

109th Session of Senate of Pakistan

63% Senators Take Part in Proceedings



December 19, 2014
to January 6, 2015

- **21st Constitution Amendment, Pakistan Army Act (Amendment) Bill Passed**
- **16 members present at outset, 32 at the end of each sitting on average**

Low participation and attendance of legislators, debate on the deadly terrorist attack in Peshawar and the passage of the 21st Constitution Amendment marked the 109th session of Senate that ended on Tuesday.

More than one-third of the legislators did not participate in the House proceedings. These included 15 legislators belonging to the PPPP, followed by ANP (five), PML-N (four), BNP-A (three), JUI-F (two) and one each from MQM and PML in addition to eight independent members.

Over half of the session time was spent on debating the massacre of children in Peshawar, devolution of the subject of health to the provinces and the issue of non-payment of net hydro profits. Around 2% of time was taken up in the passage of the 21st Constitution Amendment and the amendment in the Pakistan Army Act of 1952.

The session, comprising 12 sittings, began on December 19, 2014 and ended on January 6, 2015 – meeting for a total of 27 hours and 48 minutes. On average, each sitting lasted two hours and 19 minutes and started with a delay of 46 minutes.

Since the Senate Secretariat does not share the attendance record of members with the public, FAFEN conducts a headcount at the start and end of each sitting and documents the actual time spent on the floor by the Chairman, Deputy Chairman, Leader of the House and the Opposition Leader.

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 on their representatives' performance in the legislatures in order to hold them accountable.

The Parliament Watch and Reforms Project (PWRP), an initiative of the Free and Fair Election Network (FAFEN), aims to collect and publish information about the performance of MNAs, MPAs and Senators by directly observing the parliamentary proceedings. FAFEN intends to foster informed engagement between constituents and elected representatives by providing objective and statistically-sound information on parliamentary processes and decisions.

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

The session continued to witness low attendance of legislators, with an average of 16 members present at the outset and 32 at the adjournment of each sitting.

The Prime Minister attended only two sittings for 162 minutes. Similarly, the Leader of the House and the Opposition Leader attended nine sittings each for 1,405 minutes and 1,276 minutes respectively. The Chairman chaired the proceedings for 58% of the session time, followed by the Deputy Chairman (30%). The remaining time was presided over by members of the Panel of Chairpersons.

The House adopted two resolutions to condemn the murder of children in Peshawar on December 16, 2014 and the killing of former JUI-F senator Dr Khalid Mehmood Soomro in November 2014. Both resolutions were submitted by PPPP legislators as supplementary agenda.

Eighty-two points of order (POs) consumed 256 minutes (15%) of the session time. However, none of the POs raised were able to receive a formal ruling from the Chair. Unless the Chair gives a formal ruling on a PO, it does not lead to any assembly output.

The House witnessed four walkouts during the session. The entire opposition staged a walkout during the fourth sitting to protest the absence of the Prime Minister and his cabinet ministers for 37 minutes. Another four-minute protest was staged by the opposition during the ninth sitting against the increase in GST on petroleum products.

Similarly, ANP, PPPP, MQM and PML legislators walked out of the House during the eighth sitting against the absence of the Minister for Water and Power in the standing committee meetings. ANP, PkMAP and independent members walked out of the House once again during the eleventh sitting to protest the killing of ANP workers in Karachi.

Parliamentary Output

This section deals with legislations and resolutions debated and decided during the legislative session.

Legislation

Considering legislation on matters of national significance through careful debate and discussion is arguably the most important function of the Senate. Legislation comes in the form of government bills, private member bills and ordinances. This section details the procedures regarding legislative deliberation and examines the stages followed in drafting and consideration of the bills.

The House passed the Constitution (Twenty-first Amendment) Bill 2015, the Pakistan Army Act (Amendment) Bill 2015 and the Gas (Theft Control and Recovery) Bill 2014 during the session. Two bills – the Securities Bill 2014 and the Anti-Money Laundering (Amendment) Bill 2014 – were introduced and sent to the relevant standing committees. The Torture and Custodial Death (Punishment) Bill 2014 was left unaddressed.

Resolutions

The House adopted two resolutions to condemn the senseless murder of children in Peshawar on December 16, 2014¹ and the killing of former JUI-F Senator Dr. Khalid Mehmood Soomro in November 2014.² Both resolutions were submitted by PPPP legislators as supplementary agenda.

Five resolutions appearing on Orders of the Day were not taken up by the House. These were pertaining to inflation, energy crisis, population census, corruption and education.

Members' Participation

Active and responsible participation of legislators is crucial for the business of the Senate to be meaningful. The

¹ For full text of the resolution please see: http://senate.gov.pk/uploads/documents/debates/1419334534_413.pdf

² For full text of the resolution please: http://senate.gov.pk/uploads/documents/debates/1419400973_547.pdf

participation in the proceedings is gauged in three ways – by the number of legislators bringing agenda items, those taking part in debates and those participating in both activities.

Fifteen out of 40 PPP senators did not take part in the parliamentary proceedings during the session, followed by ANP (five out of 12), PML-N (four out of 16), BNP-A (three out of four), JUI-F (two out of six), MQM (one out of seven), PML (one out of five) and eight out of 11 independents senators.

Political Party	Members Submitting Agenda Items	Members Participating in Debates	Members Doing Both	% of Members Submitting Agenda Items	% of Members Participating in Debates	% of Members Doing Both	Total Membership
PPPP	5	12	8	13%	30%	20%	40
PML-N	3	6	3	19%	38%	19%	16
ANP	1	2	4	8%	17%	33%	12
IND	1	1	1	9%	9%	9%	11
MQM		4	2	0%	57%	29%	7
JUI-F	1	2	1	17%	33%	17%	6
PML		2	2	0%	40%	40%	5
BNP-A			1	0%	0%	25%	4
NP		1		0%	100%	0%	1
PKMAP		1		0%	100%	0%	1
PML-F			1	0%	0%	100%	1
Total	11	31	23	11%	30%	22%	104

Session Duration and Attendance

The session, comprising 12 sittings, started on December 19, 2014 and ended on January 6, 2015. On average, each sitting lasted two hours and 19 minutes and started with a delay of 46 minutes.

The seventh sitting was the longest, spanning three hours and 33 minutes while the first sitting lasted only 13 minutes. Prayer breaks consumed 128 minutes (8%) of the session time.

Sitting No.	Day and Date	Late Start (minutes)	Hours	Minutes	Breaks
1st	Friday, December 19, 2014	39	0	13	0
2nd	Monday, December 22, 2014	72	3	31	38
3rd	Tuesday, December 23, 2014	60	2	54	0
4th	Wednesday, December 24, 2014	64	0	50	0
5th	Friday, December 26, 2014	42	1	24	0
6th	Monday, December 29, 2014	35	2	39	24
7th	Tuesday, December 30, 2014	47	3	33	43
8th	Wednesday, December 31, 2014	30	2	40	23
9th	Thursday, January 1, 2015	34	2	40	0
10th	Friday, January 2, 2015	15	1	54	0
11th	Monday, January 5, 2015	26	3	18	0
12th	Tuesday, January 6, 2015	83	2	12	0
Total		Average 46 minutes	27 hours and 48 minutes		128 minutes

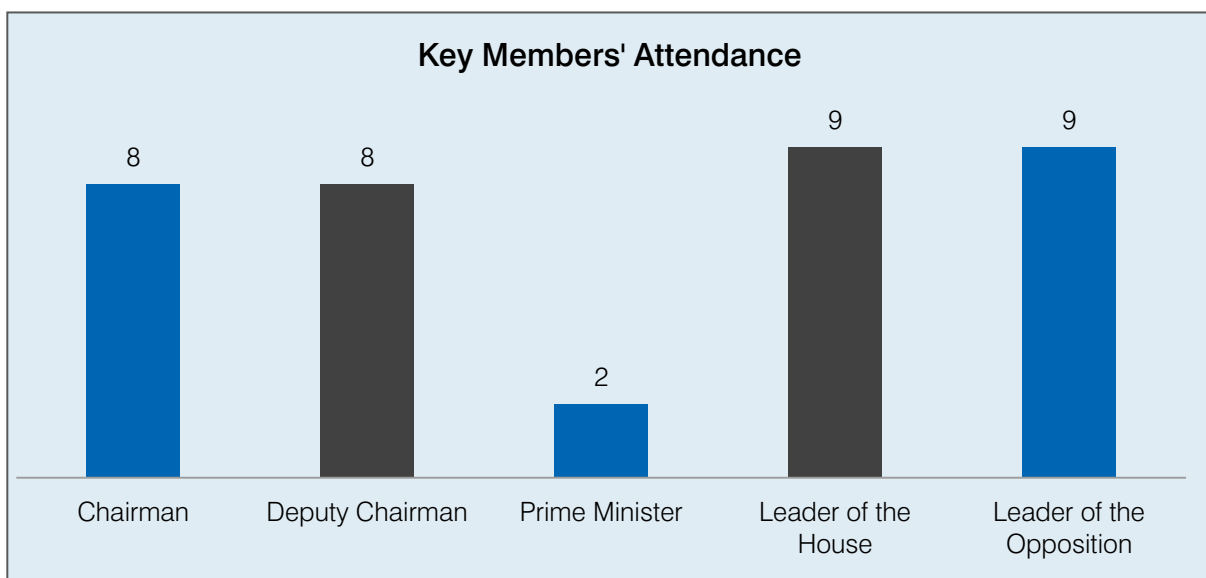
Legislators' Attendance

Attendance was observed to be low during the entire session, with only 16 legislators (16% of total membership) present at the outset and 32 (30%) at the end of each sitting. The fourth sitting witnessed the lowest attendance, with 11 legislators present at the start and only seven at the time of adjournment.

Sitting No.	Legislators Present at the Outset	Legislators Present at the End	Maximum Legislators Present
1st	21	42	42
2nd	25	39	43
3rd	19	18	40
4th	11	7	11
5th	9	21	27
6th	11	32	40
7th	7	28	41
8th	10	29	46
9th	8	29	38
10th	7	30	30
11th	14	25	45
12th	52	78	78
Average	16	32	40

The Chairman chaired the proceedings for 58% of the session time; the Deputy Chairman for 30% while remaining time was presided over by members of the Panel of Chairpersons.

Attendance in parliamentary sittings is crucial for legislators, especially those holding important positions (such as the Prime Minister, Leader of the House and Opposition Leader) to perform their legislative and representative roles.



The Prime Minister attended only two sittings for 162 minutes. Similarly, the Leader of the House and the Opposition Leader attended nine sittings each for 1,405 minutes and 1,276 minutes respectively.

Key Member	Sittings Attended	Time Present (minutes)	% of Time Present in the House
Prime Minister	2	162	10%
Leader of the House	9	1,405	84%
Leader of the Opposition	9	1,276	76%

Representation, Responsiveness and Government Oversight

The parliamentary oversight of the executive is one of the core functions of the Parliament. It is a tool to hold the executive accountable for its actions and ensure it implements the policies and decisions made on the floor of the House.

Calling Attention Notices

Two calling attention notices (CANs) were submitted during the session to draw the attention of the Ministries of Finance and Petroleum & Natural Resources towards issues of urgent public importance as sanctioned by Rule 64 of the Senate's Rules of Procedure.

The first CAN was regarding the increase in GST on petroleum products through FBR in violation of Articles 7 and 77 of the Constitution while the second was about the increase in price of natural gas for consumers.

Question Hour

The Question Hour remained suspended throughout the session in the wake of the terrorist attack at Army Public School in Peshawar on December 16, 2014 and for the passage of the 21st Constitution Amendment.

Motions under Rule 218

Under Rule 218 of the Senate, a minister or a member may move a motion for reconsideration of a policy, situation, statement or any other urgent matter.

The House took up three motions under Rule 218 during the session. These were pertaining to the attack at Army Public School, HEC and the issue of non-payment of net hydro profits to the Khyber Pakhtunkhwa government.

Sitting No.	Motion Under Rule 218	Status
1st to 8th	The House may discuss the incident of attack by terrorists on Army Public School in Peshawar	Debated by the House
11th	This House may discuss the overall performance of the Higher Education Commission (HEC)	Debated by the House
11th	The House may discuss the issue of non-payment of net hydro profits to the Government of Khyber Pakhtunkhwa in line with AGN Kazi formula and Arbitration Award of 2006	Debated by the House
6th	The House may discuss the present status of development projects in Khyber Pakhtunkhwa with particular reference to those being executed through elected representatives	Not taken Up
11th	The House may discuss the situation arising from drought in Thar	Not Taken Up
11th	The House may discuss the recommendations of the Civil Services Reforms Committee, particularly those pertaining to promotions in the civil bureaucracy on the pattern of Pakistan Army	Not taken Up
11th	The House may discuss the National Internal Security Policy (NISP 2014-2018) of the Government	Not taken Up
11th	The House may discuss the overall condition of the health sector following its devolution to provinces in pursuance of 18th Constitution Amendment	Taken Up but not Debated by the House

Order and Institutionalization

This section deals with the parliamentary instruments employed to maintain order and institutionalization in the House, such as issues raised through POs and time consumed by them. It also reviews the questions of privileges and the instances of protests, walkouts or boycotts during the session.

Points of Order

A total of 82 POs consumed 256 minutes (15%) of the total session time. However, none of the POs were able to receive a formal ruling from the Chair. Unless the Chair gives a formal ruling on a PO, it does not lead to any assembly output. A PO 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. POs must never be concerned with non-procedural issues; however, this agenda item is frequently used by legislators to raise matters of national interest and other issues.

Sitting	Points of Order	Time Consumed (minutes)	% of proceedings' time
1st	0	0	0
2nd	3	2	1%
3rd	6	9	5%
4th	4	10	20%
5th	4	8	10%
6th	2	3	2%
7th	10	24	11%
8th	16	39	24%
9th	5	11	7%
10th	0	0	0%
11th	13	68	34%
12th	19	82	62%
Total	82	256	15%

Protests, Boycotts and Walkouts

The House witnessed four walkouts during the session that consumed 50 minutes. The entire opposition staged a walkout during the fourth sitting to protest the absence of the Prime Minister and his cabinet ministers for 37 minutes. Another four-minute protest was staged by the entire opposition during the ninth sitting against the increase in General Sales Tax on petroleum products.

Similarly, ANP, PPPP, MQM and PML legislators walked out of the House during the eighth sitting against the absence of the Minister for Water and Power during the standing committee meetings. ANP, PkMAP and independent members walked out of the House once again during the eleventh sitting to protest the killing of ANP workers in Karachi. The walkout lasted five minutes.

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This report is based on direct observation of the Senate proceedings conducted by PATTAN Development Organization, a member organization of FAFEN

About FAFEN

Free and Fair Election Network (FAFEN) is a nationwide network of 42 Pakistani civil society organizations. It has been working since 2006 to strengthen democratic systems and promote active citizenship and is now governed by Trust for Democratic Education and Accountability (TDEA). With its primary mandate to observe elections and seek reforms to improve the quality of elections, FAFEN managed unprecedented long-term voter education and election observation initiatives that got 20,000 Pakistani citizens from every district of the country directly involved in the general election process in 2007-08.

In 2013, FAFEN deployed more than 40,000 trained, non-partisan long- and short-term observers to monitor all phases of general election. FAFEN election observation has yielded valuable insights into the quality of the electoral process and enabled generation of critical recommendations for reforms in the constitutional, legal and procedural frameworks that govern elections in Pakistan.

In addition to its vibrant Electoral Oversight, Research and Reforms Program, FAFEN has developed innovative techniques to observe the functioning of Parliament and Provincial Assemblies in order to advocate for parliamentary reforms for a more accountable, transparent and responsive legislative governance. Under its Parliament Oversight, Research and Reforms Program, FAFEN directly observes and objectively reports on the proceedings of all elected Houses in Pakistan.

FAFEN mobilizes and facilitates citizens engagements with elected and public institutions across Pakistan as a prerequisite for strengthening democratic accountabilities as part of its Electoral Governance Oversight, Research and Reforms Program. These activities fit in with the core FAFEN's objective of promotion of active citizenry—a critical ingredient of a vibrant democratic system.



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