

THE UNFINISHED AGENDA OF PARLIAMENTARY REFORMS

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Pakistan has a parliamentary form of Government with two houses of parliament, the National Assembly as a popular house and the Senate with equal representation of the provinces. The 15th National Assembly was dissolved by the Prime Minister on the 9th of August this year, just three days before it was to complete its 5-year term. The election for the National Assembly is scheduled for the 8th of February, 2024. The Senate is a perpetual house with 50% members retiring every three years. The next election of 50% Senators is due in March, 2024. The provincial assemblies of the four provinces will also be elected along with the National Assembly on the 8th of February.

The foremost challenge which the Parliament and provincial assemblies face is in the form of a significant gap between the functions of its members as outlined in the Constitution and assembly rules on one hand and the expectations of their voters on the other. The text book description of functions of parliamentarians involves legislation, including the passage of the finance bill and accompanying annual statement of budget estimates (commonly known as the Budget), oversight of the Executive through parliamentary committees and otherwise, and representation of the aspirations of voters while debating domestic issues and international relations.

Because of the peculiar state of governance, voters expect their elected representative to intercede on their behalf with the administration at local, provincial and national levels to arrange for jobs for their children, ensure their own promotions and transfers, facilitate their access to loans, admit their children to good schools, obtain approval for local infrastructure projects like a road or water supply scheme here, a school or basic health unit there. Since quality of governance is bad and majority of voters are poor and uneducated, common people need the support of a strong person like an elected representative to plead their case with the administration and local police to get the official response that they were entitled to anyway. The result is that most voters do not evaluate

the performance of their elected legislator on the basis of the activities within the Parliament such as proposing a legislation, holding the executive to account in the committees or making a well-prepared budget speech in the House; he or she is assessed on the basis of the number of 'tasks' performed in the administrative offices and police stations for his or her voters. In addition, the legislators are also expected to be present at the voters' children's weddings and their elders' funerals. Absence of elected and effective local governments has exasperated the pressure of voters on MPs. This is obviously an issue that can be addressed through long-term measures such as improving the quality of governance and education levels of citizens but a marked improvement can be seen by instituting empowered and effective local governments to attend to the local problems of the electorate and free up legislators' time to attend to their real business – legislation, oversight, representation and budget scrutiny.

The second huge challenge is that members of Parliament are almost constantly under the pressure of intelligence agencies to vote in a certain way. It is not long ago that the former Prime Minister Imran Khan admitted on more than one television show that he used to seek the assistance of intelligence agencies to ensure the presence of MPs at the time of voting on important legislations and the budget and to ensure that the members vote for the government bills. In case the government does not enjoy good relations with the intelligence agencies, the same MPs will be coerced to vote against the government bills and budget and even vote against the government on a no-confidence resolution to oust it from power. This is exactly what happened in Pakistan about two years ago. This pressure on legislators saps all energy, initiative and self-respect from legislators and they participate in parliamentary proceedings only when pushed to do so. It is the primary reason for extremely poor levels of attendance in the Parliament and provincial assemblies – with the even a 25% rate (required to call a parliamentary sitting) difficult to ensure. It goes without saying that parliamentarians should be allowed to conduct them

selves freely and without any pressure. It is insulting the people's mandate to manipulate elected representatives through blackmail and threatened use of force.

The Parliamentary Budget Process is one big farce as most of the parliamentarians do not get time to go through the voluminous budget documents and they are made to participate in the budget debate and vote without any understanding of the budget proposals. As a result, parliamentarians generally speak on constituency problems or general issues during the budget debate which have no relevance to the budget and development programme. The parliamentary budget process, therefore, needs to be reformed as per the following points. One, grant ample time to the Ministries-related Parliamentary Standing Committees to scrutinise the budget of the concerned Ministries or Divisions after the budget is presented. Currently, the budget is not referred to committees and the whole debate takes place in the plenary which prevents members from having the opportunity to study the budget in detail and scrutinise the proposals. This will naturally mean that the period between the presentation of the budget and its final passage by the National Assembly has to be extended to about 30 to 60 days – significantly higher than the current 14-day average. Parliamentary committees may seek input from various institutions relevant to their scope such as Chambers of Commerce and Industry via the Committees on Commerce and Industry. Similarly, the Committee on Education can interact with civil society groups such as teachers' associations while scrutinising the education budget. Pakistan Medical Association and Pakistan Medical and Dental Council can be consulted on the Health Budget, and so on.

The present powers of the Executive as provided in Article 84 of the Constitution to unilaterally alter the Budget that is passed by the National Assembly needs to be withdrawn or at least curtailed. Prior approval of the National Assembly should be required to make changes to any passed federal budget. In the case of an emergency, prior approval by the National Assembly Standing Committee on Finance should be the minimum requirement of altering the approved budget.

The prevailing System of Voting on bills and other matters is still dependent on the archaic 'Voice Vote'. The electronic voting system already available in the National Assembly should be activated to record the names of the legislators who voted for or against a bill or an issue. This information should be made public so that the citizenry at large is aware of the voting patterns of their elected representatives – as is the case worldwide.

The System of Attendance of Honourable Assembly Members needs to be streamlined to reflect the factual attendance of members.

Most of the legislation is provided in the English language without sharing Urdu versions, which creates a serious handicap for a large number of MNAs who feel more comfortable in reading and reviewing laws in Urdu.

Despite promises made by successive Prime Ministers, the National Assembly has not changed its rules to initiate a Weekly PM's Question Time where PM must address questions from MNAs, as is the practice in many other parliamentary democracies.

Assemblies' Secretariat should compile an Annual Report in line with the practice being followed by the Senate Secretariat. The National and Provincial Assembly Secretariats should also compile and make public comprehensive Annual Reports of the respective Assemblies. The performance of the Parliamentary Committees should also form an integral part of the report. The report should also provide the status of implementation of National Assembly Rule 20I (6) and (7) which provides opportunity to the Standing Committees to give recommendations to concerned Ministries and Divisions of the Federal Government regarding the Public Sector Development Programme (PSDP).

Finally, a culture of transparency must prevail in the elected legislatures. The information regarding the performance of the legislatures and their various committees should be readily made available to the interested public and, ideally should be pro-actively uploaded on the website of the legislatures.

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