

PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

FAFEN PARLIAMENT MONITOR

24th SESSION

April 11 - May 23, 2017



LIST OF ABBREVIATIONS

ANP	Awami National Party
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

KP ASSEMBLY TAKES UP HEAVY LEGISLATIVE AGENDA

- Keeps on suspending rules to adopt resolutions
- Less oversight of executive as 53% questions lapsed due to absence of movers
- Chief Minister attends three sittings

The Khyber Pakhtunkhwa (KP) Assembly took up heavy legislative agenda during 14-sitting session held between April 11, 2017 and May 23, 2017. It passed 17 bills, including four private members' bills, adopted nine resolutions after suspending rules and referred two bills to the relevant committees for further deliberations.

With an average of 36 lawmakers (29% of the total membership – 124) present at the start and 32 members (26%) at the end of each sitting, the 24th session of the provincial assembly transacted most of the agenda appearing on Orders of the Day. A maximum of 53 (43%) members, on average, attended the session along with the presence of one minority legislator. The quorum was pointed out eight times during the session while the Chair had to adjourn the sittings on five occasions. One sitting remained

suspended for 10 minutes and the quorum was found complete upon counting on two occasions.

The Speaker and the Deputy Speaker remained present during three and 13 sittings and presided over 25% and 72% of the proceedings, respectively. Three percent of the session's time was spent in breaks or suspension of the proceedings. The Leader of the House remained present in three sittings and attended 21% of the session's time, while the Opposition Leader attended six sittings and remained present in 41% of the session's time. Among the Parliamentary leaders, the ANP lawmaker attended 11 sittings, followed by JI (10), PML-N (9), QWP-S (3) and PPP (2).

The House observed heavy legislative agenda and passed 17 bills. Rules were suspended several times to accommodate non-agenda

items, especially the resolutions, as the Assembly adopted nine resolutions during the reporting period. 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 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 members frequently took the advantage of Rule 240, requesting the Speaker to suspend the relevant rules and accommodate their resolutions.

Low interest of lawmakers was observed during oversight of the executive, as 53 percent starred questions were lapsed due to the absence of lawmakers or relevant

ministers. However, the House took up 13 out of 17 Calling Attention Notices (CANs) appearing on the Orders of the Day.

The bills passed included four private members' bills, as well as government's bills including four seeking amendments in KP Local Government Act 2013 while other bills were the KP Mental Health Bill, 2017; the KP Civil Courts (Amendment) Bill, 2017; the KP Consumer Protection (Amendment) Bill, 2017; the KP Minerals Sector Governance (Amendment) Bill, 2017; the KP Private Schools Regulatory Authority Bill, 2017; the KP Food Safety Authority (Amendment) Bill, 2017; the KP Vaccination (Amendment) Bill, 2017; the KP Free Compulsory Primary and Secondary Education Bill, 2017 and the KP Public Private Partnership (Amendment) Bill, 2017.

Four private members' bills passed during the session were the KP Health Foundation (Amendment) Bill, 2017; the KP Medical Teaching Institutions Reforms (Amendment) Bill, 2017; the KP Employees of Transport Department (Regularization of Services) Bill, 2017 and the KP Ehtesab Commission (Second Amendment) Bill, 2017. Two bills – the KP Societies Registration (Amendment) Bill, 2017 and the KP

Dowry, Bridal Gift and Marriage Functions Restriction Bill, 2017 – were referred to the Select Committee for further deliberations.

Another government bill – the KP Provincial Ombudsman (Amendment) Bill, 2016 – was withdrawn while two bills, including the KP Establishment of Information Technology Board (Amendment) Bill, 2017 and the Kaghan Development Authority Bill, 2017 were introduced in the House. The House did not consider the KP Local Government (Amendment) Bill, 2017.

The House passed nine resolutions to condemn attacks in Syria, ensure legislation to stop circulation of blasphemous content on the social media, demand resignation of the Prime Minister in the wake of Supreme Court's decision in Panama Papers case, appointment of female staff at NADRA offices in Hazara division and south districts of KP, construct an overhead bridge in Abbottabad under CPEC, compensate the affectees of Sukhi Kinari Dam, start PIA flights from Peshawar to Lahore on daily basis; ensure PIA's compliance with the flights schedule and hang the Indian spy Kulbhushan Yadev for his involvement in espionage activities and terrorism in Pakistan.

Of 17 CANs appearing on the Orders

of the Day, the House took up 13, among these three were not taken up while one was withdrawn by the mover. The taken up CANs were related to TMA employees' strike in Bannu; retention of Area Director Center at Peshawar University despite court's order; killing of laborer by a landlord in remote area of Buner district; restoration of male mobilizers in Population Welfare Department; notification for expanding jurisdictions of the Forest Institute; implementation on KP Whistleblower Protection and Vigilance Commission Act 2016; non-completion of Jalozai Housing Scheme; closing certain primary schools in the province; poor drainage system in a Degree College at Charssada; review of educational curriculum; regularization of the services of employees at Regional Blood Center in Peshawar; corruption charges against Deputy Commissioner Tank and recruitment of IT teachers and Lab In-charges in the Education Department against sanctioned posts.

Sponsored by PPPP lawmaker, the House discussed an Adjournment Motion (AM) to revise the scale of staff at Union and Village Councils. Six lawmakers, two of QWP and one each of PPPP, JI, ANP and PML-N, spoke on the motion for 18 minutes. The Chair admitted an AM for

debate regarding inquiry report of the government on corruption in Bank of Khyber, its performance and illegal appointments made.

The lawmakers raised 27 Points of Order (POs) consuming an hour and 54 minutes. Out of 163 Starred Questions, 76 questions (47%) were taken up and responded to by the relevant ministries/departments, while the legislators raised 62 supplementary questions to gain further clarity on government's responses. Of the total starred questions, 23 were related to Elementary and Secondary Education Department, followed by Health and Finance Departments (15 each), Communication & Works and Environment Departments (14 each) and Irrigation and Local Government Departments (11 each).

Two privilege motions – one each submitted by PTI and JUI-F lawmaker – against the government officials were referred to the relevant committee. The House did not consider another privilege motion of a PTI lawmaker.

Three instances of walk outs were witnessed during the session. A JUI-F lawmaker staged a walkout for two minutes during the 6th sitting over ministerial absence in the House while the same sitting witnessed another walkout for 25 minutes by

the opposition lawmakers for not being allowed to move a resolution against PTI lawmaker, who used objectionable language against women.

Similarly, the opposition lawmakers staged another walkout for 12 minutes during eighth sitting over non-availability of hard copies of the List of Business in the House.

The entire opposition protested within the House for 10 minutes during 3rd sitting on the passage of resolution against Prime Minister. The opposition benches also protested for seven minutes during 5th sitting over unjustified distribution of development funds. Two protests were witnessed during 6th sitting for three minutes each. The first protest was against the use of objectionable language against women while the other was against denying permission by the Chair to speak on a Point of Order.

The House witnessed presentation of 10 reports by various committees and adoption of a report of Standing Committee on Procedure and Conduct of Business Rules, Privileges and Implementation of Government Assurances.

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

14

Session
Duration

22 hours

Average
Delay

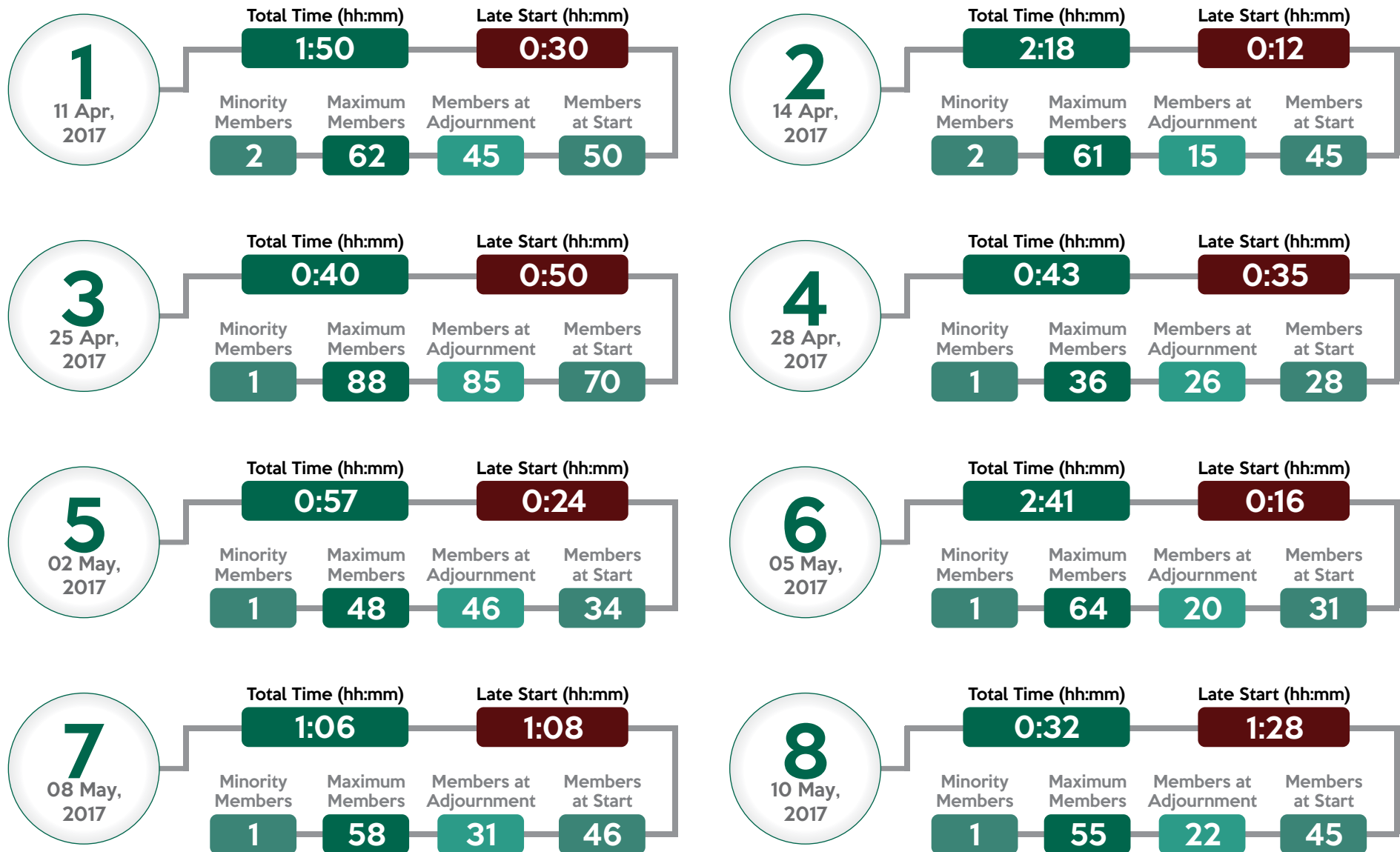
35 minutes

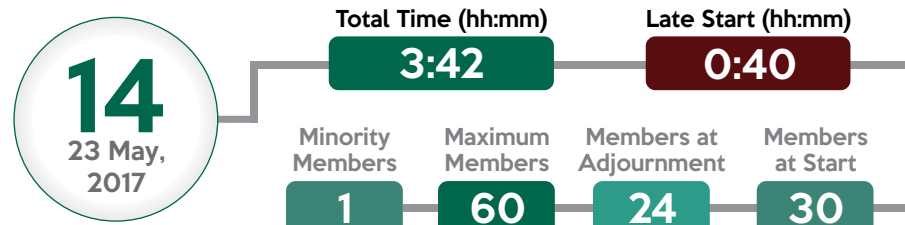
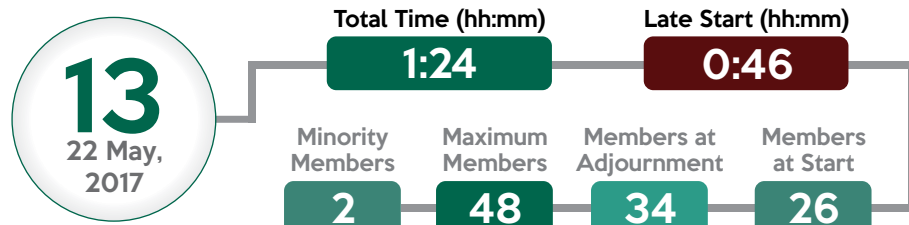
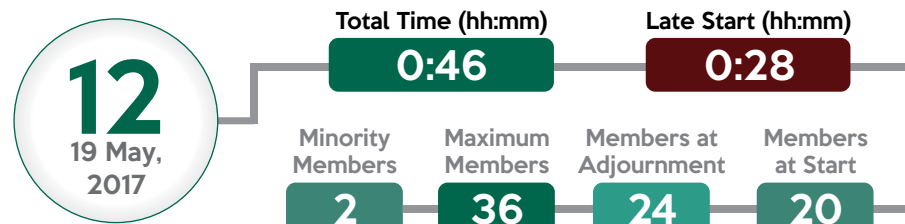
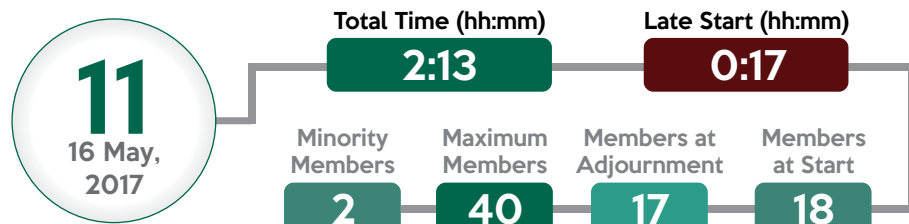
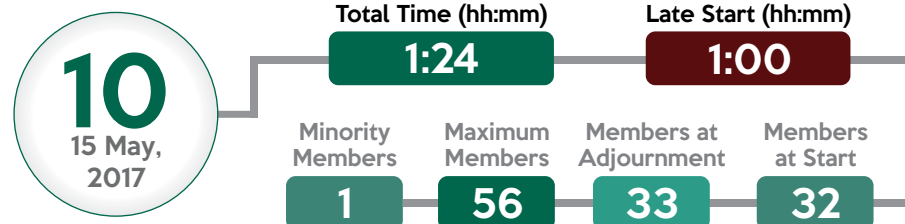
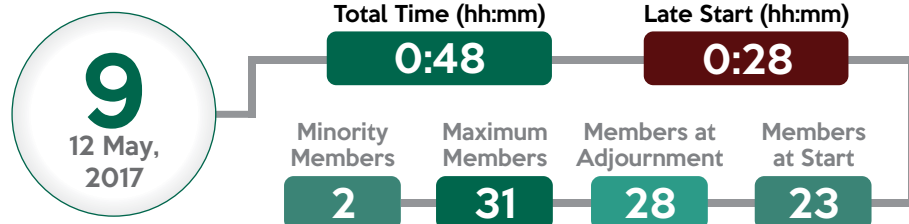
Total
Break

40 minutes

SITTING DATE, DURATION AND ATTENDANCE

The session started on April 11, 2017 and concluded on May 23, 2017. On average, each sitting started 35 minutes behind the schedule and lasted an hour and 34 minutes.





KEY MEMBERS ATTENDANCE



SPEAKER

Sittings Attended
3

Presided Time
25%



DEPUTY SPEAKER

Sittings Attended
13

Presided Time
72%



CHIEF MINISTER

Sittings Attended
3

Attended Time
21%



**LEADER OF
OPPOSITION**

Sittings Attended
6

Attended Time
41%

* 3% time was consumed in break

PARLIAMENTARY LEADERS ATTENDANCE



Sardar Hussain Babak



ANP

attended
11
sittings



Inayat Ullah



JI

attended
10
sittings



Sardar Aurangzeb



PML-N

attended
9
sittings



Sikandar Hayat Khan



QWP-S

attended
3
sittings



Muhammad Ali Shah



PPPP

attended
2
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

163

Adjournment
Motion

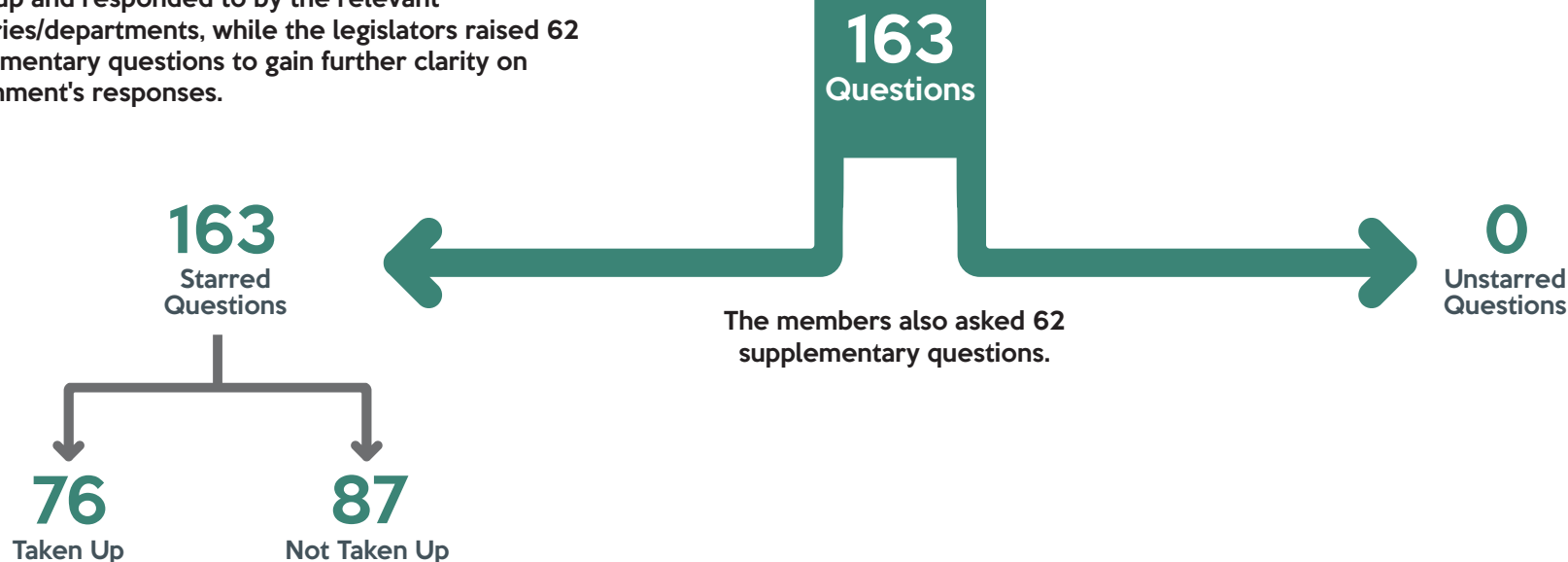
2

CANs

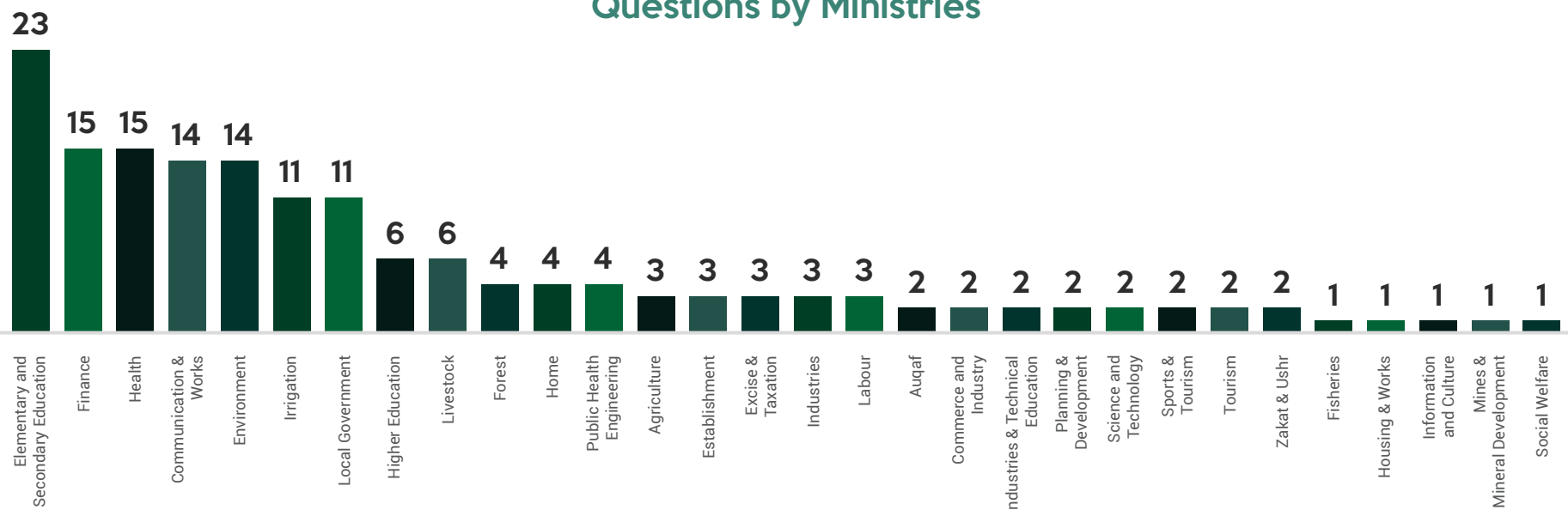
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QUESTIONS

Out of 163 Starred Questions, 76 questions (47%) were taken up and responded to by the relevant ministries/departments, while the legislators raised 62 supplementary questions to gain further clarity on government's responses.



Questions by Ministries



CALL 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

Of 17 CANs appearing on the Orders of the Day, the House took up 13, among these three were not taken up while one was withdrawn by the mover. The taken up CANs were related to TMA employees' strike in Bannu; retention of Area Director Center at Peshawar University despite court's order; killing of laborer by a landlord in remote area of Buner district; restoration of male mobilizers in Population Welfare Department; notification for expanding jurisdictions of the Forest Institute; implementation on KP Whistleblower Protection and Vigilance Commission Act 2016; non-completion of Jalozai Housing Scheme; closing certain primary schools in the province; poor drainage system in a Degree College at Charssada; review of educational curriculum; regularization of the services of employees at Regional Blood Center in Peshawar; corruption charges against Deputy Commissioner Tank and recruitment of IT teachers and Lab In-charges in the Education Department against sanctioned posts.

3

1

13

Not Taken Up Taken Back

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



Sardar Hussain Babak
ANP

The House should discuss the inquiry report of the government regarding corruption in Bank of Khyber, the performance of the Bank during last four years and illegal appointments in the Bank. The Secretary Finance has not held inquiry of appointments in the Bank despite written directions of the Chief Minister.



Sahibzada Sanaullah
PPPP

There is no upgradation policy for the secretary union/village councils who are employees of Local Government department. They are appointed in Scale 6/7 and retire in the same. The government should make a policy for upgradation of these employees.

SECTION 3

PARLIAMENTARY OUTPUT

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

Bills
Passed

17

Resolutions

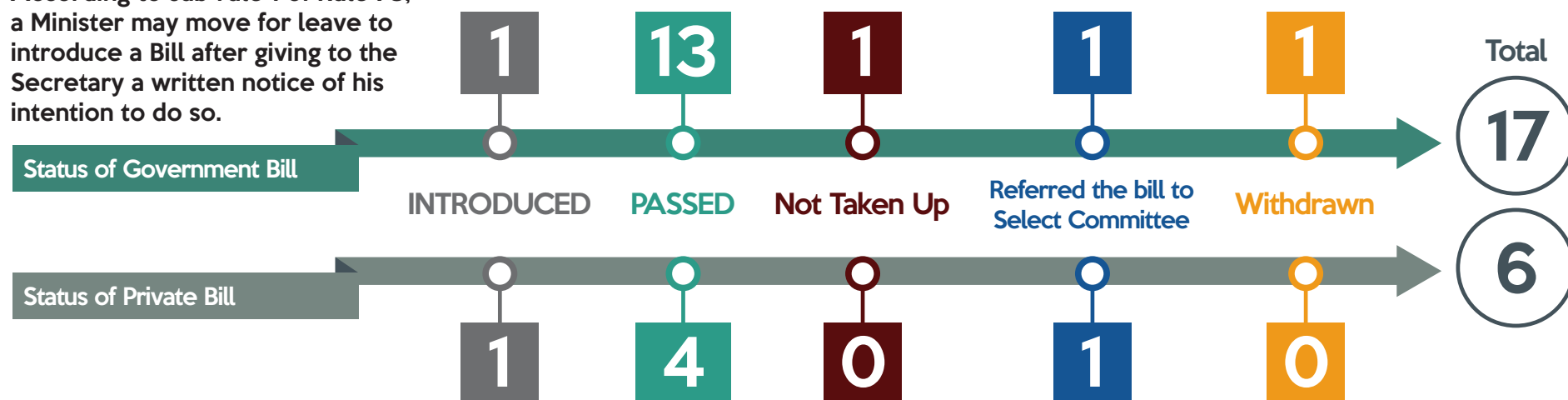
9

Reports

11

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.

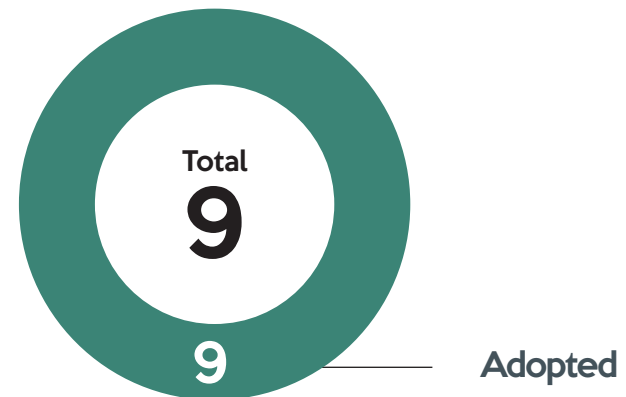


LIST OF PASSED BILLS

- The Khyber Pakhtunkhwa Local Government (Amendment) Bill, 2017 (Insertion of new section 17-A, Amendment of section 27 and Amendment of Second Schedule of Act XXVIII of 2013)
- The Khyber Pakhtunkhwa Local Government (Amendment) Bill, 2017 (Amendment of section 9, Fourth Schedule and addition of Eighth Schedule of Act XXVIII of 2013)
- The Khyber Pakhtunkhwa Local Government (Amendment) Bill, 2017 (Amendment of section 53 of Act XXVIII of 2013)
- The Khyber Pakhtunkhwa Mental Health Bill, 2017
- The Khyber Pakhtunkhwa Civil Courts (Amendment) Bill, 2017
- The Khyber Pakhtunkhwa Consumer Protection (Amendment) Bill, 2017
- The Khyber Pakhtunkhwa Health Foundation (Amendment) Bill, 2017
- The Khyber Pakhtunkhwa Medical Teaching Institutions Reforms (Amendment) Bill, 2017
- The Khyber Pakhtunkhwa Minerals Sector Governance (Amendment) Bill, 2017
- The Khyber Pakhtunkhwa Private Schools Regulatory Authority Bill, 2017
- The Khyber Pakhtunkhwa Food Safety Authority (Amendment) Bill, 2017
- The Khyber Pakhtunkhwa Employees of Transport Department (Regularization of Services) Bill, 2017
- The Khyber Pakhtunkhwa Vaccination (Amendment) Bill, 2017
- The Khyber Pakhtunkhwa Local Government (Third Amendment) Bill, 2017
- The Khyber Pakhtunkhwa Ehtesab Commission (Second Amendment) Bill, 2017
- The Khyber Pakhtunkhwa Free Compulsory Primary and Secondary Education Bill, 2017
- The Khyber Pakhtunkhwa Public Private Partnership (Amendment) Bill, 2017

RESOLUTIONS

During the reporting period, the House passed nine resolutions to condemn attacks in Syria, ensure legislation to stop circulation of blasphemous content on the social media, demand resignation of the Prime Minister in the wake of Supreme Court's decision in Panama Papers case, appointment of female staff at NADRA offices in Hazara division and south districts of KP, construct an overhead bridge in Abbottabad under CPEC, compensate the affectees of Sukhi Kinari Dam, start PIA flights from Peshawar to Lahore on daily basis; ensure PIA's compliance with the flights schedule and hang the Indian spy Kulbhushan Yadev for his involvement in espionage activities and terrorism in Pakistan.

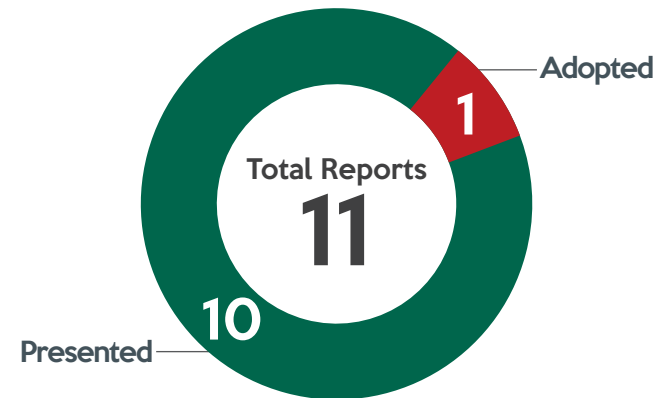


LIST OF ADOPTED RESOLUTIONS

- This House urges the provincial government to recommend to the federal government to enact efficient legislation to control content on social media.
- This House recommends to the Federal Government through Provincial Government to summon Joint Session of the Parliament on the issue of USA's air strikes in Syria. This House condemns this attack and appeals to the Muslim countries to raise the matter in United Nations and OIC because this is an attack on the entire Muslim community.
- "In view of the judgment passed by the Hon'able Judges of the Supreme Court of Pakistan on 20th April, 2017 in Panama case regarding the Prime Minister of Pakistan Mian Muhammad Nawaz Sharif and his family, non of the judges gave clean chit to the Prime Minister and his family of the senior most judges declared the Prime Minister as disqualified the Prime Minister ship, on their remarks all the judges are of the view that Prime Minister could not prove justify his assets to be acquired by legal means and asked for further inquiry. Therefore, this house believe that the Prime Minister has lost his moral authority and demand his resignation immediately till the final decision"
- This House recommends to the Federal Government through Provincial Government to withdraw ban on the appointment of female staff in Nadra to facilitate KP women in registering for CNICs.
- This House recommends to compensate the affectees of Sukhi Kinari Dam at the rate fixed for Dasu Dam compensation
- The House recommends to the federal government through Provincial Government to include the construction of an overhead bridge in Abbottabad from Fawara Chowk to Mian di Seri in the China Pakistan Economic Corridor.
- This House recommends to the federal government through the provincial government to start PIA flights from Peshawar to Lahore on daily basis and to ensure that flights are not late.
- This House recommends to the Federal Government through Provincial Government to ensure that PIA operates its flights in strict compliance to flights schedule and take steps to reduce PIA's deficit without burdening the pockets of public.
- This House recommends to the federal government through the Provincial Government to implement the death sentence awarded to Indian spy Kulbhushan Yadev on immediate grounds so that no person dares to take the path Yadev took.

REPORT

The House witnessed presentation of 10 reports by various committees and adoption of a report of Standing Committee on Procedure and Conduct of Business Rules, Privileges and Implementation of Government Assurances.



Presented Reports

- The Audit Reports of the Auditor General of Pakistan on Accounts of Government of Khyber Pakhtunkhwa for the Year, 2013-14, i. Audit Reports of the Accounts of Government of Khyber Pakhtunkhwa
- The Audit Reports of the Auditor General of Pakistan on Accounts of Government of Khyber Pakhtunkhwa for the Year, 2013-14 in the House: ii. Appropriation Accounts
- The Audit Reports of the Auditor General of Pakistan on Accounts of Government of Khyber Pakhtunkhwa for the Year, 2013-14 in the House: iii. Financial Statements
- The Audit Reports of the Auditor General of Pakistan on Accounts of Government of Khyber Pakhtunkhwa for the Year, 2013-14 in the House: iv. Audit Report on Revenue Receipts
- The Audit Reports of the Auditor General of Pakistan on Accounts of Government of Khyber Pakhtunkhwa for the Year, 2013-14 in the House: v. Audit Report on Public Sector Enterprises

Adopted Report

- The Honorable Chairperson/Member of the Standing Committee No. 1 on Procedure & Conduct of Business Rules, Privileges and Implementation of Government Assurances will move under Rule 60 (I) of the Khyber Pakhtunkhwa Procedure and Conduct of

- The Annual Report of the Ehtesab Commission for the year, 2016
- The Standing Committee No. 8 on Higher Education, Archives & Libraries Department will move a motion under Rule 185 (1) of the Provincial Assembly of Khyber Pakhtunkhwa Procedure & Conduct of Business Rules, 1988 for time extension for presentation of Report of the Committee
- The Special Committee on a Joint Call Attention Notice (CAN)
- The Standing Committee No. 1 on Procedure & Conduct of Business Rules, Privileges and Implementation of Government Assurances will move under Rule 60 (1) of the Khyber Pakhtunkhwa Procedure and Conduct of Business Rules, 1988 that the time for presentation of report may be extended till date
- The Standing Committee No. 25 on Establishment Department will move a motion under Rule 185 (1) of the Provincial Assembly of Khyber Pakhtunkhwa Procedure & Conduct of Business Rules, 1988 for time extension for presentation of Report of the Committee

Business Rules, 1988 that the time for presentation of report of the Committee regarding Privilege Motion No. 90 moved by Dr. Amjad Ali, Special Assistant to Chief Minister Khyber Pakhtunkhwa may be extended till date

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

27

Protest/
Walkout

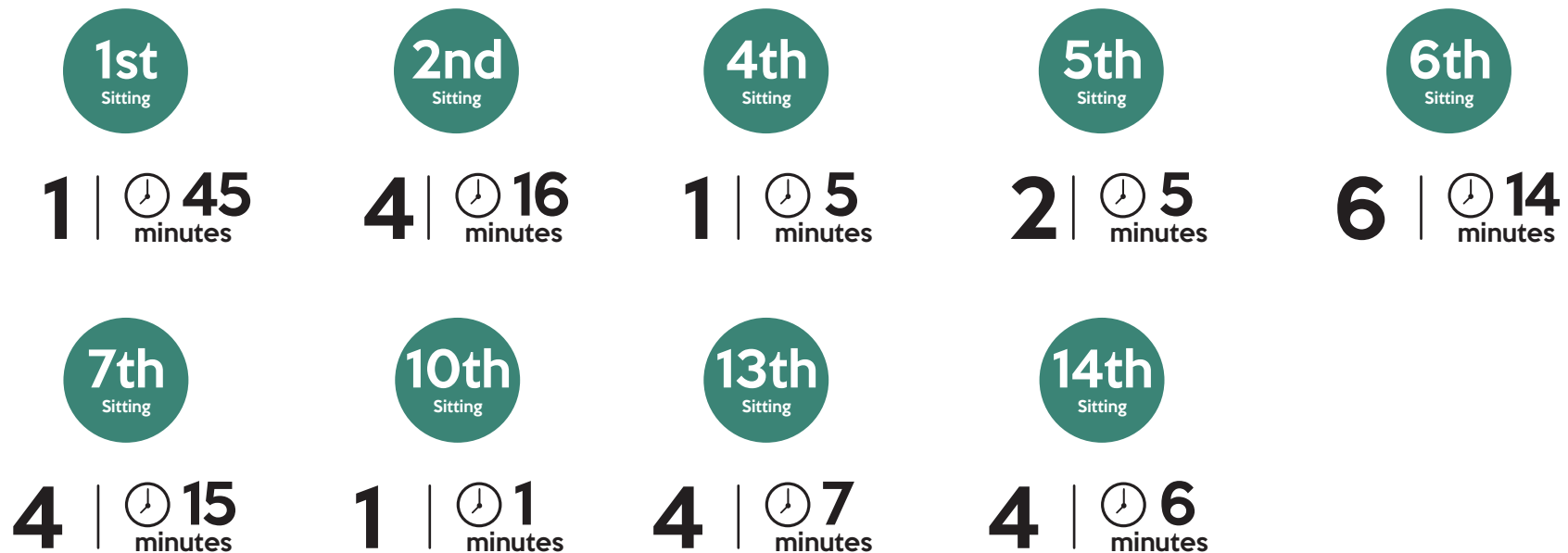
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POINTS OF ORDER

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 27 Points of Order (POs) consuming an hour and 54 minutes.



WALKOUT/PROTEST

Three instances of walk outs were witnessed during the session. A JUI-F lawmaker staged a walkout for two minutes during the 6th sitting over ministerial absence in the House while the same sitting witnessed another walkout for 25 minutes by the opposition lawmakers for not being allowed to move a resolution against PTI lawmaker, who used objectionable language against women.

Similarly, the opposition lawmakers staged another walkout for 12 minutes during eighth sitting over non-availability of hard copies of the List of Business in the House.

The entire opposition protested within the House for 10 minutes during 3rd sitting on the passage of resolution against Prime Minister.

The opposition benches also protested for seven minutes during 5th sitting over unjustified distribution of development funds. Two protests were witnessed during 6th sitting for three minutes each. The first protest was against the use of objectionable language against women while the other was against denying permission by the Chair to speak on a Point of Order.

3rd Sitting

► Protest (Entire Opposition)

Reasons: Against the passage of bill and resolution against Prime Minister

10  min

5th Sitting

► Protest (Opposition)

Reasons: Over “unjustified” distribution of development funds

7  min

6th Sitting

► Walkout (JUI-F)

Reasons: Over ministerial absence in the House

2  min

6th Sitting

► Protest & Walkout (Opposition)

Reasons: for not being allowed to move a resolution against PTI lawmaker, who used objectionable language against women the other day

28  min

6th Sitting

► Protest (PTI)

Reasons: Against denying permission to speak on a Point of Order

3  min

8th Sitting

► Walkout (Entire Opposition)

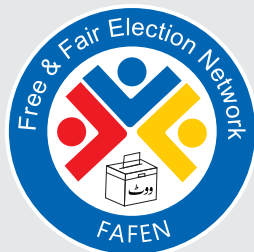
Reasons: Unavailability of the copies of List of Business

12  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 18,200 followers on Twitter and around 117,000 on Facebook, FAFEN is considered one of the most reliable sources of electoral and parliamentary information in the country.

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