



# Proposed Reforms to Strengthen National Assembly of Pakistan



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PILDAT is an independent, non-partisan and not-for-profit indigenous research and training institution with the mission to strengthen democracy and democratic institutions in Pakistan.

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## PREFACE

The 14<sup>th</sup> National Assembly of Pakistan has been voted in through Pakistan's 10<sup>th</sup> General Election on May 11, 2013 while it officially held its first sitting, the official start of its 5-year term, on June 01, 2013.

While democratic and legislative reforms continue even in developed democracies, the case for the required reform is considered to be much stronger in Pakistan owing to almost regular disruption of democracy throughout the past 6 decades. That Pakistan's elected Legislatures should be truly representative of the people of Pakistan, be accessible to the public, reflect public aspirations in legislation and safeguard public's interests through overseeing the elected Government are some of the key roles and responsibilities of the Parliament.

In order to effectively carry out the Constitutional responsibilities of *Representation*, *Legislation* and *Oversight*, certain key reforms are needed in the National Assembly of Pakistan. Now that the new Assembly is in place, this is considered the most opportune time to highlight and work for institution of required reforms so as to improve the performance of the National Assembly of Pakistan.

PILDAT has had the honour of assisting the National Assembly of Pakistan and elected legislators since 2002. Throughout its modest contributions and assistance to the Assembly, PILDAT has been fortunate in receiving guidance from the Assembly leadership and wide variety of its multi-party representation over the years.

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### Disclaimer

PILDAT team of researchers have made every effort to ensure the accuracy of the analysis contained in this paper and any omission or error is not deliberate.

Islamabad  
August 2013

## Required Reforms to Strengthen the National Assembly of Pakistan

This paper outlines the recommendations for reforms required to strengthen the role and performance of the National Assembly of Pakistan. These reform proposals are being put forward for the consideration and implementation of the new legislative leadership and MNAs of the 14<sup>th</sup> National Assembly of Pakistan:

### 1. Increase "Actual" Working Days of Assembly

The original 1973 constitution provided that the National Assembly should meet for a minimum of 160 days in a year. This number was later revised downward and according to Article 54 (2) of the Constitution of Pakistan, the National Assembly is required to meet for a minimum of 130 days in a year. However, a break of two days during an on-going session is also counted while computing the number of days in the context of this constitutional requirement.

If the two-days break is disregarded, the combined average of 'actual' working days of the National Assembly has been 103 days for the 13<sup>th</sup> National Assembly (2008-2013) and 77 working days for the 12<sup>th</sup> National Assembly (2002-2007).

The average working hours per day for the five years of 13<sup>th</sup> National Assembly comes out to be around 2 hours and 06 minutes per day compared to the average of a little over 3 hours of the 12<sup>th</sup> National Assembly.

While the outgoing 13<sup>th</sup> National Assembly has registered a welcome increase of 31% in the number of days it met, it has recorded a decrease in average working hours per day.

It is recommended that both the 'actual' working days and working hours of the National Assembly be increased. In all established democracies, legislatures remain in session all the year round except for well-defined breaks. That is how the Parliament ensures its supremacy. A Parliament can not be taken seriously in absentia. Even if the working days can not be increased at this stage, the number of working hours per day should be increased to 6 hours per day on the average.

### 2. Prime Minister's Presence in the House & PM Question Time

In keeping with global Parliamentary norms and

traditions, the Honourable Prime Minister should himself answer questions at least once a week and at least 30 minutes be allocated for this purpose in each week in line with the practice in most of the parliamentary democracies.

The Honourable Speaker is requested to encourage the new Prime Minister to make it a habit to regularly attend the Assembly when it is in session. The Prime Minister should also use the floor of the Assembly for making all important statements or announcements.

The Honourable Prime Minister should be commended for first taking the house into confidence regarding his Government's decision to proceed with the High Treason case against the former Chief of Army Staff / President General (Retired) Pervez Musharraf. This act was widely appreciated both inside and outside the parliament. This tradition should be continued.

The Speaker should also encourage his colleagues to amend the Assembly Rules of Procedure and Conduct of Business to provide for a weekly Question Period (say 30 minutes) for the Prime Minister. Prime Minister's greater involvement in the proceedings of the Assembly will go a long way in strengthening the institution and establishing its supremacy. Since such a question time is widely telecasted, this direct engagement will provide an additional and valuable channel of communication with the people at large and people will get a much-needed feeling that their government and head of the government are answerable to them.

It is strongly recommended that the Honourable Prime Minister should regularly attend the National Assembly sittings in line with the traditions of the Parliamentary form of government.

### 3. Adherence to Parliamentary Calendar

Members have repeatedly demanded that the National Assembly of Pakistan should develop a Parliamentary calendar at the start of the fresh term as well as at the start of each Parliamentary year. Members also demand that once a calendar is prepared, it should also be adhered to completely. It will greatly help the members of the Assembly, civil society which wants to engage with the Assembly, and all those who are involved or should be involved in the working of the Assembly if a calendar of sessions of the Assembly is prepared and made public before the beginning of the Parliamentary year. This calendar will be meaningful if, except for extra-ordinary exceptions, it is strictly

followed too.

#### 4. Punctuality & Decorum

The National Assembly sittings have suffered delays sometime by hours during the past 5 years. Its sittings seldom started in time.

The Honourable Speaker may start a glorious tradition to be in the House himself on the dot at the appointed time and start proceedings. This will set the tone of the 14<sup>th</sup> assembly and will serve as a great example to the society at large.

Sometime there is an air of casualness among the honourable members during the proceedings of the house. Members are sometimes seen engaged in prolonged greetings and conversations right in the middle of the Assembly proceedings. The former Prime Ministers had developed a routine of holding meetings with their party members, receiving their applications and affixing their comments on them right during the Assembly proceedings while sitting in the House and members took their turns in sittings next to them to present their cases. This is a clear disrespect of the House and the Speaker should not allow this to happen.

The visuals of such happenings when aired on TV channels do not enhance the prestige of the House or the honourable members.

#### 5. Reforms to Strengthen the Role of Committees

National Assembly Standing Committees related to Ministries and Divisions are vital to the work of Assemblies. They serve as powerful channels to promote transparency and accountability in a Parliamentary system of government. Committees are one of the most important mechanisms by which legislatures hold state institutions accountable, question executive policies and investigate issues of public concern. Committees, as a unit of organisation within a legislature, provide the opportunity to a group of MPs for more detailed investigation and discussions on an issue, review policy matters or review bills more closely than would be possible by the entire chamber.

Committees are referred to as "*Assemblies at work*" while the plenary is called "*Assembly at exhibition*." Due to a variety of reasons, chief among which is lack of institutional stability and growth due to derailing of democracy, Committees in the National Assembly have not fully been able to leverage their potential and

optimise their performance. As a result, the committees have not been very effective in performing their constitutional responsibility of overseeing the elected Government and holding the executive to account on behalf of the people.

The following proposals are meant to strengthen the committees in the National Assembly:

- i. Composition of the Standing Committees be based on Members' interest / aptitude and experience  
In order to improve the output and effectiveness of the committees, the need for their composition on the basis of members' interest, aptitude and their past experience is stressed. Political expediency should not be allowed to dictate such decisions which result, in many cases, paralysis of the committees chaired by disinterested chairs.
- ii. Dedicated Committee Suites  
Around the World, legislatures and legislative structures provide for required dedicated space for committees to function. Unfortunately, in Pakistan's Parliament, very deficient facilities exist in the form of far fewer committee rooms than required to serve a house of 342 members and nearly 35 parliamentary Committees. The situation becomes more critical as the Senate committees also use the same common facilities.

It is, therefore, recommended, that the National Assembly create space for 30 dedicated committee suites. Each suite should comprise a conference room to serve the entire strength of the committee and staff, office of the chairperson and office space of the dedicated committee staff.

- iii. Staffing & Better Research Support for Committees  
For effective performance of Standing Committees, it is essential that a system of subject-specialist research support is provided by the Assembly to the committee.

It is recommended that the existing staffing structures of committees be revised. Instead of providing the chairperson with PA, assistants and drivers, etc., a dedicated secretary and at least 2 research assistants well-versed with the subject of the committee be provided for an effective functioning of the committee.



The key job of executive oversight can not be carried out by committees in the absence of independent research support and staff. Researchers specializing in some key areas and general researchers assisted by interns consisting of post-graduate students or fresh graduates in relevant subjects should be arranged to assist the committees in particular and the MNAs in general.

- iv. Legislation should only be processed through the concerned Standing Committees  
It is observed that at times some important bills are passed in a short time after suspending the rules and by-passing the requirement of scrutiny by the concerned standing committees. It is recommended that all legislation should always be examined in-depth by the concerned standing committees before it is considered by the full House for passage.

It is also recommended that more time should be allocated for debates on legislation.

- v. Time-limit of Presentation of Reports by Committees  
According to the Rule 201 (3) in the National Assembly of Pakistan when the House makes a reference (bill or any other matter) to a particular Standing Committee and if the Committee does not give its report within the 'prescribed' time then the House can consider the report upon a motion. However, if no time is prescribed for the presentation of the report then there is no limit for the Committee to present the report.

In contrast, the Rules of Procedure in the Lok Sabha in Indian Parliament state that when the time period has not been fixed for the Committee to present a report it should be presented within one month of the reference made to it.

This issue is of particular importance because there are a number of important bills that are stuck at the Committee level sometimes for years but are not brought in the House. An amendment in rules, therefore, is needed which sets the time period for a committee to return to the House with its report/deliberations.

- vi. Proceedings of the committees should be made more transparent and accessible to media and people

It is proposed that unless the circumstances of a

particular meeting warrant otherwise, committees proceedings, especially when it is not deliberating internally, should be open to public and media to observe and report.

- vii. A Committee for public petitions should be created or the petitions aspect of the Standing Committees be made well known  
Strong and active Parliaments draw their strength from a close and direct link with the people. An interesting aspect of this linkage is the Petitions Committee of the Parliament which invites, receives and processes the complaints sent by the people about any thing under the sun. Germany and India can be cited two examples of such an arrangement.

Although all standing committees in our Assembly may act as petition committees in their respective area of work, this aspect of the committees has remained dormant to date and needs to be strengthened.

The Chief Justice of Pakistan endeared himself to the people of Pakistan by inviting public complaints and then taking *suo moto* action on them. In fact, the Parliament is a more appropriate forum to receive such petitions.

## 6. Reforms in the Budget Process

*"Power over purse strings"* or the *"power of the purse"* is an incontestable democratic fundamental. This essentially means that there is an obligation on elected representatives of the people in an Assembly to ensure that all revenue and spending measures they authorize, legally and constitutionally, are fiscally sound, match the needs and aspirations of the population with equity, and that they are being implemented appropriately and efficiently. It further symbolizes that it is "we the people" who make and implement the budget for themselves.

This crucial power of the elected representatives in the National Assembly of Pakistan, however, is compromised due to lack of availability of effective powers with members as well as with committees after the budget is presented.

A number of reforms are required in this regard:

- i. Effective Operationalisation of the recent Amendment in Rules  
A critical reform has been passed in the 13<sup>th</sup> (outgoing) National Assembly of Pakistan to

allow committees the specific power of review of budgetary proposals by each ministry before these are submitted to the Ministry of Finance in Pakistan's specific budgetary cycle.<sup>1</sup>

As per the revised rules, all Standing Committees have to receive proposals relating to their relevant ministry's Public Sector Development Program (PSDP) for the next financial year "not later than the 31st January" and the Standing Committee have to review the budgets and make recommendations "not later than the 1st March" of each year.

It is therefore recommended that Standing Committees are geared to optimally use this new power while the Secretariat and support staff of committees be directed to seek all possible expertise and resources on the subject to assist the committees. Operationalisation of this key reform in January 2014 is one of the most crucial aspects of strengthening National Assembly's control over the purse strings.

- ii. Powers to Committees to Review Budget *after* the presentation of the Budget  
Even though the executive can not spend any monies without approval of the finance bill from the Assembly, the existing budget process makes it impossible for the Assembly as the plenary to review the budget in its entirety and its ministry-wise demands for grants, policy plans and objectives. As a result, the power to pass budget is only exercised in name and the budget is passed without meaningful understanding and scrutiny.

Budget proposals of ministries and divisions can only be understood and scrutinised by their respective committees. In other Parliamentary systems, including next-door India, after the presentation of budget, demands for grants are referred to respective departmental committees which scrutinize individual ministerial demands

for grants and report to the House by a fixed period after which the grants are voted on.

This is a critical reform without which the Assembly will continue to go through the motions of budget every year without justly fulfilling its constitutional responsibility of understanding budget before its passage.

It is recommended that the Rules of Procedure and the Conduct of Business in the National Assembly of Pakistan should be amended to provide a role for the Standing Committees to review ministerial demands for grants once the budget is presented and prepare reports by a specified period and table those reports in the House. The debate on budget should resume in the light of reports by the Committees.

- iii. Increase in the Time to Debate/Scrutinize Budget

Despite its critical importance in the entire legislative business of the Assembly, the time allocated for budget session in the National Assembly of Pakistan remains as insufficient as the role in review of the budget. In the past decade, the Assembly has maintained a grossly insufficient 14-day average on discussion and passage of the Federal Budget. This falls way short of the required time for adequate budget scrutiny and analysis by the Assembly. Since the earlier proposal is to allow committees a role to scrutinise departmental budgets, it can not be put in place unless the budget period is increased accordingly.

This has been of the key reform proposals by multi-party MNAs of the successive Assemblies. However, the elected representatives of the people have not been able to sway the hold of the bureaucracy in extending the budget period.

It is recommended that the budget session

1. On an amendment moved by a private member of the then-opposition belonging to the PML-N, Ms. Anusha Rehman Khan, MNA, the 13<sup>th</sup> National Assembly passed the following amendment in its rules on January 29, 2013:

*"Amendment in rule 201:- That in the Rules of Procedure and Conduct of Business in the National Assembly, 2007, in rule 201, after sub-rule (5), the following new sub-rule (6), shall be added, namely:-*

*"(6) Each Standing Committee shall scrutinize and suggest amendments, if necessary, and recommend Ministry's Public Sector Development Program (PSDP) for the next financial year before the same is sent to the Ministry of Finance for inclusion in the Federal Budget for the next financial year. Each Ministry shall submit its budgetary proposals relating to Public Sector Development Program (PSDP) for the next financial year to the relevant Standing Committee not later than the 31st January of preceding financial year and the Standing Committee shall make recommendations thereon not later than the 1st March of the preceding financial year:*

*Provided that where such recommendations are not made by the 1st March, the same shall be deemed to have been endorsed by the Standing Committee."*

period needs to be increased from the existing average 14 days to about 45 days. This would require budget to be presented to the House in early May every year so as to conclude the budget session before June 30.

#### 7. Office Space for Members

Currently, the elected members are required to carry out their constitutional responsibilities of *Legislation*, *Representation* and *Oversight* without any office space and research assistant.

Despite repeated reform proposals, Pakistan's elected representatives continue to work unassisted without office space and assistance. Even though extension of Parliamentary lodges was undertaken and building of institutions like PIPS were built, the outgoing elected leadership at the helm of affairs of the 13<sup>th</sup> National Assembly failed to prioritise the critical requirements as it chose not to construct an office block for MNAs and Office Suites for Standing Committees.

It is recommended that providing adequate office space and research assistants to all MNAs, as well as office suites for all committees, should be one of the key priorities of the newly-elected leadership of the 14<sup>th</sup> National Assembly of Pakistan.

#### 8. Increase in Question Time

Question Hour is one of the most important tools in the hands of elected representatives of the public to oversee the Government. It is the most important mechanism available in legislatures through which the executive answers the questions of the elected representatives. Since the number of members of the Assembly has increased since 2002, the number of questions has also correspondingly increased. The proposal to increase the duration of the Question Hour may be seriously examined.

Additionally, the process through which MNAs are required to submit questions and through which the questions are chosen to appear on the Orders of the Day is a very complicated process. According to the Rules, Questions should be submitted 15 days in advance to the Secretary. The Questions are submitted manually in the Notice Office and are placed in the House on first come first served basis. The questions are submitted to the Notice Office in Parliament by a Member or, on the member's behalf a staff member on the last day of every session after it is prorogued. Questions submitted for a specific

session stand lapsed if these are not selected for answer.

Many members, however, feel that the National Assembly should reform the process of submitting Question and use other more viable and quick procedures such as Email for submission of Questions.

#### 9. Televising Question Hour

Question Hour is the most crucial part of the Assembly's proceedings through which the elected members hold the Government to account. Very useful details are shared with members in response to their questions. The Question Hour is telecast on Pakistan Television (PTV) only. The National Assembly should extend this facility to other private television channels also who should also telecast this section.

#### 10. Recruitment and Promotion of Assembly Staff

The inadequacy of the current rules governing the recruitment and promotion of the staff for the Assembly Secretariat is an area of key concern especially in terms of the relevance and quality of staff employed to assist members. Generally, the hiring of the staff is not institutionalized through the Public Service Commission and the promotions are not subject to successful completion of courses at the National School of Public Policy unlike the Civil Service officials in Pakistan.

Independence of legislature has been used to create a closed system of recruitment and promotions, which has resulted in recruitment not entirely based on merit. This situation reflects in the capacity of the staff which ultimately has impacted the performance of the Assembly as an institution.

It is proposed that a system of recruitment and promotions be adopted that ensures selection strictly on merit. The independence of the legislature should not come in the way of selection through the Federal Public Service Commission which co-opts relevant experts while examining the candidates and in this case the Commission may use the services of veteran legislators and former senior staff members of the Assembly Secretariat while recruiting new staff for the Assembly.

#### 11. Greater Public Access & Transparency

From 2008-2013, for the first time in the National

Assembly's history, the Assembly began its journey of greater transparency and public access by providing key information about the Assembly sittings and proceedings to the media and public through its website. The National Assembly's new website now carries the Orders of the Day (Daily Agenda of the Sittings), details of the Legislative Business and the Questions-Answers of the Question Hour. Parliamentary leadership who facilitated this greater transparency should be commended for making an important contribution to democracy.

The details provided on the website, however, needs to be further improved keeping in view the Parliamentary openness and transparency standards in the South Asian region and worldwide.

However, for all the improvements in the 13<sup>th</sup> National Assembly on providing greater public access to Assembly's work, it remained regressive on some of the key issues of public information such as the complete record of attendance of each Member of the National Assembly,<sup>2</sup> voting record of members, detailed profiles of members and other relevant details.

It is recommended that the new legislative leadership of the Assembly take the lead in providing public access and transparency on all aspects of the Assembly.

It is important to note that daily attendance of all members of Indian Lok Sabha and Rajya Sabha is posted on their official website.

Models such as that of the Lok Sabha in India and House of Commons in UK may be adopted while providing greater access and transparency through website. Another model of a website "They Work for You" <http://www.theyworkforyou.com/> may also be considered by the National Assembly.

## 12. Encourage & Facilitate Greater coordination between the Assembly and Think-Tanks

Independent think-tanks and civil society organisations can provide useful information and data

to the MNAs and standing committees which would greatly help the Assembly debates and committees performance. A mechanism should be evolved for a continuous coordination with such organizations which research on various issues of interest to the National Assembly.<sup>3</sup>

## 13. Capacity-building and Orientation courses for MNAs and the Staff

The need for regular orientation, briefing, capacity-building courses for MNAs and the Assembly staff is emphasised by members in each Assembly. The 14<sup>th</sup> National Assembly of Pakistan has many new faces that have returned for the first time to the Assembly.

It is recommended that orientation sessions for them be organised by the Assembly or by engaging organizations working in the field of Parliamentary capacity building. Pakistan Institute for Parliamentary Services (PIPS) which has been created through an act of parliament for this purpose and sufficient funds and excellent facilities are provided to it but unfortunately it has not been able to come up to the expectations of the parliamentarians so far. Parliamentary leadership, through the Board of Governors of the PIPS, should look into the reasons for the current state and build this institute a dynamic platform for legislators' development both at the Federal and Provincial levels.

2. PILDAT sought the complete record of attendance of MNAs of outgoing 13<sup>th</sup> National Assembly. The National Assembly secretariat, however, declined to share the required information maintaining that the attendance record of MNAs "does not constitute a public record under section 7 of the Freedom of Information Ordinance, 2002." PILDAT has filed a complaint before the Ombudsman of Pakistan maintaining that attendance of Parliamentarians does not constitute 'excluded information' under section 15-18 of the Freedom of Information Act 2002 and that PILDAT, as an indigenous organisation by Pakistani citizens, has the right to know the commitment and dedication of the Members of the Parliament towards their legislative duties for which they were elected through an electoral process.
3. PILDAT developed a Directory of Parliamentary Committees and relevant Civil Society/Research Organisations of Pakistan for the benefit of stakeholders. This can be accessed at: <http://www.pildat.org/CSODirectory/>

## Conclusion

The above proposals are prepared by PILDAT for the consideration and implementation of the newly-elected legislative leadership of the National Assembly of Pakistan.

Since PILDAT has had the honour of assisting the National Assembly of Pakistan and elected legislators since 2002, the reform proposals have been drafted by PILDAT in the light of its interactions and experiences spanned over a decade.

As an independent Pakistani organisation, PILDAT, alongside providing legislative strengthening support to the successive National Assemblies of Pakistan, has also been monitoring the performance of the National Assembly of Pakistan.<sup>4</sup> In a citizens' assessment, the 13<sup>th</sup> National Assembly of Pakistan achieved an overall score of 49% in an evaluation of the National Assembly's 5 year tenure: March 2008-March 2013<sup>5</sup> in an Evaluation Framework developed by Inter-Parliamentary Union-IPU. If the Assembly aspires to fare better in citizens' assessment, it is imperative that it initiates the reform process critical to improved functioning of the Assembly.

4. The latest PILDAT Report on 5 Year Performance of the 13<sup>th</sup> National Assembly of Pakistan can be accessed at: <http://www.pildat.org/Publications/publication/Democracy&LegStr/5Yearsof13thNationalAssemblyofPakistan-CitizensReport.pdf>

5. For details please see Score Card of 5-Years of the 13<sup>th</sup> National Assembly of Pakistan at: <http://www.pildat.org/Publications/publication/Democracy&LegStr/ScoreCard5Yearsof13thNationalAssemblyofPakistan.pdf>



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