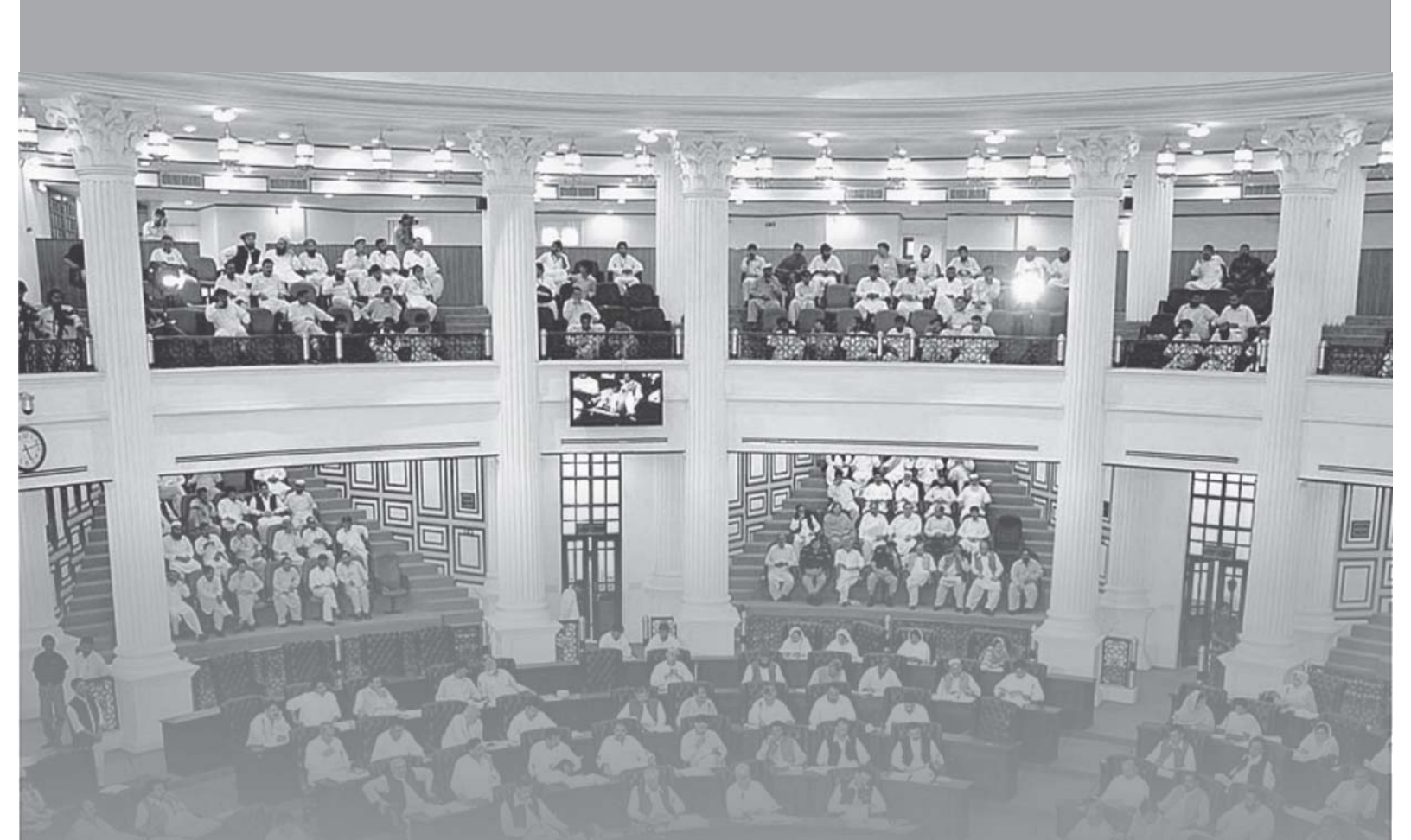




Score Card

Provincial Assembly of Khyber Pakhtunkhwa The Second Parliamentary Year

May 28, 2014 – May 27, 2015



Score Card

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Lahore Office: P. O. Box 11098, L.C.C.H.S, Postal Code: 54792, Lahore, Pakistan
E-mail: info@pildat.org | Website: www.pildat.org

May 28, 2014 - May 27, 2015

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PREFACE

The current Provincial Assembly of Khyber Pakhtunkhwa, elected through the May 2013 General Election, started its second Parliamentary year on May 28, 2014, which concluded on May 27, 2015. This Score Card on the Performance of the Provincial Assembly of Khyber Pakhtunkhwa evaluates the performance during the second Parliamentary year of the Assembly.

While PILDAT has carried out the basic evaluation of performance using performance indicators during the second year, the Score Card comprises scores assigned by a PILDAT Expert Evaluation Group of current and former legislators, eminent lawyers, and media persons based on a series of Key Performance Indicators identified in the Inter-Parliamentary Union (IPU) toolkit.

The analysis in this report benefits from data obtained from the Assembly website, media reports, and where needed, substantiated by the data requested from the Khyber Pakhtunkhwa Assembly.

Part 1 of this Score Card presents the basic facts of the Provincial Assembly for the 2 years. **Part 2** gives the detailed performance statistics and measures in percentages on the improvement or deterioration of the Assembly's performance in key performance areas compared to the first year. **Part 3** presents a strategic analysis of the performance of the Provincial Assembly in its second Parliamentary year. **Part 4** contains the Score Card on the Evaluation of the Provincial Assembly of Khyber Pakhtunkhwa using the IPU Toolkit, while **Part 5** proposes key reforms for the Provincial Assembly of Khyber Pakhtunkhwa.

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Disclaimer

PILDAT team has made every effort to ensure accuracy of the publicly-available data and analysis based on it. Any omission, or error, therefore, is not deliberate. The views, analysis and scores in this report do not necessarily represent the views of DANIDA, the Government of Denmark, and the Royal Danish Embassy, Islamabad.

Islamabad
June 2015

May 28, 2014 - May 27, 2015

Abbreviations and Acronyms

ANP	Awami National Party
BPS	Basic Pay Scale
CCTV	Closed-Circuit Television
IDP	Internally Displaced Person
IND	Independent
IPU	Inter-Parliamentary Union
JI	Jamaat-e-Islami
JUI-F	Jamiat Ulema-e-Islam- Fazlur Rehman
KP	Khyber Pakhtunkhwa
MNA	Member of National Assembly
MPA	Member of Provincial Assembly
PATA	Provincial Administered Tribal Areas
PML	Pakistan Muslim League
PML-F	Pakistan Muslim League-Functional
PML-N	Pakistan Muslim League-Nawaz
PPPP	Pakistan Peoples Party-Parliamentarian
PTI	Pakistan Tehreek-e-Insaf
QWP	Qaumi Watan Party

May 28, 2014 - May 27, 2015

Executive Summary

The second year of the Provincial Assembly is distinct for the long-drawn 15th session, which began in October 2014 and persisted into the third Parliamentary year; a period of over 8 months. The session was the third of the year and was marked by low attendance, broken quorums and premature adjournments.

The Provincial Assembly of Khyber Pakhtunkhwa is led by the Pakistan Tehreek-e-Insaf (PTI), which was predominantly involved during the year in staging a prolonged street protest, from August to December 2014, in the Federal Capital against alleged rigging in May 2013 General Election. As a result, the key leadership of the PTI, including the Chief Minister of Khyber Pakhtunkhwa and PTI MPAs from the KP Assembly, appeared more concentrated in prolonging the protest than to hold and be part of sessions of the Provincial Assembly of Khyber Pakhtunkhwa. As a result, while the second year of the Assembly began on May 28, 2014, the Assembly did not convene between the periods of June 26, 2014 and October 22, 2014 the number of sessions, from 12 in the first year to merely 3 in the second, resulted in a 75% decrease in performance. Even though its long-drawn 15th session, which began in October 2014 and persisted into the third Parliamentary year, the Assembly sittings have dropped by 19% with 72 in first year and only 58 sittings in the second year. Average attendance of MPAs in the Provincial Assembly of Khyber Pakhtunkhwa was recorded at 36 members per sitting or 29% of the total membership. While the Assembly's attendance record was better than that of the Punjab Assembly's, which had been 23% of the total membership, it fell behind both the Sindh Assembly (42%) and Balochistan Assembly (58%).

The Chief Minister, **Mr. Pervaiz Khattak**, MPA, (PK-13, Khyber Pakhtunkhwa, PTI) was present only for 20 out of 58 total sittings at 34% of the total compared to his presence in 31 out of 72 sittings at 43% of the total during the first year. The Leader of the Opposition, **Maulana Lutfur Rehman**, MPA, (PK-66, Khyber Pakhtunkhwa, JUI-F) was present for 52% of the sittings, an improvement of 20 percentage points from the previous year when his attendance and that of the previous Leader of the Opposition, **Mr. Mehtab Khan Abbasi** (now Governor of Khyber Pakhtunkhwa) had been for 23 sittings or for 32% of the total.

Despite the Assembly leadership's attention elsewhere, to their credit, the Assembly passed 32% more legislation in its second year— from 28 bills passed in first year to 37 Government Bills passed during the second year. The Assembly also passed 12% more resolutions from 34 to 38 in the second Parliamentary year. Three of the Government Bills passed during the second year of the Provincial Assembly of Khyber Pakhtunkhwa were amendments to the salaries of Ministers, the Speaker, the Deputy Speaker and remaining Members, including the **Khyber Pakhtunkhwa Salaries, Allowances and Privileges Laws (Amendment) Bill 2014**, the **Khyber Pakhtunkhwa Ministers (Salaries, Allowances and Privileges) (Amendment) Bill, 2014**, and the **Khyber Pakhtunkhwa Speaker and Deputy Speaker's (Salaries, Allowances and Privileges) Amendment Ordinance 2014**. Regarding the increase in emoluments of the Speaker, the monthly salary went up from Rs. 35,000 to Rs. 80,000 an increase by 129%; the Deputy Speaker's monthly salary has been increased from Rs. 27,000 to Rs. 54,000, which is an increase of 100%. The emoluments of MPAs went up from Rs12,000 to Rs. 18,000, an increase of 50%.

Other key legislation passed in the period included the **Khyber Pakhtunkhwa Wildlife and Biodiversity (Protection, Preservation, Conservation and Management) Act, 2015** and the **Khyber Pakhtunkhwa Environmental Protection Act, 2014**. The former seeks to protect the habitats of the wildlife and biodiversity in all of Khyber Pakhtunkhwa. The latter seeks to improve the environment for the prevention and control of pollution, and promotion of sustainable development. The Provincial Assembly of Khyber Pakhtunkhwa made a key reform by passing the **Khyber Pakhtunkhwa Local Government (Second Amendment) Bill, 2015** on February 17, 2015. This was an amendment to the original law, which had been passed in 2013. The amendment passed during the second Parliamentary year allowed for the establishment of district and tehsil councils in all districts of the Province. Therefore, delimitation in the Province was complete and paved the way for the Local Government Election that took place in May 2015.

Interestingly, a resolution moved by Syed Jafar Shah, MPA (PK-85, Khyber Pakhtunkhwa, ANP) in support of Malala Yousafzai, the Nobel Laureate who was shot by terrorists for propagating the right to education for women, was discarded by the MPAs on October 29, 2014. Meanwhile, a resolution passed to pressurize the United States' Government to free Dr. Aafia Siddiqui was passed unanimously on the same day.

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The budget session of the Assembly, the most potent in terms of powers of elected representatives of the people and hence most important, saw no change in number of days spent in budget review, scrutiny and passage. The total working hours of the budget, however, decreased by a whopping 49% from the first year when 35 hours were spent in budget session as compared to only 18 hours spent during the second year. The KP Assembly, like the other Provincial Assemblies in Pakistan, did not consider or institute any of the required reforms in providing a meaningful role to the MPAs and the Standing Committees in the Assembly in the budget scrutiny. It is also recommended that the budget session be extended to 30-45 days in order to allow for MPAs and the Standing Committees to thoroughly discuss the expenditures and identify potential weaknesses.

Over the course of the year, the Provincial Assembly also suffered from a lack of interest by MPAs as evidenced through the significant drop in the number of questions submitted between the two years. In the first year, 1997 questions had been submitted to the Secretariat, and in the second year this number decreased by 59% to 826 questions submitted. This shows a declining interest amongst the members regarding issues of public concern. The number of questions that received a response decreased from 244 to 227, a decrease of 7%. This is also in part due to the fact that often it takes months for the Government to answer questions despite the mandated time of 15 days. It is therefore suggested that there be an amendment in the rules such that questions are not allowed to lapse and remain on the agenda, and in fact that it becomes mandatory for them to be placed on the agenda for the subsequent sitting in the event of an adjournment. Even the scheduled 15 days to receive a reply from the Government is too long in comparison with international standards. For instance, in the UK Parliament, a member only has to give two days' notice to receive an answer to his/her written question, as per Standing Order 22 (4) of the UK's Parliament. It is recommended that the number of days in which the Government is obliged to respond is reduced from 15 days. It is also recommended that there be a Zero Hour at the end of the Question Hour where the immediate grievances of the public can be brought forth and responded to.

It is imperative that the Assembly organizes its activities around a previously determined and published Parliamentary Calendar, a globally accepted practice for legislatures. A Parliamentary Calendar determines the days of the year during which sittings can be held in light of National and Provincial Holidays. This helps not only the Members of the Provincial Assembly but also the media, members of the civil society, and all those individuals who wish to engage with the Assembly business in organizing their activities. Once a Calendar is developed, it must be made public on the Assembly website.

Transparency and growing public engagement with the matters of the Provincial Assembly are crucial to accountability and overall performance. The website of the Khyber Pakhtunkhwa Assembly displays vital statistics pertaining to the Legislature's performance such as the number of Bills and resolutions, the number of questions posed by the members of the Assembly, the number of Adjournment Motions introduced, etc. The Khyber Pakhtunkhwa Assembly also regularly uploads the verbatim proceedings of the Assembly in Urdu on its website. While the Assembly's transparency regarding the website is far better in terms of making information available than Sindh or Balochistan Assemblies, the Provincial Assembly of the Punjab is leading in having a transparent and accessible website for uploading live webcasts of its proceedings on the Assembly website, and in a recent move, for making the attendance record of its Members online. The KP Assembly should follow suit and make the attendance record of Members available online following the example of the Punjab Assembly. There is also a need to share data in open formats on its website. What data there is, is available in PDF, which makes computing different statistics cumbersome. All four Provincial Assemblies should make data available in open formats such as XML and JSON, rather than PDF.

Table 1 provides comparative outlook of the performance of the Provincial Assembly of Khyber Pakhtunkhwa between the two years based on some key indicators.

May 28, 2014 - May 27, 2015

Table 1: Comparison of Key Performance Indicators: Second Year of the Provincial Assembly of Khyber Pakhtunkhwa

No.	Indicator	First Parliamentary Year of the Provincial Assembly of Khyber Pakhtunkhwa	Second Parliamentary Year of the Provincial Assembly of Khyber Pakhtunkhwa	Percentage Change
1.	Total Sessions	12	3	Decrease by 75%
2.	Number of Bills Passed	28	37	Increase by 32%
3.	Sittings	72	58	Decrease by 19%
4.	Working Hours per Sittings	1.39	2.9	Increase by 109%
5.	Total Working Days of the Budget Session	9	9	No Change
6.	Total Working Hours of the Budget Session	35	18	Decrease by 49%
7.	Ordinances Laid	16	7	Decrease by 56%
8.	Resolutions Passed	34	38	Increase by 12%
9.	Number of Sittings Attended by the Leader of the House (Chief Minister)	31	20	Decrease by 35%
10.	Number of Sittings Attended by the Leader of the Opposition	23	30	Increase by 30%

The Provincial Assembly of Khyber Pakhtunkhwa received an overall score of **44%** in the evaluation of its performance during the second Parliamentary year against the Evaluation Framework developed by Inter-Parliamentary Union-IPU. Khyber Pakhtunkhwa registered its highest score in the second Parliamentary year for the Representativeness of the Provincial Assembly at **53%**. The overall effectiveness of the Legislative Capacity of the Provincial Assembly of Khyber Pakhtunkhwa and Transparency and Accessibility are scored at **45%**. The Assembly was assigned a score of **43%** for the Effectiveness of its Oversight over the Executive. The Provincial Assembly received a relatively lower score for its Accountability at **37%**. The weakest aspect of its performance has been under the parameter on Effectiveness of the Provincial Assembly's Involvement in International Policy with a low score of **35%**.

Provincial Assembly of Khyber Pakhtunkhwa The Second Parliamentary Year

May 28, 2014 - May 27, 2015

Part 1: Provincial Assembly of Khyber Pakhtunkhwa: Second Parliamentary Year: Basic Facts

The Provincial Assembly of Khyber Pakhtunkhwa is a unicameral body for the province of the Islamic Republic of Pakistan.

The Provincial Assembly has a constitutional term of 5 years, which began its first Parliamentary year on May 29, 2013, which was concluded on May 28, 2014. The second year of the Provincial Assembly of Khyber Pakhtunkhwa started on May 28, 2014 and concluded on May 27, 2015.

Party Distribution

As a result of the 10th General Election of Pakistan, the Provincial Assembly of Khyber Pakhtunkhwa (formerly the North West Frontier Province) was elected. The Assembly has 124 seats of which there are 99 regular seats, 22 reserved seats for women, and 3 reserved seats for Non-Muslims.

The distribution of MPAs based on Political Parties can be seen in Figure 1, which reveals that the majority in the house belongs to the Pakistan Tehreek-e-Insaf.

Leadership

The Speaker of the Provincial Assembly of Khyber

Pakhtunkhwa, Mr. Asad Qaiser, MPA (PK-35, Khyber Pakhtunkhwa, PTI), and Mr. Imtiaz Shahid, MPA (PK-39, Khyber Pakhtunkhwa, PTI) were elected to their posts on May 30, 2013. On October 15, 2014, Mr. Imtiaz Shahid resigned from the post of Deputy Speaker of the Provincial Assembly of Khyber Pakhtunkhwa and the post has remained vacant throughout the second Parliamentary year.

Budget

The budget for the Provincial Assembly of Khyber Pakhtunkhwa falls under the Administration Budget. The Assembly passed a Provincial Assembly Budget of Rs. 604.014 million in the second Parliamentary year. This is an increase of 17% in the allocation to the Assembly as in the first Parliamentary year, 2013-2014; the budget for the Assembly had been Rs. 517.592 million.

Composition of the Secretariat

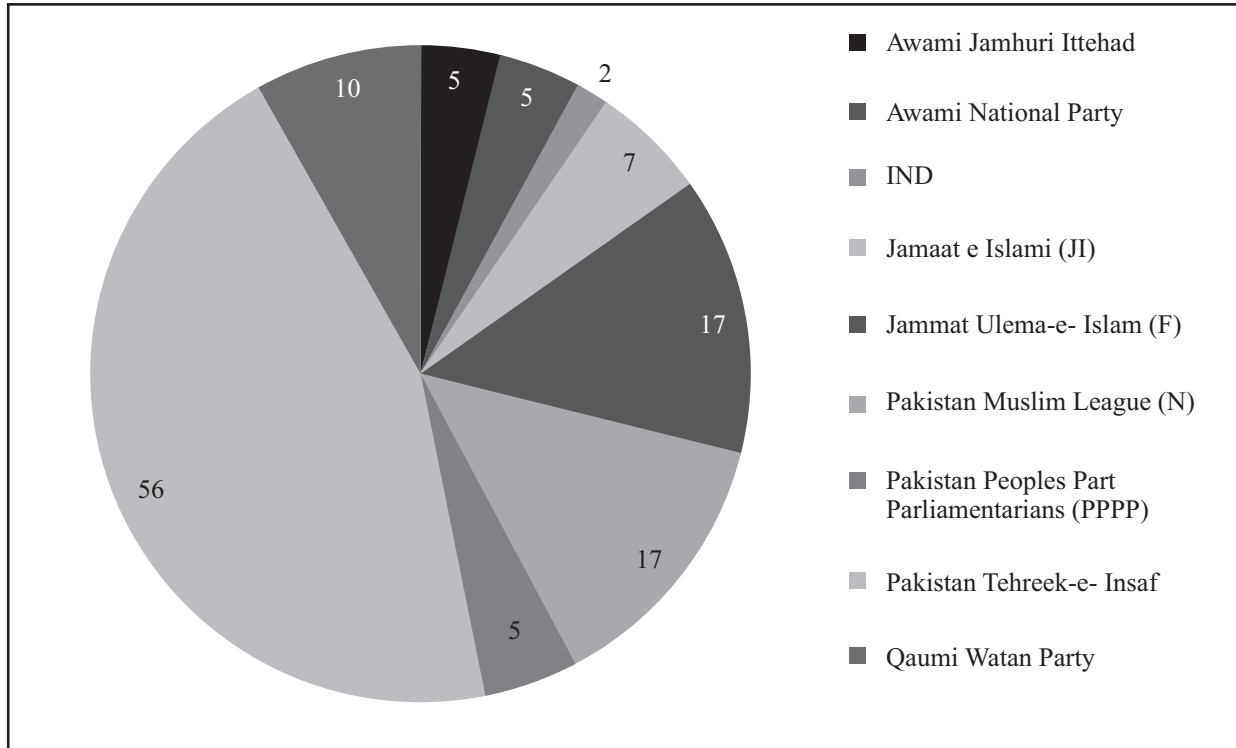
Assembly Secretariat Total Sanctioned Posts (including the Continued Posts): 561
Gazetted Posts (from Basic Pay Scale (BPS) 16-21): 181
Non-Gazetted Post (from BPS 1 to 15): 380
Present Assembly Staff (excluding the Continued Posts): 527
Gazetted Posts: 173
Non-Gazetted Posts: 354

Table 2: Party Position in the Provincial Assembly of Khyber Pakhtunkhwa

No.	Name of Party	General	Women	Non-Muslim - Reserved	Total
1.	Awami Jamhuri Ittehad Pakistan	4	1	-	5
2.	Pakistan Tehreek-e-Insaf (PTI)	45	10	1	56
3.	Pakistan Peoples Party – Parliamentarian (PPPP)	4	1	-	5
4.	Jamaat Ulema-e- Islam Fazlur Rehman (JUI-F)	13	3	1	17
5.	Pakistan Muslim League – Nawaz (PML-N)	13	3	1	17
6.	Jamaat-e-Islami (JI)	6	1	-	7
7.	Awami National Party (ANP)	4	1	-	5
8.	Qaumi Watan Party (QWP)	8	2	-	10
9.	Independent	2	-	-	2
Total		99	22	3	124

May 28, 2014 - May 27, 2015

Figure 1: Party Position in the Provincial Assembly of Khyber Pakhtunkhwa



May 28, 2014 - May 27, 2015

Part 2: Performance of the Provincial Assembly of Khyber Pakhtunkhwa: Second Parliamentary Year

Sittings

In the second year, the Provincial Assembly of Khyber Pakhtunkhwa met for 58 sittings, demonstrating a 19% decrease from the 72 sittings for which the Assembly met in the first year. The long-drawn 15th session has still not concluded into the third year.

Working Hours

The working hours are calculated from within the sittings during which the Assembly met. The average time spent per sitting was 2.9 hours over the 58 sittings of the second year. In comparison the Assembly spent 1.39 hours per sitting over 72 sittings for the first year. Therefore, there has been an increase in the number of hours spent per sitting by 109%.

Attendance

The overall attendance of the members was at 29% of the total membership with 36 members on average present per sittings. While the Assembly's attendance record was better than that of the Punjab Assembly's, which had been 23% of the total membership, it fell behind both the Sindh Assembly (42%) and Balochistan Assembly (58%).

The Chief Minister of Khyber Pakhtunkhwa, Mr. Pervaiz Khattak, who was also a participant in the sittings by his party in Islamabad, was present for 20 sittings, making his attendance 34% of all the sittings in the second year. In comparison, the Chief Minister was present for 31 sittings out of 72 in the first year, 43% of the total. Therefore, his attendance deteriorated by 9 percentage points the course of the two years.

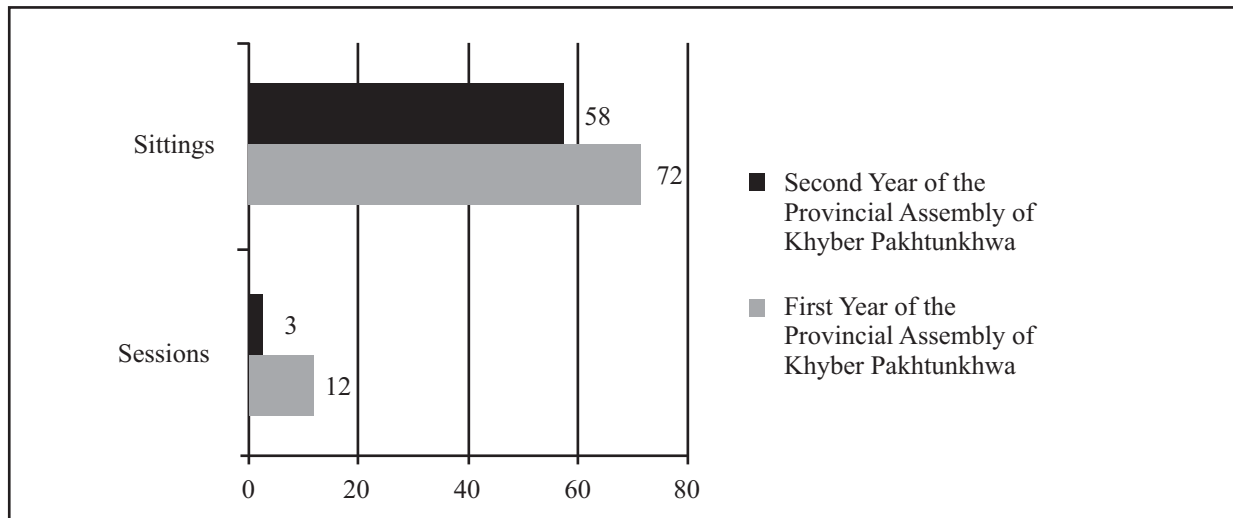
The Attendance of the Leader of the Opposition, Maulana Lutf ur Rehman, MPA, improved significantly over the course of the two years. In the first year, he alongside the previous Leader of the Opposition, **Mr. Mehtab Khan Abbasi (who later became the Governor)**, had attended a combined 23 sittings out of 72 at 32% of the total. In the second year, Maulana Lutf ur Rehman attended 30 sittings, 52% of the total, an improvement by 20 percentage points.

Legislation

Government Bills

The Provincial Assembly of Khyber Pakhtunkhwa introduced 44 Bills during its second year, of which 37 were passed. Therefore the Provincial Assembly passed 84% of the Government Bills introduced during this period. The Provincial Assembly of Khyber Pakhtunkhwa performed better in its second year with the number of Government Bills increasing by 32% from the first year when 28 Government Bills were passed.

Figure 2: Sittings in the Provincial Assembly of Khyber Pakhtunkhwa



May 28, 2014 - May 27, 2015

During the first year, the Provincial Assembly of Khyber Pakhtunkhwa introduced 39 Government Bills, of which 28 were passed at the conclusion of period. This shows that 72% of the Government Bills introduced were passed.

The number of Government Bills meanwhile, to have been introduced from the first to second year of the Provincial Assembly of Khyber Pakhtunkhwa, increased by 13%.

The high number of laws passed indicates an increase in legislative activity during the sittings and are a positive indication of lawmaking in the province. However, it must be noted that 19 of the Government Bills passed in the second year were amendments to existing laws.

Ordinances

The Provincial Assembly of Khyber Pakhtunkhwa in its second year laid 7 ordinances. In the first year, 16 of the bills passed had been converted from ordinances. The ratio has thus improved into the second year from 1:1.75 ordinances to Bills to 1:5.7 ordinances to bills. The reduction in the number of ordinances by 56% shows that the reliance on the ordinances as extraordinary measures decreased over the two

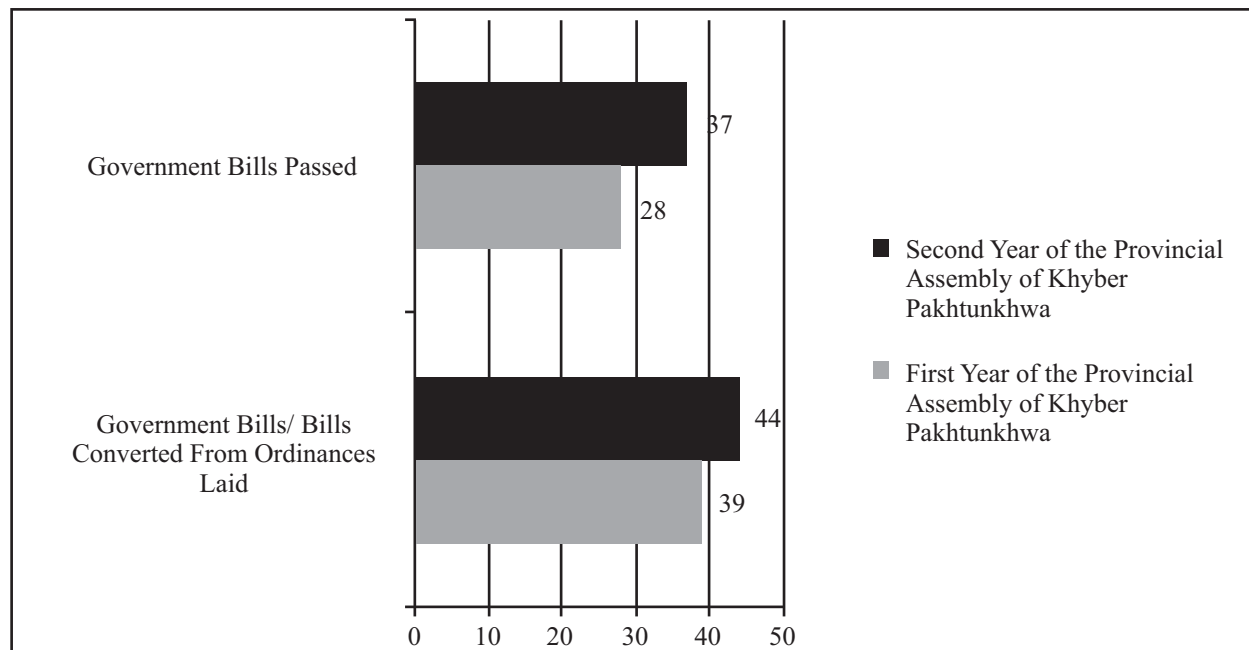
The Assembly also witnessed long delays at the start of proceedings as compared to other Assemblies with an average delay of 72 minutes. The other Provincial Assemblies have witnessed shorter average delays ranging from 41.20 minutes in the Balochistan Assembly to 52.96 minutes in the Sindh Assembly

Parliamentary years.

Private Members' Bills

The Provincial Assembly of Khyber Pakhtunkhwa passed 1 Private Members' Bills compared to the 2 Private Members' Bills passed in the first year. The number of Private Members' Bills passed from the first to the second year decreased by 50%.

Figure 3: Government Bills and Bills Converted from Ordinances in the Provincial Assembly of Khyber Pakhtunkhwa



May 28, 2014 - May 27, 2015

Questions

A total of 826 questions were received in the second year of the Provincial Assembly of Khyber Pakhtunkhwa of which 698 were admitted for reply by relevant departments at 85% of the total. 227 of these garnered some form of response at 27% of those received while 196 questions lapsed.

In comparison, of the 1997 questions received in the first year, 1787 were admitted (89%). 244 of these received a response; an abysmal 12% of the total received. 30 questions were meanwhile referred to Standing Committees while 1323 questions lapsed.

The Provincial Assembly's performance actually improved in the second year with regards to the fact that a higher percentage of questions filed by members of the Assembly were able to receive some kind of response.

On the other hand it must be noted that the number of questions received from the first to the second year suffered a 59% decrease from 1997 to 826, indicating a declining interest amongst the members regarding issues of public concern. The number of questions that received a response decreased from 244 to 227, a decline of 7%.

It must be noted that in the second year, 158 questions lapsed due to the absence of movers (out of a total of 196 questions lapsed), while others couldn't be

discussed by the house due to the prorogation of the respective session.

Resolutions

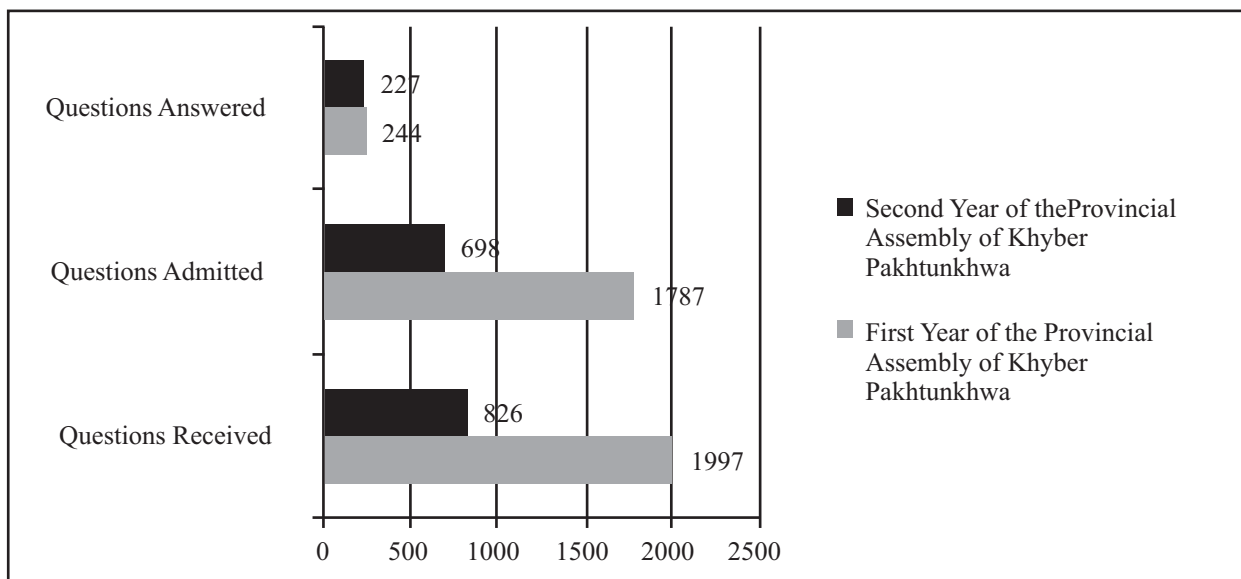
During the second year, the Provincial Assembly of Khyber Pakhtunkhwa tabled a total of 102 resolutions out of which 38 were adopted, about 37% of the total. In comparison, the Assembly admitted a high number 575 resolutions in its first year of which only 34 were passed (6% of the total), while 538 of the total lapsed. The number of resolutions adopted in the second year exceeded those adopted in the first year (12% increase) despite the fact that the resolutions admitted in the first year were 6 times more than the first year.

Calling Attention Notices

Members of the Provincial Assembly submitted 227 Calling Attention Notices during the second year of which 188 were admitted (83% of total). The Assembly made statements on 45 of them, and referred 5 to committees. Therefore the Provincial Assembly of Khyber Pakhtunkhwa addressed 27% of the total Calling Attention Notices admitted whether in the form of responses or referrals.

In comparison, during the first year of the Provincial Assembly of Khyber Pakhtunkhwa, the members submitted 368 Calling Attention Notices of which 292 were admitted (79%). 58 were discussed, 5 were

Figure 4: Questions in the Provincial Assembly of Khyber Pakhtunkhwa



May 28, 2014 - May 27, 2015

referred to Standing Committees and 2 were converted to resolutions. As a result out of the 292 Notices, the Assembly addressed 65 of 22% of all Calling Attention Notices admitted.

The number of Calling Attention Notices discussed decreased by 22%. Meanwhile the percentage of Calling Attention Notices submitted decreased by 38% from the first to the second Parliamentary year of the Provincial Assembly of Khyber Pakhtunkhwa.

Privilege Motions

A total of 26 Privilege Motions were submitted to the Provincial Assembly of Khyber Pakhtunkhwa in the second year of which 11 were referred to relevant committees. Therefore, 42% of the Privilege Motions submitted were referred.

Adjournment Motions

During the second year of the Provincial Assembly of Khyber Pakhtunkhwa, 41 Adjournment Motions were received, of which 29 were admitted (71%). 11 of those admitted were discussed, at 38%, while 4 were referred to committees. All in all, 15 or 52% of those admitted were addressed in some form.

In contrast, during the first year of the Provincial Assembly of Khyber Pakhtunkhwa, 92 Adjournment Motions were received of which 50 were admitted for discussion (54%). 13 motions were discussed (26%), 2 were referred to relevant committees while 1 was

converted to a resolution. Therefore of all the Adjournment Motions admitted, 16 or 32% of the total were addressed in some form.

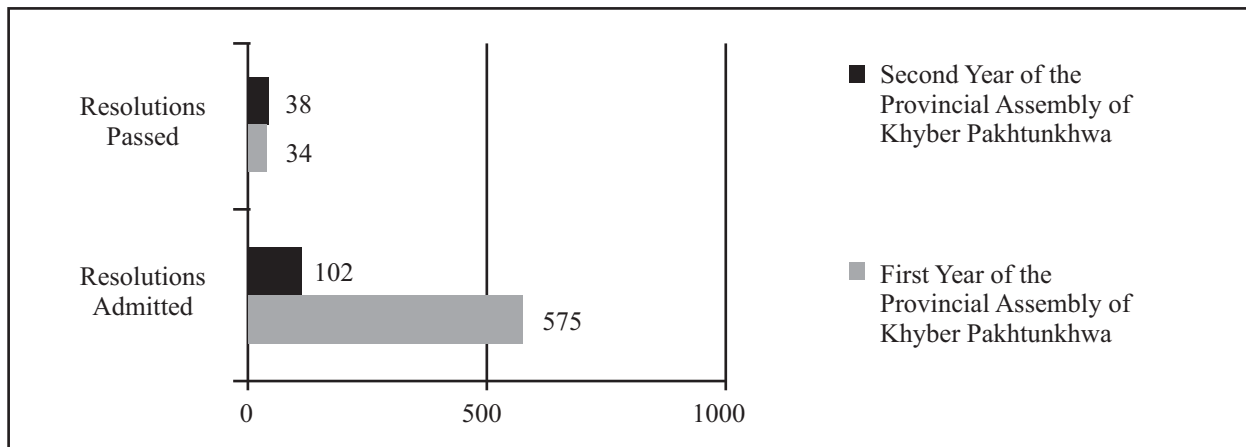
The second year of the Provincial Assembly of Khyber Pakhtunkhwa performed better in its second year as 52% of Adjournment Motions were addressed while in the first year only 32% of those admitted were addressed. Similarly, the number of Adjournment Motions received decreased from 92 to 41, a decrease of 55%

Budget

The Provincial Assembly of Khyber Pakhtunkhwa's budget debate lasted for a total of 9 days with an average of 2 working hours spent per sitting. In comparison, during the first year, the budget was discussed for a period of 9 days and a total of 35 hours. Therefore the budget was discussed for 3.89 hours per sitting on average for the year 2013-2014. The total time spent on the budget in hours decreased by 49% from 3.89 hours to 2 hours per sitting. This is a poor reflection upon the Provincial Assembly as a Finance Bill is perhaps the most crucial piece of legislation passed by the Assembly and must be discussed more thoroughly in order to identify any potential weaknesses and room for improvement.

The members passed a Provincial Assembly Budget of Rs. 604.014 million in the second year. This is an increase of 17% in the allocation to the Assembly as in the first year, 2013- 2014; the budget for the Assembly had been Rs. 517.592 million.

Figure 5: Resolutions in the Provincial Assembly of Khyber Pakhtunkhwa



May 28, 2014 - May 27, 2015

Figure 6: Calling Attention Notices in the Provincial Assembly of Khyber Pakhtunkhwa

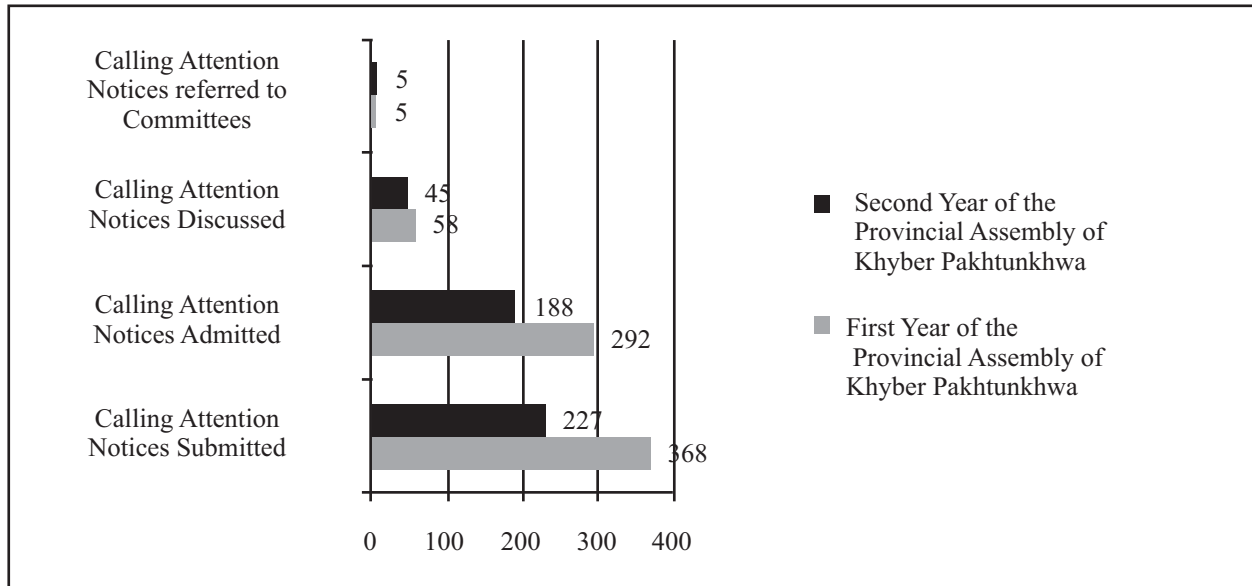
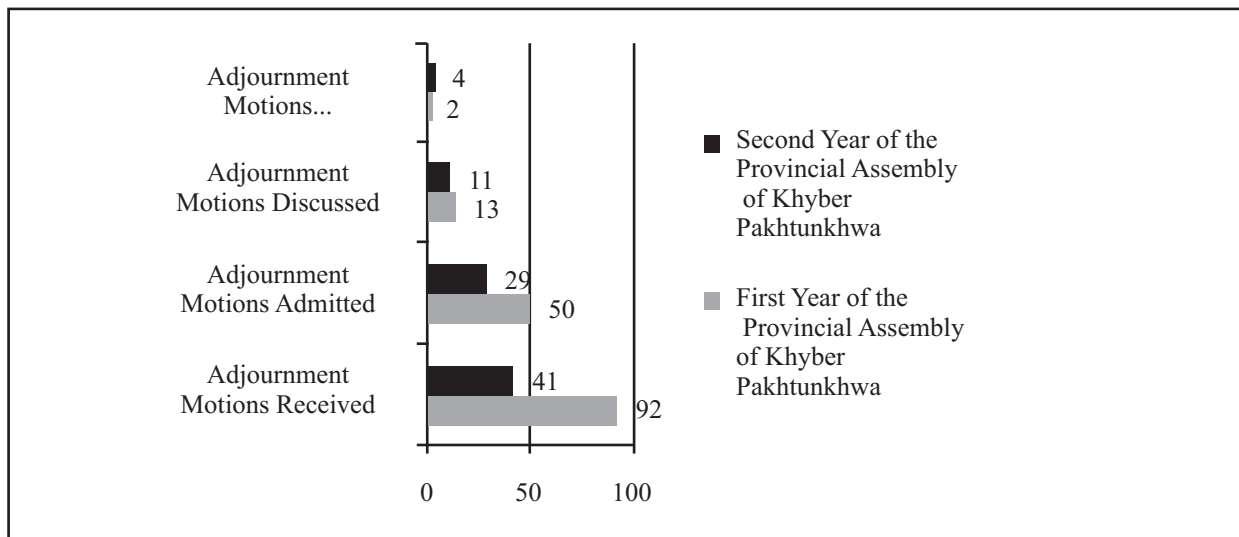


Figure 7: Adjournment Motions in the Provincial Assembly of Khyber Pakhtunkhwa



May 28, 2014 - May 27, 2015

Part 3: Strategic Analysis

This strategic analysis highlights the key developments of the second year, particularly in regards to the major events that took place in the province over the course of the year.

Representativeness of the Provincial Assembly of Khyber Pakhtunkhwa Assembly: Issues of Public Importance

According to a nation-wide public opinion poll conducted by PILDAT on the Quality of Governance in Pakistan, June 2013-May 2014,¹ the 6 major issues confronting the province, as identified by the respondents were:

1. Inflation (for 24% of the Respondents)
2. Energy Crisis (for 22% of the Respondents)
3. Poverty (for 15% of the Respondents)
4. Unemployment (for 11% of the Respondents)
5. Corruption (for 8% of the Respondents)
6. Security (for 8% of the Respondents)

Inflation was perceived to be the greatest issue facing Khyber Pakhtunkhwa for the year 2013-2014, however it was never proactively discussed by the legislators, and only indirectly referred to during the budget debate. The remaining five issues were debated in some form or the other by the legislators.

The prevailing issue of the energy crises in the province was seen as a major problem by 22% of the respondents. On January 06, 2015, a resolution was passed unanimously against Sui Northern Gas Pipeline Limited's construction of a gas pipeline from Karak and Kohat gas fields to Faisalabad. According to the resolution, natural gas should be provided to residents of the area where it is produced. Apart from the resolution, the issue of energy was debated on two occasions by the legislators.

Poverty was perceived to be a problem by 15% of the respondents. Poverty was never discussed proactively by the legislators although it was indirectly referred to during the budget debate and in relation to issue of IDPs. Meanwhile, unemployment in Khyber Pakhtunkhwa was seen as a major issue by 11% of the respondents. The legislators in the KP Assembly did not actively debate this issue either.

The issue of security, which was seen as a major issue

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by 8% of the respondents, was heatedly debated throughout the course of the second Parliamentary year; it was discussed 7 times by the legislators. The issue of terrorism in the province was raised, in particular after the Peshawar Attack on December 16, 2014. The Assembly went on to pass **Khyber Pakhtunkhwa Sensitive and Vulnerable Establishments and Places (Security) Bill 2015** in its aftermath.

Corruption, which was viewed to be a major issue by 8% of the respondents, was proactively discussed 7 times over the course of the year during which matters such as the irregularities in recruitments and corruption in specific departments such as the Police were debated by the legislators. In June 2014, the existing Ehtesab Commission Act, 2014 was amended so that section 57 that had repealed the anti-corruption ordinance was deleted. Sub-section 5 was added in the section 35 of the Act, allowing the Anti-Corruption Establishment to continue to function. In April 2015, the bill was amended once more to begin probes into cases of corruption since 2004. The final amended law is titled, the **Khyber Pakhtunkhwa Ehtesab Commission (Amendment) Act, 2015**.

Legislation

Disaster Preparedness

The Provincial Assembly of Khyber Pakhtunkhwa amended the Khyber Pakhtunkhwa Emergency Rescue Service Bill, 2012 to form the **Khyber Pakhtunkhwa Emergency Rescue Service (Amendment) Bill, 2014** on December 08, 2014. As part of this 10 Amendments

1. The PILDAT publication can be accessed at:
http://www.pildat.org/publications/publication/Democracy&LegStr/PublicOpiniononQualityofGovernanceinPakistan_Sep2014.pdf

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were made to the existing law, most of which were regarding the language of the Bill. However, one key clause was added to “ask any relevant building authority to provide maps, evacuation plan or other related document.”

Environment

Provincial Assembly has performed well for its concern for the environment and has passed two laws, the **Khyber Pakhtunkhwa Wildlife and Biodiversity (Protection, Preservation, Conservation and Management) Act, 2015** and the **Khyber Pakhtunkhwa Environmental Protection Act, 2014**. The former seeks to protect the habitats of the wildlife and biodiversity in all of Khyber Pakhtunkhwa. The latter seeks to improve the environment for the prevention and control of pollution, and promotion of sustainable development.

Education

The **Khyber Pakhtunkhwa Elementary and Secondary Education Foundation (Amendment) Act, 2014** was also passed on November 11, 2014 and came into force. The law, which had initially come into place during the first Parliamentary year, intended to restructure the Board of Directors of the Elementary Education Foundation, contained a series of language-based amendments to the existing bill.

The Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Bill, 2015 was passed on January 06, 2015 to provide autonomy to the Government owned Medical Teaching Institutions and their affiliated teaching hospitals in the Province of the Khyber Pakhtunkhwa.

The matter of the content in textbooks assigned to schools was the subject of much debate over the course of the year. Minister of Local Government, Mr. Inayatullah Khan, MPA (PK-91, Khyber Pakhtunkhwa, JI), said on October 29, 2014 to the Provincial Assembly that the presence of Islamic content in textbooks had decreased and that “Pictures of girls wearing skirts have been printed in textbooks though skirt is not part of our culture.”³ However, Minister of Elementary and Secondary Education, Mr. Muhammad Atif Khan, MPA (PK-30, Khyber Pakhtunkhwa, PTI) told the house during the sitting that the Government had no intention to remove contents about religion and ideology of Pakistan from textbooks. He argued that textbooks would be published in light of the National Curriculum Policy 2006.

Local Government Elections

On May 30, 2015, the Khyber Pakhtunkhwa Province held Local Government Elections; the outcome of a 2 yearlong process in the Provincial Assembly of Khyber Pakhtunkhwa to empower locals to oversee their own administrative and developmental improvements.

The Provincial Assembly of Khyber Pakhtunkhwa made a key reform by passing the **Khyber Pakhtunkhwa Local Government (Second Amendment) Bill, 2015** on February 17, 2015. This was an amendment to the original law, which had been passed in 2013. The amendment passed during the second Parliamentary year allowed for the establishment of district and tehsil councils in all districts of the Province. Therefore, delimitation in the Province was complete and paved the way for the Local Government Election that took place in May 2015.

The Bill also included a proposal for the establishment of two different district councils for districts Kohistan and Kohistan lower. However, Maulana Asmatullah, MPA (PK-62, Khyber Pakhtunkhwa, JUI-F) said during a sitting on February 17, 2015 that this was contrary to the constitution of Pakistan saying that the area falls under the Provincially Administered Tribal Area (PATA) and no legislation can be made there without the approval of the President of Pakistan. The Bill was therefore passed amidst a walkout by JUI-F legislators. Ultimately the elections did not take place in Kohistan and Kohistan Lower as the district's bifurcation was challenged in the Peshawar High Court.

On April 17, 2015, a resolution was passed unanimously to make necessary amendments to the Constitution to extend the jurisdiction of superior courts to the Federally Administered Tribal Areas in order to be able to hold Local Government elections along with the establishment of health centres, colleges, a university and other basic facilities. Mr. Qurban Ali Khan, MPA (PK-16, Khyber Pakhtunkhwa, PTI), Mr. Sikandar Hayat Khan Sherpao, MPA (PK-21, Khyber Pakhtunkhwa, QWP), Mr. Zia Ullah Khan Bangash, MPA (PK-01, Khyber Pakhtunkhwa, PTI), Raja Faisal Zaman, MPA (PK-49, Khyber Pakhtunkhwa, PML-N), Shah Hussain Khan, MPA (PK-60, Khyber Pakhtunkhwa, JUI-F), and Mr. Saeed Gul, MPA (PK-96, Khyber Pakhtunkhwa, JI) moved this resolution. Another resolution was passed unanimously on the same date demanding that Local Government Elections take place under judicial

3. For details, please see ‘KP Assembly prefers Aafia to Malala’, DAWN, October 10, 2014, as accessed at DAWN: http://epaper.dawn.com/DetailImage.php?StoryImage=30_10_2014_007_007

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supervision. Like the former, this resolution, though passed, did not materialize as judicial policy prevents the judiciary from holding elections and in May 2015, the elections were held under the supervision of the Election Commission of Pakistan. However, soon after the elections took place the opposition accused the PTI-led Government of election mismanagement and rigging, and demanded that re-elections be held. Re-polling was ordered by the Election Commission of Pakistan in over 300 polling stations after evidence of irregularities was found, however, re-polling has so far been halted by the Peshawar High Court.

Salaries of Members Revised

Three of the Government Bills passed during the second year of the Provincial Assembly of Khyber Pakhtunkhwa were amendments to the salaries of Ministers, the Speaker, the Deputy Speaker and remaining Members.

According to the **Khyber Pakhtunkhwa Salaries, Allowances and Privileges Laws (Amendment) Bill 2014**, and the **Khyber Pakhtunkhwa Ministers (Salaries, Allowances and Privileges) (Amendment) Bill, 2014**, and the **Khyber Pakhtunkhwa Speaker and Deputy Speaker's (Salaries, Allowances and Privileges) Amendment Ordinance 2014**, which had been laid on October 23, 2014.

Regarding the increase in emoluments of the Speaker, the monthly salary went up from Rs. 35,000 to Rs. 80,000 an increase by 129%; the Deputy Speaker's monthly salary has been increased from Rs. 27,000 to Rs. 54,000, which is an increase of 100%. The emoluments of MPAs went up from Rs.12, 000 to Rs. 18,000, an increase of 50%. The revised bill introduced an amendment of Section 7, in sub-section (2) and substituted the words "one hundred thousand" with "ten hundred thousand". The House approved the bill unanimously and announced its implementation with immediate effect.

Peshawar Attack

In the aftermath of the Peshawar Attack of December 16, 2014 that resulted in the death of almost 150, most of whom children, the Provincial Assembly of Khyber Pakhtunkhwa passed the **Khyber Pakhtunkhwa Sensitive and Vulnerable Establishments and Places (Security) Bill 2015** on January 06, 2015. Under this law almost all public spaces were seen as sensitive, and owners are required to install CCTV cameras, biometric system, and walk-through gates to amp up security in the province and prevent similar attacks from recurring.

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Meanwhile other significant measures were taken in KP to increase the security of schools in response to the attack. Minister for Primary and Secondary Education, Mr. Muhammad Atif, MPA (PK-30, Khyber Pakhtunkhwa, PTI), informed the House that the Provincial Government had diverted about Rs. 6.5 billion from various heads to the security of schools in the province. Mr. Atif said that the Government had earlier allotted Rs. 2.5 billion to purchase furniture and other facilities for schools. However, in the aftermath of the Peshawar school attack, Rs. 2 billion of this amount was transferred for the security of educational institutions.

A Year of Protests

In response to allegations of rigging in the May 2013 General Elections of Pakistan, PTI leaders rallied in the Capital City of Islamabad to protest for a period of 126 days.

Given that the PTI legislators form the Treasury in the Provincial Assembly of Khyber Pakhtunkhwa, this created a particular contradiction for the Legislature. The PTI-led protesters sought the dismissal of the National Government and the resignation of the Prime Minister, Mian Muhammad Nawaz Sharif, MNA (NA-120, Punjab, PML-N). PTI MPAs from the Punjab submitted their resignations, yet the party decided to maintain all seats in the Provincial Assembly of Khyber Pakhtunkhwa. At the same time, PTI legislators from the Provincial Assembly of Khyber Pakhtunkhwa were absent for a majority of the sittings for the 15th session to participate in the sit-ins in Islamabad, including Mr. Pervaiz Khattak, the Chief Minister of the province. As a result, PTI legislators, the Chief Minister and other members of the Treasury, were often absent for crucial sittings that took place over the course of the second

Parliamentary year.

In an interview on June 24, 2014, Mr. Imran Khan, MNA (NA-71, Punjab, PTI) warned that he would dissolve the Provincial Assembly of Khyber Pakhtunkhwa if his repeated demand for investigation into the alleged election rigging was not met.⁴ On June 25, 2014, opposition lawmakers from the Provincial Assembly of Khyber Pakhtunkhwa, including Ms. Nighat Yasmeen Orakzai, MPA (WR-22, Khyber Pakhtunkhwa, PPP) and Raja Faisal Zaman, MPA (PK-49, Khyber Pakhtunkhwa, PML-N), submitted a joint privilege motion to the Assembly Secretariat against Mr. Imran Khan for breaching the privilege of the house by issuing an undemocratic and unconstitutional statement. They later staged a walkout.

On August 18, 2014, the opposition in the Provincial Assembly of Khyber Pakhtunkhwa submitted a no-confidence motion against Chief Minister, Mr. Pervaiz Khattak to further prevent any possibility of dissolving the Assembly in the event that PTI attempt to do so.⁵

The *dharnas* were called off in the aftermath of the Peshawar Attack on December 17, 2014.

A Series of Resolutions to the Federal Government

According to the National Assembly Rules of Procedure, resolutions directed by the Provincial Assemblies to the centre are to be “laid on the Table” and “circulated to the members for information” (Chapter XVII Article 175). No follow up action is required in the rules for such resolutions other than the fact that it may be brought to the notice of members on its receipt. It is unfortunate that no substantial follow report or action is mandated in the rules for key resolutions that are passed by the Provincial Assembly, and in the case of the Khyber Pakhtunkhwa Assembly, that have grievances against the centre.

With the Operation Zarb-e-Azab being conducted by the Pakistan Armed Forces in the Federally Administered Tribal Areas, the problem of Internally Displaced Persons (IDP) and their influx into the neighboring Khyber Pakhtunkhwa became a matter of severe concern for the Provincial Government. In response, the Provincial Assembly of Khyber Pakhtunkhwa unanimously passed Resolution 597 regretting the existing ban placed by the remaining

three provinces of Pakistan prohibiting the entry of IDPs into their territories. The resolution was submitted by Mr. Shaukat Ali Yousafzai, MPA (PK-02, Khyber Pakhtunkhwa, PTI), Mr. Sikandar Hayat Khan Sherpao, MPA (PK-21, Khyber Pakhtunkhwa, QWP), Sardar Aurungzeb, MPA (PK-47, Khyber Pakhtunkhwa, PML-N), and Maulana Lutf ur Rehman, MPA (PK-66, Khyber Pakhtunkhwa, JUI-F), and passed unanimously on June 23, 2014. It demanded that the Punjab, Balochistan, and Sindh provinces open their doors for the IDPs. Both the treasury and the opposition united to push the centre and other provinces to help Khyber Pakhtunkhwa shelter the IDPs besides simply providing them with relief goods. One of the movers, Shaukat Ali Yousafzai, MPA (PK-02, Khyber Pakhtunkhwa, PTI) stated that banning the entry of IDPs into any region of Pakistan was against the Constitution of the country.

In addition to its objections against the Federal Government, Members of Provincial Assembly of Khyber Pakhtunkhwa also raised their concerns about the Pakistan Economic Corridor. On April 23, 2015, the Assembly unanimously passed Resolution 683 demanding that the Federal Government not change the western route of the corridor. Both the Treasury and the Opposition opposed any changes in the original plan, which was proposed to pass through the underdeveloped areas of Balochistan and Khyber Pakhtunkhwa, thus uplifting the areas around it. Mr. Shah Farman, MPA (PK-10, Khyber Pakhtunkhwa, PTI), and Syed Mufti Said Janan, MPA (PK-43, Khyber Pakhtunkhwa, JUI-F) moved the resolution.

On January 02, 2015, the Assembly passed a resolution to