

**PROVINCIAL ASSEMBLY OF KHYBER**  
**PAKHTUNKHWA**  
**SUMMARY OF PROCEEDINGS OF THE 15<sup>th</sup> SESSION**  
Tuesday 31<sup>st</sup> August 2010

The proceedings of the House commenced with recitation from the Holy Quran followed by Urdu translation at 11:37 A.M. Mr. Kiramatullah Khan, Speaker, Provincial Assembly was in the Chair.

**2. LEAVE APPLICATIONS.**

The House granted leave to the following Hon'able Members:-

1. Mst: Sitara Ayaz, (31/08/2010)  
Minister for Social Welfare and Women  
Development.
2. Haji. Sher Azam Khan Wazir (Whole Session)  
Minister for Labour.
3. Mr. Qaiser Wali Khan, MPA (31/08/2010)
4. Mr. Khalifa Abdul Qayyum, MPA (Whole Session)
5. Al-Haj Sanaullah Khan Miankhel, MPA (31/08/2010) to (01/09/2010)
6. Mst: Yasmin Pir Muhammad Khan, MPA (31/08/2010) to (10/09/2010)
7. Mr. Wajih-uz-Zaman Khan, MPA (31/08/2010) to (03/09/2010)

**3. PANEL OF CHAIRMEN.**

In pursuance of Rule 14 (1) of the Provincial Assembly of NWFP Procedure and Conduct of Business Rules, 1988 the following Hon'ble Members were nominated by Mr. Speaker in order of precedence in the panel of Chairmen:-

1. Mr. Abdul Akbar Khan, MPA
2. Mr. Sikandar Irfan, MPA
3. Sardar Shamoonyaar Khan, MPA
4. Mst: Sajida Tabassum, MPA

**4. PETITION COMMITTEE.**

In pursuance of Rule 116 (1) of the Provincial Assembly of NWFP Procedure and Conduct of Business Rules, 1988 the following Hon'ble Members were nominated under the Chairmanship of Mr. Khushdil Khan Advocate, Deputy Speaker, to the Petition Committee: -

1. Major © Baseer Ahmad Khan Khattak, MPA
2. Dr. Iqbal Din, MPA
3. Mr. Inayat Ullah Khan Jadoon, MPA
4. Mr. Sikandar Irfan, MPA
5. Mr. Sher Shah Khan, MPA
6. Mst: Begum Nargis Samin, MPA

## 5. PRIVILEGE MOTIONS

1. Privilege Motion No. 105 by Mst: Shazia Tehmash Khan, MPA with regard to promulgation of Ordinance on her private bill was moved and kept pending due to absence of Minister for Law and Minister for Social Welfare and Woman Development.

2. Privilege Motion No. 106 by Al Haj Habib-ur-Rehman Tanoli, MPA with regard to disrespectful conduct of DPO, Mansehra with the mover was moved and referred to Standing Committee No. 1 on Procedure and Conduct of Business Rules, Privilege and Implementation of Government Assurances.

## 6. CALL ATTENTION

Call Attention Notice No. 372 by Mr. Saqibullab Khan Chamkani, MPA with regard to irregularities and abuse carried out by the Education Department in its Rationalization Policy was moved and Mr. Sardar Hussian Babak, Minister for Elementary and Secondary Education made a brief statement.

7. The House offered fateha for the departed soul of shaheed Mian Rashid Hussain, Shaheed Sifawat Ghaur and for those shohadas who were martyred in the recent flood through out the Country.

8. Mr. Saqibullah Khan Chamkani, Mr. Abdul Akbar Khan and Mr. Sikandar Hayat Khan Sherpao, MPAs on a point of order raised that Governor, Khyber Pakhtunkhwa had promulgated the Khyber Pakhtunkhwa Provincial Ombudsman Ordinance, 2010 and the Khyber Pakhtunkhwa Provincial Chashma Right Bank Canal (Lift-Cum-Gravity) Project (Control and Prevention of Speculation in Land) Ordinance, 2010 on July 19, 2010 while on the same date the Governor summoned the Assembly session. They termed promulgation of the two Ordinances in violation of Article 128 of the Constitution. They explained that under the said Article the Governor may, when the Provincial Assembly is not in session promulgate an Ordinance if satisfied that circumstances exist which render necessary to take immediate action. They observed that the Law Department has undermined democratic institution by promulgating these Ordinances but also ignored rule 111 of the Procedure and Conduct of Business Rules, 1988 by not providing printed copies of such Ordinances to the members by the Secretary Assembly in time. They termed the Ordinances defective legislation and sought ruling from the Chair in this regard.

9. Mr. Israrullah Khan Gandapur, MPA also opposed promulgation of the Khyber Pakhtunkhwa Provincial Chashma Right Bank Canal (Lift-Cum-Gravity) Project (Control and Prevention of Speculation in Land) Ordinance, 2010 with the observations that if the Ordinance was passed then it would open new pandora box

in present shape, he said that he would submit notice for disapproving the Ordinance.

10. On a point of order Mst: Shazia Tehmash Khan, MPA raised that she has submitted private Bill on Child Protection and welfare about one and half years ago, but despite that the Government promulgated the Ordinance on the same subject. She said that her Privilege had been breached by delaying the private bill and she would submit notice for disapproving it.

11. At this occasion Mr. Muhammad Zamin Khan, MPA referred to Article 128 of the Constitution read with rule 2(y) of the Provincial Assembly Procedure and Conduct of Business Rules 1988, said that "Session" means the period commencing the day on which the Assembly first meets after having been summoned and ending the day on which the Assembly is prorogued or dissolved. He contended that mere signing order of summoning the Assembly does not denude the Governor of his powers under Article 128 of the Constitution.

12. Mr. Bashir Ahmad Bilour , Senior Minister for Local Government said that so many Ordinances had been promulgated in the past in the same circumstances. He argued that these Ordinances were promulgated before convening the Assembly Session.

13. Mr. Speaker said while giving his short ruling that members has prerogative to submit their notices for disapproving any Ordinance under the rules.

14. The following Ordinances were not laid in the House due to objection by the Members:-

1. The ~~Khyber~~ Pakhtunkhwa Provincial Motor Vehicles (Khyber Pakhtunkhwa) (Amendment) Ordinance, 2010.
2. The Khyber Pakhtunkhwa Child Protection and Welfare Ordinance, 2010.
3. The Khyber Pakhtunkhwa Provincial Ombudsman Khyber Pakhtunkhwa Ordinance, 2010.
4. The Khyber Pakhtunkhwa Industrial Relations Ordinance, 2010.
5. The Khyber Pakhtunkhwa Chashma Right Bank Canal (Lift-Cum-Gravity) Project (Control and Prevention of Speculation in Land) Ordinance, 2010.

15. The sitting was adjourned till Wednesday, 1<sup>st</sup> September, 2010 at 9:30 AM.