



NATIONAL ASSEMBLY OF PAKISTAN



FAFEN PARLIAMENT MONITOR

36th SESSION

September 26 - October 7, 2016

FREE AND FAIR ELECTION NETWORK

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ABBREVIATIONS

AJIP	Awami Jamhoori Ittehad Pakistan
ANP	Awami National Party
APML	All Pakistan Muslim League
AMLP	Awami Muslim League Pakistan
BISP	Benazir Income Support Program
BNP	Balochistan National Party
CANs	Calling Attention Notices
CDA	Capital Development Authority
FATA	The Federally Administered Tribal Areas
ICT	Islamabad Capital Territory
IND	Independent Member
JI	Jamaat-e-Islami
JUI-F	Jamiat-e-Ulema-Islam (Fazlur Rehman)
MQM	Muttahida Qaumi Movement
MUR	Motion under Rule
NP	National Party
NPP	National Peoples Party
PkMAP	Pakhtunkhwa Milli Awami Party
PML	Pakistan Muslim League
PML-F	Pakistan Muslim League (Functional)
PML-N	Pakistan Muslim League (Nawaz)
PML-Z	Pakistan Muslim League (Zia-ul-Haq Shaheed)
PPPP	Pakistan Peoples Party Parliamentarians
PTI	Pakistan Tehreek-e-Insaf
QWP-S	Qaumi Watan Party (Sherpao)

National Assembly Addresses Long-Pending Minorities' Agenda

Total
Sittings

8

Working
Days

12

Cumulative
Duration

21

Hours & 43 Minutes

Total
Break Time

94

Minutes

- Lawmakers lose opportunity to oversee Executive's performance
- Joint Sitting of Parliament adopts resolution on Kashmir, passes anti-honour killing and anti-rape bills

The National Assembly addressed two long-standing issues of minorities during its 36th session. It legislated for the registration of marriages between persons of Hindu community and recommended the government to take action against forced conversions and marriages of minorities. The Hindu community had long been demanding a law for solemnization of their marriages. The incidents of forced conversion have also been surfaced from time to time.

Despite important legislation, the right of the lawmakers to raise public issues and oversee the government's performance was compromised due to their not utilizing certain parliamentary tools such as Adjournment Motions, Motions under Rule 259 and Questions. The Motion of Thanks to the President remained on agenda throughout the session. The Motions under Rule 259 were not taken up consecutively for the third session. The treasury sought suspension of the Question Hour twice during the session. Only a third of Starred Questions were taken up on the floor of the House.

The session began according to the Annual Calendar but continued for longer period than was scheduled. It was interrupted by the Joint Session of the Parliament that adopted a resolution on Kashmir. The Indian aggression in Occupied Kashmir as well as along the Line of Control was a recurring topic in the discussions held during the proceedings of Joint Sitting. The Prime Minister did not show up in the National Assembly but graced the Joint Sitting once to brief the parliamentarians on Kashmir issue and initiatives taken by

the government in this regard.

The House also passed legislation on Benami transactions, appointment of companies' legal advisors and judiciary-related matters. The Joint Sitting also passed the anti-honour killing and anti-rape bills pending since long. The House took up a number of human rights issues on various agenda items.

Human Rights Issue

The issue of forced conversion of minorities surfaced in the National Assembly on several occasions during the reporting session. The Hindu lawmakers belonging to PTI and MQM submitted legislative proposal and resolution on this matter. The Protection of Minorities Bill, 2016, moved by MQM, proposes to define minimum age for conversion of religion as well as provides for strict punishments for forcefully converting or marrying a person against his or her will. On the motion of PTI lawmaker, the House adopted a resolution urging the government to take immediate steps to stop forced conversions and marriages of women belonging to Minorities. The same lawmaker also submitted question inquiring from the Ministry of Religious Affairs whether any legislation was under consideration regarding forced conversions. The ministry stated in its response that a Private Member's Bill has been introduced in the National Assembly and was pending for review in the ministry.

Besides this question, five other questions relating to human rights were also asked during the course of the

Average Sitting Delay

5

Minutes

Members at Outset (Average)

33

present

Members at End (Average)

53

present

Maximum Members (Average)

198

present

session. Two of these were addressed to the Ministry of Interior and Narcotics Control to seek information on misuse of blasphemy laws and number of refugees in the country. Both these questions remained unaddressed. The Ministry of Human Rights was quizzed about awareness campaigns on rights of women and children, steps taken to prevent rape and honour-killings and appointment of Chairperson in National Commission on Status of Women. The ministry informed the House about the Action Plan for Human Rights and other initiatives of the government to promote human rights. On question of appointment in the National Commission on Status of Women, the ministry replied that appointment procedure was underway and the summary for appointment of the Chairperson had been submitted to the Prime Minister for consultation with the Leader of the Opposition.

The House also passed the Hindu Marriage Bill 2016 while lawmakers also submitted legislative proposals for setting up Pakistan Minorities Rights Commission and ensuring the provision of right to fair trial to every accused. The human rights violations by Indian forces in Occupied Kashmir also came under discussion on Calling Attention Notice, resolution and during Joint Sitting of the Parliament.

Duration and Attendance

The National Assembly's 36th session spanned eight sittings while two sittings of Joint Sitting of the Parliament intervened during the session. Each sitting of the Lower House, on average, continued for nearly two hours and 42 minutes. The average duration of these sittings was longer than the previous session. The proceedings started almost on schedule with a few minute's delay in few sittings. The longest delay in the outset of a sitting was of 15 minutes. The cumulative duration of eight sittings was 21 hours and 43 minutes while the proceedings remained suspended for an hour and 34 minutes due to various breaks.

The Prime Minister did not attend the

session of the National Assembly but addressed a Joint Sitting of the Parliament. The Leader of the Opposition attended six sittings and remained present for four hours and seven minutes. The Speaker attended all the sittings except for last one and presided over 61% of the proceedings while the Deputy Speaker came to four sittings and chaired 21% of the proceedings. For rest of the duration (11%), the Panel of Chairpersons ran the House. The parliamentary leaders of PkMAP and ANP were most regular among others as they attended the entire session.

Legislation

The National Assembly passed eight government bills during the session, including the Hindu Marriage Bill, 2016. Five of the remaining bills were related to judiciary and two to financial matters. The Hindu Marriage Bill 2016 provides for solemnization of marriages between members of Hindu community and is first of its kind in the legal history of Pakistan. Previously, there was no law for registration of Hindu marriages.

The government also introduced the Women in Distress and Detention Fund (Amendment) Bill, 2016 in the House which was referred to the relevant standing committee for consideration along with six Private Members' bills introduced during the session. The Private Member legislation focused on regulation of academic fees, prevention of malpractices in academia, protection of minorities, right to fair trial and appointment of Chairperson of National Commission on Status of Women. Five of the Private Members' bills were sponsored by MQM and one by PML-N lawmaker. Moreover, the consideration and passage of four Private Members' bills was deferred again during this session. These bills are pending since last session of the National Assembly. Three government bills, listed for consideration and passage, also went unaddressed throughout the session.

PARLIAMENTARY LEADERS ATTENDANCE



Mahmood Khan Achakzai



PkMAP

8

attended



Ghulam Ahmed Bilour



ANP

8

attended



Sahibzada Tariqullah



JI

7

attended



Syed Naveed Qammar



PPPP

6

attended



Iftikhar Uddin



APML

5

attended



Sardar Kamal Bangalzai



NP

5

attended



Sayed Essa Nori



BNP

4

attended



Aftab Ahmed Sherpao



QWP-S

4

attended



Maulana Fazal-ur-Rehman



JUI-F

2

attended



Sheikh Rasheed Ahmed



AMLP

2

attended



Saddar-ud-Din Rashidi



PML-F

1

attended



Dr. M. Farooq Sattar



MQM

1

attended



Ghulam Murtaza Jatoi



NPP

1

attended



Engr. Usman Khan Tarakai



AJIP

1

attended



Imran Khan



PTI

0

attended



Ch. Pervez Ellahi



PML

0

attended



Muhammad Ijaz-ul-Haq

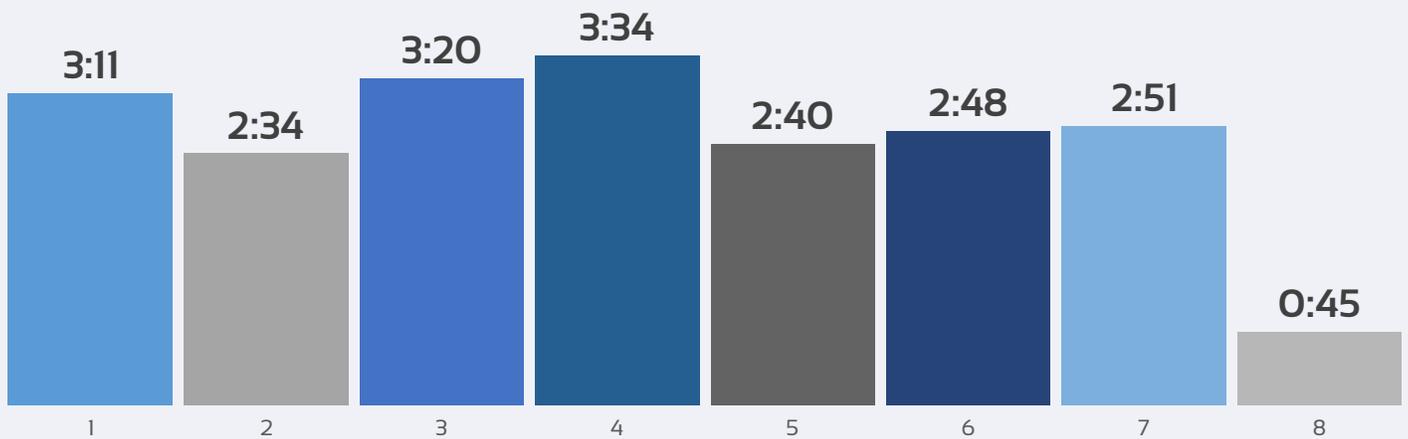


PML-Z

0

attended

TOTAL SITTING TIME (hh:mm)



KEY MEMBERS' ATTENDANCE



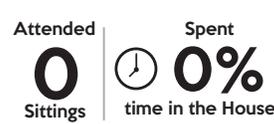
Speaker



Deputy Speaker



Prime Minister

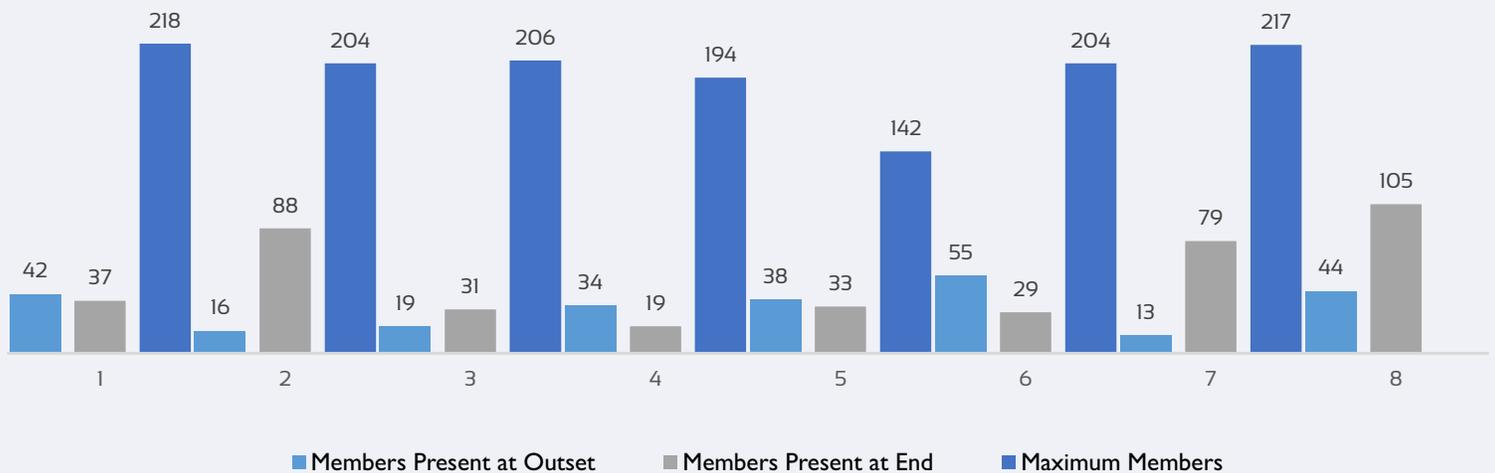


Leader of the Opposition



A member of Panel of Chairpersons presided over the proceeding for 18% of session's total time.

MEMBERS' ATTENDANCE



8

Government Bills Passed

4

Resolutions Adopted

2

Statutory Reports Laid

11

Committee Reports Presented

Passed Bills

The Hindu Marriage Bill, 2016

The bill provides for the solemnization of marriages of Hindu persons.

The Islamabad High Court (Amendment) Bill, 2016

The bill proposes to amend the Islamabad High Court Act 2010 with a purpose to bring the jurisdiction of the Islamabad High Court and Civil Courts in Islamabad Capital Territory in consonance with High Courts and Civil Courts of the other provinces.

The Civil Courts (Amendment) Bill, 2016

The Bill seeks to amend the West Pakistan Civil Courts Ordinance, 1962 to the extent of Islamabad Capital Territory to give unlimited pecuniary jurisdiction to District Judge and Additional District Judge, Islamabad with respect to an appeal from any order or decree passed by a Civil Judge.

The Benami Transactions (Prohibition) Bill, 2016

The bill provides for prohibition of holding property in benami, restricts right to recover or transfer property held benami and establishes mechanism for confiscation of property held benami.

The Companies (Appointment of Legal Advisers) (Amendment) Bill, 2016

The Bill seeks to amend the Companies (Appointment of Legal Advisors) Act, 1974 to ensure compliance and better regulation of the law.

The Central Law Officers (Amendment) Bill, 2016

The bill proposes to rename post of the Standing Counsel as Assistant Attorney-General by amending the Central Law Officers Ordinance, 1970.

The Legal Practitioners and Bar Councils (Amendment) Bill, 2016

The Bill seeks to rectify an anomaly created by the Legal Practitioners and Bar Councils (Amendment) Act, 2014 wherein the number of seats for Punjab Bar Council in section 5(2) of the Act

remained un-amended whereas the Schedule to the Act was amended.

The Code of Civil Procedure (Amendment) Bill, 2016

The proposed amendment seeks institution of suit relating to public nuisances and public charities direct with the leave of court without permission of the Advocate General to expedite the disposal of cases.

Introduced Bills

The Women in Distress and Detention Fund (Amendment) Bill, 2016

The bill provides for reorganization of the board of the Women in Distress and Detention Fund in light of Eighteenth Constitutional Amendment.

The Prevention of Mal-practices in Academia Bill, 2016

The bill provides for prevention of mal-practices in academia and establishment of an anti-plagiarism system for universities and higher education institutions.

The Pakistan Minorities Rights Commission Bill, 2016

The bill provides for setting up Pakistan Minorities Rights Commission which shall examine the policy and programmes relating to minorities.

The Criminal Laws, (Amendment) Bill, 2016

The bill seeks to amend the Code of Criminal Procedure in light of Eighteenth Constitutional Amendment for necessary provision of materials and evidences' copies to accused party.

The Protection of Minorities Bill, 2016

The bill provides for the protection of persons against forced conversion of religion.

The Technical Educational Institutions, Medical Educational Institutions and Universities (Regulation of Fee) Bill, 2016

The bill seeks to establish a Council which shall regulate the fees in higher education institutions including

9

CANs
Taken Up

285

Questions
Asked

34

Starred
Questions
Taken Up

54

Supplementary
Questions Asked

institutes of technical and medical education.

[The National Commission on the Status of Women \(Amendment\) Bill, 2016](#)

The bill defines a 30-day timeframe for the government to fill the vacancy in office of Chairperson, National Commission on the Status of Women.

Resolutions

The National Assembly discussed and made recommendations on five issues of public importance through resolutions during this session. A joint resolution by the treasury and opposition lawmakers expressed solidarity with Kashmiris and condemned Indian claim about Occupied Kashmir being integral part of India. Besides this, the House unanimously adopted a PTI's resolution urging the government to take steps against forced conversions and marriages of religious minorities. Moved by PTI and PML-N lawmakers, the resolutions were also passed to complete Diamer Bhasha Dam on urgent basis, rename Swat Airport as Maj. General Sanaullah Khan Niazi Shaheed Airport and abolish interest on house building loan. Another PTI's resolution regarding fixing job quota for Islamabad domiciled persons was debated in the House and was referred to the Standing Committee on Cabinet Secretariat for further deliberations. Moreover, five Private Members' resolutions appearing on Orders of the Day were not taken up while one was dropped due to absence of the sponsor.

Amendments to the Rules

The House referred an amendment to the Assembly's Rules of Procedure to the relevant committee for review and recommendations. The amendment, moved by JI lawmaker, sought to limit discussion on Motion of Thanks to the President to 10 days. It is a timely and much needed amendment as the Motion of Thanks lingered for several months during last parliamentary year and is also pending on present agenda since 34th session. The lawmakers are

unable to seek adjournment of proceedings to discuss urgent issues as the Rules of Procedure prohibit taking up Adjournment Motions when Motion of Thanks is being discussed. Another amendment standing on the name of PPPP lawmaker was dropped due to absence of sponsor.

Committee Reports/ Statutory Papers

The Standing Committees presented 11 reports to the House during the session. Five of these reports were on the legislative proposals, four on Questions of Privileges and two on amendments proposed to the Rules of Procedure. The Finance Minister also presented two Statutory Reports to the House including the Report of the Federal Accounts for 2014-2015, Reports of the Auditor General 2015-2016 and Report on First Biannual Monitoring on the implementation of National Finance Commission (NFC) Award for the period July to December, 2015.

Motions under Rule 259

The House did not take up 10 Motions under Rule 259 to discuss various matters of public importance, including privatization, foreign affairs, employment and auto policies of the government. This is consecutively third session that the National Assembly has not discussed the Motions under Rule 259. The Motion of Thanks to the President for Addressing the Parliament also remained unaddressed throughout the session.

Calling Attention Notices

The lawmakers brought various issues of public concern to the floor of the House through 12 Calling Attention Notices (CANs). The House took up nine of these notices and the relevant ministers or parliamentary secretaries made statements on behalf of the executive. The parliamentarians of treasury party PML-N sponsored five CANs while the second largest party PPPP brought two CANs. The lawmakers of PTI and MQM sponsored one CAN each and three CANs were co-sponsored by lawmakers

2

Walkouts

62

Points of
Order

of PTI, PML-N, JI and ANP.

The lawmakers highlighted the issues regarding load-shedding in certain districts of Khyber Pakhtunkhwa, insufficient facilities in medical establishments of Islamabad, poor conditions of Karachi-Hyderabad Motorway (M-9), higher rates of child stunting in Pakistan, poor ranking of Pakistan in the first global assessment of countries programme towards health related Sustainable Development Goals, employees issues at retirement, Indian belligerent attitude on Occupied Kashmir and threat of unilaterally suspending the Indus Waters Treaty, spurious medicines at Medical Stores in Islamabad and charging extra costs to power consumers on pretext of China-Pakistan Economic Corridor (CPEC).

Questions

The Question Hour was held in four out of eight sittings of 36th session as two were Private Members' days and twice the regular agenda was suspended. As many as 285 Questions (215 Starred and 70 Unstarred) were listed for answers during the session. The Rules of Procedure require the executive to answer a Starred Question orally as well as in writing while the Unstarred Questions are to be replied only in writing. However, the National Assembly took up only 34 Starred Questions for oral answers.

The Questions were addressed to President Secretariat, Prime Minister's Office and 33 other government ministries and departments. The Ministry of Interior & Narcotics Control received highest number of Questions (29) but it did not submit reply of any question. Only 202 out of 285 Questions (70%) were answered in writing by the government.

Points of Order

The lawmakers raised 62 Points of Order consuming two hours and 49 minutes of the proceedings. Most of the POs were concerned with constituency matters, political developments and current affairs.

Quorum

The opposition lawmakers belonging to PTI pointed out quorum twice during the session. Once, the quorum was found complete while on second occasion, it was incomplete and led to suspension of the sitting.

Protests

The parliamentary parties representing Khyber Pakhtunkhwa alleged the government of depriving their province of its due share in China Pakistan Economic Corridor and staged walkout from the House. These parties included PTI, ANP, JI, PkMAP and members from FATA. The government ally JUI-F also staged a walkout against remarks of a PTI lawmaker against JUI-F Chief Maulana Fazlur Rehman.

This report is based on direct observation of the proceedings of the National Assembly conducted by Free and Fair Election Network. Every effort has been made to keep this report, which deals with on-floor performance of the Members, accurate and comprehensive. Errors and omissions are excepted.

ABOUT FAFEN

- FAFEN is one of the most credible networks of civil society organizations working for strengthening citizens' voice and accountability in Pakistan since 2006.
- FAFEN has harnessed information technology for real-time monitoring, facilitation and technical backstopping of partners for effective and result-based program delivery.
- FAFEN is the only civil society group to have been invited by the Judicial Commission to present the evidence of illegalities and irregularities documented through the course of General Elections 2013 Observation. The systemic and procedural issues identified by FAFEN have been acknowledged by the commission in its detailed findings.
- FAFEN's recommendations for electoral reforms have contributed to the work of Parliamentary Committee for Electoral Reforms.
- FAFEN's advocacy for parliamentary transparency, accountability and reforms has shaped public discourse on parliamentary reforms. Improved citizens' access to parliamentary information including daily public release of parliamentarians' attendance records can be directly attributed to FAFEN's work.
- FAFEN deployed 18,000 and 40,000 non-partisan and trained observers for the systematic observation of general election 2008 and 2013, respectively, largest citizens' observation ever undertaken in Pakistan.
- FAFEN's evidence and recommendations for reforms have improved the quality of public and political discourse on elections, its issues and need for reforms. Leading political parties and media houses extensively use FAFEN's election findings and analysis to build a case for reforms.
- With more than 17,300 followers on Twitter and around 72,000 on Facebook, FAFEN is considered one of the most reliable sources of electoral and parliamentary information in the country.

Free and Fair Election Network
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