

PARLIAMENTARY LEGISLATION IN DEVELOPING POLITICAL SYSTEMS ANALYSIS OF STANDING COMMITTEES OF NATIONAL ASSEMBLY OF PAKISTAN

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Abstract

Legislation is the basic function of legislature. Parliament is occupied by ruling party and usually the parliamentarians belonging to the opposition are ignored in the law-making process. However, opposition plays its role in the legislative process through parliamentary committees, also called Standing committees. Committees play a very crucial role of monitoring and overseeing the working of the relevant ministries of the government. These are regarded as the highly important organs of the government in the parliamentary democracies. Over the years, parliamentary committees became an indispensable and integral part of the legislative system. This research discusses the need and performance of the committees of National Assembly of Pakistan and examines the committee system government divides the work load by assigning them specific fields. Standing committees can be an important forum for reconciling conflicting interests. The function of standing (or permanent) committees within a legislature is to engage in the detailed, usually line-by-line, examination of various bills. This research can be very helpful in examining the role of committees in the legislation process. Parliamentary Study is the most popular topic of modern political theory.

Key Words: Standing Committees, Legislation, Mediation Committee, Multifunctional Public Accounts Committees, Eighteenth Amendment, PEMRA, ERRA

Conceptual Analysis

Legislation is the process in which elected representatives make laws for the welfare of the public. In the parliamentary system, power of the public is vested in the parliament as the result of the elections held at certain occasions. Parliament makes sure the active dealings and best possible participatory democracy between elected representatives and the people. Parliament and the parliamentarians perform various functions. Parliament's role has been elevated around the globe in the recent years. It is not confined to the ratification of laws only. Now, a parliament has become a multifunctional institution. However, like other parliaments, parliament of Pakistan has also emerged as the multifunctional institution.

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Representation of the nation, legislation and overseeing the performance of the sitting government are the key functions of parliament. If parliament plays an effective role in a democratic country, it can strengthen the efficacy of the government. But its functions are rarely defined in any constitution all over the world. Constitutions of India and Pakistan have adopted parliamentary form of government. Basic function of any parliament is law making (Zubair, 2012). Legislation constitutes lawful structure of states. States formulate policies through legislation. The functions of legislature are to scrutinize and pass the bills and to cancel them or allow them to take effect according to the need of the hour. Another important function of parliament is to oversee the executive (Dasgupta, 2007).

Analytical Note

The committees are now recognized to be the political nerve ends, the gatherers of information, the sifters of alternatives, and the refiners of legislation. The role of parliamentary committees is to share the work of the parliament and contribute expert opinions on legislation, to analyze, examine or scrutinize the law making performances and activities of the policy makers. Check and balance is the most powerful theory in this regard. Parliament has the authority to enact the powers privileges and immunities of parliament and the parliamentarians.

Parliamentary privilege refers to a special right by parliament as a body, members as individuals as well as witnesses who appear before parliament. The privileges, immunities and powers of parliament and members and officers of parliament shall be part of the general and public law and it shall not be necessary to plead them but they shall be judicially noticed in all courts. (Biennial, 2005)

As a prime function, committees submit and examine reports with recommendations and suggestions on a Bill, matter or subject referred to them by the Speaker or the House. If there is no fix time of the House to present the report, it will be presented by the assembly within 30 days.

The principle of parliamentary oversight on the executive is enshrined in the Constitution of Pakistan mandated mainly through parliamentary powers of legislation and passage of the budget. These powers are further defined under respective rules

of National Assembly that govern the functioning of the parliamentary committees as well. The ever-increasing complexity of a legislature's role has resulted in a corresponding increase in reliance on committees. (Niazi, 2013)

If the committees are working well, it is the soul of a successful parliament. The Committees of the 13th National Assembly held regular meetings and worked with full spirit. According to the 18th constitutional amendment total number of the committees was reduced in the 14th national assembly (Associates, 2015).

Types of Committees

Presently, the Standing Committee has further been divided into 34 Committees that are the Cabinet Secretariat, Climate Change, Commerce, Communication, Defence, Defence Production, Professional Training and the Federal Education, Privatization and Statistics, National Heritage and Broadcasting, Gilgit Baltistan and the Kashmir Affairs, Production and Industries, Housing and Works, Revenue, Foreign Affairs, Finance, Professional Training and Federal Education, Economic Affairs, Telecommunication and Information Technology, Law and Justice, Interior and Narcotics Control, Research and National Food Security, National Health Services coordination and Regulations, Petroleum and Natural resources, Planning and Development, Overseas Pakistanis and Human Resource Development, Parliamentary Affairs, Religious Affairs and Inter Faith Harmony, Ports and Shipping, Railways, Rule of Procedures and Privileges, Science and Technology, Water and Power, States and Frontier regions, Textile Industry (PILDAT, 2013).

Standing Committee

Standing committee is the committee of the parliament which consists of the members of the parliament. It is not a permanent and regular committee which is constituted from time to time according to the provisions of an Act of Parliament or Rules of Procedure and Conduct of Business. (Union I. p, 2013)

All standing committees are shaped to communicate to the Federal Government Divisions or to the Ministries in the National Assembly. Its functions are to hold debate on legislation, and supervise the performance, progress and working of the related ministries. It has

powers without any type of reference by the house e.g. to seek statement on oath, requisite witnesses, call for official records and take up any matter within their jurisdiction. Standing committees play a very crucial and vital role of monitoring and supervising the working of the relevant ministry of the government. After election, it is appreciable that within 30 days the Assembly elects all the members of the standing committees and provides Rule of Procedure. The chairperson of the standing committee cannot elect the parliamentary secretary or a minister (Rizvi, 2006).

No	Name of the Committees	Total no of meeting	Total Number of Bills referred	Total Number of Sub-Committees	Total Number of Reports finalized	Total Number of reports presented to the Assembly
1	Communication	12	04	---	---	---
2	Cabinet Secretariat	09	---	09	01	01
3	Commerce	08	---	---	---	---
4	Defence	07	---	01	01	01
5	Defence Production	07	---	---	---	---
6	Education, training & Standard in Higher Education	06	02	---	---	---
7	Foreign Affairs	11	02	01	---	---
8	Finance Revenue & Economic affairs, Statistics & Privatization	03	---	03	---	---
9	Government Assurance	03	---	---	---	---
10	Housing and Works	09	---	01	---	---

11	Industries and Production	10	---	02	---	---
12	Information Technology & Telecommunication	05	---	05	---	---
13	Interior and Narcotics Control	07	---	21	04	04
14	Information Broadcasting & national Heritage	21	---	07	---	---
15	Interior Provincial Coordination	03	---	---	---	---
16	Kashmir Affairs & Gilgit Baltistan	06	---	---	---	---
17	Law Justice & Human Rights	07	17	---	04	09
18	National Health Services Regulation	23	---	05	---	---
19	National food Security & Research	07	17	---	04	09
20	Oversees Pakistanis & Human Resource Development	06	---	---	---	---
21	Petroleum & Nat Resources	14	---	05	---	---
22	Ports & Shipping	05	---	02	---	---
23	Planning and Development	09	---	---	---	---
24	Parliamentary Affairs	08	04	02	---	---
25	Religious Affairs & Inter Faith Harmony	08	---	01	---	---
26	Railways	09	---	01	---	---
27	Rules of Procedures	06	---	03	---	---

	&Privileges					
28	States & Frontier Regions	10	---	07	---	---
29	Science & Technology	05	---	---	---	---
30	Textile Industry	04	---	---	---	---
31	Water & Power	08	---	01	---	---

(Compiled by Author)

However, if a committee fails to elect its chairperson, it will remain non-functional despite its timely formation. Sometimes, in a coalition government, lack of agreement among the coalition partners can be the main reason for the non-election of the committee chairperson.

The chairperson enjoys several important rights e.g. he or she is provided an office with some exclusive staff; he or she can cast the casting vote in case the number of votes on any issue remains equal. Standing committees contain special powers according the expenditures. National Assembly empowers committees to scrutinize the delegated legislation, public policies and petitions, administration and public bodies that is also associated with it. These associated bodies forward the findings, recommendations and reports to the relevant ministry. Later on, this ministry will send this report to the standing committee (Hasan, 2009).

Standing committees are authorized to evaluate all materials related to various departments of the Federal Government, if forwarded by the House.

The committees of Pakistan Parliament can invite or summon any member or any person having a special interest in relation to any matter under consideration of a committee and may hear expert evidence and hold public meetings. The committee Chairmen can also call for production of such papers and records as may be required and considered necessary for the discharge of their duties. (PILDAT, 2013)

If a report of committee is presented in the house by any member of the committee or its chairperson, it may be taken into deliberation if the Speaker permits a discussion on the motion.

After the motion is carried out, the Speaker may allot, as per rule 237, one or more days for discussion on the report. In their process of enquiry/investigation, under rule 224, the committees can appoint sub-committees, which are enquiry or fact-finding committees and cease to exist upon completion of the assigned task. (PILDAT, 2013)

Meetings of the Standing Committees on Defence 2008-2013

Year	Number of Meetings
2008 to 2009	01
2009 to 2010	14
2010 to 2011	12
2011 to 2012	09
2012 to 2013	09
2013 to 2014	08
Total	53

(Compiled by Author)

Issue Discussed by the Standing Committee on Defence in National Assembly 2008 to 2013

No	Issues Discussed
1	Election of Chairman of standing Committee on defense conducted
2	Meeting conducted on the function and role of the Defence standing committee
3	Defence Standing Committee passed the Mapping and Surveying Act 2013
4	Briefing on Strengths of Teaching and Non-Teaching Staff appointment and Promotion Criteria
5	Briefing on Budget Proposals relating to PSDP
6	Defence Committee members visited the Air Headquarters Islamabad
7	Visit of Committee members to Naval Headquarters Islamabad
8	Briefing on the task and role of PAF

(Compiled by Author)

Standing Committee of Foreign Affairs

Parliamentary Year	Total Number of Meetings
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2008 to 2009	02
2009 to 2010	07
2010 to 2011	08
2011 to 2012	05
2012 to 2013	07
Total	29

(Compiled by Author)

Performance of Standing Committee on Narcotics and Interior

No	Issue Discussed by the standing Committee on Narcotics and Interior
I	Election of Chairman, NA Committee on Narcotics and Interior
2	Review on the Anti-Terrorism (Amendment) Ordinance, 2013,
3	Protection of Pakistan Ordinance
4	The Code of Criminal Procedure (Amendment) Act 2013
5	Second Meeting on The Anti-Terrorism (Amendment) Ordinance, 2013
6	The Protection of Pakistan Ordinance 2013
7	Comprehensive Briefing by the Ministry of Interior on The Protection of Pakistan Ordinance 2013 passed by the Committee

(Compiled by Author)

Issues Referred to the standing committees

The issue of PEMRA (Pakistan Electronic Media Regulatory Authority) was referred to the standing committee. Secondly, the issue of alleged misappropriation in ERRA (Earthquake Reconstruction and Rehabilitation Authority) was also referred to the standing committee. Thirdly, the matter of mismanagement and alleged massive corruption by the CDP (Capital Development Authority) was also referred to the standing committee (Union, 2014).

Eighteenth amendment is the greatest accomplishment of the thirteenth national assembly of Pakistan. Supremacy of parliament was restored and provincial autonomy was also provided by this amendment as imagined in the 1973 constitution. This amendment restricted the personal discretions of the executive. The bill was passed in the national assembly on 8th of April 2010 with 292 votes in favour and none were against this amendment. Senate passed 18th amendment bill on 15th of

April 2010 while 90 votes were in the favour and none against. Eighteenth constitutional amendment consists of 100 provisions and 97 articles of the constitution of Pakistan.

If a Bill transmitted to a House of the Parliament, under Article 70, is rejected or is not passed within 90 days of its receipt or is passed with amendment, the Bill, at the request of the House in which it originated can be referred to a Mediation Committee for consideration and formulation of an agreed Bill which is likely to be passed by both the Houses in the their sittings, any Minister in the case of a Government Bill and any member in other cases, after giving two days' notice, can move on any working day that the said Bill be referred to a Mediation Committee. (Niazi, 2013)

From the referral of a bill, within 15 days 8 members of the Mediation Committee are nominated by both Houses of the parliament. A member of this committee is nominated as the chairperson by the House in which bill had been originated, and the vice-chairperson is nominated by the other House. This committee, within 90 days, presents an agreed bill in both the Houses of the parliament. If both Houses pass the bill, this bill is sent for the president's assent (Laghari, 2013). Public Accounts Committee comprises 19 members, designated to check the annual finance accounts of the Government, examine appropriations of Government expenditure and the report of the Auditor-General of Pakistan.

Total Number of meetings by PAC	22
Total Number of Audit Paras Discussed	04
Total No. of Sub-Committees Appointed	336
Total No. of Reports finalized	03

(Compiled by Author)

The National Assembly of Pakistan makes appropriations to various Ministries/Division of the Federal Government as well as to various Constitutional offices of the Federation through the Annual Budget. The Assembly also oversees the expenditure, through its Committee on Public Accounts, to satisfy itself that the expenditures incurred by the relevant organizations and

institutions are in accordance with the sums appropriated by the Assembly and that the prescribed rules and regulations were followed in the incurrence of these expenditures. (Niazi, 2013)

The Public Accounts Committee discusses the relevant matters from the report of the Auditor General of Pakistan, examines its techniques and presents it to the president of Pakistan for approval. Parliamentary control over public finance is worked out in results stage and proposals stage. In the first stage, Government gets the financial nod of the public representatives to give effect to its programs and policies. Other stage relates to the control over the spending of public money. In this stage, Public Accounts Committee shows its role to keep a check on public expenditure.

It is imperative for the stability of society that they have a solid system of accountability. The governments all over the world consider transparency and Public Accountability as an important requirement for the effective and proper delivery of public service. The main functions of Public Accounts Committee are to examine the AG (Auditor General) report for the divisions, independent and semi-autonomous bodies, corporations and ministries. It is the statutory organ of the National Assembly. Under the constitution of Pakistan, reports related to federation accounts will be presented to the president by the AG (Auditor General). Then before the parliament of Pakistan, president lays this report (PILDAT, 2013).

The committee may examine the expenditures, administration, delegated legislation, public petitions and policies of the Ministry concerned and its associated public bodies and may forward its report of findings and recommendations to the Ministry and the Ministry shall submit its reply to the Committee. Any report, memorandum or note that the committee may have prepared, or any evidence that the Committee may have taken before the dissolution of the Assembly, shall be made available to the new Committee. (Niazi, 2013)

The Public Accounts Committee may proceed from the stage where the previous Committee left the proceedings before the dissolution of the Assembly. Under the leadership of opposition leader Chaudhary Nisar Ali Khan, the thirteenth National Assembly worked actively and 1163 grants were scrutinized, 21 Billion Rupees were recovered and

6697 Audit Paras were discussed. Seven annual reports of the committee were also presented by the Thirteenth National Assembly. So, this tradition set up by the 13th PAC, is continued by the 14th Public Account Committee. The 14th PAC is focusing mainly on defrayal or the backlog of Audit Paras and has appointed 4 sub-committees so that the work may be completed as soon as possible. It has already held 22 meetings while proceedings always being open to media and several groups of journalists attend the meetings of public account committee and make aware the general public about the working of the PAC.

Committee on Government Assurances, comprising 16 members, is the domestic committee. The Ministers are given various assignments by this committee on the floor of the House from time to time. These assignments are to take notice of the promises, undertaking and the commitments of the government and scrutinize the assurances.

Committee on Rules of Procedure and Privileges comprises of 22 members. It is also the domestic committee. The Speaker or the House referred the functions to the Committee on Rules of Procedure and Privileges including the consideration of the conduct of business and the procedure in the assembly, and to examine questions of privileges.

House and Library Committee consists of 13 members while the Deputy Speaker is the chairperson of this committee. The committee deals with the matters relating to library. Business Advisory Committee comprises 19 members. With the consultation of the leader of the House, Speaker refers the functions to the Business Advisory Committee. These functions are to allocate and recommend the time for the stage wise discussion for other business and the government bills. Finance Committee within the authorized appropriations to control the expenditures of Assembly. The House elects the members of this committee, other than the Federal Finance Minister. On the other hand, the Speaker presides over the meetings of the finance committee.

Special committees carry out the specific functions in the National Assembly. It's formulated under the order of the standing committee of the parliament rather than by the constitutional procedure. For some specific functions the Assembly appoints the Other Committees. In these Other Committees, Special Committees and the Select Committees on Bills are also included (Secretariate, 2013).

These are ad-hoc committees constituted to consider Bills referred to them by the House. These committees consist of the Minister-in-charge of the Ministry to which a Bill relates the Chairman of the Standing Committee concerned with the Bill, the member-in-charge, the Minister for Law and Justice and the Minister for Parliamentary Affairs and other members, as elected by the House while referring the Bill to the Committee. (Niazi, 2013)

A minister may be elected as the chairman of the Select Committee. A Special Committee may be appointed by the Assembly to take out tasks as may be required.

On 22nd of October 2008, a resolution was passed in the name of Fourteen-Point Resolution and setting up the special committees. Twelve special committees were constituted by the thirteenth national assembly. Their details are given below:

Name of Committees	No. of Meetings
This Special committee to deliberate the rise in products of petroleum prices	04
This Special committee on energy shortage and its crisis	08
This Special committees to supervise the resolution implementation of all parties conferences	02
This Special committee on delay in all flights including grounding of the aircrafts of PIA and Hajj flights	10
This Special committee to examine the threats to media personnel and journalists	05
Special committee to look into the matter of delay in construction work	01
This Special committee on law and order situation in Baluchistan and Karachi	08
This Special committee on the Goals of Millennium development	13
Special committee to look to the alleged allotment of plots to the offices of ministry of ministries affairs	01
This Special committee on domestic and Foreign loans	07
Parliamentary forum on the rights of child	03

This Special committee on ministry persons

02

(Compiled by Author)

Conclusion

In the legislative process in the National Assembly of Pakistan, standing committees play a very crucial role and assist the government by watching the working of the relevant ministries. The standing committees are authorized by National Assembly of Pakistan to look after their fields and put a check on ministries and public accounts. These committees scrutinize the administration, expenses, policies and bills of the concerned ministry and then forward recommendations it to the assembly, according to the rules and procedures of the National Assembly. Standing committee has great opportunity to work more efficiently. Ruling committee should nominate leader of the opposition as the chairman of Public Account Committee for more transparency. All other committees should have reasonable representation to develop the capacity and participation of the members in the law-making process. Committees should obey the constitution and everybody should be accountable according to the constitutional supremacy and committees should do more in this regard. The committees should check the mistakes of different intelligence activities. The activities of senior civil services should be under observation of parliamentary committees. Committees should submit their reports in time for implementation in its real spirit. The political powers should be used by the cabinet and opposition should have a check on it to balance the powers for public interest. The analytical survey of the work of standing committees shows the efficiency and attachment of the members of committees. In short, standing committees play the role of the backbone of the National Assembly of Pakistan and lend a hand to the legislature in legislation.

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