

An Analytical Study of Lower House in Pakistan: Legislation During Civilian and Military Rule

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A legislature is one of the strongest pillars of a state where legislation is made with the consent of the two-thirds majority of the House. The legislative body of Pakistan comprised President, National Assembly, and Senate. The National Assembly forms on the basis of General Elections in which people elect their representatives to make laws for them. In Pakistan's chequered political history, this institution remained unable to establish credibility in society. Since the promulgation of the Constitution of 1973, the Lower House has been dissolved seven times by either military or civilian rulers, and it also remained non-existent until ten years. As per the Constitution, it was dissolved only once in 1977 on the advice of the Prime Minister to the President. General elections were also held during military regimes, and the House had been formed under it, but there was a difference between the legislation passed during civilian and military-led eras. The paper examines the role of the Lower House in the Constitution of 1973. It deals with its mandate and responsibilities. It analyses the legislation passed from this House during military and civilian rule periods, including the amendment bills that affected the governance system in Pakistan. It identifies issues and challenges the lower House has to face in regard to its smooth functioning. The paper suggests recommendations to improve the sanctity and credibility of this House that leads to strengthening democracy in Pakistan. The paper adopts analytical, qualitative, and deductive approaches to carry on this research work.

Keywords: General elections, National Assembly, legislation, dissolution, constitution.

In the constitutions of modern states, the doctrine of separation of power that has historical and political significance is considered the main precept of

democracy that has been recognized all over the world (Carolan, 2009). The *Spirit of the Laws* (1748), written by a French philosopher Baron de Montesquieu, describes the various forms of distribution of political powers among a legislature, an executive, and a judiciary. The scholar says that a government can carry its work in an effective manner if all institutions function without any intrusion of the others. Montesquien's theory left a deep impact on the development of administrative law all over the world.

The constitution of 1973 provides a parliamentary form of government, and the real executive authority of the state vest with the Prime Minister, who is elected by the members of the National Assembly. This Lower House is also called the Chamber of the People, where representation is made on the basis of population, and the members are elected through a direct, secret, and free vote of the people. In a democratic state, all institutions perform their functions and exercise power within the constitutional purview. Apart from the constitution of 1973, Pakistan has oscillated between civilian and military rule. In such a power game, national institutions get a setback. When military rulers took over, they dissolved the existing National Assembly. Although general elections for the lower house were held during military rule periods, it elected the prime minister and carried out constitutional functions, but the supremacy of the President undermined the parliamentary democracy and turned the governance system towards presidential autocracy. It also demoralized the significance of the National Assembly and centralized power in favour of the President. A great difference can be noted between the legislations passed during the civilian and military-ruled periods. The former strengthened democracy reflected the will of the people, and the latter just supportive to the President, who was also Commander in Chief of Pakistan's Army.

An overview of the Lower House of Pakistan

The Lower House of the Parliament of Pakistan is called Nation Assembly (NA). It is a national representative body which performs essential functions of the state. Therefore, it is a highly organized and reputable institution in order to gain respect and reflect all segments of the society (Haq, 2003). In the previous two constitutions, Pakistan had a unicameral legislature, however, in the constitution of 1973, the bi-cameral legislature has been adopted and subsequently the fifth Lower House of Pakistan was set up on the basis of first-ever General Elections held in December 1970 (Rizvi, 2002). As per "Article 51, the National Assembly shall consist of two hundred Muslim members," to be elected by a direct and free vote in accordance with law. Ten additional seats were reserved for women (Khan, 1986). Later in

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1985 through a “Presidential Order (P.O. No. 14 of 1985), seven seats were added to the general seats and ten more seats were reserved for women and ten seats were exclusively reserved for the non-Muslims in the National Assembly.” Thus, the total number of seats swelled to 237 members (National Assembly of Pakistan, website, 2021).

The fifth National Assembly was dissolved by the President in January 1977 on the advice of the Prime Minister (Ahmed, 1978). Early elections were held and the sixth National Assembly took office for only three months. On July 5, 1977, the civilian government was deposed after a successful military coup (Siddique, 2008). The military took the reign of Pakistan for the following eleven years but it had to conduct general elections in the beginning of 1985 on non-party basis (Maluka, 2007). Subsequently the seventh National assembly was formed under martial law that was dissolved by the President and Chief Martial Law Administrator in 1988. The decade from 1988 to 1999 is known as a decade of democracy in Pakistan where three National Assemblies were dissolved undemocratically by the Presidents and general elections were held four times instead of twice (Hussain, 1990). It is pertinent to discuss that in 1990, 1993 and 1997 general elections the seats of the NA were reduced to 217 due to the expiration of ten years for women seats (Report on the General Elections 1990, 1991). On October 12, 1999, again the democratic process was rolled back and Pakistan came under the military shadow. The military regime also held general election that resulted in the formation of twelfth National Assembly on November 16, 2002. In these elections the number of seats were increased to 342 members and it completed five-year term in 2007. In the successive general elections held in 2008, 2013 and 2018 people elected their representative for the lower house. In the general elections due in 2023 the number of the members will be reduced to 336 owing to the merger of FATA with Khyber Pakhtunkhwa and delimitation of constituencies as per national census results. The table below describes the seats of the Lower House of Pakistan.

Table 1

Lower House of Pakistan 1973-2023

Year	General Seats	Women Seats	Non-Muslims	Total
1973	200	10	-	210
1977	207	20	10	237
1985				
1988				
1990	207	-	10	217
1993				
1997				
2002	272	60	10	342
2008				
2013				
2018				
2023	266	60	10	336

Source: the author developed the table based on Data available on the website of the National Assembly, Government of Pakistan

Two consecutive tenures of the Lower House have not been interrupted by any military took over or mid-term elections, something that has never happened before (*The Express Tribune*, 2018). The fifteenth National Assembly took office on August 13, 2018, that marked the third consecutive transfer of power to a democratic government (*Radio Pakistan*, 2018).

National Assembly in the Constitution of 1973: mandate and responsibility

The constitution of 1973 has twelve parts. The Part 3, Chapter 2, Article 51 to 58 determines the mandate and responsibilities of the National Assembly of Pakistan. In a parliamentary form of government, the legislature performs a number of functions. The members of the National Assembly (MNAs) participate in assembly sessions through debates on national issues, adjournment motions, question hour and Standing Committees. The Lower House keeps check over the Executive and ensures the governmental functions under the Constitution (The Law Library of Congress, 2020). The main responsibility of every legislature is to make laws. It passes new laws, amend or repeals the old ones, when they become out-dated. A law is moved before the National Assembly, as a bill¹ or a legislative proposal. It goes through several stages of debate and deliberation in the legislature called the legislative procedure. In case it is accepted by the majority of its members then it goes to the Upper House or Senate for further discussion and deliberations. After approval from Senate, it is placed before the head of the state for his signature. Under Article 75,² the President shall assent to a bill within ten days then it becomes an act or law. It is then enforced by the executive organ of the state and interpreted by the courts (Haq, 2003). The National assembly performs the following responsibilities:

Financial function

The Part III, Chapter 2, Article 78-88, in the Constitution of 1973, deals with financial functions of the National Assembly. The Assembly controls finances of the state and it is the only House that scrutinizes public spending and exercises control over governmental expenditure through Public Accounts

¹ Bill means a motion for making a law.

² The Article 75 has been amended twice. In the 8th amendment the duration of Presidents assent was reduced from 45 to 30 days and in the 18th amendment the assent days were further reduced from 30 to ten days.

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Committee (<http://www.pac.na.gov.pk/>). It grants money to the government that cannot collect taxes without its approval. Being a representative body, it is a custodian of people's interest and public money (Narayan & Godden, 2000). It also supervises the inflow and out flow of state revenue, review and edit through discussions and finally approves the national budget. The Article 80 specifies,

“in respect of every financial year, cause to be laid before the National Assembly a statement of the estimated receipts and expenditure of the Federal Government for that year, in this Part referred to as the Annual Budget Statement (Khan, 1986).”

The Budget session of the Lower House is the most important session that normally begins in May and continues till June every year (Khan, 1986, p.342). Pakistan's fiscal year starts from July 1 and ends on June 30. The National Assembly enjoys exclusive powers to consider Money Bills. The money bills do not need the assent of the Senate.

Administrative functions

The Part III of the Constitution, Chapter 3, Article 90-100 deal with the federal government. The National Assembly is also responsible for administrative functions. The chief executive of the state is elected from this House. The Assembly provides minimum three-fourth of the Cabinet members to form the Government. The Prime Minister enjoys the support of the majority of the members in the House. The cabinet is also collectively responsible to the Assembly (*National Assembly of Pakistan, Acts of Parliament*, 2021). The Prime Minister and the federal ministers sit in the assembly, participate in discussion and debate. They answer questions put to them by the members, if the cabinet fails to satisfy the members, they can pass a vote of censure or lack of confidence and in such case the ministry has to resign.

Amendment of the constitution

The constitution of Pakistan cannot be amended until the amendment bill is not passed by the National Assembly. The Part XI deals with the amendments of constitution. The Article 239 stipulates

“A bill to amend the Constitution may originate in either House and, when the Bill has been passed by the votes of not less than two-thirds of the total membership of the House, it shall be transferred to the other House (Khan, 1986, p.197).”

Removal or impeachment of the President

The “Article 47 deals with the removal or impeachment of President.” The National Assembly has a power to impeach the head of the state. At a joint sitting by the votes of not less than two-third of the total membership of Parliament declaring that the president is not capable to hold the office due to inability, or its guilty of violating the constitution the president shall cease to hold office immediately on the passing of the Resolution (Rizvi, 2002). Bills and legislations are proposals for new laws or changes to existing laws which are presented for debate before the National Assembly.

Laws made by the NA affect everyone in the country. They must, therefore, be made only after a thorough and appropriate discussion and deliberation in the legislative assembly.

Under the 1973 Constitution the National Assembly is elected for five-year term, unless sooner dissolved. The seats in National Assembly, unlike the Senate, are allocated to each province and other units of the federation, on the basis of population.

Legislation under civilian rule

On April 14, 1972 the first session of the fifth National Assembly was held.³ It was attended by 144 members from West Pakistan and two from former East Pakistan as they had chosen to join Pakistan. The session was summoned in State Bank Building, Islamabad. (National Assembly of Pakistan, Parliamentary History, 2020). The parliamentary leader of the Assembly was Zulfikar Ali Bhutto who formed a constitution committee on April 17, 1972 to prepare the first draft of the constitution (Wasim, 2006). The draft constitution was prepared, unanimously passed and signed by the president after one year, on April 12, 1973. It was promulgated on August 14, 1973. Originally the general seats of the National Assembly were 200 with additional 10 seats reserved for women. The Assembly, after passing the Constitutional draft, passed 237 Acts of Parliament till January 10, 1977 including the finance Acts, administrative functions and six amendment bills. However, the Assembly did not complete its five years and dissolved constitutionally by the President on the advice of the Prime Minister. The second General Elections were held on March 7, 1977 (Khan, 2009) and subsequently the sixth National Assembly took office on 26 March, 1977. It

³ The first Constituent Assembly was formed on August 10 1947, the second on July 7, 1955, the third National Assembly met on June 8 1962, fourth on June 12, 1965, and the fifth on April 14, 1972.

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passed 21 Acts of Parliament together with 7th amendment till July 4, 1977 as per its mandate and responsibilities (National Assembly of Pakistan, Acts of Parliament, 2020).

After a gap of eleven years the eighth National Assembly was established under civilian rule that survived only nineteenth months from November 30, 1988 to August 6, 1990 (Crossette, 1990). It passed only eight Acts of Parliament including 11th amendment bill. For the ninth National Assembly General Elections were held in October and the Assembly took office on November 3, 1990 to July 18, 1993. It passed 60 laws having 12th amendment on July 27, 1991. The tenth National Assembly took office on October 15, 1993 and dissolved on November 3, 1996 after making 54 laws. The eleventh National Assembly was formed on February 15, 1997 and dissolved due to military took over on October 12, 1999. With 13th, 14th, 15th and 16th amendment it passed 51 laws for Pakistan.

The thirteenth National Assembly took office on March 17, 2008. The Assembly completed constitutional tenure on March 16, 2013. It made 94 Acts of Parliament including 18th, 19th and 20th amendment. The fourteenth National Assembly from June 1, 2013 to May 31, 2018 made 157 laws with 21st, 22nd, 23rd, 24th and 25th amendment during five-year tenure. The fifteenth National Assembly was formed on August 13, 2018 (Haq., 2018) and would complete constitutional tenure on August 12, 2023.

Legislation under military rule

A constitution is a sacred document to govern state affairs. In the constitutional history of Pakistan, the first two constitutions had been abrogated by the military. But the third Constitution was not abrogated by neither General Zia-ul-Haq nor General Pervez Musharraf, who ruled Pakistan twenty years. The Article 6 in Part 1, protects the Constitution from further abrogation. The Article says:

“Any person who abrogates or attempts or conspires to abrogate, subverts or attempts or conspires to subvert the Constitution by use of force or show of force or by other unconstitutional means shall be guilty of high treason (Rizvi, 2002, p.56).”

Contrary to Article 6, from 1973 to 2008 there had been two long periods of military rule in Pakistan. The first began on July 5, 1977 after a coup *d'état* that dissolved the National Assembly. The military regime held the Constitution in abeyance and enforced martial law.

However, since 1983 General Zia faced unescapable pressure to hold general elections and restore the constitution of 1973. Following the footsteps of General Ayub Khan he held a referendum on December 19, 1984 to manage five more years in presidential office (Borders, 1984). After doing so he announced general elections that held on February 25, 1985. Before the first session of the Lower House, he issued “Revival of the Constitution Order (RCO)” on 2 March (Khan, 2009, p. 269) then the seventh National Assembly was formed on March 20, 1985 under martial law. It passed 47 Acts of Parliament including 8th, 9th and 10th amendments.

In the constitutional history of Pakistan, the Eighth Amendment bill is significant that passed on November 11, 1985. The RCO was incorporated with some modifications in the Bill (Khan, 2009, p.374). The amendment changed the structure of whole Constitution more specifically it made the existence of National Assembly vulnerable. All regulations, orders, laws and notifications formed and issued during the martial law 1977 to 1985 were declared legal (Khan, 2009, pp.374-375). It amended 57, added 6 and deleted 2 articles in the original constitution of 1973 (PILDAT, May 2013). The amended Article 58 (2b) empowered the president to dissolve the National Assembly if in his opinion the government was not working in accordance with the Constitution. After deforming the Constitution, General Zia (who retained two offices the Chief of Army Staff and the President) declared an end to martial law on December 30, 1985⁴ (*The New York Times*, December 31, 1985). In such circumstances a weak legislative body emerged that survived only three years and dissolved by the president on May 29, 1988 (Mahmood, 2018)

The other military led era (after 1973 constitution) began on 12th October 1999 when General Pervez Musharraf overthrew the civilian government of Nawaz Sharif. The Constitution was again held in abeyance and the National Assembly, Senate and the provincial assemblies stood suspended. Provisional Constitutional Order (PCO) was promulgated. On April 30, 2002 a referendum was held to select Musharraf as a President, followed by general elections on October 10, 2002. The twelfth National Assembly was formed on November 16, 2002 and completed five years* (*PILDAT*, November 15, 2007). The Lower House passed 38 Acts of Parliament including the Seventeenth Amendment Act on 30th December 2003 (*Dawn*, December 30, 2003).

⁴ Martial law was lifted after eight and half years

* November 15, 2007

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The amendment altered 26 Articles and again changed the form of government from parliamentary to presidential by restoring the Article 58 (2b). The Article empowered the president but weakened the parliamentary system (Kazimi, 2009).

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In the past forty-eight years' history since 1973 the Lower House of Pakistan has been established eleven times rather than ten. In those eleven Lower Houses nine were formed in twenty-five years instead of five by the civilians and the military ruler who ruled for twenty years established only two Lower Houses.

The table below presents data of Pakistan's National Assemblies formed from 1947 to 2018.

National Assembly	Formed on	Dissolved on	Tenure expired Constitutionally	Dissolved by civilian	Dissolved by military
1 st	August 10, 1947	October 24, 1954		Malik Ghulam Muhammad	
2 nd	July 7, 1955	October 7, 1958		Iskandar Mirza	
3 rd	June 8, 1962	June 7, 1965	Three years term		
4 th	June 12, 1965	March 25, 1969			Yahya Khan
5 th	April 14, 1972	January 10, 1977	President on PM advice		
6 th	March 26, 1977	July 5, 1977			Military coup
7 th	March 20, 1985	May 29, 1988			Zia-ul-Haq Article 58(2b)
8 th	November 30, 1988	August 6, 1990		Article 58(2b)	
9 th	November 3, 1990	July 18, 1993		Article 58(2b)	
10 th	October 15, 1993	November 3, 1996		Article 58(2b)	
11 th	February 15, 1997	October 12, 1999			Pervez Musharraf Military coup
12 th	November 16, 2002	November 15, 2007	Constitutionally		
13 th	March 17, 2008	March 16, 2013	Constitutionally		
14 th	June 1, 2013	May 31, 2018	Constitutionally		
15 th	August 13, 2018	August 12, 2023			

Source: The Table is developed by the author. The data is collected from the National Assembly website, Government of Pakistan

Although military coups remain an illegal mean for overthrowing governments. The military dictators had to face legitimacy issues at national and international level as the Constitution of 1973 does not allow military rule in Pakistan.

There was a great difference in making legislation during military and civilian rule periods. If the National Assembly in civilian led era (1973-1977) passed 237 Act of Parliament in three and half year's period, the National Assembly which was established under military regime in 1985-1988 passed only 47 Act of Parliament in the same period. From 1988 to 1999 there was a decade of democracy but the four National Assemblies were dissolved undemocratically. In that ten-year period 173 Act of Parliament were passed by the four civilian governments. However, the successive military led era that remained in office for nine years and the National Assembly remained functional during 2002-2007, passed only 38 Acts of Parliament.

Law making has been a prime responsibility of a Parliament. The analysis between civilian and military led era confirms that the National Assembly passed large number of legislative bills during civilian period as compare to military one. The Assembly also passed nineteen amendment Bills during civilian rule and only three such Bills were passed in military regimes. Among those three, two (8th amendment in 1985 and the 17th amendment in 2003) derailed the parliamentary system of government and undermined the sanctity of the National Assembly. The said amendments empowered the President to dissolve the Lower House and it could only continue working until the President wished so.

In the constitution of 1973, Part 3, Chapter 1, deals with the Federation of Pakistan wherein, the role of President was ceremonial. The Article 41 says that the President of Pakistan shall be the head of the state and represents the unity of the Republic. The Article 46 defines the duties of the Prime Minister in relation to the President. The office of the President does not directly remain in touch with different ministries and offices however, the President shall be informed through a Prime Minister's briefing (Rizvi, 2002, p. 262). In the same Part, "Chapter 2, Article 50, entitled the "[Majlis-e-Shoora (Parliament)]," consisting of the President, and two houses the National Assembly and Senate."

The "Article 51 is about the National Assembly and its members," and the following Article 52, defines the duration of the National Assembly which is

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five years. The Article 58 is about the dissolution of the National Assembly its Clause (1) says that the President shall only dissolve the National Assembly if he is advised by the Prime Minister and the National Assembly shall automatically stand dissolved at the expiration of 48 hours of the advice (Rizvi, 2002, p. 229). The Article 58 and its Clause (1) was invoked only once in January 1977 when on the advice of the Prime Minister (Zulfiqar Ali Bhutto) the Assembly was dissolved by the President (Chaudhary Fazal Elahi). Although only seven months were left to the completion of the Constitutional tenure of the Assembly that was before August 14, 1977. The subsequent Assembly which was formed in March 1977 was dissolved due to the military took over.

The National Assembly was non-existent in the subsequent seven years from July 1977 to March 1985. In that period the constitution was in abeyance rather than abrogation owing to the Article 6. The Supreme Court of Pakistan legalised the military rule and banned all political activities. The western countries who did not validate military rule in the beginning two years had to ignore their policy when the Soviet forces entered in Afghanistan in the end of 1979. The US legitimized the military rule in Pakistan when the latter agreed to play a role of front-line state in Afghan-Soviet war. However, the political change in Moscow that led to change her policy in Afghanistan, there was a realization in Pakistan that military rule would not remain acceptable by the internal and external powers any longer. Pakistan had to restore the constitution of 1973 but the then President, General Zia, was not ready to abandon his powers he was enjoying since 1977. In order to make a favourable political environment for himself he first announced referendum in December 1984 and after securing office for next five years he announced General Elections under Martial law in 1985 on non-party basis. In the absence of any political party in House the President who was also a Chief of Army Staff picked up Mr. Mohammad Khan Junejo on March 20, 1985 as a Prime Minister. Although General Zia wished to permanently develop the role of military in politics and wanted to create National Security Council but he dropped the idea and bargained with the members of the National Assembly over passing eighth amendment bill. When the amendment bill was passed, he lifted martial law on 30 December 1985 (Jalal, 2014). In the eighth amendment Bill Article 58 (2b) was also amended. This amendment made the president from ceremonial to the actual head of the state, decreased authority of the Prime Minister and sanctity of the Lower House. The 58 (2b) empowered the president to dissolve the National Assembly. General Zia became a lifetime president and his name was inserted into the constitution. He further extended his hold by becoming the supreme commander of the armed forces and making senior appointments without consultation to the

prime minister. This amendment provided constitutional cover to military intervention in politics (Jalal, 2014, p. 252). The most important feature of 8th amendment was Article 270-A which made all orders, ordinances and martial law regulations and the presidential referendum of 19th December 1984 valid. The parliament passed all Ordinances released during martial law in a swift manner (Aziz, 2015). The parliament renamed as Majlis-e- Shoora (Advisory Council), rather than a law-making body, which had to obey and serve the ruler or *Amir*. The 1985 Assembly was dissolved by General Zia who dismissed Prime Minister Junejo on 29 May 1987 (Hussain, 1990) apparently on nominal charges. While the Assembly passed 47 legislative bills.

This was the first misuse of power by the president by invoking the Article 58 (2b). Being the chief executive of Pakistan M. Khan Junejo wanted to take decisions independently but the president who accumulated all powers in his hand did not allow him to act against his will. This was an encroachment in the parliamentary system where an elected prime minister and assembly were dismissed by the president. The dismissal became precedent for the future presidents. From 1985 to 1997 four governments became the victim of presidential power. Although, excluding one the other three presidents were civilians.

On 6th August 1990 the first government of Benazir Bhutto was removed by president Ghulam Ishaq Khan on the charges of corruption, nepotism and other acts “in contravention of the law (Crossette, 1990).” He also removed first Government of Prime Minister Nawaz Sharif on 18 April 1993 (Blood , 1995) on the allegations of corruption and mismanagement of economic resources Later on in 1993 Benazir Bhutto was again elected as a Prime Minister. Apparently, she safeguarded her government by electing the President of her own party; a relief to the ruling party as well as to the country. But it did not work out and the President Farroq Ahmed Legahri removed the government of Benazir Bhutto on 5 November 1996 (Parveen, 2000). In all four cases of removal of Prime Ministers, the elected National Assemblies were dissolved. The democracy could be saved by the parliamentarians by developing consensus against the 8th amendment bill immediately when the civilian rule was restored in 1988 (Sayied, 1993). However, in 1997 the PML-N won two third majority in the House and passed the 13th amendment bill that repealed the Article 58 2(b) (Newslines, 1997). After restoring the Article, the civilian government felt itself stronger than the previous four assemblies but unfortunately it was toppled rather than dissolved, by the military.

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On October 12, 1999 again, Pakistan was reverted to military rule. The then Prime Minister was arrested and the National Assembly was dissolved. The COAS General Musharraf again put the Constitution in abeyance like General Zia but did not enforce martial law. History was repeated and the Presidential referendum was held in 2002. After confirming five years in President office general elections were announced. The twelfth National Assembly was formed on 16th November 2002 and fortunately it completed five years' tenure on November 15, 2007. It passed 38 Acts of Parliament including only one Constitutional Amendment Bill that was 17th amendment. The amendment restored the Article 58 (2b) that again brought the National assembly at the mercy of the President. who was also the Chief of Army Staff. Unlike General Zia, General Musharraf did not use the said article. At the completion of five years' tenure of the National Assembly, General Musharraf had to announce next General Elections. A National Reconciliation Order was signed and the political leadership returned to Pakistan. With the participation of main political parties of Pakistan, General Elections were held on February 18, 2008 and the thirteenth National Assembly members took oath on 17th March. The Pakistan People's Party with its coalition partners was able to form government in the centre. As per Constitution the president had to address the joint session of the parliament within 90 days of the newly elected assembly. But the civilian government was determined to initiate the process of impeachment of the president. The General had to resign on August 18, 2008 and Pakistan was reverted towards civilian rule.

With mutual understanding among coalition partners, on April 8, 2010 the 18th amendment bill was passed that removed the seventeenth amendment from the constitution (Jetly, ISAS Brief, 2010). This amendment restored the actual constitution of 1973. The thirteenth National Assembly completed five years' tenure which had no precedent in Pakistan's political history. In the next general elections held in 2013 people cast vote in favour of PML-N that won two third seats of the lower house and formed the fourteenth NA. Except of normal functions, it passed five Constitutional Amendment Bills till May 31, 2018. The fifteenth NA was formed in August 13, 2018. In those elections people rejected the previous two political parties and cast vote in favour of Pakistan Tehreek-e-Insaf but it could not win two third seats in the NA. The PTI formed a coalition government that is a deterrent in enacting of what they promised in electoral campaign. It has to seek approval of their junior partners before making any legislation in the assembly.

Institutional strength stabilize democracy

Democracy rests on a delicate balance between two principles termed the rule of numbers and the rule of law. Institutions are considered pillars of a

state, and their strength progress democracy in a country. Michael Mann and Jack Synder, among other scholars, have highlighted international structural factors such as the spread of democracy in nation-building policies (Mylonas, 2012). In a democratic state, every institution functions within constitutional limits and maintains the supremacy of the Constitution before individual and institutional interests. The institutions of Pakistan remained unable to establish a balance among each other due to which democracy suffered, and it became a major cause of short periods of democracy and long periods of dictatorship in Pakistan.

Democracy does not function without separation of power, and all institutions of the state have to respect this principle. In Pakistan, the Constitution of 1956 and 1973 introduced a parliamentary form of government, but the basic principles of this system were ignored. Theoretically, parliament became a supreme body of the state because it represents the people of Pakistan; practically, it remained difficult to maintain a balance between two top offices, the President and the Prime Minister. It was easy for the Constitution makers to adopt the British system of governance, but they could not follow it with the British spirit. The skeptical civil-military relationship has also been another threat to the democracy in Pakistan.

The first-ever general elections were held after twenty-three years of the creation of Pakistan on December 7, 1970. The unnecessary delay left a serious impact on the growth of state institutions and democracy. The 1970 elections were held free and fair, but again there was a delay in convening the first session of the National Assembly and transferring power to the elected people who had won the majority. The lack of political training paved the way for the separation of East Pakistan. In such critical circumstances, the third Constitution was promulgated in 1973. The Constitution established and strengthened institutions in Pakistan, but the democratic process did not last long due to military intervention in politics.

Contrary to the military-led era, the civilian rulers did not sincerely try to omit the Eighth amendment from the Constitution through mutual understanding and eventually became the victim of it. President Zia, Ghulam Ishaq, and Leghari all misused power to protect personal interest rather than national. Since 2008 civilian rule began in Pakistan-----determined to restore the parliamentary system and strengthen democracy. The prestige of the institutions has been improving in Pakistan. At the time of the third transfer of power, it is pertinent to assess what National Assembly and

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democracy have delivered to the common people. To what extent it honored the pledge, and how can it become responsive to peoples' needs and concerns? The continuation of the democratic process and debate over national issues increasing people's interest in democracy, and if elected representatives resolve the issues of common people, then they can earn the trust of people too.

Issues and Challenges

The National Assembly remained unable to gain credibility in Pakistan's society as the state survived without this legislative body in 1977-1985 and 1999 to 2002.

The role of the National assembly had been minimized during the military-led eras, and the 8th and 17th amendments further drew down its significance. Article 58 (2b) posed a significant threat to the existence of this House. Contrary to the said amendments, the 18th and 20th amendments restored the integrity of this House. The power game between military and civilian rulers led to the unparalleled height of corruption and moral decline of politicians who ignored public issues and delayed the legislative process.

The culture among the institutions of Pakistan has been developed to not work under the constitution and exercise power beyond their limits. Institutional interference leads to political instability and economic decline.

To impose the charges of electoral rigging on the elected political party has been an old issue of the Lower House. In order to overcome this dispute, the 20th constitutional amendment bill was passed in February 2012 (Dawn, 2012). that provides an independent Election Commission and a neutral caretaker set up at a federal and provincial level. The caretaker government is responsible for holding general elections within ninety days. The caretaker prime minister, chief ministers, and chief election commission have to be appointed through mutual understanding and consensus with the opposition. After the said amendment, elections have been held twice in Pakistan in 2013 and 2018, but opposition leaders did not accept the following election results in good faith. The attitude of the opposition halted the due and standard procedure of the National Assembly.

Another issue is the legislative delay. The National Assembly cannot make meaningful legislation until the ruling party has not won majority seats in the House. Only four National Assemblies under the constitution of 1973 could win the majority in the past 48 years, i.e., 1973, 1977, 1997, and 2013. The PML-N government 2013-18 had a two-thirds majority in the National

Assembly, but the FATA reforms Bill was not passed on time due to the opposition of its junior partners. On May 24, 2018, seven days before the end of constitutional tenure to the National Assembly (Haq, 2018), it passed the bill approved by the cabinet on March 1, 2017 (*Dawn*, 2017).

On May 31, that was the last day of the Assembly, the president signed the bill [i], and the government put all burden of implementation on the succeeding government.

The ruling parties do not give precedence to significant legislation of national interest due to the opposition of coalition partners. The issues of coalition partners take preference over national interests.

Recommendations

In a parliamentary body, the National Assembly is the most central house. It represents the people of Pakistan. The Constitution defines the electoral process through which it comes into existence, and it further explains the ways of its dissolution. It is recommended that the sanctity of the state and its institutions should be established. Constitutional ways should be adopted for the dissolution of the Lower House i.e., Article 48 or 58, as Constitution is a supreme law of the land and parliament is a mother of all institutions.

Institutional balance must be ensured, and non-interference in other institutions or organs must be promoted as per Articles 29 and 30.

There should be a condition of fourteen years' education or bachelor's degree to contest the general election. It would also improve the higher education rate in Pakistan. The condition was introduced in 2002 and scrapped in 2008. The political leaders of Pakistan have to develop consensus to revive this condition to enhance the credibility and productivity of the Lower House. The legislative body needs educated, not wealthy members. The Higher Education Commission should verify the degrees of the members.

It is further recommended to amend Article: 52 of the Constitution, which deals with the duration of the National Assembly. The Article sets five years' term for the house. The political history of Pakistan is witnessed that our politicians are not so patient to wait for five years for the next poll. Through the amendment, the duration should be amended from five to four years. There ought to be a debate over this point at the national level, and all stakeholders must be involved to serve the national interest.

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Last but not least, in the curriculum of higher classes, from class sixth to twelfth, chapters must be included regarding the rights and responsibilities of the citizens of Pakistan and the role of institutions in a democratic state. When the young generation would reach the age of vote casting, that is, eighteen years, they would understand the significance of the vote, transfer of power to the elected people, acceptance of electoral results, functions of the state institution, and the importance of democracy. Such awareness would empower them to take action against any harm to the state and its institutions. The example of Turkey is relevant over here. When there was a coup d'état attempt on July 15, 2016, against the state and its institutions. Turkish people stood up for the protection of democracy.

Conclusion

The Lower House of Pakistan is a national representative body and a fundamental component of parliament. The people elect their representatives for this institution with the expectation that members would debate over national issues and laws would be made for their solution. When the MNAs do not fulfil this responsibility and waste time in useless debates, level charges against each other, and do not cooperate to make laws for social and economic development, people do not feel any importance of its existence. Whenever the military or civilian presidents dissolved the National Assembly, the social reaction was nominal. The irrelevance of people was a sign of a lack of trust in this institution. In 2008 there was again a transition of power from military to civilians. After the 11th General Elections in Pakistan on July 25, 2018, the fifteenth National Assembly took office. Since 2008, it is the third consecutive transfer of power to the civilian government. In the last three general elections, people sent three different political parties to the Lower House, and there is no fourth political party for the 2023 General Elections. In the General Elections held in 2018, the voter's turnout was the highest at 51.6%. The social enthusiasm during elections endorsed people's credence in democracy, and they expect that the people they elect for law-making would perform their duties with honesty and devotion. The ruling party's main agenda is eradicating corruption and extremism from Pakistan and pursuing a stable economy. The party is also following a policy of institutional balance and a healthy relationship with the military. The credibility of the National Assembly would enhance if the democratic process continues without any interruption and all institutions of Pakistan function in their domain and maintain harmony and coherence among each other.

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