

# **SENATE SECRETARIAT**

## **ORDERS OF THE DAY**

for the meeting of the Senate to be held at 10.00 a.m. on Tuesday, the 2<sup>nd</sup> November, 2004.

1. Recitation from the Holy Quran.

## **SENATE BUSINESS**

### **MOTION**

2. **DR. ABDUL HAFEEZ SHEIKH**, Chairman of the Special Committee, to move under sub-rule (1) of rule 171 of the Rules of Procedure and Conduct of Business in the Senate, 1988, that the time for presentation of the report of the Special Committee constituted by House on 22<sup>nd</sup> September, 2003, on a resolution moved by Senator Ch. Muhammad Anwar Bhinder, to suggest ways and means to meet the challenges of WTO coming into force in 2005 be extended till 31<sup>st</sup> January, 2005.

## **PRIVATE MEMBERS' BUSINESS**

### **MOTIONS**

(Under Rule 194)

3. **MRS. GULSHAN SAEED** to move that the House may discuss the overall performance of police department.
4. **MR. FARHAT ULLAH BABAR AND MR. MUHAMMAD ENVER BAIG** to move that this House may discuss the Government policy regarding allotment of residential and agricultural plots in Islamabad.
5. **DR. KAUSER FIRDAUS** to move that the House may discuss the ways and means to maintain the sanctity of the Holy Quran.
6. **MRS. RUKHSANA ZUBERI** to move that this House may discuss the plight of women in Prisons who have been granted bail but have no resources to provide the guarantee/surety for their release.
7. **MR. SANAULLAH BALOCH** to move that this House may discuss the promotion of industries and establishment of new Industrial Zones in the country.

## **RESOLUTIONS**

8. **MRS. RUKHSANA ZUBERI** to move the following resolution:-

"This House recommends that essential commodities prices be subsidized and rationing system be introduced in the country."

9. **CH. MUHAMMAD ANWAR BHINDER** to move the following resolution:-

"The Senate of Pakistan urges upon the Federal Government to prepare a comprehensive plan for the eradication of unemployment in the country and place it before the Senate."

10. **PROF. GHAFOR AHMAD** to move the following resolution:-

"This House expresses deep concern over increasing number of traffic accidents in the country and resolves that the government must ensure strict adherence to traffic laws, rules and regulations."

11. **MIAN RAZA RABBANI** to move the following resolution:-

"This House recommends that the Council of Common Interests be constituted forthwith."

12. **PROFESSOR KHURSHID AHMED** to move the following resolution:-

"This House recommends that the services of teachers working on daily wages basis in the Federal Government educational institutions be regularized."

## **BILLS TO BE INTRODUCED**

13. **DR. KAUSER FIRDAUS** to move for leave to introduce the Bill further to amend the Publication of the Holy Quran (Elimination of Printing Errors) Act, 1973 [The Publication of the Holy Quran (Elimination of Printing Errors) (Amendment) Bill, 2004].

14. **DR. KAUSER FIRDAUS** to introduce the Bill further to amend the Publication of the Holy Quran (Elimination of Printing Errors) Act, 1973 [The Publication of the Holy Quran (Elimination of Printing Errors) (Amendment) Bill, 2004].



**36. PROF. GHAFOR AHMAD, PROFESSOR KHURSHID AHMED, MAULANA GUL NASEEB KHAN, DR. MUHAMMAD ISMAIL BULEDI AND PROFESSOR MUHAMMAD IBRAHIM KHAN** to introduce the Bill to amend the National Security Council Act, 2004 [The National Security Council (Amendment) Bill, 2004].

**37. MR. KAMRAN MURTAZA** to move for leave to introduce the Bill further to amend the Anti-terrorism Act, 1997 [The Anti-terrorism (Amendment) Bill, 2004].

**38. MR. KAMRAN MURTAZA** to introduce the Bill further to amend the Anti-terrorism Act, 1997 [The Anti-terrorism (Amendment) Bill, 2004].

**39. CH. MUHAMMAD ANWAR BHINDER** to move for leave to introduce the Bill further to amend the Legal Practitioners and Bar Councils Act, 1973 [The Legal Practitioners and Bar Councils (Amendment) Bill, 2004].

**40. CH. MUHAMMAD ANWAR BHINDER** to introduce the Bill further to amend the Legal Practitioners and Bar Councils Act, 1973 [The Legal Practitioners and Bar Councils (Amendment) Bill, 2004].

**AMENDMENTS OF SENATE RULES**  
(Under Rule 242)

**41. CH. MUHAMMAD ANWAR BHINDER** to seek leave under **sub-rule (3) of rule 242** of the Rules of Procedure and Conduct of Business in the Senate, 1988, to move the following amendments:-

(I) "That **rule 3** of the Rules of Procedure and Conduct of Business in the Senate, 1988 be renumbered as **sub-rule (1)** of the said rule and thereafter the following **new sub-rule (2)** be added, namely :-

"(2) When the session of the Senate is requisitioned by the members under Article 54(3) of the Constitution, the members requisitioning the session shall attach with the requisition the Agenda of the Session for which it has been requisitioned and the said Agenda shall be discussed on the day meant for the private members' Business and on all other days the Government Business shall be transacted. The agenda for the requisitioned Session shall have precedence over the other private Members' Business."."

- (II) "That in **rule 44**, for the full stop occurring at the end, a colon be substituted and thereafter the following new proviso be added, namely :-

"Provided further that if the answer to the question not called has not been received from the Ministry concerned, it shall be repeated for the next turn of the Ministry concerned."."

- (III) "That for **rule 67** the following be substituted, namely :-

**"67. Punishment for breach of privilege .-** (1) If the House finds any person to be guilty of breach of Privilege of the House or its Committee or any member, it may award punishment to such person in accordance with law.

(2) The House may also recommend to the division concerned or the relevant authority to take such action against the person committing the breach of the privilege of the House, its committee or a member and the decision of the House shall be binding on the division or the concerned authority:

Provided that no decision shall be taken by the Senate without affording the concerned person an opportunity of being heard."."

- (IV) "That for **rule 130** the following be substituted, namely :-

**"130. Copy to the Division concerned .-** (1) On the conclusion of the discussion, the Chairman shall put the resolution or as the case may be, the resolution as amended to the vote of the House and if passed by the Senate, a copy thereof shall be forwarded to the Division concerned.

(2) The Division concerned shall implement the resolution in letter and spirit and any violation or non-compliance of the resolution shall amount to a breach of privilege of the Senate."."



**36. PROF. GHAFOR AHMAD, PROFESSOR KHURSHID AHMED, MAULANA GUL NASEEB KHAN, DR. MUHAMMAD ISMAIL BULEDI AND PROFESSOR MUHAMMAD IBRAHIM KHAN** to introduce the Bill to amend the National Security Council Act, 2004 [The National Security Council (Amendment) Bill, 2004].

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(I) "That **rule 3** of the Rules of Procedure and Conduct of Business in the Senate, 1988 be renumbered as **sub-rule (1)** of the said rule and thereafter the following **new sub-rule (2)** be added, namely :-

"**(2)** When the session of the Senate is requisitioned by the members under Article 54(3) of the Constitution, the members requisitioning the session shall attach with the requisition the Agenda of the Session for which it has been requisitioned and the said Agenda shall be discussed on the day meant for the private members' Business and on all other days the Government Business shall be transacted. The agenda for the requisitioned Session shall have precedence over the other private Members' Business."."

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- (III) "That for **rule 67** the following be substituted, namely :-

**"67. Punishment for breach of privilege .-** (1) If the House finds any person to be guilty of breach of Privilege of the House or its Committee or any member, it may award punishment to such person in accordance with law.

(2) The House may also recommend to the division concerned or the relevant authority to take such action against the person committing the breach of the privilege of the House, its committee or a member and the decision of the House shall be binding on the division or the concerned authority:

Provided that no decision shall be taken by the Senate without affording the concerned person an opportunity of being heard."."

- (IV) "That for **rule 130** the following be substituted, namely :-

**"130. Copy to the Division concerned .-** (1) On the conclusion of the discussion, the Chairman shall put the resolution or as the case may be, the resolution as amended to the vote of the House and if passed by the Senate, a copy thereof shall be forwarded to the Division concerned.

(2) The Division concerned shall implement the resolution in letter and spirit and any violation or non-compliance of the resolution shall amount to a breach of privilege of the Senate."."



- (V) "That in **rule 141, after paragraph (b)**, the following **new paragraph (c)** be added, namely :-

"(c) The extent to which such assurances and promises have not been implemented and suggest the action against the person responsible for non-implementation and non-fulfillment of the assurances and promises."."

- (VI) "That **rule 144** be renumbered as **sub-rule (1)** of the said rule and thereafter the following **new sub-rule (2)** be added, namely :-

"(2) A Committee may of its own motion take up a matter or subject with which it is concerned and report to the Senate its recommendation on that subject or matter."."

- (VII) "That for **rule 146** the following be substituted, namely :-

**"146. Functions.- 1 (a).** A Committee shall examine the Bill referred to it by the Senate and shall submit its report to the Senate with such recommendation as it may deem necessary. In respect of the Bill, the Committee shall also examine whether the Bill violates, disregards or is otherwise not in accordance with the provision of the Constitution;

**(b)** The Committee may propose amendments to the Bill referred to it which will be shown in its report along with the original provision of the Bill as well as the provision of the Bill as introduced and the amendments suggested by the Committee;

**(c)** The Committee shall have no power of preventing the Bill from coming to the Senate; and

**(d)** If the Committee does not present its report with the period prescribed or the time allowed the Bill may be considered by the Senate without waiting for the report upon a motion made by any member or a Minister.

(2) The Committee shall also consider any matter referred to it by the Senate under rule 144 or may take up suo moto any matter concerning the Committee and shall also submit its report to the Senate. After the submission of the report, a copy of the report shall be sent by the Secretary of the Senate to the Division concerned which shall reply to the Secretary in respect of the recommendation of the Committee. The recommendation and the reply so received shall be placed before the Senate for its decision. Any direction or decision given thereon by the Senate shall be complied with and implemented by the Division concerned in letter and spirit. Non-compliance of any direction or decision of the Committee shall amount to a breach of privilege of the Senate."."

(VIII) "That in **rule 172**, for the words "**chosen by**", occurring in the third line, the word "**of**" be substituted."

(IX) "That for **rule 186**, the following be substituted, namely :-

**"186. Lapse of pending notices on prorogation of Session.** - On the prorogation of the Senate, no pending notice of the Bill, Resolution, Question or Motion shall lapse except the adjournment motion and no fresh notice need be given for the next session in respect of them."."

**42. CH. MUHAMMAD ANWAR BHINDER** to move, if leave is granted, under sub-rule (4) of rule 242 of the Rules of Procedure and Conduct of Business in the Senate, 1988, that the proposed amendments in the said Rules be taken into consideration.

**43. MR. FARHAT ULLAH BABAR** to seek leave under sub-rule (3) of rule 242 of the Rules of Procedure and Conduct of Business in the Senate, 1988, to move the following amendments:-

(I) "That in **rule 22** of the Rules of Procedure and Conduct of Business in the Senate, 1988,-

(i) after the word "**Mondays**", occurring in the first line, the words "**and Tuesdays**" be inserted; and



(ii) in the proviso, after the word **"Monday"**, occurring in the first line, the words **"or Tuesday"** be inserted."

(II) "That in **rule 140**, after **sub-rule (1)**, the following **new sub-rule (1A)**, be inserted, namely:-

**"(1A) It shall be mandatory for the Chairman Senate to constitute the Committees during the first session of the Senate after the meeting called to elect the Chairman and Deputy Chairman of the Senate."**

(III) "That in **rule 154**, in **sub-rule (1)** for the full stop occurring at the end, a colon be substituted and thereafter the following **new proviso** be added, namely :-

**"Provided that a Chairman of the Standing Committee or of a Functional Committee shall cease to be the Chairman upon his/her induction as Minister/Minister of State/Adviser to the Government of Pakistan and the vacancy thus caused shall be filled by election by the Committee from amongst its members."**

**44. MR. FARHAT ULLAH BABAR** to move, if leave is granted, under sub-rule (4) of rule 242 of the Rules of Procedure and Conduct of Business in the Senate, 1988, that the proposed amendments in the said Rules be taken into consideration.

**45. MIAN RAZA RABBANI** to seek leave under sub-rule (3) of rule 242 of the Rules of Procedure and Conduct of Business in the Senate, 1988, to move the following amendment :-

(I) "That in **Chapter VII**, of the Rules of Procedure and Conduct of Business in the Senate, 1988, **after rule 38**, the following **new rule** shall be inserted, namely:-

**"38A. Prime Ministers question hour .-** In every session that exceeds seven days there shall be one hour designated on a day by the Chairman in consultation with the Prime Minister, which shall be called Prime Ministers question hour. The rules in this Chapter shall apply to the said Hour."



- (II) "That in chapter X the existing "Part IV" be renumbered as "Part V" and before Part V renumbered as aforesaid, the following new Part IV be inserted, namely:-

**PART IV.- MONEY BILLS ORIGINATING IN THE ASSEMBLY AND TRANSMITTED TO THE SENATE.**

The procedure described in the Fourth Schedule of these Rules will be adopted in relation to Money Bills originating in the Assembly and transmitted to the Senate."

- (III) "That in Chapter XVI, after rule 207, the following new rule shall be inserted, namely:-

"207A. Public issue time .- In every sitting of the Senate except Monday, immediately after the leave applications have been disposed off, the first half hour is allocated for members to raise public issues of urgent importance. A Minister may respond at once or shall place a written response on the Table of the Senate the following day unless otherwise directed by the Chairman."

- (IV) "That after the "Third Schedule" a new "Fourth Schedule" be added, namely:-

**FOURTH SCHEDULE**

**PROCEDURE REGARDING MONEY BILLS ORIGINATING IN THE ASSEMBLY AND TRANSMITTED TO THE SENATE.**

( See Chapter X Part IV )

**1. Laying of Copy of the Money Bill etc.**- A copy of the Money Bill, including the Finance Bill containing the Annual Budget statement, when transmitted by the Assembly to the Senate under clause (1) of Article 73 of the Constitution, shall be laid on the Table by a Minister and thereafter copies circulated to the Members.

**2. Making of recommendations.**- After a copy of the Money Bill, including the Finance Bill containing the Annual Budget Statement, has been laid on the Table, a Minister shall move that the Senate may make recommendations thereon, within seven days to the National Assembly.



**3. Debate on a Money Bill.-** The Senate shall commence debate on the Money Bill, including the Finance Bill and the Annual Budget Statement on a date to be fixed by the Chairman.

**4. Notice of a proposal for making recommendations.-** A Member may, till the noon of the third day of the motion, give notice of a proposal for making recommendations, in writing to the Secretary, the provisions of Rules 95, 96 and 97 shall, mutatis mutandis, apply in respect of a notice of a proposal for recommendation:

Provided that a Member shall not give notice of a proposal for making recommendations to the Annual Budget Statement which relates to the expenditure charged upon the Federal Consolidated Fund, under clause (1) of Article 82 of the Constitution.

**5. Motion to introduce a proposal for making recommendations.-** (i) On the third day of the motion a Member or Members collectively shall seek leave to introduce the proposals for making recommendations, if leave is granted, a Member or Members collectively make a motion that the proposals for recommendation be referred to the Standing Committee for Finance.

(ii) A Member who has made a proposal for recommendation may attend the meeting of the Finance Committee while his proposal is under discussion, but such Member shall not have the right of vote.

(iii) The said Committee shall in two days of receiving the proposals for recommendations send its report and the recommendations to the Senate.

**6. Circulation of copies of the report and the recommendations.-**

When the Report and recommendations have been received back from the Standing Committee, or when the time fixed for the Standing Committee to send it back has lapsed the Secretary shall cause copies of the Report and the recommendations to be circulated amongst the Members.

**7. The disposal of proposals of recommendations.-**

On the day fixed by the Chairman, when the Senate considers the Report and the recommendations, the basic reason and principle of the recommendation may be discussed but the details of the Money Bill shall not be discussed than is necessary to explain the purpose of the recommendation;

**8. A question relating to the acceptability of the proposed recommendations.-**

Thereafter a question relating to the proposed recommendations acceptability shall be decided by a majority of the Members present and voting in the manner prescribed in Rules 212.

**9. Transmission of recommendations to the National Assembly.-**

The Secretary shall transmit the recommendations adopted by the Senate to the National Assembly before the seventh day expires in the manner prescribed in the Rules.

**10. Transaction of other business.-**

No other business, except with the permission of the Chairman, shall be transacted on a day when recommendations are being discussed for making to the National Assembly."

**46. MIAN RAZA RABBANI** to move, if leave is granted, under sub-rule (4) of rule 242 of the Rules of Procedure and Conduct of Business in the Senate, 1988, that the proposed amendments in the said Rules be taken into consideration.



**47. MR. FARHAT ULLAH BABAR AND MIAN RAZA RABBANI** to seek leave under sub-rule (3) of rule 242 of the Rules of Procedure and Conduct of Business in the Senate, 1988, to move the following amendments:-

- (I) "That in rule 59, in sub-rule (2), for the word "two" occurring for the second time in the fourth line, the word "four" be substituted."
- (II) "That in rule 77, for sub-rule (1) the following be substituted, namely:-

"(1) The Chairman shall ask whether the member has the leave of the Senate to move the motion and, if objection is taken, he shall request such of the members as may be in favour of leave being granted to rise in their seats."

**48. MR. FARHAT ULLAH BABAR AND MIAN RAZA RABBANI** to move, if leave is granted, under sub-rule (4) of rule 242 of the Rules of Procedure and Conduct of Business in the Senate, 1988, that the proposed amendments in the said Rules be taken into consideration.

**SHAHIQ A. KHAN**  
Secretary

Islamabad, the  
1<sup>st</sup> November, 2004.