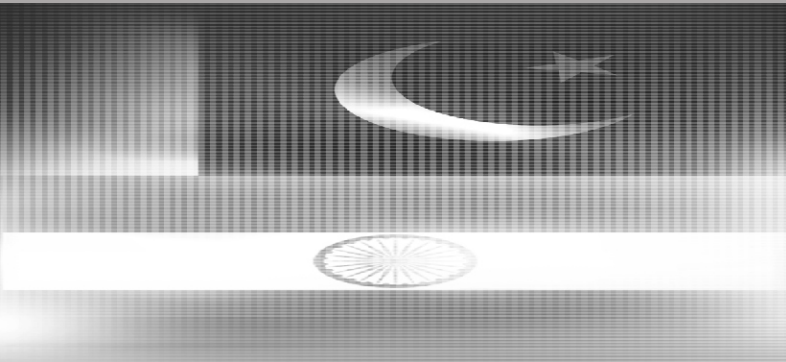


STUDY TOUR REPORT

The Pakistani Parliamentary Delegation's Legislative Study Tour to INDIA

August 28 - September 04, 2004



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Prepared By

Pakistan Institute of Legislative Development And
Transparency - PILDAT



As a Part of
Pakistan Legislative Strengthening
Consortium - PLSC



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We would also like to thank Dr. Mubashir Hassan (Former Finance Minister and Member of the Pak-India People's Forum for Peace and Democracy) and the Ministry for External Affairs, India for their cooperation and assistance.

We wish to thank H.E Mr. Aziz Ahmed Khan, High Commissioner of Pakistan, Dr. Najma Heptulla, Member Rajya Sabha, Mr. K. Rehman Khan, Deputy Chairman, Rajya Sabha, the Urdu Academy, the Sindhi Academy, the Indo-Pak Forum of Parliamentarians, the Punjab Vidhan Sabha, Honourable Mr. O.P Sharma, Governor Punjab, and Honourable Captain Amarinder Singh, Chief Minister Punjab for hosting receptions in honour of the delegation.

Finally, PILDAT would like to express its great appreciation for the PILDAT team responsible for coordinating the event.

Background

PILDAT Legislative Capability-building Programme

The Study Tour was arranged under the Strengthening National and Provincial Legislative Governance Project, which is a 3-year long project aimed at building the capacity of the members and staff of the National Assembly, Senate and the four Provincial Assemblies of Pakistan. The objectives of the project are to: (1) Equip legislative stakeholders with the know how and tools to better perform their representative, legislative and oversight functions through training and technical advising; (2) Empower civil society to perform public advocacy and watchdog functions; and the (3) More effectively utilise research and the media to inform participatory decision-making and legislative oversight. The Project is funded by USAID.

Objectives of the Study Tour

The primary purpose behind organising this study tour was to provide Pakistani legislators, intellectuals and PILDAT officials with an opportunity to study the Indian Parliamentary rules, procedures and practices and to gain an insight into the Indian Election System. Pakistan not only shares extensive commonalities with Indian social and cultural norms but also with its' political infrastructure. As both nations exist as post-colonial developing polities that inherited the British parliamentary system of governance, PILDAT felt that an exchange of ideas and practices would provide valuable learning experiences for the delegation.

A total of 17 delegates participated in the Study Tour. Profiles of the Delegates are given in *Appendix A*.

The main objective of the Study Tour was to learn first hand about the Rules of procedure and conduct of business of the Indian Parliament (both the Lok Sabha House of the People and Rajya Sabha Council of the States), the State Legislative Assembly of Punjab, parliamentary practices and election conducting mechanisms to compare them with the rules, practices and systems in Pakistan. The information collected during the study tour will also be channelled to the National Assembly's special committee constituted by the Speaker on July 31, 2004 to examine the rules of procedure and the conduct of business of the National Assembly 1992. PILDAT, as a follow-up of the study tour, plans to prepare and publish a paper on the comparison of Rules of procedure of Indian and Pakistani Parliaments on the same lines as we did for the comparison of Indian and Pakistani Constitutions. A briefing session on the subject will also be organised for Members of the Parliament and Parliament staff in general.

PILDAT had outlined the following objectives for this study tour:

1. To provide the Pakistani delegation the opportunity to learn more about the parliamentary system in India and its legislative institutions
2. To study parliamentary practices and rules of procedure of the Indian Parliament, the election system and laws and the use of technology.
3. To establish the foundation of a relationship between the Indian and Pakistani legislative institutions at a non-governmental level that will facilitate greater parliamentary involvement in critical issues of mutual interest.

Programme

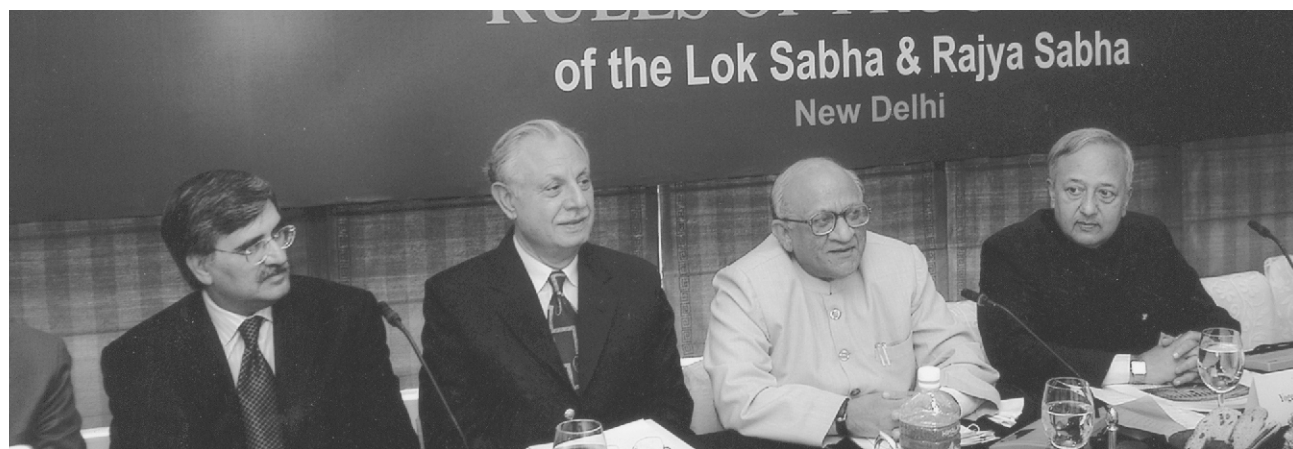
The Programme consisted of structured Group Discussions on the Rules of Procedure of the Lok Sabha and Rajya Sabha, Rules of Procedure of the Punjab Vidhan Sabha, Election Systems of India, and Evolution of Parliamentary Democracy in India. The delegates also had meetings with Mr. Somnath Chatterjee, Speaker Lok Sabha, Mr. I.K. Gujral, former Prime Minister of India, Mr. V.P. Singh, former Prime Minister of India, Mr. Shivraj Patil Home Minister and former Speaker of Lok Sabha, and Mr. K. Natwar Singh, Minister for External Affairs. In addition to these, the delegates were invited to a number of lunches, dinners and receptions.

PILDAT had organised the Group Discussions prior to the study tour. The scope of the Group Discussions was pre-defined and each resource person was provided with a structured programme of his/her respective Group Discussion and given a specific topic to speak on.

(Please see Appendix B for the complete programme)

Introductory Booklet

An Introductory Booklet was prepared by PILDAT containing information about the Study Tour, i.e objectives, programme etc. The booklet also contained profiles of all the delegates as well introductory information about PILDAT, PLSC and USAID. It was distributed amongst the delegates as well as all the people the delegates held meetings with and interacted with in India.



Group Discussion on the Rules of Procedure of the Lok Sabha and Rajya Sabha

**August 29, 2004
Hotel Maurya Sheraton,
New Delhi**

The Group Discussion on the Rules of Procedure of the Lok Sabha and Rajya Sabha was divided into two parts. During the first part, Mr. G.C Malhotra, Secretary General Lok Sabha and Dr. Yogendra Narain, Secretary General, Rajya Sabha made a presentation on the Rules of Procedure of the Rajya Sabha. During the second part of the Group Discussion, Dr. Najma Heptulla spoke on the Evolution of Parliamentary Democracy in India and shared her experiences as Deputy Chairman, Rajya Sabha. The three presentations were followed by an interactive Q/A and discussion by all the participants.

Initiating the Discussion, Mr. Ahmed Bilal Mehboob welcomed all the participants and introduced the objectives of the Study Tour as well as the Group Discussion. He said that the main objective of the Study Tour was to learn about Parliamentary Democracy in India, the Rules of Procedure of the Parliament and how they have evolved over the years.

An overview of the prominent features of the Lok Sabha's Rules of Procedure, Conduct of Business and practices encompassing such features as the Committee System, Training and Orientation programme for legislators, performance of the committees, legislators' emoluments and privileges, a narrative of the evolution of the Indian parliamentary systems and procedures during the past 57 years since independence and, if possible, comparison with the rules of procedure and conduct of business of the National Assembly of Pakistan.

Mr. G.C Malhotra
Secretary General, Lok Sabha



Mr. G.C. Malhotra joined the Lok Sabha Secretariat in 1970 and has been the Secretary General of the Lok Sabha since 1999. He has served in various capacities and has been associated with almost every area of the functioning of the Parliament. During his career, Mr. G.C. Malhotra served as Secretary-General of the Indian Parliamentary Group, National Group of the IPU and Secretary, India Branch of the CPA. He has been Secretary of All India Presiding Officers' Conference and of its Standing Committee since 1999 and served on various other committees. Amongst many other esteemed positions, Dr. Malhotra has also served as Regional Secretary, Asia Region of the CPA since May 2000. He has also travelled as a member of Indian parliamentary delegations to several countries on goodwill visits, various Commonwealth Parliamentary Conferences (CPA) and Inter-Parliamentary Conferences (IPU) among several others.

Mr. G.C Malhotra opened his speech by introducing the basic structure of the state and its three main institutions: executive, legislature and judiciary. He explained that in India, the executive is drawn out of the Parliament, as in the UK. He said that the powers of all three institutions are delineated in the Indian Constitution, which is the basic and supreme law of the land. Elaborating on the structure of government, he said

there are 545 members of the Lok Sabha elected through direct elections for five years. He explained that the Rajya Sabha has 245 members elected for six year terms. He pointed out that the Rajya Sabha is a permanent body, not subject to dissolution, and that one-third of its members retire every two years. He informed the delegates that there are 44 women members in the Lok Sabha and 28 in the Rajya Sabha. Drawing a comparison to parliamentary sessions in Pakistan, he explained that according to the Indian Constitution, not more than four months can elapse between the last day of the a session and the 1st day of the next session unlike Pakistan where this period is two months. He added that whereas



the Pakistani National Assembly has been meeting for 130 days per year, the Lok Sabha has averaged 85 to 90 days, without counting week-ends as work days. He explained that parliamentary committees meet on a more regular basis and a large part of parliamentary business is conducted in these meetings. The Quorum requirement for the Lok Sabha is ten per cent of the house, whereas for the National Assembly of Pakistan, it is 20 percent of the house, he added. Mr. Malhotra stressed that the Prime Minister and the Council of Ministers are accountable to the Lok Sabha. He also explained that no money can be spent without the sanction of Lok Sabha. Once the Money bill is passed by the Lok Sabha, it is sent to the Rajya Sabha, which is bound to return it within 14 days. He pointed that that since 1952, there had been 26 no confidence motions. Out of these 25 failed and one led to the fall of Mr. Moraji Desia's government. Mr. Malhotra explained

that 11 confidence motions had been introduced in the Lok Sabha, out of which six had been successful whereas five led to the fall of governments, including those of Mr. Charan Singh, Mr. Vajpai, Mr. V. P. Singh and Mr. H. V. Deve Gowda. These governments fell when the confidence vote was defeated.

Initiating discussion on the Rules of Procedure, Mr. Malhotra explained that the constitution empowers the house to frame rules to enable the house to perform its functions in a structured manner. He explained that there is a procedure for the amendment of the Rules of Procedure. The Rules Committee considers matters of procedure and conduct of business in the House and recommends any amendments or additions to the Rules of Procedure and Conduct of Business in Lok Sabha that are considered necessary. The recommendations are laid before the house and if no further amendments are received, the rules are bulletined in the Rules of Procedure of the House.

Mr. Malhotra explained that recommendations of department-related committees are sent to concerned ministries which are bound to respond within three months. On the basis of the reply, a second report is prepared by the committees. He pointed out that the present Speaker, the Honourable Soomnath Chatterjee felt that to enable honourable ministers to review these recommendations thoroughly, the time period should be extended to six months. He said this recommendation has been made by the Rules Committee.

Elaborating on the legislation process, Mr. Malhotra said that the processes are more or less similar in the two countries. The bill which is a legislative proposal is introduced; there are three readings. The first reading is the introduction stage at which point the bill is referred to a department-related committee for detailed scrutiny. He explained that once the bill is returned from the committee with recommendations, it is up to the Lok Sabha to decide whether or not to accept the recommendations. This leads up to the second reading of the bill where discussion takes



place on the bill and one of the three motions can be moved: the bill can be accepted for debate, it can be referred to a select or joint committee, or it can be referred to elicit public opinion. He added that the difference between the report of the department-related standing committee and select or joint committees which are constituted at the second stage of the second reading of the bill is that in the case of joint committee the bill itself is modified. In the first type of committees the bill is not altered, only recommendations are given. It is up to the government to incorporate these recommendations. The third reading is the passing of the bill. Mr. Malhotra explained that after the passage of the bill in the Lok Sabha, it is referred to the Rajya Sabha and then to the President for his assent. He added that in Pakistan, once the bill has been passed by the National Assembly, it has to be passed by the Senate within 90 days whereas in India, there is no such restriction. He elaborated that there is a provision that if six months lapse without the houses reaching a consensus, there is a provision for a joint sitting of the two houses.

Explaining the method of constitutional amendments, Mr. Malhotra said that in India there are three types of constitutional amendments: those which can be passed by a simple majority; those that can be passed by 2/3 of those present and one half of the total strength of the house; and those that have to be passed in accordance to the second requirement as well as ratification by half of the state legislatures. Highlighting the differences further, he added that in Pakistan, the President “shall” assent within 30 days or return the bill for reconsideration,

whereas in India the word used is “may”, which means that he can hold assent. In this case, Mr. Malhotra explained, the President can withhold assent indefinitely.

Moving on to the budget process, Mr. Malhotra explained that the financial year spans from April 1st to March 31st of the following year, hence the Budget is presented in the Lok Sabha on the last working day of February. Mr. Malhotra added that the provisions of the finance bill become effective from the midnight of the same day. No discussion on Budget takes place on the day it is presented to the House. Budgets are discussed in two stages - the General Discussion followed by detailed discussion and voting on the demands for grants. The whole process of discussion and voting on the demands for grants and the passage of the Appropriation and Finance Bills is to be completed within a specified time. After the General Discussion on the Budget, the House is adjourned for a fixed period. During this period, the Demands for Grants of the Ministries/Departments are considered by the Committees. He explained that once the budget has been scrutinized by the committees, the grants are voted on. After this stage, the appropriation bill is passed empowering the government to appropriate money out of the consolidated fund of India. And thereafter after 2-3 days of discussion the finance bill is passed.

Mr. Malhotra informed the delegates that grievance redressal takes up a significant amount of time of the Lok Sabha. He explained that there is a practise in the house which is not provided for in the Rules of Procedure known as the zero hour. During the zero hour, members can raise local and national issues they consider important.

Moving on to the committee system, Mr. Malhotra said there are parliamentary committees and department-related committees. The department-related standing committees consist of 21 members of the Lok Sabha and 10 members of the Rajya Sabha. In addition to these there are joint committees, ad hoc committees and consultative

committees. He explained that Parliamentary committees are those which are either appointed by the house or by the speaker but consultative committees are those which are appointed by the government and in which honourable members do take part.

Explaining the anti-defection law, Mr. Malhotra said that the law applies when a member leaves a party, as in Pakistan. Violation of whip in Pakistan only applies to motions for the election of the Prime Minister, no confidence motions and a motion of a money bill, where as in India it is not confined to these aspects. He explained that in the Merger Provision, if two thirds of the members want to join another party than they will be exempt from the provisions of the anti defection law.

He concluded his speech by touching briefly upon the training programme of legislators. Mr. Malhotra explained that they have training programmes for Civil Service Officers, Legislature Secretariat Officers, and members of parliament. He said they also had a 7 week parliamentary internship program, and a 9 week legislative drafting programme. He said these are funded by government of India under different schemes. Mr. Malhotra added that more than 400 participants from over 60 countries had participated and benefited in these programmes.

An overview of the prominent features of the Indian Rajya Sabha's rules of procedure, conduct of business and practices encompassing such features as the Committee System, Training and Orientation programme for legislators, performance of the committees, legislators' emoluments and privileges, a narrative of the evolution of the Indian parliamentary systems and procedures during the past 57 years since independence and, if possible, comparison with the rules of procedure and conduct of business of the Senate of Pakistan.

Dr. Yogendra Narain
Secretary General, Rajya Sabha



*Dr Yogendra Narain has held office as Secretary General of the Rajya Sabha since September 2002 and has remained Defence Secretary from October to June 2002 and Chief Secretary of the Government of Uttar Pradesh from April 1998 to October 2000. Dr. Yogendra Narain has authored **ABC of Public Relations for Civil Servants**; **Book of Poems - 'Clouds and other poems'**, written several articles on topical issues and public administration and edited several parliamentary publications. Among several other positions, Dr. Narain also held office as President of International Goodwill Society of India and President of I.I.P.A. Alumni Association, Indian Institute of Public Administration, New Delhi.*

Dr. Narain started his presentation by giving a brief overview of the Indian Parliamentary System. He explained that the maximum strength of the Rajya Sabha was 250. He added that the current Rajya Sabha had 233 elected members and 12 nominated members. The nominations are made by the President of India, and the other members are elected by the state assemblies on a system of single transferable vote. He explained that the number of seats per state depends upon the population of the state and the basic qualification for a person to be a member of the Rajya Sabha is that he/she has to be a citizen of India and not less than 30 years of the age (compared to Lok Sabha where it is 25 years). In addition to these, he/she has to

qualify in accordance to the provisions outlined in the Election Laws.

Dr. Narain explained that special powers of the Rajya Sabha include passing of the resolution to enable Parliament to make a law on the State Subject; passing of a resolution for the creation of an All-India Service; and ratifying the proclamation of National Emergency if the Lok Sabha is not in Session.

Going over the daily order of business, Dr. Narain highlighted the different types of questions that a member can ask and how the Question Hour had evolved over the years. He explained that instead of



the zero hour they had a system of Special Mention whereby if a member wants to raise a point of urgent public importance, he/she can write it in 250 words, submit it to the secretariat and then read it out. The requirement however is that the language should not be offensive to any one. Dr. Narain explained that the house also has call attention notices, as in Pakistan. He said government bills and resolutions are presented from Monday to Thursday, and private member bills on Fridays. He added that a matter of public importance can be raised with prior permission. He explained that the matters that are raised in this manner or in the special mentions do not have to be responded to by the government on the floor of the house. In the case of Special Mention, the government has to respond within one month. The Ministry of Parliamentary Affairs takes over those special mentions and

monitors the progress. Explaining the system of short duration discussion, Dr. Narain said that two and a half hours are fixed for these discussions and there is no voting.

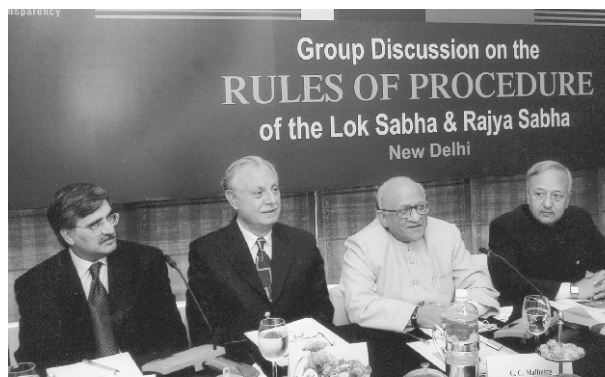
Dr. Narain explained that money bills have to be introduced in the Lok Sabha. Talking about the committee system, he said the Rajya Sabha also had standing committees. He especially mentioned two committees: the Committee on Provision of Computers to MPs, and Committee on MPs Local Area Development Scheme. He said Members of Parliament in India received two crore (20 million) Rupees per year to spend on development in their constituencies; and members of the Rajya Sabha could spend on the entire state unlike members of the Lok Sabha who could only use these funds for schemes within their constituencies. He explained that in the case of department-related committees, since they have members from both the houses, eight committees function under the direction and control of the Rajya Sabha and are serviced by the Rajya Sabha Secretariat. The remaining 16 function under the direction and control of the Speaker of the Lok Sabha. The ratio used is 1:2.

Dr. Narain outlined the different categories of bills: Ordinary Bill, Finance Bill, Ordinance Replacing Bill and Constitution Amending Bill. He explained that Finance Bills are of three types: Money Bill, Finance Bill Category A and Finance Bill Category B. Money Bill and Finance Bill Category A can only originate in the Lok Sabha whereas Finance Bill Category B can originate in either of the two houses. A Money Bill, as defined in article 110 of the Constitution, is a Bill which contains only provisions dealing with all or any of these matters, namely (a) the imposition, abolition, remission, alteration or regulation of any tax; (b) the regulation of the borrowing of money or the giving of any guarantee by the Government of India, or the amendment of the law with respect to any finance obligations undertaken or to be undertaken by the Government of India; (c) the custody of the Consolidated Fund or the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such

Fund; (d) the appropriation of moneys out of the Consolidated Fund of India; (e) the declaring of any expenditure to be charged on the Consolidated Fund of India. A Money Bill can be introduced only in Lok Sabha and not in Rajya Sabha. The Rajya Sabha can only recommend amendment to a money bill and can at best delay the passage only by 14 days. On the question whether a Bill is a Money Bill or not, the decision of the Speaker is final. On every Money Bill, Speaker endorses a certificate signed by him to the effect that it is a Money Bill, before the Bill is sent to Rajya Sabha or presented to the President for assent. In the case of a Bill introduced in Rajya Sabha, if there is any objection that the Bill is a Money Bill and should not be proceeded with in Rajya Sabha, and the Chairman has any doubt in regard to the validity of the objection, he refers the matter to the Speaker of Lok Sabha whose decision on the question is final. Finance Bill Category A is a Bill which has characteristics both of a Money Bill and an ordinary Bill. As mentioned earlier, this type of bill can not be introduced in the Rajya Sabha. Finance Bill Category B is a bill that is more of an ordinary bill. The difference between this type of a bill and an ordinary bill is if enacted and brought into operation, it involves expenditure from the Consolidated Fund of India and cannot be passed by either House of Parliament unless the President has recommended to that House the consideration of the Bill. This Bill can be introduced in the Rajya Sabha.

Dr. Narain said that a Constitution Amendment Bill can be introduced in either House of Parliament, and has to be passed by the majority of the total membership of the House and a majority of not less than two-thirds of the members present and voting. He said certain Constitution Amendments require ratification by legislatures of not less than one-half of the States. Further explaining the Parliament's legislative functions, Dr. Narain pointed out that the Legislative wing of the Rajya Sabha Secretariat formally helps private members in the drafting of bills. He said joint sittings are held only in the case of ordinary bills.

Dr. Yogendra Narain stated that a Committee on



Ethics was constituted in the Parliament in 1997. The Committee consisted of ten members, and its functions included overseeing of ethical and moral conduct of members, preparation of code of conduct, examination of breach of code and advising members on related issues. He explained that the Ethics Committee also oversees whether members declare their assets and if there is a breach of this requirement, the committee recommends action to be taken.

Dr. Narain told the delegates that orientation programmes are organized for new members on a bi-annual basis. In addition to these, the secretariat also holds Computer Training Programmes for members. Concluding his presentation, Dr. Narain highlighted the salaries and allowances of the members of Rajya Sabha. He told the delegates that members were paid Rs 12,000 per month with a daily allowance of Rs 500 per day for attending the session, constituency allowance of Rs 10,000 per month, office expenses of Rs 14,000, Rs 1,000 for franking, Rs 10,000 as salary for assistants. Retired members are paid a pension of Rs 3,000 per month, and family pension in case of death of a member is Rs 1,500 per month for 5 years.

(Please see Appendix C for the complete Presentation)

*The Evolution of Parliamentary Democracy and
the Importance of the Committee System***Dr. Najma Heptulla***Member Rajya Sabha and
former Deputy Chairperson, Rajya Sabha*

Dr. Najma Heptulla holds an MSc in Zoology and PhD in Cardiac Anatomy. She has had several academic affiliations which include serving as Advisor at the Centre for Middle Eastern Studies, University of Harvard. She has published various research papers and written several books, including Democracy, the Global Perspective (2004), India's Progress in Science and Technology: Continuity and Change (1985), and Human Social Security and Sustainable Development (1995). Dr. Heptulla has held offices with the Inter-Parliamentary Union including Honorary President, President of the Council of Inter-Parliamentary Union, and Vice-President and Member of the Executive Committee. She has also been Vice-Chairperson of the Executive Committee of the Commonwealth Parliamentary Association. Dr. Heptulla was Deputy Chairman, Rajya Sabha from 1985 to 1986, and 1988 to 2004. She is currently member of the Rajya Sabha and has previously served in the House for four consecutive terms, 1980-86, 1986-92, 1992-98 and 1998-2004.

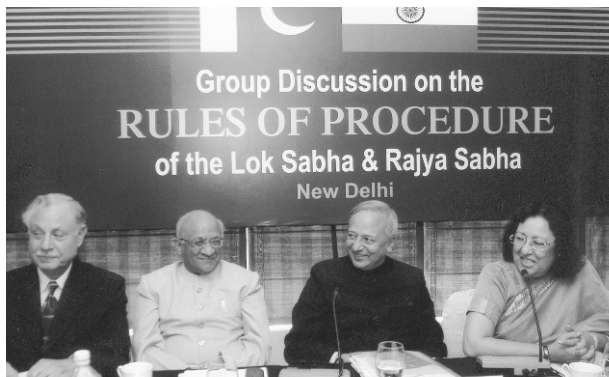
Dr Najma Heptulla began her speech on the evolution of parliamentary democracy in India by recalling a paper she had researched for a conference, held 6 or 7 years ago organized by the Greek government celebrating 2500 years of Greek democracy. Dr. Heptulla stated that popular opinion maintained that the concept of democracy is of Greek origin because Greeks had

started the process of discussion, meetings, elections and voting. She pointed out that the Vedas in Indian history also provide historical proof of the existence of a democratic system in India. The Vedas referred to parliaments as Sabhas and several inscriptions in Sanskrit can be seen on the doors and domes of parliament buildings that corroborate the historical existence of elections and all decisions being taken by a democratic process.

She asked Mr. Joshi to recite an inscription in Sanskrit from the Maha Bharata displayed in the Rajya Sabha,

“NASA SABHA YATRANASANTA WARTAHA,
WARATHA NA THY YE WADANTI DHARAAM.
DHARMA SANO YATER NA STAYA MASTI,
SATAM NADYAT, SHALAM O PYDI.”

“That is not an assembly where there are no elders. And frankly speaking, there are no elders who do not speak with righteousness.”



She highlighted that the quote above described the Rajya Sabha and said that different levels of the democratic process existed in India starting at the grass root level democracy with Panchayats that are village elected bodies. Dr. Heptulla added that beyond the Panchayats, there were Zila Parishats as larger bodies, followed by local assemblies, corporations and municipalities in cities and finally the Parliament of India. She emphasized that each and every aspect and each and every person is

connected with a democratic process.

Dr. Heptulla stated that the Indian Parliament had passed 73rd and 74th amendments, which award rights and privileges to district and village bodies and 33% representation to women, today 1 million women are empowered and elected in local bodies.

She stressed that local bodies are not just forums of discussion but are centres of control over financial matters of villages and districts and that India supports a multi party system to include national and regional aspirations through regional parties.

Dr. Heptulla stated that an important aspect of democracy is its role as a safety valve, in the absence of a parliament, the implementation of a social system results in an ineffectual market economy. Similarly, the other extreme is to operate as a market economy and risk losing the mechanism of providing social justice to citizens.

Dr. Heptulla elaborated on how parliamentary democracy, both in India and Pakistan was derived, from the British Parliament. She said that Rajya Sabha elections are also quite different from those of the House of Lords and India has evolved its own system because India comprises a federal system of states and members of the upper house, known as the Council of State, represent the entire state. She pointed out that this was the main difference between the British and Indian parliamentary systems and that she had heard that efforts were being made to abolish the existing peerage system of hereditary membership of the House of Lords and have people elected or nominated by the Queen to the Upper House.

According to Dr. Heptulla, the British Parliament can never host the same system that exists in India and Pakistan because the latter are larger countries and contain federal structures that include state legislatures.

Dr. Heptulla stated that she was celebrating her 25th silver jubilee anniversary of being a member of the

Rajya Sabha and was a loyal defender of the rights, privileges and status of the members of the Rajya Sabha.

In Dr. Heptulla's opinion, the government elected by the people is responsible for collecting revenues and running the country as far as monetary matters are concerned and it is not a privilege but a responsibility. She added that the government is formed by the Lok Sabha and the composition of



the Rajya Sabha keeps changing every two years, orientation is conducted every two years for the newly elected members and there is always continuity and change in the upper house.

Dr. Heptulla highlighted that if money matters were left to the Rajya Sabha, and if there was a majority in the Rajya Sabha but not necessarily a majority in the Lok Sabha, a crisis could be created by blocking a money bill. She added that the authors of the constitution discussed this issue in the constituent assembly and money matters were left to the Lok Sabha.

Dr. Heptulla pointed out 3 incidents where Rajya Sabha defeated bills. She described the first being the abolition of the privy purses of previous rulers of states, the bill was lost due to the lack of 1 vote in the Rajya Sabha. That particular vote was that of a former ruler of a state who went to the toilet when the voting took place and bill was defeated. Mrs. Indira Gandhi was forced to conduct a fresh election and with a majority vote, the bill was finally passed.

The second incident, she described was when Dr. Heptulla herself was chairing the Rajya Sabha session and constitution amendment bill 73rd and 74th was presented before the Rajya Sabha because Mr. Rajiv Gandhi had a massive majority in the Lok Sabha but not in the Rajya Sabha. According to her, the bill was brought to the Rajya Sabha, was defeated by three votes, the combined opposition voted against what is known as the Panchayat bill in 1989. She added that Mr. Rajiv Gandhi lost the election and the bill was not passed, it was in a later government elected after a few months that the bill was brought and unanimously passed.

The most recent example, cited by Dr. Heptulla was that of the POTA bill which is the Prevention of Terrorist Activities Legislation which was passed by the Lok Sabha but was defeated by the Rajya Sabha, a joint session of both parliaments was conducted and the bill was finally passed. Dr. Heptulla stressed that these were essential checks and balances in the parliamentary democracy system so that three wings of governance-executive, judiciary and legislature are answerable to each other.

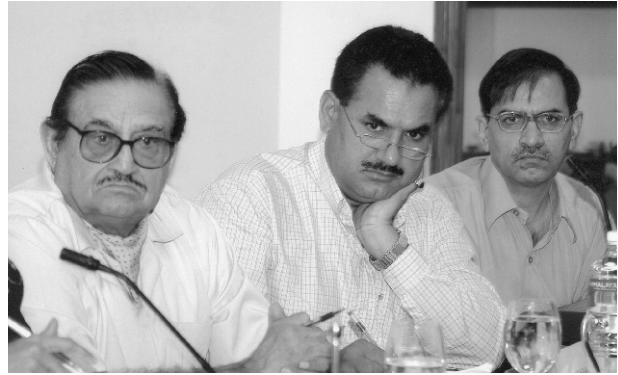
Dr. Heptulla reiterated that parliamentarians should not abdicate responsibility and had noticed during her political career of sixteen years in the chair and also 25 years of being a parliament member that gradually members of the parliament were abdicating their responsibilities.

She stated that the work that should be performed by elected representatives of the country is being performed by a judge instead. Dr. Heptulla described herself as a person wedded to democracy and confirmed that in her opinion this system is not correct for a healthy democracy. She emphasized that the job required of the Parliament was a collective responsibility instead of an individual ruling or judgement. She added that in a democratic system, members of the majority and minority have equal opportunity to have their opinion heard whereas, in a court, a single judge listens to both arguments and makes a decision.

Dr. Heptulla stressed that the court should be an option in very rare cases and the majority of cases should be decided by elected representatives in the parliament. To corroborate her statement, she cited an editorial that had appeared in the Daily Times of India that stated that the responsibility of resolving citizen's concerns should be addressed by the parliament instead of the courts. She added that although democracy in India has matured and elections are more or less peaceful, barring a few incidents, all citizens born after 1947 have voted in at least one election or more. Dr. Heptulla stressed that she had noticed a growing apathy towards politics and parliamentary involvement, not only in India but all over the world. She described that the younger generation in India and Pakistan do not show an active interest in politics as a profession and cited that when she was involved in the celebrations of the 200th session of the Rajya Sabha, 100 students were invited from premiere institutions all over India, for a day-long discussion to ascertain why an apathy against politics and politicians existed. She emphasized that for any country's development, democracy is essential and to promote a healthy democracy, this apathy and hatred needs to be eliminated.

She added that democracy has to evolve from within the people, reflecting their cultural, social and historical identities, India itself contains a diversity of cultures, religions and traditions and no other system of government would be as successful as democracy. Dr. Heptulla stated that every society should develop its own system of democracy according to its religious, cultural and social needs by involving citizens at a grass root level. She stated that when she had visited Pakistan, she was pleased to discover that Panchayats were being more actively included in the government electoral process and that women were increasingly active participants as well. She emphasized that if a democracy does not include 50 % of a country's population, that being women, it is an incomplete democracy.

She described that for treaties such as WTO Agreements, they need to be ratified by the



parliament. Agreements such as WTO agreements that effect constituents are not bound to be ratified by the parliament in India whereas they should be. The people's representatives should be involved in deciding these treaties.

She added that a treaty should be subject to discussion within the parliament however there is no need to vote upon it. She said that if the peoples' elected representatives are not involved from inception to conclusion of these international treaties that will impact the lives of all members of their constituency then there is definitely a loophole. She added that in India, a system does exist where members of parliament, both from the ruling and opposition, are involved in the discussion and consultation phases however in Dr. Heptulla's opinion, more involvement is needed on critical issues such as the Earth Summit held in South Africa.

In conclusion, she added that one of her recommendations was that panchayats should be increasingly involved in parliamentary discussions since they represented political opinion at grass-roots level.



Q/A & Comments

Question

Hafiz Hussain Ahmed

How are the Chairmen of the Standing Committees appointed? Are opposition members made Chairmen of Standing Committees?

Answer

Mr. G.C Malhotra

Chairmen are appointed in accordance with the strength of the parties in the house and in consultation with the leaders. The number of chairman from opposition parties represents the proportion of the membership of opposition members in the Lok Sabha.

Question

Syed Naveed Qamar

After learning from the philosophical overview of the evolution of democracy, I have realized that the

rules of procedure that have evolved over time have turned out to be greater impediments to raising issues rather than facilitators. What we would like to know is whether the existing rules are sufficient. We have similar instruments to the Indian parliament such as adjournment motions and question hours. While question hour is an effective tool, adjournment motions are very outdated tools. For that matter, call attention notices are also tools of limited effectiveness. If you can give us a comparison and the pros and cons of various instruments used in the Rajya Sabha and the Lok Sabha then we will get a better idea of which model we can adopt.

Also you have another instrument called the short duration discussion, can you give us more details on it. The issue of petitions has not been spoken about at length, we do not use it as frequently as I think we should as it will be a greater bridge between civil society and the parliament. Can you comment on the rules of procedure in light of these areas and how they can be improved?

Answer**Dr. Najma Heptulla**

A democracy and parliament cannot function only on rules, they are simply for guidance. For a healthy democracy, it is necessary for the ruling party and opposition to willingly cooperate and for presiding officers such as the Speakers to willingly listen to both sides. Once the question session was formalized in the Rajya Sabha and Lok Sabha with specific requirement of decorum and protocol so that questions were asked and answered in a civilized manner. There is also the tool of a privileged motion that is an effective tool that can be used if the government is incapable of responding to a query within a specified limit of time, a member is entitled to pass a privilege motion demanding a response.

**Answer****Dr. Yogendra Narain**

In response to the need for changes in rules, in the Indian parliament there has been an evolution of the rules of procedure according to the demands of the time. The rules that govern our Ethics Committee have gradually evolved over time. In England there was a committee formed known as the Noland Committee of Reforms that was constituted to revise rules and we have considered creating a committee exclusively committed to examining and revising rules however we have discovered that a gradual evolutionary process is more effective.

For example, the Question Hour session used to be

characterized by walk out sessions and uncontrolled debates therefore constraints were imposed on the time limit and members were required to state their opinions within 250 words. Therefore structured debate was evolved.

I would also like to add that discussion in committees is apolitical. There are petitions committees in both houses. Common people can reach the parliament through the petitions committee. A petition arrives, is commented upon by the concerned department, after consultation with the head of the department, the petition is put before the house. Petitions can also be made to the parliament directly by a member of the house or from the public.

Once the parliament has discussed the relevant petition, it is referred to the Petitions Committee for review and examination. The petitioning party is summoned to present their case and the petitions committee is not time bound.

The selection of petitions is done after the petition is sent to the concerned department. In several cases, the department takes action and the petitioner is informed. In other cases, the chairman refers the petition to the house and it is then referred to the petitions committee. If the relevant department has taken satisfactory action, the petition is not referred to the petitions committee. The purpose is to draw the attention of the parliament to the concerns of the people. All our petitions are recommendatory in nature and they serve as tools of persuasive power in democracy.

Answer**Mr. G.C Malhotra**

Any petition that is received and satisfies the conditions of admissibility is sent to the concerned ministry. Petitions are submitted by members on behalf of collective groups, they are admitted by the speaker and referred to the petitions committee. Petitions in this case can only be filed by the members. Special Mentions were intended to replace Zero Hour however Zero Hour remains. The

procedure of Culling is handled by the Ministry of Parliamentary Affairs that gathers assurances.

We also have an ethics committee in the form of Ombudsmen. All petitions received are categorized as either representations or petitions in the Lok Sabha. A report on the petition is submitted to the committee. Petitions are limited in number and are submitted on behalf of institutions as a collective grievance. The rules are not impediments and have been examined and amended 10 to 12 times since their formulation.

Question

Senator Muhammad Anwar Bhinder

Firstly, I would like to know, as far as the privileges of the members are concerned, the parliaments have been jealously guarding their privileges. The privileges of the parliament are undefined, we should have a codified law although it is in the interest of the parliament to define a privilege and subsequently decide whether it has been breached or not so that members of parliament are aware of what a privilege is and when they are breached.

My second question is about committees. I chair a committee on Government Assurances. A matter can only be referred to the committee by the house. If it not referred by the house the committee cannot deliberate on that particular issue. So, how can a report that is made by the committee be implemented? I have proposed that once the committee issues a report, it should be submitted to the government as it is in the House of Commons. They should respond to the points of agreement and disagreement identified and discuss it in the house. It is not binding but has great persuasive power. How can we make these committees more effective?

As far as government assurances are concerned, if any commitment has not been fulfilled how does the Indian parliament address this issue?

Regarding international treaties, parliaments are completely out of the picture and only the executive government is involved. Especially in the context of



international loans, how can we gain the confidence of the parliament in this context, is there a committee that reviews International agreements and loans in the Indian Parliament?

Answer

Dr. Najma Haptullah

In response to your question, governments come and go but it is essential to establish a consistent process of parliamentary involvement from inception to finish. The reports that are presented by the committees are not binding on the government and we need to increase parliamentary involvement.

Answer

Mr. G.C Malhotra

A committee has been constituted to review the WTO Agreement. Australia and Sri Lanka have codified their rules of procedure. We have not codified them yet. The main reason that we are reluctant to codify is because the court system has not codified contempt of court and can declare contempt of court at anytime therefore why should the parliament put itself in a strait jacket and codify its rules of procedure unnecessarily. The greater constraint is that fundamental rights are a part of the constitution and we have a doctrine of harmonious construction. The higher judiciary court decided that to resolve conflicts between one part of the constitution and another we should apply the doctrine of harmonious construction and the supreme court decided that fundamental rights are a

general part of the constitution and privileges are a special part of the constitution therefore whenever the doctrine is applied, the general law will make way for the special law.

As far as implementation is concerned, about 65-70 % recommendations are accepted by the government according to our study. A decision has also been taken and implemented by the rules committee that for action-taken replies, a minister is committed to present a report to the House once in 6 months.

Question

Hafiz Hussain Ahmed

What are the probable chances of a Speaker in the Indian Parliament to belong to the opposition and what are the consequences of a no-confidence motion against the speaker? Will he remain Speaker? What is the ratio of members of opposition and government in the business advisory committee? What is the division of rights awarded to the State governments and to the Central Government? Has the concurrent list been modified ever?



Question

Ms Sherry Rehman

How do you limit the very wide discretionary powers of the speaker? It is essential to have a bipartisan speaker. Several motions can die with the speaker due to his discretionary ambit and several important

issues are killed in the chamber of the speaker. Are there any incidents you can cite where the opposition collectively moved private members' bills? How do you send more business to the committees, since they are more partisan and there is higher probability of reaching consensus in the committees? What is the relationship between the local body structures and the states? Are Petitions committees considered institutional systems of public redress? How many petitions are moved in the Rajya Sabha and Lok Sabha and how do you resolve petitions from conflicting bodies?

Answer

Dr. Yogendra Narain

All the major parties and groups recommend their representatives to become regular members of the Business Advisory Committee. Chairmen and leaders of parties are invited on a regular basis and broad-based participation exists. A Quorum is taken with 9 representatives of various groups and parties. Private member bills are individual bills that are not moved by the opposition collectively and no-confidence motions can be declared against the chairman. The Chairman is elected by both houses and can only be removed by consent of both houses. The Deputy Chairman, however, is only elected by upper house.

Question

Ms Sherry Rehman

How often do committees meet?

Answer

Dr. Yogendra Narain

There is no rule as to how often committees should meet. According to a statistical analysis, there are almost 400 meetings of committees and subcommittees in a year.

**Question****Ms Sherry Rehman**

What is the time period in which committees have to be constituted?

Answer**Dr. Najma Heptulla**

It was delayed this time because of political reasons.

Answer**Mr. G.C Malhotra**

There are a total number of 58 committees in both houses. Every member has to belong to a committee.

Answer**Dr. Yogendra Narain**

Funds are allocated through the state government, however money is earmarked for each panchayat.

Question**Col. (Retd.) M. Ikramullah Khan**

How do you strike a balance between having a powerful party president and a Prime Minister?

Answer**Dr. Najma Heptulla**

The Prime Minister has his or her own place, it has

never been the case that there is a PM and he has no writ. He is the Chief Executive. He is responsible for running the government. There seems to be confusion at the moment as to where the centre of power is.

Question**Mr. Mujib-ur-Rehman Shami**

Is there any committee where the Indian Prime Minister is a member and Chairperson of the committee is Sonia Gandhi?

Answer**Dr. Najma Heptulla**

There is a committee known as the Common Minimum Programme Committee that constitutes all acceptable points from party manifestoes and Sonia Gandhi leads it as Chairperson.

The Group Discussion was concluded by Mr. Ahmed Bilal Mehboob, who thanked all the speakers for their valuable presentations. Mementos were presented to all the speakers on behalf of the delegation.



Group Discussion with Indian Media Representatives on Evolution of Parliamentary Democracy and Election Systems in India

**August 30, 2004
Hotel Maurya Sheraton, New Delhi**

The Group Discussion with Media Representatives was organised in order to enable delegates to exchange ideas about the Evolution of Democracy and effectiveness of election systems in India. Participants included senior representatives from A.P.P, Dawn, India TV News, SAFMA, NDTV and the Tribune, New Delhi (a complete list of media representatives is attached as Appendix D). Mr. Ahmed Bilal Mehboob, Executive Director, PILDAT, opened the discussion by defining the objectives of the Meeting. He gave a brief description of PILDAT, PLSC and its Legislative Strengthening Programme, and asked the delegates to introduce themselves briefly.

The main points that came forward during introductions focused on the composition of the

new parliament in Pakistan, the need to learn from democratic systems in India and greater interaction between the two countries for exchange of ideas and best practices, the imperative to evolve parliamentary practices and systems in response to the changing environment, and the need to expedite the peace process and initiate dialogue on substantial issues.

The introductions were followed by an informal discussion by all the participants. Several issues were highlighted during the discussion. Mr. Kuldeep Nayer told participants that he had recommended that every book published in South Asia should be a part of the Parliamentary Library and uploaded on the web to facilitate usage. He also recommended that committee meetings should be open to the media to allow for greater accountability. Mr. Nayer felt that the new restriction imposed on Pakistani parliamentarians to have graduate degrees was unfair as many great political personalities may have no formal education. Mr. Javed Naqvi from Dawn emphasised the need to change the political lexicon used by the media to define issues related to Pak-India conflict. He said this reconstruction of terminology would go a long way in reassessing issues and changing perceptions. Mr. Pankaj Pachauri from NDTV informed the delegates that a poll had been conducted by NDTV to assess the public's opinion about the Congress after its 100 days in power, and it was discovered that the worst rating of the government was on its foreign policy. He also shared his views on the role of the media in politics and how it has the potential to affect bilateral relations between the two countries.

The general thrust of the discussion focused on the dialogue process between India and Pakistan, the impact of the media on the peace process, and the nature of parliamentary democracy in India. Discussants felt that the dialogue process should be allowed to continue and people on both sides need to demonstrate patience and perseverance.

The discussion was concluded by Mr. Ahmed Bilal Mehboob who thanked all the guests for sharing their views with the Pakistani delegation.



Group Discussion with Dr. M.S. Gill, Former Chief Election Commissioner of India, on the Indian Election System

**August 30, 2004
Hotel Maurya Sheraton, New Delhi**

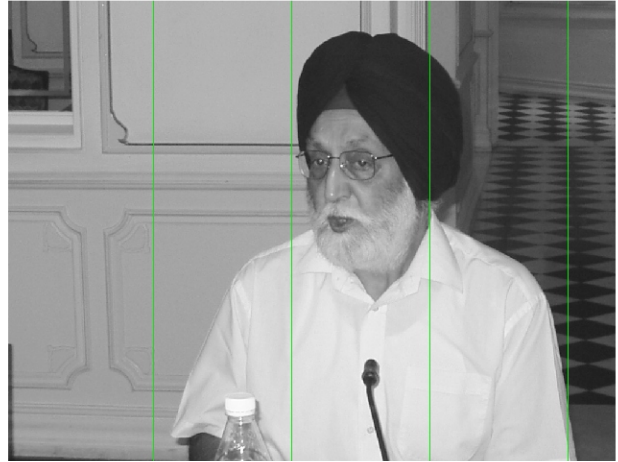
The Group Discussion was held in order to enable delegates to learn from Dr. M.S Gill, former Chief Election Commissioner of India, about the evolution of election systems in India and the autonomy of the Election Commission. It was an informal discussion where Dr. Gill shared his experiences as Chief Election Commissioner. He also gave his views about the role of Election Commissioners and the necessity of developing effective laws and institutions to safeguard the integrity of the electoral process.

The Group Discussion began with Mr. Ahmed Bilal Mehboob introducing the delegates and stating the objectives of the meeting.

*Indian Election System in India its autonomy
and non-vulnerability to the Executive's
influence*

Dr. M.S. Gill

Former Election Commissioner of India



Born on June 14, 1936 in Punjab, India, Dr. Manohar Singh Gill completed his B.A (Honours) in 1956 and his M.A in English Literature in 1957 from Punjab University. In 1968, he received his Diploma in Development Studies from Queens College, Cambridge University. Dr. Gill joined the Indian Administrative Service in 1958, and completed his P.h.D from Punjab University in 1986. In his professional career, Dr. Gill has served as Deputy Commissioner and Collector of Lahaul and Spiti, Collector and Deputy Commissioner of Ambala and Jalandhar Districts, Registrar, Cooperative Societies, Punjab, Managing Director, National Cooperative Development Corporation, Principal Secretary to the Chief Minister, Punjab, Programme Manager, Sokoto Agriculture Development Project, Nigeria, Development Commissioner Punjab, Secretary, Department of Chemicals, Petrochemicals and Pharmaceuticals, and Secretary, Ministry of Agriculture and Cooperatives. Dr. Gill is most well known for his tenure as Election Commissioner of India from 1993 to 1996, and Chief Election Commissioner from 1996 to 2001.

Dr. M.S. Gill explained that the roles and powers of the three Election Commissioners were equal. He emphasised that the Commission needs to be unanimous in order to function effectively. He said it was crucial for all the three Election Commissioners to work together

in consultation and consensus with each other. He asserted that the strength of the Commission depends on this solidarity between the three Commissioners. Dr. Gill explained that the Election Commissioners are appointed by the President. They have tenure of six years, or up to the age of 65 years, whichever is earlier. They enjoy the same status and receive salary and perks as available to Judges of the Supreme Court of India. The Chief Election Commissioner can be removed from office only through impeachment by Parliament. Dr. Gill was of



the view that once an Election Commissioner was appointed by the Government, he became an entity independent of the Government's influence and was not in any way restricted in asserting this independence.

Dr. M.S Gill argued that the Commission should be independent but work in a restrained manner and in harmony with other political and state institutions. He told the delegates that during his term as Chief Election Commissioner, he initiated a dialogue process with political parties in order to induce reforms within the parties and to learn from their views and experiences. He said it was important to work with politicians since they were more in touch with ground realities. Dr. Gill stated that through this process of dialogue, he was able to introduce elements of internal democratization in political parties. He introduced a system whereby every party had to register its constitution with the Election Commission, which would then monitor the party's performance against the constitution.

Dr. Gill said that the Commission drew its powers from the Constitution and as long as it was supported by the Indian people and the press, no one could question it.

Talking about the use of technology in Indian Election Systems, Dr. Gill said Electronic Voting Machines were introduced in 1998. He said that the machine was made entirely in India with the exception of the chip, which was imported. He added that initially the machines were tested in a few constituencies but they were used in all constituencies and polling booths in the last general elections (2004). Explaining the system of Identity Cards, he said that they are issued within half an hour. This I.D card is presented at the polling station, and after verification the voter uses the electronic machine to register his vote. The machine, he said, is extremely user friendly and has party symbols as well as names. He said that the Election Commission has been able to satisfy all the political parties about the effectiveness and accuracy of the Electronic Voting Machine.

Dr. Gill argued that candidates often spend far more on elections than what is allowed by election laws in India. According to him, this practice prevents the average person to run for office. He said that election laws now required candidates to submit their criminal records with the Commissions. However, he explained that there was a loop hole in the law which meant people who had not yet been convicted could stand for elections. Dr. Gill said that there was a reform in the pipe line which would disallow a person from contesting if he/she was charged with an offence that would lead to at least five years of jail sentence if convicted.



Q/A & Comments

Question

Mr. Khan Ahmed Goraya

There are five members of the Election Commission in Pakistan and all are former or current judges. But unfortunately in spite of all these provisions our commission is not assertive and they have not been able to establish their credibility and independence. I have a question regarding voter education. In our country we have many voters who are illiterate. Did you encounter any difficulties in the usage of the Electronic Voting Machine and is there possibility of committing fraud through this machine?

Answer

In my opinion having judges in the commission it is not a good idea because the nature of the work is different. As far as the issue of lack of independence is concerned, this is rooted in the history of the two countries. India has had continuity of political institutions and democratic processes. The Election Commission of Pakistan will gain independence

gradually as other institutions strengthen. As far as the credibility of the Electronic Voting Machine is concerned, it has been challenged and we have been able to satisfy these concerns.

Question

Mr. Abdul Ghafoor Haidery

In Pakistan we have areas where feudal lords have great control. And they try to influence the election process in their areas. Do you have the same problems and how do you tackle them?

Answer

You can not have true democracy without equalising society. With large landholdings, the landlord owns the entire constituency. In such an environment, the Election Commission can not do much.

Question**Senator Muhammad Anwar Bhinder**

How can we make sure that the commission is completely out of the executive's control?

**Answer**

In India, once an Election Commissioner is appointed he is independent of the Executive.

Question**Mr. Kunwar Khalid Yunus**

We had a meeting with journalists today in the morning and one journalist told us that about 100 MPs that have come in the parliament have a criminal background. In your election commission's history was any MP disqualified on the basis of such a record?

Answer

As I mentioned earlier, election laws relating to criminal records of candidates do need to be reformed. Our Constitution is different than yours in the sense that our commission has the power to hold elections. The moment the commission declares an election and till the process is complete, no court can interfere.

Question**Syed Naveed Qamar**

What is the ceiling on election expenditure? How is it monitored?

Answer

The maximum ceiling on election expenditure is 25 lakhs. Within 30 days of election every candidate has to file his or her expenditure

Question**Syed Naveed Qamar**

How do you determine the number of votes cast and number of votes that have been recorded in these machines?

Answer

When it comes to electronic machines and you want to go back to voting there are a few limitations. This is the question which worries me and they have to try and solve it.

Question**Ms. Sherry Rehman**

We have seen in USA the past election and the recent where there was a talk of hard and soft money being used for campaign. Are there any restrictions on corporations or lobbies funding political parties? How can the restriction on election expenditure be implemented effectively. You said campaign finance monitoring is done through observers. How do you free the observers from executive's influence? Thirdly you as a commission seem to be busy whole year round updating the electoral list and issuing the ID cards that are permanent. How many registered voters do you have? What is the budget of the Election Commission per state, and does it vary from state to state? How do you guard against pre poll rigging? How do you limit the executive's intervention regarding campaigning where some

parties may be allowed to campaign for longer periods than others?

Answer

There are 680 million registered voters. Implementing election expenditure restrictions is a challenge and we are still struggling with it. The concept of observers was brought about to dampen expenditure. These observers are neutral. For example an observer from Punjab will be sent to Madras to ensure neutrality.

I introduced a measure whereby administrative officers such as Deputy Commissioners, Superintendents, Police DSPs, etc, instruments through which the Executive can influence elections, could be re-shuffled if the commission suspected that they would influence the elections. The Commission, when it senses that executive officers may influence the election, can order these transfers and the Chief Minister has to follow through. The press also plays an important role in keeping a check on the Executive's influence in the electoral process.

Question

Mujib-ur-Rehman Shami

Has there been a time when the directions of the Commission were defied or violated. And if it has actually been disregarded then what powers does the commission has to punish those responsible? Is issuing Identity Cards the responsibility of election commission in India? How much can the courts interfere in the working of the commission?

Answer

When the election commission is undertaking elections, the courts have no right to interfere. After the elections, cases can be filed with the courts. Generally the Indian Election Commission enjoys the support of the Supreme Court because Commission functions within its parameters. Issuance of Identity Cards is the responsibility of the Commission, for which we get special funds. The

Commission draws its powers from the Constitution and acts according to what falls in its domain. If the Commission is defied, its position is compromised, hence it has to act with restraint and reason.

Question

Hafiz Hussain Ahmed

Has a referendum ever been conducted in India?

Answer

No, there has never been a referendum in India.

Question

Hafiz Hussain Ahmed

What is the process once a vote is cast through the Electronic Voting Machine?

Answer

After each individual vote the machine is locked and then opened for the next person. The machine is behind the curtain. The presiding officer checks the voter's documents and opens the machine for the vote to be cast.

Concluding the Group Discussion, Senator Anwar Bhinder thanked Dr. M.S Gill on behalf of all the delegates for sharing his knowledge and views. He said the discussion had been extremely informative and productive and had enabled all the participants to understand the differences between the election systems of India and Pakistan. He said the discussion also helped explain how the Indian Election System had been able to maintain its independence and integrity. A memento was presented to Dr. M.S Gill on behalf of the delegation.



Group Discussion on the Indian Election System with the Election Commission

**September 2, 2004
Election Commission Office
New Delhi**

The Group Discussion was held with Mr. T.S Krishna Murthy, Chief Election Commissioner, Mr. N. Gopalaswami, Election Commissioner, and Mr. B.B Tandon, Election Commissioner at the Election Commission Office in New Delhi. The focus of the discussion was the ability of the Election Commission to safeguard its independence and neutrality, use of technology in elections and electoral reforms.



Mr. T.S Krishna Murthy
Chief Election Commissioner

Mr. T.S. Krishna Murthy after being in Civil Service for more than 36 years was appointed as Election Commissioner of India on February 8, 2004. Mr. Krishnamurthy, the first Indian Revenue Service (IRS) official who became an Election Commissioner in January 2000, will remain Chief Election Commissioner till May 2005. He began his career as a Probationary Officer in the Bank of India Limited in 1961, and worked both in its Chennai Branch and Central office at Bombay. He joined the Indian Revenue Service in 1963 through the combined Civil Service Examinations in 1962. After having worked in various capacities in the Income Tax department, he served as Commissioner of Income Tax, Chennai, Chief Commissioner of Income Tax, Bombay and Director General of Income Tax (Administration), New Delhi.

Mr. T.S Krishna Murthy initiated the discussion by explaining that the independence of the Election system had been built over time. He said until 1991, the Commission functioned under the Ministry of Law, which meant it was more susceptible to government influence. He stated that T.N Seshan, Former Chief Election Commissioner, brought about a remarkable change in the Election Commission. Explaining the point further, he said that although the Commission drew its rights from the Constitution, Mr Seshan was the first Election Commissioner to invoke these

rights. He stated that the Constitution entrusts the task of conducting elections and determining the date of elections with the Election Commission. He said this constitutional provision was invoked by Mr. T.N Seshan, institutionalising the powers of the Commission to conduct elections. Mr. Krishna Murthy added that the courts have consistently held that, subject to the provisions of the Constitution and any law made in virtue of it, the Election Commission is fully competent to take any decisions with respect to the conduct of elections.

Mr. Krishna Murthy explained that once an election process starts, the courts can not interfere with it. This is provided for in a constitutional provision. An election can be challenged by filing a petition once the process is over. These petitions can be filed only in the High Court.

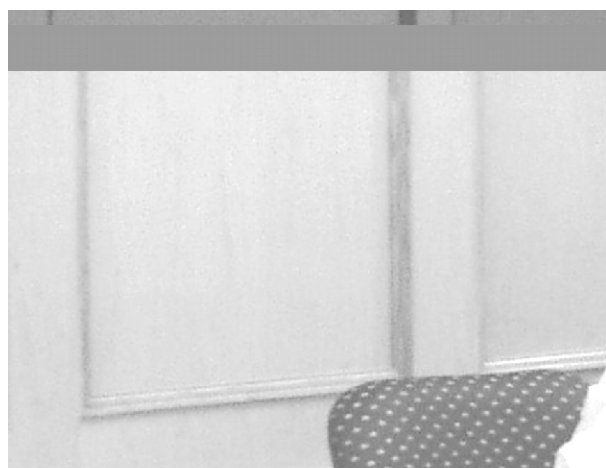
With respect to electronic voting, Mr. Krishna Murthy has that the Electronic Voting Machines were manufactured in India, whereas the chip was imported.

Mr. B.B. Tandon
Election Commissioner



Mr. B. B. Tandon was appointed Election Commissioner of India on 13th June, 2001. In addition to holding the office of the Election Commissioner of India, Mr. Tandon has also been appointed a Member of the Delimitation Commission by the Government of India with effect from 12th July, 2002. During his career, Mr. Tandon served as a Member of the "Commission on Constitutional and Electoral Reforms" set-up by the Government of Mauritius in November, 2001.

Mr. B.B. Tandon reiterated that the Commission received a great deal of support from the Courts. He related an incidence where an NGO based in Ahmedabad filed a Public Interest Petition with the High Court in December 1999 which led to a landmark Supreme Court Judgement on May 2, 2002 and an ordinance on electoral reforms promulgated in August 2002. The Ordinance was subsequently passed as a Bill in December 2002. It partially overturned the May 2, 2002 Supreme Court Judgement, requiring disclosure of criminal background, but not of financial and educational background. The NGO and two other petitioners challenged this Act. The Supreme Court in a second landmark Judgement on March 13, 2003 struck down the Bill as unconstitutional and restored its earlier order. Subsequently, the Election Commission issued orders implementing the judgement.

Mr. N. Gopalaswami
Election Commissioner

Mr. N. Gopalaswami, a senior IAS officer has taken office as the third Election Commissioner. A Gujarat-cadre IAS officer of the 1966 batch, Mr. Gopalaswami has remained Union Home Secretary since October 2002 and will complete a tenure of more than five years in the three-member poll panel. A post graduate in Chemistry from Delhi University, he had served as Secretary General, National Human Rights Commission from September 1998 to July 2001, Gopalaswami also served as Union Culture Secretary from July 2001 to October 2002.

Mr. N. Gopalaswami explained that concerns about the Electronic Voting Machine took some time to be satisfied. He said there had been instances when the results were contested, but the Commission was able to demonstrate the machine's accuracy. He thought that voters and parties in general were satisfied with the machine.



Q/A & Comments

Question

Mr. Gohar Ayub Khan

Can the Election Commission intervene during the election process?

At the end of the meeting, a demonstration of the Electron Voting machine was given to the delegates. Mementos were presented to the Chief Election Commissioner and the two Election Commissioners on behalf of the delegation.

Answer

The Commission can intervene if the rules are being violated. As mentioned earlier, the Commission is responsible for the conduct of elections, and if it feels that election laws are violated, it can interfere.

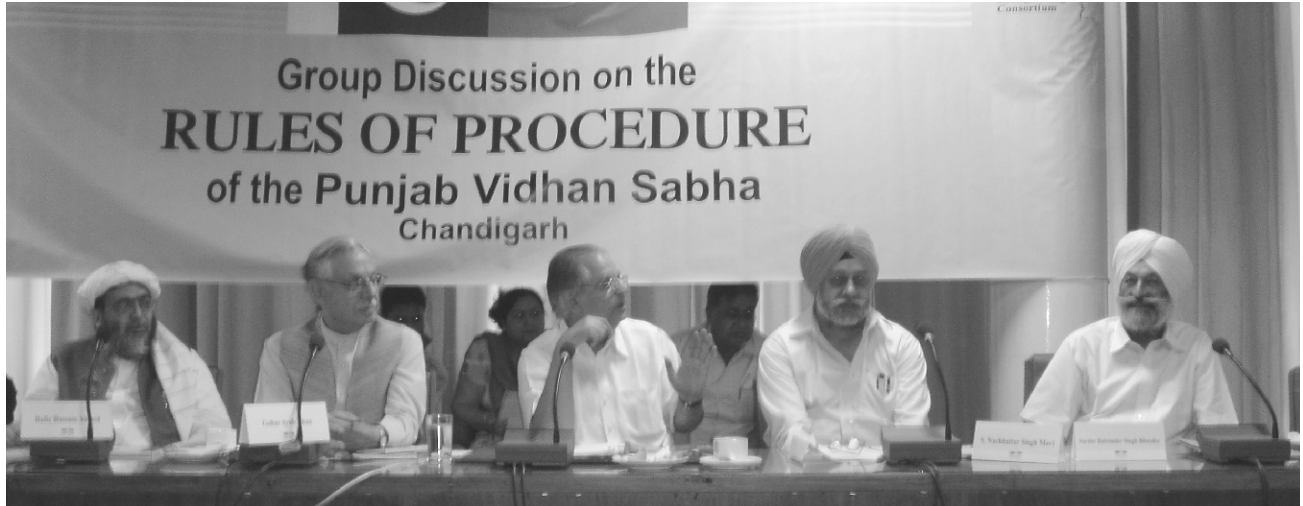
Question

Mr. Kunwar Khalid Yunus

How are powers divided between the three election commissioners?

Answer

There is no division in powers. They make decisions in consultation with each other.



Group Discussion on the Rules of Procedure of the Punjab Vidhan Sabha

**September 3, 2004
Punjab Vidhan Sabha, Chandigarh**

The Group Discussion was opened by Professor Darbari Lal, Deputy Speaker, Punjab Vidhan Sabha. He welcomed the participants and asked them to briefly introduce themselves.

*Overview of the Committee System and its
historical performance.*

Professor Darbari Lal
Deputy Speaker, Vidhan Sabha

Prof. Darbari Lal, a senior Congress legislator from Amritsar, was unanimously elected Deputy Speaker of the Punjab Vidhan Sabha. Born in Gujarat, in 1942, Prof Darbari Lal migrated to Amritsar in 1947. He taught at DAV College, Amritsar, for 20 years before being elected to the Punjab Vidhan Sabha for the first time in 1980 and later in 1985 and 2002. He has a special interest in history and writes for various newspapers.

Prof. Darbari Lal began by sharing his views on the Committee system in the legislature and defined the Parliament/Legislature as the representative body that reflects the expectations and aspirations of the people and is empowered to exercise control and oversee functioning of the executive. He listed the following devices available to members of the House such as Question hour, Adjournment Motion, Short Duration Discussion, Call Attention Notices, Half an Hour Discussion, Discussion on President's/Governor's Address, Discussion on Budget Estimates and most importantly the Committee System.

He emphasized that since the Parliament/Legislature has limited time at its disposal to monitor the

functioning of the Executive, the Committee System has assumed greater importance and in Punjab, department related committees were constituted to strengthen and support the Committee system, for better accountability. Prof. Darbari Lal pointed out that in this accountability process, the role of the Public Accounts Committee, is the most important as it examines the accounts of the Government for its proper utilization and also examines the Reports of the Comptroller and Auditor General of India on the appropriation of grants of various departments. He elaborated on how the Committees are known as mini-houses, that are entitled to all those powers and rights that are vested with the legislature.

Prof. Darbari Lal highlighted other committees that he considered equally strong such as the committee on Government Assurances through which comprehensive control over the administration is achieved, the Committee on Welfare of Scheduled Castes & Backward Classes - entrusted with the function of considering and examining the recommendations contained in the reports of the National Commission for S.C/S.T, Government of India, the Committee on Privileges that examines every question referred to it and determines whether or not a breach of privilege is involved and the Committee on Subordinate Legislation - empowered to examine whether the powers to make regulations, rules, and sub-rules, by-laws etc conferred by the Constitution or delegated by the Legislature are being properly exercised within such delegation.

He also mentioned other Committees such as General Purpose Committee, Library Committee, House Committee, Committee on Petitions, Committee on Paper Laid/To be Laid on the Table of the House, which are entrusted with specific functions and are working effectively. Prof. Darbari Lal highlighted that in the Punjab Legislative Assembly a Question & References Committee has also been constituted and in case a reply to a question is not received from the Government after sufficient time has been provided or is not to the satisfaction of the Speaker, it can be referred to the Committee. In conclusion, Prof. Darbari Lal

reiterated that the Committee system is working effectively and efficiently and has made a good impact in building up the people's confidence in the democratic setup and smooth functioning of the Legislature.

(See Appendix E for the complete speech)

*Rules of Procedure & Conduct of Business in
the Punjab Legislative Assembly*

Mr. S. Nachhattar Singh Mavi
Secretary, Punjab Vidhan Sabha

Mr. S. Nachhattar Singh Mavi has served as Secretary of the Punjab Vidhan Sabha since November 9, 2000.

Mr. Nachhattar Singh embarked on his speech with an overview of constitution. He described the constitution, as republican in character and federal in structure that embodies the salient features of the Parliamentary system. He stated that the first elections to the state assemblies, including Punjab Legislative Assembly, were held in 1952 and as in the case of Parliament, the Indian States have basic provisions parallel to those for the Union in respect of the Executives and the Legislatures of the States. According to Mr. Singh, the State of Punjab was reorganized in 1966 resulting in the creation of Haryana, the upper house known as "Punjabi Legislative Council" was abolished on 1st, January 1970 and present strength of the house is 117.

He explained that in order to facilitate understanding and implementation, the legislative assembly has outlined guidelines in the Rules of Procedure. Non-Confidence motion, Adjournment Motion; Substantive Motion; Half-an-Hour discussion; Short duration discussions and calling attention notices are Indian innovations. He added that the role of the presiding officer is very crucial, after the general elections and formation of the new Assembly, the

first appointment is of the Speaker-Protem. One of the elected members is nominated for this purpose and he is sworn in by the Governor for presiding over the sitting(s) of the House till the election of the Speaker.

Mr. Singh stated that at the commencement of the first session after each general election to the Legislative assembly and at the commencement of the each year, the Governor of the state addresses the house. Questions are asked by giving 15 clear days' notice. He emphasized that the question must relate to public affairs pertaining to requests for information and not for an expression of opinion. He described one of the salient features as the "No Confidence Motion" expressing want of confidence in the council of ministers that can be moved subject to the conditions and restrictions laid down under the rules.

Mr. Nachhattar Singh commented on the procedure for conducting Legislative Business as well as Financial Business as being thoroughly elaborate since these are the two core subjects of the working of the house. He stressed that the official conduct of the judicial officers including judges of the Supreme Court and the high court cannot be discussed in the house and courts do not question the validity of the proceedings of the house. He highlighted that out of 15 existing committees, four are elected ones and the rest are nominated. In conclusion, Mr. Nachhattar Singh stated that these rules have given intended results and barring few differences, the rules of procedures are universal in all state legislatures.

(See Appendix F for the complete speech)

*Treasury - Opposition Relations in the Context
of the Punjab Legislative Assembly*

Sardar Balwinder Singh Bhunder
Member Punjab Vidhan Sabha

Sardar Balvinder Singh Bhunder is currently an elected member of the Punjab Vidhan Sabha and belongs to the constituency of Sardulgarh and is politically affiliated with the SAD party.

Mr. Balvinder Singh Bhundar stated that in Parliamentary Democracy, the Opposition has a vital role to play as the Legislature represents the popular will of the people and it is important for formulating policies for the development of society and its people, that the House should work in a peaceful manner. He added that in order to facilitate this, the conduct of the Treasury and Opposition benches is most important since both are the basic organs of the Legislature and their relationship should be of mutual respect, understanding and cooperation. According to Mr. Bhundar, it is the duty of treasury benches to seek the cooperation of opposition so that the Legislature may work smoothly and efficiently in the interest of the people.

He emphasized that dissent, debate, discussion, and agreement on issues apart from cooperation and mutual understanding should be the spirit behind the relationship between both the relations. Mr. Bhundar defined opposition in Parliament/Legislatures as “The Opposition is the Party for the time being in the minority organized as a unit and officially recognized, which has had experience of office and prepared to form Government, when the existing Ministry has lost the confidence in the House”. He stressed that in a multi party system, such as the Punjab Legislature, the Opposition comprises various groups that are often in conflict with one another.

He emphasized that the function of the Opposition is not merely to discredit the Government in the eyes of floating voters, but also to induce it to modify its policy. The two purposes cannot be separated. He pointed out that the effect of Opposition criticism is to maintain a relation between Government policy and public opinion, the opposition's action is one of enlightened self-interest and in seeking support for itself it compels the Government to rest its policy on public opinion and interest.

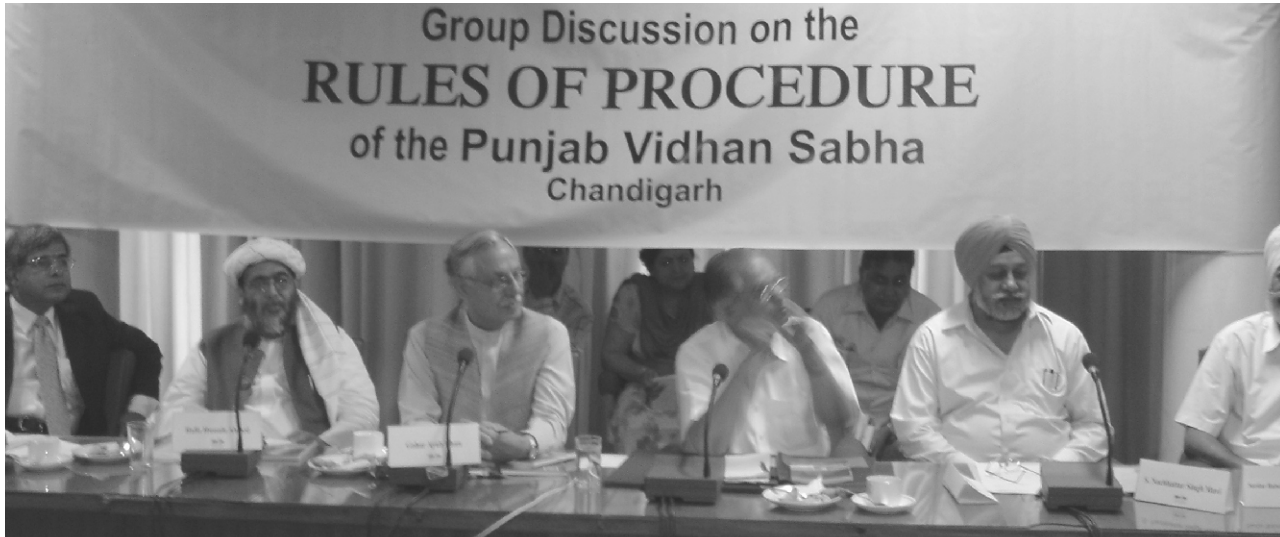
Mr. Bhundar highlighted that in a Parliamentary Democracy, the opposition has three main roles: Firstly, to check the functioning of the Government, secondly to extend constructive cooperation to the government and thirdly to be ready to form the government if the present government falls. He described the opposition's role in trying to focus attention on the drawbacks of the administration to help gear up the administration is a healthy sign of the Parliamentary democracy in the country.

Mr. Bhundar cited the speedy passage of a bill, “Termination of Agreement”, with the cooperation of the Opposition because the issue was in public interest in the Punjab Assembly, as a sign of matured democracy.

In conclusion, he reiterated that in a Parliamentary Democracy, the Opposition and Treasury benches both represent the will of the people and work for their development therefore it is essential that the

legislature should work in peaceful and mature manner.

(See Appendix G for the complete speech)



Q/A & Comments

Comment

Mr. Khan Ahmed Goraya

Committee system is an important tool in a parliamentary democracy. In Pakistan, constitutional provisions for committees are the same for national and provincial assemblies. We have always had departmental committees. The Public Accounts Committee has a limited role in the sense that it looks into whatever is pointed out by the Auditor General. In India, when the budget is introduced, it is referred to departmentally related committees which then make recommendations. Our committees do not scrutinise the budget. When a bill is introduced, it is sent to a relating standing committee for recommendations.

Comment

Senator Muhammad Anwar Bhinder

In the Senate, there is a committee for every division, i.e. agriculture, commerce, etc. There are 12 members in each committee. We have four functional

committees: Government Assurances Committee, Committee for Less Developed Areas, Committee for Human Rights, Finance Committee, Library and House Committee. However, our committees are not as effective as they should be. I recommend having pre-budget sessions in the Parliament in order to discuss the previous budget and give recommendations for the next budget so that the will of the people is reflected.

Question

Hafiz Hussain Ahmed

What is the ratio of opposition to treasury members in the committees? Can Committee Chairmen be appointed from among members of the opposition?

Answer

Professor Darbari Lal

We have a total of 117 members in the Punjab Vidhan Sabha. We take out the ratio of opposition members to treasury members, and distribute

committee membership on that basis.

Question

Mr. Kunwar Khalid Yunus

Do you have a Ways and Means Committee? How viable is the Estimates Committee? Can the Rules Committee punish people who are accused of corruption?

Answer

Professor Darbari Lal

We do not have a Ways and Means Committee. Committee can only give recommendations to the government, they can not take action.

Concluding the Group Discussion, Professor Darbari Lal said that it had been a very productive session and that the two countries needed to increase interaction to learn more from one another. Mr. Gohar Ayub Khan thanked the speakers for their valuable input on behalf of the delegation.

Other Meetings



Meeting with Honourable Mr. Somnath Chatterjee *Speaker Lok Sabha*

Mr. Somnath Chatterjee welcomed the delegation and expressed hope that the study tour was meeting its objectives. He suggested the formation of the Indo-Pak Parliamentary Forum in both countries' parliaments for more frequent and effective exchange of ideas between the two countries. He also emphasised the need for greater interaction between the Secretariats of the two Assemblies for exchange of best practices.



Meeting with Mr. I.K. Gujral
Former Prime Minister of India

The meeting with Mr. I.K. Gujral consisted of an informal discussion on the differences and similarities between the democratic systems in India and Pakistan. Bilateral relations between India and Pakistan and the need for stronger ties between the two countries were also discussed.

Meeting with Mr. V.P. Singh
Former Prime Minister of India

Mr. V.P. Singh discussed the rules of procedure of the Indian Parliament and briefly discussed the peace process. He emphasised that the dialogue process should be allowed to continue and that high expectations of an immediate solution were misplaced.



Meeting with Mr. Shivraj Patel
Home Minister

Mr. Shivraj Patel, since he was the former Speaker of the Lok Sabha, talked about the changes he had introduced during his tenure as Speaker. He also emphasised the need for stronger ties between the two countries.



Meeting with Mr. K. Natwar Singh
Minister for External Affairs

The Minister said that his government was committed to the peace process and that the dialogue should continue one step at a time. He shared the Confidence Building Measures with the Participants and stressed on the need for parliamentarians to play a more proactive role in the peace process.

Conclusion

As stated in the background, the main objective of the Study Tour was to learn about the Rules of Procedure and election systems in India. Group Discussions were organised in order to realise this objective. Although the other meetings and courtesy calls had no direct link with the subject under study, they facilitated in establishing relations which may be helpful in future discourse on the subject. The Study Tour proved to be productive and informative; all the delegates participated actively in both formal Group Discussions and informal meetings and receptions.

APPENDIX A
PROFILES
OF THE DELEGATES

Mr. Gohar Ayub Khan

Former Speaker National Assembly &
Former Minister of Foreign Affairs

Mr. Gohar Ayub Khan graduated from the Royal Military Academy Sandhurst, UK in 1956. In 2003, he obtained his Bachelors in Business Administration. He served in the Armed Forces of Pakistan until 1962, and later rejoined for a year from 1971 - 1972. He joined the Pakistan Muslim League - PML in 1964 and was elected to the National Assembly of Pakistan in 1965, 1977, 1985, 1990, 1993 and 1997. He served as Senior Vice President PML from 1980 to 1985, Speaker National Assembly from 1990 to 1993, Deputy Leader of the Opposition from 1993 to 1996, Foreign Minister from February 1997 to August 1998, Minister for Water and Power from August 1998 to October 1999, and Secretary General PML from March 2001 to June 2002.

**Senator Muhammad Anwar Bhinder**

(Punjab, PML)
Former Speaker, West Pakistan Assembly

Born in Village Aroop, District Gujranwala on April 3, 1929, Senator Bhinder graduated from Islamia College, Gujranwala in 1948. Senator Bhinder was elected as Member of the District Board of Gujranwala from his home constituency. He also served as elected member of the Provincial Assembly of West Pakistan in 1962 and as elected Speaker of the Provincial Assembly of West Pakistan in 1963 and 1965. Senator Bhinder was elected a member of the Pakistan Bar Council in 1974 for 5 years.

**Syed Naveed Qamar**

MNA (Hyderabad-V, Sindh, PPPP)

Syed Naveed Qamar was born in Karachi on September 22, 1955. He completed his B.Sc (Hons) degree in 1976 from Manchester University, U.K followed by an MS degree in Management from Northrop University, U.S.A in 1978 and MBA from California State University, USA in 1979. Syed Naveed Qamar is politically affiliated with PPPP and currently holds the position of Member Central Executive Committee in the party. He was previously elected MPA, Sindh (1988-1990), MNA (1990-1993), MNA (1993-1996) and MNA (1997-1999). He has served as Federal Minister for Finance and Privatisation in 1996, Chairman, Privatisation Commission in 1993, and Provincial Minister Sindh for Information in 1990. He is also a member of the National Assembly Special Committee on Rules of Procedure. Syed Naveed Qamar is married and has three daughters and a son.

Hafiz Hussain Ahmed

MNA (Quetta-Chagai-Mastung, Balochistan, MMA)

Mr. Hafiz Hussain Ahmed was born in 1951 in Quetta. He has been elected MNA for his second term as an MMA candidate and is politically affiliated with JUI(F). Earlier, he was elected as MNA for the term of 1988 and served as Deputy Parliamentary Leader of JUI in the National Assembly. Mr. Hafiz Hussain Ahmed is a Hafiz-e-Quran and also received a Dars-e-Nizami degree in 1977. His professional occupation is Tadrees (Teaching). He currently serves as Deputy Parliamentary Leader of MMA in the National Assembly and is also a member of the National Assembly Special Committee on Rules of Procedure. Married with four sons and four daughters, his hobbies include reading.



Mr. Abdul Ghafoor Haidery

MNA (Kalat-cum-Mustang, MMA)

Maulana Abdul Ghafoor Haidery, born on February 15, 1957 in Kalat, has been re-elected as MNA on an MMA seat. He has previously served as Provincial Minister of Balochistan from 1992-1993 and Member of National Assembly in 1993. Maulana Abdul Ghafoor Haidery is the Central Secretary General of JUI (F). An educationist by profession, he completed his M.A in Islamiyat. Maulana Ghafoor Haidery is married with a son and a daughter. His areas of legislative interest include Education Maulana Abdul Ghafoor Haidery is a member of the Standing Committee on Education and Standing Committee of Petroleum and Natural Resources.



Mr. M.P Bhandara

MNA (Non-Muslim-IV, PML)

Mr. M.P. Bhandara was born on March 14, 1938 in Karachi. He is politically affiliated with the Pakistan Muslim League - PML. A Graduate in Commerce from University of the Punjab in 1956, Mr. M.P Bhandara served as Advisor to the President of Pakistan from 1982 to 1985, and as a member of the Majlis-e-Shura from 1981 to 1985. He has also served as Member National Assembly from 1985 to 1988. He is also a member of the National Assembly Special Committee on Rules of Procedure.

Mr. Kunwar Khalid Yunus

MNA (Karachi-VIII Sindh, MQM)

Mr. Kunwar Khalid Yunus was born in Sambhal, UP, India on September 30, 1944. He has been elected as MNA for his fourth term and is politically affiliated with MQM. He has previously served as MNA for the terms of 1988-1990, 1990-1992 and 1997-1999. Mr. Kunwar Khalid Yunus graduated from the University of Sindh, followed by a B.Sc. degree from Minnesota State University, U.S.A in 1976. Married and father of a daughter, he has travelled to North America, Europe, Saudi Arabia, South Asia, and South East Asia. His hobbies include reading.

**Ms. Sherry Rehman**

MNA (Women Sindh, PPPP)

Born in Karachi on December 21 1960, Ms. Sherry Rehman was elected to the National Assembly on a PPPP seat. She is currently President of the Central Policy Planning Group and Foreign Relations Committee of PPPP. Ms Rehman is also the chief Parliament Co-ordinator. A journalist by profession, Ms. Sherry Rehman graduated with B.A. Hons. Degree from Smith College, U.S.A, in 1985. She has been Editor of Herald magazine and a founder member of the Human Rights Commission of Pakistan. In March 2002 she was awarded the Overseas Award for Excellence in Journalism by the British House of Lords. Ms. Sherry Rehman includes South Asian Art and Textiles among her interests.

**Mr. Mujeeb ur Rehman Shami**

Former President Council of Pakistan Newspaper Editors - CPNE
Former President South Asia Free Media Association - SAFMA

Mr. Mujeeb-ur-Rehman Shami is a renowned columnist and media person. Editor of an Urdu daily, Pakistan, he has served as the elected chairman of the Council of Pakistan Newspaper Editors - CPNE. Mr. Shami is a prominent thinker and political analyst in Pakistan.

Mr. Khan Ahmed Goraya

Former Secretary General, National Assembly of Pakistan
and Former Secretary Election Commission of Pakistan

Mr. Khan Ahmad Goraya completed an M.Sc. degree in Defence and Strategic Studies from Quaid-e-Azam University, Islamabad in 1987, after graduating with a law degree from University Law College, Lahore in 1962. During his career, Mr. Khan Ahmad Goraya has served as Chief Executive of the National Trust for Population Welfare - NATPOW until March, 2003, Member of the National Reconstruction Bureau in 2001, Secretary General, National Assembly from 1990-2000, and Secretary, Election Commission of Pakistan from 1996-97. He served as Regional Secretary, Asia Region of Commonwealth Parliamentary Association (CPA) and has attended several Inter-Parliamentary Union (IPU) Conferences. Mr. Khan Ahmad Goraya also practiced as an advocate of the High Court from 1962-65.



Col. (Retd.) M. Ikramullah Khan

Journalist/Columnist

Col. (Retd.) M. Ikramullah Khan was born on April 1, 1926 in Peshawar (NWFP). After completing a Civil M.A in History from Government College, Punjab University in 1944, he graduated from Command and Staff College in Quetta in 1956, Fort Benning Atlanta, Georgia in 1959-60 and Army War College in Quetta in 1965. Col. (Retd.) Ikramullah was commissioned by the British Indian Army and in 1944 and retired from the Pakistan Army in 1972. His civil professional experience includes holding office as Press Secretary with Prime Ministers' Moeen Qureishi and Benazir Bhutto from 1993-94, Director General Press Information Department from 1994-96 and President, Pakistan National Forum from 1997 to date. Currently, Col. Ikramullah is a regular columnist in *The Nation* under the title of "Profiles in Politics" and daily *Nawa-i-Waqt* under the title of "Qindeel".

**Mr. Inayat Ullah Lak**Director Research and Publications,
Punjab Assembly

Born on January 1, 1963 in Sargodha, Punjab, Mr, Inayat Ullah Lak currently holds office as Director Research and Publications at the Provincial Assembly of the Punjab. He completed an M.A degree in Library Sciences in 1986 from Punjab University followed by an M.A in History in 1988 and an LL.B degree in 1993.

Professor Dr. Sajjad Naseer

Former Faculty Member, Political Science Department,
University of the Punjab



Professor Dr. Sajjad Naseer was born on May 25, 1944 in Lahore. Dr. Naseer completed a B.A Hons from Punjab University in 1965, followed by an M.A in 1972 and a Ph.D degree in 1973 from University of Massachusetts. Dr. Naseer has served as Chairman at the Department of Political Science, University of the Punjab from 1995 to 1999. He also served as a Principal for Population Welfare Training Institute of Public Administration (1980-1982). Besides teaching in Pakistan, Dr. Naseer has also served as visiting lecturer at the Instituto Universitario Orientale Napoli (2001), Catholic University (Rome) and La Spanzie University, Rome (1999). He has to his name fellowships from Foreign Universities as well as a vast consultancy experience at the UNDP.



Ms. Bushra Jafar Malik

Governance Operations Manager
World Vision International, Islamabad

Ms. Malik's professional experience in the development sector has spanned over 13-14 years covering a diverse range of fields including rural development, gender roles, integrated programmes in planning, environment, refugee assistance, public relations, advertising and governance. Her career in the social sector has involved working with organizations such as Aurat Foundation, IUCN - The World Conservation Union, Action Aid and Devolution Trust for Community Empowerment. Ms. Malik has also spent about 3 ½ years in Uganda working with the office of United Nations High Commissioner for Refugees as a Public Information and Liaisons Officer. Ms. Malik joined World Vision in June 2004 and currently holds office as Governance Operations Manager.

Mr. Ahmed Bilal Mehboob

Executive Director, PILDAT

Mr. Ahmed Bilal Mehboob is the founder and currently the Executive Director at PILDAT. Mr. Mehboob possesses extensive experience of management of professional organisations in the public sphere. He is a Civil Engineer by training and did his B.Sc. Civil Engineering in 1972 from University of Engineering and Technology, Lahore

**Ms. Aasiya Riaz**

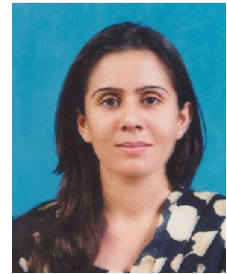
Joint Director, PILDAT

Ms. Aasiya Riaz is Joint Director at PILDAT and holds an MSc. degree in Media and Communications from the London School of Economics and Political Science, UK. Ms. Aasiya Riaz specialises in political communication and is also involved in research on the emerging discipline of E-Democracy. She has extensive experience in managing international publications and has also worked as editorial writer in the mainstream English-language newspapers in the country.

Ms. Saima Ali

Projects Manager, PILDAT

Ms. Saima Ali is Senior Projects Manager at PILDAT. She holds an MSc in Development Economics from School of Oriental and African Studies, University of London, and a B.A in Economics from University of Rochester, USA. She has gained extensive experience of working both within and outside Pakistan, on various projects and programmes relating to development.



APPENDIX B
PROGRAMME

Programme

Saturday, August 28, 2004

Activity	Time	Place
Orientation	10:00 am	PILDAT Office, Lahore
Departure from Lahore Airport, PK 270	2:30 pm	
Arrival at Delhi Airport	4:10 pm	
Check in at Hotel		Hotel Maurya Sheraton, New Delhi
Dinner	8:00 pm	OPEN

Sunday, August 29, 2004

Activity	Speaker	Time	Place
Breakfast		9:00 am	Hotel Maurya Sheraton, New Delhi
Group Discussion on the Rules of Procedure of the Lok Sabha and Rajya Sabha	Shri G. C Malhotra, Secretary General, Lok Sabha	11:00 am	Hotel Maurya Sheraton, New Delhi
	Dr. Yogendra Narain, Secretary General of Rajya Sabha		
Discussion on the Evolution of Parliamentary Democracy and the Importance of the Committee System	Dr. Najma Heptulla, Member Rajya Sabha, Former Deputy Chairman of the Rajya Sabha	12:00 noon	
Lunch		2:00 pm	Hotel Maurya Sheraton, New Delhi
Dinner		8:00 pm	OPEN

Monday, August 30, 2004

Activity	Speaker	Time	Place
Breakfast		9:00 am	Hotel Maurya Sheraton, New Delhi
Lunch by Mr. K. Rahman Khan Deputy Chairman, Rajya Sabha		1:00 pm	Parliament House Annexe

Monday, August 30, 2004

Activity	Speaker	Time	Place
Tour of Rajya Sabha and Lok Sabha		4:00 pm	Parliament House
Meeting with the Speaker of the Lok Sabha, Honourable Mr. Somnath Chatterjee		5:00 pm	Parliament House
Meeting with Mr. I.K Gujral , Former Prime Minister of India		7:00 pm	Residence of Mr. I.K Gujral
Dinner Hosted by H.E Mr. Aziz Ahmed Khan , High Commissioner of Pakistan, at this residence		8:00 pm	Residence of the High Commissioner

Tuesday, August 31, 2004

Activity	Speaker	Time	Place
Breakfast		8:00 am	Hotel Maurya Sheraton, New Delhi
Group Discussion with Senior Media persons from leading print and Electronic media of India		11:00 am	Hotel Maurya Sheraton, New Delhi
Lunch by Sindhi Academy		1:00 pm	India International Centre, Lodhi Estate
Group Discussion with Dr. M. S Gill , Former Election Commissioner & current member of Rajya Sabha		4:00 pm	Hotel Maurya Sheraton, New Delhi
Meeting with Mr. V.P Singh , Former Prime Minister of India		7:00 pm	Residence of Mr.V.P Singh
Dinner by the Urdu Academy		8:00 pm	India Habitat Centre, Lodhi Estate

Wednesday, September 1, 2004

Activity	Speaker	Time	Place
Breakfast		9:00 am	Hotel Maurya Sheraton, New Delhi
Lunch by Indo-Pak Forum of Parliamentarians		1:30 pm	Parliament House
Meeting with Mr. Shivraj Patil Home Minister & Former Speaker Lok Sabha, Republic of India		3:00 pm	Room 104, Ministry of Home Affairs, North Block
Meeting with Mr. K. Natwar Singh Minister of External Affairs, Republic of India		5:30 pm	Committee Room, South Block, Ministry of External Affairs
Dinner hosted by Dr. Najma Heptulla , Member Rajya Sabha		8:30 pm	Residence of Dr. Najma Heptulla

Thursday, September 2, 2004

Activity	Speaker	Time	Place
Breakfast		9:00 am	Hotel Maurya Sheraton, New Delhi
Group Discussion on the Election System in India	Mr.T.S. Krishna Murthy Chief Election Commissioner Mr.N. Gopalaswami Election Commissioner Mr. B B Tandon Election Commissioner	10:15 am	Election Commission Office
Departure for Chandigarh		12:40 pm	
Arrival at Chandigarh; check into Hotel		1:20 pm	Hotel Mountview
Reception hosted by the Punjab Vidhan Sabha		4:00 pm	Punjab Vidhan Sabha

Thursday, September 2, 2004

Activity	Speaker	Time	Place
Tea hosted by Governor Punjab, Mr. O.P. Verma		7:00 pm	Hotel Mountview
Dinner hosted by Captain Amarinder Singh , Chief Minister Punjab (His wife Maharani of Patiala, Mrs Amarinder Singh, a member of Lok Sabha officiated as the Chief Minister could not return from Delhi on time)		8:00 pm	Hotel Mountview

Friday, September 3, 2004

Activity	Speaker	Time	Place
Breakfast		8:00 am	Hotel Mountview
Group Discussion on the Rules of Procedure of the Punjab Vidhan Sabha	Prof. Darbari Lal , Deputy Speaker, Punjab Vidhan Sabha S. Nachhattar Singh Mavi , Secretary, Punjab Vidhan Sabha Sardar Balwinder Singh Bhunder Member, Punjab Vidhan Sabha	10:00 am	Punjab Vidhan Sabha Committee Room
Lunch hosted by the Punjab Vidhan Sabha		1:00 pm	Punjab Vidhan Sabha
Departure from Chandigarh		3:30 pm	
Arrival at Delhi Airport		4:10pm	
Dinner		8:00pm	OPEN

PILDAT STUDY TOUR REPORT

The Pakistani Parliamentary Delegation's
Legislative Study Tour to India

Saturday, September 4, 2004

Activity	Time	Place
Breakfast	9:00 am	Hotel Maurya Sheraton, New Delhi
Lunch	1:00 pm	OPEN
Departure from Delhi by PK 271	5:30 pm	
Arrival at Lahore Airport	6:10 pm	

APPENDIX C
PRESENTATION BY
DR. YOGENDRA NARAIN

PRESENTATION ON RAJYA SABHA



DR. YOGENDRA NARAIN
SECRETARY-GENERAL
RAJYA SABHA
PARLIAMENT OF INDIA

PARLIAMENT OF INDIA

A Bicameral Legislature

PRESIDENT

LOK SABHA
(House of the People)

RAJYA SABHA
(Council of States)

MEMBERSHIP OF RAJYA SABHA

Elected Members : 233

(elected by Members of State Assemblies by single transferable vote & the Legislative Assemblies of Delhi and Pondicherry)

Nominated Members : 12

(Persons having special knowledge or practical experience in respect of such matters as Literature, science, art and social service nominated by the President of India)

BASIC QUALIFICATIONS FOR
MEMBER OF THE RAJYA SABHA

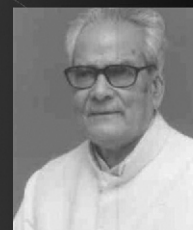
- Citizen of India
- Not less than thirty years of age
- Should possess such other qualifications as may be prescribed in that behalf by or under any law made by Parliament

RETIREMENT

- Term of a member is six years but if a member is chosen in a bye election then he or she serves for the remainder of the period of that vacancy
- One-third retire every second year
- Retiring Member is eligible for re-election

HONOURABLE CHAIRMAN
RAJYA SABHA

Vice-President of India is *ex officio* Chairman of the Council (Rajya Sabha)



- Elected by Members of both Houses of Parliament
- Has a term of 5 years

Shri Bhairon Singh Shekhawat

HONOURABLE DEPUTY CHAIRMAN RAJYA SABHA

Has been holding the Office of Deputy Chairman from 22.7.2004



Shri K. Rahman Khan

Presides over the House in the absence of Chairman

LEADER OF THE HOUSE

- One of the senior Ministers
- Responsible for arrangement of Govt. Business

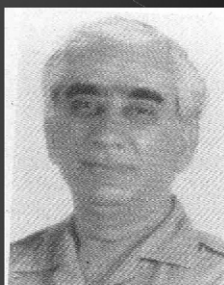


Dr Manmohan Singh
Prime Minister

- Advises on procedural matters in the House and has the right to address the House at any time.
- Maintains liaison between Govt. and Opposition.

LEADER OF OPPOSITION

- Leader of the chief opposition party and given Cabinet Minister's rank



Shri Jaswant Singh

- Ensures that rights of Members and accountability of Govt. under the Constitution and Rules are not diluted in practice in the House.

SECRETARY-GENERAL RAJYA SABHA

- Adviser to the Chairman
- Administrative Head of the Secretariat



Dr. Yogendra Narain

- Accessible to all Members for guidance on procedural matters.

CONSTITUTION OF RAJYA SABHA

- Constitution adopted on 26th November 1949
- Came into force on 26th January 1950
- Rajya Sabha was constituted on 3rd April 1952.
- Its first meeting was held on 13th May 1952.
- 202 Sessions held so far.

THE TWO HOUSES

- ❖ Each House is the master of its own procedure
- ❖ In case of disagreement between the two Houses on non-financial legislation, there is a provision for a joint sitting of the two Houses to resolve the differences.
- ❖ In financial legislation, Lok Sabha has the final say.
- ❖ In case of a Constitution amendment both Houses enjoy equal powers. In case of disagreement between the two Houses there cannot be a joint sitting of the two Houses.

SPECIAL POWERS OF RAJYA SABHA

- . Passing of the resolution to enable Parliament to make a law on the State subject (Art.249).
- . Passing of a resolution for the creation of an All-India service (Art.312)
- . Approving Proclamation of National Emergency Art.352(4) or approving Proclamation with regard to imposition or extension of the President's Rule in a State when the Lok Sabha is under dissolution Art.356(3).

DAILY ORDER OF BUSINESS

11 a.m. Oath/Affirmation of newly elected or nominated Members, if any

11 a.m. Obituary references, if any

11 AM to 12 NOON: QUESTION HOUR

Following are the types of questions which a member can ask:

- starred (to be answered orally)
(maximum number 20)
- unstarred (written answer given)
(maximum number 155)
- A Member can also ask a short notice question

ORIGIN

- | | |
|---|---|
| ➤ 3 rd April 1952 | Rajya Sabha constituted |
| ➤ 16 th May 1952
(2 nd sitting of the House) | Twice a week three starred questions a day. |
| ➤ 20 th May 1952 | First half an hour twice a week. |
| ➤ 14 th July 1952 | First hour Monday to Thursday every week |
| ➤ 9 th September 1964 | First hour Monday to Friday every week |

FEATURES OF QUESTIONS

- An instrument to elicit information from Executive
- Establishes legislative control over the Executive
- Pinpoints acts of omission or commission of the Executive
- Draws Government's attention towards irregularities, lapses, laxity or lacunae, in its functioning which could otherwise have escaped notice
- Establishes a vital link between the people and the Government
- Prompts Minister to do his homework thoroughly.
- Provides platform to Minister to share information on important matters

CONDITIONS OF ADMISSIBILITY

- For the purpose of obtaining information
- On matters of public importance
- To be within the special cognizance of the Minister
- To be pointed, specific and confined to one issue
- It shall not bring in any name or statement not strictly necessary to make the question intelligible
- If it contains a statement, the member shall make himself responsible for the accuracy of the statement
- It shall not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements
- It shall not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition
- It shall not ask as to the character or conduct of any person except in his official or public capacity

- It shall not exceed 100 words
- It shall not relate to a matter which is not primarily the concern of the Government of India
- It shall not ordinarily ask for information on matters which are under the consideration of a Parliamentary Committee
- It shall not ask about proceedings in a Parliamentary Committee which have not been placed before the Council by a report from the Committee
- It shall not reflect on the character or conduct of any person whose conduct can only be challenged on a substantive motion
- It shall not make or imply a charge of a personal character
- It shall not raise questions of policy too large to be dealt within the limits of an answer to a question

- It shall not repeat in substance questions already answered or to which an answer has been refused
- It shall not ask for information on trivial matters
- It shall not ordinarily seek information on matters of past history
- It shall not require information set forth in accessible documents or in ordinary works of reference
- It shall not raise matters under the control of bodies or persons not primarily responsible to the Government of India
- It shall not ask for information on a matter which is under adjudication by a court of law having jurisdiction in any part of India
- It shall not relate to a matter with which a Minister is not officially connected
- It shall not refer discourteously to a friendly foreign country
- It shall not seek information about matters which are in their nature secret

TIMINGS FOR QUESTIONS

1952	-	8.15 A.M.
1953	-	2.00 P.M.
1956	-	11.00 A.M.

LIST OF QUESTIONS FOR ORAL ANSWER

- Distinguished by a '.*' mark and named as a Starred question
- Answered orally in the House during the question hour
- On pink colour paper
- List contains 20 questions selected on the basis of draw of lots
- Listed in the name of maximum of two Members
- Two supplementaries available to first questioner
- One supplementary available to second questioner and other members

LIST OF QUESTIONS FOR WRITTEN ANSWER

- No '.*' mark and named as unstarred question
- Answers to these questions are laid in the House
- On yellow colour paper
- A limit of 155 questions in the Unstarred List including 15 questions pertaining to States under President rule (w.e.f. 15th June 1995)
- Questions selected for the unstarred list through rounding process

EFFICACY OF QUESTIONS

QUESTIONS HAVE LED TO SETTING UP OF SEVERAL COMMISSIONS/ COMMITTEES/COURT OF INQUIRIES, ETC. OVER THE YEARS SOMETIMES COMPELLING GOVT. TO CHANGE/REVERSE THEIR DECISIONS.

- A question of 29th August 1963 levelling allegations against the Chief Minister of Punjab led to the constitution of the Das Commission
- A question of 10th May 1995 on the issue of shortage/ procurement of railway wagons led to the setting up of a Committee which gave far reaching recommendations
- A question of 14th July 1998 led to the setting up of a Committee for looking into the appointment of the NRIs on the Board of Air India and Indian Airlines

Humour during Question Hour

THE SERIOUS ATMOSPHERE DURING QUESTION HOUR HAS ITS OWN LIGHTER MOMENTS.

- 6.5.1988 – When Shri Atal Bihari Vajpayee asked a question on the minimum housing norm for urban and rural areas, Shrimati Mohsina Kidwai answering the supplementaries said, “Madam, Deputy Chairman, in my view, one room will be enough for Shri Vajpayeejee.”

To this, Shri A.G. Kulkarni added, “Madam, why don’t you have different norms for bachelor and married people?”

- 18.8.1992 – A supplementary on the Question regarding the target of power generation during the Eighth Five Year Plan was being asked by Shri Viren J. Shah and Shri Kalpanath Rai and the Minister of Power replied by saying, “You know, Mr. Viren Shah, there is global recession and India cannot keep itself isolated”...To this, Shri Viren J. Shah said, “I think the Minister should not be allowed to sit next to the Finance Minister because he is picking up financial jargons”.

SHORT NOTICE QUESTION

NOTICE PERIOD FOR A NORMAL NOTICE OF QUESTION IS 15 CLEAR DAYS. A NOTICE OF QUESTION ACCEPTABLE AT A SHORTER NOTICE IS CALLED A SHORT NOTICE QUESTION

- Member to state reasons for asking question at a shorter notice
- In all respects, the procedure for short notice questions is the same as for ordinary questions for oral answer

Conditions:

- The question should relate to a matter of public importance.
- In Chairman’s opinion, the question is of an urgent character.
- The Minister concerned is in a position to reply the question at short notice.

Alternative Course of Action:

- If the Minister is not in a position to answer the question at a shorter notice, the Chairman may direct that the question be placed as the first question on the list of questions for the day on which it would be due for answer under rule 39.

HALF-AN-HOUR DISCUSSION

RULE 60 CONTEMPLATES HALF-AN-HOUR DISCUSSION ON SUBJECT MATTERS RAISED THROUGH QUESTIONS TO ENABLE FURTHER CLARIFICATIONS.

Conditions:

- Subject matter to be of sufficient public importance.
- Subject matter having been raised in a recent question in the Council.
- Answer to question needs elucidation on a matter of fact.

- Member to give notice 3 days in advance specifying the points on which he wishes to raise the discussion.
- Chairman may waive the condition of notice period;
- Notice to contain an explanatory memorandum and be supported by at least 2 other Members.
- Discretion to allow/reject rests with Hon’ble Chairman.
- Date of listing to be decided in consultation with Hon’ble Minister and Member.

12 NOON: PAPERS LAID ON THE TABLE

Followed by
SPECIAL MENTIONS
(By Members on matters of public importance)
OR
CALLING ATTENTION

2.00 p.m. to 5.00 p.m. LEGISLATIVE BUSINESS

- . Government Bills and Resolutions (Monday -Thursday).
- . Private Members Bills/Resolutions (Fridays)
- . Generally Bills examined by Department Related Committees but Reports not discussed.
- . Bills can be referred to Joint Committees/Select Committees for Report.

Raising matter of public Importance

- Matter raised with permission – No Zero Hour in Rajya Sabha.
 - Not necessary for the Government to react on the floor of the House
- Special Mention
 - Text of the Special Mention sent to Government
 - Ministry writes individually to member within a month

Raising matter of public Importance (Contd.)

- Calling Attention
 - Member give notice to call the attention of the Minister concerned
 - Minister makes a statement
 - thereafter clarifications sought
- Short Duration Discussion
 - A short statement made by member who gave notice
 - other members speak
 - thereafter the Minister replies

Motion (No-day-yet-named-Motion)

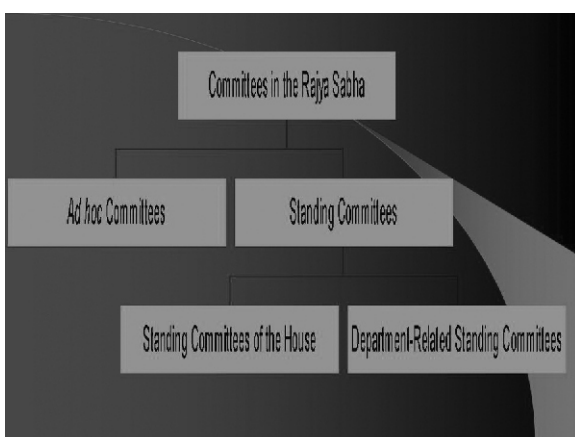
- Motion means any proposal submitted to the House for obtaining its decision
- BAC selects the motion and the Chairman in consultation with the Leader of the House allots time
- Discussion generally followed by vote of the House

ANNUAL ADDRESS BY THE PRESIDENT TO THE PARLIAMENT

- . Joint Session of Parliament
- . Sets out Government programme for the coming year including legislation proposed
- . Each House votes on the Motion of Thanks
- . Amendments can be moved to the Motion of Thanks to indicate disapproval of policy

BUDGET AND ITS RELATED BILLS

- ❖ Budget (Annual Financial Statement) presented to Lok Sabha by Finance Minister and laid in Rajya Sabha
- ❖ Both Houses discuss Budget
- ❖ Demands made to Lok Sabha only
- ❖ Department-related Parliamentary Standing Committees examine the Demands for Grants during the break in the Budget session and submit reports when the Houses meet
- ❖ Appropriation Bill introduced in Lok Sabha is passed by both Houses to give effect to Budget proposals
- ❖ Finance Bill introduced in Lok Sabha is passed by both Houses to give effect to taxation proposals

Committee System in Rajya Sabha**Standing Committees**

- Business Advisory Committee
- Committee on Rules
- Committee of Privileges
- General Purposes Committee
- House Committee
- Committee on Ethics
- Committee on Provision of Computers to MPs
- Committee on MPs Local Area Development Scheme
- Committee on Subordinate Legislation
- Committee on Petitions
- Committee on Government Assurances
- Committee on Papers Laid on the Table

Department-related Parliamentary Standing Committees

- Committee on Commerce
- Committee on Home Affairs
- Committee on Human Resource Development
- Committee on Industry
- Committee on Science and Technology, Environment and Forests
- Committee on Transport, Tourism and Culture
- Committee on Health and Family Welfare
- Committee on Personnel, Public Grievances and Law and Justice
- These eight Committees function under the direction and control of the Chairman, Rajya Sabha. These Committees are serviced by the Rajya Sabha Secretariat. The remaining sixteen Department-related Committees function under the direction and control of the Speaker, Lok Sabha

Ad hoc Committees

- Appointed from time to time to enquire into specific subjects (e.g., Joint Committee on Wakf Boards)
- These come into being on a specific motion or on being appointed by Chairman and become *functus officio* immediately after reporting to the House on assigned matters
- Practice of appointing *Ad hoc* Committees has been reduced after the setting up of the Department-Related Standing Committees in 1993

Law-making process

- An important function of Parliament is to make laws
- A legislative proposals has to be brought in the form of a Bill
- A Bill is a draft of a legislative proposal
- A Bill can be introduced either by a Minister or by a Private Member
- A Private Member is one who is not a Minister

Types of Bills

- **Original Bills**
- **Amending Bills**
- **Consolidating Bills**
- **Expiring Laws (Continuance) Bills**
- **Repealing and amending Bills**
- **Validating Bills**
- **Bills to replace Ordinances**
- **Money and Financial Bills**
- **Constitution Amendment Bills**

Categories Of Bills



Financial Bills



How Bill becomes an Act First Reading

Introduction of Bill

- **Bill listed for introduction**
- **Member may oppose introduction**

How Bill becomes an Act First Reading (Contd.)

After Introduction

- Publication in Gazette of India
- Reference to Deptt. Related Parliamentary Committee
- President recommendation to be obtained, where necessary
- Amendments can be given
- Notice for Motion for consideration/reference to Select Committee

Consideration of Bill Second Reading

- **Two Stages for motion for consideration**
- **First Stage** -- amendment for reference to SC/JC
 - Principles of Bill as a whole are discussed in general
- **Second Stage** - Clause by Clause consideration.
 - Members can move amendments on clauses
 - Each clause is voted.

Passing of Bill Third reading

- Final stage of discussion on Bill
- Members can speak
- Restrict argument in favour or against the Bill
- After passing and authentication submitted to President for assent

Private Members' Bill

- Notice along with copy of Bill
- Responsibility of drafting Bill with member
- Previous recommendation/sanction of the President to be obtained by member, where necessary
- Scrutiny of Bill on requirements of Constitution and rules
- No authorization to other member
- Members can oppose introduction
- Relative precedence of Private Bill by draw of lot
- Removal of Bills from Register of Pending Bills on retirement, resignation, withdrawal, negatived

Money Bill

- **Cannot be introduced in Rajya Sabha.**
- **Cannot be introduced or moved except on the recommendation of the President**
- **Rajya Sabha can at best delay the passage of a Money only by fourteen days.**
- **Rajya Sabha can only recommend amendments to a Money Bill**

Constitution Amendment Bill

- **Can be introduced in either House of Parliament**
- **To be passed by the majority of the total membership of the House and a majority of not less than two-thirds of the Members present and voting**
- **Certain constitution amendments require ratification by legislatures of not less than one-half of the States**

Joint sitting for the resolution of differences between the two Houses

- Joint sitting is held only in case of ordinary Bill.
- No joint sitting in case of Money Bill
- No joint sitting in case of a Constitution Amendment Bill

Ethical concerns of Indian Parliament

- Committee on Ethics of Rajya Sabha
 - Constituted in 1997
 - First of its kind in India
 - Consists of ten members
- Functions
 - To oversee ethical and moral conduct
 - Prepare code of conduct and suggest changes
 - To examine cases of breach of code or cases concerning allegation of ethical and moral misconduct
 - To advise members on related issues

Committee on Ethics (Contd.)

- Declaration of Assets and liabilities
- Declaration of interests
 - In a matter before House /Committee
- Complaints, etc.
 - Any citizen or M.P.
 - May take up matters *suo motu*
 - Preliminary inquiry
 - If *prima facie* a case – take up the matter for examination and report
 - Report to House

Ethics Committee (Contd.)

- Sanctions
 - censure, reprimand, suspension, any other sanction
- Members Of Rajya Sabha (Declaration Of Assets & Liabilities) Rules, 2004
 - Section 75A of R.P. (Third Amendment) Act 2002
 - Declaration of members assets & Liabilities
 - Also by spouses and dependent children
 - With in 90 days of taking oath
 - Changes in the information furnished to be modified
 - Register of Declaration of Assets & Liabilities
 - Available to public with permission
 - Any willful contravention may lead to inquiry as if Breach of Privilege of the Council by member

ORIENTATION PROGRAMME FOR NEW MEMBERS

- Orientation programme for new members organized biennially
- Familiarisation programs also organised for members
- Computer Training programmes organised for new members

SALARY, ALLOWANCES AND PENSION OF MEMBERS

- Salary: Rs.12,000 per month
- Daily Allowance : Rs.500 per day for attending session, sitting of the Committee or any other Parliamentary Business
- Constituency Allowance: Rs. 10,000 per month
- Office Expenses: Rs.14,000 per month (Rs.3000 for stationary plus Rs.1,000 for franking plus Rs.10,000 as salary to Assistants).
- Pension: Minimum pension of Rs.3000 per month and for the period exceeding 5 years pension of Rs.600 per month for every year in excess of 5 years
- Family pension in case of death of member Rs.1,500 per month for 5 years

Amenities to Members

- Accommodation in Delhi
- Electricity free supply maximum of 50,000 units per annum
- Water 4,000 kilo liters per annum
- Free two land line telephones – one at Delhi and the other at usual place of residence or place of choice – free local call to the extent of 1,50,000/- local calls or equivalent trunk calls per annum
- Mobile phone rental free plus no registration charges and calls made adjusted against free local calls
- One telephone for internet connectivity
- Advance for purchase of conveyance: Rs.1,00,000 @ 11.5%
- Member entitled to travel free in A/C first class and with a companion in A/C two tier class by any railways
- Medical facilities - CGHS facilities on payment of Rs.150/- per month
- 32 free single air journeys per annum-any place in India apart from air travel in connection with Parliamentary Business



APPENDIX D
LIST OF MEDIA
REPRESENTATIVES

**Group Discussion with the Indian Media
August 31, 2004****Media List**

Sr.No.	Name	Organisation
1.	Naeem Chaudhry	APP
2.	Jawed Naqvi	Dawn
3.	Pranay Sharma	The Telegraph
4.	Satish Jacob	India TV News
5.	Jishant Sameer	Safma
6.	Kuldeep Nayyer	
7.	Mohan Narayan	PTI
8.	Raj Kumar Sharma	India TV
9.	Pankaj Pachauri	NDTV
10.	Rajeev Sharma	The Tribune, New Delhi
11	Liz Mathews	Indo-Asian News

APPENDIX E
PAPER BY
PROFESSOR DARBARI LAL

Overview of the Committee System and its historical performance

Prof. Darbari Lal
Deputy Speaker
Punjab Legislative Assembly
Chandigarh, India.

Ladies & Gentlemen,

I take this opportunity to welcome all of you to the beautiful city of Chandigarh. It is indeed heartening to note that India and Pakistan are in the process of establishing cordial relations by forgetting the unfortunate experiences we have had in the past. Destiny forced us to part our ways. The common man in both the countries, however, wants peace and brotherhood which can be achieved by opening our borders and easing travel restrictions and by promoting trade and cultural exchanges between the two countries. We should work more closely and actively towards generating a sense of belonging together and for the promotion of mutual cooperation which will ultimately ensure peace and stability on both sides of the border.

Fifty-seven years have elapsed since we adopted democracy. India has emerged as the world's largest democracy with a firm commitment to peace and progress. You too have progressed admirably, despite facing odds. However much still needs to be done.

We are both now faced by the demons of poverty and illiteracy amongst others. The citizens of both our nations have continued pinning hopes at a system that could mitigate their miseries. We in India are struggling against these difficulties through our representative bodies i.e. the Parliament at the centre and the Legislative Assemblies at the State level. We have adopted a check and balance system in this regard. Dispensation is checked by in-built mechanism in our constitution while balance is maintained through legislative bodies and its committee system which plays a significant and vital role. I being one of the Presiding Officers in this system have a rather greater onus on my shoulders to see that it works well. I am of the confirmed opinion that we still have miles to go before we reach our destination. You too have a tough and long journey ahead. Indeed, we are co-travelers. Let us hold each other's hands to show to the world that the people of both countries can resolve their differences and mutual goodwill is the very blood of development. We should resolve to usher in a new era of goodwill between the two nations. Processes of reconciliation have been started with the grace of God and let us pray for its successful completion.

Now I would like to share my views on the Committee system in the legislature. In the modern times, the proliferation of Governmental activities has increased many folds, which has diversified the task of Legislature. Admittedly, the Parliament or the State Legislature can not exercise complete control over the executive in the House. The Parliament/Legislature being the representative body reflects the expectations and aspirations of the people and is empowered to exercise control and oversee functioning of the executive. For this purpose there are many devices available to the members of the House as contained in the Rules of Procedure and Conduct of Business both in the Parliaments as well as in the State Legislature such as question hour, Adjournment Motion, Short Duration Discussion, Call Attention Notices, Half an Hour Discussion, Discussion on President's/Governor's Address, Discussion on

Budget Estimates and above all the Committee System.

Since the Parliament/Legislature has a limited time at its disposal to watch the functioning of the Executive, the Committee System has assumed a greater importance. Accountability of the Executive to the Legislature is the hallmark of Parliamentary Democracy and efforts are being made in this direction through Committee System. We have a network of Committees both in the Parliament and the State Legislature. The most important among them are three Financial Committees; namely, the Committee on Public Accounts, Committee on Estimates and the Committee on Public Undertakings. All these Committees play a significant role in ensuring executive's accountability to the Legislature. With the passage of time the functioning of the executive has undergone radical changes. Paucity of time is also one of the main constraints. Quite often even the Demands for Grants of most of the departments are passed every year without any discussion. This has brought to the fore the need for suitable reforms in the existing committee system for strengthening it for better legislative control over the working of administration. The most significant development related specialized Subject Committees of the Parliament embracing the entire spectrum of administration for in-depth and continuous study. In my State Punjab, last year we also started department related committees to strengthen and support the Committee system, for better accountability.

In this accountability process, first of all, I would like to discuss the role of Public Accounts Committee\, which is the most powerful committee in our committee system. It examines the accounts of the Government for its proper utilization and also examines the Reports of the Comptroller and Auditor General of India on the appropriation of grants of various departments. This committee brought to the light many glaring instances of misappropriation of funds and paved way for awarding punishment to the guilty as a result of which financial administration of the Executive has improved considerably. The Committee on Estimates examines the budget estimate of the Government. It also examines whether the expenditure is within the Budget Estimates. The subsequent examination is done after the completion of the financial year or after completion of any plan or programme. The Committee has also the right to examine the diversion of funds from one plan to another and from one Head to another. I am proud to say here that the Estimate Committees in various Indian Legislatures have done a commendable work in this regard. Third important Committee is the Committee on Public Undertakings which examines the functioning of Government Undertakings, Enterprises, Boards and Corporations etc. I am proud to say that tourism sector, marketing sector, agriculture sector are now in a better position due to adoption of recommendations of this Committee. Our Governments in Union and State take the reports of these committees very seriously.

The Committees in our system are known as mini-houses. They have all those powers and rights that are vested in our legislature. In the Houses the Members are often divided owing to their political ideologies but in the Committees they work together in unison. Indeed, committees are the only platform where Members rise above their party affiliations. This makes the working of the committees meaningful. The Government with minor modifications generally accepts the recommendations made by the Committees. As a result the reports of these committees have very often influenced not only the formation of policies but also their implementation. These committees have thus contributed considerably towards detecting financial irregularities and streamlining the administration.

There are some other Legislative Committees as well which are equally strong. Through the committee on Government Assurances, a comprehensive control over the administration is achieved. This Committee vigorously pursues the assurance given by the Government on the Floor of the House. It has also to maintain constant vigilance for effective implementation of the assurances. The Committee on Welfare of Scheduled Castes & Backward Classes is entrusted with the function of considering and examining the recommendations contained in the reports of the National Commission for S.C/S/T, Government of India, so far as these are concerned with the Punjab. It makes recommendations to the government as to the steps proposed by the Committee. It also examines the measures taken by the Government to give due representation to SC/ST/BC in services and posts in bodies owned & managed by the Government. The Committee on Privileges examines every question referred to it and determines whether or not a breach of privilege is involved. Similarly, the Committee on Subordinate Legislation is empowered to examine whether the powers to make regulations, rules, and sub-rules, by-laws etc conferred by the Constitution or delegated by the Legislature are being properly exercised within such delegation. It may also examine whether a rule or sub-rule etc is in accordance with the general objects of the Constitution or the Act pursuant to which it is made. Besides there are some other Committees such as General Purpose Committee, Library Committee, House Committee, Committee on Petitions, Committee on Paper Laid/To be Laid on the Table of the House, which are entrusted with specific functions and are working effectively. Recently in the Punjab Legislative Assembly a Question & References Committee has been constituted. In case a reply to a question is not received from the Government even after providing sufficient time or if the reply is not to the satisfaction of the Honorable Speaker he can refer such a case to the Committee. In addition to the above, any other matter related with the House, which under the rules does not fall within the jurisdiction of any other Committee may be referred to this Committee by the Speaker for consideration. All these Committees are significantly contributing in their respective fields.

Before concluding I wish to point out that the Committee system in our Legislature, by and large is working effectively and efficiently. It has made an overall good impact in building up the people's confidence in our democratic setup and smooth functioning of the Legislature. The Committee system amply reflects effectiveness in ensuring accountability and responsibility of the executive to the Parliament.

I hope you have enjoyed a pleasant stay in India and felt quite comfortable during your stay.

There are sixteen committees in the Punjab Legislative Assembly; functions of each committee are briefly given as under:

1. Business Advisory Committee

This Committee recommends the time to be allocated for conducting the business of the house and other government business in consultation with the leader of the House.

2. Select Committee on Bills

This Committee examines any bill referred to it by the House. It examines whether the amendments proposed in the Bill are relevant to the subject matter and not beyond the scope of the bill. It may suggest

any further amendment in the bill, if needed and make a report thereon to the House within the time fixed by the House.

3. Committee on Public Accounts

This Committee scrutinizes the appropriation accounts of the government of Punjab and the report of the Comptroller and Auditor General. It examines whether the moneys shown in the accounts were legally available and applicable for the purpose for which they have been charged and that the expenditure conforms to the provision made in this behalf.

4. Committee on Estimates

This Committee examines the budget estimates of the government and whether the expenditure is within the budget provisions. It also suggests the form in which the estimates shall be presented to the House and alternative policies for bringing about efficiency and economy in the administration.

5. Committee on Public Undertakings

This Committee examines the functions of the Government Undertakings, Enterprises and Board & corporations. It also examines the reports and accounts of the Public Undertakings along with report of the Comptroller and Auditor General on Public Undertakings. It ensures whether the affairs of Public Undertakings are being managed with the sound business principles and commercial practices.

6. Rules Committee

It considers the matters of procedure and Conduct of Business in the House and recommends any amendment and additions to the rules as may deemed necessary.

7. Committee on Privileges

It examines every question of privilege referred to it and whether a breach of privilege is involved or not. It makes such recommendations as it may deem fit.

8. Committee on Government Assurances

It scrutinizes the assurances, promises and undertakings given by the Ministers from time to time on the floor of the House. It makes report on the numbers and kind of assurances and the departments to which they relate along with extent to which such assurances have been implemented.

9. Committee on Subordinate Legislation

It scrutinizes and reports to the House whether the powers to make rules and regulations, conferred by the Constitution or delegated by the legislature, are being properly exercised. It also considers other such

matters as may be referred to it by the speaker.

10. General Purpose Committee

This Committee considers and advices on such matters concerning the affairs of the House as may be referred to it by the Speaker from time to time.

11. Library Committee

This committee advices upon the matters connected with the Members' library and recommends the books required for the library for used by the Members of the House.

12. House Committee

This committee considers the advices on the matters connected with the comfort and convenience of the Members of the House.

13. Committee on Petitions

It examines every petition referred to it by the Speaker and suggests remedial measures to prevent such cases in future.

14. Committee on the Welfare of SCs/ STs/BCs

This Committee considers and examines the recommendations contained in the reports of the National Commission for SCs/STs Govt. of India, so far as these relate to Punjab State. It also examines the measures taken by the government to secure due representations of the SCs/STs and BCs in services and posts under its control, besides examining the working of the welfare program for these castes.

15. Committee on Papers laid/to be laid on the table.

This Committee examines all the papers laid / to be laid on the table of the House by the Minister and reports to the House the compliance of the provision of the Constitution, Act, Rule or regulation under which the paper has been laid.

16. Questions and References of Committees

In case a reply to nay question is not received from the government despite providing sufficient time or the reply is not to the satisfaction of the Speaker, he can refer such a case to this committee. In addition, any other matter relating to the House, which otherwise beyond the jurisdiction of ant other Committee, may be referred to the committee by the Speaker for consideration.

APPENDIX F
PAPER BY
MR. S. NACHHATTAR
SINGH MAVI

NACCHATTAR SINGH MAVI,
Secretary,
Punjab Legislative Assembly,
Chandigarh.

**Rules of Procedure & Conduct of Business in the
Punjab Legislative Assembly**

Hon'ble Deputy Speaker, Punjab Legislative Assembly; Hon'ble delegates from Pakistan and my colleagues.

I feel highly privileged and honored to welcome all of you to this Beautiful city Chandigarh. This city owes its name to one of the villages situated in the foothills of shivalik range in the east and was established as a new Capital for the state of Punjab. I feel proud to inform you that I was born on the land, you have come from, that is in Chak No. 24 of District Layalpur. That is the land of our ancestors. Whenever, anybody comes from that land, we naturally, get emotional. That, I am today. Those who have been to Lahore or have ever visited it, cannot forget the warmth of the love and affection, they receive from your lovely people there. Lahore is still a part of our culture. It is often said in Punjabi and I quote” _____ . People of Punjab of our side are emotionally and traditionally attached to that city. Our traditional songs are never complete without reference to Lahore. Our “Lahori Song” sung by the young ones still eulogize the magnificence of Lahore when it says-

I am very happy that process of normalization of relationship between two brother countries has started and I am optimistic that we will have very cordial relation very soon.

Now I proceed to the topic assigned to me.

In 1950, we adopted a new constitution. Our new constitution, which is republican in character and federal in structure, embodies the salient features of the Parliamentary system. As in the case of Parliament, the Indian States have basic provisions parallel to those for the Union in respect of the Executives and the Legislatures of the States and the head of the State is called governor who acts with the aid and advice of the council of Ministers. Article 168 of our constitution provides for the constitution of state legislatures. After the new constitution was adopted, the first elections to the state assemblies, including Punjab Legislative Assembly, were held in 1952. Since then this institution has maintained its role as a citadel of democracy and the most effective representative body of the people of the State. Its composition and structure has been varying from time to time. The State of Punjab was reorganized in 1966 resulting in the creation of Haryana and some of its areas were transferred to Himachal Pradesh as well. Before reorganization, we had 154 members in the house. This number was reduced to 87 as a result of reorganization. It, however, rose to 104 after the general elections of 1967. We were a bicameral Legislature till 31st December 1969. Our upper house known as “Punjabi Legislative Council” was, however, abolished on 1st, January 1970. The present strength of our house is 117.

Our constitution empowered us to frame our own rules of Procedure and conduct of business, which we did in 1952. The whole business of the House is conducted strictly under the provisions of these rules. It also serves as a deterrent for those who some times tend to cross their limitations.

Our Legislative bodies, at present, are performing multi functional roles. In addition to their traditional law making functions, they are exercising a number of other roles to which I shall mention later on.

To make it simpler both in understanding and implementation, we have chapterised various activities and scheduled the guidelines in our rules of Procedure. Each chapter covers a set of specific activities and lays down the procedure therefore. Short title & definitions; Summons to Members; Prorogation, election of Presiding Officers; Sittings of Assembly; Governor's Address; Arrangement of Business; Various devices made available to Members for seeking from and giving information to Executive; Discussion on various issues, are some of the important issue widely covered in the rules. Besides, rules for transaction of legislative Business financial Business; Rights and privileges of Members including the rules to be observed by them; the working of committee system; find a prominent place in the statute book. Some rules, which apply uniform ally for more than one activity or say in the case of Committees of the House have been titled and bracketed as General Rules.

As I have already stated above, in our polity, our representative bodies, i.e. Assemblies, as living organisms, have shown potential for dynamic growth and can justifiably claim to have evolved several novel procedural devices, which we have enumerated in our Rules of Procedures. The procedure for Non-Confidence motion, Adjournment Motion; Substantive Motion; Half-an-Hour discussion; Short duration discussions and calling attention notices are our own Indian innovations. We have given them appropriate places in the Rules.

Some of the conventions that do not find any place in the rules book have, however, got legitimized with the passage of time and one of such conventions is the use of Zero hour. This is the period just after the Question hour is over and before the next item on the List of Business for that day is taken up. This is very important period; Members make usage of this time to raise matters of most urgent public importance of recent occurrence. This time, thus, provides an opportunity to the Members to bring to the notice of the Government matters of serious concern and seek their redressal. However, it is for the Government to reply or not.

The role of the presiding officer is very crucial. He has to interpret the rules laid down by the House itself. He has to ensure that the rules are followed in letter and spirit. This is a difficult and enviable job, as he has to preside over a political forum where discussions and differences often reach a high pitch and frayed tampers are common.

The presiding officer, thus, remains the ultimate authority and source of power and hence, is seen with honor and dignity.

In our system of the Legislature, after the general elections and formation of the new Assembly, the first thing to be done is the appointment of Speaker-Protem. One of the elected members is nominated for this purpose and he is sworn in by the Governor for presiding over the sitting(s) of the House till the election

of the Speaker. Then summons asking the Members to meet in the "Assembly Hall" are issued. However, before doing so, the sitting arrangements are finalized and the role of members for marking their presence is prepared. A notification regarding summoning of the Assembly is also published in the gazette. Summons are also issued to each member specifying the date and place for the session. A wider publicity is simultaneously given through the press and electronic media. The first sitting starts with talking of the oath by the members in pursuance of Article 188 of our constitution before the speaker protem. Members can be penalized if they take their seat without subscribing the oath or affirmation set out under the law. The sitting of the Assembly closes with the resolution passed by the House itself. Thereafter it is prorogued by an order of the Governor and, we as per provisions of the laws notify the same.

After the assembly is summoned and the members are sworn in, the election of the speaker and the deputy speaker takes place and panel of chairmen is nominated by the speaker. Any member, present in the house, may propose any member to take the chair of the house as speaker or deputy speaker, as the case may be, and the proposal is seconded and if no other member is proposed, he is declared as elected, as such. Both these presiding officer can be removed from their offices by a resolution specifying the specific charges against them. Normally the proceedings of the house are open to the public as the house is their representative body. In case of need, however, the house can hold its sitting in camera also.

At the commencement of the first session after each general election to the Legislative assembly and at the commencement of the each year, the Governor of the state addresses the house. This address basically represents the policies and the program of the State Government. This address is thoroughly discussed in the house and in the end a "Message of thanks" is sent to the Governor for addressing the Assembly. Arrangements are made to maintain a communication channel between the Governor and the House under Article 175(20) of our Constitution. House can also communicate otherwise through a formal address after motion made in this connection is carried in the house.

The list of business is arranged in a manner prescribed in the rules of procedures. The first thing included in the list of business is a list of questions to be put and answered orally. Then announcements by the speaker or by the secretary, if any, is included. The questions of privileges, if any, adjournment motions for which consent has been given by the speaker; calling attention notices and other motions admitted by the speaker; and statements by the ministers follow thereafter. The business is arranged in such an order as the Speaker, after consultations with the leader of the house, determines. On Thursdays, the business other than the government business has the precedence. On all other days, no business other than the government is transacted except with the consent of the leader of the house. All business appointed for the day and not disposed off on that day is taken up on any other day in the session available for such class of business as the speaker determines.

Questions are asked by giving 15 clear days' notice. However, the speaker may, with the consent of the Minister concerned, allow a question to be asked at a shorter notice. The notice of the Question may be more than one member but it is deemed to have been given by the first signatory only. The questions asking for oral answers are distinguished by asterisks and are called "Starred Questions". If it is not distinguished, it is printed as an "Un starred questions" and a written answer received from the minister concerned is sent

to the member. The speaker is final authority in deciding the admissibility of the questions. The question must relate to the public affairs asking for some information and not for an expression of opinion. It has to be self contained and intelligible without bringing any name or statement therein. Members are responsible for the accuracy of the statements made in the notice of question. No arguments, interferences or ironical defamatory statements are allowed in the questions. Not more than 20 questions and two questions given notice of by a member are included in the list of questions for a particular day.

As I have already motioned above, half-an-hour discussion is our innovation for discussion on a matter of sufficient public importance which takes place after the hour of interruption or at the conclusion of the business of the day, whichever is earlier. A member wishing to raise such a matter has to give notice in writing to the secretary one day in advance and has to specify the point or points he wishes to raise.

One of the salient features of our rules of procedures is the “No Confidence Motion” expressing want of confidence in the council of ministers that can be moved subject to the conditions and restrictions laid down under the rules. As soon as the leave for this motion is granted, no other business is conducted unless this motion is accepted or rejected by the house. This provides an amply opportunity to the members to point out the failures of the government and to seek its removal. Some other devices such as “Motion for adjournment of the business” for discussion on a matter of public importance; calling attention notices on matters of urgent public importance, are also available to the members for ventilating their grievances and seek their redressal.

Our Rules of Procedures also lay down the rules to be observed by the members. He is not expected to interrupt any member while speaking by disorderly expressions or noises. He is expected to maintain respect to chair and to bow to it while entering or leaving the house. He does not cross through the chair and the member who is speaking. When the speaker addresses the house, he is not supposed to leave the house. He cannot obstruct the proceedings or interrupt the same by making running commentaries when speeches are being made in the house. The member cannot use the name of any person in high authority for the purpose of influencing his debate or utter treasonable, seditious or defamatory or offensive words. He also cannot refer to matters of fact on which judicial decisions are pending. He is debarred from making person charge against any member. Another device available to the members under the rules of Procedure is “The point of order” members have right to raise any point relating to the interpretation or enforcement of the rules or such articles of the constitution as regulate the business of the house. The subject matter over which the points of order are raised, of course, should be within the cognizance of the Speaker. It is, of course, not a point of privilege for asking information or explaining their position. It cannot be hypothetical.

The procedure for conducting Legislative Business as well as Financial Business has thoroughly been elaborated since these are the two core subjects of the working of the house. The procedure for introduction and publication of the bills; discussion thereon and leave of the house, has been laid down in a full chapter.

Since these are the main subjects on which the evidence of the state legislature is created. In the case of the

financial business, it is both right and the duty of the state legislature to see that annual financial statement of the estimated receipts and expenditure of the government in respect of every financial year (commonly referred to as “Budget”) is discussed and voted upon. The budget is dealt within two stages i.e. firstly in the general discussion and secondly in voting the demands for the grants. The minister for finance who presents the budget has a general right to reply in the end of the discussion whereafter it is put to vote. Loss of the motion in this connection means a severe censure of the working of the government.

The official conduct of the judicial officers including judges of the Supreme Court and the high court cannot be discussed in the house. Courts also do not question the validity of the proceedings of the house. The conduct of the officer of the member of the legislature of a state upon whom powers are conferred under the constitution for conducting the business of the house or for maintaining order therein is not subjected to the jurisdiction of any court in respect of powers exercised by him in the discharge of his duties, as such.

The committees of the house form a very strong prominent part of its working and for this purpose, our rules of procedures are very elaborate. We have got 15 such committees, out of which four are elected ones and rest are nominated. In the elected committees, the committee on public accounts committee; the committee on estimates and the committee on public undertakings are the prominent committees. In fact the committee system has been created to over-see and keep surveillance over the administration and to control its public unfriendly activities. The committee on estimates examines budget estimates of different departments to suggest economy without affecting their efficiency. The public accounts committee keeps watch over spending of the departments and also consider the reports of the comptroller and auditor general of India which contain audit objections regarding financial and procedural irregularities committed by the departments concerned. The public undertaking committee is responsible for the examination of the working of the undertaking of the companies in the public sector. Briefly speaking, among other committees, the committee on welfare of scheduled castes, scheduled tribes and backward classes considers and examines the recommendations in the reports of National Commission for the scheduled castes and Scheduled tribes in so far as the Punjab state is concerned and reports to the house as to measure that can be taken by the state government in the welfare of the said sections of our society. The Rules Committee reviews the rules from time to time and recommends the changes, if any, needed. The committee of privileges of the members which are taken by the members seriously since these are the privileges which form the basis of their effective working and functioning. In other committees, the committee on Govt. Assurances scrutinizes the assurances and the undertakings given by the ministers from time to time on the floor of the house and ensures the actions thereon by the departments concerned. The committee on subordinate legislation scrutinizes the rules/regulations and the legislations enacted by the subordinate authorities and reports to the house as to whether the power granted by the legislatures to the subordinate authorities were being appropriately exercised within given limitations and considers such other matters as are referred to it by the Speaker. The general purpose committee which has the speaker as its chairman, considers and advises on such matters concerning the affairs of the house as are referred to it by the speaker from time to time. The library committee advises as to the books that can be purchased for the library of the state legislature. The house committee looks after the comforts and conveniences of the members whereas the committee on petitions examines every

petition referred to it by the speaker and the representatives received it from the general public for redressal of their grievances. The Committee on papers laid/to be laid on the table of the house examines all papers laid on the table by the ministers and reports to the house if they comply with the provisions of the law. Another important committee that we have added in the recent times is the questions and references committee. This is a committee that ensures that replies to questions are given rightly and in the right one.

A full chapter has been devoted to the questions of privilege. The member who wishes to raise a question of privilege has to give a notice in writing to the secretary before the commencement of the sitting on the day question is proposed to be raised. The notice has to be based on the factual narrations and if based on a document, it has to be accompanied by the same. The question of privilege is restricted to a specific matter of recent occurrence requiring intervention of the Legislative Assembly. The speaker calls the member concerned to raise his issue after the questions and before other business on the list of business for that day is entered upon. If the leave is granted, the issue stands referred to the committee of the privileges which examines it in detail and takes evidence of the concerned parties including the member concerned. The committee then reports back to the house recommending the actions as may be taken in the matter. Members guard their privileges jealously.

So long, these rules have given intended results. Barring few differences, the rules of procedures are universal in all of our state legislature. We continue interacting with all state legislatures in case of any novel development and do not hesitate to suggest changes in our statute book for meeting with the challenges of the times.

All India presiding officers and secretaries' conferences are held every year. The legislatures send their points for discussion. Difficulties, if any, confronted in the implementation of the rules or conducting any other business are also discussed openly and thread bare in the said forum and thus solutions are found.

Thank you very much and I hope you have enjoyed your short stay with us.

Now, I would welcome any query on this subject.

APPENDIX G
PAPER BY
SARDAR BALWINDER
SINGH BHUNDER

TREASURY OPPOSITION RELATIONS IN THE CONTEXT OF THE PUNJAB LEGISLATIVE ASSEMBLY

Hon'ble Janab Gohar Ayub Khan, Leader Pakistan Parliamentary delegation, Hon'ble Shri Darbari Lal Ji, Deputy Speaker, Punjab Legislative Assembly, Parliamentarians, Brothers and Sisters.

It is my pleasure to welcome all of you to this City Beautiful on behalf of my leader Sardar Parkash Singh Badal, President Shiromani Akali Dal and Leader of Opposition in the present Assembly who was quite anxious to Come Here, but his pre-occupations were so compelling that he sent me to represent him here.

As we all know that in the Parliamentary Democracy, the Opposition has a vital role to play inside the House as well outside the House besides the Treasury i.e. the Government. In Parliamentary Democracy, Legislature represents the popular will of the people. Expectations, Desires, even Frustrations of the people are express in the House. So it is important for formulating policies for development of the society and the people, the House should work in a peaceful manner. To facilitate this, the conduct of the Treasury and Opposition benches is most important since both are the basic organs of the Legislature. Relationship between both should be of mutual respect, understanding and cooperation. However, it is the duty of treasury benches to seek the cooperation of opposition so that Legislature may work smoothly and efficiently in the interest of the people.

Infact dissent, debate, discussion, and agreement on issues apart from cooperation and mutual understanding should be the spirit behind the relationship between both the relations.

The opposition in Parliament/Legislatures may be defined, as "The Opposition is the Party for the time being in the minority organized as a unit and officially recognized, which has had experience of office and prepared to form Government, when the existing Ministry has lost the confidence in the House". It must have a positive policy of its own and not merely oppose destructively the policies of the government for the sake of power.

In multi party system, as in our Parliament, the Opposition comprises of various groups and these groups often fight against each other. Where no single party is returned in strength to form the Government, shifting alliances lead to the fall of Government and the rise of a new combination which administer the country for a brief period until it meets with the same fate as the former. The role of Opposition in such circumstances is different. It does not talk and act as an alternative Government because of its heterogeneous composition. There may be another possibility. The party in power might be in an absolute majority and hence free from the fear of being over thrown in the near future. In such a case numerous small groups comprising the Opposition function in a state of frustration, because they are unable to get their viewpoints accepted by the ruling party.

The function of Opposition is not merely to discredit the Government in the eyes of floating voters, but also to induce it to modify its policy. The two purposes cannot be separated. The Government is as aware as the Opposition that its authority rests only on the electorate, and that if it wishes to keep its majority, it must maintain its electoral support. The effect of Opposition criticism is therefore, to maintain a relation between Government policy and public opinion. The opposition's action is one of enlightened self-interest. In seeking support for itself it compels the Government to rest its policy on public opinion and interest.

In a Parliamentary Democracy, the opposition has three main roles. Firstly, to check the functioning of the Government, secondly to extend constructive cooperation to the government and thirdly to be ready to form the government if the present government falls. In the House itself, the Opposition members try to ventilate public grievances through Parliamentary Devices by putting questions, motions, resolutions etc., on matters of urgent public importance. Although many times, they are aware that their motion will not be carried in the House but as matter of their duty to the electorate they place their view point before the

House and thereby they extend their appeal to the people at large. Besides these devices, the members of the Opposition also try to topple the Government by moving no-trust motion against the Government and thus oppose and criticize the policy of the Government. They try to focus attention on the drawbacks of the administration, and thus help to great extent in matters of gearing up the administration. This is healthy sign of the Parliamentary democracy in the country. The Opposition, through its leader, is taken into confidence by the ruling party in matter of arranging business of the House and also in respect of other allied matters.

The aim and object of Parliamentary Democracy is to make the improvement in the economic, social, cultural and all other aspects of life. This goal is certainly achievable if the atmosphere inside the House of Legislature remains peaceful and cordial. Recently in Punjab Legislative Assembly, a Bill "Termination of Agreement" was introduced by the Government and in no time it was passed with the cooperation of the Opposition because the issue was in public interest. This is the sign of matured democracy. It is a matter of great satisfaction that relation between Treasury and Opposition Benches in Punjab Legislative Assembly, by and large, remained cordial except on one or two occasions. So in the Parliamentary Democracy, the Opposition and Treasury benches have an important role to play inside the House as well as outside the House. Since both represents the will of the and worked for the development of the people, it is essential that legislature should work in peaceful and mature manner. To facilitate, cooperation and mutual understanding should be there for the benefit of the public.

Lastly, I again extend my greetings and welcome to all of you here.

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M.L.A
General Secretary,
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Chandigarh
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