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# REPORT

The **PAKISTANI** Young  
Parliamentarians' Delegation  
Study Tour  
to **INDIA**

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

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*Report*  
The Pakistani Young Parliamentarians'  
Study Tour to India

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## **Abbreviations and Acronyms**

CEC	Chief Election Commissioner
DRSC	Departmentally Related Standing Committee
ECI	Election Commission of India
EVM	Electronic Voting Machine
INR.	Indian Rupees
Lok Sabha	House of the People
MMA	Muttahidda Majlis-e-Amal
MQM	Muttahidda Qaumi Movement
PAC	Public Accounts Committee
PILDAT	Pakistan Institute of Legislative Development And Transparency
PML	Pakistan Muslim League
PPPP	Pakistan Peoples Party-Parliamentarian
Rajya Sabha	Council of States

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Study Tour to India

## Preface

The Parliamentary Study Tour of Young Pakistani Members of Parliament to India was undertaken by PILDAT so as to provide an opportunity to Young Pakistani MPs to learn from and share best practices of the legislative and democratic tools that streamline Indian Parliamentary democracy. The study tour was undertaken from March 26-31, 2007.

Special thanks are due for the close cooperation extended by the Indian High Commission Islamabad and the Indian Ministry of External Affairs in facilitating the process of obtaining visas and of facilitating various official meetings of the delegation in India. PILDAT and the Delegation of Young MPs would also like to thank individuals and organisations that took time out to meet with the Pakistani delegation and discuss various issues of mutual interest. PILDAT would also like to acknowledge the support provided by the British High Commission, Islamabad.

This report presents a detailed overview of the study visit and its meetings to share the study visit learnings with MPs on the occasion of a Briefing Session where the Pakistani delegates will share their learning with Pakistani MPs.

Islamabad  
April 2007

## Objectives of the Study Tour

The major objective of the Study Tour was to provide Young Pakistani legislators with an opportunity to learn from the tools, techniques and best practices of the Indian legislative and democratic system. Since both countries India and Pakistan exist as post-colonial developing polities that inherited the British Parliamentary system of governance, PILDAT felt that an exchange of ideas, practises and valuable experiences will be useful.

The study tour programme, designed in the light of the above objectives, provided the delegates with an opportunity to discuss the tools, techniques and technologies which support the legislative process, understand the Indian electoral system and the role and performance of Indian electoral institution, exchange of ideas with young Indian MPs and with academics and institutions facilitating and reviewing political & legislative agenda in India.

## Introductory Booklet

An Introductory Booklet was prepared by PILDAT containing information about the Study Tour, i.e., objectives, profiles of the delegates and the detailed programme of the study tour. The booklet was prepared to serve as an introduction of the study tour. It was distributed amongst the delegates as well as all the people the delegates held meetings with and interacted with in India.

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## List of Delegation

Following Young MPs and members of the Young Parliamentarians' Forum comprised the delegation. An effort was made to include all major parties represented in the delegation, however due to certain political preoccupations of the PML-N and the PPPP, required numbers from these parties could not participate. A list of the delegation, outlining party and provincial associations and gender is as follows. The list is arranged alphabetically by the first names of the delegates.

No.	Name	Gender	Political Party	Constituency/Province
1	Asiya Nasir	Female	MMA	NA-340 Non-Muslim-VIII Balochistan
2	Atta-ur-Rehman	Male	MMA	NA-11, Mardan-III
3	Donya Aziz	Female	PML	NA-276 Woman Punjab-IV
4	Hafiz Rasheed Ahmed	Male	Independent	Federally Administered Tribal Areas (FATA)
5	Haroon Ihsan Piracha	Male	PML	NA-64 Sargodha-I
6	Nabil Ahmed Gabol	Male	PPPP	NA-248 Karachi-X,-Sindh
7	Sayyed Bakhtiar Maani	Male	MMA	NA-35 Malakand, NWFP
8	Syed Haider Abbas Rizvi	Male	MQM	NA-244 Karachi-VI

### PILDAT Team

No.	Name
1	Mr. Ahmed Bilal Mehboob, Executive Director, PILDAT
2	Ms. Aasiya Riaz, Joint Director PILDAT





## Group Discussion on Key Features and Rules of Procedures of the Indian Parliament

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The study tour programme began with a Group Discussion on Key Features and Rules of Procedure of the Indian Parliament. The rationale behind beginning the study tour with a Group Discussion was to first provide a basic understanding and theoretical grounding of the rules and practices of the Indian Parliament for Pakistani MPs so as to prepare them to hold future discussions with Indian MPs and officials. Mr. G. C. Malhotra, Former Secretary-General, Lok Sabha and Mr. N. C. Joshi, Additional Secretary, Rajya Sabha presented overviews of the Rules and Key Features of the Lok Sabha and Rajya Sabha respectively. The briefings by both speakers were followed by an animated interactive session in which the delegates engaged in a dialogue with the two speakers and posed various questions to these speakers so as to compare the processes of the Pakistani Parliament with that of the Indian Parliament. A brief overview of each presentation is as follows:

### **Mr. G. C. Malhotra**

Former Secretary-General, Lok Sabha

Mr. G. C. Malhotra welcomed the Pakistani Parliamentary Delegation. He said that he has had the honour of meeting Pakistani MPs on three earlier occasions and felt at home talking to Pakistani MPs as he was also born in Pakistan.

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**According to the Indian Constitution, not more than 6 months can elapse between the last day of the a session and the 1st day of the next session. Whereas the Pakistani National Assembly has been meeting for 130 days per year, the Lok Sabha has averaged 85 to 90 days of actual working days in a year, without counting week-ends and days in between two sitting days as work days. Parliamentary committees meet on a more regular basis and a large part of parliamentary business is conducted in these meetings**

Mr. Malhotra said 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.

Drawing a comparison to parliamentary sessions in Pakistan, he explained that according to the Indian Constitution, not more than 6 months can elapse between the last day of the a session and the 1st day of the next session. 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 and days in between two sitting days as work days. He said that there has been a demand by MPs that the number of sittings should be increased to 110. 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 per cent of the house, he added.

Presenting an overview of the current Lok Sabha, he said that there are 45 women MPs in the Lok Sabha which has

545 members while there are 24 women MPs in the Rajya Sabha. The Indian Parliament has had a bill before it to reserve 1/3rd seats for women but that has been pending for quite some time. The Indian Parliament has 3 sessions during a year. The Budget session begins in the 3rd week of February and goes up to May. In the interregnum, the Parliament divides into 24 mini Parliaments or Departmentally Related Standing Committees (DRSC) to examine demands for grants for each government department. After a thorough scrutiny, a report is presented on each Ministry and the Parliament passes the budget.

When in session, Lok Sabha holds its sittings usually from 11 A.M. to 1 P.M. and from 2 P.M. to 6 P.M. On some days the sittings are continuously held without observing lunch break and are also extended beyond 6 P.M. depending upon the business before the House. Lok Sabha does not ordinarily sit on Saturdays and Sundays and other closed holidays. During the budget session, the house normally adjourns after 7 8 pm while during the Railways budget, up to three nights are spent in discussion. Mr. Malhotra explained that since before independence, the Railways budget was presented separately in the House due to the sheer size of the budget. In that tradition, it is still presented as a separate budget although it is no longer the biggest in the overall budget and there is a debate that it should be presented as part of the overall budget.

Mr. Malhotra explained that recommendations of department-related committees are sent to concerned ministries which are bound to respond within three months.

**There are 45 women MPs in the Lok Sabha in an overall strength of 545 members while there are 24 women MPs in the Rajya Sabha. The Indian Parliament has had a bill before it to reserve 1/3rd seats for women but that has been pending for quite some time. The Budget session in Indian Parliament begins in the 3rd week of February and goes up to May. The Parliament divides into 24 mini Parliaments or Departmentally Related Standing Committees (DRSC) to examine demands for grants for each government department**

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On the basis of the reply, a second report is prepared by the committees. He pointed out that the present Speaker, the Honourable Somnath 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.

Mr. Malhotra said that the subjects over which Parliament can legislate are contained under the Union List in the Seventh Schedule to the Constitution of India. Union subjects are those important subjects which for reasons of convenience, efficiency and security are administered on all-India basis. The principal Union subjects are Defence, Foreign Affairs, Railways, Transport and Communications, Currency and Coinage, Banking, Customs and Excise Duties. There are numerous other subjects on which both Parliament and State Legislatures can legislate.

Mr. Malhotra said that the Rajya Sabha has special powers to declare that it is necessary and expedient in the national interest that Parliament may make laws with respect to a matter in the State List or to create by law one or more all-India services common to the Union and the States. On the other hand, the money sanction can only come from the Lok Sabha while the Prime Minister and the Cabinet are also accountable to the Lok Sabha, he said. The Rajya Sabha can only keep budget for 14 days but if it does not return that, the budget is deemed to be passed. No Confidence motions also come in the Lok Sabha.

The first hour of every sitting of Lok Sabha is the Question hour. After the Question Hour, the House takes up miscellaneous items of work before proceeding to the main business of the day. The last Two and Half hours of sitting on every Friday are generally allotted for transaction of private members' business. While private members' bills are taken up on one Friday, private members' resolutions are taken up

on the succeeding Friday, explained Mr. Malhotra. The Lok Sabha uses has electronic voting system to save time. The two Indicator Boards installed in the wall on either side of the Speaker's Chair in the Chamber display the results of voting. The Lok Sabha proceedings and debates are prepared in Hindi version, the English version and the Original version. Only the Hindi and the English versions are printed while the Original version, in cyclostyled form, is kept in the Parliament Library for record and reference.

Explaining the anti-defection law, Mr. Malhotra said that the law applies when a member leaves a party, as in Pakistan.

**The Rajya Sabha has special powers to declare that it is necessary and expedient in the national interest that Parliament may make laws with respect to a matter in the State List or to create by law one or more all-India services common to the Union and the States. On the other hand, the money sanction can only come from the Lok Sabha while the Prime Minister and the Cabinet are also accountable to the Lok Sabha. The Rajya Sabha can only keep budget for 14 days but if it does not return that, the budget is deemed to be passed. No Confidence motions also come in the Lok Sabha**

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. If a member defects, he or she can lose the seat but only if a fellow MP invokes the defection law. A lot of members have lost their seats due to this previously. However, there is a condonation rule as well and only parties can condone their MPs, explained Mr. Malhotra

adding that he had researched on the topic of Anti-defection laws in Commonwealth Parliaments with data collected from 65 countries.

Mr. Malhotra said that most committees in the Indian Parliament are joint committees with members from both the Lok Sabha and Rajya Sabha. While committee chairs in Pakistan are decided by elections, in the Indian Parliament, the strength of parties in the Parliament determines how many chairs of committees will go to which party. Ministers can not be part of committee while the committees are not authorised to call the minister but only the highest civil service official for a hearing. The quorum of committee is 33 per cent.

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**An Indian MP gets INR. 16000 monthly salary, a constituency allowance of INR. 20,000, office and stationary allowance of INR. 20,000. Only INR.16000 is taxable. INR. 1000 per day allowance is due for parliamentary proceedings. Accommodation is free in Delhi. Other than Parliamentary business, 34 yearly air trips are also provided. Air-conditioned first class train journey with a companion is free at any time. MPs get a pension of INR. 8000 per month which increases by INR. 800 for each year of service as MP**

Explaining the remuneration package of Indian MPs, Mr. Malhotra said that an MP in India gets a INR. 16000 monthly salary, a constituency allowance of INR. 20,000 and office and stationary allowance of INR. 20,000. Only INR.16000 is taxable. In addition INR. 1000 per day allowance is given to each MP to be part of house or committee proceedings. Accommodation is provided free to MPs in Delhi while 100,000 calls of 3 minutes duration in a year are also allowed free of cost. MPs receive air tickets to participate in sessions and in committee meetings. Other than parliamentary business, 34 trips during a year are also provided for while the journey in air-conditioned first class train compartment is free, alongside a companion, at any time. Indian MPs also receive a pension of INR. 8000 per month which increases by INR. 800 by every year for each year of service as MP.

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.

The Parliament in India also trains new MPs. The Bureau of Parliamentary Studies and Training in the Indian Parliament conducts trainings and briefings for Civil Service Officers, Legislature Secretariat Officers, and Members of Parliament. The bureau also runs a 7 week parliamentary internship programme, and a 9 week legislative drafting programme. 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 in addition to Indian Mps.

### Mr. N. C. Joshi

Additional Secretary, Rajya Sabha

Beginning his talk, Mr. Joshi said that India is a union of states and not a federation. The Rajya Sabha is the Upper House of Parliament. There are 245 members in the Rajya Sabha distributed amongst different states and union territories of India. Members of the Rajya Sabha are not elected by the people directly but indirectly by the Legislative Assemblies of the various States.

Every State is allotted a certain number of members. Minimum age requirement for membership to Rajya Sabha is 30 years. Twelve (12) of Rajya Sabha members are nominated by the President from persons who have earned distinction in the fields of literature, art, science and social service. However, the nominated members can not participate in the election of President. Lok sabha has 2 nominated members. The Rajya Sabha is a permanent body. It is not subject to dissolution but one-third of its members retire every two years. Compared to Pakistan where members of the Senate have to belong to a province from where they are elected, in India, a voter anywhere in the country can be elected as a member of the Rajya Sabha. All states in India have different membership which is not equal and is based on population of the state.

Explaining the functions of the Rajya Sabha with regards to state subjects, Mr. Joshi said that if 2/3rd members of the Rajya Sabha pass a resolution, the Parliament can legislate on state subjects, but such a law can only remain for 1 year.

Mr. Joshi said that the working hours of the Rajya Sabha are from 11 am to 5 pm. The Vice-President of India is the ex-officio Chairman of Rajya Sabha. He is elected by the members of an electoral college consisting of members of

## Q&A/Discussion

both Houses of Parliament. Rajya Sabha also elects one of its members to be the Deputy Chairman.

**Dr. Atta-ur Rehman, MNA**

MMA

What are the subjects and personalities, if any, that cannot be discussed in the Houses of Parliament in India?

**Mr. G. C. Malhotra**

Former Secretary-General, Lok Sabha

Anything about the judiciary can be discussed on a specific motion in the Parliament. The debate on constitutional authorities becomes out of order. In addition, the rules prohibit from discussing a person not present in the House. If government says that certain things are state secrets, those can not be discussed either in the Parliament. There was a time when even the Public Account Committee (PAC) would not discuss defence demands, but that has changed now and committees have the powers to discuss all matters. Members today insist on getting information.

**Dr. Atta-ur Rehman, MNA**

MMA

What is period of passing of budget in the Parliament? You

have also mentioned that the Rajya Sabha can allow itself to legislate on state subjects and such legislation has the tenure for a year; what happens if a state assembly wants to legislate on the same issue during that year?

**Mr. G. C. Malhotra**

Former Secretary-General, Lok Sabha

The budget has to be passed in 75 days. The Finance Bill becomes effective for 75 days. The budget is laid on February 28 each year by 11 am.

**Mr. N. C. Joshi**

Additional Secretary, Rajya Sabha

Once the Rajya Sabha has the power to legislate on a state subject, the states do not have power within that year to legislate on those issues that the Parliament has legislated over.

**Syed Haider Abbas Rizvi, MNA**

MQM

What is the level of financial autonomy to the states? What is the role of Parliament in the formulation of the foreign policy? I am surprised to hear about the level of salaries

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Indian MPs get. This effectively means that you are disallowing your lower and middle classes to be part of Parliament because only well-to-do individuals, who have additional sources of income can survive on such low remuneration. I myself find it hard to survive as a middle-class MP in Pakistan, which by the way has higher salary packages for its MPs than what Indian Parliament has.

### **Mr. G. C. Malhotra**

Former Secretary-General, Lok Sabha

I understand your concern on the low remuneration package for MPs. We feel this too but to be honest, the press and public are hostile even to this. But an Indian MP can continue a private employment or business while being an MP as long as the other post is not government employment. Currently the Parliament legislates on its own salary which gets it a lot of criticism. Frankly, if a person of an MP's calibre spends that kind of time, this return is very small. The current Speaker has suggested that the salaries can be pegged with a consumer-price index so that MPs do not have to get involved in legislating to increase their salaries each time. There has to be a committee on this. This is a serious issue especially when we have the problem of cash-for-questions as well and so far 11 members have lost their seats on this issue.

In foreign policy formulation, a statement in the house has to be laid after a Minister or the PM return from a foreign trip explaining the outcomes. Generally, on foreign policy formulation, the executive takes the Parliament into confidence. Fortunately, the opposition and the government go hand in hand when it comes to the foreign policy issues. What Parliament does, the government takes along and vice versa.

On the financial division of resources, there is a Finance Commission that divides based on a division of revenue formula decided in the commission.

### **Dr. Donya Aziz, MNA**

PML

What is the level of Computerisation of the Indian Parliament? What is the mechanism of sharing of resolutions and legislations between the States and Union legislatures? Can a state pass a legislation that is not in

conformity with the constitution? Has that happened in India? What is the oversight mechanism on what the states legislate on? What are the Presidential powers about vetoing legislation? How many presidential ordinances are issued in India in a year on an average?

### **Mr. G. C. Malhotra**

Former Secretary-General, Lok Sabha

Every legislation has to be according to the constitutional provisions. Article 13 of the Indian Constitution says that every legislation is void if it violates the fundamental rights. Every citizen can go to court on that basis that such and such legislation is ultra vires of the constitution. In such a scenario, the legislation becomes void. It is not the house that decides if it is ultra vires of constitution but the courts that have these powers. There are many examples in which courts have struck down legislation. It is not the Parliament or State Legislatures but the implementing agencies that pass on the legislation.

### **Mr. N. C. Joshi**

Additional Secretary, Rajya Sabha

Automation in the Parliament was done in 1982. The secretariats maintain a Parlis database with cataloguing. Questions and Answers are put into that database for easier access and tracking subject-wise. There is a computer cell in the Parliament since 1997. All members are given computers. It is their choice whether to opt for desk tops or for laptops. In addition, members are also given INR. 1500 per month for DSL charges. In addition, there is a high-speed DSL connection and Wi-fi connection in the Parliament too. Members and staff are trained on the use of IT as well. The Parliament Questions and Answers are also available on Parliamentary website.

## Group Discussion on Key Features of the Indian Electoral System

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In the second Group Discussion, Dr. M. S. Gill, Member of the Indian Rajya Sabha and Former Chief Election Commissioner of India briefed the Pakistani delegation about the Indian electoral system and its key features and highlights. A very informative session as MPs from Pakistan interacted with Dr. M. S. Gill on a comparison of electoral laws and practices of both India and Pakistan and discussed in detail various aspects of the Indian electoral system.

Dr. M.S Gill gave a detailed explanation of the Election System in India and discussed the evolution of the Election Commission into the Institution it is today. He emphasized the importance of an independent Election Commission and explained how the Indian Election Commission asserted its constitutional rights and achieved this status. He also briefed the participants about the role of technology in the elections. An overview of Dr. M. S. Gill's presentation is as follows:

### **Dr. M. S. Gill**

Member of Indian Rajya Sabha  
Former Chief Election Commissioner of India

Explaining the foundation of the Indian Election Commission, Dr. M. S. Gill said that in the Indian Constitution Articles 324-329 relate to the ECI. The voting



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**Mr. T. N. Seshan, the celebrated CEC of India, moved the politics of India. Political Parties in the 1980s had agreed on a Code of Conduct. Under Mr. Seshan, the ECI took out that code of conduct and said to parties that we hold the parties to that. Since then the ECI has strived to provide a level-playing field. The incumbents have their advantages but there are strict rules to ensure government does not abuse its powers in elections. It is the strength of the Indian democracy that the ECI has been able to effectively implement such practises**

age in India was 21 but has now been reduced to 18 years of age. This is an easy “development” for most countries to follow, quipped Dr. Gill, however he felt that the age of 18 years was still a raw age for youngsters to vote.

Dr. M. S. Gill said that the role of the ECI is to organise, control and supervise elections in India. Originally, the constitution said that there will be a Chief Election Commissioner (CEC) and as many commissioners as the President appoints. However, he said that in his view the sense of constitution was that there should be at least two commissioners. At the time of elections, it is the duty of the ECI to do everything. Election petitions in India can only be filed and heard after the election is over and not during the election. The CEC runs as a mini government during elections; it gets whatever it needs and asks for.

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.

Tracing the history of the ECI, Dr. M. S. Gill said that Mr. T. N. Seshan, the celebrated CEC of India moved the politics of India. Political Parties in the 1980s had agreed on a Code of Conduct. Under Mr. Seshan, the ECI took out that code of conduct and said to parties that we hold the parties to that. Since then the ECI has strived to provide a level-playing field. The incumbents have their advantages but there are strict rules such as government cars can not be used for campaigning; the Prime Minister can use the car or the plane but not the party. He said that it is the strength of the Indian democracy that the ECI has been able to effectively implement such practises. This has only been possible because of the rule of law in India, he said.

The CEC enjoys the same powers and immunity as do the judges of the Supreme Court. Initially, the parties in power and the opposition were against the independent and tough stance of Mr. Seshan and a group of 110 MPs wanted to move an impeachment motion, but Mr. Narsimha Rao had to take it back. It was during the time of Mr. Seshan that 3 commissioners, two in addition to the CEC were appointed by the government. Mr. Seshan contested this decision but the Supreme Court ruled 5-0 in favour of three commissioners. Dr. Gill said Mr. Narsimha Rao calculated it right in taking the impeachment motion of the CEC back as it would have set a bad precedence in India. He said that India

**India is fortunate that when politicians sit on the chair of the Prime Minister, they do not act myopic and work for the interest of their parties; instead they bat for India and for the sustainability of the governance institutions in India. The CEC and the Election commissioners are appointed by the Prime Minister of the day and each ruling party has taken care in making appointments for high constitutional positions. Effective consultation has to be carried out with the opposition of the day in making such appointments**

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was fortunate that when politicians sit on the Prime Minister's chair, they bat for India and for the sustainability of governance institutions.

The CEC and commissioners are appointed by the Prime Minister of the day and each ruling party has taken care in appointing high constitutional positions. Effective consultation has to be carried out with the opposition of the day in making appointments, he said. The governors in India have lost faith of the people, he said and believed that a governor is a civilised face of the civil society and should not be from the Military. Men pass on while the institutions and systems remain and parties usually take care of such issues, he opined.

Talking about the qualification of the CEC, Dr. M. S. Gill said that the job of CEC requires an administrator with a judicial mind. He said that he did not agree with the practise in Pakistan where only former judiciary members were appointed as the CEC. The work of the CEC is like the work of a deputy commissioner and an executive. In India, all the CECs and commissioners from the Indian Civil service because they have experience of administration. The ECI has a polling staff of 500,00,000 and this kind of administration can only be handled by the executive, not be a judge, he specified.

Dr. M. S. Gill said that the ECI has followed a very simple formula for its credibility which includes confidence of the people and the media. 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.

At the time of elections, the ECI insures that officials belonging to the district and posted to that district are moved from there. Similarly, any one who has been in such a post for over 4 years has to go as well. He felt that such actions need to be taken with caution and care so as not to destroy or harm the institution of the ECI. 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.

The ECI sets the date of elections and chooses a suitable date in its discretion within the last 6 months of the Parliament. The CEC may hold consultations on this but the final authority rests with the ECI.

Talking about the electronic voting, he said that the Electronic Voting Machines (EVM) have revolutionised Indian elections. The EVM was for the first time introduced in 1997. Since then it has gradually been applied and the latest election completely used the EVMs. 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, 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.

Dr. Gill believed that there is only one reform left for India to do and that is that when elections are declared, the Chief Ministers and the Cabinets should go and the Governor rule should be there for two months before the new government comes in. Dr. M. S. Gill said that perfection belongs to God but the test of ECI is that in every election, nobody contests the results although many Prime Ministers, Chief Ministers and strong parties come and go.



## Q&A/Discussion

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### **Syed Haider Abbas Rizvi, MNA**

MQM

Can you tell us about the Electoral Rolls in India and how are those made available to parties and the people?

### **Dr. M. S. Gill**

Member of Indian Rajya Sabha  
Former Chief Election Commissioner of India

The most important thing in elections is a clean, accurate and honest electoral roll. Unlike America, where voters have to register themselves, Mr. Ambedkar wrote that the ECI will be responsible for an up-to-date electoral roll. The ECI updates electoral rolls every year in November up to December. All election officials (300 people in the ECI) work on this including a Chief Electoral Officer at the local level with 15-20 people. Every collector is also a district administration officer and there is a direct chain with the ECI. The Electronic voting card plus other identities are used for this purpose. Voters list is made available on the ECI website. Any party can buy a copy as well and it is made available constituency-wise on CDs as well. Democracy is like sun-flower and needs lots of sun-shine. It needs the searchlight of the people, hence transparency, to grow and blossom.

### **Mr. Haroon Ihsan Piracha, MNA**

PML

How does the ECI redress anomalies in the voters list?

### **Dr. M. S. Gill**

Member of Indian Rajya Sabha  
Former Chief Election Commissioner of India

The ECI sends a lot of people to check that there are no anomalies in the list. Sample checking, etc., and other methods are also employed in this regard. The ECI sends people down to the village level as well to ensure accuracy and an up-to-date list.

### **Dr. Atta-ur Rehman, MNA**

MMA

You said the CEC is appointed by Prime Minister. What is the term of the CEC? Can that term be extended and if yes, by whom? Who monitors the CEC and the ECI? Secondly, how is delimitation of constituencies carried out? Is that the job of the ECI?

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### **Dr. M. S. Gill**

Member of Indian Rajya Sabha  
Former Chief Election Commissioner of India

The term of the CEC is 6 years or 65 years of age, whatever comes first. The term can not be extended or reduced. Only Impeachment can take place but that, under current conditions is impossible. The ECI is an independent commission. Nobody can monitor it. The ECI has created such a distance from the government and MPs that they do not even call the ECI. If parties visit the ECI, they do so with the media. The CEC and the commissioners enjoy constitutional guarantees and therefore, once appointed, should not lose their good sense. The ECI has to work with parties and it does. The ECI budget is not a charged expenditure in the budget but is never reduced either. The ECI is audited by the auditor-general.

There is a separate Delimitation Commission in India that is appointed by the Parliament. The ECI sits on it and a retired Supreme Court judge chairs it. The ECI also does not hold local level elections and there is a state Election Commissioner for that. After the 1971 delimitation, we tried to reduce reproduction levels. The South of India has gone down in its population growth levels but the north keeps increasing its population. Mrs. Indira Gandhi, through a constitutional amendment, froze all delimitation for 30 years. After 30 years, in 2000, the Parliament decided to keep it frozen. Within the states, the balancing of constituency sizes is carried out.

### **Sayyed Bakhtiar Maani, MNA**

MMA

From the talk you gave me, it appears that it has been the person in the post of the CEC that has kept the ECI working. If a wrong person comes, the system will go down the drain.

### **Dr. M. S. Gill**

Member of Indian Rajya Sabha  
Former Chief Election Commissioner of India

Individuals build institutions as well and whatever precedence CECs and commissioners have set have a force to be followed in the future as well. But frankly, the systems take you only as far and a lot depends on the post of the CEC.

### **Mr. Haroon Ihsan Piracha, MNA**

PML

What is the limit on expenses for elections and how does the ECI monitor it?

### **Dr. M. S. Gill**

Member of Indian Rajya Sabha  
Former Chief Election Commissioner of India

Limit on electoral expenses was increased to 10 lakhs and it was increased by the government, not the ECI. The ECI appoints central observers in each election to monitor elections fairness and expenses. 2 observers are appointed per parliamentary seat and one financial observer to look at financial issues. All parties file their own accounts. Indian politics is haunted by the criminal issues & money. I suggest to the government that the law should be changed so that any man accused of offence great enough that if convicted 5 years or more are to be spent in jail; or against whom charges have been framed for a full trial, should not be allowed to contest election. But so far the Parliament is not agreeing on this.

### **Dr. Donya Aziz, MNA**

PML

Does the EVM maintain Electoral voting records?

### **Dr. M. S. Gill**

Member of Indian Rajya Sabha  
Former Chief Election Commissioner of India

The High Court can inspect the records so its maintained.

### **Syed Haider Abbas Rizvi, MNA**

MQM

Given your experience as the CEC and a lot on what you know about Pakistan, what is your advice for Pakistan?

### **Dr. M. S. Gill**

Member of Indian Rajya Sabha  
Former Chief Election Commissioner of India

Well, Pakistan has been unfortunate that it did not get the stability that India got since independence. There was a 34-years stability of government in India if you count the

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periods of Mr. Nehru and his daughter Mrs., Gandhi's governments. That changed a lot for India. Moreover, we did not smash-up the constitution. After Mr. Jinnah, the history of Pakistan went into a tail spin. Men must live by laws, not by men. The civil service in Pakistan has been destroyed first by Mr. Bhutto and then by the military. Even today, most civil service positions are with serving or retired Army officers. I can only say that the Constitution has to be above men in Pakistan. That is the chief reason for our stability here in India. Shakespeare said that take up arms against a sea of misfortunes and vanquish them. This will have to be done by a headstrong CEC in Pakistan to put the things on course.

**Mr. Ahmed Bilal Mehboob**

Executive Director

Are there any electoral laws in India that stop the President from canvassing for a particular political party?

**Dr. M. S. Gill**

Member of Indian Rajya Sabha  
Former Chief Election Commissioner of India

Even on the President's voting, there was an intellectual argument of whether he should vote or not because one has to vote for one party or the other and the President, as a symbol of state is above partisan politics. So the President canvassing for a political party is absolutely out of question. In India, if the constitutional President was to make a statement with a slight indication, he will have to go. The President in India can not talk policy, money or anything. That is not part of his job description.



## Meeting with Indian Parliamentary Forum on Youth

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The next appointment of the delegation was its interaction with the Indian counterparts, the Indian Parliamentary Forum on Youth. The Forum, chaired by Mr. Naveen Jindal, MP, held detailed discussion with the Pakistani delegation of Young Parliamentarians Forum on issues of concern to youth in both countries, the avenues of learning and training in both Parliaments and areas of mutual interest and future cooperation. The two groups discussed the idea of establishing a Joint Parliamentary Forum on Youth of India and Pakistan to spearhead the agenda of poverty reduction, financial growth, parliamentary and political learning and leadership development among other things.

In his opening statement, Mr. Naveen Jindal welcomed the Pakistani delegation and said that youth on both sides of the border has to take the agenda of betterment of relations forward as the current youth does not carry the baggage of the past. Indian MPs present on the occasion also welcomed the Pakistani delegation and highlighted areas such as opening up of borders and trade and sharing of parliamentary practices as possible avenues of mutual cooperation between the two youth forums.

Pakistani Parliamentary delegation thanked the Chair and members of the Indian Parliamentary Forum on Youth for their hospitality. The Pakistani MPs also raised specific issues relating to the opening of consulates in Bombay and Karachi, better visa regime, sharing of Parliamentary practices and exchanges. The two sides exchanged shields and mementos to mark the meeting.





## Visit to The Energy and Resources Institute TERI & Briefing

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The Pakistani delegation met with The Energy and Resource Institute TERI, the leading environmental NGO of India. The members were briefed by TERI about its various initiatives in the areas of sustainable development and alternative energy in India, some of its work in Pakistan and the global concerns that it espouses. Pakistani MPs were deeply interested in various facets of TERI's work and interacted a great deal on the mechanics and provision costs of alternative energy sources and various developmental techniques of sustainable development.

Introducing the Pakistani delegation to TERI and its work, TERI management said that TERI is a dynamic and flexible organization with a global vision and a local focus, TERI was established in 1974. While in the initial period the focus was mainly on documentation and information dissemination, research activities in the fields of energy, environment, and sustainable development were initiated towards the end of 1982. The genesis of these activities lay in TERI's firm belief that efficient utilization of energy, sustainable use of natural resources, large-scale adoption of renewable energy technologies, and reduction of all forms of waste would move the process of development

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towards the goal of sustainability.

A unique developing-country institution, TERI is deeply committed to every aspect of sustainable development. From providing environment friendly solutions to rural energy problems to helping shape the development of the Indian oil and gas sector; from tackling global climate change issues across many continents to enhancing forest conservation efforts among local communities; from advancing solutions to growing urban transport and air pollution problems to promoting energy efficiency in the Indian industry, the emphasis has always been on finding innovative solutions to make the world a better place to live in. However, while TERI's vision is global, its roots are firmly entrenched in Indian soil. All activities in TERI move from formulating local- and national-level strategies to suggesting global solutions to critical energy and environment-related issues. It is with this purpose that TERI has established regional centres in Bangalore (Karnataka), Panaji (Goa), Guwahati (Assam), and Supi (Uttaranchal), and a presence in Japan, Malaysia, and the UAE. It has set up affiliate institutes TERI-North America in Washington, DC, USA, and TERI-Europe in London, UK.

The Pakistani delegation was informed that TERI hosts the annual Delhi Sustainable Development Summit, which is swiftly gathering momentum as a major forum for the convergence of globally renowned leaders and thinkers dealing with the issue of sustainability.

With a staff strength of over 700, drawn from multidisciplinary and highly specialized fields, offices and regional centres equipped with state-of-the-art facilities, and a diverse range of activities, TERI is the largest developing country institution working to move human society towards a sustainable future. TERI makes effective use of the latest developments in modern information technology in both its in-house and outreach activities.

TERI lays great emphasis on training, capacity building, and education. In 1999, it set up the TERI School of Advanced Studies, recognized as a deemed university by the University Grants Commission, India. The TERI School is evolving as a research university, offering doctoral and master's programmes in bioresources, biotechnology, energy, environment, and regulatory and policy studies.

Having celebrated its silver jubilee in February 2000, TERI is now poised for future growth, driven by a global vision and

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**TERI, the leading environmental NGO of India, briefed Pakistani Parliamentary delegation about its various initiatives in the areas of sustainable development and alternative energy in India, some of its work in Pakistan and the global concerns that it espouses. Pakistani MPs were deeply interested in various facets of TERI's work and interacted a great deal on the mechanics and provision costs of alternative energy sources and various developmental techniques of sustainable development with potentials of application in Pakistan**

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outreach, with a philosophy that assigns primacy to enterprise in government, industry, and individual actions. This is TERI's 25th year in Delhi.

The delegation engaged in Q&A and Discussion with TERI team on various issues of interest including energy resources, sustainable development and areas where mutual benefits can be gained for Pakistan and India.

## Meeting with the Chief Election Commissioner and Election Commissioners of India

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The Pakistani delegation had a detailed interaction with the Chief Election Commissioner of India Mr. N. Gopaldaswami and the Indian Election Commissioners at the Election Commission of India offices, Delhi. Briefed in an earlier Group Discussion on the key features of the Indian Electoral System, the Pakistani delegates engaged in a useful interaction on various processes and rules adopted by the Indian Election Commission. The ECI also gave a demonstration of the Electronic Voting Machine (EVM) to the Pakistani delegation.

Briefing the delegates, Mr. N. Gopaldaswami said that until 1991, the Commission functioned under the Ministry of Law, which meant it was more susceptible to government influence. He stated that Mr. T.N. Seshan, Former Chief Election Commissioner, brought about a remarkable change in the Election Commission. He stated that the Constitution entrusts the task of conducting elections and determining the date of elections with the Election Commission.

During the discussion, the ECI 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.

Giving a demonstration of the EVM, the delegates were told that the Electronic Voting Machines were manufactured in India, whereas the chip was imported. Mr. N. Gopaldaswami 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.

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### **Meeting with the Deputy Speaker, Lok Sabha**

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The delegation called upon the Deputy Speaker Lok Sabha Shri Charnjit Singh and held discussion on Indian Parliamentary rules and practices. The delegation interacted with the Deputy Speaker and Indian MPs on various Parliamentary rules and procedures practiced by the Indian Parliament and compared those with Pakistani Parliamentary rules and practices.

### **Tour of Rajya Sabha and Lok Sabha; Briefing on Bureau of Parliamentary Studies and Tour of Parliamentary Museum**

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The Pakistani delegation was given a detailed tour of the Indian Parliament and its various facilities. In particular a briefing was given to the Pakistani MPs about the system of orientation and training by the Bureau of Parliamentary Studies in the Indian Parliament. The delegation also visited a got briefed on the recently opened Museum of the Indian Parliament that chronicles the struggle of Indian independence and the Parliamentary history of India.

## Visit to the Centre for Political Studies, Jawahar-Lal Nehru University

In yet another interaction of the Pakistani Parliamentary delegation with Indian academics and political scientists at the leading academic institution of India, the Jawahar-Lal Nehru University, Delhi, the delegates discussed in detail the Indian political system and the role of academics in policy and legislative agendas.

The Pakistani delegation interacted with the faculty and students of the Centre for Political Studies, JNU on issues such as the skewed history and curriculum taught in both countries, the issues in political domain of the two countries, the rise of the role of religion in politics, etc.

## Visit to the PRS-Legislative Services India and briefing

The Pakistani delegation met with the team of the PRS Legislative Research, an independent civil-society initiative in India that works on providing background research and non-partisan analysis of legislation in the Indian Parliament.

In briefing the delegation, the Director PRS Mr. C. V. Madhukar said that the PRS Legislative Research, an independent research initiative, aims to strengthen the legislative debate by making it better informed, more transparent and participatory. PRS is the first initiative of its kind in India. Existing in the private domain and not under the government or the Parliamentary secretariats, the PRS produces easy to understand 4-6 pages long Legislative Briefs on a range of Bills. These Briefs are sent to all MPs in both houses of Parliament, about 1200 NGOs across the country, and the top 500 companies. We also email our

Briefs to more than 600 people in the media. The Post Session Summary is a synopsis of all the legislative business that has been transacted in a Parliament session while its Pre-Session Alert is a summary of the legislative business that is likely to be transacted in the forthcoming session of Parliament. The PRS also produces one page Bill Summary which summarises the contents of the Bill into one page, so the busy user can get a quick snapshot of the main features of a Bill.

The Pakistani delegation was specifically interested in the work of the PRS-Legislative Research and asked questions about non-partisanship of the research behind legislative briefs and the response of the Indian MPs. They strongly felt that such a service was required for their use in Pakistan as well and requested PILDAT's assistance in this regard.

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## Receptions

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Various receptions were hosted in the honour of the visiting Pakistani delegation at Delhi. A brief account of these is as follows:

### Meeting with Leading Indian Political Scientists and with the Centre for the Study of Developing Societies-CSDS

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**M**r. Suresh Sharma, the Director of the CSDS, hosted a dinner for Pakistani MPs. The MPs had an opportunity to interact in detail with leading intellectuals and political scientists of India and discussed various issues that define Indian democracy and the Indian experience. CSDS is one of the leading political think tanks of India that closely works on issues of democracy, policy and legislative agendas and the Indian electoral processes.

### Reception by the Pakistani High Commissioner

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**T**he High Commissioner of Pakistan in India, Mr. Shahid Malik hosted a reception at the Pakistan High Commission, Delhi for the visiting Pakistani delegation. The delegates met with the Pakistani team at the High Commission and interacted on various issues including relations between Pakistan and India.

### Lunch Hosted by Mr. Naveen Jindal, MP

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**M**r. Naveen Jindal, Indian MP and Chairman Indian Parliamentary Forum on Youth hosted a lunch at his residence for the Pakistani delegation. The delegation interacted with Indian MPs while enjoying the hospitality of Mr. and Mrs. Naveen Jindal. The delegates invited Mr. & Mrs. Jindal to visit Pakistan and to also bring a delegation of Indian Parliamentary Forum on Youth to Pakistan.

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## Feedback by Pakistani Parliamentarians

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Upon conclusion of the study visit, the delegation of young Pakistani Mps presented detailed feedback to PILDAT through filling out individual feedback reports.

The delegates overall believed that they had avenues of good learning incorporated in the programme and they will like to incorporate some of this learning into the Pakistani Parliament and electoral systems. The study visit programme gave the MPs an opportunity to compare the systems between India and Pakistan which was rated as a welcome opportunity.

The delegates especially appreciated the differences such as the role of the constitution and the confined work area and operation of different institutions of the state such as the Parliament, the Executive, the Election Commission and the Military. They felt that an independent Election Commission is necessary for the legitimacy and effective functioning of the political and policy-making institutions and although the electoral laws gave sufficient powers to the ECP, an effective and independent utilisation of those powers by the ECP was necessary to assert its authority. The MPs felt they will support the ECP in asserting its independence in conducting free and fair elections in Pakistan.

The feedback received from MPs also offered suggestions and learning points such as that the MPs can develop effective public-private partnership programmes to initiate development projects such as solar energy and Rain Water



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harvesting, etc. They felt that Think tanks and research organizations can prove to be valuable tools in analyzing issues and making informed decisions. In addition the Pakistani MPs felt that as a result of their interaction with think tanks and the academia during this study tour, they became aware of the considerable interest in academia to exchange research and information with Pakistan. Which could be translated in a formal student exchange and faculty-exchange programmes in various disciplines.

The MPs also felt that there was a need in Pakistan for an institution to provide independent and objective parliamentary legislative service to Parliament. They noted with interest the pride of India in the shape of Parliamentary museum celebrating the Nation's history.

The Pakistani delegation conveyed through its feedback that their major learning constituted the Indian Budget process; the rationale behind Zero hour; the Committee System and Parliamentary practices; the ECI, its powers and practices; the feature of annual updating of electoral rolls; interesting features of the Constitution of India; comparison of the Salaries and Remuneration package of Indian MPs and the leading role of Indian think tanks and academia in refining and shaping political and legislative agenda.

The MPs felt that practices such as joint committees of the two houses of Parliament need to be adopted in Pakistan

while better resources and facilities need to be made available to Pakistani MPs in terms of computers, IT literacy and internet connectivity, etc. The delegation also noted the differences between the levels of provincial autonomy in Pakistan and India and how, despite a relatively controlled system in India in terms of centre-state powers, democracy and a fair distribution of resources has resulted in a better management of centre-province relations.

In pointing out areas that may also have been covered in the study visit programme if a longer planning period was there, the MPs said that visit to the headquarters of various key political parties such as the Congress and the BJP would have been useful in understanding their working. Some members felt that a visit while the Indian Parliament was in session would have been more useful. In addition, meetings with various committee chairs would have been especially useful, felt MPs, in understanding how the committees exert their influence on the executive. Some MPs also felt that meetings and interactions with the media and journalistic community would have also been useful.

The MPs felt that given the learning they have received, they will like to be part of future study tours organised by PILDAT.

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**The delegates especially appreciated the differences such as the role of the constitution and the confined work area and operation of different institutions of the state such as the Parliament, the Executive, the Election Commission and the Military. They felt that an independent Election Commission is necessary for the legitimacy and effective functioning of the political and policy-making institutions and although the electoral laws gave sufficient powers to the ECP, an effective and independent utilisation of those powers by the ECP was necessary to assert its authority**

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