

PAKISTAN'S PARLIAMENT AND ITS ROLE IN THE PROCESS OF DEMOCRATIZATION (2008-2013)

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Abstract

Democratization is the only system, which is not only accepted but also practicable in the modern contemporary world. The fruit of democratization can be grown with the systematic and powerful mechanism of a parliament, and parliament is the basis and supreme law-making institution of any country which is running successfully in different countries. Actually, Parliament is such a mechanism which is a basic tool for the growth and development of democratization. Free and fair elections, political freedom, and votes of citizens are the universal and basic points in the process of democratization. Democracy plays its role for the welfare of society to put into practice. Democracy has the skill to secure the needs of people in the legislative process. Pakistan espoused the system of democracy in the country. Pakistani public and its politicians have an important role in the process of democratization. Constitutional history of Pakistan observed the many militaries and the civilian dictators that shaped many barriers in the evolution of the state's democratic parliamentary culture. People of Pakistan always had given the red carpet welcome to the government of the military, and military always interrupts the civilian government. This article will discuss the role of democracy

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and analyzes the problems of democratization in Pakistan. This paper will throw light upon restoring parliamentary democratic procedure after General elections of 2008, and will also give some key suggestions to strengthen the parliamentary democracy in Pakistan.

Key words: *Democratization, Elections, Parliament, Rule of Law, Free and Fair Elections, Voters*

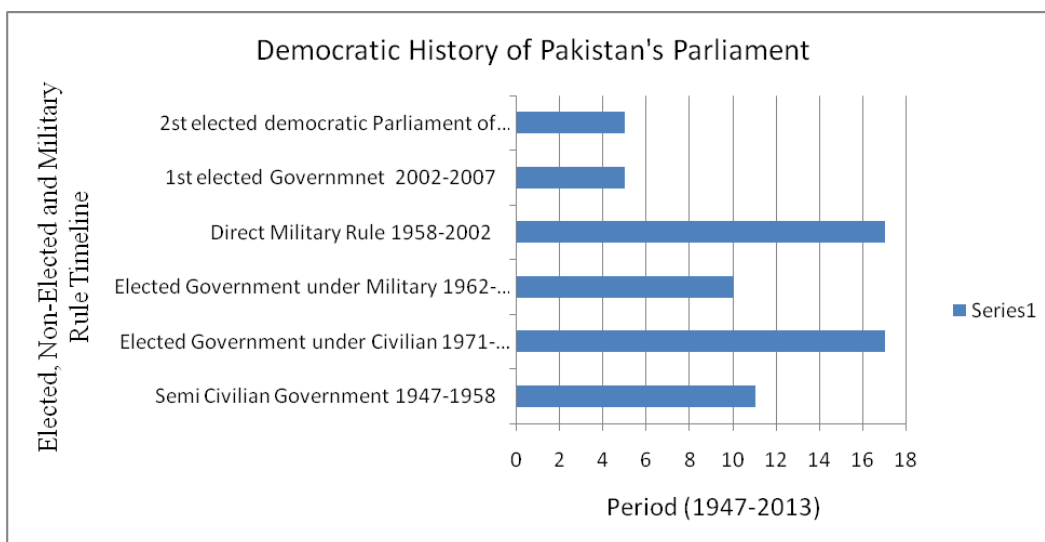
1. Introduction

Pakistan's parliamentary system is bicameral and consisted of two Houses, National Assembly and Senate. Parliament is undoubtedly the exclusive and unique people representative institution in Pakistan and makes law for the country. However, Parliamentary democracy is the representative democracy in which people of any state casting the vote to the professional politicians and elected them as the member of the Parliament rather than direct ruling. The president, indirectly elected by an electoral college, is the head of state and the Prime Minister as the head of the government. Nowadays, parliamentary democracy is the mainly common form of democracy among nations.

Democratization entails the capacity to resist and renegotiate relations of power and privilege. Dahl outlined the scheme of democratization, he says "since (in my view) no large system in the real-world is fully democratized, I prefer to call real world systems (high on the scales of liberalization and inclusiveness polyarchies" some year later he noted that "so far no country has transcended polyarchy to a higher stage of democracy" (Oldenburg, 2011). In Actual here's the Democratization and Democracy refer to the right of free speech of citizens in elections through voting. However, most of the important feature of the democratic process is elections so, in the wider social sphere, elections are also the political manifestation of democratization.

Democracy has always remained intensely flawed in Pakistan due to lack of Constitutional frame working and electoral mandate, and continuous experiences of military and bureaucratic rule till 1958. Then democracy faced the misuses of executive powers from 1972-77 and from 1988-99 faced the authority of the military behind the scene. So, it was appreciable that after a long period of

dictatorship, in 2008 a civil government comes and completed his five-year tenure successfully. There was a chance for democracy to flourish after the free and fair election of 1970 in Pakistan, but by dint of civil war, the emergence of Bangladesh and violent crushing of the electoral verdict we lost this chance. During elections of 1977, it was imagined that now democratic rule goes to become stronger. But unfortunately rigged elections again open the door ultimate authority of the military. "The decade after 1977 have seen the entrenching of the Pakistan military not only in government, as it played king-maker when not directly in power, in the dozen years, when there were elected governments, but also in the country and society. Pakistan on the other hand has been more volatile with regime charges in 1988 and 1999 and again in 2008"(Baqal, 2010). The following graph shows the total timeline history of semi-civilian, military and elected civilian rule from 1947 to 2013.



The civil society has not any spark activism ignited continued political action, nor any party has the ability to face the challenge of military leadership and develop deep political roots. However, to strengthen parliamentary democracy is the tremendous challenge of the modern world and it is not an easy task to run the affairs of the state in any country. So, it was appreciable that after a long period of dictatorship, in 2008 a civil government comes and completed his five-year tenure successfully.

2. Democratic History of Pakistan's Parliament

Mr. Jinnah did not believe in having anything rather than a democratic parliamentary system in Pakistan. A.G Noorani writes that "his vision of Pakistan was of a democratic secular state based on the rule of law" (Oldenburg, 2011). As Ardeshir Cowasjee writes in semi-serious vein "He professed to be a democrat, but in reality, was a benign dictator who harmed no one. He merely put his foot down when necessary and that was most of the time" (Oldenburg, 2011). Quaid quoted in London, December 14, 1946, that "democracy, equality, and liberty are a Muslim believes. Democracy is in the blood of Musalmans, who believe in fraternity, equality, and liberty" (Zaka M. R., 2018).

The political system of any state is based on their political culture and no any political system can be run without nations. Pakistan came into being as a democratic state and early rulers of Pakistan did not pay much attention to the democratization of the political system because of their major concern was how to ensure the survival of the state because of internal and external challenges. Pakistan is facing huge gaps of the national, public, financial and linguistic situation within and across the states. Many communities and tribes were combating for their issues of identity (Qazi, January 2013). Pakistan is one of those few states among the developing world and Muslim countries, where vitality and vigorously have shown by the people to adopt the parliamentary democratic system and demonstrated condemnation of military dictatorships through mass movements.

Pakistan implements the British Constitution Government of India Act 1935 with some necessary changes and amendments as an Interim Constitution of Pakistan and the first Constituent Assembly (15, August 1947) was assigned the basic task that was framing the Constitution of Pakistan. In 12th March 1949, the Assembly also passed the Objective Resolution which became the substantive part and foundation stone for future Constitution of the Pakistan (Shafqat, 1998). But before accomplished his task the Assembly has been dissolved by Ch. Ghulam Muhammad in October 1954 and convened the 2nd Constituent Assembly in May 1955. The Assembly framed and passed the first Constitution of Pakistan on 29th February and then promulgated in 23rd March 1956. However, after the struggle of almost eight years, the Constitution of 1956 provided the Parliamentary form of government in the country with the bicameral legislature.

Sikandar Mirza dismissed the first Constitution of 1956 on 7th October 1958 and declared Martial Law with the dissolution of both the National and Provincial Assemblies, and appointed Ayubas CMLA (Chief Martial Law Administrator). Although, after the six-year creation of Pakistan, first martial law was imposed in the most famous city of Pakistan Lahore in 1953 when the Anti-Ahmediya insurgency took place. So, in February 1960 a military commission appointed for presenting the 2nd Constitution of Pakistan. Constitution of 1962 provided the unicameral legislature with the Presidential form of government (Chaudhary, 1958). Under the constitution, on 28th March 1962 general elections were held in Pakistan. Then, this Constitution was abrogated on 25th March 1969, and after the General Elections in 1970, newly established civil government of Pakistan gave the Interim-Constitution to the country in 1972 and after that framed the Constitution of 1973 that was passed on 12th April 1973 and legally enforced on 14th August 1973 in the country (Hashmi, 2018). The prolonged and frequent military intervention wiped out the process of democratization and its norms in Pakistan and smashed the institutional development. The Military rule which is much attractive for the people of Pakistan and always remains prominent and is considered the cure of the problems that are facing in Pakistan. The fact is that the military considered the efficient, honest and the patriotic as compare to the civil government or the administration. Constitutional history of Pakistan observed the many militaries and the civilian dictators that shaped many barriers in the evolution of the state's democratic parliamentary culture. Due to increasing political ambitions of military generals and the unbalanced institutional development, Pakistan collapsed the parliamentary democracy four times (Baqal, 2010). However, in Pakistan, four military takeovers are 1958, 1969, 1977, and 1999. People of Pakistan always had given the red carpet welcome to the government of military. Military interrupt the civilian government and shifted the political system from the federal parliamentary government to the centralized presidential model. The following table shows the complete timeline political history of Pakistan.

Sr	Nature of Leadership	Period	Total Duration
1	Non-Elected/Semi Civilian Government of Pakistan	1957-1951 Laiquat Ali Khan 1951-1953 M. Ali Bogra 1953-1955 Ch. M. Ali 1956-1957 Hussain Sahrwardi 1957-1958 Feroz Khan Noon	11 Years
2	Elected Government under Civilian Presidency in Pakistan	1971-1973 Mr.Zulfiqar Ali Bhuto 1973-1977 Zulfiqar Ali Bhutto 1988-1990 Banzir Bhutto 1990-1993 Mr. Nawaz Sharif 1993-1996 Banzir Bhutto 1997-1999 Mr. Nawaz Sharif	17 Years
3	Elected Government under Military Presidency in Pakistan	1962-1969 General Ayub Khan 1985-1988 General Zai-ul-Haq	10 Years
4	Direct Military Rule in Pakistan	1958-1962 General Ayub Khan 1969-1971 General Yahya Khan 1977-1985 General Zai-ul-Haq 1999-2002 General Musharraf	17 Years
5	Elected democratic Parliament of Pakistan 2008-13	2008-2013 Mr. Asif Ali Zardari	5 year

(Kokhar, 2017)

The process of democratization started according to contemporary democratic norms in Pakistan (Haq, 2009). But unfortunately, majoritarian democracy in Pakistan has itself less competent to knob dilemma of multicultural diverse societies. Though, the institutions of the diplomat democratic system designed for homogenous societies (Waqas, January 2017). After the Seventy-one years of

Pakistan's independence, hopes for the struggle of democracy yet not ended and the country brings its affairs in a state of confusion. Pakistan had faced many difficult challenges in constitutional and institutional development for the democratic process and do struggle hard to establish the true democratic system, which could assurance its stability, survival, and development. But unluckily roots of the plant of democracy has not taken deepness to make the Pakistan a durable democratic country and political system for ascendancy in Pakistan may remain sometimes fails to give successful results. Governments were remained to fail to complete his full term. Political parties were not mature and media had no effective role in the society to develop awareness about the rule of law. The rule of law bound different segments to co-ordinate for the democratic government. Many countries that inherited by the British political system can't maintain the democracy because those politicians who are self-serving for their survival in politics, is more significant than anything else. So, without representative parliament, it was a hard task to develop the democratic institutions.

3. Sovereign Parliamentary Democracy and Curbs on it

“Whereas sovereignty over the entire universe belongs to Almighty Allah alone, and the authority to be exercised by the people of Pakistan within the limits prescribed by Him is a sacred trust; and whereas it is the will of the people of Pakistan to establish an order; wherein the state shall exercise its powers and authority through the chosen representatives of the people”, (Khalid, 2018) in which the principles and beliefs of democracy, social justice, equality, freedom, and tolerance are fully observed as pronounce by Islam (Saeed, 1959).

First democratic elections held in 2008 and first time Pakistan had become one of the newest sovereign democracy in its political history, and successfully completed five years of the term, but like other previous years newly elected Parliament had also faced some obstacles and curbs emerged against sovereign parliamentary democracy. Some key challenges are summarized briefly:

i. Weak Political Leadership

Pakistan is such a country where development of institutions always remains self-enriching and weak. Political leaders erode the institutions of Pakistan by reckless policies. So it became very important not only to scrutinize the policies and

actions of the political leadership but also about the consequences and sensitize them. “In this context, it would be argued that the greatest stumbling block in democratic development has been the contradictory behavior and attitude of Pakistani political leaders and elites” (Ahmed, 2014). So, despite restoration of democracy and do struggle to make it strong our political leadership remained to fail to create a pro-democracy environment, to develop a policy framework, and to create a pro-democracy environment. Although, in policy framework development, conflicts may be resolved by building consensus, negotiations and making bargains.

ii. Absence of Elite-Consensus

Absence of elite-consensus is another reason for weak democracy. Although, elites and political leaders those who should work and struggle to strengthen democracy they adopted the democratic sentiments just for getting power. They adopted and pursued those policies which make stronger the authoritarian attitudes rather than to defy tolerance of opposition party, flout rule of law and promote democratic norms. Consequently, for the sustainability of democracy, these tendencies flourished the skepticism. “The disappointment is not with democracy as a form of government but with the conduct and behavior of parliamentarians and political parties who are expected to make democracy work” (Sial, 2011).

iii. Conflicts between Army and Judiciary

Regardless of this fact that in 2008, after power transition all democratic forces wanted to make supreme to the Parliament according to the constitution. But there was the higher level of conflicts between the civil judiciary and civil military relations during 2008-2013. “Along with the interference of the military and security establishments there was a continuous interruption in the smooth functioning of the state by a super active judiciary which increasingly meddled in the affairs of the state which do not fall within its jurisdiction” (Kokhar, 2017) “Since 2008 the PPP-led Federal Government, the military and security establishment and the judiciary have had a troubled connection accentuated by moments of profound crisis which caused an institutional imbalance in a Parliamentary democracy” (Shafqat, 1998). However, this period is discernible for the extreme level of confrontation among the relationship of civil-judiciary

and civil military because judiciary always performed a hyperactive role through taking notices of 'suo motu' over a lot of issues like corruption charges, civil appointments, economic matters, and human rights abuses. This condition produced anxiety among the courts and other state branches and blurred the role of sovereignty which was attributed to state institutions. Consequently, the judiciary had intervened in the jurisdiction of the Parliament administrative institutions and agencies. Furthermore, "even the government appointments to the regulatory bodies were questioned by the court" (Hashmi, 2018). The following table highlights some key conflicts between the relationship between army and judiciary.

Sr#	Conflicts	Civilian Regime decisions to get Supremacy of Parliament
1	It required military dominance shall be controlled. Bill was appreciated by the civil society in general and by the opposition politicians	Kerry Lugar Bill
2	Parliament and government did not accept the bill.	Kerry Lugar Bill, aimed to diminish the influence of the military
3	National Security Council continues to remain as statue on the Constitution of Pakistan.	the replacement of National Security Council with that of Defense Committee of the Cabinet (DCC) in 2009
4	renunciation of the decision was within 24 hours	Notification to control Inter-Services Intelligence agency (ISI) and the Intelligence Bureau (IB) in the year 2008
5	Government's decision was not fully maintained as the National Security Council continues to remain as statue on the Constitution of Pakistan.	Abandonment of National Security Council

6	Decision generated tension between the government and the security establishment	Case to Place Security Establishments under Interior Divisions' Control
7	A commission stated it as a joint failure of the state organs. It was the incompetence of armed forces and intelligence agencies.	Abtoabad Incident
8	Terrorism, extremism and radicalization in Pakistan bridged the differences between Judiciary and army.	Extension in the Service of COAS
9	A petition was filed in the Supreme Court by the opposition party for the investigation of the matter and it resulted in the removal of the Defense Secretary Naeem Khalid Lodhi.	Memo gate Scandal

(Compiled by Author)

iv. Civil Military Confrontation

After the end of the Musharraf regime in Pakistan, no one holds the high esteem in the army. General Ashfaq Kayani the new army chief made a statement and said that there will be no interference in the matters of politics from the army. Thus, President Asif Ali Zardari successfully took over the rule and political scenario was ripe for a civilian government to rule. Under the National Reconciliation Order 2007, President was given amnesty. Actually, National Reconciliation Order was signed as a deal among Benazir Bhutto and former General Pervez Musharraf. "Quite lamentably, the civilian government was unable to work independently due to undue interferences from the military" (Hashmi, 2018). Repeated confrontations among the civilian government and army undermined the supremacy of civilian which exemplify the presence of institutional inequity in Pakistan's Parliamentary democracy.

The following table shows civil-military confrontation during 2008-13.

Sr#	Role of Army and Judiciary	Decisions by Civilians
1	Provisional Constitutional Ordinance was declared unconstitutional in the Sindh High Court Bar Association in 2009	Provisional Constitutional Ordinance, 2007
2	Supreme Court declared it as illegal in 2009	National Reconciliation Ordinance 2007
3	The Supreme Court declared it as illegal in 2009. This decision created confusion regarding the real controlling power of government in the state	Dissolution of National Reconciliation Ordinance 2007
4	Proclamation of emergency and the "Provisional Constitutional Ordinance, 2007 by General Musharraf was declared unconstitutional in the Sindh High Court Bar Association in 2009-/- Extended role of Supreme Judicial Council	PCO Judges Case (2009)
5	Supreme Court did not review it under Article 184(3) to nullify the sections	The Actions (in Aid of Civil power) Regulations (AACPR) 2011
6	The Supreme Court quickly struck it down.	Contempt of Court Act, 2012
7	The prime minister was found guilty of contempt in 2012	Memo gate Case
8	the Supreme Court declared that '...as far as Provincial Government of Baluchistan is concerned it had lost its constitutional authority to	Baluchistan Law and Order Situation Case 2012

	govern the Province	
9	The court banned transfers in Anti-Narcotics Force	Ephedrine Case 2012

4. General Elections 2008 and Process of Democratization

Elections are prerequisites for the process of democratization. Elections are an important part for a healthy process of democratization but always remained yet controversial in Pakistan. In elections of 2008, Pakistan got a civilian democratic government. However, in Pakistan, all general elections don't have considered to strengthen the democracy, because some have under the military presidency and hampered its growth. But, now previous three general elections of 2002, 2008 and 2013 can be considered marked elements to strengthening the parliamentary democracy in Pakistan. In actual elections 2008, strengthen the parliamentary democracy by killing the autocratic military rule. Further, added the true spirit of parliamentary democracy in Pakistan's political parties, and in the traditional mainstream allowing the healthy campaigns of elections (Kronstadt, 2008).

After founding a nation, Pakistan had started its struggle for democracy. Even Democracy had great overwhelming support by enormous Pakistani majority but the goal to become democratic remained elusive. As many analysts predicted that the newly elected government will not be complete his five years of the term, so the incumbent government of Pakistan's PPP persists to move from one crisis to the next. After gain power, the government of PPP established well-cherished norms of democracy in the country. However, in spite of some controversies in Pakistan, the general elections of 2008 try harder to strengthen the Parliamentary democracy in Pakistan through providing a good political environment to people and introducing better norms of the electoral procedure. Consequently, "these elections brought the practice of peaceful transition of power from one government to another in a constitutional way thus discarding all the unconstitutional practices of the past years" (Fruman, 2011).

5. Restoring Parliamentary Democracy during 2008-2013

The basics of democracy constructed upon the rule of law through civil society. In Pakistan process of democracy is at crossroad. But in future it demands to expand the positive vision and building consensus, which are briefly summarized below:

Sr#	Building Consensus for the Process of Democratization in Pakistan
1	Continuity of free and fair elections
2	An agenda for bipartisan consensus on social and economic policies
3	Rights of the political opposition to operate without restrictions by curtailing the arbitrary powers of the state especially through extra-judicial killings, torture under detention, etc
4	Independent judiciary to check powers of the state
5	Security of life of citizens and promote such conditions that improve the quality of individual
6	Protection of civil liberties and minorities

(Fruman, 2011)

During the military regime of Musharraf, two most famous political parties of PPP and PML-N had jointly struggled to reinstate and restore the democracy in the country against the Musharraf government. A movement starts in March-July 2007 against the Musharraf government to restore the Chief Justice of Pakistan and other judges. They jointly opposed the Musharraf with collaboration on his removal from the presidency and state of emergency. However, after elections 2008, Pakistan took a successful step towards the democracy and newly elected assembly 2009-13 took initiative to strengthen the democracy and completed its five-year tenure successfully and performed better as compared to the previous assembly of Pakistan (2002-2007). During 2008-13 Parliament of Pakistan attain major achievements such as Domestic Violence Act, Transplantation of Human Organs and Tissues Act, Anti-Money Laundering Act, protection against Women Harassment Act, right to Free and Compulsory Education Act, Anti-Terrorism Act and 18th, and approved 19th and 20th Constitutional Amendments. Through the Eighteenth amendment, it promoted the provincial autonomy, and the new criteria for the selection of Judges (Ekins, 2014). Parliament work with full

cooperation to carry out the basic work of legislation during 2008-13, and passed some key laws which are the following:

Important Legislations Timeline during the Parliamentary year of 2008-2013

Sr#	Bills	Date of Passage
1	The Domestic Violence (Prevention and Protection) Act	4 th August 2009
2	Transplantation of Human Organs and Tissues Act	12 th November 2009
3	Anti-Moneys Laundering Bill	27 th January 2010
4	Protection against Harassment of Women	21 st January 2010
5	The 18 th Amendment	8 th April 2010
6	Nineteenth Constitutional Amendment Act	22 nd December 2010
7	The Competition Act	23 rd September 2010
8	The Election Laws (Amendment Bill) Act	18 th April 2011
9	20 th Constitutional Amendment Act	14 th February 2012
10	National Commission on the Status of Women Bill	19 th January 2012
11	The Industrial Relations Act	14 th March 2012
12	Right to free and compulsory education Act	13 th November 2012
13	National Commission for Human Rights Act	4 th May 2012
14	The Election Laws (Amendment Bill) Act	12 th March 2013
15	The Anti-Terrorisms (Amendment Bill) Act	20 th February 2013

(Compiled by Author)

During 2008-13 Assembly introduced and passed many Government and Private Member bills that was the 78% improvement from the previous Assembly of Pakistan. During the year of (2008-13) women, participation remains much active and appreciating in Assembly. It is also an appreciating that first time in the parliamentary history a woman (Dr. Fahmida Mirza) elected as the speaker of Assembly. Five years performance of Parliament 2008-13 are the following:

Sr#	Five years Performance of Parliament 2008-13	Total Five Years Indicator
1	Total Sessions	63
2	Total Sittings	521
3	Budget Debates	82
4	Passed Resolutions	85
5	Question Hour	16,178
6	Calling Attention Notices	573
7	Adjournment Motions received	1880
8	Privilege Motions received	299
9	Government Bills	116
10	Private Member Bills	189
11	Passed Bills	205

The following graph shows the Five years performance of Parliament 2008-13 to restoring or strengthening parliamentary democracy through Assembly proceedings.



6. Landmark Constitutional Amendments

From the last 37 year of the constitutional history, just the first decade of the 21st century was bringing hope for Pakistan, which was the adoption of landmark constitutional amendments in the constitution. There are briefly summarized below:

i. Eighteenth Amendment

Eighteenth amendment is the greatest accomplishment of the thirteenth National Assembly of Pakistan. The Supremacy of parliament was restored and provincial autonomy was also provided by this amendment as imagined in the 1973 constitution. This amendment also put some restrictions on the personal discretions of the executive. This amendment bill was passed in the national assembly on 8th April 2010, and 292 votes were in favor and none were against. Senate passed 18th Amendment bill on 15th April 2010, and 90 votes were in the favor and none against. The eighteenth constitutional amendment has consisted on the 100 provisions and the 97 articles of the constitution of Pakistan. In the education sector, 18th amendment has introduced the many provisions, such as five to 16 year of age, the state will provide the compulsory and free education to the children and considered the best chance for enhancing the possibilities socioeconomic development. Under the 18th amendment, Higher Education Commission (HEC) established in each province and the standard of education, curriculum, policy, planning and the centers of excellence given under the control of provinces. It is the large step ahead for education.

The eighteenth amendment has also reinstated the parliamentary and federal spirit. Many undemocratic constitutional changes have been removed including the 17th amendment, which was inserted during the authoritarian regimes of both Zia-Ul-Haq and Pervez Musharaf. Under the 18th amendment, another important provision was to renaming the province NWFP, in the detection of ethnic identity and the new name is Khyber Pakhtoonkhawa. Under the 18th Amendment, in the constitution, many fundamental rights have been increased. 18th Amendment, have been introduced the ‘intra political party elections’ that only favors the senior leadership of the political parties and appears to be a negative change. In the 18th amendment, the parliament role has also been enhanced. “This amendment has transferred key presidential powers to the parliament and

established its supremacy. The president's discretionary powers to dissolve the national assembly or to refer a question to a referendum have been removed" (Maqsudal Hasan, 2009).

The eighteenth amendment eliminates the concurrent list and also gives more autonomy to the provinces. In the Concurrent list, both the parliament and the provincial assemblies can make legislation. Each assembly of provinces will be accountable for drafting its laws on the issues of bankruptcy, contracts, environmental pollution, laws governing marriages, educational curriculum, firearms possession, and 40 other diverse areas, except the criminal law, evidence and the criminal procedure on that both parliament and provincial assembly can legislate. This amendment enlarges the scope of CCI (Council of Common Interest) and it became the powerful constitutional body.

ii. Ninetieth Constitutional Amendment

Senator Raza Rabbani presented a report as the chairman of parliamentary committee constitutional reforms with the draft of the 19th amendment bill on 21st December 2010. The national assembly passed the Ninetieth constitutional amendment was on 22nd December 2010 and in the Senate on 30th December 2010 then 1st January 2011, president of Pakistan assents the 19th constitutional amendment. In the 19th constitutional amendment, Tribal areas including the Tank districts and Laki Marwat have affirmed the part of FATA, in the Judicial Commission number of judges was increased two to four and this nomination will be confirming or rejected by the parliamentary committee. But the parliamentary committee will provide the reason of rejection to these nominees. In case of rejection to nominees, the commission will have to send the new nominees. The Judicial commission will be responsible for the nomination of High Court Judges. This amendment specifies fifteen-year experience in the judicial commission for the Bar Council representatives and renaming the High court of Islamabad, the new name is the Islamabad High Court.

iii. Twentieth Constitutional Amendment

The twentieth constitutional amendment (14th February 2012) is the landmark development to strengthen democracy. The twentieth constitutional amendment has improved the dignity of democracy and the parliament. It was the historic day as to achieve the milestone of democratic government through approving and

recommended the 20th constitutional amendment. In the lower House, 247 members voted in favor of this amendment including both the government and the opposition and none were against. Prime Minister Syed Yousaf Raza Gilani said speaking in the National Assembly that 20th constitutional amendment has increased the dignity of the democracy and the parliament. He congratulated over the unanimous passage of the 20th amendment to the parliament, Speaker of assembly, and the whole nation. It was said that through the 18th, 19th and the 20th constitutional reforms, the government of PPP has ensured the autonomy of provinces and restore the true parliamentary democracy.

The amendment truly provided independence to the Election Commission and gave such powers that have no parallel in the world. Through this amendment, neutral interim setups and the independent Election Commission was ensured, and also ensures the transparent and free elections. Through the 20th amendment as in the case with High Court Judges the government would choose the one member from each province for five years and follow the same procedure for their removal. Both the chief minister and prime minister until the replacement of any other will be continued to hold in their offices(Wadho, 2012).

7. National Finance Commission (NFC)

First National Finance Commission award was enacted in 1974. President constitutes the NFC which consists of the Federal Government Ministry of Finance and the provincial government Finance Ministers. (Maqsudal Hasan, 2009). Under the eighteenth amendment, another most important change was the reconsideration of the functions of NFC. Seventh NFC award was signed in 2010 by Yousaf Raza Gillani, between the federal government and the Finance Ministers of the four provinces. According to it, national revenue will be distributed between the Centre and Provinces and will not reduce the share of the provinces that are allocated by the previous commission to provinces. The provincial governments have a guarantee on the security of provincial consolidated fund and have also been given much authority to elevate the international and domestic loans with the approval of the National Economic Council. The excise duty on oil and natural gas also entitled as the right to the entire proceeds to the provinces. The separable instrument of taxes namely capital value tax, wealth tax, taxes on income, taxes on the purchase and sales of goods

exported imported, produced, manufactured or consumed are also allocated to the provinces.

8. Conclusion

Democracy recognizes the rule of majority rule and demands respect for all. In a democracy, political parties vied to gain power to implement and pursue some specific policies for public wellbeing. In actual Democracy flourished upon fair play and competition and heartens the merit. However, the rule of law, equality, fairplay, respect for procedures and justice are all the basic principles to strengthen and built a true parliamentary democracy, irrespective of religion, caste, status and creed. But the spoil system is an important and small aspect of the process of democratization. Actually, Spoil system means the distribution of powers or rewards through a political party extension of patronage to supporters. Unfortunately, the democratic history of Pakistan faced many militaries and the civilian dictators that shaped many barriers in the evolution of the state's democratic parliamentary culture. Due to increasing political ambitions of military generals and the unbalanced institutional development, Pakistan collapsed the parliamentary democracy four times. However, like some other developing countries, Pakistan also faced weak political parties, prolonged military rule, and pro-democracy groups but now they have a strong aspiration for democracy.

For a democratic parliament, some key suggestions to strengthen the parliamentary democracy are explained; one is 'representative' that ensures the protection, equal opportunities and political and social representative diversity of the people. Another one is the 'transparency' that is transparent in the conduct of its business and being open through different media. The third one is 'accessible' that means the involvement of people in the work of parliament including the movements and associations of the civil society. The fourth one is 'accountability' that involves the parliament members being accountable to the electorate for their performance in office. In last discussed another one is the 'effectiveness' it means that the effective organizations of business according to the parliamentary legislation performance, democratic values and the scrutiny functions that serves the requirements and needs of the whole nation. But it is clear, that there is no short-cut to easily strengthen the process of democratization and democracy in the state. If we want to develop true parliamentary democracy, we have to move

sooner in the right and better direction to make it accessible. People should also play their role positively to elect their representatives through voting.

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