

FAFEN Parliament Monitor

Thirty-Ninth Session

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



Free and Fair Election Network

Abbreviations

AM	Adjournment Motion
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 20th constitutional amendment, providing for an independent election commission, was passed during the 39th session of the National Assembly, held from February 1-14, 2012. The House also passed the Private Power and Infrastructure Board Bill 2011 and the Medical and Dental Council (Amendment) Bill 2009.

Three Private Members' Bills were introduced and sent to the respective Standing Committees. These pertained to the Pakistan Sports Board, criminal law amendment and compulsory declaration of assets of Members.

The National Assembly adopted three Resolutions. Moved by the PMLN Members, the first Resolution was against the United States congressional hearing on Balochistan and drone attacks. The second was about setting up a parliamentary medical caucus to provide health facilities to people while the third was for reducing the prices of petroleum products.

The House took up 15 Calling Attention Notices raised by 27 male and 18 female Members. Twenty one of these Members represented PMLN, 12 were affiliated with MQM, eight with PPPP, two were from MMAP, one from PML and one an independent Member.

The 39th session that spread over 10 sittings, met for a little over 23 hours. Each sitting on average lasted two hours and 31 minutes. Similarly, each sitting started with an average delay of an hour and 12 minutes.

More than half (56%) of the Agenda items that appeared on the Orders of the Day were left unaddressed, primarily due to 150 Points of Order which consumed 34% of the total session time – 474 of the 1,386 minutes. Since none of the Points of Order received a formal ruling from the Chair, they did not contribute to any output in the House's proceedings. The agenda for Private Members' Day was ambitious, making it difficult for the House to complete it in a single sitting.

Overall 46% of the Members – 113 male and 42 female – participated in the session by submitting Agenda items on the Orders of the Day or by taking part in the debates. Fifty-five percent of the total 76 female Members participated actively in the House's proceedings, in contrast to 44% of the total 258 male Members.

A party-wise analysis shows that 84% of the MQM parliamentarians took part in the proceedings, followed by MMAP (63%), PMLN (56%), PPPP (42%), PML (30%) and ANP (25%). The attendance of Members was relatively better than the previous sessions – on average 94 parliamentarians being present at the beginning of each sitting and 93 at the end.

The Prime Minister attended seven sittings for 26% (360 minutes) and the Leader of the Opposition was present during four sittings for 16% (227 minutes) of the session time. The Speaker chaired the proceedings for 23% and the Deputy Speaker 64% of the session time. The remaining 13% of the time was presided over by Members of Panel of Chairpersons. The parliamentary leaders of MMAP and BNPA attended seven sittings each and ANP and PMLF six each. The PML and MQM leaders did not attend any sitting.

The House witnessed one walkout and three protests. A PMLN member walked out for five minutes in protest against remarks of the interior minister about involvement of Chitrali people in Karachi violence. The first protest was by the PMLN and MQM Members against increase in prices of petroleum products. The second was by MQM Members against target killings in Karachi while the third was by a PMLN member against the non-release of development funds.

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.

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 54% of the Members of the National Assembly did not participate actively in the 39th 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 150 Points of Order were raised, which consumed 34% 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 39th session of the National Assembly that was held from February 1-14, 2012 comprised 10 sittings. The 10th sitting was the longest, spanning four hours and four minutes while the 8th was the shortest, lasting barely an hour and 11 minutes. Each sitting began late by an average of 72 minutes.

Sr. No.	Date	Sitting No.	Late Starts	Hours	Minutes
1	Wednesday, February 01	1 st	25	2	15
2	Thursday, February 02	2 nd	65	1	55
3	Friday, February 03	3 rd	55	1	55
4	Monday, February 06	4 th	80	1	46
5	Tuesday, February 07	5 th	70	3	1
6	Wednesday, February 08	6 th	68	2	40
7	Thursday, February 09	7 th	90	2	0
8	Friday, February 10	8 th	65	1	11
9	Monday, February 13	9 th	94	2	19
10	Tuesday, February 14	10 th	111	4	4
Total			Average 72 minutes	23 hours and six 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-six Members brought items on the Orders of the Day while 74 participated in debates on various agenda items. Forty-five parliamentarians submitted agenda items on the Orders of the Day and actively took part in the House discussions.

Sr. No.	Party	Members who Submitted Agenda Items	Members who Took Part in Debates	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	Members in Assembly by Party
1	ANP	0	3	0	0%	25%	0%	12
2	BNPA	0	1	0	0%	100%	0%	1
3	IND	1	4	2	6%	22%	11%	18
4	MMAF	1	3	1	13%	38%	13%	8
5	MQM	3	7	11	12%	28%	44%	25
6	NPP	0	0	0	0%	0%	0%	1
7	PML	4	8	3	8%	16%	6%	50
8	PMLF	0	0	0	0%	0%	0%	4
9	PMLN	20	15	15	22%	17%	17%	90
10	PPPP	7	32	13	6%	26%	10%	124
11	PPPS	0	1	0	0%	100%	0%	1
Total		36	74	45	11%	22%	13%	334

Forty- seven percent of the Members who brought agenda items were female while 84% of those who took part in the debates were male. The proportion of male Members who presented agenda items and also took part in debates was 71%.

Sr. No.	Party	Members who Submitted Agenda Items	Members who Took Part in Debates	Members who Participated in Debates as well as Submitted Agenda Items
1	Male	19	62	32
2	Female	17	12	13
Total		36	74	45

1.3 Members' Attendance

On average, 94 Members were present at the outset and 93 at the end of each sitting. The total strength of the House is 334.

Sitting No.	Members Present at the Outset of the Sitting	Members at the End of the Sitting
1 st	32	131
2 nd	102	116
3 rd	114	68
4 th	77	87
5 th	54	48
6 th	108	76
7 th	110	52
8 th	57	82
9 th	80	51
10 th	210	218
Total	Average 94	Average 93

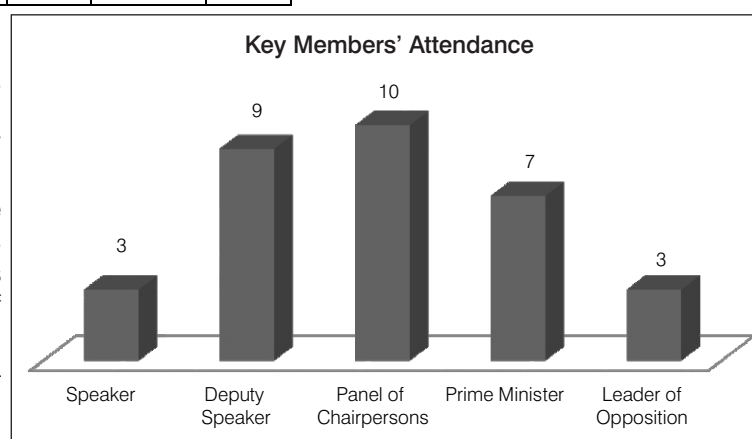
1.4 Members who applied for Leave

Thirty-three Members – 26 male and seven female – applied for leave from sittings during the session.

Party	Male	Female	Total
IND	1	0	1
MQM	1	0	1
PML	7	3	10
PMLF	1	0	1
PMLN	11	1	12
PPPP	5	3	8
Total	26	7	33

1.5 Key Members' Attendance

The Prime Minister attended seven sittings for 26% (360 minutes) and the Leader of the Opposition was present during four sittings for 16% (227 minutes) of the session time. The Speaker chaired the proceedings for 23% of the session time; the Deputy Speaker 64% while for the remaining 13% of the time Members of Panel of Chairpersons presided over. The parliamentary leaders of MMAP and BNPA attended seven sittings each and ANP and PMLF six each. The leaders of PML and MQM did not attend any sitting.



2.0 Calling Attention Notices

The House took up 15 Calling Attention Notices raised by 27 male and 18 female Members. The PMLN sponsored 21 CANs, MQM (12), PPPP (8), MMAP (2) and PML and Independent Members (one each).

Sr. No.	Issue Raised	Concerned Ministry	Gender	Party	Status
1	Non-exploration of gas reserves	Petroleum and Natural Resources	Joint Male and Female	PMLN	Taken up in 1st Sitting
2	Meeting of Federal Drug Regulatory Agency not taking place	Religious Affairs	Joint Male and Female	PML and PPPP	Taken up in 1st Sitting
3	Revenue loss due to unfiled income tax returns of more than 42% tax payers in 2011	Finance, Revenue, Planning and Development	All Females	PMLN	Taken up in 2nd Sitting
4	Increase in petroleum prices, 10% surcharge on CNG	Petroleum and Natural Resources	All Males	MQM	Taken up in 2nd Sitting
5	Increase in quackery in the Islamabad Capital Territory	National Regulations and Services	Joint Male and Female	PPPP	Taken up in 3rd Sitting
6	Non-release of funds to the Federal Directorate of Education Islamabad for renting houses for its employees	Cabinet Secretariat	Joint Male and Female	PMLN	Taken up in 3rd Sitting
7	Increase in public debt of government by 82% in violation of the Fiscal Responsibility and Debt Limitation Act, 2005, for the last four years	Finance, Revenue, Planning and Development	Joint Male and Female	PMLN	Taken up in 4th Sitting
8	Delay in the construction of residential projects initiated by the Housing Foundation in Sectors G-13, G-14 and Bara Khau, Islamabad resulting in increase in construction expenses	Housing and Works	Joint Male and Female	PMLN	Taken up in 4th Sitting
9	Non-existence of any law to regulate private hostels, putting security situation in the federal capital at risk	Interior	Joint Male and Female	PPPP	Taken up in 5th Sitting
10	Printing of currency notes on day-to-day need basis by the State Bank of Pakistan just to shoulder the Government	Finance, Revenue, Planning and Development	Joint Male and Female	PMLN	Taken up in 5th Sitting
11	Terming the economy of Pakistan vulnerable by IMF	Finance, Revenue, Planning and Development	Joint Male and Female	PMLN	Taken up in 6th Sitting
12	Excessive electricity bills throughout the country, particularly issued by KESC in Karachi	Water and Power	All Males	MQM	Taken up in 7th Sitting
13	Abundance of obscene websites on Internet	Cabinet Secretariat	All Males	MMAP and Independent	Taken up in 7th Sitting
14	Closure of gate No 2 of Ghazi Barotha Project due to cracks therein	Water and Power	Joint Male and Female	PMLN	Taken up in 9th Sitting
15	Increase in the fares of Pakistan International Airlines (PIA)	Defence	Joint Male and Female	MQM	Taken up in 9th Sitting

3.0 Legislation

A Parliament's chief and primary function is to table Legislation on matters of National importance and hold careful debates and discussions on the same. This Legislation comes in the form of Bills, Private Member Bills and Ordinances. The following were presented in the 39th session of the National Assembly:

3.1 Government Bills

The National Assembly passed the Constitution (20th Amendment) Bill, 2012 (Amendment of Articles 1, 51, 106 and 239) and the Private Power and Infrastructure Board Bill.

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 Constitution (Twentieth Amendment) Bill, 2012 (Amendment of Articles 1, 51, 106 and 239)	✓		✓	
2.	The Private Power and Infrastructure Board Bill, 2011			✓	

3.2 Private Members' Bills

Four private Members' bills were introduced and passed while one was rejected/not taken up/deferred.

Sr. No.	Private Bills on the Orders of the Day	Bills Debated	Status of Bills		
			Bills Introduced	Bills Passed	Bills Rejected/ Not Taken Up/ Deferred
1.	The Medical and Dental Council (Amendment) Bill, 2009 (Amendment of sections 2,3,4,5 etc. and insertion of new sections 20A, 22A, 22B etc.)				✓
2.	The Pakistan Sports Board Bill, 2012		✓	✓	
3.	The Criminal Law (Amendment) Bill, 2012 (Insertions of 297A, 297B)		✓	✓	
4.	The Compulsory Declaration of Assets Bill, 2012		✓	✓	
5.	The Criminal Law (Amendment) Bill, 2012 (Amendment of Schedule II)		✓	✓	

4.0 Points of Order

A point of order is raised when a perceived breach in the rules of parliamentary procedure has occurred. If warranted, a member may raise a point of order at any time during the sitting and seek the speaker's ruling on the matter. It has been noted, however, that Points of Order are often used erroneously, e.g. to ask a question of information.

4.1 Time Consumed by Points of Order

Points of Order consumed 34% of the total session time allocated for regular agenda.

Sitting No	Points of Order	Time Consumed
1st	17	67
2 nd	8	60
3 rd	18	55
4 th	7	20
5 th	42	103
6 th	9	17
7 th	19	41
8 th	10	32
9 th	18	59
10 th	2	20
Total	150	474 minutes

4.2 Members Raising Points of Order

Of the total 268 Points of Order during the 39th session, Members of the PPPP raised 117, PMLN (66), MQM (35), PML (17), Independent Members (13), ANP (11), MMAP (7) and BNPA and PPPS (one each).

Party	Sitting 1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	9 th	10 th	Total
ANP	4				1			2	4		11
BNPA								1			1
IND	2			2	4	1	2	1	1		13
MMAP					5	1			1		7
MQM	4	1	3	1	15	1	6	3	1		35
PML	3		5		4	2	2		1		17
PMLN	16	12	4	2	13	2	4		11	2	66
PPPP	10	8	21	8	30	6	12	6	11	5	117
PPPS	1										1
Total	40	21	33	13	72	13	26	13	30	7	268

5.0 Protests, Boycotts and Walkouts

The House witnessed one walkout and three protests. Two protests were staged during the first sitting – one jointly by Members of the PMLN and MQM against the increase in petroleum prices that lasted 13 minutes, and another by MQM against target killings in Karachi which was of five-minute duration. The PMLN staged another protest during the 6th sitting against the non-release of development funds, preceded by a walkout in the 5th sitting prompted by interior minister's remarks about involvement of Chitralis in Karachi violence.

Sitting No.	Party	Reason	Time	Protest/walkout/ Boycott
1 st	PMLN MQM	Increase in prices of petroleum products	13 minutes	Protest
	MQM	Target killings in Karachi	5 minutes	Protest
5 th	PMLN	Remarks of the Interior Minister about involvement of Chitral people in violence in Karachi	5 minutes	Walkout
6 th	PMLN	Non-release of development funds	10 minutes	Protest

6.0 Matters of Public Importance

Thirteen male and female Members of the PMLN drew the attention of the House towards the energy crisis and the effect of Afghan Transit Trade Agreement 2010 on Pakistan's economy.

Sr. No.	Sitting No.	Party	Gender	Matter of Public Importance
1.	5 th	PMLN	Joint Male and Female	The energy crises in the country
2.	10 th	PMLN	Joint Male and Female	Afghan Transit Trade Agreement-2010 and its effects on the economy of Pakistan

7.0 Motions under Rule 259

Several motions under rule 259 were moved by 13 Members during the 5th and 10th sittings. These pertained to various issues including the performance of the Drug Regulatory Agency and the Federal Board of Revenue, as well as working women and effects of power projects in India on rivers given to Pakistan under the Indus Waters Treaty.

Sr. No.	Motion under Rule 259	Are there any Motions under Rule 259 on the Agenda	Did the House take up the Motion under Rule 259
1.	The performance of Drug Regulatory Agency with reference to deaths of several persons due to the spurious medicines	Yes	No
2.	The problems of working women in the country	Yes	No
3.	The adverse effects of the power projects on Pakistan initiated by India on the rivers which were given to Pakistan under Indus Waters Treaty	Yes	No
4.	Foreign policy of the government with special reference to relations with the neighbouring countries	Yes	No
5.	The performance of Federal Board of Revenue (FBR) with special reference to its alleged fudging of figures of revenue collection for the year 2010-11	Yes	No

8.0 Question Hour

Question Hours were conducted during the 4th, 6th, 7th, 8th and 9th sittings. Out of 223 total questions (starred and unstarred) raised by Members, 127 were by 18 female Members, and 96 by 28 male Members.

Twelve female Members of the PMLN raised 86% of all questions asked by female Members of the House. The most questions by male Members (75) were also from the same political party. No independent female Members raised any questions, nor did any male Members belonging to PML.

Party	Questions Raised (by Female Members)	Female Members Raising Questions	Questions Raised (by Male Members)	Male Members Raising Questions	Total Questions Raised	Total Members Raising Questions
IND	0	0	4	3	4	3
MMA	0	0	4	2	4	2
MQM	8	3	8	4	16	7
PMLN	109	12	75	16	184	28
PPPP	6	2	5	3	11	5
PML	4	1	0	0	4	1
Total	127	18	96	28	223	46

9.0 Resolutions

Three private member resolutions were accepted during three sittings of the session. These included the resolution to reduce petroleum prices, provision of health facilities through medical caucus and against the United States' congressional hearing on Balochistan and the drone attacks. They were accepted during the 2nd, 5th and 9th sittings respectively.

Sr. No.	Sitting No.	Type of Resolution	Resolution on Orders of the Day
1	2 nd	Private member resolution	The government should take steps to reduce prices of petroleum products in the country
2	5 th	Private member resolution	Medical caucus to provide health facilities to people
3	9 th	Private member resolution	Against the United States congressional hearing on Balochistan and against drone attacks

10.0 Standing Committee Reports

Five standing committee reports were presented during the course of the session, all of which were accepted. These included reports on the Constitution (20th Amendment) Bill, 2012, the charter of child rights as well as matters of financial and economic importance.

Sr. No.	Sitting No.	Name of Standing Committee Report	Name of Committee
1	1 st	The Constitution (20th Amendment) Bill, 2012	Law & Justice
2	5 th	The Charter of Child Rights Bill, 2009	Select Committee on Child Rights
3	6 th	The annual report of the National Economic Council for the financial year 2010-11	Cabinet Secretariat
4	7 th	Recommendations of the National Finance Commission, 2009	Finance, Revenue, Planning and Development
5	8 th	The First Quarterly Report for the year 2011-2012 of the Central Board of Directors of the State Bank of Pakistan on the state of Pakistan's economy as required by section 9A (f) of the State Bank of Pakistan Act, 1956	Finance, Revenue, Planning and Development
6	9 th	The Fiscal and Debt Policy Statements for the year 2011-2012 as required by sections 6 and 7 of the Fiscal Responsibility and Debt Limitation Act, 2005	Parliamentary Committee on Constitutional Reforms

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.

FAFEN Secretariat

224-Margalla Road, F-10/3, Islamabad

(P) 051-22 11 026

(F) 051-22 11 047

(E) secretariat@fafen.org



www.fafen.org