



The Senate of Pakistan



Dedicated to Parliamentary Excellence

SENATORS ORIENTATION HANDBOOK 2009

All rights reserved with Pakistan Institute for Parliamentary Services, PIPS



About the Authors

S.No	Topic	Authors
1.	Parliamentary History	Daud ur Rahim Malik
2.	Constitutional Authority of Senate	Muhammad Rashid Mafzool Zaka
3.	Parliamentarian as a Legislator.....	Muhammad Rashid Mafzool Zaka
4.	Business of the Senate.....	Muhammad Rashid Mafzool Zaka
5.	Legislative Calendar and Session.....	Muhammad Rashid Mafzool Zaka
6.	Budget in Pakistan – Parliament’s role.....	Aizaz Asif
7.	Legislative Process in the Senate.....	Muhammad Rashid Mafzool Zaka
8.	Legislative Committees in Pakistan.....	Muhammad Rashid Mafzool Zaka
9.	Committee Effectiveness.....	Aizaz Asif
10.	Question Hour in Parliament	Muhammad Rashid Mafzool Zaka
11.	Parliamentary Privilege.....	Nadia Batool
12.	Executive Legislative Relations.....	Muhammad Rashid Mafzool Zaka
13.	Research Support for MNAs.....	Muhammad Rashid Mafzool Zaka
14.	Glossary	Aizaz Asif and Daud ur Rahim Malik



Parliamentary History

After independence in August 1947, the first Constituent Assembly of Pakistan, which had been elected in December 1945 in undivided India, was assigned the task of framing the Constitution.

This Assembly passed the Objectives Resolution on 12 March 1949, laying down principles which later became a substantive part of the Constitution. However, before it could accomplish the task, the Constituent Assembly was dissolved in October 1954.

The second Constituent Assembly, which was convened in May 1955, framed and passed the first Constitution of Pakistan on 29 February 1956. That Constitution, promulgated on 23 March 1956, provided for a parliamentary form of government with a unicameral legislature. From 14 August 1947 to 1st March 1956 the Government of India Act 1935 was retained as the Constitution of Pakistan.

On 7 October 1958, martial law was imposed and the Constitution was abrogated. The military government appointed a Constitution Commission in February 1960 which framed the 1962 Constitution. That Constitution provided for a Presidential form of Government with a unicameral legislature.

The 1962 Constitution was abrogated on 25 March 1969. The civil government, which came to power in December 1971 after the 1970 elections, gave the nation an interim Constitution in 1972.

The 1970 Assembly framed the 1973 Constitution, which was passed on 12 April and promulgated on 14 August 1973. The 1973 Constitution provides for a parliamentary form of government with a bicameral legislature, comprising the National Assembly and the Senate. The National Assembly makes laws for the Federation under powers spelled out in the Federal Legislative List and also for subjects in the Concurrent List.

The Senate gives equal representation to the federating units since the membership of the National Assembly is based on the population of each province. The Senate's membership, which was originally 45, was raised to 100 in August 2002.

After martial law was imposed on 5 July 1977, the new parliament met in November 1985 after non-partisan elections. On 29 May 1988, the President dissolved the Assembly using the power acquired under Article 58(2)(b). From 16 November 1988 to 12 October 1999, Pakistan witnessed four parliaments, all of which failed to complete their five-year terms.

The National Assembly formed after the 2002 elections became the first in Pakistan's history to complete its five-year term in November 2007. Pakistan's 13th National Assembly took oath in March 2008 after elections in February.



Constitutional Authority of the Senate

The 1973 Constitution, promulgated on 14 August 1973, provided for a parliamentary form of government with a bicameral legislature – the National Assembly and the Senate.

The Senate, the upper house of the Parliament, has equal representation from each province, balancing the provincial inequality in the National Assembly, where the number of members is based on population of the provinces.

The Senate Chairman is number two in the Warrant of Precedence after the President and the Prime Minister. The Senate has a total of 100 members who serve six year terms, which are alternated so that half the seats are up for election by the Electoral College every three years.

The Constitution empowers the President to dissolve the National Assembly, but the Senate is not subject to dissolution.

Senate passes and amends ordinary bills of law. Unless the National Assembly and the Senate pass a Bill and it receives the President's assent, it does not become a law except in the case of a money bill, which is the sole prerogative of the National Assembly. Additionally, Presidential Ordinances are promulgated for a period of four months when the National Assembly is not in session and not subject to Senate review.

However, a Constitutional Amendment Bill must be voted affirmatively by two-third majority of the Senators present and voting. If there is a conflict which cannot be resolved even by a joint committee of the two Houses, it is to be forwarded to a Mediation Committee provided in the 17th Constitutional Amendment.

The Senate can, however, initiate and pass a motion for the impeachment of the President. Not less than half of total membership of either Senate/National Assembly, may give the Chairman/Speaker written notice for an impeachment resolution against the President on the ground of physical or mental incapacity or on a charge of violating the Constitution or gross misconduct.¹ An Impeachment resolution can also be passed if a two-thirds majority of the two Houses sitting jointly vote in favor.

The Senate has equal powers with the National Assembly in passing a resolution declaring war or national emergency or constitutional emergency in a province. But the Senate has no power to force the dismissal or resignation of a Prime Minister or any minister.

¹ Article 47, Constitution of Pakistan



The Senate of Pakistan



Parliamentarian as Legislator

A parliamentarian is expected to play three law-making roles: an enactor of effective legislation, an overseer of its implementation, and a communicator with constituents. Success in all three areas depends on a Senator's capacity to undertake the following tasks:

- ✓ To assess a bill in the public interest;
- ✓ To understand the role of Committees and actively contribute in the same;
- ✓ To utilize research support to gather facts for in-depth analysis of a bill; and
- ✓ To consistently maintain public input to the legislative process so as to instigate desired social change.

A. Assess a Bill in the Public Interest: A Senator serves as a "trustee for the public interest" and assesses legislation on the basis of ***reason tempered by experience***.¹ To exercise the legislative power effectively, a Member must answer a central question: ***Why do people behave as they do in the face of a rule of law?*** Without laws, government cannot govern. Policymakers must determine how to use state power to transform problematic issues and institutions. A Senator must contribute towards enacting effective laws which influence the behavior of government employees and citizens at large along desired paths. This requires a Senator to quickly become familiar with the Senate Rules of Procedure regarding legislation.

B. Participate in Committees: Committees play an important role in giving in-depth consideration to the legislative bills presented in a House. Through their specialization and expertise, Senators as Members of the committees assess bills drafted by a private Member or the government and advise the respective ministries and divisions on various issues, as well as serve as an effective vehicle to evaluate performance once a bill is passed into law. Committees empower its Members (Senators) to hold public hearings of experts outside government as well as constituents and/or relevant communities related to an issue and/or legislation under consideration.

C. Utilize Research Support: Party position papers, ministerial and departmental institutional memory and expectations, along with constituency opinions, provide a Member a foundation for reviewing specific legislation. A Senator's understanding should depend appreciably on **logic and facts** derived from public discussion at all levels. Obtaining the information necessary to conduct such discussion requires research support through a review of existing literature, observation of international best practices and laws, reviewing archives and websites, utilizing the research services with the Parliament and associated bodies such as the Pakistan Institute for Parliamentary Services (PIPS) as well as seeking opinions of academicians, think tanks and other public policy resources.

D. Consistently Invite Public Input: Senators must build and maintain two-way communication channels with the public,² including civil society organizations and consistent social networking through blogs and media. Civil society organizations provide key background information, while media provides a resource on how laws directly impact a community, providing a perspective necessary to formulate and to oversee legislation. Additionally, a Senator must inform stakeholders of the implications of any new legislation. Consistent communication helps prioritize legislation for a Senator.

The success of a parliamentarian who ensures legislative oversight and adequate public representation primarily rests on his proactive role as a legislator who transforms promises into policies, policies into effective laws and their implementation that induce a purposeful social change felt by institutions as well as the people.

¹ Ann Siedman, Robert Seidman, and Nalin Abeysekere, *Assessing Legislation- a Manual for Legislators*, Boston, Massachusetts, February (2003), p.17.

² Ibid, p. 22



The Senate of Pakistan



Business of the Senate: Resolutions, Motions and Points of Order

I. Resolutions not mentioned in the Constitution

The Senate allows any Senator or a Minister to move a resolution on a matter of general public interest and importance. A private Member gives seven days, and a Minister three days, advance notice for moving a resolution.¹ The Chairman shall decide whether a resolution or a part thereof is or is not admissible under Rule 121. Any other member can move an amendment through a two clear days notice before the day on which the resolution is moved. The resolution cannot be withdrawn except by leave of the Senate. Speeches on a resolution shall not exceed ten minutes except if the Chairman allows. The concerned Senator or the Minister may speak for thirty minutes. On conclusion of the discussion, the Chairman shall put the resolution to the vote and if passed by the Senate a copy thereof shall be forwarded to the Division concerned. In addition, there are resolutions mentioned in the Constitution such as the Resolution for removal of the President and disapproval of Ordinances etc. for which the procedure is mentioned in Rules 131 to 136 as well as concerned articles of the Constitution.

II. Adjournment Motions

A Senator may move a motion with Chairman's consent, for the adjournment of normal business of the House to discuss a definite matter of urgent public importance.² An Adjournment Motion is, ordinarily, admissible if it relates to an issue of urgent public importance, relates substantially to one definite issue, is restricted to a matter of recent occurrence, and satisfies such other conditions as are laid down in the Rule 75 of the Senate. The Chairman determines the admissibility of each Adjournment Motion.

A. Asking Leave for Motion:

If the Chairman is of the opinion that the matter proposed for discussion is in order, he shall ask the Senator if he has the leave of the House to move the motion; and if any objection arises, he shall request the Senators in favor of the leave being granted to rise in their seats. Leave to make a motion shall be sought after Questions of Privilege, if any, and before any other business entered on the Orders of the Day is taken up.

If less than one fourth of the total membership of the Senate rise, the Chairman shall inform the Senator that he does not have the leave of the House. However if one fourth or more of the total rises, the Chairman shall announce that leave is granted, and then, under Rule 77, the motion is taken up as the last item for discussion.

B. Time of Discussion:

Discussion takes place for not more than two hours, on such day as the Chairman may fix. Each Senator participating in the discussion should not exceed ten minutes. But the Senator introducing the motion or the Minister concerned or the Prime Minister may speak more than thirty minutes.³ Not more than one motion shall be admitted on one day.

III. Points of Order

A point of order relates exclusively to the interpretation or enforcement of the *Rules of Procedure and Conduct of Business in the Senate* or such Articles of the Constitution which regulate the business of the Senate. It raises a question which is within the cognizance of the Chairman, and is raised in relation to the business before the Senate at the moment.⁴ The Chairman determines its admissibility and no debate is allowed on it no matter the Chairman may hear the Senator before giving his decision.

¹ Senate Rule No. 120

² Senate Rule No. 73

³ Senate Rule No. 81

⁴ Senate Rule No. 216



The Senate of Pakistan



Business of the Senate: Legislative Calendar and Sessions

Summoning of the Senate and Annual Calendar of Sessions: When the Senate is summoned, the Chairman issues a notification to be published in the Gazette of Pakistan, stating the starting date, time and place. It is sent to each Senator. At the commencement of the first session of each year, the government shall in consultation with the Chairman provides a provisional calendar of sessions for the parliamentary year.¹ The Senate is summoned on dates given in the calendar, with the President able to summon the Assembly on Prime Minister's advice, a date other than that of the calendar. The Chairman also has the powers to summon a requisitioned session at any time.²

Sessions of the Senate: There shall be at least three sessions of the Senate every year, and not more than 120 days shall intervene between the last sitting and in one session and date appointed for its first sitting in the next session. The Senate shall **meet for not less than 90 working days** in each parliamentary year. Working days include any day on which there is a joint sitting, and any period, not exceeding two days for which the Senate is adjourned.³

Days and Hours of sitting: The Senate shall sit on such days and commence at such hour as the Chairman may direct.

Classes of Business

- i. Government business: shall include bills, resolutions, amendments and other motions in such order as the Leader of the House or Minister authorized may intimate;
- ii. Private Members' business: shall include bills, resolutions, amendments and other motions introduced or initiated by private Members;
- iii. Senate Business shall include business relating to Committees and such other business as the Chairman may designate as Senate business.

Allotment of Time for Transaction of Business: In the Senate, on Mondays, private Members' business has precedence, and on all other days no business other than government business is transacted except with the consent of the Leader of the House.

Precedence of private Members' bills, resolutions and motions: The relative precedence of private Members' bills for discussion is determined by ballot. A similar procedure is followed to give priority among resolutions and notices by private Members.

Orders of the Day: The business of the day is transacted in the order in which it appears in the Orders of the Day.⁴ The Chairman, however, has the prerogative to allow a business not included in the Orders of the Day to be transacted in the sitting.

Quorum: If at any time during a sitting, attention of the chairperson is drawn to the fact that less than 1/4th of the total Membership is present, he shall either suspend the business until the requisite number of Members is present, or cause the bells to be rung for five minutes.⁵

Difference between Adjournment and Prorogation: If at any time the quorum breaks and even on resumption of the proceedings after suspension or when the bells stop ringing for five minutes, the chairperson shall adjourn the sitting.⁶

Prorogation implies suspension of parliamentary session for a later date for continuation of session. In case of a session summoned by the Chairman on requisition of 1/4th of the total membership of the Senate, only the Chairman may prorogue it.⁷ When the Senate is prorogued, the Secretary shall issue a notification, which is published in the Gazette.⁸

¹ Days of Sitting, Rule 19 of the Senate

² Clause (3) of Article 54, Constitution of Pakistan and Rule 19 of the Senate

³ Article 61 and Clause (2) of Article 54, Constitution of Pakistan

⁴ Rule 27 of the Senate

⁵ Clause (2) of Senate Rule No 5

⁶ ibid

⁷ Clause (3) of Article 54, Constitution of Pakistan.

⁸ Senate Rule No 4



The Senate of Pakistan



The Budget in Pakistan: Parliament's Role

Definition

In modern governance, the budget of the state is one of the most important policy documents. It explains the government's financial plan, elaborating on the proposed expenditures and the means of financing them. A budget mainly consists of two components; receipts and expenditure.

Receipts, which are also known as “revenue” or “income,” contain measures to generate finances through taxes, borrowing, privatization proceeds, etc. The sum of all of receipts comprises the Federal Consolidated Fund. It is from this fund that the government plans its expenditures to fund its policies and programs.

Expenditure mainly comprises current and development expenditure.

Current expenditure is the allocation of funds for financing the administrative expenditures of the government and amounts for salaries, pensions, utilities, procurement, maintenance etc.

Development expenditure is the allocation of funds for financing new projects, like roads, dams, schools, hospitals, research etc.

Budget Stages

There are four stages of a budget process which is cyclical in nature – as soon as one cycle is completed the next begins:

- **Formulation** – Preparation of budget proposals by the executive/government.
- **Enactment** – Formal authorization by the parliament/legislator.
- **Execution** – Implementation to ensure that expenditures reflect the enacted budget.
- **Audit** – Examination and verification of both receipts and expenditures at the end of the financial year (1st July–30th June).

Role of the Legislator

The Money Bill (it also contains the Finance Bill), commonly known as the budget, originates in the parliament. The parliament is also the custodian of the Federal Consolidated Fund. It is therefore binding upon the Federal Government to lay before the National Assembly the estimated receipts and expenditure for approval.

In Pakistan, the role of the legislator has historically been mostly limited to the second stage of the budget process i.e. authorizing the budget. During this stage the budget is tabled before the National Assembly for debate with little time allowed (about two weeks prior to approval). The budget is also laid before the Senate, which can only make recommendations to the National Assembly, which may accept or reject any number of them.

In February 2007, the Senate initiated an earlier mid-term budget review to provide the government with their insights to budget priorities earlier in the process.

At the audit stage, Public Accounts Committee (PAC) of the National Assembly plays the important role of scrutinizing all expenditures authorized by the National Assembly based on its examination of the report of the Auditor General of Pakistan. The deliberations and findings made by the PAC are then presented in a report to the National Assembly.

Opportunities for Improvements

In 2006 and 2007 the national and provincial legislators addressed how they can play a more effective oversight role related to budget in Pakistan. Of the 12 recommendations to enhance the legislatures' role in the budget process, the four most critical are:

- Legislators need more time and detailed information earlier in the budget process.
- Actual expenditure data must be released on a regular and timely basis to legislators.
- The budget for a ministry should be scrutinized by the relevant standing committees in the assembly.
- Budget analysis and scrutiny should be on-going throughout the budget cycle by the legislature.

Note: For more information about various aspects of the budget and role of the legislator, please see “A Guide to Understanding the Budget in Pakistan” and the “Budget Processes and Analysis Manual; developed by USAID-PLSP and published bilingually in Urdu and English.



The Senate of Pakistan



Legislative Process

Legislation or law-making is the fundamental responsibility performed together by the two Houses of Majlis-e-Shoora (Parliament), i.e. the Senate and the National Assembly.¹ A **bill** is a legislative statement, which becomes an Act of parliament if passed by both Houses and duly assented by the President. A bill may relate to any matter in the Federal Legislative List or in the Concurrent Legislative List of the 4th Schedule of the Constitution.

Types of Bills:

- i. **Government Bills:** Introduced by a minister and passed by simple majority.²
- ii. **Private Member's Bill:** Introduced by any Senator and passed by simple majority.³
- iii. **Constitutional Amendment Bill:** A bill intending amendments in the Constitution requires two-thirds majority of both Houses to pass it and also that of other Houses (in some cases).⁴
- iv. **Money Bill:** A government bill dealing with matters of revenues and expenditures; it originates in the National Assembly. It is sent to the Senate within seven days. It is the prerogative of National Assembly to pass the bill with or without incorporating recommendations of the Senate.⁵

Legislative Process: from a Bill to an Act

Step 1: Introducing a Bill: Three copies of the bill along with a Statement of Objects and reasons shall accompany a 10-day written notice to the secretary to move a bill.

Step 2: Order of The Day: Motion to introduce private Member's bill shall be set down on the Order of the Day for private Member's day and copies of it would be circulated to all Members.

Step 3: Reference to Committee and its Recommendation: Upon introduction, all bills other than Money Bill stand referred to the concerned Standing Committee or Select Committee for recommendations. The committee may allow the bill to be taken into consideration as a whole, with respect to particular clauses or amendments only or with instruction to make some particular or additional provision in the bill. Members receive copies of the bill and recommendations within seven days after receipt back, and two days before the bill is set for a Motion under Rule 88.

Step 4: Bills Repugnant to Islam: In case of an objection that a Bill is repugnant to Islam, the Bill is referred to Council of Islamic Ideology for advice.

Step 5: Motion of Consideration under Rule 88 to be made by Member in Charge.

Step 6: 1st Reading - Discussion on Principles of Bill: When considered its principles and general provisions are discussed. No amendments are moved at this stage.

Step 7: 2nd Reading – Consideration of the Bill Clause by Clause and Amendments: Two day notice of amendments from the day a bill is to be considered has to be given by a Member. Thus, the whole bill, clause by clause, goes through the second reading and the Chairman decides if amendment proposed meets conditions of admissibility.

Step 8: 3rd Reading - Debate: Members argue on general character of a bill either in support or to reject the bill. It may be noted that only verbal amendments can be moved at this stage.

Step 9: Vote: After debate, the Chairman puts the motion for the decision of the House.

Step 10: Transmission of Bills to National Assembly: Once a bill (other than Money Bill) is passed by the Senate, it is transmitted to the National Assembly for a similar process of debate and committee scrutiny.

Step 11: Authentication and Submission of Bills for Assent: When a bill is passed by the National Assembly, without amendment, an authenticated copy signed by Speaker is transmitted to the President. If a bill is rejected or not passed within 90 days, the Mediation Committee shall within further 90 days formulate an agreed bill to be placed separately in each House.⁶

Step 12: Promulgation: When a bill is assented by the President, the Chairman shall immediately ensure its publication in the Gazette as **an Act of Parliament**.⁷

Ordinances: The President may promulgate an Ordinance having same effect as an Act when the National Assembly is not in session. It remains valid for four months and it is put forth in both Houses (only National Assembly for Money Bill) for acceptance or rejection within those four months of promulgation. Meanwhile, the President can also withdraw the Ordinance.⁸

¹ See Senate Chp on Legislation, Senate Rules No: 82-118

² Senate Rule 84

³ Senate Rule 82

⁴ NA Rule 156 and Senate Rule 118.

⁵ Article 73, Constitution of Pakistan.

⁶ Article 70, Constitution of Pakistan

⁷ For Steps 1-12 of Legislative Process, see chapter on Legislation, Senate Rules 82-117.

⁸ Ordinances, Article 89, Constitution of Pakistan.



The Senate of Pakistan



Legislative Committees in Pakistan¹

Strong, active committees are instrumental in dealing with the complex, varied and demanding nature of parliamentary business. Generally there are as many committees in the house as there are government ministries formed. There are also committees established to deal with the internal business of administering parliamentary processes and it is common to set up committees to assist the Parliament in its tasks of reviewing legislation and scrutinizing government activities.

Types of Committees

In the Senate Standing Committees correspond to the number of Ministries. However, the Chairman may in consultation with the Minister for Parliamentary Affairs direct that two or more Ministries may be combined for the purpose of a Standing Committee.

- **Functional Committees** deal with specific functions as given in Rules of Procedure and include, Government Assurances, Problems of Less-Developed Areas and Human Rights.
- **House Committees** in the Senate deal with issuance of admission cards for galleries and issues related to boarding and lodging of members.
- **Select Committee** is formed when a motion is adopted that a bill be referred to a Select Committee.
- **Special Committee** is created for a specific objective and is formed through a motion in the Senate. The composition and function of the committee is specified in the motion.

Membership of Committees - The members of all the Committees are elected by the Senate. Committees comprise Senators from the ruling and opposition parties, generally reflecting the same proportions of Members in the Senate. A Senator may not be a member of more than five Standing Committees at the same time. Three Senators constitute a quorum in a sitting of a committee.

Powers of the Committee – A committee shall deal with the subject assigned under the rules for the allocation and transaction of business of Government to the Ministry to which it is concerned or any other matter referred to it by the Senate. A committee may examine suo moto the expenditures, administration, delegated legislation, public petitions and policies of the Ministry concerned and its attached corporations and public bodies and may call for views of the Ministry. A committee has power to require the attendance of persons or the production of papers or records, or examine such persons on oath or solemn affirmation, if such course is considered necessary for the discharge of its duties.

Chair: The Committee Chairs are elected by the respective Committees from amongst their members. The Minister In charge shall not be elected as its Chairman. The Council of Committee Chairs shall be convened by the Speaker as an advisory body for the House.

Term of Office: The standing and functional committees are established for the entire term of the House. Select and special committees dissolve after the task for which they were formed has been completed.

Sittings of Committees: The Secretary may fix the sittings of a Committee in consultation with the Chair of the Committee. Not less than three members can also requisition a meeting of the committee which the Chair shall call within 14 days of receipt of the request.

Agenda of the Meetings: The timetable of business of a Committee and the agenda for each meeting of the Committee shall be determined by the Chair of the Committee in consultation with the Minister concerned.

Staffing of Committees: The Secretary of the Senate shall delegate an officer of the House to service the administrative business of the Committee. However the deputed officer often is called upon to simultaneously service several committees of the House.

¹ Rules of Procedure and Conduct of Business in the Senate 1988, Chapter XV



The Senate of Pakistan



Committee Effectiveness

Senate Standing Committees assist in the functioning of the Senate and are one of the most important instruments of dealing with House business. Committees, which are often termed as “mini legislatures”, need to be empowered for ensuring an effective and strong Parliament.

Though it is in the Parliament where laws and state policies are debated and approved, it is in the committees where these are to be deliberated and scrutinized. A strong committee system often gives Parliament the impetus and direction, serving as a catalyst for effective legislation in the Parliament. According to an Australian Senate Brief, it is “their role to investigate and draw attention to what they find. They ‘throw light in dark corners’ and give advice.”

In short, the principal purpose of committees is to deal with the complex, varied and demanding nature of Parliamentary business. This primarily includes initiating or amending legislation, administering financial control, ensuring oversight and scrutiny of executive functions, and forming a forum for public representation.

In Pakistan Senate committees can exercise suo moto powers. Under the Senate Rules of Procedure, "A committee may examine suo moto expenditures, administration, delegated legislation, the public petitions and policies of the ministry concerned and its attached corporations and public bodies and may call for views of the Ministry."¹

However, lack of continuity in the parliamentary system is one of the primary factors why committees have remained mostly under utilized. Senators generally have also not been aware of how committees can serve as an effective platform not only for legislation but also overseeing government functioning. Similarly, committee business has not been streamlined, lacks regulation and staff support necessary to perform tasks adequately.

To make committees more effective, it is essential to ensure their formation as soon as the Senate is complete after the elections. Currently there are 29 Standing Committees in the Senate. Similarly, it is important that committees are able to exercise their due authority and powers which are derived from the Constitution and elaborated in the Rules of Procedure of the Senate.

On the administrative side, committees are under staffed, lack financial resources and are weakly organized. Each Committee secretary is assigned to many committees, which dilutes attention and overburdens committee work. Committees have limited finances at their disposal impeding functions like inviting experts, publishing reports, covering other essential administrative expenses, etc.

In 2007, national and provincial legislators of Pakistan addressed how the committee system could be improved. The four most critical recommendations that emerged for ensuring an effective committee system are:

- **Committees need to exercise their suo moto powers, should have a recommending status in policy decisions and need to be given more powers.**
- **Committees need more human and financial resources to function effectively.**
- **Committee proceedings need to be more open, allowing access to media & public and require dissemination of Committee reports on regular and timely basis to stakeholders for greater efficacy.**
- **Committees need to build linkages with educational institutions and academia for research and technical support.**

¹ Rules of Procedure and Conduct of Business in the Senate 1988, 146 (4)



The Senate of Pakistan



Question Hour in Senate

Question Hour¹ is an accountability tool, which allows the legislature to hold the executive answerable to the public and make Senators aware of the activities of the ministries and divisions. Senators can also seek any information on matters of national significance, as well as draw the attention of the government to public grievances so as to get them addressed.

Notice of Questions: A Senator can ask a question for which no less than a 13-day written notice shall be given. The question must be addressed to the concerned minister and should be precise and to the point.

Time for Questions: The first hour of every sitting, after recitation from the Holy Quran, and the taking of oath by Senators if any, is available for asking and answering of questions. There is no Question Hour on Private Members Day.

Kinds of Questions: Each Senator may ask not more than three starred and five un-starred questions in a day's sitting.

- i. **Starred Question:** It is the one to which a written reply is read out by the minister. The Senator who intends to ask a starred question has to distinguish it with an asterisk. When a question has been answered, any Senator may ask not more than three supplementary questions for further elucidation of the answer, if the Chairman allows as per the admissibility in rules.²
- ii. **Unstarred Question:** It is when a written reply is supplied but not read out.
- iii. **Short Notice Questions:** In case of a matter of immediate public importance, a Senator may ask a question on shorter notice with the consent of the Chairman and the concerned minister if he is in a position to reply and if so on what date.
- iv. **Call Attention Notice:** A Senator can call attention of a minister to any matter of sufficient public importance at least two hours before the sitting and the Minister may make a brief statement at the end of the sitting on the following day unless the Chair decides for the same day.³
- v. **Notices to Lapse:** All the notices which have not been taken up during the week shall lapse. No notice will be carried beyond two weeks

Translation: The Senators can submit questions in Urdu or English; the Secretariat translates it in English before sending them to ministries and divisions. The Urdu translation of replies sent by the ministries and divisions is also arranged for Senators.

Admissibility of Questions: Within five days from receipt of notices, the Chairman shall decide on the admissibility of a question and can disallow any question or a part thereof which, in his opinion, is in contravention of these rules, or he may, in his discretion, amend it in form. A few important conditions of admissibility are:

- ✓ 47 (i) It shall not bring in any name or statement not strictly necessary to make the question intelligible;
- ✓ 47 (vi) It shall not ordinarily exceed 150 words;
- ✓ 47 (vii) It shall not relate to a matter which is not primarily the concern of the Government;
- ✓ 47 (viii) It shall not make or imply a charge of a personal character;
- ✓ 47 (xvii[a]) It shall not contain any reflection on the conduct of the President including Foreign Heads of State or Government or a Judge of the Supreme Court or of a High Court;
- ✓ 47 (xvii[d]) It shall not seek information about matters which are in their nature secret or sensitive⁴

¹ See Rules & Procedure for Senate, Rule 38-59

² Senate Rule 55

³ Senate Rule 59(2)

⁴ For detailed conditions of admissibility, see Senate Rule 47



Parliamentary Privilege

Parliamentary privilege, also known as “absolute privilege,” is a legal mechanism employed within the legislative bodies of countries whose constitutions are based on the Westminster system. In other legislatures, a similar mechanism is known as parliamentary immunity.

Why Parliamentary Privilege is Important

Parliamentary privilege is a collection of rights seen as crucial to establishing the importance of Parliament functioning effectively through the representatives of the people. Under classical perceptions of democracy, separation of powers between the executive, legislature and judiciary is seen as crucial to a well-functioning democracy. Privilege gives rights and immunities to the institution of Parliament to enable it to carry out its responsibilities to legislate and hold the government to account. According to Article 91(4) of the Constitution, “the cabinet together with the Ministers of State shall be collectively responsible to the National Assembly.”

Important Parliamentary Privileges¹

1. Freedom of speech – nothing should impede the rights of Parliament to speak on behalf of the people.
2. The right of Parliament to exclusively regulate its own affairs, free from intervention by government or courts.
3. The right to conduct inquiries and require attendance of witnesses.
4. The right to retain jurisdiction over its own Members.
5. Parliament should not be a haven from justice.

Objective of Parliamentary Privilege

The objective of parliamentary privileges is to safeguard the freedom, authority and dignity of Parliament. Privileges are necessary for the proper exercise of the functions entrusted to Parliament by the Constitution. They are enjoyed by individual Members, because the House cannot perform its functions without unimpeded use of the services of its Members and by each House collectively for the protection of its Members and the vindication of its own authority and dignity. The foundation on which parliamentary privilege rests is the maintenance of the dignity and independence of the House and of its Members.

Question of Privilege

A Member may, with the consent of the Speaker, raise a question involving a breach of privilege either of a Member, or of a committee, or of the Senate. It should be submitted in writing to the Secretary before the commencement of the sitting and, when relevant, be accompanied by the document *indicating the specific breach of the privilege*. The Speaker has the discretion to allow a question of privilege to be raised at any time during the course of a sitting after the disposal of questions, based on determination of urgency.

¹ Rules of Procedure and Conduct of Business in the National Assembly 2007 Chapter XII Rules No 95-108, Senate Rule No 60-72 A, For Provincial Assemblies, P.A (Baluchistan) Rule No: 55-69, (NWFP) Rule No 53-65, (Punjab) Rules 68-79, Sindh P.A Rules No 58-70



Executive-Legislative Relations

President and the Parliament: The President is the Head of State and represents the unity of the Republic as an electoral college consisting of Members of both Houses and the four provincial assemblies elect him/her. The President acts in accordance with the advice of the Cabinet (or the Prime Minister).¹ The President is one of the three entities comprising the Parliament.²

Prime Minister and the Parliament: The Prime Minister is Leader of the House in the National Assembly. The assembly elects him/her in a session summoned for the purpose.³ A vote of no-confidence can be moved against the Prime Minister by not less than 20% of total Members of the Assembly and the resolution cannot be voted upon no sooner than three days and no later than seven days, from the day on which the resolution was moved in the Assembly.⁴

Cabinet: The Prime Minister heads the Cabinet, which is collectively responsible to the National Assembly.⁵ Federal ministers and ministers of state are appointed from amongst the Members of Parliament (National Assembly and Senate). However, the number of ministers who are Members of Senate shall not at any time, exceed one-fourth of the total numbers of federal ministers.⁶

Extent of Executive Authority of Federation: The executive authority of the Federation extends to the matters with respect to which Parliament has power to make laws, including exercise of rights, authority and jurisdiction in, and in relation to, areas outside Pakistan. Similarly, the authority of provinces is laid down as per the jurisdiction of provincial assemblies to make laws.⁷

Civil Services: The appointments to and conditions of civil service in Pakistan shall be determined by an act of Parliament, (*Majlis e Shoora*) for the services of the Federation and by acts of respective provincial assemblies for the provinces.⁸

Command of Armed Forces: The federal government has control and command of the armed forces. The President is the Supreme Commander of the armed forces. Every Member of the armed forces takes an oath as set out of the 3rd Schedule of the Constitution, whereby they pledge to uphold the Constitution and not to engage in political activities whatsoever.⁹

Parliamentary Committees and the Executive: A committee can examine expenditures, administration, delegated legislation, public petitions and policies of the concerned ministry and its associated public bodies, and may forward its report of findings and recommendations to the ministry, and the ministry must also submit its reply to the committee. Recommendations can also include suggestions amending an existing law or enacting new legislation.¹⁰ A committee chairperson has powers to take evidence or call for papers, records or documents and any person having a special interest in relation to any matter under its consideration in addition to hearing an expert and holding a public hearing.¹¹ A committee possesses powers vested in civil court under Code of Civil Procedure, 1908 (Act V of 1908) for enforcing the attendance of any person and compelling the production of documents.¹²

¹ Article 48, Constitution of Pakistan

² Article 50, Constitution of Pakistan

³ Article 91, Constitution of Pakistan

⁴ Article 95, Constitution of Pakistan

⁵ Article 91 (4) Constitution of Pakistan

⁶ Article 92, Constitution of Pakistan

⁷ Article 97, Constitution of Pakistan

⁸ Article 240, Constitution of Pakistan

⁹ Article 243 and 244; Third Schedule, Constitution of Pakistan

¹⁰ Senate Rule No 146, N.A Rule No 201

¹¹ Senate Rule No 165 (1), N.A Rule No 225 (4)

¹² Clause (3) of Article 66, Constitution of Pakistan



The Senate of Pakistan



Research Support for Senators

Research and Information Services: Senators may require access to research and informational services that include: Talking points for debates, speeches and conferences; provision of fact sheets and descriptive reports; books, journals and access to internet; briefing books for foreign trips; short online publications on current issues; legislative tracking reports, policy resource guides of informational, organizational and human sources; in-depth analysis of issues and options, and comparative analyses. Each Parliamentary Committee is expected to possess some research capacity to assist parliamentarians in preparing talking points for speeches, drafting questions/motions, as well as preparing descriptive and comparative reports on particular issues.

Parliamentary Library: The Senate library has a collection of some 12,000 volumes of books, debates of the Senate and reports, Gazettes of Pakistan and other documents such as:

- ✓ Books on subjects like constitution, parliamentary practice, legislation, law, philosophy, politics, international affairs, history, agriculture, education as well as biographies, etc.
- ✓ Senate debates
- ✓ 16 national in addition to international newspapers and journals, on regular basis.
- ✓ Annual Reports and Yearbooks of Ministries and divisions.
- ✓ Senate Library is registered with www.pakistanlawsite.com which provides access to statutes and Case-Laws Reported in PLD, SCMR, CLC, PCrLJ, PTD, PLC, CLD, MLD, YLR. In addition the Senate library also has a subscription of all reputable law journals including the above as well as the Pakistan Tax Decision (PTD), Supreme Court Judgment (SCJ), Supreme Court Digest (SCD), Criminal Law Journal (CrLJ) and Tribunal Digest(TD).
- ✓ Digital library of HEC can also be browsed through: http://www.digitallibrary.edu.pk/senate_pk.html
- ✓ Official record of proceedings of Parliament of Australia for the House of Representatives 'Votes and Proceedings' and for the Senate 'Senate Journal' can be found at www.aph.gov.au/house/pubs/index.htm, www.aph.gov.au/senate/pubs/index.htm

The Library Committee consisting of four Senators including its Chairman is nominated by the Senate Chairman, which takes up issues pertaining to the library.

Senate Research Cell: Presently the Senate has the services of seven researchers. The Research Unit undertakes research on issues to be discussed or already under discussion in the Senate and its committees. Research officers may be requested to prepare background papers, position papers, briefing papers, impact assessment of legislation, analysis of issues using print media and electronic information, provide informational requirements arising from items on Order of the Day, assistance in preparing papers to be read out at international seminars and conferences, prepare legislative history of bills laid before the House, as and when required; and monitoring of media and reports of parliamentary debates in order to identify emerging political issues.

Automation Center: It manages the Senate website <http://www.senate.gov.pk> and provides Senators with email addresses.

Pakistan Institute for Parliamentary Services (PIPS): The PIPS has been established through an Act of Parliament last year and it is presently set up in an interim facility in the Parliament Lodges. The PIPS has a network of specialists with a variety of expertise to provide informed policy inputs at the request of parliamentary committees and parliamentarians. PIPS provides internal and external support in organizing workshops and policy dialogues for Senators in addition to a research on request facility that may be submitted in person at: Parliament Lodges (first floor A BLOCK) Phone: 051-825-5901 and/or email at: research@pips.org.pk or through the website www.pips.org.pk

Parliamentarians Resource Center (PRC): The PRC was established to provide information and support services to Senators and Members of the National Assembly (MNAs) to assist them in performing their legislative duties. The PRC, located in the Parliament Lodges, remains open from 9 a.m. to 10 p.m. from Monday to Saturday and provides most needed services such as internet access terminals, newspapers, magazines and journals, a discussion room with TV, photocopying and scanner facilities.



The Senate of Pakistan



Glossary of Parliamentary Terms

Absolute Majority - more than half the votes of the total membership of the Assembly;

Abstain – to refrain from voting for or against a motion;

Act - a Bill passed by the Parliament and assented to by the President. In the case of Provincial Assemblies it is assented by the Governor;

Adjournment - to suspend proceedings to another time;

Adjournment Sine Die - to suspend the proceedings without fixing a time or date for the next meeting;

Adjournment Motion - a motion to adjourn the business of the Assembly¹ for the purpose of discussing a definite matter of immediate, urgent public importance;

Adjournment of Debate – Postponement of a debate on a Motion/Resolution/Bill on which the Assembly is then engaged to some other time or date;

Agenda - the list of business to be brought before the Assembly or Committee for consideration and decision at its sitting on any day;

Amending Act - an Act of Assembly whose sole purpose is to modify another Act or Acts;

Amendment - a motion to amend an earlier motion before that earlier motion is put to the Assembly for decision;

Ascertainment - the process to determine that which one member of the Assembly commands the confidence of the majority of the members; Ayes and Noes - the word used for voting ayes for 'yes' and noes for 'no' in the Assembly;

Backbenchers - the members other than Ministers, Parliamentary Secretaries, Advisors and Special Assistants;

Bicameral - a Legislature that consists of two House; the Parliament of Pakistan is bi-cameral consisting of Senate and National Assembly, while in the provinces it is unicameral;

By-election - it is held when a seat in the Assembly becomes vacant during its lifetime (i.e. between two general elections) due to death, resignation, unseating or disqualification of a member;

Bill - a proposal for making a new law or amending an existing one;

Budget - the statement of the estimated receipts and expenditures of the Federal or a Provincial Government for a fiscal year which the said government should lay before an Assembly in every financial year;

Bulletin - means the Bulletin of the Assembly containing-

- (a) A brief record of the proceedings of the Assembly at each of its sittings;
- (b) Information of any matter relating to or connected with the Assembly or other matter which in the opinion of the Speaker is to be included therein; and
- (c) Information regarding the Committees;

Business - any matter which can be brought before the Assembly under the Constitution and the Rules;

Cabinet - it consists of Ministers, with the Prime Minister or Chief Minister at its head

Call Attention Notice - a notice by which a special question of public importance may be raised;

Casting Vote - a deciding vote used by the Presiding Officer of the Assembly, when the votes on both sides are equal;

Chair - the Presiding Officer at a meeting of the House or a committee;

Chairman - it means the Chairman of the Senate and includes the Deputy Chairman or in relation to a particular Committee, a member who is performing the function of the Chairman;

¹ For the purpose of generality every House has been referred to as Assembly. This means the terminology is applicable to the Senate, National Assembly and a Provincial Assembly.

Chamber - the place where the Assembly meets to transact its business;

Chief Whip - a member of a political party in an Assembly whose primary task is to ensure the presence and discipline of the members of the party in the Assembly;

Clause (of a bill) - divisions of a bill consisting of an individual sentence or statement; once a bill becomes law, its clauses are referred to as sections; **Clause-by-Clause Consideration** - the stage for consideration of a Bill when it is considered clause by clause and at this stage amendment can be proposed in the clauses of the Bill;

Closure - it is one of the means by which a debate may be brought to a close by a majority decision of the Assembly, even though all members wishing to speak have not done so;

Committee - group of members who are nominated by the Assembly for special purpose or subject;

Constitution - the Constitution of the Islamic Republic of Pakistan 1973;

Constituency - a constituency for Assembly delimited under the Delimitation of Constituencies Act, 1974 (XXXIV of 1974);

Constituent - a registered voter in a constituency;

Cut motions - a motion moved by a member to reduce the amount of a demand for grant;

Debate - a discussion in which the arguments for or against a subject are presented in the Assembly according to rules;

Dissolution - the bringing to an end of an Assembly, either on the expiry of its five-year term or otherwise in accordance with the provision of the Constitution;

Division - a mode of voting by dividing members into two groups (ayes and noes) in order to reach a decision;

Division Bell - the Speaker will order a Division to be held by uttering the word "Division" and shall direct that the Division bells be rung for five minutes to enable members not present in the chamber to return to their places;

Election - the process of choosing a representative by vote;

Ex-Officio Member - generally taken to be a person, who, by virtue of an office or position held, is officially attached to a committee as a non voting member;

Expunction - words used in debates, which are defamatory, indecent, un-parliamentary or un-dignified, the speaker may, in his discretion, either during the debate or subsequently, order that such words be expunged from the proceedings;

Federal and Provincial Consolidated Fund and Public Account - all revenues received by the Federal or the Provincial Government, all loans raised by that Government, and all moneys received by it in repayment or any loan, shall form part of a consolidated fund, to be known as the Federal or the Provincial Consolidated Fund.

All other moneys received by or on behalf of the Federal or the Provincial Government; or received by or deposited with the Supreme Court or High Court or any other court established under the authority of the Federation or Province; shall be credited to the Public Account of the Federation or Province;

Finance Bill - the Bill introduced in each year to give effect to the financial proposals of the Government for the next financial year, and includes a Bill to give effect to Supplementary financial proposals for any period;

Fiscal Year - the twelve month period, from July 1 to June 30, used by the Government for budgetary and accounting purposes;

Floor of the House - the part of the Chamber of the Assembly reserved for the Members and the officials of the Assembly;

Galleries - areas in the Assembly set aside for the public, the press and distinguished visitors;

Gazette - the official Gazette of the Assembly;

General discussion - a minister or a member may give notice of a motion that any policy or situation may be discussed by the Assembly;

Leader of the House - means the Prime Minister or a Minister appointed by the Prime Minister to represent Government and regulate Government business in the National Assembly or the Senate. In the Provincial Assembly the Chief Minister or a member designated by the Chief Minister to represent Government and regulate Government business in the Assembly;

Leader of Opposition - a member who, in the opinion of the Speaker, is the leader of the majority of the members in the Opposition;

Legislation - the process of making a law;

Legislative Process - the process by which bills are approved by Assembly and become laws after the assent of the President or Governor;

Limitation of Debate - a procedure preventing further adjournment of debate on any motion or on any stage of a bill and requiring that the motion come to a vote at the end of the sitting in which it is invoked;

Lobby - means the covered corridor immediately adjoining the Chamber and conterminous with it;

Guillotine - a provision in the rules which requires that the Assembly reach a decision on a given matter by a particular date or at the end of a specified period of time. It is not preceded by a motion;

Maiden speech - the first speech of a member after his election for the first time. It is a recognized parliamentary convention that a member making a maiden speech is not interrupted by another member;

Majlis-e-Shoora - also referred to as the Parliament, it comprises the National Assembly, Senate and the President under Article 50 of the Constitution;

Member - a member of the Assembly and for purposes of moving or opposing a Bill, an amendment, a motion or a resolution, includes a Minister;

Member-in-Charge - the member who introduces a Bill in the Assembly;

Minister - it means the Prime Minister, the Chief Minister, a federal minister, a minister of state or a provincial minister;

Minutes - are the instant written record of a meeting;

Money Bill - a Bill or amendment which if enacted and brought into operation would involve expenditure from the Federal or Provincial Consolidated Fund or withdrawal from the Public Account of the Federation or Province.

Mover - the member who initiates a resolution, a motion or an amendment of a Bill;

Motion - a proposal made by a member or a minister relating to any matter which may be discussed by the Assembly;

Motion of Thanks - a formal motion moved only in the Parliament, expressing its gratitude for the address delivered by the President, under Article 56 of the Constitution, to either the National Assembly or both the National Assembly and the Senate assembled together;

No-Confidence Motion - a motion moved against the Prime Minister, Chairman Senate, Deputy Chairman Senate, Chief Minister, Speaker or Deputy Speaker of the National or Provincial Assembly that he has lost confidence of the majority of the Assembly;

Oath of Office - swearing by a member before taking seat in the Assembly;

Opposition - the party or parties which do not belong to the ruling party;

Out of Order - the expression may be applied to motions, bills or to any intervention which runs contrary to the rules or procedures of the Assembly;

Panel of Chairmen - panel of members nominated by the Speaker or the Chairman to preside over the session of the Assembly in their absence;

Point of Order - a point raised during proceedings of the Assembly and relates to the interpretation or enforcement of these rules or such Articles of the Constitution that regulate the business of the Assembly and shall raise a question which is within the cognizance of the Speaker or Chairman;

Precedent - a Speaker's or Chairman's past ruling or practice of the Assembly taken as a rule for subsequent cases of a similar nature but not all decisions and practices constitute precedents;

Precincts of the Assembly - the Assembly Chamber's building, courtyard and gardens, Committee rooms appurtenant thereto, and includes the hall, members' lobbies/rooms, galleries, gardens, parking lot, the Ministers and other offices of the Government located in the Assembly Building, and the offices of the Assembly Secretariat and any other premises which are notified as such for a specified time by the Speaker or Chairman in the Gazette;

Presiding Officer - in relation to a sitting of the Assembly, means any person who is conducting that sitting;

Press Gallery - a gallery in the Assembly reserved for accredited members of the media;

Private Member's Bill - is a proposed law introduced by a private member;

Private Member - a member who is not a Minister or a Parliamentary Secretary;

Proceedings - the actions taken by the Assembly or by a committee, the most important parts of the proceedings are the decisions that are taken;

Prorogue - it ends a session of Assembly, but does not dissolve it;

Put the Question - to put a motion before the Assembly to a vote;

Question - subject to the provisions of the rules, a question may be asked for the purpose of obtaining information on a matter of public concern within the special cognizance of the Minister to whom it is addressed;

Question Hour - a time fixed under the rules for asking/answering questions;

Question of privilege - a member may, with the consent of the Speaker, raise a question involving a breach of privilege either of a member or of the Assembly or of a Committee;

Questions to Private Members - a question may be addressed to a private member provided the subject matter of the question relates to some Bill, resolution or other matter connected with the business of the Assembly for which that member is responsible;

Quorum - is the minimum number of members of Assembly necessary to conduct the business of the Assembly. Under Article 55(2) of the Constitution, 1/4th of the total membership of the Assembly is required for Quorum;

Quorum Call - to draw the attention of the Presiding Officer to the absence of a quorum;

Referral to a Committee - the sending of a bill, a resolution, a question or any other matter to a committee for study and report. Depending on the objectives of the referral, it may be made to a standing or special committee or to a Committee of the Assembly;

Resolution - a motion for the purpose of discussing and expressing opinion on a matter of general public interest and includes a resolution specified in the Constitution;

Roll of Members - a register in which newly elected members sign, after making the oath and before taking their seats for the first time in the Assembly. It is kept on the Table of the Assembly;

Rules - the Rules of Procedure and Conduct of Business of an Assembly;

Secretary - the highest ranking officer of the Assembly;

Sergeant-at-Arms - is an officer appointed by a Speaker or the chairman to carry out his order in respect to keep order in the Assembly;

Session - the period commencing on the day of the first sitting of the Assembly after having been summoned and ending on the day the Assembly is prorogued or dissolved;

Sitting - a meeting of the Assembly or that of a Committee on a day;

Speaker - is the head of a legislature who is elected from amongst the member through secret ballot and performs function as mentioned in Constitution;

Starred Question - a question for an oral answer;

State - The state, under Article 7 of the Constitution means the Federal Government, Parliament, a Provincial Government, a Provincial Assembly, and such local or other authorities in Pakistan as are by law empowered to impose any form of tax

Subcommittee - a Committee may, with the approval of the Speaker, appoint a sub-committee, for a specified function arising out of the matter referred to the Committee;

Supplementary Budget - an expenditure statement introduced to provide funds to the Government to meet new or additional expenses in a fiscal year;

Table - means the Table of the Assembly and includes its Library. It is the place where the Secretaries sit to look after the administration of the Assembly;

Un-starred question - a question for a written answer.



The Senate of Pakistan



Founder of the Nation Quaid-e-Azam Muhammad Ali Jinnah's presidential address to the Constituent Assembly of Pakistan August 11, 1947

Mr. President, Ladies and Gentlemen!

I cordially thank you, with the utmost sincerity, for the honour you have conferred upon me - the greatest honour that is possible to confer - by electing me as your first President.

I also thank those leaders who have spoken in appreciation of my services and their personal references to me. I sincerely hope that with your support and your co-operation we shall make this Constituent Assembly an example to the world.

The Constituent Assembly has got two main functions to perform. The first is the very onerous and responsible task of framing the future constitution of Pakistan and the second of functioning as a full and complete sovereign body as the Federal Legislature of Pakistan. We have to do the best we can in adopting a provisional constitution for the Federal Legislature of Pakistan. You know really that not only we ourselves are wondering but, I think, the whole world is wondering at this unprecedented cyclonic revolution which has brought about the clan of creating and establishing two independent sovereign Dominions in this sub-continent.

As it is, it has been unprecedented; there is no parallel in the history of the world. This mighty sub-continent with all kinds of inhabitants has been brought under a plan which is titanic, unknown, unparalleled. And what is very important with regards to it is that we have achieved it peacefully and by means of an evolution of the greatest possible character.

Dealing with our first function in this Assembly, I cannot make any well-considered pronouncement at this moment, but I shall say a few things as they occur to me. The first and the foremost thing that I would like to emphasize is this: remember that you are now a sovereign legislative body and you have got all the powers.

It, therefore, places on you the gravest responsibility as to how you should take your decisions. The first observation that I would like to make is this: You will no doubt agree with me that the first duty of a government is to maintain law and order, so that the life, property and religious beliefs of its subjects are fully protected by the State.

The second thing that occurs to me is this: One of the biggest curses from which India is suffering - I do not say that other countries are free from it, but, I think our condition is much worse - is bribery and corruption. That really is a poison. We must put that down with an iron hand and I hope that you will take adequate measures as soon as it is possible for this Assembly to do so.

Black-marketing is another curse. Well, I know that blackmarketeers are frequently caught and punished. Judicial sentences are passed or sometimes fines only are imposed.

Now you have to tackle this monster, which today is a colossal crime against society, in our distressed conditions, when we constantly face shortage of food and other essential commodities of life. A citizen who does black-marketing commits, I think, a greater crime than the biggest and most grievous of crimes. These blackmarketeers are really knowing, intelligent and ordinarily responsible people, and when they indulge in blackmarketing,

I think they ought to be very severely punished, because the entire system of control and regulation of foodstuffs and essential commodities, and cause wholesale starvation and want and even death.

The next thing that strikes me is this: Here again it is a legacy which has been passed on to us. Along with many other things, good and bad, has arrived this great evil, the evil of nepotism and jobbery. I want to make it quite clear that I shall never tolerate any kind of jobbery, nepotism or any influence directly or indirectly brought to bear upon me. Whenever I will find that such a practice is in vogue or is continuing anywhere, low or high, I shall certainly not countenance it.

I know there are people who do not quite agree with the division of India and the partition of the Punjab and Bengal.

Much has been said against it, but now that it has been accepted, it is the duty of everyone of us to loyally abide by it and honourably act according to the agreement which is now final and binding on all.

But you must remember, as I have said, that this mighty revolution that has taken place is unprecedented. One can quite understand the feeling that exists between the two communities wherever one community is in majority and the other is in minority. But the question is, whether it was possible or practicable to act otherwise than what has been done, a division had to take place.

On both sides, in Hindustan and Pakistan, there are sections of people who may not agree with it, who may not like it, but in my judgement there was no other solution and I am sure future history will record its verdict in favour of it. And what is more, it will be proved by actual experience as we go on that was the only solution of India's constitutional problem. Any idea of a united India could never have worked and in my judgement it would have led us to terrific disaster. Maybe that view is correct; maybe it is not; that remains to be seen.

All the same, in this division it was impossible to avoid the question of minorities being in one Dominion or the other. Now that was unavoidable. There is no other solution. Now what shall we do? Now, if we want to make this great State of Pakistan happy and prosperous, we should wholly and solely concentrate on the well-being of the people, and especially of the masses and the poor. If you will work in co-operation, forgetting the past, burying the hatchet, you are bound to succeed.

If you change your past and work together in a spirit that everyone of you, no matter to what community he belongs, no matter what relations he had with you in the past, no matter what is his colour, caste or creed, is first, second and last a citizen of this State with equal rights, privileges, and obligations, there will be an end to the progress you will make.

I cannot emphasize it too much. We should begin to work in that spirit and in course of time all these angularities of the majority and minority communities, the Hindu community and the Muslim community, because even as regards Muslims you have Pathans, Punjabis, Shias, Sunnis and so on, and among the Hindus you have Brahmins, Vashnavas, Khatris, also Bengalis, Madrasis and so on, will vanish. Indeed if you ask me, this has been the biggest hindrance in the way of India to attain the freedom and independence and but for this we would have been free people long, long ago.

No power can hold another nation, and specially a nation of 400 million souls in subjection; nobody could have conquered you, and even if it had happened, nobody could have continued its hold on you for any length of time, but for this.

Therefore, we must learn a lesson from this. You are free; you are free to go to your temples, you are free to go to your mosques or to any other place or worship in this State of Pakistan. You may belong to any religion or caste or creed that has nothing to do with the business of the State. As you know, history shows that in England, conditions, some time ago, were much worse than those prevailing in India today. The Roman Catholics and the Protestants persecuted each other. Even now there are some States in existence where there are discriminations made and bars imposed against a particular class. Thank God, we are not starting in those days. We are starting in the days where there is no discrimination, no distinction between one community and another, no discrimination between one caste or creed and another.

We are starting with this fundamental principle that we are all citizens and equal citizens of one State. The people of England in course of time had to face the realities of the situation and had to discharge the responsibilities and burdens placed upon them by the government of their country and they went through that fire step by step. Today, you might say with justice that Roman Catholics and Protestants do not exist; what exists now is that every man is a citizen, an equal citizen of Great Britain and they are all members of the Nation.

Now I think we should keep that in front of us as our ideal and you will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State.

Well, gentlemen, I do not wish to take up any more of your time and thank you again for the honour you have done to me. I shall always be guided by the principles of justice and fair play without any, as is put in the political language, prejudice or ill-will, in other words, partiality or favouritism. My guiding principle will be justice and complete impartiality, and I am sure that with your support and co-operation, I can look forward to Pakistan becoming one of the greatest nations of the world.