

Dawn of Parliamentary Democracy: A Study of the First Elected National Assembly of Pakistan

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ABSTRACT

Post-general elections' 1970 developments resulted in the loss of eastern wing of Pakistan and creation of a new country on the world's map naming Bangladesh; consisting of the region previously known as East Pakistan. After December 1971 (creation of Bangladesh), it was only West Pakistan which made a new beginning with a directly elected National Assembly (NA), Lower House of the Parliament. In this scenario, the state faced many challenges among which the most critical was formulation of a constitution, acceptable for remaining federating units of Pakistan, to save it from any further national loss and create harmony and cohesion among the federating units as a federal state. To fulfill this responsibility, the first directly elected National Assembly of Pakistan started functioning under the leadership of Zulfikar Ali Bhutto, and the Pakistan Peoples' Party (PPP). This assembly completed one of its major tasks of formulating a constitution for Pakistan in 1973 and was dissolved in January 1977 to conduct second general elections in Pakistan. The present paper is focused on the functioning of the National Assembly to analyze its working considering it

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as the basis of democracy in contemporary Pakistan. In this paper an attempt is made to answer the questions like how serious the business of Assembly was taken by the members? What were the attitudes of the members towards adjournments motions and during the question-and-answer session? How seriously were taken the budget sessions? Was there any constructive criticism on the government policies during the budget sessions? Since the attitude of members of the first National Assembly provided basis for the democratic system, answers to these questions may help to understand the contemporary practices inside the National Assembly.

Introduction

After its creation, the institutions of Pakistan and the state system remained a great puzzle for its inhabitants. Formulation of a constitution, acceptable for all the federating units and running the state system on progressive lines was a challenge faced by the ruling elite of Pakistan. In such a scenario, it took 23 years to conduct first general elections in 1970. First directly elected National Assembly took the oath in 1972 and began its work to frame a constitution and devise a system to run the federation, capable to earn satisfaction of state inhabitants in comparison of early years of its creation. It is important to study working of the National Assembly to understand the challenges it faced and the way it managed to tackle these challenges.

The elected National Assembly could convene its first session on April 14, 1972; after almost 14 months of general elections. In this session a vote of confidence was extended in support of the then President of Pakistan and leader of Pakistan Peoples' Party, Zulfikar Ali Bhutto. It also approved an interim constitution which ended Martial Law in the country. To enact the Constitution of Pakistan, the National Assembly appointed a 25-member committee which was asked to prepare a report by August 1972 outlining major features of the Constitution. On July 10, 1972, a session was

called to discuss Simla Agreement, which was approved on July 14, 1972. The term of the National Assembly was fixed for five years unless it was dissolved earlier. The term was to begin from the first meeting of the Assembly, and after five years it was to dissolve automatically. It was decided that the Assembly must hold at least two sessions in a year, and the interval between the two sessions was not to exceed 120 days. It was also determined that the NA must meet at least for 130 days in one year. One-fourth of the total number of members of the Assembly was decided as the quorum for its sessions.¹

Details of the Sessions from 1972-1977

The Assembly worked for a very brief time and the duration of the sessions was very limited.

Total number of the days that the Assembly worked from April 1972 to 1977 was 421. The NA was entrusted with multiple tasks and responsibilities. It had to formulate constitution for an already conflict torn country and to legislate for criminal acts. It also had to take care of the distribution of economic resources of the country. Later, it was given the powers to take care of the matters which were included in the concurrent legislative list of the Constitution of 1973. To fulfill its constitutional responsibilities, it was important to hold long sessions with brief gaps but many of the members did not want to leave their business and other activities which made them to neglect their primary responsibility i.e. to devote time to the working of the NA and resolve the issues of national importance. At times, government enforced ordinances to cope with the matters of immediate attention because it could not make the members of the NA to join its proceedings. It is evident that the issues of national importance could be handled quite well if the sessions were more frequent instead of promulgating ordinances. To run the Parliamentary functions appropriately, certain patterns were defined, and multiple

1 Safdar Mahmood, *Pakistan: Political Roots and Development: 1947-1999* (New York: Oxford University Press, 2000), 70.

committees were appointed which worked as the pillars of the system. Some of them are focused in the present paper to define functioning of the National Assembly of Pakistan.

Table 1: DETAILS OF THE SESSIONS HELD DURING THE BHUTTO ERA (EXCLUDING WEEKLY/NATIONAL HOLIDAYS)

Session No	Starting Date of Session	Ending Date of Session	Total Working Days
1	April 14, 1972	April 17, 1972	4
2	July 10, 1972	July 14, 1972	5
3	August 14, 1972	September 24, 1972	41
4	December 31, 1972	April 10, 1974	32
5	May 24, 1973	July 9, 1973	38
6	August 1, 1973	August 11, 1973	10
7	November 26, 1973	December 24, 1973	20
8	January 16, 1974	February 14, 1974	21
9	May 30, 1974	September 7, 1974	39
10	November 28, 1974	December 20, 1974	18
11	January 14, 1975	April 15, 1975	31
12	May 26, 1975	July 16, 1975	37
13	October 29, 1975	December 12, 1975	31
14	February 27, 1976	April 12, 1976	20
15	April 26, 1976	May 16, 1976	13
16	May 31, 1976	July 8, 1976	30
17	August 14, 1976	September 2, 1976	18
18	November 3, 1976	December 22, 1976	25
19	January 7, 1977	January 7, 1977	01

SOURCE: Government of Pakistan, *The National Assembly of Pakistan (Legislature) Debates: Official Report* (Islamabad: Government of Pakistan), 1972-1977.

Standing Committees of the National Assembly

Standing committee is an important feature of the National Assembly for its smooth working. The actual/primary work of the Assembly is done by these committees. Standing Committees for each ministry is responsible to thoroughly examine the bills (except money bills) presented in the NA

and report its recommendations and findings to the relevant ministry. Furthermore, the assembly can appoint select committees and special committees for issues of importance or some bill presented in the NA of Pakistan.²

The composition and powers of the committees had been dealt with in detail in the *Rules of Procedure and Business of Conduct in the National Assembly of Pakistan*.³ In all, 17 committees were appointed in pursuance of the rule 132 of the *Rules of Procedures and Conduct of Business in the National Assembly*, 1972 of which 15 Standing Committees consisted of eight or less than eight members each; apart from the Minister concerned, who was to be the ex-officio member of each Standing Committee for the legislature from 1972-1977. Seven lists for the nomination of various Committees were prepared. Amongst the 17 committees formed, 15 consisted of eight members each and two were that of 10 members each.⁴ These Committees were:

1. Standing Committee on Establishment, National Affairs and Overseas Pakistanis
2. Standing Committee on Political Affairs and Communications
3. Standing Committee on Defense, Defense Production, and Civil Aviation
4. Standing Committee on Education and Provincial Coordination
5. Standing Committee on Finance
6. Standing Committee on Food, Agriculture and Underdeveloped Areas, Works and Rehabilitation

2 "Committee System," Retrieved on June 12, 2019, <http://www.na.gov.pk/en/content.php?id=63>

3 Rules of Procedures and Conduct of Business in the National Assembly have been revised for many times. Presently, the rules in the Assembly are followed that were primarily prepared in 2007 but have been amended several times after that as well. In the present paper Rules of Procedures and Conduct of Business in the National Assembly are used and referred that were devised in 1972 as the Assembly under consideration functioned under the rules prepared in 1972.

4 Government of Pakistan, *National Assembly Debates*, August 18, 1972.

7. Standing Committee on Foreign Affairs
8. Standing Committee on Industries and Fuel, Power and Natural Resources
9. Standing Committee on Labour and Local Bodies, Health, Social Welfare and Family Planning
10. Standing Committee on Information and Broadcasting, *Auqaf* and *Haj*
11. Standing Committee on Interior, Kashmir Affairs, States and Frontier Regions
12. Standing Committee on Law and Parliamentary Affairs
13. Standing Committee on Planning, Development, Economic Coordination and External Assistance
14. Standing Committee on Production, Presidential Affairs and Commerce
15. Standing Committee on Science and Technology
16. Standing Committee on Public Accounts
17. Standing Committee on Rules of Procedure and Privileges⁵

Four other Committees were appointed on Public Accounts having 10 members each. Members in these committees were appointed following the procedure of elections. All the four committees appointed for Public Accounts were headed by the Minister of Finance as ex-officio member. The Committee on Rules of Procedure and Privileges 10 elected members of the National Assembly, and the Minister for Law and Parliamentary Affairs served its ex-officio member. The Business Advisory Committee, and the Committee of House and Library, were appointed by the Speaker. The last two Committees consisted of six members each. The Speaker was the ex-officio Chairman of the Business Advisory Committee, while the Deputy Speaker served as the ex-officio Chairman of the Committee of House and Library Committee. Committees had the right to summon the movers of any bill, under its consideration, if it affects national interest or interests of any community, region or

5 Government of Pakistan, *National Assembly Debates*, August 18, 1972.

people. Besides, the Standing Committees, Select Committees or Special Committees could also be appointed by the Assembly to consider Bills or other matters referred to it. Each Select Committee had to have the Minister in Charge of the relevant ministry, as chairman, to which a bill relates. A Select Committee is appointed by the mover of the Bill and Minister for Law and Parliamentary Affairs, besides other members as may be specified in the motion.

Budget Session

The Budget Session is generally conducted once a year to get the approval for financial schemes of the forthcoming year. During the Budget sessions, the Assembly does not work according to the set pattern of procedures, under which the assembly works during other sessions. In the Budget session, the Assembly focuses on the Budget; presented on the day appointed by the Leader of the House, and the demands of the grants could only be made on the recommendations of the Federal Government. The Budget is generally presented in two parts, one General Budget and the other Railway Budget. The Finance Minister presents the General Budget, and the Railway Budget is presented by the Railways Minister or by the Minister-in-Charge.

On the day of presentation of the Budget, no other Business is conducted in the Assembly. Before its approval, the Budget passes through three stages; a general discussion on the Budget as a whole, discussion on the appropriations, discussion and voting on demands for grants, and voting on motions suggested to reduce allocated amount for specific projects or plans, if any. For these stages, the Speaker allots days with the suggestion of the Minister-in-Charge. After presentation of the general budget, a two-day break used to be given to the members before starting a general discussion.⁶ The Budget could only be discussed as a whole during the days, specified for the general discussion. During these days, no motions could be moved, furthermore it could

6 Government of Pakistan, *Rules of Procedure of National Assembly, 1972* (Islamabad: The Printing Corporation of Pakistan), 39.

not be presented to the House for vote. To conclude general discussion, the Minister-in-charge could reply to all the objections or the points of concerns in the Assembly.

On the second stage of discussion, members have the right to move cut-motions to reduce the amount allocated in the Budget for certain projects. The discussion remains confined to the points mentioned in the cut-motions and suggested changes. Conditions were clearly defined which could be made basis for the reduction of the amount for any of the particulars of the Budget. For example, each cut-motion could be related with just one demand. It could not demand to increase the amount for any of the particulars of the Budget. The mover had no right to include any "argument, inferences, ironical expressions, imputations, epithets or defamatory statements" in the motion.⁷ The Speaker had the right to decide whether a cut-motion can be admitted for discussion or not, and if he finds any cut-motion a misuse of the right to cut-motions or is just an attempt to create hindrances in the procedure of budget approval he can disallow such motions to be moved in the Assembly. The same procedure is adopted for the supplementary and excess budgetary demands. For re-appropriation of money from one project to another, it is a must to submit a request for a required amount for the perusal of the Assembly through vote.⁸ Furthermore, if the relevant ministry does not agree to take the issue for discussion, that could not be discussed.

Working of the National Assembly during budget sessions generally did not remain smooth. Most of the members did not follow the rules of procedure during the budget sessions which resulted in rejection of most of the amendments suggested in the budget. Many of the amendments in the budget were generally rejected because of not being

7 Government of Pakistan, *Rules of Procedure of National Assembly*, 1972, 40.

8 Government of Pakistan, *Rules of Procedure of National Assembly*, 1972, 42.

confined to specific points, which was the basic requirement of the amendment moved regarding the budget. Provincial budgetary matters could also not be discussed because of the attitude of the members of Assembly. The members could criticize and suggest amendments in the government policies regarding different heads of the Budget, but most of the times opposition members boycotted the budget sessions, mainly, claiming its major demands were rejected. The members ignored the code of conduct of the National Assembly; at times intentionally or being unaware of the 'Rules of Business' of the Parliament. Some members criticized others for not reading the rules of procedure and conduct of business of the National Assembly. During the budget meetings other issues were not allowed to be discussed to complete the discussion in the allocated time and to remain focused about the issues and demands regarding the budget but generally session ended with the claims of the opposition for not having enough time to debate the budget provisions comprehensively and that of not getting attention of the government benches for its demands.

Legislation

Legislation is the primary function of the Parliament. During Bhutto era, the Parliament proceeded more actively with reference to legislation as compared to the previous Assemblies. The National Assembly, during Bhutto era, passed more legislation in one year than the Assembly of 1965-69 passed during its complete tenure.⁹ Different types of Bills were supposed to be dealt with by the Assembly, such as the Private Members Bills, Government Bills, and Constitution Amendment Bills. This Assembly has the distinction of framing the constitution for Pakistan along with passing laws to manage the state system appropriately.

9 Mahmood, *Pakistan: Political Roots and Development*, 156.

Government Bills

Any bill that government wants to move in the NA has to be submitted by the concerned Minister. A Minister has to submit a duly signed written notice to the secretary to introduce any bill in the NA, along with a statement of 'Objects' and 'Reasons', and if, according to the Constitution, it requires President's prior recommendation for introducing a bill, its notice should also be submitted along with recommendations, otherwise the Speaker has the authority to take decision about the bill.¹⁰ The National Assembly during 1972-77 passed many laws, their year wise details are provided in the table below.

Table 2: NUMBER OF ACTS PASSED DURING 1972-1977

Year	Approved Acts
1972	-
1973	77
1974	49
1975	83
1976	85
1977	30

Ordinances

Ordinances are usually issued when the Assembly is not in session, but under a democratic form of government; Ordinances automatically lapse after a period of three months, if not approved by the Assembly as an Act passed by the Parliament. An Ordinance presented to the Assembly as a Bill should be supported with other required documents such as a statement of Objects and Reasons which should carry the signatures of the Member-in-Charge or the relevant minister. To introduce an Ordinance as a Bill, the concerned member needs to attach prior recommendation, previous consent of the President or its sanction or that of the then government.

10 Government of Pakistan, *Rules of Procedure of National Assembly*, 1972, 24.

According to the rules of procedure, any bill introduced in the House, is referred to the concerned Standing Committee. At the return of the Bill from the Standing Committee, or at the expiration of the allotted time to the Committee, it is the responsibility of the Secretary to share the bill with all the members of the Assembly along with the suggestions of the Standing Committee, not later than seven days. As a second step, the bill has to be put in the Business of a day specific for the Business of the Government. Similarly, if a bill is submitted by a Private Member, the bill should be made part of the business, on a specified day for Private Members' business.¹¹ If any member opines it repugnant to the teachings of Islam, the Assembly can refer it to the Islamic Ideology Council with the support of two-fifths of total members of the Assembly. According to the rules, it was necessary to table the advice of council within no time after its receipt. In case, the Assembly was not in session at the receipt of the advice it was compulsory to table it on the first day of next session. If the law is found repugnant to the principles of Islam by the council, it was the responsibility of the concerned Minister to present it's amended from to the Assembly within seven days of being tabled the Council's decision.¹² After a comprehensive discussion, about the bill, in the assembly the member-in-Charge could send the bill to the relevant Standing Committee as well, for consideration. Members of the Assembly can suggest amendments in the bill. Amendments can only be admitted for discussion if the house finds them relevant and consistent with the essence of the present bill and all the previous laws. Furthermore, the Speaker could refuse any of the suggested amendments if he considers them volatile or pointless. The Bills are generally considered clause by clause, and of any of the clauses can be deferred on the request of member-in-charge and/or the Speaker.

11 Government of Pakistan, *Rules of Procedure of National Assembly*, 1972, 25.

12 Government of Pakistan, *Rules of Procedure of National Assembly*, 1972, 26.

If members of the House do not suggest any amendments in a Bill, the Bill could be moved to be passed at once. However, if one or more amendments had been moved, any of the members could raise objection on the motion which prevailed unless the Speaker allowed the motion to be moved. If the previously mentioned condition exists, the motion to pass the Bill could be moved on the next day. At that stage no amendment could be moved except of a formal or consequential nature. The member-in-charge, also, enjoyed the right to withdraw the Bill at any stage, and if the leave is granted by the House, no further motions would be needed to be moved regarding that Bill. When a Bill, except the money Bill, is passed by the Assembly, it had to be referred to the Senate for concurrence. Money Bills had to be referred to the President for assent, bearing a notice from the Speaker mentioning it as a money Bill, and such a certificate had to be conclusive for all purposes and could not be questioned.

Private Members' Bills

Private members' Bill means a bill presented in the National Assembly or Senate by a member other than a minister. In the rules relating to the introduction of Private Members' Bills and the Government Bills, the procedure for the publication and consideration of Bills is defined. The bill passes through three stages namely, first, second and third readings. After getting approval from the National Assembly, it is sent to the Senate. Being approved from the Senate it is sent for ratification from the President. The Bills returned to the Assembly by the President, in case of any observations, can be reconsidered in the Assembly for amendments to address the issues raised by the President.

To introduce a Bill as a Private Members' Bill in the House, the member must give a notice of the Bill to the Secretary 10 days prior to the session for permission of the House to move it. If the Bill requires the consent of the President before it could be moved in the House, the procedure must be completed through the Secretary, but if it did not need his

consent, then the authority to decide about the Bill as to whether it could be moved in the Assembly or not rests to the Speaker. The mover of the bill has to seek the permission of the House for it to be discussed in the Assembly and becomes a law if it is approved by the National Assembly, Senate and then the President of the state.

Speaker and Deputy Speaker

The Speaker and the Deputy Speaker for the National Assembly are elected by an absolute majority of the total number of members present on the Election Day. Speaker has to be elected to run the system of the Assembly according to the rules, prior to the beginning of any work of the House. Zulfikar Ali Bhutto and Sher Baz Khan were the candidates for the office of the Speaker of the National Assembly in 1972. Zulfikar Ali Bhutto got 104 votes and was elected Speaker of the Assembly, while Choadhury Fazal Ilahi was elected Deputy Speaker.¹³ Because of other commitments Mr. Bhutto could not attend the sessions regularly, so the responsibilities of the Speaker were usually fulfilled by the Deputy Speaker Choudhury Fazal Ilahi.¹⁴ Consequently, it was decided to elect some other member as the Speaker of the Assembly who could give full attention and time to run the business, resultantly, Choudhury Fazal Ilahi was elected as Speaker, and Muhammad Hanif Khan as Deputy Speaker.¹⁵ After the implementation of the Constitution in 1973 Choudhury Fazal Ilahi was elected as President of the state, so the Speaker was changed for the third time, and this time Sahibzada Farooq Ali was elected

13 Government of Pakistan, *Rules of Procedure of National Assembly*, 1972, 150.

14 Government of Pakistan, *Rules of Procedure of National Assembly*, 1972, 151.

15 Government of Pakistan, *Rules of Procedure of National Assembly*, 1972, 152.

as Speaker of the National Assembly, and Mrs. Ashraf Abbasi as Deputy Speaker.¹⁶

Since the PPP enjoyed an overwhelming majority in the House, for which it generally did not give much importance to the opinion of other parties. At times Speaker's party affiliation caused hindrance to work impartially, which had negative impact on the growth of the democratic traditions in the politics of Pakistan. The opposition usually could not get its rights in the politics of the Parliament, although on many occasions long debates took place but discussions usually failed to create any impact on the government's opinion. The sanctity of the House was also violated many times as the opposition members were thrown out of it on several occasions by the Sergeant-at-Arms.¹⁷

Some of the members of the Parliament, particularly from the treasury benches, adopted irresponsible attitude. They interrupted the speeches of other members or did not show the required deference to the Speaker. Only few members had parliamentary experience and very few of them had studied the rules of procedure of the Assembly which was evident from their behaviour on the floor of the house. Some of them were unhappy at not getting a permit or license or for not getting a relative or friend, in government service, transferred from one station to another or promoted to a higher rank, but this dissatisfaction did not mean that they were not loyal to the system. A strong tendency was evident in the members of the majority party to switch to the opposition as they were increasingly disenchanted by undemocratic attitude and practices of their party.¹⁸

16 Government of Pakistan, *Rules of Procedure of National Assembly*, 1972, 153.

17 Mahmood, *Pakistan: Political Roots and Development*, 90.

18 Mubashir Hassan, *The Mirage of Power: An Inquiry into the Bhutto Years, 1971-1977* (Karachi: Oxford University Press, 2000), 189.

Questions Raised in the Assembly

Question means to inquire or to interrogate. In the democratic states, it is a generally accepted right of the parliamentarians to get information or enquire from the treasury benches about the matters of the public interest or that of the national importance. It maintains some checks and balance on the contemporary administration. Through this procedure, all the governmental activities pass through a process of scrutiny. This process also helps pointing the weaknesses of the government and the parliamentarians can get assurance for improvement in the matters of administration where the government's performance is not meeting the required standards.

Starred Question

Starred questions are those for which members desire oral answers in the House. Supplementary questions could be asked if a question was not answered properly. Names of not more than two members can be shown against any question, in the list of starred questions.

Un-Starred Questions

Un-starred questions are those to which written answers are desired by the members. Text of questions and answers is deemed to be laid on the table of the House by the Minister and are printed in the debates. No oral answer is given, and no supplementary questions of this type of questions can be asked.¹⁹

Short Notice Questions

This type of questions is generally related to urgent matters of public importance and can be asked for oral answer at the notice of less than ten days, which is a minimum notice for starred or un-starred questions. Two things are important regarding questions:

19 Subash C. Kashyap, *Parliamentary Procedure: Law Privileges, Practices and Precedents*, Vol.1 (Bombay: Universal Law, 2000), 594.

- Matter must be urgent.
- The concerned minister should agree to answer.²⁰

Question hour could be suspended according to the suspension rules, or even without considering the suspension of rules. The procedure for asking questions had been laid down in detail. A member may ask on any one day not more than three starred and five un-starred questions except Friday, as on Friday no time was dedicated for asking questions. A starred question is one to which oral replies are given, while an un-starred question is one to which written replies are given. Members were given the right to ask supplementary questions as well. No other matter, other than those relating to questions could be asked during question-hour. During the Budget session, and at the time of the framing of the Constitution, the question-hour was suspended. Questions could be deferred if the concerned minister was not prepared to reply, or he was not present. It was also decided that if the member who was given notice of a particular question is present in the House, no other member could ask questions on his behalf, but a notice given by a boycotting member could be asked by another member on his behalf. According to another rule, supplementary questions on behalf of an absent member could be asked with the permission of the Chair.

Table 3: QUESTIONS ASKED DURING PARLIAMENTARY YEARS 1973-1977

Year	No of Questions
1973	1154
1974	1397
1975	1022
1976	826
1977	NIL

SOURCE: Government of Pakistan, *National Assembly Debates*, 1973-77.

Only one session was held in 1977, consisting of one day, which did not proceed according to routine, because the

20 Kashyap, *Parliamentary Procedure*, 594.

then leader of the House, Bhutto announced the prorogation of the National Assembly on that day.²¹ A major part of questions consisted of starred questions, while the percentage on un-starred or short notice questions was very small. Land reforms, nationalization of industries, health projects, rural development programmes, education policies, and almost each issue of national importance was discussed in the House. A great deal of time was wasted in asking unimportant questions. Most of the members were new to the Parliament, so they took time to learn and adapt to Parliamentary behaviour. Most of the times, Question Hour was not utilized properly.²² Members did not hesitate to ask about sensitive issues which could not be discussed in the Assembly openly, for example, issues relating foreign policy or defense. Most of the times a very few members participated in the debate. At times, the relevant minister hesitated to provide proper information to the members. This kind of attitude had been a source of criticism, and at times created tension among the members. Sometimes the members demanded the source of information to be quoted with the answer to the question, which was rejected by the Chair. A minister could not be called upon to produce the official record to support his reply to a question. Cross questioning was not allowed. Members were not given the permission to discuss the subject matter of a question by putting a large number of supplementary questions. On one basic question, three supplementary questions could be asked, but by using this facility, no member had a right to make one supplementary a mixture of many. Supplementary questions could not be asked on behalf of the other member, and it could not even be deferred. Any questions relating to the relations of Pakistan with a foreign country were not permissible. Question hour was meant for asking questions, but at times it was made a discussion hour by the members.

21 *National Assembly Debates*, January 7, 1977.

22 Mahboob Hussain, *The Parliament of Pakistan* (Karachi: Oxford University Press, 2019), 133-34.

Members also tried to extract information regarding issues, which could not be allowed by the Chair.

Points of Order

No Assembly can function without observing some basic rules of orderly behaviour. It is the duty of every member of the House, the Parties, and the Whips, to ensure that necessary parliamentary discipline and order is maintained and the House functions properly. The responsibility and authority to regulate the proceedings and ensure orderly functioning of the House, in accordance with the rules of procedure, was specifically vested in the presiding officer. The Speaker had all the powers to keep the House in order. Point of order could be raised by any of the members, whenever he or she felt that the House was not in order, or any thing against the rules of procedures was taking place in the Parliament. Point of order, when raised, had the effect of suspending the proceedings before the Parliament, and the member even if was on his feet (standing and addressing the House), had to give way.

A point of order cannot be raised during the Question Hour, and not when a question on any motion is being put to the House. While raising a point of order, the member has to quote a specific rule or provision in the Constitution relating to the procedure of the Parliament, which according to him is being violated. The decision of the Speaker was always a final one, and no objection could be raised against his ruling.²³

Adjournment Motions

Adjournment means suspension of business or of a meeting in progress, to another stated time. In Parliamentary practice, Adjournment signifies a break or termination of the ongoing procedure of the parliamentary debate on a bill, resolution or motion till another time is specified for the same, or till the next working day. If a resolution is submitted

23 Kashyap, *Parliamentary Procedure*, 2504.

for the termination of the session, the House terminates its function till the time scheduled for the next session or sitting. An adjournment can be only a limited time break in the function of the house for prayers or for lunch break.²⁴

Notice of adjournment motion of the already scheduled business of the Assembly, for discussion of an issue of immediate attention either of public interest or that of international challenges, should necessarily be submitted two hours before the commencement of the sitting in which the motion was proposed to be moved. To save time of the Assembly on any day, the aggregate time for seeking leave for motion of adjournment, and the grant or with-holding of leave, as the case may be, shall not exceed half an hour.

Different subjects can be discussed through the Adjournment motions, road accidents, allegation of planting a bomb for the purpose of assassinating a political personality, failure of the Federal Government in resolving conflicts between the Governor and Chief Minister of the Punjab, alleged interference of a Governor in a bye-election, law and order problem in different parts of the country, failure of government in trying Ex-President Yahya Khan, attack on students at Rabwa railway station, crisis due to shortage of vegetable oil in certain parts of the country, death of some persons due to the use of excessive liquor, etc. It is important to be noted that most of these resolutions were considered out of order, because the matters were that of provincial concern, or were sub-judice, or were too wide to be discussed as an adjournment motion. Interestingly, the motions which were held in order by the Chair, could not get the leave of the House for discussion. Very few members used to move these motions, for many MNAs were mere spectators in the House, who merely supported the government's point of view.

24 Kashyap, *Parliamentary Procedure*, 765.

**Table 4: ADJOURNMENT MOTIONS DURING
PARLIAMENTARY YEARS 1972-1977**

Year	Adjournment Motions	Admitted for Discussion	Held Out of Order	Withdrawn	Others
1972	41	3	32	6	-
1973	108	10	59	30	9
1974	203	11	101	54	37
1975	183	10	56	52	65
1976	149	8	78	42	21
1977	1	-	1	-	-
Total	685	42	327	184	132

SOURCE: Government of Pakistan, *National Assembly Debates*, 1972-77.

Privilege Motions

The privilege to which members are entitled under the Constitution, include, freedom of speech in the Assembly, immunity from legal procedures in respect of anything said, or any vote given by a member in the Assembly etc., had been spelt out in the rules.²⁵ Members/member of the Assembly can raise question regarding the breach of privilege of any member/members, committee or that the Assembly in general but only with the permission of the speaker. Prior to raising the question in the Assembly, the relevant member must submit a written notice to the secretary before the beginning of the proceedings of that day, with necessary documents, if required. If speaker finds it urgent, he can suspend other business of that day to discuss the issue but after question hour. The privilege motion can be admitted for discussion in the Assembly if one member raises only one and specific question. If the matter necessarily requires Assembly's intervention and is not linked with the personal demeanor of the President of the country, it can be admitted for discussion in the Assembly.²⁶

²⁵ *Pakistan Times*, Rawalpindi: August 12, 1972.

²⁶ Government of Pakistan, *Rules of Procedure of National Assembly*, 1972, 20-21.

A number desirous of speaking about the alleged breach of privilege should formally move a privilege motion but in the absence of the mover, any other member could look after the privilege motion. It was made clear that a mere statement in the press can never be called a breach of privilege of the Assembly. The House was told that any of the motions could be referred to the Privilege Committee, without determining its validity. The motion had to be first referred to the concerned minister for reply, before taking it to the House.²⁷

Motions were moved for the intimation of release and arrest of an MNA, registration of allegedly false criminal cases against a member for pointing out irregularities of certain officials, alleged denial of right of voting to women in bye-elections in N.W.F.P., alleged misconduct of ex-MNAs and ex-Governors, censoring and curtailment of proceedings of the Assembly regarding Rabwa incident, incorrect reporting of the proceedings of the National Assembly in the press, involvement of a member of Assembly and his family members in allegedly false case. Most of these motions were not accepted by the House for discussion, and even some were referred to the Privilege Committee without considering it in order. Most of the privilege motions were moved by a very few members, and others did not bother to play an active role in the proceedings. Most of the privilege motions were moved by Ahmad Raza Khan Qasuri, Mahmood Azam Farooqi, Mahmood Ali Kasuri, Ghulam Ghous Hazarvi, Sher Baz Khan Mazari, Rao Khurshid Ali Khan, Professor Ghafoor Ahmad, Khurshid Hasan Mir and Maulana Abdul Hakeem.

Party Politics in the National Assembly

The National Assembly which emerged after the elections of 1970 consisted of multiple regional political parties along with one major political party i.e. Pakistan People's Party. These parties had their own political agendas which were

²⁷ *Rulings of the Chair*, 286-87.

more regional than national. In such a scenario party politics and behavior of the political parties on the floor of the house was among many other challenges faced by the nation and that can be very well comprehended while studying the working of the National Assembly.

Table 5: PRIVILEGE MOTIONS DURING PARLIAMENTARY YEARS 1972-1977

Year	Privilege Motions	Admitted for Discussion	Held out of Order	Withdrawn	Not Pressed	Referred to Sub-Committee
1972	11	1	1	-	2	-
1973	43	2	2	5	5	9
1974	35	-	-	11	1	7
1975	48	1	1	5	3	20
1976	19	-	-	5	6	2
1977	-	-	-	-	-	-
Total	156	4	4	26	17	38

SOURCE: Government of Pakistan, *National Assembly Debates*, 1972-77.

During the adoption process of the Constitution, the Opposition parties decided to form a United Democratic Front (UDF), which comprised of the Jamat-i-Islami, the Jamiatul-Ulema-e-Pakistan, the Markaz-i-Khaksar Tehrik, the United Muslim League (UML), and the National Awami Party (NAP). Pir Sahib Pagaro was elected chairman of UML, Abdul Wali Khan; leader of NAP's Parliamentary faction, and Shah Ahmad Noorani of Jamiatul-Ulema-e-Pakistan's secretary.²⁸ The UDF nominated Maulana Shah Ahmed Noorani as the candidate for the premiership against Bhutto and was asked the PPP members to withdraw his name, which he did not accept and lost with 28 against Bhutto's 108 votes.²⁹ This was the period of boycotts by the Opposition. Most of the adjournment and privilege motions were rejected, while others were considered out of order. It could not bring the slightest changes in the Constitution and

28 Yuri Ponomarev, *The Muslim League of Pakistan: 1947-77* (Lahore: People's Publishing House, 1986), 188.

29 Government of Pakistan, *The National Assembly of Pakistan (Legislature) Debates: Official Report August 12, 1973* (Islamabad: Printing Press of Pakistan, 1973), 4.

the money bills. Most of the time was spent in boycotts by the Opposition. The Opposition had many grievances against the government, for example, at Karachi, in a public meeting Maulana Noorani hinted about the PPP government's harsh attitude towards opposition. According to him, PPP had adopted such harsh policies to establish one-party government. The JUP's struggle was focused on supremacy of democracy in the state and the enactment of an Islamic Constitution. For this purpose, a committee consisting of five members was appointed and Maulana Noorani was selected as its leader to work inside the Assembly. Maulana Noorani also had to take care of preparation of documents in this regard. Maulana Noorani was critic of Bhutto's efforts particularly with reference to establishing democracy in the state.³⁰ The Pakistan Muslim League under the leadership of Abdul Qayyum Khan, extended unqualified support to the federal government and Bhutto against its political rivals in the provinces. NAP was targeted under this policy, inside as well as outside the Assembly.³¹ The country's leadership needed to make Qaiyum League support its struggle against the opposition to the PPP government's domestic and foreign policy. Abdul Qaiyum Khan and his faction of Muslim League had given full support to the programme of the Bhutto government. Abdul Qaiyum Khan said that although his party did not have a socialist orientation, it would support any step taken by the government to improve the living conditions of the peasants, workers, and the students.³²

The main feature of the opposition in the Assembly was that it lacked both organizational and ideological unity.³³ It was only united by its dissatisfaction with the government's economic measures, and the steps it was taking towards

30 Mujeeb Ahmad, *Jam'iat 'Ulema-i-Pakistan: 1948-1979* (Islamabad: National Institute of Historical and Cultural Research, 1993), 98-102.

31 Ponomarev, *The Muslim League of Pakistan*, 184.

32 Ponomarev, *The Muslim League of Pakistan*, 202.

33 Ponomarev, *The Muslim League of Pakistan*, 188.

normalizing Pakistan's relations with India.³⁴ During 1971-77, the PDP, under the leadership of Nawabzada Nasurullah Khan, and the opposition leader in the Assembly, Wali Khan, vehemently opposed the government's undemocratic and authoritarian policies.³⁵ The weakness of the opposition in the Assembly was that it did not have a unified stand on issues like the boycott of legislative bodies, participation in the elections and bye-elections, and they failed to agree on a leader for the combined opposition.

On October 21, 1975, the UDF formally expelled the JUP from its ranks because it participated in the bye-election when the UDF had announced a boycott of it. Bhutto offered ministries to the members of JUP for its support to the government, but the Party's leadership did not accept any of the offers.³⁶ JUP did not betray the cause of the Opposition in and outside the Parliament and kept supporting the boycotts and walkouts by the opposition in the Parliament. For example, when on November 14, 1975 the National Assembly adopted the Fourth Constitutional Amendment Bill which curtailed the powers of High Court, it boycotted the session of the Assembly along with other opposition parties.³⁷ It also boycotted the Assembly session when the Senate adopted Political Parties Act (PPA), and on January 7, 1977, when Bhutto announced the date of general elections.³⁸ UDF boycotted the Senate and the National Assembly sessions on September 4, 1973 and on November, 1973, and after three and half months absence the opposition attended the winter session of the National Assembly.³⁹ In June, 1974, in the budget session, tempers became frayed and on that occasion the language used was far from parliamentary, traditional Parliamentary courtesies

34 Ponomarev, *The Muslim League of Pakistan*, 185.

35 *Pakistan: Political Roots and Development*, 131.

36 Ahmad, *Jam'iat 'Ulema-i-Pakistan*, 114.

37 Ahmad, *Jam'iat 'Ulema-i-Pakistan*.

38 *National Assembly Debates*, January 1977.

39 Sher Baz Khan Mazari, *A Journey to Disillusionment* (Karachi: Oxford University Press, 2000), 339.

seemed to be in sudden decline and the session was boycotted by the Opposition.⁴⁰

In February, 1974 the NAP was banned, and all the opposition parties decided to boycott any further Assembly sessions in protest against the banning of the NAP.⁴¹ From February to October 1975 the opposition parties constituting the UDF boycotted the work of legislative bodies, including the budget session of the National Assembly.⁴² Some of the people forwarded a view point that it was an effort to prevent the adoption of the country's budget and a new five year plan of development to create distrust of the government among the masses.⁴³

In 1972, the Council Muslim League and the Convention Muslim League decided to merge into one party with Hassan A. Sheikh as its President. They strongly opposed the PPP government but could not succeed in developing a strong political base because of the feudal base of the key leaders.⁴⁴ The UML, which was part of the UDF could not prove itself a serious political force. Some of the members of the UML preferred to break with the opposition and join the ranks of the ruling party.⁴⁵ From the United Muslim League three MNAs, namely Sahibzada Nazir Sultan, Muhammad Ibrahim Barq and Mehr Ghulam Haider Bharwana did not subscribe to the party ideology but joined it to fight the elections and were successfully returned as MNAs. These members supported Sahibzada Fazal-ul-Hasan who wanted the leadership of the Party and was sympathetic towards the PPP. These were the members who criticized the party's decision to be a member of the UDF.⁴⁶ They criticized NAP

40 Mazari, *A Journey to Disillusionment*, 350.

41 Mazari, *A Journey to Disillusionment*, 373.

42 *National Assembly Debates*, 1975.

43 Ponomarev, *The Muslim League of Pakistan*, 206.

44 Mahmood, *Pakistan: Political Roots and Development*, 125.

45 Ponomarev, *The Muslim League of Pakistan*, 198.

46 Ahmad, *Jam'iat 'Ulema-i-Pakistan*, 117-18. Party politics in the National Assembly is also discussed in Hussain, *The Parliament of Pakistan*, 188-91. See Also, Mohammad Waseem, *Politics and the State in Pakistan*

and were not willing to accept the membership of an alliance of which NAP was a member. During 1971-77, the PDP under the leadership of Nawabzada Nasurullah Khan, and the opposition leader in the Assembly, Wali Khan, vehemently opposed government's undemocratic and authoritarian policies.⁴⁷

There were contradictions within the ranks of the PPP. On June 18, 1975, Khurshid Hassan Mir, the Deputy General Secretary, and a prominent leftist figure of the PPP, announced his withdrawal from the Party. He accused the government and the party leadership of betraying the party's manifesto. In July he set up a new political organization, the Manifesto Group, which believed democracy could not be established in the country by a Party which was unable to observe democratic standards within its own ranks.

Conclusion

Working of a parliament is dependent upon the parliamentarians; how they take the responsibilities levied on them as a member of parliament. During the whole period of the working of the first National Assembly of Pakistan, it is seen that the members did not pay much attention to the work of Parliament; instead, they remained busy in their personal jobs/businesses, of the petty political/regional issues. Furthermore, they remained more indulged in the constraints of party politics which had a negative impact on the working of the National Assembly and to run the state system multiple ordinances were issued to continue the state business smoothly. While looking into the contemporary scenario, similar practices are seen in our state system.

(Islamabad: National Institute of Historical and Cultural Research, Quaid-i-Azam University, 1994), 321.

47 Mahmood, *Pakistan: Political Roots and Development*, 131. An overview of this era is also provided by Philip E. Jones, "Zulfikar Ali Bhutto: Triumph and Tragedy", In *A History of Pakistan*, ed., Roger D. Long (Karachi: Oxford University Press, 2015), 546-88.