

PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

FAFEN PARLIAMENT MONITOR

21st SESSION

September 19 - December 20, 2016



LIST OF ABBREVIATIONS

AM	Adjournment Motion
ANP	Awami National Party
APS	Army Public School
CAN	Call Attention Notice
CM	Chief Minister
CPEC	China Pakistan Economic Corridor
JI	Jamaat-e-Islami
JUI-F	Jamiat Ulema-e-Islam
KP	Khyber Pakhtunkhwa
PML-N	Pakistan Muslim League - Nawaz
PO	Points of Order
PPPP	Pakistan People's Party Parliamentary
PTI	Pakistan Tehreek-e-Insaf
QWP-S	Qoumi Wattan Party - Sherpao

RULES SUSPENDED SEVERAL TIMES TO ADOPT RESOLUTIONS

- Less oversight of executive as 33% questions lapsed due to absence of movers
- Chief Minister attends only two sittings
- Less Interest of Lawmakers Marks 2nd longest session of KP Assembly

The provincial lawmakers of Khyber Pakhtunkhwa Assembly expressed low interest in the proceedings of 21st session that continued for three months, with an interval of 39 days between the two sittings, observes Free and Fair Election Network (FAFEN) in its detailed report.

It was the second longest session of the incumbent Assembly as 21 sittings were held during the reporting period as compared to 80 sittings held in the longest-ever 15th session starting in Oct 2014 and ending in Jan 2016 session.

First 13 sittings of the 21st session were held up to October 26, 2016 while the 14th sitting had a gap of 39 days in between them.

The 13th sitting of the 21st session was held on October 26, 2016 while the next sitting was called on December 5, 2016, after a gap of 39 days. The Leader of the House

(Chief Minister) attended only two sittings, consuming eight per cent of the session's time while the Leader of the Opposition attended seven sittings, consuming 23% of the entire proceedings.

The session started on September 19, 2016 and concluded on December 20, 2016. On average, each sitting started 36 minutes behind the schedule and lasted an hour and 28 minutes.

The Speaker and the Deputy Speaker remained present during 13 and 20 sittings, respectively and presided over 56% and 41% of the proceedings, while three percent of the session's time was spent in breaks. Among the Parliamentary leaders, the PML-N lawmaker attended 17 sittings, followed by JI (15), ANP (12), QWP-S (9) and PPPP (5).

The House observed heavy

legislative agenda and passed 16 bills. Rules were suspended several times to accommodate non-agenda items, especially resolutions, as the House adopted 17 resolutions during the entire session. None of the adopted resolutions was on the List of Business.

According to Rule 124 of the Rules of Procedure of Khyber Pakhtunkhwa 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.

According to FAFEN's observation, the lawmakers' attendance remained

low throughout the session – with an average of 29 members (23%) present at the start and the same number at the end of each sitting. The quorum was pointed out 14 times during the session while the Chair had to adjourn the sittings on seven occasions. Three sittings remained suspended for 62 minutes after the pointation of quorum by lawmakers. On two occasions, the Chair ignored the call of quorum, however, it was found complete upon counting on two occasions.

The session observed low interest of MPAs in executive oversight as 33 percent starred questions lapsed due to absence of lawmakers while 16 CANs also remained unaddressed.

The House passed 16 bills, including two Private Members' bills. The passed government bills included the KP Whistleblower Protection and Vigilance Commission Bill, 2016; the KP Taking Over of the Industrial Estate or Economic Zones Bill, 2016; the KP Higher Education Academy of Research and Training Bill, 2016; the KP Tibb and Homeopathic Employees (Appointment) Bill, 2016; the KP Tuberculosis Notification Bill, 2016; the KP Faculty of Paramedical and Allied Health Sciences Bill, 2016; the KP Blood Transfusion Safety Authority Bill, 2016; the BRAINS

Institute Bill, 2016; The KP Urban Mass Transit Bill, 2016; the KP Commission on the Status of Women Bill, 2016; the KP Lissail-e-wal Mahroom Foundation (Amendment) Bill, 2016; the KP Public Procurement Regularity Authority (Amendment) Bill, 2016; the KP Boilers and Pressure Vessels Bill, 2016 and the KP Mines and Minerals Development and Regulations Bill, 2016.

Two Private Members' bills passed during the session were the KP Prohibition of Interest on Private Loans Bill, 2016 and the KP Adhoc Employees of Directorate of Information Technology (Regularization of Services) Bill, 2016. Three bills – the KP Prohibition of Tobacco and Protection of Non-Smokers Health Bill, 2016; the KP Police Bill, 2016 and the KP Censorship of Motion Pictures (Films, CDs, Videos, Stage Dramas and Shows) Bill, 2016 – were referred to the Select Committee for further deliberations.

Another bill – the KP Provincial Ombudsman (Amendment) Bill, 2016 – was deferred while two bills, including the KP Public Private Partnership (Amendment) Bill, 2016 and the KP Regularization of Services of Teaching Assistant as Lecturers Bill, 2016, were presented

in the House.

The House passed 17 resolutions. Three of them condemned the rising trend of violence against women; atrocities in Indian Occupied Kashmir and killing of Muslims in Syria and Burma; while two resolutions expressed grief over Gadani ship wreck and PIA plane crash in Havelian, demanding inquiry into both incidents while two resolutions sought extension in the period of KP Mines & Mineral Development and Regulation Ordinance and KP Police Ordinance.

The remaining 10 resolutions were related to expand entry and exit points of M1 Toll-Plaza; upgrading scale of employees in Irrigation Department; impartial enquiry into the Panama Leaks issue; monitoring of CPEC projects; CNICs blockage by NADRA; eliminate the entry requirements for foreign delegations in KP; give right to transgenders to cast votes in 2018 General Elections; form Minority Caucus in the Provincial Assembly; provide complete information about the recruitments and record of PIA and merge FATA in Khyber Pakhtunkhwa. A resolution about enrolment of children of public servants in public schools was deferred.

The House took up 15 out of 31 Calling Attention Notices (CANs).

The taken up CANs were regarding poor drainage system in Bannu; increase in shops' fair owned by Auqaf Department; dilapidated conditions of schools in Kohat constructed by an NGO; provision of allowance to staff of Provincial Assembly and Civil Secretariat; unhygienic snacks being prepared in factories; upgradation of District Headquarters Hospital, Chitral Buni; provision of logistic support and ambulances to DHQ Hospital, Timergara; non-construction of roads in Chitral; utilization of Rs.17 billion from GP and Pension Fund; strict duty hours of security guards at educational institutions; non-payment of compensation amount to victims of Peshawar Church blast; dispute between the Forest Department and the owners in Malakand Division; suspending Insaaf food security program; problems in Gaddar to Gokand road extension and regularizing female teachers appointed through NTS in their native districts.

Out of 16 CANs that remained unaddressed during the session, six were lapsed; five were not taken up; two were deferred; one was dropped; while one was withdrawn by the mover and one remained pending.

Sponsored by PPPP lawmaker, the

House discussed an AM regarding the attempts to revert powers granted to the provinces under 18th Constitutional Amendment. Four members spoke on the subject for 10 minutes. Another AM on the absence of burn centers in major hospitals of the province was discussed by two lawmakers for eight minutes. It was referred to the relevant committee for discussion. In addition, the House held general debate on China Pakistan Economic Corridor, PIA plane crash and sacrifices of APS victims two years ago.

The lawmakers raised 47 Points of Order (POs) that consumed three hours and 38 minutes. Out of 112 Starred Questions, 58 questions (52%) were taken up and responded to by the relevant ministries/departments, while the legislators raised 28 Supplementary Questions to gain further clarity on government's responses.

Two instances of walk outs were witnessed during the session. The entire opposition staged a walkout for two minutes during the third sitting when the Chair did not allow an ANP lawmaker to speak on a police related matter. Similarly, the opposition lawmakers staged another walkout for 15 minutes during 13th sitting against the Chair's

attitude for not allowing a PML-N lawmaker to speak on a Point of Order.

A PTI lawmaker lodged protest by sitting in front of the dais for five minutes during 18th sitting against non-allocation of development funds and for not getting royalty on natural gas. The opposition lawmakers protested in front of the Chair's dais for five minutes during last (21st) sitting, as the Speaker did not allow a PTI lawmaker to speak on a Point of Order.

The House witnessed presentation of seven reports by various committees and adoption of another five reports on the floor of the Assembly.

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

21

Session
Duration

**30 hours
46 minutes**

Average
Delay

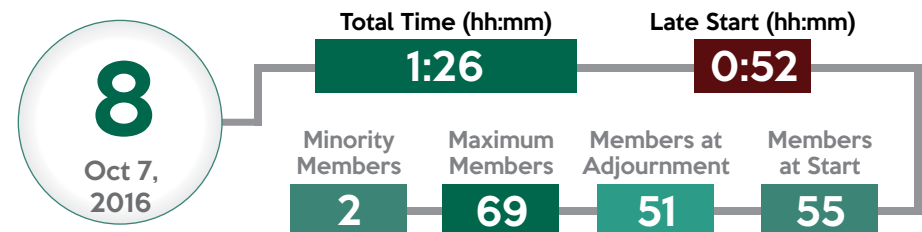
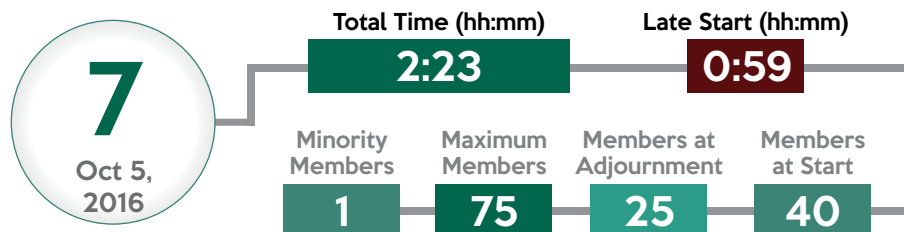
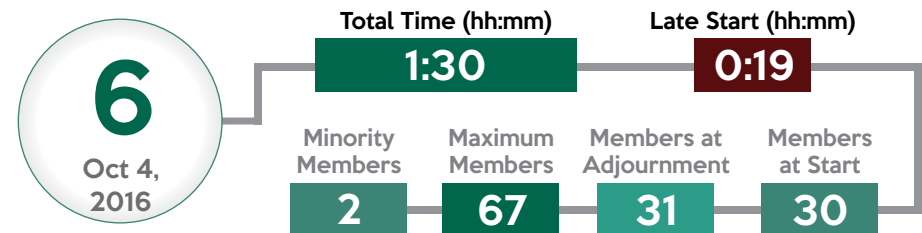
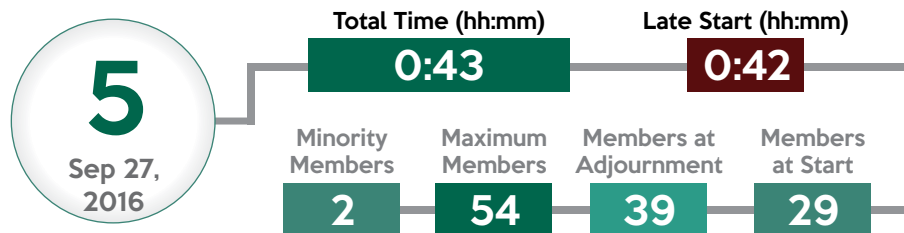
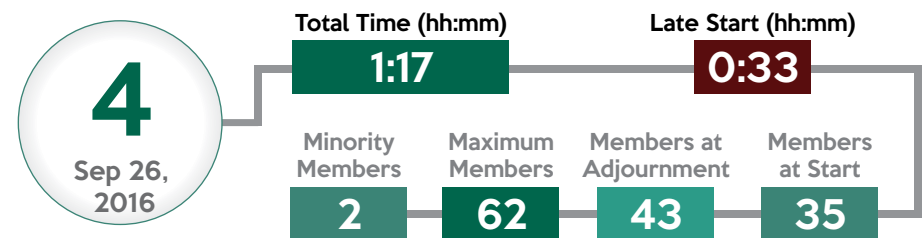
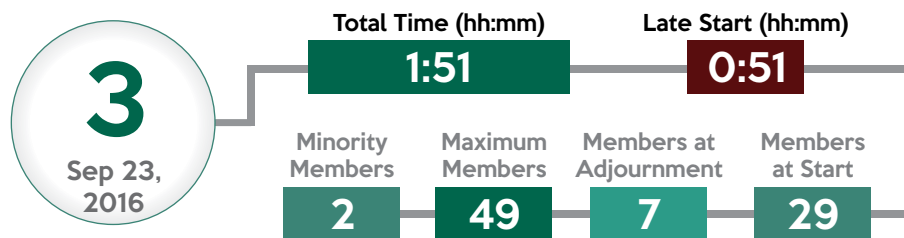
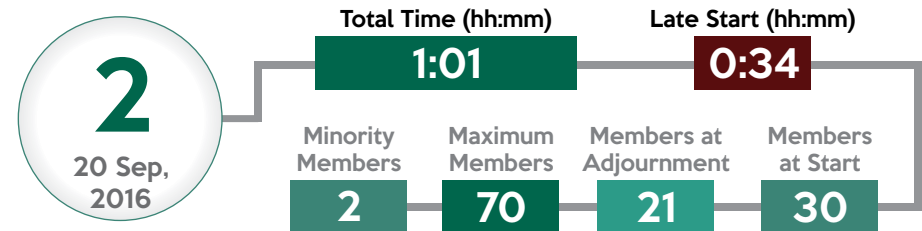
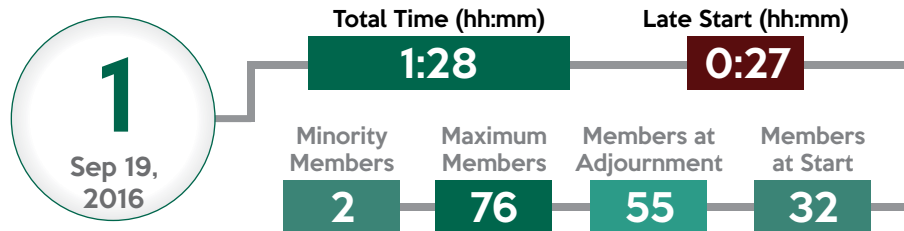
**36
minutes**

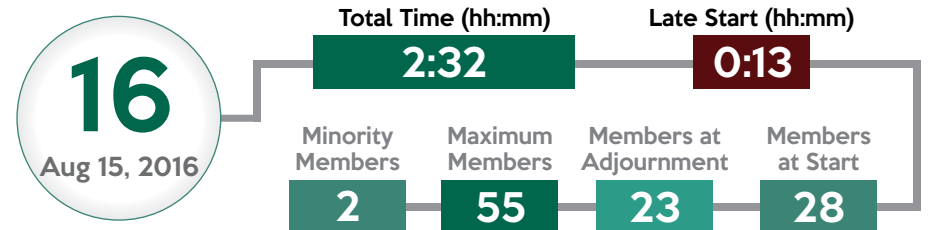
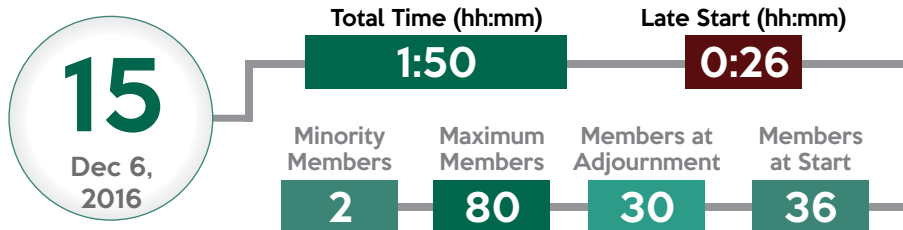
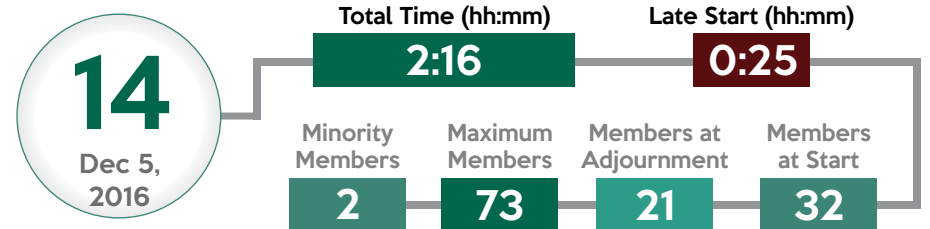
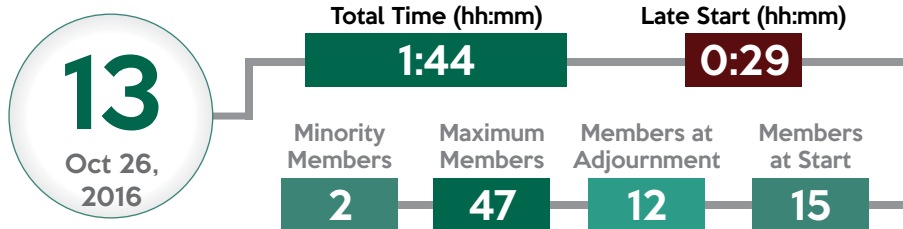
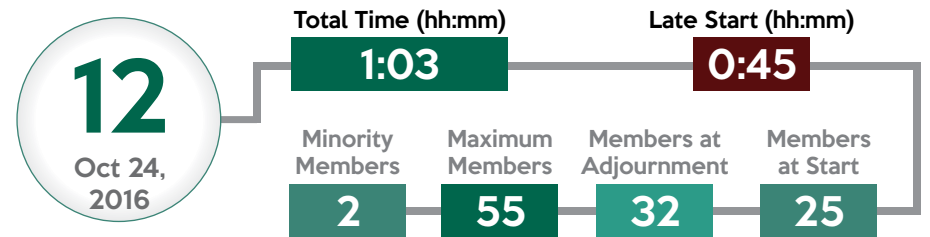
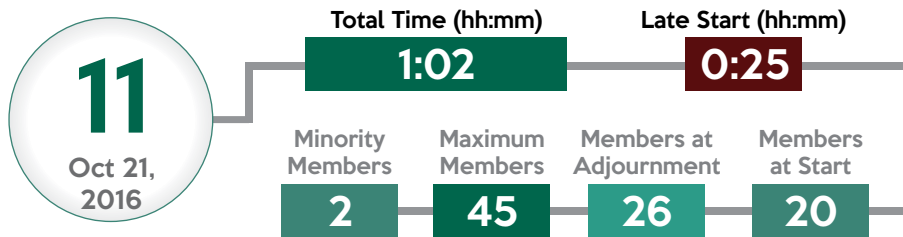
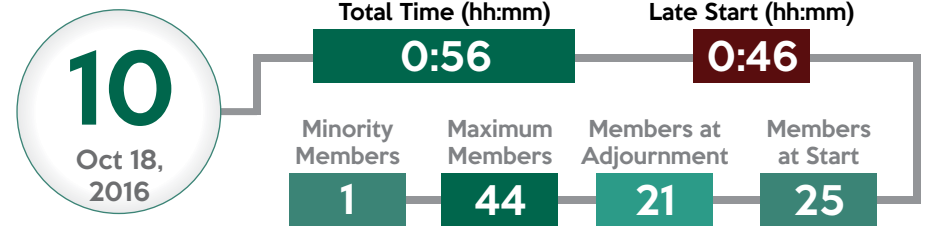
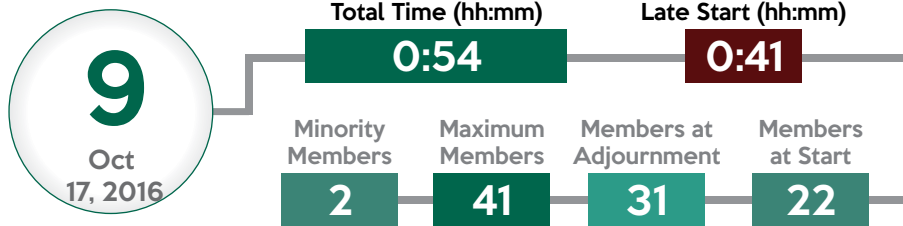
Total
Break

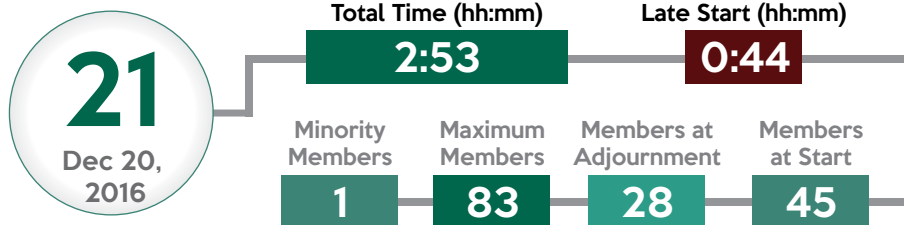
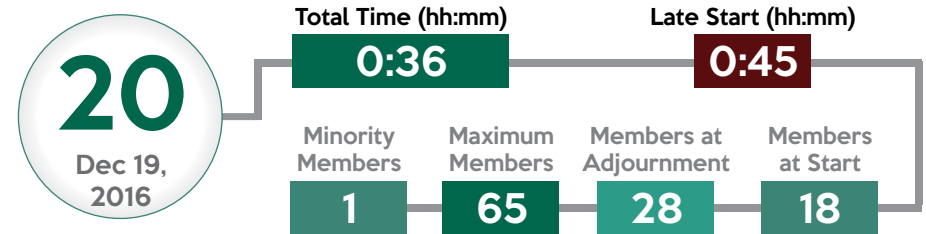
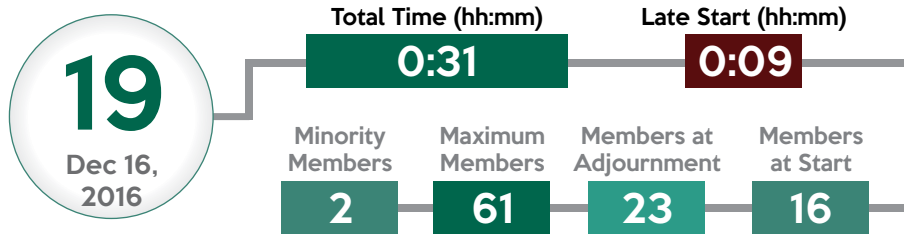
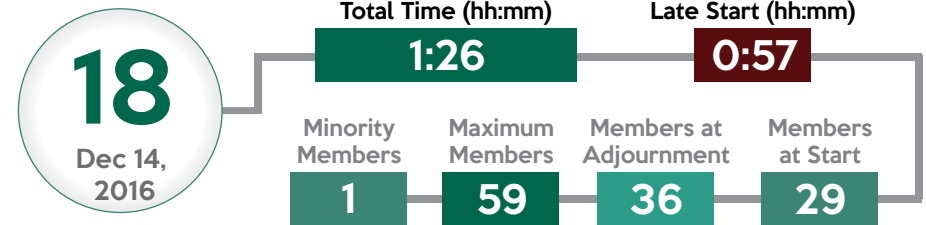
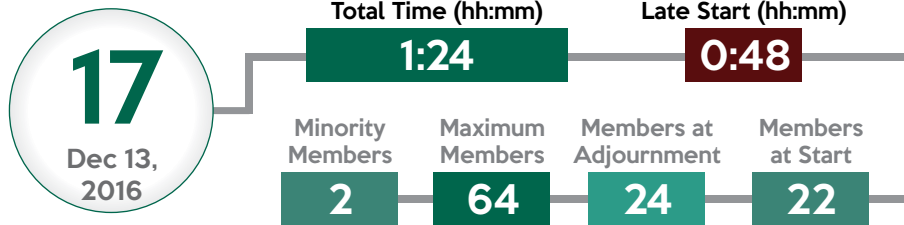
58 minutes

SITTING DATE, DURATION AND ATTENDANCE

The session started on September 19, 2016 and concluded on December 20, 2016. On average, each sitting started 36 minutes behind the schedule and lasted an hour and 28 minutes.







KEY MEMBERS ATTENDANCE



SPEAKER

Sittings Attended
13

Presided Time (hh:mm)
17:08



DEPUTY SPEAKER

Sittings Attended
20

Presided Time (hh:mm)
12:40



CHIEF MINISTER

Sittings Attended
2

Attended Time (hh:mm)
02:33



**LEADER OF
OPPOSITION**

Sittings Attended
7

Attended Time (hh:mm)
07:02

PARLIAMENTARY LEADERS ATTENDANCE



Sardar Aurangzeb



PML-N

attended
17
sittings



Inayat Ullah



JI

attended
15
sittings



Sardar Hussain Babak



ANP

attended
12
sittings



Sikandar Hayat Khan



QWP-S

attended
9
sittings



Muhammad Ali Shah



PPPP

attended
5
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

112

Adjournment
Motion

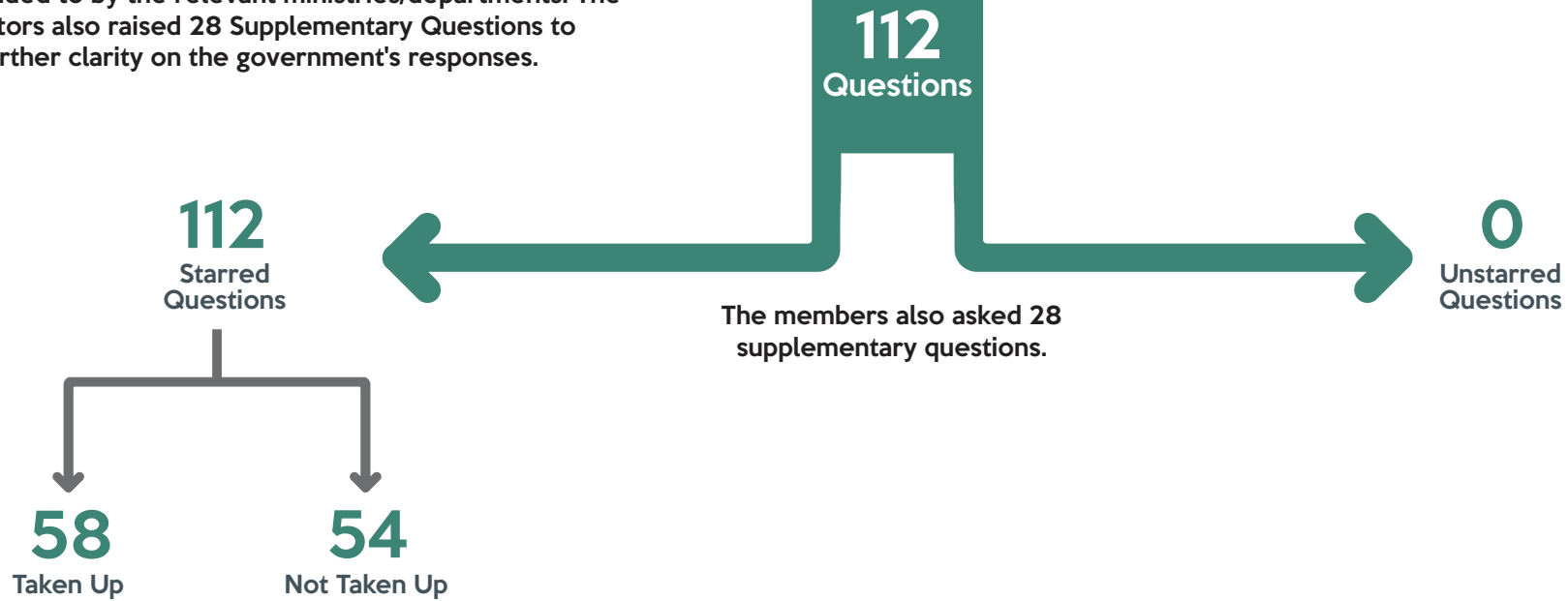
2

CANs

31

QUESTIONS

Out of 112 Starred Questions, 58 (52%) were taken up and responded to by the relevant ministries/departments. The legislators also raised 28 Supplementary Questions to gain further clarity on the government's responses.



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



Fakhr Azam Wazir
PPPP

Attempts to revert the powers granted to the provinces in 18th Constitutional Amendment



Sahibzada Sanaullah
PPPP

Absence of burn centers in major hospitals of the province

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 15 out of 31 Calling Attention Notices (CANs). The taken up CANs were regarding poor drainage system in Bannu; increase in shops' fair owned by Auqaf Department; dilapidated conditions of schools in Kohat constructed by an NGO; provision of allowance to staff of Provincial Assembly and Civil Secretariat; unhygienic snacks being prepared in factories; upgradation of District Headquarters Hospital, Chitral Buni; provision of logistic support and ambulances to DHQ Hospital, Timergara; non-construction of roads in Chitral; utilization of Rs.17 billion from GP and Pension Fund; strict duty hours of security guards at educational institutions; non-payment of compensation amount to victims of Peshawar Church blast; dispute between the Forest Department and the owners in Malakand Division; suspending Insaaf food security program; problems in Gaddar to Gokand road extension and regularizing female teachers appointed through NTS in their native districts.

Taken Up CANs



Bakht Baidar



QWP-S

Provision of allowance for staff of Provincial Assembly and Civil Secretariat as has been committed in the annual budget



Fazal Elahi



PTI

To regularize and address the issues of female teachers appointed through NTS



Askar Pervaiz

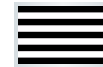


JUI-F

Non-payment of compensation amount to victims of Peshawar Church blast



Azam Khan Durrani



JUI-F

Strict duty hours of security guards at educational institutions in the province



Fakhr Azam Wazir



PPPP

Poor drainage system in Bannu must be improved



Izazul Mulk



Illegal production factories for unhygienic snacks



Mulana Mufti Fazal Ghafoor



Illegal production factories for unhygienic snacks



Muhammad Ali



Dispute between the Forest Department and the owners in Malakand Division



Sahibzada Sanaullah



Provision of logistic support and ambulances to District Headquarters Hospital, Timergara and Warri Hospital on Chitral-Peshawar Road



Najma Shaheen



Dilapidated conditions of schools in Kohat, which were constructed by an NGO "Hamqadam"



Sardar Hussain



- Upgradation of District Headquarters Hospital, Chitral Buni
- Non-construction of roads in Chitral for the last three years despite allocation of funds in the Annual Development Plan



Sardar Aurangzeb



- Increase in shops' fair owned by Auqaf Department
- Utilization of Rs.17 billion from GP and Pension Fund



Shah Hussain



Suspend Insaaf food security program

SECTION 3

PARLIAMENTARY OUTPUT

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

Bills on
Agenda

22

Bills
Passed

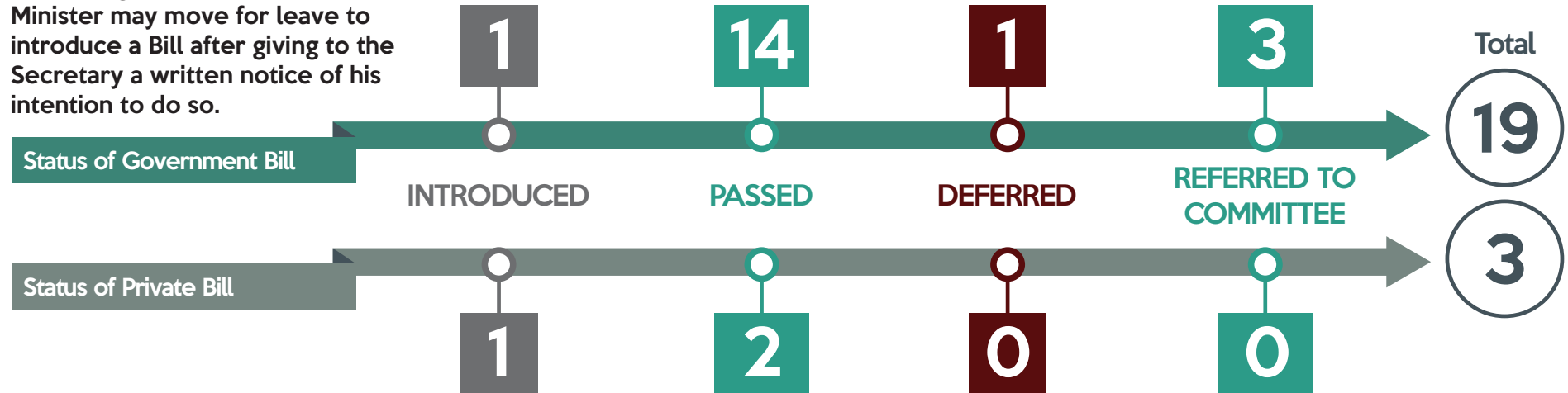
16

Resolutions

18

LEGISLATION

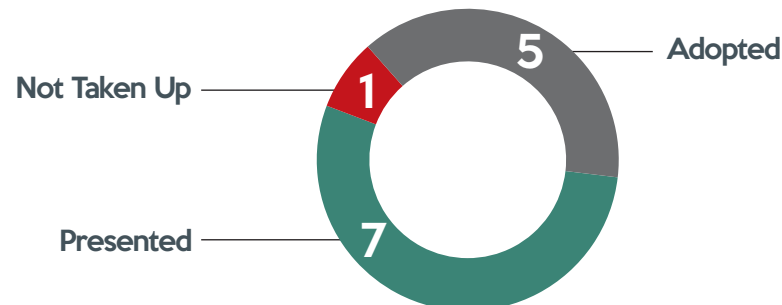
According to sub-rule 1 of Rule 78, a Minister may move for leave to introduce a Bill after giving to the Secretary a written notice of his intention to do so.



LIST OF PASSED BILLS

- The Khyber Pakhtunkhwa Whistleblower Protection and Vigilance Commission Bill, 2016
- The Khyber Pakhtunkhwa Taking Over of the Industrial Estate or Economic Zones Bill, 2016
- The Khyber Pakhtunkhwa Higher Education Academy of Research and Training Bill, 2016
- The Khyber Pakhtunkhwa Tibb and Homeopathic Employees (Appointment) Bill, 2016
- The Khyber Pakhtunkhwa Tuberculosis Notification Bill, 2016
- The Khyber Pakhtunkhwa Faculty of Paramedical and Allied Health Sciences Bill, 2016
- The Khyber Pakhtunkhwa Blood Transfusion Safety Authority Bill, 2016
- The BRAINS Institute Bill, 2016
- The Khyber Pakhtunkhwa Urban Mass Transit Bill, 2016
- The Khyber Pakhtunkhwa Commission on the Status of Women Bill, 2016
- The Khyber Pakhtunkhwa Public Procurement Regularity Authority (Amendment) Bill, 2016
- The Khyber Pakhtunkhwa Boilers and Pressure Vessels Bill, 2016
- The Khyber Pakhtunkhwa Mines and Minerals Development and Regulations Bill, 2016

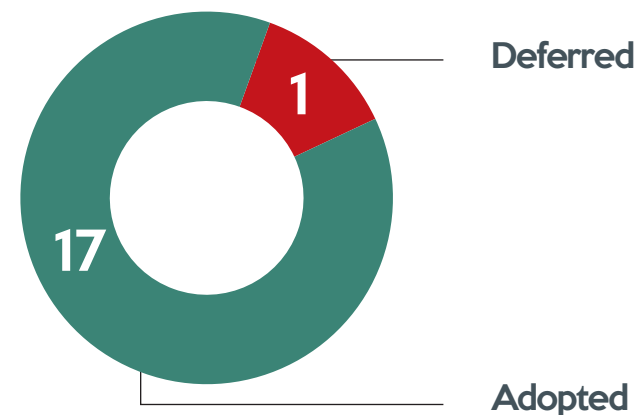
REPORTS



RESOLUTIONS

The House passed 17 resolutions. Three of them condemned the rising trend of violence against women; atrocities in Indian Occupied Kashmir and killing of Muslims in Syria and Burma; while two resolutions expressed grief over Gadani ship wreck and PIA plane crash in Havelian, demanding inquiry into both incidents while two resolutions sought extension in the period of KP Mines & Mineral Development and Regulation Ordinance and KP Police Ordinance.

The remaining 10 resolutions were related to expand entry and exit points of M1 Toll-Plaza; upgrading scale of employees in Irrigation Department; impartial enquiry into the Panama Leaks issue; monitoring of CPEC projects; CNICs blockage by NADRA; eliminate the entry requirements for foreign delegations in KP; give right to transgenders to cast votes in 2018 General Elections; form Minority Caucus in the Provincial Assembly; provide complete information about the recruitments and record of PIA and merge FATA in Khyber Pakhtunkhwa. A resolution about enrolment of children of public servants in public schools was deferred.



LIST OF ADOPTED RESOLUTIONS

- To expand the entry and exit points of the M1 Toll-Plaza to avoid the traffic Jam and to withdraw the increase in the tax rate
- Condemn the rising trend of violence against women
- Indian Shelling on Kashmir
- Upgradation of Irrigation department Patwari's from Grade 9 to 11
- To make impartial enquiry into the Panama Leaks issue immediately through Judiciary
- Regarding the Monitoring of CPEC Projects
- Extension in the period of the KP Mines & Mineral Development and Regulation Ordinance
- Extension of the Period of the KP Police Ordinance
- NIC blocking by NADRA
- Provision of NOC to the Director DFID
- Giving right to the Transgenders to register and cast votes in 2018 General Elections
- To compensate the Ship owners and the affectees of Guddani ship yard incident
- Urging the government to form Minority Caucus in the Provincial Assembly
- To provide the complete information about the recruitments in PIA
- PIA plane crash at Havelian
- Killing of Muslims in Syria and Burma
- Merging FATA in KP according to the demand of the public

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 protests/Walkouts.

Points of
Order

47

Protest/
Walkout

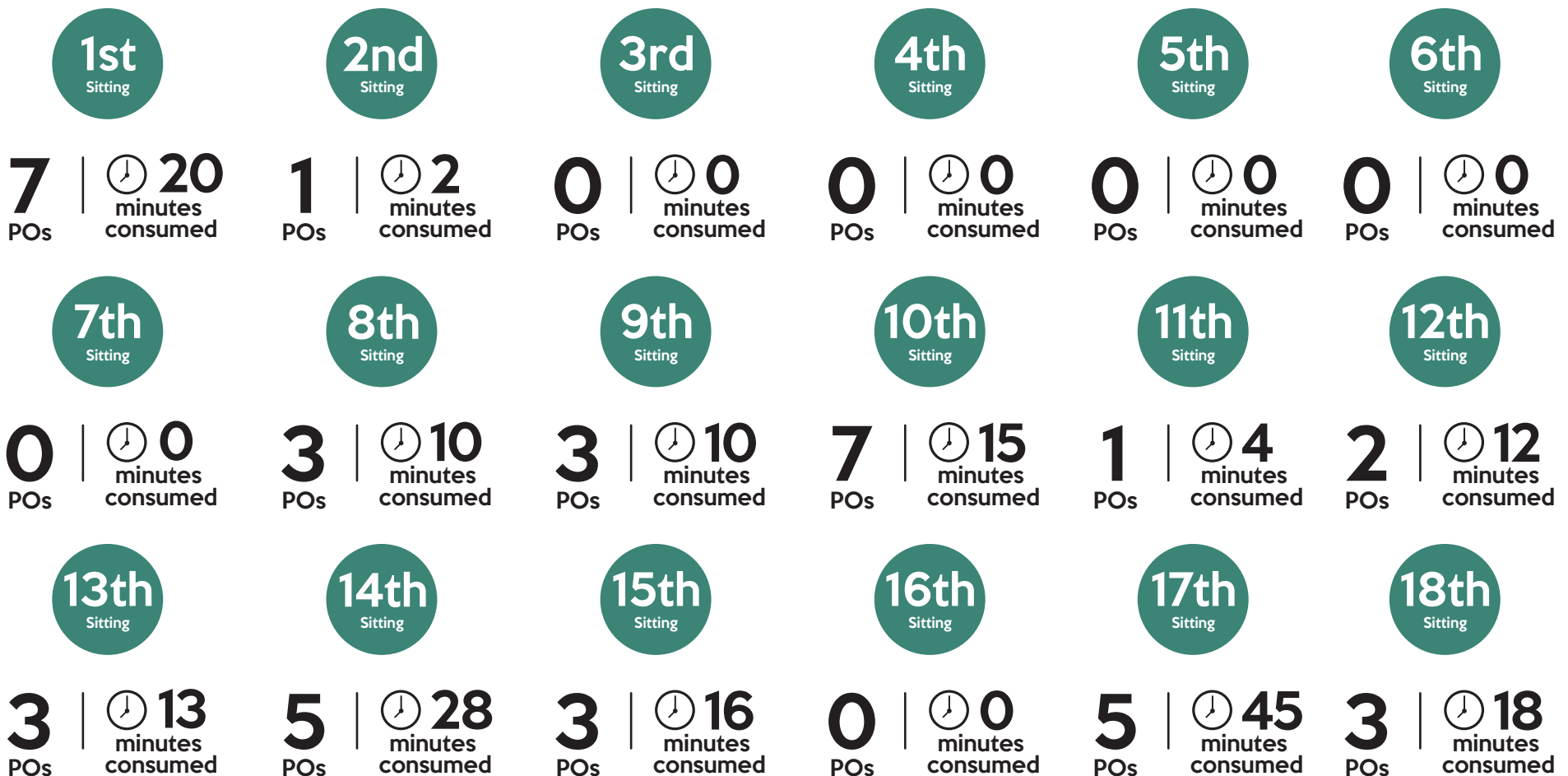
4

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 47 Points of Order that consumed three hours and 38 minutes of the session's time.





WALKOUT/PROTEST

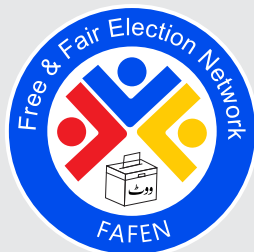
Two instances of walk outs were witnessed during the session. The entire opposition staged a walkout for two minutes during the third sitting when the Chair did not allow an ANP lawmaker to speak on a police related matter. Similarly, the opposition lawmakers staged another walkout for 15 minutes during 13th sitting against the Chair's attitude for not allowing a PML-N lawmaker to speak on a Point of Order.

A PTI lawmaker lodged protest by sitting in front of the dais for five minutes during 18th sitting against non-allocation of development funds and for not getting royalty on natural gas. The opposition lawmakers protested in front of the Chair's dais for five minutes during last (21st) sitting, as the Speaker did not allow a PTI lawmaker to speak on a Point of Order.

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.

www.openparliament.pk | www.parliamentfiles.com



Free and Fair Election Network
www.fafen.org