**A parliament in a hurry**

BY A H M E D B I L A L M E H B O O B 2021-11-20

THERE may be many things wrong about the joint sitting of parliament that took place on Nov 17. For example, no meaningful effort was made to develop cross-party consensus on the most controversial bill seeking to make two amendments to the Elections Act, 2017. One of them was about the use of electronic voting machines (EVMs) in future elections and the other was about providing the facility to eligible overseas Pakistanis to cast their vote while being present in their countries of residence.

The government and the opposition had consistently taken diametrically opposite and set-in-concrete positions on these two amendments. While the government led by Prime Minister Imran Khan had repeatedly claimed that EVMs would totally eliminate the possibility of rigging and lead to the acceptance ofthe electionresult by allparties,the opposition branded EVMs as a new instrument of rigging on a larger scale. Leader of the Opposition Shehbaz Sharif, while speaking on a point of order during the joint sitting, went to the extent of terming EVMs as `evil and vicious machines`. Similar differences existed on the amendment regarding the voting facility for overseas Pakistanis. The government may dismiss objections by the opposition as partisan `politics` to score points but even the Election Commission of Pakistan (ECP) expressed a number of serious reservations about both these proposed amendments.

The greatest flaw in the proceedings of the joint sitting, therefore, was the lack of any serious effort to bridge the two extremely polarised positions on these issues, either before the sitting or duringits proceedings. Neither did the government make use of the parliamentary Committee on Legislative Business to reconcile differences, and, instead, hurriedly aborted efforts to convene its meeting after the disgruntled coalition allies agreed to support the billin thejoint sitting.

Inclusive legislation is important in general but when it comes to electoral laws which set the rules of the game for the next elections, the lack of consensus becomes totally unacceptable. The passageof electoral laws in the past have generally been the result of bipartisan consensus just like Elections Act, 2017 whose passage took about three years and over 100 committee meetings. The committee meetings were suspended when PTI legislators resigned; they resumed only after they returned following the calling off of the PTI dharna.

Two hundred and twenty-one votes in favour and 203 against the motion to move the Elections (Second Amendment) Bill, 2021 in the joint sitting indicates a sharp divide not only in parliament but also in society. Some arrangement will have to be made to close this huge gap, otherwise one may see agitation on the streetsand disputedelectionseven before polling day.

The joint sitting lasted for a little less than six hours but only three and a half hours were devoted to legislation after lengthy point-of-order speeches and some other business. With 33 bills passed in this time, the average time allocated to the passage of each bill works out to a paltry six and a half minutes. The process was so mechanical that there was hardly any room for elaborating on the amendments moved by some brave parliamentarians.

Any effort to raise a serious point between the moving and passing of a bill was successfully thwarted by the chair. It is true that these bills had already been through one House of parliament and, in some cases, discussed in some committees too. But this should not result in an embargo on raising a substantive point or two in the joint sitting.

The only time the Speaker accepted the opposition demand for physical counting of the vote instead of relying on the `voice vote`, there was a serious dispute on the accuracy of vote-counting.

Later, all voting was done about 70 times (on the permission to move the bill and then the actual passage of the law) during the sitting; the total dependence was on the `voice vote` which is an outdated and inaccurate system of voting that doesn`t say anything about the exact number of members voting for or against a bill or the identity of the mem-bers who supported or opposed it.

It is extremely important for voters to know the voting record of members in general and their own constituency member in particular. Since the `voice vote` is instantaneous and the presiding officer decides whether a motion is carried or defeated on the basis of the volume of the shouts of `ayes` and `noes` as judged by his hearing power, it renders the entire process very unsatisfactory and flawed. It is ironic that while the joint sitting was passing the law to introduce electronic voting in the country, the electronic automatic vote recorder and its display boards already installed in the National Assembly chamber incurring quite a handsome amount of taxpayers` money remained unused as they have for the last many years. It is about time the electronic voting system within parliament was revived.

Despite these and many other flaws, and despite the wholesale passage of such a large, and perhaps record, number of bills in a short time, one should feel relieved that the government decided at the last minute to not bulldoze the Elections (Amendment) Bill, 2021, which is a package of some 49 amendments to the Elections Act, 2017.

Among them are amendments that are as contentious as the one relating to EVMs, and the ECP had rightly pointed out that some of these amendments, such as the one calling for open ballot in the Senate election, run counter to the Constitution. It is not certain that the opposition will be ready to sit with the government and discuss these amendments after the experience of the joint sitting of Nov 17, but it will be wise on the part of the government to make serious efforts to develop a consensus on this bill.

The flaws in the joint sitting proceedings reflect a poor quality of democracy which seems to be getting worse with each such development. The writer is president of the Pakistan Institute of Legislative Development And Transparency.

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