



# FAFEN PARLIAMENT MONITOR

Provincial Assembly of the  
**Khyber Pakhtunkhwa (KP)**

25th Session  
(May 4 to 14, 2012)

## List of Abbreviations

<b>ANP</b>	Awami National Party
<b>CAN</b>	Calling Attention Notice
<b>FATA</b>	Federally Administered Tribal Areas
<b>IND</b>	Independent Member
<b>KP</b>	Khyber Pakhtunkhwa
<b>MMA</b>	Mutihida Majlis-e-Amal Party
<b>PML</b>	Pakistan Muslim League
<b>PMLN</b>	Pakistan Muslim League(Nawaz)
<b>PO</b>	Point of Order
<b>PPPP</b>	Pakistan People's Party Parliamentarians
<b>PPPS</b>	Pakistan People's Party (Sherpao)
<b>PW</b>	Parliament Watch
<b>QoP</b>	Question of Privilege



This report is based on direct observation of proceedings of Provincial Assembly of Khyber Pakhtunkhwa, conducted by **PAIMAN Alumni Trust**, a member organization of FAFEN.

## Executive Summary

Low Attendance of MPAs, Points of Order interrupting regular proceedings and late starts marked the Khyber Pakhtunkhwa Assembly's 25th session.

The Assembly passed the Khyber Pakhtunkhwa Local Government Bill 2012, paving the way for holding local bodies' polls in the province. Amid debate on creating new provinces, the Assembly also adopted a Resolution for giving the Federally Administered Tribal Areas (FATA) representation in the House. The Resolution asked the President and the Federal Government to "ensure that the people of Federally Administered Tribal Areas should fully enjoy the protection and equality, under and before the law as inalienable right of every citizen under the constitution of the Islamic Republic of Pakistan."

The session comprising five sittings was held from May 4-14 for nine hours and 41 minutes. An average of one hour and 56 minutes per sitting. Each sitting on average was delayed by 45 minutes.

Apart from the Local Government Bill, the House also passed the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Bill 2012 and the Khyber Pakhtunkhwa Universities Bill 2012.

Since the KP Assembly Secretariat does not make the attendance record public, FAFEN conducts a headcount of Members at the beginning and end of each sitting and documents the actual time spent on the floor of the House by the Speaker, Deputy Speaker, Chief Minister and the Leader of the Opposition.

On average only 38 MPAs (30% of total membership of 124) were present at the outset and 52 (42%) at the end of each sitting.

The Chief Minister did not attend the entire session while the Leader of the Opposition was present during two sittings for 25% (148 minutes) of the session time. The Speaker chaired the proceedings for 25% of the session time while the remaining time was presided over by the Deputy Speaker. The PPPS parliamentary leader attended four sittings, PML three and PPPP and PMLN two sittings each.

A total of 33 Points of Order consumed 21% of the total session time – 121 of the 581 minutes. None of the Points of Order attracted the Chair's formal ruling. Without the Chair's formal ruling, these Points of Order do not lead to any output.

Twenty-nine out of 44 Starred questions (requiring oral replies) appearing on the Agenda were taken up and responded to by the relevant ministries. On average five questions were asked per sitting. Additionally, 55 supplementary questions were asked.

The House witnessed two walkouts. During the second sitting, the MMAP legislators walked out of the House after one of their colleagues was asked by the Chair to shorten his speech on the FATA Resolution. Similarly, when an MPA was not allowed to speak during the Question Hour, she along with other female MPAs walked out.

### Parliament Watch

An essential component of democracy is publicly accessible information about the political decision-making processes, such as parliamentary deliberations among elected representatives. Citizens must have information about whether, and how their representatives are performing in the Assembly in order to hold those elected leaders accountable.

The Parliament Watch (PW), an initiative of the Free and Fair Election Network (FAFEN), aims to collect and publish information about the job performance of Members of the National Assembly (MNAs), Provincial Assemblies (MPAs) and Senate by observation of these directly elected representatives' actions. FAFEN intends to foster informed engagement between constituents and elected representatives in Pakistan by providing objective and statistically-sound information on parliamentary processes and decisions.

The methodology of the PW is to deploy trained observers to the National Assembly in order to monitor their performance using a detailed, standardized checklist and reporting forms covering all types of parliamentary business. The information gathered is measured against the neutral and objective framework of the rules of parliamentary procedure.

FAFEN's PW focuses on directly-observed parliamentary procedure in addition to parliamentary output. In other words, FAFEN's criteria for assessing parliamentary effectiveness are primarily process-oriented and secondarily results-oriented.

## 1.0 Session Time and Members' Participation

This section deals with duration of the session, attendance of Members, their participation and maintenance of Quorum – at least 1/4th (31) of the total Membership. The participation of Members is recorded when they take part in the proceedings, or submit an Agenda item. It also reviews the presence of the Speaker, Deputy Speaker, Chief Minister, the Leader of the Opposition and parliamentary leaders.

### 1.1 Session Time

The 25th session comprising five sittings from May 4 to May 14 lasted nine hours and 41 minutes. On average each sitting started 45 minutes late. The fourth sitting was the longest, making up for one-fourth (164 minutes) of the session time while the first was wrapped up within an hour.

Date	Sitting No	Late Starts	Total Time	
			Hours	Minutes
Friday, May 04, 2012	1st	48	0	59
Monday, May 07, 2012	2nd	39	2	39
Tuesday, May 08, 2012	3rd	45	1	50
Friday, May 11, 2012	4th	35	2	44
Monday, May 14, 2012	5th	56	1	29
<b>Total</b>		<b>Average 45 minutes</b>	<b>Nine hours and 41 minutes</b>	

### 1.2 Members' Attendance

The KP Assembly does not make public the attendance records of Members. FAFEN conducts a headcount at the start and end of each sitting. The Members' attendance reflects upon their interest and presence in the parliamentary proceedings.

The legislators' attendance in the KP Assembly (total membership 124) remained low. On average 38 Members were present at the beginning and 52 at the end of each sitting. The lowest attendance was observed during the 4th sitting when 34 Members were present at the outset and 37 at the end.

The Minorities have three seats in the KP Assembly. On average one Minority Member (per sitting) attended the session.

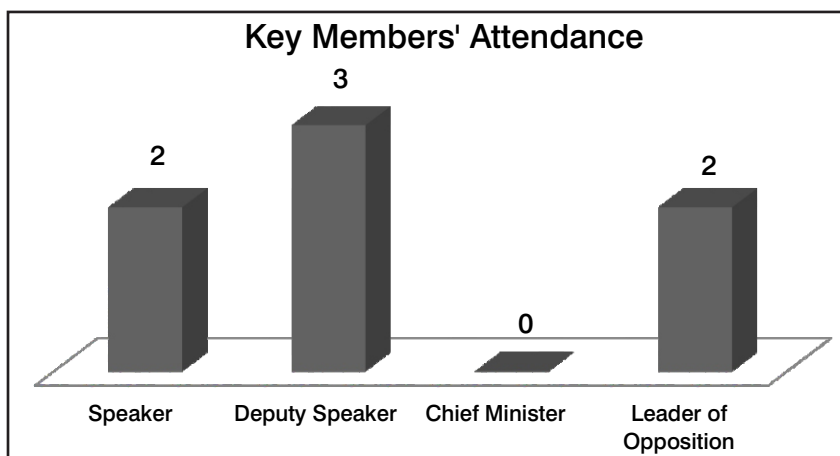
Sitting No.	Members at the Outset	Members at the End
1st	57	71
2nd	33	53
3rd	36	52
4th	34	37
5th	29	47
Average	38	52

### 1.3 Key Members' Attendance

Attendance in sittings is crucial for Members holding important positions (Speaker, Deputy Speaker, Chief Minister and the Leader of the Opposition) to perform their legislative and representative roles.

The Chief Minister did not attend the entire session.

As the custodian of the House, the Speakers' presence is vital to ensure the proceedings are conducted in line with the Rules and Procedures. Seventy five percent of the proceedings were chaired by the Deputy Speaker who attended three sittings. The Speaker chaired two; the Panel of Chairpersons all the sittings and the Leader of the Opposition attended two sittings. The attendance of parliamentary leaders is vital and reflects on a party's participation during a session. The parliamentary leader of the PPS attended four sittings, PML three and PPP and PMLN attended two sittings each.



## 2.0 Representation, Responsiveness and Government Oversight

This section deals with Members' efforts to represent the interests of their constituents through Calling Attention Notices (CANs) and to monitor government performance during the Question Hour, and how the Ministers have responded.

### 2.1 Questions and Responses

Out of 44 Starred Questions (nine per sitting) raised, 29 were taken up during the session. In other words almost half of the Questions were left unaddressed, indicating a worrying trend where the Question Hour is not fully utilized. When a Starred Question has been answered any Member may ask supplementary questions as may be necessary for the elucidation of the answer. There were 55 such questions asked.

Sittings No.	Starred Questions of the Agenda	Starred Questions taken up by the House	Supplementary Questions
1st	0	0	0
2nd	16	10	21
3rd	11	8	8
4th	3	3	7
5th	14	8	19
<b>Total</b>	<b>44</b>	<b>29</b>	<b>55</b>

## 3.0 Parliamentary Output

This section is about Legislation and Resolutions debated and decided during the legislative session.

### 3.1 Bills

KP Assembly passed three treasury Bills during the session. The Khyber Pakhtunkhwa Local Government Bill 2012 is a first step towards putting in place local bodies system in the province. The new law replaces the local bodies system introduced by former President Pervez Musharraf through Local Government Ordinance 2001.

The Khyber Pakhtunkhwa Universities Bill 2012 aims to raise the standards of higher education by reconstituting and reorganizing the universities.

Sr. No	Name of Bill	Status		
		Passed	Introduced	Not Taken Up
1	The Khyber Pakhtunkhwa Local Government Bill 2012	✓		
2	The Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Bill 2012	✓		
3	The Khyber Pakhtunkhwa Universities Bill 2012	✓		

### 3.2 Resolutions

Through Resolutions, the House expresses its opinion, makes recommendations, or conveys a message on a definite and important issue.

The House adopted a unanimous Resolution demanding representation of the people of FATA in the provincial Assembly after the consent of the region's people. Through the Resolution the Federal Government was asked to ensure that the people of FATA should enjoy protection and equality as inalienable right of every citizen under the constitution.

Sr. No.	Resolution	Status
1	To demand representation of the people of FATA in the provincial Assembly.	Adopted

## 4.0 Order and Institutionalization

This section of the report deals with issues raised through Points of Order and the time consumed by them. It also reviews the Questions of Privileges, the instances of protests, walkouts or boycotts during the session.

### 4.1 Points of Order

A Point of Order is raised to address an apparent breach in the rules of parliamentary procedure while an Assembly's business is underway, and usually requests the Chair's ruling on the issue.

Erroneous and irrelevant use of POs affects an Assembly's output. Thirty three Points of Orders, an average of seven per sitting, were raised during the session consuming 21% (121 minutes) of the session time. None of the POs attracted the Chairs' ruling.

Sitting No.	Points of Order	Time Consumed
1st	4	38
2nd	1	3
3rd	6	23
4th	16	28
5th	6	29
<b>Total</b>	<b>33 POs</b>	<b>121 Minutes</b>

### 4.3 Protests, Boycotts and Walkouts

The House witnessed two walkouts. During the second sitting, MMAP walked out after one of its MPAs was asked by the Chair to shorten his speech on the FATA Resolution. Similarly, when an MPA was not allowed to speak during the Question Hour, she along with other female MPAs walked out.

Sitting No	Party	Reason	Time	Protest/Walkout/Boycott
2nd	Single MMAP Member	To protest the Chair's request to shorten his speech while talking on a Resolution	15	Walkout
3rd	ANP	Denied permission to speak during Question Hour	15	Walkout
<b>Total</b>				<b>30 minutes</b>

## GLOSSARY

### **Adjournment Motion**

A motion to adjourn the business of the Assembly for the purpose of discussing a definite matter of recent and urgent public importance.

### **Assembly**

Provincial Assembly

### **Chairperson**

In relation to a sitting, any person who is presiding at that sitting.

### **Calling Attention Notice**

A notice by which a special question of public importance involving law and order may be raised.

### **Chair**

The Presiding Officer at a meeting of the House.

### **Committee**

A parliamentary committee constituted under Rules of Procedure, comprising of various Members of Parliament.

### **Deputy Speaker**

When the office of Speaker is vacant or Speaker is absent or is unable to perform his functions due to any cause the Deputy Speaker acts as the Speaker of the House.

### **Leader of the Opposition**

"Leader of the Opposition" means a Member who, in the opinion of the Speaker, is the leader of the majority of Opposition Members for a certain time period.

### **Legislation**

The process of crafting law.

### **Member**

A Member of the Assembly and for purposes of moving or opposing a Bill, an amendment, a motion or a Resolution, includes a Minister.

### **Minister**

May refer to the Chief Minister a Provincial Minister or a Parliamentary Secretary in respect of any function delegated or entrusted to him by a Minister.

### **Opposition**

The party or parties who do not belong to the governing party.

### **Orders of the Day**

"Orders of the Day" means the list of business to be brought before the Assembly on any day.

### **Point of Order**

Relates to the interpretation or enforcement of parliamentary rules of business or articles of the Constitution that regulate the business of the Assembly. The mover of a Point of Order raises a question which is within the cognizance of the Chair.

### **Private Member's Bill**

A proposed law introduced by a Private Member.

### **Proceedings**

The actions taken by the House or by a committee, the most important parts of the proceedings are the decisions that are taken.

### **Quorum**

Quorum is the minimum number of Members of Assembly necessary to conduct the business of the Assembly. Under Article 55 of the Constitution 1/4th of the total Membership of the Assembly is required for Quorum.

### **Question Hour**

A time fixed under the rules for asking and answering questions.

### **Resolution**

A motion for the purpose of discussing and expressing an opinion on a matter of general public interest.

### **Starred question**

A question that requires an oral answer in addition to a written reply.

### **Sitting**

A meeting of the Assembly on a day.

### **Table**

The Table of the House.

# About FAFEN

Free and Fair Election Network (FAFEN), established in 2006, is a coalition of 42 leading civil society organizations, working to strengthen all forms of democratic accountabilities in Pakistan. Governed by Trust for Democratic Education and Accountability (TDEA), FAFEN's key achievements are:

- Observed the public display of Pakistan's draft electoral rolls and conducted the country's first statistically-valid voters' list audit in 2007
- Deployed more than 18,829 trained, neutral Election Day observers nationwide to watch the February 18, 2008 polls and 264 long-term observers to monitor the pre-election process
- Fielded long-term observers nationwide and published 19 pre-election reports
- For the February 18, 2008, General Elections, FAFEN conducted 260 simultaneous Parallel Vote Tabulations (PVTs)- the largest effort in the world
- Conducted its first survey, Constituents Aspirations Survey, in December 2008 with a sample size of 3,124 respondents to get the description of the state of public opinion and also to get a deeper understanding of the values, attitudes and beliefs of people living in the constituencies
- Conducted mapping of organizations working for human rights within Pakistan
- Observed general elections at Gilgit-Baltistan in 2009 and by-elections in various constituencies of the Punjab, Balochistan and Khyber Pakhtunkhwa in 2010
- Implemented a unique methodology to observe parliamentary proceedings under its Parliament Watch Project
- Monitors public institutions across Pakistan and issues monthly reports on the state and performance of educational, health and other local level institutions. In addition, monthly reports on prices, crimes, incidence of disease, caseload in lower courts and political and electoral violence are issued

FAFEN continues to implement robust programs in-between elections related to monitoring parliamentary affairs, connecting constituents to their elected representatives, monitoring the performance of public and elected institutions and advocating electoral and democratic reforms. FAFEN is also monitoring political and electoral violence, peace activities and promoting active citizenry through ongoing civic education activities across the country. FAFEN is currently implementing Supporting Transparency, Accountability and Electoral Processes in Pakistan (STAEP) in 200 National Assembly constituencies in 119 districts across Pakistan.

## FAFEN Secretariat

224-Margalla Road, F-10/3, Islamabad

(P) 051-22 11 026

(F) 051-22 11 047

(E) [secretariat@fafen.org](mailto:secretariat@fafen.org)



[www.fafen.org](http://www.fafen.org)