



Parliament At Work

...The people of Pakistan want change. Change of systems, change of programs, change from a climate of threat to one of stability and prosperity.¹

Shaheed Mohtarma Benazir Bhutto



The People's Government believes in the supremacy of the Parliament as it represents the will of the people.

Dictatorial regimes systematically dismantle representative State organs -- the Senate and the National Assembly -- which a democratic dispensation must resurrect and make functional in order to correct the many wrongs and deliver good governance to the people. In a truly democratic Pakistan, the legislature must rise to the occasion as it is the voice of the people. The Parliament is responsible for taxation, appropriation and accountability. But the dictatorial regime bureaucratized these functions. Budgets were passed through Statutory Regulatory Orders (SROs) and accountability was used as a weapon against democratic forces.

The People's Government believes in the supremacy of the Parliament as it represents the will of the people. Since 2008, the Government has brought all its initiatives and issues of national importance in the elected houses for debate, guidance and approval. The Prime Minister has established a new tradition of attending the National Assembly sittings more regularly than any Prime Minister in the recent history of Pakistan, and responded to several points raised by the

¹Benazir Bhutto, "Democratization in Pakistan", speech delivered at The Middle East Institute, September 25, 2007, Washington, D.C. (U.S.A.).

members.

Prime Minister Syed Yousaf Raza Gilani signaled a much-expected change when he ordered the release of house-arrested judges of apex court in his maiden speech in the National Assembly even before swearing in as the country's premier. Later, President Asif Ali Zardari apologized to the people of Balochistan for the atrocities they had faced during the last authoritarian regime, which won their hearts and restored their confidence in democracy. It was also for the first time that President Asif Ali Zardari twice addressed the joint session of the Parliament, fulfilling the constitutional obligation that had been neglected in the past.

Another landmark achievement by the democratic Parliament was the election of Dr Fehmida Mirza as the first woman Speaker National Assembly, bestowing a special respect to the women. Women's representation in the current Parliament has also witnessed a remarkable surge. Women Parliamentarians have been the most active legislators. A total 58 Private Member's Bills were submitted during the year, out of which 48 were introduced in the National Assembly for consideration. Twenty-six of these bills were moved by single members, out of which 22 were introduced by women parliamentarians.

Despite heavy odds, the democratically elected Parliament started its business with a sense of purpose, and has accomplished unprecedented success in just two years. The National Assembly passed 38 laws², against 19 by the previous Assembly³, during its first two years: 34 laws were passed during the second year while four laws were passed in the first year (see Box: *Laws Passed by the National Assembly 2008-2010*).

The second parliamentary year witnessed an exceptionally dynamic National Assembly, which not only cleared the constitutional mess left behind by the last authoritarian regime, but also passed a record number of bills (see Box: *Public speaks through the Parliament*).

The National Assembly met for a total of 101 working days in 12 sessions, out of which four were of Majlis-e Shura (Joint Sessions of Parliament). Total business hours of the National Assembly were 344 hours and 27

minutes during the second parliamentary year, which is 24 percent more time than the first parliamentary year. The Acts to Ordinance Ratio improved in the second year: 34 Acts vs 27 Ordinances were passed compared to four Acts vs 17 Ordinances in the first parliamentary year⁴.

According to statistics released by the Pakistan Institute of Legislative Development and Transparency (PILDAT), members asked 10,843 questions during the first year compared to 9,321 during the second year. The MNAs submitted 734 Calling Attention Notices during the second year, compared to 708 in the previous one; while the average number of Notices submitted per year during the 12th National Assembly was 631. During the first two years of the 13th National Assembly, the privilege notices registered a marginal decrease to 47 compared to 50 during the first year.

It was for the first time in Pakistan's history that the defense budget was presented before the Parliament for threadbare discussion. During the second year, the budget session lasted for 10 working days compared to 19 during the first year, and the budget debate lasted for 42 days compared to 41 and a half during the first year.

The Parliamentary Committee system has been strengthened. The Standing Committees have been empowered to go into all matters of the concerned Ministries. A matter can be remitted to a Standing Committee by the Speaker or the Assembly suo moto and without moving any motion. The committees have also been empowered to invite or summon before them any member or any other person having a special interest in relation to any matter under its consideration and may hear expert evidence and hold public hearing⁵.

The Standing Committees, particularly the chairpersons of the committees, represent the ethnic and political diversity that is the hallmark of the Pakistani nation. Every political party has been given membership and chairmanship in accordance with their actual representation in the Parliament, i.e., as decided by the people of Pakistan.

In order to ensure a transparent accountability mechanism, the PPP-led Coalition Government made Leader of the

Opposition, Chaudhry Nisar Ali Khan, the head of Public Accounts Committee that has demonstrated an equally high standard of hard work, diligence, painstaking investigation, and effective oversight by holding almost 137 meetings during the past two years.

The performance of the Upper House of Parliament improved as it passed eight bills in 2008-2009, while the number doubled in the year 2009-2010. The Upper House referred as many as 15 bills to the Standing Committees concerned for necessary deliberation in the year 2008-2009 and 11 in 2009-2010.

Both the Houses actively participated in the debates on various issues of national importance related to foreign policy, power crises and war against terrorism.

Building National Consensus

During authoritarian regimes, control mechanism and 'working through ordinances' was the order of the day for legislation. Now the 'order of the day' of the Senate and the National Assembly has precedence over everything else.

The National Assembly passed 34 laws during two years of the People's Government. These laws were finalized through a long, consultative process involving general public, Parliament and its committees. It is the beauty of democracy that members representing different political parties passed many of these laws unanimously in the Parliament, thus displaying the will and the possibility of building national consensus on important national issues, and working with diverse opinions.

The 26-member bipartisan Constitutional Reforms Committee comprising representatives from all political parties has reviewed the Constitution article by article, and has developed a consensus legislative agenda to undo the complications and deformities created during authoritarian regimes. With these amendments, sovereignty has returned to the people of Pakistan and the federal structure of the State is now being reinforced in the true sense.

But we have to be patient. The Constitution is not a concept paper that any number of

experts could finalize among themselves. It is a social contract between the people and the State, and it has to be reflective of the wishes and will of the people of Pakistan. The PPP gave a unanimous Constitution to the nation in 1973 that is still the only acceptable document among the federating units. In the same spirit, the PPP has involved all political parties in the process of constitutional reforms so that the basic law has the backing of the whole nation.

Aghaz-e-Haqooq-e-Balochistan

The issue of historical injustices done to Balochistan by authoritarian regimes has been agitated in both houses of the Parliament in recent years. However, despite the deteriorating law and order situation in the province, no corrective measures were taken. The People's Government brought this issue to the Parliament and -- through Aghaz-e-Haqooq-e-Balochistan (AHB) -- announced a comprehensive set of initiatives to address the grievances of Balochistan. The Prime Minister, in his concluding speech, announced the formation of a committee of parliamentarians for quick implementation of AHB and suggestions of the parliamentarians, while also assuring the Parliament that he would personally monitor progress on implementation of the initiatives announced in the Parliament:

*"We are ever ready to hold parleys with the exiled political leaders and workers. We believe that they will adopt the peaceful and democratic stance and accept our invitation for a dialogue. I am prepared to visit the homes of elderly politicians to pave the way for political reconciliation."*⁶

For the people

A cursory look at the laws passed by the Parliament during the last two years clearly displays the preferences of the People's Government. An overwhelming majority of these laws have been made to bring relief to the weak and vulnerable, address future needs of the people, and undo the wrongs done by authoritarian regimes.

The Criminal Law (Amendment Bill 2009)

Women in Pakistan face intimidation in the

²National Assembly of Pakistan, www.na.gov.pk.

³Citizens Report: Performance of the 12th National Assembly of Pakistan, Pakistan Institute of Legislative Strengthening, May 2007.

⁴Pakistan Institute of Legislative Strengthening, http://www.pildat.org/eventsdel.asp?detid=357.

⁵http://www.na.gov.pk/comsys.html accessed on 1st April 2010.

⁶Dawn, December 10, 2009.

market place, in public transport, at bus stops and work-places. This harassment alone inhibits most women to move out of home for education, medical facility, earning livelihood and even to run errands for their families. Providing security to the weak and vulnerable is one of the basic responsibilities of the State. The People's Government proposed several legislative measures in the Parliament in order to criminalize offence, enhance punishment for crime, and provide institutional arrangements for protecting women against harassment.

The Pakistan Penal Code (PPC) has been amended for this purpose. The amendment drafted in PPC and 509A is in the same spirit as Section 509 and other relevant clauses of PPC that provide protection to women. It elaborates and specifies what constitutes harassment of any person in public or private workplaces. It also increases the maximum punishment. The new amendment takes the spirit of PPC forward and makes it more effective in cases of sexual harassment, insults, humiliation and intimidation.

The Protection Against Harassment of Women at the Workplace Act, 2009

The Protection against Harassment of Women at the Workplace Act, 2009 is a modern legal instrument for providing



President Asif Ali Zardari signing the Protection Against Harassment of Women at the Workplace Act, 2009.

protection to the ever-increasing number of women in all spheres of national life. The

Parliament has risen to the occasion to pass this much-needed law so that the enormous potential of our immensely talented women can be harnessed. This landmark legislation is a gift to the women of Pakistan from the party of their sister, Shaheed Mohtarma Benazir Bhutto, who brought the discourse on the rights of women to these exalted houses.

The law requires from all establishments to display code of conduct prominently at the workplace and set up inquiry committees to proceed against violators. The law also provides for the appointment of an Ombudsman with judicial powers to adjudicate cases pertaining to harassment at the workplace.

The Prevention of Domestic Violence Act, 2008

The issue of domestic violence against women has been a source of public concern for a number of years, and the gravity of the situation in the private domain is compounded. In cognizance of the stress and unbearable suffering of the aggrieved party, it was necessary to criminalize the act. Through this Bill, domestic violence has now been brought into the public domain. This piece of legislation responds to the National Policy for Development and Empowerment of Women, which calls for adoption of zero tolerance for violence against women and "introducing positive legislation on domestic violence."⁷

The Public Defender and Legal Aid Office Act, 2009

Today, a large number of people cannot afford the high costs of justice prevalent in the country. The State has a responsibility towards people to provide them legal defense, so that the requirements of fair trial are fulfilled and mere inability to hire a counsel is not translated into denial of justice. The Parliament has reflected its concern for the weak and vulnerable through this legislation, which provides for free legal aid by the State for those who cannot afford high fees of the lawyers.

Taking cue from the democratic institutions, the lawyers' community and civil society should also come forward and establish

⁷ National Policy for Development and Empowerment of Women, 2002, <http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=30344&baseHREF=country&baseHREFId=997>

trusts for legal aid to the poor and the disadvantaged. There are some isolated initiatives of this kind, but there is a need to mainstream this altruistic practice through collective action.

The Removal from Service (Special Powers) Ordinance 2000 (Repeal) Act, 2010

After unconstitutionally taking over civilian authority in 1999 and subjugating the judiciary through Provisional Constitutional Order 2000, the last authoritarian regime targeted civil servants by introducing the black law of 'Removal From Service Ordinance 2000'. This law provided absolute powers to the Government with regard to



The President signs the Removal from Service (Special Powers) Ordinance 2000 (Repeal) Act, 2010.

removal of 'unwanted' persons in Government jobs. Introduction of this law created insecurities in the civil service, which caused lack of initiative and loss of morale in the policy-making and implementation arms of the Government.

The People's Government realized the negative impact of this legislation on public sector employees, and worked with all parties in the Parliament to annul this draconian law. Repeal of this law has liberated public servants from servitude of individuals. Now they are able to work according to their conscience and the law of land, without any fear of victimization or

premature dismissal from service.

The Services Tribunal (Amendment) Act, 2010

The Federal Services Tribunal is a duly constituted court for employees of the Federal Government. Lately, the tribunal was given jurisdiction over the service matters of State-owned enterprises (SOEs) and corporations. However, an anomaly appeared in the law because of the denial of access to the workers of these enterprises to specialized labor courts, which was otherwise available to them before amendment in the law and was still available to the workers of the private sector. Since appeal against the decision of the Federal Services Tribunal lies with the Supreme Court of Pakistan, there was no chance left to the workers of public sector corporations to approach the High Courts or the Industrial Relations Commission like other workers. With this latest amendment in the law, the employees of SOEs will again have access to labor tribunals.

The Industrial Relations Act 2008

The repeal of Industrial Relations Ordinance 2002 in enactment of Industrial Relations Act, 2008 has been passed by the Parliament aiming, inter alia, to:

- i. Regulate the Government's vision on dignity of labor, elimination of animosity and antagonism by fostering a trust-relationship between employers-employee and promoting social dialogue in the law;
- ii. Give right of association to the workers employed in Railways on Ministry of Defense lines, Pakistan Mint, and in any institution established for payment of employees' old-age pensions or for workers' welfare;
- iii. Provide free discretion to trade unions to join or not to join any federation or confederation, of their own choice;
- iv. Revive Labor Appellate Tribunals on the persistent demand of trade unions/federations in order to ensure speedy disposal of labor disputes.

PIA Trade Union

In order to lift the ban on the union activities in Pakistan International Airlines (PIA) Corporation, the Pakistan International Airlines Corporation (Suspension of Trade Union and Existing Agreement) Order (Repeal) Act, 2008 has been passed by the Parliament.

The National Command Authority Act, 2009

National Command Authority (NCA) was established by the last authoritarian regime through an ordinance⁹ in order to provide for a command structure for taking strategic decisions relating to nuclear technology. The President of Pakistan was made head of NCA through this ordinance. The People's Government enacted the command structure through the National Command Authority Act, 2009 under which the popularly elected Prime Minister has been brought at the center of decision-making on matters relating to national security and nuclear technology.

The Institute of Space Technology Act, 2009

International and even regional players have achieved remarkable economic and military achievements through research in space technology and its use in communications, law enforcement, defense, and a number of other areas. The Institute of Space Technology Act, 2009 is yet another initiative of the People's Government after introducing nuclear and missile technologies, which were launched during the democratic tenures of Shaheed Zulfikar Ali Bhutto and Shaheed Mohtarma Benazir Bhutto. It is a major step to push forward our national S&T and R&D efforts.

The Pakistan Institute for Parliamentary Services Bill, 2008

The Parliament and the Provincial Assemblies are considered to be the most important institutions of parliamentary democracy in Pakistan. However, so far no research and training facilities are available to the law makers. Legislators need relevant

data and analyses to legislate. They must be equipped with all the material on the subject of a bill and should have the facility of research and training. They also need help in drafting bills, resolutions and other motions. In order to facilitate them and the staff of the legislative bodies, it was necessary to establish an institute to help the legislators frame sound laws. The Pakistan Institute for Parliamentary Services Bill, 2008 has been passed by the Parliament to address this crucial need.

The Representation of the People (Amendment) Bill, 2008

It has been observed that frequent adjournments are sought in election petitions. Sometimes, election petitions are not decided even up to the next general election with the result that the objective of the law is defeated. In order to curtail this tendency, an amendment was proposed in the Representation of the People Act, 1976 (LXXXV of 1976) that no adjournment shall be given by the Tribunal for more than two days and that too on payment of costs as the court may determine. However, if election petition is not decided within a period of four months, further adjournment sought by any party shall be given on payment of a special cost of Rs.10,000 per adjournment. If the Tribunal itself wants to adjourn the proceedings it shall record reasons for the adjournment. It is also being provided that appeal shall be decided by the Supreme Court within 30 days.

Anti-Money Laundering Bill, 2009

This law provides for minimum imprisonment of one year and maximum imprisonment of 10 years and a fine of up to Rs.1 million against money laundering. Moreover, one who commits the offence of money laundering shall be liable to forfeiture of property besides imprisonment and fine.

Within 30 days of commencement of this Act, the Federal Government shall, by notification, constitute a committee to be known as the National Executive Committee. The committee with Minister for Finance as its Chairman would develop an annual national strategy to fight money laundering. It would also make recommendations to the Federal

⁹National Command Authority Ordinance, 2007.

Government for effective implementation of the Act and framing of a national policy to combat money laundering.

The Transplantation of Human Organ and Tissues Bill 2009

The bill is based on an ordinance of identical nomenclature promulgated on September 4, 2007 to regulate matters relating to removal, storage and transplantation of human organs and tissues for therapeutic purposes. The law has since been signed by President Asif Ali Zardari to elevate it as an act of parliament.



The President signs the Transplantation of Human Organs and Tissues Act, 2009.

Some other laws

The law on competition is a modern instrument for providing fair competition and level playing field. The Family Courts (Amendment) Act, 2008' and 'The Guardians and Wards (Amendment) Act, 2008' are other significant laws passed by the Parliament (see *Box Laws Passed by the National Assembly and Acts of Parliament*).

Public Speaks through the Parliament

The 18th session of the National Assembly was prorogued on January 29, 2010 after executing record legislative business in parliamentary history of the country since 1985. The house passed ten bills during the session. The National Assembly remained in session for 19 days, including six holidays. On average, one bill a day was passed by the Lower House. The National Assembly, during the session, passed the following bills:

No.	Law	Date
10	The Public Defender and Legal Aid Office Act, 2009	January 13, 2010
9	The Pakistan Institute of Development Economics Act, 2009	January 18, 2010
8	Protection against Harassment of Women at the Workplace Act, 2009	January 21, 2010
7	Services Tribunal (Amendment) Act, 2010	January 26, 2010
6	Removal from Service (Special Powers) Ordinance 2000 (Repeal) Act, 2010	January 26, 2010
5	Pakistan Engineering Council (Amendment) Act, 2009	January 27, 2010
4	The Competition Act, 2009	January 27, 2010
3	Anti-Money Laundering Act, 2009	January 27, 2010
2	National Command Authority Act, 2009	January 28, 2010
1	Institute of Space Technology Act, 2009	January 29, 2010

Laws passed by the National Assembly 2008-2010

No.	Date	Law
38	Thursday, 8th April, 2010	The Constitution (Eighteenth Amendment) Act, 2010
37	Wednesday, 31st March, 2010	The Alternative Energy Development Board Act, 2010
36	Friday, 12th March, 2010	The Pakistan Penal Code (Amendment) Act, 2010
35	Thursday, 11th March, 2010	The Code of Civil Procedure (Amendment) Act, 2009
34	February 22, 2010	The Pakistan Naval Academy (Award of Degrees) (Amendment) Act, 2010
33	February 18, 2010	The Patents (Amendment) Act, 2010
32	February 18, 2010	The National School of Public Policy (Amendment) Act, 2010
31	February 18, 2010	The Earthquake Reconstruction and Rehabilitation Authority Act, 2010
30	February 8, 2010	The Banking Companies (Amendment) Act, 2009
29	January 29, 2010	The Institute of Space Technology Act, 2009
28	January 28, 2010	The National Command Authority Act, 2009
27	January 27, 2010	The Pakistan Engineering Council (Amendment) Act, 2009
26	January 27, 2010	The Anti-Money Laundering Act, 2009
25	January 27, 2010	The Competition Act, 2009
24	January 26, 2010	The Service Tribunals (Amendment) Act, 2010
23	January 26, 2010	The Removal from Service (Special Powers) Ordinance 2000 (Repeal) Act, 2010
22	January 21, 2010	The Protection Against Harassment of Women at the Workplace Act, 2010
21	January 18, 2010	The Pakistan Institute of Development Economics Act, 2009
20	January 13, 2010	The Public Defender and Legal Aid Office Act, 2009
19	November 12, 2009	The Transplantation of Human Organs and Tissues Act, 2009
18	November 4, 2009	The Criminal Law (Amendment) Act, 2009
17	October 14, 2009	The Federal Board of Revenue (Amendment) Act, 2009
16	October 8, 2009	The Modaraba Companies and Modaraba (Floatation and Control) (Amendment) Act, 2009
15	October 8, 2009	The NFC Institute of Engineering and Technology Multan Act, 2009
14	October 8, 2009	The Stock Exchanges (Corporatization, Demutualization and Integration) Act, 2008
13	August 19, 2009	The Family Courts (Amendment) Act, 2008
12	August 19, 2009	The Guardians and Wards (Amendment) Act, 2008
11	August 12, 2009	The Election Law (Amendment) Bill, 2009
10	August 12, 2009	The Cotton Standardization (Amendment) Act, 2008
9	August 12, 2009	The Anti-Dumping Duties (Amendment) Act, 2008
8	August 6, 2009	Representation of the People (Amendment) Act, 2008
7	August 4, 2009	Domestic Violence (Prevention and Protection) Act, 2009
6	August 3, 2009	Rulers of Acceding States (Abolition of Privy Purses and Privileges) (Amendment) Act, 2008
5	June 20, 2009	Finance Bill 2009
First Parliamentary Year March 17, 2008 to March 16, 2009		
4	November 19, 2008	The Industrial Relations Bill, 2008
3	November 18, 2008	The Pakistan Institute for Parliamentary Services Act, 2008
2	August 15, 2008	Pakistan International Airline Corporation (Suspension of Trade Unions and Existing Agreements) Order (Repeal) Act, 2008
1	June 22, 2008	Finance Bill 2008

ACTS OF THE PARLIAMENT

11	January 30, 2010	The Criminal Law (Amendment) Act, 2010
10	October 29, 2009	The Representation of the People (Amendment) Act, 2009
9	October 19 2009	The Election Laws (Amendment) Act, 2009
8	October 19 2009	The Cotton Standardization (Amendment) Act, 2009
7	June 20, 2009	Finance Act 2009
6	June 22, 2008	Finance Act 2008
5	December 15, 2008	The Pakistan Institute for Parliamentary Services Act, 2008
4	August 30, 2008	Pakistan International Airline Corporation (Suspension of Trade Unions and Existing Agreements) Order (Repeal) Act, 2008
3	June 22, 2008	Finance Act 2008
2	December 15, 2008	The Pakistan Institute for Parliamentary Services Act, 2008
1	August 30, 2008	Pakistan International Airline Corporation (Suspension of Trade Unions and Existing Agreements) Order (Repeal) Act, 2008

Source: National Assembly of Pakistan (www.na.gov.pk); www.dawn.com.