

PROVINCIAL ASSEMBLY OF  
KHYBER PAKHTUNKHWA

# FAFEN PARLIAMENT MONITOR 5<sup>th</sup> SESSION

February 6 – February 26, 2019



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Session  
Number

5

Working  
Days

17

Actual  
Sittings

7

Working  
Hours

15

Hours &amp; 15 Minutes

## KP Assembly Addresses 76% Agenda during fifth Session

ISLAMABAD, February 27, 2019: The Provincial Assembly of Khyber Pakhtunkhwa (KP) addressed 76 percent of its regular agenda during fifth session that continued between February 6 and February 26, 2019.

Of 124 lawmakers, 42 (34 percent) including 38 men and four women contributed to the proceedings of the House by sponsoring various parliamentary interventions and/or contributing in the debates. The active lawmakers belonged to ANP, MMAP, PML-N, PPPP and PTI

On the other hand, as many as 81 lawmakers including 62 men and 19 women did not participate in the proceedings throughout the session. The lawmakers who did not participate in the proceedings belonged to ANP, MMAP, PML-N and PTI while one was independent.

The overall business including regular and supplementary agenda brought before the House during fifth session comprised 10 government bills, 11 resolutions, 15 Calling Attention Notices (CANs), seven Adjournment Motions (AMs), 72 Starred Questions and five Questions of Privilege.

Average Delay

58

Minutes

Members at  
Outlet (Average)

38

present

Members at  
End (Average)

38

present

Maximum  
Members  
(Average)

62

## 1 Session, Duration and Attendance

The session comprised seven sittings spanning over 12 working days. The cumulative duration of the sittings was 14 hours and 13 minutes including a period of an hour and two minutes when the proceedings remained suspended. Each sitting, on an average, started 58 minutes behind the scheduled time and lasted two hours and 11 minutes.

According to the headcount conducted by FAFEN observer, an average 38 lawmakers were present at the start and 38 at the adjournment of each sitting.

The Speaker and the Deputy Speaker attended six and seven sittings respectively. The speaker presided over the session for 12 hours and 36 minutes (89 percent of the proceedings) and the Deputy Speaker for an hour and 37 minutes (11 percent of the proceedings).

The Leader of the House (Chief Minister) did not attend any sitting during the session while the Leader of the Opposition attended five sittings for 13 hours and three minutes (92 percent of the proceedings).

The parliamentary leaders of ANP and MMAP attended five sittings each while the PPP and PML-N leaders attended three and one sitting 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 fifth session comprised 10 government bills. The House passed seven of these bills while the remaining three 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 refer a bill to a standing committee upon its introduction. A brief description of the passed bills is given below:

#### 1 The Khyber Pakhtunkhwa Youth Affairs Management and Disposal of Immoveable Properties Bill, 2019

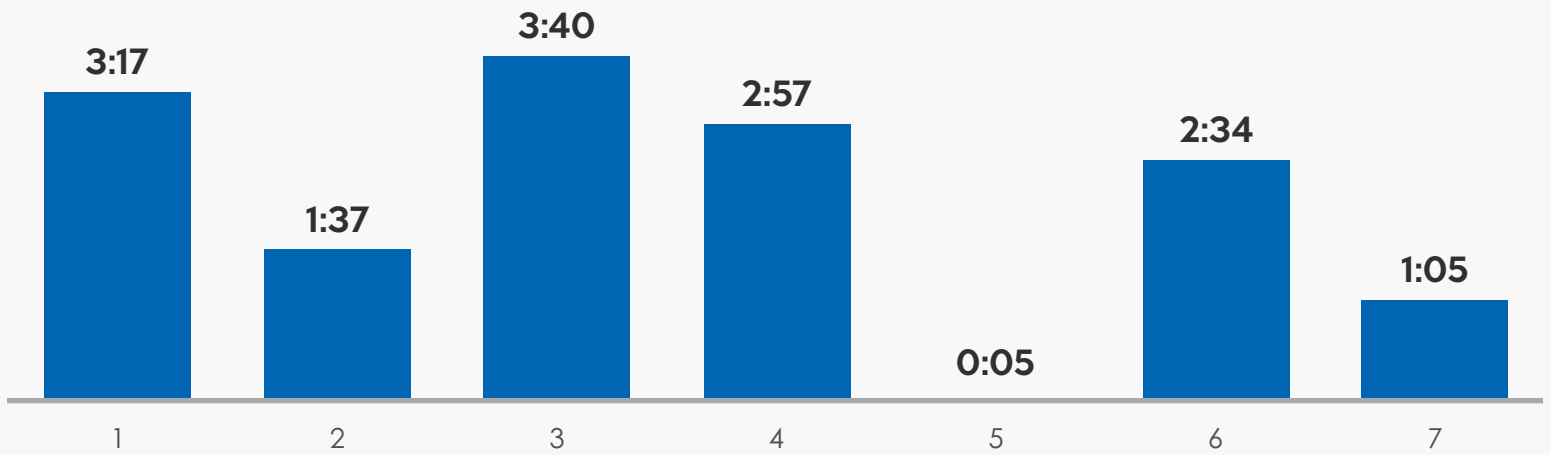
The bill provides for the management and disposal of the immoveable properties of the provincial government's department of Youth Affairs.

**Status:** Passed

**Date of Introduction:** February 6, 2019

**Date of Passage:** February 12, 2019

# SITTINGS DURATION (hh:mm)



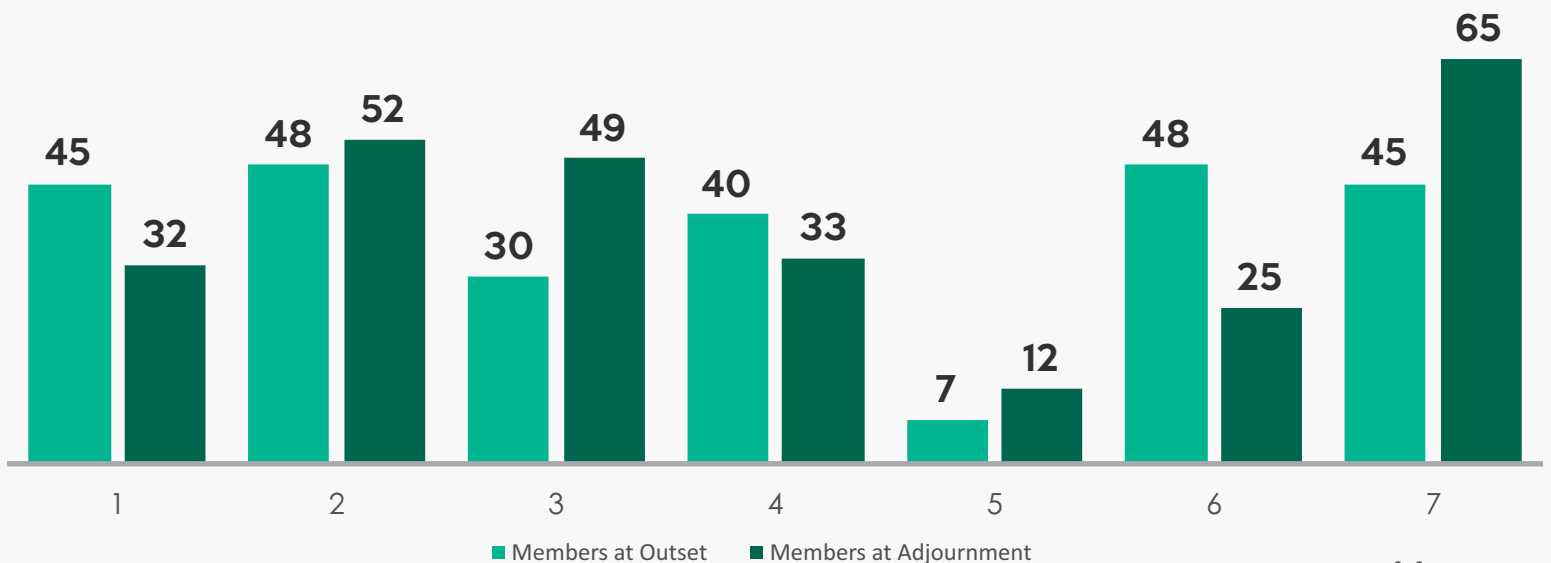
## KEY MEMBERS ATTENDANCE



## PARLIAMENTARY LEADERS ATTENDANCE



## MEMBERS' ATTENDANCE



10

Total  
Bills

3

Bill  
Introduced

0

Bill  
Deferred

7

Bills  
Passed**2 The Code of Civil Procedure (Khyber Pakhtunkhwa) (Amendment) Bill, 2019**

The bill seeks to amend the Code of Civil Procedure 1908 in order to provide for condonation of delay in revision petitions of the Code. The amendment was recommended by the Law and Justice Commission of Pakistan.

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

**3 The Khyber Pakhtunkhwa Specific Relief (Amendment) Bill, 2019**

The bill seeks to amend the Specific Relief Act, 1877 to update the names of the laws referred to in the Act.

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

**4 The Khyber Pakhtunkhwa Civil Courts (Amendment) Bill, 2019**

The bill seeks to amend the West Pakistan Civil Courts Ordinance, 1962 in order to remove some obsolete provisions therefrom and to make it up-to-date. The amendments were recommended by the Law and Justice Commission of Pakistan.

- ... **Status:** Passed
- ... **Date of Introduction:** February 6, 2019
- ... **Date of Passage:** February 25, 2019

**5 The Khyber Pakhtunkhwa Powers of Attorney (Amendment) Bill, 2019**

The bill seeks to amend the Powers of Attorney Act, 1882 to specify the name of donee in the power of attorney authorizing the grantee to make a gift of immovable property.

- ... **Status:** Passed
- ... **Date of Introduction:** February 6, 2019
- ... **Date of Passage:** February 25, 2019

**6 The Khyber Pakhtunkhwa Public Procurement Regulatory Authority (Amendment) Bill, 2019**

The bill seeks to amend the provisions for pre-registration of firms under the KP Public Procurement Regulatory Authority 2012 and to limit the jurisdiction of civil courts in procurement matters.

- ... **Status:** Passed
- ... **Date of Introduction:** February 8, 2019
- ... **Date of Passage:** February 26, 2019

**7 The Khyber Pakhtunkhwa Public Procurement Regulatory Authority (Second Amendment) Bill, 2019**

The bill provides for electronic bidding for procurements by the public bodies.

- ... **Status:** Passed
- ... **Date of Introduction:** February 8, 2019
- ... **Date of Passage:** February 26, 2019

7

Adjournment  
Motions

11

Total  
Resolutions

11

Resolutions  
Adopted

5

Question of  
Privilege

## 2.2 Resolutions

The Assembly adopted 11 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 adopted resolutions, six were initiated individually by the lawmakers belonging to PPPP, PTI, MMAP and ANP while five resolutions were jointly moved by male and female lawmakers belonging to different political parties in the House.

Two resolutions condemned the violation of human rights in Indian Occupied Kashmir and Indian violation of Pakistani airspace near Balakot. The remaining nine resolutions recommended the government to set up electric supply company in Malakand Division, ensure action against those involved in Sahiwal incident, shift Water and Power Development Authority (WAPDA) and Sui Northern Gas Pipelines Limited (SNGPL) head offices from Lahore to Islamabad, issue lifetime blue passports to the members of Provincial Assemblies, increase the number of judges in Lakki Marwat district, pay salaries to the journalists of various media houses, take up the issues of Overseas Pakistanis in Saudi Arabia during visit of Saudi Crown Prince, open Torkham and Ghulam Khan Borders and review the new Hajj policy announced by the federal government.

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 Questions

Out of 72 Starred Questions, the House addressed 28 questions while leaving the remaining 44 questions unaddressed due to absence of the movers, the concerned ministers or opposition's refusal to move their questions. The lawmakers asked 22 supplementary questions as well for further elucidation of the government's replies.

As many as 20 questions were sponsored by six male lawmakers of ANP, 20 questions by a female and three male lawmakers of MMAP, 28 questions by a female and a male lawmaker of PML-N and four questions by a PPPP lawmaker.

The questions appearing on the list were addressed to 17 ministries or departments of the government and their break-up was as following:

72  
Starred  
Questions

25  
Questions  
Disposed off

19  
Questions  
Not Taken Up

28  
Questions  
Taken Up

Departments	Number of Questions
Communication and Works	16
Elementary and Secondary Education	10
Local Government	8
Health	7
Home	5
Transport	5
Energy and Power	4
Environment	4
Public Health	3
Housing	2
Industries	2
Auqaf	1
Higher Education	1
Law	1
Planning and Development	1
Revenue	1
Sports	1
<b>Total</b>	<b>72</b>

**3.2 Calling Attention Notices**

The House took up 11 out of 15 Call Attention Notices (CANs) appearing on the agenda. These notices were sponsored by lawmakers belonging to PPPP, MMAP, ANP, PML-N and PTI.

The addressed CANs highlighted the issues relating to the establishment of National Park in Kumrat Valley, unavailability of residences for government employees in Peshawar, interference of MNAs in the affairs of various local departments of Peshawar, steps to check the use of 'ICE' drug, upgradation of health facilities in Saidu Group of Hospital Swat, measures to curb street crimes in KP, high prices of chicken, unavailability of permanent pace-maker and other life saving devices in KP, formation of policy to support shopkeepers and landlords in natural disastrous situations, recruitment of sweepers in primary schools and omission of poisonous gases from oil and gas companies in Kohat.

**3.3 Adjournment Motions**

The House admitted three Adjournment Motion (AM) moved by PPPP and MMAP lawmakers for debate. These AMs sought discussion on the expulsion of students from Cadet College Swabi, transfer of power of departments in tribal districts to Governor Office and award of additional marks to Shahdat-ul-Almia degree holders during teachers' recruitment process. However, the House did not take up four AMs on the disposal of waste materials of oil and gas companies in Karak District, posting as well as transfers of junior staff in bureaucracy on basis of favoritism in KP, reconstruction of a school building in Bannu and charging of high fees by educational institutions. These AMs were moved by MMAP and ANP lawmakers.

40

Points of  
Order

15

Calling Attention  
Notices

5

Protests

2

Instances of  
Identification  
of Quorum

## 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)

Moved by PTI and ANP lawmakers, the House referred three QoPs to the relevant committee. These QoPs were related to malfunctioning of Electric Transformer in Nayabat, posting and transfer of teachers and not extending invitation at the inaugural ceremony of newly constructed bridge. However, the QoP raised by MMAP lawmaker was withdrawn by the mover on the request of Law Minister while another QoP of ANP lawmakers regarding incorrect information to a question was not taken up.

### 4.2 Points of Order

Lawmakers raised 40 Points of Order (POs) during the session, consuming two hours and three minutes of the proceedings. These POs highlighted the issues related to House business, law and order as well as governance

### 4.3 Walkout/Protest

The opposition lawmakers staged protests on five occasions during the session. Of these protests, four were held jointly by the entire opposition while one was staged by PML-N and PPPP lawmakers. The opposition held the protests against appointment of the Speaker as Chairperson of Public Accounts Committee, suspension of membership of their fellow lawmakers from a Standing Committee, discrimination against opposition lawmakers' constituencies in implementation of Japan International Cooperation Agency (JICA) projects and the Chair's refusal to allow POs. PML-N and PPPP lawmakers held protest after the exchange of heated arguments with treasury members regarding the progress on Peshawar Bus Rapid Transit (BRT) Project. The protests consumed 37 minutes (four percent) of the proceeding.

### 4.4 Quorum

The lawmakers belonging to PTI and ANP identified the lack of quorum twice during the session. The quorum was found complete upon headcount on first occasion while the second sitting had to be adjourned on due to lack of the quorum i.e. one fourth of the total membership.



## 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.