



**Performance of the
National Assembly of Pakistan
(2004-2005)**

I. Introduction

The National Assembly of Pakistan completed its 3rd Parliamentary Year on November 14, 2005. It is, therefore, an appropriate time that all stakeholders take stock of the parliamentary performance of the National Assembly in order to identify gaps and shortcomings, suggest actions for improvement and undertake well-designed initiatives to achieve specific targets. Such stocktaking, especially if it leads to concrete follow-up actions, would help improve the parliamentary performance, which is considered crucial for democratic development. In order to facilitate initiation of informed debate on parliamentary performance, Centre for Peace and Development Initiatives, Pakistan (CPDI-Pakistan) is pleased to present this Parliamentary Alert for the benefit of all those interested in issues related to legislative and democratic development in Pakistan. It provides a summary on the performance of the National Assembly during the Year 2004-05, and highlights performance gaps that continue to undermine legislative and democratic development in Pakistan.

II. Performance of the National Assembly

1. Actual Working Time/Days vis-à-vis Official Working Days

- 1.1. During the Parliamentary Year 2005-06, National Assembly of Pakistan had a total of 132 working days, which is barely 2 days more than the minimum constitutional requirement. In 2002-03 and 2003-04, the total number of working days was 131 days and 130 days respectively. Actual days of National Assembly sitting, however, were far less, as the working days are defined in a way to include any period, not exceeding 2 days, for which the National Assembly is adjourned.
- 1.2. Average actual working time of the National Assembly for each working day was about 2 hours/day. House was often adjourned without completing the daily business or after rushing through the assigned business without providing adequate time for consideration, discussion and debate.
- 1.3. It appears from the parliamentary data of the last 3 years as well as from some background interviews that government is generally reluctant to keep the National Assembly in session for longer hours and larger number of actual working days. It takes maximum advantage of the constitutional provision whereby working days are defined in a way to include any period, not exceeding 2 days, for which the National Assembly is adjourned. Hence, it ensures that actual working days are far less than the 130 minimum working days.
- 1.4. It is a general pattern that, close to the end of the parliamentary year, Government struggles to ensure that the National Assembly completes the minimum constitutional requirement of meeting for 130 working days/ year. It is now about time that government and parliamentary leaders realize the need and importance of

a well-planned parliamentary calendar, which has cross-party ownership and which is implemented as far as possible.

2. Bills Passed

- 2.1. National Assembly passed 18 Bills. (For the list, please see Table 2). Out of these 18 Bills, 4 were passed in the 23rd session, 6 in 24th session, 4 in 25th session, 1 in 26th session and 3 in the 27th session. Out of these 18 Bills passed, 5 are still pending in or for the Mediation Committee.
- 2.2. Number of Bills passed during the Parliamentary Year 2004-05 (18) is highest since 2002-03. In 2002-03 and 2003-04, the National Assembly had passed 2 and 17 Bills respectively.
- 2.3. All Bills passed by the National Assembly were Government Bills or Ordinances. No Private Member Bill was passed by the National Assembly during the Parliamentary Year 2004-05. It may be noted that 76 Private Members Bills were received by the National Assembly secretariat during the year, but only 1 was admitted. It reflects the attitude whereby Private Member Bills, especially the ones introduced by the members from the Opposition Parties, are generally not taken seriously by the Government/Treasury Benches. As a result, hardly any of them get through. This has created an environment in which most members (both from the Treasury and Opposition benches) do not feel motivated for legislative initiatives – as they suspect the Government to bulldoze their initiatives any way by using the parliamentary majority. No private member bill has been passed by the National Assembly during the last 3 years.
- 2.4. Most of the Bills passed by the National Assembly seems to have no relevance whatsoever with serious problems confronted by the people of Pakistan. For instance, the Bills passed by the National Assembly included 1 Bill about salaries and allowances of members of the Parliament, 1 about Pakistan Navy, 1 on decorations and 1 on bar councils. Another Bill {i.e. the Federal Public Service Commission (Amendment) Bill, 2004} was clearly against the public interest, as it removed certain Federal departments out of the jurisdiction of Federal Public Service Commission.
- 2.5. While corruption remains a major problem (i.e. Pakistan ranks at 144th on the 2005 Corruption Perception Index of Transparency International), National Assembly of Pakistan failed to pass any bill or amendment for promoting access to information,¹ transparency and accountability in governance. It may be noted that existing legislation on access to information (i.e. Freedom of Information Ordinance 2002) is highly restrictive, and clearly shows government's extreme reluctance in promoting transparent governance.

¹ Comprehensive freedom of information legislation is widely recognized as a powerful anti-corruption tool. See the website of Transparency International at www.transparency.org

- 2.6. Out of the 18 Bills passed by the National Assembly, many had been first promulgated as Presidential Ordinances. Furthermore, while statistics for the entire parliamentary year are not available, it may be noted that Government had laid at least 16 Ordinances before the National Assembly since 26-04-2005. (For a list of these Presidential Ordinances, please see the Table 3).
- 2.7. Most of the legislative business laid before the National Assembly during the parliamentary year was in the form of Presidential Ordinances.

3. Questions Asked in the National Assembly

- 3.1. During the Parliamentary Year 2004-05, a total number of 10476 questions were asked by members of the National Assembly. Government, however, answered only 2101 questions. Number of questions answered in this parliamentary year is significantly less than previous years i.e. 3980 in 2002-03 and 2462 in 2003-04. This huge gap between the questions asked and answers received, for whatever reasons, indicates the weakness of the National Assembly in terms of asserting itself and maintaining an effective check on the executive authority.
- 3.2. There also appears to be gradual decrease in the number of questions being asked in the National Assembly. In 2004-05, 10476 questions were asked as compared to 12008 in 2003-04 and 14737 in 2002-03. This decline could be for the reason that members of the National Assembly no longer trust that question-hour is an effective tool to make government responsible and accountable. It may be noted that a large number of questions are killed by the secretariat while, regarding others, complaints about long delays in providing answers or about sketchy/wrong answers abound.
- 3.3. Almost all questions relating to the security establishment of the country are killed without even sufficient consideration. As a result, it appears that the security establishment is completely out of parliamentary scrutiny.

4. Most Parliamentary Initiatives Killed or Declared Out of Order

- 4.1. It appears from the data about the National Assembly that a large number of parliamentary initiatives were taken by the members during the parliamentary year 2004-05. However, most of them were killed or declared out of order by the speaker/secretariat. For example, members moved 611 calling attention notices, but ministers made statements on 80, while only 3 were referred to the standing/special committees. Similarly, 1534 resolutions were moved but only 736 were admitted and 18 were passed.
- 4.2. Reasons for the fact that most parliamentary initiatives are either killed or declared out of order seem to be two-fold. Firstly, it is generally alleged that the office of the speaker operates in a partisan manner and, therefore, actively kills initiatives

coming from members of opposition parties. Secondly, members are generally not well-versed with parliamentary rules and, therefore, they fail to take parliamentary initiatives in accordance with legal and procedural requirements.

5. Miscellaneous

- 5.1. President of Pakistan did not address the joint session of the Parliament, which is widely believed to be in violation of the mandatory constitutional requirement.
- 5.2. Proceedings of the National Assembly were not published in a timely manner, and generally remained hard to access by researchers, media and civil society activists.
- 5.3. National Assembly Secretariat continued to operate in an environment of total secrecy, and imposed all kinds of restrictions on disclosure of information about the performance of the National Assembly.
- 5.4. National Assembly has a website but no effort was made during the parliamentary year 2004-05 to post useful information on it. In its current form, it is a worthless website and serves no useful purpose. The senior officers of the Secretariat must learn from the very good website maintained by the Punjab Assembly (Pakistan) or from its Indian counter-part i.e. Lok Sabha.
- 5.5. National Assembly failed to implement a parliamentary calendar, which could have helped both treasury and opposition parties in timely planning of their parliamentary initiatives and thereby improving parliamentary performance.
- 5.6. National Assembly failed to adopt any code or rules to regulate conflict of interest situations regarding members who serve on different standing committees. This situation allows members with direct personal or business interests to serve on parliamentary committees, which can be used to extract undue benefits from officials of relevant ministries.
- 5.7. Almost all parliamentary committees of the National Assembly continued to hold their meetings in camera. This excluded the possibility of effective civil society watch on and participation in committee proceedings.
- 5.8. Hardly any committee organized public hearings or invited experts/activists from the civil society to present their point of view on issues being debated in the committee.
- 5.9. Members of the National Assembly continued to suffer from delayed release of information to them about the upcoming business in the House. They get a copy of Order of the Day just a few hours before the next sitting. This is one of the reasons that most of them go to the House unprepared.

- 5.10. Many Bills to be moved or discussed in the National Assembly were not widely and in a timely manner published by the Secretariat. This limited the possibility of effective debate in the media, and feedback from civil society.

Table 1: Performance of the National Assembly

No.		2002-03	2003-04	2004-05
I	Bills			
1	Bills Passed	02	17	18
II	Questions			
1	Questions Received	14737	12008	10476
2	Questions Answered	3980	2462	2101
III	Motions under Rule 69			
1	Total Motions Received	91	106	61
2	Motions Admitted	05	05	22
IV	Calling Attention Notices			
1	Total Received	1379	1034	611
2	Statement Made on	131	104	80
3	Referred to the Standing/ Special Committee	05	04	03
V	Privilege Motions			
1	Total Received	282	146	162
2	Privilege Motions Brought before the House	78	46	71
3	Privilege Motions Referred to the Committee	36	28	30
VI	Adjournment Motions			
1	Total Received	740	447	668
2	Adjournment Motions Brought before the House	65	69	127
3	Adjournment Motions Discussed for 2 Hours	30	47	09
VII	Resolutions			
1	Total Received	-	-	1534
2	Admitted	-	-	736
3	Passed	27	-	18
VIII	Motions under Rule 241			
1	Total Received	343	377	503
2	Admitted	200	204	333
3	Discussed in the House	none	01	03
IX	Government Bills			
1	Total Bills/ Ordinances Introduced/ Laid	41	25	41
2	Bills Passed	13	17	18
3	Bills Pending	25	22	41
X	Private Member Bills			

1	Total Bills Received	54	54	76
2	Bill Introduced	07	01	01
3	Passed	0	0	0

Table 2: Bills Passed by the National Assembly (2005-06)

No	Bills Passed	Date of Adoption by the National Assembly
1	The Corporate and Industrial Restructuring Corporation (Amendment) Bill, 2004	03-03-2005
2	The Fiscal Responsibility and Debt Limitation Bill, 2005	03-03-2005
3	The Oil and Gas Regulatory Authority (Amendment) Bill, 2004	11-03-2005 (Currently pending in the Mediation Committee)
4	The Export Development Fund (Amendment) Bill, 2005	17-03-2005
5	The Decorations (Amendment) Bill, 2005	13-04-2005 (Waiting assent)
6	The Federal Employees Benevolent Fund and Group Insurance (Amendment) Bill, 2004	13-04-05 (Money Bill)
7	The Pakistan Navy (Amendment) Bill, 2004	14-04-2005
8	The Illegal Dispossession Bill, 2005	14-04-2005
9	The Federal Public Service Commission (Amendment) Bill, 2005	21-04-2005
10	The Members of Parliament (Salaries and Allowances) (Amendment) Bill, 2005	21-04-2005 (Money Bill)
11	The Foreign Private Investment (Promotion Protection) (Amendment) Bill, 2005	05-05-2005 (Currently pending in the Mediation Committee)
12	The Safeguard Measures (Amendment) Bill, 2005	05-05-2005 (Currently pending in the Mediation Committee)
13	The Pakistan Electronic Media Regulatory Authority (Amendment) Bill, 2005	16-05-2005 (Currently pending in the Mediation Committee)
14	The Press, Newspapers, News Agencies and Books Registration (Amendment) Bill, 2005	18-05-2005 (Currently pending in the Mediation Committee)
15	The Finance Bill, 2005	17-06-2005
16	The Legal Practitioners and Bar Councils (Amendment) Bill, 2005	09-09-2005
17	The Pakistan Council of Research in Water Resources Bill, 2005	22-09-2005
18	The National Institute of Oceanography Bill, 2005	22-09-2005

Table 3: Some of the Ordinances Laid before the National Assembly

No	Title of the Ordinance	Laid on
1	The Defence Housing Authority Islamabad Ordinance,	26-04-2005

	2005 (Ordinance No. II of 2005)	
2	The Police Order (Amendment) Ordinance, 2005 (Ordinance No. III of 2005)	26-04-2005
3	The Pakistan Engineering Council (Amendment) Ordinance, 2005 (Ordinance No. IV of 2005)	26-04-2005
4	The Pakistan Intellectual Property Rights Organization Ordinance, 2005 (Ordinance No. V of 2005)	26-04-2005
5	The Legal Practitioners and Bar Councils (Amendment) Ordinances, 2005 (Ordinance No. VI of 2005)	26-04-2005
6	The Alternative Energy Development Board Ordinance, 2005 (Ordinance No. VII of 2005)	13-09-2005
7	The Recognition and Enforcement (Arbitration Agreements and Foreign Arbitral Awards) Ordinance, 2005 (Ordinance No. VIII of 2005)	13-09-2005
8	The Police Order (Second Amendment) Ordinance, 2005 (Ordinance No. IX of 2005)	13-09-2005
9	The Pakistan Engineering Council (Second Amendment) Ordinance, 2005 (Ordinance No. X of 2005)	16-09-2005
10	The Intellectual Property Organization of Pakistan Ordinance, 2005 (Ordinance No. XI of 2005)	16-09-2005
11	The Societies Registration (Amendment) Ordinance, 2005 (Ordinance No. XII of 2005)	16-09-2005
12	The National Database and Registration Authority (Amendment) Ordinance, 2005 (Ordinance No. XIII of 2005)	21-09-2005
13	The Public Investment (Financial Safeguards) (Amendment) Ordinance, 2005 (Ordinance No. XIV of 2005)	21-09-2005
14	The Federal Public Service Commission (Amendment) Ordinance, 2005 (Ordinance No. XV of 2005)	21-09-2005
15	The Pakistan Telecommunication (Re-organization) (Amendment) Ordinance, 2005 (Ordinance No. XVI of 2005)	23-09-2005
16	The Alternative Energy Development Board Ordinance, 2005 (Ordinance No. XVII of 2005)	23-09-2005

Note:

For more information on parliamentary issues, please visit the Senate Website (www.senate.gov.pk) and/or National Assembly Website (www.na.gov.pk). You can also make enquiries to a Member of the National Assembly (MNA) or a Senator from your constituency/ district. Contact details of MNAs, Senators and chairmen/members of various parliamentary committees are available on the above given websites. CPDI-Pakistan can be contacted by writing to: info@cpdi-pakistan.org

CPDI-Pakistan

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1. Promotion of Peace and Tolerance
2. Rule of Law
3. Transparency and Access to Information
4. Budget Watch
5. Legislative Watch and Democratic Development

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