

# PARLIAMENT WATCH – PAKISTAN\*

APRIL 2010



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# Proceedings of the National Assembly of Pakistan

## April 2010

The 21<sup>st</sup> session of the 13<sup>th</sup> Constituent Assembly of Pakistan continued for seven working days. The session commenced on April 1, 2010 and ended on 9<sup>th</sup> of the same month. Business conducted during the House proceedings includes legislation, call attention notices on public issues, motions and resolutions.

In this month, the parliament unanimously passed The Constitution (Eighteenth Amendment) Bill, 2010 which is now being regarded as the most important development regarding the constitution of Pakistan made with full consensus. Pakistan's democratic system has been derailed several times due to martial laws and military interventions that have also caused changes in the 1973 constitution of Pakistan. The non democratic regime particularly of former President General (Retd) Pervaiz Musharaf that came into power at different times centralized all authority and thus altered the structure of the constitution from a parliamentary form to quasi presidential form of government through the eighth and seventeenth amendments.

It was in this background that the two former Prime Ministers of Pakistan Benazir Bhutto and Mian Muhammad Nawaz Sharif, being head of their political parties, signed the Charter of Democracy back in 2006<sup>1</sup> with the objective of ensuring democratic governance and fundamental rights of the people of Pakistan. Within this context, the Constitution (Eighteenth Amendment) Act, 2010 was framed and finally passed by the Assembly<sup>2</sup>.

Besides, dealing with a number of important issues concerning the federation, this legislation provides for the right to fair trial. It says that for the determination of one's civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process<sup>3</sup>. It says that every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality<sup>4</sup>. As far as one's right to information is concerned, the legislation says that every citizen shall have the right to have access to information in all matters of public importance, subject to regulation and reasonable restrictions imposed by law.<sup>5</sup> For education, it binds the State to providing free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.<sup>6</sup>

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<sup>1</sup>Nawaz and Benazir sign Charter of Democracy

[http://www.dailytimes.com.pk/default.asp?page=2006%5C05%5C15%5Cstory\\_15-5-2006\\_pg1\\_1](http://www.dailytimes.com.pk/default.asp?page=2006%5C05%5C15%5Cstory_15-5-2006_pg1_1)

<sup>2</sup>Pakistan passes key constitutional reforms

<http://southasia.oneworld.net/todaysh headlines/pakistan-passes-key-constitutional-reforms-renames-nwfp>

<sup>3</sup>Article 10 The Constitution (Eighteenth Amendment) Bill 2010

<sup>4</sup>Article 17 The Constitution (Eighteenth Amendment) Bill 2010

<sup>5</sup>Article 19A The Constitution (Eighteenth Amendment) Bill 2010

<sup>6</sup>Article 25A The Constitution (Eighteenth Amendment) Bill 2010, 18<sup>th</sup> amendment Act 2010,

<http://pakistanconstitution-law.org/18th-amendment-2010/>

This legislation has generally been hailed in Pakistan on various grounds considering it a step towards granting basic human rights.<sup>7</sup> On the contrary, however, some important issues were ignored in the 18th Amendment such as the Frontier Crimes Regulation (FCR), which is implemented in Federally Administered Tribal Areas (FATA) of Pakistan and is regarded as an inhuman law.<sup>8</sup>

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<sup>7</sup>Signing of 18th amendment draft hailed by President, PM

<http://www.thestatesmen.net/news/signing-of-18th-amendment-draft-hailed-by-president-pm/>

PPP leaders hail passage of 18th Amendment

[http://www.dailytimes.com.pk/default.asp?page=2010%5C04%5C10%5Cstory\\_10-4-2010\\_pg7\\_13](http://www.dailytimes.com.pk/default.asp?page=2010%5C04%5C10%5Cstory_10-4-2010_pg7_13)

<sup>8</sup>FCR: An Inhuman Law

<http://www.citizensforpeace.org/231-fcr-an-inhuman-law.html>

Criticism on 18<sup>th</sup> amendment

<http://www.cssforum.com.pk/general/discussion/36678-18th-amendment-pros-cons-criticism-applause.html>

Human Rights Commission South Asia

<http://www.hrcsa.org/PAKISTAN/Court%20moved%20against%20FCR./Court%20moved%20against%20FCR..htm>