

SENATE OF PAKISTAN



REPORT OF THE SENATE COMMITTEE ON RULES OF PROCEDURE AND PRIVILEGES

ON

The Privilege Motion moved by Senators Fida Muhammad, Prince Ahmed
Umer Ahmed Zai and Shamim Afridi against the Secretary Petroleum
Division for inappropriate and rude behavior with the members of the
Committee during meeting of the SSC Petroleum held on 2nd May, 2023.

[THE MATTER REFERRED BY THE HON'BLE CHAIRMAN SENATE ON 25TH
JUNE, 2023]

PRESENTED BY

SENATOR MUHAMMAD TAHIR BIZINJO
CHAIRMAN COMMITTEE

SENATE SECRETARIAT

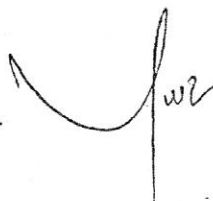
Subject: REPORT OF THE SENATE COMMITTEE ON RULES OF PROCEDURE AND PRIVILEGES ON THE PRIVILEGE MOTION MOVED BY SENATORS FIDA MUHAMMAD, PRINCE AHMED UMER AHMED ZAI AND SHAMIM AFRIDI AGAINST THE SECRETARY PETROLEUM DIVISION FOR INAPPROPRIATE AND RUDE BEHAVIOR WITH THE MEMBERS OF THE COMMITTEE DURING MEETING OF THE SSC PETROLEUM HELD ON 2ND MAY, 2023.

I, Senator Muhammad Tahir Khan Bizinjo, Chairman Senate Committee on Rules of Procedure and Privileges, have the honor to present report of the Committee on the subject Privilege Motion moved by Senators Fida Muhammad, Prince Ahmed Umer Ahmed Zai and Shamim Afridi against the Secretary Petroleum Division for inappropriate and rude behavior with the members of the Committee during meeting of the Senate Standing Committee on Petroleum held on 2nd May, 2023. The Members have stated that due to inappropriate behavior of the Secretary Petroleum during the meeting, the proceedings of the Committee could not be held in a smooth manner which amounts to breach of privilege of the Committee.

2. It is pertinent to mention here that the instant Privilege Motion was referred to the Committee by the Hon'ble Chairman Senate in his Chamber in terms of Rule 76 of the Rules of Procedure and Conduct of Business in the Senate, 2012 for examination, investigation and report.

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

| | | |
|-----|-------------------------------------|----------|
| 1. | Senator Muhammad Tahir Bizinjo | Chairman |
| 2. | Senator Mian Raza Rabbani | Member |
| 3. | Senator Professor Sajid Mir | Member |
| 4. | Senator Dr. Muhammad Farogh Naseem | Member |
| 5. | Senator Irfan-ul-Haque Siddiqui | Member |
| 6. | Senator Dr. Asif Kirmani | Member |
| 7. | Senator Syed Muzafar Hussain Shah | Member |
| 8. | Senator Sarfaraz Ahmed Bugti | Member |
| 9. | Senator Khalida Sikandar Mandhro | Member |
| 10. | Senator Saifullah Abro | Member |
| 11. | Senator Syed Ali Zafar | Member |
| 12. | Senator Dr. Zarqa Suharwardy Taimur | Member |



4. The Committee considered the Privilege Motion in its meetings held on 14th September, 2023, 21st September, 2023 and finally on 28th September, 2023. A summary of the proceedings of the Committee during its three meetings is provided hereunder as ready reference:

On 14th September, 2023 following members were in attendance:

| | | |
|----|----------------------------------|----------|
| 1. | Senator Muhammad Tahir Bizinjo | Chairman |
| 2. | Senator Saifullah Abro | Member |
| 3. | Senator Professor Sajid Mir | Member |
| 4. | Senator Irfan-ul-Haque Siddiqui | Member |
| 5. | Senator Khalida Sikandar Mandhro | Member |
| 6. | Senator Syed Ali Zafar | Member |
| 7. | Senator Fida Muhammad | Mover |
| 8. | Senator Shamim Afridi | Mover |
| 9. | Senator Falak Naz | Mover |

The Additional Secretary, Ministry of Petroleum appeared before the Committee and informed the Committee that the former Secretary, Ministry of Petroleum against whom the instant privilege motion has been moved has been transferred from the Ministry and now posted as Secretary Ministry of National Food Security and Research. The Committee took strong notice of absence of the then Secretary M/O Petroleum and was of the view that mere transfer cannot exonerate any officer from facing the privilege motion moved against him. The Chairman Committee observed that the officer complained against has to appear before the Committee and explain his position otherwise the Committee will give its strong observations against his conduct. With consensus, the agenda item was deferred with the direction that the Secretary M/O Parliamentary Affairs shall ensure attendance of the officer complained against in next meeting and notice of next meeting may be issued to the officer complained against at his current posting.

On 21st September, 2023 following members were in attendance:

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| 1. | Senator Muhammad Tahir Bizinjo | Chairman |
| 2. | Senator Saifullah Abro | Member |
| 3. | Senator Khalida Sikandar Mandhro | Member |
| 4. | Senator Manzoor Ahmad Kakar | Member |
| 5. | Senator Fida Muhammad | Mover |
| 6. | Senator Shamim Afridi | Mover |
| 7. | Senator Sardar Muhammad Shafiq Tareen | Mover |

The Additional Secretary, Ministry of Parliamentary Affairs produced before the Committee O.M No.F.2-4/2022-Council dated 21st September, 2023 of the Ministry of National Food Security and Research whereby it has been intimated that the Secretary



National Food Security and Research, against whom the Privilege Motion has been moved in his capacity as Secretary Petroleum is out of country from 17-22 September, 2023. The Committee took serious notice of absence of the Secretary, Ministry of National Food Security and Research. The Committee noted that notice of the meeting was issued on 15th September, 2023 but the Secretary travelled abroad from 17-22 September, 2023 which prima facie seems a deliberate attempt to avoid the proceedings of the Committee. The Movers expressed his serious concern over the willful and deliberate absence of the Secretary and were of the view that the conduct of the officer is not like a senior Bureaucrat and seems to be unbecoming of an officer. The Movers were of the view that respect is a two-way process, if the officers give respect to the parliament; then the same will go for them but if any officer disrespect the parliament and its members then it may not be tolerated. After discussion, the Committee directed that the documentary proof of travel abroad of Secretary National Food Security and Research from 17-22 September, 2023 may be obtained from his office along with the purpose of travel. The Committee further directed that in the next meeting, the notice may be issued to the Secretary National Food Security and Research through the Prime Minister's office as well as through the Secretary Establishment Division with strict direction to instruct the officer to appear before the Committee otherwise, the Committee will exercise its powers vested under sub-rule (4) of Rule 187 of the Rules of procedure and Conduct of Business in the Senate, 2012.

On 28th September, 2023 following members were in attendance:

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|----|------------------------------------|----------|
| 1. | Senator Muhammad Tahir Bizinjo | Chairman |
| 2. | Senator Saifullah Abro | Member |
| 3. | Senator Manzoor Ahmad Kakar | Member |
| 4. | Senator Irfan Siddiqui | Member |
| 5. | Senator Fida Muhammad | Mover |
| 6. | Senator Shamim Afridi | Mover |
| 7. | Senator Prince Ahmed Umer Ahmadzai | Mover |
- A letter No.F.2-4/2022-Council dated 28th September, 2023 written by Syed M. Azeem Haider, Section Officer (Council), Ministry of National Food Security and Research was produced before the Committee which states as under:-

".....and to inform that Capt. (R) Muhammad Mehmood, Additional Secretary (Incharge), Ministry of National Food security and Research is on leave today i.e. 28-09-2023 due to



pressing family issues and will not be able to attend the subject meeting. However, he will be able to attend the meeting virtually if required. Further, it is informed that he will be available for attending the meeting of the Standing Committee after 10th October, 2023.

The Committee took serious notice of absence of the Secretary, Ministry of National Food Security and Research on three consecutive meetings. The Committee noted that notice of the meeting was issued on 25th September, 2023 and the notice was also endorsed to the Principal Secretary to the Prime Minister as well as the Secretary Establishment Division with clear direction to direct the officer to appear in person before the Committee. The members were of the view that when the Secretary Establishment Division was aware of the meeting then how did the leave of the officer was approved and by whom it was approved. The Senior Joint Secretary of the Ministry of NFS&R requested the Committee to give one chance to the Secretary to appear before the Committee which was turned down by the Committee. The Movers were of the view that absence of the officer is the breach of privilege of the Privileges Committee as well so no leniency should be shown towards an officer having such a bad attitude towards the Parliament. The Movers were of the view that they will not bear any further humiliation at the hands of the officer so they will not re-appear before this Committee. Senator Manzoor Ahmed Kakar and Senator Prince Ahmed Umer Ahmadzai walked out of the meeting as protest. The Movers were of the view that the Chairman Senate should also be informed of this situation. Senator Irfan Siddiqui was of the view that excuse of absence is not plausible as the notice was issued on 25th September, 2023 and the officer also did not appear in two earlier meetings as well. Senator Saifullah Abro was of the view that respect of the Parliament is in the hands of its members and if we surrender our privileges like that then no one will respect the representatives of the people of Pakistan. The Committee also observed that the attitude of the officer is not appropriate as last night he sent a WhatsApp message to the Chairman Committee seeking adjournment which is very inappropriate manner to submit a request.

After detailed discussion, the Committee was of unanimous opinion that the attitude of Capt. (R) Muhammad Mehmood, Additional Secretary (Incharge), Ministry of National Food Security and Research is highly contemptuous. He was given ample opportunity to appear before the Committee and submit his defence against the allegations levelled in



the instant privilege motion but he failed to appear before the Committee rather he avoided the proceedings deliberately. The Establishment Division through its letter No.PF(747)/E-5(PAS) dated 28th September, 2023 also requested the officer complained against to appear before the Committee but he did not even bother the direction of Establishment Division. The Committee recommended that a letter may be written to the Secretary Establishment Division (Cabinet Secretariat), Government of Pakistan, Islamabad conveying therein the attitude of Capt. (R) Muhammad Mehmood, Additional Secretary (Incharge), Ministry of National Food Security and Research which is unbecoming of an officer and with the recommendation that he may not be posted in any key position in future.

5. Rule 162 of the Rules of Procedure and Conduct of Business in the Senate, 2012 provides the functions of the Committee on Rules of Procedure and Privileges which says that the Committee shall examine every question of privilege referred to it by the Senate or the Chairman and determine with reference to the facts 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; and may suggest the procedure to be followed by the Senate to give effect to its recommendations.

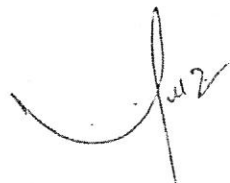
6. In nutshell, the Committee on Rules of Procedure and Privileges has to perform the following three functions when a question of breach of privilege is referred to it:-

- a) To determine with reference to the facts of each case whether a breach of privilege is involved or not.
- b) if breach is involved, the nature of the breach and the circumstances leading to it.
- c) To make such recommendations as it may deem fit.
- d) To suggest the procedure to be followed by the Senate to give effect to its recommendations.

7. Keeping in view the facts and circumstances of the instant Privilege Motion, the above functions of the Committee are discharged as under:

- a) **To determine with reference to the facts of each case whether a breach of privilege is involved or not.**

8. The notice of the instant Privilege Motion was given by Senators Fida Muhammad, Prince Ahmed Umer Ahmed Zai and Shamim Afridi who are the members of the Senate Standing Committee on Petroleum alleging therein that in the meeting of the said Committee held on 2nd May, 2023, the Secretary Petroleum misbehaved with the members and



his attitude towards the members was inappropriate, rude and insulting and due to his misconduct the proceedings of the Committee were disrupted which amounts to breach of Privilege of the Committee and its members.

9. It is pertinent to mention here that after the reference of the matter to the Committee, the comments of the officer complained against were sought on the contents of the Privilege Motion. In response to that, the Section Officer of the M/O Petroleum written letter No.4(20)/2021-Council-Senate dated 7th July, 2023 to the Secretary Committee on behalf of the Secretary Petroleum stating therein, -

‘That only the Chairman of a Committee is empowered to initiate any action against those deemed responsible for violating the prestige/privilege of the Committee and members thereof and as such the Chairman of the Committee has not taken any action which indicates that no breach or violation of privilege was committed on part of Secretary Petroleum. The letter further states that as per parliamentary norms, decorum of the Committees requires that communication be through the Chairperson and there be no cross talk between the members so what the members construed as misbehavior on part of Secretary Petroleum was in fact adherence to the Rules and norms of decorum of the Committees.’

The contents of the above referred letter clearly suggests that the Secretary Petroleum has not denied his alleged behavior and attitude towards the members of the Committee rather he challenged the power of the members to raise a question of breach of privilege.

10. The Committees of the House are created to have vast and elaborative discussion on the matters referred from the House. The formula of composition of the Committees is such that every political party should have representation in the Committee to have a collective wisdom on the issues being considered by the Committee. The Committees are the forum to have open discussion on the matters so the Rules which are to be observed in the House are not to be observed in the proceedings of the Committees in *stricto sensu*. Otherwise, the mode of discussion in the Committee would become very formal and less inclusive.

11. As far as the right of every member of the House and its committees to raise a question of breach of privilege is concerned, it is very clear that Rule 70 of the Rules of Procedure and Conduct of Business in the Senate provides that a member may, with the consent of the Chairman and Chairman here means Chairman Senate, raise a question involving a breach



of privilege either of a member or of the Senate or of a Committee thereof, if based on misconduct in the presence of House or the Committees thereof. So, the plea of the Secretary Petroleum that Members of the Committee cannot raise the question of breach of privilege is not correct.

12. The Secretary Petroleum against whom the instant Privilege Motion has been moved was given ample opportunity to appear before the Committee and defend himself on the allegations levelled against him but his conduct and response to the notices of the Committee meetings was highly objectionable and he deliberately avoided the proceedings of the Committee through various tactics which amounts to disobedience of the orders of the Committee. Under these facts and circumstances, the Committee was of unanimous view that breach of privilege is involved in this matter.

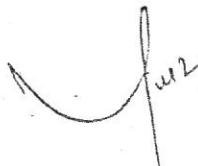
b) if breach is involved, the nature of the breach and the circumstances leading to it.

13. Since the Committee was of unanimous view that breach is involved in the instant matter then the next function of the Committee was to determine the nature of breach and circumstances leading to it.

14. In the instant case, the Secretary Petroleum in his written response did not deny the allegations rather he tried to take shelter of the Rules by way of his own interpretation of the Rules to justify his conduct with the members. So, his misconduct with the members of the Committee is proved by way of his own written reply. Moreover, he was given ample opportunity to appear before the Committee and defend himself on the allegations levelled against him but he deliberately avoided the proceedings of the Committee through various tactics which amounts to disobedience of the orders of the Committee. Under these facts and circumstances, the Committee was of unanimous view that the nature of breach of privilege in the instant case falls under paragraphs (i) & (ii) of Rule 70 of the Rules of Procedure and Conduct of Business in the Senate, 2012 which are provided as under:

- (i) misconduct in the presence of House or the Committees thereof;
- (ii) disobedience of order of the House or its Committees;
- e) To make such recommendations as it may deem fit.

15. The Committee unanimously recommended that a letter may be written to the Secretary Establishment Division (Cabinet Secretariat), Government of Pakistan, Islamabad conveying therein that the attitude of Capt. (R) Muhammad Mehmood, Additional Secretary





(Incharge), Ministry of National Food Security and Research is unbecoming of an officer and further recommended that he may not be posted in any key position in future.

a) To suggest the procedure to be followed by the Senate to give effect to its recommendations.

16. The Committee suggested that the report of the Committee with the above recommendations may be presented to the House and in terms of Rule 78 of the Rules of Procedure and Conduct of Business in the Senate, 2012, if the House finds him to be guilty of the breach of privilege as recommended by the Committee, it may award punishment to such person in accordance with Constitution and the law. The House may also direct the Ministry concerned or the relevant authority to take an appropriate action against Capt. (R) Muhammad Mehmood, Additional Secretary (Incharge), Ministry of National Food Security and Research (former Secretary Petroleum Division) for committing the breach of the privilege of the Members of the Senate Standing Committee on Petroleum and report to the Senate about the action taken on the directions or recommendations made by the Committee within a period of two months from the date of communication.

17. The report is presented to the House for its kind consideration.


(MUHAMMAD AZAM)
Secretary Committee


(SENATOR MUHAMMAD TAHIR BIZINJO)
Chairman Committee