

# PARLIAMENT WATCH – PAKISTAN\*

## DECEMBER 2010



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# Proceedings of the National Assembly of Pakistan

## December 2010

The 27th session of the 13th National Assembly of Pakistan continued for 12 working days covering eight days in December (20-31) and four days in January (January 3-7, 2011). Earlier, the Prime Minister of the Peoples Republic of China, His Excellency Wen Jiabao, addressed the joint session of the parliament on December 19, 2010.

Legislation, call attention notices, resolutions and discussions on issues of public interest have been on the agenda of the House in this month. Among other important business of the House, two items on the agenda are concerned with human rights. One of them is a Calling Attention Notice regarding the non issuance of visas to Sikh pilgrims and the other is the passing of "The Code of Criminal Procedure (Amendment) Bill 2010."

A Member of the National Assembly, Ms Shakeila Khadam Rasheed submitted the said Call Attention Notice regarding the refusal of visa to Sikh pilgrims on the occasion of their Founder's (Guru Nanak) day in Pakistan. She said that refusing to issue visas to 300 Sikh pilgrims is a matter of great concern for the public.<sup>1</sup> She said that Sikh pilgrims come to Pakistan to celebrate the Day of Guru Nanak as this day is of immense importance for them.

The mover of the Notice said that earlier the denied pilgrims were told that visas would be issued to them but afterwards visas were not issued to them on the mere basis that those pilgrims were born in Pakistan<sup>2</sup>.

Responding to this Call Attention Notice, State Minister for Foreign Affairs Nawabzada Malik Amad Ahmed Khan said that a protocol between India and Pakistan was signed in 1974 to give permission to Sikh and Hindu Pilgrims to visit their holy places in Pakistan. He said that the number of pilgrims was also decided according to that protocol.<sup>3</sup>

Another member of the House, Yasmin Rehman, taking part in the discussion, questioned the policy under which Sikh pilgrims were informed that visas would not be issued to them on the basis that they were born on the soil of Pakistan<sup>4</sup> before independence of the country. She also suggested that the said protocol needs to be reviewed as it was signed many years before. The parliamentarians also opined that that denial of visas to Sikh pilgrims had given a very bad message to the world<sup>5</sup>

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<sup>1</sup> House Debate, <http://www.na.gov.pk/hdebate/session27/tuesday211210.pdf>; Pakistan Denies Visa to Sikh Pilgrims, <http://www.chakranews.com/pakistan-denies-visa-to-sikh-pilgrims/1026>

<sup>2</sup> House Debate, <http://www.na.gov.pk/hdebate/session27/tuesday211210.pdf>

<sup>3</sup> House Debate, <http://www.na.gov.pk/hdebate/session27/tuesday211210.pdf>

<sup>4</sup> Minister contradicts refusal of visa to 300 Sikh pilgrims, Pakistan Times, <http://pakistantimes.net/pt/detail.php?newsId=17438>

<sup>5</sup> House Debate <http://www.na.gov.pk/hdebate/session27/tuesday211210.pdf>

It is important to note that the said protocol between India and Pakistan was signed 37 years ago and now it is old enough to warrant a review by both governments. Those who are responsible for denying visas to Sikh pilgrims without reasonable argument or cause should be held accountable.

### **The Code of Criminal Procedure (Amendment) Bill 2010**

Another important business of the House during this month was the passing of The Code of Criminal Procedure (Amendment) Bill 2010. It deals with providing relief to the accused in jails. It is important to note that delaying of trials of accused persons is a common practice in Pakistan for multiple reasons such as pending cases in the courts due to excessive work and a large backlog. In consequence to this, trial of accused, whether they are men, women or juvenile, could not be conducted in time and they languish in jails for years. In jails, they face multiple problems ranging from food to severe health complications and psychological disorders. According to many media reports, their rights to education, health facilities, availability of timely and quality food, proper rest, information, seeing their friends and relatives are grossly violated.<sup>6</sup>

Female prisoners, particularly those with infants and minors, face even worse situations. In Pakistani jails, like in many other parts of the world, no attention is given to the mental rehabilitation of the accused. Moreover the suffocating environment and human rights violations within jails greatly contribute in producing hard criminals.<sup>7</sup>

The legislation in question is a sigh of relief for many of them and particularly to those who have been in jails as a result of being implicated in false cases. The objective of the Bill is to provide relief to such accused and grant them bail after two years in cases of offences punishable with death and after one year in cases of offences not punishable with death. These time bars are being further reduced to one year and six months respectively in cases where the accused are women. Similarly, amendments are also being proposed to section 426 of the Criminal Procedure Code of Pakistan to address cases that are delayed at appellate stage.

This bill is appreciable because it would help the accused not to languish in jails and become hard criminals, but it must also be kept in mind that it would help make criminals more fearless. It could also be a setback for victims, survivors and their families who after great efforts bring the responsible before the courts of law. It may also expose victims to more threats and dangers particularly in cases when the accused is criminal minded and had committed crimes of a serious nature. The government, besides implementing such laws, should also ensure mental rehabilitation of the accused and protection of the victims.

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<sup>6</sup> 'Law enforcement agencies mostly violate human rights', Daily Times, [http://www.dailytimes.com.pk/default.asp?page=2011%5C03%5C12%5Cstory\\_12-3-2011\\_pg7\\_27](http://www.dailytimes.com.pk/default.asp?page=2011%5C03%5C12%5Cstory_12-3-2011_pg7_27)

<sup>7</sup> Pakistan Women and Minorities Demands Non-Official Visitors for Jail Committees <http://www.assistnews.net/Stories/2011/s11010190.htm>