

HOUSE OF FEDERATION

FAFEN PARLIAMENT MONITOR

255th Session

Nov 18 - Nov 25, 2016



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EXECUTIVE SUMMARY

Senate Passes Six Govt Bills; Adopts Eight Resolutions; Prime Minister Remains Absent from All Six Sittings

The Senate took up heavy legislative agenda during six sittings held between November 18, 2016 and November 25, 2016, as it passed six bills, adopted eight resolutions, and witnessed introduction of eight legislative proposals that were referred to the relevant standing committees.

With an average of 18 Senators (17% of the total membership – 104) present at the start and 19 members (18%) at the end of each sitting, the 255th session transacted most of the agenda appearing on Orders of the Day. A maximum of 63 (62%) members, on average, attended the session along with the presence of two minority legislators.

On average, each sitting started one minute behind the schedule and lasted three hours and 20 minutes. The Prime Minister did not attend any of the sittings. An effective system of governance is the one where elected Head of the Government is engaged in the parliamentary interventions on a regular basis. Sub-rule (2A) of Rule 61 of the Rules of Procedure and Conduct of Business in the Senate states that the Chief Executive shall attend the Prime Minister's Zero Hour (last hour of the sitting) at least once a week when the Senate is in session.

On the other hand, the Chairman attended the entire sittings and presided over 85% of the session's time. The Deputy Chairman attended only three sittings and did not preside over any sitting. Twelve percent of the proceedings were presided over by Members of the Panel of Presiding Officers while three percent of the time was consumed in breaks.

The Leader of the House remained present in all the sittings and attended 84% of the session's time, while the Opposition Leader also attended the entire sittings and remained present in 58% of the session's time.

The parliamentary leaders of PkMAP and PML-N attended the entire sittings, followed by MQM, PML, PTI and PML-F (5 each), BNP-M, ANP, BNP-A (4 each), NP, PPPP, JI (2 each) and JUI-F (one).

Out of 13 Adjournment Motions (AMs) appearing on Orders of the Day, nine were termed out of order for being in contravention with the rules, two were dropped due to absence of the mover, and one was withdrawn by the mover. The only debated AM was regarding terrorist attack on the shrine of Syed Sakhi Shah Bilawal Noorani situated in district Khuzdar, Balochistan, that resulted into the deaths of more than 60 people and injuries to more than 100 others. Eight lawmakers, including State Minister for Interior spoke on the subject for an hour and 18 minutes.

The Senate debated four out of seven Motions under Rule 218 that dealt with the importance of reviewing the Master Plan of Islamabad, recruitment policy of the government, and the government's stance on delay in conducting census and rehabilitation of the internally displaced persons in FATA.

One motion on lowering water table in the country and the steps controlling the same was deferred while two other motions on law and order and non-hygienic conditions in the Federal Government Hospitals were dropped.

The House witnessed presentation of 13 reports of various committees while Annual Report for the year 2015-2016 of the Central Board of Directors of the State Bank of Pakistan on the State of the Economy along-with the Statistical Supplement was also presented. Following Motion under Rule 194 (1), the House granted extension in time period for submission of 18 reports while one motion was not taken up.

The House took up seven Calling Attention Notices (CANs) on the irregularities in issuance of consent letters to the retired employees of Constitutional Bodies for allotment of plots in Sectors F-14 and F-15 under categories I, III and V; patients tested positive for Hepatitis-C at PIMS during the last one year; the train accident at Landhi Railway Station; the news item about narcotics business around educational institutions in Islamabad; soaring circular debt of power sector as has been reported in the press; non-construction of Chashma-Zhob transmission line despite its approval as well as inclusion in PSDP and cancellation of visas of Turkish teachers and staff of Pak-Turk schools.

The House adopted the proposed amendments in rule 172 and insertion of new rule 226A in the Rules of Procedure and Conduct of Business in the Senate, 2012.

The House also adopted a report after its presentation in the House by Chairman Senate Standing Committee on Law and Justice. The report was on a matter referred by the House on November 10, 2015 regarding "implementation of Building Code, with particular reference to provisions regarding earthquake, for suggesting penal provisions, measures and mechanism regarding violation of said Code".

A special report of Standing Committee on States and Frontier Regions was adopted which was related to schemes of Health and Education Departments in South Waziristan, deleted from Umbrella Schemes of FATA, ADP.

The House adopted eight resolutions during the

session. Two separate resolutions were about expressing sorrow over the demise of former Leader of the House Jehangir Badar and Senator Haji Adeel. The House adopted six more resolutions to ensure women representation in the Council of Islamic Ideology, inclusion of Climate Change subject in the curriculum of Classes One to Matric in Islamabad schools, bring changes to National Accountability laws in a bid to discover movable and immovable Benami properties/companies, waive off agricultural loans outstanding against the farmers in Balochistan; condemn missile attack on the sacred city of Makkah and to thank Minister for Finance for his interest in raising the salary of parliamentarians.

A resolution to commend and appreciate the performance of Senator Mohammad Ishaq Dar, as Finance Minister of Pakistan for his nomination as the best Finance Minister of the Region was dropped due to absence of the mover.

Human rights issues were also highlighted through various interventions during the session. A bill – the Right to Information Bill, 2016 – was introduced to promote public right to information to enhance transparency and accountability.

The rights of transgender community particularly their protection, education and good upbringing were highlighted through a Point of Public Importance and the Chair referred the matter to Committee on Marginalized Sections of Society with directions to furnish report within two months.

Ruling of the Chair was sought on the incident of alleged torture of a student and the suicide of two students at the same institution in Larkana was highlighted through Point of Public Importance. The Chair asked PPPP Parliamentary Leader Senator Taj Haider to take up the matter with Chief Minister Sindh while he will also talk to him on the issue.

Through three Starred Questions information was sought on the major incidents of human rights violations surfaced in the country during the year 2015 and steps taken by the government to control it; steps taken/ being taken by the government for the protection of minorities in Pakistan and improving the image of Pakistani women during the last two years.

Advisor to Prime Minister on Foreign Affairs gave policy statement on implementation of recommendations of the Committee of the Whole's meeting. The House was informed that OIC Independent Human Rights Commission has asked India to give them access to the Indian Occupied Kashmir to observe human rights situation over there.

The lawmakers raised 32 Points of Public Importance that consumed 76 minutes of the session's time. A total of 76 out of 165 (46%) Starred

Questions were taken up on the floor of the House, while Senators raised another 126 Supplementary Questions.

A privilege motion of PML-N female lawmaker regarding the violation of the directions of the Committee by SECP was referred to the relevant committee. In the last sitting, PTI and few opposition lawmakers walked out of the House for seven minutes over unsatisfactory reply of State Minister for Interior on CAN regarding cancellation of visas of Turkish teachers and staff of Pak-Turk schools.

The House passed six government bills, including the Pakistan Engineering Council (Amendment) Bill, 2016; the Code of Civil Procedure (Amendment) Bill, 2016; the Central Law Officers (Amendment) Bill, 2016; the Islamabad High Court (Amendment) Bill, 2016; the Plant Breeders' Rights Bill, 2016 and the Criminal Laws (Amendment) Bill, 2016. One of the bills – the Transplantation of Human Organs and Tissues (Amendment) Bill, 2016 – was deferred.

The Pakistan Engineering Council (Amendment) Bill, 2016 aims to provide legal cover to the inclusion of the Engineer-in-Chief, Pakistan Army in the Governing Body of the Pakistan Engineering council.

The Code of Civil Procedure (Amendment) Bill, 2016 states that in in case of public nuisances and public charities, the Advocate General or two or more persons with the leave of the Court, may institute a suit for declaration and injunction or for such other relief as may be appropriate to the circumstances of the case.

The Law and Justice Commission of Pakistan has recommended amendment in the said sections for institution of suit relating to public nuisances and public charities direct with the leave of court without permission of the Advocate General. The proposed legislation will result in expeditious disposal of cases.

The Central Law Officers (Amendment) Bill, 2016 aims to rename the post of the Standing Counsel as Assistant Attorney-General by amending the Central Law Officers Ordinance, 1970 (VII of 1970) following the recommendation of the Attorney-General for Pakistan.

The Islamabad High Court (Amendment) Bill, 2016 aims at bringing the jurisdiction of the Islamabad High Court and Civil Courts in Islamabad Capital Territory in consonance with High Courts and Civil Courts of the other Provinces and also reduce workload of Islamabad High Court.

The Plant Breeders' Rights Bill, 2016 aims to encourage the development of new plant varieties and to protect the rights of breeders of such varieties. The Criminal Laws (Amendment) Bill, 2016 aims to ensure stringent measures to curb the menace of terrorism.

Besides the government bills, eight more bills were introduced, including the Shaheed Zulfiqar Ali Bhutto Medical University Islamabad (Amendment) Bill, 2016; the Right to Information Bill, 2016; the Juvenile Justice System (Amendment) Bill, 2016; the Islamabad Prohibition of Expressing Matters on Walls Bill, 2016; the National Commission for International Law and Commitments Bill, 2016; the Constitution (Amendment) Bill, 2016 (Amendment of Article 209); the Federal Board of Intermediate and Secondary Education (Amendment) Bill, 2016; and the Hindu Marriage Bill, 2016.

Shaheed Zulfiqar Ali Bhutto Medical University Islamabad (Amendment) Bill, 2016 says that, the PIMS, a tertiary level hospital was upgraded to become a University which is an anomaly and resentment is found in 3000 strong work force of PIMS and public at large. They are of the view that their status as a civil servant will be endangered which is detrimental to their interest. The up-gradation of PIMS to the status of the university will make PIMS as an autonomous corporate body that will have serious repercussions for the general public. This hospital / university shall not be able to provide the general public health care services at such cheap costs.

Many sections/ sub-sections/clauses of the Act are conflicting to the Higher Education Commission / federal university ordinance which is the guiding force behind the establishment of any new university. This Bill, therefore, seeks to remove the above stated anomalies in order to bring this Act at par with the HEC Federal Universities Ordinance, 2002 and other public sector medical universities.

The Right to Information Bill, 2016 aims to provide for the right to information in a rapid and low –cost manner, subject only to reasonable restrictions established by law.

The bill aims to further the objectives of Article 19-A of the Constitution and to promote public right to information to enhance transparency and hence accountability.

The Juvenile Justice System (Amendment) Bill, 2016 strives to remove the lacunas and loopholes of Juvenile Justice System Ordinance, 2000. It is also one of the objects of the Bill to harmonize the law on juvenile justice with the International Convention

The Islamabad Prohibition of Expressing Matters on Walls Bill, 2016 prohibits the expression of matters on walls in the Federal Capital. Presently no law deals in Islamabad has affixed any penalty for wall chalking or writing different expressions on walls. The writings on the walls tarnishes the urban scenery and beauty of the city. This Bill strives to proscribe and discourage people from putting expressions on the walls of the city.

The National Commission for International Law and Commitments Bill, 2016 seeks to establish National Commission for International Law and Commitments which would conduct research on the impact of International Treaties in Pakistan and to maintain record of international treaties, conventions and agreements signed by Pakistan, which should be easily accessible by Government Departments and also the citizens of Pakistan.

The Constitution (Amendment) Bill, 2016 (Amendment of Article 209) states as how to proceed in case of complaint against Chief Justice of Pakistan. It states that in case of complaint against the Chief Justice of Pakistan, the senior most Judge of the Supreme Court shall head the Council, with two next senior judges as its members. Similarly, the accused Chief Justice of a High Court shall be replaced with the senior Chief Justice of another High Court in the Council.

The Federal Board of Intermediate and Secondary Education (Amendment) Bill, 2016 will amend Federal Board of Intermediate and Secondary Education (FBISE) Act, 1975 and to affiliate the educational institutions with FBISE which go beyond Cantonments, Garrisons and Federal Areas.

The Hindu Marriage Bill, 2016 gives a legal framework to the marriages in minority community and paving the way for the adoption of a comprehensive and widely-acceptable family law for Hindus living in Pakistan.

1

SESSION DURATION, MEMBERS' ATTENDANCE

This section deals with the session's duration and attendance of Senators. 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.

TOTAL SITTINGS

6

SESSION TIME

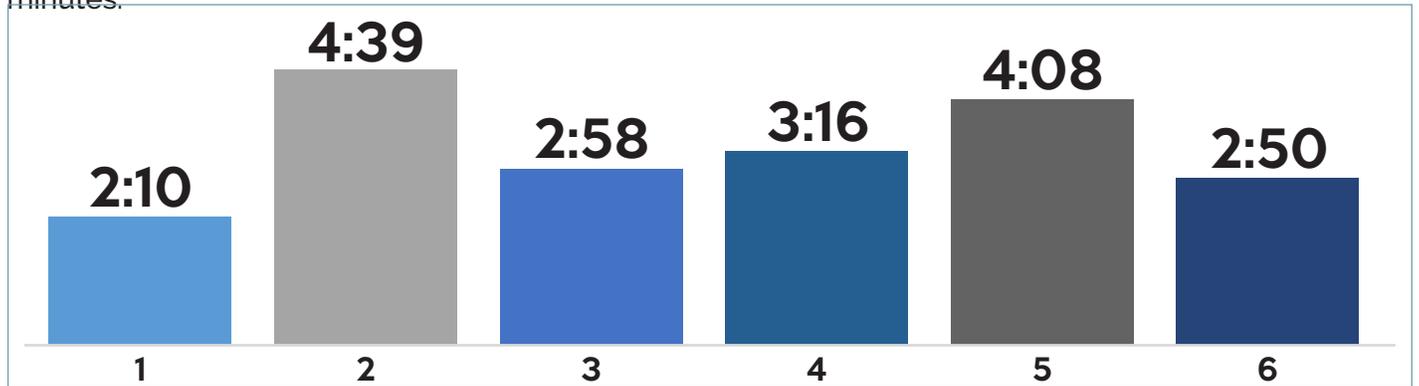
20h01m

AVERAGE SITTING TIME

3h20m

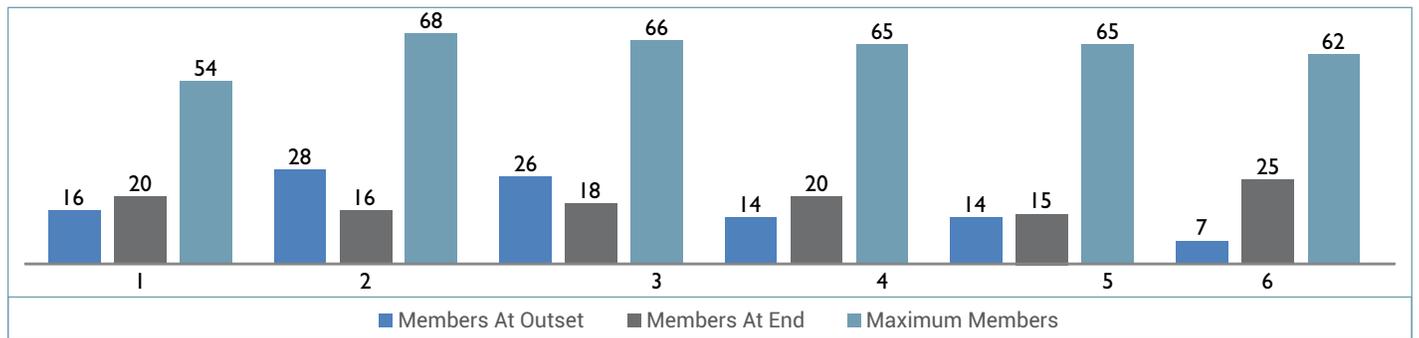
SITTING DATE, DURATION AND ATTENDANCE

On average, each sitting started one minutes behind the schedule and lasted three hours and 20 minutes.



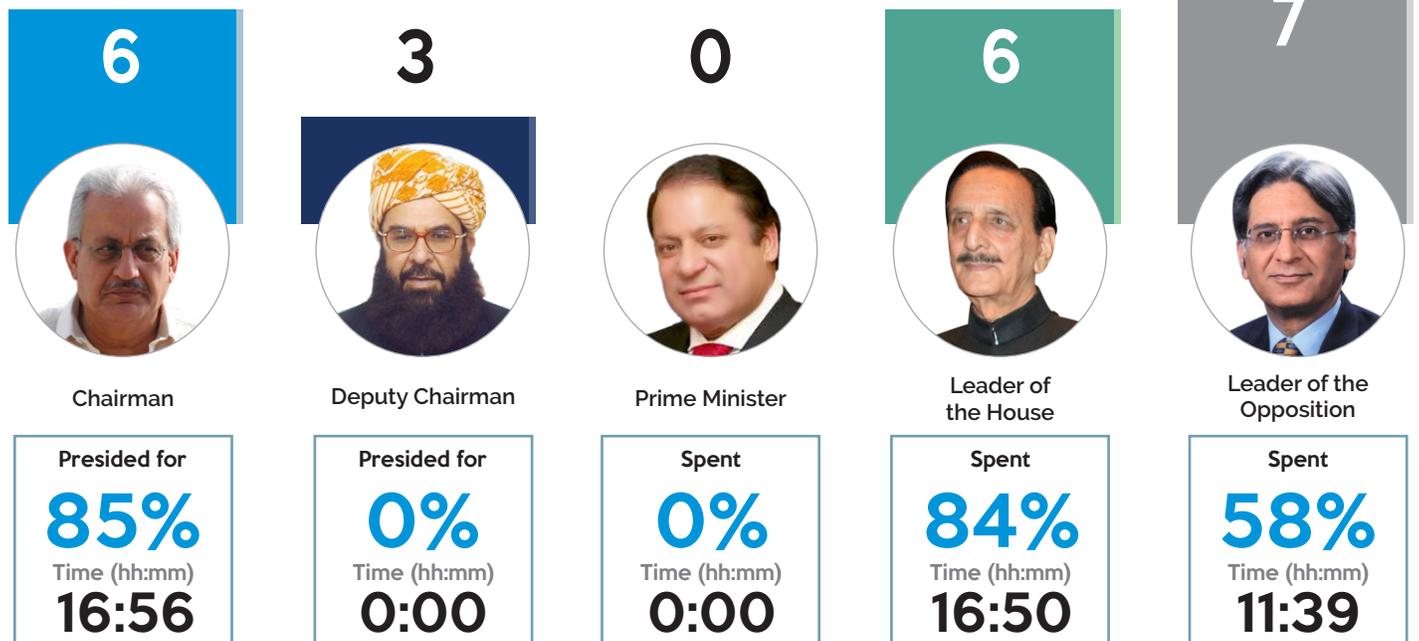
AVERAGE MEMBERS ATTENDANCE

With an average of 18 Senators (17% of the total membership – 104) present at the start and 19 members (18%) at the end of each sitting, the 255th session transacted most of the agenda appearing on Orders of the Day. A maximum of 63 (62%) members, on average, attended the session along with the presence of two minority legislators.



KEY MEMBERS ATTENDANCE

The Prime Minister did not attend any of the sittings. On the other hand, the Chairman attended the entire sittings and presided over 85% of the session's time.



* Twelve percent of the proceedings' time was presided over by Members of the Panel of Presiding Officers while three percent time was consumed in breaks.

PARLIAMENTARY LEADERS ATTENDANCE

The parliamentary leaders of PkMAP and PML-N attended the entire sittings, followed by MQM, PML, PTI and PML-F (5 each), BNP-M, ANP, BNP-A (4 each), NP, PPPP, JI (2 each) and JUI-F (one).



USMAN KAKAR



6

PkMAP | attended



MUSHAHID ULLAH KHAN



6

PML-N | attended



TAHIR MASHHADI



5

MQM | attended



MUSHAHID HUSSAIN



5

PML | attended



NAUMAN WAZEER



5

PTI | attended



MUZAFFAR SHAH



5

PML-F | attended



JEHNZEB JAMALDINI



4

BNP-M | attended



ILYAS BILOUR



4

ANP | attended

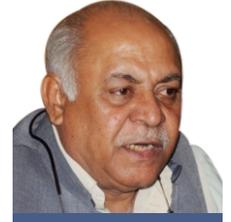


ISRAR ULLAH ZEHRI



4

BNP-A | attended



HASIL BIZENJO



2

NP | attended

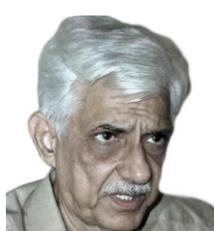


SIRAJ UL HAQ



2

JI | attended



TAJ HAIDER



2

pppp | attended



TALHA MEHMUD



1

JUI-F | attended

2

REPRESENTATION, RESPONSIVENESS AND GOVERNMENT OVERSIGHT

This section highlights the efforts of legislators to represent the interests of their constituents through sharing their views during debate on various motions and matters of public importance on Orders of the Day.

QUESTIONS

165

CANs

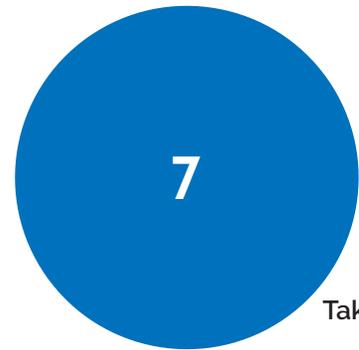
7

ADJOURNMENT
MOTIONS

13

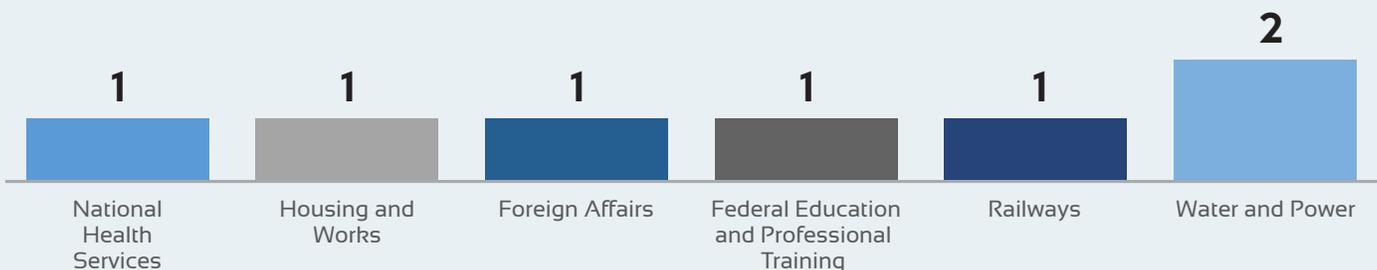
CALLING ATTENTION NOTICES

As per Rule 64, a member 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. The House cannot debate the ministerial statement at the time it is made.



Taken Up

CANs BY MINISTRY

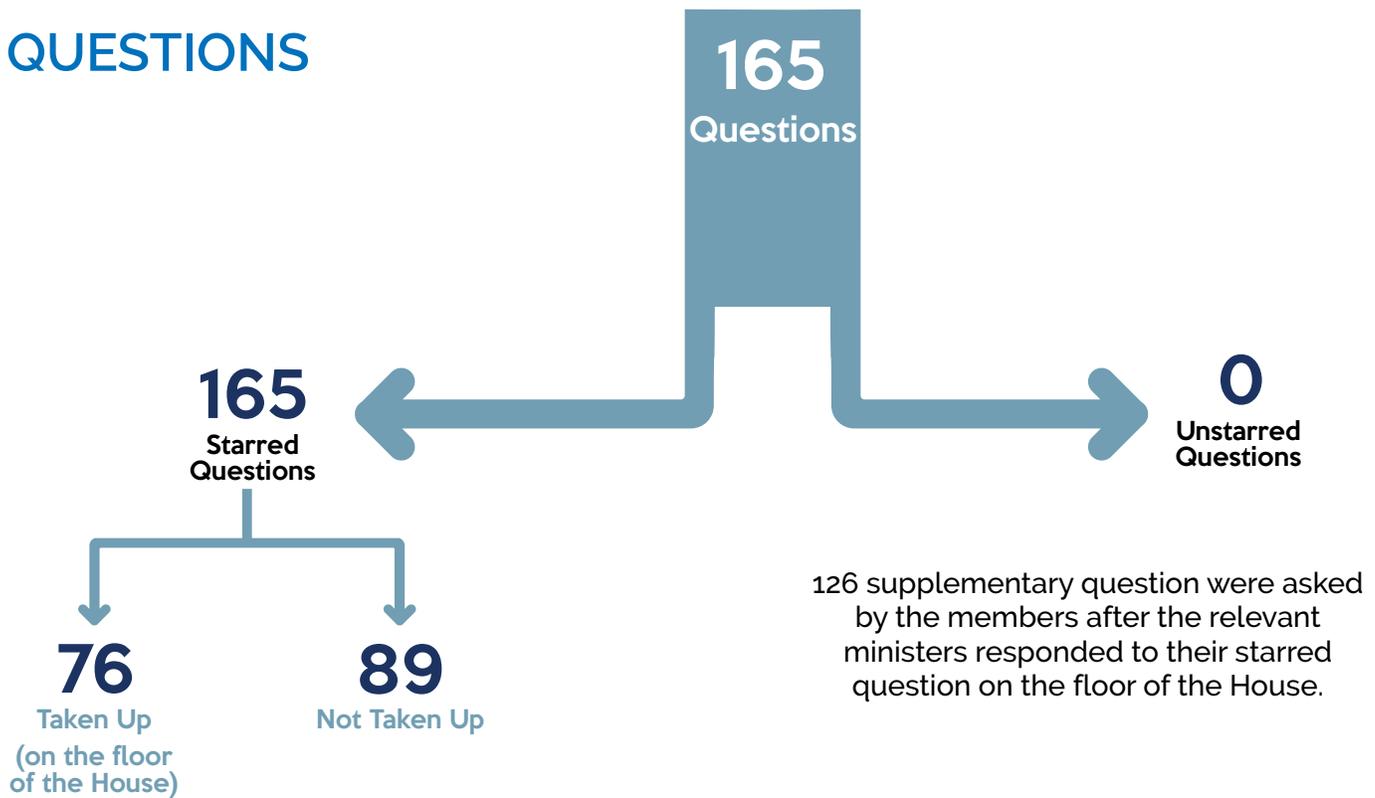


SUBJECT OF TAKEN UP CANs

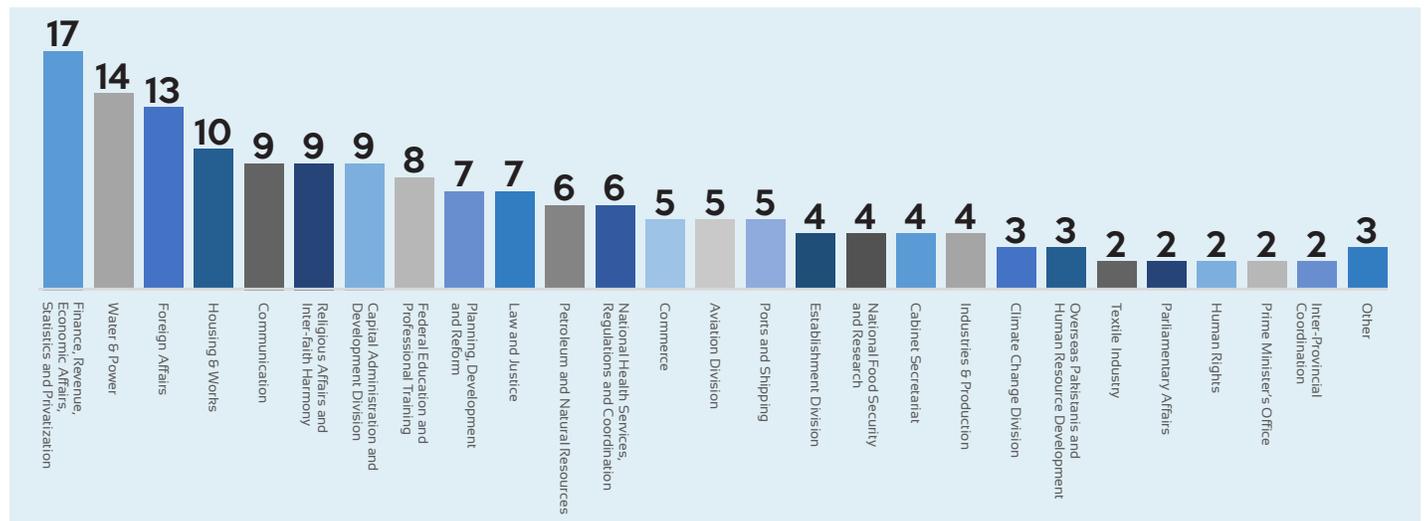
Taken Up

- The irregularities in issuance of consent letters to the registered retired employees of Constitutional Bodies for allotment of plots in Sectors F-14 and F-15 under categories I, III and V against the reserved quota while ignoring the list of registered retired employees of said bodies falling in category II.
- The fact that as many as 12000 patients have been tested positive for Hepatitis-C at PIMS during the last one year which is 20% increase as compared to the previous year and the problems being faced by such patients to get treatment in PIMS Hospital
- The news item published in print media on 20th October, 2016, that the narcotics business is being run in the public and private sector educational institutions in Islamabad and a large number of students are directly involved in its sale and purchase which reflects that the Government has totally been failed to control the situation
- The train accident at Landhi Railway Station which resulted into loss of more than twenty precious lives of innocent citizens and injuries to many
- The soaring of circular debt of power sector as reported in "Business Recorder" dated 3rd October, 2016
- The non-construction of Chashma-Zhob transmission line despite its approval and inclusion in PSDP
- The cancellation of the visas of Turkish teachers and staff of Pak-Turk Schools by the Ministry of Interior on the advice of the Ministry of Foreign Affairs

QUESTIONS



QUESTIONS (BY MINISTRY)



QUESTION OF PRIVILEGE

The violation of the directions of the Committee by SECP



Advocate Muhammad Daud Khan Achakzai

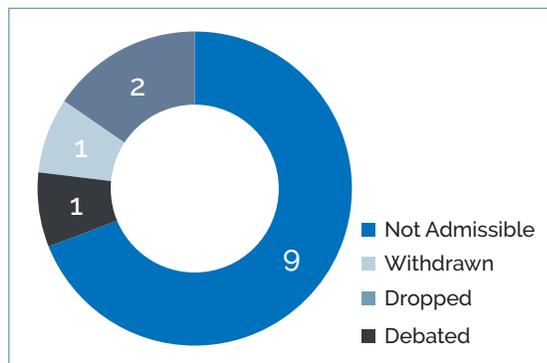
Privilege Motion under Rule 70 (ii) of the Rules of Procedure and Conduct of Business in the Senate, 2012, over the violation of the directions of the Committee by SECP



PML-N

ADJOURNMENT MOTIONS

Thirteen Adjournment Motions appeared on the Orders of the Day of which nine were not admitted by the Chair while two were dropped due to the absence of the mover, one was withdrawn and one was debated



SUBJECT OF ADJOURNMENT MOTION

Not Admissible

- The infliction of huge loss of Rs. 4.46 billion by Nandi Pur Power Plant in the month of June, 2016
- The 36% increase in the gas prices by the Federal Government as reported in newspapers dated 10th October, 2016
- The need of introduction of waste-to-energy incinerators to produce energy from waste produced every day in the country which could play a vital role to meet the energy needs of the country from local resource
- The unfortunate incident of bomb blast at Civil Hospital, Quetta which resulted into loss of nearly hundred lives and injuries to over one hundred and fifty people
- The Tobacco Industry's advertisement, promotion, sponsorship and CSR (Corporate Social Responsibility) i.e. funding in charity to cover up the fact that they sell deadly products
- The energy crisis in Balochistan
- The recruitments in Federal Government Departments through NTS and other testing agencies in the provinces
- The Saudi labour crisis and the sufferings of Pakistani labour force working in Saudi Arabia
- The failure of the Government to improve its macro-economic fundamentals as the exports, home remittances and foreign direct investments (FDI) are falling and the country's external debt is becoming unsustainable

Dropped

- The report of the Auditor General of Pakistan for the year 2014-15 in which the financial irregularities of 182 billion rupees has been pointed out in Federal Board of Revenue's Inland Revenue Service
- The report of the Auditor General of Pakistan for the year 2015-16 in which the financial irregularities of billions of rupees in various Government departments have been pointed out

Withdrawn

- The privatization policy of the Government in the light of sub-section (2) of section 16 of the Privatization Commission Ordinance, 2000

Debated

- The terrorist attack on the Shrine of Syed Sakhi Shah Bilawal Norani situated in far flung area of district Khuzdar, Balochistan, which resulted into death of more than sixty people and injuries to more than hundred

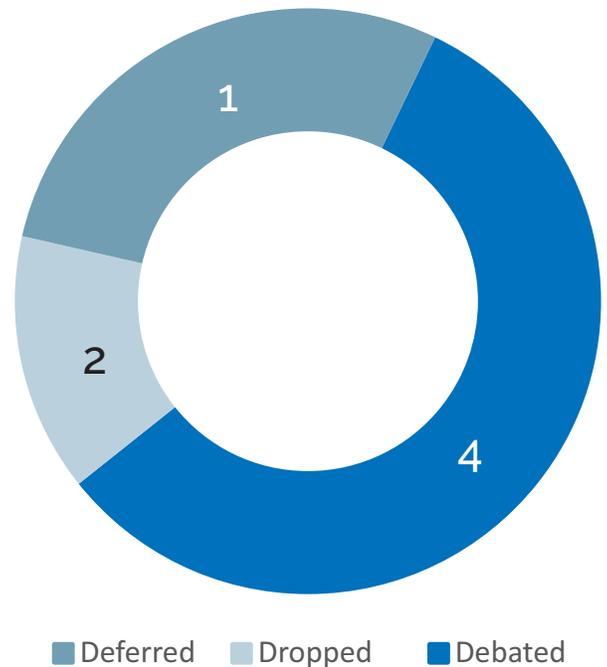
Reports/Motion Under Rule (MuR) 194 SUB-RULE (1)

The House witnessed presentation of 13 reports of various committees while Annual Report for the year 2015-2016 of the Central Board of Directors of the State Bank of Pakistan on the State of the Economy along-with the Statistical

Supplement was also presented. Following Motion under Rule 194 (1), the House granted extension in time period for submission of 18 reports while one motion was not taken up.

MOTION UNDER RULE 218

The Senate debated four out of seven Motions under Rule 218 that dealt with the importance of reviewing the Master Plan of Islamabad, recruitment policy of the government, and the government's stance on delay in conducting census and rehabilitation of the internally displaced persons in FATA.



SUBJECT OF TAKEN UP MOTIONS

- The House may discuss the need and importance to review the Master Plan of Islamabad
- The House may discuss the recruitment policy of the Government with particular reference to the appointments made/being made on contract basis
- The House may discuss the Government's stance about delay in conducting census in the country
- The House may discuss the steps taken by the Government for rehabilitation of the internally displaced persons in FATA

3

PARLIAMENTARY OUTPUT

This section deals with the output of the Upper House in terms of legislation, resolutions and standing committee reports appearing on the Orders of the Day during the session

RESOLUTIONS
ON AGENDA/
SUPPLEMENTARY

9

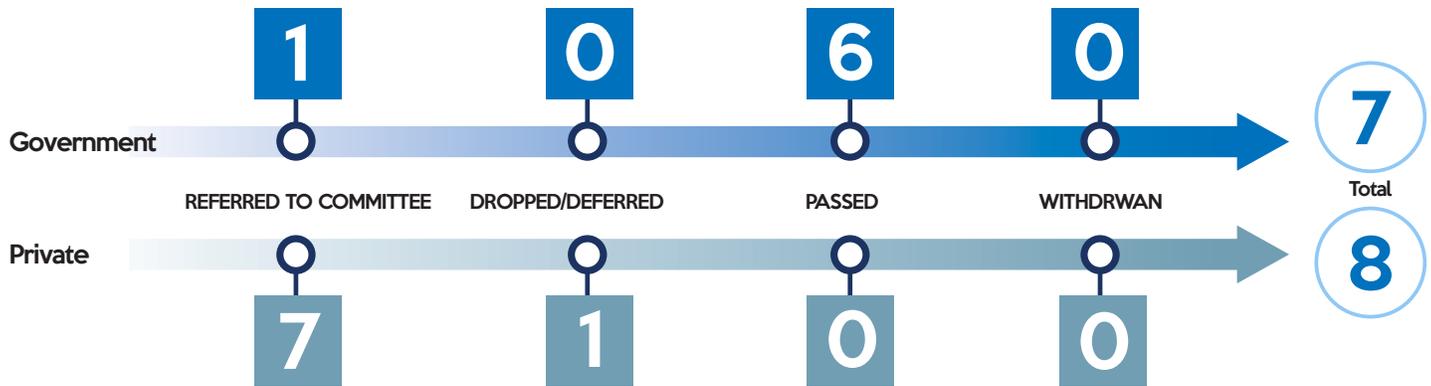
BILLS/ORDINANCE
ON AGENDA

16

LEGISLATION

The House passed six government bills, including the Pakistan Engineering Council (Amendment) Bill, 2016; the Code of Civil Procedure (Amendment) Bill, 2016; the Central Law Officers (Amendment) Bill, 2016; the Islamabad High Court (Amendment) Bill, 2016; the Plant Breeders' Rights Bill, 2016 and the Criminal Laws (Amendment) Bill, 2016. One of the bills – the Transplantation of Human Organs and Tissues (Amendment) Bill, 2016 – was deferred.

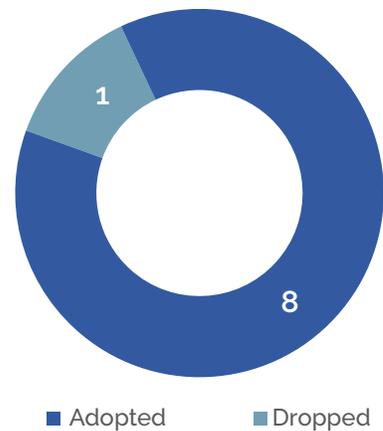
STATUS OF BILLS



* The Companies Ordinance, 2016 (Ordinance No. VI of 2016) was laid.

RESOLUTION

The House adopted eight resolutions during the session. Two separate resolutions were about expressing sorrow over the demise of former Leader of the House Jehangir Badar and Senator Haji Adeel. The House adopted six more resolutions to ensure women representation in the Council of Islamic Ideology, inclusion of Climate Change subject in the curriculum of Classes One to Matric in Islamabad schools, bring changes to National Accountability laws in a bid to discover movable and immovable Benami properties/companies, waive off agricultural loans outstanding against the farmers in Balochistan; condemn missile attack on the sacred city of Makkah and to thank Minister for Finance for his interest in raising the salary of parliamentarians.



4

ORDER AND INSTITUTIONALIZATION

This section documents the details of Matters of Public Importance, quorum and also about walkouts observed during the session.

MATTERS OF PUBLIC
IMPORTANCE

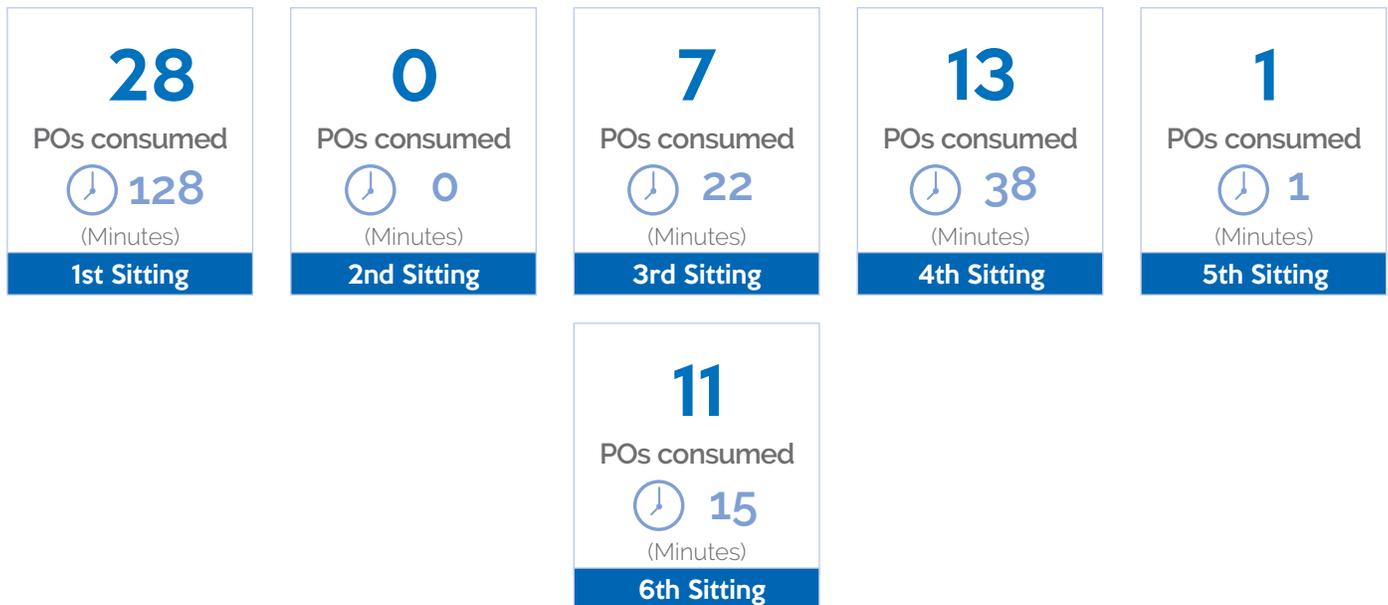
32

WALKOUT

1

MATTERS OF PUBLIC IMPORTANCE

According to sub-Rule 1 of Rule 61, last hour of the sitting shall be utilized as Prime Minister's Zero Hour to take up matters of urgent public importance. Similarly, sub-Rule 2 says that a member may raise a matter after giving a notice, in writing, to the Secretary, one hour before the commencement of sitting of the Senate to be taken up in Prime Minister's zero hour.



WALKOUT

6th Sitting

► Walkout (PTI)

PTI and few opposition lawmakers walked out of the House for seven minutes over unsatisfactory reply of State Minister for Interior on CAN regarding cancellation of visas of Turkish teachers and staff of Pak-Turk schools.

About FAFEN

- FAFEN is one of the most credible networks of civil society organizations working for strengthening citizens' voice and accountability in Pakistan since 2006.
- FAFEN has harnessed information technology for real-time monitoring, facilitation and technical backstopping of partners for effective and result-based program delivery.
- FAFEN is the only civil society group to have been invited by the Judicial Commission to present the evidence of illegalities and irregularities documented through the course of General Elections 2013 Observation. The systemic and procedural issues identified by FAFEN have been acknowledged by the commission in its detailed findings.
- FAFEN's recommendations for electoral reforms have contributed to the work of Parliamentary Committee for Electoral Reforms.
- FAFEN's advocacy for parliamentary transparency, accountability and reforms has shaped public discourse on parliamentary reforms. Improved citizens' access to parliamentary information including daily public release of parliamentarians' attendance records can be directly attributed to FAFEN's work.
- FAFEN deployed 18,000 and 40,000 non-partisan and trained observers for the systematic observation of general election 2008 and 2013, respectively, largest citizens' observation ever undertaken in Pakistan.
- FAFEN's evidence and recommendations for reforms have improved the quality of public and political discourse on elections, its issues and need for reforms. Leading political parties and media houses extensively use FAFEN's election findings and analysis to build a case for reforms.
- With more than 17,300 followers on Twitter and around 65,000 on Facebook, FAFEN is considered one of the most reliable sources of electoral and parliamentary information in the country.

www.openparliament.pk | www.parliamentfiles.com



Free and Fair Election Network
www.fafen.org