

**SENATE OF PAKISTAN**  
**HOUSE OF THE FEDERATION**

REPORT NO. 51 / 2017



REPORT OF THE COMMITTEE ON BREACH OF PRIVILEGE OF THE SENATE BY THE MINISTRY OF FINANCE AND NATIONAL BANK OF PAKISTAN BY NOT ACTING UPON THE RULING OF THE CHAIRMAN SENATE OF DATED 4TH NOVEMBER, 2016, REGARDING TAKING ACTION AGAINST THE PERSONS /OFFICIALS OF THE NATIONAL BANK OF PAKISTAN AND THE MINISTRY OF FINANCE WHO HAD DRAFTED AND APPROVED THE MISLEADING ANSWER TO STARRED QUESTION NO. 4, SET DOWN FOR ANSWERING ON 6TH SEPTEMBER, 2016, FOR PLACING THE SAME BEFORE THE PARLIAMENT.

PRESTENDED BY

SENATOR DR. JEHAZEB JAMALDINI  
CHAIRMAN



## SENATE SECRETARIAT

### REPORT OF THE COMMITTEE ON BREACH OF PRIVILEGE OF THE SENATE BY THE MINISTRY OF FINANCE AND NATIONAL BANK OF PAKISTAN BY NOT ACTING UPON THE RULING OF THE CHAIRMAN SENATE OF DATED 4TH NOVEMBER, 2016, IN CONNECTION WITH STARRED QUESTION NO. 4, SET DOWN FOR ANSWERING ON 6TH SEPTEMBER, 2016.

(Report No. 51/2017)

I, Chairman of the Committee on Rules of Procedure and Privileges, have the honour to present report of the Committee on Breach of privilege of the Senate by the Ministry of Finance and National Bank of Pakistan by not acting upon the Ruling of the Chairman Senate of dated 4th November, 2016, regarding taking action against the persons/officials of the National Bank of Pakistan and the Ministry of Finance who drafted and approved the misleading answer to starred question No. 4, set down for answering on 6th September, 2016, for placing the same before the Parliament.

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

1.	Senator Dr. Jehanzeb Jamaldini	Chairman
2.	Senator Zahida Khan	Member
3.	Senator Hilal-ur-Rehman	Member
4.	Senator Atta Ur Rehman	Member
5.	Senator Nighat Mirza	Member
6.	Senator Syed Muzafar Hussain Shah	Member
7.	Senator Saleem Zia	Member
8.	Senator Osman Saifullah Khan	Member
9.	Senator Sardar Muhammad Yaqoob Khan Nasar	Member
10.	Senator Murtaza Wahab	Member
11.	Senator Dr. Syed Asif Saeed Kirmani	Member
12.	Minister for Parliamentary Affairs	Ex-Officio Member

3. The details of the matter before the Committee were that starred question No. 4, regarding the names of persons/companies who obtained loans of Rs. Five million or more from the National bank of Pakistan and about those re-paid and written off out of the same, was set down for answering on 6th September, 2016. The Ministry






provided the reply relating to the loans which were written off and stated that the information regarding the loans granted can not be disclosed under Section 33-A of the Banking Companies Ordinance, 1962 and Section 9 of Protection of Economic Reforms Act, 1992. The Honourable Chairman Senate gave a detailed Ruling covering all aspects of the matter with the direction to take action within ten days against the persons/officials of the National Bank of Pakistan and the Ministry of Finance who drafted and approved the misleading answer to that question for placing the same before the Parliament. In the meantime the State Bank of Pakistan made a request to the Chairman Senate to review in Ruling which was not entertainable under the rules. The concerned quarters neither took any action nor informed the Senate in this regard. The Chairman Senate referred the matter to the Committee on Rules of Procedure and Privileges for consideration and report. The committee held a number of meetings on the matter. Ex-Governor State Bank of Pakistan, President National Bank of Pakistan and all other concerned officers were called in the meetings and given ample opportunity to explain their position.

4. The Chairman committee said that the information cannot be concealed from the House. He also said that the Ruling of the Chair on the said question was not complied with and a request was made to review that Ruling. He stated that the Ruling of the Chair cannot be reviewed on the request made by any person. He was of the view that there were two ways to provide such type of information to the Senate. It should have either been provided in in-camera sitting or the same should have been placed in the Chamber of Chairman Senate for perusal of the members.

5. Senator Syed Muzafar Hussain Shah informed that the Ruling of the Chair can only be reviewed on a motion moved by a member in the House and not otherwise on the request of any person. He stated that the Ruling of the Chairman Senate on the matter was elaborated and final. The applicability of the law relating to the matter was interpreted by the Chairman in that Ruling in detail. He said that non-provision of information to the Senate was a breach of privilege and there were no grounds,






whatsoever, to conceal the information from the House. He also said that the persons who drafted the reply to that question and those who approved the same have committed the breach of privilege of the Senate.

6. The Ex-Governor, State Bank of Pakistan, said that the said information can not be placed in the Chamber without concurrence of the Minister for Finance. He suggested that the record may be placed in Chairman's Chamber for one week or as per decision to be taken by the Chairman Senate and Minister for Finance. He informed that many officers were involved in drafting of reply to the said question. However, he admitted that approval to that reply was granted by him. He said that nothing was deliberate in the matter. He was of the view that explaining the position of laws relating to the matter under consideration was not disrespect to the Senate. He was also of the view that there was only the difference of interpretation of law and nothing was deliberate. He apologized for inconvenience caused to the House.

7. The President, National Bank of Pakistan, was of the view that the customers can object on disclosing the information about the loans granted to them. He informed that they can provide the information through their regulator. He assured that they will provide the information through the Ministry of Finance, if so decided.

8. The Secretary, Ministry of Finance, stated that it was only a difference of opinion. The National Bank of Pakistan and State Bank of Pakistan were of the view that the information asked for through that question could not be disclosed under the law. He proposed that modality for providing the information either in sitting in-camera or by placing the same in Chairman's Chamber may be finalized by the Chairman Senate and the Minister for Finance.

9. Senator Shahi Syed was of view that that if the names of the persons who obtained loans from the banks will be disclosed, they will not do business with them (banks) and the business of such banks will suffer. He was also of the view that disclosing the names of such persons would not be in the interest of the banks.

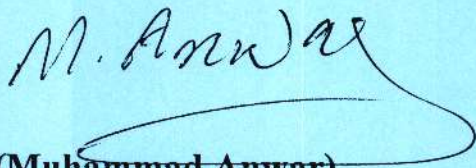




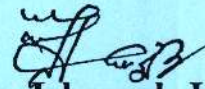
Senator Osman Saifullah Khan was also of the view that disclosing the information regarding granting of loans, asked for through that question, was not appropriate.

10. The committee held that withholding information from the Senate was a breach of privilege. The committee held this question of breach of privilege in order. However, it agreed to the proposal for placing the information in Chairman's Chamber. It was decided that modalities for laying the information there may be finalized by the Chairman Senate and Minister for Finance. The committee unanimously decided that if the concerned quarters provide the information in either way, the matter may be disposed off.

11. In pursuance of the decision taken by the committee, the Government placed the information in Chairman's Chamber which remained there from 9<sup>th</sup> to 13<sup>th</sup> October, 2017. The committee was satisfied over the fulfillment of direction of the Chair. It also showed satisfaction over the explanation given by the Ex-Governor, State Bank of Pakistan, President National Bank of Pakistan and the Secretary, Ministry of Finance. The apology tendered by the Ex-Governor of the State Bank was accepted. The committee recommended that the House may also accept the apology and after the information having been laid in Chairman's Chamber, the matter may be dispose off.



(Muhammad Anwar)  
A.S./Secretary committee



(Senator Dr. Jehanzeb Jamaldini)  
Senator