



FAFEN Parliament Monitor



36th Session
Budget Session

Provincial Assembly of Sindh
(April 23 - May 8, 2012)



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

The passage of the budget 2012-13 in the Sindh Assembly was swift and unperturbed - the entire membership being on the treasury benches. In this 36th session, the legislators spent 72% of the total time debating the budget.

The Finance Minister presented the budget during the third sitting in a speech that lasted an hour and 35 minutes. No Cut Motions, which are used to express dissatisfaction on the budgetary proposals, were moved during the session.

Overall 90 MPAs, among them 19 women, expressed their opinion on the budget for 23 hours and four minutes. No female parliamentarians representing the NPP and PML took part in the debate. The 11th sitting turned out to be the longest, spanning eight hours and 23.

Sixty percent (55 out of 92) MPAs representing the Pakistan Peoples Party Parliamentarians (PPPP) took part in the debate on budgetary proposals. Others who did so were from Muttahida Quami Movement (MQM) 45% (23 out of 51); Pakistan Muslim League (PML) 40% (four out of 10); Pakistan Muslim League Functional (PMLF) 63% (five out of eight) and all three National Peoples Party (NPP) Members. However, the two Awami National Party (ANP) legislators remained silent.

The PPPP MPAs took almost 845 minutes to express their views on the budget while the MQM legislators needed 376 minutes; PMLF 79 minutes; NPP 48 minutes and those from the PML 36 minutes.

The Assembly met for 37 hours and 47 minutes and comprised 11 sittings from June 7 to June 25. Each sitting lasted an average three hours and 26 minutes, with each facing an average delay of an hour and 28 minutes.

The Chief Minister attended five sittings for 532 minutes while the parliamentary leader of MQM attended 10; ANP and PMLF (eight each), NPP (five) and the PML leader attended four.

Since the Sindh Assembly Secretariat does not make the attendance records of its Members public, FAFEN conducts a headcount of legislators at the beginning and end of each sitting. During the budget session the participation and attendance of the legislators registered improvement.

On average 23 Members were present at the start of each sitting and 65 at the end. A total of 109 Members (65% of total House strength) were present during the 11th sitting when the budget was passed.

The Speaker chaired the proceedings for 39% of the session time and the Deputy Speaker did so for 50% of the time. The remaining portion (11%) was chaired by Members of the Panel of Chairpersons.

The House adopted three Resolutions. The first called upon the Federal Government to enact a law on Plant Breeders Rights Protection. The second was to express sympathy with the families of soldiers buried by an avalanche at Siachen. The Assembly also adopted a Resolution calling for strict measures against extortionists and terrorists, and providing adequate security and protection to the business community in Sindh.

Additionally, the House passed the Habib University Bill 2012 and the Shaheed Zulfikar Ali Bhutto Institute of Science and Technology (Amendment) Bill 2012. A total of 50 Points of Order consumed 6% (125 minutes) of the session time. However, none of these attracted the Chair's formal ruling. Unless the Chair gives a formal ruling on a Point of Order, it does not contribute to any Assembly output.

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.

Fifty-five out of 99 Starred Questions (requiring oral replies) appearing on the agenda were taken up and responded to by the relevant ministries. Moreover, 136 Supplementary Questions were also asked.

During the sixth sitting that lasted 22 minutes, 31 Members offered condolences on the death of MNA Fauzia Wahab. This was the shortest sitting of the session.

Protesting against the law and order in Karachi, the MQM legislators staged three walkouts that consumed 44 minutes.

1.0 General Debate on Budget

According to the Rules of Procedure and Conduct of Business, the Assembly may discuss the budget on days allotted specifically for this, as a whole or any question of principle involved therein. However, no motion can be moved at this stage nor can the budget be submitted for the vote of the Assembly.

The debate on budget consumed 11 sittings of the session. On the days the budget is presented and debated, no other agenda is considered by the House.

1.1 Participation

Presented in the third sitting, the debate on the budget lasted from fourth to 11th sitting. During the 19-day budget session - consuming 37 hours and 47 minutes - the Finance bill was discussed for 23 hours and four minutes (72% of the total session time).

Lawmakers of the Pakistan Peoples Party Parliamentarians (PPPP) and Muttahida Qaumi Movement (MQM) - the two largest parties in the House - spent 61% (14 hours and five minutes) and 27% (six hours and 16 minutes) debating the budget proposal. The legislators representing the Pakistan Muslim League-Functional (PML-F) shared their views for 6% (an hour and 19 minutes) of the budget discourse, National Peoples Party (NPP) 3% (48 minutes), and the Pakistan Muslim League (PML) 3% (36 minutes).

The budget was debated the longest - seven hours and 25 minutes - during the 11th sitting, the day it was passed by the House.

In the Assembly which has a current total membership of 166, a little more than half (54%, 90 members) expressed their views on the budget. No Awami National Party (ANP) lawmakers contributed to the budget debate. All three NPP members debated the budget, followed by 63% participation by PMLF (five out of eight members), PPPP 60% (55 out of 92 members), MQM 45% (23 out of 51 members) and PML 40% (four out of 10 members).

Overall 76 legislators (46%) did not take part in the budget debate.

Sitting No.	MQM	NPP	PML	PMLF	PPPP	Total	Total Sitting Time	%age of Total Sitting Time
4th	46	-	-	-	57	103	200	52%
5th	36	-	-	-	53	89	154	58%
6th	12	-	12	-	26	50	110	45%
7th	31	20	-	-	62	113	213	53%
8th	43	-	-	19	97	159	230	69%
9th	25	-	5	15	48	93	120	78%
10th	103	12	-	27	190	332	383	87%
11th	80	16	19	18	312	445	503	88%
Total	376	48	36	79	845	1384	1913	72%
Percentage	27%	3%	3%	6%	61%	100%		

1.2 Gender-wise Participation

A little more than half (52%, 71) male parliamentarians and nearly two third (63%, 19) female legislators actively participated in these discussions. Sixty five male and 11 female parliamentarians stayed away from the budget debate.

No female legislators representing the NPP and PML participated in the budget proceedings. A maximum of 14 female PPPP Members debated the budget for two hours and 49 minutes, followed by three from the MQM (42 minutes) and two female PMLF members who spoke for 28 minutes.

The male legislators from all parties participated in the budget discourse, PPPP taking the lead with 41 of their members debating for 11 hours and 16 minutes. They were followed by MQM (20 members, five hours and 34 minutes), PML (four members, 36 minutes) and three members each of NPP (48 minutes) and PMLF (36 minutes).

Sr. No.	Political Party	Total Number of Members in Assembly by Party	Members Participating in Budget Debate	Members Participating in Budget Debate (%)	Members not Participating in Budget Debate	Members not Participating in Budget Debate (%)
1	Male	136	71	52%	65	48%
2	Female	30	19	63%	11	37%
Total		166	90	54%	76	46%

1.3 Session Time and Members' Participation

This section deals with the duration the Sindh Assembly met during the budget session; the attendance of members, their participation and maintenance of quorum – at least 1/4th (42) of the total membership. The participation of legislators is recorded when they take part in the proceedings of the House, or submit an agenda item. It also reviews the presence of the Speaker, Deputy Speaker, Chief Minister, and Leader of the Opposition and parliamentary leaders. The Assembly also meets on Saturdays on days the finance bill is under consideration.

1.4 Session Time

The 19-day budget session, from June 7 to 25, consumed 37 hours and 47 minutes - an average of three hours and 26 minutes per sitting. The 11th sitting, during which the Finance Bill was passed, was the longest, spanning eight hours and 23 minutes while the second was the shortest and lasted only an hour and 47 minutes.

All 11 sittings witnessed late starts with an average delay of an hour and 28 minutes. The second sitting faced the longest delay of two hours and three minutes while the minimum delay of 54 minutes was recorded for the fifth sitting.

Day & Date	Sitting No.	Late Starts	Hours	Minutes
Thursday, June 07	1st	80	2	10
Friday, June 08	2nd	123	1	47
Monday, June 11	3rd	68	1	57
Thursday, June 14	4th	95	3	20
Friday, June 15	5th	54	2	34
Monday, June 18	6th	100	1	50
Tuesday, June 19	7th	80	3	33
Wednesday, June 20	8th	93	3	50
Friday, June 22	9th	98	2	0
Saturday, June 23	10th	93	6	23
Monday, June 25	11th	89	8	23
Total		Average an hour and 28 minutes delay		37 hours and 47 minutes

1.5 Attendance

The Sindh 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 Sindh Assembly saw a higher member count during the budget session as 23 (14% members), on average, were there at the beginning and 65 (39% members) at the end of each sitting. The quorum (minimum 42 members) was effectively met as a maximum 85 members, on average, were present at some point during the session.

Of all the six Houses, the Sindh Assembly has a maximum nine seats for minorities. The attendance of legislators' representing minorities was high with an average six members present during the budget session.

The Finance Bill was passed during the 11th sitting when 17 (10%) members were present at the outset and 102 (61%) at the end. At one point a maximum 109 (66%) members were present in the House.

Sitting No.	Members present at the Outset	Members at the End	Maximum Members	Minority Members
1st	35	65	86	7
2nd	25	72	87	6
3rd	79	147	149	9
4th	14	70	80	5
5th	4	45	63	5
6th	19	45	78	4
7th	14	54	70	6
8th	9	24	66	7
9th	23	57	76	5
10th	13	32	73	6
11th	17	102	109	7
Average	23	65	85	6

1.6 Key Members' Attendance

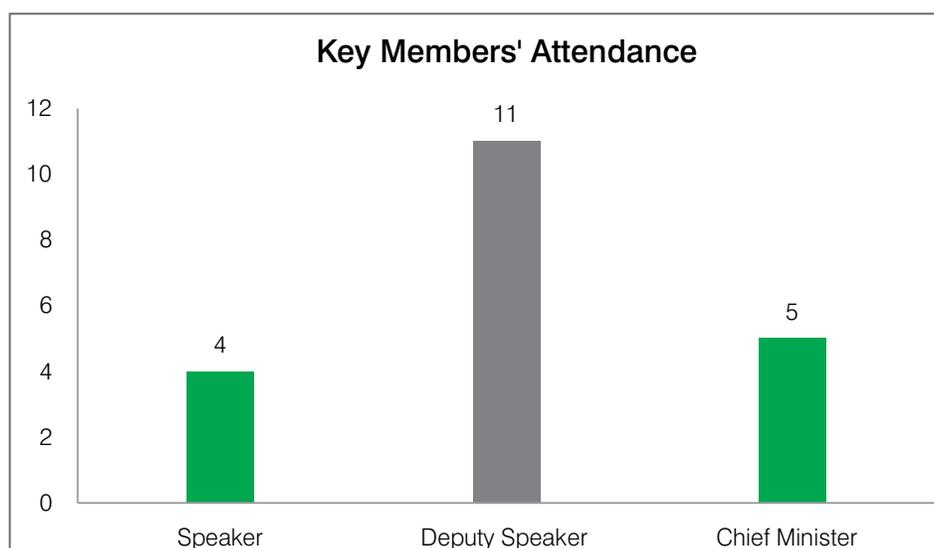
Attendance in sittings is crucial for members holding important portfolios (Speaker, Deputy Speaker, Chief Minister and the Leader of the Opposition) to perform their legislative and representative roles.

The Sindh Assembly has been functioning without an opposition leader since June 2011 when the PMLF joined the treasury benches. An active opposition in any elected legislature is a must for improving the standard of the proceedings and also to give the constituents an alternative view on the governance.

The Chief Minister attended five sittings for 23% (eight hours and 52 minutes) of the session time.

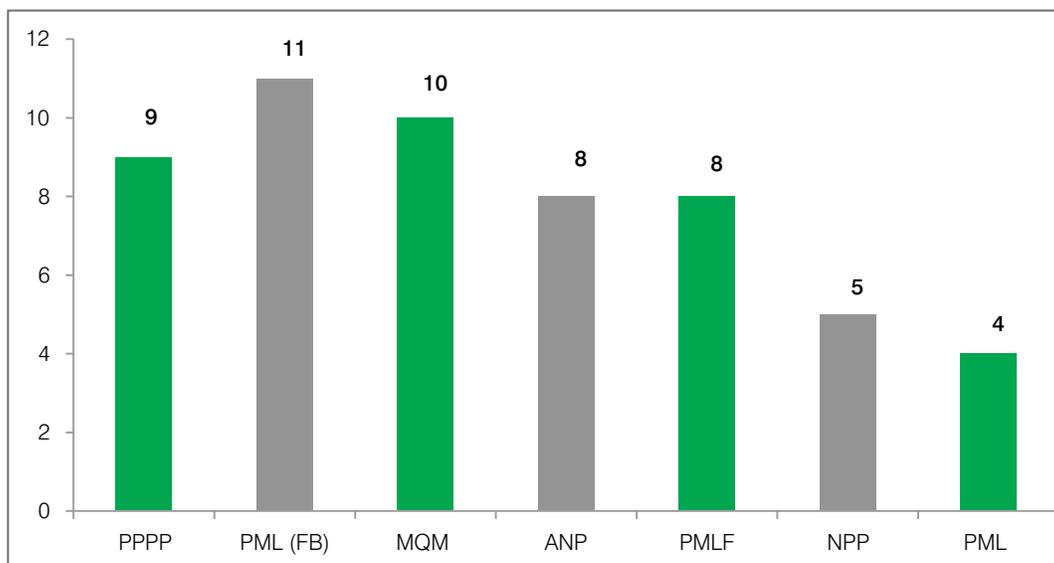
The Speaker chaired four sittings for 39% (14 hours 52 minutes) of the total session time whereas the Deputy Speaker presided 50% (18 hours 55 minutes) of the total session time. The remaining 11% portion (4 hours) was chaired by the Panel of Chairpersons, who attended all the sittings.

On the day the budget was approved the Speaker presided over 81% (408 minutes) of the sitting time whereas the Deputy Speaker did so for 19% (95 minutes).



The business of a legislature 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 of PMLF (B) attended the entire session, followed by MQM (10 sittings,91%), PPPP (9 sittings,82%), ANP and PMLF (8 sittings,73%), NPP (5 sittings, 45%), PML(4 sittings, 36%).



2.0 Representation, Responsiveness and Government Oversight

This section deals with legislators' efforts to represent the interests of their constituents through questions submitted during the Question Hour, and ministers' responsiveness to those questions. In a budget session, instruments of government oversight cannot be utilized on days the budget is presented or debated by the House. Cut Motions - a tool of showing dissatisfaction with the Finance Bill - in the absence of an opposition, were not utilized during the 36th session.

2.1 Questions and Responses

Question Hour provides members an opportunity for executive oversight. Answers may be demanded in written or oral form, referred to as unstarred or starred questions respectively.

A total of 55 starred questions (nine per sitting) out of 99 on the agenda were taken up during the session. When a starred question has been answered, a member may ask supplementary questions; 136 such queries were asked by members. No questions were asked during the 3rd and 11th sittings.

Sittings No.	Starred Questions	Starred Questions taken up	Supplementary Questions
1st	21	11	5
2nd	4	4	10
3rd	0	0	0
4th	22	5	30
5th	14	6	15
6th	7	5	17
7th	11	11	25
8th	11	11	28
9th	4	0	0
10th	5	2	6
11th	0	0	0
Total	99	55	136

Female members were more active in engaging with the executive for accountability since 69 of the total 99 starred questions were asked by female parliamentarians, compared to 30 asked by their male counterparts. This held true in terms of party wise breakdown as well, since female members of the MQM, PMLF and PPPP asked the bulk of the starred

questions, rather than their male colleagues, with the exception of 22 questions by NP members, which were all asked by male parliamentarians.

Ministry Concerned	MQM		NPP		PMLF		PPPP		Total	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
Agriculture	7	3	-	5	4	-	2	-	13	8
Coal & Energy Development	3	-	-	-	3	-	-	-	6	0
Environment	-	-	-	-	4	-	-	-	4	0
Food	2	2	-	4	6	-	-	-	8	6
Irrigation	1	-	-	4	2	-	-	-	3	4
Land Utilization	1	-	-	4	-	-	-	-	1	4
Mines & Minerals Development	4	1	-	1	3	-	6	1	13	3
Planning and Development	7	1	-	1	2	-	-	-	9	2
Social Welfare	-	-	-	-	2	-	-	-	2	0
Works & Services	5	-	-	3	3	-	-	-	8	3
Zakat and Ushr	2	-	-	-	-	-	-	-	2	0
Total	32	7	0	22	29	0	8	1	69	30

Various issues of national importance were the subject of the starred questions – the most number of questions pertained to agriculture, 21 in all, asked by at least two members of all parties, followed by food (14) asked by all parties except the PPPP. Interestingly, only six questions pertained to energy related issues, and were all asked by female members; three each from the MQM and PMLF.

3.0 Parliamentary Output

This section is about legislation and resolutions debated and approved during the session. According to the rules and procedures in the Sindh Assembly no other business except government resolutions and legislation are transacted during the budget session.

3.1 Legislation

Considering Legislation on matters of national significance through careful debate and discussion is arguably a legislature's chief function. Legislation comes in the form of government and private member bills and ordinances.

3.1.1 Bills

The House passed two government bills - the Shaheed Zulfikar Ali Bhutto Institute of Science and Technology (Amendment) Bill 2012 and the Habib University Bill 2012. Additionally five more government bills were introduced during the session.

Sr. No.	Government Bills on the Orders of the Day	Bills Debated	Status of Bills		
			Bills Introduced	Bills Passed	Bills Rejected/ Not Taken Up/ Deferred
1	The Shaheed Zulfikar Ali Bhutto Institute of Science and Technology (Amendment) Bill 2012	Debated by the House	-	Passed	-
2	The Habib University Bill 2012	Debated by the House	-	Passed	-
3	The Education City Bill, 2012	-	Introduced	-	-
4	The Sindh Coal Bill, 2012	-	Introduced	-	-
5	The Lyari and The Malir Development Authorities (Revival and Amending) Bill, 2009	-	Introduced	-	-
6	The Shaheed Benazir Bhutto University of Veterinary and Animal Sciences Sakrand Bill 2012	-	Introduced	-	-
7	The Lyari and The Malir Development Authorities (Revival and Amending) Bill 2012	-	Introduced	-	-

The Shaheed Zulfikar Ali Bhutto Institute of Science and Technology (Amendment) Bill 2012

During the first sitting the Sindh law minister presented the Shaheed Zulfikar Ali Bhutto Institute of Science and Technology (Amendment) Bill 2012, which was unanimously passed. The amendment would entrust more authority to the institute's directors.

The Shaheed Zulfikar Ali Bhutto Institute of Science and Technology (SZABIST) was established under law (Sindh Act No. XI of 1995) to provide high quality science and technological education to the public, and also to perform state-of-the-art research and development in order to uplift and support the private and public sector.

The Habib University Bill 2012

Also passed unanimously, the bill aims for establishing a private university in Karachi which will be administered by the Habib Foundation. It has been assigned this task on the basis of its excellence in social service within the province.

3.2 Resolutions

Through resolutions, the House expresses its opinion, makes recommendations, or conveys a message on a definite and important issue. In the Sindh Assembly, a member or a minister may move a resolution after giving a three-day notice of his intention to do so.

The House adopted three treasury-backed resolutions during the session.

The first resolution was regarding reauthorization of the Plant Breeders Rights Act 2010. Since Pakistan is a signatory to the World Trade Organization (WTO), it is required to enact a law upholding the rights of plant breeders. As the existing law falls under the domain of the provincial government, the parliament has no authority to enact it until one or more provincial assemblies' pass a resolution to authorize the parliament to enact such law under article 144 of the constitution.

Another resolution paying tribute and honouring the services of soldiers buried by an avalanche at Siachen was jointly presented by lawmakers of NPP, PPPP, MQM and PMLF during the second sitting. A single male MQM legislator tabled the third resolution urging the government to take strict measures against extortionists and terrorists, and providing adequate security and protection to the business community in Sindh.

Sr. No.	Sitting No.	Party	Gender	Resolutions	Status
1	1st	PPPP	Single Male	The House urges the government to enact a law on Plant Breeders Rights Protection by Parliament	Adopted
2	2nd	NPP PPPP MQM PMLF	Jointly Male and Female	The House pays tribute to the soldiers who lost their lives in the Siachen incident	Adopted
3	2nd	MQM	Single Male	The House urges the Government to take strict measures against extortionists and terrorists in Sindh.	Adopted

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 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 a legislature's business is underway, and usually requests the Chair's ruling on the issue. Points of Order must never deal with non-procedural issues.

As many as 50 Points of Orders, an average five per sitting, were raised during the session consuming 6% (125 minutes) of the session time. No Points of Order were raised during the third sitting when the budget was presented. A maximum of 11 POs were raised during the second sitting.

Sitting No.	Points of Order	Time Consumed
1st	6	14
2nd	11	20
3rd	0	0

Sitting No.	Points of Order	Time Consumed
4th	6	13
5th	5	13
6th	1	2
7th	8	34
8th	5	11
9th	1	2
10th	4	10
11th	3	6
Total	50 Points of Order	125 Minutes

4.2 Protests, Boycotts and Walkouts

The MQM, the second largest party in the House, staged all three walkouts, consuming a small chunk (2%, 44 minutes) of the session time. The first and the longest walkout (33 minutes) was about the deteriorating law and order situation in Karachi. On another occasion, a three-minute token walkout was staged to protest the indiscriminate firing in Shershah Market that left 10 people dead and a dozen injured. The party also walked out for eight minutes during the 7th sitting to protest the death of its party workers during the current spate of terror attacks in Karachi.

The MQM, during the course of the budget session, threatened to abandon the PPP-led coalition if the government did not take necessary measures to ensure peace in Karachi.

Sitting No.	Party	Reason	Time (minutes)	Protest/Walkout/Boycott
1st	MQM	Against the law and order in Karachi	33	Walkout
4th	MQM	Against the killings at Shershah Market in Karachi	3	Walkout
7th	MQM	Against the law and order situation and killing of party workers in Karachi	8	Walkout
Total time			44 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.

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.

List of Business

"List of Business" 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
- 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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