

# SENATE OF PAKISTAN



(Report No.15/2018-21)

## **REPORT OF THE COMMITTEE ON RULES OF PROCEDURE AND PRIVILEGES**

**ON**

**PRIVILEGE MOTION NO. 3(295)/2020-M**

**MOVED BY SENATOR MUSHAHID ULLAH KHAN REGARDING THE  
BASELESS ALLEGATION OF OUTSTANDING DUES OF RS. 27,02,000/=  
AGAINST HIM ON ACCOUNT OF HIS STAY IN PUNJAB HOUSE,  
ISLAMABAD. THE MATTER REFERRED BY HON'BLE CHAIRMAN  
SENATE ON 14TH JANUARY, 2020.**

**PRESENTED BY**

**SENATOR AYESHA RAZA FAROOQ  
CHAIRPERSON**

## SENATE SECRETARIAT

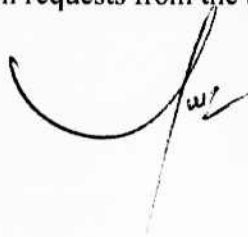
**Subject: REPORT OF THE COMMITTEE ON RULES OF PROCEDURE AND PRIVILEGES ON PRIVILEGE MOTION NO. 3 (295)/2020-M.**

I, Chairperson of the Committee on Rules of Procedure and Privileges, have the honour to present report of the Committee on Privilege Motion No.3 (295)/2020-M, moved by Senator Mushahid Ullah Khan regarding the baseless allegation of outstanding dues of Rs. 27,02,000/= against him on account of his stay in Punjab House, Islamabad. The matter was referred to the Committee by the Hon'ble Chairman Senate on 14<sup>th</sup> January, 2020.

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

1.	<b>Senator Ayesha Raza Farooq</b>	<b>Chairperson</b>
2.	Senator Syed Shibli Faraz	Member
3.	Senator Mian Raza Rabbani	Member
4.	Senator Syed Muzafar Hussain Shah	Member
5.	Senator Dr. Asif Kirmani	Member
6.	Senator Pervaiz Rasheed	Member
7.	Senator Dilawar Khan	Member
8.	Senator Nighat Mirza	Member
9.	Senator Walid Iqbal	Member
10.	Senator Dr. Sikandar Mandhro	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. Briefly stated, the facts culminating into submission of instant Privilege Motion by Senator Mushahid Ullah Khan are that on 22.06.2019, the Minister for Law and Parliamentary Affairs, Government of the Punjab, during a media talk, alleged that an amount of Rs. 2,702,000/= was outstanding against Senator Mushahid Ullah Khan on account of his stay in Punjab House, Islamabad for which notice of recovery had already been issued to him. To check the veracity of this claim, Director Staff of Senator Mushahid Ullah Khan wrote a letter No. 02/SSCA/2019, dated 28<sup>th</sup> June, 2019 to the Comptroller Punjab House, Islamabad requesting for details of dues outstanding in his name. In reply to the said letter, Mr. Waseem Ahmed Khan, Comptroller Punjab House, Islamabad through his letter No.PH/Misc.32/452 dated 10.07.2019 acknowledged that an amount of Rs. 2,702,000/= was outstanding against Senator Mushahid Ullah Khan on account of room rent charges for his stay in Punjab House, Islamabad; dues that had been pointed out in a special audit of Punjab House, Islamabad, conducted in April, 2019, but no record of reservation requests from the Senator's office had been found.



4. Feeling aggrieved at the false and baseless accusations, Senator Mushahid Ullah Khan submitted notice of Privilege Motion No.3(295)-2020/M on 14.01.2020 stating therein that on his election as Member Senate of Pakistan in the year 2009, due to the non-availability of vacant rooms in the Parliament Lodges, the Senate Secretariat with the approval of the Chairman Senate, had arranged a room in the Punjab House which had remained in his use till he took oath as Federal Minister in January 2015 and subsequently shifted to an official residence in the Ministers' Enclave. He also clarified that a payment of Rs. 3,776,400/= for the room rented for him from 21.03.2009 to 05.01.2015 was made by Senate Secretariat and which can be verified from the record of the Senate Secretariat.

5. The Privilege Motion was held admissible by the Hon'ble Chairman Senate of Pakistan and referred to the Senate Committee on Rules of Procedure and Privileges for consideration and report. The Committee discussed the Privilege Motion in its meetings held on 2<sup>nd</sup> March, 2020, 15<sup>th</sup> July, 2020, 13<sup>th</sup> August, 2020, 7<sup>th</sup> September, 2020, 21<sup>st</sup> September, 2020 and finally on 20<sup>th</sup> October, 2020.

6. During meetings of the Committee, Mr. Waseem Ahmed (current Comptroller Punjab House, Islamabad), Syed Nafasat Raza (Additional Secretary, C & W), Government of the Punjab and Mr. Imran Ali (Superintendent Engineer, Buildings Circle No.1 Rawalpindi) appeared before the Committee. The Committee was informed that one Mr. Suleman Abbasi used to reside in the room reserved in the name of Senator Mushahid Ullah Khan on the pretext of guest of the Senator. The Committee was informed that Mr. Suleman Abbasi was time and again asked to pay the room rent but he did not make any payment and continued to stay in the room by using his influence in the high offices. The Comptroller Punjab House, Islamabad informed the Committee that the outstanding dues amounting to Rs.2,702,000/- against Senator Mushahid Ullah Khan had been highlighted by a special audit team in their audit report of April 2019. He further informed that the manual record register maintained at Punjab House reveals that room F-1Q had remained booked in the name of Senator Mushahid Ullah Khan from 2015 to 2018, however, he could not produce any documentary evidence of reservation of the said room by or on behalf of Senator Mushahid Ullah Khan. While two affidavits of staff members of Punjab House, Islamabad were furnished to the Committee as supporting document that room was reserved for Senator Mushahid Ullah Khan, the Committee unanimously rejected the same, raising questions of their veracity and authenticity. The Comptroller also failed to satisfy the Committee as to why no reminder or notice of outstanding payment was ever sent to the Senator during the alleged period of stay in the Punjab House, and why was it sent much later in the year 2019.

7. A complete record of reservation by the Senate Secretariat and the record of payments made on account of room rented for Senator Mushahid Ullah for the period 21.03.2009 to 5.01.2015 was also produced before the Committee including a letter of the Senate Secretariat regarding "Cancellation of Allotment of Suite in Punjab House, Islamabad", dated 16.02.2015.



The Committee questioned the failure of Punjab House management to cancel the reservation in the Senator's name even after issuance of cancellation request by the Senate Secretariat. They were of the view that the Government of Punjab should be asked to take action against the then Comptroller Punjab House, Islamabad who had failed to cancel the reservation despite written request by the Senate Secretariat, and that burden of negligence of Punjab House management could not be shifted to a Hon'ble Senator. Committee members also questioned that when Senator Mushahid Ullah Khan had already been allotted an official accommodation in his capacity as a Federal Minister, why then would he continue to live in Punjab House.


8. Despite repeated requests made by the Committee, the Comptroller Punjab House failed to furnish any record or proof of requests made for room reservation made directly by or on behalf of Senator Mushahid Ullah for a room at the Punjab House from the period 2015-2018. The entire Committee expressed its displeasure and was of the view that if the reservation record was not maintained properly by the management at Punjab House, the responsibility of outstanding dues to Punjab House, as pointed out by the audit team, could not be assigned to the Senator.

9. The matter was referred to the Director General (Audit) who was requested to convene meeting of Special Departmental Audit Committee to consider various audit paras in the accounts of Punjab House, Islamabad including the issue of outstanding dues against Senator Mushahid Ullah Khan. On the recommendations of the Special Departmental Audit Committee, the Secretary C&W, Government of the Punjab through Notification No. SO-PAC-II (C&W) 9-15/2019 (Vol-I), dated 18<sup>th</sup> September, 2020, constituted a fact finding Committee whose report was presented before the Committee in its final meeting held on 20<sup>th</sup> October, 2020 which was attended by the following Members: -

1.	Senator Ayesha Raza Farooq	Chairperson
2.	Senator Syed Muzafar Hussain Shah	Member
3.	Senator Pervaiz Rasheed	Member
6.	Senator Dr. Sikandar Mandhro	Member
7.	Senator Muhammad Ali Khan Saif	Member
8.	Senator Manzoor Ahmad Kakar	Member
9.	Senator Dr. Asif Saeed Kirmani	Member
10.	Senator Walid Iqbal	Member
10.	<u>Minister of State for Parliamentary Affairs</u>	<u>Ex-officio Member</u>
11.	Senator Mushahidullah Khan	Mover

The Committee expressed serious concern over the findings of the report, which it considered to be vague, inconclusive and incomplete; raising serious questions regarding the quality of investigation done. The finding of the fact finding committee that it was accepted practice at



 Punjab House at the time, to allot rooms based on non-written referrals from various Government quarters was also refuted by the Committee unanimously as there was complete written record available of the correspondence between the Senate Secretariat and the Punjab House, Islamabad in connection with reservation of room for Senator Mushahid Ullah Khan for the period 21.03.2009 to 05.01.2015, along with record of payment of dues and subsequent request for cancellation of room in his name. Moreover, Senator Mushahid Ullah Khan had also produced as evidence three copies of letters written by his staff on different dates in the months of February and March, 2018 to the Deputy Controller, Chief Minister's Office Punjab, Lahore requesting room reservation in Punjab House, Islamabad for some guests. Hence, the findings of the fact finding Committee that the practice in vogue at Punjab House was non written instructions for room bookings was refuted in the presence of above set of written correspondence. The Committee found the fact-finding Committee's report to be misleading and malafide.

10. After detailed deliberations, perusal of the whole record presented before the Committee by the Punjab House administration and the Senate Secretariat, the findings of the Committee are summarized as below:

- No documentary proof was found available on record that either Senator Mushahid Ullah Khan or anyone on his behalf had booked a room for him or for one Suleman Abbasi after the year 2015;
- The management of Punjab House, Islamabad failed to produce any conclusive evidence to prove the same despite many opportunities; the affidavits of employees of Punjab House and a handwritten statement of former Comptroller Punjab House to prove that Mr. Suleman Abbasi used to reside in Punjab House, Islamabad as a guest of Senator Mushahid Ullah Khan were found unreliable and questionable.
- The Punjab House management never issued any notice of recovery of outstanding rent amount during the stay of Suleman Abbasi for 1351 days either to Suleman Abbasi or to Senator Mushahid Ullah Khan.
- The stance of Punjab House management that there were no SOPs in place for written bookings and cancellation of rooms and all bookings were made through non-written communication was refuted as there is complete documentary record available of booking of room by Senate Secretariat for Senator Mushahid Ullah Khan, of written invoices and of a letter of cancellation of the room as well. Moreover, Senator Mushahid Ullah Khan also produced copies of three letters, requesting room reservations in Punjab House Islamabad, written by his office on different dates in February and March, 2018 to the Deputy Controller, Chief Minister's Office Punjab, 8 Club Road, Lahore.





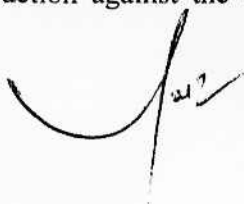
- The fact finding report was found to be incomplete, inconclusive and misleading.

11. In view of the above findings, all the Committee members, with the exception of Senator Walid Iqbal, concluded that prima facie, a breach of privilege of Senator Mushahid Ullah Khan had been committed and the privilege motion was held to be in order.

12. The instant Privilege Motion was moved against the Provincial Minister for Law and Parliamentary Affairs, Government of the Punjab who had made accusations against Senator Mushahid Ullah Khan during a Press Conference, the Secretary C & W being the Head of the Department and overall In-charge of Punjab House management and administration, and the then Comptroller Punjab House, Islamabad who had issued notice of recovery of outstanding amount of Rs. 2,702,000/= to Senator Mushahid Ullah Khan. However, it is important to mention that each House is a guardian of its own privilege and thus the sole judge of any matter that may arise which in any way infringes upon its privilege. It is also an established parliamentary practice that neither House of the Parliament can claim or exercise any authority over a member of the other House when the case of breach of privilege or contempt of the House is founded on a statement made by a Member of the other House on the floor of the House to which he belongs. However, because in the instant case, the alleged statement was made in the press by the Minister for Law and Justice, Government of the Punjab who happens to be a member of the Provincial Assembly of Punjab, therefore, the Committee recommended that the copy of the instant report shall be forwarded to the Speaker Punjab Assembly for necessary action, as he may deem fit.

13. The Committee concluded that Secretary C&W cannot be held entirely and strictly responsible for the negligence of the then Comptroller Punjab House, Islamabad, however, being the Head of the Department and overall in-charge of Punjab House's management and administration, he has to share the burden of responsibility in the instant case. Therefore, the Committee recommended that the Chief Secretary, Punjab should issue a warning to the Secretary C & W to maintain extra caution in future to avoid such irregularities, to take strict action against the delinquents for non-maintenance of proper record of reservations and payments in Punjab House, Islamabad and to ensure strict compliance of SOPs for bookings / room reservations at the Punjab House in future.

14. The Committee concluded that the then Comptroller Punjab House, Islamabad was responsible for breach of privilege of Senator Mushahid Ullah Khan as he had issued notice of recovery of alleged outstanding amount to the Senator without any proof and had tried to shift the burden of his own negligence to the Hon'ble Senator. The Committee also found him guilty of failing to cancel the room reserved in the name of Senator Mushahid Ullah Khan despite issuance of written request for cancellation by the Senate Secretariat. The Government of the Punjab shall take stern action against the then Comptroller Punjab House, Islamabad for his negligence.



15. The Committee recommended that the Government of Punjab shall ensure that proper SOPs of reservations / bookings and check-in / check-out details should be drawn up and placed in all the Punjab Houses for strict compliance.

16. The Committee recommended that the Director General (Audit) should remove the name of Senator Mushahid Ullah Khan from the audit para on the basis of the findings and recommendations of the Senate Committee on Rules of Procedure and Privileges as no evidence was available on record to hold him liable for the outstanding payment.

17. In view of the above findings and recommendations, the Committee disposed of the matter.



**(MUHAMMAD AZAM)**  
Secretary Committee



**(SENATOR AYESHA RAZA FAROOQ)**  
Chairperson of the Committee