

**SENATE OF PAKISTAN
HOUSE OF THE FEDERATION**

REPORT NO. 42 OF 2017



**REPORT ON THE BREACH OF PRIVILEGE OF THE HOUSE BY THE
JOINT SECRETARY (LEGAL), MINISTRY OF INTERIOR, BY NOT
PROVIDING REPLY TO PART (C) OF SENATE STARRED QUESTION
NO. 23 AS WELL AS MISSING OF THE SAME IN THE BRIEF FOR
MINISTER, WHICH WAS SET DOWN FOR ANSWERING ON 11TH
APRIL, 2017.**

PRESTENDED BY

**SENATOR DR. JEHANZEB JAMALDINI
CHAIRMAN**

SENATE SECRETARIAT

REPORT OF THE COMMITTEE ON THE BREACH OF PRIVILEGE OF THE HOUSE BY THE JOINT SECRETARY (LEGAL), MINISTRY OF INTERIOR AND NARCOTICS CONTROL BY NOT PROVIDING REPLY TO PART (C) OF SENATE STARRED QUESTION NO. 23 AS WELL AS MISSING OF THE SAME IN THE BRIEF FOR MINISTER.

(Report No. 42/2017)

I, Chairman of the Committee on Rules of Procedure and Privileges, have the honour to present report of the Committee on breach of privilege of the House by the Joint Secretary (legal), Ministry of Interior and Narcotics Control, by not providing reply to part (c) of the Senate starred question No. 23 as well as missing the same in the brief for Minister.

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

1.	Senator Dr. Jehanzeb Jamaldini	Chairman
2.	Senator Zahida Khan	Member
3.	Senator Hilalur Rehman	Member
4.	Senator Atta Ur Rehman	Member
5.	Senator Nighat Mirza	Member
6.	Senator Syed Muzafar Hussain Shah	Member
7.	Senator Saleem Zia	Member
8.	Senator Saeed Ghani	Member
9.	Senator Zaheerud Din Babar Awan	Member
10.	Senator Osman Saifullah Khan	Member
11.	Senator Muhammad Yaqoob Khan Nasar	Member
12.	Minister for Parliamentary Affairs.	Ex-Officio Member

3. Senator Farhatullah Babar attended the meeting as the mover of Senate starred question No. 23 which was under consideration of the committee.

4. The details of the issue before the Committee were that Senator Farhatullah Babar asked question No. 23 which was set down for answering on 11th April, 2017. The said question was consisting of three parts but the Ministry provided reply to the

first two parts only. The reply to third part i.e. part (c) was missing. When the position was pointed out by Senator Farhatullah Babar, the Minister of State for Interior informed the House that the said part was missing in his brief also. The Chairman Senate referred the matter to the Committee on Rules of Procedure and Privileges and directed to call the J. S. (legal) in the meeting. The committee discussed the matter in its meeting held on 5th May, 2017. The Secretary and J. S. (legal), Ministry of Interior and Narcotics Control, were directed to appear before the committee and explain their position.

5. The Chairman committee said that provision of incomplete replies to some questions and missing the parts thereof was a serious issue. Such type of lapses shows negligence on the part of the concerned officers. He was of the view that responsibility of such lapses is thrown on the shoulders of junior officers and senior officers are not taken into task.

6. The Secretary, Ministry of Interior and Narcotics Control, apologized for the said lapse and inconvenience caused to the House. He assured that in future they will ensure that complete replies are provided to the Senate questions.

7. The Joint Secretary, Ministry of Interior and Narcotics Control, in his written statement, stated that he has the highest regard for the House and can not think of obstructing its proceedings. He said that the mistake was inadvertent. He also tendered unconditional apology and assured that such inadvertent omission will not occur in future.

8. The Minister of State for Interior and Narcotics Control informed that action was taken against two Sections Officers in the matter under consideration. The Section Officer who drafted the reply to question No. 23 and missed part (c) thereof was suspended. The other Section Officer, whose responsibility was to check that as to whether the reply was in accordance with the question or otherwise, was issued a

warning. He said that it was not correct that the responsibility was thrown on the shoulders of Section Officers only and the business was not being looked into by the senior officers. He informed that Minister for Interior and seniors officers of the Ministry examine the replies to parliamentary questions and make amendments therein, where required. He said that the business of the parliament is not taken lightly and a due care is taken while providing replies to the parliamentary questions.

9. Senator Farhatullah Babar stated that through part (c) of question No. 23, it was asked that whether the Ministry of Interior had played any role in the recent blocking by China of a UN move to take action against Molana Azhar Masood, the head of banned outfit Jaish-e-Muhammad. The question was critical because a strange situation had arisen namely; the head of a banned outfit was protected from adverse action by UN by our friend China. He said that it was more important to provide answer to the question instead of taking action against Section Officers. It was strange that even now the answer had not been provided. He said that since the apology tendered by the Ministry of Interior is accepted, there is no need to take action against the Section Officers. He proposed that any action taken or proposed to be taken against the Section Officers may therefore be dropped. He also asked that reply to part (c) of the question be placed before the House. It may be worthwhile to probe whether someone had prevailed upon the Section Officer concerned to omit the reply to this part of the question, he said.

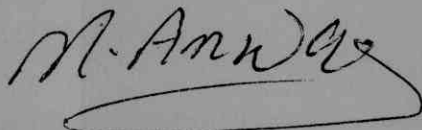
10. The Minister of State for Interior stated that the Section Officer concerned was responsible for missing that part due to which action was taken against him. He said that it was not in their knowledge that they would be asked to provide reply to that part in the committee. He said that the question has been deferred and will be taken up again in the House. He assured that complete reply will be provided to the House whenever it will be placed on the list.

11. Senator Nighat Mirza was also of the view that the Ministry should have provided the reply to the said part to the committee. She said that replies to questions should be complete in all respect.

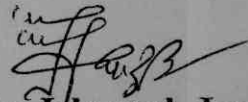
12. Senator Sardar Muhammad Yaqoob Khan Nasar was of the view that taking action against the concerned Section Officers was appropriate. He proposed that action should be taken on such lapses in order to put the things in right direction. He endorsed the point of view of Senator Farhatullah Babar and said that there might be some persons after the issue raised in that part. They might have asked the Section Officers to omit that part and conceal the facts.

13. The Chairman Committee said that question No. 23 will be taken up in the House again after presentation of report of the committee thereon. He proposed that an inquiry should be conducted to find out that as to whether part (c) of that question was missed willfully or inadvertently. He directed that the facts should not be concealed from the parliament.

14. The apology tendered by the Secretary and Joint Secretary (legal), Ministry of Interior and Narcotics Control, was accepted by the committee. The committee recommended that the House may also accept the apology and dispose off the matter accordingly.



(Muhammad Anwar)
A.S. / Secretary Committee



(Senator Dr. Jehanzeb Jamaldini)
Chairman