



**Institute of
Social and Policy Sciences**
Informing Policies, Reforming Practices

Background Note

Knowledge Sharing Session

On

Strengthening Legislative Governance of Education in Punjab

Lahore

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Background Note

1. Introduction

Legislatures are entrusted with the powers to legislate and oversee the performance of the executive to ensure that will of the people is reflected in policies and their implementation. It has been noted that the functions of legislatures / parliaments may be segregated into three broad categories i.e. 1) Representation, 2) Legislation, and 3) Oversight.

Legislative governance connotes making the executive accountable to the parliament and invokes the implementation of effective checks and balances. Role of the legislature is also critical in ensuring that the policies and their implementation reflect the needs and will of the people. Moreover, the phenomenon of legislative oversight surrounds the notions of representativeness, efficacy of tools of legislative governance, supervision of the executive and functional interests. Each of these notions leads to different set of meanings and subsequent explanations depending upon the nature and dynamics of a polity.

In case of tools of legislative governance, Standing Committees have been identified as the most significant and effective tool around the globe. The available evidence informs that the standing committees and legislators of the provincial assembly in Punjab are faced with many challenges in performing their oversight functions. It has been noticed that only seven out of 38 department-related committees in Punjab were referred business by the House during the first year of the current government. Furthermore, 24 Committees, out of a total of 45 did not meet even once, other than for electing their respective chairpersons, during the year. It is also important to note that the delay in formation of the Standing Committees also remained a major challenge during first year of the current provincial assembly in Punjab.

Chapter 17 of the Rules of Procedure of the Punjab Assembly deals with the subject of Committees and lays down provisions for the creation, working and powers of the committees. The Rules provide for the creation of a Standing Committee for government departments¹ and besides providing for the creation of committees, the Rules also restrict the committees to take up matters referred only by the Assembly². The provision has serious implications for the autonomy and functioning of the Committees as the Assembly may choose to not to send a Bill to the Committee for deliberation or expert advice.

It has also been ordained by the Rules that the Secretaries of the concerned department and Law and Parliamentary Affairs, or officer designated by each of them on their behalf, are to attend the meetings of the Committees as expert advisers³. The absence of a requirement to send each Bill to the Committee hints at a shortcoming within the defined Rules. If each Bill is debated upon by the Committee members and expert advice is sought, it is likely to improve upon the legislation under discussion. Moreover, the notion of legislative oversight remains incomplete where the performance of the executive is not reviewed by the public representatives due to restriction of taking up matters referred to only by the Assembly. The proposed plans for each department and their implementation may be made a subject of scrutiny by the Standing Committees. Although there exists a provision for preparation and submission of *'Special*

¹ Section 148(1) Rules of Procedure, Provincial Assembly of Punjab

² Section 148(2) Rules of Procedure, 'Except as otherwise provided in these rules, a Committee shall only deal with a matter which may be referred to it by the Assembly'

³ Section 149(4) Rules of Procedure

Reports' by Committees yet the scope of these reports is limited⁴ and needs to be extended for greater legislative oversight.

In comparison with the scope of functions of the Standing Committees, the scope of work of Select Committees provides for greater legislative efficiency. A Select Committee has been empowered to hear expert evidence and representatives of special interests affected by the Bill. The explicit provision for hearing expert advice is in sharp contrast with the functioning of Standing Committees whereby the Secretary of Department relevant to a Bill and Secretary of Law and Parliamentary Affairs, or their nominated officers, are required to attend meetings for expert advice. The Select Committees appear to be at advantage to gain from expert advice on subject matters under discussion. Therefore, the need exists to expressly provide for similar power for the Standing Committees. The strengthening of legislative governance can help the province in meeting the gaps of access and quality in education.

In this context, Institute of Social and Policy Sciences (I-SAPS), in collaboration with the Citizens' Voice Project, USAID, is conducting a session on 'Strengthening Education Legislative Governance in Punjab'. The dialogue will share the findings of studies done by I-SAPS on a) Baseline of Legislative Governance in Punjab and b) Challenges faced by Standing Committees of the Provincial Assembly.

2. Aim and Objectives

The session aims to initiate an informed debate on the state of legislative governance in Punjab and engage the civil society to play its role in highlighting the need for improving the existing framework of legislative oversight for improving service delivery of education. Specific objectives of the dialogue are to:

- Share the baseline on the work parameters and limitations of the working of Standing Committees of the Punjab Assembly.
- Identify the challenges along with procedural and capacity issues that hamper effective participation of standing Committees in legislative governance.
- Share regional and international best practices with respect to effective legislative governance.

3. Participants

The participants of the session are the members of Active Citizen Group (ACG) comprising representatives from civil society organizations, members of academia, lawyers, bar association, political activists, print and electronic media.

4. Follow-up

I-SAPS will continue a meaningful engagement with the members of ACG i.e. Active Citizens to leverage strengthened oversight by the provincial legislature. I-SAPS will assist the Active Citizens Group in formulating action points for advocacy agenda and technical assistance will be provided to implement the action points.

⁴ Section 165, Special reports.—A Committee may, if it thinks fit, make a special report on any matter that arises or comes to light in the course of its work which it may consider necessary to bring to the notice of the Speaker or the Assembly.