



FAFEN PARLIAMENT MONITOR

Provincial Assembly of the
Khyber Pakhtunkhwa (KP)

26th Session
June 8 to 25, 2012

List of Abbreviations

ANP	Awami National Party
CAN	Calling Attention Notice
FATA	Federally Administered Tribal Areas
IND	Independent Member
KP	Khyber Pakhtunkhwa
MMA	Mutihida Majlis-e-Amal Party
PML	Pakistan Muslim League
PMLN	Pakistan Muslim League(Nawaz)
PO	Point of Order
PPPP	Pakistan People's Party Parliamentarians
PPPS	Pakistan People's Party (Sherpao)
PW	Parliament Watch
QoP	Question of Privilege



This report is based on direct observation of proceedings of Provincial Assembly of Khyber Pakhtunkhwa, conducted by **PAIMAN Alumni Trust**, a member organization of FAFEN.

Executive Summary

Less than half of the legislators in the Khyber Pakhtunkhwa Assembly took part in the debate on budget for 51% of the session time. Seventy-one legislators-among them 55 men and 16 women-did not express their views at all. The session, that persistently witnessed low attendance, lasted 33 hours and 40 minutes and comprised 12 sittings.

The House took 10 sittings to pass the provincial budget. In the remaining two it gave the go-ahead to the supplementary budget. Each sitting lasted an average of two hours and 48 minutes and faced an average delay of 31 minutes. The debate on the budget spanned 17 hours and four minutes.

A total of 741 cut motions - a tool to express disapproval or dissatisfaction over the budgetary proposals - were moved by opposition benches during the session. However, none were debated or taken up by the House. The finance minister presented the budget during the first sitting in an hour and 45 minute speech.

Twenty-seven percent of the MPAs who took part in the budget debate were women who constitute less than 17% of the assembly's strength. A party-wise analysis shows that 33% (16 out of 48) legislators of the ruling Awami National Party (ANP) spoke for 303 minutes while nine representing the Pakistan People's Party Parliamentarians (PPPP) did so for 124 minutes.

Seventy-eight percent (seven out of nine) Pakistan Muslim League-Nawaz (PMLN) legislators took 100 minutes to express their views on the budget, followed by 71% (five out of seven) of Pakistan Muslim League (PML) members who spoke for 83 minutes; 67% (10 out of 15) of Muttahida Majlis-e-Amal Party (MMA), 321 minutes), and 50% (three out of six) belonging to Pakistan People's Party-Sherpao (PPPS, 62 minutes). The two independents, who are part of the coalition government, took part in the debate for 22 minutes while only one of seven independents on opposition benches spoke for nine minutes.

Only active participation and attendance of members can make the business of the House meaningful. Since the Khyber Pakhtunkhwa Assembly Secretariat does not make members' attendance records public, FAFEN conducts a headcount of legislators at the beginning and end of each sitting and documents the actual time spent on the floor of the House by the Speaker, Deputy Speaker, Chief Minister and Leader of the Opposition.

The Chief Minister attended only three sittings for 430 minutes while the Leader of the Opposition was present in five sittings for 919 minutes.

The PML parliamentary leader attended the entire session, followed by leaders of PPPS (10 sittings), PPPP (six) and PMLN (two).

On average, 39 MPAs were present at the start and 50 at the end of each sitting. A total of 65 members (52% of the total membership) were present during the 10th sitting when the Finance Bill 2012-13 was passed.

The Speaker chaired the proceedings for 86% of the session time while the remaining time was chaired by members of panel of chairpersons. The lack of quorum remained an issue during the entire session. According to FAFEN observation, it was only pointed out once by a PMLN member and the chair ordered the bells to be rung for five minutes.

The session witnessed five protests. A heated argument between a female PML member and PMLN legislators disrupted the proceedings during the third sitting. The fourth sitting saw a PPPP Member staging a walkout for not being given the floor to speak. Similarly, in the fifth sitting the PMLN and PML legislators exchanged harsh words that interrupted regular agenda. All MPAs, except the opposition benches, staged a walkout during the eighth sitting over the disqualification of the Prime Minister, while the opposition staged a walkout in the ninth sitting over the Speaker's decision to suspend all cut motions to wrap up the budget debate.

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 Parliament Watch (PW), an initiative of the Free and Fair Election Network (FAFEN), aims to collect and publish information about the job performance of Members of the National Assembly (MNAs), 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 PW is to deploy trained observers to the National Assembly in order to monitor their performance using a detailed, standardized checklist and reporting forms covering all types of parliamentary business. The information gathered is measured against the neutral and objective framework of the rules of parliamentary procedure.

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

1.0 General Debate on the Budgetary Proposals

According to the rules of procedure and conduct of business-on days allotted for general discussion on the Finance Bill-the assembly may discuss the budget as a whole or any question of principle involved therein, but no motion can be moved at this stage nor can the budget be submitted for the vote of the assembly.

The budget process, presentation and debate on proposals, consumed 12 sittings of the budget session, in which members from various parties expressed their opinions. On days the budget is presented and debated, no other agenda is considered by the House.

1.1 Participation of Members in the General Debate on Budget

The members' participation in the KP Assembly-124 member house-remained low with only 43% (53 members) legislators taking part in the budget debates. Thirty three percent (16 out of 48) members of the Awami National Party (ANP)-having maximum seats in the House-shared their views on the budget followed by 30% (9 out of 30) members belonging to the ruling Pakistan Peoples Party-Parliamentarians (PPPP), 67% (10 out of 15) members of Muttahida Majlis-e-Amal (MMA), 78% (seven out of nine) representing Pakistan Muslim League-Nawaz (PMLN), a minimum 14% (one out of seven) of independents in the opposition (IND), 71% (five out of seven) of Pakistan Muslim League (PML), 50% (three out of six) of Pakistan Peoples Party- Sherpao (PPPS) and a maximum 100% (two members) independents.

More than half (71 members, 57%) of the MPAs remained away from any budgetary discourse during the 26th session. A maximum 86% independents sitting on the opposition benches stayed silent.

Sr. No.	Party	Membership in the House	Members Participating in Budget Debate	Members Participating in Budget Debate (%)	Members who did not Participate in Budget Debate	Members who did not Participate in Budget Debate (%)
1	ANP	48	16	33%	32	67%
2	IND (Government Coalition)	2	2	100%	0	0%
3	IND (Opposition)	7	1	14%	6	86%
4	MMA	15	10	67%	5	33%
5	PML	7	5	71%	2	29%
6	PMLN	9	7	78%	2	22%
7	PPPP	30	9	30%	21	70%
8	PPPS	6	3	50%	3	50%
Total		124	53	43%	71	57%

The legislators discussed the Finance Bill for 17 hours and four minutes-51% of the total session time. Ten members of MMA spoke about the budget proposal for five hours and 21 minutes (16% of the total time), followed by 16 members of ANP (five hours and three minutes/15%), PPPP legislators (two hours and four minutes/6%), PMLN members (an hour and 40 minutes/5%) and PPPS (an hour and two minutes/3%). The Independents in the government coalition (22 minutes/1%) and the independents on the treasury benches spoke the least. Forty six percent of the elected representatives (99 of the total 124 members) expressed their opinion on the budget, followed by 27% members occupying reserved seats (22 of the total membership) and a single minority member (three members in total).

1.2 Participation of Members Gender-wise

In comparison to their total membership in the House, a larger ratio of female legislators participated in the proceedings than their male counterparts. Twenty seven percent of the female lawmakers, constituting 17% of the total membership, spoke on the budget, whereas 46% men-82% of the total membership - took part in the general discussions.

Nearly 73% (16 members) female and little more than half (55 members) male MPAs did not contribute to any on-floor debates.

Sr. No.	Gender	Membership in the House	Members Participating in Budget Debate	Members Participating in Budget Debate (%)	Members who did not Participate in Budget Debate	Members who did not Participate in Budget Debate (%)
1	Female	22	6	27%	16	73%
2	Male	102	47	46%	55	54%
Total		124	53	43%	71	57%

2.0 Session Time and Members' Participation

This section of the report deals with the duration the KP Assembly met for during the budget session; the attendance of members, their participation and maintenance of quorum – at least 1/4th (31) of the total membership. The participation of a member is recorded when he or she takes part in the proceedings of the House, or submits an agenda item. It also reviews the presence of the Speaker, Deputy Speaker, Chief Minister, and Leader of the Opposition and parliamentary leaders.

2.1 Session Time

The 26th session, starting from June 8 and prorogued sine die on June 25, 2012, consumed 33 hours and 40 minutes—two hours and 48 minutes per sitting. The 9th sitting was the longest and lasted six hours while the 36-minute 10th sitting was the shortest.

Each sitting was delayed on average by 35 minutes. The 12th sitting, during which the Finance Bill secured passage, fell a maximum one hour and six minutes behind schedule whereas the 8th faced the minimum delay—of only 17 minutes.

A single 40-minute break, consuming 2% of the total sessions' duration, was taken up during the 5th sitting.

The 26th session witnessed an atypical situation when two sittings were held on June 18th. The first sitting was suspended due to lack of quorum. The House met later the same day for another sitting. In the table below the data of these two sittings has been bracketed together in the 7th sitting.

Sitting No	Date	Late Starts	Hours	Minutes
1st	Friday, June 08	25	2	0
2nd	Monday, June 11	31	2	10
3rd	Tuesday, June 12	19	2	22
4th	Wednesday, June 13	30	2	26
5th	Thursday, June 14	34	4	7
6th	Friday, June 15	35	2	50
7th	Monday, June 18	48	3	49
8th	Tuesday, June 19	17	1	25
9th	Wednesday, June 20	27	6	0
10th	Thursday, June 21	42	0	36
11th	Friday, June 22	47	2	10
12th	Monday, June 25	66	3	45
Total		Average 35 Minutes delay	33 Hours and 40 Minutes	

2.2 Members' Attendance

The KP Assembly does not make members' attendance record available to public. In order to gauge the lawmakers' attendance, FAFEN observers conduct a head count in the beginning and at the end of each sitting.

The legislators' attendance throughout the budget session remained low with 39 members, on average, present at the beginning and 50 at the end of each sitting. The quorum (31 members) generally met, as maximum 59 members were observed at any one point during the session. Two minority members (on average) took part in the budget session.

Sitting No.	Members present at the outset	Members at the end
1st	58	98
2nd	28	39
3rd	35	41
4th	33	44
5th	32	28
6th	30	55
7th	41	50
8th	37	62
9th	39	40
10th	35	50

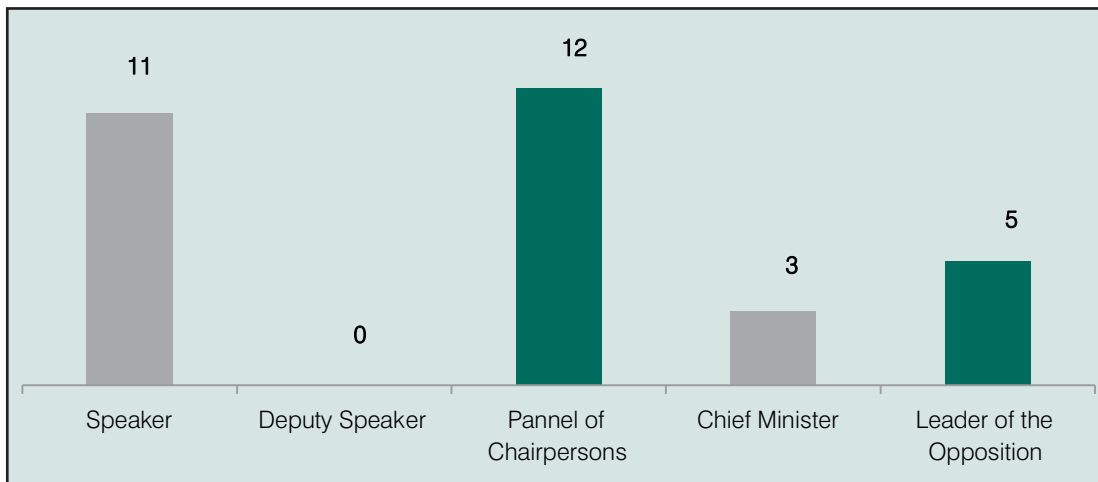
Sitting No.	Members present at the outset	Members at the end
11th	41	42
12th	60	54
Total	469	603
Average	39	50

2.3 Key Members' Attendance

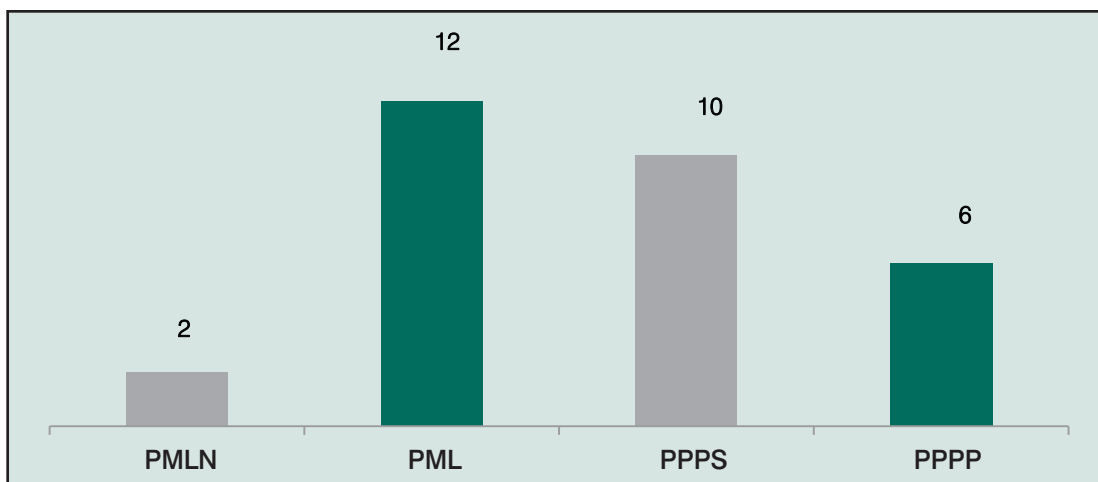
Attending sittings is crucial for members, especially those holding important portfolios (Speaker, Deputy Speaker, Chief Minister and Leader of the Opposition), to perform their legislative and representative roles.

The Chief Minister, the custodian of the House, only attended three sittings (25% of the session) reflecting negligence of duty on his part. He attended the first and the last sittings when the Finance Bill was presented and passed and also the eighth sitting. All but one sitting were presided over by the Speaker, chairing 84% of the session. The panel of chairpersons replaced the Speaker during the 3rd and the 6th sittings, presiding over 14% of the session. The Deputy Speaker did not chair any sitting during the budget session. The Leader of the Opposition who traditionally starts the budget debate attended 42% of the session appearing in only five sittings.

The Chief Minister remained present for one-fifth of the session's duration devoting seven hours and 10 minutes. The Speaker chaired 92% of the session time (28 hours and 26 minutes) followed by the Leader of the Opposition 45% (15 hours and 19 minutes) and the pannel of chairpersons 100% (4 hours and 34 minutes).



The business of the assembly can only be meaningful "with the active and responsible participation of its members." Indicators of effective participation include, for example, attendance and active involvement of parliamentary leadership and other members in parliamentary discussion and activities. The parliamentary leaders' attendance exhibited an overall average course during the 26th session.



The parliamentary leaders of PML participated more actively in the budget session attending all 12 sittings with 100% attendance rate, followed by PPPS (10 sittings , 83%), PPPP (six sittings, 50%) and PMLN (two sittings, 17%).

3.0 Order and Institutionalization

This section of the report provides information about the points of order and the time consumed by them. It also reviews the instances of protests, walkouts or boycotts during the session.

3.1 Points of Order

A point of order is raised to address an apparent breach in the rules of parliamentary procedure while an assembly's business is underway, and usually requests the chair's ruling on the issue. Points of order must never be concerned with non-procedural issues. This section looks at the points of order raised during the session and the decisions taken to resolve them.

Points of order - often used erroneously - were more prudently utilized by the lawmakers, as only seven POs (less than one per sitting) were raised consuming one-sixth (16 minutes) of the sessions total time.

Sitting No	Points of Order	Time Consumed (Min.)
1st	2	6
2nd	0	0
3rd	0	0
4th	0	0
5th	1	2
6th	0	0
7th	0	0
8th	0	0
9th	1	2
10th	0	0
11th	3	6
12th	0	0
Total	7	16

3.2 Protests, Boycotts and Walkouts

There were five instances of walkouts/protests consuming 3% (69 minutes) of the sessions' proceedings. During the third sitting a female PML and PMLN member were involved in a squabble, disrupting the session proceedings. The PML MPA was of the opinion that the female members were not given equal opportunity to speak on budget.

During the 4th sitting a female PPPP member staged a five-minute walkout for not being allowed to speak on a point of order. The 5th sitting witnessed two walkouts; once when a female PPPP member - after engaging in a scuffle with a PML member - walked off the floor for four minutes, and on another occasion when a male PML legislator protested for two minutes on the speech of an MMAP member on the chief justice's son.

During the eighth sitting the whole treasury, except for PMLN, staged a protest over the Prime Minister holding office despite his conviction in the contempt of court case. The speaker, during the 9th sitting, dismissed all the cut motions raised for consideration, prompting a 48-minute walkout by the entire opposition.

Protest/Walkout/Boycott				
Sitting No	Party	Reason	Time	Protest/Walkout/Boycott
4th	A female member of PPPP	She was not given the floor to speak	5	Walkout
5th	A female member of PML	Exchanging harsh words with a PMLN member	4	Walkout
	A male member of PMLN	Over the speech of MMAP legislator on the case of chief justice's son	2	Walkout
8th	All MPAs, apart from the PMLN	Over the disqualification of the Prime Minister		Protest
9th	Opposition benches	Against the Speaker's decision to suspend all cut motions.	58	Walkout
Total time			69 minutes	

GLOSSARY

Adjournment Motion

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

Assembly

Provincial Assembly

Chairperson

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

Calling Attention Notice

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

Chair

The Presiding Officer at a meeting of the House.

Committee

A parliamentary committee constituted under Rules of Procedure, comprising 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.

Leader of the Opposition

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

Legislation

The process of crafting law.

Member

A Member of the Assembly and for purposes of moving or opposing a Bill, an amendment, a motion or a Resolution, includes a Minister.

Minister

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

Opposition

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

'Orders of the Day'

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

Point of Order

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

Private Member's Bill

A proposed law introduced by a Private Member.

Proceedings

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

Quorum

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

Question Hour

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

Resolution

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

Starred Question

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

Sitting

A meeting of the Assembly on a day.

Table

The Table of the House.

About FAFEN

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

- Observed the public display of Pakistan's draft electoral rolls and conducted the country's first statistically-valid voters' list audit in 2007
- Deployed more than 18,829 trained, neutral Election Day observers nationwide to watch the February 18, 2008 polls and 264 long-term observers to monitor the pre-election process
- Fielded long-term observers nationwide and published 19 pre-election reports
- For the February 18, 2008, General Elections, FAFEN conducted 260 simultaneous Parallel Vote Tabulations (PVTs)- the largest effort in the world
- Conducted its first survey, Constituents Aspirations Survey, in December 2008 with a sample size of 3,124 respondents to get the description of the state of public opinion and also to get a deeper understanding of the values, attitudes and beliefs of people living in the constituencies
- Conducted mapping of organizations working for human rights within Pakistan
- Observed general elections at Gilgit-Baltistan in 2009 and by-elections in various constituencies of the Punjab, Balochistan and Khyber Pakhtunkhwa in 2010
- Implemented a unique methodology to observe parliamentary proceedings under its Parliament 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 (STAEP) in 200 National Assembly constituencies in 119 districts across Pakistan.

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