

FAFEN Parliament Monitor

Thirty-Eighth Session

National Assembly of Pakistan

(January 12 - 19, 2012)



Free and Fair Election Network

Abbreviations

ANP	Awami National Party
BNPA	Balochistan National Party (Awami)
CAN	Calling Attention Notice
FATA	Federally Administered Tribal Areas
ICT	Islamabad Capital Territory
IND	Independent Member
MMAP	Mutihida Majlis-e-Amal Party
MQM	Muttahida Quami Movement
NPP	National People's Party
PML	Pakistan Muslim League
PMLF	Pakistan Muslim League (Functional)
PMLN	Pakistan Muslim League (Nawaz)
PO	Point of Order
PPPP	Pakistan People's Party Parliamentarians
PPPS	Pakistan People's Party (Sherpao)



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

Executive Summary

The 38th session of the National Assembly saw the adoption of a Resolution supporting democracy and passing of a bill to set up a commission for women rights.

The session lasted 11 hours and eight minutes comprising six sittings from January 12 to 19, meeting on average an hour and 51 minutes per sitting. Each sitting started late, an average delay of 57 minutes.

The House left 44% of the agenda items unaddressed that appeared on the Orders of the Day, primarily due to 110 Points of Order which consumed 43% of the total session time – 288 of the 668 minutes. Like previous sessions, the agenda for Private Members' Day was ambitiously set, making it difficult for the House to complete it in a single sitting.

Overall 36% of the Members – 87 male and 35 female – participated in the session by submitting agenda items on the Orders of the Day or by taking part in debates. Male parliamentarians appeared to be less active than their female counterparts. Their participation remained 34% of their total membership of 258 while female participation was 46% of their total membership of 76.

A party-wise analysis shows that 96% of the MQM parliamentarians took part in the proceedings, They were followed by MMAP (50%), PMLN' (48%), PPPP (25%) and ANP (25%).

Although the participation of Members was low, still the attendance was relatively better than the previous sessions. On average 133 Members were present at the beginning of each sitting and 152 at the end.

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

The Prime Minister attended five sittings for 47% (317 minutes) while the Leader of the Opposition was present during four sittings for 35% (236 minutes) of the session time. The Speaker chaired the proceedings for 77% of the session time; the Deputy Speaker 12% and the remaining 11% of the time was presided over by Members of Panel of Chairpersons.

The Parliamentary Leaders of ANP, NPP and PPPS attended four sittings each, BNPA and MQM three each, PML two, and MMAP and PMLF leaders attended one sitting each.

Although the Quorum was visibly lacking at various stages of the session, it was not pointed out by any Legislator.

The National Assembly passed the National Commission for Women Bill, 2011 and the Shifa Tameer-e-Millat University Bill 2011. Twelve Private Members' Bills were introduced and sent to the respective Standing Committees. The House took up five Calling Attention Notices raised by nine male and as many female Members. Four were sponsored by the PMLN while one was tabled by the PPPP Members.

During the third sitting the National Assembly adopted a Resolution on the supremacy of democracy. A total of six Members including the PM, the Leader of the Opposition, the parliamentary leaders of ANP and PPPS, and a Member of PMLN and MMAP, spoke on the Resolution for 80 minutes.

The House witnessed two walkouts. The PMLN and PPPS Members walked out in protest over their recommendations not being included in the Resolution supporting democracy. The other

Parliament Watch Project

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 Project (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) 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 is not the first effort in Pakistan to monitor the Parliament, but it is unique in that it 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.

This report provides data based on FAFEN's direct observation of the proceedings of the thirty-eighth Session of the National Assembly, which was held between January 12, and January 19, 2012.

walkout was by a PMLN Legislator who protested the security arrangements in place for the Prime Minister's appearance before the Supreme Court. He said these caused difficulties for the general public.

FAFEN hopes this report will be a valuable contribution to creating a more informed citizenry and an increasingly responsible Parliament. On the basis of its ongoing observations FAFEN recommends:

1. National 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 to observe all the proceedings of the Assembly. FAFEN again had to acquire ad-hoc measures to observe this session.
2. The Assembly should consider keeping a public record of parliamentary business similar to that presented in this FAFEN report so that constituents can be informed over time about the performance of their elected representatives. Recently, the House debates have been uploaded to the website (www.na.gov.pk) but these are available only after the session is adjourned. The information on the House debates should be made public as soon as the sitting is adjourned.
3. Complete information (and relevant documents) about all business of the Assembly should be available to all Members, especially regarding the progress of Legislation, Calling Attention Notices (CANs), and other key policy decision-making processes. Such information should also be available to the public on the Assembly's website and/or at their Secretariat.
4. Transcripts of all substantive discussion in the Assembly on policy matters – especially debates on Legislation – should be available on the Assembly's websites immediately after it happens. Mostly, vital pieces of Legislation are passed without the necessary three readings of the bill.
5. The Assembly Secretariat should keep records of actual time spent by Members in the Assembly chamber and especially whether there is a Quorum. This information should be publicly available. FAFEN has made repeated attempts to get the attendance document of the Members.
6. No vote should be allowed by the Assembly's Speakers, especially on Legislation, without a Quorum. The issue of lack of Quorum has persisted for a long time. It seems that the opposition and the treasury have reached an unwritten understanding of not raising this issue.
7. Efforts should be made to understand and address why 64% of the Members of the National Assembly did not participate actively in the 38th Session and to see if this problem persists in future sessions.
8. 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 of the Assembly. All questions must be responded to within a stipulated time frame. Transcripts of all questions, including the ones that the Assembly Secretariat finds inadmissible, and responses should be made available to Members and to the public and for historical record.
9. The Chair should be responsible for ensuring that business planned in the 'Orders of the Day' is accomplished during each sitting or at least during a full session, particularly with regard to consideration of Legislation, Resolutions and CANs. These policy matters are among the primary methods for elected Legislators to represent constituents' needs and concerns. Most of the agenda during the year was left unaddressed primarily due to excessive use of Points of Order.
10. Additional orientation and training of Assembly Members is needed regarding their fundamental responsibilities especially to their constituents as well as basic parliamentary procedures, particularly those that are commonly misused, such as Points of Order. A total of 110 Points of Order were raised, which consumed 43% of the total time. None of the Points of Order raised attracted formal ruling of the Chair.
11. The National Assembly Secretariat should develop publicly accessible mechanism to track government assurances given to the Assembly and progress if any, on these assurances.
12. A full-day sitting should be allotted to issues related to constituencies at least once in a session as the existing half an hour of each sitting allowed for this purpose by the Rules of Business is inadequate, compelling the Members to raise constituency issues on Points of Order.

1.0 Session Duration and Members' Participation

1.1 Session Time

The 38th session of the National Assembly comprising six sittings started on January 12 and was *prorogued sine die* on January 19, 2011.

The Assembly met for 11 hours and eight minutes, an average of an hour and 51 minutes per sitting. All sittings started late, an average delay of 57 minutes.

The shortest sitting lasted 34 minutes (January 12) while the longest spanned four hours and four minutes (January 16).

Sr. No.	Date	Sitting No	Delays	Hours	Minutes
1	Thursday, January 12, 2012	First	65	0	34
2	Friday, January 13, 2012	Second	63	1	17
3	Monday, January 16, 2012	Third	65	4	4
4	Tuesday, January 17, 2012	Fourth	19	1	1
5	Wednesday, January 18, 2012	Fifth	65	1	56
6	Thursday, January 19, 2012	Sixth	62	2	16
Total			Average 57 minutes	11 hours and eight minutes	

1.2 Members' Participation

Participation has been classified into three categories – Parliamentarians who only tabled agenda item(s) on the Orders of the Day; Legislators who did not submit any agenda item but took part in discussions and deliberations in the House, and Members who submitted agenda items and also participated in debates.

Thirty-eight Members brought items on the Orders of the Day while 70 participated in debates on various agenda items. Fourteen (19%) of the Parliamentarians submitted Agenda items on the Orders of the Day and actively took part in the House discussions.

Sr. No.	Party	Members Who Only Submitted Agenda Items	Members Who Only Took Part in Debates	Members Who Participated in Debates and Submitted Agenda Items	Percentage of Members Who Only Submitted Agenda Items	Percentage of Members Who Only Participated in Debates	Percentage of Members Who Only Submitted Agenda Items and Participated in Debates	Members in Assembly by Party
1	ANP	1	2	0	8%	17%	0%	12
2	BNPA	0	0	0	0%	0%	0%	1
3	IND	0	7	0	0%	39%	0%	18
4	MMAF	1	3	0	13%	38%	0%	8
5	MQM	13	8	3	52%	32%	12%	25
6	NPP	0	0	0	0%	0%	0%	1
7	PML	2	7	0	4%	14%	0%	50
8	PMLF	0	0	0	0%	0%	0%	4
9	PMLN	16	21	6	18%	23%	7%	90
10	PPPP	5	21	5	4%	17%	4%	124
11	PPPS	0	1	0	0%	100%	0%	1
Total		38	70	14	11%	21%	4%	334

Fifteen percent of the 258 male Members submitted agenda items on the Orders of the Day, 27% participated in debates while 5% submitted agenda items besides taking part in discussions.

The male parliamentarians seemed to be less active than their female counterparts. Their participation constituted 34% of their total membership of 258 while female participation was 46% of their total Membership of 76.

Sr. No.	Gender	Members Who Only Submitted Agenda Items	Members Who Only Took Part in Debates	Members Who Participated in Debates and Submitted Agenda Items	Percentage of Members Who Only Submitted Agenda Items	Percentage of Members Who Only Participated in Debates	Percentage of Members Who Only Submitted Agenda Items and Participated in Debates	Members in Assembly by Party
1	Male	18	57	12	7%	22%	5%	258
2	Female	20	13	2	26%	17%	3%	76
Total		38	70	14	11%	21%	4%	334

1.3 Members' Attendance

The Members' attendance remained low with 133 on average present at the outset and 152 at the end of each sitting.

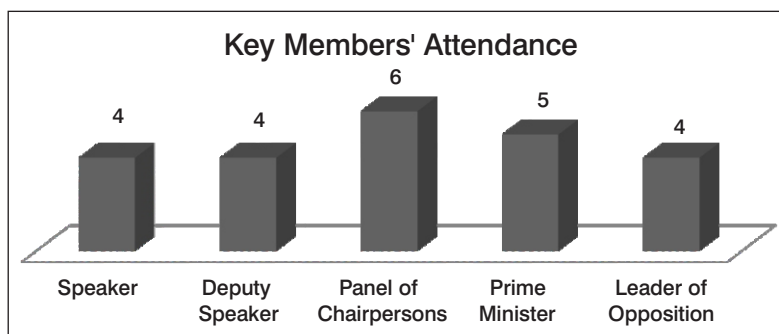
The lowest attendance was observed during the 4th sitting when only 61 Members were present at the start.

Sitting No.	Members present at the Outset of the sitting	Members at the End of the sitting
First	235	245
Second	141	212
Third	188	202
Fourth	61	97
Fifth	92	70
Sixth	78	85
Average	133 Members	152 Members

1.4 Key Members' Attendance

The Prime Minister attended five sittings for 47% (317 minutes) and the Leader of the Opposition was present during four sittings for 35% (236 minutes) of the session time. The Speaker chaired the proceedings for 77% of the session time; the Deputy Speaker 12% while the remaining 11% of time was presided over by Members of Panel of Chairpersons.

The Parliamentary Leaders of ANP, NPP and PPPS attended four sittings each, BNPA and MQM three each, PML two and MMAP and PMLF leaders, one sitting each.



1.5 Orders of the Day

The Orders of the Day were made available for each sitting of the session to the Members of the National Assembly besides being posted on the official website www.na.gov.pk. The Lower House took up only 44% items of the Order of the Day during the session.

Sitting No	Total Items on Orders of the Day	Items taken up by the House	Items not taken up by the House
First	5	0	5
Second	6	3	3
Third	5	4	1
Fourth	45	27	19
Fifth	5	3	2
Sixth	4	3	1
Total	70	40	31

2.0 Calling Attention Notices

The House took up five Calling Attention Notices raised by nine male and as many by female Members. Four were sponsored by the PMLN while one was tabled by the PPPP Members.

Sr. No.	Issue Raised	Ministry Concerned	Gender	Party	Status
1	Spending of billions of rupees on getting aircraft instead of repairing its grounded fleet	Defence	All Females	PMLN	Taken up in 2nd Sitting
2	US apprehension over the Pak-Iran gas pipelines agreement	Foreign Affairs	Joint Male and Female	PMLN	Taken up in 3rd Sitting
3	Issuance of machine readable passport to its citizens for a period of five years instead of 10 years creating difficulties for Pakistanis abroad	Interior	Joint Male and Female	PPPP	Taken up in 4th Sitting
4	The failure of the FBR to expand tax net as identified by the Minister for Finance in his Budget Speech, 2011	Finance, Revenue, Economic Affairs, Statistics and Planning and Development	Joint Male and Female	PMLN	Taken up in 5th Sitting
5	Increase in the price of Palm Oil by Rs. 7 per Kg	Industries	Joint Male and Female	PMLN	Taken up in 6th Sitting

3.0 Legislation

Considering Legislation on matters of national significance through careful debate and discussion is arguably a Parliament's chief and primary function. Legislation comes in the form of Government Bills, Private-Member Bills and Ordinances. This section concerns procedures regarding legislative deliberation and examines the stages followed in the drafting and consideration of Bills.

3.1 Government Bills

The National Assembly passed the National Commission for Women Bill, 2011 and the Shifa Tameer-e-Millat University Bill, 2011 during the session. The other Bills were introduced and sent to the respective Standing Committees

Sr. No.	Government Bills on the Orders of the Day	Bills Debated	Status of Bills		
			Bills Introduced	Bills Passed	Bills Rejected/ Not Taken Up/ Deferred
1	The Career Structure for Health Personnel Bill, 2012		✓		
2	The Shifa Tameer -e-Millat University Bill, 2011	✓		✓	
3	The Constitution (Twentieth Amendment) Bill, 2012		✓		
4	The National Commission for Women Bill, 2011	✓		✓	

3.2 Private Members' Bills

Thirteen Bills appeared on the Orders of the Day. A total of 12 Private Members' Bills were taken up and sent to the respective Standing Committees.

Sr. No.	Private Members' Bills on the Orders of the Day	Bills Debated	Status of Bills		
			Bills Introduced	Bills Passed	Bills Rejected/ Not Taken Up/ Deferred
1	The National Database and Registration Authority (Amendment) Bill, 2012 (<i>Amendment of sections 2 and 9</i>)		✓		
2	The Pakistan Penal Code (Amendment) Bill, 2012 (<i>Amendment of section 53</i>)		✓		
3	The Political Parties Order (Amendment) Bill, 2012 (<i>Amendment of sections 10, 11 and insertion of new section 8A</i>)		✓		
4	The Constitution (Twentieth Amendment) Bill, 2012 (<i>Amendment of Articles 1, 51, 106 and 239</i>)		✓		
5	The Criminal Law (Amendment) Bill, 2012 (<i>Insertions of 297A, 297B</i>).		✓		
6	The National Database and Registration Authority (Amendment) Bill, 2012 (<i>Amendment of section 10</i>)		✓		

Sr. No.	Private Members' Bills on the Orders of the Day	Bills Debated	Status of Bills		
			Bills Introduced	Bills Passed	Bills Rejected/ Not Taken Up/ Deferred
7	The Passport (Amendment) Bill, 2012 (<i>Amendment of sections 2 and 13</i>)		✓		
8	The Constitution (Twentieth Amendment) Bill, 2012 (<i>Amendment of Article 193</i>)		✓		
9	The Civil Services (Qualification for Appointment as High Court Judge) (Repeal) Bill, 2012		✓		
10	The Code of Criminal Procedure (Amendment) Bill, 2012 (<i>Amendment of sections 374 and 376</i>)		✓		
11	The Emigration (Amendment) Bill, 2012 (<i>Amendment of section 22</i>)				✓
12	The Code of Criminal Procedure (Amendment) Bill, 2012] (<i>Amendment of Schedule II, Act V of 1898</i>)		✓		
13	The Reservation of Quota for Residents of Islamabad Capital Territory (Provincial Services) Bill, 2012		✓		

4.0 Time Consumed by Points of Order

Speeches by Members and Treasury rejoinders on Points of Order consumed 43% of the total session time otherwise allocated for the regular agenda. Unless the Chair gives a formal ruling on a Point of Order, speeches and rejoinders do not contribute to any Assembly output. None of the Points of Order attracted the Chair's formal ruling.

Sitting No	Points of Order	Time Consumed
First	0	0
Second	3	55
Third	64	99
Fourth	13	30
Fifth	21	61
Sixth	9	43
Total	110	288 minutes

4.1 Members Raising Points of Orders

Out of the 110 Points of Orders raised that interrupted the business of the House, 37 were raised by the PPPP Members, followed by PMLN (36), MQM (17), IND (7), MMAP (4), ANP (2) and PPPS (1). As many as 91 Points of Orders were raised by male and 19 by female Members of the Parliament.

Sitting No	ANP	IND	MMAP	MQM	PML	PMLN	PPPP	PPPS	Total
First									0
Second						1	2		3
Third	2	5	3	9	3	26	15	1	64
Fourth		2		2	3		6		13
Fifth			1	5		6	9		21
Sixth				1		3	5		9
Total	2	7	4	17	6	36	37	1	110

5.0 Protests, Boycotts and Walkouts

The House witnessed two walkouts. The PMLN and PPPS Members walked out in protest over their recommendations not being included in the Resolution supporting democracy. The other walkout was by a PMLN Legislator who protested the security arrangements in place for the Prime Minister's appearance before the Supreme Court. He said these caused difficulties for the general public.

Sitting No	Party	Reason	Time	Protest/Walkout/Boycott
Third	PMLN PPPS	Non-inclusion of recommendations in the Resolution supporting democracy	24	Walkout
Sixth	PMLN	Security arrangements made for the Prime Minister's appearance in the Supreme Court	111	Walkout
Total				135 Minutes

GLOSSARY ¹**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.

Amendments

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

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 or a Committee.

Chamber

The place where the Assembly meets to transact its business.

Committee

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

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.

Election

The process of choosing a representative by vote.

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 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.

'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 Speaker.

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(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 reply.

¹ From National Assembly website: www.na.gov.pk

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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