

Performance of the Senate of Pakistan

March 12, 2003 - March 11, 2005

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Abbreviations and Acronyms

ARD	Alliance for Restoration of Democracy
ISI	Inter-Services Intelligence
LFO	Legal Framework Order
Lok Sabha	House of the People, India
MMA	Muttahidda Majlis-e-Amal
NSC	National Security Council
PPPP	Pakistan Peoples Party Parliamentarian
PTV	Pakistan Television
Rajya Sabha	Council of States, India

Preface

Increased civic engagement is crucial for ensuring effectiveness and sustainability of democratic institutions. PILDAT strongly believes that the public should be able to participate in the development of laws and policies which affect them. The first step towards institutionalising this principle is to move towards a culture where the general public has greater interest in the working of the Parliament. This is only possible through greater transparency and information sharing.

The second parliamentary year of the Senate concluded on March 11, 2005. This report presents a brief overview of the Senate's performance over the last two parliamentary years with the intention of facilitating public interest and participation. It also provides a comparison, wherever possible, with the workings of the Indian Rajya Sabha and the UK House of Lords. The main sources of the report are local newspapers, the PILDAT State of Democracy Report, parliamentary websites and the Senate Secretariat.

PILDAT and its team of researchers have made every effort to ensure the accuracy of the contents of this paper. PILDAT and its team of researchers do not accept responsibility of any omission or error, as it is not deliberate.

1. Overview

The Senate fulfilled its constitutional requirement of meeting for 90 days each year over the past two parliamentary years. The procedure for calculating working days as laid down in the Constitution counts the adjournment period up to two days as working days. If we exclude non-working days, the Senate met for 49 days during the first year (March 12, 2003 to March 11, 2004) and for 60 days during the second year (March 12, 2004 to March 11, 2005). In this respect we may say that there is a 22 per cent improvement during the second year in terms of the actual number of days the Assembly met. The following table provides an overview of the Senate's

performance during the past two parliamentary years.

2. Comments

2.1 First Year of the Senate: March 12, 2003 to March 13, 2004

The inaugural session was held on March 12, 2003 when members took oath of office. Opposition members declared that they were taking oath under the Pre-LFO 1973 Constitution. Mr. Mohammedmian Soomro (Sindh) and Commander (Retd.) Khalilur Rehman (NWFP) were elected as Chairman and Deputy Chairman, Senate, respectively. Mr. Wasim Sajjad (PML) was selected as

Table 1

Overview of the Senate's Performance in Year One and Year Two

	Parameter	Year One	Year Two	Comments ¹
1	No. of actual working days	49	60 ²	The Rajya Sabha (Council of States) meets on average for 80-90 working days in a year. The U.K. House of Lords sat on average for 177 days per year from 2001 to 2004 ³ . In the year 2004-05, the House sat for 63 days.
2	Bills Passed	2	14	The House of Lords has passed 51 bills in year 2003-04 ⁴ ; the Rajya Sabha has passed on average 50 bills per year from April 2000 to April 2005.
3	No. of hours met per day	3-4 ⁵	3 hrs 50 min ⁶	Rajya Sabha meets on average for 5 hours, and the House of Lords for 7 hours per day.
4	Staff dedicated to research	2	2	There are 49 staff members engaged in research in the Indian Parliament while House of Lords has researchers attached to each member in addition to research staff for committees.
5	Research Publications	None	None	Both the Rajya Sabha and House of Lords produce regular research publications.

1. Information for this section is taken from the House of Lords and Rajya Sabha websites

2. This includes January 1, 2004 when the vote of confidence was given to the President and January 17, when the President addressed the joint session of the two Houses.

3. In 2001-2002, the House sat for 200 days, in 2002-2003, it sat for 174 days and in 2003-2004, it sat for 157 days.

4. www.parliament.uk/documents/upload/HoLwork.pdf

5. Official Statistics were not available therefore the figure is based on media reports and information provided by some members of the Senate.

6. Senate Secretariat

Leader of the House.

During the first year, the proceedings of the Senate were dominated by the opposition's protests and walk-outs over the LFO. Opposition members refused to accept the LFO as part of the Constitution and often engaged in desk thumping and sloganeering against the LFO and President Musharraf before walking out.

On June 7, 2003 for the first time since the institution of Senate was introduced in Pakistan in 1973, the Finance Minister presented an overview of the Budget in the Senate. The original 1973 Constitution did not give any role to the Senate in the Budget Process. The LFO revised this provision and stipulated that the budget would be submitted to the Senate to seek their recommendations. The Senate could make recommendations on the budget to the National Assembly within 7 days which were not binding on the National Assembly. It could incorporate these recommendations in the budget or ignore/reject them. The Senate forwarded its recommendations to the National Assembly on June 13, 2003 after discussing it for almost four days. The recommendations were not incorporated in the Budget. Opposition members boycotted the Finance Minister's address to the Senate and the subsequent debate on the Budget.

Hardly any legislative work was done during this period. The two bills passed were the "Removal from Service (Special Powers) (Amendment) Bill, 2003 and the "Constitution (Seventeenth Amendment) Bill, 2003.

The Senate passed the 17th Constitutional Amendment on December 30, 2004 after deliberating for two days (December 29-30). The bill was passed by the Senate without any changes. The environment in the house improved after the passage of the 17th constitutional amendment but the ARD continued to build pressure on the government, with strong criticism of government policies, periodic protests and walk outs. The MMA adopted a somewhat conciliatory attitude towards the government after the MMA-government agreement on the LFO and the passage of the 17th constitutional amendment.

President General Pervez Musharraf received his vote of confidence on January 1, 2004 in the two Houses of Parliament and four Provincial Assemblies. President

Musharraf fulfilled the constitutional requirement of addressing the joint session of the Parliament on January 17, fourteen months after the National Assembly began functioning. The MMA walked out of the session before the President started his address. Members belonging to ARD and other smaller opposition parties chanted slogans throughout the President's address.

Major issues raised in the Senate during the first year included the LFO, 17th Constitutional Amendment Bill, law and order situation, inadequate reporting of the Senate proceedings on PTV, state of the economy, privatisation of Habib Bank, President Musharraf's address to the joint session of the Parliament, military operations in WANA (South Waziristan Agency), under-representation of Balochistan in federal services, establishment of Army cantonments in Balochistan, centre-province relations, and the role of the military in politics.

2.2 Second Parliamentary Year: March 12, 2004 to March 11, 2005

The National Security Council Bill was discussed in the Senate on April 9, 13 and 14. The debate on the bill was on party lines. The members of the ruling coalition supported the bill while the opposition was extremely critical of the NSC bill and described it as a negation of the supremacy of the Parliament. Its hurried passage on April 14 was severely criticized by opposition members who thought that it needed to be discussed thoroughly in the house. The MMA wanted the Prime Minister to head the NSC.

The Federal Budget was presented to the Senate by the Finance Minister on June 12. The Senate discussed the budget on June 15, 16 and 17 and finalised its recommendations on June 18 which were sent to the National Assembly for consideration. In all, the Senate prepared 33 recommendations. Out of this, 13 suggested changes in the Finance Bill and the rest were observations of general nature. The government and the National Assembly accepted 14 recommendations of the Senate and made those part of the bill.

Opposition members continued with their vehement protests and walk-outs against the President and the government's policies. They periodically criticised the role of the military in politics and governance. They also

proposed reduction in defence expenditure. PPPP Senators filed questions with the Senate office about the appointments in Inter-Services Public Relations and the Kargil War. They also submitted resolutions to the Senate office for setting up of a Parliamentary Committee for investigating the Kargil War, enactment of legislation to regulate the activities of the intelligence agencies, investigation of allegation of nuclear proliferations, the working of the National Command Authority, appreciation of a police constable in Lahore who stopped the car with tinted glasses belonging to a senior Army officer, and the exemption granted to serving officers from payment of taxes at the toll plazas. These questions and resolutions were rejected by the Senate Chairman on the grounds that these dealt with "sensitive and secret" matters. Thus, these were not placed on the Senate agenda.

PPPP Senator, Farhatullah Babar, claimed that Chairman Senate, Mohammed Mian Soomro exercised his powers to disallow inclusion of 15 questions, 12 resolutions, 4 amendment bills 2 adjournment motions, one call to attention notice, and a privilege motion in the agenda of the Senate and "killed" these in his chamber because these pertained to the armed forces, the intelligence agencies, the National Accountability Bureau and nuclear proliferation.

The Senate passed the "President to Hold Another Office Bill, 2004", allowing President Musharraf to continue as Army Chief and President on November 1, 2004. The bill, vehemently opposed by the Opposition, was discussed in a contentious debate spread over five days. Senator S.M Zafar of PML, who had played an instrumental role in the negotiations between the MMA and the government on the LFO and uniform issue, called upon the President to separate the offices of Army Chief and President and abstained from voting on the uniform bill.

Major issues raised in the Senate debates included the Wana operations, establishment of Army Cantonments in Balochistan, the National Security Bill, NFC Award, law and order, provincial autonomy, Baglihar Dam, the government's policy on Iraq, Pakistan-US relations, the state of the economy, the use of state resources and machinery in support of the election campaign of Shaukat Aziz, interference of ISI in politics, non-appointment of the leader of opposition in the Senate, and President Musharraf's decision to remain as President of Pakistan

and Chief of Army Staff.

A total of 14 laws were passed during the second year. A complete list is attached in Appendix A. Three Government Bills were introduced in the Senate, which upon introduction, were referred to the relevant standing committees for examination.

3. General Observations

3.1 Absence of Ministers in the Senate

Senate members often complained about lack of interest on the part of federal ministers in the Senate proceedings. On April 13, 2004 the Senate Chairman and Leader of the House criticised the periodic absence of federal ministers from the house. Treasury and opposition members raised the issue of absence of ministers from the Senate on several occasions. (July 3, December 9). On June 17, opposition members walked out in protest against the absence of ministers.

3.2 Nomination of Leader of the Opposition

Senator Raza Rabbani of PPPP was nominated as Leader of the Opposition on January 11, 2005, 22 months after the first sitting of the Senate. The Democratic Alliance had submitted signatures of 22 senators to the Senate Chairman, nominating Senator Rabbani as Leader of the Opposition, in February 2004. The delay in nomination was unprecedented in the history of Pakistan.

The Leader of the Opposition is an important position in the parliamentary system. He/she is responsible for leading the Opposition in debate, coordinating its daily activities and conferring with the Leader of the Government in the Senate on its business. The fact that the Pakistan Senate functioned without a Leader of Opposition for almost two years is a reflection of the government's indifference and disrespect towards parliamentary practices and requirements. This also reflects negatively on the Senate Rules of Procedure which currently do not stipulate a time-frame to appoint the Leader of the Opposition.

It is recommended that the Rules of the Senate be amended to make it obligatory for the Leader of Opposition to be elected during the first session of the

Senate and within a month of this falling vacant.

3.3 Standing Committees

Parliamentary Committees form an integral part of the democratic system as they are the tools for parliamentary oversight of government policy and programmes. Detailed scrutiny of proposed legislation is also delegated to committees, therefore they are crucial to the process of legislation as well as oversight.

On April 14 2004, the Senate adopted a motion for the composition of Standing Committees, Committee on Rules of Procedure and Privileges, House Committee and Finance Committee. There are currently 28 departmentally related standing committees in the Senate. The opposition objected to the composition of these committees and described it as being tilted decisively in favour of the government. Later, most of these committees elected their chairpersons amidst protest and boycott by the opposition. However, the opposition participated in their subsequent proceedings.

The Senate passed amendments in Rules 107, 115, 140 and 153 of the Rules of Procedure and Conduct of Business in the Senate, 1988 on February 4, 2005. The amended rule 140 provides for constitution of a Standing Committee for each Ministry.

In India, the Rajya Sabha (Council of States) and Lok Sabha (House of the People) have joint department-related standing committees consisting of 21 members of the Lok Sabha and 10 members of the Rajya Sabha⁷. In Pakistan, each House has its own set of departmental standing committees. It is recommended that the possibility of having joint standing committees be explored in Pakistan in order to economize on resources and achieve greater efficiency.

3.4 Parliamentary Calendar

It is a general practise in Parliamentary democracies to prepare a parliamentary calendar at the beginning of each parliamentary year. In Pakistan, neither the National Assembly nor the Senate follows a pre-determined calendar of sittings. On July 7, 2004, an amendment was

made in the Rules of Procedure of the Senate to provide for an annual calendar for each Parliamentary year at the commencement of the first session. This amendment remains to be enforced to date. The Indian Parliament has an established practice of following a parliamentary calendar.

In the U.K., a session of Parliament runs from the State Opening of Parliament usually in October/November through to the following October/November. During the session, the House sits everyday except during weekends, Christmas, Easter, Whitsun (the week beginning on the seventh Sunday after Easter) and summer break. The House of Lords normally has a recess of two or three weeks at Christmas/New Year, about a week at Easter, and a week at Whitsun. The summer recess normally runs from August to early October⁸. The recess dates for each session are provided before the start of the session.

3.5 Parliamentary Research Service

There is no doubt that information and research are among the most important tools in developing the institutional capacity of the Parliament. Members of Parliament are increasingly expected to understand and comment upon complex issues. There is undoubtedly a clear and understandable correlation between the existence of strong quality research services and the effectiveness of the Parliament. Access to information and research facilities is not only important to improve the Parliament's legislative performance, but is also essential to restoring the proper balance between the executive and legislature.

Parliamentary research services should be able to produce research papers, policy briefs, basic definitions, data and facts, and summaries upon request from individual legislators. In addition to this, they are expected to produce general analyses on wider issues presented for discussion in sessions of the Parliament. The research staff should also be able to answer short specific questions which the Parliamentarians may require within a few hours.

The Pakistan Senate has a dedicated library. There is currently one person dedicated to research in the research

7. <http://rajyasabha.nic.in/rsrules/newrules/rulesdrpccs.htm>

8. <http://www.parliament.uk/faq/faq2.cfm>

department of the Senate Secretariat. The Research Department has produced several background papers, country reports and policy briefs. It also provides research and information services to assist Senators in discussions in the House and Committee meetings.

In the Indian Parliament, research and information services are delivered through the Parliament Library and Reference, Research, Documentation and Information Service known as LARDIS. The service is divided into the following divisions: 1) Library Division; 2) Reference Division; 3) Parliamentary Museums and Archives; 4) Research Division; 5) Media Relations Division and 6) Computer Division. LARDIS provides research and reference material to members of the Lok Sabha as well as Rajya Sabha. The Research Service endeavours to keep members informed on a continuing basis about issues of national and international importance through publications in the form of books, periodicals, brochures, background notes, information bulletins, fact sheets, monographs, current information Digests, etc. The Service also prepares speeches, briefs, research notes, resolutions, explanatory memoranda, etc. for Parliamentary Delegations participating in international Parliamentary Conferences⁹. The total number of staff engaged in research in LARDIS is 49.

The Rajya Sabha Secretariat also produces periodic publications. These include annual reports, handbooks and information manuals, biographies, committee reports and research reports.

The House of Lords Library provides research and information services to members and officers of the House. The Information Office acts as a central focus for answering queries from members, staff, the press and the public. It also provides information on the work of the House of Lords and produces briefing papers, guides and press notices.

The Department of the Official Report - also known as *Hansard* - is responsible for producing reports of the proceedings of the House of Commons, House of Lords and the Standing Committees. The Official Reports are the edited verbatim reports of proceedings in both Houses. They are published the next day in printed form at 7.30 am and appear on the website at 8 am.

9. <http://www.parliamentofindia.nic.in/ls/intro/p14.htm>

It is recommended that the Libraries of the Senate and National Assembly of Pakistan be combined and a dedicated professional research team be made part of the Library. The research team should be responsible for providing information and research services for the members, as well as producing committee reports, policy briefs and research papers.

3.6 Annual Reports

The annual report is an important instrument through which the work of an institution is made transparent to the public. The Rajya Sabha Secretariat publishes an annual 250 page report which is available on the website. It is a comprehensive, statistically detailed and analytical document covering all aspects of the work of the House.

The Pakistan Senate Secretariat has prepared a report on the second parliamentary year of the Senate. The five-page report is available on the website. It provides key statistics on the Senate's work over the second year. Keeping in view the limited research facilities in the Senate Secretariat, this report is a commendable effort and its availability on the web is a major step towards greater transparency. One hopes that the contents of the report will improve with time and such information as the number of hours the Assembly met each working day, the foreign tours undertaken by Senators and Secretariat officials, financial data, details of debates and bills discussed in the House, and the work of the committees will be included in future reports.

3.7 Technology

The Senate lacks adequate information technology resources. Only four computers are available for the use of Senators. In comparison, each member of the Indian Parliament is provided with a Laptop or a desk computer with a printer and scanner. Computer training courses are provided to members of Indian Parliament and their personal assistants.

3.8 Training of Members

The Pakistan Senate Secretariat does not undertake any training programmes for Parliamentarians. In comparison, the Rajya Sabha Secretariat has a Training Unit which

organises regular training programmes for the Members of Parliament as well as Parliamentary staff.

3.9 Parliamentary Website and availability of proceedings to the public

Although the Senate website is updated on a regular basis and contains information regarding committee meetings and other important events, it does not upload proceedings of the Senate. The Punjab Assembly website, in comparison, makes parliamentary proceedings available to the public in real time through webcasting. This is a critical step in getting parliamentary information and proceedings directly to the public and involving them in the legislative process. Currently a citizen can not obtain a copy of the Pakistan Senate proceedings even on payment and the same is circulated to the members of the Senate only.

4. Conclusion

The Senate needs to improve its performance in terms of the number of hours it devotes to business, the number and quality of legislation, and oversight of the executive. The role of committees should be strengthened. Members should ensure that committees are formed and activated during the first session of a new Parliament.

There is no doubt that information and research are among the most important tools in enhancing the institutional capability of a Parliament. Without being properly informed about an issue, a parliamentarian cannot be expected to participate effectively in debates and policy decisions. It is not surprising, therefore, that most modern Parliaments spend a considerable proportion of their budgets on parliamentary information and research services. Those Parliaments that do not are at a serious disadvantage. The Research Department at the Pakistan Senate Secretariat is grossly underdeveloped and understaffed. Members of the Pakistan Senate should undertake initiatives to increase funding to upgrade the infrastructure of the parliamentary library and research service.

In order to ensure greater civic involvement and democratic accountability, it is critical that members of the public and civil society take an interest in the working of the Parliament. Availability of parliamentary proceedings is

crucial for bringing the Parliament closer to the public. Proceedings of the Senate should be published regularly as well as uploaded on the website in real time.

The effectiveness of state institutions such as the National Assembly and Senate is severely curtailed by the overwhelming influence of the executive in all political processes. However, it does not help when the Parliament only meets for the bare minimum number of days, parliamentarians and ministers do not attend sessions, committees are not formed on time, and there is confrontational and bitter interaction between the Government and Opposition. The Parliament can enhance its effectiveness and relevance only through improved performance. Members should seek to expand the Parliament's role through better individual performance in debates, legislation and oversight, proactive involvement in policy making and greater transparency of parliamentary proceedings.

Appendix A Tables

Table A-1
Record of Legislations - Year One

Act No.	Bill	Date Passed
1	The Removal from Service (Special Powers) (Amendment) Bill, 2003	June 17, 2003
2	The 17th Amendment Bill, 2003	December 30, 2003

Table A-2
Record of Legislations - Year Two

Act No.	Bill	Date Passed
1	The National Security Council Bill, 2004	April 14, 2004
2	The Political Parties (Amendment) Bill, 2004	July 21, 2004
3	The Non-performing Assets and Rehabilitation of Industrial Undertakings (Legal Proceedings) (Amendment) Bill, 2004	July 22, 2004
4	The Export Control on Goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Bill, 2004	September 18, 2004
5	The Code of Criminal Procedure (Amendment) Bill, 2004	September 24, 2004
6	The President to Hold Another Office Bill, 2004	November 01, 2004
7	The Code of Civil Procedure (Amendment) Bill, 2004	November 01, 2004
8	The Defamation (Amendment) Bill, 2004	November 01, 2004
9	The Anti-terrorism (Amendment) Bill, 2004	November 01, 2004
10	The Federal Public Service Commission (Amendment) Bill, 2004	November 26, 2004
11	The Injured Persons (Medical Aid) Bill, 2004	November 26, 2004
12	The Criminal Law (Amendment) Bill, 2004	December 07, 2004
13	The Corporate and Industrial Restructuring Corporation (Amendment) Bill, 2004	December 08, 2004
14	The Anti-terrorism (Second Amendment) Bill, 2004	December 9, 2004

Table A-3
Questions Asked

Questions	Year One	Year Two
Received	3175	3840
Answered	617	1178
Disallowed	145	316

Table A-4
Call Attention Notices

Call Attention Notices	Year One	Year Two
Received	84	150
Statements made on	08	08
Referred to Committees	-	-
Lapsed	76	142

Table A-5
Privilege Motions

Privilege Motions	Year One	Year Two
Received	34	53
Brought before the House	06	05
Referred to Privilege Committee	06	05
Ruled out of Order	-	-
Not moved by the movers and dropped	-	-
Matters to be resolved in the Chief whip's office	-	-
Withdrawn	-	02
Dropped in the House due to absence of movers	-	-
Not pressed/disposed off	-	-
Held inadmissible	13	18
Reserved Ruling	-	-
Deferred	-	-
Resolved in Speaker's Chamber	-	-
Lapsed	15	28

Table A-6
Adjournment Motions

Adjournment Motions	Year One	Year Two
Received	102	318
Inadmissible	37	125
Placed before the House	16	16
Discussed in the House	14	08
Deferred	-	-
Ruled out of Order	-	03
Lapsed	49	173



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