



PROVINCIAL ASSEMBLY OF THE PUNJAB AN INTRODUCTION





QUAID'S QUOTE

"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.
Karachi, August 11, 1947

1. WHAT DOES THE PROVINCIAL ASSEMBLY OF THE PUNJAB DO?

The role of the Provincial Assembly of the Punjab is to:

- **make and unmake provincial government (executive) from its members**
- **make new laws for the province of Punjab/amend/ repeal old laws**
- **hold provincial government to account**

- **pass budget for the province of Punjab**
- **debate on issues of public importance**
- **represent people**

Provincial Assembly of the Punjab is a place where members represent constituents' opinions, discuss issues of public importance and call on government to explain its actions. The Provincial Government of Punjab cannot impose new taxes without the approval of the Provincial Assembly.



2. WHO WORKS IN THE PROVINCIAL ASSEMBLY OF THE PUNJAB?

The Provincial Assembly of the Punjab is made up of 371 Members who are elected by the people of the province of Punjab to represent them. The minimum age required to become a Member of the Provincial Assembly is 25 years.

Directly elected members of the Provincial Assembly represent different areas (constituencies) in Punjab. The presence of Members from different constituencies ensure that whole province of Punjab has representation in the Assembly. Besides the 297 general seats, 66 seats are reserved for women while 8 seats are reserved for non-Muslim members.

As an elected representative of his or her constituency, a Member (MPA) voices concerns on behalf of constituents and represent their point of view in the House. The Members also pass new laws to address the concerns of their constituents.

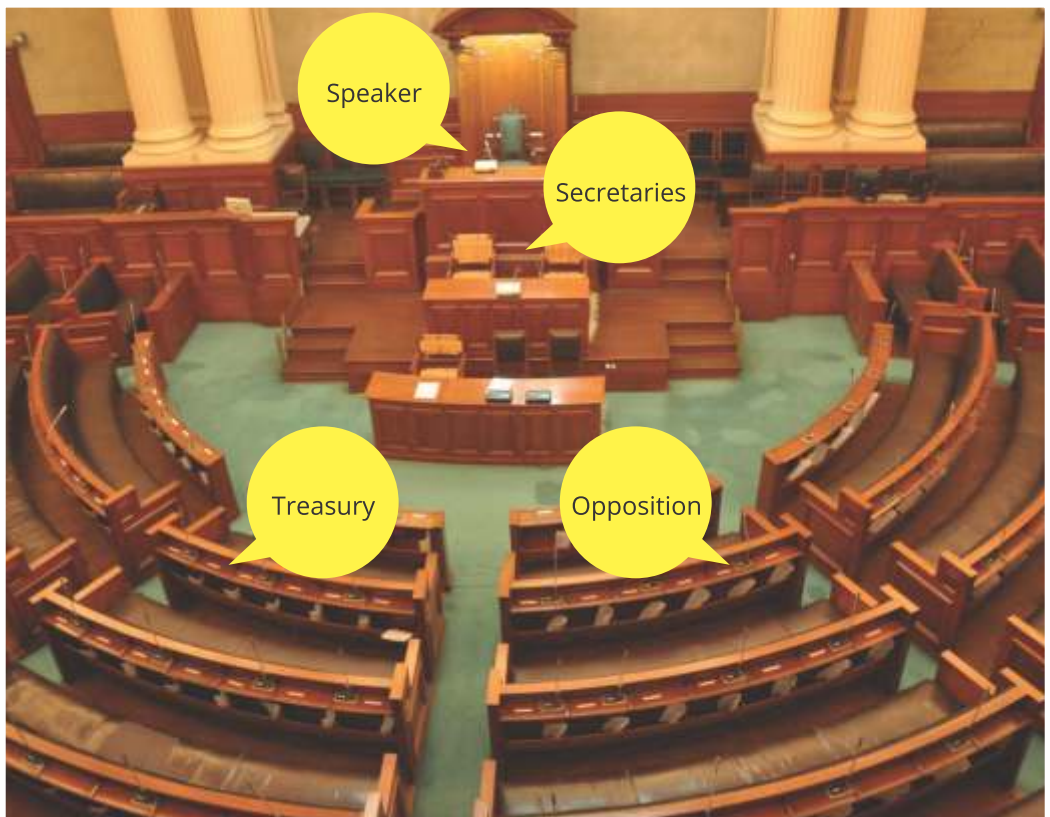
The voters have right to choose their Members of Provincial Assembly in general elections, which take place after every five years. However, the seats reserved for women and non-

Muslims are allocated on the basis of party lists. The members elected on reserved seats can be from any part of the province.

2.1 PROVINCIAL ASSEMBLY BUILDING AND HALL / CHAMBER

The building of Provincial Assembly of Punjab, built on Shahrah-e-Quaid-e-Azam, (The Mall) Lahore, is not only a marvelous piece of Roman architecture, but is also one of the historic buildings of the country. It was designed by Mr. Bazel M Salune, Superintendent Architect, Architecture Circle Punjab. Its foundation stone was laid down on November 17, 1935 by Sir Jogindra Singh, and it was completed in 1938. The building and adjoining land is spread over the area of 16 acres. The building has two floors. On the ground floor, there is a wide reception area, cafeteria, library, office of the leader of opposition, one Committee Room, offices of the Assembly Secretariat. The first floor consists of Chief Minister's Chamber, Speaker's Chamber, Deputy Speaker's office, Conference Room, Offices for Ministers, two Committee Rooms and offices of Secretariat staff.

The hall or chamber of the House is situated at the first floor of the present building. It



presents a rare admixture of grandeur and beauty. It has two chambers; the lower chamber, having a capacity of 271 seats, is meant for conduct of the business of the House and the upper chamber, with a capacity of 200 seats, contains galleries for the media including radio and TV as well as visitors for witnessing the proceedings of the House,. The hall is fitted with the public address and CCTV system.

It was originally constructed for small number of members; however, in the year 2002, the

membership of the Assembly was increased to 371 Members; hence, the existing Hall became insufficient to accommodate these Members. As stopgap arrangement, a portion of the visitor's gallery and press gallery was, therefore, declared as part of the House to accommodate additional members reducing the capacity of press and visitors' galleries from 200 to 100. Now the members, attending Session of the Assembly, are seated in two separate chambers, situated on two floors.

After increase in the membership of Assembly in the year 2002, and the expected consequential increase in the staff of the Secretariat as well as to provide additional office accommodation to the Ministers and their Staff, it was planned in the year 2005 to build an additional Assembly building. The construction started in the year 2006 and is in progress. In order to maintain the grandeur of the historic present building, it was decided that the additional building would

be a true replica of this present building. As per plan, there are three floors and a basement; 40 rooms for Ministers at basement and ground floor; Chief Minister's office, Secretary's office and Committee rooms at 1st floor; cafeteria and the offices of Speaker, Deputy Speaker and Leader of the Opposition on the second floor.

3. WHAT IS THE PROVINCIAL GOVERNMENT OF PUNJAB?

The Constitution of the Islamic Republic of Pakistan provides that the Provincial Government means the Chief Minister and Provincial Ministers¹. After every general election, the Chief Minister is elected by votes of majority of total membership of the majority². The Chief Minister is also the Leader of the House of the Provincial Assembly of Punjab.

After the election of the Chief Minister, the Provincial Ministers are appointed from the Members of the Provincial Assembly. Each Provincial Minister is responsible for the performance of the government department allocated to him. Under the Constitution, the Cabinet is collectively responsible to the Provincial Assembly³.

¹ Article 129

² Article 130 (4)

³ Article 130(6)

4. WHY DO LAWS NEED TO CHANGE?

Law is a system of binding rules that regulates the behavior of human beings. However, it is wrong to assume that laws once passed cannot be amended or changed. The changing needs of the society triggers the need for passage of new laws or to introduce amendments in the existing laws. Factors such as changes in social trends and norms, new technologies and emergency situations may require changes in the existing laws.

The changes in laws may either be proposed by the treasury (government) benches or by the members sitting in the opposition. Private Members (members other than Ministers and parliamentary secretaries) can initiate a new legislative proposal, also termed as a bill.

Changes in laws may be steered by various interest groups such as businesses, medical professionals, civil society representatives, legal experts etc. The authority to make new laws in the province of Punjab rests with the Provincial Assembly of the Punjab.



**MAKING OR
CHANGING THE LAW**

5. BILLS AND ACTS OF THE PROVINCIAL ASSEMBLY OF PUNJAB

A motion for making a law is called a Bill. If the Punjab Assembly passes a Bill it becomes an Act. An Act is a law that must be enforced by the government and is applicable to everyone residing in the province of Punjab.

When a bill is introduced by the government it is called a Government Bill, while the bill moved by any member who is either in opposition or is not a minister is known as a Private Member Bill. A Bill may be related to any public issue such as finance, safety, healthcare, education etc. The process of initiating bill to an Act (law) is prescribed in the Rules of Procedures of the Provincial Assembly of Punjab.

6. HOW DOES A BILL BECOME AN ACT?

Introduction: Once a Bill is introduced in the Provincial Assembly of the Punjab, the Speaker refers it to the concerned Standing Committee. A Finance Bill is not referred to any Committee. After receiving the report from the Standing Committee, a Bill may be considered at once or it may be circulated to seek feedback on its provisions.

i. First Reading of the Bill:

Upon its consideration by the Assembly, the principles and general provisions of a Bill are discussed. This is called first reading of the Bill. The provisions of a Bill are not debated in detail at this stage. The primary purpose of first reading is to ascertain whether the Assembly is interested to consider the Bill further or not.⁴

ii. Second Reading of the

Bill: In the next stage, the Assembly examines a Bill clause by clause. This is called second reading of the

Bill. During this stage, any member of the Assembly may suggest amendments in the Bill. Each clause of the Bill is read and put to vote of the Assembly.⁵

iii. Third Reading of the Bill:

After clause by clause reading of the bill and voting on it, a motion is introduced by the Minister (in case of Government Bill) or concerned Member (in case of Private Member Bill) that Bill be passed. If majority of the members votes in favour of the Bill, it is passed by the Assembly.⁶

Assent and Publication: After a Bill is passed by the Provincial Assembly of the Punjab, it is transmitted to Governor Punjab for his assent. When the Governor gives his assent, the Bill becomes an Act of the Assembly and is published in the official Gazette by the Assembly Secretariat.⁷

⁴ PAP Rule 98

⁵ PAP Rule 101

⁶ PAP Rule 109

⁷ PAP Rules 111-112

Step 1

Introduction of Bill
in the
Assembly

Step 2

Bill Referred to the
Standing
Committee

Step 3

First Reading of the Bill

Discussion on general
principles of the Bill

Step 4

Second Reading of the Bill

Clause by Clause
Reading and Voting

Step 6

Assent by the Governor

After this assent a Bill
becomes an Act

Step 5

Third Reading

Motion for passage
of Bill

**LAW MAKING PROCESS
AT A GLANCE**

7. HOLDING GOVERNMENT TO ACCOUNT

Transparency and accountability are two important cornerstones of democratic governance. The primary responsibility of holding government to account rests with the legislature. It is one of the key functions of the Provincial Assembly of the Punjab to exercise oversight over the provincial government to ensure that the government is functioning efficiently. By holding government to account, the Provincial Assembly also keeps a check on the abuse of authority

by government departments. The Members of the Provincial Assembly of Punjab can exercise their oversight powers through several parliamentary tools such as

- a. **Question Hour,**
- b. **Calling attention notices,**
- c. **Adjournment motions,**
- d. **Zero Hour, and**
- e. **Resolutions**



**PARLIAMENTARY
QUESTIONS**

7.1 QUESTIONS

Parliamentary questions are the most commonly used tools of oversight and scrutiny. Questions Hour 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 government departments and ministries/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. Questions are asked from the one who is competent to answer them, in the case of legislature, any Member of the House can ask a question from the Minister concerned.

Types of Questions

Parliamentary questions are of two kinds:

- i. **Starred Question:** A starred question is the one in which the member asking the question desires an oral answer from the Minister on the floor of the House. When a starred question has been answered, a Member may

ask supplementary questions for further clarification of the answer. A member who desires to ask a starred question must distinguish it with asterisk (*) sign. A Member may ask 2 starred questions in a day's sitting.

- ii. **Un starred Question:** A question that only requires written reply from Ministers is known as an unstarred question. No supplementary questions can be asked in respect of unstarred questions. Usually, the questions that require detailed information in form of facts and figures, or the replies of which are likely to be lengthy fall within the category of unstarred questions. A Member may ask 5 unstarred questions in a day's sitting.

Procedure for Asking Questions

The first hour of every sitting (except a Saturday or a Sunday) in the Provincial Assembly of Punjab is reserved for asking questions.⁸ The Member who intends to ask question must give a fifteen days prior written notice to the Speaker.⁹ The

⁸ PAP Rule 42

⁹ PAP Rule 43

purpose of questions is to obtain information on a matter of public concern,¹⁰ and the office of the Speaker decides on the admissibility of the question ensuring that question asked is intelligible and concise, relevant to government's jurisdiction; does not imply a charge of personal character or any confidential matter.

7.2 CALLING ATTENTION NOTICES

A Calling Attention Notice is another effective tool for making the government accountable to the Assembly. Calling Attention Notices are meant to draw the attention of government to matters of urgent public importance. According to the Rules of Procedure of the Provincial Assembly of Punjab, a Calling Attention Notice means a notice through which a special question in relation to law and order may be raised.¹¹ A Member of the Provincial

Assembly of Punjab may call the attention of the Chief Minister to any matter that pertains to law and order situation in the Province. No debate is permitted on such questions. A maximum of 2 calling attention notices can be included in a sitting.¹²

7.3 ADJOURNMENT MOTIONS

It is a special motion that calls for suspension of the business of Assembly to discuss a matter of urgent public importance.¹³ The adjournment motion can be introduced after getting permission from the Speaker. A member cannot move more than one adjournment motion during a sitting. An adjournment motion can only be discussed if one-sixth of the total membership of the Assembly, grants leaves to discuss it.¹⁴ During the debate on an adjournment motion the speech of a Member should not exceed ten minutes.¹⁵

¹⁰ PAP Rule 46

¹¹ PAP Rule No. 62

¹² PAP Rule No. 64

¹³ PAP Rule No. 80

¹⁴ PAP Rule No. 84A

¹⁵ PAP Rule No. 88

7.4 ZERO HOUR

In order to facilitate the members to raise issues of urgent public importance a new parliamentary tool was introduced in the Rules of Procedure of the Provincial Assembly of the Punjab, 1997 in February 2016.¹⁶

The last half an hour of a sitting shall be utilized as Zero Hour. Not more than one notice of a Member shall be entertained. The Member shall not speak for more than five minutes while raising the matter. If two or more notices are received for zero hour from two or more Members, the Speaker shall decide the order in which such notices shall be taken up for discussion. A Member may give a notice in writing, regarding matters of urgent public importance relating to the government, to the Secretary before one hour of the commencement of a sitting.

The Minister or the Parliamentary Secretary concerned may respond to the matter. If the Minister or Parliamentary Secretary are not present, the Speaker may fix a date for reply.

7.5 RESOLUTIONS

As per the Rules of Procedure of the Provincial Assembly of Punjab, a Minister or a Member of the Assembly is entitled to move a resolution to highlight a matter of general public interest.¹⁷ The member who is interested to move a resolution can do so by giving a notice of 14 days before introducing the resolution.¹⁸ The resolution is in form of a declaration of opinion, for conveying a message or to urge or request the government to take an action. While the mover of the resolution may speak for 20 minutes, a 10 minute speech on a resolution can be made by other Members.¹⁹ The House adopts of otherwise a resolution.

¹⁶ PAP, Ch.XII-A.

¹⁷ PAP Rule No. 114

¹⁸ PAP Rule No. 115

¹⁹ PAP Rule No. 123

7.6 COMMITTEES OF THE ASSEMBLY

The Provincial Assembly of Punjab has provision of having cross party committees.

i. **Standing Committees** correspond to the number of departments.²⁰

ii. **Public Accounts Committees** have the mandate to oversee the implementation of the Provincial budget by reviewing and acting upon the reports of the Auditor General. Under the Rules of Procedure, two Public Accounts Committees are constituted in the Provincial Assembly of the Punjab.²¹

iii. **House Committee** deals with the questions relating to residential accommodation for members of the Assembly.

iv. **Committee on Privileges** examines every question of privilege referred to it and determines with reference to the facts of each case whether a breach of privilege is involved and make such recommendations as it may deem fit.

v. **Committee on Government Assurances** scrutinizes the assurances, promises and undertakings given on the floor of the Assembly, by a Minister or a Parliamentary Secretary during the term of the Assembly.

vi. **Finance Committee of the Assembly;** the expenditure of the Assembly and its Secretariat is controlled by the Assembly on the advice of the Finance Committee.

²⁰ PAP Rule No. 148

²¹ PAP Rule No. 176

Scrutiny by Standing Committee

World over Committees are expected to monitor the performance of Government or closely look into a matter and assist the Assembly in performing its tasks. Committees are instrumental in dealing with the complex, varied and demanding nature of business of the House.

The role of committees in the provincial assemblies is expected to expand in the aftermath of the 18th Constitutional Amendment, which devolved around 17 departments/ministries to the provinces whose cabinets are collectively responsible to the legislature.

As per Rules of Procedures of the Provincial Assembly of the Punjab, the committees are asked to examine a draft Bill and subject or matter referred to it by the Assembly. The committee can propose amendments in the Bill. The reports of the committees are submitted in the House. However, if the committee fails to submit its report within prescribed time, the House can proceed upon a motion by any Member or Minister concerned.



**PUBLIC
SPENDING**

8. BUDGET AND FINANCIAL POWERS OF THE PROVINCIAL ASSEMBLY OF PUNJAB

Budget is an important policy tool of the government that provides a comprehensive plan regarding proposed expenditures and the means to generate income. Budget translates a Government's policies, political commitments and goals into decisions. Such decisions include the modes of raising revenue, and using these funds to meet the country's urgent needs. The Constitution grants a pivotal role to Parliamentary bodies in the budget making process. The members of a legislature have a duty to scrutinize the budgetary proposals forwarded by the government. Through passage of budget, the legislature grants authority to Executive to raise revenues to finance the delivery of public services.

Under the Constitution, the Provincial Government is bound to present budget in form of statement of receipts and expenditures of the Provincial Government each year.²² The Annual Budget Statement should separately indicate two types of expenditures:

- 1. Expenditures Charged on Provincial Consolidated Fund**
- 2. Other Expenditures (Uncharged)**

Provincial Consolidated Fund

In order to comprehend the budgetary process, it is important to understand the Provincial Consolidated Fund. Provincial Consolidated Fund comprises of following:

- 1. All revenues received by the Provincial Government**
- 2. All loans raised by the Provincial Government**
- 3. Amounts received by Provincial Government in repayment of any loan²³**

Expenditure Charged on Provincial Consolidated Fund

Expenditures that are charged on Provincial Consolidated Fund include the remunerations of the Governor, Judges of the High Court, Speaker and Deputy Speaker, administrative expenses of the High Court and Secretariat of the Provincial Assembly, and any other amount which the

²² Article 120

²³ Article 118

Provincial Assembly declares to be charged. The Provincial Assembly may discuss the expenditure charged on the Provincial Consolidated Fund but it cannot vote on it.²⁴

Uncharged or Voted Expenditure

The expenditure other than charged expenditure is presented before the Provincial Assembly in form of demand for grants. The Assembly has the power to endorse or refuse any such demand. The Assembly can vote on the uncharged expenditure.²⁵

Pre-Budget Discussion

The Rules of Procedure of the Provincial Assembly of Punjab imply that it is the duty of the government to seek proposals from the Members for the budget. This discussion is held in the Assembly during the months of January to March each year. The Members of the Provincial Assembly of Punjab have the right to give their recommendations on budget to the government.²⁶

How Budget is Passed?

The Finance Bill containing the Annual Budget Statement is presented in the Assembly by the Minister of Finance. The Members participate in a general discussion on the Budget. In general discussion, the Assembly deliberates on the budget as a whole. The allocations made to various departments are discussed during this stage. After discussion, there is voting on demand for grants and also on motions for reduction, termed as cut motions.

Cut Motions

A cut motion is a motion moved by a Member of Assembly to reduce the amount of a particular demand for grant. All cut motions on demand for grants are discussed and voted upon by the Members of the Assembly.

Types of Cut Motions ²⁷

- i. Disapproval of Policy Cut: The motion that calls for reduction in the amount of the demand to be reduced to Re. 1 is called Disapproval of Policy Cut. This motion

²⁴ Article 120

²⁵ Article 118

²⁶ PAP Rule No. 133-A

²⁷ PAP Rule No. 140

reflects disapproval at the policy that gave rise to the demand for grant.

- ii. **Economy Cut:** The motion that requires that the amount of demand should be reduced by a specified amount is known as Economy Cut. This motion is moved when a Member believes that the amount specified for a particular demand is not justified and should be reduced to a specific level.
- iii. **Token Cut:** A motion that requires the amount of demand to be reduced by Rs. 100 is called Token Cut. The purpose of this motion is to bring on record a specific grievance with the Government that may include unsatisfactory performance of department/institution concerned.

Constitutional Forums for matters pertaining to Federation and Provinces:

Under the Constitution of Pakistan, specific forums have been created to regulate matters of mutual interest between the Federation and the provinces.

These include Council of Common Interests, National Economic Council and National Finance Commission.

National Finance Commission (NFC):

The President of Pakistan constitutes the Commission comprising Minister of Finance of the Federal Government, the Minister of Finance of provincial governments and any persons as may be appointed by President in consultation with the Governors of the Provinces. It is a constitutional body which recommends regarding distribution of revenues between the federal government and provinces for five consecutive years. The Constitution requires the NFC to make recommendations for a revenue sharing formula known as the NFC Award. Currently, a province's share can't be less than the share given to the province in previous award. The recommendations of the NFC shall be laid before both Houses and the provincial assemblies. The Minister of Finance of the federal and provincial governments monitor the award's implementation biannually and lay their reports in both Houses of the Parliament and all provincial assemblies.²⁸

9. WANT TO KNOW MORE?

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