



## **RULING OF THE CHAIR**

### **BARRING A MINISTER FROM ATTENDING THE SITTING OF THE HOUSE.**

During sitting of the Senate held on 21<sup>st</sup> January, 2016, The Minister for Defence was supposed to make statement as per Item No. 7 on the Orders of the day. However, despite various attempts to contact him, the said Minister remained absent during his Business. Accordingly, the Chairman ruled as under:-

**“I have exercised extreme caution and restraint while dealing with the question of absence of Ministers from the House and its proceedings as a consequence of which the business on the Orders of the Day is obstructed.**

**In my Rulings dated 20<sup>th</sup> April, 5<sup>th</sup> May, 14<sup>th</sup> May and 10<sup>th</sup> November, 2015, I have dwelled on this question and put the Ministers on final notice in this regard. Despite the said notices the practice of absence of the Ministers continues. In the instant case the matter first came up in the sitting of the Senate on the 29<sup>th</sup> of December, 2015, when the issue of the visit of the Chief of Army Staff to Afghanistan was raised in the House, the honourable Minister for Defence was present and sought two days’ time to inform the House on the substance of the meeting. Subsequently, the matter came up in the sitting on the 31<sup>st</sup> December, 2015, when the Minister made a statement on the said visit. The House was of the opinion that there should be a debate on the statement made by the Minister. The Minister**

agreed that in the next session of the Senate, he would be present and such a debate could be held.

Before the commencement of the instant session, the Senate Secretariat vide its letter dated 15<sup>th</sup> January, 2016, informed the office of the Minister that the said discussion will take place during the course of the present session. Then again, in the evening and late night of the 20<sup>th</sup> of January, 2016, the Secretariat informed the office of the Minister that the matter is fixed for discussion on the Orders of the Day for the 21<sup>st</sup> of January, 2016. The honourable Minister was to be present in Question Hour as the first question pertained to his Ministry. I was informed that a vote was being taken in the National Assembly, in respect of that House and the Minister, I suspended the proceedings of Question Hour for approximately half an hour to enable the Minister to be present in the House. The Minister was present when the House resumed, therefore, he was aware of item No.7 on the Orders of the Day, i.e. discussion pertaining to his statement.

I have now been informed that the Minister has asked the Minister of State for Water and Power to take notes and that he would wind up subsequently. On my insistence that the Minister be present, Senator Mushahidullah, the Leader of the Parliamentary Party of the PML(N), Senator Zafar Iqbal Jhagra, Minister of State for Parliamentary Affairs and Minister of State for Water and Power have made attempts to establish contact with the Minister for Defence but have failed. At 4:55 p.m., I suspended the proceedings of the House for ten (10) minutes to provide a further opportunity for the honourable Ministers to establish contact with the Minister for Defence.

The House resumed at five minutes past five (5.05 pm) when I was again informed that contact has not been established with the Minister for Defence. The Minister of State

for Water and Power stated that the debate may commence and that the Minister would furnish a written reply to the debate. This indeed is a new precedent which is sought to be set in parliamentary practice that, a Minister refrains from being present in the House and on the basis of notes, makes a written reply. I cannot allow such practice, as it defeats the very essence of parliamentary democracy and tantamounts to degrading and demeaning the House and its Members.

Under the circumstances, I cannot, as the custodian of this House, stand as a silent bystander and allow the obstruction of House Business as also a blatant violation of my chain of Rulings. Therefore, under the powers vested in the office of the Chairman, Senate, by virtue of rule 264, of the rules, which is reproduced herein-under for convenience:-

*“264. Residuary powers of the Chairman.—All matters not specifically provided for in these Rules and all questions relating to the detailed working of these Rules shall be regulated in such manner as the Chairman may, from time to time, direct.”*

Rule 264 read with sub-rule (4) of rule 13, of the rules, is again reproduced for the sake of convenience as under:-

*“13. Powers and functions of the Chairman.—(1) In addition to the specific functions and powers provided by these rules and subject to sub-rule (5) of rule 12, the Chairman shall take the Chair at every sitting of the Senate.*

*(2) The Chairman shall preserve order and decorum in the House and, in case of disturbance or disorder in the galleries, may cause them to be cleared.*

*(3) The Chairman shall decide all points of order.*

*(4) The Chairman may initiate, when necessary, such action against those responsible for violating prestige and/or privilege of the House by act of commission or omission including action that may obstruct the working/proceedings of the House.” (emphasis added)*

Sub-rule (5) and (6) are not relevant for us, but they may be reproduced:-

*(5) Subject to sub-rule (5) of rule 12, in the absence of the Chairman, the Deputy Chairman shall take the Chair at a sitting.*

*(6) The Chairman may, by order in writing, delegate to the Deputy Chairman all or any of his powers under these rules.*

The business of the House has been obstructed, as item No.7, which was the last item on the Orders of the Day cannot be taken up as the Minister is not present to wind-up the debate. Therefore, in the circumstances, I am left with no alternative but to declare that the Minister for Defence will not attend the proceedings of the Senate for the remaining portion of this Session.”



**MIAN RAZA RABBANI**  
**NI**  
**Chairman Senate**

Senate Sitting dated 21<sup>st</sup> January, 2016  
123<sup>rd</sup> Session – Dictated in the House.