



FAFEN Parliament Monitor

Fifth Session

Provincial Assembly of Punjab

(November 29, 2013 - December 13, 2013)

Free and Fair Election Network
www.fafen.org

List of Abbreviations

AM	Adjournment Motion
IND	Independent Member
JIP	Jamaat-e-Islami Pakistan
MPA	Member Provincial Assembly
PML	Pakistan Muslim League
PML-F	Pakistan Muslim League (Functional)
PML-N	Pakistan Muslim League (Nawaz)
PML-Z	Pakistan Muslim League (Zia-ul-Haq)
PO	Point of Order
PPPP	Pakistan People's Party Parliamentarians
PTI	Pakistan Tehreek-e-Insaaf
PW	Parliament Watch
QoP	Question of Privilege



This report is based on direct observation of Punjab Assembly proceedings conducted by **PATTAN Development Organization**, a member organization of FAFEN

Executive Summary

Some positive steps were taken to enhance citizen's access to information in the Punjab Assembly in addition to amendments to existing laws during the fifth session. The session was otherwise marked by low interest of members in terms of attendance and participation, says Free and Fair Election Network in its session report based on the direct observation of the session.

The Punjab Transparency and Right to Information Bill 2013, which mandates government departments to ensure the provision of information to the citizens was passed in addition to ten amendments to existing laws.

In anticipation of the upcoming local government elections, four ordinances amended the Local Government Act passed by the House in August (2013). The amendments allow election of members of local governments through secret ballot on the basis of adult franchise "in such manner as may be prescribed" and also decrees that no court, officer or authority can review or correct delimitation once the election schedule has been notified.

Muslims are to submit to declaration to the returning officer that is given in Ninth Schedule along with the nomination papers.

Additionally, other bills/ordinances sought amendments in existing laws pertaining to social security and benefits of provincial employees, increasing penalties for breach of minimum wage laws, as well as redefining key terms in law related to weights and measures used in markets during buying and selling.

The adopted resolutions dealt with the protection of Quranic verses printed in newspapers, lowering the price of cement, controlling the contamination of drainage system in Faisalabad, attack on Express Tribune's office in Karachi, granting university status to College of Veterinary and Animal Sciences in Jhang, encroachments at a mausoleum, increasing employment quota for special people, urging the UN to take action against Bangladesh for giving punishment to JI leaders and paying tribute to Nelson Mandela.

Lawmakers sought response from relevant ministries on nine of ten calling attention notices, all related to law and order issues in the province. Additionally, 54 MPAs performed government oversight through 247 starred questions (requiring oral response). The majority of starred questions were on education and health related matters. However 40% (101 questions) were taken up on the floor while the House left 146 questions unaddressed. Most of the questions were submitted by the MPAs of the ruling party PML-N, followed by the leading opposition party – PTI.

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 assembly in order to hold those elected leaders accountable.

The Parliamentary Watch Program (PWP), 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), provincial assemblies (MPAs) and Senate 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 PWP 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 PWP focuses on directly-observed parliamentary procedure in addition to parliamentary output. In other words, FAFEN's criteria for assessing parliamentary effectiveness are primarily process-oriented and secondarily results-oriented.

The PWP employs direct observation as one of the tools to evaluate parliamentary proceedings with the following indicators:

Transparency: Government's accountability requires transparency in decision-making and policy implementation. Transparency refers to the amount and quality of information available to the public as well as timely and clear information communicated within legislative bodies themselves. Inclusive and strong decisions can only be made when all legislators are well-informed about parliamentary proceedings.

Participation: Only the active and responsible participation of all the members can make the business of parliament meaningful. The participation can be judged through various indicators like attendance of parliamentary leaders and other members and their active involvement in parliamentary discussion and activities.

Responsiveness: Parliament's responsiveness means members' collective actions on the issues of public interests which are raised and discussed on the floor of the house through legislation, resolutions or any other agenda item. Responsiveness of government to the public is measured in terms of parliamentary oversight and effective implementation of policy decisions. Parliament's executive oversight function is mainly carried out through questions and parliamentary committees.

Parliamentary Output: Parliamentary output primarily comes in the form of Legislation and Resolutions. The quantity of such output is indicative of parliament's efficiency. The quality of output is equally important. Considering legislation on matters of national significance through careful debate and discussion is arguably a parliament's chief and most important function.

Order and Institutionalization: Order and institutionalization of members are important for an efficient and productive parliament. Order may be measured, for example, by the conduct of members and the chair's effective management of parliamentary business. Institutionalization refers to members' understanding and compliance with rules of procedure for parliamentary business.

The House held a 193 minute debate (8% of session time) on law and order in the country. Nineteen legislators – PML-N (nine), PTI (seven) and one each of PPPP, JI and Independent – expressed their views in the general discussion.

As many as 90 adjournment motions were tabled during the session, of them 76 were disposed of, 13 were kept pending and only one motion, on the functioning of dental department of PMC Faisalabad got the ruling of the Chair.

Members raised 52 points of order which consumed an hour and 12 minutes of the proceedings. The Chair directed four questions of privilege, sponsored by PML-N lawmakers against various public officials, to the concerned committee.

Low attendance was observed throughout the session as on average only 16 % MPAs(59 of the total membership – 370) were present at the start of a sitting, 61 MPAs (16% MPAs) at the adjournment while a maximum 117 MPAs (32%) attended the session. The lack of quorum observed on various occasions was pointed out eight times by the opposition members – PTI (seven), PML (once).

The attendance and interest of key members was also low as the Chief Minister did not attend a single sitting throughout the session, whereas the Leader of Opposition was present for 55% of the session's time. Speaker was present in six sittings and presided over 37% of the session's time while 61% of the proceedings were chaired by the Deputy Speaker.

FAFEN observes lawmakers participation against three categories; MPAs who only submit or debate agenda and those who do both. Participation of members was observed to be very low as on average 72% (267 MPAs) did not participate during the session. The participating members appeared more interested in submitting agenda than speaking in the on-floor debates as 11% submitted business, 8% debated it while 9% did both.

The session witnessed seven walkouts consuming 11 hours and nine minutes – 28% of the session time. Four walkouts were staged by the entire opposition over disregarding the US drone attacks related agenda, non-consideration of amendments proposed by the opposition in Local Government bill (four government sponsored amendments were passed during the session), and dismissal of chairman of NADRA.

Starting from November 29, 2013 to December 13, 2013, the fifth session lasted 39 hours and 42 minutes. Each sitting, on average, met for three hours and 36 minutes with a delay of an hour and 38 minutes. The House adopted nine of 14 resolutions on the agenda.

FAFEN hopes this report will be a valuable contribution to creating both a more informed citizenry and an increasingly responsible legislative body. On the basis of its ongoing observation, FAFEN recommends:

1. Punjab Assembly sittings should be open to citizen observers who apply for accreditation through a standardized process. FAFEN takes this opportunity to reiterate its request for permanent accreditation for observation of all assembly's proceedings.
2. The Secretariat should share records of actual time spent by the members in the assembly chamber. FAFEN has made repeated attempts to get the attendance document of the members but to no avail.
3. No vote should be allowed, especially on legislation, without a quorum. The issue of lack of quorum has persisted for a long time. As observed during the fifth session, members' attendance varies during a sitting, low at the beginning and the adjournment of the proceedings, leading to a lack of quorum. The Chair should ensure that quorum is maintained throughout the proceedings.
4. All ministers (or a designated representative of each ministry and the cabinet) must be required to be present during Question Hour at each relevant sitting. All questions must be responded to within a stipulated timeframe. Transcripts of all questions – including the ones that the secretariat finds inadmissible – and responses should be made available to the members and to the public.
5. The Assembly Secretariat should design a more achievable agenda for the Orders of the Day for both government and private members' days. It is observed during this session that most of the agenda items on the Orders of the Day were left unaddressed.
6. The exercise of using Points of Order – a tool primarily used to highlight a breach in assembly rules – to bring national, regional and local issues in the plenary should be curbed. Such issues should be raised through a motion to raise a "no point of order".
7. Since several parliamentarians have been elected for the first time in the 16th Punjab Assembly, they should be given proper orientation and training regarding their fundamental responsibilities, especially to their constituents as well as basic parliamentary procedures.
8. Although it is appreciated that women and minorities have a quota in the House, nevertheless, to make their appointment more representative and transparent they should be elected by the public. Currently, a political party has the discretion to nominate members on proportionately allocated reserved seats.

1.0 Parliamentary Output

Lawmaking is one of the most important functions of a legislature. This section evaluates the presentation, introduction, passage and subject-matter of legislation, resolutions and the parliamentary reports during the session.

1.1 Government Bills

The Punjab Assembly passed eleven bills including ten seeking amendments to existing laws and one new legislation. Seven of the bills passed appeared as ordinances promulgated by the government when the house was not in session last year.

The government promulgated four amendments to the Punjab Local Government Act (2013) (XVIII of 2013) through ordinances issued in November, 2013. The Act to be amended was passed by the Punjab Assembly on August 21st last year to pave way for the local government elections. Similarly three ordinances on Lahore Development Authority, transparency and right to information, and employees' social security were also laid before the House for legislation.

Rule six of the Assembly Rules of Procedures states "An Ordinance laid before the Assembly under clause (2) of Article 128 of the Constitution shall be deemed to be a Bill introduced in the Assembly on the day it is so laid". To convert the ordinances into laws before the expiry of their constitutional life of 90 days, all were tabled before the assembly during the first sitting of the session and subsequently passed.

Table 1.1: Ordinances Presented

Sr. No	Legislation
1	The Lahore Development Authority (Amendment) Ordinance 2013
2	The Punjab Transparency and Right To Information Ordinance 2013
3	The Provincial Employees' Social Security (Amendment) Ordinance 2013
4	The Punjab Local Government (Amendment) Ordinance 2013
5	The Punjab Local Government (Second Amendment) Ordinance 2013
6	The Punjab Local Government (Third Amendment) Ordinance 2013
7	The Punjab Local Government (Fourth Amendment) Ordinance 2013

Most of these ordinances discussed above were passed as bills. Three bills, related to employee's benefits and wages, transferred federal subjects to the provinces as decreed by the 18th amendment to the constitution. The House debated the provisions of three bills before their passage: the Punjab Transparency and Right to Information Bill 2013, the Lahore Development Authority (Amendment) Bill 2013 and the Punjab Minimum Wages for Unskilled Workers (Amendment) Bill 2013. Moreover three bills regarding status of women, commercial entities and wages were not taken up by the House.

Table 1.2: Legislation

Sr. No	Titles of Bills	Status
1.	The Punjab Local Government (Amendment) Bill 2013	Passed
2.	The Punjab Local Government (Second Amendment) Bill 2013	Passed
3.	The Punjab Local Government (Third Amendment) Bill 2013	Passed
4.	The Punjab Local Government (Fourth Amendment) Bill 2013	Passed
5.	The Provincial Employees Social Security (Amendment) Bill 2013	Passed
6.	The Punjab Transparency and Right to Information Bill 2013	Passed
7.	The Lahore Development Authority (Amendment) Bill 2013	Passed
8.	The Punjab Weights and Measures (International System) Enforcement (Amendment) Bill 2013	Passed
9.	The Punjab Workmen's Compensation (Amendment) Bill 2013	Passed
10.	The Employees' Cost Of Living (Relief) (Amendment) Bill 2013	Passed
11.	The Punjab Minimum Wages For Unskilled Workers (Amendment) Bill 2013	Passed
12.	The Punjab Commission On The Status Of Women Bill 2013	Not Taken UP
13.	The Punjab Shops And Establishments (Amendment) Bill 2013	Not Taken UP
14.	The Punjab Payment Of Wages (Amendment) Bill 2013	Not Taken UP

1.1.1 Details of Passed Bills

Punjab Local Government (Amendment) Bill 2013

This amendment to the Local Government Act, 2013 provides for the reservation of one religious minority seat for every union council. Prior to this amendment, according to the earlier version of the law (section 13, subsection (1) clause (d)), a non-Muslim seat was reserved only if there were at least 200 non-Muslim voters in the union council. It also provides that only the Chairmen of Union Councils will elect members of a district council on reserved seats. Previously, all members of union councils were required to be elected members of a district council on such seats.

Punjab Local Government (Second Amendment) Bill 2013

The said bill makes three amendments in sections 8, 18 and 27 of the existing law and an insertion in the section 10A. An amendment in sections 18 substitutes a clause in the Act that says "(s)ave as otherwise provided, election of members of all local governments, shall be held through secret ballot on the basis of adult franchise in such manner as may be prescribed". The second amendment also decrees that no court, officer or authority can review or correct delimitation once the election schedule has been notified.

Punjab Local Government (Third Amendment) Bill 2013

The third amendment adds a subsection (4) to section 27 of the Act that deals with the qualification and disqualification of candidates requiring for the candidates who claim to be Muslims to submit to the returning officer the declaration given in Ninth Schedule along with the nomination papers. The amendment also inserts the Ninth Schedule in the Act – which is a declaration by the candidate regarding belief in the finality of the Prophet (PBUH) and thereby excludes Qadianis/Ahmedis/Lahori group from the definition of Muslim.

Punjab Local Government (Fourth Amendment) Bill 2013

The fourth amendment in the Local Government Act 2013 makes changes in the sections 2, 8, 13, 23, 27 and 32 along with making amendment in the first schedule of the original act. Two subsections added to section 8 provide for the Government to, in the prescribed manner, delimit a Union Council into six wards for the election of members on general seats and into two wards, consisting of three adjoining wards of the Union Council, for the election of the two seats reserved for women.

According to the amendment bill a union council should consist of a directly elected Chairman and Vice Chairman, as joint candidates, six general members, one from each ward of the Union Council, and directly elected members on the reserved seats including two women members (one peasant member in a rural Union Council or one worker member in an urban Union Council), one youth member, and one non-Muslim member. It also mandates for a returning officer to submit to the District Returning Officer a list of polling stations he proposes to provide in a ward for elections, within an ECP stipulated timeframe.

The Provincial Employees Social Security (Amendment) Bill 2013

This bill sought to consolidate provision of death grants to heirs (widows, widowers, or in case of no surviving heirs, the person who provided for the funeral) of a provincial government employee through amendments in the Provincial Employees' Social Security Ordinance, 1965 (X of 1965). It also gave legal cover to provincial government institutions to use funds for establishing medical, dental, allied health or training institutes through an amendment in section 47.

The Punjab Transparency and Right to Information Bill 2013

The bill seeks transparency and freedom of information for citizens. It binds government departments to provide information to citizens when requested, and also provides for proactive disclosures of functions, duties, budgets etc. In addition clause 5 of the bill states that the government shall establish the Punjab Information Commission of not more than three information commissioners and also lays down the procedures and requirements for the appointment of the members of the Commission. The Commission will conduct an inquiry, on its own accord or on a complaint, and may direct a public body to disclose information to an applicant and may, while deciding a complaint, impose a fine on a public information officer in a prescribed manner, in cases of withholding public information. However, a public information officer may refuse an application for access to information where disclosure of the information shall or is likely to cause harm to national defence or security, public order or international relations of Pakistan; a legitimate privacy interest; the protection of legally privileged information; the life, health or safety of any person; etc. Six MPs – PTI (4) and PML-N (2) – discussed the bill for 27 minutes.

The Lahore Development Authority (Amendment) Bill 2013

The Lahore Development Authority (Amendment) Bill 2013 aims to expand the jurisdiction of LDA to entire Lahore division by including the districts of Kasur, Nankana, Okara and Sheikhpura. The legislation provides for the appointment of the Chief Minister of Punjab as Chairman LDA. The bill seeks the establishment of an integrated metropolitan and regional development authority. While private housing schemes are allowed to

establish and develop business in the area, these are subject to certain conditions (e.g. mortgage of 20% plots of the scheme). Government and local bodies are barred from doing so.

The bill was debated in the House for three hours and 29 minutes. Twenty-five MPs belonging to PTI (16), PML-N (6), PML (2), and one of JI debated the LDA bill.

The Punjab Weights & Measures (International System) Enforcement (Amendment) Bill 2013

The bill provides for bringing the definitions in the existing law in line with the latest devices in the market used to measure goods (and thus assign prices). The need for presenting the bill arose after a number of dynamic developments in the field of mechanics and electronics that have changed by and large the “silhouette of weighing and measuring instruments”.

According to the statement of objectives of the bill if a person forges or counterfeits a stamp, or willfully increases or diminishes a measuring instrument, or owns such instruments and fraudulently uses it, or has the intention of using it, and sells any article by weight or measure and delivers to the purchaser less than what is purported to be sold, he may be punishable with imprisonment extending to three years and with fine up to Rs. 50,000, or both.

The Punjab Workmen's Compensation (Amendment) Bill 2013

The stated bill provides for the transfer of the subject of the bill which was devolved to the provinces after the 18th constitutional amendment. It also proposes amendments to increase death compensation from Rs. 200,000/- to Rs. 400,000/-, in addition to other similar changes likely to provide financial relief to minimum wage earners.

The Employees' Cost Of Living (Relief) (Amendment) Bill 2013

This bill was passed to transfer the subject of the bill to the province as required after the passage of the 18th constitutional amendment.

The Punjab Minimum Wages for Unskilled Workers (Amendment) Bill 2013

The bill devolves the relevant subject to the province as provided by the 18th constitutional amendment. It also seeks to amend and increase fiscal penalty on the employer from Rs. 2,000 to Rs. 10,000 in case of breaching the law of minimum wages for unskilled workers and awards the government with the power to amend the schedule of minimum wages. Six legislators – PTI (4), PML-N (2) – spoke in a 14-minute discussion on the bill before it was passed by the House.

1.2 Resolutions

The House expresses its opinion, makes recommendations, or conveys a message on important issues through resolutions. The House can also commend, urge, or request action upon a situation under consideration by the government.

The House adopted nine of 14 resolutions on the List of Business, one was kept pending while four remained unaddressed. Through the adopted resolutions the house touched upon various subjects including religious affairs, environment, industrial development, employment, terrorism, education, real estate and international affairs. However, the resolutions demanding the registration of domestic women workers under labour laws, and making laws against sex offenders were not taken up. Similarly, two resolutions calling for 100% increase in the seats for science students in government schools, and price fixing of sugarcane were also ignored.

From a party wise perspective, lawmakers representing PML-N (the government) tabled more resolutions and more of the same were taken up and adopted as well. The House also adopted two resolutions each by PML and PTI lawmakers and a single resolution each by JI and an independent MPA.

On a PML-N sponsored resolution, the House called upon the federal government to eradicate the cartel of cement factories so that the price of each sack of cement can be reduced to at least Rs. 120. The same party also tabled a resolution recommending to the government to grant university status to College of Veterinary and Animal Sciences in Jhang and name it after the Prime Minister as Mian Muhammad Sharif University. The House adopted one more PML-N sponsored resolution to protect the desecration of Quranic verses in print media by printing scissor and cutting marks on newspapers, so that the public can easily remove these portions of the newspaper and dispose of them according to established religious procedures.

The growing concern of environmental pollution in Punjab was taken up by an independent lawmaker; he called upon the government for the installation of water treatment plant in Faisalabad so that the poisonous water released from industries can be treated.

To better integrate disabled persons in the economic fabric, a PML-N sponsored resolution was adopted for the provision of employment opportunities to physically disabled people. The House responded to international affairs by adopting another PML-N resolution to pay tribute to the late Nelson Mandela, a visionary and anti-apartheid leader of South Africa who remained in prison for his work against racism.

The terrorist attack on the Express Media Group's Karachi office on December 6, 2013 was condemned by the

House through a PTI sponsored resolution adopted in the third sitting. The House demanded immediate arrest of the culprits by showing its solidarity with the media and freedom of journalism. PTI sponsored another resolution (adopted by the House) asking the government to remove encroachments from and renovate and reconstruct the mausoleum of Dulla Bhati (who led a rebellious campaign against Mughal emperor Akbar) in Lahore.

In the eighth sitting, the JI lawmakers tabled a resolution to condemn the execution of JI leaders in Bangladesh and also calling upon the UN to take notice of Bangladesh for penalizing JI leaders.

Table 1.2: Resolutions

Sr. No.	Resolution	Status
1.	The House is of the opinion to obligate the news agency that the Holy verses and its translation published in newspapers should be protected from desecration. The agencies are bound to publish them by following the homogenous process in which the verse and its translation is published by showing the scissor and cutting marks with dots on newspaper.	Adopted
2.	The House demands from the Federal Government to eradicate the cartel of cement factories through Competition Commission of Pakistan so that the price of each sack of cement can be reduced by 120 PKR.	Adopted
3.	The House demands to fix treatment plant in the district of Faisalabad near 144 to remove the poisonous water and waste of the industry or stop the industry. The poisonous water is drained out in the river water which causes severe diseases every year. People are dying with the diseases caused by the industrial waste. Treatment plant should be fixing for the removal of poisonous water.	Adopted
4.	Condemning terrorist attack on the office of media outlet in Karachi.	Adopted
5.	The House is of the opinion that the College of Veterinary and Animal Sciences (Jhang) should be given university status. The name suggested for the University is Mian Muhammad Nawaz Sharif Veterinary University.	Adopted
6.	Encroachments at a mausoleum of Dulla Bhatti in Lahore should be checked	Adopted
7.	Provision of better employment opportunities to special people	Adopted
8.	Urging the UN to take action against Bangladesh for giving punishment to JI leaders	Adopted
9.	Paying tributes to Nelson Mandela over his death	Adopted
10.	The House demands to allow the women who are in jails since ten years or more years to meet their spouse once every month.	Not Taken Up
11.	Registration of domestic worker women under the labour law	Not Taken Up
12.	There should be a law against the people involved in sexual abuse in Punjab	Not Taken Up
13.	To protect the future of students from the onslaught of private universities and institutions, the seats allocated for science subjects in government colleges should be increased 100% and deserving students should be given admissions.	Not Taken Up
14.	To have discussion in the House related to price fixing of sugarcane .	Pending

2.0 Representation, Responsiveness and Government Oversight

This section reviews legislators' representative and oversight role in the assembly. Lawmakers conduct executive oversight by submitting questions and calling attention notices. Representative and responsiveness is measured through the submission of adjournment motions, privilege motions and motions for general discussions.

2.1 Questions and Responses

Question Hour gives legislators the opportunity to monitor the government's performance and conduct its oversight. Questions are classified as starred and un-starred based on the requirement of verbal and written reply, respectively.

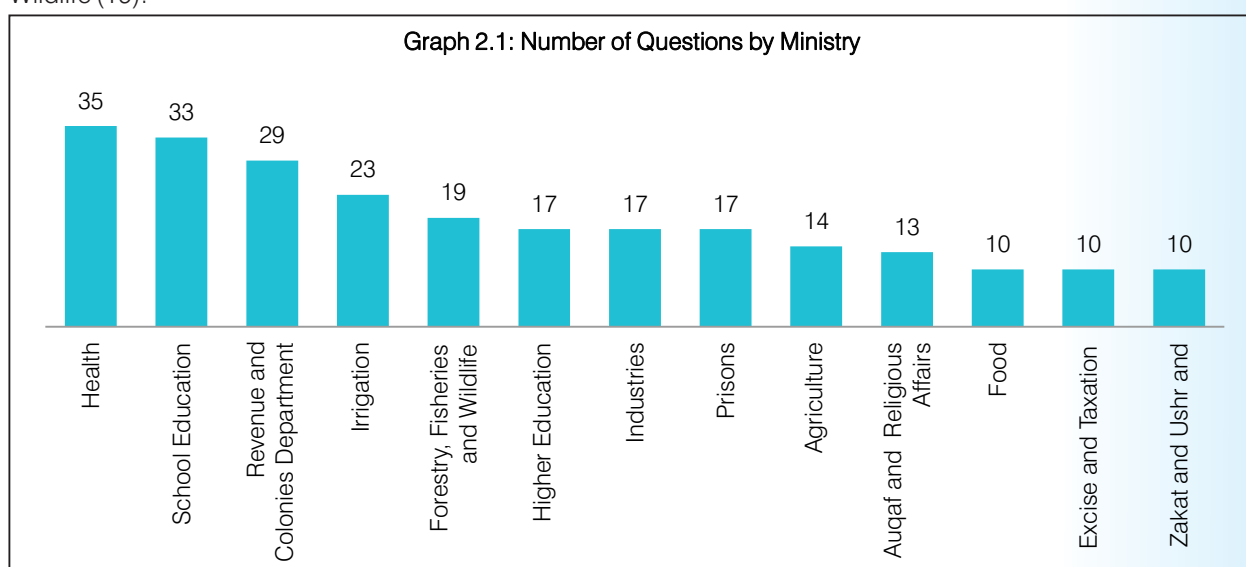
MPAs submitted 247 starred questions (requiring oral reply) on the agenda, of them 41% (questions) were taken up on the floor while members asked 103 supplementary questions additionally. As many as 54 lawmakers (15% of total strength) performed government oversight by tabling questions. Fifteen female lawmakers from PML-N, PML, PPP and PTI submitted 91 questions while 39 male lawmakers from all parties tabled 156 questions.

A view of the party wise trends in submission of questions reveals that PTI and PML lawmakers were more interested in health related matters, the PML-N in revenue and housing colonies' issues, and PPP MPAs in religious affairs and education.

Table 2.1: Questions

Sitting No.	Starred Questions on Agenda	Questions Taken Up	Questions Not Taken Up	Supplementary Questions
1st	17	9	8	10
2nd	33	11	22	8
3rd	35	11	24	6
4th	29	8	21	10
5th	23	9	14	6
6th	17	11	6	10
7th	14	10	4	15
8th	17	8	9	9
9th	19	7	12	8
10th	23	7	16	11
11th	20	10	10	10
Total	247	101	146	103

The questions submitted by legislators reflect upon their concerns regarding governance and economic development in the province. A bulk of questions (66%) went to six of 11 ministries that received questions during the session. Maximum questions (35) were addressed to the Health Department, followed by the departments of School Education (33), Revenue and Colonies (29), Irrigation (23) and Forestry, Fisheries and Wildlife (19).



Details of Question Hour

It is interesting to note that most questions on the agenda were asked only to obtain statistical information from the departments ignoring the policy and practical measures undertaken by the provincial government to improve its performance. Therefore the role of the legislature in conducting government oversight and its accountability was not fully accomplished during the Question Hours held during the session.

It is also an observation that the questioned departments are also not very transparent in providing information as sometimes incomplete answers are supplied, especially on the tentative deadlines of the completion of their development projects, relying on the beaten phrase “would be completed in near future”.

Following are the details of all departments that received questions in the fifth session. The analysis is an attempt to shed light on the nature of questions submitted by the lawmakers to the government departments.

On questions asked from the Department of Industries, Commerce and Investment, lawmakers inquired about steps taken by the government to boost up the economy by setting up new industrial zones and technical institutes to produce skilled labour.

The sale and purchase of fake medicine resulting in hundreds of deaths as well as the spread of measles in children have been two overriding health issues in the province in recent years. Therefore the questions put up to

the health department inquired about steps taken by the government to control the issue of fake drugs and eradication of rampant diseases like measles and Hepatitis (B and C). Besides these the MPAs queried the department on number of hospitals and the staff thereof, spending of government on health care, technical and operational services of health institutes, procedural methods of hiring staff and price and supply of medicines.

The standard of schools and higher education being offered to students and lack of educational institutions in the province underscored the questions submitted to the School and Higher Education Department. Most of the questions focused on lack of infrastructure (boundary walls, class rooms, labs, washrooms etc.) in educational institutions, vacant seats of teachers and non-availability of text books. On a question about the caliber of teachers to teach English, the House was informed that an attempt to improve educational standards of English teachers has been increased from Matric and/or Intermediate to Bachelors. Additionally, the government has arranged specialized District Teacher Educators (DTEs) trainings for capacity building of under qualified teachers already employed. So far 176,000 teachers have been trained under the DTEs training in the province.

The Revenues and Colonies Department was questioned about land records and employees handling it especially Patwaris (village accountant), illegal occupants of government land and actions taken against them, and income generation from leased land.

Share of Punjab's water, water theft, lining and stone pitching of canals to protect water logging and salinity were the issues asked in the questions addressed to irrigation department. Legislators also submitted their queries on advanced research on seeds to grow high yielding and nutritious crops, cementing small water distributaries, subsidy on fertilizer and pesticides, and increase in production to augment export of agricultural products.

The Zakat and Ushr department works on strengthening the social fabric by providing funds for education, marriage ceremonies and death grants to the needy. The questions directed to the department were on concerns related to matters mentioned above, statistical information on people receiving funds and the need to increase grants given to the poor segment of society due to heightening inflation.

Lawmakers questioned the Excise and Taxation Department on the collection of tax (both on property and income), number of entities giving tax and tax defaulters and measures taken against them. Some of the questions focused on the accountability of those involved in illegal registration and tax record irregularities. The food department was asked about factories preparing sub-standard food items especially drinks, involvement of government employees in it, number of shrines and income coming from them and price fixation of crops for farmers.

Similarly, statistics about prisoners, quality of food, medical and other facilities in provincial jails, and laws under which female prisoners and their children are being kept in jails were echoed through questions addressed to the Prisons department.

On questions submitted to the Forestry, Fisheries and Wildlife department MPAs sought information on government policy on giving special hunting permits to Islamic countries, measures taken to protect wildlife, statistical data on forests and illegal cutting of trees.

2.2 Calling Attention Notice (CAN)

This section highlights the efforts of members in raising matters of public interest through calling attention notices. In the Punjab Assembly, a member may, with the consent of the Chair, call the attention of the Chief Minister to any matter involving the law and order situation in the province, through a CAN.

Nine of ten calling attention notices were taken up by the House. Law makers sought government response on law and order cases involving dacoities (four CANs), killings (three CANs,) and cases of kidnapping and sectarian riots (one CAN each). Punjab's Law and Parliamentary Affairs Minister briefed the House on the investigations into and the status of the cases highlighted in the notices which were later disposed of by the Speaker.

A PML-N sponsored CAN on a dacoity at Bhabra, Kot Momin Road, District Sargodha was pended off till another date.

Five CANs each were tabled by PML-N and PTI lawmakers; only male MPAs submitted the PML-N sponsored notices whereas two females and three male PTI MPAs did the same.

Table 2.2: Calling Attention Notices

Sr. No.	CAN's	Party	Status
1.	Kidnapping of Asma Heera d/o Tariq Ali by Imran Ali s/o Shan Ali and death of Mr. Adnan Masih due to police torture in the said case at Sharaqpur Police station district Sheikhpura	PML-N	Taken Up
2.	Killing of Sayed Arshad Ali Shah, Advocate by unknown motorcyclists at Misry Shah, Lahore	PTI	Taken Up
3.	Assassination of Peer Phool Shah and his six relatives by motor-cycle terrorists at village Jasokey, Gujrat	PML-N	Taken Up

Sr. No.	CAN's	Party	Status
4.	Dacoity by a person appearing as cable operator looting cash, gold jewelry, mobile phone etc. worth Rs.6 lakhs from the residence of Mr. Hameed Khan	PTI	Taken Up
5.	Collision between two religious groups at Fawara Chowk Rawalpindi, in which ten people were killed and fifty injured	PTI	Taken Up
6.	Murder of Ms. Yasin and Zaheer Butt, (Moharar), Police station Jaranwala, district Faisalabad by motorcyclists	PML-N	Taken Up
7.	Dacoity of five hundred thousand rupees at gun point from Ahmad Akbar after entering his house located at Manga Mandi, Lahore	PTI	Taken Up
8.	Assassination of a religious leader, Hafiz Shams-ur-Rehman by unknown killers at Ravi Road, Lahore	PTI	Taken Up
9.	Dacoity of Rs 22 lacs and 52 tola gold from the residence of Kashif Cheema, located at Rehman Gardan, Satiana Road, Faisalabad	PML-N	Taken Up
10.	Dacoity of forty thousand rupees, three licensed weapons and mobile phone from Sultan Ranjha at Bhabra, Kot Momin Road, District Sargodha	PML-N	Kept Pending

2.3 Adjournment Motions

Adjournment motions are tabled to discuss the matters of urgent public importance. According to Rule 80 of the Rules of Procedure of Punjab Assembly, “a motion for an adjournment of the business of the House for the purpose of discussion on a definite matter of urgent public importance may be made with the consent of the Speaker”.

The proceedings of the House were suspended to raise 90 adjournment motions, of which 76 were disposed of, 13 were kept pending and one motion received the ruling of the Chair. As per rules an adjournment motion is moved to debate a public issue however none of the motions was debated by the House in the fifth session.

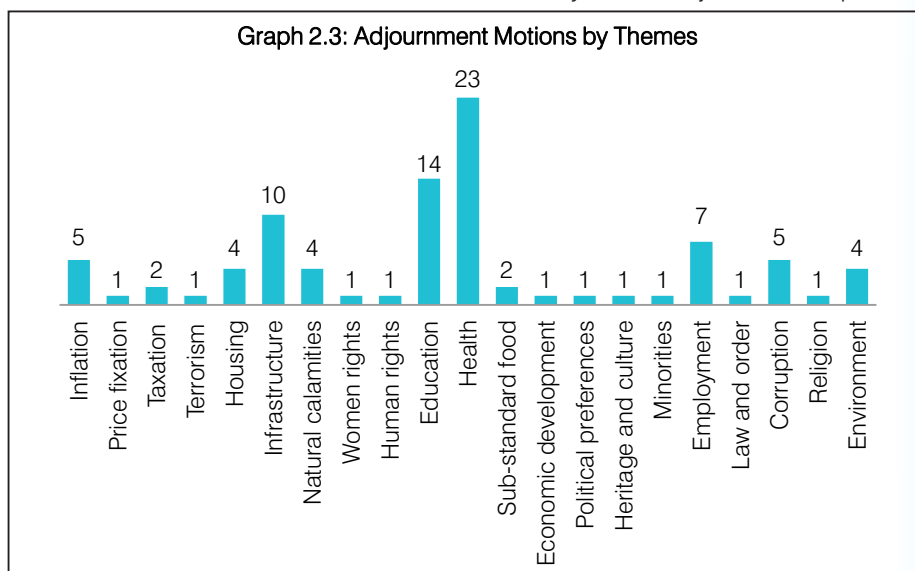
Interestingly, the government and the opposition (in particular) seemed in agreement on the urgency to combat health related issues in the province as many parties tabled identical or similar adjournment motions on such matters.

Ninety-three percent of the motions were related to good governance in which issues of institutional inefficiencies, corruption, lack of health facilities, education, infrastructural development and inflation were highlighted. Matters related to economic development, human rights, minorities, terrorism and women rights were also tabled for discussion on adjournment motions.

Of all the 90 motions, members of PML-N raised the most (38), followed by PTI (32), PML (15), JI (4) and PPPP (1). The motions raised by PML-N focused on the issues related to governance, corruption, environmental and economic development. PTI members in their motions focused on various issues ranging from natural calamities to sub-standard food items. The only PPPP motion was on employment while the JI focused on governance related matters.

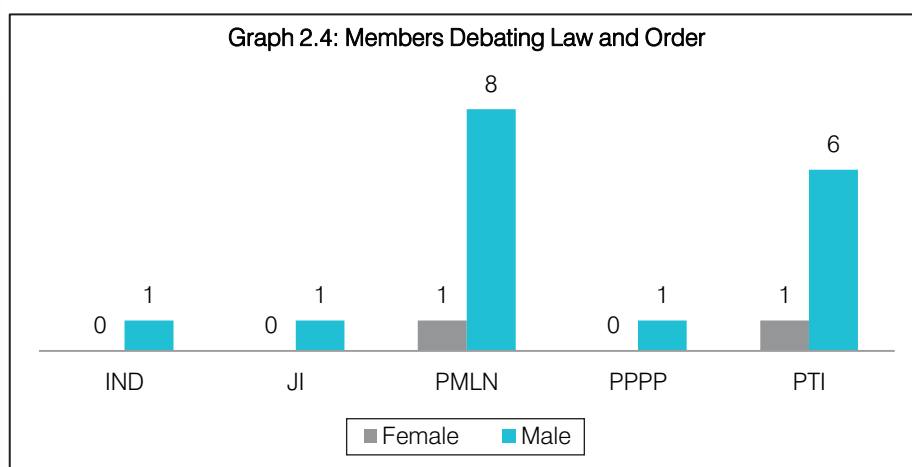
The AMs on violation of human rights in general and women rights were sponsored by PML-N lawmakers.

The Chair gave ruling on only one adjournment motion on the functioning of dental department of PMC Faisalabad. Lack of obtaining prior permission from Pakistan Medical and Dental Council (PMDC) resulted in the failure of 50 graduates of the department in getting their degrees. The Speaker ordered to constitute a committee in terms of Rule 187 of the Rules of Procedure, Provincial Assembly of the Punjab, 1997, to probe the matter.



2.4 General Discussion on Law and Order

The House held a three day discussion on law and order in the country during the fourth, fifth and sixth sittings of the session. Nineteen legislators expressed their views in the debate which continued for three days consuming three hour and 13 minutes, 8% of the total session's time. Nine PML-N MPAs took part in the debate, followed by PTI (7) and one each of PPPP, JI and Ind. Male lawmakers seemed more interested in the debate as 17 spoke on the subject while two females (from the PTI and PML-N) shared their views as well.



The provincial Law Minister while opening the debate, mentioned that 18 incidents of sectarian terrorism took place during Muharram in the country, however the situation in Punjab was better in this regard. Providing the details of the mentioned incidents, he stated that 32 persons had been killed and 18 wounded and the police personnel have captured criminals involved in seven cases so far.

While sharing their views, lawmakers expressed concern over high rate of crime in the province despite the increase in the police budget which has not produced any positive results. The PML-N MPAs advocated the need for bringing reforms in the law enforcing agencies. One of PML-N lawmakers asked to extend the period of appointment of SHO from three months to two years so that their performance can be improved and gauged. He also pointed out that only 68 out of 203 appointments of the authority established to counter terrorism in the province have been filled while the remaining are still lying vacant.

It was suggested in the House that tracker devices should be installed in vehicles to ensure their safety. Members of PTI voiced their concern over the politicized appointments in the police department (particularly the Station House Officers) and involvement of police in crimes. It was also stated that appointments of some posts have been made through Public Service Commission and all sorts of experimentation with the police has been made, yet it has failed to reduce crimes.

The Leader of Opposition pointed out inaccuracies and underestimated crime figures mentioned on the official website of Punjab Police. There was a statement regarding 13,500 crimes taking place in the province on a daily basis however the First Investigation Report of most cases is not registered. He also suggested that the possession of illegal weapons should be termed as un-bailable crime.

Member of JI suggested that law in the country should be according to Islam while an Independent legislator placed the blame of the rising crime rate on the increasing prices of commodities.

2.5 Question of Privilege

According to the rules and procedure of Punjab Assembly a member may, with the consent of the Speaker, raise a question involving a breach of privilege either of a member or of the Assembly or of a Committee.

All four privilege motions were submitted by PML-N lawmakers against the misbehavior of public office holders, including police officials and senior civil servants, with the mover of the motion. The questions of privilege were sent to the Special Committee No. 1 with the orders to submit their report within one month.

Table 2.5: Question of Privilege

Sr. No.	Question of Privilege
1.	Misbehavior of Assistant Commissioner, Shakargarh with the MPA
2.	Misbehavior of Arbab Samija, Sub Inspector, Choki Incharge, Mukhayna, Jhang with the member concerned
3.	Misbehavior of Secretary Prosecution with the member concerned
4.	Threatening call received by the member concerned from a close relative of District Police Officer Toba Tek Singh

3.0 Order and Institutionalization

This section reviews the points of order, questions of privileges and the instances of protests, walkouts or boycotts.

3.1 Points of Order

As per Rule 209 of Punjab Assembly, a point of order (PO) relates to the interpretation or enforcement of the rules or such articles of the Constitution as “regulate the business of the Assembly and shall raise a question which is within the cognizance of the Speaker”. A point of order may be raised in relation to the business before the Assembly at the moment.

During the assembly proceedings, lawmakers spoke on 52 points of order raising 53 issues, consuming an hour and 12 minutes (3%) of the session time. Lawmakers raised most of the POs on national, regional and parliamentary affairs, rather than for pointing out breaches in assembly rules or discipline.

A total of 51 legislators – 45 male and six females – raised 53 issues. More PML-N lawmakers spoke on points of order (29), followed by 13 MPAs of PTI, four each of PPPP and JI and a single Independent MPA. Almost half (49%) of the points of order were related to House business, parliamentary affairs, law and order, and criticism of government.

Table 3.1: Number of issues raised through POs

Sr. No.	Issues	Number of times issue was raised
1.	Business of the House	18
2.	Criticism of government	4
3.	Law and order	4
4.	Parliamentary affairs	4
5.	Power and energy	4
6.	NADRA chief sacked	3
7.	Transparency International Report	3
8.	Minority affairs	2
9.	Miscellaneous	2
10.	Praise of Prime Minister	2
11.	Agriculture	1
12.	By-elections	1
13.	Communications	1
14.	Employment	1
15.	Natural calamities	1
16.	Request for <i>fateha</i>	1
17.	Youth Loan Scheme	1
	Total	53

3.2 Protests, Boycotts and Walkouts

The session witnessed seven walkouts consuming 11 hours and nine minutes - 28% of the total session. Four walkouts were staged by the entire opposition parties, one each by a male and female PTI MPA and another by a female PML-N lawmaker.

The walkouts staged by the entire opposition were over the government not taking up supplementary agenda regarding drone attacks, the dismissal of Chairman National Database and Registration Authority (NADRA) and the government's disregard of the amendments proposed by the opposition in the Punjab Local Government (Amendment) Bill, 2013.

The PTI lawmakers walked out when the Chief Minister did not give assurance over demolishing of a school boundary and the Chair's disallowance to speak on a point of order. On the mismanagement of the accommodation reserved for MPAs during sessions a PML-N lawmaker staged a 13-minute walkout.

Table 3.2: Walkouts and Protests

Sitting No.	Party	Reason	Time (Min.)
3rd	All Opposition	Their supplementary agenda regarding drone attacks was not taken up by the House	16
4th	All Opposition	On the drone attacks	165
6th	All Opposition	Against the dismissal of Chairman of National Database and Registration Authority (NADRA)	15
7th	All Opposition	For not considering their amendments proposed in the Punjab Local Government (Amendment) Bill, 2013	13
9th	PML-N	For not taking proper care of MPA's accommodation during Session	13
	PTI	For not allowing to speak on point of order	5
10th	PTI	On not receiving assurance from Chief Minister Punjab over an incident of demolishing of school boundary	442

4.0 Session Duration, Members' Attendance and Participation

This section deals with the duration of the session, attendance and participation of members, and maintenance of quorum (1/4th of the total membership – 92 in the Punjab Assembly). It also reviews the presence of key members – the Speaker, Deputy Speaker, Chief Minister, Leader of the Opposition, and the parliamentary leaders and the time they spent on the floor of the House.

4.1 Session Time

The session, starting from November 29 to December 13, 2013 met for total of 39 hours and 42 minutes, with each sitting lasting three hours and 36 minutes on average. All sittings started late with an average delay of an hour and 38 minutes. The House took two breaks in the 2nd and 10th sitting consuming 55 minutes -2% of the session's time.

The tenth sitting was the longest, meeting for seven hours and 33 minutes while the eighth sitting which met for two hours and five minutes was the shortest.

Table 4.1: Session Time

Sr. No.	Day and Date	Sitting No.	Late Starts	Total Session Time	
				Hours	Minutes
1	Friday, November 29	1	140	2	45
2	Monday, December 2	2	85	3	3
3	Tuesday, December 3	3	80	2	36
4	Wednesday, December 4	4	100	4	20
5	Thursday, December 5	5	105	3	47
6	Friday, December 6	6	77	2	29
7	Monday, December 9	7	103	4	48
8	Tuesday, December 10	8	85	2	5
9	Wednesday, December 11	9	105	4	7
10	Thursday, December 12	10	104	7	33
11	Friday, December 13	11	91	2	9
Total			Average 98 minutes	39 hours and 42 minutes	

4.2 Members' Attendance

Active participation and attendance of members in the proceedings can make the business of the House meaningful. As the Punjab Assembly Secretariat does not make public the attendance records of members, FAFEN observers conduct a headcount of legislators at the beginning and the end of each sitting to gauge their attendance.

Attendance remained a serious concern in the House of 370 sitting members, as the trend of low attendance seen in previous sessions prevailed in the fifth session as well. On average, only 16% MPAs were present at the start as well as the end of the sitting while a maximum of 117 (32%) members were present at any one point in the House.

However the attendance of minority members increased in the fifth session as on average four out of eight minority members attended each sitting while three members attended a sitting on average in the preceding session.

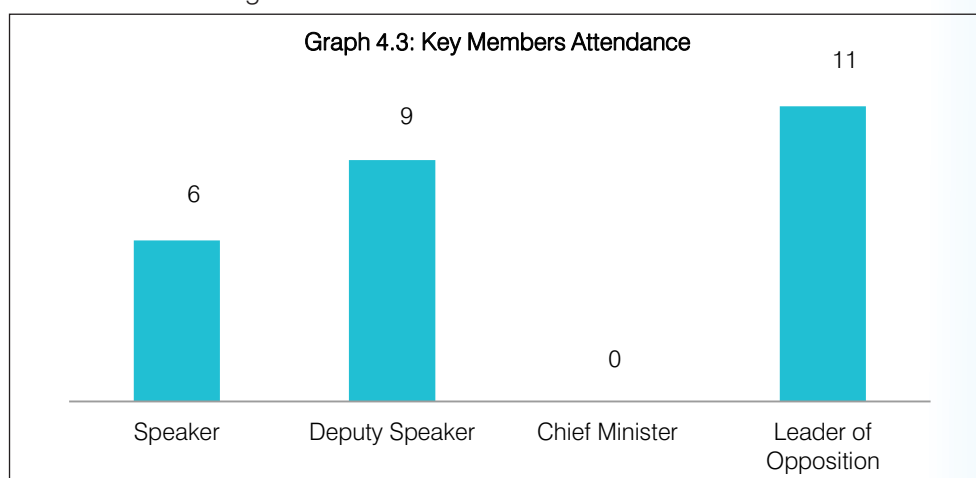
As very low attendance was observed during the session, the lack of quorum was pointed out eight times, thrice in both ninth and tenth sitting and once each in second and fourth sitting.¹ Members of PTI pointed out lack of quorum at seven instances while it was pointed out once by a PML legislator. On two instances after the quorum was pointed, the sittings were adjourned till the next day while on six occasions the Chair resumed the proceedings after calling for the assembly bells to be rung followed by a recount of members.

Table 4.2: Legislators' Attendance

Sitting No.	Members at the Outset	Members at the End	Maximum Members	Minority Members
1st	121	56	193	4
2nd	73	39	143	6
3rd	92	39	133	3
4th	73	24	111	4
5th	44	25	105	5
6th	24	56	65	5
7th	65	94	115	4
8th	36	35	90	3
9th	53	101	113	2
10th	41	107	107	3
11th	32	95	114	4
Average	59	61	117	4

4.3 Key Members' Attendance

The Chief Minister did not attend the entire session whereas the Leader of the Opposition attended all of the sittings remaining present for 55% of the session time. The Speaker chaired 37% of the session, while the Deputy Speaker presided over 61% of the session time. The remaining 2% of the time was consumed in two breaks during the second and tenth sitting.



4.4 Member's Participation

FAFEN observes members' participation against three categories – MPAs who only submit agenda, those who only participated in the on-floor debates and members who both take part in the on-floor deliberations and submit agenda on the Orders of the Day.

In the House of 370 members, only 103 (28%) legislators participated on the floor of the House. Lawmakers seemed more interested in submitting agenda than the House debates as 11% (41 MPAs) participated by only submitting agenda, 8% (30 MPAs) took part in the debates while 9% (32 MPAs) did both.

In terms of party wise performance, although PML-N is both the largest (total strength 314) and ruling party in the House, 245 (78%) of its lawmakers did not participate during the session. Sixty nine (22%) of the PML-N members either submitted the agenda, took part in the debates or both submitted the agenda and participated in the

¹ According to Chapter II, article V, of the Rules Of Procedure and Conduct Of Business of the Punjab Assembly, if at any time during a sitting, the attention of the Chair is drawn to the fact that less than one-fourth of the total members of the House are present, he can suspend the sitting and/or order the bells to be rung for five minutes. If lack of quorum persists after the said period, the Speaker can adjourn the assembly for 15 to 30 minutes. On finding the quorum lacking even after the expiry of this period, the chair can adjourn the sitting till the next working day or sine die.

debates. The leading opposition party is second in terms of performance as 21 out of 29 of its MPAs participated by both submitting agenda and speaking in House debates. Six out of eight PML lawmakers also participated in one way or the other while none of the three PML-Z lawmakers participated. Out of five Independents in the House, only one participated by submitting and debating agenda.

Among the single member parties - JI, PNML and BNA-P - the sole member of JI participated by both submitting and debating agenda whereas the single members of PNML and BNA-P did not participate either way.

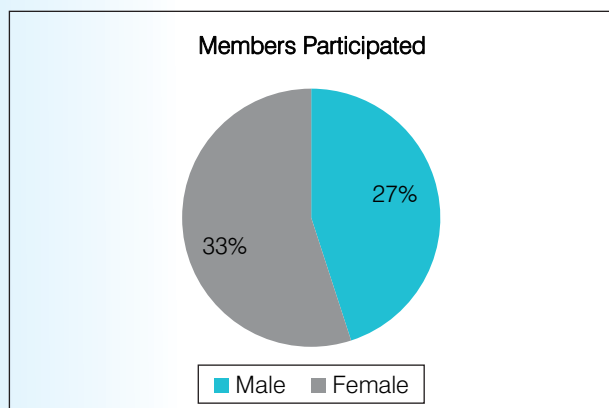
Table 4.4: Member's Participation

Sr. No.	Political Party	Number of Members Who Submitted Agenda Items	Number of Members Who Took Part in Debates	Number of Members Who Participated in Debates as well as Submitted Agenda Items	Percentage of Members Who Submitted Agenda Items	Percentage of Members Who Participated in Debates	Percentage of Members Who Submitted Agenda Items And Participated in Debates
1	PML-N	33	22	14	11%	7%	4%
2	PTI	5	6	10	17%	21%	34%
3	PPPP	0	2	3	0%	25%	38%
4	PML	3	0	3	38%	0%	38%
5	IND	0	0	1	0%	0%	20%
6	PML-Z	0	0	0	0%	0%	0%
7	BNA-P	0	0	0	0%	0%	0%
8	JI	0	0	1	0%	0%	100%
9	PNML	0	0	0	0%	0%	0%
Total		41	30	32	11%	8%	9%

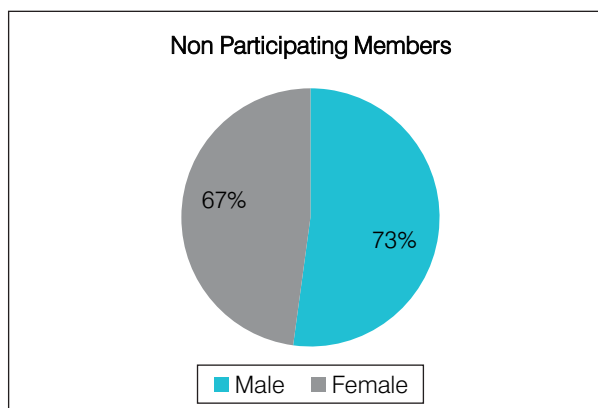
A higher ratio of the reserved members (23 of 66) participated actively in the House proceedings in comparison to their directly elected counterparts (76 of 296) who shared their views more actively in the debates.

The participation of women lawmakers was slightly higher than their male counterparts as 25 out of total 76 took part in the House Business compared to 78 out of 294 male lawmakers. Male lawmakers seemed more interested in tabling agenda while the female lawmakers contributed more in both the house business as well as in the debates. Out of four minority MPAs one each participated by only submitting or debating agenda while two did both.

Graph 4.4A: Participating MPAs by Gender



Graph 4.4B: Non-Participation MPAs by Gender



Disclaimer: The data cited in this report is based on direct observation of the Punjab Assembly's proceedings during the 4th session. Every care has been taken to maintain accuracy. To intimate any errors and omissions, please contact House 145, St 37, F-10/1, Islamabad - 051-8466232

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.

Amendment

A motion to amend an earlier motion before that earlier motion is put to the assembly for its decision.

Assembly

National assembly or a provincial assembly

Assent

Refers to the power of the Governor to assent the Bill passed by the assembly or return the same to the assembly for reconsideration.

Chairperson

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

Chair

The presiding officer at a meeting of the house or a committee.

Committee

A parliamentary committee constituted under Rules of Procedure, comprising of various members of parliament.

Constitution

Means the Constitution of the Islamic Republic of Pakistan 1973.

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.

Member-in-Charge

In the case of government bill, a minister or a parliamentary secretary acting on behalf of the government and in the case of a private member's bill, the member who has introduced it or any other member authorized by him in writing to assume charge of the bill in his absence.

Minister

May refer to the Prime Minister, a Federal Minister or a Minister of State, or a Parliamentary Secretary in respect of any function delegated or entrusted to him by a minister.

Motion

A proposal made by a member or a minister relating to any matter, which may be discussed by the assembly and includes an amendment.

Mover

The mover of a bill, a resolution, a motion or an amendment of a bill, a resolution or a motion and in the case of a government bill, a resolution, a motion or an amendment, a minister or a parliamentary secretary acting on behalf of the government.

Opposition

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

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 Speaker.

Private Member

A member who is not a minister or a parliamentary secretary.

Private Member's Bill

A proposed law introduced by a private member.

Quorum

Quorum is the minimum number of members of assembly necessary to conduct the business of the assembly. Under Article 55(2) 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.

Speaker

The Speaker of the assembly, including the Deputy Speaker or any other member acting as the Chairperson on a particular sitting or number of sittings.

Starred Question

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

Sitting

A meeting of the assembly or that of a committee on a day.

Table

The table of the house.

Unstarred Question

"Unstarred Question" means a question for a written answer.

We wish to extend our acknowledgment to the Punjab Assembly Website for material contributions presented in the Glossary.

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 include:

- Observed the public display of Pakistan's 2007 draft electoral rolls and conducted the country's first statistically-valid voters' list audit
- Deployed 18,829 trained, neutral Election Day observers nationwide to monitor the February 18, 2008, General Elections
- Fielded 264 long-term observers nationwide and published 19 pre-election reports
- Conducted 260 simultaneous Parallel Vote Tabulations (PVTs)- the largest PVT effort in the world
- Conducted a Constituent Aspirations Survey in December 2008 with 3,124 respondents regarding attitudes and beliefs of people living in the constituencies
- Observed Gilgit-Baltistan 2009 General Elections and 2010-2012 By-Elections in various constituencies of the Punjab, Balochistan and Khyber Pakhtunkhwa
- Implements a unique methodology to observe and report on legislative proceedings and performance under a Parliament Watch Project
- Monitors public institutions across Pakistan and issues monthly reports on the state and performance of educational, health and other local institutions as well as reports on prices, crimes, incidence of disease, caseload in lower courts, and political and electoral violence

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 and promoting active citizenship through ongoing civic education activities across the country. FAFEN is currently implementing Supporting Transparency, Accountability and Electoral Processes (STAEP) in 200 National Assembly constituencies in 119 districts across Pakistan.



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