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STUDY ON CHALLENGES FACED BY THE STANDING COMMITTEES IN PUNJAB PROVINCIAL ASSEMBLY

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STANDING COMMITTEES IN PUNJAB
PROVINCIAL ASSEMBLY

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CHAPTER | ONE

INTRODUCTION

1.1 Background

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 for legislative governance, supervision of the executive, and functional interests¹. Each of these notions leads to different set of meanings and subsequent explanations depending upon the nature and dynamics of a polity.

Legislatures of Pakistan and Punjab have their well identified formal roles with respect to legislative governance. The exercise of these roles is however contingent upon the notions identified at the beginning of this chapter. Representativeness not only signifies representation of the will of the people by the elected representatives but also embodies instruction to the selected (civil servants) by the elected (political officeholders)². In case of the tools for legislative oversight, Standing Committees have been identified as the most significant and effective tool around the globe³. Formal set of rules adopted for the working of committees largely define the policy space granted to them and in turn determine their efficacy. The supervision of the executive invariably alludes to the debate between the role of officials of the state, i.e., civil servants and the role of the officials of the government, i.e., political officeholders. The debate is certainly tilted in favor of the political officeholders with respect to the notion of representativeness but questions are raised over the limits of supervision of the executive. It has been argued that matters of the administration / executive may be better left in the hands of knowledgeable and experienced⁴. Lastly, functional interests connote the study of nexus between actors of the executive and the legislature. Legislative oversight becomes a competing ground for gaining both mutual and individual (organizational as well as personal) interests.

In the above context, study of legislative oversight in terms of efficacy of tools of oversight becomes very significant. Since Standing Committees have been deemed the most critical tool of legislative oversight, this study looks into the state of legislative governance of the education sector through analyzing the role of Standing Committee of the Punjab Assembly. The aforementioned notions have been taken as parameters of analysis with respect to functioning of committee system in the provincial legislature. Work done by the Standing Committee on Education has been specially focused to gauge its output and efficacy of oversight. The study attempts to highlight the challenges faced by the Standing Committees in general and by the Standing Committee on Education in specific to suggest remedial measures. Best practices of the working of Standing Committees have been reviewed at regional and international level to benchmark criteria for an enhanced scope of work of the Standing Committees while adhering to the principles of legislative oversight and transparency.

¹ See for example Offe, Claus & V. Ronge 1974, 'Theses on the Theory of the State', In Anthony Giddens & David Held (eds.), *Classes, Power and Conflict*, University of California Press; Aberbach, Joel, Putnam, RD & Rockman, Bert 1981, *Bureaucrats and Politicians in Western Democracies*, Harvard University Press; Fiorine (1981); Aberbach, Joel, Rockman, Bert & Mezger, DB 2005, *Bureaucrats and Politics: A Report on the Administrative Elite Project*, Australian Journal of Public Administration, Matthew Soberg Shugart 2008, *Comparative Executive—Legislative Relations*, Harvard University Press

² Aberbach, Joel & Bert A. Rockman 2000, *In the Web of Politics: Three Decades of the U.S. Federal Executive*, Brookings Institution Washington

³ Chapter 2 of this study takes into account the examples of committee systems in 5 countries and the given references affirm the significance of standing committees as tools of legislative governance.

⁴ Rourke (1979) as quoted by Aberbach, Joel & Bert A. Rockman 2000, *In the Web of Politics: Three Decades of the U.S. Federal Executive*, Brookings Institution Washington

1.2 Purpose of the Study

The study on challenges of standing committees aims to identify issues faced by provincial legislators especially members of standing committees in legislative governance. It will inform about the restrictive clauses of the rules of procedures that hinder effective legislative governance at provincial level. This evidence shall be used to sensitize provincial legislators about amendments required in the rules of procedures related to standing committees.

The key indicators to be reviewed and analyzed under this study include:

1. Issues faced by members of standing committees in legislative governance
2. Restrictive clauses of the Rules of Procedure of standing committees in Punjab

1.3 Methodology

Evidence for this study has been gathered from the procedural and administrative constraints faced by the provincial legislators in general and standing committee on education in particular. The focus of analysis has been on Rules 148, 154, 158, 162 and 164 of the Rules of Procedure of the Punjab Assembly, 1997. Evidence has also been collected from regional and international best practices on the role of legislators for an improved education governance. The required evidence has been gathered from committee systems in India, Australia, Canada, and the U.S.A. These regional and international examples reflect the strengths of committee systems of their respective countries which are largely dependent upon the strength and health of democratic institutions. These best practices in procedures and legislation have been taken as important tools to influence the provincial legislators and government officials in Punjab.

Key informant interviews have been conducted to take into account the views of the provincial legislators. Review of the rules has been supplemented with the perspectives of legislators to identify gaps in rules and understanding of the public representatives. Available records of the Assembly have been analyzed along with the reports of Standing Committee on Education presented before the Assembly. Business assigned to the Standing Committees has also been reviewed against the number of reports submitted by the Committees. Number of sittings by the Committee on Education has been taken into account and nature of recommendations has been analyzed.

1.4 Limitations of Study

The review of the rules and records, coupled with the views of the provincial legislators, in this study are constrained by two factors, i.e., access to the record of the sittings of Standing Committees and record of discussions carried out on the Bills referred to the Committees.

In the face of these constraints, the records available on the Assembly website were accessed to gauge the volume and nature of work performed, by the Committees. An overview of the volume of work of all the Standing Committees has been done whereas detailed analysis has been carried out

with respect to the work done by the Committee on Education. Had there been access to the record of proceedings of the Committees, the analysis would have been relatively more comprehensive and so would have been the subsequent findings and recommendations. Besides, the available reports of the Committees present generic paragraphs on the discussion carried out in the Committee sittings. The expert views and duration of the sittings are not reflected in the reports. Therefore, the inclusion of the aforementioned information would have enriched the study and helped render more informed findings and recommendations.

1.5 Scheme of Chapters

The study has been divided into five chapters whereby the first chapter provides background of the study and shares objectives and indicators, methodology, and limitations along with scheme of chapters. The second chapter of the study highlights the regional and international best practices with respect to the functioning of Standing Committees. Case of India has been taken as an example of regional best practice and those of Canada, Australia and U.S.A. have been cited as examples of international best practices. Third chapter of the study delves into the review of the functioning of Standing Committees of the Punjab Assembly and provides an overview of the restrictive clauses of the Rule of Procedure along with analysis of the working of Standing Committee on Education. Chapter Four of the study presents issues and challenges faced by the Standing Committees based upon the views expressed by the provincial legislators. The views of legislators when juxtaposed with the Rules of Procedure present a clearer picture of challenges faced by the Standing Committees. Chapter Five of the Study shares key findings and offers recommendations for improving legislative oversight by the Committees.

CHAPTER | TWO

REGIONAL AND INTERNATIONAL
BEST PRACTICES ON
COMMITTEE SYSTEM

Regional and International Best Practices on Committee System

This chapter presents best practices in the working of Standing Committees from the South-Asia region and from select developed countries. All the countries, i.e., India, Canada, Australia, and the United States of America, reviewed in this chapter are federal democracies with strong frameworks and traditions of legislative governance. Best practices of national and sub-national legislatures have been cited in the backdrop of setting context to the limitations of the Standing Committees of the Punjab Assembly. The chapter presents notions for the consideration of the provincial legislature for improved legislative governance.

2.1 Committee System in India

Committees of the Lok Sabha (Lower House of the Indian Parliament) are divided into two broad categories, i.e., Department Related Standing Committees (DRSCs) and Ad Hoc Committees. The DRSCs were created during the tenure of Tenth Lok Sabha (June 1991 – May 1996), covering all the Ministries / Departments of the Union Government¹. The 17 newly-created DRSCs replaced the older three Subject Committees. These Committees were set up in 1989 under the Eighth Lok Sabha and were related to 1) Agriculture, 2) Environment & Forests, and 3) Science & Technology for ensuring parliamentary surveillance. Following the tradition and recognizing the need of legislative oversight, a Committee on the empowerment of women was created by the Eleventh Lok Sabha.

Following functions² of the DRSCs of the Lok Sabha are being presented as best practices:

- a. The Standing Committees consider the Demands for Grants of the Ministries / Departments concerned and make a report on the same to the Houses. The reports do not suggest anything of the nature of 'Cut Motions'. The Demands are considered after the Budget has been presented and the House is adjourned for a fixed period. The Committees have to undertake the consideration process and file a report within the adjournment period, which is non-extendable. A separate report is submitted on the Demands for Grants by each Ministry. The provisions are significant measures to establish legislative oversight of the executive and reports by the Committees are meant to review the Demands made in the light of the mandate as well as long term plans of the concerned Ministry / Department.
- b. The DRSCs consider the annual reports of Ministries / Departments and make reports thereon. The notions of preparation of annual reports by the Ministries / Departments, consideration by the Committee concerned, and subsequent formulation of review reports are measures that need to be emulated by the legislatures that aspire to have effective legislative oversight.
- c. The Standing Committees may consider national basic long-term policy documents when referred to by the Speaker / Chairperson Rajya Sabha and make reports thereon. The

¹ Rules of Procedure and Conduct of Business in Lok Sabha, 15th Edition, Lok Sabha Secretariat New Dehli, 2014

² 331, Rules of Procedure and Conduct of Business in Lok Sabha

measure, though dependent upon being referred to, provides for active legislative oversight of the executive. In case of Punjab, the province can benefit from the Standing Committee for long-term policies on Education and other sectors. Policies that also allude to the fulfilment of international commitments, like MDGs and SDGs may be presented before the Committees for oversight.

- d. Reports of the Committees are submitted within the given time and the members may include notes of dissent, which are to be presented before the House along with the reports prepared on the basis of general consensus.
- e. The DRSCs can avail expert or public opinion to make the report. This provision is in sharp contrast to the Rules of Procedure of the Punjab Assembly whereby only departmental representatives are meant to give expert advice and there is no room for soliciting public opinion.

The procedural measures cited above give ample space to the Committees to check upon the work of the executive and establish an effective legislative oversight. The Committees of Indian parliament have been deemed to have provided a balancing factor in a system of hegemony of the executive³.

Legislative Assembly of Himachal Pradesh has four Department Related Committees, i.e., Public Administration Committee, Human Development Committee, General Development Committee, and Rural Planning Committee.

Sub-National Legislative Governance: This subsection presents a brief overview of the procedures of working of Standing Committees of Legislative Assembly of the Indian State of Himachal Pradesh. Vidhan Sabha, i.e., Legislative Assembly revised the number of department related standing committees in 1991 and reduced the then existing number from seven to four. The committees created were 1) Public Administration Committee, 2) Human Development Committee, 3) General Development Committee, and 4) Rural Planning Committee. The Assembly website refers to these committees as 'House in Miniature' or 'House in Perpetuity'.

Key functions of the Standing Committees are presented below:

1. To consider the demands for grants; annual administrative reports; policy documents and other important matters. Consideration of demands for grants limits the committees to making changes within the sub-heads of the demand whereby total demand for grant has to remain unchanged. The measure is significant in terms of due attention to the process of budget formulation on part of the administrative departments and keen oversight over the rationalization of demand for grants. Scrutiny of the budget was started by the committees in 1998.
2. To suggest measures to effect efficiency and economy in the administration. The suggestions by the committees although not binding in legal and administrative terms carry the binding force of strong tradition of legislative oversight. Consistent check over the

³ Arthur G. Rubinoff, 1996, India's New Subject-Based Parliamentary Standing Committees, *Asian Survey*, Vol. 36, No. 7

executive ensures adherence by the latter to the recommendations made by the Committee.

3. To scrutinise the assurances and government's promises given on the floor of the House. Governmental responses and assurances on matters of policy and policy implementation are taken up by the relevant departmental committees and other tools of oversight, i.e., questions, motions etc. are used to keep track of the governmental performance.
4. Finally, to examine Bills referred to them; and to report to the House whether the power to make rules, regulations, sub-rules etc. conferred by the Constitution or delegated by any lawful authority, are being properly exercised within such delegation.

In this context, committees of the Assembly have been called 'House in Miniature' as they prove to be the most effective tool of legislative governance and a check on the executive.

2.2 Committee System in Canada

The bicameral legislature of Canada is divided into House of Commons and Senate. The House of Commons has 24 Standing Committees, besides Special Committees and Legislative Committees. Each Committee is assisted by a clerk and at least one research analyst. Other support is also available from the Secretariat. Background briefing and required research is provided to the Committee members for better functioning. House of Commons Procedure and Practice, 2009 and the website of the Parliament of Canada have been reviewed to ascertain the required information.

- a. Standing Committees are also mandated to oversee one or more departments of the government. Effectiveness of the department's policies and programs along with the activities and expenditure are examined by the committees.
- b. The House refers order-in-council-appointments to the committees. Therefore, appointment on non-judicial positions made by the government has legislative oversight⁴.
- c. Standing Committees can draw up their budgets on project-to-project basis. Budgets of the Committees are submitted to the Liaison Committee for approval. The availability of budget to a committee gives it freedom to employ additional resources to deliver better results with respect to the assigned task.
- d. Committee meetings are open for the public but the Committees may decide to hold in-camera sittings.
- e. Meeting of the Committees of the parliament are telecast over the web as well as over a TV channel. Audio stream is webcast on the parliamentary website, whereas the proceedings of some meetings are televised on Cable Public Affairs Channel (CPAC).
- f. The Committees can initiate studies on their own to fulfill the mandate assigned to them. For this purpose, they may engage experts.

The legislative oversight of the executive, support to the committee members, and transparency measures cited above make Committee System of the Canadian Parliament exemplary for developing country like Pakistan. It has been noted that the secrecy and confidentiality attached to the sittings of Standing Committees in Pakistan has been done away with by the Parliament of

⁴ Matters referred to standing committees by a specific order of the House are called "Orders of Reference"

Canada. Use of the parliament's website to webcast the meetings of committees is the most significant measure of transparency for the working of Standing Committees.

Sub-National Legislative Governance: This subsection gives an overview of the framework of the functioning of standing committees of the Legislative Assembly of Ontario. The Assembly rules provide for the creation and functioning of Standing Committees that exist for the entire duration of the parliamentary session. Committees of the Assembly perform the following functions:

1. Examine and report on the general conduct of activities by the government departments and agencies.
2. Examine Bills referred to them by the Assembly along with reporting on the matters referred.
3. According to the Legislative Assembly Act, 'Any standing or special committee of the Assembly may require that facts, matters and things relating to the subject of inquiry be verified or otherwise ascertained by the oral examination of witnesses, and may examine witnesses upon oath, and for that purpose the chair or any member of the committee may administer the oath.'⁵
4. Attendance of a person before the Assembly or a Committee is ensured by the issuance of warrant by the Speaker of the Assembly. Likewise, the Speaker can order for the production of documents and other content. Committees can order for the production of documents; however the warrants are only issued by the Speaker of the Assembly. We understand that the extreme nature of measure accorded by this provision of the Act is there for use as a final resort and not as first step towards seeking the attendance of an individual.
5. Committees can hold public hearing on subjects being dealt with them and regularly do so whereby public hearings are held at the legislative building. Members of public can participate in the hearings and provisions have also been defined for submission of documents / material to the committees.
Likewise, citizens may attend the session of the House on first come first serve basis. They are provided access to the Public galleries in the Chamber.
6. Reports of the committees are made available to the public along with the public sharing of transcripts of the committee meetings. The content is made available on the website of legislative assembly. Availability of transcripts for public scrutiny highlights the performance of public representatives in terms of health of participation in committee proceedings.
7. Webcast of the legislature facilitates live streaming of the proceedings of the legislature and of certain committee meetings. Since all hearings of committees are recorded, they are available for streaming on the website.
8. Cable TV Broadcast of the proceedings of legislature and committees, unless declared in-camera, is also made possible by the transparent policies of the Ontario legislature.

2.4 Committee System in Australia

The bicameral legislature of Australia comprises House of Representatives and the Senate. Committees are appointed by both the Houses to take care of legislative and governmental matters.

⁵ Legislative Assembly Act, R.S.O. 1990, Clause 59

This sub-section limits itself to the functions of the Standing Committees of the House of Representatives.

Following points elucidate the measures of Australian Committee System that strengthen the scope of their activities:

- a. Any citizen can lodge a submission with a Committee of the House that is conducting an enquiry into any matter. The submission may be sent through a letter or email and the only criteria set by the Parliament is the relevance of submission to the mandate of the Committee.
- b. Committees hold public hearings on subjects under study / investigation. Normally the committees require the presence of witnesses and the Committee Chair announces the purpose of the hearing. The hearing is attended by general public and media representatives. In certain cases, Committees allow for submission of comments by the general public present at the hearing.
- c. Although recommendations of the Committees are not binding upon the government, they are usually partially or completely accepted by the government. The government can exercise the right to reject the recommendations but in each of the given situations, a written response is submitted to the House..
- d. Committees of the Australian Parliament can investigate questions of government administration and service delivery. They can exercise the right of oversight over the public money and can seek explanation from the government about the same.
- e. "A Committee may make any inquiry it wishes to make into annual reports of government departments and authorities and reports of the Auditor-General presented to the House. The following qualifications shall apply to these inquiries: (i) Reports shall stand referred to committees under a schedule presented by the Speaker to record the areas of responsibility of each committee. (ii) The Speaker shall determine any question about responsibility for a report or part of a report. (iii) The period during which an inquiry into an annual report may be started by a committee shall end on the day the next annual report of the department or authority is presented to the House. (iv) If a committee intends to inquire into all or part of a report of the Auditor-General, the committee must notify the Joint Committee of Public Accounts and Audit of its intention, in writing⁶."

Strengthening of parliaments as a global phenomenon has been observed and it owes a great deal to the working of committee systems. It is the parliamentary committees that have emerged as vibrant and central institutions of democratic parliaments⁷. In light of the provisions cited about the parliamentary committees of Australia, it is evident that transparency and legislative oversight is a

⁶ Chapter 16, Standing, Select and Joint Committees, Rules of Procedure, Parliament of Australia

⁷ Lawrence D. Longley and Roger H. Davidson 2007, Parliamentary Committees: Changing Perspectives on Changing Institutions, The Journal of Legislative Studies, Online published November 16, 2007

key to strengthening of institutions.

Sub-National Legislative Governance: Working of the Committees of the Legislative Assembly of New South Wales has been reviewed to highlight the best practices from a state of Australia. Assembly of New South Wales has eight standing committees whereby three are Specialist Standing Committees and five are Portfolio Standing Committees. Important features of their working are:

1. Standing Committees are appointed for the life of parliament and deal with particular portfolios or policy areas.
2. Public Hearings are conducted by the committees and experts and interest groups are invited to contribute to the work of committees. Public participation is also made possible by allowing for submissions which are discussed at public hearings. Amplification of points and submission of additional information as required by committees are norms of such public hearings. People appearing at hearings are called witnesses and information provided by them is called evidence. Although mostly evidence collection or inquiry process is public but provisions exist for in-camera session of the committees in certain circumstances.
3. Public forums are alternate medium of public hearings that are less formal and structured in an informal way to gather information from public. A Committee may decide to gather information from public and experts by calling upon them individually or by having a roundtable discussion with relevant stakeholders.
4. Reports of the committees are considered by the government and any recommendations made by the committees are attended to by the relevant ministers. Responses of the ministers and actions taken on the recommendations are made part of the public information. Reports of committees and action by the government are published together on the government website.

2.5 Committee System in U.S.A

This sub-section reviews the Committee system adopted by the U.S. House of Representatives. Twenty Committees of the House have been formed⁸ with provisions for functions specific to the assigned departments / subjects and general provisions for functioning have also been laid down. The sub-section also takes into account the Rules of the Committee on Education and Workforce of the U.S. House of Representatives to highlight the measures of legislative strengthening adopted by the Committee.

Following provisions are being reproduced from the above cited Rules for better understanding of the institutional strength of committees:

- a. The various standing committees shall have general oversight responsibilities as provided in paragraph (b) in order to assist the House in— (1) its analysis, appraisal, and evaluation of— (A) the application, administration, execution, and effectiveness of Federal laws;
- b. In order to determine whether laws and programs addressing subjects within the

⁸ Rules of the House of Representatives, One Hundred Fourteenth Congress, Prepared by Karen L. Haas, Clerk of the House of Representatives, January 6, 2015

jurisdiction of a committee are being implemented and carried out in accordance with the intent of Congress and whether they should be continued, curtailed, or eliminated, each standing committee (other than the Committee on Appropriations) shall review and study on a continuing basis— (A) the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction; (B) the organization and operation of Federal agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction; (C) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction (whether or not a bill or resolution has been introduced with respect thereto); and (D) future research and forecasting on subjects within its jurisdiction⁹.

- c. Each Standing Committee is required to share its oversight plan in a meeting which is open to public.
- d. The Committee on Education and the Workforce shall review, study, and coordinate on a continuing basis laws, programs, and Government activities relating to domestic educational programs and institutions and programs of student assistance within the jurisdiction of other committees¹⁰.
- e. In accordance with the defined conditions, each standing committee may appoint, by majority vote, not more than 30 professional staff members to be compensated from the funds provided for the appointment of committee staff by primary and additional expense resolutions. Each professional staff member appointed under this subparagraph shall be assigned to the chair and the ranking minority member of the committee, as the committee considers advisable¹¹.
- f. The Standing Committee on Education and Workforce has four subcommittees, i.e., 1) Subcommittee on Early Childhood, Elementary, and Secondary Education; 2) Subcommittee on Higher Education and Workforce Training; 3) Subcommittee on Workforce Protections; and 4) Subcommittee on Health, Employment, Labor, and Pensions¹².
- g. For any hearing to be conducted by the Committee or by the subcommittee on Education and Workforce, public announcement of the date, place and subject of hearing is made at least one week before the hearing starts. However, in special circumstances the committee may decide to have a hearing at the earliest date.
- h. Audio and Video Coverage of Committee Hearings and Meetings — To the maximum extent practicable, the Committee shall provide audio and video coverage of each hearing or meeting for the transaction of business in a manner that allows the public to easily listen to and view the proceedings and shall maintain the recordings of such coverage in a manner that is easily accessible to the public¹³.

From public presence in hearings to the sub-committee formation, along with provision of staff and continuous monitoring of the executive, the Standing Committees of the U.S. House of Representatives are unmatched in the scope and efficacy of legislative oversight. The benchmarks

⁹ General Oversight Responsibilities, Rules of the House of Representatives

¹⁰ Special Oversight Functions, Rules of the House of Representatives

¹¹ Committee Staffs, Rules of the House of Representatives

¹² Rules of the Committee on Education and the Workforce, U.S. House of Representatives, 2015

¹³ Rule 18, Broadcasting of Committee Meetings and Hearings, Rules of the Committee on Education and the Workforce

provided by the Rules for Committees of the U.S. House of Representatives may serve as democratic ideals for developing countries.

Sub-National Legislative Governance: Standing Rules of the Assembly, California Legislature, 2015-16 Regular Session provide for the working of Standing Committees of the California State Assembly. Following are the key features of the Committees of California:

1. Thirty one standing committees of the Assembly have been created by the Rules that include a committee on Education. There also exists a seven member sub-committee on Education Finance.
2. All meetings of the committees, barring certain circumstances, are open and public that can be attended by any individual. However, whenever a meeting is held privately (in-camera), the Rules require the committee to state reasons for doing so by invoking the applicable clause(s).
3. The Assembly Rules require all the Committees to give Full and timely notice to public for holding of any public meeting. 'Full' implies sharing of complete information about the subject and nature of meeting and 'timely' indicates giving ample time to public to prepare for participation.
4. Committees have suo moto power to conduct oversight hearings and to ascertain, study and analyze all facts relating to a matter being considered.
5. The Committee on Rules approves of the expenses made by the Committee or sub-committees that include undertaking of studies, staff salaries, travel etc. The measure allows for greater support to committees for undertaking investigations and research work. Details of expenses made by the committees are published on the legislature's website. The Committee also oversees the performance audit of the administrative operations of the Assembly.
6. The Rules further provide for reimbursement to witnesses called before the committees at a rate set by the Committee of Rules.
7. The Assembly General Research Committee functions as a permanent fact finding committee. It has the power to contract with other agencies, public or private, for the rendition and affording of services, facilities, studies, and reports to the committee as it deems necessary to assist it to carry out the purposes for which it is created.
8. Every employee working for a committee or members of assembly are considered assembly employees and are required to take mandatory courses on ethics, sexual harassment prevention in the first six months of every legislative session.

CHAPTER | THREE

AN OVERVIEW OF STANDING COMMITTEES OF THE PUNJAB ASSEMBLY

An Overview of Standing Committees of the Punjab Assembly

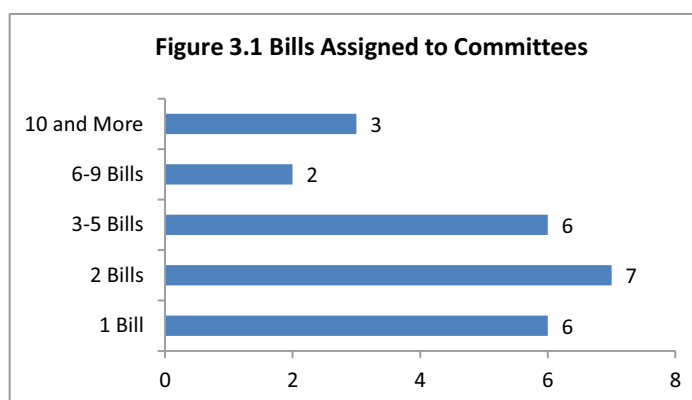
This chapter presents an overview of the functioning of Standing Committees of the Punjab Assembly for its present tenure, i.e., 2013-2018. Available data from the Assembly website till October 2015 has been considered for analyzing the functioning of committees. The analysis presented here covers three aspects, i.e., a) functioning of all standing committees and the volume of work accomplished, b) detailed review of the functioning of Standing Committee on Education, and c) Rules of Procedure of the Assembly with a focus on restrictive clauses.

3.1 Review of Functioning of Committees

Under the present tenure of the Assembly, a total of 39 Standing Committees were formed, whereas the record reveals that only 24 Committees have been assigned some legislative business so far. It has been noted that significant delay in the formation of Committees sets the backdrop for degree of importance attached to their prospective role in terms of contribution to the legislative business²⁰. Moreover, it is important to understand the contribution of Committees to the assigned legislative business. This subsection considers the volume of work assigned / done by the Committees and also looks at the least amount of work assigned to different committees.

a. Volume of Work Done by Committees

Since the first session of the present Assembly held in June 2013, the Standing Committees have been referred to a total of 98 Bills / subjects, which are considerably more in volume as compared to the work referred to the Committees during the entire tenure of the previous Assembly²¹. However, the number of Bills / subjects assigned to Committees is not evenly distributed, and thus



reflects the priorities of the government in terms of legislation. Figure 3.1 shares the number of Bills / subjects assigned to Standing Committees. Five categories have been defined for committees with respect to the assigned volume of legislative business. Of all 24 Committees that have been assigned with some legislative business, only three had 10 or more Bills in their ambit, followed by the commissioning of six to nine Bills each to two Committees. Six Committees were entrusted with three to five Bills, while seven were referred to only two, and another six had only one Bill to work on. Further analysis of the available data reflects that the three Committees which received most legislative business include: 1) Special Committee I with 15 Bills; 2) Committee on Home Affairs with 14 Bills / subjects; and 3) the Committee on Education, which was assigned 13 Bills.

²⁰ Baseline Study SELGP, ISAPS 2015

²¹ Baseline Study SELGP ISAPS 2015 (39 Bills were referred to the Committees)

Table 3.1 shares information about the Bills / subjects referred to the Standing Committees along with the number of reports laid before the House. Special Committee I laid down the highest number of reports against the assigned business, i.e., 15 reports were submitted against 15 Bills assigned to the Committee. Committee on Home Affairs submitted 12 reports against 14 assigned Bills. Committee on Local Government and Rural Development also displayed hundred percent performance by submitting seven reports along with Special Committee II that submitted five reports. Committees on Food and Social Welfare & Bait-ul-Maal submitted two reports each against the four Bills referred to them.

In the context of shared information, it can be safely stated that Standing Committees performed in a satisfactory manner in terms of disposal of business.

Table 3.1 Bills / Subjects Referred to the Standing Committees: 2013 – 2015

S.#	Standing Committee	Bills / Subjects Referred	Reports Laid	S.#	Standing Committee	Bills / Subjects Referred	Reports Laid
1	Agriculture	1	1	13	Irrigation & Power	1	-
2	Communication & Works	1	-	14	Labour & Human Resource	2	2
3	Education	13	10	15	Livestock & Dairy Development	1	1
4	Excise & Taxation	3	2	16	Local Government & Rural Development	7	7
5	Food	4	2	17	Planning & Development	2	2
6	Forestry & Fisheries	1	1	18	Religious Affairs & Auqaf	2	2
7	Gender Mainstreaming	1	1	20	Revenue, Relief & Consolidation	2	2
8	Health	6	4	21	Services & General Administration	4	4
9	Home Affairs	14	12	22	Social Welfare & Bait-ul-Maal	4	2
10	Housing, Urban Development & Public Health Engineering	3	2	23	Special Committee No. 1	15	15
11	Industries	2	1	24	Special Committee No. 2	5	5
12	Information	2	1	25	Transport	2	2

The low number of Bills referred to a majority of the Standing Committees, despite a marked improvement than the previous tenure, is a cause of concern. We understand the emergence of legislative needs and priorities of the government and cases of legislation on Local Government, Home Affairs, and Education elucidate the point. However, other sectors / departments also need attention of the government.

b. Performance of Committees with Lowest Number of Bills Referred to

This subsection takes into account the performance of four Standing Committees (Committees on Agriculture, Forestry and Fisheries, Gender Mainstreaming, and Livestock & Dairy Development) for the same period and highlights that they were assigned the lowest legislative

business to attend to, i.e., one Bill each. As shown by Table 3.2, two of the Committees recommended amendments, whereas the other two recommended the Bills as were presented to them. Three of the four Committees held only one sitting each to complete their consideration of the respective Bills. The Committee on Gender Mainstreaming was the only committee to hold two sittings to finalize its recommendations. In the absence of the record of Committee sittings, it is not possible to comment on the duration and nature of discussion that led to the recommendation or non-recommendation of amendments to the assigned Bills.

Table 3.2 Performance of Committees

S. No.	Standing Committee	Bills Referred	Reference Date	No. of Sittings	Sitting Date(s)	Amendments Recommended
1.	Agriculture	1	24-6-2014	1	15-7-2014	None
2.	Forestry and Fisheries	1	27-8-2015	1	6-10-2015	None
3.	Gender Mainstreaming	1	25-5-2015	2	28-5-2015 2-6-2015	Yes
4.	Livestock and Dairy Development	1	12-3-2014	1	1-4-2014	Yes

- a. Example of the Punjab Registration of Godowns Bill, 2014, may be cited here that was referred to the Committee on Agriculture. The Bill repealed the Punjab Registration of Godowns Ordinance, 2014. It was primarily related to the regulation of storage of essential goods. Given the nature of the Bill, we understand that extensive review would have been required entailing discussion on the proposed Bill. However, the non-availability of record of proceedings makes it impossible to determine the assigned perfection of the Bill.
- b. The second case of discussion is the Punjab Forest (Amendment) Bill, 2015, which was referred to the Committee on Forestry and Fisheries. The Bill dealt with the subject of creation of Forest Company to oversee the implementation of Public-Private Partnership (PPP) on assigned forest land or wasteland. The sitting on the Bill took place after almost a month and a half of the assigning date and took only one session of the Committee to recommend the Bill as was presented before it. We understand that creation of company for utilization of forest land under PPP is a subject of significant importance for various stakeholders. Environmental concerns over the use of forest land top all other issues surrounding the subject. However, the report laid before the Assembly reflects only the presence of Committee members and that of representative of Departments of Forestry and Fisheries, and Law and Parliamentary Affairs departments for expert advice. In case of the availability of external experts and public hearings for discussion over the subject, there might have emerged a significant set of recommendations by the Committee.
- c. Similar notions can be raised about the Punjab Commission on the Status of Women (Amendment) Bill, 2015. One amendment was proposed by the Committee on Gender Mainstreaming after deliberations in two sittings. Appointment of members formed the subject of the proposed amendment by the Bill whereby 70 years age requirement was to be substituted with 65 years. We can safely state that inclusion of expert advice could have significantly contributed to the Bill.

Last is the case of The Punjab Livestock Breeding Bill 2014 taken up by the Committee on Livestock and Dairy Development. It took the Committee one sitting to review 50 clauses of the Bill and propose nine amendments of minor nature. This example further strengthens the need to make the working of Committees more transparent and inclusive. The closed-door practice of law making and reliance on the civil servants for expert advice, as enunciated in the Rules of Procedure, needs to be mended if the goal of legislative oversight is to be achieved.

3.2 Functioning of Standing Committee on Education

This subsection shares information and analysis about the functioning of Standing Committee on Education. The Committee elected its Chairman in its meeting held on January 2, 2014²². The Committee does not have any subcommittees unlike the Committees of developed countries cited in Chapter 2 of this study. During the present tenure, 13 Bills / subjects have so far been assigned to the Committee and it has reported back on 10 of them. Table 3.4 presents basic information about the Committee members.

Table 3.4 Profile of Standing Committee on Education

S. No.	Committee Members	Profile of Members		
		Academic Qualification	No. of Terms as MPA	Party Affiliation
1.	Engineer Qamar-ul-Islam Raja (Chairperson)	M. Phil. Mass Communication	2	PML(N)
2.	Syed Tariq Yaqoob Rizvi	Graduation	1	PML(N)
3.	Ch. Muhammad Akram	Matriculation	2	PML(N)
4.	Bushra Anjum Butt	M. A. English	1	PML(N)
5.	Shameela Aslam	M.A. Islamic Studies	2	PML(N)
6.	Rana Munawar Hassan alias Rana Munawar Ghous	Graduation	2	PML(N)
7.	Amir Inayat Khan Shahani	Graduation	1	PML(N)
8.	Muhammad Kazim Ali Pirzada	Graduation	2	PML(N)
9.	Dr. Murad Raas	Graduation (Honorary Ph.D. in Business Administration)	1	PTI
10.	Rais Ibrahim Khalil Ahmed	B.Com. & L.L.B.	2	PPP(P)

The 10 member Committee is dominated by the ruling party in Punjab and has only two members from the opposition parties. It has been noted with satisfaction that all members of the Committee are at least graduates with the exception of one member. Six of the 10 members have been elected for the second time to the Assembly. It may be safely stated that the Committee on Education is well poised to take up legislative business assigned by the Assembly.

²² No. PAP/Legis-1(10)/2013/983.

Performance of the Committee on education has been analyzed in the following pages with a review of the work undertaken. Figure 3.2 gives an overview of the number of sittings that the Committee dedicated to each of the 10 Bills it reported back on. The Committee had two sittings each for four Bills and only one sitting each for another four Bills. It had three and five sittings each for the remaining two Bills respectively. Table 3.5 gives a summary of the functioning of Committee while highlighting the dates when Bills were referred to the Committee and the dates of sittings over the Bills. The urgency of sittings accorded to certain Bills may be attributed to the priority attached to each Bill by the Assembly, availability of the Committee members, and the duration of discussions carried out on each Bill. The non-availability of record of discussions makes it difficult to present conclusive views on the subject. However, views of the legislative members ascertained for this study affirm the above mentioned notions. The record reveals that the Committee recommended for changes in nine of the 10 Bills.

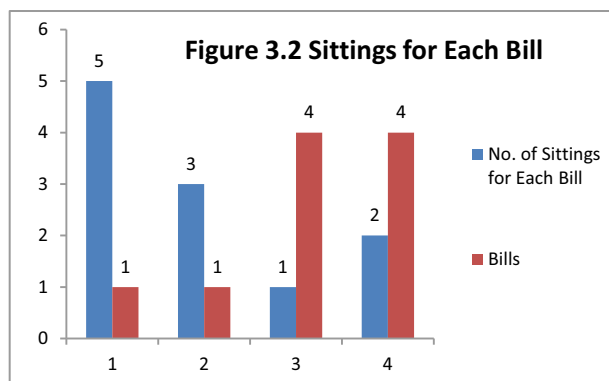


Table 3.5 Performance of Committee on Education

Bills Referred	Reference Date	No. of Sittings	Sitting Date(s)	Amendments Recommended
The Lahore Garrison University Bill 2014	7-2-2014	2	20-2-2014 27-2-2014	Yes
Muhammad Nawaz Sharif University of Engineering and Technology Multan Bill, 2014	13-3-2014	2	4-4-2014 9-4-2014	Yes
The Punjab Free and Compulsory Education Bill 2014	16-5-2014	5	3-6-2014 10-6-2014 16-7-2014 12-8-2014 21-8-2014	Yes
Khawaja Fareed University of Engineering and Information Technology, Rahim Yar Khan Bill, 2014	19-5-2014	1	21-5-2014	Yes
The Punjab Higher Education Commission Bill, 2014	20-10-2014	2	13-11-2014 11-12-2014	Yes
University of Sahiwal Bill, 2015	3-4-2015	2	14-4-2015 24-4-2015	Yes
University of Jhang Bill, 2015	3-4-2015	3	14-4-2015 24-4-2015 6-5-2015	Yes
University of Okara Bill, 2015	21-5-2015	1	2-6-2015	Yes

Bills Referred	Reference Date	No. of Sitzings	Sitting Date(s)	Amendments Recommended
The Ghazi University, Dera Ghazi Khan (Amendment) Bill, 2015	21-5-2015	1	2-6-2015	Yes
The Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Bill, 2015	7-10-2015	1	2-11-2015	No

Brief overview of functioning of the Committee with respect to the Bills mentioned in Table 3.5 is given below:

- a. The Punjab Free and Compulsory Education Bill, 2014 was the most extensively reviewed Bill as it took five sittings of the Committee. The nature of recommended amendments speaks of serious deliberations by the Committee. Remained under consideration for three months and given the nature of the Bill, the time taken by the Committee seems adequate. Total number of amendments recommended was 15. It is interesting to note that none of the members attended all the five sittings. The maximum number of sittings attended was four and the members were Engineer Qamar-ul-Islam (Chairperson), Chodhary Muhammad Akram, and Mrs. Shameela Aslam.
- b. The Committee sitting on the Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Bill, 2015 was attended by four members, including the ex-officio member, i.e., Parliamentary Secretary on School Education. No member from an opposition party was present and no amendments were recommended to the Bill. The Bill dealt with the issue of regulation of fee charged by the private institutions. The Committee listened to the expert advice of the department representatives and unanimously decided to recommend the Bill as was presented. Given the sensitive nature of the subject and the protests lodged by parents and civil society members over increase in fee by the private educational institutions, the Bill needed wider consultations with the stakeholders. However, the present Rules of Procedure of the Punjab Assembly do not allow for public hearings, examination of public petitions or solicitation of expert advice outside the domain of government departments.
- c. The Punjab Higher Education Commission Bill, 2014 was also extensively considered by the Committee and amendments were recommended in 14 clauses, besides recommendation of a new clause. The meetings were attended by seven members, whereby three members attended only one of the two meetings, including the ex officio member. No member from an opposition party attended any meeting and all the recommendations were made unanimously like in the case of two Bills already discussed in this subsection.
- d. The report laid before the House reveals that the University of Sahiwal Bill, 2015 was also extensively reviewed and amendments in 18 clauses were recommended. Most of the amendments were identical to the ones recommended in case of the University of Jhang Bill, 2015 (amendments were recommended in 15 clauses of the Bill). Since the two Bills were

reviewed in two same meetings of the Committee, the University of Jhang Bill, 2015 took an extra meeting for the finalization of recommendations. We may infer that the Bills were treated identically. However, more information will be required on the duration of these meetings and discussions carried out therein to ascertain the health of the debates.

- e. The University of Okara Bill, 2015 was reviewed in one sitting of the Committee and amendments were recommended in 18 clauses of the Bill. Unlike consideration of Bills of the Universities of Sahiwal and Jhang, the sitting to consider the University of Okara Bill was attended by four members only, including an ex officio member. The extensive nature of recommendations formulated in a single sitting alludes to learning from the consideration of Bills of other universities. The observation is affirmed because of the fact that The Ghazi University, Dera Ghazi Khan (Amendment) Bill, 2015 was also considered in the same sitting of the Committee. Two amendments in the latter Bill were recommended. The proposed amendments pertained to the representation of female experts in the Academic Council as well as in the Selection Board of the University. All amendments to the Bills on Universities were made unanimously.
- f. The Lahore Garrison University Bill, 2014 was considered in two sittings and amendments were recommended in nine clauses and one Schedule. An overview of the recommended amendments indicates extensive deliberations by the Committee. Four members attended only one sitting whereas six members including the ex officio member attended both the sittings.
- g. Muhammad Nawaz Sharif University of Engineering and Technology Multan Bill, 2014 was considered in two sittings of the Committee. Four members attended only one sitting whereas six members attended both the sittings. Amendments were recommended in 26 clauses of the Bill and a new clause was also recommended on 'Savings'. The commendable work done by the Committee is exhibited through the detailed review of the Bill and the nature of amendments recommended.
- h. Khawaja Fareed University of Engineering and Information Technology, Rahim Yar Khan Bill, 2014 was considered by the Committee in one sitting. The Bill was referred to the Committee on 19 May, 2014 and was considered on 21 May, 2014. The sitting was attended by nine members, including the ex officio member. Amendments were recommended in 21 clauses of the Bill. In the absence of data on the discussions carried out by the Committee, we may infer that the amendments recommended mainly come from the expert advice given to the Committee. According to the report of the Committee, departmental representatives from the Higher Education Department and the Law & Parliamentary Affair Department were present. This further highlights the need to provide for expert advice from outside the government departments.

The brief overview on each Bill reflects the need for input by experts external to the government departments and there is serious need for provision of research support to the Committee members. Best practices given in Chapter 2 of this study may be considered in this regard. It has also

been noted with concern that all recommendations on each Bill were made unanimously and no member, including the ones from the opposition parties, submitted a dissenting note. The review of the functioning of Committee on education highlights the need for transparency in conducting the Committee sittings.

3.3 Review of Rules of Procedure

This sub-section presents a review of the Rules of Procedure of the Punjab Assembly and takes into account the salient provisions of the Rules that define or limit the working of Committees. Unlike the National Assembly, the Rule 154 of Punjab Assembly (Rules of Procedure) does not empower the standing committees to accept and examine petitions of public interest. The restrictive clauses of the Rules have been discussed to highlight lack of opportunities for transparency and citizen participation for oversight and accountability. Denial of access to the records of the sittings of committees and non-sharing over the Assembly website has already been highlighted in the previous sub-section. Additional information regarding the inclusion of certain clauses has also been shared where possible depending upon the availability of records from the Assembly website.

a. Constitution of Committees

Standing Committees of the Punjab Assembly are constituted in accordance with Rule 148 of the Rules of Procedure. The rule states that there shall be a Standing Committee of the Assembly for the departments of the governments. In the present tenure of the Assembly, 39 Committees have been constituted, whereas in the previous tenure 38 Standing Committees were constituted. Standing Committee on Gender Mainstreaming was constituted in the present tenure as there existed no provision for its creation during the previous tenure²³. The provision came into force towards the end of the tenure of the previous Assembly therefore the Committee was not constituted.

Delay in the formation of Committees has been noted as a limiting factor. Majority of the Committees were formed in January and February of 2014, with a delay of around seven months²⁴. Rule 148 provides that the Standing Committees shall be elected by the Assembly *after* the general elections. However, the space exploited due to non-specification of time-frame wherein the government shall make necessary arrangements for the implementation needs to be addressed by the Assembly.

b. Functions of Committees

Functions of Standing Committees have been defined by Rule 154 that clearly directs that a Committee shall examine a Bill or other matter referred to it by the Assembly and shall submit its report to the Assembly. The provision is restrictive in nature and does not allow the Committees to take up matters on their own initiative. The notion of legislative oversight is seriously hampered due to this provision. Moreover, the amendments proposed in the Bill have to be within the scope of the Bill to be admissible. Ancillary matters pertinent to a particular proposed legislation may not be brought up by the Committees. Under Rule 155, the Assembly may, on the motion made by a member, refer any subject or matter to the Committee which may be studied by the Committee.

²³ Inserted *vide* Notification No.PAP/Legis-1(27)/08/397, dated 31 December 2012 – see the Punjab Gazette (Extraordinary), dated 5 January 2013, P.1933.

²⁴ Baseline Study SELGP, ISAPS 2015

Assembly records reveal that such matters are quite low in number when compared to the consideration of Bills by the Committees.

The Rule provides for the creation of a sub-committee with the approval of the Speaker for a specified function arising out of the matter referred to the Committee. The provision is rarely invoked and that, too, is a limiting factor as the sub-committee to be created shall consist of the select members from within the larger membership of the Committee. In the context of specialized subjects to be discussed by the Committees, they should be allowed to call for experts other than the departmental representatives. The inclusion of opinions by subject specialists and experts will inform the formulation of improved recommendations.

c. Sitings in Camera

Rule 158 lays down that the sittings of a Committee shall be held in private unless the Committee, by a majority, decides otherwise. The Assembly records reflect no incidence of holding of public meeting by a Committee. The attendance of members ascertained through the reports laid before the Assembly indicate the presence of only members of the Committee, including departmental experts and ex officio members.

Since the rules lays emphasis on in-camera sittings and otherwise action is to be decided by the majority of the members of a Committee, it seems improbable that a Committee would violate the norm of holding private sittings. In terms of the principles of transparency and following the example of the National Assembly of Pakistan and other regional best practices, the Rule needs to be amended to provide for the public hearing of Committees.

d. Evidence, Report and Proceedings treated Confidential

Keeping in line with the spirit of Rule 158, the Rules of Procedure under Rule 162 provide for all evidence, reports and proceedings to be treated as confidential. Availability of these subjects even to the members is to be confidential and that, too, is contingent upon the approval of the Speaker. The caveat created by the Rules, associates confidentiality with tabling of the report. However, the reports reviewed for the purpose of this study reveal that they do not carry any information about the proceedings, discussions, expert advice, or evidence sought. In the absence of such critical information, it is difficult to segregate and judge the performance of a Committee.

We understand the significance of confidentiality of evidence laid before the Committee and in-camera sitting in certain matters are also understandable, but the grant of blanket cover to all the proceedings needs to be checked. Transparency and freedom of information have been identified as the pillars of good governance. Therefore, Rules need to be amended to allow for sharing of records publicly or on request with some exceptions.

e. Record of the Proceedings of Committees

Rule 164 further elaborates the intent of the legislature about the functioning of the Committee. It calls for maintaining a summary of the record of the proceedings of each Committee. Moreover, the summary of evidence tendered before a Committee shall be made available to a member of the Committee concerned if so requested. At first, the Rule appears to be for the facilitation of members

of Committees so that they have access to the proceedings. However, it also implies that only members of Committees concerned have access to the proceedings, let alone general public. A further distinction has been made between the availability of summary of record of proceedings and summary of evidence tendered before a Committee. The Rules allow only for the availability of summary of evidence tendered for members of the concerned Committee.

As stated earlier, the principles of transparency and freedom of information need to be adopted by the Assembly and the Rules should be amended accordingly to provide access to the records of proceedings.

CHAPTER | FOUR

ISSUES FACED BY MEMBERS STANDING COMMITTEES

Issues Faced by Members Standing Committees

4.1 Introduction: Profile of Members

This subsection provides general profile of the members of provincial legislature with respect to:

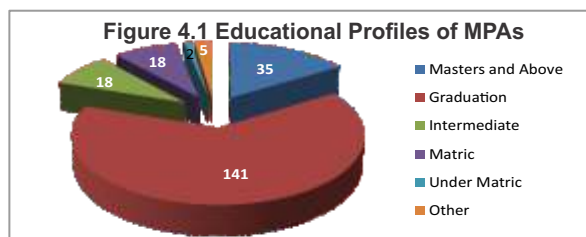
- Education & Age
- Longevity of political career
- Affiliation with a political party
- Membership of a Standing Committee

Findings on the above factors along with brief analysis are given below:

a. Education and Membership of Standing Committee

It has been argued that political participation is in part a positional good and is shaped by relative as well as absolute levels of educational attainment²⁵. We may infer that the level and quality of participation by the public representatives is largely defined by their levels of education. Developing an understanding of the work procedures of the Assembly and the Committees along with that of the intricacies of reviewing the Bills referred to the Committees entail certain capabilities. Since, graduation is not a requirement to contest elections unlike past, any political worker / citizen can aspire to be a member of the provincial Assembly.

Figure 4.1 illustrates the educational profiles of members of Punjab Assembly in the current tenure. Profiles of a total of 219 MPAs have been taken into account whereby 141 members (64%) possess a graduate-level education. Majority of these graduates, i.e., 86 hold Bachelor of Arts degrees, whereas 32 members are law graduates, having done an L.L.B degree. Almost 16% of the members, or 35 in total, possess qualification equivalent to Masters or above. One member of the provincial legislature holds a doctorate. The number of members with intermediate and matriculation qualifications both stand at 18 (8%). Only two members are under matric, whereas five members have other qualification, i.e., diploma / madrassa education.



Education profile of the key informants who are members of Standing Committees is provided below:

Table 4.1 Educational Profile of Key Informants

S.No.	Name of Member	Education	Committee Membership
1.	Ch. Abdul Razaq Dhiloon	Graduation	1. Chairperson, Local Government and Rural Development 2. Chairperson, Special Committee No. 2
2.	Raheela Khadim Hussain	Graduation	1. Chairperson, Committee on Gender Mainstreaming 2. Member, Special Committee No. 6
3.	Bushra Anjum Butt	Masters	1. Member, Committee on Education 2. Member, Committee on Culture and Youth Affairs
4.	Ramesh Singh Arora	Masters	1. Chairperson, Committee on Commerce and Investment
5.	Ch. Fazal-ur-Rehman	Matric	1. Member, Committee on Agriculture

²⁵ Adopted from 'Political Knowledge, Political Engagement, and Civic Education', William A. Galston, 2001

It is evident that three of the five members are serving on two committees each, whereas three members are chairing four Committees. Given the above profile of the members, we understand that the nature of information to be received from them signifies the potential availability of most relevant and adequate information.

b. Political Career

This subsection presents information on the longevity of the political career of key informants along with their respective political affiliations. The information is likely to inform about the political validity of their perceptions about the working of Standing Committees. Committee membership identified in the previous subsection, coupled with the information on political career, is suggestive of the need on part of public representatives / political workers to gain proper information about the working of Committees.

The key informants mentioned in the previous subsection hail from Pakistan Muslim League-Nawaz and have a minimum active political life of four years, i.e., the lowest in case of an MPA elected on the reserved seats. The most senior member in terms of experience has political career spanning over 15 years. The next subsection elucidates the need for reform in the Rules of Procedure and capacity building of public representatives.

4.2 Issues Faced by the Members: Findings

This subsection reports on the:

- a. Satisfaction level with the working of Committees
 - b. Perceptions on most important functions / powers of Committees
 - c. Challenges faced by the Committees
 - d. Suggestions for Improvement
- a. None of the five legislative members expressed satisfaction with the working of Committees. They all shared their concerns about the limited role assigned to Committees and, subsequently, their efficacy. Three members serve as Chairpersons of Committees, one of them is Chairperson of two Committees, and yet they believed that the Committees were not functioning properly. A member, who serves on two Committees, does not know about the Rules of Procedure for the working of Committees. Three of the five members claimed to have knowledge about the restrictive clauses of the Rules of Procedure but failed to identify them. Moreover, two members reported to have no information about the restrictive clauses.
 - b. The members identified policy and budget making as the two most important functions of the provincial legislators. The third important function reported by the legislators was enactment of laws. The priorities shared reflect the perception of legislators and fall short of identifying oversight as an important function. The perceptions of legislators signify the need for raising awareness about their prospective role.

Table 4.2 gives a summary of the perceptions of legislators about the powers of Standing Committees:

Table 4.2 Perceptions about Powers of Committees

Statement	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Standing Committees lack powers to initiate business on their own.	1	1	-	2	1
Standing Committees have the power to accept and examine petitions of public interest.	-	2	-	2	1
Standing Committees have the suo moto power to examine the working of their concerned departments.	-	-	1	2	2
Standing Committees are empowered to review the expenditure plan of their concerned departments.	-	-	1	2	2

The results shared above are indicative of the level of information about the functioning and Rules of Procedure of the Standing Committees. The claim of familiarity with the Rules as mentioned earlier seems ill-founded in the light of opinions expressed in response to the first two statements. Three of the five members, including Chairpersons of Committees, think that Committees do not lack powers to initiate business on their own. Same number of members thinks that Committees have the power to accept and examine petitions of public interest. However, opinions about the powers of suo moto and review of expenditure plan of departments concerned are realistic and display better understanding of legislators.

Table 4.3 shares the perceptions of legislators about the functioning of Standing Committees.

Table 4.3 Perceptions about Functioning of Committees

Statement	Strongly Agree	Agree	Don't Know	Disagree	Strongly Disagree
Standing Committees are performing a satisfactory role for legislative governance.	-	1	-	2	2
Current meeting frequency of the Committees is adequate in accordance with their mandate.	-	2	-	2	1
Members of committees have adequate knowledge about the work procedure of committees.	-	1	2	2	-
Members of committees have adequate knowledge about the work procedures of relevant departments.	-	2	3	-	-
The Assembly secretariat extends adequate support with respect to required research / information.	-	3	2	-	-
Print / Electronic media adequately cover the committee meetings.	-	-	-	2	3

It is evident that majority of the members agree with the notion of adequate support extended by the Assembly Secretariat whereas all the members agree over the inadequacy of coverage of meetings by the media. Only one member expressed satisfaction over the role of Standing Committees for legislative governance.

- a. The members identified the following challenges faced by Standing Committees:

- o Absence of suo moto powers restricted the role of committees with respect to legislative governance.
- o Absence of quorum was also identified as a challenge in effective functioning of committees. Low interest of the majority of members diluted the efficacy of working.
- o Lack of powers to oversee the performance of government departments was another challenge identified by the committee members.
- o Lack of powers to hold the bureaucracy accountable was also identified as a challenge.

b. Suggestions for improvement comprised the following:

- o There is a need to revisit the Rules of Procedure to empower committees.
- o Requirement of quorum should be done away with for the committees.
- o Membership of committees needs to be based on qualification, experience and professional background.
- o Think tanks need to contribute towards issues referred to the committees so that expert opinion is available with the members.
- o Measures should be taken for the capacity building of committee members.
- o Media should give proper coverage to the functioning of committees and debate the issues raised by committees.

The identified challenges and suggestions for improvement given above highlight the need for capacity building of the provincial legislators. The focus on internal working of the committees and lack of external expert advice come up as major challenges faced by the committees. Notions beyond the scope of work of the committees are indicative of the degree of awareness about the prospective role but do not speak much about the current constraints.

CHAPTER | FIVE

FINDINGS AND RECOMMENDATIONS

Findings and Recommendations

This chapter presents key findings and recommendation in the light of information and analysis presented in the study. Key findings highlight the challenges faced by the Standing Committee on Education derived from review of its functioning and interviews of legislative members. Recommendations have been formulated in the light of needs expressed by the MPAs and keeping in mind the regional and international best practices.

5.1 Key Findings

1. The Standing Committees, under the present Rules of Procedure, cannot seek opinions of experts external to government departments. For each Bill referred to a Committee, representatives of relevant department and of Law and Parliamentary Affairs are present for expert advice.
2. There exists no subcommittee on Education which limits the chances of specialized review or allocation of dedicated time to the assigned Bills. Moreover, it is difficult to create subcommittees out of a total membership comprising 10 members.
3. All sittings of the Committees are private and are considered in-camera sittings by the Rules of Procedure.
4. The Committee on Education was referred to a total of 13 Bills and it submitted its reports on 10 Bills. Recommendations for amendments were submitted for 9 out of the 10 Bills.
5. The Committee held 5 sittings, maximum in the present tenure, to consider the Punjab Free and Compulsory Education Bill, 2014. The Chairperson of the Committee along with two other members attended four out of five sittings, i.e., maximum sittings to be attended.
6. All the recommendations made by the Committee were unanimous and no dissenting note was submitted for any of the 10 Bills considered by the Committee. The absence of dissenting opinion by any member warrants further analysis of the record of proceedings, which, at present, is not allowed by the Rules of Procedure.
7. Research support is needed by the Committee members for improved participation in the sittings but the present staff of the Assembly secretariat is not sufficient for this purpose. The need for availability of more resources with the Assembly library was also highlighted by the members.

5.2 Recommendations

Following recommendations are being made to address the challenges faced by the Standing Committees:

1. Rules of Procedure of the Punjab Assembly should be amended to allow for public sittings and allow for the solicitation of views from experts as well as general public.
2. The membership of the Committee on Education may be extended so that subcommittees are formed to allow for extensive deliberations on different subjects. Example of the Committee on Education and the Workforce of the U.S. House of Representatives, which has two subcommittees to oversee education, may be followed in this regard.

3. Research support must be provided to the Committee members and resources need to be allocated by the Assembly secretariat. Demand for Grant in this regard may be sent by each Committee. Reasonable resources should be available to cover for undertaking of studies and engaging of researchers.
4. Institutes of policy studies, think tanks, and the academia need to be involved for seeking expert advice. Other stakeholders should also be allowed to attend the meetings and contribute their input. Opinions submitted through letters and emails may also be entertained by the Committees.
5. Given the large number of graduates in the Assembly, the membership of Standing Committees may be extended to include more educated members.
6. Capacity building of the members of committees needs to be undertaken to apprise them of the Rules of Procedure and functioning of Committees.

Capacity building of the members of committees needs to be undertaken to apprise them of the Rules of Procedure and functioning of committees.

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