

Democracy and Federalism in Pakistan: An Analysis of PPP Government (2008-2013)



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Abstract: Pakistan adopted a federal democratic system with a parliamentary type of governance. However, the political history of Pakistan reflects a deviation from parliamentary democracy and the least concern towards the institutionalization of its political system. The centralization of power, authoritarianism, the power thirst of political parties and the imbalance of civil-military relations always affected the democratic course of Pakistan. As a result of the 2008 elections, a power transition occurred from the military to the civilians. Pakistan People's Party, after assuming power, restored the 1973 constitution to its original shape under the landmark 18th constitutional amendment. It reinforced parliamentary democracy and revisited federalism with complete autonomy for provinces abolishing the concurrent list. Steps were taken to ensure the independence of the judiciary and transparency of the election commission of Pakistan. This paper analyses the political and constitutional development during the PPP led government (2008-2013) and its role in establishing a viable federal democratic system based on participatory governance.

Key Words: Democracy, Federalism, Provincial Autonomy, Women Empowerment, 18th Amendment

Introduction

After independence, Pakistan adopted federal parliamentary democracy under the interim constitution as envisaged by the founding father of the nation, Quaid-i-Azam Muhammad Ali Jinnah, to ensure the emancipation of its people through a pluralistic society (Akhtar, 2014). The frequent direct and indirect military interventions and the long spells of dictatorial regimes (1958, 1969, 1977 and 1999) transformed the federal parliamentary model into a centralized presidential system that served the function; to legitimize and prolong their regimes but did not allow the spirit of pluralism as put forth by the founding father of the nation (PIPS, 2015).

However, in Pakistan's checkered history, the 1973 constitution was a breakthrough, in which all the political parties under the persuasive leadership of Zulfikar Ali Bhutto, through

The consensual politics materialized federal parliamentary democracy in Pakistan as dreamed by the founding father and aspired by the nation (Khan & Ahmad, 2018).

However, the military regime of General Zia-ul-Haq (1977-1988) and General Pervez Musharraf, through structural changes, transformed the original federal parliamentary constitution of 1973 into a quasi-presidential one, in which the president enjoyed unopposed and unparalleled executive powers of making and amending laws through ordinances as well making appointments of key the functionaries such as Chief Justice of Pakistan, the Chief of Arm Forces, Air Force and Navy. Where the president firmly controls the state organs, including the parliament, the executive, and judiciary and govern the country with one hand. These steps not only changed the basics of the constitution but also weakened the democratic institutions and affected federalism (PIPS, 2014). However, as a result of the 2008 General elections, a power transition from military to civilian took place, and Pakistan People's Party came into the corridor of power. The PPP-led government, after two years of deliberations, passed the constitutional 18th amendment, which brought structural changes in the governance, including the reshaping of the 1973

constitution, revitalization of parliamentary democracy and strengthening of federalism ([Hussain, 2020](#)).

Consensus Building for the Revival of Democratic Governance in Pakistan

Earlier during the military administration of General Pervez Musharraf, the two mainstream parties, the PML-N led by Nawaz Sharif and Pakistan People's Party headed by Benazir Bhutto in their exile at London, signed the May 2006 Charter of Democracy (COD), in which they pledged to resist against the dictatorship and restore parliamentary democracy in Pakistan (Dawn, 16 May 2006). The charter also delineated the future policy of two leading political parties, PPP and PML-N. It included: the resistance against the dictatorial and military governments, restoration of the 1973 constitution in its genuine shape, the merger of Federally Administered Tribal Areas (FATA) with Khyber Pakhtunkhwa, freedom of press and media, equal rights for the less privileged and marginalized groups including, minorities. The charter also provided for women empowerment, electoral reforms for the conduct of free and fair elections including, the formation of an impartial Election Commission and a neutral caretaker government, through the mutual consultation of treasury and opposition benches and an identifiable voting system, to reduce corruption and floor crossing in politics ([Memon, 2009](#)).

Announcement of 2008 General Elections

At the end of December 2007, the twelfth general elections were due in Pakistan, as the incumbent government, elected in 2002, was scheduled to complete its five-year constitutional term in 2007 (Homayoun, 2011). Due to the massive pressure of political parties, civil society groups and media, on 11 November General-cum president, Pervez Musharraf announced that elections would be held before 09 January 2008. Therefore, a federal caretaker government under Muhammad Mian Soomro was installed on 15 November to oversee the 2008 general election and peacefully transfer the power to the majority party. While for the management of elections, Mr. Justice Qazi Muhammad Farooq was appointed as the new Chief Election Commissioner of Pakistan. After assuming the office, he started the process for the forthcoming elections, accepting nomination papers from November 21st to 26. On 28th

November 2007, General Pervez Musharraf handed over the command of the Army to General Ashfaq Kiyani and took the oath as the President of Pakistan. Afterwards, in a broadcast address to the nation, he fixed 08 January as the polling date for the National Assembly and provincial assemblies' elections ([Khan, 2012](#)).

Major Participant Political Parties of 2008 Elections

Political parties are integral to democracy; without the existence of political parties' democracy cannot function effectively. Total forty-eight political parties participated in the 2008 general elections while twenty political parties boycotted the elections, including the Jamaat-i-Islami, Pakistan Tehreek-e-Insaf, and Pakhtunkhwa Milli Awami Party of Mahmood ([Khan Achakzai \(Khan, 2009\)](#), the main political parties Pakistan Muslim League-N, Pakistan People Party (PPP), Awami National Party (ANP), Mutahida Qaumi Movement (MQM), Pakistan Muslim League-Q and member parties of the Mutahida Majles-i-Amal (MMA) except Jamaat-i-Islami decided to contest the elections because they did not want to repeat the MRD folly of the 1980s, to strengthen the military rule of Musharraf ([Khan, 2012](#)).

Election Campaign and Election Slogans

Like other third world countries, the election campaigns in Pakistan are also focused on persons and identities and largely devoid of issues and policies. The election campaign in the run-off to the 2008 general elections was colorless and lacklustre due to the tragic murder of Benazir Bhutto on 27th December 2007, while she was addressing a large public gathering at Liaquat Bagh Rawalpindi. This incident took out much of the colour from the election campaign. From 28 December to 30 December, the whole of Pakistan in general and Sindh in particular was in grief. The nationwide protests and demonstrations were carried out by unruly mobs in which a large number of vehicles, including buses, trucks, cars, railway carriages and petrol pumps, were set on fire. Apart from this, many casualties and deaths were also reported in various parts of the country ([Khan, 2012](#)). These incidents also postponed the January 8 elections to 18 February. After soul-searching, the political parties resumed their election campaign. During the election campaign, restoration of deposed judges was

the core slogan of the Pakistan Muslim League (N), while Pakistan People's Party and Awami National Party were quite ambiguous on this critical issue. The tragic murder of the former Prime Minister of Pakistan, Benazir Bhutto, changed the entire elections atmosphere favouring the Pakistan People's Party because the people sympathize with the party. In such disarray, the process of the election campaign was completed ([Kanwal, 2017](#)).

Election Results

The 2008 general elections brought results as predicted by the political analysts and the majority of the masses before the polls. According to the 2008 election results, the People's Party became the largest party with 91 national assembly seats, Pakistan Muslim League (N) became the second-largest party by scoring 67 national assembly seats, Pakistan Muslim League (Q) captured 41 seats, MQM secured 19 seats, ANP, PML-F and MMA obtained 10, 04 and 06 seats respectively while PPP (S), BNP and NPP secured one seat each ([Rizwan, 2014](#)).

The Post-Election Situation/Government Formation

Pakistan People's Party, with the highest number of national assembly seats, emerged as the largest party in February 2008 general elections but did not get the absolute majority to form government at the centre alone. Therefore, they needed the support of other parties to form a coalition government. Consequently, in exigency of the situation, Asif Ali Zardari (Co-Chairman PPP) entered drawing-room negotiations with Pakistan Muslim League-Nawaz, Awami National Party, Muttahida Majles-e-Amal and Jamiat Ulema-i-Islam of Fazlur Rehman to form the government (Haq, 2008). Asif Ali Zardari, Co-chairperson of the People's Party at this occasion said, that 'his party would try to form a government of consensus and take all the parties on board, including those out of parliament' ([Rizwan, 2014](#)).

After soul-searching negotiations, Pakistan People's Party and Pakistan Muslim League (N) agreed upon a power sharing-formula at the centre as well in the provinces. On 17 March 2008, the oath-taking session of the national assembly was held, and on 19 March, the nominees of Pakistan People's Party, Dr Fehmida Mirza and Faisal Karim, Kundi, were elected as the Speaker and Deputy Speaker of the national assembly, respectively. In the political history of

Pakistan, Dr Fehmida Mirza was the first women elected as the speaker of the national assembly ([Dawn, 20 March 2008](#)). In the 22nd march session of the national assembly, Pakistan People's Party nominated Syed Yousaf Raza Gilani as its candidate Prime Minister's office against Pervez Elahi of the PML-Q. On 24 March 2008, Syed Yousaf Raza Gillani was elected as the 18th Prime Minister of Pakistan ([Dawn, 26 March 2008](#)). On 29th March, Syed Yousaf Raza Gilani took the vote of confidence from the national assembly of Pakistan. Later on, a 24 members cabinet, including 11 ministries from Pakistan People's Party, 09 from PML(N), two from ANP, 01 from JUI-F and 01 from Federally Administered Tribal Areas (FATA), were sworn in ([Dawn, April 01, 2008](#)).

Provincial Governments

In all the provinces, coalition governments were installed. In Khyber Pakhtunkhwa, a coalition government of ANP, PPP and PML-N was installed under Amir Haider Khan Hoti of Awami National Party ([Kanwal, 2017](#)). Karamat Ullah Khan Chagharmatti of Pakistan People's Party and Khushdil Khan Advocate of Awami National Party were respectively elected as the Speaker and Deputy Speaker of Khyber Pakhtunkhwa provincial assembly (The Nation, 01, April 2008).

In Punjab, the nominees of Pakistan Muslim League-N, the majority party in the Punjab assembly, Rana Muhammad Iqbal and Rana Mehshud, were respectively elected as the Speaker and Deputy Speaker of the Punjab provincial assembly. Mr Dost Muhammad Khosa of the PML-N was elected unopposed as the Chief Minister of Punjab. However, it was a temporary arrangement till the by-election of Shahbaz Sharif. Later on, in June 2008, Shahbaz Sharif assumed the charge of Chief Minister Punjab (The Nation, 9 April 2008).

In Sindh, Nisar Ahmad *Khuhru* and Shehla Raza, the nominees of the People's Party, were elected unopposed as the speaker and deputy speaker of the Sindh Provincial Assembly while Qaim Ali Shah was elected as the Chief Minister of Sindh. Similarly, a cabinet of ministers was also sworn in from the coalition partners, including ANP and MQM (The Nation, 24 April 2008).

In Balochistan, Nawab Aslam Raisani of Pakistan People Party was elected as the Chief Minister while Aslam Bhootani of PML-N and Syed Mati Ullah Agha of JUI-F were elected respectively as the speaker and

deputy speaker of Baluchistan legislative assembly (The Nation, 24 April 2008).

The Politics and Governance of PPP-led Government

Earlier, for the formation of a coalition government, leaders of the two mainstream parties, Asif Ali Zardari, co-chairperson of Pakistan People Party and Mian Muhammad Nawaz Sharif of PML-N, signed the 'Muree Summit Declaration'. In this agreement, both the parties agreed upon the restoration of 03 November judges, including Chief Justice Iftikhar Muhammad Chaudhry, within 30 days of the formation of the central government. Soon after forming the coalition government, a deadlock was created between the two parties over the procedure to restore the deposed judges. The disagreement over the judiciary between PPP and PML-N resulted in the withdrawal of PML-N from the federal government in May 2008, though it continued to support the PPP-led coalition government in the parliament (Khan, 2012). However, after parting ways from the PPP coalition, PML-N served the role of friendly oppositions, which developed a new political culture of consensual politics based on compromise, political tolerance and patience, which further helped stabilize democracy and strengthen the federation of Pakistan (Iqbal, 2017).

Presidential Election

In August 2008, despite the differences, the two major coalition partners, Pakistan People Party and Pakistan Muslim League-Nawaz, agreed to remove General Pervez Musharraf from the president's office, either through impeachment or resignation. Subsequently, on 18 August 2008, Pervez Musharraf resigned from the office of president to avoid the humiliation of impeachment. On the resignation of Pervez Musharraf, Asif Ali Zardari, husband of the slain Benazir Bhutto and Co-Chairperson of Pakistan People's Party, with the support of ANP, MQM and JUI-F, elected as the 11th president of Pakistan, Saeed-uz-Zaman Siddiqui and Mushahid Hussain Syed were the presidential candidatures of PML-N and PML-Q respectively (Khan, 2012). The political pundits perceived Asif Ali Zardari as a threat and obstacle to the revival of the democratic regime in Pakistan (Jan 2010). However, on 20 September 2008, in his inaugural address to the Joint session of parliament, Asif Ali Zardari, while rejecting the notion of political

analysts, announced that;

"The first step of his government will be to undo the constitutional changes done by the military regime of Pervez Musharraf and the restoration of parliamentary democracy in Pakistan where parliament would be sovereign, and the president would be subservient to it. As head of the state, I want to make it clear that the president and the government must seek guidance from the parliament in carrying out their duties and responsibilities. We are committed to upholding the supremacy of the constitution, the parliament and the rule of law. The cardinal principle of governance is the respect of people mandate" (PIPS, 2015).

To fulfil the dream of Benazir Bhutto and revitalize parliamentary supremacy in the country, the newly elected President Asif Ali Zardari proposed an 'All-Party Committee' to revisit amendments in the constitution ([Dawn, 21 September 2008](#)).

Legal, Constitutional and Institutional Reforms (2008-2013)

During the 13th national assembly (2008-2013), through legislative initiatives, the PPP-led parliament seemed determined to restore parliamentary democracy in Pakistan under the 2006 Charter of Democracy (COD). After establishing its government, the former rivals, PPP and PML-N, through consensus, succeeded to pass 116 government and 18 private members bills (PMBs) from the parliament, out of which 94 became laws. Importantly 10 out of 18 private member bills (PMBs) became laws ([FAFEN, 2013](#)). Simultaneously, some meaningful constitutional amendments with far-reaching implications, including the 18th, 19th, and 20th amendment to the 1973 constitution, were done to bring back the democratic regime in Pakistan ([Devotta, 2016](#)).

The Formation of Parliamentary Committee on Constitutional Reforms (PCCR)

In December 2009, on the proposal of President Asif Ali Zardari, a multi-party committee to recommend amendments in the constitution was formed. Later on, a resolution was also passed by the national assembly to constitute a parliamentary committee comprised of all the stakeholders. Thus, the speaker of the National Assembly constituted a 26-members Parliamentary Committee on Constitutional Reforms (PCCR) represented 14 political parties, headed by Senator

Mian Raza Rabbani of People's Party, Raja Pervez Ashraf (PPP), Professor Khurshheed Ahmad of Jamaat-i-Islami, Syed, Naveed Qamar (PPP), Aftab Ahmad Khan Sherpao Chairman of Pakistan People Party (Sherpao group), Babar Awan, Ishaq Dar (PML-N), Lashkar Raisani, Ahmad Khan Abbasi, Abdur Razzaq Taheem of Pakistan Muslim League (Functional), Ahsan Iqbal (PML-N), Waseem Sajjad, Hamayoun Saif Ullah of PML-Q, Dr. Farooq Sattar of MQM, Rehmat Ullah Kakar of JUI-F, Haji Adeel of ANP, Munir Khan Orakzai from the Federally Administered Tribal Areas (FATA) and Mir Israr Ullah Zehri (A Baloch Nationalist leader) were its other prominent members ([Rizwan et al., 2014](#)).

Pakistan's Leap Towards a True Parliamentary Democracy

Under the chairmanship of veteran politician Mian Raza Rabbani, the parliamentary committee, in a brief period, anticipated around 80 meetings and enacts 100 amendments covering about 75 subjects. On 31st March 2010, the 18th amendment was unanimously approved by the parliamentary committee. On 8th and 15th April 2010, the eighteenth-amendment bill was approved by the National Assembly and Senate, respectively. Finally, on 19 April 2010, the President of Pakistan, Asif Ali Zardari, signed this landmark document. The 18th amendment paved the way for the democratic system in Pakistan under the 1973 constitution and stabs to block all the ways for future military interventions, in the past which were used to derail the democratic system (World times, May 2010; see also [Rizwan et al., 2014](#)). Senator Raza Rabbani, the architect of the 18th amendment, while speaking to the media, expressed, 'For the first time in the constitutional history of Pakistan, President of the country voluntarily surrenders his powers to the Prime Minister. He added, it is the beginning of a new democratic era in Pakistan based on parliamentary supremacy' (Geo, 2010). The Prime Minister of Pakistan Syed Yousaf Raza Gillani, while addressing the occasion, commented, 'It is a momentous occasion in the political history of Pakistan, in which a leader willingly transferred his presidential powers to the elected parliament' (Sama, 2010). At the time of signing the document of constitutional 18th amendment, President Asif Ali Zardari stated, "It is my hope that the doors of dictatorship are closed forever" (World Times, May 2010).

Some of its important aspects are discussed.

Constitutionalism (Resistance against Dictatorship)

The passage of the 18th amendment by the 13-national assembly of Pakistan reinstated the 1973 constitution in its original shape. It deleted the name of the military dictator General Zia-ul-Haq from the pages of the constitution. The 12th October 1999 military coup of General Pervez Musharraf was declared unlawful and illegal. It nullifies and repealed the Legal Frame Work Order (LFO) 2002, Chief Executive Orders 2002 and Constitutional 17th amendment passed during the military regime of General Pervez Musharraf. All these developments have been declared as unlawful, illegal, and encroachment of the original constitution; hence there is no place for the remnants of military regimes (World Times, 2010). The Parliamentary Committee on Constitutional Reforms also amended article 6 of the constitution dealing with the matter of high treason. It declared that the abrogation or holding in abeyance or subversion or suspension of the constitution will be considered an act of high treason and would not be validated by any court of law. Furthermore, it provided that any person founded guilty under the amended article 6 of the constitution, he/ would be added to the list of high treason ([Dawn, 2019](#)). As in the past, twice in 1977 and 1999, military dictators, with the collaboration of the judiciary, not only suspended the constitution but also validated their extra-constitutional actions through courts under the law of necessity. Hence, for the prevention of the constitution from such acts, it is provided that high treason would not get any validation from the court, including the high court and supreme court of Pakistan. Thus, under the amended article 6 of the constitution, concrete measures have been taken to close the doors of dictatorship once and forever ([Hussain & Ullah, 2012](#)). Recently in December 2019, after a trial of six years, the former chief of army staff and former president of Pakistan Pervez Musharraf has been convicted to death in high treason case under article 6 of the constitution, which established the rule of law and acknowledged the ruling class that no one is above constitution/law of the state ([Dawn, 2019](#)).

Fundamental Rights

The 18th amendment, while dealing with the fundamental rights for the first time, made free education the fundamental right of every citizen from the age of 5 to 16. The amendment established the right to information through the insertion of Article-

19A, which provides that every citizen has the right to have access to information in all matters of public importance. The Right to Association; under the 1973 constitution, every citizen has the right to form an organization or association, but through Chief Executive Order No. 24 of 2002, General Pervez Musharraf imposed restrictions on the right of association; however, under the constitutional 18th amendment the restrictions on 'Right to Association' has been removed ([Crisis Group, 2011](#)).

Provincial Autonomy

Provincial Autonomy was a long-standing demand of the leading political parties of Pakistan since independence; however, under the 18th amendment, serious measures have been taken to address this issue. It abolished the concurrent list from the constitution, which devolved 40 of the 47 subjects, and handed over 20-25 ministries to the provinces. Hence for the first time since the enactment of the 1973 constitution, federalism has been established in Pakistan in true letters and spirit (Islam, 2016).

To ensure provincial autonomy, clause 70, 142, 143, 144, 149, 157, 160, 161, 167, 172, 232, 233, and 234 of the constitution have been amended. These clauses gave extensive powers to provinces to deal with the affairs related to the hydro-electric power generation, natural gas and formulation of the NFC award and legislate on the matters falling within their jurisdiction ([Shah, 2012](#)). As noted by Farhat Ullah Babar, 'The constitutional 18th amendment was one of the greatest achievements of all political parties that addressed the long-standing issue of provincial autonomy. It strengthened federalism, ensured participatory governance and devolved autonomy to provinces (Babar, 2020).

Since its inception from British colonialism, Pakistan's political trajectory reveals a conflict between federal and provincial governments and inter-provincial tensions over the distribution of authority, resources, and revenue, which promoted some of its most traumatic upheaval, such as the separation of East Pakistan in 1971. Thus, under the 18th amendment, the existing arbitrary body, the Council of Common Interest (CCI), under the chairmanship of the Prime Minister of Pakistan, was re-organized and strengthened to heal such issues. Instead of meeting at the cabinet division, a permanent secretariat was allocated to the Council of Common Interest at Islamabad, and it was made compulsory for

CCI to meet at least once in three months ([Cookman, 2010](#)). The national economic council (NEC) has been reformed with an advisory function. It has been assigned the role to review the overall economic condition of the country and to advise the federal and provincial governments to plan accordingly (PIPS, 2015). Moreover, the North-West Frontier Province (NWFP) has been renamed Khyber Pakhtunkhwa, a long-standing demand of Awami National Party (ANP), a Pashtun nationalist party, which they consider as a recognition of their ethnic identities. The spellings of the two provinces, namely, Balochistan from Baluchistan and Sindh from Sind, have been corrected. The 18th amendment compensates the grievances of less privileged provinces, and the other smaller groups, such as the minority community, also gained support by enhancing their seats in the Senate of Pakistan. In the upper house (senate), four additional seats were provided for minority (non-Muslims), one from each province ([Cookman, 2010](#)).

The Transition from a Presidential to Parliamentary System

Another striking feature of the constitutional 18th amendment is the revitalization of parliamentary supremacy in Pakistan. Previously, parliaments were either absent or rubber stamps in the hands of some well-established forces. During the times of military rulers Gen. Zia-ul-Haq (1977-1988) and General Pervez Musharraf (1999-2008), the constitutional 8th and 17th amendments were passed, which reshaped the original parliamentary constitution of 1973 into a presidential one, which delegated all the powers in the office of president while the prime minister and parliaments remained as a figurehead. However, under the 18th amendment, articles 46, 48, 75, 90, 91, 101, 105, 116, 129, 130, 131, 141, 139, 231, and 243 were amended, which once again restored the supremacy of parliament ([Shah, 2012](#)). Thus, under the 18th amendment, the executive authority was reversed into the parliament previously exercised by the president alone. The constitutional 18th amendment repealed Article 58(2b) of the constitution, which curtailed the presidential powers of dissolution of the assemblies. Now under the new legislation, for the dissolution of the assemblies, the president has to follow the advice of the prime minister ([Cookman, 2010](#)).

Furthermore, under clause 90 of the amended article, the power to appoint Chief of Army Staff,

Chief of Air and Naval Staff, Chairman Public Service Commission has been delegated to the Prime Minister of Pakistan, an earlier prerogative of the president. The new arrangement authorized the parliament, the national assembly and senate to pass or reject any legislation and bound the president to give his assent to the bill within 10 days instead of 30 days. Moreover, for appointing any provincial governor, the president has to follow the advice of the Prime Minister. A provincial governor could only dissolve the assembly if the Chief Minister of the concerned province advises him to dissolve the assembly (World Times, 2010).

Restructuring of the Judiciary

The original constitution of 1973 empowered the president to appoint judges of the Supreme Court and High Court of Pakistan. That was a controversial procedure and was a question mark on the independence of the judiciary. However, under the new arrangement, for the appointment of superior judges, the Parliamentary Committee on Constitutional Reforms (PCCR) recommended establishing a seven-member judicial commission under article 175 A. The judicial commission headed by the Chief Justice of Pakistan. Other members include the two seniors most judges, a retired judge of the Supreme Court, a federal law minister, the attorney general of Pakistan and a senior advocate of the Supreme Court. The judicial commission shall forward a name for approval to an eight-member parliamentary committee constituted from both the government and opposition benches. After confirmation of name, the parliamentary committee shall forward it to the president for appointment (Report of the Parliamentary Committee, 2010). The 19th constitutional amendment has increased the number of members of the judicial commission from eight to thirteen. It also provided that the judicial commission could not resend the nomination of a person whom the parliamentary committee once rejected. However, in case of rejection, the parliamentary committee would have to cite reasons. These amendments brought neutrality in the appointment procedure of apex judges and have reduced the chances of confrontation between executive and judiciary. The then Prime Minister of Pakistan, Yousaf Raza Gillani, called the 20th amendment as “a Gift for the Nation” (Tribune, 22 December 2010).

Electoral Reforms

Electoral rigging has hampered Pakistan’s democratic progress and eroded its political stability. Successive military rulers in Pakistan, for the survival of their military regimes, rigged national, provincial and local government elections. These elections resulted in nonrepresentative parliaments/councils, which served as a rubber stamp in the hands of military rulers. Through constitutional and political reforms, these military rulers not only legitimized their rule but also centralized power in the military administration to suppress other civilian institutions, including the Election Commission of Pakistan. During the eight years of military rule, General Pervez Musharraf gravely eroded the limited independence and impartiality of the Election Commission of Pakistan, reducing the institution to provide a façade of legitimacy to the military regime. The handicapped Election Commissioners, through widespread rigging in the local government elections, referendum and general elections, massively distorted the political system of Pakistan. Pakistan People’s Party, after taking charge of the government in 2008, brought extensive reforms in the electoral system of Pakistan in order to create a favorable environment for the conduct of free and fair elections. It put forward a unanimous and consentaneous formula between the treasury and opposition benches for the appointment of the Election Commission of Pakistan and its key officials ([Crisis Group, 2011](#)).

Election Commission of Pakistan

The Eighteenth amendment undid the electoral legacy of General Musharraf and enhanced the ECP independence by providing a transparent appointment procedure for the Chief Election Commissioner of Pakistan (CEC) and its four other permanent members. Under the new arrangement, the appointment of the Chief Election Commissioner shall be carried out through mutual consultation between the prime minister of Pakistan and the opposition leader in the National assembly. They will forward three names, after consultation, for Chief Election Commissioner to the twelve-member parliamentary committee constituted by Speaker of the National Assembly, from both the houses of parliament, having members from both the opposition and treasury benches. Then the parliamentary committee will confirm one name among them. A reputed political observer noted the new ECP appointment mechanism

as “No Parliament no Election commission of Pakistan”. It also increased the tenure of the Chief Election Commissioner office from three to five years. The amendment really strengthened the Election Commission of Pakistan and made it more independent and autonomous, which was a long-standing requirement for the conduct of fair and free elections in Pakistan ([Hussain, 2012](#)).

The Formation of a Neutral and Impartial Caretaker Governments

The Electoral trajectory of Pakistan divulges that elections in Pakistan are always disputed, and there has always been a question mark on the role of a caretaker government. Since a neutral and impartial caretaker government, at the national and provincial level, was a sine qua non for the conduct of free and fair elections hence, the eighteenth constitutional amendment provides a neutral, fair, and impartial appointment procedure for the caretaker government. In the light of the new legislation, the president must consult the setting (out-going) prime minister of Pakistan and leader of the opposition in the national assembly for the appointment of a caretaker government. In provinces alike, the procedure is provided for the provincial caretaker government. The new arrangement ensures impartiality during the elections and the transfer of power to the newly elected representatives ([Rizwan et al., 2014](#)) as one of the political analysts says that there is a huge difference in the mechanism for the appointment of caretaker government under the eighteenth amendment, and the earlier practices. Moreover, he added, in the earlier practices, the candidates for a caretaker prime minister and the ministers were interviewed in army safe houses’ ([Crisis Group, 2013](#)).

Strengthened Senate, the Upper House of Pakistan’s Parliament

The parliament, the supreme legislative body of Pakistan, is *bi-cameral*, comprised of two chambers, the Senate and the National Assembly. The Senate or *Aiwan-e-Bala* is the upper house, and the national assembly is the lower house of parliament. Members of the national assembly are elected through direct election for a term of five-year, while members of the senate are indirectly elected by an electoral college, comprised of MNA’s and provincial legislatures, through the system of proportional representation by a single transferable vote. Senate enjoys a variety of

powers and has a great role in the legislation since 1973 (Javid & Ahmad, 2016). But the eighteenth amendment reformed the structure, role, and powers of the senate. Prior to the 18th amendment, the senate was comprised of a hundred (100) members, but under Article 59 of the amended constitution, with four additional seats of minorities, the strength of the senate was increased from 100 to 104. Article 89 provided, as for National Assembly, in case senate is in session, no ordinance will be issued. In the parliamentary committee, for the appointment of apex judge’s, equal representation is given to the senate, while for the appointment of the Chief Election Commission (CEC), one-third member represent the senate in the parliamentary committee. Under article 91, a federal cabinet with ministers of the state is collectively responsible to the national assembly and senate. Apart from these, reports on Principles of Policy, Council of Common Interest (CCI), NFC award, and report of the auditor general of Pakistan, were previously placed before the national assembly only, are now will be placed before the senate of Pakistan as well (Senate of Pakistan, 2012). Apart, the Senate rules were amended, which explicitly empowered the senate committees to biannually examine budgetary allocations and expenditure. This considerably enhanced the senate’s role in overseeing the economic policy and its execution ([Nazeer, 2018](#)).

Constitutional Empowerment of Gilgit-Baltistan

The PPP-led government, while giving a practical shape to its promise in the 2006 Charter of Democracy (COD), renamed the Northern Areas of Pakistan as Gilgit-Baltistan, with a semi-provincial status, having its own elected legislative assembly, headed by an elected Chief Minister and Governor appointed by the president, on the advice of the Prime Minister, under the Empowerment and Self-Governance Order 2009 ([Dawn, September 08, 2009](#)). It also provided that Gilgit-Baltistan consolidating Fund and annual budgets would be granted to the assembly and voting system as per practice in the other provinces would be held in the region. Here it is to be mentioned that earlier in 1975, during the first civilian government of PPP led by Z.A Bhutto, the feudal system was abolished, and for the first time, administrative, political and judicial reforms were introduced in Northern Areas. Furthermore, the PPP-led Benazir Bhutto government in 1994 democratized the Northern Areas under the

Northern Areas Legal Framework Order, 1994 ([Haider & Ali, no date](#), [Dawn, 8 September 2009](#)).

Aghaz Huqooq-i-Balochistan (Initiation of Balochistan rights)

The Pakistan People's Party government focused on the less privileged and neglected areas and managed to reach out to Baluchistan. The government attempted to redress Musharraf's adventurism and folly in Baluchistan through the *Aghaz-i-Huqooq-i-Baluchistan* package, offering financial resources for the development of Balochistan, and thousands of job opportunities were created for youth employment. Not only that but for the first time, under National Finance Commission (NFC) award, weightage was given to poverty and underdeveloped areas, which further benefited Balochistan province and Khyber Pakhtunkhwa ([Haider & Ali, no date](#)).

The Mainstreaming of FATA: The Extension of Political Parties Order 2002 to Federally Administered Tribal Areas (FATA)

Under the Charter of Democracy (COD), both PPP and PML-N agreed upon the merging of Federally Administered Tribal Areas (FATA) with Khyber Pakhtunkhwa. The mainstreaming of FATA was Benazir Bhutto's key agenda. In 2006 Benazir Bhutto filed a constitutional petition in the supreme court for the extension of the Political Parties' Act 1962 to FATA, but unfortunately, with the assassination of Benazir Bhutto in December 2007, the FATA's cause suffered massive blowback ([Tahir, 2018](#)).

In 2008, People Party's Yousaf Raza Gillani sworn in as the Prime Minister of Pakistan. During his first speech to the parliament, he committed to change the inhuman and unconstitutional law FCR from tribal areas. However, two years later, in 2011, the Frontier Crimes Regulation (FCR) was amended, and the Political Parties Order 2002 was extended to FATA, which for the first time, allowed political parties to operate in federally administered tribal areas ([Dawn, 2011](#)).

The Protection and Empowerment of Women through Gender-sensitive Legislation

The 2008-2013 era witnessed substantial pro-women legislation, with the object to provide a safe working environment for women and protect them against Harassment. In 2010, the PPP-led parliament passed "The Protection Against Harassment of Women at the

Workplace Act 2010". With the passage of this act, more women joined the workforce and contributed to the country's economy. Similarly, in 2010, the parliament introduced the prevention of anti-women practices (Criminal Law Amendment) Act 2010, which outlawed forced marriages, the custom of offering women to settle disputes, depriving of women from inheriting property and the custom of marriages to the Quran. Similarly, the government of Pakistan enacted the Acid Control and Acid Crime Prevention Act 2010, which made acid throwing a punishable crime and recommend life imprisonment and one million fines for the offence. Apart from these laws, in February 2012, the senate of Pakistan passed the "National Commission on the Status of Women Act, 2012" to protect women rights from every kind of discrimination. This law aimed to protect and promote the legal, social, economic, and political rights of the women in Pakistan bestowed by the 1973 constitution and to justify the true implementation of CEDAW articles, being its signatory ([Noreen, 2013](#)).

Under the 18th amendment, the devolution of power to provinces took place, in which the power to draft laws about women has also gone to provinces. The provincial legislatures also showed commitment to raise the status of women in society through comprehensive pro-women legislation ([Noreen, 2013](#)).

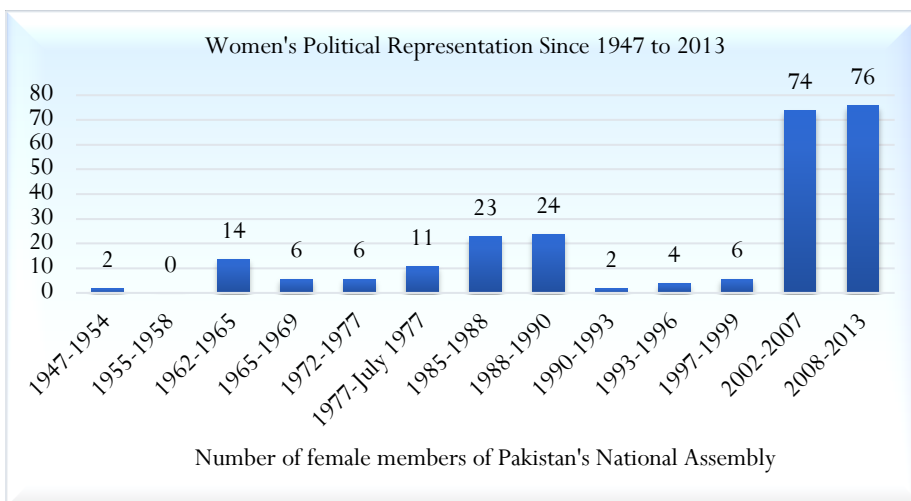
Women's Legislative Representation in Pakistan (2008-2013)

Democracy ensures equal rights for all sections of the society, including women. Gender disparity and under-representation of women in the political sphere is one of the biggest failures of democracy in the modern world. In contemporary politics, half of the voting populace across the globe is women, yet the worldwide average of women parliamentary representation is about 23.4% only. The ratio of women representation varies across the region. It is recorded highest in America with 28.14 per cent while lowest in the Arab States with 17.5 percent (Inter-parliamentary Union, 2017).

Since the partition in 1947, women's political participation in Pakistan has gone through many ups and downs. In the context of women political representation, the 1988 elections are of immense importance. These elections witnessed the highest number of women parliamentarians, including Benazir Bhutto, as the first woman Prime Minister of the

Muslim world. During the 2002 elections, after the implementation of the Legal Framework Order (LFO), a considerable uptick in women’s political representation has been recorded, as it increased the women reserved seats to 60 in the lower house of the parliament (national assembly) and 17 seats in the upper house, senate. However, the 13th national assembly (2008-2013), with 22.5 per cent of women

parliamentarians, recorded the highest number of proportion seats for women in the political history of Pakistan (Statistical Portal, 2017). Moreover, these elections also reveal an increased number of successful women candidates to the national assembly of Pakistan on general seats (Khan, 2018). As in the below table, a regime-wise political/parliamentary representation of women has been shown.



Source: Website of National Assembly of Pakistan Records and an introduction to the Women’s Parliamentary Caucus Report

Media Landscape

Media is the fourth pillar of democracy. Without the existence of free and liberal media, the definition of modern democracy is incomplete. Since its inception from British colonialism, Pakistan remained under the shadow of authoritarianism, due to which democracy never flourished. However, during the democratic government of PPP (2008-2013), media has gain greater sustainability and influence in politics, which is a hopeful sign for Pakistan as a democratic nation in a globalized world (Parveen et al., 2018).

During the PPP-led government, countrywide, there were 89 television channels and 166 FM radio stations. In printed media, more than 200 privately owned newspapers disseminated information throughout Pakistan with 6.2 million daily distribution of newspaper copies (EU election observer Mission, 2013). During this era, the media openly criticized government policies and highlighted social and political issues such as the issue of missing people, Kerry Lugar bill, Memo gate scandal, Osama bin laden arrest, steel mills issue, rental power project, Swiss

Bank issue, money laundering issue, national action plan and publicize the inside stories of government (Parveen et al., 2018).

Civil-Military Relations

The political history of Pakistan demonstrates that the repeated military interventions and their consistent direct and indirect involvement in politics has shattered the political and democratic development. From 1947 till the PPP-led third government (2008-2013), neither an elected civilian government completed its constitutional term nor any peaceful power transition from one party to another took place (Anwar, 2019). Nevertheless, in recent past, as a result of the February 2008 general election, after a long dictatorial military rule of General Pervez Musharraf (1999-2008), the democratic transition took place in Pakistan, under which the military-led government handed over power to the civilian elected government of Pakistan People Party thorough electoral process (Jaffrelot, 2016). Earlier in

November 2007, General Ashfaq Kiyani replaced General Pervez Musharraf as the Pakistan Army Chief. He pledged to restrain the military from politics and restrict them to barracks for their fundamental duty. He distanced the high military officers from politics (Misra, 2011). In the 2008 elections, due to the non-interference policy of military and establishment, the mainstream parties, PPP and PML-N, got an edge over the erstwhile king party, PML-Q of General Pervez Musharraf. He also closed down the political wing of inter-service intelligence (ISI), which was used for political blackmailing and bargaining in the past politics of the country (Jaffrelet, 2016).

During the PPP-led government, through its legislative drive, the parliament made considerable efforts for the institutionalization of democracy, including the powerful military institution (Fair, 2013). The army also did not challenge the government reform agenda, which showed the professionalism of military leadership, although the memo gate scandal, Salala check post-incident, the Osama bin Laden arrest and later tragic death provide ample opportunities for the military to intervene in politics and control the reins of power. However, the military institution restricted itself to its constitutional duties (Ullah, 2019; see also Croissant et al., 2013). During the era, civil-military relations entered a new regime of cordial relationship, unprecedented from the pages of history (Jaffrelet, 2016).

The Culture of Consensual Politics

Consensus and collective decision making is the essence of a democratic system; without compromise and consensus, democracy cannot function. The Political Culture, government agenda, and the chemistry between treasury and opposition are the pre-requisite of consensual politics. In Pakistan, the practice of consensual politics is very difficult because of the personalization of politics and the intolerance of opposition (Rasul, 2018). In the past, the governing and opposition pursued confrontation instead of building consensus. However, as a result of the February 2008 elections, the PPP led government set up a new trend of consensual politics, in which all the mainstream national political parties, including PPP, PML-N, ANP, JUI and MQM, irrespective of their identical agendas and supporting base, agreed to refrain from the politics of confrontation and to work together to solve the national issues and way forward the democratic process (Shafiqat, 2018). Most of the

laws drafted during the PPP tenure was the outcome of their deliberate collective decision-making process inside the parliament. The historical constitutional 18th amendment was the result of consensual politics of all major political parties (Raise, 2018). They also agreed upon the idea to tackle the political role of the military. The coalition partners also agreed to work for the economic development of the country through deliberative policies. In May 2009, the governing party and opposition, through consultation, launched an operation in Swat valley and Malakand to tackle the terrorist groups, particularly the TTP and Al-Qaida. Th (Shafiqat, 2018).

Conclusion

The 2008 elections put an end to the long spell of General Pervez Musharraf military regime and revived civilian rule under Pakistan People Party (PPP). Following the Charter of Democracy (COD), the PPP led a coalition government, with the consensus of all stakeholders in the parliament, successfully passed the milestone 18th amendment to the 1973 constitution, which turned Pakistan from a presidential to a parliamentary republic. The constitutional 18th amendment curtailed the powers of the president and bestowed them on Prime Minister and the Parliament. Under the 18th amendment, the executive authority was reversed into the prime minister, who was previously exercised by the president. The constitutional 18th amendment repealed article 58(2) b of the constitution, which curtailed the presidential powers to dissolve the assemblies; now, under a new arrangement for dissolution of the National assembly, the president has to follow the advice of the prime minister, which is the actual spirit of parliamentary democracy. Under clause 90 of the amended article, the power to appoint chief of Army staff, chief of Pakistan Airforce and Naval, Chairman Public Service Commission has been delegated to the prime minister of Pakistan, which was the earlier prerogative of the president.

The PPP led the government by activating the committee system, establish the culture of consensual politics, which further strengthened parliamentary democracy. The parliamentary committees were constituted from treasury and opposition benches of the parliament. This practice not only acknowledged the role of the opposition but also ensured the smooth functioning of parliament. The parliamentary committees play an important role in the appointment

of judges, high-rank officials of the ECP, including chief election commissioner and caretaker governments, to ensure a peaceful transfer of power from one party to another through the impartial electoral process.

The amendment redefined the centre-provincial relationship in order to strengthen federalism in Pakistan. Besides other changes, by eliminating the concurrent list, the amendment provides greater autonomy to the provinces, which transferred forty-seven subjects and 20-25 ministries to the provincial governments. The national revenue was distributed between federal and provincial governments under the NFC award, while for the future under the national finance commission, the formula was set for resource

sharing. As a symbol of parliamentary democracy, the council of common interest (CCI) and national economic council (NEC) was reactivated and strengthened under the chairmanship of the prime minister. In order to fulfil their COD and campaign pledge, to mainstream the tribal people and provide them with their democratic right, in 2011, the PPP led government brought changes in the frontier crimes regulation (FCR) and extended political parties order 2002 to federally administered tribal areas (FATA), thus for the first-time political parties were allowed to operate in FATA. With the object to bring Baluchistan into the mainstream and strengthen the federation, the PPP government initiated the Aghaz Hooqeq-e-Balochistan program.

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