

FAFEN Parliament Monitor

48th Session

National Assembly of Pakistan
(December 10 - 21, 2012)



Free and Fair Election Network



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

Executive Summary

The 48th session of the National Assembly witnessed the passage of two treasury-backed bills as well as the Fair Trial Bill 2012 amid low members' attendance, leaving 60% of the agenda appearing on the orders of the day unaddressed.

The house passed three government bills and introduced eight, sending them to the concerned standing committees. A government bill seeking long-awaited approval, the Investigation for Fair Trial Bill 2012, was also passed which allows for investigations by law-enforcement agencies and security agencies "by modern techniques and devices" in cases related to terrorism. Five private members bills - including the acid throwing and burn crime bill - were also introduced during the session.

Forty eight members (14% of total strength) were present at the beginning and 72 (21%) at the end of each sitting, on average, while an average maximum of 127 (37%) were present at any one point in all ten sittings. These figures are based on headcounts taken by FAFEN observer since the National Assembly does not make public, attendance record of the legislator's.

The attendance of key members was also low as the Prime Minister attended two out of ten sittings, while the Leader of the Opposition attended four sittings in the entire session. The Speaker was absent throughout the session while the Deputy Speaker attended nine sittings presiding over 68% of the session; the rest of the session was chaired by members of panel of chairpersons.

The party head of PPPS attended five sittings, those of NPP and BNPA attended four sittings each, PML parliamentary leader attended two and MQM leader attended one sitting. Parliamentary leaders of the ANP, MMAP and PMLF did not attend the entire session.

The house did not take up 79 of the total 131 agenda items appearing on the orders of the day. Five private bills and a single government bill, 12 resolutions on regular agenda, 171 starred questions (requiring oral replies), 11 motions under rule 259, and two standing committee reports were left unaddressed.

The agenda was overshadowed by issues such as the law and order, energy crisis and issues regarding railways and PIAC. The house debated the motion under rule 87 about the shortage, low pressure, and non-supply of gas/CNG in the country for 14 minutes, and also took up a calling attention notice on the outages of gas.

The 22 hours and 42 minutes session spread over ten sittings started from 10 – 21 December, 2012. On average each sitting consumed two hours and 16 minutes remaining 37 minutes behind the scheduled time.

Members participation was relatively better during the session as 142 MNAs (42% members) participated during the session. Fifty-three members submitted only agenda, 16 participated in the on-floor debates whereas 73 did both. A larger proportion of the women's total strength (54% of total 78) in the house participated as compared to their male counterparts (38% of total 264). The minority members did not participate during the session.

Resolutions appearing on supplementary agenda were adopted on priority basis as the house did not take up 12 regular resolutions. Through these the house declared women's education activist Malala yousufzai the "Daughter of Pakistan" and condemned the recent spate of killings of polio health workers in Karachi, Sindh and Khyber Pakhtunkhwa.

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 Parliament in order to hold those elected leaders accountable.

The Parliamentary Watch and Reforms Program (PWRP), 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 PWRP 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 PWRP focuses on directly-observed parliamentary procedure in addition to parliamentary output. In other words, FAFEN's criterion for assessing parliamentary effectiveness are primarily process-oriented and secondarily results-oriented.

Seven out of nine standing committee reports were presented in the house, related to the ministries of commerce, law and justice, religious affairs and cabinet secretariat; two reports were left unaddressed.

The house debated the law and order situation in the country in the first sitting, through a motion under rule 259. The motion although repeatedly brought on the agenda for further debates was not taken up by the house. Other such motions regarding government employees accommodation, cement pricing, performance of railways, health, exorbitant fees charged by private schools etc. were not taken up by the house.

Legislators asked 460 questions – 224 starred and 236 un-starred – of the government. Fifty eight starred questions (requiring both oral and written response) were taken up on the floor; members asked 82 supplementary questions to bring further clarity on the question's responses. The members of the leading opposition party PMLN asked maximum questions during the session.

Two out of eleven calling attention notices, both about rampant quackery in the federal capital, appearing on the agenda were not taken up by the house. The other CANs were addressed to the Ministries of Inter Provincial Coordination, Petroleum and Natural Resources, Human Resources, Interior, Information and Broadcasting, Cabinet Secretariat, Education and Trainings, National Heritage and Integration and Water and Power.

The session witnessed two walkouts consuming 25 minutes of the proceedings. A PMLN (minority) member walked out over no action being taken by authorities against accused of rape of a minority girl and the PMLN, MQM and ANP walked out for not getting replies to 25 of the 39 starred questions appearing on the agenda.

FAFEN hopes this report will be a valuable contribution to creating both a more informed citizenry and an increasingly responsible Parliament. On the basis of its ongoing observation 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 assembly's proceedings. FAFEN had to acquire ad-hoc measures to observe this session as well.
2. The National 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.
3. Complete information (and relevant documents) about all assembly's business 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 websites and/or at the assembly's Secretariat.
4. Transcripts of all substantive discussion in the assembly on policy matters – especially debate on legislation – should be available on the assembly's website immediately after it takes place. Most of the time, vital pieces of legislation are passed without the necessary three readings of the bill. During the course of the session, a total of five bills were passed. The information regarding the voting and the readings is still not updated on the assembly's website.
5. The 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. Low members' attendance was observed during the session. On average, 48 members were present at the outset, and 72 were present at the end of each sitting.
6. No vote should be allowed, 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 benches have reached an unwritten understanding over not pointing out quorum.
7. Efforts should be made to understand and address why 58% of the members did not participate actively in the 48th session.
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. All questions must be responded to within a stipulated time frame. Transcripts of all questions – including the ones that the secretariat finds inadmissible – and responses should be made available to members and to the public.
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.

10. Additional orientation and training of 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.
11. The secretariat should develop publicly accessible mechanism to track government assurances given to the assembly and progress made against each assurance.
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 Procedures and Conduct of Business is inadequate, compelling the members to raise constituency issues on points of order.

Table: Comparison of Agenda items taken up/ not taken up between 47th and 48th session

This section provides the details of comparison between 47th and 48th session derived from agenda items appearing on the orders of the day including the question hour.

| Sr. No | Agenda Items | 47th Session | 48th Session |
|--------|---|--------------|--------------|
| 1 | Starred questions taken up | 42 | 58 |
| 2 | Starred questions not taken up | 85 | 166 |
| 3 | Un-starred questions | 132 | 226 |
| 4 | Calling attention notices taken up | 8 | 11 |
| 5 | Calling attention notices not taken up | 6 | 9 |
| 6 | Legislative business taken up | 17 | 24 |
| 7 | Legislative business not taken up | 11 | 26 |
| 8 | Standing committee reports presented | 6 | 10 |
| 9 | Standing committee reports not presented | 5 | 10 |
| 10 | Motion under rule 259 taken up | 0 | 4 |
| 11 | Motion under rule 259 not taken up | 20 | 19 |
| 12 | Resolutions taken up | 3 | 0 |
| 13 | Resolutions not taken up | 12 | 12 |
| 14 | Matter of public importance taken up | 0 | 1 |
| 15 | Matter of public importance not taken up | 0 | 1 |
| 16 | Amendment to the rules and procedure taken up | 0 | 0 |
| 17 | Amendment to the rules and procedure not taken up | 4 | 4 |
| 18 | Points of order | 82 | 182 |

1.0 Session Duration and Members' Participation

This section of the report deals with the duration the National Assembly met for during the session; the attendance of members, their participation and maintenance of quorum – at least 1/4th (86) 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, Prime Minister, Leader of the Opposition and parliamentary leaders.

All sittings remained behind the scheduled time as lack of quorum was witnessed on several occasions. Most members participated by, both, submitting agenda as well as deliberating it during the on-floor debates.

1.1 Session Time

The 48th session that comprised 10 sittings started on December 10, and prorogued sine die on December 21, 2012. On average, each sitting met for two hours and 16 minutes and witnessed a delay of 37 minutes.

The shortest sitting lasted an hour and 30 minutes (5th sitting), while the longest spanned four hours (9th sitting).

Table 1.1: Session Time

| Sr. No. | Day and Date | Late Starts | Hours | Minutes |
|--------------|------------------------|---------------------------|--------------------------------|---------|
| 1 | Monday, December 10 | 45 | 2 | 35 |
| 2 | Tuesday, December 11 | 42 | 2 | 38 |
| 3 | Wednesday, December 12 | 76 | 1 | 35 |
| 4 | Thursday, December 13 | 25 | 1 | 48 |
| 5 | Friday, December 14 | 30 | 1 | 30 |
| 6 | Monday, December 17 | 35 | 2 | 6 |
| 7 | Tuesday, December 18 | 27 | 2 | 24 |
| 8 | Wednesday, December 19 | 33 | 2 | 32 |
| 9 | Thursday, December 20 | 10 | 4 | 0 |
| 10 | Friday, December 21 | 45 | 1 | 34 |
| Total | | Average 37 Minutes | 22 Hours and 42 Minutes | |

1.2 Members' Attendance

The National Assembly does not make public the attendance records of members. FAFEN conducts a headcount at the start and end of each sitting. Members' attendance reflects upon their interest and presence in the parliamentary proceedings.

The National Assembly currently has a total membership of 341. Despite their responsibility to represent such a vast number of people, low attendance persisted during the 48th session as on average only 48 members were present at the outset and 72 at the end of each sitting. However, at least seven of the total ten minority members were present in each sitting.

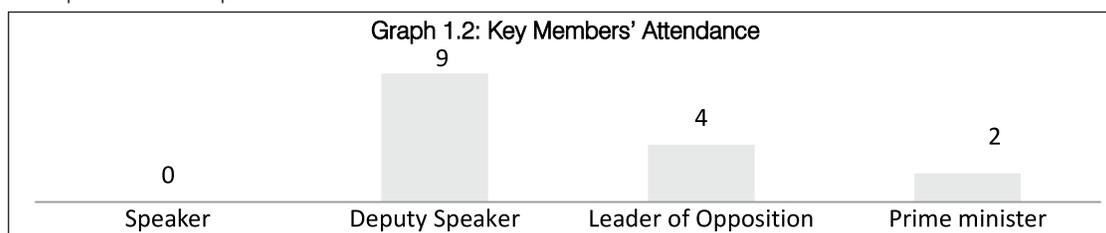
The quorum was visibly lacking at various stages of the sitting, but was not pointed out by any of the legislators.

Table 1.2: Members' Attendance

| Sitting No. | Members at the outset | Members at the end | Maximum members | Minority members |
|----------------|-----------------------|--------------------|-----------------|------------------|
| 1st | 56 | 45 | 136 | 7 |
| 2nd | 21 | 24 | 128 | 9 |
| 3rd | 101 | 105 | 168 | 5 |
| 4th | 28 | 90 | 112 | 6 |
| 5th | 31 | 80 | 98 | 5 |
| 6th | 41 | 77 | 125 | 7 |
| 7th | 30 | 81 | 112 | 5 |
| 8th | 42 | 52 | 128 | 6 |
| 9th | 86 | 124 | 172 | 9 |
| 10th | 48 | 38 | 95 | 6 |
| Average | 48 | 72 | 127 | 7 |

Attendance in sittings is crucial for members, especially those holding important positions (Speaker, Deputy Speaker, Prime Minister and the Leader of the Opposition) to perform their legislative and representative roles.

The Prime Minister attended two sittings for 12% (166 minutes) of the total time, and the Leader of the Opposition attended four sittings for 19% (264 minutes). The Speaker remained absent during the entire session. The Deputy Speaker chaired nine sittings for 931 minutes of the session time while the remaining 32% of the time was presided over by members of panel of chairpersons.



The parliamentary leader of the ANP, MMAP and PMLF did not attend the entire session. However, the sole member of PPPS in the house attended five sittings, while members of the other two single member parties in the house; the NPP and BNPA; attended four sittings each. The parliamentary leader of the PML attended two sittings and MQM leader attended one sitting.

Chief whips are members of a party responsible to ensure presence and maintain discipline of their respective party members in the assembly. All but one sitting was attended by the PPPP chief whip, followed by PMLN in six sittings, PPPS and ANP in five and MMAP, NPP and BNPA in four sittings each. MQM and PML chief whips did not attend the session.

1.3 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 participated in debates as well.

In the 342 member National Assembly, 142 MNAs (41% members) participated during the session. Fifty-three members submitted only agenda, 16 participated in the on-floor debates whereas 73 did both.

The single member parties in the house, the PPPS and NPP, did not participate during the session. The party-wise analysis shows that the sole member of BNPA in the house submitted agenda items, while 92% of the total MQM members participated in the session, followed by PMLN 42%, PPPP and PMLF 40% each, MMAP 38%, ANP 31%, PML 30% and INDs 22%.

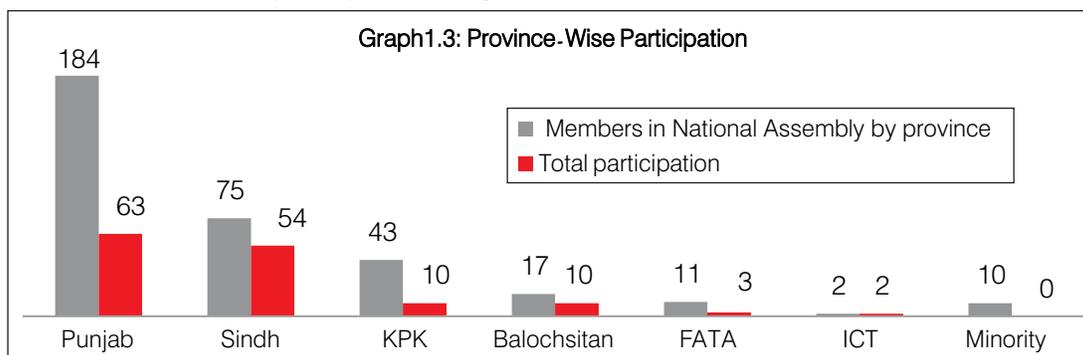
Table 1.3: Members' Participation

| Sr. No. | Political 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 National Assembly by party |
|--------------|-----------------|------------------------------------|----------------------------------|---|--|---|--|---------------------------------------|
| 1 | ANP | 1 | 2 | 1 | 8% | 15% | 8% | 13 |
| 2 | BNPA | 1 | 0 | 0 | 100% | 0% | 0% | 1 |
| 3 | IND | 2 | 2 | 0 | 11% | 11% | 0% | 18 |
| 4 | MMAP | 1 | 1 | 1 | 13% | 13% | 13% | 8 |
| 5 | MQM | 9 | 2 | 12 | 36% | 8% | 48% | 25 |
| 6 | NPP | 0 | 0 | 0 | 0% | 0% | 0% | 1 |
| 7 | PML | 8 | 0 | 7 | 16% | 0% | 14% | 50 |
| 8 | PMLF | 2 | 0 | 0 | 40% | 0% | 0% | 5 |
| 9 | PMLN | 12 | 3 | 24 | 13% | 3% | 26% | 92 |
| 10 | PPPP | 17 | 6 | 28 | 13% | 5% | 22% | 127 |
| 11 | PPPS | 0 | 0 | 0 | 0% | 0% | 0% | 1 |
| Total | | 53 | 16 | 73 | 15% | 5% | 21% | 342 |

Sixteen percent of the 264 male members submitted agenda items on the orders of the day, 5% participated in debates while 17% submitted agenda items besides taking part in discussions. While the proportion of female members who submitted agenda items and participated in discussions was slightly less than their male counterparts, more did both activities (36% of total strength in the house) than male legislators.

According to the region-wise allocation of National Assembly seats, both members from ICT actively took part during the session, followed by 54 MNAs from Sindh, 63 from Punjab (34%), 10 from Balochistan (12%), three from FATA (27%) and 10 from Khyber Pakhtunkhwa (23%).

None of the non-Muslim members participated during the session.

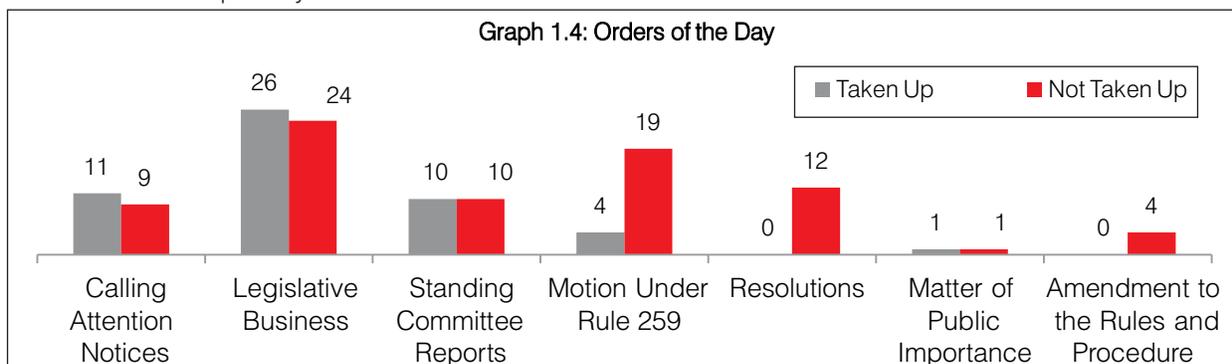


1.4 Orders of the Day

The agenda of the assembly naturally stems from the issues of national and public importance that require attention and is prioritized as such. As per FAFEN’s methodology, calling attention notices, legislation, resolutions, adjournment motions and other motions (under rule 259 etc.), matters of public importance and amendments to the rules and procedures, as well as motions to introduce, consider and/or pass or adopt the above are counted as the total number of agenda items during the session. The recitation of the Quran at the commencement of each sitting as well as question hour are not included.

Overall 60% (79 of 131 items) agenda on the orders of the day was left unaddressed with respect to its appearance in each sitting – it is possible that agenda items on the orders of the day for one sittings were taken up at a later sitting, e.g. a motion under rule 259 regarding law and order was not taken up in six sittings, before being addressed in a later sitting. The house did not take up 80% of the ambitious 71 agenda items appearing on the private members days (2nd and 7th sittings). More than half (63%) of the relatively realistic 60 government agenda items spread over eight sittings were addressed.

The regular agenda of the first and the fourth sittings was set aside as two supplementary resolutions were brought on the floor for debate; both resolutions were unanimously adopted. Through the first resolution the house unanimously agreed upon declaring the women’s education rights activist Malala Yousafzai as the “Daughter of Pakistan”. The recent incidents of brutal killing of polio health workers in Karachi, Sindh and Khyber Pakhtunkhwa were condemned in the other resolution adopted by the house.



2.0 Representation, Responsiveness and Government Oversight

This section is concerned with legislators’ efforts to represent the interests of their constituents through calling attention notices and to monitor government accountability, especially through questions submitted during the question hour, and the ministers’ responsiveness to those questions.

Women parliamentarians raised a larger number of questions on the agenda, while most questions were addressed to the Ministry of Water and Power. National and local issues were brought up through calling attention notices - an instrument generally used to address law and order issues in the country.

2.1 Questions and Responses

Question hour gives the legislators opportunity to monitor the government’s performance. Answers to questions may be demanded in written or oral form, referred to as un-starred or starred questions, respectively.

A total of 460 questions – 224 starred and 236 un-starred- were raised during the session; 253 of these were fully responded by either oral and/or written answers. Nearly a quarter of starred questions (requiring oral response) were taken up on the floor; an additional 82 supplementary questions were also asked to bring further clarity to the answers.

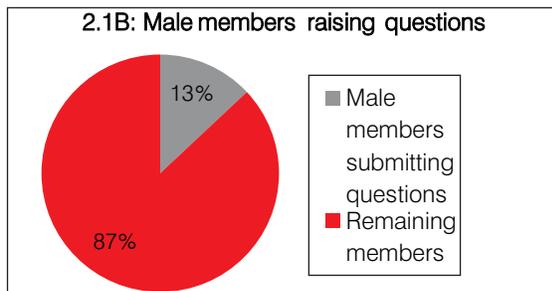
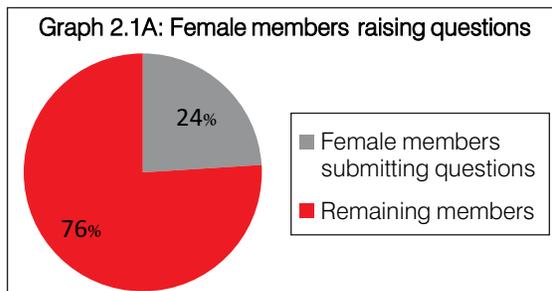
The question hour was bypassed in the ninth sitting as the relevant minister did not answer all 39 questions on the question list for that day. As both 2nd and 7th sittings fell on a private members day (Tuesdays in National Assembly) the question hour was not held as per rules and procedures and conduct of business of the house.

Table 2.1: Questions Hour Statistics

| Sitting No. | Starred questions | Starred questions taken up | Starred questions Not taken up | Supplementary questions |
|--------------|---------------------|----------------------------|--------------------------------|-------------------------|
| 1st | 30 | 12 | 18 | 14 |
| 2nd | Private Members Day | | | |
| 3rd | 33 | 9 | 21 | 12 |
| 4th | 27 | 10 | 17 | 18 |
| 5th | 26 | 11 | 15 | 14 |
| 6th | 19 | 5 | 14 | 6 |
| 7th | Private Members Day | | | |
| 8th | 23 | 3 | 20 | 5 |
| 9th | 39 | 0 | 39 | 0 |
| 10th | 27 | 8 | 19 | 13 |
| Total | 224 | 58 | 163 | 82 |

Fifty five members - 19 women and 36 men - submitted questions on the agenda. The females dominated the question hour as 24% of their strength (78 members) submitted questions as compared to 13% of their male counterparts (264 members).

Sitting on the opposition benches, the PMLN members raised more than 70% of the questions to the government, while MQM members raised 95, PPPP 26, MMAP 6, Independents four and PMLF, BNPA and PMLF asked a single question each.



Interestingly, six out of 39 ministries received more than 60% of the questions. Ninety three questions were addressed to the Ministry of Water and Power, 48 to the Interior, followed by Petroleum and Natural resources (45), Finance and Revenue (40), Defence (39) and Cabinet Secretariat (24).

Legislators from all provinces mostly asked questions related to water and/or power issues - 20% of total questions. Overall, MNAs from Punjab asked a maximum of 317 questions, followed by 120 from those of Sindh, KP 14 and nine questions were asked by Baloch MNAs.

Table 2.2: Ministry-wise Questions

| Ministry Concern | Total |
|--|------------|
| Water and Power | 93 |
| Petroleum and Natural Resources | 45 |
| Interior | 43 |
| Finance & Revenue | 40 |
| Defence | 39 |
| Cabinet Secretariat | 24 |
| Commerce | 19 |
| Railways | 11 |
| National Regulations and Services | 10 |
| Industries | 9 |
| Parliamentary Affairs | 8 |
| Works | 8 |
| Foreign affairs | 8 |
| Religious affairs | 7 |
| Education and trainings | 7 |
| Communications | 7 |
| Human resources | 6 |
| Production | 6 |
| Law and justice | 5 |
| National heritage and integration | 5 |
| Textile industries | 5 |
| Housing | 5 |
| Inter provincial coordination | 5 |
| Establishment department | 5 |
| Science & technology | 4 |
| Postal services | 4 |
| Climate change | 4 |
| Human rights | 3 |
| Economic affairs and statistics | 3 |
| National food security and research | 3 |
| Narcotics control | 3 |
| Information technology | 2 |
| Capital administration and development | 2 |
| Overseas Pakistanis | 2 |
| Information and broadcasting | 1 |
| Privatization | 1 |
| States & frontier regions | 1 |
| Kashmir affairs and northern areas | 1 |
| National harmony | 1 |
| Total | 455 |

2.2 Calling Attention Notices (CANs)

This section highlights the efforts of members in raising matters of public interest through calling attention notices. Under rule 88 (chapter XI) of the Rules of Procedure and Conduct of Business, a member may call the attention of a minister to any matter of urgent public importance and the minister may make a brief statement or ask for time to make a statement at a later hour or date provided that no more than one notice shall be allowed to a member per sitting.

All except two CANs appearing on the orders of the day were taken up by the House. Both of these were regarding the rampant increase in quackery in the federal capital, adversely affecting the health of the public.

Pertinent national and local issues such as cessation of CNG supply, rise in HIV diseases, issuance of passports, airing of foreign shows on electronic media, overcharging monthly electricity bills in Karachi, non-implementation of the traffic plan prepared by Islamabad Traffic Police etc. were addressed through CANs taken up during the session.

The MNAs of each PPPP and PMLN either singly or jointly tabled seven CANs, whereas ANP members jointly, and MQM singly moved a single CAN each.

Table 2.2: Calling Attention Notices

| Sr. No. | Calling Attention Notice | Party | Ministry Concerned |
|---------|---|--------------|-----------------------------------|
| 1 | Rapid increase of HIV disease in Islamabad | PPPP | Inter Provincial Coordination |
| 2 | Non-supply of gas, resulting in closure of CNG stations in Islamabad, causing grave concern amongst the public | PMLN | Petroleum and Natural Resources |
| 3 | Stoppage of 5% allowance to the laborers out of the annual profit of factory owners | PMLN PPPP | Human Resources |
| 4 | Delay in the preparation of passports due to non-provision of funds to the passport offices | PMLN | Interior |
| 5 | Telecast of foreign countries plays on Pakistani channels | PPPP PMLN | Information and Broadcasting |
| 6 | Imposition of 5% road and maintenance tax on vehicles by the CDA | PMLN | Cabinet Secretariat |
| 7 | Delay in the establishment of Saraiki Department in Gomal University D.I. Khan despite release of funds to the H.E.C | PPPP | Education and Trainings |
| 8 | Theft of gas worth Rs. 16.5 billion from Sui Northern and Sui Southern systems during the current fiscal year | PMLN | Petroleum and Natural Resources |
| 9 | The sale and auction of precious Gandhara artifacts in Western Museums | ANP PPPP | National Heritage and Integration |
| 10 | Overcharging the consumers in monthly electricity bills for over three years in Karachi | MQM | Water and Power |
| 11 | rampant quackery adversely affecting the health of the people in Islamabad, causing grave concern amongst the public | PPPP | National Regulations and Services |
| 12 | Rampant quackery adversely affecting the health of the people in Islamabad | PPPP | Interior |
| 13 | Non-implementation of the traffic plan prepared by Islamabad Traffic Police under the direction of the administration of Rawalpindi and Islamabad to regulate traffic in Rawalpindi | PMLN | Interior |

2.3 Motion under rule 259

Any minister or a member may give notice of a motion that any policy, situation, statement or any other matter may be taken into consideration.

Only a single motion under rule 259 – regarding the state of law and order in the country - was debated during the first sitting; this motion was reiterated several times during the session. In the debates, members criticized the government for not being able to protect the basic rights of the public and called for it to take immediate measures to ensure the maintenance of law and order in the country.

The provision of graveyard security, performance of PIAC and railways and exorbitant fees charged by private schools was the subject of other motions that remained unaddressed by the house.

Table 2.3: Motions under rule 259

| Sr. No. | Motion Under Rule 259 | Party | Gender | Status |
|---------|--|-------|---------------|--------------|
| 1 | That this house may discuss the prevailing law and order situation in country | PPPP | Single Male | Debated |
| 2 | This house may discuss the situation arising out of non-provision of security in and around the graveyards in Islamabad | MQM | Single Male | Not Taken Up |
| 3 | This house may discuss the performance of Pakistan International Air Lines Corporation(P.I.A.C) | MQM | Single Male | Not Taken Up |
| 4 | This house may discuss the situation arising out of non-enactment of law regarding NGOs in the country | MQM | Single Male | Not Taken Up |
| 5 | This house may discuss the situation arising out of delay in construction work of Bari Imam Mausoleum complex in Islamabad | PMLN | Single Female | Not Taken Up |
| 6 | This House may discuss the situation arising out of delay in the start of work on the extension project of Polyclinic, Islamabad | PMLN | Single Male | Not Taken Up |
| 7 | This house may discuss the situation arising out of exorbitant fee being charged by the private educational institutions in Islamabad | PMLN | Single Female | Not Taken Up |
| 8 | This house may discuss the performance of Pakistan Railways | MQM | Single Female | Not Taken Up |
| 9 | This house may discuss the situation arising out of non-existence of unified civil structure for all grades causing disparity in the Federal Government servants | MQM | Single Male | Not Taken Up |
| 10 | This house may discuss the shortage of government quarters in Islamabad | PMLN | Single Female | Not Taken Up |
| 11 | This house may discuss the situation arising out of non-reduction of prices of cement in the country | PMLN | Single Male | Not Taken Up |
| 12 | This house may discuss the law and order situation in the country | PPPP | Single Male | Taken Up |

3.0 Parliamentary Output

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

Legislation comes in the form of government bills, private-member bills, and ordinances. Both government and private bills were on the agenda in this session. The resolutions appearing on supplementary agenda were given precedence to those appearing on the orders of the day. Standing committee reports, other reports, on proposed legislation reviewing technical aspects, making recommendations etc. were presented before the house.

3.1 Government Bills

The National Assembly passed three treasury-backed bills and another eight were introduced and sent to the relevant standing committees for scrutiny.

The Investigation for Fair Trial Bill 2012 was passed after incorporating most recommendations from the PMLN and MQM.

Table 3.1: Government Bills

| Sr. No. | Government Bills | First Appearance on Agenda | Status |
|---------|--|----------------------------|--------------|
| 1 | The Juvenile Justice System (Amendment) Bill 2012 | 12/10/2012 | Introduced |
| 2 | The Maritime Security Agency (Amendment) Bill 2012 | 9/3/2012 | Passed |
| 3 | The Foreign Exchange Regulation (Amendment) Bill, 2012 | 12/12/2012 | Introduced |
| 4 | The Pakistan Coinage (Amendment) Bill, 2011 | - | Passed |
| 5 | The Gwadar Port Authority Bill, 2012 | 9/6/2012 | Not Taken Up |
| 6 | The Constitution (Twenty-Third Amendment) Bill 2012 | - | Introduced |
| 7 | The Tax Laws (Amendment) Bill 2012 | - | Introduced |

| Sr. No. | Government Bills | First Appearance on Agenda | Status |
|---------|---|----------------------------|------------|
| 8 | The Trade Development Authority of Pakistan Bill 2012 | - | Introduced |
| 9 | The Electricity (Amendment) Bill 2012 | 12/14/2012 | Introduced |
| 10 | The Criminal Law (Amendment) Bill, 2012 (Insertion of new section 297A) | - | Introduced |
| 11 | The Election Laws (Amendment) Bill 2012 | - | Introduced |
| 12 | The Investigation for Fair Trial Bill 2012 | 10/8/2012 | Passed |

Details of Passed Bills

1. The Pakistan Coinage (Amendment) Act, 2011 (20.12. 2012)¹

This bill seeks elimination of 'paisas' in the country's economy because these coins were no more in use in the daily transactions and had become obsolete. Furthermore, these were burdensome and rarely withdrawn or deposited at bank counters.

2. The Maritime Security Agency (Amendment) Act, 2012 (10.12. 2012)²

The Maritime Security Agency enforces national laws and international agreements on and under Water in the Maritime Zones of Pakistan. This bill seeks to establish and recognize the Maritime Security Agency (MSA) - an attached department of Ministry of Defence - as a national government organization both nationally and internationally. After the enactment of the bill the agency would be called Pakistan Maritime Security Agency.

3. The Investigation of Free Trial Bill, 2012 (20.12.2012)³

The bill provides for investigation and collection of evidence by means of modern techniques and devices to prevent and effectively deal with scheduled offences. It will also regulate the powers of the law enforcement and intelligence agencies.

The authorities could intercept emails, SMS, internet protocol detail record, call detail records and any form of computer based or cell phone based communication. It also includes any means of communication using wired/ wireless/ internet protocol-based media/ gadgetry. Under the bill all the law enforcement and intelligence agencies will be governed by a uniform legal system for collection of evidence which will be admissible even if collected prior to the registration of an FIR.

3.2 Private Members' Bills

Ten private members' bills appeared on the orders of the day. Only four bills were sent to their respective standing committees.

Table 3.2: Private Members Bills

| Sr. No. | Private Bills | Status |
|---------|--|--------------|
| 1 | The Carriage by Air (Amendment) Bill 2012 | Introduced |
| 2 | The Medical and Dental Council (Amendment) Bill, 2012 | Introduced |
| 3 | The National Commission for Child Rights Bill 2012 | Introduced |
| 4 | The Registration of Hajj / Umrah Bill, 2008 | Not Taken Up |
| 5 | The Criminal Law (Amendment) Bill, 2012 | Not Taken Up |
| 6 | The Torture and Custodial Death (Punishment) Bill, 2012 | Not Taken Up |
| 7 | The Census (Amendment) Bill, 2012 | Introduced |
| 8 | The Federal Pension Bill, 2012 | Not Taken Up |
| 9 | The Acid Throwing and Burn Crime Bill, 2012 | Introduced |
| 10 | The National Database and Registration Authority (Amendment) Bill 2012 | Not Taken Up |

¹ The Pakistan Coinage (Amendment) Act, 2011. Retrieved from National Assembly of Pakistan website: http://www.na.gov.pk/uploads/documents/1350447096_992.pdf

² The Maritime Security Agency (Amendment) Act, 2012. Retrieved from National Assembly of Pakistan website: http://www.na.gov.pk/uploads/documents/1355199916_191.pdf

³ The Investigation of Free Trial Bill, 2012. Retrieved from National Assembly of Pakistan website: http://www.na.gov.pk/uploads/documents/1357021784_790.pdf

3.3 Committee Reports

Laws and state policies originate in the parliament but are scrutinized under technical review in the standing committees.

During the present session, a Council of Islamic Ideology report and six other committee reports were presented before the house. Four of these were about bills introduced in the house, one was about a question of privilege raised by a legislator, and one was the annual report of the federal public service commission. Two other reports, about amendments in the Pakistan Penal Code and the National Database and Registration Authority Bill were not presented in the house despite being on the orders of the day.

Table 3.3: Standing Committee Reports

| Sr. No. | Standing Committee Report | Committee | Status |
|---------|---|---------------------------------|---------------|
| 1. | The Trade Development Authority of Pakistan Bill, 2007 | Commerce | Presented |
| 2. | The Constitution (Twenty-first Amendment) Bill, 2012 | Law and Justice | Presented |
| 3. | The Islamabad Capital Territory Private Education Institutions (Registration and Regulation) Bill 2007 | Cabinet Secretariat | Presented |
| 4. | The Investigation for Fair Trial Bill 2012 | Law & Justice | Presented |
| 5. | Annual reports of the Council of Islamic Ideology as required by Article 230(4) 1.The Annual Reports, 1997-1998 to 2008-2009. 2.The Review Report of the Criminal Procedure Code, 1898 3.The Review Report of the Civil Procedure Code, 1908 4.Qawaneen ki Islami Tashkeel (Volume – I) and (Volume – IV) 5. The Report on Islah-e-Qaidiaan and Jail Khananjaat | Religious Affairs | Presented |
| 6. | The Federal Public Service Commission's Annual Report for the year 2011, Section 9 (1) of the Federal Public Service Commission Ordinance, 1977 | Cabinet Secretariat | Presented |
| 7. | The report of the Standing Committee on the Question of Privilege raised by Syed Abdul Qadir Gillani, MNA against the officers of FIA | Rules of Procedure & Privileges | Presented |
| 8. | The Pakistan Penal Code (Amendment) Bill 2012 | Law & Justice | Not Presented |
| 9. | The National Database and Registration Authority (Amendment) Bill, 2011 | Interior | Not Presented |

3.4 Resolutions

Through resolutions, the house expresses its opinion, makes recommendations, or conveys a message on a definite and important issue. Resolutions may be moved by ministers or private members. This section contains information on the types and number of resolutions considered or adopted by the assembly during the session.

The house adopted two resolutions- appearing as supplementary agenda - out of 14 tabled during the session.

During the 1st sitting the lower house adopted a resolution to declare Malala Yousaf Zai as the 'Daughter of Pakistan'. The brutal killings of polio health workers in Karachi, Sindh and Khyber Pakhtunkhwa were condemned unanimously by the house during the last sitting.

Members of PPPP, PMLN and MQM tabled resolutions on the orders of the day.

Table 3.4: Resolutions

| Sr. No. | Resolutions | Party |
|---------|--|-------|
| 1 | Government should award Malala Yousafzai the title of daughter of Pakistan | PPPP |
| 2 | Government should take steps to immediately make increase in the basic salaries of the federal government employees according to the ratio of the price hike | MQM |
| 3 | Government should take immediate steps to upgrade the Railway system in the country | PMLN |
| 4 | Government should take immediate steps to carry out a forensic audit of PIAC | PMLN |
| 5 | Government should take steps to immediately make increase in the basic salaries of the federal government employees according to the ratio of price hike | PMLN |
| 6 | Government should take steps to increase the emoluments of daily wages employees | PPPP |
| 7 | Government should take immediate steps to construct new water reservoirs to control the shortage of water in the country | PMLN |

| Sr. No. | Resolutions | Party |
|---------|---|-------|
| 8 | Government should take steps to do away with load shedding of gas in the country | PMLN |
| 9 | Government should take steps to meet the shortage of government houses in Karachi and Islamabad | PMLN |
| 10 | Government should take immediate steps to decrease the price of cement | PMLN |
| 11 | Government should take steps to fix pension of all the Federal Government servants equal to their basic pay on retirement | MQM |
| 12 | Government should take immediate steps to lower the increasing deficit of PIAC | PMLN |
| 14 | This House unanimously condemns in the strongest terms the incident of brutal killing of anti-Polio vaccinators health workers in Karachi, Sindh and Khyber Pakhtunkhwa on 18th and 19th December, 2012 | MQM |

4.0 Order and Institutionalization

This section deals with issues raised through points of order and the time consumed by them. It also reviews the questions of privileges and the instances of protests, walkouts or boycotts during the session. Besides highlighting violations of rules and procedures and conduct of business legislators highlighted national and local issues through POs.

4.1 Points of Order

Points of Order are raised on the floor of the house when a member has to highlight a breach in the assembly rules and procedures and code of conduct. A PO's admissibility in the assembly output is subject to the chair's ruling.

Speeches and rejoinders by 106 members on 182 points of order consumed 37% (498 minutes) of the total session time. Unless the Chair gives a formal ruling on a point of order, speeches and rejoinders do not contribute to any assembly output.

Table 4.1: Points of Order

| Sitting No. | Points of Order | Time Consumed |
|--------------|-----------------|---------------|
| 1st | 11 | 20 |
| 2nd | 35 | 108 |
| 3rd | 8 | 15 |
| 4th | 21 | 50 |
| 5th | 6 | 25 |
| 6th | 13 | 40 |
| 7th | 26 | 84 |
| 8th | 26 | 72 |
| 9th | 32 | 75 |
| 10th | 4 | 9 |
| Total | 182 | 498 |

Parliamentarians of all parties, except NP, made speeches followed by treasury rejoinders through points of order. PPPP MNAs spoke on 79 POs followed by PMLN (46 POs), MQM (20), ANP (11), PML (nine), each of INDs and MMAP (seven) and three POs were raised by PPPS MNAs.

Business of the house, ministerial absence, minorities' rights and law and order issues in various regions of the country were the topics of most POs raised during the session.

The recent killings of polio health workers in various parts of the country, was taken up in 10 POs raised by as many MNAs. Legislators also raised eight POs about the allegations of tax default by media based on a report issued by an NGO.

Table 4.2: Issues Raised Through POs

| Issues | Number of issues raised |
|--|-------------------------|
| Business of the House | 24 |
| Law and order (killings of polio health workers) | 10 |
| Criticism of government(ministerial absence) | 17 |
| Minority rights | 10 |
| Tax default(allegation on parliamentarians) | 8 |
| Communications | 7 |
| Corruption | 6 |
| Criticism of media (allegation of tax default) | 6 |
| Labor rights | 6 |
| Women parliamentarians (Imran Khans statement regarding reserved seats) | 5 |
| CNG issues | 4 |
| Criticism of PIA | 4 |
| Employment | 4 |
| Request for fateha | 4 |
| funds for Sui gas project in KP | 3 |
| Kala Bagh Dam | 3 |
| Parliamentarians' discipline | 3 |
| Terrorism | 3 |
| Agreement with the opposition | 2 |
| Balochistan related issues | 2 |
| Criticism of government | 2 |
| Journalists' protection (killings in Larkana) | 2 |
| Law and order | 2 |
| Natural resources (Pak- Iran gas pipeline) | 2 |
| Non-issuance of funds | 2 |
| Power generation | 2 |
| Rules of Constitution | 2 |
| Science and Technology | 2 |
| Islamabad Capital Territory (land grabbing) | 2 |
| Civilian Investigation | 1 |
| Criticism of FIA | 1 |
| Criticism of government(ill-performance of, railways, PIA and Steel mills) | 1 |
| Criticism of Judiciary | 1 |
| Criticism of Minister | 1 |
| Criticism of parliamentarians (tax default) | 1 |
| Development Works | 1 |
| Doctors' strike (Quetta) | 1 |
| Economic instability | 1 |
| Electricity (billing of mosques) | 1 |
| FATA related issues | 1 |
| government employees (allotment of accommodation) | 1 |
| Inter-Provincial autonomy | 1 |

| Issues | Number of issues raised |
|--|-------------------------|
| Khyber Pakhtunkhwa related Issues | 1 |
| Law and order (Balochistan) | 1 |
| Law and order(District Torghar) | 1 |
| Malala Yousafzai appreciation | 1 |
| Minority Affairs | 1 |
| Natural resources (Gas supply) | 1 |
| Natural recourses (Natural gas projects) | 1 |
| Nowshera gas supply issue | 1 |
| Overseas Pakistanis | 1 |
| Performance of the Government | 1 |
| PIA (praise of pilot) | 1 |
| Police | 1 |
| Printing Press Corporation | 1 |
| Railways | 1 |
| Religious Affairs | 1 |
| Rules and procedures of the house | 1 |
| Sports | 1 |
| Traffic issues | 1 |
| Tribute to the Police department | 1 |
| womens' ID card issues | 1 |
| Total | 182 |

4.2 Walkouts Boycotts and Protests

During the session, legislators staged two walkouts consuming 25 minutes of the session. A minority PMLN legislator walked out for 15 minutes over no action being taken by authorities against the accused of a minority girl's rape. The PMLN, MQM and ANP legislators staged a 10-minute walkout over not getting replies to 25 of the 39 starred questions appearing on the agenda.

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.

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 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 Prime Minister a Federal Minister or a Parliamentary Secretary in respect to 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, Sindh and Khyber Pakhtunkhwa in 2010, 2011 and 2012
- 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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