

Role of the Federal Minister and Secretary Vide Rules of Business Framed under Article 99 of the Constitution of Pakistan

Constitutional Provision

| Article | Before 18th Amendment | After 18th Amendment |
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| Article 90(1) | The executive authority of the Federation shall vest in the President and shall be exercised by him, <i>either directly or through officers subordinate to him</i> , in accordance with the Constitution | Subject to the Constitution, the executive authority of the Federation shall be exercised in the name of the President by the <i>Federal Government, consisting of the Prime Minister and the Federal Ministers</i> , which shall act through the Prime Minister, who shall be the chief executive of the Federation. |

Appointment of Secretary

| Existing | Proposed |
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| In most cases, the Secretary to the Prime Minister conveys the desire of the PM for appointment of a Secretary. A panel of three officers along with their dossier is rarely submitted for consideration of the PM. | <ol style="list-style-type: none"> (1) The Secretary of a Division is to be appointed by the Prime Minister, by written instrument, on the recommendations of a Committee on Appointments. (2) The Committee on Appointments may include: (a) Chairman FPSC, Establishment Secretary, and Secretary to the PM. (3) The Committee shall submit a panel of three officers highlighting comparative core competencies, skills set and past, experience and achievements each officer along with ICP Chart as well as his last Income Tax Return and Declaration of Assets. (4) If there is disagreement in relation to proposed appointment, the substance of disagreement be explained for the Prime Minister. (5) The Secretary of a Division shall hold office for a period of three years, unless removed earlier for reasons to be recorded in writing by the Chairman FPSC, Establishment Secretary and Secretary to the PM. (6) A Secretary shall be eligible for re-appointment in the same Division. |

Role of A Minister and A Secretary

| Rule | Current | Proposed |
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| Minister | | |
| 5(1) | No important policy decision shall be taken except with the approval of the Prime Minister. | No Change |
| 5(2) | It shall be the duty of a Minister to assist the Prime Minister in the formulation of policy. | No Change |
| 5(3) | The Minister shall keep the Prime Minister informed of any important case disposed of by him without reference to the Prime Minister. | No Change |
| 5(5) | The Minister shall be responsible for policy concerning his Division. | No Change |
| 5(8) | The business of the Division shall ordinarily be disposed of by or under the <u>authority of the Minister-in-Charge.</u> | No Change |
| 5(11) | The Minister-in-Charge shall be responsible for conducting the business of the Division in the Assembly. | The Minister-in-Charge or the Minister of State, as the case may be , shall be responsible for conducting the business of the Division or the Ministry in the Parliament. |
| | | <p>The Minister shall----</p> <p>(a) Formulate, execute, evaluate and revise public policy in various spheres within his portfolio which the Cabinet approves and seeks to implement;</p> <p>(b) Seek the advice of the Secretary and Heads of Executive Departments in the development of public policy, budgets, and legislation translating the approved policy;</p> <p>(c) Ensure effectiveness and efficiency of the Division and Executive Departments within his portfolio;</p> <p>(d) Function within the statutes which his Division and Executive Departments administer;</p> <p>(e) Officiate or represent the government at meetings and functions on special occasions, meet delegations and conduct negotiations, and may travel to represent government interests relating to their Ministry or Division;</p> |

| Rule | Current | Proposed |
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| | | <p>(f) Coordinate among various Ministries and other organs of the government which may indulge in conflicts, wastefulness, and duplication of functions;</p> <p>(g) Periodically review the work of the Division(s) within his portfolio, implementation of approved policies, directives, and financial management;</p> <p>(h) Record all decisions in writing or confirm verbal orders issued; and</p> <p>(i) Subject to his general direction and control, authorise a Minister of State to deal with a defined range of Division's work including Parliamentary business.</p> |
| 8(2) | <p>In the event of a difference of opinion between the Divisions concerned, the Minister primarily concerned shall try to resolve the difference in consultation with the other Ministers concerned. If no agreement is reached and the Minister primarily concerned desires to press the case, the case shall be submitted to the Prime Minister or, if the Prime Minister so desires, to the Cabinet:</p> <p>Provided that in a matter of urgency, the Minister primarily concerned may submit the case to the Prime Minister at any stage:</p> <p>Provided further that where the Prime Minister is the Minister-in-Charge, the final views of other Divisions concerned shall be obtained before the case is submitted to the Prime Minister.</p> | No Change |

| Rule | Current | Proposed |
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| 8(5) | <p>A Minister may ask to see a case of another Division if it is required for the disposal of a case in his Division. The Minister for Finance may ask to see a case of any Division in which a financial consideration is involved. While making such request the Minister shall give reasons for which the case is called for and shall be dealt with under the general or special orders of the Minister-in-Charge of the other Division. If for any reason, the case or relevant extracts from it, cannot be made available the Minister of the Division shall explain the position to the Minister making the request or bring the matter to the notice of the Prime Minister, if necessary.</p> | No Change |
| Secretary | | |
| 4(2) | <p>The Secretary shall be the official head of the Division and shall be responsible for its efficient administration and discipline and for the proper conduct of business assigned to the Division under rule 3 (3) and for the due execution of the <u>sanctioned policy.</u></p> | <p>The Secretary shall be the official head of the Division and shall be principal official responsible to assist the Minister-in-Charge in policy formulation.</p> <p>The Secretary shall ensure execution of the sanctioned policy and delivery of government programs and to achieve outcomes within Minister's portfolio with other Secretaries in accordance with law.</p> <p>The Secretary shall perform such other role as prescribed by the other laws and regulations or assigned to him by the Federal Government.</p> |
| 4(3) | <p>The Secretary shall organize the Division into a number of working units to be known as Sections:</p> <p>Provided that a unit which does not conform to a Section may be organized otherwise than as a Section on a permanent basis, in consultation with the Establishment Division.</p> <p>Note:- In the case of an extraordinary working unit such as a research cell or an Office of the Officer on Special Duty, it will be sufficient if the Establishment</p> | No Change |

| Rule | Current | Proposed |
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| | Division is informed of the composition of the unit. | |
| 5(9) | <p>The Secretary shall –</p> <ul style="list-style-type: none"> (a) assist the Minister-in-Charge in the formulation of policy; (b) duly execute the sanctioned policy; (c) submit all proposals for legislation to the Cabinet with the approval of the Minister. (d) keep the Minister-in-Charge generally informed of the working of the Division and of any important case disposed of without reference to the Minister; (e) be the principal accounting officer of his Division, its Attached Departments and Subordinate Offices, and ensure that the funds controlled by him are spent in accordance with the rules laid down by the Finance Division; (f) subject to the provisions of these rules and with the approval of the Minister-in-Charge, issue standing orders laying down the manner of disposal of cases in the Division, including the distribution of work amongst the officers of his Division and such orders may specify the cases or class of cases which may be disposed of by an officer subordinate to him; and (g) be responsible for the careful observance of these rules and, where he considers that there has been any material departure from them, either in his own or any other Division, he shall bring the matter to the notice of the Minister-in-Charge and, if necessary, to the notice of the Prime Minister or the Cabinet. | <p>The Secretary shall---</p> <ul style="list-style-type: none"> (a) Assist the Minister-in-Charge in the formulation of policy and matters relating to the division and execute the sanctioned policy (b) Identify relevant objectives and goals and develops well-defined and implementable policies to enable achievement; (c) submit all proposals for legislation and such other cases as are required to the Cabinet with the written approval of the Minister; (d) Manage the affairs of the Division efficiently, effectively, economically and ethically; (e) Provide leadership, strategic direction and stewardship within the Division and coordinate and the operations of executive departments/ agencies/ entities to ensure efficient and effective task implementation that conforms to established budgets and timelines; (f) Implement measures directed at ensuring that the Division complies with the law; (g) Maintain clear lines of communication with the Minister-in-Charge, within the Division, and other executive departments under the Ministry and keep the Minister informed of the working of the Division and of any important case disposed of without reference to the Minister with reasons. (h) be responsible for the careful observance of law, rules and |

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| | | <p>regulations and, where he considers that there has been any material departure from them, either in his own or any other Division, he shall bring the matter to the notice of the Minister-in-Charge and if necessary, to the notice of the Prime Minister or the Cabinet;</p> <p>(i) to assist the Minister-in-Charge to fulfil the Minister's accountability obligations to the Parliament to provide factual information, as required by the Parliament, in relation to the operation and administration of the Divisions and Departments under the Division or the Ministry;</p> <p>(j) subject to the provisions of these rules and with the approval of the Minister-in-Charge, issue standing orders laying down the manner of disposal of cases in the Division, including the distribution of work amongst the officers of his Division and such orders may specify the cases or class of cases which may be disposed of by an officer subordinate to him;</p> <p>(k) such other responsibilities as are prescribed by any other law, rules and regulations or assigned by the Prime Minister or the Cabinet or the Minister-in-Charge;</p> <p>(l) represent the Division and its Executive Departments in the Standing Committees of the Senate and the National Assembly; and</p> <p>(m) be the principal accounting officer of his Division, Executive Departments and Subordinate Offices, and ensure that the funds controlled by him are spent in accordance with the rules laid down by the Finance Division;</p> <p>Provided where Heads of Executive Departments under each Division have been appointed as the Principal</p> |

| Rule | Current | Proposed |
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| | <p>Note: Financial Powers are entrusted to the Secretary and not the Minister, hence, delegation has to be done by him.</p> | <p>Accounts officer, these bodies shall be accountable before the Public Accounts Committee for the resources allocated to them; (Note: Proviso covers the comment)</p> <p>(n) Each Principal Accounting Officer shall:</p> <p>(i) ensure that the resources authorised by the Parliament are used for the purposes intended by the Parliament;</p> <p>(ii) provide assurance to Parliament and the public, through the Committee of Public Accounts, that the Division/Department exercises the highest standards of probity in the management of public funds;</p> <p>(iii) having personal accountability to Parliament for the economic, efficient and effective use of resources;</p> <p>(iv) account for accurately and transparently for the department's financial position and transactions; and</p> <p>(v) delegate financial, and other, authority and accountability to senior colleagues.</p> |
| 5(10) | <p>When the Secretary submits a case to the Minister, the latter may accept the proposals or views of the Secretary or may over-rule him. The Secretary will normally defer to the decision of the Minister and implement it. In case, however, the Secretary feels that the decision of the Minister is manifestly wrong and will cause gross injustice or undue hardship, he may state his reasons and re-submit the case to the Minister. If the Minister still adheres to his earlier decision and the matter is important enough, the Secretary</p> | <p>(i) When the Secretary submits a case to the Minister, the latter may accept the proposals or views of the Secretary or may over-rule him.</p> <p>(ii) The Secretary will normally defer to the decision of the Minister if it is within bounds of law and financial propriety and implement it.</p> <p>(iii) In case, however, the Secretary feels that the decision of the Minister is manifestly wrong and will cause gross injustice or undue hardship or breach of financial propriety or law or</p> |

| Rule | Current | Proposed |
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| | <p>shall request the Minister to refer the case to the Prime Minister and the Minister shall so refer the case for orders of the Prime Minister. If the case is not referred to the Prime Minister, the Secretary shall submit it directly to the Prime Minister with observations of the Minister-in-Charge.</p> | <p>sanctioned policy, he may state his reasons and re-submit the case to the Minister.</p> <p>(iv) If the Minister still adheres to his earlier decision and the matter is important enough, the Secretary shall request the Minister to refer the case to the Prime Minister and the Minister shall so refer the case for orders of the Prime Minister.</p> <p>(v) If the case is not referred to the Prime Minister, the Secretary shall submit it directly to the Prime Minister with observations of the Minister-in-Charge for consideration and decision of the Cabinet.</p> |

Note 1: Responsibilities of a Principal Accounting Officer and CFO are detailed in the proposed Public Financial Management Law

Note 2: Additionally, Mr. Tariq Khosa has suggested:

- (a) The Minister and Minister of State to be nominated by the Prime Minister should be confirmed by a simple majority in the Senate.
- (b) The Secretary, on recommendation of Committee and approval of the PM, may be appointed, subject to confirmation by a Parliamentary Committee, as in the case of the Judges of the Supreme Court/High Courts.