

Quiz Handbook

The Constitution of the Islamic Republic of Pakistan provides for a Federal Parliamentary System of government, with President as the Head of State and the popularly elected Prime Minister as the Head of government. Under Article 50 of the Constitution, the Federal legislature is bicameral Majlis-e-Shoora (Parliament), which comprises of the President and the two Houses, the National Assembly and the Senate. The National Assembly is the country's sovereign legislative body. It embodies the will of the people to let themselves be governed under the democratic, multi-party Federal Parliamentary System. The National Assembly makes laws for the Federation, and through its debates, adjournment motions, question hour and Standing Committees, the National Assembly keeps a check over the Executive, and ensures that the government functions within the parameters set out in the Constitution and does not violate the fundamental rights of the citizens. Only the National Assembly, through its Public Accounts Committee, scrutinizes public spending and exercises control of expenditure incurred by the government.

When elected through democratic processes, parliaments embody an expression of citizens' human rights and become custodians of the will of the people. Through elections, citizens mandate their elected representatives to govern the state and translate the aspirations of the people into legislative and policy actions. However, citizen's role in governance should not end with voting, they should be continuously involved with the parliament for development of effective legislation and policies. International Covenant on Civil and Political Rights (ICCPR) ask for the citizens to be given rights to participate in conduct of public Affairs.

“Every citizen shall have the right and the opportunity [...] to take part in the conduct of public affairs, directly or through freely chosen representatives”.

International Covenant on Civil and Political Rights (ICCPR)¹

Pakistan ratified the ICCPR on 23rd June 2010, and as a state party of the ICCPR, Pakistan is obliged to fulfill the requirements of the convention. Before discussing in detail the tools for

¹ICCPR is a multilateral treaty adopted by the United Nations General Assembly. It Commits States parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, electoral rights and rights to due process and fair trial. Pakistan ratified the ICCPR on 23rd June 2010. Currently 167 Countries are state parties to the treaty.

citizen engagement with the Parliament of Pakistan, it is important to understand principle functions of the Parliament.

The principal functions of the Parliament of Pakistan are:

- Oversight - Through its core oversight function, parliaments hold the government to account on behalf of the people, ensuring that the government's policy and actions are efficient and correspond with the needs of the public. This oversight includes performance and accountability checks of the implementation of governmental laws from the angle of human rights as well as investigations of particular issues or controversies.
- Legislation - The parliament's legislative role typically includes reviewing, amending and passing laws including Budget. It is essential that parliamentarians seek input from citizens and interest groups to ensure that the legislation represents the people that it will affect. Laws and policies formulated through public consultation and engagement enjoy greater trust and credibility in the eyes of the public.
- Representation – other than performing the tasks of legislation and oversight, the members of the parliament are also considered to be the representatives of the people of the country or specifically their constituencies. It is the responsibility of the Members of the Parliament to ensure that the concerns of constituents are addressed in the parliament in the drafting of legislation, questions, calling attention to notices and adjournment motions, and they are given access to the Parliamentary process.

Citizen Engagement

There has been a growing recognition in recent years of the importance of parliament's effective engagement with the public. No longer is the citizen's relationship with parliament seen simply in terms of voting once every four or five years. Representation of the people is the basis of a parliamentary system. The quality of legislation and policy is improved if it is informed by citizens' concerns, experiences, and views. Parliaments' can carry out Public engagement in different forms and at various levels of the legislative process. Whether it is public consultations before drafting the bill, or at the time of the scrutiny of the bill, or in post legislative scrutiny, or simple outreach to the public to create awareness about the legislative and decision making

process, it all comes under the umbrella of Citizen Engagement. In parliamentary terms, this can mean anything from reading a leaflet explaining how laws are made, through submitting a petition to parliament or giving views to a committee inquiry, to having direct input to bills being passed.

Parliament of Pakistan and Citizen Engagement

Legal Basis

In some parliaments around the world, constitutions provide for the legal binding mechanism for citizen participation in the legislative process, whereas in Pakistan, the legal basis for citizen engagement is provided by the Rules of Procedure of both Houses of the parliament. The rules of procedure allow the committees to engage citizens in the legislative process. The Rules of Procedure of the National Assembly provides the legal ground for holding a public hearing if and when required. Rule 227 (3), states that “A committee may invite or summon, or allow to appear before the committee any member or any other person having a special interest in relation to any matter under its consideration and may hear expert evidence and hold public hearing.”² While in Senate of the Parliament of Pakistan, Rule 187 (1) of the Rules of Procedure “Power to take evidence or call for papers, records or documents” gives Committee the legal power to require the attendance of any person or the production of papers or records, or examine such persons on oath or solemn affirmation, if such course is considered necessary for the performance of its functions.³ These rules of procedure provide the legal basis for citizen engagement but are not legally binding mechanisms for citizen engagement in the legislative process. Thus, resulting in citizen engagement to be at the will of the committee Chairpersons, rather than making it mandatory to ensure participation through a legally binding mechanism.

Participation in the Legislative Process through Committees

Parliamentary committees provide a useful entry point for citizens to get their voices heard in parliament. Highlighting the work of committees is also a good way of explaining parliament’s

² Rules of Procedure and Conduct of Business in the National Assembly, 2007, http://www.na.gov.pk/uploads/publications/rules_procedure.pdf, p. 80.

³ Rules of Procedure and conduct of Business in the Senate, 2012, <http://www.senate.gov.pk/uploads/documents/RULES%20OF%20SENATE%20UPDATED%20ON%2011TH%20OCT,%202018%20updated.pdf>.

scrutiny function, and it is often easier for the public to engage with committees than with a legislature as a whole. The quality of a committee's analysis and recommendations will be improved if the committee has engaged effectively with the range of different viewpoints on the subject, including – ordinary citizens. Parliaments which conduct post-legislative scrutiny – examining the consequences of the implementation of legislation – can really benefit from the experience of citizens to help improve policy and legislation. In Pakistan, both houses of the parliament allow for public involvement in the legislative process at the committee stage of the legislative process through Public Hearings and Public Petitions.

Public Hearings

Both houses of the parliament i.e. Senate and National Assembly allow for public involvement in the legislative process at the committee stage. When the bill is sent to the committees for scrutiny, at this stage the committees can engage citizens for expert opinions through holding Public Hearings. A committee may invite or summon, or allow to appear before the committee, any member or any other person having a special interest in relation to any matter under its consideration, and may hear expert evidence and hold public hearings. They take feedback from various stakeholders involved and incorporate the findings into the deliberations of the bills. The Senate of Pakistan's Public Hearing manual dictates that the hearing can either be held at the drafting stage of the law, or for any area requiring legal regulation, or for a matter/subject of high public interest and importance within the jurisdiction of the committee.

Public Petitions

The Senate of Pakistan engages the citizens in the legislative process through Public Petitions as well. Public petitions may be presented on any matter connected with the business pending before the House or a Committee, or any matter of general public interest which is primarily the concern of the Government, provided that it is not one which falls within the cognizance of a court of law or tribunal, and it shall not directly relate to a matter pending before any court or other authority performing judicial or quasi-judicial functions.

Rules of Procedure and Conduct of Business in The Senate 2012, Rule No 277 Submission of Public Petitions, states that any person may submit a petition to the Chairman Senate containing clear suggestion relating to the business before the House, business before a Senate Committee

or issue of public importance concerning the Federal Government. The petitioner shall make himself responsible for the accuracy of the matter raised by him. The petition shall be submitted online by filling in the Performa on Senate website or by post or by delivering in the Senate Secretariat by hand. Every petition will be allotted a tracking number and updated record of each petition shall be maintained by the Secretariat. Public Petition can also be submitted by post.

Committees in the National Assembly of Pakistan are also mandated to examine Public petitions. according to the Rules of Procedure and Conduct of Business in National Assembly of Pakistan, Rule No. 201(4 & 5) - A Committee may examine the expenditures, administration, delegated legislation, public petitions and policies of the Ministry concerned and its associated public bodies and may forward its report of findings and recommendations to the Ministry and the Ministry shall submit its reply to the Committee. Public petitions may be presented on a Bill which has been introduced, or any matter connected with the business pending before the House, or any matter of general public interest which is primarily the concern of the Government, provided that it is not one which falls within the cognizance of a court, nor shall it relate to a matter pending before any court or other authority performing judicial or quasi-judicial functions.

Digital engagement

Developments in digital technology have given more scope to parliaments to involve citizens in parliamentary business through various activities. Parliaments can now disseminate information regarding Parliamentary business to create awareness among masses and take feedback from citizens through online platforms – both digital and social media.

Both Senate and National Assembly of Pakistan provide information regarding legislative business of the Houses, committee system, information about members of the house and everyday business of the House, through their official websites which are regularly updated. The senate of Pakistan's proceedings of the session is broadcasted live on its official website. Proceedings of both the Houses are also broadcasted live on PTV Parliament.

The senate of Pakistan also engages the citizens through their e-petition system. Members of the general public can file online petitions through the official website of the senate. Citizens can also provide feedback on policy matters through social media handles of both the Houses. Senate has social media presence on Twitter and Facebook. While National Assembly uses Twitter,

Facebook, Instagram, and their own website to interact with public, National Assembly also holds Public Opinion Polls through its website.

Outreach:

The Parliament of Pakistan has taken various measures in order to engage the Youth and other segments of society, and to further strengthen and improve the outreach.

Tours of the Houses: Senate of Pakistan offers people to visit the Parliament House Building. The Visits can be booked through protocol Department of Senate Secretariat by submitting an application with a prior margin of one week. While visiting the Senate, one can also be a witness to the senate House proceedings, and visit the permanently set photo exhibition narrating the constitutional history of Pakistan, along with the visit to the Senate Library. The Senate of Pakistan's website also provides the viewers a virtual tour of the house.

Internships: Both Houses of the Parliament offer internship programs for students. National Assembly of Pakistan has signed MOU with Various universities, providing the students from these universities with opportunities to learn about the workings of the House and the legislative process. Senate of Pakistan also offers a Senate internship program under Parliamentary Education Program. The Program has two components (a) Long term component titled "Clerks of the Parliament Program" (b) Short term internships. Interns at the Senate of Pakistan are presented with a unique opportunity to work at the Upper House of the Parliament, gain hands-on experience of how legislation is done, how Senate Committees function, interact with elected representatives and make vital contributions in the Senate with their knowledge & ideas.