

SENATE OF PAKISTAN
DAILY JOURNAL
(333rd SESSION)

Date and Day	13 th November 2023, (Monday)
Commenced at	03:08 p.m.
Adjourned at	07:15 p.m.
Presided by	Chairman Senate
Attendance	50
Total Working Hours	4hours and 07minutes

Recitation from the Holy Quran.

BILLS TO BE INTRODUCED

1. Senator Dr. Zarqa Suharwardy Taimur, to move for leave to introduce a Bill further to amend the Right of Access to Information Act, 2017 [The Right of Access to Information (Amendment) Bill, 2023].

The Motion was deferred

2. Senator Samina Mumtaz Zehri, to move for leave to introduce a Bill further to amend the Guardians and Wards Act, 1890 [The Guardians and Wards (Amendment) Bill, 2023].

The Motion was deferred

3. Senator Naseebullah Bazai, on behalf of **Senators Faisal Saleem Rehman and Kauda Babar**, moved for leave to introduce a Bill further to amend the Banking Companies Ordinance, 1962 [The Banking Companies (Amendment) Bill, 2023].

Ms. Shamshad Akhtar, Minister for Finance, Revenue and Economic Affairs, respond the issue

The Motion was put to the House and leave to introduce the bill was granted. The Bill introduced and referred to Standing Committee concerned.

4. Senator Mian Raza Rabbani, to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898 [The Code of Criminal Procedure (Amendment) Bill, 2023].

The Motion was put to the House and leave to introduce the bill was granted. The Bill introduced and referred to Standing Committee concerned.

5. Senator Fawzia Arshad, to move for leave to introduce a Bill further to amend the Pakistan Penal Code, 1860 and the Code of Criminal Procedure, 1898 [The Criminal Laws (Amendment) Bill, 2023]. **(Substitution of section 289 of PPC and subsequent amendment in schedule II of Cr.PC)**

The Motion was deferred

6. Senator Shahadat Awan, moved for leave to introduce a Bill further to amend the Pakistan Names and Emblems (Prevention of Unauthorised Use) Act, 1957 [The Pakistan Names and Emblems (Prevention of Unauthorised Use) (Amendment) Bill, 2023].

The Motion was put to the House and leave to introduce the bill was granted. The Bill introduced and referred to Standing Committee concerned.

7. Senator Samina Mumtaz Zehri, to move for leave to introduce a Bill further to amend the Prevention and Control of Human Trafficking Ordinance, 2002 [The Prevention and Control of Human Trafficking (Amendment) Bill, 2023].

The Motion was deferred

8. Senator Samina Mumtaz Zehri, to move for leave to introduce a Bill further to amend the Prevention of Electronic Crimes Act, 2016 [The Prevention of Electronic Crimes (Amendment) Bill, 2023].

The Motion was deferred

9. Senator Shahadat Awan, moved for leave to introduce a Bill further to amend the Pakistan Council for Science and Technology Act, 2017 [The Pakistan Council for Science and Technology (Amendment) Bill, 2023].

The Motion was put to the House and leave to introduce the bill was granted. The Bill introduced and referred to Standing Committee concerned.

10. Senator Samina Mumtaz Zehri, to move for leave to introduce a Bill further to amend the Factories Act, 1934 [The Factories (Amendment) Bill, 2023].

The Motion was deferred

MOTIONS

[Under Rule 218]

1. Senator Sardar Muhammad Shafiq Tareen, on behalf of **Senators Muhammad Tahir Bizinjo and Hidayatullah Khan**, moved that this House may discuss the sudden decision of Federal Government to expel the Afghan Refugees from Pakistan on a very short time period and without announcing any policy which is badly effecting the poor Refugees.

Following Member's also spoke on the issue:-

1. Senator Muhammad Tahir Bizinjo
2. Senator Dr. Shahzad Waseem, Leader of the Opposition
3. Senator Mushtaq Ahmed
4. Senator Hidayatullah Khan
5. Senator Saadia Abbasi

6. Senator Mohammad Ishaq Dar, Leader of the House
7. Senator Molana Abdul Ghafoor Haideri
8. Senator Manzoor Ahmed
9. Senator Dilawar Khan
10. Senator Abida Muhammad Azeem
11. Senator Irfan-ul-Haque Siddiqui
12. Senator Molvi Faiz Muhammad
13. Senator Mohammad Humayun Mohmand

At 5:28 p.m Chairman Senate adjourned the proceedings of the House for fifteen minutes for Namaz-e-Mughrib.

14. Senator Umer Farooq
15. Senator Naseema Ehsan
16. Senator Kamran Murtaza

Senator Sarfarz Ahmed Bugti, Minister for Interior, Narcotics Control, Overseas Pakistanis and Human Resource Development, responded the issue.

The motion was talked out.

2. Senator Mushtaq Ahmed, moved that this House may discuss the mushrooming of the social media apps offering online interest based loans in the country.

Senator Sarfarz Ahmed Bugti, Minister for Interior, Narcotics Control, Overseas Pakistanis and Human Resource Development, responded the issue.

The motion was talked out.

3. Senator Sania Nishtar, to move that this House may discuss the lacunas in wheat supply chain leading to shortages of wheat flour in the country and the measures to remove the same.

The Motion was deferred

4. Senator Kamran Murtaza, to move that this House may discuss the issue of consistent hike in the prices of natural gas putting heavy burden on the poor masses who are already facing the brunt of inflation.

The Motion was deferred

5. Senator Samina Mumtaz Zehri, to move that this House may discuss the need to regulate the production and sale of Baby Formula Milk and related products in the country and create awareness among young mothers about its safe use.

The Motion was deferred

PRIVILEGE MOTIONS

1. Senator Naseebullah Bazai, moved regarding the misconduct of President, National Bank of Pakistan.

Following Member's also spoke on the issue:-

1. Senator Muhammad Tahir Bizinjo
2. Senator Shafeeq Tareen
3. Senator Mohammad Ishaq Dar, Leader of the House
4. Senator Kamil Ali Agha

Senator Sarfarz Ahmed Bugti, Minister for Interior, Narcotics Control, Overseas Pakistanis and Human Resource Development, responded the issue.

The Motion was put to the House and referred to standing committee of Rules of Procedures and Privileges.

2. Senator Faisal Saleem Rehman, moved regarding the misconduct of Director General, Civil Aviation Authority.

The Motion was put to the House and referred to standing committee of Rules of Procedures and Privileges.

2. Senator Taj Haider, moved regarding the misconduct of SHO Police Station Saddar Karachi.

The Motion was put to the House and referred to standing committee of Rules of Procedures and Privileges.

RESOLUTION

1. Senator Dilawar Khan, moved the following resolution:-

Resonating the concerns and sentiments expressed by various stakeholders in particulars and public in general, regarding the recent judgment of the Supreme Court that declared Section 2(D)(1) & 59 (4) of the Army Act unconstitutional; Taking exception to overriding an Act of Parliament, which was well within the previous and existing scheme of constitutional and legislative framework and duly enacted under the legislative competence of the Parliament. Prima facie an attempt has been made to rewrite the law by impinging upon the legislative authority of the Parliament;

Reiterating that the trial of those accused of violence against the armed forces under the Army Act is an appropriate and proportional response in line with Pakistan's existing constitutional framework and statutory regime. Within the country's constitutional framework, the trial of individuals accused of anti-state vandalism and violence under the Army Act serves as a deterrent against such acts; Firmly standing with the families of martyrs, who have made significant sacrifices for the country, and have expressed feelings of insecurity and treachery due to this decision. Their concern that absence of military court trial is likely to encourage or embolden those responsible for acts of terrorism due to lack of stringent justice in regular courts, is fully endorsed;

Noting with concern that judgment annuls the sacrifices made by martyrs of the armed forces, civilians and law enforcement agencies in combating terrorism. Military courts have played a significant role in addressing terrorism by ensuring that those responsible for terrorist acts are brought to justice. However, this judgement while abandoning the spirit of martyrdom, grants lenient option to terrorists, anti-state actors, foreign agents, and spies to be tried in normal courts;

Dismayed that the Apex Court has not taken into consideration the existing procedures which make it abundantly clear that the sentences given by Military Courts are not arbitrary and are conducted following due process and formalities. While interpreting a certain provision, the overall scheme that the certainty of well deserved and warranted punishment, rather than its severity is a crucial deterrent, has been missed. The existence of an appeal process against the Military Courts orders, which involves appeal avenues with the Chief of Army Staff and the President, as well as the option to file writ petitions in the High Courts that may eventually reach the Supreme Court, has been overlooked. The provisions of the Army Act and underlying procedures ensure that the right to fair trial under Article 10A of the Constitution is not violated; Reaffirming that 9th of May will be remembered as a dark day in the history of the country and condemn the anti-state acts committed against the Armed forces, which the enemies of Pakistan cannot even dare to think of committing. The culprits of 9th May, who blatantly attacked defense installations and disgracefully dismantled memorials of martyrs, deserve no empathy or leniency rather they should be tried in Military Courts and stringent punishments be given to make them an example for internal and external enemies of Pakistan by creating a deterrence and upholding the supremacy of State; Recalling that the amendment to the Army Act, specifically the addition of Section 2(1)(d) allowing for the trial of civilians who commit offences like attacking the military installations by Military Courts was carried in 1967.

Civilians have been tried in the Military Courts in the past under this provision and sentences have also been duly carried out. More so, the previous decisions of the Apex Court have upheld trials under the Army Act by a majority. The Bench which announced the recent judgment was not in unanimity as opposed to the previous benches which upheld trials of civilians under the Army Act, hence the decision is legally flawed and should not be implemented unless it is considered by a larger bench;

Observing with apprehension that the invalidation of the jurisdiction of Army Courts is likely to facilitate vandals and abettors of terrorism and anti-state activities, Military Courts have played a pivotal role in delivering justice, particularly concerning acts of terrorism, often instigated by neighboring adversaries within Pakistan's borders; The Senate of Pakistan calls upon the Apex Court to reconsider its decision, urging alignment with the national security paradigm and sacrifices of the martyrs in order to address the concerns raised regarding the ramifications of the judgment on the security and stability of the nation."

The Resolution was passed by the House.

RESOLUTION

2. Senator Sania Nishtar, to move the following resolution:-

"The Senate of Pakistan commemorates World Humanitarian Day on August 19th and recognizes the selfless efforts of humanitarian workers and organizations who strive to save and protect lives across the globe and to reduce human suffering;

The House also honors those frontline humanitarian workers who have lost their lives in the line of duty;

This House particularly shows appreciation for the humanitarian assistance extended to Pakistan by the global community during last year's devastating floods;The Senate notes with alarm that humanitarian workers worldwide continue to remain vulnerable to violence and attacks, with major attacks numbering 235 in 2022 alone, including one in Pakistan, undermining the safety and security of those dedicated to saving lives and delivering assistance;

The Senate calls upon the Government of Pakistan to enhance its support for humanitarian efforts, both within its borders and beyond, through diplomatic, financial, and logistical means, in partnership with other governments and multilateral organizations;

The Senate demands that all governments, including the government of Pakistan enhance measures to provide better security to humanitarian workers”.

The Motion was deferred

At 07:15 p.m. the Chairman adjourned the proceedings of the House to meet again on Tuesday , 14th November, 2023, at 10:30 a.m.

**Islamabad, the
13th November, 2023.**