



Score Card

Performance of the Senate of Pakistan

Three Years

March 12, 2008 - March 11, 2011



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PILDAT is an independent, non-partisan and not-for-profit indigenous research and training institution with the mission to strengthen democracy and democratic institutions in Pakistan.

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PREFACE

The **Citizens Score Card on the Performance of the Senate of Pakistan: *Three Years*** covers the period from March 12, 2008 to March 11, 2011.

From 2002 onwards, PILDAT has consistently looked at the performance of the Pakistan's Parliament, reviewing it from the citizens' perspective. Its annual reports have helped highlight critical areas of performance as well as that of required reform in the Parliament of Pakistan over the years. In keeping with the PILDAT tradition of compiling and disseminating reports on Parliamentary performance since 2002, this report looks at the performance of the Senate of Pakistan by looking at some of the main categories of legislative performance.

Initially, the purpose of bicameralism (having two houses of the Parliament) was to achieve a mixed form of Government where the lower house is peoples house and the upper House (Senate) usually represents the interests of the upper classes.¹ Another rationale for bicameralism is preservation of federalism. Under "federal bicameralism" the lower House is usually elected directly on the basis of population while the upper House ensures representation of states and provinces. More generally, bicameralism has now been associated with the protection of a majority against the minority and also the minority against the majority.²

Another important value that the upper House is associated with is of continuity. The upper House is not subject to dissolution, even when the lower House is dissolved, and election to whole upper House or Senate does not take place at the same time. This allows for the long-term policy making and greater continuity of membership.³

The Constitutions of 1956 and 1962 of Pakistan provided for a unicameral legislature. The 1973 Constitution allowed for a bicameral Parliament with a popular Chamber (National Assembly) and territorial Chamber (Senate). The Parliamentary form of Government in Pakistan has not evolved fully due to several military interventions and long periods of authoritarian rule. Although, according to the Constitution, the Senate cannot be dissolved, it was dissolved during the military rule of General Muhammad Zia-ul-Haq (Retd.) and General Pervez Musharraf. Therefore PILDAT believes that any assessment of the performance of the Parliament of Pakistan should be undertaken in the context of peculiar history of civilian and military rule in the country.

Acknowledgments

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Disclaimer

This report has been prepared using the information and data from public sources. PILDAT team has made every effort to ensure accuracy of data and content in this report and any omission or error is, therefore, not deliberate.

Islamabad
December 2011

1. Michael Cutron, Does Bicameralism Matter?, Princeton University, Link: < <http://www.princeton.edu/~nmccarty/bicameralism.pdf> >
2. Robert D. Cooter, The Strategic Constitution, Princeton University Press, p. 293
3. Meg Russel, Judging the White Paper against the international practice of Bicameralism, Link: < http://www.ucl.ac.uk/constitution-unit/research/parliament/house-of-lords/tabs/Judging_the_White_Paper.pdf >

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EXECUTIVE SUMMARY

This report analyses the performance of the Senate of Pakistan over the past three Parliamentary years i.e., 2008-09, 2009-2010 and 2010-2011. Over these years the Senate saw improvement in some areas such as Working Days, Government Legislation, Privilege motions, while it saw little or no improvement in other areas such as Working hours, Private Members' Bills, Resolutions and Calling Attention Notices.

The Senate of Pakistan achieved an overall score of **44%** in an evaluation of its three parliamentary years 2008-2011 performance against an Evaluation Framework developed by Inter-Parliamentary Union-IPU. Two aspects of the performance of the Senate namely ***The Transparency and Accessibility of the Senate and Representativeness of the Senate scored the highest, i.e. 53%***. Same aspects are scored highest in the evaluation of performance of 3rd parliamentary year of the National Assembly of Pakistan. The **Senate's Legislative Capacity** was scored at **48%** while **Accountability of Senate** received the score of **36%**. The weakest aspect of the performance of the Senate in the three years is evaluated to be **Effectiveness of the Senate's Involvement in Foreign Policy** which got a score of **34%**. *Same relevance was evaluated in the performance of the National Assembly in the 3rd year of performance where this aspect received the lowest score i.e., 33*

This evaluation is based on the value judgement of an Evaluation Group consisting of **32** members including 16 members of the Parliament representing various political parties, a representative of the Parliamentary Staff and 16 journalists who cover the proceedings of the Parliament. PILDAT had carried out a similar evaluation of the first, second and third year of performance of the 13th National Assembly in 2009 and 2010 respectively.

Looking at the performance indicator, the number of actual working days in the third year showed an increase of 35% over the first year (62 in 2008-2009, 70 in 2009-2010 and 84 in 2010-2011) while the number of working hours registered an overall decrease of 15% over the three Parliamentary years. The number of Government bills passed showed an overall increase of 1150% in the three years (2 in 2008-2009, 12 in 2009-2010 and 25 in 2010-2011).

The number of Private Members' Bills received and passed declined gradually in the three years. The number of Private Members' bills received in the 1st, 2nd and 3rd parliamentary year was 15, 5 and 4 respectively and the number of Private Members' bills passed was 6, 4 and zero (0) respectively. This signifies a decrease of 73% in the number of Bills received.

The number of Starred Questions⁴ received showed an increase of 4% in the 2nd parliamentary year, i.e. from 1751 to 1815, and 34% in the third year – from 1815 to 2437. However, the percentage of questions answered did not show a steady increase, with 23% of the received questions answered in the 1st year, 42% answered in the 2nd year and 34% in the third year. The number of Un-starred Questions received remained at 75, 46 and 66 in the 1st, 2nd and 3rd parliamentary year. This shows a decline of 39% in the 2nd year an improvement of 43% in the 3rd year.

The number of Resolutions passed also declined from 11 in the 1st year to 5 in the 2nd year and 4 in the 3rd year. Similarly, the number of Call Attention Notices discussed also showed a gradual decline with 10 being brought before the House in the 1st year, 8 in the 2nd year and only 3 in the 3rd year which shows an overall decline of 70%.

The number of Privilege Motions received registered an overall increase of 144% (from 25 in the 1st year to 31 in the 2nd year and 61 in the 3rd year) while Adjournment Motions received showed a decrease of 16% over the three parliamentary years.

The 39 Standing Committees and functional committees of the Senate saw an increase in the number of meetings held from 2009-2010 to 2010-2011. The number of meetings held increased from 189 in 2009-2010 to 364 in 2010-2011 which amounts to an increase of 93%. During the Parliamentary years 2009-2010 and 2010-2011 the **Senate Standing Committee**

4. A Starred Question is one to which a member desires an oral answer in the House and which is distinguished by an asterisk mark. An unstarred Question is one which is not called for oral answer in the house and on which no supplementary questions can consequently be asked. An answer to such a question is given in writing

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on Cabinet Secretariat and Inter-Provincial Coordination (chaired by **Senator Shahid Hassan Bugti** (Balochistan, JWP)) held a total of 39 meetings-highest by any Committee. It was followed by **Senate Standing Committee on Health** (chaired by Senator Kalsoom Parveen, Balochistan, BNP-A) with 30 and **Senate Standing Committee on Finance, Revenue, Economic Affairs, Statistics, Planning and Development** (chaired by **Senator Ahmed Ali**, (Sindh, MQM)) with 29 meetings

The members who presented the highest number of Private Members' Bills includes **Senator Kamran Murtaza** (Balochistan, JUI-F) who presented 7 bills during the three Parliamentary years followed by **Senator Mian Raza Rabbani** (Sindh, PPP) and **Senator Wasim Sajjad** (Punjab, PML) with 4 bills each. Among the members who presented the highest number of Calling Attention Notices, **Senator Prof. Khurshid Ahmed** (KP, JIP) tops the list with 153 Calling Attention Notices followed by Senator Prof. Muhammad Ibrahim Khan (KP, JIP) with 71 Calling Attention Notices and **Senator Afia Zia** (KP, JIP) who presented 64 Notices.

The presence of the Prime Minister in the Senate remained poor. In 2008-2009, the Prime Minister did not attend even a single sitting of the Senate while he attended two sittings during 2009-2010 and six (6) sittings during 2010-2011. This means that the Prime Minister's attended 0% meetings in the 1st Parliamentary year, 2% meetings in the 2nd year and 5% in the 3rd year in the Senate of Pakistan.

PART-I

Overview of the Senate of Pakistan

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An Overview of the Senate of Pakistan

The Constitution of Pakistan provides for a bi-cameral legislature, to be known as the National Assembly and the Senate.⁵ In accordance with Article 59 (2) of the Constitution, elections in the Senate for seats allotted to each Province are held according to “the system of proportional representation by means of the single transferable vote.” However, unlike the National Assembly, membership of the Senate is not based upon the relative population of the provinces, rather all provinces are provided with an equal representation (22 members from each province; 23 after the 18th Constitutional Amendment) in the House. In addition Federally Administered Tribal Area (FATA) and Federal Capital are also given representation in the Senate. Furthermore, the Senate is not subject to dissolution⁶ and the term of each member is six (6) years, as under Article 59 (3). Half of the Senators (50) retire every 3 years and new members elected in their place.

The highest office held in the Senate is that of the Chairman, followed in authority by the Deputy Chairman. The term of office of both offices is 3 years. A secretariat headed by a Secretary supports the Senate.

Annual Budget 2011-2012: **Rs. 1,041,101,000**
(15% increase over the previous year)

Annual Budget 2010-2011: **Rs. 907,610,000**
(11% increase over the previous year)

Annual Budget 2009-2010: **Rs. 818,009,000**

Senate after the 18th Constitutional Amendment

The 18th Constitutional Amendment has significantly enhanced the role and functions of the Senate of Pakistan. The Senate, which was earlier made up of a total of one hundred (100) seats, will now have 104 seats with the addition of 4 seats for non-Muslims, one from each Province.⁷ The four provinces are equally represented in the Senate of Pakistan with twenty-three (23) seats each, membership from FATA (eight (8) seats) and the Federal Capital four (4). Of the twenty three (23) seats allocated to each province, fourteen (14) are general; four (4) are reserved for women, four (4) for technocrats and now after 18th Amendment and effective from the next Senate election due in March 2012, one (1) for non-Muslims.

After the 18th Constitutional Amendment and the increase in Senate's powers, the Annual Report on the Implementation of the Principles of Policy is to be placed before the Senate also.

Another significant change in the powers is that now the President cannot promulgate an Ordinance while the Senate is in session.

The number of days that the Senate may take to give its recommendations on money bills has been increased from seven (7) to fourteen (14). The Prime Minister and his/her Cabinet will henceforth be collectively responsible both to the Senate and the National Assembly. Similarly, the number of compulsory working days for the Senate have been increased from 90 to 110.

5. Article 50 of the Constitution of Pakistan.

6. This Constitutional provision was bypassed as the Senate was dissolved several times during the military rule of General Muhammad Zia-ul-Haq (Retd.) and General Pervez Musharraf.

7. To be effective from Senate election after the passage of the 18th Constitutional Amendment Act, April 2010.

PART III

PART-III

Key Performance Indicators

Key Performance Indicators

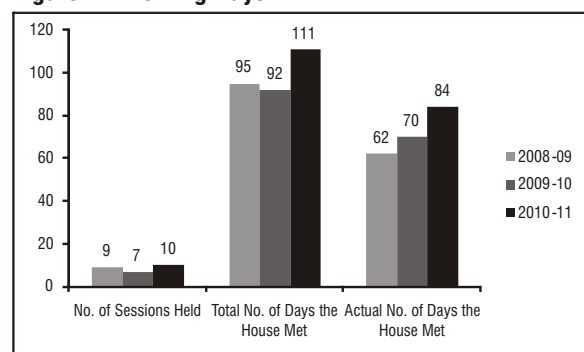
Working Days & Working Hours

In accordance with the 18th Constitutional Amendment, the Senate met for a total of 111 days during the Parliamentary year 2010-2011 as compared to 92 days during 2009-2010 and 95 days during 2008-2009. This signifies a decrease of 3% in the 2nd Parliamentary year and an increase of 20% in the 3rd year. These include two joint sessions of the Parliament as well.

However, if the adjournment period is discounted,⁸ the actual number of working days for the House stands at 84 during the 3rd year compared to 70 during the 2nd year and 62 days during the 1st year. Therefore, actual working days registered an increase of 13% in the 2nd year and 20% in the 3rd year thus registering an overall increase of 35%.

However, what is worrying is the fact that although the actual number of working days have increased, the total number of working hours have decreased over the last three years. The Senate met for approximately 240 hours during the 1st year which decreased to approximately 208 hours during the 2nd year and further to 204 hours in the 3rd year. This shows that the number of total working hours decreased by 13% in the 2nd year and 2% in the 3rd year and thus registered an overall decline of 15%. Consequently, the average number of hours met per day during 2008-2009 was 04 hours which decreased to 03 hours during 2009-2010 and further decreased to 02 hours 48 minutes during 2010-2011. This brings the average time per sitting of the Senate of Pakistan during the three Parliamentary years to just a little over 3 hours.

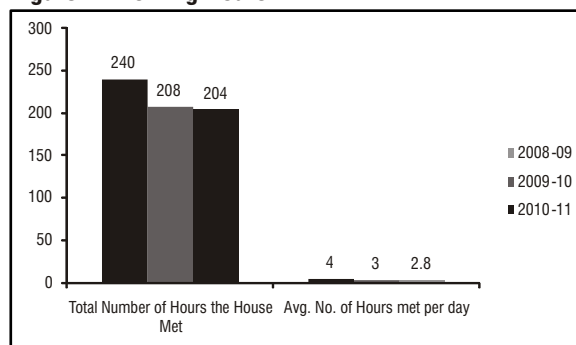
Figure : 1 Working Days



8. Constitutionally, the working days are calculated as including "any day on which there is a joint sitting and any period, not exceeding two days" for which the House is adjourned. However, for the purpose of this report, actual working days have been calculated on the basis of days on which the House actually met disregarding any weekend or breaks.

9. Rajya Sabha, Statistical Information, as accessed on November 11, 2011, Link: < http://rajyasabha.nic.in/rsnew/press_media/statistical_information.asp >

Figure 2: Working Hours



In comparison the Rajya Sabha in Indian Parliament met for an average of over 4 hours per sitting during the years 2008, 2009 and 2010 which is 31% more than the Senate of Pakistan.⁹

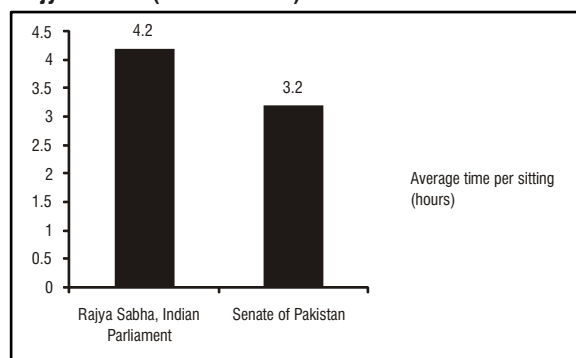
Presence of the Prime Minister

The presence of the Prime Minister in the Senate remained poor. In 2008-2009, the Prime Minister did not attend even a single sitting of the Senate while he attended two sittings during 2009-2010 and six (6) sittings during 2010-2011. This means that the Prime Minister's attended 0% meetings in the 1st Parliamentary year, 2% meetings in the 2nd year and 5% in the 3rd year in the Senate of Pakistan.

The total duration for which the Prime Minister spoke in the Senate was approximately 25-30 minutes during 2009-2010 and 15-20 minutes during 2010-2011.

Prime Minister's presence in the Senate is in stark contrast to his presence in the National Assembly where he was

Figure 3: Average Working Hours – Senate versus Rajya Sabha (2008 – 2011)



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present in 95% of the sittings.

Legislation

The number of Government bills introduced during the 1st, 2nd & 3rd Parliamentary years is 04, zero (0) and 04 respectively. However, the number of Government bills passed showed steady increase from 02 in 2008-2009 to 12 in 2009-2010 to 25 in 2010-2011 with an average of 13 bills per year. This manifests an increase of 500% in the 2nd year and 108% in the 3rd year thus recording an overall increase of 1150%.

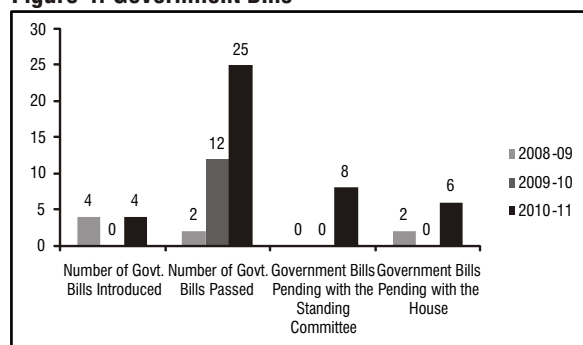
The Indian Rajya Sabha passed 48, 40 and 44 bills in the year 2008, 2009 and 2010. Therefore, Rajya Sabha passed an average of 44 bills per year which is 238% more than the average bills passed by the Senate of Pakistan during three years.¹⁰

During the evaluation the category of Senate's Legislative Capacity was awarded a 48% score. Under this category the sub-area "How systematic and transparent are the procedures for consultation with relevant groups and interests in the course of legislation?" received the lowest score of 48%. The sub-area "How effective is parliament in ensuring that legislation enacted is clear, concise and intelligible?" received a score of 51%.

The number of Private Members' Bills received registered a gradual decline in the three years. During the 1st, 2nd and 3rd years the number of Bills received remained at 15, 5 and 4 respectively. This means that the 2nd year saw a decline of 67% and the 3rd year saw a decline of 20%.

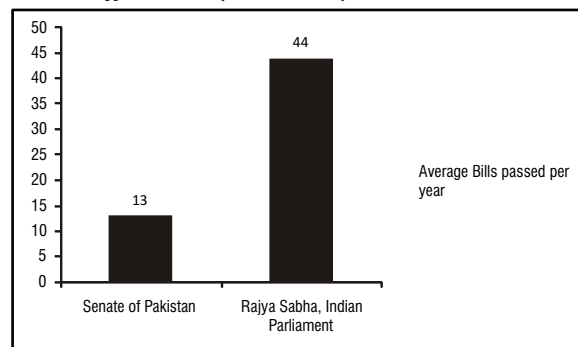
The number of Private Members' Bills passed also saw continuous decline with 6 passed in the 1st year, 4 passed in the 2nd year and none passed in the 3rd year. However, the

Figure 4: Government Bills



10. Rajya Sabha Website, Statistical Information.

Figure 5: Government Bills – Pakistan Senate versus Indian Rajya Sabha (2008-2011)



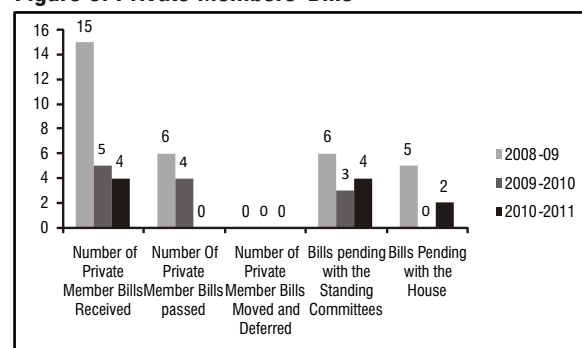
Senate fared better in comparison to the Indian Rajya Sabha which passed no bills during the years 2008, 2009 and 2010.

The sub-area "How adequate are the opportunities for individual members to introduce draft legislation?" received a score of 53% during the evaluation.

Questions

A total of 2503 questions (2437 Starred and 65 Un-starred) were received during the year 2010-2011 as compared to 1861 (1815 Starred and 46 un-starred) during the year 2009-2010 and 1826 (1751 Starred and 75 Un-starred) during 2008-2009. This signifies an increase of 2% in the 2nd year and 34% in the 3rd year thus registering an overall increase of 37%. This indicates an increased interest by the Senators in the Executive's affairs. However, only 35% of the questions, 874 (827 Starred and 47 Un-starred) out of 2503, were replied in the year 2010-2011 compared to the previous parliamentary year (2009-2010), when almost 42% (788 out of 1861) of the questions were replied and year 2008-2009 when 24%

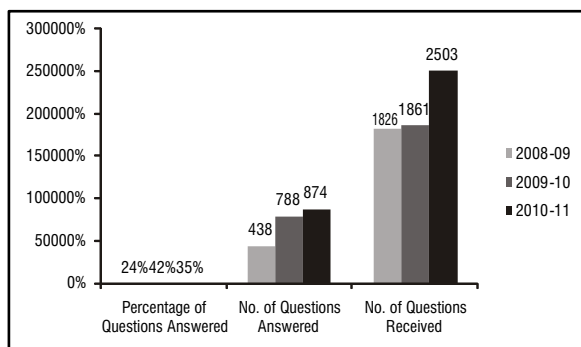
Figure 6: Private Members' Bills



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Figure 7: Number of Questions (Starred and Un-starred)



(438 out of 1826) questions were replied.

During the evaluation sub-area “How rigorous and systematic are the procedures whereby member can question the executive and secure adequate information from it?” received a score of 50%. Moreover, the sub-area “How effective is parliament as a forum for debate on questions of public concern?” received a score of 62%.

Resolutions

While the number of Resolutions received showed an overall increase during the three Parliamentary years, the number of Resolutions passed registered a gradual decline in the past three Parliamentary years. A total of 201 resolutions were received during the 3rd parliamentary year compared to 112 resolutions received during the 2nd year, 115 received during the 1st year. This shows a decline of 3% in the 2nd year, an increase of 79% in the 3rd year and an overall increase of 74%.

The number of Resolutions passed was 11, 05 and 04 during the year 2008-2009, 2009-2010 and 2010-2011 respectively indicating a decline of 54% during the second and 2% during the third year.

Figure 8: Resolutions

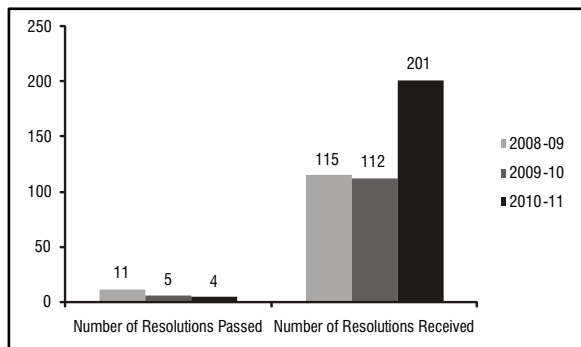
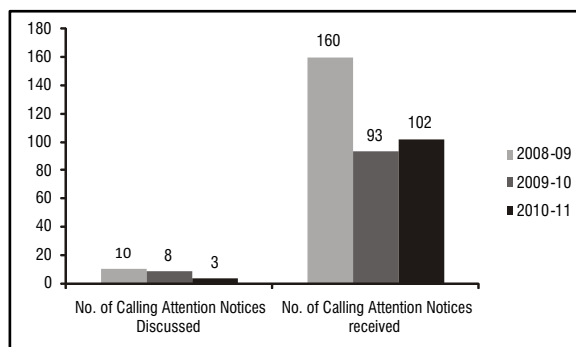


Figure 9: Calling Attention Notices



Calling Attention Notices

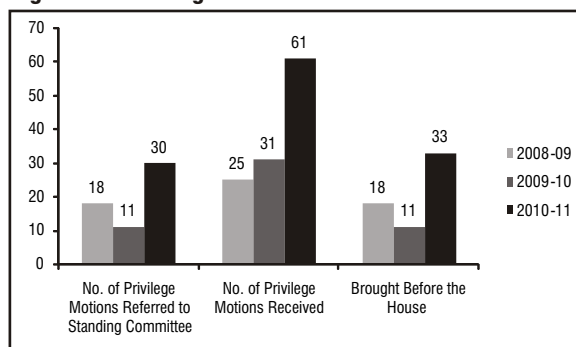
A total of 102 Calling Attention notices were received during 2010-2011. 93 were received for parliamentary year 2009-2010 and 160 for 2008-2009 respectively. This indicates a decline of 42% in the 2nd year and an improvement of 10% in the 3rd year.

The number of Calling Attention Notices discussed in the House were 03 during 2010-2011, 08 in 2009-2010 and 10 in 2008-2009. This shows that out of those received, 6% were discussed in the 1st year, 9% in the 2nd year and only 3% were discussed in the 3rd year.

Privilege Motions

A total of 61 Privilege Motions were received during the year 2010-2011. In comparison, 31 motions were received during the year 2009-2010 and 25 during 2008-2009. This shows an increase of 24% in the 2nd year and 97% in the 3rd year with an overall increase of 144%. The numbers of motions referred to the relevant standing committee are 30, 11 and 18 in the 3rd, 2nd and 1st year respectively.

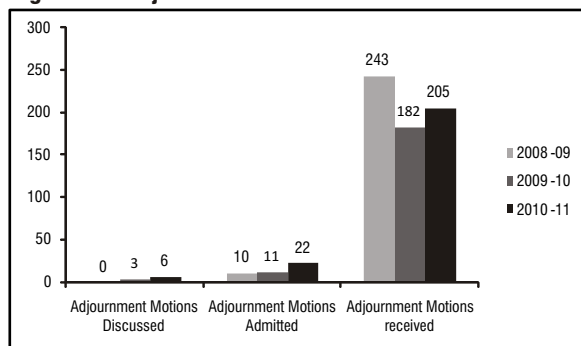
Figure 10: Privilege Motions



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Figure 11: Adjournment Motions



Adjournment Motions

A total of 205 Adjournment Motions were received during the Parliamentary year 2010-2011. Out of these 22 were brought before the House and 06 were discussed in the House.

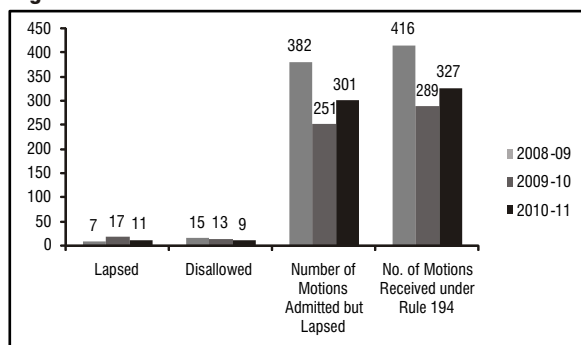
During 2009-2010, a total of 182 Adjournment motions were received, out of which 11 were brought before the House and 03 were discussed. No motions were discussed in the House during the year 2008-2009 but 243 motions were received and 10 were brought before the House.

The number of motions received shows a decrease of 25% in the 2nd year and an increase of 13% in the 3rd year. However, the number of Motions brought before the House shows an increase of 10% in the 2nd year and 100% in the 3rd year.

Motions under Rule 194

During 2010-2011, a total of 327 motions were received under the Rule 194. In comparison, 289 Motions were received under rule 194 during 2009-2010 and 416 during 2008-2009. This shows a decrease of 30% in the 2nd

Figure :12 Motions under Rule 194



Parliamentary year and an increase of 13% in the 3rd Year.

Member-wise Performance

Similarly, the members who presented the highest number of Private Members' Bills includes **Senator Kamran Murtaza** (Balochistan, JUI-F) who presented 7 bills during the three Parliamentary years followed by **Senator Mian Raza Rabbani** (Sindh, PPP) and **Senator Wasim Sajjad** (Punjab, PML) with 4 bills each.

Among the members who presented the highest number of Calling Attention Notices, **Senator Prof. Khurshid Ahmed** (KP, Jamaat-e-Islami Pakistan) tops the list with 153 Calling Attention Notices followed by Senator Prof. Muhammad Ibrahim Khan (KP, JIP) with 71 Calling Attention Notices and **Senator Afia Zia** (KP, JIP) who presented 64 Notices.

Research Publications by the Senate

The Senate of Pakistan published at least three research publications/reports during the three Parliamentary years. These publications include *Parliament and Financial Control*, *Role of Parliament in Foreign Policy* and *Privileges of Parliamentarians*. It must be mentioned the culture of publishing research publications/reports exists only in the Senate and not in the National Assembly.

The Senate also publishes a periodical called 'Senate News' with useful information about the various happenings at the Senate of Pakistan.

Committees

The Senate has a total of 39 Standing and Functional Committees. After the election to the Senate in March 2009, the Committees were formed and their Chairmen elected within 04 months (July-October) with the exception of two committees: the Standing Committee on Narcotics Control was formed in April 2010 while the Committee on Livestock and Dairy Development was not formed.

The number of meetings held by the Senate Committees in 2009-2010 was 189 while it increased to 364 in 2010-2011. This is an increase of 93%.

During the parliamentary year 2010-2011, **Standing Committee on Rules of Procedures and Privileges**, chaired by **Senator Syed Tahir Hussain Mashhadi** (Sindh, MQM) held a total of 21 meetings- the highest by any committee. It was followed by the **Standing Committee on Health**, chaired by **Senator Kalsoom Perveen** (Balochistan, BNP-A),

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Standing Committee on Cabinet Secretariat and Inter-Provincial Coordination, chaired by **Senator Shahid Hassan Bugti** (Balochistan, JWP) and the **Standing Committee on Finance, Revenue, Economic Affairs, Statistics, Planning and Development**, chaired by **Senator Ahmed Ali**, (Sindh, MQM), all of which held 20 meetings each.

Similarly, **Standing Committee on States and Frontier Regions**, chaired by **Senator Hafiz Rashid Ahmed** (FATA, Independent), **Standing Committee on Communications**, chaired by **Senator Mir Wali Muhammad Badini** (Balochistan, Independent) and the **Standing Committee on Sports and Youth Affairs**, chaired by **Senator Abdul Ghaffar Qureshi** (Sindh, PML) held 19 meetings each during the Parliamentary year 2010-2011.

Similarly, during 2009-2010 the highest number of meetings was held by the **Standing Committee on Cabinet Secretariat and Inter-Provincial Coordination**, chaired by **Senator Shahid Hassan Bugti** (Balochistan, JWP) with a total of 19 meetings. It was followed by the **Standing Committee on Culture and Tourism**, chaired by **Senator Nilofar Bakhtiar** (Punjab, PML) which held 12 meetings. The 3rd place went to the **Standing Committee on Health**, chaired by **Senator Kalsoom Parveen**, (Balochistan, BNP-A) which held 10 meetings during the Parliamentary year 2009-2010.

Combined performance during the Parliamentary years 2009-2010 and 2010-2011 shows that the **Senate Standing Committee on Cabinet Secretariat and Inter-Provincial Coordination** held a total of 39 meetings-highest by any Committee. It was followed by **Senate Standing Committee on Health** with 30 meetings in 3 years and **Senate Standing Committee on Finance, Revenue, Economic Affairs, Statistics, Planning and Development** with 29 meetings in 3 years.

During 2010-2011, there was only one Committee that did not hold even a single meeting, namely the **Standing Committee on Science and Technology**, chaired by **Senator Nawabzada M. Akbar Magsi** (Balochistan, Independent). There were two such committees during 2009-2010 namely

Standing Committee on Foreign Affairs, Kashmir Affairs and Gilgit Baltistan, chaired by **Senator Salim Saifullah Khan** (KP, PML) and **Standing Committee on Narcotics Control**, chaired by **Senator Engr. Malik Rashid Ahmed Khan** (FATA, Independent)) which held no meeting during the entire parliamentary year. However, the Standing Committee on Foreign Affairs, Kashmir Affairs and Gilgit-Baltistan only elected its Chairman in the 3rd Parliamentary year on May 06, 2010 while the Standing Committee on Narcotics Control elected its Chairman on April 12, 2009.

The performance of the two most important committees in terms of security and foreign policy challenges facing Pakistan is as follows.

The Senate Standing Committee on Defence and Defence Production held 26 meetings during the three parliamentary years. It held no meetings during the year 2008-2009 (since it was formed in 2nd Parliamentary year), 15 during 2009-2010 and 11 during 2010-2011.¹¹ It presented no reports during this period. Analysis reveals that the Senate Standing Committee on Defence covered a wide range of relevant issues in its meetings as compared to its counterpart in the National Assembly.

The Senate Committee on Foreign Affairs, Kashmir Affairs and Gilgit-Baltistan became functional after Senate Elections of March 2009, on May 06, 2010, a delay of nearly 14 months through election of its Chairman **Senator Salim Saifullah Khan** (KP, PML). The Senate Committee has held 11 meetings during 2010-2011. This is 38% more than the 8 meetings held by the National Assembly Standing Committee on Foreign Affairs during 2010-2011.¹²

During the evaluation the sub-area “How effective are specialist committees in carrying out their oversight function?” received a score of 49%.

Gender-wise Performance

There has been a lot of talk surrounding the role of female legislators in the Parliament. The submission of Private Members' bills is a good measure of interest of the lawmakers in legislation. Statistics reveal that during the first

11. For a detailed analysis see Performance of the Parliamentary Committee on Defence and National Security during the first 3 years of the National Assembly of Pakistan, PILDAT Citizens Monitoring Report, March 15, 2008 to March 15, 2011, May 2011, Link: < <http://www.pildat.org/Publications/publication/CMR/Report-PerformanceoftheParliamentaryCommitteesofDefenceandNationalSecurityMar08toMar11.pdf>>

12. For detailed analysis see Performance of the National Assembly Standing Committee on Foreign Affairs during the first 3 years of the 13th National Assembly of Pakistan, May 2008 – July 2011, Citizens' Report, PILDAT, Link: < <http://www.pildat.org/Publications/publication/Democracy&LegStr/PerformanceoftheNASStandingCommitteeonForeignAffairsJuly2011-CitizensReport.pdf>>

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three Parliamentary years women legislators introduced 16% of the Private Members' bills introduced by men i.e. for every Private bill introduced by a female Senator six (6) bills were introduced by male Senators.

The sub-area "How careful is the parliament in ensuring a gender-equality perspective in its work?" received a score of 53%.

PART III

Important Achievements of the Senate

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Important Achievements of the Senate

In the period covered by this report, the Senate has taken a more proactive role in the legislative process as compared to the earlier years. The Senate has time and again deferred the approval of bills on the point that it should be provided with ample time for discussion and deliberation. This is in stark contrast to the past, where the Senate would pass the bills passed by the National Assembly without much scrutiny or debate. One reason for this may be that the Government did not enjoy a majority in the Senate until its alliance with the PML.

The Senate has asked for a greater role in the oversight of the executive, with a demand being made for the creation of a Public Accounts Committee for the Senate as well.

The important milestones achieved by the Senate include the unanimous passage of the 18th and the 19th Constitutional Amendments. Once again, the Senate sought detailed discussions on these bills of national significance. The debate on the 18th Amendment lasted for three (03) days in the Senate, as compared to two (02) days in the National Assembly. Also, the Senate recommended key amendments to different bills passed by the National Assembly. These include, among others, amendments to the Islamabad High Court Bill 2010.

The Senate also introduced several important pieces of legislation, apart from discussions and passage of the ones passed by the National Assembly. These include the Election Laws (Amendment) Bill 2010 as well as the Social Security Bill 2010.

Almost all the laws were passed through a consensus/unanimous vote. Even when there was a difference of opinion, the parties respected the need to achieve consensus and a compromise was reached.

Access to Information in the Senate and National Assembly

Although, in theory information regarding all Business in the Senate and National Assembly of Pakistan is

categorized as public, the process to obtain this information is long and tiring. Comprehensive data with regards to the performance of the Parliament is not made available online. Recently, the National Assembly has taken some steps towards making information available online such as uploading House debates and updating website but there is still a long way to go. It is advised that both National Assembly and Senate issue an annual report containing all the relevant data and information at the end of each Parliamentary year in line with the practice in other Parliamentary democracies.

In comparison to the National Assembly, the Senate Secretariat compiles more comprehensive information regarding the performance of its House and the Members. It was also noted that it is relatively easier to acquire data from the Senate compared to the National Assembly.

The category Transparency and the Accessibility of the Senate received a score of 52%. The sub-area "How free from restrictions are journalists in reporting on parliament and the activities of its members?" received a score of 79%. The sub-area "How effective is parliament in informing the public about its work, through a variety of channels?" received a score of 56%.

Senators taking the Lead in the Parliament

Senators have provided leadership in a number of initiatives on behalf of both houses of the Parliament. Examples of such contributions include the work of the Parliamentary Committee on Constitutional Reforms (PCCR) which was chaired by Senator Mian Raza Rabbani (Sindh, PPP) and Parliamentary Committee on National Security which is also chaired by Senator Mian Raza Rabbani.¹³ Similarly, analysis reveals that the Senate Standing Committee on Foreign Affairs, Kashmir Affairs and Gilgit Baltistan performed better during the year 2010-2011 compared to its counterpart in the National Assembly.¹⁴ The joint Parliamentary Committee on the Appointment of Judges is also chaired by Senator Syed Nayer Hussain Bokhari (ICT, PPP), Leader of the House in the Senate of Pakistan.

13. For detailed analysis of performance of the Parliamentary Committee on National Security, see **Performance of the Parliamentary Committees of Defence and National Security**, PILDAT Citizens' Report May 2011, Link: < [http://www.pildat.org/Publications/publication/CMR/Report PerformanceoftheParliamentaryCommitteesofDefenceandNationalSecurityMar08toMar11.pdf](http://www.pildat.org/Publications/publication/CMR/Report%20PerformanceoftheParliamentaryCommitteesofDefenceandNationalSecurityMar08toMar11.pdf) >

14. For a detailed analysis see **Performance of the National Assembly Standing Committee on Foreign Affairs during the first three years of the 13th National Assembly of Pakistan**, Citizen's Report, March 2008 – July 2011, Link: < <http://www.pildat.org/Publications/publication/Democracy&LegStr/PerformanceoftheNASStandingCommitteeonForeignAffairsJuly2011-CitizensReport.pdf> >

PART-IV

Areas of Concern

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Areas of Concerns

One of the most noticeable concerns, as repeatedly pointed out by the Chairman and Members of the Senate, is the absence of Ministers during the sessions. Similarly, concerns have been raised about the availability of the Prime Minister in the House.

The House witnessed frequent walk-outs over various issues, including the situation in North Waziristan & FATA, the absence of ministers, and the energy crisis. However, the only thing that these walk-outs achieved was perhaps the early adjournment of the proceedings due to lack of quorum. During 2010-2011, there were two instances of the Senate proceedings being suspended due to lack of quorum. Similarly, the proceedings were suspended thrice during 2009-2010 due to lack of quorum. One such instance was when the 18th Amendment could not be tabled in the House on April 09, 2010 due to lack of quorum, which was a product of the two walk-outs staged by the opposition as well as coalition parties.

Duplication of Work in the Senate and National Assembly

Almost all of the Standing or ministry-related Committees in the Senate have duplicate Committees in the National Assembly looking at the same ministries. This allows for unnecessary duplication of work in the Parliament. If ministry-wise Joint Committees are formed which have representation from both Senate and the National Assembly overseeing one ministry, it might lead to a greater focus on the performance of Committees. This will also result in economy and efficiency. A case in point is the Indian Parliament where every department has a single Committee with representation from both Rajya Sabha and the Lok Sabha. This may also be partly the reason why Indian Parliamentary Committees usually fare better when compared to Committees in Pakistan. In India there are 24 departmentally related Committees out of which 8 have their Chairman appointed by the Chairman, Rajya Sabha while 16 have their Chairman appointed by the Speaker, Lok Sabha.¹⁵ This strategy precludes the possibility of duplication of work in the Indian Parliament.

Similarly, the Research Staff of the National Assembly (around 8 persons currently) and the Senate (11 persons

currently) could also be combined for better focus and utilization of resources. Both houses maintain their separate Libraries with their respective staff in the same building. This facility can be easily combined resulting in economy.

Rules of Procedure and Conduct of Business in the Senate

The National Assembly recently amended its Rules to introduce a procedure for the removal of the Leader of Opposition. The declaration of the Leader of Opposition in the National Assembly is done after submission of the name of the Leader Opposition signed by the members of the National Assembly. However, in the Senate the Leader of Opposition is ascertained by the Chairman and also there is no process for her removal in the Rules of Procedure. This can easily lead to confusion over the appointment. The Rules of Procedure and Conduct of Business in the Senate need to be amended so that a clear process can be defined for the appointment and removal of the Leader of Opposition in the Senate.

Bills not passed by the Parliament

During these three years the Parliament passed some very important bills that require commenting. In order to become law a bill needs to be passed by both Houses and assented by the President. However, there are many important bills that have been introduced and not passed or passed by one House only.

One of such important bills is the Private Members' bill by Dr. Donya Aziz (304 Punjab-XXXII, PML) titled Privatization Commission (Amendment) Bill, 2010. This Amendment to the Privatization Commission Act, 2000, allows for direct Parliamentary representation on the Board of the Commission, which is responsible for developing policy guidelines for the Cabinet on Privatization. The Amendment requires that two members from the National Assembly and two from the Senate shall be members of the Board of the Commission at all times with equal representation from the Opposition and Treasury. Similarly, a bill by Ms. Yasmeen Rehman (298 Punjab-XXVI, PPP) titled Domestic Violence (Prevention and Protection) Act 2009 was passed unanimously by the National Assembly on August 04, 2009 but lapsed because the Senate could not pass it within the period of three months and a Joint Sitting as stipulated by the Constitution was not called.¹⁶

15. Committees of Rajya Sabha, General Information, Link: < http://rajyasabha.nic.in/rsnew/committees/general_introduction.asp >

16. Domestic Violence Bill, Dawn, March 28, 2011, Link: < <http://www.dawn.com/2011/03/28/domestic-violence-bill.html> >

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Along with the Holders of Public Office (Accountability) 2009 bill there are several important bills that are pending before the National Assembly of Pakistan – some are pending since the past three years. One of such bills is National Commission for Human Rights Bill, 2009. In pursuance of UN General Assembly Resolution No. 48/134 of December 20, 1993, all member states are under obligation to establish that such institutions with a single criterion to judge the State's commitment towards protection and promotion Human Rights.

Similarly, laws regarding cyber crime in the country are a cause of great concern. The Prevention of Cyber Crimes (Ordinance) 2007 which dealt with cyber-terrorism, forgery, data damage, electronic fraud, staking and spamming was issued by General Pervez Musharraf and was widely termed as flawed for not being in alignment with international conventions and for not covering issues such as child abuse.¹⁷ However, even this law lapsed because it was not re-promulgated after 2009. As of now there is no law which deals with cyber crime.

On December 31, 2010, the Prime Minister called for a tougher Anti-Terrorism law. This is law is of particular importance because it is widely believed that terrorists are not convicted because of the absence of a watertight Anti-Terror law. On July 27, 2010, an Anti-terrorism (Amendment) Bill, 2010 was introduced in the Senate of Pakistan but it continues to be pending. Similarly, the controversial Defence Housing Authority Islamabad bill, 2007, passed by the National Assembly Standing Committee on Defence in January 2010, is also pending.

17. See Dirty Minds Roam free, Dawn, June 10, 2011, Link: < <http://www.dawn.com/2011/06/10/dirty-minds-roam-free-2.html> > & Say No to PECO 2009, Link: < <http://ciopakistan.com/2009/11/sayno-to-peco-2009/> >

PART-V

Evaluation of the Senate of Pakistan using the IPU Toolkit

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Evaluation of the Senate of Pakistan using the IPU Toolkit IPU Toolkit

The Senate of Pakistan achieved overall score of **44%** in an evaluation of three Parliamentary years 2008-2011 performance against an Evaluation Framework developed by Inter-Parliamentary Union-IPU. Two aspects of the performance of the National Assembly namely ***The Transparency and Accessibility of the Senate and Representativeness of the Senate scored the highest, i.e. 53%*** while the weakest aspect of the Senate's performance is evaluated to be its ***Effectiveness of the Senate's Involvement in Foreign Policy*** which got the score of **34 %**. The evaluation is based on the value judgement of an Evaluation Group consisting of 32 members 16 including Parliamentarians representing various political parties, a member of the Parliamentary Staff and 16 journalists who cover the proceedings of the Parliament and analysts who keep their eyes on the performance of the Parliament.

Questions and Topics in the Evaluation Framework

The IPU defines a democratic Legislature as the one that is

- Representative
- Transparent
- Accessible
- Accountable
- Effective

The Evaluation Framework consists of a set of questions of which covers one aspect of a democratic legislature. The method of evaluation involves answering the questions which relates to the nature and work of the legislature concerned. These questions, 44 in total and called sub-areas, are grouped under the following six (6) topics also called Areas.

1. The Representativeness of the Legislature
2. Legislative Oversight over the Executive
3. Legislative Capacity
4. The Transparency and Accessibility of the Legislature
5. The Accountability of the Legislature
6. The Legislature's Involvement in International Policy

The evaluation is based on the value judgements of how the legislature measures against each of these criteria. It is to be expected that a legislature may not attain the highest score for every question since a legislature, like democracy, can always be strengthened.

The evaluators had to assign a score from 1-5 against each question; 1 representing the minimum score and 5 representing the maximum. PILDAT averaged the score assigned by 30 evaluators and converted the score in percentages for better understanding.

Objective of the Evaluation

PILDAT is an independent, non-partisan think tank dedicated to strengthening of democracy and democratic institutions in Pakistan and elsewhere. PILDAT focuses on Parliament and Provincial Assemblies for capacity building of the Parliamentarians, Parliamentary Committees, Parliamentary Process and Legislature as a whole as an institution. PILDAT complies and publishes a yearly, and later for the entire term, Citizens' Report on the performance of the Parliament. The purpose of the evaluation is to make Parliament more effective, responsive and accountable institution for the people. We hope that this evaluation will help in identifying the weak and strong points of the Senate which in turn will help the Senate, its members, leadership and the Secretariat to set in a reform process to address the weaknesses and acknowledge the strengths. The effort is not meant to malign, defame or even criticise the Senate of Pakistan but it has been undertaken as a collaborative effort involving key stakeholders as a modest initiative to strengthen the bond between the citizen and the Senate and assist the institution to further improve and strengthen.

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The Evaluation Group

The evaluation has been carried out by a diverse group consisting of Members of the Parliament representing various political parties, journalists who cover the proceedings of the Parliament and key analysts. The group consists of the following persons.

Members of the Parliament

1. **Senator Abdul Haseeb Khan**, (Sindh, MQM)
2. **Senator Muhammad Humayun Khan Mandokhel**, (Balochistan, Independent)
3. **Senator Mir Hasil Bizenjo**, (Balochistan, NP)
4. **Senator Salim Saifullah Khan** (Khyber Pakhtunkhwa, PML)
5. **Senator Saeeda Iqbal**, (Islamabad Capital Territory, PPPP)
6. **Lt. Gen (Retd.) Abdul Qadir Baloch**, MNA, (NA-271, Panjgur, Balochistan, PML-N)
7. **Mr. Aftab Shahban Mirani**, MNA, (NA-202 Shikarpur-I, PPPP)
8. **Ms. Fouzia Ejaz Khan**, MNA, (NA-317 Sindh-X, MQM)
9. **Mr. Humayun Saifullah Khan**, MNA, (NA-27, Lakki Marwat, PML)
10. **Nawabzada Malik Amad Khan**, MNA, (NA-7, Mianwali-I, PPPP)
11. **Mr. Naseer Bhutta**, MNA, (NA-127, Lahore-X, PML- N)
12. **Ms. Shaheen Ishfaq**, MNA, (287, Punjab-XV, PML-N)
13. **Mr. Pervaiz Khan**, MNA, (NA-13, Swabi-II, ANP)
14. **Ms. Shahnaz Saleem**, MNA, (280, Punjab-VIII, PML- N)
15. **Ms. Parveen Masood Bhatti**, MNA, (281, Punjab-IX, PML-N)
16. **Ms. Tasneem Siddiqui**, MNA, (285, Punjab-XIII, PML- N)

Parliamentary Staff

1. **Mr. Iftikharullah Babar**, Special Secretary, Senate of Pakistan

Journalists and Analysts

1. **Mr. Absar Alam**, Senior Anchorperson, Aaj News
2. **Mr. Ahmad Hassan**, Senior Correspondent, Dawn Newspaper
3. **Mr. Asif Bashir Chaudhry**, In charge Investigation Cell, ARY News
4. **Mr. Arif Nazami**, Editor, Pakistan Today
5. **Mr. Ghazi Salahuddin**, Senior Analyst, The News
6. **Dr. Hasan Askari-Askari**, Defence Analyst
7. **Mr. Jonaid Iqbal**, Journalist, Dateline Pakistan
8. **Dr. Moeed Pirzada**, Director, PTV
9. **Mr. Mujeeb-ur-Rehman Shami**, Editor In Chief, Daily Pakistan
10. **Syed Anwar-ul-Hassan**, Anchorperson, PTV News
11. **Dr. Shahid Masood**, Senior Analyst, Express News
12. **Mr. Sabir Shakir**, Bureau Chief, ARY News
13. **Air Vice Marshal (Retd.) Shahzad Chaudhry**, Defence Analyst
14. **Mr. Tahir Khalil**, Senior Correspondent, The News
15. **Ms. Aasiya Riaz**, Joint Director-PILDAT

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The Evaluation Results

In three years performance of the Senate of Pakistan, it received an overall average score of 44%. **The Transparency and Accessibility of the Senate** and **The Representativeness of the Senate** received highest scores of 53%, in the evaluation. **The Senate's Legislative Capacity**, was scored at 48%. **Effectiveness of Parliamentary Oversight over the Executive** got a score of 42%, while the **Effectiveness of the Senate's involvement in Foreign Policy** received lowest score of 34% in these three years. **The Accountability of Parliament** received a score of 36% during these three years of performance.

Figure: 13 Overall and Area Wise Score

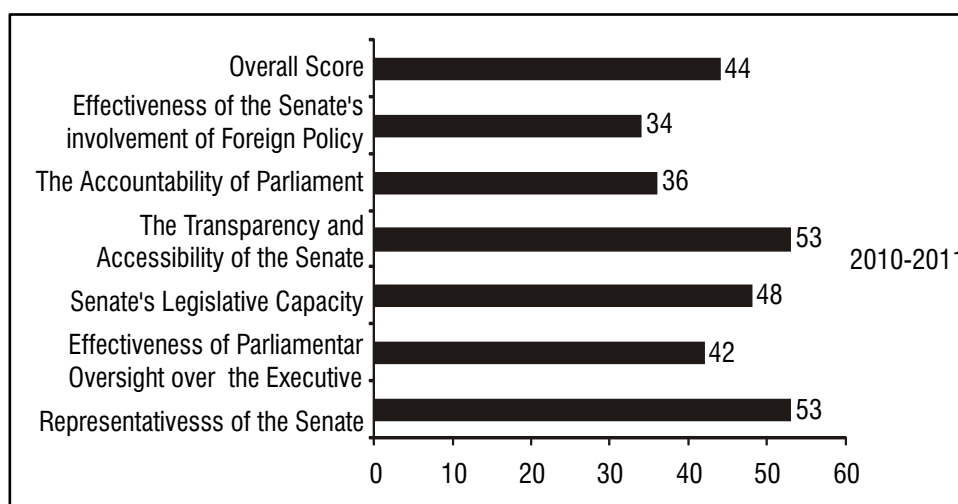
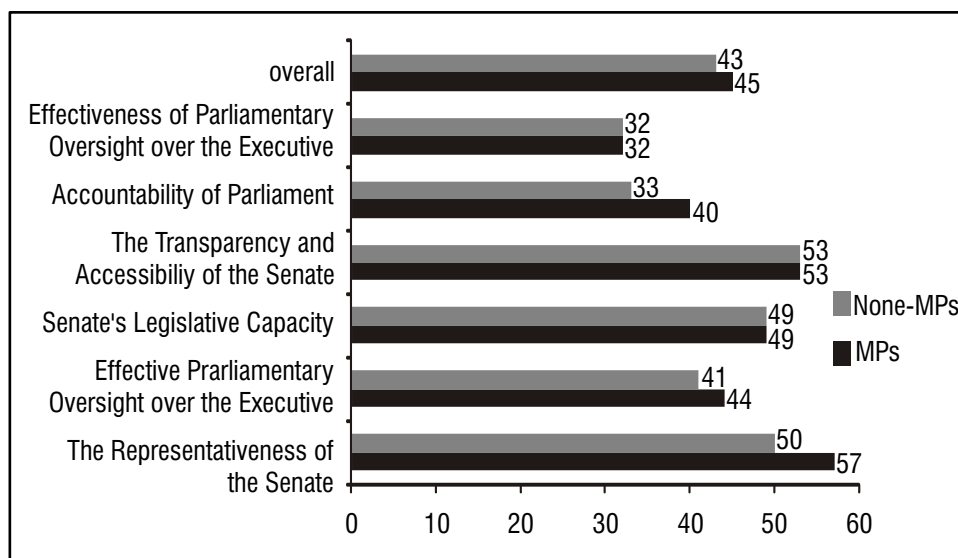


Figure: 14 Comparison of Scores Awarded by MPs and Non-MPs



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Figure 13 gives the overall evaluation score in each of the six areas of the Senate's performance. These scores are out of 100 or expressed in percentages.

Analysis of the Evaluation Scores in each of the Six (6) Areas

1. Representativeness of the Senate of Pakistan

Nine (9) sub areas were evaluated to determine the representativeness of the Senate of Pakistan. These sub-areas are:

- a. Diversity of Representation
- b. Women's Representation
- c. Representation of Marginalised Groups and Regions
- d. Electability of a person of Average Means
- e. Internal Party Arrangements to Ensure Balanced Representation
- f. Freedom to the Opposition
- g. Infrastructure of the Senate of Pakistan
- h. Freedom and Security for Dissenting Members
- i. Senate's Effectiveness for Debate on Questions of Public Concern

The weakest aspect of the Representativeness of the Senate of Pakistan: Near impossibility of a person of average means to get elected to the Senate

The weakest aspect of the representativeness of the Senate is that it is extremely difficult for a person of average means to get elected to the Senate. The question "How easy is it for a person of average means to be elected to Parliament" received 35 %, which is the lowest among the scores received by 9 sub-areas under the Representativeness of the Senate of Pakistan.

The strongest aspect of the Representativeness of the Senate of Pakistan: representativeness of women in the composition of Parliament.

The strongest aspect of the representativeness of the Senate turned out to be the "How representative of women is the composition of Parliament" This question received 69 % score while evaluating the representativeness of the Senate of Pakistan.

The overall score for the representativeness of the Senate of Pakistan

The representativeness of the Senate received a net score of 53 %,

The score awarded by MPs in this area is 57% which is higher than the score awarded by Non-MPs which is 50%.

2. Effectiveness of the Parliamentary Oversight over the Executive

Eight (8) sub-areas were evaluated to determine the effectiveness of the Senate's oversight over the Executive. These sub-areas included:

- a. Procedures
- b. Effectiveness of Committees
- c. The Budget Process
- d. Scrutiny of Executive Appointments
- e. Ability to hold Non-Elected Public Bodies Accountable
- f. Autonomy of the Senate
- g. Expertise of Professional Staff
- h. Research Facilities

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The weakest aspect of the Parliamentary Oversight over the Executive: inability to scrutinise executive appointments

The weakest aspect of Parliamentary oversight over the executive was evaluated to be the inability of the Senate to scrutinise executive appointments and to hold public bodies to account. The question “How effectively can parliament scrutinizes appointments to executive posts, and holds their occupants to account” received the lowest 32% score under the evaluation of the effectiveness of Parliamentary Oversight over the Executive.

The strongest aspect of Parliamentary oversight over the executive: Ability to hold Non-Elected Public Bodies Accountable

The strongest aspect of Parliamentary oversight over the executive was evaluated as the Ability to hold Non-Elected Public Bodies Accountable. The question “How rigorous and systematic are the procedures whereby member can question the executive and secure adequate information from it” received 50% of score.

Overall effectiveness of the National Assembly of the Executive

The overall effectiveness of the National Assembly in oversight of the Executive was evaluated to be 40% during three years of the performance of the Senate.

The score awarded by MPs in this area is 44% while the score awarded by the Non-MPs is 41%.

3. Effectiveness of the Legislative Capacity of the Senate of Pakistan

Effectiveness of the legislative capacity of the Senate of Pakistan was evaluated in the following 7 sub-areas:

- a. Procedures for Full and Open Debates
- b. Effectiveness of Committees to Amend Draft Legislation
- c. Procedure to Consult Various Interest Groups on Legislation
- d. Facilities to Introduce Private Member's Bill
- e. Effectiveness of the Senate in ensuring quality of the passed legislation
- f. Conformity of Legislation to the Constitution
- g. Incorporation of Gender Equality Perspective in Senate Working

The weakest aspect of the effectiveness of the legislative capacity of the Senate: Procedure to Consult Various Interest Groups on Legislation

The question “How systematic and transparent are the procedures for consultation with relevant groups and interests in the course of legislation” received the lowest score under the category i-e. 48%.

The strongest aspect of the effectiveness of the legislative capacity of the Senate: Conformity of Legislation to the Constitution

The strongest aspect of the effectiveness of the legislative capacity of the Senate was evaluated to be the Conformity of Legislation to the Constitution. The question “How careful is parliament in ensuring that legislation enacted is consistent with the constitution and the human rights of the population?” received 59 % scores.

The overall effectiveness of the legislative capacity of the Senate of Pakistan

The overall effectiveness of the legislative capacity of the Senate of Pakistan was evaluated to be 48%.

Scores awarded by MPs and Non-MPs are equal in this category as score is 49%.

4. The Transparency and Accessibility of the Senate of Pakistan

There were a total of seven (7) questions to evaluate the transparency and accessibility of the Senate of Pakistan. These questions related to the following aspects:

- a. Media Access to the Senate

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- b. Freedom of Journalists to Cover the Senate Proceedings
- c. Communication with the General Public
- d. Ability to Attract Youth to the Senate's Work
- e. Channels of Direct Communications by the People to the Members of the Senate
- f. Availability of Channels of Communications with the Senate to Civil Society Groups
- g. Opportunity to Citizen's Direct Involvement in Legislation

The weakest aspect of the transparency and accessibility of the Senate of Pakistan: Very little opportunity to citizens of direct in legislation through citizens' initiatives, referenda, etc.

The question "How much opportunity do citizens have for direct involvement in legislation (e.g. through citizens' initiatives, referenda, etc.)" received the lowest score under this category i-e. 36%.

The strongest aspect of the transparency and accessibility of the Senate: Ample freedom to journalists in reporting on the Senate and its members

The question "How free from restrictions are journalists in reporting on parliament and the activities of its members?" received the maximum score i-e. 79 %.

Overall score of the transparency and accessibility of Senate of Pakistan

The overall transparency and accessibility of the Senate of Pakistan received a score of 53.

Scores awarded by MPs and Non-MPs also differ in this category as MPs assigned a score of 53% compared to 53 by Non-MPs.

5. The Accountability of the Senate of Pakistan

Seven (7) detailed sub-areas were received in order to determine the accountability of the Senate of Pakistan. These sub-areas included:

- a. Availability of a proper System for Members of the Senate to Report Back to their Constituents on their Performance
- b. Effectiveness of the Electoral System to Ensure Accountability of the Senate and its Members to Electorate
- c. Accountability of the Members through Elections, Observance of the Code of Conduct by the Members
- d. Transparency of Procedures to Prevent Conflict of Interest by the Members
- e. Oversight Funding to Candidates and Parties
- f. Acceptable System of Determining Members' Salaries
- g. Availability of a Proper System of Measuring Public Confidence in the Senate

The weakest aspect of the accountability of the Senate: Very less Availability of a Proper System of Measuring Public Confidence in the Senate

The weakest aspect of the accountability of the Senate of Pakistan was very less availability of a proper system of measuring public confidence in the Senate. The question that received the lowest score in this aspect of the evaluation was "How systematic is the monitoring and review of levels of public confidence in parliament?" got 35%.

The strongest aspect of the accountability of the Senate: Availability of a proper System for Members of the Senate to Report Back to their Constituents on their Performance

The question "How systematic are arrangements for members to report to their constituents about their performances in office" received the highest score 41%.

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Overall score for the accountability of the Senate of Pakistan

Overall, the accountability of the Senate of Pakistan received a score of 36%.

The score awarded by MPs in this area is 40% which is higher than the score awarded by non-MPs which is 33%. It indicates that Parliamentarians consider the Senate much more accountable than the non-MPs.

6. Effectiveness of the Senate's involvement in Foreign Policy

Ten (10) sub-areas were evaluated to determine the effectiveness of the Senate's involvement in international policy (popularly known as Foreign Policy in Pakistan). These are:

- a. Ability of the Parliament to scrutinise and contribute to the Government's foreign policy
- b. Availability of information to Parliament on on-going negotiations with international entities
- c. Ability to influence the commitments made by the government to international entities
- d. Parliament's ability to influence the monitoring reports submitted by the government as a part of its international commitments
- e. Parliament's ability to monitor Government's Development Policy as a donor or recipient (Mostly as a recipient in the case of Pakistan)
- f. Oversight of the development of country's troops abroad
- g. Parliament's effectiveness to foster political dialogue for resolving domestic and international conflicts
- h. Effectiveness of inter-parliamentary cooperation at the domestic and international level
- i. Ability of the Parliament to scrutinise the polices and perform of international entities like the UN to which the country contributes

The weakest aspect of the Senate's effectiveness in Foreign Policy: Availability of information to Parliament on on-going negotiations with international and global bodies

The question that received minimum scores in this category: is "How adequate and timely is the information available to parliament about the government's negotiating positions in regional and universal global bodies" -e 30% score in the evaluation.

The strongest aspect of the Senate's effectiveness in Foreign Policy: Effectiveness in inter-parliamentary cooperation

A 52% score was assigned to the question "How effective is parliament in inter-parliamentary cooperation at regional and global levels."

Overall Score for the Effectiveness of the Senate's Involvement

Overall effectiveness of the Senate's involvement in foreign policy was rated as 34%

Score awarded by the MPs and non-MPs are same 32% in this area.

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Table 1: Detailed Evaluation Score Card of the Performance of the Parliament

No.	Parameter and Sub-Area of Evaluation	Score (Percentage) 2011
1	<i>The Representativeness of the Senate</i>	53
1.1	How adequately does the Parliament represent the diversity of political opinion in the country (e.g. as reflected in votes for the respective political parties)?	61
1.2	How representative of women is the composition of Parliament?	69
1.3	How representative of marginalized groups and regions is the compositions of Parliament?	54
1.4	How easy is it for a person of average means to be elected to Parliament?	35
1.5	How adequate are internal party arrangements imbalances in parliamentary representation?	41
1.6	How adequate are arrangements for ensuring that opposition and minority parties or groups and their members can effectively contribute to the work of Parliament?	50
1.7	How conducive is the infrastructure of parliament, and its unwritten mores, to the participation of women and men?	56
1.8	How secure is the right of all members to express their opinions freely and how well are members protected from executive or legal interference?	68
1.9	How effective is parliament as a forum for debate on questions of public concern?	62
2	<i>Effectiveness of Parliamentary Oversight over the Executive</i>	42
2.1	How rigorous and systematic are the procedures whereby member can question the executive and secure adequate information from it?	50
2.2	How effective are specialist committees in carrying out their oversight function?	49
2.3	How well is parliament able to influence and scrutinize the national budget, through all its stages?	41
2.4	How effectively can parliament scrutinizes appointments to executive posts, and holds their occupants to account?	32
2.5	How far is parliament able to hold non-elected public bodies to account?	39
2.6	How far is parliament autonomous in practice from the executive, e.g. through control over its own budget, agenda, timetable personal, etc.?	47
2.7	How adequate are the members and expertise of professional staff to support members, individually and collectively, in the effective performance of their duties?	41
2.8	How adequate are the research, information and other facilities available to all members and their groups?	47
3	<i>Senate's Legislative Capacity</i>	48
3.1	How satisfactory are the procedures for subjecting draft legislation to full and open debate in parliament?	55
3.2	How effective are committee procedures for scrutinizing and amending draft legislation?	53
3.3	How systematic and transparent are the procedures for consultation with relevant groups and interests in the course of legislation?	48
3.4	How adequate are the opportunities for individual members to introduce draft legislation?	53

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No.	Parameter and Sub-Area of Evaluation	Score (Percentage) 2011
3.5	How effective is parliament in ensuring that legislation enacted is clear, concise and intelligible?	51
3.6	How careful is parliament in ensuring that legislation enacted is consistent with the constitution and the human rights of the population?	53
3.7	How careful is the parliament in ensuring a gender-equality perspective in its work?	53
4	<i>The Transparency and Accessibility of the Senate</i>	53
4.1	How open and accessible to the media and the public are the proceeding of parliament and its committees?	66
4.2	How free from restrictions are journalists in reporting on parliament and the activities of its members?	79
4.3	How effective is parliament in informing the public about its work, through a variety of channels?	56
4.4	How extensive and successful are attempts to interest young people in the work of parliament?	46
4.5	How adequate are the opportunities for electors to express their views and concerns directly to their representative, regardless of party affiliations?	50
4.6	How user-friendly is the procedure for individuals and groups to make submissions to a parliamentary committee or commission of enquiry?	52
4.7	How much opportunity do citizens have for direct involvement in legislation (e.g. through citizens' initiatives, referenda, etc.)?	36
5	<i>The Accountability of Parliament Transparency and Accessibility of the Senate</i>	36
5.1	How systematic are arrangements for members to report to their constituents about their performances in office?	41
5.2	How effective is the electoral system in ensuring the accountability of parliament, individually and collectively, to the electorate?	39
5.3	How effective is the system for ensuring the observance of agreed codes of conduct by members?	41
5.4	How transparent and robust are the procedures for preventing conflicts of financial and other interest in the conduct of parliamentary business?	38
5.5	How adequate is the oversight of party and candidate funding to ensure that members preserve independence in the performance of their duties?	38
5.6	How publicly acceptable is the system whereby members' salaries are determined?	39
5.7	How systematic is the monitoring and review of levels of public confidence in parliament?	35
6	<i>Effectiveness of the Senate's Involvement in Foreign Policy</i>	34
6.1	How effective is parliament able to scrutinize and contribute to the government's foreign policy?	32
6.2	How adequate and timely is the information available to parliament about the government's negotiating positions in regional and universal/ global bodies?	30 (Lowest Score of the Evaluation)
6.3	How far is parliament able to influence the binding legal or financial commitments made by the government in the international fora, such as the UN?	33
6.4	How effective is parliament in ensuring that international commitments are implemented at the national level?	37

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No.	Parameter and Sub-Area of Evaluation	Score (Percentage) 2011
6.5	How effectively is parliament able to scrutinize and contribute to national reports to international monitoring	35
6.6	How effective is parliamentary monitoring of the government's development policy, whether as "donor" or "recipient" of international development aid?	36
6.7	How rigorous is parliamentary oversight of the deployment of the country's armed forces abroad?	31
6.8	How active is parliament in fostering political dialogue for conflict resolution, both at home and abroad?	37
6.9	How effective is parliament in inter-parliamentary cooperation at regional and global levels?	52
6.1	How far is parliament able to scrutinize the policies and performance of international organizations like the UN, World Bank and IMF to which its government contributes financial, human and material resources?	33
Overall Evaluation Score for the Senate		44

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Recommendations

Strengthen Parliament's role in Parliamentary Diplomacy and Oversight of Foreign Policy

The effectiveness of the Senate in the Foreign Policy received the lowest score as compared to all other areas and questions.

As elected representatives of the people, Parliamentarians have the unique position and role to reach out and involve in diplomatic endeavours in keeping with public aspirations where state's institution are unable to venture. Parliamentary diplomacy, therefore, can open doors and break barriers where State's positions are unable to reach. Pakistan's elected Parliament has to endeavour to play a strong and systemic role in parliamentary diplomacy across the region and internationally in the interest of Pakistan. This role of the Parliament is under-focussed or intentionally neglected in Pakistan.

In terms of oversight functions, the Parliament has to assert its role in areas where the State has become the signatory to international pacts and treaties. Parliament and Parliamentary Committees must systemically review Pakistan's progress of implementation of international treaties and conventions.

A system is also needed whereby all international commitments Pakistan aspires to adhere (that may be regarding the UN obligations and treaties; deployment Pakistani armed forces abroad and development policies involving foreign aid and) should first be whetted and approved by the Parliament.

Standing Committee on Foreign Affairs Adopt a Pro-Active Role in Formulating, Shaping and Overseeing the Foreign Relations

As the foreign policy assumes a much more important position in the national affairs, its impact on the country becomes more profound. The Parliament and its Committee on Foreign Affairs have seldom played any role in influencing and shaping the country's foreign policy. It is a standard practice for Parliaments to give significant input to the framing of public policies especially the Foreign Policy.

The Standing Committees should take up a pro active role in seeking information on foreign policy from the Executive, hold public hearings, call experts for input and send written recommendations to the Government for possible implementation.

Parliament's Power to Scrutinise Executive Appointments

Parliament's inability to scrutinise executive appointments is also rated as one of the weakest aspect of the Parliament. While after the 18th Constitutional Amendment, Parliament now has a role to play in appointments such as in higher Judiciary as well as institutions like the Election Commission of Pakistan, a stronger role is needed for the Parliament in approving other major appointments as well. Legal and procedural changes, in this regard, will be needed that the Parliament must work to acquire.

Procedure to Consult Various Interest Groups on Parliamentary Business

While legislating on key issues, Parliament seeks little or no input for the citizens. While in established Parliaments there exists a tradition of seeking public opinion into legislation especially at the committee stage, the bills are not advertised for public input in Pakistan's Parliament. The question "**How systematic and transparent are the procedures for consultation with relevant groups and interests in the course of legislation**" received the lowest score of **48%**.

Parliament should enhance its capacity to consult systemically and transparently various interest groups in the course of legislation. Consultation with the stake holders and interest groups before tabling legislation is an indicator where effective performance of the Parliament can be measured. Systematic opportunities to the citizens to participate in the legislation

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process are needed to be practised in Pakistan's Parliament. Parliament's rules do not deter Parliament and its committees from consulting citizens on legislation. In the evaluation, **the question How much opportunity do citizens have for direct involvement in legislation (e.g. through citizens' initiatives, referenda, etc.)**” received a low score of **36%**.

Trust in Parliament

What role does Parliament play in resolving key crises and issues touching the lives of the people which are directly relevant to the level of public trust in the Parliament as the central institution of the democratic setup? Even though this Assembly has debated and discussed important issues, Parliament has played little or no role in managing and diffusing key crises which are almost always resolved outside the Parliament.

As an institution, Parliament needs to institute a system with which to carry out a periodic review of the public trust in its performance. In response to the evaluation question that **“How systemic is the monitoring and review of levels of public confidence in the Assembly?”** a score of 35% was given.

APPENDICES

Score Card
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APPENDIX - A

Comparison of the Legislative Performance of the Senate (2008-2011)

Working Days and ? Working Hours	Year 2008-2009	Year 2009-2010	Year 2010-2011	Total	Indian Rajya Sabha (2008 – 2010)
No. of sessions held	09	07	07	26	9
Total No. of days the sessions lasted	95	92	92	298	-
Actual No. of days the House met	62	70	70	216	190
Total No. of hours the House met	240	208	208	652	783.7
Total No. of hours the House met	04 hr	03 hr	02 hr 48m	3.2	4.12 hr

Government Bills	Year 2008-2009	Year 2009-2010	Year 2010-2011	Total	Indian Rajya Sabha (2008 – 2010)
Total Government Bills Introduced	04	0	04	08	46
Government Bills Passed	02	12	25	39	132
Government Bills Withdrawn	-	-	-	-	-
Government Bills Pending with the Standing	-	-	08	08	-
Government Bills Pending with the House	02	-	06	3.2	-

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Private Member Bills	Year 2008-2009	Year 2009-2010	Year 2010-2011	Total	Indian Rajya Sabha (2008 – 2010)
Private Members' Bills Introduced	15	05	04	24	119
Bills Passed	06	04	00	10	00
Moved and Deferred	00	00	00	00	-
Bills Pending with the Standing Committees	06	03	04	13	-
Bills Pending with the House	04 05	-	02	07	-

Questions	Year 2008-2009	Year 2009-2010	Year 2010-2011
No. of Starred Questions Received	1751	1815	2437
No. of Starred Questions Admitted	1436	1550	1917
No. of Starred Questions Answered	410	756	827
No. of Starred Questions admitted but not Answered	1008	780	1058
No. of Un-starred Questions Received	75	46	66
No. of Un-starred Questions Admitted	74	44	65
No. of Un-starred Questions Answered	28	32	47
No. of Un-starred Questions Admitted but not answered	46	10	18

Resolution	Year 2008-2009	Year 2009-2010	Year 2010-2011
Total Resolutions Received	115	112	201
Total Resolutions Admitted	105	94	162
Disallowed	03	04	21
Lapsed / Under process	07	14	18
Resolutions Passed	11	05	04

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Calling Attention Notices	Year 2008-2009	Year 2009-2010	Year 2010-2011
Total Calling Attention Notices Received	160	94	102
Total brought before the House Total Resolutions Admitted	10	08	03
Total disallowed	34	08	22

Privilege Motions	Year 2008-2009	Year 2009-2010	Year 2010-2011
Total Privilege Motions Received	25	31	61
Brought before the House	18	11	33
Referred to the Standing Committee on Rules of Procedure	18	11	30
Motions disallowed	-	-	03

Adjournment Motions	Year 2008-2009	Year 2009-2010	Year 2010-2011
Total Adjournment Motions Received	243	182	205
Total Motions brought before the House	10	11	22
Lapsed	127	128	130
Discussed in the House	-	03	06
Disallowed	71	30	46

Motions under Rule 194	Year 2008-2009	Year 2009-2010	Year 2010-2011
Total Motions Received under Rule 194	416	289	327
Total Motions Discussed	10	08	05
Total Motions Admitted but lapsed	382	251	301
Disallowed	15	13	09
Lapsed	07	17	11

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Members who submitted Maximum Number of Private Member's Bills 2008-2009

S.No	Name of the Senator	Number of Private Members Bills Received
1	Senator Kamran Murtaza	07
2	Senator Dr. Kausar Firdous	02
3	Senator Wasim Sajjad	02
4	Senator Ch. Muhammad Anwar Bhinder	02
5	Senator Saleem Saifullah Khan	01

Members who introduced Maximum Number of Private Member's Bills 2009-2010

S.No	Name of the Senator	Number of Private Members Bills introduced
1	Senator Mian Raza Rabbani	04
2	Senator Wasim Sajjad	01

Members who introduced Maximum Number of Private Member's Bills 2010-2011

S.No	Name of the Senator	Number of Private Members Bills introduced
1	Senator Prof. Khurshid Ahmad	02
2	Senator Prof. Muhammad Ibrahim Khan	02
3	Senator Afia Zia	02
4	Senator Wasim Sajjad	01
5	Senator Hafiz Rasheed Ahmad	01

Members who submitted Maximum Number of Call Attention Notices 2008-2009

S.No	Name of the Senator	Number of Call Attention Notices Submitted
1	Senator Prof. Khurshid Ahmad	49
2	Senator Kamran Murtaza	23
3	Senator Dr. Kausar Firdous	13
4	Senator Afia Zia	11
5	Senator Wasim Sajjad	10

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Members who moved Maximum Number of Adjournment Motions 2008-2009

S.No	Name of the Senator	Number of Adjournment Motions Moved
1	Senator Prof. Khurshid Ahmed	03
2	Senator Molana Abdula Ghafoor Haideri	02
3	Senator Kamran Murtaza	01
4	Senator Prof. Muhammad Ibrahim Khan	01
5	Senator Dr. Muhammad Said	01

Members who moved Maximum Number of Adjournment Motions 2009-2010

S.No	Name of the Senator	Number of Adjournment Motions Moved
1	Senator Prof. Khurshid Ahmad	03
2	Senator Prof. Muhammad Ibrahim Khan	02
3	Senator Afia Zia	02
4	Senator Shahid Hassan Bugti	02
5	Senator Jan Muhammad Khan Jamali	02

Members who moved Maximum Number of Adjournment Motions 2010-2011

S.No	Name of the Senator	Number of Adjournment Motions Moved
1	Senator Prof. Muhammad Ibrahim Khan	05
2	Senator Afia Zia	05
3	Senator Prof. Khurshid Ahmad	04
4	Senator Wasim Sajjad	02
5	Senator Syed Tahir Hussain Mashhadi	02

Research Publications/Reports by the Senate of Pakistan

.No	Title of Report/Publication	Date of Publishing/Dissemination
1	Parliament and Financial Control	April 2010 by Iftikhar Ullah Babar, Special Secretary Senate
2	Role of Parliament in Foreign Policy	July 2010
3	Privileges of Parliamentarians	October 2010

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APPENDIX - B

Senate Committees Meetings: 2008 - 2011

No	Senate Committee	Date the Committee was formed	Date the Chair was elected	Meetings held during 2008-09	Meetings held during 2010-11	Meetings held during 2008-09
1	Standing Committee on Commerce	October 15, 2009	October 15, 2009		03	10
2	Standing Committee on Housing and Works	July 29, 2009	July 29, 2009		02	10
3	Standing Committee on Human Rights	July 29, 2009	July 29, 2009		03	02
4	Standing Committee on Health	July 19, 2009	July 25, 2009		10	20
5	Standing Committee on Minorities Affairs	October 15, 2009	October 15, 2009		02	06
6	Standing Committee on Information Technology and Telecommunications	July 17, 2009	July 27, 2009		05	07
7	Standing Committee on Religious Affairs	July 27, 2009	July 27, 2009		13	13
8	Standing Committee on States and Frontier Regions	October 15, 2009	October 15, 2009		04	19
9	Standing Committee on Communications	July 27, 2009	July 27, 2009		08	19
10	Standing Committee on Environment	October 15, 2009	October 15, 2009		02	03
11	Standing Committee on Narcotics Control	April 12, 2009	April 12, 2009		00	05
12	Standing Committee on Science and Technology	October 15, 2009	October 15, 2009		01	00
13	Standing Committee on Information and Broadcasting	October 15, 2009	October 15, 2009		04	09
14	Standing Committee on Interior	July 27, 2009	July 27, 2009		08	15
15	Standing Committee on Railways	July 27, 2009	July 27, 2009		03	11
16	Standing Committee on Cabinet Secretariat, Inter-Provincial coordination	July 27, 2009	July 27, 2009		19	20
17	Standing Committee on Finance, Revenue, Economics Affairs, Statistics and Planning and Development	June 11, 2009	June, 2009		09	20
18	Standing Committee on Rules of Procedure and Privileges	July 25, 2009	July 25, 2009		16	21
19	Standing Committee on Women Development	July 27, 2009	July 27, 2009		04	07

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20	Standing Committee on Problems of Less Developed Areas	July 25, 2009	July 25, 2009		05	07
21	Standing Committee on Foreign Affairs, Kashmir Affairs and Gilgit Baltistan	May 06, 2010	May 06, 2010		00	11
22	Standing Committee on Industries and Production	July 27, 2009	July 27, 2009		02	07
23	Standing Committee on Social Welfare and Special Education	July 25, 2009	July 25, 2009		05	
24	Standing Committee on Culture and Tourism	July 27, 2009	July 27, 2009		12	15
25	Standing Committee on Defence and Defence Production	July 27, 2009	July 27, 2009		15	11
26	Standing Committee on Education	October 15, 2009	October 15, 2009		05	10
27	Standing Committee on Food, Agriculture	July 27, 2009	July 27, 2009		02	03
28	Standing Committee on Labor and Manpower	July 25, 2009	July 25, 2009		07	05
29	Standing Committee on Ports and Shipping	July 27, 2009	July 27, 2009		09	06
30	Standing Committee on Postal Services	September 05, 2009	September 05, 2009		02	03
31	Standing Committee on Sports	October 15, 2009	October 15, 2009		02	03
32	Standing Committee on Governmental Assurances	October 15, 2009	October 15, 2009		03	06
33	Standing Committee on Law, Justice and Human Rights and Parliamentary Affairs	July 25, 2009	July 15, 2009		04	08
34	Standing Committee on Overseas Pakistanis	October 15, 2009	October 15, 2009		02	05
35	Standing Committee on Petroleum and Natural Resources	July 25, 2009	July 25, 2009		01	10
36	Standing Committee on Privatization	August 18, 2009	August 18, 2009		02	05
37	Standing Committee on Textile Industry	October 15, 2009	October 15, 2009		04	03
38	Standing Committee on Water and Power	August 22, 2009	August 22, 2009		06	08
Total					189	364



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