

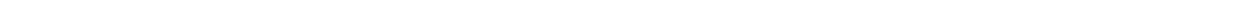


**PAKISTAN INSTITUTE FOR PARLIAMENTARY SERVICES**  
**Dedicated To Parliamentary Excellence**



# **PARLIAMENTARIANS' HANDBOOK**

**2013**









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**Dedicated To Parliamentary Excellence**



## **PARLIAMENTARIANS' HANDBOOK**

**2013**



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.

***Quaid-e-Azam Muhammad Ali Jinnah***

*(Presidential Address to the Constituent Assembly of Pakistan on August 11, 1947)*



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## PARLAMENT OF THE REPUBLIC OF SERBIA

### MESSAGE

Parliamentary decisions in fiscal policy, GDP calculation of price quantities, foreign investment and transfers. When are decisions of interest to citizens? The world of the day is becoming more and more complex and more difficult to understand. The economic system is becoming more and more complex and more difficult to understand. The world of the day is becoming more and more complex and more difficult to understand.

According to the 1990 law on the organization of the Parliament of the Republic of Serbia, the Parliament of the Republic of Serbia is the highest body of the Republic of Serbia. It is composed of representatives of the people of the Republic of Serbia. The Parliament of the Republic of Serbia is the highest body of the Republic of Serbia. It is composed of representatives of the people of the Republic of Serbia. The Parliament of the Republic of Serbia is the highest body of the Republic of Serbia. It is composed of representatives of the people of the Republic of Serbia.

The handbook is intended for the general public in the Republic of Serbia. It is intended for the general public in the Republic of Serbia. It is intended for the general public in the Republic of Serbia. It is intended for the general public in the Republic of Serbia. It is intended for the general public in the Republic of Serbia.

We are sure that this handbook will be of great help to the general public in the Republic of Serbia. We are sure that this handbook will be of great help to the general public in the Republic of Serbia. We are sure that this handbook will be of great help to the general public in the Republic of Serbia. We are sure that this handbook will be of great help to the general public in the Republic of Serbia.

  
Executive Director

Handbook  
Handbook for the 1990s



## ACKNOWLEDGEMENTS

Islamabad, May 5, 2013

In preparation of this compendium of briefs for Honourable Members, the Pakistan Institute for Parliamentary Services has sought to provide a basic reference source to assist the MPs in their day to day work at the Parliament. The Parliamentarians' Handbook 2013 introduces Honourable Members to most significant parliamentary concepts which they are expected to comprehend to perform their essential functions of legislation, oversight, representation, budget-analysis and policy review.

The book was first published by the Institute as the Parliamentarians' Pocket Guide in 2008-09 authored by Mr. Muhammad Rashid Mafzool Zaka, PIPS' Director Research & I.T. It was printed with support by the then Pakistan Legislative Strengthening Project, PLSP-USAID whose Communication Advisor Mr. Daud Malik prepared some of its thematic briefs and reviewed the glossary. The book was also reviewed by Mr. Alistair Doherty, former Clerk, House of Commons UK and Resource-person of IP3 Project of the EU, this April and his suggestions have been incorporated in preparing the second edition.

This Parliamentarians' Handbook 2013 edition has been conceived by the Institute's Research and Legislation Wings. We acknowledge Mr. Muhammad Maqbool Khan (Research Associate) who coordinated review of the module by our team comprising Mr. Muhammad Aslam Waseem (Add. Dir-Legislation), Mr. Muhammad Faisal Israr, (SRO) Mr. Muhammad Aslam and Ms. Sadia Bashir, (Leg. Off.), Ms. Tehseen Khalid (SRO) has designed its Title Page.

Mr. Muhammad Rashid Mafzool Zaka, Director, Research & I.T. edited the final version while he also consulted Mr. Mushtaq Ahmed, Deputy Secretary (Legislation) at the National Assembly of Pakistan to prepare a Legislative Process flow-chart. The Parliamentarians' Handbook 2013 is part of Institute's special MPs' Folder for the scheduled New Members Orientation Programme for Members of the National Assembly as well as four Provincial Assemblies after the 2013 Elections in Pakistan.

We are grateful to our cherished partner, Strengthening Democracy Through Parliamentary Development (SDPD), project of the UNDP in Pakistan for supporting PIPS in printing of this Parliamentarians' Handbook 2013.

We welcome any feedback and suggestions by the participants and readers of the handbook at: [research@pips.org.pk](mailto:research@pips.org.pk).

**Research and I.T. Wing**

Pakistan Institute for Parliamentary Services





## ABOUT THE AUTHOR

Mr. Muhammad Rashid Mafzool Zaka is the Director (Research and Information Technology) and a member of the pioneering team of the Pakistan Institute for Parliamentary Services. He has around 17 years' experience in academia, research and parliamentary support and has to his credit publications on parliamentary democracy, society and comparative religion. He has designed and authored key curriculum of the Pakistan Institute for Parliamentary Services (PIPS) for Honourable Members of the Parliament and parliamentary functionaries of the National Parliament, four Provincial Assemblies of Balochistan, Khyber Pakhtunkhwa, Punjab and Sindh as well as the Legislative Assemblies of Azad Jammu and Kashmir and Gilgit Baltistan.

Mr. Zaka commenced the PIPS exclusive Research on Request Services for parliamentarians in 2009 and has conducted numerous research papers for individual MPs and Standing Committees in addition to steering Institute's training programmes since November 2010. In his leadership the Pakistan Institute for Parliamentary Services have conducted more than 93 exclusive research papers for MPs. He is a certified trainer in legislative research, assessing laws, human rights and disaster risk management from the Asian Institute for Human Rights, Thailand and UNDP.

Mr. Zaka had served on leading positions including Head, Deptt. of Social Sciences, Iqra University; Director, CPDI and Legislative Capacity Advisor, PLSP in addition to being one of the founding faculty members who established the Foundation University, Islamabad.

He has authored two books on Philosophy of Islam and Comparative Religion (2006) and Discover the Parliament of Pakistan (2010). In December 2012, his article titled **ROLE OF WOMEN PARLIAMENTARIANS AND RESEARCH PRACTICES IN PAKISTAN** was published in the Journal of Peace, Conflict and Development (Issue 19) at the University of Bradford, UK. Mr. Zaka has supervised numerous MS dissertations at reputable universities and is a Member, Board of Studies at Fatimah Jinnah Women University. He holds an M.Phil. degree in International Relations and M.Sc in Strategic Studies with distinction from Pakistan's top ranking Quaid-e-Azam University, Islamabad.



## 1. CONSTITUTIONAL AUTHORITY OF PARLIAMENT

The Constitution, which was passed unanimously by the National Assembly in April 1973, provides a federal parliamentary system of government, with the President as the head of the State and an elected Prime Minister as the head of the government.

Under Article 50 of the Constitution, the federal legislature is the bicameral Majlis-e-Shoora (Parliament), which comprises the President and the two Houses, the National Assembly and the Senate.

The National Assembly, Pakistan's sovereign legislative body, makes laws for the federation under powers spelled out in the Federal Legislative List as given in the fourth schedule of the Constitution. The 18th Amendment abolished a Concurrent Legislative List comprising 47 subjects where both Federal and Provincial Legislature could initiate legislations. In addition the Article 142(b), after the 18th Amendment (2010) passed by the 13<sup>th</sup> National Assembly, which completed its term in 2013 read: "Parliament and a Provincial Assembly shall have power to make laws with respect to criminal law, criminal procedure and evidence."

Through debates, adjournment motions, question hour, and Standing Committees, the National Assembly keeps a check on the government. It ensures the government functions within the parameters set out in the Constitution, and does not violate the people's fundamental rights.

The Parliament scrutinizes public spending and exercises control of expenditure incurred by the government through the work of the relevant Standing Committees. The Public Accounts Committee has a special role to review the report of the Auditor General.

Senate, the upper house of the Parliament, has equal representation from the federating units balancing the provincial inequality in the National Assembly, where the number of members is based on population of the provinces. The Senate's role is to promote national cohesion and harmony, and work as a stabilizing factor of the federation.

The Senate numbers a total of 104 members including the reserved seats for women and minorities who serve six-year terms which are alternated so that half the senators are up for re-election by the Electoral College every three years. The National Assembly consists of 342 members including the reserved seats for women and minorities.

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

Only the Parliament can amend the Constitution, by two-thirds majority vote separately in each House.

## 2. 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.

However, 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 Senate's membership, which was originally 45, has gradually risen to 104, the last when four seats for minorities were added through the historic 18th Constitutional Amendment in April 2010.

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 October 10, 2002 election completed its Constitutional tenure on November 15, 2007 but it was under the reign of military dictatorship.

After the General Elections in February 2008, the 13<sup>th</sup> National Assembly held its first session on March 17, 2008 and completed its 5 year term on March 16, 2013. In Pakistan's 66 years history it is for the first time that on completion of its Constitutional Term of five years of the 13<sup>th</sup> National Assembly, a civilian government transferring power to another civilian dispensation after the May 11, 2013 elections, which has seen the commencement of the 14<sup>th</sup> National Assembly of Pakistan in May, 2013.

### 3. PARLIAMENTARIAN AS LEGISLATOR

A parliamentarian is expected to play three lawmaking roles:

1. an enactor of effective legislation,
2. an overseer of its implementation, and
3. a communicator with constituents.

Success in the three areas depends on a Member's capacity to undertake the following tasks:

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

#### A. Assess a Bill in the Public Interest:

A Member serves as a “trustee for the public interest” and assesses legislation on the basis of *reason tempered by experience*.<sup>1</sup> To exercise 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 Member must contribute towards enacting effective laws which influence the behavior of government employees and citizens at-large along desired paths. This requires a Member to quickly become familiar with the 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, Members of 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

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<sup>1</sup> Ann Siedman, Robert Seidman, and Nalin Abeysekere, *ASSESSING LEGISLATION - a manual for legislators*, Boston, Massachusetts, February (2003), p.17.



passed into law. Committees empower Members 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 Member'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 of Parliamentary Services (PIPS) as well as seeking opinions of academicians, think tanks and other public policy resources.

**D. Consistently Invite Public Input:**

Members must build and maintain two-way communication channels with the public, including civil society organizations and a Member's constituents. Civil society organizations provide key background information, while one's constituents provide a resource on how laws directly impact a community, providing a perspective necessary to formulate and to oversee legislation. Additionally, a Member must inform constituents of the implications of any new legislation. Consistent communication helps prioritize legislation for a Member.

The success of a parliamentarian in ensuring 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.

#### 4. BUSINESS OF THE HOUSE: LEGISLATIVE CALENDAR AND SESSIONS

##### **Summoning of the Assembly and Annual Calendar of Sessions:**

When the National Assembly is summoned, the Secretary issues a notification to be published in Gazette, stating the starting date, time and place. It is sent to each Member. The government provides a calendar for sessions of the Assembly to the Speaker after the commencement of each parliamentary year.<sup>2</sup> The Assembly is summoned on dates given in the calendar, with the President able to summon the Assembly on a date other than that of the calendar. The Speaker also has the powers to summon a requisitioned session at any time.<sup>3</sup>

##### **Sessions of the Assembly:**

There shall be at least three sessions of the Assembly 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 Assembly shall **meet for not less than 130 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 National Assembly is adjourned.<sup>4</sup>

##### **Days and Hours of sitting:**

The National Assembly shall sit on such days and commence at such hour as the Speaker may direct.

##### **Classes of Business:**

- i. **Government business:** shall include bills, resolutions, amendments and other motions introduced or initiated by a Minister.
- ii. **Private Members' business:** shall include bills, resolutions, amendments and other motions introduced or initiated by private Members.

<sup>2</sup> Sittings of the Assembly and Classification and Arrangement of Business, N.A. Rule 46, P.B. Rule 21, P.K. Rule 20, P.P. Rule 24, P.S. Rule 27

<sup>3</sup> Clause (3) of Article 54, Constitution of Pakistan

<sup>4</sup> Clause (2) of Article 54, Constitution of Pakistan

**Allotment of Time for Transaction of Business:**

In the National Assembly, on 'Tuesdays, 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.<sup>5</sup> The Speaker, 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.<sup>6</sup>

**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 for the next working day.<sup>7</sup>

Prorogation implies suspension of parliamentary session for a later date for continuation of session. In case of a session summoned by the Speaker on requisition of 1/4th of the total membership of the Assembly, only the Speaker

<sup>5</sup> N.A. Rule 57, P.B. Rule 28, P.K. Rule 24, P.P. Rule 32, P.S. Rule 37

<sup>6</sup> Clause (2) of Article 55, Constitution of Pakistan; N.A. Rule 5, P.B. Rule 195, P.K. Rule 201, P.P. Rule 5, P.S. Rule 193

<sup>7</sup> Ibid.

may prorogue it.<sup>8</sup> When the Assembly is prorogued, the Secretary shall issue a notification, which is published in the Gazette.<sup>9</sup>

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<sup>8</sup> Clause (3) Article 54, Constitution of Pakistan

<sup>9</sup> N.A. Rule 4, P.B. Rule 4, P.K. Rule 5, P.P. Rule 4, P.S. Rule 3(2)

## 5. BUSINESS OF THE HOUSE: MOTIONS, NOTICES, POINTS OF ORDER

### A. Matters of Public Importance

The National Assembly allows Members wishing to raise a matter of immediate public importance, present it in writing to the Secretary, three days advance notice on which the matter is desired to be raised.<sup>10</sup> The notice must briefly mention the point/s to be raised with an explanatory note stating the reason for raising discussion. The Speaker may allot, before taking up the last Call Attention Notice, the last half an hour of a sitting on a private Members' day for raising such discussion. There shall be no formal motion or voting on the notice. The Member shall make a short statement to raise the point and minister concerned shall reply. If time permits, Speaker may allow any Member to put a question for the purpose of further explaining the issue.

### B. Adjournment Motions

A Member may move a motion with the Speaker's consent, for the adjournment of normal business of the House to discuss a definite matter of urgent public importance.<sup>11</sup> 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 laid down in the Rule 111 of the National Assembly. The Speaker determines the admissibility of each Adjournment Motion.

#### a. Asking Leave for Motion:

If the Speaker is of the opinion that the matter proposed for discussion is in order, he shall ask the Member if he has the leave of the House to move the motion; and if any objection arises, he shall request the Members 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.

<sup>10</sup> Matters of Public Importance, N.A. Rule 87, P.B. Rule 50, P.K. Rule 48, P.P. Rule 61

<sup>11</sup> N.A. Rule 109, P.B. Rule 70, P.K. Rule 52-A, P.P. Rule 85, P.S. Rule 71

If less than majority of the Members present rise, the Speaker shall inform the Member that he does not have the leave of the House. If a majority of the present rises, the Speaker shall announce that leave is granted, and then, under Rule 113, the motion is taken up before the last Calling Attention Notice for discussion. The time taken on asking leave may not exceed half an hour.

**b. Time of Discussion:**

The discussion takes place for not more than two hours, on such day as the Speaker may fix. Each Member participating in the discussion should not exceed ten minutes in duration. The Member introducing the Motion and the Minister concerned may speak more than ten minutes. Not more than one Motion shall be admitted on one day.

**C. 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 National Assembly* or such Articles of the Constitution as regulate the business of the Assembly and it raises a question which is within the cognizance of the Speaker, and is raised in relation to the business before the Assembly at the moment.<sup>12</sup> The Speaker determines its admissibility, and no debate is allowed on it no matter whether the Speaker may hear the Member before giving his decision.

<sup>12</sup> N.A. Rule 17, P.B. Rule 190, P.K. Rule 216, P.P. Rule 201, P.S. Rule 187

## 6. 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.<sup>13</sup> 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.<sup>14</sup>
- ii. **Private Member's Bill:** Introduced by any Member of the House & passed by simple majority.<sup>15</sup>
- iii. **Constitution 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).<sup>16</sup> It can originate in either House.
- iv. **Money Bill:** A government bill dealing with matters of revenues and expenditures, and it originates in the National Assembly. A copy is transmitted to the Senate which may, within fourteen days make recommendations to the National Assembly. It is the privilege of the National Assembly to pass the bill with or without incorporating recommendations of the Senate.<sup>17</sup>

### Legislative Process: from a Bill to an Act

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

<sup>13</sup> See N.A. Chp on Legislation, N.A. Rules 118-156, P.B. Rules 78-101, P.K. Rules 77-110, P.P. Rules 89-113, P.S. Rules 80-101

<sup>14</sup> N.A. Rule 120, P.B. Rule 80, P.K. Rule 78, P.P. Rule 91, P.S. Rule 82

<sup>15</sup> N.A. Rule 118, P.B. Rule 79, P.K. Rule 77, P.P. Rule 90, P.S. Rule 80

<sup>16</sup> N.A. Rule 156

<sup>17</sup> Article 73, Constitution of Pakistan.

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

**Step 3: Bills Repugnant to Islam:** Such a bill is referred to Council of Islamic Ideology for advice.

**Step 4: 1st Reading - Discussion on**

**Principles of Bill:** The bill is circulated among Members for eliciting their opinion in addition to discussing its principles.

**Step 5: Motion of Consideration** by Member in Charge.

**Step 6: Reference to Committees:** All bills other than the Money Bill stand referred to the concerned Standing Committee or Select Committee for recommendations.

**Step 7: Committee's Recommendation:** 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.

**Step 8: 2nd Reading - Amendments:** One 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 Speaker decides if amendment proposed meets conditions of admissibility.

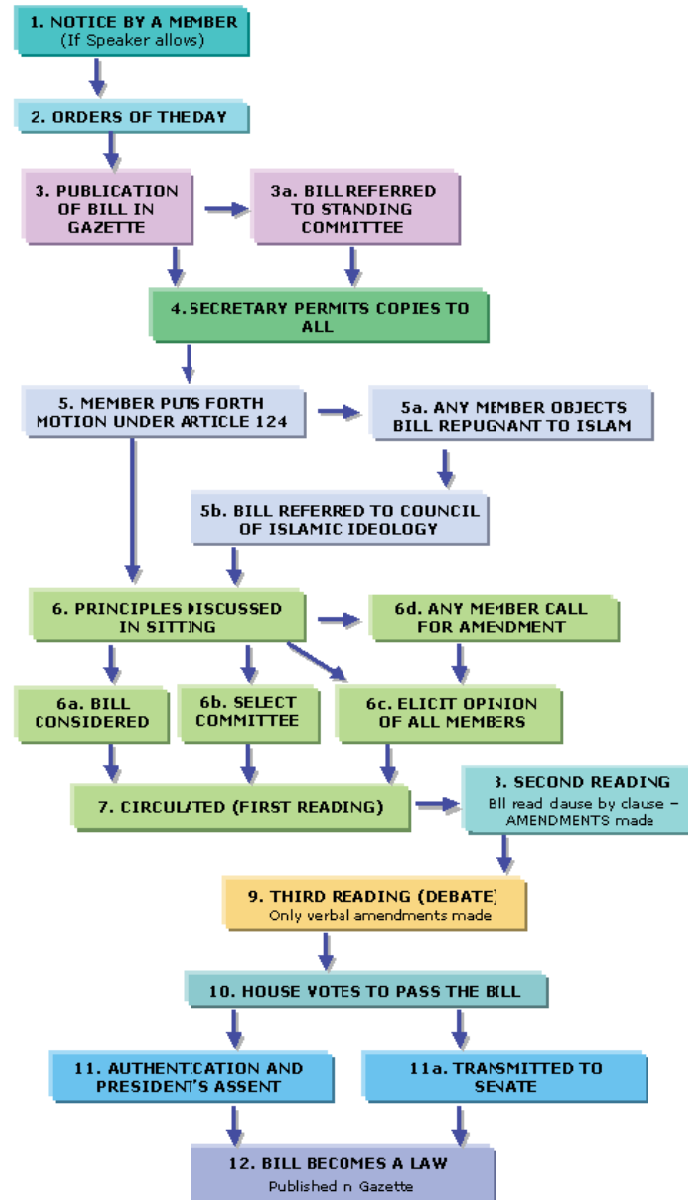
**Step 9: 3rd Reading - Debate:** Members argue on general character of a bill either in support or to reject the bill. It may be noted that only verbal amendments can be moved at this stage.

**Step 10: Vote:** After debate, the Speaker puts the motion for the decision of the House.

**Step 11: Transmission of Bills to Senate:** Once a bill (other than Money Bill) is passed by the House in which it originated, it is sent to the other House. The bill undergoes a similar process of debate and committee scrutiny, and when it is passed, it is sent to the President for assent.



### Legislative Flow Chart:



**Step 12: 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.

**Step 13: Promulgation:** When the President assents a bill, the secretary shall immediately ensure its publication in the Gazette as **an Act of Majlis-e-Shoora**.<sup>18</sup>

**Ordinances:**

The President may promulgate an Ordinance, having the same effect as an Act when the Assembly is not in session. It remains valid for 120 days and it is put forth in both Houses (only National Assembly for Money Bill) for acceptance or rejection within 120 days of promulgation. After the 18<sup>th</sup> amendment in 2010, it can be extended for a period of 120 days only once.

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<sup>18</sup> For Steps 1-13 of Legislative Process, see chapter on Legislation, National Assembly Rules 118-156.

## 7. THE BUDGET IN PAKISTAN: PARLIAMENT'S ROLE

### Definition

The Budget is an important policy document which explains the government's financial plan, elaborating on the proposed expenditure 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”, comprises measures to generate finances through taxes, borrowing, privatization proceeds, etc. The sum of all 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 expenditures.

- i. **Current expenditure** is the allocation of funds for financing the administrative expenditures of the government and amounts for salaries, pensions, utilities, procurement, maintenance etc.
- ii. **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 are cyclical in nature – as soon as one cycle is completed the next begins:

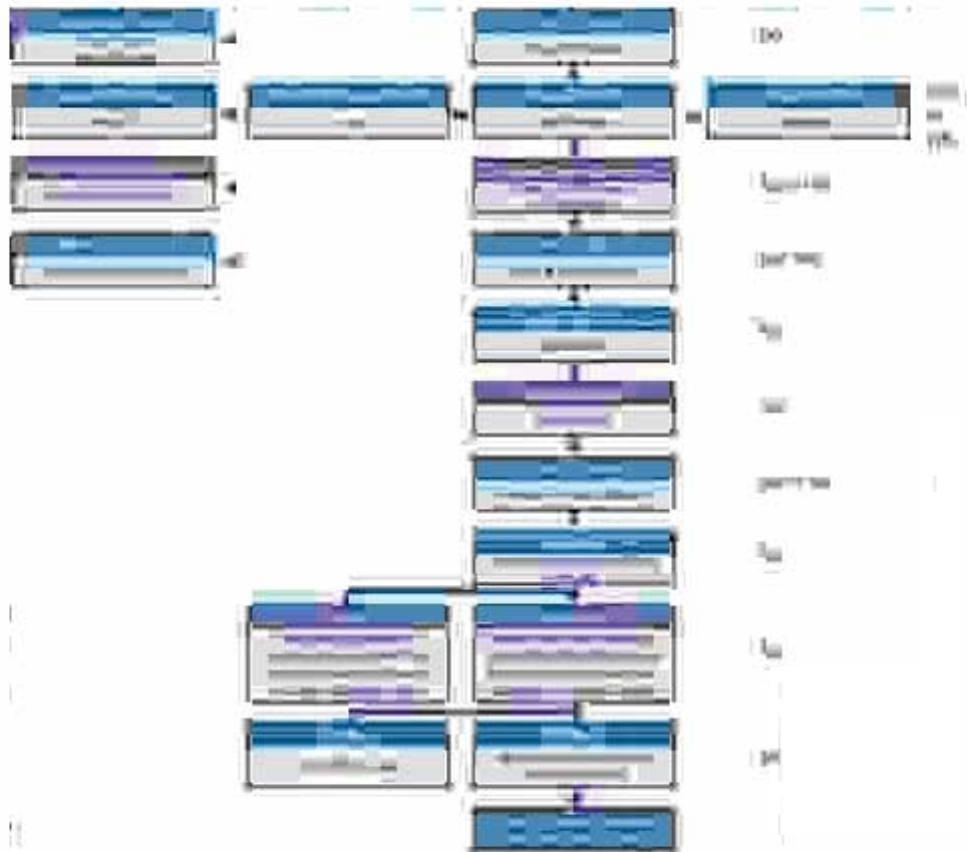
- i. **Formulation** - Preparation of budget proposals by the executive/government.
- ii. **Enactment** - Formal authorization by the Parliament/legislator.
- iii. **Execution** - Implementation to ensure that expenditures reflect the enacted budget.
- iv. **Audit** - Examination and verification of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

### Role of the Legislator

The Money Bill (including the Finance Bill containing the Annual Budget Statement), commonly known as the budget, originates in the National Assembly. The [Majlis-e-Shoora] Parliament is 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.

### Budget Process



At the audit stage, the Public Accounts Committee (PAC) of the National Assembly plays the important role to scrutinize 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.

### Improvements

Recently in 2012-13, the 13<sup>th</sup> National Assembly of Pakistan incorporated an Amendment in Rule 201 of Rules of Procedure and Conduct of Business in the National Assembly 2007 with addition of sub-rule (6) which states as follows:

*“(6) Each Standing Committee shall scrutinize and suggest amendments, if necessary, and recommend Ministry’s Public Sector Development Program (PSDP) for the next financial year before the same is sent to the Ministry of Finance for inclusion in the Federal Budget for the next financial year. Each Ministry shall submit its budgetary proposals relating to Public Sector Development Program (PSDP) for the next financial year to the relevant Standing Committee not later than 31<sup>st</sup> January of preceding financial year and the Standing Committee shall make recommendations thereon not later than the 1<sup>st</sup> March of the preceding financial year:*

*Provided that where such recommendations are not made by the 1<sup>st</sup> March, the same shall be deemed to have been endorsed by the Standing Committee.”*

## 8. PARLIAMENTARY PRIVILEGE

Parliamentary privilege, also known as “absolute privilege”, is a legal mechanism employed within the legislative bodies of countries where 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(6) of the Constitution, “the cabinet together with the Ministers of State shall be collectively responsible to the National Assembly and Senate of Pakistan.”

### Important Parliamentary Privileges<sup>19</sup>

- i. Freedom of speech – nothing should impede the rights of Parliament to speak on behalf of the people.
- ii. The right of Parliament to exclusively regulate its own affairs, free from intervention by government or courts.
- iii. The right to conduct inquiries and require attendance of witnesses.
- iv. The right to retain jurisdiction over its own Members.
- v. 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

<sup>19</sup> N.A. Rules 95-108, P.B. Rules 55-69, P.K. Rules 53-65, P.P. Rules 68-79, P.S. Rules 58-70

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 Assembly.

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.

## 9. QUESTION HOUR IN PARLIAMENT

**Question Hour**<sup>20</sup> is an accountability tool which allows the legislature to hold the executive answerable to the public and make the Members of the Parliament aware of the activities of the ministries and divisions. Members 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 Member can ask a question through a 15-day written notice. 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, (except on Tuesdays in National Assembly)<sup>21</sup>, after recitation from the Holy Quran, and the taking of oath by Members, is available for asking and answering of questions. There is no question hour on private Members day.

### Kinds of Questions:

Each Member may ask two (2) starred and two (2) un-starred questions a day's sitting.

- i. **Starred Question:** It is a question to which a written reply is read out by the minister. The Member who intends to ask a starred question has to distinguish it with an asterisk. When a question has been answered, any Member may ask up to two supplementary questions for further elucidation of the answer, if the Speaker allows as per the admissibility in rules.<sup>22</sup>
- ii. **Unstarred Question:** It is when a written reply is supplied but not read out. After reply by the minister, a Member may ask up to two supplementary questions to elaborate different dimensions of a question and/or its reply.

<sup>20</sup> See Rules & Procedure for N.A. Rules 69-86, P.B. Rules 33-50, P.K. Rules 31-48, P.P. Rules 42-61, P.S. Rules 40-54

<sup>21</sup> N.A. Rule 69, P.B. Rule 33, P.K. Rule 31, P.P. Rule 42, P.S. Rule 41

<sup>22</sup> N.A. Rule 78, P.B. Rule 43, P.K. Rule 41, P.P. Rule 48, P.S. Rule 51



- iii. **Short Notice Questions:** In case of a matter of immediate public importance, a Member may ask a question on shorter notice with consent of the Speaker and concerned minister.
- iv. **Call Attention Notice:** A Member can call attention of a minister to any matter of urgent public importance and the minister may make a brief statement or ask for time to make statement at a later hour or date.<sup>23</sup> In the National Assembly, notice of Calling Attention shall be given one day before the day on which the notice is to be considered.

#### **Notices to Lapse:**

All the notices which have not been taken up at the sitting for which they have been given shall lapse at the end of the sitting.

#### **Translation:**

Members can submit questions in Urdu or English. The Secretariat translates Urdu questions into English before sending them to ministries and divisions. An Urdu translation of replies sent by the ministries and divisions is also arranged for Members.

#### **Admissibility of Questions:**

Within five days from receipt of any notices, the Speaker 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:

- 78 (a) It shall not bring in any name or statement not strictly necessary to make the question intelligible.
- 78 (f) It shall not ordinarily exceed one hundred and fifty words.
- 78 (g) It shall not relate to a matter which is not primarily the concern of the Government.
- 78 (h) It shall not make or imply a charge of personal character.
- 78 (q) i. It shall not contain any reflection on the conduct of the President or a Judge of the Supreme Court or of a High Court.

<sup>23</sup> N.A. Rule 88, P.B. Rule 50, P.K. Rule 52(A), P.P. Rule 62, P.S. Rule 48

- 78 (q) iv. It shall not seek information about matters which are in their nature secret or sensitive.<sup>24</sup>

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<sup>24</sup> For detailed conditions of admissibility, see N.A. Rule 78

## 10. PARLIAMENTARY COMMITTEES IN PAKISTAN

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 are the government ministries. There are also committees established to deal with the internal business of administering parliamentary processes. It is common to set up committees to assist the Parliament in its tasks of reviewing legislation and scrutinizing government activities.

### Types of Committees

- i. **Standing Committees** in the National Assembly correspond to the number of Ministries.
- ii. **The Public Accounts Committee** has a special mandate specifically to oversee the implementation of the State budget by reviewing and acting upon the reports of the Auditor General.
- iii. **Functional Committees** are those that deal with the business of the House (Finance, House and Library, Rules, Privileges, Government Assurances, etc.)
- iv. **Select Committees** may be created on a motion passed by the Assembly to review new and amend existing legislative proposals.

### Membership of Committees:

The Members of all the committees are elected by the respective Houses. Committees comprise parliamentarians both from the ruling and opposition parties, generally reflecting the same proportions of Members in the House. The Minister is the ex-officio Member and remains accountable to the committee.

### Powers of the Committee:

A committee can examine expenditures, administration, delegated legislation, public petitions and policies of the ministry concerned and its associated public bodies. It may forward its report of findings and recommendations to the ministry, and the ministry should submit its reply to the committee. A committee has powers vested in civil court under the Code of Civil Procedure,

1908 (Act V of 1908) for enforcing the attendance of any person and compelling the production of documents.

**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 Chairman may fix the sittings of a committee ordinarily held within the precincts of the Parliament, but meetings and hearings may be conducted in an appropriate off-site location related to the committee's agenda.

**Agenda of the Meetings:**

The meeting date and the agenda for each meeting of the committee shall be determined by the chairman in consultation with the minister concerned.

**Staffing of Committees:**

The Secretary of the Assembly 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.

**\*Joint Sitting:**

When a Bill is rejected or not passed within 90 days by the second House, the Speaker shall refer the Bill to joint sitting for consideration of the Bill. (Rule 155) N.A.

## 11. CONSTITUENCY RELATIONS MANAGEMENT

There are several ways to manage constituency relations, but all have the same goal: to provide a way to receive and respond to constituent requests in a manner that prioritizes urgency and importance, ensures the best use of the Member's time, and provides opportunities to incorporate feedback from constituents in the Member's legislative and oversight activities.

In Pakistan, Members are not given specific allotments to conduct constituency relations, and therefore their ability to do so effectively may be influenced by their available personal and/or political resources. However, different models of Constituent Relations Management that may meet the requirements of Members under these varied circumstances. In any case, in staffing such offices it is preferable to hire people known to the Member, with good communication and technical skills and understanding of the local political situation.

### **Constituency Office Model:**

Having an office in the constituency gives a central contact point for citizens to reach the Member. Whether seeking help with a problem or putting forth a query regarding a legislative issue, citizens need to have access to the elected representative. In urban areas, offices may be shared by several Members. In rural constituencies, it may be necessary to maintain two or three small offices with local area staff or have a "mobile office" with staff that moves from community to community according to a notified schedule.

### **Community Representative Model:**

Some constituencies may be so large or extended that it is most effective to have a Community Representative who operates without an office, but is in regular contact with constituents and the Member.

### **Constituents must know how to reach a Member:**

To effectively use the experience of a Member's own constituents in their general policy-making role, it is not enough for a Member to have an office or representative, but constituents must know that this avenue for communication

with the elected representatives exists, where to go and when. Files of casework performed on behalf of constituents must be maintained for reference.

### **Meeting Constituents and Holding Public Hearings:**

Members must make a calendar of visits, especially to remote areas of their constituency to hold meetings with cross sections of their constituents as well as public hearings (*open kutchery*) which enable Members to have a face-to-face meetings with their constituents.

### **Web sites and e-mail:**

Members worldwide operate several kinds and levels of web sites.<sup>25</sup> A Member's personal web site is a useful tool not only to publicize the achievements and actions undertaken by the Member, but also provides an important means of quick and direct access to constituents. Members with e-mail addresses must check them regularly and respond quickly to queries either personally or delegate this to staff or volunteers. In the latter case, however, the Member must review the collected correspondence regularly.

### **The Legislative Process and the Constituency:**

Beyond providing for an individual constituent's immediate needs, the Members' interactions with constituents should serve to inform. A Member can provide appropriate service to constituents through the legislative process. Private Member bills can address situations affecting a Member's constituency, and benefit others as well. Question Hour can be used to highlight an issue with a particular ministry that affects a constituency. Working with other Members, whether of the same party or in all-party groups with similar issues affecting their constituencies, can result in building good political relations at the Assembly level as well as effectively addressing issues that face constituents.

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<sup>25</sup> John K. Johnson and Robert T. Nakamura, *Orientation Handbook for Members of Parliaments* (2006), p.13.

## 12. 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).<sup>26</sup> The President is one of the three entities comprising the Parliament.<sup>27</sup>

### **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.<sup>28</sup> 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 03 days and no later than 07 days, from the day on which the resolution was moved in the Assembly.<sup>29</sup>

### **Cabinet:**

The Cabinet is headed by the Prime Minister which is collectively responsible to the National Assembly and Senate of Pakistan.<sup>30</sup> The federal ministers and ministers of state are appointed from amongst the Members of parliament (National Assembly and Senate). However, the number of federal ministers and ministers of state, who are Members of Senate, shall not at any time, exceed one-fourth of the number of federal ministers.<sup>31</sup>

### **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

<sup>26</sup> Article 48, Constitution of Pakistan

<sup>27</sup> Article 50, Constitution of Pakistan

<sup>28</sup> Article 91, Constitution of Pakistan

<sup>29</sup> Article 95, Constitution of Pakistan

<sup>30</sup> Article 91 (6) Constitution of Pakistan

<sup>31</sup> Article 92, Constitution of Pakistan

authority of provinces is laid down as per the jurisdiction of provincial assemblies to make laws.<sup>32</sup>

#### **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.<sup>33</sup>

#### **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.<sup>34</sup>

#### **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.<sup>35</sup> 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.<sup>36</sup> 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.<sup>37</sup>

<sup>32</sup> Article 97, Constitution of Pakistan

<sup>33</sup> Article 240, Constitution of Pakistan

<sup>34</sup> Article 243 and 244; Third Schedule, Constitution of Pakistan

<sup>35</sup> N.A. Rule 201, P.B. Rule 135, P.K. Rule 155, P.P. Rule 154, P.S. Rule 134

<sup>36</sup> N.A. Rule 227, P.B. Rule 144, P.K. Rule 180, P.P. Rule 162, P.S. Rule 141

<sup>37</sup> Clause (3) of Article 66, Constitution of Pakistan



### **13. TECHNICAL SUPPORT AT PAKISTAN INSTITUTE FOR PARLIAMENTARY SERVICES**

The Parliament of Pakistan, has proudly accomplished another milestone in its history by establishing the Pakistan Institute for Parliamentary Services, PIPS, which is an exclusive facility that envisions establishing an appropriate forum to equip legislators with modern strategies to perform their representative, legislative and oversight functions effectively.

The Institute is a landmark as it aims to setup an institutionalized system of technical support to legislators that include legislative, research, capacity building and outreach services. PIPS holds elaborate Orientation Programs for the Parliamentarians as well as skill development programs for parliamentary functionaries.

The Pakistan Institute for Parliamentary Services was formally established as an exclusive and independent, first of its kind research and capacity building facility for the parliamentarians, through an Act of Parliament on December 15, 2008. The PIPS Act is a true manifestation of cross party caucusing as the bill saw all parliamentary parties, government and the opposition working together to finally get it through as a consensus Act. In this way, the Pakistani MPs truly own the concept to establish and consolidate PIPS' role in providing quality research and informational services to Members and Secretariat staff of all national and provincial legislatures.

#### **PIPS Board of Governors - reflection of Federation of Pakistan**

The establishment of the PIPS through unanimous support of the Parliament, including all parliamentary parties, reflected the will and vision of not only the Senate and the National Assembly, but also of the provincial Houses of Balochistan, Khyber Pakhtunkhwa, Punjab and Sindh who are all represented by their Speakers in the PIPS Board of Governors. Dr. Fehmida Mirza, former, Speaker, National Assembly of Pakistan, has been the founding President of PIPS Board of Governors.

Honourable Chairman Senate of Pakistan, Syed Nayyar Hussain Bokhari, is presently the President of PIPS Board of Governors, which comprises of Deputy Speaker, National Assembly of Pakistan, Minister for Parliamentary Affairs, Speakers of all four provincial Assemblies, Four Honorable Senators, Eight Respectable Members of the National Assembly; three ex-officio members including Secretaries of Senate and National Assembly and the Executive Director, PIPS, who also acts as the Secretary to the Board of Governors.

### **PIPS Research and Outreach Services**

A prime goal of the institute is to provide non-partisan and expert opinion on a range of subjects, and to help legislators in making informed policies on national challenges. PIPS has so far undertaken around 95 detailed analytical researches in last three years in addition to numerous informational and data requests for the parliamentarians and it has also uploaded its official website at: [www.pips.org.pk](http://www.pips.org.pk); that introduces audience to numerous publications on legislative issues and provides direct access to the parliamentarians to various services offered by the Institute.

### **Capacity Building Services**

The Institute has to date developed modules in 21 areas of parliamentary significance. For the first time in the parliamentary history, PIPS conducted orientation programs for legislators of the Senate, National and provincial assemblies on wide range of parliamentary topics. In a short span till 2013, 295 workshops and orientations have been organized where 5,455 participants, including MPs and Secretariat staff of the Senate, National Assembly and state assemblies as well as journalists covering the Parliament, parliamentary researchers, librarians and members of the civil society organizations working with the Legislatures, attended these programs. In 2012, the Institute commenced its series of National Parliamentary Workshops on key areas like Legislative assessment, drafting, Parliamentary Research, Budget Analysis and Committee Functions involving parliamentarians and functionaries from the National Parliament, four Provincial Assemblies as well as the legislative assemblies of AJK and Gilgit Baltistan.

**PIPS Parliamentarians' Resource Center (PRC)**

The Institute is facilitating a Parliamentarians' Resource Center at the parliamentarians' doorstep, that is, the Parliament Lodges, Islamabad, which is providing seven days a week informational, printing, scanning and internet facility from 0900 am to 1100 pm as well as a meeting room, newspapers and journals for day to day needs. PRC is exhaustively used by parliamentarians in session days.

The Institute is committed to parliamentary excellence and it would go a long way in strengthening the tradition of more informed and efficient National Parliament as well as provincial assemblies.

**Contact:**

Honourable Members are requested to feel free and furnish any technical, research, legislative and capacity building request at:

- i. PIPS Main Campus, Ataturk Avenue (Service Road), F-5/2, Islamabad (92-51-9091309, 9091316, 9091320) and/or
- ii. PIPS-PRC (92-51-9208412), Training Facility, Block B and D, Parliament Lodges, Constitution Avenue, Islamabad and/or
- iii. Email at: [research@pips.org.pk](mailto:research@pips.org.pk) or [training@pips.org.pk](mailto:training@pips.org.pk) or [parlrc@pips.org.pk](mailto:parlrc@pips.org.pk)

## 14. PARLIAMENTARY COMMITTEE PUBLIC HEARINGS

### An Introduction to Parliamentary Committee Hearings

A parliamentary committee hearing is a formal session held by a committee to seek assistance in its examination of matters under its review through the acquisition of information on those matters from individuals who are not members of the parliament.

A committee hearing may focus on the receipt of information on a particular piece of legislation that has been referred to the committee, on an issue that falls within the committee's jurisdiction, or on parliamentary oversight of the government through examination of the effectiveness of a particular government program or of the performance of a ministry in carrying out its responsibilities.

Committee hearings are conducted in two distinct formats.

- **Invitation-Only Hearings:** In invitation-only hearings, a committee receives selected testimony or evidence from invited experts who are called to appear before it to provide information on issues under consideration or from ministry or cabinet officials who appear to explain and defend agency activities and record. The committee receives testimony only from those specially invited to address it.
- **Public Hearings:** In public hearings, committees do not restrict the receipt of evidence to invited experts. Instead, interested citizens are allowed to address the committee members without personal invitation. In a few parliamentary and legislative bodies, any interested citizen is allowed to address the committee, while in others testimony is limited to representatives and spokespersons of groups and organizations that have a special interest and concern in the subject matter of the hearing.

Public hearings have two primary purposes. First, they offer interested citizens - in some cases, even those who may or may not be expert or professionally knowledgeable about the subject matter of the hearing - an opportunity for direct input into the parliamentary process. Second, they provide for a dialogue

and an exchange of ideas and views between parliamentarians and their constituents on issues that are before the parliament.

Committee's public hearings can help a Parliament and its committees to more effectively perform their responsibilities in several ways.

- **Information.** Committee hearings provide a valuable source of information for members of the parliament on matters under its review and consideration. Accurate and thorough information is critical to effective parliamentary decision-making. The Honourable Members cannot possibly be experts in every matter that is under review by the parliament. The more information that the members have on issues, they are more likely to make decisions that serve the best interests of the people. Even if the parliament has good internal and analytical and information-gathering resource support, outside information and input is necessary and helpful to members in their deliberations and decision-making. Committee hearings enable the parliament to gather valuable information and insights from all perspectives on proposed legislation or other matters under parliamentary review. This information helps members to gauge the degree of public support for and against an issue.
- **Publicizing Parliamentary Activities.** Committee hearings can also help the parliament to publicize matters under its review. They provide the parliament with an opportunity to inform and educate the public about issues under its consideration and review. Citizens are better able to understand and appreciate the complexity of issues under consideration in their parliament when they are well-informed concerning the arguments for and against those issues.
- **Oversight of the Government.** Committee hearings can be a highly effective means of government oversight and accountability. The right and ability of a committee to call ministers and other government officials to appear before it and explain and defend their decisions and policies can be a very effective means of holding government officials accountable for decisions and performance.

- **Establishing “Linkage” Between The Parliament and the People.**

Committee hearings help to build a *linkage* between the parliament and the people. The establishment of such a linkage builds public confidence in and support for the parliament, and helps to legitimize it as the representative assembly of the people. Such support and legitimization are critical to the construction of a solid foundation for a sustainable democracy.

Committee hearings make the parliamentary process more *transparent* and help to educate the public about how parliament operates.

Public hearings in which evidence is received from any interested citizen provide the people with their only opportunity for direct input into parliamentary decision-making and public policy development.

There are distinct benefits that a committee and the full parliament can derive from invitation-only and from public hearings.

1. **KNOWLEDGE IS POWER - MORE INFO:** By focusing on the receipt of information from selected experts, invitation-only hearings can be arguably the most valuable information-gathering tool for any parliament or legislature. But invitation-only hearings have a more limited value to the parliament than do public hearings in terms of helping it to reach out to the public and actively engage it in the parliamentary process on a broad basis.
2. **REPRESENTATION AND LINKAGE WITH PEOPLE:** Public hearings enable parliamentarians to build a more extensive linkage and connection with the people they represent. Public hearings enable more citizens to participate in the parliamentary process by speaking directly to the members of a committee about matters under its consideration. This helps to build a linkage between the people and their parliament by generating a feeling among citizens that their elected representatives are genuinely interested in hearing their thoughts and viewpoint.

## GLOSSARY OF PARLIAMENTARY TERMS

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**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 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 Assembly<sup>38</sup> 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;

**Attorney General** - the government's Chief Legal Advisor who represents it in

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<sup>38</sup> 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.

Court of Law;

**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 Houses; 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;

**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;

**Friendship Groups** - A group of parliamentarians formed for participation in various parliamentary fora of international character and presenting Pakistan's point of view on various issues. The Assembly has established parliamentary friendship groups, on a reciprocal basis, with numerous parliaments of the world whereby parliamentary delegations from and to other countries interact on regular basis to discuss best practices on areas of mutual concern. Friendship Groups are recognized the world over as credible means of Track II diplomacy for maintenance of peace and prosperity;

**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, 1/4<sup>th</sup> 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;

**Raising a matter which is not a point of order:-** (1) The Speaker may allot last half an hour of every sitting except on Fridays for raising a matter which is not a point of order. The member shall be permitted to raise it, only after the Speaker has given his consent and at such date as the Speaker may fix. A similar provision exists in the Senate of Pakistan referred to as Zero Hour;

**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; in addition to maintenance of security of the Assembly Hall and Committee Rooms as well as Visitor's Gallery and moment within the Assembly premises;

**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.



## EDITORS' PROFILE

### **Muhammad Maqool Khan**

Mr. Muhammad Maqool Khan has more than 10 years working experience in Research and Media with significant knowledge of security situation in Pakistan especially FATA & KPK. Presently he is holding the position of Research Associate (Research & Analysis) in PIPS.

Earlier he has worked as a Political Advisor (June 2006 – April 2012) at the Embassy of Japan, Islamabad. Mr Maqbool has also worked in different NGOs. He has contributed various research papers in the journal of international repute. Some of his publications are: Pakistan's Nuclear Programme: Political and Strategic Dimensions, Violence against Women in FATA, Waziristan Enigma: A Critical Perspective, Geopolitics of FATA after 9/11 and FATA under FCR. He has been contributing articles to Monthly Hilal (Rawalpindi).

He holds Master degrees in International Relations and Political Science as well as M.Phil. in International Relations. He is also enrolled in Ph.D. programme at the Area Study Centre (Central Asia), University of Peshawar.

### **Muhammad Faisal Israr**

Mr. Muhammad Faisal Israr is presently the Senior Research Officer (Strategic Issues/IR) at the Pakistan Institute for Parliamentary Services, who is also one of the key members of Institute's Research Wing, which undertakes development of publications and outreach. Mr. Muhammad Faisal Israr has conducted various research papers for parliamentarians in 2012-13.

Mr. Israr has multi-facet experience of 10 years in the field of Financial Services at Saudi Pak Investment Company, IGI Investment Bank, Askari Bank, JS Investments, Deutsche Bank - encompassing Capital Markets, Investment & Commercial Banking, Mutual Funds, Credits and Policy Making. He served as Saudi Pak's nominee director on the Board of Japan Power Generation Ltd.

He attended courses/ training programmes at national level in Six Sigma, SAP, Business Continuity Management Fundamentals, Fund Management, Financial & Investment Decision-making from accredited institutes. At international level

he participated in International Training Programme for Securities Market Professionals 2007 organized by South Asian Federation of Exchanges.

Mr. Muhammad Faisal Israr is a graduate and Masters in Business Administration with specialization in Finance from Institute of Business Administration, Karachi. He imparted trainings and served as Instructor, Teaching Assistant, Grader for various courses.

Mr. Israr is the Editor InCharge of Research and I.T. Wing of the Pakistan Institute for Parliamentary Services for its manuals and readers on various parliamentary topics.



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