

## Critical Analysis of the Parliamentary Democracy: Challenges and Strengths in Pakistan (2002-2018)

Sidra Akram,<sup>1</sup> Muhammad Azhar<sup>2</sup>

Article Information	Abstract
Received: February 16, 2021 Revised: June 27, 2023 Accepted: June 29, 2023	Democracy is the political system that is most universally accepted as being the best, most practicable and just in the modern world. First and foremost, democracy requires a parliament, which is a powerful institution in its own right, since it represents the people. The Parliament is the supreme legislative body in the country. Nations that have instituted an effective democratic system and respect their parliament are running successfully all over the world. The three pillars of democracy are a parliament, an independent judiciary and efficient executive and these three institutions should function within their purview and according to the constitution. Free and fair elections, political liberty and freedom of the press are also necessary adjuncts to the system. Indeed, unrigged elections are the very basis for ensuring proper representation of the people. Democracy secures the welfare of people in the legislative process. Pakistan espoused the system of democracy in the country. The Pakistani public and its politicians have played an important role in the process of democratization. In the constitutional history of Pakistan many military and civilian dictators have disrupted the evolution of the state's democratic and parliamentary culture. In fact, the mainstream has always welcomed military rule and military always interrupts the progress of the civilian government. This paper throws light on a comprehensive performance review of Pakistan parliament to strengthen the democracy from 2002-2018. This article discussed the role of democracy and analyzes those factors of weaknesses that affected the true spirit of democracy in Pakistan and also give some key suggestions to strengthen parliamentary democracy in Pakistan.
<b>Keywords</b>	
<i>Democracy</i> <i>Parliament</i> <i>Challenges and Strengths</i> <i>Power and struggle</i> <i>free and fair elections</i>	

### 1. Introduction

Democracy often necessitates positions of power and prestige to negotiate and form alliances to be elected into office and also to run it. The learned Professor Dahl of Yale University outlined the scheme of democratization; he writes, "Since (in my view) no large system in the real-world is fully democratized, I prefer to call real world systems (high on the scales of liberalization and inclusiveness) polyarchies." Some years later he noted that, "So far, no country has transcended polyarchy to the higher stage of democracy" (Oldenburg, 2011). In actual fact, the essence of the democratization process and democracy lies in the right of free speech and in elections. The most

<sup>1</sup> Dr. Sidra Akram is Visiting Lecturer, at Department of Political Science, Government College University Faisalabad. Email: [sidraakram200015@gmail.com](mailto:sidraakram200015@gmail.com)

<sup>2</sup> Dr. Muhammad Azhar is Corresponding Author of this article and serves as Assistant Professor Department of Political Science, Government College University Faisalabad. Email: [muhammad.azhar@gcuf.edu.pk](mailto:muhammad.azhar@gcuf.edu.pk)

important feature of the democratic process is elections. Thus, on a broader spectrum it can be said that elections are the manifestation of a democratic system (Haynes, 2012).

Democracy has always been intensely flawed in Pakistan due to lack of adhering to a constitutional framework in word and spirit and not respecting the electoral mandate. Regarding periods when there were ostensibly political governments these continuously faced the use of over-riding powers by the bureaucracy and military till 1958 including an autocratic rule as governor general by a serviceman from 1951 to 1955. Thereafter, democracy faced instability and controversial misuse of executive powers from 1972-77. From 1988-99 the authority of the military operated from behind the scenes. Then after another period of dictatorship, a civilian government came to power in 2008 and managed to complete its five-year tenure. There a chance for democracy to flourish after the free and fair elections of 1970 in Pakistan, but provincial alienation resulted in a civil war; country lost its eastern wing and that became a separate, independent country called Bangladesh. The violent crushing of the electoral verdict caused the loss of this chance. It was hoped that the elections of 1977 would make democracy stronger, but unfortunately rigging unleashed civil unrest which gave the opportunity for the military to take over again. 'The decade after 1977 have seen the entrenching of the Pakistan military not only in government, as it played king-maker when not directly in power, in the dozen years, when there were elected governments, but also in the country and society. Pakistan on the other hand has been more volatile with regime changes in 1988 and 1999 and again in 2008' (Baqal, 2010). Neither civil society nor any party has any real standing in the power structure of the country and thereby be able to present any serious challenge to the military. However, for a country to run efficiently it is important that it establish a suitable political system, acceptable to the people and this system be allowed to run continuously in order that it take root, become strong and give proper direction to the nation and its institutions. No country can progress if the political system is interrupted again and again (Khan, 2009). The system should be allowed to sort out its own mistakes; that are invariably there in any system. Parliamentary democracy is the recognized best system that represents the will of the people in the modern world and the system that this country repeatedly falls back on and demands. So, it raised the hopes of the country when after another long period of dictatorship, in 2008 elections were held and a civilian government was installed and what is more, this government was able to complete its five-year tenure successfully.

## 2. Research Questions

- What are the factors that affected the true spirit of parliamentary democracy in Pakistan?
- How parliaments create opportunities and then capitalize it to strengthen democracy?
- How do the parliaments make use of their strengths to increase parliamentary democracy from 2002-2018? Or
- How general elections in 2002, 2008 and 2013 strengthened democracy in Pakistan?

## 3. Parliamentary Democracy and Challenges on its Road

The Preamble to the constitution of 1973 begins:

“Whereas sovereignty over the entire Universe belongs to Almighty Allah alone, and the authority to be exercised by the people of Pakistan within the limits prescribed by Him is a sacred trust; And whereas it is the will of the people of Pakistan to establish an order: Wherein the State shall exercise its powers and authority through the chosen representatives of the people; Wherein the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed;”

This is the document that has become the cornerstone of our democracy and appears to have established strong roots. All members of the legislature and senior-most positions of the government have to swear allegiance to it.

It can be said that the first democratic government were held in 2008 because they heralded the end of take-overs by military dictators in Pakistan. For the first time in its political history Pakistan ushered in what then appeared to be a sovereign democracy that subsequently successfully completed its five years term. But like other previous elected parliaments, this one also had to face many obstacles, threats and political interference against its sovereignty (Oldenburg, 2011). Some key challenges are summarized briefly:

### **3.1 Lack of Real Democratic Norms**

It is a general fact, that whenever a country faced by dictators then all political parties get together for the renovation of democracy. Though, actual norms of democracy could not prevail in Pakistan by dint of some factors including conflicts between governments which remained common in the politics of Pakistan. Hence, the major problem is undemocratic and contradictory behavior of political elites within the road of true democracy (Zaka M. R., 2018). Therefore, PPP and PML-N have ruled from 1988-99 and 2008-13, so, the government was made by PML-N in elections of May 2013. However, both parties (PPP and PML-N) had fought for the restoration of democracy under the leadership of Mian Nawaz Sharif and Benzair Bhutto. Consequently, democratic norms have been encouraged by both at social and political level (Qazi, 2013). Besides, both have paid little bit attention to the common public rights particularly the minorities' rights including rule of law and basic life facilities. So, here's the actual delinquent is not in the lack of democratic norms but in the autocratic arrogance of the leaders and governments, because the governments claimed to restore democracy but these are failed to overcome the common citizens issues.

### **3.2 Lack of Elections Creditability**

No doubt, the real essences of true parliamentary democracy are regular, fair and free elections. But unfortunately, the record of Pakistani elections is poor in this regard. Thus, all defeated parties (after elections) continued to declare elections unfair and kept accusing each other of alleged frauds. Moreover, election results are also manipulated by these parties when these parties came into government, because due to multi-party system, to acquire a clear majority is difficult for a party, so, a coalition government has to be recognized mostly in Pakistan. However, allegations such as election rigging raise serious questions about transparency in political activity (Gauhar, 2008).

### **3.3 Communication Gaps between General Public and Political Leaders**

It is true that almost all political leaders are in favor of true democracy because mostly military leaders have rules in Pakistan. Besides, political leaders to get votes are come in public and when they acquired the power then they try to distance themselves from common citizens (Shah, 2014).

### **3.4 Weak Political Leadership**

Pakistan is a country where development of political has been plagued by self-seeking and weak politicians. Unfortunately, political leaders also tend to erode the institutions of Pakistan by reckless policies. Therefore, the power structure feels it is important to scrutinize the policies and actions of the political leadership and make them aware of the consequences (Hashmi, 2018). In this context, it may be argued that the greatest stumbling block in democratic development has been the contradictory behavior and attitude of Pakistani political leaders and elites (Ahmed, 2014). So, despite restoration of democracy and the struggle to make it strong our political leadership failed to create a pro-democratic environment. Although policy framework development can resolve conflicts by

negotiations, building consensus and making bargains, but political parties tend to foster rivalry between each other and follow divisive policies (Kokhar, 2017).

### 3.5 Absence of Elite-Consensus

Absence of elite-consensus is another reason for weak democracy. Our elite class and political leaders should work to strengthen democracy. Instead they adopt democratic aspirations only for the sake of gaining power. Once in positions of authority they adopt policies that create uncompromising and authoritarian attitudes rather than promote tolerance of opposition parties. They flout the rule of law and cause further polarization in the population (Mariam Mufti, 2020). ‘The disappointment is not with democracy as a form of government but with the conduct and behavior of parliamentarians and political parties who are expected to make democracy work’ (Sial, 2011).

### 3.6 Conflicts between Army and Judiciary

The period 2008-2013 ushered in a higher level of conflicts between the institutions of the judiciary and military and the elected government. ‘Along with the interference of the military and security establishments there was continuous interruption in the smooth functioning of the state by a super active judiciary which increasingly meddled in affairs of the state that do not fall within its jurisdiction’ (Kokhar, 2017). ‘Since 2008 the PPP-led Federal Government, the military and security establishment and the judiciary have had a troubled connection accentuated by moments of profound crisis which caused an institutional imbalance in a Parliamentary democracy’ (Kokhar, 2017). The extreme level of confrontation in the civil-judiciary and civil-military relationships was clearly discernible. The judiciary adopted a hyperactive role and used the ‘*suo motu*’ clause as never before to take notice of a lot of issues like corruption charges, civil appointments, economic matters and human rights abuses (Lodhi, 2012). Consequently, the judiciary intervened in the jurisdiction of the parliament administrative institutions and agencies, even going to the extent of ignoring a clear clause of the constitution, this created friction between the courts and other state institutions, overburdened the judiciary and blurred the role of sovereignty of the parliament. Furthermore, ‘even the government appointments to the regulatory bodies were questioned by the court’ (Hashmi, 2018).

### 3.7 Civil Military Confrontation

The Musharraf regime in Pakistan resulted in a lot of criticism of the army’s role in politics. General Ashfaq Kayani the COAS after Musharraf issued a statement and that there would be no interference in matters of politics by the army. Thus, when President Asif Ali Zardari successfully became the *de facto* head of state (by virtue of the fact of his ascendant position in the party the prime minister and PPP legislatures were his staunch follower) it seemed the political scenario was ripe for a civilian government to have genuine, unfettered power. His position was strong. He had been granted an amnesty by the National Reconciliation Order 2007 for the charges leveled against him. This order was the result of deal between Benazir Bhutto and former General Pervez Musharraf in order to hold elections and allow the two major parties to contest. But this amnesty proved ephemeral. There was great opposition to the NRO afterwards and it was declared null and void *ab initio*. ‘Quite lamentably, the civilian government was unable to work independently due to undue interferences from the military’ (Hashmi, 2018). Repeated confrontations between the civilian government and the army undermined the supremacy of the civilian government. This situation exemplifies the institutional inequality in Pakistan’s parliamentary democracy.

### 3.8 Role of State Institutions and Political Parties

In the parliamentary democracy, state’s role is to secure the lives and assets of his citizens. Hence, the judiciary and police are also important in this regard. Unfortunately, situation of peace, law and order remained fail by all democratic governments but extremism and terrorism have been increased which disturbed the Pakistan’s image at national and international level. Besides, political parties’ role is

also important for the development and progress of parliamentary democracy in Pakistan because these are the tool of patronage and mass mobilization. Hence, for political leadership the major contest is to modify the “role of political parties to interest representation and advocacy in the legislature” (Lodhi, 2012). Unluckily, authoritarian attitudes and policies are adopted by the politicians rather than promoting and encouraging the democratic tolerance, rule of law, behaviors, policies and values for the parties of opposition (Huntington, 2012).

#### 4. Building Consensus for Restoration of the Parliamentary Democracy

Following are some key norms that will strengthen the parliamentary democracy:

1. **Representative:** Free, fair and transparent elections are the primary requirement of a democratic government to ensure genuine representation of the legislature and reward or rejection by the electorate for the performance of any government. The government should be the representative of the will of the people. This will ensure protection, equal opportunities and political and social representation of the people.
2. **Transparency:** This means that the working and conduct of the government in all public matters be done in a manner that is open and clear and the media be free to comment on it or criticize it.
3. **Accessibility:** This means the involvement of the people including civil society. The work of the parliament should keep in touch with the problems of the people and tend primarily to their welfare. Politicians and government servants should be accessible to the public as far as possible.
4. **Accountability:** The members of the parliament should be accountable to the electorate for their performance in office.
5. **Effective:** Last, but not least, the legislation and functioning of the elected government should be effective. Independent powerful lobbies, foreign powers or the power structure should not override, obfuscate or dictate terms to the elected representatives. The institutions should remain in their limits. The judiciary and executive should follow the legislation of the parliament. Business and the government should function according to democratic norms and values.

#### 5. Implications of Pakistan’s Parliamentary System to Strengthen Democracy

Parliament is the symbol of the will of people, custodian of citizen rights, and writer of the pluralistic constitution (Ahmed, 2014). It plays a vital and major role through legislation and socio-economic transformation of society.

##### 5.1 Twelfth Parliament of Pakistan (2002-2008)

The Constitution, enacted at the time of the October 1999 uprising was enacted in 1973. The 1st amendment was introduced in this constitution in 1974 while 14<sup>th</sup> amendment of it was introduced in 1997 most of the part of it was suspended in 1977 and then restored in December 1985. However, after the military coup of 1999, the military government again suspended it while it was restored partially after the parliamentary elections in November 2002. Similarly, General Pervaiz Musharraf who was the Army Chief of Staff at that time, he dissolved the parliament as well as four Provincial legislatures in June 2001, which had led a military government since October 1999. In all these circumstances President Rafiq Tarar resigned from his post, and then General Musharraf became the President of the country, and in April 2002 a referendum was held in which General Musharraf was confirmed a President of the country for the five years of term. In October, 2002, a hung parliament

was created by the elections of the National Assembly. PPPP (Pakistan People's Party Parliamentarians) won 63 and PML (Q) took 77 seats which was backed Pervaiz Musharraf. However, the group of Commonwealth observers said that on Election Day it was a credible election, but that in the light of the various steps taken through the government, we do not agree with the overall fairness of the process. Mir Zafar ullah Khan Jamali (who was from PML-Q) was elected as the Prime minister of Pakistan and Chaudhary Amir Hussain (from PML-Q) was elected as Speaker in the National Assembly. The legal framework order created political deadlock or conflict between the opposition parties and the General Musharraf and in particular the ongoing dispute over his authority to dissolution the Parliament and dismissal of the Prime minister, and General Musharraf's own position as Chief of Army Staff as well as President of Pakistan has led to political stalemate. The parliament was not functioning in such a case, and the government ruled through decree. The MMA (Muttahidda Majlis-e-Amal) emerged against the Legal Framework Order as a leader. An alliance was made against the government between the PML-N, PPPP and several other smaller parties to restore the democracy. But this alliance was weakened by dint of absence of exiled leader Nawaz Sharif and Benazir Bhutto and later by the death of Benzair Bhutto (Leader PPPP). However, General Musharraf won a vote of confidence in January 2004, in both Houses of parliament as well as the four provincial assemblies. CMAG readmitted Pakistan to Commonwealth Council in 2004 in view of progress towards democracy. The Prime Minister resigned in June 2004 and until July was replaced by the Chaudhary Shujaat Hussain, when he won a seat in assembly, paving the way for Shaukat Aziz who was the Finance Minister. However, it was announced by the General Musharraf in December 2004 that when the elections were held he would remain Chief of Army Staff as well as president of country until 2007. Therefore, Pervaiz Mussharraf was declared the unofficial winner of the October 2007 presidential elections, awaiting the important decision on his eligibility for the presidency while holding the post Chief of Army Staff by the Supreme Court. After the presidential elections in October 2007, Benzair Bhutto, exiled leader of PPPP returned to Pakistan. A suicide bomber struck her convoy on her way to Karachi from the airport. She survived to this attack but hundreds were injured and killed by bomb attack.

Due to national concerns, a state of emergency was declared in November 2007 by General Musharraf to effectively suspend the constitution of the country through a temporary constitutional decree. Protesters, political opponents and journalists were arrested in Musharraf's case, news blackouts were forced on major private television stations, eight Judges of Supreme Court were put under house arrest, banned and dismissed including Chief Justice of Supreme Court Iftikhar Muhammad Chaudhary whose did not recognize the PCO. However, the international pressure was increasing day by day to restore the constitution of the country and abide by the timetable for fair and free parliamentary elections. In 22 November 2007, CMAG convened Pervaiz Musharraf in Kampala, and suspended the Pakistan from the commonwealth Councils awaiting rule of law and restoration of democracy in the country. However, Mian Muhammad Soomro was appointed as a caretaker Prime Minister and a new Chief Justice by the Musharraf. In December 2007, the state of emergency was lifted and General Mushraff took an oath for five years of term as a President and resigned as a Chief of Army Staff. Exiled PML-N leader Nawaz Sharif was allowed to return in country in the second attempt of the same year. Both the Benzair Bhutto and the Nawaz Sharif had registered to take part in the following parliamentary election by the end November 2007. However, Benzair Bhutto was assassinated in Rawalpindi on 27<sup>th</sup> December 2007 when she was leaving an election rally, and violence erupted across the country. Hence, Bilawal Bhutto was the eventual successor of Benzair Bhutto and until Bilawal had completed his education, Mr. Zardari husband of Benzair Bhutto, as co-chair was lead to the PPPP and the country's January elections were postponed.

In February 2008, the parliamentary elections were held and the turnout was forty-four percent in elections. Most of the seats were won by the opposition parties but no any party had an absolute and clear majority like PML-N won 91 seats and PPPP 125, ANP 13 while MQM won 25 seats. The PML-Q (party of Musharraf supporting) achieved only 53 seats and suffered huge lose with the loss of seats of many ministers. However, a coalition government was formed by the PPPP Prime minister Syed Yousaf Raza Gilani with JUI-F. The CMAG met in London on 12 May 2008 and agreed to this

as its last meeting was in 2007. The government of Pakistan took positive steps to fulfill its responsibilities in accordance with the core principles and values of the Commonwealth. According to him, Pakistan as a full member of the Commonwealth was restored. Musharraf announced his resignation from the presidency in August 2008 in the wake of warnings from the PML-N and PPPP leadership of impeachment through parliament. Mr. Zardari Co-chair of PPPP replaced President Musharraf in September 2008 and was elected as the president of Pakistan in the ensuing presidential elections. Zardari got 481 votes from Electoral College and defeated Saeed-uz-Zaman Siddique (PML-N candidate) who won 153 votes and Mushahid Hussain Syed (PML-Q) candidate who won 44 votes. As the result of the election, the PML-N left the governing coalition which included the PPPP, MQM, JUI-F, and ANP.

After the presidential elections, 9 PML-N ministers resigned shortly, and citing some of the PPPP's lack of interest in reinstating the first dismissed judges during the state of emergency in 2007. However, dominated coalition government of PML-N and PPPP was ended by this move effectively and ushered in a new government consisting of the PPPP, MQM, JUI-F, and ANP. The Supreme Court of Pakistan upheld the disqualification of Nawaz Sharif and Shahbaz Sharif by assuming office in late February 2009. Following this decision, the Governor's rule was imposed in Province of Punjab where Nawaz Sharif had associated himself with the lawyer movement and Shahbaz Sharif had taken over as Chief Minister. The lawyer movement was campaigning for the Chief Justice reinstatement. Faced with the possibility of widespread unrest, the government announced in March 2009 the reinstatement of deposed Chief Justice and demanded a review of the decision of the Supreme Court about the Sharif's disqualification from holding their elected offices. Therefore, the decision was reversed by the Supreme Court in May 2009 and reinstated Mr. Shahbaz Sharif as the CM of the province of Punjab. "In July 2009, the Supreme Court quashed Nawaz Sharif's convictions of hijacking and terrorism (brought against him following the military coup of October 1999)" (Adeney, 2012).

The Supreme Court quashed the "National Proclamation Ordinance" of October 2007 in November 2009, which was passed on to officials and politicians accused of corruption and other crimes. The ordinance revocation revitalized the charges of corruption against a lot of its beneficiaries. The Supreme Court found Prime Minister Gillani guilty of contempt of court on 26<sup>th</sup> April 2012 after his refusal, to ask the Swiss authorities to reopen the money laundering case against President Zardari. Therefore, the Prime Minister Gillani was disqualified on 19<sup>th</sup> June 2012 from office. However, the Parliament elected Raja Pervaiz Ashraf as Prime Minister on 22 June. National and Provincial elections were called on May 11, 2013, after the five years of term of the National Assembly ended in March 2013, and Mir Hazar Khan Khosa was took an oath as a caretaker Prime Minister of Pakistan. When the turnout was 54% in the elections, the PML-N won 184 seats out of 323 under the leadership of Nawaz Sharif which was the 32.4% of the total votes, PPPP won 42 votes which was the 15.2%, PTI won 30 seats which was 16.9% of total votes under the leadership of Imran Khan, JUI-F won 12 seats which was 3.2%, MQM won 23 seats which was 5.4%, and independent candidates were 8 which was the 13.0% of the total votes. Nawaz Sharif was elected as the Prime Minister by the parliamentarians on 5 June 2013, he gains 244 votes while Makhdoom Amin Fahim of PPPP who was his closet rivals got 42 seats and PTI candidate Kahhdoon Javaid Hashmi got 31 seats. Therefore, Momnoon Hussain candidate of PML-N became the President after winning the presidential elections on July 30, 2013, and got 432 votes and defeated PTI candidate Wajihuddin Ahmed who gain 77 votes of Electoral College. Hence, not any candidate was field by the PPPP.

The elections 2013 and their outcome noticeable the first-ever change from one chosen government to another, 40 years after the 1973 constitution recognized a national legislative democracy. While the earlier assembly neglected several chances for alteration, it however conceded main legislature to refurbish elected authority. It also signified a period of bilateral collaboration. However, the 14<sup>th</sup> National Assembly of Pakistan has accomplished numerous landmark initiatives including significant legislation during his five years term which are following in the Table 1 given below:

Table 1: Landmark Initiatives During 2002-2008

Indicator	2006-2007	2005-2006	2004-2005	2003-2004	2002-2003
Regular Sessions	09	08	09	09	10
Joint Sessions	02	03	09	10	11
Assembly Sittings	41	32	32	40	56
Total Working Days	136	122	132	101	112
Resolution Presented	35	61	44	45	71
Questions asked	1,234	840	515	602	1,345
Lack of Quorum	47 times	12 times	43 times	21 times	11 times
Point of Order raised	410	232	230	132	148
Calling Attention Notices	302	420	100	32	122
Adjournment Motion	104	101	133	104	176
Privilege Motions	40	33	22	13	41
Government Bills	11	03	03	08	02
Private Member Bills	10	10	23	12	21

Source: (<https://fafen.org/wp-content/uploads/2010/08/Compendium-National-Assembly-Elections-1970-2008-Pakistan.pdf>; <https://newslab.tribune.com.pk/legislative-output-over-the-years/>)

## 5.2 General Elections and 13<sup>th</sup> Parliament of Pakistan (2008-2013)

Elections are essential prerequisites for the process to strengthen democracy. However, these have almost always remained controversial in Pakistan. As mentioned before the elections of 2008 brought in a civilian democratic government. However, in Pakistan it cannot be said that all general elections have strengthened democracy. Four acknowledged dubious elections were held during the period 1988 to 1995 when the presidents, who were under the influence of the army, had the power to dissolve the assemblies (this power was later rescinded by the 18<sup>th</sup> amendment in 2010) and they used this power three times (the fourth government was ousted by General Musharraf). These elections because of their controversial results and keeping the parliament in a tenuous position can be considered to be definitely detrimental to the democratic process. However, the general elections of 2008 and those subsequently can be considered as strengthening parliamentary democracy in Pakistan, notwithstanding reservations even in regard to these. As for the 2008 elections, 'They strengthened parliamentary democracy by (sounding the death knell) of autocratic military rule. Further, they instilled the true spirit of parliamentary democracy in Pakistan's political parties, and in the traditional mainstream allowing healthy election campaigns' (Kronstadt, 2008).

Ever since the birth of Pakistan democracy has been a dream of this nation. Though it had the support of the overwhelming majority but this dream has been elusive. After the 2008 elections many analysts predicted that the newly elected government will not be able to complete its five-year term. The PPP government moved from one crisis another. However, it went a long way in establishing some well-



cherished norms of democracy in the country and a spirit of compromise. The general elections of 2008 themselves strengthened parliamentary democracy in Pakistan through providing a good political environment to people and introducing a better electoral procedure. Consequently, ‘these elections brought the practice of peaceful transition of power from one government to another in a constitutional way thus discarding all the unconstitutional practices of the past years’ (Fruman, 2011).

Since the last 37 years of the constitutional history of Pakistan, the period under review (2008 to 2013) brought the first hope for democracy and strengthening of the parliamentary system. Several landmark amendments in the constitution were enacted by the assemblies in this time, including the game-changing 18<sup>th</sup> amendment. 18<sup>th</sup> amendment is the greatest accomplishment of the 13<sup>th</sup> National Assembly of Pakistan. The amendment consisted of 100 provisions and 97 articles incorporated into the constitution of Pakistan. As mentioned above the supremacy of parliament was restored and provincial autonomy was also provided by this amendment that was as originally envisaged in the 1973 constitution. To promote provincial harmony the 18<sup>th</sup> Amendment eliminated the concurrent list and also gives more autonomy to the provinces. In the concurrent list, both the parliament and the provincial assemblies can make legislation. Each provincial assembly will be accountable for drafting its laws on the issues of bankruptcy, contracts, environmental pollution, laws governing marriages, educational curriculum, firearms possession, and 40 other diverse areas, except the criminal law, evidence and the criminal procedure on that both parliament and provincial assembly can legislate. In the education sector this amendment introduced the many reforms such as the state will provide free and compulsory for children from five to 16 years of age and was considered the best chance for enhancing the possibilities socioeconomic development. Under the 18<sup>th</sup> Amendment a Higher Education Commission (HEC) was established in each province and the standard of education, curriculum, policy, planning and the centers of excellence given under the control of provinces. Another important provision was to rename the NWFP province as Khyber Pakhtoonkhawa which was a demand of the province to recognize its ethnic identity. The amendment increased the fundamental rights of people in many ways as well. This amendment enlarges the scope of CCI (Council of Common Interest) and it became a powerful constitutional body. This amendment also partially restricted the personal discretion of the executive. Further it introduced ‘intra political party elections’, but the procedure adopted favors the senior leadership of the political parties. It is significant that the amendment was passed unanimously in the national assembly on 8<sup>th</sup> April 2010 by 292 votes. The senate also passed the bill unanimously on 15<sup>th</sup> April 2010 with 90 votes. Previously there had been many moves to repeal the 17<sup>th</sup> amendment and also correct the changes in the constitution by Musharraf that were made to suit dictatorship. However, because of inter-party rivalry it was never taken up. Thus, for the first time a statesmanlike spirit of compromise and cooperation was introduced into politics which is the true spirit of democracy. Maqsood Hasan, in his thesis ‘Eighteenth Amendment Revised’ (Policy Research Institute Islamabad, 2009) writes, ‘This amendment has transferred key presidential powers to the parliament and established its supremacy. The president’s discretionary powers to dissolve the national assembly or to refer a question to a referendum have been removed.’

Besides senator Raza Rabbani presented a report as the chairman of parliamentary committee constitutional reforms with the draft of the 19<sup>th</sup> Amendment bill on 21<sup>st</sup> December 2010. The national assembly passed the 19<sup>th</sup> Constitutional Amendment on 22<sup>nd</sup> December 2010 and the Senate on 30<sup>th</sup> December 2010 then on 1<sup>st</sup> January 2011 the President of Pakistan approved it. In this amendment, tribal areas including Tank and Laki Marwat were confirmed as part of FATA, However, subsequently in 2019 the FCR has been abolished from FATA and the territory has been amalgamated into the Pakhtoon Khawa Province, though a proper judicial, administrative and legislative system has yet to be drafted for it. More, importantly this amendment took away the powers of the Chief Justice of the Supreme Court from appointing *ad hoc* judges. This power was given to the Judicial Commission. The number of judges on this commission was increased from two to four senior-most judges. The judges the commission nominated would be confirmed or rejected by a special parliamentary committee. But the parliamentary committee would have to provide reason for the rejection of any nominee. In case of rejection of a nominee the commission will have to designate a

new nominee. The Judicial Commission would be responsible for the nomination of High Court Judges. This amendment further renamed the High court of Islamabad as the Islamabad High Court.

20<sup>th</sup> Constitutional amendment passed on 14<sup>th</sup> February 2012 is another step toward the development to strengthen democracy. It ensured an independent and neutral Election Commission. It raised the dignity of democracy and the parliament (Wadho, 2012). The passing of the bill was an historic occasion and an occasion for the democratic government. The National Assembly approved it unanimously with 247 votes. Prime Minister Syed Yousaf Raza Gilani congratulated the assembly and the whole nation on this achievement. It was said that through the 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> constitutional reforms, the government of PPP has ensured the autonomy of the provinces and restored true parliamentary democracy. The amendment provided independent powers to the Election Commission. There would be neutral interim governments to conduct elections. An eight-member committee will obtain consensus to appoint a caretaker prime minister in the centre and chief minister in each of the provinces. In case no agreement is reached the case would be sent to the Chief Election Commissioner for decision. ‘Through the 20<sup>th</sup> amendment, as in the case with High Court Judges, the government would choose one member from each province for five years and follow the same procedure for their removal. Both the chief minister and prime minister until their replacement by any other would continue to hold their offices (Wadho, 2012).

Table 2: Landmark Initiatives During 2008-2013

<b>Indicator</b>	<b>2012-2013</b>	<b>2011-2012</b>	<b>2010-2011</b>	<b>2009-2010</b>	<b>2008-2009</b>
Regular Sessions	09	10	10	08	11
Joint Sessions	01	02	02	04	02
Assembly Sittings	57	103	109	107	100
Joint Sittings	01	02	02	04	02
Total Working Days	144	144	140	136	132
Total Working Hours	1.88	2.02	3.07	3.49	2.09
Actual Numbers of Hours the House met	184 hours 34 minutes	228 hours 06 minutes	300 hours 35 minutes	355 hours 20 minutes	277 hour 15 minutes
Budget debate Sittings	10	17	22	14	19
Total Working Hours of the Budget Sessions	80 hours and 20 minutes	88 hours and 35 minutes	76 hours and 2 minutes	83 hours and 22 minutes	73 hours and 35 minutes
Resolution Presented	110	48	51	57	70
Resolutions passed	08	13	23	14	15
Questions asked	1,821	2,544	3,127	4,238	3,483
Questions Replies	1,290	1,918	2,494	3,477	2,911
Lack of Quorum	51 times	41 times	26 times	18 times	21 times
Point of Order raised	587	1275	1228	957	683

Calling Attention Notices	95	122	114	105	108
Adjournment Motion received	97	213	409	402	367
Total Privilege Motion received	46	23	76	60	50
Government Bills passed	46	28	24	29	03
Private Member Bills Introduced	45	40	17	64	39
Private Member Bills Passed	02	03	01	03	01
Total No. of Passed Bills	17	30	31	32	05

Source: (PILDAT, 2013, Bildook, 2012, Muhammad Rashid Mafzool Zaka, 2015, Warraich, 2019, Hussain, 2011, Rizvi D. H., 2013, Abbasi A. A., 2018, Kari Palonen, 2016).

### 5.3 General Elections and 14<sup>th</sup> Parliament of Pakistan (2013-2018)

After general elections 2013, the 14<sup>th</sup> National Assembly inaugurated its working and successfully completed its five years of the term on 31<sup>st</sup> May 2018 (PILDAT, 2018). After won 163 seats in general election, PML-N became the single largest party. On 1<sup>st</sup> June 2013, members of the 14<sup>th</sup> National assembly took an oath; Mr. Nawaz Sharif for the 3<sup>rd</sup> time became the Prime Minister of Pakistan, Syed Khurshheed Ahmed Shah became opposition leader, Mr. Ayaz Sadiq became the Speaker and Nisar Ali Khan as the deputy Speaker of 14<sup>th</sup> National Assembly, and “marked the constitutional transition of power from one democratically-elected government to another for the first time in the history of Pakistan” (PILDAT, 2013). However, the 14<sup>th</sup> National Assembly of Pakistan has accomplished numerous landmark initiatives including significant legislation during his five years term which are following in the Table 3 given below:

Table 3: Landmark Initiatives During 2013-2018

Indicator	2017-2018	2016-2017	2015-2016	2014-2015	2013-2014
Total Sessions	14	11	10	11	11
Assembly Sittings	108	97	99	92	103
Joint Sittings	02	05	04	17	01
Working Hours per Sittings	3Hours 5 minutes	3 hours 58 minutes	3 Hours 10 minutes	3 hours 3 minutes	3 hour and 7 minutes
Total Working Days	148	133	135	127	130
Total Working Hours	293 Hours	363 hours and 7 minutes	394 Hours	281 hours and 25 minutes	322 hours
Average attendance per sitting	189	205	208	194	222

Ordinances Laid	00	05	00	10	12
No. of Sittings attended by the Leader of the House	29	31	11	33	07
Total Working days of the Budget Sessions	20	20	15	14	17
Total Working Hours of the Budget Sessions	80 hours and 20 minutes	88 hours and 35 minutes	76 hours and 2 minutes	83 hours and 22 minutes	73 hours and 35 minutes
Resolution on Agenda	86	90	100	72	116
Resolutions passed	36	40	44	33	56
Starred Questions	1321	1839	1987	1681	1890
Unstarred Questions	568	541	1021	980	2084
Submitted Questions	1,889s	7,802	3,008	6,331	8,660
Quorum Identification	65	42	26	07	19
Lack of Quorum	51 times	41 times	26 times	18 times	21 times
Calling Attention Notices on Agenda	98	89	127	91	128
Calling Attention Notices taken up	69	74	111	70	104
Adjournment Motion received	139	131	145	104	256
Privilege Motion received	56	70	71	45	65
Government Bills passed	46	50	59	08	11
Private Member Bills Introduced	45	68	44	35	45
Private Member Bills Passed	14	09	00	00	00
Total No.of Passed Bills	55	46	16	08	11
Presidential Address to Parliament	01	01	01	01	01
Number of Active Members	306	270	295	260	304

Source: (Abbasi A. A., 2018, Warraich, 2019, Sahar Shafqat, 2020)

## 6. Conclusion

According to the results of a cursory review of parliamentary performances from 2002 to 2018, the 13th and 14th assemblies point more toward the executive trying to consolidate power, while the nation experiences semblance of democracy. As, democracy recognizes the rule of the majority and demands respect for all. In a democracy, political parties vie to gain power to implement and pursue their specific policies for public welfare. Democracy flourishes with fair play, competition and recognition of merit. It is important to have nation-building in developing countries with diverse populations, and rule of law, equality, respect for procedures and justice are all basic principles that strengthen and built a true parliamentary democracy, irrespective of religion, caste, status and creed. Notwithstanding these high-minded factors, the 'spoil system' is an integral aspect of democratization for which allowance has to be made for the sake of winning parties. The 'spoil system' means the patronage a political party bestows on its supporters in the distribution of power, favors or rewards. Unfortunately, the democratic history of Pakistan has been ruled by several military and civilian dictators that have put barriers in the evolution of a democratic parliamentary culture. Due to political ambitions of some military generals and an unbalanced institutional development in the country, parliamentary democracy collapsed four times. Like some other developing countries, Pakistan is has had to suffer prolonged military rule and it is a mixture of primarily weak political parties, strong military rulers and pro-democracy groups whose aspirations for an egalitarian system is increasing. But, it can be said that the parliament of 2008-2013 performed better as compared to the previous one of (2002-2007). The 2008-13 Parliament of Pakistan achieved major and very important landmarks in egalitarian and democratic legislation, such as the Domestic Violence Act, Transplantation of Human Organs and Tissues Act, Anti-Money Laundering Act, protection against Women Harassment Act, right to Free and Compulsory Education Act, Anti-Terrorism Act and 18th, 19th and 20th Constitutional Amendments. The 18<sup>th</sup> Amendment is particularly important because it undid the amendment introduced by Zia-ul-Haq's non-party assembly that incorporated article 51 (2)b, through the Eighth Amendment in 1985 whereby the president was given absolute powers to dissolve the assembly and had literally transformed the constitution from a parliamentary into an establishment controlled quasi-presidential system. Also, the 18<sup>th</sup> Amendment removed all the clauses favoring dictatorship that Musharraf introduced with the 17<sup>th</sup> Amendment in 2007. Thus the 18<sup>th</sup> Amendment reinstated the sovereignty of the parliament. It also promoted provincial autonomy (Ekins, 2014). This parliament worked in a cooperative spirit among its members to conduct legislation (Fruman, 2011). During 2008-13 the assembly introduced and passed many government and private member bills that was 78% improvement from the previous assembly of Pakistan. Also during this period women participation in many spheres of society remained active and was appreciated in the assembly. Further for the first time in Pakistan a woman (Dr. Fahmida Mirza) was elected the speaker of national assembly. Hence the supremacy of Parliament remained in maintained situation from 2013-2018. Besides, the 14th National Assembly of Pakistan had performed their work more efficiently as well and tries to create the environment of mutual understandings with opposition parties. During five-years of term, the 14th National Assembly of Pakistan passed 205 legislative bills, including 182 government bills and 23 private member bills. The 14th National Assembly Committees have hold several regular meetings and worked with full spirit. The 14th National Assembly's Standing Committees, on average have held 8.32 meetings in each year of his tenure, and through different Standing Committees total 19 reports have been equipped, out of them 10 reports have been equipped by the 14th National Assembly. Hence, the basics of parliamentary democracy depend upon the rule of law aided by the civil society. In Pakistan, the democracy is at a crossroad. But in future it needs to expand a positive vision just like 13<sup>th</sup> and 14<sup>th</sup> parliament and build a consensus in the nation. The various requirements for this are itemized below:

- Continuity of free and fair elections
- An agenda for bipartisan consensus on social and economic policies

- Rights of the political opposition to operate without restrictions by curtailing the arbitrary powers of the state especially through extra-judicial killings, torture under detention, etc
- Independent judiciary to check powers of the state
- Security of life of citizens and promote such conditions that improve the quality of individual
- Protection of civil liberties and minorities

But it is clear, that there is no short-cut to easily strengthen the process of democracy and institute democracy in the state. If we want to develop a true parliamentary democracy, we have to move faster in the right direction. People should also play their role positively to vote for their representatives during elections.

## References

- Abbasi, A. A. (2018). The Parliament of Pakistan an Analytical Research Study of Strength, Weaknesses, Opportunities and Challenges. *International Journal of South Economy*, 2(2), 119-143.
- Ahmed, D. Z. (2014). Musharraf's Democracy and 2008 Elections in Pakistan. *Mediterranean Journal of Social Sciences*, vol.5(14), 475-480. doi:10.5901/mjss.2014.v5n14p474
- Bahadur, K. (2002). *Democracy in Pakistan: Crisis and Conflicts*. Delhi, India: Har-Anand Publications.
- Bassiouni, M. C. (2006). *Democracy its Principles and Achievement*. Islamabad: Inter-Parliamentary Union.
- Baqal, H. (2010). Transition to Democracy in Pakistan. *International Journal of Social Sciences*, 4(2), 70-95.
- Bildook, K. (2012). *Consistency Influence in Parliament: Countering the Centre*. Canada: UBC Press.
- Choudhury, G. W. (1958). Failure of parliamentary democracy in Pakistan. *Parliamentary Affairs*, 12(1), 60-70.
- Ekins, R. (2014). Restoring Parliamentary Democracy. *Cardozo Law Review*, 39(4), 997-1017.
- Valentine, E. (2010). Pakistan parliamentary libraries: a historical excursion and hopes for the future. *Library trends*, 58(4), 527-548.
- Bibi, F., Jameel, S., & Jalal, S. U. (2018). What is democracy? Challenges for democracy in Pakistan. *Global Political Review*, 3(1), 66-75.
- Fruman, S. (2011). *Will the Long March to Democracy in Pakistan Finally Succeed?* Washington, D.C.: United States Institute of Peace.
- Gauhar, A. (2008). *Ayub Khan: Pakistan's First Military Ruler (2nd ed.)*. Oxford University Press.
- Haynes, J. (2012). *Routledge Handbook of Democratization (illustrated ed.)*. New York: Routledge Press.
- Hashmi, R. S. (2018). Parliamentary Democracy and the Issue of Institutional Jurisdiction in South Asia (The Case of Pakistan). *Journal of Political Studies*, 25(Special Issue), 133-146.
- Huntington, S. P. (2012). *The Third Wave: Democratization in the Late 20th Century*. Norman, Oklahoma: University of Oklahoma Press.
- Kamran, T. (2008). *Democracy and Governance in Pakistan*. Lahore, Pakistan: South Asia Partnership Pakistan.
- Kakar, B., Waheedullah, S., & Sultan, R. S. (2017). Challenges and Limitations of Democracy in Pakistan for Promoting Peace and Stability. *WALIA Journal* 33(1), 21-25.
- Khan, H. (2009). *Constitutional and Political History of Pakistan (2nd ed.)*. Lahore, Pakistan: Oxford University Press.
- Khalid, M. T. (2018, June). Parliament: A symbol of protecting rights and will of the People. *Pakistan Institute for Parliamentary Services*, 5(6), 21-24.
- Kronstadt, K. A. (2008). Pakistan's Scheduled 2008 Election: Background. Congressional Research Service. Washington: CSR Report for Congress.
- Kokhar, N. I. (2017). Civil Military Relations in Pakistan: Musharraf's Era (1999-2003). Islamabad: Ph.D Thesis, Department of International Relations, National Defence University Islamabad.
- Laghari, S. (n.d.). Democracy in Pakistan: Root Causes of weak democratization system in Pakistan.
- Lodhi, M. (2012). *Pakistan Beyond the Crisis State*. Islamabad, Pakistan: Oxford University Press.

- Maqsudal Hasan, M. H. (2009). *Eighteenth Amendment Revisited*. Islamabad: Islamabad Policy Research Institute.
- Musarrat, D. R. (2013). Democratization in India and Pakistan . *Journal of Public Administration and Governance*, 236-258.
- Mariam Mufti, S. S. (2020). *Pakistan's Political Parties: Surviving between Dictatorship and Democracy (illustrated ed.)*. USA: Georgetown University Press.
- Niazi, K. H. (2013). *Rules and Procedures and Conduct of business in the National Assembly 2007*. Islamabad: National Assembly of Pakistan.
- Oldenburg, P. (2011). *India, Pakistan, and Democracy*. Hong Kong: Routledge Taylor and Francis Group.
- Pakistan Institute of Legislative Development and Transparency. (2013). *5 year of 13th National Assembly of Pakistan 2008-2013*. Islamabad, Pakistan: Pakistan Institute of Legislative Development and Transparency.
- PILDAT. (2013). *5 year of 13th National Assembly of Pakistan 2008-2013*. Islamabad, Pakistan: Pakistan Institute of Legislative Development and Transparency.
- PILDAT. (2018). *5 year of 14th National Assembly of Pakistan 2008-2013*. Islamabad, Pakistan: Pakistan Institute of Legislative Development and Transparency.
- PIPS. (2013). *Five years of 13th National Assembly of Pakistan 2008-2013*. Islamabad, Pakistan: Pakistan Institute of Legislative Development and Transparency.
- Qazi, W. (2013). The state of democracy in Pakistan. *International Journal of Education and Research*, 1(1), 1-16.
- Rizvi, H. A. (2006). Democracy of Pakiatan. Lahore: State of democracy in South Asia.
- Sayeed, K. B. (1959). Collapse of parliamentary democracy in Pakistan. *Middle East Journal*, 13(4), 389-406.
- Shafqat, S. (1998). Democracy in Pakistan: Value change and challenges of institution building. *The Pakistan Development Review*, 37(4), 281-298.
- Sahar Shafqat, N. S. (2020). *Pakistan's Political Parties: Surviving between Dictatorship and Democracy (illustrated ed.)*. USA: Georgetown University Press.
- Sial, A. Q. (2020). Sovereignty of People-Pakistan: A Case Study. *South Asian Studies*, 26(1), 117-130.
- Shah, A. (2014). *The Army and Democracy: Military Politics in Pakistan*. London, England: Harvard University Press.
- Wadho, S. A. (2012). 20th Constitutional Ammendment. Islamabad: *The Nation*.
- Waqas, M., & Khattak, M. (2017). Democracy in Pakistan: Problems and Prospects in Making Informed Choices. *International Journal of Social Sciences and Management*, 4(1), 9-11.
- Warraich, A. N. (2019). *The Legislative Proess*. Karahi. Retrieved from <https://mpdd.punjab.gov.pk/system/files/The%20Legislative%20Process---3.pdf>
- Zaka, M. R. (2018). Discover the Parliament of Pakistan. Islamabad: Pakistan Institute for Parliamentary Services. Retrieved from [www.pips.gov.pk](http://www.pips.gov.pk)