

SENATE OF PAKISTAN



SIXTEENTH PARLIAMENTARY YEAR 2018-2019

REPORT NO. 01 OF 2018

REPORT OF THE SENATE STANDING COMMITTEE ON
PARLIAMENTARY AFFAIRS

ON

"THE MEMBERS OF PARLIAMENT (SALARIES AND ALLOWANCES),
(AMENDMENT) BILL" INTRODUCED BY SENATOR SITARA AYAZ, IN
THE SENATE SITTING HELD ON 19TH FEBRUARY, 2018"

PRESENTED BY:

SENATOR SASSUI PALIJO
(CHAIRPERSON COMMITTEE)

SENATE SECRETARIAT

REPORT OF THE SENATE STANDING COMMITTEE ON PARLIAMENTARY AFFAIRS ON 'THE MEMBERS' OF PARLIAMENT (SALARIES AND ALLOWANCE) (AMENDMENT) BILL, 2018.

I, Senator Sassui Palijo, Chairperson Standing Committee on Parliamentary Affairs have the honor to present on behalf of the Committee, this report on Private Members' Bill titled "The Members of Parliament (Salaries and Allowance) (Amendment) Bill, 2018, introduced by Senator Sitara Ayaz and referred to the Standing Committee for consideration and report during the sitting of the Senate held on 19th February, 2018.

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

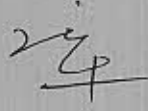
1.	Senator Sassui Palijo	Chairperson
2.	Senator Musadik Masood Malik	Member
3.	Senator Pervaiz Rashid	Member
4.	Senator Mirza Muhammad Afridi	Member
5.	Senator Khanzada Khan	Member
6.	Senator Farooq Hamid Naek	Member
7.	Senator Dr. Sikandar Mandhro	Member
8.	Senator Taj Muhammad Afridi	Member
9.	Senator Anwar ul Haq Kakar	Member
10.	Senator Mir Muhammad Yousaf Badini	Member
11.	Senator Abida Muhammad Azeem	Member
13.	Minister for Parliamentary Affairs	Ex-officio Member

3. The Bill was place on the agenda of the Committee meeting held on 21st May, 2018. However, due to importance of discussion on delimitation of constituencies, the new app of Result Transmission System and other issues related to the general elections, 2018, the committee deferred the consideration of the Bill.

4. The Committee then took up the bill in its meeting held on 26th September, 2018 which was attended by the following members:

1.	Senator Sassui Palijo	Chairperson
1.	Senator Musadik Masood Malik	Member
2.	Senator Abida Muhammad Azeem	Member
3.	Senator Sitara Ayaz	Mover
4.	Senator Gianchand	Special Invitee
5.	Minister of State for Parliamentary Affairs	Ex-Officio Member

4. Senator Sitar Ayaz briefed the participants about the features of her Bill. She stated that the purpose of the Bill is to stream line the system of health facilities available to the Members under the rules. She was of the view that the Members should be provided a health card with a certain limit within which they may be able to avail healthcare facilities throughout the country according to their entitlement under the rules.



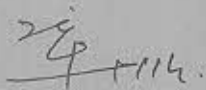
5. The Secretary, Ministry of Parliamentary Affairs was of the view that since the Bill asks for provision of Health Insurance Card to the Members and the facility of treatment in private hospitals, which will make a charge on the Federal Consolidated Fund, therefore, it becomes a Money Bill which can only be introduced and passed in the National Assembly. The representative of the Ministry of Law and Justice endorsed the viewpoint of the Secretary, M/O Parliamentary Affairs.

6. The MOS, Parliamentary Affairs informed the Committee that a proposal of Syed Naveed Qamar, MNA regarding the provision of Medical Facilities to the Members of Parliament at par with those available to the Government Officers in BPS-22 have been incorporated in the Members of Parliament (Salaries and Allowance) Act, 1974 through the Finance Bill passed in May, 2018.

7. The Chairperson and Members of the Committee were also of the view that issuance of insurance cards and extension of health facilities through private hospitals to the Members of Parliament, as stipulated in the Bill, will make a charge on the Federal Consolidated Fund and it makes the Bill to be a Money Bill.

8. In view of the discussion in the meeting and the enactment of necessary amendments in the Members of Parliament (Salaries and Allowances) Act, 1974 through the Finance Bill, 2018, the mover stated that she would not press her Bill.

9. In view of the statement of the mover, the Committee recommends that she may be granted leave to withdraw her Bill.


(RAFIULLAH)
Secretary Committee


(SENATOR SASSUI PALIJO)
Chairperson Committee

Islamabad, the
27th September, 2018.

[AS INTRODUCED IN THE SENATE]

A

BILL

*further to amend the Members of Parliament (Salaries and Allowances) Act,
1974*

WHEREAS, the Members of Parliament are entitled to medical facilities under section 12 of the Members of Parliament (Salaries and Allowances) Act, 1974;

AND WHEREAS, the facilities provided in the Government health institutions are normally not sufficient to cater for the medical needs and there is need to introduce the concept of Health Insurance Medical Card as in vogue in many countries of the world;

Now, therefore, it is expedient further to amend the Members of Parliament (Salaries and Allowances) Act, 1974 (XXVII of 1974) as follows:

1. Short title and commencement.- (1) This Act may be called the Members of Parliament (Salaries and Allowances) (Amendment) Act, 2018.

(2) It shall come into force at once.

2. Amendment of section 2, Act XXVII of 1974.- In the Members of Parliament (Salaries and Allowances) Act, 1974 (XXVII of 1974), hereinafter, referred to as the said Act, in section 2,-

(i) after clause (c), the following new clauses shall be inserted, namely:-

“(cc) **“Insurance Card”** shall mean a card whereby a Member of the Senate or his family may be entitled to get appropriate treatment from the hospital other than the Government hospital within the limits provided by an agreement with an insurance company in terms of section 2A for the reimbursement of the expenditure incurred on such medical treatment;

(ccc) **“Insurance Company”** includes any company engaged in the business of life insurance or health insurance;”

(ii) after clause (g) the following new clause shall be inserted, namely:-

“(gg) **“Schedule”** means a schedule of hospitals annexed to the Act.”

3. Amendment of section 12, Act XXVII of 1974.- In the said Act, in section 12, after sub-section (2), the following new sub-sections (3) and (4) shall be added, namely:-

"(3) The medical facilities referred to in this section could also be availed from any hospital as stated in the Schedule, in accordance with the Insurance Card.

(4) The Secretariat of the Senate may amend the Schedule from time-to-time and in accordance with contracts executed with different insurance companies."

4. Insertion of a new section 12A in Act XXVII of 1974.- In the said Act, after section 12, amended as aforesaid, the following new section 12A shall be inserted, namely:-

"12A. Arrangements of Health Insurance with Insurance Company.- The Secretariat of the Senate shall enter into a contract of health insurance with an insurance company for the provision of health facilities to the Members of the Senate in terms of section 12 of the Act and within the budget allocated for medical care."

5. Insertion of a new Schedule to Act XXVII of 1974.- In the said Act, the following Schedule shall be inserted, namely:-

"SCHEDULE
(see section 2 (gg) and section 12A)

Hospitals to be listed and amended by the Senate Secretariat from time to time and in accordance with the contracts executed with different Insurance Companies

STATEMENT OF OBJECTS AND REASONS

The Members of Parliament (Salaries and Allowances) Act, 1974 provides for free medical treatment to the Members of the Senate and their families at State expenditure in terms of section 12 of the Act read with Federal Services Medical Attendance Rules, 1990. The facility provided in the health institutions established by the Federal and Provincial Governments is not sufficient to cater for the needs of the patients, therefore, there is need to introduce a concept of Medical Insurance Card for the Members of the Senate within the limits prescribed for such treatment.

2. The Bill is not a Money Bill as already ruled by the Honourable Chairman Senate vide his Ruling dated 8th July, 2015, wherein in a similar matter the Government was asked to amend sub-section (2) of section 12 of the Members of Parliament (Salaries and Allowances) Act, 1974, through the process provided in Article 70 of the Constitution, 1973, to avoid any test on the touchstone of the principles laid down in the Judgments of the Supreme Court.

3. This Bill is designed to achieve the above objective.

**SENATOR SITARA AYAZ
MEMBER-IN-CHARGE**