

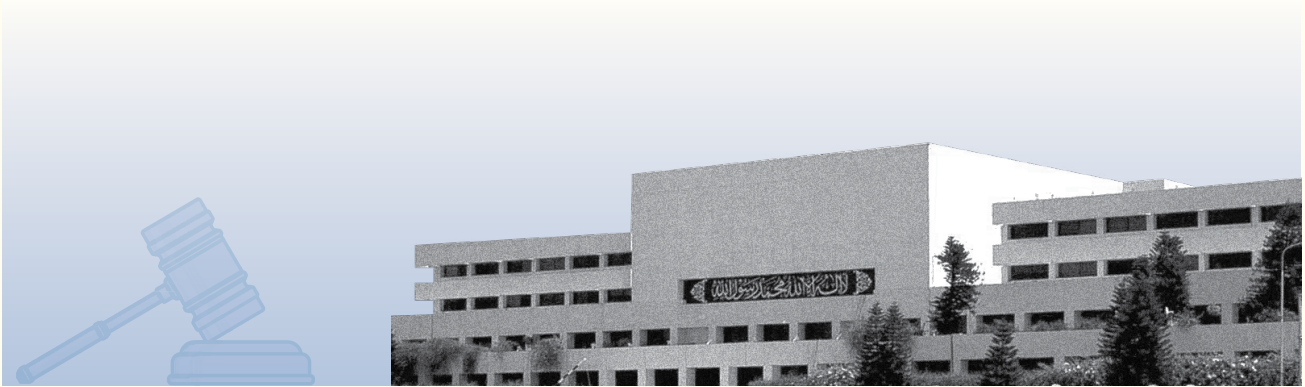
From Symbolism to Sanction:



Operationalizing Article 66
for Empowered Committees



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Parliamentary committees are the backbone of democratic oversight, serving as the principal instruments through which legislatures scrutinize executive actions, review legislation, and safeguard public interest. However, in Pakistan, the promise of robust parliamentary oversight remains largely unfulfilled. Despite a constitutional and procedural framework that appears to empower committees with significant authority, the reality is one of persistent weakness. Committees often lack the enforceable powers necessary to hold the executive and bureaucracy accountable.

This weakness also undermines the sovereignty of parliament and weakens the trust of citizens in the supreme legislative body. When committees are unable to compel attendance, secure documents, or sanction non-compliance, their role is reduced to moral persuasion rather than substantive accountability. The resulting gap between the symbolic authority of committees and their practical effectiveness undermines the credibility of parliament and erodes the foundations of democratic governance.

Recent assessments by the International Monetary Fund (IMF) reinforce long-standing concerns regarding the weakness of parliamentary oversight in Pakistan. The IMF's Governance Diagnostic Report makes clear that the problem is not the absence of oversight institutions, but their limited effectiveness in practice. Oversight mechanisms are undermined by weak transparency, executive dominance over decision-making, ex-post parliamentary approvals, and the inability of parliamentary committees to compel compliance from the executive. As highlighted by the IMF, audit findings frequently persist without enforcement, politically driven development projects

bypass standard scrutiny mechanisms, and the extensive use of supplementary grants weakens constitutional budgetary control. These practices weaken Parliament's preventive and corrective oversight role and reduce committees to largely advisory forums.

Importantly, the IMF's analysis points to an enforcement deficit rather than a constitutional vacuum. Pakistan's constitutional framework already recognizes the central role of parliamentary committees in ensuring accountability. Article 66(3) of the Constitution provides the legal foundation for empowering committees to summon officials, demand records, and penalize non-compliance through an enabling legislation. However, the absence of legislation has constrained the operational authority of committees, limiting their capacity to translate constitutional intent into effective oversight. Addressing this gap is essential to strengthening democratic accountability and aligning parliamentary executive oversight with the constitutional intent.

This brief examines the legal, institutional, and procedural factors that have contributed to the weakening of parliamentary committees in Pakistan. It draws on comparative insights from other democracies to highlight best practices and lessons learned and proposes a roadmap for reform that moves beyond symbolism to enable committees to refer cases to the courts for appropriate action, including imprisonment, with clear procedures. By operationalizing Article 66(3) of the Constitution and enacting comprehensive legislation, Pakistan can transform its committees from consultative forums into credible guardians of accountability, which is imperative for restoring public confidence and consolidating democratic norms.

1. Committee System: Constitution and Legal Framework and GAPS

The Constitution of Pakistan, together with the Rules of Procedure and Conduct of Business in the National Assembly and Senate, provides a legal foundation for committees.

1.1. Committees and Their Powers: The Legal Framework and Gaps

The Constitution, under multiple Articles, recognizes the role of parliamentary committees. In line with this constitutional intent, the Rules of Procedure of Parliament (National Assembly¹ and the Senate²) set out their formation, composition, and operational details of these committees. Collectively, these constitutional and procedural provisions affirm committees as essential mechanisms for legislative scrutiny, executive oversight, and the enhancement of parliamentary accountability. However, enabling legislation to fully implement the provisions set out in the Constitution and the Rules of Procedure remains lacking.

While Articles 66(1) and 66(2) guarantee freedom of speech and legislative immunity for members of Parliament in their proceedings, Article 66(3) empowers Parliament to frame a law allowing committees to punish any person who refuses to give evidence or produce documents before a committee of the House when duly required by its chairperson. Under subclause 66(3)(a), such a law may also empower a court to conduct the trial and sentence the person in question. Subclause 66(3)(b) states that if the President orders certain information to be protected on confidential grounds, such an order can prevent the disclosure of that information. In other words, Article 66(3) explicitly grants Parliament the authority to enact laws to ensure compliance with committee requirements.

Beyond outlining members' rights and privileges, the Constitution, along with the Rules of Procedure, grants committees the authority to enforce compliance. Although Article 66(3) explicitly allows for legislation to punish those who refuse to provide evidence or documents before

a committee, no such enabling law has ever been enacted. In fact, in 2023, during the previous assembly, by recognizing the weaknesses of the committee system and the need for stronger enforcement mechanisms, the Contempt of Majlis-e-Shoora (Parliament) Bill, 2023, was introduced. The bill was introduced as an initiative to operationalize Article 66(3), which prescribed penalties for defiance of committee summons. However, the bill was passed

Standing Committees:

Associated with specific ministries and departments, they engage in comprehensive deliberations concerning departmental performance, legislative matters, and policy issues. At present, there are 34 standing committees in the National Assembly and 33 in the Senate. (National Assembly Chapter XX Rule 198 to 201 Senate Chapter XVII Rule 158)



Special Committees:

Constituted for a particular purpose and typically dissolve once the issue has been resolved. At present, there are three special committees in the National Assembly. (National Assembly Chapter XX Part II Rule 244(A))



Non-Ministerial Standing Committees:

These standing committees are not affiliated with any ministry. At present, there are five non-ministerial standing committees in the National Assembly. (National Assembly Chapter XX Part I Rule 202 to 213)



Parliamentary Committees:

Joint committees of both Houses established to address national issues that extend beyond the jurisdiction of a single ministry. Currently, a single parliamentary committee exists in the National Assembly (National Assembly Chapter XX Part II Rule 244(C))



Additionally, four domestic and four functional committees have been established in the Senate. One House Committee and another special committee are also constituted in the Senate.

¹ Rules of Procedure and Conduct of Business In the National Assembly, 2007

² Rules of Procedure and Conduct of Business In the Senate, 2012

by both the upper and lower houses but ultimately lapsed as it did not receive presidential assent, leaving committees no stronger than before. Importantly, the Pakistan Federal Union of Journalists (PFUJ) and the International Federation of Journalists (IFJ) expressed concern over the bill on the grounds that it may endanger freedom of expression. However, this legislative failure reflects both political hesitation and institutional inertia, perpetuating weak enforcement and undermining accountability in the process. Moreover, while the Rules of Procedure confer powers on committees comparable to those of a civil court under the Civil Procedure Code of 1908, these powers lack practical enforceability because of the lack of statutory backing. Ultimately, the lack of legislation under Article 66(3) has diminished the role and authority of committees to the detriment of effective parliamentary oversight in Pakistan.

Committees often have little choice but to acquiesce to exemptions claimed under the Rules, specifically, Rule 227 of the National Assembly and Rule 187 of the Senate of Pakistan, which grant ministries broad discretion to withhold documents on the grounds of 'defence, security, or external relations, thereby limiting parliamentary oversight and the committees' ability to hold the executive accountable. Although the Speaker is empowered to adjudicate such claims, in practice, this provision is often invoked to shield the executive from scrutiny, further limiting committees' access to information that is essential for effective oversight. But this is a major ambiguity in the rules of procedure, as the Constitution, under Article 66 3(b), clearly states that matters declared confidential may be determined as per the order of the President. However, under the Rules of Procedure, the authority to determine whether information is confidential or not rests with the Speaker in the case of the National Assembly and the Chairman in the case of the Senate. This represents a significant discrepancy, as the Constitution vests this power in the President, whereas the parliamentary rules delegate it to the presiding officers of the Houses.

In conclusion, this legal vacuum has allowed executive and bureaucratic defiance to become commonplace, weakening Parliament's authority and committee privileges, and undermining the system of checks and balances. This, in turn, widens the gap between citizens and their elected representatives.

1.2. The Enforcement Deficit: Why Committees Lack Real Power

Without a legally defined authority, committees must rely on voluntary cooperation rather than binding obligations. Ministers, bureaucrats, and secretaries often skip meetings that are planned well in advance. In several cases, despite numerous calls and notices, the required officials remain absent. Committees have repeatedly expressed concern and dissatisfaction over such absences, yet no meaningful action has been taken against the violators. As committees are vested with lack enforcement powers as they might be able to refer matters to a designated court for necessary legal action, as they are limited to issuing directives, and the bureaucracy is fully aware of these constraints. This is why their attitude remains careless. The following examples highlight this weakness, showing that meetings are adjourned without taking up the agenda, even when the issues involved are of public importance, solely due to the absence of relevant officials.

In December 2012, the Public Accounts Committee (PAC) reported repeated non-appearance by the Registrar of the Supreme Court, who argued that the PAC lacked the competence to examine judicial expenditures.

In January 2022, the Public Accounts Committee (PAC) rejected this arrangement, objecting to the non-appearance of NAB Chairman Justice (retired) Javed Iqbal despite being summoned to brief the committee on recoveries. As a result, the PAC adjourned the meeting in protest and decided to re-summon the NAB Chairman, questioning the legality of the Prime Minister's directive.

In December 2024, a meeting of the National Assembly Standing Committee on Science and Technology was ended due to the reportedly unprofessional conduct and absence of the Secretary for Science and Technology.

In January 2025, the Khyber Pakhtunkhwa Standing Committee on Energy and Power expressed concern over the careless attitude of the bureaucracy, as the Secretary arrived late at the meeting, which was considered a violation of the privilege of the committee, its members, and the House.

It was repeatedly observed that due to the lack of effective powers of committees, not only bureaucrats but also ministers skipped committee

meetings, constituting a breach of committee privilege. In one such incident, the Chairperson of the Standing Committee on Industries and Production expressed displeasure over the absence of both the Secretary and the Minister from the meeting.

During March 2025, the Finance Secretary excused himself from PAC summons, citing meetings with the IMF, while the CEO of K-Electric repeatedly ignored calls from the Senate Standing Committee on Power. Additionally, the National Accountability Bureau informed the PAC that the Prime Minister had approved the Director General (HQ) NAB to appear before parliamentary committees on behalf of the NAB Chairman.

During April 2025, the National Assembly Standing Committee on National Health Services, Regulations, and Coordination, over the absence of the President and Secretary of the Pakistan Nursing and Midwifery Council (PNMC), directed the Ministry of Health to initiate disciplinary action against them in accordance with rules and procedures.

In August 2025, the Senate Committee on Rules of Procedure and Privileges expressed strong censure over the absence of the Chairman of the Capital Development Authority (CDA) in a case involving a missing file, as another official was sent in his place. The absence was deemed unacceptable despite numerous calls.

In September 2025, at a meeting of the National

Assembly Standing Committee on Communications, the absence of the Secretary of Communications and the Chairman of the National Highway Authority was a matter of serious concern for the members. It was warned that the matter could be referred to the Speaker or the Privileges Committee for action.

During October 2025, at a meeting of the Senate Standing Committee on Communications, members expressed displeasure over the absence of the Minister for Communications as well as senior officials of the National Highway Authority.

Recently in January 2026, the Senate's Sub-Committee on Problems of Less Developed Areas expressed concern over the absence of the Minister for Religious Affairs and the Minister of State for Religious Affairs. As meaningful decision-making could not take place without ministerial-level attendance, the agenda was deferred in protest, and the matter was referred to the Privileges Committee.

In summary, Pakistan's parliamentary committees' legal and institutional framework, while robust on paper, lacks the necessary enforcement mechanisms, leading to a gap in effective oversight. These legal and institutional deficiencies have left parliamentary committees structurally weak and unable to fulfill their intended oversight roles. To understand the potential for strengthening Pakistan's parliamentary committees, it is instructive to examine how similar challenges have been addressed in other democratic countries.

2. From Symbolism to Sanction: Insights from Contemporary Democracies

The challenges facing Pakistan's parliamentary committees are not unique; legislatures worldwide have grappled with the question of how to ensure effective oversight of the executive. However, a comparative analysis reveals that contemporary democracies have developed clear legal frameworks and enforcement mechanisms that go beyond symbolic authority to ensure accountability.





The weaknesses in Pakistan's committee oversight system, ranging from legal gaps to executive non-

compliance, stand in sharp contrast to international models where parliamentary authority is backed by enforceable penalties.

Pakistan's failure to enact enabling legislation under Article 66(3) has confined its committees to voluntary cooperation, rendering their powers symbolic. In contrast, the United States provides a statutory regime under 2 U.S.C. §§ 192 and 194, where refusal to testify or produce documents before Congress constitutes a criminal offense punishable by fines and imprisonment, with mandatory prosecution ensuring that contempt referrals cannot be ignored.

Similarly, while Pakistani committees function in an

Table 1: Comparative Powers of Parliamentary Committees

 Country	 Legal Basis for Committee Powers	 Enforcement Mechanism for Non-Compliance	 Penalties for Contempt/Non-Compliance	 Notable Features/Examples
United States 	U.S. Constitution, 2 U.S.C. §§ 192–194	Statutory regime: Refusal to testify or produce documents is a criminal offense; mandatory prosecution by Department of Justice	Fines, imprisonment (up to 1 year)	High-profile cases (e.g., Steve Bannon) have resulted in criminal convictions and jail time.
United Kingdom 	Parliamentary Privileges, Erskine May, draft Parliamentary Committees (Witnesses) Bill (proposed)	Historically limited; recent reforms proposed to strengthen enforcement	Traditionally reputational; proposals for statutory penalties	Committee reports highlight non-compliance; reform efforts ongoing to introduce sanctions.
India 	Constitution (Article 105), Lok Sabha Rules 269–270	Committees can summon witnesses, demand documents, and recommend sanctions; Parliament can punish for contempt	Expulsion, imprisonment, fines (rarely used)	Powers embedded in Constitution; committees have expelled members for misconduct (e.g., “cash-for-questions” scandal).
Australia 	Parliamentary Privileges Act 1987	Statutory regime: Refusal to comply is contempt of Parliament; Parliament can refer cases to courts	Fines (up to AUD 25,000 for corporations), imprisonment (up to 6 months)	Committees can challenge confidentiality claims; robust enforcement of committee powers.
European Parliament 	Rules of Procedure, Treaty on the Functioning of the EU	Committees of Inquiry can summon witnesses and request documents; limited enforcement	Reputational, political pressure; limited statutory penalties	Transparency emphasized; some limits on enforcement, but strong public accountability.

advisory role with recommendations carrying no binding weight, the Parliament of India empowers its committees under Article 105 and Lok Sabha Rules 269–270 to demand documents, summon officials, and even expel members for misconduct, as seen in the 2005 “cash-for-questions” scandal. This demonstrates how legal sanctions can result in tangible outcomes.

Executive and bureaucratic non-compliance is common in Pakistan. This is evident from the Registrar of the Supreme Court’s refusal to appear before the PAC in 2012 and the repeated absence of senior officials in 2024, further highlighting the fragility of parliamentary privilege. In comparison, the Parliament of Australia, under the Parliamentary Privileges Act 1987, treats refusal to attend, failure to produce documents, or providing false evidence as contempt of Parliament, carrying penalties of up to six months’ imprisonment or heavy fines. Similarly, albeit less assertively,

members of the United Kingdom parliament are pushing for reforms through proposals such as the draft Parliamentary Committees (Witnesses) Bill to strengthen compliance with Committees’ authority to summon information and officials.

Pakistan’s broad use of confidentiality under the Rules of the parliament to shield documents from scrutiny starkly contrasts with that of the Australian and European Parliaments. In the latter’s case, Committees of Inquiry, though limited, still operate within transparent frameworks, ensuring that accountability is not entirely undermined by secrecy. In Australia, the Senate requires ministers invoking “Public Interest Immunity” (PII) claims to provide detailed justifications. Committees may challenge such claims, and if disputes remain unresolved, the matter is referred to the Senate. This process ensures that ministerial accountability is maintained and

prevents confidentiality from being used as a tool for evasion.

These comparisons indicate that stronger democracies tend to use mechanisms that allow for enforceable sanctions, whereas Pakistan's

committees generally have only symbolic authority. The analysis suggests that parliamentary oversight is more substantive when it is backed by enforceable powers. Implementing reforms that have been proven effective elsewhere may strengthen the accountability of these committees.

3. Empowering Pakistan's Parliamentary Committees: A Roadmap for Effective Oversight

To transform Pakistan's parliamentary committees from symbolic forums into effective engines of accountability, a holistic and actionable reform agenda is needed. The following recommendations, grounded in comparative best practices and tailored to Pakistan's unique institutional context, chart a clear path forward.

3.1. Enacting Mandatory Legislation as Required under Article 66(3)

The lack of clear and enforceable powers significantly constrains the committee's oversight. Parliament should urgently revive and enact a robust Contempt of Parliament Act under Article 66(3) of the Constitution. This legislation must clearly define contempt, establish due process for its adjudication, and prescribe proportionate penalties, including perjury, fines, suspension, and imprisonment, for non-compliance with committee summons or refusal to provide evidence. Such statutory backing would transform committee directives from mere requests to binding legal obligations.

A nuanced and graduated approach to sanctions is essential for both deterrence and fairness. Initial penalties for non-compliance could include formal warnings and monetary fines, escalating to suspension from service or office, and imprisonment in cases of persistent or egregious defiance. This system would ensure that sanctions are proportionate to the severity and frequency of the offense while sending a clear signal that parliamentary oversight cannot be disregarded with impunity.

In light of the IMF's findings, there is a compelling case for enacting comprehensive enabling legislation under Article 66(3) of the Constitution to restore the effectiveness of parliamentary oversight. Such legislation should explicitly empower parliamentary committees to compel the production of documents, enforce the attendance of ministers and senior officials, and refer it to court to impose sanctions for refusal, delay, or submission of misleading information. This would directly address the IMF-identified weaknesses related to unenforced audit findings, limited transparency, and executive avoidance of parliamentary scrutiny.

Furthermore, the law should strengthen the authority of committees, particularly the Public Accounts Committee and relevant standing committees, to conduct ex-ante scrutiny of supplementary grants and politically driven development projects. Mandatory timelines for executive compliance with committee recommendations, coupled with penalties for non-compliance, would help prevent the routine ex-post regularization of unconstitutional expenditures highlighted by the IMF.

To reinforce the authority of committees, the new legal framework should empower the Parliament to refer cases of contempt to the judiciary for enforcement. This would ensure that committee orders are not subject to political negotiation or bureaucratic inertia but are upheld by the courts as binding obligations. Clear procedural rules should be established to govern the initiation, investigation, and adjudication of contempt cases, safeguarding both due process and parliamentary privilege.

By operationalizing Article 66(3), Parliament can transform its committees from consultative bodies into effective instruments of accountability, ensuring that public funds are used transparently, efficiently, and in accordance with constitutional principles and international best practices.

3.2. Clarity in Confidentiality and Information Withholding

The broad and discretionary use of confidentiality under the Rules of Parliament has undermined transparency and parliamentary accountability. These provisions are often invoked to withhold information without adequate justification, limiting effective legislative oversight.

Reforms are needed to ensure that any decision to withhold information on the grounds of defence, security, or external relations is supported by written reasons, reviewed in camera by the President, and assessed against clearly defined and narrow criteria. This would help prevent the misuse of confidentiality as a tool to avoid scrutiny, while still safeguarding genuinely sensitive information.

Notably, Section 7(f) of the Right to Information (RTI) Act permits the minister-in-charge to classify records and refuse disclosure, but this power is not absolute. It is expressly conditioned on recorded justification, and it does not apply to information relating to

corruption or human rights violations. Aligning parliamentary practice under the Rules of Procedures of Parliament with these RTI safeguards would strengthen transparency and reinforce accountability mechanisms. Second, and most importantly, the discrepancy in the Rules of Parliament needs to be corrected, as the Constitution vests the authority to determine the confidentiality of documents in the President, whereas the Rules of Parliament assign this power to the presiding officers of the House.

3.3. Regularize Reporting of Committee Directives to Ensure Transparency

To enhance accountability and public trust, all instances of non-compliance with committee directives should be formally reported to the full House. This process would not only ensure parliamentary visibility and collective response but also subject defaulters to reputational and political consequences. Regular publication of compliance reports further strengthens transparency and reinforces the legitimacy of committee proceedings.



Conclusion

Charting a Path to Effective Parliamentary Oversight

The effectiveness of Pakistan's democracy is intrinsically linked to the strength and credibility of its parliamentary oversight. When committees lack clear legal authority, transparent procedures, and meaningful avenues for public engagement, their ability to hold the government accountable is fundamentally compromised. This not only diminishes the role of the parliament but also erodes public trust in democratic institutions.

To address these challenges, it is essential for the Parliament to move beyond symbolic gestures and embrace comprehensive reforms. Enacting robust contempt legislation, refining rules on confidentiality, and fostering greater citizen participation are critical steps towards empowering committees with genuine authority. Such measures will ensure that committee directives are not merely advisory but carry the weight of legally binding obligations.

By decisively implementing these reforms, the Parliament can reinforce its constitutional mandate, restore public confidence, and lay the groundwork for a more transparent and responsive system of governance. Ultimately, the transformation of parliamentary committees into effective instruments of accountability will serve as the cornerstone for strengthening democracy in Pakistan.



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