



RULING OF THE CHAIR

Breach of Privilege of the Parliament -- abusive language against the institution of Parliament

Senator Shahi Syed on a point of order raised the question of a TV programme which was aired live on the 27th October, 2015, on a TV channel wherein, one person namely Mr. Saleem Bokhari used filthy and abusive language against not an individual Member of Parliament but against the institution of Parliament. It is correct that, Article 19 of the Constitution, 1973, provides for freedom of speech but it is also provided in the said Article, "subject to any reasonable restrictions imposed by law". Article 19 guarantees the right of freedom of expression of a citizen of Pakistan but, it does not grant him a license for the use of abusive language.

This is a very severe question where Parliament without any cause or provocation, as an institution, has been abused, slandered and brought into disrepute, *stricto sensu* it constitutes a severe breach of the privilege of Parliament and Parliament would be well within its constitutional and legal right to proceed against such person or individual in the manner provided for under the Rules of Procedure and Conduct of Business in the Senate, 2012.

I am grateful to the hon'ble Leader of the Opposition for having pointed out an observation made by Lord Denning in a case pertaining to contempt of court, as there is similarity in both instances. I quote Lord Denning who said, "we will not use the law of contempt to uphold our dignity. Our dignity must rest

on surer foundation namely our judgments themselves". In the instant case, judgment could be replaced by the performance and transparency of Parliament.

Therefore, keeping in view the seriousness and severity of the incident and the views expressed by a majority of members, finding final expression in the suggestions of the hon'ble Leader of the House and Leader of the Opposition, the Secretary Senate is directed to write a letter to PEMRA conveying the gist of the discussion held in the House today and also forwarding a copy of this Ruling to take action under the law and the rules against the said person who has committed contempt of Parliament, under intimation to the House. The Government, in particular the Ministry of Information, is directed to follow up the matter with PEMRA under intimation to this House.

In conclusion, Parliament being the custodian of the rights of the people of Pakistan and of the institutions functioning through or under the Constitution and other institutions such as the media, would expect that the media itself would check in future that such incident are not repeated and that individuals who are guilty of such acts do not find accommodation in their channels or columns.


MIAN RAZA RABBANI
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Chairman Senate

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