

SENATE OF PAKISTAN
DAILY JOURNAL
(267th session)

Date and day	22 nd September,2017 (Friday)
Commenced at	10:05 a.m.
Prorogued at	4:15 p.m.
Presided by	1) Mian Raza Rabbani Chairman Senate of Pakistan. 2) Senator Abdul Ghafoor Haider, Deputy Chairman. 3) Senator Syed Muzafar Hussain Shah, Presiding Officer
Attendance	85

Recitation from the Holy Quran.

SUSPENSION OF PROCEEDINGS

The Chairman suspended the proceedings for 15 minutes due to absence of the Ministers concerned.

QUESTION HOUR

Questions pertaining to the Ministry of Interior were deferred. Question Nos. 83, 84, 175, 76, 81, 82, 77 and 177 were replied in the House. Remaining printed questions and their replies were treated as laid on the table of the House.

OBSERVATION OF THE CHAIRMAN

The Chairman drew attention of the Leader of the House towards the tendency of deferment of business due to absence of one or the other Minister during the current session and expressed his serious concern over the same.

The Leader of the House agreed with the Chairman that the Parliament should be taken serious by the Ministers, however, he requested the Chairman to give him one opportunity to take up this matter with the Cabinet Members in order to avoid this tendency in future.

LEAVE APPLICATIONS

The leave applications were read by the Chairman.

CONSIDERATION OF ADMISSIBILITY OF ADJOURNMENT MOTIONS

Admissibility of the following Adjournment Motion was determined:-

Senator Mian Muhammad Ateeq Shaikh moved Adj. Motion No. 1(16-267/2017-M) to discuss the significance of the BRICS declaration with particular reference to China's view point about Pakistan and the diplomatic strategy of the Government in this regard.

After hearing the Mover, the Chairman held the Motion in Order and fixed it for two hours discussion.

MOTION

[Under Rule 204]

Senator Raja Muhammad Zafar-Ul-Haq, Leader of the House on his behalf and on behalf of Senator Aitzaz Ahsan, Leader of the Opposition, moved under rule 204 of the Rules of Procedure and Conduct of Business in the Senate, 2012, that a Special Committee consisting of Senators Syed Muzafar Hussain Shah, Col. (R) Syed Tahir Hussain Mashhadi, Taj Haider, Muhammad Mohsin Khan Leghari, Muhammad Javed Abbasi, Ayesha Raza Farooq, Baz Muhammad Khan and Nauman Wazir Khattak may be constituted to examine and prepare recommendations with regard to,-

- (i) Non-implementation of the building Code and civic regulations by the CDA in Islamabad particularly unauthorized construction in Sector H-13 and high rise buildings in and around Sector E-11; and
- (ii) Policy to regulate construction on private / acquired lands. The Committee shall elect its Convener in its first meeting. The report of the Committee shall be presented not later than two months from the date of notification of its Convener.

The Motion was put to the House and adopted.

REPORTS OF THE COMMITTEE ON RULES OF PROCEDURE AND PRIVILEGES -

PRESENTATION OF:

1. Senator Syed Muzafar Hussain Shah on behalf of Senator Dr. Jehanzeb Jamaldini, Chairman, Committee on Rules of Procedure and Privileges, presented report of the

Committee on contempt of the Standing Committee on Finance committed by the Secretary Finance by not providing their views to that Committee on the Bill further to amend the Protection of Economic Reforms Act, 1992 [The Protection of Economic Reforms (Amendment) Bill, 2016], moved by Senator Saleem Mandviwala on 3rd October, 2016.

2. Senator Syed Muzafar Hussain Shah on behalf of Senator Dr. Jehanzeb Jamaldini, Chairman, Committee on Rules of Procedure and Privileges, presented report of the Committee on amendments in rules 64 and 93 of the Rules of Procedure and Conduct of Business in the Senate, 2012, moved by Senator Karim Ahmed Khawaja on his behalf and on behalf of other members, on 21st August, 2017.
3. Senator Syed Muzafar Hussain Shah on behalf of Senator Dr. Jehanzeb Jamaldini, Chairman, Committee on Rules of Procedure and Privileges, to present report of the Committee on contempt of the House committed by the Additional Secretary (America), Ministry of Foreign Affairs, by not complying with the directives of the Chair to be present in the House, during debate on national security issue arising out of US President's new strategy for South Asia and Afghanistan and remarks about Pakistan.

CALLING ATTENTION NOTICE

Senator Saleem Mandviwala on his behalf and on behalf of Senators Muhammad Mohsin Khan Leghari, Saeedul Hassan Mandokhail, Barrister Murtaza Wahab And Muhammad Ali Khan Saif to draw attention of the Minister In-charge of the Aviation Division towards the non-payment of flying allowance to PIA Cabin Crew since August, 2016.

Sheikh Aftab Ahmed, Minister In-charge, made statement on the subject matter of the Calling Attention Notice and the Calling Attention Notice was thus disposed of.

LEGISLATIVE BUSINESS

Mr. Zahid Hamid, Minister for Law and Justice, move that the Bill to amend, consolidate and unify laws relating to the conduct of elections [The Elections Bill, 2017], as reported by the Standing Committee, be taken into consideration at once.

Senator Mohammad Azam Khan Swati also spoke on the motion and opposed the same.

The Motion was put to the House which was adopted by 41 votes in favor and 34 votes against the motion.

Thereafter, the House started second reading of the Bill i.e. clause by clause consideration.

Clause 2: Senator Saleem Zia moved amendment in clause.

Following Members spoke against the amendment:-

1. Senator Mohammad Azam Khan Swati.
2. Senator Aitzaz Ahsan, Leader of the Opposition.

Minister for Law and Justice extended the point of view of the Government on the amendment.

The amendment was put to the House which was carried by 39 votes in favor of the amendment and 37 votes against the amendment.

Clause 2 as amended was made part of the Bill.

Clause 3: There was an amendment in clause 3 in the name of Senator Mohsin Khan Leghari, however, the Member withdrew his amendment.

Clause 3 as reported by the Committee formed part of the Bill.

Clause 4: There was no amendment in clause 4 of the Bill which were made part of the Bill as reported by the Committee.

Clause 5: There was an amendment in clause 3 in the name of Senator Mohsin Khan Leghari, however, the Member withdrew his amendment.

Clause 5 as reported by the Committee was made part of the Bill.

Clause 6: There was an amendment in clause 6 in the name of Senator Mohsin Khan Leghari, however, the Member withdrew his amendment.

Clause 6 as reported by the Committee was made part of the Bill.

Clauses 7 and 8: There were no amendments in clauses 7 and 8 which were made part of the Bill as reported by the Standing Committee.

Clause 9: There was an amendment in clause 9 in the name of Senators Hafiz Hamadullah and Sirajul Haq. Senator Hafiz Hamadullah moved the amendment which was held out of order by the Chairman as the same was out of scope of the Bill.

Clause 9 was made part of the Bill as reported by the Committee.

Clauses 10 and 11: There was no amendment in clauses 10 and 11 which were made part of the Bill as reported by the Committee.

Clause 12: There was an amendment in clause 12 in the name of Senator Mohsin Khan Leghari, however, the Member withdrew his amendment. Clause 12 as reported by the Committee was made part of the Bill.

Clause 13: There was no amendment in clause 13 of the Bill which was made part of the Bill as reported by the Committee.

Clause 14: There was an amendment in clause 14 in the name of Senator Mohsin Khan Leghari, however, the Member withdrew his amendment. Clause 14 as reported by the Committee was made part of the Bill.

Clauses 15 to 21: There was no amendment in clauses 15 to 21 which were made part of the Bill as reported by the Committee.

Clause 22: There was an amendment in clause 22 in the name of Senator Mohsin Khan Leghari. The Amendment was moved by the Senator which was carried and clause 22 as amended was made part of the Bill.

Clauses 23 to 26: There was no amendment in clauses 23 to 26 which were made part of the Bill as reported by the Committee.

Clause 27: There was an amendment in clause 27 in the name of Senators Hafiz Hamadullah and Sirajul Haq. Senator Hafiz Hamadullah moved the amendment which was rejected. Clause 27 was made part of the Bill as reported by the Committee.

Clauses 28 to 46: There was no amendment in clauses 28 to 46 which were made part of the Bill as reported by the Committee.

Clause 47: There was an amendment in clause 47 in the name of Senator Mohsin Khan Leghari. The Amendment was moved by the Senator which was carried and clause 47 as amended was made part of the Bill.

Clauses 48 to 59: There was no amendment in clauses 48 to 59 which were made part of the Bill as reported by the Committee.

Clause 60: There were amendments in clause 60. Senator Hafiz Hamadullah on his behalf and on behalf of Senator Sirajul Haq moved amendment in clause 60 which was put to the House and rejected.

Senator Mohammad Azam Khan Swati on his behalf and on behalf of Senators Syed Shibli Faraz and Mohsin Aziz moved amendment in clause 60 which was opposed by the Minister for Law and Justice. The amendment was put to the House which was carried by 39 votes in favor of the amendment and 38 votes against the amendment.

At this stage, the Minister for Law and Justice raised objection on carrying of the amendment as his point of view was that he has not been given opportunity to convince the Members and explain the future effects of the proposed amendment.

The Chairman observed that the decision of the House has come on record and the amendment has been passed by the House, however, the Law Minister insisted upon the permission to move an amendment to the amendment which is discretion of the Chairman. Upon insisting upon by the Law Minister and the divided opinion of the House, the Chairman bestowed his discretion to the House and a question was put to the House that whether the Minister may be allowed to move an amendment to the amendment. 47 votes were in favor of giving permission to the Minister to move an amendment to the amendment whereas 31 votes were against the giving of such permission.

At this stage at 12:25 p.m., the Chairman Senate suspended the proceedings and left the Chair. The proceedings were resumed at 12:50 p.m. with Deputy Chairman on the Chair.

At this stage, the Members belonging to PTI objected upon the leaving of the Chair by the Chairman Senate and they asked the Chair to give explanation of the reasons of leaving of the Chair by the Chairman.

Senator Syed Tahir Hussain Mashhadi and some other Members stated that it is discretion of the Chairman so no one can ask questions from the Chair.

Thereafter, Senator Ayesha Raza Farooq made an amendment to amendment in clause 60 which was put to the House and adopted. Clause 60 was made part of the Bill in the shape of amendment moved by Senator Ayesha Raza Farooq.

Clauses 61 to 70: There was no amendment in clauses 61 to 70 which were made part of the Bill as reported by the Committee.

Clause 71: There was an amendment in clause 71 in the name of Senator Syed Shibli Faraz which was dropped due to absence of the Member. Clause 71 as reported by the Committee was made part of the Bill.

Clause 72: There was an amendment in clause 72 in the name of Senator Mohsin Khan Leghari. The Amendment was moved by the Senator which was carried and clause 72 as amended was made part of the Bill.

Clauses 73 to 82: There was no amendment in clauses 73 to 82 which were made part of the Bill as reported by the Committee.

Clause 83: There was an amendment in clause 83 in the name of Senator Mohsin Khan Leghari. The Amendment was moved by the Senator which was carried and clause 83 as amended was made part of the Bill.

Clause 84 to 97: There was no amendment in clauses 84 to 97 which were made part of the Bill as reported by the Committee.

Clause 98: There was an amendment in clause 98 in the name of Senator Syed Shibli Faraz which was dropped due to absence of the Member. Clause 98 as reported by the Committee was made part of the Bill.

Clause 99 to 103: There was no amendment in clauses 99 to 103 which were made part of the Bill as reported by the Committee.

Clause 104: There was an amendment in clause 104 in the name of Senator Mohsin Khan Leghari, however, the Member withdrew his amendment. Clause 104 as reported by the Committee was made part of the Bill.

Clauses 105 and 106: There was no amendment in clauses 105 and 106 which were made part of the Bill as reported by the Committee.

Clause 107: There was an amendment in clause 107 in the name of Senator Mohsin Khan Leghari, however, the Member withdrew his amendment. Clause 107 as reported by the Committee was made part of the Bill.

Clauses 108 and 109: There was no amendment in clauses 108 and 109 which were made part of the Bill as reported by the Committee.

[At 1:20 p.m., the proceedings were suspended for prayer and resumed at 2:55 p.m. with Syed Muzafar Hussain Shah, Presiding Officer on the Chair.]

Clause 110: There were three amendments in Clause 110. Senator Hafiz Hamadullah on his behalf and on behalf of Senator Sirajul Haq moved amendment in clause 110 which was opposed by the Law Minister and the Leader of the Opposition. The amendment was put to the House which was rejected by 34 votes against the amendment and 30 votes in favor of the amendment.

Senator Mohsin Khan Leghari withdrew his amendment in Clause 110.

Senators Mohammad Azam Khan Swati, Syed Shibli Faraz and Mohsin Aziz did not move their amendment in clause 110 so clause 110 as reported by the Committee was made part of the Bill.

Clauses 111 to 121: There was no amendment in clauses 111 to 121 which were made part of the Bill as reported by the Committee.

Clause 122: There were two amendments in clause 122. First amendment was in the name of Senator Mohsin Khan Leghari. The Amendment was moved by the Senator which was carried. Second amendment was in the name of Senator Syed Shibli Faraz who did not move his amendment. Clause 122 as amended was made part of the Bill.

Clauses 123 to 136: There was no amendment in clauses 123 to 136 which were made part of the Bill as reported by the Committee.

Clause 137: There was an amendment in clause 137 in the names of Senators Mohammad Azam Khan Swati, Syed Shibli Faraz and Mohsin Aziz but the Members did not move the Amendment. Clause 137 was made part of the Bill as reported by the Committee.

Clause 138: There was an amendment in clause 138 in the names of Senators Mohammad Azam Khan Swati, Syed Shibli Faraz and Mohsin Aziz but the Members did not move the Amendment. Clause 138 was made part of the Bill as reported by the Committee.

Clauses 139 to 156: There was no amendment in clauses 139 to 156 which were made part of the Bill as reported by the Committee.

Clause 157: There was an amendment in clause 157 in the name of Senator Mohsin Khan Leghari, however, the Member withdrew his amendment. Clause 157 as reported by the Committee was made part of the Bill.

Clauses 158 to 199: There was no amendment in clauses 158 to 199 which were made part of the Bill as reported by the Committee.

Clause 200: There was an amendment in clause 200 in the name of Senator Mohsin Khan Leghari, however, the Member withdrew his amendment. Clause 200 as reported by the Committee was made part of the Bill.

Clauses 201 and 202: There was no amendment in clauses 201 to 202 which were made part of the Bill as reported by the Committee.

Clause 203: There were three amendments in clause 203. First amendment was in the names of Senator Aitzaz Ahsan, Taj Haider, Sherry Rehman, Barrister Murtaza Wahab, Mukhtiar Ahmed Dhamrah @ Aajiz, Ilyas Ahmed Bilour and Kamil Ali Agha whereas second amendment was in the names of Senators Mohammad Azam Khan Swati, Syed Shibli Faraz and Mohsin Aziz. Senator Mohammad Azam Khan Swati in consultation with the Leader of the Opposition suggested to club both the amendments. Thereafter, Senator Aitzaz Ahsan moved the amendment which was put to the House however, during counting of votes a question was arisen that whether a Member who is not on his designated seat can be counted in the count or not.

At this stage, the Leader of the Opposition referred the relevant rules and suggested the Chair that a re-count may be taken as some Members from both the sides were not on their seats at the time of count. With the sense of the House the count was again made and the amendment was rejected by 38 votes against the amendment and 37 votes in favor of the amendment. The

third amendment was in the name of Senator Mohsin Khan Leghari who did not move his amendment. Clause 203 was made part of the Bill as reported by the Committee.

Clauses 204 to 207: There was no amendment in clauses 204 to 207 which were made part of the Bill as reported by the Committee.

Clause 208: There was an amendment in clause 208 in the name of Senator Mohsin Khan Leghari, however, the Member withdrew his amendment. Clause 208 as reported by the Committee was made part of the Bill.

Clauses 209 to 211: There was no amendment in clauses 209 to 211 which were made part of the Bill as reported by the Committee.

Clause 212: There was an amendment in clause 212 in the name of Senator Mohsin Khan Leghari, however, the Member withdrew his amendment. Clause 208 as reported by the Committee was made part of the Bill.

Clause 213: There was an amendment in clause 213 in the name of Senator Mohsin Khan Leghari. The amendment was comprised of two parts. The Member moved the first part of the amendment which was put to the House and carried whereas the second part of the amendment was not pressed by the Member. Clause 213 as amended to the extent of first part only was made part of the Bill.

Clauses 214 to 229: There was no amendment in clauses 214 to 229 which were made part of the Bill as reported by the Committee.

Clause 230: There was an amendment in clause 230 in the names of Senators Mohammad Azam Khan Swati, Syed Shibli Faraz and Mohsin Aziz but the Members did not move the Amendment. Clause 230 was made part of the Bill as reported by the Committee.

Clauses 231 to 241: There was no amendment in clauses 231 to 241 which were made part of the Bill as reported by the Committee.

Thereafter, Mr. Zahid Hamid, Minister for Law and Justice, moved that the Bill to amend, consolidate and unify laws relating to the conduct of elections [The Elections Bill, 2017] be passed.

The Motion was put to the House and the Bill was passed.

CALLING ATTENTION NOTICE

Senator Sherry Rehman drew attention of the Minister for Law and Justice towards the incident of lynching of a 17 years old Christian student at the hands of his class fellows inside the class room in a school of district Vehari, Punjab.

Mr. Zahid Hamid, Minister for Law and Justice, made statement on the subject matter of the Calling Attention Notice and the Calling Attention Notice was thus disposed of.

POINTS OF PUBLIC IMPORTANCE

1. Senator Mukhtiar Ahmed Dhamrah @ Aajiz spoke about extensive load shedding of electricity in Sindh.
2. Senator Mian Muhammad Ateeq Sheikh spoke about the shortage of petrol throughout the country.

The Presiding Officer directed that the verbatim be referred to the Minister concerned for Ministerial response.

At 4:15 p.m. the Presiding Officer prorogued the session on conclusion of its business.