

Empowering Ethnoregional Minorities and the Federal Bicameralism:Examining the Role of Senate in Pakistan

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Federations establish power-sharing institutions at the federal level to empower the minority groups. Federal bicameralism is a part of power-sharing mechanisms that promote the shared-rule through allocating equal representation to the minority groups/provinces in the Second Chamber of the Parliament. Though, the federal bicameralism has now become a norm in the contemporary federal experiences, its strength varies across cases. The Pakistani Federation had adopted bicameral legislature in the 1973 Constitution but owing to the parliamentary nature of system, the directly elected Lower House has played an unparalleled role in the legislative and oversight business of the Parliament. However, despite of its lesser role in the polity, the minority groups envision the Senate as a forum that empowers them at the federal level. What the findings about oversight functions of the Senate illustrate is that the Senators belonging to smaller provinces are more vigorous than the Punjabi Senators, by submitting more questions, adjournment motions and call attention motions in the house, which in many ways reflect a more nuanced territorial role of the Senate. Conversely, the voting patterns and party discipline in the House lessen the territorial role of the Senate. But, as the smaller units have a larger voice in the House and the Senate is asserting for greater role, it is more likely that it would dispense more meaningful role in the years ahead.

Keywords: empowering minorities, bicameralism, federalism, senate, Pakistan.

Pakistani Federation has attracted adequate scholarly attention (Adeney, 2007 & 2012; Ahmad, 1990; Faiz, 2015; Mushtaq, 2011). However, this research has largely ignored to analyze the role of Senate for provision of shared-rule at center to the ethnoregional minorities. Pakistani Federation adopted bicameral legislature in the 1973 Constitution but the role of Senate remained subservient to the popularly elected house; the National Assembly of Pakistan for most of the period. However, the ethnoregional groups based in smaller provinces have been advocating a meaningful role for the Senate. Resultantly, the well-known 18th Constitutional Amendment enhanced the role of Senate significantly. Additionally, the Senate of Pakistan adopted a resolution on February 13, 2017, "to enhance its role and powers to protect rights of the federating units and ensure meaningful participation of the provinces in the affairs of the federation". The resolution has demanded to "revisit the legislative competence, parliamentary oversight and other functions of the House in particular its relationship with provinces" (Senate of Pakistan, 2017, p. 9). In this backdrop, this paper attempts to evaluate the role of contemporary Senate as a House of Units. The paper argues that the minority groups of Pakistan envision the Senate as a house that empowers them at the federal level. However, the voting patterns and the party discipline owing to the parliamentary nature of the system lessen the territorial role of the Senate.

Bicameralism and Federalism

The combination of bicameralism and federalism dates from the emergence of first modern Federation, the United States of America in 1787 (Watts, 2003. p. 67). Subsequently, all major Federations such as Switzerland, Canada, Australia, and India established bicameral legislatures. Some Federations such as Pakistan and Nigeria opted unicameral legislatures but eventually replaced them with bicameral legislatures. Therefore, bicameralism has become a primary feature of the contemporary federal political institutions (Lijphart, 1985).

Bicameralism is one of the power-sharing mechanisms that contemporary federations adopt to empower ethno-regional minorities at the federal level. The federal bicameral legislatures provide representation to the federating units on population basis in the directly elected lower houses. But the units are provided weighted or equal representation in the upper house, popularly known as a federal chamber (Dickerson, Flanagan, & O'Neill, 2009). The rationale behind provision of weighted or parity representation in the federal chamber is to provide effective representation to the smaller constituent units in the federal legislature. This upper house enables the minority groups to play an effective role in the federal legislation and the policy formulation. Hence, the federal chambers are playing significant role in managing diversity and safeguarding the regional interests in several contemporary federations (Norton, 2007; Patterson & Mughan, 1999; Swenden, 2004 & 2010).

However, the role of federal chambers in contemporary federal experiences differs widely. The U.S Senate, the German Bundesrat and the Swiss Council of States are considered the upper chambers having strong strength and greater role in the federal legislative and administrative functions. Conversely, the Canadian Senate and Austria's Federal Council have been provided minimal role (Thorlakson, 2003). The role of second chambers in federal legislation, policy formulation and decision making depends on certain factors. The form of political institutions, the composition of the house, the mode of member's elections, and the functions assigned by the constitution determine the strength and role of the second chambers. The federal bicameralism can empower the ethnoregional minorities only if their representation in the second chamber is meaningful and the house has the real power.

Replacing Unicameral with Bicameral Legislature in Pakistan

The first Constituent Assembly of Pakistan passed the 'Objectives Resolution' on March 12, 1949. This resolution, along with the other provisions, endorsed the federal system of government for Pakistan. Subsequently, "the Basic Principles Committee" was assigned the role to draft the constitutional bill and propose the form of federal political institutions keeping in view the diversity and territorial composition of the then Pakistan. It has been argued that the issue of representation between 'East and West Pakistan in the federal legislature' was the major problem that delayed the framing of constitution in the early years of Pakistan.

The first report¹ submitted by the Committee in 1950 was criticised in East Pakistan as it did not provide overall majority to the most populous province in the parliament (Choudhury, 1955).

The second report² submitted by the Committee in 1952 also remained unsuccessful in designing an acceptable federal bicameral legislature. The reaction to this report was more hostile in Punjab because of the subservient role of the second chamber and the over-representation of Bengal in the upper house. The utility of federal bicameral legislature proposed in the second report was contested as the identical composition of the upper house with the lower house 'made the former a weak replica of the latter' (Choudhury, 1955). Eventually, the Constituent Assembly accepted the constitutional proposal presented by Muhammad Ali Bogra, the then Prime Minister of Pakistan. This formula provided representation to the five territorial regions in the first chamber on the population basis. However, it provided equal representation to the units in the second chamber. The lower house consisted of 300 members and the upper house consisted of 50 members. The seats in

¹ In the first report, "the committee recommended a bicameral legislature with a house of units (upper house), with equal representation to the units, and a house of people (lower house), elected directly by the people. The two houses would have equal powers and that a dispute between them was to be resolved in joint session. Joint sessions of the two houses were also required for the election and removal of the head of the state, the budget, the money bills and votes of confidence. The Bengalis disapproved this federal formula complaining that it would reduce their majority into a minority and turn East Bengal into a "colony" of West Pakistan" (Malik, 2001, pp. 66-67)

² The second report also proposed bicameral legislature. "The proposed House of Units would consist of 120 members of whom 60 would come from East Pakistan and 60 from West Pakistan. Similarly, out of the total membership of 400 in the House of the People, half would be elected from the East and half from the West. The House of the People was to have all real authority; the House of Units would enjoy only the privilege of recommending revision in hasty legislation; the Council of Ministers was to be responsible collectively to the House of the People" (Choudhury, 1955, p. 593).

bicameral legislature were distributed in such a way as to “ensure parity between the two zones in the joint session of the houses” (Choudhury, 1955; Ahmad, 2002). The Constituent Assembly was going to approve the draft constitution based on Bogra formula, but it was dissolved by the then Governor General Malik Ghulam Muhammad in October 1954.

The second Constituent Assembly was constituted in 1955. The major political development at this point of time in Pakistan was the creation of One-Unit. Under this scheme, all the provinces and princely states of West Pakistan were amalgamated into a mega province, the province of West Pakistan. The Bengal was renamed as the province of East Pakistan. So, the Pakistani Federation was transformed into a bipolar federation. The second Constituent Assembly enacted the first Constitution of Pakistan that was promulgated on March 23, 1956. This constitution designed a parliamentary federation in Pakistan. However, contrary to the contemporary federal experiences, unicameral legislature was established under this constitution. The members of National Assembly were elected through direct elections by the people. The house provided representation to the both provinces on parity basis.

This constitution proved short-lived as the martial law was imposed in October 1958 and the constitution was abrogated. The second Constitution of Pakistan was promulgated in 1962 during Ayub Khan’s period. This constitution continued with the ongoing bipolar federal arrangements and the unicameral legislature. With the demise of Ayub’s regime (1958-69), the Constitution of 1962 was abolished in 1969. The martial law government of General Yahya Khan dismissed the one-unit scheme and restored the provinces of West Pakistan, namely Punjab, Sindh, the then NWFP (KP), and Balochistan.

The first ever General Elections based on adult franchise in Pakistan were held in 1970. The post-election disagreement between the East and West Pakistan over constitutional framework resulted in the dismemberment of the State. The East Pakistan parted and became Bangladesh in 1971. The post 1971 Pakistan comprised of four provinces: Punjab, Sindh, NWFP, and Balochistan. The National Assembly of Pakistan enacted the third Constitution of Pakistan in 1973. This constitution established bicameral legislature in Pakistan for the first time. The National Assembly is directly elected lower house that provides representation to the provinces on population basis. However, the Senate provides equal representation to the four provinces. It also provides membership to the federal capital and Federally Administered Tribal Areas (FATA). The provincial assemblies elect the Senators for a period of six years through proportional representation voting system.

The Bicameralism in 1973 Constitution of Pakistan

The 1973 Constitution of Pakistan established the bicameral legislature. The National Assembly allocates membership to the units and regions on population basis. Currently, the National Assembly comprises of 342³ members. Punjab, the most populous province of Pakistan has 183 (53.5%) members in the house. On the other hand, Balochistan, the smallest province in terms of population has only 17 seats.

The Senate of Pakistan is indirectly elected upper house of the parliament that provides equal representation to the four provinces. The Senators are elected by the relevant provincial assemblies through the system of proportional representation for a period of six years. In addition, the Senate grants membership to the federal capital and FATA as well. Originally, the Senate had 45 members. However, the House has grown over the years and its membership was raised up to 104 in the year 2010.

Owing to the parliamentary form of institutions, the lower house plays a vital role in the politics of Pakistan. In addition to legislative functions, it elects and monitors the Executive. Punjab outnumbers the smaller provinces in the National Assembly. In addition, the pattern of electoral support in several elections reveals that the mainstream parties such as PPP and factions of PML have won almost all elections in Punjab. Owing to this support, the mainstream parties have formed federal cabinets on a regular basis. Conversely, the ethnoregional

³ National Assembly is consisting of 342 members. While 272 members are elected by direct elections, the constitution reserves 10 seats for religious minorities and 60 seats for women. The members on reserved seats are elected by proportional representation among the parliamentary parties having not less than 5% of the vote.

parties based in minority provinces like KP and Balochistan played trivial role because of the lesser numerical strength in the house. But on account of the parity representation, the regional parties of smaller provinces play an important role in the Senate. This House empowers the minority units and enables its members to safeguard the regional interests.

The 18th Constitutional Amendment has strengthened the role of Senate significantly. The amendment has extended the working days for Senate from 90 to 110, and the consideration period of money bills from 7 to 14 days. Now, the cabinet is collectively responsible not only to the National Assembly but also to the Senate. The Senate has been provided an equal membership of the parliamentary committee that plays vital role in the appointment of the Judges and Chief Election Commissioner. In addition, several reports such as report on principles of policy and report of Council of Common Interests that were earlier placed only before the National Assembly are now also placed before the Senate. Similarly, the National Finance Commission is now responsible to the parliament and submits its reports to the both Houses (Government of Pakistan, 2017, pp. 19-20). The Senate is provided representation in the Public Accounts Committee as well. Recently, the Senate has remained busy in public interest legislation and in defending the provincial autonomy. It submitted guidelines to the Executive on the matters of national concerns. Equally, it took certain measures to promote transparency, openness, and accountability in the polity (Senate of Pakistan, 2017, pp. 10-15).

Table 1

Regional Distribution of Membership in the Pakistani Parliament (2017)

Region/Province	National Assembly	%	Senate	%	Joint Sitting	%
Punjab	183	55.12	23	22.12	206	47.25
Sindh	75	22.60	23	22.12	98	22.48
Khyber Pakhtunkhwa	43	12.95	23	22.12	66	15.14
Balochistan	17	05.12	23	22.12	40	09.17
FATA	12	03.60	08	07.70	20	04.59
Federal Capital	02	00.60	04	03.85	06	01.38
Total	332*	100	104	100	436	100

*Total number of seats in the National Assembly is 342. But, the reserved seats for non-Muslims are not regional wise distributed. So, for the purposes of analysis in this study, those seats have been excluded.

Ethnoregional minorities of Pakistan

Pakistan documented six ethnolinguistic groups in the 1998 Census Report. Punjabis, the largest group are based in central and northern parts of the Punjab province. In the Southern part of Punjab, Seraikis constitute a majority. Sindhis, the second largest group, are based in rural Sindh. Urdu speaking Mohajirs are mainly settled in urban Sindh. Pashtuns are a majority group in the KP. In addition, many Pashtuns are settled in the northern Balochistan. The Balochs are living in the sparsely populated Baloch region of Balochistan province. In addition, the Hindko-speaking Hazarewals of KP province have contested separate identity recently. Mostly, the groups are geographically concentrated. The Sindhis in Sindh, Pashtuns in KP, and Balochs in Balochistan are the majority groups. The Siraikis in Punjab, Mohajirs in Sindh, Hazarewals in KP, and Pashtuns in Balochistan are the minority groups. Historically, the national minorities (the provincial majority groups excluding Punjabis) have been asserting for greater autonomy and power-sharing. It has been observed that the Sindhis, Seraikis and Balochs have remained underrepresented in the civil and military bureaucracy. The Punjabis dominated the power structure of Pakistan and remained over-represented in the vital National Institutions. The Mohajirs and Pashtuns joined Punjabis as the junior partners (Mushtaq & Alqama, 2009). The federal minorities (that constitute a majority in respective provinces) altogether have lesser representation than Punjab in the National Assembly. Therefore, the parity representation in Senate is vital for empowerment of ethnoregional minorities at federal level.

Table 2*Ethno-linguistic Groups in Pakistan: Some Comparative Observations*

Enumeration	Punjabis	Siraikis	Balochs	Pashtuns	Sindhis	Mohajirs
Language(s)	Punjabi	Siraiki	Balochi	Pashto	Sindhi	Urdu
Religion	Islam	Islam	Islam	Islam	Islam	Islam
Regional base of groups	Punjab	South Punjab	Balochistan	KP	Rural Sindh	Urban Sindh
Population (1998)	45.4%	10.9%	3.5%	13.0%	14.6%	7.8%
Population in region	>75%	>75%	50-75%	50-75%	>75%	>75%
Urban/Rural distribution	Mixed	Mainly rural	Mostly rural	Mostly rural	Mainly rural	Mainly urban
Highest level of political grievances	No political grievances	Separate province	Autonomy status	Autonomy status	Autonomy status	Autonomy status
Representation	Political	Adequate	Under	Under	Adequate	Adequate
	Civil bureaucracy	Over	Under	Under	Adequate	Under
	Armed forces	Over	Under	Under	Over	Under
	Diplomatic positions	Over	Under	Under	Under	Under
						Over

Sources: (Mushtaq, 2011, p. 58)

Role of Senate for Empowering Ethnoregional Minorities in Pakistan

Federal bicameralism provides meaningful role to the House of Units for empowering minority groups at the federal level. However, not all second chambers play an effective role. The powers and functions of the second chambers differ widely. The non-parliamentary federations generally dispense greater role to the federal chambers than the parliamentary federations. However, in the case of Australia it has been argued that “strong bicameralism is not inherently incompatible with responsible government” (Mulgan, 1996). Similarly, the directly elected chambers perform superior role than the appointed or indirectly elected houses. The federations that offer the greater role to the upper houses enable the minority groups/units to influence the federal policy-making through participation in the institutions of the federal government such as the federal legislature, the federal executive and the federal administration. The assigned role to the Senate by the 1973 Constitution of Pakistan includes “legislation, accountability or oversight of the Executive, and representation of the federating units” at federal level for protecting the interests of federating units (Government of Pakistan, 2017). Equal representation of the provinces in the Senate has symbolic importance as it provides smaller provinces a larger voice in the house. The Senate of Pakistan performs certain roles and enables the minority groups to participate in the federal policy-making.

Seating Arrangements and Voting Patterns in the Senate

Seating arrangements and voting patterns in the contemporary federal chambers differ greatly. Some Houses such as German Bundesrat and the National Council of Provinces in South Africa⁴ do not vote in party groups but in the form of a delegation representing the respective state or a province. However, in most of the cases the members sit in party groups. Especially, in the parliamentary federations like Canada, India and Pakistan, the relative party discipline in the second chambers limits the territorial character of the house.

The Pakistani Senate provides representation to the provinces and regions on a territorial basis. However, the members of Senate sit in party groups and mostly, poll votes along the party lines. There are three parliamentary groups in the current Senate of Pakistan. The majority group comprises of Pakistan Peoples’ Party and its allies: Muttahida Qaumi Movement, Awami National Party, Jamiat-Ulema-e-Islam (F), Pakistan Muslim League (Q), National Party, and Independents. The opposition group consists of Pakistan Muslim League (N) and its allies, Pashtoonkhwa Milli Awami Party, Balochistan National Party, Balochistan National Party Awami, and

⁴ In the second chamber of South Africa, the ordinary legislation requires simple majority for approval and the members vote in party groups. However, the constitutional amendments require approval of the five out of total nine provinces, and the members of each province cast votes in the form of single block.

Pakistan Muslim League (F). The third parliamentary group of the Senate consists of Pakistan Tehreek-e-Insaf (PTI) and Jamaat-e-Islami.

Table 3
Party Representation in Current Senate (2017)

S. No.	Political Party	Representation in Senate					Cumulative Seats	Position
		Balochistan	KP	Punjab	Sindh	Others		
1	Pakistan Peoples' Party (PPP)	4	5	2	14	1	26	In Majority
2	Pakistan Muslim League (N)	3	3	19	0	2	27	In Minority (overall)
3	Muttahida Qaumi Movement	0	0	0	8	0	8	In Majority with PPP
4	Pakistan Tehreek-e-Insaf (PTI)	0	7	0	0	0	7	In Minority
5	Awami National Party	1	5	0	0	0	6	In Majority with PPP
6	Jamiat-Ulema-e-Islam (F)	3	2	0	0	0	5	In Majority with PPP
7	Pakistan Muslim League (Q)	2	0	1	0	1	4	In Majority with PPP
8	National Party	3	0	0	0	0	3	In Majority with PPP
9	Pashtoonkhwa Milli Awami Party	3	0	0	0	0	3	In Minority with PML (N)
10	Balochistan National Party	1	0	0	0	0	1	In Minority with PML (N)
11	Balochistan National Party Awami	2	0	0	0	0	2	In Minority with PML (N)
12	Pakistan Muslim League (F)	0	0	0	1	0	1	In Minority with PML (N)
13	Jamaat-e-Islami	0	1	0	0	0	1	In Minority with PTI
14	Independents	1	0	1	0	8	10	In caucuses with PPP
	Total	23	23	23	23	12	104	

Source: (Government of Pakistan, 2017). Note: The category of "Others" refers to Federal Capital and FATA.

The composition of parliamentary groups in Senate illustrates that the party rather than territory is the major consideration for parliamentary groups of the Senate. For example, while 14 Senators of Balochistan are a part of the majority coalition, 9 members sit on opposition benches. So, the Senators of Balochistan do not work as a provincial block but they operate as a part of the majority or opposition groups. In the case of KP, the Senators are almost evenly distributed between majority and minority groups. For Sindh, 22 out of total 23 members are part of the majority group. However, both parties – PPP and MQM – are political rivals in Sindh and have divergent perspectives regarding the issues of Sindh. Majority of the Senators from Punjab are part of PML-N led opposition group in the house. The members of Senate are elected by the provincial assemblies through proportional electoral system. So, members represent parties rather than the regions and strictly follow the party lines during legislatives business.

It has been observed that the party discipline in the parliamentary federations limits the territorial role of the second chambers. Swenden (2004, p. 52) has argued that in such cases "although the second chamber is not normally involved in the making or breaking of the executive, the party discipline is not necessarily weaker there than it is in the lower house". He maintained that "party discipline can spill over into the second chamber, particularly when the same parties are represented in both legislative chambers and when, as is the case for some bicameral legislatures, some members of the second chambers are called upon to join the cabinet". In the case of Pakistan, the members of Senate can join the cabinet but overall their number should not increase from the one-fourth of cabinet. The cabinet members from the Senate actively participate in the legislative business of Senate and pursue the members of ruling party or coalition to strictly follow the party lines in the House.

This account suggests that the Senate of Pakistan performs lesser territorial role. Though, the regional minorities have substantial representation in the house, their role is not meaningful owing to way the Senate operates in practice. The Senate of Pakistan has co-equal legislative powers (excluding the money bills) with the larger lower house, the National Assembly. Being a federal chamber, the primary role of the Senate should be "reviewing the federal legislation with a view to bringing to bear upon it regional and minority interests and

concerns" (Watts, *Comparing Federal Systems*, 1999, p. 88). However, the role of Senate in this regard has remained contestable.

Patterns of House Debates in Federal Legislature

The political parties are highly centralized in Pakistan and virtually the central leadership nominates the candidates in the Senate elections. Less commonly parties decide the nominations through established procedure or consultation with the regional party leadership. Sometimes, the parties nominate such candidates that are not well-known, and even do not belong to the relevant constituency⁵. Hence, the members who are elected through proportional representation electoral system by the provincial assemblies represent their regions less often than their constituency would like. It happens because they mostly pursue party perspectives in house debates and committees. In addition, owing to the parliamentary form of government, the parties remain more cohesive and more active in the legislative business to achieve desirable outcome⁶. However, the recent pattern of House debates demonstrates that the Senators participate more seriously than the members of National Assembly. For instance, the analysis of House debates concerning the Constitution bill of 18th Amendment in 2010 attracted more attention of the Senate than the National Assembly. The House debates over this bill were significant as it contained provisions relating to autonomy, decentralization, and power-sharing. So, the Senators participated more actively to transform the existing, relatively centralized federal set-up (Mushtaq, 2009) into an inclusive one (Adeney, 2012). On this occasion, the participation of Senators in House debates was greater than the members of the National Assembly. The following table illustrates that only 21 (6.14%) of the 342-member House of National Assembly participated in the debate. In contrast, 48 (48%) Senators of the then 100-member house of Senate participated in the debates. Apparently, the role of Senators seems convincing but the content analysis of the debates reveals "that there is hardly any difference of opinion between the Senators and the members of National Assembly of the same party over autonomy issues across the regions" (Mushtaq & Mubariz, forthcoming). So, the contemporary pattern of House debates in Senate does not reflect the empowerment of the regional minorities. The House does not appear as a House of Units but as a house of regional parties. The parties, as it has been mentioned already, join parliamentary groups and the most influential determinant of the voting behavior in Senate is party policy.

Table 4

House Debates on 18th Constitutional Bill

Region	House	Participation in Debates	% Participation
Punjab	National Assembly	Membership	183
		Participation in debates	5
	The Senate	Membership	22
		Participation in debates	13
Sindh	National Assembly	Membership	75
		Participation in debates	4
	The Senate	Membership	22
		Participation in debates	10
Khyber Pakhtunkhwa	National Assembly	Membership	43
		Participation in debates	5
	The Senate	Membership	22
		Participation in debates	11
Balochistan	National Assembly	Membership	17
		Participation in debates	5
	The Senate	Membership	22
		Participation in debates	10

⁵ For example, PML-N nominated three Karachi based (Sindh province) candidates, Mushahid Ullah Khan, Nehal Hashmi, and Saleem Zia for the Senate election from Punjab in the Senate elections held on 5 March 2015. All the three got elected and represent Punjab in the House.

⁶ For example, MQM-P has expelled its Senator Mian Ateeq from the party for voting against the party lines in favour of Pakistan Muslim League-Nawaz during a recent Senate sitting that passed a key election bill (DAWN, 2017).

others	National Assembly	Membership	14	
		Participation in debates	2	14.29
	The Senate	Membership	12	
		Participation in debates	4	25.00

Source: Senate Hansards, available at <http://www.Senate.gov.pk/en/debates.php> & National Assembly Debates, available at <http://na.gov.pk/en/debates.php>

Scrutiny and Oversight by the Senate of Pakistan

The parliamentary oversight refers to the process of “review, monitoring, and supervision of the government and public agencies, including the implementation of policy and legislation” (Yamamoto, 2007, p. 9). The effectiveness of oversight procedures depends on how seriously and frequently the members of the parliament enquire into the government policies and operations (Ahmed & Ahmed, 1996). The oversight capacity of the Senate reflects role of this chamber in the politics of Pakistan. To examine the territorial role of Senate, it is important to note that how seriously and frequently the members of minority regions enquire into the government policies. The federal chambers perform functions of scrutiny and oversight relating to the legislative and administrative functions, and in some cases concerning the foreign affairs. The most common tools of oversight include scrutiny through effective committee system, adjournment motions, calling attention notices, resolutions, and questions. Recently, the Senate of Pakistan has used these devices quite efficiently to counterpoise the majoritarian essence of the polity based on the popularly elected lower house. The Senate does not enjoy the ratification authority about the federal appointments and international treaties like the U.S Senate but it exercises the oversight functions adequately.

Table 5

Legislative, Scrutiny and Oversight by the Senate (2015-16)

		Balochistan	KP	Punjab	Sindh	Others	Overall
Representation in the Senate (%)		22.12	22.12	22.12	22.12	11.53	104
Representation in the Committees (%)	The Senate	22.54	22.18	20.95	22.36	11.97	555
	National Assembly	5.82	11.91	45.43	18.28	17.73	722
Committee chaired		22.45	12.24	24.49	28.57	12.24	49
Attendance in the Senate Committee %	> 75 %	30.43	13.04	13.04	7.39	8.33	18
	50-75 %	39.13	52.17	43.48	21.74	50	42
	< 50 %	30.43	34.78	43.48	60.87	41.67	44
Questions (%)		18.59	37.75	17.85	21.10	4.77	1230
Adjournment motions (%)		15.43	41.14	6.86	33.33	3.43	174
Call attention motions (%)		13.56	33.90	13.56	36.44	2.54	116
Private Members Bills Introduced %		28.46	33.85	14.62	20	13.08	130
Private Members Bills Passed %		21.24	28.32	15.04	21.24	14.16	113

Note: The data related to functions of Senate is for the period between March 12, 2015 to March 11, 2016 and data related to the composition of the committees of National Assembly was collected in August 2017.

Parliamentary Oversight through Committee System

It has been emphasized that “the committees are critical to the deliberative powers of parliaments” (Mattson & Strom, 1993, p. 250). Like most of the parliamentary democracies, the Pakistani Parliament has a vibrant committee system. The committees deal “with a wide range of issues of national importance and public interest” (Government of Pakistan, 2017). The parliamentary committees include standing committees, functional committees, committee on human rights, committee on rules of procedure, privileges and house committee etc. (Government of Pakistan, 2017). The Senate “divides its tasks amongst committees”. The primary role of “a committee is to interrogate executive organizations regarding issues of public importance” and to review the bills and amendments (Government of Pakistan, 2017). The committee system in the Senate of Pakistan empowers the regional minorities to play an effective role in the federal legislative and administrative functions. The Standing Committees of the parliament have a constitutional mandate to oversee the relevant

ministries. In the National Assembly, almost half of the membership of the committees' hails from Punjab. But in the Senate, membership is almost equally distributed among the four provinces. Similarly, the chairpersonship of the committees is also judiciously distributed among the units. The attendance record of committees shows that the members from smaller units are more efficient and regular than members from Punjab. This regularity reflects the trust of members in the committee work. It appears that they envisage committees as a forum for debating federal policies and finding common positions.

Parliamentary Oversight through Questions

Parliamentary questions are very useful oversight means for making the Executive accountable. It has been argued that "overseeing the Executive and putting parliamentary questions" is an effective tool for "controlling the government of the day and its administration" (Wiberg, 1993, p. 180). The members of the Senate in Pakistan have the privilege to pursue an Executive oversight by questioning the government for its policies and performance. The data regarding the parliamentary questions in the Senate of Pakistan illustrates that the members have frequently used this mean of control and oversight. During the parliamentary year 2015-16, the members had asked 1230 questions. The members of minority units remained more vigilant by asking plenty of questions. The members from KP and Sindh submitted 467 (37.75%) and 261 (21.10%) questions, respectively. These findings illustrate the role of Senate for empowering the ethnoregional minorities based in the smaller units.

Parliamentary Oversight through Adjournment Motions

Adjournment motion is a common parliamentary oversight tool. This motion is moved by the members to draw the attention of the government towards a matter of urgent public importance. The Senate of Pakistan authorizes its members under rule 73 to submit motion "for adjournment of normal business of the House to discuss a matter of urgent public importance" (Senate of Pakistan, 2012, p. 30). This device enables the members of minority units to bring the regional issues or the matters of regional concerns to the members notice. The evidence reveals that during the parliamentary year 2015-16, Senators belonging to the smaller units have used this device more frequently: of the total 174 adjournment motions during this period, 72 (41.14%) motions were submitted by the members of KP and 58 (33.33%) motions were submitted by the members of Sindh. This phenomenon seems to suggest that the Senate is considered by the members of the minority provinces as a forum for redressal of grievances.

Parliamentary Oversight through Call Attention Notice

The Pakistani Parliament authorizes the members to submit call attention notices if they desire to draw attention of a minister to any matter of urgent public importance. The members of Senate have used this parliamentary tool extensively over the years. For example, the Senate Secretariat received 522 calling attention notices on various issues during the parliamentary year 2016-17 (Senate of Pakistan, 2017). Equally, the members of smaller provinces have used this mean of oversight more frequently: during the parliamentary year 2015-16, almost 70% of call attention notices that were responded by the ministers were submitted by members of KP and Sindh provinces.

Conclusion

Though, the Pakistani Federation established bicameral legislature under the 1973 Constitution, the second chamber has played subservient role. Owing to the parliamentary nature of government, the directly elected Lower House has played an unparalleled role in the legislative and oversight business of the Parliament. The ascendancy of lower house has proved more annoying for the ethnoregional minorities based in the smaller provinces of Pakistan as the Punjab alone has more than half of the total membership of the House. The ethnoregional parties have been demanding more active role for the Senate as it allocates equal representation to the provinces irrespective of their numerical strength. Although, the 18th Constitutional Amendment adopted certain measures to enhance the role of Senate, these parties have remained unconvinced. They had submitted several notes of reiteration to the Constitutional Review Committee (CRC) for promoting the fiscal and administrative role of Senate. Nevertheless, the House has recently adopted a resolution to enhance its role.

Despite of its lesser role, the Senate of Pakistan has gradually become a house that provides platform to the smaller units to contribute in the federal policy-making and oversight functions. What the findings about oversight functions of the Senate illustrate is that the Senators belonging to smaller provinces are more vigorous than the Senators from Punjab. Data reflects submitting more questions, adjournment motions and call attention motions in the Senate by Senators from smaller provinces, which in many ways shows a more nuanced territorial role of the Senate. However, the Senators from Balochistan, the least populous province, have done this in a slightly different manner. Most notably, only 12 (6.86 %) Adjournment motions, 14 (7.45%) resolutions, and 16 (13.56%) call attention notices were submitted by the Punjabi Senators during 2015-16. It is also pertinent to mention that the members of smaller provinces attended the committee meetings more frequently than the members from Punjab. Furthermore, the members from smaller provinces introduced more private members bills than the members from Punjab. This account seems to suggest that the minority groups of Pakistan envision the Senate as a house that empowers them at the federal level. Conversely, there is an adequate evidence to argue that the voting patterns and party discipline owing to parliamentary nature of the system lessen the territorial role of the Senate. Overall, as the smaller units have a larger voice in the House and the Senate is asserting for greater role, it is more likely that the Senate would perform more meaningful role in the years ahead.

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