

SENATE OF PAKISTAN



(Report No. 14/2018-21)

REPORT OF THE COMMITTEE ON RULES OF PROCEDURE AND PRIVILEGES

ON

PRIVILEGE MOTION NO.2(299)/2020-M

MOVED BY SENATOR KAUDA BABAR AGAINST THE THEN
CHAIRPERSON, FBR MS. NAUSHEEN JAVAID AMJAD REGARDING
NON-CONVENING OF THE MEETING OF FBR POLICY BOARD, OF
WHICH HE WAS A MEMBER NOMINATED FROM SENATE OF
PAKISTAN. THE MATTER WAS REFERRED BY THE HON'BLE
CHAIRMAN SENATE ON 2.7.2020

PRESENTED BY

SENATOR AYESHA RAZA FAROOQ
CHAIRPERSON

SENATE SECRETARIAT

Subject: REPORT OF THE COMMITTEE ON RULES OF PROCEDURE AND PRIVILEGES ON PRIVILEGE MOTION NO. 2(299)/2020-M.

I, Chairperson of the Committee on Rules of Procedure and Privileges, have the honour to present report of the Committee on Privilege No. 2(299)/2020-M moved by Senator Kauda Babar against the then Chairperson, FBR Ms. Nausheen Javaid Amjad regarding non-convening of the meeting of FBR Policy Board, of which he was a member nominated from the Senate of Pakistan. The matter was referred by the Hon'ble Chairman Senate on 2.7.2020.

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

1.	Senator Ayesha Raza Farooq	Chairperson
2.	Senator Syed Shibli Faraz	Member
3.	Senator Mian RazaRabbani	Member
4.	Senator Syed Muzafar Hussain Shah	Member
5.	Senator Dr. AsifKirmani	Member
6.	Senator Pervaiz Rasheed	Member
7.	Senator Dilawar Khan	Member
8.	Senator Nighat Mirza	Member
9.	Senator Walid Iqbal	Member
10.	Senator Dr. SikandarMandhro	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 15.07.2020, 13.08.2020 & 07.09.2020 respectively. On 15.07.2020, the matter was deferred on request of the Mover whereas on 13.08.2020 the matter was deferred due to absence of the Mover. The Committee considered the matter in its meeting held on 07.09.2020. The following members of the Committee attended the meeting: -

1.	Senator Ayesha Raza Farooq	Chairperson
2.	Senator Mian RazaRabbani	Member
3.	Senator Dr. AsifKirmani	Member
4.	Senator Pervaiz Rasheed	Member
5.	Senator Dilawar Khan	Member
6.	Senator Nighat Mirza	Member
7.	Senator Walid Iqbal	Member
8.	Senator Dr. SikandarMandhro	Member
9.	Senator Muhammad Ali Khan Saif	Member
10.	Senator Manzoor Ahmed Kakar	Member
11.	<u>Minister for Parliamentary Affairs</u>	<u>Ex. Officio Member</u>
12.	<u>Senator Kauda Babar</u>	<u>Mover</u>

4. The matter pertains to a privilege motion moved by Senator Kauda Babar against the then Chairperson FBR, Ms. Nausheen Javaid Amjad regarding non-convening of the meeting of the FBR Policy Board. In this regard, Senator Kauda Babar, the Mover, apprised the Committee that he was appointed as a Member of the FBR Policy Board by the Chairman Senate as a representative of the Upper House and that his appointment was ratified by the Senate Standing Committee on Finance, Revenue and Economic Affairs. Also, that despite his repeated requests and appeals, the Policy Board had failed to meet even once since its notification on 24th April, 2019, whereas Rules stipulate at least one meeting of the Board to be held every two months. Only one preliminary meeting of the Board was held on 13th February, 2019 before its official notification. He was of the view that the Policy Board's purpose was to give guidelines for policy formulation, and questioned how the FBR could work without any directions from the Board that had failed to meet. He also stated that in order to discuss this very important matter, he had tried to seek a meeting with the then Chairperson FBR, Ms. Nausheen Javaid Amjad but despite his repeated efforts, he had failed in getting any response from her.

5. The Chairperson of the Committee, Senator Ayesha Raza Farooq said that Senator Kauda Babar was nominated by Chairman Senate and his name was also ratified by the Senate Standing Committee on Finance, Revenue and Economic Affairs as a member of FBR Policy Board. Therefore, ipso facto, he represented the Senate, which is the House of Federation, on the FBR Policy Board. The notification in this regard was also issued by FBR on 24th April, 2019. She was of the view that the Policy Board was a very important forum meant to provide guidelines to the FBR, which was also vital for tax collection that has always remained a problematic issue. She expressed her displeasure at the failure of such an important forum (board) to convene even once since its notification. She also questioned the lapse on the part of Board Secretary in complying with Rules of the Policy Board, which clearly stipulate for the Board to convene at least once in two months. The Chairperson Committee referred to the reply submitted by FBR to the Committee, which did not contain any correspondence by the Board Secretary to the Minister for summoning a meeting of the Board which is required to meet regularly as per the FBR Act, 2007.

6. Ms. Nausheen Javaid Amjad, former Chairperson FBR, responded that she was appointed as acting Chairperson of FBR from 6th January, 2020 to 7th April, 2020 and soon after her confirmation, she had written a letter to the Chairman of the Policy Board on 8th April, 2020, stating that a mandatory meeting of the Board as per Rules should be held. She clarified that she was bound to act on the directions of the Chairman of the Policy Board, who was the Minister for Finance, and that she could not call a meeting of the Board on her own adding that if the Minister had so desired, the meeting could easily have been convened. Ms. Nausheen Javaid Amjad also denied not responding to calls by any Honourable Senator, adding that she did not remember having been contacted by Senator Kauda Babar.

7. The entire Committee was unanimous in opining that breach of Senator Kauda Babar's privilege had been committed by disallowing him to play his role as member of the Policy Board through non-convening of mandatory Board meetings and further recommended that the Minister for Finance, being Chairman of the FBR Policy Board should explain why the meeting was not convened despite a letter having been sent from the Board Secretary and should also attend the Senate Committee meeting when a matter pertaining to the Board is on the agenda.

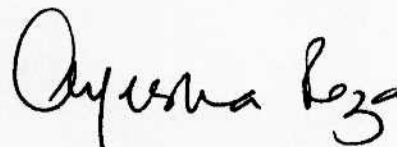
8. Ms. Nausheen Javaid Amjad submitted that it was beyond her means to convene a meeting, and regretted the perception that she had intentionally failed to return Senator Kauda Babar's calls. She however tendered her apology, which was accepted by the Mover.

9. The Chairperson of the Committee while disposing off the matter, asked the incumbent Chairman FBR to hold regular meetings of the Board especially at the time of budget formulation. The Chairman FBR assured the Committee that they intended to hold regular meetings of the Board, especially in the third quarter of the financial year, before finalizing the budget and apprised the Committee of a meeting of the Board scheduled for 10th September, 2020.

10. The Committee recommended that the House may dispose-off the motion accordingly.



(MUHAMMAD AZAM)
Secretary Committee



(SENATOR AYESHA RAZA FAROOQ)
Chairperson of the Committee