

FAFEN Parliament Monitor

Senate
of Pakistan

100th Session

January 3 - 20, 2014

Free and Fair Election Network

www.fafen.org

Abbreviations

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



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

Executive Summary

Law and order and employment quotas in natural resource rich areas were the main concerns of Senators. Almost a third of the 100th session's duration was spent in the PPPP and ANP led criticisms of government, amid an overall atmosphere of low attendance and participation, says the Free and Fair Election Network in its report based on direct observation of the Senate.

Criticizing the federal and provincial governments for failing to maintain law and order, legislators highlighted the need for a counter-terrorism strategy in Pakistan and Afghanistan by moving a Motion under Rule 218. The Senators also aired grievances about the failure of the Karachi operation and missing persons in Balochistan. A general discussion on law and order took place with an emphasis on attacks on political party workers and candidates in KP and criticism of PTI led provincial government.

On average, a maximum of 34 senators were present at any given sitting and lack of quorum was never pointed out during the session. Similarly, 55% of the membership abstained from taking part in the session, whether through submitting agenda, or participating in debates, or both.

Regional tensions were highlighted in another motion under rule 218. An ANP legislator called for shifting of the State Bank of Pakistan from Karachi to Islamabad, and was opposed by an MQM Senators who stressed the need to retain it in the industrial hub of the country. Similarly, disparity in provincial employment quotas in natural resource rich areas like Hangu was highlighted through a Motion under Rule 60, while the Senators from KP and Balochistan lamented lack of adequate quotas for local employment in energy projects.

The Election Commission of Pakistan (ECP) and the Council of Islamic Ideology (CII) were discussed through Motions under Rule 218. A PPPP member criticized the ECP for irregularities in the electoral process in General Elections 2013. The criticism was regarding the scrutiny and rejection of candidates' papers, use of fake CNICs, bogus and missing votes etc. While a PML-N member defended the elections as having been fair in light of feedback given by international observers, the House called for reforms in the ECP to ensure its authority and independence.

A PPPP member questioned the relevance of the CII for reviewing the laws of the country for compliance with the Islamic ideology. It was in the context of the CII's statement declaring DNA evidence to be inadmissible as primary evidence in rape cases (admissible only as supporting evidence), and was rebutted by members from the JUI-F and other parties who stressed the continued importance of the Council. The JUI-F member criticized the PPPP government for not having dispensed with the Council during their tenure.

Introduction of two pro-women private members' bills - the Anti-Rape Laws (Criminal Laws Amendment) Bill, 2013, and the Protection against Harassment of women at the Workplace (Amendment) Bill, 2014 was a welcome legislative output. The Amendment prohibits revealing the identity of rape victims by printing or publishing their names without permission of the investigation officer, the victim, or the next of kin of the victim. The Bill amends previous laws to make them applicable to students in educational institutions on matters relating to the pursuit of studies or employment.

Other Bills introduced during the session include the Domestic Workers (Employment Rights) Bill, 2013 aimed at protecting the rights of the domestic workers by regulating their employment and conditions of service and to provide them social security, safety, health facility and welfare.

The Civil Servants (Amendment) Bill, 2013 bars civil servants from serving in international organizations unless "deputed on behalf of the government". The Constitution (Twenty-second Amendment) Bill, 2013 prohibits dual nationals from serving in the armed forces, judiciary and from running for public office. To promote good governance and economic development, another two Bills [the Privatization Commission (Amendment) Bill, 2013 and the Trade Organizations (Amendment) Bill, 2014] respectively emphasize the privatization of state entities in a transparent manner and formation of an autonomous body - to ensure effective representation of industries of Pakistan.

The only treasury backed legislation, the Criminal Law (Amendment) Ordinance, 2013 (Ordinance No. X of 2013),

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.

¹ CII rules out DNA as primary evidence in rape cases. Retrieved from the website of DAWN: <http://www.dawn.com/news/1044879/cii-rules-out-dna-as-primary-evidence-in-rape-cases>

emphasized controlling the issue of energy theft. The Bill presented in the fourth sitting was also sent to the relevant committee.

To condemn the murder of a senior police officer in Karachi and a student in Hangu in terrorist attacks and to pay tribute to the deceased, the House adopted a PPPP sponsored resolution. Additionally, Senators debated another resolution calling upon the government to publish the names of judges of superior judiciary holding dual nationality.

The House took up two calling attention notices (CANs) highlighting law and order and public welfare issues. Tabled by a PML-N lawmaker, one notice was on kidnapping and forced conversion of a Hindu school teacher from Peshawar while a PPPP lawmaker moved a notice on the stoppage of training program and irregularities in Waseela-e-Rozgar, Benazir Income Support Program (BISP).

The session started on January 3 and continued till January 20, 2014. It had eight sittings consuming 22 hours and six minutes. Although the session stretched over nearly the same number of days as the previous (99th) session, it held fewer sittings. Nearly all sittings observed an average delay of 45 minutes and longer breaks were observed during the proceedings consuming 16% of the session time.

The Chairman presided over 53% (11 Hours and 37 minutes) of the session while the remaining time was chaired by the Deputy Chairman. The Leader of the House attended the entire proceedings while the Leader of the Opposition was present during six sittings and attended 55% of the session's time.

Following the precedence set in the earlier sessions, the Awami National Party, Balochistan National Party-Awami and Jamiat Ulema Islam-Fazal parliamentary leaders were more regular (attending five sittings each), followed by Pakistan Muslim League-Nawaz leader (three sittings), Pakistan Muslim League leader (two sittings) while the Muttahida Qaumi Movement leader was only present in a single sitting. The members of Pakhtunkhwa Milli Awami Party, Pakistan Muslim League-Functional and National Party (single member parties) attended six, four and two sittings, respectively.

Ministerial absence and delayed appearance of Ministers was observed during the Question Hour – an oversight tool for the Senators. Out of 93 Starred Questions (requiring oral and written response), only 35 were taken up and got a response. Senators asked an additional 105 supplementary questions to get further clarity on the responses provided by government.

Senators spoke on 72 points of order consuming 217 minutes – 16% of the session time. Of three questions of privilege (QoP) on the agenda, all moved by PPPP Senators, only one (regarding Pakistan's Saudi Arabia Ambassador) was referred to the relevant standing committees. Questions of privilege regarding the privatization of PIA, the Pakistan Protection Ordinance and the Anti-terrorism Ordinance, were deferred.

The House witnessed six token walkouts, three staged by the entire opposition while MQM and ANP Senators also protested by observing walkouts. The walkouts focused on privatization of PIA, murder of a senior police official in Karachi, unsatisfactory response to questions by the concerned Ministries, solidarity with journalists against terrorist attacks and lack of permission to speak on a point of order.

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 to no avail. Based on FAFEN's observation low members' attendance was observed during the session with 14 senators, on average, present at the start, 25 at the adjournment and 34 (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 55% 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.

The interest of Senators leaned more towards debates on the floor. Overall, the House took up 57% agenda. Out of total 37 items of business on the Orders of the Day, 21 were taken up while 16 remained unaddressed. The taken up agenda includes eight bills, three resolutions, six motions under Rule 218 and one under rule 60, two calling attention notices and a question of privilege.

1.1 Legislation

During the session seven bills, including six amendments to existing laws, and an ordinance were introduced and sent to the relevant standing committees. In terms of legislation, private members (Senators not holding a ministerial/advisors' portfolio) were more active than their counterparts in the government. Seven out of eight bills considered by the House during the session were presented by private members. The party holding majority in the Upper House – PPPP – actively tabled bills leaning towards human rights and bar on dual nationals. Six bills sponsored by PPPP were on amending the constitution, civil service, protection of women from rape, harassment at work and privatization of state-run entities.

A female PPPP Senator introduced two bills on women's issues. The first puts a bar on revealing the identity of rape victims by printing or publishing their names without permission of the investigation officer, the victim or of the next of kin to victim. The other bill amends the law on protecting women at the work place. It is also made applicable to students in educational institutions in their studies or employment.

One of the bills places a bar on civil servants from serving international organizations unless deputed on behalf of the government; while the Twenty-second Constitutional Amendment Bill prohibits dual nationals from serving in the armed forces, judiciary and elected assemblies. A legislation aiming to ensure transparency in the proposed privatization of state owned entities (including PIA and PSM) was also tabled.

The Domestic Workers (Employment Rights) Bill, 2013 is aimed at protecting the rights of the domestic workers and emphasizes regulating their employment and conditions of service, and providing them social security, safety, health facility and welfare. Under the proposed legislation, no person less than the age of 14 and above 60 can be employed for domestic work.

The sole bill tabled by the MQM calls for industrial growth and cooperation amongst all industrial organizations, associations, groups and bodies. In an attempt to strengthen the Federation of Pakistan Chamber of Commerce and Industry, the bill proposes for the establishment of an autonomous body to ensure effective representation of the industries of Pakistan.

To check the rampant electricity leakages, pilferages and theft in the country, the Criminal Law (Amendment) Ordinance, 2013 was promulgated by the president in December, 2013. The said Ordinance was put on the agenda during the fifth sitting as the only treasury- backed bill. The said Ordinance was issued to facilitate the Water and Power Ministry which is finding it difficult to meet the cost of generated electricity due to insufficient recovery of due charges. The Ordinance placed strict penalties on tampering with transmission, distribution of electricity and electric meters.

Table 1.1: Details of Introduced Bills

| Sr. No. | Sitting No. | Type of Legislation | Title of Legislation | Status |
|---------|-------------|---------------------|---|----------------------------------|
| 1 | 2nd | Private Member Bill | The Constitution (Twenty-second Amendment) Bill, 2013. (Amendment of Articles 177, 193 and 240) | Introduced and Sent to Committee |
| 2 | 5th | Private Member Bill | The Anti-Rape Laws (Criminal Laws Amendment) Bill, 2013 | Introduced and Sent to Committee |
| 3 | | Private Member Bill | The Civil Servants (Amendment) Bill, 2013 | Introduced and Sent to Committee |
| 4 | | Private Member Bill | The Privatization Commission (Amendment) Bill, 2013 | Introduced and Sent to Committee |
| 5 | 4th | Ordinance | The Criminal Law (Amendment) Ordinance, 2013 (Ordinance No. X of 2013) | Sent to Standing Committee |
| 6 | 8th | Private Member Bill | The Domestic Workers (Employment Rights) Bill, 2013 | Introduced and Sent to Committee |
| 7 | | Private Member Bill | The Protection against Harassment of Women at the Workplace (Amendment) Bill, 2014 | Introduced and Sent to Committee |
| 8 | | Private Member Bill | The Trade Organizations (Amendment) Bill, 2014 | Introduced and Sent to Committee |

1.2 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 regarding a situation under consideration by the government.

One resolution was adopted while another debated out of 11 resolutions appearing on the agenda. The adopted resolution was sponsored by PPPP on the murder of a senior police officer Chaudhry Aslam in Karachi and a student Aitzaz Hasan in Hangu the House adopted the resolution and expressed grief on the murder of the police officer who "lost his life for the nation in his fight against terrorists". Some Senators while speaking on the incident through points of order criticized the law and order in the country where even uniformed personnel are being victimized by terrorists. They also demanded highest civilian national award for the late officer.

Additionally, five Senators debated a resolution commenced in the 99th session urging the government to publish the names of judges of the superior judiciary possessing dual nationality. The mover of the resolution explained that the resolution, if adopted by the Upper House, would give authority to the Ministry of Law and Justice to seek this information from the Supreme Court, in case of non-availability of information. Prior to the resolution, the names of dual nationals in judiciary were not being provided on the account of the judges having constitutional cover against such bans. The Chair deferred the adoption of the resolution asking the House to decide after receiving a response from the government.

The House could not take up a resolution calling upon the government to include all water disputes of Pakistan with India in the composite dialogue or in any other dialogue process that is revived or initiated with India.

The House demonstrated less interest in resolutions on economic development, improvement in the judicial system and human welfare. The resolutions left unaddressed dealt with upgradation of the Railways system, revival of the industrial sector in the country, provision of free medical treatment to the patients in the Federal Government hospitals, narcotics control, unemployment, establishment of constitutional courts with equal number of Judges from all provinces, provision of free education in the Federal Government educational institutions, and forensic audit of Pakistan International Airlines (PIA).

The MQM Senators tabled five resolutions, PPPP four, while two resolutions were submitted by JUI-F senators. However, it's interesting to note that all three resolutions taken up, either for debate or subsequent adoption, were PPPP sponsored. Although all provinces have equal representation in the Senate more Senators (seven) from Sindh tabled resolutions, followed by KP (three) and a single member belonging to Punjab did the same. Male parliamentarians actively tabled resolutions as of eleven resolutions submitted, only one was tabled by female member.

Table : Resolutions

| Sr. No. | Resolutions | Party | Status |
|---------|--|-------|-------------------------|
| 1 | Condemn the killings of a senior police officer in Karachi and a student in Hangu in terrorist attacks | PPPP | Adopted |
| 2 | This House recommends to the government to publish the names of those judges of the superior judiciary who have dual nationality | PPPP | Debated by the House |
| 3 | The House calls upon the government to include all water disputes of Pakistan with India in the composite dialogue or in any dialogue process that is revived or initiated with India | PPPP | Admitted for Discussion |
| 4 | This House recommends that the government may take immediate steps to upgrade the Railways system in the country | MQM | Not Taken Up |
| 5 | The House recommends that the government may take effective steps to uplift the industrial sector in the country | JUI-F | Not Taken Up |
| 6 | This House recommends that the government should take effective steps to provide free medical treatment to the patients visiting Federal Government hospitals | MQM | Not Taken Up |
| 7 | This House recommends that the government may take effective steps for narcotics control in the country | MQM | Not Taken Up |
| 8 | This House recommends that effective steps be taken to overcome unemployment in the country | JUI-F | Not Taken Up |
| 9 | This House recommends that charter of democracy signed by Mohtarma Benazir Shaheed and Mian Muhammad Nawaz Sharif be implemented. It particularly recommends establishment of constitutional court with equal number of judges from all provinces to decide the constitutional matters | PPPP | Not Taken Up |
| 10 | This House recommends that the government may take effective steps for provision of free education in the Federal Government educational institutions | MQM | Not Taken Up |
| 11 | This House recommends that the government may take immediate steps to conduct a forensic audit of PIA | 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

2.1 Motions 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.

Out of 11 Motions under Rule 218 on the agenda, the PPPP sponsored motions were given precedence as the House debated three of six PPPP sponsored motions and one by ANP. The House could not initiate the debate on two motions admitted earlier. One motion was tabled by PML-N on the responsibility of the Federation in pursuance of Article 148 of the Constitution of Pakistan and the other motion was sponsored by PPPP Senators on the need for a Ministry of Capital Administration and Development to deal with the subjects of health and education in the Islamabad Capital Territory.

The PPPP sponsored motions discussed by the House highlighted the current political and security situation in the country with particular reference to sectarian clashes during Muharram in Balochistan, FATA, and Rawalpindi. Another motion discussed the alleged irregularities/rigging in General Elections 2013. Yet, another motion discussed the recent pronouncements of the Council of Islamic Ideology. The Senators took greater interest in the motion on sectarian clashes as it was debated for three hours and 21 minutes while the latter two motions were debated for nearly an hour each.

The matter of shifting of headquarters of the State Bank of Pakistan from Karachi to Islamabad was also discussed on an ANP sponsored motion and it took 25 minutes. Debates on motions took 16 percent (five hours 48 minutes) of the sessions' time.

The motions left unaddressed were on increasing cyber-crimes in the country, non-vacation of government quarters by the Estate Office Islamabad from the unauthorized occupants, power shortage and load shedding in the country and the need to reconstitute the National Security Council. Motions not taken up during the session were sponsored by MQM, PPPP and JUI-F.

Table: Motion under Rule 218

| Sr. No. | Motion Under Rule 218 | Party | 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 | Admitted for Discussion |
| 2 | This House may discuss the need for establishment of a full-fledged Ministry of Capital Administration and Development to deal with health and education in the Islamabad Capital Territory as these subjects are not being attended to properly in the present set | PPPP | Admitted for Discussion |
| 3 | This House may discuss the current political and security situation in the country with particular reference to Balochistan, FATA and Rawalpindi incident | PPPP | Debated by the House |
| 4 | This House may discuss the situation arising out of non-shifting of headquarters of the State Bank of Pakistan from Karachi to Islamabad. | ANP | Debated by the House |
| 5 | The House may discuss the alleged irregularities/rigging in General Elections 2013 | PPPP | Debated by the House |
| 6 | This House may discuss the functions and recent pronouncements of the Council of Islamic Ideology | PPPP | Debated by the House |
| 7 | The House may discuss the increasing incidents of cyber-crimes in the country and the steps being taken by the government to control | PPPP | Not Taken Up |
| 8 | The House may discuss the situation arising out of non-vacation of government quarters by the Estate Office Islamabad from the unauthorized occupants | MQM | Not Taken Up |
| 9 | The House may discuss the issue of power shortage in the country and its subsequent effects on the economy | JUI-F | Not Taken Up |
| 10 | This House may discuss the recent decision of the government to reconstitute the National Security Council | PPPP | Not Taken Up |
| 11 | The House may discuss gas load-shedding in the country | MQM | Not Taken Up |

2.1.1 Details of Debate on Political and Security Situation

The motion on security and political situation was debated by seven Senators. An ANP Senator criticized the PML-N leadership for not appointing a proper Foreign Minister and leaving the country's foreign affairs in the hands of the Defence and Commerce Ministers, an Adviser and a Special Assistant. The government was also criticized on the charges of nepotism, the Prime Minister's absence from the parliament, and poor law and order.

² Debates were held in 1st, 2nd, 3rd, 5th, 6th and 8th sittings; information retrieved from Senate Debates : <http://www.senate.gov.pk/en/index.php>

Senators berated the Taliban-backed terrorist attacks after a unified decision by all political parties to hold dialogue with the militants last year while also acknowledging refusal of the Taliban to hold dialogue, which according to them, “reflected on the Taliban mindset”.

Senators proposed that security establishments in Pakistan and Afghanistan should evolve a strategy to develop a mechanism to counter terrorism. A PML leader cited inflation, unemployment and law and order as the state's biggest challenges while an MQM lawmaker alleged that Federal and all four Provincial Governments had failed to maintain law and order situation in the country. The Karachi military operation was started on the demand of MQM to cleanse the port city of criminal gangs, extortionists, target killers and kidnappers, .however, lawmakers alleged that criminal gangs are still roaming the city.

The statement of MQM leader Altaf Hussain on division of Sindh, was defended by a party member who mentioned the separation of East Pakistan and similar divisions in Nigeria and Sudan due to revolts and marginalization of various segments of the society.

A JUI-F Senator from Balochistan spoke about the problems faced by the province including the issue of the so-called “missing persons”. He blamed the wrong policies of former President Gen Musharraf for the worsening situation in Balochistan. A female PPPP Senator said that the scope of discussion was limited and there is need to discuss the wider politics of the weak state and its ideology.

Winding up the debate, State Minister of Interior informed the house that the government is making all-out efforts to get rid of militancy, sectarianism and economic and power crises, which, he said, are interlinked. About talks with the Taliban, he stated that the first priority of the Federal Government is dialogue and military action would be taken if the dialogue process failed. He said that the law and order was now a provincial matter but the Federal Government and the Ministry of Interior was extending full cooperation by providing human and financial resources in dealing with this issue and positive results were already being observed. The minister emphasized the need to bring new laws and amend the existing ones to strengthen the law-enforcement agencies and security apparatus to dealing with militancy.

2.1.2 Debate on Alleged Irregularities/Rigging in General Elections 2013

Seven Senators spoke in the debate on rigging in General Elections, 2013. The mover of the motion conceded that despite making laws to strengthen the Election Commission Pakistan (ECP) and making finances available to it to hold elections in a free, fair and transparent manner, the ECP fell short of its mandate. Pointing out loopholes in various electoral processes, the Senator narrated various irregularities including the problems in the processes of scrutiny and rejection of candidates' papers, use of fake CNICs, bogus and missing votes, slack in recounting and verification of votes, taking dictations from the judiciary on elections schedules – especially the presidential elections.

Other Senators also criticized the elections held last year due to outdated technology, pre-orchestrated election results, slack and bias of elections tribunals, and poor law and order. It was also pointed out that ECP had ignored the pre and post elections concerns of the government and political parties. One Senator from Khyber Pakhtunkhwa also pointed out that extra-judicial extensions were granted to ECP officials before the elections.

The PML-N parliamentary leader, in defense of the ECP, stated that international observers have declared the General Elections (2013) satisfactory and the parties that have lost the elections should accept their defeat gracefully. He also pointed out that some parties criticizing the elections have lost due to poor performance despite appointing election staff of their choice.

Overall, the House called for reforms in ECP especially in terms of its authority and independence, the introduction of modern technology (biometric system) in elections and assurance that the issues highlighted in the debate will not be repeated in the upcoming local bodies' elections.

2.1.3 Debate on Council of Islamic Ideology (CII)

A PPPP senator, the mover of the motion, stated that in accordance to Articles 230 and 234 of the Constitution, the Council of Islamic Ideology has submitted its report on scrutiny of laws in 1997 and 2008. It declared that 90 percent of all laws considered by the Council are not contentious. However, 10 percent of laws are repugnant to Islamic ideology and should be reviewed. The duty of the Council is to review whether a law is against the injunctions of Islam or not and then make recommendations within a time frame. The Council has, therefore, performed its job and the House should consider whether the council should continue working or not.

The PPPP Senator criticized the Council on rejecting DNA tests as primary evidence in the rape cases which is already “an internationally practiced method”. The Council has issued statements which have created confusion in the public over various issues. He also criticized the Council for allegedly retracting an internal resolution on revisiting the blasphemy law to avoid its misuse and opposing the need of old peoples' homes and women protection bills.

The Senator also stated that confusing decisions of the Council are due to the politically skewed membership of the Council which makes decisions on the basis of party manifestoes rather in the wider public interest. He further added that irrespective of what the Council proposes, amending or reviewing laws is the sole prerogative of the Parliament.

Rejecting the arguments given by the mover, a JUI-F Senator stated that Council is a constitutional body given the important task to scrutinize laws according to the Quran and Sunnah and pointedly asked why the mover did not ensure the closing of the Council in his party's (PPPP) government. Regarding the appointments of the Council's members, the Senator explained that they were appointed by the Pakistan People's Party during the previous government.

Other Senators quoted articles of the Constitution to state that the duty of the Council is to recommend to the Parliament and provincial assemblies, ways and means to enable and encourage the Muslims of Pakistan to mold their lives individually and collectively in accordance with the principles of Islam as enunciated in Quran and Sunnah. They stated that the services of the Council would be required till the achievement of these objectives. They were of the view that the Council's membership could, however, be reviewed.

The leader of the House concluded the debate by stating that the legislation is a continuous process and the work of Council should also continue. According to him, the task of the Council has not ended after its submission of final report on review of laws. He rejected arguments made by different members of the House for disbanding the Council and stated that it is needed to review laws in accordance with the Quran and Sunnah. Therefore, there should be, a debate in the Parliament on the Council's report, instead of making a call to disband the Council.

2.1.4 Debate on Shifting of Headquarters of the State Bank of Pakistan (SBP)

The motion tabled by an ANP Senator was supported by another fellow party member and contended by a Senator each from MQM and PML-N. The mover in support of his motion debated that Karachi was the country's first capital after partition and as a result headquarters of all the federal institutions and departments were in Karachi. He said that after the shifting of the capital from Karachi to Islamabad, the headquarters of almost all the national institutions were shifted to the new capital. However, the headquarters of the State Bank of Pakistan (SBP) could not be shifted to Islamabad. The shifting of SBP headquarter from Karachi to Islamabad would help to boost national economy.

An MQM Senator from Sindh - backed by a PML-N Senator - shunned the idea stating that Karachi is the business hub of the country; therefore, headquarters of SBP should not be shifted to the federal capital. He emphasized the need of improvement in the functioning of the State Bank of Pakistan by keeping political motives aside.

2.2 Motion under Rule 60

Discussion on a matter of public importance arising out of answer to a question can be held under Rule 60 of the Senate's rules of procedures which says "In a period of seven consecutive working days, the Chairman may, on three clear days' notice being given by a member, allot half an hour for discussion on a matter which in his opinion is of sufficient public importance and has recently been the subject of a question, Starred or Un-starred."

During the sixth sitting, the House debated the details of projects launched by SNGPL at Thall Block District Hangu since 2011 including details of social funds and project distributions. The motion was based on a Starred Question taken up on December 11, 2013. Male Senators belonging to PML-N (three), ANP (two) and MQM, JUI-F, PML and PkMAP (a single member each) shared their views in the debate.

The ANP Senators (including the mover of the motion) said that gas wells have been discovered in Hangu district and if SNGPL and OGDCL start extraction from these sites, there would be no need to import gas. Although, Khyber Pakhtunkhwa's share in the production of SNGPL is 96%, however its quota in employment is much less. Whereas Punjab's share in production is quite small, yet it has a much higher share in the employment. The government was asked to rightfully provide education, health and employment facilities to the people of the areas contributing heavily to the country's energy sector.

A PkMAP senator stated that unexplored natural resources and the unequal distribution of resources is not only a problem in Hangu but also in other resources-rich parts of the country.

Another ANP senator from Khyber Pakhtunkhwa said that half of (35,000 barrels) out of Pakistan's total daily production (70,000 barrels) is from his province. Despite contributing to the energy sector, the province does not get proper services as the headquarter of Sui Northern Gas is in Lahore. He further added that the employment quota is insufficient for Khyber Pakhtunkhwa. He further added that his province is producing a large share of oil. However headquarter of PSO is in Karachi and it leads to Sindhis getting preferential treatment in employment. By giving everyone their due share and tapping into the natural resources, the government can create new employment opportunities for the youth and curb terrorism simultaneously.

A PML Lawmaker from Balochistan criticized the mover for complaining about depriving employment opportunities to locals by gas extraction companies. He stated that it is advertised by the Planning Commission –which comprises members from all provinces - and the recruitment is done from all over Pakistan. He lamented the absence of a Baloch member in the Planning Commission which is a violation of the rights of Baloch people. Seconding his opinion, a Balochistan based JUI-F Senator criticized the practice of depriving the Balochis of provincial resources and evoking a sense of alienation in them. He quoted examples of unfulfilled promises made to Balochis of equitable share in the provincial natural resources. The Senator shared his concern that the people of Sindh and KP, which are also gas producing regions, would also face the same fate.



The government is responsible for the just distribution of resources among the population, was the view of a PML-N lawmaker. He also criticized the government for not reaping maximum benefits from natural resources for employment and development. Another Baloch PML-N Senator stated that gas produced in a province should be provided to the locals and then supplied to other provinces. However, the small provinces are not getting their constitutional right of the royalty in the resources produced. For example, a large amount of wheat produced in Punjab is first supplied to the local population, then distributed further to other provinces.

State minister for Petroleum and Natural Resources wound up the debate and stated that a summary has been sent to the Prime Minister to recommend a review of financial aspects of the natural resources. A number of development activities and social programs are being initiated in the concerned regions. On the issue of setting up of an oil refinery, the Minister stated that it is the prerogative of the Khyber Pakhtunkhwa government to decide the location of the refinery keeping in view the issues of law and order etc. He assured the House that the qualified local graduates matching the employment criteria would be given jobs in oil and gas companies operating in their areas.

2.3 Debate on Law and Order in the Country

A debate on law and order in Khyber Pakhtunkhwa was initiated in the backdrop of terrorist attacks on ANP and PML-N leaders. The House debated the matter for a little more than an hour wherein 12 Senators – PPPP (four), ANP (three), PML-N (two) and a single member each belonging to PkMAP, JUI-F and BNP-A – shared their views. Senators primarily spoke on the situation arising from the recent terrorist activities in Khyber Pakhtunkhwa and blamed the provincial government for such incidents.

The ANP Senators' strongly criticized the PTI-led provincial government and PTI leader's soft policies against Taliban. However, the Senators praised his own party for taking on the terrorists and for launching military operations against them. However, the lenient stance of the provincial government against Taliban has demoralized the law enforcement agencies. The extortionists were active in Khyber Pakhtunkhwa resulting in industrialists fleeing from the province. After taking control over FATA for the last 10 years, the terrorists are now eyeing Peshawar.

Adding to the debate PML-N Senators said that the PTI leader himself has expressed disappointment over the performance of his party's Chief Minister, which is a testimony as to how the affairs of the province are being run. The Federal Government was ready to assist the Khyber Pakhtunkhwa government in maintaining law and order situation, as has been done in Sindh. However, the PTI had no political will to resolve the terrorism issue, according to the member.

A PkMAP lawmaker stated that Khyber Pakhtunkhwa government is fast losing its writ as kidnappings for ransom and exhortation are on a rise in the province. The law and order is a purely provincial subject and protection of people's life and property is the government's duty, he also mentioned the shifting of businesses to Punjab from Khyber Pakhtunkhwa leading to economic problems in the province.

A senator of JUI-F said "no serious steps have so far been taken to curb militancy in the province. The PTI chief Imran Khan must focus on the KP Government or call it a day if he thinks that the situation is out of his control".

The PPPP parliamentarians expressed similar reservation about the performance of PTI Provincial Government and their inability to launch crackdown against the militants targeting innocent people, schoolchildren and political leaders. They also criticized the Federal Government for not achieving a consensus on national security and anti-terrorism policy even after six months which it had promised within a month of its coming in government. He demanded of the government to convene a joint in-camera session of parliament and apprise about the latest development of holding talks with Taliban as the country cannot afford any more bloodshed and lawlessness.

Taking part in the discussion, a PML-F member asked the government to formulate a policy if it is serious about eradicating terrorism. A BNP-A senator said that the recommendations of the All Parties Conference should be implemented.

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 Senators 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 unstarred based on the requirement of oral and written answers, respectively.

Nearly 25% Senators (26 members) conducted government oversight by submitting 101 Questions to various



ministries/departments. Senators sought answers from ministers in person as more Starred Questions (93) were tabled as opposed to Un-starred (eight). Although, nearly all questions (96) were answered, only a little more than a third of the Starred Questions (35) were given answers on the floor leaving the movers of the remaining questions (58) to suffice with written replies.

An additional 105 supplementary questions - 21 per sitting – were asked by Senators to get further clarity on ministerial answers. Although concerned ministers were absent on various occasions, a representative of the concerned ministry answered questions on their behalf.

As per rules, Question Hour was not held on 2nd, 5th and 8th sittings as they fell on a private members' day – Mondays in Senate.

Table: Details of Questions

| Sitting No | Starred Questions on the Agenda | Supplementary Questions | Un-Starred Questions on the Agenda | Fully Answered Questions | No Response | Total |
|--------------|---------------------------------|-------------------------|------------------------------------|--------------------------|-------------|------------|
| 1st | 8 | 12 | 0 | 8 | 0 | 8 |
| 2nd | Private Member Day | | | | | |
| 3rd | 17 | 27 | 0 | 16 | 1 | 17 |
| 4th | 18 | 25 | 3 | 21 | 0 | 21 |
| 5th | Private Member Day | | | | | |
| 6th | 31 | 19 | 3 | 33 | 1 | 34 |
| 7th | 19 | 22 | 2 | 18 | 3 | 21 |
| 8th | Private Member Day | | | | | |
| Total | 93 | 105 | 8 | 96 | 5 | 101 |

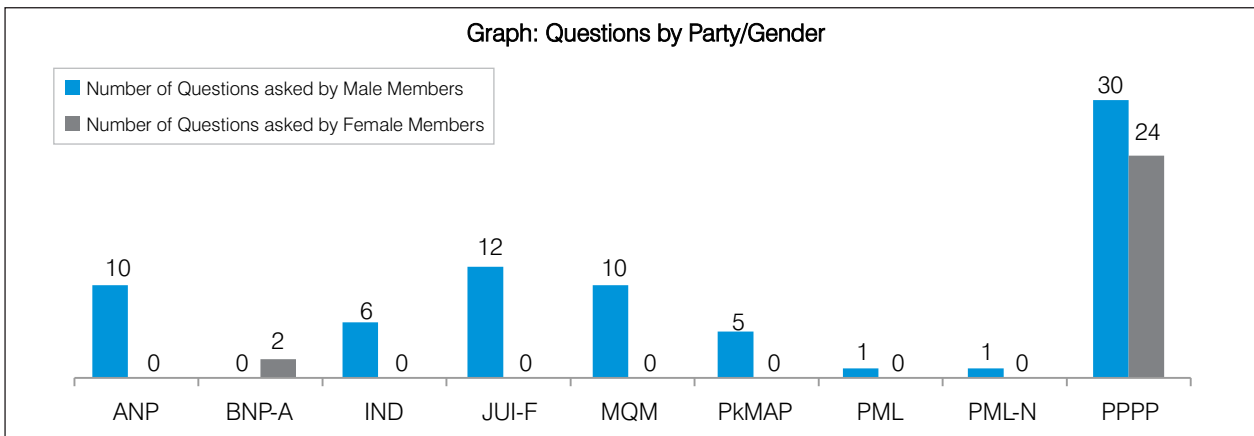
The PPPP Senators appeared more keen on treasury's oversight as they submitted more than half (54 questions) followed by a distant second JUI-F (12), ANP and MQM (10 each), Independent members (six), PkMAP (five), BNP-A (two) and a single question by PML and PML-N. It is interesting to note here that PML-N Senators (second largest party in Senate) are less active in conducting government oversight in the Upper House. As observed in the Senate, more PPPP Senators table questions (11), followed by Independents (four), ANP (three), JUI-F and MQM (two each), while only a single member tabled all the questions sponsored by BNP-A, PkMAP, PML, and PML-N.

As PML-N is in simple majority in the Lower House of the parliament, most of its members participated in submitting questions. A total of 103 Senators – male (68), female (35) – participated in submitting questions during the seventh session of National Assembly. PML-N members submitted 304 questions, followed by PTI (261), PPPP (229), MQM (199), JI (60), JUI-F (46), APML (16), PkMAP (8), Independent members (6), AMLP (5) and NPP (4).

In terms of region-wise performance, Senators from Sindh submitted more questions (37), followed by Khyber Pakhtunkhwa and Punjab (23 and 20 questions, respectively) and 17 questions were asked by Baloch Senators. The FATA Senators submitted three questions while a single question was asked by the Senator from Islamabad Capital Territory (ICT).

A little more than one-fourth of the total strength of male Senators and female Senators asked questions from ministries. Five female Senators asked 26 questions while the male Senators asked 75 questions. Four PPPP female Senators dominated the Question Hour by submitting 24 questions while a female BNP-A lawmaker tabled two questions. On the other hand male Senators belonging to all parties, except BNP-A, submitted 75 questions overall.

Graph: Questions by Party/Gender



Fifty three percent questions were addressed to four ministries, however overall 26 ministries received questions from the House. Senators were more concerned about energy, economy, and law and order related issues as gauged from the questions asked. The Ministry of Water and Power received a maximum (19) questions, followed by Finance and Interior Ministries (12 questions each) and eleven questions were addressed to the Cabinet Division.

Table: Ministry Wise Questions Submitted

| Ministry | Total |
|--|------------|
| Water and Power | 19 |
| Finance, Revenue, Economic Affairs, Statistics and Privatization | 12 |
| Interior and Narcotics Control | 12 |
| Cabinet Division | 11 |
| Petroleum and Natural Resources | 7 |
| Planning and Development | 5 |
| Inter Provincial Coordination | 4 |
| Commerce and Textile Industry | 3 |
| Defence | 3 |
| Establishment Division | 3 |
| Information, Broadcasting and National Heritage | 3 |
| Railways | 3 |
| Foreign Affairs | 2 |
| Information Technology and Telecommunications | 2 |
| Aviation Division | 1 |
| Capital Administration and Development Division | 1 |
| Climate Change Division | 1 |
| Communications | 1 |
| Education, Training and Standards in Higher Education | 1 |
| Housing and Works | 1 |
| Law, Justice and Human Rights | 1 |
| National Food Security and Research | 1 |
| National Health Services, Regulations and Coordination | 1 |
| Parliamentary Affairs | 1 |
| Ports and Shipping | 1 |
| Prime Minister's Office | 1 |
| Total | 101 |

Questions' Details of Ministries Receiving More Questions

1) **Water and Power Ministry**

On a question submitted by a JUI-F Senator from Khyber Pakhtunkhwa inquiring about the subsidy being provided on electricity at present, the written reply of the Water and Power Minister stated that National Electric Power Regulatory Authority (NEPRA) determines tariff based on legitimate cost of supply of each entity. Government, however, notifies lesser tariff than the tariff determined by NEPRA, keeping in view the socio-economic condition of the country as well as its public policy. The ministry notified the House that no further proposal regarding reduction in subsidy and increase in electricity tariff is under consideration, and the amount of subsidy for current fiscal year is Rs. 261.9 billion.

The minister presented the names of ministries/divisions, government departments, corporations and organizations against whom electricity bills of rupees five million or more are outstanding. On recovery of the said dues, the Ministry stated that notices have already been issued to the defaulting consumers for payment and electricity disconnections are being carried out in cases of default.

Senators aired their concerns on the re-emergence of the circular debt dealt by the government a few months ago to which the Ministry supplied that re-emergence of circular debt takes place mainly due to non-availability of required funds to pay off the liabilities of the power generators. It pointed out several steps being taken by the present government to eliminate circular debt including the conversion of oil based plants to coal (to reduce cost

of generation), installation of plants on hydel sources, increase in tariff keeping in view the socio-economic condition of the people, improvement in recovery position and reduction in losses, addressing power theft and law and order situation in the country and maximum provision of energy to industrial sector to improve revenue and overall economy. According to the Ministry, payables to power producers, as on September 30, 2013, stood at Rs. 157 billion.

It was notified that the Finance Ministry does not provide any separate allocation for clearance of circular debt under normal budgetary process. However, the Ministry of Finance provides Tariff Differential Subsidy to the Distribution Companies (DISCOs) to meet the gap between tariff determined by NEPRA and the tariff notified by Ministry of Water and Power. For this purpose, an amount of Rs. 220 billion has been allocated for the current financial year and Rs. 102.039 billion have been released.

An ANP lawmaker from Khyber Pakhtunkhwa was appraised about the volume of total and province-wise electricity being produced, allocated and consumed (average daily consumption in Megawatts) in the country as on November 28, 2013. Punjab came out to be the major shareholder in all of the above mentioned categories. The projected overall electricity produced for the said period is 9,752 MW while the demand of the four provinces was 10,331 MW, electricity allocated was 9,122 MW and electricity consumed was 8,146 MW.

2) Interior and Narcotics Control Ministry

A PPPP lawmaker asked several NADRA related questions from the Interior Ministry during the seventh sitting of the session. On his first question the Ministry informed the House that the Council of Common Interests (CCI) in its meeting held on November 8, 2010 had decided to conduct the long awaited census in two phases. The first phase, House Listing Operation (March / April, 2011), was completed in May 2011 while the second Phase, the Population and Housing Census (August / September, 2011) is not complete yet.

A summary on House Listing Operation results and proposal to conduct 2nd phase was submitted to the Council of Common Interests for consideration in its meeting held on August 27, 2011. The Council deferred the consideration of the summary which is still pending. During the meeting the Prime Minister desired to have a separate meeting with the Chief Ministers outside the purview of CCI.

The Ministry quoted Section 3 of the NADRA Ordinance, 2000 to establish that NADRA which was formed under the said ordinance is a statutory authority, and that National Commission for Government Reforms, Prime Minister's Secretariat, categorized NADRA in the list of "Autonomous Bodies" under the Interior Division. However the ministry did not respond to the question about the details of educational qualifications and experience of the present Chairman NADRA and the national and international awards conferred on the said Chairman.

As per record provided by NADRA, its Chairman has made eight official and one private foreign visits during the period of his Chairmanship from July, 2012 to December, 2013. For the official visits, prior approval of the Prime Minister was sought, whereas permission for private visit was not granted by the competent authority. Also provided were the outstanding dues of NADRA against the office of Immigration and Passports Division (Rs. 521 million), and Finance Division (Rs. 1,996 billion) on account of CNICs.

The Ministry told the House that the Federal Government has given grants to NADRA twice for carrying out its functions during the past five years. Rupees 106.60 million were released in 2010-11 while Rs. 52.76 million in 2011-12. The amount of foreign exchange earned by NADRA is Rs. 3917.64 million rising to a maximum Rs. 1092.97 million in 2010-11 and a minimum Rs. 406.86 million in 2008-9.

On a question submitted by an ANP Senator about the number of Frontier Constabulary (FC) personnel presently deputed for security of foreign organizations in the country, the ministry stated that the Frontier Constabulary has provided 11 platoons to foreign organizations, and five platoons to WAPDA for security of foreign organizations. These organizations are paying Rs. 1,196,491 per month, per platoon.

3) Finance Ministry

In response to a Starred Question put up by a female PPPP lawmaker on whether a mechanism to collect tax on mobile phone cards exists or not, the Ministry stated that Section 236 of the Income Tax Ordinance, 2001 provides for collection of tax on telephone bills and prepaid cards. The person issuing or selling prepaid cards collects advance tax from the purchasers at the time of sale of cards. Income tax collected is deposited in the national exchequer on weekly basis as required under Rule 43 of Income Tax Rules 2002.

For the purposes of monitoring of tax collection, monthly withholding statements are filed by mobile phone companies, as prescribed under Rule 66 of the Income Tax Rules, 2002. Amount of income tax collected from mobile phone users in 2010-11 was Rs. 27,514 million, Rs 36,843 million in 2011-12 and 27,072 million in 2012-13, as supplied by the Ministry.

The Ministry of Finance while responding to a question put up by a JUI-F lawmaker informed the House that the tax-wise revenue target fixed for the current financial year (2013-14) is Rs. 2475.0 billion and provisional revenue collection during July-November stands at Rs. 798.6 billion.

On a question submitted by a PPPP Senator (former Interior Minister) about the reasons for present devaluation of Pakistani rupee, the Finance Minister in his written reply stated “the State Bank of Pakistan follows a flexible exchange rate regime where the value of Pakistani rupee vis-à-vis other currencies is determined in the foreign exchange market through the forces of supply and demand in both domestic and international markets”. The term devaluation is not applicable in Pakistan's case, stated the answer, as it is used for fixed exchange regimes where the central bank or government decides the value of exchange rate from time to time.

The depreciation of rupee is mainly a reflection of overall weak balance of payments' position in Pakistan. The fundamental weakness in the overall balance of payments is the result of a continuous decline in the net capital and financial flows since Fiscal Year (FY) 2007 and is not a recent phenomenon. Even last year (FY13), there was a net inflow of US\$ 0.6 billion only. Thus, despite some improvement in external current account and continued growth in remittances, a deficit of US\$ 2.0 billion in the overall balance of payments was recorded in FY 13. This along with repayment of IMF loans in FY 13 has kept the country's foreign exchange reserves and the exchange rate under pressure.

The realization of budgeted foreign exchange inflows including 3G license fee, PTCL privatization proceeds, and loans from multilateral and bilateral sources (including International Monetary Fund (IMF), World Bank, Asian Development Bank (ADB) and Inter-American Development Bank (IDB) are likely to release some pressures on the exchange rate, according to the Ministry.

The Senator asked for details of terms and conditions and commitments made by the government in connection with implementation of IMF agenda before and after the release of last tranche of the loan being obtained from the fund. The Finance Ministry stated that as per the Extended Fund Facility (EFF) with the IMF, the Interest rate will be 2-3% per annum, commitment fee 15-30 basis points, service charges 50 basis point (on each amount drawn) and repayment period 4.5 – 10 years. The Ministry further explained that the program does not include any condition to be completed by the government after the disbursement of last tranche which is expected in September, 2016.

3.2 Calling Attention Notices (CANs)

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 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.

Senators raised their concerns over law and order, energy and social welfare related issues through three CANs appearing on the agenda. These CANs were tabled by PML-N, Independent and PPPP Senators, respectively. The House took up two notices addressed to Ministries of Interior and Narcotics Control and the Cabinet Division. Both notices were not responded by the relevant ministers, the State Minister for Parliamentary Affairs replying on their behalf.

FATA related issue took a backseat as the House did not take up a CAN tabled by an Independent member from the region regarding non-provision of due share of electricity to Tribal Electric Supply Company (TESCO) which is one of the biggest and the only distribution company of WADPA that supplies electricity to FATA.

A PML-N lawmaker submitted a CAN during the fourth sitting bringing to the attention of the government the incident of a Hindu school teacher's kidnapping on December 21, 2013 from Peshawar, to forcefully convert her to Islam, before she was recovered from tehsil Khairpur of Bahawalpur. The Minister of Parliamentary Affairs, responding to the notice, briefed the House that the teacher who was abducted on the above date remained in the custody of the abductor till January 4, 2014.

He acknowledged that she was forced to convert to Islam and mostly kept unconscious during the period. The minister informed the House that, prior to her abduction, the teacher had made 1,954 calls to the kidnapper in two months. He said police have identified the kidnapper who belongs to Punjab, tehsil Khairpur and requested the Punjab police to arrest him.

The mover of the CAN commented afterwards that he brought this issue on the floor so that government can take steps to protect the basic rights of minorities as such incidents “when highlighted by the media have negative implications on Muslims living in India”.

A female PPPP lawmaker moved a CAN on the halt of training program under Waseela-e-Rozgar, Benazir Income Support Program, throughout the country and non-payment of fee to training providers and stipend to beneficiary trainees. In response, the Minister of Parliamentary Affairs apprised the House that BISP, started by the previous government, has two components. The first component provides Rs. 1,200 to the poor while the second (started in 2011-12) imparts technical trainings to the public and gives loans of Rs. 300,000 to people with technical skills. The target of the program was to train 70,000 people and give them a monthly stipend of Rs. 6,000 for four to six months.

The Minister accepted that Rs. 479 million out of Rs. 808 million stipends for trainees have not been paid while Rs.

236 million of the trainees' stipend is also pending. The reason for the pending dues is that the trainers are not imparting proper training and are more interested in the money than their work. Therefore, the Board of Directors of BISP have decided to review the program and get the funds verified prior to their disbursement. He added that this practice shall continue in the future as well to avoid any irregularities.

However, the mover said that regardless of what the government plans to do in the future, it should issue funds against the time and effort invested by people so far under the existing contracts. To which the Minister assured that he has issued directives to the relevant authorities.

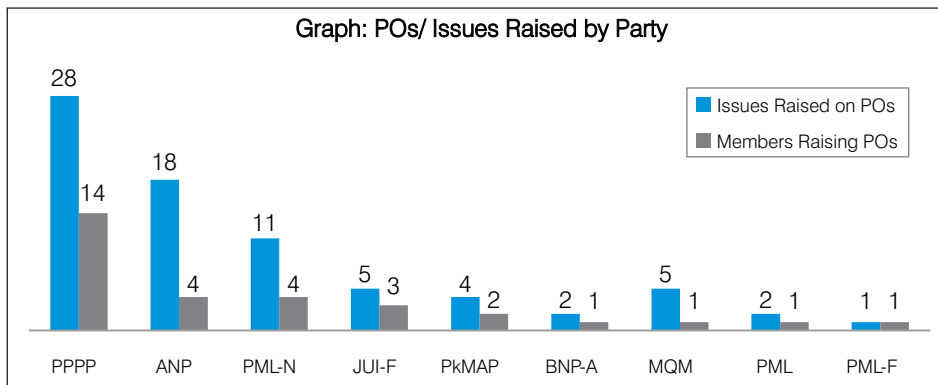
4.0 Order and Institutionalization

This section documents the details of protests, walkouts, boycotts observed during the session. It also documents the Senators' 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 (POs)

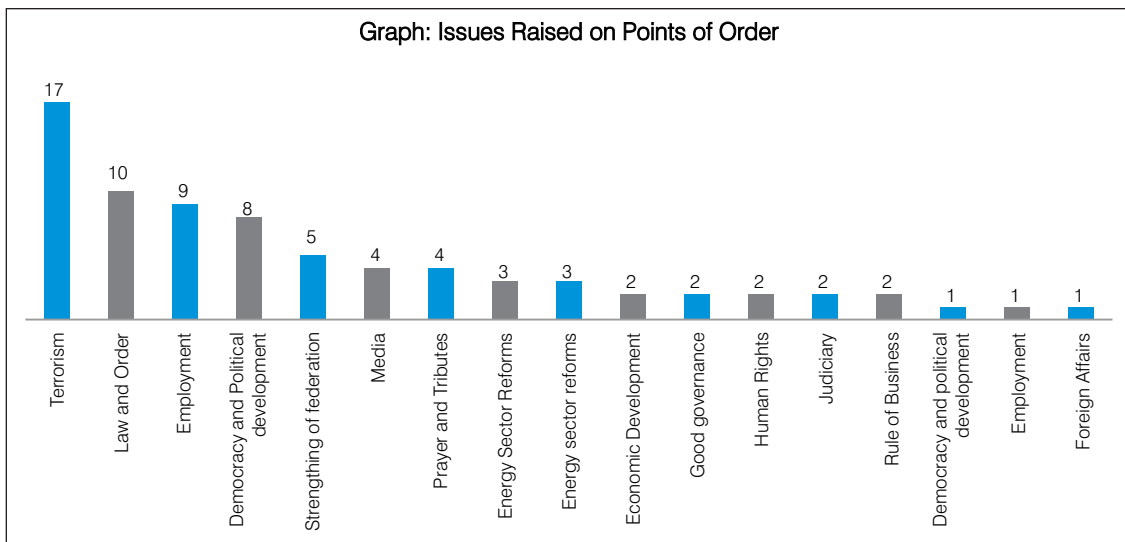
Rule 243 of the Senate's Rules of Procedures allows Senators to raise a point of order relating to the interpretation or enforcement of these rules regarding the business of the Senate. The Chairman decides whether the point raised is a point of order, and if so, gives his decision thereon, which is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

Senators spoke on 72 points of order consuming 217 minutes – 16% of the session. Although the primary purpose of POs is to highlight a violation of rules, however Senators erroneously spoke about national, regional and local issues while speaking on them. The Senate rules provide for Senators to raise public issues in the last half hour of a sitting called the “Zero Hour”. However, hardly any issues were raised during that time. Since the Chair did not give ruling on any of the POs, they did not contribute to the Senate's output.



Following previous trends, male Senators actively spoke on points of order as, out of 31 Senators raising POs, 27 were male and four female - PPPP (three) and BNP-A (one). The PPPP Senators raised a maximum 28 POs, followed by ANP (18), PML-N (11), JUI-F and MQM (five each), PkMAP (four), PML and BNP-A (two each) and PML-F (one).

Senators spoke repeatedly on issues related to terrorism (17 POs), law and order (10 POs), employment (nine POs), and democracy and political development (eight POs). Of the members raising more POs, the PPPP Senators spoke actively about employment related issues, ANP Senators about terrorism, and PML-N on democracy and political development.



On terrorism related points of order, Senators condemned recent terrorist attacks including the killings of ANP party activist Mian Mushtaq and a student in Hangu, Khyber Pakhtunkhwa, and journalists in Karachi; the attack on PML-N leader Amir Muqam, and blasts in Bannu and Rawalpindi. They criticized the government for delaying talks with Taliban – a mandate awarded by all political parties in the All Parties Conference (APC) in September last year.

Some stated that terrorist activities took place during the previous governments as well especially in Khyber Pakhtunkhwa but the previous Provincial Government was determined to fight against militancy and had to pay a heavy price. However the PTI-led government, was not taking the issue seriously, and allegedly sabotaging the national consensus by maintaining a soft stance for the Taliban.

It was emphasized that the government must establish its writ during the interim period until peace talks with the terrorist factions were underway. Senators also pointed out that efforts need to be made to find out other actors involved in terrorist activities as Taliban have not claimed responsibility in several terrorist incidents.

A lawmaker pointed out the worsening order in Karachi and recommended a Swat-like operation in the city. The situation in Khyber Pakhtunkhwa was discussed wherein a PML-N lawmaker said that the Federal Government was ready to assist the provincial government in maintaining law and order as it had been doing in Sindh. Senators described the situation in Balochistan to be worsening and blamed the Frontier Corps, police and army of being involved in illegal activities which are not being controlled by the government and the courts.

Highlighting employment related issues, Senators reiterated the need for the government to address the visa issues of Pakistan's diplomatic mission employees in Ireland resulting from the closing of the mission under the government's austerity campaign. Besides this, charges including non-payment of salaries and other dues and unlawful terminations were leveled against organizations such as BISP, Pakistan Steel Mills, some media houses, Pakistan Television and Pakistan International Airlines. The government was also urged to raise the quota of Baloch public in federal departments according to their constitutional share.

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.

One of three PPPP sponsored questions of privilege was referred to the relevant committee while two stood deferred till the end of the session. The motions left unaddressed were on breach of the Senate's privileges as they were against disallowing Senate to debate the privatization of PIA and dealing with the said privatization without taking Council of Common Interests on-board, and not tabling the Pakistan Protection Ordinance and the Anti-terrorism Ordinance before the House.

A motion on breach of personal privileges, taken up by the House, was submitted by a female PPPP Senator. The Senator was appointed as the principal of The Pakistan International School, Jeddah during the tenure of the Peoples Party's government in 2008 and removed from the post by the Saudi ambassador in Jeddah on allegations of corruption. Explaining her position on her motion, the Senator criticized the Pakistan Embassy in Saudi Kingdom of allegedly launching a defamation campaign against her to justify their illicit activities.

She said that the government/ embassy has no right to interfere on matters of the self-funded school as it is run by an elected parents' body. She added that with the change in government in Pakistan, the embassy (with a "political assignment" to oust her) launched this campaign and twice cancelled her exit and entry visa barring her from travelling to Pakistan and attending the Senate sessions. She said that the Saudi Education Ministry has refused to support any illegal move of the embassy against her. She informed the House that she resigned from the post and so did other teachers in protest.

The Leader of the House, on the Chair's inquiry, conceded that the said educational institution is a Pakistan Embassy School - a statement rejected by the mover. A PPPP lawmaker intervened at this point stating that the matter should be sent to the relevant committee as clearly the Senator's privilege was violated and the charged party is the Embassy of Pakistan which is a government body. An ANP Senator also supported and the Chair referred the case to the privileges committee.

4.3 Protests, walkouts and boycotts

The House witnessed six token walkouts that consumed two to five minutes each. Three walkouts were staged by the entire opposition while one walkout each by MQM and ANP. Both parties also staged a joint walkout. All parties in the opposition walked out against disallowing Senate to debate privatization of PIA and dealing with it without taking Council of Common Interests on-board; and to show solidarity with journalists in response to the incident of terrorist attack on Express News van killing three people in Nazimabad, Karachi.

Two walkouts were staged over dissatisfaction with the ministerial response to a question, once by an ANP lawmaker and again by the entire opposition.

MQM and ANP Senators staged a joint walkout over the killing of Superintendent Police CID Chaudhry Aslam in a terrorist attack in Karachi. An MQM lawmaker walked out over the Chair's disallowance to respond the remarks of a PPPP Senator who criticized the MQM leader Altaf Hussain on his recent statement about a separate province for Urdu-speaking Sindhis.

Table: Details of Walkouts

| Sr. No. | Party | Reason | Time (Minutes) |
|---------|--------------------------|--|----------------|
| 1 | MQM Member | He was not allowed to speak on the remarks of PPPP Senators who spoke on points of order about a recent statement issued by the MQM leader | 2 |
| 2 | MQM Member ANP Member | On the killing of a senior police official in Karachi on Thursday | 5 |
| 3 | Entire Opposition | Against disallowing Senate to debate privatization of PIA and dealing with it without taking Council of Common Interests on-board | 4 |
| | ANP (Single Member) | Over lack of a proper response to his question | 2 |
| 4 | Entire Opposition | Over unsatisfactory response to the supplementary questions by the Ministry of Interior | 2 |
| 5 | Entire Opposition | To show solidarity with journalists against the terrorist attacks | 3 |

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.

About two months away from the conclusion of its parliamentary year the Senate so far has met in 56 sittings, however, as per Article 61 of the Constitution, the Senate has to meet not less than 110 working days in each parliamentary year. The Upper House will have to be convened more frequently and for longer sessions for it to complete the compulsory 52 days till the end of the current parliamentary year in March 2014.

5.1 Session's Duration and Senators' Attendance

The eight-sitting session starting from January 3 till 20, 2014 consumed 22 hours and six minutes with an average sitting spanning two hours and 46 minutes. Each sitting observed an average delay of 45 minutes; the last sitting, the most delayed, remaining 65 minutes behind schedule.

Sixteen percent (three hours and 31 minutes) of the session time was consumed by five breaks, mostly for prayers, and once each due to ministerial absence and suspension of proceedings to show solidarity with journalists.

Table: Session's details

| Sitting No. | Date of Sitting | Delay | Hours | Minutes |
|--------------|-----------------------------|---------------------------------|-------------------------------|---------|
| 1st | Friday, January 3, 2014 | 35 | 1 | 27 |
| 2nd | Monday, January 6, 2014 | 44 | 3 | 28 |
| 3rd | Wednesday, January 8, 2014 | 45 | 3 | 6 |
| 4th | Friday, January 10, 2014 | 36 | 1 | 39 |
| 5th | Monday, January 13, 2014 | 51 | 3 | 18 |
| 6th | Wednesday, January 15, 2014 | 45 | 3 | 53 |
| 7th | Friday, January 17, 2014 | 37 | 1 | 40 |
| 8th | Monday, January 20, 2014 | 65 | 3 | 35 |
| Total | | Average Delay 45 minutes | 22 hours and 6 minutes | |

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

Low attendance was observed during the sitting where fewer members were observed at the beginning of the proceedings, however, their attendance improved till the end. On average, only 14 Senators were present at the beginning of each sitting, 25 at the adjournment and a maximum 34 members at a point during the 100th session.

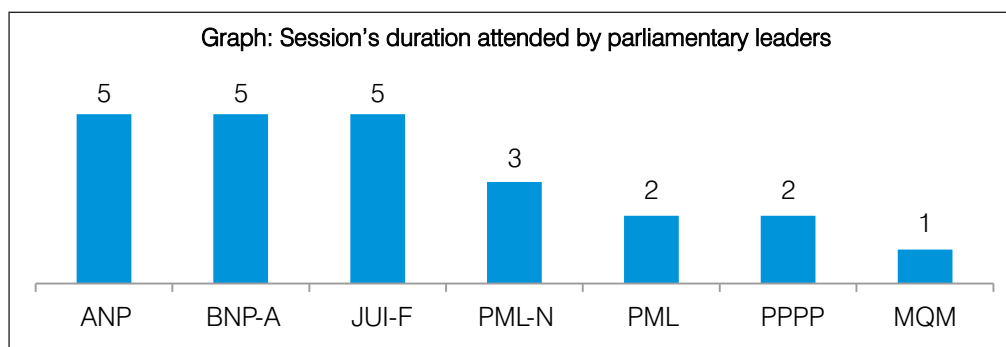
On average two out of four minority members in the Senate attended the proceedings. The quorum was evidently missing on several occasions; however it was never brought in the Chair's notice.

Although the Leader of the House remained consistently regular by attending the entire proceedings, the Leader of the Opposition's attendance fell noticeably – he was present in six sittings attending 55% of the session whereas previously (99th session) he was present in 89% of the proceedings.

The Chairman presided over 53% of the session time (11 hours and 37 minute) while the Deputy Chairman chaired 32% (six hours and 58 minutes). The remaining time was consumed by breaks in the proceedings.

Following the trends, the ANP and BNPA parliamentary leaders were more regular by attending five sittings each, JUI-F leader (who generally lags behind) was also present in as many sittings. The parliamentary leaders of the two larger parties, PML-N and PPPP, attended three and two sittings, respectively. Peculiarly, the parliamentary leader of MQM, who has consistently been the most regular parliamentary head this year, only attended one sitting. The PML party head in the House attended two sittings.

The Senators belonging to single member parties PkMAP, PML-F and NP attended six, four and two sittings, respectively.



5.2 Senators' Participation

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

Senators' participation has been relentlessly falling since the past few sessions– reaching its lowest in the 100th session. More than half of the House strength - 57 of current membership of 103 - did not participate in any of the above mentioned categories. Fifty nine percent Senators had participated in the 99th session and 68% in the session before that.

Senators generally participated in proportion to their party strengths in the House. More members of PPPP (17 of 39) participated, followed by PML-N (eight of 16), ANP (five of 12) and four of 11 independents. However, 50% of PML-N Senators participated compared to their PPPP counterparts (44%). The sole NP lawmaker remained away from the session.

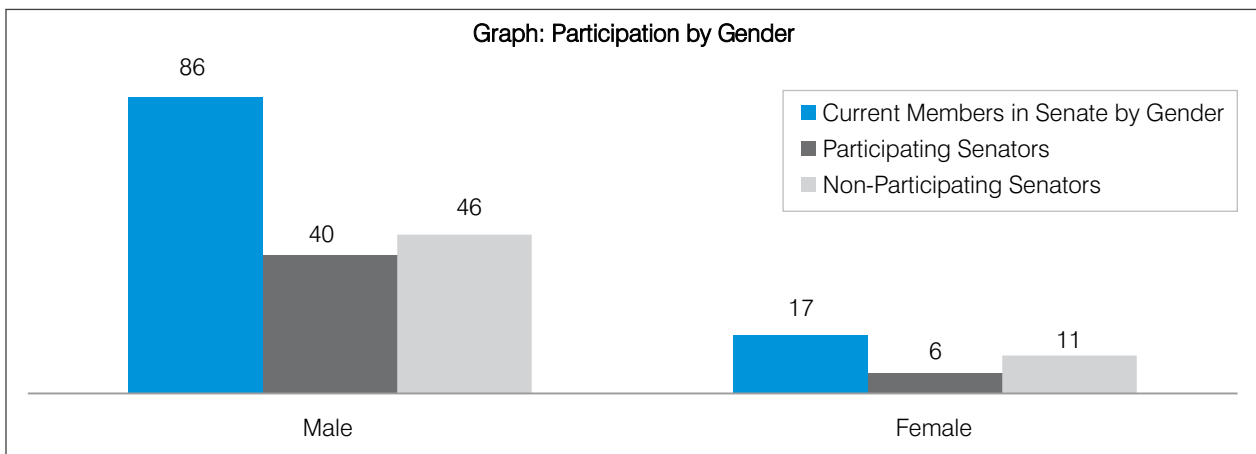
Overall, only two Senators solely tabled agenda, 30 debated it while 14 did both. The PPPP Senators took a lead in both submitting as well as debating agenda. However, Senators belonging to nearly all parties engaged in the House debates.

Table: Senators' Participation

| Sr. No. | Party | Members Who only Submitted Agenda Items | Members Who Took Part only in Debates | Members Who Participated in Debates as well as Submitted Agenda Items | 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 | PPPP | 0 | 10 | 7 | 0% | 26% | 18% | 39 |
| 2 | PML-N | 0 | 6 | 2 | 0% | 38% | 13% | 16 |
| 3 | ANP | 0 | 3 | 2 | 0% | 25% | 17% | 12 |
| 4 | IND | 1 | 2 | 1 | 9% | 18% | 9% | 11 |
| 5 | MQM | 0 | 1 | 2 | 0% | 14% | 29% | 7 |

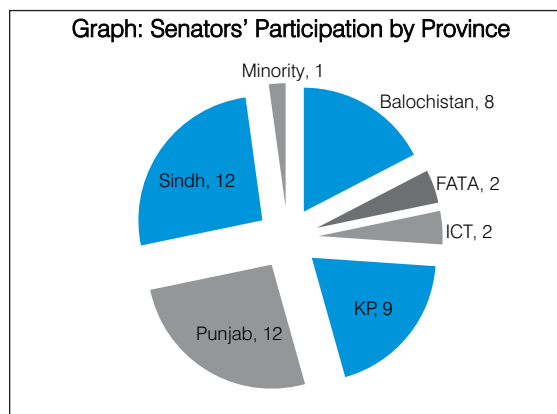
| Sr. No. | Party | Members Who only Submitted Agenda Items | Members Who Took Part only in Debates | Members Who Participated in Debates as well as Submitted Agenda Items | Percentage of Members Who Submitted only Agenda Items | Percentage of Members Who only Participated in Debates | Percentage of Members Who Submitted Agenda Items And Participated in Debates | Current Members in Senate by Party |
|--------------|-------|---|---------------------------------------|---|---|--|--|------------------------------------|
| 7 | PML | 0 | 2 | 0 | 0% | 40% | 0% | 5 |
| 8 | BNP-A | 0 | 1 | 0 | 0% | 25% | 0% | 4 |
| 9 | NP | 0 | 0 | 0 | 0% | 0% | 0% | 1 |
| 10 | PKMAP | 0 | 1 | 0 | 0% | 100% | 0% | 1 |
| 14 | PML-F | 0 | 1 | 0 | 0% | 100% | 0% | 1 |
| Total | | 2 | 30 | 14 | 2% | 29% | 14% | 103 |

Relative to their respective strength in the House, male Senators were more active in this session than the previous, however female legislators' participation fell further. Forty seven percent male Senators and 35% female Senators participated in the session, contributing more to the debates.



Equal representation is awarded to each province in the Upper House; currently there are 22 Senators each from Punjab, Balochistan and Khyber Pakhtunkhwa and 21 from Sindh. The Senators belonging to both Sindh and Punjab participated actively (12 Senators each) in the assembly debates. Nine legislators from Khyber Pakhtunkhwa tabled as well as discussed agenda while eight Baloch Senators only expressed their opinions in the House debates.

Participation of ICT and FATA Senators also fell as two Senators each participated by tabling and debating agenda. One out of four minority members also participated in the House discussions.



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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.

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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