



RULING OF THE CHAIR

Absence of Ministers – collective responsibility in terms of Article 91 of the Constitution of Islamic Republic of Pakistan, 1973

During sitting of the Senate held on 31st December, 2015, a resolution for disapproval of ordinance regarding conversion of PIA into a – Company, was set down in the Orders of the Day, the Minister In-charge Aviation Division, was not present in the House, he made request for deferment of the resolution upon which the Chairman ruled as under:-

“First of all, this request cannot be entertained on the fact that it is a request that has been made by the Aviation Division, the Honourable Minister could or should have got in touch with the Senate Secretariat or informed the Honourable Leader of the House that he is not able to come, therefore, his business be looked after by someone else. So, this request letter is disposed of in these terms that the Ministry of Aviation does not have the right to call upon the Senate to alter its Orders of the Day or to speak on behalf of the Minister;

Secondly, I have now been verbally informed by the Secretary Senate, that the Honourable Minister, one hour prior to the commencement of the sitting, made a phone call and made a general request that all business pertaining to him may kindly be deferred. Is that correct, Secretary Senate? Alright. In the light of the telephonic request of the honourable Minister, I simply have to say that, it will be recalled that on 29th of December, 2015, half an hour before the commencement

of the sitting, the Secretary Railway Board wrote a letter to the Senate, informing that the Minister for Railways is in Lahore and will not be able to attend the sitting, therefore, his business be deferred. On receipt of that letter, the record of the 29th December, 2015 of the Senate will bear witness to the fact that I directed the Senate Secretariat to issue notice to the Secretary Railway Board for informing the House so late in the day.

Thirdly, under clause (6) of Article 91 of the Constitution of the Islamic Republic of Pakistan, 1973, there is the concept of collective responsibility of the Cabinet, the business could or should have been given to another Minister. In the instant case, notice of this resolution was given on the 28th of December, 2015 at 10:00 am in the morning. That notice was subsequently communicated the same day to the Ministry concerned including the Ministry of Parliamentary Affairs. Sub-rule 2 of rule 145 of the Rules of Procedure and Conduct of Business in the Senate, 2012, requires that three working days' notice be given. The said notice was given to the Ministry and the matter has now been fixed on the Orders of the Day after the completion of the notice period. The Ministry and Minister of State for Parliamentary Affairs had adequate notice and had adequate time, if a tragedy at the last minute did befall upon him to have intimated the Senate Secretariat well in time. Clause (6) of Article 91 of Constitution, 1973, provides that it is the collective responsibility of the Cabinet and if the Minister was unable to attend this sitting of the House, he should have informed the Secretariat well in advance. It would also be realized and this fact is also borne out by Practice and Procedure of Parliament, by M.N. Kaul, on the question of collective responsibility. The Minister should have been more mindful, he should have realized that the item placed at Sr. No. 8 in the Orders of the Day is a resolution under Article 89 of the Constitution, 1973. It is no ordinary

business; it is business under the Constitution and is at a higher pedestal. Notice under the Rules had been given and the Minister should have been present in the House. Therefore, in these terms, the request of the Minister is disposed of. Now, is there anyone who would like to speak on this resolution? If there is no one, I now put the resolution before the House”.



MIAN RAZA RABBANI
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Chairman Senate

Senate Sitting dated 31st December, 2015
122nd Session – Dictated in the House.