

SENATE OF PAKISTAN



REPORT OF THE SENATE COMMITTEE ON RULES OF PROCEDURE AND PRIVILEGES

ON

Privilege Motion moved by Senator Saifullah Sarwar Khan Nyazee against FIA, Cyber Crime Wing which conducted raid at his house in violation of the sanctity of CHADDAR AND CHARDEEVARI and causing harassment to his wife and daughters.

PRESENTED BY

SENATOR MUHAMMAD TAHIR BIZINJO
CHAIRMAN COMMITTEE



Subject:

REPORT OF THE SENATE COMMITTEE ON RULES OF PROCEDURE AND PRIVILEGES ON THE PRIVILEGE MOTION MOVED BY SENATOR SAIFULLAH SARWAR KHAN NYAZEE AGAINST FIA, CYBER CRIME WING WHICH CONDUCTED RAID AT HIS HOUSE IN VIOLATION OF THE SANCTITY OF CHADDAR AND CHARDEEVARI AND CAUSING HARASSMENT TO HIS WIFE AND DAUGHTERS.

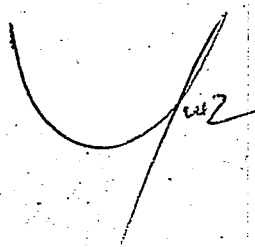
I, Senator Muhammad Tahir Khan Bizinjo, Chairman Senate Committee on Rules of Procedure and Privileges, have the honor to present report of the Committee on the subject Privilege Motion moved by Senator Saifullah Sarwar Khan Nyazee. The Privilege Motion was referred to the Committee on Rules of Procedure and Privileges on 14th September, 2022 for consideration and report.

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

Senator Muhammad Tahir Bizinjo	Chairman
Senator Mian Raza Rabbani	Member
Senator Professor Sajid Mir	Member
Senator Dr. Muhammad Farogh Naseem	Member
Senator Irfan-ul-Haque Siddiqui	Member
Senator Dr. Asif Kirmani	Member
Senator Manzoor Ahmed Khan Kakar	Member
Senator Syed Muzafar Hussain Shah	Member
Senator Sarfaraz Ahmed Bugti	Member
Senator Khalida Sikandar Mandhro	Member
Senator Dr. Zarqa Suharwardy Taimur	Member
Senator Saifullah Abro	Member
Senator Syed Ali Zafar	Member

3. The Committee considered the Privilege Motion in its meeting held 23rd September, 2022 which was attended by the following:-

Senator Muhammad Tahir Bizinjo	Chairman
Senator Mian Raza Rabbani	Member
Senator Irfan-ul-Haque Siddiqui	Member
Senator Dr. Asif Kirmani	Member
Senator Sarfaraz Ahmed Bugti	Member



Senator Dr. Zarqa Suharwardi Taimoor	Member
Senator Syed Ali Zafar	Member
Senator Saifullah Sarwar Khan Nyazee	Mover
Senator Azam Nazeer Tarar (Minister for Law and Justice)	Special Invitee


4. The Committee was informed that the Senate Standing Committee on Interior has already taken *suo moto* notice of the instant issue and has also constituted a sub-committee in its meeting held on 22nd September, 2022 to investigate this issue. The Chair sought opinion of the Members that how to proceed further when the matter is under consideration of another Committee of the Senate. The Members of the Committee were of firm opinion that a question of jurisdiction has arisen in the instant matter so it was decided that the file may be sent to the Hon'ble Chairman Senate to decide the question of jurisdiction before proceedings further in the matter.

5. Consequent upon the directions of the Committee, the file was moved to seek ruling of the Chairman Senate as to which Committee is to proceed with the matter which question was decided by the Hon'ble Chairman Senate as under vide his order dated 27th September, 2022:

“The sub-committee may investigate and conclude the matter within 30 days and forward its report to Committee on Interior which may, thereafter, transfer the case to Committee on Rules of Procedure and Privileges for further proceedings on breach of privilege as the case may be.”

6. Consequent upon the ruling of the Hon'ble Chairman Senate, the Committee on Rules of Procedure and Privileges halted its proceedings till the finalization of report of the sub-committee constituted by the Senate Standing Committee on Interior. The Sub-committee finalized its proceedings within the stipulated time and presented its report to the main Committee on Interior in its meeting held on 7th November, 2022 which adopted the same and transferred the matter to the Committee on Rules of Procedure and Privileges to proceed further.

7. The Committee on Rules of Procedure and Privileges considered the report of the sub-committee in its meeting held on 10th November, 2022. The meeting was attended by the following:



Senator Muhammad Tahir Bizinjo

Senator Irfan-ul-Haque Siddiqui

Senator Manzoor Ahmed Khan Kakar

Senator Sarfaraz Ahmed Bugti

Senator Saifullah Abro

Chairman

Member

Member

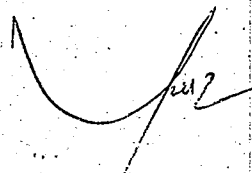
Member

Member

8. The report of the sub-committee was read in the Committee for information of the Members. The recommendations contained in the report of the sub-committee duly adopted by the main Committee on Interior are as under:

Recommendations of the Sub-Committee

- i. The Committee unanimously recommended that strict disciplinary action shall be initiated by the Director General, FIA against Mr. Imran Haider, Investigating Officer of the case as required under sub-rule (5) of rule 8 of Prevention of Electronic Crimes Investigation Rules, 2018 for violating the provisions of Section 103 Cr.P.C read with Sections 29, 31 and 33 of PECA, 2016 read with Rule 8 of Prevention of Electronic Crimes Investigation Rules, 2018.
- ii. Letter may be written to the Chief Justice Islamabad High Court, Islamabad to sensitize the Sessions Judges and the Magistrates to abide by the provisions of Rule 79 of the Rules of Procedure and Conduct of Business in the Senate, 2012 whenever any authority files any application to the courts concerning any member of Parliament.
- iii. The Committee recommended that the proceedings against Senator Saifullah Sarwar Khan Nyazee may be dropped forthwith as the inquiry was initiated just to cause harassment and amounts to political victimization of an Hon'ble Member of the House.
- iv. The Sub-Committee recommended that report of the Committee may also be referred to the Senate Committee on Rules of procedure and Privileges to recommend action against the delinquents who committed serious breach of privilege of the House.
- v. The audio recording of the proceedings of the Committee is available on record which can be consulted by the main Committee or the Senate Committee on Rules of Privileges for any clarification.



9. The recommendations of the sub-committee were discussed in detail one by one by the Committee as under:

- i. The Committee unanimously recommended that strict disciplinary action shall be initiated by the Director General, FIA against Mr. Imran Haider, Investigating Officer of the case as required under sub-rule (5) of rule 8 of Prevention of Electronic Crimes Investigation Rules, 2018 for violating the provisions of Section 103 Cr.P.C read with Sections 29, 31 and 33 of PECA, 2016 read with Rule 8 of Prevention of Electronic Crimes Investigation Rules, 2018.

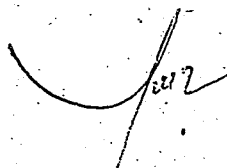
10. Senator Saifullah Abro was of the view that disciplinary action should not be recommended only against the Investigating Officer rather it should be recommended against the Director General FIA and whole team of Cybercrime wing as the I/O cannot act at his own.

11. Senators Irfan-ul-Haque Siddiqui, Manzoor Ahmed Kakar and Sarfraz Ahmed Bugti were of the view that to set an example we should recommend action against the I/O as provided in the rules and it should be an example. The Members were of the view that there is no precedent in the past that anyone was punished on recommendation of the Committee but this time the Committee should make it a test case and should ensure that recommendations of the Committee should be implemented in letter and spirit.

12. After discussion, the Committee unanimously endorsed the recommendation No. i of the sub-committee and recommended initiation of disciplinary action against the Investigation Officer as provided in sub-rule (5) of rule 8 of Prevention of Electronic Crimes Investigation Rules, 2018 for violating the provisions of Section 103 Cr.P.C read with Sections 29, 31 and 33 of PECA, 2016.

- ii. Letter may be written to the Chief Justice Islamabad High Court, Islamabad to sensitize the Sessions Judges and the Magistrates to abide by the provisions of Rule 79 of the Rules of Procedure and Conduct of Business in the Senate, 2012 whenever any authority files any application to the courts concerning any member of Parliament.

13. The Committee discussed the recommendation and unanimously agreed not to endorse the same. The Committee was of the view that issuance of any direction from the



Parliament to the Judiciary may lead to some other controversy so at this time the Committee should exercise restraint on issuance of any such direction.

- iii. **The Committee recommended that the proceedings against Senator Saifullah Sarwar Khan Nyazee may be dropped forthwith as the inquiry was initiated just to cause harassment and amounts to political victimization of an Hon'ble Member of the House.**

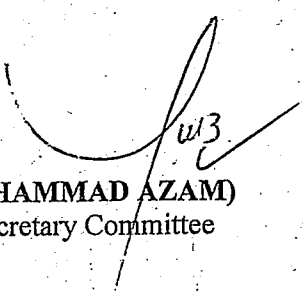
14. In view of the facts and circumstances of the case as unearthed during the proceedings of the sub-committee contained in its report, the Committee unanimously endorsed the recommendation No.iii of the sub-committee and reiterated unanimously that the proceedings against Senator Saifullah Sarwar Khan Nyazee may be dropped forthwith:

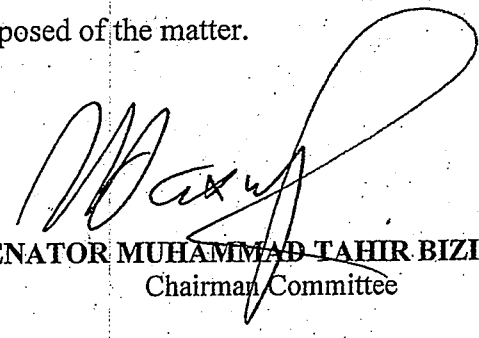
15. Recommendations No. iv and v were of procedural in nature.

16. In view of the above, the Committee endorsed the recommendations No.i and iii contained in the report of the sub-committee and further recommended as under:

- i. **The report may be presented in the House and may also be considered and adopted by the House in terms of Rule 196 of the Rules of Procedure and Conduct of Business in the Senate, 2012.**
- ii. **The Director General FIA shall initiate the disciplinary proceedings against the I/O of the case and shall submit report to the House within a period of 15 days positively.**

17. In view of the above, the Committee disposed of the matter.


(MUHAMMAD AZAM)
Secretary Committee


(SENATOR MUHAMMAD TAHIR BIZINJO)
Chairman Committee

