

FAFEN Parliament Monitor

Senate  
of Pakistan  
91st Session

(18 Feb - 14 March, 2013)

Free and Fair Election Network

[www.fafen.org](http://www.fafen.org)

## Abbreviations

AJK	Azad Jammu and Kashmir
ANP	Awami National Party
BJP	Bahawalpur Janoobi Punjab province
BNPA	Balochistan National Party (Awami)
CAN	Calling Attention Notice
DHA	Defence Housing Authority
ECP	Election Commission of Pakistan
FAFEN	Free and Fair Election Network
FATA	Federally Administered Tribal Areas
ICT	Islamabad Capital Territory
IND	Independent Member
IPCC	Inter-Provincial Coordination Committee
JUIF	Jamiat Ulema-e-Islam (Fazl)
KP	Khyber Pakhtunkhwa
MD	Managing Director
MQM	Muttahida Quami Movement
NP	National Party
OGDCL	Oil and Gas Development Company Limited
PHA	Pakistan Housing Authority
PIMS	Pakistan Institute of Medical Sciences
PML	Pakistan Muslim League
PMLF	Pakistan Muslim League (Functional)
PMLN	Pakistan Muslim League (Nawaz)
PO	Point of Order
PPPP	Pakistan Peoples Party Parliamentarians
PTA	Pakistan Telecommunication Authority
QAU	Quaid-i-Azam University
SIMs	Subscriber Identification Modules
SZABMU	Shaheed Zulfiqar Ali Bhutto Medical University



This report is based on direct observation of the Senate proceedings conducted by CPDI-Pakistan, a member organization of FAFEN.

## Executive Summary

Senate's 91st session witnessed the passage of 24th constitutional amendment bill calling for creating another province out of the Punjab besides amending the anti-terrorism law twice and giving go ahead to a bill on setting up an authority to counter terrorism.

The session from 18 February to 14 March 2013 lasted 36 hours and 14 minutes. On average, each of the 17 sittings lasted two hours and seven minutes, starting 49 minutes late.

Overall the upper house passed 15 bills including four private members' bills. A private member's bill introduced by the Leader of the Opposition in the Senate "to consolidate the law to regulate the acceptance and utilization of foreign contribution" by NGOs "for any activities detrimental to the national interest" was referred to the Standing Committee on Finance.

Out of the total 15 bills passed during the session, six were related to education including three private members' bills seeking establishment of two universities in Islamabad and one in Lahore. Additionally, a government bill was passed to set up the Capital University of Science and Technology in Islamabad. The upper house also passed a bill to grant degree awarding status to Pakistan Institute of Medical Sciences by upgrading it to a medical university as the Shaheed Zulfiqar Ali Bhutto Medical University (PIMS), Islamabad. The house also passed a bill to establish an authority to register and regulate the private educational institutions.

Amid protest by the opposition parties PMLN and NP, the house passed the bill demanding a new Bahawalpur Janoobi Punjab province in southern Punjab. The upper house twice amended the Anti-Terrorism Act 1997 to give more powers to the law enforcing agencies to curb terrorism besides passing a bill to set up National Counter Terrorism Authority.

Two private members' bills by a PMLN legislator on abolishing discretionary quotas in the public housing schemes and exempting electoral candidates from personally appearing before returning officers at the time of filing nomination papers for general elections were also passed. The amendment in the Representation of Peoples Act 1976 omits an article decreed by the military president to prevent the party heads of the PPPP and PMLN from contesting the elections in 2002. According to the supplementary bill's statement, the military ruler amended the Representation Act through an ordinance to "prevent the leaders of the major political parties, who were abroad at the time, from filing nomination papers."

The house addressed 59% agenda – 72 of 122 items - listed on the orders of the day. The agenda for the private members' day was ambitiously set as 71% (22 items) remained unaddressed. Additionally three adjournment and privilege motions each, a report and a resolution appeared on supplementary agenda. Apart from passing 15 bills, the house adopted three resolutions, debated four calling attention notices, a motion each under the rules 218 and 60, and three privilege motions. Ten standing committee reports were laid before the house.

Since the Senate secretariat does not make members' attendance record public, the FAFEN observer conducts a headcount of legislators at the beginning, at the end, and at the time when maximum members are present in each sitting. Low attendance was witnessed in the 104-member upper house. On average 11 Senators were present at the start and 21 at the adjournment of a sitting. Visibly lacking on several occasions, the quorum was pointed out thrice in the 13th sitting.

The Leader of the House attended 15 sittings while the Leader of the Opposition attended 14. The Chairman presided over 82% of the proceedings while the remaining proceedings were chaired by the Deputy Chairman. The parliamentary leader of MQM was present in all sittings followed by the ANP leader (14), JUIF (13), sole members of NP and PMLF nine and five respectively, PML leader (two) and the BNPA leader attended only one sitting.

## Parliament Watch Project

An essential component of democracy is publicly accessible information about the political decision-making processes, such as parliamentary deliberations among elected representatives. Citizens must have information about whether, and how their representatives are performing in the Assembly in order to hold those elected leaders accountable.

The Parliament Watch Project (PWP), an initiative of the Free and Fair Election Network (FAFEN), aims to collect and publish information about the job performance of members of the National Assembly (MNAs), Provincial Assemblies (MPAs) and Senate by observation of these directly elected representatives' actions. FAFEN intends to foster informed engagement between constituents and elected representatives in Pakistan by providing objective and statistically-sound information on parliamentary processes and decisions.

The methodology of the PWP is to deploy trained observers to the National Assembly in order to monitor their performance using a detailed, standardized checklist and reporting forms covering all types of parliamentary business. The information gathered is measured against the neutral and objective framework of the rules of parliamentary procedure.

FAFEN's PWP focuses on directly-observed parliamentary procedure in addition to parliamentary output. In other words, FAFEN's criteria for assessing parliamentary effectiveness are primarily process-oriented and secondarily results-oriented.

At least 58% (60 senators) participated in the proceedings during the session. PMLN, JUIF, MQM and ANP Senators actively took part in the proceedings, especially in debates. Although the provinces have equal representation in the house, Senators from Punjab participated more actively than their counterparts from other provinces.

Three out of eight resolutions tabled in the session were adopted. The three resolutions called on the government to provide housing facilities to all federal government employees, review fees, service and other charges of the foreign banks operating in Pakistan and a supplementary resolution to condole the death of a former Senator. Out of the ten Standing Committees laid before the house, six were on bills.

The house debated two motions, one each under rules 218 and 60 – the first on the existing public transport system in the country and the second was on the superior court judges with dual nationality.

Out of four adjournment motions taken up during the session, two condemned the attacks on the Hazara community in Balochistan. On another adjournment motion, the house also condemned the mob attack on a Christian community in Lahore's Badami Bagh following accusations of blasphemy. Senators also discussed the statements given by members of the Election Commission on the role of parliamentarians in approving the election laws.

Eighteen Senators submitted 119 questions - 116 starred and three unstarred. Of them 39 were taken up. Additionally 86 supplementary questions were asked. More than half of the questions were addressed to six ministries; Interior, Housing Finance and Revenue, Defence, Foreign Affairs and Cabinet Secretariat.

Four calling attention notices were taken up, drawing the government's attention to status of macro-economic indicators, delay in construction of Kashmir highway expansion, Kishan Ganga hydroelectricity project and the issue of operation center for Pakistan Customs Drug Enforcement Cell built by US Army Corps at Jinnah International Airport of Karachi.

Additionally, 101 points of order were raised during the session consuming 22% of the session time.

Twelve walkouts consumed three hours and thirty five minutes - 10% of the session time. Walkouts were staged over the killings of the Hazaras in Quetta, attacks on Shia community in Karachi, the Sindh government reinforcing the local bodies system of 1979, passage of the 24th constitutional amendment bill and the Badami Bagh incident in Lahore among other issues.

The session also witnessed change in the rules of procedure (rule 165, sub rule-1) increasing the minimum number of members for parliamentary committees from nine to 12 and from 12 to 14.

**Table: Comparison of agenda on the orders of the day between the 90th and 91st sessions**

Sr. No	Agenda Items	90th Session	91st Session
1	Starred Questions Taken Up	50	39
2	Starred Questions Not Taken Up	87	80
3	Un-Starred Questions	3	3
4	Calling Attention Notices Taken Up	1	4
5	Calling Attention Notices Not Taken Up	1	2
6	Government Members Bills Passed	7	10
7	Government Members Bills Introduced	4	2
8	Government Members Bills Not Taken Up	0	0
9	Private Members Bills Passed	0	5
10	Private Members Bills Introduced	0	3
11	Private Members Bills Not Taken Up	0	0
12	Standing Committee Reports Presented	8	10
13	Standing Committee Reports Not Presented	0	0
14	Motion Under Rule 218 Taken Up	0	1
15	Motion Under Rule 218 Not Taken Up	8	1
16	Resolutions Taken Up	4	3
17	Resolutions Not Taken Up	10	5
18	Points of Order	122	101
19	Privilege Motion Taken Up	1	3
20	Privilege Motion Not Taken Up	0	0
21	Adjournment Motion Taken Up	0	4
22	Adjournment Motion Not Taken Up	0	0

## 1.0 Session Duration and Members' Participation

This section reviews the duration Senate met during the session, attendance and participation of the members, and maintenance of quorum (1/4th of the total membership). It also reviews the presence of key members – the Chairman, the Deputy Chairman, the Leader of the House, the Leader of the Opposition, and the parliamentary leaders and the time they spent on the floor of the house.

### 1.1 Session Time

The session from 18 February to 14 March 2013 lasted 36 hours and 14 minutes. On average each of the 17 sittings lasted two hours and seven minutes and started 49 minutes late. The 14th sitting started an hour and 15 minutes behind schedule.

The house observed seven breaks, mostly for offering prayers, consuming four hours and 14 minutes – 12% of the session time.

Table 1.1: Session Time

Sitting No.	Date of Sitting	Hours	Minutes	Delay
1st	Monday, February 18, 2013	1	53	30
2nd	Tuesday, February 19, 2013	0	25	35
3rd	Wednesday, February 20, 2013	2	32	35
4th	Thursday, February 21, 2013	0	22	37
5th	Friday, February 22, 2013	1	6	51
6th	Monday, February 25, 2013	1	51	62
7th	Tuesday, February 26, 2013	1	58	54
8th	Wednesday, February 27, 2013	1	25	52
9th	Monday, March 4, 2013	3	24	54
10th	Tuesday, March 5, 2013	2	28	62
11th	Wednesday, March 6, 2013	3	48	60
12th	Thursday, March 7, 2013	1	8	40
13th	Friday, March 8, 2013	4	19	35
14th	Monday, March 11, 2013	3	7	75
15th	Tuesday, March 12, 2013	2	51	69
16th	Wednesday, March 13, 2013	1	32	50
17th	Thursday, March 14, 2013	2	5	35
<b>Total</b>		<b>36 hours and 14 minutes</b>		<b>Average 49 minutes Delay</b>

### 1.2 Senators' Attendance

Since the Senate secretariat does not make members' attendance record public, the FAFEN observer conducts a headcount of legislators at the beginning, at the end, and at the time when maximum members are present in each sitting.

Senators' attendance remained low in the 104-member upper house. During the session, on average 11 Senators were present at the start, 21 at the time of adjournment and 36 at the time of maximum attendance per sitting.

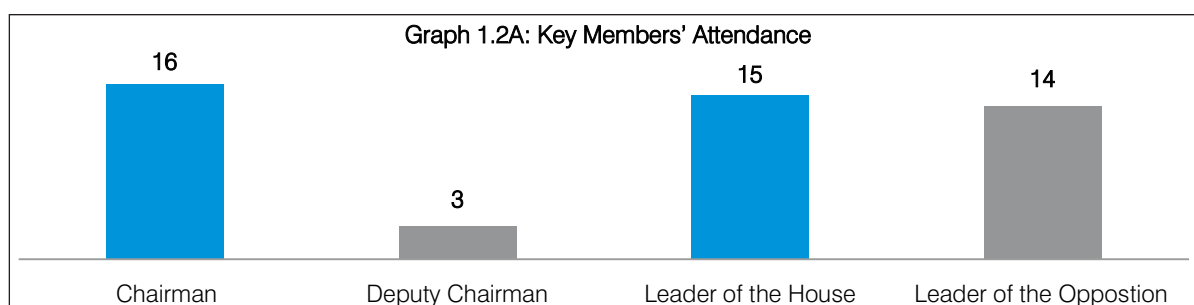
The quorum, although visibly lacking on several occasions, was pointed out thrice during the 13th sitting. In the first instance, the proceedings were suspended for 22 minutes, the bells were rung for five minutes on the second occasion, while the Chairman ignored the quorum when it was pointed out the third time.

Table 1.2: Senators' Attendance

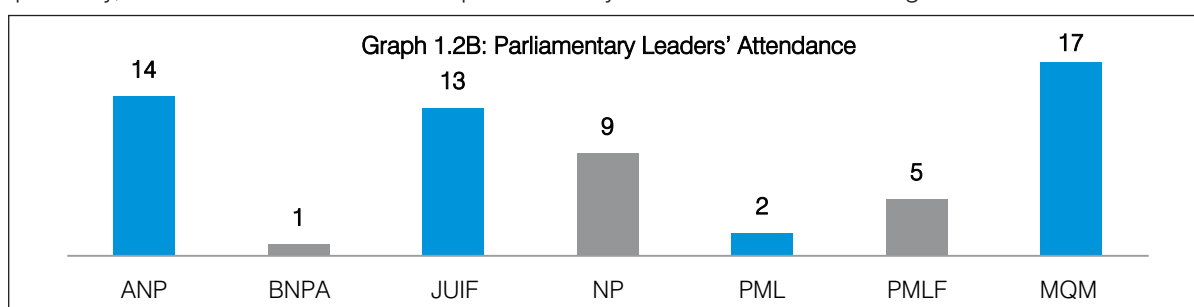
Sitting No.	Members at the outset	Members at the end	Minority members present
1st	2	13	1
2nd	5	16	2
3rd	4	17	2
4th	5	22	2
5th	60	25	2
6th	6	26	2
7th	8	32	2

Sitting No.	Members at the outset	Members at the end	Minority members present
8th	11	22	1
9th	11	8	2
10th	15	18	2
11th	12	70	2
12th	9	16	1
13th	9	18	2
14th	9	7	2
15th	1	13	1
16th	9	23	2
17th	5	12	2
<b>Average</b>	<b>11</b>	<b>21</b>	<b>2</b>

The key members of the upper house demonstrated active participation during the session. The Leader of the House attended 15 sittings while the Leader of the Opposition attended 14. The Chairman presided over 82% (26 hours and 22 minutes) of the proceedings whereas the remaining proceedings were chaired by the Deputy Chairman.



The parliamentary leaders' presence in the house is important for representation of their party in the house as well as the participation of party fellows. The MQM parliamentary leader was present during the entire session, followed by ANP leader 14 sittings, JUIF leader 13, sole members of NP and PMLF nine and five sittings respectively, PML leader two and the BNPA parliamentary leader attended one sitting.



## 2.0 Senators' Participation

Senators' participation in the proceedings has been classified into three categories: Senators who only submit agenda, those who do not submit any agenda item but take part in debate, and the senators who submit both agenda items and take part in the debates.

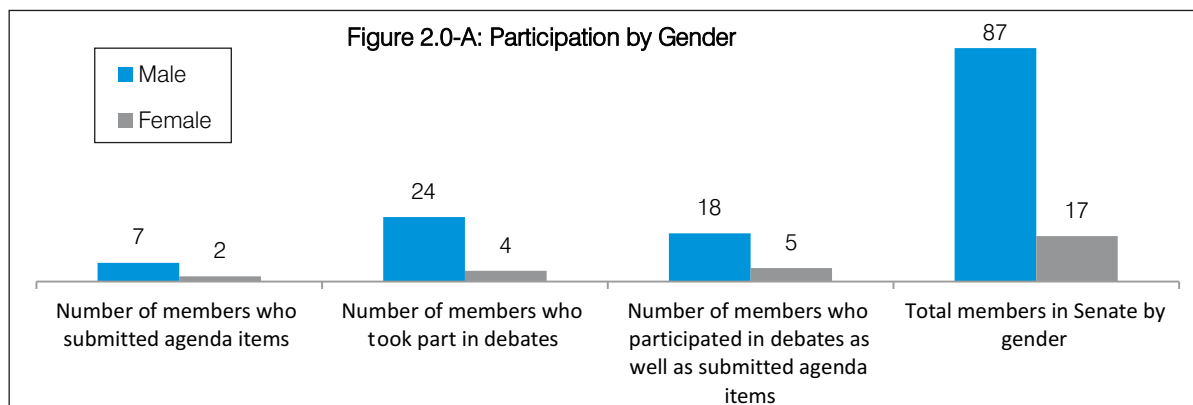
Sixty Senators took part in the proceedings during the session. Of them nine percent submitted agenda on the orders of the day, 27% shared their views during debates and 22% did both.

All 10 parties in the house took part in the session. As PPPP is the largest party in the upper house with 41 members, 46% of its Senators took part in the session. Eleven of the main opposition party PMLN Senators out of the total 14, participated in the proceedings, followed by eight out of 12 ANP members, six out of seven MQM, five out of seven JUIF, and three out of five PML Senators. Two Senators of the single-member parties – NP and PMLF – participated in the proceedings during the session.

Table 2.0: Participation in Agenda and Debates

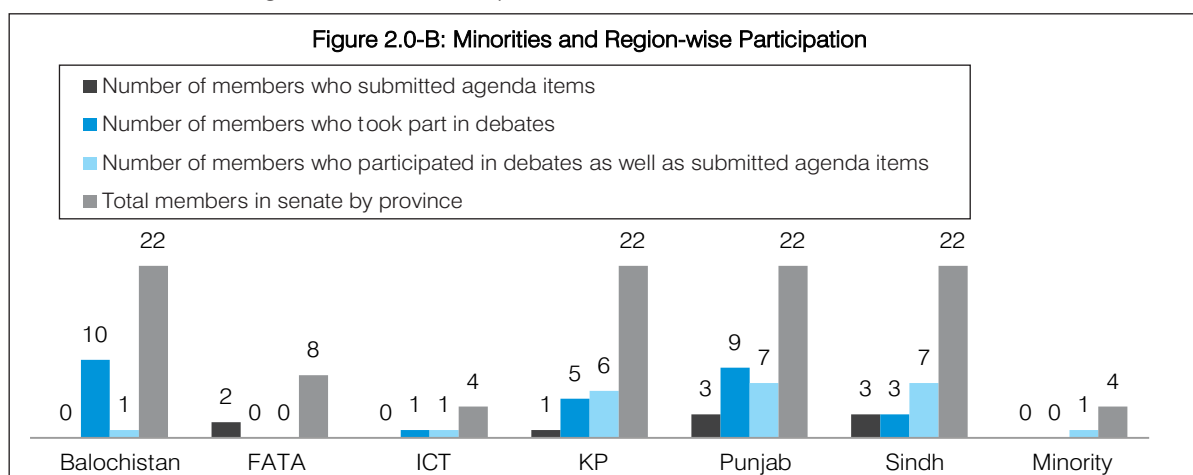
Party	Members who only submitted Agenda	Members who took part only in debates	Members who participated in debates as well as submitted agenda	Percentage of members who submitted only agenda items	Percentage of members who only participated in debates	Percentage of members who submitted agenda items and participated in debates	Total members in Senate
ANP	0	5	3	0%	42%	25%	12
BNPA	0	1	1	0%	25%	25%	4
IND	2	1	1	17%	8%	8%	12
JUIF	0	4	2	0%	57%	29%	7
MQM	2	0	3	29%	0%	43%	7
NP	0	1	0	0%	100%	0%	1
PML	0	2	1	0%	40%	20%	5
PMLF	0	1	0	0%	100%	0%	1
PMLN	0	6	5	0%	43%	36%	14
PPPP	5	7	7	12%	17%	17%	41
<b>Total</b>	<b>9</b>	<b>28</b>	<b>23</b>	<b>9%</b>	<b>27%</b>	<b>22%</b>	<b>104</b>

Of the total 17 women Senators, 11 took part in the proceedings. On the other hand, out of the total 87 male Senators, 49 participated in the proceedings.



In the upper house all provinces have equal representation (22 Senators each), along with eight members from FATA and four members each representing minorities and Islamabad Capital Territory (ICT). Overall the participation of legislators from Punjab was higher (86%) in the three categories, followed by Sindh (59%), Khyber Pakhtunkhwa (55%) and half of the legislators from Balochistan participated in the proceedings.

Two members each from FATA and ICT participated during the session. One of the four Senators representing minorities submitted an agenda item and took part in debates.



### 3.0 Orders of the Day

The orders of the day were available to Senators as well as uploaded on the official website [www.senate.gov.pk](http://www.senate.gov.pk) in each sitting. The business of the house to be considered in a sitting is a numbered list of agenda items on the 'Orders of the Day', which is laid before Senators in each sitting.

Out of the total 122 agenda items on the orders of the day during the session, 72 (59% of the total submitted) were taken up. Although the agenda for the private members' day was realistically set than in the previous sessions, the house left more than half of business unaddressed. Moreover, seven supplementary agenda items (not listed on the orders of the day) including adjournment motions, privilege motions, a resolution and a report were taken up during the session.

On four private member's days (Mondays in Senate), out of the total 41 agenda items, 19 were taken up, leaving 22 unaddressed. None of the agenda items on the orders of the day of the second and ninth sittings were taken up.

Table 2.0: Details of Agenda Items

Sitting No.	Total agenda items	Agenda items taken up	Agenda items not taken up	Supplementary agenda
1st	13	8	5	0
2nd	1	0	1	2
3rd	4	1	3	0
4th	3	2	1	1
5th	4	1	3	0
6th	12	7	5	1
7th	11	9	2	0
8th	9	2	7	0
9th	9	0	9	0
10th	7	5	2	0
11th	9	6	3	1
12th	3	2	1	0
13th	10	6	4	0
14th	7	4	3	1
15th	6	6	0	1
16th	7	6	1	0
17th	7	7	0	0
<b>Total</b>	<b>122</b>	<b>72</b>	<b>50</b>	<b>7</b>

#### 4.0 Representation, Responsiveness and Government Oversight

This section reviews the efforts of legislators in terms of representing the matters of public importance through calling attention notices and fulfilling the oversight role through questions during question hour. It also looks at the ministries' response to lawmakers' questions.

##### 4.1 Question Hour

Senators submitted 119 questions -116 starred and three unstarred – during the session. Of them 39 starred questions were taken up. Additionally, the lawmakers asked 86 supplementary questions. The question hour was not held during four sittings as it was suspended under the rule 263 of the upper house's rules of procedure<sup>1</sup>.

Table 4.1A: Starred Questions

Sittings No.	Starred Questions on the Agenda	Starred Questions taken up	Starred Questions not taken up	Supplementary Questions
1st	Private Members' Day			
2nd	Suspended under rule 263 of Senate Rules of Procedure			
3rd	Suspended under rule 263 of Senate Rules of Procedure			
4th	Suspended under rule 263 of Senate Rules of Procedure			
5th	Suspended under rule 263 of Senate Rules of Procedure			
6th	Private Members' Day			
	Suspended under rule 263 of Senate Rules of Procedure			
8th	18	3	15	8

<sup>1</sup> 263. Suspension of rules.— Whenever any inconsistency or difficulty arises in the application of these rules, any member may, with the consent of the Chairman, move that any rule may be suspended in its application to a particular motion before the Senate, and if the motion is carried the rule in question shall stand so suspended.



Sittings No.	Starred Questions on the Agenda	Starred Questions taken up	Starred Questions not taken up	Supplementary Questions
9th	Private Members' Day			
10th	9	7	2	18
11th	13	6	7	8
12th	21	2	19	5
13th	27	9	18	14
14th	Private Members' Day			
15th	20	7	13	23
16th	5	3	2	6
17th	6	2	4	4
Total	119	39	80	86

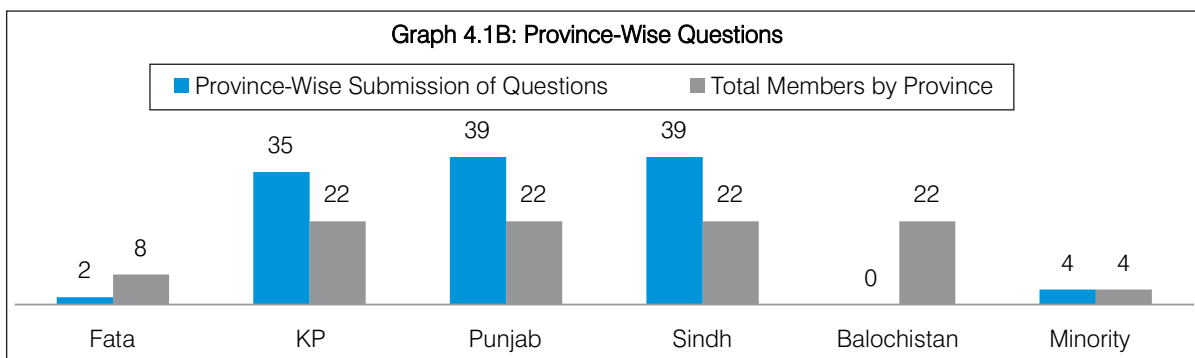
Of the total 119 questions, 31 were submitted by two female PMLN Senators. Four questions were submitted by two PPPP female senators and only one by an ANP female senator. None of the female senators of MQM and JUIF submitted any question during the session.

**Table 4.1B: Male and Female Senators submitting questions**

Party	Question Raised by Female Senators	Female Senators raising Question	Question Raised by male Senators	Male Senators raising Question	Total Question Raised	Total Senators raising Questions
PMLN	31	2	21	2	52	4
PPPP	4	2	19	2	23	4
ANP	1	1	3	2	4	3
MQM	0	0	21	3	21	3
IND	0	0	4	2	4	2
JUIF	0	0	15	2	15	2
<b>Total</b>	<b>36</b>	<b>5</b>	<b>83</b>	<b>13</b>	<b>119</b>	<b>18</b>

In party-wise analysis, PMLN submitted 44% or 52 of the total questions, followed by PPPP Senators' 23 questions, MQM 21, and JUIF 15. ANP and the independent Senators submitted four questions each. None of the members of BNPA, PML, NP and PMLF put forward any questions.

Most of the questions were submitted by Senators from Punjab, Khyber Pakhtunkhwa (39 each) and Sindh (35). Senators from Balochistan did not submit any question during the session.



More than half of the questions were asked from six ministries; Interior, Housing, Finance and Revenue, Defence, Foreign Affairs and Cabinet Secretariat. Most of the PMLN Senators' questions were directed to the Interior Ministry while the PPPP Senators' queries were mostly addressed to the Ministry of Law and Justice. One question each was asked from the Ministries of Capital Administration and Development, Economic Affairs and Statistics, Human Resources, Information Technology, National Heritage and Integration, National Regulations and Services, Postal Services, and Production.

Table 4.1 B

Sr. No.	Ministry-wise Questions	Total No. of Questions
1.	Interior	24
2.	Housing	11
3.	Finance & Revenue	10
4.	Defence	9
5.	Foreign Affairs	9
6.	Cabinet Secretariat	8
7.	Law and Justice	7
8.	Water and Power	6
9.	Commerce	5
10.	Petroleum and Natural Resources	5
11.	Communications	4
12.	National Food Security and Research	4
13.	Information and Broadcasting	2
14.	Inter Provincial Coordination	2
15.	Railways	2
16.	Works	2
17.	Capital Administration and Development	1
18.	Economic Affairs and Statistics	1
19.	Human Resources	1
20.	Human Rights	1
21.	Information Technology	1
22.	National Heritage and Integration	1
23.	National Regulations and Services	1
24.	Postal Services	1
25.	Production	1
<b>Total</b>		<b>119</b>

#### 4.2 Calling Attention Notices

This section highlights the efforts of Senators in raising matters of public interest through calling attention notices. Under rule 64 of the Rules of Procedure and Conduct of Business, a Senator may call the attention of a minister to any matter of urgent public importance and the minister may make a brief statement or ask for time to make a statement at a later hour or date provided that no more than one notice shall be allowed a Senator per sitting.

Six calling attention notices were submitted during the session. Four were taken up, drawing the government's attention to status of macro-economic indicators, delay in construction of Kashmir highway expansion, Kishan Ganga hydroelectricity project and the issue of operation center for Pakistan Customs Drug Enforcement Cell, built by US Army Corps, at Jinnah International Airport Karachi.

The two calling attention notices not taken up were about higher education institutions facing financial difficulties and the 400 Pakistani students studying in Chinese universities not getting their dues.

Five male and three female Senators submitted calling attention notices.

Table 4.2

Sitting No.	Call Attention Notices	Party	Ministry	Status
7th	Decision of the international court of arbitration's partial award on Kishan Ganga hydroelectric project in response to Pakistan's appeal for interim measure against the dam	PMLN INDP	Water and Power	Taken Up
10th	Grant of permission to the US Army Corps of Engineer to build a Tactical Command and Operations Centre compound at the Jinnah International Airport Karachi to exchange information with Pakistan Customs Drug Enforcement Cell	PPPP	Finance & Revenue	Taken Up
12th	Financial problems being faced by more than 400 Pakistani students studying in different Chinese universities under the cultural exchange program run by the Inter-Provincial Coordination Committee (IPCC) due to non-payment of subsidy by the government	PMLN	Inter Provincial Coordination	Not taken up
15th	Delay in construction work on Kashmir Highway expansion and renovation project	PMLN	Cabinet Secretariat	Taken Up
16th	Problems being faced by the universities and the higher educational institutions in the country due to budget deficit	MQM	Finance & Revenue	Not taken up
17th	State of economy particularly on current status of all macroeconomic indicators (including monetary and fiscal)	PMLN	Finance & Revenue	Taken Up

### 4.3 Privilege Motion

According to the rules and procedures of Senate, "a member may, with the consent of the Chairperson, raise a question involving a breach of privilege either of a member or of a Senate or of a Committee".

During the 91st session three privilege motions - all moved by PPPP male Senators – were submitted as supplementary agenda. The three motions highlighting a breach of Senators' personal privileges were referred to the Committee on Rules of Procedure and Privilege.

Table 4.3

Sitting No.	Privilege Motions	Status
3rd	Non-cooperation of OGDCL administration	Referred to Committee on Rules of Procedure and Privilege
4th	Misbehavior of XEN WAPDA with the Senator	Referred to Committee on Rules of Procedure and Privilege
6th	Non cooperative behavior of MD - Pakistan Security Papers	Referred to Committee on Rules of Procedure and Privilege

### 4.4 Motion under Rule 218

Any minister or a member may give notice of a motion that any policy, situation, statement or any other matter may be taken into consideration. Senate proceeds to discuss the motion after the mover has concluded speech and no question is put at the conclusion of the debate unless any minister or a member, with the consent of the Chairman, moves a substantive motion.

The house discussed the existing public transport system in the country through a motion under rule 218 submitted by an MQM male Senator. Another motion to debate the overall performance of PTA with particular reference to steps taken to block unregistered SIMS and stop their use in various crimes in the country was not taken up by the house.

### 4.5 Motion under Rule 60

Any senator can give notice of a motion on answers to questions that pertain to matter of public importance. The Chairman may allot some time for discussion on such notices which in his opinion is of sufficient public importance or of a recent subject of the question starred or unstarred.

In the 16th sitting, a motion was moved by two PPPP Senators demanding to know the names of superior courts judges holding dual nationality. It was taken up by the house.

### 4.6 Adjournment Motion

An adjournment motion is to bring a matter of urgent public importance by suspending the business of the house.

Four adjournment motions – all taken up – were raised during the session. They were on the attack on Hazara community in Balochistan, Badami Bagh incident in Lahore, and the ECP members' statement on the role of parliamentarians in approving the proposed election laws.

Table 4.6

Sitting No.	Adjournment Motions	Gender	Party
2nd	Attack on Hazara community in Balochistan	Single Male	MQM
3rd			
14th	The Badami Bagh incident (violence in Joseph Colony)	All Male	PPPP, IND
15th	Statements given by some members of the Election Commission of Pakistan regarding the role of parliamentarians in approving the proposed election laws	Single Male	PPPP

## 5.0 Parliamentary Output

This section is concerned with the legislation, resolutions and the parliamentary reports on the agenda during the session.

### 5.1 Legislation

Lawmaking is one of the most important functions of the parliament. This section evaluates the presentation, introduction, passage and subject-matter of legislation during the session. The house passed both government and private bills during the session.

#### 5.1.1 Government Bills

The house passed 11 government bills, while four bills were introduced and sent to the standing committees.

Table 5.1

Sitting No.	Government Bills	Passed	Introduced
Sitting-7	The Islamabad Capital Territory Private Educational Institutions (Registration and Regulation) Bill 2013	✓	-
Sitting-8	The Rulers of Acceding States (Abolition of Privy Purses and Privileges) (Amendment) Bill 2013	-	✓
Sitting-10	The Anti-terrorism (Amendment) Bill 2013	✓	-
Sitting-11	The 24th Constitutional (Amendment) Bill 2013	✓	-
	The Defence Housing Authority Islamabad Bill 2013	✓	-
	The Global Change Impact Studies Centre Bill 2013	✓	-
Sitting-13	The Shaheed Zulfiqar Ali Bhutto Medical University (PIMS) Islamabad Bill 2013	✓	-
	The Capital University of Science and Technology Bill 2013	-	✓
Sitting-15	The Federal Ombudsmen Institutional Reforms Bill 2013	✓	-
	The Securities and Exchange Commission of Pakistan (Amendment) Bill 2013	✓	-
Sitting-16	The National Counter Terrorism Authority Bill 2013	✓	-
Sitting-17	The Anti-terrorism (Second Amendment) Bill 2013	✓	-

##### 5.1.1.1 Details of Passed Bills

###### *The Islamabad Capital Territory Private Educational Institutions (Registration and Regulation) Bill 2013*

The bill provides for establishing an authority that aims to register and regulate privately managed educational institutions to ensure that institutions follow a uniform policy<sup>2</sup>.

###### *The Anti-terrorism (Amendment) Bill 2013*

The bill amends the Anti-terrorism Act 1997 to pave the way for law enforcement agencies to take action against the people and organizations that finance acts of terrorism and those who benefit from proceeds of such acts.

###### *The Global Change Impact Studies Centre bill 2013*

The bill aims to establish the Global Change Impact Studies Centre as an autonomous body under the control of the Ministry of Climate Change. The research at the centre is aimed at informed decision making for policies on agriculture, infrastructure, social sectors and on disaster preparedness. The legislation also lays down the procedure for management and administration of the centre<sup>3</sup>.

###### *The Defence Housing Authority Islamabad bill 2013*

This bill provides for the establishment of Defence Housing Authority Islamabad to carry out schemes and projects of land development for the welfare of the bereaved families of martyrs, war injured, disabled and other

<sup>2</sup> [http://www.na.gov.pk/uploads/documents/1359002095\\_300.pdf](http://www.na.gov.pk/uploads/documents/1359002095_300.pdf)

<sup>3</sup> [http://www.na.gov.pk/uploads/documents/1362476501\\_268.pdf](http://www.na.gov.pk/uploads/documents/1362476501_268.pdf)

persons of the defence forces. The bill was passed after incorporating amendments suggested by the main opposition party PMLN<sup>4</sup>.

#### *The 24th Constitutional (Amendment) Bill 2013*

The 24th Constitutional (Amendment) Bill, passed in the upper house amid walkout by PMLN, aims to amend seven articles of the constitution to pave the way for creating a new province, comprising territories of Multan, Bahawalpur, Dera Ghazi Khan, Mianwali and Bhakkar districts.

#### *The Shaheed Zulfiqar Ali Bhutto Medical University (PIMS) Islamabad Bill 2013*

It seeks to grant degree awarding status to Pakistan Institute of Medical Sciences by upgrading it to a medical university as the Shaheed Zulfiqar Ali Bhutto Medical University (PIMS), Islamabad. It states that all medical colleges and health institutions in the ICT, excluding the constituent college of a university, would from now on be affiliated with the university. The faculty of medicine at Quaid-i-Azam University would be transferred to the new university<sup>5</sup>.

#### *The Federal Ombudsmen Institutional Reforms Bill 2013*

The bill aims to make institutional reforms for standardizing and harmonizing the laws relating to Federal Ombudsmen institution. It aims to improve the working of offices to promote good governance and strengthen grievance redressed system. It also lays down the procedure of hiring, tenure, removal of the Ombudsman and the authorities or general powers granted to this post<sup>6</sup>.

#### *The Securities and Exchange Commission of Pakistan (Amendment) Bill 2013*

The bill amends the Securities and Exchange Commission of Pakistan Act 1997 to make it more effective in achieving its objectives aiming to regulate the domestic capital market and safeguard the interest of investors<sup>7</sup>.

#### *The National Counter Terrorism Authority Bill 2013*

The bill states to establish a National Counter Terrorism Authority in Islamabad to coordinate with law enforcement agencies of all provinces, including Gilgit-Baltistan and AJK, to eradicate risks pertaining to terrorism in the country. Similarly it also aims to provide counter terrorism measures and strategy for its effective and efficient enforcement<sup>8</sup>.

#### *The Anti-terrorism (Second Amendment) Bill 2013*

The bill, which amends the Anti-terrorism Act 1997, states that the threat of terrorism now includes intimidating and terrorizing public, social sectors, business community and preparing or attacking the civilians, media persons, government officials, installations, security forces or law enforcement agencies. The legislation also amends the punishment in case of individual supporting terrorist activity from three to five years. Also, no bail shall be granted to a person accused of an offense under this act punishable with death or imprisonment for life or imprisonment exceeding ten years.

### 5.1.2 Private Bills

Three private members' bills on setting up universities – two in Islamabad and one in Lahore – were passed during the session. Two private members' bills on abolishing discretionary quotas in the public housing schemes and exempting electoral candidates from personally appearing before returning officers at the time of filing nomination papers for general elections were also passed.

A private member's bill introduced by the Leader of the Opposition in the Senate “to consolidate the law to regulate the acceptance and utilisation of foreign contribution” by NGOs “for any activities detrimental to the national interest” was referred to the Standing Committee on Finance, Revenue, Economic Affairs, Statistics, Planning and Development and Privatization.

Table 5.2

Sitting No.	Private Bills	Passed	Introduced
Sitting-6	The Dar-ul-Madina International University Bill 2013	✓	-
	The My University Islamabad Bill 2013	✓	-
	The South Asian Strategic Stability Institute University Islamabad Bill 2013	✓	-
Sitting-9	The Regulation of Foreign Contribution Bill 2013	-	✓
	The Abolition of the Discretionary Quotas in Housing Schemes Bill, 2012	✓	-
Sitting-14	The Capital University Islamabad Bill 2013	-	✓
	The Pakistan Psychological Council Bill, 2013	-	✓
Sitting-16	The Election Laws (Amendment) Bill, 2013	✓	-

<sup>4</sup> [http://www.senate.gov.pk/uploads/documents/1364480107\\_995.pdf](http://www.senate.gov.pk/uploads/documents/1364480107_995.pdf)

<sup>5</sup> [http://www.na.gov.pk/uploads/documents/1361446652\\_148.pdf](http://www.na.gov.pk/uploads/documents/1361446652_148.pdf)

<sup>6</sup> [http://www.na.gov.pk/uploads/documents/1362476461\\_618.pdf](http://www.na.gov.pk/uploads/documents/1362476461_618.pdf)

<sup>7</sup> [http://www.na.gov.pk/uploads/documents/1364795114\\_853.pdf](http://www.na.gov.pk/uploads/documents/1364795114_853.pdf)

<sup>8</sup> [http://www.na.gov.pk/uploads/documents/1364795170\\_139.pdf](http://www.na.gov.pk/uploads/documents/1364795170_139.pdf)

### 5.1.3 Ordinances

The Medical and Dental Council (Amendment) Ordinance 2013 was introduced during the session. The ordinance was amended to give the government power to appoint an administrator for Pakistan Medical and Dental Council.

### 5.2 Resolutions

The house expresses its opinion, makes recommendations, or conveys a message on important issues through resolutions. The house can also commend, urge, or request action upon a situation under consideration by the government. In Senate, a minister or a private member may move a resolution after giving notice (three days in the case of a minister and seven for a private member).

Out of eight resolutions submitted during the session, three were adopted. The adopted resolutions called on the government to provide housing facilities to all federal government employees, review certain financial systems of foreign banks operating in Pakistan, and a supplementary resolution to condole the demise of a former Senator.

Male ANP and MQM senators tabled the three adopted resolutions.

Table 5.2

Sitting No.	Resolutions	Gender	Party	Status
1st	This house recommends that the government should take steps to provide housing facilities to all federal government employees through PHA irrespective of their cadre	Single Male	MQM	Adopted
	This house recommends that the government should review fees, service and other charges formula of the foreign banks operating in Pakistan	Single Male	MQM	Adopted
	This house recommends that the procedure to grant Pakistani visas to the Muslims of other countries for <i>Tableagh</i> purposes be made simple and easy	Single Male	JUIF	Not Taken Up
2nd	This house expresses its profound grief and shock on the sad demise of ex-senator Mr. Shahzad Gul.	Single Male	ANP	Adopted
4th	That the Senate of Pakistan resolves to extend the Services of Pakistan (Redressal of Under-Representation) Ordinance, 2012 (Ordinance No.VII of 2012) for a further period of one hundred and twenty days with effect from 29th January, 2013	Single Male	PPPP	Not Taken Up
14th	This house recommends that effective steps be taken to eradicate manufacturing and sale of spurious and substandard drugs in the country	Single Male	JUIF	Not Taken Up
	This house recommends that government should take steps to control environmental pollution in the Federal Capital Area, Islamabad	Single Male	PPPP	Not Taken Up
	The house recommends that the Government may take effective steps to implement the international obligations of the Federal Government regarding global warming and to control environmental pollution in the country.	Single Male	PPPP	Not Taken Up

### 5.2 Standing Committee Reports

Ten Standing Committee reports were presented in this session. Of them six were on bills presented in the house, including the 24th Constitutional Amendment Bill, the Islamabad Capital Territory Private Educational Institutions (Registration and Regulation) Bill 2013, and the Federal Ombudsmen Institutional Reforms Bill 2013. A Special Committee on Election Reforms presented its report on electoral reforms.

Table 5.2: Standing Committee Reports

Sitting No.	Name of Reports	Name of Committee/Department
4th	The Constitution (Twenty -Fourth Amendment) Bill 2013	Law, Justice and Parliamentary Affairs
5th	The Islamabad Capital Territory Private Educational Institutions (Registration and Regulation) Bill 2013	Capital Administration and Development
7th	Annual report of the National Economic Council for the financial year 2011-2012	Cabinet Secretariat
10th	Election Issues	Special Committee
11th	Shaheed Zulfiqar Ali Bhutto Medical University (PIMS), Islamabad Bill 2013	Capital Administration and Development
12th	Rulers of Acceding States (Abolition of Privy Purses and Privileges) (Amendment) Bill 2013	Finance, Revenue & Planning and Development
13th	The Federal Ombudsmen Institutional Reforms Bill 2013	Law, Justice and Parliamentary Affairs
	Rulers of Acceding States (Abolition of Privy Purses and Privileges) (Amendment) Bill 2013	Finance, Revenue & Planning and Development

Sitting No.	Name of Reports	Name of Committee
17th	The report of the committee on the privilege motion moved by Senator Mrs. Kalsoom Parveen regarding misconduct of an official of Intelligence Bureau	Rules of Procedure and Privilege
	The report of the Committee on "visit of National Security and Foreign Policy Committee of Islamic Consultative Assembly of Iran" and "visits of the Committee to Naval and Air Headquarters	Defence Production

## 6.0 Order and Institutionalization

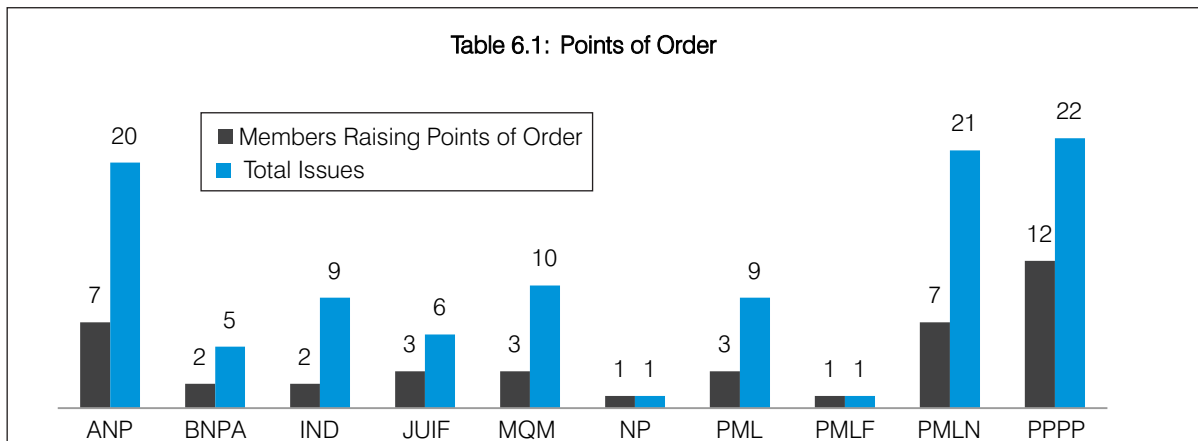
This section deals with the parliamentary instruments employed to maintain order and institutionalization in the house. These include points of order raised to highlight any breach in the rules during the proceedings, questions of privileges, and protests, walkouts and boycotts during the session.

### 6.1 Points of Order

A point of order is raised to address an apparent breach in the rules of parliamentary procedure while the house business is underway and usually requires the chair's ruling on the issue. In the Senate, members can speak about issues of public importance during the zero hour near the adjournment of a sitting.

As many as 101 points of order – on average five per sitting - were raised during the session, consuming 427 minutes - 22% of the session time.

Forty-one Senators expressed their views on points of orders. The PPPP legislators raised the highest number of issues (22) on points of order, followed by PMLN (21), ANP (20), MQM (10), PML and IND (nine each), JUIF (six), and BNPA (five).



Although senators expressed their opinions about various issues through points of order, they mostly talked about law and order, foreign affairs and the government policies. Senators highlighted increase in kidnapping cases in Balochistan, bomb blasts in Karachi and Quetta targeting Shia Muslims, including the Hazaras, and killing of labourers in Pasni (Balochistan).

Legislative matters in terms of delay in presentation of bills, lack or omission of agenda, request for debates and briefing were spoken about through 19 points of order. Seven points of order pertained criticism of the government on various issues.

Senators spoke about foreign affairs by expressing their opinion about the recent contention between India and Pakistan the Kishan Ganga Dam case, Dr. Aafia Siddiqui case and criticism of US forces, in the same order of precedence.

**Table 6.2**

Sr. No.	Issues Highlighted through POs	Points of Order
1	Law and Order	26
2	Business of the House	19
3	Foreign Affairs	9
4	Criticism on the Federal Government	7
5	Balochistan Related Issues	3
6	Condolences on the death of Venezuelan President	3
7	Miscellaneous Affairs	3
8	New provinces	3

Sr. No.	Issues Highlighted through POs	Points of Order
9	Renaming of Pakistan Institute for Medical Sciences	3
10	Compensation for Merani dam affectees	2
11	Education	2
12	Elections	2
13	Judicial Commissions	2
14	Media	2
15	Request for fateha	2
16	Shortage of Water	2
17	Abbas town incident in Karachi	1
18	Badami Bagh Incident	1
19	Conduct of the House	1
20	Criticism on the Opposition	1
21	Economy	1
22	Finance and Revenue	1
23	Industries	1
24	Karachi Related Issues	1
25	Ministrial Absence	1
26	Minority Rights	1
27	Renaming of Quid-e-Azam University	1
28	Resignation of Finance Minister	1
29	Senate's Defence committee visit to Afghanistan	1
30	Terrorism	1
<b>Total</b>		<b>104</b>

## 6.2 Protests, Boycotts and Walkouts

Twelve walkouts consumed three hours and 35 minutes - 10% of the session time. Walkouts were staged over the killings of the Hazaras in Quetta, sectarian attacks in Karachi, the Sindh government reinforcing the local bodies system of 1979, passage of the 24th constitutional amendment bill, the Badami Bagh incident in Lahore, and other issues.

Table 6.3

Sitting No.	Party	Details of Walkouts/Protest/Boycott	Time (Min)
1st	MQM, BNPA, PMLN, JUIF	Suicide bombings in Quetta	5
2nd	JUIF	Suicide bombings in Quetta and overall Balochistan situation	20
	ANP		20
3rd	JUIF	Over law and order in Balochistan	5
6th	MQM	Over the reinforcement of the Sindh Local Government Ordinance	15
9th	JUIF	Over Karachi blast and killing of a journalist in Balochistan	20
	MQM	Over bomb blast in Karachi	20
10th	ANP	Over increased incidents of kidnapping for ransom in Balochistan	40
	PPPP	As he was not satisfied with the ministerial response to his calling attention notice	20
11th	PMLN, NP	Over passage of the 24th Constitutional Amendment Bill	30
12th	MQM	Over delay in the provision of aid to Abbas Town blast victims	10
14th	MQM	Over the incidence of Badami Bagh	10



## GLOSSARY

### **Adjournment Motion**

A motion to adjourn the business of the house for the purpose of discussing a definite matter of recent and urgent public importance.

### **Amendments**

A motion to amend an earlier motion before that earlier motion is put to the assembly for its decision.

### **Assent**

Refers to the power of the President to assent the bill passed by the house or return the same to the house for reconsideration.

### **Chairperson**

In relation to a sitting, any person who is presiding at that sitting.

### **Calling Attention Notice**

A Senator who wishes to raise a matter of sufficient public importance can call attention of the minister to such matter by giving notice in writing. The Chairman would select one of them but not more than two notices in a week for a statement by the minister.

### **Chair**

The presiding officer at a meeting of the house or a committee.

### **Chamber**

The place where the Senate meets to transact its business.

### **Deputy Chairman**

When the office of Chairman is vacant or Chairman is absent or is unable to perform his functions due to any cause the Deputy Chairman acts as the Chairman of the house.

### **Election**

The process of choosing a representative by vote.

### **Leader of the Opposition**

"Leader of the Opposition" means a senator who, in the opinion of the Chairman, is the leader of the majority of opposition senators for a certain time period.

### **Legislation**

The process of crafting law.

### **Legislative Process**

The processes by which bills are approved by assembly.

### **Member**

A member of the assembly and for purposes of moving or opposing a bill, an amendment, a motion or a resolution, includes a minister.

### **Member-in-Charge**

In the case of government bill, a minister or a parliamentary secretary acting on behalf of the government and in the case of a private member's bill, the member who has introduced it or any other member authorized by him in writing to assume charge of the bill in his absence.

### **Minister**

May refer to the Prime Minister, a Federal Minister or a Minister of State, or a Parliamentary Secretary in respect of any function delegated or entrusted to him by a minister.

### **Motion**

A proposal made by a member or a minister relating to any matter, which may be discussed by the house and includes an amendment.

### **Mover**

The mover of a bill, a resolution, a motion or an amendment of a bill, a resolution or a motion and in the case of a government bill, a resolution, a motion or an amendment, a minister or a Parliamentary Secretary acting on behalf of the government.

### **Opposition**

The party or parties who do not belong to the governing party.

### **Orders of the Day**

"Orders of the Day" means the list of business to be brought before the house on any day.

### **Point of Order**

A member can raise a point of order relating to the interpretation or enforcement of the rules or such articles of the constitution as regulate the business of the Senate, and are in the cognizance of the Chairman. A point of order can also be raised in relation to the business before the Senate at the moment.

### **Private Member**

A member who is not a minister or a Parliamentary Secretary.

### **Private Member's Bill**

A proposed law introduced by a private member.

### **Proceedings**

The actions taken by the house or by a committee, the most important parts of the proceedings are the decisions that are taken.

### **Quorum**

Quorum is the minimum number of members of Senate necessary to conduct the business of the assembly. (one-fourth of the house)

### **Question Hour**

A time fixed under the rules for asking and answering questions.

### **Resolution**

A motion for the purpose of discussing and expressing an opinion on a matter of general public interest.

### **Starred question**

A question that requires an oral answer in addition to a written reply.

### **Senate**

The upper house of Majlis-e-Shoora (parliament) known by that name.

# About FAFEN

Free and Fair Election Network (FAFEN), established in 2006, is a coalition of 42 leading civil society organizations working to strengthen all forms of democratic accountabilities in Pakistan. Governed by Trust for Democratic Education and Accountability (TDEA), FAFEN's key achievements include:

- Observed the public display of Pakistan's 2007 draft electoral rolls and conducted the country's first statistically-valid voters' list audit
- Deployed 18,829 trained, neutral Election Day observers nationwide to monitor the February 18, 2008, General Elections
- Fielded 264 long-term observers nationwide and published 19 pre-election reports
- Conducted 260 simultaneous Parallel Vote Tabulations (PVTs)- the largest PVT effort in the world
- Conducted a Constituent Aspirations Survey in December 2008 with 3,124 respondents regarding attitudes and beliefs of people living in the constituencies
- Observed Gilgit-Baltistan 2009 General Elections and 2010-2012 By-Elections in various constituencies of the Punjab, Balochistan and Khyber Pakhtunkhwa
- Implements a unique methodology to observe and report on legislative proceedings and performance under a Parliament Watch Project
- Monitors public institutions across Pakistan and issues monthly reports on the state and performance of educational, health and other local institutions as well as reports on prices, crimes, incidence of disease, caseload in lower courts, and political and electoral violence

FAFEN continues to implement robust programs in-between elections related to monitoring parliamentary affairs, connecting constituents to their elected representatives, monitoring the performance of public and elected institutions and advocating electoral and democratic reforms. FAFEN is also monitoring political and electoral violence and promoting active citizenship through ongoing civic education activities across the country. FAFEN is currently implementing Supporting Transparency, Accountability and Electoral Processes (STAEP) in 200 National Assembly constituencies in 119 districts across Pakistan.

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