



## **RULING OF THE CHAIR**

**Subject:** Suspension of Rules under rule 263 of the Rules of Procedure and Conduct of Business in the Senate, 2012-- Consent of the Chairman-- Prerequisites

Rule 263 of the Rules of Procedure and Conduct of Business in the Senate, 2012, requires that a Motion for suspension of Rules may be made with the consent of the Chairman. In the instant matters, I am not inclined to give my consent for moving of the said Motion for the following amongst other reasons;

- i) That the Bills sought to be considered for passage under Items No. 13, 16 and 19 were Ordinances promulgated under sub-clause (1) of Article 89 of the Constitution, 1973, laid before the Senate under sub-clause (2) of the said Article and treated as a Bill introduced in the Senate under paragraph (b) of clause (3) of Article 89 of the Constitution, 1973.
- ii) That the provisions of rule 121 of the Rules of Procedure and Conduct of Business in the Senate, 2012, as cited in the said Motions, is not applicable, as such rule comes into play only when a Bill originates in the National Assembly, has been passed and transmitted to the Senate under rule 118 of the Rules, 2012. In the instant case these were Ordinances promulgated under Article 89 of the Constitution, 1973 and treated as Bills originating in the Senate under paragraph (b) of clause (3) of Article 89 of the Constitution, 1973, therefore, Rules 96 to 117 of the Rules of Procedure and Conduct of Business in the Senate, 2012, will be applicable.
- iii) Further sub-rule (2) of rule 99 of the Rules of Procedure and Conduct of Business in the Senate, 2012, which is sought to be suspended, provides for at least two clear days, to intervene between the day of supply of the

Bill to Members and the day for setting down of the Bill for a Motion under rule 100 of the Rules, 2012.

- iv) The word used, "least" is of utmost significance, it means that in the minimum a two day notice is required. In the instant case the Report of the Standing Committee was laid in the House on 9.7.2015, and today is 10.7.2015, therefore, not even 24 hours have intervened.
- v) As the Bills have originated in the Senate, therefore, there is no sword of Democlies which hangs for their passage without due diligence by the Members and the House.
- vi) If the consideration is that the period of 120 days as provided under Article 89 of the Constitution, 1973, will laps before the next Session of the Senate. The negligence of the Government cannot become an excuse to bulldoze legislation, that too on such sensitive matters. Further no legal vacuum will be created as the Government can lay recourse to sub-para (ii) of para (a) of clause (2) of Article (89).

3. Therefore, for the above reasons consent under rule 263 of the Rules of Procedure and Conduct of Business in the Senate, 2012, is not granted. Agenda Items 12 to 23 stand disposed of in terms of this Ruling.

  
MIAN RAZA RABBANI  
NI  
Chairman Senate

Senate Sitting dated 10<sup>th</sup> July, 2015  
117<sup>th</sup> Session – Dictated in the House.