

SENATE SECRETARIAT

REPORT OF THE COMMITTEE ON RULES OF PROCEDURE AND PRIVILEGES ON PRIVILEGE MOTION PRIVILEGE MOTION NO. 01 (98)/2013-M, MOVED BY SENATOR SALEEM H. MANDVIWALLA IN THE SITTING OF THE SENATE HELD ON 30TH AUGUST, 2013, REGARDING THE INCORRECT REPLY GIVEN BY AVIATION DIVISION TO QUESTION NO. 119.

REPORT NO. 3 OF 2014

I, Chairman of the Committee on Rules of Procedure and Privileges, have the honour to present report of the Committee on Privilege Motion No. 01 (98)/2013-M, moved by Senator Saleem H. Mandviwalla in the sitting of the Senate held on 30th August, 2013, regarding the incorrect reply given by the Aviation Division to Question No. 119.

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

1.	Senator Col. (R) Syed Tahir Hussain Mashhadi	Chairman
2.	Senator Mian Raza Rabbani	Member
3.	Senator Abbas Khan Afridi	Member
4.	Senator Islamuddin Shaikh	Member
5.	Senator Aitzaz Ahsan	Member
6.	Senator Mushahid Hussain Syed	Member
7.	Senator Syed Muzafar Hussain Shah	Member
8.	Senator Haji Mohammad Adeel	Member
9.	Senator Afrasiab Khattak	Member
10.	Senator Prof. Sajid Mir	Member
11.	Senator Hidayat Ullah	Member
12.	Senator Abdul Rauf	Member
13.	Senator Ch. Muhammad Jaffar Iqbal	Member
14.	Senator Farooq Hamid Naek	Member
15.	Minister for Parliamentary Affairs.	Ex-Officio Member

3. The details of the motion are that Senator Saleem H. Mandviwalla, asked a starred question No.119 in the sitting of the Senate held on 30th August, 2013, regarding the directions issued/decision taken by the last Advisor of PIA and financial

implications thereof etc. the Ministry informed in reply to that question that no such directions were issued or decisions were taken by the last ex-Adviser during his brief period from June to August 2013 which have resulted into financial implications on the airline. The Senator moved a Privilege motion stating therein that the said reply was incorrect and factual position was concealed from the House. The privilege motion was held in order and referred to the Committee on Rules of Procedure and Privileges for investigation and report. The Committee held two meeting on this issue. The mover of the motion and representatives of the Aviation Division were heard and the Committee examined the issue at length.

4. In support of his privilege motion Senator Saleem H. Mandviwalla referred letter No. MDS / 01 / 2013 dated 9th July, 2013, written by Mr. Zahid Hamid TI (M), Special Assistant to the Managing Director (PIA), which is reproduced below:-

“1. Inference is drawn to the instructions received from Cabinet Division office of the Advisor to the Prime Minister on Aviation, vide their letter No.ADV/PM/PIAC 2013, dated 6th of July, 2013.

2. Action points to be taken up by your department as reflected in the said letter are reproduced hereunder for necessary expeditious action at your end.

Point No.(i)

All out of turn Promotions, Domestic Transfers and Foreign Postings in the past 24 months should be reviewed. In this regard deviation, if any, to be submitted.

Point No.(iii)

The positions of Director HR and Director Finance (CFO) to be advertised in all leading newspapers as per industrial standards.

Point No.(iv)

Mr. Ejaz Mazhar to be appointed / posted as Director Customer Services immediately.

Point No.(v)

General Manager Security to be served with an Explanation letter for the firing incidence that took place in PIA Head Office wherein PIA employees got injured with gunshot wounds and were admitted to Agha Khan Hospital.

Point No.(vi)

General Manager Security & General Manager Industrial Relations to be served with Explanation letter as to how outsiders come to PIA Head Office Canteen for lunch.

3. In this regard, Managing Director directs, stipulated actions as indicated above be expedited and compliance to the effect be communicated ASAP, for onward submission to office of the Advisor to PM as desired by the authority.”

5. Senator Saleem H. Mandviwalla said that said letter shows that the Ex Advisor had been issuing directions and took some decisions which were concealed by the Division.

6. The Chairman said that while replying supplementary questions to the said question, the Minister Incharge of the Aviation Division informed the House that no directions/instructions were issued by the ex Advisor to the Prime Minister on PIA while the position was otherwise which created an embarrassing situation for the Minister.

7. The Secretary, Aviation Division, informed that the question asked by the Senator was regarding financial implications of the decisions of the last Advisor on Aviation. The Division provided reply according to the question and the reply was not incorrect. He informed that no such order was on the record of the Division. He was of the view that there was no mistake in the reply and the information provided in that reply was correct.

8. The Chairman directed to check whether the letter referred to by the Senator was on record of PIA. He said that orders were passed by the Advisor on various matters including appointments/transfers etc. the Advisor issued directions but the Division has denied the same. If some orders were passed by him, it was more appropriate for the

Division to inform the House about the same and provide reply to the question accordingly. The Chairman said that when supplementary questions were asked about the decisions taken by the Advisor and orders passed on by him the reply was in negative.

9. Senator Mian Raza Rabbani referred the letter produced by Senator Saleem H. Mandviwalla and said that the letter was written with reference to another letter of dated 6th July, 2013. He was of the view that there may be some more letters/directions pertaining to other departments also. He said that there was a possibility that some other letters have been issued under the mother letter. He asked that the mother letter may be provided to the Committee to enable it to have the factual position.

10. The Chairman directed to produce letter No.ADV/PM/PIAC 2013, dated 6th July, 2013, with reference to which the letter produced by Senator Saleem H. Mandviwalla was written. He also directed that all the orders and directions issued, promotions made and action taken in pursuance of that letter should be produced before the Committee. He directed further that all the directions issued by the Advisor, details of actions taken in pursuance of those direction and all the relevant documents should be placed before the Committee.

11. Meantime, the MD, PIAC, after getting confirmation over telephone, informed that the letter referred by Senator Saleem H. Mandviwalla was on record of PIAC.

12. the aviation Division informed through their written statement that:-

“As directed by the Committee, Aviation Division searched the mother letter dated 6th July, 2013, which was traced from the Chairman’s Secretariat, Blue Area, PIAC Booking Office, Islamabad, issued under signature of Mr. W.J. Bornshin, Special Assistant to Adviser to Prime Minister on Aviation.”

“Notwithstanding, the above fact, and as confirmed by PIAC, no structural changes in the organization were made. Thereafter, no further instructions / orders other than the one, mentioned above, were received from the office of Advisor to Prime Minister on Aviation, till date.”

“In view of the above explanation, the above said Privilege Motion may kindly be dropped”.

13. The Chairman said that the position had become clear. The information provided to the House in response to the Senate starred question No. 119, asked by Senator Saleem Mandviwalla, was incorrect. He said that the Supreme Court of Pakistan gave a judgment and held the person ineligible for the post of Advisor. The court held that his appointment as Advisor was irregular.

14. The Joint Secretary, Aviation Division, informed that the Aviation Division was a newly constituted Division and there was a lack of coordination at the staff level due to which the correct information could not be provided to the House. He also informed that effective steps have been taken to improve the affairs and coordination at various levels in the Division. He admitted the omission at the part of the Division and assured to take care in future. About the decision of the court, he said that there was no negative expression by the court as the Advisor resigned from the post when the case was under consideration in the court.

15. Senator Saleem Mandviwalla inquired that whether all the orders given by the Ex-Advisor were reverted or otherwise? He proposed that if any order was issued in pursuance of directions of the said Advisor, the same may be withdrawn.

16. The Managing Director, PIA, informed that most of the orders or instructions issued by the Ex-Advisor were of routine nature pertaining to improvement of functioning of PIA. The order regarding posting / transfer of PIA employees were not implemented. He assured that if some orders were issued in pursuance of the directions of the then Advisor, the same will be reverted.

17. The Chairman said that the instructions of routine nature to improve the system / procedure need not to be reverted. He said that prima facie the privilege of the Member was breached by giving wrong information in reply to the question.

18. Senators Abdul Rauf and Hidayat Ullah were of the view that that when a person is removed on the basis of his illegal appointment, how the instructions and orders given by him can be legal or valid. However, they said that it was upto the Chairman, Mover and other Members of the Committee to take any action against the persons responsible for providing incorrect information to the House or otherwise.

19. The concerned officers of Aviation Division and M.D. PIA said that they did not concealed the letter/facts intentionally. They apologized for the same and assured that in future they will take more care. Senator Saleem Mandviwalla and other Members of Committee accepted the apology.

Recommendations / Observations of the Committee

20. The Committee made the following observations and recommendations:-

- 1) The Committee is of the view that the information provided to the House in reply to senate starred question No. 119, replied on 30th December, 2013 was incorrect due to which the Privilege of the Member and the House has been breached.
- 2) The Committee took a serious notice of lack of coordination between various sections of Aviation Division which resulted in provision of wrong information to the House. The Committee recommended that the Aviation Division should set their SOPs / system of working for coordination amongst its various section/functionaries by adopting the best practices of civil service.

- 3) The Committee showed serious reservations on appointment as Special Assistant to the Prime Minister on PIA Affairs of the person who was found misfit by the court for appointment as Adviser to Prime Minister for same department.
- 4) The Committee recommended that the matter of appointment of the Ex-Advisor again as Special Assistant to the Prime Minister be referred to the Supreme Court of Pakistan for their decision into the matter.
- 5) The Committee recommended that no structural or of any great consequence changes may be made in PIA in pursuance of directions of the said Advisor.
- 6) The Committee directed to the M.D., PIA, to carry out coherent and comprehensive review of his organization to ensure that no order detrimental to PIA will be implemented.

21. Thus the privilege motion was disposed off and the Committee has recommended the House not to take any action in the matter.

(MUHAMMAD ANWAR)
J.S. / Secretary Committee

(SENATOR COL. (R) SYED TAHIR
HUSSAIN MASHHADI)
Chairman