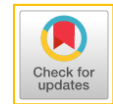


# Legislators Qualifications in Pakistan Under Islamic Constitutional Provisions



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## ABSTRACT

Legislators' qualifications play a vital role in preserving the integrity, legitimacy, and credibility of democratic governance. In Pakistan, the Constitution outlines specific requirements for candidates in Article 62, which are based on Islamic principles. However, the election laws do not provide clear procedural or definitional guidance for applying these provisions. This study examines the constitutional and Islamic foundations of legislators' qualifications, interprets these provisions in light of Islamic teachings, and compares them with eligibility criteria in other democratic jurisdictions. The findings show that Pakistan's electoral framework does not include explicit mechanisms to evaluate a candidate's good character, Islamic knowledge, or moral conduct. Key terms such as good character, Islamic duties, and major sins remain undefined. This lack of clarity creates legal uncertainty, causes inconsistent enforcement, and raises concerns about fairness, transparency, and equal political rights. The absence of precise definitions also allows arbitrary or politically motivated interpretations, which weaken the rule of law. The comparison reveals that Egypt, Iran, Turkey, and Indonesia use more explicit legal or institutional mechanisms to determine candidate eligibility. The study concludes that lawmakers should clarify constitutional terms in election laws to strengthen legal certainty, ensure consistent application, and improve democratic governance.



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## 1. Introduction

The question of whether a democratic system can harmoniously integrate religious values into the process of selecting political leaders lies at the core of Pakistan's constitutional and political identity. Since its inception in 1947, Pakistan has grappled with defining and enforcing the qualifications necessary for parliamentary candidates, balancing universal democratic norms with the Islamic principles enshrined in its founding documents.<sup>1</sup> The Constitution of Pakistan, particularly Article 62, outlines moral and religious standards for candidates seeking membership in the National Assembly or Senate. These standards require that a candidate be of good character, honest, righteous, ameen (trustworthy), and

<sup>1</sup> Mariam Mufti, Sahar Shafqat, and Niloufer Siddiqui, *Pakistan's Political Parties*, ed. by Mariam Mufti, Sahar Shafqat, and Niloufer Siddiqui (Georgetown University Press, 2020) <https://doi.org/10.2307/j.ctv10crdkk>



knowledgeable about Islamic teachings, fulfilling obligatory duties and abstaining from major sins.<sup>2</sup> Such provisions draw directly from the Qur'anic principle that leadership must rest on moral integrity and religious consciousness. However, the practical enforcement of these qualifications raises serious questions about legal clarity, procedural fairness, and democratic inclusivity.<sup>3</sup>

In the February 2024 general elections, approximately 18,000 candidates contested seats in Pakistan's National and Provincial Assemblies. Despite the constitutional emphasis on moral and religious eligibility, the processes for evaluating these criteria remain unclear. Observers and legal scholars have expressed concern over whether the scrutiny process meets the principle of legal certainty, which demands that laws be clear, precise, and foreseeable in their application.<sup>4</sup> In recent years, the Election Commission of Pakistan (ECP) has attempted to regulate candidate examination procedures. For example, in compliance with an April 2013 ruling of the Lahore High Court (LHC), the ECP instructed returning officers not to pose inappropriate or irrelevant questions to candidates during scrutiny, especially questions of a personal or humiliating nature.<sup>5</sup> This directive came after reports that, in earlier elections, some officials tested candidates on obscure aspects of Islamic knowledge or ridiculed them during evaluation. The LHC condemned these practices as undermining the dignity of both the electoral process and the judiciary, leading the ECP to standardise procedures and reinforce the professional conduct of returning officers.<sup>6</sup>

The issue of parliamentary qualification requirements in the subcontinent is not new. It dates back to the colonial era of British India, when the first general election was held in 1920 under the Government of India Act 1919.<sup>7</sup> At that time, voting rights were restricted to a small segment of the population who met certain qualifications, such as ownership of property, payment of income or municipal taxes, or ownership of agricultural land. The Government of India Act 1935 further

<sup>2</sup> Muhammad Ashraf Qureshi, 'A Critical and Reformative Study of Legal Framework of Electionism in Pakistan', *Annual Methodological Archive Research Review*, 3.5 (2025), 168–94 <https://doi.org/10.63075/r27q9262>

<sup>3</sup> Abigail L. Heller, 'Public Support for Electoral Reform: The Role of Electoral System Experience', *Electoral Studies*, 72 (2021), 102348 <https://doi.org/10.1016/j.electstud.2021.102348>

<sup>4</sup> Muhammad Ashraf Qureshi.

<sup>5</sup> Hassan Javid and Mariam Mufti, 'Electoral Manipulation or Astute Electoral Strategy? Explaining the Results of Pakistan's 2018 Election', *Asian Affairs: An American Review*, 49.2 (2022), 65–87 <https://doi.org/10.1080/00927678.2020.1855033>

<sup>6</sup> Samia Jamshed and Bushra Tabassum, 'Absence of Effective Governance in Pakistani Society: Lessons to be Learnt by Model of Governance by Hazrat Umar R.A', *The Scholar Islamic Academic Research Journal*, 9.2 (2023) <https://doi.org/10.29370/siarj/issue17ar1>

<sup>7</sup> Niloufer Siddiqui, Drew Stommes, and Zoha Waseem, 'Illicit Gains and State Capture: Political Party Extortion in India and Pakistan', *World Development*, 183 (2024), 106735 <https://doi.org/10.1016/j.worlddev.2024.106735>

detailed candidate disqualifications, excluding from legislative membership individuals who held an “office of profit” under the Crown, those declared of unsound mind by a competent court, undischarged insolvents, and persons convicted of specific criminal offences. These restrictions aimed to preserve legislative integrity but were grounded primarily in administrative and economic criteria, not moral or religious values.<sup>8</sup>

When Pakistan gained independence on 14 August 1947, the Constituent Assembly first convened on 10 August 1947 to lay the groundwork for the new state’s constitutional framework.<sup>9</sup> Muhammad Ali Jinnah, elected as President of the Assembly, steered the early legislative process until his death on 11 September 1948. Between 1947 and 1958, no direct national elections were held; instead, the political structure evolved under interim constitutional arrangements.<sup>10</sup> The 1962 general elections, conducted under the Constitution of 1962, introduced an indirect electoral system in which “Basic Democrats” elected members of the National Assembly.<sup>11</sup> It was not until 1970 that Pakistan held its first direct general elections since independence, under the Legal Framework Order of 1970, marking a significant shift towards mass electoral participation.<sup>12</sup>

The Constitutions of 1956 and 1962 retained the colonial-era emphasis on age limits, administrative disqualifications, and restrictions on holding certain offices. However, it was the 1973 Constitution, still in force today, that expanded the scope of parliamentary qualifications to include religious and moral conditions under Article 62. For the first time, candidates were required to demonstrate qualities such as sagacity, righteousness, honesty, and knowledge of Islam criteria that were aspirational in nature but lacked measurable indicators.<sup>13</sup>

Despite the constitutional clarity in Article 62’s moral and religious prescriptions, enforcement mechanisms remain inconsistent and prone to controversy. One key issue is the absence of legally defined indicators for terms

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<sup>8</sup> Matthew Wilson and David Andersen, ‘Economic Growth, Largest-Party Vote Shares, and Electoral Authoritarianism’, *Electoral Studies*, 92 (2024), 102879 <https://doi.org/10.1016/j.electstud.2024.102879>

<sup>9</sup> Rinchan Ali Mirza, Adeel Malik, and Jean-Philippe Platteau, ‘Entrenched Political Dynasties and Development Under Competitive Clientelism: Evidence from Pakistan’, 2025 <https://doi.org/10.2139/ssrn.5292910>

<sup>10</sup> Mubarak Zeb and others, ‘An Analysis of Major Legal and Political Developments in Pakistan from 2013 -2018’, *Social Science Review Archives*, 2.2 (2024), 1593–1608 <https://doi.org/10.70670/sra.v2i2.215>

<sup>11</sup> Ketut Sukewati Lanang Putra Perbawa, Paul Atagamen Aidonojie, and Benjamin Okorie Ajah, ‘Disability and Electoral Justice for Inclusive Participation’, *Journal of Sustainable Development and Regulatory Issues*, 3.2 (2025), 221–46 <https://doi.org/10.53955/jsderi.v3i2.93>

<sup>12</sup> Sergio J. Ascencio and Rabia Malik, ‘Do Voters (Dis)like Dynastic Politicians? Experimental Evidence from Pakistan’, *Electoral Studies*, 89 (2024), 102786 <https://doi.org/10.1016/j.electstud.2024.102786>

<sup>13</sup> Leo Ahrens and Frank Bandau, ‘The Electoral Consequences of Taxation in OECD Countries’, *Electoral Studies*, 88 (2024), 102774 <https://doi.org/10.1016/j.electstud.2024.102774>

such as “good character” or “adequate knowledge of Islamic teachings.” This vagueness grants returning officers and judicial forums significant discretion, creating the risk of subjective or politically motivated interpretations.<sup>14</sup> ECP as mandated under Articles 218–221 of the Constitution, is tasked with conducting free and fair elections, yet its powers to verify moral and religious qualifications are procedurally undefined. Judicial interventions have attempted to address these ambiguities. The April 2013 Lahore High Court ruling, for example, curtailed the ability of returning officers to ask inappropriate or irrelevant religious questions, following reports from the 2008 and 2013 elections where candidates were quizzed on obscure Qur’anic verses or personal religious practices. The Court emphasised that candidate scrutiny must adhere to principles of dignity and relevance, but did not propose concrete assessment standards. As a result, the ECP’s compliance directive standardised questioning etiquette but left substantive evaluation criteria unresolved.<sup>15</sup>

The Elections Act 2017, while consolidating electoral laws, merely reiterates in Section 232 that the eligibility and disqualifications of members of Parliament are as provided in Articles 62 and 63 of the Constitution, offering no procedural mechanism for verification. This creates a structural enforcement gap: returning officers are tasked with enforcing constitutional provisions without statutory tools to measure compliance. In practice, this gap often leads to inconsistent application, where candidates in similar circumstances receive different eligibility determinations.<sup>16</sup>

Scholarly discourse on parliamentary qualification requirements in Pakistan has examined both their constitutional foundations and their socio-political implications. Early studies, such as those by Aziz (1988) and Ziring (1997), traced the evolution of candidate eligibility from the colonial era to post-independence Pakistan, noting that initial qualifications were primarily procedural and administrative, rooted in British legal traditions. The enactment of the Constitution of 1973, however, marked a paradigmatic shift by embedding Islamic moral and ethical standards into Article 62. Specifically, clauses (d) through (f) stipulate that a member of Parliament must be of good character, not commonly known to violate Islamic injunctions, must have adequate knowledge of Islamic teachings, must perform obligatory religious duties, and must abstain from major sins. In addition, Article 227 reinforces that all laws must be consistent with the Qur’an and Sunnah,

<sup>14</sup> MICHAEL BERNHARD, AMANDA B. EDGELL, and STAFFAN I. LINDBERG, ‘Institutionalising Electoral Uncertainty and Authoritarian Regime Survival’, *European Journal of Political Research*, 59.2 (2020), 465–87 <https://doi.org/10.1111/1475-6765.12355>

<sup>15</sup> Raphael Cunha, Paul Schuler, and Scott Williamson, ‘Signal Received? Authoritarian Elections and the Salience of Autocrats’, *Electoral Studies*, 76 (2022), 102441 <https://doi.org/10.1016/j.electstud.2022.102441>

<sup>16</sup> Adrián del Río, ‘Strategic Uncertainty and Elite Defections in Electoral Autocracies: A Cross-National Analysis’, *Comparative Political Studies*, 55.13 (2022), 2250–82 <https://doi.org/10.1177/00104140221074273>

thereby giving constitutional supremacy to Islamic injunctions in the legislative domain.<sup>17</sup>

Subsequent constitutional amendments and electoral laws, including the Representation of the People Act 1976 and the Elections Act 2017 (Section 232), have retained these religiously inspired qualifications. Yet, literature by Ahmed (2014) and International Crisis Group (2013) highlights persistent ambiguities in how such qualifications are assessed. Comparative studies, such as Khan (2019), demonstrate that while other Muslim-majority democracies such as Malaysia and Indonesia incorporate Islamic values into governance, they often operationalise them through codified, objective standards rather than relying on discretionary judgments. This contrast underscores a recurring scholarly concern: Pakistan's constitutional ideals are clear in intent but underdeveloped in procedural implementation.<sup>18</sup>

The core legal and political challenge lies in reconciling Pakistan's constitutional commitment to Islamic moral standards for parliamentary candidates with the procedural demands of a modern democratic system. While Article 62 articulates clear moral and religious ideals, and Article 227 ensures their supremacy over legislation, the operationalisation of these provisions remains underdeveloped. There is no statutory guidance on measurable criteria, no standardised assessment procedure, and no institutional mechanism to prevent arbitrary or inconsistent application. This deficiency risks undermining both legal certainty a cornerstone of the rule of law and the democratic inclusivity necessary for free electoral competition.

## 2. Research Method

This research used descriptive analysis of all 104 High Court of Pakistan cases to understand the reasons behind court decisions regarding the qualification of candidates. A doctrinal approach was applied to analyze regulations, as well as principles derived from the Quran and Sunnah. The sample included constitutions, election regulations, Quranic verses, and Hadith related to rulers. The study focused on a sample of 25 countries selected from all regions around the world. These countries were chosen based on factors such as population size, land area, and economic strength. Specifically, three countries from each region were selected, representing those that are top in terms of population, land area, and economy.<sup>19</sup>

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<sup>17</sup> Oliver Rittmann, Marie-Lou Sohnus, and Thomas Gschwend, 'Candidate Awareness in Mixed-Member Electoral Systems: A Data-Driven Approach', *Electoral Studies*, 86 (2023), 102700 <https://doi.org/10.1016/j.electstud.2023.102700>

<sup>18</sup> Sarah Andrews and Lauren Honig, 'Elite Defection and Grassroots Democracy under Competitive Authoritarianism: Evidence from Burkina Faso', *Democratization*, 26.4 (2019), 626–44 <https://doi.org/10.1080/13510347.2019.1566322>

<sup>19</sup> Sholahuddin Al-Fatih and Sayed Khalid Shahzad, 'Rethinking How Laws Are Made: Indonesia's Legal Method Dilemma', *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, 3.2 (2025), 170–90 <https://doi.org/10.53955/jsderi.v3i2.32>



Official websites were used to collect updated regulations. Google Scholar was used to locate scholarly materials relevant to the topic. The CRAAP test was applied to ensure the quality of the data collected. This test evaluates sources based on Currency, Relevance, Authority, Accuracy, and Purpose to determine their reliability.<sup>20</sup> Data from Pakistani cases was organized systematically using Microsoft Excel software. Charts created in Microsoft Word were used to present the analysis of candidate qualifications across the 25 countries.

All data used in this research was obtained exclusively from publicly available sources. The researchers formally declare that there are no conflicts of interest involved in this study.<sup>21</sup> All references have been properly integrated into the research to respect and credit the original authors. Every source that contributed to the research has been carefully cited. The study acknowledges its limitations and delimitations, which define the scope of the research. The laws and data analyzed in the study may change over time.<sup>22</sup> Differences in political systems across countries affect the general applicability of the findings. Constitutional and religious aspects are discussed specifically within the context of Pakistan. The research assumes that constitutional texts and religious sources are authoritative and reliable. It also assumes that the selected group of countries provides a diverse representation of parliamentary qualification standards. The conclusions drawn are based on the information available at the time of the study.<sup>23</sup>

### 3. Results and Discussion

#### *Islamic Constitutional Provisions on Legislators Qualifications*

The constitutional provisions governing the qualifications of legislators in Pakistan have undergone significant transformation, evolving from colonial-era administrative criteria to a highly Islamised framework that embeds religious and moral standards at the constitutional level. The analysis of 104 decisions from the High Courts of Pakistan reveals that while the constitutional text, particularly Article 62 of the 1973 Constitution, prescribes stringent Islamic and moral requirements for parliamentary candidates, the enforcement of these provisions

<sup>20</sup> Ahmad Dwi Nuryanto, Reza Octavia Kusumaningtyas, and Bukhadyrov Habibullo, 'The Imperative of Social Justice on the Insolvency and Workers' Wage', *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, 2.3 (2024), 209–32 <https://doi.org/10.53955/jsderi.v2i3.48>

<sup>21</sup> Cut Fiarni, Herastia Maharani, and Ivan Nathaniel Kirsten, 'Electoral Recommender System for Indonesian Regional People's Representative Councils (DPRD) Using Knowledge-Based and Collaborative Filtering Approach.', *Procedia Computer Science*, 234 (2024), 28–39 <https://doi.org/10.1016/j.procs.2024.02.149>

<sup>22</sup> Ahmad Dwi Nuryanto and Abdul Kadir Jaelani, 'The Role of State Official Wealth Report in Realizing the Principles of Maqashid Sharia', *Legality: Jurnal Ilmiah Hukum*, 32.1 (2024), 155–81 <https://doi.org/10.22219/ljih.v32i1.32879>

<sup>23</sup> Ahmad Iman Sukri, Retno Kusumastuti, and Achmad Lutfi, 'A Deconstruction of Rural Governance Policy to Drive Local Economies', *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, 3.2 (2025), 372–99 <https://doi.org/10.53955/jsderi.v3i2.111>

remains inconsistent and procedurally undefined.<sup>24</sup> This gap between normative aspiration and practical implementation reflects broader challenges in harmonising democratic inclusivity with the religious mandate articulated in the Constitution.<sup>25</sup>

Historically, the qualification criteria for legislators in Pakistan are rooted in the legal framework of British India. The Government of India Act 1919 introduced the first electoral qualifications, heavily based on property ownership, tax payment, and landholding, without reference to moral or religious values.<sup>26</sup> The Government of India Act 1935 retained this administrative approach, focusing on disqualifications such as holding an “office of profit” under the Crown, being of unsound mind, insolvency, and criminal conviction. These colonial laws emphasised governance integrity but did not incorporate Islamic principles.<sup>27</sup>

Following independence on 14 August 1947, Pakistan’s constitutional evolution began with the 1956 Constitution, which prescribed only age, citizenship, and the absence of criminal conviction or insolvency as eligibility requirements. The 1962 Constitution maintained similar technical qualifications without explicit religious content. The paradigm shift occurred with the promulgation of the 1973 Constitution, which for the first time introduced Islamic moral elements into eligibility criteria. Article 62, in its original form, required candidates to be of good moral character and to have knowledge of Islamic teachings, reflecting the Objectives Resolution’s principle that sovereignty belongs to Allah and that governance should align with Islamic injunctions.<sup>28</sup>

The most significant development occurred during General Zia-ul-Haq’s Islamisation programme in 1985, when Article 62 was amended to its current form through the Revival of Constitution Order. The amendment expanded qualifications to include sagacity, righteousness, honesty, ameen (trustworthiness), adequate knowledge of Islamic teachings, performance of

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<sup>24</sup> Fawad Ahmad, Michael Bradbury, and Ahsan Habib, ‘Political Connections, Political Uncertainty and Audit Fees: Evidence from Pakistan’, *Managerial Auditing Journal*, 37.2 (2022), 255–82 <https://doi.org/10.1108/MAJ-06-2020-2715>

<sup>25</sup> Naseem Faraz and Marc Rockmore, ‘Election Cycles in Public Credit: Credit Provision and Default Rates in Pakistan’, *Journal of Development Economics*, 147 (2020), 102528 <https://doi.org/10.1016/j.jdeveco.2020.102528>

<sup>26</sup> Elizabeth Chatterjee, ‘The Politics of Electricity Reform: Evidence from West Bengal, India’, *World Development*, 104 (2018), 128–39 <https://doi.org/10.1016/j.worlddev.2017.11.003>

<sup>27</sup> Farzana Afridi and others, ‘Electoral Competition, Electoral Uncertainty and Corruption: Theory and Evidence from India’, *Journal of Economic Behavior & Organization*, 227 (2024), 106640 <https://doi.org/10.1016/j.jebo.2024.06.018>

<sup>28</sup> Tom-Reiel Heggedal, Leif Helland, and Rebecca Morton, ‘Can Paying Politicians Well Reduce Corruption? The Effects of Wages and Uncertainty on Electoral Competition’, *Games and Economic Behavior*, 135 (2022), 60–73 <https://doi.org/10.1016/j.geb.2022.05.008>

obligatory duties, and abstention from major sins.<sup>29</sup> These provisions embedded Qur'anic and Sunnah-based requirements into the constitutional framework, making them a legal precondition for membership in the National Assembly or Senate. However, their aspirational and subjective nature has posed difficulties in objective enforcement.<sup>30</sup>

Judicial interpretation since 1985 has demonstrated variability in applying Article 62 criteria, with courts at times adopting a strict moralistic approach and at other times exercising restraint, often due to the absence of clear statutory guidance. Section 232 of the Elections Act 2017 reaffirms that eligibility and disqualification are as set out in Articles 62 and 63 but provides no procedural mechanism for evaluating moral and religious qualifications. This legislative silence perpetuates uncertainty in enforcement.<sup>31</sup>

The Election Commission of Pakistan (ECP), in compliance with an April 2013 Lahore High Court ruling, issued guidelines prohibiting returning officers from posing humiliating, irrelevant, or excessively personal questions to candidates during scrutiny.<sup>32</sup> This reform was intended to prevent misuse of Article 62 inquiries, as had occurred in earlier elections where candidates were quizzed on obscure religious details or ridiculed in public hearings. While this directive has improved procedural decorum, it has not addressed the substantive challenge of verifying compliance with Article 62's moral and religious criteria in a fair and consistent manner.<sup>33</sup>

Table 1: The Constitutional Development of Legislative Qualifications in Pakistan

Period / Constitution	Key Provisions on Legislative Qualifications	Islamic Provisions	Remarks / Political Context
Government of India Act 1919	Limited eligibility; property, tax, and land ownership qualifications.	None	Administrative and economic focus; restricted franchise.
Government of India Act 1935	Disqualifications for office of profit, unsound mind, insolvency, criminal conviction.	None	Retained colonial integrity safeguards.
Constitution of 1956	Age, citizenship, absence of conviction or insolvency.	None	First Pakistani constitution; secular orientation.
Constitution of 1962	Similar to 1956; retained technical criteria.	None	Ayub Khan era; indirect electoral system.
Constitution of 1973 (Original)	Good moral character, knowledge of Islamic teachings.	Yes (basic form)	Initial integration of Islamic values.

<sup>29</sup> Ali Shan, Muhammad Waris, and Abdul Basit, 'Islamization in Pakistan: A Critical Analysis of Zias Regime', *Global Regional Review*, I.I (2016), 260–70 [https://doi.org/10.31703/grr.2016\(I-I\).20](https://doi.org/10.31703/grr.2016(I-I).20)

<sup>30</sup> Muhammad Arshad Khan, Abdul Rahman, and Bashir Ahmed Tareen, 'Is Pakistan in a Debt Trap? Do Domestic and Foreign Debts Crowd-out Private Investment?', *Journal of Policy Modeling*, 2025 <https://doi.org/10.1016/j.jpolmod.2025.06.005>

<sup>31</sup> Devita Kartika Putri, 'Interpreting "Most Serious Crimes" under Article 6(2) of ICCPR', *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada*, 31.3 (2020), 419 <https://doi.org/10.22146/jmh.48979>

<sup>32</sup> Imrana Begum, 'General Election in Pakistan: A Critical Study', *FWU Journal of Social Sciences*, 2022, 132–43 <https://doi.org/10.51709/19951272/Fall2022/10>

<sup>33</sup> Aiman Gul Akram and Liaqat Iqbal, 'A Semantic Analysis of the Political Slogans of Pakistan Tehreek-Insaf and Pakistan Muslim League-Noon', *Global Political Review*, V.III (2020), 100–114 [https://doi.org/10.31703/gpr.2020\(V-III\).10](https://doi.org/10.31703/gpr.2020(V-III).10)



<b>1985 Revival of Constitution Order</b>	Sagacity, righteousness, honesty, ameen, Islamic knowledge, performance of duties, abstention from major sins.	Strong	Zia-ul-Haq's moral-religious entrenched.	Islamisation; eligibility
<b>Post-1985 Judicial Interpretation</b>	Varied enforcement of Article 62.	Yes	Procedural persists.	uncertainty
<b>Elections Act 2017, Section 232</b>	Eligibility as per Articles 62 & 63; no procedural detail.	Yes	Legal unresolved.	certainty issue
<b>February 2024 Elections</b>	Procedural reforms on questioning candidates.	Yes	Addressed procedural abuse, not substantive assessment.	

The comparative analysis of 25 countries across different regions confirms that Pakistan's constitutional framework is among the most religiously prescriptive in the world regarding legislative qualifications. While other democracies may impose moral or ethical expectations, Pakistan uniquely embeds such requirements in explicit Qur'anic and Sunnah terms. However, unlike secular democracies where qualifications are objectively measurable (e.g., age, citizenship, education), Pakistan's provisions lack concrete assessment standards, making them vulnerable to inconsistent application and politicisation. From a legal standpoint, the central enforcement gap lies in the absence of a codified mechanism to operationalise Article 62 in a manner consistent with the principle of legal certainty. Without objective criteria, returning officers and courts must rely on subjective interpretation, risking both arbitrary exclusion and the dilution of constitutional intent. This undermines the dual constitutional commitment to democratic participation and adherence to Islamic injunctions.<sup>34</sup>

The Election Commission of Pakistan (ECP) is an autonomous federal body established under the Constitution of Pakistan to conduct free, fair, and transparent elections at the national, provincial, and local levels. It operates independently, without external control, ensuring the integrity of electoral processes. The 2024 General Elections were held under the Elections Act, 2017, which consolidates electoral laws and emphasizes transparency. Article 231 of the Act refers to Articles 62 and 63 of the Constitution, which outline qualifications and disqualifications for parliamentary membership. Article 62 requires candidates to possess good character, adherence to Islamic injunctions, knowledge of Islamic teachings, and to be honest and trustworthy. Article 63 disqualifies individuals convicted for acts against Pakistan's ideology, sovereignty, or public order, or crimes involving moral turpitude with imprisonment of two or more years, subject to a five-year disqualification period post-release. These provisions reflect Pakistan's constitutional commitment to uphold ethical standards in governance.<sup>35</sup>

<sup>34</sup> Muhammad Touqeer Akhter Nasir and Khan Faqir, 'A Critical Analysis of Coalition Politics in Pakistan A Case Study of PPP-Led Coalition 2008-2013', *Global Political Review*, VI.IV (2021), 1-13 [https://doi.org/10.31703/gpr.2021\(VI-IV\).01](https://doi.org/10.31703/gpr.2021(VI-IV).01)

<sup>35</sup> Putri.

The Preamble of the Constitution of Pakistan is based on the Objectives Resolution. The Constituent Assembly, which represented the people of Pakistan, had decided to make a constitution for the independent and sovereign state of Pakistan. The Objectives Resolution later became part of the Constitution as Article 2(A) through the Revival of Constitution of 1973 Order in 1985.<sup>36</sup> The Resolution declares that all power in the universe belongs to Almighty Allah alone. The people of Pakistan will use their authority as a sacred trust, within the limits set by Allah. It also says that democracy, freedom, equality, tolerance, and social justice, as taught by Islam, must be followed.<sup>37</sup> Article 227 of the Constitution says that all existing laws must be made in line with Islamic teachings from the Holy Quran and Sunnah. It also states that no law can be made that goes against these teachings.<sup>38</sup>

Between 1987 and 2024, a total of 104 cases related to Articles 62 and 63 of the Constitution of Pakistan (1973) were reported, reflecting ongoing judicial scrutiny of legislators' qualifications. Among these, 46 cases concerned Article 62(1)(f), which requires candidates to be "sagacious, righteous, non-profligate, honest, and ameen," with no contradictory court declarations.<sup>39</sup> Only nine cases involved Article 62(1)(d), mandating candidates to possess "good character" and not be known for violating Islamic injunctions, while a single case addressed Article 62(1)(e), concerning adequate knowledge and practice of Islamic teachings and avoidance of major sins. The Lahore High Court in the 2001 YLR 2454 case affirmed that disqualifications under Article 62 apply uniformly across all elections, underscoring the judiciary's role in enforcing constitutional standards. This body of jurisprudence highlights the emphasis Pakistan's legal system places on moral and religious qualifications to ensure the integrity of elected representatives.<sup>40</sup>

### ***Comparative Analysis of International Democratic Standards***

The words Democracy means "rule by the people." It is a way of governing where people have the power to make decisions. The citizens are the ones who

<sup>36</sup> Ayesha Anwar and others, 'Do Sponsors and Democratic Government Influence the Flipping Activity of Pakistan IPO? Evidence from Developing Market', *Management Research Review*, 45.7 (2022), 882–96 <https://doi.org/10.1108/MRR-02-2021-0137>

<sup>37</sup> Robert Rozehnal, 'Faqr or Faker?: The Pakpattan Tragedy and the Politics of Sufism in Pakistan', *Religion*, 36.1 (2006), 29–47 <https://doi.org/10.1016/j.religion.2006.02.013>

<sup>38</sup> Abeeda Qureshi and Sara Ahmad, 'Reserved Seats for Women in Pakistan: Reinforcement of Patriarchy and Powerlessness (2002–2018)', *Women's Studies International Forum*, 94 (2022), 102629 <https://doi.org/10.1016/j.wsif.2022.102629>

<sup>39</sup> Christian Schnaudt, 'Mind the Gap(s): Winning, Losing, and Perceptions of Electoral Integrity in Mixed-Member Proportional Systems', *Electoral Studies*, 83 (2023), 102611 <https://doi.org/10.1016/j.electstud.2023.102611>

<sup>40</sup> Pedro C. Vicente and Inês Vilela, 'Preventing Islamic Radicalization: Experimental Evidence on Anti-Social Behavior', *Journal of Comparative Economics*, 50.2 (2022), 474–85 <https://doi.org/10.1016/j.jce.2021.11.001>

decide how the country is run. They do this either directly or by choosing leaders to make decisions for them.<sup>41</sup> The first known democracy began around 508 B.C. in Ancient Greece. Back then, only male landowners could vote. Each year, they voted to choose one leader they wanted for ten years. This was an early form of democracy. Modern democracy is different. It includes elected representatives, fair elections, and the rule of law.<sup>42</sup> It also protects people's rights and freedoms. A strong democracy has active citizens and free speech. One main idea of democracy is that people should have the right to govern themselves without outside control. This is called self-determination. The most important part of democracy is free and fair elections, where every citizen can vote and run for office.<sup>43</sup>

In Australia, there is no specific minimum age for becoming Prime Minister; however, the minimum age to be a member of the House of Representatives is 18, and the Prime Minister must be a member of the House of Representatives.<sup>44</sup> In the United Kingdom, a person must be 18 years of age or older to stand for elections to any parliament, assembly, or council, whether at the UK, devolved, or local level. In South Africa, every citizen who is eligible to vote for the National Assembly is also eligible to be a member of the Assembly.<sup>45</sup> In contrast, in France, there is no specific age limit for the President, but the minimum age for parliamentary candidates is 24 years. Similarly, in Iran, while there is no specific age limit for presidential candidates, the eligibility age for parliament is between 30 and 75 years. The Chart B highlights that, out of 24 countries, 18 do not allow individuals to be candidates at the voting age. This suggests that young people are utilized for their votes but are not given actual representation in parliament. Given this age barrier, one might question the reliability of decisions made by individuals who are not allowed to participate in government business at a

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<sup>41</sup> Tyler B. Spence and Steven M. Leib, 'Negotiating International Aviation: Analyzing the Contribution of Politics to the United States' Open Skies Agreements through Democratic Peace Theory', *Journal of Air Transport Management*, 115 (2024), 102512 <https://doi.org/10.1016/j.jairtraman.2023.102512>

<sup>42</sup> Daniel Bochsler, Miriam Hänni, and Bernard Grofman, 'How Proportional Are Electoral Systems? A Universal Measure of Electoral Rules', *Electoral Studies*, 87 (2024), 102713 <https://doi.org/10.1016/j.electstud.2023.102713>

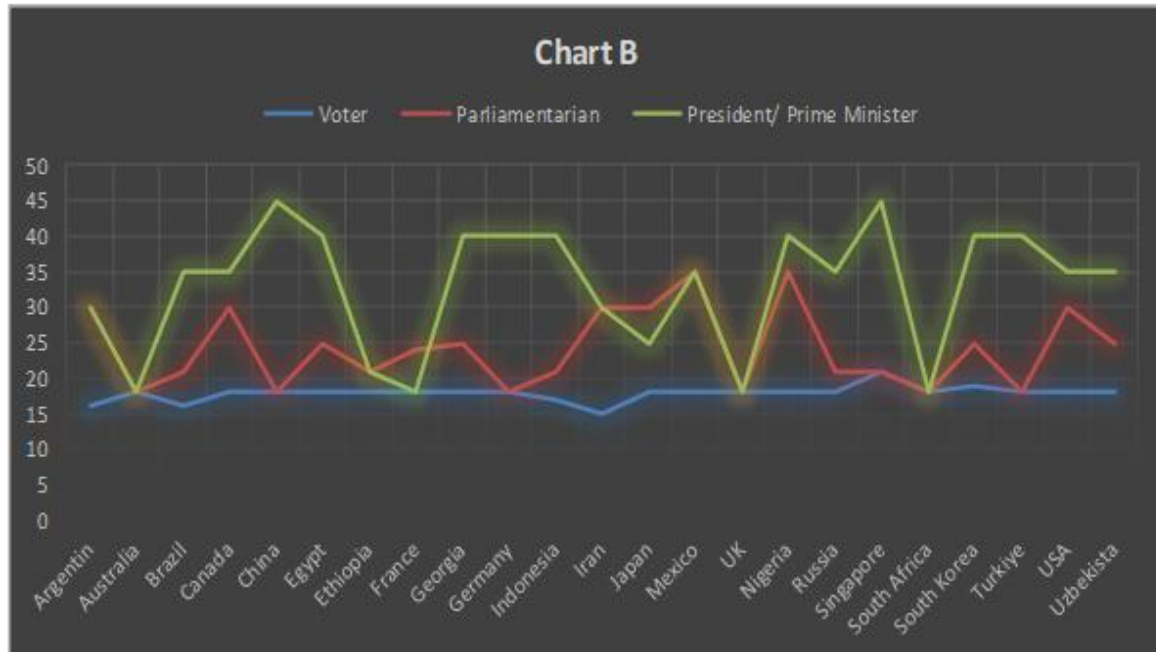
<sup>43</sup> Brian Pentz and others, 'Does Democratic Regression Threaten Biodiversity Conservation and Climate Action? Exploring the Relationships, Implications, and Opportunities for Democratization as a Conservation Strategy', *Environmental Science & Policy*, 171 (2025), 104151 <https://doi.org/10.1016/j.envsci.2025.104151>

<sup>44</sup> Rivka Biggs, Sil Jin, and Soohyoung Rain Lee, 'Democratic Governance and Palliative Care: Examining the Interplay of Political Systems, Economic Status, and End-of-Life Care Quality', *Social Sciences & Humanities Open*, 12 (2025), 101800 <https://doi.org/10.1016/j.ssaho.2025.101800>

<sup>45</sup> Martin Paldam, 'The OPEC/MENA/Arab Nexus and the Missing Democratic Transition', *European Journal of Political Economy*, 2025, 102731 <https://doi.org/10.1016/j.ejpoleco.2025.102731>

younger age. How can their decisions regarding the selection of parliamentary or head-of-state candidates be deemed reliable.<sup>46</sup>

The chart B showing the age of the voter, parliamentarian, and the President or Prime Minister of the states.



**Data Source: State's official portals**

In many countries, there are no explicit requirements for candidates' moral character or educational qualifications; however, leaders involved in immoral activities, such as the South Korean President Yoon Suk Yeol, face severe consequences like impeachment.<sup>47</sup> In Hungary, President Katalin Novák and former Justice Minister Judit Varga resigned after Novák's controversial pardon of a child sex abuse offender. In Spain, Prime Minister Pedro Sánchez considered resigning amid a corruption investigation involving his wife. Czech Prime Minister Petr Nečas stepped down due to a bribery and abuse of power scandal involving his top aide. In Portugal, Prime Minister António Costa resigned after a police raid and an ongoing investigation into corruption. In the United States, President Bill Clinton was impeached by the House of Representatives in 1998 for perjury related to his denial of an affair with Monica Lewinsky.<sup>48</sup>

<sup>46</sup> Jeleel Abiola Balyaminu, 'The State of Cobalt Mining Laws: Implications for the Future of Democratic Republic of Congo (DRC) and Zambia Cobalt Mining Prospects', *Resources Policy*, 108 (2025), 105688 <https://doi.org/10.1016/j.resourpol.2025.105688>

<sup>47</sup> Holly Ann Garnett and Toby S. James, 'Electoral Backsliding? Democratic Divergence and Trajectories in the Quality of Elections Worldwide', *Electoral Studies*, 86 (2023), 102696 <https://doi.org/10.1016/j.electstud.2023.102696>

<sup>48</sup> Monamie Bhadra Haines, Sharlissa Moore, and Turner Adornetto, 'Suspending Democratic (Dis)Belief: Nonliberal Energy Politics of Solar Power in Morocco and Tanzania', *Energy Research & Social Science*, 96 (2023), 102942 <https://doi.org/10.1016/j.erss.2023.102942>

### ***Impact of Legislators Qualifications on Governance and Legislation in Pakistan***

The establishment of Pakistan as a democratic state entailed significant sacrifices and sustained efforts by political parties dedicated to fostering a genuine democratic framework. However, from its inception, the democratization process faced numerous challenges.<sup>49</sup> A retrospective analysis of the 1970 general elections and the successful opposition to the One Unit policy reveals a profound political struggle that culminated in the adoption of the 1973 Constitution, which laid the foundation for a parliamentary system. The framers of the 1973 Constitution are widely recognized for crafting a balanced document that effectively addressed critical issues of governance. Notably, the Constitution emphasized provincial autonomy and equitable financial distribution, ensuring that each province received its rightful share of resources. This approach reinforced inter-provincial relations and strengthened the federal structure through mechanisms such as the Council of Common Interests (CCI).<sup>50</sup> Moreover, the presidential election process accorded equal significance to all provinces, further underscoring the Constitution's commitment to balance and inclusivity. Despite these constitutional provisions and institutional frameworks, Pakistan has frequently witnessed disregard for constitutional norms, resulting in unlawful and extrajudicial interventions that undermined parliamentary sovereignty and institutional autonomy. Such interventions have often emerged from the failure of parliamentary bodies to assert their mandates fully, thereby creating opportunities for other state institutions to encroach upon each other's jurisdictions.<sup>51</sup>

The political leadership in Pakistan has made multiple attempts to enact extrajudicial measures, yet these efforts have failed to fully realize the constitutional framework. The fundamental challenge does not stem from the Constitution itself, which remains a balanced and comprehensive document, but rather from the inadequate implementation of its provisions.<sup>52</sup> Notably, several key issues were intended to be revisited through a constitutional review process scheduled after ten years, as agreed upon by political leaders; however, this

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<sup>49</sup> Deolinda Meira and Maria Elisabete Ramos, 'Democratic Governance and Modernity in 21st Century Co-Operatives in Portugal: Frontiers and Balances', *Journal of Co-Operative Organization and Management*, 11.2 (2023), 100215 <https://doi.org/10.1016/j.jcom.2023.100215>

<sup>50</sup> Yao Lu and Zhirui Luo, 'Age Structure and Democratic Development: The Nonlinear and Conditional Role of Youth Bulges', *World Development*, 195 (2025), 107132 <https://doi.org/10.1016/j.worlddev.2025.107132>

<sup>51</sup> Evans Opoku-Mensah and others, 'Assessing the Impact of Democratic Governance, Long and Short-Term External Debt on Hydropower Generation in BRICS Nations Using an Extended STIRPAT Model', *Energy*, 318 (2025), 134794 <https://doi.org/10.1016/j.energy.2025.134794>

<sup>52</sup> Dilyara Seitova and Monika Kovacs, 'Cosmopolitanism, Trust, and Democratic Support Shaping Immigrant Attitudes: A Multilevel Analysis across 36 European Countries', *International Journal of Intercultural Relations*, 106 (2025), 102178 <https://doi.org/10.1016/j.ijintrel.2025.102178>



mechanism was never effectively executed.<sup>53</sup> This institutional gap was subsequently addressed by the landmark 18th Amendment, which aimed to strengthen federalism and provincial autonomy. The Constitution delineates a clear and systematic procedure for the introduction and passage of new bills and amendments, involving initial scrutiny by the Law Ministry. Despite this, political parties frequently contravene established rules and protocols, prioritizing partisan interests and thereby complicating the legislative process. Typically, the passage of bills, whether private or public, proceeds with minimal objection when constitutional norms are respected.<sup>54</sup>

A notable challenge in Pakistan's legislative process is that many newly elected parliamentarians lack a practical understanding of legislative procedures despite having legal qualifications. Unlike in several other democratic countries where expert advisors assist legislators by explaining the advantages and disadvantages of bills, such support is largely absent here. Without this guidance, parliamentarians often struggle to provide meaningful input on legislation.<sup>55</sup> Moreover, amendments are frequently passed with limited debate and understanding, which undermines effective lawmaking. To improve transparency and public participation, bills and amendments should be debated thoroughly and discussed openly prior to being presented in Parliament.<sup>56</sup> This could involve public hearings and televised discussions that help demystify complex legislation. The legislative process generally involves referral to standing committees for detailed examination before bills proceed to the National Assembly and then the Senate for approval. The Senate's role is crucial as it represents all provinces equally, and bypassing this chamber threatens the federal balance. Joint sessions called during emergencies risk politicizing the process, often favoring the majority and limiting debate. For example, the national budget bill, which impacts all citizens, is allotted only seventeen days for debate and approval, a period far shorter than that in many countries where budget discussions last several months. This limited time restricts thorough scrutiny of vital national policies.<sup>57</sup>

<sup>53</sup> Tarkan Cavusoglu, Barbara Pistoiresi, and Erica Poma, 'Economic Distress, Democratic Quality, and Satisfaction with Democracy in Europe during COVID-19: A Multilevel Approach', *Economic Modelling*, 150 (2025), 107137 <https://doi.org/10.1016/j.econmod.2025.107137>

<sup>54</sup> Sanyarat Meesuwat and Eunhong Park, 'The Association between Delegative Democratic Attitudes and Perceptions of China in Thailand from the Asian Barometer Survey', *Social Sciences & Humanities Open*, 12 (2025), 101680 <https://doi.org/10.1016/j.ssaho.2025.101680>

<sup>55</sup> Muhammad Farooq Ahmad and others, 'Does Democracy Shape International Merger Activity?', *Journal of International Economics*, 152 (2024), 103995 <https://doi.org/10.1016/j.jinteco.2024.103995>

<sup>56</sup> Eduardo Alemán, Pablo Valdivieso Kastner, and Sebastián Vallejo Vera, 'Speech Targeting and Constituency Representation in Open-List Electoral Systems', *Electoral Studies*, 92 (2024), 102865 <https://doi.org/10.1016/j.electstud.2024.102865>

<sup>57</sup> Jakob de Haan, Franziska Ohnsorge, and Shu Yu, 'Election-Induced Fiscal Policy Cycles in Democratic and Non-Democratic Emerging Market and Developing Economies', *Electoral Studies*, 95 (2025), 102936 <https://doi.org/10.1016/j.electstud.2025.102936>

Article 63A of the Constitution of Pakistan is consistent with democratic principles and does not violate them. It requires individuals who join political parties to adhere to the rules of those parties, especially during crucial votes such as confidence motions, no confidence motions, and budget approvals.<sup>58</sup> Within party meetings, members are allowed to express their views before a consensus is reached, reflecting a form of internal democratic decision-making. Therefore, Article 63A promotes party discipline without undermining democracy.<sup>59</sup> However, in practice, many parliamentarians feel constrained and unable to challenge government bills effectively. Despite the constitution declaring parliament as the supreme legislative body, the dominance of majority parties often leads to the swift passage of a large number of bills without thorough debate. Between 2022 and 2023, approximately one hundred thirty to one hundred fifty bills were passed with minimal discussion. It is reported that about ninety percent of parliamentarians lack a clear understanding of the legislative process, reducing parliamentary supremacy to a theoretical concept.<sup>60</sup> The limited time allocated for debate further hampers meaningful scrutiny. Consequently, many bills are introduced under the pretext of serving national interests but do not follow established procedural requirements, which weakens the quality of legislation.<sup>61</sup>

The intended purpose of Parliament has been undermined by institutional interventions, which have compromised its fundamental role. Although the legislative process is clearly defined in theory, it often lacks practical implementation. Parliamentarians frequently find themselves constrained by a system that limits their ability to perform their duties effectively.<sup>62</sup> At times, there appears to be excessive focus on religious aspects, leaving many issues to be resolved solely through religious courts, which may not always align with broader legislative responsibilities. While Parliament is constitutionally supreme, systemic

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<sup>58</sup> Innocent Mufungizi, 'Rethinking Mining from Extraction to Inclusion: Leveraging the Luozi Manganese Deposit for Equitable and Sustainable Development in the Democratic Republic of Congo', *The Extractive Industries and Society*, 24 (2025), 101739 <https://doi.org/10.1016/j.exis.2025.101739>

<sup>59</sup> Oğuzhan Özkan and Alper Uzun, "'The Democratic Touch of Disasters': The Perception of Non-Governmental Organizations in Public Institutions in the Context of Disaster Governance", *International Journal of Disaster Risk Reduction*, 125 (2025), 105586 <https://doi.org/10.1016/j.ijdr.2025.105586>

<sup>60</sup> Nyenya Jochemsen, Heleen Mees, and Sanne Akerboom, 'Renewable Energy Communities: Democratically Legitimate Agents in Governing the Energy Transition?', *Energy Research & Social Science*, 117 (2024), 103732 <https://doi.org/10.1016/j.erss.2024.103732>

<sup>61</sup> Madhurima Waghmare, 'Democratic Participation and Smart City Citizenship in Emerging Economies – Case of Smart Cities in India', *Cities*, 148 (2024), 104910 <https://doi.org/10.1016/j.cities.2024.104910>

<sup>62</sup> Angelina Sanderson Bellamy and others, 'The Role of the State for Managing Voluntary Food Sustainability Standards Democratically', *Journal of Rural Studies*, 103 (2023), 103126 <https://doi.org/10.1016/j.jrurstud.2023.103126>

barriers prevent it from functioning optimally.<sup>63</sup> There is a pressing need to enhance the knowledge and accountability of parliamentarians, as many lack a full understanding of legislative procedures and their responsibilities. Political parties often prioritize their own interests when presenting bills, frequently disregarding procedural rules. Many legislators, including myself, have struggled to fulfill their duties, reflecting a wider issue among the parliamentary body. For meaningful reform, all institutions must respect each other's domains and recognize their mutual importance. Political maturity is essential, and politicians must genuinely demonstrate the value of parliamentary governance. The Supreme Court's interpretation of Article 63A has been commendable in curbing political horse-trading and does not conflict with democratic principles, as party decisions are made after detailed discussion and consensus.<sup>64</sup>

In parliamentary sessions, bills are typically introduced by the concerned minister, often the law minister, and this introduction is considered the first order of business. Following introduction, bills are referred to the relevant standing committee where representatives from all parliamentary parties, proportionate to their strength, thoroughly debate the legislation.<sup>65</sup> The committee then decides whether the bill should proceed to the assembly for approval, which is usually granted by majority vote. While any member can introduce a bill, many are rejected due to a widespread lack of understanding of legislative procedures. In practice, legislation is largely controlled by the government, and without a parliamentary majority, proposed amendments are often dismissed. Past sessions have seen bills passed without members being fully aware of their content, reflecting a lack of parliamentary oversight.<sup>66</sup> Pakistan's democracy suffers from distorted representation partly due to issues with the electoral process, including doubts about the census. Although the constitution asserts parliamentary supremacy, in reality, the process is rushed, debates are limited, and many members lack the education to engage in technical legislation effectively. Strengthening organically grown political parties is essential for enhancing parliamentary supremacy and national governance. The Supreme Court's interpretation of Article 63A is a positive step to reduce political horse-trading and

<sup>63</sup> Stéphane Chrétien and Hsuan Fu, 'Presidential Cycles in International Equity Flows and Returns', *Finance Research Letters*, 53 (2023), 103616 <https://doi.org/10.1016/j.frl.2022.103616>

<sup>64</sup> Michel Kayomo Kaswa, Marcel Yotebieng, and Jean-Jacques Muyembe-Tamfum, 'The Democratic Republic of Congo and Global Health Security: The Indispensable Role of the United States of America', *CMI Communications*, 2.3 (2025), 105083 <https://doi.org/10.1016/j.cmicom.2025.105083>

<sup>65</sup> Malin Bogren and Kerstin Erlandsson, 'Safeguarding Sexual and Reproductive Health Care in an Era of Democratic Decline and Academic Suppression', *Sexual & Reproductive Healthcare*, 2025, 101117 <https://doi.org/10.1016/j.srhc.2025.101117>

<sup>66</sup> Timm Betz and Amy Pond, 'Democratic Institutions and Regulatory Privileges for Government Debt', *European Journal of Political Economy*, 79 (2023), 102438 <https://doi.org/10.1016/j.ejpoleco.2023.102438>

enforce party discipline while allowing internal discussion and collective decision-making.<sup>67</sup>

Political interference and structural weaknesses have significantly eroded public trust in Pakistan's parliament as a genuine representative institution. The gap between the constitutional ideal of parliamentary supremacy and the practical realities of legislative processes fosters perceptions of organizational dysfunction and questions the government's commitment to democratic values.<sup>68</sup> Restoring public confidence requires enhancing transparency in government operations, strengthening accountability among political leaders, and ensuring active parliamentary participation in key decisions.<sup>69</sup> Strict adherence to legislative procedures and effective checks and balances between government branches are essential for a functioning democracy.<sup>70</sup> Providing public access to legislative debates and committee meetings can increase transparency, while encouraging pluralism and cooperation between political parties improves the quality of decision-making. Independent legislative committees free from partisan influence are vital to this reform. Additionally, promoting free votes allows parliamentarians to prioritize constituents' interests over party directives, reinforcing democratic responsiveness.<sup>71</sup> A recurring concern is the executive's dominance over parliament, which weakens legislative oversight and fosters impunity. Strengthening accountability mechanisms through supervisory frameworks, transparent voting records, and independent investigative bodies is crucial to rebuild trust. Ultimately, parliamentarians must demonstrate ethical conduct and a genuine commitment to democracy to ensure that legislative institutions remain effective, representative, and responsive to citizens' needs.<sup>72</sup>

The respondent highlights significant challenges in aligning legislative decisions with the diverse interests and needs of the public. Central to these

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<sup>67</sup> Bart Klem, 'Demos at War: Revisiting the Democratic Boundary Problem with a Performative Lens', *Social Sciences & Humanities Open*, 8.1 (2023), 100507 <https://doi.org/10.1016/j.ssaho.2023.100507>

<sup>68</sup> Mikko Leino and Katariina Kulha, 'Hopes over Fears: Can Democratic Deliberation Increase Positive Emotions Concerning the Future?', *Futures*, 154 (2023), 103246 <https://doi.org/10.1016/j.futures.2023.103246>

<sup>69</sup> Karen A. Shire, 'Social-Democratic Imaginaries of Transformations in Conservative Gender Regimes', *Women's Studies International Forum*, 99 (2023), 102766 <https://doi.org/10.1016/j.wsif.2023.102766>

<sup>70</sup> Taejun (David) Lee, Seulki Lee-Geiller, and Byung-Kwan Lee, 'A Validation of the Modified Democratic E-Governance Website Evaluation Model', *Government Information Quarterly*, 38.4 (2021), 101616 <https://doi.org/10.1016/j.giq.2021.101616>

<sup>71</sup> Tuuli Lähdesmäki, 'Attributes of Democratic Culture as Represented in Young Children's Drawings', *Social Sciences & Humanities Open*, 6.1 (2022), 100272 <https://doi.org/10.1016/j.ssaho.2022.100272>

<sup>72</sup> Alexi Gugushvili and others, 'No Evidence That Social-Democratic Welfare States Equalize Valued Outcomes for Individuals with Disabilities', *Social Science & Medicine*, 339 (2023), 116361 <https://doi.org/10.1016/j.socscimed.2023.116361>

challenges is the dominance of party interests and procedural shortcuts, which often marginalize voices from underrepresented groups and weaken the inclusivity of parliamentary debates.<sup>73</sup> Addressing these representation issues requires comprehensive reforms that enhance equal participation, amplify marginalized perspectives, and improve parliamentary responsiveness to citizens' concerns.<sup>74</sup> Key reform areas include increasing transparency in legislative processes to foster public trust and engagement by providing accessible information on proposed laws, debates, and voting outcomes. Additionally, promoting diversity among elected representatives through initiatives supporting candidates from underrepresented populations can enrich parliamentary discourse and decision-making. Encouraging inclusive dialogue within legislative committees and plenary sessions is essential to ensure marginalized groups have opportunities to influence policy.<sup>75</sup> Moreover, expanding public consultation and feedback mechanisms, such as regular interactions with civil society and community organizations, can help legislators understand the real-world impact of legislation. By strengthening the connection between parliamentary processes and public interests through these reforms, the legislature can better fulfill its role as a truly representative institution, thereby enhancing democratic governance, rebuilding public trust, and ensuring legislation reflects inclusivity and responsiveness.<sup>76</sup>

This thematic analysis provides a detailed exploration of the parliamentary legislative process in Pakistan, identifying critical themes and their implications for democratic governance. A central concern is procedural irregularities, where legislative processes often bypass comprehensive scrutiny and debate, especially under conditions of time pressure or political urgency. Such practices compromise the integrity of legislative outcomes and diminish public confidence in democratic institutions.<sup>77</sup> To address these issues, reforms must emphasize strict adherence to established procedural norms and ensure thorough deliberation on essential

<sup>73</sup> Hans Asenbaum (lead author) and Frederic Hanusch, '(De)Futuring Democracy: Labs, Playgrounds, and Ateliers as Democratic Innovations', *Futures*, 134 (2021), 102836 <https://doi.org/10.1016/j.futures.2021.102836>

<sup>74</sup> Lisa Sibbett, 'Critical Democratic Education in Practice: Evidence from An Experienced Teacher's Classroom', *The Journal of Social Studies Research*, 46.1 (2022), 35–52 <https://doi.org/10.1016/j.jssr.2021.11.004>

<sup>75</sup> Idan Zak-Doron and Lotem Perry-Hazan, 'Abandoning Children to Their Participation? A Rights-Based Analysis of the Strong Participation Ethos in Democratic (Open) Schools' Disciplinary Procedures', *International Journal of Educational Research*, 118 (2023), 102154 <https://doi.org/10.1016/j.ijer.2023.102154>

<sup>76</sup> Aaron Erlich and others, 'Using Communications Technology to Promote Democratic Participation: Experimental Evidence from South Africa', *Economic Development and Cultural Change*, 72.3 (2024), 1425–63 <https://doi.org/10.1086/724010>

<sup>77</sup> Kees van Kersbergen and Barbara Vis, 'Digitalization as a Policy Response to Social Acceleration: Comparing Democratic Problem Solving in Denmark and the Netherlands', *Government Information Quarterly*, 39.3 (2022), 101707 <https://doi.org/10.1016/j.giq.2022.101707>



matters such as budgetary legislation and emergency bills.<sup>78</sup> Additionally, political interference poses a significant challenge to parliamentary autonomy, as external influences undermine the independence of legislative decisions. This interference threatens the foundational democratic principle of separation of powers and weakens the legislature's capacity to function as an effective check on the executive branch.<sup>79</sup>

The effectiveness of parliamentary committees also plays a crucial role in legislative oversight. Committees that suffer from partisan dominance and lack autonomy are unable to provide impartial scrutiny of bills, which diminishes the quality of legislation and hinders the development of cross-party consensus.<sup>80</sup> Strengthening committees' capacity for evidence-based policy analysis and safeguarding their independence are essential reforms. Furthermore, engagement with civil society is recognized as a vital mechanism for fostering inclusive legislative processes and enhancing parliamentary accountability. Civil society organizations contribute by amplifying diverse social interests and encouraging greater public awareness and participation in parliamentary affairs.<sup>81</sup>

Learning from regional best practices, particularly those of India and Bangladesh, can guide Pakistan's efforts to align its legislative practices with international democratic standards.<sup>82</sup> Prioritizing reforms that reinforce transparency, procedural fairness, and inclusive decision-making will strengthen parliamentary institutions. Ultimately, these efforts are critical for cultivating robust democratic governance in Pakistan by fostering accountability, transparency, and public trust in legislative institutions.<sup>83</sup>

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<sup>78</sup> Jeroen Klomp, 'Defending Election Victory by Attacking Company Revenues: The Impact of Elections on the International Defense Industry', *European Journal of Political Economy*, 79 (2023), 102431 <https://doi.org/10.1016/j.ejpoleco.2023.102431>

<sup>79</sup> Yasuyuki Sawada and others, 'Democratic Institutions and Social Capital: Experimental Evidence on School-Based Management from a Developing Country', *Journal of Economic Behavior & Organization*, 198 (2022), 267–79 <https://doi.org/10.1016/j.jebo.2022.03.021>

<sup>80</sup> Lena Partzsch, Lukas Maximilian Müller, and Anne-Kathrin Sacherer, 'Can Supply Chain Laws Prevent Deforestation in the Democratic Republic of the Congo and Indonesia?', *Forest Policy and Economics*, 148 (2023), 102903 <https://doi.org/10.1016/j.forpol.2022.102903>

<sup>81</sup> Chaoyi Chen, Mehmet Pinar, and Thanasis Stengos, 'Determinants of Renewable Energy Consumption: Importance of Democratic Institutions', *Renewable Energy*, 179 (2021), 75–83 <https://doi.org/10.1016/j.renene.2021.07.030>

<sup>82</sup> Bert S. Kramer and Petros Milionis, 'Democratic Constraints and Adherence to the Classical Gold Standard', *Explorations in Economic History*, 84 (2022), 101436 <https://doi.org/10.1016/j.eeh.2021.101436>

<sup>83</sup> Dr. Tayyaba Tamim and Dr. Faisal Bari, 'Tracing the Footprints of Returning International Students in Pakistani Context: A Capability Approach Analysis', *International Journal of Educational Research*, 131 (2025), 102593 <https://doi.org/10.1016/j.ijer.2025.102593>

#### 4. Conclusion

This study highlights several important findings regarding the qualifications of election candidates in Pakistan under Article 62 of the Constitution. First, electoral laws do not clearly define constitutional requirements such as good character, adherence to Islamic injunctions, and moral integrity, which creates ambiguity and inconsistent application. For example, election officials sometimes ask arbitrary questions about a candidate's Islamic knowledge, although the Lahore High Court restricts such questions to relevant nomination matters. Second, this lack of clarity raises concerns about fairness and equal rights because subjective assessments may undermine the democratic principle of equal opportunity for all candidates. Third, the absence of objective criteria erodes public trust in the electoral process and weakens governance by allowing unqualified candidates to run for office. The study recommends that lawmakers explicitly define key terms like good character and major sins to promote transparency and consistency. Clearer standards will help ensure that only candidates who meet constitutional qualifications can participate in elections, thereby strengthening democratic legitimacy. Future research should develop practical and fair mechanisms to assess candidates' compliance with Islamic qualifications, which will improve the electoral process and governance outcomes in Pakistan.

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