

Received: 28 May 2024, Accepted: 15 June 2024

DOI: <https://doi.org/10.5281/zenodo.13294649>

## **Legislative Effectiveness of Senate Committees in Pakistan (1985-1999):**

### **An Assessment**

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### **Abstract**

This study gives a comprehensive review of the legislative efficacy of Senate committees in Pakistan during 1985-1999. It investigates the role and performance of these committees within the backdrop of Pakistan's political environment during this time, characterized by frequent changes in administration and developing political dynamics. The study examines critical performance measures of committees that how much the quantity of bills reviewed, whether these committees presented reports on matters or not and how they performed overall on referred matters by explaining these issues and their determinations in the Senate? Utilizing an analytical approach, the research combines qualitative analysis of committee processes and interactions by acquiring data from Senate Debates, Committee Reports, and Legislations. The analysis demonstrates that Senate committees had a major role in producing legislation, while their efficiency varied greatly depending on various criteria, including political stability, leadership, and inter-party interactions. Findings of the study reveal that political upheaval, the efficacy of Senate committees generally declined due to decreased collaboration and heightened partisan disagreements, but still committees exhibited increased legislative activity and were more successful in advancing the referred works.

**Keywords:** Senate of Pakistan, Committees, Legislation, Administrative Influence, Institutional Complexity

## **Introduction**

Committees, the subgroup of legislators performs the duty to make strong organizational structures, prepares plenary sessions and sorting of documents. Through these committees, parliaments work to a greater extent with lesser burden. Together with parliamentary party groups, committees are ‘the most important component of legislative organization and preference aggregation’ within legislatures (Martin, Saalfeld, & Strøm, 2014). There is a need to judge committees performances to known either these are working effectively or not. In Polsby’s study on institutionalization, an indicator evolving a complex network demands from institution to strengthen itself from inside and to influence other institutions outside (Polsby, 1968). The development of committees for evolving a complex network is necessary because the committees itself base on the numerous Senators from different political parties and their concepts can be varied. Complex networks often involve numerous stakeholders and intricate details so committees try to work in manageable form.

Senate of Pakistan framed several committees from its creation and with the span of time; different tasks were assigned to them. The need of more committees remained due when Senate felt that the House should be more fluent and powerful to do any task within time. After the revival of Senate, several committees were constituted and vested special tasks to them. In 1985, as government announced to lift Martial Law so there was crying need of a strong Parliament and strong political parties can frame strong Parliaments. In a democratic society, political parties are an essential ingredient to democracy. It is not possible for democracy to run smoothly unless parties, strong parties and parties that can assert, which can have bold policies in the country, are in existence. If the political parties are not allowed then the country would not be able to run democracy.

## **Performance of Committees on Different Tasks**

A bill was moved in Senate for revival of political parties in the country so a committee was constituted to look after that matter on July 7, 1985. The committee worked effectively and presented its report on August 19, 1985. Mr. Hassan A. Sheikh stressed on importance of political parties. He said that martial law banned the existence of political parties and that only be removed by exercise of the sovereignty of the legislature of Pakistan i.e. the Parliament of Pakistan, by passing a law to permit the formation of political parties. The

committee proposed in its report, that political parties must be formed in specific terms and never uses more than one name for parties. The system of mushroom parties should be eliminated and Election Commission of Pakistan was empowered to decide that which party should remain registered, which party should be de-registered. The parties must be formulated accordance with article 17 of the Constitution. The report also imparted reasonable restrictions on the formation of political parties in accordance with the Constitution and no further restrictions imposed. In case of dissolution of Election Commission of Pakistan, Federal Government would take decision. The members who leave the party should lose his seat. The House admired the work of committee and shifted this matter for further debate (Pakistan, 1985).

During the Islamization of banking sector, the bills were referred to committees i.e. Loans on Agricultural Land and Establishment of the Federal Bank for Cooperatives and regulation of cooperatives. The committees presented the report on December 8, 1985. On 11 December Mr. Iqbal Ahmad Khan asked for further consideration on the basis of report of the committee. The House accepted the reports of standing committees and bills were adopted on the same day (Paksitan, 1985).

Thru Zia's rule, the real shift towards state patronage and Islamism originated. The vigorous Sunni Islamization program initiated by Zia antagonized Pakistan's Shias that provided the cornerstone for the violent sectarian conflict in Pakistan. The militant religious organizations got involve in terrorist activities (Khan, 2005). Under these circumstances, Senate raised the voice for suppression of terrorist activities by imposing strict laws for terrorists through empowering the special courts. The bill moved in Senate as "The Suppression of Terrorist Activities (Special Courts) (Amendment) Bill, 1987" which was moved to standing committee. After a comprehensive working on it, committee presented its report on January 19, 1987 (Pakistan, Senate Debates, January 19, 1987).

Electoral roll is basically a compilation of list of persons who are entitled to vote for particular elections in a particular jurisdiction devised, managed and updated by the Election Commission of Pakistan. In Pakistan Electoral College changed with the span of time. Sometimes it based on 25 years of age, sometimes only basic democrats were allowed for this and sometimes it was 18 years. The Electoral Rolls (Amendment) Bill, 1987 was referred to standing committee on 6 January. The committee worked on it and report was presented on

January 15, 1987 to the House. Senator Wasim Sajjad asked for further discussion on January 19, 1987. He explained that committee proposed changes in paragraph (b) of clause (2) of Article (51) of the Constitution so a Person was entitled to vote if he was not less than 18 years of age but now electoral rolls would be prepared for persons who attained the age of 21. Similarly, there was also a proviso to the said clause (2), that for the purpose of 1<sup>st</sup> General Elections to the National Assembly, the word 18 should be read as '21' (Pakistan, Senate Debates, January 19, 1987). Some Senators opposed this amendment while some of them favored this proposal. Chairman announced the adoption of motion and the presented bill taken into consideration. The motion was carried for further discussion on another date; however, on February 2, 1987 it was adopted unanimously (Pakistan, Senate Debates, February 2, 1987).

Standing committee performed its duties very well on referred bills about the Pakistan Space and Upper Atmosphere Research Commission (Amendment) Bill, 1987 and Dangerous Drug (Amendment) Bill, 1987. The committee member Mr. Muhammad Ali Khan presented its report for Atmosphere Research Commission and Brig. Muhammad Hayat for Dangerous Drugs Bill on January 15, 1987 and both were carried on another day (Pakistan, Senate Debates, January 15, 1987). However, on next consideration, no one opposed the presented reports and both bills were passed unanimously on February 2, 1987 (Pakistan, Senate Debates, February 2, 1987).

In 1973, Government of Pakistan promulgated civil servants act. Wasim Sajjad presented a bill to amend this act on January 15, 1987. A standing Committee was appointed to propose changes in this act, which submitted its report to House on February 2, 1987. After a week, House discussed this bill and taken into consideration and no one opposed it. The Chairman Senate raised a question for the adoption of clause 1, 2 and sub-section (3), in clause (b). The voices rose in favor of bill and the motion was adopted. It was adopted unanimously as committee proposed (Pakistan, Senate Debates, February 9, 1987).

Similarly, the ex-Government servants were bounded by an act in 1966 to not to work for foreign government. This bill was also moved by Senator Wasim Sajjad. The committee submitted its report on February 2, 1987 and it taken into consideration on 9 February. Chairman Senate proposed a change in the title of bill as Ex-Government Servants and Ex-Corporate Employees without changing the nomenclature of the bill (Pakistan, Senate

Debates, February 9, 1987). The standing committee changed its report and presented it after three days. Mr. Wasim Sajjad asked for the approval of proposed amendment of section 2(a) and clause 3 of the bill reported by committee in sub-section 1 and 2 (Pakistan, Senate Debates, February 12, 1987). The motions were adopted and no one opposed the said bill and the bill was passed without exception.

Pakistan framed a special paramilitary force in the provinces of Baluchistan and NWFP to maintain law and order while overseeing the control of the country's borders with Afghanistan and Iran. This force was named as Frontier Corps that works under the rule of Frontier Corps Ordinance 1959. On 2 February 1987, a bill was introduced to amend the rules of the said ordinance. Concerned Standing Committee followed up the bill and Brig. (Rtd.) Muhammad Hayat presented the report on February 9, 1987. It came under consideration on 12<sup>th</sup> of the same month. However, the Chairman Senate raised a point about whipping. As whipping was a part of Hadd Ordinance that was not desirable in this report. The committee was asked to redraw its report under the directive of Shariat Court. The bill was referred to committee again (Pakistan, Senate Debates, February 12, 1987).

The Unani, Ayurvedic and Homeopathic Practitioners (Amendment) Bill, 1987 was presented to the House on January 15, 1987. The report was presented on February 9, 1987 and was discussed on 12<sup>th</sup> of the same month. The motion was adopted although Chairman Senate asked to move amendment from Senators (Pakistan, Senate Debates, February 12, 1987). The bill was deferred and again came under discussion on March 12, 1987. Mr. Javed Jabbar proposed an amendment to section 24 Clause 2 of the bill that every person who passed the qualifying examination shall apply for registration instead of might apply for registration. The word 'shall' made it mandatory (Pakistan, Senate Debates, March 12, 1987). The bill was not passed on that day due to less quorum. The bill was later on discussed in the House after four years on July 15, 1991. Chaudhary Amir Hussain appealed to withdraw the said bill but the bill was already ruled out due to lapse of time. As the bill was sent by Senate to the National Assembly for further consideration and it was liability of the lower House to return this within 90 days but the House did not do so (Pakistan, Senate Debates, July 15, 1991).

It is witnessed in Senate the bills which had less advantage were not given much importance to consider within short span of time. The bills deferred for a long time and even came under observation after a year. The bill of Pakistan Water and Power Development Authority Act,

1958 was presented in the House on March 17, 1987 for amendment and the standing committee reported so it came under consideration on March 17, 1988. The bill was proposed to add the short title, preamble, and definitions of some terms. Mr. Chairman asked for any change to proposed amendments, which were not opposed by anyone, and the bill was accepted unanimously (Pakistan, Senate Debates, March 17, 1988).

A convention on the Rights of the Child was held under the umbrella of United Nations in 1989 to eliminate the Child Labor especially. The issue was raised in internationally and Pakistan ratified this matter on November 12, 1990 (GHRD, 2023). The issue was discussed in Senate of Pakistan and the bill was referred to the standing committee. On December 24, 1990 Nawabzada Jahangir Shah Jomezai presented the report of standing committee (Pakistan, Senate Debates, December 24, 1990). The Child Labor Bill 1990 was further come under discussion on January 6, 1991. It was based on twenty one clauses and each clause was adopted without any opposition. Finally, the bill was adopted on the same date and the name was given as “The Employment of the Children Bill, 1991” (Pakistan, Senate Debates, January 6, 1991). Pakistan ratified the UN Convention on the Rights of the Child (UNCRC) in 1990, committing itself to implement the convention’s provisions through harmonized policies, legislation and plans of actions, and to report to the UN Committee on the rights of the Child every five years (Pakistan, Report of the Senate Special Committee on issue of increasing incidents of Child abuse, 2018).

An adjournment motion concerned to agriculture was levied by Ahmad Mian Soomro in the House for consideration of rates of the produce index units. That was referred to the Standing Committee on Agriculture firstly and then to Standing Committee on Finance and Economic Affairs. The committee did not presented its report in prescribed time, however, presented later on May 15, 1991 (Pakistan, Senate Debates, May 15, 1991).

Mr. Faridullah Khan proposed a bill to amend the ordinance of Capital Development Authority and committee submitted its report on February 16, 1992 (Pakistan, Senate Debates, February 16, 1992). Malik Faridullah Khan asked to consider the report. Chaudhary Amir Hussain opposed the recommendations of committee and Chair asked for further discussion from Faridullah Khan. The committee did not recommend the prescribed amendments so the presenter of bill did not press the motion on the bill (Pakistan, Senate Debates, February 23, 1992).

For reforms in agricultural issue and import of pesticides, National Assembly proposed a bill and asked for further amendment. The Senate referred this to committee and the report was laid by Mr. Muhammad Ali Khan on August 12, 1992. Dawn already reported on it that most dangerous pesticides were being imported freely and at least six out of seventeen most dangerous pesticides were either banned in developed countries or restricted its bulky import (Dawn, 1992). The proposed report of the committee came under consideration and Senators expressed their views for this bill and asked for ruling of the Chair. Lt. Gen. (Retd.) Abdul Majeed Malik expressed that the rules were set for this. Mr. Chairman on assurance of government assured the Senate that the rules would be framed for the import of pesticides. Finally, the proposed amendments of the committee were accepted and the bill stood passed (Pakistan, Senate Debates, August 12, 1992).

On March 2, 1993, Malik Muhammad Hayat presented the committee report on the Pakistan Environmental Protection (Amendment) bill, 1992. Mr. Anwar Saifullah Khan asked to dispense the bill and the bill came under consideration for further legislation. He clarified that the ordinance was expiring soon so it need to be approved as early as possible. The bill came under consideration and Clause 1 and Clause 2 as the short title, preamble and definitions were amended further. The House accepted the bill and recommendation by standing committee were admired (Pakistan, Senate Debates, March 2, 1993).

The Minister of Law, Justice and Parliamentary Affairs proposed a bill to provide for promotion and protection of interests of consumers of capital city. Chaudhary Muhammad Anwar Bhinder presented the report on May 24, 1995 (Pakistan, Senate Debates, May 24, 1995). The suggestion of the committee came under consideration on July 13, 1995. The matter was taken up clause by clause and in clause 2, paragraph (f) for the words 'Food items and commodities,' the words 'Food items and commodities unfit for human consumption' be substituted. Similarly, Clause 2 sub-clauses (XIII, XIV) were added namely and consumer can return the things within fourteen days. In clause 3 sub clause (2) the paragraph 2 for the words 'one senator' was substituted with 'three Senators.' The further amendment was in sub-para (2) of clause 2 of section 3, substituted as "Members of Parliament representing Islamabad Capital Territory." Similarly, clause 3 sub-clause (2) in paragraph (v) and clause 3, 4, 5 and 6 sub-clause (1) was amended. Clause 7, clause 8 sub-clause (1), clause 9 sub-clause (1) and (2) was amended and clause 10, 11, 12 forms part of the bill. At the end, with the

adoption of all proposed amendment by committee, the bill was passed by the will of the House (Pakistan, Senate Debates, July 13, 1995).

The Pakistan Medical and Dental Council is an institution that regulates the registration practice and conduct of doctors, dentists and their allied fields under the act of 1962. However, there was no legislation and rules set for the veterinary medicine and surgery. Pakistan veterinary Medical Council Act was presented in 1994 and after a long discussion; committee suggested points and submitted its report to the House on January 18, 1996 (Pakistan, Senate Debates, January 18, 1996). On 21 January bill was further considered and Mian Raza Rabbani made a statement that Government introduced the bill for the livestock sector and there was need to regulate the registration, practice and conduct of veterinarians. There was a need to develop a uniform syllabus and recognition of the diplomas and degrees that were being offered by the institutions within the country and overseas. The bill defined the veterinary medicine, surgery and abstracts as applicable to animals. The bill envisaged the creation of council. Some clauses were precluded some were opposed and a many of them were adopted. Therefore, Mr. Presiding officer asked for vote in favor or against the bill. Finally, the consensus was made and bill was adopted (Pakistan, Senate Debates, January 21, 1996).

On 10 March 1972, an act was enforced to enable the Federal Government to prohibit certain payments received through foreign exchange. A bill was proposed in Senate in March 1996 to amend this act as necessary. The standing committee worked on it and reported to the House. On July 11, 1996, Mian Raza Rabbani asked for further consideration on that report. The House debated comprehensively on it and then Mr. Presiding Officer asked for approval of clauses 1, 2 and 3, which were adopted, and bill got pass (Pakistan, Senate Debates, July 11, 1996).

On 8 July 1996, Mr. Aftab Hussain Sheikh presented reports on Pakistan Penal Code 1996 amendment bill, Code of Criminal Procedure 1996 amendment bill and Criminal Law 1996 amendment bill. The report of the standing committee came under consideration on July 14, 1996 at the appeal of Chaudhary Muhammad Anwar Bhinder. The amendment were adopted without opposing any clause. Therefore, Mr. Aftab Ahmad Sheikh on the behalf of Shehzad Gul and Chaudhary Anwar Bhinder asked for passing the bill, which was accepted by the House, and the bill received acceptance (Pakistan, Senate Debates, July 14, 1996).



The second government of Benazir Bhutto, no doubt, emphasized on the empowerment of women and it was witnessed in the Senate as well. The government presented a bill as “The Women in Distress and Detention Fund Bill 1996” in the Senate on 16<sup>th</sup> of January 1996, which was taken up by the standing committee. Mian Raza Rabbani asked for consideration of report and added the bill meant a female or a class of female in need of financial assistance, to alleviate her or their miseries due to detention, litigation or similar connected matters. The Federal Government and Finance Ministry sanctioned Rs. 25 Million each for the last two years. Mr. Deputy Chairman asked for approval of all clauses of the bill, 1 to 11, which was accepted by the House and bill was announced as passed (Pakistan, Senate Debates, July 15, 1996).

The Apex Court of Pakistan was named as Supreme Court of Pakistan in 1956 established under the first Constitution of the Pakistan. The authority of Supreme Court was frequently changed through legislation. Chaudhary Muhammad Anwar Bhinder introduced bill to Senate for Supreme Court of Pakistan (Power to Review) Bill, 1994 and committee submitted its report on July 8, 1996. The report came under consideration on December 8, 1996 and Chairman Senate asked for carrying the clauses of the bill from one to seven, which were adopted at once, and it was passed unanimously. Similarly, the bill on Code of Criminal Procedure, which was reported on July 8, 1996 was came under consideration on December 8, 1996 and was unanimously approved (Pakistan, Senate Debates, December 8, 1996).

The armed forces are one of the main pillars of the state. Pakistan Rangers is one of the finest armed forces of the country. It works under the Pakistan Rangers Ordinance 1959. In 1997, Pakistan Rangers (Amendment) Bill, 1997 was sent to the standing committee. The committee submitted its report and bill came under consideration on 27 June. The bill was about to divide the commandos under two commanding officers. Initially, rangers were based in Lahore but with the span of time, the number of soldiers increased and some of them were moved to Karachi as law enforcement agency. The report was not opposed by any member, and Mr. Chairman asked for acceptance of amendments in the clauses 1 to 4 which was carried and bill got unanimously approved (Pakistan, Senate Debates, June 27, 1997).

President of Pakistan was authorized to appoint the High Court Judges which was challenged several times due to appointments of desirable judges (Pakistan, Senate Debates, June 27, 1997). This clause was highlighted in the Suppression of Terrorist Activities (Special Courts)

(Amendment) Bill, 1997. The report of standing committee on the said bill came under consideration on 27<sup>th</sup> of June, 1<sup>st</sup>, and 3<sup>rd</sup> of July 1997. On 3 July, after a long discussion, Chairman Senate asked for consider the clauses 1, 2 and 3 to be approve which was carried by the House and bill was passed unanimously (Pakistan, Senate Debates, July 3, 1997). Similar to this bill another bill was introduced to constitute the Federal Judicial Academy in 1997. The bill was reported the standing committee on 27 June and came under consideration on 12 August. The bill was declared as non-controversial and stood passed unanimously. On the same day “The Pakistan Standers and Quality Control Authority (Amendment) Bill, 1997 was also passed (Pakistan, Senate Debates, August 12, 1997).

The company ordinance was enforced in 1984 and it was observed that numerous complaints over the period of time received against directors. A bill was suggested by Minster of Parliamentary Affairs to focus on the disclosure of companies’ matters and the director’s report, qualification of auditors for private companies and publication of prospectus in abridged form. The standing committee made report on it and submitted on June 26, 1998. The bill further came under discussion on March 4, 1999. The bill was not opposed and the House for approval of the bill adopted clauses 1 to 6. At the end of discussion, Mr. Muhammad Yasin Khan Wattoo led motion for approval which was accepted by the House (Pakistan, Senate Debates, March 4, 1999).

The business of the House remained unchanged with the change of government and it can be examined through a bill floated in 1994 to amend the Code of Criminal Procedure 1898. The bill was referred to the committee and committee submitted its report on November 6, 1997, however, it came under consideration on May 10, 1999. Ch. Muhammad Anwar Bhinder asked for further consideration and House debated on it comprehensively. The bill was about to draw inquiry report as soon as possible. The bill came under consideration and clause 1, 2, 3 and 5 were adopted as amended and recommended by the committee (Pakistan, Senate Debates, May 10, 1999).

Polsby narrated, “The growth of internal complexity can be shown by the growth in the autonomy and importance of committees” (Polsby, 1968). The Performance of Standing Committees clarified that how much it is important for the House and how these committees drew a complex network in Senate of Pakistan. It is resulted that House become as much

strong as the committees were authorized and empowered. The working of committee during 1985 to 1999 articulated that the Senate of Pakistan is a strong institution, as it has to be.

## **Conclusion**

During 1985-1999, the evaluation of Senate committees in Pakistan highlighted their crucial contribution in influencing legislative results, although encountering significant obstacles. The study emphasized that these committees played a crucial role in examining and improving legislation, but their efficacy was greatly wedged by the wider political context and institutional variables. Senate committees showed significant legislative productivity and effectiveness during periods of political instability. Their ability to provide comprehensive evaluations and promoting the cooperation between political parties aided the progress of legislation and the resolution of intricate policy matters.

During periods of political instability, the efficiency of these committees was undermined by increased partisanship and less cooperation as well as presence of semi-presidential government of Zia-ul-Haq impeded their capacity to carry out their functions effectively. The research indicated that the effectiveness of Senate committees could be improved through enhancing procedural transparency, guaranteeing sufficient resources and assistance, and promoting a culture of bipartisan cooperation are essential for enhancing legislative effectiveness.

The study highlighted the significance of stable political conditions and efficient leadership within committees to maximize their legislative functions to form a complex network for better institutionalization of an institution. It also provided insights into the dynamics of legislative processes in Pakistan by offering a sophisticated examination of the efficacy of Senate committees during 1985-1999. The effectiveness of Senate committees in Pakistan in influencing legislative processes depends on their ability to tackle political and institutional obstacles as well as improving committee structures and processes is crucial for maximizing their impact on the legislative framework and guaranteeing stronger and more adaptable governance.

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