explain the reasons thereof before the Assembly.

(5) If a question arises whether or not a Bill requires the consent of the Government, the question shall be decided by the Speaker, and his decision shall be final.

(6) The Speaker may disallow a Bill if in his opinion it cannot be introduced in the Assembly or is otherwise not in order.

110. Introduction of Private Members' Bills.– (1) A motion for leave to introduce Private Members' Bill, which have been admitted by the Speaker, shall be set down in the List of Business for a day meant for Private Members' business.

(2) A motion for leave to introduce a Private Member's Bill shall not be made if a similar Bill of another Private Member has been introduced and is pending for decision by the Assembly or if any of the motions, as mentioned in sub rule (2) of rule 130, for a similar Bill has been rejected and not less than period of one hundred and eighty days has been elapsed from its rejection.

(3) If a motion for leave to introduce a Private Member's Bills opposed, the Speaker, after permitting, if he so thinks fit, a brief explanatory statement by the Member seeking leave and by the Member or the Minister opposing it, may without further debate put the question.

(4) If leave is granted, the Member-in-charge shall introduce the Bill forthwith, and upon introduction, the Bill shall stand introduced.

B – GOVERNMENT BILLS

111. Notice of Government Bills.– (1) A Minister may introduce a Bill after giving to the Secretary a written notice of his intention to do so.

(2) The notice shall be accompanied by a copy of the Bill together with a statement of objects and reasons, signed by the Minister. A certificate whether it is a Money Bill or not shall be also attached with the notice.

(3) The introduction of a Bill, including the Bill which stands introduced under clause (3) of Article 128 of the Constitution, shall ordinarily be included in the List of Business for a day meant for Government business.

(4) When the item is called, the Member-in-charge shall introduce the Bill forthwith and upon introduction, the Bill shall stand introduced.

(5) An Ordinance laid before the Assembly under clause (2) of Article 128 of the Constitution shall be deemed to be a Bill introduced in the Assembly on the day it is so laid.

(6) A statement of objects and reasons shall not be required for a Bill which stands introduced under clause (3) of Article 128 of the Constitution.

(7) The Secretary shall make such adaptations in an Ordinance as are necessary to convert it into a Bill and shall, unless otherwise required by the Member-in-charge, include in the Ordinance so adapted, a clause repealing the Ordinance.

112. *Constitutional Amendment Bill having the effect of altering the limits of the Province.*- (1) When a Bill passed by the Parliament for the amendment of the Constitution having the effect of altering the limits of the Province is received by the Assembly Secretariat; the Secretary shall forward its copy to the Minister for Law and Parliamentary Affairs.

(2) The Minister for Law and Parliamentary Affairs or any other Minister appointed by the Government may give notice to the Secretary in writing for presentation of such a Bill in the Assembly.

(3) The Secretary shall, as soon as possible, circulate the notice along-with the copy of the Bill to the Members and cause it to be included in the List of Business.

(4) The Bill shall be presented by the Minister for Law and Parliamentary Affairs or any other Minister on his behalf in the House.

(5) On the day fixed for the consideration of the Bill, the Minister for Law and Parliamentary Affairs or any other Minister on his behalf shall move that the Bill may be taken into consideration either at once or at some further day to be then specified. Voting shall be by rising of the Members in their seats, whenever a consideration motion has to be carried by the votes of not less than two-thirds of the total membership of the Assembly.

(6) When the consideration motion is carried, the whole Bill or all such clauses having the effect of altering the limits of the Province, as the case may be, shall be put together to the vote of the Assembly and shall stand part of the Bill, if it is passed by the votes of not less than two-thirds of the total membership of the Assembly. Voting shall be by rising of the Members in their seats.

(7) After consideration of the Bill, the Minister for Law and Parliamentary Affairs or any other Minister on his behalf may move that the Bill be passed. The motion shall be deemed to have been carried, if it is passed by the votes of not less than two-thirds of the total membership of the Assembly. Voting shall be by division through “AYES” and “NOES” Lobbies.

(8) The decision of the Assembly shall be authenticated by the Speaker and intimated by the Secretary to the Secretary Law and Parliamentary Affairs for onward transmission to the National Assembly and the Senate.

PART II – PUBLICATION OF BILLS

113. Publication of Bills.– (1) Subject to sub-rules (2) to (4), the Secretary shall cause the Bill that has been introduced to be published in the Gazette and posted on the official website as early as possible.

(2) It shall not be necessary to publish in the Gazette and the Official Website the Bill which stands introduced under clause (3) of Article 128 of the Constitution.

(3) It shall not be necessary to publish in the Gazette and the Official Website the Bill which stands introduced, considered and passed on the same day.

(4) The Speaker may order the publication in the Gazette and posting on the official Website, of any Bill, together with the statement of objects and reasons accompanying it, before its introduction and if it is so published, it will not be necessary to publish it again after its introduction.

PART III – CONSIDERATION OF BILLS

114. Reference of Bills to Standing Committees.– Upon introduction, a Bill other than a Finance Bill, shall be referred by the Speaker to the appropriate Standing Committee. The Committee shall submit its report by a date fixed by the Speaker after taking the sense of the Assembly:

Provided that the Member-in-charge may move that the requirements of this rule may be dispensed with after giving reasons to the Assembly which renders it necessary to make immediate legislation, and if the motion is carried, the provisions of rule 115 shall apply to the Bill as if

the report of the Standing Committee on the Bill were presented on the day on which the motion is carried but it shall not be necessary again to supply copies of such Bills to the Members.

Explanation.—In this rule, “Finance Bill” means the Bill introduced each year to give effect to the financial proposals of the Government for the next following financial year and includes a Bill to give effect to the supplementary financial proposals for any period during the financial year.

115. Time of consideration of Bills.— (1) After the report of the Standing Committee on the Bill has been presented to the Assembly or the report is deemed to have been presented as a result of suspension of the requirement of rule 114, the Secretary shall;—

- (a) cause the copies of the Bill as introduced, together with modifications, if any, recommended by the Standing Committee, to be supplied to each Member, as soon as may be, after the receipt of the report; and
- (b) set down the Bill on the List of Business for a day meant for Government business or on a day meant for Private Members business, as the case may be, if the notice of a motion under rule 116 has been received.

(2) If a Standing Committee does not make a report or an interim report within the prescribed time in respect of a Bill, the Secretary shall, as soon as may be, intimate the fact to the Members.

(3) The day on which a motion under rule 116 has been included in the List of Business shall be such that at least three clear days shall intervene between the issue of copies of the Bill to Members and the consideration of a motion under rule 116.

116. Motions to be made by Member-in-charge.— On the day appointed under rule 115 or on any subsequent day to which the matter might have been adjourned, the Member-in-charge may make any of the following motions in regard to his Bill—

- (a) that it be taken into consideration at once; or

- (b) that it be taken into consideration on a date to be fixed forthwith; or
- (c) that it be referred to a Select Committee; or
- (d) that it be circulated for the purpose of eliciting opinion thereon by a date specified in the motion.

117. *Bills repugnant to the Injunctions of Islam.*— (1) After a motion under rule 116 has been made and before the discussion of the principles of a Bill starts, a Member may move that the Bill be referred to the Islamic Council for advice whether or not the Bill or any part thereof is repugnant to the injunctions of Islam and if one-fourth of the total membership of the Assembly support and vote for the motion, the question shall be referred to the Islamic Council for advice.

(2) Notwithstanding a reference under sub rule (1), the Assembly may, at any time, proceed with the Bill, if it considers that, in the public interest, the passage of the Bill should not be postponed until the advice is furnished.

(3) The advice of the Islamic Council on a question referred to it under sub rule (1) shall, on receipt, be immediately laid before the Assembly by a Minister and if the Assembly is not in session at that time, it shall be laid before the Assembly on the first day of its next session.

(4) The Member who was incharge of the Bill before it became a law, may give notice of a motion for reconsideration of the law so made and may also propose amendments to bring the law in conformity with the advice of the Islamic Council or to make it in accordance with the Injunctions of Islam.

(5) If no notice is given by the Member-in-charge in accordance with sub rule (4) within thirty days of the circulation of the advice, any Member may give such a notice along with the proposed amendments.

(6) After the expiry of seven days in the case of notice under sub rule (4) and fifteen days in the case of notice under sub rule (5), the motion shall be included in the List of Business for a day meant for Government business or for a day meant for Private Members' business, as the case may be, and the law shall be reconsidered as if it were a Bill in respect of which a motion that the Bill be taken into consideration at once has been carried.

(7) Nothing in this rule shall prevent the Member-in-charge from giving notice of a fresh Bill seeking to replace the law so made.

118. Discussion on principles of Bills.— (1) On the day on which any of the motions referred to in rule 116 is made, or on any subsequent day to which discussion thereof is postponed, the principles of the Bill and its provisions may be discussed generally, but the details of the Bill shall not be discussed further than is necessary to explain its principles.

(2) At this stage, amendments to the Bill may not be moved, but—

- (a) if the Member-in-charge moves that the Bill be taken into consideration, any Member may move an amendment that the Bill be referred to a Select Committee or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion; or
- (b) if the Member-in-charge moves that the Bill be referred to a Select Committee, any Member may move an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

(3) Where a motion that a Bill be circulated for the purpose of eliciting opinion thereon is carried and the Bill is circulated in accordance with that direction, and opinions are received thereon, the Member-in-charge may, if he wishes to proceed with the Bill thereafter, move that the Bill be referred to the Standing Committee concerned or to a Select Committee or that it be taken into consideration.

119. Person by whom motions in respect of Bills may be made.—A motion that the Bill be taken into consideration shall not be made by any Member other than the Member-in-charge of the Bill and a motion that the Bill be referred to a Select Committee or be circulated for the purpose of eliciting opinion thereon shall not be made by any Member other than the Member-in-charge except by way of amendment to a motion made by the Member-in-charge.

120. Procedure after presentation of report.– (1) Where a Bill has been referred to a Select Committee, the Member-in-charge may, after the presentation of the final report by the Select Committee, move;–

- (a) that the Bill, as reported by the Select Committee, be taken into consideration; or
- (b) that the Bill, as reported by the Select Committee, be referred to the same Committee again either–
 - (i) as a whole; or
 - (ii) with respect to particular clauses or amendments only; or
 - (iii) with instructions to the Select Committee to make some particular or additional provisions in the Bill; or
- (c) that the Bill as reported by the Select Committee be circulated or re-circulated for the purpose of eliciting opinion or further opinion thereon.

(2) If the Member-in-charge moves that the Bill be taken into consideration under paragraph (a) of sub rule (1), a Member may object to its being so taken into consideration, if a copy of the report of the Select Committee has not been made available to Members at least three days before the motion is made and the objection shall prevail unless the Speaker allows the report to be taken into consideration.

(3) If the Member-in-charge moves that the Bill, as reported upon by the Select Committee, be taken into consideration, any Member may move an amendment that the Bill be referred to the same Committee again or be circulated or re-circulated for the purpose of eliciting opinion or further opinion thereon.

121. Consideration of a Bill.– (1) Notwithstanding anything contained in these rules, but subject to sub rule (3), the Speaker shall, when a motion that a Bill be taken into consideration has been carried, submit the Bill, or any part of the Bill, to the Assembly clause by clause.

(2) The Speaker may call each clause separately and when the amendments relating to it have been dealt with, he shall put the question: That this clause or, as the case may be, that this clause as amended do stand part of the Bill.

(3) Subject to sub rule (4), the Speaker may, if he thinks fit, put as one question, a group of clauses in which no notice of amendment has been received or the amendments have been withdrawn and in such an eventuality, the Speaker shall put the question: That the group of clauses do stand part of the Bill.

(4) If a Member requests that question regarding any clause be put separately, the Speaker shall put the question regarding that clause separately.

122. Postponement of clause.—The Speaker may, if he thinks fit, postpone the consideration of a clause.

123. Schedule.— The consideration of the schedule or schedules, if any, shall follow the consideration of clauses. Schedules shall be put from the Chair, and may be amended, in the same manner as clauses, and the consideration of new schedules shall follow the consideration of the original schedules. The question shall then be put: That this schedule or, as the case may be, that this schedule as amended do stand part of the Bill.

124. Clause one, preamble and title of the Bill.— Clause one, the preamble, if any, and the title of a Bill shall stand postponed until the other clauses and schedules including new clauses and new schedules have been disposed of and the Speaker shall then put the question: That clause one, or the preamble or the title or, as the case may be that clause one or the preamble or the title as amended do stand part of the Bill.

125. Notice of Amendment.— (1) When a motion that the Bill be taken into consideration has been carried, any Member may propose such amendment to the Bill as is within the scope of, and relevant to, the subject matter of the Bill.

(2) If a notice of a proposed amendment has not been given two clear days before the day on which the Bill, the relevant clause or the Schedule is to be considered, any Member may object to the moving of the amendment and such objection shall prevail unless the Speaker allows the amendment to be moved.

(3) If the amendment is an amendment which, under the Constitution, requires the consent of the Government before it is moved, the notice shall be accompanied by a request that such consent may be obtained and the Secretary shall cause a copy of the amendment to be transmitted to the Department concerned for obtaining orders of the Government thereon

(4) If a question arises whether or not an amendment requires the consent of the Government, the question shall be decided by the Speaker and his decision shall be final.

(5) The Secretary shall, as far as practicable, cause a list of the amendments of which notices have been received to be made available to every Member.

126. Conditions for admissibility of amendments.—The Speaker shall decide admissibility of amendments if it satisfies the following conditions—

- (a) an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates;
- (b) an amendment shall not be inconsistent with any previous decision of the Assembly on the same question;
- (c) an amendment shall not be such as to make the clause which it proposes to amend unintelligible or ungrammatical;
- (d) if an amendment refers to, or is not intelligible without, a subsequent amendment or schedule, notice of the subsequent amendment or schedule shall be given before the first amendment is moved, so as to make the series of amendments intelligible as a whole:

Provided that in order to save time and repetition of arguments a single discussion may be allowed to cover a series of interdependent amendments;

- (e) the Speaker shall determine the clause at which an amendment shall be moved;
- (f) the Speaker may refuse to propose an amendment which, in his opinion, is frivolous or meaningless; and
- (g) an amendment may be moved to an amendment which has already been proposed by the Speaker.

127. Order of amendments.— (1) Amendments shall ordinarily be considered in the order of the clauses of the Bill to which they respectively relate.

(2) If an amendment moved to a clause is not carried or is withdrawn, a motion in respect of the original clause shall be deemed to have been made: That this clause stands part of the Bill.

(3) An amendment shall be moved by the Member who has given its notice.

128. Withdrawal of amendments.— An amendment moved maybe withdrawn at any time before putting the question for its adoption to the Assembly. If an amendment has been proposed to an amendment, the original amendment shall not be withdrawn until the amendment proposed to it has been disposed off.

PART IV- PASSING OF BILLS

129. Passing of Bills.— (1) When a motion that a Bill be taken into consideration has been carried and the Bill has been considered clause by clause, the Member-in-charge may at once move that the Bill be passed.

(2) If amendments have been made in a Bill other than the Finance Bill, the Speaker, of his own motion or on a motion made by a Member, may direct that the Bill be examined with a view to reporting what amendments of a formal or consequential character should be made in the Bill as a matter of drafting by a Drafting Committee to be appointed by the Assembly and the report of the Committee shall be presented within such period not exceeding seven days as the Speaker may direct.

(3) When the report referred to in sub rule (2) has been presented and the decision of the Assembly on the consequential amendments proposed has been made or if the Bill has not been referred to the Drafting Committee, the Member-in-charge may at once move that the Bill be passed.

(4) When a motion that the Bill be passed has been made, the general provisions of the Bill may be discussed but only with reference to the amendments, if any, made in the Bill.

130. Withdrawal and rejection of Bills.— (1) The Member-in-charge of a Bill may, at any stage of the Bill move for leave to withdraw the Bill, and if such leave is granted, no further motion may be made, with reference to the Bill.

(2) Where any motion made by the Member-in-charge in regard to a Bill is rejected at any stage by the Assembly, no further motion shall be made with reference to the Bill within a period of one hundred and eighty days from the date of rejection;

131. *Correction of patent errors.*— When a Bill has been passed by the Assembly, the Speaker shall have the power to correct patent errors and make such other changes in the Bill as are consequential on the amendments which are accepted by the Assembly.

132. *Authentication and submission of Bills to the Governor.*— When a Bill is passed by the Assembly, an authenticated copy thereof signed by the Speaker and, in the case of a Money Bill, along with a certificate signed by him under clause (5) of Article 115 of the Constitution, shall be transmitted to the Governor by the Secretary for action under Article 116 of the Constitution.

133. *Publication.*—When a Bill is assented or is deemed to have been assented to by the Governor under Article 116 of the Constitution, the Secretary shall immediately cause it to be published in the official Gazette as an Act of the Provincial Assembly.

134. *Bills returned by Governor.*— (1) When a Bill passed by the Assembly is returned by the Governor to the Assembly with a message requesting that the Bill, or any specified provision thereof, be reconsidered or that any amendment specified in the message be considered, the Secretary shall circulate the message to the Members and shall also send an intimation to that effect to the Minister for Law and Parliamentary Affairs and to the Minister-in-Charge:

Provided that if the Governor does not assent to or return the Bill within the time stipulated under Article 116 (2), the Assembly may reconsider the Bill deeming it to have been returned by the Governor under Article 116 (3).

(2) The Member-in-charge may give notice of motions in respect of a Bill returned by the Governor in the following manner:

- (a) Notice is hereby given that the Member-in-charge shall move that the message of the Governor in respect of the _____ (name of the

Bill), as passed by the Assembly on _____ (date of passage by the Assembly), be taken into consideration at once.

- (b) Notice is hereby given that the Member-in-charge shall move that the _____ (name of the Bill), as originally passed by the Assembly and returned by the Governor under paragraph (b) of clause (2) of Article 116 of the Constitution, be reconsidered by the Assembly in the light of the message of the Governor.
- (c) Notice is hereby given that the Member-in-charge shall move that the _____ (name of the Bill), as originally passed by the Assembly, be passed again; (or, the _____ (name of the Bill) as amended, be passed).

(3) The Secretary shall, as soon as may be, include in the List of Business the motions mentioned in sub rule (2).

(4) When the motion mentioned in clause (a) of sub rule (2) is made, the Speaker shall announce: "The message of the Governor in respect of the _____ (name of the Bill), as received and circulated, is taken into consideration at once. The Member-in-charge may move the motion for reconsideration of the Bill".

(5) The Member-in-charge shall move the motion mentioned in clause (b) of sub rule (2) and the Speaker shall read out the motion to the Assembly and a Minister or a Member may oppose it.

(6) The motion in sub rule (5) shall be dealt with in the following manner-

- (a) if the motion is not opposed, the Speaker shall, without debate, put the motion to the vote of the Assembly and shall announce the result: "The motion is carried" or, as the case may be, "The motion is not carried":

Provided that if the motion is not carried, no further motion shall be made with reference to the Bill; or

- (b) if the motion is opposed, the Speaker shall give opportunity to the Member or the Minister of expressing his views in favour or against the motion, but the discussion shall remain confined to the message of the Governor and thereafter, the Speaker shall put the motion to the vote of the Assembly, and shall announce the result: "The motion is carried" or, as the case may be, "The motion is not carried":

Provided that if the motion is not carried, no further motion shall be made with reference to the Bill.

(7) If the message of the Governor pertains generally to the whole Bill and no specific amendment has been proposed, the following procedure shall be followed:

- (a) after the motion mentioned in clause (b) of sub rule (2) is carried, the Speaker shall announce: "Since the motion for reconsideration of the Bill has been carried and no specific amendment has been proposed in any clause of the Bill, the Member-in-charge may move the motion for passage of the Bill."; and
- (b) the Speaker shall put the motion to the vote of the Assembly and thereafter shall announce: "The Bill, after reconsideration by the Assembly, is passed or, as the case may be, not passed".

(8) If the Governor or on his behalf the Member-in-charge has proposed any specific amendment in some clause or clauses of the Bill, only those clauses shall be reconsidered by the Assembly and the following procedure shall be followed-

- (a) if the specific amendment has been proposed by the Member-in-charge on the basis of the message of

the Governor, he shall move the amendment and a Minister or a Member may oppose it;

- (b) if the specific amendment has been proposed by the Governor in his message, the Member-in-charge shall move such amendment on behalf of the Governor and shall also express his views on the amendment;
- (c) after discussion on the amendment, the Speaker shall put the amendment to the vote of the Assembly and after decision of the Assembly on it, the Speaker shall put the clause to the vote of the Assembly without any further debate;
- (d) after all such clauses have been passed, the Speaker shall announce: "The Member-in-charge may move the motion for passage of the Bill."; and
- (e) the Speaker shall put the motion to the vote of the Assembly and thereafter shall announce: "The Bill, after reconsideration by the Assembly, is passed or, as the case may be, not passed".

(9) When after reconsideration or consideration, the Bill is again passed by the Assembly, it shall be dealt with in accordance with rule 132.

(10) Only the Member-in-charge may propose amendments in any clause of the Bill on the basis of the message of the Governor.

SELECT COMMITTEE

135. Composition of Select Committee.— (1) The Deputy Speaker, the Minister to whose Department a Bill relates, the Member-in-charge of the Bill, the Chairperson of the Standing Committee concerned with the Bill, the Minister for Law and Parliamentary Affairs and the Advocate General shall be Members of every Select Committee, and it shall not be necessary to include their names in any motion for appointment of such a Committee:

Provided that the Advocate-General may speak and take part in the proceedings of the Committee but neither he shall be entitled to vote nor constitute quorum of the Committee.

(2) The other Members of the Committee, ordinarily not more than ten Members, shall be nominated by the Assembly from amongst its Members when a motion that the Bill be referred to a Select Committee is adopted.

Provided that if the names of the Members are not specified in the motion, the Assembly may authorize the Speaker to nominate the Members of the Committee within three days.

136. Quorum.— (1) The quorum for a sitting of a Select Committee shall be one-fourth of the total membership of the Committee.

(2) If at the time fixed for a sitting of the Select Committee, or at any time during any such sitting, there is no quorum, the Chairperson shall either suspend the sitting until a quorum is present or adjourn the sitting to some future day.

137. Vacancy in Select Committee.— Any vacancy which occurs in a Select Committee through death, resignation, inability to attend or otherwise shall be reported to the Speaker. If the Assembly is in session, the vacancy may be filled by the Assembly, but if it is not in session, or if the matter is, in the opinion of the Speaker, urgent, the Speaker may appoint a Member to fill the vacancy.

138. Chairperson of the Select Committee.— (1) The Minister-in-charge of the Department to which the Bill relate shall be the Chairperson of the Select Committee.

(2) If the Chairperson is not present at any sitting, the Deputy Speaker shall preside the sitting and if he is also absent, the members of the Committee present shall elect one of its members to act as Chairperson for that sitting.

(3) The Chairperson, or the person presiding over any sitting shall not vote except in the event of equality of votes.

(4) Where the sitting of the Committee is adjourned on two successive dates due to want of quorum, the Chairperson of the Committee shall report the fact to the Speaker.

139. Secretary of Select Committee.- The Secretary of the Assembly shall be ex-officio Secretary of all Select Committees. He shall send notices of the meetings of Select Committees and shall arrange for the conduct of all correspondence connected with its business.

140. Meeting of Select Committee.- The meeting of a Select Committee shall be held on such date, time and place as the Chairperson of the Committee may fix.

141. Proceedings of Select Committee.- (1) The rules regarding debate and amendments in a Select Committee shall be the same as those for the Assembly, except a Member may, with the consent of the Chairperson, speak more than once on the same question but no dilatory motion shall be allowed.

(2) A Select Committee may call an expert or any other person for opinion and assistance of the Committee.

142. Amendments proposed by the Select Committee.- A Select Committee shall have power to propose such amendments in the Bill as are not beyond the scope of the Bill.

143. Report of the Select Committee.- (1) As soon as may be, after a Bill has been referred to a Select Committee, the Select Committee shall meet from time to time, in accordance with rule 140 to consider the Bill and shall make a report thereon, within the time fixed by the Assembly:

Provided that where the Assembly has not fixed any time for the presentation of the report, the report shall be made before the expiry of thirty days from the date on which the Assembly adopted the motion for the reference of the Bill to the Select Committee.

(2) Reports may be either preliminary or final.

(3) A Select Committee shall state in the report whether or not in their judgment a Bill has been so altered as to require re-publication. If the Select Committee is of the opinion that the Bill has been so altered, the Bill shall be re-published in the Gazette.

(4) The report of the Select Committee along with minutes of dissent, if any, shall be presented to the Assembly by the Chairperson of the Committee.

(5) In presenting a report the Chairperson shall, if he makes any remarks, confine himself to a brief statement of facts, but there shall be no debate at this stage.

144. Provisions relating to Standing Committees to apply to Select Committees.- In addition to the specific provisions mentioned in these rules, the provisions relating to the Standing Committees shall apply mutatis-mutandis to the Select Committees.

CHAPTER XVIII **PROCEDURE IN REGARD TO RESOLUTIONS MENTIONED IN** **THE CONSTITUTION**

145. Resolutions under the Constitution.- (1) A Member may give notice of a motion for leave to move a resolution under clause (1) of Article 144, or under proviso to Article 147, or under proviso to clause (2) of Article 212, or under first proviso to clause (1) of Article 232 of the Constitution.

(2) On the first working day after the expiry of three clear days from the said notice, the Secretary shall cause the motion to be entered in the List of Business.

(3) As soon as the motion referred to in sub rule (2) has been moved, the Speaker shall call upon such Members as may be in favour of the leave being granted to rise in their seats, and if Members less than one-fourth of the total membership of the Assembly rise in their seats, he shall declare that the Member has not the leave of the Assembly and if Members not less than the said number so rise he shall call upon the Member to move the resolution.

(4) After a resolution has been moved, it shall be dealt with, as far as practicable, in accordance with the rules 158, 163, 164 and 165 contained in Chapter-XX.

(5) If a resolution under clause (1) of Article 144 or under proviso to clause (2) of Article 212 of the Constitution is passed, the Secretary shall communicate the same to the National Assembly and the Senate.

(6) If a resolution under proviso to Article 147 of the Constitution is passed, the Secretary shall communicate it to the Government.

(7) If a resolution under first proviso to clause (1) of Article 232 of the Constitution is passed, the Secretary shall communicate it to the Federal Government.

146. Resolution for disapproval of Ordinances.— (1) As soon as may be after the commencement of a session, all Ordinances promulgated after the prorogation of the last session shall be laid before the Assembly in pursuance of paragraph (a) of clause (2) of Article 128 of the Constitution.

(2) A member may move a resolution for disapproval of an Ordinance after giving three clear days' notice of his intention to do so.

(3) Where more than one notices under sub-rule (2) are given in respect of the same Ordinance, the resolutions shall be taken up on the Private Members' day in the order in which their notices have been received.

(4) If a resolution disapproving an Ordinance is passed, all other resolutions relating to that Ordinance shall lapse.

(5) When a resolution is passed under sub rule (4), the Secretary shall immediately cause it to be published in the Gazette and also forward a copy of the notification to the Governor and Law and Parliamentary Affairs Department.

147. Resolution for extension of Ordinances.— (1) In pursuance of proviso to paragraph (a) of clause (2) of Article 128 of the Constitution, a Minister may, after giving three days' notice, move a resolution for extension of an Ordinance for a further period of ninety days to be included in the List of Business.

(2) On the first working day after the expiry of said period, the Secretary shall cause the motion to be entered in the List of Business.

(3) When a resolution under sub rule (1) is passed, the Secretary shall immediately cause it to be published in the Gazette, posted on official website and transmit a copy thereof to the Governor and Law & Parliamentary Affairs Department.

148. Amendment.– No amendment shall be moved to any resolution under this Chapter.

CHAPTER XIX PUBLIC PETITIONS

149. Public Petitions.– (1) Public Petitions may be presented on a Bill which has been published under rule 113 or which has been introduced or any matter connected with the business pending before the Assembly or a Committee.

(2) The petitioner shall make himself responsible for the accuracy of the matter raised by him.

150. Procedure for submission of Public Petitions.– Subject to the provisions of these rules, any person may submit a petition to the Assembly Secretariat either online by filling in the pro-forma placed on the official website, through registered post or by delivering in the Assembly Secretariat by hand in the form set out in Third Schedule.

151. Requisites of the Petitions:– Petitions shall contain the following information:-

- (1) Personal details of the petitioner:
 - (a) Complete name and CNIC number of the petitioner
 - (b) Postal address
 - (c) E-mail Address
 - (d) Contact number
 - (e) Profession
 - (f) Qualification

(2) The text of the petition shall be clearly and precisely expressed on prescribed pro-forma set out in the Third Schedule.

(3) The petition shall contain a specific proposal for actions required to be taken by the Assembly.

(4) The petition shall also contain separately the object and reasons as to why the proposed actions are required.

152. *Conditions for admissibility.*- The Public Petition may be admissible, if it satisfies the following conditions. –

- a) it shall be addressed to the Secretary;
- b) it shall be either be in English or Urdu or Pashto;
- c) it shall contain clear proposal or suggestion related to business before the Assembly or a Committee;
- d) it shall not be a personal matter or complaint against individual;
- e) it shall be couched in respectful and temperate language;
- f) it shall not contain false or defamatory statements;
- g) it shall not relate to a subjudice matter; and
- h) it shall not be on the subject matter which has already been examined, repetition of other petition considered or under consideration of either Assembly or a Committee.

153. *Procedure for processing and disposal of petitions.*-Unless the Speaker directs otherwise, the following shall be the procedure for processing and disposal of petitions:-

- (a) Every petition shall be allotted a tracking number and updated record of each petition shall be maintained by the Secretariat;
- (b) On every Monday and Thursday, the petitions, received during the intervening period, shall be submitted to the Speaker for appropriate decision. The Speaker shall decide the admissibility of petitions and mode of action thereon;

- (c) A petition admitted by the Speaker for referral to Committee shall be transmitted to the Committee concerned;
- (d) The Committee concerned, after examination of the petition referred to it under paragraph (c), shall present its report along with the Bill or any other matter referred to it by the Assembly, within the specified time;
- (e) The report of the Committee concerned requiring discussion in the Assembly may be taken up in the forthcoming session of the Assembly; and
- (f) The petitioner concerned shall be informed of the action taken on his petition within seven working days after completion of action thereon.

CHAPTER XX RESOLUTIONS

154. *Right to move resolution.*- Subject to the provisions of these rules, any Member or a Minister may move resolution relating to a matter of general public interest.

155. *Notice of resolution.*- (1) A Member, who wishes to move a resolution, shall give fifteen days' notice of his intention to do so and shall submit, together with the notice, a copy of the resolution which he intends to move.

(2) A Minister, who wishes to move a resolution, shall give three days' notice of his intention to do so and shall submit, together, with the notice a copy of the resolution which he intends to move.

(3) The Speaker may allow moving the resolution of an urgent matter of public importance on a shorter notice.

156. *Form and contents of resolution.*- (1) A resolution shall be in the form of declaration of opinion by the Assembly or specific recommendation addressed to Government.

(2) It shall relate to a matter which is primarily the concern of Government or to a matter in which Government has substantial financial interest.

(3) A resolution seeking to recommend to Government to approach the Federal Government or communicate the views of the Assembly to that Government in a matter which is not primarily the concern of Government, shall be admissible.

(4) It shall be clearly and precisely expressed and shall raise substantially one main definite issue.

(5) It shall not-

- (a) contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of a person except in his official or public capacity;
- (b) relate to any matter which is under adjudication in a court of law having jurisdiction in any part of Pakistan or any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions of any commission or court of enquiry appointed to enquire into or investigate any matter;
- (c) contain a reflection on the President, Governor or a Judge of the Supreme Court or a High Court;
- (d) raise discussion on a matter which in its nature is secret or sensitive; and
- (e) be vague, trivial or vexatious in form or content.

157. Admissibility of Resolution.- (1) The Speaker shall decide the admissibility of a Resolution and disallow any Resolution, which in his opinion is in contravention of these rules:

Provided that he may, in his discretion amend it or give the Member concerned an opportunity of amending it with a view to bringing it in conformity with the provisions of these rules.

(2) The Secretary shall give intimation to the Member that his Resolution has been admitted or disallowed or admitted as amended, for a specific reason.

158. *Moving and withdrawal of Resolutions.*-(1) A Member or a Minister in whose name a resolution stands in the List of Business shall, when called upon, either-

- (a) move the Resolution, in which case he shall commence his speech by a formal motion in the terms appearing in the List of Business;
- (b) decline to move the Resolution, in which case he shall confine himself to a mere statement to that effect; and
- (c) is absent or fails to move the resolution, the Resolution standing in his name shall be deemed to have been withdrawn.

(2) The Member may, with the permission of the Speaker, authorize in writing any other Member to move it on his behalf and the Member, so authorized, may move the Resolution.

159. *Amendment of a Resolution.*- After a Resolution has been moved, any Member or a Minister may, subject to these rules, move an amendment to the Resolution.

160. *Notice of amendment.*-(1) Notice of an amendment in the Resolution shall be given one clear day before it is moved.

(2) If notice of an amendment, has not been given under sub rule (1), any Member may object to the moving of the amendment and such objection shall prevail, unless the Speaker, in his discretion, suspends this rule and allows the amendment to be moved.

(3) The Secretary shall, if time permits, cause every amendment to be printed and a copy thereof to be made available or displayed on the desktop in the Assembly chamber during the sitting for the use of every Member.

161. *Withdrawal of Resolution or amendment after being moved.*- A Member or a Minister who has moved a Resolution or an amendment to a Resolution shall not withdraw the Resolution or the amendment except by leave of the Assembly.

162. *Repetition of a Resolution.*- When a Resolution has been moved and the decision of the Assembly given on it, or when a Resolution has been withdrawn with the leave of the Assembly, no Resolution or amendment raising substantially the same question shall be moved within the same session.

163. *Time limit for speeches.*- Save with the permission of the Speaker, a speech on a Resolution shall not exceed ten minutes, except that the mover of a Resolution when moving it, and the Minister concerned, may speak for fifteen minutes each.

164. *Scope of discussion.*- The discussion on a Resolution shall be strictly limited to the subject matter of the Resolution.

165. *Voting and transmission of copies.*- (1) On the conclusion of the discussion, the Speaker shall put the Resolution or, as the case may be, the Resolution as amended, to the vote of the Assembly and if the Resolution is passed by the Assembly, a copy thereof shall be forwarded to the Department concerned or, as the case may be, to the Federal Government or the National or the Provincial Assemblies.

(2) If the Resolution relates to a Department of the Government, the Department concerned shall, within a period of ninety days from the date of the communication of the Resolution by the Assembly Secretariat, apprise the Assembly of the action taken on the Resolution.

(3) The Speaker may, on the receipt of the written request of the Department concerned, extend the period mentioned in sub-rule (2) for a period of sixty days.

(4) If the Department disagrees to the Resolution, it shall submit a detailed report containing reasons to the Assembly.

(5) A report received from the Department concerned of the Government shall be circulated amongst the Members.

CHAPTER XXI

PRE BUDGET AND POST BUDGET DISCUSSION

166. Pre Budget Discussion.- (1) Notwithstanding anything contained in these rules, the Minister for Law and Parliamentary Affairs, in consultation with the Minister for Finance, shall include, in the list of business, the general discussion seeking proposals of the Members for the next budget in a session of the Assembly which is to be held during the months of January to March each year.

(2) The discussion shall be held exclusive of other business for at least seven sitting days unless sooner terminated by the Speaker after getting the sense of the Assembly.

(3) The Speaker may fix time limit for speeches.

(4) The Assembly may recommend the proposals to the Government for the next Budget on a Resolution moved by the Minister for Finance in consultation with Leader of Opposition after the conclusion of the discussion.

167. Post Budget Discussion.- Notwithstanding anything contained in these rules, the Minister for Law and Parliamentary Affairs, in consultation with the Minister for Finance, shall include, in the list of business, the general discussion on releases and utilization of Budget, on quarterly basis.

(2) The discussion shall be held exclusive of other business for at least two sittings.

(3) The Speaker may fix time limit for speeches.

CHAPTER XXII

PROCEDURE IN FINANCIAL MATTERS

168. Budget.- (1) The Budget shall be presented to the Assembly on such day and at such time as the Chief Minister may decide.

(2) The Budget shall not be referred to a Standing Committee or to a Select Committee and no other motion shall be made with reference to it except as provided in the rules contained in this Chapter.

169. *Presentation of the Budget.*- The Budget shall be presented by the Minister for Finance or, in his absence, by any other Minister nominated by the Chief Minister.

170. *Budget not to be discussed on presentation.*- The only proceeding with reference to the Budget on the day which the Budget is presented shall be the speech of the Minister for Finance when presenting it.

171. *Stages of discussion of the budget.*- The Budget shall be dealt with by the Assembly in the following stages:--

- (a) general discussion on the Budget as a whole;
- (b) discussion on appropriations (in respect of charged expenditure);
- (c) discussion and voting on demands for grants (in respect of expenditure other than charged expenditure), including voting on motions for reduction, if any.

172. *Allotment of days.*- (1) The Speaker may, in consultation with the Minister for Finance allot days for the different stages of the Budget referred to in rule 171:

(2) At least two days shall elapse between the day the Budget is presented and the first day allotted for the general discussion on the Budget; and

(3) Not less than four days shall be allotted for the general discussion on the Budget:

Provided that in case of unavoidable circumstances, the Speaker after taking sense of the Assembly may allot as many days as may be compatible with the public interest.

173. *General discussion on the Budget.*- (1) On the days allotted for general discussion on the Budget, the Assembly may discuss the Budget as a whole or any question of principle involved therein, but no motion shall

be moved at this stage nor shall the Budget be submitted to the vote of the Assembly.

(2) The Minister for Finance shall have a general right of reply at the end of the discussion.

(3) The Speaker may if he deems fit, prescribe a time-limit for speeches.

174. Demands for grants.- (1) No demand for grant shall be made except on the recommendation of the Government.

(2) A separate demand shall be made in respect of the grant proposed for each Department:

Provided that the Government may cause to be included in one demand grants proposed for two or more Departments or a demand to be made in respect of expenditure which cannot readily be classified under a particular Department.

(3) Each demand shall contain a statement of the total grant proposed and statement of the detailed estimate under each grant divided into items.

175. Cut-motions.- A Member may move a cut motion to reduce the amount of a demand or omit or reduce an item in a demand.

176. Conditions for admissibility of cut-motions.- In order that a notice of cut motion may be admissible, it shall satisfy the following conditions, namely:-

- (a) it shall relate to one demand only;
- (b) it shall not seek to increase a grant or alter the destination of a grant;
- (c) it shall not relate to expenditure charged upon the Provincial Consolidated Fund;
- (d) it shall be clearly expressed and shall not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements;

- (e) it shall be confined to one specific matter which shall be stated in precise terms;
- (f) it shall not reflect on the character or conduct of any person whose conduct can only be challenged on a substantive motion;
- (g) it shall not make suggestion for the amendment or repeal of any existing law;
- (h) it shall not refer to a matter which is not primarily the concern of the Government;
- (i) it shall not raise a question of privilege;
- (j) it shall not revive discussion on a matter which has been discussed in the same session and on which a decision has been taken;
- (k) it shall not anticipate a matter which has been previously appointed for consideration in the same session; nor shall it relate to a trifling matter;
- (l) it shall not relate to any matter which is pending before any court or other authority performing judicial or quasi-judicial functions:

Provided that the Speaker may, in his discretion, allow such matter being raised in the Assembly as is concerned with the procedure or subject or stage of enquiry if he is satisfied that it is not likely to prejudice the consideration of the matter by such court or authority.

177. *Speaker to decide admissibility of cut-motions.*- The Speaker shall decide whether a cut-motion is or is not admissible under these rules and may disallow any cut-motion if, in his opinion, it is an abuse of the right of moving cut-motions or is calculated to obstruct or prejudicially affect the procedure of the Assembly or is in contravention of any of these rules.

178. *Notice of cut-motion.*- Notice of a cut-motion shall be given two clear days before the day on which the demand is taken up for consideration.

179. *Amendment to cut-motion.*- No amendment to a cut-motion shall be permissible.

180. *Voting on demands for grants.*- (1) Each demand for grant referred to in clause (c) of rule 171 shall be discussed separately.

(2) Before a question is put in respect of a demand for grant, all cut-motions in respect of that demand shall be discussed and voted upon.

(3) When several cut-motions relating to the same demand are admitted, the motions shall be discussed in the order in which the Heads to which they relate appear in the Budget.

(4) On the last of the days allotted under rule 172 for the stage referred to in clause (c) of rule 171 at the time when the meeting is to terminate the Speaker shall forthwith put every question necessary to dispose off all the outstanding matters in connection with the demands for grants.

181. *Schedule of authorized expenditure.*- The schedule of authorized expenditure when authenticated under clause (1) of Article 123 or Article 124 shall be laid before the Assembly but shall not be open to discussion or vote thereon.

182. *Vote on account.*- (1) A motion for vote on account shall state the total sum required to be voted and the various amounts needed for each Department or item of expenditure which compose that sum shall be stated in a schedule appended to the motion.

(2) Amendment may be moved for the reduction of the whole demand for grant or for the reduction or omission of the items of which the demand is composed.

(3) Discussion of a general character may be allowed on the motion or any amendments moved thereto, but the details of the grant shall not be discussed further than is necessary to develop the general points.

(4) In other respects, a motion for vote on accounts shall be dealt with in the same way as if it were a demand for grant.

(5) The schedule referred to in sub rule (1) shall also separately specify the several sums required to meet the expenditure charged on the Provincial Consolidated Fund.

183. Procedure for dealing with supplementary and excess demands.- The procedure for dealing with supplementary estimates of expenditure and excess demands shall, as far as possible, be the same as prescribed for the Budget.

CHAPTER XXIII **COMMITTEES**

PART I- STANDING COMMITTEES

184. Standing Committees.- (1) In addition to, Public Accounts Committee, Committee on Procedures & Conduct of Business Rules, Privileges & Implementation of Government Assurances, Committee on Law Reforms & Control on Subordinate Legislation, Judicial Committee and House & Library Committee, there shall be a Standing Committee of the Assembly for each Department of the Government.

(2) Each Committee shall deal with the subjects assigned to the department concerned under the Khyber Pakhtunkhwa Government Rules of Business or any other matter including public petitions referred to it by the Assembly or by the Speaker:

Provided that any subject not so assigned or the subjects assigned to any Department for which a Standing Committee has not been constituted shall be dealt with by the Standing Committee for Law and Parliamentary Affairs.

(3) The Committee may also take suo-moto business with the previous consent of the Speaker:

Provided that the Committee shall take one such agenda item at a time.

(4) Whenever there is any change in the composition of the departments or their nomenclature, the Speaker shall issue suitable direction in regard to the reallocation of the existing Standing Committees or, as the case may be, the modification in their nomenclature and election of the new Standing Committees.

185. Conditions for admissibility of suo-moto business.- The Speaker shall decide the admissibility of suo-moto business, which shall be governed by the following conditions: -

- (a) It shall relate to a matter of public interest which is primarily concerned with the Government;
- (b) It shall not relate to any matter pending before the Assembly or part of any form of notice mentioned in these rules;
- (c) It shall not relate to a matter which has been disposed off by the House or not admitted or consented to by the Speaker; and
- (d) It shall not be in contravention of these rules.

186. Composition.- (1) Except as otherwise provided in these rules, each Committee shall consist of not more than thirteen Members, to be elected by the Assembly:

Provided that a Minister, an Advisor, a Special Assistant and a Parliamentary Secretary, shall not be elected as member of the Standing Committee:

Provided further that if any of the above said public functionaries is appointed as such after his election to the Committee, he shall cease to be the member of that Committee.

(2) The Committees shall be constituted within sixty days of the election of the Leader of the House, in accordance with the procedure agreed to by the leaders of the parties in the Assembly, failing which by non-transferable vote.

(3) The Assembly may, by a verbal resolution, moved by any Member, empower the Speaker to constitute Committees and appoint its Chairpersons without holding elections.

(4) When the Assembly empowers the Speaker under sub-rule (3), the Speaker shall constitute Committees after consultation with the Deputy Speaker, Parliamentary leaders, and leader of the Independent Members, keeping in view the educational qualification and experience of the Members.

(5) The Minister-in-charge shall be the ex-officio member of the concerned Committee.

(6) In case of a Department, which is in the charge of the Chief Minister or for which no Minister has been appointed, the Minister for Law and Parliamentary Affairs shall act as an ex-officio member of the Committee.

(7) In case of election the Committee shall elect one of its member as Chairperson.

(8) If the Chairperson is not present at any sitting, the Committee shall choose one of its member to act as Chairperson for that sitting.

(9) The mover or Member- in-charge on whose motion the Bill or matter is referred to the Committee may attend meetings of the Committee, but shall not vote unless he is a Member of the Committee.

(10) The Secretary of the Administrative Department to which the Standing Committee pertains, shall attend the meeting in person to assist the Committee. In case the Secretary is unable to attend the meeting due to any unavoidable circumstance, he shall depute a well conversant senior officer not below the rank of Special Secretary or Additional Secretary with the prior permission of the Chairperson.

(11) The Secretary Law and Parliamentary Affairs or his nominee and the Advocate General or his nominee not below the rank of Assistant Advocate General, shall also attend the meeting for expert opinion.

(12) The Information Department shall depute an officer to attend meetings of the Committee for media coverage.

187. Reference to Standing Committee.- (1) Except as otherwise provided in these rules, the Assembly may, on a motion made by a Minister or Member, refer to the Standing Committee any subject or matter with which it is concerned and the Standing Committee shall examine such subject or matter with a view to suggest legislation or making recommendations to the Assembly:

Provided that the business so referred to the Committee shall not be withdrawn by any mean without prior approval of the Assembly.

188. Functions.- (1) A Committee shall examine a Bill, subject or matter referred to it under these rules and shall submit its report to the Assembly with such recommendations, including suggestions for

legislation, if any, as it may deem necessary. In the case of a Bill, the Committee shall also examine whether the Bill violates, disregards or is otherwise not in accordance with the Constitution.

(2) The Committee may propose amendments which be shown in its report alongwith the original provisions of the Bill; but the Committee shall have no power of preventing the Bill from coming to the Assembly.

(3) If a Committee does not present its report within the period prescribed, or the time allowed, the Bill, subject or matter referred to it, may be considered by the Assembly, without waiting for the report, upon a motion by any Member or by the Minister concerned and such Bill, subject or matter shall be treated as withdrawn from the Committee.

FINANCE COMMITTEE

189. Constitution and Composition of the Committee.- (1) There shall be a Finance Committee for duration of the Assembly.

(2) The Finance Committee shall consist of Speaker, Minister for Finance and such other Members to be elected by the Assembly.

(3) Until the Finance Committee is constituted under sub rule (2) the Speaker, in consultation with the Minister for Finance, shall exercise the powers and perform the functions of the Committee.

(4) The Finance Committee may make rules for regulating its procedure as per provision of clause (3) of Article 88 of the Constitution.

PUBLIC ACCOUNTS COMMITTEE

190. Composition.- The Public Accounts Committee shall consist of fifteen members including Deputy Speaker, in addition, the Minister for Finance shall be its member ex-officio.

191. Chairperson of the Committee.- (1) The Speaker shall be ex-officio Chairperson of the Committee.

(2) If the Chairperson is not present at any sitting, the Deputy Speaker shall preside the sitting and if he is also absent or unable to

preside, the Committee shall choose one of its member to act as Chairperson for that sitting.

192. Functions of the Committee.- (1) The Committee shall examine the accounts of receipts, accounts showing the appropriation of sums granted by the Assembly for the expenditure of the Government, the reports of the Auditor General of Pakistan and such other reports or any financial matters as the Assembly, Minister for Finance or the Chairperson may refer to it.

(2) The Committee shall also examine whether the funds voted by the Assembly has been utilized in most economical, efficient and effective manner and shall assess whether public funds have been spent in a manner that secures value for money for the taxpayer or otherwise.

(3) To ensure transparency and accountability in the use of public funds, the Public Accounts Committee shall, on the basis of the reports of the Auditor General of Pakistan and other referred business, conduct evidence sessions to hold Government departments and their Principal Accounting Officers and other concerned civil servants accountable for the management and use of public resources and the delivery of public services. Upon conclusion of such examination, the Committee may make such recommendations to the Assembly as it consider appropriate, to which the concerned Department shall be required to respond.

(4) It shall also be the duty of the Committee to—

- (a) examine the statement of accounts showing the income and expenditure of state corporations, trading and manufacturing schemes, concerns and projects together with the balance sheets and statements of profit and loss accounts which the Governor may have required to be prepared or are prepared under the provisions of the statutory rules regulating the financing of a particular corporation, trading or manufacturing scheme or concern or project and the report of the Auditor-General of Pakistan thereon;
- (b) examine the statement of accounts showing the income and expenditure of autonomous and semi-

autonomous bodies, the audit of which may be conducted by the Auditor General of Pakistan either under the directions of the Governor or under a statute;

- (c) consider the report of the Auditor-General of Pakistan in cases where the Governor may have required him to conduct the audit of any receipts or to examine the accounts of stores and stocks;
- (d) examine an annual report of any autonomous or semi-autonomous body when presented before the Assembly under any existing law and referred to the Committee for examination, scrutiny, and report thereon; and
- (e) the Committee may order for examination of the accounts and other record of any autonomous, semi-autonomous or statutory body which meets its expenditure out of the sums granted by the Government or the Assembly.

(5) In case of sum granted by the Assembly for the expenditure of a particular or specific project or ongoing scheme, the committee may visit the project for physical verification and examine its progress report.

(6) The Committee may direct the Director General Audit Khyber Pakhtunkhwa to conduct performance audit or detailed audit in respect of any Government department, autonomous body, semi-autonomous body, fully or partially state-owned Corporation, Company, Enterprise, Trading and Manufacturing Scheme, Concern, Project or any other authority which use funds from Provincial Consolidated Fund and submit report thereof to the Committee for its consideration and examination.

(7) In scrutinizing the appropriation accounts of the Government and the reports of the Auditor-General of Pakistan thereon, it shall be the duty of the Committee to satisfy itself that-

- (a) the moneys shown in the accounts as having been disbursed were legally available for, and applicable

to, the service or purpose to which they have been applied or charged;

- (b) the expenditure conforms to the authority which governs it; and
- (c) every re-appropriation has been made in accordance with such law and rules as may have been prescribed by Government in that behalf.

(8) If any public money has been spent on any service during a financial year in excess of the amount granted by the Assembly for that purpose or abnormal savings or untimely surrenders are observed, the Committee shall examine with reference to the facts of each case the circumstances leading to such irregularity and make any appropriate recommendation as it may deem fit to the Department or Assembly.

193. Report of the Committee.- (1) The report of the Committee shall be presented within one year from the date of referral.

(2) The Assembly may, on a motion for extension of time, moved before the expiry of the time for one year, allow that the time of the presentation of the report be extended to a date specified in the motion:

Provided that the extension of time may be granted only once which shall be in no case more than one year.

(3) If the Assembly is not in session or is not likely to assemble till the expiry of the date fixed for the presentation of the report, the Speaker in anticipation of the Assembly may grant the required extension subject to the approval of Assembly later on.

(4) After the presentation of the report under sub rule (1), the Speaker may allot time as may be deemed necessary for discussion and adoption of the report.

(5) After adoption of the report by the Assembly, it shall be sent to the Departments concerned for implementation.

(6) The Minister concerned shall lay in the Assembly the implementation report within ninety days from the date of adoption and in case of non-implementation, explain before the Assembly reasons thereof .

194. Internal Procedures of the Committee.- The Committee may, subject to the rules, prescribe its own procedures for the regulation of its internal functioning.

195. Inquiry into Financial Irregularities Highlighted in Public Sources.- The Committee may, subject to its mandate and the availability of verifiable evidence, examine issues of financial impropriety or irregularity highlighted in the media or social media, particularly where such matters pertain to the use or misuse of public funds. The Committee may call for reports, summon officials, and take such further action as it considers necessary.

196. Effect of dissolution of Assembly. On dissolution of the Assembly, business of the Public Accounts Committee shall not lapse.

197. Continuity of the proceedings.— Notwithstanding anything contained in these rules, the Public Accounts Committee may proceed from the stage where the previous committee left the proceedings before the dissolution of the Assembly.

(2) Any report, that the Committee may have prepared, or any evidence that the Committee may have taken, shall be made available to the Committee that succeeds it, which shall cause it to be presented before a successor Assembly in accordance with rule 188 even if the time for the presentation of the report has expired.

198. Monitoring Role of the Speaker as Chairperson of the Public Accounts Committee after Dissolution of the Assembly.- Pursuant to Article 53(8), read with Article 127 of the Constitution of the Islamic Republic of Pakistan, when the Assembly is dissolved, the Speaker shall continue to hold office until his successor enters upon the office. Accordingly, the Speaker, in his capacity as Chairperson of the Public Accounts Committee, may, with the support of the PAC Cell of the Assembly Secretariat, continue to monitor the implementation status of the Committee's recommendations transmitted to the concerned Departments prior to the dissolution of the Assembly, and assess whether financial governance has improved as a consequence of such recommendations or otherwise.

199. Submission of annual performance Report.— The Committee shall submit the report of its performance to the Assembly by the end of each Parliamentary year.

**COMMITTEE ON PROCEDURE AND CONDUCT OF BUSINESS
RULES, PRIVILEGES AND IMPLEMENTATION OF
GOVERNMENT ASSURANCES**

200. Composition.— The Committee on Procedure and Conduct of Business Rules, Privileges and Implementation of Government Assurances shall consist of thirteen members, in addition the Deputy Speaker shall be ex-officio Chairperson of the Committee and the Minister for Law, Parliamentary affairs and Human Rights shall be its member ex-officio.

201. Functions of the Committee.—The Committee-

- (a) shall consider matters regarding procedure and conduct of business in the Assembly and recommend such amendments in the rules as may be necessary;
- (b) may suggest a procedure to be followed by the Assembly to give effect to its recommendations;
- (c) shall examine every question of privilege referred to it by the Assembly or the Speaker as the case may be and determine with reference to the facts of each case whether a breach of privilege was involved and, if so, the nature of the breach and the circumstances leading to it, and to make such recommendations as it may deem fit; and
- (d) may scrutinize the assurances, promises and undertakings, given by Minister, from time to time, on the floor of the House and furnish a detail report for remedial measures to the Assembly.

COMMITTEE ON LAW REFORMS AND CONTROL ON SUBORDINATE LEGISLATION

202. *Composition of the Committee.*- (1) There shall be a Committee for Law Reforms and Control on Subordinate Legislation.

(2) The Committee shall comprise thirteen Members from amongst lawyers, ulemas and technocrats who are Members of the Assembly, in addition the Speaker shall be ex-officio Chairperson of the Committee and the Minister for Law, Parliamentary affairs and Human Rights shall be its member ex-officio.

(3) The Secretary to Government of Khyber Pakhtunkhwa Establishment Department, the Secretary to Government of Khyber Pakhtunkhwa Finance Department, the Secretary to Government of Khyber Pakhtunkhwa Law, Parliamentary Affairs and Human Rights Department, the Advocate General Khyber Pakhtunkhwa and the Secretary of the Department concerned shall be associated with the proceedings to assist the Committee.

203. *Functions of the Committee.* - The Committee shall-

- (a) review Provincial laws to suggest improvements, amendments, additions or deletions in the same and to bring the old laws in conformity with the present social order of the Province;
- (b) suggest new legislation within the competency of the Legislature in the public interest;
- (c) suggest ways and means for the implementation of the resolutions of the Islamic Council and assist the Legislature to bring the provincial laws in accordance with injunctions of Islam on advice of the Islamic Council or the decision of the Federal Shariat Court or Shariat Appellate Bench of the Supreme Court of Pakistan;
- (d) review the existing rules framed under various provincial laws and to suggest improvements, amendments, additions

or deletions in the rules to the Provincial Government, as will of the Assembly through a resolution of the Assembly;

- (e) review the sub-ordinate legislation framed by any authority under the delegated powers of the Legislature or any executive orders issued under any delegated authority of the Legislature to see that the same are in conformity with the guidelines and policy framed by the Legislature and formulate suitable suggestions for improvements, modification or even suggesting for the withdrawal of the same as the Committee may deem appropriate;
- (f) take up any matter incidental and consequential or auxiliary to the above functions;
- (g) preliminary or final reports of the Committee may be presented in the House for approval.; and
- (h) the Committee also has the powers to recommend to the Government in advance for improvement in any subordinate legislation/executive orders or pin-pointing shortcomings and the Government may honour the recommendations of the Committee so that the implementation policy of the Government may be brought in line with the guidelines and policy of the Legislature.

JUDICIAL COMMITTEE

204. *Composition of the Committee.*- The Judicial Committee shall comprise of thirteen members, in addition the Minister for law, Parliamentary Affairs and Human Rights shall be its member ex-officio.

205. *Functions of the Committee.*-(1) After the report, by the Committee on procedure and Conduct of Business Rules, Privileges and Implementation of Government Assurances, the Assembly may refer the matter to the Judicial Committee for further proceedings under the Khyber Pakhtunkhwa Provincial Assembly (Powers, Immunities and Privileges) Act, 1988, if a case of punishment is involved.

(2) The Committee shall examine every matter referred to it by the Assembly and initiate proceedings against the accused to determine the severity of offence and recommend appropriate punishment thereof, in accordance with the provisions of Khyber Pakhtunkhwa Provincial Assembly (Powers, Immunities and Privileges) Act, 1988 to the Assembly.

(3) The Committee shall have no power to take up suo-moto business.

HOUSE AND LIBRARY COMMITTEE

206. Composition of the Committee.- (1) The House and Library Committee shall comprise eleven members, in addition the Deputy Speaker shall be its ex-officio Chairperson.

207. Functions of the Committee.- The functions of the Committee shall be-

- (a) to deal with issues relating to residential accommodation for Members including allotment, as may be referred to it by the Speaker from time to time and matters relating to the issuance of admission cards for galleries, other than the Speaker's gallery.
- (b) to exercise supervision over facilities pertaining to accommodation and other immunities including food provided to Members in the Members' Hostels;
- (c) to consider and advise on such matters concerning the Library of the Assembly as may be referred to it by the Speaker or by the Assembly from time to time.
- (d) to develop the Library, its Reading Room, Automation and Research Centre with a view to help members of the Assembly in the discharge of their duties;
- (e) to consider suggestions in respect of addition of books, magazines, journals, etc., to the Library and its general improvement ;
- (f) to advise on reciprocal arrangements for exchange of debates and other publications of the Assembly with other Assemblies and Senate; and

- (g) to deal with the matters relating to the official residential accommodations for the staff of Assembly Secretariat.

PART II- GENERAL PROVISIONS REGARDING STANDING COMMITTEES

208. *Sitting of Committee.*-(1) A Committee shall sit on such day and at such hour as the Chairperson of the Committee may determine but a Committee shall not sit without leave of the Speaker, at a time when the Assembly is sitting.

(2) Subject to sub-rule (1), on a requisition made by not less than one-fourth of the total membership of the Committee, the Chairperson shall call a meeting of the Committee within fourteen days from the date of receipt of the requisition:

Provided that where the Chairperson of the Committee is unable or avoids to call such a meeting, the Secretary shall call a meeting within the next fourteen days.

(3) The sitting of a Committee shall ordinarily be held within the precincts of the Assembly:

(4) If for any justifiable reasons it is necessary to hold meeting of the committee outside the precincts of the Assembly, the chairperson shall do so under intimation to the Speaker.

(5) If a Committee is sitting while the Assembly is also sitting, the Chairperson of the Committee shall, if a division is being called in the Assembly, suspend the proceedings of the Committee for such time to enable the Members to vote in the division.

209. *Meetings in camera.*- The meeting of a Committee may be held in camera if so determined by the Committee.

210. *Agenda and notices of the meeting of Committee.*- (1) The time table of business of a Committee and the agenda for each meeting of the Committee shall be determined by the Chairperson.

(2) Notices of all meetings of a Committee shall be sent to the members of the Committee, Administrative Secretary concerned,

Secretary Law, Parliamentary Affairs and Human Rights Department and the Advocate-General.

211. *Views of Department on Private Members' Bill, etc.*-In case of Private Members' Bill or any other matter, when referred to the concerned committee, the Secretary shall transmit a copy thereof to the Department concerned with the request to furnish its views on the Bill or the matter, as the case may be, for consideration by the Committee.

212. *The quorum of a meeting.*- The quorum to constitute a sitting of a Committee shall be one-fourth of the total membership of the Committee:

Provided that the quorum for election of the Chairperson of Committee shall be the majority of the total membership thereof.

213. *Virtual Attendance and Digital Tools.*- The Committee may permit the use of automation systems, modern tools, and other technologies for the conduct of its proceedings and official communications, including the counting of votes, and may allow a Member to participate virtually in a meeting of the Committee.

214. *Adjournment and Suspension of Committee Meeting.*- (1) If, at the time fixed for any sitting of a Committee or at any time during any such sitting, the quorum is not present, the Chairperson of the Committee shall either suspend the sitting, until the quorum is complete or adjourn the sitting to some future day.

(2) Where the sitting of a Committee is adjourned on two successive days, the Chairperson of the Committee shall report the fact to the Speaker.

215. *Power to appoint Sub-Committee.*-(1) A Committee may appoint from amongst its members one or more Sub-Committees, each having the powers of the Committee, to examine any matter that may be referred to it.

(2) The order of reference to a Sub-Committee shall clearly state the point or points for investigation. The report of the Sub-Committee shall be considered by the Committee and, when approved by the Committee, be deemed to be the report of that Committee:

Provided that if the Sub-Committee does not present its report within the specified time, the Committee may consider the matter referred

to the sub-committee or grant time extension to the sub-committee only for once.

216. *Speeches in Committee.*- A Member or participant may speak on a particular point or matter at a sitting of a Committee with the permission of the Chairperson and shall address the Chair while speaking.

217. *Voting in Committee.*- All matters at a sitting of a Committee shall be decided by the majority of Members present and voting.

218. *Casting vote of Chairperson.*- The Chairperson of a Committee or the person presiding over the meeting shall not vote except in the case of an equality of votes.

219. *Discharge of Members absent from sitting of Committee.*- If a Member is absent from three or more consecutive sittings of Committee without the permission of its Chairperson, a motion may be moved by any Member in the Assembly for the discharge of such Member from the Committee.

220. *Resignation of Members from the Committee.*- A Member may resign his membership of a committee by writing under his hand addressed to the Speaker.

221. *Vacancies in the Committee.*- (1) Vacancies in the Committee shall be filled, as soon as possible, after such vacancies occur, by the Speaker or by election as the case may be.

(2) Subject to the requirement of a quorum a Committee shall have power to act notwithstanding any vacancy in its membership.

222. *Removal of Chairperson.*- (1) A notice addressed to the Speaker signed by majority of the total membership of the Committee showing that the Chairperson of the Committee has lost the support of the majority of the Members of the Committee may be given to the Secretary.

(2) The name of the proposed Chairperson shall be mentioned in the notice given under sub rule (1).

(3) After verification of the signatures of the Members of the Committee, if the Speaker is satisfied that the Chairperson of the Committee does not command the support of majority of the total

membership of the Committee, shall declare that the Chairperson of the Committee stands removed.

(4) When the Chairperson is removed under sub rule (3), the Speaker shall immediately declare the Member, proposed in the notice, as the Chairperson of the Committee.

(5) The Secretary shall cause it to be notified in official gazette and upload it on the official website.

223. Power to take evidence or call for papers, records, or documents.-

(1) A Committee shall have power to require the attendance of persons or the production of papers or records, if such course is considered necessary for the discharge of its duties:

Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purpose of the Committee, but is confidential or sensitive, it shall be referred to the Speaker, whose decision shall be final;

(2) Subject to the provisions of this rule, a person may be summoned by an order signed by the Secretary and he shall be bound to produce such documents or record such statement as are required for the use of the Committee.

(3) A Committee may invite a Member or any person having special knowledge to give an expert opinion or give evidence in relation to any matter under its consideration.

(4) The provisions of the Khyber Pakhtunkhwa Provincial Assembly (Powers, Immunities and Privileges) Act, 1988 shall be mutatis mutandis applicable to the procedure under these rules.

224. Evidence or information to be kept confidential.-Any evidence produced, or information tendered before a Committee, shall be treated as confidential or secret, unless the Committee, in the public interest, decides otherwise.

225. Record of the proceedings of Committees.- (1) A Summary or the record of the proceedings of each Committee shall be maintained by the Secretary. (2) A summary of evidence, tendered before a Committee, may

be made available to all the members of the Committee and the Minister concerned.

226. Restrictions on publication etc., of proceedings.- (1) The proceedings of the Committee shall not be published until otherwise directed by the Committee that the whole or part of its proceedings or a summary thereof be published or laid in the Assembly.

(2) The report of a Committee, which has not been presented to the Assembly, or the proceedings of a Committee or any part or summary thereof, which has not been laid before the Assembly, shall be treated as confidential and shall not be open to inspection except with the permission of the Committee.

(3) The Speaker may direct that any part of the proceedings be communicated to the Members confidentially before it is laid in the Assembly.

227. Report of Committee.- (1) Where the Assembly has not fixed anytime for the presentation of a report, the report of a Committee shall be presented within sixty days from the date, on which reference was made to it by the Assembly, unless the Assembly on a motion being made, directs that the time for the presentation of the report be extended to a date specified in the motion.

(2) Extension in the time for the presentation of the report shall be asked for before the expiry of the time allowed.

(3) If the Assembly is not in session and the period of presentation of the report under sub-rule (1) is about to expire and the Committee has not finished its work, the Speaker may on the request of the Chairperson grant one time extension in the time limit mentioned in the motion in anticipation of the Assembly and later on the formal approval of the Assembly may be obtained.

(4) Reports may be either preliminary or final.

(5) The report shall-

(a) Incorporate views of the Minister concerned, pertaining to the matter if any;

- (b) set forth the recommendations of the Committee together with the note of dissent, if any; and
- (c) be signed by the Chairperson on behalf of the Committee or, if the Chairperson is absent or not readily available, by another Member of the Committee.

(6) The Secretary shall cause a copy of each report of a Committee, together with the note of dissent, if any, to be made available for the use of every Member of the Assembly. The report shall if it relates to a Bill be published in the Gazette and posted on official website along with the dissenting note if any.

228. *Special reports.*- A committee may, if it thinks fit, make a special report on any matter that arises or comes to light in the course of its work which it may consider necessary to bring to the notice of the Speaker or the Assembly.

229. *Presentation and adoption of the report.*- (1) The report of a Committee shall be presented to the Assembly for adoption by the Chairperson or, in his absence by another Member of the Committee;

(2) While presenting the report, the Chairperson or in his absence, the Member presenting the report shall confine himself to a brief statement of facts but there shall be no debate on that statement at this stage.

(3) The Minister concerned shall lay in the Assembly the implementation report within three months from the date of adoption. In the case of non-implementation, reasons thereof may be explained.

230. *Printing and publication of report.*- The Speaker may, on a request being made to him, when the Assembly is not in session, order the printing, publication or circulation of a report of a Committee, although it has not been presented to the Assembly. In that case, the report shall be presented to the Assembly during its next session at the first convenient opportunity.

231. *Reports to be uploaded.*- All the reports of the Committees presented in the Assembly shall be uploaded on official website.

232. *Submission of annual Report.*- Each Committee shall submit annually report of its performance to the Assembly .

233. *Business before Committees not to lapse on prorogation.*- Any business pending before a Committee shall not lapse by reason only of the prorogation of the Assembly and the Committee shall continue to function notwithstanding such prorogation.

234. *Unfinished work of a Committee.*- A Committee which is unable to complete its work before the expiration of its term or before the expiration of the term of the Assembly may report to the Assembly that the Committee has not been able to complete its work. Any preliminary report, memorandum or note that the Committee may have prepared or any evidence that the Committee may have recorded, shall be made available to the Committee succeeds the Committee in question:

235. *Removal of doubt and interpretation of rules.*- If any doubt arises on any point of procedure or interpretation of these rules or the rules contained in this Chapter are silent on a point, the Chairman may refer the point to the Speaker whose decision thereon shall be final.

236. *Application of general rules of Assembly.*- Subject to the rules in this Chapter, the general rules of the Assembly shall also apply to the proceedings in each Committee including the Committee of the Whole House.

PART III – OTHER COMMITTEES

A- SPECIAL COMMITTEE

237. *Composition and Functions.*- The Assembly may, by a motion, appoint a Special Committee which shall have such composition and functions as may be specified in the motion.

Provided that if the composition and functions are not specified in the motion, the Assembly may authorize the Speaker to specify the composition and functions of the Committee.

B- BUSINESS ADVISORY COMMITTEE

238. *Composition of the Committee.*- (1) The Business Advisory Committee shall be headed by the Speaker and shall consists of Deputy Speaker, Minister for Law & Parliamentary Affairs and such other

Members as may be nominated by him, in consultation with Leader of the House and Leader of the Opposition.

(2) While making nominations under sub-rule (1), the leaders belonging to various parliamentary parties and leader of independent Members shall, as far as possible, be given representation in the Committee.

239. Functions of the Committee.- (1) The Committee shall recommend the time that should be allocated for the discussion of various Government legislative and other business, including Private Members' business likely to be transacted during the ensuing session.

(2) The Committee shall indicate the different hours at which the various stages of a Bill or other business shall be completed.

(3) The Committee shall have such other functions as may be assigned to it by the Speaker, from time to time.

C- COMMITTEE OF THE WHOLE HOUSE

240. Composition and Functions.- (1) Where the Assembly deem it necessary to consider and decide upon a matter of urgent public importance or a question involving a breach of the privilege of the Assembly, it may, on a motion moved by the Leader of the House or the Leader of the Opposition, as the case may be, constitute itself into a Committee of the Whole House.

(2) When the Assembly constitutes itself into a Committee of the Whole, it shall functions as one Committee acting upon any matter referred by the Assembly and shall conducts its proceedings like a regular Committee with its membership composed of all the Members of the Assembly.

Provided that if a motion to constitute the Assembly into a Committee of the Whole is not passed, a similar motion shall not be presented within the same session.

(3) The Speaker, Deputy Speaker, or in their absence, any Member from the Panel of Chairpersons, shall be the Chairperson of the Committee.

(4) The quorum to constitute the sitting of a Committee shall be one-fourth of the total membership. If there is no quorum, the Chairperson shall immediately suspend its proceedings.

(5) The Chairperson shall, in the case of an equality of vote, have a casting vote.

(6) Documents and papers in possession of the Assembly or the Assembly Secretariat may be called for by any Member and read by the Secretary Assembly for information of the Committee unless the Committee orders otherwise.

(7) The Committee shall have the power to require the attendance of any person or summon production of papers, record from any department, an autonomous body, semi-autonomous body or any organization, or examine such persons on oath or solemn affirmation, or invite or summon any person to give evidence in relation to any matter under its consideration.

(8) When a Committee of the Whole has concluded consideration of a matter referred to it, the Leader of the House or the Leader of the Opposition, as the case may be, shall present a report to the Assembly for necessary action.

241. Provisions relating to Standing Committees to apply to other Committees.- In the absence of special provisions relating to other Committees, the provision relating to the Standing Committees shall apply mutatis mutandis to other Committees.

D- COUNCIL OF CHAIRPERSONS

242. Composition of the Council.- (1) There shall be a Council of Chairpersons comprising Chairpersons of Standing Committees.

(2) The Speaker shall be the Chairperson of the Council and Deputy Speaker shall be the Deputy-chairperson of the council.

243. Functions of the Council.- (1) The Council shall consider and resolve difficulties arising in matters relating to Committees in the discharge of its functions.

(2) The meeting of the Council shall be convened by the Speaker as and when required.

- (3) The Secretary shall act as the Secretary to the Council.

E- COUNCIL OF SPEAKERS

244. Constitution of the Council.- (1) There shall be a Council of the Speakers, to be notified by the Speaker for the term of each Assembly, within thirty (30) days after the election of the Speaker.

(2) The Secretary shall notify the constitution of the Council of the Speakers in the Gazette.

245. Composition of the Council.- (1) The Council shall consist of all former Speakers and Deputy Speakers of the Assembly.

(2) The Speaker shall be the Chairperson of the Council.

246. Functions of the Council.- The Council shall-

- (a) finalize and approve items proposed by the Secretariat for the Speakers Conference.
- (b) act as an advisory forum to recommend reforms for improvement in the Assembly Business;
- (c) advise the Speaker on proposed amendments in the laws under consideration by the Standing Committee on Law Reforms and Control on Subordinate Legislation.
- (d) advise the Speaker on any matter referred to it by the Speaker; and
- (e) meet at least once a year , regardless of whether any business is referred to or pending before it .

F- COUNCIL OF CHIEF WHIPS

247. Composition of the Council.- (1) There shall be a Council of Chief Whips comprising the Chief Whips nominated by each Parliamentary Party having membership in the Assembly and nominee of the group of independent Members in the Assembly.

(2) The Speaker may declare the nominated Chief Whips and the Council not later than thirty (30) days of the nomination made by the Parliamentary Party.

(3) The Speaker shall be the Chairperson of the Council and Minister for Law and Parliamentary Affairs shall be member ex-officio.

248. Role and Functions of the Council.- (1) The Council shall consider and resolve difficulties arising in matters relating to the smooth functioning of the Assembly.

(2) The meeting of the Council shall be convened by the Speaker as and when required.

(3) The Council shall have such other functions as may be assigned to it by the Speaker, from time to time.

(4) The Secretary shall act as the Secretary to the Council.

CHAPTER XXIV **REPORTS TO BE LAID BEFORE THE ASSEMBLY**

249. Report on the observance and implementation of the Principles of Policy.- The report on the observance and implementation of the Principles of Policy in relation to the affairs of the Province when received, shall be laid before the Assembly in pursuance of clause (3) of Article 29 of the Constitution, by the concerned Minister for discussion.

250. Recommendations of the National Finance Commission.- The recommendations of the National Finance Commission, together with the explanatory memorandum as to the action taken thereon when received, shall be laid before the Assembly in pursuance of clause (5) of Article 160 of the Constitution for information by the Minister for Finance.

251. Biannual Reports on Monitoring and Implementation of National Finance Commission Award.- The Minister for Finance shall lay before the Assembly the biannual report on monitoring and implementation of National Finance Commission Award in pursuance of clause (3B) of Article 160 of the Constitution.

252. *Reports of Auditor-General.*-(1)The annual reports of the Auditor-General relating to the accounts of the Province when received, shall be laid before the Assembly in pursuance of Article 171 of the Constitution, by the Minister for Finance;

(2) The reports referred in sub-rule (1) shall be referred to the Public Account Committee of the Assembly for examination and report thereon.

253. *Report of Islamic Council.*-The report, whether interim or final, of the Islamic Council when received, shall be laid before the Assembly in pursuance of clause (4) of Article 230 of the Constitution by the concerned Minister.

254. *Other Reports.*— Any other report required to be laid in the Assembly under any law for the time being in force shall be so laid by the concerned Minister and shall be further dealt with according to the law under which it is laid before the Assembly.

255. *Procedures for Discussion on reports.*- (1) After the report on the observance and implementation of the Principles of Policy, Report of Islamic Council and any other report laid before the Assembly for discussion, the Speaker shall fix a date for discussion.

(2) On the day fixed for discussion under sub-rule (1), the Minister concerned may make a brief statement explaining the salient features of the report.

(3) The Members who desire to take part in the discussion may intimate in writing his intention to the Secretary at least one day prior to the day fixed for discussion.

(4) The Speaker may fix time limit for speeches:

Provided that the mover and Minister concerned may speak for fifteen minutes.

(5) The Assembly may after discussion, by a Resolution express its opinion or make any observation or recommendation on the report.

CHAPTER XXV
GENERAL RULES OF PROCEDURE

256. *Want of quorum.*- If, at any time during a sitting of the Assembly, notice is taken by a Member that the one fourth of the total membership to form a quorum mentioned in clause (2) of Article 55 read with Article 127 of the Constitution is not present, the person presiding shall, unless he is satisfied that such number of Members as is required to form the quorum is present, direct the division bells to be sounded and at the expiration of two minutes shall count the Members present. If less than the required number of Members is present, he shall either adjourn the Assembly till the next meeting day or suspend the meeting till such time the required number of Members is present.

257. *Language of the Assembly.*- (1) The proceedings of the Assembly may be conducted in Urdu, English, Pashto, Hindko or Saraiki languages.

(2) At the discretion of the Speaker, any speech may, immediately after its delivery, be translated in abstract by an official interpreter from Urdu, English, Pashto, Hindko or Saraiki, as the case may be, to either or the other two languages.

258. *Motion.*- A matter, requiring the decision of the Assembly, shall be decided by means of a question put by the Speaker, on a motion moved at a meeting of the Assembly.

259. *Notice of motion or amendment.*- Except as otherwise provided in these rules a Member who wishes to move a motion, shall give, in the case of a substantive motion, at least seven clear days' notice and in the case of an amendment, at least two clear days' notice in writing of his intention to the Secretary:

Provided that the Speaker may, in his discretion, allow a motion or amendment to be moved at shorter notice or without notice.

Explanation.- A substantive motion is a self-contained proposal submitted for the approval of the Assembly and drafted in such a way as to be capable of expressing a decision of the Assembly thereon.

260. *Speaker to amend notices and motions.*- If in the opinion of the Speaker, any notice or motion contains words, phrases or expressions

which are argumentative, un-parliamentary, ironical, irrelevant, verbose or otherwise inappropriate, he may, in his discretion, amend such notices or motion before it is circulated.

261. Who may move motion.- (1) Except as otherwise provided in these rules, a motion or amendment which requires notice may be moved only by the Member giving notice.

(2) If a motion or amendment is not moved, it shall be deemed to have been withdrawn.

262. Notice to be moved as appearing in the notice paper.- A motion or amendment shall not be moved in a form different from that in which it appears on the notice paper unless the Speaker, in his discretion, permits it to be moved in an altered form.

263. Repetition of motions.- (1) Save as otherwise provided in these rules, a motion or amendment shall not revive discussion on a matter which has been discussed in the Assembly or substantially identical with the one on which the Assembly has already given a decision within the last 30 days, except with the permission of the Speaker.

(2) The provisions of sub-rule (1), shall not be deemed to prevent the making of any of the following motions, namely:-

- (a) a motion for taking into consideration, or reference to a Standing Committee, of a Bill, where an amendment to the effect that the Bill be circulated for the purpose of eliciting opinion thereon has been carried to a previous motion for taking the Bill into consideration or for referring it to a Select or a Special Committee;
- (b) a motion for the amendment of a Bill which has been recommitted to a Select or a Special Committee or re-circulated for the purpose of eliciting opinion thereon;
- (c) a motion for the amendment of a Bill which is consequential or is designed to alter any provision of a Bill; or

- (d) a motion which has to be or may be made within a period determined by or under these rules.

264. Rules against anticipation.- A motion or amendment shall not anticipate a matter already appointed for consideration of the Assembly, and in determining whether a motion is out of order on the ground of anticipation, the Speaker shall have regard to the probability of the matter anticipated being brought before the Assembly within a reasonable time.

265. Proposal of question.- When motion has been moved, the Speaker may propose the question for the consideration of the Assembly, and if a motion embodies two or more separate propositions, those propositions may be proposed as separate questions.

266. Withdrawal of motion.- At any time, after a question on a motion has been proposed from the Chair and before the voices, both of "AYES" and "NOES", have been collected, the motion may, with the leave of the Assembly and not otherwise, be withdrawn by the Member who moved it:

Provided that-

- (a) if an amendment has been proposed to the question, the original motion cannot be withdrawn until the amendment has been disposed off;
- (b) if any Member dissents, the Speaker shall proceed to put the question on the motion; and
- (c) no discussion shall be permitted on a request for leave to withdraw a motion except with the leave of the Speaker.

267. Moving of amendments.-An amendment may be moved to a question after it has been proposed from the Chair, by the Member, who has given notice of the same.

268. Rules as to amendment.-(1) An amendment shall be relevant to, and within the scope of the motion, to which it pertains.

(2) An amendment shall not raise a question which, by these rules can only be raised by a substantive motion after notice.

(3) An amendment shall not be moved, which has merely the effect of a negative vote.

(4) After a decision has been given on an amendment to any part of question an earlier part cannot be amended and where an amendment to any part of a question has been proposed from the Chair, an earlier part cannot be amended, unless the amendment so proposed is withdrawn.

(5) An amendment on a question shall not be inconsistent with a previous decision on the same question given at the same stage of Bill or matter.

(6) The Speaker may direct that an amendment, which is grossly out of order be not put on the notice paper.

(7) To an amendment, when proposed from the Chair, an amendment may be moved.

(8) In respect of any motion, or in respect of any Bill under consideration in the Assembly, the Speaker shall have the power to select one of the several identical or substantially identical amendments to be proposed and, if he thinks fit, call upon the Member, who has given notice of an amendment, to give such explanation of the object of the amendment as may enable him to form a judgment upon it.

269. *Limitation on Debate.*—(1) Except as otherwise provided in these Rules whenever the debate on any motion in connection with a Bill or on any other motion becomes protracted, the Speaker may, after taking the sense of the Assembly, fix a time limit for the conclusion of discussion at any stage or all stages of the Bill or the motion, as the case may be.

(2) At the appointed hour, in accordance with the time limit fixed for the completion of a particular stage of a Bill or a motion, the Speaker shall, unless the debate is sooner concluded, forthwith put every question necessary to disposed off all the outstanding matters in connection with that stage of the Bill or the motion.

(3) The Speaker may fix time limit for a speech on a Bill or a motion.

270. *Closure.*—(1) At any time after a motion has been made, or is deemed to have been made under these rules, a Member may move “That the

question be now put” and, unless it appears to the Speaker that the motion is an abuse of these rules or an infringement of the right of reasonable debate, the Speaker shall put the motion “That the question be now put”.

(2) Where a motion under sub-rule (1) is carried, the question shall be put without amendment or debate, unless the Speaker allows a Member such right of reply as he may have under these rules.

271. Procedure for voting.-(1) Save as otherwise provided, the vote of the Members on any question put by the Speaker, may be taken by voices.

(2) If voting by voice is challenged, the Speaker shall ask the Members, who are in favour of "AYES" to stand and the Secretary shall count the number. After counting of the votes in favour of "AYES", the Speaker shall again ask those Members who are in favour of "NOES" to stand and the Secretary shall count them.

(3) The Speaker shall call any officer of the Assembly to count the Members present and the Speaker shall announce the number of Members present in the House.

(4) In case of counting, names of the voters shall not be recorded.

(5) The result of voting by a division shall be announced by the Speaker and shall not be challenged.

(6) On request of the Leader of the House or the Leader of Opposition, as the case may be, the Speaker may postpone the division for five minutes and direct that the division bells be sounded for two minutes to enable Members not present in the chamber to return to their places and participate in the voting.

272. Voting by Members.-(1) A Member may vote in a division, although he did not hear the question put.

(2) A Member is not bound to vote.

(3) A Member may not vote on any question, in which he has a direct pecuniary interest. If he votes on such a question, the vote may, on a substantive motion carried by the Assembly, be disallowed.

Explanation.- The “interest” contemplated in this rule shall be immediate and personal, and not remote or general.

273. Right of speech and mode of address.-(1) Except as otherwise provided in these rules, a Member may speak on any question before the Assembly or raise a point of order when called upon by the Speaker to do so.

(2) A Member, who desires to speak, shall speak from his place, and unless disabled by sickness or infirmity, shall rise when speaking and shall address the Speaker.

(3) The speech of a Member who speaks without the permission of the Speaker under sub-rule (1) shall not be recorded and it shall not form part of the proceedings of the Assembly.

274. Right to Speak.- A minister who is not a Member of the Assembly and has been appointed under clause (9) of Article 130 of the Constitution, the Advocate General and an Advisor appointed under clause (11) of Article 130 shall have the right to attend the sitting of the Assembly and its Committees, and may speak and otherwise take part in the proceedings thereof, but shall not be entitled to vote.

275. Procedure when Speaker rises.- Whenever the Speaker rises during a debate, any Member who is then speaking, or offering to speak, shall resume his seat.

276. Order of speeches.- After the Member, who moves the motion, has spoken, other Members may speak on the motion in such order, as the Speaker may call upon them. If more than one Member rise at the same time, the Member, whose name is called by the Speaker, shall only be entitled to speak.

277. Rule of debate.- (1) The subject matter of every speech shall be strictly relevant to the question before the Assembly.

(2) A Member while speaking shall not-

- (a) reflect upon the President or the Governor in his personal capacity; provided that nothing in this sub rule shall preclude any reference, subject to the provisions of the Constitution, to the President or the

Governor in relation to any act done in his official capacity.

- (b) utter unreasonable or defamatory words or make use of offensive expressions;
- (c) refer to a matter of fact on which a judicial decision is pending;
- (d) speak against or reflect on any determination of the Assembly except when he is moving to rescind the same;
- (e) make a personal charge against a Member, a Minister or the holder of a public office, except in so far as it may be relevant in regard to the matter before the Assembly;
- (f) criticize the working of the Assembly Secretariat;
- (g) use his right of speech for the purpose of willfully and persistently obstructing the business of the Assembly; and
- (h) utter treasonable, seditious or defamatory words or make use of offensive or un-parliamentary expressions;

Explanation.- In this clause, “**un-parliamentary expressions**” means any expression which imputes false motives to a Member or charges him with falsehood or as couched in abusive or indecent or undignified language.

278. Rule against reading.- Except with the permission of the Speaker a Member may not read his speech but may refresh his memory by reference to his notes.

279. Right of reply.- (1) Except in the exercise of a right of reply or as otherwise provided by these rules, no Member shall speak more than once on any motion, except with the permission of the Speaker for the purpose of making a personal explanation, but in that case no debatable matter may be brought forward.

(2) A Member, who has moved a motion, may speak again by way of reply, and if the motion was moved by a Private Member, the Minister, to whose Department the matter relates shall have the right to speak whether he has previously spoken or not in the debate, after the mover has replied:

Provided that nothing in this sub-rule shall be deemed to give any right of reply on an amendment except in the case of amendments proposed in the Bills and in the case of motions relating to supplies.

280. *Speaker may address Assembly.*- The Speaker may in all cases address the Assembly on matters relating to procedure before putting a question to the vote.

281. *Procedure when Speaker addresses.*— (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.

(2) No Member shall leave his seat while the Speaker is addressing the Assembly.

282. *Rules to be observed by Members present.*- A Member while present in the Assembly-

(a) shall not cross between the Chair and a Member who is speaking;

(b) shall not read any book, newspaper or letter, except in connection with the business of the Assembly;

(c) shall not interrupt any Member while he is speaking, except as provided in these rules and with the permission of the Speaker;

(d) Shall maintain silence when not speaking in the Assembly;
and

(e) Shall not use mobile phone.

283. *Questions to be asked through the Speaker.*- When for the purpose of explanation during discussion or for any other sufficient reason any Member has the occasion to ask a question of another Member on any matter then under consideration of the Assembly, he shall ask the question through the Speaker.

284. *Points of order and decision thereon.*-(1) A point of order shall relate to the interpretation or enforcement of these rules or such Articles of the Constitution as regulate the business of the Assembly and shall confine to a question which is within the cognizance of the Speaker.

(2) Subject to sub-rule (1), a point of order may be raised in relation to the business before the Assembly at the moment but in doing so a Member shall confine himself to stating the point.

(3) During division, a Member may raise a point of order only on a matter arising out of the division.

(4) The Speaker shall decide all points of order which may arise and his decision shall be final.

(5) No discussion or debate shall be allowed on any point of order but the Speaker may, if he thinks fit, hear Members before giving his decision.

285. *Allocation of time for points of public importance.*-(1) The Speaker may, after the disposal of Business on the Orders of the Day, allocate time for raising points of public importance by the Members.

(2) A point of public importance may not be raised before the Speaker has disposed of the earlier point of public importance.

(3) The Minister concerned may respond to a point of public importance raised by the Member at the sitting. In case the Minister concerned is not available, then the Speaker may decide to allow raising of such point on another day fixed for the purpose.

286. *Decisions, rulings and directions of the Speaker.*-(1) Subject to sub-rule (3), if the Speaker gives decision or ruling on any matter on the floor of the House or in his office on a file, the decision or the ruling shall not be called in question and shall be final.

(2) If the Speaker gives ruling in his office on a file, the Secretary shall circulate the ruling for information of the Members.

(3) The Speaker may, for reasons to be recorded in writing, review a decision made or ruling given under sub rule (1).

(4) The Speaker may issue such directions on the floor of the House, as he deems appropriate and his directions shall be communicated to the Department or authorities concerned and their attached or associated bodies.

(5) The Department or the authority concerned shall, within a period specified in the standing direction, and if not so specified, within thirty days, inform the Assembly Secretariat about the actions taken on the directions of the Speaker.

287. Irrelevance or repetition.—The Speaker after having called the attention of the Assembly to the conduct of a Member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other Members in debate, may direct him to discontinue his speech.

288. Power to order withdrawal of Member or suspend sitting.—(1) The Speaker shall preserve order and have all powers necessary for the purpose of enforcing his decision on all points of order.

(2) The Speaker may direct any Member whose conduct is in his opinion grossly disorderly to withdraw immediately from the Assembly and any Member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day. If any Member is ordered to withdraw a second time in the same session, the Speaker may direct the Member to absent himself from the meeting of the Assembly for any period not longer than the remainder of the session, and the Member, so directed, shall absent himself accordingly.

(3) The Member, so directed to be absent, shall not be deemed to be absent for the purposes of clause (2) of Article 64 read with Article 127 of the Constitution.

(4) The Speaker may, in the case of grave disorder arising in the Assembly, suspend any sitting for a time to be specified by him.

(5) The Speaker may appoint a Sergeant-at-Arms and such other officers, as he may consider necessary, to assist the Sergeant-at-Arms in carrying out the orders of the Speaker.

(6) If a Member, who has been ordered by the Speaker to withdraw from the Assembly, refuses to do so, the Sergeant-at-Arms shall, either by himself or with the assistance of such other officers, as are appointed under sub-rule (5), carry out such orders, as he may receive from the Speaker.

289. *Suspension of Member.*- (1) The Speaker may, if he deems it necessary, name a Member who disregards the authority of the Speaker or abuses these rules by consistently and willfully obstructing the business of the Assembly.

(2) If a Member is so named by the Speaker, he shall forthwith put the question that the Member (naming him) be suspended from the service of the Assembly for a period not exceeding the remainder of the session:

Provided that the Assembly may, at any time, on a motion made, resolve that such suspension be terminated.

(3) A Member suspended under this rule shall forthwith withdraw from the precincts of the Assembly.

290. *Admission to Galleries.*-The admission to the galleries of visitors and representatives of the Press during the sittings of the Assembly, shall be regulated in accordance with the orders made by the Speaker.

291. *Power to order withdrawal of strangers.*- The Speaker, whenever he thinks fit, may order visitors or representatives of the Press to leave the galleries or order any stranger to be removed.

292. *Parliamentary Caucuses and Cross-Party Forums.*- (1) The Speaker may, either upon the adoption of a motion by the Assembly or at his own initiative, establish Parliamentary caucuses or cross-party forums comprising Members of the Assembly.

(2) The caucuses or forums established under sub-rule (1) shall serve as platforms for Members from different political parties to collaborate on specific issues, foster dialogue, and promote the collective interests of the Assembly.

(3) Subject to the approval of the Speaker, each caucus or forum may formulate its own procedures for internal functioning:

provided that such procedures shall be in consistency with these Rules.

(4) The caucuses or forums shall lay regular reports on their activities and recommendations to the Assembly.

(5) The Secretary shall ensure that these reports are made available to all Members of the Assembly.

(6) The Speaker shall have the authority to determine the duration of each caucus or forum and may dissolve any caucus or forum if it is deemed to have fulfilled its purpose or is no longer serving the interests of the Assembly.

293. *Secret sitting.*-(1) On a request, made by the Leader of the House or any other Minister on his behalf, the Speaker may, in his discretion, fix a day or part thereof for sitting of the Assembly in camera.

(2) When the House sits in camera, no stranger shall be permitted to be present in the Chamber, lobby or galleries, except Secretary and such other officers of the Assembly as the Speaker may direct.

294. *Report of the proceedings of secret sitting.*-The Speaker may cause a report of the proceedings of a sitting in camera to be issued in such manner, as he thinks fit, but no other persons shall keep a note or record of any proceedings or decisions of a sitting in camera whether in part or full, or issue any report of, or divulge or purport to describe, such proceedings.

295. *Procedure in other respects of secret sitting.*-Subject to these rules, the procedure in all other respects in connection with a sitting in camera shall be in accordance with such directions as the Speaker may give.

296. *Disclosure of proceedings or decisions of secret sitting.*-Disclosure of the proceedings or of decisions made in secret sitting shall not be made by any person in any manner.

297. *Reports of proceedings.*- The Secretary shall cause to be prepared a full report of the proceedings of the Assembly at each of its sittings, and shall, as soon as practicable, publish it in such form and manner as the Speaker may, from time to time, direct.

298. Audio and Video Recordings of Assembly and Committee

Proceedings.– (1) The audio and video recordings of the Assembly and Committee Proceedings shall be broadcasted Live, and in order to make them accessible to Members and public at large at any time and place, be uploaded to such medium and in such manner as the Speaker may direct,:

Provided that for reasons of confidentiality or sensitivity, a Committee by a majority decision of its members, or the Speaker may determine that the audio or video recording of all or part of its proceedings shall not be made.

(2) The printed version of the debates, shall remain the authentic and official version of the proceedings and the audio and video recordings shall not be considered as its substitute.

299. Expunction of words from debates.–(1) If the Speaker is of the opinion that words have been used in debate, which are defamatory, indecent, un-parliamentary or un-dignified, he may in his discretion or if his attention is invited by any Member towards such words, order that such words be expunged from the proceedings of the Assembly.

(2) The expunged words shall not be printed, published or mentioned by any person including media and if so published, printed or mentioned shall amount to breach of privilege of the Assembly.

(3) The portion of the proceedings of the Assembly so expunged, shall be denoted by asterisk and an explanatory foot-note shall be inserted in the proceedings as follows:-

Expunged as ordered by the Speaker".

300. Custody of documents and records.–The Secretary shall have the custody of records, documents including the original documents notified in the gazette and papers belonging to the Assembly or any of its Committees or the Secretariat of the Assembly and he shall not permit any such record, documents or papers to be taken out of the Secretariat without the permission, in writing, of the Speaker.

301. Secretary may authorize any officer.– The Secretary may authorize any officer of the Assembly Secretariat to perform such duties as he may direct.

302. *Suspension of rules.*- Whenever any inconsistency or difficulty arises in the application of these rules, any Member may, with the consent of the Speaker, move that any rule may be suspended in its application to a particular motion before the Assembly and if motion is carried, the rule in question shall stand suspended.

303. *Residuary powers of the Speaker.*- Any matter arising in connection with the business of the Assembly and its Committees, for which no specific provision exists in these rules, shall be decided by the Speaker and his decision shall be final and all questions relating to the detailed working of these rules shall be regulated in such manner, as the Speaker may, from time to time, direct.

304. *Papers quoted to be laid before the Assembly.*- If a Minister or a Parliamentary Secretary quotes in the Assembly a dispatch or other State paper which has not been presented to the Assembly, he shall lay the relevant paper before the Assembly:

Provided that this rule shall not apply to any documents which are stated by the Minister or a Parliamentary Secretary to be of such a nature that their production would be against the public interest:

Provided further that where a Minister or a Parliamentary Secretary gives in his own words a summary or gist of such dispatch or State paper, it shall not be necessary to lay the relevant paper before the Assembly.

305. *Treatment of papers laid before the Assembly.*- (1) A paper or document to be laid before the Assembly shall be duly authenticated by the Member or the Minister or a Parliamentary Secretary laying it.

(2) All papers and documents laid before the Assembly shall be considered public papers and documents.

306. *Procedure when a Minister or a Parliamentary Secretary discloses sources of advice or opinion given to him.*- If, in answer to a question or during debate, a Minister or a Parliamentary Secretary discloses the advice or opinion given to him by any officer of Government or by any other person or authority, he shall ordinarily lay the relevant document or parts of document containing that opinion or advice or a summary thereof, before the Assembly.

307. Use of Assembly Chamber.- Except with the permission of the House, the Assembly Chamber shall not be used for any purpose other than the sitting of the Assembly.

308. Matters relating to the Secretariat of the Assembly. - Any matter relating to the Secretariat of the Assembly, including the conduct of its officers, may be asked of the Speaker by means of a private communication and not otherwise.

309. Transitional provisions.- If there be no Speaker at the time of the dissolution of the Assembly or if the Speaker continuing after the dissolution of the Assembly under clause (8) of Article 53 read with Article 127 of the Constitution resigns or dies or is otherwise absent, the Secretary shall take such actions, till the election of Speaker, as are necessary for the running of the day to day affairs of the Assembly, the convening of the first sitting of the Assembly after general elections and for the conduct of business by the Assembly.

310. Effect of retirement, etc., of a Member.- Business of a Member in respect of any matter under these rules shall lapse if the Member is appointed as Speaker, Deputy Speaker, Minister, Advisor, Special Assistant, Parliamentary Secretary or ceased to be a Member:

Provided that a Private Members Bill introduced in the Assembly shall not lapse.

311. Secretary to make announcements in the Assembly.- The Secretary may, when asked to do so by the Speaker or the Presiding officer, or in their absence, if required under the circumstances, make announcements in the Assembly.

312. Parliamentary Secretary may answer Question and Supplementary Question.-(1)A Member, appointed as Parliamentary Secretary, may answer questions and supplementary questions on behalf of the Minister concerned and perform such other functions in the Assembly as may be assigned to him by the Minister.

(2) Any clarification, answer or assurance given by the Parliamentary Secretary on behalf of a Minister under sub-rule (1), shall

be deemed to be clarification, answer or assurance given by the Minister concerned.

313. *Applicability of General Rules:*— Except for matters for which special provisions are made in these rules, the general rules contained in this Chapter shall apply to all matters; and if, any provision in the special rules relating to a matter is inconsistent with the general rules, the former shall prevail.

CHAPTER XXVI

AMENDMENT OF RULES

314. *Notice of proposal to amend rules.* - (1) Not less than fifteen clear days' notice of a motion for leave to amend the rules shall be given to the Secretary, unless the Speaker waives this notice period and allows the motion to be moved at a shorter notice. The notice shall be accompanied by a draft of the amendment proposed.

(2) The motion shall be included in the list of Business for such day as the Speaker may decide and copies thereof be made available to the Members.

315. *Procedure.* –(1)When the motion is reached, the Member-in-charge shall read out the draft of the amendment proposed and the Speaker shall ask whether the Member has leave of the Assembly. If objection is taken, the Speaker shall call those Members who are in favour of leave being granted, to rise in their seats, and if not less than one-fourth of the total membership of the Assembly so rise, the Speaker shall intimate that the Member has the leave of the Assembly. If less than one-fourth of the total membership of the Assembly rise, the Speaker shall inform the Member that he has not the leave of the Assembly.

(2) When a Member has the leave of the Assembly to proceed, he shall move that the draft be taken into consideration and to such a motion any other Member may move an amendment that the proposed amendment be referred to the Committee on Procedure and Conduct of Business Rules, Privileges and Implementation of Government Assurances.

(3) If the motion for consideration is carried, the proposed amendment would be put to the Assembly immediately for decision.

(4) If the amendment to refer the proposed amendment to the Committee is carried, the proposed amendment shall be referred to the Committee.

316. Subsequent procedure. - After a draft has been referred to the Committee, the procedure in regard to Bills similarly committed, shall be followed, as far as may be, with such variations as the Speaker may consider necessary or convenient.

317. Authentication of amendment made.—(1) When a rule or an amendment to a rule is passed by the Assembly, it shall come into force as soon as it is signed by the Speaker.

(2) The amendment so passed and signed by the Speaker shall be published in the Gazette and shall be posted on the official Website.

CHAPTER XXVII REPEAL

318. Repeal and Saving.—(1) The Provincial Assembly of Khyber Pakhtunkhwa, Procedure and Conduct of Business Rules, 1988 are hereby repealed.

(2) Notwithstanding the repeal under sub-rule (1), anything done, action taken, any instrument, order, ruling or notification issued under the rules repealed under sub-rule (1) shall be deemed to have been validly done, taken or issued under the provisions of these rules.

(3) Any reference to the provisions of the repealed rules in any instrument, order, ruling or notification issued under the repealed rules shall be construed as references to the corresponding provisions of these rules.

FIRST SCHEDULE
(See rule 34)

**BALLOT PROCEDURE FOR DETERMINING THE RELATIVE
PRECEDENCE OF PRIVATE MEMBERS' BILLS AND
RESOLUTIONS**

1. Not less than seven days before each day on which Private Members' business is to be transacted, the Secretary will cause to be placed in the Notice Office a numbered list. This list will be kept open for two days, and during these days and at hours when the Office is open, any Member who wishes to give or has given notice of a resolution or has given notice of a Bill, as the case may be, may have his name entered in the case of a ballot for resolutions, against one number only, or in the case of a ballot for Bills against one number for each Bill of which he has given notice up to the number of three.
2. The ballot will be held in the Committee Room before the Secretary and any Member who wishes to attend, may do so.
3. Paper with numbers corresponding to those against which entries have been made on the numbered list will be separately placed in a box.
4. A clerk will take out at hazard from the box one of the papers and the Secretary will call out from the list the corresponding name, which will then be entered on a priority list. This procedure will be carried out till all the numbers or in the case of a ballot for resolutions five have been drawn.
5. Priority on the list will entitle the Member to have set down, in the order of his priority for the day with reference to which the ballot is held, any

Bill or any resolution, as the case may be, of which he has given the notice required by the rules:

Provided that he shall then and there specify such Bill or Bills or such resolution.

SECOND SCHEDULE

(See rules 91 and 92)

FORM OF COMMUNICATION REGARDING ARREST, DETENTION, CONVICTION OR RELEASE, AS THE CASE MAY BE, OF A MEMBER

Place.....

Date.....

TO

The Speaker,
Provincial Assembly of Khyber Pakhtunkhwa.

Sir,
(A)

I have the honour to inform you that I have found it my duty, in the exercise of my powers under section..... of the..... (Act) to solicit consent that Mr..... Member of the Provincial Assembly of Khyber Pakhtunkhwa, be arrested/detained for (reason for the arrest or detention as the case may be).

Mr..... . Member, Provincial Assembly of Khyber Pakhtunkhwa, was accordingly arrested/taken into custody at time..... on..... (date) and is at present lodged in the..... (Jail)..... (Place).

(B)

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

On..... (date) after trial lasting for..... days, I found him guilty of..... and sentenced him to imprisonment for..... (period).

(His application for leave to appeal..... is pending consideration).

Name of the Court.

(C)

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

(Judge, Magistrate or Executive Authority).

THIRD SCHEDULE

PROFORMA FOR SUBMISSION OF PUBLIC PETITION

(See rule 150)

Important Information:

Petitioner's Name

Petitioner's Email

Petitioner's CNIC NO

Example: 12345-1234567-1

Petitioner's Mobile NO +92

Example: +92-123-1234567

Petitioner's Address

Petition Addressed to

Subject of Petition

Petition

Attach Annexure

Is the matter pending before any court of law, tribunal or any other adjudication.

FOURTH SCHEDULE

(see rule 18)

NOMINATION PAPER FOR ELECTION OF CHIEF MINISTER.

PART-A

(To be filled by the Proposer)

I, _____ Member of the Provincial Assembly

(Name of the Proposer)

of Khyber Pakhtunkhwa elected from constituency No.____ do hereby propose the name of _____ a Member of the Assembly elected from constituency No.____, for the election as Chief Minister under Article 130 of the Constitution.

I hereby declare that I have not subscribed to any other nomination paper for this election as Proposer or Secunder.

Dated_____

Signature of Proposer.

PART-B

(To be filled by the Secunder)

I, _____

(Name of the Secunder)

Member of the Provincial Assembly of the Khyber Pakhtunkhwa elected from constituency No.____, do hereby second the above proposal.

I hereby certify that I have not subscribed to any other nomination paper for this election as Proposer or Secunder.

Dated_____

Signature of Secunder.

PART-C
(To be filled by the Candidate)

I, _____

(Name of the Candidate)

Member of the Provincial Assembly of the Khyber Pakhtunkhwa elected from constituency No._____, do hereby declare that I have consented to the above proposal and that I am qualified to be elected as Chief Minister.

Dated _____

Signature of Candidate.

ACKNOWLEDGEMENT

Mr/Ms, _____ Member of the Provincial Assembly of the Khyber Pakhtunkhwa elected from constituency No._____, has delivered the nomination paper of Mr/Ms, _____ Member of the Assembly elected from constituency No._____, for election as Chief Minister on _____ at _____ am/pm. The nomination paper has been entered in the relevant Register at serial No._____.

SECRETARY
Provincial Assembly of Khyber Pakhtunkhwa.

FIFTH SCHEDULE
(see rules 21, 22 & 23)

**PROCEDURE FOR RECORDING OF VOTES IN THE CASE OF
CHIEF MINISTER.**

1. Before voting commences, the Speaker shall direct that the bells be rung for five minutes to enable members not present in the Chamber to be present. Immediately after the bells stop ringing all the entrances to the Lobbies shall be locked and the Assembly staff posted at each entrance shall not allow any entry or exit through those entrances until the voting has concluded.
2. The Speaker shall then read out the name of the candidates in case of election of the Chief Minister under rule 20 or as the case may be, the vote of confidence under rule 21 or vote of no confidence under rule 22 in the Chief Minister before the Assembly and ask the Member who wish to vote in favour of a candidate/vote of confidence/vote of no confidence to pass in single file through the entrance where tellers shall be posted to record the votes. On reaching the desk of the tellers, each Member shall, in turn, call out the division number allotted to him under these rules. The tellers shall then mark off his number on the division list simultaneously calling out the names of the Member. In order to ensure that his vote has been properly recorded, the Member shall not move off until he has clearly heard the teller call out his name. After a Member has recorded his vote, he shall not return to the Chamber until bells are rung under para- 3.
3. When the Speaker finds that all the Members who wished to vote have recorded their votes, he shall announce that the voting has concluded. Thereupon the Secretary shall cause the division list to be collected, count

the recorded votes and present the result of the count to the Speaker. The Speaker shall then direct that the bells be rung for two minutes to enable the Members to return to the Chamber. After the bells stop ringing, the Speaker shall announce the result of the poll to the Assembly.

SIXTH SCHEDULE
(see rule 9 and 11)
THE NOMINATION PAPER IN RESPECT OF ELECTION OF
SPEAKER AND DEPUTY SPEAKER
PART-A
(To be filled by the Proposer)

I, _____ (Name of Proposer _____) Member of the Provincial Assembly, elected from the Constituency No. _____ do hereby propose the Name of _____ a Member of the Provincial Assembly elected from Constituency No. _____ as candidate for the office of _____ of Provincial Assembly of Khyber Pakhtunkhwa, I have ascertained that the Member proposed is willing to serve as _____ if elected.

Dated, _____.

Signature of Proposer

PART-B
(To be filled by the Candidate)

I _____ Member of the Provincial Assembly, elected from the Constituency No. _____ do hereby declare that I have consented to the above proposal and willing to serve as _____ if elected.

Dated, _____.

Signature of the Candidate

ACKNOWLEDGEMENT

Mr/Ms, _____ Member of the Provincial Assembly of the Khyber Pakhtunkhwa elected from constituency No._____, has delivered the nomination paper of Mr/Ms, _____ Member of the Assembly elected from constituency No._____, for election as Speaker / Deputy Speaker on _____ at _____ am/pm. The nomination paper has been entered in the relevant Register at serial No._____.

SECRETARY

Provincial Assembly of Khyber Pakhtunkhwa.