



## FAFEN PARLIAMENT MONITOR



### **NINETH SESSION**

Provincial Assembly of Khyber Pakhtunkhwa  
(January 6-22, 2014)

Free and Fair Election Network  
[www.fafen.org](http://www.fafen.org)

FAFEN PARLIAMENT MONITOR

### List of Abbreviations

ANP	Awami National Party
APML	All Pakistan Muslim League
AJIP	Awami Jamhuri Ittehad Pakistan
IND	Independent Member
KP	Khyber Pakhtunkhwa
JI	Jamaat- e- Islami
JUI-F	Jamiat Ulema-i-Islam (Fazal-ur-Rehman)
PML-N	Pakistan Muslim League(Nawaz)
PPPP	Pakistan People's Party Parliamentarians
QWP-S	Qoumi Wattan Party (Sherpao)
CAN	Calling Attention Notice
PO	Point of Order



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

The ninth session of Khyber Pakhtunkhwa Assembly achieved a milestone by being the first provincial assembly to pass the *Ehtesab* (Accountability) Commission Bill, 2014 to overcome corruption. The *Estesab* Commission Bill was passed along with the other legislation. The legislation was done in the atmosphere of low attendance and prevailing lack of interest amongst the law-makers, says the Free and Fair Election Network in its session report based on the direct observation of the session.

The House passed five government bills while six others were introduced but not passed. To promote good governance by creating an institutional structure for the prevention of corruption, the House passed the *Ehtesab* Commission Bill, 2014. Another government bill further amended the Khyber Pakhtunkhwa Ministers (Salaries, Allowances and Privileges) Act, 1975 to augment the perks of the Provincial Ministers. The House also passed the Khyber Pakhtunkhwa Promotion, Protection and Enforcement of Human Rights Bill 2014 during the session. Additionally the Khyber Pakhtunkhwa Higher Education Scholarship Endowment Fund Bill, 2014 and the Khyber Pakhtunkhwa Deserving Widow and Special Persons Welfare Foundation Bill, 2014 were also passed during the ninth session.

Treasury backed bills dominated the session as none of the legislation tabled by opposition was taken up on the floor. A single JUI-F bill - the Khyber Pakhtunkhwa Appointment of Certain Project Employees Bill 2014 - moved on a motion, was not granted leave by the speaker as almost one-third of the House voted against it.

Four resolutions were unanimously adopted by the House calling upon the government to initiate dialogue with Saudi government regarding the status and problems faced by Pakistanis residing in the Kingdom. Other resolutions focused on opening of the historic Bala Hisar fort for visitors, opening of the Lowari tunnel (for eight hours per day).

The House adopted another resolution to request the Interior Federal Minister to visit Khyber Pakhtunkhwa and give an in-camera briefing on the law and order situation in the province.

Nineteen lawmakers submitted 144 starred questions in order to oversee the provincial government performance, of which 67% were taken up before the House and 33% were left un-addressed. More than half of the questions addressed issues of education, health, food, communications and local governance.

### Introduction

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 Parliament in order to hold those elected leaders accountable.

The Parliament Watch Project (PWP), launched in 2008, aims at generating objective and statistically-sound information about parliamentary performance to foster informed engagement between the constituents and their elected representatives. Universal access to information about national legislative processes is an essential component of democracy. A society cannot be truly democratic until constituents know about the person they are voting for, and whether or not the elected representatives are fulfilling their responsibilities. Since there is a dearth of publicly accessible information about the political decision-making processes, such as parliamentary deliberations, the PWP is an effort to bridge this gap. This report will be a contribution towards creating a more informed citizenry and an increasingly responsible parliament.

The PWP employs direct observation as one of the tools to evaluate parliamentary proceedings with the following indicators:

**Transparency:** Government's accountability requires transparency in decision-making and policy implementation. Transparency refers to the amount and quality of information available to the public as well as timely and clear information communicated within legislative bodies themselves. Inclusive and strong decisions can only be made when all legislators are well-informed about parliamentary proceedings.

**Participation:** Only the active and responsible participation of all the Members can make the business of parliament meaningful. The participation can be judged through various indicators like attendance of parliamentary leaders and other members and their active involvement in parliamentary discussion and activities.

**Responsiveness:** Parliament's responsiveness means Members' collective actions on the issues of public interests which are raised and discussed on the floor of the house through legislation, resolutions or any other agenda item. Responsiveness of government to the public is measured in terms of parliamentary oversight and effective implementation of policy decisions. Parliament's executive oversight function is mainly carried out through questions and parliamentary committees.

**Parliamentary Output:** Parliamentary output primarily comes in the form of legislation and resolutions. The quantity of such output is indicative of parliament's efficiency. The quality of output is equally important. Considering legislation on matters of national significance through careful debate and discussion is arguably a parliament's chief and most important function.

**Order and Institutionalization:** Order and institutionalization of members are important for an efficient and productive parliament. Order may be measured, for example, by the conduct of members and the chair's effective management of parliamentary business. Institutionalization refers to members' understanding and compliance with rules of procedure for parliamentary business.

The four adjournment motions raised the issues of inflation, deteriorating communications infrastructure, poor law and order, kidnapping of doctors for ransom and acquisition of KP land by Gilgit-Baltistan authorities. The adjournment motion on deteriorating law and order and kidnapping of doctors in the province was debated by 11 MPAs. Eleven MPAs – two each belonging to PTI, PPPP, PML-N, JUI-F and a single member each of AJIP, QWP-S and ANP - shared their views during the debate.

Lawmakers sought the provincial government's response on various issues by submitting calling attention notices. MPAs submitted 14 calling attention notices – out of which 11 were taken up by the House. The opposition members from JUI-F submitted the most notices (six), followed by ANP (five), JI (two) while one CAN was submitted by a PML-N member. All of the CANs were moved by male legislators with an exception of a single CAN tabled by a female JI lawmaker.

Legislators spoke on 13 points of order consuming two hours and twelve minutes of the proceedings. The session witnessed two walkouts – both against the Speaker's response. The first walkout was made by a member of PPPP and the second one by the entire opposition.

The attendance of key members was low during the sitting as the Leader of the House attended only half of the sittings (26% of the session time) while the Leader of the Opposition abstained from the session. The Deputy Speaker presided over 42% (612 minutes) of the proceedings while 32% (469 minutes) were chaired by the Speaker.

Besides key members, attendance of members was also low during the session as on average 36% MPAs were present at the start of the session and 40% at the end. Overall, less than half (48%) of the total MPAs were on average, according to the FAFEN observation. In the fourth sitting, a PPPP member pointed out lack of quorum, resulting in the adjournment of the sitting when quorum remained incomplete even after bells were rung for two minutes.

FAFEN observes members' participation against three categories – members who only submit agenda, members who participate in the on-floor debates, and members who both take part in the on-floor deliberations and submit agenda. Overall, 40% law-makers took part against all three categories; however, more members (24%) appeared interested in debating agenda items rather than submitting them or doing both.

The ninth session commencing on January 6 and adjourning sine die on January 22, 2014 met for 24 hours and 14 minutes, with an average sitting time of two hours and 25 minutes. Each sitting on average witnessed a delay of 48 minutes while 26% of session's time was consumed in eight prayer breaks.

FAFEN hopes this report will be a valuable contribution to creating both a more informed citizenry and an increasingly responsible legislative body. On the basis of its ongoing observation, FAFEN recommends:

1. Khyber Pakhtunkhwa Assembly sittings should be open to citizen observers who apply for accreditation through a standardized process. FAFEN takes this opportunity to reiterate its request for permanent accreditation for observation of all assembly's proceedings.
2. The Secretariat should share records of actual time spent by the members in the assembly chamber. FAFEN has made repeated attempts to get the attendance document of the members but to no avail.
3. No vote should be allowed, especially on legislation, without a quorum. The issue of lack of quorum has persisted for a long time. As observed during the ninth session, members' attendance varies during a sitting, low at the beginning and the adjournment of the proceedings, leading to a lack of quorum. The Chair should ensure that quorum is maintained throughout the proceedings.
4. All ministers (or a designated representative of each ministry and the cabinet) must be required to be present during Question Hour at each relevant sitting. All questions must be responded to within a stipulated timeframe. Transcripts of all questions – including the ones that the secretariat finds inadmissible – and responses should be made available to the members and the public.
5. The Assembly Secretariat should design a more achievable agenda for the Orders of the Day for both government and private members' days.
6. The exercise of using Points of Order – a tool primarily used to highlight a breach in assembly rules – to bring national, regional and local issues in the plenary should be curbed. Such issues should be raised through a motion to raise a “no point of order”.
7. Since several parliamentarians have been elected for the first time in the 11th Khyber Pakhtunkhwa Assembly, they should be given proper orientation and training regarding their fundamental responsibilities, especially to their constituents as well as basic parliamentary procedures.
8. Although it is appreciated that women and minorities have a quota in the House, nevertheless, to make their appointment more representative and transparent they should be elected by the public. Currently, a political party has the discretion to nominate members on proportionately allocated reserved seats.



## 1.0 Parliamentary Output

Lawmaking is one of the most important functions of the parliament. This section evaluates the presentation, introduction, passage and subject-matter of legislation, resolutions and the parliamentary reports during the session.

### 1.1 Government Bills

The KP Assembly passed five bills in the House during the ninth session. Four of the bills were new legislations while only single existing law was amended. These new laws include *Ehtesab* Commission Bill, 2014, Higher Education Scholarship Endowment fund Bill, 2014 and Deserving Widow and Special Persons Welfare Foundation Bill, 2014. A single amendment was proposed in the KP Minister Salaries and Allowances Bill 2014 to increase the pay scale of Provincial Ministers.

A single opposition bill - the KP Appointment of Certain Project Employees Bill 2014 - moved on a motion, was not granted leave by the Speaker for introduction as one-third of the House voted against it.

**Table 1.1: Legislation**

Sr. No.	Title of Bills	Status
1.	The Khyber Pakhtunkhwa <i>Ehtesab</i> Commission Bill, 2014	Passed
2.	The Khyber Pakhtunkhwa Ministers Salaries & Allowances (Amendment) Bill 2014	Passed
3.	The Khyber Pakhtunkhwa Promotion, Protection, and Enforcement of Human Rights Bill 2014	Passed
4.	The Khyber Pakhtunkhwa Higher Education Scholarship Endowment fund Bill, 2014	Passed
5.	The Khyber Pakhtunkhwa Deserving Widows and Special Persons Welfare Foundation Bill, 2014	Passed
6.	The Khyber Pakhtunkhwa Agricultural Pesticides Bill 2014	Introduced
7.	The Khyber Pakhtunkhwa Seeds Bill 2014	Introduced
8.	The Khyber Pakhtunkhwa Plant Breeders Rights Bill 2014	Introduced
9.	The Khyber Pakhtunkhwa Farm Services Centers Bill 2014	Introduced
10.	The Khyber Pakhtunkhwa <i>Tibb</i> and Homeopathic Employees Regularization of Services Bill, 2014	Introduced
11.	The Khyber Pakhtunkhwa Food Safety Authority Bill, 2014	Introduced
12.	The Khyber Pakhtunkhwa Appointment of Certain Project Employees Bill, 2014	Rejected

#### 1.1.1 Details of Passed Bills

##### **The Khyber Pakhtunkhwa Ehtesab Commission Bill, 2014**

The Bill seeks to provide for the “establishment of the Khyber Pakhtunkhwa *Ehtesab* Commission, for good governance to create an effective institutional structure for the prevention of corruption and corrupt practices and to hold accountable all public office holders, accused of such practices.” The provisions of the Bill extend to all public office holders performing their functions with government funds in the province. Once the Bill is enforce, an *Ehtesab* commission comprising five commissioners nominated by the Search and Scrutiny Committee would be established within 30 days to deal with corrupt practices.

##### **The Khyber Pakhtunkhwa Ministers Salaries and Allowances (Amendment) Bill 2014**

The Bill aims to repeal the previous law of Khyber Pakhtunkhwa Ministers (Salaries, Allowances and Privileges) (Amendment) Ordinance, 2013 by substituting “words ‘forty thousand’, wherever occurring,” with “the words ‘fifty five thousand”. The basic aim of the Bill is to raise the salaries and other privileges of the KP Ministers.

##### **The Khyber Pakhtunkhwa Promotion, Protection, and Enforcement of Human Rights Bill, 2014**

The Bill seeks to enhance promotion, protection and enforcement of human rights as provided in the Constitution of Pakistan and other international conventions to which the country is a party. It aims to establish Khyber Pakhtunkhwa Directorate of Human Rights which will review the human rights situation in the province, make recommendations to the government in case of violations, formulate and implement policy. Non-Government Organizations (NGOs) working on human rights will be registered by the Directorate. The Directorate has the authority to inquire and/or investigate the complaints of violations of human rights by seeking information and reports from the concerned authorities/quarters.

### The Khyber Pakhtunkhwa Higher Education Scholarship Endowment Fund Bill, 2014

The Bill establishes Endowment Fund for awarding scholarships to students of higher educational institutions in the public and private sector. It establishes a merit-based fund for the needy students who would otherwise be unable to complete higher education due to the financial constraints. The Chief Minister will be the chairperson of the board while the Minister/Advisor for the Higher Education will be the vice-chairperson. The board will have other members as well. The Auditor General of Pakistan will audit the accounts of the fund on an annual basis.

### The Khyber Pakhtunkhwa Deserving Widows and Special Persons Welfare Foundation Bill, 2014

The Bill sets up a Welfare Foundation for the deserving widows and special persons in the province and gives them financial assistance, training, tools, equipment, shelters and enterprises. The Welfare Foundation would be an independent statutory body to be run by a Board of Governors consisting of a chairperson and 10 members. The majority of the members of the Board shall be the eminent persons from the civil society. The board has the authority to lay down policy, maintain general supervision, approve the budget of the Welfare Foundation, generate resources and introduce innovative skills-oriented programs for the deserving persons.

## 1.2 Ordinances

Five ordinances were presented on the floor of the Assembly. Four were later passed as bills while a single was passed as ordinance in the House.

The House passed Khyber Pakhtunkhwa Right to Public Services Ordinance, 2014 during the sixth sitting of the session. The ordinance empowers an ordinary citizen to exercise the right to public services in a transparent manner within a specified time limit. It also empowers citizens to demand performance from the concerned officer and holds them accountable in case of delay or failure in providing public services. The ordinance paves the way forward for the establishment of KP Right to Public Services Commission and an Appellate Authority to deal with citizens' complaints with regards to provision of public services.

## 1.3 Committee Reports

Three reports were presented during the session. Finance Minister presented two reports during the third sitting of the session: Annual report on the Ombudsman Khyber Pakhtunkhwa, 2012 and the Second Biannual Monitoring Report on the Implementation of NFC Award, January-June 2012. The Audit Report on the accounts of KP government for the year 2011-12 was laid down before the House during the tenth sitting.

Table 1.3: Reports Presented

Sr. No.	Name of Report	Status
1.	The annual report on the Ombudsman Khyber Pakhtunkhwa, 2012	Presented
2.	Second Biannual Monitoring Report on the Implementation of NFC Award, January-June 2012	Presented
3.	Audit Reports of the Auditor General of Pakistan on Accounts of Government of Khyber Pakhtunkhwa for the Year 2011-12 1- Audit Reports of the Accounts of Government of Khyber Pakhtunkhwa 2- Appropriate Accounts 3- Financial Statements 4- Audit Report on Revenue Receipts 5- Audit Report on Public Sector Enterprises 6- Performance Audit Report on the Construction of Malakand –III Hydropower Project, Khyber Pakhtunkhwa	Presented

## 1.4 Resolutions

The House expresses its opinion, makes recommendations, or conveys a message on important issues through resolutions. The House can also commend, urge, or request action by the government.

Only four of the nine resolutions on the List of Business were unanimously adopted by the House while five were not taken up. Three of the adopted resolutions were tabled singly by members of JI, PTI and PPPP. A joint resolution by PPPP, PTI, AJIP, JUI-F, JI and QWP-S was also adopted.

A JI sponsored resolution on the recent imposition of strict labour laws announced by the Saudi government causing grave concern among Pakistani residents in the country (a Pakistani committed self-immolation over failure to get a



job) was adopted by the House. The House urged the federal government to start a dialogue with the Saudi government on the issues concerning the Pakistani community. Six MPAs – JUI-F (2) and each member of JI, PML-N, PPPP and PTI debated the resolution for 25 minutes.

The House adopted a PTI tabled resolution to open the historic Bala Hisar Fort of Peshawar for general public. Another resolution sponsored by PPPP lawmaker demanding the Lowari tunnel to be open for eight hours a day for general public to avoid shortage of essential items and movement of passengers was also adopted.

A jointly tabled resolution was unanimously adopted by the House demanding an in-camera briefing from the federal Interior Minister on law and order in the province.

The resolutions which were not taken up dealt with the payment of 80% of forests' royalty to Swat and Kohistan districts, establishment of separate Board of Intermediate and Secondary Education in district Chitral, giving priority to local people for employment opportunities in oil and gas companies, and declaration of KP as 'hard area' similar to Balochistan and Gilgit-Baltistan to ensure senior officers are posted in the province and take up their duties.

**Table 1.4: Resolutions**

Sr. No.	Resolutions	Party	Status
1.	The House demands the federal government to initiate a dialogue with Saudi government regarding the status of Pakistani expatriates and problems faced by them. Recently a Pakistani committed self-immolation in Saudi Arabia over failure to get job due to new tough labor policy.	JI	Adopted
2.	The House is of opinion that federal government should open the historic Bala Hisar Fort for public, so that the provincial capital will have a recreational site for the local public who are deprived of it.	PTI	Adopted
3.	The representatives of all the political parties observed that the law and order situation in the province was deteriorating with each passing day and kidnappings for ransom, bomb blasts and target killings have become the order of the day. The movers recalled that all political forces in the All Parties Conference (APC) in September last year had authorized the federal government to find out a solution to the crisis and take steps for the restoration of peace. They said the Interior Minister should visit Khyber Pakhtunkhwa and give an in-camera briefing on the prevailing situation to the lawmakers.	PPPP PTI AJIP JUI-F JI QWP-S	Adopted
4.	Due to the closure of the land route in the winters, Chitral faces acute shortage of essentials as people are stranded on both sides of the Lowari Pass. It is demanded to open the Lowari tunnel for eight hours on daily basis so that supply of daily-use items and movement of passengers and heavy traffic to and from Chitral can be ensured.	PPPP	Adopted
5.	The Assembly requests the provincial government to give 80% share of the forests royalty to the shareholders of district Swat and Kohistan including Kalam, Behrain, Madin, Miadam and district Dir Kohistan including Patrak, Biar, Bari Kot, Kalkot Thal and Lamoti.	ANP	Not Taken Up
6.	This House requests the provincial government to give approval for establishing a separate Board of Intermediate and Secondary Education in District Chitral. So that the students who had to travel Peshawar to get their certificates can be accommodated in their area.	PPPP	Not Taken Up
7.	The House is of the opinion that federal government should ensure that local people are given priority for employment opportunities to counter hopelessness in the areas where oil and gas reservoirs have been discovered.	JUI-F	Not Taken Up
8.	The Assembly requests the provincial government to pay the compensatory money strictly to the women of bereaved family so that they are not deprived of their right.	QWP-S	Not Taken Up
9.	KP should be accorded hard area status in view of the increasing attacks on the police, security forces and the civilians. The situation in the KP is worse than Baluchistan. It may ensure that the senior police officials perform their duties.	IND (Government Coalition)	Not Taken Up

## 2.0 Representation, Responsiveness and Government Oversight

This section reviews legislators' representative and oversight role in the assembly. Lawmakers conduct executive oversight by submitting questions and calling attention notices. Representative and responsiveness is measured through the submission of adjournment motions, privilege motions and motions for general discussions.

### 2.1 Questions and Responses

Question Hour gives legislators the opportunity to monitor the government's performance and conduct its oversight. Questions are classified as starred and un-starred based on the requirement of both the verbal and written response and only verbal response, respectively.

Question Hour was observed in all sittings except the first one as there were no questions on the List of Business. Out of 144 starred questions submitted by MPAs, 97 were taken up on the floor of the House while 47 were left un-addressed. Additionally, 40 supplementary questions were raised on the taken up questions.

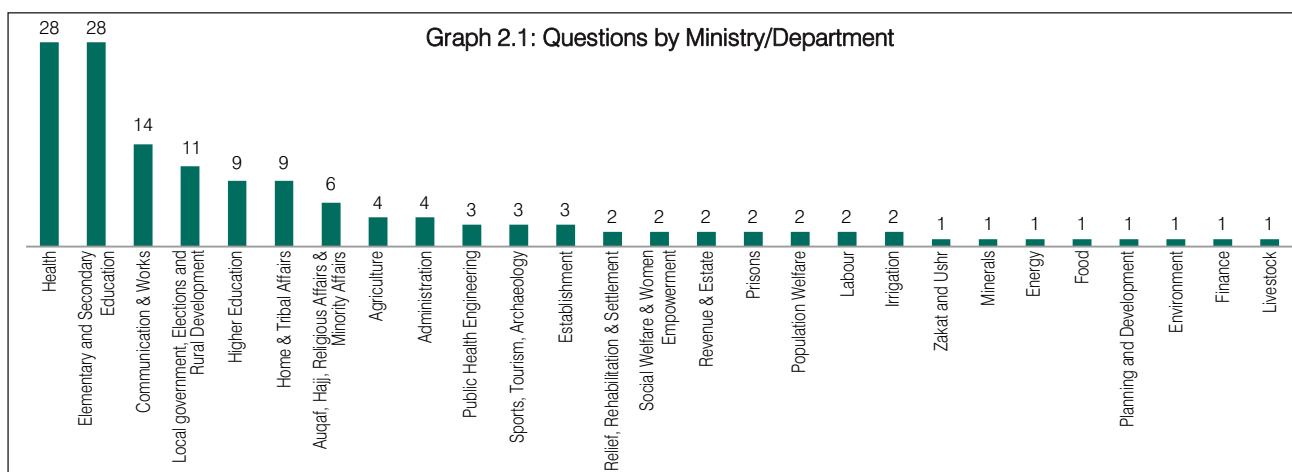
Nineteen legislators – 14 male, 5 female – participated in government oversight by submitting the questions. Nine legislators from the opposition JUI-F submitted more than half of the total questions (54%). Although only three members of ANP participated in the Question Hour, they submitted 29% of the total questions (42 out of 144).

Four PML-N members submitted 14 questions while two JI members submitted nine and a single member of PPPP submitted one question as well.

Table 2.1: Questions

Sitting No.	Starred Questions on Agenda	Questions Taken Up	Questions Not Taken Up	Supplementary Questions
1st	0	0	0	0
2nd	19	9	10	11
3rd	12	1	11	2
4th	20	9	11	4
5th	19	15	4	6
6th	20	19	1	2
7th	17	17	0	4
8th	19	11	8	1
9th	9	9	0	3
10th	9	7	2	7
<b>Total</b>	<b>144</b>	<b>97</b>	<b>47</b>	<b>40</b>

The subject of a question and the concerned ministry to which it is directed reveals the interest of legislators and their concern on public related affairs. Most questions during the session were about good governance. Lawmakers inquired about health (31)\*, education (37)\*, local governance (11) etc.



\* Ministries/departments are clubbed together as themes for narrative purposes where similar (e.g. Elementary and Secondary Education, and Higher Education)





## Details of Question Hour

Issues of provision of technical facilities at hospitals, inadequacy of health care units and staff, and the procedure for the induction of staff at medical units were inquired from the health department. Lawmakers also asked about the conversion of jail into police station and action taken against those involved in use of sub-standard material in the construction of a jail in Hangu.

Attention was called towards the need for a framework of the service for the officials of planning and development through a question. Education, religious and land departments were addressed through questions. Issues such as the illegal occupation of *Auqaf* department land, details of money generated through lease of land, allocation of funds to religious seminaries, vacant positions of teachers, the number of schools demolished due to terrorism, government action against village *Patwaris* were raised through the questions.

The details of employment for the Tor Ghar region in KP, Gomal Zam dam project and funds for development schemes were addressed to the irrigation and livestock departments. Questions on government officials' spending on their trips and construction of new blocks at KP House in Islamabad were also raised by members of the Khyber Pakhtunkhwa Assembly.

Legislators also inquired about the provision of gas royalty for the areas under district Kohat, procedural changes in allocation of development scheme funds, slow pace of reconstruction work in flood effected areas and the details of foreign aid for the Department of Communications in the Questions Hour.

Issues like Forest Development Fund (FDF) for planting trees; emerald reservoir in Mingora, Swat; and welfare projects for laborers were also brought in the attention of House through the provincial lawmakers' questions.

It was observed during the Questions Hour that most of the questions sought the reasons of delay in proposed development, educational and infrastructural projects, and details of funds allocation and spending.

## 2.2 Calling Attention Notice (CAN)

This section highlights the efforts of members in raising matters of public interest through calling attention notices. According to the rules and procedures of the KP Assembly, a Member may with the 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 opposition members from JUI-F members submitted the most notices (six) on different issues, followed by ANP (five) and JI (two), while one CAN was submitted by a PML-N member. All CANs were moved by male legislators with an exception of single CAN tabled by a female JI lawmaker.

Eleven of the 14 calling attention notices were taken up by the House.

MPA's primary concern addressed irregularities in appointments in various institutions. Three of the six CANs raised by JUI-F members were on violation of medical technicians' appointment in Bannu, demand for regularization of *Zakat* Audit department employees and termination of municipal committee employees of grade 4 in Bannu which witnessed walkout by the opposition members as it was not referred to the relevant committee.

The other CANs raised by JUI-F members were pertaining to the shortage of flats for thousands of provincial assembly's secretariat employees, and fastly deteriorating state of law and order in the province. On law and order situation the Information Minister stated that government is planning to strengthen the police and law enforcing agencies to bring peace in the province. While a single CAN raised by JUI-F law maker was not taken up on the floor that addressed the issue of development scheme approved by the District Officer Buner in PK-79.

Through four CANs, ANP members raised issue of shortage of medical staff in Swat, delay in distribution of *Zakat* funds, delay in appointments of teachers in Mardan and devastation caused by floods in Swat during 2010. The lawmaker shared his apprehensions that it is difficult to re-build and pursue construction due to rise in water level of the river in the area and demanded that government should take necessary steps to protect the people in Swat. The Information Minister assured the MPA that the government is looking forward to build houses for the affected areas. The fifth CAN dealt with the shortage of staff in a dialysis centre of Mardan Medical Complex. It was not taken up on the floor.

Members of JI raised two CANs. One dealt with disrespect of female student by the professor of Khyber Medical College on wearing veil. The second CAN dealt with deforestation in the Upper Dir which was not taken up on the floor. The Information Minister stated that the professor who misbehaved with the female student has been suspended and committee has been made to solve the issue

A PML-N member raised a CAN to allocate fund for special children's education in Hayat Abad Peshawar.

Table 2.2: Calling Attention Notices

Sr. No.	CANs	Party	Status
1.	Government should take notice of delay in appointment of teachers in Mardan district due to which the academic year of the students is going to be wasted	ANP	Taken Up
2.	Lack of medical staff and dispensaries in upper areas of Swat. Local people are deprived from the health facilities	ANP	Taken Up
3.	Khyber Medical College teacher insulted and disrespected female student for wearing veil	JI	Taken Up
4.	Budget for Special Education School for deaf, blind and physically handicapped children in Hayatabad	PML-N	Taken Up
5.	There is shortage of flats for thousands of employees of provincial assembly secretariat	JUI-F	Taken Up
6.	Devastation caused by 2010 floods in Swat has claimed lives and wiped out whole villages	ANP	Taken Up
7.	Law and order situation in the province has become crucial. The cases of murder, kidnapping for ransom and extortion has caused grave concern among the locals of the province	JUI-F	Taken Up
8.	Violation of merit in appointments of medical technician and pathologist in district Bannu	JUI-F	Taken Up
9.	Demand for regularization of employees of Zakat Audit department as permanent staff rather than being currently employed on contract which is causing a distress among the employees	JUI-F	Taken Up
10.	Zakat fund are not been distributed from last eight months as the zakat committees are not formulated by the government.	ANP	Taken Up
11.	Termination of 72 grade 4 employees and fresh appointments of 49 on the same position in Municipal Committee Bannu	JUI-F	Taken Up
12.	Dialysis Centre employees in Mardan Medical Complex do not work after 2:00 pm and there is shortage of staff in the complex due to which patients are facing problems. There is a dire need to arrange more staff for Center so that patients could get proper treatment	ANP	Not Taken Up
13.	District Officer Buner issued tender notice for development scheme in PK-79 other than the recommended union councils which were identified with the mutual consent of the locals	JUI-F	Not Taken Up
14.	Deforestation in District Upper Dir is costing loss of millions of rupees to the National treasury. Government should take notice of the issue and take steps to curb the cutting of trees at a large level	JI	Not Taken Up

### 2.3 Adjournment Motions

Adjournment motions are tabled to discuss the matters of urgent public importance. According to Rule 69 of the Khyber Pakhtunkhwa Assembly rules of procedure, “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.”

The House took up four of the seven adjournment motions on the issue of terrorism and good governance. Two of the adjournment motions pertaining to poor governance were debated in the House. Moved by a member of opposition party (JUI-F), the motion raised the issue of public facing difficulties due to negligence of Sui Gas department who dug the Peshawar-Kohat road for gas pipeline and left it without repairing. The MPA requested the House to take immediate steps to overcome the issue and start investigation against the negligence of the concerned officers. Minister for Local Government, Elections and Rural Development responded to the motion by saying that the issue will be resolved soon.

The other adjournment motion by QWP-S debated increasing inflation and price hike of daily-use items, causing distress among public. The member also pointed out lack of a strategy to control the raising prices and inflation.

Through a motion, a JUI-F member notified the House about the continuous drone attacks despite the blockage of NATO supplies by the provincial government. The taken up motion also highlighted the deteriorating law and order situation of the province and increasing cases of kidnapping of doctors for ransom and demanded a debate on the issue. In the seventh and eighth sitting, eleven members – two each of PPPP, JUI-F, PML-N and PTI and one each of QWP-S, ANP and AJIP - debated the motion for two hours and 45 minutes of the session's time.



While replying to the motion, Information Minister of KP briefed that government and coalition parties have clear vision regarding drone attacks and a resolution had already been passed on this matter on November 4, 2013 which gave federal government a deadline till November 20, 2013 to take necessary measures to end drone strikes. The Minister stated that provincial government stopped NATO supply after the deadline passed. He also assured provision of full security to doctors and their families.

A PML-N motion on land acquisition of KP by Government of Gilgit-Baltistan to construct a power house in Kohistan (which falls under the jurisdiction of KP) for Diamir Bhasha dam was taken up. Both the Minister for Revenue and Estate and Minister of Finance responded to the motion. The Revenue and Estate Minister told the House that a document on the issue has already been sent to the Boundary Commission and they were waiting for the response of the commission. Minister of Finance suggested that to solve the issue, a committee comprising of MNA's and MPA's of both areas should be constituted and asked to present its report. He also mentioned that in the past Punjab took KP's land to build Ghazi Barotha project and this time Gilgit-Baltistan has the same intention but they would stand with the people of Kohistan as it is the part of KP.

Tabled by legislator of PPPP and ANP, two motions on drone attacks, and kidnapping of doctors in the province were not taken up (as they were already taken up earlier). PPPP lawmaker termed the drone attack in Hangu as the attack on national integrity of the country while an ANP legislator stated that increase in kidnapping cases would force the doctors to leave the province which is already tattered by terrorism.

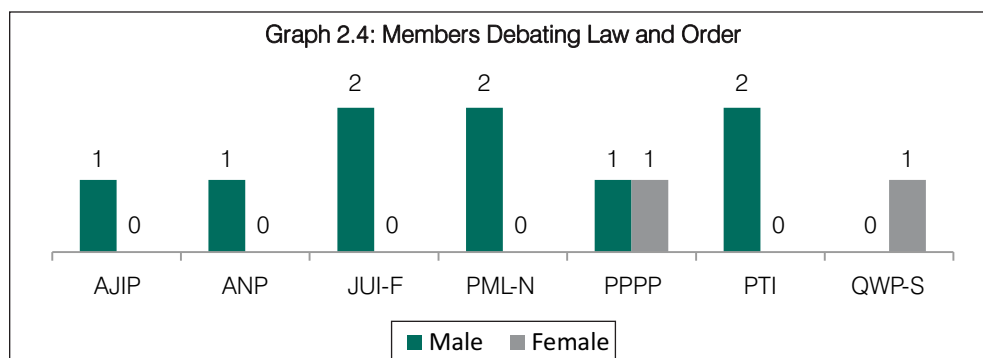
A JUI-F motion on the 43 vacant positions of teachers (including principal and senior masters) at the Islamia Collegiate School was not taken up. The motion mentioned that lack of faculty is hampering educational activities and students are not getting good positions in final exams.

**Table 2.3: Adjournment Motions**

Sr. No.	Adjournment Motions	Party	Status
1.	Inflation and price hike of daily use commodities and absence of price control strategy in the province	QWP-S	Debated by the House
2.	Difficulties being faced by citizens due to negligence of Sui Gas department who dug the Peshawar-Kohat road for gas pipelines and left them open without repair	JUI-F	Debated by the House
3.	Despite the blockage of NATO supplies by PTI and JI, Drone attacks have not been stopped. It also pointed out towards the kidnapping of doctors and the general law and order situation in KP	JUI-F	Taken Up
4.	Acquisition of KP land by the Gilgit-Baltistan government to build power house for Bhasha Dam	PML-N	Taken Up
5.	Drone attacks and terrorism in KP	PPPP	Not Taken Up
6.	Kidnaping of doctors in KP	ANP	Not Taken Up
7.	Hiring against vacant positions of teachers in Islamia College	JUI-F	Not Taken Up

## 2.4 General Discussion on Law and Order

The House debated on law and order situation in the province during seventh and eighth sitting consuming two hours and 45 minutes - 11% of the total session time. Eleven members took part in the discussion which was in response to adjournment motion raised by JUI-F member in the first sitting. Two members each of PTI, JUI-F, PPPP and PML-N took part in the debate, followed by a single member each of AJIP, ANP and QWP-S. Female participation was low as only two members (from PPPP and QWP-S) shared their view point.



## 3.0 Order and Institutionalization

This section reviews points of order and instances of protests, boycotts and walkouts witnessed during the session.

### 3.1 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 under way, and usually requests the Chair's ruling on the issue.

However, most of the members erroneously speak on national and regional issues through points of order rather than pointing any breach in the House business.

Lawmakers spoke on 13 points of order consuming two hours and 12 minutes (9%) of the total session time. As many as five points of order on the issue of terrorism were raised on the floor of the House. It was followed by two POs on development works and rule of business while one point of order each was raised on good governance, employment, media, and religious affairs.

**Table 3.1: Points of Order**

Sr. No.	Issues	Number of Issues
1	Terrorism	5
2	Development works	2
3	Rule of Business	2
4	Employment	1
5	Good Governance	1
6	Media	1
7	Religious affairs	1

### 3.2 Protests, Boycotts and Walkouts

Two walkouts – one by female member of PPPP and one by the entire opposition – were observed in the session. The female legislator of PPPP walked out for an entire sitting after the Speaker did not pay attention when she wanted to speak before the House. In the tenth sitting, the entire opposition walked out for 20 minutes as the Speaker did not refer a calling attention notice to the relevant Standing Committee. The notice – tabled by JUI-F – was on the firing of 72 low grade workers by Municipal Committee of Bannu and 49 new appointments on the place of terminated workers.

## 4.0 Session Duration, Members' Attendance and Participation

This section deals with the duration of the session, attendance and participation of members, and maintenance of quorum (1/4th of the total membership – 31 in the Khyber Pakhtunkhwa Assembly). It also reviews presence of key members - the Speaker, Deputy Speaker, Chief Minister, Leader of the Opposition, the parliamentary leaders and the time they spent on the floor of the House.

### 4.1 Session Time

The ninth session of KP Assembly from January 6-22, 2014 met for 24 hours and 14 minutes, with an average sitting time of two hours and 25 minutes. On average, each sitting started 48 minutes behind schedule while eight prayer breaks were observed which took 26% of the session's time.

Meeting for four hours and five minutes, the eighth sitting was the longest one whereas the sixth was the shortest which met for less than an hour (50 minutes).

**Table 4.1: Session Time and Duration**

Sr. No.	Day and Date	Sitting No.	Late Starts	Total Session Time	
				Hours	Minutes
1	Monday, January 6	1st	42	1	38
2	Tuesday, January 7	2nd	57	2	53
3	Wednesday, January 8	3rd	47	1	13
4	Friday, January 10	4th	75	2	5
5	Monday, January 13	5th	75	2	30



Sr. No.	Day and Date	Sitting No.	Late Starts	Total Session Time	
				Hours	Minutes
6	Wednesday, January 15	6th	25	0	50
7	Friday, January 17	7th	32	3	33
8	Monday, January 20	8th	60	4	5
9	Tuesday, January 21	9th	30	3	12
10	Wednesday, January 22	10th	40	2	15
			<b>Average 48 minutes</b>	<b>24 hours and 14 minutes</b>	

## 4.2 Members' Attendance

Active participation and attendance of members in the proceedings can make the business of the House meaningful. As the Khyber Pakhtunkhwa Assembly secretariat does not make public the attendance records of members, FAFEN observers conduct a headcount of legislators at the beginning and the end of each sitting to gauge their attendance.

Member's attendance was considerably low during the session as 36% members were present at the beginning and 40% at the end with a maximum presence of 48% lawmakers on average. A PPPP lawmaker pointed out lack of quorum in the fourth sitting which was adjourned later as the quorum was not completed after the bells were rung for two minutes.

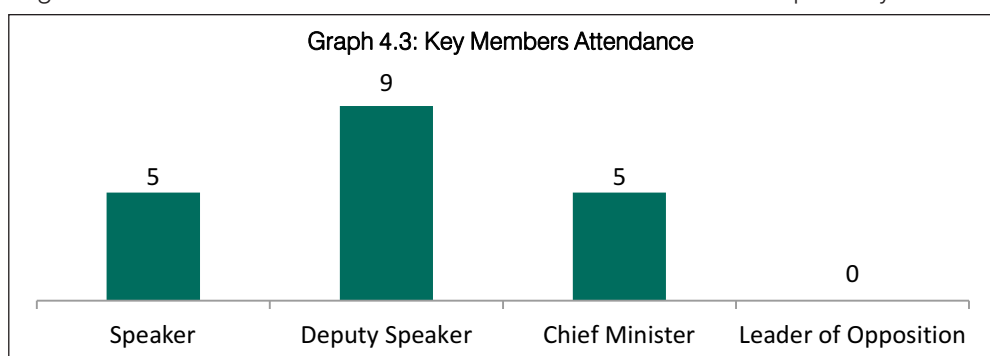
Two of the minority members attended the session on average, however in the last two sittings, all three minority members were present.

**Table 4.2: Members' Attendance**

Sitting No.	Members present at the Outset	Members at the End	Maximum Members	Minority Members
1st	43	76	76	1
2nd	27	75	75	1
3rd	50	62	66	1
4th	45	13	56	1
5th	38	50	50	2
6th	34	43	43	1
7th	44	34	44	1
8th	51	41	51	1
9th	50	61	62	3
10th	56	34	68	3
<b>Average</b>	<b>44</b>	<b>49</b>	<b>59</b>	<b>2</b>

## 4.3 Key Members' Attendance

The key member attendance remained low as Chief Minister attended 26% of the session's total time whereas his counterpart, the Leader of the Opposition abstained from the entire session. Both Speaker and Deputy Speaker chaired five sittings each. The former chaired 32% and the latter 42% of the session respectively.



## 4.4 Member's Participation

FAFEN observes members' participation against three categories – MPs who only submit agenda, those who only participated in the on-floor debates and members who both take part in the on-floor deliberations and submit agenda on the Orders of the Day.

Member's participation remained relatively low in terms of submitting agenda item compared to the members who participated in debates or did both i.e. submitting and debating agenda items. Only six percent members of the House's strength submitted agenda items, while 24% took part in debates and 10% did both.

Lawmakers of main party in the government coalition, PTI, seemed less interested in the House business as only 17% participated in the debates. Other members of the coalition government were more active as 88% of JI member's participated either by submitting agenda, debating on the floor, or both. One of five total members of the AJIP took part in debates, while an Independent member part of the coalition submitted agenda during the session.

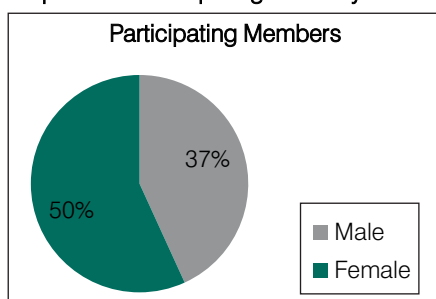
Among the opposition parties having more than 10 lawmakers in the assembly, 65% law-makers of the JUI-F participated in the House business, followed by PML-N (41%) and QWP-S (40%), while all members of the ANP participated in one way or another. Neither the sole member of the APML nor the Independent member in the opposition alliance participated in the session.

Table 4.4: Member's Participation

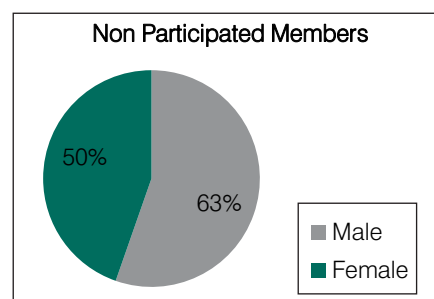
Sr. No.	Political Party	Members Who Submitted Agenda Items	Members Who Took Part in Debates	Members Who Participated in Debates as well as Submitted Agenda Items	Percentage of Members Who Submitted Agenda Items	Percentage of Members Who Participated in Debates	Percentage of Members Who Submitted Agenda Items And Participated in Debates
1	AJIP		1		0%	20%	0%
2	ANP	2		3	40%	0%	60%
3	APML				0%	0%	0%
4	Ind (Opposition)				0%	0%	0%
5	Ind (Collision)	1			50%	0%	0%
6	JI	1	5	1	13%	63%	13%
7	JUI-F	1	6	4	6%	35%	24%
8	PML-N		5	2	0%	29%	12%
9	PPPP	1	1	1	25%	25%	25%
10	PTI		9		0%	17%	0%
11	QWP-S	1	2	1	10%	20%	10%
<b>Total</b>		<b>7</b>	<b>29</b>	<b>12</b>	<b>6%</b>	<b>24%</b>	<b>10%</b>

Women participation in the assembly was higher than their male counterparts as half of the (50%) women representatives took part in House business by submitting or debating agenda or doing both, compared to 37% of male legislators. Both male and female members participated more actively in debating agenda rather than submitting it or doing both. Sixty seven percent minority members participated in the debates.

Graph 4.4A: Participating MPAs by Gender



Graph 4.4B: Non-Participating MPAs by Gender



## 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.



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## About FAFEN

Free and Fair Election Network (FAFEN) is a nationwide network of 42 Pakistani civil society organizations. It has been working since 2006 to strengthen democratic systems and promote active citizenship and is now governed by Trust for Democratic Education and Accountability (TDEA). With its primary mandate to observe elections and seek reforms to improve the quality of elections, FAFEN managed unprecedented long-term voter education and election observation initiatives that got 20,000 Pakistani citizens from every district of the country directly involved in the general election process in 2007-08.

In 2013, FAFEN deployed more than 40,000 trained, non-partisan long- and short-term observers to monitor all phases of general election. FAFEN election observation has yielded valuable insights into the quality of the electoral process and enabled generation of critical recommendations for reforms in the constitutional, legal and procedural frameworks that govern elections in Pakistan.

In addition to its vibrant Electoral Oversight, Research and Reforms Program, FAFEN has developed innovative techniques to observe the functioning of Parliament and Provincial Assemblies in order to advocate for parliamentary reforms for a more accountable, transparent and responsive legislative governance. Under its Parliament Oversight, Research and Reforms Program, FAFEN directly observes and objectively reports on the proceedings of all elected Houses in Pakistan.

FAFEN mobilizes and facilitates citizens engagements with elected and public institutions across Pakistan as a prerequisite for strengthening democratic accountabilities as part of its Electoral Governance Oversight, Research and Reforms Program. These activities fit in with the core FAFEN's objective of promotion of active citizenry—a critical ingredient of a vibrant democratic system.