

FAFEN Parliament Monitor

42nd (Budget) Session

National Assembly of Pakistan
(June 1 - 14, 2012)



Free and Fair Election Network

Abbreviations

ANP	Awami National Party
BNPA	Balochistan National Party (Awami)
CAA	Civil Aviation Authority
CAN	Calling Attention Notices
IND	Independent Member
MMAF	Muttahida Majlis-e-Amal Party
MQM	Muttahida Quami Movement
NPP	National Peoples Party
PML	Pakistan Muslim League
PMLN	Pakistan Muslim League (Nawaz)
PMLF	Pakistan Muslim League (Functional)
PO	Point of Order
PPPP	Pakistan People's Party Parliamentarians
PPPS	Pakistan People's Party (Sherpao)
PW	Parliament Watch
QoP	Question of Privilege



This report is based on direct observation of National Assembly proceedings conducted by CPDI-Pakistan, a member organization of FAFEN.

Executive Summary

History was made when the government presented the fifth consecutive budget in the National Assembly becoming the first civilian government to do so. But the Prime Minister's conviction in the contempt case and other political issues overshadowed and marred the budget session which also witnessed a brawl among legislators.

Only 41 legislators (12% of the membership) took part in the debate on budget – much less than 139 legislators (41% of the membership) who spoke on the budgetary proposals during the fourth parliamentary year. In the first sitting some legislators from the opposition and the treasury benches came to blows as the finance minister was making the budget speech, which lasted only 23 minutes because of the opposition's protest.

Almost 23% of the session time (365 minutes) was consumed by protests and walkouts. The Pakistan Muslim League-Nawaz (PMLN) legislators staged protests and walkouts in all the sittings. MQM legislators walked out of the House on two occasions over the target killings in Karachi.

Moreover the Leader of the Opposition did not open the general discussion on the budget – a tradition that has been followed in the previous parliamentary years.

The main opposition PMLN showed less interest in budget. Only 2% of the total 91 PMLN legislators expressed views during the general debate on budget. Similarly, 16% (14 out of 125) legislators of ruling Pakistan People's Party Parliamentarians (PPPP) took part in the debate. Twenty-eight percent (seven out of 25) members of the Muttahida Quami Movement (MQM); 21% (three out of 13) of Awami National Party (ANP); 16% (eight out of 51) of the Pakistan Muslim League (PML); one Member each of Muttahida Majlis-e-Amal Party (MMAP) and Pakistan Muslim League-Functional (PMLF) took part in the debate. Five Independents also marked their participation by expressing views on budget.

The sole members of the Pakistan People's Party-Sherpao (PPPS), Balochistan Awami Party (BNPA) and National People's Party (NPP) remained silent.

Province-wise 19% (eight of the total 43) legislators from Khyber Pakhtunkhwa in the House participated in the budget debate, followed by 18% legislators each from Balochistan and Federally Administered Tribal Areas (FATA). Thirteen of the total 75 members from Sindh participated in the budget debate. Despite having the highest representation in the National Assembly, only 8% of the 183 legislators from Punjab took part in the debate.

The PMLN's disinterest was also evident from the fact that it brought in no Cut Motions. In the fourth and third parliamentary years, the opposition had introduced 471 and 660 Cut Motions respectively. Cut motions¹ are moved to call for a reduction in the proposed funds allocated for a certain department/ministry in the current budget, and are traditionally presented by the opposition. Therefore, they highlight government and the opposition priorities, and also are a means to ensure that funds are allocated across areas of governance and public service in a representative and proportionate manner.

The budget session this year lasted 26 hours and four minutes compared to the last year's 31st session which met for 75 hours and 45 minutes. In other words the budget session lasted 49 hours and 41 minutes less than the preceding year. The House took only 10 sittings to pass the federal budget. Each of these

Parliament Watch

An essential component of democracy is publicly accessible information about the political decision-making processes, such as parliamentary deliberations among elected representatives. Citizens must have information about whether, and how their representatives are performing in the Parliament in order to hold those elected leaders accountable.

The Parliament Watch (PW), an initiative of the Free and Fair Election Network (FAFEN), aims to collect and publish information about the job performance of members of the National Assembly (MNAs) by observation of these directly elected representatives' actions. FAFEN intends to foster informed engagement between constituents and elected representatives in Pakistan by providing objective and statistically-sound information on parliamentary processes and decisions.

The methodology of the PW is to deploy trained observers to the National Assembly in order to monitor their performance using a detailed, standardized checklist and reporting forms covering all types of parliamentary business. The information gathered is measured against the neutral and objective framework of the rules of parliamentary procedure.

FAFEN's PW focuses on directly-observed parliamentary procedure in addition to parliamentary output. In other words, FAFEN's criterion for assessing parliamentary effectiveness are primarily process-oriented and secondarily results-oriented.

¹ See Rules of Procedure of the National Assembly, Chapter XIX, Section 189 - http://www.na.gov.pk/uploads/publications/rules_procedure.pdf

sittings lasted an average of two hours and 24 minutes, with an average delay of 50 minutes.

The budget debate consumed more than 15 hours of the session. Fourteen PPPP members took almost 256 minutes to express their views, followed by two PMLN members 212 minutes, seven MQM members 188 minutes, eight PML members 122 minutes, three ANP members 52 minutes, one MMAP member four minutes and one PMLF member took three minutes to speak during the general debate. Five Independents debated budget for 72 minutes.

Since the National Assembly Secretariat does not make parliamentarians' attendance record public, FAFEN conducts a headcount of legislators at the beginning and end of each sitting and documents the actual time spent on the floor of the House by Speaker, Deputy Speaker, Prime Minister and Leader of the Opposition.

The Prime Minister attended only two sittings, because of the opposition's protest demanding his resignation over conviction in the contempt case. Similarly the Leader of the Opposition also attended only two sittings.

The parliamentary leader of NPP attended nine sittings, BNPA seven, MQM and ANP four each, and PML and PPS heads attended two sittings each.

The attendance of members remained low during the budget session. On an average 82 members were present at the start of each sitting and 114 at the end. A total of 192 members (56% of 342 legislators) were present during the 10th sitting when the budget was passed.

The Speaker chaired the proceedings for 14% of the session time; the Deputy Speaker presided over the 56%; and the remaining time 17% was chaired by members of Panel of Chairpersons.

The opposition tried to use quorum as an excuse to disrupt the proceedings. On five occasions – in fifth, seventh and eighth sittings – it was pointed out by PMLN legislators, but on count the quorum was found complete. However, during the fourth sitting the sitting had to be suspended for 27 minutes as one-fourth of the members were not present.

As the Supreme Court took up the appeals filed by the PMLN and others against the Speaker's ruling of not sending the Prime Minister's disqualification in the contempt case to the Election Commission, the House adopted a resolution saying the ruling cannot be challenged. The resolution was moved by the law minister.

Twenty points of order were raised during the session, consuming 46 minutes.

1.0 General debate on budget

On the days allotted for general discussion on budget, according to Rules of Procedure and Conduct of Business, the assembly may discuss the budget as a whole or any question of principle involved therein, but no motion can be moved at this stage nor can the budget be submitted for the vote of the assembly.

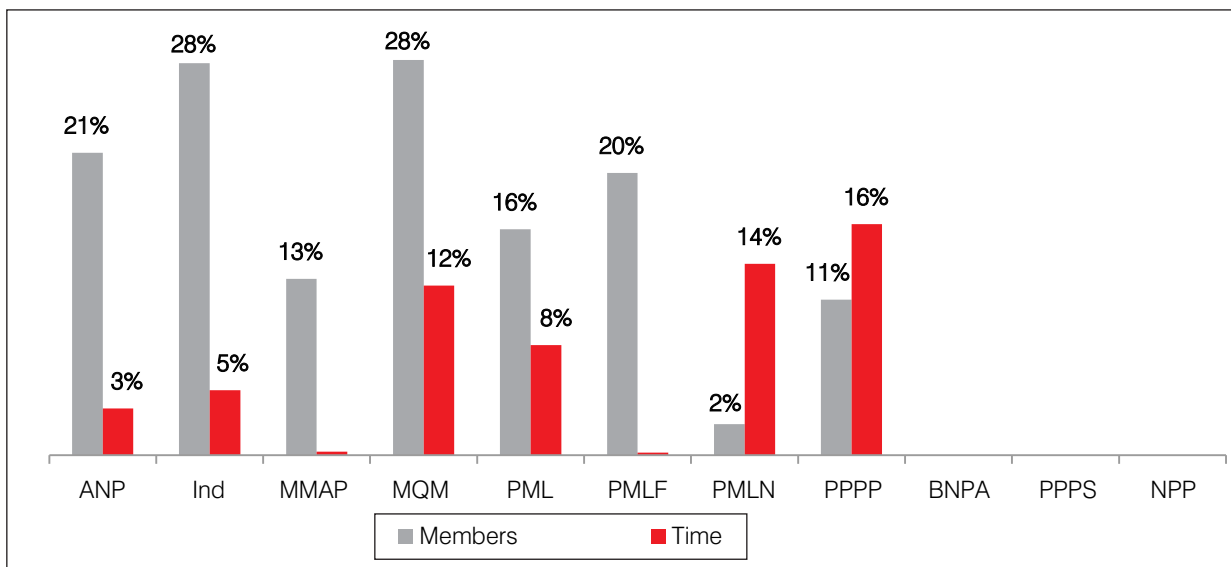
The presentation, debate, voting on demands for grants and supplementary budget, consumed 10 sittings of the budget session, in which members expressed their opinions. In the absence of the Leader of the Opposition, a PMLN legislator initiated the debate on budget.

1.1 General debate

Independent members were most vocal during debate on the budget since 28% of the total strength (18) participated in the discussions. Only 11% of the ruling PPPP members took part in the debate, as did 16% of the PML. However the PPPP members spent the most time on the floor (four hours and 16 minutes). The participation of other parties in the government alliance was little better as 28% of the MQM members and 21% of the ANP took part in the budget debate. But only two of the total 91 members of the major opposition party PMLN participated in the budget discussion, but they did so for three hours and 32 minutes.

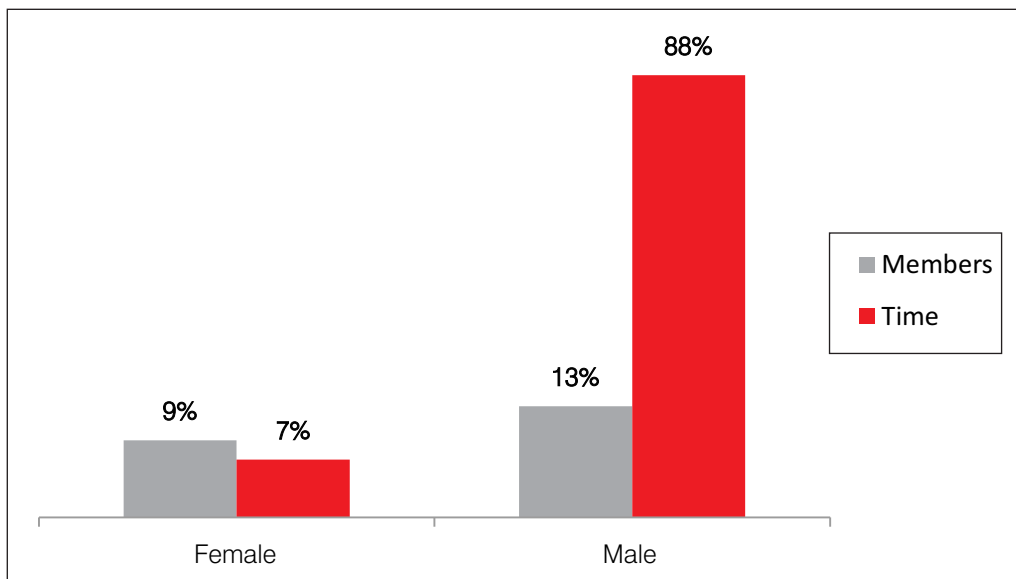
Members of the BNPA, NPP and PPS did not participate in the budget debate at all.

Party	Members participating in debates	Percentage of the Total	Time Taken
PPPP	14	34%	256 Minutes (Four Hours and 16 Minutes)
PMLN	2	5%	212 Minutes (Three Hours and 32 Minutes)
PML	8	20%	122 Minutes (Two Hours and two Minutes)
MQM	7	17%	188 Minutes (Three Hours and eight Minutes)
ANP	3	7%	52 Minutes
MMAP	1	2%	Four Minutes
PPPS	0	0%	0 Minutes
PMLF	1	2%	Three Minutes
NPP	0	0%	0 Minutes
BNPA	0	0%	0 Minutes
IND	5	12%	72 Minutes
Total	41	100%	15 Hours and nine Minutes (909 Minutes)



Female legislators' participation in the budget debate was low. Only seven of the total 78 female parliamentarians participated for 12% of the total time of budget debate (909 minutes). Three of these women belonged to the PML, two to the PPPP and one each to ANP and MQM, all in the government alliance.

The proportion of male parliamentarians taking part in debate was higher, as 13% of their total strength of 263 spoke on the budgetary proposals for 88% of the 909 minutes. Twelve of the total 34 participating male members belonged to the PPPP, six to the MQM, five to the PML and as many were Independents.



In terms of members' representation of the federating units, 19% (eight of the total 43) members from KP in the House participated in the budget debate. Three each of these belonged to the ANP and PML, one to the MMAP and one was Independent. This was followed by 18% members each from Balochistan and FATA; both members from FATA being independents, as were two from Balochistan, while the third belonged to the PMLN. Thirteen of the total 75 members from Sindh participated in the budget debate, seven from the MQM, five from PPPP and one from the PML. Despite having the highest representation in the National Assembly, only 8% of the 183 members from Punjab took part in the budget debate, nine of them belonged to PPPP, three PML and one member each from PMLF and PMLN.

Only one of the total ten minority members (on reserved seats) took part in the budget debate for 23 minutes.

2.0 Session time and members' participation

This section deals with the duration of the session, attendance of members, their participation and maintenance of quorum – at least 1/4th (86) of the membership. The participation of members is recorded when they take part in the proceedings or submit an agenda item. It also reviews the presence of the Speaker, Deputy Speaker, Prime Minister, the Leader of the Opposition and parliamentary leaders.

2.1 Session duration

The budget session from June 1-14 spanned ten sittings, meeting for 26 hours and four minutes – on average each sitting was two hours and 36 minutes long.

The last sitting was the longest, continuing for four hours and 15 minutes.

Each of these sittings was delayed by an average of 50 minutes, with the longest delay (one hour and 35 minutes) observed in the seventh sitting.

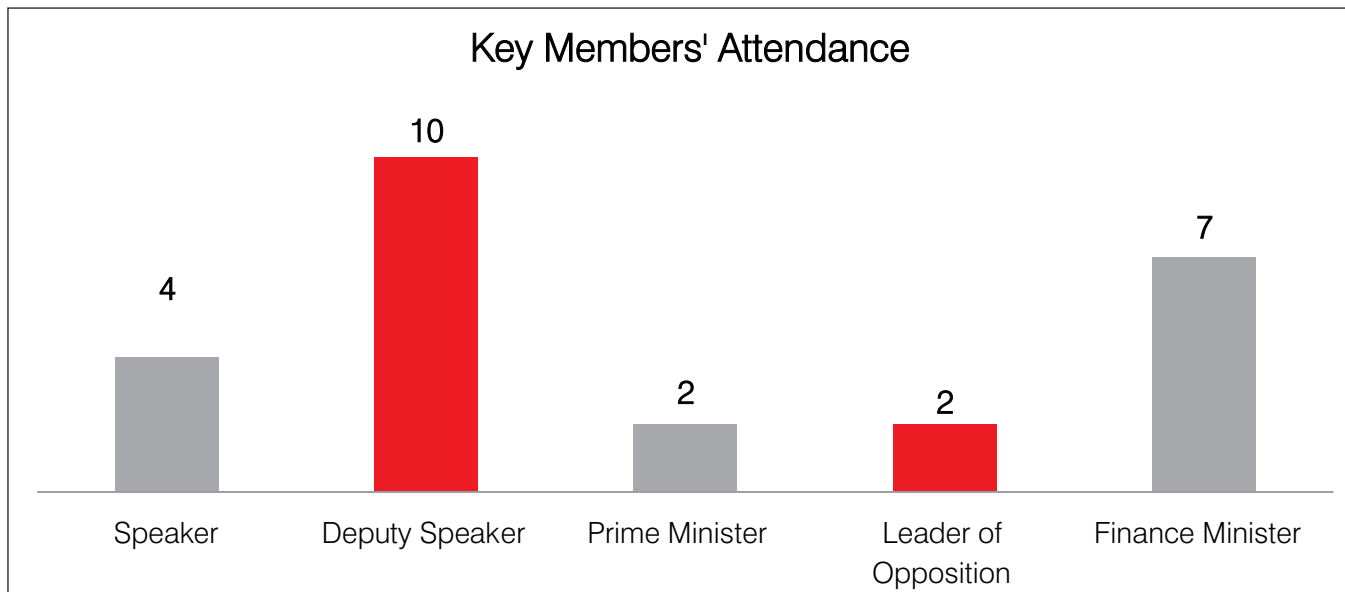
Day & Date	Sitting No	Late Starts	Hours	Minutes
Friday, June 01	1st	35	0	36
Monday, June 04	2nd	75	3	26
Tuesday, June 05	3rd	86	3	34
Wednesday, June 06	4th	36	2	37
Thursday, June 07	5th	25	3	38
Friday, June 08	6th	25	1	2
Monday, June 11	7th	95	2	25
Tuesday, June 12	8th	52	2	48
Wednesday, June 13	9th	45	1	43
Thursday, June 14	10th	28	4	15
Total Duration		50 Minutes	26 Hours and Four Minutes	

2.2 Key members' attendance

The attendance of the Speaker, Deputy Speaker, Prime Minister and the Leader of the Opposition is important in all sessions for their leadership and direction. Their attendance is more crucial in the budget session when the financial planning for the upcoming year is shared and finalized in the House.

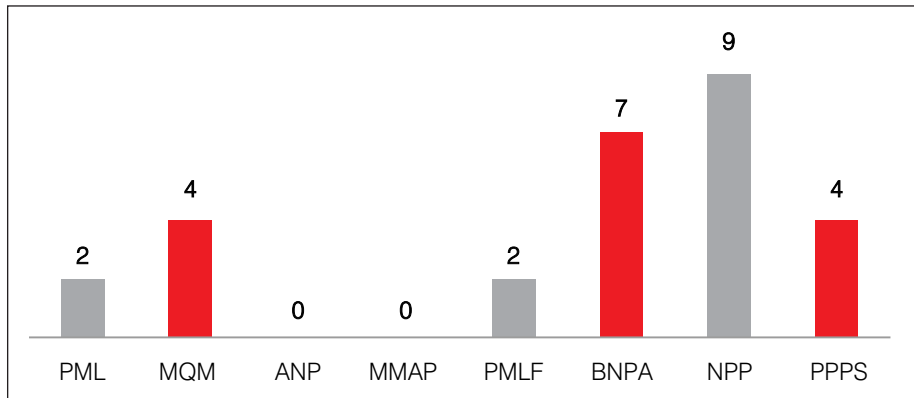
The Prime Minister and the Leader of the Opposition attended only two sittings each. Known for regularly attending the sittings, the Prime Minister stayed away from the budget session due to the opposition's protests. During the Prime Minister's presence in the House when the Finance Minister was presenting the budget, some of the legislators from the treasury and opposition's benches came to blows. In the backdrop of the opposition's continued protest in the House, the Leader of the Opposition showed little interest in the proceedings. The Finance Minister attended seven out of ten sittings.

The Deputy Speaker attended all ten (presiding over 56% of the session) sittings; however the Speaker attended four sittings only, presiding over 14% of the session. The Panel of Chairpersons was present in all sittings and presided over 17% of the session.

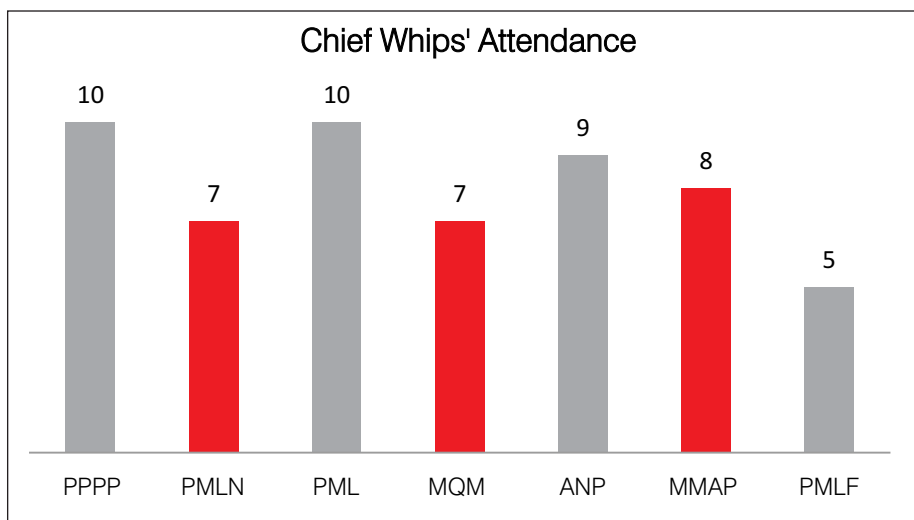


2.3 Parliamentary party leaders' attendance

Though the parliamentary leaders of NPP and BNPA attended nine and seven sittings respectively, heads of all other political parties attended less than half of the total 10 sittings. The MQM and PPPS parliamentary leaders attended four sittings each, and PML and PMLF heads attended two sittings each.



The chief whips ensured their presence in the House. The chief whips of PPPP and PML attended the entire session, followed by ANP nine sittings, MMAP eight, seven each by PMLN and MQM and five each by the chief whips of PMLF and BNPA.



2.4 Members' attendance

Quorum – the minimum 85 Members required to be present in the House– was maintained throughout the 10 sittings. As the National Assembly does not make its attendance records public, FAFEN observers take a headcount at the beginning and end of the sitting, as well as when there are maximum number of members in the House.

On average, 163 members were present at the beginning and 114 at the end of each sitting, and an average maximum of 174 members were present in each sitting. Of the ten minority members in the National Assembly, on average nine were present in each sitting.

The lack of quorum remained an issue during the entire session. According to FAFEN observation, it was visibly lacking at various stages of the session.

However, the opposition also tried to use quorum as an excuse to disrupt the proceedings. On five occasions – in fifth, seventh and eighth sittings – it was pointed out by PMLN legislators, but on count the quorum was found complete. However, during the fourth sitting the sitting had to be suspended for 27 minutes as one-fourth of the members were not present.

Sitting No.	Members present at the Outset	Members at the End	Maximum Members	Minority Members
1st	117	245	252	8
2nd	95	42	176	10
3rd	96	46	184	10
4th	35	158	165	8
5th	65	70	190	10
6th	71	64	105	5
7th	90	65	124	6
8th	100	116	172	10
9th	71	158	178	8
10th	83	176	192	10
Average	163	114	174	9

3.0 Oversight

The government's oversight is carried out through the question hour and calling attention notices (CANs), allowing members to seek the government's responses and assurances on matters of public importance. However, according to section 184 of the rules of procedure of the National Assembly, on the day of budget presentation, no other business, including questions, CANs, adjournment motions and questions of privilege are allowed. The ensuing days are consumed in discussions on various aspects of the budget to the exclusion of all other business.

3.1 Question Hour

The first hour of every sitting is reserved for asking questions of the relevant ministers/ministries. None of the 20 starred questions (requiring oral response) on the agenda during the budget session was taken up.

3.2 Calling Attention Notices (CANs)

Members can call the attention of relevant ministers to matters of urgent public importance, according to section 88, chapter XI of the rules of procedure. Two CANs were on the agenda during the budget session. One was submitted by male MQM legislators on the "downfall of a machine tool factory in Karachi." An Independent and two MMAP parliamentarians wanted the House to take up the matter of not increasing the amount payable to government servants out of benevolent fund. Both CANs were not taken up.

4.0 Parliamentary Outputs

Other than the passage of the Finance Bill 2012-13, this section views resolutions and Standing Committee reports which were taken up by the House during the budget session

4.1 Resolutions

Resolutions are a way for members to air an opinion, commend or condemn an action or draw attention to a matter of general public interest and are sanctioned by section 157, chapter XV of the rules of procedure of the National Assembly.

As the Supreme Court took up the appeals filed by the PMLN and others against the Speaker's ruling of not sending the Prime Minister's disqualification in the contempt case to the Election Commission, the House adopted a resolution saying the ruling cannot be challenged. The resolution was moved by the law minister.

In her ruling on May 24, 2012 the Speaker said no grounds existed for the Prime Minister's disqualification under article 63 of the constitution. The resolution maintained that the ruling given by the Speaker is a part of the proceedings of the Majlis-e-Shoora (Parliament) and, therefore, cannot be questioned.

4.2 Reports

Five reports were presented in the House - two in the eighth sitting and three in the 10th sitting. All these were about budget, including federal accounts, audit, and schedules of authorized expenditure.

Sitting No.	Name of Reports
8th	The Federal Accounts for the financial year, 2010-11
	The Auditor General thereon for the Audit year, 2011-12
10th	(1) Schedule of Authorized Expenditure 2012-2013
	(2) Supplementary Schedule of Authorized Expenditure 2011-2012
	(3) Excess Schedule of Authorized Expenditure 1989-1990, 1991-1992 and 2005-2006

5.0 Order and Institutionalization

This section deals with the issues raised through Points of Order and the time consumed by them. It also reviews the instances of protests, walkouts or boycotts during the session.

5.1 Points of Order

Twenty points of order were raised in the assembly during the budget session, consuming 46 minutes of the total session. None of these POs attracted a formal ruling by the Speaker, and hence did not contribute to any assembly output. Points of order are generally used erroneously to make speeches and rejoinders, whereas correct usage is to point out perceived breaches in parliamentary proceedings.

Sitting No.	Points Of Order	Time consumed
1st	1	5
2nd	2	4
3rd	3	8
4th	0	0
5th	5	16
6th	2	3
7th	0	0
8th	3	5
9th	3	3
10th	1	2
Total	20 POs	46 Minutes

5.2 Protests

Six protests and five walkouts were observed in the National Assembly during the budget session, eight of which were carried out by the opposition, two by the MQM and one by the PML, both coalition partners. These lasted for six hours and five minutes, more than a fifth of the total session time. In the first sitting some legislators from the opposition and the treasury benches came to blows when the finance minister was making the budget speech, which lasted only 23 minutes because of the opposition's protest.

Three protests and a walkout were carried out against the provisions of the budget. Two protests and a walkout were staged against the prime minister's presence in the House despite disqualification by the Supreme Court in the contempt of court case, all by PMLN legislators. MQM members staged a token walkout against the law and order situation in Karachi and another against the killing of a party worker. A female PML member walked out due to the absence of the finance minister in the House.

Sitting No.	Party	Reason	Time (Minutes)
1st	PMLN	Chanted slogans during the budget speech	36
2nd	PMLN	Against the budget	3
3rd	PMLN	Against the budget and the Prime Minister as loud sloganeering against the PPPP's government	44
	MQM	Against the law and order in Karachi	3
4th	PMLN	Against the budget	2
5th	PMLN	Against the Prime Minister's conviction in the contempt case and the budget	13
8th	MQM	Against the killing of a worker in Karachi on Tuesday	2
	A Female Member of PML	Against the absence of Finance Minister	60
	PMLN	Chanted slogans	30
9th	PMLN	Against the Prime Minister's conviction in the contempt case and the budget	28
10th	PMLN	Against the Prime Minister's conviction in the contempt case and the budget	144
Total			365 Minutes

GLOSSARY

Adjournment Motion

A motion to adjourn the business of the Assembly for the purpose of discussing a definite matter of recent and urgent public importance.

Assembly

Provincial Assembly

Chairperson

In relation to a sitting, any person who is presiding at that sitting.

Calling Attention Notice

A notice by which a special question of public importance involving law and order may be raised.

Chair

The Presiding Officer at a meeting of the House.

Committee

A parliamentary committee constituted under Rules of Procedure, comprising various Members of Assembly.

Deputy Speaker

When the office of Speaker is vacant or Speaker is absent or is unable to perform his functions due to any cause, the Deputy Speaker acts as the Speaker of the House.

Leader of the Opposition

"Leader of the Opposition" means a Member who, in the opinion of the Speaker, is the leader of the majority of Opposition Members for a certain time period.

Legislation

The process of crafting law.

Member

A member of the assembly and for purposes of moving or opposing a Bill, an amendment, a motion or a resolution, includes a minister.

Minister

May refer to the Chief Minister a Provincial Minister or a Parliamentary Secretary in respect of any function delegated or entrusted to him by a minister.

Motions under Rule 259

Under Rule 259 any minister or member may give a Motion that any policy, situation, statement or any other matter maybe taken into consideration.

Opposition

The party or parties who do not belong to the governing party.

Orders of the Day

"Orders of the Day" means the list of business to be brought before the Assembly on any day.

Point of Order

Relates to the interpretation or enforcement of parliamentary rules of business or articles of the constitution that regulate the business of the assembly. The mover of a Point of Order raises a question which is within the cognizance of the Chair.

Private Member's Bill

A proposed law introduced by a Private Member.

Proceedings

The actions taken by the House or by a committee, the most important parts of the proceedings are the decisions that are taken.

Quorum

Quorum is the minimum number of Members of Assembly necessary to conduct the business of the assembly. Under article 55 of the Constitution 1/4th of the total Membership of the Assembly is required for quorum.

Question Hour

A time fixed under the rules for asking and answering questions.

Resolution

A motion for the purpose of discussing and expressing an opinion on a matter of general public interest.

Starred Question

A question that requires an oral answer in addition to a written reply.

Sitting

A meeting of the assembly on a day.

Table

The Table of the House.

About FAFEN

Free and Fair Election Network (FAFEN), established in 2006, is a coalition of 42 leading civil society organizations, working to strengthen all forms of democratic accountabilities in Pakistan. Governed by Trust for Democratic Education and Accountability (TDEA), FAFEN's key achievements are:

- Observed the public display of Pakistan's draft electoral rolls and conducted the country's first statistically-valid voters' list audit in 2007
- Deployed more than 18,829 trained, neutral Election Day observers nationwide to watch the February 18, 2008 polls and 264 long-term observers to monitor the pre-election process
- Fielded long-term observers nationwide and published 19 pre-election reports
- For the February 18, 2008, General Elections, FAFEN conducted 260 simultaneous Parallel Vote Tabulations (PVTs)- the largest effort in the world
- Conducted its first survey, Constituents Aspirations Survey, in December 2008 with a sample size of 3,124 respondents to get the description of the state of public opinion and also to get a deeper understanding of the values, attitudes and beliefs of people living in the constituencies
- Conducted mapping of organizations working for human rights within Pakistan
- Observed general elections at Gilgit-Baltistan in 2009 and by-elections in various constituencies of the Punjab, Balochistan and Khyber Pakhtunkhwa in 2010
- Implemented a unique methodology to observe parliamentary proceedings under its Parliamentary Watch Project
- Monitors public institutions across Pakistan and issues monthly reports on the state and performance of educational, health and other local level institutions. In addition, monthly reports on prices, crimes, incidence of disease, caseload in lower courts and political and electoral violence are issued

FAFEN continues to implement robust programs in-between elections related to monitoring parliamentary affairs, connecting constituents to their elected representatives, monitoring the performance of public and elected institutions and advocating electoral and democratic reforms. FAFEN is also monitoring political and electoral violence, peace activities and promoting active citizenry through ongoing civic education activities across the country. FAFEN is currently implementing Supporting Transparency, Accountability and Electoral Processes in Pakistan in 200 National Assembly constituencies in 119 districts across Pakistan.

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