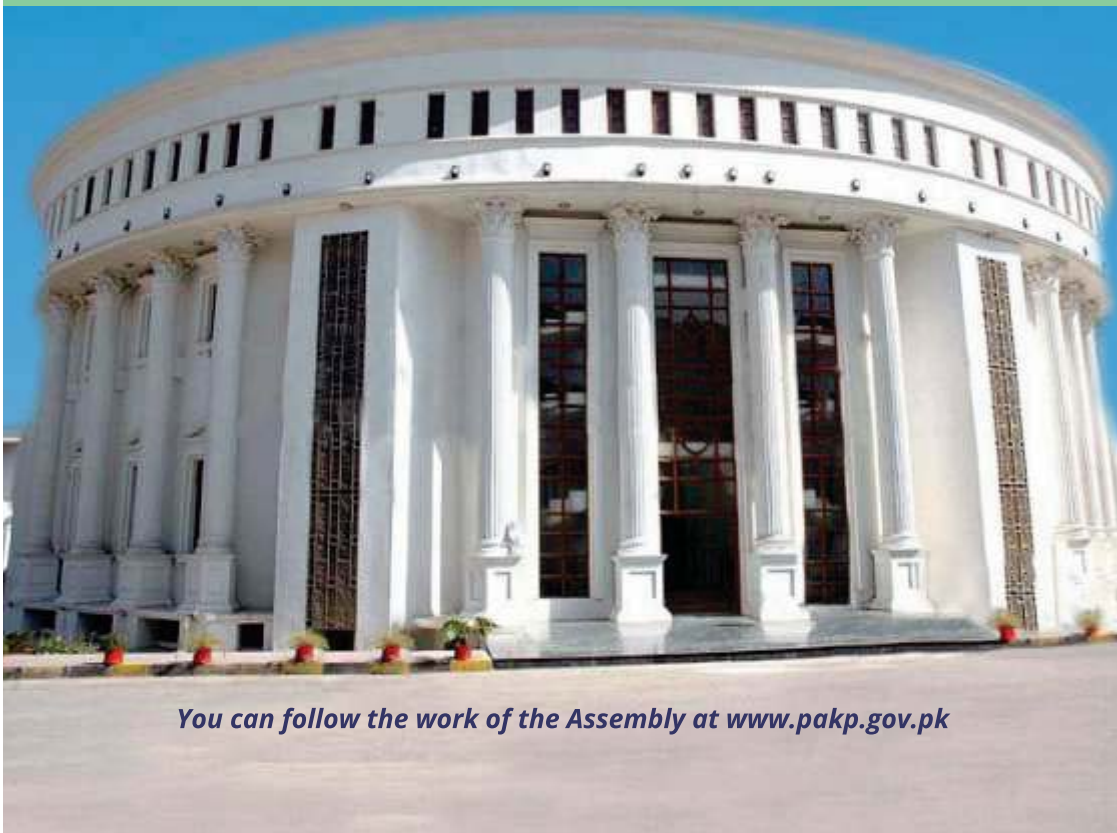


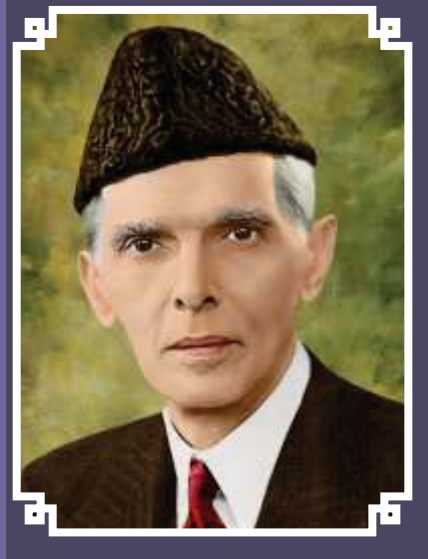


PROVINCIAL ASSEMBLY OF THE KHYBER PAKHTUNKHWA AT WORK

The Provincial Assembly of Khyber Pakhtunkhwa legislates for the Province, appropriates budget for Provincial departments and is responsible and accountable to the public. It keeps checks on the policies and performance of government and scrutinizes government departments through various Committees and Sub-Committees of the House. Every Member represents a constituency in the Province thus whole of the Province is represented.



You can follow the work of the Assembly at www.pakp.gov.pk



THE QUAID'S QUOTE

"Remember that you are now a sovereign legislative body and **you have got all the powers**. It, therefore, **places on you the gravest responsibility as to how you should take your decisions**. The first observation that I would like to make is this: You will no doubt agree with me that **the first duty of a government is to maintain law and order, so that the life, property and religious beliefs** of its subjects are fully protected by the State."

Quaid-e-Azam Muhammad Ali Jinnah

Presidential Address to the Constituent Assembly of Pakistan.
Karachi, August 11, 1947

WHAT DOES THE PROVINCIAL ASSEMBLY OF THE KHYBER PAKHTUNKHWA DO?

*Where in the State shall exercise its powers and authority through the chosen representatives of the people;*¹

The role of the Provincial Assembly of the Khyber Pakhtunkhwa is to:

- provide provincial government (executive) from its members
- make new laws for the province of Khyber Pakhtunkhwa
- hold provincial government to account
- pass budget for the province of Khyber Pakhtunkhwa
- debate on issues of public importance
- represent people

The Provincial Assembly of the Khyber Pakhtunkhwa is the elected House of Representatives where Members represent constituents' opinion, discuss issues of public importance and scrutinize the policies, actions and expenditures of the government. The Provincial Government of Khyber Pakhtunkhwa cannot make new laws or impose new taxes without the approval of the Provincial Assembly.

Find who is presently Member of the Provincial Assembly of Khyber Pakhtunkhwa at: <http://www.pakp.gov.pk/>

¹ Preamble of the Constitution of the Islamic Republic of Pakistan.

WHO WORKS IN THE HOUSE?

The Provincial Assembly of Khyber Pakhtunkhwa is a unicameral legislative body of Khyber Pakhtunkhwa Province, which currently comprises of 124 Members, out of which 99 are general seats, 22 women's seats and three are reserved for minorities.

In 2018, Federally Administered Tribal Area (FATA) was merged into Provincial Assembly of Khyber Pakhtunkhwa through 25th Constitutional Amendment. The number of seats has been increased to 145. These include 115 general seats, 26 for women and four seats for non-Muslims. The election on these seats will be held after one year of general election 2018.²

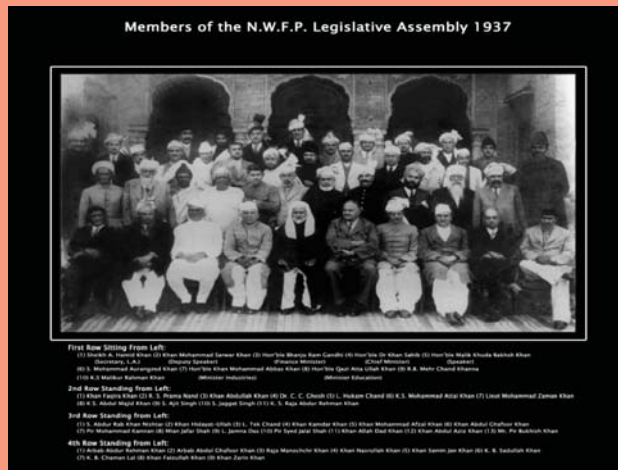
MPs work in the Assembly on behalf of the people in their constituencies and use the authority vested by the people to make laws, exercise checks over executive through control on public money and hold the government accountable with regard to its policies, practices and performance. The tenure of each assembly is five years after which people can decide who should be selected to represent them as their MP. According to the Constitution, the Provincial Assembly makes its own rules for the allocation and transaction of its business.

² Constitution of Islamic Republic of Pakistan, Article 106(1), As modified upto 31st May, 2018.

PROVINCIAL ASSEMBLY HALL



BRIEF HISTORY OF PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA



In 1901 the North West Frontier Province (NWFP) was declared a Chief Commissioner Province and in 1932 its status was raised to the Governor Province. In 1937, the Government of India Act 1935 was enforced in the province and the NWFP Legislative Assembly was formed.

First general election took place between

1st to 10th February 1937 with 179,529 voters. This was around 14 per cent of the total population. First session of Provincial legislature was held on 14th April, 1937 in the Memorial Victoria Hall Peshawar. Session was presided by Khan Sahib Abdul Majid, as acting speaker. Sir Sahibzada Abdul Qayyum Khan was appointed the first Chief Minister on 1st April 1937. Malik Khuda Bakhsh Khan, was elected as the first Speaker On 15th April 1937 and Mr. Muhammad Sarwar Khan elected as Deputy Speaker.

The first session of the Assembly on 12 March 1946 elected Nawabzada Allah Nawaz Khan and Lala Girdheri Lal as the Speaker and the Deputy Speaker respectively in the 50-Member House. After Pakistan's creation, the first election of the NWFP Legislative Council was held on 15 December 1951 and the first session of the Assembly was summoned on 10 January 1952. Nawabzada Allah Nawaz Khan was again elected as Speaker and Khan Muhammad Farid Khan as Deputy Speaker on 10 July 1952. Following the declaration of One Unit in October 1955, Pakistan was divided into two provinces, West Pakistan and East Pakistan, and the Legislative Assembly building was declared as Peshawar High Court. After the dissolution of West Pakistan in 1970, the NWFP Provincial Assembly was restored and the status of Assembly was raised from Legislative Assembly to Provincial Assembly through the presidential order known as legal framework order 1970.

ASSEMBLY BUILDING

The Provincial Assembly building was constructed around 1937. In 1955 the Legislative Assembly building was declared as Peshawar High Court. The first session of the Provincial Assembly was summoned on 2 May 1972 in the hall of Pakistan Academy for Rural Development, University Town Peshawar. The Assembly Secretariat shifted from Pakistan Academy for Rural Development to its own present building in 1987.

ASSEMBLY HALL

The old Assembly Hall of the assembly is known as "Jirga Hall". On 13th April 1948, founder of Pakistan Quaid-e-Azam Muhammad Ali Jinnah attended a civic reception on the laws of the Provincial Assembly of Khyber Pakhtunkhwa in same Jirga Hall. Until 2006, this hall was used for assembly proceedings. The new Assembly hall was inaugurated on 06 December 2006 by Chief Minister Mr. Akram Khan Durrani and Speaker Provincial assembly Mr. Bakht Jahan Khan.

E-GOVERNANCE

A landmark achievement of Provincial Assembly of Khyber Pakhtunkhwa is establishment of e-governance system for Members of Parliament by Mr. Asad Qaiser, Speaker KP Assembly in 2015. Assembly hall is first of its kind in Commonwealth countries with E-governance mechanism in place. It is aimed at raising awareness, harnessing the potential benefits of ICT in supporting Parliament's basic values of transparency, accessibility, accountability and effectiveness as well as its representative, legislative and oversight functions. Modern computers have been installed on the seat of every Member with core legislative modules on questions, resolutions, calling attention notices, bills, order of the day, debates and relevant parliamentary business available to them.



GOVERNMENT



WHAT IS THE PROVINCIAL GOVERNMENT OF KHYBER PAKHTUNKHWA?

The government runs the affairs of the Province. The Constitution of the Islamic Republic of Pakistan provides that the Provincial Government means the Chief Minister and Provincial Ministers.³

After the elections of the Speaker and Deputy Speaker, the Provincial Assembly proceeds to elect without debate one of its members to be the Chief Minister.⁴ The Leader of the House who is elected by the votes of the majority of the total membership of the Provincial Assembly takes oath as the Chief Minister of the provincial government.⁵ There is no restriction on the number of terms for the office of the Chief Minister. The Governor appoints Provincial Ministers from amongst Members of the Provincial Assembly on the advice of the Chief Minister.⁶

Article 130 (6) of the Constitution states that “The Cabinet shall be collectively responsible to the Provincial Assembly and the total strength of the Cabinet shall not exceed fifteen members or eleven percent of the total membership of a Provincial Assembly, whichever is higher.”⁷

Find who is in the Government at: <http://www.pakp.gov.pk/2018/cabinet-composition/>

³ Article 129

⁴ Articles 130(3)

⁵ Article 130(4)

⁶ Article 132 (1)

⁷ Article 130(6)

**MAKING OR
CHANGING THE LAW**



Law making is the fundamental responsibility of the Assembly. Laws are the set of rules to govern the society. The parliament makes laws to bring about desirable social changes for emancipation of its citizens. With the advent of the society, lifestyle, the values and behaviors of people change which need consequent creation of new laws and amendments in older ones to regulate day to day behavior and balance of the society.

Public, individuals, lobby's, pressure groups, police, lawyers and NGOs expect the government to bring new legislation or improve existing laws. Government ensures that the laws benefit the large masses and not individual interests. The House has the authority to accept or reject proposed legislation.

Since the 18th Constitutional Amendment 2010, the Provincial Assembly of Khyber Pakhtunkhwa has to provincialize laws on devolved subjects which include education, health, food and agriculture, culture, livestock and dairy development, tourism, social welfare and special education, population welfare, zakat and ushr, local government and rural development, youth affairs, labour and manpower, environment, women development, sports, special initiatives, minorities. The Provinces can also legislate in respect of criminal law, criminal procedure and the law of evidence.⁸

Federal Parliament (Majlis-e-Shoora) can legislate for regulation of any matter not enumerated in Federal Legislative List for one or more provinces by consent expressed through resolution by the Provincial Assemblies. The Assembly has the right to amend or repeal it by any Act passed by the respective Assembly.⁹



Federal Legislative List Part-II formulation of policies, supervision and control by Federation and Provinces by CCI. Federal Parliament have authority of Legislation.

⁸ Article 142 (b)

⁹ Article 144

BILLS AND ACTS OF THE PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

A proposal for making a new law or amending an existing one is called Bill. A Bill passed by the House and assented by the Governor becomes an Act of the Assembly.

Drafting legislation requires in depth consultation and discussion with experts. Provincial Law Department is responsible for drafting Government bills. It also provides expert opinion for amending existing legislation. In addition to Bills introduced by the government, any Member can introduce a Bill in the Assembly. There are three kinds of Bills

- a. **Government Bills:** These are introduced by the Ministers.
- b. **Private Member's Bill:** Bills introduced by any Member other than Minister (private members) is known as Private Member's Bill.
- c. **Ordinances:** These are proclaimed by the Governor when the Provincial Assembly is not in session to run the affairs of the province. These are introduced in the Provincial Assembly under Article 128 of the Constitution which can approve or endorse or reject it and send to Governor for assent.

For private member legislation, the legislation branch of the Assembly as well as the Pakistan Institute for Parliamentary Services is providing technical assistance to MPs.

Introduction of a Bill: Any Private Member can on fifteen days' notice, submit one copy of bill along with a full statement of Objects and Reasons.¹⁰ A Minister can move for leave to introduce a Bill after giving to the Secretary a written notice. This notice accompanies copy of the Bill together with statement of Objects and Reasons.¹¹

Bills Repugnant to Islam: If any Member thinks that the Bill or its part is repugnant to Islam, the Assembly can refer it to Council of Islamic Ideology for Advice. However, the Assembly has the right to proceed with the Bill at any stage if it considers that in the public interest the Bill should not be postponed till the advice is furnished.¹²

Laws inconsistent with or in derogation of Fundamental Rights to be void: According to Article 08 of Constitution State cannot make any law which takes away or abridges the rights of its citizens and such laws will be considered void.

¹⁰ Rule 77, Rules of Procedures of Provincial Assembly of Khyber Pakhtunkhwa, As amended till July 17, 2018.

¹¹ Rule 78

¹² Rule 84

Every Bill goes through following stages in the House.

- i. **First Reading:** This is formal reading stage in which Members discuss the principles of the Bill and its provisions generally.¹³ At this stage no amendments to the Bill can be moved. When the Bill is taken into consideration, any Member can ask that the Bill should be referred to appropriate Standing Committee or a Select Committee.
- ii. **Reference to Committees:** All Bills except money Bill are referred to concerned Standing Committees or Select Committees for recommendations. However the Speaker can, in exercise of his power to suspend this rule to allow a motion for Bill to be taken into consideration.¹⁴
- iii. **Committee's Recommendation:** The Committee can call experts for advice on the proposed legislation¹⁵ and recommend amendments in the Bill. The Standing Committee may even re-write a Bill from scratch. If no recommendations are received from the Committee, the Bill is passed onto third reading. If amendments are recommended by the Standing committee to a Bill, then they require the assent of the House.

- iv. **Second Reading:** At this stage, the Bill is taken into consideration and Members can move two clear days' notice for insertion of new clause or propose amendments in it before the day the Bill is to be considered. The whole Bill goes through clause by clause reading and amendments are incorporated.
- v. **Third Reading:** After clause by clause reading, the Bill is ready to be passed by the Assembly.

The Speaker on his own motion, or request by any Member, can refer the Bill to a Committee consisting of Member-in-Charge, Advocate General and the Deputy Speaker or Member of Panel of Chairmen to examine it with a view to report what amendments of a formal of consequential character can be made as a matter of drafting. After presentation of report by the Committee, the Assembly incorporates amendments.¹⁶ Members on the motion that the Bill be passed, debate either in support of the Bill or for the rejection of the Bill. In making this speech, Members can't refer to the details of the Bill.¹⁷

¹³ Rule 85

¹⁴ Rule 85 (3)

¹⁵ Rule 92

¹⁶ Rule 105 (2)(3)

¹⁷ Rule 105, 106

Correction of Patent Errors: Once the Bill has been passed by the Assembly, the Speaker reserves the power to correct patent errors and make such other changes in the Bill as a consequential on the amendments which are accepted by the Assembly.¹⁸

Governor's Assent to the Bill

When the House reaches an agreement, a Bill is ready to be given Governor's assent and become an Act of the Assembly. The Governor has three options for thirty days on receipt of the Bill.

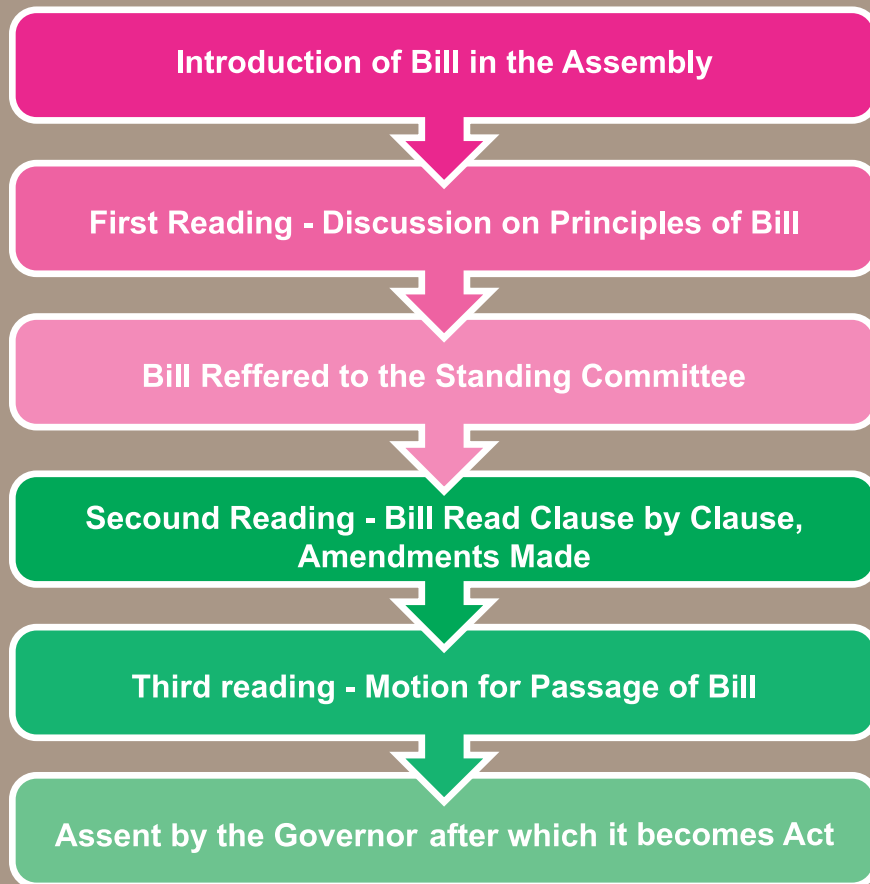
- a. Grant assent to Bill
- b. Withhold assent (veto the Bill) with the exception of a money Bill
- c. Return the Bill to the Parliament for reconsideration.

If Bill returns to the Assembly, it is reconsidered by the Assembly and if it is again passed with or without any amendment by the Provincial Assembly through the votes of the majority of the members of the Provincial Assembly present and voting, it is again presented to the governor for assent and the governor can't withhold assent after that. A Bill pending in the Provincial Assembly of Khyber Pakhtunkhwa lapses on the dissolution of the Assembly.¹⁹

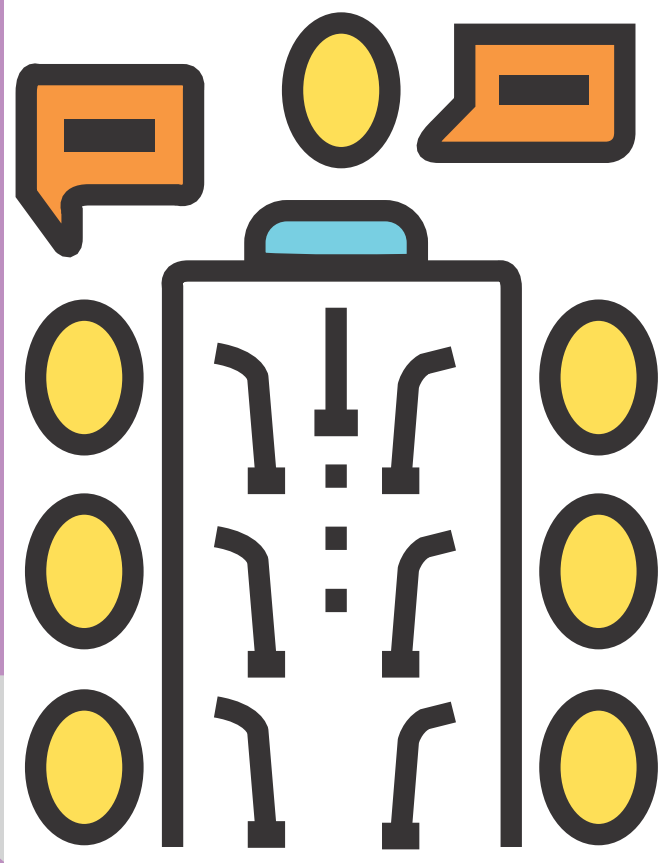
¹⁸ Rule 108

¹⁹ Official website of Provincial Assembly of Khyber Pakhtunkhwa, Working of Assembly, <http://www.pakp.gov.pk/2013/about-assembly/working-of-assembly/>. Accessed on: June 26, 2018.

LAW MAKING PROCESS AT A GLANCE



HOLDING THE GOVERNMENT TO ACCOUNT



Every Member of the Assembly can use various tools to hold the government accountable to its actions by asking questions, carrying out in depth inquiries and requesting for information by the respective departments. The Members of Provincial Assembly of Khyber Pakhtunkhwa can exercise their oversight powers through several parliamentary tools such as

- i. Questions**
- ii. Calling Attention Notice**
- iii. Adjournment Motion**
- iv. Committees**
- v. Resolutions**

ASKING QUESTIONS

Members use parliamentary questions as a tool to hold the executive answerable to the public. Members can seek any information, challenge government policies, or draw attention towards crucial matters to solve them. A Member can ask a question through a fifteen clear days' notice.²⁰ Three types of questions can be asked in the Assembly. Each member can ask five starred questions and five un-starred questions in a day.²¹ The types of questions are as under:

- **Starred Question:** It is a question to which a written reply is read out by the Minister. The Member must mark questions with asterisk (*) if he intend to ask a starred question. When a starred question has been answered, any Member can such ask supplementary questions which are necessary for further elucidation of answer, if the Speaker allows as per admissibility of rules.²²
- **Un-Starred Question:** A written reply is provided for un-starred questions but taken as read. A member can ask supplementary questions to elaborate different dimensions of a question or its reply.
- **Short Notice Question:** Members can ask one question on a shorter notice with the consent of the Speaker and Minister concerned, in case of

a matter of immediate public importance.²³

PROCEDURE FOR ASKING QUESTIONS

The first hour of every sitting (except on a holiday) in the Provincial Assembly of Khyber Pakhtunkhwa is reserved for asking questions.

The Member who intends to ask question must give a fifteen days prior written notice to the Speaker. The purpose of questions is to obtain information on a matter of public concern, and the office of the Speaker decides on the admissibility of the question ensuring that question asked is intelligible and concise, relevant to government's jurisdiction; does not imply a charge of personal character or any confidential matter.



²⁰ Rule 32

²¹ Rule 36

²² Rule 46

²³ Rule 33



CALLING ATTENTION NOTICE

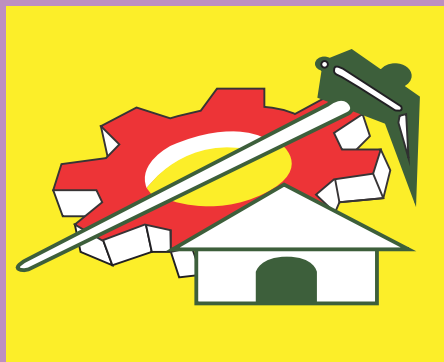
Members can use this tool in the Assembly to draw the attention of the Government towards matter of national importance. A Member with the previous permission of the Speaker can call the attention of a Minister towards a particular matter of urgent public importance and take necessary steps. The Minister may make a brief statement or ask time to make a statement during the same or next sitting.²⁴

A Member can submit two such notices for any sitting²⁵ and these notices are received not later than one hour the time fixed for the sitting.²⁶ Notice received after fixed time is kept for the next sitting. A ballot is held to determine the relative priority of each such notice on the same subject. All notices which have not been taken up at the sitting for which they have been given are lapsed at the end of the sitting.

²⁴ Rule 52-A

²⁵ Rule 52-A

²⁶ Rule 52-D



ADJOURNMENT MOTION

Any member can move a motion with the consent of the Speaker for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance.²⁷ The notice of this motion can be submitted to the Secretary in writing in triplicate not less than one hour before the sitting of the Assembly.²⁸

The adjournment motion is ordinarily admissible in the Assembly if it relates to one definite issue, is restricted to a matter of recent occurrence and satisfies other restrictions as laid down in the Rules of Procedures.²⁹ The motion can be discussed in the Assembly for at least two hours. Mover and Minister concerned can speak for thirty minutes while for a speech during the debate fifteen minutes have been fixed.

²⁷ Rule 69

²⁸ Rule 70

²⁹ Rule 71

COMMITTEES OF THE ASSEMBLY

The Provincial Assembly of Khyber Pakhtunkhwa has provision of having cross party committees.

- i. Standing Committees correspond to the number of departments.
- ii. The Public Accounts Committee has a special mandate specifically to oversee the implementation of the Provincial budget by reviewing and acting upon the reports of the Auditor General.
- iii. Functional Committees are those that deal with the business of the House (Finance, House and Library, Rules, Privileges, Government Assurances, etc.)
- iv. Select Committees may be created on a motion passed by the Assembly to review new and amend existing legislative proposals.

SCRUTINY BY STANDING COMMITTEE:

World over Committees are expected to monitor the performance of Government or closely look into a matter and assist the Assembly in performing its tasks. Committees are instrumental in dealing with the complex, varied and demanding nature of business of the House. The role of committees in the provincial assemblies is expected to expand in the aftermath of the 18th Constitutional Amendment, which devolved around 17 departments/ ministries to the provinces whose cabinets are collectively responsible to the legislature.

As per Rules of Procedures of the Provincial Assembly of the Khyber Pakhtunkhwa, the committees are asked to examine a draft Bill and subject or matter referred to it by the Assembly. The committee can propose amendments in the Bill. The reports of the committees are submitted in the House. However, if the committee fails to submit its report within prescribed time, the House can proceed upon a motion by any Member or Minister concerned.



RESOLUTION

A resolution reflects the general view of an Assembly in the form of declaration of opinion by the Assembly or specific recommendation addressed to Government. It should relate to a matter which is primarily the concern of Government or to a matter in which Government has substantial financial interest.³⁰

A private Member gives fifteen days' notice of intention to move a resolution and submits a copy of the resolution together with the notice. A Minister gives three days' notice to do so.³¹ The Speaker decides the admissibility of a resolution.³²

The time limit for speeches is fifteen minutes for Members except the mover of the resolution and the Minister concerned who can speak for thirty minutes each.

Any Member can move a resolution disapproving Governor's ordinance with three clear days' notice. If the resolution is carried, the Secretary publishes the decision of the Assembly in the Gazette.³⁴



³⁰ Rule 125

³¹ Rule 124

³² Rule 127

³³ Rule 133

³⁴ Rule 111

PUBLIC SPENDING



BUDGET AND FINANCIAL POWERS OF THE PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

Budget is an estimate of income and expenditure for the set period of time. It is an important policy document which explains the government's financial plan, elaborating on the proposed expenditure and the means of financing them. As per the provisions of Article 120 of the Constitution, the Provincial Government is bound to present budget in form of statement of receipts and expenditures of the Provincial Government each year.

- i. Receipts: Receipts also known as "revenue "or income", comprises measures to generate finances through taxes, borrowing, privatization etc. All revenues received by the Provincial Government, all loans raised by that Government, and all moneys received by it in repayment of any loan, form part of a consolidated fund, are known as the Provincial Consolidated Fund.³⁵
- ii. Expenditure: Expenditure comprises of current and development budget. It is binding on the provincial government to lay before the provincial assembly the estimated receipts and

expenditure for approval. Every Year the Minister of Finance makes a major speech in the Assembly which is known as Annual Budget Statement.

The Annual Budget Statement should separately indicate two types of expenditures:

- 1) Expenditures Charged on Provincial Consolidated Fund
- 2) Other Expenditures (Uncharged)

EXPENDITURE CHARGED ON PROVINCIAL CONSOLIDATED FUND

Expenditures that are charged on Provincial Consolidated Fund include the remunerations of the Governor, Judges of the High Court, Speaker and Deputy Speaker, administrative expenses of the High Court and Secretariat of the Provincial Assembly, and any other amount which the Provincial Assembly declares to be charged. The Provincial Assembly may discuss the expenditure charged on the Provincial Consolidated Fund but it cannot vote on it.

UNCHARGED OR VOTED EXPENDITURE

The expenditure other than charged expenditure is presented before the Provincial Assembly in form of demand for grants. The Assembly has the power to endorse or refuse any such demand. The Assembly can vote on the uncharged expenditure.

STAGES OF DISCUSSION ON THE BUDGET IN THE ASSEMBLY

The Finance Bill containing the Annual Budget Statement is presented in the Assembly by the Minister of Finance. The Budget can't be referred to a Standing Committee or Select Committee. No other motion can be made with reference to it except otherwise provided in the rules of procedures.³⁶ The Budget is dealt with by the Assembly in following stages:³⁷

- i. General discussion on the budget as a whole: A general discussion on the budget lasts for not more than four days. At least two days elapse between the day the Budget is presented and the first day allotted for the general discussion on the Budget.
- ii. Discussion on appropriations (in respect of charged expenditure)
- iii. Discussion and voting on demand for grants

After discussion, there is voting on demand for grants and also on motions for reduction, termed as cut motions.

CUT MOTIONS

A cut motion is a motion moved by a Member of Assembly to reduce the amount of a particular demand for grant. All cut motions on demand for grants are discussed and voted upon by the Members of the Assembly.

BUDGET CYCLE

There are four stages of a budget process which are cyclical in nature – as soon as one cycle is completed the next begins.

1. Planning & Formulation

Preparation of budget proposals by the executive/government.

2. Negotiation and Approval

Formal authorization by the Parliament/legislator. The Budget is discussed and approved in the Assembly.

3. Implementation

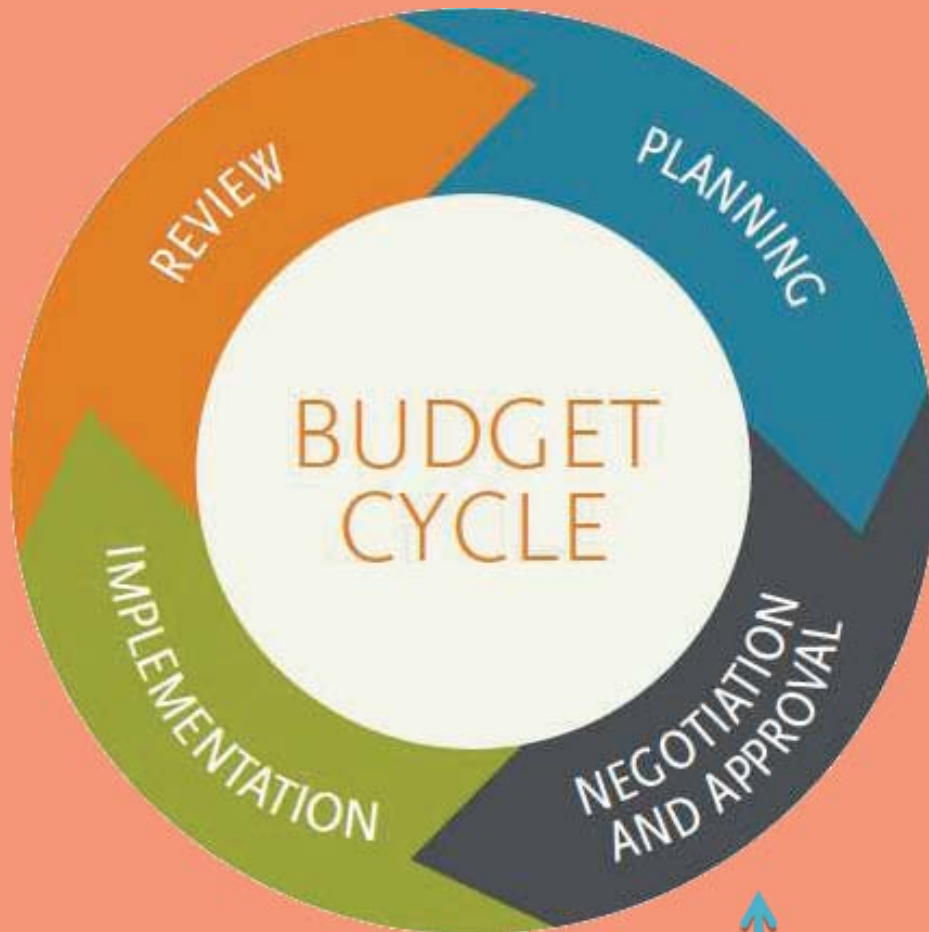
Implementation to ensure that expenditures reflect the enacted budget.

4. Audit/ Review

Examination and verification of both receipts and expenditures at the end of the financial year (1st July – 30th June).

³⁶ Rule 136

³⁷ Rule 140



**PROVINCIAL ASSEMBLY
OF KHYBER PAKHTUNKHWA**

CONSTITUTIONAL FORUMS FOR MATTERS PERTAINING TO FEDERATION AND PROVINCES



Under the Constitution of Pakistan, specific forums have been created to regulate matters of mutual interest between the Federation and the provinces. These include

- a. Council of Common Interests**
- b. National Economic Council**
- c. National Finance Commission.**

NATIONAL FINANCE COMMISSION (NFC)

The President of Pakistan constitutes the Commission comprising Minister of Finance of the Federal Government, the Minister of Finance of provincial governments and any persons as may be appointed by President in consultation with the Governors of the Provinces.

It is a constitutional body which recommends regarding distribution of revenues between the federal government and provinces for five consecutive years. The Constitution requires the NFC to make recommendations for a revenue sharing formula known as the NFC Award. Currently, a province's share can't be less than the share given to the province in previous award. The recommendations of the NFC shall be laid before both Houses and the provincial assemblies.

The Minister of Finance of the federal and provincial governments monitor the award's implementation biannually and lay their reports in both Houses of the Parliament and all provincial assemblies.³⁸



³⁸ Article 160

WANT TO KNOW MORE?

Do not hesitate to visit or contact us if you have any Question about the working of your Assembly at:



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Mr. NasrUllah Khan Khattak, Secretary, Provincial Assembly of Khyber
Pakhtunkhwa, Mr. Attullah Khan, Secretary to Mr. Speaker and Mr. Fayaz
Gul, Coordinator PIPS-PRC KPK Office for close coordination with PIPS team.

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