A Briefing Paper for Women Legislators in Pakistan

Effective Role in Committees

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

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Effective Role in Committees, A Briefing Paper for Women Legislators in Pakistan has been prepared by PILDAT for the benefit of female legislators across Pakistan’s Parliament and Provincial Assemblies.

Women members elected to Pakistan's Parliament and Provincial Assemblies believe that a conducive environment is required for them to play a greater role across Pakistan's legislatures. They also demand that a consistent investment be made in building their capabilities to play a more effective role in Assemblies. An important investment in building capabilities of women legislators is to strengthen their role as effective committee members. While women's role needs to be strengthened and built in making their overall roles across legislatures more effective, a central part of their role as legislators is as effective committee members.

With the passage of time, as issues involving a country or territory have become more complex, the role of committees has also become more important in dealing with these complex issues. This paper focuses on what is the importance of serving on a committee and how can female legislators become effective committee members.

Disclaimer
Every effort has been made to ensure the accuracy of the data contained in this paper. Any error or omission, therefore, is not deliberate.

Islamabad
October 2019
Introduction

Increasingly, and around the World, political science research has found that women legislators are more likely to introduce legislation that specifically benefits women. The case of Pakistan's National Assembly shows, that over the years, women legislators have been more active than their male counterparts, in discharge of their responsibilities of legislation, representation and oversight. This also supports research that more women legislators in a legislature may result in women as more likely than men to advocate for issues often associated with women's interests; that women may be more effective legislators than men and that female legislators may have intrinsic goals and interests that they would work even harder to advance, and they may even be joined by male legislators, if women's representation were to be increased in legislatures.

As the Inter-Parliamentary Union (IPU) puts it, “while more women than ever are being elected to parliaments around the world, equality is still a long way off, and current progress is far too slow... Even where women are present in greater numbers, glass ceilings often remain firmly in place.” Where on the one hand, political commitment and adequate legal and policy frameworks are essential to provide a level playing field for both women and men towards fairer representation in parliaments, a concerted and organised effort is required to build an environment that is conducive to a greater role for women in parliaments.

Women members elected to Pakistan's Parliament and Provincial Assemblies agree that a conducive environment is required for them to play a greater role across Pakistani legislature. They also demand that a consistent investment be made in building their capabilities to play a more effective role in Assemblies.

Role of Committees in a Legislature

In a parliamentary democracy, policy-making is the primary objective of an elected government. However, it is the job of legislatures to oversee how a government's policies are implemented. This is essentially done through committees in a legislature. Through this oversight process, committee members can work with a government to influence policies and make recommendations for reform.

The role of committees in a legislature cannot be over-emphasised. While several types of committees exist in each legislature to carry out a variety of functions, the most important role of committees is in examining legislation and carrying out oversight of government's policies and their implementation. Since plenary sessions of an Assembly have limited time to debate complex issues relating to bills, amendments, or overseeing the functioning of a particular ministry or department of government, each legislature establishes special interest committees to investigate specific issues and debate proposed laws or their amendments. With the passage of time, as issues involving a country or territory have become more complex, the role of committees has also become more important in dealing with these complex issues. With more and more global focus on involving public perspective on laws, Parliamentary committees have also become more important as a means to engage the public with parliament and to inculcate a greater variety of opinions in legislation worldwide.

In Pakistan's legislatures, while each Assembly can establish as many committees as it requires for specific issues and sometimes for a limited timespan, Standing Committees are established to maintain consistent oversight on the executive, with one Standing Committee established in each legislature to oversee each ministry or department of the federal and provincial governments.

Each committee formed in a legislature is a microcosm of the assembly, represents the political diversity in the assembly, and carries out a scrutiny or a review on a particular subject to advise the house. In addition to review of legislation or legislative amendment, standing committees formed to oversee ministries or departments of a government, also have the powers to examine budget, expenditures, administration, delegated legislation, public petitions and policies of a ministry or department, its associated public bodies, and advise ministries/departments of their recommendations. However, these powers are not available to committees across all legislatures in Pakistan.

In Pakistan's Parliament, both the National Assembly and the Senate, committees have suo motu powers. *Suo motu* is a Latin legal term which translates as “on its own motion.” In the case of powers of a committee, it means that a committee can act on its own cognizance in respect of a Ministry concerned and its attached Divisions and public bodies. *Suo Motu* powers give a committee the authority to examine policies, budgetary allocation, administration, legislation, and invite and address public petitions relating...
to a ministry and its attached divisions.

However, while Standing Committee across provincial legislatures have been granted the powers to 'examine a bill or any matter referred to it by the Assembly,' these do not always have the wider powers of review of a ministry's policies and functioning that are available with committees in the Parliament. In provincial legislatures, committees are often dependent on the Speaker of a House, or the Assembly, to delegate functions to a committee. Following are the key provisions regarding wider functions of committees across Pakistan's provincial legislatures:

1. According to the Rules of Procedure in the Provincial Assembly of Balochistan' Standing Committees are to be elected by the Assembly within ninety days after the election of Leader of the House to “deal with legislation relating to the Department or Departments of the Provincial Government.” In addition to the powers to examine a bill, in March 2018, the Assembly rules were amended to make it mandatory for the concerned Government Department to “brief the Committee about functions, performance and challenges of the Department.” Based on these briefings by each department to each Standing Committee following the election of Committee Chair, each Standing Committee, was given the powers to “formulate a Comprehensive Report containing recommendations for improvement in functioning of said Department and lay it before the Assembly for consideration.” Standing Committees in Balochistan Assembly, therefore have been given wider powers of review over the concerned government department but are allowed to do so only once at the beginning of each term.

2. According to the Provincial Assembly of Khyber Pakhtunkhwa Procedure and Conduct of Business Rules, 1988 (as modified upto July 17, 2018), Select Committees can be formed to review a bill while Standing Committee are formed for each department of the Government to ‘deal with subjects assigned to the department concerned under the Rules of Business of the Government or any other matter referred to it by the Assembly.’ Rule 155 states that each “Committee shall examine a Bill, subject or matter referred to it by the Assembly and shall submit its reports to the Assembly with such recommendations, including suggestions for legislation, if any, as it may deem necessary.” Standing Committees in Provincial Assembly of Khyber Pakhtunkhwa, therefore, do not have suo moto powers.

3. Rule 155 of the Provincial Assembly of the Punjab states that the “Assembly may, on a motion made by a member, remit to the Committee concerned any subject or matter which may be studied by that Committee.” The rules, therefore, do not assign rights to a committee to meet on its own and examine wider matters relating to a ministry or division.

4. The Provincial Assembly of Sindh has revised its Rules of Procedures in December 2013 to grant these wider powers to its Standing Committees. Rule 167 (7) empowers Committees to “examine the expenditures, administration, delegated legislation, public petitions and policies of the Department concerned and its associated bodies, and may forward reports of findings and recommendations to the Department and the Department shall submit its reply to the Committee within a period of two weeks.”

Essentially, the role of a committee is advisory in nature and its recommendations are not binding or compulsory. A committee, whether formed for a particular purpose, or to oversee a government department or ministry, is assigned by an assembly to study a subject, review or amend a law, or to make recommendations that are presented to the plenary for consideration.

Each committee formed in a legislature is a microcosm of the assembly, represents the political diversity in the assembly, and carries out a scrutiny or a review on a particular subject to advise the house.

Committees of every kind, therefore, carry out the crucial review of a variety of issues with careful scrutiny that is not possible during the plenary sessions. This further reiterates the need and importance for each committee member to ensure the committees’ deliberations are thorough, expedient and practical.

Across Pakistani legislature, at the beginning of the term of each legislature, members are invited to express their choice of membership to standing committees or departmental committees. A member elected to one committee may be a member of two or more committees at the same time. While the rules of procedure of some assemblies make it binding for their committee members to be elected within a certain duration after the formation of a new assembly - for instance the National Assembly rules stipulate that the members of a committee are to be elected by the Assembly within thirty days after the election of the
Leader of the House\textsuperscript{10} - this is not a common practice across all legislatures. For instance, rules of Provincial Assembly of the Punjab and Balochistan make it mandatory for a Committee to be elected by the Assembly 'within ninety days' after the election of the Leader of the House' following a general election. A formal process of election takes place through which members assigned to a committee are elected by the Assembly to form part of a committee.

A committee only becomes functional once its chairperson is elected. The Chairperson is elected by the committee members. While members elect the chair, it is generally done so on the basis of the advice and nomination by a parliamentary party to which a committee chairpersonship has been allocated. The National Assembly of Pakistan rules of procedure mandates that election of a committee chair must take place within thirty days after the appointment of the committee.

In the United Kingdom, whose parliamentary model Pakistan's legislative system is fashioned after, the method of election of chairpersonship of key select committees (departmental committees or standing committees as called in Pakistan) has changed in recent years. While earlier, a similar model as that of Pakistan was in practice where party nomination of an MP resulted in election as chair of a committee, the majority of Select Committee Chairs are now directly elected by their fellow MPs.\textsuperscript{11}

**Importance of Serving on a Committee**

In each legislature, committees play a crucial role in scrutinising legislation, examining governmental spending or budgets, and overseeing effective implementation of executive policies, among other duties. It is important, therefore, that committee members recognise and understand the centrality and importance of their role in oversight of the executive and in influencing crucial national or provincial policies and their implementation. For instance, committees that are responsible for overseeing the functioning of a ministry or a governmental department gain valuable insight into the complex government structures within which ministries and departments operate and how they face and address issues relating to budgets expenditures and policy implementation.

While the essential job of a committee member is that of oversight, the relationship between a committee and a ministry or government department it is charged to oversee does not have to be confrontational. The most impactful committees are those which are well-informed and non-adversarial in their role as overseers. In addition to maintaining a positive working relationship between the committee and the ministry or government department it is charged with overseeing, committee memberships offer tremendous opportunities of understanding how government works, the prevalent culture in government service and operations, how government interacts with and provides access and efficiency of services to citizens. This knowledge can be extremely useful for legislators in building their knowledge and in bringing much-needed reforms to public service in Pakistan.

Further, serving as a member on a committee is not just essential to gaining knowledge and developing a network, it is an extremely gratifying process through which members, especially those that are newly-elected, or are new to serving on a specific committee, build confidence through interaction with members and chair, and through making informed and useful contribution.

Another important aspect of the reward of learning associated with serving as a new or first-time member of a committee are the opportunities to observe senior and veteran members in committees. This is especially useful in committees that have long-serving members and chairs who bring to the table vast vestiges of expertise. It is through observation that newly-appointed or first-time members can learn the most.

Committee members who take the time to understand the issues, and who are prepared to make considerable contributions to subjects under consideration in a committee can make a significant impact on legislative processes and effectively carry out their responsibility of oversight of executive policies and their implementation, thereby making the most practical and personally rewarding use of their time as members of any committee.

**How to be an Effective Committee Member**

**Inform Yourself**

Informing oneself through reading and understanding the specific rules of procedures that governing the functioning of committees is the first and foremost requirement for serving effectively as a committee member. While rules provide the essential basis for understanding the remit and role of committees, members can and should seek additional help and support from committee staffers who are well-versed and experienced in assisting committees and can provide the necessary introduction and orientation to the working of committees.

**Understand Your Role**

Despite the method of appointment, it is important to remember that once elected on the committee, a member is responsible for understanding and being able to make informed and useful contributions.

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10. Rules of Procedure and Conduct of Business in the National Assembly, 2007 [As modified upto the 17th December, 2018]

11. For details on the revised process of election of UK House of Commons Select Committee Chairs, please see https://www.parliament.uk/about/how/committees/select/election-of-hoc-select-committee-chairs/ (accessed September 19, 2019).
an individual and should always vote according to an informed perspective. Unlike the plenary, where members belonging to a party are, in certain cases, under an obligation to vote according to party policies, such a requirement does not apply to party members in committees.

It must be noted that the Constitution of Pakistan only makes it mandatory for MPs and MPAs to vote according to the party lines in the plenary in specific instances. Article 63-A of the Constitution states that “If a member of a Parliamentary Party composed of a single political party in a House.....-

(b) votes or abstains from voting in the House contrary to any direction issued by the Parliamentary Party to which he belongs, in relation to—

(i) election of the Prime Minister or the Chief Minister; or
(ii) a vote of confidence or a vote of no-confidence; or
(iii) a Money Bill or a Constitution (Amendment) Bill;
he may be declared in writing by the Party Head to have defected from the political party.”

Therefore, other than the above-mentioned instances, there is no constitutional or legal bar upon elected members to choose to vote on legislative and other issues as they deem fit.

Essentially, committees bring together a set of individuals who represent different viewpoints and expertise, to lend their expertise, insight and their knowledge to scrutinise a piece of legislation or to oversee executive policies and their implementation status, in an open-minded way so as to build informed consensus and lead to better democratic governance in the country or in a province. The role of committees, therefore, is not to put together a group of party representatives arguing for different party positions.

Of course members are at liberty to share party perspective or draw the committee's attention to concerns of the electorate, such as gender, so as to facilitate committees to arrive at a conclusion based on a range of views and concerns, it is each member's job to always be better informed than one's electorate or party on the committee's business, and to help make decisions based on full information and careful consideration that are beneficial to the country or a province as a whole.

While members are at a liberty, and also have an obligation to present to the committee any recommendation to it from the party or electorate, once that perspective is presented, it is each member's responsibility to vote, or speak, as one's conscience dictates based on what one believes as the best decision for the country or province.

**Know the Agenda**

The purpose behind agenda of each committee meeting is to advise members in detail of the business which will be discussed at a committee meeting. Therefore, agenda governing each meeting must clearly set out the business of a sitting in a way that members can readily understand the nature of an issue to be discussed. A good agenda would also provide necessary background information to facilitate members in making informed decisions.

While rules may differ from house to house and committee to committee, members must demand that a comprehensive written agenda is made available to each member as far in advance as possible. At the very least, three working days in advance should suffice, allowing members enough time to read, understand and fully prepare themselves for each meeting, depending on the issue at hand. For instance, preparation for discussing a complex constitutional amendment may require multiple hours or even days, while a meeting focused on oversight of implementation of an existing law or practice by a Ministry or department may take lesser time.

The reason behind underscoring the time required to be devoted by each member to adequately prepare for a meeting is to highlight the complexity of much of the business that is transacted in committees inside an Assembly. A member, therefore, must always be prepared to effectively participate in the business and related decisions that a committee is required to undertake.

There cannot be a greater disservice to the role of a committee member than to not be prepared and informed of the committee business and agenda. While a member may encounter members who may devote lesser time to preparation and simply offer un-informed opinions at a meeting, such a behaviour by other members should only be understood in the context of how not to do it. Being unprepared and uninformed translates into wasting precious time devoted for a committee meeting and only forces colleagues on a committee to term a member unprepared for a meeting as a non-serious member.

Members must also take care to remember that in preparing for a meeting, they cannot pick and choose to be prepared for a particular aspect of agenda and ignore others. Each committee member is required to read, understand and develop an informed opinion on all items on an agenda, regardless of their particular interests, experience or comfort. Not only can a member not be fully effective by partial preparedness, even a committee cannot be fully effective until each member is fully prepared to engage in an informed decision-making on all items of business.

As a member, while demanding a comprehensive agenda is a matter of right, it must also be remembered that often a member can choose to prepare for a meeting by consulting relevant experts, stakeholders, political party and electorate outside of the expertise offered by the
Committee secretariat in a house. This is especially
necessary when members have to devote time to
understand a particular legislation, an amendment, or
simply oversee a procedural requirement of a Ministry or
department. It is necessary, therefore, that members
develop an outside the Parliament network of knowledge
and expertise that they can tap into on areas of committees
they are members on. Such a network may not already exist
in most cases but it can be put together fairly effectively
and quickly by tapping into expertise available outside the
Parliament.

Another important aspect of being prepared for a meeting is
to read the minutes to apprise oneself on the record of
what happened at the previous or earlier meeting of a
committee. Often, minutes of a previous meeting that are
shared as part of the agenda are draft in nature and are only
confirmed or amended at the following meeting of the
committee. Since confirmed minutes become part of the
record, it is important that committee members read those
carefully and propose a correction, if needed.

Another important reason behind focusing on minutes is
that once a follow-up action is recorded in meeting minutes
of a committee, effective and pro-active members can use
these for regular follow-up and execution.

It is important to note here that being an effective
committee member is a time-consuming affair and
therefore while opting for membership to be on various
committees, members must be mindful of the fact that they
do not take on more committee memberships than they can
handle effectively.

**Bridging the Gap between Parliament and Civil Society**

As an organisation committed to strengthening Parliament
and legislative capabilities, PILDAT, in November 2011,
had developed, published and made available both in print
and online a Directory and Database of the Parliamentary
Committees and Civil Society/Research Organisations of
Pakistan. The initiative was undertaken by PILDAT in an
effort to bridge the gap between the Parliament and civil
society in Pakistan and to serve as a resource tool for the
Parliament to facilitate the use of professional research
sources in addressing issues relevant to the Committees.
The directory also provided links between Standing
Committees in Provincial Assemblies of Khyber
Pakhtunkhwa, Punjab and Sindh and relevant CSOs. It did
not include Standing Committees in the Provincial
Assembly of Balochistan as none were elected at the time of
publication of the Directory.

Connecting civil society organisations (CSOs), including
professional bodies, research and advocacy organisations
with the Parliament and Parliamentary Committees is
essential to get an independent view from the society about
the issues under consideration by committees. This is even
more essential in Pakistan as the Parliament and
Parliamentary Committees have limited in-house research
capacity. While some of the information in the directory
may have become dated, it can still serve as an important
tool through which committee members can learn about
and tap into the resources available outside Parliament.

**Regular and Effective Participation**

Regularity of participation in committees is an important
aspect of effectiveness as committee members. Barring
unforeseen and sudden circumstances, members must
ensure their regular participation in committees.

Effective participation in committees also means active
participation in committees. This means preparedness to jot
down important points and notes during discussion. It is
important to remember that serious and informed
discussion and decision-making cannot take place unless
members are prepared to professionally participate in
committee meetings.

For newly-elected MPs or those joining a committee for the
first time, it is only natural to find oneself intimidated and
somewhat daunted in the presence of senior or veteran MPs
well-known for their effectiveness. However, it is through
working with dedicated and senior MPs that new members
can learn a great deal on how to be an effective committee
member.

**Being Proactive**

A key aspect of being an effective committee member is
also focusing on how to be pro-active in agenda setting of
the committee. Regular and effective involvement in affairs
and functioning of committees means that a member may
wish to suggest that a committee may devote more attention
to a particular issue. In most legislatures, committee
chairpersons have the authority to create sub-committees
that focus on a specific agenda. Pro-active membership can
lead to effective agenda-setting and facilitation of a
committee's focus on an important sub-area.

**Familiarisation with Fellow Members**

It is also important for new members of a committee to
familiarise themselves with fellow members of a
committee. Learning the names of the other members of the
committee, their parties, and understanding their
perspectives in meetings as soon as possible helps new
members become more comfortable at meetings.

Familiarisation with members is just not required for a new
member. Since the important work of a committee is to
devote its time to an informed and thorough examination of
a bill, or an issue, and report its recommendations to the
house, it important to achieve those recommendations with
consensus. The familiarisation among members leads to
required camaraderie that is intrinsic to arriving at

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12. The PILDAT Directory and Database of the Parliamentary Committees and Civil Society/Research Organisations of Pakistan, November 2011, can be accessed online at pildat.org at this link: http://irc.pildat.com/csodirectory/index.asp
consensus solutions and recommendations, where possible. Since committees in a legislature are not required to indulge in partisan politics, often extremely polarized as it plays out in plenary sessions, effectiveness of committees can benefit greatly from camaraderie among members affiliated with different political parties.

Ensuring Punctuality
While ensuring punctuality in joining committee meetings is essential, new members, when learning the ropes in a committee, may join a meeting a little ahead of time to familiarise themselves with the committee setting and also find an opportunity for a brief friendly exchange with Committee staff and any other members who are there in advance. Often Committee chairs may arrive a little early also and a chance of an interaction with them can help to improve new members' comfort level.

Punctuality does not finish only at arriving ahead of or in time. It also means that members who join the meeting are part of the full deliberations during a meeting till its conclusion.

While rules are changing in each legislature and more and more legislatures are opting to hold committee meetings while a house is in session to maximise both the potential of members’ available time and costs relating to facilitate meetings, members in committees should only resort to leave in case of a pressing House commitment such as a vote in the House. In case of important legislative business, committees may decide to adjourn and return to complete business.

Speaking Slots
To overcome any nervousness as a new member to a committee, a member may find it easier to ask the chair to recognise him or her to to speak as early as possible on the agenda items to ensure points are made and one does not have to worry later about having less time to speak or repeat perspective on points that may already have been made by other colleague members.

Even though it appears as an obvious instruction, it may come in handy to new members in making sure they employ the right techniques to being recognised by the chair to speak. It is important that when a member wishes to speak, he or she raise does so visibly, either by vertically placing their name sign, or by raising their arm clearly, or as the rules maybe in specific committees, so that the chair can notice the member’s desire to be recognised for speaking.

Rules of Engagement
As discussed before, while members must be prepared to express an informed opinion on every agenda item in discussion at a committee meeting, it is not necessary for a member to speak on each item. Instead of wasting time in repeating a point already made by another member in the committee, a member may resort to concurring with another member's view presented already.

Being prepared for a meeting also means that one is prepared to make most succinct, brief and to the points remarks. Unlike the plenary, a committee is not the place where members are required or even expected to make long speeches. The essential objective behind each committee meeting is that a multi-party group of members can arrive at an informed decision through each member's perspective. To facilitate that, members must be concise and brief with a view to facilitate a result-oriented informed discussion on the agenda of a committee.

A general rule13 that can mostly apply to any discussion or dialogue can fairly well apply to committee meetings in a house. A member, therefore, is required to speak only if there is something new to add to the discussion. This can often be presenting an alternate or a different view than what has already been presented by another member, a distinctive or different rationale for a view that has been introduced already in a discussion by another member, or a response to another member's perspective. In other circumstances, a member may speak to verbalise consent with a view or perspective under discussion in a meeting to signal support which can also often could generate more useful debate.

Recording dissent, however, is an important consideration for a member to keep in mind if one does not agree with the direction or a conclusion of a meeting. It is important that a committee must benefit from each committee member's perspective, especially if it is a well-considered dissent, so that committee members can make well-informed decisions after full consideration.

Facilitate Public Engagement
While over the years, legislatures in Pakistan have used technology to improve citizens’ access to legislatures, this still falls woefully short of effectively and pro-actively engaging citizens in the work of legislatures. Worldwide, committees provide the access point through which citizens are invited to engage in the work of legislatures. This is usually done in the case of inviting public input into draft legislation, through holding public hearings of committees or through inviting expert testimonies of an issue in consideration. Being pro-active member of a committee also means that members can help steer the committees in more effective engagement with citizens through a variety of means available under the rules. Where the existing rules are deficient or silent, members can propose required amendments in rules and lobby within relevant committees and with elected office-bearers to suitably amend the rules in keeping with the changing requirements of a dynamic and young country.
