

PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

FAFEN PARLIAMENT MONITOR

22nd SESSION

January 24 - February 6, 2017



LIST OF ABBREVIATIONS

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

KP ASSEMBLY'S 22ND SESSION PROROGUED ABRUPTLY

- 62% questions remain unaddressed due to movers and ministerial absence
- Provincial Assembly passes four bills, adopts five resolutions

The 22nd Session of the Khyber Pakhtunkhwa Assembly was prorogued abruptly just after four sittings. The Chair adjourned the third sitting on Jan 27, 2017 for February 20, 2017, but later the sitting was rescheduled for February 6, 2017 and was prorogued sine die the same day. On average, each sitting began 39 minutes late and lasted for an hour and 55 minutes, observes Free and Fair Election Network (FAFEN) in Session Report.

Besides the prorogation, the important tool of the government oversight remained missing during the entire session as more than 50% questions remained unaddressed due to the absence of relevant ministers and not receiving reply from the concerned departments. However, the House adopted five resolutions and passed four bills during four sittings held between January 24 and February 6, 2017.

Out of 34 Starred Questions, the

House took up only nine questions (26%). In addition, legislators raised eight Supplementary Questions to gain further clarity on the government's response.

Despite low interest of the lawmakers, the Khyber Pakhtunkhwa Assembly adopted five resolutions and passed four bills, including the KP Ministers (Salaries, Allowances and Privileges) (Amendment) Bill, 2017, the KP Salaries, Allowances and Privileges Laws (Amendment) Bill, 2017, the KP Police Bill, 2017, and the KP Ehtesab Commission (Amendment) Bill, 2017.

The KP Ministers (Salaries, Allowances and Privileges) (Amendment) Bill, 2017 and the KP Salaries, Allowances and Privileges Laws (Amendment) Bill, 2017 were taken as supplementary agenda. With the passage of the bill, the salary of the Speaker KP Assembly has been raised from Rs 80,000 to Rs 150,000, while the salary of the

Deputy Speaker has been revised from Rs 54,000 to Rs 145,000 and that of the Chief Minister from Rs 40,000 to Rs 200,000.

Likewise, the salaries of the ministers have also seen an upward trend and they have been increased from Rs 35,000 to Rs 180,000 while those of the MPAs from Rs 18,000 to Rs 80,000. The bills further clarify that the raise in salaries will be effective from July 1, 2016.

The KP Police Bill, 2017 is aimed at bringing reforms to the police department and giving financial and transfer and postings powers to the Inspector General of Police. The Chief Minister and other treasury lawmakers defended the bill while the Opposition Leader, PML-N Parliamentary Leader and other opposition lawmakers objected to the legislative proposal.

The fourth bill – the KP Ehtesab Commission (Amendment) Bill, 2017

was passed to amend KP Ehtesab Commission Act 2014, following which any suspect of corruption and corrupt practices will not be arrested without the permission of Ehtesab court. Previously, under Section 36 of the Act, the Director General or an officer authorized by him was empowered to arrest any person for the purpose of inquiry or investigation.

The House witnessed introduction of two bills - the KP Free Compulsory Primary and Secondary Education Bill, 2017 and the KP Technical Education and Vocational Training Authority (Amendment) Bill, 2017.

During the reporting period, the House also adopted five resolutions. They were related to banning the porn sites, mentioning names of small regional languages in the forms for upcoming census, ensuring legislation for Ruet-e-Hilal Committee through Parliament, constituting a committee for an effective legislation against AICE addiction and banning Muslims entry into the United States from different countries.

Another important factor of FAFEN's observation was the lawmakers' attendance that remained low throughout the session – with an average of 36 members (29%) present at the start and 35 (28%) at

the end of each sitting. The quorum was pointed out thrice during the session while the Chair had to adjourn the sitting on one occasion.

During the second sitting, the entire opposition walked out of the House twice over non-submission of replies to their questions by the treasury while the protest of two female lawmakers – one each of QWP and PML-N – was witnessed during the same sitting against long absence of PTI female lawmakers from the House.

A JUI-F female lawmaker walked out of the House for two minutes when the Chair did not allow her to speak on a Point of Order during the 3rd sitting held on January 27, 2017. The PML-N and PTI lawmakers protested over the incident and chanted slogans against each other in front of the dais, which was followed by the adjournment of the sitting until February 20, 2017.

The Speaker and the Deputy Speaker remained present during three sittings each and presided over 49% and 21% of the proceedings respectively, while 30% percent of the session's time was spent in breaks. The Parliamentary leaders of PML-N and ANP attended three sittings each followed by JI and QWP-S (two each) and PPPP (one). The Chief Minister attended

two sittings, consuming 31% of the session's time while the Leader of the Opposition attended two out of four sittings that took 49% of the entire proceedings.

The House took up two Calling Attention Notices (CANs) over the non-issuance of development funds for all projects and allowances to employees serving at MPA hostel.

The lawmakers raised 14 Points of Order (POs) consuming 26 minutes of the proceedings.

The House also witnessed presentation of five reports by various committees, while a privilege motion of a JUI-F lawmaker against the Transport Department was forwarded to the relevant committee for not replying to his question.

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

4

Session
Duration

**7 hours
42 minutes**

Average
Delay

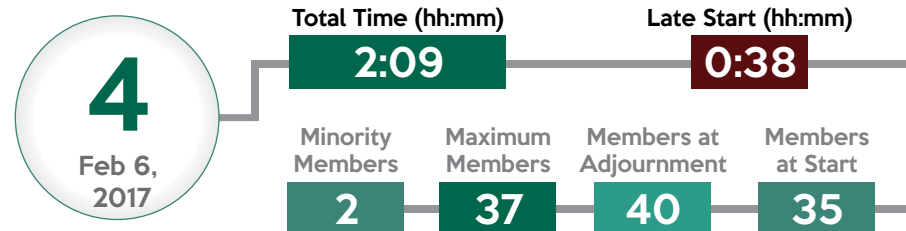
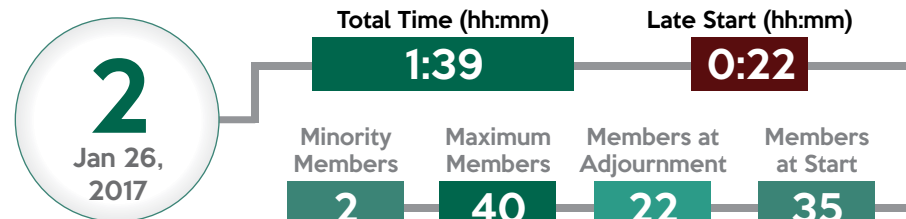
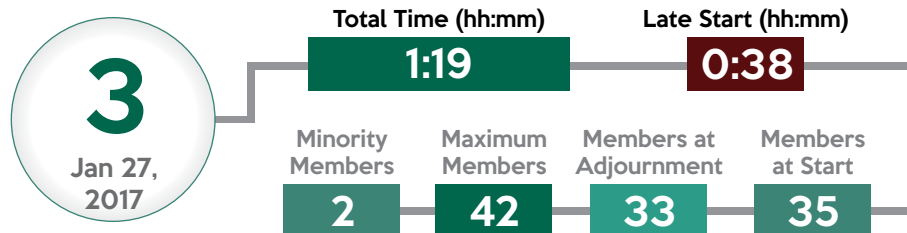
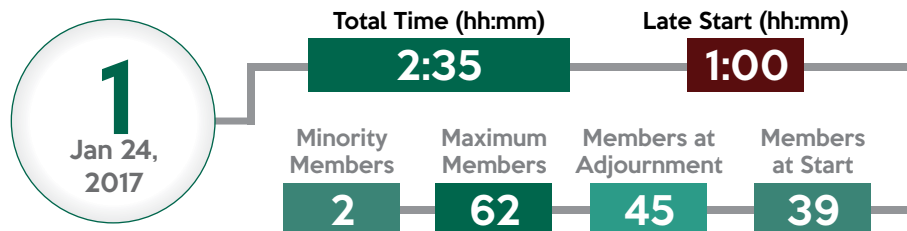
**2 hours
38 minutes**

Total
Break

**2 hours
18 minutes**

SITTING DATE, DURATION AND ATTENDANCE

The session started on January 24, 2017 and concluded on February 6, 2017. On average, each sitting started 38 minutes behind the schedule and lasted an hour and 55 minutes.



KEY MEMBERS ATTENDANCE



SPEAKER

Sittings Attended
3

Presided Time
49%



DEPUTY SPEAKER

Sittings Attended
3

Presided Time
21%



CHIEF MINISTER

Sittings Attended
1

Attended Time
31%



**LEADER OF
OPPOSITION**

Sittings Attended
2

Attended Time
49%

* 30% time was consumed in break

PARLIAMENTARY LEADERS ATTENDANCE



Sardar Aurangzeb



PML-N

attended
3
sittings



Sardar Hussain Babak



ANP

attended
3
sittings



Inayat Ullah



JI

attended
2
sittings



Sikandar Hayat Khan



QWP-S

attended
2
sittings



Muhammad Ali Shah



PPPP

attended
1
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.

Questions

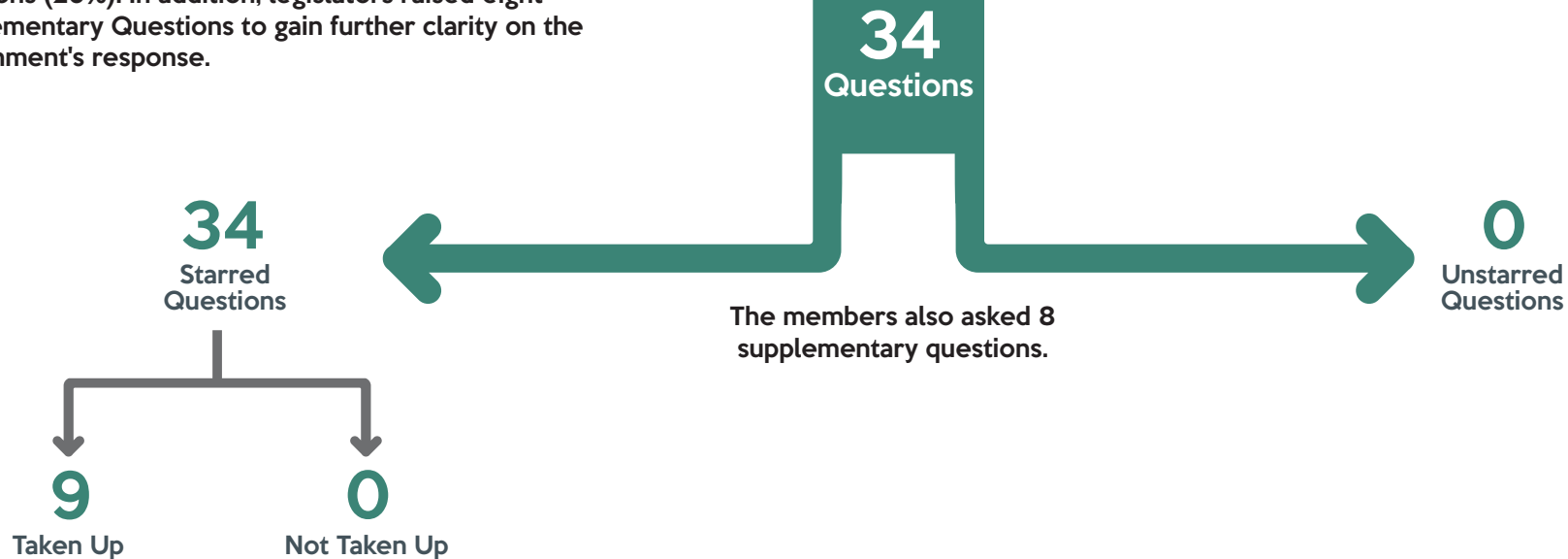
34

CANs

6

QUESTIONS

Out of 34 Starred Questions, the House took up only nine questions (26%). In addition, legislators raised eight Supplementary Questions to gain further clarity on the government's response.



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 two Calling Attention Notices (CANs) over the non-issuance of development funds for all projects and allowances to employees serving at MPA hostel.

Taken Up CANs



Fakhr Azam Wazir



The provincial finance department is not providing ample amount of development funds and every now and then give lame excuses that financial constraints are the main hurdles in this regard



Mehmoood Jan, Muhammad Rashad Khana, Mohammad Ali



PTI



PML-N



JI

There is a need to merge the employees of MPA hostel in to the Assembly Secretariat, and moreover the employees of the MPA hostel are still deprived of session allowances

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**

8

**Bills
Passed**

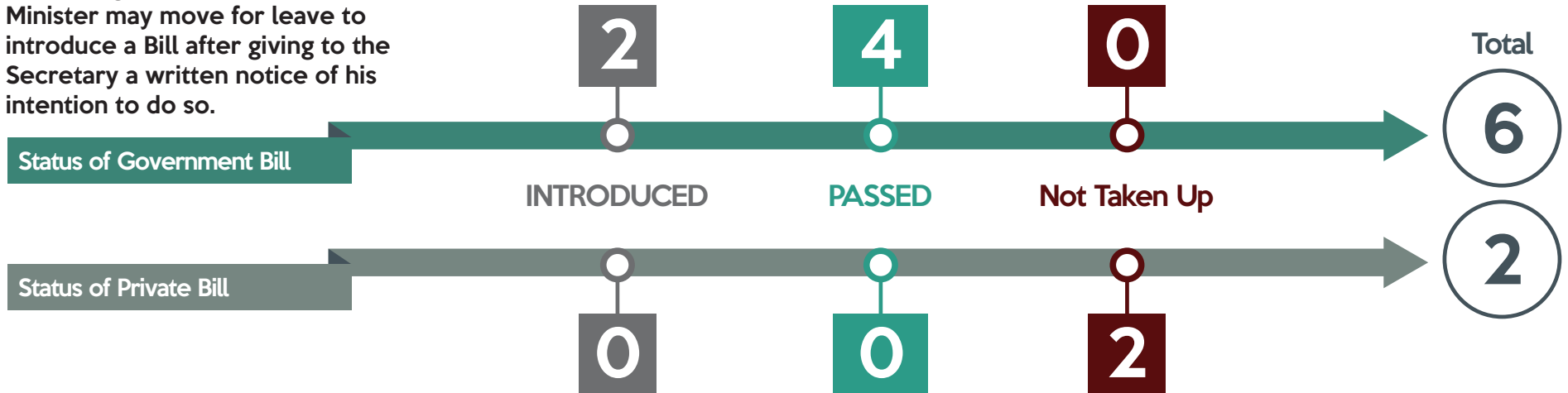
4

Resolutions

9

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

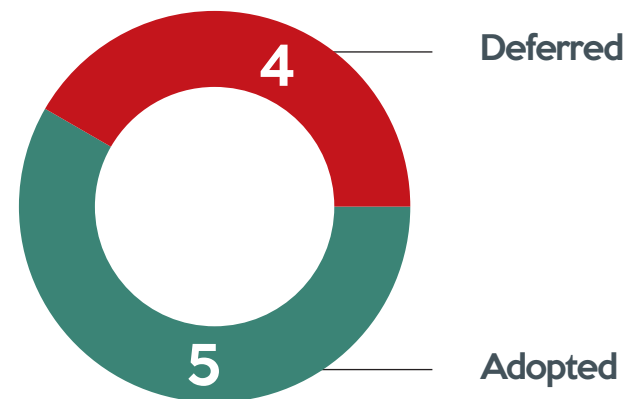
- The Khyber Pakhtunkhwa Police Bill, 2017
- The Khyber Pakhtunkhwa Ehtesab Commission (Amendment) Bill, 2017
- The Khyber Pakhtunkhwa Ministers (Salaries, Allowances and Privileges) (Amendment) Bill, 2017
- The Khyber Pakhtunkhwa Salaries, Allowances and Privileges Laws (Amendment) Bill, 2017

REPORTS



RESOLUTIONS

During the reporting period, the House also adopted five resolutions. They were related to banning the porn sites, mentioning names of small regional languages in the forms for upcoming census, ensuring legislation for Ruet-e-Hilal Committee through Parliament, constituting a committee for an effective legislation against ICE addiction and banning Muslims entry into the United States from different countries.



LIST OF ADOPTED RESOLUTIONS

- There is a need to do legislation for Ruet-e-Hilal Committee by the parliament, so that it can be implemented throughout the country
- The provincial government should approach the federal government that in the upcoming census the word "others" should be added in the column of tribe, so that every tribe speaking different languages can have their representation
- The government should approach the federal government, that PTA should immediately block all porn websites on the internet
- The recent ban of American President Donald Trump on Muslims from different countries in America has created chaos in the Muslim world. Its significant that the American government should not initiate such kind of decisions and keep in view the international laws
- To constitute a committee in the House for an effective legislation against use of (AICE) intoxication in the educational institutions of Khyber Pakhtunkhwa

LIST OF UNADDRESSED RESOLUTIONS

- The provincial government must approach the federal government that PK-97 Lower Dir should be provided Sui-gas supply
- The provincial government should approach the federal government that the owners whose land are being utilised by the government for the construction of Shah Maqsood Interchange Haripur, must be given timely payments
- The provincial government should include the incidents of bravery in education syllabus against terrorism act in Army Public School on December 16, 2014, and Bacha Khan university on January 20, 2016
- The provincial assembly should contact the federal government that it should take serious efforts to lift the ban on Tableegh-e-Jamaat imposed by the Punjab government

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

14

Protest/
Walkout

5

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 14 Points of Order (POs) consuming 26 minutes of the proceedings.



WALKOUT/PROTEST

During the second sitting, the entire opposition walked out of the House twice over non-submission of replies to their questions by the treasury while the protest of two female lawmakers – one each of QWP and PML-N – was witnessed during the same sitting against long absence of PTI female lawmakers from the House.

A JUI-F female lawmaker walked out of the House for two minutes when the Chair did not allow her to speak on a Point of Order during the 3rd sitting held on January 27, 2017. The PML-N and PTI lawmakers protested over the incident and chanted slogans against each other in front of the dais, which was followed by the adjournment of the sitting until February 20, 2017.

2nd Sitting

► Walkout (Entire Opposition)

Reasons: Over non-submission of replies to questions of its lawmakers

6 min

2nd Sitting

► Walkout (Entire Opposition)

Reasons: Over non-submission of replies to questions of its lawmakers

35  min

2nd Sitting

► Protest (QWP and PML-N)

Reasons: Against continuous absence of PTI female lawmakers from the House

5  min

3rd Sitting

► Protest (PML-N and PTI)

Reasons: Protested by chanting slogans against each other in front of dais, following which the Speaker adjourned the sitting until February 20, 2017

5  min

2nd Sitting

► Protest (JUI-F)

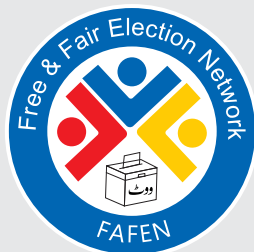
Reasons: When Speaker did not allow to talk on point of order

2  min

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 17,900 followers on Twitter and around 92,600 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