

# SENATE OF PAKISTAN

## DAILY JOURNAL

### (285<sup>TH</sup> SESSION)

Date and Day	18 <sup>th</sup> December, 2018 (Tuesday)
Commenced at	02:00 P.M.
Adjourned at	06:20 P.M.
Presided by	Acting Chairman Senate
Attendance	57
Total Working Hours	04 hours 20 minutes

Recitation from the Holy Quran.

### **LEAVE APPLICATIONS**

Leave applications were read by the Acting Chairman.

### **REPORT OF THE STANDING COMMITTEE - PRESENTATION OF:**

Senator Abdul Rehman Malik, Chairman, Standing Committee on Interior, presented report of the Standing Committee on the Islamabad Capital Territory Prohibition of Interest on Private Loans Bill, 2017, introduced by Senator Sirajul Haq, on 28<sup>th</sup> August, 2018.

### **BILLS INTRODUCED**

- Senator Naseebullah Bazai was to move for leave to introduce a Bill further to amend the Constitution of the Islamic Republic of Pakistan, 1973 [The Constitution (Amendment) Bill, 2018] (**Amendment of Article 260**).

**However, the motion was deferred on the request of the Member till next Private Members' Day.**

- Senator Syed Muhammad Sabir Shah moved for leave to introduce a Bill further to amend the Constitution of the Islamic Republic of Pakistan, 1973 [The Constitution (Amendment) Bill, 2018] (**Amendment of Fourth Schedule**).

**Mr. Ali Muhammad Khan, Minister of State for Parliamentary Affairs, did not oppose the motion. Thereafter, the motion was put to the House and leave to introduce the Bill was granted. The Constitution (Amendment) Bill, 2018, upon introduction stood referred to the Standing Committee concerned for consideration and report.**

**Senator Muhammad Azam Khan Swati, also spoke on the Bill. The Acting Chairman directed that the Standing Committee may call Senator Muhammad Azam Khan Swati, at the time of consideration of the Bill.**

- Senator Mian Raza Rabbani moved for leave to introduce a Bill further to amend the Constitution of the Islamic Republic of Pakistan, 1973 [The Constitution (Amendment) Bill, 2018] (Amendment of Article 27).

**Mr. Ali Muhammad Khan, Minister of State for Parliamentary Affairs and Senator Dr. Muhammad Farogh Naseem, Minister for Law and Justice, did not oppose the motion. Senator Raja Muhammad Zafar-ul-Haq, Leader of the Opposition and Senator Syed Shibli Faraz, Leader of the House, also spoke on the Bill. Thereafter, the motion was put to the House and leave to introduce the Bill was granted. The Constitution (Amendment) Bill, 2018, upon introduction stood referred to the Standing Committee concerned for consideration and report.**

- Senator Sherry Rehman moved for leave to introduce a Bill further to amend the Child Marriage Restraint Act, 1929 [The Child Marriage Restraint (Amendment) Bill, 2018].

**Mr. Ali Muhammad Khan, Minister of State for Parliamentary Affairs, did not oppose the motion. Senator Mushtaq Ahmed and Molvi Faiz Muhammad, also spoke on the Bill. Thereafter, the motion was put to the House and leave to introduce the Bill was granted. The Child Marriage Restraint (Amendment) Bill, 2018, upon introduction stood referred to the Standing Committee concerned for consideration and report.**

- Senator Mian Muhammad Ateeq Shaikh moved for leave to introduce a Bill further to amend the Pakistan Civil Aviation Authority Ordinance, 1982 [The Pakistan Civil Aviation Authority (Amendment) Bill, 2018].

**Mr. Ali Muhammad Khan, Minister of State for Parliamentary Affairs, opposed the motion. Thereafter, the motion was put to the House and leave to introduce the Bill was rejected by the House.**

### **ACKNOWLEDGMENT OF PRESENCE**

- The Acting Chairman acknowledged the presence of a group of 62 students from the Department of Political Science, University of Buner, in the Visitors' Gallery to witness the proceedings of the House.
- The Acting Chairman acknowledged the presence of a group of 30 students along-with 3 faculty members from the Women University, Swabi, in the Visitors' Gallery to witness the proceedings of the House.

### **RESOLUTIONS**

- Senator Ghous Muhammad Khan Niazi was to move the following resolution:-

"This House expresses its serious concerns over the delaying tactics employed by the Indian Government by not granting permission to the Pakistani delegation to visit the sites of the disputed dams built in the Indian Occupied Kashmir;

This House is of the opinion that the said tactics are against the letter and spirit of Indus Waters Treaty and therefore calls upon the Government to request the World Bank, being a mediator in that Treaty, to intervene."

**The Resolution was deferred on the request of the Member.**

- Senator Mushtaq Ahmed on his behalf and on behalf of Senator Sirajul Haq moved the following resolution:-

"The House recommends that the system of Zakat and Ushr and Islamic economic system be implemented in its true spirit."

**Mr. Ali Muhammad Khan, Minister of State for Parliamentary Affairs and Mr. Noor-Ul-Haq Qadri, Minister for Religious Affairs and Inter-faith Harmony, did not oppose the Resolution. Thereafter, the Resolution was put to the House and passed unanimously.**

- Senator Sitara Ayaz moved the following resolution:-

“This House recommends that the Government should take immediate steps to ensure that complete name of the Province of Khyber Pakhtunkhwa is used in official correspondence instead of its acronym, KPK or KP.”

**Mr. Ali Muhammad Khan, Minister of State for Parliamentary Affairs, did not oppose the Resolution. Thereafter, the Resolution was put to the House and passed unanimously.**

- Senator Aurangzeb Khan moved the following resolution:-

“This House calls upon the Government to take immediate steps for the implementation of the commitments, made at the time of merger of FATA into Khyber Pakhtunkhwa, regarding the release of 3% of funds from the NFC award and creation of 20 thousand jobs for the youth of those areas.”

**Mr. Muhammad Hammad Azhar, Minister of State for Revenue, initially opposed the Resolution. However, after discussion he supported the resolution.**

The following Members/Ministers spoke on the Resolution:-

1. Senator Aurangzeb Khan
2. Senator Syed Shibli Faraz, Leader of the House
3. Senator Muhammad Ayub
4. Senator Raja Muhammad Zafar-ul-Haq, Leader of the Opposition
5. Senator Mushtaq Ahmed
6. Mr. Ali Muhammad Khan, Minister of State for Parliamentary Affairs
7. Mr. Noor-Ul-Haq Qadri, Minister for Religious Affairs and Inter-faith Harmony
8. Dr. Shireen M. Mazari, Minister for Human Rights

**Thereafter, the Resolution was put to the House and passed.**

- Senator Khushbakht Shujat was to move the following resolution:-

“This House recommends that biographies of all the Martyrs who have been awarded Nishan-e-Haider so far may be included in curriculum of all the educational institutions in the country.”

**However, the Resolution was dropped due to absence of the Member.**

**MOTION**  
**[Under Rule 218]**

Senator Lt. Gen. (Retd.) Abdul Qayyum moved that this House may discuss the violations of human rights in Indian Occupied Kashmir by the Indian security forces as reported by the United Nations Human Rights Commission in its report on "the status of human rights in the valley of Kashmir" issued in June, 2018.

The following Members spoke on the Motion:-

1. Senator Lt. Gen. (Retd.) Abdul Qayyum
2. Senator Mian Raza Rabbani
3. Senator Sherry Rehman
4. Senator Mushtaq Ahmed
5. Senator Mushahid Ullah Khan
6. Dr. Shireen M. Mazari, Minister for Human Rights, wound up the discussion

**The Motion was talked out.**

**MOTION**  
**[Under rule 263]**

Senator Sherry Rehman, moved under rule 263 of the Rules of Procedure and Conduct of Business in the Senate, 2012, that the requirements of rules 25, 29, 30 and 133 of the said Rules be dispensed with in order to enable the House to pass the resolution regarding Indian atrocities in the Occupied Kashmir.

**The motion was put to the House and carried.**

Thereafter, Senator Sherry Rehman, moved the following Resolution:-

**RESOLUTION**

“The Senate of Pakistan strongly condemns the recent wave of repression and violence by the Indian Security Forces in Indian Occupied Kashmir including the direct shooting at demonstrators in Pulwama, claiming the lives of a number of innocent Kashmiris and injuring many.

We note that the time by itself is the most authentic testimony of horrors in Indian Occupied Kashmir. The atrocities perpetrated on the people as a few news items or video clips appearing now and then on the social media tend to divulge. They divulge only the tip of the iceberg of the atrocities being inflicted by Indian forces on Kashmiris. Since no journalists, human rights and humanitarian organizations or even tourists are allowed to enter Indian Occupied Kashmir.

The Senate acknowledges that continued atrocities by Indian forces can never suppress the just political struggle of the Kashmiris for their legitimate right of self-determination.

We take note of the statement issued by the OIC General Secretariat, expressing strong condemnation of the killing of innocent Kashmiris by Indian forces in Indian Occupied Kashmir. And we urge the OIC to call an emergency meeting on the said violations.

We call upon the international community to end its indifference and deliberate negligence of systematic repression of Kashmiris by the Indian security forces through disappearances, human shields, stage encounters, rapes, the use of live ammunition, illegal searches and the use of pellet guns.

We urge the Government to implement the early resolutions No. 385 and 390 of the Senate of Pakistan, requiring appointment of Special Envoys to raise the Kashmir issue at all international forums and to get appointed a Special Envoy of the United Nations for the Kashmir issue.

We reiterate that Pakistan will continue its moral and diplomatic support to the Kashmiri people and they will exercise their recognized right to self-determination under resolutions of the United Nations Security Council.”

**The Resolution was put to the House and passed unanimously.**

## **POINT OF CLARIFICATION**

Senator Syed Muhammad Sabir Shah raised the matter regarding appearing of his name in the print and electronic media in the list of sixteen persons against whom the NAB is being initiating cases or inquiries of corruption. He also clarified that in place of one namely Pir Sabir Shah, former Member National Assembly, elected from D. I. Khan, in 1985, his name and photographs appeared in the Media.

## **MOTIONS**

**[Under Rule 218]**

- Senators Muhammad Usman Khan Kakar, Sardar Muhammad Shafiq Tareen and Gul Bashra were to move that this House may discuss the present status of implementation of the 18<sup>th</sup> constitutional amendment.

**However, on the request of the Members the motion was deferred.**

- Senator Muhammad Talha Mehmood was to move that the House may discuss the Education Policy of the Government with particular reference to implementation of Article 25A of the Constitution.

**However, on the request of the Member the motion was deferred.**

- Senator Mir Kabeer Ahmed Muhammad Shahi moved that this House may discuss the ecological / environmental changes arising out of Climate Change and their overall impact on the country.

The following Members spoke on the Motion:-

1. Senator Mir Kabeer Ahmed Muhammad Shahi
2. Senator Faisal Javed
3. Senator Nauman Wazir Khattak
4. Senator Mian Muhammad Ateeq Shaikh
5. Senator Muhammad Akram
6. Senator Muhammad Tahir Bizinjo
7. Senator Gianchand
8. Senator Mushahid Ullah Khan
9. Ms. Zartaj Gul, Minister of State for Climate Change, wound up the discussion

**The Motion was talked out.**

**AMENDMENTS TO THE SENATE RULES**  
**(Under Rule 278)**

Senator Quratulain Marri, moved for leave under sub-rule (4) of rule 278 of the Rules of Procedure and Conduct of Business in the Senate, 2012, to move the following amendments in the said Rules,-

- (i) that in the Rules of Procedure and Conduct of Business in the Senate, 2012, for rule 130 the following shall be substituted, namely:-

**“130. Money Bill transmitted to the Senate under Article 73.-** When a copy of Money Bill, including Finance Bill containing the Annual Budget Statement, is transmitted to the Senate, any member may move that the Senate shall commence its debate on the Bill;

(1) Unless the Chairman otherwise directs, a member may, within three days of the motion, give notice of a proposal for making recommendations, together with the statement of reasons for such proposal, in writing to the Secretary:

Provided that a member shall not give notice of a proposal for making recommendations to the Annual Budget Statement which relates to the expenditure charged upon the Federal Consolidated Fund under clause (1) of Article 82 of the Constitution;

(2) If such notice is admitted by the Chairman, the Secretary shall cause a list of proposals to be made available for the use of every member;

(3) The provisions of rules 106, 107 and 108 shall, mutatis mutandis, apply in respect of a notice of a proposal for recommendations;

(4) The list of proposals so received shall immediately be sent to the Standing Committee on Finance which shall examine them and present its recommendations to the House within a period of ten days:



Provided that the proposals related to Public Sector Development Programme (PSDP) shall be sent to the Standing Committee on Planning which shall examine them and submit its recommendations to Standing Committee on Finance within seven days to incorporate the same in their recommendations to the House;

(5) When such a Bill is transmitted to the Senate, it may within fourteen days make recommendations, if any, thereon to the National Assembly;

(6) The Chairman may if he considers it necessary, or on a motion moved by a Minister or member, allot time for discussion on the Bill and for this purpose the Chairman may suspend or vary the rules to the extent necessary;

(7) A question relating to a proposed recommendation shall be decided by a majority of the members present and voting in the manner laid down in rule 238;

(8) In case the Senate is not in session and period of fourteen days is due to expire, the recommendations shall be submitted to the Chairman in his Chamber, who may transmit the same to the National Assembly, informing that the said recommendations will be placed before the Senate when it will meet;

(9) On the commencement of a session, as soon as may be but not later than three days after the commencement of the session, the recommendations shall be placed on the Table; and

(10) No other business, except with the permission of the Chairman, shall be transacted on a day when any such bill is discussed for making recommendations thereon to the National Assembly."

- (ii) that for rule 135, the following shall be substituted, namely:-

**“135. Chairman to decide admissibility of resolution.-** (1) The Chairman shall decide whether a resolution or a part thereof is or is not admissible under these rules and may disallow any resolution or a part thereof when in his opinion it is an abuse of the right of moving a resolution or is calculated to obstruct or prejudicially affect the procedure of the Senate or is in contravention of any of these Rules.

(2) Notwithstanding anything contained in these Rules, the Chairman shall put resolution to the House for its decision of admissibility, if it has been moved by not less than one fourth of total membership of the Senate.”

- (iii) that for rule 143, the following shall be substituted, namely:-

**“143. Copy to Division Concerned.-** (1) On the conclusion of the discussion the Chairman shall put resolution or as the case may be, the resolution as amended, to the vote of the House and if passed by the House a copy thereof shall be forwarded to the Division concerned.

(2) In case the Division concerned is unable to implement resolution of the House it shall inform the House within two months from the date of communication of the reasons thereof, and if the Division concerned fails to do so the decisions of the House shall be binding.

(3) The Division concerned shall quarterly report to the Senate Secretariat about the action taken on the resolution until the decisions of the House are completely implemented.

(4) A report received from the Division concerned shall be circulated amongst the members.”

- (iv) that in rule 145, in sub-rule (1), for the word “ten”, the word “three” shall be substituted.

- (v) that in rule 162A, in paragraph (a), after the word “Constitution”, the expression “of the Islamic Republic of Pakistan, 1973” shall be omitted.”

- (vi) that in rule 167, in sub-rule (1), for the word "six", the word "eight" shall be substituted.
- (vii) that in rule 184, in sub-rule (1), for the words "A sitting of Committee shall be held at such day and time as the Chairman of the Committee may fix but", the words "The Chairman of the Committee shall call meetings at such day and time but not less than once every two months and" shall be substituted.
- (viii) that in rule 196, after sub-rule (3), the following new sub-rules (4) and (5) shall be inserted, namely:-

"(4) The Division concerned shall quarterly report to the Senate Secretariat about the action taken on the report until the decisions of the House are completely implemented.

(5) A report received from the Division concerned shall be circulated amongst the members."

- (ix) that after rule 279, the following new rule 280 shall be added, namely:-

**"280. Post-Budget Session.-** (1) Notwithstanding anything contained in these rules, the Minister for Parliamentary Affairs, in consultation with the Minister for Finance, shall include, in the list of business, the general discussion on the recommendations made by the Senate under Article 73 of the Constitution, in a session which is to be held during July to September each year.

(2) The Minister for Finance or any other Minister on his behalf shall present a report to the Senate on each recommendation whether incorporated by the National Assembly in the Money Bill, including Finance Bill containing the Annual Budget statement or otherwise.

(3) The general discussion on the recommendations shall take place for at least three days during the session.

(4) No other business, except with the permission of the Chairman, shall be transacted in this session."

**The motion was put to the House and the leave was granted. Thereafter, the Acting Chairman referred the proposed amendments in rules 130, 135, 143, 145, 162A, 167, 184, 196 and Insertion of new rule 280 in the Rules of Procedure and Conduct of Business in the Senate, 2012, to the Committee on Rules of Procedure and Privileges for consideration and report.**

### **POINTS OF PUBLIC IMPORTANCE**

- Senator Kalsoom Perveen, raised points of public importance regarding spread of Chicken Pox in the country particularly in Islamabad and posting issue of a Lady Doctor at Benazir Bhutto Hospital, Rawalpindi.

- Senator Mushtaq Ahmed, raised the issue of suspending proceedings of the House for Nimaz-e-Maghrib.

[At 5.35 p.m. the proceeding were suspended for fifteen minutes for Nimaz-e-Maghrib and the House re-assembled at 05:52 p.m.]

- Senator Nauman Wazir Khattak raised a point of public importance regarding summoning and arrest of Members by the NAB.

Senator Mian Raza Rabbani, also spoke on the issue.

- Senator Mushahid Ullah Khan raised a point of public importance regarding appearing of his name in the list of defaulters of Punjab House.

**Mr. Ali Muhammad Khan, Minister of State for Parliamentary Affairs, responded to the issues raised by the Honourable Senators.**

- Senator Lt. Gen. (R) Salahuddin Tirmizi, raised the following points of public importance:-

- delay in re-construction of New Balakot city;
- delay in compensation and payment of land by the NHA to the owners whose land was acquired for construction of Road from Kaghan to Babu Sar Top, in 2001;
- delay in Award of payment to the owners of land acquired for Suki-Kinari, Hydel Project.

**The Acting Chairman referred the issues raised by Senator Lt. Gen. (R) Salahuddin Tirmizi, to the Standing Committees concerned for consideration and report.**

- Senator Mushtaq Ahmed, raised a point of public importance regarding irregularities in allotment of residential accommodations and violation of the General Waiting List, by the Estate Office, Islamabad.

**The Acting Chairman referred the matter to the Standing Committee concerned for consideration and report.**

- Senator Shammim Afridi, raised a point of public importance regarding discrimination between Members National Assembly and Senators in Development Schemes.

### **OBSERVATION OF THE ACTING CHAIRMAN**

**The Acting Chairman informed the House that he has taken the matter of summoning and arrest of Members with the NAB, so that before calling a Member of the House for investigation, they should inform the Chairman Senate of the reasons for calling any Member and find a way how the Members are to be called. Further, the Notices should not be released to Media in advance. However, he is not trying to stop any investigation.**

**At 06:20 p.m. the Acting Chairman adjourned the proceedings of the House to meet again on Wednesday, the 19<sup>th</sup> December, 2018, at 02:00 p.m.**

**Islamabad,**  
**The 18<sup>th</sup> December, 2018.**