

# FAFEN LEGISLATION TRACKER

National Assembly of Pakistan

December 2016



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# 14th National Assembly passes 88 bills during 36 sessions, 10 more than the previous assembly

## ■ Present Assembly did not pass any Private Members' bill so far

The 14th National Assembly passed 88 bills during 36 sessions (June 1, 2013 to October 30, 2016) focusing mainly on economy, security and judiciary. These legislative agenda were defined solely by the government as only treasury-sponsored bills could sail through the PML-N dominated Lower House while most of the Private Member's legislative proposals remained stuck at the committee stage. The previous Assembly had passed 78 bills, including seven Private Members' bills during the same period. The economy was one of main legislative themes of the 13th Assembly as well. It passed 17 bills related to economy but its legislative concerns also involved matters relating to human rights and education sector on which 12 and 10 bills were passed respectively.

The present government showed less reliance on legislating through ordinances as compared to the previous government. The currently PML-N led government laid 32 ordinances in the Assembly during 36 sessions whereas the previous PPP-led government had laid 91 ordinances in the Assembly during the same period. However, 35 out of 91 ordinances were originally promulgated by the then President General Musharraf during the Emergency Period (November 3, 2007 to December 15, 2008). These 35 ordinances were given permanence in Provisional Constitution Order No.1 of 2007. However, the Supreme Court's judgement on the above-stated Order deprived these ordinances of their permanent status and ordered to lay them before the Assembly. The ordinances laid in the National Assembly are treated as a bill. Both 13th and 14th National Assemblies approved 29 ordinances during the reporting period.

The present Assembly deviated from the regular legislative procedure at eight occasions and passed two Constitutional Amendments and amendments in security-related laws without referring them to committees. The requirements of the Rules of Procedure were suspended for early consideration and passage of these eight bills.

The standing committees also slowed down the pace of legislation as they took longer than stipulated time to report on legislative proposals referred to them. The committees are normally required to report on bills within 30 days. However, on average, a committee took 172 days to report on a government bill and 419 days to report on a Private Member's bill. In case of government bills, the shortest period between introduction and committee reports was two days while the longest was 590 days. The reports on the State Life Insurance Corporation (Re-organization and Conversion) Ordinance, 2016 and the Credit Bureaus (Amendment) Bill, 2016 were received to the House within two days of their introduction while the report on the Foreign Exchange Regulation (Amendment) Bill, 2014 was made after 590 days.

As many as 11 government bills were passed without waiting for recommendations of the committee. All of these bills originated as ordinances and were related to economy, security, energy and elections.

### Legislative Procedure

#### 1. Introduction of the Bill

It is the first stage of a bill to become an Act of the Parliament. A bill, except Money Bill, may originate in either House of the Parliament i.e. Senate and National Assembly. The Minister or a Private Member introduces a bill in the House. Upon introduction, the bill is referred to relevant standing committee and published in the Gazette for public notice.

#### 2. Committee Stage

The committee, on receiving a bill from the House, holds threadbare discussion on its pros and cons and gives recommendations to the Parliament in the form of a report.

#### 3. Consideration of the Bill

After committee's report on the bill, the relevant minister or member moves the House for consideration of the bill. On the day of its consideration, the lawmaker may discuss the principles or general provisions of the bill. Following the debate, the bill is read clause by clause and the members may propose amendments to the bill.

#### 4. Passage of the Bill

It is the final stage of a bill. Once, clause by clause consideration of the bill is complete, it is presented for the passage. The members may debate in favour or against the bill as well as move amendments to it.

#### 5. Transmission to other House

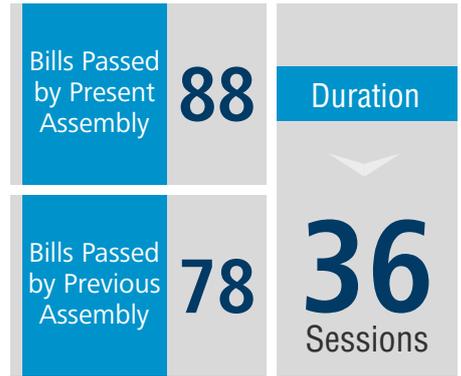
A bill passed by one House of the Parliament is transmitted to the other where it goes through the same procedure again.

#### 6. Assent and Publication

The bill is sent to the President for assent after its passage from both Houses of the Parliament and is published for general public.

Similarly, the committees have not submitted their reports on 114 out of 142 Private Members' bills referred to them.

The committees have reported only on 27 out of 140 Private Members' bills so far of which 10 have been recommended for the passage while 17 have been rejected. However, the government has been reluctant to allow the consideration of these recommended Private Member's bills. The initiators of these bills have repeatedly been moving the House to conduct second reading of these bills but the treasury requested their deferral each time. The ministers gave assurances to the House to introduce bills similar to those moved by Private Lawmakers. However, so far only one such law regarding Hindu Marriages was introduced in and passed by the House.



# Government Legislation

The 14th National Assembly has passed 88 government bills including two Constitutional Amendments since June 1, 2013 while 73 of these bills have become an Act of the Parliament after passage from Senate and assent of the President. One third of these bills (29) originated as ordinances.

The Assembly, on average, took 189 days (27 weeks) to pass each government bill. Seven bills, including Constitutional Amendment regarding electoral reforms, were passed the same day when introduced while an amendment to the Civil Servants Act 1973 took 714 days for passage. Meanwhile, each of 76 bills took, on average, 273 days (39 weeks) from first reading in the Lower House to become an Act of the Parliament. The 21st Constitutional Amendment and an amendment in the Pakistan Army Act 1952 allowing establishment of military courts were enacted in just four days. On the other hand, the above mentioned amendment to the Civil Servants Act 1973 took the longest period (939 days) to become an Act. All bills except 16 transmitted by the National Assembly to the Senate were passed in their original form, while the remaining 16 bills were passed with certain amendments, while their revised drafts were sent back to the National Assembly for second and third readings before being sent to the President for his assent.

The Rule 122 of National Assembly's Rules of Procedure and Conduct of Business requires that every bill except Finance Bill should be referred to the standing committee upon its introduction unless the House suspends this Rule. According to provisions of the Rules, when a bill is referred to a standing committee and the Assembly does not fix any time for the presentation of a report, the report of a Committee should be presented within 30 days from the date on which reference was made.

## Committees did not submit reports on 11 government bills

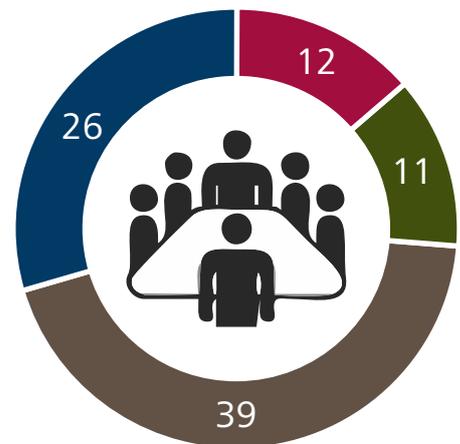
The due procedure of Rule 122 was followed in case of 76 out of 88 bills while four were Finance Bills and the remaining eight bills were considered without being sent to the committees. These eight bills also included two Constitutional Amendments which require two thirds majority for passage. The House passed four bills, including the 21st and 22nd Constitutional Amendments by suspending the requirements of Rule 122. The remaining four of the eight bills were passed in the same form as by the Senate. The House did not hold the first reading of these four bills. It is relevant to mention here that the Upper House does not usually suspend the Rules. Every bill which is moved in the Upper House has to go through committee stage.

Out of 76 bills referred to the committees, the House passed 11 bills without waiting for the recommendations of the committees because they failed to report on these bills within stipulated time. The remaining 65 bills were passed after presentation of their committee reports. Only four reports were presented within the period of 30 days.

The House usually refers the bills to the standing committees without fixing any time which means the committees have 30 days to report back on those bills under Rule 122. The committees presented their

14 <sup>th</sup> National Assembly	
Period between Introduction and Passage	<b>27 Weeks</b>
Period between Introduction and Committee Report	<b>24 Weeks</b> <b>4 Days</b>
Period between Introduction and Enactment	<b>39 Weeks</b>

### Recommendations of Committees



**12** Bills Passed without Reference to Committees

**11** Bills Referred to Committee but Reports not Presented

**39** Bills Recommended by Committees as Introduced in National Assembly

**26** Bills Recommended by Committees with Amendments

reports only for 65 bills out of 76 bills referred to them. On average, a period of 172 days (24 weeks and 4 days) intervened between the introduction of each of these bills and the presentation of the committee report. The Committees suggested amendments to 26 bills while 39 bills were recommended in the same form in which they were introduced in the Assembly.

Economy has been a dominant theme of 14th Assembly's legislation. The Assembly passed 34 bills focusing on taxation, banking, financial security, corporatization, foreign exchange, trade and commerce. This number is double the number of bills passed during the term of previous Assembly on the subject of economy. In addition to these, the bills providing for conversion of two public-sector corporations – Pakistan International Airlines and State Life Insurance – into public limited companies were also approved.

The second most-favorite legislative area of the current Assembly was judiciary. The House passed 14 bills on subjects related to courts, bar councils, service tribunals and other legal institutions. The legislation was done for error-free publication of laws, extending the jurisdiction of certain courts and to repeal the Federal Court while a major portion of judiciary-centric legislation was aimed at giving the newly-created Islamabad High Court (IHC) representation in various legal institutions like Federal Judicial Academy, Judicial Policy Making Committee and Bar Councils. IHC was revived in 2010 in light of the 18th Constitutional Amendment which had devolved several federal subjects to provinces. A law providing for absorption of civil servants working in devolved departments into federal government departments was also approved.

The Assembly also passed 10 bills aimed at improving security and law & order in the country. In its first parliamentary year, the House granted legal charter to Survey of Pakistan, an organization responsible for catering to civilian and military needs regarding mapping and surveying. The Constitution and the Pakistan Army Act 1952 were amended empowering military courts to hear terrorism-related cases. In addition to these amendments, the anti-terrorism law was amended twice to enhance powers of security forces and provide for proscription of organizations involved in terrorist activities. The mechanism for registration of foreigners was changed through amendments in National Database and Registration Authority (NADRA) law.

A bill providing for online publication of patents was also passed by the present Assembly. Another law providing for prevention of electronic crimes was approved during fourth parliamentary year. Moreover, the Assembly amended Criminal laws to include punishments for offences like sexual abuse of children, lynching and hate speech. During the term of present Assembly, the criminalization of child abuse is the sole piece of legislation which may be categorized under human rights. The previous Assembly, on the other hand, had passed 12 such bills concerning human rights. However, the 14th Assembly should be credited for passing long-pending Hindu Marriage law which was introduced in 13th Assembly as well but had remained unapproved.

The House also legislated for local government election in Islamabad Capital Territory and Cantonment Areas across country. In addition, two bills providing for salaries of Members of Election Commission and amendments to election-related Articles of the Constitution were passed. The Constitutional Amendment sought to change the eligibility criteria for appointment of the Chief Election Commissioner (CEC) and Members of the Election Commission, altered the conditions for appointment of Acting Chief Election Commissioner and empowered the Election Commission to prepare electoral rolls and delimit constituencies for local

**Legislative Interests of 14th Assembly**



**Legislative Interests of 13<sup>th</sup> Assembly**



governments.

The House passed four bills on energy-related subjects. These pieces of legislation provided for cess on natural gas and establishment of institutional mechanism for energy efficiency and facilitation of public sector independent power companies. Moreover, power-theft was also criminalized as offence punishable by several years in prison and heavy fines.

In addition to above legislation, the House also amended legal charters of various public sector organizations and autonomous bodies and also legislated for creation of new institutions. The criteria for appointment of Vice Chancellor of National University of Science and Technology were changed. The charters of National Command Authority, Pakistan Medical & Dental Council, Pakistan Engineering Council, Pakistan Bait-ul-Mal, Federal Public Service Commission and Federal Employees Benevolent Fund Board were amended. Meanwhile, a new organization namely the Pakistan Health Research Council was set up. Moreover, the House granted charter to two new universities namely the Capital University of Science and Technology and National University of Medical Sciences. The previous Assembly had passed 10 education-related bills.

# PRIVATE MEMBERS' LEGISLATION

The Private Members introduced 141 bills in the National Assembly during 36 sessions. None of these bills have been passed so far despite the fact that some of private bills have been cleared for passage by the relevant standing committees. These bills have been appearing on Orders of the Day for consideration and passage (second and third reading stages) but were kept pending on request of the treasury. The previous Assembly had passed seven Private Members' Bills during the same period.

All these bills were referred to relevant standing committees for the review and recommendation without fixing any time for reports. As per the provision of Rule 122, in such cases, the committees should report within 30 days. However, so far the committees have reported back only on 27 bills while reports on 114 bills are still awaited. The committees have rejected 17 bills while 10 legislative proposals have been recommended for consideration and passage. Six of these bills have repeatedly appeared on the agenda but have not been considered till date. On average, a period of 59 weeks and six days intervened between introduction of a bill and presentation of the committee's report. The minimum period between introduction and report was 63 days while the maximum was 910 days.

## MQM sponsored maximum 40 Private Members' bills

Among the parliamentary parties, the lawmakers of MQM showed more interest in legislation as 40 out of 172 Private Members' Bills were sponsored by them. The lawmakers of largest parliamentary party PML-N moved 27 bills while the second largest party PPPP's lawmakers introduced 23 bills in the National Assembly. PTI and JUI-F sponsored 17 and 16 bills respectively while JI lawmakers submitted 11 bills. The cross party collaboration was also witnessed as six bills were jointly sponsored by parliamentarians of different parties.

The women lawmakers remained ahead of their male counterparts in legislative business as 36 bills were sponsored by women alone while they collaborated with male lawmakers in 72 bills. The lawmakers on minorities' reserved seats submitted 13 bills on their own while they also co-sponsored at least four bills with other lawmakers.

The major focus of the Private Members' legislation was on human rights as 25 bills on matters relating to welfare of minorities and special persons, protection of women and children and freedom of speech. In addition to these bills, 26 bills were moved suggesting amendments to criminal laws of the country i.e. Code of Criminal Procedure, Code of Civil Procedure and Pakistan Penal Code. These amendments proposed changes in the justice system and sought increase in the punishments for various crimes, including crimes against women and children.

The Private Members also moved 27 Constitutional Amendments suggesting various changes in the Constitution. At least eight bills proposed to increase the number of seats in the National Assembly.

### Party Affiliations of Legislation Sponsors

Party	Number of Bills
 JI	11
 JUI-F	16
 MQM	40
 PML-N	27
 PPPP	23
 PTI	17
 QWP-S	1
 Jointly	6

### Seat Type of Legislation Sponsors

Directly Elected Members	Minority Members
 20 Bills	 13 Bills
Women Members	Jointly
 36 Bills	 12 Bills

There were proposals to increase the seats for minority communities as well as reserving seats for disabled persons. A number of amendments suggested declaring regional languages as national languages while the mandatory teaching of Arabic language was also proposed. The amendments regarding bar on dual nationals to contest elections, number of high court benches, ban on consumption of alcohol, reservation of quota for women in cabinet and mandatory physical training were also moved in the Lower House.

The lawmakers also introduced 24 bills aimed at improving governance and institutional restructuring and bureaucratic reforms. The electoral reforms also popped up as a legislative subject for Private Members during this period. As many as seven bills suggesting amendments to election laws were presented before the Assembly. The lawmakers also submitted legislative proposals on prevention of academic malpractices, technical education, civic education, prevention of diseases and organ transplant regulations. Other legislation focused on social evils such as dowry, welfare initiatives for poor, publication and teaching of Holy Quran, eradication of Riba, commerce and security.

**Decision of Standing Committees on Private Members' Bills**

Recommended 	<b>05</b>
Recommended with Amendments 	<b>05</b>
Rejected 	<b>17</b>

# 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 17,500 followers on Twitter and around 72,000 on Facebook, FAFEN is considered one of the most reliable sources of electoral and parliamentary information in the country.



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