



# Provincial Assembly of the Khyber Pakhtunkhwa (KP) FAFEN PARLIAMENT MONITOR

## Twentieth Session (September 9, 2011 – October 6, 2011)

### Executive Summary

After successfully observing the proceedings of the National Assembly, FAFEN has started observation of the provincial assemblies – Sindh, Punjab, Khyber Pakhtunkhwa and Balochistan – and the Senate. This report is based on FAFEN's direct observation of the 20th session of the Khyber Pakhtunkhwa Assembly (KP), which was held between September 9 and October 6, 2011.

The Assembly proceedings are observed using a robust methodology based on the rules of procedure and business. The observers collect information on all major types of parliamentary businesses on a standardized checklist. The data is analyzed together with that acquired from other parliamentary sources to prepare session-wise reports.

FAFEN will also start releasing daily factsheets on the Assembly's proceedings. These factsheets are released on the same day the sittings are held to provide media and other interested stakeholders vital statistics on the proceedings to encourage informed public discourse on Assembly's performance.

During the 20th session, the Khyber Pakhtunkhwa Assembly had 12 sittings that lasted a total of 26 hours and 55 minutes, the average duration being two hours and 15 minutes each. Every sitting started late an average delay of 43 minutes.

The attendance of Members was observed to be low during the session with an average 45 Members present at the outset, and 44 at the end of each sitting. The Speaker attended 10 sittings while the Deputy Speaker was present in seven. The Chief Minister did not attend the entire session, while the Leader of Opposition attended seven sittings.

The House took up most of the agenda items that appeared on the Orders of the Day, primarily due to 203 Points of Order. However, none of the Points of Order raised by Members attracted the Chair's formal ruling. Unless the Chair gives such ruling on a Point of Order, speeches and rejoinders do not lead to any Assembly output.

Although the Quorum was visibly lacking at various stages of the session, it was not pointed out by any Legislator. The Assembly passed five Government Bills, but did not take up any of the Private Members' Bills.

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.

Out of the 34 Calling Attention Notices on the Orders of the Day, 28 were discussed in the House. The provincial Assembly adopted 11 out of 14 Resolutions. The Members of the PMLN and ANP sponsored eight Resolutions each, PPPP and MMAP seven each, and PML and PPPS moved five Resolutions each.

A total of 89 starred Questions (requiring oral answers) were raised during the session.

The House witnessed three walkouts. The Members of the MMAP, PMLN, PML and PPPS staged a 10-minute walkout to protest the Chair's formal ruling on a supplementary question. The session witnessed another walkout by the MMAP, PMLN, PML and PPPS Legislators over the conduct of an ANP Member. On the other hand, an ANP Member walked out in protest over the Chair's conduct.

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.

## 1.0 Session Duration and Members' Participation

### 1.1 Session Time

The 20th session of the Khyber Pakhtunkhwa Assembly lasted for 12 sittings between September 9 and October 6, meeting for a total of 26 hours and 55 minutes. Each sitting on average was delayed by 43 minutes.

The shortest sitting lasted an hour and 14 minutes (September 9) while the longest ran three hours and one minute (September 19).

	Date	Sitting No	Delays	Hours	Minutes
Friday	9 September 2011	1 <sup>st</sup>	45	1	14
Monday	12 September 2011	2 <sup>nd</sup>	60	1	30
Tuesday	13 September 2011	3 <sup>rd</sup>	75	1	15
Friday	16 September 2011	4 <sup>th</sup>	60	3	0
Monday	19 September 2011	5 <sup>th</sup>	30	3	1
Tuesday	20 September 2011	6 <sup>th</sup>	30	3	0
Friday	23 September 2011	7 <sup>th</sup>	30	2	0
Monday	26 September 2011	8 <sup>th</sup>	30	2	30
Tuesday	27 September 2011	9 <sup>th</sup>	30	2	30
Friday	30 September 2011	10 <sup>th</sup>	30	1	45
Monday	3 October 2011	11 <sup>th</sup>	50	2	40
Thursday	6 October 2011	12 <sup>th</sup>	51	2	30
<b>Total</b>			<b>Average 43 Minutes</b>	<b>26 Hours and 55 Minutes</b>	

## 1.2 Members' Attendance

Since the Khyber Pakhtunkhwa Assembly does not make the record of Members attendance public, FAFEN conducts a headcount at the start and end of each sitting.

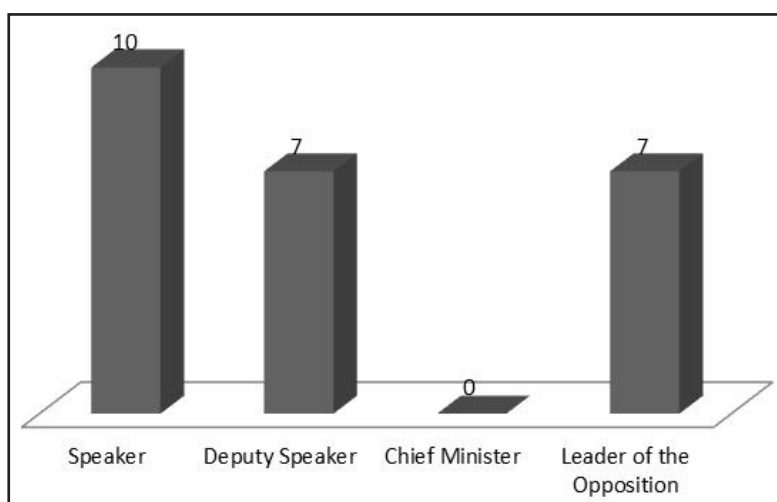
On average, 45 Members were present at the start of each sitting and 44 at the end. The lowest attendance was observed at the ninth sitting when only 30 Members were present at the beginning and 25 at the end.

Sitting No.	Members at the outset of the sitting	Members at the end of the sitting
1st	44	74
2 <sup>nd</sup>	64	58
3 <sup>rd</sup>	60	70
4 <sup>th</sup>	35	32
5 <sup>th</sup>	44	35
6 <sup>th</sup>	48	48
7 <sup>th</sup>	40	50
8 <sup>th</sup>	34	50
9 <sup>th</sup>	30	25
10 <sup>th</sup>	42	34
11 <sup>th</sup>	44	30
12 <sup>th</sup>	54	24
<b>Total</b>	<b>45 Members</b>	<b>44 Members</b>

## 1.3 Key Members 'Attendance

The Speaker attended 10 sittings while the Deputy Speaker was present in seven. The Chief Minister did not attend the entire session; however, the Leader of Opposition attended seven sittings.

The PPPP parliamentary leader was there for the entire session. The parliamentary leader of the PML was present during 11 sittings, followed by PPPS 10 and PMLN two.



## 2.0 Calling Attention Notice

Calling Attention Notices (CANs) are a method of drawing the attention of a Minister towards a matter of urgent public importance. According to Rule 52-A of the Rules of Procedure and Conduct of Business in Khyber Pakhtunkhwa Assembly, "a Member may with the previous permission of the Chair 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: provided that no Member shall give more than two such notices for any one sitting."

Out of the 34 Calling Attention Notices on the Orders of the Day, 28 were discussed in the House. The most CANs (8) were related to education.

Sr. No	Subject	No of CANs
1	Education	8
2	Communication	3
3	Prisons	2
4	Law and Order	2
5	Natural Calamities	2
6	Health	2
7	Irrigation	2
8	Energy	2
9	Agriculture	1
10	Zakat and Ushr	1
11	Land and Revenue	1
12	Inflation	1
13	Communications	1
<b>Total</b>		<b>28</b>

Seven CANs were sponsored by female Legislators, either individually or jointly with other female or male colleagues

Gender	ANP	PPPP	MMA	PPPS	PML	PMLN	IND	Total
Male	5	5	8	5	0	1	3	27
female	2	2	1	0	0	2	0	7
<b>Total</b>	<b>7</b>	<b>7</b>	<b>9</b>	<b>5</b>	<b>0</b>	<b>3</b>	<b>3</b>	<b>34</b>

### 3.0 Question Hour

According to Rule 31 of the Rules of Procedure and Conduct of Business, "the first hour of a sitting, after the recitation from the Holy Quran and the swearing in of Members, if any, shall be available for the asking and answering of questions."

A total of 89 starred Questions (requiring oral answers) - 7.4 questions per sitting - were raised during the session. According to the regulatory framework of the Khyber Pakhtunkhwa Assembly, no Questions can be put forth on the agenda for the first sitting.

Sitting No.	Starred Questions on the Agenda	Starred Questions taken up by the House
1 <sup>st</sup>	0	0
2 <sup>nd</sup>	13	7
3 <sup>rd</sup>	19	7
4 <sup>th</sup>	17	8
5 <sup>th</sup>	9	8
6 <sup>th</sup>	21	14
7 <sup>th</sup>	13	11
8 <sup>th</sup>	9	9
9 <sup>th</sup>	8	6
10 <sup>th</sup>	3	3
11 <sup>th</sup>	14	11
12 <sup>th</sup>	5	5
<b>Total</b>	<b>131</b>	<b>89</b>

## 4.0 Legislation

Parliamentary output primarily comes in the form of legislation. Law-making on matters of national significance through careful debate is a Legislator's most important function.

### 4.1 Government Bills

Five out of seven Government Bills were passed. One Bill was introduced and sent to the respective Standing Committee.

Sr. No.	Government Bills on the Orders of the Day	Status of Bills		
		Bills Introduced	Bills Passed	Bills Rejected/ Not Taken Up/ Deferred
1	The Khyber Pakhtunkhwa Appointment of Certain Lecturers Bill, 2011		✓	
2	The Khyber Pakhtunkhwa Removal From Service (Special Powers) (Repeal) Bill, 2011		✓	
3	The Khyber Pakhtunkhwa Zakat & Ushr Bill, 2011		✓	
4	The Khyber Pakhtunkhwa Urban Immovable Property Tax (Amendment) Bill, 2011			✓
5	The Khyber Pakhtunkhwa Highways Authority (Amendment) Bill, 2011		✓	
6	The Provincial Assembly of Khyber Pakhtunkhwa Speaker & Deputy Speaker's (Salaries, Allowances And Privileges) (Amendment) Bill, 2011		✓	
7	The University Of Peshawar Bill, 2011	✓		
<b>Total</b>		<b>1</b>	<b>5</b>	<b>1</b>

### 4.2 Private Members' Bills

Seven Private Members Bills appeared on the Orders of the Day. Two Bills were introduced and sent to the respective Standing Committees.

Sr. No.	Private Member Bills on the Orders of the Day	Status of Bills		
		Bills Introduced	Bills Passed	Bills Rejected/ Not Taken Up/ Deferred
1	The Khyber Pakhtunkhwa Child Protection and Welfare (Amendment) Bill, 2011.	Introduced		
2	The Khyber Pakhtunkhwa Provincial Employees Group Insurance Bill, 2011.	Introduced		
3	The Khyber Pakhtunkhwa Civil Servants (Amendment) Bill, 2011			Not Taken up
4	The Khyber Pakhtunkhwa Civil Servants (Amendment) Bill, 2011			Not Taken up
5	The Khyber Pakhtunkhwa Service Tribunals (Amendment) Bill, 2011			Not Taken up
6	The Khyber Pakhtunkhwa Sacked Employees (Re-Instatement) Bill, 2011			Not Taken up
7	The Khyber Pakhtunkhwa Service Tribunal (Amendment) Bill, 2011			Not Taken up
<b>Total</b>		<b>2</b>	<b>0</b>	<b>5</b>

## 5.0 Resolutions

Through Resolutions, a Legislature expresses an opinion, makes recommendations, or conveys a message on a specific and important issue. The House can also commend, condemn, urge or request action by the government. Resolutions can be moved by ministers or Members in their private capacity.

Eleven out of 14 Resolutions were taken up during the 20th session.

The House adopted 11 Resolutions which were moved by 14 MPAs. Of these Resolutions, five were jointly sponsored by female Legislators, either with their male counterparts or in their individual capacity. Male Legislators moved six Resolutions.

Sr. No.	Sitting No	Party	Gender Status	Resolution
1	3 <sup>rd</sup>	PPPP, PPPS, PML, MMAP, PML and ANP	Jointly Male and Female	Democracy must continue in the country
2	5 <sup>th</sup>	ANP, PPPS, PML, MMAP, PMLN and ANP	All Male	Election Commission of Pakistan to extend the last date for the enrolment of voters for three months
3	7 <sup>th</sup>	ANP, PPPP and PMLN	All Male	Condemned the killing of former Ex Afghan President Prof. Burhanuddin Rabbani and demanded the Afghan Government to arrest the killers
4	8 <sup>th</sup>	MMAP	Single Female	Create awareness among the masses through <i>Ulma-e-Kiram</i> and Media of women rights
5	8 <sup>th</sup>	PPPP	Single Female	Separate women staff for women in NADRA
6	8 <sup>th</sup>	ANP, PPPP, PML, PPPS, MMAP and PMLN	Jointly Male and Female	The Federal Government to call the US Ambassador and inform him about the emotions of Khyber Pakhtunkhwa Assembly regarding the targeting of Pakistan's secret agencies and army by US statesman
7	11 <sup>th</sup>	ANP, PPPP, MMAP, PPPS, PML and PMLN	All Male	Severe unscheduled load shedding in the province
8	12 <sup>th</sup>	PPPP and PMLN	All Female	Implement the UNO Human Rights Council Resolution regarding women rights
9	12 <sup>th</sup>	ANP	Single Male	Management of PESCO to issue correct Electric bills in time and at the start of every month
10	12 <sup>th</sup>	PMLN	Single Male	Construction of Basha Dam
11	12 <sup>th</sup>	ANP, MMAP, PML, PPPS, PPPP and PMLN	All Male	Release of fund allocated for the construction of CRBC by the Federal Government

## 6.0 Points of Orders

Under the Assembly rules, a Member can raise a Point of Order only to point out any violation of the rules and procedure or to seek enforcement of certain rules required to regulate the House business. The Chair is required to give a ruling on it.

Members interrupted the regular proceedings by raising 136 Points of Order. On average, 11 Points of Order were raised during each sitting. Most issues raised were not related to the business of the House. None of the Points of the Order raised attracted the Chair's formal ruling during the session.

Sitting No	Points of Order
1 <sup>st</sup>	13
2 <sup>nd</sup>	0
3 <sup>th</sup>	9
4 <sup>th</sup>	13
5 <sup>th</sup>	9
6 <sup>th</sup>	6
7 <sup>th</sup>	15
8 <sup>th</sup>	10
9 <sup>th</sup>	10
10 <sup>th</sup>	16
11 <sup>th</sup>	20
12 <sup>th</sup>	15
<b>Total</b>	<b>136 Points of Order</b>

## 7.0 Protests, Boycotts and Walkouts

The House witnessed three walkouts during the session. The Members of the MMAP, PMLN, PML and PPPS staged a 10-minute walkout protesting the Chair's formal ruling on a supplementary question. The session witnessed another walkout by the MMAP, PMLN, PML and PPPS Legislators over the conduct of an ANP Member. One ANP Member walked out of the House in protest over the Chair's conduct.

Sitting No	Party	Reason	Time	Protest/Walkout/Boycott
6 <sup>th</sup>	MMAP, PML, PMLN and PPPS	Chair's formal ruling against a Question put forth by a female Member	5	Walkout
7 <sup>th</sup>	MMAP, PML, PMLN and PPPS	Conduct of an ANP Member	20	Walkout
12 <sup>th</sup>	ANP	Conduct of the Chair	5	Walkout
<b>Total</b>			<b>30 Minutes</b>	



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.

# 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 Parliamentary 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.

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