

اسمبلی کا مختصر تعارف



صوبائی اسمبلی سرحد

ادارہ برائے پارلیمانی خدمات-پاکستان (PIPS)

THE ASSEMBLY IN BRIEF

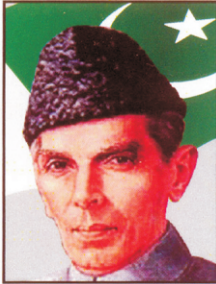


PROVINCIAL ASSEMBLY OF NWFP

PAKISTAN INSTITUTE FOR PARLIAMENTARY SERVICES - PIPS

THE ASSEMBLY IN BRIEF

**PROVINCIAL ASSEMBLY
OF NWFP**



“....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's address to the first Constituent Assembly of Pakistan, August 11, 1947



Kiramat Ullah Khan
Speaker



Khushdil Khan Advocate
Deputy Speaker

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Preface

In preparing this Pocket Guide for Honorable Members, the Pakistan Legislative Strengthening Project (PLSP) seeks to provide a quick reference resource for Members in their work at the NWFP Assembly. As Quaid-e-Azam stated in his inaugural address in 1947, Members carry a grave responsibility.

Access to basic information, while obvious, can be overlooked in the energized environment of a legislative body. Whether it is a matter of the difference between a starred and un-starred question, whether it involves the relationship between the legislative and the executive branches of government and whether a point of order is germane . . . it is critical that if Members need a quick reference, they have one.

Additionally, the information provided here on the background of the NWFP Assembly and its constitutional role can provide Members with a historical perspective to their role in the governance.

I would like to acknowledge the efforts of the PLSP Program Staff – especially Aizaz Asif, Muhammad Rashid Mafzool Zaka, Nadia Batool,

and Daud Malik – in preparation of this guide.

The Pakistan Legislative Strengthening Project, funded by the U.S. Agency for International Development (USAID), is honored to have had the opportunity to work with the Members as they work for the collective good for the people they represent.

Carmen Lane

Project Director

USAID-Pakistan Legislative Strengthening Project

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 a 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 and also for subjects in the Concurrent List and Federal List as given in the Fourth Schedule of the Constitution. The National Assembly consists of 342 Members.

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.

Parliament scrutinizes public spending and exercises control of expenditure incurred by the government through the Public Accounts Committee, which 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. Its role is to promote national cohesion and harmony, and work as a stabilizing factor of the Federation.

The Senate numbers a total of 100 Members 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 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.

Brief History

In 1901 the North West Frontier Province (NWFP) was declared a Chief Commissioner Province and in 1932 its status was raised to the Governor Province. In 1937, the Government of India Act 1935 was enforced in the province and the NWFP Legislative Assembly was formed.

The first session of the Assembly on 12 March 1946 elected Nawabzada Allah Nawaz Khan and Lala Girdheri Lal as the Speaker and the Deputy Speaker respectively in the 50-Member House.

After Pakistan's creation, the first election of the NWFP Legislative Council was held on 15 December 1951 and the first session of the Assembly was summoned on 10 January 1952. Nawabzada Allah Nawaz Khan was again elected as Speaker and Khan Muhammad Farid Khan as Deputy Speaker on 10 July 1952.

Following the declaration of One Unit in October 1955, Pakistan was divided into two provinces, West Pakistan and East Pakistan, and the Legislative Assembly building was declared as Peshawar High Court.

After the dissolution of West Pakistan in 1970, the NWFP Provincial Assembly was restored.

The Legislative Assembly became a Provincial Assembly through a presidential order known as Legal Framework Order 1970. The Assembly Secretariat was shifted from Pakistan Academy for Rural Development to its own present building in 1987.

In 2002, the number of the Assembly's Members was increased to 124, out of which 99 are general seats, 22 women's seats and three are reserved for minorities.

Parliamentarian as Legislator

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

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

A. Assess a Bill in the Public Interest:

A Member serves as a "trustee for the public interest" and assesses legislation on the basis of ***reason tempered by experience***.¹ 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 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 passed into law. Committees empower Members to hold public hearings of experts outside government as well as constituents or relevant communities related to an issue 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 for 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,² 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.

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

² *Ibid*, p. 22

Business of the House: Legislative Calendar and Sessions

Summoning of the Assembly and Annual Calendar of Sessions

When the provincial Assembly is summoned, the Secretary causes a notification to be published in the gazette stating the date, time and place of the sitting and shall, as far as practicable, also issues it to each Member.¹

Days and Hours of sitting

The Assembly meets while in session on all days of the week except Fridays and Saturdays, and on holidays and/or unless the Speaker directs otherwise. The Assembly generally meets from 9:30 a.m. to 01:30 p.m. in summer and from 10 a.m. to 2 p.m. in winter.²

Classes of Business

- i. Government business: includes Bills, Resolutions, Amendments and other Motions introduced or initiated by a Minister
- ii. Private Members' business: includes Bills, Resolutions, Amendments and other Motions introduced or initiated by private Members

Allotment of Time for Transaction of Business

In the Provincial Assembly of NWFP, on Thursdays, private Members' business has precedence, and on all other days no business other than Government business is transacted except with the consent of Leader of the House.³

List of Business

The Secretary prepares the business for a sitting and circulates a copy, which is transacted in the order in which it appears in the List of the Business.⁴ The Speaker, however, has the prerogative to allow a business not included in the List of Business to be transacted in the sitting. In a List of Business for a private Members' day, such business shall be taken up in the following order: a. Bills to be introduced, b. Resolutions; c. Bills which have been introduced.⁵

Precedence of Private Members' Bills, Resolutions and Motions

The relative precedence of private Members' Bills for discussion is determined by ballot. Similar procedure is followed to give priority among Resolutions and notices by private Members.

Quorum

If at any time during a sitting, attention of the Speaker is drawn to the fact that less than 1/4th of the total membership is present, the Speaker either suspends the business until the requisite number of the Members is present or causes the bells to be rung for two minutes.⁶

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 two minutes, on a fresh count, it is still found that there is no quorum, the Speaker adjourns the Assembly till the next meeting day or till such time the required number of Members is present.⁷ When the Assembly is prorogued, the Secretary issues a notification, which is published in the Gazette.⁸

¹ PAN Rule 3

² PAN Rule 20

³ PAN Rule 22

⁴ PAN Rule 24

⁵ PAN Rule 23

⁶ PAN Rule 20

⁷ ibid

⁸ PAN Rule 5 (1) and (2)

Business of the House: Call Attention Notices and Motions

I. Call Attention Notice

In Provincial Assembly of the NWFP, the Call Attention Notice is in the form of a question addressed to a Minister or Chief Minister about any urgent public importance. The Minister may make a brief statement or asks for time to make a statement during the same or the next meeting. Notice is given in writing to the Secretary an hour before the time fixed for the commencement of a sitting on the day.¹

Notices to Lapse:

All notices of question which have not been taken up at the sitting for which they have been given lapse at the end of the sitting.²

II. Adjournment Motion

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.³ An Adjournment Motion is, ordinarily, admissible if it relates to an issue of urgent public importance,

relates substantially to one definite issue, is restricted to a matter of recent occurrence and satisfies such other conditions as are laid down in the Rule 71 of the Rules of Procedure of the NWFP Assembly.⁴ The Speaker determines the admissibility of each Adjournment Motion.

A. Asking Leave for Motion:

(1) Process: If the Speaker is of the opinion that the matter proposed be discussed is in order, he asks if the Member has the leave of the House to move the Motion; and if objection is taken, the Speaker requests the members in favor of the leave being granted to rise in their seats.⁵ Leave to make a Motion is asked for after Questions and Privilege Motions, if any, and before the List of Business entered on the Orders of the Day is taken up.⁶

(2) If less than 14 Members rise in their seats, the Speaker informs the Member that he has not the leave of the Assembly.

(3) If 14 or more Members so rise, the Speaker announces that leave is granted and the Motion is taken up for discussion in the same session for not more than two hours on such day, as soon as possible, within three days after the leave is granted, as the Speaker may fix. The time taken on asking leave may not exceed half an hour.⁷

B. Time of Discussion:

A speech during the debate on a Motion for adjournment should not exceed 15 minutes in duration. The Member introducing the Motion and the Minister concerned may speak for 30 minutes each.⁸

III. Points of Order

A point of order relates interpretation or enforcement of these rules or such Articles of the Constitution which regulate the business of the Assembly. It raises a question which is within the cognizance of the Speaker. It is raised in relation to the business before the Assembly at the moment. The Speaker decides its admissibility and no debate is allowed on it no matter whether the Speaker may hear the Member before giving his decision.⁹

¹ PAN Rule 52

² PAN Rule 52G

³ PAN Rule 69

⁴ PAN Rule 71

⁵ PAN Rule 73 (1)

⁶ PAP Rule 72

⁷ PAN Rule 74

⁸ PAN Rule 76

⁹ PAN Rule 225

Legislative Process

Legislation or Law-Making is the fundamental responsibility of the Provincial Assembly. A **Bill** is a formal legislative statement/proposal which is introduced in the Provincial Assembly. A Bill becomes an Act of the Provincial Assembly if it is passed by the Assembly and assented by the Governor. A Bill may relate to any matter not mentioned in the Federal Legislative List or Concurrent Legislative List of the Fourth Schedule of the Constitution or, if there is no Federal law on a matter mentioned in the Concurrent Legislative List, it may also relate to such subject.

Types of Bills:

- i. **Government Bills:** Introduced by a Minister and passed by simple majority of the Assembly.
- ii. **Private Member's Bills:** Introduced by any Member of the Assembly and passed by simple majority. **Restriction:** Any Bill that involves expenditure from the Consolidated Fund or Public Account of the Province cannot be moved by a Private Member without the consent of the Provincial Government.

iii. **Bills received from Parliament:** A Bill for the amendment of the Constitution passed by the Parliament and where approval of such constitutional amendment require assent of the Province. The Secretary Assembly circulates the Bill and any Member or Minister may give notice to place it on the List of Business of the Assembly.

iv. **Money Bill:** A Government Bill dealing with matters of revenues and expenditures. In the Rules of Procedure of the Assembly it is also termed as Finance Bill (Money Bill along with the Budget).

Legislative Process: From a Bill to an Act:

Step 1: Introducing a Bill: A Private Member may, subject to the above restriction, move for leave to introduce a Bill after giving the Secretary Assembly 15 days notice of his intention to do so.

Step 2: Motion for Leave to Introduce: If the Bill is admitted by the Speaker, the Secretary Assembly sets down the Motion for leave to introduce the Bill in the List of Business/Orders of the Day for the day meant for private Member's business.

Step 3: Introduction of a Bill: The Speaker decides if a Bill needs to have the consent of the government or the President. If leave is granted, the Member forthwith moves to introduce the Bill.

Step 4: Committee Stage: The Committee examines the Bill and reports to the Assembly about the constitutionality and also proposes amendments and other suggestions in relation to the Bill.

Step 5: Circulation of the Report: The Secretary Assembly circulates the copies of the Bill as introduced and the report of the Committee, and if a notice for a Motion for consideration of the Bill is made, include the Bill in the List of Business for a day meant for private Member's business with at least three clear days difference between circulation of copies and consideration of the Motion.

Step 6: Bills Repugnant to Islam: On the day when the Bill is on the List of Business for consideration, a Member may move that the Bill be referred to the Council of Islamic Ideology for advice whether or not the Bill or any of its part is repugnant to the injunction of Islam.

Step 7: Discussion of Principles of Bill (First Reading): After Motion for consideration, the

principles of the Bill and its general provisions shall be discussed in the Assembly and if the Member In-charge has moved for consideration of the Bill at once, amendments in various clauses of the Bill can also be moved or be referred to a Select Committee of the Assembly or circulated for the purpose of eliciting public opinion.

Step 8: Submission of Bill Clause by Clause: (Second Reading): If Motion for consideration of the Bill has been carried, the Speaker submits the Bill to the Assembly clause by clause. If a Member has moved a Motion for amendment in a clause of the Bill, that amendment is considered by the Assembly at the time of consideration of the clause in which the amendment is moved. Clause one, Preamble and Title of the Bill are considered after the consideration of other clauses and schedules of the Bill.

Step 9: Debate (Third Reading): Once the Bill is considered clause by clause, the Member In-charge may at once move that the Bill be passed. At this stage, general provisions of the Bill are discussed with reference to the amendments, if any, made in the Bill.

Step 10: Authentication and Submission of Bills for Assent: When a Bill is passed by the

Assembly, an authenticated copy signed by the Speaker is sent to the Governor for assent.

Step 11: Promulgation: When the Governor gives assent to a Bill, the Secretary Assembly immediately ensures its publication in the Gazette as an Act of Provincial Assembly.

Ordinances:

The Governor may, on the advice of the Cabinet or the Chief Minister, promulgate an Ordinance having same effect as an Act when the Assembly is not in session and there is a situation which requires urgent action. It remains valid for three months and it is to be placed before the Assembly and deemed as a Bill introduced in the Assembly. Meanwhile, the Governor can also withdraw the Ordinance or Assembly can reject it through a Resolution.

For Reference: See the Rules of Procedure of Rules 89 to 112 of the Provincial Assembly of Punjab, Rules No. 77 to 110 of the Provincial Assembly of NWFP, Rule No 78, 79, 84 to 101 of the Provincial Assembly in Baluchistan and Rule No. 80 to 101 of the Provincial Assembly of Sindh; Article 116 and 128 of Constitution of Islamic Republic of Pakistan.

Budget: Role of the Provincial Assembly

Definition

In modern governance, the budget is one of the most important policy documents. It 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," contain measures to generate finances through federal transfers, provincial taxes, borrowing etc. The sum of all receipts comprises the Provincial Consolidated Fund. From this fund the provincial government plans its expenditures to fund its policies and programs.

Expenditure mainly comprises current and development expenditures.

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

of funds for financing new projects like roads, dams, schools, hospitals, research etc.

Budget Stages

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

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

Role of the Legislator

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

In Pakistan, the role of the legislator has historically been mostly limited to the second stage of the budget process i.e. authorizing the

budget. During this stage the budget is tabled before the Provincial Assembly for debate with little time allowed.

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

Opportunities for Improvements

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

- Legislators need more time and detailed information earlier in the budget process.
- Actual expenditure data must be released on a regular and timely basis to legislators.
- The budget for a department/ministry should be scrutinized by the relevant Standing Committees in the Assembly.

- Budget analysis and scrutiny should be ongoing throughout the budget cycle by the legislature.

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

Question Hour

Question 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 Ministries and Divisions. In addition, the Members can 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.¹ 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 as provided in Rule 31), after recitation from the Holy Quran, and taking of oath by Members, is available for asking and answering of questions.²

Kinds of Questions

Each Member may ask five starred and five unstarred questions in a day's sitting.³

- Starred Question:** is the one to which a

written reply is read out by the Minister. A Member who intends to ask a starred question has to distinguish it with an asterisk. When a starred question has been answered, any Member may ask such supplementary questions as may be necessary for explaining of the answer, but the Speaker can disallow a supplementary question, which either infringes any provision and admissibility of questions or is otherwise an abuse of the right of asking questions.

ii. Un-Starred Question: is when a written reply is supplied but not read out. After reply by the Minister, a Member may ask supplementary questions to elaborate different dimensions of a question or its reply.

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.

Admissibility of Questions:

Within five days from receipt of the notices, the Speaker decides 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 mentioned below:

- 41 (a) *It does not bring in any name or statement not strictly necessary to make the question intelligible.*
- 41 (f) *It should not be of excessive length.*
- 41 (g) *It should not relate to a matter which is not primarily the concern of the Government.*
- 41 (j) *It should not make or imply a charge of personal character.*
- 41 (q)(i) *It should not contain any reflection on the conduct of the Governor or a Judge of the Supreme Court or of a High Court;*
- 41 (q) iii *It should not seek information about matters which are in their nature secret.*⁴

Matter of Public Importance arising out of Answer to a Question

On every Tuesday the Speaker may, on two days notice being given by a Member, allot one hour for discussion on a matter of sufficient public importance which has during the last week been the subject of a question, starred or un-starred. There is no voting or any formal Motion in the course of or at the conclusion of such discussion.⁵

¹ PAN Rule 32

² PAN Rule 31

³ PAN Rule 36 (1)

⁴ PAN Rule 41

⁵ PAN Rule 48

Committees' Effectiveness

Legislative Standing Committees assist in the functioning of the Parliament and the Provincial Assemblies. They are one of the most important instruments of dealing with House business.

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

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

Parliamentary system is one of the primary factors why Committees have remained mostly under utilized. Members generally have also not been aware of how Committees can serve as an effective platform not only for legislation but also overseeing government functioning. Similarly, Committee business has not been streamlined, lacks regulation and staff support necessary to performing tasks adequately.

To make Committees more effective, it is essential to ensure their formation as soon as the Assembly comes into being. Rules require that there be as many Standing Committees as there are Departments/Ministries. It has been witnessed that Committees, especially in the provinces, are formed with much delay and some were not even formed by the end of the Parliamentary term.

Similarly, it is important that Committees be able to exercise their due authority and powers which are derived from the Constitution and elaborated in the Rules of Procedures of each House.

On the administrative side, Committees are under staffed, lack financial resources and are weakly organized. Each Committee Secretary is assigned to many Committees, which dilutes attention and overburdens Committee work.

Committees have limited finances at their disposal impeding functions like inviting experts, publishing reports, covering other essential administrative expenses, etc.

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

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

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 130(4) of the Constitution, “the Cabinet shall be collectively responsible to the Provincial Assembly.”

Important Parliamentary Privileges¹

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

Objective of Parliamentary Privilege

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

The foundation on which parliamentary privilege rests is the maintenance of the dignity and independence of the House and 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.

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

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 or political resources. However, there are 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 face-to-face meetings with their constituents.

Websites and e-mail:

Members worldwide operate several kinds and levels of websites.¹ A Member's personal website 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.

¹ John K. Johnson and Robert T. Nakamura, *Orientation Handbook for Members of Parliaments* (2006), p.13.

Research Support

Legislation mostly revolves around Parliamentarians' capacity to undertake policy analysis, which predominantly depends on the research and information services available at the Parliament as well as the research capacity of the committee.

Research and Information Services:

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

Parliamentary Library:

The Provincial Assembly Library has a collection

of books, debates of the Provincial Assembly, reports, Gazettes of Pakistan and other documents such as:

- Books on subjects like Constitution, parliamentary practice, legislation, law, philosophy, politics, international affairs, history, agriculture, education as well as biographies, etc.
- National and international newspapers and journals.

Pakistan Institute for Parliamentary Services (PIPS):

The PIPS has been established through an act of Parliament and currently it operates from an interim facility in the Parliament Lodges, Islamabad. The PIPS has a network of specialists with a variety of expertise to provide informed policy inputs at the request of parliamentary committees and parliamentarians.

A research request may be submitted in person at: Parliament Lodges (First Floor, A Block) Islamabad, Phone: 051-8355901 or email at: research@pips.org.pk or through the website www.pips.org.pk

Parliamentary Information & Technology Resource Centers:

The PITRCs have been established on-site at all the Provincial Assemblies to provide information and support services to Members of the respective Provincial Assemblies. Services are provided free of charge or at a minimal cost. PITRCs remain open from 9 a.m. to 10 p.m. from Monday to Friday and provide most needed services such as Internet Access Terminals, newspapers, magazines and journals, photocopying and scanner facilities.

Glossary of Parliamentary Terms

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

2 Abstain – to refrain from voting for or against a Motion;

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

4 Adjournment - to suspend proceedings to another time;

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

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

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

7 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;

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

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

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

11 Ascertainment - the process to determine which Member of the Assembly commands the confidence of the majority of the Members;

12 Ayes and Noes - the word used for voting ayes for 'yes' and noes for 'no' in the Assembly;

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

14 Bicameral - a Legislature that consists of two Houses; the Parliament of Pakistan is bicameral consisting of Senate and National Assembly,

while in the provinces it is unicameral;

15 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;

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

17 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;

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

19 Cabinet - headed by the Prime Minister or Chief Minister, it consists of Ministers;

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

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

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

23 Chairman - In relation to a particular Committee, a Member who is performing the function of the Chairman;

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

25 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;

26 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;

27 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;

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

29 Constitution - the Constitution of the Islamic

Republic of Pakistan 1973;

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

31 Constituent - a registered voter in a constituency;

32 Cut Motions - a Motion moved by a Member to reduce the amount of a demand for grant;

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

34 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;

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

36 Division Bell - the Speaker orders a Division to be held by uttering the word "Division" and directs that the Division bells be rung for two minutes to enable Members not present in the chamber to return to their places;

37 Election - the process of choosing a representative by vote;

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

39 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;

40 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 money 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 money 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;

41 Finance Bill - the Bill introduced every 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;

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

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

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

45 Gazette - the official Gazette of the Province

46 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;

47 Leader of the Opposition - a Member who, in the opinion of the Speaker, is for the time being the leader of the largest party in the

Opposition;

48 Legislation - the process of making a law;

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

50 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;

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

52 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;

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

54 Majlis-e-Shoora - also referred to as the

Parliament, it comprises the National Assembly, Senate and the President under Article 50 of the Constitution;

55 Member - a Member of the Assembly;

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

57 Minister - it means the Prime Minister, the Chief Minister, a Federal Minister, a Minister of State or a Provincial Minister;

58 Minutes - are the instant written record of a meeting;

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

60 Mover - the Member who initiates a Resolution, a Motion or an amendment of a Bill;

61 Motion - a proposal made by a Member or a Minister relating to any matter which may be discussed by the Assembly;

62 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;

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

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

65 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;

66 Panel of Chairmen - panel of Members nominated by the Speaker to preside over the session of the Assembly in the absence of Speaker and Deputy Speaker;

67 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;

68 Precedent - 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;

69 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;

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

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

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

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

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

are taken;

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

76 Put the Question - to put a Motion before the Assembly to a vote;

77 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;

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

79 Question of Privilege - a Member may, with the consent of the Speaker/Chairman, raise a question involving a breach of privilege either of a Member or of the Assembly or of a Committee;

80 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;

81 Quorum - is the minimum number of Members of Assembly necessary to conduct the

business of the Assembly. Under Article 55(2) of the Constitution, 1/4th of the total membership of the Assembly is required for quorum;

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

83 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 Select Committee of the Assembly;

84 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;

85 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;

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

87 Secretary - the highest ranking officer of the Assembly;

88 Sergeant-at-Arms - is an officer appointed

by a Speaker to carry out his order in respect to keep order in the Assembly;

89 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;

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

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

92 Starred Question - a question for an oral answer;

93 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;

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

95 Supplementary Budget - an expenditure

statement introduced to provide funds to the Government to meet new or additional expenses in a fiscal year;

96 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;

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