



RESEARCH PAPER

The Role and Functioning of Senate in Pakistan: A Comparative and Historical Analysis

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ABSTRACT

The Senate, as the upper house of Pakistan's bicameral legislature, plays a crucial role in representing the federating units and maintaining a balance of power within the state. This research intends to provide a comprehensive examination of Senate in Pakistan. The main focus was on its constitutional underpinnings and strengths that have shaped its role and functioning within the broader framework of parliament. Furthermore, this research aims to critically analyze the evolution, role, and functioning of the Senate in Pakistan, with a focus on representation and legislative functions. The constitutional framework that establishes the Senate's role and functions. It explores key articles of the Constitution of Pakistan which define the composition, eligibility criteria, and electoral mechanism of the Senate. It is very important to understand, how they contribute to the Senate's role as a representative and revising chamber in the federal structure and to assesses the strengths of the Pakistani Senate in terms of its role in protecting the rights of smaller provinces, promoting federal harmony, and acting as a check on the lower house, the National Assembly. The Senate's unique features, including its staggered term length and indirect election process, contribute to its distinctive strengths within the Pakistani political system. The powers and structure of the Senate are to be discussed in conjunction with its case laws and then expand upon the challenges in Senate to exercise its duties true to its objectives.

KEYWORDS Constitution, Democracy, Federalism, Parliament, Senate, Supreme Court

Introduction

Senate, also known as the House of Federation, is the upper house of the Parliament, of a bicameral legislature, deriving its validity, powers and privileges from Article 59 among others. Senate is an essential feature of any federation simply because of the fact that it acts as a counter-weight to the powers of the majority party in the lower house, the National Assembly. This paper aims to analyse the powers and structure of the Senate in conjunction with its case laws and then expand upon the challenges faced by Senate in exercising its duties true to its objectives. Furthermore, this paper aims to critically analyze the evolution, role, and functioning of the Senate in Pakistan, with a focus on representation and legislative functions.

Bicameralism and federalism are two concepts that go hand-in-hand and cannot be maintained true to their nature without the other, the true legislative intent behind bicameralism is rather simple (Lijphart, 1985). It is a means or a forum of managing regional diversity and promoting democratic values in the constituting units of a federation. It does so through an intricate system of checks and balances over the powers of the lower house so as to protect. The smaller or underprivileged ethno-regional

communities from the possible legislative tyranny of the majority party in the National Assembly (Dickerson, 2009).

Bicameral legislature is a phenomenon as old as the idea of the system of government and legislation. The evolution of bicameralism can be divided into 3 phases, starting from the ancient Greek civilization and moving over to early modern Europe and closing with the emergence of the modern upper house of legislature in the American constitution (Mushtaq, 2017).

Pakistan's journey towards bicameralism was not straightforward. It adopted bicameralism in 1973, but prior to this, it remained under a unicameral legislature according to its first two defunct constitutions of 1956 and 1962. The delay in adopting bicameralism might have hindered the development of federalism during the early years of Pakistan's existence. However, despite these provisions, Pakistan could not flourish as a true federation. This raises questions about whether the Senate has been able to effectively fulfil its role in promoting federalism. The Senate being a permanent chamber cannot be dissolved.

The study concludes by emphasizing the vital role of the Senate in safeguarding the principles of federalism and ensuring equitable representation of all provinces within the Pakistani state. By evaluating the constitutional articles, strengths, and case laws surrounding the Senate, this paper contributes to a deeper understanding of the Senate's position in Pakistan's democratic framework and its importance in maintaining a balanced and effective parliamentary system.

Literature Review

In case the member has a genuine moral, ethical and legal apprehension towards the matter, they can still vote against the party position as a safeguard mechanism exists before disqualification (PLD 2015 SC 401).

The resignations could only be accepted if the Chairman/Speaker was "proved positively" in regards to the satisfaction of the above mentioned 3 points after conducting a personal inquiry into each resignation, then and only then the resignations would be accepted. If at any point before the acceptance of the resignations, the members explicitly or through their actions, such as attending the sessions of the house or in a public press conference retract these resignations, the same will stand null and void and become ineffective requiring no further order and action. In the present matter, the respondents had retracted their resignations before the satisfaction of the Speaker and thus no further action was necessary. The court further added that assuming that the Speaker had already passed an order to his Satisfaction of the resignations and approved them, the writ would still not be maintainable under Art. 199 of the Constitution (PLD 2015 Islamabad 156).

One power that Pakistani Senators lack in comparison to their counterparts is the right to speak indefinitely as is available to US model. In Pakistani Senate, the Chairman can curtail a Senator's speech by placing a time restriction on it in order to maintain the decorum of the house. Similarly, Senators in Pakistan cannot introduce an unrestricted number of amendments, it is the prerogative of the Chairman to allow any number of amendments. If a debate or a motion becomes too lengthy the Chairman can enforce time limits for its conclusion. Rule 195 clearly stipulates that amendment 'shall not be moved which has merely the effect of negative vote'. (Pakistan G. o., 1980)

In a speech delivered by the Prime Minister on the floor of the National Assembly explaining the financial sources used to purchase property subject to an investigation over corrupt practices, the PM made factual contradictions in the speech and the statements submitted to the watchdogs. The PM contended that he cannot be held liable for the speech as he was protected by Art. 66. The court noted that, the PM had only utilized the floor of the National Assembly to address the nation and the speech was not even on the agenda of the National Assembly and thus declared it a personal address not protected by Art. 66 (PLD 2017 SC 265).

Parliament is prohibited from discussing and passing scandalous remarks on the judiciary or the conduct of judges of constitutional courts in dispensation of their duties. Proceedings of the Parliament were although protected by Art. 69 but to take benefit of that protection, the Parliament must remain wholly in its ambit and competent jurisdiction. Held, that Member of Parliament of Provincial Assembly would render himself disqualified under Art. 63(1)(g) of the Constitution if he propagated any opinion or acted against the ideology of the state and its armed forces (PLD 2006 Quetta 36).

Material and Methods

Various sources were consulted to gain insights into the constitutional framework and case law related to the Pakistani Senate. These sources include the Constitution of Pakistan, the American Constitution, scholarly articles, a book, and case laws. While the American Constitution offers a comparative perspective on bicameralism and federalism, scholarly articles and other literature provides theoretical and practical insights into the Senate's role. The case law books have been instrumental in analyzing pivotal legal cases that have shaped the Senate's functioning and legitimacy. This diverse range of sources forms the basis for understanding and analyzing the multifaceted aspects of the Pakistani Senate within its constitutional and legal context.

Furthermore, the paper examines landmark case laws related to the Senate's functioning and legitimacy. It investigates cases that have tested the constitutional provisions governing the Senate and have implications for its powers and functions. Case law analysis is conducted to shed light on how judicial interpretations have influenced the Senate's role and significance in Pakistan's democratic landscape.

Senate and Federalism

It is a common practice that most of the federal states normally have a bicameral legislature. The upper house has the necessary powers to protect the interest of the smaller federating units against the encroachment of their rights by the bigger ones. That is why the principle of parity is strictly observed in its creation.

The Senate is designed to provide a feasible platform for units to represent on the principle of equality. It allows ethno-regional minorities a chance of representation at the federal level thus, giving them an effective position to influence federal legislation and policy formulation, it does so by giving them weighted or equal representation (Dickerson, 2009). However, it must be noted that the contemporary experience of upper house falls on a wide spectrum. The role of the upper house/second chamber is dependent on a multitude of factors. In a federal bicameralism, ethno-regional minorities can only be brought to an advantageous position if the house wields real and meaningful powers (Thorlakson, 2003).

The House of Federation

For a clearer understanding of the Senate and its rules and procedures, it is pertinent to thoroughly examine the Articles of the Senate and analyzing them in the light of relevant case laws, which is what this section intends to do.

Article 59

This Article pertains to the Senate, it begins by establishing the office of the Senate, and then moves on to declare its composition, it further sets out specific quotas for underprivileged or oppressed classes.

The key points of this article are as follows:

- a. The Senate of Pakistan consists of 104 members.
- b. Members of the Senate are elected by the members of the Provincial Assemblies, with each province having an equal number of senators.
- c. The Federally Administered Tribal Areas (FATA) used to have representation in the Senate, but it has been merged with the Khyber Pakhtunkhwa province, and its representation has been adjusted accordingly.
- d. In addition to the provincial members, the Senate also includes women and technocrat members as specified in the Constitution.
- e. Senate seats allocated to provinces to be filled with the proportional representation by means of the single transferrable vote.
- f. Highlights the expiry of terms of specific seats.

Senators are elected on the basis of proportional representation by the provincial assemblies through the means of a single transferable vote to fill the reserved seats for the respective provinces. Through this method, smaller and unrepresented communities and small political parties get a voice in the federal legislative process. By the principal of proportional representation, the candidates fighting against those open Senate seats must secure the proportional vote from the total strength of the concerned provincial assembly. For instance, a candidate wishing to be elected by the Punjab Assembly for a position in the Senate, shall have to secure 13 votes from Punjab Assembly, whereas a candidate for Senate from Baluchistan Assembly would only need to secure 1 vote from their Assembly.

Candidates for Senate from the federal capital are to be elected by all the members of the National Assembly. The unamended version of the current constitution had envisaged federal capital senators to be as Presidential nominees but with the introduction of the eighth amendment the process has been democratized further such that the freshly elected members of the National Assembly, will vote for the 3 seats reserved for Senators from the federal capital. The term of office for the Senator is six years but one-thirds of them retire after every two years. So long tenure promotes stability and continuity in the legislative process. The Honourable Lahore High Court in its decision (**PLD 2006 358**), have highlighted that a certain social and academic stature must be achieved by the candidate to qualify as a potential technocrat. The

petitioner, an advocate of the High Court, had filed papers to contest for the Senatorial seat of technocrat challenged the dismissal of the aforesaid papers on the grounds that the petitioner failed to fulfill the qualifications of Technocrat. The court after hearing the parties at length, set out a criterion that an Advocate may not have mastered in any particular subject of the law however, he must have some reported judgements in law journals to his credit, he must be an Advocate of the Supreme Court and that he must have held any representative office of the Bar. Held, that the Petitioner in the present matter was not qualified to contest elections of the Senate on the seat of technocrat as contemplated under Art. 59 of the Constitution.

In furtherance of this, in another ruling the Honourable Supreme Court, in their order highlighted that Art. 5(1)(a)(iv) of Houses of Parliament and Provincial Assemblies (Elections) order of 1977 is to be read as the proviso defining and outlying the qualification for the terms "Technocrats", "Ulemas", and "Professionals" occurring in Art. 59(1)(d) of the Constitution of Pakistan (2000 SCMR 250).

In another similarly placed matter, the Honourable Karachi High Court, setting aside the orders of a returning officer barring a Doctor from contesting elections on the Senate seat of technocrat on the grounds of inadequate experience in the field reasoned that, the petitioner had spent several years in the field before graduation in the form of clinical posting and thus satisfied the experience requirement. The Court, allowing the appeal, accepted the nomination papers of the candidate (2006 CLC 624).

Article 60

This Article, establishes the posts of the Chairman and the Deputy Chairman of the Senate while also outlying the procedure of their election. The Article further states that the maximum term of their respective offices will be 3 years.

Article 61

This Article is drafted as such that it enforces the provisions of National Assembly enshrined under Art. 53(2)-(7), Art.54(2-3), and Art. 55 on the Senate. The gist of these provisions are:

- a. The Chairman and Deputy Chairman must take oath before entering their respective offices.
- b. The Chairman and the Deputy Chairman cannot preside over a meeting of the Senate where a motion in favour of their removal is being considered.
- c. It also outlines the procedure of resignation for both the offices.
- d. The minimum number of sessions that the Senate is bound to convene and the maximum period between each session.
- e. The procedure on how to call a joint sitting of the parliament.
- f. The procedure of voting and the minimum number required for a successful voting session.

Declaration by a court of law regarding the lack of honesty of a parliamentarian was final and could not be undone by the Chairman Senate or Speaker National

Assembly or the Election Commission by overriding or sitting in judgement in the same, and such declaration had an automatic effect of disqualification of the Parliamentarian (PLD 2017 SC 265).

Article 62

This Article, outlines the qualifications for membership in the Majlis-e-Shoora (Parliament). A summary of its key points is as follows:

1. **Citizenship:** To be eligible for Parliament membership, a person must be a citizen of Pakistan.
2. **Age and Voter Enrolment:** In the case of the Senate, the age requirement is 30 years, and the candidate must be a registered voter in the relevant area or the Federal Capital.
3. **Good Character:** Candidates must have a good character and should not be commonly known for violating Islamic Injunctions.
4. **Knowledge of Islamic Teachings:** Candidates must possess adequate knowledge of Islamic teachings, obligatory duties prescribed by Islam, and must abstain from major sins.
5. **Personal Qualities:** Candidates are required to be sagacious, righteous, non-profligate, honest, and ameen (trustworthy), without any declaration to the contrary by a court of law.
6. **No Opposition to Pakistan's Ideology:** Candidates should not have worked against the integrity of the country or opposed the ideology of Pakistan since its establishment.
7. **Exception for Non-Muslims:** The disqualifications related to Islamic teachings and character do not apply to non-Muslim candidates, but they must have a good moral reputation.

These qualifications aim to ensure that members of Parliament are citizens of Pakistan with a strong commitment to Islamic principles and the country's integrity.

In the present matter, the Honourable High Court, took up a challenge to the Returned Candidate's (respondent) educational documents. The petitioner had challenged the said documents to be fake and forged and that the Returned Officer had written approved on them without specifying any reason thereto. One of the qualifications of becoming a member of the Parliament is that the person must at least be a graduate holding a bachelor's degree recognised by the University Grants Commission. Upon inquiry by the court, it was proved that the Returned Candidate was in possession of a fake and forged Sanad Daras-ul-Almia from Darul-Aloom. Held, that the respondent while filing his papers had defrauded the Government functionaries and the public at large and thus did not fulfil the conditions set out in Art. 62 of the Constitution and that the Returning Officer had illegally accepted the papers of the respondent without scrutinising the documents, the court declared the respondent's elections as void and instructed the Election Commission to conduct fresh elections in that particular constituency (2010 CLC 1802).

To expand on this, through amendment, the qualification of graduation was no longer mandatory for eligibility to contest elections of the parliament, but the respondent under oath had lied about him being a graduate while contesting elections for Member Punjab Assembly. Held, that the respondent had succeeded in defrauding the voters of the constituency, his election as Member of Provincial Assembly was declared as fraudulent and of no legal effect (2015 MLD 1090).

In the present matter, the Honourable Baluchistan High Court held that the respondent did not satisfy Art. 62(1)(d) of the Constitution as he had lied about his two convictions of embezzlement and misappropriation of public money while being under oath and such false declaration could not be stated as "good character" under Islam and was thus held disqualified as a Senator and a recovery of salary or any other benefits derived from his post was initiated against the respondent (PLD 2012 Quetta 1).

Article 63

This article lists various disqualifications that can prevent a person from becoming a member of the Pakistani Parliament, ensuring that candidates meet certain criteria and uphold certain ethical standards. The Election Commission is responsible for deciding disqualification cases. In the present matter, the Petitioner challenged the rejection of his nomination papers on the grounds of his dismissal from service counted as misconduct and indiscipline. The counsel for the petitioner argued that, the petitioner's willful absence from service could not be construed as misconduct or moral turpitude for the purposes of disqualification under Art. 63(i) & (j) of the Constitution of Pakistan read with S.99(1-A)(i) of the Representation of the People Act 1976. Held, that petitioner's willful absence from service translated into an element of indiscipline and in the extended purview of the laws, it could be viewed as gross misconduct and thus the plea was devoid of any force. Furthermore, the court also declared the disqualification under Art. 63(i) & (j) read with S.99(1-A)(i) of the Representation of the People Act 1976 of permanent nature (2008 PLC 934).

In the present matter, the Petitioner was a candidate for a provincial assembly seat but his candidature came under objection on the grounds that he was convicted and sentenced to death on six counts in respect of offences under Ss.302/324/148/149 of the PPC read with S.7 of the Anti-Terrorism Act 1997. It was noted that the petitioner was although acquitted in the said cases but the acquittal was on the basis of a compromise and post-acquittal the petitioner still remained engaged in anti-social activities which placed a bar on his election as a member of the provincial assembly under Art.62 & 63 of the Constitution. Held, that the petitioner had attained a clean acquittal though on the basis of a compromise, and was as a result cleared of any stigma hence could not be barred from contesting elections (PLD 2008 Lahore 200).

The Honourable Supreme Court of Pakistan in a landmark decision explained the wisdom behind keeping Government servants out of the election race. "True representation of the people is the essence of the democracy. Elected representatives should not be open to any influence or temptation, which may be a stumbling block in their way to serve people of their constituency truly and freely. Possibility of existence of such influence or interest or temptation is sufficient disqualification unless the law provides otherwise and that is the ruling concept. Conflict of duty and interest in elected representative should be avoided. If persons in service of the Government were allowed to participate in election process, then there is danger that elected bodies would lose their independence, objectivity, and capacity to execute duties and functions entrusted

to them by law or by the constitution. Idea is to keep democracy free from and independent of executive control” (2007 PLD SC 16).

Article 63-A

Article 63 of the Pakistani constitution deals with disqualification and defection of members of Parliament. If a member of a single-party Parliamentary Party resigns from their party, votes against their party's direction, or joins another party, the Party Head can declare them as having defected. This declaration is sent to the Presiding Officer and the Chief Election Commissioner. The Election Commission confirms or rejects the declaration within 30 days. If confirmed, the member loses their seat. Dissatisfied parties can appeal to the Supreme Court. The provisions do not apply to House Chairpersons. The article defines terms and was substituted by Article 63A, effective after the next general elections following the 2010 amendment. It ensures party loyalty and adherence to party directives on critical matters (PLD 2015 SC 401). Art. 63A, as amended by the Eighth Amendment sought to curb the perennial mischief of horse-trading and floor-crossing that plagued the politics in Pakistan for decades.

Furthermore, Art. 63A as amended by the Eighth Amendment did not contain any ouster of jurisdiction clause which meant that the case remained justiciable at every stage. The Honourable Supreme Court, in a decision noted that the Eighth Amendment had blunted the provisions of Art.63A as pre-amendment it contained “much stronger and draconian provisions” with respect to disqualification on the grounds of defection and the same were upheld by the Supreme Court in its monumental judgement (PLD 1998 SC 1263).

It is imperative to note here that both Article 63(1) and Article 63A guide the rules of disqualification of members of the parliament, but Article 63(1) applies to pre and post- election disqualification whereas Article 63A only applies to post-election disqualification on the grounds of defection.

High Court reserves the constitutional jurisdiction to scrutinize and restore a person who is disqualified under Art.63-A of the constitution, this jurisdiction of the High Court is subject to the condition that if the action taken is coram non iudice or based in malafide intentions (PLD 2012 SC 1089).

The effect of this Article is only limited to defection inside the House or on the House floor, this interpretation of the Constitution is brought to light in the case of *Fateh Ali Khan v. Chief Election Commissioner*, where a news clipping published in a newspaper proved that the petitioner had joined the opposition party and in doing so had committed defection to the other party but the said defection was outside the house, consequently he was disqualified by the Chief Election Commissioner. The Honourable Baluchistan High Court after reviewing the arguments of both parties came to the conclusion that the defection occurred outside the House floor which is not in the cognizance of the Party Leader as enshrined under Art. 63A. The High Court exercising its constitutional jurisdiction, declared the order of the Chief Election Commissioner as illegal as he had acted as coram-non-judice (PLD 1999 Quetta 1). The Chief Election Commissioner holds the jurisdiction to determine as to who heads a political party as it is a jurisdictional fact but cannot help in resolving inbuilt organisational disputes that might come up in a political party (1999 CLC 1660). Another landmark case law of the Honourable Supreme Court in this regard is the case of *District Bar Association Rawalpindi v. FOP*. The presiding Lordships laid down in detail the extent of defection of a parliamentarian. The judgement directed that only the voting behaviour can be

construed as defection. Art. 63-A doesn't infringe upon the right of the parliamentarians to debate or raise a point of order in the House. Moreover, voting in opposition to the party leader's position did not automatically de-seat a member.

Article 64

This Article addresses the resignation and absenteeism of members of Parliament;

Resignation: A member of Parliament can resign from their seat by submitting a written resignation to the Speaker (in the National Assembly) or the Chairman (in the Senate). Upon receipt of the resignation, the seat becomes vacant.

Absenteeism: If a member remains absent from the House's sittings for forty consecutive days without the House's leave, the House has the authority to declare their seat vacant.

In essence, Article 64 allows members to voluntarily resign from their parliamentary seats, and it provides a mechanism for the House to declare a seat vacant if a member is absent for an extended period without permission. Chairman/Speaker's refusal to give effect to the resignation of a member of parliament cannot be made the subject of a judicial review by High Court under Art. 199 nor can an opinion be issued on it or the resignation be given effect by the court (PLD 2015 Islamabad 156).

It is not sufficient for the member to tender a resignation under their name. For the resignations to take effect under Art. 64, the crucial test was the satisfaction of the Chairman/Speaker of the house. This could be established with the help of a 3-prong test:

1. The resignation was not coerced and was rendered voluntarily.
2. The intentions behind the resignation were true and that the member intended to relinquish and vacate the post.
3. The resignation was not a fake or forged one.

Article 66

Article 66 of the Pakistani constitution pertains to freedom of speech, powers, immunities, and privileges within the Parliament. Members of Parliament have the freedom of speech within Parliament. They cannot be held liable in any court for what they say or how they vote in Parliament. The publication of reports, papers, votes, or proceedings by or under Parliament's authority is also protected from legal action.

1. The powers, immunities, and privileges of Parliament and its members will be defined by law, which may change over time. Until such laws are enacted, the powers and privileges enjoyed by the National Assembly of Pakistan and its committees and members before the Constitution's commencement day apply.
2. Parliament can make laws allowing for the punishment of individuals who refuse to provide evidence or produce documents when requested by a parliamentary committee's chairman. These laws may also empower courts

to penalize non-cooperation. However, any such law is subject to the President's order to safeguard confidential information from disclosure.

3. The provisions of Article 66 also apply to individuals with the right to speak in or participate in Parliament's proceedings, just like they apply to members.

Article 69

This Article safeguards the validity of parliamentary proceedings by preventing challenges based on procedural irregularities and grants immunity to officers and members of Parliament concerning actions taken to regulate procedure, conduct business, or maintain order within Parliament.

This immunity is only valid in case of irregularity of procedure, it doesn't offer the same immunity on a blatant illegality. In the present matter, the act of summoning an under-trial prisoner, who happened to be a member of the House to a session of the House was held to be beyond the ambit of this immunity (PLD 1999 Karachi 54).

Oversight Committees

Parliamentary oversight encompasses the process of thoroughly reviewing, monitoring, and supervising government and public agency activities, which includes assessing policy and legislation implementation (Yamamoto, 2007). The effectiveness of these oversight procedures hinges on the level of seriousness and frequency with which parliament members inquire about government policies and operations (Ahmed & Ahmed, 1996). The Senate's oversight capacity is indicative of its significance in Pakistan's political landscape. To understand the Senate's role in different regions, it's vital to consider how diligently and frequently members from minority regions scrutinize government policies. The federal chambers are responsible for scrutinizing and overseeing legislative and administrative functions, and sometimes, matters pertaining to foreign affairs. Common tools used for oversight include thorough committee systems, requests for adjournment motions, calling attention notices, resolutions, and inquiries through questions.

In the case of the Pakistan Senate, Rule 86 dictates that when a bill is introduced, it is automatically referred to the relevant standing committee. An interesting point to highlight is that, similar to other countries, this referral process may be bypassed. However, the key distinction lies in the fact that in Pakistan, it is primarily the prerogative of an individual senator to make this decision. Conversely, in the developed countries, it's up to the discretion of an individual senator. In Pakistan's Senate, it is usually the minister who has the authority to forego the necessity of committee referral and may request the immediate consideration of the bill. Standing committees in Pakistan Senate must consist of no fewer than six and no more than twelve members. Additionally, the relevant minister is automatically included as an ex-officio member of the respective committee. The allocation of subjects to these committees is done in accordance with government rules and regulations for the allocation and transaction of business. Bills originating from the National Assembly do not automatically find their way to Senate standing committees; instead, a motion needs to be carried out for the bill to be referred to the committee. If the motion is successfully carried, the bill is referred for consideration.

For the examination of various matters, a committee has the authority to establish further subcommittees or committees. Much like the committees in other developed countries, the committees in the Pakistan Senate possess full powers to conduct hearings, summon witnesses, and seek the expertise of subject matter specialists. However, the major distinction is that the recommendations or alterations proposed by these committees are not binding. They are purely of an advisory nature. There is a significant need to enhance and empower these committees to be more in line with their counterparts.

These committees do not offer the same immunity from judicial review as offered by Art. 69 of the constitution to the Parliament. In an order, the Honourable Supreme Court reasoned that these committees are purely the production of Art. 175-A of the constitution and thus could not be considered as part of the legislature hence did not benefit from the protections offered to the Legislatures (PLD 2007 SC 407).

Conclusion

Conclusively we can argue that the senate of Pakistan acts as a mechanism of checks and balances and ensures that all systems of utility are preserved by a final authority that supersedes bad policies by ensuring a greater mechanism of deterrence and accountability. For there to be better accountability and discourse on the governmental front all of the comparative answers are multilaterally protected, this protection makes sure that no harm to the jurisprudential system of Pakistan is done. The senate voted for the removal of article 58-2b from the frame of the constitution and actively preserved the sanctity of the Prime Minister position while harming the managerial post of the president, making it nominal. The senate is a very crucial part of the constituent assembly of Pakistan. Various articles of the Pakistan's constitutional framework are adequately important for the maintenance of the legal system that governs law and policy.

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