PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

FAFEN PARLIAMENT MONITOR

20th SESSION

August 3–15, 2016

Free and Fair Election Network
www.fafen.org

LIST OF ABBREVIATIONS

ANP	Awami National Party
CAN	Call Attention Notice
CM	Chief Minister
JI	Jamaat-e-Islami
PML-N	Pakistan Muslim Leaguse - Nawaz
JUI-F	Jamiat Ulema-e-Islam
PO	Points of Order
PPPP	Pakistan People's Party Parliamentarian
PTI	Pakistan Tehreek-e-Insaf
QWP-S	Qoumi Wattan Party - Sherpao

EXECUTIVE SUMMARY

The 20th session of the Khyber Pakhtunkhwa (KP) Assembly witnessed low attendance of lawmakers and less interest in submitting agenda items as certain rules were suspended several times to accommodate non-agenda items, especially the resolutions.

Interestingly, none of the resolutions adopted by the House was on the List of Business of the House. According to Rule 124 of the Rules of Procedure of KP Assembly, a Private Member, who wishes to move a resolution, shall give fifteen days' notice of his intention to do so and shall submit, together with the notice, a copy of the resolution which he intends to move. However, the members frequently took the advantage of Rule 240, requesting the Speaker to suspend the relevant rules and accommodate their resolutions.

The frequent use of Rule 240 by the members shows lawmakers' lack of interest in submitting agenda items on time as well as following the Assembly rules.

The session, comprising six sittings, started on August 3, 2016 and concluded on August 15, 2016. On average, each sitting started 35 minutes behind the schedule and lasted an hour and 47 minutes.

According to FAFEN's observation of the Assembly proceedings, the lawmakers' attendance remained low throughout the session – with an average of 34 (25%) members present at the start and 43 (35%) at the end of each sitting. The quorum was pointed out thrice and found complete on one occasion (1st sitting), while it was found incomplete during the fifth sitting and the proceedings could be resumed only after the prayer's break. The sixth session was prorogued sine die without completing the agenda due to lack of quorum.

The House passed six government bills and adopted eight resolutions during the entire session. The passed government bills included the KP Ehtesab Commission (Amendment) Bill, 2016; the KP Prevention of Conflict of Interest Bill, 2016; the KP Universities (Amendment) Bill, 2016; the KP Galiyat Development Authority Bill, 2016; the KP Local Government (Amendment) Bill, 2016 and the KP Limitation (Amendment) Bill, 2016.

Following are the Statements of Objects and Reasons of these bills:

1. The KP Ehtesab Commission (Amendment) Bill, 2016 allows to recommend corrective measures about ongoing projects without affecting the work being carried out on these projects. It authorizes the commission to use authority only in projects having worth Rs 50 million and above.
2. The KP Prevention of Conflict of Interest Bill, 2016 has the purpose to establish clear conflict of interest and related post-employment principles for public office holders, to prevent and minimize the possibility of conflicts arising out between the private interests and public duties of public office holders in the province.
3. The KP Universities (Amendment) Bill, 2016 defines the qualification criterion for a vice chancellor and procedure for his removal procedure.
4. The KP Galiyat Development Authority Bill, 2016 had the purpose to reconstitute and reorganize Galiyat Development Authority (GDA) having autonomy for development of Galiyat areas.
5. The KP Local Government (Amendment) Bill, 2016 is aimed at amending the KP Local Government Act 2013 with amendments in sub-section (2) of section 79 and sub-section (2) of section 84.
6. The KP Limitation (Amendment) Bill, 2016 is aimed at amending the Limitation Act, 1908.

The eight bills introduced in the House included the KP Tuberculosis Notification Bill 2016; the KP Higher Education Academy Research and Training Bill, 2016; the KP Tibb and Homeopathic Employees (Appointment) Bill , 2016; the KP Provincial Ombudsman (Amendment) Bill, 2016 ; the KP Faculty of Paramedical and Allied Health Sciences Bill, 2016; the KP Prohibition of Interest on Private Loans Bill, 2016; the Land Acquisition (KP) (Amendment) Bill, 2016 and the KP Adhoc Employees of Directorate of

Information Technology (Regularization of Service) Bill, 2016.

Following are the Statements of Objects and Reasons of these bills:

1. The KP Tuberculosis Notification Bill 2016 aims to declare tuberculosis as a notifiable disease through registered hospitals, clinics, doctors and physicians as well as community representatives. It proposes valuable actions to prevent the spread of tuberculosis disease in the province.
2. The KP Higher Education Academy Research and Training Bill, 2016 notes to establish Higher Education Academy for research and training for the purpose of capacity building of the academic and managerial staff of the higher education, archive and libraries department.
3. The KP Tibb and Homeopathic Employees (Appointment) Bill, 2016 seeks to regularize the matters related to the appointment of Tibb and Homeopathic employees in Health Department. It also proposes regularization of employees who were appointed on ad-hoc basis in 2007 under the Health Department's Project Establishment of Homeo Tibb-e-Islami dispensaries in Khyber Pakhtunkhwa.
4. The KP Provincial Ombudsman (Amendment) Bill, 2016 proposes 10 amendments in various sections of the KP Ombudsman Act, 2010, including addition of new Section (7A) for Grievance Commission.
5. The KP Faculty of Paramedical and Allied Health Sciences Bill, 2016 has the purpose to re-constitute and re-organize the KP Medical Faculty established under the Medical Degree Act, 1916. It is aimed at raising standard of training, examination, research and improving administration and registration method of Paramedics and Allied Health Professionals.
6. The KP Prohibition of Interest on Private Loans Bill, 2016 prohibits the business and practices of private money-lending and advancing loans and transactions based on interest.
7. The Land Acquisition (KP) (Amendment) Bill, 2016 aims at amending the Land Acquisition Act 1894 in order to utilize the land of industries privatized or sold by Provincial government or Federal government.
8. The KP Adhoc Employees of Directorate of Information Technology (Regularization of Service) Bill, 2016 suggests for regularization of service of certain employees appointed on adhoc basis in the KP Directorate of Information Technology.

The House witnessed presentation of the KP Taking Over of the Industrial Estate or Economic Zones Ordinance 2016 which is about abolishing the Khyber Pakhtunkhwa Development Authority and transferring its assets and employees to the KP Economic Zones Development and Management Company. Another Ordinance – the Khyber Pakhtunkhwa Police Ordinance, 2016 – was not laid before the House.

A bill - the KP Prohibition of Tobacco and Protection of Non-Smoker Health Bill, 2016 – was deferred while another bill – the KP Taking Over of the Industrial Estate or Economic Zones Bill, 2016 – was not taken up by the House.

The Chief Minister attended two sittings consuming 27% of the session's time while the Opposition Leader attended four out of six sittings consuming 78% of the entire proceedings.

The Speaker and the Deputy Speaker remained present in five sittings and presided over 78% and 18% of the entire proceedings, while four percent of the session time was consumed in breaks. Among the parliamentary leaders in the House, JI leader attended five sittings followed by PML-N & ANP (4 sittings each) and PPPP & QWP-S (3 sittings each).

The House took up eight CANs addressed to the Ministries of Health, Irrigation, Housing and Works, Law and Planning and Disaster Management. These CANs were to review the Rules of Business drafted before 18th Amendment; dilapidated health infrastructure at Rural Health Centre Sharingal in Dir; epidemic disease among children in Laponai, Shangla; non-payment to those whose lands were acquired for construction of a small dam near Abbottabad; non-allotment of plots to the members registered by provincial government for housing scheme at

Jalozai; defective machinery at Department of Neurology Hayatabad Medical Complex; construction of new Balakot City and formation of a committee to identify loopholes in various laws.

Meanwhile, the House adopted eight resolutions. Of these, two resolutions condemned the terrorist attack in Madina Munawara, suicide attack in Balochistan and killing of the Quetta Bar President. The remaining six resolutions demanded of the government to resolve problems of the Overseas Pakistanis in Saudi Arabia; to ban usage of objectionable material or derogatory language on social media; to declare July 8 as National Charity Day in connection with the passing away of eminent social worker Abdul Sattar Edhi; to implement riba-free system in the country; to avoid usage of short abbreviations for Islamic names and Holy places and to give autonomy to the Khyber Pakhtunkhwa over tobacco related issues for being largest tobacco production province.

The House rejected a disapproval resolution on the Galiyat Development Authority Ordinance, 2016 while another resolution regarding investigation in an honor killing case in an area of district Lower Dir was deferred.

The lawmakers raised 13 Points of Order that consumed 29 minutes of the session's time. Out of 29 Starred Questions, only eight (28%) were taken up and responded to by the relevant ministries/departments. The legislators also raised three Supplementary Questions to gain further clarity on the government's responses.

The House debated an Adjournment Motion on the sense of deprivation among the people of South Districts despite having huge natural resources. A JUI-F lawmaker while sponsoring the AM took six minutes to express views while the Provincial Minister for Law spoke on it for five minutes.

A total of six reports by various standing committees were presented in the House. Three among them were related to the legislative proposals while one each was about health, finance, and agriculture sectors. The Public Accounts Committee report on the accounts of Khyber Pakhtunkhwa Government for the year 2010-11 and 2012-13 was also presented in the House.

Two instances of walk out were witnessed during the session. The entire opposition staged a walkout for 12 minutes during the fourth sitting when the chair did not allow an ANP lawmaker to speak on KP Local Government (Amendment) Bill, 2016. Similarly, the opposition lawmakers staged another walkout during the last sitting against the Leader of the House who allegedly did not give them time to listen to their grievances on funds related issues despite his prior commitment. Their walkout led to lack of quorum and announcement of the prorogation of the session.

SECTION 1

SESSION TIME AND ATTENDANCE

This section gives a statistical overview of the session covering the number of sittings, duration of sittings, attendance and participation of members in the House proceedings.

Total Sittings	Session Duration	Average Delay	Total Break
6	10 hours 42 minutes	35 minutes	24 minutes

SITTING DATE, DURATION AND ATTENDANCE

The session, comprising six sittings, started on August 3, 2016 and concluded on August 15, 2016. On average, each sitting started 35 minutes behind the schedule and lasted an hour and 47 minutes.

1 Aug 3, 2016

Total Time (hh:mm)	Late Start (hh:mm)
1:49	0:51

Minority Members	Maximum Members	Members at Adjournment	Members at Start
2	71	64	17

2 Aug 5, 2016

Total Time (hh:mm)	Late Start (hh:mm)
1:13	0:34

Minority Members	Maximum Members	Members at Adjournment	Members at Start
2	73	62	50

3 Aug 8, 2016

Total Time (hh:mm)	Late Start (hh:mm)
1:56	0:40

Minority Members	Maximum Members	Members at Adjournment	Members at Start
2	48	38	35

4 Aug 10,2016

Total Time (hh:mm)	Late Start (hh:mm)
1:31	0:12

Minority Members	Maximum Members	Members at Adjournment	Members at Start
1	50	44	32

5 Aug 12,2016

Total Time (hh:mm)	Late Start (hh:mm)
3:21	0:36

Minority Members	Maximum Members	Members at Adjournment	Members at Start
1	43	19	34

6 Aug 15, 2016

Total Time (hh:mm)	Late Start (hh:mm)
0:52	0:38

Minority Members	Maximum Members	Members at Adjournment	Members at Start
2	39	29	34

KEY MEMBERS ATTENDANCE

SPEAKER

Sittings Attended
5

Presided Time (hh:mm)
8:22

DEPUTY SPEAKER

Sittings Attended
5

Presided Time (hh:mm)
1:56

CHIEF MINISTER

Sittings Attended
2

Attended Time (hh:mm)
2:55

LEADER OF OPPOSITION

Sittings Attended
4

Attended Time (hh:mm)
8:19

The Panel of Chairpersons attended all six sittings

PARLIAMENTARY LEADERS ATTENDANCE

Inayat Ullah

JI

attended **5** sittings

Sardar Hussain Babak

ANP

attended **4** sittings

Sardar Aurangzeb

PML-N

attended **4** sittings

Sikandar Hayat Khan

QWP-S

attended **3** sittings

Muhammad Ali Shah

PPPP

attended **3** sittings

SECTION 2

REPRESENTATION, RESPONSIVENESS AND GOVERNMENT OVERSIGHT

This section gives statistical as well as qualitative overview of legislator's interventions in the House – Call Attention Notices (CANs), Questions, Adjournment Motions or any other motions – for the oversight of government and to articulate issues of public interest and importance.

Question Hour	Adjournment Motion	CANs
29	1	8

QUESTIONS

Out of 29 Starred Questions, only eight (28%) were taken up and responded to by the relevant ministries/departments. The legislators also raised three Supplementary Questions to gain further clarity on the government's responses.

29
Questions

29
Starred Questions

0
Unstarred Questions

The members also asked 3 supplementary questions.

8
Taken Up

21
Not Taken Up

ADJOURNMENT MOTION

As per Rule 69 a motion for an adjournment of the business of the assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker.

DEBATED

Mufti Said Janan
JUI-F
The sense of deprivation among the people of South Districts despite having huge natural resources.

Following this adjournment motion, the House decided to constitute a committee headed by speaker to look into the issue.

CALLING ATTENTION NOTICES

According to sub-rule 52-A, a Member may with the previous permission of the Speaker, 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 during the same or next sitting

The House took up eight Calling Attention Notices (CANs) addressed to the Ministries of Health, Irrigation, Housing and Works, Law and Planning and Disaster Management.

TAKEN UP CANs

Fakhr Azam Wazir

PPPP

Review the Rules of Business drafted before 18th amendment.

Nighat Orakzai

PPPP

Constitution of committee to identify loopholes in various laws

Mehmood Jan

PTI

Defective machinery at Department of Neurology Hayat Abad Medical Complex

Muhammad Rashad Khan

PML-N

Epidemic disease among children in Laponai, Shangla.

Sardar Aurangzeb

PML-N

Non-payment to those persons whose lands had been acquired for building small dam near Abbottabad

Mian Zia Ur Rehman

PML-N

Construction of new Balakot City

Muhammad Ali

JI

Dilapidated health infrastructure at Rural Health Center Sharingal, Dir

Shah Hussain

JUI-F

Non-allotment of plots to the members registered by provincial government for housing scheme at Jalozai

SECTION 3

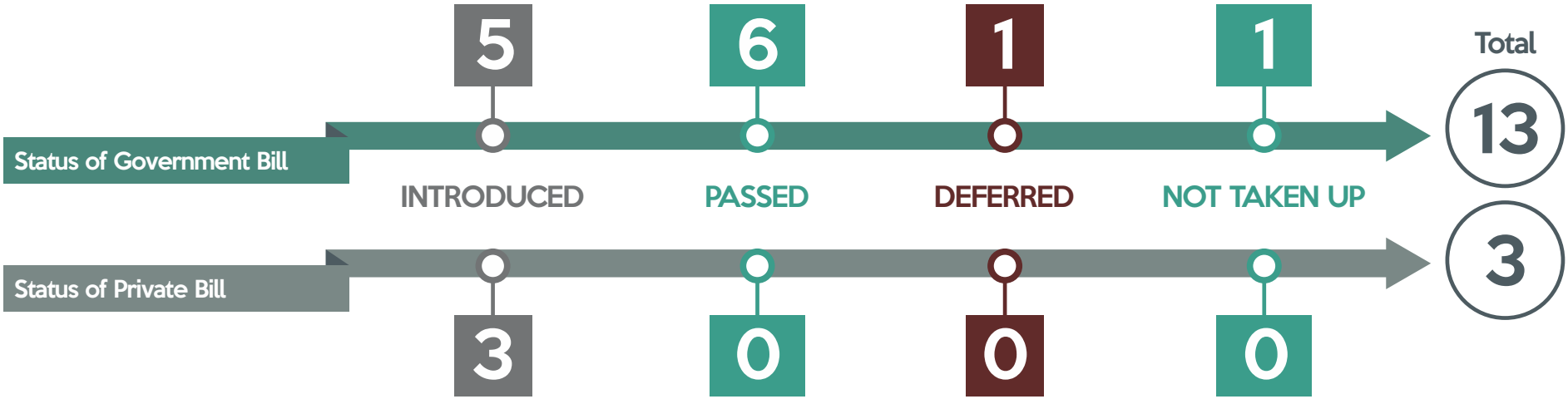
PARLIAMENTRY OUTPUT

This section deals with the legislative business, resolutions, reports and documents presented before the House during the session.

Bills on Agenda	Bills Passed	Resolutions
16	6	10

LEGISLATION

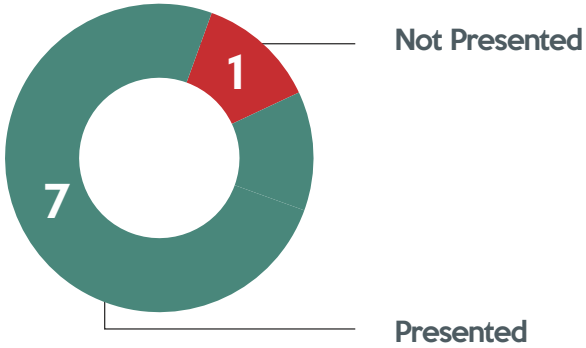
According to sub-rule 1 of Rule 78, a Minister may move for leave to introduce a Bill after giving to the Secretary a written notice of his intention to do so.



LIST OF PASSED BILLS

- The Khyber Pakhtunkhwa Ehtesab Commission (Amendment) Bill, 2016
- The Khyber Pakhtunkhwa Prevention of Conflict of Interest Bill, 2016
- The Khyber Pakhtunkhwa Universities (Amendment) Bill, 2016
- The Khyber Pakhtunkhwa Galiyat Development Authority Bill, 2016
- The Khyber Pakhtunkhwa Local Government (Amendment) Bill, 2016
- The Khyber Pakhtunkhwa Limitation (Amendment) Bill, 2016

REPORTS

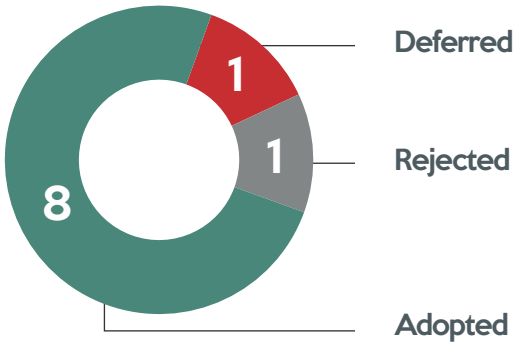


LIST OF PRESENTED REPORTS

- Report- The Khyber Pakhtunkhwa Ehtesab Commission (Amendment) Bill, 2016
- Report- The Khyber Pakhtunkhwa Universities (Amendment) Bill, 2016
- Report- The Khyber Pakhtunkhwa Prevention of Conflict of Interest Bill, 2016
- Report- The Standing Committee Report on Health
- Report- The Standing Committee Report on Finance
- Report- The Standing Committee Report on Agriculture
- Report- Public Accounts Committee on the Accounts of Government of Khyber Pakhtunkhwa for the years 2010-11 and 2012-2013

RESOLUTIONS

The House adopted eight resolutions. Of these, two resolutions condemned the terrorist attack in Madina Munawara, suicide attack in Balochistan and killing of the Quetta Bar President. The remaining six resolutions demanded of the government to resolve problems of the Overseas Pakistanis in Saudi Arabia; to ban usage of objectionable material or derogatory language on social media; to declare July 8 as National Charity Day in connection with the passing away of eminent social worker Abdul Sattar Edhi; to implement riba-free system in the country; to avoid usage of short abbreviations for Islamic names and Holy places and to give autonomy to the Khyber Pakhtunkhwa over tobacco related issues for being largest tobacco production province.



LIST OF ADOPTED RESOLUTIONS

- Resolving the problems of Overseas Pakistanis in Saudi Arabia
- Condemned terrorist attack in Madina Munawara
- Suicide attack in Balochistan and the Killing of the Quetta bar President
- Ban usage of objectionable material or derogatory language on social media.
- To declare July 8 as National Charity Day in connection with the death anniversary of Abdul Sattar Edhi.
- Urging the federal government to abolish riba (interest) system from the country
- Avoid using short abbreviations for Islamic names and Holy places.
- Give autonomy to Khyber Pakhtunkhwa over tobacco related issues for being largest tobacco production province.

SECTION 4

ORDER AND INSTITUTIONALIZATION

Order and institutionalization is important for an efficient and productive legislature. This section provides information about Points of Order and Quorum.

Points of Order

13

QUORUM

3

POINTS OF ORDER

According to the sub-rule 1 of Rule 225, a point of order shall relate to the interpretation or enforcement of these rules or such Articles of the Constitution as regulate the business of the Assembly and shall confine to a question which is within the cognizance of the Speaker.

According to the sub-rule 4, the Speaker shall decide all points of order which may arise and his decision shall be final. Similarly, sub-rule 5 says that no discussion or debate shall be allowed on any point of order but the Speaker may, if he thinks fit, hear Members before giving his decision.

The lawmakers raised 13 Points of Order that consumed 29 minutes of the session's time.

1st Sitting	2nd Sitting	3rd Sitting	4th Sitting	5th Sitting	6th Sitting
2 POs	0 POs	0 POs	5 POs	1 POs	5 POs
10 minutes consumed	0 minutes consumed	0 minutes consumed	8 minutes consumed	2 minutes consumed	9 minutes consumed

QUORUM

The quorum was pointed out thrice and found complete on one occasion (1st sitting), while it was found incomplete during the fifth sitting and the proceedings could be resumed only after the prayer's break. The sixth session was prorogued sine die without completing the agenda due to lack of quorum.

Muhammad Sheeraz
PML-N

Speaker's Action:
Ordered the bells to be rung for two minutes

Sahibzada Sanaullah
PPPP

Speaker's Action:
Ordered the bells to be rung for two minutes

Mulana Mufti Fazal Ghafoor
JUI-F

Speaker's Action:
Ordered the bells to be rung for two minutes

WALKOUT/PROTEST

Two instances of walk out were witnessed during the session. The entire opposition staged a walkout for 12 minutes during the fourth sitting when the chair did not allow an ANP lawmaker to speak on KP Local Government (Amendment) Bill, 2016. Similarly, the opposition lawmakers staged another walkout during the last sitting against the Leader of the House who allegedly did not give them time to listen to their grievances on funds related issues despite his prior commitment. Their walkout led to lack of quorum and announcement of the prorogation of the session.

About FAFEN

- FAFEN is one of the most credible networks of civil society organizations working for strengthening citizens' voice and accountability in Pakistan since 2006.
- FAFEN has harnessed information technology for real-time monitoring, facilitation and technical backstopping of partners for effective and result-based program delivery.
- FAFEN is the only civil society group to have been invited by the Judicial Commission to present the evidence of illegalities and irregularities documented through the course of General Elections 2013 Observation. The systemic and procedural issues identified by FAFEN have been acknowledged by the commission in its detailed findings.
- FAFEN's recommendations for electoral reforms have contributed to the work of Parliamentary Committee for Electoral Reforms.
- FAFEN's advocacy for parliamentary transparency, accountability and reforms has shaped public discourse on parliamentary reforms. Improved citizens' access to parliamentary information including daily public release of parliamentarians' attendance records can be directly attributed to FAFEN's work.
- FAFEN deployed 18,000 and 40,000 non-partisan and trained observers for the systematic observation of general election 2008 and 2013, respectively, largest citizens' observation ever undertaken in Pakistan.
- FAFEN's evidence and recommendations for reforms have improved the quality of public and political discourse on elections, its issues and need for reforms. Leading political parties and media houses extensively use FAFEN's election findings and analysis to build a case for reforms.
- With more than 16,500 followers on Twitter and around 72,000 on Facebook, FAFEN is considered one of the most reliable sources of electoral and parliamentary information in the country.

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