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FAFEN Parliament Monitor

33rd Session

Provincial Assembly of Sindh
(February 13 – 21, 2012)

Free and Fair Election Network



This report is based on direct observation of proceedings of Provincial Assembly of Sindh, conducted by **Pakistan Press Foundation**, a member organization of FAFEN.

Executive Summary

A three-year-old Bill on domestic violence against women and children was deferred during the 33rd session of the Sindh Assembly.

The Domestic Violence (prevention and protection) Bill 2008 was presented by a female Private Member more than three years ago and covers physical, sexual, emotional, social, economic and psychological abuse committed by a person against the victim with whom they are in a relationship. It guarantees a minimum sentence of three years as well as monthly monetary relief (including full costs of medical treatment) to the victim. Other issues highlighted were through three Resolutions which were adopted. The Parliamentarians demanded the report on Mohtarma Benazir Bhutto's assassination be published. Another Resolution passed was to enact a law for setting up a Drug Regulatory Authority while the third called for establishing campuses of Karachi University in Naushehro Feroz and Tharparkar.

Apart from Bills and Resolutions, the Members asked 60 Starred questions (requiring oral responses) of the Ministries of Irrigation, Labour, Auqaf, Information Technology, and Supply and Prices. Nearly half (48%) of these were taken up. An additional 173 Supplementary questions were also asked.

Additional issues, like the media, doctors' employment, education, health, language, police violence and precautionary measures against natural calamities etc. were brought to the floor of the House through 64 Points of Orders which consumed 20% of the session time otherwise allocated for regular Agenda.

None of these Points of Order attracted a formal ruling from the Chair and did not contribute to any Assembly output. Despite the erroneous usage of POs to make speeches rather than pointing out any breaches in parliamentary discipline, the Members' representational priorities can be gauged from the matters raised through Points of Order.

Overall, only 46% of the Members – 56 male and 20 female – participated in the session by submitting Agenda items on the Orders of the Day or by

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.

The PW employs direct observation as one of the tools to evaluate parliamentary proceedings with the following indicators:

Transparency: Government's accountability requires transparency in decision-making and policy implementation. Transparency refers to the amount and quality of information available to the public as well as timely and clear information communicated within legislative bodies themselves. Inclusive and strong decisions can only be made when all Legislators are well-informed about parliamentary proceedings.

Participation: Only the active and responsible participation of all the Members can make the business of Parliament meaningful. The participation can be judged through various indicators like attendance of parliamentary leaders and other Members and their active involvement in parliamentary discussion and activities.

Responsiveness: Parliament's responsiveness means Members' collective actions on the issues of public interests which are raised and discussed on the floor of the House through Legislation, Resolutions or any other Agenda item. Responsiveness of Government to the public is measured in terms of parliamentary oversight and effective implementation of policy decisions. Parliament's executive oversight function is mainly carried out through questions and parliamentary committees.

Parliamentary Output: Parliamentary output primarily comes in the form of Legislation and Resolutions. The quantity of such output is indicative of Parliament's efficiency. The quality of output is equally important. Considering Legislation on matters of national significance through careful debate and discussion is arguably a Parliament's chief and most important function.

Order and Institutionalization: Order and institutionalization of Members are important for an efficient and productive Parliament. Order may be measured, for example, by the conduct of Members and the Chair's effective management of parliamentary business. Institutionalization refers to Members' understanding and compliance with rules of procedure for parliamentary business.

taking part in debates. The participation of female MPAs was 65% of their total Membership (31) while male Members' participation was 41% of their total Membership of 56.

The 33rd session comprising five sittings met for 11 hours and 20 minutes with each sitting on average being delayed by 87 minutes. Each sitting lasted an average two hours and 16 minutes.

The attendance of Members was relatively better than the previous session - an average of 54 present at the start and 71 at the end of each sitting.

The Speaker chaired the proceedings for 96% of the session time while the remaining 4% was presided over by the Deputy Speaker. The Chief Minister was present in only two sittings, for 11% of the total time (80 minutes).

The Parliamentary Leader of MQM attended all sittings, those of the ANP, PML and PML (F-B) four each, NPP and PPPP three each while the PMLF leader attended two sittings. All these parties which Members are affiliated with are in Government Alliance and there is no Opposition Alliance in the Assembly.

1.0 Members' Participation and Session Time

The information in this section relates to the duration of the session, attendance of key Members and overall attendance, as well as Quorum - the presence of at least 1/4th (41 Members) of the total Membership of the Assembly. The participation of a Member is recorded when he or she takes part in the proceedings of the House or submits an Agenda item. The presence of the Speaker, Deputy Speaker, Chief Minister and the parliamentary leaders is also taken into account.

1.1 Session Time

The 33rd session had five sittings held between February 13 and 21. The House met for a total of 11 hours and 20 minutes with each sitting on average starting 87 minutes late. The shortest one lasted an hour and 20 minutes while the longest spanned three hours and 28 minutes.

Date	Sitting No	Late Starts (minutes)	Total Sitting Time	
			Hours	Minutes
Monday, February 13	1st	125	2	0
Wednesday, February 15	2nd	88	3	28
Friday, February 17	3rd	75	1	57
Saturday, February 18	4th	60	1	20
Tuesday, February 21	5th	85	2	35
Total		Average 87 minutes	11 hours and 20 minutes	

1.2 Members' Participation

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

Out of 166 Members, only 2% brought Agenda items and 29% took part in debates. Fourteen percent of the Parliamentarians submitted Agenda items and also actively took part in discussions.

Overall, only 46% of the Members – 56 male and 20 female – participated in the session by submitting Agenda items on the Orders of the Day or by taking part in debates. Female MPAs' participation was 65% of their total Membership of 31 while that of men was 41% of their total of 56.

A party-wise analysis shows that 67% of NPP's Parliamentarians took part in the proceedings, followed by MQM (61%), PMLF (50%), PPPP (37%) and PML (27%). Two ANP Members marked their participation by taking part in on-floor debates.

Dual or multiple Opposition alliances are characteristic of more proportional representative systems. Although they enjoy support in the other regions of the country, both parties with the most seats in the Assembly; PPPP and MQM; originated in Sindh. Interestingly, although the provincial capital Karachi has the largest Pashtun population in the world (including registered Afghan refugees), the ANP has only two seats in the Assembly.

Sr. No.	Party	Members Who Only 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	2	0	0%	100%	0%	2
2	MQM	4	15	12	8%	29%	24%	51
3	NPP	0	1	1	0%	33%	33%	3
4	PMLF	0	2	2	0%	25%	25%	8
5	PML	0	3	0	0%	27%	0%	11
6	PPPP	0	25	9	0%	27%	10%	91
Total		4	48	24	2%	29%	14%	166

1.3 Members' Attendance

The Sindh Assembly does not make public the attendance record of Members. FAFEN conducts a headcount of Legislators present at the start and end of each sitting.

During the 33rd session, an average maximum of 87 Legislators were present during each of the five sittings. Members' attendance was relatively better than the the 32nd session - an average of 54 Members present at the outset and 71 at the end of each sitting.

The lowest attendance was witnessed during the 4th sitting when only 25 Members were there at the start and 67 at the close.

Sitting No.	Members Present at the Outset	Members Present at the End	Maximum Members Attending the Sitting
1st	96	80	120
2nd	53	54	82
3rd	48	66	67
4th	25	67	67
5th	46	88	98
Average	54	71	87

1.4 Key Members' Attendance

The attendance of the Speaker and Deputy Speaker in sessions is especially important since they moderate and facilitate the discussions on the floor. The Speaker chaired the proceedings for 96% of the session time while the remaining 4% was presided over by the Deputy Speaker.

The attendance of the Leader of the House (Chief Minister) is also important since he is a rallying point for other ministers and his presence when issues of national importance are being debated adds credence to any action taken in the Assembly. The Chief Minister was present in only two sittings, for 80 minutes.

All six political parties with which Members are affiliated in the Sindh Assembly are in the Government Alliance, and there is no Opposition. The parliamentary leader of MQM attended all sittings; those of the ANP, PML and PML (F) four each, and NPP and PPPP three each while the PMLF leader attended two sittings.

2.0 Parliamentary Output

This section deals with Legislation and Resolutions debated and decided during the legislative session.

2.1 Legislation

Considering Legislation on matters of national significance through careful debate and discussion is arguably an Assembly's chief and most important function. Legislation comes in the form of Government Bills, Private Member Bills and Ordinances.

2.1.1 Bills

Two Bills were brought on the Orders of Day. The Registration Sindh (Amendment) Bill was introduced while the Domestic Violence against Women and Children (Prevention and Protection) Bill 2008 was deferred. Both were presented by Private Members.

Sr. No.	Bills on the Orders of Day	Bills Debated	Status of Bills		
			Introduced	Passed	Rejected/ Not Taken Up/ Deferred
1	The Domestic Violence against Women and Children (Prevention and Protection) Bill 2008				✓
2	The Registration Sindh (Amendment) Bill 2012		✓		

2.2 Resolutions

Through Resolutions, the House expresses an opinion, makes recommendations, or conveys a message on a specific and important issue. It can also commend, condemn, urge or request government action. Resolutions can be moved by Ministers or by Private Members.

The House adopted a Resolution demanding report on Mohtarma Benazir Bhutto's assassination be published. In addition, a Resolution to set up campuses of Karachi University in Naushehro Feroz and Tharpakar was also passed.

Another Resolution on drugs regulatory authority was adopted unanimously by the House. Before the passage of the 18th amendment, which has devolved many federal subjects to the provinces, drugs control was regulated by the Federal Ministry for Health. Since the subject of health has been transferred to the federating units along with the powers to regulate drugs, it raises questions about the effectiveness of drugs control at the provincial level. The Resolution was moved under Article 144 of the constitution, which permits the provincial assemblies to make such a request to the Parliament.

Sitting No.	Resolutions
1st	Resolution calling the federal government to publish the report regarding assassination of former Prime Minister
2nd	Resolution calling the federal government for an enactment of a law – the Drugs Regulatory Authority
5th	Resolution calling the Sindh government to ensure that Karachi University establishes at least two campuses in Naushehro Feroze and Tharparkar

3.0 Government Oversight

The Question Hour gives Legislators an opportunity to question the government or other Members, like seeking answer on a ministry's follow-up on a certain Resolution or implementation of a particular piece of Legislation.

This section comprises salient information on session-wise Question Hour proceedings, such as the number of questions and supplementary questions asked, their nature etc.

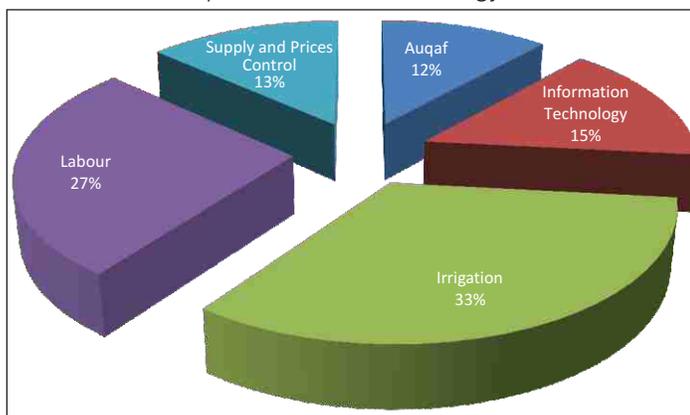
3.1 Questions and Responses

According to Rule 41 of the Rules of Procedure and Conduct of Business, "The first hour of the sitting, after the recitation from the Holy Quran and the swearing in of Members, if any, shall be available for the asking and answering of questions."

A total of 60 Starred questions (requiring oral answers) were asked during the session. Nearly half (48%) of these were taken up. An additional 173 Supplementary questions were asked.

Sitting No.	Starred Questions	Starred Questions taken up by the House	Supplementary Questions
1st	7	7	35
2nd	9	5	30
3rd	8	7	26
4th	16	5	44
5th	20	5	38
Total	60	29	173

A third of the Starred questions were put to the Ministry of Irrigation and over a quarter to the Ministry of Labour. The remaining 24, were directed to the Ministries of Auqaf, Information Technology, and Bureau of Supply and Prices Control.



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, the instances of protests, walkouts or boycotts during the session.

4.1 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 Speaker's or Chair's ruling on the issue.

The Points of Order, on average, consumed 28 minutes per sitting. A maximum of 35 POs were raised during the 2nd sitting and only three in the 4th.

Sitting No	Points of Order	Time Consumed
1st	9	18
2nd	35	72
3rd	5	15
4th	3	5
5th	12	28
Total	64 POs	138 minutes

Speeches by Members and Treasury rejoinders on Points of Order consumed 20% of the total session time otherwise allocated for regular Agenda. POs are wrongly used to bring constituency-related issues in particular and national ones in general, to the floor. None of the POs attracted a formal ruling from the Chair, and thus did not contribute to any Assembly output.

However, the subjects of POs often provide an insight into the representational priorities of the MPAs as is evident from the table below. The most POs were about the media, followed by the business of the House and miscellaneous affairs. Doctors' employment and education also attracted attention with six and five POs being raised respectively.

Members belonging to the PPPP raised the most POs (40) while 12 were raised by those affiliated with the MQM, five each by PMLF and PMLQ Members, and one each by ANP and NP. The female parliamentarians raised only 10 POs—four each by those representing the PPPP and PMLF, and one each by MQM and PMLF.

Sr. No.	Issues	ANP		MQM		NPP		PMLF		PML		PPPP		Total
		Male	Female											
1.	Business of the House	0	0	1	0	0	0	0	1	0	0	7	0	9
2.	Child Rights	0	0	0	1	0	0	0	0	0	0	0	0	1
3.	Conduct of Members	0	0	0	0	0	0	0	0	0	0	2	0	2
4.	Criticism on the Chief Minister	0	0	0	0	0	0	0	0	0	0	1	0	1
5.	Doctors' Employment Issue	0	0	2	0	0	0	1	1	1	0	1	0	6
6.	Education	0	0	0	0	0	0	0	1	0	0	3	1	5
7.	Employment	1	0	0	0	0	0	0	0	0	0	1	0	2
8.	Energy	0	0	0	0	0	0	0	0	1	0	0	0	1
9.	Health	0	0	1	0	0	0	0	0	0	0	0	1	2
10.	Karachi Municipal Corporation	0	0	1	0	0	0	0	0	0	0	0	0	1
11.	Language	0	0	0	0	0	0	0	0	0	0	0	1	1
12.	Law and Order	0	0	0	0	0	0	0	0	0	0	1	0	1
13.	Media	0	0	4	0	1	0	0	0	2	0	9	0	16
14.	Miscellaneous Affairs	0	0	1	0	0	0	0	1	0	0	6	0	8

Sr. No.	Issues	ANP		MQM		NPP		PMLF		PML		PPPP		Total
		Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	
15.	Performance of the Sindh Assembly	0	0	0	0	0	0	0	0	0	0	1	0	1
16.	Police Violence	0	0	0	0	0	0	0	0	0	1	0	0	1
17.	Precautionary Measures for Natural Calamities	0	0	0	0	0	0	0	0	0	0	1	1	2
18.	Road Accidents	0	0	1	0	0	0	0	0	0	0	1	0	2
19.	Senate Elections	0	0	0	0	0	0	0	0	0	0	2	0	2
Total		1	0	11	1	1	0	1	4	4	1	36	4	64

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.

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.

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 in 200 National Assembly constituencies in 119 districts across Pakistan.

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