

Dictatorships and Democracy: Dissecting the Role of Political Opposition in Pakistan

By *Marva Khan Cheema**

Abstract: This article categorizes Pakistan as a hybrid regime, as opposed to one operating under deep state, by tracing the roots of military dominance to the colonial Martial Race Theory. In this context, the article dissects who constitutes as political opposition using the lens of legal realism. The article starts by a mapping of relevant laws to explain the legal role of political opposition and compares it to the status of political opposition in the Westminster system, and highlights key differences with the Indian system. The article then posits that in the context of Pakistan's political and legal history, the political elite has consistently served as the *de facto* opposition. While the military establishment's preference for political parties has changed over the years, even in times of direct dictatorial rule, the military regimes have recurrently held elections. Similarly, the establishment has also used political parties with little to no representation in the legislature, along with various statutes as a tool for controlling and curbing the status and influence of the political elite who have, or have had, sizeable representation in the legislative bodies.

Keywords: Hybrid Regime; Establishmentarian Democracy

A. Introduction

August 2025 will mark seventy-eight years to Pakistan's creation. During this time, the country has had a series of dictatorships, interspersed with some periods of democracy, and more recently, hybrid regimes. A hybrid regime is one that appears 'democratic in form but not in substance'.¹ The country has also adopted three constitutions to date: 1956-1958, 1962-1969, and the current one, enacted in 1973. The 1973 Constitution has been in place for over 50 years; however, it has also been suspended multiple times under the dictatorships of General Zia-ul-Haq and General Pervez Musharraf and was significantly altered by both. During this half-century, Pakistan's constitutional framework has oscillated between a parliamentary system and a semi-presidential system – where the Pakistani

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1 *Mohammad Waseem*, Political Conflict in Pakistan, in: Christophe Jaffrelot (ed.), Comparative Politics and International Studies Series, London 2021, p. 217.

president was far more powerful (domestically) than the American president; and with the military establishment branding the politicians as corrupt since the inception of this country. Over the years, the military establishment has used the judiciary to legitimize each coup upon its imposition, to enable the hybrid regimes to rule without impunity, and to sideline political opposition, even going so far as to have a former Prime Minister Zulfikar Bhutto sentenced to death.

In this socio-political milieu, this article aims to understand what and who comprises the political opposition in Pakistan. The article aims to provide a historical analysis to contextualize the legal role of the political opposition in Pakistan. The legal role is expounded by demonstrating how the black letter law, including the 1973 Constitution, the National Assembly and Senate Rules of Business, amongst other laws, define and empower the opposition, highlighting the importance associated with the leader of the opposition. However, approaching the topic from the perspective of legal realism, we find that throughout history, the conventional understanding of how the political opposition is defined, particularly across the scholarship covering the Global North, does not effectively apply in Pakistan's context. Even though the Constitution and other statutes, rules and regulations provide a comprehensive understanding of the parliament and its powers, the actual functionality of each organ of the state, particularly the parliament, is predicated on supra-constitutional interventions of the establishment. Whether the intervention is in the form of direct imposition of martial law, or behind the scenes maneuvering, the clash since the inception of Pakistan has been between a dominant power in the region that now constitutes the northern provinces of Pakistan, and newly emerging political elite close to the creation of Pakistan in 1947.

The reliance on legal realism, as opposed to other theoretical frameworks, is used to highlight the stark distinctions between theory, legal texts, and the practice of how Pakistan's legal-political system functions. Moving beyond the constitutional framework is essential for understanding how Pakistan's governance system is a hybrid one. While over time, several theorists have relied on the deep state model to explain Pakistan's regulatory system, I argue, in light of our 78-year history, the hybrid system is a more apt way to categorize Pakistan, particularly in terms of how the recent decades have unfolded. This article does not use the lens of deep state to illustrate the establishment's intervention for a few reasons: the establishment has been working openly as more of a part of the political system,² rather than a clandestine operation;³ the military has frequently held elections with "unfree competition",⁴ even in times of direct dictatorial rule, seeking some form of

2 *Steven Levitsky / Lucan A. Way*, *Competitive Authoritarianism: Hybrid Regimes After the Cold War*, Cambridge 2010.

3 *Kevin G. Steven / Dennis A. Gioia*, *Identity, Organizational Memory, and Learning: The Case of the FBI's Deep State*, *Journal of Management Studies* 41 (2004), pp. 577-601; *Michael J. Glennon*, *National Security and Double Government*, Oxford 2014.

4 *Andreas Schedler*, *Electoral Authoritarianism: The Dynamics of Unfree Competition*, Boulder 2006.

political legitimacy from the public and to appear somewhat democratic,⁵ unlike a deep state where the source of legitimacy is often outside electoral purview;⁶ and the visibility is such that people often criticize the political elite by appealing to the Chief of Armed forces.

Subsequently, the next section of this article analyses the historical clash between these political elite and the establishment, viewing the political class as the *de facto* opposition of Pakistan. The narrative starts from the creation of Pakistan in 1947 marred by a political vacuum. The country was unique geographically; with an over 1000 miles difference between the East Pakistan (that later succeeded to form Bangladesh in 1971) and West Pakistan. The initial years after creation were marked by unstable political rule struggling to create a constitution for the geographically and politically divided country and passed the first constitution with a parliamentary system in 1956. The 1956 Constitution and democratic rule were upended in 1958 by Field Marshal Ayub Khan – who also promulgated the second constitution (1962-1969) – and was succeeded by General Yahya Khan (1969-1971). The fall of East Pakistan in 1971 led to a brief period of civilian rule by Zulfikar Bhutto, founder of the Pakistan People's Party (PPP) (1971-1977) whose government drafted the third and current constitution of Pakistan; followed by General Zia-ul-Haq (1977-1988) – responsible for Zulfikar Bhutto's execution. General Zia's death in 1988 led to a tumultuous game of musical chairs between Benazir Bhutto (PPP) and Nawaz Sharif (PML-N), until General Pervez Musharraf's coup (1999-2008). 2008-2018 saw civilian rule – one complete five-year term by PPP followed by PMN(N) completing the 5-year term; followed by a hybrid model that continues till today, despite change in military and civilian leadership – move from "Project Imran" and PTI, to his downfall in 2022.

The article will also highlight how political parties who do not have any representation in the Parliament have been used as a coercive tool against political forces who have fallen out of favor with the military establishment like the Tehreek-e-Labaik Pakistan (TLP), which has been used to destabilize democracy. While no religious political party has ever come into power, with many like Jamat-e-Islami (JI) and Jamiat-e-Ulema-e-Islam (JUI) and their respective splinter groups only winning a handful seats across the Parliament and provincial assemblies, however, they have been recurrently used to serve in cabinets and oppositions, depending on the tilt of the establishment. Thus, within the category of *de facto* opposition, the article also creates a further distinction: those political entities who have gained favor or support from the military, versus those who have been typecast as the anti-state, corrupt villains. This narrative is then further corroborated by initiating

- 5 Larry Diamond, Elections Without Democracy: Thinking about Hybrid Regimes, *Journal of Democracy* 13 (2002), pp. 21-35; Johannes Gerschewski, The Three Pillars of Stability in Authoritarian Regimes: Legitimation, Repression, and Co-optation, *Democratization* 20 (2013), pp. 13-33.
- 6 Firat Türkmen, The Deep State in Turkish Political Culture: A Genealogy of the Concept, *Third World Quarterly* 36 (2015), pp. 1930-1946.

a wide range of corruption allegations across various anti-corruption agencies existing in Pakistan.⁷

I. Contextualizing Pakistan's Parliamentary System

Pakistan's current legal and political system is very much ingrained in its colonial origins. In fact, the imperial elements imposed by the British were very much used by those in power against Pakistan's own citizens.⁸ All three constitutions of Pakistan drew heavily from the last constitution statute of United India – The Government of India Act, 1935 – which also served as the governing law till Pakistan's first constitution was promulgated almost nine years after the country gained independence. The All India Muslim League, the legacy of which and its splinter groups still form an integral part of Pakistan's legal and political landscape, was formed as a reaction to the lack of Muslim representation of the Indian National Congress.⁹ Interestingly, some frequently used repressive tools for curbing political opposition used today, like preventive detention, were also introduced during the colonial period.¹⁰ While the All India Muslim League was created to recognize the diversity present within the Indian subcontinent, soon after partition and creation of Pakistan in August 1947, the Muslim League became the single dominant political party, and consequently it and its splinter groups became dominantly Punjabi Muslims, and have frequently been an agent of curbing dissent and denying heterogeneity within Pakistan.

With the exception of the 1962 constitution, both the constitutions of 1956 and 1973 entailed a parliamentary form of government, deriving inspiration from the Westminster model. This sentence in itself illustrates the primary distinction between the two systems. Although Pakistan's parliament, which holds constituent powers,¹¹ presumes that the constitution reigns supreme, it is the supra-constitutional forces, particularly the military establishment, that dictate when the constitution will and will not function. On the other hand, the English Parliament reigns supreme in the absence of a written constitution, however, the constitutional conventions are strong enough to ensure consistency and certainty in various

7 These include the regular police and prosecution departments, the Federal Investigation Agency (FIA), the Anti-Corruption Establishment (ACE), and the National Accountability Bureau (NAB). All these agencies have jurisdiction to investigate and prosecute civilians on corruption allegations. The exception being that none of these have jurisdiction to try members of the armed forces and the superior courts (high courts and supreme court).

8 See generally *Jallaluddin Abdur Rahim*, Outline of a Federal Constitution, in: Jallaluddin Abdur Rahim (ed.), *Pakistan People's Party, Political Series*, Lahore 1969.

9 *Belkacem Belmekki*, The Formation of the Indian National Congress: A British Manoeuvre?, *Revista de filologia inglesa* 29 (2008), pp. 21-41; *Nadeem Shafiq*, Formation of the All-India Muslim League and its Response to some Foreign Issues – 1906 – 1911, *Journal of Politics Studies* 169 (2012).

10 Rowlatt Act 1919; *Sadaf Aziz*, *The Constitution of Pakistan – A Contextual Analysis*, London 2017.

11 See Article 238 and 239 of the 1973 Constitution.

functions. From our perspective, the legal and political role of the opposition is fairly certain in the Westminster system, with it being one of the oldest democratic systems still in place, which also grants it a certain amount of legitimacy. The Parliament, once elected, has the Prime Minister as the leader of government, who then appoints their cabinet. In parallel, a leader of the opposition is appointed along with their shadow cabinet. The successive maintenance of this convention, coupled with the oversight of the opposition, or the ‘government in waiting’, acts as an internal check on the ruling party, which adds to the legitimacy.¹² Furthermore, key conversations regarding law and policy making, and implementation happy amongst these leaders, which also implies that a key consideration in the weight assigned to each voice in this conversation stems from the numbers that support them within the legislature, and the ensuing cabinet.

Against this backdrop, it must be noted that there are variances in the parliamentary systems that emerged around the world, even amongst states which were formally British colonies. In 1947, the decolonization of the Indian Subcontinent resulted in two nation states: India, which was the successor, and Pakistan, which was the succeeding nation.¹³ Soon after Pakistan’s inception, there was also a large influx of American assistance to the Pakistani military which further bolstered their control over the system.¹⁴ Subsequently, civil war amongst the Eastern and Western parities of Pakistan resulted in the succession and formation of Bangladesh in 1971. When looking at the functionality of political parties and consequently opposition in India, we find clear distinctions between them and Pakistan, despite seemingly inheriting the same governance system from the former colonial masters. Dr Waseem writes:

“Punjab – the power base of Pakistan [also the most populous province of the country] was already a semi-military state in British India.¹⁵ Sindh was a backward region of Bombay Presidency in terms of developing representative institutions at the local level. Most of Balochistan was a region of indirect rule... In this way, the territories that constituted (West) Pakistan had weak institutions of self - rule as compared to India.”¹⁶

12 While concerns of using the First Past the Post System for election does raise questions about lack of representation which can chip away from legitimacy of the formation of Parliament and consequently the government, however, the scope of this article is restricted to how oppositions function, more than the electoral system used.

13 Waseem, note 1, pp. 218-231.

14 Pervez Hoodbhoy, Pakistan: Origins, Identity, and Future, London 2023.

15 Clive Dewey, The Rural Roots of Pakistan Militarism, in: D. A. Lowe (ed.), The Political Inheritance of Pakistan, London 1991, pp. 260-262.

16 Waseem, note 1, p. 149. See also Dr Muhammad Ali Shaikh, History: How Punjab came to Dominate the Army, Dawn News, 5 March 2023, <https://www.dawn.com/news/1740463> (last accessed on 12 December 2024).

One of the reasons for Punjab's representational dominance within the military was further bolstered by the Martial Race Theory,¹⁷ which Pakistan's military appears to have continued using. This predicated that people belonging to Punjab and the North West Frontier Province (now Khyber Pakhtunkhwa province) were 'martial races' and consequently fit to join the services of the Imperial Army.¹⁸ This resulted in over half of all recruits of the British Army in India coming from Punjab,¹⁹ and the resulted in the dominance of Punjab in the establishment's policies post partition. It does further set a backdrop for why two former Prime Ministers assassinated, through court,²⁰ and in the streets²¹ belonged to Sindh – the land of non-martial races.

Another key distinction between the Indian and Pakistani frameworks is that the Pakistani system allows for multiparty system to exist.²² The Indian National Congress did not face much contestation after 1947 at the center, as was evident from the first three general elections.²³ This is further evident that Congress was not able to effectively address the massive and sudden rise of BJP. This is also why they were unable to formally form opposition on the floor of the *Lok Sabha* for almost a decade, until the 2024 general elections. Even at this juncture, there was still no third party strong enough to warrant sufficient competition, consequently resulting in the formation of the Indian National Developmental Inclusive Alliance (INDIA) coalition. On the other hand, Pakistan has a huge plurality of political parties, which either have direct numerical strength across legislative houses, or have enough influence (such as JUI-F and MQM) which grants them a seat at most contested negotiations. The main avenue, however, for parties with minority seats and those sitting in the opposition to be dominant is by reliance on supra-constitutional support from the military establishment.

While the political dynamics in the UK and India are mostly intra-parliamentarian, this is not true for Pakistan. Since its inception, Pakistan has had a third player – the establishment. While in the early years, the establishment referred to military and bureau-

17 Ibid.

18 *Aziz*, note 10, p. 12.

19 Ibid.

20 Former Prime Minister Zulfikar Bhutto's execution on murder charges was deemed a bad judgment by the Supreme Court itself almost four-and-a-half decades after he was executed through the Presidential Reference 1 of 2011.

21 Two-time prime minister Benazir Bhutto, the daughter of Zulfikar Bhutto, was assassinated when she returned to Pakistan during Musharraf's coup, see *Owen Bennet Jones*, Benazir Bhutto Assassination: How Pakistan Covered up the Killing, BBC News, 27 December 2017, <https://www.bbc.com/news/world-asia-42409374> (last accessed on 10 December 2024).

22 See Political Parties Order, 2002, which was replaced with the Elections Act 2017. Both laws were framed in a way that does not impose a numerical restriction on the number of political parties that can be registered and those that can contest elections. See Elections Act Chapter 11, Sections 200-203.

23 *N. S. Gehlot*, Opposition of Indian Political System Problem of Perception, *The Indian Journal of Political Science* 3 (1985), pp. 330-352.

cracy and their influence on government, however, in the recent years, particularly after the promulgation of Pakistan's third and current constitution in 1973, it is primarily the military establishment that has called the shots. The pervasiveness is reflective from the fact that Dr Mohammad Waseem calls Pakistan an 'establishmentarian democracy'.²⁴ This essentially means that the leader of the government or the leader of the house is a nominee or protegee of the establishment. Such approval automatically implies a rejection of the opposition, who are labelled as villains and cast as corrupt, anti-state actors who cannot make any appeals towards their own legitimacy. To this effect, various laws have been enacted over the years, used by most incoming governments against their respective oppositions. These include the National Accountability Ordinance (2000), enacted by the then martial law dictator General Musharraf. With many members of opposition in and out of jail, and some only being produced in parliament 'when needed', the opposition is unable to carry out the actual role theoretically envisaged in the Parliamentary system, and also the role assigned to the political opposition under Pakistan's codified legal framework. Therefore, not only does the ruling party get supra-constitutional support – which also leads to external checks on the parliament wavering – but the internal checks that separation of powers envisages in the form of an effective opposition, also do not exist. All these factors lead to a poor parliamentary performance and underscore the need for devising a more contextualized understanding of the structure and role of political opposition in Pakistan.

Another distinction between the political formation in Pakistan is the nature of polarization. Over the recent years we have witnessed a rise in populist leaders around the world, from Trump being elected for a second term to Modi forming yet another government, albeit with some decline in popularity, and finally formation of a formal opposition. It can be theorized that the fissures in these nations are, at least optically, ideology or issue based. However, the rapid political polarization as part of 'project Imran Khan' spearheaded by Generals Bajwa and Faiz, was to type cast every politician not part of Imran's party – the Pakistan Tehreek-e-Insaf – as corrupt.²⁵ While Imran himself, who not only was notoriously known as a playboy throughout his cricketing career and subsequently as well, propagated the idea of *Riasat-e-Madina* (the idea of somehow returning to the Islamic ways of the city state of Madina as it was in the time of the Prophet).

24 Waseem, note 1.

25 Asma Faiz, We Are on the Same Page: The Curious Case of Imran Khan's Populism in Pakistan, in: Alain Dieckhoff / Christophe Jaffrelot / Elise Massicard, (eds.) Contemporary Populists, Berlin 2022; Najam Sethi, Farewell to arms?, The Friday Times, 8 October 2021, <https://thefridaytimes.com/08-Oct-2021/farewell-to-arms> (last accessed on 11 June 2025); The Friday Times, Retired general Bajwa has a lot to say about Imran Khan but is bound by codal limitations, 20 December 2022, <https://thefridaytimes.com/20-Dec-2022/retired-general-bajwa-has-a-lot-to-say-about-imran-khan-but-is-bound-by-codal-limitations> (last accessed on 11 June 2025); Umar Farooq, 'Project Imran Khan' Created Polarization, Not Consensus, In Pakistani Society, The Friday Times, 25 December 2022, <https://thefridaytimes.com/25-Dec-2022/project-imran-khan-created-polarization-not-consensus-in-pakistani-society> (last accessed on 11 June 2025).

With Imran Khan coming to power in a hybrid framework, he was fully in support of the military establishment. As soon as he fell out of favour, and the military declared itself as ‘neutral’, the opposition parties, who had a never-ending list of cases against their leaders, formed a coalition – the Pakistan Democratic Movement, and spearheaded a successful vote of no-confidence against Imran Khan.²⁶ Since then, Khan has been the biggest critic of the successor hybrid regime. However, it is pertinent to note that all mainstream political players want or, at least for survival, need to be the blue-eyed baby of the military establishment.

With each successive government, we frequently find that those elected to the Parliament, by virtue of being declared corrupt, anti-state, or generally as the villains, despite often having sizeable representation within the parliament, often do not have any option but to resort to the streets. This primitive form of political opposition that we see today is very reminiscent of how Pakistan was created in the first place. While the British empire did create local legislative body within the Indian subcontinent, the actual opposition or anti-imperial rhetoric was generated outside the legislative bodies. While Gandhi rallied the masses using notions of Hinduism, Muhammad Ali Jinnah, rallied the sizeable Muslim minority population using Islamic rhetoric and furthering the two-nation theory.

However, when Gandhi started the Quit India Movement, that is when Jinnah and consequently Muslim League gained favour with the Imperial rulers. Jinnah was successful in gaining favour for the Muslim minority population, by giving up on ideals for greater provincial autonomy, and also by offering Muslim recruits to the British during the Second World War. On the other hand, at this time, the leadership and various members of the Indian National Congress, who were previously favoured by the colonial masters, languished in prisons under various charges.²⁷ We find the same imperialistic legacy continuing post partition, even today.²⁸

It is for these reasons that the opposition is almost always struggling, at least till it comes in favour of the supra-constitutional powers. The only thing that has changed over the years is the location of resistance. After Imran Khan obtained the establishment’s support, Islamabad, the capital city of Pakistan, has become the epicentre of resistance at least by PTI and other parties like the TLP who have military support against those in power. While PTI-military relations currently are nothing short of being highly acrimonious, the

26 It should be noted that while no prime minister in Pakistan has completed the full five-year term, Imran Khan is the only prime minister removed through a vote of no confidence; see *Marva Khan*, Pakistan’s new prime minister faces huge challenges, Development and Cooperation, 20 April 2022, <https://dandc.eu/en/article/swift-and-decisive-action-pakistans-supreme-court-has-ended-constitutional-crisis> (last accessed on 11 June 2025).

27 *Aziz*, note 10, p. 20.

28 *Rahim*, note 8.

PTI only knows one way to function – attack the capital²⁹ or continue to threaten about attacking the capital.

B. Constitutional and Statutory Role of Political Parties and the Political Opposition in Pakistan

1. Political Parties and the Right to Association

In order to fully understand the role of the opposition, it is imperative to understand the elaborate constitutional framework in which it operates. The 1973 Constitution of Pakistan is one of the longest constitutions in the world. It delineates Pakistan as an ethnic federation and originally devised a parliamentary form of government. Under the 1956 and 1962 constitutions Pakistan had a unicameral parliament, with both East and West Pakistan having equal representation. Under the 1973 model, the parliament is bicameral. The National Assembly is the lower house with a 5-year term,³⁰ which has proportional representation of all four provinces (Punjab, Sindh, Khyber Pakhtunkhwa, and Balochistan), and is directly elected by citizens who have attained the age of majority (18 years). The Senate is the upper house, which has equal representation of all four provinces and is indirectly elected. The four provincial assemblies and the National Assembly vote for the seats allocated to the respective provinces and the federal territory. The Senate has a 6-year term, and the elections are held every three years as half the membership retires every three years after completing their 6-year term. In addition to being a bipartisan body, the parliament's structural bifurcation also ensures that the possible outgoing government will be able to

29 Imran Khan and PTI have spearheaded numerous blockades within the federal capital, particularly after the 2013 elections, when they formed provincial government in the KP Province, but were part of the opposition in the Parliament. See *Yaseen Ullah / Manzoor Ahmad / Syed Azim*, *Politics of Protest in Pakistan: Causes and Features of the PTI* (2014) *Dharna in Islamabad, Pakistan*, *Global Strategic and Securities Review*, *Global Strategic & Securities Studies Review* (2020); *Al Jazeera*, *Pakistan: Police clash with protesters in Rawalpindi*, 28 October 2016, <https://www.aljazeera.com/news/2016/10/28/pakistan-police-clash-with-protesters-in-rawalpindi> (last accessed: on 11 June 2025); *Rizwan Shehzad*, *ATC directs police to arrest Imran, Qadri in PTV attack case*, *The Express Tribune*, 21 October 2016, <https://tribune.com.pk/story/1205354/atc-directs-police-arrest-imran-qadri-ptv-attack-case> (last accessed: on 11 June 2025). Even after the 2018 general elections, where they retained power in KP, and formed federal government, the capital city did not receive any rest, especially after a vote of no confidence against Imran was successful, see *Munawer Azeem*, *Day of clashes in Islamabad ends in PTI protesters' retreat*, *DAWN*, 27 November 2024, <https://www.dawn.com/news/1875003> (last accessed: on 11 June 2025); *Munawer Azeem*, *FIR accuses PTI leaders of marching on capital to "force Imran's release"*, *DAWN*, 20 December 2024, <https://www.dawn.com/news/1879866> (last accessed: on 11 June 2025); *Deutsche Welle*, *Pakistan: Imran Khan Supporters storm capital*, 26 November 2024, <https://www.dw.com/en/pakistan-imran-khan-supporters-storm-capital/a-70885272> (last accessed on 11 June 2025); *The Express Tribune*, *PTI convoys enter Islamabad amid violent clashes with police*, 25 November 2024, <https://tribune.com.pk/story/2511799/pti-convoys-face-tear-gas-as-march-towards-islamabad-continues> (last accessed on 11 June 2025).

30 Articles 51 and 52 of the Constitution of Pakistan, 1973.

secure representation in the Senate due to the indirect electoral system. Consequently, even if the ruling party or coalition is unable to form government in the next term, they can serve as an opposing force in the Senate.

In addition to the structural role of including diverse or opposing voices in the Parliament, Pakistan is also an ethnic federation with a multi-party system. The barriers to entry, at least with respect to party formation are fairly low, and embodied within the 2017 Elections Act³¹ and the Political Parties Rules 2002. However, we do find a list of anti-state rhetoric that can,³² and historically has been used to censure, restrict, and outright prohibit various political parties over the last seven decades. While barriers to entry may very well be low, there are severe hurdles in trying to stay in the playing field, especially if a political party's ideology does not strictly match that of those spearheading the establishment at that time.

In 1975, Zulfikar Bhutto disbanded the National Awami Party (an ethnic party in an ethnic federation), which was upheld by the Supreme Court on the grounds that ethnic nationalism was a violation of the Two-Nation Theory,³³ and consequently against 'sovereignty' and 'integrity of Pakistan' – which is also a limitation listed in Article 17 – freedom of association.³⁴ This anti-state rhetoric was subsequently bolstered by General Zia by adding Islamic ideology and morality based rhetoric to the Constitution in qualifications and disqualification of members of legislative assemblies,³⁵ as well as the Political Parties Act 1962,³⁶ which have remained a part of the legal system despite various legal amendments over the years.

In 2002, General Musharaff replaced the Political Parties Act 1962 with the Political Parties Order 2002, and he amended Article 17 to include 'public order' as an additional restriction on freedom of association. One of the pivotal changes that was subsequently undone was to impose a requirement of anyone contesting legislative elections to hold a bachelors' degree, which was not only uncommon amongst the politicians, but also across Pakistan, which has had very low literacy rates pre-and post-independence.³⁷ This

31 See Sections 200-211.

32 See Section 200 of Elections Act, 2017

33 The Two Nation Theory entailed that the Muslims and Hindus of the Indian subcontinent were two different nations and could not live together peacefully in a United India. This theory later became a cornerstone of the Pakistan Movement.

34 Islamic Republic of Pakistan v Abdul Wali Khan PLD 1976 SC 57; see also *Aziz*, note 10, p. 71.

35 See Articles 62 and 63 of the Constitution. Nawaz Sharif's third term as prime minister was cut short by the Supreme Court by declaring him dishonest under Article 62(1)(f) of the Constitution, for failing to declare one unused income which he had declared in his previous records.

36 *Aziz*, note 10, p. 71.

37 While the literacy rates in East Pakistan were generally high, West Pakistan or what now remains of Pakistan had low literacy rates and infrastructure during colonial times as well. See *Rahim*, note 8.

minimum education qualification was upheld by the Supreme Court at the time,³⁸ but subsequently, when it was challenged again in 2008, the Supreme Court found there was no rational basis for this limitation.³⁹ These measures were ‘intended to ‘clean up’ the political sphere’, ensure a compliant legislature,⁴⁰ and subsequently used as tools for controlling and censoring political parties.

II. Legal Role of Political Opposition

Unlike the Indian *Lok Sabha* where there is a need for substantial numbers in the assembly to form an official opposition, there is no such requirement under Pakistan’s laws. Pakistan’s legal framework allows whichever political parties sit in the National Assembly to appoint a leader of opposition, regardless of their collective numerical strength, albeit the member selected as the leader of opposition has the greatest numerical strength across all candidates contesting for this position.⁴¹ The collective strength of the treasury and opposition also changes post elections whereas candidates are allowed to contest elections as independent candidates, however, after securing a seat in the assembly, they must declare their association in joining the treasury or the opposition.⁴² Similar to appointment, a majority of the members of the opposition can also have the leader of opposition removed.⁴³

In addition to representing the thoughts and interests of the opposition on the floor of the assembly, the opposition leader also has a constitutionally and statutorily mandated role to play. After the recent and highly contentious 26th Constitutional Amendment in 2024,⁴⁴ the reconstituted Judicial Commission for the appointment of judges of the Supreme Court and five High Courts, now has equal representation of the treasury and opposition benches, with the nominations for these members to be made by the leaders of treasury and opposition respectively.⁴⁵

Additionally, the leader of the government and leader of opposition collectively appoint the Chief Election Commissioner.⁴⁶ If they fail to reach a consensus, they both send a list of their preferred candidates to the Parliamentary Committee, which has equal representation

38 Pakistan Muslim League (Q) v Chief Executive of Islamic Republic of Pakistan PLD 2002 SC 994.

39 Muhammad Nasir Mehmood v Federation of Pakistan PLD 2009 SC 107.

40 Ibid., p. 72.

41 Rule 39 Rules of Procedure and Conduct of Business in the National Assembly 2007.

42 Rule 15 Rules of Procedure and Conduct of Business in the Senate (2012).

43 Rule 39A Rules of Procedure and Conduct of Business in the National Assembly 2007.

44 *Moeen Cheema / Marva Khan Cheema*, Fractured Foundations and Pakistan’s Kafkaesque Constitutional Amendment, *Verfassungsblog*, 21 October 2024, <https://verfassungsblog.de/pakistans-26-constitutional-amendment/> (last accessed on 30 June 2025), DOI: 10.59704/f72dd1e9c0e430bc.

45 Article 175A (2)(vii) of the 1973 Constitution.

46 Article 213 of the 1973 Constitution.

from the government and the opposition.⁴⁷ Pakistan is also one of the few countries in the world where general elections are held in the supervision of a caretaker government, another legacy of General Zia. Under the current constitutional framework, the caretaker cabinet is also created by the President in consultation with the Prime Minister and the leader of opposition.⁴⁸

While Pakistan does not have a shadow cabinet, with the constitutional courts refusing to intervene to order their creation,⁴⁹ parliament's standing committees like the Public Accounts Committee (PAC) was held to entail a similar role of oversight by the opposition on the government.⁵⁰ The leader of opposition serves as the Chairman of the PAC. The main role of this committee is to exercise review of the Auditor General's Reports on the federation's accounts which are referred to the PAC once the report is presented on the floor of the parliament.⁵¹ Similarly, the opposition leader needs to be consulted while forming other parliamentary committees such as the Business Advisory Committee.⁵² Even in the National Accountability Ordinance, 1999, a pivotal legislation used for persecuting the 'de jure' opposition installed by General Musharraf soon after he imposed a coup, now accounts for the Chairman National Accountability Bureau to be appointed after consultation of both the leaders of the house and the opposition.

The legislative powers across all six federal and provincial legislative bodies in Pakistan also envisage an opposition within political parties, regardless of whether they form part of the government or opposition on the floor of the respective assembly. This is by virtue of allowing private member bills. The only limitation here being the defection clause under Article 63A of the 1973 Constitution, where each member of a political party is bound to vote on party lines in limited situations.

C. De facto Opposition

To date, there have been only two governments who have been able to complete their constitutionally granted five-year term in the National Assembly. The first instance was the PPP government that came into power in 2008 towards the end of Musharraf's rule, with Asif Ali Zardari (husband of the then recently slain and only woman to serve as a prime minister, Benazir Bhutto) becoming the President. It was during his government that the 18th Constitutional Amendment was passed with broad consultations across political parties. This amendment is notable for reverting Pakistan back to parliamentary form of government, with the sweeping controlling powers of the president revoked, and for

47 Article 213(2B) of the 1973 Constitution.

48 Articles 224 and 48(5)(b) of the 1973 Constitution.

49 See *Lawyers Foundation for Justice v Federation of Pakistan and Others* 2017 CLC 1066 Lahore.

50 *Ibid.*

51 Rule 177 of the Rules of Procedure and Conduct of Business in the National Assembly 2007; Rule-177 of the Rules of Procedure and Conduct of Business in the National Assembly 2007.

52 *Ibid.*, Rules 212-213.

increasing provincial autonomy.⁵³ Once this government completed its term, the next general elections saw Pakistan Muslim League (N) (PML(N)) form a government in the centre. While these two successive governments did complete their five-year terms and are the only ones in Pakistan's history to do so, they were subjected to exceptional judicial overreach, with the Supreme Court disqualifying two prime ministers during this time – Yousaf Raza Gilani and Nawaz Sharif. It was during the PML(N) government that the hybrid regime started formulating its network.

This article posits that due to Pakistan's historical and political context, most of the conceptions of the role of the opposition in the Global North often do not effectively apply in our context, such as Dahls' six-point conceptualization of the opposition.⁵⁴ This is particularly true for long-standing systems like the Westminster system, which Pakistan has been a proponent of carrying forward, yet, has been unable to embody the basic tenets in how Pakistan's parliamentary system pans out. The few periods of effective political opposition through Pakistan's history can be better conceptualized as pragmatic opposition, as opposed to principled or radical opposition.⁵⁵ In this section, I look at the clash of institutions, particularly the establishment (or the ruling elite) versus the political elite, and argue that the latter has always been treated collectively as the *de facto* opposition. Even in periods where there was no direct authoritarian rule, the military remained in control in various ways and continued to gain stronghold by destabilizing those elected governments which had fallen in disfavour of the establishment. Which is why coalitions formed by opposition parties often entail the term 'democratic' within their nomenclature – be it the United Democratic Front (UDF) formed after Zulfikar Bhutto came to power, the Movement for Restoration of Democracy (MRD) in the 1980s against Zia's dictatorship, or the more recent Pakistan Democratic Movement (PDM) formed in retaliation of General Bajwa and his hybrid regime with Imran Khan serving as the Prime Minister.

This section highlights how 'Project Imran' was curated over the years, leading to the onset of a hybrid system from 2018 till today, despite a change in leadership within the army and a change in the ruling parties in the federal government. One key commonality, however, between periods of authoritarian and hybrid regime is the heavy reliance on rhetoric surrounding religion and/or piety. While General Zia is the dictator associated with Islamization in Pakistan, other dictators and military establishment have time and again relied on allegations of impiety, corruption, and being anti-state raised against the political elite/opposition to discredit them in the eyes of the public, even when they projected to be more 'liberal' authoritarians. An example is of General Musharraf and his 'enlightened moderation' ideology for curbing Islamist extremism.

53 Asma Faiz, *Making Federation Work: Federalism in Pakistan After the 18th Amendment*, Oxford 2015; Mohammad Waseem, 'A majority constraining federalism cases', *Pakistan Monthly Review* 7 (2025).

54 Robert Dahl, *Political Opposition in Western Democracies*, New Haven 1966.

55 John Dewey, *Reconstruction in Philosophy*, Ithaca 1920.

It is also essential to clear at the outset that political parties and their representatives too have been quick in suppressing opposition. With the creation of Pakistan, Jinnah's Muslim League gained automatic stronghold and political dominance in the nascent state of Pakistan. Even prior to direct praetorian dominance,⁵⁶ the Muslim League carried out an 'assault on leftist politics in the country',⁵⁷ by imposing a ban on the Communist Party of Pakistan.⁵⁸ This was coupled with multiple legislations passed to curtail protests by workers/labour.⁵⁹

I. Dictatorial Regimes and the Fluctuating Allegiance of the Political Elite

Pakistan has had four martial laws administered by members of the armed forces, with Zulfikar Bhutto being the only civilian martial law administrator in Pakistan's history. General Ayub Khan was the first native commander-in-chief of the Pakistan Army, first martial law administrator and the second president of Pakistan. With the general elections scheduled for February 1959, on October 7, 1958, President Iskander Mirza issued a proclamation, abrogating the two-year-old Constitution, dissolving the National Assembly, declaring martial law, and appointing General Ayub Khan as the Chief Martial Law Administrator.⁶⁰ General Ayub ruled till 1969 until he was replaced with General Yahya Khan (1969-71). The Supreme Court of Pakistan, in *State v Dosso* relied on Hans Kelsen's theory of revolutionary legality to validate the coup which consequently became a *carte blanche* for legitimizing future coups as well.⁶¹

General Ayub, upon taking charge, condemned the Pakistani politicians as corrupt and anti-state by claiming that they had 'ravaged the country or tried to barter it away for personal gains'.⁶² He felt that Pakistan was not mature enough to support democracy, therefore he created the "Basic Democracies" model, where there were direct elections

56 Hasan Askari Rizvi, Pakistan: Civil-Military Relations in a Praetorian State, in: R.J. May / Viberto Selochan (eds.), *The Military and Democracy in Asia and the Pacific*, Canberra 2004, pp. 88–100.

57 Aziz, note 10, p. 69

58 Ibid.; see also Akbar Khan and Faiz Ahmad Faiz v The Crown PLD 1954 FC 29; *Estelle Dryland*, Faiz Ahmad Faiz and the Rawalpindi Conspiracy Case, *Journal of South Asian Literature* 27 (1992).

59 See generally Aziz, note 10, p. 69; Essential Services Maintenance Act 1952; Sobho Gyanchandni v Crown PLD 1952 FC 29.

60 Tayyab Mehmood, Jurisprudence of Successful Treason, *Cornell International Law Journal* (1949), p. 54.

61 Ibid., pp. 54-57; see also *State v Dosso* 1958 PLD SC 533. The *Dosso* case was subsequently cited to uphold authoritarianism in Uganda in the *Matovu case*. This case was overturned in *Asma Jilani v Government of Punjab* PLD 1972 SC 139, after civilian leadership had regained control of the government. This is true for subsequent coups as well, with the Supreme Court upholding each coup once it was imposed and overturning that ruling after the departure of the military dictator.

62 President Ayub Khan's Broadcast, Radio Pakistan, October 8, 1958. See also D. P. Singhal, *The New Constitution of Pakistan*, Asian Survey 2 (2016), p. 15.

for local government comprising of 80,000 constituencies divided equally between East and West Pakistan.⁶³ These basic democracies then would indirectly elect the unicameral parliament, which too had equal representation of the Eastern and Western wings.⁶⁴ General Ayub further bolstered this system by banning political parties prior to the election of the basic democracies.⁶⁵ Political parties were later restored through the Political Parties Act, 1962, which severely limited permissible activities for political parties, and provided broad mechanisms for censuring and banning them.⁶⁶

For almost two years, General Ayub's brother, Sardar Bahadur Khan, served as the leader of opposition in the National Assembly.⁶⁷ General Ayub's cabinet consisted mostly of other high-ranking members of the armed forces, along with a few loyal civilians, including Zulfikar Ali Bhutto,⁶⁸ who became Pakistan's first and only civilian martial law administrator in 1971, when the war between East and West Pakistan led to the succession of Bangladesh – which is also evident of one of the biggest issues Pakistan failed to redress during the 24 years since its creation. Generals Ayub and Yahya both belonged to what is now Khyber Pakhtunkhwa province of Pakistan, much in line with the martial race theory.⁶⁹ They consequently they became a vessel for continuing this discriminatory colonial tool. The imposition of the One Unit Plan in this time, whereby all of West Pakistan was paired into one federating unit with East Pakistan as the other to counter the higher population in the Eastern parity, automatically led to the otherization of the Eastern wing. The consequent treatment of East Pakistan was nothing short of a continuation of an imperial control exerted by West Pakistan.⁷⁰ So while the non-martial races have been viewed with mistrust, the brunt of this was faced by the Bengali population who were seen as the opposition, particularly by demonizing the East Pakistan based Awami League. This is true to the extent that even after Zulfikar Bhutto came to power, he severely punished J. A. Rahim a founding member of Bhutto's Pakistan People's Party (PPP), and also a Bengali who chose to stay in what remained of Pakistan after the succession of Bangladesh.⁷¹

From within West Pakistan, the main politician to come up as an opposing force against Ayub and contest elections against him was Fatima Jinnah, who was the sister of Muham-

63 Ibid., pp. 15-16.

64 Ibid.

65 Electoral Bodies Disqualification Order, 1959. See also *Aziz*, note 10, p. 70.

66 Ibid., p. 70.

67 National Assembly of Pakistan, Leaders of Opposition, https://www.na.gov.pk/en/print_list.php?ty=pe=oppleaders (last accessed on 3 December 2024).

68 Presidential Cabinet 1960.

69 *Aziz*, note 10, p. 12.

70 *Rahim*, note 8.

71 DAWN, From the Past Pages of Dawn: 1974: Fifty Years Ago: J. A. Rahim Sacked, 4 July 2024, <https://www.dawn.com/news/1843744> (last accessed on 1 December 2024); DAWN, A Leaf from History: Bullying Tactics, 2 February 2013, <https://www.dawn.com/news/783171/a-leaf-from-history-bullying-tactics> (last accessed on 1 December 2024).

mad Ali Jinnah founder of Pakistan, and had been an active member working towards the creation of a separate Muslim nation. Even though General Ayub can be categorized as one of the less religiously inclined dictators (especially compared to Zia), he used an Islamist campaign against Fatima Jinnah – in addition to rigging⁷² the elections – to defeat her in the 1965 elections. It must be noted that Mujib-ur-Rehman and many other members of the Awami League, who led the succession of Bangladesh, also supported of Fatima Jinnah against Ayub,⁷³ who was the candidate for re-election of the Convention Muslim League.⁷⁴ Fatima Jinnah, also called *Madr-e-Millat* (Mother of the Nation), had widespread support amongst the masses and could be seen as a uniting factor between East and West Pakistan which already had fractured relations by this point. She was thus not only the face of de facto opposition, but also the candidate officially selected by the opposition coalition called the Combined Opposition Parties.⁷⁵ Despite this, she was accused of conspiring to establish Pashtunistan.⁷⁶ She was also labelled as a ‘foreign agent’ by Ayub, who was himself responsible for establishing Pakistan’s ties with the United States.⁷⁷ Fatima Jinnah passed away in 1967, with many blaming the establishment for her death to this day.⁷⁸

Ayub’s second term as president was marred with conspiracy and contempt. This came not only due to questions of legitimacy of the election through which he came to power, but also because, the divide and consequent discontent in East Pakistan continued to grow, further bolstered by Agartala Conspiracy Case.⁷⁹ Furthermore, there was growing dissatisfaction with the One Unit Plan (merging a diverse West Pakistan into one federating unit to consider it an equal parity with East Pakistan, despite the latter having greater numerical strength), and growing resentment against the authoritarian regime led massive

72 Many restrictive laws were additionally in place at this time, including Press and Publications Ordinance, Loudspeaker Ordinance, and Public Safety Act. Issues with the election included gerrymandering, faulty voter lists, bogus votes cast, misuse of state machinery, and managing results otherwise., see *Hamid Khan*, *Constitution and Political History of Pakistan*, Oxford 2001, pp. 163-166.

73 *Ihsan Yilmaz / Kaina Shakil*, Religious Populism and Vigilantism: The Case of Tehreek e Labaik Pakistan, European Center for Populist Studies, 23 January 2022, <https://www.populismstudies.org/religious-populism-and-vigilantism-the-case-of-the-tehreek-e-labbai-pakistan/> (last accessed on 1 November 2024), <https://doi.org/10.55271/pp0001>; *Sana Zaheer / Muhammad Chawla*, Reimagining the populism and leadership of Miss Jinnah, *Global political review* (2019).

74 *Khan*, note 72, p. 161.

75 *Ibid.*

76 *Mehmood Ashraf*, Fatima Jinnah – Pakistan’s First Voice of Dissent, *Naya Daur*, 12 July 2020, <https://nayadaur.tv/12-Jul-2020/fatima-jinnah-pakistan-s-first-voice-of-dissent> (last accessed on 30 November 2024).

77 *Naya Daur*, When Fatima Jinnah was declared ‘Traitor’ by the Powers-That-Be, 9 July 2020, <https://nayadaur.tv/09-Jul-2020/when-fatima-jinnah-was-declared-traitor-by-the-powers-that-be> (last accessed on 30 November 2024).

78 *Ibid.*, see also *Ashraf*, note 76.

79 *Khan*, note 72, pp. 181-182.

anti-Ayub protests, resulting in change of power from Ayub to General Yahya in 1969.⁸⁰ Mujib ur Rehman's Six Point Agenda led the Awami League to a victory in elections which were held on the basis of proportional representation, implying a Bengali majority at the Center.⁸¹ The Six Point agenda was not acceptable to Zulfikar Bhutto, who found the agenda as a threat to the integrity of the federation, which further led Yahya to delay calling the first session of the newly elected National Assembly.⁸² The resistance to this delay within East Pakistan was met with the military launching Operation Search Light,⁸³ leading to the eventual succession of Bangladesh.

After the fall of Dhaka, the Pakistan People's Party (PPP) formed government in what remained of Pakistan, with Zulfikar Bhutto taking over from Yahya as a civilian martial law administrator, and subsequently becoming the President.⁸⁴ Although Bhutto, much like others who had worked closely with the military establishment, like Imran Khan in 2018, was a proponent of a strong presidential system,⁸⁵ the eventual constitution - the Constitution of Islamic Republic of Pakistan, 1973 – entailed a parliamentary system with a bicameral legislature, and the federation divided into four provinces, federal territory, and federal and provincial tribal areas. While the Constitution did grant right to association (Article 17), it does not come as a surprise that this right came with an ambiguous list of restrictions instituted through the first constitutional amendment.⁸⁶ Furthermore, since its inception, the Constitution has also included an aggressive colonial tool for censorship and punishment such as preventive detention, embedded in the bill of rights as an exception to the second fundamental right listed in the chapter.⁸⁷ The 1973 Constitution made the Prime Minister the chief executive of the State (and consequently Zulfikar Bhutto became the Prime Minister), with only one removal method at the time: a vote of no-confidence against him at the floor of the National Assembly. While no Prime Minister in Pakistan's history has completed a five-year term, it is only Imran Khan, product of the 2018 hybrid regime,

80 Ibid.

81 *Aziz*, note 10, p. 51.

82 Ibid.

83 Ibid., pp. 51-52.

84 Ibid.

85 The New York Times, Presidential System Backed by Bhutto, 13 April 1972, <https://www.nytimes.com/1972/04/13/archives/presidential-system-backed-by-bhutto.html> (last accessed on 25 June 2025); see also *Omar Azhar*, Pakistan Does Not Need A Presidential System; Let Parliamentary Democracy Flourish Without Interference, The Friday Times, 2 October 2021, <https://thefridaytimes.com/02-Oct-2021/pakistan-does-not-need-a-presidential-system-let-parliamentary-democracy-flourish-without-interference> (last accessed on 25 June 2025).

86 See Part 2 of this article for a discussion on the limitations.

87 Preventive detention is listed as an exception to Article 10 which provides safeguards against detention. For more insights, see *Aziz*, note 10, pp. 199-212.

who was removed in this way,⁸⁸ after the Army top brass declared itself to be a politically neutral entity.⁸⁹

The parliamentary system embodied within the Constitution was set aside by two dictators: General Zia ul Haq (1977-1988) who overthrew Zulfikar Bhutto and was also responsible for having him executed through the Supreme Court;⁹⁰ and General Pervez Musharraf. Both these dictators suspended several portions of the Constitution and further amended it to turn it into a semi-presidential model which stayed in place till PPP came back to power and promulgated the 18th Constitutional Amendment in 2010.

Dr Waseem holds that Pakistan has two power centers, or elite groups clashing with one another: the state elite, which he classifies as military establishment, and the political elite.⁹¹ While the direct dictatorial regimes have come and gone, they have, at least in the last half century, been interspersed with democratic periods with a new wave of hybrid regime taking over in 2018. However, even in the democratic periods, the establishment was not sidelined, but in fact continued to play a pivotal role. The creation and usage of Tehreek-e-Labaik Pakistan (TLP) to discredit the PML-N government from 2013-2018 is a pertinent example. While this right-wing militia posing as a political party had no representation in any legislative body, however, their violent protests brought the country to a standstill and forced the ruling party of the time – PML(N) to amend the Elections Act of 2017, to ensure continued exclusion of the Ahmadiyya Community from the electoral process.⁹² When the government invoked Article 245 of the Constitution, calling the military in aid of civilian power, the military refused to facilitate. Subsequently, the Director General of Punjab Rangers was seen distributing money amongst the protestors at the conclusion of the protests.⁹³ Even prime minister Nawaz Sharif's disqualification, which was at the time considered a lifetime disqualification by the Supreme Court, aligns closely with these external interventions of the establishment.

II. *The Democratic Autocracy – Shift to a Hybrid Regime*

Imran Khan, former captain of the Pakistan cricket team, formed the PTI in 1996. The PTI did not win any seat in the 1997 general elections, and in the 2002 election, Imran

88 Khan, note 26.

89 Zahid Hussain, The Saga of General Bajwa, Dawn, 21 August 2024, <https://www.dawn.com/news/1853707> (last accessed on 25 June 2025).

90 Earlier this year, acting in its advisory capacity, a nine-member bench of the Supreme identified that there were major constitutional lapses and violation of due process, vindicating Zulfikar Bhutto post houmous.

91 Waseem, note 1, p. 149.

92 The Ahmadiyya community is a minority group who consider themselves to be Muslims, but they were declared non-Muslims by insertion of Article 260(3) of the 1973 Constitution through the Second Constitutional Amendment, 1974.

93 M Ilyas Khan, Why was Pakistan General giving money to protestors?, BBC, 29 November 2017, <https://www.bbc.com/news/world-asia-42149535> (last accessed on 1 December 2024).

was the only PTI member to win a seat. At this time, he supported General Musharraf and only turned on him towards the end of his tenure and went on to boycott the 2008 general elections which marked Pakistan's return to democracy and parliamentary form of government. The next time he and the PTI collectively participated was in the 2013 general elections, and the party was able to form provincial government in Khyber Pakhtunkhwa, which they have retained ever since. However, Khan, who perhaps believed he ought to have formed the government at the center as well, raised allegations of rigging, which he later withdrew, and launched the *azadi march* (freedom march) towards Islamabad. While the PTI was sitting in the opposition benches in the National Assembly, during this time, the entirety of their resistance was outside, on the streets, and not on the floor of the Parliament.

During this time, it appears that the then Prime Minister Nawaz Sharif made yet another miscalculation. Much like promoting General Musharraf, who ended his government, he appointed General Bajwa as the COAS, even though he lacked seniority, in 2016. Within a year, Nawaz Sharif lost his seat as the prime minister and was also disqualified from contesting elections for life;⁹⁴ a judgment later overturned by the Supreme Court after General Asim Munir became the COAS.⁹⁵

It was later revealed that General Bajwa and General Faiz, the former Chief of the military-run Inter-Services Intelligence (ISI), who had been indicted for engaging in political activities, such as violating anti-espionage laws, and abusing his authority,⁹⁶ were actively involved in using various tools to bolster Imran Khan's credibility. They suppressed major critical news outlets, such as Geo News and Dawn News amongst others, and used the threats of tax investigations and/or kidnapping,⁹⁷ as well as tools like the NAB to enforce prolonged incarceration.⁹⁸ This resulted in widespread suppression of freedom of expression and led to pervasive self-censorship.⁹⁹

All this while, Imran prolifically and very effectively used social media for communicating with the masses, particularly with the youth bulge of Pakistan. His sit-ins had a DJ on board, who provided entertainment to the attendees, and Imran continued to have verbose and vacuous speeches centred around ridiculing other politicians, calling them corrupt and immoral thieves. The same anti-state narrative that had previously been deployed by

94 Samiullah Baloch versus Abdul Karim Nausherwani, 2018 PLD 405 SC.

95 2024 PLD 1028 SC.

96 *Baqir Sajjad Syed*, Former ISI chief Faiz Hameed indicted for misusing powers, Dawn News, <https://www.dawn.com/news/1877977> (last accessed on 13 December 2024).

97 *Christophe Jefferlot*, Imran Khan the Army's Choice, The Nation, 4 September 2018, <https://www.thenation.com/article/archive/imran-khan-the-armys-choice/> (last accessed on 13 December 2024).

98 Mir Shakil ur Rehman, the Editor in Chief of Jang News Group, was incarcerated for 200 days, see e.g., Al Jazeera, Pakistan media mogul granted bail after 200 days in detention, 9 November 2020, <https://www.aljazeera.com/news/2020/11/9/pakistan-media-mogul-granted-bail-after-200-days-in-detention> (last accessed on 14 December 2024).

99 *Jefferlot*, note 97.

earlier dictators, was now being propagated by a civilian icon. These coercive measures and ridiculing did not stop, but were only bolstered when PTI formed government in the centre after the 2018 general elections and Imran Khan became the prime minister. Not only did Imran and PTI use taxpayers' money to recruit "social media trolls",¹⁰⁰ but also engaged a United States based lobbying firm, to further gain support across other countries as well.¹⁰¹ However, this strong narrative alignment between Imran and the establishment,¹⁰² did not last too long. With the PDM initiating negotiations with the establishment,¹⁰³ General Bajwa declared that the army had shunned politics and declared itself as neutral,¹⁰⁴ to which Imran declared that only animals are neutral.¹⁰⁵ These growing frictions between the two culminated in Imran's removal as Prime Minister through a vote of no-confidence. The 'corrupt' political parties like PPP and PML(N), who had previously lost favour in the eyes of the establishment led this vote, and subsequently their coalition (PDM) formed government at the centre, and Shehbaz Sharif, the younger brother of former prime minister Nawaz Sharif was elected as the prime minister.¹⁰⁶ This coalition, which was also responsible for appointing General Asim Munir as the Chief of Army staff, stayed in power till August 2023, when they dissolved the government a few days before the tenure came to an end, in order to allow the caretaker government to stay on longer. However, after excessive delays, the general elections were finally held on 8 February 2024, which also marks the date when usage of X (formerly known as Twitter) was banned in Pakistan for over a year.

In the current hybrid model, which was formed after the highly controversial 2024 elections, although the PTI has been cast as the villains, it is important to note that the establishment has selective criteria even within this political party. This is evident from the fact that the current leader of opposition in the National Assembly is Omar Ayub Khan,

100 Arab News, Ex-PM Khan's party to face charge of inducting 'social media trolls' on taxpayers' dime – KP official, 30 March 2023, <https://www.arabnews.pk/node/2278176/pakistan> (last accessed on 14 December 2024).

101 The Friday Times, PTI Hires American Lobbying Firm To Mend Ties With US, 12 August 2022, <https://thefridaytimes.com/12-Aug-2022/pti-hires-american-lobbying-firm-to-mend-ties-with-us> (last accessed on 14 December 2024); The News, PTI steps up efforts to establish 'good relations' with US, hires lobbying firm, 12 August 2022, <https://www.thenews.com.pk/latest/981678-pti-hires-lobbying-firm-in-us-to-establish-good-relation> (last accessed on 14 December 2024); The Friday Times, PTI Hires Another Lobbying Firm In US To Enhance Party's Reputation, 23 March 2023, <https://thefridaytimes.com/23-Mar-2023/pti-hires-another-lobbying-firm-in-us-to-enhance-party-s-reputation> (last accessed on 14 December 2024).

102 *Asfandiyar Mir / Tamar Mitts / Paul Staniland*, Political Coalitions and Social Media: Evidence from Pakistan, *Pakistani Political Coalitions & Media* 21 (2021).

103 *Zahid Hussain*, note 89.

104 *Baqir Syed*, Army has resolved to shun Politics, *DAWN*, 24 November 2022, <https://www.dawn.com/news/1722761> (last accessed on 14 December 2024).

105 The News, Only Animals are Neutral, 12 March 2022, <https://www.thenews.com.pk/print/940622-only-animals-are-neutral-pm> (last accessed on 14 December 2024).

106 *Khan*, note 26.

who served as the secretary-general of PTI, and is still an active member of the political party which has otherwise been cast away. Albeit, he is also the grandson of General Ayub - Pakistan's first military dictator.¹⁰⁷

At this point, Imran Khan has been in jail for almost two years on a multitude of charges ranging from corruption to immorality. His current wife, Bushra Bibi, was also arrested, and was only released on bail in November 2024. However, during this time, the PTI attacked army and state installations on the 9th of November 2024 and answered Imran's 'final call' to march on the Capital during the same month, which was considered a failure. Despite these losses, PTI members sitting in the Parliament keep seeking clemency while also threatening the current regime with yet another 'final call' or attack on the capital.

D. Conclusion

To understand who belongs to the political opposition in Pakistan, one needs to look beyond the laws in place. While the 1973 Constitution does create a parliamentary structure, and ensuing legislation recognizes the role of the leader of opposition, the governance system of Pakistan is however not akin to India, nor to its former British colonial masters. Over the years we have witnessed one entity, the military establishment, which has almost always been in control, either overtly or behind the scenes. While in the first fifty years the establishment relied more on imposition of martial law, over the last seven years, we have witnessed a shift towards hybrid mode of governance. The status and role of the opposition, however, has not changed much. Whoever loses favor with the establishment becomes the opposition, but in many ways, the political elite has remained the collective opposition.

What we have witnessed over the last seven years is that despite the change in the military high command from General Bajwa to General Asim Munir, one tactical point remains the same. Instead of imposing direct coup, they have maintained the semblance of civilian rule through a hybrid regime. Some argue that this demonstrates the lingering or wavering strength of the Charter of Democracy signed between PML(N) and PPP in 2006 to work against Musharraf. This could also be a tool for further discrediting the politicians, while maintaining the establishment's credibility in the eyes of the public. Even those parties that had gained public sympathy due to repeated assaults against them by the establishment have now been discredited. It could, however, simply be a strategic image management: the idea of projecting a democratic image to the world in order to obtain necessary loans – such as those from IMF – and to maintain preferential trading status with other countries, like GSP+, which require some assurance of fundamental rights protections. Such conditions might be difficult to prove for an overtly authoritarian military dictatorship. What remained of the discord and fissures amongst the political elite, the state elite, and the public at large has further subsided in the aftermath of the short war between India and Pakistan in May

107 National Assembly of Pakistan, Leaders of Opposition, note 67.

2025 – a war that appears to have united the country and solidified the current hybrid system – at least for now.



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