

## **Exploring the Landscape of Parliamentary Governance in Pakistan; A Quest for New Political Order (2013-2018)**

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### **Abstract**

*Parliamentarism becomes an extremely relevant issue in the context of Pakistan's political and democratic evolution between 2013 and 2018. The committee system, which encompasses monitoring, legislation, and public engagement, is given special emphasis, with a focus on the national level. If the government is solid and well-established, civil rule stands a stronger chance of being maintained. This research makes use of analytical and investigative techniques. This research looks at how the Pakistani Parliament contributed to the country's representative democracy and how citizens' participation in politics strengthened Parliament's Supremacy. A transition of power from one elected government to another took place in Pakistan for the first time ever as a result of events and actions that took place between 2008 and 2013. Research focuses on the function of parliament in changing governments, the legislative initiative of parliament, the stability of governments, and the responsiveness of governments.*

**Key Words:** Parliamentarism, Civil-Military Relations, Effectiveness of Parliament, Legislation in Pakistan

## **Introduction**

Democratic principles are institutionalized in a political system. Citizens having the right to govern themselves and treating each other fairly are two of the fundamental principles of a democratic society. The systemic procedures and structures of modern states are characterized by their commitment to citizen rights protection, fully responsible & responsive authorities, a robust civilized society, & entities like political groups and also the media that mediate the relationship between citizens and the state, thereby guaranteeing the continuation of democratic ideals and principles<sup>1</sup>.

Parliamentary government has been contemporary, amicable transformations from tyranny to democratization in Eastern Europe and South Asia share a similar denominator. The vast large majority of political groups now practice Parliamentarism as the primary means of conflict resolution in the highly polarized post-totalitarian societies. After the fall of Communism in Europe, Parliamentarism emerged as the dominant political model for the continent's new constitutions. While each of the new democracies in Central and Eastern Europe has its own unique history, culture, and traditions, there is one thing that unites them all: their constitutions were all written in response to the form and policies of the communist regime that preceded them. The new constitutions, however, neither conform to the standards of classical Parliamentarism nor do they fully restore the pre-Communist national models. Instead, the post-Colonial societies' transition to full-fledged democracies is reflected in new democratic constitutions that embody variants of a rationalized Parliamentarism<sup>2</sup>.

Parties (or proto-parties) were acknowledged as important political actors in canonical works throughout the tradition of government theory. Among these theorists is Machiavelli, who recognized in the struggle between the Roman plebeians and the ruling elite a dynamic antagonism that may serve to maintain a stable government<sup>3</sup>. David Hume shared this view of parties and, in opposition to republican assertion on homogeneity enforced by puritan legislation and now a static economy, he viewed them

as such an eventual but also appropriate part of free and commercial society<sup>4</sup>. Recent studies of Parliamentarism in the eighteenth and nineteenth centuries reveal the widespread belief among political theorists, such as Burke and Germaine de Stal, that partisan loyalty "moderated the influences of cronyism."<sup>5</sup> It was pointed out that scholars rarely relate groups to "the conception of representative," despite the fact that "parties & democratic processes have performed an immensely crucial role" in growing public authority of politicians & legitimizing the regime<sup>6</sup>."

The study examines the dangers and obstacles to "parliamentary supremacy" in Pakistan in 2013 and 2018. Parliamentary supremacy is a fundamental principle of the parliamentary form of government. Without it, the system would not be able to work as they should. It's for this reason that in robust parliamentary democracies, the supremacy of parliament as a standard operating procedure. Parliamentarians are elected by the people. The cabinet typically consists of highly influential lawmakers so long as a majority of assembly members support it and the elected assembly has its backing dominance over all governmental bodies. The government, not the president or head of state, is the true chief executive. Prime ministerial powers; routinely defers to the prime minister for guidance. Its homogeneity is obvious character<sup>7</sup>.

### **Theoretical Construct**

Parliamentarism refers to constitutional devices and procedures that preserve the parliamentary system's central features, such as legislative oversight of government policy, while bolstering cabinet stability. These mechanisms were devised as part of post-World War II Western constitutionalism to mitigate the type of crisis that frequently arises in the more traditional parliamentary system. In the years following World War One, political crises of this type frequently paralyzed governments or aided the rise of the law. The system of cabinet responsibility, the method of cabinet formation (investiture), and efforts to prevent the spontaneous dissolution of parliament are all hallmarks of

Parliamentarism in Central and East European constitutionalism<sup>8</sup>.

The parliamentary system of government is based on the collective political responsibility of a cabinet, which can be expressed through a vote of no confidence in the government. Substantial changes in parliamentary procedure have been introduced, first in postwar West European constitutionalism and now in the constitutions of the emerging democracies of Central and Eastern Europe and Asia after Decolonization, in an effort to reduce the frequency of cabinet and parliamentary crises. For the classical parliamentary system, the government's legitimacy is immediately called into question whenever an interpellation is used or a major piece of proposed legislation is rejected by the cabinet. The modern Eastern European model seeks to disentangle a cabinet's miscalculation of parliamentary support from the public's trust in the government<sup>9</sup>.

To advocate for a parliamentary system of government that guarantees representative democratic administration of the society, in which the credibility of the executive stems from the confidence it inspires in the legislative branch, is to hold the view that parliaments are the best form of government. Participatory democracy and Parliamentarism are closely related. It is the central goal of participatory democracy to give every citizen a voice in policy decisions that directly affect them. Democracy is not a novel idea; it has been around, in various forms, at least as far back as ancient Athens. Jean-Jacques Rousseau, writing in the 18th century, is credited with developing the modern theory, which was later championed by John Stuart. Mill and G. D. H. Cole. Participatory democracy has been studied and experimented with more in the early 21st century, leading to various ideas for institutional reform like participatory budgeting<sup>10</sup>.

Since Parliamentarism is a "symmetrical" or "strong" bicameralism<sup>11</sup>, it raises two concerns: (a) that it is incompatible with the principles of a parliamentary system, and (b) that it is necessarily super majoritarian or "conservative" in the sense of protecting the status quo. (c) Parliamentarism is inherently more

egalitarian due to the fact that all assembly members have the same formal power over the cabinet<sup>12</sup>.

### **Parliamentarism and Supremacy of Parliament**

According to Lord Bingham, “the supremacy of the Monarch in Parliament, which has the power to enact or repeal any law it sees fit, serves as the cornerstone of the British constitutional system.” *Jackson v. Attorney General*, which challenged the constitutionality of the Hunting Act of 2004, established the standard for Parliament's authority. This law was challenged on the grounds that it was not passed by the House of Lords, which the appellant claimed rendered it null and void<sup>13</sup>.

Politically, parliamentary regimes make sense because they encourage compromise and consensus within the framework of consistent policy. According to Mainwaring and Scully (1997), party coalitions in parliamentary systems form after elections and are legally binding, whereas in presidential systems, coalitions are often formed before elections and have less legal weight once elected officials are in place. Despite the fact that members from a wide variety of political parties make up cabinet positions, executive power is not formed through post-election agreements between parties or shared among several parties that are responsible for governance. A president can serve out their term with minimal support from Congress because any number of political factions or legislators can join the opposition without toppling the government<sup>14</sup>.

### **Measuring Parliamentarism in Pakistan**

Parliamentary systems are founded on parliamentary supremacy and have traditionally been seen as a symbol of people's power. The executive that emerges from parliament tends to muddy the lines between legislative and executive authority, leading to more of a blending of the two than a separation of them<sup>15</sup>. As a result, research into parliament's influence compared to that of the executive has been conducted. Empirical research, however, indicates that the executive branch has been gaining ground on the legislative branch in many parliamentary systems. Indicators for declining parliaments need to be developed urgently as

declining parliaments become a popular research topic. This paper provides a fresh look at the metrics previously used in the research on deparliamentarization<sup>16</sup>. Parliament's role in changing governments, parliament's legislative initiative, government stability, and governments' responsiveness are the research emphases chosen as indicators.

### **Historical Overview**

As a nation, Pakistan has experienced recurrent political upheavals, with each decade bringing new claims that the status quo is failing and a new system must be implemented. People looking for a savior from their ills often used broad terms like "democracy" and "military dictatorship" in this way. The parliamentary system of government was established by the constitution of 1973<sup>17</sup>.

Just how little civil-military equilibrium existed at that point was fatally undermined by the exile, accidental and odd illnesses, murders, and destruction of the initial hierarchy of the Creation of Pakistan. In 1958, only ten years after Pakistan's inception, President Major General Iskandar Mirza abolished the administration of then-Prime Minister Feroz Khan Noon and also the state legislature, striking the final fatal blow to the nascent country's democratic progress<sup>18</sup>. After thirteen days, he ousted President Iskandar Mirza and took over as President himself with the help of Field Marshall Ayub Khan, the head of the Army's staff. This further solidified Pakistan's slide into authoritarian rule, and the emergence of viceregal politics effectively put democracy into hibernation in the country<sup>19</sup>.

Throughout the majority of Pakistan's history, authoritarian interventions of varying degrees have parliament to a temporary, ineffective body without legitimate authority, or a vote of confidence in military governments. During the first military dictatorship, led by General Mohammed In 1959, Ayub Khan's government passed the Elective Bodies Disqualification Order (EBDO) to prevent civilian opposition from voting. The freedom to run for office was curtailed by the Political Parties Order (1962). When Ayub made a Basic Democrats elected the president, who led the centralized government he drafted in

1962, and members to a unicameral National Assembly on a non-party basis, providing Basic Democracy with a democratic front and civilian constituency<sup>20</sup>. Legislation from the government could only be debated and not rejected, leaving members of that body powerless to do anything but address constituent concerns. The independent Human Rights Commission of Pakistan's secretary general explained, "When you have a set national strategy, decided in the president, the focus moves to local matters, such as 'repair my road'<sup>21</sup>.

Soon after Pakistan's breakup and Bangladesh's establishment, the first parliament to be directly elected came into being, with Zulfikar Ali Bhutto's PPP at the helm. In 1973 In order to construct a brand-new social contract and for condensed multi-regional, multi-ethnic nation, parliament resoundingly approved a brand-new constitution establishing a federal parliamentary democracy with such an elected directly lower chamber, the National Assembly, and also a made up of representatives' upper chamber, the Senate<sup>22</sup>.

In 1977, General Zia-ul-Haq staged a coup that ousted Bhutto's administration. In the 1980s, as part of an Islamization campaign to legitimize itself, the Zia administration published sweeping amendments that watered down the democratic nature of the constitution. Article 227 of the Constitution which provides that all state legislation must therefore be managed to bring into conformity with the Islamic Injunctions because laid down in the Holy Quran and Sunnah (conjointly referred by the "Tenets of Islam" in this Portion), and also no law shall be implemented which is repulsive to such Prohibitions<sup>23</sup>.

Furthermore, new qualifications for holding public office were established by Zia's revisions to the constitution. Revisions to Article 62 added Islamic morality criteria to the list of qualifications for office, which previously only included age and the lack of a criminal record. These standards have been upheld by consecutive legislatures and currently include "excellent character," compliance with "Islamic precepts," "proper familiarity with Islamic doctrine and [observance of] obedience to Islamic law and refraining from "grave sins" Candidates who

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are not Muslims are exempt from these regulations but are expected to demonstrate "excellent moral character credibility"; "moral standing"; "reputation". Everyone running for office ought to be "sagacious, righteous, and non-profligate." Unless a judge has declared otherwise, you are honest<sup>24</sup>.

When Musharraf was in power, the country's two most popular parties, the PPP and the PML-N, worked together to restore democracy. In May 2006, they signed the Charter of Democracy, which would later serve as the basis for constitutional reform by the Thirteenth National Assembly. They worked together to end Musharraf's rule, and their alliance was cemented during the March–July 2007 campaign to reinstate the Supreme Court chief justice and other judges dismissed by Musharraf. After Benazir Bhutto's murder on December 27, 2007, the need for this cooperation became more pressing<sup>25</sup>.

For the first time in many decades, the electoral process was remarkably transparent and open in during PPP-led administration's tenure (March 2008–March 2013). This was achieved despite of numerous failures and mistakes, including inept leadership and efforts at destabilization even by armed forces and also the courts. Despite some missed chances, the National Assembly has made significant strides toward restoring constitutionalism and parliamentary democracy while also establishing norms for productive collaboration<sup>26</sup>.

According to author of "The Warrior State: Pakistan in the Contemporary World," Pakistan's "geostrategic curse and blessing" and "resource-curse" are the result of the country's decisions (Paul T.V, 2014). Pakistan is at the epicenter of many of the international conflicts that have shaped the political and security concerns in South Asia, including the Cold War, the Soviet invasion of Afghanistan, the ongoing conflict with India, and the events of September 11. Despite the obvious advantages of this geographical position, it was used primarily to achieve immediate goals rather than taking into account the longer-term implications of recent political shifts. Furthermore, the author believes that the aid that remained going to Pakistan is what forms the resource-curse. It was this help, specifically, that



stymied and still thwarts efforts to build up the country's essential social and political institutions. The political class, which was made up mostly of agriculturists, industrialists, and the military, expected the aid to continue regardless of their efforts to construct institutions and promote long-term economic growth, which put their plans for the future at risk<sup>27</sup>.

### **Parliament's role in Government Change**

While assessing the first variable the research discusses the role of Parliament. It can be noted that the legislative and executive branches of today's democracies work together to make policy decisions. This sort of connection is typically codified in a formal way by a country's constitution. The political system under which a government actually functions on a daily basis is typically a combination of practical considerations, historical precedent, and established practice. Democracies differ greatly in how political power is distributed and the relative influence of each arm of government over policy formation due to these substantial differences between countries (Pitkin, 2004). Parliaments are supposed to control executive spending and performance, reflect the variety of people and groups in a community, and serve as the nation's primary lawmaking institution. Just there are a wide range of causes for the varying degrees of how and how well people perform these roles. This section provides a high-level overview of these three parliamentary roles before going on to provide numerous explanations for the variations in how different parliaments carry out these responsibilities<sup>28</sup>.

In case of Pakistan, the new beginning in 2002, when a new Governance Model was drafted, the democratization process Parliamentary with the executive presidency. It was planned for things to deteriorate during this dictatorship root-level influence or authority. It started with the establishment of a decentralized system of local governance in Pakistan. Despite claims that the system developed during this time was the chosen system but it helped establish a free government and independent legislature. Once upon a time, after much five-year period in

office, a national election was held, and a new administration was sworn in. It was a peaceful handover of power<sup>29</sup>.

Despite their disagreements, the PPP and PML (N) worked together in 2008 to remove Gen. Musharraf from the presidency. As a result, General Musharraf resigned in August 2008, and Mr. Asif Ali Zardari was chosen to serve as the country's eleventh president about Pakistan. The government took significant action to enact the 18th amendment, which cleared the groundwork for regional autonomy and strengthened Pakistan's democratic values. The significant constitutional change was the removal of clause 58(2) (B) of the constitution; the president's and the prime minister's authority should be equal. 18th century A constitutional reform has restored the previous sovereignty of parliament. Parliaments served as nothing more than puppets and rubber stamps for powerful interests (Khan & Khan, 2021). Apart from all these developments during PPP's government, it is important to note that it particularly focused on completing the tenure and its major aim was to survive despite focusing on governance. Thus, it can be said that it was a democratic transition not a democratic transformation of the country<sup>30</sup>.

2013 is historic for Pakistan's democracy process. The 2013 elections represented Pakistan's first democratic transfer of civilian power. PML (N) won May 11 elections. Nawaz's government promised to fix the budget deficit and electricity shortage. Problems were addressed. During this time, Pakistan made friends with other countries, especially China, and the China-Pakistan Economic Corridor was started (CPEC). Imran Khan and Tahir-ul-Qadri's in 2014 led the PML (N) and Nawaz Sharif into a political crisis. Imran Khan argued that *inqilab* should replace the constitution, whereas Tahir-ul-Qadri criticized electoral fraud in 2013. Khan said the electoral commission and other authorities corrupted the polls. Tahir-ul-Qadri afterwards vowed to organize the Azadi march. They demanded Nawaz Sharif's resignation. As circumstances worsened, the army was called in to deal with terrorism and civil resistance<sup>31</sup>.

The military had a crucial part in this crisis. General Raheel Sharif, Chief of Army Staff, stepped in to mediate. He talked to all sides and tried to ease their concerns. Former PML-N member Javed Hashmi claimed that Imran Khan and Tahirul Qadri were directed to work together in their rallies against the government in order to increase pressure on it. Hashmi called the badge bearers, a euphemism for generals, and said that PTI was following the script<sup>32</sup>.

### **Judicialization of Pakistani politics**

Pakistani politics have become more judicialized. The extent to which the judiciary can extend its authority and engage in judicial activism without violating the constitution is a topic of debate<sup>33</sup>. Instead of serving the institution impartially, the present chairman of Pakistan's Supreme Court has promoted his position as an elected politician keen to remark on parliament's role in the media<sup>34</sup>.

The parliament was gradually recovering from a decade of authoritarianism & isolation whereas the judicial system had defeated a military regime and through Lawyers' Struggle. The legislative branch should be given more authority by the judicial branch. Critics said that a "powerful" and "autonomous" court was to blame for the collapse of democracies in the form of "judicial coup attempts<sup>35</sup>." In 2012, Prime Minister Gilani was accused with contempt of court for refusing to file corruption cases against President Asif Ali Zardari. PM resigned. After a long sequence of 'judicial hunting' and lawmaker corruption victimization, the judiciary targeted PML-top N's leadership in 2017. Judges convicted Nawaz Sharif of corruption, sent him to jail, and disqualified him from office for life<sup>36</sup>.

The judiciary paralyzed the legislative by interfering in most major acts. It began investigating public appointments, monitoring their functioning via Chief Justice visits, and establishing pricing for sugar, electricity, grain, etc. The judiciary interfered with legislators' disbursement of development funding<sup>37</sup>. It started developing projects and become a developer. Chief Justice Saqib Nisar's court told the Pakistani people it would build dams, the Court's dam fund was

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a world first. These changes bolstered Pakistan's judicial elite, which had previously faced institutional weakness from liberal democracy, while preserving authoritarian governmental institutions. Both Iftikhar Chaudhry (2009–2013) and Mian Saqib Nisar (2016–2019), the Chief Justice of Pakistan, disqualified sitting Prime Ministers and scores of ministers and lawmakers, paving the way for the dictatorship of PM Imran Khan, who was supported by the military establishment<sup>38</sup>.

There can be no doubt that the expanding trend of judicial activism threatens the authority and primacy of parliament. In Pakistan, the courts and the judges' whims have evolved to have enormous sway over the legislative process, which the constitution says should provide credibility to the judicial system. Unfortunately, Pakistani courts have joined in undemocratic efforts to keep the country's legislature ineffective<sup>39</sup>.

#### **Parliament's Evidence for the Effectiveness**

Since 2008, the National Assembly's bill production has steadily risen. Of the 116 government bills and 18 PMBs enacted during the 13th National Assembly's term, 9426 were signed into law. In a similar vein, the 14th National Assembly managed to have 182 government measures and 23 private member bills passed. Of those, 157 were enacted into law. 27 With 157 measures passing into law during the 14th National Assembly's term, it was the second most productive legislature in Pakistan's history since 1970. The majority of law in Pakistan was enacted by the country's first National Assembly following the 1970 general elections, as depicted in the following diagram<sup>40</sup>.

Number of Laws Passed from 1972-2018

<b>Sr. No</b>	<b>Tenure</b>	<b>Acts of Parliament</b>
1	14 April 1972 – 10 Jan 1977	299
2	26 March 1977 – 5 July 1977	21
3	20 March 1985 – 29 May 1988	47
4	30 Nov 1988 – 26 June 1990	13
5	3 Nov 1990 – 18 July 1993	60
6	15 Oct 1993 – 3 Nov 1996	54

<b>Sr. No</b>	<b>Tenure</b>	<b>Acts of Parliament</b>
7	15 Feb 1997-27 July 1999	51
8	16 Nov 2002-15 Nov 2007	38
9	17 March 2008-16 March 2013	94
10	1 June 2013-31 May 2018	157

Source: **Website of the National Assembly of Pakistan**

From 2008-2013, 216 MPs asked 16,056 queries in the Parliament, about which 12,623 were answered by the administration (or 79 percent). 129 From 2013 & 2018, legislators submitted 16,264 queries in all. There were 13,105 questions asked, and the government issued the official answer to 8,085 of them (or 20%). There were a number of 12,525 questioner in the Senate by Senators (both starred & unstarred) from 2008 & 2018, or even a yearly total of 1252 questionnaire given. A total of 10,245 (82% of the total) were answered on the Floor of the house. Senators marked up a grand total of 12,174 queries<sup>41</sup>.

More over half (110 or 53%) of the 14th Assembly's legislation consisted of modifications to existing laws, while the remaining 95 pieces of legislation were new. Economy, justice, security, institutional reforms, human rights, elections, and education comprised the majority of the Assembly's legislative agenda<sup>42</sup>.

Throughout the 5 years that the 14th Assembly of Pakistan was in session, lawmakers presented 464 motions on a wide range of issues that affected their constituents and the world at large. Twenty-nine motions were passed by the Parliament, four were refused by private MPs, while 251 were not subjected to a vote. Among these motions, 232 were not even read out loud in the Assembly, Eleven were withdrawn because of a shortage of supporters, 4 were required to be approved, 3 were discussed but not voted on, and 1 was sent to a committee. Governmental motions made up 44 of a 209 total, private member motions made up of 87, and joint resolutions introduced by ministries & private lawmakers of more than one party made up the remaining 78<sup>43</sup>.

### **Executive surveillance by Parliament**

Parliament's primary role is lawmaking, but it also has other important functions, such as monitoring of the government and representation of public grievances and aspirations. Questions and "Calling Attention" are used to probe the government for answers. Motions for Adjournment and Motions under Rule 259 of the Rules of Procedure, including the giving of Notices and the Discussion of Matters of Public Importance. During the five year term of the 14th Assembly, legislators introduced 533 CANs, with 424 (or 80%) receiving floor time. Ninety-six of the remaining 109 notifications were never announced; eight were canceled because the movers were not present; four were kept pending; and one was withdrawn by the mover. There were 37 federal agencies that received these notifications<sup>44</sup>.

Upper House reforms under Senator Raza Rabbani's leadership from 2015 to 2018: During his stint as Senate president, Senator Rabbani worked to make the Senate more efficient as a legislative body. Throughout his presidency, he instituted numerous changes that were supported by everyone in power and the opposition. One strategy involves resolving a backlog of 180 cases before several panels. The Senate Forum for Policy Research (SFPR) and the Senate Business Advisory Committee (SBAC) were utilized to clear the backlog<sup>45</sup>.

### **14th National Assembly Parliamentary Committees in Session**

Question Hour and Parliamentary Committees are two ways the Pakistani Parliament monitors the government. Well-functioning Committees make for a successful Parliament. Strong and active committees help with tough, time-consuming business, and parliamentary business is diverse, the evolution of parliamentary debates. A committee is crucial to the legislative process and government oversight. Each department will have "standing committees." Standing committees' responsibility in monitoring and overseeing relevant institutions' operations is an important and necessary federal administrative division. Parliamentary democracies involve thinking, seeing, touching, and hearing. The 18th All Legislative Business of the Fourteenth National Assembly, Including Constitutional Amendment

caused a reduction in committee meetings. There are 29 parliamentary committees, 4 non-ministerial standing committees, and the House of Standing Committees of Ministers were busy. 14th National Assembly committees met regularly and worked hard. On aggregate, the 14th National Legislature's Standing Committees met 8.32 times per calendar year and issued 19 studies, 10 that were authored by the 14th National Legislature. This exemplifies the reliable functioning of the 14th National Assembly's Committee, which really is indicative of the Assembly's overall effectiveness<sup>46</sup>.

### **Economic Legislation for Restructuring**

The economy has dominated the 14th Assembly's legislative agenda. The Assembly enacted 52 tax, banking, financial security, corporatization, foreign currency, and trade and commerce-related laws. This is more than double the amount of measures enacted on this issue during the previous Assembly term. Amendments to the legal framework controlling financial and regulatory organizations, such as Securities and Exchange Commission Pakistan and State Bank of Pakistan, were among the economic-related measures passed by the departing Assembly. In addition, The Parliament passed bills to update laws regulating companies, banks, industrial zone, stock markets, tax schemes, financial fraud, & charitable activities. Two other pieces of legislation, the House Building Finance Corporation Act and also the Investment Firm Act, have also been axed while Corporation Bank & Pakistan Federal Cooperatives were also established<sup>47</sup>.

### **Electoral Reforms**

In 2017, The Parliament finally passed the Elections Act, which included a number of much-needed electoral changes that had been decades in the making. Before the introduction of the Elections Act of 2017, updates to the various electoral laws remained a significant subject of legislation. Mainly, it was an effort to reverse the policies instituted by General Pervez Musharraf's military regime. As a first step, electoral regulations were changed so that candidates no longer needed to have completed high school. The Conduct of General Elections Order

2002 (Chief Executive Order No.7 of 2002) included article 8A, which stipulated this need. 79 For being "inconsistent with Articles 17 and 25 of the Constitution," the Supreme Court struck down Article 8A and clause (cc) of Subsection (1) of the Representation of the People Act, 1976 in 2008.

### **Governing by Ordinances**

Although Presidential ordinance is a legal tool, its misuse or application in situations other than true emergencies undermines the primary role of parliament in making laws. To give just one example, between 2002 and 2008, when General Pervez Musharraf's military regime had a majority in Parliament, it issued 121 presidential ordinances while passing only 50 pieces of legislation. "Pervez Musharraf's decision to flood Pakistan with ordinances shows how ordinances are more of a political, rather than a legislative, tool," one commentator wrote. Ordinances have been issued by both the Pakistan People's Party (PPP) and the Pakistan Muslim League (N) (133 total) between 2008 and 2018. As a rule, however, parliamentary debate and discussion was required before these ordinances became laws. If Pakistan's multiethnic federation is sacrificed in the name of short-term political advantage, the country's political landscape will be thrown into chaos. If history is any indication, a weakened parliament in Pakistan could lead to weakened civilian institutions. To paraphrase the author, "if civilian institutions are weak, non-civilian actors, that is the military establishment, will become stronger"<sup>48</sup>.

### **APS Attack and Military Courts**

More than 140 persons were killed in the terrorist attack on Army Public School in Peshawar on December 16. Most of the victims were children and instructors. As a result, a new policy was adopted that authorized the use of military tribunals for the trial of terrorists. The Pakistan Army (Amendment) Bill 2015 and the 21st Amendment to the Constitution of Pakistan were passed by parliament on 6 January 2015 to create "constitutionally protected military courts to try civilian terrorism suspects," though the Supreme Court still has the authority to review and confirm any sentences handed down by the military. The



measure was enacted with little opposition and included a sunset clause that would cause it to "stand repealed on the expiration of the specified term," which was two years from the date of its enactment<sup>49</sup>.

It was deemed "a violation of the norms of civilian supremacy, judicial independence, and human rights," however, and the act became controversial. On January 8, 2015, a case was filed challenging the constitutionality of the 21st amendment. Six judges on the 17-person bench "declared the 21st Amendment as well as trials of the accused by military courts as illegal and unconstitutional," even if the court as a whole rejected the petitions challenging the amendment. The military courts were only supposed to be a stopgap measure<sup>50</sup>.

### **Statutes for Citizenship**

A number of landmark human rights laws have been passed by parliament, including measures to protect transgender people. The Transgender Persons (Protection of Rights) Act was passed near the end of the 14th National Assembly, protecting transgender people from being discriminated against in the workplace or by private businesses. Transgender people now have the right to identify with the gender of their choice, and this change should be reflected in all government-issued identification documents. Protection, alleviation, and rehabilitation of transgender people's rights are guaranteed by the law. The Hindu Marriage Act of 2017 has been heralded as a significant reform since it fills a long-standing need in Hindu personal law by providing Hindu women with legal access to marriage certificates<sup>51</sup>.

The scenario, according to a PILDAT report, is the longest period of democracy in Pakistan's history began in 2017; however the country's democracy seems to be eroding. As the military expands its overreach into areas outside of its professional domain and elected governments and political leadership cede space, the political and civil realms are contracting. The public appears to be seeing a new low in civil-military relations as tensions between the military establishment and a major political party boils over<sup>52</sup>.

## **Conclusion and Recommendations**

Due to its prominence in the country's governing structure, Parliament is the primary lynchpin of the system of checks and balances. Parliament does not directly rule the country, but through its committee system and other procedures it provides substantial and effective oversight of the legislative, executive, and administrative branches. The parliamentary system is constrained by the written constitution and the federal structure. It has vast levels of authority, jurisdiction, range, and reach. The findings of this study indicate that Parliament's current position of supremacy should be preserved. The 14th Pakistani National Assembly has been more productive than its predecessors and has made efforts to foster an atmosphere of cooperation and understanding between ruling and opposition parties.

All things considered; Pakistan has been around long enough to see a variety of political systems in action. As a result of regional geopolitical and geo-economic realities, the region's political environment has become unstable and has been susceptible to extra-constitutional influences. Numerous problems, including as the dominance of certain social and political groups, sectarian tensions, corruption, excessive concentration of power, incoherent governance, and a lack of robust democratic institutions, have been handed down to Pakistan. These difficulties are detrimental to democratic development and consolidation. Good governance is centered on citizens and benefits all parties involved; it is open and transparent; and it must be the basis for state policy.

Based the research findings there are some recommendations that can help the system for important and to be more democratic.

Reforms have been proposed every once in a while in an effort to address the problems and guarantee democratic rule. The most important is perhaps Dr. Ishrat Hussain's "Comprehensive Plan of Action to Reform Institutions of Governance." But there's a catch disagreements on how to implement these changes among political parties.

### Changes in Pakistan's Government Structure: From Democratization to Consolidated Democracy

The only way for Pakistan to move towards democratic consolidation is for political parties to come to a consensus on how to address the issues that have plagued democratic institutions. To solve the problems of political will and consensus-building, a holistic, bottom-up strategy is essential. The process of democratic consolidation in the state can be better understood and implemented with the following recommendations.

- Political parties must first and foremost understand the stakes and work to reduce the prevalence of opportunism in politics. To ensure that reforms are carried out without a hitch, partisan politics must take a back seat and political consensus must be secured.
- Policymakers and the political elite need to take a step back, too, to see the big picture. Hopefully the growing radicalization of society, pervasive bloodshed, and sectarian conflicts will act as a wake-up call for them.
- Finally, a rising educated urban middle class and an onslaught of information networks should help bring about this change without the bureaucracy being afraid of being political victims.

Two important lessons may be drawn for Pakistan from studying other states as examples. To begin, robust institutions are crucial in both peaceful times and times of crisis (emergencies and pandemics). It goes without saying that robust institutions are crucial to a nation's survival during times of crisis. Second, institutions need to be protected from political interference, which can harm their effectiveness and legitimacy.

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