

PROVINCIAL ASSEMBLY OF  
KHYBER PAKHTUNKHWA

# FAFEN PARLIAMENT MONITOR 11<sup>th</sup> SESSION

February 17 – March 2, 2020



**FREE AND FAIR ELECTION NETWORK**  
[www.fafen.org](http://www.fafen.org) | [www.openparliament.pk](http://www.openparliament.pk)

Session Number

11

Actual Sittings

6

Working Hours

3

Hours & 3 Minutes

Longest Sitting

5<sup>th</sup>

1 Hour & 27 Minutes

# KP ASSEMBLY LEAVES 90% AGENDA UNADDRESSED, OPPOSITION PROTESTS TRUANT MINISTERS

## ■ 105 Members Remain Inactive during the session

The Provincial Assembly of Khyber Pakhtunkhwa (KP) left 90 percent of its scheduled business unaddressed during 11th session comprising six sittings that continued between February 17, 2020 and March 2, 2020, observes Free and Fair Election Network (FAFEN) in its session report.

On average, 50 (34%) lawmakers were present at the start and 64 (44%) at the end of the each sitting. The cumulative duration of all six sittings was three hours and three minutes. Each sitting, on average, started an hour and ten minutes behind the scheduled time and lasted 30 minutes.

The Speaker attended all six sittings and presided over 89 percent of the session's time. The Deputy Speaker was present in five sittings but did not preside over any sitting while 11 percent of the session's time was consumed in suspension of the proceedings in first sitting. The Leader of the House did not attend any sitting while the Opposition Leader was present in four sittings and attended 63 percent of the proceedings.

The regular agenda of the House during 11th session comprised 11 bills, 11 Call Attention Notices (CANs), five Adjournment Motions, a report of standing committees, seven questions of privilege and 77 questions. As many as ten government bills were passed and one was introduced, one question of privilege was taken up and a report was presented.

Each sitting of the House witnessed protest against the ministerial absence and the government's attitude toward the House business.

A total of 40 lawmakers – PTI (15), ANP (10), MMA (5), PPPP (3), PML-N & JUI-F (two each), BAP, Independent & JI (one each) participated in the proceedings of the House during the session. The non-participating members belonged to PTI (80), MMAP (8), Independent (5), PML-N (4), JUI-F (3), ANP & PPPP (two each) and PML (one).

Average Delay

21

Minutes

Members at Outset (Average)

50

present

Members at End (Average)

64

present

Minority Members (Average)

4

## 1 Session, Duration and Attendance

The 11th session of KP Assembly spanning over six sittings commenced on February 17, 2020 and prorogued on March 2, 2020. On average, 50 (34%) lawmakers were present at the start and 64 (244%) at the end of the each sitting.

The cumulative duration of all six sittings was three hours and three minutes. Each sitting, on average, started an hour and ten minutes behind the scheduled time and lasted 30 minutes. The Speaker attended all sittings and presided over 89 percent (two hours and 42 minutes) of the session's time. The Deputy Speaker was present in five sittings but did not preside over any sitting. Eleven percent of the session's time was consumed in suspension of the proceeding in first sitting.

The Leader of the House did not attend any sitting while the Opposition Leader was present in four sittings and attended 63 percent (an hour and 55 minutes) of the proceedings. The parliamentary leader of PPPP attended all six sittings followed by MMAP and BAP (5 each), PML-N and ANP (4 each) and PML (one).

## 2 Assembly Output

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

### 2.1 Legislation

The legislative business scheduled for 11th session included 11 government bills. The House passed ten government bills and referred one bill to the relevant committee following its first reading i.e. introduction in the House.

Details of bills passed by the House and referred to the relevant committee after their introduction are as follows:

#### 2.1.1 Govt. Bills Passed

##### (1) The KP Land Acquisition (Amendment) Bill, 2020

It aims to amend section 41 of the Land Acquisition Act, 1894 and defines that those companies acquiring land in any district in the public interest will enter into agreement with Commissioner rather than Provincial Government.

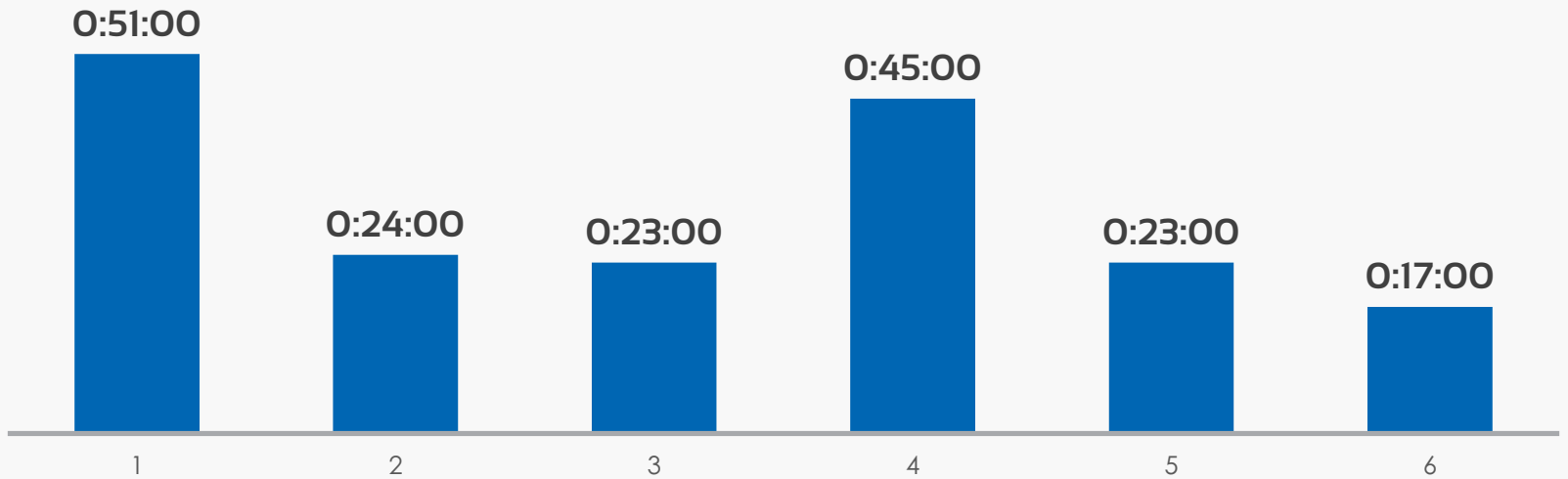
##### (2) The KP Land Acquisition (Amendment) Bill, 2020

It aims to add section 56 in the Land Acquisition Act. The section 56 is about barring legal proceeding against Revenue Officer and say "No Suit, prosecution or other legal proceeding shall lie against a Revenue Officer for anything done or intended to be done in good faith in pursuance of the provision of this Act."

##### (3) The KP Stamp (Amendment) Bill, 2020

It aims to amend clause `c' of sub-section (1) of section 62 and also sub-section 2 of section 62. It proposes to increase fine from Rs. 500 to Rs. 2,000 in

## SITTINGS DURATION (hh:mm)



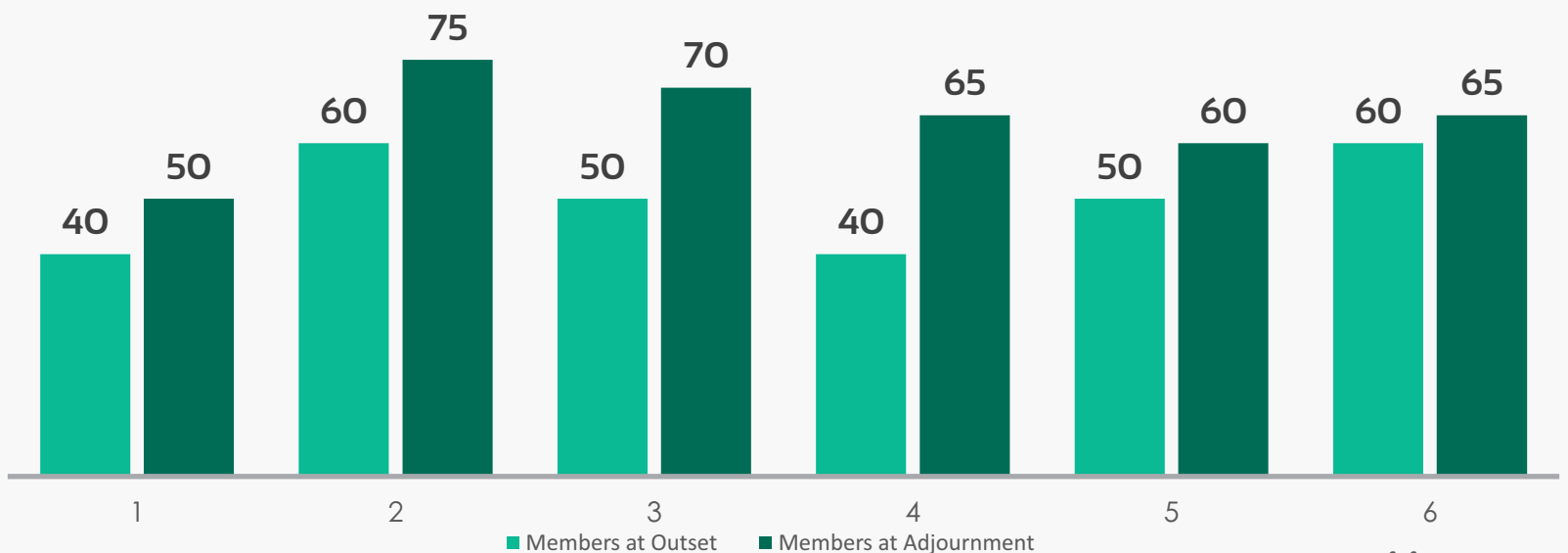
## KEY MEMBERS ATTENDANCE



## PARLIAMENTARY LEADERS ATTENDANCE



## MEMBERS' ATTENDANCE



11

Government Bills

10

Passed Bills

1

Introduced Bill

5

Resolutions

case voting or attempting to vote under any proxy is not duly stamped or share-warrant is issued without being duly stamped.

**(4) The KP Finance (Amendment) Bill, 2020**

It aims to levy, continue, revise and exempt certain taxes, fees, cess and duty in KP Province.

**(5) The Galiyat Development Authority (Amendment) Bill, 2020**

It re-defines the composition of authority and states that Authority shall consist of 11 members including five members instead of seven members from private sector to be appointed by the government. It also empowers authority to promote tourism by getting engaged with other government departments.

**(6) The KP Universities (Second Amendment) Bill, 2020**

The bill includes four other universities in Schedule-1 after serial 24 to which this law will be applied after becoming Act through notification in the official Gazette. These universities are University of Malakand, University of Swat, The Shaheed Benazir Bhutto University, Sheringal and the FATA University FR Kohat.

**(7) The KP Land Acquisition (Amendment) Bill, 2020**

It aims to amend the Land Acquisition Act, 1894 and defines about criteria for land acquisition in the merged districts of KP. It states that land acquisition and subsequent determination of price shall be made on the basis of prevailing local customs, traditions and usages regarding determination of ownership of land, its sale or purchase.

**(8) The KP Charities (Amendment) Bill, 2020**

It proposes amendments in clauses `o' and `r' of section 2 of KP Charities Act, 2019. This section has the subject `Definition' and amendment in clause `o' substitutes the figure 17 to 18 and clause `r' from figure 18 to 19.

The clause `o' earlier states that registering authority means the registering authority mentioned in section 17 of this Act while clause `r' states that sanctioning authority means authority mentioned in section 18 of this Act.

**(9) The Kaghan Development Authority Bill, 2020**

It aims to reconstitute and reorganize the Kaghan Development Authority for better management of Kaghan valley and other areas of District Mansehra and to give due representation to private sector in the authority for achieving and maintaining high performance standards in the preparation and execution of schemes in the said areas.

**(10) The National Disaster Management (KP) (Amendment) Bill, 2020**

It proposes merger of certain employees under project titled "Establishment of FATA Disaster Management Authority in FATA Secretariat" in the Provincial Disaster Management Authority (PDMA) on regular basis and shifting of all assets and liabilities of FATA DMA to PDMA.

**2.1.2 Govt. Bill Introduced**

**(1) The KP water Bill,2020**

It aims to manage and regulate water resources of the province in a comprehensive manner in the interest of conservation and sustainability.

1  
Report

77  
Questions

0  
Addressed  
Questions

11  
CANs

## 2.2 Resolutions

The Provincial Assembly adopted five resolutions considered as supplementary agenda. As many as seven lawmakers – PTI (6), BAP (one) – sponsored these resolutions.

None of the adopted resolutions was on the list of business of the House. 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 members took the advantage of Rule 240, requesting the Speaker to suspend the relevant rules and accommodate their resolutions.

The House adopted two separate resolutions to express solidarity with Azerbaijan in respect of its territorial integrity and sovereignty and condemn the incident of burning national flag by Pashtun Tahaffuz Movement (PTM) workers.

Three other adopted resolutions urged the provincial government to provide better equipment to polytechnic institutes for women, make commerce and technical education compulsory from middle to matric-level education and revert the embargo on 25-year old vehicles.

## 2.3 Reports

The House adopted a report of Standing Committee on Health which was presented by a member of the Committee.

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

Under the Assembly Rules of Procedure, the government is required to respond to starred questions orally as well as in writing and the first hour of a sitting of the House is reserved for asking and answering of questions by the members.

A total of 77 starred questions were listed for answers during the session but the House could not observe the question hour due to the protest of the opposition.

These questions were raised by 11 men and six women lawmakers. Seven ANP lawmakers including three women sponsored 33 questions followed by 17 questions by three PPPP lawmakers including a woman, 13 questions by five MMAP lawmakers including two women, 10 questions by a JI lawmaker and four questions by a PML-N lawmaker. The break-up of Ministries/department wise questions is as follows:

5

Adjournment Motions

7

Questions of Privilege

6

Protests

Ministries/Departments	Starred
Local Government	23
Health	18
Elementary and Secondary Education	10
Home & Tribal Affairs	5
Higher Education	4
Communication & Works	3
Information	2
Population Welfare	2
Public Health Engineering	2
Sports and Culture	2
Transport	2
Establishment	1
Housing	1
Information Technology	1
Planning & Development	1
<b>Total</b>	<b>77</b>

### 3.2 Calling Attention Notices

The House could not take up 11 Call Attention Notices (CANs) appearing on the agenda due to the opposition's protest in all sitting. These CANs were about issues related to health and education sectors, governance and law and order.

### 3.3 Adjournment Motions:

The Assembly may adjourn its regular proceedings to debate any definite and urgent matter of public importance raised through an Adjournment Motions. Following the discussion, the House may refer the contents of debated Adjournment Motion to the provincial cabinet for its consideration through a substantive motion.

A total of five adjournment motions appeared on the agenda but were not taken up. These motions were about assistance to flood affected people of Malakand Division, Rs. 14 billion allocation for merged districts, spread of coronavirus, export of wheat from province and importing wheat at higher price

The lawmakers belonging to ANP, JUI-F, PPPP, MMAP, PTI and JI submitted these motions.

### 3.4 Motions

The House approved a BAP lawmaker's motion seeking to reconstitute the Assembly's standing committees in order to include the members elected from the newly-merged districts in the committees.

## 4 Order and Institutionalization

Order and Institutionalization is 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)

A total of seven Questions of Privilege were raised by as many lawmakers belonging to ANP, PPP, PML-N and PTI who complained about the attitude of government officials.

Only one Privilege Motion of a PTI lawmaker was taken up and referred to the Standing Committee on Rules and Procedures and Privileges.

### 4.2 Protest

The House witnessed six instances of protest by the opposition during the session. Each sitting witnessed protest against the ministerial absence and the government's attitude toward the House business. These protests overall consumed an hour and 42 minutes of the proceedings while protest in the first sitting also led to the suspension of the proceedings for 21 minutes.



## 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.

**Free and Fair Election Network**  
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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.