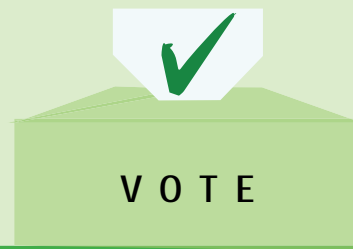
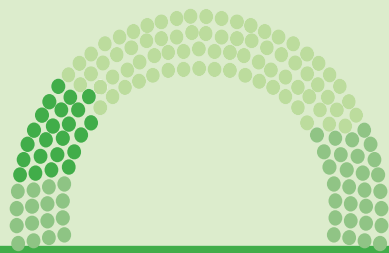


UNDERSTANDING POLICY AND GOVERNANCE IN PAKISTAN

A Toolkit for Youth Empowerment



CITIZENS FOR A BETTER ENVIRONMENT (SHEHRI-CBE)

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A Toolkit for Youth Empowerment

"Any law, or any custom or usage having the force of law, in so far as it is inconsistent with the rights conferred by this Chapter, shall, to the extent of such inconsistency, be void"

(Clause 8 - Laws inconsistent with or in derogation of fundamental rights to be void,
- Chapter 1 - Fundamental Rights, Constitution of the Islamic Republic of Pakistan, 1973)

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01 INTRODUCING THE GOVERNANCE FRAMEWORK

This *Section* outlines the context and need of developing such a *Toolkit*. It then provides a basic structure of governance in Pakistan, including the branches and tiers of governance and representation of offices of governance

INTRODUCTION

This Toolkit is part of the project - *Youth Empowerment for Engaged Citizenship and Informed Citizen Activism* – that aims to build capacity in youth for informed civic activism through learning and knowledge application. The project hopes to provide a model where the academic spaces become facilitators of incorporating knowledge of civic education, pro-active socio-political mobilization, and awareness of citizen fundamental rights. The project hopes to establish a model framework for a process of creating a politically informed and activated youth citizenry – A model that can find replication and expansion within the pedagogical and academic spaces nationwide. The Toolkit is expected to contribute significantly to achieving these goals once it gets shared both generally and specifically within the youth of the country.

There is an urgent need to create a space for constructive political engagement and advocacy. There is a growing level of resentment and distrust of public institutions growing within the young population owing to number of governance related issues that include political instability, rising levels of institutional corruption, declining performance levels of civic and basic services, growing unemployment, poor educational outcomes, among other issues. In order to avoid violent and confrontational responses, and build a momentum for informed and positive engagement, civic education can become an enabling tool. Civic education empowers communities to better understand the workings of the political system, recognize Citizens can also in this way gain the ability to analyze policy and institutional systems and effectively participate in civic and political processes.

There is recognition in Pakistan of the importance of engaging youth in a meaningful manner in political processes. *Pakistan's National Youth Policy (NYP)*, first introduced in 2008 was later updated in 2019. According to the *Pakistan Bureau of Statistics and UNDP (2018)*, approximately 64% of the population is under the age of 30, and 29% fall in the age bracket of 15–29 years, classified as 'youth'. Such a demographic profile offers Pakistan both challenges and opportunities in youth development. The policy outlines a roadmap to empower youth socially, economically, and politically. Other key objectives include fostering civic engagement, social inclusion, and volunteerism, encouraging entrepreneurship and innovation, establishing institutional frameworks for policy implementation and monitoring. The Toolkit also is inspired by and aims to integrate with these policy considerations, particularly the objective of ensuring participation of youth in democratic processes and decision making.

WHY THIS TOOLKIT?

In Pakistan, as perhaps with other similar countries, democracy is understood in terms of (1) *elections* and (2) *elected government running the affairs of the country*.

lections involve a decision by voters as to which political party or which candidate to vote for. Voters can be swayed by catchy slogans or they can vote 'negatively'; meaning: vote for a party or candidate opposite to the one they do not want to vote for. They can also vote on the basis of parochial – ethnic, provincial, religious or sectarian – basis; irrespective of what their governing programs are if and when they come to power.

However, voters can also make an informed decision to vote for a political party or candidate. Informed decision-making requires knowledge of the country's political structure and system and how the different institutions function. It requires awareness of the social, economic and political issues – short - term and long - term – facing the country and,

accordingly, make an judgement about the political party or candidate best suited to deal with the situation.

Voters are citizens and citizen responsibility does not end with casting the vote. It is necessary that citizens remain alert to make sure that the government elected by them acts according to the manifesto for which voters have elected them. However, if citizens show lack of interest, then the lack of citizen pressure will lead the elected government to act according to the wishes of various pressure groups. As such, it is necessary for citizens to remain alert on an 'everyday' basis, as a government decision taken today may appear to be harmless in the short run, but prove to be damaging in the long run.

Citizens have rights. However, they can assert their rights only if they are aware of their rights. Correspondingly, citizens also have duties and can fulfill their duties if they are conscious of their responsibilities.

This *Toolkit* is aimed at facilitating knowledge, information and awareness of Pakistan's youth, about the political and administrative landscape of Pakistan. In this context, it:

- Documents the architecture of governance in Pakistan – the key pillars of the governance framework (a) *Legislature, Executive and Judiciary* and (b) *federal, provincial and local as in the Constitution of Pakistan*
- Aims to capacitate citizens for active citizen engagement for understanding national, provincial and community-based problems
- Presents an understanding of avenues for applying effective forms of citizen activism, including engaging with elected representatives and government officials for influencing decision making processes

Voters are citizens and citizen responsibility does not end with casting the vote

OVERVIEW OF STATE STRUCTURE

Pakistan is a *Federal Republic known as the Islamic Republic of Pakistan*. It comprises of four provinces namely Balochistan, Khyber Pakhtunkhwa, Punjab, and Sindh; the Federal Capital (*Islamabad Capital Territory*); states and territories that are or may become part of Pakistan viz. *Azad Jammu and Kashmir and Gilgit-Baltistan (Article 1 of the 1973 Constitution of Pakistan)*.

Defining a State

Article 7 provides the definition of the State where, "the State" means the Federal Government, [Majlis-e-Shoora (Parliament)], a Provincial Government, a Provincial Assembly, and such local or other authorities in Pakistan as are by law empowered to impose any tax or cess

Pakistan has a bicameral parliamentary system that includes the President of Pakistan and two Houses:

The two houses representing the parliament are the *Senate* and the *National Assembly*. The *Senate* represents provinces, with equal representation of each province. The *National Assembly* presents the people at large, with representation according to the population of each province

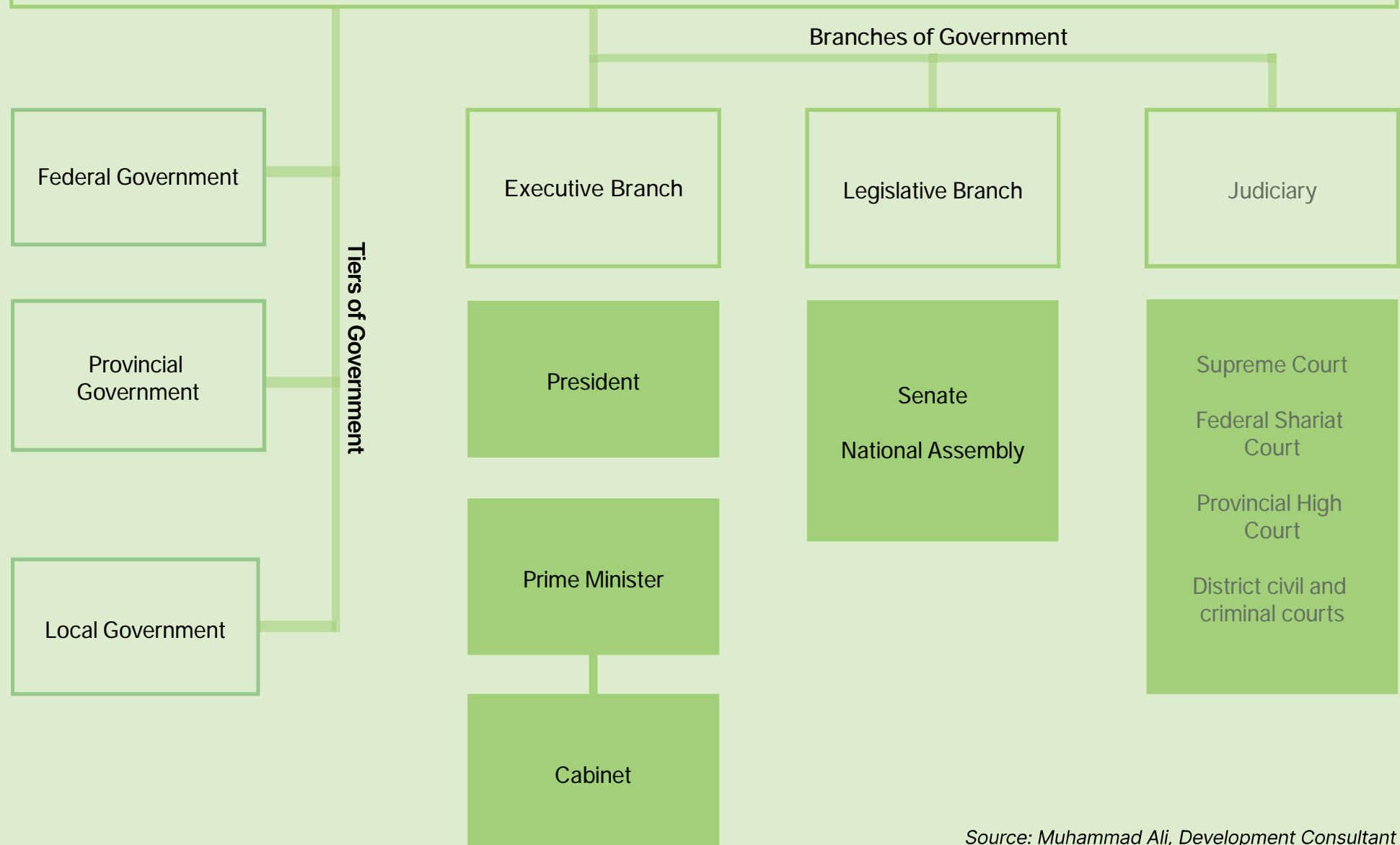
Bicameral parliamentary system

Bicameral system, is a system of government in which the legislature comprises of two houses and both houses must agree when new laws are made. This requirement aims to ensure application of a system of checks and balances

- There are four provincial assemblies for each respective province, as well as for Azad Jammu and Kashmir and Gilgit-Baltistan. National and provincial Assemblies are bodies of elected representatives
- The presidency is a ceremonial position in Pakistan. The president is the token head of the executive and the supreme commander of the Pakistan Armed Forces
- Federal govt headed by Prime Minister and Provincial governments are headed by the Chief Ministers

As the head of the legislature, the president has the authority to convene or suspend sessions of either house of Parliament. However, the president can only dissolve the National Assembly based on the Prime Minister's recommendation.

Governance & Administrative Structure of Pakistan



Source: Muhammad Ali, Development Consultant

Framework of the Federation

The framework for the federal structure is laid out in *Part V of the 1973 Constitution (Articles 141–159)*, which outlines the division of authority between the federal and provincial governments.

- Parliament (*Senate and National Assembly*) have exclusive power to make laws with respect to any matter in the Federal Legislative List
- Provincial Assemblies have power to make laws with respect to any matter not enumerated in the Federal Legislative List
- Parliament and a Provincial Assemblies have power to make laws with respect to criminal law and criminal procedure

Before 2010, there was also a Concurrent List containing subjects over which both federal and provincial governments could legislate. However, the *18th Constitutional Amendment*, passed in 2010, abolished the Concurrent List. This was a significant step toward decentralization, transferring many legislative subjects to the provinces, thereby enhancing provincial autonomy and financial independence.

The *Council of Common Interests (CCI)* a constitutional body (*Articles 153 and 154*), acts as a platform for coordination between the federal and provincial governments. It plays a key role in resolving disputes between the federation and the provinces and promotes cooperation on matters of shared interest.

The *National Finance Commission (NFC)*, a constitutional body (*Article 160*), deals with the distribution of revenues between the federation and provinces (vertical distribution) and between the provinces (horizontal distribution). It aims to address fiscal disparities through equitable distribution of revenues based on population, poverty, area and revenue collection.

02

THE CONSTITUTION AND LEGAL FRAMEWORK

This *Section* highlights the key contours of the legal framework constituting the architecture of governance, as enshrined in the *Constitution of the Islamic Republic of Pakistan*

HISTORY OF CONSTITUTIONS

The first *Constituent Assembly of Pakistan* was formed in 1947; the body responsible for drafting the constitution and served as the first parliament. However, its roots went back to the elections of 1945-46 in United India. Upon its partition, members of the areas that constituted Pakistan became members of the *Pakistan Constituent Assembly*. The assembly was given shape in July 1947 with 69 Members.

This assembly started functioning in Karachi on 10th August 1947. *The Government of India Act, 1935* was adopted as a *Constitution of Pakistan*, with certain amendments. It remained as temporary constitution until the constituent assembly developed its own constitution.

The *Objectives Resolution*, a constitutional document defining the framework for the Constitution was passed on March 12, 1949. However, this assembly was dissolved in October 1954 before finishing the task of framing the constitution.

The *Second Constituent Assembly* was formed on 28th May 1955 under Governor General's Order. The *Electoral College* for this Assembly comprised the Provincial Assemblies of the respective provinces (*an Electoral College is a body elected by the general voters, with the task to elect higher level candidate(s) to a particular office*). This assembly framed and passed the first Constitution of Pakistan on 29 February, 1956, promulgated on 23 March the same year. This constitution provided a parliamentary form of government with a unicameral legislature.

Martial Law was declared on October 7, 1958, leading to the abrogation of the 1956 Constitution. In February 1960, the Military Government established a *Constitution Commission, which drafted the 1962 Constitution*. This Constitution introduced a Presidential system of government with a unicameral legislature.

Defining a constitution

A constitution is a fundamental legal document or legal framework that establishes the structure, principles, and functions of a government. It defines the powers and responsibilities of various branches of government, outlines the rights and duties of citizens, and serves as the supreme law of the land, guiding governance and legal systems.

General elections took place in March 28, 1962. The elections were conducted on a non-partisan basis as political parties were banned. The members of national assembly were elected indirectly by declaring the basic democrats as electoral college. As per the 1962 Constitution, presidential form of government system was set up. Military government introduced a system of basic democracies in 1960. It consisted of a network of local self-governing bodies. Under this, primary governing units or constituencies were set up. Member elected from each of these constituencies were called basic democrats.

On 25th March 1969 the second Martial law was imposed and 1962 Constitution was abrogated. issued under which the first This was the first Assembly elected on the adult franchise and population basis. The first general elections took place on December 7, 1970, under a *Legal Framework Order (LFO)* issued by the military government. Following the secession of East Pakistan, a civilian government was formed in West Pakistan in December 1971. A 25-member committee, appointed by the National Assembly of Pakistan, drafted the new constitution. The National Assembly approved the constitution and it was promulgated on August 14, 1973.

From 1947 to 1973, the country had a unicameral system of legislature. Under the 1973 Constitution, Pakistan adopted bicameral legislature system at the center, called *The Parliament*, comprising the President, the National Assembly and the Senate. The Prime Minister serves as the executive authority of the state, while the President, as outlined in the Constitution, is at the top, symbolizing the unity of the state.

Later, two martial laws were imposed; one from 1977 to 1985 and other from 1999 to 2008. Fortunately, the 1973 constitution remained intact and still prevails. Both the military governments suspended the constitution during their periods. Till present, 26 amendments have been made in it. Of these, the 8th, 18th and 26th amendments had significant impact.

8th Amendment (1985 – Zia-ul-Haq era)

- Context: Introduced under General Zia-ul-Haq during military rule.
- Key Provisions:
 - Added Article 58(2)(b), empowering the President to dissolve the National Assembly if, in his opinion, the government could not be carried on in accordance with the Constitution.
 - Gave legal cover to all orders, martial law regulations, and actions taken by Zia from 1977 to 1985
 - Shifted Pakistan's system from a parliamentary democracy towards a semi-presidential system, strengthening the President
- Impact:
 - Greatly undermined parliamentary supremacy by making the Prime Minister subordinate to the President
 - Led to frequent dissolutions of elected governments in the 1988–1996 period (four governments dismissed)

18th Amendment (2010 – Democratic reform under PPP government)

- Context: Passed unanimously in 2010 during the PPP government to reverse military centralization.
- Key Provisions:
 - Abolished Article 58(2)(b), restoring parliamentary supremacy
 - Renamed the country officially as “Islamic Republic of Pakistan” (instead of “Republic of Pakistan”)
 - Restored parliamentary character by strengthening the Prime Minister’s role
 - Devolved a wide range of subjects (education, health, culture, environment, etc.) to the provinces by abolishing the Concurrent Legislative List
 - Strengthened the Council of Common Interests (CCI) to manage federal-provincial relations
 - Enhanced judicial independence and introduced mechanisms for judicial appointments
- Impact:
 - Considered the most significant pro-democracy reform since 1973 Constitution
 - Greatly expanded provincial autonomy and decentralized governance
 - Shifted Pakistan closer to a true federal parliamentary system
 - However, also created challenges in provincial capacity to handle devolved responsibilities

26th Amendment (2019 – PTI government)

- Context: Passed to enhance political representation in the newly merged tribal areas.
- Key Provisions:
 - Increased the number of seats for the former FATA region (merged with Khyber Pakhtunkhwa) in both the National Assembly and Khyber Pakhtunkhwa Provincial Assembly
 - National Assembly seats for tribal districts increased from 6 to 12
 - Khyber Pakhtunkhwa Assembly seats increased from 16 to 24
- Impact:
 - Integrated the people of the erstwhile Federally Administered Tribal Areas (FATA) into Pakistan’s mainstream democratic framework
 - Enhanced political participation and representation of marginalized tribal populations
 - Supported the process of post-merger governance reforms and local development in ex-FATA

THE CONSTITUTION OF 1973

The 1973 Constitution consists of 280 articles, which are divided into twelve parts, each addressing a specific subject. Within each part, chapters are included to cover various components related to that subject. Each chapter contains various articles, which further define several clauses. The Constitution begins with a preamble and also contains one annexure and five schedules.

Here are highlighted the key features of each part with a more detailed discussion on the Articles relating with the *Fundamental Rights*.

Guiding Principles of State as defined by the Constitution of the Islamic Republic of Pakistan

The Constitution begins with a Preamble declaring the guiding principles of the State.

- Sovereignty of Allah, exercised by the people within prescribed limits
- Powers and authority to be exercised through the chosen representatives of the people
- Provision of adequate for the minorities to freely profess and practice their religions.
- Principles of democracy, freedom, equality, tolerance, and social justice
- Guarantee of fundamental rights for all citizens
- Assurance of independent judiciary

Part I: Introductory [Articles 1-6]

This part explains the form of government and basic principles of the state characteristics:

The Constitution establishes Pakistan as a Federal Republic. The territories of Pakistan include the Provinces of Balochistan, Khyber Pakhtunkhwa, Punjab, and Sindh; The Islamabad Capital Territory as the Federal Capital; The Federally Administered Tribal Areas; and any States or territories that may become part of Pakistan through accession or other means Islam is declared the State religion of Pakistan

Part II: Fundamental Rights and Principles of Policy [Articles 7-40 covered in two Chapters]

Part III: The Federation of Pakistan [Articles 41-100 covered in three Chapters]

Part IV: Provinces [Articles 101-140A covered in three Chapters]

Part V: Relations Between Federation and Provinces [Articles 141-159 covered in three Chapters]

Part VI: Finance, Property, Contracts and Suits [Articles 160-174 covered in three Chapters]

Part VII: The Judicature [Articles 175-212 covered in five Chapters]

Part VIII: Elections [Articles 213-226 covered in two Chapters]

Part IX: Islamic Provisions [Articles 227-231]

Part X: Emergency Provisions [Articles 232-237]

Part XI: Amendment of Constitution [Articles 238-239]

Part XII: Miscellaneous [Articles 240-280 covered in seven Chapters]

Federation, Provinces & Local Government - Distribution of subjects between federal and provincial governments

Article 142 of the Constitution explains the subject-matter of Federal and Provincial laws. It defines that

- Parliament have power to make laws with respect to any matter in the Federal Legislative List;
- Provincial Assembly have power to make laws with respect to any matter not enumerated in the Federal Legislative List;
- Parliament and a Provincial Assembly have power to make laws with respect to criminal law, criminal procedure and evidence.

Fourth Schedule of the Constitution provides the *Federal Legislative List*, which has two parts. *Part I* defines subjects under the exclusive domain of the Parliament, i.e. *National Assembly* and *Senate*, hence the federal government. *Part II* comprises of subjects where the federal Parliament enacts laws with input from the *Council of Common Interests (CCI)*. The *Council of Common Interests* comprises of the Prime Minister and all provincial Chief Ministers.

Earlier there also existed a Concurrent List that defined subjects under the joint jurisdiction of the federal and provincial legislatures. However, the *18th Constitutional Amendment* in 2010 abolished the Concurrent; thereby, strengthening provincial autonomy.

Fundamental Rights

The fundamental rights conferred by *Chapter 1* of *Part II* of the *1973 Constitution* lie at the heart of the *State's* side of the social contract contained in this supreme law of the land, as it promises that any law, or any custom or usage having the force of law, to the extent that it is inconsistent with these fundamental rights, shall, to the extent of the inconsistency, be void, plus the State shall not make any law which takes away or abridges the rights so conferred, and any contravening law shall, to the extent of any such contravention, be void.

Furthermore, the entire *Part II* of the *Constitution*, which sets out fundamental rights as well as principles of policy, '*State*' means the *Federal Government*, the *Parliament*, a *Provincial Government*, a *Provincial Assembly*, and such local or other authorities in Pakistan as are by law empowered to impose any taxes or cess.

Access the entire document of the Constitution of the Islamic Republic of Pakistan on this site

<https://www.pakp.gov.pk/wp-content/uploads/2024/07/Constitution.pdf>

Chapter 1 [Articles 8-28]: Fundamental Rights

- 8 Laws inconsistent with or in derogation of fundamental rights to be void
- 9A Clean and healthy environment
- 9 Security of person
- 10 Safeguards as to arrest and detention
- 10A. Right to fair trial
- 11 Slavery, forced labour, etc. prohibited
- 12 Protection against retrospective punishment
- 13 Protection against double punishment and self-incrimination
- 14 Inviolability of dignity of man, etc.
- 15 Freedom of movement
- 16 Freedom of assembly
- 17. Freedom of association
- 18 Freedom of trade, business or profession
- 19 Freedom of speech
- 19A. Right to information
- 20 Freedom to profess religion and to manage religious institutions
- 21 Safeguard against taxation for purposes of any particular religion
- 22 Safeguards as to educational institutions in respect of religion, etc.
- 23 Provision as to property
- 24 Protection of property rights
- 25 Equality of citizens
- 25A. Right to education:
- 26. Non-discrimination in respect of access to public places
- 27. Safeguard against discrimination in services
- 28 Preservation of language, script and culture

The Concurrent List – Before the 18th Amendment

Before the 2010 18th Amendment, Pakistan's Constitution included a Constituent Legislative List, where federal and provincial governments could legislate, with the federal government having the final authority in case of a conflict. The 18th Amendment abolished this list, devolving its subjects to the provinces and establishing a more participatory federalism by placing most legislative powers under provincial jurisdiction or within the residual category.

How it worked before the 18th Amendment

- Dual Authority

The Concurrent List allowed for joint legislation between the federal government and the provinces

- Federal Supremacy

In situations where a provincial law conflicted with a federal law or an existing law on a concurrent matter, the federal law or the existing law would prevail

- Exclusion of Federal List

Matters listed under the Federal Legislative List were exclusively the domain of the federal government, while other subjects not on either list were provincial matters

03

THE BRANCHES OF GOVERNMENT

This *Section* explains the three main branches of government - *legislative*, *executive*, and *judicial*. Discussed are how these branches work together to govern our country, with each having distinct roles and responsibilities

BRANCHES OF GOVERNMENT – ENSURING CHECKS AND BALANCES

Most governments, like in Pakistan, are constituted in three branches of government that work together ensuring a corresponding level of checks and balances to enable smooth governance of the state. Briefly highlighted below are their main mandates:

- **Legislative Branch**

This branch is responsible for making laws. In many countries, it is a bicameral parliament with an elected House of Representatives (lower house) and a Senate (or upper house)

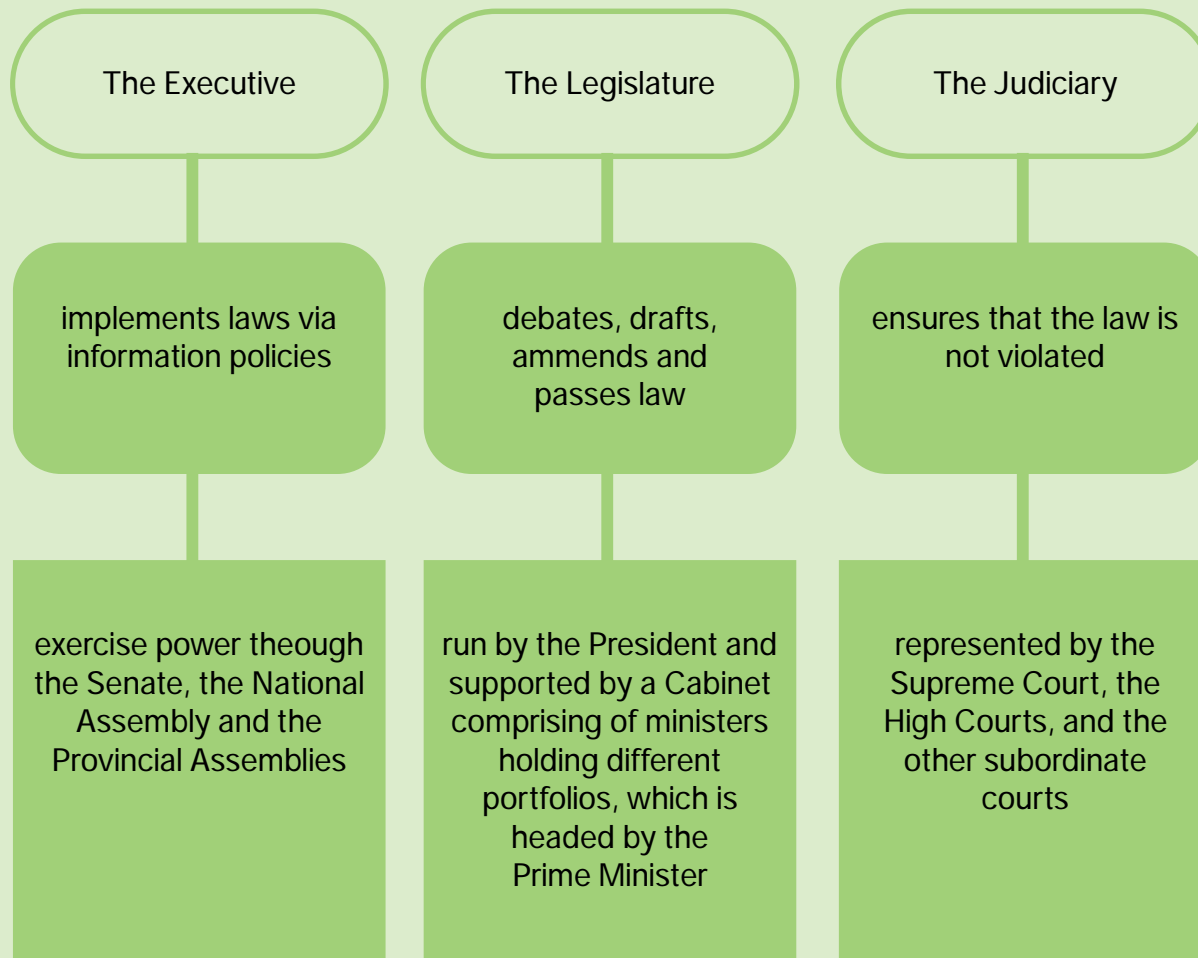
- **Executive Branch**

This branch is responsible for administering and enforcing laws. It includes the head of state (like a president as in our case) and the government, that for us, includes a cabinet headed by the prime minister

- **Judicial Branch**

This branch interprets laws and ensures they are applied fairly. It includes the court system, with the highest court being the Supreme Court

THREE PILLARS OF GOVERNMENT



The Legislative Branch

The legislative branch is the part of government responsible for making laws. It debates, drafts, amends, and passes legislation that governs the country. It also plays a role in checking the power of the executive branch. The legislatures consist of directly and indirectly elected members of the national and provincial assemblies as well as indirectly elected members of Senate.

Key Functions of the Legislative Process

- Making laws
- Approving budgets and taxation
- Overseeing and checking the executive (e.g., through questions, investigations, or impeachment)
- Representing the people's interests

Framework of Legislative Process

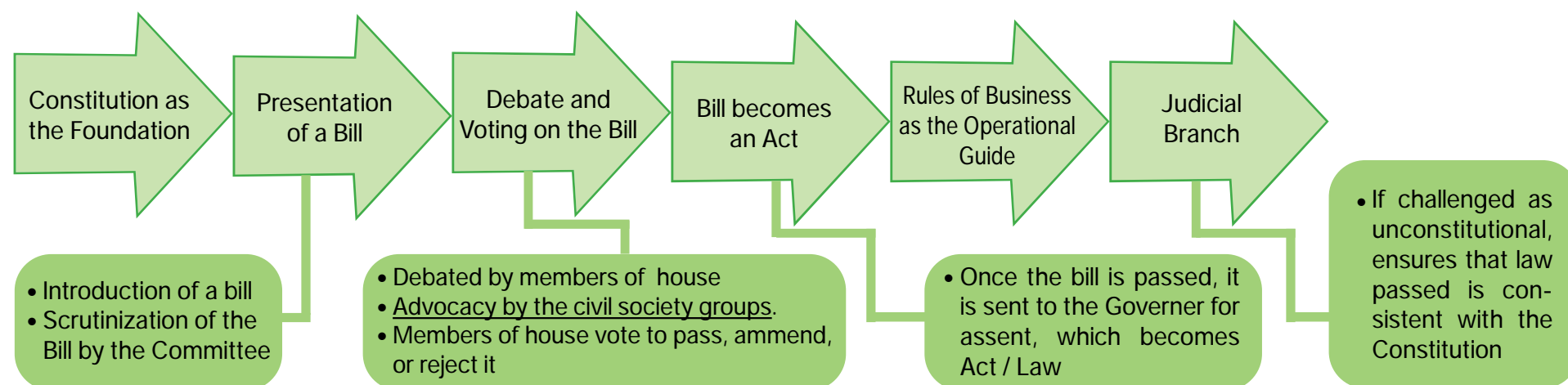
The Constitution is the Basic Law of the land at the apex of the legal structure of the country. All laws enacted by the federal and provincial legislatures are mandated to be in conformity with the Constitution. The legislative process involves presentation of a Bill in Parliament, which becomes an Act upon its passage by majority vote. The process takes place in the following way.

- Bills can be introduced by a member of house or by a private member, following the procedures outlined in the Rules of Business
- The relevant Committee of the house scrutinizes the bill and proposes amendments. The full house then debates on the proposed bill
- At this point, the civil society groups can intervene by putting their input
- The members of the house then carry out the voting process to pass, amend, or reject the proposed Bill
- Once the Bill is passed, it is sent to the Governor for assent. After the assent, the Bill then becomes the *Act/Law*

The next stage is the formulation of the Rules of Business, which defines the Rules & Regulations. The Rules of Business details the operational framework for conduct of day-to-day business of policy implementation and defines roles and responsibilities of each Government Department; specifying which Department and which level of official is responsible for which function, including the *Speaker and Committees*.

If the that Act is challenged in the court then the judiciary review is to ensure that the Act passed is consistent with Constitution.

Legislative Process – Chain of Actions



The Executive Branch

This branch of a government is responsible for implementing and enforcing laws. It carries out the day-to-day administration of the state.

The *Executive Branch* consists the *President* and the *Prime minister* who run the government with support from *Cabinet* (Ministers and advisors), Civil Service (departments and divisions), and agencies.

Key functions of the Executive Branch

- Enforcing laws passed by the legislature (members of assemblies and Senate)
- Managing national defense and foreign policy
- Administering public services
- Proposing budgets and policies
- Overseeing government departments and agencies

The Cabinet of Ministers

At the political level, there are Cabinets both at the federal level and at the provincial level comprising of ministers holding different portfolios (Ministries). Each of minister is politically appointed. The Cabinet is headed by the Prime Minister at the federal level and by the Chief Minister at the provincial level.

Cabinet is the primary decision-making body. The cabinet members design government policies and make decisions on national matters. They engage in discussions on national challenges.

Introducing bills—proposed laws—on behalf of their respective government departments.

Individuals Ministers are in-charge of one or more *Divisions*. Policy is prepared with the assistance and inputs from the *Civil Service*. After it is approved by the Cabinet it is implemented by the civil service. The federal and provincial Secretaries are responsible to the Ministers for implementation of policies framed at the political level.

The Civil Service or Bureaucracy

This is a key component of the executive branch, responsible for the practical administration of government functions. This refers to the non-elected officials and administrative staff who carry out the daily operations of the government—like implementing policies, managing public programs, issuing licenses, collecting taxes, and more.

For example: If a law is passed to improve education, it's the *Ministry or Department of Education* (part of the bureaucracy) that creates the programs, hires staff, allocates funds, and ensures the law is implemented effectively.

The government structure of the State is comprised of *Divisions* at the federal level with the Federal Minister as the political head. The *Civil Service* is the administrative arm of the State. Each Division is headed by a *Secretary in Basic Pay Scale (BPS) 22*. A key feature of the position of the Secretary is the designation as *Drawing and Disbursement Officer (DDO)*, implying power to draw money from government's account and make payments. The next in line is the *Additional Secretary in BPS-21*, followed by the *Joint Secretary in BPS-20* and *Deputy Secretary in BPS-19*. Staff in *BPS-18* and *BPS-17* are designated *Section Officers* (see Table).



At the provincial level, the government structure is comprised of *Departments* with the *Provincial Minister* as the political head. The Departments are headed by a *Secretary in Basic Pay Scale (BPS) 21*. A key feature of the position of the Secretary is the designation as *Drawing and Disbursement Officer (DDO)*, implying power to draw and make payments. The next in line is the *Additional Secretary in BPS-20*, followed by the *Joint Secretary in BPS-19* and *Deputy Secretary in BPS-18*. Staff in *BPS-17* is also designated *Section Officers*.

The civil service plays a crucial role in determining a nation's success in various areas, including recordkeeping, security, policymaking, monitoring and evaluation, and economic development.

The Civil Service is comprised of a specifically trained cadre of officers to administer state affairs and implement decisions made by elected representatives. At the federal level, the selection of officers is made by the *Federal Public Service Commission*, training is conducted by the *National School of Public Policy* and postings and transfers are made by the *Establishment Division*, headed by the *Establishment Secretary*.

At the provincial level, the selection is made by the *Provincial Public Services* and postings and transfers are made by the *Services and General Administration Department (S&GAD)*, headed by the provincial Secretary.

Three key branches of the federal Civil Service are:

1. Pakistan Administrative Service (PAS)
2. Foreign Service of Pakistan (FSP)
3. Police Service of Pakistan (PSP)

There are attached Departments with each Division, which are specialized agencies for specific functions. Such Departments are headed by a *Director-General and staffed with Directors, Deputy Directors, Assistant Directors* and so on.

The Judiciary Branch

The judiciary branch is the part of government responsible for interpreting laws passed by the legislature and applying the law. It ensures that justice is served according to the constitution and legal framework of the country.

Key Functions of the Judiciary

- resolving civil, criminal, and constitutional cases
- resolving disputes between individuals, organizations, and the government
- Protecting rights and freedoms of individuals
- Checking the powers of the executive and legislative branches through judicial review
- Ensuring the rule of law and upholding the constitution

- **Supreme Court**

The Supreme Court of Pakistan is the highest court in the country. It interprets the Constitution, protects fundamental rights, and can strike down laws that go against Islamic principles. The Court also handles appeals in civil and criminal cases and advises the government on legal issues. It also takes up challenges to any government action if it is considered to be in violation of the constitution. The Supreme Court has its seat in Islamabad, but it has circuits in Lahore, Karachi, Peshawar, and Quetta.

- **High Courts**

There are five High Courts in Pakistan, one in each of the four provinces as well as one in the federal capital Islamabad. High Courts are the top courts for criminal appeals at the provincial level. High Courts can also impose fines, seize property, and supervise lower courts as well as have the power to issue summonses.

- **Federal Shariat Court**

This Court has exclusive authority to determine whether a law aligns with Islamic principles, either on its own or upon request by any individual or by the federal or provincial governments. An Islamic advisory board of ulama (religious scholars) supports the Federal Shariat Court in carrying out this role. Final decisions by the Federal Shariat Court of Pakistan can be appealed to the Supreme Court of Pakistan. The Supreme Court's Shariat Appellate Bench has the power to review and modify the Federal Shariat Court's judgments.

- **District Courts**

Sub-ordinate Courts are part of the District Judiciary. These include, District Courts, Session Courts, Magistrates Courts and Civil Courts, all operating directly under the authority of the High Court. The District Court hears both civil and criminal cases.

- *Sessions Courts* primarily handle serious criminal offenses. The Session Court Judge can issue death sentence; however, it requires the approval of the High Court. A challenge against a sentence handed down by a Sessions Judge should be brought to the High Court. Magistrate's courts deal with non-capital criminal offenses. Magistrates can hear criminal proceedings and offences including attempted murder, dacoity, robbery, and extortion where there is no death penalty, although they can only impose sentences of up to seven years or less.

- *Civil Courts* in Pakistan function under the authority and supervision of the High Court in each respective province. These courts operate in accordance with provincial laws, forming a structured hierarchy for the administration of civil justice across the country. The civil judges resolve civil (non-criminal) issues such as rights, obligations, or contracts. Civil cases involve private disputes between individuals, organizations, or government entities.

Pakistan's court system is divided into two levels: the superior (or higher) judiciary and the subordinate (or lower) judiciary.

The superior judiciary comprises of the *Supreme Court of Pakistan*, the *Federal Shariat Court* and five High Courts, with the Supreme Court at the apex. The subordinate judiciary comprises of civil and criminal courts at district level. These include *District Courts*, *Session Courts*, *Magistrate Courts* and *Civil Courts*. Also, there are numerous specialized courts covering banking, insurance, customs and excise, smuggling, drugs, terrorism, taxation, the environment, consumer protection and corruption.

The autonomous and disputed territories of Gilgit-Baltistan and Azad Kashmir have separate judicial systems, from the main Pakistani system.

Twenty-Sixth Amendment (2024) to the Constitution

This amends provisions related to the higher judiciary, including jurisdiction and procedures for the appointment of Judges. It also introduces Articles 191A and 202A in the Constitution that state the establishment of Constitutional Benches of the Supreme Court and High Courts, respectively. As a result, any matters concerning government actions believed to violate the Constitution will be heard by the Constitutional Benches

Part VII [Articles 175-212] of the 1973 Constitution of Pakistan illustrates the establishment and jurisdiction of courts. It also explains the requirements and way of appointment of judges, the term of retirement, the grounds and mode of dismissal.

Standing Committees and Their Assigned Departments – Government of Sindh

Listed below are the Standing Committees of the Provincial Assembly of Sindh, along with the departmental responsibilities (i.e., roles) assigned to each committee, as outlined in the Rules of Procedure of the Assembly (2013)

1. Standing Committee on Agriculture – Agriculture
2. Standing Committee on Industries and Commerce – Industries & Commerce
3. Standing Committee on Works & Services – Works & Services
4. Standing Committee on Cooperatives – Cooperatives
5. Standing Committee on Culture, Tourism and Antiquities – Culture, Tourism & Antiquities
6. Standing Committee on Higher, Technical Education and Research, School Education (up to Matriculation) and Special Education – Higher Technical Education and Research; School Education (up to Matriculation); Special Education
7. Standing Committee on Forest, Wildlife and Environment – Forest, Wildlife & Environment
8. Standing Committee on Excise, Taxation & Narcotics – Excise, Taxation & Narcotics
9. Standing Committee on Finance – Finance
10. Standing Committee on Food – Food
11. Standing Committee on Livestock & Fisheries – Livestock & Fisheries
12. Standing Committee on Primary Health (BHU, HRC and Vertical Programmes) and Secondary Health (Rest of Health) – Health
13. Standing Committee on Home – Home
14. Standing Committee on Local Government, Rural Development, Public Health Engineering, Housing Town Planning – Local Government; Rural Development; Public Health Engineering; Housing & Town Planning
15. Standing Committee on Information and Archives – Information & Archives
16. Standing Committee on Information, Science and Technology – Information; Science & Technology
17. Standing Committee on Irrigation – Irrigation
18. Standing Committee on Labour and Human Resources – Labour & Human Resources Department
19. Standing Committee on Law & Parliamentary Affairs and Human Rights – Law & Parliamentary Affairs; Human Rights
20. Standing Committee on School Education (up to Matriculation)– School Education (up to Matriculation)
21. Standing Committee on Mines and Minerals – Mines & Minerals
22. Standing Committee on Planning, Development and Special Initiatives – Planning, Development & Special Initiatives
23. Standing Committee on Population Welfare – Population Welfare
24. Standing Committee on Auqaf, Religious Affairs, Zakat and Ushr – Auqaf; Religious Affairs; Zakat & Ushr
25. Standing Committee on Revenue, Land Utilization and Relief and Rehabilitation – Revenue; Land Utilization; Relief & Rehabilitation
26. Standing Committee on Services, General Administration & Coordination Department (Services, GA, I&C & IPC Wings) – Services; General Administration & Coordination (Services, GA, I&C & IPC Wings)
27. Standing Committee on Social Welfare – Social Welfare
28. Standing Committee on Special Education – Special Education
29. Standing Committee on Sports and Youth Affairs – Sports & Youth Affairs
30. Standing Committee on Transport & Mass Transit – Transport & Mass Transit
31. Standing Committee on Women Development – Women Development
32. Standing Committee on Energy – Energy (including Coal Energy)
33. Standing Committee on Katchi Abadis – Katchi Abadis
34. Standing Committee on Minorities Affairs – Minorities Affairs

04 THE ELECTORAL PROCESS

This Section focuses on how the electoral process rolls out in Pakistan for the elected legislative forums and associated offices

THE ELECTORAL PROCESS

The electoral system in Pakistan is designed to ensure democratic representation through periodic elections. Under Article 219 of the 1973 Constitution of Pakistan, it is governed by the *Election Commission of Pakistan (ECP)*, an independent constitutional body responsible for organizing and supervising elections.

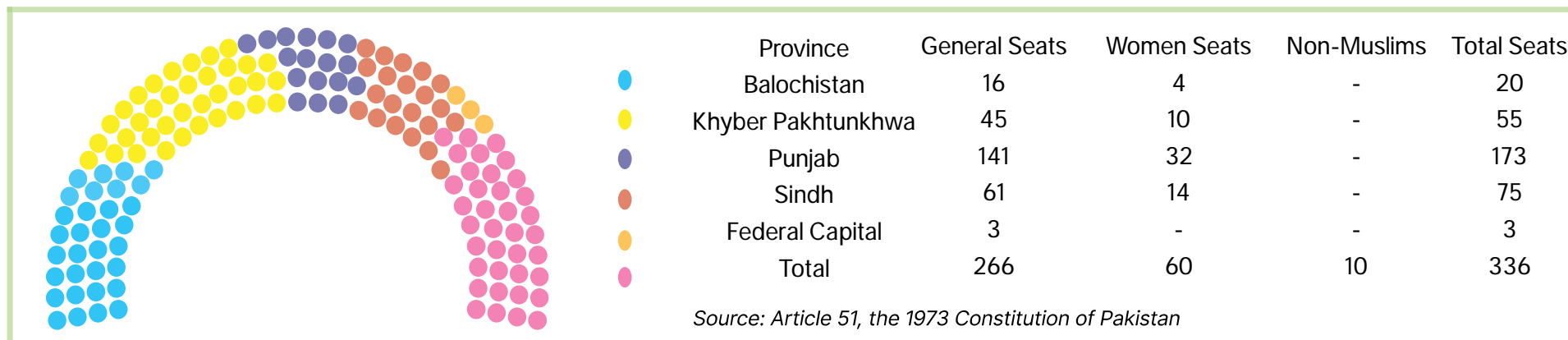
The electoral system supports a bicameral legislature, comprising:

- National Assembly (lower house)
- Senate (upper house)

National Assembly (NA) Elections

The constitution of NA and its elections are explained in Article 51 of the Constitution. The NA has 336 seats. Of these 266 are general seats, 60 are reserved for women and 10 for non-Muslims.

Composition of National Assembly Seats



First Past the Post Electoral System

The First Past the Post (also known as the simple majority system or plurality system) is the simplest electoral system, which is implemented in most of the countries such as US, Canada, African States, UK and its former colonies including Pakistan and India:

- In this method, the voters receive the ballot paper that contains the list of all the candidates from each constituency
- The voters get to put a stamp/cross in front of their favorite candidate to choose the one they want to elect as their representative in the legislative assembly
- The person who receives maximum votes is elected
- In the FPTP system, the entire country is divided into small geographical units called constituencies
- Every constituency elects one representative, where a voter votes for one candidate
- A candidate who gets more votes than other candidates is declared the winner.
- The winning candidate need not get a majority, i.e. 50%+1 of the votes

The Electoral System for National Assembly Seats – Some Salient Features

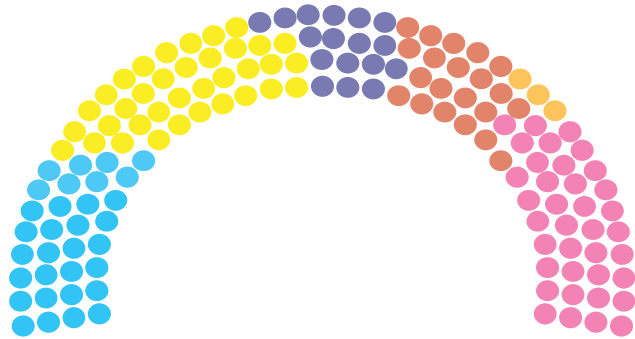
- The electoral system for general seats is based on single-member geographic constituencies
- Members are elected by direct vote by the public in general elections through a *first-past-the-post (FPTP)* or simple majority system in every five years
- Reserved seats for women and non-Muslims are filled through a separate electoral system. Members in these seats are elected through an indirect proportional representation list system
- The political parties file their lists of candidates for reserved seats with the Election Commission of Pakistan prior to the election. Once the results for the general seats are finalized, reserved women's seats are allocated to political parties based on proportional representation from the general seats they win in each of the provinces
- Non-Muslim seats are allocated to political parties in proportion to the overall number of general seats secured
- Independent candidates who win seats in the National and provincial assemblies may choose to join a political party within three days after the ECP announces the official election results. Alternatively, they can choose to remain independent

The members of the NA who choose to join a party will be included in the calculation for the allocation of reserved seats for women and non-Muslims in favor of the party. Vacant seats and seats filled by independent candidates are excluded from the calculation

Senate Elections

The composition of Senate and its elections take place as per the *Article 59 of the Constitution*. The Senate is a body which represents the provinces and other territories of the country and promotes a feeling of equality, peace and harmony, which is so essential for the growth and prosperity of a nation. Thus, the Senate, over the years, has emerged as an essential organ and a stabilizing factor of the federation in Pakistan.

Composition of Senate Seats



	Province / Territory	General Seats	Technocrats / Ulema	Women	Non Muslims	Total
●	Sindh	14	4	4	1	23
●	Punjab	14	4	4	1	23
●	Balochistan	14	4	4	1	23
●	Khyber Pakhtunkhwa	14	4	4	1	23
●	Federal Capital	2	1	1	-	4
●	Total	58	17	17	4	96

Source: Article 51, the 1973 Constitution of Pakistan

The Senate of Pakistan gives equal representation to all the federating units in order to promote national cohesion and harmony by counterbalancing the numerical disparity among provinces in the National Assembly.

The Electoral System for Senate Seats – Some Salient Features

- The Senate is a permanent body, with staggered elections held every three years to replace half the members
- Senators are elected indirectly by electoral college; not directly by the public
- The Electoral College for Senate seats are members of the Provincial Assemblies and the National Assembly members representing Islamabad Capital Territory (ICT). Their seats are filled through proportional representation of political parties in these assemblies on the basis of single transferable vote
- Fourteen seats to be elected by the members of each Provincial Assembly;
- Four women to be elected by the members of each Provincial Assembly;
- Four technocrats including ulema to be elected by the members of each Provincial Assembly;
- One non-Muslims member to be elected by the members of each Provincial Assembly;
- Two members on general seats, one woman and one technocrat including aalim (scholar) to be elected from the Federal Capital in such manner as the President may, by Order, prescribe;

Presidential Election

- The *President of Pakistan* is indirectly elected by an *electoral college*, which includes members of both houses of Parliament and the provincial assemblies
- The President is elected through voting for a five-year term

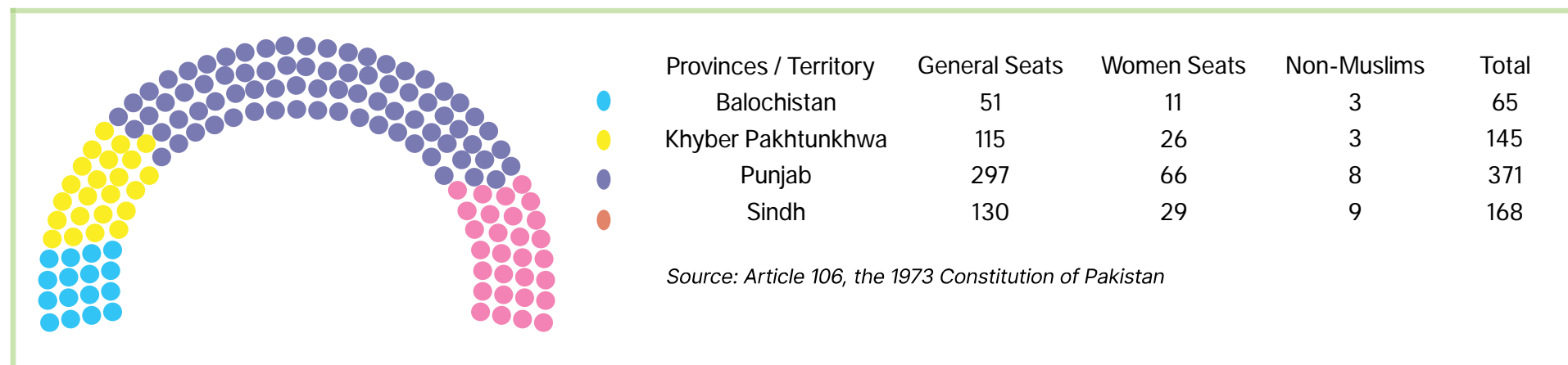
Prime Minister Election

The Prime Minister, who is also a member of national assembly, is elected by members of national assembly through voting for a five-year term

Provincial Assemblies Elections

The composition of provincial assemblies and elections take place following *Article 106* of the 1973 Constitution of Pakistan.

Composition of Provincial Assemblies Seats



- The general seats shall be contested in single-member territorial constituencies, with members elected through a direct vote, i.e. through the same FPTP system.
- allocation of reserved seats for women and non-Muslims to political parties is determined by the total number of general seats won by each party.

The Chief Minister for each province, who is also a member of provincial assembly, is elected by members of respective provincial assembly through voting for a five-year term.

LOCAL GOVERNMENT

In Pakistan, local government is not recognized by the Constitution as a full-fledged chapter and exists at the discretion of provincial governments.

Article 32 of the 1973 Constitution under Part II: Fundamental Rights and Principles of Policy, states;

'Promotion of local Government institutions: The State shall encourage local Government institutions composed of elected representatives of the areas concerned and in such institutions special representation will be given to peasants, workers and women.'

After the 18th Constitutional Amendment in 2010, Article 140A was added under Part IV: Provinces. It states;

Each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments. Elections to the local governments shall be held by the Election Commission of Pakistan.

As a result,

- Provinces are responsible for local matters and can establish local bodies, as well as create laws, rules, and regulations to govern them
- These local bodies are overseen by the provincial Departments of Local Government and Rural Development, which are among several departments within the provincial administration

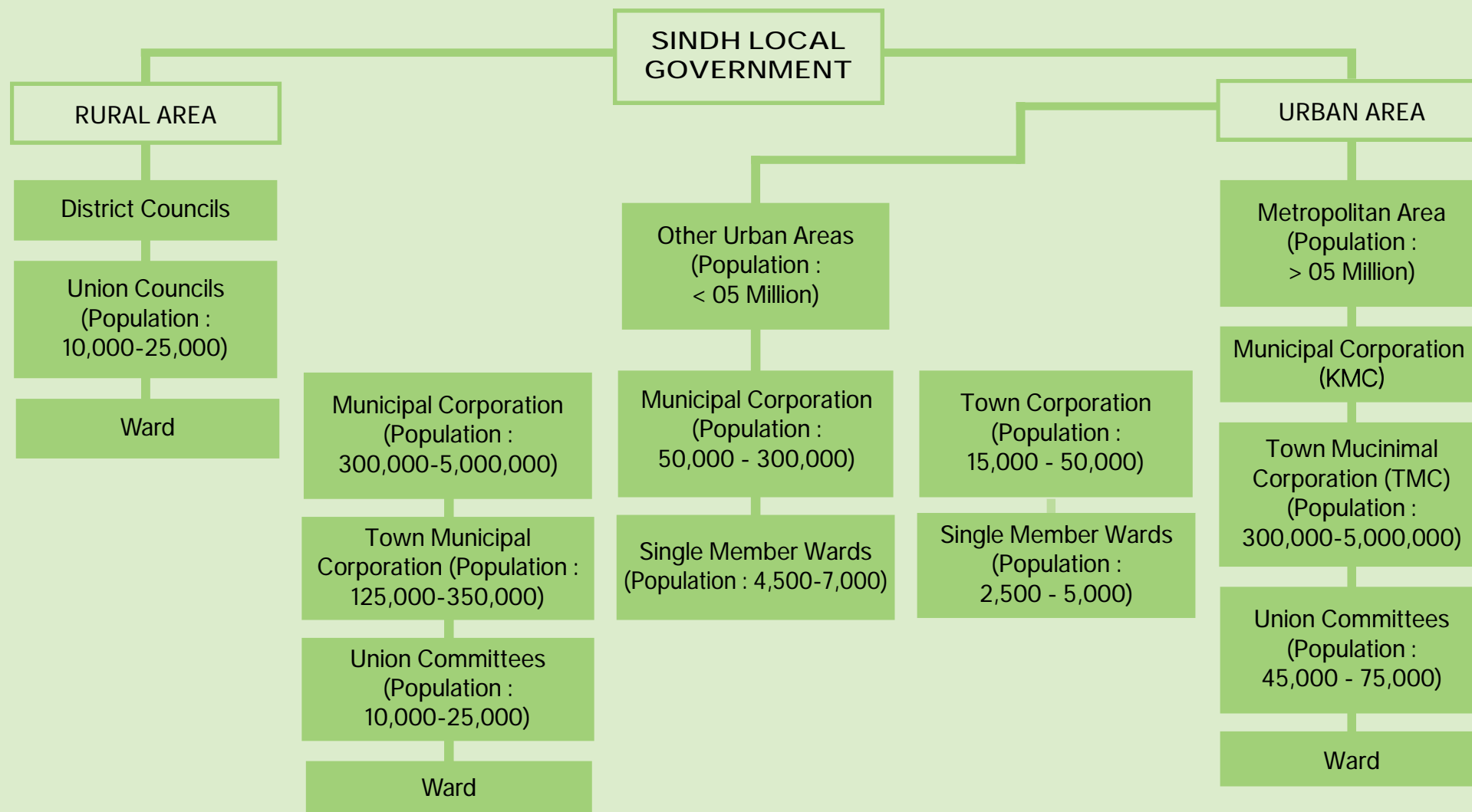
- Due to its lower position in the government structure, local government often receives the least attention in terms of staffing quality and financial resources
- This is despite the fact that the effectiveness of local government directly impacts the quality of daily life for citizens through the delivery of basic civic services.

Prior to 2010, there was a uniform local government law for all the provinces. After the 18th Constitutional Amendment, each province has its own Local Government Act, e.g.:

- Punjab Local Government Act 2013
- Sindh Local Government Act 2013
- Khyber Pakhtunkhwa Local Government Act 2019
- Balochistan Local Government Act 2010
- Islamabad Capital Territory governed under separate federal regulations

Local government elections in Pakistan are held to elect representatives at the grassroots level, such as union councils, tehsil councils, and district councils. These elections are conducted under the supervision of Provincial Election Commissions, and the system varies from province to province.

Local Government Structure in Sindh as per the Sindh Local Government Act in 2013



Source: Sindh Local Government Amendment Act 2021.

Reproduced from "Making Economic Hubs Thrive: A Case for Fiscal and Administrative Devolution in Sindh" A Joint Report of the Federation of Pakistan Chambers of Commerce & Industry and Social Policy and Development Centre.

05

RIGHT TO INFORMATION

This Section focuses on how the electoral process rolls out in Pakistan for the elected legislative forums and associated offices

WHAT IS RIGHT TO INFORMATION?

Information is power. Access to information is the determinant that tilts the power equation in the favor of people and against bureaucracy to create an accountable and participative democratic government.

Over the past few years, 'Right to Information' has achieved eminence in human rights and democratic discourse. Countries around the world have realized the importance of information and introduced laws that have entrenched a legal right to access information from governments and, in some cases, private bodies.

Enveloped in various names — Freedom of Information, Right to Information, Access to Information, Right to Know — the essence of the idea stays the same:

- the public should have the right to request information and the government has to comply with the request, unless there is a defined exemption;
- the government should proactively provide certain key information even in the absence of a request.

Governments across the globe have developed legislation and enacted laws answering important questions concerning who can access information, how information is retrieved, its cost, who is obligated to provide information and when can access to information be legitimately refused.

However, the success of 'Right to Information' essentially depends on the successive implementation of the aforesaid law, which requires commitment by the government in terms of scrutiny at all levels, awareness among citizens and watchdogs, training of bureaucratic officials, development of a digital records system and an independent body to ensure accountability.

EXISTING RTI LEGISLATIONS IN PAKISTAN

What RTI Legislations exist in Pakistan

- Article 19-A of the Constitution of Pakistan: "Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law."
- Federal Right of Access to Information Act, 2017.
- Khyber Pakhtunkhwa Right to Information Act, 2013.
- Punjab Transparency & Right to Information Act, 2013.
- Punjab Transparency & Right to Information Rules, 2014.
- Sindh Transparency & Right to Information Act, 2016.
- Balochistan Right to Information Act, 2021.

You can ask for information from any Public Body

A Public Body means

- Any ministry, division or department of the Federal or Provincial Government.
- Any Federal or Provincial Legislature (national assembly or provincial assembly secretariat).
- Any office of any Board, Commission, Council, Municipal or Local Authority established by or under a Federal or Provincial Government.
- Any Federal or Provincial court or tribunal.
- Any corporation, body or institution set up, established, owned or controlled by the Federal or Provincial Government

Information you can ask for

Under Sindh Transparency & Right to Know Information Act 2016

A citizen can ask for any information except for the category defined as 'exempt from disclosure'. Following are some examples of the type of information you may ask for under the Right to Information Act:

- Under what authority are the people building houses on land reserved for parks or utilities?
- How are residential areas being converted into commercial areas?
- How many government primary schools are operational in a particular area?
- Who all received government contracts, for what amount and on what grounds?
- What amounts are spent on a politician or a government servant to support his perks, travel, cars, house rents, foreign visits, office, entertainment, advertisements, etc.?
- What is the budget and how is it spent. Ask this information about a park, school, hospital or any public body?
- What is the crime rate for each police station, cases pending in courts, cases of violence against women and why are the culprits not punished?
- What licenses, contracts, allotments and other benefits were made, or given by the public body?
- Any information or record held by any public body that the government declares as public information.
- The functions, structure, objectives, achievements, policies, and procedures of the body.

5 STEPS FOR OBTAINING INFORMATION

1

Applicant determines the information
I record that he I she requires.

2

Applicant identifies the custodian ministry
I department I public body which must be
approached for obtaining the required
information.

3

Applicant submits the application in any
form or manner to the Designated Official
of the Public Body

4

Applicant waits for 15 working days
(in Sindh RTI Act) or 10 working days
(in Federal Act) for a response.

5

In case of an unsatisfactory response, the
applicant files for an Internal Review or Com-
plaint with the Information Commission.

GUIDELINES FOR MAKING AN RTI APPLICATION

- Ensure you are writing to the correct government department.
- Ensure you demand a specific record by name and period such as "Please give me the record under the heading 'purchase of Computers' from 1st January 2020 to 31 December 2020 for DC Office XYZ"
- Ask for specific information such as "How many employees from Grade 5 to 10 are employed in the Education Department of Sindh Government from 1 st January 2018 to 31st December 2020"
- Do not ask general questions which may involve views of various individuals such as "Why is the newly constructed Overhead bridge in my area in such a bad shape"
- Do not ask for vague information such as "Give details (what details) of the project to build the underpass in XYZ area"
- Try to confine your request to one subject per application.
- If you are hand delivering your request, get a receipt that shows receiving date. If you are using a courier, save the courier receipt, in case you need to follow up or appeal.

CITIZENS FOR A BETTER ENVIRONMENT (SHEHRI-CBE)

Citizens for a Better Environment (Shehri-CBE) was formed in 1988 (based in Karachi City), as a non-political, noncommercial, non-governmental organization (under the Societies Registration Act XXI of 1860) by a group of concerned citizens to provide the citizens with a platform to effectively voice their concerns in determining their future and taking action in arresting the deterioration in their living environment and to improve the same. Citizens for a Better Environment (Shehri-CBE) is now fighting at the forefront of various issues of public concern related with environment. The organization is actively engaged in areas of work like public advocacy and public interest litigation, right to information, good governance, community policing, police reforms, urban mobility, climate change and last but not the least institutional reforms.

OBJECTIVES

- Establishment of an aware and pro-active civil society, good governance, transparency and rule of law
- Promotion of research, documentation, dialogue and influence of public policies
- Setting up an effective and sustained guidance to local area citizen groups on their local area and environment
- Introduction of an effective and representative local government system, e.g. capacity building and training
- Preparation of proper master plan/zoning plan for Karachi and effective implementation of the same

HOW IS SHEHRI RUN

A volunteer Managing Committee, duly elected by the General Body for a term of two years, thereby functioning in an open and democratic manner. Membership is open to all who subscribe to its objective and memorandum.

SUSTAINABLE DEVELOPMENT GOALS (SDGs) FOCUS

Shehri-Citizens for a Better Environment brings a focus in all its works on the 17 Sustainable Development Goals (SDGs) that define the global development agenda for today. This Publication 'Understanding Policy and Governance in Pakistan - A Toolkit for Youth Empowerment' Creates strong linkages with the targets of Goal 11 (Sustainable Cities & Communities) and Goal 16 (Peace, Justice & Strong Institutions), other than finding cross linkages with the remaining goals as well.



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