



SESSION REPORT

Twenty-fifth Session of the
National Assembly of Pakistan

November 6, 2015 to November 11, 2015



Free and Fair Election Network (FAFEN)
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Executive Summary

The election on the vacant seat of the National Assembly's Speaker remained the highlight during its 25th session that started on November 6, 2015 and was concluded on November 11, 2015. Members of the National Assembly elected Sardar Ayaz Sadiq as Speaker with majority vote during second sitting of the session. Mr. Sadiq had previously served as Speaker of the National Assembly from June 3, 2013 to August 22, 2015.

Twenty-fifth session of the National Assembly was relatively shorter as it was prorogued a week earlier than it was scheduled to end. The impetus for early prorogation was provided by upcoming second phase of Local Government Elections (LGE) on November 19, 2015. However, the schedule for LGE had been announced well before the meeting of House Business Advisory Committee where it was decided to continue the session till November 18, 2015. But, this decision was reviewed midway of the session to spare lawmakers for their election-related engagements. This event demonstrates the weakness of decision-making process at committee stage.

The session did not yield much, apparently due to the little interest of treasury benches in proceeding of the House. Only 30% of the session's agenda was addressed while larger portion of it could not be taken up. Throughout the session, the House kept ignoring the private members' business while the government agenda sailed through quite smoothly. It is worth mentioning here that the National Assembly was meeting after a break of nearly three months and a heavy legislative agenda was pending before it.

The National Assembly passed three important government bills during this session while extended the term of an ordinance for an additional period of 120 days. The House passed the Pakistan Army (Amendment) Bill, 2015 without much resistance by Opposition benches. The passage of this bill into law would further empower the civil security agencies and armed forces by extending legal cover to detentions made by security forces in the past. The Lower House also passed the Minimum Wages for Unskilled Workers (Amendment) Act, 2015 to bring the federal law in conformity with the announcements by provincial governments of increasing minimum wages during last few years. The Income Tax (Amendment) Ordinance, 2015 was extended for a further period of 120 days. The Ordinance was brought to reduce from 0.6% to 0.3% levy on each bank transaction.

The Question Hours were marred by absence of the ministers or their representatives. Once during the session, the Chair was intrigued to suspend the proceeding for half an hour due to absence of the secretaries of relevant ministries. Similarly, the presentation of five reports of the standing committees on various legislative proposals and privilege motions was also deferred. The disinterest of the treasury can be gauged from the fact that a government Motion under Rule 259, pending before the House since last session, was disposed of without any discussion or ministerial response.

However, positively enough, the House approved a motion to carry forward the remaining agenda items of this session to next session. Otherwise, according to the rules, the notices of each kind of business other than of resolutions, motions and amendments would have elapsed on prorogation of a session.

The participation of the lawmakers also remained low during 25th session as only 107 (32%) lawmakers in a House of 339 participated in the proceeding.

The National Assembly, however, can feel accomplished on one count i.e. Calling Attention Notices. The House took up all four CANs appearing on its agenda. It is interesting to note that three of the four notices were regarding the issues of capital and were brought by lawmakers hailing from other federating units i.e. Punjab, Sindh and Khyber Pakhtunkhwa. Though there is no bar on parliamentarians to only take up matters of their own constituency but it raises eyebrows when a plethora of issues keep plaguing the provinces but what the representatives care about is only the federal capital.

Like most of the sessions, the misuse of Points of Order continues in current session of the National Assembly. More than a third of the Assembly's time was consumed by POs. An amendment in the National Assembly's Rules of Procedure was also moved but not taken up on the floor of the House.

The House is likely to convene its next session right after the second phase of LGE and would take up the agenda left during this session.

1. Parliamentary Output

Parliamentary output is primarily the legislation passed, the resolutions adopted and the standing committee reports laid during a session. Legislation appears in the form of government and private members' bills and ordinances and the quantity and quality of such output is indicative of the House's efficiency.

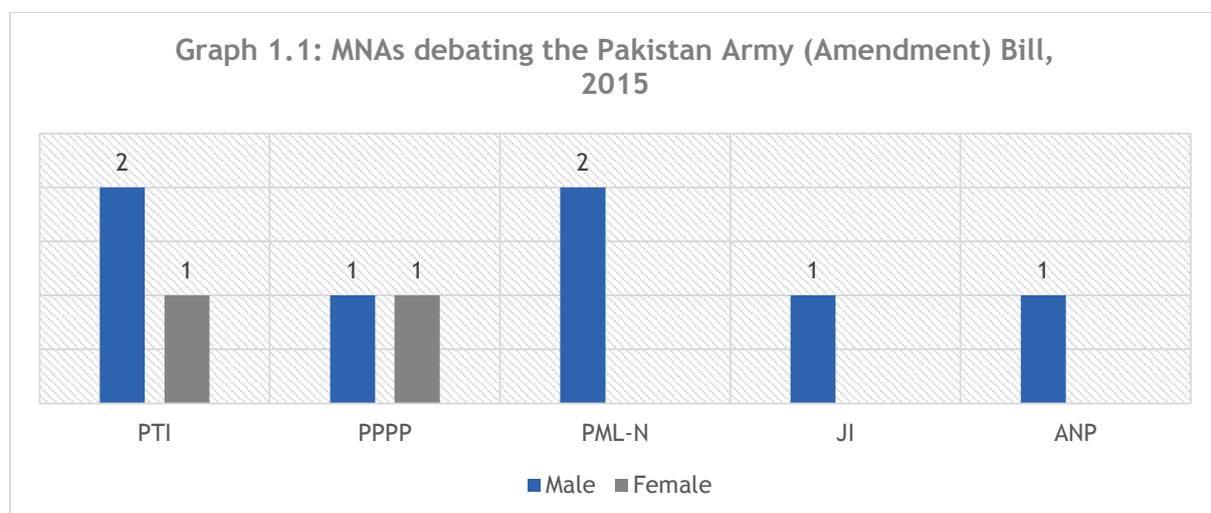
1.1 Legislation

The National Assembly passed three treasury-backed bills during its 25th session including the State Bank of Pakistan (Amendment) Act, 2015, the Pakistan Army (Amendment) Act, 2015 and the Minimum Wage for Unskilled Workers (Amendment) Act, 2015. The government also laid before the House three ordinances namely the Foreigners (Amendment) Ordinance, 2015, the National Database and Registration Authority (Amendment) Ordinance, 2015, and the Pakistan Medical and Dental Council (Amendment) Ordinance, 2015. According to the rules, the ordinances laid before the House are considered bills and follow the same procedure as is defined for any other legislative proposal.

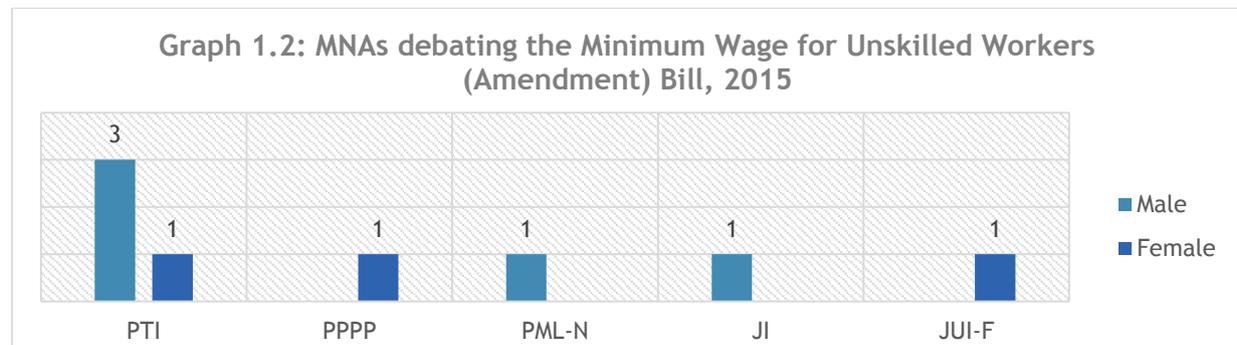
The House did not take up ten Private Member bills that appeared on the agenda of the only Private Members' day during 25th session.

The State Bank of Pakistan (Amendment) Act, 2015 introduced many changes in the SBP Act of 1965 to bring the legislation in conformity with international best practices. The bill was passed without any debate.

The Pakistan Army (Amendment) Act, 2015 was brought to provide legal cover to the arrest of suspected militants by security personnel in the past. It guarantees that no action would be taken against security personnel for the acts performed in good faith. It further seeks to provide special security to the officials of military courts and witnesses appearing before them. Nine lawmakers debated for 25 minutes on the bill and it was passed with majority vote as PTI lawmakers opposed the bill.



The Minimum Wages for Unskilled Workers (Amendment) Act, 2015 was passed to bring the minimum wage as described in the federal law in conformity with the announcements made by federal and provincial governments to increase the wages. A larger section of the industrial employees could not benefit from these announcements because they were paid under the Minimum Wage for Unskilled Workers Ordinance 1969 where wages were not updated. Moreover, Employees Old Age Benefits Institution (EOBI) was also facing difficulties to collect contributions from employers for Workers Welfare Fund due to confusion in the amount of minimum wages.



The National Assembly also extended The Income Tax (Amendment) Ordinance, 2015 for a further period of 120 days. This law sought to charge a tax on the rate of 0.3% of each bank transaction by non-filers of income tax. The ordinance was extended for a further period of 120 days.

Sr. No.	Name of Legislation	Passed	Introduced	Not Taken Up
1	The Foreigners (Amendment) Ordinance, 2015		✓	
2	The National Database and Registration Authority (Amendment) Ordinance, 2015		✓	
3	The State Bank of Pakistan (Amendment) Bill, 2015	✓		
4	The Constitution (Amendment) Bill, 2015 (Amendment of Article 11)			✓
5	The Pakistan Penal Code (Amendment) Bill, 2015			✓
6	The Constitution (Amendment) Bill, 2015 (Amendment of Articles 1, 246 and 247)			✓
7	The Constitution (Amendment) Bill, 2015] (Amendment of Articles 175)			✓
8	The Code of Civil Procedure (Amendment) Bill, 2015			✓
9	The Factories (Amendment) Bill, 2015			✓
10	An Eradication of Riba Bill, 2015			✓
11	The Constitution (Amendment) Bill, 2015 (Insertion of Article 19B)			✓
12	The Employment of Children (Amendment) Bill, 2015			✓
13	The Pakistan Bait-ul-Mal (Amendment) Bill, 2015			✓
14	The Pakistan Medical and Dental Council (Amendment) Ordinance, 2015		✓	
15	The Pakistan Army (Amendment) Bill, 2015	✓		
16	The Minimum Wages for Unskilled Workers (Amendment) Bill, 2015	✓		

1.2 Resolutions

Through resolutions, a legislature expresses an opinion, makes recommendations, or conveys a message on a specific and important issue. The House can also commend, condemn, urge or request actions by the government. Resolutions can be moved by ministers or members in their private capacity.

There appeared seven resolutions on agenda of the National Assembly during its 25th session; however, the House adopted only one of these. The resolution was adopted during the second sitting and tabled by Parliamentary Secretary for Finance on behalf of the Federal Finance Minister under the proviso to sub-paragraph (i) of paragraph (a) of clause 2 of Article 89 of the Constitution of Islamic Republic of Pakistan. It sought to extend the Income Tax (Amendment) Ordinance, 2015 for a further period of 120 days.

The House did not take up remaining six resolutions submitted by private members. These resolutions were regarding the issues of building water reservoirs in the country, introduction of online FIR registration system in federal capital, restoration of government employees' pay fixation system, including FATA in National Finance Commission Award, introducing uniform educational system in the country and problems of Pakistanis working in Arab countries. Two of these resolutions were sponsored by JUI-F lawmakers including a female member, and one each by MQM male lawmaker, PTI female lawmaker, PPPP female lawmaker and PML-N male lawmaker.

The table below shows the status of resolutions:

Sr. No.	Resolution	Party	Status
1	That the National Assembly resolves to extend the Income Tax (Amendment) Ordinance, 2015 (No. 10 of 2015) for a further period of one hundred and twenty days w.e.f. 7 th November, 2015 under proviso to sub-paragraph (i) of paragraph (a) of clause (2) of Article 89 of the Constitution of the Islamic Republic of Pakistan	PML-N	Adopted
2	This House is of the opinion that the Government should take immediate steps for construction of new water reservoirs in order to control the shortage of water	MQM	Not Taken Up
3	This House is of the opinion that the Government should take steps for lodging FIR through E-mail also in the Federal Capital	PTI	Not Taken Up
4	This House is of the opinion that the Government should take steps to restore indexation system introduced by Dr. Mehboob-ul-Haq for fixation of the pays of the Government employees	PML-N	Not Taken Up
5	This House is of the opinion that the Government should take steps to include the FATA in National Finance Commission award	JUI-F	Not Taken Up
6	This House is of the opinion that the Government should take steps to introduce a uniform education system in the country	JUI	Not Taken Up
7	This House is of the opinion that the Government should take effective steps for redressal of problems of employment and wages, faced by the Pakistanis in Arab countries	PPPP	Not Taken Up

1.3 Reports

The government presented before the National Assembly two reports while four other reports by Standing Committees were not taken up by the House.

On behalf of Minister for Law, Justice & Human Rights, the Federal Minister for Kashmir Affairs & Gilgit Baltistan presented the Annual Report of the National Commission on Status of Women for year 2013. The Parliamentary Secretary for Finance presented the report on 1st Biannual Monitoring on the implementation of 7th National Finance Commission (NFC) Award July-December, 2014.

The reports which could not be laid included the report of Standing Committee on Law, Justice and Human Rights on the Law Reforms (Amendment) Bill, 2015, the report of Standing Committee on Religious Affairs and Interfaith Harmony on the Publication of the Holy Quran (Elimination of Printing and Recording Errors) (Amendment) Bill, 2015 and three reports of the Standing Committee on Rules of Procedure & Privileges on three different privilege motions.

1.4 Amendment in Rules of Procedure

On the agenda of Private Member's Day, there was also a motion to amend the National Assembly's Rules of Procedure. The Amendment was sponsored by two female MNAs belonging to JUI-F but it was not taken up. The motion sought to amend the Rule 83 of the NA Rules of Procedure and Conduct of Business, 2007. According to the Rule, the reply of a starred question whose mover is absent may only be given on the discretion of the Speaker. The proposed amendment seeks to make compulsion on the government to respond to each starred question orally no matter whether its mover is present or not.

2. Representation and Responsiveness

This section reviews legislators' efforts to represent the interests of their constituents through various motions and matters of public importance on the Orders of the Day. However, the representative role of parliamentarians, which is characterized by their debates to address local, national and international issues, materializes only when their views are translated into government policies.

2.1 Motion under Rule 259 and Motion of Thanks

Under rule 259 of the Rules of Procedure and Conduct of Business in the National Assembly, “any minister or member may give notice of a motion that any policy, situation, statement of any other matter may be taken into consideration.”

The National Assembly did not take up any Motion under Rule 259 during 25th session. There were six motions under rule 259 on agenda of the House including one motion moved by Federal Minister for Parliamentary Affairs regarding the situation arising out of heat wave in the country. During last sitting of the session, a male lawmaker belonging to PPPP proposed to the Chair to seek ministerial response on the motion and conclude it early as it had been continuing since July, 2015. The Chair announced to dispose of the motion without seeking any statement from the minister.

Federal Minister for Inter Provincial Coordination has submitted a motion of thanks to offer gratitude to the President of Pakistan for his address Joint Session of the Parliament on 4th June, 2015. However, this motion too was not taken up by the House.

3. Government Oversight

The parliamentary oversight function is crucial to democracy and good governance as it places checks and balances on the government's policy and performance. Besides the parliament's legislative function, it is through oversight that the parliament can ensure a balance of power and assert its role as the defender of people's interests. This section gives details of government oversight through the instruments of questions and calling attention notices.

3.1 Question Hour

Question Hour is a parliamentary tool whereby lawmakers conduct government oversight by submitting questions on the agenda addressed to various government ministries/departments to monitor their performance and policies. Questions are categorized as starred or un-starred based on the requirement of oral and written, or just written answers, respectively.

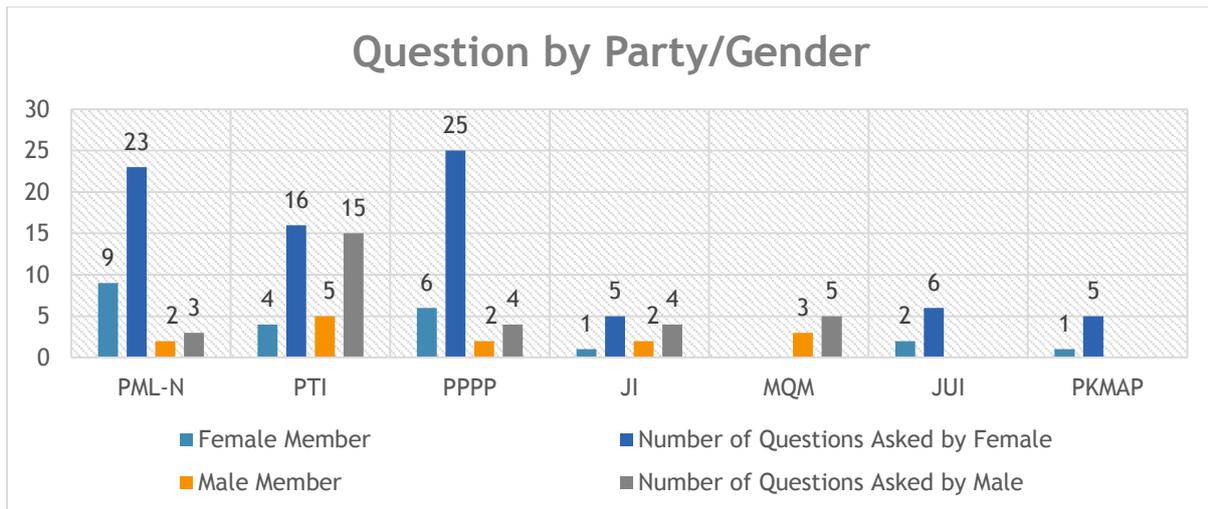
The National Assembly held Question Hour during two sittings of its 25th session. A total of 111 questions appeared on the agenda of the House including 76 starred questions. Only five questions were taken up on floor of the House and were responded to orally. These questions were submitted by 37 lawmakers including 23 female members.

Female lawmakers asked 80 (72%) questions as compared to 31 (28%) asked by their male counterparts.

PTI lawmakers asked 31 (28%) questions, PPPP lawmakers 29 (26%) questions, PML-N lawmakers 26 (23%) questions, JI lawmakers 9 (8%) questions and JUI lawmakers 6 (5%) while legislators belonging to each MQM and PkMAP asked 5 (4%) questions.

As many as 37 questions were asked from the Ministry of Interior & Narcotics Control, 15 from Ministry of Finance, Revenue, Economic Affairs, Statistics & Privatization, 13 from Cabinet Secretariat and 12 from Federal Education and Professional Training. A total of 26 questions were addressed to various departments including Climate Change Division, Capital Administration & Development Division, Aviation Division, Establishment Division and Prime Minister's Office. Moreover, the lawmakers also submitted eight queries to ministries of Railways, Planning, Development & Reforms and Information, Broadcasting & National Heritage.

The Question Hour was not held during second sitting due to election of the Speaker and third sitting due to Private Member's Day.



3.2 Calling Attention Notices (CANs)

According to the Rules of Procedure and Conduct of Business of the National Assembly “a member may with the previous permission of the Chair 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 during the same or next sitting, provided that no member shall give more than two such notices for any one sitting.”

There were four CANs on agenda of the National Assembly during its 25th session and all were taken up. Three of the CANs sought to draw attention of the Minister In-Charge of the Cabinet Secretariat towards different issues of the Federal Capital while one CAN sought attention of the Finance Minister to discontinuation of Wasila-e-Haq Program, a child program of Benazir Income Support Program.

Five lawmakers belonging to PPPP including three female members sponsored a CAN regarding improper functioning of sewerage treatment plant which supplies water to parks, green belts and agricultural lands in more than 25 sectors of Federal Capital. It was taken up during third sitting and State Minister for Parliamentary Affairs responded to it. All five sponsors of the CAN were elected from Sindh.

Five lawmakers, four belonging to PML-N and one to PTI, submitted a notice regarding cancellation of kiosks allotments in federal capital by Capital Development Authority (CDA). This CAN was also responded to by State Minister for Parliamentary Affairs. Three of the five sponsors hailed from Punjab and two from Khyber Pakhtunkhwa. The Deputy Speaker also gave ruling on the issue and directed CDA to immediately halt operation against kiosks.

Two female lawmakers of PML-N sponsored a CAN regarding increase in the fee of educational institutions in the federal capital. The Parliamentary Secretary for Cabinet Secretariat responded to the notice.

A CAN regarding discontinuation of Wasila-e-Haq program was submitted by five PPPP lawmakers including two females. It was responded to by the Parliamentary Secretary for Finance.

4. Order and Institutionalization

This section deals with order and institutionalization which is important for an efficient and productive legislature. It includes the points of order and the time consumed in discussing those. It also narrates the instances of protests, walkouts and boycotts.

4.1 Points of Order

A point of order exclusively relates to the interpretation or enforcement of the rules of procedure. However, parliamentarians while speaking on points of order erroneously discuss national, regional and local issues on the floor.

The members spoke on 82 POs during 25th session of the National Assembly consuming five hours and 54 minutes. A major part of third sitting, three hours (68% of total sitting), was used by the lawmakers to express their concerns on different issues on POs. During the first sitting, four members spoke on POs for 32 minutes. Furthermore, the lawmakers raised four, 14 and 27 POs during first, second and fourth sitting respectively.

4.2 Protests, Walkouts and Boycotts

The Lower House witnessed four instances of walkouts during its 25th session. The MNAs belonging to PML-F walked out against killing of 11 persons in Khairpur during first phase of Local Government Elections. They left the House in early part of third sitting and did not return for rest of the time. Lawmakers of PPPP walked out of the House for five minutes during third sitting against indifferent attitude of the federal government towards victims of terrorist attack on Muharram Procession in Jacobabad. JI lawmakers also accompanied their PPPP counterparts.

A PML-N lawmaker from FATA also walked out during third sitting against the behavior of Khyber Pakhtunkhwa Governor whom he accused of barring him from meeting Prime Minister and President during their visits to earthquake-hit areas.

The Parliamentary Leader of PkMAP staged a token walkout during fourth sitting as a measure of protest against absence of the ministers from the House proceeding.

5. Session's Duration and Attendance

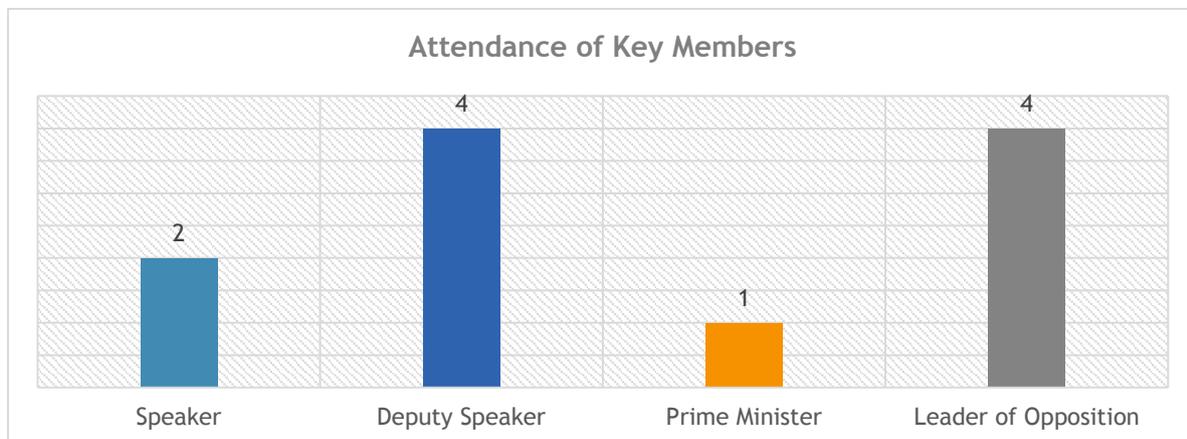
This section documents the session's duration, delays and the attendance of members including key members: Prime Minister, Leader of the Opposition, Speaker and the Deputy Speaker. It also details the attendance of the MNAs representing minorities in the House.

5.1 Session Time

During 25th session, the National Assembly held four sittings starting from Friday November 6, 2015 till Wednesday, November 11, 2015. The total meeting time of the House was 15 hours and 41 minutes of which an hour and five minutes (7% of total meeting time) was consumed in breaks or suspensions.

The first sitting started an hour and 25 minutes behind the schedule, second sitting was on time while third and fourth sittings were 25 minutes and 5 minutes behind the scheduled start time respectively.

Each sitting, on average, lasted for three hours and 55 minutes. The second sitting, spanning over six hours and 15 minutes, was the longest while first sitting, lasting an hour and 35 minutes, was shortest sitting of the session. The House did not take any break during first two sittings while took a 36 minutes long break during third sitting. Moreover, the fourth sitting witnessed suspension of the proceeding for 29 minutes due to absence of relevant Federal Secretaries from House during Question Hour.



The quorum meets on the presence of one-fourth members - 85 MNAs in the National Assembly. Although, the quorum was visibly lacking on some occasions, it was never pointed during 25th session.

The office of the Speaker was vacant until second sitting. Of three sittings after his election, the Speaker attended two of the remaining three sittings. The Prime Minister came only once to the House during whole session to cast his vote for candidate of his party in the election of the Speaker; while the Opposition Leader and Deputy Speaker were present during all four sittings. The Speaker presided over the proceeding for two hours and 47 minutes whereas the Deputy Speaker chaired the House for eleven hours and 49 minutes.

5.2 Members' Participation

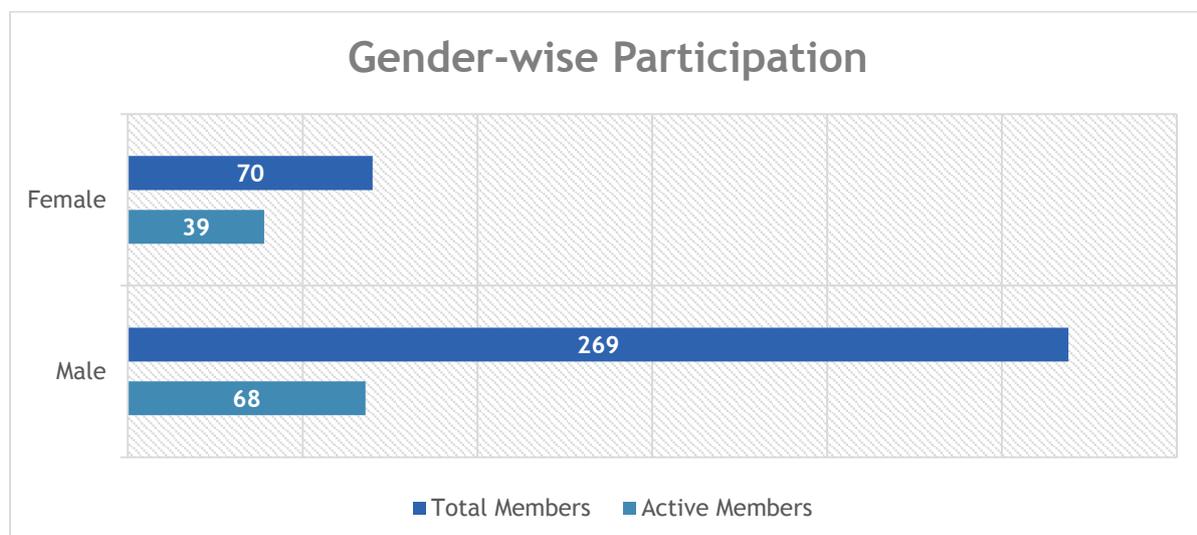
FAFEN observes parliamentarians' participation against three categories; members who only submit agenda on the Orders of the Day, those who only debate it and members who both submit agenda and take part in the on-floor discussion.

More than two third of MNAs (232, 68%) did not participate in the session in any of the above categories.

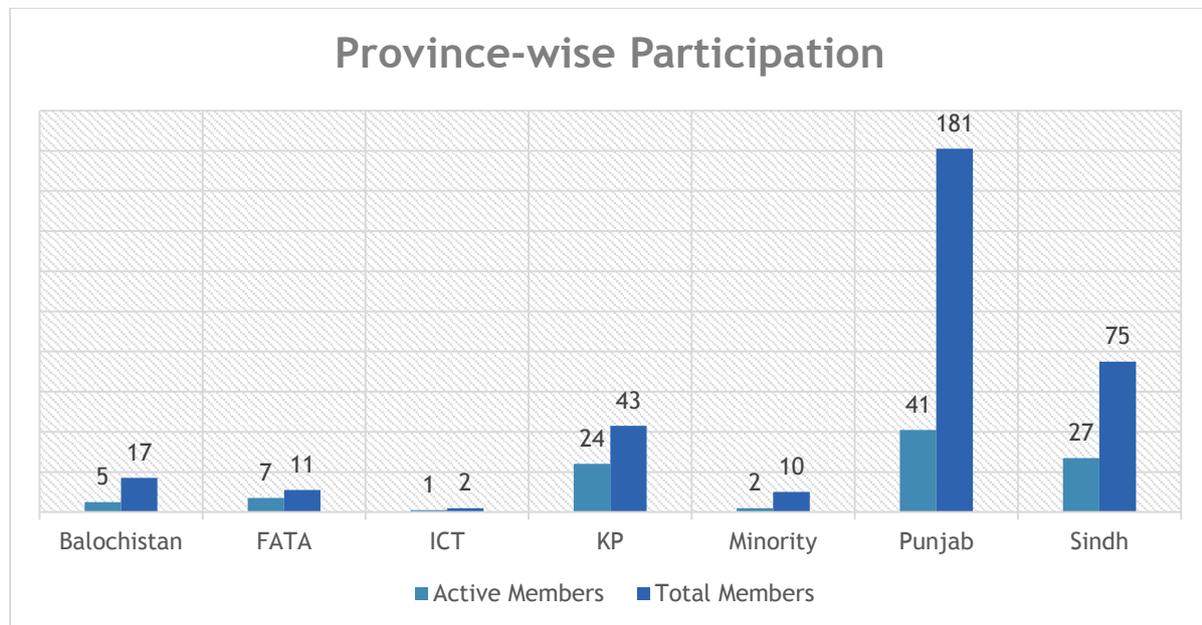
Only 107 (32%) lawmakers participated in the proceeding either by submitting an agenda item or by taking part in debates or doing both. Of the active members, 51 (15%) legislators took part in the debates than members, 35 (11%) submitted an agenda on Order of the Day and 21 (6%) sponsored agenda as well as took part in debates.



There are 269 male members and 70 female members of the National Assembly. As many as 36 (56%) female MNAs participated in the proceedings while only 68 (25%) of their male counterparts took part in the proceeding of the House. Female lawmakers were more active during the debates while the male members brought more agenda items.



Similarly, the participation of FATA lawmakers was remarkably higher than lawmakers from other federating units except members from Islamabad Capital Territory (ICT). There are two lawmakers from ICT and one of them was active while the other chose not to take part in the proceeding. Sixty four percent of FATA lawmakers participated in the proceeding of House followed by 56% of KP lawmakers, 36% of Sindh lawmakers, 29% of Balochistan lawmakers and 23% of Punjab legislators.



The performance of members on Reserved Seats (RS) was well above the performance of members who were directly elected. As many as 27 RS lawmakers (45% of total RS lawmakers) took part in the proceeding as compared to 78 (29%) elected members while two (20%) of the ten minority members also contributed to the proceeding.

The lawmakers belonging to largest parliamentary party PML-N were among most non-participating members as only 20% (38) of total PML-N lawmakers took part in the proceeding. Among major parliamentary parties (PPPP, PTI, MQM, JUI-F), most lawmakers (8, 62%) belonging to JUI-F participated in the House business followed by PTI (19, 58%), PPPP (20, 43%) and MQM (4, 17%) respectively.

Sr. No.	Political Party	Total Active Members	Total Members in National Assembly by Party
1	PML-N	38	188
2	PPPP	20	46
3	PTI	19	33
4	MQM	4	24
5	JUI	8	13
6	IND	4	9
7	PML-F	3	5
7	JI	4	4
8	PKMAP	3	4
9	PML	0	2

Sr. No.	Political Party	Total Active Members	Total Members in National Assembly by Party
10	ANP	1	2
11	NPP	0	2
12	PML-Z	0	1
13	APML	1	1
14	QWP	0	1
15	BNP	0	1
16	AJIP	1	1
17	AML P	1	1
18	NP	0	1
Total		107	339

5.3 Agenda

There appeared 158 agenda items on 'Orders of the Day' of the National Assembly during its 25th session. However, the House took up only 48 of these while 110 were left unaddressed. Sixty one percent of this agenda was submitted by female lawmakers, 35% by male members and four percent business was jointly sponsored by male and female legislators.

Nearly half (49%) of the total agenda items was sponsored by lawmakers hailing from Punjab singly, 20% by Sindh lawmakers, 19% by Khyber Pakhtunkhwa lawmakers and three percent by Balochistan legislators. Rest of the business was co-sponsored by lawmakers from different federating units.

Interestingly, more than half (56%) of the business originated from benches reserved for women while 39% agenda items were sponsored by elected lawmakers and 1% by minority members.

Similarly, PML-N parliamentarians sponsored 35% agenda, PTI 23%, PPP 21%, JI 7%, JUI-F 6%, MQM 4% and PkMAP 3%.

There were 16 bills on agenda which is a healthy number for a session of little duration, however only six of these were taken up on floor of the House. The record of taking up agenda was even more dismal in Question Hour where only five of 71 starred questions were taken up. The House also took up four CANs, a resolution and approved a supplementary motion whereas only two of the seven reports could be presented before the House.