

DECADE OF
DEMOCRACY
IN PAKISTAN



PARLIAMENT 2008
2018
CONTEXT, ACHIEVEMENTS AND CHALLENGES

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Acronyms

Acronym	Full Form
ADR	Alternative Dispute Resolution
AGP	Auditor General of Pakistan
AGP	Attorney General of Pakistan
AML Act	Anti-Money Laundering Act
BOG	Board of Governors
CAN	Calling Attention Notices
CCI	Council of Common Interests
CDA	Capital Development Authority
CEDAW	Convention on the Elimination of All Forms of Discrimination
CGA	Controller General of Accounts
CII	Council of Islamic Ideology
CJCSC	Chairman Joint Chiefs of Staff Committee
CM	Chief Minister
COD	Charter of Democracy
CNIC	Computerized National Identity Card
CSOs	Civil Society Organizations
DHA	Defence Housing Authority
ECP	Election Commission of Pakistan
EOBI	Employees Old-Age Benefits Institution
EOM	Election Observation Mission
EU	European Union
FAFEN	Free and Fair Elections Network
FATA	Federally Administrated Tribal Areas
FES	Friedrich-Ebert-Stiftung
FIA	Federal Investigation Agency
GE	General Elections

GHQ	General Headquarters
ICJ	International Commission of Jurists
IFIs	Independent Fiscal Institutions
ISI	Inter-Services Intelligence
LJCP	Law and Justice Commission of Pakistan
KP	Khyber Pakhtunkhwa
LFO	Legal Framework Order
MI	Military Intelligence
MNA	Member of National Assembly
MP	Member of Parliament
MPA	Member of Provincial Assembly
NA	National Assembly
NAB	National Accountability Bureau
NADRA	National Database and Registration Authority
NAP	National Action Plan
NCSW	National Commission on the Status of Women
NDI	National Democratic Institute
NFC	National Finance Commission
NGOs	Non-Governmental Organizations
NWFP	North West Frontier Pakistan
OECD	Organization for Economic Cooperation and Development
PAC	Public Accounts Committee
PAOs	Public Affair Officers
PBO	Parliamentary Budget Office
PCCR	Parliamentary Committee on Constitutional Reforms
PCO	Provisional Constitutional Order
PILDAT	Pakistan Institute of Legislative Development and Transparency
PM	Prime Minister
PMBs	Private Members' Bills
PML	Pakistan Muslim League

PMLN	Pakistan Muslim League – Nawaz
PPA	Pakistan Protection Act
PPP	Pakistan Peoples Party
PPPP	Pakistan Peoples Party Parliamentarians
PSDP	Public Sector Development Program
PTI	Pakistan Tehreek-e-Insaf
SC	Supreme Court
SDGs	Sustainable Development Goals
SFPR	Senate Forum for Policy Research
TRI	The Research Initiative
UK	United Kingdom
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Program
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
US	United States
USAID	United States Agency for International Development
WHO	World Health Organization

Foreword

The decade from 2008 to 2018 is significant in Pakistan's democratic development. During this period, the 13th and 14th National Assembly completed their five-year tenures. Subsequently, elections were held in May 2013 and July 2018 respectively and power was transferred to the newly elected civilian governments. The 2013 and 2018 elections also witnessed an increased voter turnout. The 2013 elections saw the highest turnout since the first elections held in the 1970s. This trend continued in the July 2018 elections. This indicates greater citizen participation in the democratic processes.

Coupled with parliamentary continuity and greater citizen participation in the electoral process, the social and economic profile of the country has simultaneously undergone significant changes. A rapidly urbanizing and relatively young population, including a vibrant middle class with greater access to electronic media, internet and digital technologies, represents a more demanding constituency requiring an effective representation in legislative bodies.

Sustainability and consolidation of democracy requires greater harmony between the aspirations of the constituents and parliamentary performance. Informing and engaging citizens on parliamentary issues would go a long way to create this harmony. In this regard, periodic research and analysis on parliamentary subjects aimed at engaging a wider community of stakeholders is an important activity.

In 2014, the Friedrich-Ebert-Stiftung (FES) established a platform for a wide range of representatives from academia, media and civil society for an interactive process attempting at "Understanding the Social Contract in Pakistan". Over the last three years, FES organized a series of workshops with experts from different fields, conducting provincial consultations in all four provincial capitals, including Gilgit-Baltistan (GB). After this exercise, FES in partnership with The Research Initiative (TRI) has produced a research report titled "*Decade of Democracy in Pakistan: Parliament from 2008 to 2018*". TRI research team led by the Executive Director Mr. Nazeer Mahar has done a remarkable job of collecting data and coming up with an analysis of the key thematic areas of parliamentary development in Pakistan.

The report on the workings of both houses of parliament during this decade of democracy is by no means the final effort on the subject. But it is a serious endeavour by a dedicated team of researchers to compile the most relevant data for a comprehensive analysis on this subject. We hope it will inspire additional research and analysis generating a wider debate on the performance and relevance of democratic institutions in the country.

As an organization with a long experience in promoting democratic institutions and culture in more than 100 countries worldwide FES is proud that with TRI we have found such a committed and knowledgeable partner in Pakistan.

Rolf Paasch,
Resident Director,
FES Pakistan

Abdullah Dayo,
Programme Coordinator,
FES Pakistan

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1. Introduction

1.1 Centrality of Parliament in Democratic Governance

Democracy is a system of values manifested in a specific institutional framework. Two essential values lying at the heart of democracy are: self-rule for citizens and the equality of citizens. Modern states have evolved institutional structures and processes to reflect these values in the way they define their relationship with their citizens: protection of citizens' rights, accountable and responsive government, vibrant civil society, as well as institutions such as political parties and the media which mediate the relationship between citizens and the state, ensuring that democratic values and principles are upheld.¹

Interestingly, the parliament is both an institution of the state as well as a mediator between the state and its citizens. On the one hand it exists to exert state power in accordance with the will of citizens, while at the same time, it places a check on this power to ensure it does not encroach upon their rights. This is why the recent literature on democracy terms the parliament as the central institution of democracy. As agents of the people, parliaments represent them in dealings with the other branches of government, and with various international and sub-national bodies. The parliament can play neither of these roles in a meaningful way if it does not itself operate in compliance with democratic principles or if it is too weak to effectively represent its citizens. In sum, elections are not enough – elected representatives must be willing and able to play their due roles.² Elections merely provide the basis for rule by the people; they do not guarantee that citizens are effectively represented. Legislative bodies that fail to perform their representative and oversight functions breed public cynicism and ultimately erode popular support for the democratic system itself.³

1 Inter-Parliamentary Union. *Parliament and Democracy in Twenty First Century*. (Geneva: IPU, 2006)

2 National Democratic Institute (NDI). *Towards the Development of International Standards for Democratic Legislatures* (Washington Dc: NDI, January 2007) P.1

3 M. Steven Fish, 'Stronger Legislatures, Stronger Democracy', *Journal of Democracy*, 7.1, Jan. 2006, pp.5-20.

To perform its functions a parliament should be effective. The effectiveness is inextricably linked with powers of parliament. Hence, parliamentary effectiveness cannot be satisfactorily treated without confronting issues of power. It requires sufficient power and independence in relation to the executive to oversee it effectively. Moreover, this power must also be exercised in the service of its mandate to serve citizens' interests. The more likely danger in the contemporary era is that of undue executive dominance, "*whether through lack of parliamentary capacity or an unwillingness on the part of parliaments to exercise the powers they been granted*".⁴

1.2 Parliaments Across Political Systems

One of the functions of the constitution is to define the relationship between three organs of the state, i.e. the executive, the legislature and the judiciary. Constitutions, irrespective of the form of government, envisage complete independence of judiciary. However, the exact nature of the relationship between the executive and the legislature varies in different political systems. The presidential form of government provides for the absolute separation of the executive and legislature, whereas the relationship between the two in the parliamentary system has varied forms, which do not envisage the same degree of separation as in the presidential form.

Notwithstanding the different roles of parliament across the political systems, powers and effectiveness of its legislature can determine the quality of democracy in a country. In the constitutional history of Pakistan, the parliamentary system remained the norm with the exception of the 1962-69 period, when the presidential form of government was in force. Notwithstanding change of political system from parliamentary to presidential, the institution of the legislature remained formally functional.

A comparative survey of democratization in post-Communist states concluded that it was not so much the type of constitutional system (presidential or parliamentary) that determined the democratic credentials of governance, but the degree to which the legislature was able to effectively exercise power, especially in counter-balancing the authority of the executive.⁵ More recently, the Global Parliamentary Report 2017 jointly published by the Inter-Parliamentary Union (IPU) and UNDP, finds that "Oversight is a key marker of parliament's relevance in the 21st century", contributing towards public

4 Ibid

5 M. Steven Fish, 'Stronger Legislatures, Stronger Democracy', *Journal of Democracy*, 17.1, Jan. 2006, pp.5-20.

sector integrity, equitable distribution of national resources, and providing equal opportunities for women in terms of human development.

1.3 Contextualizing the Decade of Democracy in Pakistan (2008 - 2018)

The report **Decade of Democracy in Pakistan: Parliament from 2008 to 2018** deals with 13th and 14th National Assembly and the Senate from 2008 - 2018. This 10-year period is unique in the legislative history of the country. Unlike in the past, the 13th and 14th National Assemblies completed their five-year tenures and power was twice peacefully transferred from one civilian-elected government to the other in June 2013 and August 2018 respectively.

This historic landmark development merits closer examination. To analyze the relevance, achievements and challenges faced by the parliament during this period, it would be important to contextualize political, economic and social context of parliamentary continuity in Pakistan.

Political Context: In 2000 the Supreme Court in Zafar Ali Shah case validated the October 1999 military takeover of General Musharraf. In October 2002, three years after the military coup, elections were held and the 12th National Assembly and provincial assemblies took oath in November-December 2002 and subsequently Senate elections were held in March 2003. International election observers expressed their reservations about the fairness and independence of elections.⁶

During the elections, the leadership of PPP and PML-N, two leading political parties were in exile. In May 2006 both the parties signed a historic Charter of Democracy (CoD). Under CoD both the parties agreed to carry out a range of constitutional and legal reforms particularly revival of the original Constitution of 1973, restoring the powers of the Prime Minister and the Parliament, abolishment of concurrent list of the Constitution,⁷ independent Election Commission, party-based local government elections and an independent accountability institution.

6 Final Report of EU EOM 2002.

7 Most federal states around the world agree on common subject areas where both the national and sub-national governments may legislate. This agreement is often expressed as a list of such areas of concurrent legislative competence. In Pakistan, the concurrent list was criticized as enabling overreach by an unnecessarily large central government into areas which could be better governed provincially. The abolition of this list under the 18th Constitutional Amendment was thus hailed by some as a victory for provincial autonomy in Pakistan.

In March 2007, President Musharraf deposed Chief Justice Iftikhar Chaudhry. It triggered a country-wide movement to restore the Chief Justice, led primarily by lawyers but it included all opposition political parties and civil society. Private media gave elaborate coverage to the movement. The movement significantly weakened the military-led regime and it facilitated the return of former prime ministers Benazir Bhutto and Nawaz Sharif to the country. Former prime minister and chairperson of PPP, Benazir Bhutto was killed in a terrorist attack in December 2007. It created an unprecedented leadership vacuum in the country.

The general elections were held in February 2008 and opposition parties PPP and PML-N won these elections. PPP formed the government in the center, Sindh and Baluchistan. PML-N in Punjab and an ANP-PPP coalition formed the government in KP province. President Musharraf had to resign in September 2008.

In 2009 a bicameral, multi-party, Parliamentary Committee on Constitutional Reforms (PCCR) were formed. A new National Finance Commission (NFC) award was agreed between the provinces and the federal government in December 2009.⁸ The award for the first time provided a greater share to the provinces from the federal divisible pool. Agreement on the new NFC award and passage of the 18th Amendment reflected a major achievement of a consensus-based legislative politics, a trend which continued for few years.

Economic and Social Context: The economy of Pakistan has historically registered reasonable economic development, growing at above 5% annually, over the first 6 decades since independence. Annual growth performance led South Asia for most years during the 1960s and 1970s. However, in the 1990s, growth fell below the regional mean. Moreover, growth in per capita income has been disappointing, held back partly by low investment in human development and limited female labor force participation. While growth did reduce poverty, overall income inequality has increased and disparities between urban and rural areas have become more pronounced.⁹

With the low per capital income and increasing inequality, Pakistan's performance against key human and social development indicators has

8 The 7th NFC was seen as a major step forward to address the vertical and horizontal fiscal imbalance that existed in centre-province relations and across provinces, respectively. It increased the share of provinces in the nationally consolidated receipts of the government, broadened the population-centric distribution formula to include factors like poverty and backwardness which benefited less populated provinces like Balochistan; and gave provinces control over the lucrative sales tax on services.

9 https://ishrathusain.iba.edu.pk/speeches/Pakistan_s_Growth_Experience_1947-2007.pdf

continued to deteriorate. The 2018 Human Development Index (HDI) ranks Pakistan 150th out of 189 countries, while India ranks at 130th and Bangladesh at 136th.¹⁰

Demographic trends indicate continued growth in the national population. The results of the sixth national census announced in August 2017 indicate a 57 per cent population increase since the last census in 1998. The population is now 207.77m up from 132.3m in 1998. This reflects an average annual growth rate of 2.4 pc during this intercensal from 1998-2017, which is only .29 pc lower than the previous intercensal from 1981 to 1998. This means that the growth rate has not registered any significant decline. Moreover, up to 60 pc of this large and growing population is under 30 years old.

The urban share of population is also expanding. The urban share has increased to 36.38 pc in 2017 census. According to independent demographers, the official census figures may significantly underestimate the proportion of the population living in urban settlements.¹¹ As regards class structure, 30 per cent of Pakistan's population in 2010 qualified to be middle class.¹² This included educated, professional groups as well as middle-income employees in state and business enterprises.

These demographic trends will have significant implications for distribution of resources as well as political power particularly in the context of greater digital empowerment. From 2002 onwards, Pakistan witnessed mushrooming growth of private electronic media particularly 24/7 private TV channels, greater internet coverage, increasing tele-density which includes increased penetration of smartphones and mobile internet usage. It is clear that these demographic shifts have made an impact on national political discourse and electoral dynamics, and this impact is likely to grow in the foreseeable future.

Increased Voter Turnout and Registration: The last two elections, i.e. 2013 and 2018 witnessed a significant increase in voter turnout, which indicates greater citizen participation in the electoral process after 1970s. According to ECP report on 2013 elections 53.62 percent of registered voters participated in 2013 elections, the highest turnout since first elections held on adult franchise basis in 1970. In terms of numbers 46,217,482 citizens voted against 35,637,072 voters in the 2008, nearly 11 million more Pakistanis voted in 2013 elections.¹³

10 Umair Javed, "Pakistan's HDI shame". Daily Dawn, October 2018.

11 Dr Pervez Tahir, "Reza Ali's Pakistan". Daily Express Tribune. May 6, 2016

12 Shahid Javed Burki. "The Middle Class Millions" Daily, DAWN, November 2, 2010.

13 ECP. Report on General Elections 2013, Vol. 1. P. 197

EU EOM 2013 final report observed “despite escalating militant attacks, and procedural shortcomings, the elections progressed with high levels of competition and a marked increase in voter participation”.¹⁴ NDI observation report notes high voter turnout and enthusiasm witnessed during elections.¹⁵

In 2018 elections national voter turnout decreased marginally from 53.62% to 51.99%. However, as many as 8.45 million more votes turned out to vote as compared to 2013 elections.¹⁶

The 2018 elections also witnessed unprecedented increase in voter registration since 1970. The number of voters has increased from 86.19m in 2013 to 105.96m for 2018 elections. 19.77 million voters were added to the electoral rolls between 2013 and 2018, it is 23% increase in five-year period. This represents the largest increase in the number of voters between two elections in the recent history.

There is also a large proportion of young voters in the electoral rolls. The voters in the age bracket between 18 years and 35 years are described as young voters. This group forms 43.82pc of total voters.¹⁷ The registration of young voters has increased by more than 2 million between 2013 and 2018.¹⁸

The following table shows voter turnout and registration trends from 1970 to 2018 elections.

14 European Union Election Observation Mission, Final Report 2013. p. 3

15 NDI-ANFREL. 2013 National and Provincial Assembly Elections in Pakistan. Final Report. Joint International Election Observation Mission. P. 1

16 FAFEN, Election Observation Report: Voter Turnout in GE-2018. August 2018. P. 1

17 Iftikhar A. Khan. “ Around 46m young voters set to play key role in polls”, Daily DAWN, May 25, 2018.

18 Ibid

**Registered VOTERS and TURNOUT in Pakistan
From 1970 to 2018**

No.	Elections	Registered Votes	Votes Polled	Turnout
1	1970	56,940,500	34,092,339	59.8%
2	1977	30,032,976	17,497,345	58.3%
3	1985	32,528,996	17,468,033	53.7%
4	1988	46,277,105	20,013,030	42.7%
5	1990	47,255,302	21,395,479	45.2%
6	1993	53,712,319	20,293,307	37.6%
7	1997	54,151,277	19,546,031	36.1%
8	2002	71,866,278	30,012,407	41.8%
9	2008	79,985,016	35,518,221	44.4%
10	2013	86,189,828	46,217,482	53.62%
11	2018	105,955,407	54,676,465	51.99%

Source: Tahir Mehdi. *The Pakistan Election Compendium*. Church World Service, Pakistan. December, 2012. Data for 2013 and 2018 has been added from ECP and FAFEN Reports on 2013 and 2018 Elections.

New Social and Political Realities and Parliament: Comparing the social origin of political class and military, social scientist Saeed Shafqat notes two potentially contradictory trends. First, members of the new generation of traditional feudal, tribal, religious and business families are entering the political arena. Second, the social class origins of key institutions, i.e. the military and civil bureaucracy are undergoing change from the upper middle class to the lower middle class. Saeed further observes that “the emerging elites have humbler origins, hold conservative social and political views and reflect authoritarian tendencies in society rather than democratic values.”¹⁹

The key question now would be whether representational and electoral politics corresponds with and articulates the aspirations of these new social classes and demographic dynamics, or it is stuck in an old mode and lags behind new realities.

¹⁹ Saeed Shafqat, “Praetorians and the People”, in *Pakistan Beyond the Crisis State* by Maleeha Lodhi. Oxford University Press. P. 95

This question assumes even greater significance given that greater empowerment and continuity of the legislative branch has raised the expectations of the constituents. The peculiarities of demography and social trends have brought demands for more responsive, transparent and accountable governance to the center of public discourse in Pakistan. Nationally representative polls conducted by Gallup earlier in 2018 found that 62% of Pakistani citizens prefer representative democracy to other systems of governance, but 53% of them were dissatisfied with how democracy functioned in the country.²⁰

This does indicate a broad mismatch between governmental priorities and citizens' interests i.e. a representation gap. While any detailed assessment of the nature and quantum of this gap falls outside the purview of this report, it brings into sharper focus both the centrality of strong democratic institutions and the vacuum created when they are weakened.

A rapidly urbanizing and relatively young population including a vibrant middle class with greater access to electronic media, internet and digital technologies represents a more demanding constituency requiring an effective representation in legislative bodies.

New, Broad-based Social Contract: Keeping in view the new realities of society and politics, there is a need for a new social contract based on greater understanding and wider consensus of political parties, social groups and institutions. There is growing perception that the political consensus based on Charter of Democracy agreed in 2006 between two leading political parties is not relevant to guide legislation and policy formulation in 2018 and beyond. Even the leadership of political parties who signed the charter is stressing the need for a new CoD.²¹

The new Charter of Democracy should be followed by an elaborate, institutionally-anchored, sustainable parliamentary reform aimed at institutional transformation.

Inter-Institutional Dialogue: Another important development during the last one decade that has largely escaped public attention is an inter-institutional dialogue between parliament, superior judiciary and military. It started in September 2015 with the Chairman Senate visiting and delivering a

20 <http://gallup.com.pk/more-than-two-third-pakistanis-68-opine-that-direct-democracy-is-a-good-way-of-governing-the-country-followed-by-62-who-support-representative-democracy-45-say-rule-by-a-strong-leader-and-43-suppo/>

21 Amir Wasim. "Bilawal calls for new charter of democracy among all parties", Daily Dawn, July 18, 2018 Source: , <https://www.dawn.com/news/1420773>

speech to senior members of judiciary and other stakeholders in the Supreme Court. It was followed by the visit of the Chief Justice to the Senate and his speech to Senate's Committee of the Whole. Also, in 2018 the Chairman Senate invited the army chief to the Senate and met with the Chief Justice. There is a need to continue, formalize and widen this inter-institutional dialogue to include political leadership.

1.4 Empowerment and Institutional Development of Parliament:

Greater Empowerment of Parliament: In addition to continuity, the parliament has also seen considerable empowerment in the recent years. The 18th Constitutional Amendment passed in 2010 has redefined the power structure both in terms of devolution to the sub-national level as well as a shift of authority from the executive to the legislature. With the elimination of the discretionary power of the executive to dissolve assemblies and governments, the prime minister as leader of the majority party in the National Assembly (NA) is now more empowered than an indirectly elected president as has been the case prior to 18th Amendment. Now the prime minister is empowered to make appointments of senior civilian and military functionaries. The parliament, the prime minister and the leader of opposition in the NA has now greater role in appointment of caretaker government,²² chief and members of Election Commission and superior judiciary. Previously, the president held power in all these appointments.

Pakistan Institute for Parliamentary Services (PIPS): The establishment of the Pakistan Institute for Parliamentary Services as a national institution by a consensus legislation in 2008 is a significant development that was long overdue. The PIPS law mandates the organization to assist parliamentarians in making informed decisions about policies and legislation by providing parliamentarians the research support and capacity building of the staff of the parliament and provincial assemblies.

The management of the institute is overseen by a 22-member multi-party Board of Governors (BOG) chaired by the Speaker of the National Assembly and the Chairman of the Senate on a 3-year rotation term. All the four Speakers of the Provincial Assemblies, the Federal Minister for parliamentary

22 Unlike most other democracies, Pakistan's constitution calls for an independent, apolitical government to steward the transition from an incumbent to an elected government, at the federal and provincial levels during general elections across the country. The 20th Amendment to the Constitution puts in place a detailed procedure for installing this caretaker government while making structural changes to the Election Commission of Pakistan.

affairs, eight Members of the National Assembly and four senators along with the Secretaries of both federal houses are members of the BOG. The Executive Director of the Institute serves as the ex-officio secretary to the BOG.

Reforms in the Senate from 2015 - 2018: Senate during its last tenure from 2015 - 2018, under leadership of veteran parliamentarian Senator Raza Rabbani tried to convert the Upper House into an effective legislative institution. Many reforms were introduced during his tenure, which were accepted both by government and opposition members. The measures include clearing of the pending backlog of 180 cases before different committees. The backlog was disposed of by using the Senate Forum for Policy Research (SFPR) and Senate Business Advisory Committee.²³

Previously, the Senate's Standing Committees would take suo moto notice to examine the expenditure of the relevant ministry. During 2015 - 2018, however, Senate rules were amended to explicitly empower the committees to biannually examine budgetary allocations and expenditure. This considerably enhanced the Senate's role in overseeing the economic policy and its execution.

Next, the Council of Chairs, a body provisioned in the Senate rules, was made more active and relevant by thoroughly implementing its decisions including low attendance of members in committee meetings.

Another important achievement during this period was the establishment of the Committee on Delegated Legislation. This committee was entrusted with the task of scrutinizing and reporting on whether the government was executing the powers to make rules and regulations under different acts of parliament.

SDGs Secretariat and Task Force in the National Assembly: In February 2016 the National Assembly established the first of its kind secretariat on Sustainable Development Goals (SDGs). In the wake of its inception, the SDGs Secretariat has devised strategies to facilitate members of Parliament in parliamentary business, legislation and effective oversight of government policies with regard to SDGs.

In 2013 the Parliamentary Task Force on SDGs was also constituted by the Speaker to oversee the implementation of post-2015 development agenda.

23 Marvi Sirmed, "A Senator and a Statesman" Monthly Newslines, Karachi. April 2018. Source: <https://newslinesmagazine.com/magazine/a-senator-and-a-statesman/>

The principal objective of the taskforce is to improve representation and ensure effective oversight of the executive.

A number of other institutional reforms have been taken in the recent years to improve the effectiveness and efficiency of the parliament. Examples include automation and digitalization of the questions submitted by the members in the National Assembly and development of a bill tracking system by the Senate.

1.5 Report - Decade of Democracy in Pakistan: Parliament 2008 to 2018

Rationale: Keeping in view the changing social and political realities, continuity and empowerment of parliament, and given that the parliament is the central institution in a democratic dispensation, an analysis of parliamentary achievements and challenges of the last 10 years would help the political leadership and parliamentarians to make informed decisions for parliamentary as well as wider democratic reform. The report attempts to analyze the significant institutional developments in relation to the parliament of Pakistan during the last one decade.

Objective, Methodology and Limitations: Sustainability and consolidation of democracy requires greater harmony between aspirations of the constituents and parliamentary performance. Informing and engaging citizens on parliamentary subjects would go a long way toward creating this harmony. This report is an effort to share parliamentary information and generate a debate on the subject.

In addition to the contextual analysis of relevant political, economic and social developments of the last one decade, the report provides a longer term (10-year) data and analysis of two houses of the parliament on five key thematic areas:

1. Legislation
2. Oversight of Government
3. Functioning of Committee
4. Gender and Parliament
5. Fiscal Legislation and Implementation

Limitations and Constraints: Both the houses of parliament have a tradition of record keeping and development of reports. The availability of data has significantly increased during the last one decade particularly publication of

annual reports and information shared on websites of both houses. However, public access to all records and availability of reports over the longer period is not always smooth.

In addition to publication of annual reports by the Senate and the National Assembly, two national NGOs, FAFEN and PILDAT also publish reports on various aspects of parliamentary proceedings. These reports provide a useful set of data for parliamentary developments. However, coverage of the 10-year period of both houses of federal parliament requires data to be compiled, collated and analyzed from twenty annual reports, which has been a challenge. There is also a problem of uniformity of reporting of available data. Hence, comparability between houses and also over the period within a house has also been a problem.

Keeping in view the limitations highlighted, it cannot be claimed that this report is comprehensive compendium of all data of the federal parliament. Moreover, the authors of this report do not claim to cover all qualitative and quantitative aspects of 10-year performance of both the houses. However, a serious effort has been made by a dedicated team of researchers to produce data and analysis on key thematic areas of parliament within a limited time period for research and report writing.

Structure of the Report: The report has attempted to analyze the major quantitative as well as qualitative aspects of legislative business during the last 10 years. The Chapter Two of the report deals with legislation and looks closely at the legislative function and performance of the parliament during the last two tenures including a comparison of the quantum of legislation passed by various legislatures from 1970 to 2018. The chapter looks at private members' bills during this period and makes a comparison between Pakistan, India and UK. It also provides an analysis of eight important constitutional amendments (from 18th to 25th) during the period. Legislative deficit including failure to come up with new accountability law and delayed legislation has also been traced.

The Chapter Three of the report provides data and analysis on the parliament's oversight function. Holding the executive branch accountable for its policies, actions and monetary decisions is an important pillar of parliamentary democracy. In a functioning democracy, good governance relies on active and constant monitoring of the executive by the parliament, which has the institutional mechanisms to achieve this objective. The report dilates upon various oversight mechanisms including question hour, calling attention notices, resolutions, and motions.

The Chapter Four deals with the committee system of the federal parliament. Committees are an indispensable part of legislative systems because the legislatures depend on them to conduct their business. This chapter looks at the empowerment of committees, the role of opposition in committees, bicameral committees and citizen interface with committee through mechanisms like public hearings.

The Chapter Five provides a gender analysis of the Pakistani parliament by comparing and analyzing representation and performance of female and male legislators. The analysis in this chapter begins with an overview of the trend of women's representation over the years and then transitions into a more in-depth analysis to identify the performance, achievements, and gaps. Finally, it examines whether there are institutional policies and practices in place to ensure a gender-responsive environment in the parliament.

The Chapter Six is about the role of parliament in budget making. The chapter traces the budget cycle in Pakistan and the number of days the parliament spends on discussion and approval of the budget. It also looks at budget related capacity gaps and parliamentary oversight of the defense budget. The Chapter Seven of the report is about the Public Accounts Committee (PAC). PACs are the most important parliamentary committees. It is the key institutional mechanism through which the parliament ensures the accountability of executive. The Chapters Eight and Nine sum up main conclusions and develop a set of broad recommendations, respectively.

2. How They Fared on Lawmaking?

2.1 Introduction

Lawmaking is the fundamental function of any legislature across all types of political systems, i.e. parliamentary, presidential and hybrid. This chapter closely looks at the legislative function and performance of the parliament during last the two tenures. During the last ten years of the Parliament of Pakistan (2008 - 2018), legislative initiatives have helped to address governance gaps, promoted women's empowerment, minority rights, and electoral reforms. Consolidating democracy remained a legislative focus, particularly during the tenure of the 13th National Assembly (2008 - 2013). During this period, the parliament attempted to restore the original 1973 constitution and abolished the constitutional changes brought in by the military governments.

Legislative Achievements: The CoD agreed between two leading political parties, Pakistan Peoples Party (PPP) and Pakistan Muslim League-Nawaz (PML-N), on May 14 2006 provided the framework for restoring the 1973 constitution and making parliament more effective. The CoD expressed its commitment to *"undiluted democracy...with no discrimination against federating units, the decentralization and devolution of power, maximum provincial autonomy"*. It also resolved to abolish the legislative concurrent list, introduce a new NFC award, give minorities adequate representation in the Senate, merge FATA with Khyber Pakhtunkhwa, and ensure an independent, autonomous and impartial Election Commission of Pakistan (ECP).²⁴

As Pakistan grappled with terrorism, the parliament amended anti-terror laws and introduced new legislation to fight the menace. However, most of this legislation has been criticized for violating basic rights. Another important focus of the legislation has been the criminal justice system. A number of amendments have been made in Pakistan Penal Code (PPC) for improving

²⁴ For complete text of Charter of Democracy, see Annex-1.

the provision of justice to women and children. These are discussed in more detail below.

If we look at the political dynamics underlying this legislative agenda, the leading political parties represented in the parliament demonstrated greater consensus during the process of constitutional amendments and legislative reforms. This political consensus appears to have survived multiple political crises – restoration of the superior judiciary sacked by the military government of General Pervez Musharraf; imposition of the Governor Rule in Punjab after the Supreme Court barred PMLN chief Nawaz Sharif and Chief Minister Shahbaz Sharif from politics in 2009; the ‘Memo gate’ scandal in 2011 (among others). Despite an increasingly divisive political landscape, lawmakers were able to cross party lines and come together in support of legislative reforms.

Legislative Deficit: There are certain important subjects over which legislation has been absent or significantly delayed, particularly keeping in view the commitments made in the CoD, with anticorruption being a key gap. Other such blind spots include: access to information; electoral reform and mainstreaming of FATA. These issues have been on the reform radar since the beginning of the 13th National Assembly and 2009 - 2012 Senate, but have only recently received legislative approval. Parliamentary consensus took longer than expected and laws were passed only in the last parliamentary year 2017 - 2018.

2.2 Legislation: Quantitative Dimension

The volume of legislation has increased in the National Assembly since 2008. The 13th National Assembly passed 116 government and 18 private members’ bills (PMBs),²⁵ out of which 94²⁶ became laws. Similarly, the 14th National Assembly passed 205 bills – 182 government and 23 PMBs. Out of which, 157 became laws.²⁷ The 157 bills becoming laws during the tenure of the 14th National Assembly is the second highest in Pakistan’s parliamentary history since 1970. The first National Assembly after the 1970 general elections is responsible for most of the legislation carried out in Pakistan, as shown in the figure below.

25 FAFEN. 2013. Five Years Performance of the 13th National Assembly, March 2008-March 2013, P.2 [available at <http://fafen.org/five-years-performance-13th-national-assembly-pakistan-march-2008-march-2013/>]

26 National Assembly. Acts of Parliament 17 March, 2008 – 16 March 2013, [available at http://www.na.gov.pk/en/acts-tenure.php?tenure_id=1]

27 http://www.na.gov.pk/en/acts-tenure.php?tenure_id=11

Number of Laws Passed from 1972-2018

#	Tenure	Acts of Parliament
1	14 April 1972 – 10 Jan 1977 ²⁸	299
2	26 March 1977 – 5 July 1977 ²⁹	21
3	20 March 1985 – 29 May 1988 ³⁰	47
4	30 Nov 1988 – 26 June 1990 ³¹	13
5	3 Nov 1990 – 18 July 1993 ³²	60
6	15 Oct 1993 – 3 Nov 1996 ³³	54
7	15 Feb 1997-27 July 1999 ³⁴	51
8	16 Nov 2002-15 Nov 2007 ³⁵	38
9	17 March 2008-16 March 2013 ³⁶	94
10	1 June 2013-31 May 2018 ³⁷	157

Source: Website of the National Assembly of Pakistan

2.3 Private Members' Bills (PMBs): Pakistan, India and UK

Traditionally, in 'Westminster' style parliaments around the world, government sponsored legislation takes precedence over private member business. However, in the last ten years, Pakistan has witnessed the introduction and the passage of an increased number of PMBs. The focus of the PMBs has been mostly on "social issues including children and women rights, curbing extremism, prevention of corruption, national accountability and health issues".³⁸

28 http://www.na.gov.pk/en/acts-tenure.php?tenure_id=19

29 http://www.na.gov.pk/en/acts-tenure.php?tenure_id=3

30 http://www.na.gov.pk/en/acts-tenure.php?tenure_id=4

31 http://www.na.gov.pk/en/acts-tenure.php?tenure_id=5

32 http://www.na.gov.pk/en/acts-tenure.php?tenure_id=7

33 http://www.na.gov.pk/en/acts-tenure.php?tenure_id=8

34 http://www.na.gov.pk/en/acts-tenure.php?tenure_id=9

35 http://www.na.gov.pk/en/acts-tenure.php?tenure_id=10

36 http://www.na.gov.pk/en/acts-tenure.php?tenure_id=1

37 http://www.na.gov.pk/en/acts-tenure.php?tenure_id=11

38 National Assembly of Pakistan. Annual Report of the 4th Parliamentary Year 2016-17, P.8 [available at www.na.gov.pk/uploads/documents/1508299185_376.pdf]

In the last two terms of the National Assembly, a total of 426 PMBs have been introduced, out of which 41 were passed. Ten PMBs became laws between 2008 and 2013.³⁹ Similarly, during the tenure of the 14th National Assembly, 16 PMBs became laws.⁴⁰

If we compare the current trend of PMBs becoming laws, there is a visible increase in PMBs making it to the statute book. The 12th National Assembly during its five-year tenure (2002 - 2007) received 240 PMBs.⁴¹ However, 70 were introduced in the house, and only one PMB became a law.⁴² It was only the third PMB to become a law after 1985.⁴³

Pakistan's record of private member sponsored legislation is better than India. In India, the PMBs are seldom discussed in the parliament and rarely become laws. The Rajya Sabha passed a PMB in April 2015 on the rights of the transgenders – first PMB passed in the last 36 years.⁴⁴ In the 13th, 14th and 15th Lok Sabha (the Lower House which is directly elected by the citizens), a total of 1,043 PMBs have been introduced,⁴⁵ but only 42 have been discussed.⁴⁶ The case of the British Parliament, however, represents the reverse of this trend. In the House of Commons, a total of 342 PMBs have been given the royal assent since 1983.⁴⁷ This shows a steady pattern of PMBs becoming laws in the British parliament.

39 FAFEN. Top parliamentary performers in the 13th National Assembly, March 2008 to January 2013

40 Radio Pakistan. NA passed highest number of laws in its tenure: Ayaz, 16 March 2018 [available at <http://www.radio.gov.pk/16-05-2018/incumbent-assembly-passes-136-bills-during-its-tenure-ayaz>]

41 Mahar, Nazeer. Five years performance of the 12th National Assembly (2002-07), Strengthening Democracy through Parliamentary Development, UNDP, P.6. Unpublished manuscript

42 Ibid

43 Ibid

44 Times of India. Rajya Sabha passes first private member's bill in 36 years, on transgenders' rights, 25 April 2015 [available at <https://timesofindia.indiatimes.com/india/Rajya-Sabha-passes-first-private-members-bill-in-36-years-on-transgenders-rights/articleshow/47039967.cms?>]

45 Times of India. Just 14 private member's bills passed by parliament till date; the last one was in 1970, 25 April 2015 [available at <https://timesofindia.indiatimes.com/india/Just-14-private-members-bills-passed-by-Parliament-till-date-the-last-was-in-1970/articleshow/47046338.cms?>]

46 Ibid

47 Priddy, Sarah. 2017. Successful private members' bills since 1983, House of Commons Library, [available at <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN04568>]

PMBs Initiated and Passed by the National Assembly (2008 - 2018)

	2008 – 2013					2013 – 2018					Total
Private Members' Bills Introduced	39	58	17	40	35	45	35	44	68	45	426
Private Members' Bills Passed	1	3	1	4	9	0	0	0	9	14	41

Source: FAFEN. 2013. *Five Years Performance of the 13th NA & FAFEN. 2018. Performance of the 14th National Assembly of Pakistan 2013-2018*

2.4 Constitutional Amendments: Revival of 1973 Constitution and Beyond

This decade witnessed significant constitutional amendments with far-reaching implications. A total of eight amendments – 18th, 19th, 20th, 21st, 22nd, 23rd, 24th and 25th - have been made in the constitution between 2008 and 2018. These amendments helped to:

- Restore the parliamentary structure of the 1973 constitution;⁴⁸
- Abolish most of the changes brought in by the military governments in the form of the 8th and 17th constitutional amendments;
- Devolve powers to the provinces;
- Empower the legislative branch;
- Create an independent Election Commission, provided for setting up caretaker governments;
- Establish military courts to combat terrorism;
- Allow delimitation of electoral constituencies before the 2018 general elections;⁴⁹ and
- Merge FATA with Khyber Pakhtunkhwa.

48 The 1973 Constitution was the first and only framework evolved and agreed between elected representatives. It weakened the unelected office of the President, shifting executive power to an elected Prime Minister, thus bringing Pakistan closer to the Westminster model of parliamentary democracy. The Constitution was held in abeyance following a military takeover in 1977. In 1985, the Constitution was restored but again with a President-centric framework. The 18th Amendment corrected this historic imbalance.

49 While the results of the 2017 national census were not available in advance of the 2018 general elections, a constitutional amendment allowed the Election Commission of Pakistan to use provisional results to delimit constituencies for the elections.

18th Constitutional Amendment: The 18th Amendment, passed in April 2010, devolved power to provinces and removed the ability of the President to dissolve the Parliament unilaterally, restoring the original 1973 position. Out of the 280 articles of the constitution, 102 were “*amended, added, substituted or deleted*”.⁵⁰ At least 17 ministries/divisions – culture, education, special initiatives, environment, health, labor and manpower, local government and rural development, minorities affairs, population welfare, social welfare and special education, sports, tourism, women development, youth affairs, *zakat* and *ushr* – were devolved to the provinces. It brought a “*paradigm shift in the structural contours of the State of Pakistan from a heavily centralized to a predominantly decentralized federation*”.⁵¹

The 18th Amendment also strengthened the mechanism for participatory decision making and the management of inter-provincial relations, i.e. the Council of Common Interests (CCI). Following the Amendment, the CCI:⁵²

1. May only be chaired by the Prime Minister and not any other cabinet member appointed by the President;
2. Must submit an annual report to both houses of parliament, which was the first concrete measure for making it accountable to the legislature;
3. Shall have a permanent Secretariat and must meet once in 90 days;
4. Can take up a broader range of disputes related to water supplies and electricity
5. Can formulate policies and regulate institutions tied to a range of subjects provided in the Federal Legislative List Part II, including public debt, regulatory authorities established under federal laws, educational standards, and inter-provincial coordination.

The 2009 National Financial Commission Award provided the provinces greater fiscal space and autonomy. The provinces could now claim over 50% of the Federal Divisible Pool and were authorized to levy and collect revenues against the General Sales Tax on Services.⁵³

50 UNDP. Development Advocate, Pakistan, Vol 2, Issue 1, April 2015, P.3

51 The Impact of Devolution on Legislative Reform Relating to Law & Order in Pakistan. 2017. A Policy Brief on determining Legislative Competences after the 18th Constitutional Amendment. Research Society of International Law, Pakistan, P.5

52 [http://www.pk.undp.org/content/dam/pakistan/docs/Democratic%20Governance/Federalism/CCI%20Manual%20\(1\).pdf](http://www.pk.undp.org/content/dam/pakistan/docs/Democratic%20Governance/Federalism/CCI%20Manual%20(1).pdf)

53 Bengali, Dr Kaiser. 2015. A Step towards Fiscal Autonomy, UNDP. Development Advocate, Pakistan, Vol 2, Issue 1, P.19

However, the parliament missed the opportunity of doing away with the eligibility and disqualification requirements introduced by the military government in 1985 for elected office under articles 62 and 63 of the constitution.⁵⁴ The provisions “*disproportionately empowered the superior judiciary, warping the checks and balances of a parliamentary system. Superior court judges can act as moral arbiters of the electoral and legislative process*”.⁵⁵ The qualification and disqualification criteria for an elected member of the parliament were changed when military ruler General Zia-ul Haq issued the Revival of Constitution of 1973 Order (RCO) “*changing 67 clauses and sections of 280 articles of the constitution. It represented the largest number of changes in a single stroke in the history of Pakistan.*”⁵⁶

Strengthening of the Senate: The 18th Amendment also reformed the powers, role and structure of the Senate⁵⁷ through a number of changes:

- Strength of the Upper House increased to 104 with four additional seats reserved for minorities (article 59),
- No ordinance to be issued when Senate is in session (article 89), as for the National Assembly
- Federal cabinet collectively responsible to National Assembly and Senate (article 91), and equal membership for Senate and the National Assembly in the Parliamentary Committee on judges’ appointment (article 175-A)
- Senate’s one-third membership in the Parliamentary Committee for the appointment of the Chief Election Commissioner⁵⁸
- The reports on principles of policy (article 29), CCI (article 153), NFC (article 156), and the Auditor General of Pakistan relating to account of federation (article 171), which were earlier placed only before the National Assembly, are now also required to be placed before the Senate.⁵⁹

54 Please see “A Biography of Pakistani Federalism: Unity in Diversity, by Raza Rabbani, 2012” for more details.

55 Parliament’s role in Pakistan’s democratic transition. 2013. International Crisis Group, P.5

56 The Tribune Express. Article 62 – A brief look at the law, 13 April 2018 [available at <https://tribune.com.pk/story/1684727/1-article-62-brief-look-law/>]

57 Roles and Power of Senate. Senate of Pakistan, P.19

58 Ibid

59 Ibid

Judicial Appointments: Under the 18th and 19th Constitutional Amendments, the parliament has, for the first time, been granted a role in the appointment of superior court judges. Previously, this power was exercised exclusively by the President. According to the 18th Amendment, a seven-member judicial commission, chaired by the chief justice, was to nominate *“a candidate for a High Court or Supreme Court vacancy (except for the chief justiceship of a superior court, which is filled by the senior-most judge of the relevant bench).”* For confirmation, the nominee would then need a three-fourths majority from an eight-member bipartisan parliamentary committee.⁶⁰

However in October 2010, the Supreme Court ordered the government to *“revise the process to give the chief justice discretion in nominating candidates before the judicial commission; require that the parliamentary committee explain any rejection of a nominee in writing; and grant the Supreme Court authority to rule on that explanation.”*⁶¹ It was clear at the time that the political parties in the parliament did not want to antagonize the superior judiciary. The Constitutional Amendment bill was passed in the National Assembly with only one legislator opposing as the Prime Minister dispelled *“what he called an ‘impression’ created by unspecified quarters that ‘parliament and judiciary cannot pull on together’.”*⁶²

Merger of FATA with Khyber Pakhtunkhwa: The merger of FATA with Khyber Pakhtunkhwa was one of the major commitments made in the CoD.⁶³ The effort for mainstreaming FATA started in 1996-97 when the government extended adult franchise to tribal areas. It was followed by the presidential notification of amendments⁶⁴ to the Frontier Crimes Regulation (FCR) in 2011, which were not implemented. Ongoing military operations, large-scale displacements of the local population and resistance to the reforms from certain elements in the administration contributed toward this failure.⁶⁵ As part of these reforms political parties were, for the first time, allowed to operate in FATA.⁶⁶ However, these measures stopped short of the

60 Parliament’s role in Pakistan’s democratic transition. 2013. International Crisis Group, P.6

61 Ibid

62 Dawn. Consensus at Work; NA adopts 19th amendment, 22 December 2010, [available at <https://www.dawn.com/news/592844>]

63 Pakistan: Countering Militancy in FATA, 21 October 2009, International Crisis Group, P.4

64 Far-reaching FATA reforms unveiled. 14 August 2009, Dawn [available at <https://www.dawn.com/news/854654/far-reaching-fata-reforms-unveiled>]

65 <https://www.dawn.com/news/1155237>

66 Dawn. Major changes made in FCR: FATA people get political rights, 12 August 2011 [available at <https://www.dawn.com/news/651369>]

full-fledged mainstreaming of FATA in terms of the legal, administrative and judicial systems prevailing across Pakistan.

The PMLN government in November 2015 formed a committee on FATA reforms, headed by the prime minister's foreign affairs adviser, Sartaj Aziz. Its report in August 2016 recommended "*a gradual and phased approach*" to abolish FCR and merge FATA with Khyber Pakhtunkhwa. Making FATA reforms part of the National Action Plan against terrorism (after the attack on the Army Public School in Peshawar) was taken as "*implicit recognition that FATA's tenuous governance had contributed in large part to the spread of militancy*".⁶⁷

The constitutional amendment to merge FATA with Khyber Pakhtunkhwa was processed amid political instability, civil-military tensions, and the run-up to general elections in 2018.⁶⁸

The 25th amendment to the constitution amended Articles 1 (the republic and its territories), 51 (allocation of seats in National Assembly and provincial assemblies), and 59 (Senate) to merge FATA with Khyber Pakhtunkhwa province, besides repealing article 247 which placed FATA under the President's authority. However, the Interim Governance Regulation promulgated by the President provided a transitional institutional setup for 2 years before the constitutional amendment passed by parliament would take full effect. This move went unopposed by political stakeholders and was only challenged by the Peshawar High Court, who took issue with the exercise of judicial powers by local administrators.⁶⁹

2.5 Gender-sensitive Legislation

The 2008-2018 period witnessed substantial pro-women legislation. The Protection against Harassment of Women at the Workplace Act was passed in 2010. The law is aimed at providing a safe working environment for women. The Criminal Law (Amendment) Act 2010 amends section 509 of the PPC for a punishment of three years and a fine of five thousand rupees for the offence of sexual harassment. Importantly, the Amendment "*includes a new definition of "harassment" allowing for "criminal prosecution of harassment*

67 Shaping a new peace in Pakistan's tribal areas. August 2018. International Crisis Group [available at <https://d2071andvip0wj.cloudfront.net/b150-shaping-a-new-peace-in-pakistans-tribal-areas.pdf>]

68 Shinwari, Ibrahim. Bajwa assures Fata elders of consensus on merger with KP, 17 May 2018, Dawn [available at <https://www.dawn.com/news/1395826>]

69 <https://www.dawn.com/news/1442474>

*wherever it may be, including the workplace”.*⁷⁰

The Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011 outlawed forced marriages, depriving women from inheriting property, the custom of offering women to settle disputes, and the custom of marriage to the Quran. The Criminal Law (Second Amendment) Act 2011 (Prevention of Acid crimes incidents) made acid throwing punishable with life imprisonment and fine of up to Rs 1 million. The parliament also passed a bill in 2012 to establish an independent and autonomous National Commission on the Status of Women to promote their social, economic, political and legal rights. The erstwhile legal framework placed the Commission under the auspices of the Ministry of Women Development, which undermined its independence.

Legal cover was provided for collecting and using DNA evidence for proving rape under the Criminal Law (Amendment) (Offences Relating to Rape) Act 2016. It introduced punishment of death or life imprisonment for rape of minor or person with mental or physical disability. The new PPC section 344A stipulates that the court must conclude trials of rape offences within three months. The Criminal Law (Amendment) (Offences in the name or on pretext of Honour) was passed in 2016. In honor killing offenses, perpetrators were often pardoned by family members (themselves complicit in the crime) which promoted impunity and made it difficult to secure convictions. Under this law the relatives of the victim *“would only be able to pardon the killer if he is sentenced to capital punishment. However, the culprit would still face a mandatory life sentence of twelve-and-a-half years”*.⁷¹ It is important to highlight that both these pieces of legislations were private members’ bills.

However, the bills against domestic violence passed by the National Assembly in 2009 and Senate in 2012 failed to become laws because of the opposition of the religious parties and the Council for Islamic Ideology (CII).⁷² When first passed by the National Assembly in 2009, the bill was not tabled in Senate within the stipulated time of three-months, as it lapsed. Similarly, when the Senate passed the bill in February 2012, it was allowed to lapse in the National Assembly. The council opposed the bill, fearing it would weaken

70 Khalique Shaikh et al. 2012. Violence Against Women – Training Manual for Police Officers, Prevention of Violence against Women Project, Sindh Police, P.50

71 Bilal, Muhammad. Pakistan passes anti-honour killings and anti-rape laws, 6 October 2016, Dawn [available at <https://www.dawn.com/news/1288177>]

72 A constitutional body that advises the legislature whether or not a certain law is repugnant to Islam.

the family as a social unit.⁷³ In contrast, the Sindh and Punjab Assemblies, in 2013 and 2016 (respectively) passed unprecedented legislation offering protection and support to victims of domestic violence.⁷⁴

In addition, other mainstream legislation contains significant pro-women provisions. The Elections Act 2017 provided guarantees for women's political participation as it empowered the ECP to declare results null and void in constituencies where the turnout for women voters is less than or equal to 10%. Another significant measure was the requirement for political parties to allocate 5% of party tickets for general seats to women candidates. As a result of these provisions, in the general elections held on July 25, 2018, there were more women candidates who contested the polls on party tickets than in 2013. Further, in 22 constituencies' women voters' turnout was higher than men.⁷⁵

2.6 Electoral Reform

The Elections Act 2017 represents the most important electoral reform legislation after the initial electoral laws passed in the 1970s. The Elections Act 2017 is a comprehensive electoral reform effort, which consolidated eight separate laws.⁷⁶ It empowered the ECP with financial autonomy and invested it with quasi-judicial powers comparable to a high court. It defined the role and powers of caretaker governments, placing limitations over their ability to make policy decisions.⁷⁷ Another significant initiative under the electoral reform law is the *"legally binding timeline for the conduct of local elections, which must now be held within 120 days after local councils complete their tenure or are dissolved."*⁷⁸

By passing the 24th amendment, the parliament also allowed for the fresh delimitation of constituencies on the basis of provisional census results before the general elections on 25 July 2018. As article 51 of the constitution

73 Naqvi, Rizwana & Syed, Madeeha. Landmark legislations, 31 May 2015, Dawn [available at <https://www.dawn.com/news/1184938>]

74 THE SINDH DOMESTIC VIOLENCE (PREVENTION AND PROTECTION) ACT, 2013; THE PUNJAB PROTECTION OF WOMEN AGAINST VIOLENCE ACT 2016

75 Women and the Vote. 2018. Jinnah Institute [available at <http://jinnah-institute.org/infographic-women-the-vote/>]

76 Performance of the 14th National Assembly of Pakistan 2013-2018, Free and Fair Election Network, P.8

77 Pakistan's Elections Act 2017: What you need to know. Democracy Reporting International [<https://democracy-reporting.org/pakistans-elections-act-2017-what-you-need-to-know/>]

78 Ibid

was amended, the National Assembly seats were proportionally re-allocated among the provinces, though the total number of seats was not increased.

The Elections Act 2017 contained many important electoral reforms, which were long overdue but it took at least a few decades to address the gaps. Amendments in the various electoral laws remained a major area of legislation before the passage of the Elections Act 2017. It was mainly to amend the changes brought in by the military government of General Pervez Musharraf. The first amendment in the electoral laws was to do away with the condition of education up to the graduation level for the contesting candidates. This condition was introduced in the Conduct of General Elections Order 2002 (Chief Executive Order No.7 of 2002) as article 8A.⁷⁹ Earlier, in 2008 the Supreme Court declared the provisions of Article 8A and clause (cc) of the Sub-section (1) of the Representation of the People Act, 1976 null and void for being *“inconsistent with Articles 17 and 25 of the Constitution”*.⁸⁰

The parliament amended the Representation of the People Act in 2009 to address the issue of pending cases in the election tribunals. Just before the 2013 general elections, the parliament again amended the elections laws to allow candidates to file nomination papers through authorized individuals rather than appearing before the returning officer in person. The condition introduced by the military government in 2002 was intended to bar the leaders of PPP and PMLN from taking part in elections.

Finally, the 20th Constitutional Amendment provided for an independent Election Commission and a neutral interim government set-up to oversee polls.⁸¹ Its passage *“paved the way for a consensus appointment of caretaker governments in the centre and the provinces to oversee future polls. The term of ECP members was also fixed at five years...”*⁸²

79 8A. Educational qualification for a member of Majlis-i-Shoora (Parliament) and a Provincial Assembly: Notwithstanding anything contained in the Constitution of the Islamic Republic of Pakistan, 1973, the Senate (Election) Act, 1975 (LI of 1975), the Representation of People Act, 1976 (LXXXV of 1976), or any other law for the time being in force, a person shall not be qualified to be elected or chosen as a member of Majlis-i-Shoora (Parliament) or a Provincial Assembly unless he is at least a graduate possessing a bachelor degree in any discipline or any degree recognized as equivalent by the University Grants Commission under the University Grants Commission Act, 1974 (XXIII of 1974).

80 Senate passes Elections Laws (Amendment) Bill, 2009, October 6, 2009, Dawn [available at <https://www.dawn.com/news/494847>]

81 Dawn. Senate approves 20th amendment bill after consensus, 20 February 2012 [available at <https://www.dawn.com/news/696880>]

82 PILDAT. 2013. 5 Years of 13th National Assembly of Pakistan: Positive Trends and Areas of Concern [available at <https://pildat.org/parliamentary-monitoring/5-years-of-13th-national-assembly-of-pakistan-positive-trends-and-areas-of-concern/>]

2.7 Failure to Repeal NAB Ordinance

One of the targets in the CoD was to replace the National Accountability Bureau (NAB), the premier anticorruption agency in Pakistan, with a politically neutral and independent accountability commission.⁸³ The chairperson of the independent accountability commission was to be nominated jointly by the Prime Minister and the Leader of the Opposition and then confirmed by a parliamentary committee with equal membership from the opposition and treasury benches.⁸⁴

Pakistan is a signatory to the United Nations Convention Against Corruption (UNCAC), adopted by the UN General Assembly in 2003, which states that “[each State Party shall also consider, in accordance with the fundamental principles of its domestic law, establishing measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities, when such acts come to their notice in the performance of their functions.” Despite this international obligation, the parliament has failed to agree on an anti-graft law to replace the controversial NAB law brought in by the military government. A number of legislative efforts have been made at the federal level but they remained unsuccessful as the mainstream parties – PPP and PMLN – failed to develop consensus over an anti-graft law to replace the NAB ordinance.

The PPP government (2008 - 2013) moved two bills in the National Assembly for establishing an independent accountability commission, which did not go beyond the committee stage.⁸⁵ The PPP and the PMLN failed to agree on who would head the proposed commission and what would be included in its scope.⁸⁶ The PPP government introduced the Holders of Public Office (Accountability) Bill 2009 but it was criticized for being “*the most ineffective and toothless legislation ever proposed in Pakistan for combating corruption and carrying out effective accountability*”.⁸⁷ In March 2015 the PMLN government introduced a bill in the National Assembly “to replace the National Accountability Ordinance, 1999 and National Accountability Bureau (NAB)”.⁸⁸

83 Text of the Charter of Democracy

84 Ibid

85 Asghar, Raja. New move in NA for consensus accountability law, 25 March 2015, Dawn, [available at <https://www.dawn.com/news/1171762>]

86 Ibid

87 PILDAT. Pakistan awaits an effective anti-corruption law on international anti-corruption day, 9 December 2009, [available at <https://pildat.org/parliamentary-development1/pakistan-awaits-an-effective-anti-corruption-law-on-international-anti-corruption-day>]

88 Asghar, Raja. New move in NA for consensus accountability law, 25 March 2015, Dawn, [available at <https://www.dawn.com/news/1171762>]

However, the parliament did pass the Public Interest Disclosures Bill 2017 to provide protection to whistleblowers. The law protects individuals making public interest disclosures bringing instances of corruption, or misuse of power by public officials to light.⁸⁹ When passed in the National Assembly, the bill contained a note of dissent by the chairperson of the Standing Committee on Law and Justice, arguing that they were not given the opportunity to review the finalized version by the Ministry of Law, as had been agreed in previous meetings.⁹⁰

2.8 Terrorism

Most of the legislation to counter terrorism between 2008 and 2018 remained controversial. Parliamentarians, judges and civil society expressed reservations, fearing curbs on the right to fair trial, privacy, and expression of freedom.

The terrorist attack on the Army Public School in Peshawar on 16 December 2014 resulted in the death of more than 140 people, most of them students and teachers. This became the impetus for a policy shift allowing terrorists to be tried in military courts. On 6 January 2015 the parliament passed the 21st constitutional amendment and the Pakistan Army (Amendment) Bill 2015 to establish “constitutionally protected military courts to try civilian terrorism suspects”, though Supreme Court retained its powers of review over sentences handed down and confirmed by military authorities.⁹¹ The bill passed unopposed had a sunset clause of two years from the date of its enactment to “stand repealed on the expiration of the said period”.

However, the legislation became controversial as it was seen “*a violation of the principles of civilian supremacy, judicial independence and human rights.*”⁹² The 21st amendment was challenged in the Supreme Court on 8 January 2015. Though the apex court dismissed the petitions challenging the amendment, six judges of the 17-member bench “*declared the 21st Amendment as well as trials of the accused by military courts as illegal and unconstitutional*”.⁹³ The military courts were intended as a temporary solution,

89 Available at http://www.na.gov.pk/uploads/documents/1503034217_989.pdf

90 Ibid

91 Dawn. Parliament passes 21st constitutional amendment, Army amendment act, 6 January 2015, Dawn [available at <https://www.dawn.com/news/1155271>]

92 Siddiqi, Faisal. Constitution’s crooked timer, 26 January 2015, Dawn [available at <https://www.dawn.com/news/1159408>]

93 Dawn. Six judges declare 21st Amendment, military courts illegal, 6 August 2015, [available at <https://www.dawn.com/news/1198632>]

providing the civilian governments with the time they needed to sufficiently reform the criminal justice system for an appropriate response to terrorism. However, sufficient progress was not arguably made in this regard.⁹⁴ Given this lack of progress against the targets of the NAP, the parliament passed the 23rd constitutional amendment in March 2017 to extend the military courts for another two years till January 2019.

The International Commission of Jurists has criticized the military courts for lack of transparency, saying that *“the government and military authorities have failed to make public information about the time and place of their trials; the specific charges and evidence against the convicts; as well as the judgments of military courts including the essential findings, legal reasoning, and evidence on which the convictions were based”*.⁹⁵ As of early 2017, a total of 274 cases had been referred by the government for trial by military tribunals, out of which 161 had been awarded the death penalty, while 113 had been convicted and sentenced to various prison terms. Only 12 of these 161 death-row inmates had been executed, as the Supreme Court had issued stay orders against the decisions of military courts in other cases.⁹⁶

Earlier, in July 2014 the parliament passed the Pakistan Protection Act permitting *“security forces to shoot suspects on sight with the permission of a grade-15 official”*.⁹⁷ The Anti-Terrorism Act 1997 was amended four times during the ten years. Unfortunately, serious flaws remain unaddressed – particularly regarding the way terrorism is defined and the offenses which have been placed under the law.⁹⁸ These have not only clogged the special Anti-Terrorism Courts with litigation that is largely unrelated to terrorist offenses, but has also made it difficult to convict offenders.

In the last days of the 13th National Assembly, the parliament passed a law to establish the National Counter Terrorism Authority. The Authority was to play a central role in terms of collecting data and information and conducting

94 The Research Society of International Law and Konrad Adenauer Stiftung. 2017. The Impact of devolution on legislative reform relating to law and order in Pakistan, A policy brief on determining legislative competencies after the 18th constitutional amendment, P.19

95 ICJ. 2016. Military Injustice in Pakistan, A briefing paper, P.3 [available at <https://www.icj.org/wp-content/uploads/2016/06/Pakistan-Military-court-Advocacy-Analysis-brief-2016-ENG.pdf>]

96 <https://www.dawn.com/news/1307695>

97 Haider, Irfan. Protection of Pakistan Bill 2014 approved in NA, 2 July 2014

98 For a detailed analysis of the ATA 1997, see: The Case for Change: A Review of Pakistan's Anti-Terrorism Act of 1997, Research Society of International Law, 2013

research; making action plans; coordinating with national and international entities; and reviewing laws and policies.⁹⁹ The Fair Trial Act 2013 authorized the state to conduct surveillance and intercept communications (including electronic channels) between private individuals to investigate cases registered under terrorism-related laws.¹⁰⁰ However, critics highlighted the absence of adequate safeguards to prevent abuse of these special powers.¹⁰¹ Similarly, the Protection of Pakistan Act 2014 allows law enforcement agencies to arbitrarily arrest and detain individuals suspected of being ‘militants’ – a term defined vaguely.¹⁰²

The Prevention of Electronic Crimes 2016 was passed to “*tackle cyberstalking, online harassment, forgery, blasphemy and forms of cyber-terrorism*”.¹⁰³ The law has been criticized for non-specific language that “*potentially criminalizes freedom of expression, and further weakens the right to privacy of Pakistani citizens*”.¹⁰⁴ In March 2010 the parliament passed the Anti-Money Laundering Act for preventing money laundering and combating financing of terrorism. Unfortunately, despite an adequate legal framework for curbing money-laundering and terror-financing, implementation of the Act (and related laws and regulations) remains weak. This contributed toward Pakistan being placed on the Financial Action Task Force ‘grey list’ in June 2018.¹⁰⁵

2.9 Lawmaking for Rights

A number of significant laws on human rights have been passed by the parliament, some of them addressing longstanding issues such as transgender rights. Towards the end of the 14th National Assembly, the Transgender Persons (Protection of Rights) Act was passed, which guaranteed basic rights for transgender citizens and outlawed discrimination by employers and private business owners. Termed a historic legislation by activists, the law allows transgender persons to choose their gender, which should be recognized in official documents such as CNIC cards, passports etc. The law

99 Article 4 of NACTA Act 2013

100 Dawn. ‘Fair Trial Act’ signed into law, 20 February 2013 [available at <https://www.dawn.com/news/787426>]

101 <http://hrcp-web.org/hrcpweb/wp-content/uploads/2015/09/A-look-back-at-our-promises.pdf>

102 Ibid

103 Privacy International. State of Surveillance Pakistan [available at <https://privacyinternational.org/state-privacy/1014/state-surveillance-pakistan>]

104 Ibid

105 <https://www.pakistantoday.com.pk/2018/08/29/anti-money-laundering-and-counter-terror-financing-laws/>

provides for “*protection, relief and rehabilitation of rights for transgender persons*”.¹⁰⁶

The Hindu Marriage Act 2017 has been hailed as another landmark reform, addressing a historic gap in the body of personal law for the Hindu community, with Hindu women finally able to access documentary proof of their marriage.¹⁰⁷

Similarly, laws establishing commissions on the status of women, human rights and the rights of children have been passed by the parliament in the last ten years. The parliament also passed the Juvenile Justice System Act for “*social integration of juveniles*”. Experts have described the law as an important step forward for protecting the rights of children who come into contact or conflict with the law,¹⁰⁸ though certain critical gaps remain unaddressed which would make implementation challenging onground.

The Criminal Law (Amendment Bill) 2015 made a child’s exposure to obscene and sexually explicit material a criminal offence besides criminalizing child pornography. Two important amendments increased the minimum age of criminal responsibility to 10 years from seven and for juveniles it has been increased to 14 from 12 years.¹⁰⁹

The National Commission on the Rights of the Children Act was passed in 2017, providing for establishing an independent national commission to protect, monitor and promote child rights. The parliament also passed the Islamabad Capital Territory Child Protection Act 2018, providing for the “*protection and care of children in Islamabad Capital Territory from all forms of physical or mental violence, injury, neglect, maltreatment, exploitation, abuse....*” However, another bill passed by Senate on unattended orphan children in Islamabad was not passed by the National Assembly.¹¹⁰ The parliament passed the Prevention of Trafficking in Persons Act 2018 to “*prevent and combat trafficking in persons, especially women and children*”.

106 National Assembly of Pakistan. Annual Report 2017-18 of the Fifth Parliamentary Year, P.7

107 Ali, Kalbe. Senate passes landmark Hindu marriage bill, 18 February 2017, Dawn [available at <https://www.dawn.com/news/1315482>]

108 Malik, Wajahat Ali. The Juvenile Justice System Act of 2018, 7 September 2018, Daily Times [available at <https://dailytimes.com.pk/293977/the-juvenile-justice-system-act-of-2018/>]

109 Shahid, Jamal. Law adopted to provide protection to children, 3 March 2016, Dawn [available at <https://www.dawn.com/news/1243231>]

110 Daily Times. Call to set up national commission on children rights, 20 January 2018 [available at <https://dailytimes.com.pk/184866/call-set-national-commission-children-rights/>]

Further, the Prevention of Smuggling of Migrants Act 2018 imposes 3 to 5 years prison terms and a fine of Rs 50,000 on traffickers.

The Unskilled Workers Act 2015 proposed to increase the minimum wage to Rs 13,000 from Rs 8,000.

2.10 Education

Apart from the right to compulsory education in 2012, most of the legislation on education has focused on establishing new universities and giving the degree awarding status to various public sector education institutions. At least eight universities have been established through parliamentary Acts over the last 10 years. Another important legislation has been the establishment of an authority to regulate the functioning of private educational institutions in Islamabad.

2.11 Documenting and Publishing Laws

An interesting law passed in 2016 was the Publication of Laws Act 2016 for ensuring “publication of the text of the laws of Pakistan free from errors of reproduction, updating and printing”.

The Supreme Court was informed in 2016 that “neither the federation nor the provinces have undertaken the exercise of codifying the subordinate legislation made pursuant to rule-making powers given to the respective executives by legislation”.¹¹¹ The apex court found it “extraordinary that there was no official publication whether in hard form or on the internet which can provide an accurate and error-free version of the laws of Pakistan in one easily accessible compendium.”¹¹²

Following the Supreme Court verdict, a dedicated cell and bi-lingual (English and Urdu) website was launched by the Federal Ministry of Law and Justice to provide authentic version of laws, subordinate legislation, and rules.¹¹³

Under article 144 of the constitution, the four provincial assemblies “*handed over the powers to the Federal Parliament to regulate the issue of publication of laws by private publishers.*”¹¹⁴

111 Westminster Foundation for Democracy. 2017. Post-Legislative Scrutiny, Comparative study of practices of Post-Legislative Scrutiny in selected parliaments and the rationale for its place in democracy assistance

112 Ibid

113 Ibid

114 Ibid

2.12 Access to Information

After a number of aborted efforts to introduce an access to information law, the parliament passed the Right of Information Act in 2017. It has been considered a better legislation than the Freedom of Information Ordinance 2002, which it has replaced.¹¹⁵ The law provides for “proactive disclosure of information, indexation and computerization of records, the establishment of an independent, autonomous information commission, and, broadening the scope of the definition of public body, [and] it brings NGOs within the purview of the law.”¹¹⁶ The introduction of the law was delayed by security concerns, as explained by the former federal Minister for Information.¹¹⁷

2.13 Economy

Economy remained a major focus for lawmakers over the last ten years. Out of the 205 bills passed by the 14th National Assembly, 52 bills focused on *taxation, financial security, corporatization, foreign exchange, trade and commerce*. This number is more than double the number of bills passed during the term of the previous Assembly on this subject.¹¹⁸ The Competition Act 2010 provided for free competition “*in all spheres of commercial and economic activity to enhance economic efficiency and to protect consumers from all anti-competitive behavior*”. Legislation on the economy has largely focused on:¹¹⁹

1. Restructuring of financial and regulatory institutions such as the Securities and Exchange Commission Pakistan and State Bank of Pakistan;
2. Regulation of commerce, banking, assets and securities and investment;
3. Controlling money laundering practices;
4. Repealing statutes tied to defunct bodies e.g. House Building Finance Corporation, Investment Corporation of Pakistan and Federal Bank for Cooperatives.

The Organization for Economic Cooperation and Development (OECD) Policy Framework for Investment was developed in 2006 with inputs from 60

115 Abdullah, Zahid. After the ARI, 26 October 2017, Dawn, [available at <https://www.dawn.com/news/1366336>]

116 Ibid

117 Dawn. Senators say ‘certain institutions’ to place hurdles in access to information, 29 September 2017 [available at <https://www.dawn.com/news/1360705>]

118 FAFEN. 2018. Performance of the 14th National Assembly of Pakistan 2013-18, P.8

119 Ibid

governments and updated with the participation of the World Bank Group, United Nations Conference on Trade and Development (UNCTAD), United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) and other leading international organizations in 2015. As such it represents the most credible and comprehensive reference base for examining the matrix of policy choices and institutional structures that condition foreign and domestic investment in a given economy. The Policy Framework for Investment (PFI) posits 12 policy fields which are "*critically important for improving the quality of a country's enabling environment for investment.*" They include:

1. Investment policy
2. Investment promotion and facilitation
3. Trade policy
4. Competition policy
5. Tax policy
6. Corporate governance
7. Policies for enabling Responsible Business Conduct
8. Developing human resources for investment
9. Investment in infrastructure
10. Financing investment
11. Public governance
12. Investment for Green Growth

Most of these policy fields – especially in terms of legislation that establishes or sets up policymaking and regulatory bodies – continue to fall under the purview of the federal government and the national legislature in Pakistan. This means that despite the passage of the 18th Constitutional Amendment, investment remains a federal subject, in essence.

2.14 Justice Sector Reforms

The parliament's legislative performance vis-à-vis the law and justice sector has been mixed. The situation is complicated by the fact that though legislative competence over most key areas within the sector have been devolved to the provincial governments with the abolition of the Concurrent List, subsequent to the 18th Amendment, Article 142 (b) introduces a new concurrency with respect to criminal law, criminal procedure and evidence.

This means that the main body of procedural laws i.e. the Pakistan Penal Code, Criminal Procedure Code and Qanun-e-Shahadat (Law of Evidence) may be amended by both federal and provincial legislatures, but the former will take precedence over the latter in case of non-conformity.

Unfortunately, the parliament has been less than proactive in introducing much-needed changes to these laws, which are outdated and are inadequate for dealing with numerous challenges of modern criminal justice administration e.g. procedures for registering online First Information Report (FIRs); testing, preserving and presenting DNA results in courts; the role and powers of an independent prosecution service; protection of the rights of the accused, among others. Earlier last year, the Law and Justice Commission of Pakistan (LJCP) informed the Supreme Court that out of a total of 138 reports carrying legislative reform proposals, 74 had yet to be implemented.¹²⁰

A Senate Committee of the Whole was constituted in 2012 to review the legal framework and recommend reforms to enable the “provision of inexpensive and speedy justice in the country” which finalized its recommendations in December 2016, based on inputs from several key legal experts and practitioners. Except the recommendations concerning Alternative Dispute Resolution - ADR (discussed below), most other recommendations remain unimplemented.

A number of laws have been recently passed which attempted to address longstanding gaps in the legal framework governing the administration of justice, but unfortunately, they only apply to Islamabad Capital Territory and not the rest of Pakistan (as per the 18th Constitutional Amendment).

1. The Alternative Dispute Resolution Act was introduced in 2017 for ensuring inexpensive and speedy justice. The weaknesses which held back implementation of the similarly designed Small Courts and Minor Offenses Ordinance 2000 (most importantly: lack of support among members of the Bar),¹²¹ remain unimplemented.
2. The Costs of Litigation Act 2017 has been passed to discourage party-driven dilatory tactics which lead to frequent adjournments and prolong trials¹²²

120 <https://www.thenews.com.pk/print/273025-judicial-system-needs-fundamental-reforms-cjp>

121 As noted by the Project Completion Report of the ADB Access to Justice in Pakistan Project which introduced the reform.

122 Asad, Malik. Cost of Litigation Act enforced in capital to counter frivolous, false cases, 15 March 2018, Dawn [available at <https://www.dawn.com/news/1395336>]

3. The 14th National Assembly also passed the Evening Courts Act 2017 but it did not become a law. It *"proposes to notify some courts as evening courts to decide certain specified categories of civil and criminal cases to help clear backlog of cases"*.¹²³
4. For the protection of witnesses the parliament passed the Witness Protection, Security and Benefit Act 2017. The Act establishes a Witness Protection Unit under a Board to run programs which offer concealment or change in identity, relocation, special security and compensation to witnesses (or persons related/associated) giving evidence in trials of serious criminal offenses (including terrorism, murder, rape, kidnapping, etc.). It should be noted that a Witness Protection Act was passed by the Sindh Assembly in 2013, while a bill to put in place a similar program was introduced in the National Assembly as early as 2015.

123 National Assembly of Pakistan. Annual Report 2017-18 of the Fifth Parliamentary Year, P.7

3. Parliamentary Oversight of Government

3.1 Introduction

Holding the executive branch accountable for its policies, actions and monetary decisions is an important pillar of parliamentary democracy. In a functioning democracy, good governance relies on active and constant monitoring of the executive by the parliament. Parliamentary oversight of the executive ensures transparency and openness of the government activities. The parliamentary committees, question hour, calling attention notices, resolutions, and motions are the most important mechanisms for the parliamentary oversight of the executive.

3.2. Question Hour

The first hour of every sitting in the National Assembly¹²⁴ (except for Tuesdays) and Senate¹²⁵ (except for Mondays) is reserved for questions which allows the parliamentarians to “ask and answer questions”. There are three types of questions – unstarred (only written answers are provided), starred (replies read by the minister during the question hour) and supplementary (follow-up question related to the starred question). Both in the National Assembly¹²⁶ and Senate¹²⁷, short notice questions “relating to a matter of public importance...” are also allowed. In Senate, a notice shorter than 13 days, and in the National Assembly less than 15 days leads to fixing of the date for the ministerial reply.

Question Hour in the National Assembly (2008 – 2018): A total of 32,320 questions were asked during the ten years (2008 - 2018) – on average,

124 See Rule 69 of the National Assembly Rules of Procedure and the Conduct of Business 2007.

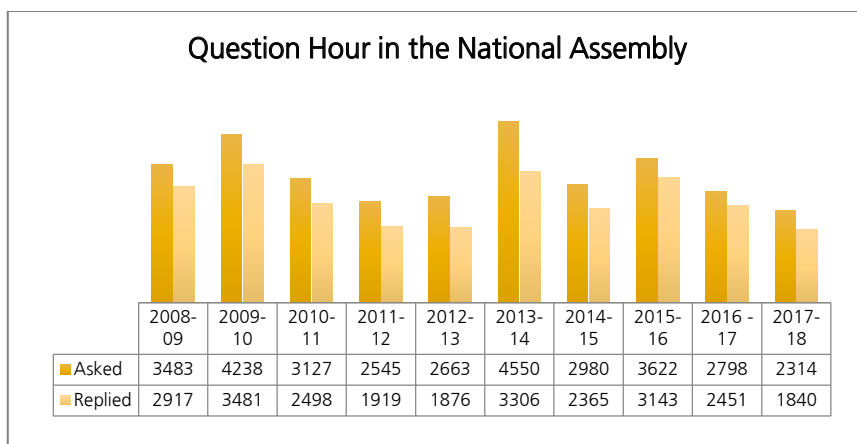
125 See Rule 41 of the Rules of Procedure and the Conduct of Business in the Senate 2012.

126 See Rule 79 of the National Assembly Rules of Procedure and the Conduct of Business 2007.

127 See Rule 51 of the Rules of Procedure and the Conduct of Business in the Senate 2012.

3232 questions per year. The legislators asked slightly more starred questions (16,598) than unstarred questions (15,722). Overall the government responded to 80% (25,796) questions – both starred and unstarred.

It is important to highlight that in 2015, legislators submitted 6657 written questions in the National Assembly. This exercise of oversight seeking formally written replies made the Pakistani National Assembly one of the top ten legislatures globally receiving the highest number of written questions.¹²⁸



Source: FAFEN. 2013. *Five Years Performance of the 13th National Assembly, March 2008 – March 2013* and the data for the 14th National Assembly has been taken from NA website

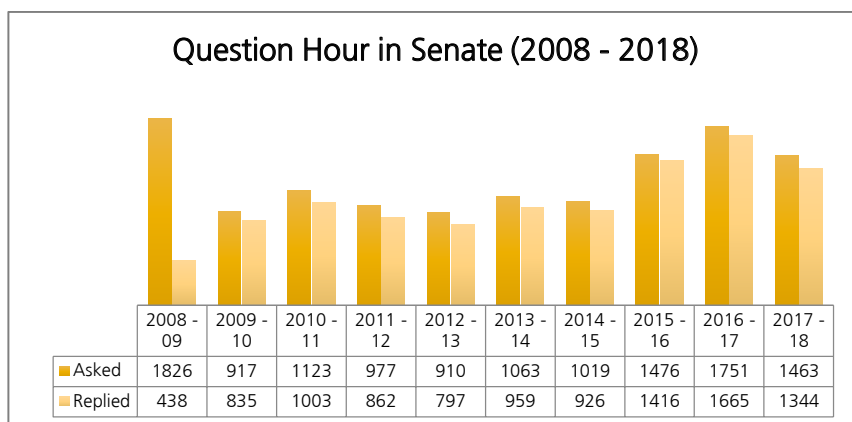
The above table shows that the legislators asked the most questions in the first two years and comparatively fewer questions in the last two years of the 13th and 14th National Assemblies.

During the 2008 – 2013 tenure, a total of 16,056 questions were asked by 216 members on the floor of the House, of which the government responded to 12,623 (79%).¹²⁹ Whereas during 2013 - 2018, a total of 16,264 questions were asked by legislators. The government responded to 13,105 (80%) questions.

Question Hour in the Senate (2008 - 2018): In the Upper House, a total of 12,525 (starred and unstarred) questions were asked by Senators between 2008 and 2018 – on average 1252 questions per year, of which, 10,245 (82%) were answered on the floor of the House. A majority of the questions - 12,174 asked by the senators were starred.

128 UNDP, *Global Parliamentary Report 2017*, P. 60.

129 FAFEN. 2013. *Five Years Performance of the 13th National Assembly*.



Source: Data for 2008-09 taken from PILDAT and the data for the subsequent years has been taken from Senate website

Attendance of the Ministers: Both the National Assembly and Senate grappled with the issue of ministers' absence during the question hour. In 2009, the Prime Minister had to apologize for the absence of a minister when a legislator expressed dissatisfaction with the minister's written reply to a question.¹³⁰ In order to improve attendance of the ministers, then Prime Minister Yusuf Raza Gilani started attending the question hour, but his effort did not result in an improvement in attendance.¹³¹

In the Senate, the absence of ministers led to four rulings by the Chairman. Regarding the absence of the Minister for Planning, Development and Reforms, the Senate Chairman ruled that "running away from the House and running away from this question is not going to help the government"¹³² In another ruling on 14th May 2015, the Senate Chairman maintained: "If next time without any cogent reason, a minister is not present to deal with his business in the House, I shall be constrained to pass strictures or under the rules suspend the Minister from attending either the entire session, a number of sittings or sitting of the Senate."¹³³

130 Dawn. PM apologises for minister's absence in NA, 16 December 2008 [available at <https://www.dawn.com/news/334437/pm-apologises-for-minister>].

131 Ghumman, Khawar. Gilani's call to duty falls on deaf ears: National Assembly attendance, 17 January 2009, Dawn [available at <https://www.dawn.com/news/339090>].

132 Senate of Pakistan. Ruling of the Chair, the Absence of Ministers during the Senate Proceedings, 23 December 2015.

133 Senate of Pakistan. Ruling of the Chair, the Absence of Ministers during the Senate Proceedings, 14 May 2015.

Similarly in the National Assembly, on 13 April 2009, Speaker Fehmida Mirza asked the Chief Whip of the ruling PPP to “ensure presence of the Ministers on their Rota day, in case of absence, the Parliamentary Secretary should be properly briefed to answer the questions in the House”.¹³⁴ On 19 December 2011, the Speaker declared the absence of some of the ministers as “deplorable”.¹³⁵ The National Assembly noted that “On 22nd August 2013, during the question hour, a MNA Mr. Abdul Rashid Godil pointed out that 18 questions on the list of questions were not replied. He criticized the sorry state of the affairs and reported that it had become a routine for the ministers to not attend the House on their Rota day or submit a written response to the questions asked by the legislators. He requested the Chair to take strict action and enforce mandatory timely submission of written responses to the legislators’ questions. Consequently, the Deputy Speaker directed the Chief Whip of the Ruling Party to ensure timely submission of written responses to the House in future.”¹³⁶

Furthermore in 2012, the Senate approved new rules of procedure, making the presence of the ministers during the question hour mandatory. Explaining the rule 46, the Senate maintains: “The Ministers and Ministers of State or Advisers whose questions have been set down for answering on a day allotted to their Ministries, shall subject to provisions of clause (6) of Article 91 of the Constitution, remain present in the House during the question hour and shall not leave the Senate till the business concerning their Ministries is disposed of”.¹³⁷

During the reporting period, there were several walkouts, protests, and adjournment of proceedings due to ministers’ absence during the question hour. For example, on 16 September 2017, Senate Chairman Raza Rabbani suspended the Upper House proceedings due to the absence of ministers.¹³⁸

The Prime Minister’s Question Hour: The 15th National Assembly is planning to amend the rules of procedure to introduce the Prime Minister’s Question Hour. In 2012, the Senate introduced the Prime Minister’s Zero Hour in its rules of procedure for taking up matters of urgent public importance.

134 National Assembly of Pakistan. Rulings of the Chair 1997-2017, [available at <http://www.na.gov.pk/uploads/documents/Rulings-of-the-Chair-1999-2017.pdf>].

135 Ibid.

136 Ibid.

137 Senate of Pakistan. Rules of Procedure and Conduct of Business in the Senate, 2012.

138 Business Recorder. Senate Chief suspends proceedings over ministers’ absence, 16 September 2018 [<http://epaper.brecorder.com/2017/09/16/19-page/671176-news.html>].

The rule 61(2A) requires the prime minister to “attend the Prime Minister’s Zero Hour at least once each week when the Senate is in session.”¹³⁹ The intent was to ensure the Prime Ministers’ presence in the Upper House. However, the Prime Minister’s Zero Hour was not enforced. Former Prime Minister Nawaz Sharif attended the Senate sessions “only three to four times throughout his more than four-year rule”.¹⁴⁰

3.3 Calling Attention Notices (CANs)

Matters of urgent public importance are brought to the house’s attention through Calling Attention Notices. Once a legislator introduces a CAN, relevant ministers make a statement on the issue. In the National Assembly and Senate, a member, with the permission of the Speaker or Chairman can “call the attention of a Minister to any matter of urgent public importance and the Minister may make a brief statement or ask for time to make a statement at a later hour or date.”¹⁴¹

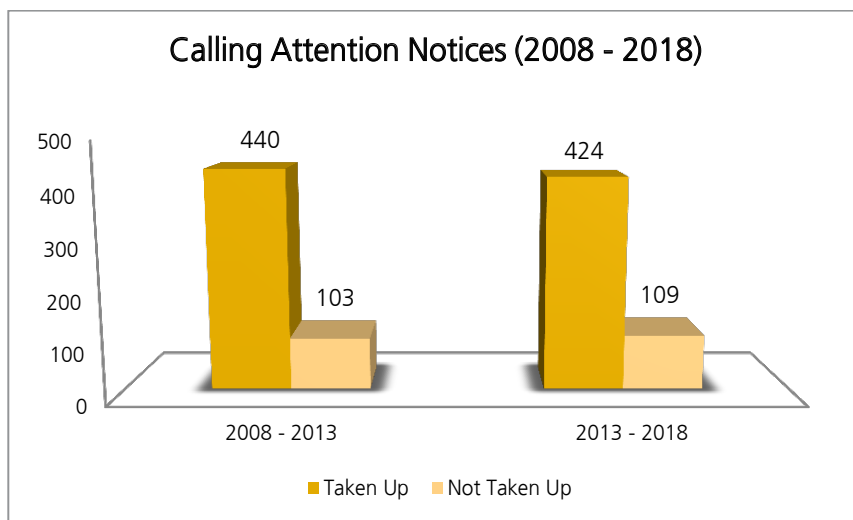
CANs in the National Assembly: During the period 2008 - 2018, out of the total 1076 CANs submitted, 864 were taken up. There is not much difference in the number of CANs taken up by the Lower House during the two tenures, 440 during 2008 - 2013, and 424 during 2013 - 2018. In comparison, in the 12th National Assembly (2002 - 2007), ministers gave statements on a total of 329 CANs on the floor of the house.¹⁴²

139 Senate of Pakistan. Rules of Procedure and Conduct of Business in the Senate, 2012.

140 Wasim, Amir. NA set to amend rules to introduce PM’s Question Hour, 24 September 2018, Dawn [<https://www.dawn.com/news/1434659>].

141 National Assembly. Calling Attention Notice [available at <http://www.na.gov.pk/en/content.php?id=16>].

142 Mahar, Nazeer. Five years performance of the 12th National Assembly (2002-07), Strengthening Democracy through Parliamentary Development, UNDP, P.13. Unpublished manuscript



Source: FAFEN. 2013. *Five Years Performance of the 13th NA & FAFEN. 2018. Performance of the 14th National Assembly of Pakistan 2013-2018*

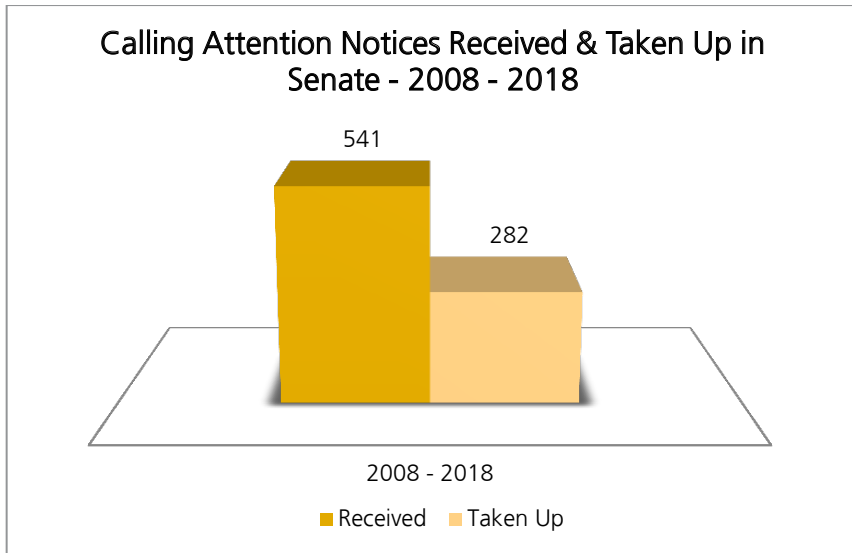
The focus of the CANs in the reporting period has been on a wide range of local and national issues ranging from the price hike of cooking oil, medicines, petrol, gas, and electricity, to water shortage, the lack of public transportation for students, beggary, and the use of sheesha (water pipe tobacco), etc. The legislators also used CANs to bring into the house’s notice delays in the release of funds for uplift projects, 1991 water accord, relief and rehabilitation for flood victims. Health issues including the spread of hepatitis, AIDS, dengue, swine flu, and waterborne diseases remained a focus of CANs.

(CANs) in the Senate:¹⁴³ In the Senate, a total of 541 CANs were introduced in the house between 2008 and 2018. Of which, 282 were taken up. The number of CANs taken up by the Upper House from 2008 - 2011 was only 30. Senate showed an improvement by taking up 77, 94, and 81 CANs in 2015, 2016, and 2017 respectively. The improvement in this area can be attributed to the encouragement from the Chairman.

In Senate, the focus of notices was predominantly on national issues including missing women’s voters, delay in the merger of FATA with Khyber Pakhtunkhwa, delay in the opening of the New Islamabad Airport, closing of the Khokhrapar border, high electricity tariff, outbreak of dengue fever,

143 This data does not include the Senate calling attention notices for the years 2012-13 and 2014-15.

attacks on polio workers, appointment of the National Security Advisor, and delay in the announcement of the 8th National Finance Award.



Source: PILDAT and Senate Annual Reports – 2015-2016, 2016-2017 & 2017-2018

3.4 Resolutions

Resolutions express opinion, make recommendations or convey a message “on important issues”.¹⁴⁴ Any legislator or a minister can move a resolution “relating to a matter of public importance”.¹⁴⁵ It is “a motion for the purpose of discussing and expressing an opinion on a matter of general public interest and includes a resolution specified in the Constitution.”¹⁴⁶ However, implementation of resolutions is not legally binding on the executive branch. It articulates the will of the majority of the house.

Resolutions in National Assembly: The National Assembly adopted a total of 294 resolutions in the reporting period. Out of the total 243 resolutions moved during the 13th National Assembly, 85 (16%) were adopted.¹⁴⁷ Comparatively more resolutions were adopted during the 14th National Assembly, 209 (45%) out of the 464 moved.¹⁴⁸ As the main opposition party,

144 National Assembly of Pakistan, Motions and Resolutions, [Available at http://www.na.gov.pk/uploads/documents/1438665571_953.pdf].

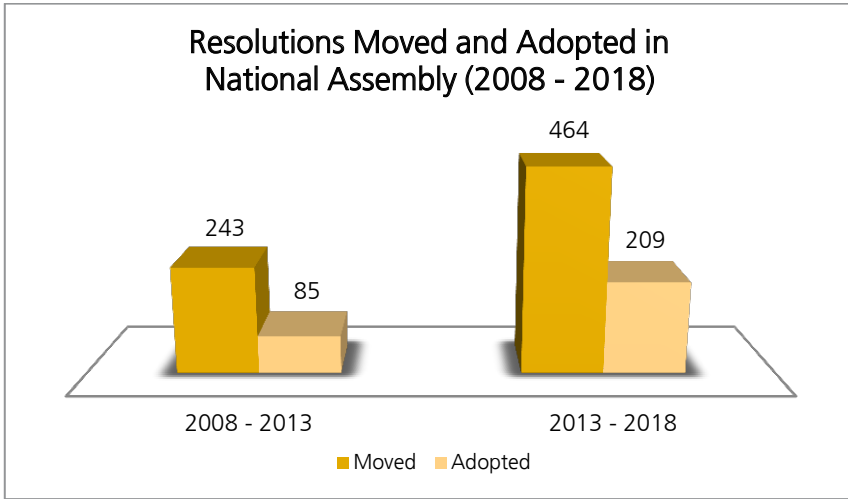
145 Ibid.

146 Senate of Pakistan, Rules of Procedure and Conduct of Business in the Senate 2012.

147 FAFEN. 2013. Performance of the 13th National Assembly March 2008-March 2013, P.3.

148 FAFEN. 2018. Performance of the 14th National Assembly of Pakistan 2013 - 2018, P.10

the PMLN moved the highest number of resolutions (317) during 2008 - 2013 National Assembly, of which 17 were adopted.¹⁴⁹



Source: FAFEN. 2013. *Five Years Performance of the 13th NA & FAFEN. 2018. Performance of the 14th National Assembly of Pakistan 2013-2018*

Most of the resolutions adopted by the National Assembly during 2008 - 2013 focused on the issues of terrorism, democracy, foreign affairs, religion, land reforms, target killings, missing persons, and social issues such as price control, unemployment, support for poor children and women, etc.

Amid civil-military tensions, the Lower House passed resolutions expressing confidence in the democratic and parliamentary form of government. The resolutions supporting democracy and an embattled prime minister highlights the fragility of democracy in Pakistan. The fear of military intervention has remained a constant factor throughout the ten years since 2008. On 16 January 2012, a resolution was passed to reiterate that democracy and democratic institutions are based on “the basic constitutional principle of trichotomy of powers” which “must be fully respected and adhered to and all state institutions must strictly function within the limits imposed on them by the Constitution.” Similarly, another resolution in May 2012 supported and expressed confidence in the leadership of Prime Minister Syed Yusuf Raza Gilani as he faced the contempt of court proceedings in the Supreme Court over not writing a letter to the Swiss authorities for opening a corruption case against President Asif Ali Zardari.

149 FAFEN. Performance of the 13th National Assembly (2008-13), P.11.

The National Assembly repeatedly condemned the incidents of terrorism. The first resolution adopted was to condemn the assassination of former Prime Minister Benazir Bhutto. The Lower House also condemned the assassination of religious scholar Dr Sarfraz Naeemi and the attack on Malala Yousafzai. Moreover, the Lower House condemned violence against minorities, including the attack on the Christian Colony in Gojra in August 2009 which left seven people dead, the torching of Christian houses in Lahore's Badami Bagh in March 2013, and the attacks on the worship places of Ahemdis in June 2010.

The 13th National Assembly adopted an important resolution concerning the issue of the missing persons, noting "grave allegations of acts and omissions, complicity and concealment are being raised against state agencies which are tarnishing their image and reputation at home and abroad".

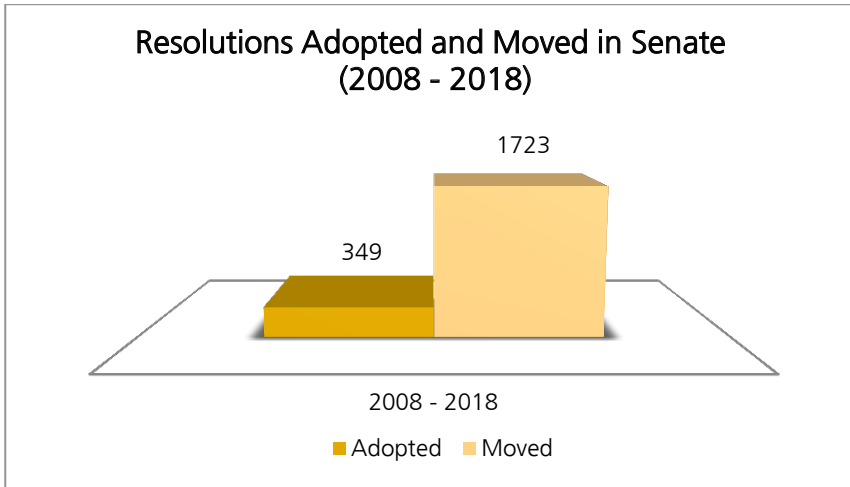
Comparatively, the focus of the resolutions adopted by the 14th National Assembly remained on health, education, human rights, energy crisis, foreign affairs, terrorism, economy, governance, democracy, and politics. The sit-in by the PTI over the allegations of rigging of the 2013 elections led the Lower House to adopt a resolution in August 2014 to reject the "unconstitutional demands from certain political parties for the resignation of the Prime Minister and the dissolution of National Assembly". At the height of a political crisis, the National Assembly again resolved to "uphold the supremacy of the constitution...the sovereignty of parliament".

At least 25 resolutions adopted by the National Assembly called for extending the "the life of presidential ordinances promulgated without the approval of the Parliament".¹⁵⁰ Furthermore, the Lower House adopted resolutions on the rights of the women, children, and minorities. It expressed grief and profound sadness over the terrorist attack on the Army Public School in Peshawar on 16 December 2014. The House also condemned the use of abusive language used by a minister against women MPs of the PTI.

Resolutions in the Senate:¹⁵¹ Out of the 1723 resolutions moved in the Senate between 2008 and 2018, 349 were adopted. More resolutions - 1239 (75%) - were moved and adopted in the last three years (2015 - 2018). Between 2008 and 2011, 361 resolutions were moved in the Upper House, of which, 20 were adopted. Senate adopted 298 resolutions in three years between 2015 and 2018.

150 FAFEN. Performance of the 14th National Assembly of Pakistan 2013 - 2018, P.10.

151 Senate Data for two parliamentary years 2012 - 2013 and 2014-15 is not available.



Source: PILDAT, FAFEN and Senate Annual Reports

Senate also adopted a number of resolutions to ensure a democratic rule in Pakistan. During the sit-in by PTI, the Senate passed a resolution in August 2014 to refuse the demand for the resignation of the prime minister and the dissolution of the assemblies. In September 2017, the Senate adopted a resolution “calling for the establishment of a national democracy commission as envisaged in the charter of democracy to promote and develop a democratic culture in the country”.¹⁵² The Upper House also passed a resolution “to provide opportunities to citizens for enhancing their knowledge about Constitution and democratic norms”.¹⁵³

Similarly, in 2016 the Upper House adopted a resolution to remember the unsung heroes of democracy, political workers and common people of Pakistan who have sacrificed their lives and liberty to uphold the constitution of Pakistan. In the same resolution, Senate appreciated “the inclusion of Members of Senate in the Public Accounts Committee (PAC)”, declaring it a “step forward in strengthening the democracy and participatory federalism which had become the constitutional requirement after the Constitutional (18th Amendment) Act, 2010.”

152 Khan, Iftikhar A. Senate adopts a pro-democracy resolution, 12 September 2017, Dawn [available at <https://www.dawn.com/news/1357101>].

153 Pakistan Today. Senate adopts a resolution to enhance citizens’ knowledge about the constitution, 11 September 2017, [available at <https://www.pakistantoday.com.pk/2017/09/11/senate-adopts-resolution-to-enhance-citizens-knowledge-about-constitution/>].

Among the key resolutions include a resolution unanimously passed in February 2017 demanding an enhanced role and powers for the Senate “to protect rights of the federating units and ensure meaningful participation of the provinces in the affairs of the federation”.¹⁵⁴ Senators demanded “amendments to 11 articles of the Constitution dealing with the relationship between the center and the provinces in the light of the spirit of the 18th Amendment”.¹⁵⁵ Similarly, the Senators called for amending article 57 in order to allow provincial chief ministers to address Senate, as and when invited, and inserting a new clause (5A) in article 160 of the Constitution suggesting: “If the next Award of National Finance Commission could not be announced within five years, the government shall take permission from the Senate to extend the previous award for another year: provided that in case of extension, the Senate may increase the Award to the provinces by one per cent.” Senators further suggested that the “Chairman should also be able to preside over a joint session of parliament”¹⁵⁶ and called for granting them “equal rights to vote on any legislation during a joint sitting of parliament.”¹⁵⁷

Through a resolution, Senate also took up the issue of missing persons. In March 2012, the Upper House expressed concern over the issue of missing persons and asked the federal and provincial governments for their recovery of the missing persons, calling it a persistent violation of the articles 9 and 10 of the constitution. Again in 2018, the Senate adopted a resolution and called for enacting a law to criminalize the practice of enforced disappearance.¹⁵⁸

In response to the clause 203 of the Elections Act 2017,¹⁵⁹ the Senate passed a resolution “stating that a person ineligible to be elected as a lawmaker should not become office-bearer of any political party”.¹⁶⁰ A unanimously adopted resolution in 2015 called for enacting a law to “provide the right to revise decisions taken by the Supreme Court in suo moto cases”.¹⁶¹

154 Amir, Wasim. Senate seeks enhanced role, powers in key state affairs, 14 February 2017, Dawn [available at <https://www.dawn.com/news/1314726>].

155 Ibid.

156 Ibid.

157 Ibid.

158 Sikander, Sardar. Senate urges govt to criminalize enforced disappearances, 30 August 2018, The Express Tribune [available at <https://tribune.com.pk/story/1791594/1-senate-urges-govt-criminalise-enforced-disappearances/>].

159 This clause allows the disqualified persons to head a political party in October 2017.

160 Guramani, Nadir. Senate amends Elections Act 2017, bars disqualified persons from political activities, 23 October 2017, Dawn, [available at <https://www.dawn.com/news/1365738>].

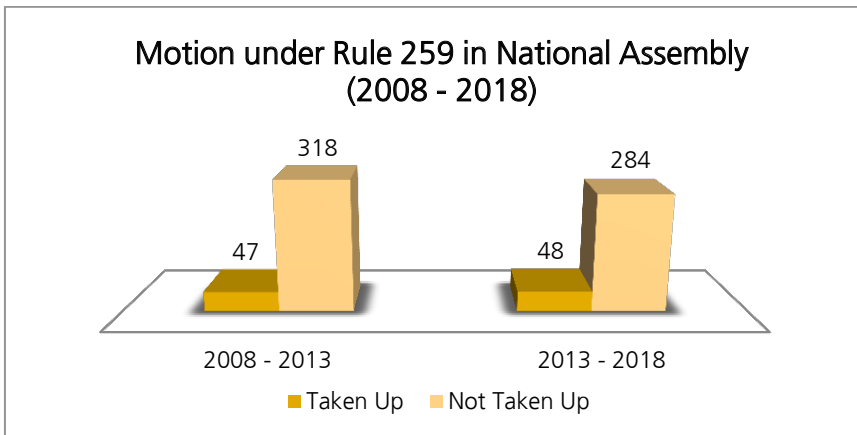
161 Haider, Irfan. Senate adopts a resolution seeking laws to review suo moto decisions, 14 September 2015, Dawn [available at <https://www.dawn.com/news/1206941>].

In other important resolutions, the Upper house called for declaring December 16 a Pakistan Children Day, demanded allocation of 2 to 5 percent amount of the China Pakistan Economic Corridor (CPEC) funds for less developed areas, a ban on import of luxury items, barring the use of agriculture land for residential use, and sought treason trial against former army chief Pervez Musharraf. A number of resolutions expressed support for the people of the Indian-held Kashmir and Palestine.

3.5 Motions under Rule 259 in the NA

Under Rule 259 of the National Assembly’s rules of procedure, any minister or a member can give a notice of motion for taking into consideration any policy, situation, statement or any other matter. After the mover concludes his/her speech, the assembly proceeds to discuss the motion.

During 2008 - 2018, 602 motions were moved under rule 259, of which, 95 were taken up. A number of adjournment motions in the National Assembly were converted into motions under rule 259. At least 40 adjournment motions have been converted into motions under rule 259 in the first parliamentary year of the 14th National Assembly.¹⁶²



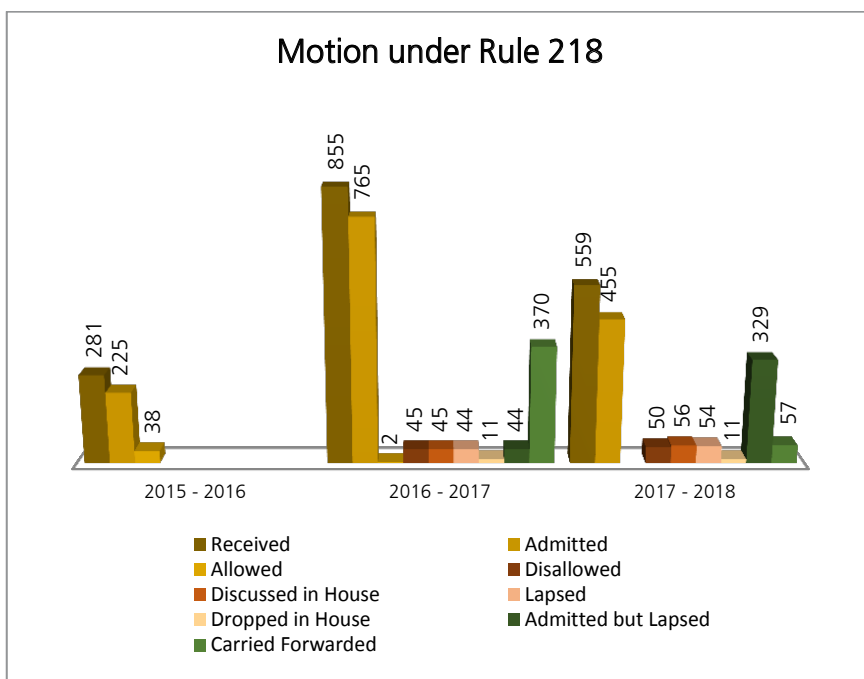
Source: FAFEN. 2013. *Five Years Performance of the 13th NA & FAFEN. 2018. Performance of the 14th National Assembly of Pakistan 2013-2018*

¹⁶² National Assembly of Pakistan. Performance Report of 1st Parliamentary Year 2013-14, P.17.

3.6 Motion Under Rule 218 in the Senate:¹⁶³

In the Senate, for discussing any matter or situation, a member has to give a notice for motion under rule 218. As in the National Assembly, after the mover concludes his/her speech, the Upper House proceeds to discussion of the motion.

In 2017 - 2018, the Upper House discussed the performance of various public institutions, including Pakistan Sports Board, National Highway, Drug Regulatory Authority of Pakistan. Under this rule, the Senate also discussed a rapid increase in the population, the conflict between various national institutions, delay in the announcement of NFC award, Pakistan’s trade deficit, and progress on National Action Plan against terrorism.



Source: Senate Annual reports 2015-2016, 2016-2017 & 2017-2018

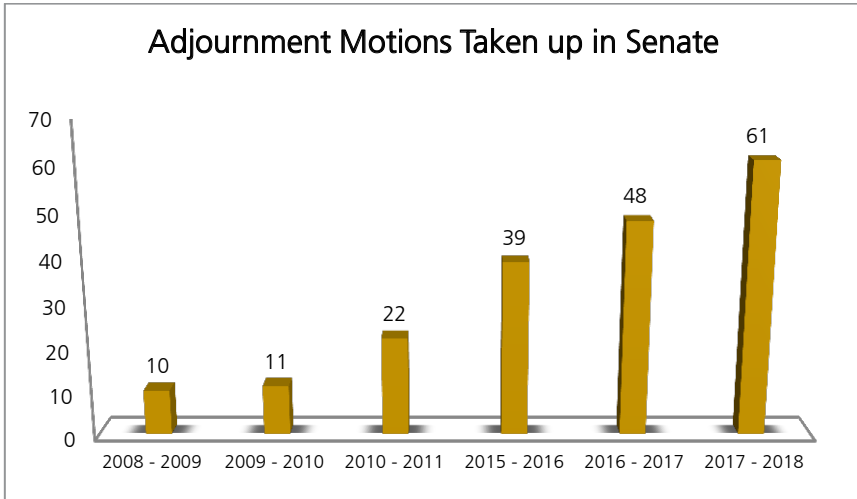
3.7 Adjournment Motions

Adjournment Motions in the Senate:¹⁶⁴ An adjournment motion is moved in the Upper House “for the purpose of discussing a definite matter

163 Data is available only for 2015-16, 2016-17 and 2017-18

164 Data for 2011-12, 2012-13 and 2013-14 is missing

of recent occurrence and of urgent public importance”.¹⁶⁵ In the first three parliamentary years from 2008 to 2011, 43 adjournment motions were taken up in the Upper House (10, 11, and 22 in 2008-2009, 2009-2010, and 2010-2011 respectively). However, in the last three parliamentary years, a higher number of adjournment motions were discussed in the Senate. During 2015–2018, a total of 148 adjournment motions were taken up in the Upper House (39, 48, and 61 in 2015-2016, 2016-2017 and 2017-2018 respectively). **Thus, it is evident from the data that the Upper House has discussed more matters of public interest during 2015-2018.**



Source: PILDAT and Senate Annual Reports

Adjournment Motions in the National Assembly: In the 13th National Assembly, only 29 adjournment motions were discussed (6, 10, 8, 5, and 0 respectively in the five parliamentary years).¹⁶⁶ The number of adjournment motions taken up further decreased in the 14th National Assembly. Only one adjournment motion was taken up each year in the first, fourth and fifth parliamentary year of the 14th National Assembly.¹⁶⁷ However, the adjournment motions have been converted in Motions under rule 259.¹⁶⁸ If compared with the previous parliamentary tenure, we will find that more adjournment motions were taken up during the 12th National Assembly - a

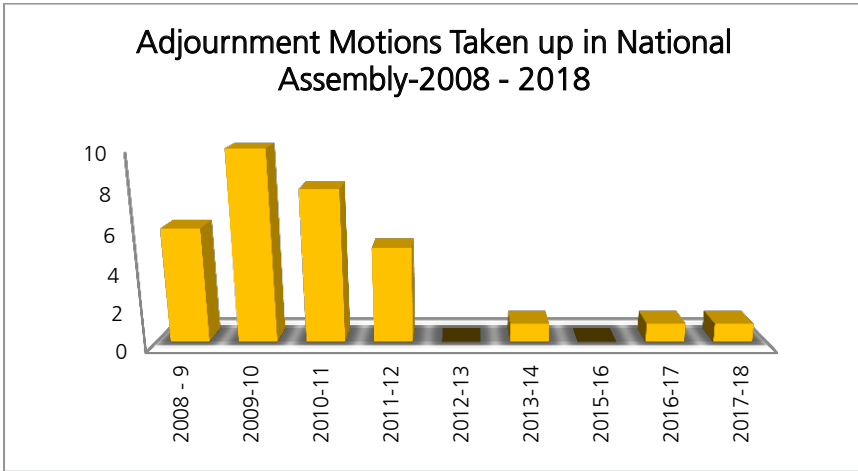
165 See Rule 85 of the Rules of Procedure and Conduct of Business in the Senate 2012

166 FAFEN. Top parliamentary performers in the 13 National Assembly March 2008 to January 2013.

167 Annual reports on the performance of the National Assembly.

168 Four-year performance of the National Assembly of Pakistan 2002-06, National Assembly Secretariat, Parliament House, Islamabad, P.34.

total of 552 adjournment motions brought before the house, of which, 147 were discussed.¹⁶⁹



Source: FAFEN and National Assembly Annual Reports

¹⁶⁹ Mahar, Nazeer. Five years performance of the 12th National Assembly (2002-07), Strengthening Democracy through Parliamentary Development, UNDP, P.16. Unpublished manuscript.

4. Functioning of Mini Legislature: Parliamentary Committees

4.1 Introduction

A parliament is considered at work when its committees are functional. Committees are an indispensable part of the legislative systems because the legislatures depend on them to conduct their business.¹⁷⁰ The committees provide an opportunity to legislators to critically and thoroughly review issues referred to them by the parliament.¹⁷¹ The Senate of Pakistan defines committees as “political nerve ends, the gatherers of information, the sifters of alternatives, the refiners of legislative detail, and the eyes and ears of the Parliament”.¹⁷² For a functioning parliamentary democracy, a strong and active committee system is a necessary condition as it provides space for oversight of the executive and connects the parliament with the citizens. In the modern model of parliaments, “much of the business...is referred to committees where the bulk of the deliberations take place. Detailed and in-depth discussion within the committees ensures that both the legislative business of the parliament and working of the ministries are in accordance with the best interests of the public.”¹⁷³

4.2 Empowerment of Committees

Scrutiny of Development Budget: In 2013 the Standing Committees of the National Assembly were empowered to scrutinize the development budget of the concerned ministry. The Standing Committees can “scrutinize

170 Nazeer, Mahar. Legislative Committees In Parliamentary Systems – A Comparative Study, Strengthening Democracy through Parliamentary Development, UNDP,

171 Introduction to Parliamentary Committees and Budget Process. 2015. Pakistan Institute of Parliamentary Services, P4 [available at https://www.pips.gov.pk/sites/default/files/Module_6_Introduction_to_Parliamentary_Committees_and_Budget_Process.pdf]

172 Senate of Pakistan. Committees [<http://www.senate.gov.pk/en/messence.php?id=80&cattid=90&cattitle=Committees?id=-1&catid=90&cattitle=Committees>]

173 Citizens Voice Project, USAID. Parliamentary Oversight of the Executive, Training Manual, P.

and suggest amendments, if necessary, and recommend the 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."¹⁷⁴ Now every federal ministry submits "its budgetary proposals relating to the PSDP for the next financial year to the relevant Standing Committee not later than the 31st January of preceding financial year".¹⁷⁵ The Standing Committees can make recommendations "not later than the 1st March of preceding financial year".¹⁷⁶

Committee of Whole in Senate: Senate amended its rules of procedures to "constitute itself into a Committee of the Whole on a motion by the Leader of the House or Leader of the Opposition"¹⁷⁷ with the power to "require the attendance of any person or summon production of papers, record from any division, department, autonomous body, semiautonomous body or organization, or examine such persons on oath or solemn affirmation, or invite or summon any person...."¹⁷⁸

4.3 The Composition of Committees and Role of Opposition

In the National Assembly¹⁷⁹ and Senate,¹⁸⁰ the chairperson of a parliamentary committee is elected "by the Committee from amongst its members within thirty days after the election of the Committee." In the National Assembly, under rule 200 of the rules of procedure, each committee consists of not more than 20 members who are "elected by the Assembly within thirty days" after the ascertainment of the Leader of the House. In both houses, a minister, a minister of state or an advisor cannot become the chair of a parliamentary committee.

A visible change in the composition of committees since 2008 has been an increase in the number of members from opposition parties being elected as committee chairs. Additionally, a number of committees have had almost

174 See Rule 201(6) of the National Assembly's Rules of Procedure and Conduct of Business 2007

175 Ibid

176 Ibid

177 See Rule 172A of the Rules of Procedure and Conduct of Business in the Senate 2012

178 <http://www.senate.gov.pk/en/whole.php?id=1&catid=90&subcatid=293&cattitle=Committee%20of%20the%20Whole>

179 See Rule 216 of the National Assembly's Rules of Procedure and Conduct of Business 2007.

180 See Rule 175 of the Rules of Procedure and Conduct of Business in the Senate 2012.

equal representation from the government and opposition benches. For example, in the 13th National Assembly, the Committee on National Security “had members from nine parties and an independent (from FATA), but only three from the ruling PPPP”.¹⁸¹

The diversity in the composition of committees, especially the leadership can be attributed to the 13th National Assembly’s efforts for putting in place the practice of giving committee chairpersonship on the basis of the “party representation in the house”.¹⁸² This new strategy “ensured that not only the ruling PPP and its coalition partners were elected to chair Standing Committees, but also the opposition MNAs were elected as chairs of Standing Committees of the Assembly in proportion to their representation.”¹⁸³

In a break from the past, the opposition leader for the first time in Pakistan’s parliamentary history was made the chair of the powerful Public Accounts Committee (PAC). The CoD called for appointing the leaders of opposition in the concerned assemblies as the “chairmen of public accounts committee in the national and provincial assemblies”. Consequently, during the 2008-13 National Assembly, all major parliamentary parties were given an opportunity to lead as the chairs of the 32 Standing Committees. These included seven from the opposition party PMLN, eight from the Pakistan Muslim League (PML), and nine from the ruling PPP.¹⁸⁴ This reflects a considerable improvement from the 12th National Assembly, where of the 43 Standing Committees, 35 were chaired by members belonging to the ruling PML and their allies.¹⁸⁵ “While the spotlight remained on the Leader of the Opposition becoming the chairperson of PAC, it was equally significant that the chairpersonship of a number of committees was also given to members from the opposition benches.”¹⁸⁶

181 Parliament’s role in Pakistan’s democratic transition. 2013. International Crisis Group, P.19.

182 PILDAT. 2013. 5 Years of 13th National Assembly of Pakistan: Positive Trends and Areas of Concern [available at <https://pildat.org/parliamentary-monitoring/1/5-years-of-13th-national-assembly-of-pakistan-positive-trends-and-areas-of-concern/>].

183 Ibid.

184 Tasleem, Anum & Zaidi, Nadeem. 2013. Preliminary Research on Parliamentary Committees, Manzil Pakistan, P.55, [<http://manzilpakistan.org/pdf/Preliminary-Study-Parliamentary-Committees.pdf>].

185 The Four-year performance of the National Assembly of Pakistan 2002-06, National Assembly Secretariat, Parliament House, Islamabad, P.25.

186 The Committees of the 13th National Assembly. 2008-13. Strengthening Democracy through Parliamentary Democracy, UNDP, P.54.

The legislators from the opposition benches becoming the chairs of the Standing Committees has now become a norm - as evident from the elections to the Upper House committees in 2018.¹⁸⁷ Similarly in 2015, Senators on the opposition benches chaired the Standing Committees on the interior, finance, defence, information and broadcasting, human rights and petroleum.¹⁸⁸

While there has been improvement in inclusion of the members and chairs of the committees, there still remains a need to select members “on the basis of their understanding of, or at least interest in, the thematic charge of a committee”¹⁸⁹ The practice of “using the leadership of standing committees as prizes or rewards to junior partners in coalition governments needs to be avoided.”¹⁹⁰

4.4 Public Hearings and Public Petitions

Another area where the committees have made progress since 2008 is their linkage with the citizens. Despite a lack of resources, committees have made efforts to link with the citizens to ensure citizen participation does not end with the casting of the ballot.¹⁹¹ In this regard, the Senate introduced a public petition system under Rule No. 277 of the Rules of Procedures 2012 to allow “citizens...to have direct access to the Senate and seek a redressal of their collective grievances”.¹⁹² The public petitions have been taken up by the various committees of Senate and discussed with the relevant departments.¹⁹³

With the assistance of a donor project working on parliamentary strengthening, the Senate’s Standing Committee on Defence “invited experts to discuss such sensitive issues as nuclear policy, the military’s role in internal security – including its support to extremist outfits – and stabilization of the tribal borderlands”.¹⁹⁴ Other such examples include the Senate panel meeting with experts and organizations working on electoral reforms in

187 Wasim, Amir. Opposition to head 20 Senate Committees out of 39, Dawn, April 02, 2018 [available at <https://www.dawn.com/news/1399044>].

188 Ibid.

189 Rehman, I.A. Standing Committees’ fitness, 10 November 2016 [<https://www.dawn.com/news/1295293>].

190 Ibid,

191 Tools for Engagement, A guide to strengthening relations between parliamentarians and citizens. Democracy Reporting International.

192 Senate of Pakistan. What are public petitions.

193 See Quarterly report of the Committee on Delegated Legislation (April-June 2017), Senate of Pakistan, [http://www.senate.gov.pk/uploads/documents/1507808319_150.pdf].

194 Parliament’s role in Pakistan’s democratic transition. 2013. International Crisis Group, P.21.

October 2012, and a Standing Committee of the Upper House on Petroleum and Natural Resources held a hearing with experts on a coal project in Sindh in June 2012.¹⁹⁵

The Pakistan Institute for Parliamentary Services holds public hearings for the Standing Committees of the National Assembly and Senate. Most of these public hearings have been on the bills introduced in the parliament, including the bill on right to education and the bill on the prevention of cyber-crimes.

While the Standing Committees have been holding regular consultations with the relevant stakeholders to seek input from the public and civil society organization on matters before them,¹⁹⁶ the outcome of interaction has not always been fruitful. For example, the National Assembly Standing Committee on Information Technology “held extended hearings with civil society on a highly controversial cybercrime bill” but unfortunately “closed its mind to all suggestions for bringing the proposed law into harmony with basic rights and due process”.¹⁹⁷ The National Assembly panel cleared the bill and sent it to the Lower House “without showing the members the copy of the bill”.¹⁹⁸

4.5 Performance of the Committees

Institution of parliamentary committees has not been fully utilized in Pakistan’s parliamentary history. Though Article 67 of the constitution “empowered the National Assembly and Senate to make rules regulating their procedure and conduct of business,”¹⁹⁹ the Standing Committees have not been particularly active through the 1990s. Factors impeding the proper functioning of parliamentary committees include elected governments not completing their tenures, especially in the 1990s, ruling parties not interested in strengthening the committee system, opposition not given its due share in the committee work as chairpersons and members,²⁰⁰ members unaware of powers and roles of Standing Committees, insufficient research support staff, and weak linkages with civil society and academic expertise.²⁰¹

195 Ibid.

196 Rehman, I.A. Standing Committees’ fitness, 10 November 2016 [<https://www.dawn.com/news/1295293>].

197 Ibid.

198 Shahid, Jamal. Draft cybercrime bill bulldozed through NA body, 18 September 2015, Dawn [available at <https://www.dawn.com/news/1207737>].

199 Parliament’s role in Pakistan’s democratic transition. 2013. International Crisis Group, P.17.

200 Ibid.

201 The Legislative Process and Standing Committees. Young Parliamentary Associates Manual 2013, Pakistan Institute of Parliamentary Services [available at <https://pips.gov.pk/sites/default/files/10-YPA%20MANUAL%20.pdf>].

The CoD reached between PMLN and PPP in 2006 called for “bipartisan working of the parliament through [a] powerful committee system”.²⁰² This resolve was evident in the working of the parliamentary committees, which became more assertive²⁰³ during the last ten years of the elected governments in Pakistan.

During the reporting period, the committees have held regular meetings, presented their reports in the parliament, and proactively connected with the citizens through avenues such as public hearings.

The Standing Committees (including Non-ministerial/finance and their sub-committees except PAC) of the 13th National Assembly held 1239 meetings from 2008 to 2013.²⁰⁴ Before the passage of 18th Amendment, the 13th National Assembly had 53 committees.²⁰⁵ After devolution of ministries under the 18th Amendment the total number of Standing Committees in the 13th National Assembly were 46.²⁰⁶ The Standing Committees of the 13th National Assembly held “912 meetings...while the non-ministerial committees and sub-committees met for 105 and 112 times respectively”.²⁰⁷ The 14th National Assembly had a total of 34 Standing Committees,²⁰⁸ which held 250, 318, 280, and 294 meetings in the first, third, fourth and fifth parliamentary years respectively.²⁰⁹ During the tenure of the 14th National Assembly, 192 committee reports were laid before the House.²¹⁰ In case of the Senate, since 2008, more than 600 committee reports have been submitted in the house.²¹¹

The improvement in the performance of the committees becomes further evident when compared with the 12th National Assembly. The 43

202 Text of the Charter of Democracy. 16 May 2006. Dawn [<https://www.dawn.com/news/192460>].

203 Parliament’s role in Pakistan’s democratic transition. 2013. International Crisis Group, P.19.

204 The Committees of the 13th National Assembly. 2008-13. Strengthening Democracy through Parliamentary Democracy, UNDP, P.62.

205 The Committees of the 13th National Assembly. 2008-13. Strengthening Democracy through Parliamentary Democracy, UNDP, P.54

206 Ibid, page 55

207 Ibid

208 Standing Committees 14th Assembly [available at <http://www.na.gov.pk/en/content.php?id=178>]

209 These numbers have been taken from the annual reports compiled by the National Assembly

210 Committee Reports 14th Assembly [available at <http://www.na.gov.pk/en/content.php?id=177>]

211 Website of the Senate of Pakistan.

parliamentary committees in the 12th National Assembly held 197, 227 and 243 meetings in the first three parliamentary meetings.²¹² Some of the parliamentary committees in the 12th National Assembly did not meet during the whole parliamentary year. These include the Standing Committees on textile industries, States and Frontier Regions (SAFRON), ports and shipping, planning and development, minorities, information and broadcasting, education, and foreign affairs.²¹³

In the last ten years, the contribution of the Standing Committees to policy formulation is also evident. The National Internal Security Policy for 2018 - 2023 document acknowledged "the contribution and input of various state institutions such as the Parliamentary Committees on Interior, Law & Justice Commission, federal ministries, provincial governments, NADRA, Pakistan Armed Forces, and other law enforcement agencies in the formulation of National Internal Security Policy (NISP) 2018".²¹⁴ However, some Standing Committees remained inactive between 2008 and 2018. For example, the Standing Committee on Foreign Affairs held only 17 meetings during the first three years of the 13th National Assembly.²¹⁵ It did not table any report before the house between 2008 and 2011.²¹⁶ "It is of particular importance that the National Assembly Standing Committee on Foreign Affairs held no meeting related to the unilateral US operation into Pakistan on May 2 and the resultant stress in Pak-US relations."²¹⁷ Furthermore, in the 13th National Assembly, the Standing Committee on Defense also failed "to play an effective role and this was part of the reason that a special Parliamentary Committee on National Security had to be formed".²¹⁸

Bicameral Committees: The bicameral working of the parliament was evident in the process of giving Senate representation in the PAC. The motion for the amendment in the rules was moved on the behalf of the

212 Four-year performance of the National Assembly of Pakistan 2002-06, National Assembly Secretariat, Parliament House, Islamabad, P.27.

213 Ibid.

214 National Internal Security Policy 2018-2023. The Ministry of Interior, Government of Pakistan, P.3.

215 PILDAT releases Citizens Report on the National Assembly Standing Committee on Foreign Affairs [<https://pildat.org/parliamentary-monitoring1/pildat-releases-citizens-report-on-the-national-assembly-standing-committee-on-foreign-affairs>].

216 Ibid.

217 Ibid.

218 PILDAT. 2013. 5 Years of 13th National Assembly of Pakistan: Positive Trends and Areas of Concern [available at <https://pildat.org/parliamentary-monitoring1/5-years-of-13th-national-assembly-of-pakistan-positive-trends-and-areas-of-concern>].

Leader of House and the Leader of the Opposition in the Senate “after a policy statement by the (then) Finance Minister, Senator Mohammad Ishaq Dar, who announced that Prime Minister Nawaz Sharif had agreed to the inclusion of Senate members in PAC.”²¹⁹

On 28 July 2016, the Senate adopted the motion to give Senators representation in the PAC. The Senate’s representation in the PAC can be termed as a significant development towards empowerment of the House of Federation.²²⁰ This allows the Senate to play a “role and have a say in financial matters”.²²¹ Six senators, one each from the provinces, FATA and Islamabad are now part of the PAC. The three-year process of giving Senate representation started on 15 March 2013 with a letter from the Chairman to the Prime Minister for forming a Joint Parliamentary Committee including Public Accounts Committee.²²² The three-year process shows a cooperation across and above party divide.

Parliamentary Committee on Constitutional Reforms (PCCR): In line with the CoD, a Parliamentary Committee on Constitutional Reforms (PCCR) was formed in 2009 with members from both the houses of the parliament. The PCCR’s objective was to restore the 1973 Constitution. In this regard the committee “decided to invite suggestions/proposals and amendments from the public at large”.²²³ The work of PCCR spread over 77 meetings resulted in the 18th Constitutional Amendment which effectively altered the governance structure of Pakistan and gave more autonomy to the provinces, as envisioned in the 1973 constitution.

Parliamentary Committee on Electoral Reform: The sit-in by PTI alleging rigging in the 2013 general elections led to the formation of an all-party Parliamentary Committee on Electoral Reforms (PCER) in June 2014. Its work culminated in the passage of the Elections Act 2017, unifying the separate electoral laws in Pakistan. The PCER was able to achieve a longstanding demand of unifying the electoral laws, with significant changes in electoral rules, especially ensuring women’s political participation.

219 Roles and Powers of Senate, Senate of Pakistan, pp23. [<http://www.senate.gov.pk/uploads/documents/5.%20Role%20and%20Power%20of%20Senate.pdf>].

220 Khan, Iftikhar A. Senate names six members for PAC, 21 January 2017, Dawn [<https://www.dawn.com/news/1309796>].

221 Roles and Powers of Senate, Senate of Pakistan, pp23 [<http://www.senate.gov.pk/uploads/documents/5.%20Role%20and%20Power%20of%20Senate.pdf>].

222 Ibid.

223 National Assembly of Pakistan. PCCR report, [http://www.na.gov.pk/uploads/documents/report_constitutional_18th_amend_bill2010_020410_.pdf].

Parliamentary Committee on National Security: A 17-member committee was formed in November 2008 to examine “the national security strategy and revisiting the counter-terrorism policy, so that an independent foreign policy can address the worsening law and order situation in the country”.²²⁴ It was formed after the parliament adopted a 14-point resolution in October 2008, which required “outlining national counter-terrorism policy guidelines”.²²⁵ Headed by Senator Raza Rabbani, it turned out to be an active committee. It held 61 meetings²²⁶ and produced a report on national security policy framework in April 2009.²²⁷ However the report could not be implemented as the “the stakeholders in national security were not on the same page”.²²⁸

Council of Chairs: In the National Assembly and Senate, the Speaker²²⁹ and the Chairman²³⁰ form a Council of Chairmen to coordinate the matters concerning the committees. The Council of Chairmen is headed by the Speaker in the National Assembly and the Chairman in the Senate. In the National Assembly, the Council of Chairmen consists of the chairs of the Standing Committees while in the Senate it also includes chairs of the functional committees. Since 2008, the Council of Chairmen have been activated in both the houses of the parliament. However, in case of the Senate over the last tenure from 2015 - 2018 it was empowered by making sure its decisions are appropriately implemented. This led to resolution of many pending issues particularly low attendance of members in committee meetings.²³¹

Enhanced Role of Oversight: The committees made inquiries into several high-profile cases during the reporting period. The PAC looked into illegal quota to liquefied petroleum gas companies²³² and the allegedly corrupt

224 Tasleem, Anum & Zaidi, Nadeem. 2013. Preliminary Research on Parliamentary Committees, Manzil Pakistan, P.24, [<http://manzilpakistan.org/pdf/Preliminary-Study-Parliamentary-Committees.pdf>]

225 Parliament’s role in Pakistan’s democratic transition. 2013. International Crisis Group, P.28

226 Tasleem, Anum & Zaidi, Nadeem. 2013. Preliminary Research on Parliamentary Committees, Manzil Pakistan, P.24, [<http://manzilpakistan.org/pdf/Preliminary-Study-Parliamentary-Committees.pdf>]

227 Parliament’s role in Pakistan’s democratic transition. 2013. International Crisis Group, P.28

228 Ibid

229 See Rule 249 of the National Assembly’s Rules of Procedure and Conduct of Business 2007

230 See Rule 205A of the Rules of Procedure and Conduct of Business in the Senate 2012

231 Marvi Sirmed. Monthly Newslines, April 2018. “A Senator and a Statesman”.

232 Ghumman, Khawar. Distinguished figures among LPG quota beneficiaries, 7 January 2010, Dawn [<https://www.dawn.com/news/512808>].

practices in the National Logistic Cell.²³³ Similarly, the Standing Committee on Railways “issued nine reports including one on the Musharraf government’s allotment of Pakistan Railways land in Lahore to a golf club that reportedly cost the treasury sixteen billion rupees (roughly \$160 million). The findings implicated three retired generals and a retired brigadier, including a former Inter-Services Intelligence chief.”²³⁴

The PAC, which met regularly, “issued several reports and “reportedly recovering millions of misappropriated rupees”.²³⁵ A major achievement of the PAC was dealing with the backlog by presenting annual reports that spanned over two decades – 1990-2010.²³⁶

The Senate’s Standing Committee on Defense reviewed the issue of military-owned property and cantonments, including defense housing authorities (DHAs) in 2013. “It proposed that DHA administrators should be appointed by the defense ministry, and not the army chief. An Islamabad DHA bill was consequently revised to reduce the military’s discretion in the appointment of DHA management.”²³⁷

The Senate’s Defense Committee, under the chairmanship of Senator Mushahid Hussain Syed, demonstrated an unusual degree of engagement with the military on budget issues. Unlike past decades, the military has briefed the committee on the defense budget.²³⁸ According to the minutes of the Senate Defense Committee’s meeting in August 2014, “Senator Farhatullah Babar mentioned that the ‘defense budget should preferably be discussed in the Committee meeting prior to its approval by the Parliament,’ indicating that including parliamentary inputs was not the stated practice.”²³⁹

Similarly the Parliamentary Committee on National Security “refused to attend briefing meeting at General Headquarters (GHQ)... on the security situation and Pak-US relation in the backdrop of serious allegations levelled

233 Gishkori, Zahid. Dodgy dealings: corruption taints 88 armed forces officials, 3 November 2011, The Express Tribune [<https://tribune.com.pk/story/286939/dodgy-dealings-corruption-taints-88-armed-forces-officials/>].

234 Parliament’s role in Pakistan’s democratic transition. 2013. International Crisis Group, P.19.

235 Ibid.

236 Zaman, Qamar. Rare feat: Nisar becomes first PAC chief to present annual reports, 19 October 2011, Dawn [<https://tribune.com.pk/story/277061/rare-feat-nisar-becomes-first-pac-chief-to-present-annual-reports/>].

237 Parliament’s role in Pakistan’s democratic transition. 2013. International Crisis Group.

238 Mason, Shane. 2016. Military Budgets in India and Pakistan – Trajectories, Priorities, and Risks, Stimson Center, Washington, P.26.

239 Ibid.

by American officials against Inter-Services Intelligence for alleged connection with Haqqani network".²⁴⁰ The panel termed the briefing at GHQ "beyond its term of reference,"²⁴¹ conveying the message that the briefing should be held in the parliamentary premises instead of the security headquarters.²⁴² Other important cases taken up by the committees of the National Assembly and Senate included probe into the PIA embezzlement case, ephedrine scandal, KESC fraud case, and Steel Mill scandal.²⁴³

Resistance to Effective Committee System: While the assertiveness for a vibrant and functioning committee system has emerged since 2008, the committees have persistently faced resistance from various institutions. For example, in 2012, the defense ministry opposed (and tried to block) a bill on the right to information in a Senate subcommittee.²⁴⁴ Similarly, the Supreme Court refused to get its accounts scrutinized by the PAC in December 2012.²⁴⁵ The PAC issued a notice to SC registrar, which was suspended by the apex court terming it to be "without jurisdiction and a lawful authority".²⁴⁶ The matter seems to have settled after the PAC in its special report before the National Assembly called for "adopting all the lawful methods to ensure compliance with all the relevant provisions of law relating to the subject matter so that all the pending appropriation of accounts/audit reports relating to the Supreme Court may be examined in the presence of its Principal Accounting Officer."²⁴⁷ This spat between the PAC and the Supreme Court was one of the many episodes where the questions about the jurisdiction of constitutional institutions were raised. The resistance from certain institutes has remained a constant thorny issue throughout the ten years of the parliamentary governance in Pakistan.

240 Hussain, Ali. Parliamentary body refuses to attend a briefing at GHQ, 12 Oct 2011, Dawn [<http://fp.brecorder.com/2011/10/201110121241016/>].

241 Ibid.

242 Tasleem, Anum & Zaidi, Nadeem. 2013. Preliminary Research on Parliamentary Committees, Manzil Pakistan [<http://manzilpakistan.org/pdf/Preliminary-Study-Parliamentary-Committees.pdf>].

243 Ibid.

244 Zaman, Qamar. Ensuring Transparency: Senate panel finalizes draft Right to Information Act, 14 June 2013, The Express Tribune [<https://tribune.com.pk/story/563038/ensuring-transparency-senate-panel-finalises-draft-right-to-information-act/>].

245 The registrar will not appear before PAC: Supreme Court, December 13, 2012, Dawn

246 Mohla, Khudayar. Registrar: PAC notice suspended by Supreme Court, 2 January 2013, Business Recorder [<http://fp.brecorder.com/2013/01/201301021138968/>].

247 Business Recorder. Non-appearance of SC Registrar: PAC presents its special report to NA, 24 Jan 2013 [<https://epaper.brecorder.com/2013/01/24/21-page/328813-news.html>].

Before the general elections in 2013 and 2018, the Election Commission of Pakistan (ECP) complained that the parliamentary committees were interfering in its mandate of holding elections. Just before the general elections in 2018, the ECP refused to attend the parliament's Working Group of Special Committee on Delimitation of Constituencies, saying "No interference in the ECP mandate will be made by any committee or any other institution."²⁴⁸ Before the elections in 2013, the commission told a Senate's panel on electoral reforms that "No committee of either house or a joint parliamentary committee can meddle or exercise oversight on the mandate given to the ECP by the constitution."²⁴⁹ Earlier in February 2013 the Senate's Committee on Electoral Reforms "proposed parliamentary oversight of the ECP as a long-term goal of the evolutionary process of electoral reform".²⁵⁰

The chairman of National Accountability Bureau (NAB) also avoided appearing before the National Assembly's Standing Committee on Law and Justice to explain why the bureau ordered an inquiry into alleged money laundering to India by former Prime Minister Nawaz Sharif.²⁵¹ It was a matter of embarrassment for NAB as the inquiry was ordered on the basis of a media report, which was later clarified both by the World Bank and the State Bank of Pakistan.²⁵²

248 Abbasi, Ansar. ECP bars other institutions from meddling in its domain, 29 March 2018, The News [<https://www.thenews.com.pk/print/297936-ecp-bars-other-institutions-from-meddling-in-its-domain>].

249 Khan, Iftikhar A. ECP rejects Senate committee's reform proposal, 17 March 2013, Dawn.

250 Parliamentary oversight of ECP proposed, 18 February 2013, Dawn [<https://www.dawn.com/news/787049>].

251 Junidi, Akram. NAB chairman seeks more time to appear before the NA committee, 16 May 2018, Dawn [<https://www.dawn.com/news/1408042>].

252 Parliament's role in Pakistan's Democratic Transition. 2013. International Crisis Group, P.18.

5. Gender Representation and Parliamentary Performance

5.1 Introduction

This chapter provides a gender analysis of the Pakistani parliament between 2008–2018 by comparing and analyzing representation and performance of female and male legislators. The analysis includes an overview of the trend of women's representation over the years and then transitions into a more in-depth analysis to identify the performance, achievements, and gaps.

A gender-balanced political representation implies an equal representation of women and men in politics. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) requires all state parties to eliminate all hindrances for citizens, regardless of sex, to have equal opportunities and equal rights to participate in political and public life. Similarly, the Beijing Declaration and Platform for Action requires states to build a “critical mass” of women in leadership. Most recently, movements like the Women's Environment & Development Organization (WEDO) 50-50 campaign, are providing a new discourse of equal representation²⁵³ where the goal of gender equality in politics has shifted from “more women in politics” to “equal participation and equitable distribution of power and decision-making at all levels”.

Research validates that an increase in women's participation directly contributes to positive dividends such as policy and lawmaking that is more responsive to the needs of citizens²⁵⁴ and sustainable peace.²⁵⁵ For examining a gender-balanced political representation, it is of higher interest to analyze

253 WEDO Primer 50/50 Campaign, https://www.wedo.org/wp-content/uploads/firststep_primer.htm.

254 A. Cammisa, and B. Reingold, “Women in State Legislatures and State Legislative Research: Beyond Sameness and Difference,” *State Politics and Policy Quarterly* Vol. 4, No.2 (2004): 181-210, <http://www.jstor.org/stable/40421515>.

255 C. Chinkin, “Peace Agreements as a Means for Promoting Gender Equality and Ensuring the Participation of Women” United Nations: Division for the Advancement of Women (2003).

female and male representation in legislative bodies because legislators are elected by the people and legislatures are intended to be the representative bodies that reflect the interests of the society in the policy-making process.²⁵⁶

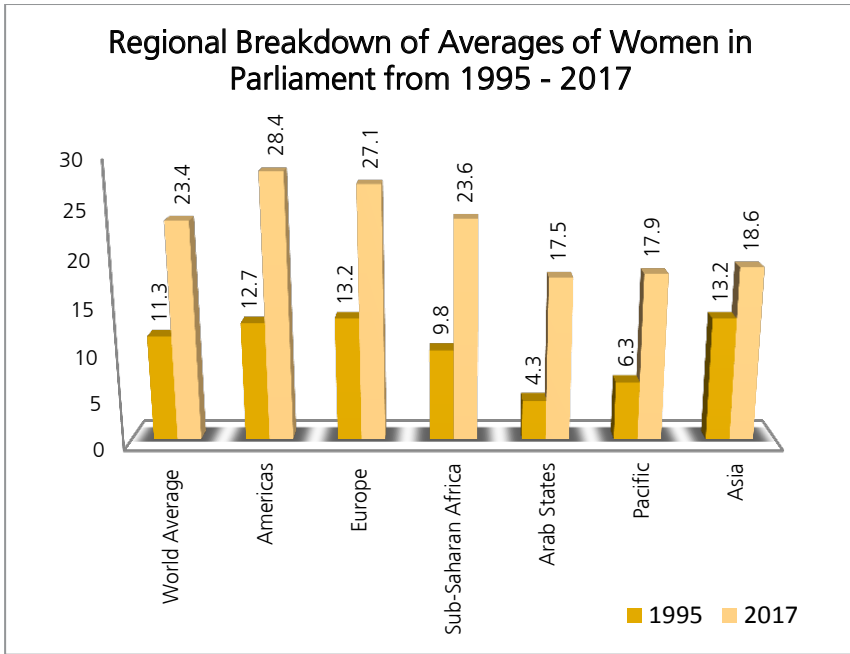
A. Gender Representation in Parliament

5.2 State of Women Representation Internationally

Gender imbalance and under-representation of women in politics is amongst the biggest failures of democracy in the modern world. In 1990, the United Nations Economic and Social Council (ECOSOC) endorsed a target of 30 percent women in leadership/decision making by 1995. Today, roughly half of the world's voting population is women, yet, a worldwide average of women parliamentarians is only 23.4 percent.²⁵⁷ The ratio of women's representation varies across regions with the lowest in the Arab States at 17.5 percent and the highest in the Americas at 28.14 percent. Nevertheless, the world is still far behind the equality goal it was supposed to achieve by 1995. The below figure shows a regional comparison of women in parliaments around the world between 1995 and 2017.

256 A contemporary model of a democracy known as the Parity Democracy places gender equality at the center of the political transformation. In this model, parity and substantive equality serve as the backbone of an inclusive democratic state. One of the ground pillars of democracy is everyone's equal right to political participation to voting, candidate, and participation in the decision-making processes. Women's under-representation in politics questions the legitimacy of the concept of a democracy. For a state to transform into a democracy, all parts of the society should be able to participate in politics and have their opinions represented in the decision making processes. Negligence of adequate representation of almost half of the population in a society leads to under-representation of their opinion and insufficient attention to their particular issues.

257 The Inter-parliament Union, "Women in Parliament in Review", 2017 report.



Source: Inter-Parliamentary Union, "Women in Parliament Review", 2017 Report.

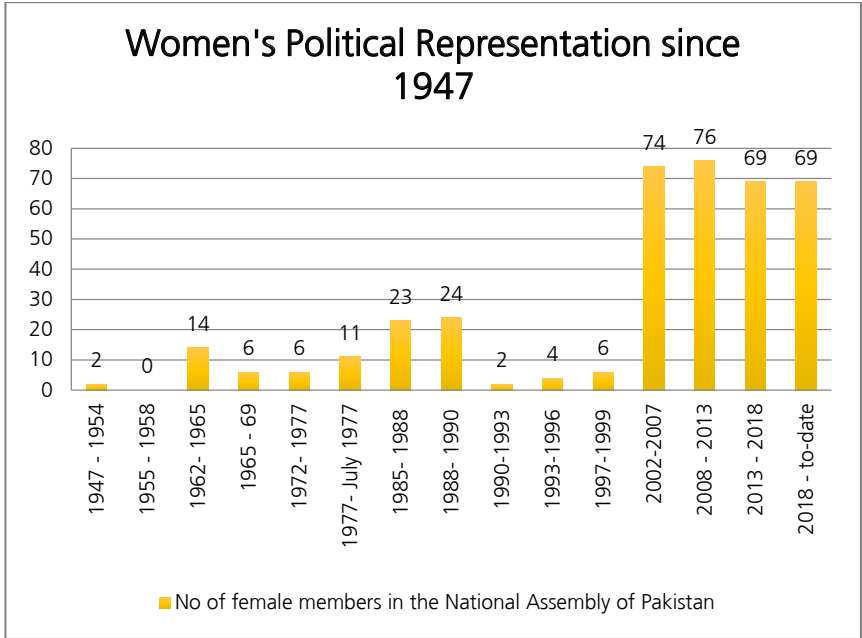
The global trend shows significant progress over the last two decades, however, there still remains a huge gender gap in politics. The 2017 Global Gender Gap Report by the World Economic Forum reveals that in the sub-index of political empowerment in 2016 – 2017, only Iceland has closed more than 70 percent of its gender gap while no other country has closed more than 60 percent of their respective gender gap. The report further reveals that 95 countries rank below the world average score (0.227) in the political empowerment sub-index. Pakistan was ranked 95th out of 144 countries in the political empowerment sub-index.²⁵⁸

Although this data provides a rapid insight into the size of the gender gaps in politics, it is important to note that the number of women in politics alone, does not necessarily provide a barometer to evaluate the status of women’s rights in a country. For example, to date, Rwanda has the highest representation of women in the parliament (48 percent), yet it continues to struggle with widespread issues of domestic violence, gender-based violence, and harmful cultural practices and patriarchal norms.

258 The World Economic Forum, "Global Gender Index Report 2017", page 265.

5.3 Women’s Legislative Representation in Pakistan

Since the independence of Pakistan, the status of women political participation has gone through many highs and lows. The following timeline of women’s political representation since the independence of Pakistan shows an upward trajectory in the number of women parliamentarians, however, substantial efforts still need to be made to make women’s participation in the parliament proportionate to the population.²⁵⁹



Source: Website of National Assembly of Pakistan Records and 'An Introduction to the Women’s Parliamentary Caucus Report' by the Women Caucus of the Parliament

The above table indicates a noticeable uptick in women’s political representation between 1985-1990. This improvement can be attributed to the start of a powerful women’s rights movement in Pakistan and the historical elections of 1988, as a result of which, late Mohtarma Benazir Bhutto became the first woman Prime Minister in the Muslim world. Nevertheless, the momentum was disrupted in 1990 as a result of a constitutional leave of women reserved seats. The number of women in parliament drastically reduced in 1990 and remained immensely low until 2002.

²⁵⁹ According to the most recent census, women and girls make up 48 percent of the Pakistani population.

Before the elections in October 2002, major amendments were made to the 1973 Constitution in the form of the 'Legal Framework Order (LFO) 2002 and which was made part of 17th Constitutional Amendment in 2003. From 1990-2002, two major facts contributed to opening a new avenue for women's political participation: 1) Pakistan ratification of the CEDAW in 1996 which obligated it to take affirmative action to improve women's participation in public and political spheres; 2) a women rights movement successfully advocated during the development of the LFO to bring back women reserved seats. As a result, LFO reserved 60 seats for women in the National Assembly (out of 342 seats) and 17 in the Senate (out of 100). Consequently, the 2002 elections resulted in a considerable increase in the number of women in the National Assembly and the Senate. The highest proportion of seats by women in National Assembly was during 2008 – 2013 at 22.5 percent.²⁶⁰ The ratio subsequently dropped to 20 percent in 2013 and 19 percent in 2018 elections.

5.4 Legal Framework for Women's Representation

The Constitution of Pakistan guarantees the equality of *all* citizens and prohibits discrimination including on the basis of sex and further stipulates that "*Steps shall be taken to ensure full participation of women in all spheres of national life*". This provision in the Constitution includes a negative obligation on the state by prohibiting discrimination on the basis of sex. It also adds a positive obligation on the state to take affirmative actions to reduce gender gaps and elevate the status of women. From a substantive gender equality perspective, it provides a comprehensive constitutional framework for creating an enabling environment for women's empowerment and gender equality.

A gender-sensitive legal framework is a prerequisite for an inclusive political environment. In Pakistan, there has never been a constitutional or legal bar on women's political participation as voters or as candidates. However, in practice, women have been persistently barred from enjoying their right to vote in historically conservative areas in Pakistan.

As a party to CEDAW, Pakistan has taken several affirmative actions to improve women's political participation, both as voters and candidates. In 2002 through the LFO and subsequently the 17th Constitutional Amendment,

²⁶⁰ The Statistics Portal, 'Proportion of seats held by women in national parliaments in Pakistan from 2005 to 2017', <https://www.statista.com/statistics/730579/pakistan-proportion-of-seats-held-by-women-in-national-parliament/>.

17 percent seats were reserved for women in the national and provincial assemblies and Senate. As a result of these measures, the number of women parliamentarians has increased significantly since 2002. Despite the normative *de jure* prescription of enhancing women’s political rights, the *de facto* situation attests to significant gender gaps in the political realm.

The most recent legal development in increasing women’s political participation in Pakistan is the Elections Law of 2017. This law addresses several key barriers to women’s political participation in Pakistan. First, it requires all political parties to allocate a minimum of 5 percent tickets to women members on general seats for the national and provincial assemblies. In doing so, the law is providing an opportunity to increase women’s representation in the national and provincial assemblies beyond the reserved seats. It is too soon to determine the effectiveness of this new requirement.

In the context of the 2018 GE, it is important to highlight that a record high number of women and transgender candidates contested in the election. An analysis of the list of candidates for the 2018 GE reveals that 171 women attempted to run against 272 general seats. This data reveals a significant rise in Pakistani women’s interest in taking an active part in politics. Ideally, this should have resulted in a steady and gradual increase in the number of women in parliament. On the contrary, the number of successful women candidates in the GEs of 2008, 2013, and 2018, reveal a gradual decline. The following table provides a comparison between the number of women contested versus the number of women elected in on general seats in the National Assembly in 2008, 2013, and 2018 elections.

**Women Candidates versus Women Elected on General Seats
National Assembly from 2008 – 2018**

#	Election Year	# of Women candidate on General Seats	# of Women elected on General Seats
1	2008	72	16
2	2013	135	9
3	2018	171	8

Source: Iftikhar A. Khan “ Record number of 171 women in the run for NA general seats”, Daily DAWN, July 6, 2018.

In theory, the Elections Act 2017's requirement of 5 percent allocation to women should have resulted in an increase in women in NA in 2018. A number of factors have resulted in this counterintuitive outcome. First, in several cases, the Election Commission awarded election symbols to political parties who did not observe this quota, as noted by women's rights organizations.²⁶¹ Secondly, anecdotal evidence suggests that political parties fulfilled the 5 percent allocation requirement by giving tickets to women candidates for constituencies where they were unlikely to win. This reflects a lack of political will in political parties to improve inclusion.

Third, the screening and selection of women candidates fielded by political parties was also a source of controversy and contention within the parties themselves. Women members of the political parties who emerged as the largest vote-winners in July 2018 – the PTI and the PML (N) – held public protests against the choice of candidates, both on general seats and those named in priority lists for reserved seats. Commentators have implied that these decisions were un-meritocratic – based on social capital linkages rather than factors such as political standing, performance or seniority within the party.²⁶²

5.5 Women's Right to Vote

Women's political right to vote is not directly relevant to the number of women in National Assembly or the topic of this study. However, examining the gender gaps in voters' registration is important to understand the overall political context in which Pakistani women are trying to claim their political space, as voters and political candidates. The two issues are correlated because they both arise from the same source of cultural beliefs and norms that exacerbate favoritism toward males and deem women as the weaker sex, not capable of taking part in public and political spheres. In Pakistan, there has always been a significant gender gap in voter registration and voter turnout. The following table exhibits the trend in electoral gender gaps from 1970 to 2018:

261 <https://tribune.com.pk/story/1752148/1-ecp-criticised-allowing-parties-mandatory-women-representation/>

262 <https://dailytimes.com.pk/253223/pml-n-women-workers-protest-against-party-tickets/> ; <https://www.thenews.com.pk/print/331005-pti-women-denied-ticket-to-record-protest>

Gender Gap in Electoral Rolls in Pakistan (1970 - 2018)

Election Year	Total Male Voters	Total Women Voters	Total Voters	Gender Gap/ Missing Women Voters	Percent of women voters	Women voters for every hundred male voters
1970	30,507,794	26,433,706	56,941,500	4,074,088	46%	87
1977	16,735,041	13,723,178	30,458,219	3,011,863	45%	82
1985	18,992,874	15,403,787	34,396,661	3,589,087	45%	81
1988	23,337,916	20,285,278	43,623,194	3,052,638	46%	87
1990	25,477,892	21,797,666	47,275,558	3,680,226	46%	86
1993	28,514,081	23,811,940	52,326,021	4,702,141	45%	84
1997	31,382,633	25,233,034	56,615,667	6,149,599	44%	80
2002	38,753,737	33,160,113	71,913,850	559,3624	46%	86
2008	45,097,818	35,409,553	80,507,371	968,8265	44%	79
2013	48,593,537	37,596,214	86,189,751	1,099,7323	44%	77
2018	59,224,263	46,731,146	105,955,409	12,493,117	44%	79

Source: Daud Malik, *Missing Women Voters in Pakistan. Research Digest, Pakistan Institute of Parliamentary Services, September, 2017. Data of 2018 has been added from ECP website.*

As evident from the above table, the ratio of women voters has consistently remained at 44 percent between 2008 and 2018. Despite numerous efforts by the ECP and civil society organizations (CSOs) to increase women's vote registration and turnout, there remains a huge gender gap. As a matter of fact, an analysis of the elections data of the past ten years reveals that the gender gap in voting has consistently increased with the highest gap in 2018 elections with 12.5 million more male voters than women voters.

To this end, the Elections 2017 law requires ECP and the National Database & Registration Authority (NADRA) to be proactive and undertake special measures to increase registration of women voters where the gap between women and men exceeds 10 percent. Furthermore, to address the issue of barring women from voting, the new law gives ECP the authority to nullify results of polling stations and/or entire constituencies where women's turnout

in a constituency is less than 10 percent. Finally, the Elections law requires ECP to collect and publish sex-disaggregated women and men voters in each National Assembly and Provincial Assembly constituency on an annual basis. ECP is mandated to take actions where a significant difference in the number of registered women and male voters is discovered.

B. Gender-based Legislative Performance

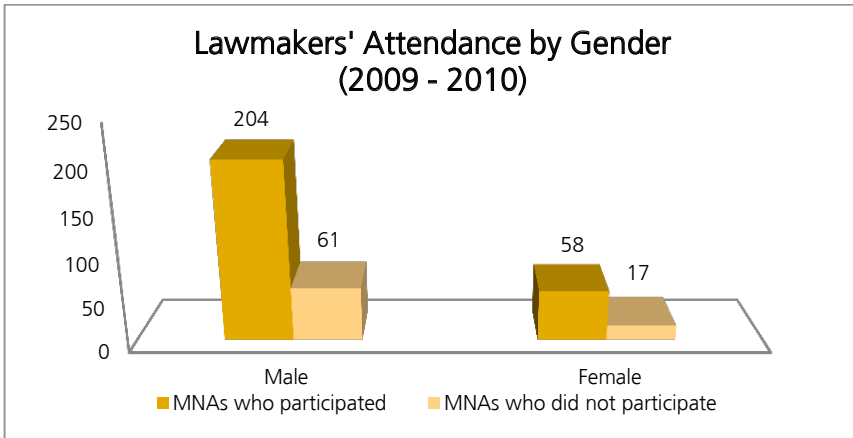
5.6 Women Legislators' Performance in the National Assembly:

This section assesses the performance of women legislators in the Lower House and provides a comparison between men and women lawmakers performance including legislation, resolutions, questions, calling attention notices, and making interventions through participation in the debates. This section will analyze the performance of male and women legislators in the 13th and 14th National Assembly separately.

The 13th National Assembly (2008 – 2013): In the 13th National Assembly, women representation was 22.5 percent. An analysis of the data demonstrates that women parliamentarians sought and utilized information, research and analysis to understand, deliberate and take up issues of public importance. One important indicator of gauging the parliamentarians' commitment and seriousness towards their responsibilities is their punctuality and attendance of the sessions. FAFEN's Assembly Sitting and Attendance data reveals that women lawmakers attended the assembly sessions more regularly than their male counterparts.²⁶³ The below table illustrates lawmakers' attendance of the assembly sessions by sex during 2009 – 2010.²⁶⁴

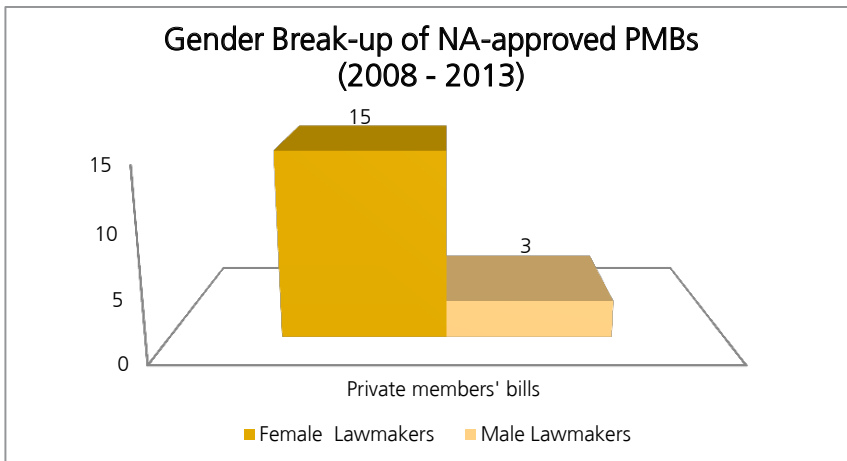
263 Ibid, pg. 5.

264 FAFEN, Parliament Monitor-Second parliamentary year-13th National Assembly.p.12



Source: FAFEN, Parliament Monitor-Second parliamentary year-13th National Assembly. p.12.

With regards to the private members' bills, a total of 189 bills were submitted by lawmakers, of which 18 were passed during five-year tenure of 13th National Assembly. Of the 18 private member bills, 83 percent (15) were introduced by women lawmakers elected on women reserved seats and 17 percent (3) by male lawmakers.²⁶⁵ The private member bills focused on a wide range of public issues including women's rights, free and compulsory education for children between the age of 5 – 16, and improving government services. Similarly, of the 178 members who moved resolutions in five years, 31 percent were women members.²⁶⁶



Source: FAFEN, Performance of the 13th National Assembly Report.

265 Ibid, pg. 58.

266 FAFEN. Five-Year Performance of 13th National Assembly. P. 16

A detailed analysis of the parliamentary performance between 2008 – 2013 reveals that 216 legislators asked 16,056 questions, of which 55 women legislators asked 50.6 percent (8,138) questions and the rest of the 49.4 percent (7,918) questions were asked by 161 male lawmakers.²⁶⁷

Similarly, of 94 members who introduced motions under rule 259, 34 were women lawmakers,²⁶⁸ which is 36%. Of 55 legislators who moved matters of public importance on the Orders of the Day, 21 (38%) were women.²⁶⁹

Women parliamentarians constituted only 22.5 percent of the 13th NA. However, as evident from the above data, female parliamentarians have excelled in several areas of legislative functioning and outperformed their male counterpart against most indicators of parliamentary performance.

In terms of major achievement, Dr. Fehmida Mirza was elected with an over two-third majority as the first woman Speaker of the National Assembly in Pakistan and the Muslim world. Under her leadership, a women parliamentary caucus was formed to boost the cause of women's rights. The women caucus provided a framework for women parliamentarians to engage with civil society groups, academia and private sector partners, to jointly raise the need to legislate on public interest matters such as gender equality, domestic violence, healthcare, and women rights. Second, a number of landmark pro-women bills were passed during the 13th National Assembly including bills against domestic violence, harassment at workplace and public places, anti-women practices, and elevating the status of the commission on women.

Out of the 18 private bills passed by the Lower House, 15 were moved by women lawmakers. The focus of the bills ranged from education, government services, abolishment of discretionary quotas in public housing schemes and election laws, tackling domestic violence against women,²⁷⁰ prohibiting acid throwing and banning anti-women practices. It is important to note here that women's parliamentarians attributed their outstanding performance to Dr. Fehmida's leadership as the Speaker of the Assembly. For example, Yasmeen Rehman, a member of 2008 - 2013 National Assembly in a 2010 interview attributed women lawmakers' exemplary performance to the election of a woman Speaker of the assembly. She believes that the voices of women lawmakers got stronger because of a woman speaker. She asserted that in

267 Ibid pg. 24.

268 FAFEN. Five-Year Performance of 13th National Assembly. P. 30

269 FAFEN. Five-Year Performance of 13th National Assembly. P. 29

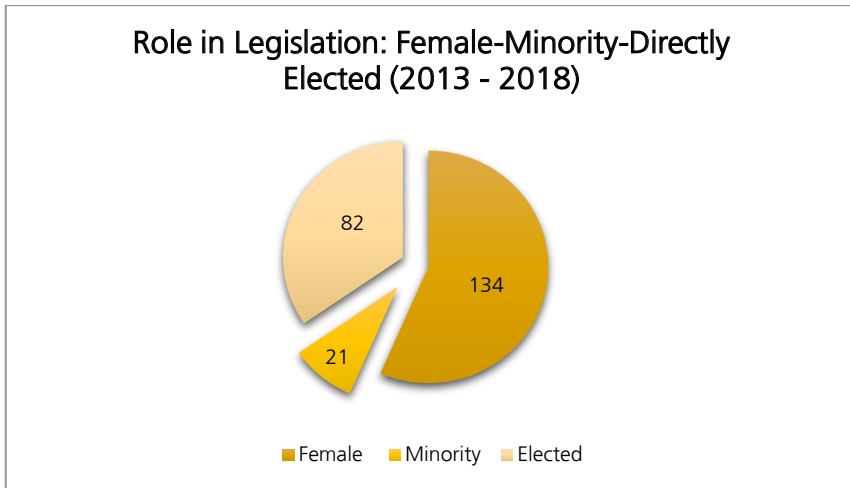
270 The domestic violence bill passed by the NA on 4 August 2009 lapsed in the Senate. However, the bill sailed through the upper house unanimously February 2012.

the past women lawmakers’ call attention notices were ignored and that they were always allocated less time than their male counterparts.²⁷¹ Hence, it can be asserted that a woman leader in the National Assembly provided an enabling environment for women parliamentarians to thrive and grow.

The 14th National Assembly (2013 – 2018): Women lawmakers continued to play their oversight role in the 14th National Assembly. They actively and regularly participated in the assembly sessions. According to FAFEN’s data, 12 lawmakers, including five women, fall in the category of 91 percent or more attendance. As many as 35 lawmakers (including 14 women) had an attendance between 81 – 90 percent, while 74 lawmakers including 17 women had an attendance between 71 – 80 percent, and four lawmakers including one woman attended less than 10 percent of the sittings.

In terms of legislation, of the total 237 private member bills tabled, a majority, i.e. 56 percent (134) were sponsored by women lawmakers on reserved seats.²⁷²

As exhibited in the chart below, women lawmakers on women reserved seats, despite their considerably lower number, have contributed the most to the lawmaking process.



Source: Performance of the 14th National Assembly of Pakistan 2013 – 2018 Report by FAFEN

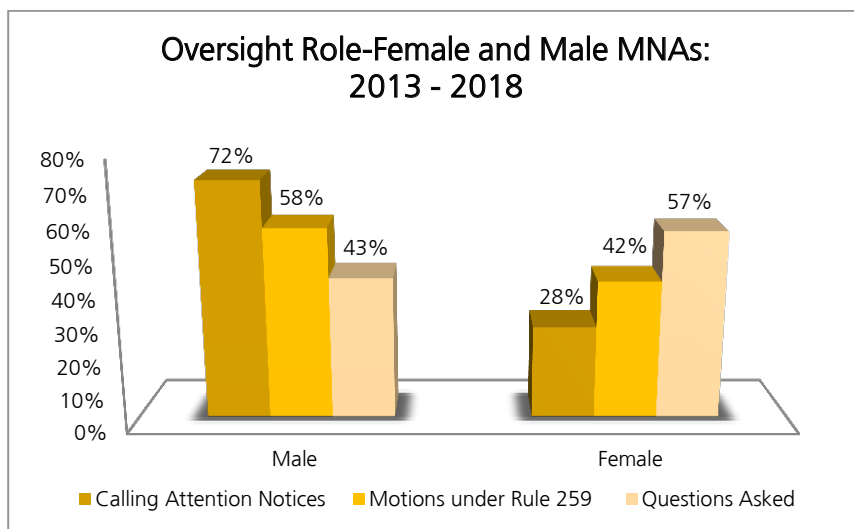
271 A Report by Aurat Foundation on Performance of Women Lawmakers, 2010.

272 FAFEN. 2018. Performance of 14th National Assembly of Pakistan. 2013-2018. P. 9

During this period, 194 lawmakers, 56 women and 138 men, exercised their right to ask questions on the floor of the House. Women lawmakers asked 57 percent of these questions while men asked 43 percent of the questions.²⁷³ This means that a majority of questions i.e. 57 percent were asked by only 20 percent of the house members.

Furthermore, out of the 199 lawmakers who sponsored resolutions 60 members (30 percent) were female lawmakers.²⁷⁴ Through resolutions, female lawmakers expressed their opinions on a wide range of issues including health, education, human rights, energy crisis, foreign affairs, terrorism, economy, governance, democracy and politics.²⁷⁵

Out of 228 lawmakers who submitted 533 calling attention notices, 64 or 28 percent were women. Finally, of the 74 lawmakers who moved Motions under Rule 259, 31 members (42 percent) were women lawmakers and 43 male members (58 percent). The below table provides a summary of the above comparative analysis of female and male parliamentarians.



Source: FAFEN, Performance of the 14th National Assembly of Pakistan 2013 – 2018

The above analysis of the parliamentary performance reveals that women lawmakers, despite their proportionally small representation in the 14th National Assembly, continued to make a significant contribution to the parliamentary affairs.

273 Performance of the 14th National Assembly of Pakistan 2013 – 2018, FAFEN, pg. 1.

274 Ibid, pg. 10.

275 Ibid.

The parliamentary performance data of the 13th and 14th National Assemblies contradicts the popular notion in Pakistan that women lawmakers play merely a symbolic role on reserved seats. As demonstrated above, women parliamentarians have out-performed their male counterparts in certain areas, especially in private members' bills, attendance, and asking questions. This argument is further strengthened by the top parliamentary performers of the 13th National Assembly.

Parliamentary Outputs	The Ratio of Female Top Performers	The Ratio of Male Top Performers
Legislation	62%	38%
Resolutions	83%	17%
Question Hour	90%	10%
Calling Attention Notices	60%	40%
Matters of Public Importance	50%	50%
Motions under Rule 259	82%	18%

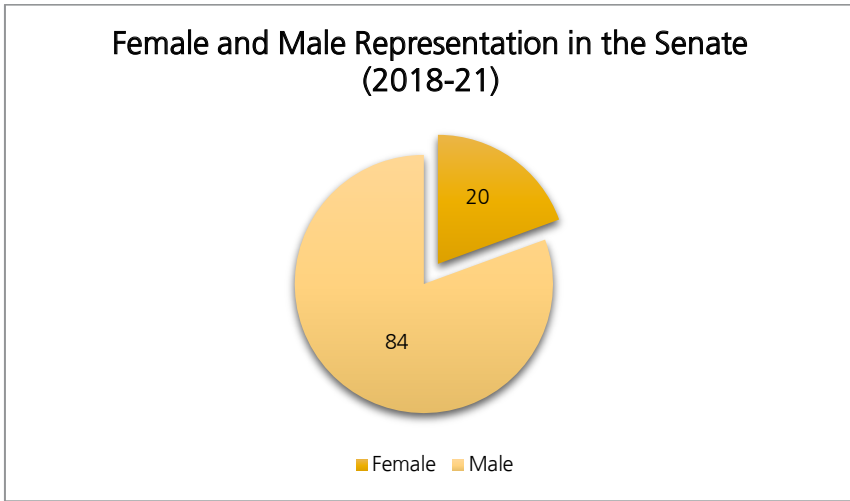
Source: FAFEN Report of Top Parliamentary Performers in the 13th National Assembly

The intent of the comparative analysis in this chapter is not to imply that sex of parliamentarians is a contributing factor in the quality of their performance. On the contrary, the purpose is to highlight that despite the conservative gender norms in Pakistan, which deprive women of claiming their public space, Pakistani women are keen to take part in politics. Due to their sex and perceived gender roles, women often have to work harder than their male counterparts to prove themselves worthy of taking part in politics. Yasmeen Rehman stated that *“women in parliament have to prove themselves and work twice as hard to be taken seriously”*.²⁷⁶

5.7 Women Legislators' Performance in the Senate:

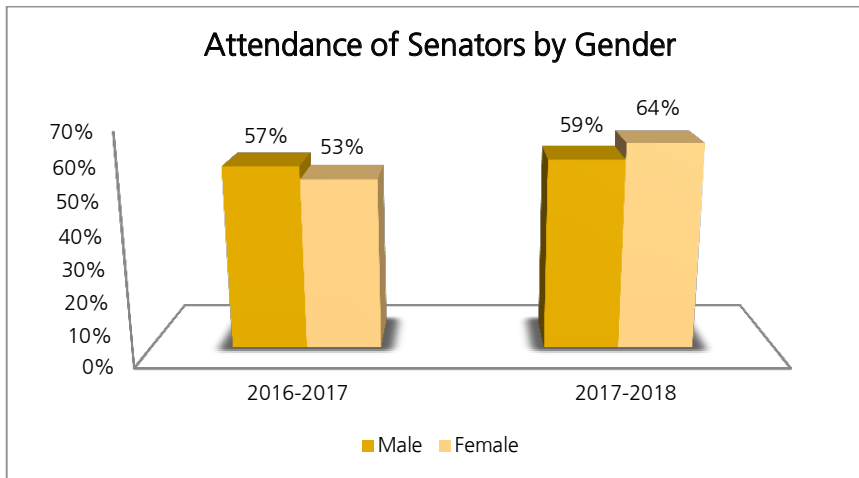
There is a lack of sex desegregated data on the performance of senators between 2008 and 2018. Based on the existing sex desegregated data, this section provides a comparison between male and women senators in fulfilling their duties of legislation, moving bills, resolutions, questions, and calling attention notices.

276 A Report by Aurat Foundation on Performance of Women Lawmakers, 2010.



Source: The Senate of Pakistan Website

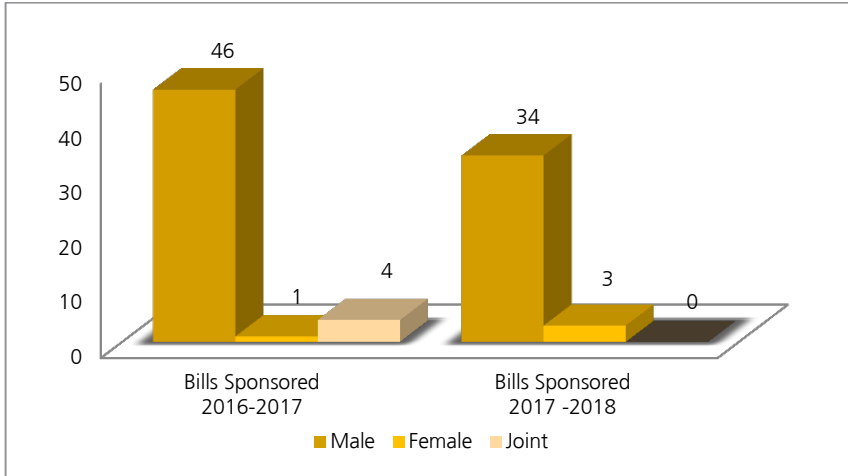
One performance indicator reflecting commitment towards the Upper House business could be attendance in the Senate sittings. As the following table illustrates, there is very little difference between the average women and men senators' attendance in 2017 and 2018.



Source: FAFEN 2016-17 and 2017-18-Reports on Performance of Women Senators

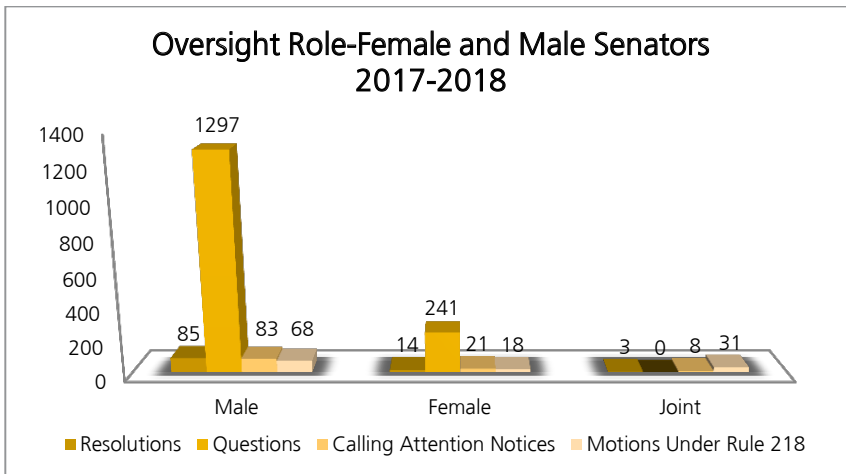
However, there is a major gap in the number of bills sponsored by women and men senators. For example, in 2017, only 3 out of the 37 bills were sponsored by women senators. Similarly, in 2016, only 1 bill was sponsored by a woman senator. The submission of private member bills is a good indicator to assess the interest of lawmakers in their function of lawmaking.

A gender-wise performance analysis of the Senate between 2008 – 2011 reveals that for a single private bill introduced by a woman senator, six bills were introduced by male senators.²⁷⁷ The following graph illustrates the difference between women’s and men’s performance as regards legislation.



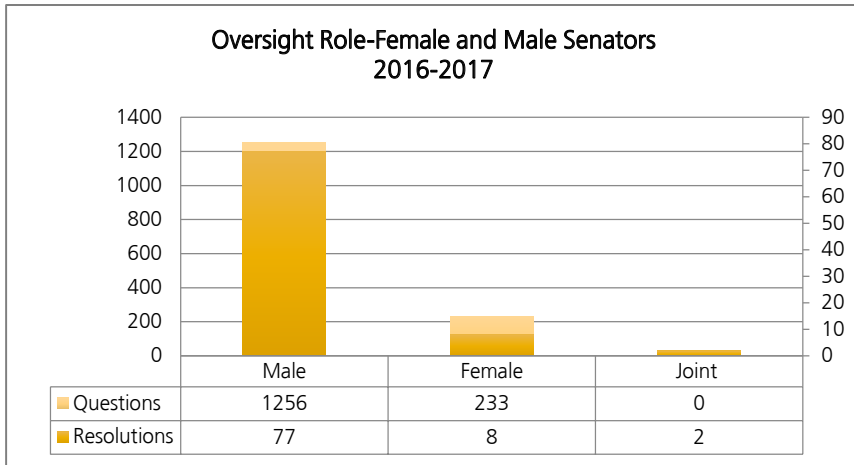
Source: FAFEN 2016-17 and 2017 - 2018-Reports on Performance of Women Senators

Similar trends are found in other performance indicators such as the number of resolutions, questions asked, calling attention notices, and motions under Rule 218. The following two graphs illustrate male and female senators’ performance in 2017 and 2018.



Source: FAFEN. A Report on Performance of Women Legislators. 2016 - 2017

277 PILDAT Scorecard for Senate of Pakistan from 2008 – 2011.



Source: FAFEN. *A Report on Performance of Women Legislators. 2016 - 2017*

An analysis of the 2008 – 2011 data indicates similar patterns. During this time, women senators asked 12% of the total questions. Of the 10 calling attention notices, four were jointly moved by male and women senators and the rest of the six were sponsored by male senators. Similarly, of the total resolutions moved, three were moved jointly by male and women members and 19 were submitted by male senators.²⁷⁸

Based on the existing data, it can be concluded that between 2008 and 2018, women senators have played an active role and made a major contribution to strengthening the Upper House. However, a comparative analysis of both houses shows that women are comparatively more active in the National Assembly than in Senate. For example, during the period under study, in the National Assembly, on average, a woman lawmaker sponsored 19 agenda items, and comparatively a male lawmaker sponsored 3 agenda items.²⁷⁹ In the Upper House, male lawmakers sponsored 20 agenda items on average, whereas, women lawmakers sponsored 14 agenda items.²⁸⁰

5.8 Gender-focused Legislation-2008 – 2018:

Women legislators have contributed to a wide range of public issues in the past decade. In terms of achievements, women legislators’ interventions have focused on maternal health, sexual harassment, honour killing, and combatting gender-based violence. These efforts have resulted in a series of

278 FAFEN, Senate Annual Performance Report.

279 FAFEN, ‘Performance of Women Legislators’, Parliament of Pakistan, 2017 report.

280 Ibid.

landmark pro-women and gender equality laws introduced in Pakistan. At the national level, the following key pro-women and gender-sensitive laws were enacted during the reporting period:

1. The Protection Against Harassment of Women at the Workplace Act, 2010
2. The Acid Control and Acid Crime Prevention Bill 2010
3. The Criminal Law (Third Amendment) Bill 2010
4. Prevention of Anti-Women Practices Act, 2010
5. The Acid Control and Acid Crime Prevention Act, 2011
6. Women in Distress and Detention Fund (Amendment) Bill, 2011
7. Criminal Law (Amendment) Bill 2011
8. National Commission on the Status of Women Bill, 2012
9. Criminal Law (Amendment) (Offense of Rape) Act 2016
10. Criminal Law (Amendment) (Offences in the name or pretext of Honour) Act, 2016
11. Hindu Marriage Act, 2017
12. The Transgender Persons (Protection of Rights) Act, 2018

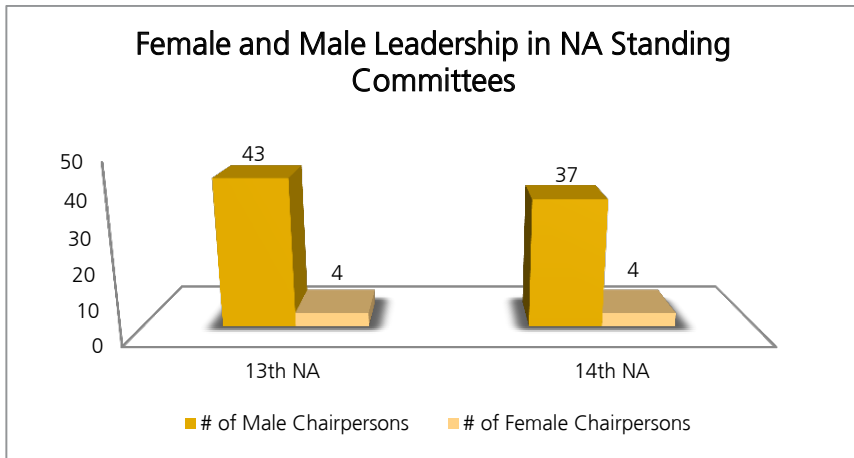
This indicates that from 2008 to 2013 (13th NA) was a historical era for pro-women legislation. For instance, as a result of the Protection against Harassment for Women at the Workplace Act, all public and private organizations are required to establish an internal code of conduct to address the issue of sexual harassment at workplace. The Act also includes a comprehensive complaint and appeal mechanisms to establish a safe work environment, free of intimidation and abuse, for all employees. This Act enables more women to join the workforce and contribute to the economy. Similarly, the Prevention of Anti-Women Practices (Criminal Law Amendment) Bill criminalizes customs such as handing over a woman to settle disputes, forced marriages, depriving women of inherited property, and the practice of marrying women with the Holy Quran. Likewise, the Acid Control and Acid Crime Prevention Act addresses a heinous form of gender-based violence. This comprehensive Act controls the import, production, transportation, hoarding, sale and use of acid to prevent acid attacks. At the same time, it requires the State to provide legal support and protection to victims and survivors of acid and burn crimes.

The momentum has continued since then with the most recent developments in recognition and protection of transgender persons. Finally, the Transgender Protection Act reflects a positive change in the Pakistani parliament of moving away from a gender binary approach towards greater tolerance of transgender persons.

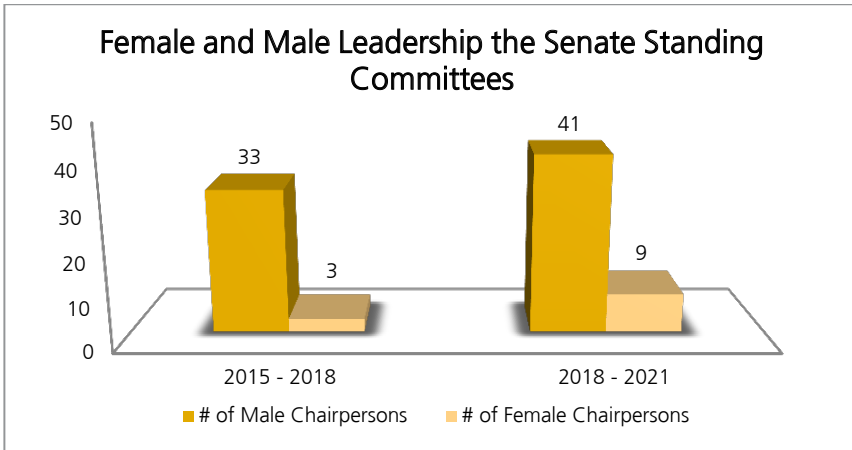
5.9 Women in Parliamentary Committees

The Standing Committees play an important role in the oversight and monitoring of the government. Meaningful representation and participation of women in the Standing Committees are thus crucial to advance women’s political participation.

The following table illustrates gender disparity in the leadership of the National Assembly and Senate Standing Committees:

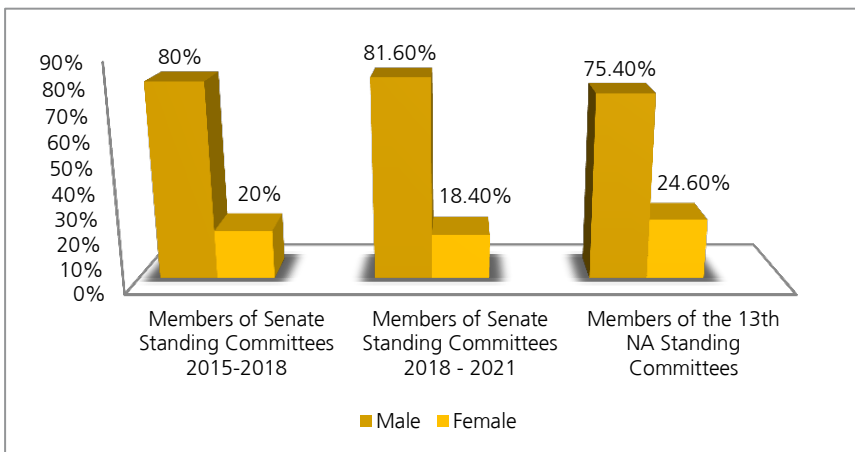


Source: *The National Assembly of Pakistan*



Source: *The Senate of Pakistan Website*

The low representation of women in committees, especially in leadership roles, hinders their ability to influence oversight and monitoring of the government. As illustrated in the above tables, from 2008 to 2018, women have held a very small share in leading parliamentary committees. Women lawmakers have held only 8.5 percent and 10 percent of the leadership positions in the 13th and 14th National Assemblies respectively. The ratio of women in the leadership of the Senate Standing Committees is similar to the National Assembly with 8.3% from 2015–2018 and slightly higher i.e. 18 percent from 2018 - 2021. The following table illustrates the men and women’s ratio of the Senate and National Assembly Standing Committees’ membership.



A detailed analysis of the Standing Committees indicates a gender inequality in the selection of women parliamentarians. For example, in the 13th National Assembly, no woman members were selected for the Standing Committees on Water Resources and Water and Power. The gender inequality is further reflected in the men and women's ratio of the PAC. In the 14th National Assembly, out of a total of 29 PAC members, only 3 were women. In the 13th National Assembly, PAC had a total of 23 members out of which 4 were women. Similarly, during the 2015 – 2018 Senate tenure, no women members were selected for the Standing Committees on Water and Power, Science and Technology, and Interiors and Narcotics Control.

Another key issue from a gender point of view is the absence of a Standing Committee on gender or women rights. There used to be a Standing Committee on women development prior to the 18th amendment. To some extent, the dissolution of a Standing Committee on women development makes sense because the women development departments have been devolved to the provinces. However, Pakistan ranked as the second-worst country in the world – 143rd out of 144 countries in the 2018 Global Gender Gap Report published by the World Economic Forum. Gender inequity in Pakistan may therefore be described as a national crisis and deserves a national response at the highest decision-making levels of the central government. A dedicated special committee is needed to monitor implementation of the myriad policies and programs in Pakistan that are intended to improve social, economic and political indicators for women.

C. Women's Political Empowerment in Pakistan: Key Insights

5.10 Is Gender Quota a Pathway to Enhance Women's Political Empowerment in Pakistan?

The effectiveness of a quota system or women reserved seats continues to be viewed with skepticism at an international level – Pakistan is no exception. The notion that a quota system directly results in women's political empowerment is debatable. This system has produced different results in different countries under different electoral systems. A major argument against gender quotas is that it only deals with the symptoms of gender inequality in politics rather than addressing the root causes. To some extent, this argument is valid. A quota system by itself does not automatically remove the barriers women face in political participation. Neither does it directly address the issue of

prejudice against women politicians. However, it does provide a “fast track” opportunity to circumvent historically entrenched barriers and provides women with an opportunity to enter politics. The Beijing Platform uses the same fast track approach to address the issue of women’s under-representation and participation in the political sphere. If we look at the countries with highest levels of political representation in the world, such as the Scandinavian bloc, South Africa, Costa Rica, Mozambique, Argentina, and Rwanda, they all have used gender quotas to make historical leaps in women’s political representation. A 2016 report of the Inter-Parliament Union indicates that countries with gender-based quotas that held elections in 2016, resulted with 25.6 percent women’s representation. On the other hand, countries without gender quotas, ended up with a 16 percent women’s representation. In the case of Pakistan, it is valid to argue that the 2002 affirmative action of women reserved seats has enabled women to claim their political space in a traditionally male-dominated society. The historical timeline provided in section 1 of this chapter demonstrates that women’s political representation in Pakistan increased only after the allocation of women reserved seats.

It can also be argued that several gains have been made in the realm of women’s political participation since 2002 and a quota system might no longer be required. The 2018 GE depict a disparate picture. Despite a record high number of women candidates, at a total of 171, only 8 women made it to the National Assembly through direct election.²⁸¹ As highlighted earlier, the number of women elected for National Assembly has been gradually decreasing since 2013. Without women reserved seats, the legislative branch of the state can go back to a pre-2002 era where women were severely under-represented.

Considering that parliamentarians on women reserved seats often face discrimination because they are not always considered legitimate representatives of the public, women parliamentarians in Pakistan have done an outstanding job in proving they are more than a merely symbolic attempt at inclusion/representation.

It is worth highlighting that women on reserved seats in Pakistan face a myriad of challenges. First, development funds are only allocated to elected members. Second, women on reserved seats are completely dependent on the whims of their political party’s leadership for an appointment rather than being voted in. This allows the political elites to use reserved seats, in

281 GEO News, ‘Eight women who made it to NA through direct election’, Saturday, Jul 28 2018, https://www.geo.tv/latest/205161-women-elected_.

most cases, to further their own social capital, by appointing close personal relatives of powerful political leaders. This has led critics to perceive quotas system as a barrier to more meaningful political participation of women. The issues with the current model of women reserved seats in Pakistan cannot be ignored. However, the quota system as a whole or an affirmative action cannot be blamed for these challenges.

The core problem lies in the design of the quota model used in Pakistan for women and religious minorities. Under the current system, women reserved seats are filled on the basis of the total number of general seats won by a political party instead of allocation to political parties in direct proportion to the votes polled in the election.

Political parties are the main gatekeepers to the political arena because they control the nomination process. They are the ones who provide candidates to voters, and control the placement of candidates in favorable or unfavorable constituencies. Pre-election polling helps political parties assess which constituencies are safe or unsafe for them. Furthermore, empowerment of political parties' women's wings and their ability to participate in the decision-making process are crucial for enhancing women's political representation in Pakistan.

If a different electoral system for reserved seats is adopted in Pakistan, it will result in improving the credibility of women parliamentarians and allow them to use development funds to establish a direct relationship with their respective constituencies. This in turn can gradually change the existing negative cultural norms surrounding women's political participation and promote the role of women as political leaders.

5.11 Elections Act, 2017 and Women's Representation in Parliament

A number of important electoral reforms were introduced in 2017. A key reform was the requirement for political parties to allocate 5% of their tickets to women candidates. This increased the number of women candidates contesting for seats. This increase has not led to any increase in number of women elected on general seats. This may be because:

- a) The 5% quota was not appropriately enforced/monitored by the ECP;
- b) Tickets awarded to fill the quota were for unwinnable constituencies;
- c) Tickets were awarded to candidates on the basis of non-meritocratic criteria.

A monitoring mechanism is required to ensure fair and transparent implementation of the new Election Act. Sanctions for non-compliance with the current gender equality laws and procedures are necessary to ensure effective implementation of the current laws and Pakistan's international obligations towards increasing women's political representation and participation. It is therefore recommended that the government of Pakistan and the ECP enforce strict measures to obligate the political parties to abide by the gender-sensitive laws and affirmative actions. Sanctions for non-compliance are being used in other countries.²⁸²

Another solution that may be considered, is to provide adequate resources to women to participate in politics. Lack of financial support for women candidates makes it difficult for them to campaign on an equal platform with male candidates. It is therefore recommended, that the government of Pakistan provide financial support to assist women candidates in their election campaigns, particularly to candidates from disadvantaged areas and background. Several countries are using various mechanisms to financially support women and minority candidates. For example, in Costa Rica, the national law that promotes social equity, "*Ley de Promoción de la Igualdad Social*," designates financial resources for women candidates. In the US, women organizations have established political action committees to financially support women candidates.²⁸³

In addition, political parties in Pakistan need to rethink the political calculus that guides their choices in nominating women candidates. The Beijing Platform recommends focusing on addressing the mechanisms of exclusion by bringing about a reform in institutional practices of political parties and committing them to an affirmative action with the goal of improving gender equality in the political parties' processes, especially in the nomination of candidates. Political parties should examine their party structures and procedures to remove all barriers that directly or indirectly discriminate against women's political participation. To this extent, effective partnerships should be established between all political parties, civil society organizations, the UN, and donors to achieve this goal.

282 Ibid.

283 Global 50/50 Campaign - Get the Balance Right, 'Women Candidates and Campaign Finance', 2007.

5.12 Affirmative Action and Policies

Women's representation in Pakistan's parliament currently constitutes 20% of the total strength, which is at par with the regional average, though lower than the global average. The most significant improvement in this figure came in 2002, as a direct result of affirmative action policies, which supports the argument that quotas are a flawed but indispensable policy instrument to ensure women's parliamentary representation.

The current quota model used in Pakistan for women and minorities reserved seats makes women on reserved seats completely dependent on the whims of their political party's leadership for an appointment rather than being voted in. This hinders the empowerment of women parliamentarians and negatively impacts their legitimacy as public representatives.

The quota system in Pakistan can be used for more inclusive representation, if candidates for women and minorities reserved seat contest during the elections the same way as those on general election seats. A similar model is being used in India where women and minorities contest against each other on the reserved seats. For an incremental and long-term increase, the possibility for women to be elected, a proportional representation model is likely to work better than the plurality-majority electoral system. In general, a proportional representation electoral system provides more flexibility to include more diverse candidates in elections such as women, transgender persons, persons with disabilities, and religious and ethnic minorities without replacing more seasonal and well-known politicians.

5.13 Women's Role in Parliamentary Leadership

Representation is a necessary but insufficient condition for women's political participation and empowerment. Women need to not only occupy seats in parliament, but take on decision-making and leadership roles. Their inclusion in Standing Committees is particularly crucial, in this regard. There is a dire need to balance the ratio of women and men in leadership roles especially in the Standing Committees in the National Assembly and the Senate.

6. Parliament and Budget

6.1 Introduction

The parliament's role in the budget-making and its oversight in Pakistan is considered to be weak. Though there have been calls to give the parliament more space and time to discuss the budgetary proposals, the budget sessions have been marked by lack of meaningful discussion and input by the legislators. Keeping in view the international best practices, there is a need for an extensive parliamentary involvement for approval of the budget, including the effective role of Standing Committees in the budget-making process. There is also a need to make the process of budget analysis and scrutiny an ongoing process throughout the year. The parliament should follow the parliamentary practice of establishing Parliamentary Budget Office (PBO). The basic role of a PBO is to provide independent budgetary information to all parliamentarians.

6.2 Budget Cycle and the Role of Parliament

The budget cycle in Pakistan is divided into four stages – formulation, enactment, execution, and audit.²⁸⁴ The budget proposals are prepared by the executive and the formal authorization is given by the parliament through enactment.²⁸⁵ The implementation stage ensures expenditures as “reflected in the enacted budget” and the “examination and verification of both receipts and expenditures at the end of financial year (1 July – 30June)” completes the audit stage.²⁸⁶

The federal budget-making process starts with a Finance Ministry call for submitting budget proposals. The budget call circular is issued in October to administrative ministries/divisions and departments of the federal government. According to the Ministry of Finance, the budget circular

284 Parliament in Brief, Parliamentarians Pocket Guide, National Assembly of Pakistan, Pakistan Institute of Parliamentary Services 2008-9, P.22 [available at <https://pips.gov.pk/sites/default/files/010.NA%20Parliament%20in%20Brief%20English.pdf>]

285 Ibid

286 Ibid

“contains comprehensive instructions for the preparation and scrutiny of the budget estimates” as it “sets out the target dates by which the various stages of the budget formulation are to be completed.”²⁸⁷ Before its presentation in the parliament, the budget proposals are considered by the federal cabinet.

On the day the finance minister presents the budget in the National Assembly, no other parliamentary business is allowed.²⁸⁸ Further the budget is not discussed on the day it is presented in the Lower House. A copy of the Annual Budget Statement presented in the National Assembly is “transmitted to the Senate” on the same day.²⁸⁹ Under article 73 of the constitution, “Senate’s role to make recommendations to the money bill including the Finance Bill has been enhanced as the number of days to consider and make recommendations to a Money Bill has been increased from 7 days to 14 days.”²⁹⁰

Two days after its presentation in the National Assembly, a general discussion on the budget takes place.²⁹¹ This is followed by a discussion on the appropriations for the charged expenditure and the discussion and voting on demands for grants.²⁹² The days allocated for the general discussion on the budget are not less than four.²⁹³

In order to give the parliament a say in the budget-making, the National Assembly’s rules of procedure were amended in 2013. Under rule 201 of the National Assembly’s rules of procedure before sending their budget to the Ministry of Finance, each ministry submits its public development budget for the coming financial year to the relevant Standing Committee “not later than the 31st January of preceding financial year and the Standing Committee shall make recommendations not later than the 1st March.”

This change in the rules of procedure has been considered “a very small but significant step towards greater and more effective participation of the members in general and parliamentary committees in particular in the budget process.”²⁹⁴ Still the National Assembly is considered “one of the

287 Year Book. 2016-17. Government of Pakistan, Finance Division, P.21

288 See Rule 184 of the National Assembly Rules of Procedures and Conduct of Business 2007

289 See Rule 141 of the National Assembly Rules of Procedures and Conduct of Business 2007

290 Roles and Powers of Senate. Senate of Pakistan, P.21

291 See Rule 186 of the National Assembly Rules of Procedures and Conduct of Business 2007

292 Ibid

293 See Rule 187 of the National Assembly Rules of Procedures and Conduct of Business 2007

294 Bilal, Ahmed. Budget and the parliament, 23 May 2015, Dawn [available at <https://www.dawn.com/news/1183608>]

few parliaments in the world where the budget is not referred to Standing Committees for detailed examination.”²⁹⁵

At the post-audit stage of the budget, the PAC scrutinizes “all expenditures authorized by the National Assembly based on its examination of the report of the Auditor General of Pakistan”.²⁹⁶ The PAC findings are presented before the parliament.

6.3 Duration of Budget Sessions in Pakistan (2008 - 2018)

The role of the parliament in the budget-making in Pakistan is limited to the second stage of enactment – authorizing the budget.²⁹⁷ This role is further limited by the fact that the legislators get between two to three weeks for the passage of the budget.

The role of the parliaments in the budget making has been divided into three categories – budget-approving, budget-influencing and budget-making.²⁹⁸ The parliament in Pakistan seems to be in the first category as it lacks the “authority or capacity (or both) to amend the budget proposed by the executive.”²⁹⁹

In Pakistan, the “duration and the time spent on the budget debate are one of the lowest in the world. Research on the past 14 budget sessions of the National Assembly shows that the assemblies discussed the budget for an average of 34 hours (maximum 55 and minimum 9.5 hours) spanning over an average 12 days (maximum 19 and minimum five days) each year.”³⁰⁰ The legislators do not get sufficient time to “study the budget documents before they engage in an informed debate”.³⁰¹

In the ten years since 2008 no budget session of the National Assembly has lasted more than 22 days. The general discussion on the budget has not lasted more than 11 days. The debate on the budget in the first four years in

295 Ibid

296 Parliament in Brief, Parliamentarians Pocket Guide, National Assembly of Pakistan, Pakistan Institute of Parliamentary Services 2008-9, P.23

297 Ibid

298 Johnson, John K & Stapenhurst, Rick. Legislative Budget Offices: International Experience, Legislative Oversight and Budgeting, NDI, P.142 [<https://www.ndi.org/sites/default/files/Legislative%20Oversight%20and%20Budgeting%20-%20Chapter%2010.pdf>]

299 Ibid

300 Bilal, Ahmed. Budget and the parliament, 23 May 2015, Dawn [available at <https://www.dawn.com/news/1183608>]

301 Ibid

the 14th National Assembly lasted for only 7, 8, 10, and 11 days respectively. This leaves little time for the legislators to discuss the budget in detail.

Sittings of the National Assembly during Budget Sessions (2008 to 2017)

Year	Budget Session Sittings
2008	19
2009	14
2010	22
2011	17
2012	10
2013	13
2014	14
2015	15
2016	17
2017	15

Source: FAFEN. *Parliamentary Reports 2008-17*

In 2017 the budget debate lasted for only 37 hours in the National Assembly - the shortest budget session in many years.³⁰² Earlier in 2003-04, the 12th National Assembly debated the budget only for nine hours.³⁰³

Unlike in Pakistan, Indian Lok Sabha allocates 75 days for the budget session.³⁰⁴ This includes a fixed period in which the relevant Standing Committees consider the demands for grants.³⁰⁵ The budget is sent to the relevant Standing Committees for “in-depth scrutiny and preparation of a report including recommendations on the respective ministry budgets”.³⁰⁶

There have been calls for increasing the span of the budget sessions in Pakistan to give the legislators more time to go through the voluminous budget documents.

302 Dawn. Editorial, Budget Debate, 19 June 2017 [available at <https://www.dawn.com/news/1340368>]

303 UNDP. 2014. *Development Advocate Pakistan*, P.2

304 Franche, Marc-Andre. The political economy of the budget, *The Express Tribune*, 23 October 2014 [available at <https://tribune.com.pk/story/779494/the-political-economy-of-the-budget/>]

305 *The Economic Times*. If budget sounds Greek to you, this could help, 9 Jan 2017, [<https://economictimes.indiatimes.com/slideshows/economy/if-budget-sounds-greek-to-you-this-could-help/breaking-down-the-budget/slideshow/56422346.cms>]

306 Bilal, Ahmed. Budget and the parliament, 23 May 2015, *Dawn* [available at <https://www.dawn.com/news/1183608>]

6.4 Disruptive Atmosphere during Budget Sessions

Protests and boycotts also mar budget sessions in Pakistan. The opposition led by PPP boycotted the budget session in 2017 “because their speeches were not being aired live on PTV....”³⁰⁷ The result was that “one of the most crucial pieces of legislation — the Finance Bill 2017-2018 — passed with hardly any debate, and no real input from the opposition”.³⁰⁸ As the budget session went on inside the National Assembly, the opposition held meetings outside the Lower House, calling them the “people’s parliament”.³⁰⁹

Earlier in 2012-13, the main opposition party PMLN boycotted the budget session for six days.³¹⁰ When the party finally attended the session, it staged a noisy protest.³¹¹

6.5 Budget-related Capacity Gaps

On the day the budget is presented, “parliamentarians are provided something like 1500 to 2000 pages of finely-typed printed documents clogged with figures which are difficult to decipher even by professionals on the day the budget is presented. They have no institutional or individual support to get briefed on the budget and they get just 2 days to start debating the issue”.³¹²

The budgetary documents a legislator gets in Pakistan include annual budget statement, budget in brief, budget at a glance, explanatory memorandum on federal receipts, estimates of foreign assistance, demands for grants and appropriation (including schedule I, II and III), Details of Demands for Grants and Appropriation - Pink Book (Volume I, II & III), Medium Term Budgetary Statement, Supplementary Demands for Grants and Appropriations, Medium Term Budgetary Estimates for Service Delivery, and Schedule of Authorized Expenditure, along with the budget and the concluding speeches of the finance minister.

Apart from the limited time to go through these documents, there is also lack of expertise available for legislators to sift through them and come with an analysis of the budgetary priorities and allocations. However, donor projects

307 Ibid

308 Ibid

309 Dawn. Opposition to hold ‘parallel’ budget session today, 31 May 2017

310 Asghar, Raja. After a pause, NA heats up with nearby court, 12 June 2012, Dawn [available at <https://www.dawn.com/news/726067/after-a-pause-na-heats-up-with-nearby-court>]

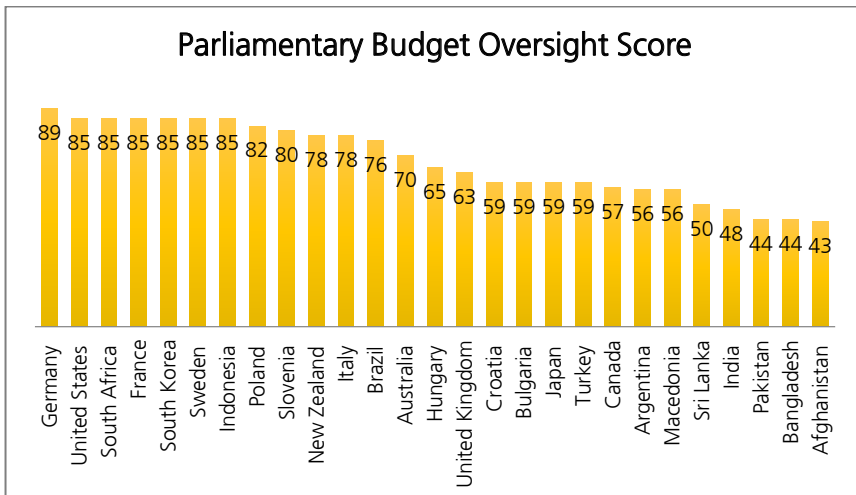
311 Ibid

312 *Parliamentary Budget Reforms in Pakistan*. 2013. Pakistan Institute of Legislative Development and Transparency (PILDAT). P.19

working with the parliament and the provincial assemblies hold pre and post budget events every year with the intent of helping them to improve the quality of their participation in the budgetary debate. Pakistan Institute for Parliamentary Services (PIPs) also holds briefings for legislators during budget sessions and connects them with experts of economy and finance.

6.6 Limited Parliamentary Oversight of Budget

The parliamentary oversight of the budget is limited in Pakistan, according to the open budget survey 2017.³¹³ At the formulation and approval stages of the budget, the parliament’s score is 52 out of 100, which has been categorized as limited. At the execution and audit stages, the parliamentary oversight is weak, scoring only 13 out of 100.³¹⁴ “The legislature provides weak oversight during the budget cycle. This score reflects that the legislature provides limited oversight during the planning stage of the budget cycle and weak oversight during the implementation stage of the budget cycle.”³¹⁵



Source: Open Budget Survey 2017³¹⁶

313 Open Budget Survey 201. Pakistan [available at <https://www.internationalbudget.org/wp-content/uploads/pakistan-open-budget-survey-2017-summary.pdf>]

314 Ibid

315 Ibid

316 International Budget Partnership, formed in 1997 to promote transparent and inclusive government budget processes, considers countries that score above 60 on the Open Budget Index as providing sufficient budget information to enable the public to engage in budget discussions in an informed manner. IBP considers countries scoring above 60 on participation and oversight as providing adequate opportunities for the public to participate in the budget process and providing adequate oversight practices, respectively.

The survey lists three barriers to parliamentary oversight - legislators are not provided the executive budget proposal two months before the start of the budget year; committees “do not examine or publish reports on their analyses of the executive’s budget proposal online; and “a legislative committee does not examine or publish reports on in-year budget implementation online”.³¹⁷ In the OECD countries, on average budgets are submitted “three months in advance of the beginning of the new fiscal year”.³¹⁸

The survey also points out the lack of Independent Fiscal Institutions (IFIs) in Pakistan. IFIs are globally “recognized as an important source of independent, nonpartisan information. IFIs take a variety of different institutional forms. Common examples include parliamentary budget offices and fiscal councils”.³¹⁹ It recommends that the legislators should be provided budget proposals two months before the budget year starts. It wants enhanced role of the committees in the budget scrutiny. *In 2013 PILDAT called for commissioning a “feasibility study...and a comparison of various Independent Parliamentary Budget units” before establishing such an office in Pakistan.*³²⁰

6.7 Parliamentary Oversight of Defence Budget

In the 2008 budget speech, the finance minister announced a policy shift of doing away with the “past practice of presenting a single line budget for defense.”³²¹ He added that “all the relevant details of the defense expenditure are available for the review and debate of the parliament. This will go a long way to bring greater fiscal discipline by inducing more economical use of available resources.”³²²

One of the CoD components under the civil-military relations is placing the defence budget before the “parliament for debate and approval”.

317 Ibid

318 The Legal Framework of Budget Systems – An International Comparison. 2004. OECD Journal on Budgeting, Vol 4, No. 3, special issue, P.91

319 Open Budget Survey 201. Pakistan [available at <https://www.internationalbudget.org/wp-content/uploads/pakistan-open-budget-survey-2017-summary.pdf>]

320 *Parliamentary Budget Reforms in Pakistan.* (2013). Pakistan Institute of Legislative Development and Transparency (PILDAT). P.20

321 Dawn. Text Budget Speech 2008-09, 12 June 2008 [available at <https://www.dawn.com/news/307022>]

322 Ibid

For the first time in Pakistan's parliamentary history, the defence budget was "placed before the parliament amid applause from both treasury and opposition benches".³²³

Though the defence budget documents released by the Ministry of Finance "are not as detailed or comprehensive as budget documents from other countries with a longer history of civilian oversight of the military,"³²⁴ the practice has been termed "a marked improvement". This marked improvement has led to legislators questioning various allocations made for the defence budget. A PPP Senator asked the government to explain "in an in-camera briefing why an unexplained, but significant sum of money was sanctioned for Inter-Services Intelligence, as revealed in the federal budget for fiscal 2018 - 2019".³²⁵ Overall the parliament has been provided more information about the money matters concerning the military.

In 2015 the Senate was informed by the defence minister that Pakistan started "charging pensions to the civilian budget in 2000...for the purpose of one budget demand both for Civil and Defence Pensions".³²⁶ Similarly in July 2016 during the question hour, the defence minister informed Senate about "listed dozens of charitable and corporate entities associated with the military".³²⁷

323 Dawn. Parliament debates defence budget, 18 June 2008 [available at <https://www.dawn.com/news/956132>]

324 Mason, Shane. 2016. Military Budgets in India and Pakistan – Trajectories, Priorities, and Risks, Stimson Center, Washington, P. 24

325 Guramani, Nadir. Rabbani wants government to explain payments made to ISI for 'special assignment', 3 May 2018, Dawn [available at <https://www.dawn.com/news/1405394>]

326 Mason, Shane. 2016. Military Budgets in India and Pakistan – Trajectories, Priorities, and Risks, Stimson Center, Washington, P. 23

327 Ibid, P. 24

7. Public Accounts Committee (PAC)

7.1 Introduction

Public sector corruption – real and/or perceived – has become the pretext for derailing the democratic system in Pakistan numerous times since independence and it continues to be a source of political instability. Democratic institutions, most importantly, the parliament itself must spearhead the fight against corruption. The Public Accounts Committee (PAC) is the key institutional mechanism through which the parliament ensures the accountability of executive.³²⁸

Together with the Auditor General, these institutions form the main pillars of a national integrity system that perform the following basic functions in most Westminster-style democracies:

1. The Office of Auditor General audits government institutions;
2. The Auditor General's reports are duly submitted to the Parliament; and
3. The Public Accounts Committees take effective and appropriate actions on the recommendations made by the Auditor General.

7.2 Historical Evolution

The institution of the PAC dates back to the mid-19th century. The first national PAC was created in Denmark in 1851. However, the global archetype is the British PAC, established a decade later as part of the reforms initiated by William Gladstone when he was Chancellor of the Exchequer. Replicated in virtually all Commonwealth countries and an increasing number of non-Commonwealth countries, PACs are seen as the apex body for financial scrutiny and have been promoted as a crucial mechanism to facilitate transparency in government financial operations.³²⁹

328 Commonwealth Parliamentary Association (CPA), *Parliamentary Financial Scrutiny: The Role of Public Accounts Committees* (London: CPA, 2006)

329 Rick Stapenhurst, Riccardo Pelizzo and Mitchell O'Brien, "Ex-Post Financial Oversight: Legislative Audit, Public Accounts Committees and Parliamentary Budget Offices?" Background Paper for OECD PARLIAMENTARY BUDGET OFFICIALS AND INDEPENDENT FISCAL INSTITUTIONS 4th Annual meeting. P. 2

In India, the Committee on Public Accounts was first set up in 1921 in the wake of Montague-Chelmsford Reforms., chaired by the Finance Member of the Executive Council. The system continued till 1949.

7.3 PACs in Pakistan

The first PAC in Pakistan was constituted in May 1948 by the first Constituent Assembly under section 38(3) of Government of India Act 1935. However, the Committee failed to hold a single meeting.³³⁰

PACs have been a permanent institution of parliament, even when the parliament stood dissolved. Six *ad hoc* PACs have functioned during military regimes. Till 1977, the PAC was generally chaired by the Finance Minister. After the non-party-based elections of 1985, the 7th regular PAC was established under the chairmanship of Sahibzada M. Ali Shah, a Member of the National Assembly (MNA).

The Pakistan Peoples Party government in 1989 appointed MNA Hakim Ali Zardari from the ruling party as the PAC Chairman. Throughout 1990s and until 2007 during the tenures of the PPP, PMLN and PML-Q governments, a legislator from the ruling party would chair the PAC.

After the elections for the 13th National Assembly, for the first time in Pakistan's legislative history, the leader of the opposition in the National Assembly, Chaudhry Nisar Ali Khan, was asked to chair the 13th PAC in 2008. This tradition continued, and after constitution of the PAC for the 14th National Assembly in August 2013, Syed Khursheed Ahmed Shah, the leader of the opposition, was elected its Chairman.

Initially, the PAC was a standing committee of the Lower House, as per Article 171 of the Constitution. This was changed in early 2017 when for the first time, six Senators became members of PAC. Hence, the Standing Committee of the National Assembly became a bicameral Parliamentary Committee on Public Accounts. However, National Assembly enjoys the authority of holding the Office of Chairperson and Committee Secretariat.³³¹

330 National Assembly Secretariat. (1985). The Federal Public Accounts Committee in Pakistan. Islamabad.

331 Rules of Procedures and Conduct of Business of the National Assembly, 2007 amended 2018. http://www.na.gov.pk/uploads/documents/1399619027_820.pdf

7.4 PAC Composition and Role of Opposition

The 13th PAC was a standing committee of the National Assembly with 24 members including the Minister for Finance, Revenue & Economic Affairs as Ex-Officio member. With the inclusion of six Senators during 14th National Assembly, the numerical strength of the 14th PAC rose up to 30.

A 2012 OECD study notes “international best practice regarding the distribution of seats within the PAC correspond to the distribution of seats in the legislature. This means that the government party (or the government coalition) typically controls a majority of the seats in the PAC.” Hence, the logic behind giving PAC chair to opposition is to balance the power of the majority in the committee.

In some countries, such as India and the United Kingdom, this practice is the result of “a very strong convention”.³³² In other countries, it is codified by the same norms and rules that establish the PAC itself. For example, the standing orders of Malta’s parliament establish that “one of the members nominated by the Leader of the Opposition and so designated by him in consultation with the Leader of the House shall be appointed as Chairman of the Public Accounts Committee.” Similarly, the standing orders of Tanzania’s parliament establish that “the Chairperson for the Public Account Committee shall be elected from amongst the Members of the Committee from the Opposition.”³³³

In Pakistan, till 2008, the Chairmanship of the PAC went to government. Under the CoD signed in May 2006, it was provided that the Chairmen of the PAC in the national and provincial assemblies will be appointed by the leaders of opposition.³³⁴ Hence, the leaders of opposition were appointed as PAC chairs for the 13th and 14th PACs.

7.5 Functions and Powers of the PAC

As provided in NA Rules,³³⁵ the PAC examines the accounts showing the appropriation of sums granted by the Assembly for the expenditure of the Government, the annual finance accounts of the Government, the report

332 David G. McGee, QC. *The Overseers: Public Accounts Committees and Public Spending*. (London: CPA, 2002). P. 66

333 *Ibid.* p. 6

334 B.15 of Charter of Democracy signed in May 2006.

335 Rule 203, Rules of Procedure and Conduct of Business of the National Assembly, 2007 (As amended up to January 2013).

of the Auditor-General of Pakistan and such other matters as the Minister for Finance may refer to it. In scrutinizing the appropriation accounts of the Government and the reports of the Auditor-General of Pakistan it shall be the duty of the Committee to satisfy itself:

(a) that the moneys shown in the accounts as having been disbursed were legally available for, and applicable to the service or purpose to which they have been applied or charged;

(b) that the expenditure conforms to the authority which governs it; and

(c) that every re-appropriation has been made in accordance with the provisions made in this behalf under rules framed by the Ministry of Finance.

It shall also be the duty of the Committee (a) to examine the statement of accounts showing the income and expenditure of state corporations, trading and manufacturing schemes, concerns and projects together with the balance sheets and statements of profit and loss accounts ; (b) to examine the statement of accounts showing the income and expenditure of autonomous and semi-autonomous bodies; and (c) to consider the report of the Auditor-General of Pakistan in cases where the President may have required him to conduct the audit of any receipt or to examine the accounts of stores and stocks.

If any money has been spent on any service during a financial year in excess of the amount granted by the Assembly for that purpose, the Committee shall examine with reference to the facts of each case the circumstances leading to such an excess and make such recommendation as it may deem fit.

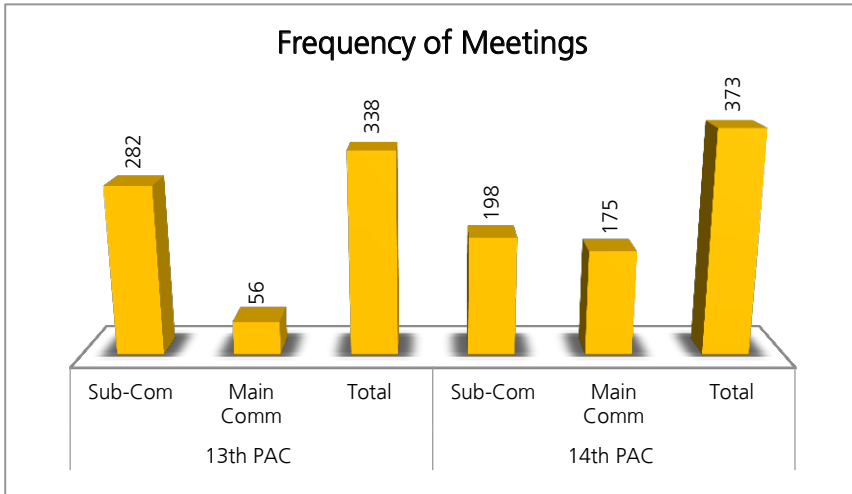
Suo Moto Actions and Site Visits: The practice of Suo-Moto actions was effectively used by PAC chairman Chaudhary Nisar Ali during 2008-2011, acting on issues of public importance *“such as increase in price-hike of Sui-Gas & electricity, alleged corruption in EOBI, injecting synthetic gas into natural gas, encroachment of Karachi Port Trust (KPT) land, and completion of Islamabad Expressway”*.³³⁶ The 13th PAC also started the practice of site visits and hearings in the field. PAC visited railways headquarters in Lahore and certain ports and shipping sites in Karachi. The 14th PAC visited the new Islamabad Airport.

³³⁶ National Assembly of Pakistan. Performance of the 13th PAC, [available at <http://pac.na.gov.pk/?q=performance-13th-pac>]

7.6 PAC Performance and Achievements

The 13th and 14th PACs laid a total of 20 reports during 2008 - 2018 from a huge pending backlog of audit reports. During the five-year period of 13th PAC a total of twelve reports were laid in the National Assembly for debate and adoption. Two of these reports were prepared during the previous PACs but laid during 2008-13. During the period of 14th PAC a total of eight reports were laid in the National Assembly.

The 13th PAC held a total of 338 meetings, out of which 282 meetings were held by the sub-committees.³³⁷ Whereas, the 14th PAC held a total of 373 meetings. Both 13th and the 14th PACs remained the most active committees in the parliament based on frequency of meetings and interventions taken up.



The 13th and 14th PAC recovered an amount of PKR 503 billion from various defaulters.³³⁸

³³⁷ Record of meetings held during Nadeem Afzal Chan was not accessible. However, Chan was also very active in holding PAC hearings.

³³⁸ Abdul Rasheed Azad "Rs 503 billion recovered from defaulters in 10 years", Daily Business Recorder, Dec 29, 2018.

8. Conclusions

8.1 Democratic Continuity, Greater Citizen Participation and Empowered Parliament

- An analysis of last decade (2008 - 2018) reveals significant developments in Pakistan's democratic development. First, during the decade under review Pakistan witnessed longest parliamentary continuity. The 13th and 14th assemblies completed their full five-year tenures. Subsequently, elections were held in May 2013 and July 2018 respectively and power was transferred to the newly elected civilian governments.
- Second, 2013 and 2018 elections witnessed greater citizen participation in the political process with increased voter turnout. According to ECP report 53.62 percent of registered voters participated in the 2013 elections, highest turnout since the first elections held in 1970. This trend continued in July 2018 elections. It essentially indicates greater citizen expectations from political and legislative institutions.
- Third, during this ten-year period parliament has also been more empowered. The 18th Constitutional Amendment passed in 2010 has redefined the power structure and shifted authority from the President to the legislative branch. With the end of discretionary power of the executive to dissolve assemblies and governments, the prime minister as leader of majority party in the National Assembly (NA) is now more empowered than an indirectly elected president as has been the case prior to the 18th Amendment. Now the prime minister is empowered to make appointments of senior civilian and military functionaries. The parliament, prime minister and the leader of opposition in the NA and the Senate has greater role in appointment of caretaker government, chief and members of Election Commission and superior judiciary. Previously, president had power in all these appointments.
- Fourth, the Parliament in Pakistan has traditionally played an insignificant role in both legislation and oversight of policy formulation and implementation. On the basis of the findings of the report, it can

be argued that the parliament during the last one decade has gradually, though not conclusively, improved its oversight and legislative role. The passage of the 18th Amendment and other significant amendments, increased quantity of legislation, more private member bills and relative strengthening of committee system particularly important committee of Parliament, i.e. Public Accounts Committee are few indicators in this regard.

8.2 Legislative Developments:

- The last ten parliamentary years can be termed unprecedented in terms of the volume of legislation introduced, especially when the number of constitutional amendments is taken into account. These reforms have rectified long-standing structural gaps in the way that the state is organized and run – especially: mainstreaming of FATA and the restoration of provincial autonomy and balanced federation-province relations.
- Apart from constitutional reforms, most of this spike in legislative activity has been focused on economic regulation, citizens' rights and national security. Substantial legislation has been carried out on the rights of women, children, minorities and transgender person. In certain cases, passage of laws has been delayed, for instance, access to information and electoral legislation.
- Despite this flurry of recent legislative activity, there continue to be 'blind spots' i.e. areas where the prevailing legal framework is inadequate and demands attention. A key example is criminal law, criminal procedure and law of evidence. Another example is accountability and anticorruption.

8.3. Oversight and Committees System:

- There are improvements in functioning of committees during last ten years that has strengthened parliamentary oversight. The 13th National Assembly adopted the practice of giving committee chairpersonship on the basis of the "party representation in the house". This increased the number of opposition chairs leading standing committees. In addition, during last ten years, an effort has been made to engage with citizens by holding public hearings.
- There is greater role of fiscal oversight on defense related budget and spending. Moreover, Senate's role in financial oversight has been

strengthened by including Senators in the most powerful Public Accounts Committee.

- The absence of ministers during the Question Hour both in the NA and the Senate has remained a constant challenge in the last ten years. Both the Speaker of the National Assembly and Chairman of the Senate have given stern rulings on the absence of the ministers during the question hour.
- In the NA, the number of questions and responses decreased towards the end of the term. In both the terms of the NAs, more questions were asked and responded in the first two years and comparatively less questions were asked and responded during the last two years.
- To respond to the civil-military and the executive-judiciary tensions in the last ten years, the parliament has expressed its opinion through resolutions, reminding the constitutional institutions of their ambit while insisting on the supremacy of the parliament.

8.4 Parliament and Budget:

- Budget sessions normally conclude within two to three weeks. This leads to limited debate on the budget in the parliament. In the ten years since 2008, no budget session of the National Assembly has lasted more than 22 days. The duration and the time spent on the budget debate are considered to be one of the lowest in the world.
- The parliamentary oversight of the budget is also limited in Pakistan. Legislators are not provided with the executive budget proposal two months before the start of the budget year as required by international best practices. Standing Committees' role is only limited to reviewing the development budget of the ministries.
- In 2008 for the first time in Pakistan's parliamentary history, the defence budget was presented before the parliament with more details than the usual practice of presenting a single-line budget.

8.5 Public Accounts Committee:

- The performance of the 13th and 14th PACs indicates a significant improvement over the previous PACs of the federal parliament. Both the 13th and 14th PACs disposed of a pending backlog of twenty years.

- The structure and composition of the PACs is also evolving into a more legitimate, credible and powerful institutional mechanism for oversight. The appointment of leader of the opposition as PAC chair reflects fulfillment of an important commitment agreed under the Charter of Democracy.
- The shift toward a bicameral structure of PAC further enhances its credibility, while the exercise of *suo moto* powers, conduct of site visits and increased frequency of meetings signal its improved functional efficacy.
- However, citizen and media access to the PAC remains restricted and this should be widened to further improve its effectiveness and public standing.

8.6 Gender and Parliamentary Performance:

- The findings of this report highlight the complex nature of gender inequality in Pakistani politics. The existing literature and data reveal that gender inequality in Pakistan is caused by a combination of cultural gender dynamics, institutional weakness, and procedural issues which put women in a disadvantaged position and result in a relatively small proportion of women in the federal parliament, its standing committees and legislative leadership positions. Presently, there are 69 women in the NA, 60 on reserved seats, 8 on general seats, and one on a minority seat. This makes up for only 19.8 percent of the total representation of women in the house of 342.
- Women have played an active role in the politics throughout the history. However, women's representation in politics has been consistently low. Since the independence of Pakistan, women political participation has gone through many highs and lows.
- The 2002 Legal Framework Order and subsequently 17th amendment provided a breakthrough for women's political representation by taking an affirmative action of reserving 60 seats for women in the NA and 17 in the Senate. The highest proportion of seats by women in NA was during 2008 – 2013 at 22.5 percent.
- Despite the numerous efforts by the Election Commission of Pakistan (ECP) and civil society organizations (CSOs) to increase women's voter registration and turnout, the ratio of registered women voters has consistently remained between 44 and 46% during 2008 – 2018 with

the highest gap in absolute numbers during 2018 elections with 12.5 million more male voters than women voters.

- On the other hand, the number of women candidates against the general seats has consistently increased over time, with the highest number in the GE 2018 where 171 women candidates attempted to run against the general seats, of which only 8 women made it to the NA through direct election. Despite the rise in Pakistani women's interest in active participation in politics, the number of women parliamentarians has decreased from 22.5% in 2008 to 20% in 2018.
- The parliamentary performance data of the 13th and 14th NAs contradicts the popular notion in Pakistan that women lawmakers play merely a symbolic role on women reserved seats. The parliamentary performance data between 2008 – 2018 reveal that women parliamentarians have out-performed their male counterparts in certain areas, especially in private members' bills, attendance, and asking questions. Even though women parliamentarians have had a mere 20% – 22% representation between 2008 – 2018, the annual performance data collected by PILDAT and FAFEN demonstrate better performance and active participation of women parliamentarians.
- At the national level, several pro-women and gender-sensitive laws were enacted during 2008 – 2018. The 13th NA (2008 to 2013) was a historical era for pro-women legislation. The momentum has continued since then with the most recent development in recognition and protection of the transgender person.
- Women have a very low representation in the parliamentary standing committees as leaders. The low representation of women in committee leadership role hinders women participation in the oversight and monitoring of the government. During 2008 to 2018, women lawmakers have held 8.5 percent and 10 percent leadership position in the 13th and 14th NAs respectively. The ratio of women in the leadership of the Senate standing committees is similar to the NA with 8.3% during 2015 – 2018 and slightly higher, 18 percent during 2018 – 2021.
- The current quota model used in Pakistan for women and minorities for reserved seats makes women on reserved seats completely dependent on the whims of their political party's leadership for an appointment rather than being voted in. This hinders the empowerment of women

parliamentarians and negatively impact their legitimacy as public representatives.

- In Pakistan, political parties are the main gatekeepers to the political arena because they control the nomination process. The placement of candidates by political parties affect the chances of candidates of being elected. The results of the elections between 2008 – 2018 show a lack of will in political parties in allocating party tickets to women on winnable seats.

Recommendations

New, Broad-based Social Contract: Keeping in view the new realities of society and politics, there is a need for a new social contract based on wider consensus of political parties, social groups and institutions. There is growing perception that the political consensus based on CoD is not relevant to guide legislation and policy formulation in 2018 and beyond. Even the leadership of political parties who signed the charter is stressing the need for a new CoD by all democratic political parties.³³⁹ The new Charter of Democracy should be followed by an elaborate, institutionally-anchored, sustainable parliamentary reform aimed at institutional transformation.

Consultative and Participatory Strategic Planning Process: Strategic planning process of parliamentary institutions in Pakistan, which started in 2009, has mainly suffered from lack of organizational ownership and institutionalization. Consequently, these strategic plans remained extraneous to organizational planning, resource allocation, recruitment and performance management. The key gap in the process has been the lack of institutionalization of the planning with appropriate implementation mechanisms devolved to the lowest level within the organization.

Unlike these past strategic plans, there is a need to initiate a more consultative process for development of strategic plan for federal parliament. It should bring a well-documented, intra-organizational and more institutionalized plan. This effort has to be thoroughly consultative and participatory.

Post-Legislative Scrutiny: A common refrain in Pakistan vis-à-vis lawmaking is the lack or weak implementation of laws. For example, the parliament passed the National Commission on the Rights of the Child Act in 2017 but the commission has not been established yet.³⁴⁰ Similarly, the Prevention of Smuggling of Migrants Act 2018 has been termed “a welcome and much-

339 Amir Wasim. “Bilawal calls for new charter of democracy among all parties”, Daily Dawn, July 18, 2018 Source: , <https://www.dawn.com/news/1420773>

340 Daily Times. Call to set up national commission on children rights, 20 January 2018 [available at <https://dailytimes.com.pk/184866/call-set-national-commission-children-rights/>]

needed move”, followed by the lament that “as with all laws in Pakistan, enforcement remains the real challenge”.³⁴¹

With the “existence of multiple laws in the statutes book” making “Pakistan an over-legislated country”, the parliament may think about enhancing its role in “monitoring and implementation of legislation and evaluating whether the laws it has passed have achieved their intended outcomes.”³⁴² This process is now known as Post Legislative Scrutiny.

The UK Law Commission lists four reasons for putting in place a systematic scrutiny of laws – “to see whether legislation is working out in practice, as intended; to contribute to better regulation (secondary legislation); to improve the focus on implementation and delivery of policy aims; to identify and disseminate good practice so that lessons may be drawn from the successes and failures revealed by this scrutiny work”.³⁴³

Currently in Pakistan a Senate Standing Committee on Delegated Legislation exists.³⁴⁴ The committee has been formed to “propose legislation and formulate policy for the laying of each rule, regulation, bye-law, scheme or other statutory instrument...framed in pursuance of the Constitution or the legislative functions delegated by the parliament to a subordinate authority”.³⁴⁵ There is a need to make this committee more effective so that it becomes an example for other legislative bodies.

Parliamentary Committees:

- The parliamentary committees should widen the opportunities for citizens to give input through public hearings in order to get all viewpoints on issues under their remit, including those potentially contentious.³⁴⁶ This will help strengthen the link between the parliament and the people. Such meetings should be widely advertised to ensure participation of relevant stakeholders.

341 Dawn. Human Smuggling, 7 October 2018 [available at <https://www.dawn.com/news/1437374>]

342 Ibid,

343 Ibid

344 Dawn. ‘Post-Legislative Scrutiny is nicety of advanced democracy’, 12 July 2018 [available at <https://www.dawn.com/news/1419538>]

345 Westminster Foundation for Democracy. 2017. Post-Legislative Scrutiny, Comparative study of practices of Post-Legislative Scrutiny in selected parliaments and the rationale for its place in democracy assistance, P.33

346 Parliament’s role in Pakistan’s Democratic Transition. 2013. International Crisis Group, P.3

- Sufficient financial and human resources should be allocated for the Standing Committees, providing work space and adequate staff.
- Every Standing Committee may bring out annual reports, outlining its work in terms of contributing to national policies and strengthening linkages with the people.

Gender and Parliament:

To improve political inclusion in Pakistan, the following set of recommendations are presented:

- There is a need for a more systematic and long-term capacity building plan for women parliamentarians and potential women and transgender candidates to enable them to contest in an even playing field. To enhance women's participation in politics, it is crucial to ensure that women have all the necessary competencies to participate in politics.
- There is a dire need for a change in the discourse in which the political parties in Pakistan nominate candidates. The Beijing Platform recommends focusing on addressing the mechanisms of exclusion by bringing about a reform in institutional practices of political parties and committing them to an affirmative action with the goal of improving gender equality in the political parties' processes, especially in the nomination of candidates.
- There is a need to improve the current gender quota system in Pakistan to ensure that more inclusive political participation. A different model should be considered for election of women on reserved seats. In addition, the government should consider increasing women reserved seats based on their demographic proportion and population.
- There is a dire need to balance the ratio of women in leadership roles especially in the standing committees in the NA and the Senate.
- Sanctions for non-compliance with the current gender equality laws and procedures are necessary to ensure effective implementation of the current laws and Pakistan's international obligations towards increasing women's political representation and participation. It is therefore recommended that the government of Pakistan and the ECP enforce strict measures to obligate the political parties to abide by the gender-sensitive laws and affirmative actions. Sanctions for non-compliance are being used in other countries. For example,

the French Constitution requires that 50 percent of candidates on lists forwarded for election must be women, or political parties face financial sanctions.³⁴⁷

- Finally, a boarder-awareness-raising campaign should be launched by the government and civil society organizations to highlight the importance of inclusive political participation. It is further recommended that gender issues are incorporated into civic education and educational curriculum to ensure a wider awareness and comprehension of the importance of inclusive political participation.

³⁴⁷ Ibid.

Annexes

Annex I

Legislative Business in Parliament (2008 - 2018) Resolutions in Senate (2008 - 2009)

Year	Adopted	Moved
2008 – 09	11	105
2009 – 10	05	94
2010 – 11	04	162
2011 – 12	05	19
2013 – 14	26	50
2015 – 16	182	239
2016 – 17	56	648
2017 – 18	60	406
Total	349	1723

Source: Senate, PILDAT and FAFEN Reports

Calling Attention Notices in Senate (2008 - 2018)

Year	Received	Taken Up
2008 – 09	44	10
2009 – 10	16	8
2010 – 11	25	3
2011 – 12	10	6
2013 – 14	4	3
2015 – 16	150	77
2016 – 17	199	94
2017 – 18	93	81
Total	541	282

Source: Senate, PILDAT and FAFEN Reports

National Assembly of Pakistan Budget Session Days in National Assembly (2008 - 2017)

Year	Budget Session Days
2008	19
2009	14
2010	22
2011	17
2012	10
2013	13
2014	14
2015	15
2016	17
2017	15

Source: FAFEN, Parliamentary Reports 2008-17

Calling Attention Notices - National Assembly (2008 -2018)

Duration	Taken Up	Not Taken Up	Total
2008 - 2013	440	103	543
2013 - 2018	424	109	533

Source: FAFEN, Performance of the 13th and 14th National Assembly Report

Resolutions in National Assembly (2008 - 2018)

Parliamentary Year	Moved	Adopted
2008 - 2013	243	85
2013 - 2018	464	209

Source: FAFEN, Performance of the 13th and 14th National Assembly Report

13th National Assembly of Pakistan (2008 to 2013)

Private Members' Bills

Agenda Items	First Year	Second Year	Third Year	Fourth Year	Fifth Year	Total
No. of Govt. Bills Passed	4	29	30	25	28	116
No. Private Members' Bills Introduced	39	58	17	40	35	189
No. of Private Members' Bills Passed	1	3	1	4	9	18

Source: FAFEN, Performance of the 13th National Assembly Report

14th National Assembly of Pakistan (2013 to 2018)

Private Members' Bills

Agenda Items	First Year	Second Year	Third Year	Fourth Year	Fifth Year	Total
Govt. Bills Passed	11	16	59	50	46	182
Private Members' Bills Introduced	45	35	44	68	45	237
Private Members' Bills Passed	0	0	0	9	14	23

Source: FAFEN, Performance of the 14th National Assembly Report

13th National Assembly | Questions (2008 - 2013)

Parliamentary Year	Starred	Un-Starred	Total
1st Parliamentary Year	1,454	2,029	3,483
2nd Parliamentary Year	1,762	2,476	4,238
3rd Parliamentary Year	1,392	1,735	3,127
4th Parliamentary Year	1,265	1,280	2,545
5th Parliamentary Year	1,247	1,416	2,663
Total	7,120	8,936	16,056

Source: FAFEN, Performance of the 13th National Assembly Report

Government Response to Questions: 13th National Assembly (2008 – 2013)

Parliamentary Year	Questions Fully Answered	Questions Not Answered	Questions Partially Answered	Questions Withdrawn	Total
1st Parliamentary Year	2,896	566	21		3,483
2nd Parliamentary Year	3,465	752	16	5	4,238
3rd Parliamentary Year	2,495	628	3	1	3,127
4th Parliamentary Year	1,893	626	26		2,545
5th Parliamentary Year	1,874	787	2		2,663
Total	12,623	3,359	68	6	16,056

Source: FAFEN, Performance of the 13th National Assembly Report

Calling Attention Notices - 13th National Assembly (2008 – 2013)

Agenda Items	1st Parliamentary Year	2nd Parliamentary Year	3rd Parliamentary Year	4th Parliamentary Year	5th Parliamentary Year
Number of calling attention notices on agenda	109	108	120	122	84
No. of calling attention notices taken up	90	88	96	101	65

Source: FAFEN, Performance of the 13th National Assembly Report

Calling Actions Notices 14th National Assembly (2013 – 2018)

Under consideration during the House proceedings	424
Never Read out	96
Dropped due to the absence of mover	8
Pending	4
Withdrawn by mover	1
Total Submitted CANS	533

Source: FAFEN, Performance of the 14th National Assembly Report

Resolutions | 13th National Assembly (2008 - 2013)

Parliamentary Year	Adopted	Not Taken Up	Total
1st Parliamentary Year	16	44	60
2nd Parliamentary Year	14	32	46
3rd Parliamentary Year	12	27	39
4th Parliamentary Year	9	43	52
5th Parliamentary Year	34	12	46
Total	85	158	243

Resolutions | 14th National Assembly (2013 - 2018)

Government Resolutions	44
Private members resolutions	87
Private members & jointly sponsored	78
Total adopted	209

Source: FAFEN, Performance of the 14th National Assembly Report

**Gender & Party-Wise Movers of Resolutions:
14th National Assembly (2013 - 2018)**

Political Party	Male	Female	Overall
Awami Jamhuri Ittehad Pakistan	1		1
Awami Muslim League Pakistan	1		1
Awami National Party	1		1
All Pakistan Muslim League	1		1
Balochistan National Party	1		1
Independents	7		7
Jamaat e Islami	3	1	4
Jamiat e Ulema e Islam	9	4	13
Mutehda Qaumi Movement	22	5	27
National Party	1		1
National Peoples Party	1		1
Pashtunkhwa Milli Awami Party	3	1	4
Pakistan Muslim League	1		1
Pakistan Muslim League – Functional	1	1	2
Pakistan Muslim League – Nawaz	50	31	81
Pakistan Muslim League – Zia	1		1
Pakistan Peoples Party	9	11	20
Pakistan Tehreek-e-Insaf	25	6	31
Qaumi Watan Party	1		1
Overall	139	60	199

Source: FAFEN, Performance of the 14th National Assembly Report

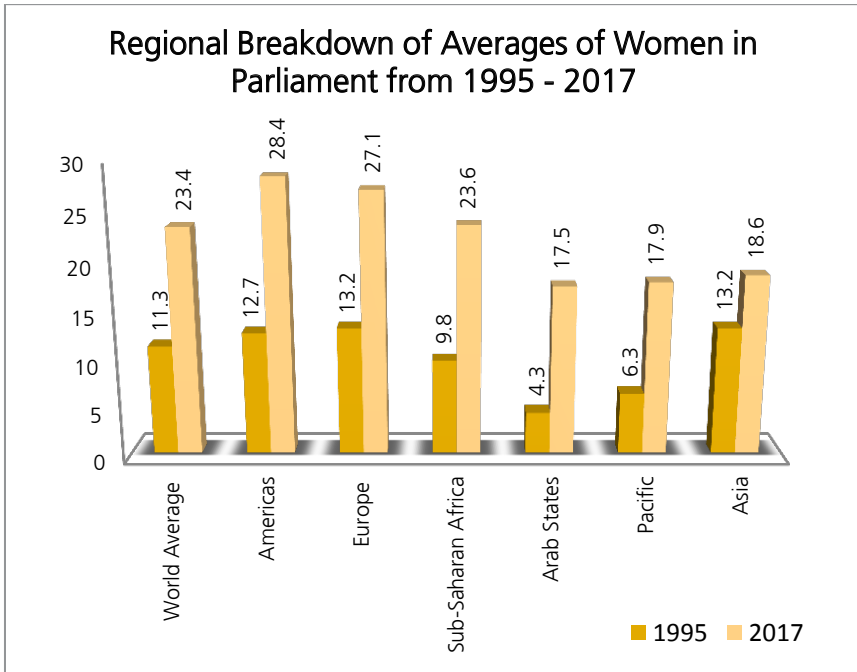
Motions under Rule 259
13th National Assembly (2008 - 2013)

Parliamentary Year	Not Taken Up	Adopted	Total
1st Parliamentary Year	53	6	59
2nd Parliamentary Year	74	9	83
3rd Parliamentary Year	67	8	75
4th Parliamentary Year	55	18	73
5th Parliamentary Year	69	6	75
Total	318	47	365

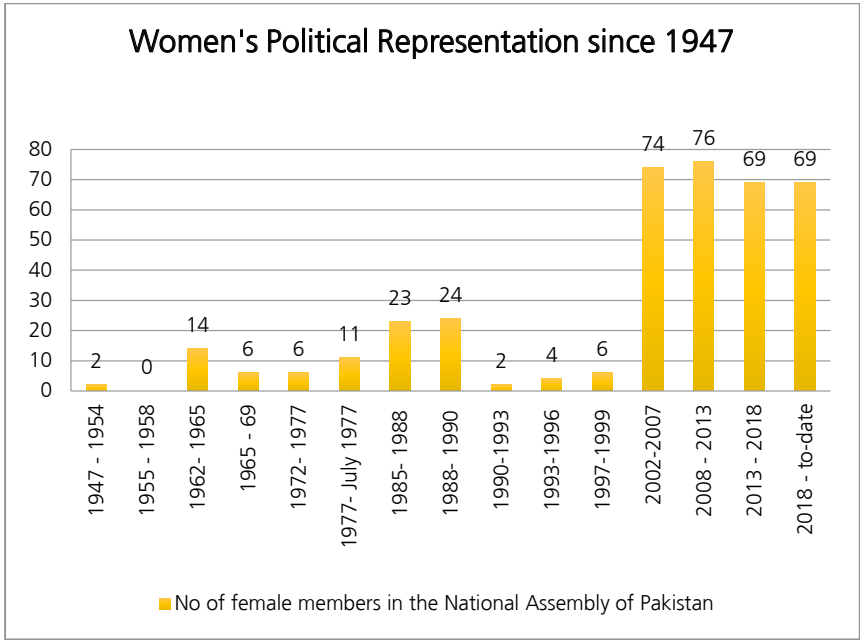
Source: FAFEN, Performance of the 13th National Assembly Report

Annex II

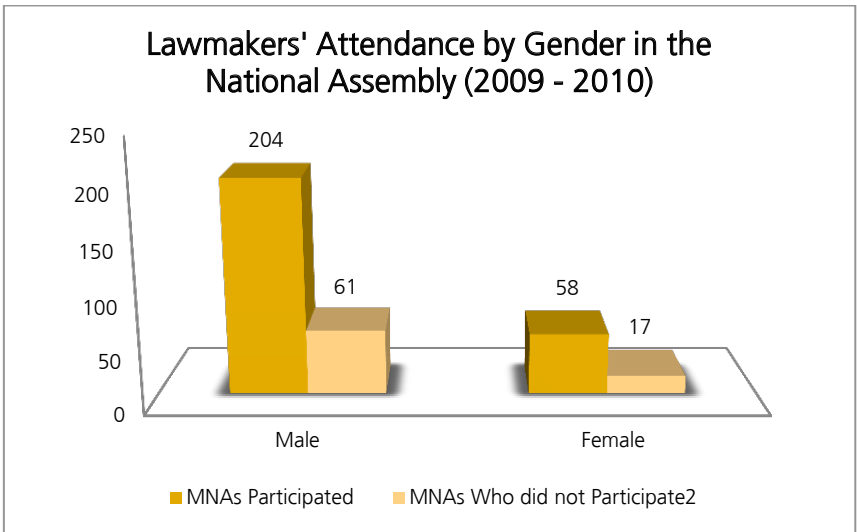
Gender in Parliament



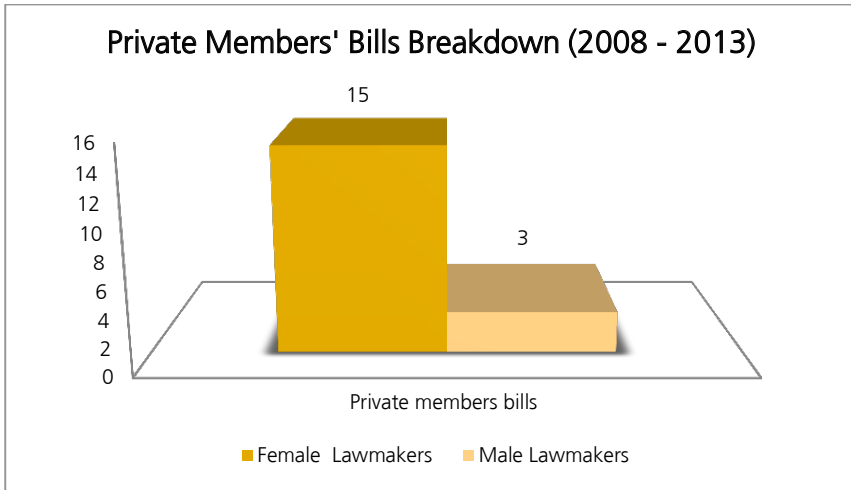
Source: Inter-Parliamentary Union, "Women in Parliament Review", 2017 Report.



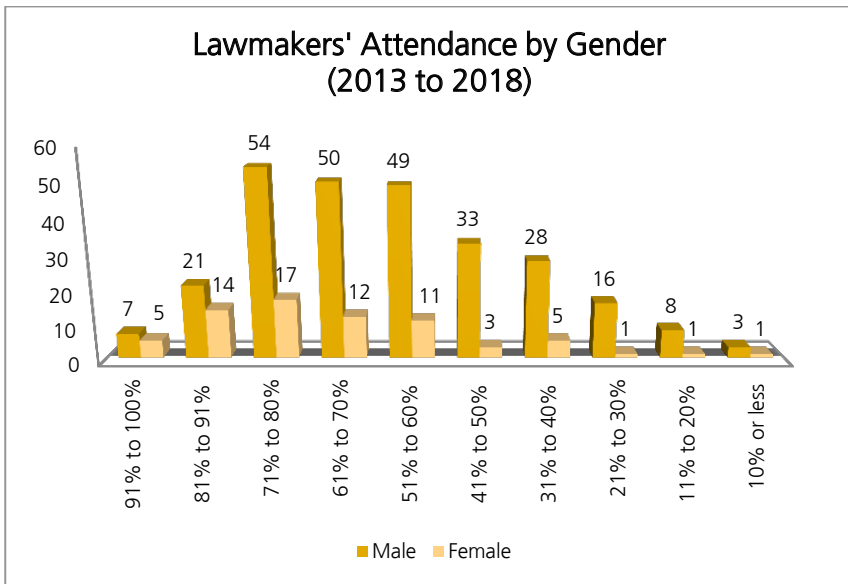
Source: Library of National Assembly of Pakistan Records and 'An Introduction to the Women's Parliamentary Caucus Report' by the Women Caucus of the Parliament



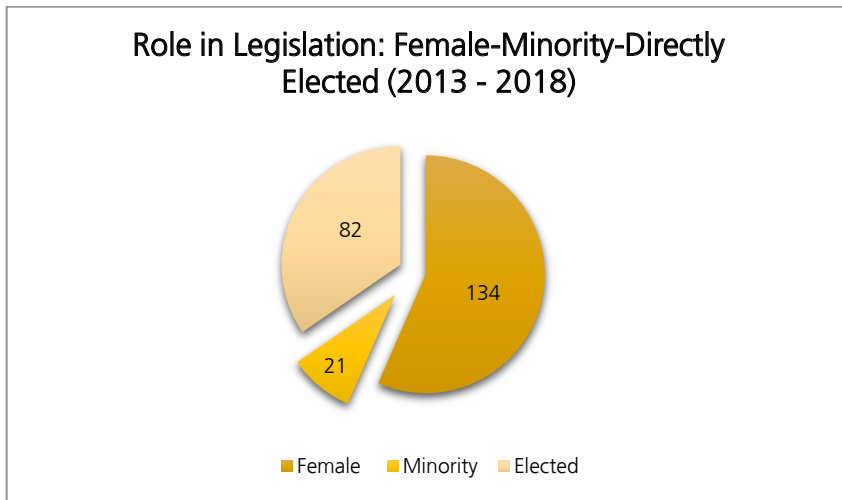
Source: FAFEN, Parliament Monitor-Second parliamentary year-13th National Assembly. p.12.



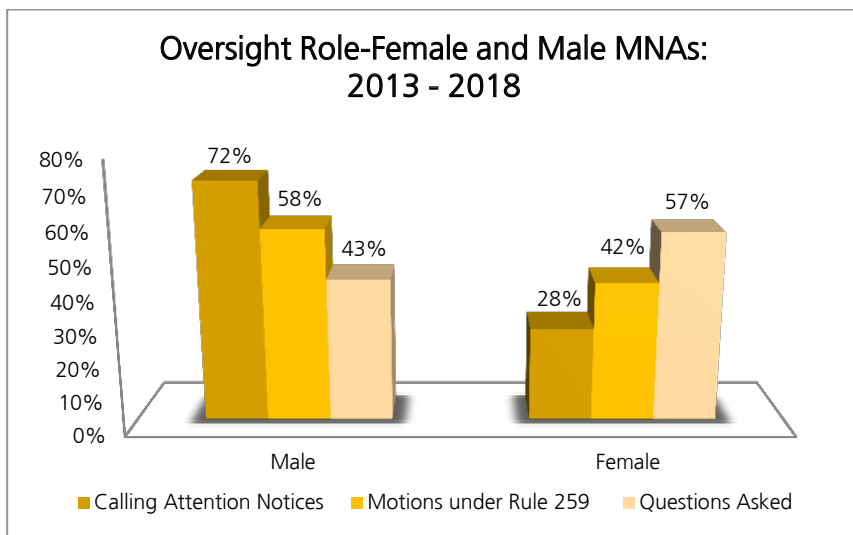
Source: FAFEN, Performance of the 13th National Assembly Report



Source: FAFEN, Performance of the 14th National Assembly of Pakistan 2013 – 2018 Report



Source: Performance of the 14th National Assembly of Pakistan 2013 – 2018 Report by FAFEN

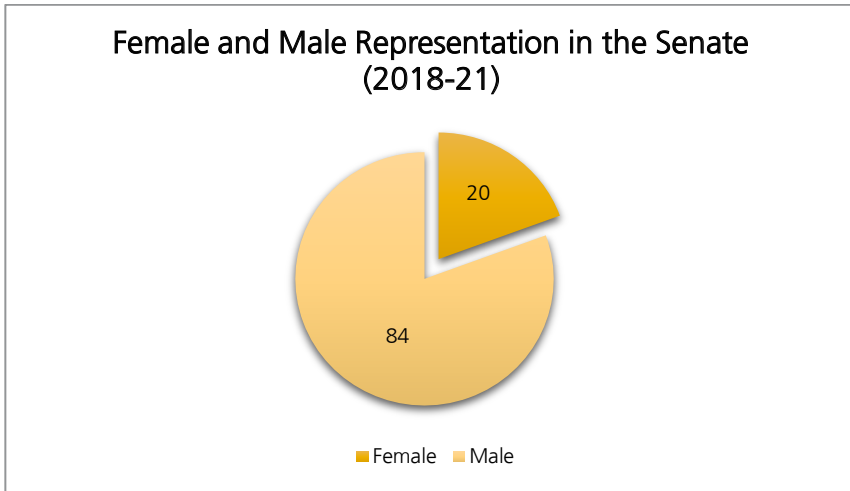


Source: FAFEN, Performance of the 14th National Assembly Report

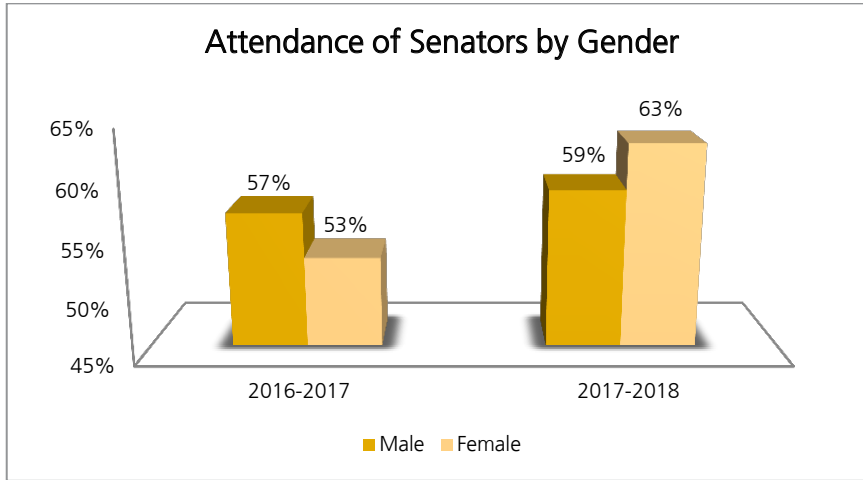
Gender Break-up of Top Parliamentary Performers

Parliamentary Outputs	The Ratio of Female Top Performers	The Ratio of Male Top Performers
Legislation	62%	38%
Resolutions	83%	17%
Question Hour	90%	10p%
Calling Attention Notices	60%	40%
Matters of Public Importance	50%	50%
Motions under Rule 259	82%	18%

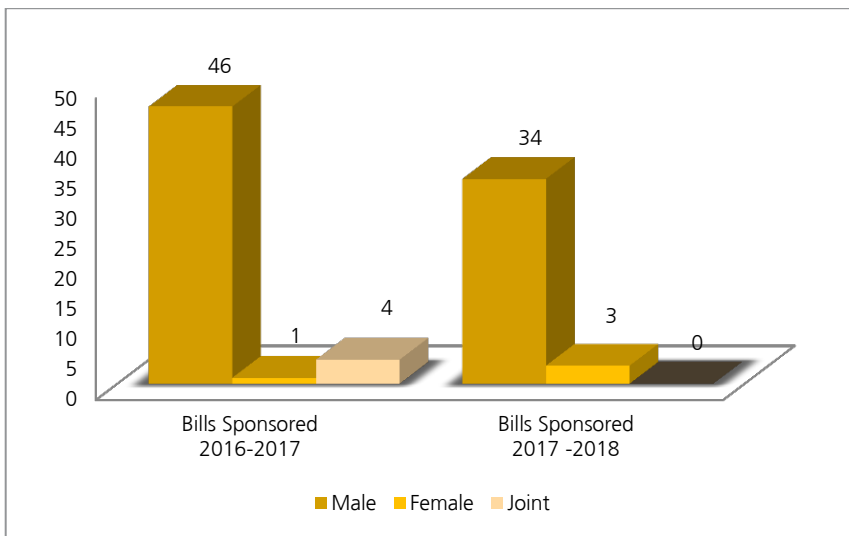
Source: FAFEN Report, Top parliamentary Performers in the 13th National Assembly



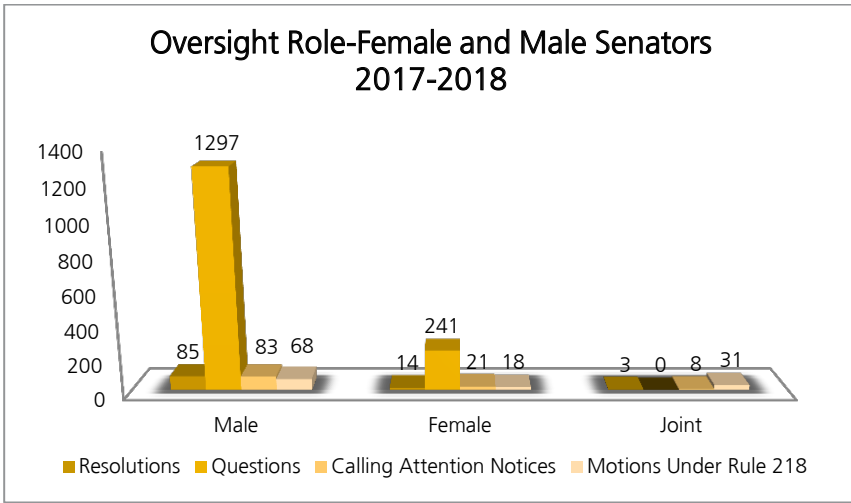
Source: The Senate of Pakistan Website



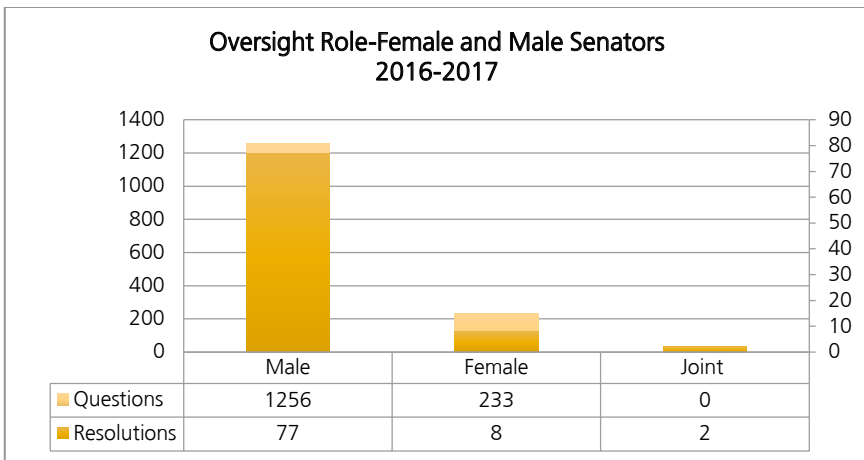
Source: FAFEN 2016 - 2017 and 2017 - 2018-Reports on Performance of Women Senators



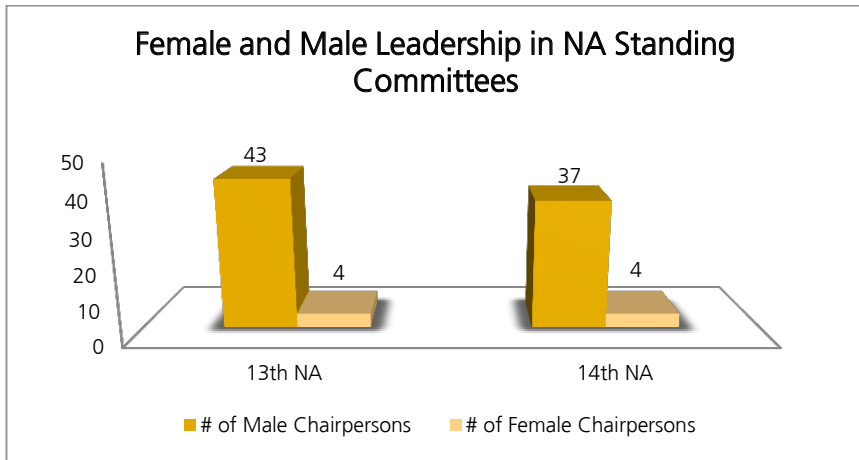
Source: FAFEN 2016 - 2017 and 2017 - 2018-Reports on Performance of Women Senators



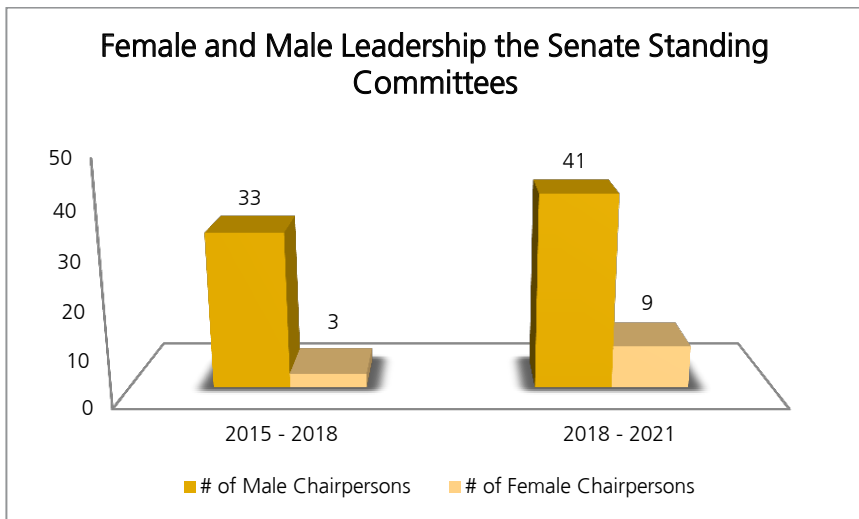
Source: FAFEN. A Report on Performance of Women Legislators. 2016 - 2017



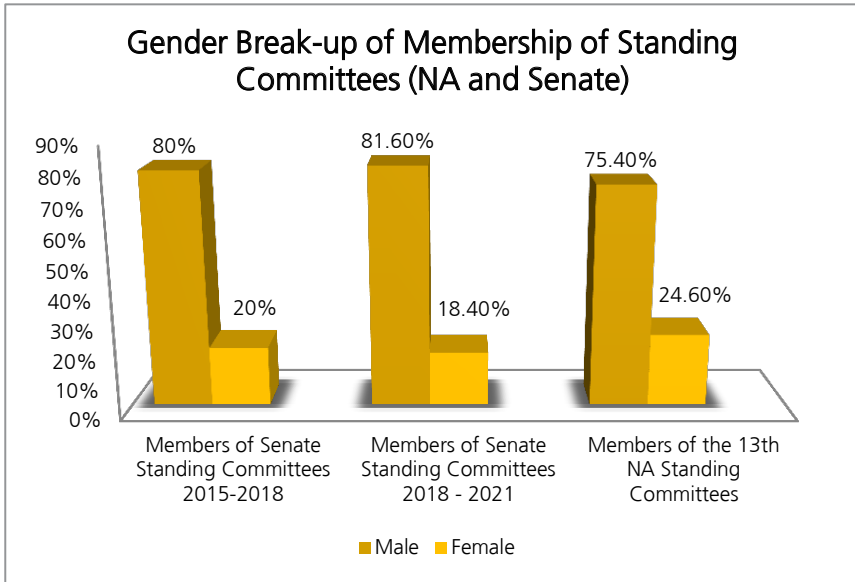
Source: FAFEN. A Report on Performance of Women Legislators. 2016 - 2017



Source: The National Assembly of Pakistan



Source: The Senate of Pakistan Website



Source: Senate and National Assembly Reports

Annex III

Charter of Democracy³⁴⁸

The following is the text of the Charter of Democracy signed by former prime ministers Benazir Bhutto and Nawaz Sharif in London on May 14, 2006:

We the elected leaders of Pakistan have deliberated on the political crisis in our beloved homeland, the threats to its survival, the erosion of the federation's unity, the military's subordination of all state institutions, the marginalization of civil society, the mockery of the Constitution and representative institutions, growing poverty, unemployment and inequality, brutalization of society, breakdown of rule of law and, the unprecedented hardships facing our people under a military dictatorship, which has pushed our beloved country to the brink of a total disaster;

Noting the most devastating and traumatic experiences that our nation experienced under military dictatorships that played havoc with the nation's destiny and created conditions disallowing the progress of our people and the flowering of democracy. Even after removal from office they undermined the people's mandate and the sovereign will of the people;

Drawing history's lesson that the military dictatorship and the nation cannot co-exist – as military involvement adversely affect the economy and the democratic institutions as well as the defence capabilities, and the integrity of the country - the nation needs a new direction different from a militaristic and regimental approach of the Bonapartist regimes, as the current one;

Taking serious exception to the vilification campaign against the representatives of the people, in particular, and the civilians, in general, the victimization of political leaders/workers and their media trials under a Draconian law in the name of accountability, in order to divide and eliminate the representative political parties, to Gerrymander a king's party and concoct legitimacy to prolong the military rule;

Noting our responsibility to our people to set an alternative direction for the country saving it from its present predicaments on an economically sustainable, socially progressive, politically democratic and pluralist, federally cooperative, ideologically tolerant, internationally respectable and regionally

348 Daily DAWN, May 16, 2006

peaceful basis in the larger interests of the peoples of Pakistan to decide once for all that only the people and no one else has the sovereign right to govern through their elected representatives, as conceived by the democrat par excellence, Father of the Nation Quaid-i-Azam Mohammed Ali Jinnah;

Reaffirming our commitment to undiluted democracy and universally recognized fundamental rights, the rights of a vibrant opposition, internal party democracy, ideological/political tolerance, bipartisan working of the parliament through powerful committee system, a cooperative federation with no discrimination against federating units, the de-centralization and devolution of power, maximum provincial autonomy, the empowerment of the people at the grassroots level, the emancipation of our people from poverty, ignorance, want and disease, the uplift of women and minorities, the elimination of klashnikov culture, a free and independent media, an independent judiciary, a neutral civil service, rule of law and merit, the settlement of disputes with the neighbor's through peaceful means, honoring international contracts, laws/covenants and sovereign guarantees, so as to achieve a responsible and civilized status in the comity of nations through a foreign policy that suits our national interests;

Calling upon the people of Pakistan to join hands to save our motherland from the clutches of military dictatorship and to defend their fundamental, social, political and economic rights and for a democratic, federal, modern and progressive Pakistan as dreamt by the Founder of the nation; have adopted the following, "Charter of Democracy";

A. CONSTITUTIONAL AMENDMENTS

1. The 1973 Constitution as on 12th October 1999 before the military coup shall be restored with the provisions of joint electorates, minorities, and women reserved seats on closed party list in the Parliament, the lowering of the voting age, and the increase in seats in parliament and the Legal Framework Order, 2000 and the Seventeenth Constitutional Amendment shall be repealed accordingly.
2. The appointment of the governors, three services chiefs and the CJSC shall be made by the chief executive who is the prime minister, as per the 1973 Constitution.
3. (a) The recommendations for appointment of judges to superior judiciary shall be formulated through a commission, which shall comprise of the following:

- i) The chairman shall be a chief justice, who has never previously taken oath under the PCO.
- ii) The members of the commission shall be the chief justices of the provincial high courts who have not taken oath under the PCO, failing which the senior most judge of that high court who has not taken oath shall be the member
- iii) Vice-Chairmen of Pakistan and Vice-Chairmen of Provincial Bar Association with respect to the appointment of judges to their concerned province
- iv) President of Supreme Court Bar Association
- v) Presidents of High Court Bar Associations of Karachi, Lahore, Peshawar, and Quetta with respect to the appointment of judges to their concerned province
- vi) Federal Minister for Law and Justice
- vii) Attorney General of Pakistan

(a-i) The commission shall forward a panel of three names for each vacancy to the prime minister, who shall forward one name for confirmation to joint parliamentary committee for confirmation of the nomination through a transparent public hearing process.

(a-ii) The joint parliamentary committee shall comprise of 50 per cent members from the treasury benches and the remaining 50 per cent from opposition parties based on their strength in the parliament nominated by respective parliamentary leaders.

(b) No judge shall take oath under any Provisional Constitutional Order or any other oath that is contradictory to the exact language of the original oath prescribed in the Constitution of 1973.

(c) Administrative mechanism will be instituted for the prevention of misconduct, implementation of code of ethics, and removal of judges on such charges brought to its attention by any citizen through the proposed commission for appointment of Judges. (d) All special courts including anti-terrorism and accountability courts shall be abolished and such cases be tried in ordinary courts. Further to create a set of rules and procedures whereby, the arbitrary powers of the chief justices over the assignment of cases to various judges and the transfer of judges to various benches such powers shall be exercised by the Chief Justice and two senior most judges sitting together.

4. A Federal Constitutional Court will be set up to resolve constitutional issues, giving equal representation to each of the federating units, whose members may be judges or persons qualified to be judges of the Supreme Court, constituted for a six-year period. The Supreme and High Courts will hear regular civil and criminal cases. The appointment of judges shall be made in the same manner as for judges of higher judiciary.
5. The Concurrent List in the Constitution will be abolished. A new NFC award will be announced.
6. The reserved seats for women in the national and provincial assemblies will be allocated to the parties on the basis of the number of votes polled in the general elections by each party.
7. The strength of the Senate of Pakistan shall be increased to give representation to minorities in the Senate.
8. FATA shall be included in the NWFP province in consultation with them.
9. Northern Areas shall be developed by giving it a special status and further empowering the Northern Areas Legislative Council to provide people of Northern Areas access to justice and human rights.
10. Local bodies election will be held on party basis through provincial election commissions in respective provinces and constitutional protection will be given to the local bodies to make them autonomous and answerable to their respective assemblies as well as to the people through regular courts of law.

B. CODE OF CONDUCT

11. National Security Council will be abolished. Defence Cabinet Committee will be headed by prime minister and will have a permanent secretariat. The prime minister may appoint a federal security adviser to process intelligence reports for the prime minister. The efficacy of the higher defence and security structure, created two decades ago, will be reviewed. The Joint Services Command structure will be strengthened and made more effective and headed in rotation among the three services by law.
12. The ban on a 'prime minister not being eligible for a third term of office' will be abolished.
13. (a) Truth and Reconciliation Commission be established to acknowledge victims of torture, imprisonment, state-sponsored persecution, targeted legislation, and politically motivated accountability. The commission will

also examine and report its findings on military coups and civil removals of governments from 1996.

(b) A commission shall also examine and identify the causes of and fix responsibility and make recommendations in the light thereof for incidences such as Kargil.

(c) Accountability of NAB and other Ehtesab operators to identify and hold accountable abuse of office by NAB operators through purgery and perversion of justice and violation of human rights since its establishment.

(d) To replace politically motivated NAB with an independent accountability commission, whose chairman shall be nominated by the prime minister in consultation with the leader of opposition and confirmed by a joint parliamentary committee with 50 per cent members from treasury benches and remaining 50 per cent from opposition parties in same manner as appointment of judges through transparent public hearing. The confirmed nominee shall meet the standard of political impartiality, judicial propriety, moderate views expressed through his judgements and would have not dealt.

14. The press and electronic media will be allowed its independence. Access to information will become law after parliamentary debate and public scrutiny.

15. The chairmen of public accounts committee in the national and provincial assemblies will be appointed by the leaders of opposition in the concerned assemblies.

16. An effective Nuclear Command and Control system under the Defence Cabinet Committee will be put in place to avoid any possibility of leakage or proliferation.

17. Peaceful relations with India and Afghanistan will be pursued without prejudice to outstanding disputes.

18. Kashmir dispute should be settled in accordance with the UN Resolutions and the aspirations of the people of Jammu and Kashmir.

19. Governance will be improved to help the common citizen, by giving access to quality social services like education, health, job generation, curbing price hike, combating illegal redundancies, and curbing lavish spending in civil and military establishments as ostentious causes great resentment amongst the teeming millions. We pledge to promote and practice simplicity, at all levels.

20. Women, minorities, and the under privileged will be provided equal opportunities in all walks of life.

21. We will respect the electoral mandate of representative governments that accepts the due role of the opposition and declare neither shall undermine each other through extra constitutional ways.

22. We shall not join a military regime or any military sponsored government. No party shall solicit the support of military to come into power or to dislodge a democratic government.

23. To prevent corruption and floor crossing all votes for the Senate and indirect seats will be by open identifiable ballot. Those violating the party discipline in the poll shall stand disqualified by a letter from the parliamentary party leader to the concerned Speaker or the Chairman Senate with a copy to the Election Commission for notification purposes within 14 days of receipt of letter failing which it will be deemed to have been notified on the expiry of that period.

24. All military and judicial officers will be required to file annual assets and income declarations like Parliamentarians to make them accountable to the public.

25. National Democracy Commission shall be established to promote and develop a democratic culture in the country and provide assistance to political parties for capacity building on the basis of their seats in parliament in a transparent manner.

26. Terrorism and militancy are by-products of military dictatorship, negation of democracy, are strongly condemned, and will be vigorously confronted.

C. FREE AND FAIR ELECTIONS

27. There shall be an independent, autonomous, and impartial election commission. The prime minister shall in consultation with leader of opposition forward up to three names for each position of chief election commissioner, members of election commission, and secretary to joint parliamentary committee, constituted on the same pattern as for appointment of judges in superior judiciary, through transparent public hearing process. In case of no consensus, both prime minister and leader of opposition shall forward separate lists to the joint parliamentary committee for consideration. Provincial election commissioner shall be appointed on the same pattern by committees of respective provincial assemblies.

28. All contesting political parties will be ensured a level playing field in the elections by the release of all political prisoners and the unconditional return of all political exiles. Elections shall be open to all political parties and

political personalities. The graduation requirement of eligibility which has led to corruption and fake degrees will be repealed.

29. Local bodies elections will be held within three months of the holding of general elections.

30. The concerned election authority shall suspend and appoint neutral administrators for all local bodies from the date of formation of a caretaker government for holding of general elections till the elections are held.

31. There shall be a neutral caretaker government to hold free, fair, and transparent elections. The members of the said government and their immediate relatives shall not contest elections.

D. CIVIL - MILITARY RELATIONS

32. The ISI, MI and other security agencies shall be accountable to the elected government through Prime Minister Sectt, Ministry of Defence, and Cabinet Division respectively. Their budgets will be approved by DCC after recommendations are prepared by the respective ministry. The political wings of all intelligence agencies will be disbanded. A committee will be formed to cut waste and bloat in the armed forces and security agencies in the interest of the defence and security of the country. All senior postings in these agencies shall be made with the approval of the government through respective ministry.

33. All indemnities and savings introduced by military regimes in the constitution shall be reviewed.

34. Defence budget shall be placed before the parliament for debate and approval.

35. Military land allotment and cantonment jurisdictions will come under the purview of defence ministry. A commission shall be set up to review, scrutinise, and examine the legitimacy of all such land allotment rules, regulations, and policies, along with all cases of state land allotment including those of military urban and agricultural land allotments since 12th October, 1999 to hold those accountable who have indulged in malpractices, profiteering, and favouritism.

36. Rules of business of the federal and provincial governments shall be reviewed to bring them in conformity with parliamentary form of government.

Annex IV

Parliamentary Procedures

Legislative Procedure: A bill regarding the federal legislative list can originate either in the National Assembly or in the Senate. Both the government and the private member's bills can be passed by a simple majority. A bill becomes a law when it is passed by the National Assembly and Senate and it receives the Presidential assent.

A money bill, however, originates only in the National Assembly and may be passed by the National Assembly with or without the recommendations of the Senate. In case of non-money bills, a bill passed by a majority of the members in a house is transmitted to the other, where if passed without any amendments, is presented to the President for assent.³⁴⁹

A constitutional amendment bill can originate in either of the houses and the support of a two-third majority of the total members of both the houses (separately) is required, before it is set to the President for assent.³⁵⁰ But a constitutional bill for "altering the limits of a province shall not be presented to the President for assent unless it has been passed by the Provincial Assembly of that Province by the votes of not less than two-thirds of its total membership."³⁵¹ There is no limitation on the power of the parliament to amend any provisions of the constitution and no amendment in the constitution can be called into question in any court or any ground.³⁵²

According to article 70 of the constitution, an ordinary bill (not constitutional amendment) rejected or not passed within 90 days of its laying in the house where it has been transmitted, at the request of the House in which it originated, the bill shall be considered in a joint sitting of the parliament.³⁵³

Types and Functions of Committees: The main categories of committees in Pakistan's parliament are Standing Committees, Special Committees,

349 Legislative Procedure. National Assembly of Pakistan, [available at <http://www.na.gov.pk/en/content.php?id=1>]

350 See article 239 of the constitution

351 Ibid

352 Ibid

353 If a Bill transmitted to a House is rejected or is not passed within ninety days of its laying in the House or a Bill sent to a House with amendments is not passed by that House with such amendments, the Bill, at the request of the House in which it originated, shall be considered in a joint sitting and if passed by the votes of the majority of the members present and voting in the joint sitting it shall be presented to the President for assent.

Select Committees, Bicameral Parliamentary Committees and Functional Committees.³⁵⁴ According to the Rule 198 of the National Assembly's rules of procedure, "in addition to Committees on Public Accounts, Rules of Procedures and Privileges, House and Library Assurances, and Business Advisory, there is to be a Standing Committee of the National Assembly (NA) for each Ministry of the Government. In this way, the oversight of the Executive Branch of the State is closely and independently exercised by the elected representatives."³⁵⁵

In the NA, a committee can "examine a Bill, subject, or a matter referred to it by the Assembly or the Speaker" and "submit its report to the Assembly or to the Speaker."³⁵⁶ While examining a bill, a committee examines whether it "violates, disregards or is otherwise not in accordance with the Constitution".³⁵⁷ A committee can further review "the expenditures, administration, delegated legislation, public petitions and policies of the Ministry concerned and its associated public bodies".³⁵⁸

Both in the Senate and National Assembly, the parliamentary committees have the "power to require the attendance of persons or the production of papers or records."³⁵⁹ The rules of the National Assembly and Senate also allow the committees to hold public hearings. A Senate Committee "may hold a public hearing for seeking input from the public at large or any relevant stakeholder and may also invite or summon any person or member having special knowledge to give an expert opinion or give evidence".³⁶⁰ Similarly a NA committee "may invite or summon or allow to appear before the committee any member or person having a special interest in relation to any matter under its consideration and may hear expert evidence and hold a public hearing."³⁶¹

Both the National Assembly and Senate have the Council of Chairmen which are headed by the Speaker and the Chairman respectively to discuss and coordinate matters related to committees.

354 The Committees of the 13th National Assembly. 2008-13. Strengthening Democracy through Parliamentary Democracy, UNDP, P.54

355 Ibid

356 See Rule 201 of the National Assembly's Rules of Procedure and Conduct of Business 2007

357 Ibid

358 Ibid

359 See Rule 227 of the National Assembly's Rules of Procedure and Conduct of Business 2007

360 See Rule 187 3(A) of the Rules of Procedure and Conduct of Business in the Senate 2012

361 See Rule 227 3) of the National Assembly's Rules of Procedure and Conduct of Business 2007

Annex V

Federal Public Accounts Committees in Pakistan: (1951 - 2018)

After independence, the first PAC was constituted on 20th May, 1948. The committee could not meet. Thereafter, the following PACs were constituted from 1951 to 2018.

Name of the Committee	Date of Constitution	Chairman
2nd PAC	14-04-1951	Mr. Ghayasuddin Pathan, Minister of State for Finance
3rd PAC	12-04-1953	Mr. Mohammad Ali, Finance Minister
4th PAC	13-04-1956	Syed Amjad Ali, Finance Minister
1st Ad-Hoc PAC	03-03-1960	Mr. Mohammad Shoaib, Finance Minister
5th PAC	13-07-1965	Mr. Noor-ul-Amin, MNA
2nd Ad-Hoc PAC	13-11-1965	Mr. Noor-ul-Amin, MNA
3rd Ad-Hoc PAC	12-6-1970	Mr. Muzaffar Ali Qizilbash, Finance Minister
6th PAC	18-08-1972	i) Mr. Mubashir Hassan, Finance Minister ii) Rana M. Hanif Khan, Finance Minister
4th Ad-Hoc PAC	25-03-1978	Mr. A.G.N. Kazi, Governor SBP
5th Ad-Hoc PAC	25-08-1982	Mr. Ghulam Ishaq Khan
7th PAC	18-08-1985	Sahibzada M. Ali Shah, MNA
8th PAC	15-03-1989	Mr. Hakim Ali Zardari, MNA
9th PAC	16-05-1991	Mr. Hamza, MNA
10th PAC	28-08-1995	Rao M. Hashim Khan, MNA
11th PAC	12-05-1997	Mr. Hamza, MNA
6th Ad-Hoc PAC	25-08-2000	Mr. H.U. Beg
12th PAC	03-11-2003	Malik Allah Yar Khan, MNA
13th PAC	10-04-2008	i) Ch. Nisar Ali Khan, MNA 19-09-2008 to 14-12-2011 ii) Mr. Nadeem Afzal Gondal, MNA 25-04-2012 to 16-03-2013
14th PAC	21-08-2013	Syed Khursheed Ahmed Shah, MNA 11-12-2013 to 31.5.2018

Source: Website of Public Accounts Committee, National Assembly. http://www.pac.na.gov.pk/?q=past_committee.html

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