

**MINUTES OF THE MEETING OF THE BUSINESS ADVISORY
COMMITTEE HELD ON 28TH JULY, 2016**

A meeting of the Business Advisory Committee was held on 28th July, 2016 at 01:30 p.m. in committee Room No.4, First Floor, Parliament House, Islamabad.

2. Agenda of the meeting was as under:-

- i. Confirmation of Minutes of the meeting dated 18th July, 2016.
- ii. Powers and Role of Senate.
- iii. Any other item with permission of the Chair.

3. The following Members attended the meeting:-

1)	Senator Mian Raza Rabbani, Chairman Senate	Chairman
2)	Senator Molana Abdul Ghafoor Haideri, Deputy Chairman Senate.	Member
3)	Senator Raja Muhammad Zafar-ul-Haq, Leader of the House	Member
4)	Senator Aitzaz Ahsan, Leader of the Opposition,	Member
5)	Senator Islamuddin Shaikh, Chief Whip, PPP-P	Member
6)	Senator Col.(R) Tahir H. Mashhadi, MQM	Member
7)	Senator Ilyas Ahmad Bilour, ANP	Member
8)	Senator Mushahid Hussain Sayed, PML	Member
9)	Senator Mir Kabeer Ahmed Muhammad Shahi, NP In Place of Senator Mir Hasil Khan Bizenjo	Member
10)	Senator Muhammad Usman Khan Kakar, PKMAP	Member
11)	Senator Siraj ul Haq	Member
12)	Senator Hidayat Ullah, FATA	Member
13)	Senator Dr. Jehanzeb Jamaldini, BNP-M	Member
14)	Mr. Aftab Ahmed Sheikh, Minister for Parliamentary Affairs	Member

4. Meeting started at 01:30 p.m. with the recitation from the Holy Quran. The Committee started consideration of the following agenda items.

**AGENDA ITEM NO.1: CONFIRMATION OF MINUTES OF MEETING
DATED 18TH JULY, 2016.**

5. The agenda item was deferred.

AGENDA ITEM NO.II POWERS AND ROLE OF SENATE

6. The Chairman shared with the Committee that after strenuous efforts made by the Senate, Prime Minister/ Leader of the House in National Assembly has agreed with the proposal that Public Accounts Committee (PAC) of the National Assembly will be made a Joint Committee and 06 Members from Senate will be included, 01 from each province and 01 from FATA and ICT. The Committee agreed that Senate Rules will be amended, during the current Session, to provide a provision regarding election of six Senators for the PAC. The Chairman appreciated the efforts of all the Members, the House and House Business Advisory Committee. The Chairman apprised the Committee that Senator Mohammad Ishaq Dar, Minister for Finance, will formally make a statement on the floor of the House and convey the approval of the Prime Minister/leader of the House in the National Assembly in this respect. The Committee appreciated efforts made and support provided by Senator Muhammad Ishaq Dar, Minister for Finance in this regard.

7. The Chairman apprised the Committee that the Members of the Senate of Pakistan representing the four Provinces / Federating Unites and Federal Territories had been demanding a review of the Constitutional scheme vis-à-vis the powers of the Upper House of Parliament. During the 249th / Budget Session this matter came up in the speeches of almost all the members wherein they asked for not only role of the Senate in passing Finance Bill but gave a number of suggestions and proposals to empower the Senate so that it can play its role more effectively as a House of Federation especially in the aftermath of 18th Constitutional Amendment.

8. All Members of Committee were of the view that there is need to adopt a robust strategy to enhance the role and powers of the Senate in order to live up to the expectation of the federating units and to ensure effective implementation of Constitutional Scheme attributed to the upper house regarding protection and representation of interests of federation, federating units and the citizens of Pakistan.

9. The HBAC, keeping in view the demands made by the Members at various times/forums, especially during the Budget Session and the voices being raised from the Provinces, recommended the following roadmap to enhance/increase the Role and Powers of the Senate of Pakistan:-

1. **Recommendations regarding Money Bill and Public Sector Development Programme (PSDP)**

- (i) Money Bill including Finance Bill as provided vide paragraphs (b) to (g) of clause (2) of Article 73 of the Constitution, 1973, shall also be passed by the Senate as in case of other Bills.
- (ii) Public Sector Development Programme (PSDP) be passed by the Senate as there are serious concerns, apprehensions and reservations of the Provinces especially smaller ones in proper distribution of development finances among Federating Units.
- (iii) Article 82 (Procedure relating to Annual Budget Statement), Article 83 (Authentication of schedule of authorised expenditure), Article 85 (Votes on account) and Article 86 (Power to authorise expenditure when Assembly stands dissolved) to include the Senate.
- (iv) Ordinances containing provisions dealing with all or any of the matters specified in clause (2) of Article 73, shall also be laid in the Senate (Amendment in Sub-para (i) of para (a) of clause (2) of Article 89 of the Constitution, 1973)

2. **Recommendations of the Functional Committee on Devolution of the Senate**

- (i) All policy and Administrative boards, councils, bodies, etc. envisaged under various Acts of Parliament or established/constituted by an executive order shall be reconstituted in order to ensure that equal representation is given to all provinces.
- (ii) The nominations shall be based on the following principles:-
 - a. All nominations shall be strictly based on merit;
 - b. The principles of 'conflict of interest' shall be strictly adhered to;
 - c. Professionals, subject specialists and relevant persons shall be nominated to the technical Boards, Councils, Bodies, etc.
- (iii) Senate shall constitute a permanent bipartisan committee to oversee and ratify nominations to such Boards, Councils, Bodies, etc.

- (iv) All nominations to various policy and Administrative boards, councils, bodies, etc., flowing or originating from subjects falling under Federal Legislative List Part-I in the Fourth Schedule to the Constitution of Pakistan, 1973, shall be placed, by the Government, before the Senate bipartisan Committee for ratification.
- (v) All nominations to various policy and Administrative boards, councils, bodies, etc., flowing or originating from subjects falling under Federal Legislative List Part-II in the Fourth Schedule to the Constitution of Pakistan, 1973, shall be placed in the form of summary before the Council of Common Interests and after approval, shall be placed before the Senate bipartisan Committee for ratification.
- (vi) Permission of privatization of bodies in the Federal Legislative List Part I and II to be taken from the Senate.

3. **Relating to Senate**

- (i) Clause (8) of Article 53 of the Constitution, 1973, which provides that “when the National Assembly is dissolved the Speaker shall continue in his office till the person elected to fill the office by the next Assembly enters upon his office.” will be made applicable to the Senate.
- (ii) Paragraph (c) of clause (1) of Article 62 of the Constitution, 1973, shall be amended to provide that a person shall be qualified to be elected as a Member of Senate if he is a “resident of the Province concerned for not less than five years”.
- (iii) In clause (2) of Article 72 of the Constitution, 1973, the words “or Chairman Senate” shall be added in order to enable the Chairman Senate to preside a joint sitting of Parliament.

4. **House of Federation—Protection and representation of Provinces**

- (i) In clause (4) of Article 72, Constitution, 1973, which provides that “all decisions at a joint sitting shall be taken by the votes of the majority of the members present and voting”, the concept of equality of votes in the Senate and the National Assembly needs to be included i.e. according to the present strength 3.28 votes of the

National Assembly will be equal 1 vote of the Senate. This concept of equality is essential for the following amongst other reasons;

- a) That when a Federal and Provincial Government is dissatisfied with a decision of the CCI, then under clause (7) of Article 154, the same is referred to a Joint Sitting.
 - b) Similarly, a decision by the CCI in terms of Article 155 i.e. complaints as to interference with water supplies and Article 157 electricity, any decision of the CCI can be referred to a Joint Sitting, where this imbalance in numbers will work to the determinant of the Provinces.
- (ii) In clause (4) after the 2 provisos, a third proviso shall be added in Article 91 of the Constitution, 1973, that a vote of confidence will be taken within 3 months from the Senate.
 - (iii) Chief Ministers shall be given right to speak in the Senate (Article 57 to be amended) Clause (2) of Article 60 of the Constitution, 1973, shall be amended accordingly.
 - (iv) Article 126 of the Constitution, 1973, (Power to authorise expenditure when Assembly stands dissolved), the Provincial Government will make a recommendation to the Senate for authorization of expenditures.
 - (v) In clause (4) of Article 159 of the Constitution, 1973, (“if any question arises whether any conditions imposed on any Provincial Government are lawfully imposed, or whether any refusal by the Federal Government to entrust functions is unreasonable, the question shall be determined by an arbitrator appointed by the Chief Justice of Pakistan”) the words “an arbitrator to be appointed by the Chief Justice of Pakistan”, shall be substituted by the words “shall be referred to the Senate for adjudication”.
 - (vi) Article 160 of the Constitution, 1973, if NFC cannot be announced within constitutional period of five years, the Federal Government shall take the permission of the Senate to extend it for a period specified. (The Senate in case it gives permission, it may increase the overall NFC by 5%).
 - (vii) Article 162 of the Constitution, 1973 to be amended to the extent that such a Bill shall originate in the Senate.

5. Enhanced Role / Powers to both Houses

- (i) Article 166 of the Constitution, 1973, any borrowing agreement entered into by the Federal Government shall be ratified by both Houses of Parliament.
- (ii) Ratification of International Treaties, except Cultural Pacts, by the Parliament.

AGENDA ITEM NO.III ANY OTHER ITEM WITH PERMISSION OF THE CHAIR.

10. The Chairman Senate briefed the Committee regarding Senate Founding Day. He further stated that Senate Session will be requisitioned for 5th August, 2016 and a Seminar in this regard will be held on 6th August, 2016, at Marriot Hotel, Islamabad. Which will be attended by former Chairmen Senate, Speakers of Provincial Assemblies, dignitaries from Academia, Civil Society, Vice Chancellors and former Senators. He further apprised that two publications will be launched and special supplements will be published in the newspapers containing messages of Leader of the House, Leader of the Opposition, Chairman himself and all Chief Ministers of Provinces.

11. Senator Raja Muhammad Zafar Ul Haq, Leader of the House, appreciated the Secretary Senate and his team on successful conduct of APA meetings.

12. Senators Ilyas Ahmed Bilour, Dr. Jahanzeb Jamaldini and Mir Kabeer Ahmed Muhammad Shahi pointed out some security and maintenance issues being faced by the Members residing in the Parliament Lodges.

Senator Molana Abdul Ghafoor Haideri, Deputy Chairman Senate, apprised the Members about the steps being taken by him being the Chairman of the House Committee, to address the concerns of the Members.

13. The decisions taken by the Committee are as follows:-

- i) The HBAC, keeping in view the demands made by the Members at various times/forums, especially during the Budget Session and the voices being raised from the Provinces, recommended a roadmap,

reflected at para 9, to enhance/increase the Role and Powers of the Senate of Pakistan.

- ii) The Senate Rules will be amended, during the current Session, to provide a provision regarding election of six Senators to the Public Accounts Committee (PAC).

14. The meeting ended with vote of thanks to and from the Chair.



(**Amjed Pervez Malik**)
Secretary Senate



(**Mian Raza Rabbani**)
Chairman Senate of Pakistan