

The Majlis-e-Shoora (Parliament) of Pakistan: Representation of the Aspirations of 250 Million Citizens



Figure 1: The Parliament of Pakistan

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The Majlis-e-Shoora (Parliament) of Pakistan consists of the President and two Houses: The National Assembly, elected directly by the people, and the Senate, which represents the federating units whose members are elected through provincial legislatures. After the failure of earlier Constitutions to adequately address the issues of representation in the national legislature among various parts of the country, the Constitution of the Islamic Republic of Pakistan 1973 provided for a mutually agreed upon solution that continues to administer the division of seats, legislative competencies, and working relations between both the Houses. Multiple tweaks in the Constitution and repeated abrogation by powerful presidents, giving them authority to prematurely dissolve the Parliament, led to a weakening of the Parliament as an institution and deprived the Constitution of its parliamentary character; however, the historic 18th Constitutional Amendment, to be described in detail later, tilted Pakistan's democracy towards a Parliamentary one; minimising the role of the President, the Head of the State, to a titular one. His Assent is still required for legislation but its absence does not override the will of the Houses.

Electoral/Representation System:

The outgoing National Assembly was comprised of 342 members; however, the incoming National Assembly will consist of 336 seats divided among the provinces based on their population. This alteration is due to the merger of formerly Federal Administrated Tribal Areas (FATA) with Khyber Pakhtunkhwa province through the 25th Constitutional Amendment.

In the National Assembly, 266 are general seats elected directly by the people while 60 and 10 seats are reserved for women and minorities respectively. Any person, enrolled as a voter, can contest an election in as many of the seats as they want. The candidate scoring the most of the polled votes is declared a

member-elect from that constituency. However, in case of victory in many constituencies, they shall have to keep only one of them before taking oath to the Assembly. The National Assembly is elected for a term of 5 years unless sooner dissolved. The National Assembly derives its supremacy over the Senate from the following factors: being popularly elected, the Prime Minister (the Chief Executive of the federation) has to be one of its (Muslim) members, and it has control over any kind of financial legislation.

In the Senate, the seats are equally distributed among the provinces and it currently mounts to 100 members; however, after the current term which expires in March 2023, its seats shall be decreased to 96. Each province gets 14 general seats, 4 seats for technocrats/Ulema (religious scholars), 4 seats for women, and 1 seat for minorities. 4 seats are reserved for the Islamabad Capital Territory and the final 4 seats were allocated to FATA and shall cease to exist in the future Senate. The elections to the Senate are held according to proportional representation through a single transferable vote in the respective provincial assemblies. The allocation of seats to either House can be altered through Constitutional Amendment only which requires a two-thirds majority in both Houses. The term of a Senator is for 6 years and half of the members are retired after every 3 years. Representing continuity, the Senate is never dissolved.

Ensuring Women's Participation and Parliamentary Representation:

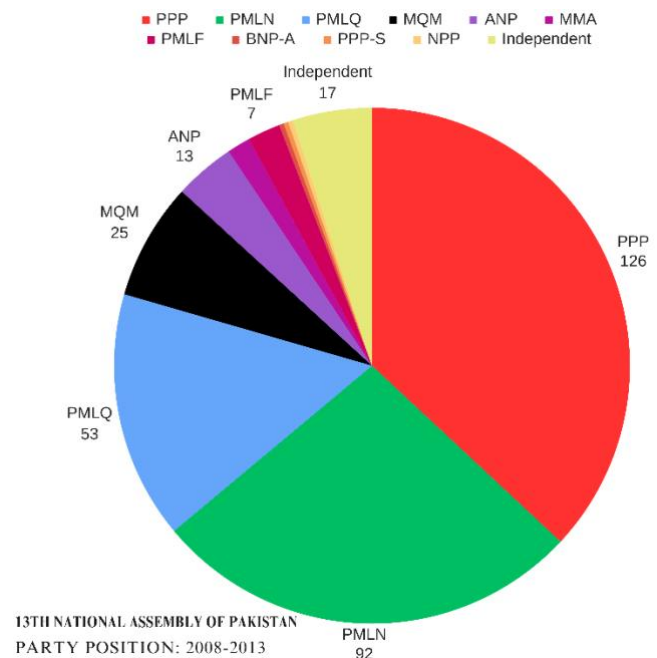
In the Elections Act 2017, the Parliament made it compulsory for at least 5 percent of political parties' candidates for general seats to be women. Along with that, the Election Commission of Pakistan was made bound to declare the election in a constituency null and void if the turnout of women voters is less than ten percent of the total votes polled in a constituency. As a result of these efforts, 16 women Parliamentarians were popularly elected to the National Assembly in 2008, 9 in 2013, and 10 in 2018.

Working of the Parliament:

The Constitution provides for each House to formulate its own Rules of Procedure and Conduct of Business to govern and administer their work and facilitate the legislators in the exercise of their Constitutional duties. In the case of the National Assembly, the Speaker is the Custodian of the House and also heads the organisational leadership of the National Assembly Secretariat. He also chairs the Business Advisory Committee that decides the matters to be taken in the upcoming sessions. Government Business can be dispensed on any day other than Tuesday which is allocated for Private Members' Business; however, in case of urgency, this rule can be suspended. The National Assembly must meet for 130 days during a Parliamentary year which starts with the first sitting of the newly elected Assembly. Members rarely break the party line in voting, except in certain circumstances as enumerated in the Constitution (such as the election of the Prime minister, or voting on any Constitutional Amendment).

The 2008 General Election and the Former Party system:

Due to diverse ethnic and linguistic demography, Pakistan has traditionally been represented through several political parties. Pakistan People's Party (PPP) was once a national party representing center-left and socialist ideology, is now limited to Sindh Province only with nominal representation in other provinces, and mainly comprises feudal and industrialist classes. Pakistan Muslim League (PMLN), headed by Mian Nawaz Sharif, represents right-wing ideology has a stronghold in Punjab, and also represents in other provinces. In the past, the rest of the parties included other factions of Pakistan Muslim League in Punjab and Sindh, Mutahida Quomi Movement (MQM) with a stronghold in Urban centers of Sindh, Awami National Party in Khyber Pakhtunkhwa, Mutahida Majlis-e-Amal and Jamiat Ulma-e-



Islam with their numerous factions in KP and Balochistan and other regional parties in Balochistan such as BNP, PKMAP among others. (See chart for seats' share for main political parties in GE 2008.)

18th Constitutional Amendment:

Throughout the late 1980s and '90s, the National Assembly was mainly populated by two parties, the PPP and PMLN, and was dissolved four times. Historically, not even a single Assembly could complete its tenure in Pakistan due to interference of undemocratic forces mainly up until 2007. These two parties signed the Charter of Democracy in 2006 and vowed to introduce Constitutional Reforms to help consolidate Parliamentary and Democratic traditions in the wake of continual dictatorships.

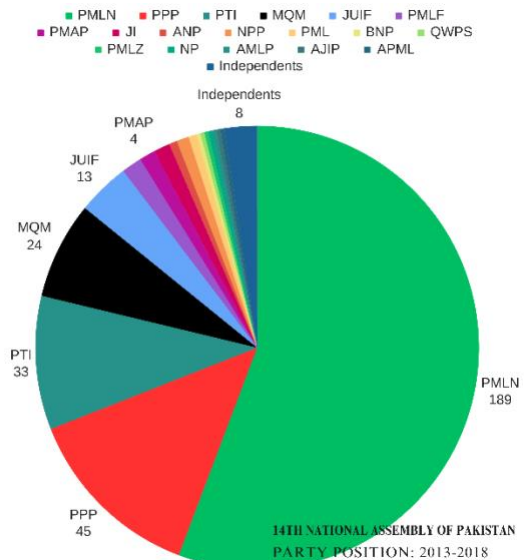
After the General Elections of 2008, both parties, in collaboration with other regional parties formed a coalition government and constituted a Parliamentary Committee on Constitutional Reforms which took on the ambitious endeavor, under the Convenorship of Mian Raza Rabbani, the then Chairman Senate of Pakistan, that resulted in the earlier-mentioned, 18th Constitutional Amendment. It amended 102 articles of the Constitution, brought massive changes in the administrative and legislative competencies of the national and provincial legislatures, abolished the concurrent list, and decentralised authority to the provinces along with the residual powers. However, this devolution did not result in the desired outcomes for a host of reasons. The Amendment changed the name of the former North Western Frontier Province to Khyber Pakhtunkhwa, befitting the desire of the majority of the province's population; however, not without much reservations from other linguistic and ethnic minorities. It also removed restrictions on the number of times a person could be elected as Prime Minister, to the benefit of Nawaz Sharif who had already been Prime Minister twice. The Amendment also tried to alter the trichotomy of power principle between three branches of the state (especially by giving the legislature more authority over

appointments to the superior judiciary). However, it was altered again through the 19th Amendment. This unfinished agenda of the 18th Amendment continues to inform the current debates in the legislature.

General Election 2013 and Advent of Pakistan Tehrik e Insaf (PTI) in the Parliamentary Landscape:

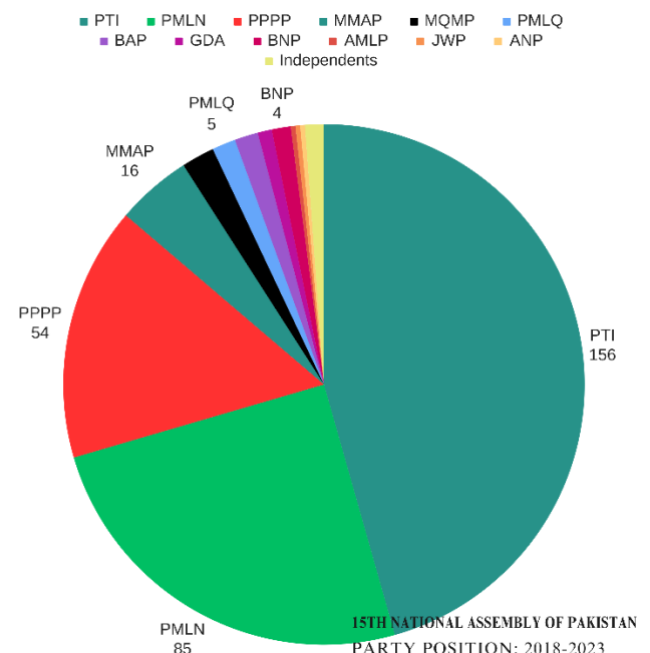
Founded in 1996 by former cricketer and philanthropist, Imran Khan, on the slogan of change and rooting out corruption that had allegedly been seeped into the political class of Pakistan, Pakistan Movement for Justice (PTI), is a center-right party with a semi-socialist agenda. It failed to attract the masses in the earlier decades except for a single seat in the General Elections 2002. However, it made a huge breakthrough with a massive public meeting in Lahore, a city famous for providing momentum to political movements in Pakistan, in 2011. In the General Elections held in May 2013, it surprised political pundits by winning 33 seats in the National Assembly from three provinces, mainly Khyber Pakhtunkhwa, and Islamabad Capital Territory, and forming a coalition government in KP province. (See chart for seats' share for main political parties in GE 2013.)

PTI grabbed a considerable share of the overall polled votes; however, it could not secure the major opposition party slot in the national assembly, and interestingly, it cast doubts on the elections' results. Its chairman alleged the victorious party PMLN of being beneficiary of *massive rigging* and staged a months-long sit-in in front of the Parliament, demanding a high-level inquiry into the results. Disappointed by the ruling alliance's deference, PTI offered mass resignations from the national assembly and walked out of the Parliament; later, the walkout proved temporary. This has seemed to beckon a new phenomenon of resignation in Pakistani politics.



General Elections 2018 and the Parliament:

Majorly supported by the first-time voters in urban centres and political factions in rural areas, PTI managed to score 149 seats in the National Assembly from all provinces of the country; making it a national party in the broader political terms. However, it fell short of the required majority to form the government which it eventually managed to formulate after joining hands from regional parties as coalition parties. (See chart 3A for percentages of votes polled and 3B for seat share for main political parties in GE 2008.) However, this government was surprised by a resolution for a Vote of No-Confidence in Prime Minister Khan by the Pakistan Democratic Movement (PDM: an alliance of opposition parties later joined by Khan's former coalition partners); a parliamentary and constitutional device to remove the Prime Minister, successfully used for the first time in the



parliamentary history of Pakistan. Several PTI parliamentarians also shifted loyalties and a new government was formed by PDM under the premiership of Shehbaz Sharif, the younger brother of former Prime minister Nawaz Sharif. Faced with the crude reality of politics, PTI again resorted to mass resignations and many of its members never returned to the floor of the Assembly until the completion of their tenure and eventual dissolution of the 15th National Assembly in August 2023.

The Unfinished Agenda of the 18th Amendment:

The outgoing Assembly often found itself debating issues related to the 18th Amendment (especially the demand for the creation of new provinces like Multan, Bahawal Pur, South Punjab in Punjab and Hazara in Khyber Pakhtunkhwa province). It also found itself discussing further devolution through local governments, and fighting the institutional overreaches. Given the unfortunate reality and absence of political temperament, political conflicts often reach the courtrooms instead of being resolved through discussion, debate, and dialogue. Quite often judicial decisions were construed as undue interference in the Parliament's legislative jurisdictions and reciprocally Acts of the Parliament were considered administrative interference by the Supreme Court in its jurisdiction.

As of now, the people of Pakistan await delayed general elections in February 2024 to exercise their right to choose their representatives to the Parliament.

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