

SENATE SECRETARIAT

REPORT OF THE COMMITTEE ON RULES OF PROCEDURE AND PRIVILEGES ON THE PROPOSAL OF FORMATION OF COMMITTEE ON ETHICS FOR THE MEMBERS OF THE SENATE OF PAKISTAN.

(Report No. 5 of 2015)

1, Chairman of the Committee on Rules of Procedure and Privileges, have the honour to present report of the Committee on the proposal for formation of Committee on Ethics for the Members of the Senate

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

1. Senator Dr. Jehanzeb Jamaldini	Chairman
2. Senator Zahida Khan	Member
3. Senator Hilalur Rehman	Member
4. Senator Atta Ur Rehman	Member
5. Senator Nighat Mirza	Member
6. Senator Syed Muzafar Hussain Shah	Member
7. Senator Iqbal Zafar Jhagra	Member
8. Senator Saud Majeed	Member
9. Senator Saeed Ghani	Member
10. Senator Zaheerud Din Babar Awan	Member
11. Senator Aitzaz Ahsan	Member
12. Senator Farooq Hamid Naek	Member
13. Minister for Parliamentary Affairs.	Ex-Officio Member

Senator Farhatullah Babar attended the meetings as special invitee.

3. The details of the issue before the Committee were that the Business Advisory Committee discussed the matter of formation of Committee on Ethics for the Members of the Senate of Pakistan which was referred to this Committee for consideration and report. The Committee discussed the matter in its meetings held on 8th July, 11th, 21st and 31st August, 2015. A sub-Committee consisting of the following members was formed to examine and finalize the draft rules in this connection:-

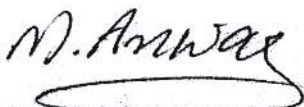
1. Senator Iqbal Zafar Jhagra	Convener
2. Senator Syed Muzafar Hussain Shah	Member
3. Senator Saeed Ghani	Member

4. The said sub-committee could not meet due to engagements of its Convener. The matter was taken up by the full committee itself as there was a time limit to present the report.

5. Senator Atta ur Rehman showed some reservations on formation of Committee on Ethics stating that the laws dealing with the wrongdoings committed by any person including the Members of the Senate already exist and there was no need to form such committee. Moreover, the Chairman Senate has powers to take action against the Senators found involved in irregularities. He also stated that the circumstances in Pakistan are altogether different from those countries which have formed such committees. The people in Pakistan do not show responsibility in many matters and blame the others irrespective of the fact that anything wrong was done or otherwise. He proposed that if the committee is formed, the code of conduct for Members should be finalized first and got approved from the House.

6. Most of the Members of the Committee were of the view that there was a need of self-accountability of the Members. The Committee agreed to the proposal and recommended that a Committee on Ethics should be formed and provision should be made in the Rules of Procedure and Conduct of Business in the Senate, 2012, in this regard. It was proposed that Committee on Ethics, while finalizing code of conduct for Members, should invite all Members of the Senate for participation. The draft of code of conduct finalized by that committee should be placed before the House for final approval.

7. The Committee discussed the draft rules relating to the Committee on Ethics and finalized the same. The Committee recommended that the draft rules (copy enclosed) may be examined at Secretariat level and then be placed before the Chairman Senate and Business Advisory Committee for appropriate action.


(Muhammad Anwar)
J.S. / Secretary Committee


(Senator Dr. Jehanzeb Jamaldini)
Chairman

{Draft rules proposed by the Committee on Rules of Procedure and Privileges}

COMMITTEE ON ETHICS

Rule No. Committee on Ethics- There shall be a Committee on Ethics consisting of thirteen members including its Chairman.

Rule No. Constitution:-- The Chairman shall nominate the members of the said Committee in consultation with the Leader of the House and Leader of the Opposition.

Rule No. Chairman of Committee:-- The Committee shall elect its Chairman from amongst its members during its first meeting after constitution or re-constitution. In case of consideration of a matter against the chairman or a member of the committee, he would be ineligible to participate in the proceedings of the committee. In case of absence of chairman of the committee, the members may elect one of its members as chairman to preside over the meeting of the committee.

Provided that a Minister or Minister of State or an Advisor shall not be elected as Chairman.

Provided further that if the chairman of the committee is appointed as Minister, Minister of State or as an Advisor, he shall cease to be the Chairman, but may continue to function as a member of the committee.

(the above provisos are covered by general provisions regarding standing/functional committees and can be deleted, if desired)

Rule No. Quorum:- The quorum of the Committee shall be one half of the total membership of the Committee.

Rule No. Functions of the Committee:-- The Committee shall have the following functions, namely:—

- (a) to prepare a Code of Conduct for Members and to suggest amendments or addition or deletion in the Code from time to time;
- (b) to oversee the moral and ethical conduct of members;
- (c) to examine cases concerning the alleged breach of the Code of Conduct by members as well as allegations of any other ethical misconduct of members; and
- (d) to tender advice to members from time to time on questions involving ethical standards either suo moto or on receiving specific requests.

Rule No. Procedure for making complaint:-- (1) Any person may make a complaint to the Committee regarding alleged unethical behaviour or breach of the Code of Conduct by a member or alleged incorrect information of a member's interests.

(2) The Committee may also take up matters suo moto.

(3) Members may also refer cases to the Committee.

(4) A complaint should be addressed in writing to the Committee or to an officer authorized by it in such form and manner as the Committee may specify.

(5) The complaint shall be couched in temperate language and be confined to facts.

(6) A person making a complaint must declare his identity and submit supporting evidence, documentary proof or otherwise to substantiate his allegations.

(7) The Committee shall not disclose the name of the complainant, if so requested and if the request is accepted by the Committee for sufficient reasons.

(8) A complaint based merely on an unsubstantiated media report shall not be entertained.

(9) The Committee shall not take up any matter which is sub judice and the decision of the Committee as to whether such matter is or is not sub judice shall for the purposes of this rule be treated as final.

Rule No. Voting in Committee:- All question at a sitting of the Committee shall be determined by a majority of the members present and voting.

(this rule is covered by the general rules)

Rule No. Casting vote of Chairman:- In addition to his vote as a member the Chairman of the Committee or the member presiding in his absence shall in the event of equality of votes have a casting vote.

(this rule is also covered to some extent by the general rules))

Rule No. Power of Chairman to refer a question of ethical and other misconduct to Committee:-- Notwithstanding anything contained in these rules, the Chairman Senate may refer any question involving ethical and other misconduct of a member to the Committee for examination, investigation and report.

Rule No. Procedure for inquiry:-- (1) If the Committee is satisfied that the complaint is in proper form and the matter is within its jurisdiction, it may take up the matter for preliminary inquiry.

(2) After the preliminary inquiry, if the Committee is of the opinion that there is no prima facie case, the matter may be dropped.

(3) If a complaint is found to be false or vexatious, or made in bad faith, the matter may also be taken up as an issue of breach of parliamentary privilege. (4) If the Committee is of the opinion that there is a prima facie case, the matter shall be taken up by the Committee for examination and report.

(5) The Committee may frame rules from time to time to give effect to its mandate and for conducting inquiries either by itself or by any official acting under its authority.

(6) The Committee shall ordinarily hold its meetings in camera.

Rule No. Sanctions-- Where it has been found that a member has indulged in unethical behaviour or that there is other misconduct or that the member has contravened the Code/ Rules, the Committee may recommend the imposition of one or more of the following sanctions:-

- (a) censure;
- (b) reprimand;
- (c) suspension from the House for a specific period; and
- (d) any other sanction determined by the Committee to be appropriate.

Rule No. Regulation of procedure:- The Chairman Senate may issue such directions as he may consider necessary for regulating the procedure in connection with all matters connected with the examination of cases with reference to ethical and other misconduct of members either in the Committee or in the Senate.