

**SENATE OF PAKISTAN  
HOUSE OF THE FEDERATION**



Report No. 1 of 2017

**REPORT OF THE SPECIAL COMMITTEE TO EXAMINE THE ISSUE  
OF NON-IMPLEMENTATION OF THE DECISIONS OF THE HOUSE  
IN TERMS OF RULE 196 OF THE RPCBS, 2012 ON WHICH THE  
CONCERNED MINISTRIES FAIL TO REPORT**

**PRESENTED BY**

**SENATOR AITZAZ AHSAN  
CONVENER**

## SENATE SECRETARIAT

### REPORT OF THE SENATE SPECIAL COMMITTEE TO EXAMINE THE ISSUE OF NON-IMPLEMENTATION OF THE DECISIONS OF THE HOUSE ON WHICH THE CONCERNED MINISTRIES FAILS TO REPORT.

I, Senator Atizaz Ahsan, Convener of the Special Committee on behalf of the Committee have the honor to present the report of Special Committee to examine the issue of non-implementation of the decisions of the House in terms of Rule 196 of the RPCBS, 2012 on which the concerned Ministries fail to report.

2. The composition of the Committee is as under:-

1. Senator Aitzaz Ahsan	Convener
2. Senator Muhammad Javed Abbasi	Member
3. Senator Mushahid Hussain Syed	Member
4. Senator Col. (R) Tahir Hussain Mashhadi	Member
5. Senator Syed Muzafar Hussain Shah	Member
6. Senator Hidayat Ullah	Member
7. Senator Taj Haider	Member
8. Senator Saleem Mandviwalla	Member

3. The Hon'ble Chairman Senate constituted a Special Committee with the undersigned as its Convener to examine the issue of non-implementation of the decisions of the House in terms of Rule 196 of the RPCBS, 2012 on which the concerned Ministries fail to report and therefore, to make such recommendations as the Committee feels necessary and devise a modus operandi to deal with the case of non-implementation of the binding decisions of the House.

4. A meeting of the Special Committee was held on 24<sup>th</sup> August, 2017, at 01:00 p.m. in Committee Room No. 4, Parliament House, Islamabad under the Chairmanship of Senator Atizaz Ahsan. All members of the Special Committee attended the meeting.

5. The agenda/ToR before the Committee was as under: -

- (i) To examine the issue of the non-implementation of the decisions of the House on which the concerned Ministries fail to report, the reason of non-implementation, within the stipulated time period in terms of Rule 196 of the Rules of Procedures and Conduct of Business in the Senate, 2012 and devise a modus operandi to deal with the case of non-implementation of the binding decisions of the House.**

6. The Members of the Committee while examining the issue were of the view that the Rule 196 specifically deals with the decisions/adopted reports of the House upon which

Ministries fail to report within the period of 60 days, therefore the mandate of the Committee was restricted to look into the implementation of such binding decisions of the House only.

7. The members of the Committee showed displeasure over non implementation of the decisions of the house and were of the view that neither the House nor the decisions/recommendations of the House are taken seriously by the Ministries/Divisions because there is no rule or provision to penalize or censure those who fail to implement the pending decisions of the House. Due to non-implementation of the decisions/recommendations of the House, the prestige of the whole House was being undermined, therefore the Committee required to take possible steps to devise a modality for implementation and proper outcome of its recommendations/decisions. The steps taken may also include punishment in case of failure, as the entities concerned were entirely responsible for timely action and implementation of the decisions/recommendations through a proper mechanism.

8. Some members of the Committee were of the view that individual cases of non-implementation of the decisions of the House by the concerned Ministries may be looked into by the Committee and the mover as well as the representatives of the concerned Ministry/Division may also be invited in meetings, but the Committee decided that rather than examining individual cases of non-implementation, the actual mandate of the Committee was to examine the issue of non-implementation of the decisions (through adopted reports) of the House and devise a via media to address that issue.

9. Furthermore, the Committee observed that legislation was required to rectify the situation and the Committee on Rules of Procedure and Privileges of the Senate also needed to be strengthened and made more effective in order to deal with non-compliance of the decisions of the House. The Committee also reviewed the provisions and importance of Article 66(3) of the Constitution of Islamic Republic of Pakistan and emphasized upon the requirement for appropriate legislation to give more effect to article 66(3).

10. Committee members also pointed out that the existing Rule 265(A) of the Rules of Procedure and conduct of Business in the Senate 2012 was also relevant for implementation of the decisions of the House. The Committee noted that in case of non-implementation of any decision of the House, the Minister or Secretary of the Ministry concerned as well as any other individual can possibly be responsible, therefore the modality for dealing with different individuals could vary.

11. After detailed deliberations, the Committee recommended to adopt the following course of action to address the issue:-

- 1) The Committee was of the view that fresh legislation was required to provide for sentence or sanction against officials, Ministers or any other personnel who prevent or refuse the implementation of binding decisions under rule 196 read with 265 (A) of the Rules of Procedure and Conduct of Business in the Senate, 2012.
- 2) The Legislation would have to provide for different modes of sentence or sanction against the different categories mentioned, and may include depending upon the gravity of the violation:-
  - i). **Against an official:-**  
Ranging from adverse report in his/her ACR or strictures to simple imprisonment as provided in the contempt of court laws.
  - ii). **Against Ministers:-**  
Strictures and/or exclusion from the House for any specified period.
  - iii). **For any other person:-**  
Simple imprisonment as provided in the contempt of court Laws.
- 3) The matter being one of breach of privilege of the entire House should be dealt with by the Committee on Rules of Procedure and Privileges.
- 4) The Committee on Rules of Procedure and Privileges should be presided over by the Leader of the Opposition in the Senate.
- 5) Legislation may also be made to give affect to article 66(3) of the Constitution of Pakistan.



(Asim Khan Goraya)  
Secretary Committee



(Aitzaz Ahsan)  
Convener, Special Committee