



# Legislature Monitor

The National and Provincial Legislatures of Pakistan

June-July 2015



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## THE NATIONAL ASSEMBLY PASSES THE FEDERAL BUDGET 2015-2016



Federal Minister for Finance, Senator Mohammad Ishaq Dar presents Federal Budget 2015-2016

The budget session, held in June 2015, resulted in the passage of the Finance Bill 2015, and marked yet another year of public representatives going through the motions of passage of the budget and without the time and institutional and resources to review the budget.

**Table 1: Budget Sessions of the 14<sup>th</sup> National Assembly of Pakistan**

	2013-2014	2014-2015	2015-2016
Sittings	13	14	15
Hours per sittings	6 hours and 32 minutes	5 hours	5 hours and 14 minutes
Prime Minister's Attendance	15%	43%	27%
Leader of Opposition's Attendance	100%	100%	87%

The National Assembly sittings lasted a total of 15 days, increasing by 7% from the second year when 14 sittings were held, and by 15% from the first year when 13 sittings were held. According to Rule 187 in the National Assembly Rules of Procedure and Conduct of Business, a minimum of four days is required to discuss the Federal budget. This is not nearly enough time for the legislators to thoroughly scrutinise the budget and is amongst the lowest amount of time spent on a budget session in the world. For instance, the Indian Lok Sabha spends up to 90 days in review and passage of the budget.<sup>1</sup> At least 30 to 45 sittings must be mandated for the budget debate in the National Assembly through an amendment to the Rules of Procedure.<sup>2</sup> The budget must also

1. Please see: Comparison of Parliamentary Rules of Procedure and Conduct of Business in Pakistan and India, PILDAT, September 13, 2004, at: <http://www.pildat.org/Publications/publication/ILS/Proceedings-comparisonParliamentaryRulesofProcedureofIndiaAndPakistan.pdf>
2. Please see: Citizens' Report: 14<sup>th</sup> National Assembly of Pakistan: 1<sup>st</sup> Parliamentary Year: June 01, 2013 – May 31, 2014, PILDAT, August 2014 at: [http://www.pildat.org/Publications/publication/Democracy&LegStr/Performanceofthe14thNationalAssemblyofPakistan\\_1stParliamentaryYear01June2013to31May2014.pdf](http://www.pildat.org/Publications/publication/Democracy&LegStr/Performanceofthe14thNationalAssemblyofPakistan_1stParliamentaryYear01June2013to31May2014.pdf)

be referred to relevant standing committees for detailed examination so that they can do an in-depth analysis of the budget and give recommendations on the budgets of specific ministries or departments.

The attendance of the MNAs in the budget debate was recorded at 67% with 10 sittings on average attended by the legislators.<sup>3</sup> Meanwhile, the Prime Minister of Pakistan, Mr. Muhammad Nawaz Sharif, MNA, (NA-120, Punjab, PML-N) attended 4 sittings at 27% of the total. The attendance of the Prime Minister declined from the second year by 16 percentage points when his attendance had been 43%, however it has increased by 12 percentage points from the first year when his attendance had been 15%.

On the other hand, the attendance of Syed Khursheed Ahmed Shah, MNA (NA-199, Sindh, PPPP), the Leader of the Opposition, has declined by 13 percentage points from both the first and second Parliamentary years. The Leader of Opposition was present during 13 sittings at 87% of the total budget session in the second year.

Unfortunately, a number of leaders in the National Assembly did not attend a single sitting during the entire budget session, including: Chairman of the Pakistan Tehreek e Insaf, Mr. Imran Khan, MNA (NA-56, Punjab, PTI), Former Speaker of the National Assembly, Dr. Fehmida Mirza, MNA (NA-225, Sindh, PPPP), and Mr. Muhammad Hamza Shahbaz Sharif, MNA (NA-119, Punjab, PML-N).

### Supplementary Budget

A major shortcoming of the budget process in the Parliament has been that the Government, without the prior approval of the Parliament, can incur extra expenditures over and above the approved budget. The extra expenditures are then packaged and presented to the Assembly for approval. Pakistan is one of the few countries along with Bangladesh and Denmark in which the Government can revise the budget after its passage by the Parliament. Clause 84 of the Constitution of the Islamic Republic of Pakistan states that if “any money has been spent on any service during a financial year in excess of the amount granted for that service for that year; the Federal Government shall have power to authorize expenditure from the Federal Consolidated Fund” and can be laid before the National Assembly. In this vein, the House approved charged expenditures on supplementary demands of grants worth Rs. 12.620 billion for the year ending on June 30, 2015, which is over a 100% more than what the Government demanded in the previous year. The legislators must supervise the ongoing expenditures of the Government over the course of the year and can emulate the Sindh Assembly's Rule 144, which allows legislators to debate the expenditures made by the Government on a quarterly basis.

### Attendance Record of MNAs Available Online

PILDAT welcomes the President of Pakistan's decision to uphold our request to upload the Attendance Records of MNAs in the National Assembly. The Presidential verdict No. 441/WM/2013 dated July 06, 2015 on 'Mr. Ahmed Bilal Mehboob Versus National Assembly Secretariat' rejected the appeal of the National Assembly Secretariat made in October 2013 against the Federal Ombudsman's 'recommendation' to the National Assembly provide the attendance record to PILDAT. As directed by the President, the National Assembly has begun to upload the attendance record of MNAs on its website since July 2015.

### Live Telecast of Budget Debate

During a sitting on June 08, 2015, Opposition parties in both the National Assembly and Senate had refused to participate in the debate unless the Government agreed to arrange live television coverage of speeches. In a welcome move towards transparency, the Information and Broadcasting Minister, Senator Pervaiz Rashid, PML-N, announced that PTV had arranged live coverage of the speeches, and had also agreed give “live feed” to all private television channels.

### Pakistan Army (Amendment) Ordinance

In an unusual move, the National Assembly passed a resolution on June 15, 2015 to extend the Pakistan Army (Amendment) Ordinance 2015 for 120 days. The MQM legislators protested this under the contention that a law was being extended through a

3. The attendance data for the National Assembly was acquired directly from the National Assembly website, which has begun the practice of uploading attendance record online.

resolution and not through the introduction, review and passage as a bill in the Parliament as is the usual practice. The Ordinance, which permits the use of extraordinary measures for speedy trials of offences relating to terrorism and prevention of acts threatening the security of Pakistan, was tabled by Defence Minister, Khawaja Muhammad Asif, MNA, (NA-110, Punjab, PML-N).

## SENATE

### Senate Session 116

The 116<sup>th</sup> session of the Senate of Pakistan that took place from June 05-17, 2015, comprising 9 sittings. Since the Senate is constitutionally not required to pass the Finance Bill, the Senate Standing Committee on Finance, Revenue, Economic Affairs, Statistics and Privatization met to review budget and submitted 92 recommendations on the Finance Bill, of which the National Assembly incorporated 56.

### Budget Process

To improve the budget process, the Senate recommended that the Ministry of Finance present the foci of the budget in March of every year and the detailed budget by mid-May in both Houses of the Parliament for a pre budget discussion. The Senate also recommended that a mid-year budget review in the Parliament be made mandatory to be carried out each year in February. Though these proposals have not yet materialized, they are significant, as they will allow the legislators time to carefully review the Federal Budget.

### Senate Session 117

The 117<sup>th</sup> session of the Senate of Pakistan, which was held between July 06, 2015 and July 10, 2015, comprised 5 sittings. During the brief session, the Senate managed to pass 7 bills, including the amended Local Government (Amended) Bill 2015 to pave the way for Local Government elections in the Islamabad Capital Territory.

### Local Government Bill

The Local Government elections in the Islamabad Capital Territory had originally been planned for July 28, 2015, however the fact that the Senate of Pakistan had not passed the bill until July 09, 2015, the required preparation for the elections could not be made. The Election Commission of Pakistan had controversially announced the schedule for the Local Government elections without the passage of the bill by the Senate, to the indignation of many Senators. The major point of contention that had prevented the passage of the bill in the Senate had been whether elections should be on a party basis. The Senate, on July 9, 2015, passed the amended the Local Government Bill 2015 by majority for party-based elections had thus allowed the ECP to draw up a new election schedule for October 2015.

### Senate Rules Amended

The Senate made amendments to rules 9, 79, 158, 166, 182 and 277 and inserted new rules, 162A and 262A during a sitting on July 06, 2015. Under Rules 158 and 162A the Senate Special Committee on Devolution Process to oversee the devolution process under the 18th Constitutional Amendment has been reconstituted. The remaining amendments were less substantial and included, for instance, the amended Rule 9, which states that the outgoing Senate Chairman would preside over the first meeting of the house after the elections instead of a member being nominated by the President of Pakistan. Newly added Rule 262A states that the Secretary may, when asked to do so by the Chairman, or in the absence of the Chairman, may make announcements in the House.

### Petitions to the Senate Increase

The Public Petition Table was established on April 04, 2015 on the order of the Senate Chairman, Senator Raza Rabbani, to address issues of public concern in the Senate. The Senate Secretariat received 554 public petitions between April and July

12, 2015. Of these 20 were selected for discussion in the House while 169 were deferred to committees for review. Of the 20 selected for discussion, 18 have already been discussed and directions have been given.<sup>4</sup> The response to public petitions is an encouraging move that will increase public trust in the Parliament.

## THIRD BUDGET PASSED BY THE PROVINCIAL ASSEMBLIES

### BALUCHISTAN ASSEMBLY

Balochistan Assembly held its budget session over the course of 6 sittings, a reduction by 14% from the both the first and second years, when the debate was held over 7 sittings each. The Balochistan Rules of Procedure require a minimum of only 3 sittings to discuss the budget, inadequate time to scrutinise the Provincial Budget, especially in light of the fact that pre and post budget debates are also not required, rendering the contribution of legislators to the Provincial Budget almost non-existent.

The Provincial Assembly of Balochistan passed 3 bills during the budget session: the **Balochistan Finance Bill 2015**, the **Balochistan Revenue Authority Bill 2015** and the **Balochistan Sales Tax on Services Bill 2015**.



Dr. Abdul Malik Baloch speaks during budget debate

### Chairpersons of Standing Committees in Balochistan

One of the outstanding problems facing the Provincial Assembly of Balochistan in its second Parliamentary year had been the non-selection of Chairpersons for committees, making them inactive. During a meeting of legislators presided by Dr. Abdul Malik Baloch, MPA (PB-48, Balochistan, NP) the Chief Minister of Balochistan, on June 10, 2015; the Chairpersons of seventeen committees were finally nominated. However, committees continued to remain inactive through July, as the Chairpersons had not been formally elected to their posts.

### No Speaker for the Balochistan Assembly

While the Assembly has taken one step forward by nominating the leaders of the committees, the position of Speaker of the Provincial Assembly of Balochistan continued to be vacant through July 2015, as Mir Abdul Quddus Bizenjo, MPA (PB-41, Balochistan, PML) formerly the Deputy Speaker has been the Acting Speaker since May 23, 2015. Rule 10 of the Rules of Procedure state that in the event of a vacancy, a Speaker must be elected "If the Assembly is not in session, at the first meeting of the next session." The crucial budget session has come and gone and this post remains vacant.

### KHYBER PAKHTUNKHWA ASSEMBLY

Khyber Pakhtunkhwa Assembly met for the lowest number of sittings at 5 during the Budget debate, 1 more than the allotted 4 days required in the Rules of Procedure to discuss the budget. The number of sittings has also reduced by 44% from the second

4. Please see 'Senate Receives 554 Public Petitions', The News, July 22, 2015, at <http://www.thenews.com.pk/Todays-News-2-329974-Senate-receives-554-public-petitions>

year when the budget was debated over the course of 9 sittings. Additionally, the budget debate of the Khyber Pakhtunkhwa Assembly was dominated by boycotts by the members of the Opposition due to the alleged rigging in the May 30, 2015 Local Government elections. To facilitate legislators in thoroughly reviewing the Provincial Budget, it is essential that the number of mandatory sittings be increased to between 30 to 45 days. Additionally, along the lines of the Sindh and Punjab Assemblies, a pre budget debate must also be made compulsory via an amendment to the Rules of Procedure.

The Provincial Assembly of Khyber Pakhtunkhwa passed 4 bills during this session: Khyber **Pakhtunkhwa Lissaaile-e-Walmahroom Bill, 2015**, the **Khyber Pakhtunkhwa Right to Information (Amendment) Bill, 2015**, the **Establishment of Civil Mobile Courts Bill, 2015**, and the **Khyber Pakhtunkhwa Finance Bill, 2015**.

### RTI Act Amendments in Khyber Pakhtunkhwa

On June 23, 2015, the Khyber Pakhtunkhwa Assembly unanimously passed an amended Right to Information (RTI) (Amendment) Bill 2015, which excludes the KP Assembly from the scope of the RTI Bill, and deprives citizens of their right to question the performance of their elected representatives. When the Chairman of PTI, Mr. Imran Khan, was made aware of this undemocratic amendment, he directed the PTI-led Government in KP to reverse the change as it is against the overarching goals of both the PTI and the KP Government to be both transparent and accountable to citizens. The Speaker of the Provincial Assembly, Mr. Asad Qaiser, MPA (PK-35, Khyber Pakhtunkhwa, PTI) has since then admitted the error of making such an amendment "That was a mistake. We are going to rectify it."<sup>5</sup> The Assembly is expected to reverse the amendment in the 15<sup>th</sup> session of the KP Assembly during the month of August 2015.

### PUNJAB ASSEMBLY



Finance Minister of the Punjab, Dr. Ayesha Ghaus Pasha presents the Punjab Budget 2015-2016

The Provincial Assembly of the Punjab held the most number of sittings during its 15<sup>th</sup> (budget) session this year at 13; an improvement by 30% from the second year budget session when the budget was debated over 10 sittings. The Provincial Assembly of the Punjab also has successfully held a pre budget debate prior to the introduction of the budget to the Assembly. However, the time allocated to discussing the Provincial Budget is a minimum 4 days, which does not allow enough time for the MPAs to thoroughly examine the budget for the upcoming year, and must be increased to at least 30 to 45 days. Following the example of the Sindh Assembly, the Punjab Assembly may also introduce an amendment to the Rules of Procedure such that quarterly budget debates are held to oversee the budget

expenditures over the course of the year.

The Provincial Assembly of the Punjab also took the lead in the number of laws passed at 10, including the Finance Bill. The passed laws included the **University of Jhang Bill 2015**, **University of Sahiwal Bill 2015**, the **Punjab Motor Vehicle Transaction Licenses Bill 2015**, the **Provincial Motor Vehicles (Second Amendment) Bill 2015**, the **Punjab Finance Bill 2015**, the **Punjab Infrastructure Development Cess Bill 2015**, the **Stamp (Amendment) Bill 2015**, the **Punjab Mass Transit Authority Bill 2015**, the **Ghazi University Dera Ghazi Khan (Amendment) Bill 2015**, and the **Provincial Motor Vehicles (Amendment) Bill 2015**.

5. Please see 'KP Assembly Speaker has to Cut a Sorry Figure', The News, June 28, 2015, at <http://www.thenews.com.pk/Todays-News-2-326015-KP-Assembly-speaker-has-to-cut-a-sorry-figure>

While leading in legislation, the Provincial Assembly of the Punjab fell behind the other three provincial assemblies in terms of participation. The Chief Minister of the Punjab, Mr. Shahbaz Sharif, MPA (PP-159, Punjab, PML-N) attended 15% of the total sittings. The Leader of the Opposition of the Punjab Assembly, Mian Mehmood ur Rashid, MPA (PP-151, Punjab, PTI) attended 84%.<sup>6</sup>

### Finance Minister of the Punjab

The Opposition was critical of the fact that Finance Minister Dr. Ayesha Ghaus Pasha, MNA (W-348, Punjab, PML-N) took charge of the Ministry just two weeks before the budget was presented to the House. Leader of Opposition, Mian Mehmood ur Rasheed, remarked on June 15, 2015, that the Finance Minister herself could not be aware of how the budget had been financed given the fact that in all likelihood the budget had been prepared before her appointment.

### SINDH ASSEMBLY

The Provincial Assembly of Sindh held 10 sittings during its budget session, during which it passed the **Sindh Finance Bill, 2015**. The Provincial Assembly of Sindh is required to hold the budget debate over a minimum of 5 sittings therefore the legislators far exceeded the minimum requirement, in addition to holding the pre budget debate in May 2015. The Provincial Assembly of Sindh is distinct for Rule 144 in its Rules of Procedure, which allows legislators to monitor the Provincial Budget over the course of the year in quarterly budget debates.

### Load Shedding in Sindh Dominates Budget Session



Chief Minister, Syed Qaim Ali Shah speaks about power cuts in Sindh

A significant portion of the budget session of the Provincial Assembly of Sindh was dominated by the debate over the energy crisis facing the province. The unprecedented load shedding in the province during a severe heat wave brought the death toll over 1000 persons (although estimates vary).<sup>7</sup> During the session, Syed Qaim Ali Shah, MPA (PS-29, Sindh, PPP), vowed to bring up the issue with the Federal Government and K-Electric, according to him, the responsible parties for the deaths. The Chief Minister announced a public holiday for all offices, except for the establishments engaged in essential services, across the province to avoid life losses from the heat wave.

6. The Provincial Assembly of the Punjab began the practice of uploading the individual attendance record of its Members online in April 2015.

7. Please see 'Pakistan Heat Wave Eases but Death Toll Rises' Wall Street Journal, June 25, 2015 at <http://www.wsj.com/articles/pakistan-heat-wave-eases-but-death-toll-rises-1435254733>