

A Case Study of Pakistan Parliament

The Role and Workings of Parliament in Crisis Situations



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Part - I

Paper Presented at ASGP/IPU Meeting



The author presenting his paper in Association of Secretaries General of Parliaments (ASGP) to the General Debate at St. Petersburg Session in October, 2017.

Part - II

Case Study of Role of Pakistan Parliament and Senators in the interstate; intrastate; transstate crises

2.1 The case study focuses on the role of Pakistan Parliament, especially Senators, as a special case study in building up a comprehensive legal and constitutional framework against terrorism, as inter-state, intra state and transnational crisis. Highlight of the study are the proceedings and reports of the joint parliamentary sessions and joint parliamentary committees.

The study also includes detailed statistical data regarding the Questions, Calling Attention Notices, Motions under Rule 218, Adjournments Motions and Resolutions, and verbatim of House debates, moved by Senators and /or taken up by the House, in issues concerning terrorism.

The workings of the Committees especially Committee of the Whole House of Senate in recent years' crisis deserves special mention and is highlighted accordingly.

The study begins with the classic success story case of the Parliamentary Committee on National Security constituted through Resolutions passed by joint sessions of Parliament from 8-22 October, 2008. The Committee originally constituted as Special Committee of the Parliament on Terrorism and National Security was renamed as Parliamentary Committee on National Security.

Counter Terrorism Legislation and National Action Plan

2.5 This section features a detailed account of the counter-terror legislation and the National Action Plan.

With regard to addressing the crisis of terrorism and extremism that constitute intra, inter and trans-state challenges, Pakistan Parliament has taken significant constitutional measures in the form of several acts, ordinances and amendments to augment our legal framework against this challenge.

Pakistan Penal Code, Suppression of Terrorist Activities (Special Courts) Acts (1974 to 1997), The Anti-Terrorism Acts 1997 and its related Amendments, Anti-Money Laundering Act 2010, Counter-Insurgency (In Aid of Civil Power) Regulations 2011, Anti-Terrorism (Amendment) ordinances, and Protection of Pakistan Ordinances are some of the examples of the legal interventions taken by Pakistan Parliament to address this enduring crisis.

The National Action Plan, Pakistan's premier counter-terrorism compass, agreed upon by an All Parties Conference after a marathon session of 11 hours on December 24, 2014, is major achievement in the ongoing fight against terror. The National Action Plan aims to supplement the ongoing anti-terrorist offensive, and is considered as a major coordinated state retaliation following the deadly Peshawar school attack. The plan combines foreign and domestic policy initiatives aimed to crack down on and eventually eliminate proscribed organisations across the country. The plan was provided as the framework for the Twenty-first Amendment to the Constitution of Pakistan which established speedy trial military courts for offences relating to terrorism.

Senate Resolutions

2.9 A number of Resolutions have been passed by the Senate in condemning the acts of terrorism, reaffirming the resolve to fight this menace, and to show solidarity with the victims. The Senate also passed resolution recommending the government to take effective measures to implement the National Action Plan. Another resolution demanded that the State should adopt a policy of zero-tolerance against terrorism, calling for the constituting of an oversight committee of the parliament to monitor the efforts of the Federal and Provincial governments as well as agencies concerned to further improve performance. Moreover, the Senate of Pakistan also passed Resolutions to call upon the Government to act in certain situations and also to recommend a certain course of action. Resolutions were also passed to appreciate and recognise the efforts of the Executive and the countless sacrifices made by the Armed forces of the country. Also included at the end of the list of Resolutions is the verbatim of the debate on Resolution moved by the Senator Sitara Ayaz regarding effective steps for implementation of the National Action Plan. This has been included to record the exchange of ideas and efforts that went into the process before the Resolution was passed.

This book by Mr. Amjad Pervez Malik is a laudable effort. Having been witness to the initial Presentation by the author at St. Petersburg, Russia and after seeing this book, I believe the analysis offered by him is an intellectual tour de force. No author has ever so comprehensively compiled and analysed the multifaceted and wide spread business of the Parliament in any field, more so in the area of handling of crisis situations. The author's experience of more than twenty years as Parliamentary functionary is very well reflected by his incisive analysis of the usage of different Parliamentary tools by the Parliamentarians in response to terrorism as a case study.

Moreover, this book is an eye opener for those segments in particular who constantly raise apprehensions about the efficacy of Parliamentary form of government in Pakistan. It also offers a wise recipe to the Executive – the role of the Parliament in dealing with the situations of Crisis must be enhanced and recognised.

I would congratulate Mr. Amjed Pervez Malik, on this timely work of utmost importance.

Mian Raza Rabbani
NI
Chairman,
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