

Constitutional Amendments in PPP's Government (2008-2013): Role of the Parliamentary Opposition

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Abstract: *The research paper investigates the role of the Parliamentary opposition in the constitutional amendments adopted during PPP's government (2008-2013). The role of the classic or loyal opposition is that it offers different alternatives against government policies. It not only opposes the government policies but also maintained political competition by forwarding its own policies. It does not make any obstruction in the way of the government, however, presented its own alternatives in the constitutional limit. Therefore, the opposition during PPP's government was also classic or loyal opposition. It did not make hurdles for the government to pass these constitutional amendments, nonetheless, presented its own alternatives and amendments in eighteenth, nineteenth and twentieth constitutional amendment bills. Almost, all the opposition parties have participated in the debate in the National Assembly as well as Senate, and have presented their amendments and suggestions in these constitutional amendments.*

Key Words: Constitutional Amendments, Debate, Opposition Benches, Parliament, Treasury Benches

Introduction

In 2008 general elections, Pakistan People Party (PPP) emerged as a major political party. It formed a coalition government with Pakistan Muslim League Nawaz (PML-N) and Awami National Party (ANP); however, PML (N) left the coalition government after five months and became a major opposition party. Other major opposition parties were Muttahida Qaumi Movement (MQM), Jamiate Ulama-e-Islam Fazal Rehman group (JUI-F) and Pakistan Muslim League (PML). Nonetheless, MQM frequently changes its position from opposition benches to treasury benches and vice versa. Similarly, PML-Q also joined the government in April 2011. Chaudhry Nisar Ali Khan of PML-N was the opposition leader during this government. The PPP government from 2008 to 2013 had performed significant legislative functions in its tenure. The most vital was an eighteenth constitutional amendment which has rejuvenate the 1973 constitution. Likewise, the nineteenth and twentieth amendment was also a remarkable development of the PPP's government. However, opposition parties have a very prominent role in these constitutional developments. They have presented alternatives to the government for making these constitutional amendments. This research will analyze the role of the parliamentary opposition in the 18th, 19th and 20th constitutional amendments.

Conceptual Framework

Parliamentary opposition is an essential element of the Western democratic system. There are two benches, i.e. treasury and opposition benches in most of the parliaments across the world. Like treasury benches, opposition benches have an acknowledged role in the politics of the country. In a political system, therefore, the opposition parties are not only valuable but also indispensable. The purpose of opposition benches in parliament is to examine the policies

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of the government. It not only objected but also underscores those policies which are unconstitutional and against the well-being of the common people. Moreover, it proposed its own policies against the policies of the government to prove its sitting in the parliament is no wastage of time. In short, the opposition benches observe mistakes, propose changes, raise questions and influence public opinion ([Parveen, 2013](#)).

Classical authors have usually attributed more emphasis to one specific kind of political opposition, namely the parliamentary opposition, which was presented by Ionescu and de Madariaga themselves as the “most advanced and institutionalized form of political conflict” ([Ionescu & Madariaga, 1968](#)). According to Schapiro, the opposition should be defined as “an organized political group, or groups, of which the aim is to oust the government in power and to replace it by one of its own choosing” ([Schapiro, 1966](#)). In this perspective, political opposition has most often been limited to one specific arena in the classical literature: the parliament; to one specific actor: the minority parties with one supposed major goal: taking power.

The classical literature has entailed a very normative dimension when discussing the roles or “functions” of opposition. This literature provided two different forms of opposition- ‘normal’ opposition on the one hand and ‘deviant’ opposition on the other hand. The deviant opposition is called disloyal or anti-system, that is supposed to be more disruptive and not very positive in democratic regimes. Similarly, Kircheimer first distinguished three different types of opposition: “classic” or “loyal” opposition, offering an alternative to the chosen policies while recognizing the government the right to govern and the constitutional system in place; principled opposition, opposing both the policies of the government and constitutional requirements of the political system; and finally, “political competition” where the minority group competes with the incumbent for power but cease to present alternative goals and objectives from that of the government ([Helms, 2009](#)).

During the same period, G. Sartori also differentiated the normal opposition from its deviant form. According to him, “a ‘real opposition’ presupposes consent on the fundamental that is consent on the community and regime level”. It opposes “the government, not the political system as such” and acts quietly and constructively, by opposing but not obstructing ([Sartori, 1966](#)). Alongside this “constitutional opposition”, he identified another type of opposition: the anti-system opposition, which challenges the very legitimacy of the regime as it is ([Sartori, 1966](#)).

In Pakistan, the parliamentary opposition was classic or loyal opposition in the period under research. It has recognized the government right to govern and the constitutional system in place. It has also offered alternative policies against the policies of the government. This research analyzes the role of the parliamentary opposition in constitutional amendments during PPP’s government from 2008 to 2013.

Eighteenth Constitutional Amendment: Role of Parliamentary Opposition

The Constitution (Eighteenth Amendment) Act, 2010 is one of the major amendment acts passed by the parliament in 2010. It has amended 102 articles of the Constitution of 1973. It was brought forth to the parliament after a long consultation of the Parliamentary Committee of Constitution Reforms (PCCR) in 2010. The PCCR was comprised of twenty-six members of all the major political parties of Pakistan. The amendment was signed by the then President Asif Ali Zardari on 19th April 2010 and was enforced on the next day.

The eighteenth amendment in the Constitution of Pakistan was not struggling of the then government only, but the opposition has also played a significant role in the working and passing of this amendment. After the introduction of The Constitution (Eighteenth Amendment) Act, 2010, Ahsan Iqbal from major opposition party PML-N told that it is not only a constitutional amendment but a declaration of the people of Pakistan against the

undemocratic forces. He named the 18th constitutional amendment as a new social contract, and symbol of political consensus in Pakistan.

The most important role of the eighteenth amendment is that it has enhanced provincial autonomy. Farooq Sattar, parliamentary leader of MQM, stated that the eighteenth amendment is the first step towards provincial autonomy, it is not complete provincial autonomy ([Sattar, 2010](#)). Until complete provincial autonomy transferred to the provinces, the federation will be considered weak. He also suggested to establish a body named "Inter-provincial Executive Council", and all the matters related to national highways, communication, ports and corporation will be assigned to this body. He also opined that real provincial autonomy is fiscal autonomy; therefore, sale tax on goods and central excise duty should be transferred to the provinces. Similarly, law and order is a provincial subject, so all the provincial IGPs, DIGs, CCPOs, SSPs and ASPs should be appointed by the provincial government, and not the central government. He also emphasized that article 157 (power), 158 (gas) and 159 (telecast and broadcast) of the 1973 constitution are provincial subjects, therefore, should be implemented in letter and spirit. However, these changes were not made part of the eighteenth constitutional amendment.

Haider Abbas Rizvi of MQM told that the provincial autonomy suggested in the eighteenth amendment is not complete provincial autonomy ([Rizvi, 2010](#)). He also added that "value-added tax (VAT)/sale tax" should also be returned to the provinces through the eighteenth amendment. Qadir Baloch of PML (N) said that the autonomy that will be given to the provinces through the eighteenth amendment is not as important for Baluchistan as for the other three provinces ([Baloch, 2010](#)). He said that we (people of Baluchistan) have two subjects which are coast and resources. However, its control has not been given to us. He extended the case of Baluchistan was not presented fairly in the parliamentary committee for the eighteenth constitutional amendment.

Bahadur Ahmed Khan of PML expressed that unless proper mechanism has not been developed the power assigned to the provinces in the eighteenth amendment would made disturbances ([Khan, 2010](#)). In his view a proper mechanism for equal distribution of resources should be devised in the provinces to avoid the confusion. Balochistan National Party proposed that in the light of the agreement between Quaid-i-Azam and Khan of Qallat only four department- defence, currency, communication and foreign affairs- should be remained with the Centre and all other departments should be transferred to the provinces (Report on 18th Constitutional Amendment, 2010). This amendment was rejected by the committee; however, it has recorded in the note of reiteration. JUI (F) was also of the opinion that only the above four departments would remain with the center; otherwise, provincial autonomy would be incomplete (Report on 18th Constitutional Amendment, 2010). However, much of the alternatives from opposition benches were not considered by the government.

The other significant role of 18th amendment is that it has changed the name of North-West Frontier Province (NWFP) to Khyber Pakhtunkhwa (KP). The opposition was divided on the issue of changing the name of NWFP. PML has made a strong reservation over it; however, other opposition parties have supported it. Shahjehan Yousaf of PML proposed amendment in clause 3 of the bill, for the word "Khyber Pakhtunkhwa" the word "Sarhad" should be alternated ([Yousaf, 2010](#)). Kashmala Tariq of the same party also proposed amendment in clause 3 that for the word "North-West Frontier" the word "Khyber Pakhtunkhwa" shall be omitted ([Tariq, 2010](#)). However, both amendments were opposed by the treasury benches.

PML alleged that a deal was held between the government coalition partner ANP and major opposition party PML (N) on the name of NWFP, all other parties were not taking into confidence on this significant matter. Therefore, our party opposes the name of Khyber Pakhtunkhwa as it does not represent the aspiration of all the people of the then NWFP (Report on 18th Constitutional Amendment, 2010). Amir Muqam of PML also laid claim in the national assembly that the name of "NWFP" changed without consensus in the

parliamentary committee ([Muqam, 2010](#)). Israr Tareen of PML proposed that no name should be given to the provinces on the basis of a language. Notwithstanding, if it were made, then a referendum should be held in all the provinces for making new names of the provinces according to the wishes of the different language people ([Tareen, 2010](#)). Farooq Sattar of MQM supported the new name of NWFP; however, said that I am against the prefix “Khyber” with the word “Pakhtunkhwa” ([Sattar, 2010](#)).

Mian Raza Rabbani rejected the claim of Amir Muqam that name of NWFP has changed with compromise. He stated that all the changes were brought about through consensus. It is true that there was some different opinion regarding the name of NWFP; however, it was solved through understanding, and a consensus was developed in the committee ([Rabbani, 2010](#)). He added that the word “Pakhtunkhwa” was passed through a resolution from the provincial assembly of NWFP. He asserted that a referendum is a tool of dictators through which they extend their rule. He asked from the assembly whether there was referendum when the names of other provinces were given. Consequently, clause 3 of the bill, which changed the name of NWFP to Khyber Pakhtunkhwa, was passed from the national assembly with 264 votes in its favour and 20 votes against it.

In the Upper House, Sardar Jamal Leghari of PML not only proposed name of “Sarhad” for the province of NWFP but also demanded new province of South Punjab in his amendment ([Leghari, 2010](#)). Saleem Saifullah of PML suggested “Sarhad” for the new name of NWFP, and also demanded the creation of new province “Hazara” (Saifullah, 2010). He said that I am afraid that Pashtun would be divided by changing the name of NWFP to Khyber Pakhtunkhwa; therefore, the word “Sarhad” is suitable for NWFP. Opposition leader in Senate, Waseem Sajjad states that we have no objection to change the name of NWFP; however, the new name should be acceptable to all the people of NWFP ([Sajjad, 2010](#)). He added that NWFP is a multi-lingual and multi-cultural province; therefore, the new name of NWFP should be acceptable to all the ethnicities of the province. However, all the amendments were opposed by the government as the name was approved by the parliamentary committee. Moreover, major opposition party PML (N) was also agreed on the name of Khyber Pakhtunkhwa.

In this amendment bill, the opposition has presented alternative policies regarding changing of procedure for making new provinces. Farooq Sattar of MQM from opposition benches states that the procedure for making new province should be made simple, for this purpose article 251 of the constitution should be amended. Instead of two-third majority, the only simple majority should be required from the concerned provincial assemblies to make new provinces ([Sattar, 2010](#)). Bahadur Ahmed Khan of PML also proposes that procedure of making a new administrative unit should be simple. He said that no such complex procedure is found in the civilized world ([Khan, 2010](#)). Raza Rabbani from treasury benches stated that for changing the boundaries of the provinces, a resolution with two-third majority should be passed from the provincial assembly of the particular province ([Rabbani, 2010](#)).

Article 17(4) which is related to elections in political parties, was removed by the government through 18th amendment. Most of the opposition parties have strongly criticized the government for removing of article 17(4). Ms Kashmala Tariq proposed amendment in the bill that article 17(4) should not be removed from the constitution ([Tariq, 2010](#)). She asserted that the removal article 17(4) could promote dictatorship in the political parties. She further argued that the election process in the political parties should be given constitutional protection through the amendment put forwarded by her. The governmental and major oppositional parties opposed this amendment. Raza Rabbani said that this article was inserted by a military dictator in the constitution to control the political parties ([Rabbani, 2010](#)). It is a tool through which political parties would be pressurized in the future. He also said that the said provision is already present in section 11 of the Political Parties Act. Notwithstanding, Article 17 and its sub-section 1, 2 and 3 were not removed, which were also introduced by a military dictator.

While discussion on the Eighteenth amendment in the Upper House, Saleem Saifullah of PML debated that Article 17(4) should be part of the constitution as it could make prosperous democracy in the political parties ([Saifullah, 2010](#)). Javed Ali Shah states that it is the double standard of the major political parties which argues for democracy in the country but do not want to implement democracy in their parties (Shah, 2010). Similarly, Nelofar Bakhtiyar emphasis that Article 17(4) should be re-included in the constitution, and all the democratic forces should support us on this issue (Bakhtiyar, 2010). Ishaq Dar of PML (N) said that if all the parties are agreed, so we have no objection to re-include Article 17(4) in the constitution, he extended that we are ready to reinstate Article 17(4) through 19th amendment ([Dar, 2010](#)).

Raza Rabbani from government side opposed the amendment by arguing that this article was introduced by a military dictator and its words and terminologies are very vague. He added that

“For example, in clause two, there was the addition of the words ‘public order’. Now, what is public order, how is to be defined? So, it is a very vague and wide term. Likewise, there was another clause in this, which said, ‘sectarianism parochialism will not be promoted by any political party, and they will not raise militias. Raising militias is already prohibited under the constitution under Article 235 or 236” ([Rabbani, 2010, p. 62](#)).

He said that the whole language of the Article 17(4) was made in such a way through which any political party which did not accept the authority of the government of the day would be shackle from the ankles. This amendment put by the opposition was rejected by the Senate as 71 votes cast against it and only 21 votes cast in favor of it. Opposition leader in Senate Wasim Sajjad said that if there were only four votes of conscience more in this House, this amendment would not be rejected ([Sajjad, 2010](#)).

Similarly, the abolishing of the concurrent list from the constitution was strongly disapproved by PML from the opposition benches. S M Zafar noted (Report on 18th Constitutional Amendment, 2010) that taking out of the concurrent list would create more problems. It would result in conflict between the federation and provinces in the issues related to pollution, drug etc. Similarly, the abolishing of the concurrent list would overload the Council of Common Interest (CCI). He recommended that the essential items should remain in the concurrent list; the complete exclusion of the concurrent list would be inappropriate and dangerous. Kashmala Tariq from the opposition benches moved an amendment that sub-clause (3) of the clause 101 shall be excluded ([Tariq, 2010](#)). She said in her statement that the removal of the concurrent list would create disharmony among the provinces and federation. She argued that it would result in different laws in different provinces which could trigger many problems in the country. However, her proposed amendment was rejected by the House. Raza Rabbani from the government told the House that there is a contradiction between the arguments and amendment moved by the respected member ([Rabbani, 2010](#)). In the amendment, she talks about the strong federation; however, her argument is about the confederation. He added that to avoid disharmony among the provinces article 142, 143 and 144 of the constitution have also been amended through this bill accordingly.

18th amendment in the Constitution of Pakistan was not possible without the support of the opposition benches in the parliament. Although opposition had proposed alternative policies against the policies of the government, it cooperated the treasury benches in passing this significant amendment.

Nineteenth Constitutional Amendment Bill: Role of the Parliamentary Opposition

The nineteenth amendment was introduced in order to revise the process for the selection of judges in the superior courts. Earlier, the procedure was set in the eighteenth amendment by the Parliament of Pakistan. However, the supreme court of Pakistan has told the parliament to change the criteria for the appointment of judges as formulated in the eighteenth amendment ([Khan, 2010](#)). The Supreme Court emphasized that the chief justice would have

the final say in the selection of the superior court's judges [Khan, 2010]. For this reason, the Parliamentary Committee on Constitutional Reforms has accepted the decision of the Supreme Court and introduced the nineteenth amendment in the 1973's Constitution of Pakistan.

The Parliamentary Committee on Constitutional Reforms has unanimously approved the nineteenth constitutional amendment bill as directed by the Supreme Court of Pakistan. The committee has suggested amendments in articles 81, 175, 182, 213 and 246. Under the nineteenth amendment members of the Judicial Commission has been increased to four. The commission would include three serving and one retired judge and federal minister of law, attorney general and member of Pakistan Bar Council (The Express Tribune, 2010). Similarly, the number of members of the parliamentary committee for the selection of the Chief Election Commissioner has also been raised to twelve. The bill also suggests that in case of suspension of National Assembly, the members of the parliamentary committee will be from the Senate only. Moreover, the bill also proposes authorization for administrative and financial expenses of Islamabad High Court.

The nineteenth amendment was presented in the National Assembly by Raza Rabbani and was passed by a two-thirds majority in the national assembly. From the opposition benches, it was opposed only by a female law-maker Kashmala Tariq from PML. She was of the opinion that this amendment should also include an easy procedure for creating new provinces (Tariq, 2010). However, there was no amendment presented from the opposition benches on the floor of the national assembly.

One of the key opposition party PML (N) welcomes the new amendment in the constitution. Ahsan Iqbal forms PML (N) told that the judicial appointment procedure mentioned in the nineteenth amendment is a milestone in the constitutional history of Pakistan (Iqbal, 2010). Abdul Qadir Khanzada from MQM suggested that provinces should be given financial autonomy and all the taxes included GST should be collected by the provinces (Khanzada, 2010). Other opposition members, Waqas Akram from PML, made some reservation on the amendment. He said that this amendment should also address the issue of drug registration, the issue of the curriculum in provinces and the making of new provinces like Hazara province and Sariki province (Akram, 2010). Nevertheless, all the opposition parties voted in favour of the nineteenth amendment, some members from opposition benches made a reservation on the amendment. They were of the opinion that many other things could also be addressed by this amendment.

In Senate of Pakistan, the nineteenth constitutional amendment bill was also presented by Mian Raza Rabbani, special assistant to the prime minister on constitutional reforms. This bill was unanimously passed by the Senate; none vote was against it. Although, there were two amendments put forwarded from the opposition benches, which were rejected by the government benches.

Senators Hafiz Rasheed Ahmed and Idress Safi had mutually proposed an amendment in clause 246 of the bill attempting the annexation of 25 villages of Charsadda and Peshawar districts in the ex-tribal agency of Mohmand. Therefore, Hafiz Rasheed Ahmed from ex-FATA voted against the clause-2 of the nineteenth constitutional amendment bill for the purpose to record his protest (Ahmad, 2010). Raza Rabbani rejected the amendment by arguing that these areas are annexed to districts Peshawar and Charsadda; hence, it could not be made part of ex-FATA (Rabbani, 2010). He also argued that the amendment from the honourable member is irrelevant here because it would change the demography of a specific province, it required a separate procedure which is not possible in the nineteenth amendment. Another amendment from opposition benches was made by Haroon Khan, which stated that clause-47 of Part-I of Federal Legislative List Schedule-4 should be amended, and tax should also be imposed on agriculture income (Khan, 2010). He was of the opinion that people of Pakistan accused the parliamentarians that only pay 2 or 3 or 4 thousand tax, as most of the parliamentarians are landowners, and they have intentionally exempted agriculture income

from tax. Therefore, the tax should also be imposed on agriculture income. However, Raza Rabbani rejected the amendment by arguing that after the eighteenth amendment, it is a provincial subject, it is out of the scope of this Parliament ([Rabbani, 2010](#)). Chairman Senate Farooq Naek pronounced that both amendments were irrelevant and out of the ambit of nineteenth constitutional amendment bill (The Express Tribune, 2010).

Opposition leader in the Senate, Wasim Sajjad remarks that the parliament has shown maturity by accepting the proposals of the Supreme Court of Pakistan and introducing the 19th constitutional amendment bill ([Sajjad, 2010](#)). He proposed that education is an important issue which required to be dealt on federal as well as provincial level; therefore, the constitution should provide consistency in order to offer unity to the system. Ishaq Dar of PML (N) from opposition benches appreciated the role of Raza Rabbani as chairman of the Parliamentary Committee on Constitutional Reforms that he supervises all the issues quite well and his conduct was above party politics ([Dar, 2010](#)). He argued that the nineteenth amendment is an excellent development in the constitutional history of Pakistan. In principle, it has institutionalized the process of appointment of judges in the superior courts.

Moulana Ghafoor Haideri of JUI from opposition benches proposed that curriculum development should be the subject matter of the center ([Haideri, 2010](#)). It should be included in the amendment that the curriculum for all the provinces will be developed at the federal level. He extended that if there would not have been a uniform curriculum across the country, then problems would have arisen for the students in the future. However, it is noteworthy that there was no amendment placed by the JUI in this regard. Another member from opposition benches, Fouzia Fakhruzaman of PML argued that it was promised to us that all the drawbacks of the eighteenth amendment would be redressed through nineteenth amendment ([Fakhruzaman, 2010](#)). However, those promises were not fulfilled. The issue of article 17(4), which is related to the intra-party election has not been included in this amendment. Similarly, the issue of uniform syllabus or curriculum, health policy and drug registration should be dealt at the federal level; these are also not addressed in the said amendment. It should also be noted that no such amendments have moved in written from PML on the floor of the parliament.

Tahir Mashhadi of MQM from opposition benches expressed his reservation over the nineteenth amendment that “the expectations, dreams and aspirations of the people of Pakistan have not been done, that should be done as quickly as possible, especially, this agriculture tax” ([Mashhadi, 2010](#), p. 62). He told that the landlords of Pakistan do not pay taxes because they have been protected by the Constitution of Pakistan. Therefore, it should be amended, and levy should be imposed on agriculture income. However, he maintained that he and his party MQM would support the 19th constitutional amendment bill. Professor Khurshid of Jamat-i-Islami (JI) emphasis on the role of parliament in the appointment of the judiciary across the world ([Ahmad, 2010](#)). He quotes the example of Italy, France, Germany and Holland that the parliament of these countries regularly elects the judiciary. Similarly, in the USA, the Senate has the authority to approve the name of judges for the superior judiciary, and it also has the power of impeachment of the judges on reasonable grounds. He called the nineteenth amendment a historical development in the constitutional history as it provides a principle for the appointment of the superior judiciary in which both the parliament and judiciary will have a role. Furthermore, Humayun Khan of PML proposed that the heads of other autonomous bodies, state-owned enterprises, Steel Mills, PIA and other important institutions should also be appointed through parliamentary committee ([Khan, 2010](#)). He said that it would strengthen not only our institutions but also eradicate corruption in the institutions. It is noteworthy, all the amendments and suggestions forwarded by the opposition benches in Senate were not considered by the government.

Twentieth Constitutional Amendment Bill: Role of Parliamentary Opposition

The Parliament of Pakistan has passed the twentieth amendment with a two-thirds majority.

This amendment is also a milestone in the constitutional history of Pakistan. The twentieth amendment has established a procedure for installing a caretaking government and conduct free and fair elections in the country (The Nation, 2012). It has also constituted a free and fair Election Commission. Through this amendment, the power of Election commission of Pakistan (ECP) has so much increased that it has no comparison across the world. There will be four members of ECP from each province who will be selected for five years, and they can be removed only by following the removal procedure of the judges of the High Court of Pakistan (Asgar, 2012). The new method envisaged for the appointment of caretaker government in this amendment is that the prime minister and opposition leader will discuss the matter. However, if the prime minister and leader of the opposition in the National Assembly do not reach a consensus within three days, then the matter will be forwarded to an eight-member committee to decide the issue. Moreover, if the committee also does not approve the caretaker government, then the ECP will decide the names and put forward to the President (Khan, 2012). The same procedure will be followed in the provinces. This amendment also permits political parties to add supplementary names in the lists for parliamentary seats held in reserve for women and minorities (The Express Tribune, 2012).

Before passing the twentieth constitutional amendment bill, there were several meetings held to create a consensus between the members of government and opposition. During these meetings, several deadlocks were held between the PPP- major government party- and PML (N) - major opposition party- on the matter of caretaking government (Khan, 2012). The PML (N) wanted a guarantee of the free and fair election commission and a neutral caretaker government to back up the 20th amendment bill (Asgar, 2012). Chaudhry Nisar Ali Khan, the opposition leader, with other opposition members, met with the members of major government party PPP; however, they failed to reach a consensus in several meetings. After meetings for three regular days, PPP and PML (N) reached a consensus to establish a committee to pick a caretaker for organizing the general elections (Khan and Manan, 2012). The Express Tribune reported that “according to officials in PML-N, the opposition party will support the amendment, which will also now carry a clause envisaging that there should be ‘consensus’ and not mere ‘consultation’ in establishing a caretaker setup for holding fresh elections.” Furthermore, the major opposition party PML (N) had also reservation over the then sitting chief Election Commissioner (The Express Tribune, 2012). They were of the opinion that a new election commissioner would be appointed to conduct free and fair general elections. The government also acknowledged this demand of the opposition that general elections would be held under new chief election commissioner. Similarly, the demand of the opposition to extend the duration of members and Chief Elections Commissioner of ECP from four years to five years was also approved by the treasury benches (Asgar, 2012). Therefore, it is implied that most of the pre-conditions of the opposition were accepted by the PPP government to pass the twentieth constitutional amendment bill.

The twentieth constitutional amendment bill was moved by the Minister for Law, Justice and Parliamentary Affairs Moulana Bakhsh Chandio on the floor of the National Assembly. Leader of the opposition, Chaudhry Nisar Ali Khan, protested that opposition was not taken into confidence on the presentation of the bill in the National Assembly (Khan, 2012). He criticizes the government for such move of a constitutional amendment bill in the assembly, by arguing that it is not the matter of interest of any political party; however, it is a democratic process which will be recorded in the history. He further elaborated the subject matter of the twentieth constitutional amendment bill that JUI, PPP (sherpao) and all other parties of opposition as well as government and its allies had long consultation on this amendment bill. Therefore, both the opposition and government had arrived to address four main broad issues in this bill. The first and foremost demand was of an independent Election Commission on which consensus was developed between the opposition and the government. Similarly, the issue of the appointment of new Chief Election Commissioner, caretaker government and validation of the twenty-eight newly elected parliamentarian was also settled down between

the treasury and opposition benches. He also congratulated the parliament for solving the different matters in the bill sagaciously and unanimously. It is noteworthy that from opposition side there was the only speech of a leader of the opposition and the bill was passed unanimously from the NA.

The twentieth constitutional amendment bill was laid on the floor of the Senate by the leader of the House Nayyer Hussain Bukhari as the bill placed for discussion, Professor Khursheed of JI objected on the content of the bill. According to his amendment, when the national assembly is dissolved, its members become ordinary citizens, so how an ordinary citizen would be member of a parliamentary committee which would elect caretaker government ([Ahmad, 2012](#)). It is, therefore, necessary that members of the 'parliamentary committee for appointment of caretaker government' should be selected from the Senate. Moreover, if the parliamentary committee does not make a decision in three days, then the matter of caretaker government should be forwarded to of Supreme Court of Pakistan, where Chief Justice in consultation with four senior judges resolves the matter. Likewise, in provincial assemblies, if the Chief Minister and Leader of the Opposition do not decide the caretaker government, then the matter should be forwarded to Chief Justice of High Court, who shall decide the caretaker government in consultation with three senior judges of High Court. He disapproved the government decision that caretaker government would be selected by the ECP by arguing that last resort is not ECP but Superior Courts of Pakistan.

Raza Rabbani from treasury benches responded to Professor Khursheed's amendment by saying that in "strict sense" it is not a Parliamentary Committee, it is only a "Committee", and so it is not a violation of the departing members of the national assembly become its members ([Rabbani, 2012](#)). He also said that "omission of the word "Parliamentary" is deliberate in terms of Article 224(A)." Rabbani also responded that the Supreme Court is the court of final arbitration and the court of final appeal. Consequently, the motion of the House was negative over Khursheed's amendment, so it was ruled out.

Haroon Khan from opposition benches also proposed that there is a limitation of days in every stage of the process of appointment of the caretaker government; however, there is no limitation of the days on the President when advice will be sent to him ([Khan, 2012](#)). Therefore, the President should also be bound to declare the decision within two days. However, Haroon withdrew his amendment for the sake of consensus. Mian Raza Rabbani thanked Haroon for withdrawing his amendment and also cleared that according to Article 48 of the Constitution, any advice sent by Prime Minister to the President has to be given effect in prescribed time, and if the effect is not given in case of the expiration of the prescribed time then it would be deemed that the advice has been given effect to ([Rabbani, 2012](#)).

Leader of the opposition in the Senate, Moulana Ghafoor Haideri states that it is inappropriate to give such powers to an election commission ([Haideri, 2012](#)). There is no such example in the world that election commission would decide the name of caretaker prime minister. Nonetheless, there was no amendment presented in this regard from the leader of the opposition. He and his party also supported the government on the twentieth constitutional amendment bill. It to be noteworthy, that not only some of the opposition parties but also some coalition partners of the government raised objections on empowering of ECP. The government allies maintained that the parliamentary committee to be established in the coordination of both the senate chairman and the National Assembly speaker ([Khan, 2012](#)). However, leaders of PPP succeeded to persuade not only the government partners but also the opposition. Sumera Khan also reported that the government had assured them that it would introduce the twenty-first amendment if required, for the fulfilment of the proposals and recommendations given by the opposition and allies. Nonetheless, there was no such amendment introduced by the PPP government to address the issues of the allies and opposition in the twentieth amendment bill as was promised.

The twentieth constitutional amendment bill was passed by the Senate with two-third majority. Only two votes were polled against the amendment by the member of Jamat-i-Islami

Professor Khurshheed and Professor Ibrahim. They have strong reservations over the bill and moved an amendment in the bill, however, rejected by the treasury benches. Seventy-four members in the Senate voted in favor of the 20th amendment bill. Prime While signing this bill, the then President Asif Ali Zardari said that this bill would guarantee an independent election in the country (Dawn, 2012).

To conclude, opposition in Parliament of Pakistan has played a substantial role in making 18th, 19th and 20th constitutional amendments. All the opposition parties have contributed their part. Although they have cooperated with the government bypassing these constitutional amendments from the parliament, they have also put forwarded different alternative amendments in these constitutional amendments. Similarly, they have debated in the parliament on these amendments and also made a strong reservation on some clauses. However, most of the amendments from the opposition were rejected by the government. It is also noteworthy that major opposition party PML-N and major government party PPP have made deal outside the parliament on different clauses of these amendments, especially eighteenth amendment. So, the government was confident to pass these amendments from the parliament. It is; therefore, the ruling coalition has rejected different alternatives of the minor opposition parties like MQM, PML, JI and JUI. However, it is notable, not only PML-N, which was the major opposition party but also the minor opposition parties had voted in favor of these constitutional amendments. Hence, it is implied the opposition have a constructive and cooperative role during PPP's government (2008-2013). It is also concluded that the opposition satisfied the limits set by the classical authors for a parliamentary opposition as they have not made such obstructions to stop the government from its primary function of making legislation.

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