

FAFEN Parliament Monitor

Senate  
of Pakistan  
**99th Session**

December 2 -  
December 20, 2013

Free and Fair Election Network

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

### **Abbreviations**

ANP	Awami National Party
BNP-A	Balochistan National Party (Awami)
IND	Independent Member
JUI-F	Jamiat Ulema-e-Islam (Fazal-ur-Rahman)
MQM	Muttahida Qaumi Movement
NP	National Party
PML	Pakistan Muslim League
PML-F	Pakistan Muslim League (Functional)
PML-N	Pakistan Muslim League (Nawaz)
PO	Point of Order
PPPP	Pakistan People's Party Parliamentarians



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

## Executive Summary

The 99th session of the Senate was marked by the passage of a private member's bill and the adoption of four resolutions as senators displayed low interest in the proceedings in terms of their attendance and participation, leaving behind two-fifth of the agenda on the Orders of the Day unaddressed.

The House passed the first bill of the bicameral Parliament after the National Assembly passed the mandatory Finance Bill in June. The objectives of the private member's bill - the Civil Servants (Amendment) Bill, 2013 - moved by an ANP lawmaker, state that "the civil servant holding dual nationality or citizenship of any foreign country should not be entitled for promotion to posts in Basic Pay Scale 20 or equivalent and above, to ensure the loyalty of senior bureaucrats "holding influential and sensitive posts".

In addition, three anti-terrorism ordinances: The Anti-terrorism (Amendment) Ordinance, 2013 (Ordinance No.VII); the Anti-terrorism (Amendment) Ordinance, 2013 (Ordinance No.VIII) and the Protection of Pakistan Ordinance, 2013, were presented before the House.

To provide for the formation of a Functional Committee on Human Rights, the House unanimously approved amendments in Rules 158 and 161 of the Rules of Procedure and Conduct of Business (2012) of the Senate. The amendment to the rules was sponsored by a PPPP senator.

Four out of 11 resolutions appearing on the agenda were adopted by the House. Two of the adopted resolutions, tabled by PML-N lawmakers, were on expressing grief over the death of ex-Senator Muhammad Mukhtar Ahmad Khan and South African leader Nelson Mandela. The House also adopted a PPPP-sponsored resolution over the increasing incidents of rape, particularly of minor girls nationwide.

Additionally, Senate debated two resolutions; the first recommending government to publish names of the judges of superior judiciary holding dual nationality and the second calling upon the government to construct new water reservoirs in order to meet the water shortage in the country. Moved by an MQM lawmaker the earlier resolution was adopted by the House.

Six standing committee reports were presented before the House on legislative scrutiny, privilege motions, committee performance and visits of lawmakers to Turkey. The Defence and Defence Production committee submitted two reports while a single report each were laid by the Standing Committees on Cabinet Secretariat and Capital Administration and Development; Foreign Affairs, Kashmir Affairs and Gilgit Baltistan; Rules of Procedure and Privileges; and Climate Change.

The House left 41% (21 out of 51) agenda items on the Orders of the Day, unaddressed. Nearly 60% (16 of 27 items) of the private member's agenda on the Orders of the Day was not taken up as it was set ambitiously. More agenda items wanted the House to debate various issues on motions tabled under rule 218. The House set aside its regular agenda to take up two resolutions, a motion under rule 218 and a question of privilege that appeared as supplementary agenda.

The 13-sitting Senate session was spread over December 2 till December 20, 2013, consuming 33 hours and 47 minutes. On average, each sitting spanned two hours and 36 minutes, observing a 40-minute delay. The House took four breaks taking up 6% (115 minutes) of the proceedings' time.

Since the Senate Secretariat does not make public the attendance of senators, FAFEN conducts a headcount at the start and end of each sitting. Low attendance was observed during the sitting as, on average, 17 lawmakers were observed at the start, 32 at the adjournment and 37 at the time of maximum attendance during a sitting.

Parliamentarians evinced low interest in terms of their participation in debates, attendance and the submission of agenda on the Orders of the Day. As many as 59% lawmakers (61 senators) participated during the session, while only 10 legislators tabled agenda, 28 took part in the House debates and 23 others tabled as well as debated the House business.

### Parliament Watch and Reforms

The Parliament Watch and Reforms (PWR) takes forward the unique direct observation of the parliament by Free and Fair Election Network (FAFEN). Based on the findings and recommendations of direct observation of parliament, PWR works on a reform agenda which contributes to foster a stable and close relationship between the elected representatives and their constituents. Apart from observing the proceedings of the National Assembly and the Senate, for the first time in Pakistan's parliamentary history PWR plans to start observing the proceedings of the 13 key Standing Committees of the Upper and Lower Houses of the parliament.

FAFEN started directly observing the proceedings of the National Assembly in late 2008. This unique intervention produced a valuable asset of information on the performance of the Lower House and its Members.

In late 2011 the direct observation was extended to the Senate and the four provincial assemblies.

Bypassing the regular agenda of the fifth sitting, the House held a 57-minute discussion to pay tribute to South Africa's first black President. The Leader of the House offered condolences for the deceased leader while 16 other senators eulogized the services of the late President for his services to humanity.

The House debated five motions under rule 218 regarding procedure laid down for appointment of superior court judges; steps required to be taken by the government to address the growing water scarcity in the country; the recent price-hike specially the prices of petroleum products, gas, electricity and other essential items; and the government's foreign policy on various matters.

During the eleventh sitting, the finance minister briefed the House for 22 minutes on the government's policy statement on the loans taken from the International Monetary Fund (IMF).

The parliamentary leaders of ANP and MQM were more regular as both attended 12 sittings, followed by BNP-A and JUI-F parliamentary heads (four sittings each) while PML parliamentary leader attended three. Of the single member parties, PML-F and NP members were present in three sittings each while the PkMAP member in two.

The Chairman presided over 58% (19 hours and 33 minutes) of the session while the remaining time was chaired by the Deputy Chairman. The Leader of the House attended 12 sittings for nearly 30 hours while the Leader of the Opposition attended 10 sittings for 22 hours and 16 minutes.

Ministerial absence was observed in the Question Hour. Only 39% of 205 questions – 189 starred and 16 unstarred - appearing on the agenda were taken up and answered by the relevant ministries. Additionally, legislators asked 244 supplementary questions.

The House took up three calling attention notices on the delimitation of constituencies for the upcoming local government elections, the government proposal of closing down 450 small Railway stations and auction of Railway land and the alleged involvement of Islamabad Police personnel in criminal activities.

A total of 79 points of order were raised which consumed 13% of the session time. Three privilege motions, tabled separately by two ANP and one PPPP lawmakers, were referred to the relevant committees.

The House witnessed six token walkouts by the opposition consuming 27 minutes of the session time. The protests were regarding unsatisfactory answers provided by ministers during the Question hour, discriminatory coverage of members' speeches on state owned television channel (PTV), privatization of Pakistan Steel Mills, delay in calling of the Council of Common Interests (CCI) meeting, and non-provision of natural gas to Zhob, Balochistan.

FAFEN hopes this report will be a valuable contribution to creating both a more informed citizenry and an increasingly responsible Parliament. On the basis of its ongoing observation FAFEN recommends:

1. Senate sittings should be open to citizen observers who apply for accreditation through a standardized process. FAFEN takes this opportunity to reiterate its request for permanent accreditation to observe all assembly's proceedings.
2. The Secretariat should publically share the records of actual time spent by members on the floor of the House. FAFEN has made repeated attempts to get the attendance document of the members but to no avail. Based on FAFEN's observation, low members' attendance was observed during the session with 17 senators, on average, present at the start, 32 at the adjournment and 37 (maximum members) at a time during a sitting.
3. The Chair should ensure that quorum is maintained throughout the proceedings. No vote should be allowed, especially on legislation, without a quorum. The issue of lack of quorum has persisted for a long time. As observed during the session the quorum, lacking on various occasions, was never called.
4. All ministers (or a designated representative of each ministry and the cabinet) must be required to be present during Question hour at each relevant sitting. All questions must be responded to within a stipulated time frame. Transcripts of all questions – including the ones that the secretariat finds inadmissible – and responses should be made available to members and to the public. Out of 205 total questions on the 99th session's agenda 80 were not taken up.
5. The House secretariat should design a more achievable agenda for the Orders of the Day for both government and private members' days. More days should be allotted to private members for the accommodation and consideration of their agenda.
6. The Zero Hour – the last half hour of a sitting – a parliamentary tool to discuss public issues, is not enough to address such matters in detail due to time limitation. A full-day sitting should be allotted to issues related to constituencies at least once in a session.
7. Efforts should be made to find out why nearly 41% senators on average remained away from the session and necessary measures should be undertaken to do away with this practice.

## 1.0 Session Duration, Members' Attendance and Participation

This section deals with the session duration, attendance and participation of senators and maintenance of quorum (1/4th of the total membership-26). It also reviews the presence of key members - the Chairman, Deputy Chairman, Leader of the House, Leader of the Opposition and the parliamentary leaders - and the time they spent on the floor of the House.

The Senate has completed three-fourth of the current parliamentary year by the end of the 99th session. So far the House has met in 48 sittings, however, as per Article 61 of the Constitution, the Senate has to meet not less than 110 working days in each parliamentary year. The Upper House will have to be convened more frequently and for longer sessions for it to complete the compulsory 62 days till the end of the current parliamentary year in March 2014.

Although each sitting of the session was less delayed than the previous session and the attendance was also better in comparison, however, low attendance persisted in most sittings.

### 1.1. Session Time

The session lasting 13 days, started from December 2 till 20, 2013; consuming 33 hours and 47 minutes. An average sitting of the session lasted 2 hours and 36 minutes, remaining 40 minutes behind schedule. The proceedings were delayed by a shorter span of time than the previous session where each sitting was delayed by 72 minutes on average.

The 11th sitting was the longest spanning 4 hours and 40 minutes, wherein the House concluded the debate on the national foreign policy, while the 5th sitting, lasting a little more than an hour, was the shortest.

The House took four prayer breaks that consumed an hour and 55 minutes – 6% of the total session time.

**Table 1.1: Detail of the Session**

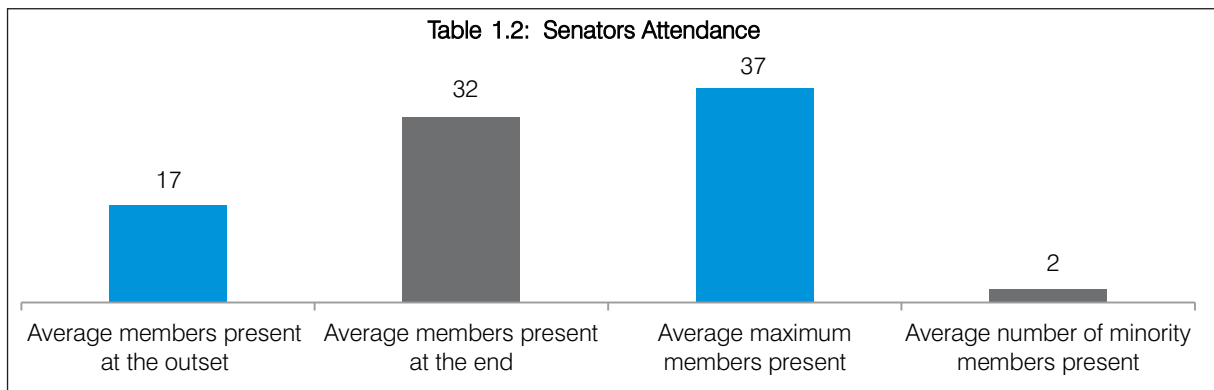
Sitting No.	Day/Date	Delay	Hours	Minutes	Break (Minutes)
1st	Monday, December 2	49	2	15	18
2nd	Tuesday, December 3	32	2	35	0
3rd	Wednesday, December 4	42	3	13	0
4th	Thursday, December 5	37	3	8	0
5th	Friday, December 6	36	1	2	0
6th	Wednesday, December 11	43	3	32	0
7th	Thursday, December 12	40	2	35	0
8th	Friday, December 13	46	1	25	0
9th	Monday, December 16	39	2	41	27
10th	Tuesday, December 17	33	3	7	27
11th	Wednesday, December 18	40	4	40	43
12th	Thursday, December 19	42	2	6	0
13th	Friday, December 20	41	1	28	0
<b>Total</b>		<b>Average Delay 40 minutes</b>	<b>33 hours and 47 minutes</b>		<b>115</b>

### 1.2 Senators Attendance

Since the Senate Secretariat does not make senators' attendance record public, the FAFEN observer conducts a headcount of legislators at the beginning, at the end and the time when maximum members are present in each sitting. The presence of the Chairman, Deputy Chairman, the Leader of the House and the Leader of the Opposition during proceedings is also documented.

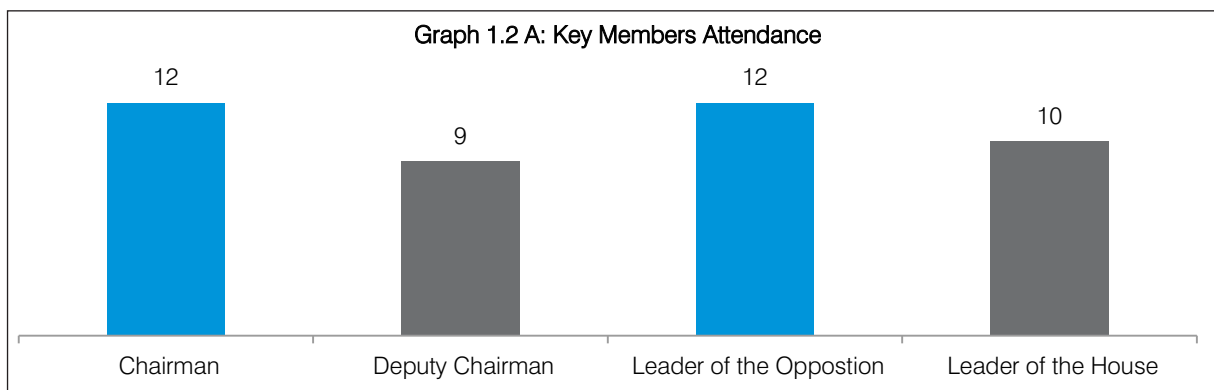
Low attendance was observed during the sitting. Fewer members were observed at the beginning of the proceedings, however, their attendance improved till the end of a sitting. Although the observed attendance improved a little bit from the figures recorded in the previous session (maximum -30 senators) however, on average, only 17 senators were present at the beginning of each sitting, 32 at the adjournment and a maximum 37 members at a point during the 99th session.

On average two out of four minority members in the Senate attended the proceedings. A maximum four minority members attended the 4th sitting during which the House continued its debate on a motion (under rule 218) regarding the recent price-hike of various commodities.

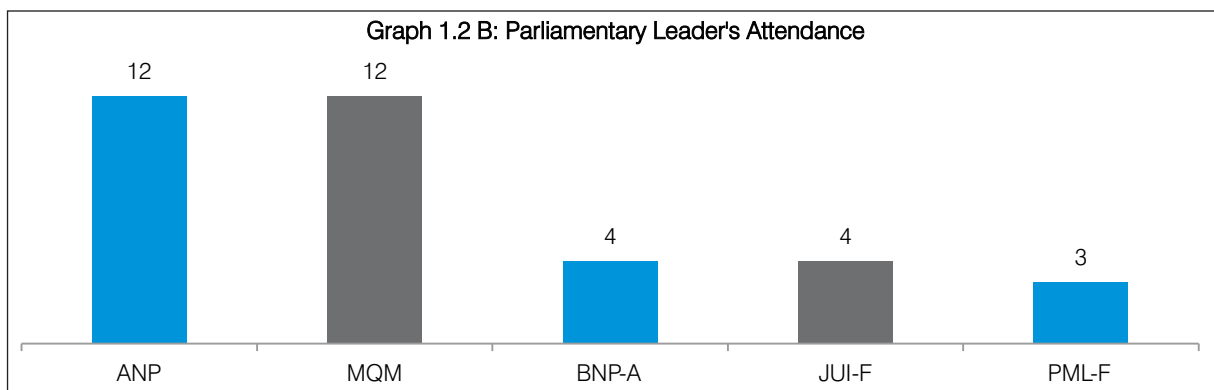


There was a marked improvement in the attendance of the key members. The Leader of the House attended 12 sittings while the Leader of the Opposition attended 10, respectively attending 89% (30 hours and a minute) and 66% (22 hours and 16 minute) of the session time. In the previous session the Leader of the Opposition had attended only three sittings.

The Chairman presided over 58% of the session time (19 hours and 33 minute) while the Deputy Chairman chaired 36% (12 hours and 19 minutes). The remaining time was consumed by four breaks in the proceedings.



The overall attendance of parliamentary leaders was improved during the session. Following the trends of this year, the MQM and ANP parliamentary leaders attended the maximum sittings (12), followed by BNP-A and JUI-F (four sittings each) and three sittings were attended by the PML party head in the Senate. The senators belonging to single member parties NP and PML-F attended three sittings each and the sole member of PkMAP became part of two sittings.



### 1.3 Senator's Participation

FAFEN observes senators' participation against three categories; members who only submit agenda on the Orders of the Day, those who only debate it and members who both submit agenda and take part in the on-floor discussion.

Senators' participation fell considerably low, as 59% lawmakers (61 out of total 103) took part during the 99th session as compared to 70% lawmakers in the previous session. Revising the previous session's trend yet again, the senators' submitted fewer agenda items on the Orders of the Day while demonstrating keener interest in the debates. Only ten senators tabled agenda, 28 took part in the House debates while 23 lawmakers both tabled as well as debated agenda.

In terms of party wise performance; among the larger parties in the Senate – PPPP, PML-N and ANP –members of

each party participated in accordance with the party's strength in the House, however, a larger ratio of PML-N and ANP lawmakers participated against their respective party membership in the House.

The PML-N lawmakers were active in the on-floor debates while PPPP and ANP lawmakers both tabled and debated agenda on the House business. Twenty-one lawmakers of PPPP (54% of 39 members) participated in the session followed by 10 PML-N lawmakers (63% of 16 members) and seven ANP (58% 12 members).

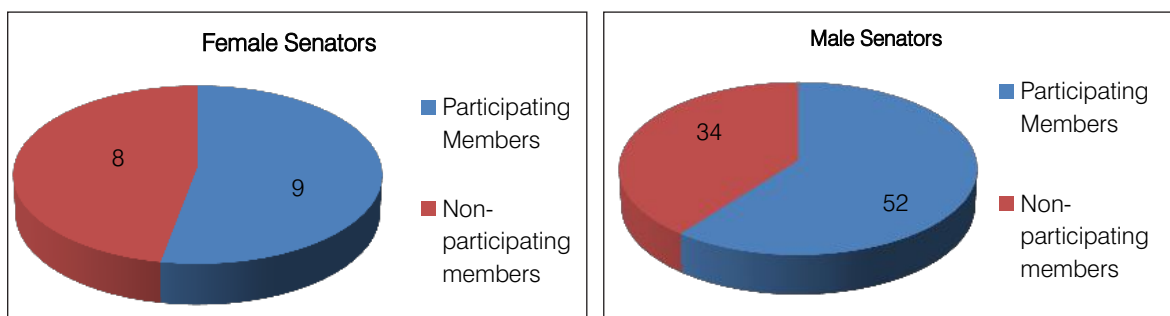
Five of eleven Independent lawmakers also participated more actively in the on-floor deliberations. Four of seven MQM lawmakers keenly debated as well as tabled agenda while five of six JUI-F senators appeared more interested in debates. Additionally, two out of four BNP-A lawmakers also participated in the session proceedings in one way or the other. Lawmakers belonging to single member parties PML-F and NP only debated agenda while the sole member of PkMAP both submitted as well as debated agenda.

**Table 1.3: Senator's Participation**

Sr. No.	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	Percentage of Members Who only Participated in Debates	Percentage of Members Who Submitted Agenda and Participated in Debates	Current Members in Senate by Party
1	PPPP	2	8	11	5%	21%	28%	<b>39</b>
2	PML-N	2	6	2	13%	38%	13%	<b>16</b>
3	ANP	1	2	4	8%	17%	33%	<b>12</b>
4	IND	1	3	1	9%	27%	9%	<b>11</b>
5	MQM	1	1	2	14%	14%	29%	<b>7</b>
6	JUI-F	2	3	0	33%	50%	0%	<b>6</b>
7	PML	0	3	1	0%	60%	20%	<b>5</b>
8	BNP-A	1	0	1	25%	0%	25%	<b>4</b>
9	NP	0	1	0	0%	100%	0%	<b>1</b>
10	PkMAP	0	0	1	0%	0%	100%	<b>1</b>
14	PML-F	0	1	0	0%	100%	0%	<b>1</b>
<b>Total</b>		<b>10</b>	<b>28</b>	<b>23</b>	<b>10%</b>	<b>27%</b>	<b>22%</b>	<b>103</b>

More male lawmakers participated during the session than their female counterparts - fifty-two male lawmakers (60% of total 86) and nine female (53% of total 17). In the previous sitting female lawmakers participated more actively, however, male lawmakers' participation was nearly the same. The male lawmakers participated more actively in the on-floor debates while more female lawmakers both tabled and debated agenda.

**Graph 1.4: Participation by Gender**



Equal representation is awarded to each province in the Upper House; currently there are 22 lawmakers representing Punjab, Balochistan and Sindh and one less from Sindh. The senators belonging to the largest province (Punjab) remained more active than the others especially in the House debates, followed by Balochistan and Sindh (13 members) – the earlier were more active in the submission of agenda and the latter both debated as well as submitted business. Comparatively, participation of the KP lawmakers became low in this session as only 11 senators participated in one way or the other.

Three lawmakers each representing FATA (total eight members) and ICT (total four members) in the Senate contributed more to the assembly business. Two of four minority lawmakers participated by submitting agenda.



Table 1.4: Minority/Region-wise Participation

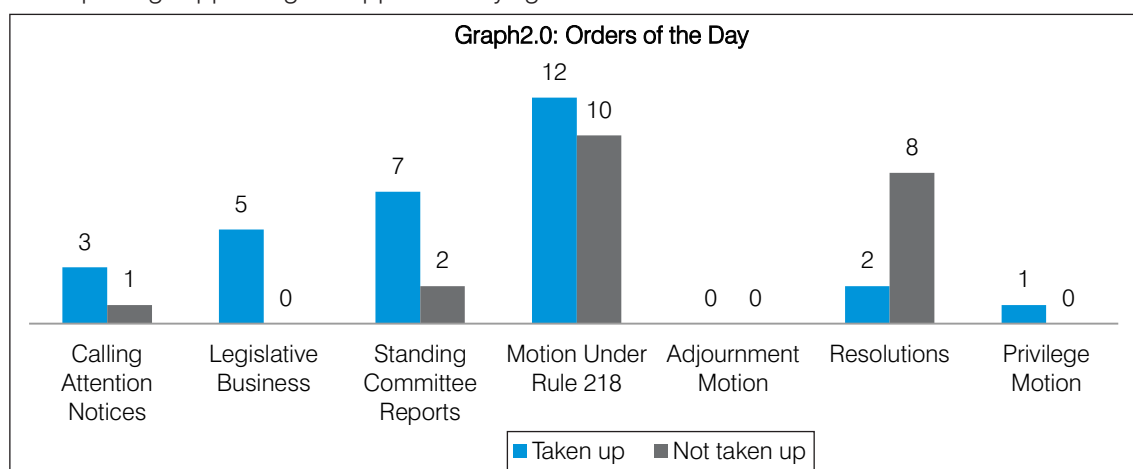
Sr. No.	Province	Current Members in Senate by Party	Members Participate	Percentage
1	Balochistan	22	13	59%
2	FATA	8	3	38%
3	ICT	4	3	75%
4	KP	22	11	50%
5	Punjab	22	16	73%
6	Sindh	21	13	62%
7	Minority	4	2	50%
<b>Total</b>		<b>103</b>	<b>61</b>	<b>59%</b>

## 2.0 Orders of the Day

The Orders of the Day are the agenda items listed for the consideration of Senate for a sitting. The items include question hour, bills, resolutions, calling attention notices, privilege motions etc. The Orders of the Day were available to senators as well as uploaded on the official website of Senate ([www.senate.gov.pk](http://www.senate.gov.pk)) for each sitting.

The House left 41% agenda (21 of 51 items) appearing on the Orders of the Day unaddressed. Various interventions were repeated on the House business as they were not taken up on the day they first appeared on the agenda. More than half of the entire house business (27 items) appeared on two private member days while 24 items on 11 government business days. There is a need to either increase private member days - Mondays in Senate - or place an achievable agenda on such days for it to be taken up efficiently.

Overall the House passed a bill, adopted four resolutions, received six committee reports, debated five motions under rule 218, took up three each of calling attention notices, questions of privilege, and ordinances appearing on the agenda. The House set aside its regular agenda to take up two resolutions, a motion under rule 218 and a question of privilege appearing as supplementary agenda.



## 3.0 Representation, Responsiveness and Government Oversight

This section reviews legislators' efforts to represent the interest of their constituents through calling attention notices (CANs) and to monitor government's performance during question hour. It also includes various motions and matters of public importance on the Orders of the Day.

### 3.1 Question Hour

Question hour is a means of government oversight where the senators can submit questions addressed to any ministry or department seeking information regarding its area of expertise (foreign affairs, interior, law and justice etc.) and/or its performance. Senators can submit starred questions (requiring both oral and written answers) or un-starred (requiring written answers only).

There were 205 questions – 189 starred and 16 un-starred – on the session's agenda. The House took up 39% (80) questions on the floor while lawmakers asked 244 supplementary questions to get further clarity on the answers provided by the relevant ministry/department. The fact that some questions were left unaddressed can be explained as the basis of lack of time, absence of the relevant minister - observed in many sittings – and/or the mover of the question. The question hour was not held in three sittings twice on private member days (1st and 9th sittings) as per Senate rules and once on the day when the House paid tributes to South African leader Nelson Mandela on his death.

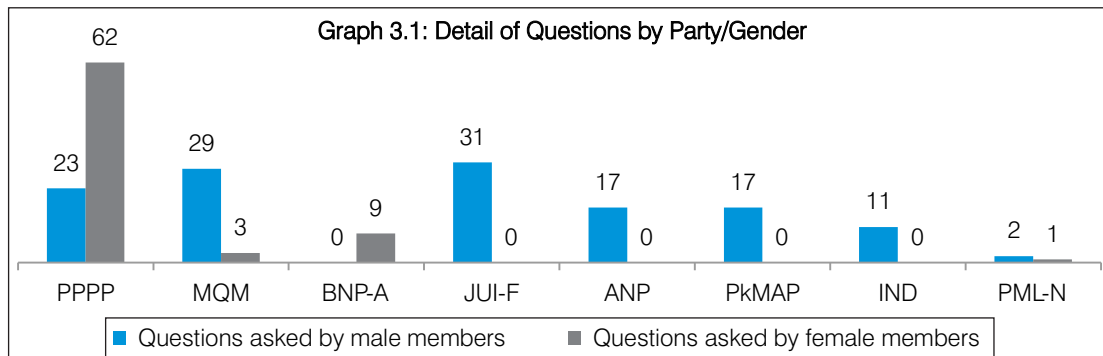


Table 3.1 A: Details of Starred Questions

Sitting No	Starred Questions	Un-starred Questions	Taken up Questions	Supplementary Questions
1st	Private Member's Day			
2nd	48	1	10	25
3rd	12	0	2	18
4th	17	1	17	24
5th	Question hour not held			
6th	34	4	4	22
7th	9	0	10	38
8th	6	0	4	17
9th	Private Member's Day			
10th	22	2	13	28
11th	18	5	10	32
12th	19	3	8	29
13th	4	0	2	11
<b>Total</b>	<b>189</b>	<b>16</b>	<b>80</b>	<b>244</b>

Over all 27 lawmakers performed government oversight by submitting questions on the agenda. Although more lawmakers of PPPP (11) and ANP (four) tabled questions, however, a larger number of questions came from PPPP (85 questions), MQM (32 questions) and two JUI-F senators tabling 31 questions. Besides these four ANP and one PkMAP senator submitted 17 questions each, followed by two senators each of Independent lawmakers (11 questions); BNP-A (nine questions) and PML-N (three questions).

A larger ratio of females 53% (nine lawmakers) of their total strength submitted 75 questions as compared to their male counterparts 21% (18 lawmakers) of whom tabled 130 questions. Male lawmakers belonging to all parties, except BNP-A, performed government oversight through questions, however, female lawmakers of only the PPPP, BNP-A and MQM did the same.



A bulk of questions (71%, 146) went to eight of the 25 ministries/departments. Senators followed the trend of posing more questions to the Ministries of Water and Power, Petroleum and Natural resources and Finance. In the current session, a maximum 35 questions were addressed to the Ministry of Water and Power, followed by Finance Ministry (26), Cabinet Division (24), Petroleum and Natural Resources (14), Overseas Pakistanis and Human Resource Development (13), National Health Services, Regulations and Coordination (12), Communications (11), Establishment Division (11).

Table 3.1B: Ministry-Wise Submission of Questions

Sr. No.	Ministry	Number of Questions
1	Water and Power	35
2	Finance, Revenue, Economic Affairs, Statistics and Privatization	26
3	Cabinet Division	24
4	Petroleum and Natural Resources	14
5	Overseas Pakistanis and Human Resource Development	13
6	National Health Services, Regulations and Coordination	12
7	Communications	11

Sr. No.	Ministry	Number of Questions
8	Establishment Division	11
9	Foreign Affairs	9
10	Industries and Production	7
11	Interior and Narcotics Control	7
12	Education, Trainings and Standards in Higher Education	6
13	Information, Broadcasting and National Heritage	5
14	Law, Justice and Human Rights	5
15	Ports and Shipping	4
16	Climate Change Division	2
17	Commerce and Textile Industry	2
18	Housing and Works	2
19	Information Technology and Telecommunications	2
20	Parliamentary Affairs	2
21	Planning and Development	2
22	Aviation Division	1
23	Capital Administration and Development Division	1
24	Railways	1
25	Science and Technology	1
<b>Total</b>		<b>205</b>

### 3.2. Calling Attention Notices (CAN)

This section highlights the efforts of senators in raising the matters of public interest through calling attention notices. Under rule 64 (Chapter XI) 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 is allowed to a senator per sitting.

All three calling attention notices on the agenda were taken up by the House. The relevant ministers, either state or federal, responded to the calling attention notices. The People's Party senators sponsored all three notices; two singly and one jointly with MQM. The independent CANs submitted by PPPP lawmakers were over the delimitation of constituencies being conducted for the upcoming local government elections based on the 1998 population census, and involvement of Islamabad Police personnel in criminal activities. On the delimitation of constituencies, the relevant minister acknowledged the issue, however, he asked the House to wait for the Prime Minister's decision on the letter written by the ECP on the said matter.

In his brief statement on the CAN regarding criminal activities of certain Islamabad Police personnel, the minister apprised the House on government measures to curb the issue, including suspension of police personnel involved in illicit activities. While responding to a CAN tabled by PPPP along with MQM, the Railways minister said there is no proposal under consideration by the government for closing 450 small Railway stations and auction of Railways land in order to overcome its financial debt.

**Table 3.2: Calling Attention Notices (CAN)**

Sr. No.	Call Attention Notices	Party	Ministry Concerned
1	The process of delimitation of constituencies underway in the country/respective provinces for the upcoming local government elections in the absence of new population census	PPPP	Law, Justice and Human Rights
2	Proposal of government for closing 450 small Railway stations and auction of Railways land in order to overcome its financial debt	MQM PPPP	Railways
3	Involvement of Islamabad Police personnel in criminal activities	PPPP	Interior

### 3.3 Motion under Rule 218

Under rule 218, a minister or a member may give notice of a motion that any policy, situation, statement of any other matter may be taken into consideration.

The House debated five of several motions under rule 218 tabled on the agenda, some in more than one sitting. The debated motions were regarding procedures laid down for the appointment of superior courts' judges, the

importance of water and its growing scarcity; the recent price-hike especially of petroleum products, gas and electricity; the government foreign policy with particular reference to United States, Afghanistan and the current political and security situation in the country with particular reference to Balochistan, FATA and recent Rawalpindi incidents.

Although admitted for debate during the ninth sitting, a motion on the situation arising out of non-shifting of headquarters of the State Bank of Pakistan from Karachi to Islamabad was not debated by the House.

Six other motions, left undebated during the session, were on the responsibility of the federation in pursuance of Article 148 of the Constitution, the government decision to reconstitute the National Security Council, increasing incidents of Cyber Crimes in the country, the alleged irregularities/rigging in elections 2013 and need for establishment of Capital Administration and Development Ministry to deal with the subjects of health and education in the Islamabad Capital Territory.

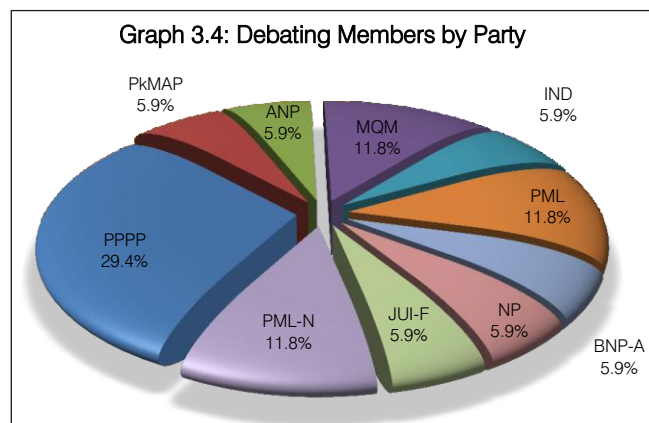
**Table 3.3: Motion under Rule 218**

Motion Under Rule 218	Status
This House may discuss the situation arising out of non-shifting of headquarters of the State Bank of Pakistan from Karachi to Islamabad	Admitted for Discussion
This House may discuss the procedure laid down regarding appointment of honorable judges in the superior courts	Debated by the House
This House may discuss the importance of water in our national economy and the steps required to be taken by the government to address the growing water scarcity in the country	Debated by the House
This House may discuss the foreign policy of the government with particular reference to the visit of the Prime Minister of Pakistan to the United States, the repercussions of the expected reduction of forces in Afghanistan by the US/ISAF in 2014, offer of talks to the Taliban, drone attacks and NATO supply	Debated by the House
The House may discuss the recent price-hike specially the prices of petroleum products, gas and electricity as well as the essential items	Debated by the House
This House may discuss the current political and security situation in the country with particular reference to Balochistan, FATA and Rawalpindi incident	Debated by the House
The House may discuss the responsibility of the Federation in pursuance of Article 148 of the Constitution of the Islamic Republic of Pakistan	Not Taken Up
The House may discuss the increasing incidents of Cyber Crimes in the country and the steps being taken by the government to control the same	Not Taken Up
The House may discuss the alleged irregularities/rigging in elections 2013	Not Taken Up
This House may discuss the need for establishment of a full-fledged Ministry of Capital Administration and Development to deal with the subjects of health and education in the Islamabad Capital Territory as these subjects are not being attended to properly in the present set up where the CAD has been placed under the Cabinet Secretariat	Not Taken Up
This House may discuss the recent decision of the government to reconstitute the National Security Council	Not Taken Up

### 3.4 Motion on Nelson Mandela's Death

The entire agenda of the fifth sitting was suspended to hold a debate to pay tributes to the South African revolutionary leader, Nelson Mandela, who passed away while the session was in progress. The Leader of the House offered condolences for the deceased leader while 16 other senators eulogized the services of the late President for the humanity.

The discussion to pay tributes to South Africa's first black President lasted 57 minutes. A party-wise look at the debate reveals that more PPPP lawmakers (five) shared their views in the debate, followed by two lawmakers each of MQM, PML and PML-N, and a single member each of PkMAP, ANP, Ind, BNP-A, NP and JUI-F.



### 3.5 Question of Privilege

As per Rule 70 of the Senate Rules of Procedure, a member may, with the consent of the Chairman, raise a question involving a breach of privilege either of a member or of the Senate or a committee. Normally such motions are moved against individuals holding government offices.

Out of four privilege motions on the agenda, the House took up three, sending these to the privileges committee. Two of the taken up privilege motions were moved singly by ANP lawmakers against the misbehavior of Chief Secretary KPK and the other on the lawmaker's confinement in the lodges due to VIP movement in the Federal Capital. For allegedly misleading the House over charter licenses issued to RAS, a PPPP lawmaker moved a question of privilege against the relevant ministry.

## 4.0 Parliamentary Output

Lawmaking is one of the most important functions of the Parliament. This section evaluates the presentation, introduction, passage and subject matter of bills, ordinances, resolutions and parliamentary reports tabled during the session.

### 4.1 Bills/Ordinance

The House passed its first bill - private member legislation - since the new government came into power while three anti-terrorism ordinances were also laid during the session. The Civil Servants (Amendment) Bill, 2013 passed by the Senate is also the first bill approved by the bicameral Parliament besides the mandatory Finance Bill. The ordinances laid before the Upper House on December 3, 2013, were promulgated by the President in October this year.

**Table 4.1: Details of Bills/Ordinances**

Legislation	Nature of legislation	Status
The Civil Servants (Amendment) Bill, 2013	Private Member Bill	Passed
The Anti-terrorism (Amendment) Ordinance, 2013 (Ordinance No. VII of 2013)	Ordinance	Laid
The Anti-terrorism (Amendment) Ordinance, 2013 (Ordinance No. VIII of 2013)	Ordinance	Laid
The Protection of Pakistan Ordinance, 2013 (Ordinance No. IX of 2013)	Ordinance	Laid

#### Details of Bill/ Ordinance

##### *The Civil Servants (Amendment) Bill, 2013*

The private member bill initiated in the Senate by an ANP senator aims to further amend the Civil Servants Act, 1973. The bill's statement and objectives state that "senior civil bureaucracy must have their stakes in the country in which they hold positions of power, privilege and trust. It has been observed that such senior bureaucrats hold dual nationality status to commonly serve the interest of foreign states, putting at stake the interest of the country of their origin and the moment they retire, they leave this country to evade accountability".

Therefore to ensure the loyalty of senior bureaucrats holding influential and sensitive posts in the light of Article 5 of the Constitution the new bill amends section 9 of the said Act decreeing that civil servant holding dual nationality or citizenship of any foreign country "shall not be entitled for promotion to posts in Basic Pay Scale 20 or equivalent and above".

##### *The Anti-terrorism (Amendment) Ordinance, 2013 (Ordinance No. VII of 2013)*

The ordinance awards special powers to law enforcing agencies especially Rangers for investigation while giving legal protection to Joint Investigation Teams (JIT) and allowing police to become accusers in extortion cases and providing special protection to witnesses. It will also give the shoot-on-site powers to civil armed forces for maintenance of peace in the country while providing them a 'very short' time for speedy investigation. Under the amendment, the investigation officers dealing with terrorism related cases will be able to keep accused in custody for maximum of three months period but they have to satisfy the court of law for keeping the accused beyond 30 days.

The ordinance will enable the use of electronic evidences such as text messages, telephone calls, and emails against suspected terrorists and in criminal cases, such as extortion, targeted killing and kidnappings for ransom. In addition to this, provincial governments have been asked to take necessary steps to ensure that prisoners in jails do not have access to mobile phones.

##### *The Anti-terrorism (Amendment) Ordinance, 2013 (Ordinance No. VIII of 2013)*

This anti-terrorism ordinance provides for the constant review and strengthening of counter terrorism financing regime and bring it at par with international standards. It counters terrorist financing by addressing the shortcomings in the Anti-Terrorism Act, 1997 as highlighted by the Financial Action Task Force (FATF) an international body comprising many countries and international organizations.

### *The Protection of Pakistan Ordinance, 2013 (Ordinance No. IX of 2013)*

The ordinance provide for the protection against “waging of war against Pakistan, prevention of acts threatening the security of Pakistan and for the speedy trial of offences”. One of the most criticized clauses of the ordinance by civil society and lawmakers alike states that “any police officer, or member of the armed forces, or civil armed forces who is present or deployed in any area may, on reasonable apprehension of commission of a scheduled offence after giving sufficient warning, use the necessary force to prevent the commission of a scheduled offence and in so doing shall in the case of an officer of the armed forces or civil armed forces, exercise all the powers of a police officer under the code”.

The ordinance also provides for the government, to by an order in writing, issued by the Secretary Ministry of Interior , or any officer, not below the rank of BPS- 21, specifically designated in this behalf, authorize the preventive detention of a person for a period not exceeding ninety days on the ground of imminent threat to the country or public. It also decrees that a scheduled offence be punishable with imprisonment which may extend to ten years, with fine and confiscation of property unless the scheduled offence already provides a higher punishment.

#### 4.2 Amendment to the Senate Rules

The House, in the 12th sitting of the session, unanimously approved an amendment in Rules 158 and 161 of the Senate Rules of Procedure and Conduct of Business, 2012 providing for the establishment of a Functional Committee on Human Rights. The amendments were sponsored by a PPPP senator. The rule 158 provides for the formation of a Standing Committee of the Senate for each ministry of the government and functional and other committees set up for specific purpose. The said amendment to the said rule inserts the words “Committee on Human Rights” in sub- rule (1).

With the new name the core purpose of the said committee have not changed though. The parliamentary body would review, on a continuous basis, the over-all position of human rights violations in the country. Receive representations from the affected persons, organizations and international agencies, including the Human Rights Commission, regarding human rights violations in the country. Ascertain if any violation of human rights has taken place and also identify the problem areas; and undertake studies and make recommendations for redressing the human rights violations, including proposal for legislation in that area.

#### 4.3 Resolutions

The House expresses its opinion, makes recommendations or conveys a message on important issues through resolutions. It can also commend, urge or request action upon a situation under consideration by the government.

The House adopted four out of 11 resolutions appearing on the agenda. The leading opposition party submitted maximum (five) resolutions - three singly and one joint resolution with independent members; followed by two resolutions each by MQM, PML-N and JUI-F. More resolutions were sponsored by male lawmakers including nine by a single male, one by a female PPPP senator while one resolution was tabled jointly by male and female lawmakers.

Two of the adopted resolutions, sponsored by PML-N lawmakers, were moved to express grief on the demise of ex-Senator Muhammad Mukhtar Ahmad Khan and the African Leader Nelson Mandela. Additionally, the House approved a PPPP-sponsored resolution to express concern over the increasing incidents of rape, particularly of minor girls in the country. Through the said resolution the Senate strongly condemned such acts, particularly the recent incident of rape of a minor girl in Lahore while calling upon civil society, intellectuals, Ulema and media to launch a social campaign against the perpetrators of the crime and urging the federal and provincial governments to amend relevant laws to provide severe punishment to those found guilty.

The House debated an MQM-sponsored resolution to recommend the government to take immediate steps for the construction of new water reservoirs in order to meet the shortage of water in the country. Eight lawmakers debated the resolution for 26 minutes before its approval by the House.

Five members spoke for 42 minutes on a resolution moved by a PPPP senator recommending the government to publish the names of judges of the superior judiciary holding dual nationality. This and another resolution, calling for regional quota in government services reserved for the province of Punjab, were deferred for a later sitting.

The resolutions left unaddressed during the session include those asking the government to uplift industrial sector in the country, include all water disputes of Pakistan with India in the composite or any other dialogue revived or initiated with India, provide free medical treatment to the patients visiting federal government hospitals and control unemployment in the country.



Table 4.2: Resolutions

Sr. No.	Resolutions	Party	Status
1	The Senate of Pakistan expresses grave concern and anxiety over the increasing incidents of rape, particularly of minor girls in Pakistan. The House condemns in the strongest possible terms these heinous acts, particularly the recent incident of rape of a minor girl in Lahore and Calls upon civil society, intellectuals, <i>Ulema</i> and media to launch a social campaign against the perpetrators of this crime; and urges the federal and provincial governments to amend the law to provide severe punishment to those found guilty.	PPPP	Adopted
2	This House expresses its grief and shock on the sad demise of ex-Senator Muhammad Mukhtar Ahmad Khan. Late Senator Muhammad Mukhtar Ahmad Khan was a seasoned parliamentarian. He remained member of the Senate from the province of Khyber Pakhtunkhwa from 1988 to 1994.	PML-N	Adopted by the House
3	This House expresses its deep sorrow and grief over the passing away of Nelson Mandela, a man who stood for the rights of the deprived and oppressed not only in his own country but the world over. Nelson Mandela who will always be revered by all mankind as an icon of true democracy. He will continue to live in the hearts and minds of the people of Pakistan for his special love and affection that he had for us. Pakistan will always cherish his message that he conveyed in his inspiring speech here.	PML-N	Adopted by the House
4	This House recommends that the government may take immediate steps for construction of new water reservoirs in order to meet the shortage of water in the country.	MQM	Debated and Adopted by the House
5	This House recommends to the government to publish the names of those judges of the superior judiciary who have dual nationality.	PPPP	Debated and Deferred
6	This House recommends that the quota in government services reserved for the province of Punjab be allocated on regional basis (North Punjab and South Punjab) in order to guarantee due share of the people of South Punjab in those services.	PPPP IND	Deferred
7	The House recommends that the government may take effective steps for uplift of industrial sector in the country	JUI-F	Not Taken Up
8	The House calls upon the government to include all water disputes of Pakistan with India in the Composite Dialogue, or in any other talks or dialogue process that is revived or initiated with India	PPPP	Not Taken Up
9	This House recommends that the government should take effective steps to provide free medical treatment to the patients visiting federal government hospitals	MQM	Not Taken Up
10	This House recommends that effective steps be taken to overcome unemployment in the country.	JUI-F	Not Taken Up

#### 4.4. Committee Reports

As per rule 158 of the Senate, the House has to set up a standing committee for each ministry of the government, including functional and other committees. Each committee deals with the subject assigned to the concerned ministry or any other relevant matter referred to it by the Senate.

Six standing committee reports were presented before the House on legislative scrutiny, privilege motions, committee performance and visits of legislators to Turkey. The Defence and Defence Production committee submitted two reports while a single report each were laid by Standing Committees on Cabinet Secretariat and Capital Administration and Development; Foreign Affairs, Kashmir Affairs and Gilgit Baltistan; Rules of Procedure and Privileges; and Climate Change.

However, the Standing Committee of Water and Power could not present its report on Karachi Electric Supply Company (KESC).

Table 4.4: Reports

Sitting No.	Name of Report	Name of Committee	Status
1st	The report No.2. on the committee's visit to Turkey from 1st to 7th December, 2012	Foreign Affairs, Kashmir Affairs and Gilgit Baltistan	Presented
2nd	The report of the Committee for the period from 11th June, 2012 to 8th April, 2013	Climate Change	Presented
3rd	The report No.7 of the Committee	Defence and Defence Production	Presented
4th	The report on Cyber Security Manual for Journalists, 2013	Defence and Defence Production	Presented
5th	The report on The Civil Servants (Amendment) Bill, 2013	Cabinet Secretariat and Capital Administration and Development	Presented
6th	The report on the privilege motion against the Secretary, Cabinet Division and other concerned officers for misleading the President of Pakistan in promulgating the Drug Regulatory Agency of Pakistan Ordinance, 2012	Rules of Procedure and Privileges	Presented
7th	The report of the Committee on Karachi Electric Supply Company (KESC)	Water and Power	Not Presented

## 5.0 Order and Institutionalization

This section reviews points of order, questions of privileges and instances of protests, walkouts and boycotts during the session.

### 5.1. Points of Order

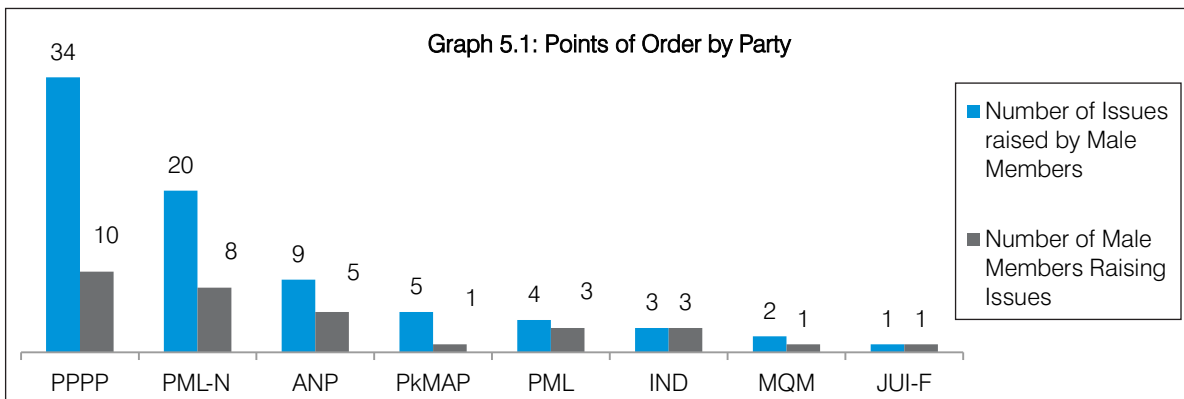
A point of order (PO) is raised to address an apparent breach in the rules of the parliamentary procedures while the House business is under way. In Senate, members can speak about national or regional issues of public importance during the Zero Hour near the adjournment of a sitting.

Lawmakers spoke about national, international and regional issues while speaking on 79 points of order (average six) consuming 13% (257 minutes) of the session time. A maximum 17 POs were raised during the 6th sitting consuming an hour and seven minutes -32% of the sitting. Restricting themselves to the agenda on the Orders of the Day, lawmakers did not speak on points of order during the 3rd, 5th and the 9th sitting.

**Table 5.1 A: Point of Order**

Sitting No.	Points of Order	Time (Minutes)
1st	2	5
2nd	11	50
3rd	0	0
4th	6	23
5th	0	0
6th	17	67
7th	10	28
8th	10	32
9th	0	0
10th	1	4
11th	11	22
12th	5	16
13th	6	10
<b>Total</b>	<b>79</b>	<b>257</b>

Overall, 33 male lawmakers highlighted various issues while speaking on 79 POs. Fewer females while more male lawmakers spoke on points of order as compared to the previous session. Only a single BNP-A female raised a PO asking for an extension of the date of submitting of tax returns for lawmakers. Among the male lawmakers those belonging to the leading opposition party PPPP followed by PML-N - spoke on more POs. Male lawmakers belonging to PPPP highlighted 34 issues while raising POs, followed by PML-N (20), ANP(nine), PKMAP (five), PML (four), Ind (three), MQM (two) and a single issue by JUI-F.



A wide range of issues were brought in the plenary on points of order, however, lawmakers seemed more interested in matters related to NADRA (11 POs), followed by petroleum and natural resources (10), business of the house (six), criticism of colleagues and law and order (five each) and four points of order were raised on congratulating the House on holding the Asian Parliamentary Assembly session.



Table 5.1 B: Issues raised on Points of Order

Sr. No.	Issues	Number of Issues
1	NADRA	11
2	Petroleum and Natural Resources	10
3	Business of the House	6
4	Criticism of Colleagues	5
5	Law and Order	5
6	Asian Parliamentary Assembly	4
7	CCI Meeting	3
8	Musharraf Trial	3
9	Energy and Power	3
10	International Monetary Fund	2
11	BISP	2
12	Criticism of Government	2
13	FATA related Affairs	2
14	ICT related Issues	2
15	War on Terror (NATO Supply)	2
16	Privatization	2
17	Elections (rigging)	2
18	Sports	2
19	Civil aviation	1
20	Citizen's access to Parliament	1
21	Request for Fateha	1
22	Foreign affairs	1
23	Hanging of Abudl Qadir Mullah	1
24	Human rights	1
25	Miscellaneous	1
26	Praise of government	1
27	Electronic media	1
28	Rules and Procedures of Senate	1
29	Taxation	1
Total		79

## 5.2 Protests/Walkout/Boycotts

The House witnessed six token walkouts consuming 1% (27 minutes) of the proceedings. The lawmakers belonging to ANP protested more actively either singly or jointly followed by both PPPP and PML senators. The ANP senators staged a walkout singly on discriminatory coverage of members' speeches on state owned television channel (PTV).

The entire opposition walked out twice; first on the provision of an unsatisfactory answer of state minister for interior and narcotics control to a question submitted by a PPPP lawmaker regarding rape cases in Islamabad and second over the delay in the calling of the Council of Common Interests (CCI) meeting. The MQM lawmakers abstained from the latter protest.

Joint protests were staged by ANP, PML and PPPP legislators against privatization of Pakistan Steel Mills and another supported by MQM over unsatisfactory answer of state minister for water and power during the question hour. An Independent member from Balochistan staged a five-minute walkout to express solidarity with people from Zhob who were protesting outside the Parliament over lack of gas in their area.

Table 5. 2: Protests/Walkouts/Boycotts

Sr. No.	Party	Reason	Time (Minutes)
1	ANP, PML, PPPP	Against the privatization of Pakistan Steel Mills	5
2	ANP, PML, PPPP, MQM	Over the issue of unsatisfactory answer of state minister for water and power during the question hour	5
3	Entire opposition	Over an unsatisfactory answer of state minister for interior and narcotics control to a question submitted by a PPPP lawmaker regarding rape cases in Islamabad	5
4	Entire opposition except MQM	Over the delay in the calling of the Council of Common Interests (CCI) meeting	5
5	ANP	On discriminatory coverage of members' speeches on state owned television channel PTV	2
6	IND	To express solidarity with the people of Zhob, who are staging a sit-in in front of the Parliament House, demanding provision of natural gas to their area	5

## 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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