



Provincial Assembly of Balochistan at Work

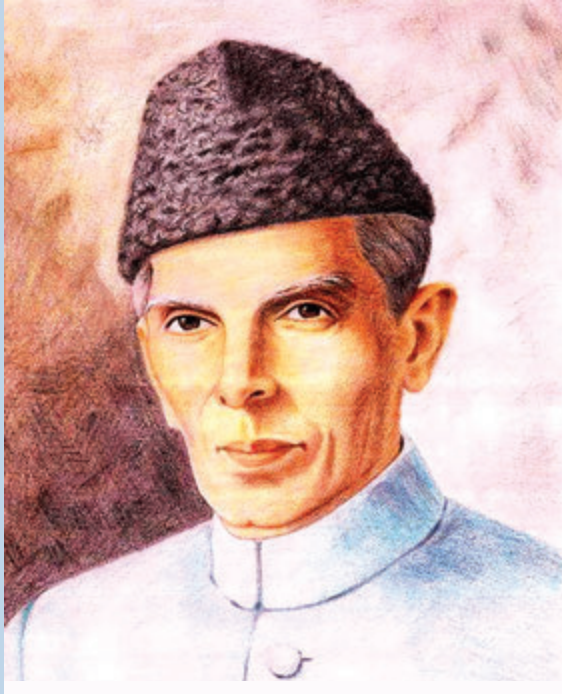
You can follow
the work of the Assembly at
<http://www.pabalochistan.gov.pk>

The Provincial Assembly of Balochistan represents the masses, legislates for the Province, appropriates budget for Provincial Government and acts as the custodian of people's aspirations in all matters of public importance. It keeps check on the policies and performance of government and oversees government departments through various Committees and Sub-Committees of the House.

Every Member represents a constituency in the Province thus each inch of the Province is represented through this Assembly.



The Quaid's Quote



“Remember that you are now a sovereign legislative body and you have got all the powers. It, therefore, places on you the gravest responsibility as to how you should take your decisions. The first observation that I would like to make is this: You will no doubt agree with me that the first duty of a government is to maintain law and order, so that the life, property and religious beliefs of its subjects are fully protected by the State.”

Quaid-e-Azam Muhammad Ali Jinnah

Presidential Address to the Constituent Assembly of Pakistan.

Court Road, Karachi, August 11, 1947

1. WHAT DOES PROVINCIAL ASSEMBLY OF BALOCHISTAN DO?

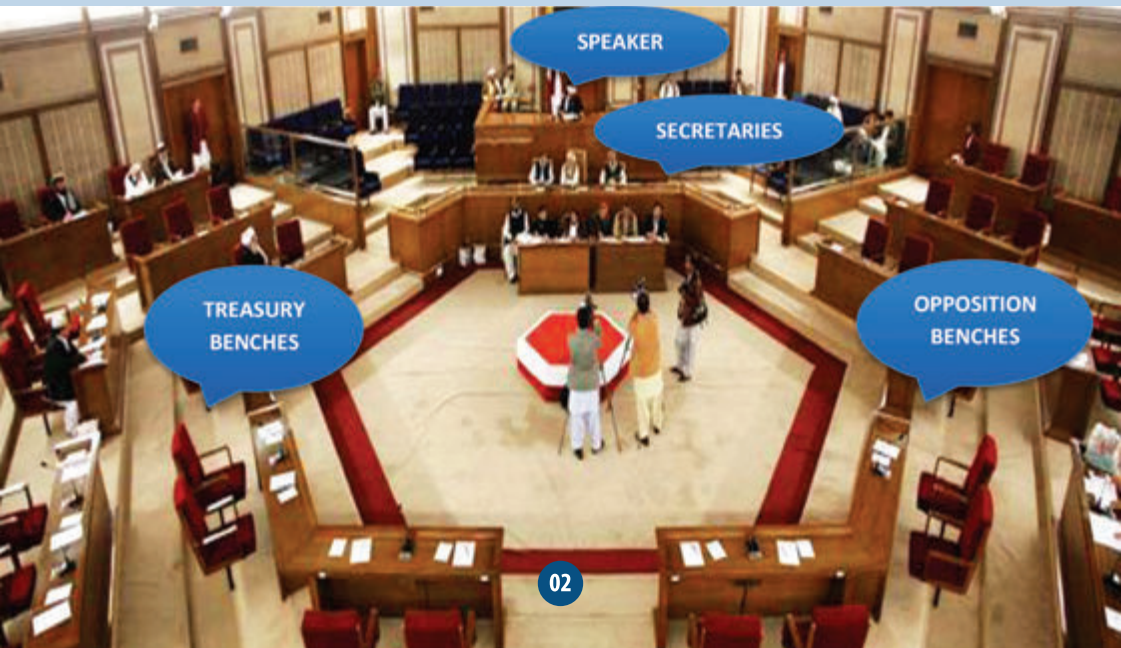
The role of the Provincial Assembly of Balochistan is to:

- ▶ Represent the will of the people especially the masses of the province,
- ▶ make new provincial laws and amend existing laws of the Province for the welfare and well-being of the people,
- ▶ approve taxes and making provincial budget for every fiscal year,
- ▶ hold the Government to account and

- ▶ debate on day to day issues of the country in general and of the province in particular.

After the 18th Amendment, the Provincial Assembly of Balochistan has been empowered to legislate and take decision on all matters except the subjects in the Federal Legislative List. This list includes subjects such as Defense, Foreign Affairs, Nationality, Currency, Nuclear Energy etc. For details, please see fourth schedule of Constitution of Pakistan.

The Provincial Government of Balochistan cannot make new laws or introduce new taxes until approval of the august Assembly of Balochistan is sought.



2. WHO WORKS IN THE PROVINCIAL ASSEMBLY OF THE BALOCHISTAN?

According to the Article 106 of the Constitution of Islamic Republic of Pakistan, the Provincial Assembly of Balochistan has 65 Members where 51 Members are directly elected on general seats from the districts of Balochistan, 11 seats reserved for women and 3 reserved seats for Non-Muslims.

Each Member of Provincial Assembly (MPA) represents a different local area of the Province (a constituency). This is to make sure that the whole of the province is represented when new laws are made, existing law are amended or new taxes are levied.

MPAs work in the Provincial Assembly on behalf of the people in their constituencies and check that the Government is run smoothly and that public money is spent properly (oversight role). They are expected to freely present their opinion and reservations, on public issues that their constituents feel strongly about.

There are General Elections after every five years so that voters can decide who should represent them as their representatives in the Provincial Assembly. The key functions that a Member of the Provincial Assembly performs include:

- i. Representation of the constituents,
- ii. Law making,
- iii. Oversight of the Executives' policies, service delivery and public spending to scrutinize if they are effective, efficient and optimally utilize precious resources; and
- iv. Budget-making, scrutiny and oversight.

3. HISTORY OF PROVINCIAL ASSEMBLY OF BALOCHISTAN:

The Provincial Assembly of Balochistan was constituted under a Presidential Order in 1972. The first Assembly session was held on 2nd of May 1972 with 21 members - one woman and twenty men.

Mr. Muhammad Khan Barozai and Molvi Shams Ud Din presided the first

session of Provincial Assembly of Balochistan as Speaker and Deputy Speaker respectively. Sardar Attaullah Mengal elected as the first House Leader and Mr. Ghaus Bakhsh Raisani as Opposition Leader.

Until the present Assembly Building was inaugurated in 1987, the Provincial Assembly met at the Shahi Jirga Hall (Town Hall).

Since its inception in 1972, the Provincial Assembly of Balochistan has witnessed eleven General Elections, growing in size to its present membership of 65, although the number of members has been changed during forty-six years of history. In 1977, there were 45 Members, but this number was reduced to 43 in 1999. After the Census of 1998,



The foundation of the present Assembly building was laid in 1973 by the then Governor Mohammed Akbar Khan Bugti. On his special instructions, the present design of the building was modeled on that of a 'Gidaan' (tent in Balochi). This unique building reflects the culture of Balochistan. The total area covered by the building is 12 hectares. Adjacent to the building, a hostel comprising 66 rooms was built for the members of the Assembly. The present Assembly building was completed in 1986 and it was formally inaugurated by the then Prime Minister, Mr. Mohammad Khan Junejo on 28 April, 1987.

the membership was increased to 65 with 51 General seats, 11 reserved seats for Women and three reserved seats for Minorities.

3.1. Provincial Assembly Building and Hall / Chamber:

Assembly Hall for holding sessions is located in the main building of the Balochistan Assembly with a capacity of 72 seats for Hon'able Members of Assembly. Additionally, there are 25 seats in the joint Governor's/-Speaker's visitor gallery for guests of honor and 25 seats for the top

officials of the Provincial Government. The upper visitors' gallery has a capacity of 168 seats for distinguished guests, as well as 55 seats for media persons.

The new Administration Building of the Provincial Assembly of Balochistan, inaugurated in 2002 duly accommodates about 40 Senior Officers in separate offices. It contains a Conference Hall for around 60 persons, a Committee Room for 23 persons and a Committee Room for 17 persons.

Parliamentary IT Resource Center (PITRC): The Parliamentary IT Resource Center (PITRC) has been established to provide information and support services to members of the provincial Assembly of Balochistan to assist them in performing their legislative duties. The PITRC services are provided free of cost. The following resources are available:

- ▶ Internet access,
- ▶ Photocopying facilities,
- ▶ Printing facilities,
- ▶ Document scanning facilities,
- ▶ Documents maybe scanned for research purposes,
- ▶ Fax facility and
- ▶ Printing in color and Black.

Library: Balochistan Provincial Assembly Library has seven thousand books on the political science, Economy, Islam, history, constitution and law etc. English and Urdu newspapers such as Dawn, The News, Balochistan Times, Jang, Mashriq, Express and Intikhaab are arranged regularly. The Times, News Week and Akhbar-e-Jehan are also available at the Library. The books are organized according to accession numbers and arranged as per subject. Library automation programme LAMP was introduced in 1993 for the cataloging of books and presently KOHA is being used to maintain the books records. Internet and photocopying facilities are available for the use of Honorable Members.

Media Center: In order to facilitate the journalists Media Center has been established for coverage of the Assembly proceedings. The journalists have internet access to send and receive mails. Photocopying, printing, and facsimile facility has been made available for the media people. Live video coverage of the session is available at the Media Center for the media personnel. Tea, coffee arrangement is provided to journalists during the session.



GOVERNMENT

4. WHAT IS PROVINCIAL GOVERNMENT OF BALOCHISTAN?

According to Article 130 of the Constitution of Pakistan, there shall be a Cabinet of Ministers, with the Chief Minister as its head, to aid and advise the Governor in the exercise of his functions.

The Chief Minister shall be elected by the votes of the majority of the total membership of the Provincial Assembly.

The Chief Minister chooses other MPAs to join the Government and become ministers. Ministers run the government departments that put the government's policies into practice.

According to Article 129 of the Constitution of Pakistan, the executive authority of the Province shall be exercised in the name of the Governor by the Provincial Government, consisting of the Chief Minister and Provincial Ministers, which shall act through the Chief Minister. In the performance of his functions under the Constitution, the Chief Minister may act either directly or through the Provincial Ministers.



MAKING OR CHANGING THE LAW



5. MAKING OR CHANGING THE LAWS:

Laws provide set of rules to run the society. Legislation (i.e. making and changing laws) is one of the key functions of Provincial Assembly. With the emerging need and scope, Provincial Assembly can legislate on some issue to create new law or amend existing law using standard procedures.

Calls for a creating or changing the laws may come from an individual Member (either from government or opposition benches) it is termed as Private Member's Bill or from Government (from relevant ministry through Provincial Law Ministry). The final authority to pass the Bill lies with the august Assembly. The Assembly can approve new laws, amendments in existing laws and meanwhile it has powers to reject the proposals in the presented bill.

BILLS AND ACTS:

The proposal of any new law or to amend the existing law presented by individual member or Government is known as "Bill". If Assembly approves presented proposal using due course of action by majority then it becomes a law that is known as "Act".

Private Members Bills:

According to Rule 78 of Provincial Assembly of Balochistan, a private member may move to introduce a Bill after giving to the Secretary fifteen days' written notice of his intention to do so. However, the Speaker may admit a Bill at a shorter notice. The notice shall be accompanied by a copy of the Bill together with a statement of objects and reasons, signed by the member, and if the Bill is a Bill that, under the Constitution, requires consent of the Government for its introduction, the notice shall also be accompanied by a request that such consent may be obtained.

Government Bills:

According to Rule 80, a Minister may introduce a Bill after giving to the Secretary a written notice of his intention to do so. The notice shall be accompanied by a copy of the Bill together with a statement of objects and reasons, signed by the Minister. The introduction of the Bill shall be included in the Orders of the Day for a day meant for Government business.

Ordinances:

These are ordinances by the Governor when the Provincial Assembly is not in session to run the affairs of the province. These are introduced in the Provincial Assembly under Article 128 of the



Constitution, which can approve or endorse or reject it and submit to Governor for assent.

HOW A BILL BECOME AN ACT OF THE ASSEMBLY?

A Bill presented in the Assembly passes through following steps to become a Law (an Act of the Assembly):

Step One:

According to Rule 84, upon introduction a Bill (including an Ordinance laid before the Assembly) shall be referred by the Speaker to the appropriate Standing Committee with direction to submit its report by a date fixed by him in this behalf.

Step Two:

Under Rule 85, when a Bill has been received back from a Standing Committee, or when the time fixed for the Standing Committee to send it back has expired, the Secretary shall cause copies of the Bill as introduced, together with modifications, if any, to each Member not later than

seven days after the receipt back or expiry of time, as the case may be.

Step Three:

Under Rule 86, on the day appointed under Rule 85, or on any subsequent day to which the matter might have been adjourned, the Member-in-Charge (mover of the Bill) may make any one of the following motions in regard to his Bill, namely:

- a. that it be taken into consideration by the Assembly at once; or
- b. that it be taken into consideration by the Assembly on a date to be fixed forthwith; or
- c. that it be referred to a Select Committee; or
- d. that it be circulated for the purpose of eliciting public opinion thereon by a date to be specified in the motion.

Step Four:

If a Member raises the objection that a Bill as a whole, or any part of the Bill, is repugnant to the Injunctions of Islam, the Assembly may, by a motion passed by not less than two-fifth of its total membership, refer the question to the Council of Islamic Ideology for advice whether the Bill or any part thereof is or is not repugnant to the Injunctions of Islam. On

receipt of the advice of the Council of Islamic Ideology, the Secretary shall supply a copy of the advice to every Member. If any part of the bill found repugnant to Islamic Injunctions, it would be mandatory to amend it first in the light of the advice made by Council of Islamic Ideology.

Step Five (First Reading):

This is formal reading stage in which Members discuss the principles of the Bill and its provisions generally (Rule 89). At this stage no amendments to the Bill can be moved. When the Bill is taken into consideration, any Member can ask that the Bill should be referred to appropriate Standing Committee or a Select Committee.

Step Six (Second Reading):

At this step, the Bill is taken into consideration and Members can move two clear days' notice for insertion of new clause or propose amendments in it before the day the Bill is to be considered. If any amendment, by Constitution, requires the consent from Government, copy of the amendment is transmitted to the Department Concerned for obtaining orders of the Government and on receipt of such orders it is communicated to the member concerned. The whole Bill goes through clause by clause

reading (second reading) and amendments are incorporated.

Step Seven (Final Reading):

If amendments have been made in a Bill (other than the Finance Bill) the Speaker, of his own motion, or on a motion made by any Member may, direct that the Bill be examined by a Committee consisting of the Minister to whose Department the Bill relates, the Member who introduced the Bill, the Advocate General and the Deputy Speaker or a Member of the panel of chairmen nominated by the Speaker, with a view to report what amendment of a formal or consequential character should be made in the Bill as a matter of drafting. Upon satisfactory report to the Speaker, the Bill is ready to be passed by the Assembly. When a motion that the bill be passed has been made, the general provisions of the bill may be discussed (Third and Final Reading) but only with reference to the amendments, if any, made in the bill.

Step Eight – Withdrawal of Bills:

However, the Member who has introduced a Bill may, at any stage of the Bill, move for leave to withdraw the Bill, and if such leave is granted, no further motion may be made with reference to the Bill.

Step Nine: Assent by Governor:

Upon approval of Bill by the Assembly, an authenticated copy of the Bill is sent to the Governor for his assent by the Speaker. After Governor's assent, a Bill becomes an Act of the Assembly.

LAW MAKING PROCESS AT A GLANCE





**HOLDING
THE GOVERNMENT
TO ACCOUNT**

6. HOLDING GOVERNMENT ACCOUNTABLE:

Oversight is one of the key roles of elected representative of people. Under this, they have responsibility to oversight government policies and their effective, efficient and timely service delivery to people by the public sector departments/institutes as well as optimum utilization of public exchequer/resources as per prescribed rules. To fulfill this duty, there are different parliamentary tools available to Members of Provincial Assembly such as questions, calling attention notices, resolutions and adjournment motions. There are standing committees including public accounts committee, which act as cross party brain of the Assembly viz a viz scrutiny and parliamentary check on Government.

Questions: According to Chapter VII of Rules of Procedure, Members can use parliamentary questions to ask the government for relevant information, to challenge government policy or to call for action. The questions asked by Members often relate to the way government policies affect people in their constituencies. There are three following types of questions:

- **Starred Question:** It means a question for an oral answer. Under Rule 47, reply to starred questions

is given by the Minister or Parliamentary Secretary concerned. The Member must mark questions with asterisk (*) if he intend to ask a starred question. When a starred question has been answered, any Member can ask three supplementary questions which are necessary for further elucidation of answer, if the Speaker allows as per admissibility of rules.

- **Un-Starred Question:** A written reply is provided for un-starred questions but taken as read. A member can ask supplementary questions to elaborate different dimensions of a question or its reply.

- **Short Notice Question:** Under Rule 35, Members can ask one question on a shorter notice with the consent of the Speaker and Minister concerned, in case of a matter of immediate public importance.

Calling Attention Notices: Under Rule 50-A of the Rules of Procedure, a Member may, with the consent of Speaker; call the attention of the Minister concerned to any matter of public importance in the Province, through a "Call Attention Notice". Calling Attention Notices are meant to draw the attention of government to matters of urgent public importance.

Adjournment Motions: Under Rule 70 of the Rules of Procedure, a

motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of recent and urgent public importance may be made with the consent of the Speaker. It is a special motion that calls for suspension of the business of Assembly to discuss a matter of urgent public importance. The adjournment motion can be introduced after getting permission from the Speaker.

Standing Committees: In accordance with the Chapter 15 of Rules of Procedure, for every Provincial Government Department, there is a designated Standing Committee for its oversight and review any related legislation. According to Rule 135-A, the Secretary or Head of respective department of the Government shall brief the Committee about functions, performance and challenges of the concerned department. So, Standing Committee may call the relevant department to explain its performance.



Public Accounts Committee: According to Rule 160, to keep the financial check on the Provincial Government, there is a Public Accounts Committee. The Committee deals with the Appropriation Accounts of the Provincial Government and the report of the Auditor-General thereon and such other matters as the Finance Minister may refer to the Committee. In scrutinizing the Appropriation Accounts of the Provincial Government and the report of the Auditor General, it is the duty of the Public Accounts Committee to oversee that public money is efficiently utilized as shown in the accounts and standard procedures were used for withdrawal and utilization of public money.

Resolutions: Under Chapter 13 of the Rules of Procedure, any Member may move a resolution relating to a matter of general public interest. Under Rule 104, every resolution shall be in the form of a specific recommendation addressed to the Provincial Government and it shall relate to a matter, which is primarily concern of the Provincial Government or to a matter in which the Provincial Government have substantial financial interest.



PUBLIC SPENDING

7. BUDGET MAKING:

Budget making is one of the key functions of any Provincial Assembly. Annual Financial Budget is debated and approved for every year fiscal year by the elected representatives of the province. Every spending by the Provincial Government has to receive approval by the Assembly. After the 18th Constitutional Amendment, provincial governments in Pakistan

are empowered to generate tax on services under which Provincial Assemblies have role to approve tax rates and related procedures.

The budget document translates the development agenda of the government and its priorities into monetary terms. Equally important is the budget making process, particularly the level of public engagement in it, which is only possible through transparency of

the process and involvement of public representatives in budget making. Every year, the elected representatives in the Provincial Assembly actively debate the estimated budget proposed by the provincial Finance Ministry. The authority to scrutinize budget allocations and competence to approve or amend budget lies only with the Provincial Assembly.

Pre-Budget and Post Budget Discussion:

Under Rule 115-A, during the months of February to April each year, there will be an exclusive pre budget session of Provincial Assembly of Balochistan. The Minister for Law and Parliamentary Affairs, in consultation with the Finance Minister, shall include, in the list of business, the general discussion seeking proposals of the Members for the next budget in a session of the Assembly. The general discussion on budget proposals shall take place for three days during the session or as the Speaker may determine. The Assembly may recommend the proposals to the Government for the next budget on conclusion of the discussion.

Under Rule 115-B, during the Fiscal Year, there would be post budget discussion at the end of every quarter. The Minister for Law and Parliamentary Affairs, in consultation with the Finance Minister, shall include, in the list of business, the general discussion on releases and utilization of development budget. The Government shall lay a report of quarterly releases and utilization of development budget in the first session of the Assembly in the next quarter. The Assembly may discuss the Report and take such action as may be considered necessary.

Budget Speech: Under Rule 116, in the starting day of Budget Session, there would be speech by the Finance Minister where he/she will present the Budget.

Stages of Budget: Under Rule 117, the Budget shall be dealt with by the Assembly in three stages, namely -

- i. Discussion relevant to the Budget as a whole;
- ii. Discussion on expenditure charged upon the Provincial Consolidated Fund; and
- iii. Discussion and voting of demands for grants.

i. General discussion on the Budget: According to Rule 119, on the days to be appointed by the Speaker subsequent to the day on which the Budget is presented, the Assembly may discuss the Budget as a whole or any question of principle involved therein, but

no motion shall be moved at this stage nor shall the Budget be submitted to the vote of the Assembly. The Finance Minister shall have a general right of reply at the end of the discussion.

ii. Demands for grants: According to Rule 120, on the last of the days allotted for the discussion there is held voting on demands for grants that are submitted by different provincial ministries/departments.

iii. Cut-Motions: Under Rule 121, members may move Motions to omit or reduce any item or reduce any demand for grant but not to increase or alter the distribution of a demand for grant. Notice of such motions shall be given two clear days before the day on which such demand for grant comes up for discussion. There are following three types of cut-motions as given by Rules of Procedure of the Assembly:

a. **Disapproval of Policy Cut:** Under this, the amount of the demand for grant is proposed to be reduced to Rs.1.00 representing disapproval of the policy underlying the demand. This is to show

displeasure on the performance of given department/ministry. A Member giving notice of such a motion shall indicate in precise terms the particulars of the policy which he proposes to discuss.

b. **Economy Cut:** Under this cut motion it is proposed that the amount of the demand be reduced by a specific amount representing the economy that can be affected. Such specified amount may be either a lump sum reduction in the demand or omission or reduction of an item in the demand.

c. **Token Cut:** Under this, it is proposed that the amount of the demand be reduced by Rs.100.00 in order to ventilate a specific grievance which is within the sphere of the responsibility of the Provincial Government. Such a motion shall be known as "Token Cut" and the discussion thereon shall be confined to the particular grievance specified in the motion.

Final Approval of Annual Budget: According to Rule 127, after discussions and debates, there shall be final voting on the Budget after accommodating suggested changes by the Assembly. Upon majority in favor of YES results the approval of Annual Budget for the upcoming Fiscal Year.



CONSTITUTIONAL FORUMS

8. CONSTITUTIONAL FORUMS FOR MATTERS PERTAINING TO FEDERATION AND PROVINCES:

Under the Constitution of Pakistan, specific forums have been created to regulate matters of mutual interest between the Federation and the Provinces. These include Council of Common Interests, National Economic Council and National Finance Commission.

National Finance Commission (NFC): The President of Pakistan constitutes the Commission comprising Minister of Finance of the Federal Government, the Minister of Finance of provincial governments and any persons as may be appointed by President in

consultation with the Governors of the Provinces. It is a constitutional body which recommends regarding distribution of revenues between the federal government and provinces for five consecutive years. The Constitution requires the NFC to make recommendations for a revenue sharing formula known as the NFC Award. Currently, a province's share can't be less than the share given to the province in previous award. The recommendations of the NFC shall be laid before both Houses and the Provincial Assemblies. The Minister of Finance of the Federal and Provincial Governments monitor the award's implementation biannually and lay their reports in both Houses of the Parliament and all Provincial Assemblies.

WANT TO KNOW MORE?

Do not hesitate to visit or contact us if you have any Question about the working of your Assembly at:



Pakistan Institute for Parliamentary Services

Dedicated to Parliamentary Excellence

Ataturk Avenue (Service Road), Sector F-5/2, Islamabad - Handbook prepared by PIPS Research and Legislation Wing – All Rights Reserved with Publisher

www.pips.gov.pk
+92 051 9091000

PIPS Parliamentary Resource Center (PRC), Balochistan
Provincial Assembly of Balochistan, Zarghun Road, Model Town, Quetta,
Balochistan
+92 081 9204199

You can visit website of Provincial Assembly of Balochistan
Go Online www.pabalochistan.gov.pk/index.php/home/en

If you require additional copies or publications, please contact the Pakistan Institute for Parliamentary Services at: research@pips.gov.pk

SPECIAL THANKS:

We acknowledge the support and cooperation by Mr Shams ud Din, Secretary, Provincial Assembly of Balochistan, and Mr Asif Abro, Data collector at the PIPS PRC at Provincial Assembly of Balochistan to the PIPS Team.