[**Challenges to legislation**](https://www.dawn.com/news/1648321/challenges-to-legislation)

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LEGISLATION is the primary function of the national parliament and provincial assemblies and that is exactly why these are called the legislatures. Some additional, almost equally important, functions such as oversight of the executive and representation of the electorate are also counted towards the performance of legislatures but legislation remains their primary responsibility.

At present, legislation in Pakistan faces three key challenges. The latter are not new and some of them have recurred in the past as well but all these challenges seem to have converged today which makes the legislative scenario quite murky. The most serious challenge pertains to an almost complete breakdown of the working relationship between the government and opposition in both Houses of the federal parliament and in some provincial legislatures too. This state of relations has made it impossible to go about the normal process of lawmaking.

Although the standing committees in the Senate and the National Assembly continue to meet, seldom are these meetings able to produce legislation through consensus. Generally shielded from the media and public, the committees take decisions by consensus rather than voting. This spirit of working by consensus is needed in all kinds of legislation but electoral laws especially need bipartisan support in order to organise the electoral contest on the basis of a level playing field.

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Sadly, consensus could not be developed for the 50-point package of electoral amendments proposed by the ruling coalition in October 2020. The National Assembly Standing Committee on Parliamentary Affairs passed it after some eight months but only with a split mandate and that too when only eight members were present out of a total of 21. Even the plenary session of the National Assembly passed the bill within minutes without any discussion and the voice vote was called only when the opposition walked out protesting at the lack of opportunity to debate. This breakdown of parliamentary consultation has affected many democratic processes such as the bipartisan appointment of two election commissioners but the greatest casualty has been legislation.

The standing committees are the most appropriate fora to consider legislations threadbare but, sadly, the standing committees in the provincial assembly of Punjab have been practically dysfunctional for the last three years because of a dispute between the ruling party and opposition regarding the chairmanship of the Public Accounts Com­mit­tee. The standing committees in the Sindh Assem­bly have also not been functional for the last three years because of a similar dispute between the PPP-led government and the PTI-led opposition.

This absence of a working relationship has led to the steamrolling of legislations in the National Assembly where the ruling coalition has a thin majority. But, in the Senate, where the ruling coalition lacks a majority and cannot get laws passed with as much ease as in the National Assembly, the government has increasingly relied on presidential ordinances. The previous PML-N government had promulgated 37 ordinances in its five-year term from 2013-2018 but the current PTI government has already promulgated 58 ordinances in just three years. The yearly average of ordinances promulgated by the PTI during the past three years works out to be 19 which is almost three times the yearly average of seven by the PML-N and almost matches the yearly average of 20 by the PPP from 2008 to 2013. Ordinances are legal but have no place in a democracy where only parliament has the mandate to frame laws. Ordinances or legislation by decree constitute the second major legislative challenge of the times.

The third major legislative challenge is the lack of transparency regarding the legislations introduced and passed. The most glaring and recent case in point is the draft of the Pakistan Media Development Authority Ordinance, 2021. A text of the draft ordinance had been doing the rounds on social media and some of the media outlets have it on their websites. A full-throated [protest](https://www.dawn.com/news/1646068) against the draft legislation has also been raging regarding the various outrageous provisions of the bill in the media, on the streets and even inside the parliament building but the government has denied the existence of any such draft.

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The standing committees on information and broadcasting, both in the Senate and National Assembly, had to convene special meetings to discuss the ‘invisible’ legislation because of the strong protest of journalists’ representative bodies and human rights organisations but the concerned ministers denied that any draft legislation exists and said that the government was seeking input of the stakeholders before introducing legislation. The correct sequence would have been the introduction of legislation in either House, its circulation for public feedback and then consideration in the committees and the plenaries of the two Houses.

A similar situation was faced in the Punjab Assembly recently when it passed the Provincial Assembly of the Punjab Privileges (Amendment) Act, 2021, after the governor returned the bill for the Assembly to reconsider as he thought it violated the Constitution and many members claimed they had not seen the final text of the bill before voting.

Another case of lack of transparency in the legislative process is the growing trend of almost secretively appending many bills with the Finance Bill (budget) every year. While passing the Finance Act, 2021, the National Assembly passed eight other acts appended to the Finance Act. One of such laws was the amendment to the Members of Parliament (Salaries and Allowances) Act, 1974, which allowed the use of air tickets to legislators’ family members. The Punjab Assembly also passed four other acts along with the Punjab Finance Act, 2021. The Sindh Assembly passed six other laws embedded in the Sindh Finance Act, 2019.

The increasing trend of passing laws on demand by international entities like the IMF and FATF constitutes yet another challenge.

These challenges demand serious consideration and resolution by the legislators.

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*Published in Dawn, September 25th, 2021*