



**PROVINCIAL ASSEMBLY
OF
KHYBER PAKHTUNKHWA
PROCEDURE AND CONDUCT
OF
BUSINESS RULES,
1988**

PREFACE

In pursuance of the provisions of clause (2) of Article 67 read with Article 127 of the Constitution of Islamic Republic of Pakistan, the Governor of the Khyber Pakhtunkhwa made Rules for regulating the Procedure and Conduct of Business in the Provincial Assembly on 25th October, 1973.

The Provincial Assembly made its own Rules on 18th June, 1975 under clause (1) of the aforesaid Article. The same were however, substituted by new Rules on 29th February, 1988.

The present addition of the Rules incorporates the amendments made on 3rd March, 1990, 17th March & 17th June, 1991, 1st July, 1992, 20th February, 1993, 15th July, 1996, 2nd & 13th May, 2011, 23rd February, 2012 and 21st August, 2015.

(NASRULLAH KHAN KHATTAK)
Secretary,
Provincial Assembly of Khyber Pakhtunkhwa

Peshawar;
The 17th July, 2018.

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**PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA**

**RULES OF PROCEDURE OF THE PROVINCIAL
ASSEMBLY OF THE KHYBER PAKHTUNKHWA**

**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, 1988.

(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 respectively assigned to them, that is to say,

- (a) "Accountant-General" means the Accountant-General of the Province or any other officer so designated by the Auditor-General of Pakistan for auditing the accounts of the Province;
- (b) "Adviser" means a Member 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) "Assembly" means the Provincial Assembly of the Khyber Pakhtunkhwa;
- (e) "Budget" means the statement laid before the Assembly under Article 120 or 124 of the Constitution, as the case may be;

- (f) "Committee" means a Committee constituted under these rules and includes a Special Committee appointed by the Assembly;
- (g) "Constitution" means the Constitution of the Islamic Republic of Pakistan;
- (h) "Gazette" or "Official Gazette" means the Gazette of the Province;
- (i) "Government" means the Government of the Province;
- (j) "Governor" means the Governor of the Province;
- (k) "Leader of the House" means the Chief Minister or the most senior Minister designated as such by the Chief Minister or in the absence of both any other Minister acting as such;
- (l) "Leader of the Opposition" means the Member who, in the opinion of the Speaker, is for the time being the Leader in the House of the largest Party in Opposition;

Explanation.-- For the purpose of this clause "Party" includes a coalition of parties.

- (m) "Member" means a Member of the Assembly;
- (n) "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;
- (o) "Minister" means a Minister of Government and includes the Chief Minister;

- (p) "Minister of Finance" means the Minister appointed by the Chief Minister to perform the functions of Minister of Finance of Government or any other Minister acting as such;
- (q) "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;
- (r) "Parliamentary Secretary" means a Member so appointed or designated by the Chief Minister under any law for the time being in vogue;
- (s) "Presiding Officer" means in relation to a sitting of the Assembly, any person who is presiding at that sitting;
- (t) "Private Member" means a Member who is not a Minister, Adviser or a Parliamentary Secretary;
- (u) "Province" means the Khyber Pakhtunkhwa Province;
- (v) "Rules" means the Procedure and Conduct of Business Rules framed by the Assembly under Article 67 read with Article 127 of the Constitution;
- (w) "Secretary" means the Secretary of the Assembly and includes any person for the time being performing the duties of the Secretary;
- (x) "Schedule" means a Schedule appended to these rules;
- (y) "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;
- (z) "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;

- (z1) "Speaker" means the Speaker of the Assembly, and includes the Deputy Speaker and person for the time being performing the duties of the Speaker;
 - (z2) "Starred Question" means a question for an oral answer;
 - (z3) "Table" means the Table of the House;
 - (z4) "Un-starred Question" means a question for a written answer.
- (2) Any word or expression defined in the Constitution and 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 Article 109, clause (2A) and clause (5) of Article 130 or clause (3) of Article 54 read with Article 127 of 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:

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 or through the local administration.

4. *Adjournment.*--Subject to the provisions of clause (b) of Article 109 and clause (3) of Article 54 read with Article 127 of the Constitution, as the case may be, and of these rules, the sitting of the Assembly may be adjourned from time to time by order of the Speaker.

5. *Prorogation.*-- (1) When the Assembly is prorogued, the Secretary shall cause a notification to that effect to be published in the Gazette.

(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.

CHAPTER III SEATING, OATH AND ROLL OF MEMBERS

6. ***Oath and Roll of Member.***-- A Member shall not sit or vote in the Assembly until he has made before the Assembly an oath as required by the Constitution, and he shall also sign the Roll of Members.

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

CHAPTER IV THE SPEAKER, THE DEPUTY SPEAKER AND PANEL OF CHAIRMEN

8. ***Election of Speaker.***- (1) At the first meeting of the Assembly after a general election and after the persons elected as Members who are present at that meeting have made the oath, the Assembly shall, before proceeding to the dispatch of any other business, proceed to elect the Speaker in the manner provided in this rule.

(2) The meeting of the Assembly for election of the Speaker shall be presided over by the outgoing Speaker and if he be absent, by such Member as may be nominated by the Governor for the purpose.

(3) At any time before the close of office hours 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 signed by him and stating in writing that he has ascertained that the Member proposed is *willing* to serve as Speaker, if elected.

(4) A Member who has been nominated may withdraw his candidature at any time before 11:00 P.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 obtaining 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 obtaining at ballot more votes than the aggregate of votes obtained by the other candidates shall be declared by the Presiding Officer to have been elected. If no candidate obtains 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 obtaining the lowest number of votes shall be excluded from the election. The balloting shall, in like manner, proceed with until one candidate obtains more votes than the remaining candidates in the aggregate, and the candidate obtaining such number of votes at any ballot shall be declared elected.

(9) Where at any ballot any two of the three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under sub-rule (8), the determination of the question as which of the candidates is to be excluded, shall be decided by the casting vote of the Presiding Officer.

(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.

9. *Vacancy in the office of the Speaker.*- (1) Whenever a vacancy occurs in the office of the Speaker, the Assembly shall elect from amongst its Members a Speaker in the manner provided in clause (3) of Article 53 read with Article 127 of the Constitution and rule 8 on such date as may be fixed by the Governor:

Provided that if the vacancy occurs during a session of the Assembly, the election shall be held during the same session, and if the vacancy occurs at a time when the Assembly is not in session, during the session next following.

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

10. *Election of Deputy Speaker.*- The procedure for the election of the Deputy Speaker shall *mutatis mutandis* be the same as that in respect of the election of the Speaker, except that the Speaker shall preside when the election is held.

11. *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 sub-clause (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 Members so rise, he shall call upon the Members concerned to move the resolution. In case at least one third of the total Members 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.

12. *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 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.

13. *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.

14. *Panel of Chairmen and temporary Chairman.* - (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 Chairmen, 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 Chairmen is present, the Assembly shall, if there is a quorum, by motion elect one of its Member present to preside and act as Speaker and for this purpose the Secretary shall hold the election.

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

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

15. *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

16. *Election of the Chief Minister to be with out 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 with out debate one of its members as the Chief Minister.

17. *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.

18. *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 17, 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 17 has not been complied with; or
- (c) the signature of the proposer or the seconder or the candidate is forged.

(3) Notwithstanding any thing 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.

18A. *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.

18B. *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.

18C. *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.

18D. Resolution for vote of no confidence against the Chief Minister. -(1) A notice of resolution under Article 136 of the Constitution shall be entered in the name of the Member concerned in the list of business for the first working day after the expiry of one clear day of receipt of notice.

(2) 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.

(3) 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.

(4) 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.

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

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

18E. Governor to be informed. -The Speaker shall, as soon as may be, inform the Governor,-

- (a) name of the Chief Minister elected under rule 18B; or
- (b) result of the vote of confidence under rule 18C; or
- (c) result of the vote of no confidence under rule 18D.”.

CHAPTER VI
SITTINGS OF THE ASSEMBLY

19. Commencement of the sitting.- Every sitting of the Assembly shall commence with a recitation from the Holy Qura'n followed by translation in Urdu or Pashto.

20. Sitting of the Assembly.- (1) Unless the Speaker otherwise directs, the Assembly shall meet while in session, on Sundays, Mondays, Tuesdays, Wednesdays and Thursdays:

Provided that if any of these days happen to be, or have been declared by Government as a public holiday there shall be no meeting of the Assembly on that day.

(2) During the session, unless otherwise directed by the Speaker, the following shall be the business hours of the Assembly:-

- | | | | |
|-----|--|-----|---------------------------------|
| (a) | in summer,
from 1st April to
30th September. | ... | from 9:30 A.M.
to 1:30 P.M. |
| (b) | in winter,
from 1st October
to 31st March. | ... | from 10:00 A.M.
to 2:00 P.M. |

(3) If the business set down in the List of Business for the day is completed earlier, or if it is not completed at 1:30 P.M. during summer and 2:00 P.M. during winter, 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) of rule 20".

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 73 is taken up, shall be resumed and proceeded with thereafter.

21. *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

CHAPTER VII
ARRANGEMENT AND TRANSACTION OF BUSINESS

22. *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 holiday, Private Members' business shall have precedence 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.

23. *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 precedence 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.

24. 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) no business, not included in the List of Business, shall be transacted at any sitting, except business of a formal or ceremonial nature which may be permitted by the Speaker; and
- (c) no business requiring notice shall be set down for a day earlier than the day following the day on which the period of the notice necessary for that class of business expires.

25. 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.

26. 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 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.

27. *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 sent by post to the Member's permanent address as registered in the Assembly Secretariat at other times.

CHAPTER VIII GOVERNOR'S ADDRESS AND MESSAGES TO AND FROM THE ASSEMBLY

28. *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 on the Governor's Address.

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

30. *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 IX QUESTIONS

31. *Time of questions.*- Except as otherwise provided in these rules, the first hour of every sitting, after the recitation from the Holy Quran 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 day the Budget is presented;
- (b) on the first day of the session;
- (c) on a holiday, if a sitting of the Assembly is held on such a day;
- (d) on a day fixed after a general election for making of oath by Members generally;
- (e) on a day fixed for election of the Speaker and the Deputy Speaker;
- (f) on a day fixed for moving of a resolution for vote of confidence in the Chief Minister;

- (g) on a day fixed for moving of resolution of no confidence in the --
 - (i) Speaker;
 - (ii) Deputy Speaker;
 - (iii) Chief Minister;
- (h) on a day fixed for address by the Governor;
- (i) on a day fixed for consideration or passage of the Finance Bill; and
on the days fixed for discussion on the Budget or for voting on demands for grants relating to the Budget.

32. *Notice of questions.*- 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.

33. *Short notice questions.*- 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.

34. *Form of notice of questions.*- (1) Notice of a 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 the Speaker, any question put down for oral answer 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 questions for written answers.

35. *Notice of admission of questions.*- 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.

36. *Number of questions to be put on any one day.*- (1) Not more than five Starred Questions and five Un-starred Questions from the same Member shall be placed on the list of questions for any one day.

(2) The questions shall be put on the list of questions in the order in which their notices are received, but 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.

37. *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.

38. *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 laid on the Table by the Minister concerned or the Member to whom the question is addressed and no 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.

39. *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.

40. *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.

41. *Admissibility of questions.*- In order that question may be admissible, it shall satisfy 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.

42. *Questions relating to the Secretariat of the Assembly.*- Question 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.

43. *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.

44. *List of questions.*- Subject of rules 32 and 37 questions which have not been disallowed 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.

45. 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.

46. Supplementary questions.- When a Starred Question has been answered, any Member may ask such supplementary questions as may be necessary for the elucidation of the answer, but the Speaker shall disallow a supplementary question which, in his opinion, either infringes any provision of the rules relating to the subject matter and admissibility of questions or is otherwise an abuse of the right of asking questions.

47. Prohibition of discussion on question or answer. - There shall be no discussion on any question or answer, except as provided in rule 48.

48. 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 X
LEAVE OF ABSENCE, RESIGNATION AND VACATION OF
SEATS IN THE ASSEMBLY**

49. *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.

50. *Resignation of seat.*- (1) When a Member resigns his seat under clause (1) of Article 64 read with Article 127, the Speaker shall, as soon as may be after he has received an intimation in writing from a Member under his hand resigning his seat in the Assembly, inform the Assembly of the resignation:

Provided that, when the Assembly is not in session, the Speaker shall inform the Assembly immediately after it reassembles that such Member has resigned his seat in the Assembly.

(2) The Secretary shall, as soon as may be after the Speaker has received intimation from a Member resigning his seat in the Assembly, 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 Chief Election Commissioner for taking steps to fill the vacancy thus caused.

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

(2) 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 Chief Election Commissioner for taking steps to fill the vacancy thus caused.

52. *Attendance register.*- The Secretary shall cause a register to be kept showing the attendance of each Member at each sitting and shall make the register available for inspection by the Members.

CHAPTER X-A CALL ATTENTION NOTICE

52-A. *Procedure regarding Call Attention Notice.*- A Member may with the previous permission of the Speaker, 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 two such notices for any one sitting.

52-B. *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.

52-C. *Member giving notice.*- 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.

52-D. Precedence of Notices.- Notices for a sitting received not later than one hour the time fixed for the sitting shall be deemed to have been received for the sitting on that day and a ballot shall be held to determine the relative priority of each such notice on the same subject. Notices received later than one hour before the time fixed for the sitting shall be deemed to have been given for the next sitting.

52-E. Restriction on raising matters.- Not more than two such matters shall be raised at the same sitting.

52-F. 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.

52-G. Notices to lapse.- All the notices which have not been taken up at the sitting for which they have been given shall lapse at the end of the sitting.

CHAPTER XI QUESTION OF PRIVILEGES

53. Question 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.

54. Notice of question of privilege.- A Member wishing to raise a question of privilege shall give notice in writing to the Secretary before the commencement of the sitting on the day the question is proposed to be raised. If the question raised is based on a document, the notice shall be accompanied by the document, unless the Member satisfies the Speaker that the document is not readily available:

Provided that 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.

55. Condition for admissibility of question of privilege.- The right to raise a question of privilege shall be governed by following conditions:-

- (a) not more than one question shall be raised by the same Member at the same sitting regarding the same subject matter;
- (b) the question shall relate to a specific matter of recent occurrence;
- (c) the matter shall be such as requires the intervention of the Assembly; and
- (d) the question shall not reflect on the personal conduct of the Governor.

56. Mode of raising a question of privilege.- The Speaker shall, after the disposal of questions and before the List of Business is entered upon, call upon the Member who gave the notice and thereupon the Member shall raise the question of privilege and make a short statement relevant thereto:

Provided that where a Member is allowed to raise a question of privilege during the course of a sitting under the provision of rule 54, he shall raise the question immediately after he is being allowed to do so or at such other time as the Speaker directs.

57. Time for question of privilege.- A question of privilege shall have precedence over adjournment motions.

58. 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 of privilege or may, on a motion either by the Member who raised the question or by any other Member, refer it to the Committee on Procedure and Conduct of Business Rules, Privileges and Implementation of Government Assurances, for report.

59. 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.

60. Report of Committee.- (1) The Committee shall meet as soon as may be after a question 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 one month 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 Chairman on behalf of the Committee, or in case the Chairman 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 as 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.

61. Consideration of the report.- After the motion made under sub-rule (4) of rule 60 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.

62. *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.

63. *Intimation to Speaker by Magistrate, etc., of arrest, detention etc, of a Member.*- When a Member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained under any executive order, the court or executive authority, as the case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or imprisonment of the Member in the appropriate form set out in the Second Schedule.

64. *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.

65. *Treatment of communications received from Magistrate, etc.*- As soon as may be, the Speaker shall, after he has received communication referred to in rule 63 or rule 64 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.

65A. *Production of Member in custody for a sitting of the Assembly.*-(1) The Speaker, on the written request of the Member in custody or on his behalf by the respective Parliamentary Party Leader, may, if deemed appropriate summon the Member in custody on the charge of non-bailable offence to attend a sitting or sittings of the Assembly.

(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-Arm, who shall, after the conclusion of the sitting of the House, deliver the Member into the custody of the Government or other authority concerned.

CHAPTER XII STATEMENTS AND PERSONAL EXPLANATIONS

66. *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.

67. *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.

68. *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 XIII ADJOURNMENT MOTIONS

69. *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 may be made with the consent of the Speaker.

70. *Method of giving notice.*- Notice of a motion under rule 69 shall be given in writing in triplicate 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.

71. *Restrictions on right to make adjournment motion.*- The right to move for an adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance, shall be subject to the following restrictions, namely:

- (a) not more than one such motion shall be made on any one day but motions, if any remaining unconsidered as regards their admissibility 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;
- (b) the motion shall relate to a single specific matter of recent occurrence, if no sufficient time is available to the Member to move a resolution;
- (c) the motion shall not revive discussion on a matter which has been discussed in the same session;
- (d) the motion shall not anticipate a matter for consideration of which a date has been previously appointed. In determining whether a motion should be disallowed on the ground of anticipation, due regard shall be had to the probability of the matter anticipated being brought before the Assembly within a reasonable length of time;
- (e) the motion shall not deal with a matter in respect of which a resolution could not be moved;
- (f) the motion shall not relate to a matter of privilege;
- (g) the motion must not deal with a hypothetical case;
- (h) the motion must not relate to matters which can only be remedied by legislation;

- (i) no motion shall be moved on any day fixed for the general discussion on the Budget; and
- (j) the motion shall not deal with any matter which is subjudice.

72. *Time for asking leave for motion for adjournment .-* Leave to make a motion for adjournment shall be asked for after questions and before the List of Business is entered upon.

73. *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 fourteen Members rise in their seats, the Speaker shall inform the Member that he has not the leave of the Assembly.

(3) If not less than fourteen Members 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.

74. *Time limit for determination of admissibility.-* On any one day, the aggregate time taken for asking for leave under rule 72 and the grant of with-holding of leave under rule 73 shall not exceed half an hour.

75. *Limitation of time of discussion.-* On motion to adjourn for the purpose of discussing a definite matter of urgent public importance, 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.

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

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

CHAPTER XIV LEGISLATION

77. *Notice of motion for leave to introduce a Private Members' Bill.*- Any Member other than a Minister desiring to move for leave to introduce a Bill, shall give fifteen days' notice of his intention and shall, together with his notice, submit a copy of the Bill and a full statement of objects and reasons.

78. *Notice of a Government Bill.*- (1) A Minister may move for leave to 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.

(3) No Statement of Objects and Reasons shall be required for a Bill which stands introduced in the Assembly in pursuance of clause (3) of Article 128 of the Constitution.

(4) When the item is called, the Member-in-Charge shall forthwith move to introduce the Bill, and on the motion being made the Bill shall stand introduced without discussion.

(5) When an Ordinance is laid before the Assembly under clause (2) of Article 128 of the Constitution, it shall be deemed to be a Bill introduced in the Assembly and the Secretary shall make such adaptations in it as are necessary to convert it into a Bill.

(6) The Secretary may, if required by the Member-in-Charge, include in the Ordinance so adapted a clause repealing the Ordinance.

79. *Previous consent for introduction of Bills.*- (1) If notice is given of a motion to introduce a Bill or to move an amendment which, in the opinion of the Speaker, cannot be introduced or moved

save with previous consent of Government, the Speaker shall, as soon as may be after the receipt of the notice, refer the Bill or the amendment to Government and the notice shall not be placed on the List of Business unless Government have indicated to the Speaker that the necessary consent has been granted;

Provided that the Government shall indicate necessary consent with in one month of the receipt of such notice by the concerned Department and if the Government fails to do so the Government shall be deemed to have granted and indicated to the Speaker necessary consent to such notice at the expiration of the said period.

(2) If any question arises whether a Bill or amendment is or is not a Bill or amendment which cannot be introduced or moved save with previous consent, the decision of the Speaker thereon shall be final.

80. *Motion for leave to introduce Bills.*- If a motion for leave to introduce a Bill under rule 77 is opposed, the Speaker, after permitting, if he thinks fit, a brief explanatory statement from the Member who moves and from the Member who oppose the motion, may put the question without further debate:

Provided that where an important measure is offered by a Member and it is expected that the motion will be negatived, the Speaker may allow a full exposition of the character and objects of the Bill by the Member who moves and the Member who opposes the motion, but such exposition shall be confined to the principles underlying the Bill.

81. *Previous publication of Bills.*- As soon as may be after a Bill has been introduced, the Bill shall be published in the Gazette:

Provided that the Governor may order the publication of any Bill together with the Statement of Objects and Reasons accompanying it in the Gazette, although no motion has been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave and if the Bill is afterwards introduced it shall not be necessary to publish it again:

Provided further that it shall not be necessary to publish in the Gazette the Bill which stands introduced under clause (3) of Article 128 of the Constitution.

82. *Motion after introduction.*- (1) When a Bill is introduced or on some subsequent occasion the Member-in-Charge may make one of the following motions in regard to his Bill, namely:-

- (a) that it be taken into consideration by the Assembly either at once or at some further day to be then specified; or
- (b) that it be referred to appropriate Standing Committee or a Select Committee; or
- (c) that it be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion:

Provided that no such motion shall be made until after copies of the Bill have been made available for the use of Members, and that any Member may object to any such motion being made unless copies of the Bill have been so made available for three clear days before the day on which the motion is made and such objection shall prevail unless the Speaker, in the exercise of his power to suspend this rule allows the motion to be made.

(2) If any Member is unacquainted with English, the Secretary may, if required, cause the Bill to be translated into Urdu or Pashto as circumstances may require.

83. *Person by whom motions in respect of Bills may be made.*- (1) No motion that a Bill be taken into consideration or be passed shall be made by any Member other than the Member-in-Charge of the Bill, and no motion that a Bill be referred to the appropriate Standing Committee or a Select Committee or be circulated or re-circulated for the purpose of eliciting opinion thereon shall be made by any Member other than the Member-in-Charge, except by way of an amendment to a motion made by member-in-Charge.

(2) For the purpose of this rule "Member-in-Charge of the Bill" means, in the case of a Government Bill, any Member acting on behalf of Government and in any other case, the Member who has introduced the Bill.

84. *Bills repugnant to the teachings of Islam.*- (1) If a Member raises objection that a Bill as a whole, or any part of the Bill, is repugnant to the teachings and requirements of Islam as set out in the Holy Quran and Sunnah, the Assembly may, by a motion, refer the question to the Council of Islamic Ideology for advice whether the Bill or any part thereof is or is not repugnant to the teachings and requirements of Islam.

(2) Notwithstanding the fact that the Assembly has referred the question whether a Bill or any part thereof is repugnant to the teachings and requirements of Islam for advice to the Council of Islamic Ideology, the Assembly may at any time decide to proceed with the Bill, if it considers that in the public interest the passage of the Bill should not be postponed till the advice is furnished.

85. *Discussion of Principles of Bills.*- (1) On the day on which any of the motions referred to in rule 82 is made or on any subsequent day to which the 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 no amendments to the Bill may be moved; but-
- (a) if the Member-in-Charge moves that his Bill be taken into consideration, any Member may move as an amendment that the Bill be referred to the appropriate Standing Committee or 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 the appropriate Standing Committee or a Select Committee, any Member may move as 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 out, and the Bill is circulated in accordance with that direction and opinions are received thereon, the Member-in-Charge, if he wishes to proceed with the Bill thereafter, must move that the Bill be referred to a Select Committee, unless the Speaker, in exercise of his power to suspend this rule allows a motion to be made that the Bill be taken into consideration.

86. *Composition of Select Committee.*- (1) The Minister to whose Department a Bill relates, the Member-in-Charge of the Bill, the Minister for Law and Parliamentary Affairs, the Advocate General and either the Deputy Speaker or a Member of the panel of Chairmen, as may be nominated by the Speaker, 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.

(2) The other members of the Committee shall be appointed by the Assembly when the motion that the Bill be referred to a Select Committee is made, or in the case of a motion made by way of amendment under rule 85 on that day or at any subsequent sitting:

Provided that a Select Committee shall not, except with the leave of the Assembly consist of more than ten members.

87. *Quorum.*- The quorum of a Select Committee shall be fixed in the motion for reference of the Bill to the Committee and may be varied, if necessary by the order of the Assembly.

88. *Vacancy on Select Committee.*- Any vacancy which occurs on a Select Committee through death, resignation, absence from Pakistan, inability to attend to duty 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 be 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.

89. *Chairman of Select Committee.*- (1) The Minister to whose Department a Bill relates shall be the Chairman of the Committee and in his

absence the Deputy Speaker or a member of the panel of Chairmen, as the case may be, shall be the Chairman of the Committee. In the absence of any one of them at any meeting the Committee may choose any other member present to act as the Chairman of the Committee for that meeting.

(2) The Chairman shall have a second or casting vote in the case of equality of votes.

90. *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.

91. *Meeting of Select Committee.*- The meeting of a Select Committee shall be held on such date at such hour and at such places as the Chairman of the Committee may fix.

92. *Proceedings of Select Committee.*- (1) A Select Committee may hear expert evidence and the representative of any special interest affected by the measures before it.

(2) The rules regarding debate and amendments in a Select Committee shall be the same as those for the Assembly, except that a member may, with the consent of the Chairman, speak more than once on the same question and except also that no dilatory motion shall be allowed.

93. *Amendment by Select Committee.*- A Select Committee shall have power to make such amendments in the Bill as it thinks fit:

Provided that such amendments are relevant to the subject matter of the Bill and are not beyond the scope of the Bill.

94. *Report of 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 91 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 three months from the date on which the Assembly adopted the motion for the reference of the Bill to the Select Committee:

Provided further that the Assembly may, at any time on a motion being made, direct that the time for the making of the report by the Select Committee be extended to a date specified in the motion.

(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 republication. 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 shall ordinarily be signed by all members of the Committee, but the signature on the report by the Chairman will be sufficient authentication thereof, and if any member is not able to sign the report, a note shall be added to the report giving the reasons why such member could not sign it. If any member desires to record a minutes of dissent on any point, he must sign the report stating that he does so subject to his minutes of dissent and must hand over his minutes within such time as may be fixed for that purpose by the Chairman.

(5) Every such minutes of dissent shall be confined to a discussion of the matter contained in the Bill or in the report and shall be free from personal remarks.

(6) If any such minutes of dissent is open to objection under the foregoing provision, the Speaker shall cause it to be returned to the member concerned for the purpose of amendment, and if the member does not, within such time as the Speaker may fix in this behalf, re-submit the minutes duly amended, the Speaker shall order such words, phrases or expressions as are deemed by him to be un-parliamentary or otherwise inappropriate, to be expunged from the minutes of dissent.

95. *Presentation of report.*- (1) The report of the Select Committee along with minutes of dissent, if any, shall be presented to the Assembly by the Member-in-Charge of the Bill.

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

96. *Printing and publication of report.*- (1) The Secretary shall cause every report of a Select Committee together with the minutes of dissent, if any, to be printed, and a copy thereof shall be made available for the use of every Member. The report with the minutes of dissent, if any, and the amended Bill shall be published in the Gazette.

(2) If any Member is unacquainted with English, the Secretary may, if required, cause the report to be translated into Urdu or Pashto as circumstances may require.

97. *Procedure after presentation of report.*- (1) After the presentation of the final report of a Select Committee on a Bill, the Member-in-Charge may move--

- (a) that the Bill, as reported by the Select Committee, be taken into consideration: provided that any Member of the Assembly may object to its being so taken into consideration if a copy of the report has not been made available for the use of Members for three days and such objection shall prevail unless the Speaker, in exercise of his power to suspend this rule, allows the Bill to be taken into consideration; or
- (b) that the Bill, as reported by the Select Committee, be re-committed to the same Select Committee either-
 - (i) with respect to particular clauses or amendments only; or

- (ii) with instructions to the Select Committee to make some particular or additional provision in the Bill; or
- (c) that the Bill, as reported by the Select Committee, be circulated or re-circulated for the purpose of obtaining opinion thereon.

(2) If the Member-in-Charge moves "that the Bill be taken into consideration" any Member may move as an amendment "that the Bill be recommitted or be circulated or re-circulated for the purpose of obtaining opinion thereon".

98. *Moving of amendments.*- When a motion that a Bill be taken into consideration has been carried, any Member may move an amendment in the Bill.

99. *Rules as to amendments.*- (1) An amendment shall be relevant to the subject matter of the Bill and the subject matter of the clause to which it relates.

(2) An amendment shall not be worded in such a way as to make the clause which it proposes to amend unintelligible or ungrammatical.

(3) 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.

(4) The Speaker shall determine the clause in which an amendment shall be moved.

(5) The Speaker may refuse to propose an amendment which is, in his opinion, frivolous or meaningless.

100. *Notice of amendments.*- (1) If notice of a new clause or a proposed amendment has not been given two clear days before the day on which the new clause is moved or consideration of the clause to which the amendment

is proposed is commenced, any Member may object to the moving of the new clause or the amendment, and such objection shall prevail unless the Speaker, in exercise of his power to suspend this rule, allows the new clause or amendment to be moved:

Provided that, in the case of a Government Bill of which notice has been received from the Member-in-Charge, the amendment shall not lapse by reason of the fact that the Member-in-Charge has ceased to be a Minister or a Member and such amendment shall be printed in the name of the new Member-in-Charge of the Bill.

(2) The Secretary shall, if time permits, cause every such notice to be printed, and a copy thereof to be made available for the use of every Member.

(3) If any Member is unacquainted with English, the Secretary may, if required, cause every such notice to be translated into Urdu or Pashto as circumstances may require.

101. *Arrangement of amendments.*- Amendments of which notice has been given shall, as far as practicable, be arranged in the list of amendments, issued from time to time, in the order in which they may be called. In arranging amendments raising the same question at the same point of a clause, precedence may be given to an amendment moved by the Member-in-Charge of the Bill. Subject as aforesaid, amendments may be arranged in the order in which their notices are received.

102. *Submission of Bill clause by clause.*- (1) Notwithstanding anything contained in these rules, it shall be in the discretion of the Speaker, when a motion that a Bill be taken into consideration has been carried, to submit the Bill, or any part of the Bill, to the Assembly clause by clause. When the procedure is adopted, the Speaker shall call each clause separately and when the amendments relating to it have been dealt with, shall put the question "that this clause (or as the case may be, that this clause as amended) stands part of the Bill".

(2) The Speaker may, if he thinks fit, put as one question group of clauses to which no amendments have been offered:

Provided that if a Member requests that any clause be put separately, the Speaker shall put that clause separately.

103. *Order of amendments.*- Amendments shall ordinarily be considered in the following order, namely:-

- (a) new clauses are offered first, priority being given to the clauses moved by the Member-in-Charge of the Bill;
- (b) amendments to clause in the order in which, if agreed to, they will stand in the amended Bill, provided that if a proposed amendment be withdrawn, a prior amendment may be moved, and

provided further that it shall be in the discretion of the Speaker to allow an amendment to a clause although the Assembly has passed to the subsequent clause of the Bill;

- (c) new schedules, if any;
- (d) original schedules;
- (e) amendments in the preamble, if any; and
- (f) amendments in the title, if necessary.

104. *Procedure on new clauses.*- A Member proposing a new clause on the consideration of a Bill, shall in the first instance, ask for leave to move the clause, and if leave is given, may move it. The question shall then be proposed from the Chair, "that the clause be considered", Members may speak in support of the clause or oppose it. If the question be affirmed, amendments may be proposed to the clause. After the amendments have been disposed off, the Speaker shall put the question "that the clause (or the clause as amended, as the case may be) be added to the Bill".

105. *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 and no amendment of the Bill is made, the Member-in-Charge may at once move that the Bill be passed.

(2) If amendments have been made in a Bill, the Speaker on his own motion may, and on the request of any Member shall, direct that the Bill be examined with a view to report what amendments of a formal or consequential character should be made in the Bill as a matter of drafting by a committee consisting of the Minister of whose Department the Bill relates, the Member who introduced the Bill, Advocate-General and the Deputy Speaker or Member of the panel of Chairmen nominated by the, Speaker and such report shall be presented within such period as the Assembly may direct.

(3) When the report has been presented and the decision of the Assembly on the amendments proposed has been made, the Member-in-Charge may at once move that the Bill be passed.

106. *Scope of debate on the motion for passing of the Bill.*- The discussion on a motion that the Bill be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech a Member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character.

107. *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 of the following motions made by the Member-in-Charge in regard to a Bill under these rules is rejected by the Assembly, no further motion shall be made with reference to the Bill within a period of six months from the date of rejection;

(a) that leave be granted to introduce the Bill;

- (b) that the Bill be referred to the appropriate Standing Committee or a Select Committee;
- (c) that the Bill be taken into consideration;
- (d) that the Bill as reported by the Standing Committee or the Select Committee, as the case may be, be taken into consideration; and
- (e) that the Bill (or as the case may be, that the Bill as amended) be passed.

108. *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.

109. *Authentication and submission of Bills to the Governor.*- When a Bill has been passed by the Assembly, a copy of the Bill signed by the Speaker shall be presented by the Secretary to the Governor under Article 116 of the Constitution.

110. *Bills assented to by the Governor.*- When a Bill passed by the Assembly is assented to or is deemed to have been assented to by the Governor under Article 116 of the Constitution, the Speaker shall immediately cause it to be published in the Gazette as an Act of the Provincial Legislature.

CHAPTER XV

PROCEDURE IN REGARD TO RESOLUTIONS FOR DISAPPROVAL OF ORDINANCES

111. *Resolutions regarding Governor's Ordinances.*- (1) As soon as possible after the Governor has promulgated an Ordinance under Article 128 of the Constitution, printed copies of such Ordinance shall be made available to the Members of the Assembly by the Secretary. Any Member may give three clear days notice of his intention to move a

resolution disapproving the Ordinance and if such a notice is received, the Speaker shall, notwithstanding any thing to the contrary contained in these rules, fix time for the discussion of such resolution within three days of commencement of the session immediately following the promulgation of the Ordinance if three days' notice is to complete at the time of commencement of the session or within six days of the receipt of the notice if notice is given after commencement of the session as the case may be.

(2) If the resolution is carried, the Secretary shall publish the decision of the Assembly in the Gazette.

CHAPTER XVI POWER OF FEDERAL LEGISLATURE TO LEGISLATE FOR TWO OR MORE PROVINCES

112. *Resolution regarding joint legislation by the Federal Legislature for two or more Provinces.*- (1) A Member may give seven days' notice to the Secretary of a resolution under Article 144 of the Constitution for moving the Federal Legislature to pass an Act for regulating any matter not enumerated in either list in the Fourth Schedule of the Constitution.

(2) On expiry of seven days from the said notice, the Secretary shall include the said resolution in the List of Business for the next meeting day.

(3) If the resolution is passed by the Assembly the Speaker shall convey the resolution to the Federal Legislature.

CHAPTER XVII PETITIONS RELATING TO BILLS

113. *Petition relating to Bills.*- Petitions relating to a Bill which has been published under rule 81 or which has been introduced, may be presented or submitted in accordance with these rules.

114. *Presentation of petitions.*- Any such petition may be presented by a Member, or be forwarded to the Secretary. In latter case, the fact shall be reported by him to the Assembly and no debate shall be permitted on the making of such report.

115. Form of presentation.- A Member presenting a petition shall confine himself to a statement in the following form:-

"I present a petition signed by.....petitioner regarding..... Bill" and no debate shall be permitted on this statement.

116. Nomination of Committee on petitions.- (1) A Committee on petitions shall be constituted at the commencement of each session of the Assembly and shall consist of the Deputy Speaker, who shall be Chairman, and six members, nominated by the Speaker, of whom one shall be a member of the panel of Chairmen. In the absence of the Deputy Speaker, the member from the panel of Chairmen shall preside. In the absence of both, the Committee shall elect its Chairman.

(2) The Speaker may, if he thinks fit fill up any vacancy occurring on the Committee during the session.

(3) The Committee shall continue to function till a new Committee is nominated.

(4) The quorum for the meeting of the Committee shall be three.

117. Reference to Committee.-Every petition, after presentation by a Member or reported by the Secretary, as the case may be, shall be referred to the Committee.

118. Examination and report by Committee.- (1) The Committee shall examine every petition referred to it, and shall report to the Assembly, stating the subject-matter of the petition, the number of persons by whom it is signed and whether it is in conformity with the rules. If the petition is in conformity with the rules, the Committee may in its discretion, direct that it be circulated as a paper pertaining to the Bill to which it relates. The Committee shall, in its report, state whether circulation has or has not been directed, and where circulation has not been directed, the Speaker may in his discretion, direct that the petition be circulated. Such circulation shall be of the petition, in extenso or of a summary thereof, as the Committee or the Speaker, as the case may be, may direct.

(2) The report of the Committee shall be signed and presented to the Assembly by the Chairman of the Committee on behalf of the Committee:

Provided that in case the Chairman is absent or is not readily available the Committee shall choose another member to sign and to present the report on behalf of the Committee.

119. *Printing, countersignature and language of petition.*- (1) Every petition shall-

- (a) either be in English or Urdu or Pashto;
- (b) if presented by a Member, be countersigned by him; and
- (c) be couched in respectful and temperate language.

(2) No letter, affidavit, appendix or other documents shall be annexed to a petition.

(3) A Member shall not present a petition from himself.

120. *Authentication by signatories to petitions.*- The full name and address of every signatory to a petition shall be set out therein and shall be authenticated by the signatory, if literate, by his signature and if illiterate, by his thumb-impression.

121. *Petitions to whom to be addressed and how to be concluded.*- Every petition shall be addressed to the Assembly and shall conclude with a prayer, reciting the definite object of the petitioner in regard to the Bill to which it relates.

122. *General form of petition.*- The general form of petition set out in the Third Schedule with such variations as the circumstances of each case require, may be used and, if used, shall be sufficient.

**CHAPTER XVIII
RESOLUTIONS**

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

Explanation.- General public interest means a matter of interest at Provincial or National level and does not include development projects for which resources, feasibility reports and other technical requirements are pre-requisite.

124. *Notice of resolution.*-(1) A Private 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.

125. *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:

Provided that 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.

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

(4) It shall not 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.

(5) It shall not relate to any matter which is under adjudication in a court of law having jurisdiction in any part of Pakistan.

(6) It shall not contain a reflection on the President, Governor or a judge of the Supreme Court or a High Court.

126. *Raising discussion on matter before Tribunals Commissions, etc.*- No resolution which seeks to raise discussion in respect of a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions of any commission of court of enquiry appointed to enquire into or investigate any matter, shall be permitted to be moved.

127. *Admissibility of resolution.*- (1) The Speaker shall decide the admissibility of a resolution and disallow any resolution, which in his opinion, it 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 admitted as amended or disallowed for a specific reason, as the case may be.

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

- (a) decline to move the resolution, in which case he shall confine himself to a mere statement to that effect; or
- (b) move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing in the List of Business:

Provided that 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.

(2) If the Member when called is absent or fails to move the resolution, the resolution standing in his name shall be deemed to have been withdrawn.

129. *Amendment of a resolution.*- After a resolution has been moved, any Member may, subject to these rules, move an amendment to the resolution.

130. *Notice of amendment.*- (1) If notice of an amendment, has not been given two clear days before the day on which it is moved, 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.

(2) The Secretary shall, if time permits, cause every amendment to be printed and a copy thereof to be made available for the use of every Member.

131. *Withdrawal of resolution or amendment after being moved.*- A Member 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.

132. *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, no resolution or amendment raising substantially the same question shall be moved within a period of six months.

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

134. Scope of discussion.- The discussion on a resolution shall be strictly limited to the subject matter of the resolution.

135. Copy to department concerned.- (1) A copy of every resolution, which has been passed by the Assembly, shall be forwarded to the Department concerned of the Government.

(2) Any such resolution shall have effect only as a recommendation to Government, except a resolution in connection with an Ordinance promulgated by the Governor under Article 128 of the Constitution, or a resolution with respect to the removal of the Speaker or the Deputy Speaker from office:

Provided that if a resolution is unanimously adopted, it shall be binding on the Provincial Cabinet to implement the same as their collective responsibility under clause (4) of Article 130 of the Constitution.

(3) The Department concerned of the Government shall report to the Provincial Assembly Secretariat about the action taken on the resolution within a period of two months from the date of communication.

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

CHAPTER XIX PROCEDURE IN FINANCIAL MATTERS

136. Budget.- (1) The Budget shall be presented to the Assembly on such day and at such time as the Government may appoint.

(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.

137. 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.

138. *Presentation of the Budget.*- The Budget shall be presented by the Minister for Finance.

139. *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 Finance Minister when presenting it.

140. *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.

141. *Allotment of days.*- The Speaker shall, in consultation with the Finance Minister allot days for the different stages of the Budget referred to in rule 140:

Provided that 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:

Provided further that not less than four days shall be allotted for the general discussion on the Budget.

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142. 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 Finance Minister 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.

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

144. 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;

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- (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.

145. 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.

146. 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.

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

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148. Voting on demands for grants.- (1) Each demand for grant referred to in clause (c) of rule 140 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 tabled they 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 141 for the stage referred to in clause (c) of rule 140 at the time when the meeting is to terminate the Speaker shall forthwith put every question necessary to dispose off all the out-standing matters in connection with the demands for grants.

149. Schedule of authorised expenditure.- The schedule of authorised expenditure when authenticated under clause (1) of Article 123 or Article 124 shall be laid on the Table but shall not be open to discussion or vote thereon.

150. 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.

151. 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 XX COMMITTEES

PART I - STANDING COMMITTEES

Section (A)--- COMMITTEES OF THE ASSEMBLY

152. Committees of the Assembly.- (1) In addition to the Standing Committees mentioned in sections B, C, D, D-A, E and F of this part, 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 Rules of Business of the Government or any other matter referred to it by the Assembly:

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) 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.

153. Reference to Standing Committee.- 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

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concerned and the Standing Committee shall study such subject or matter with a view to suggest legislation or making recommendations to the Assembly.

154. Composition.- (1) Each Committee shall consist of not More than Nine Members, who shall be elected by the Assembly. The election shall be held, as far as possible, in accordance with the procedure agreed to by the leaders of the parties in the Assembly, failing which by non-transferable vote.

(2) One of the Members, of the Committee shall be elected by the members as its chairman:

Provided that the Minister incharge shall be ex-officio member of the Committee:

Provided further that 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 ex-officio member of the Committee.

(3) If the Chairman is not present at any sitting, the Committee shall choose one of its members to act as Chairman for that sitting.

(4) The Member-in-Charge other than a Minister or a Member on whose motion any subject or matter was referred to the Standing Committee may attend the meetings of the Committee, but shall not vote unless he is a member of the Committee.

(5) The Secretary of the Department concerned or an officer nominated by him in this behalf and the Secretary, Law Department or his nominee, shall also attend the meetings of the Committee for expert opinion.

155. Functions.- (1) A Committee shall examine a Bill, subject or matter referred to it by the Assembly and shall submit its reports to the Assembly

with such recommendations, including suggestions for legislation, if any, as it may deem necessary.

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(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.

Section (B)--FINANCE COMMITTEE

156. 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 six 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 of Finance, shall exercise the powers and perform functions of the committee.

(4) The Speaker shall be the Chairman of the Committee.

(5) If the Chairman is absent from any sitting the Committee shall choose one of its member present to act as Chairman for that sitting.

(6) A member may resign his membership of the Committee by writing under his hand addressed to the Speaker.

(7) Casual vacancies in the Committee shall be filled by election.

157. Functions of the Committee.- The committee shall be responsible for:-

- (a) the preparation of Budget and Supplementary estimates and demands for excess relating to the Assembly and its Secretariat;
- (b) appropriation and re-appropriation; and
- (c) all financial matters relating to expenditure of the Assembly and its secretariat within authorized appropriation.

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158. Procedure.- The Committee may make rules for regulating its procedure:

Provided that the rules framed by the Finance Committee, shall remain enforce unless altered, amended or substituted by a succeeding Finance Committee.

Section (C)-- PUBLIC ACCOUNTS COMMITTEE

159. Composition of the Committee.- (1) The Standing Committee on Public Accounts shall consist of the Speaker and nine other members to be elected by the Assembly, in addition the Minister for Finance shall be its member ex-officio.

- (2) The Speaker shall be ex-officio Chairman of the Committee.

160. Functions of the Committee.- (1) The Committee shall examine the accounts showing the appropriation of sums granted by the Assembly for the expenditure of the Government, the annual finance accounts of the Government, the report of the Auditor-General of Pakistan and such other matters as the Minister for Finance or the Chairman may refer to it.

Provided that where the matter was referred by the Chairman, its report of findings and recommendation shall be submitted to the Department/ Organization and the Department/ Organization shall reply to the Committee.

(2) 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-

(a) that 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;

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(b) that the expenditure conforms to the authority which governs it; and

(c) that every re-appropriation has been made in accordance with such rules as may have been prescribed by Government in that behalf.

(3) It shall also be the duty of the Committee--

2(a) to 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) to 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 statute; and

(c) to 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.

(4) If any money has been spent on any service during a financial year in excess of the amount granted by the Assembly for that purpose, the Committee shall examine with reference to the facts of each case the circumstances leading to such an excess and make such recommendations as it may deem fit.

(5) Without prejudice to the generality of foregoing paragraphs, an annual report of any autonomous or semi-autonomous body when laid on the

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Table of the House under any existing law, shall be referred to the Committee for examination, scrutiny and report thereon.

161. Report of the Committee.- The report of the Committee shall be presented within a period of one year 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.

Section (D)—COMMITTEE ON PROCEDURE AND CONDUCT OF BUSINESS RULES, PRIVILEGES AND IMPLEMENTATION OF GOVERNMENT ASSURANCES

162. Composition of the Committee.- (1) The Committee on Procedure and Conduct of Business Rules, Privileges and Implementation of Government Assurances shall consist of the Deputy Speaker and nine other members to be elected by the Assembly in addition the Minister for Law and Parliamentary Affairs, shall be its member ex-officio.

(2) The Deputy Speaker shall be ex-officio Chairman of the Committee.

163. 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) shall examine every question of privilege referred to it by the Assembly 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;

- (c) may suggest a procedure to be followed by the Assembly to give effect to its recommendations; and
- (d) may scrutinize the assurances, promises and undertakings, given by Minister, from time to time, on the floor of the House

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and furnish a detail report for remedial measures to the Assembly.

***Section(DA)--COMMITTEE ON LAW REFORMS AND
CONTROL ON SUBORDINATE LEGISLATION.***

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

(2) The Committee shall comprise of eight members from amongst lawyers, ulamas and technocrats who are Members of the House.

163-B. *Functions of the Committee.*- The functions of the Committee shall be:-

- (a) to review all provincial laws, to suggest improvements, amendments, additions or deletions in the same, to bring the old laws in conformity with the present social order of the Province;
- (b) to suggest new legislation, within the competency of the Provincial Legislature in the larger interest of the public in general;
- (c) to suggest ways and means for the implementation of the resolutions of the Islamic Ideology Council and assist the Legislature in the Islamization of the provincial laws according to the injunctions of Islam on advice of the Islamic Ideology Council or the decision of the Federal Shariat Court/Supreme Court (Shariat Bench);
- (d) to 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 legislature through a resolution of the legislature;

- (e) the Committee shall 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 guide lines and policy framed by the legislature and formulate

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suitable suggestions for improvements, modification or even suggesting for the withdrawal of the same as the Committee may deem appropriate;

- (f) any matter incidental, auxiliary and consequential to the aforesaid terms of reference;
- (g) the Secretary to Government of Khyber Pakhtunkhwa, Services and General Administration Department, the Secretary to Government of Khyber Pakhtunkhwa, Finance Department, the Secretary to Government of Khyber Pakhtunkhwa, Law Department, the Advocate General, Khyber Pakhtunkhwa, and the Secretary of the department concerned shall be associated with the proceedings of the Committee for expert opinion; and
- (h) add-interim, interim or final reports of the Committee as the Committee may deem fit, may be presented in the House for approval, but the Committee shall have the powers to send recommendations to the Government in advance for improvement in any sub-ordinate legislation/ executive orders or pin-pointing shortcomings and it shall be desirable that the Government may honour the recommendations of the Committee so that the implementation policy of the Executive Government may be in line with the guidelines and policy of the legislature;
- (i) the Committee shall have powers to invite eminent Lawyers, ulamas, parliamentarians and subject matter experts to assist the Committee and may also make suggestions regarding the payment of TA/DA or Honoraria to the invitees for the assistance rendered, if the occasion so required.

Section (E)--JUDICIAL COMMITTEE

164. *Composition of the Committee.*- (1) There shall be a Judicial Committee for the duration of the Assembly.

(2) The Committee shall be constituted in the manner as provided in the Khyber Pakhtunkhwa Provincial Assembly (Powers, Immunities and Privileges) Act, for the time being in vogue.

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165. *Functions of the Committee.*- After the award, by the Committee on procedure and Conduct of Business Rules, Privileges and Implementation of Government Assurances under sub-rule (b) of rule 163, the matter shall be referred to the Committee for further necessary proceedings if a case of punishment is involved.

Section (F)-- HOUSE AND LIBRARY COMMITTEE

166. *Composition of the Committee.*- (1) The House and Library Committee shall consist of the Deputy Speaker and six other Members to be elected by the Assembly.

(2) The Deputy Speaker shall be ex-officio Chairman of the Committee.

167. *Functions of the Committee.*- The functions of the Committee shall be-

- (a) to deal with matters relating to the issue of admission cards for galleries, other than the Speaker's gallery and such questions relating to residential accommodation for Members, as may be referred to it by the Speaker from time to time;
- (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, as the case may be, from time to time; and

- (d) to consider suggestions in respect of addition of books, magazines, journals, etc., to the Library and its general improvement.

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Section (G) --- GENERAL PROVISIONS REGARDING STANDING COMMITTEES

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

Provided that if the Chairman of the Committee is not readily available, the Secretary may fix the date and time of a meeting.

(2) The sitting of a Committee shall ordinarily be held within the precincts of the Assembly.

(3) If a Committee is sitting whilst the Assembly is also sitting, the Chairman of the Committee shall, if a division is being called in the Assembly, suspend the proceedings of the Committee for such time as will, in his opinion, enable the members to vote in the division.

(4) Subject to sub-rule (1), on a requisition made by not less than three members of a Committee, the Chairman of the Committee shall call a meeting of the Committee within twenty-one days from the date of receipt of the requisition.

169. Meetings in camera.- The sitting of a Committee may be held in camera if so determined by the Committee.

170. 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 Chairman.

(2) Notices of all meetings of a Committee shall be sent to the members of the Committee and to the Advocate-General.

171. Request for views of Department on Private Members' Bill, etc.- In case of Private Members' Bill or any other matter, when referred to the

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concerned committee, the Secretary shall transmit a copy thereof to the Department concerned with a request to furnish its views on the Bill or the matter, as the case may be, for consideration by the Committee.

172. Quorum of a meeting.- The quorum to constitute a sitting of a Committee shall be three:

Provided that the quorum to constitute a sitting of the Public Accounts Committee and the Committee on Procedure and Conduct of Business Rules, Privileges and Implementation of Government Assurances shall be four.

173. Adjournment etc., of Committee.- (1) If, at the time fixed for any sitting of a Committee or at any time during any such sitting, less than three members are present, the Chairman of the Committee shall either suspend the sitting, until at least three members are present or adjourn the sitting to some future day.

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

174. 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 Chairman, a motion may be moved by any member in the Assembly for the discharge of such member from the Committee.

175. Resignation of members from the Committee.- A member may resign his membership of a committee by writing under his hand addressed to the Speaker.

176. *Casual vacancies.*- (1) Casual vacancies in a Committee shall be filled, as soon as possible, after such vacancies occur, by election.

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

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177. *Speeches in Committee.*- A member may, with the permission of the Chairman, speak more than once on a particular point or matter at a sitting of a Committee.

178. *Voting in Committee.*- All questions at a sitting of a Committee shall be determined by a majority of the members present and voting.

179. *Casting vote of Chairman.*- In addition to his vote as a member, the Chairman of a Committee or the person presiding in his absence shall, in the event of the equality of votes, have a casting vote.

180. *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 purposes of the Committee, the question shall be referred to the Speaker, whose decision shall be final:

Provided further that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the defence, security or external relations of Pakistan.

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

(3) A Committee may summon or allow to appear before it any Member or any other person having a special interest in relation to any matter under its consideration and may hear expert evidence.

181. Evidence or information to be kept confidential or secret.- 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.

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182. 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.

183. Restrictions on publication etc., of proceedings.- (1) A Committee may direct that the whole or any part of its proceedings or a summary thereof be laid on the Table.

(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 on the Table, 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 on the Table.

184. 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.

185. Reports of Committees.- (1) Where the Assembly has not fixed any time for the presentation of a report, the report of a Committee shall be presented within thirty days from the date, on which reference was made to it

by the Assembly, unless the Assembly on motion being made, directs that the time for presentation of the report be extended to date specified in the motion.

- (2) Reports may be either preliminary or final.
- (3) The report shall-
 - (a) incorporate the views, if any of the Minister concerned with the matter;

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- (b) set forth the recommendations of the Committee together with the minutes of dissent, if any; and
 - (c) be signed by the Chairman on behalf of the Committee or, if the Chairman is absent or not readily available, by another member chosen by the Committee.
- (4) The Secretary shall, cause a copy of each report of a Committee, together with the minutes 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 alongwith the view of the minority, if any.

186. Presentation of report.-(1) The report of a Committee shall be presented to the Assembly by the Chairman or, in his absence by another member chosen by the Committee.

Provided that when any Committee dealing with any Privilege Motion, after it reaches the final conclusion that there was Breach of Privilege by the accused, which warranted infliction of punishment upon him under the Khyber Pakhtunkhwa Provincial Assembly (Powers, Immunities and Privileges) Act, 1988 (Khyber Pakhtunkhwa Act No. IX of 1988), no report is to be placed before the Assembly, but the majority opinion of the Committee is to be referred to the Judicial Committee for further proceedings under the aforesaid Act and the Rules framed thereunder.

- (2) In presenting the report, the Chairman or in his absence, the member presenting the report shall, if he make any remarks, confine himself

to a brief statement of facts, but there shall be no debate on that statement at this stage.

187. *Printing, 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.

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188. *Power to appoint Sub-Committee.*-(1) A Committee may appoint one or more Sub-Committees, each having the powers of the whole Committee, to examine any matter that may be referred to them.

(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 whole Committee and, when approved by the whole Committee, be deemed to be the report of that Committee.

189. *Application of general rules of Assembly.*- Subject to the rules in this Chapter, the general rules of the Assembly shall apply to the proceedings in each Committee.

190. *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.

191. *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.

192. *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.

193. Constitution of Committees special power of speaker.- (1) The Assembly may by a verbal resolution moved by any Member, empower the Speaker to constitute Committees, without holding elections keeping in view the educational qualifications and experience of the Members, as he may deem fit.

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(2) The Speaker may, if so empowered by a Committee appoint a Chairman for that Committee from amongst the members of the Committee concerned.

PART II-OTHER COMMITTEES

SPECIAL COMMITTEES

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

195. Provisions relating to standing Committees to apply to other Committees.- In the absence of special provisions relating to a Special Committee, the provision relating to the Standing Committees shall apply *mutatis mutandis* to a Special Committee.

CHAPTER XXI

REPORTS TO BE LAID BEFORE THE ASSEMBLY.

196. Report on observance of 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.

197. Recommendations of National Finance Commission.- The recommendations of the National Finance Commission, together with the explanatory memorandum as to the action thereon when received, shall be

laid before the Assembly in pursuance of clause (5) of Article 160 of the Constitution.

198. Reports of Auditor-General.- 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.

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

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200. Discussion, etc., on reports.- (1) After a report referred to in rules 196, 197, 198 or 199 is laid before the Assembly, the Speaker shall fix a date for its discussion.

(2) On the day fixed under sub-rule (1), the Minister concerned may move that the report be discussed by the Assembly and may make a brief statement explaining the salient features of the report.

(3) The Assembly may, by a resolution express its opinion or make any observation or recommendation on the report.

CHAPTER XXII GENERAL RULES OF PROCEDURE

201. Want of quorum.- If, when the Assembly is sitting, notice is taken by a Member that the number of Members prescribed to form a quorum by 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 be 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.

202. *Language of the Assembly.*- (1) The proceedings of the Assembly may be conducted in Urdu, Pashto or English language.

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

203. *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.

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204. *Notice of motion or amendment.*- Save 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.

205. *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.

206. *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.

207. Repetition of motions.- A motion or amendment shall not, except with the permission of the Speaker, raise a question substantially identical with one on which the Assembly has given a decision in the same session:

Provided that the Assembly shall not be deemed to have given a decision in respect of a Bill, unless it has either passed the Bill or has rejected the Bill.

208. 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.

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209. 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.

210. 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;
- (c) no discussion shall be permitted on a request for leave to withdraw a motion except with the leave of the Speaker.

211. *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.

212. *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.

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(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.

213. *Closure.*- (1) At any time after a question has been proposed, a Member rising in his seat may claim to move "that the question be now put", and unless it appears to the Chair that such motion is an abuse of the

rules or an infringement of the rights of the minority, the question "that the question be now put" shall be put forthwith, and decided without amendment or debate.

(2) When the motion "that the question be now put" has been carried and the question consequent thereon has been decided, any further motion may be made with the consent of the Speaker which may be requisite to bring a decision on any question already proposed from the Chair; provided that such motion shall be put forthwith and decided upon without amendment or debate, but before putting the motion consequent on the closure, the Speaker may allow a Member the right of reply, which he may have under the rules.

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(3) A motion "that the question be now put" may, subject to the restrictions contained in the above provisions, be also moved in respect of a clause or amendment to a clause of a Bill under consideration of the Assembly.

214. Procedure on division.- (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.

215. *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.

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

216. *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.

(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.

217. *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.

218. *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.

219. *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;

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- (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;
- (f) use his right of speech for the purpose of willfully and persistently obstructing the business of the Assembly.

220. *Rule against reading.*- A Private Member may not read his speech but may refresh his memory by reference to notes.

221. *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.

222. *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.

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223. *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.

224. *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.

225. *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), any Member may, at any time, submit a point of order for the decision of the Speaker but in doing so he 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.

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(6) A Member shall not raise a point of order-

(a) to ask for information; or

(b) to explain his position; or

(c) when a question on any motion is being put to the Assembly; or

(d) which may be hypothetical.

226. *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.

227. *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.

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(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.

228. Strangers.- The admission, to the galleries of the Assembly Chamber, 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.

229. 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.

230. 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.

231. *Report of the proceedings.*- 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.

232. *Procedure in other respects.*- 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.

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233. *Disclosure of proceedings or decisions.*- Disclosure of the proceedings or of decision or such sitting shall not be made by any person in any manner.

234. *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.

235. *Expunction of words from debates.*- If the Speaker is of the opinion that words have been used in debate, which are defamatory, indecent, unparliamentary or un-dignified, he may in his discretion, order that such words be expunged from the proceedings of the Assembly.

236. *Indication of expunged proceedings in printed debates.*- 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".

237. *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

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.

238. Secretary to be ex-officio Secretary of Committees.- The Secretary shall be ex-officio Secretary of all the Committees of the Assembly.

239. Secretary may authorize any officer.- The Secretary may authorize any officer of the Assembly Secretariat to perform such duties as he may direct.

240. 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.

241. 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.

242. Papers quoted to be laid on the Table.- If a Minister quotes in the House a dispatch or other State paper which has not been presented to the House, he shall lay the relevant paper on the Table:

Provided that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be against the public interest:

Provided further that where a Minister 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 on the Table.

243. *Treatment of papers laid on the Table.*- (1) A paper or document to be laid on the Table shall be duly authenticated by the Member or the Minister laying it.

(2) All papers and documents laid on the Table shall be considered public papers and documents.

244. *Procedure when a Minister discloses sources of advice or opinion given to him.*- If, in answer to a question or during debate, a Minister 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, on the Table.

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245. *Use of Assembly Chamber.*- The Assembly Chamber shall not be used for any purpose other than the sitting of the Assembly.

CHAPTER XXIII AMENDMENT OF RULES

246. *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, unless the Speaker waives this notice period and allows the motion to be moved at a shorter notice and the notice shall be accompanied by a draft of the amendment proposed.

(2) The motion shall be set down for such day as the Speaker may direct.

247. *Procedure.*- When the motion is reached, the Speaker shall read out the draft of the amendment proposed and ask whether the member has leave of the Assembly. If objection is taken, the Speaker shall request those Members who are in favour of leave being granted, to rise in their seats, and if not less than eight Members so rise, the Speaker shall intimate that the

Member has the leave of the Assembly. If less than eight Members rise, the Speaker shall inform the Member that he has not the leave of the Assembly.

248. Reference to Committee.- When a Member has the leave of the Assembly to proceed, he shall move that the draft be referred to the Committee on Procedure and Conduct of Business Rules, privileges and implementation of Government Assurances.

249. 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.

250. Authentication of amendment made.- When a rule or an amendment to a rule is passed by the Assembly, a copy thereof shall be signed by the Speaker and then it shall come into force at once.

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CHAPTER XXIV REPEAL

251. Repeal.- The Rules of Procedure of the Provincial Assembly of Khyber Pakhtunkhwa, 1975 are hereby repealed.

FIRST SCHEDULE
(See rule 23)

**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 63 and 64)

**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 direct 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).

Your Obedient Servant,
(Judge, Magistrate or Executive Authority).

THIRD SCHEDULE
(See rule 122)

FORM OF PETITION

To

The Provincial Assembly of Khyber Pakhtunkhwa.

*The humble petition of..
designation or

.. (Here insert name and

description of petitioner or petitioners
in concise form, e.g. "A. B. and others"
or the inhabitants of..... or
"the municipality of....."
etc.)

Sheweth

(Here insert a concise statement of the
case)

and accordingly your
petitioner (or petitioners
pray that@

...

@ (Here insert that the Bill be or be not
proceeded with, or "that special provis-
ion be made in the Bill to meet the case
of your petitioners" or any other appro-
priate prayer regarding the Bill or
matter before the House or a matter of
general public interest).

and your petitioner(s) as in duty bound will ever pray.

Name of Petitioner

Address

Signature or thumb
impression.....

Countersignature of Member presenting.

FOURTH SCHEDULE
(see rule 17)

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 Seconder.

Dated _____ signature of Proposer.

PART-B

(To be filled by the Seconder)

I, _____
(Name of the Seconder)
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 Seconder.

Dated _____ signature of Seconder.

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 18B, 18C & 18D)

**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 18B or as the case may be, the vote of confidence under rule 18C or vote of no confidence under rule 18D 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.
