

PROVINCIAL ASSEMBLY OF
KHYBER PAKHTUNKHWA

FAFEN PARLIAMENT MONITOR 6th SESSION

March 15 – May 2, 2019



FREE AND FAIR ELECTION NETWORK
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Session
Number

6

Working
Days

38

Actual
Sittings

20

Working
Hours

43

Hours & 28 Minutes

KP Assembly Addresses 94% Agenda during sixth Session

ISLAMABAD, May 3, 2019: The Provincial Assembly of Khyber Pakhtunkhwa (KP) addressed 94 percent of its scheduled business during sixth session that comprised 20 sittings held between March 15 and May 2, 2019, observes Free and Fair Election Network in its session report.

The overall business including regular and supplementary agenda brought before the House during sixth session comprised 15 government bills, 24 resolutions, 43 Calling Attention Notices (CANs), five Question of Privileges (QoPs) and 11 discussions on issues of public importance. Nearly 71 percent of the House business was included on the List of Business while the remaining 29 percent items was moved as supplementary agenda.

Of 124 lawmakers, 58 (47 percent) including 48 men and 10 women contributed to the proceedings of the House by sponsoring various parliamentary interventions and/or contributing in the debates. The active lawmakers belonged to PTI (30) ANP and MMAP (10 each), PPPP (five) and PML-N (three).

On the other hand, as many as 66 (53 percent) lawmakers including 53 men and 13 women did not participate in the proceedings throughout the session. A majority (55 or 85%) of the non-participating lawmakers belonged to PTI while three belonged to MMAP, three to PML-N, and one each to PML-Q and ANP. Moreover, one of the non-participating lawmakers was an independent member.

Average Delay

59
Minutes

Members at
Outset (Average)

42
present

Members at
End (Average)

36
present

Minority
Members
(Average)

2

1 Session, Duration and Attendance

The session comprised 20 sittings spanning over 38 working days. The cumulative duration of the sittings was 43 hours and 28 minutes including a period of an hour and 26 minutes when the proceedings remained suspended. Each sitting, on an average, started 59 minutes and 54 seconds behind the scheduled time and lasted two hours, ten minutes and 24 seconds.

According to the headcount conducted by FAFEN observer, an average 42 lawmakers were present at the start and 36 at the adjournment of each sitting. The Speaker attended 15 sittings while the Deputy Speaker was present in 11 sittings. The speaker presided over the session for 34 hours and 46 minutes (80 percent of the proceedings) and the Deputy Speaker for four and 52 minutes (11 percent) while the Panel of Chairpersons presided over the House for remaining four hours and two minutes (nine percent).

The Leader of the House (Chief Minister) attended only one sitting for an hour and 50 minutes (four percent) while the Leader of the Opposition attended 15 sittings for 34 hours and three minutes (78 percent of the proceedings). The parliamentary leaders of ANP, PPPP, PML-N, MMAP and PML-Q attended 14, nine, seven each and six sittings respectively.

2 Assembly Output

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

2.1 Legislation

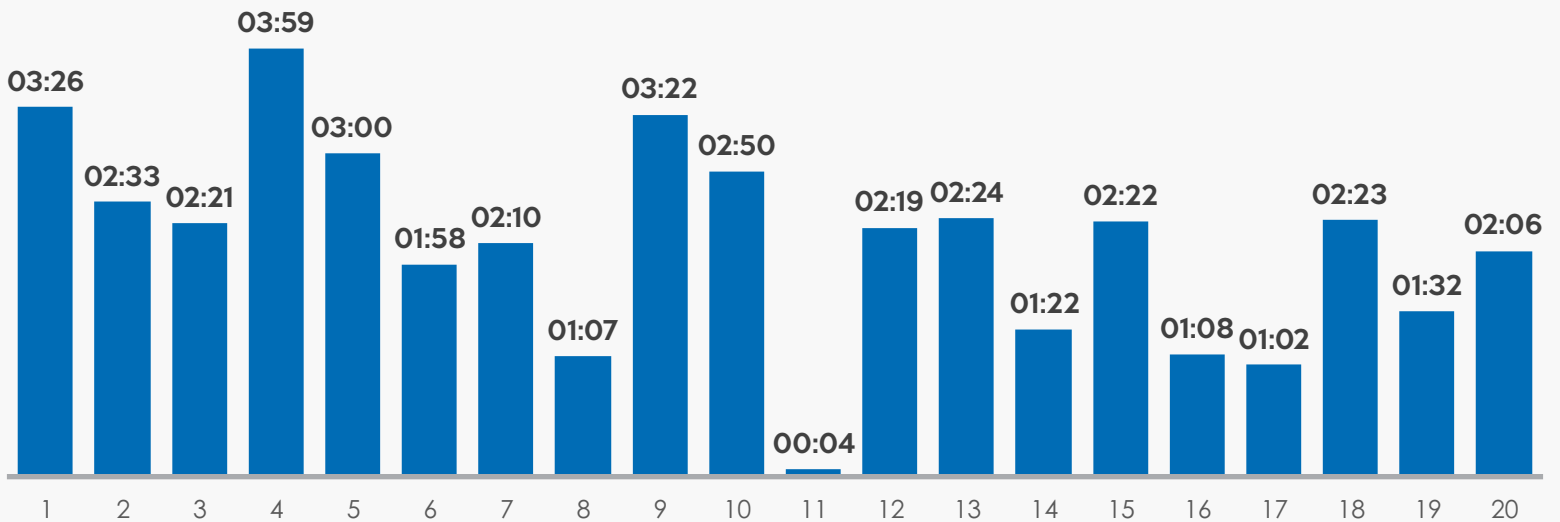
The legislative business brought before the House during sixth session comprised 15 government-sponsored legislative proposals. The House passed 13 of these bills while the remaining two are pending after their first reading i.e. introduction in the House. None of the bills was referred to any committee for review. Unlike other legislatures in the country, it is not mandatory to automatically refer a bill to a standing committee upon its introduction. A brief description of the passed bills is given below:

1 The Pak-Austria Fachhochschule Institute of Applied Sciences & Technology, Haripur Bill, 2019

The bill provides for the establishment of the Pak-Austria Fachhochshule Institute of Applied Sciences and Technology, Haripur for teaching and research in the fields of engineering, sciences and technology.

- **Status:** Passed
- **Date of Introduction:** February 12, 2019
- **Date of Passage:** March 20, 2019

SITTINGS DURATION (hh:mm)



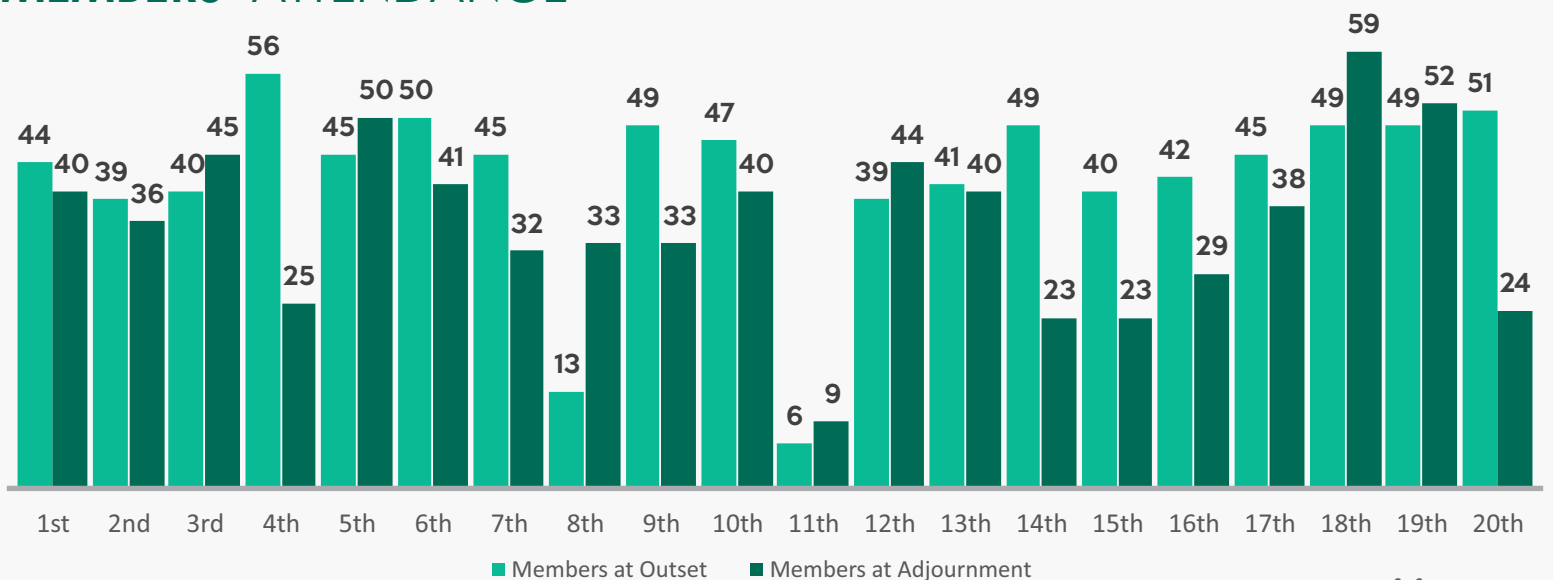
KEY MEMBERS ATTENDANCE



PARLIAMENTARY LEADERS ATTENDANCE



MEMBERS' ATTENDANCE



15

Total Bills

1

Bill Introduced

1

Bill Deferred

13

Bills Passed

2 The Khyber Pakhtunkhwa Provincial Buildings (Management, Control and Allotment) (Amendment) Bill, 2019

The amendment provides for the allotment of government residences to the employees working in medical teaching institutions.

- **Status:** Passed
- **Date of Introduction:** March 20, 2019
- **Date of Passage:** March 26, 2019

3 The Khyber Pakhtunkhwa Energy Development Organization (Amendment) Bill, 2019

The amendment authorizes the Pakhtunkhwa Energy Development Organization to hand over small scale power-generation schemes (of up to two Megawatt capacity) to government agencies, local governments, or community organizations.

- **Status:** Passed
- **Date of Introduction:** March 27, 2019
- **Date of Passage:** March 19, 2019

4 The KP Urban Mass Transit (Amendment) Bill, 2019

The amendment seeks to empower the Khyber Pakhtunkhwa Urban Mass Transit Authority to make appointments in the Authority on regular or contract basis, and acquire immovable for public purposes without the government's approval.

- **Status:** Passed
- **Date of Introduction:** March 18, 2019
- **Date of Passage:** March 28, 2019

5 The Khyber Pakhtunkhwa Promotion, Protection and Enforcement of Human Rights (Amendment) Bill, 2019

The amendment provides for replacing the Director General and Directorate General of Human Rights with the Director General and Directorate General of Law and Human Rights in the Khyber Pakhtunkhwa Promotion, Protection and Enforcement of Human Rights Act, 2014.

- **Status:** Passed
- **Date of Introduction:** March 20, 2019
- **Date of Passage:** April 1, 2019

6 The Khyber Pakhtunkhwa Land Acquisition (Mines) (Amendment) Bill, 2019

The amendment seeks to enhance the fine under section 12 of the Land Acquisition (Mines) Act, 1885 from Rs.200 to Rs.25, 000 to deter the probable obstruction in government's acquisition of land.

- **Status:** Passed
- **Date of Introduction:** March 26, 2019
- **Date of Passage:** April 2, 2019

7 The Khyber Pakhtunkhwa Stamp (Amendment) Bill, 2019

The bill seeks to enhance fine under section 62 of the Stamp Act, 1899 from Rs.500 to Rs.2500 to deter the tendency for execution of unstamped instruments.

- **Status:** Passed
- **Date of Introduction:** March 26, 2019
- **Date of Passage:** March 27, 2019

5

Question of Privilege

24

Total Resolutions

22

Resolutions Adopted

General Discussion

16

hours and 10 minutes

8 The Khyber Pakhtunkhwa Universities (Amendment) Bill, 2019

The amendment provides for bringing the University of Buner and the University of Chitral in the ambit of the Khyber Pakhtunkhwa Universities Act 2012.

- **Status:** Passed
- **Date of Introduction:** April 9, 2019
- **Date of Passage:** April 15, 2019

9 The Khyber Pakhtunkhwa Youth Development Commission Bill, 2019

The bill provides for establishing the Khyber Pakhtunkhwa Youth Development Commission to give institutional roadmap for the empowerment of youth in social, economic and political life.

- **Status:** Passed
- **Date of Introduction:** March 28, 2019
- **Date of Passage:** April 23, 2019

10 The Khyber Pakhtunkhwa Land Acquisition (Amendment) Bill 2019

The amendment seeks to enhance the fine under section 46 of the Land Acquisition Act, 1894 from Rs.50 to Rs.25,000 to deter the probable obstruction in government's acquisition of land.

- **Status:** Passed
- **Date of Introduction:** March 28, 2019
- **Date of Passage:** April 23, 2019

11 The Khyber Pakhtunkhwa Local Government (Amendment) Bill, 2019

The bill seeks to amend the Local Government Act, 2013 (the Khyber Pakhtunkhwa Act No. XXVIII of 2013).

- **Status:** Passed
- **Date of Introduction:** April 29, 2019
- **Date of Passage:** April 23, 2019

12 The Khyber Pakhtunkhwa Continuation of Laws in the erstwhile Federally Administered Tribal Areas Bill, 2019

The bill provides for the continuation of laws in the erstwhile Federally Administered Tribal Areas of the Khyber Pakhtunkhwa, which have been merged in the province in pursuance of the Constitution (25th Amendment) Act, 2018.

- **Status:** Passed
- **Date of Introduction:** April 29, 2019
- **Date of Passage:** April 29, 2019

13 The KP youth Welfare Endowment Fund Bill 2019

The bill provides for the establishment of KP Youth Welfare Endowment Fund for the welfare of the youth in the province.

- **Status:** Passed
- **Date of Introduction:** April 8, 2019
- **Date of Passage:**

59

Points of Order

42

Calling Attention Notices

36

CANs Taken Up

6

CANs Not Taken Up

2.2 Resolutions

A total of 24 resolutions have been presented in the house. The Assembly adopted 22 resolutions but none of them was on the list of business of the House in any of the sitting. According to Rule 124 of the Rules of Procedure of KP Assembly, a Private Member, who wishes to move a resolution, shall give 15 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 requirement of the Rule 124 were suspended under the Rule 240 to move resolutions without completing notice period. Of the remaining two resolutions, one was not adopted by the House while the other was withdrawn by the PTI lawmaker. From the adopted resolutions, two were initiated individually by the lawmakers belonging to MMAP and PTI while 15 resolutions were jointly moved by male and female lawmakers belonging to different political parties in the House. The remaining three resolutions were moved by the government lawmakers.

Five resolutions condemned the terror attack at mosques in New Zealand, the messages displayed on the International Women's Day by the participants of Women March, the United States' recognition of the Syrian Golan Heights as Israel territory, the murder of Shakeel Khan, nephew of ANP MPA Waqar Ahmad Khan in New York and the incident of terrorism in Sri Lanka.

The adopted 13 resolutions urged the government to amend the traffic rules, include Civic Education in the curriculum of Secondary Schools, check discriminatory attitude with Pukhtoons in Punjab, Deploy three Frontier Corps (FC) Platoons in Battagram, ban porn websites, increase minority education as well as job quota from three percent to five percent, establish Public Service Testing Center in Dir, initiate internship program for engineering students, End discrimination with minority community by specifying posts of sanitation workers for them, add Kalasha religion in the Constitution, steps for prevention of child marriages and provide Sehat Insaf Cards to the staff of the Provincial Assembly Secretariat, to ban the advertisement of quacks and to take steps to reduce the overburdened school bags of students.

Of the remaining two resolutions, one was against Indian government's decision to ban Jamaat-e-Islami (JI) in Indian Occupied Kashmir (IOK) whereas the other was on commending the Prime Minister of New Zealand for her support to the Muslim community.

The lawmakers belonging to MMAP, PPPP, PML-N, ANP, PTI and PPPP participated in the debate on two resolutions regarding the messages displayed on the International Women's Day by the participants of Women March and issue of blocking Identity Cards for an hour and two minutes respectively.

4

Protests

3

Walkouts

7

Instances of
Identification
of Quorum

3

Representation, Responsiveness and Government Oversight

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

3.1 Calling Attention Notices

The House took up 36 out of 42 CANs appearing on the agenda. These notices were sponsored by lawmakers belonging to PPPP, MMAP, ANP, PML-N and PTI.

The addressed CANs were about matters related to governance, development works, law and order, housing, agriculture, corruption, education, health and energy and natural resources. The lawmakers highlighted the various issues mostly of their respective constituencies and the government functionaries responded to them.

The House did not take up six CANs related to education as well as health sectors, development works and employment issues.

3.2 General Discussion

The lawmakers belonging to MMAP, ANP, PTI, PPPP and PML-N participated in the discussion on various issues including gas and electricity load shedding, overall increase in its tariff, steps for rehabilitation of damaged infrastructure in the Tribal Districts, Annual Development Plan as well as posting and transfer issues in government sector.

Moreover, the House also witnessed debate on National Finance Commission (NFC) Award, law and order, proposed Local government system, inflation, unemployment, Public Sector Development Program (PSDP) and China-Pakistan Economic Corridor (CPEC).

Overall, the general discussion consumed 16 hours and 21 minutes (38%) of the proceedings. The House did not debate return of overseas Pakistanis belonging to the KP from Middle East and its impact on the society despite its appearance in the agenda of three consecutive sittings (17th, 18th & 19th) whereas in the last sitting of the session, the discussion was deferred till next session.

4

Order and Institutionalization

Order and Institutionalization are important for an efficient and productive legislature. This section provides information about Points of Order, quorum and any instances of walkout during the proceedings.

4.1 Question of Privilege (QoP)

The House referred two QoPs to the relevant committee. A PTI lawmaker raised QoP stating that police department did not give age relaxation to

the candidates belonging to Battagram during recruitment process. The question was forwarded to the relevant committee for its report.

Likewise, another QoP moved by an MMAP legislator was referred to the Committee for report which was regarding indecent behavior of Deputy Commissioner Chital with him.

The Chair deferred a QoP moved by another MMAP lawmaker against inappropriate behaviour of Deputy Commission Bannu with him. Two other QoPs – one each of PML-N and PTI – against the government officials were not taken up by the House.

4.2 Points of Order

Lawmakers raised 59 Points of Order (POs) during the session, consuming four hours and 48 minutes (11%) of the proceedings. These POs highlighted the issues related to House business, law and order, Education, Health as well as governance.

4.3 Walkout/Protest

The opposition lawmakers staged protests on three occasions. Two protests were held against non-provision of development funds to lawmakers belonging to southern districts of the province and non-convening the meeting of committee constituted to probe alleged corruption in Billion Tree Tsunami Program. Another protest by the opposition was made when the chair disallowed an ANP lawmaker to raise a PO.

The treasury lawmakers also protested on an occasion over the use of objection remarks against the Prime Minister by the opposition lawmakers. These protests overall consumed one hour and 19 minutes of the session.

Three instances of walkout by the opposition were observed during the session. These walkouts were staged by the opposition during 14th, 16th and 17th sittings of the session against the unsatisfactory reply by the Special Assistant to Chief Minister on Science and Technology about financial embezzlement in an education program, disallowance by the Chair to a PML-N lawmaker to speak on a PO and non-provision of development funds to lawmakers of southern districts of the province. The walkouts consumed 36 minutes of the proceeding.

4.4 Quorum

The lawmakers belonging to PTI, MMAP and ANP identified the lack of quorum for seven times throughout the session. On first instance, the quorum was found complete upon headcount while it was termed by the Chair complete on another occasion. A sitting remained suspended for 23 minutes on identification of quorum while other four sittings had to be adjourned due to quorum issue.

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 24,000 followers on Twitter and around 144,000 on Facebook, FAFEN is considered one of the most reliable sources of electoral and parliamentary information in the country.

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This report is based on direct observation of the proceedings of the Punjab Assembly conducted by PATTAN Development Organization – a member organization of FAFEN. Every effort has been made to keep this report, which deals with on-floor performance of the Members, accurate and comprehensive. Errors and omissions are excepted.