

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

**REPORT NO. 4/2018-2021**



**REPORT OF THE COMMITTEE ON**  
**RULES OF PROCEDURE AND PRIVILEGES**

**ON**

**PRIVILEGE MOTION MOVED BY SENATOR AURANGZEB  
KHAN ORAKZAI WHICH WAS REFERRED TO THE  
COMMITTEE ON 18-12-2019, AGAINST MIAN ABDUL QADIR,  
DIRECTOR (FOOD), GOVERNMENT OF KHYBER-  
PAKHTUNKHWA.**

**PRESENTED BY**

**SENATOR AYESHA RAZA FAROOQ**  
**CHAIRPERSON**

# SENATE SECRETARIAT

## REPORT OF THE COMMITTEE ON RULES OF PROCEDURE AND PRIVILEGES.

### REPORT NO. 8/2018-2021

I, Chairperson of the Committee on Rules of Procedure and Privileges, have the honour to present report of the Committee on Privilege Motion moved by Senator Aurangzeb Khan Orakzai, which was referred to the Committee on 18-12-2019, against Mian Abdul Qadir, Director Food, Khyber Pakhtunkhwa.

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

1. Senator Ayesha Raza Farooq	Chairperson
2. Senator Syed Shibli Faraz	Member
3. Senator Muhammad Ali Khan Saif	Member
4. Senator Dr. Asif Kirmani	Member
5. Senator Pervaiz Rashid	Member
6. Senator Dilawar Khan	Member
7. Senator Syed Muzafar Hussain Shah	Member
8. Senator Manzoor Ahmed Khan Kakar	Member
9. Senator Mian Raza Rabbani	Member
10. Senator Dr. Sikandar Mandhro	Member
11. Senator Nighat Mirza	Member
12. Senator Walid Iqbal	Member

3. The details of the matter before the Committee were that Senator Aurangzeb Khan Orakzai submitted a privilege motion through Complaint Reference No. 1-1/2019, dated 16-12-2019 to Chairman Senate in the Chamber against Mian Abdul Qadir, Director Food, Khyber Pakhtunkhwa who misbehaved with the Senator when he went to his office to discuss a matter of public importance regarding wheat quota of flour mills of Orakzai. The Honorable Chairman Senate held the motion in order and referred the same to the Committee on 18-12-2019 for investigation and report.

4. The Committee discussed the motion in detail in its meeting held on 06<sup>th</sup> January, 2020. The Secretary and Director Food, Khyber Pakhtunkhwa alongwith Secretary, Administration, Khyber Pakhtunkhwa were called to the meeting for an explanation in the matter.

5. The Mover, Senator Aurangzeb Khan Orakzai, while apprising the Committee of his privilege motion, stated that despite multiple efforts to reach Mian Abdul Qadir, Director Food, Khyber Pakhtunkhwa to discuss a matter of public importance regarding wheat quota of flour mills of Orakzai, no response was received from his end. On 16th December, 2019, he alongwith his brother, went to the office of Mian Abdul Qadir, Director Food, Khyber Pakhtunkhwa to meet him in person, where he was subjected to gross misconduct by the Director Food, Khyber Pakhtunkhwa. Not only was the Director Food, Khyber Pakhtunkhwa rude and arrogant in his behaviour, but Senator Aurangzeb was also physically attacked by some men present in the Director Food's office while his driver was also attacked and beaten up.

6. The Committee along with the Federal Minister for Parliamentary Affairs strongly condemned this gross misconduct with a Member of Parliament and showed grave concerns on the high handed and rude attitude of the officer. The Committee expressed strong reservations over such behaviour with a representative of the people, and questioned the concerned officer's public dealing with the masses that may not be in a privileged position to call such behaviour in question. Federal Minister for Parliamentary Affairs assured the Committee that the Government will not tolerate such humiliating behaviour with the Members and will meet out the strongest of punishment, on the recommendations of the committee, in true letter and spirit and in accordance with the rule of law.

7. The concerned officer, Mian Abdul Qadir, Director Food, Khyber Pakhtunkhwa was given the opportunity to give his statement but he failed to satisfy the Committee. The committee also questioned at length the Secretary Administration, Khyber Pakhtunkhwa, appointed by the Chief Secretary, Khyber Pakhtunkhwa on the initial inquiry conducted in the matter. It was observed that the inquiry conducted in the matter was done casually and failed to reach a clear conclusion of attaching responsibility, was partisan and seemed to be sheltering and favouring the accused officer. The Committee was thus of the view that the findings of the Inquiry Officer and the subsequent Inquiry Report, was an exercise in futility, and was rejected completely as being faulty in its procedure and biased in its conclusion. The Committee showed its dissatisfaction on the inquiry conducted, being one sided, biased and unanimously rejected the Inquiry Report. The Minister for Parliamentary Affairs endorsed the Committee's view that the inquiry conducted was not appropriate, and demanded that a transparent inquiry should be conducted through Chief Minister, Khyber Pakhtunkhwa as had been directed by the Prime Minister in a meeting with Senator Aurangzeb Khan.

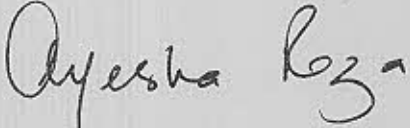
8. The Committee also took strong exception to the preposterous behavior of Mian Abdul Qadir, Director Food towards another Member of Parliament, Mr. Fazal Khan, Member National Assembly (MNA) who was asked to share his experiences of past dealings with the concerned officer.

9. Senator Syed Muzafar Hussain Shah felt that after having heard the Senators and the Director Food, Khyber Pakhtunkhwa the allegations made by Senator Aurangzeb Khan could not be justified by the Director Food to the satisfaction of members of the Committee. All members of the committee unanimously agreed that prima facie a breach of privilege had taken place. This breach of privilege fell in the ambit of Rule 70 (xiii) of the Rules of Procedure and Conduct of Business in the Senate, 2012. The Senator, a Member of the Upper House, had gone to and approached the Office of Director Food to raise an issue of public importance namely the question of quota of flour mills of Orakzai, and it was the responsibility of the officer concerned to have given a fair hearing and to have made utmost efforts to resolve the issue. On the contrary, the conduct of the officer was arrogant, rude and totally unbecoming of a public servant and therefore, he was guilty of breach of privilege. It was decided unanimously to report the breach to the Senate to take appropriate action as privileges law is not codified in the Senate Rules. It was also decided to demand immediate repatriation of the officer to the Establishment Division for conducting an impartial and transparent inquiry in the matter.

10. The Committee recommended to send the report to the House for appropriate action as admissible under Rule 78 of the Rules of Procedure and Conduct of Business in the Senate, 2012.

11. The Committee concluded that Mian Abdul Qadir, Director Food, Khyber Pakhtunkhwa was guilty of breach of privilege, in terms of Rule 70 (xiii) of the Rules of Procedure and Conduct of Business in the Senate, 2012 and recommends that the House take further necessary action in the matter in terms of Rule 78 of the Rules of Procedure and Conduct of Business in the Senate, 2012 and disposed off the motion accordingly.

  
(MUHAMMAD ASHFAQ)  
S.O. / Secretary (Committee)

  
(SENATOR AYESHA RAZA FAROOQ)  
Chairperson (Committee)