



# FAFEN Parliament Monitor

SENATE OF PAKISTAN

101st Session

February 3 - 17, 2014



Free and Fair Election Network

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

### Abbreviations

ANP	Awami National Party
APML	All Pakistan Muslim League
AJIP	Awami Jamhuri Ittehad Pakistan
BNP-A	Balochistan National Party (Awami)
IND	Independent Member
KP	Khyber Pakhtunkhwa
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)
PPPP	Pakistan People's Party Parliamentarians
QWP	Qoumi Wattan Party
CAN	Calling Attention Notice
PO	Point of Order



This report is based on direct observation of the Senate proceedings conducted by PATTAN Development Organization, a member organization of FAFEN

## 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 drafting 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 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.

## Executive Summary

Discussion on policy and constitutional matters was the main concern of Senators besides law and order situation as they spent two fifths of the session time criticizing the government on the said issues through debates, says the Free and Fair Election Network in its report based on direct observation of the Senate.

Through two Motions under Rule 218, the government received heavy criticism for its privatization policy and not pursuing Article 148(3) which directs federal government to protect its citizens. Another Motion under Rule 218 of the rules of Procedure of Senate on deteriorating law and order condition was discussed by 36 legislators; a similar issue through the same intervention was also discussed in the last Senate session. Through another motion, lawmakers proposed 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 they are not properly handled in the present set up.

Senate also introduced two bills and two ordinances. Both the bills were amendments in the existing laws. The Constitution (Amendment) Bill, 2014 - proposed amendments in Article 251 of the Constitution and to give the status of national languages to Punjabi, Sindhi, Pashto, Balochi, and Saraki, which are regional languages at present with the addition of clause (1) which states "(1) the National languages of Pakistan are Urdu, Punjabi, Sindhi, Pushto, Balochi and Saraiki, and arrangements shall be made for their being used for official and other purposes within fifteen years from the commencement of this Act." The bill also replaces some words in clause (3) of the Article 251. The Privatization Commission (Amendment) Bill, 2014 proposes greater transparency in the privatization process.

The two laid ordinances were on the security and energy issues and included the Protection of Pakistan (Amendment) Ordinance, 2014 and the Gas (Theft Control and Recovery) Ordinance, 2014.

Lawmakers participated more actively than most previous sessions as 62 of 103 Senators (current membership) took part in the 101st session. Thirty-five legislators took part in on-floor discussions, five submitted agenda items, and 22 did both.

The House adopted six resolutions – three sponsored by the MQM, two by PPP, and one by JUI-F. The MQM sponsored resolutions regarding the need to conduct a forensic audit of Pakistan International Airline (PIA), to take effective steps for narcotics control, and to build a monitoring system for parallel justice system of *jirgas*. The PPP sponsored resolutions seeking to publish the names of those judges of the superior judiciary who have dual nationality, and to amend the Official Secrets Act, 1923 to make it consistent with the constitutionally guaranteed right to information, fair trial and fundamental rights, while the JUI-F tabled a resolution on overcoming unemployment.

In five Question Hours held in the session, Senators submitted 101 questions to 27 ministries. The House took up 57 of 99 starred questions, leaving 42 un-addressed while the legislators asked 153 supplementary questions to further clarify their concerns on the taken up questions. Forty-one percent questions directed before the House were on good governance issues where as 36% focused on economic development. Members also raised questions related to energy sector (10), terrorism and law and order (nine), democracy and political development (two), better foreign relations (two) and one on judiciary.

All of the five calling attention notices tabled in the session were taken up. Female Senators tabled three notices, while a single male lawmaker tabled another. One was tabled jointly by male and female Senators. The notices brought up varying issues such as safety threat due to construction of nuclear reactors in Karachi, resignation of Governor of State Bank of Pakistan and placement of Convention Centre, Islamabad, on the list of privatization. Non-issuance of domicile certificates to the Christian community of Federally Administered Tribal Areas (FATA) and seeking assistant from governments of United States and Afghanistan in the peace talks with *Tehreek-e-Taliban* Pakistan were the subject of two notices.

The Senate session had 10 sittings and it met from Feb 3 2014 to Feb 17, 2014 with an average sitting time of two

### 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.

hours and 22 minutes. Each sitting, on average, met 38 minutes behind schedule. In the session, although overall presence of Senators was low, it improved a bit compared to the last session of the Senate as on average, 15 Senators were present at the beginning, rising to 30 till the end and a maximum of 42 members at a point during the session.

Leader of the House showed consistency by attending all of the sittings like previous session, while the presence of Chairman and the Leader of the Opposition increased to 68% and 76% respectively. In the previous session (100th), they attended 53% and 55% of the session's time respectively.

Senators raised 87 issues through same number of points of order which consumed four hours and 10 minutes (18%) of session's time. Through points of order, issues related to rules of business were asked most by the Senator as it was raised 32 times in the House, followed by terrorism (22), good governance (16), peace building and conflict resolution (six), strengthening the federation (five) and law and order (two).

The Senators orchestrated five walkouts - four by the entire opposition and one by a JUI-F lawmaker. Two ANP legislators submitted two privilege motions.

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 in the assembly chamber. FAFEN has made repeated attempts to get the attendance document of the members but no to no avail. Based on FAFEN's observation low members' attendance was observed during the session with 15 Senators, on average, present at the start, 30 at the adjournment and 42 (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 not 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.
5. The Assembly 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 limitations. A full-day sitting should be allotted to issues related to constituencies at least once in a session.
7. Efforts should be made into finding out why nearly 40% Senators on average remained away from the session and necessary measures should be undertaken to do away with this practice.

## 1.0 Parliamentary Output

This section details the output of the Upper House in terms of legislations, resolutions and standing committee reports appearing on the floor during the session. Legislation appears in the form of bills – a new piece of legislation or an amendment to an existing law - and ordinances. Both government and/or private members can table bills on the agenda.

### 1.1 Legislation

In the session, two bills were introduced and two ordinances were also laid. Both bills were amendments in existing laws.

The Constitution (Amendment) Bill, 2014 proposes amendments in Article 251 of the Constitution, giving the status of national languages to the country's regional with the addition of clause (1) which states “(1) the National languages of Pakistan are Urdu, Punjabi, Sindhi, Pushto, Balochi and Saraiki, and arrangements shall be made for their being used for official and other purposes within fifteen years from the commencement of this Act.”

The Privatization Commission (Amendment) Bill 2014 aims to secure the economic and strategic interests of the country, and improve transparency in privatization processes and transactions.

The two laid ordinances were related to security and energy issues and included the Protection of Pakistan (Amendment) Ordinance, 2014 and the Gas (Theft Control and Recovery) Ordinance, 2014.

The Senate passed a Motion under Rule 204 read with Rule 205 which empowered Chairman of Special Committee on Devolution to make special provisions in consultation with the Leader of the Opposition to constitute a sub-committee of more than three members. As the Rule 204 of the Rules of Procedure and Conduct of Business of the Senate 2012 says “the Senate may, by motion, appoint a Special Committee which shall have such composition and functions as may be specified in the motion.”

## 1.2 Committee Reports

The House witnessed presentation of 10 reports by the Standing Committees of the Senate. Seven of the reports were presented by Standing Committee on Law, Justice and Parliamentary Affairs in the sixth sitting. Standing Committees on Water and Power, Finance, Revenue, Economic Affairs, Statistics and Privatization and Interior and Narcotics Control presented one report each before the House.

Table 1.2: Committee Reports

Sitting	Reports	Ministry	Status
2nd	Report of the Committee for the period from 4th July, 2012 to 19th March, 2013	Interior and Narcotics Control	Presented
3rd	Annual report for the year 2012-2013 of the Central Board of Directors of the State Bank of Pakistan on the state of the economy along with the statistical supplement	Finance, Revenue, Economic Affairs, Statistics and Privatization	Presented
4th	Report of the Committee for the period from 21st March, 2013 to 9th September, 2013	Water and Power	Presented
6th	The Pakistan Penal Code (Amendment) Bill, 2011	Law, Justice and Parliamentary Affairs	Presented
	The Constitution (Amendment) Bill, 2013 (Amendment of Article 140A)		Presented
	The Review of Innocence Claims Bill, 2012		Presented
	The Constitution (Amendment) Bill, 2011 (Amendment of Fourth Schedule)		Presented
	The Legal Practitioners and Bar Councils (Amendment) Bill, 2011		Presented
	The Supreme Court of Pakistan (Curative Jurisdiction) Bill, 2012		Presented
	The Constitution (Amendment) Bill, 2013 (Amendment of Article 63)		Presented

## 1.3 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 half of the 12 resolutions tabled singly by the legislators. Of these, six were tabled by members of MQM, followed by PPPP with four and one each by JUI-F and an Independent member. Three of the six MQM resolutions were adopted while two PPPP and the only JUI-F resolution also sought passage in the House.

Although Senate has equal provincial representation, Sindh remained on the top as seven of the tabled resolutions came from the Senators belonging to Sindh, followed by KP with three and Punjab with two resolutions. None of the members belonging to Balochistan moved any resolution.

One of the three MQM members sponsored a resolution requesting the government to conduct a forensic audit of Pakistan International Airline (PIA). While responding to the resolution, the Minister for States and Frontier Region briefed that in last decade, PIA was over-staffed and mismanaged and currently all efforts were underway to end the practice. The resolution had also been tabled in the previous session but had not been adopted. Another MQM resolution urged the government to take steps for controlling narcotics in the country, stating that it was a lucrative business being conducted under political patronage. The third resolution sought establishment of a commission to monitor the activities of *jirgas* and their decisions against women. The resolution recommended that the commission should be accessible to women effected by *jirga* decisions and also voiced the concern that government should not compromise the rights of women and minorities in peace talks with the *Taliban*.

Among the PPPP sponsored resolutions adopted by the House, one called the federal government to publish the names of judges possessing dual nationality. The Chair ruled that a response be provided within two months. The resolution, also tabled in previous sessions, was debated by five Senators in the last (100th). The other PPPP adopted resolution requested the government to amend the 12 outdated articles of Official Secrets Act 1923. The member, while moving the resolution said the amendment would synchronize the act with the constitution and existing right to information, fair trial and other fundamental rights enshrined in the constitution.

A single JUI-F resolution asked the government to overcome unemployment and ensure provision of jobs. In



response to the resolution, the minister stated that government could only create 10-15% of jobs and more than 85% of induction of new workers falls under private sector which is crumbling due to precarious law and order situation, energy crisis, and poor infrastructure. Provision of employment could only be ensured after overcoming all these issues which are the top priority of present government.

The six left over resolutions were related to national, political and social issues. Two of the PPPP resolutions to discuss water dispute with India in Composite Dialogue and implementation of Charter of Democracy (CoD) especially establishment of constitutional courts with equal representation of judges from all provinces for the constitutional matters were not taken up.

An Independent member tabled a resolution to urge federal government to consult Provincial Government of Punjab for reviving the old zoning criteria in the allocation of provincial jobs.

Three MQM resolutions which were not taken up were on the measures to make price control authorities operational in Islamabad Capital Territory (ICT), impart free education in federal government educational institutions, and to find alternative energy sources to meet energy crisis.

Table 1.3: Resolutions

Sr. No.	Resolutions	Party	Status
1.	The House recommends the government to publish the names of those judges of the superior judiciary who have dual nationality	PPPP	Adopted
2.	The House urges that the government may take effective steps for narcotics control in the country	MQM	Adopted
3.	The House calls upon the government to amend the Official Secrets Act, 1923 to make it consistent with the constitutionally guaranteed right to information, fair trial and fundamental rights	PPPP	Adopted
4.	The House recommends the government to take immediate steps to conduct a forensic audit of PIA	MQM	Adopted
5.	The House asks the government to take effective steps to overcome unemployment in the country	JUI-F	Adopted
6.	The House recommends the government to take immediate steps to dissolve the issue of <i>jirga</i> and establish a commission for monitoring its use against the women and a mechanism for easy access to the commission by NGOs and women violated by decisions of <i>jirgas</i> . In addition it also asks not to compromise the rights of women and minorities in peace talks with the <i>Taliban</i>	MQM	Adopted
7.	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 admitted for discussion	PPPP	Not Taken Up
8.	The House recommends that Charter of Democracy (CoD) between Benazir Shaheed and Mian Muhammad Nawaz Shareef be implemented, especially Constitutional Court with equal number of Judges from all provinces may be established to decide the constitutional matters	PPPP	Not Taken Up
9.	The House is of the opinion that the government should take effective measures to make price control authorities operational in Islamabad	MQM	Not Taken Up
10.	The Senate asks the federal government to recommend provincial government of Punjab to revive the old zoning criteria in the allocation of provincial jobs	IND	Not Taken Up
11.	The House calls the government may take effective steps for provision of free education in the federal government educational institutions	MQM	Not Taken Up
12.	This House recommends that the government may take effective steps for finding alternative energy sources to meet energy crisis in the country	MQM	Not Taken Up

## 2.0 Representation and Responsiveness

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

### 2.1 Motion under Rule 218

Under Rule 218 any minister or a member may give notice of a motion that a policy, situation, statement or any other matter may be taken into consideration. The Senate proceeds to discuss the motion after the mover has concluded his speech and no question is to be put at the conclusion of the debate unless the Chairman allows it.

As many as nine Motions under Rule 218 were tabled in the 101st session, of which the House debated four, admitted two for discussion, while three were not taken up. Of the motions, PPPP tabled five, MQM (two), and members of JUI-F and PML-N one each. The debate on four motions consumed 40% of the session's time (nine hours and 25 minutes). Thirty-nine – 35 male, four female – Senators expressed their views in all four debates before the House. Of them, PPPP remained on the top as 12 of its members took part in discussion, followed by PML-N (nine), ANP (six) and PML (three). Two Senators each of JUI-F, MQM and Independent participated in



debate while one each of BNP-A and PkMAP also expressed their views during the debate.

The debated motions were on the federation's responsibility in pursuance of Article 148 of the constitution, establishment of Ministry of Capital Administration and Development, law and order situation and privatization policy.

In the tenth sitting, two motions were admitted for discussion. One of the PPPP tabled motion proposed discussion on the surge in cybercrimes and government steps to control it. The only motion tabled by JUI-F Senator was on the power shortage issue in the country and its subsequent effects on the economy.

The House did not take up two MQM and one PPPP backed motions. Two of the unaddressed motions proposed discussions on the subject of health sector after its devolution to provinces and government to reconstitute National Security Council. The third motion raised the issue of failure of Islamabad estate office to vacate government quarters from un-authorized occupants.

**Table 2.1: Motions under Rule 218**

Sr. No.	Motion Under Rule 218	Party	Province	Status
1.	The House may discuss the responsibility of the federation in pursuance of Article 148 of the constitution of the Islamic Republic of Pakistan	PML-N	KP	Debated by the House
2.	The House may discuss the need for establishment of a full-fledged Ministry of Capital Administration and Development (CAD) to deal with the subjects of health and education in the Islamabad Capital Territory as these subjects are not being attended properly in the present set up where the CAD has been placed under the Cabinet Secretariat	PPPP	ICT	Debated by the House
3.	The House may discuss the political and law and order situation with particular reference to recent terrorist activities in the country	PPPP	Sindh	Debated by the House
4.	The House may discuss the privatization policy of the government	PPPP	Sindh	Debated by the House
5.	The House may discuss the increasing incidents of cybercrimes in the country and the steps being taken by the Government to control the same	PPPP	Sindh	Admitted for Discussion
6.	The House may discuss the issue of power shortage in the country and its subsequent effects on the economy	JUI-F	KP	Admitted for Discussion
7.	The House may discuss the overall condition of health sector after devolution of the subject of health to provinces in pursuance of 18th amendment in the constitution	MQM	Sindh	Not Taken Up
8.	The House may discuss the recent decision of the government to reconstitute the National Security Council (NSC)	PPPP	KP	Not Taken Up
9.	The House may discuss the situation arising out of non-vacation of government quarters by the estate office Islamabad from the unauthorized occupants	MQM	Sindh	Not Taken Up

### 2.1.1 Details of debate on Pursuance of Article 148

In the first sitting, five Senators – ANP (two), one each of PkMAP, PML-N and MQM – debated the motion for 49 minutes. As the Article 148(3) of the Constitution say “it shall be the duty of the Federation to protect every Province against external aggression and internal disturbances and to ensure that the Government of every Province is carried on in accordance with the provisions of the Constitution”, the PML-N mover while initiating the debate said that it is the responsibility of federal government to protect life, honour and property of its citizens. He said that fighting against terrorism is the sole responsibility of federal government under Article 148 clause (3).

An MQM Senator while taking part in debate criticized both the federal and provincial governments in failing to protect the life of its citizens. He also criticized heavily the negotiation process with *Taliban* by claiming that it is un-constitutional and illegal to hold talks with any banned organization that violates the law of the land. He stated that dealing with terrorism falls under federal jurisdiction and the federal government should accept its responsibility in this regard.

Both of the ANP members criticized PTI government in Khyber Pakhtunkhwa. A member quoted that it has lost more than 750 of its party men in terrorism and it is imperative for both the federal and provincial governments to discharge their duties in fighting against terrorism. He also asked for the concerned minister's response on the violation of Pakistan's space and land by foreign insurgents. Both ANP members criticized PTI's leader for not becoming the part of negotiation committee. One ANP member questioned federal government's silence over PTI government in KP in blocking NATO supply line. The lawmaker stated that protection of life and property of citizens is the government's responsibility and criticized the government for not solving the problems of its citizens.

The PkMAP legislator while taking part in the debate expressed his views that foreign nationals in Pakistan were responsible for deteriorating law and order condition, and that there was a need to reform foreign and internal



security policy to meet the present day challenges. He said the government should re-examine the policies made under the General Zia-ul-Haq and Pervez Musharraf. The member also voiced his concern over Balochistan's deteriorating law and order.

### 2.1.2 Debate on Law and Order

Thirty-six legislators expressed their views on deteriorating law and order for more than six hours. Eleven PPPP Senators spoke on the issue, followed by PML-N (nine), ANP (six), two each of MQM, JUI-F, PML and Independent and one law-maker each of PkMAP and BNP-A. A PPPP member said that citizenship of Pakistanis could be cancelled under seven conditions proposed in the new legislation. Another PPPP Senator said that ruling government has totally failed to maintain law and order situation in the country and it has also given a breathing space to militants by offering negotiations channels. He also criticized KP government on their stance to accommodate *Taliban* to open an office in KP. The member also spoke on the issue of missing persons and mutilated bodies in Balochistan and target killing of law enforcing agencies in Sindh.

Nearly all PPPP members criticized government for holding dialogues with *Taliban*. One of the members stated that un-employment is the root cause of deteriorating law and order and accused the PML-N for not working for the economic development of Federally Administrated Tribal Areas (FATA) and Provincially Administered Tribal Areas (PATA). A female PPPP Senator stated that in order to eradicate terrorism from the country, unity among all parties and law enforcing agencies was needed.

Members of PML-N added that the government took all political parties into confidence while holding the negotiations with *Taliban*. Another member was worried due to recent surge in terrorist attacks across the country and said that *Taliban* were defaming Islam and Pakistan. Another PML-N, responding to the demand of implementation of *Sharia* law by Maulana Abdul Aziz said that anyone who wanted to change the Constitution should first enter electoral politics and get two-third majority, and then change the Constitution.

An ANP Senator criticized the government of PML-N for not restoring peace after coming into power. The member said that there is a need to change internal and foreign policies. The member accused the government of confusion, lack of political will and an ambiguous at best stance on terrorism.

An MQM member claimed that terrorists only want to gain time by holding talks so that they can prepare themselves for operations by the armed forces. The lawmaker also raised issues of inflation and poverty besides terrorism and said there was lack of vision, plan and organization in the government. A member said that budget of law enforcing agencies had been decreased 30% whereas the state's enemies had modern weapons and latest technology.

The female BNP-A Senator was of the view that 'instead of bills to protect the country, strong will is needed'. PkMAP lawmaker said lack of good governance 'has compelled us into this stage of terrorism'.

### 2.1.3 Debate on Privatization Policy

A PPPP legislator brought up the issue of recent privatization policy of government through Motion under Rule 218. Eight Senators including the mover debated the motion, of which two each belonged to PPPP and PML-N and one each to JUI-F, MQM, ANP and Independent.

A PPPP lawmaker criticized government's privatization policy by terming it anti-labour and said that government had done this after negotiating with International Monetary Fund (IMF). The member claimed that government was privatizing all strategic and non-strategic assets of the country and Council of Common Interest (CCI) had also agreed upon this policy. The member mentioned that all labour organizations were against this policy and Sindh reserved the right under Article 154(7) which states that if there is any decision against the will of province or federation, it can be referred to Parliament for final decision. The member said many successful economies around the world were operating successfully without making their public enterprises private. The other PPPP member said that there is no mechanism to monitor the condition of all 167 institutions which had been privatized since 1997. The member criticized the government for not giving subsidy to entities that are currently running in loss citing money spent on metro projects but not on railways or airlines.

A JUI-F member stated that PIA was damaged because of administrative failures and lack of merit in appointments. The member said it was in the national interest to bear the losses instead of privatizing them. A female MQM member favored the government's policy to privatize public entities that were in loss and a burden on the national exchequer. An ANP lawmaker suggested that the government should safeguard the employees working in these enterprises before privatizing them and the process should be transparent. The member said a separate ministry should be formed which can smoothly deal with privatization process.

An Independent member of the House said that political interference in public entities had done all the damage and that profit earning public sector enterprises should not be privatized.

Both the PML-N members praised the government policy and said that instead of recovering the deficit of state enterprises such as Pakistan Steel Mills, PIA etc. the government should spend this amount on other development projects and privatize these enterprises. The member mentioned that the system of communism

and socialism had failed in the world. The members also said PML-N government is there to correct anomalies of past.

### 2.1.4 Debate to form a Separate Ministry

Five members - PPPP (one) and one each of PML, PML-N, MQM and ANP debated the Motion under Rule 218 to form a separate Ministry of Capital Administration and Development (CAD) for 15 minutes. The Chairman of Senate also participated in the debate. The female PPPP Senator who also moved the motion stated that to deal with the health and educational issues of Islamabad Capital Territory (ICT), a full-fledged ministry should be formed as under the present setup, the mentioned subjects are not properly handled by Cabinet Secretariat. The member said that ICT residents are facing problems due to devolution of ministries of said subjects to provinces after 18th amendment. The Chairman of Senate said that a committee would be constituted after consultation with Leader of the House and Leader of the Opposition of Senate so that they can examine the governance system in other capitals around the world and devise a comprehensive system of governance for its own capital. The Chairman stated that several capitals in the world have their own assemblies just like in India and said the committee will examine the situation under legal aspects.

One member each of ANP, MQM and PML expressed concern over the bad state of affairs in hospitals and educational institutes of ICT and endorsed the PPPP backed motion.

## 3.0 Government Accountability and 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 where by lawmakers conduct treasury's oversight by submitting questions on the agenda addressed to various government ministries/departments. The questions can be on information regarding the performance and policies of the government bodies. Questions are categorized as starred or un-starred based on the requirement of oral and written answers, respectively.

In the session, Question Hour was held in five of the 10 sittings as three sittings – 1st, 5th and 10th - fell on Private Member's day. In two other sittings – 6th and 8th - the Question Hour was suspended under Rule 263 of the Rules of Procedure of the Assembly to debate two Motions under Rule 218 – one on law and order and the other on privatization policy.

In five Question Hours held in the session, Senators submitted 101 questions – 99 Starred and two Un-starred – to 27 ministries. The House took up 57 of 99 Starred questions, leaving 42 un-addressed while the legislators asked 153 supplementary questions to further clarify their concerns on the taken up questions.

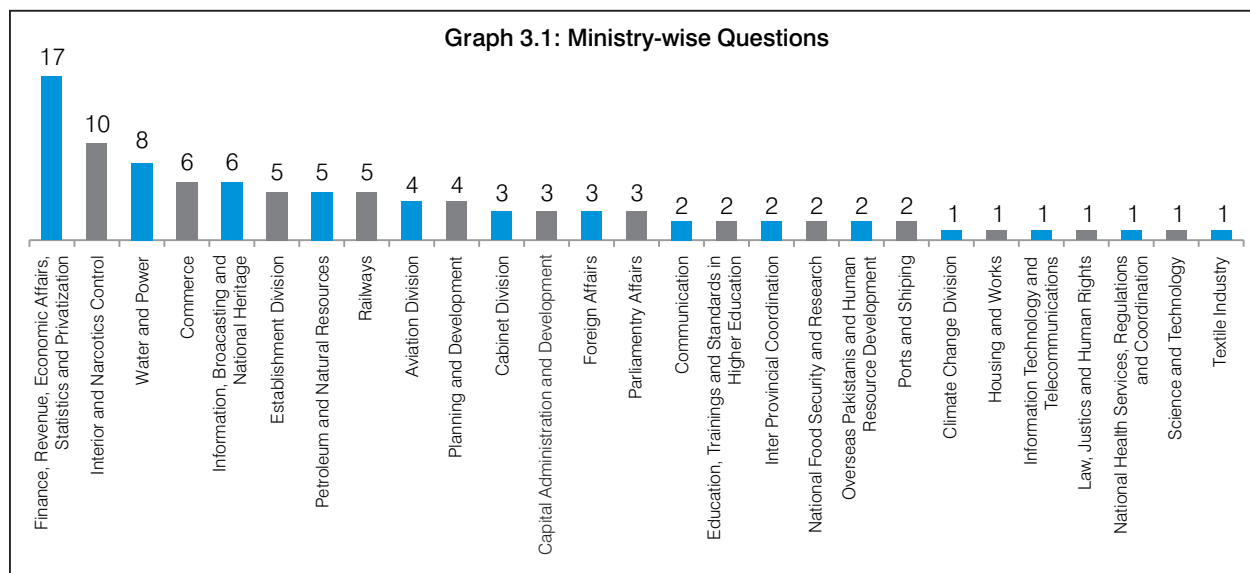
Table 3.1: Starred Questions

Sitting No.	Starred Questions of the Agenda	Starred Questions		Supplementary Questions
		Taken Up	Not Taken Up	
1st	Private Member's Day			
2nd	15	8	7	27
3rd	22	12	10	34
4th	24	10	14	30
5th	Private Member's Day			
6th	0	0	0	0
7th	19	8	11	32
8th	0	0	0	0
9th	19	19	0	30
10th	Private Member's Day			
<b>Total</b>	<b>99</b>	<b>57</b>	<b>42</b>	<b>153</b>

Questions are raised to conduct government's oversight. In the 101 session, nine PPPP Senators – the largest party in the Upper House who sits in opposition – asked 39 questions. Two members belonging to MQM and Independent Senators submitted 15 questions each. Also, two Senators of JUI-F submitted 14 questions and two ANP members submitted seven. One Senator of PkMAP raised six questions and also one BNP-A member asked five questions. None of the PML-N Senators – the second largest party in Senate – asked any questions.

Province wise analysis shows that members belonging to Sindh and Balochistan were keener in asking more questions as Senators from Sindh directed 31 questions, followed by Balochistan (30) compared to Senators from KP and Punjab who submitted 20 questions each. Senators from FATA and ICT did not ask any questions.

Of the 27 ministries, most of the questions (17) were directed to Finance, Revenue, Economic Affairs, Statistics and Privatization, followed by Interior and Narcotics Control (10), Water and Power (eight), Commerce and Information, Broadcasting and National Heritage (six each) and five each were asked from Petroleum and Natural Resources, Establishment Division and Railways. Various other ministries also received questions related to different issues.



Forty-one percent questions directed before the House were on good governance issues where as 36% focused on economic development. Members also raised questions related to energy sector (10), terrorism and law and order (nine), democracy and political development (two), better foreign relations (two) and one on judiciary.

### Good Governance

Members directed as many as 41 questions to the concerned ministries to inquire about performance of public service sectors and the quality of services they deliver like health, education, food, environment etc.

One such question submitted by an MQM member asked about the NGOs providing diagnostic services accompanied with medical treatment to HIV/AIDS and hepatitis patients across the country and also provision of facilities to said patients by federal government hospitals. The Ministry of National Health Services Regulation and Coordination responded that the government had established 18 centers across the country in collaboration with National AIDS Control Programme (NACP) and also supported 10 NGOs in provision of screen tests for HIV under Round 9 Global Fund Grant. Under NACP, the government is also providing facilities at Pakistan Institute of Medical Sciences (PIMS) such as diagnostics for HIV screening, confirmation and treatment, anti-retroviral treatment and prevention of parent to child transmission of HIV (PPTCT).

Also an MQM member inquired from the Climate Change Division, the measures of government to control environmental degradation especially water pollution caused by industrial waste. The said division told the House that the subject of “environmental pollution and ecology” had been devolved to provinces after 18th amendment and it had become a provincial matter to implement environmental laws. However, Pakistan Environmental Protection Agency (PEPA) had taken some steps to control pollution. Some of the measures include notification of Rules 2001 concerning to pollution, establishment of water quality monitoring system in five cities, establishment of Central Laboratory for Environmental Analysis and Networking (CLEAN) for air and water and customs duty rebate as incentive for the industrialists who import pollution control devices. The Establishment Division informed that PEPA has also met industrialists associations to comply National Environmental Quality Standards (NEQs).

PkMAP legislator raised a question whether government has taken any step for the roads damaged due to overloaded trucks and trawlers. The minister replied that to protect National Highway Network from overloading, the National Highway Authority (NHA) has installed permanent weigh stations at strategic locations on national highways and motorways, of which 57 are operational. To review the implementation status of axle load policy to end overloading, a meeting was held on September 25, 2013 in which methods were formulated for implementing axle load policy.

Questions of various subjects such as import of toxic vegetables, income source of Pakistan National Council of Arts (PNCA), land development and allocation by Capital Development Authority (CDA) welfare bodies were also the part of Question Hour.



## Economic Development

As many as 36 questions were directed to different ministries relevant to economic growth and development of the country. The Minister for Overseas Pakistanis and Human Resource Development replied to an MQM Senator about his question that during 2011 and 2012, a demand of 827,258 Pakistani workers has been received from Middle Eastern countries. He further stated that a total of 1,077,499 (more than their demand) Pakistani workers proceeded to Middle East through Overseas Employment Promoters and direct employment. For better skilled labour, several institutions and vocational training centers are functioning under federal and provincial governments to ensure skills and training to these workers.

A PPPP backed question on the outstanding tax refund for the current fiscal year and the reasons thereof for the downward slide in tax refund during the first quarter of the year got the response from concerned minister. The ministry told the House the amount of outstanding sales tax refund claimed for the current fiscal year is Rs. 4,502 million. However the actual total outstanding amount of sales tax refund claims is Rs. 95,709 million, which includes claims pertaining to the period prior to the current fiscal year, outstanding for different reasons such as incomplete documents, objections, required verifications, etc. The Minister elaborated that amount of outstanding income tax refunds for the current fiscal year is Rs. 7,537 million, while total outstanding income tax claims are Rs. 87,331 million. Due to elimination of zero rating on local supplies, of the five exports oriented sectors and strict checking of claims by bogus claimants, the number and amount of refund claims against local supplies has declined in the current, fiscal year.

An Independent Senator raised a question about the conditions Pakistan has to comply with to benefit from Generalized System of Preferences (GSP) Plus scheme guaranteed by European Union (EU). The concerned Minister said that all the beneficiary countries of EU GSP Plus have to sign, ratify and implement 27 United Nations Conventions pertaining to human rights, labour rights, environment, narcotics control and corruption. Signing these conventions will improve the human rights record; working conditions in factories and encourages good governance. It also ensures measures to preserve environment and control narcotics.

## Energy Sector Reforms

All of the 10 questions related to power generation, energy crises and its reforms were asked in the seventh sitting of the session. A female PPPP Senator tabled a question to know the amount disbursed for Diamir Bhasha Dam with details of amount for land acquisition, feasibility report and construction. The Minister for Water and Power briefed that during the current fiscal year of 2013-14, a sum of Rs. 14.5 billion had been disbursed for land acquisition and Rs. 0.648 billion for its construction.

On a question of import of Liquefied Natural Gas (LNG) from Qatar, the Minister for Petroleum and Natural Resources informed that Pakistan is considering a proposition of LNG import from Qatar based on government to government arrangement. The Ministry further told that the proposed agreement would be executed among designated entities of both the governments after negotiating terms and conditions. The Government of Qatar has nominated Qatar Liquefied Gas Company Limited to import LNG to Pakistan and project shareholders include Qatar Petroleum (68.5%), ConocoPhillips (30%) and Mitsui and Co. Limited (1.5%).

Through a question, an Independent member inquired about bridging the looming gap between cost of electricity generation and distribution tariff. The Water and Power Minister said that the tariff determined by National Electric Power Regulatory Authority (NEPRA) is charged from consumers after its notification by Government of Pakistan. Government however notifies fewer tariffs than the tariff determined by NEPRA. This difference between NEPRA determined and government notified tariff is being paid by the government as tariff differential subsidy. The Minister informed as the government cannot provide subsidy for a longer period of time due to weak economic development of country, it increases consumer end tariff.

## Terrorism and Law and Order

Ministries received eight questions on law and order of the country and one specifically pertaining to terrorism. A female PPPP Senator directed a question to Ministry of Finance, Revenue, Economic Affairs, Statistics and Privatization to know about the missing NATO/ISAF containers and the items in them. The member also asked about the transportation of arms and ammunition in NATO containers. The concerned Minister explained the House that a media report in August 2013 claimed missing of 19,000 NATO containers which compelled Supreme Court to take suo moto notice and set up a one-man commission. According to the commission investigation report, written by a former member of Customs, none of the NATO containers went missing in Pakistan and the report results were duly verified by the US embassy in Pakistan and companies responsible for containers' transportation. A Memorandum of Understanding (MoU), signed between Pakistan and US prohibits import of arms, ammunition and hazardous materials into Pakistan for transit to Afghanistan, told the ministry.

An MQM member raised two questions on law and order and terrorism. A member inquired about the number of wanted Pakistanis residing in Afghanistan and repatriation efforts by the government. The Ministry responded that only a single Pakistani national named Roohullah, wanted for the murder of advocate and former Attorney General of Pakistan Mr. Sardar Khan, was in Afghanistan. He further elaborated that the Ministry is in consultation with Afghan Ministry of Foreign Affairs for the arrest and repatriation of the said accused.

The other question was on the surge in cases of kidnapping for ransom, gang rape, robberies and missing persons since 2008. The Minister responded that only the cases of gang rapes have been increased by 1.1% since the period mentioned. He said that incidents of robberies have decreased 1.85% and kidnapping for ransom 4.45% since 2008. However, the Minister did not inform whether the number of missing persons had increased or decreased and only mentioned total number of missing persons which is 1,257.

A female Senator of PPPP submitted three questions in the ninth sitting specifically related to law and order issues. A question was on the number of persons on death row and persons awarded death sentence due to terrorist activities, and the status of the moratorium on death sentences. Through two other questions, the member raised the issue of journalists killed since 2008 and financial assistance for religious seminaries from foreign Islamic countries.

Prevention of cyber-crimes or infiltration by other countries, stolen tracks and other belongings of Pakistan railway, national and international homeland security projects were also part of the questions submitted by members.

Questions related to democracy and political development, judiciary and better foreign relations were also part of the Question Hour.

### 3.2 Calling Attention Notices

According to 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 however, each member in whose name the item stands may, with the permission of the Chairman, ask a question afterwards.

Members raised five calling attention notices (CAN) and all of them were taken up. One of the five CANs was jointly moved by members of PPPP and ANP while PPPP members tabled the remaining four on their own. Interestingly, women were keener in raising CANs as four of them were tabled by them either singly or jointly with other female and male lawmakers.

The CANs were on varying issues including security, privatization, minorities and employment etc. One CAN raised the concern that establishing two new nuclear reactors in Karachi could pose a serious threat as they were being developed with a new un-tested design. The concerned Minister responded that a nuclear plant with similar technology was established in Karachi in 1972 which is working till date without causing any damage, and the new plants too were developed to pacify energy crisis rather than making difficulties for the public. The minister clarified that in case of a blast the radiation radius does not expand to more than five to seven kilometers.

On a CAN about seeking US and Afghan help in the ongoing process of negotiations with *Tehreek-e-Taliban* Pakistan (TTP), the Minister replied that negotiations with TTP are Pakistan's internal matter, mentioning the State Department terming the process an internal affair as well.

The PPPP voiced the issue of resignation of Governor of State Bank of Pakistan (SBP) and placing Convention Center on the privatization list through two other CANs. Minister for Finance, Revenue, Economic Affairs, Statistics and Privatization told the House that the SBP Governor had resigned due to personal reasons and his resignation was duly treated according to laws and was accepted later. He also explained that there was no political victimization or any other motive behind his resignation. Regarding the privatization of Jinnah Convention Center, the minister explained that the property was built to host large conventions, conferences, meetings, summits and exhibitions, however, in recent years, its use had plummeted, thus placing it on privatization list. He informed that the process would be done under financial advisors in a transparent manner.

The only multi-party CAN highlighted the plight of minorities living in FATA since the last century but not given domiciles yet. In response to the CAN, the concerned minister said that domicile certificates are given only to people recognized as tribes under Frontier Crimes Regulations (FCR) law made in 1901. As minority people have not been listed as recognized tribes and they only went to FATA in search of employment opportunities, they have not been given domiciles however, a Permanent Residence Certificate (PRC) is provided to them which is equivalent to domicile.

Table 3.2: Calling Attention Notices

Sr. No.	Calling Attention Notices	Party	Status
1.	Construction of two new nuclear reactors in Karachi with a new and untested design, which can prove a safety threat	PPPP	Taken Up
2.	Seeking facilitation of the governments of United States and Afghanistan in the peace talks with <i>Tehreek-e-Taliban</i> Pakistan as reciprocity to government of Pakistan's facilitation in the reconciliation process in Afghanistan	PPPP	Taken Up
3.	Placement of Convention Centre, Islamabad, on the list of privatization	PPPP	Taken Up
4.	Non-issuance of domicile certificates to the Christian community residing in FATA	PPPP ANP	Taken Up
5.	The resignation of Governor State Bank of Pakistan	PPPP	Taken Up

## 4.0 Order and Institutionlisation

This section documents the details of protests, walkouts, boycotts observed during the session. It also documents lawmakers' efforts to point out violations in the rules of procedures on points of order and questions of privilege highlighting grievance with a public official.

### 4.1 Points of Order

Rule 243 of the Senate's Rules of Procedures allows Senators to raise a point of order relating to the interpretation or enforcement of these rules or such articles of the constitution as regulate the business of the Senate. The Chairman decides whether the point raised is a point of order, and if so, gives his decision thereon, which is to be considered final.

Breach of rules while the House is in business is raised through points of order; however it has become a norm to raise varying national and regional issues through the said intervention. During the 101st session, Senators raised 87 issues through the same number of points of order which consumed four hours and 10 minutes (18%) of session's time. Through points of order, issues related to rules of business were asked most by the Senator as they were raised 32 times in the House, followed by terrorism (22), good governance (16), peace building and conflict resolution (six), strengthening the federation (five) and law and order (two). Members also spoke on issues of economic development, human rights, minorities and women rights through a single point of order each.

**4.1: Issues Raised Through Points of Order**

Themes	Number of Times Issues Raised
Rules of Business	32
Terrorism	22
Good governance	16
Peace building and conflict resolution	6
Strengthening the federation	5
Law and order	2
Economic development	1
Human rights	1
Minorities	1
Women rights	1
<b>Total</b>	<b>87</b>

Although there are equal numbers of Senators from all four provinces in the Upper House, the number of points of order raised province-wise varied drastically as members representing Punjab spoke on 31 issues, followed by Sindh with 24, KP (15) and Balochistan (12). ICT Senators spoke on three issues and those belonging to minorities and FATA raised one point of order each. A total of 36 members – male (28) and female (eight) – raised the issues. Of them, 14 PPPP lawmakers spoke on 28 issues, five each of ANP and MQM on 12 and nine issues respectively, and four PML-N members on 18 issues.

### 4.2 Question of Privilege (QoP)

A member may, with the consent of the Chairman, raise a question involving a breach of privilege either of a member, the Senate or a committee thereof. Issues that can be raised in a QoP include disobedience of order of the House or its committees; presenting false, forged or fabricated documents to the House or its committees, intimidation of members; obstructing officers of the House; refusal of government functionary to assist officers of the House when called upon to do so in pursuance of the orders of the House.

Two ANP Senators submitted two privilege motions before the House. One was related to the news in print media that intelligence agencies are involved in phone tapping of politicians, journalists, government officials and important personalities including Prime Minister which is a breach of privilege of the members. The other was against the PTI Chairman's degrading remarks against Senators in a private TV channel talk show. The member said that PTI leader has not only disgraced the Senators but also the House itself and the matter should be referred to privilege committee. Eleven Senators belonging to different parties also criticized the statement made by PTI leader during the sitting. Both of the motions were referred to relevant committee for further consideration.

### 4.3 Protests/walkouts/boycotts

The House observed five walkouts – four by the entire opposition and one by a JUI-F lawmaker – in the session which consumed 21 minutes. The entire opposition walked out against the absence of Prime Minister from the



Upper House and also against the statement of PTI leader Imran Khan mentioning the success and failure of military operation against *Taliban*. Two other walkouts backed by entire opposition were over the electricity tariff hike and no decrease in petroleum prices and privatization of electricity supply distribution companies.

A male JUI-F Senator walked out against the kidnapping of four party workers from Shikarpur road in Sukkur, Sindh.

In the second sitting, the House was in uproar as the Federal Minister for Inter Provincial Coordination laid the Protection of Pakistan (Amendment) Ordinance 2014 which was promulgated in Jan 2014 by the President of Pakistan. A PPP Senator raised a point of order against the ordinance as it violates the basic rights and abandons the citizenship of any person through the court. The lawmaker told that all opposition parties will mutually bring an amendment in the said ordinance before the Senate.<sup>1</sup>

## 5.0 Session Duration, Members' Attendance and Participation

This section deals with the session's 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.

A month away from the conclusion of parliamentary year, the Senate so far has met in 66 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 remaining compulsory 44 days till the end of the current parliamentary year in March 2014.

### 5.1 Session Time

Commencing on Feb 3, 2014, the 10 sitting session lasted till Feb 17, 2014, meeting for 23 hours and 41 minutes. On average, each sitting lasted two hours and 22 minutes with a delay of 38 minutes. The session observed two breaks consuming an hour and 17 minutes (5%) of the total time.

The fourth sitting was the shortest, meeting for an hour and 25 minutes in contrast to the preceding sitting (third) which was the longest at four hours and 14 minutes.

5.1 Session Time and Attendance

Sr. No.	Sitting	Day and Date of Sitting	Late Start	Total Session Time	
				Hours	Minutes
1.	1st	Monday, February 3	35	2	39
2.	2nd	Tuesday, February 4	41	2	15
3.	3rd	Thursday, February 6	30	4	14
4.	4th	Friday, February 7	46	1	25
5.	5th	Monday, February 10	34	1	58
6.	6th	Tuesday, February 11	34	2	48
7.	7th	Wednesday, February 12	34	1	58
8.	8th	Thursday, February 13	38	2	22
9.	9th	Friday, February 14	43	1	56
10.	10th	Monday, February 17	47	2	6
			<b>Average 38 Minutes</b>	<b>23 Hours and 41 Minutes</b>	

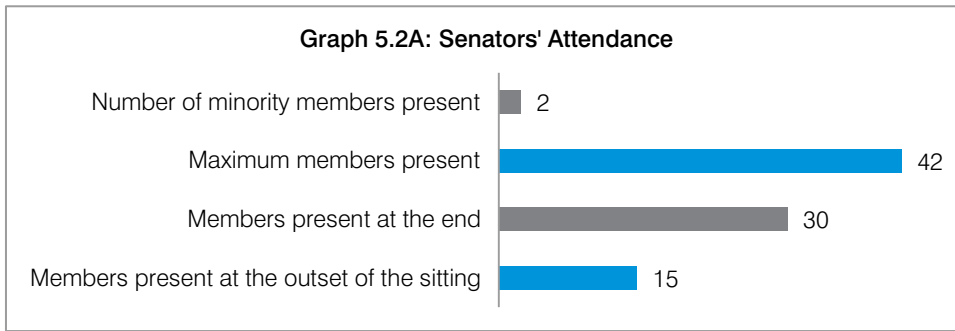
### 5.2 Members' Attendance

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 the proceedings is also documented.

Attendance of Senators and members holding key positions in the House depicts their interest in parliamentary business and seriousness towards their work. In comparison to the previous session, the attendance of Senators, members holding key positions, and parliamentary leaders improved considerably.

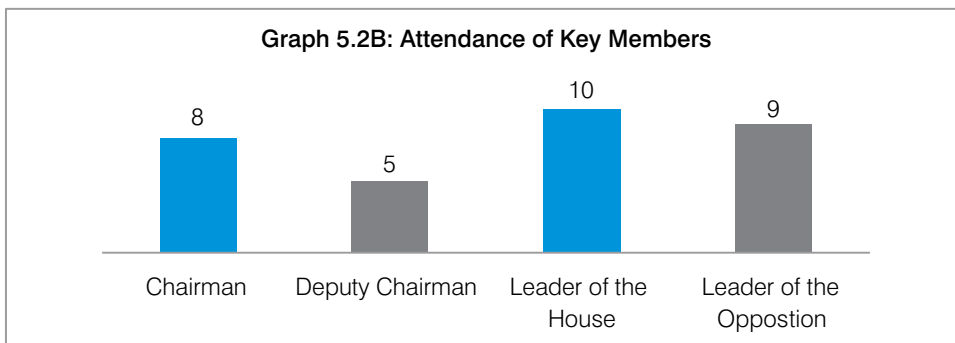
Similarly, while overall presence of Senators was low, it was an improvement on the last session. On average, 15 Senators were present at the beginning, 30 at the end and a maximum of 42 members at a point during each sitting. Two of four minority members attended the session on average. None of the legislators pointed out lack of quorum found missing at various occasions.

<sup>1</sup> [http://www.senate.gov.pk/uploads/documents/debates/1392277329\\_523.pdf](http://www.senate.gov.pk/uploads/documents/debates/1392277329_523.pdf) (Pg 32-33)



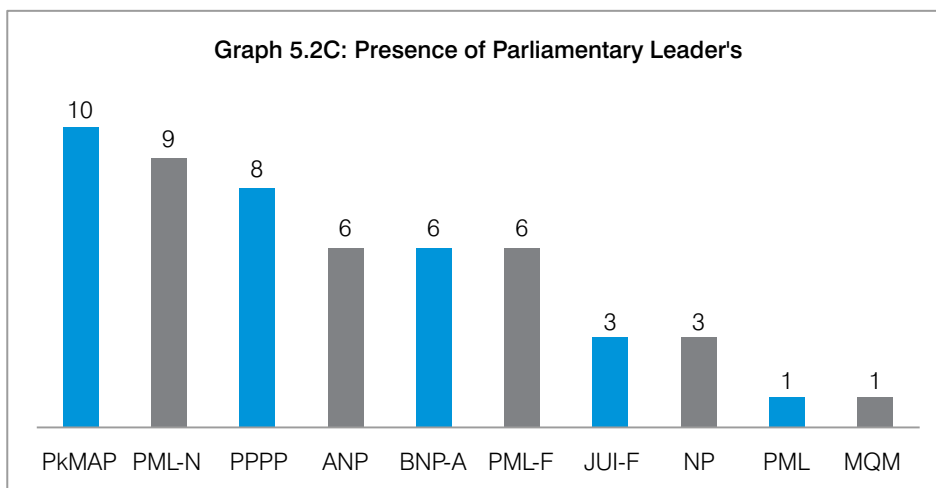
Leader of the House showed consistency by attending all of the sittings like the previous session, while the presence of Chairman and the Leader of the Opposition increased to 68% and 76% respectively. In the previous session (100th), they attended 53% and 55% of the session's time respectively.

The Chairman presided 68% and the Deputy Chairman 27% of the session's time.



Presence of parliamentary leaders of parties with larger representation in the Upper House was higher than the previous session as the leader of PML-N attended nine of the 10 sittings, followed by parliamentary leaders of PPPP and ANP attending eight and six sittings respectively. Parliamentary leader of BNP-A was present in six sittings while those of PML and MQM attended one sitting each.

Only the attendance of parliamentary leader of JUI-F decreased from five sittings in previous session to three in the 101 session. Among the Senators belonging to single member parties, PkMAP legislator attended the entire session, followed by PML-F (six) and NP (three).



### 5.3 Members' Participation

Senators' interest in terms of their participation in the debates and submission of agenda has a bearing on the productivity of the Upper House. FAFEN observes Senators' participation against three categories; lawmakers who only submit agenda, those who only debate it and members who both submit as well as debate agenda.

Lawmakers participated more actively than most previous sessions as 62 of 103 Senators (current membership) took part in the session.<sup>2</sup> Senators engaged more actively in the on-floor discussions. Overall 35 lawmakers participated in the debates, five submitted agenda while 22 lawmakers did both. Two out of four minority members participated by sharing their views in the on-floor deliberations.

<sup>2</sup>Forty-six senators participated in 100th session while 61 senators in the 99th session; information retrieved from FAFEN data

In terms of party-wise participation, among the larger parties in the House, a higher percentage of PML-N Senators (the second largest party in the House) took part in the proceedings. Twenty-four PPP Senators (62% of party strength) participated in both submitting agenda and session debates, followed by 11 PML-N lawmakers (69%) who were more interested in discussions, and seven ANP Senators (58%) who did both. Three out of 11 Independent members in the House also participated in one way or the other.

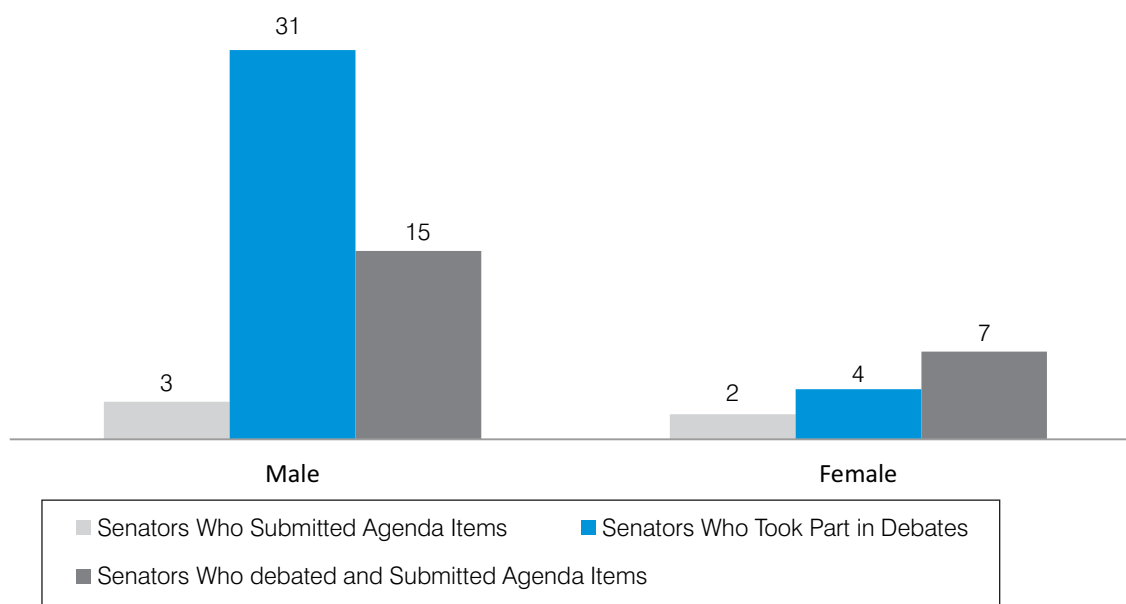
JUI-F and PML members demonstrated more interest in the debates while MQM and BNP-A lawmakers also participated by debating and/or submitting agenda. Of the single member parties the PkMAP Senator both tabled and debated agenda while the PML-F lawmaker shared his views in the on-floor debates. The sole NP lawmaker remained away from the session.

Table 5.3: Senators' Participation

Sr. No.	Party	Members who Submitted Agenda Items	Members who Took Part only in Debates	Members Who did Both	Percentage of Members Who Submitted only Agenda Items	Percentage of Members Who only Participated in Debates	Percentage of Members Who Submitted Agenda Items And Participated in Debates	Current Members in Senate by Party
1	PPP	4	10	10	10%	26%	26%	39
2	PML-N	0	10	1	0%	63%	6%	16
3	ANP	0	4	3	0%	33%	25%	12
4	IND	0	1	2	0%	9%	18%	11
5	MQM	0	2	3	0%	29%	43%	7
6	JUI-F	1	3	1	17%	50%	17%	6
7	PML	0	3	0	0%	60%	0%	5
8	BNP-A	0	1	1	0%	25%	25%	4
9	NP	0	0	0	0%	0%	0%	1
10	PkMAP	0	0	1	0%	0%	100%	1
14	PML-F	0	1	0	0%	100%	0%	1
<b>Total</b>		<b>5</b>	<b>35</b>	<b>22</b>	<b>5%</b>	<b>34%</b>	<b>21%</b>	<b>103</b>

Although greater participation of both male and female lawmakers was witnessed, the latter showed a significant improvement since the last session. Forty-nine out of 86 male Senators (57%) participated actively in the House business while 13 out of 17 female Senators (76%) were more interested in both tabling as well as debating agenda. In the previous session, 47% male and 35% female Senators had participated.

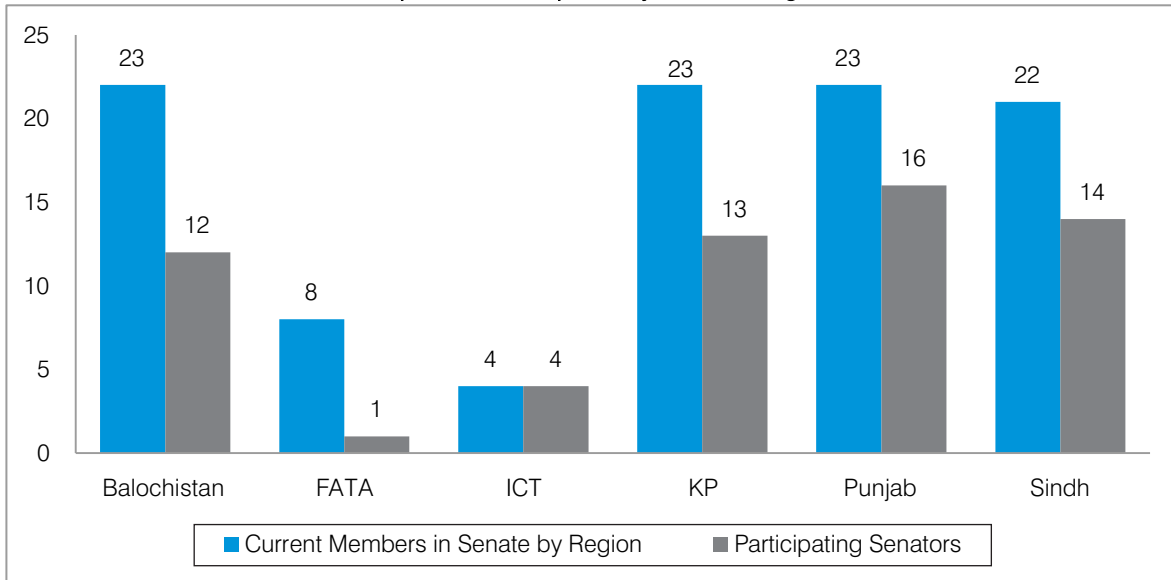
Graph 5.3A: Participation by Gender



All provinces have equal representation in the Senate reflected in the House membership. Currently there are 23 Senators from Punjab, KP and Balochistan and 22 from Sindh. Although Senators from nearly every province showed a higher interest in debates, overall lawmakers from Punjab remained more active as 16 Senators from the province actively spoke in the debates, submitted agenda items, or did both. Twelve Baloch Senators also participated in the session. Fourteen lawmakers from Sindh were interested in both debating as well as submitting agenda while those from KP also participated in one way or the other.

Only one of eight Senators from FATA and all ICT Senators (total four) spoke during the on-floor discourse.

Graph 5.3B: Participation by Province/Region



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# About FAFEN

Free and Fair Election Network (FAFEN) is a nationwide network of 42 Pakistani civil society organizations. It has been working since 2006 to strengthen democratic systems and promote active citizenship and is now governed by Trust for Democratic Education and Accountability (TDEA). With its primary mandate to observe elections and seek reforms to improve the quality of elections, FAFEN managed unprecedented long-term voter education and election observation initiatives that got 20,000 Pakistani citizens from every district of the country directly involved in the general election process in 2007-08.

In 2013, FAFEN deployed more than 40,000 trained, non-partisan long- and short-term observers to monitor all phases of General Election. FAFEN election observation has yielded valuable insights into the quality of the electoral process and enabled generation of critical recommendations for reforms in the constitutional, legal and procedural frameworks that govern elections in Pakistan.

In addition to its vibrant Electoral Oversight, Research and Reforms Program, FAFEN has developed innovative techniques to observe the functioning of Parliament and Provincial Assemblies in order to advocate for parliamentary reforms for a more accountable, transparent and responsive legislative governance. Under its Parliament Oversight, Research and Reforms Program, FAFEN directly observes and objectively reports on the proceedings of all elected Houses in Pakistan.

FAFEN mobilizes and facilitates citizens engagements with elected and public institutions across Pakistan as a prerequisite for strengthening democratic accountabilities as part of its Electoral Governance Oversight, Research and Reforms Program. These activities fit in with the core FAFEN's objective of promotion of active citizenry—a critical ingredient of a vibrant democratic system.



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