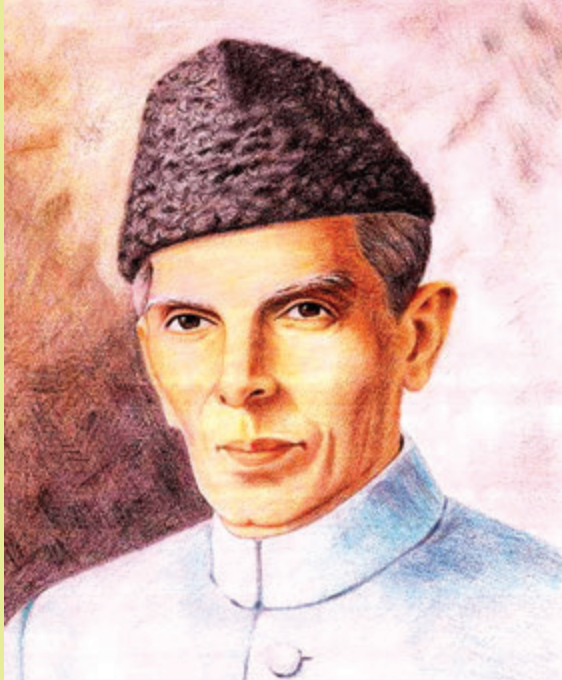




PROVINCIAL ASSEMBLY OF THE SINDH AT WORK



The 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. The first observation that I would like to make is this: You will no doubt agree with me that the first duty of a government is to maintain law and order, so that the life, property and religious beliefs of its subjects are fully protected by the State.”

Quaid-e-Azam Muhammad Ali Jinnah

Presidential Address to the Constituent Assembly of Pakistan.
Court Road, Karachi, August 11, 1947



SPEAKER

OPPOSITION

Secretaries

TREASURY

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

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

- i. represent people's will viz a viz their aspirations especially needs of masses
- ii. provide provincial government (executive) from amongst its Members
- iii. make new laws for the province of Sindh/amend/repeal old laws

iv. Oversight of the Executives' policies, service delivery and public spending to scrutinize if they are effective, efficient and optimally utilize precious public resources

v. authorize, scrutinize and approve budget

vi. debate on issues of public importance

The Provincial Assembly of the Sindh 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 Sindh cannot impose new taxes without the approval of the Provincial Assembly.

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

The Provincial Assembly of the Sindh has 168 Members who are elected by the people of the province of Sindh to represent them.¹ The minimum age required to become a Member of the Provincial Assembly is 25 years.

According to Article 106 of the Constitution of the Islamic Republic of Pakistan, 130 Members are elected on general seats to represent different areas (constituencies) in Sindh, which ensures that whole province has representation in the Assembly. Besides the general seats, 29 seats are reserved for women while 9 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 historic building of Provincial Assembly of Sindh, located at the Court Road, Karachi, has the unique distinction that its old Sindh Assem-



¹Article 106, Constitution of Islamic Republic of Pakistan

bly Chamber hosted the momentous inaugural session of the Constituent Assembly of Pakistan on 10th August, 1947 on eve of creation of the new country on 14th August, 1947.

The father of the Nation was elected as the first President (Speaker) of the first Constituent Assembly/National Assembly of Pakistan where he made the inaugural 11th August, 1947 speech and was conferred the Prefix of the Quaid e Azam through a majority resolution on 12th August, 1947 respectively. The Foundation stone of the historical Sindh Assembly building was laid down by His Excellency Sir Lancelot Graham K.C.S.I., K.C.I.E., I.C.S., Governor Sindh, in March 11, 1940.

central portion, is curricular in shape. It has the seating capacity of 82 members, 213 visitors and 44 press representatives. Recently, the Provincial Assembly of Sindh has added a state of the art new Chamber (first session held on June 24, 2014) which can accommodate up to 350 MPAs.

It is well equipped with modern audio-video gadgets and IT support for facilitation. The building has three floors apart from basement and ground floor. There are Chambers for Speaker, Deputy Speaker, Leader of the House/Chief Minister and 25 offices for Ministers and Leader of Opposition, as well as four Committee Rooms and an Auditorium of 250 seats. The new Chamber has 100 seats for press representatives and



His Excellency Sir Hugh Dow, the Governor of Sindh inaugurated the Sindh Assembly building on March 04, 1942. According to design, the two-story building is "E shaped." The Assembly Hall, located in the

744 seats for visitors. The historic old chamber has been preserved in its original shape that now hosts interaction of leading political figures with students and civil society.



3. WHAT IS THE PROVINCIAL GOVERNMENT OF SINDH?

The Constitution of the Islamic Republic of Pakistan provides that the Provincial Government means the Chief Minister and Provincial Ministers.² After every general election, the Chief Minister is elected by votes of majority of total membership of the majority.³ The Chief Minister is also the Leader of the House of the Provincial Assembly of Sindh.

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 Assembly.⁴

²Article 129

³Article 130 (4)

⁴Article 130(6)



MAKING OR CHANGING THE LAW

In 40 Sessions, 14th Assembly passed 178 Government Bills and 27 Private Bills and disposed off Out of Turn 113 Resolutions, 522 Adjournment Motions were received throughout the 14th Assembly tenure, 419 were lapsed 36 were dis-allowed, 51 were ruled out of order, 10 were withdrawn and 06 were admitted/discussed. 114 Privilege Motions were received out of which 60 were lapsed, 14 were withdrawn, 14 ruled out of order, 4 were disallowed, 19 were referred to Committee and 03 reports pertaining to Privilege Motion were presented in the House. 11 Motions under Rule 208 / 209 of the Rules of Procedure of the Provincial Assembly of Sindh were carried. 3948 Questions were admitted, out of which 1644 were discussed on the floor of the House. 16 Ordinances were laid in the House.



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 Private Members (members other than Ministers and parliamentary secretaries). They 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 Sindh rests with the Provincial Assembly of the Sindh.

5. BILLS AND ACTS OF THE PROVINCIAL ASSEMBLY OF SINDH

A motion for making a law is called a Bill. If the Sindh 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 Sindh. 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 Sindh, Chapter 13 (XIII), Rules 94-122.

6. HOW DOES A BILL BECOME AN ACT?

Introduction: A Bill presented in the Assembly passes through various steps to become a Law (an Act of the Assembly); Once a Bill is introduced in the Provincial Assembly of the Sindh, the Speaker refers it to the concerned Standing Committee.⁵ The Standing Committee concerned is expected to deliberate deeply on the legislative proposal in a cross-party setting. It also ensures that the Constitution's Article 8 that law inconsistent with or in derogation of Fundamental Rights (as mentioned clearly in Chapter 1- articles 8-28) would be void is followed without fail.⁶ 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. When a Bill has been received back from a Standing Committee, or when the time fixed for the Standing Committee to send it back has expired, the Secretary shall cause copies of the Bill as introduced, together with modifications, if any, to each Member as soon as possible.⁷

Motions to be Made - On the day appointed under Rule 100, or on any subsequent day to which the matter might have been adjourned, the Member-in-Charge (mover of the Bill) may make any one of the following motions in regard to his Bill, namely:

- i. that it be taken into consideration by the Assembly at once; or
- ii. that it be taken into consideration by the Assembly on a date to be fixed forthwith; or
- iii. that it be referred to a Select Committee; or
- iv. that it be circulated for the purpose of eliciting public opinion thereon by a date to be specified in the motion

Bills Repugnant to Islam: When a Bill is introduced through a Motion under Rule 101, a member may move and in case two-fifth of total membership support and vote, the Bill may be referred to the Council of Islamic Ideology to see it is not repugnant to injunctions of Islam.

Discussion on Principles of Bills - 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

⁵PAS Rule 99

⁶Article 8, Constitution of Islamic Republic of Pakistan

⁷PAS Rule 100

reading is to ascertain whether the Assembly is interested to consider the Bill further or not.⁸

Consideration of Bill Clause by Clause - 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.⁹

Passing of the Bill and 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.¹⁰ Clause one, the preamble (if any) and title of Bill stands postponed and are decided after all other clauses and schedules have been disposed of.¹¹ When moving amendments, Speaker decides if

they need Government's consent, their admissibility and timing of introduction.¹² When a motion that the Bill be passed has been made, the general provisions of the Bill may be discussed but only with reference to the amendments, if any, made in the Bill.¹³

Assent and Publication: After a Bill is passed by the Provincial Assembly of the Sindh, its authenticated copy is transmitted to Governor for his assent by the Honourable Speaker.¹⁴ When the Governor gives his assent under the Article 116, the Bill becomes an Act of the Assembly and is published in the official Gazette by the Assembly Secretariat.¹⁵

ORDINANCES:

These are ordinances by the Governor when the Provincial Assembly is not in session to run the affairs of the province. These are introduced in the Provincial Assembly under Article 128 of the Constitution, which can approve or endorse or reject it and submit to Governor for assent.

⁸PAS Rule 103

⁹PAS Rule 106

¹⁰PAS Rule 109

¹¹PAS Rule 109

¹²PAS Rules 110-111

¹³PAS Rule 114

¹⁴PAS Rule 116

¹⁵PAS Rule 118

Law Making Process at a Glance



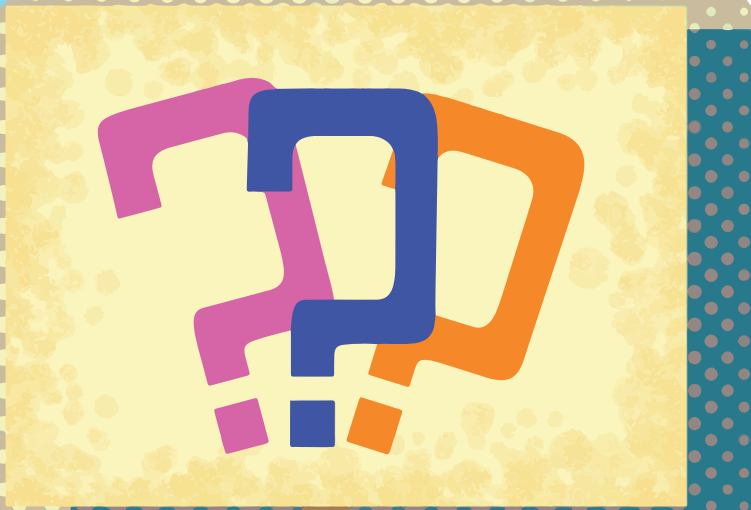


7. HOLDING GOVERNMENT TO ACCOUNT

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 Sindh 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 Sindh can exercise their oversight powers through several parliamentary tools such as

- a. Question Hour,
- b. Calling attention notices,
- c. Adjournment motions,
- d. Committees of the House, 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 three kinds:

i. **Short Notice Question:** Questions at a short notice on matter of urgent public importance may be allowed by the Speaker with consent of Minister concerned, shall ordinarily be answered at the commencement of the

question hour; a member shall not ask more than one short notice question in a sitting.¹⁶

ii. **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 three supplementary questions while other members not more than five supplementary questions for further clarification of the answer.¹⁷ A member who desires to ask a starred question must distinguish it with asterisk (*) sign. A Member may ask maximum of 3 starred questions including a short notice Qs in a day's sitting.¹⁸

iii. **Un-starred Question:** A question that only requires written reply from Ministers is known as an un-starred question. No supplementary questions can be asked in respect of un-starred 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 un-starred questions. A Member may ask 3 unstarred questions in a day's sitting.

¹⁶PAS Rule 39- 40

¹⁷PAS Rule 51

¹⁸PAS Rule 47

Procedure for Asking Questions

The first hour of every sitting after the recitation from the Holy Quran and Naat Shareef and the swearing in, of members, (except a Saturday or a Sunday) in the Provincial Assembly of Sindh is reserved for asking questions.¹⁹ The Member who intends to ask question must give a fifteen days clear prior written notice to the Speaker.²⁰ The purpose of questions is to obtain information on a matter of public concern²¹, 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.

Discussion on Matter of Public Importance

Every Wednesday, the Honourable Speaker may allow one hour slot to deliberate on matter of sufficient public importance that has been subject of a question during the last week (starred or unstarred).²²

Translation:

Members can submit questions in Urdu, Sindhi or English. The Secretariat translates questions before sending them to ministries and divisions.

7.2 Calling Attention Notices

A Calling Attention Notice is another effective tool for making the government accountable to the Assembly. According to the Rules of Procedure of the Provincial Assembly of Sindh, a Calling Attention Notice means a notice through which a special question in relation to law and order may be raised.²³ A Member of the Provincial Assembly of Sindh may call the attention of the concerned Minister regarding any matter that pertains to law and order situation in the Province through written notice not less than 48 hours before commencement of sitting to the Secretary.²⁴ No debate is permitted on such questions. A maximum of five calling attention notices can be included in a sitting and time allotted is thirty minutes after Questions Hour.²⁵

¹⁹PAS Rule 38

²⁰PAS Rule 39

²¹PAS Rule 42

²²PAS Rule 56

²³PAS Rule 65

²⁴PAS Rule 65 (2)

²⁵PAS Rule 67

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.²⁶ 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-fifth of the total membership of the Assembly, grants leaves to discuss it.²⁷ During the debate on an adjournment motion the speech of a Member should not exceed ten minutes no matter the Mover and the Minister or the Parliamentary Secretary concerned can speak for twenty minutes each.²⁸

7.4 Committees of the Assembly

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

i. **Standing Committees** with eleven Members each corre-

spond to the number of departments.²⁹

ii. **The Public Accounts Committees** has a special mandate specifically to oversee the implementation of the Provincial budget by reviewing and acting upon the reports of the Auditor General. Under the Rules of Procedure, a Public Accounts Committee is constituted in the Provincial Assembly of the Sindh that shall consist of seven Members with Finance Minister as ex officio Member.³⁰

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

iv. **Select Committees** may be created on a motion passed by the Assembly to review new and amend existing legislative proposals.³¹

v. **Special Committee** comprising not more than eleven members may be constituted which shall have composition and functions as may be specified in the motion.³²

Scrutiny by Standing Committee: World over Committees are expected to monitor the perfor-

²⁶PAS Rule 85

²⁷PAS Rule 90

²⁸PAP Rule 93

²⁹PAS Rule 161

³⁰PAS Rule 189

³¹PAS Rule 185

³²PAS Rule 203

mance 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 Sindh, the committees are asked to examine a draft Bill and subject or matter referred to it by the Assembly. The Committee are empowered to examine the expenditures, administration, delegated legislation, public petitions and policies of the department concerned and its associated bodies.³³ If Committee recommends and forwards same to department, it shall submit its report to the Committee within a period of two weeks.³⁴ The committee can propose amendments in the Bill. The reports of the committees are submitted in the House within 30 days or time specified by the Speaker.³⁵ 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.

7.5 Resolutions

As per the Rules of Procedure of the Provincial Assembly of Sindh, a Minister or a Member of the Assembly is entitled to move a resolution to highlight a matter of general public interest.³⁶ The private member who is interested to move a resolution can do so by giving a notice of seven days before introducing the resolution.³⁷ 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 when moving the resolution and the Minister concerned may speak for 30 minutes; only a 10 minute speech on a resolution can be made by other Members.³⁸ The House adopts of otherwise a resolution.

³³PAS Rule 167

³⁴PAS Rule 167 (7)

³⁵PAS Rule 179

³⁶PAS Rule 123

³⁷PAS Rule 124

³⁸PAS Rule 133



**PUBLIC
SPENDING**

8. Budget and Financial Matters

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.³⁹ This is referred to as the Annual Budget Statement, which should also separately indicate two types of expenditures:

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

Provincial Consolidated Fund (Receipts)

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 loan

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 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.⁴¹

³⁹Article 120

⁴⁰Article 118

⁴¹Article 121

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.⁴²

Pre-Budget Discussion

The Rules of Procedure of the Provincial Assembly of Sindh 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 general discussion takes place for five days and the Assembly may send recommendations for the next budget on a resolution by the Finance Minister.⁴³

Post Budget Discussion

On quarterly basis, the Minister for Law and Parliamentary Affairs in consultation with the Finance Minister, are bound to include general discussion in the Assembly business on releases and utilization of budget.⁴⁴

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 for not less than five days, the Assembly deliberates on the budget as a whole. The allocations made to various departments are discussed during this stage. There is discussion on expenditure charged upon Provincial Consolidated Fund. Lastly 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.

⁴²Article 122

⁴³PAS Rule 143

⁴⁴PAS Rule 144

⁴⁵PAS Rule 148

Types of Cut Motions⁴⁶

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 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.⁴⁷

⁴⁶PAS Rule 152

⁴⁷Article 160

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www.pips.gov.pk
+92 051 9091000

You can visit website of **Provincial Assembly of Sindh**

Sindh Assembly Building
Court Road
Karachi
Pakistan

Tel: (021) 9212000
Fax: (021) 9212033

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