PAKISTAN SENATE
House of the Federation

RULING OF THE CHAIR

PRESENCE OF MINISTERS IN WHOSE NAME BUSINESS ON THE ORDERS OF THE DAY STANDS

"In today's question hour there were 19 questions which were laid down for replies in the House. Out of the 19 questions, 13 questions pertained to the Finance Division. In yesterday's leave applications the Minister for Finance had informed the House that he is abroad for the 7th Review meeting of the IMF and the meeting of the Board of Governors of the ADB at Baku in Azerbaijan.

There is also a request for deferment of one question which pertains to the Ministry of Science and Technology. There are two questions, replies of which have not been received, that leaves a total of four questions which can be taken up during the question hour. It is unfortunate that the Government and the Ministries have failed to realize the importance of question hour. Question hour is a period of accountability of the Government by the members and public through the process of asking questions, receiving their replies and seeking further explanation in the form of supplementary questions and answers.

It is parliamentary practice and it behooves that Ministers set aside all other business when parliament is in Session. This is a norm which has been practiced throughout the world where parliamentary form of Government exists. Further, in our own particular situation, Article 91(6) of the Constitution of the Islamic Republic of Pakistan 1973 reads as under:

***Article 91(6)**--The Cabinet, together with the Ministers of State, shall be collectively responsible to the Senate and the National Assembly.*

Further, the explanation to Rule 46 of the Rules of Procedure and Conduct of Business in the Senate, 2012 reads as under:-

Rule 46 Explanation

> *The Ministers and Ministers of State or Advisors whose questions have been set down for answering on a day allotted to their Ministries shall, subject to provisions of clause (6) of Article 91 of the Constitution, remain present.*

Now I add my emphasis to be underlined remain present in the House during question hour and will not leave the Senate till the business concerning their Ministries is disposed of.

This explanation to rule 46 of the Rules of Procedure and Conduct of Business in the Senate, 2012 is specific to questions and question hour. This is further reinforced by the explanation to Rule 25 of the Rules of Procedure and Conduct of Business in the Senate, 2012 and the Explanation to rule 25 which reads as under:-

*"**Explanation:-** the Ministers, Ministers of State or Advisors in whose name the business stands or to whom it has been addressed in the Orders of the Day shall, subject to the provisions of Clause(6) of Article 91 of the Constitution remain present in the Senate till disposal of the Business concerning their Ministry or Division."*

In the instant case, it has been brought to the notice of the Secretary Senate and as a consequence, I am bringing it to the notice of the Senate of Pakistan that a letter addressed by one Awais Manzoor Sumera purportedly a Joint Secretary to the Ministry of Finance has written that an attempt was made by the Ministry to give effect to clause-6 of Article 91 of the Constitution of the Islamic Republic of Pakistan by asking the Minister of Commerce, the Minister of State for Petroleum and Natural Resources and the Minister of State for Education, Training and Standards in Higher Education to respond to the Senate business of the Ministry of Finance, Revenue and Economic Affairs, Statistics and Privatization. It has also been stated that they failed to persuade the Ministers to fulfill their Constitutional obligation under Clause-6 of Article 91 of the Constitution.

The reason so assigned by these Ministers was that they are not available in Islamabad as they have to be present at the inauguration of the Solar Energy Project at Bahawalpur on the instant date.

It becomes difficult to comprehend that in line of duty how the Minister of Commerce has to compulsorily attend a project of inauguration of the solar energy. Similarly, it

becomes difficult to understand that how in the line of duty the Minister of State for Education, Training and Standards in higher education is necessitated by his office to be present for the Solar energy project inauguration in Bahawalpur. There seems to have been no such attempt made by the Ministry of Science and Technology to fulfill its obligations under Clause-6 of Article 91 of the Constitution of the Islamic Republic of Pakistan.

This position is unacceptable, Ministers must realize that their first and foremost responsibility and duty lies to Parliament and that in future any meeting, tour or call on, shall not have precedence over proceedings of the House. If a Minister personally cannot be present then he must ensure that clause-6 of Article 91 of the Constitution is adhered to. The House cannot and will not become hostage to the will and caprice of an individual Minister, nay even the Government. The Government is responsible to both Houses of Parliament. And after the 18th Amendment, the Cabinet is responsible to the Senate as well. I expect, under the law and the Constitution that the government will fulfill its Constitutional obligations and will not become a party to the violation of the Constitution.

As a first warning, I am desisting from passing any strictures against the Ministers in whose original name the business stood or subsequently those Ministers who failed to fulfill their obligations under clause-6 of Article 91 of the Constitution. But I would like it to be known that if this is repeated then I will not hesitate in not only passing strictures but under the Rules of Procedures and Conduct of Business in the Senate 2012, the Chair has the powers and the discretion to issue orders suspending prohibiting any member or any minister form attending either the entire session or number of sittings or a sitting and I shall not hesitate to exercise those powers. The ruling comes to an end."

MIAN RAZA RABBANI
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Chairman Senate

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