



THE
SENATE OF PAKISTAN
DEBATES

OFFICIAL REPORT

Wednesday, June 04, 2014
(105th Session)
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Contents	Pages
Recitation from the Holy Quran	1
Leave of Absence	2
Privilege Motion moved by Senator Zahid Khan Regarding Attitude and Behaviour of the Officers and Staff of Public Health Engineering, Government of KPK	3
FATEHA	4
Legislative Business	4
The Anti-Terrorism (Amendment) Bill, 2014	4
Objects and Reasons of the Bill Stated by Mr. Zahid Hamid, Minister for Science & Technology	6
The Anti-Terrorism (Second Amendment) Bill, 2014	12
The Legal Practitioners and Bar Councils (Amendment) Bill, 2014	17
The Law and Justice Commission of Pakistan (Amendment) Bill, 2014	19
The Service Tribunals (Amendment) Bill, 2014	21
Point of Order Raised by Senator Mian Raza Rabbani	27
Point of Order raised by Senator Haji Muhammad Adeel regarding firing on Edhi Foundation Office in Peshawar	28
Point of Order Raised by Senator Haji Ghulam Ali Regarding Failure of KPK Government	29

SENATE OF PAKISTAN
SENATE DEBATES

Wednesday, June 04, 2014

The Senate of Pakistan met in the Senate Hall (Parliament House) Islamabad, at fifty three minutes past five in the evening with Mr. Chairman (Syed Nayyer Hussain Bokhari) in the Chair.

Recitation from the Holy Quran

أَعُوذُ بِاللَّهِ مِنَ الشَّيْطَانِ الرَّجِيمِ-

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ-

إِنَّمَا وَلِيُّكُمُ اللَّهُ وَرَسُولُهُ وَالَّذِينَ آمَنُوا الَّذِينَ يُعْقِلُونَ الصَّلَاةَ
وَيُؤْتُونَ الزَّكَاةَ وَهُمْ رُكْعُونَ- وَمَنْ يَتَوَلَّ اللَّهَ وَرَسُولَهُ وَالَّذِينَ
آمَنُوا فَإِنَّ حِزْبَ اللَّهِ هُمُ الْغَالِبُونَ- يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا
الَّذِينَ اتَّخَذُوا دِينَكُمْ هُزُوعًا وَلَا عِبَابًا مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ
قَبْلِكُمْ وَأَنْكُفَارًا أَوْلِيَاءَ وَاتَّقُوا اللَّهَ إِنَّ كُنْتُمْ مُؤْمِنِينَ- وَ
إِذَا نَادَيْتُمْ إِلَى الصَّلَاةِ اتَّخَذُوهَا هُزُوعًا وَلَا عِبَابًا ذَلِكَ بِأَنَّهُمْ قَوْمٌ لَا
يَعْقِلُونَ-

ترجمہ: تمہارے دوست تو اللہ اور اس کے پیغمبر اور مومن لوگ ہی ہیں جو نماز
پڑھتے اور زکوٰۃ دیتے اور (اللہ کے آگے) جھکتے ہیں۔ اور جو شخص اللہ اور اس کے

پیغمبر اور مومنوں سے دوستی کرے گا تو (وہ اللہ کی جماعت میں داخل ہوگا اور) اللہ کی جماعت غلبہ پانے والی ہے۔ اے ایمان والو جن لوگوں کو تم سے پہلے کتابیں دی گئی تھیں ان کو اور کافروں کو جنہوں نے تمہارے دین کو، منسی اور کھیل بنا رکھا ہے دوست نہ بناؤ اور مومن ہو تو اللہ سے ڈرتے رہو۔ اور جب تم لوگ نماز کے لیے اذان دیتے ہو، تو یہ اسے بھی، منسی اور کھیل بناتے ہیں۔ یہ اس لیے کہ سمجھ نہیں رکھتے۔

سورۃ المائدہ (آیات 58-55)

جناب چیئرمین: بسم اللہ الرحمن الرحیم۔ Leave applications

Leave of Absence

جناب چیئرمین: جناب ظہیر الدین بابر اعوان، ذاتی مصروفیات کی بنا پر گزشتہ اجلاس کے دوران مورخہ 12,13,14,16,19,31 مئی کو اجلاس میں شرکت نہیں کر سکے تھے اس لیے انہوں نے ان تاریخوں کے لیے رخصت کی درخواست کی ہے، کیا رخصت منظور ہے؟
(رخصت منظور کی گئی)

جناب چیئرمین: جناب وقار احمد خان نے ناسازی طبعیت کی بنا پر حالیہ مکمل اجلاس کے لیے ایوان سے رخصت کی درخواست کی ہے، کیا رخصت منظور ہے؟
(رخصت منظور کی گئی)

جناب چیئرمین: محترمہ فرح عاقل صاحبہ نے ذاتی مصروفیات کی بنا پر مورخہ چار اور چھ جون کے لیے ایوان سے رخصت کی درخواست کی ہے، کیا رخصت منظور ہے؟
(رخصت منظور کی گئی)

جناب چیئرمین: جناب محمد کاظم خان صاحب نے ذاتی مصروفیات کی بنا پر آج مورخہ چار جون کے لیے ایوان سے رخصت کی درخواست کی ہے، کیا رخصت منظور ہے؟
(رخصت منظور کی گئی)

جناب چیئرمین: ڈاکٹر محمد جمالی صاحب نے ذاتی مصروفیات کی بنا پر مورخہ چار اور پانچ جون کے لیے ایوان سے رخصت کی درخواست کی ہے، کیا رخصت منظور ہے؟
(رخصت منظور کی گئی)

جناب چیئرمین: جناب تنویر الحق تھانوی صاحب نے ذاتی مصروفیات کی بنا پر مورخہ چار اور پانچ جون کے لیے ایوان سے رخصت کی درخواست کی ہے، کیا رخصت منظور ہے؟
(رخصت منظور کی گئی)

Mr. Chairman: Yes, Zahid Khan Sahib.

Privilege Motion moved by Senator Zahid Khan
Regarding Attitude and Behaviour of the Officers
and Staff of Public Health Engineering,
Government of KPK

سینیٹر محمد زاہد خان: شکریہ جناب چیئرمین! میں تحریک پیش کرتا ہوں کہ درج ذیل واقعہ سے میرا بحیثیت رکن سینیٹ استحقاق مجروح ہوا ہے۔
جناب عالی! میں نے اپنے فیڈرل ترقیاتی فنڈز میں سے گاؤں بانڈا، ضلع دیر (لوئر) میں واٹر سپلائی سکیم کے لیے فنڈز مہیا کیے۔ منظوری کے بعد سکیم مکمل ہوئی۔ سکیم کی تکمیل کے بعد میں نے سیکرٹری پبلک انجنیئرنگ حکومت خیبر پختونخوا سے کہا کہ اس سکیم کے افتتاح کے لیے انتظامات کریں۔ انہوں نے تقریب کے انتظامات مکمل کیے اور ہمیں بتایا کہ افتتاح کی تقریب 28 مارچ 2014 کو منعقد ہوگی۔

جناب عالی! 28 مارچ کو میں معززین علاقہ کے ہمراہ وہاں پہنچا تو متعلقہ محکمے کا سیکرٹری، ساجد خان جدون، کوئی افسر یا اہلکار موجود نہیں تھا۔ اس سیکرٹری اور محکمے کے دوسرے افسران کے اس رویے سے میرا استحقاق مجروح ہوا ہے۔ لہذا گزارش ہے کہ اس تحریک کو استحقاق کمیٹی کے سپرد کیا جائے۔
جناب والا! میری ایک کروڑ تیس لاکھ روپے کی سکیم تھی، اس سکیم کے افتتاح کے لیے جب میں گیا تو عوام نے مجھے کہا کہ اس میں بہت گھپلا ہوا ہے، کوئی افسر نہیں آیا۔ ہمارے دفتر والوں نے

انہیں ایک خط بھیجا لیکن اس کا جواب نہیں آیا، اس کے بعد reminder بھیجا اس کا جو جواب بھیجا گیا وہ اس ہاؤس کے ساتھ مذاق ہے۔ آپ مہربانی کر کے اس کو کمیٹی کے سپرد کر دیں۔
جناب چیئر مین: جی قائد ایوان صاحب۔

Senator Raja Muhammad Zafar-ul-Haq
(Leader of the House): We have no objection.

Mr. Chairman: Since it is not being opposed by the Leader of the House, the matter is being referred to the concerned committee. Yes please.

سینیٹر سعید غنی: جناب والا! دعا کرادیں آرمی کے ان شداء کے لیے جو آج صبح شہید ہوئے ہیں۔

FATEHA

جناب چیئر مین: جی قائد ایوان صاحب! آپ دعا کرادیں۔
(اس موقع پر فاتحہ خوانی کی گئی۔)

Legislative Business

The Anti-Terrorism (Amendment) Bill, 2014

Mr. Chairman: Who would move item No.2, on behalf of Chaudhry Nisar Ali Khan, Minister for Interior and Narcotics Control? Yes Zahid Hamid *sahib*.

Mr. Zahid Hamid (Minister for Science and Technology): Thank you sir. I hereby move under Rule 263 of the Rules of Procedure and Conduct of Business in the Senate,.....

Mr. Chairman: Zahid Hamid *sahib*, there is an objection now.

آپ اس کا جواب دے دیں۔

Senator Mian Raza Rabbani: I would like to ask the honourable Minister, where is the Minister concerned? He is absconding perhaps.

Mr. Zahid Hamid: He is not absconding. I am handling the legislative business on his behalf for some time and this particular law of which I was the convener of a Committee constituted by the Prime Minister which had representatives of all political parties. So, I am directly concerned with this particular law.

Mr. Chairman: You may proceed.

Mr. Zahid Hamid: I hereby move under Rule 263 of the Rules of Procedure and Conduct of Business in the Senate, 2012 that the requirements of Rule 121 read with Rule 99 of the said Rules be dispensed with in order to take into consideration the Bill further to amend the Anti-Terrorism Act, 1997 [The Anti-Terrorism (Amendment) Bill, 2014], as reported by the Standing Committee.

Mr. Chairman: It has been moved that under Rule 263 of the Rules of Procedure and Conduct of Business in the Senate, 2012 that the requirements of Rule 121 read with Rule 99 of the said Rules be dispensed with in order to take into consideration the Bill further to amend the Anti-Terrorism Act, 1997 [The Anti-Terrorism (Amendment) Bill, 2014], as reported by the Standing Committee.

(The motion was carried.)

Mr. Chairman: Mr. Zahid Hamid may move Item No.3.

Mr. Zahid Hamid: Thank you sir. I hereby move that the Bill further to amend the Anti-Terrorism Act, 1997 [The Anti-Terrorism (Amendment) Bill, 2014], as reported by the Standing Committee, be taken into consideration at once.

Mr. Chairman: Is it opposed? No, it has not been opposed. Would you like to state its objects and reasons?

Objects and Reasons of the Bill Stated by Mr. Zahid Hamid, Minister for Science & Technology

Mr. Zahid Hamid: Yes sir. Sir, as I had mentioned earlier, when the Prime Minister went to Karachi last year, he met with the leaders of all the political parties in Karachi. A Cabinet meeting was also convened there and in consequence of that an inter-party committee was constituted and I was the convener of that committee. We met a number of times and drafted certain amendments in the Anti-Terrorism Act, 1997 which is before this august House. This was approved by that particular committee. One or two amendments were made as a consequence of the Cabinet meeting that took place thereafter and then it was introduced in the National Assembly. We had further round of negotiations with representatives of various political parties in the National Assembly. Many of the amendments were incorporated and then it was passed. Unfortunately, on the day that it was passed, there were some commotion and ultimately, I have to say that it was passed in the absence of the parties who left the Assembly. However, I have further discussed this Bill in detail in this august House's Standing Committee on Interior. Certain

amendments have been made and even though I did my best to point out that perhaps these amendments were not required, because they enjoyed the majority support of the honourable members of the Standing Committee, the Bill as amended now is before this august House and I would respectfully request that it may kindly be approved.

Mr. Chairman: Leader of the Opposition.

Senator Aitzaz Ahsan (Leader of the Opposition): Mr. Chairman, I just want to put on the record and I would hope and expect that the honourable Minister also places it explicitly on the record that we are allowing the passage of this Bill today because of the fact that it is the 90th day. We have certain reservations and certain opinions about some amendments and those amendments will be discussed and incorporated in very near future. This is being allowed to go through and perhaps, Mr. Chairman, you are also aware of the fact, this has been allowed to go through because it is the 90th day but there is a commitment on the part of the Government and that is the basis of our cooperation with the Government in this regard that some amendments will be introduced by us or suggested by us, the Government will move those amendments in this Bill very soon, within the next few weeks, after discussion on the Budget, that is, in the next session and those amendments will be incorporated in the Bill.

Mr. Chairman: Zahid Hamid *sahib*.

Mr. Zahid Hamid: Sir, with reference to the point raised by the honourable Leader of the Opposition, I would just like to say that yes, this point was brought up.

We have been negotiating in detail regarding one other law which is to the Protection of Pakistan Bill I had pointed out or rather the honourable Leader of the Opposition had pointed out that certain provisions of that Bill are common with this Bill and that is correct. What I had said is that whatever we agree relating to the Protection of Pakistan Bill, I commit we will incorporate in this Bill and yes, this is true that this is the last day or rather tomorrow will be the last day that the Senate has powers to amend this Bill. So, if it does not approve the Bill or make amendments as it proposes to do, it will lose that power tomorrow. Therefore, I would again request that please allow this Bill to go through and I stand committed that whatever we agree, relating to the Protection of Pakistan Bill, will be incorporated in this Bill also.

Mr. Chairman: Syed Muzafar Hussain Shah.

Senator Syed Muzafar Hussain Shah: Sir, while supporting the Bill for the reasons that tomorrow would be the last day, I was not a member of the Committee basically which vetted this draft but for the purpose of clarification of the honourable Minister, I would like to point out as pointed out by the Leader of the Opposition that when amendments are made; clarifications that I would like to seek, through your courtesy, that if you would be kind enough to see that in Section 3 at 11(b), the Federal Government may by order published in the official gazette, list an organization as a proscribed organization in the First Schedule on an *ex-parte* basis

Mr. Chairman: That's a next bill.

Senator Syed Muzafar Hussain Shah: Let me point out, more or less the language is same. I will just point that out.

جناب چیئر مین: آپ دیکھ لیں۔

Senator Syed Muzafar Hussain Shah: Sir, my clarification was that they have used the word “reasonable grounds”. Reasonable grounds have been picked up from Section 497 of the Criminal Procedure Code in relation to the grant of bail. If there are reasonable grounds to believe that an accused is guilty of a cognizable offence, he shall or he shall not be released on bail but in the defining sections reasonable grounds has not been defined. What would be construed to mean reasonable grounds? In addition to that, I think there are certain lacunas which need clarification and I look forward to the minister concerned that when these clarifications are sought to be removed through amendments, these would also be taken into consideration. The term used actually for the source of information is credible information. Whether credible information would include information from spy sources, sources basically would stand protected? What would be the meaning of credible information? Usually credible information connotes information which is reasonable, which a normal reasonable man was liable to believe and therefore, this also needs a little bit clarification. Then sir, I would point out to the minister concerned that in the review boards no judicial officer has been nominated at all. They are all executive officers of the Ministry of Law and Justice. Whether the ends of justice meant in a case

of this nature, where you are drafting and putting forward a statute which in very many ways is a very strict statute, would it have been appropriate and expedient to include judicial officers? Where an order would be passed by the Federal Government, how would you expect a Joint Secretary or an officer below the Joint Secretary to sit on a review board and overturn the decision of the Federal Government? Therefore, I think this needs a little bit application of mind. Keeping the ends of justice in view, then pending an investigation, then they have used a word prima facie, that where there were reasonable grounds to believe that prima facie any property has been acquired through money laundering, then perhaps there would have been justification for seizing property during the pendency of an investigation or inquiry. The word prima facie does not seem to find mention in the drafting of this draft here. So therefore, sir, I would like to point out that perhaps this draft, which has been tabled here after the Committee has done with some haste and therefore, to meet the ends of justice, we would like to look forward that when the amendments do come for the purposes of clarification, the purpose is, that legislation passed by Parliament should be of a quality legislation, whose interpretation should not leave anybody to doubt. There should not be two interpretations. Therefore, I would like to bring this to the notice of the honourable Minister that these lacunas, ambiguities need clarification. We look forward to the fact that when these clarifications are forthcoming, they would be done with clarity of mind and would meet the ends of justice. Thank you.

جناب چیئر مین: زاہد حامد صاحب۔

Mr. Zahid Hamid: Thank you. As I mentioned earlier, I did not want to interrupt the honourable member, but the observations that were being made by him relate to the next bill that will come before this August House relating to money laundering. Now, if you like, I can reply to the observations now or would you like me to wait till we take up that for consideration?

جناب چیئر مین: میرا خیال ہے جب اس Bill کی باری آئے تو مناسب وہی ہے۔

Mr. Zahid Hamid: I did not want to interrupt him but all the observations are for the next Bill.

Mr. Chairman: Thank you. It has been moved that the Bill further to amend the Anti-Terrorism Act 1997, [the Anti-Terrorism (Amendment) Bill 2014] as reported by the Standing Committee be taken into consideration at once.

(The motion was carried)

Mr. Chairman: We may now take up second reading of the Bill i.e. clause by clause of the consideration of the bill, Clauses 2 to 10. The question is that Clauses 2 to 10 do form part of the Bill?

(The motion was carried)

Mr. Chairman: The question is that Clause 1, the Preamble and the Title do stand part of the Bill?

(The motion was carried)

Mr. Chairman: Mr. Zahid Hamid may move Item No. 4.

Mr. Zahid Hamid: Thank you. I hereby move that the Bill further to amend the Anti-Terrorism Act 1997 [the Anti-Terrorism (Amendment) Bill, 2014] be Passed.

Mr. Chairman: It has been moved that the Bill further to amend the Anti-Terrorism Act 1997 [The Anti-Terrorism (Amendment Bill), 2014] be Passed.

(The Motion was carried)

The Anti-Terrorism (Second Amendment) Bill,
2014

Mr. Chairman: We may take up Item No. 5. Mr. Zahid Hamid may move the motion.

Mr. Zahid Hamid: Thank you. I hereby move under Rule 263 of the Rules of Procedure and Conduct of Business in the Senate, 2012 that the requirements of Rule 121 read with Rule 99 of the said rules be dispensed with in order to take into consideration the Bill further to amend the Anti-Terrorism Act 1997, [The Anti-Terrorism (Second Amendment) Bill, 2014] as reported by the Standing Committee.

Mr. Chairman: It has been moved that under Rule 263 of the Rules of Procedure and Conduct of Business in the Senate 2012 that the requirements of Rule 121 read with Rule 99 of the said rules be dispensed within order to take into consideration the Bill further to amend the Anti-Terrorism Act, 1997 [The Anti-Terrorism (Second Amendment) Bill, 2014], as reported by the Standing Committee.

(The motion was carried)

Mr. Chairman: Mr. Zahid Hamid may move Item No. 6.

Mr. Zahid Hamid: Thank you sir. I hereby move that the Bill further to amend the Anti-terrorism Act, 1997 [The Anti-terrorism (Second Amendment) Bill, 2014], as reported by the Standing Committee, be taken into consideration at once.

Mr. Chairman: Is it opposed?

چوہدری اعتراف صاحب، آپ اس پر کچھ کہنا چاہتے ہیں؟

سینیٹر اعتراف احسن: ہم Oppose تو نہیں کریں گے لیکن میں یہ عرض کرنا چاہتا ہوں کہ اس Bill سے متعلق بھی ہماری وہی reservations ہیں جو PPO کے بارے میں ہیں یعنی اگر اس میں بھی کوئی تضاد ہو تو اس میں بھی ترامیم اور وضاحت کرنی ضروری ہوگی تو وہ ترامیم کی جائیں گی۔

جناب چیئر مین: کرنل مشہدی صاحب۔

Senator Col. (Retd.) Syed Tahir Hussain Mashhadi: Thank you very much. Mr. Chairman, this bill was taken up by the Standing Committee on Interior and they have recommended three amendments in this bill i.e. Clauses 2, 3 and 9.

Mr. Zahid Hamid: This Bill has been recommended without any amendment unanimously.

Mr. Chairman: Col. Mashhadi *sahib*, that is over.

Senator Col. (Retd.) Syed Tahir Hussain Mashhadi: But I made these amendments.

Mr. Chairman: Whatever was discussed in the Standing Committee and whatever the report has come before the House, the Bill stands passed as reported by the Standing Committee.

Senator Col. (Retd.) Syed Tahir Hussain Mashhadi: With the amendments?

Mr. Chairman: Obviously. The report of the Standing Committee is being considered and we have passed a Bill which is reported by the Standing Committee. Whatever amendments had come over there, they were inserted over there and those amendments had come in the shape of the report of the Standing Committee and that was being considered and that is what I said also, as reported by the Standing Committee.

Senator Col. (Retd.) Syed Tahir Hussain Mashhadi: That is alright. If the Bill comes with these amendments, then I have no objection.

Mr. Chairman: You can examine the report but I have mentioned it as reported by the Standing Committee. Zahid Hamid *sahib* could you response to the issue which was raised by Syed Muzafar Hussain Shah?

Mr. Zahid Hamid: Yes sir, with pleasure. Let me explain the background of this particular Ordinance. The United Nations Convention for Suppression of Financing of Terrorism contains certain provisions relating to terrorism financing, including actions that have to be taken to freeze the accounts and assets of terrorist organizations and individuals. Pakistan acceded to this particular Convention in the year 2010. The Financial Action Task Force (FATF) is the apex international body which looks into the provisions relating to anti money laundering and also counter financing of terrorism in the domestic legislation of various countries. They looked at

our Anti Terrorism Act and the provisions relating to terrorist financing. They said, it is inadequate and in fact, they placed us on what they call the Public Statement which is meant for countries with vulnerable financial systems.

In March 2013, the then government passed a Bill amending the Anti Terrorism Act and that provided for strengthening the actions against terrorism financing. That particular Law, which was passed in March, 2013 by Parliament, was examined again by this international body FATF and again they found that it did not measure up to the proper standard. Therefore, now this Bill has been drafted to take care of the objections that have been raised by the Financial Action Task Force. It has been examined in depth again in the National Assembly and some amendments were made. Now we hope to bring it in accordance with the requirements that have been laid down by the Financial Action Task Force and prevent any danger of our being placed on the Public Statement again which will result in punitive measures. Thank you.

Mr. Chairman: Zahid *sahib*, Muzafar Shah *sahib* asked for clarification on certain lacunas in the Bill

اعترزاز صاحب نے بھی یہی بات کی ہے۔

Mr. Zahid Hamid: Let me answer his questions. The first one related to the question of “reasonable ground”. You will notice that this is one of the improvements that came in the Bill as the result of the discussions in the Standing Committee and in the National Assembly. If I may refer him as he mentioned, to

Clause 3, the proposed section 11(B) and if you look at the Explanation, it says:-

“The opinion concerning “reasonable grounds to believe” may be formed on the basis of information received from any credible source whether domestic or foreign including governmental and regulatory authorities, law enforcement agencies, foreign intelligence units, banks, non banking companies and international institutions”.

So it is a very comprehensive explanation of what grounds will form the basis of this term of “reasonable grounds” and you will notice that this very Explanation also finds place in the Explanation to Clause 8 (1). At the top of page 4, the same explanation is included there also. So this meets the objection raised by the honourable member. Thank you.

Mr. Chairman: It has been moved that the Bill further to amend the Anti-terrorism Act, 1997 [The Anti-terrorism (Second Amendment) Bill, 2014], as reported by the Standing Committee, be taken into consideration at once.

(The motion was carried)

Mr. Chairman: We may now take second reading of the Bill i.e. clause by clause consideration of the Bill. The question is that clause 2 to 16, do form part of Bill?

(The motion was carried)

Mr. Chairman: We may now take up Clause 1, the Preamble and the Title of the Bill. The question is that Clause 1, and the Title do stand part of the Bill?

(The motion was carried)

Mr. Chairman: Mr. Zahid Hamid, may move Item No. 7.

Mr. Zahid Hamid: Thank you sir. I hereby move that the Bill further to amend the Anti-terrorism Act, 1997 [The Anti-terrorism (Second Amendment) Bill, 2014], be passed.

Mr. Chairman: It has been moved that the Bill further to amend the Anti-terrorism Act, 1997 [The Anti-terrorism (Second Amendment) Bill, 2014], be passed.

(The motion was carried)

The Legal Practitioners and Bar Councils
(Amendment) Bill, 2014

Mr. Chairman: We may now take up Item No. 8. Mr. Pervaiz Rashid, Minister for Law, Justice and Human Rights may move the Motion.

Senator Pervaiz Rashid (Minister for Law, Justice & Human Rights): I wish to move motion under rule 263 of the Rules of Procedure and Conduct of Business in the Senate, 2012 that the requirements of Rule 121 read with Rule 99 of the said Rules be dispensed with in order to take into consideration the Bill further to amend the Legal Practitioners and Bar Councils Act, 1973 [The Legal Practitioners and Bar Councils (Amendment) Bill, 2014], as reported by the Standing Committee.

Mr. Chairman: It has been moved under Rule 263 of the Rules of Procedure and Conduct of Business in the Senate, 2012 that the requirements of Rule 121 read with Rule 99 of the said rules be dispensed with in order to take into consideration the Bill further to amend the

Legal Practitioners and Bar Councils Act, 1973 [The Legal Practitioners and Bar Councils (Amendment) Bill, 2014], as reported by the Standing Committee.

(The motion was carried)

Mr. Chairman: Mr. Pervaiz Rashid, Minister for Law, Justice and Human Rights may move Item No. 9.

Senator Pervaiz Rashid: I hereby move that the Bill further to amend the Legal Practitioners and Bar Councils Act, 1973 [The Legal Practitioners and Bar Councils (Amendment) Bill, 2014], as reported by the Standing Committee, be taken into consideration at once.

Mr. Chairman: Is it opposed? No, it has not been opposed. It has been moved that the Bill further to amend the Legal Practitioners and Bar Councils Act, 1973 [The Legal Practitioners and Bar Councils (Amendment) Bill, 2014], as reported by the Standing Committee, be taken into consideration at once.

(The motion was carried)

Mr. Chairman: We may now take up second reading of the Bill i.e. clause by clause consideration of the Bill. The question is that Clause 2 to 32 do form part of the Bill?

(The motion was carried)

Mr. Chairman: We may now take up Clause 1, the Preamble and the Title of the Bill. The question is that Clause 1, and the Title do stand part of the Bill?

(The motion was carried)

Mr. Chairman: Mr. Pervaiz Rashid, Minister for Law, Justice and Human Rights may move Item No. 10.

Senator Pervaiz Rashid: I wish to move that the Bill further to amend the Legal Practitioners and Bar Councils Act, 1973[The Legal Practitioners and Bar Councils (Amendment) Bill, 2014], be passed.

Mr. Chairman: It has been moved that the Bill further to amend the Legal Practitioners and Bar Councils Act, 1973[The Legal Practitioners and Bar Councils (Amendment) Bill, 2014], be passed.

(The motion was carried)

Mr. Chairman: The Bill stands passed. We may now take up Item No.11, Mr. Pervaiz Rashid, Minister for Law, Justice and Human Rights, may move motion.

The Law and Justice Commission of Pakistan
(Amendment) Bill, 2014

Senator Pervaiz Rashid: I wish to move motion under Rule 263 of the Rules of Procedure and Conduct of Business in the Senate, 2012 that the requirements of Rule 121 read with Rule 99 of the said Rules be dispensed with in order to take into consideration the Bill further to amend the Law and Justice Commission of Pakistan Ordinance, 1997 [The Law and Justice Commission of Pakistan (Amendment) Bill, 2014], as reported by the Standing Committee.

Mr. Chairman: It has been moved under Rule 263 of the Rules of Procedure and Conduct of Business in the Senate, 2012 that the requirements of Rule 121 read with Rule 99 of the said Rules be dispensed with in order to take into consideration the Bill further to amend the Law and Justice Commission of Pakistan Ordinance, 1997 [The Law and Justice Commission of Pakistan

(Amendment) Bill, 2014], as reported by the Standing Committee.

(The motion was carried)

Mr. Chairman: Mr. Pervaiz Rashid, Minister for Law, Justice and Human Rights, may move Item No.12.

Senator Pervaiz Rashid: I wish to move that the Bill further to amend the Law and Justice Commission of Pakistan Ordinance, 1979 [The Law and Justice Commission of Pakistan (Amendment) Bill, 2014], as reported by the Standing Committee, be taken into consideration at once.

Mr. Chairman: Is it opposed? It has not been opposed. It has been moved that the Bill further to amend the Law and Justice Commission of Pakistan Ordinance, 1979 [The Law and Justice Commission of Pakistan (Amendment) Bill, 2014], as reported by the Standing Committee, be taken into consideration at once.

(The motion was carried)

Mr. Chairman: We may now take up second reading of the Bill, that is, clause by clause consideration. The question is that clauses 2 to 4 do form part of the Bill?

(The motion was carried)

Mr. Chairman: We may now take up clause-1, the Preamble and the Title of the Bill. The question is that clause-1, the Preamble and Title do stand part of the Bill?

(The motion was carried)

Mr. Chairman: Mr. Pervaiz Rashid, Minister for Law, Justice and Human Rights, may move Item No.13.

Senator Pervaiz Rashid: I wish to move that further to amend the Law and Justice Commission of Pakistan Ordinance, 1979[The Law and Justice Commission of Pakistan (Amendment) Bill, 2014], be passed.

Mr. Chairman: It has been moved that further to amend the Law and Justice Commission of Pakistan Ordinance, 1979[The Law and Justice Commission of Pakistan (Amendment) Bill, 2014], be passed.

(The motion was carried)

Mr. Chairman: The motion was carried and the Bill stands passed. We may now take up Item No.14, Shaikh Aftab Ahmad Minister of State for Parliamentary Affairs may move the motion. Zahid Hamid *sahib*, would you move the motion?

Mr. Zahid Hamid: Yes, sir.

Mr. Chairman: Please, move the motion.

Mr. Zahid Hamid: Thank you sir...

جناب چیئر مین: جی میاں رضا ربانی صاحب۔

Senator Mian Raza Rabbani: Thank you sir, how many names does the honourable Minister has, Shaikh Aftab Ahmad, Nisar Ali and Mr. Zahid Hamid that is his own name.

Mr. Chairman: You object his name.

Senator Mian Raza Rabbani: No sir, I don't object his name.

The Service Tribunals (Amendment) Bill, 2014

Mr. Zahid Hamid: Sir, the Federal Cabinet constituted a committee which I have been to be the

Convener, and then I had to pilot this Bill in the National Assembly as well I hereby move under Rule 263 of the Rules of Procedure and Conduct of Business in the Senate, 2012 that the requirements of Rule 121 read with Rule 99 of the said Rules be dispensed with in order to take into consideration the Bill further to amend the Service Tribunals Act, 1973 [The Service Tribunals (Amendment) Bill, 2014], as reported by the Standing Committee.

Sir, I would like to make a statement immediately after this motion is passed.

Mr. Chairman: It has been moved that under Rule 263 of the Rules of Procedure and Conduct of Business in the Senate, 2012 that the requirements of Rule 121 read with Rule 99 of the said Rules be dispensed with in order to take into consideration the Bill further to amend the Service Tribunals Act, 1973 [The Service Tribunals (Amendment) Bill, 2014], as reported by the Standing Committee.

(The motion was carried)

Mr. Chairman: Mr. Zahid Hamid may move Item No.15

Mr. Chairman: Thank you sir, I hereby move that the Bill further to amend the Service Tribunals Act, 1973 [The Service Tribunals (Amendment) Bill, 2014], as reported by the Standing Committee, be taken into consideration at once.

Mr. Chairman: Is it opposed? It has not been opposed.

جناب زاہد حامد صاحب! آپ اس کے objects and reasons بتادیں۔

Mr. Zahid Hamid: Thank you sir, this Bill has been formulated in pursuance of direction of the Supreme Court of Pakistan in a judgment given last year. It took sometime to process through the National Assembly due to non availability of standing committee. It has now been passed by the august National Assembly. It has laid before this august House, it was examined in the Standing Committee for Law, Justice and Human Rights and one particular amendment has been made relating to the constitution of the Tribunal. It has been suggested that each of the three Members should be a District Judge or an Advocate qualified for appointment as a Judge of the High Court. The previous practice has been that a retired or a serving civil servant will also be a member. All that we request is that this has been a long standing practice that should not be disturbed. Yes, we should have a District Judge, yes we have an Advocate qualified to be appointed as a Judge of the High Court but the provision relating to the serving or retired civil servant should not be deleted. I had mentioned this to the honourable Leader of the Opposition and he had very rightly suggested that if you want to retain the civil servant as Member, at least he should be required to have quasi judicial or legal experience. Sir, that amendment has been incorporated. I request you to please allow Senator Rafique Rajwana to read the amendment and that may please be incorporated in the Bill.

Mr. Chairman: Let me move it, let it come under consideration first. It has been moved that the Bill further to amend the Service Tribunals Act, 1973 [The Service

Tribunals (Amendment) Bill, 2014], as reported by the Standing Committee, be taken into consideration at once.

(The motion was carried)

Mr. Chairman: We may now take up seconding reading of the Bill, that is clause by clause consideration of the Bill. Mr. Rafique Rajwana *sahib*, are you asking for any amendment in the clauses 2 to 6?

Senator Malik Muhammad Rafique Rajwana: Sir, I have proposed amendments with me, may I read it?

Mr. Chairman: You want an amendment in clause-2?

Senator Rafique Rajwana: Yes sir.

Mr. Chairman: Yes, please read it.

Senator Malik Muhammad Rafique Rajwana: Amendment proposed in the Service Tribunals (Amendment) Bill, 2014, in Clause 2, sub-clause (2), it is proposed that a new sub-section (3) be inserted and for paragraph (b), the following shall be substituted namely:-

- (b) Such number of members not less than 3, each of whom is or has been
 - I. A District Judge, or
 - II. A person who for a period of not less than two years has held a post in BS-21 or above or equivalent under the Federal Government or a Provincial Government with adequate quasi Judicial or legal experience. Preference be given to a person having background of dealing with service matters, or

III. An Advocate qualified for the appointment as Judge of a High Court.

Mr. Chairman: I now put the amendment to House.

(The motion was carried)

Mr. Chairman: The question is that Clause 2 as amended do form part of the Bill?

(The motion was carried)

Mr. Chairman: Now move on to clauses 3 to 6. The question is that Clauses 3 to 6 do form part of the Bill?

(The motion was carried)

Mr. Chairman: Clauses 3 to 6 stand part of the Bill. We may now take up Clause I, the Preamble and the Title of the Bill. The question is that Clause I, the Preamble and the Title do stand part of the Bill.

(The motion was carried)

Mr. Chairman: Mr. Zahid Hamid may move Item No.16.

Mr. Zahid Hamid: Thank you sir, I hereby move that the Bill further to amend the Service Tribunals Act, 1973 {The Service Tribunals (Amendment) Bill, 2014}, be passed.

Mr. Chairman: It has been moved that the Bill further to amend the Service Tribunals Act, 1973 {The Service Tribunals (Amendment) Bill, 2014}, be passed.

(The motion was carried)

(Thumping of the Desks)

Mr. Chairman: Zahid *sahib*.

Mr. Zahid Hamid: Thank you sir. I would just like to record my appreciation for the honourable Leader of the Opposition and indeed all the members of this August House for their cooperation in the passing of these Bills. May I sir, also add that I didn't respond to earlier one of the observations made by the honourable Leader of the Opposition. I had already clarified that we stand committed to the making of any amendments in the Anti Terrorism Act which has been passed today pertaining to similar provisions in the Protection of Pakistan Bill which we are still negotiating. I may also point out that there is, in my view no commonality between the Protection of Pakistan Bill and the bill relating to money laundering. However if there is, we will of course make the same amendments. Thank you sir.

Mr. Chairman: Yes, Leader of the House.

Senator Raja Muhammad Zafar-ul-Haq: Sir, it is a great day, there were some news in the press that unfortunately the assessment was that Senate of Pakistan has not done enough legislative business but today we have passed five bills because of the cooperation and assistance of the Opposition.

Mr. Chairman: Thank you. Syed Muzafar Hussain Shah. Shah *sahib*, you are asking for the floor?

Senator Syed Muzafar Hussain Shah: Sir, you didn't see the light. Actually I want to make a few comments on the Service Tribunals Bill. I was in the Committee but anyway we have supported that bill. The only thing was that we had asked for the appointment of Judicial Officers and the submission was that the Civil

Servant should not sit in judgment of a Civil Servant but I think the Senate needs to be congratulated and you sir, that today's proceeding have been productive, it has shown that the commitment of the Senate in legislation is serious and the quality of the legislation is also commendable. I will like to thank you specially for having given opportunity to everybody else sir. Thank you.

جناب چیئر مین: میاں رضار بانی صاحب۔

Point of Order Raised by Senator Mian Raza
Rabbani Regarding Procession of APCA and
Teachers' Association

سینیٹر میاں رضار بانی: شکریہ۔ جناب چیئر مین! on a point of order! میں آپ کے توسط سے اس ایوان کی توجہ اس بات کی طرف دلانا چاہتا ہوں کہ کل حکومت نے ایک ایسا بجٹ پیش کیا جو ایک corporate budget ہے، جو crony capitalism کو promote کرتا ہے اور جو جاگیر داروں اور سرمایہ داروں کے حقوق کا تحفظ کر رہا ہے اور جس میں عام آدمی کے لیے کچھ نہیں۔

جناب چیئر مین: یہ بجٹ پر بحث میں بات کریں۔ You want to discuss budget now.

سینیٹر میاں رضار بانی: میں Point of Order پر ہی آ رہا ہوں۔ میں جو بات کہنے جا رہا ہوں وہ budget سے ہی related ہے اور اس کا ثبوت آج چاہنے چوک پر ملا جب کلرکس اور اساتذہ وہاں پر اکٹھے ہوئے اور اپنا جمہوری حق استعمال کرتے ہوئے انہوں نے وہاں پر demonstration کی کہ جو دس فیصد تنخواہوں میں اضافہ ہوا ہے وہ نامناسب ہے، کافی نہیں ہے جب کہ IPPs کے پیٹ بھرے جا رہے ہیں لیکن غریب لوگوں کی منگائی سے نمٹنے کے لیے حکومت نے صرف دس فیصد تنخواہ بڑھائی ہے۔ جب وہ اس کے خلاف احتجاج کے لیے باہر نکلے اور اپنا آئینی حق استعمال کر رہے تھے تو اس وقت ریاستی دہشت گردی کا استعمال کیا گیا اور اس ریاستی دہشت گردی کے

استعمال میں اسلام آباد کی پولیس نے ان غریب اور نیتے لوگوں پر جن میں اساتذہ شامل تھے ہوائی فائرنگ کی اور brutal لاشیں چارج کیا۔

جناب چیئر مین! ایک طرف تو وہ منگائی سے مارے جا رہے ہیں اور دوسری طرف اگر وہ اپنے حقوق کے لیے پرامن طور پر باہر نکلتے ہیں تو اس ریاستی مشینری نے جو ڈیڑھ سو لوگوں کو پارلیمنٹ ہاؤس میں آنے سے تونہ روک سکی لیکن ہوائی فائرنگ کر کے، shelling کر کے، لاشیں چارج کر کے اساتذہ اور کمرکوں کو disburse کیا۔ ہم اس act کو strongly condemn کرتے ہیں اور ہم یہ سمجھتے ہیں کہ یہ ریاستی دہشت گردی نہیں چل سکتی اور نہ ہی یہ ریاستی دہشت گردی اس قسم کے عوام دشمن بحث کو بچا سکتی ہے۔

(شیم شیم کی آوازیں)

جناب چیئر مین: حاجی عدیل صاحب۔

Point of Order raised by Senator Haji Muhammad Adeel regarding firing on Edhi Foundation Office in Peshawar

سینیٹر حاجی محمد عدیل: شکریہ۔ جناب چیئر مین! میں آپ کا مشکور ہوں۔ ابھی کچھ دیر پہلے پشاور میں ایڈھی فاؤنڈیشن کے دفاتر اور ایمبولینس پر حملے ہوئے ہیں۔ اس وقت پشاور کی یہ حالت ہے کہ پشاور کی تاجر برادری نے احتجاجی کیمپ لگائے ہوئے ہیں۔ کئی گھرانوں سے نوجوان بچوں کو اغواء کیا گیا ہے اور کئی کارخانہ دار اغواء ہو چکے ہیں اور بھتے کی چٹیں ہر دکاندار، ہر کاروبار کرنے والے کے گھر پہنچ رہی ہیں۔ وہاں جتنے بھی پرائیویٹ سکول تھے انہوں نے چند دن پہلے اپنے سکول بند کر دیے ہیں۔ Summer vacations جو ان کا پروگرام تھا اس سے پہلے ہی چونکہ ان سکولوں کو باقاعدہ خط آئے ہیں کہ اگر آپ نے اتنی رقم نہیں دی تو ہم آپ کے سکول میں بم گرائیں گے، بچوں کو اغواء کریں گے، آپ کی گاڑیاں اغواء کر لیں گے۔

جناب چیئر مین! دکھ کی بات یہ ہے کہ آج پشاور میں جس پارٹی کی حکومت ہے ان کلبہاں کوئی نمائندہ نہیں ہے۔ لہذا ہم وفاقی حکومت سے ہی کہہ سکتے ہیں، تمام دہشت گرد، وفاق کے علاقے tribal area میں رہتے ہیں۔ یہ ہمارے شہروں کے ساتھ ساتھ ہیں، FR کا علاقہ ہے، tribal area ہے، چند قدم کے فاصلوں سے وہ آتے ہیں، جرم کرتے اور چلے جاتے ہیں۔ ہماری صوبائی پولیس

tribal area کی طرف جا ہی نہیں سکتی، وہ دیکھ رہے ہوتے ہیں کہ مجرم سامنے سڑک کے اس کنارے جا رہا ہوتا ہے لیکن وہ وہاں تک نہیں جاسکتے۔ ایک زمانہ تھا کہ کراچی کے بارے میں باتیں ہوتی تھیں لیکن آج پشاور کے شہری بھی خوف کی فضا میں رہ رہے ہیں۔ لوگ اپنے بچوں اور اپنی ذات کے متعلق فکر مند ہیں۔ دو ہفتے پہلے میری ہی پارٹی کے ایک نوجوان Additional General Secretary Peshawar کو گھر سے نکلنے ہی قتل کر دیا گیا، ہر روز کوئی نہ کوئی ایسا واقعہ ہوتا ہے۔ ایک طرف تو وفاق میں اساتذہ اور clerks پر گولیاں چل رہی ہیں اور دوسری طرف پشاور میں شہری اپنے گھروں میں بھی خوفزدہ ہیں، گھروں سے باہر بچوں کو اغواء کر لیا جاتا ہے۔ ہم کیا کریں؟ کس کے پاس جائیں؟ وفاقی حکومت اپنا role ادا نہیں کر رہی، ہمیں کہا جاتا ہے کہ بات چیت کر رہے ہیں، ہمیں تو بات چیت کہیں نظر نہیں آرہی، اگر آپریشن کرنا چاہتے ہیں تو پھر اتنی جرات پیدا کریں اور کہیں کہ ہم نے آپریشن کرنا ہے۔ نہ بات چیت ہو رہی ہے اور نہ ہی آپریشن ہو رہا ہے اور نہ امن ہو رہا ہے۔

جناب چیئر مین! ایسا واقعہ جیسا کہ آج اسلام آباد میں ہوا اور پشاور میں تو آئے روز ایسے واقعات ہو رہے ہیں، آج ایڈھمی فاؤنڈیشن کے دفتر پر حملہ ہوا۔ اس پر ہم پانچ منٹ کے لیے اس ایوان سے walkout کرتے ہیں۔

(اس موقع پر متحدہ اپوزیشن ایوان سے walkout کر گئی)

جناب چیئر مین: حاجی غلام علی صاحب۔

Point of Order Raised by Senator Haji Ghulam Ali Regarding Failure of KPK Government

سینیٹر حاجی غلام علی: جناب چیئر مین! جیسے حاجی عدیل صاحب نے بھی کہا یہ حقیقت ہے کہ خیبر پختونخوا میں جو صوبائی حکومت برسر اقتدار ہے، ان کے ہاتھ سے امن و امان مکمل طور پر نکل چکا ہے، وہ امن و امان قائم کرنے میں مکمل طور پر ناکام ہو چکے ہیں۔ مجھے افسوس سے کہنا پڑتا ہے کہ KPK میں حکومت کرنے والی PTI کا لیڈر پورے پاکستان میں کتنا پھرتا ہے کہ میں نے خیبر پختونخوا میں شہد کی نہریں نکال دی ہیں۔ خیبر پختونخوا میں تاجر، ڈاکٹر اور اساتذہ احتجاج پر ہیں۔ خیبر پختونخوا کا hundred percent budget lapse ہو چکا ہے، پر سوں PTI کے چیئر مین نے خود بیان دیا کہ یہ بجٹ اس لیے استعمال نہ ہو سکا کہ اس میں corruption ہو رہی تھی۔ کیا یہ حکومت کرنے کے قابل ہیں؟ وفاقی حکومت خیبر پختونخوا میں ہونے والے ظلم و زیادتی کو دیکھے اور اس کے خلاف

action لے، ایک ناکام حکومت صوبے پر مسلط ہے، اس وقت پشاور کے شہریوں کا جینا حرام ہو چکا ہے، کوئی شخص گھر سے باہر نہیں نکل سکتا۔ یہ کتنے افسوس کی بات ہے کہ آج خیبر پختونخوا کے MPA اور منسٹر کو بھتے کی پرچی دی گئی، یوسف ایوب صاحب کو اور اس کے بھائی کو بھتے کی پرچی بھیجی گئی۔ ہم تو عوام کو کہتے ہیں کہ اگر پورے پاکستان کو تباہ کرنا ہے تو PTI کے ساتھ شامل ہو جاؤ، انہوں نے خیبر پختونخوا کو تباہ و برباد کر دیا ہے۔ ہم وفاقی حکومت سے یہ مطالبہ کرتے ہیں کہ خیبر پختونخوا کے عوام پر رحم کھائیں اور ان کے تحفظ کی ضمانت دیں، ناکام حکومت کو بلائیں، گورنر کا فرض بنتا ہے کہ انہیں خط لکھے کہ آپ کی حکومت ناکام ہو رہی ہے۔

جناب چیئرمین: ٹھیک ہے، you have made your point. زاہد خان

صاحب اور افراسیاب تنگ صاحب بھی موجود نہیں ہیں۔ The House stands adjourned to meet again on Friday, the 6th June, 2014 at 10:30 A.M.

[The House was then adjourned to meet again on Friday,
the 6th June, 2014 at 10:30 A.M.]

Index

Mr. Zahid Hamid4, 5, 6, 7, 11, 12, 13, 14, 15,17, 21, 22, 23, 25, 26
Senator Aitzaz Ahsan	7
Senator Col. (Retd.) Syed Tahir Hussain Mashhadi ..	13, 14
Senator Malik Muhammad Rafique Rajwana	24
Senator Mian Raza Rabbani	5, 21, 27
Senator Muhammad Rafique Rajwana	24
Senator Pervaiz Rashid	17, 18, 19, 20, 21
Senator Raja Muhammad Zafar-ul-Haq	4, 26
Senator Syed Muzafar Hussain Shah	8, 9, 26
سینیٹر اعجاز احسن	13
سینیٹر حاجی غلام علی	29
سینیٹر حاجی محمد عدیل	28
سینیٹر سعید غنی	4
سینیٹر محمد زاہد خان	3
سینیٹر میاں رضا ربانی	27