

48

BRIEFING PAPER NO.

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August 2013

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Strengthening Democracy and Democratic Institutions in Pakistan

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## A Comparative Analysis of Rules of Procedures of Punjab, Sindh, Balochistan and Khyber Pakhtunkhwa (KP) Assemblies

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# CONTENTS

*Preface*

*About the Author*

Introduction	09
Comparative Analysis of the Rules of Procedures	11
- Introductory Part	11
- Summoning, Prorogation, Quorum, Seating, Oath, Roll of Members, Election of Speaker and Deputy Speaker, Panel of Chairmen, Leave of Absence, Resignation, Death and Unseating of Members	11
Additional Provisions	12
Privileges	15
Adjournment Motions	16
Legislation	17
Resolutions on Matters of General Public Interest	18
Resolution mentioned in the Constitution	18
Procedure in Financial Matters	19
Committees	20
General Rules	21
Recommendations	23



## PREFACE

PILDAT has been working with Provincial Legislatures as well as on performance monitoring of quality of democracy and Parliament and Provincial Assemblies. We have now decided to go a step further and engage with various Assemblies on how they may better utilize their rules to effectively represent, legislate and oversee the executive in the provinces. In this regard, we are bringing together some of the Provincial Legislatures to maximize learning through a number of workshops. This paper presents a background and comparative analysis of rules.

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### **Disclaimer**

Every effort has been made to ensure the accuracy of the contents of this paper. Any omission or error, therefore, is not deliberate.

Lahore  
August, 2013



## ABOUT THE AUTHOR



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Mr. Inayat Ullah Lak is working as Director General (Parliamentary Affairs & Research) in the Provincial Assembly of the Punjab Secretariat who has handsome experience in the fields of administration, legislation and research & reference.

He is from Sargodha; obtained Master' degrees in the disciplines of Library Science, History and Political Science in 1986, 1988 and 1998 respectively from Punjab University; also obtained LL.B Degree in 1992 from Punjab University Law College . In the Provincial Assembly of the Punjab Secretariat, he served as Librarian (BS-17) from 09.09.1987 to 14.10.1997; Librarian (BS-18) from 15.10.1997 to 04.05.2004 against upgraded post, Director (Research and Publications) (BS-19) from 05.05.2004 to 15.09.2007. He was promoted as Director General (Parliamentary Affairs & Research) (BS-20) on 16-09-2007.

He had attended a series of workshops and seminars at national and international levels and privileged to deliver lectures in some of them.

He visited USA, U.K, Spain, Canada, India, Thailand, Philippine, New Zealand, Australia, Norway, Turks & Caicos Islands, Dubai and Saudi Arabia.





## INTRODUCTION

Pakistan is one of the countries which have a federal parliamentary form of government. Therefore, the Constitution of the Islamic Republic of Pakistan, 1973 distributes the legislative and executive powers between the Federation and the Provinces. The Constitution provides for a unicameral legislature for each of the provinces and assigns certain important functions, such as legislation, financial control and accountability of executive for the good governance of the province.

The Constitution provides under Article 67 (1)<sup>1</sup> read with Article 127 that a House may make rules for regulating its procedure and the conduct of its business. Article 67 (2) read with Article 127 provides that until rules are made by the House, it shall be regulated by the rules of procedure made by the Governor. These procedural guidelines help the legislatures to work efficiently and smoothly.

Under the powers granted by the Constitution, while Punjab, Balochistan and Khyber Pakhtunkhwa Provincial Assemblies made their respective Rules of Procedure to conduct parliamentary business under Article 67(1) of the Constitution, the Sindh Assembly runs its business under rules framed under Article 67(2) while the process for approving the same by the Assembly is in progress. Moreover, each Assembly has made a series of amendments in the said rules according to the circumstantial needs.

The subject of this analysis is a detailed comparative study of the Rules of Procedure of the Punjab, Sindh, Balochistan and Khyber Pakhtunkhwa Provincial Assemblies. These Assemblies Rules are known as:-

- i. The Rules of Procedures of the Provincial Assembly of the Punjab, 1997; (*hereinafter called the Punjab Rules*)
- ii. The Rules of Procedure of the Provincial Assembly of Sindh; (*hereinafter called the Sindh Rules*)
- iii. The Provincial Assembly of Balochistan Rules of Procedure and Conduct of Business, 1974 (*hereinafter called the Balochistan Rules*)
- iv. Provincial Assembly of Khyber Pakhtunkhwa Procedure and Conduct of Business Rules, 1988. (*hereinafter called the KP Rules*)

1. Constitution of the Islamic Republic of Pakistan, 1973, pp.41& 67.



## **Comparative Analysis of the Rules of Procedures**

Various parliamentary tools have been provided in the Rules of Procedure of the Provincial Assemblies for obtaining necessary information about working of the Government Departments, for overseeing the Government and for making recommendations on matters of general public importance. These include Assembly Questions, Call Attention Notices, Adjournment Motions, Resolutions and General discussion, etc.

For analyzing the Rules of Procedures of the Provincial Assembly of the Punjab, Sindh, Balochistan and Khyber Pakhtunkhwa, it is necessary to examine each subject in detail so that the similarities, differences and drawbacks, if and where these exist, amongst these rules could be ascertained in a systematic way. The details are as under:

### **Introductory Part**

This part provides definitions. These Assemblies have more or less identical definitions. While the Punjab<sup>2</sup> and Balochistan Rules have additional parliamentary terms like "Precincts of the Assembly", "Private Member", "Resolution," Sindh Rules lack parliamentary terms like "Leader of Opposition," "Precincts of the Assembly," "Private Member," "Resolution," and "Supplementary Budget," etc. The KP Assembly Rules lack terms such as "Precincts of the Assembly." Moreover, in KP Rules, Private Member means a member who is not Minister, Advisor or a Parliamentary Secretary.

### **Summoning, Prorogation, Quorum, Seating, Oath, Roll of Members, Election of Speaker and Deputy Speaker, Panel of Chairmen, Leave of Absence, Resignation, Death and Unseating of Members**

Punjab, Sindh, Balochistan and KP Rules have similar provisions regarding Summoning, Prorogation, Quorum, Seating, Oath, Roll of Members, Election of Speaker and Deputy Speaker, Panel of Chairmen, Leave of Absence, Resignation, Death and Unseating of Members.

2. Rules of Procedure of the Provincial Assembly of the Punjab, 1997, pp.4&5.

## Additional Provisions

### (a) Chief Minister

Punjab and KP Rules provide a comprehensive procedure<sup>3</sup> on election of Chief Minister, vote of confidence, and vote of no confidence. On the other hand the Sindh and Balochistan Rules lack such procedural provisions.

The latest and most noteworthy is the comprehensive amendment passed by the Punjab Assembly on May 12, 2011 which was necessitated after the passage of 18<sup>th</sup> Amendment in the Constitution.

Among other changes in the Constitution, the 18<sup>th</sup> Amendment has replaced the 'ascertainment' of the Chief Minister with the 'election' and has also dispensed with the mandatory provision of taking vote of confidence as was in the case of ascertainment.

Another notable change is that in case the Chief Minister is not elected by majority of membership of the Assembly in the first poll, the members present and voting can now elect the Chief Executive of the Province in the second poll. The election, however, under Article 226 of the constitution, is not by secret ballot.

### (b) Calling Attention Notices

Only the Rules of Punjab and KP Assemblies provide the tool of Calling Attention Notices<sup>4</sup>

According to Punjab Rules, when a member raises a matter of public importance involving law and order through a call attention notice, the notice is in the form of a question and is addressed to the Chief Minister. The notice must be given in writing to the Secretary of the Assembly not less than forty-eight (48) hours before the commencement of the sitting in which it is proposed to be asked. Not more than two questions, to be selected by the Speaker, are included in the list of business for a sitting on every Monday and Thursday. The time for asking and answering such questions is fifteen (15) minutes immediately after the question hour. The Chief Minister or a Minister may answer such a notice.

According to KP Rules, a Member may with the prior permission of the Speaker, call the attention of a Minister to any matter of urgent public importance.<sup>5</sup>

### (c) Pre-Budget Discussion

Punjab Rules have additional provisions regarding Pre-Budget Discussion.

### (d) Petitions Relating to Bills<sup>6</sup>

KP rules have the following additional provisions that are not similar to other Assemblies:

Petition relating to Bills.- Petitions relating to a Bill which has been published under rule 81 or which has been introduced, may be presented or submitted in accordance with these rules.

Presentation of Petitions.- Any such petition may be presented by a Member, or be forwarded to the Secretary. In latter case, the fact shall be reported by him to the Assembly and no debate shall be permitted on the making of such report.

Form of Presentation.- A Member presenting a petition shall confine himself to a statement in the following form:-

"I present a petition signed by petitioner regarding Bill" and no debate shall be permitted on this statement."

Nomination of Committee on petitions.- (A) A Committee on petitions shall be constituted at the commencement of each session of the Assembly and shall consist of the Deputy Speaker, who shall be Chairman, and six members, nominated by the Speaker, of whom one shall be a member of the Panel of Chairmen. In the absence of the Deputy Speaker, a member from the Panel of Chairmen shall preside. In the absence of both, the Committee shall elect its Chairman.

The Speaker may, if he thinks fit, fill up any vacancy occurring on the Committee during the session.

The Committee shall continue to function till a new Committee is nominated. The quorum for the meeting

3. Rules of Procedure of the Provincial Assembly of the Punjab, 1997, pp.15-20.

4. Rules of Procedure of the Provincial Assembly of the Punjab, rules 62-67, pp.43-45.

5. Rules of Procedure of the Provincial Assembly of the Punjab, rule 53, p.37.

6. Rules of Procedure, Provincial Assembly of Sindh, rule 52, p.13.

of the Committee shall be three.

Reference to Committee.- Every petition after presentation by a Member or reported by the Secretary, as the case may be, shall be referred to the Committee.

Examination and report by Committee.- (1) The Committee shall examine every petition referred to it, and shall report to the Assembly, stating the subject-matter of the petition, the number of persons by whom it is signed and whether it is in conformity with the rules. If the petition is in conformity with the rules, the Committee may, in its discretion, direct that it be circulated as a paper pertaining to the Bill to which it relates. The Committee shall, in its report, state whether circulation has or has not been directed, and where circulation has not been directed, the Speaker may in his discretion, direct that the petition be circulated. Such circulation shall be of the petition, in extensor or of a summary thereof, as the Committee or the Speaker, as the case may be, may direct.

The report of the Committee shall be signed and presented to the Assembly by the Chairman of the committee on behalf of the committee:

Provided that in case the Chairman is absent or is not readily available the committee shall choose another member to sign and to present the report on behalf of the Committee.

Printing, countersignature and language of petition.- (1) Every petition shall-

- a. either be in English or Urdu or Pushto;
- b. If presented by a Member, be countersigned by him; and
- c. Be couched in respectful and temperate language.
- d. No letter, affidavit, appendix or other documents shall be annexed to a petition.
- e. A Member shall not present a petition from himself.

Authentication by signatories to petitions.- The full name and address of every signatory to a petition shall be set out therein and shall be authenticated by the signatory, if literate, by his signature and if illiterate, by his thumb-impression.

Petitions to whom to be addressed and how to be concluded.- Every petition shall be addressed to the Assembly and shall conclude with a prayer, reciting the definite object of the petitioner in regard to the Bill to which it relates.

General form of petition.- The general form of petition set out in the Third Schedule with such variations as the circumstances of each case require, may be used, if used, shall be sufficient.

### **Sitting of the Assembly Classification and Arrangement of Business**

The provisions regarding adjournment of a sitting, arrangement of business, relative precedence of private members bills, precedence of resolution, list of business and business outstanding at the end of the day are provided in the rules of all three Assemblies. However, the sitting duration of the Assembly proceeding in the Punjab and Balochistan Assemblies are five hours whereas these are four hours in the case of Sindh and KP Assemblies.

The private Members' Day is held on Tuesday in Punjab and Sindh Assemblies, whereas, it falls on Thursdays in Balochistan & KP Assemblies.

### **Questions**

The purpose of a question is to seek information and also to draw attention of the Government to public grievances and to get them redressed.

There are provisions regarding Time of Questions, Notice of Questions, Short notice Question, Form of Notice of Question, Subject matter of Questions, Admissibility of Questions, Speaker to decide admissibility of Questions, Notice of admission of Questions, Allotment of days for Questions, Number of Questions for a sitting, List of Questions, Delay as to answers, Mode of asking Questions and answering, Supplementary Questions, written answers to Questions not replied orally, Prohibition of discussion on Questions or answers, Questions relating to the Secretariat of the Assembly, No publicity of answers to Questions in advance and Discussion on a matter of public importance arising out of answer to a Question.

Punjab, Sindh, Balochistan and KP Rules have identical provisions regarding above mentioned headings of Question except following minor differences:

- a. Regarding Notice of Admission of Questions whereas Punjab Rules<sup>7</sup> provide eight (8) clear days, Sindh,<sup>8</sup> Balochistan<sup>9</sup> and KP Rules provide ten (10) clear days. In respect of Number of Questions for a sitting, Punjab Rules provide two (2) starred questions including short notice questions and five (5) un-starred questions from the same member while Sindh, Balochistan and KP Rules allow five (5) starred and five (5) un-starred questions by a member.
- b. In case of Punjab, there is a limit to 35 questions for the List of Questions which can be considered during a sitting of the Assembly whereas there is no limit in the case of Sindh, Balochistan and KP Assemblies.
- c. In the case of Punjab Rules, answers, if received from the Minister concerned not later than forty eight hours before the commencement of the Questions Hour on the day on which the questions are set down in the List, shall be entered along with it, and shall be called in order. The time period in the case of Sindh and KP is two days while it is three days in the case of Balochistan Assembly.

7. Rules of Procedure of the Provincial Assembly of the Punjab, rule 53, p.37.

8. Rules of Procedure, Provincial Assembly of Sindh, rule 52, p.13.

9. Rules of Procedure, Provincial Assembly of Sindh, rule 46 p.14.

## Privileges

A member may, with the consent of the Speaker, raise a question involving a breach of privilege either of a member or of the Assembly or of a Committee. There are provisions regarding Question of Privilege, Notice of question of privilege, Conditions of admissibility of question of privilege, Mode of raising a question of privilege, Precedence of question of privilege, consideration by the Assembly or reference to the Committees, Reference by the Speaker, Consideration of the report of the Committee, Priority for consideration, Intimation to Speaker by Magistrate, and others, of arrest, detention etc. of members, Intimation to the Speaker on release of members, Treatment of communications received from Magistrate, etc.

Punjab, Sindh, Balochistan and KP have similar rules on Privileges. However, in Punjab Rules an independent committee – Committee on Privileges<sup>10</sup> takes up the matter. On the other hand in Sindh<sup>11</sup> and Balochistan<sup>12</sup> Rules, these questions are handled by the Committee on Rules of Procedure and Privileges and Committee on Procedure and Conduct of Business Rules, Privileges and Implementation of Government Assurance in the case of KP.

10. Rules of Procedure of the Provincial Assembly of the Punjab, 1997, rule 73, p.48.

11. Rules of procedure of Provincial Assembly of Sindh, rule 63, p.16.

12. Provincial Assembly of Baluchistan Rules of Procedure and Conduct of Business, 1974, rule 60, p.20.



## Adjournment Motions

A member may move a motion for adjournment of the Assembly to discuss a matter of urgent public importance dealing substantially with one definite issue of recent occurrence. There are provisions about Speaker's consent, Notice of a motion, Restriction on right to make Adjournment Motion, Conditions of admissibility of a motion, Asking leave for a motion, Procedure, Time limit for determination of admissibility, Question to be put and Time limit for speeches. In Punjab and Sindh, the time limit for seeking leave of adjournment is half an hour; however in Balochistan rules, there is no fixed time limit.

Punjab, Sindh, Balochistan and KP Rules have similar provisions on Adjournment motions except the additional rules provided in the Punjab Rules which are regarding *sub judice* issues and the days on which no adjournment motions shall be moved.<sup>13</sup>

There is no fixed time for Adjournment Motion in Balochistan but half an hour is fixed in the case of KP, Punjab and Sindh Rules.

13. Rules of Procedure of the Provincial Assembly of the Punjab, 1997, rule 83(n) & (o), p.52.

## Legislation

The Provincial Assemblies have the power to make laws with respect to any matter not enumerated in the Federal Legislative List.<sup>14</sup>

There are provisions for Notice of Private Member's Bills, Introduction of Private Member's Bills, Notice of Government Bills, Bills received from Parliament, Publication of Bills, Reference of Bills to Standing Committees, Tie of consideration of Bills, Motions to be made by member-in-charge, Bills repugnant to the Injunctions of Islam, Discussion of Principles of Bills, Person by whom motions in respect of Bills may be made, Procedure after presentation of report, Consideration of a Bill clause by clause, Postponement of clause, Schedule Clause one, preamble and title of the Bill, Amendments Conditions of admissibility of amendments, Orders of amendments, Withdrawal of amendments, Passing of Bills, Withdrawal of Bills, Assent by Governor, Publication and Bills returned by Governor.

Punjab, Sindh, Balochistan and KP Rules have identical provisions about Legislation whereas the Punjab Rules have additional information regarding Bills received from Parliament, Schedule, Conditions of admissibility of amendments and Bills returned by Governor.<sup>15</sup>

KP Rules provide that the Speaker may, if he thinks fit, put questions as one group of clauses to which no amendments have been offered.

14. Constitution of the Islamic Republic of Pakistan, 1973, Article 142, p.73.

15. Rules of Procedure of the Provincial Assembly of the Punjab, 1997, rules 92,103 & 106, pp.57, 63, 106.

## **Resolutions on Matters of General Public Interest**

A resolution is in the form of an expression of the opinion of the Assembly on one definite issue. There are provisions about the Right to move resolution, Notice of resolution, Form and contents of resolution, Raising discussion on matters before Tribunals, Commissions, etc., Speaker to decide admissibility of resolution, Moving and withdrawal of resolution, Amendment of resolution, Notice of amendment, Withdrawal of resolution on amendment after having been moved, Time limit for speeches, Scope of discussion, Restriction on moving of resolutions and Voting and transmission of copies.

Punjab, Sindh, Balochistan and KP Rules have similar provisions regarding Resolutions on matters of General Public Interest with only difference being regarding the number of days in case of notice of resolution which is seven days notice in the case of Minister in Punjab and Balochistan Rules. While in Sindh Rules, there is three days notice for private member or minister. KP Rules have fifteen days in case of Private Member and three days in case of Minister.

In KP Rules there is also a provision that if a resolution is unanimously adopted, it shall be binding on the Provincial Cabinet to implement the same as their collective responsibility under clause (4) of Article 130 of the Constitution. Punjab Rules have additional clause regarding action taken by the Department concerned on the resolution within three months.

### **Resolution mentioned in the Constitution**

The Assembly also takes up certain resolutions mentioned in the Constitution; viz- a resolution disapproving an Ordinance, or a resolution authorizing the Parliament to make a law on a subject which is, otherwise, within the provincial legislative field. Sindh Rules are silent on the subject.

### **Procedure In Financial Matters**

The Assembly exercises its control over the financial affairs of the Government in two ways; viz consideration as well as approval of the budget and consideration of the Reports of the Auditor General of Pakistan. The provisions include Budget, Demands for grants, Presentation of Budget, Stages of the Budget, Allotment of days, General discussion, Cut motions, Notice of cut motions, Conditions for admissibility of cut motions, Admissibility of cut motions, Voting on demands for grants, Cut motions in respect of expenditure, Vote of account and Supplementary Budget.

Punjab, Sindh and Balochistan Rules have identical provisions on Procedure in Financial Matters but the difference amongst these rules is the different number of days fixed for general discussion on the budget (In Punjab & KP 4 days, Sindh 5 days, Balochistan 3 days).

## Committees

The Assembly transacts a great deal of its business through committees. These committees are constituted to deal with specific items of business requiring expert or detailed consideration. There are provisions about Standing Committees, Composition of Standing Committees, Method of election, Chairman of a Committee, Resignation, Casual vacancies, Functions of committees, Reference to Committees, Sittings of Committees, Sittings of Committees while the Assembly is sitting, Sittings in camera, Quorum, Voting, Power of Committees to examine Government officials and record, Evidence, report and proceedings treated confidential, Views of the Departments on Private Members' Bills, Record of the proceedings of committees, Special Reports, Reports of committees, Presentation of Report, Agenda and notices of the meetings, decision of Speaker on procedure, Business before Committees not to lapse on prorogation of Assembly and Unfinished work of Committees.

Punjab, Sindh, Balochistan and KP Rules have different number of committees and following are the differences in provisions relating to Committees:-

- a. In the Punjab and Balochistan Rules, the Minister and the Parliamentary Secretary concerned, and in Sindh the Minister concerned are ex-officio members of the respective committees.
- b. In Punjab and Sindh Rules, the Speaker constitutes House Committee and Library Committee.
- c. In the Punjab and Sindh, Deputy Speaker is the Chairman of the Library Committee; the Chairman of the House committee is nominated by the Speaker but in Balochistan Rules, Deputy Speaker heads the House and Library Committee.
- d. The Chairman fixes the meetings; however, in the absence of the Chairman, the Secretary may fix a meeting. Except in Sindh, a meeting may also be requisitioned by at least three members of the committee. In the Punjab, the chairman is required to call a meeting within twenty one days of the receipt of the requisition; and, in Balochistan, within seven days. In Punjab and Balochistan Rules except otherwise decided by the committee, the meetings are held in camera/private. However, in Sindh, the meetings are generally open but the committee has the power to hold a meeting in camera.
- e. In Punjab, three elected members of a committee and

in the case of Committee on Privileges and Public Accounts committees, four elected members form the quorum;

- f. In Balochistan, four elected members of a committee and in case of Public Accounts committee, three elected members constitute the quorum.
- g. In Sindh, one third of the total membership of the committee makes up the quorum.
- h. Each Provincial Assembly elects a Public Accounts committee, except the Punjab Assembly which elects two such committees.
- i. Speaker acts as Chairman of the Public Accounts Committee in KP.
- j. KP Rules have the provision of *suo motto for the committees*.<sup>16</sup>
- k. KP Rules have a Committee on Law Reforms and Control on Subordinate Legislation and Judicial Committee.
- l. KP Rules have also the provision regarding Speeches in Committee.
- m. The Punjab Assembly constitutes a committee on Privileges, however, the rules do not envisage any committee on the rules of procedure. In Balochistan and Sindh, there is one Committee known as Committee on Rules of Procedure and Privileges which deals with both the subjects.
- n. In Balochistan and Sindh, the committee also examines matters pertaining to the rules of procedure and conduct of business.
- o. In the Punjab and Sindh, the Speaker constitutes separate House committee and Library Committee. However, in KP & Balochistan both the functions have been assigned to one committee designated as House and Library Committee under the chairmanship of Deputy Speaker.
- p. Only Punjab rules have the Business Advisory Committee. In the Punjab, the Speaker is empowered to constitute the Business Advisory Committee in consultation with the Leader of the House and the Leader of Opposition. The committee consists of not more than 12 members, with the Speaker as Chairman. The Committee deals with the day-to-day business of the Assembly, and allocation of time for various types of business, and for various stages of the same business.

16. Provincial Assembly of Khyber Pakhtunkhwa Procedure and Conduct of Business Rules, 1988, rule 152(2), p.60.

## General Rules

There are different provisions on different subjects. Following are the differences amongst these rules:

- a. Punjab Rules under “B-Motions”<sup>17</sup> have following two very important rules which do not exist in the Sindh and Balochistan Rules:

Proposing of Question.- When a motion has been moved, the Speaker may propose the question for the consideration of the Assembly, and if a motion embodies two or more separate propositions, each of the proposition may be proposed as a separate question.<sup>18</sup>

Correction of patent errors:- Where a Bill is passed by the Assembly, the Speaker shall have power to correct patent errors and make such other changes in the Bill as are incidental or consequential upon the amendments accepted by the Assembly.<sup>19</sup>

Procedure when Speaker addresses.- (1) Whenever the Speaker addresses the Assembly, he shall be heard in silence and any member who is then speaking or offering to speak shall immediately resume his seat.<sup>20</sup>

(2) No member shall leave his seat while the Speaker is addressing the Assembly.

(b)The Balochistan Rules do not have the General Rule on “Personal

Explanation” which is as under:-

Personal Explanation.- A member may, with the permission of the Speaker, make a personal explanation although there is no question before the Assembly, but no debate shall be allowed on it.

- b. Sindh Rules do not have a General Rule regarding removal of strangers from the Assembly premises and lifting of ban of secrecy.
- c. In Sindh, Balochistan and KP Rules under “Lapse of pending notices on prorogation” on the prorogation of the Assembly, all pending notices, other than notices of Bills, shall lapse. But in Punjab Rules all pending notices, other than notices of Questions and notices relating to Bills, shall lapse.

- d. Punjab Rules also include additional provisions regarding Motion, resolution or amendment moved not to lapse, No speech after question is put, Casting vote, Validity of proceedings, Procedure when a Minister discloses source of advice or opinion given to him, Council of Chairmen and General discussion.

- e. Punjab and Balochistan Rules have the following provision of Transitional provision:-

- f. Transitional provisions.- If there is no Speaker at the time of the dissolution of the Assembly or if the Speaker continuing after the dissolution of the Assembly under clause (8) of Article 53 read with Article 127 of the Constitution resigns or dies or is otherwise absent, the Secretary shall take such actions, till the election of Speaker, as are necessary for the running of the day to day affairs of the Assembly after general elections and for the conduct of business by the Assembly.

<sup>21</sup>Balochistan Rules have an ambiguity regarding the Use of Assembly Chambers which is that the Assembly Chamber shall not be used for any purpose other than the sittings of the Assembly.

17. Rules of Procedure of the Provincial Assembly of the Punjab, 1997, pp.105&107.

18. Rules *ibid*, rule 196, p.103.

19. Rules of Procedure of the Provincial Assembly of the Punjab, 1997, rule 200, p.105.

20. Rules *ibid*, rule 224, p.114.

21. Rules of the Provincial Assembly of the Punjab, 1997, rule 241, pp.217-18.



## Recommendations

The provincial legislatures of Pakistan follow the National Assembly being the mother parliament, so it is central to note that there should be unity and harmony amongst the rules of procedures of the legislatures of Pakistan.

The preceding analysis suggests that positive differences may be included in each of the Rules of Procedure for making them authentic and similar on the procedural subjects in each of the 4 legislatures.

Following are some of the recommendations:

1. The parliamentary terms present in Punjab and Balochistan Rules like “Leader of Opposition”, “Precincts of the Assembly”, “Private Member”, “Resolution”, and “Supplementary Budget” may also be included in the Sindh Rules. Advisor may also be termed as Private Member.
2. Punjab Rules amended provisions as per 18<sup>th</sup> amendment may also be included in the Sindh and Balochistan Rules.
3. In the provisions on Committees the Minister and the Parliamentary Secretary concerned may be ex-officio members of the respective committee.
4. Speaker may have the powers to constitute House Committee and Library Committee.
5. Deputy Speaker may be the Chairman of the Library Committee and the Chairman of the House Committee
6. In the Punjab, the Speaker is empowered to constitute Business Advisory Committee in consultation with the Leader of the House and the Leader of Opposition. The committee consists of not more than 12 members, with the Speaker as Chairman. The Committee deals with the business of the Assembly, and allocation of time for various types of business, and for various stages of the same business. This Committee may also be included in the rules of the other provincial legislatures as well.
7. In KP Rules, under the provisions relating to Resolutions, there is also a provision that if a resolution is unanimously adopted, it shall be binding on the Provincial Cabinet to implement the same as their collective responsibility under clause (4) of Article 130 of the Constitution. The other Provincial Assemblies may also consider to include this provision in their rules as well.
8. KP Rules have additional provisions regarding Petitions Relating to Bills. This may be included in the rules of other provincial assemblies as well.
9. Provision of the *suo motto* powers to the committees to take up any matter on their own, has proved to be a matter of contention in Pakistan. On the one hand there has been a strong demand that the committees be empowered to take up any matter on their own – be given *suo motto* powers. On the other hand, a justification against it holds that the exercise of *suo motto* powers needs a certain level of maturity in the recurrent political system in Pakistan is yet to be acquired.  
  
Based on the rationale of the committee system, provision of *suo motto* powers to the committees seems inevitable. It maintains proper accountability of the government before the committees whereas committees are not dependent on the ministries or the Assembly for referral and can enquire into any matter under their jurisdiction which they deem fit for committee consideration.  
  
However, to exercise such powers, infrastructural support needs to be in place. More powers for committees would obviously entail greater responsibility on the part of the public representatives, and liberal and unbiased support from the administration. Thus, while considering conferment of *suo motto* powers on the committees (a) the Secretaries of the committees should be reasonably strengthened and suitably equipped, including adequate space for holding simultaneous meetings by a number of committees, and (b) detailed orientation of the public representatives as well as the government officials should be arranged so that they are clear about their respective authority and limitations or constraints.  
  
Moreover, until the committees are given the right of *suo motto*, the assemblies should liberally assign assorted matters/business to the relevant committees.
10. In National Assembly and KP, there is a provision of *suo motto*. Same provisions may be given in Punjab, Sindh and Balochistan Rules.
11. The Punjab and Balochistan rules have the following provision of Transitional provision which may be included in Sindh and KP rules:  
  
Transitional provisions.- If there is no Speaker at the time of the dissolution of the Assembly or if the Speaker continuing after the dissolution of the Assembly under clause (8) of Article 53 read with



Article 127 of the Constitution resigns or dies or is otherwise absent, the Secretary shall take such actions, till the election of Speaker, as are necessary for the running of the day to day affairs of the Assembly after general elections and for the conduct of business by the Assembly.

12. These different additional provisions present in the Punjab Rules may also be included in other rules as well:

**Proposing of Question.-** When a motion has been moved, the Speaker may propose the question for the consideration of the Assembly, and if a motion embodies two or more separate propositions, each of the proposition may be proposed as a separate question.

**Correction of patent errors:-** Where a Bill is passed by the Assembly, the Speaker shall have the power to correct patent errors and make such other changes in the Bill as are incidental or consequential upon the amendments accepted by the Assembly.

**Procedure when Speaker addresses.-** (1) Whenever the Speaker addresses the Assembly, he shall be heard in silence and any member who is then speaking or offering to speak shall immediately resume his seat.

(2) No member shall leave his seat while the Speaker is addressing the Assembly.

The following rules regarding "Personal Explanation" may also be included in the Balochistan Rules:

**Personal Explanation.-** A member may, with the permission of the Speaker, make a personal explanation although there is no question before the Assembly, but no debate shall be allowed on it.

13. Sindh Rules do not have a General Rule regarding Removal of Strangers from the Assembly premises and Lifting Ban of Secrecy.
14. In Sindh and Balochistan Rules under "Lapse of pending notices on prorogation" on the prorogation of the Assembly, all pending notices, other than notices of Bills, shall lapse. But in Punjab Rules all pending notices, other than notices of Questions and notices relating to Bills, shall lapse.
15. Punjab Rules also include additional provisions regarding Motion, resolution or amendment moved

not to lapse, No speech after question is put, Casting vote, Validity of proceedings, Procedure when a Minister discloses source of advice or opinion given to him, Council of Chairmen and General discussion.

16. Balochistan Rules have an ambiguity regarding Use of Assembly Chambers which is that the Assembly Chamber shall not be used for any purpose other than the sittings of the Assembly. This ambiguity may be removed.



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