

# SENATE OF PAKISTAN



(Report No. 12/2018-21)

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

ON

### PRIVILEGE MOTION NO.5(295)/2020-M

MOVED BY SENATOR LT. GENERAL (R) SALAHUDDIN TIRMIZI "AGAINST  
THE SECRETARY MINISTRY OF COMMUNICATIONS FOR NOT  
FOLLOWING THE RECOMMENDATIONS OF THE SENATE COMMITTEE  
ON COMMUNICATIONS REGARDING THE PAYMENT TO THE  
LANDOWNERS WHOSE LAND WAS ACQUIRED FOR THE CONSTRUCTION  
OF ROAD FROM KAGHAN TO BABUSAR TOP ON 21<sup>ST</sup> DECEMBER, 2019.  
THE MATTER REFERRED BY HON'BLE CHAIRMAN SENATE  
ON 17<sup>TH</sup> JANUARY, 2020.

PRESENTED BY

SENATOR AYESHA RAZA FAROOQ  
CHAIRPERSON

**SENATE SECRETARIAT**

**Subject: REPORT OF THE COMMITTEE ON RULES OF PROCEDURE AND PRIVILEGES ON PRIVILEGE MOTION NO. 5(295)/2020-M.**

I, Chairperson of the Committee on Rules of Procedure and Privileges, have the honour to present report of the Committee on Privilege Motion No.5(295)/2020-M moved by Senator Lt. Gen. (R) Salahuddin Tirmizi against the Secretary Ministry of Communications for not following the recommendations of the Senate Committee on Communications regarding the payment to the landowners whose land was acquired for the construction of road from Kaghan to Babusar Top on 21<sup>st</sup> December, 2019. The matter referred by the hon'ble Chairman Senate on 17<sup>th</sup> January, 2020.

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

1. Senator Ayesha Raza Farooq	Chairperson
2. Senator Syed Shibli Faraz	Member
3. Senator Mian Raza Rabbani	Member
4. Senator Syed Muzafar Hussain Shah	Member
5. Senator Dr. Asif Kirmani	Member
6. Senator Pervaiz Rasheed	Member
7. Senator Dilawar Khan	Member
8. Senator Nighat Mirza	Member
9. Senator Walid Iqbal	Member
10. Senator Dr. Sikandar Mandhro	Member
11. Senator Muhammad Ali Khan Saif	Member
12. Senator Manzoor Ahmed Kakar	Member
13. <u>Minister for Parliamentary Affairs</u>	<u>Ex. Officio Member</u>

3. The matter was taken up for consideration in the Committee meetings held on 02.03.2020 & 15.07.2020 respectively. The following Members of the Committee attended the meetings:

1. Senator Ayesha Raza Farooq	Chairperson
2. Senator Syed Shibli Faraz	Member
3. Senator Mian Raza Rabbani	Member
4. Senator Syed Muzafar Hussain Shah	Member
5. Senator Pervaiz Rasheed	Member
6. Senator Dr. Asif Kirmani	Member
7. Senator Dilawar Khan	Member
8. Senator Walid Iqbal	Member
9. <u>Minister for Parliamentary Affairs</u>	<u>Ex. Officio Member</u>
10. Senator Lt. General (R) Salahuddin Tirmizi	Mover



4. The mover of the Privilege Motion Senator Lt. Gen. (R) Salahuddin Tirmizi apprised the Committee that he had raised the issue of non-payment of land prices to the owners whose land was acquired for the construction of road from Kaghan to Babusar top in the House. The Chairman Senate after listening to the Honourable Senator had referred the same to the Senate Standing Committee on Communications for consideration and report. The matter was discussed and deliberated in detail in the Standing Committee on Communications, which further decided to constitute a Sub-Committee on this specific issue.

5. The report of the Sub-Committee was placed before the Senate Standing Committee on Communications and thereafter presented in the House on 14<sup>th</sup> June, 2019 and adopted on 3<sup>rd</sup> September, 2019 under rule 196 (1) of the Rules of Procedure and Conduct of Business in the Senate, 2012. Thereafter, the same was communicated to the Ministry concerned under Rule 196(3) on 6<sup>th</sup> September, 2019.

The Rule 196(3) of Rules of Procedure and Conduct of Business in the Senate, 2012 provides:-

**“After the motion is carried the decisions of the House shall be communicated to the Ministry concerned for implementation. In case the Ministry is unable to implement decisions of the House it shall inform the House within two months of the reasons thereof, and if the Ministry fails to do so the decisions of the House shall be binding”.**

6. The Mover, Senator Lt. Gen. (R) Salahuddin Tirmizi contended that it was evident from the above rule that the concerned Ministry was bound to implement the decision of the House and communicate with reasons in case of non-implementation. Senator Lt. Gen. (R) Salahuddin Tirmizi expressed his displeasure that the Ministry had violated provisions of the Land Acquisition Act 1894 by depriving landowners of their rightful compensation against land acquired from them some 20 years ago. He blamed the Secretary and officers of the Ministry of disrespect for not honoring the decision of the Communications Committee. By not complying with Rule 196(3) of the Rules of Business and Conduct of Senate, 2012, the Ministry was guilty of not only a breach of privilege of a single member of the House but of a breach of privilege of the entire House.

7. The Chairperson, Senator Ayesha Raza Farooq endorsed the views of the Mover and lamented the non-payment of dues owed to the landowners as well as the non-compliance of the recommendations made in the Report of the Senate Standing Committee on Communications, which was adopted by the House. She expressed her displeasure at the

Ministry of Communications for not giving due importance to the Parliament and its decisions by not complying with Rule 196(3) of the Rules of Procedure and Conduct of Business in the Senate, 2012, and neither bothering to seek an extension in time to implement the Report nor giving reasons for non-compliance.

8. Senators Syed Muzafar Hussain Shah and other members of the Committee were of the view that Rule 196(3) was very clear and self explanatory, and agreed that a breach of privilege of the House had been committed. Senator Mian Raza Rabbani observed that the admission of guilt was on record as was acknowledged in the brief submitted by the Ministry to the Committee. He opined that the Ministry should have approached the Senate to seek an extension from the House. At the same time, for the sake of providing justice to the landowners, the Committee suggested that the Ministry be given some time to finalize a comprehensive compensation package in relation to the recommendations of the Communications Committee and thus implement the directives of the House.

9. The Secretary, Ministry of Communications, however, showed his reluctance to accept the suggestions of the Committee citing non-availability of funds as reason for his inability to pay the huge compensation to the landowners, as was recommended by the Communications Committee.

10. Senator Mian Raza Rabbani was of the view that if the government was adamant that there was no solution then the Committee could not hold on to these privilege motions in search of a solution because the Committee's ambit is to determine whether a breach took place or not. He also proposed referring the matter to the Committee on Communications.

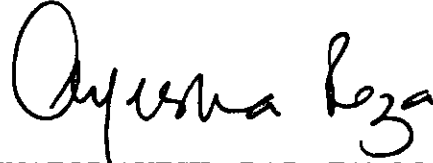
11. While concluding, the Chairperson reiterated the desire of the Committee to ensure that justice was provided to the aggrieved landowners; however, the scope and mandate of the Committee limited them to the question of breach of privilege. The Committee disposed off the motion concluding that a breach of privilege had taken place, with directions to the Communications Secretary to conduct an inquiry and take necessary action under the Service Rules against the officer(s) responsible for not complying with the orders of the House. The Committee also recommended that the matter be referred back to the Senate Standing Committee on Communications to reach an amicable settlement between the parties seeking compensation for land acquired for the construction of road from Kaghan to Babusar top.

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12. It is pertinent to mention here that in compliance with the directions of the Committee given during its meeting held on 15.07.2020, it is appreciated that the Ministry of Communications has conducted a prompt inquiry and submitted its report to the Senate Secretariat on 22.07.2020. The inquiry report will be shared with the Senate Standing Committee on Communications for further necessary action.



(HAFEEZULLAH SHEIKH)  
AS/Secretary Committee



(SENATOR AYESHA RAZA FAROOQ)  
Chairperson of the Committee