

# Responsibilities of Elected Representatives



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# Responsibilities of Elected Representatives

## Introduction

The constitution of Pakistan clearly defines the duties of elected representatives of both national assembly and provincial assemblies of Pakistan. However, due to intermittent electoral process and repeated intervention of military regimes, people as well as elected representatives are not fully aware of the role of elected representatives in the National and Provincial Assemblies, and in their constituencies. During military regimes, the constitution remained in abeyance; therefore, the military dictators deliberated elected representatives into development work rather than in legislative process. This ambiguity about duties of elected representative resulted into non-performance of legislators and ultimately of the parliament.

This document attempts to elucidate vagueness between the set of prescribed constitutional duties of elected representatives and their assumed and expected role as being member of respective legislative assemblies. First section of this document explains the constitutional and legal responsibilities of members of National & Provincial Assemblies and Local Government representatives. The second delineates the real root causes that impede the real function of legislatures and transform the lawmakers into the district council representatives. Third and last section provides a comprehensive series of questions based on discussion in former two sections with the objective to test the knowledge of reader shared in previous sections.

## Section 1: Duties of Elected Representatives

This section is constituted of constitutional and legal duties of elected representatives of national assembly, provincial assemblies and district government councils.

### Responsibilities of Member of National Assembly

Member of National Assembly (MNA) referred to an elected member of the National Assembly of Pakistan, a democratically elected body and a lower house of the parliament of Pakistan. National Assembly is comprised of total 342 seats allocated in which 272 members are directly elected by constituents, 60 seats are reserved for women, and 10 seats are reserved for religious minorities. The members who are elected directly by voters residing in their respective constituencies in general elections held after every five years represent the Electoral Districts/National Assembly constituencies. The political parties based on their proportional representation in the national assembly share the reserved seats for women and minorities.

### Qualification and Disqualification and Tenure

According to the Constitution of Pakistan, certain qualifications are required to be a member of National Assembly. Article 62, and 63 of the Constitution stipulates, a person must fulfill following conditions to be a member of national assembly;

- ✓ He is a citizen of Pakistan;
- ✓ He is not less than twenty-five years of age;
- ✓ He is enrolled as a voter in any electoral role of Pakistan;
- ✓ He is of good character and is not commonly known as one who violates Islamic injunctions;
- ✓ He has adequate knowledge of Islamic teachings and practices obligatory duties prescribed by Islam as well as abstain from major sins;
- ✓ He is sagacious, righteous, non-profligate, honest and *amen*;
- ✓ He has not, after the establishment of Pakistan, worked against the integrity of the country or opposed the ideology of Pakistan.

Constitution also provides detailed attributes, which disqualify a person to be a MNA; these are as follows:

- ✓ He is of unsound mind and has been so declared by the competent court;
- ✓ He is un-discharged insolvent;
- ✓ He ceases to be a citizen of Pakistan, or acquires a citizenship of foreign state;
- ✓ He holds an office for profit in the services of Pakistan other than an office that is declared by law not to disqualify its holder;
- ✓ He is in the service of any statutory body or anybody which is owned and controlled by the Government or in which Government has a controlling share and interest.

The term of office of member of National Assembly is five-years, but it can end earlier if a member dies, resigns or the National Assembly as a whole is directly dissolved by the president or on the advice of Prime Minister.

### **Constitutional Role of the Member of National Assembly**

Constitution clearly provides the specific role that MNA has to play in National assembly and in the constituencies, from where they are elected. These set of prescribed responsibilities are elaborated below:

- Prime responsibility of MNA is to take an active part in legislation making by bringing in bills, discussing these bills in assembly, and voting these to be enacted into law. This process of legislation is done in a number of stages by going through parliamentary committees and both houses of parliament (National Assembly and the Senate). These bills became laws once passed by parliament and assent given by president;
- Members of National assembly are responsible for making laws and policies for the Federal Government departments that includes defense, foreign affairs, currency, post office, railway, seaports and federal tax etc;
- As parliament is also responsible for government oversight, therefore it is also important role of MNA to oversee the actions of government. MNAs are entitled to hold accountability and keep check on the executive branch of government, which is decision-making body. They are also responsible for analyzing the

performance of an executive. There are diverse techniques that can be utilized by MNA to carry out this task such as:

- ✓ **Question answer period:** The member of National Assembly can put question regarding any matters related with government during the period for questions and answers which takes place at every sitting of the Assembly;
  - ✓ **Debate upon adjournment:** An MNA who is not satisfied with the answers he or she receives may obtain a brief debate on question;
  - ✓ **Written questions:** Questions not important or urgent enough to justify an immediate answer must be asked in writing and the answers to them are tabled in the House;
  - ✓ **Debate upon budget speech:** In the Assembly, each MNA is entitled to speak on budget speech and may introduce a vote of confidence motion or a motion stating a grievance;
  - ✓ **Debate upon the opening speech of the session:** After opening speech by Prime Minister, MNAs may voice their views on the Government's policy or on any other subject;
  - ✓ **Member of standing committees:** For accountability and oversight on executives, National Assembly provides a standing committee on every government department. Every MNA is entitled to be member of any committee formulated. These committees performs functions of oversight, through performance evaluation, examining financial commitments of government, consideration of estimate of spending, and by over sighting and holding accountability of public bodies such as Boards, commissions, state corporations, offices and administrative tribunals.
- One of the major roles of MNA being a public representative is to represent the will of public and speak of the problems faced by constituents in National Assembly;
  - As a public representative, He/she may present a demand to the Assembly, about solution of problem affecting someone or considered as unfair, on behalf of a group in his representative constituency. This function may also promote regional development;
  - MNAs act as mediators between their constituents and the Administration and ensure that their constituent get fair share in the area of health care, education, employment assistance or in another areas.

### **Responsibilities of Member of Provincial Assembly**

Member Provincial Assembly (MPA) referred to the Member of Provincial assembly of any of the province of Pakistan. Similar to members of National Assembly, MPAs are also elected directly by the voter of their representative constituencies, and they are indirectly nominated for women and minorities reserved seats. According to Article 107 of the constitution, the tenure of the Member of Provincial Assembly is five years unless it is sooner dissolved by the Governor on the advice by the Chief Minister or on the

approval by the President. The number of seats general as well as reserved for women and minorities in each province of Pakistan is given in table below:

	General seats	women	Minorities	Total
<b>Balochistan</b>	51	11	3	65
<b>Khyber Pakhtunkhwa</b>	99	22	3	124
<b>Punjab</b>	297	66	8	371
<b>Sindh</b>	130	29	9	168

### **Qualification and Disqualification**

According to the Article 113 of the Constitution of Pakistan, the qualification and disqualification criterion for the Member of the Provincial Assembly is same as Member of the National Assembly.

### **Constitutional Role of the Member of Provincial Assembly**

Article 123, 130, 141 and 142, 123 of the Constitution of Pakistan establishes the role and responsibilities of the Member of the Provincial assembly. These may be stated as:

- The primary responsibility of the MPA is to participate in legislative process with respect to provincial departments such as education, health, agriculture, revenue, irrigation, social welfare and others. Nevertheless, the Provincial Assembly cannot make any law in conditions of an emergency declared in the country, or the proposed law is against fundamental rights or if it is not in conformity with the injunctions of Islam;
- The second significant function of MPAs is to manage the financial matters of the province through Provincial Consolidated Fund. Provincial Assembly keeps checks over executive branch through control over the financial matters. Constitution of the Pakistan provides for the custody and withdrawal of money from public account of province through the act of Provincial Assembly;
- Like MNAs, the other prime responsibility of MPAs is to keep oversight upon policies, practices and performance of the provincial government and provincial departments through the same processes already provided. According to the constitution, provincial cabinet shall be collectively responsible to the Provincial Assembly. They being public representatives, MPAs are responsible to raise issues of public interest for discussion in the assembly in the form of questions, adjournment motions, call attention notices, general discussion, putting resolutions and scrutinizing various Reports.

## **Responsibilities of Local Government Representatives**

Local government is third tier of government in Pakistan, established to devolve political, administrative and financial responsibility and authority to the elected representative at grass root level. Article 140A of 1973 constitution requires every province to establish local government system. Accordingly, every province of Pakistan has enacted their separate local government law. However, the local government administrative structure is provided as follows:

- A Union Council for each Union;
- A District Council for each District;
- A Municipal Committee for each Municipality;
- A Municipal Corporation for each City;
- A Metropolitan Corporation for the Capital City

The members of Local Government are elected directly through vote from their respective constituencies. The local councils, municipality and corporations are comprised of Chairman, Vice-chairman, and members (general, women, peasant, labour, and non-Muslim, and somewhere youth as well). Term of the office of local government is five years.

## **Powers of the Local Government Representatives**

Local Government representatives have wide-range of responsibilities of public development programmes at local level. Local government has responsibility to:

- ✓ measures to improve public health;
- ✓ regulation of Water supply;
- ✓ regulation of drainage and sewerage;
- ✓ disposal of solid waster;
- ✓ regulation of private markets established for the sale of articles of food or drink or animals;
- ✓ policies regarding animals and cattle;
- ✓ promotion of local level education especially primary education;
- ✓ public safety programs like maintenance of fire-fighting or civil defence;
- ✓ town planning, building control, provision and maintenance of public streets and other means of public communication;
- ✓ regulation of traffic and public vehicles; and
- ✓ plantation and protection of trees.

The role of Local Government Representatives may extend to the;

- ✓ regulation, provision and maintaining of bathing and washing places;
- ✓ policies regarding food articles of food and drinks like establishment and maintenance of public markets;
- ✓ animal husbandry;
- ✓ maintenance of trees, parks, gardens and forests;

- ✓ promotion of culture;
- ✓ to establish and maintain public libraries;
- ✓ to establish, assist and enhance social welfare; and
- ✓ maintenance of municipal police.

In addition to the above mentioned responsibilities rural district representatives are also responsible for agricultural, industrial and community development promotion of national reconstruction, promotion and development of co-operative movement and village industry such as;

- ✓ adoption of measures for increased agricultural production;
- ✓ establishment and maintenance of model agricultural farms;
- ✓ popularization of improved methods of agriculture;
- ✓ maintenance of improved agricultural mechanism and machinery and lending of such implements and machinery to cultivators;
- ✓ adoption of measures for bringing waste land under cultivation;
- ✓ promotion of agricultural credit, agricultural education and adoption of other measures likely to promote agricultural development;
- ✓ construction and repair of embankment supply, storage and control of water for agricultural purposes; and
- ✓ promotion of cottage industry.

## **Section 2: Factors impeding legitimate working of Elected Members in Pakistan**

This section is comprised of certain factors that create misperception about the role of elected representatives at all three levels of government in Pakistan.

### **Misperceptions regarding real functioning of legislative bodies**

The analysis of constitutional and legal role and functioning of the elected representatives is illustrated in section one. However, there is found certain misperceptions about the role of elected representatives' at all three different levels of government. Peoples are unable to identify the difference of scope between the Federal Government, Provisional government and Local government. In modern electoral democracies, real power of the state lies within the people that they exercise through their elected representatives. This concept gives legislative body special powers such as legislation, accountability of executive, and identification of priority development areas and representation of the grievances of public to the assemblies.

In Pakistan, due to unprecedented reasons including repeated military takeover, the constitutional and legal role of elected representatives of national and provincial assemblies has been continuously weakened and even exploited by interest groups. General misconceptions about the responsibilities of the elected representatives' always discourage the real functioning of legislative body, which ultimately undermines the true spirit of democracy. Politicians as well as citizens are unaware of the significance of the constitutional duties of elected representatives in all three different tiers of government. The identified reasons are:

- Candidates start their election campaign by attending the funerals and weddings. Extended family system supports the political campaigns of the candidates in order to enhance its own influence. Public meetings are arranged to gather the large number of masses. The party agenda pushed into side and catchy issues are discussed to mobilize the masses. Blood warming speeches are essential part of such gatherings;
- As voters do not know the difference of duties of MNAs, MPAs and local councilors, therefore, every candidate is expected to address all public demands ranging from foreign policies issues to the maintenance of streetlights. In order to win and get popular support candidates publically makes promises that once they assume power, they will resolve all issues, whether that may or may not lies within the sphere of their responsibilities. The level of the expectations of the voters is raised once MNAs or MPAs come to the power. Therefore, to satisfy the voters of the constituency, these elected representatives utilize most of their energies to get development funds;
- Furthermore, elected representatives, who belong to ruling parties, are often discouraged by their respective political party to raise issues of public importance, because this could damage the position of government;
- The review, discussion and passing of annual budget is essential function of assemblies and MNAs and MPAs are supposed to debate on annual budget

and give their opinion and considerations. Unfortunately, here they do not perform their real role due to different reasons:

- ✓ As budget is somewhat laborious job, therefore several members do not take interest;
  - ✓ Legislators has to support the budget brought by their party in order to be loyal;
  - ✓ Budget is ever being passed in haste without any detailed view of the document.
- Members of National and Provincial Assemblies are entitled to be part of formulated standing committees on government departments to hold accountability of government ministries. Although, legislators become part of their preferred standing committees, however they do not attend the regular session of committees because they are often busy in appeasing their voters in trivial nature of issues at constituency level;
  - The voters expect their elected representative to resolve their local disputes at Mohallas, police stations, in courts, and help them to get their child admission in desired school, facilitation in job adjustment and attending funerals and weddings;
  - Furthermore, legislators are supposed to carry out activities, which are purely in the domain of local government for instance maintenance of streetlights, availability of drinking water, installation of water filtration plants, sewerage issues and removal of encroachment etc. Constituents expectations forces MNA and MPA to remain busy with the local activities instead of performing their real task;
  - Voters evaluate the performance of their representatives based on local level engagement of MNAs and MPAs;
  - Legislators are not appreciated for what they have delivered for legislation or as a member of a standing committee or their level of output in National and Provisional Assemblies.

## Conclusion

In Pakistan, citizens as well as politicians are uninformed of the significance of the constitutional and legal duties of elected representatives in all three different tiers of government. Repeated intervention of military in electoral process and complete lack of civic education especially about democracy and electoral process, the real role of elected representative has been undermined. Citizens now expect from legislators to perform the duties, which are entitled to local government representatives. Legislators themselves ignore their actual duties of at federal and provincial levels, like legislation, accountability of executives, policy formulations, budget making, and raising the public concerns in assemblies. The identified reason for this issue is the intermittent formation of local government elections, which if held at regular intervals on time, can play effective role in diluting the perception of people regarding the clear constitutional and legal duties of elected representatives at all level.

### Section 3: Testing Knowledge

This section is composed of different questions that enable teachers to test the students' understanding about the duties of elected representatives discussed in previous two sections. Additionally, teachers can also develop more questions depending upon the information shared in previous two sections.

Reply the following questions in “yes” or “no”.

S#	Statement	Yes/No
1	The constitution of Pakistan ambiguously define the responsibilities of member of national assembly	
2	Executive branch of government have responsibility to oversee the activities of the legislatures	
3	Question period is the period for questions and answers which takes place at every sitting of the National Assembly	
4	In the National Assembly, each MNA is entitled to speak on budget speech	
6	One of the prime role of MNA is carrying out local development activities	
7	Member of National Assembly can evaluate performance of the executive body of government through variety of tools provided by Constitution	
8	Members of Provincial Assemblies are selected by Members of National Assemblies	
9	Member of Provisional Assemblies are not authorized to represent their constituents in provisional assemblies	
10	When state of emergency is declared by Central Government, member of National Assembly cannot make any law	
11	Financial matters of province are managed by the local government representatives	
12	Member of Provisional Assembly is responsible to formulate proper garbage removal mechanism in constituency	
13	Local government system is established to deals with foreign policy objectives of the state	

14	Local government level is last tier of government	
15	Member of National assembly is head of local government structure	
16	Policies regarding public parks are formulated at local level by local government representatives	
17	Local government representatives discuss the local issues in provincial assemblies	
18	Union Council promote the agriculture development programs	
19	Civil defense and fire-fighting department is responsibility of local government representatives	
20	Local government representatives are obliged to assist member of Provisional Assembly in legislation process	
21	In Pakistan people are not well aware about the role of their elected representatives	
22	There is clear divergence of scope between the Federal Government, Provisional government and Local government	
23	MNAs/MPAs must focus on the development work of the constituency in order to re-elect	
24	If local government perform evenly it will assist legislatures to focus on the issues of national concerns	
25	Empowering MPAs/MNAs enhance the efficiency of their performance	