



Political Party Ideology and Its Impact on Legislative Outcomes in Khyber Pakhtunkhwa (2008-2013)

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Abstract:

This research tests the assumption that political parties' ideology greatly influences the legislative outcomes in the legislative bodies. *Awami National Party* and *Pakistan Peoples Party* both are considered progressive and liberal political parties in Pakistan. After the election of 2008 both the parties formed coalition government in the province of Khyber Pakhtunkhwa. Analysis and evaluation of the legislation of the era shows their tendency towards welfare, progressive and rights based legislation. Particularly the law passed by this coalition government on labour rights, women rights and child rights are the demonstration of their attitude towards progressiveness and welfare of the people and shows that ideology of political parties mould legislative behaviour in the legislative bodies.

Keywords: Political party, Ideology, Legislation, Labour Rights, Women rights

1. Introduction

Democracy and political parties are co-related with each other. In democratic set up the importance of political parties cannot be over ruled. In every state and society there are people of different and divergent opinions and ideologies. This difference of opinion and ideology also manifests in the presence of political parties with different ideologies. Pakistan is also home to large number of political parties having different political ideologies. There are political parties with secular, nationalist, conservative and religious outlook. While categorizing the political parties in Pakistan, *Pakistan Peoples Party* Parliamentarians is considered to be liberal, left leaning quasi secular and *Awami National Party* is kept in the list of nationalist, socialist and secular political parties (Paracha, 2013).

Awami National Party was formed in 1986 and as the revived form of *National Awami Party*. Its area of influence is mainly *Khyber Pakhtunkhwa* and after the election of 1988, it entered into a coalition government with *Pakistan Peoples party* in *Khyber Pakhtunkhwa*. In 1990, it formed coalition government with *Islami Jamhori Ittehad* and also became its coalition partner at centre as well. Once again in 1993 enter into coalition with *Pakistan Muslim League (Nawaz)* in the province and then again in 1997 both at center as well as provincial level they entered into coalition government. Later on the *Awami National Party* quit the coalition in 1998.

Pakistan Peoples party was founded in 1967 by Zulfikar Ali Bhutto. At time of formation *Pakistan Peoples Party* declared itself as a secular and centre-left socialist party. It strongly emphasized on using public-sector expenditure as a method to address economic and societal inequalities. This is a national level political party having strongholds in Sindh. It had formed government at national level after the election of 1970, 1988, 1993 and 2008. Only for the last time it was able to complete its five years term. Since its formation it has mainly relied in its program on pro-poor policies and slogans. The same was the method of the founding father Zulfikar Ali Bhutto and later his

daughter Benazir Bhutto. Generally the supporters consider it to be a party which always resisted and stands against the military establishment (Aljazeera, 2013).

The Election of 2008 and the manifestos of Awami National Party and Pakistan Peoples Party

The ninth general elections in Pakistan were held in February, 2008. The manifesto of Awami National Party which was issued for the election of 2008 focused on the status of Federally Administered Tribal Areas (FATA), Provincial Autonomy, Agriculture Development and Education. Generally the manifesto described its goals as Independent Media, Poverty Alleviation, Women Development, Health, Environmental issues and independent Judiciary (ANP Manifesto, 2015). While the manifesto of Pakistan Peoples Party emphasized on Labour issues, Provincial Autonomy, Unemployment, Sovereignty of Parliament, Poverty Alleviation and Education (Pildat, 2008). As result of this election in the Provincial Assembly of Khyber Pakhtunkhwa, Awami National Party got highest number of seats i.e 47, but was not in the position of forming government alone. Thus it had to enter into a coalition government with Pakistan Peoples Party which had 30 seats. *Amir Haider Khan Hoti* of Awami National Party became the Chief Minister of the province of this coalition. The coalition government in its five years tenure from 2008 to 2013 passed 98 bills from the Provincial Legislative Assembly. In the following lines it had been analysed whether the parties remained focused to their ideological stance while initiating and supporting legislation in the provincial assembly (Gul, Jamshid, Khan, Khan,& Ali, 2022).

Legislation in Provincial Legislative Assembly of Khyber Pakhtunkhwa

One of the most important functions of the elected representatives in a democratic set ups is legislation. Mostly the parties which are in majority in the legislatures dominate the legislative business of that assembly. Thus the legislation passed in a particular era manifests the interests and focus of the government of that era. The Provincial Assembly of *Khyber Pakhtunkhwa* passed 98 laws from 2008 to 2013. Among these 98 laws, 38 were newly drafted laws while the rest were changes, adjustments and modification in the existing laws. These laws were about different issues and different matters. In the following lines the legislation of the coalition government has been described.

Labour Rights

The focus of Socialist and Marxist ideologies are labor rights and issues. They are one of the marginalized but at the same time important group of our society. The coalition government got the opportunity after the passage of 18th amendment in the constitution of 1973 to focus on their issues and to freely initiate legislation in the provincial legislature. Through 18th amendment in the constitution provincial assembly got the exclusive right to legislate on labour related issues. Their government was able to pass a number of laws for the relief and protection of the rights of labours and some other employees. By the passage of a law in the provincial legislative assembly, this coalition government was able to establish a Minimum Wages Board. The purpose of this board was regulating and fixing minimum payments or salaries to different classes of workers. The function of the board is to recommend to the government minimum amount of payments or salaries for different class of employees. The government notifies the recommendations of Board after consideration. Each employer is legally bounded to pay to its employees according to the notified rates of the Government as recommended by the Board. The law imposes heavy fines on those employers who did not follow notified rates of the government. Such a person could also be given the punishment of imprisonment. Similarly through another such law the government made it obligatory on the proprietors of news agencies, newspaper, book registration and press to pay remunerations to their workers as per Wage Board Award recommendations (KP Act No. XX, 2013).

Another law for the relief of the labours which was passed by this coalition government was related to the compensation to employees in case of injury or death during duty. According to the law the employer was bounded to pay an amount of three hundred thousand rupees to the heirs of the workers if he permanently disables or dies during duty. In case if a worker is temporarily disabled during his duty, he must be paid his half monthly salary up to one year (KP Act No.XIX, 2013).

Another such law which has to provide relief to factory workers was about the environment of factories. Employers of factory were made responsible for the arrangement of clean environment, proper circulation of air, removal of dust, proper arrangement for the supply of clean drinking water, availability of proper lightening and prohibition of overcrowding in workrooms. It was made binding on the factory owners to install Cranes and lifting machinery of good construction and also to make arrangements for proper maintenance of the machinery. They were also directed to not to employ such person for lifting of load which could cause injury or affect his health. The working time was also fixed and regularized for different types of workers in factories. No factory was allowed to involve its employees for more than the fixed timings. If an employer employees workers for extra time he must be

paid an amount double of his usual payment. The law also entitled the workers to ten days casual leave and festival holidays without any deduction of payment and sixteen days sick leave per year with half payment of their salary. The violators of the law were liable to punishment (KP Act No.XVI, 2013).

Another law of this coalition government facilitated the collection of information regarding the wages, price of commodities, living conditions of labour, working hours of labour, etc. To collect these information there was a government officer. Those were punishable with fine that did not deliver data to that officer or provide false information or data (KP Act No.XIV, 2013).

Another law binds the employers to categorize of all his workers i.e. permanent, contract, probationers and apprentices. The wages and payment of all these classes of workers must be notified by the employer. It was made obligatory on employers to give appointment letter to every employee at the time of appointment which must have the terms and conditions of his appointment. It was also mandatory for them to give service certificate on dismissal from the job. Moreover this law entitled the employees to festival, annual, sick and casual leave. The law also stress on the payment of wages and salaries to the worker in time. Employers were also bounded to insure their permanent employees against natural death or injury. If the employers did not insure their employees then the employers will be responsible to pay the amount of compensation to their workers in case of their death or injury (KP Act No.XI, 2013).

The coalition Government was successful in the passage of another law which was related to trade unions. The same law established Labour Courts as well. This law gives the labours the right of association. According to that law the workers of an industry or establishment have the right to form or join any union or association. That union or association must have its own constitution. It would have to formulate rules and regulations for the purpose of election to its different offices. Every such association will be registered. They will keep proper record of its funds, expenditure and its meetings. No worker will be influenced to join or leave any such association. Similarly no one could restrict any employee from joining or leaving any such association. The law gives representation to the workers of every establishment, which have more than fifty workers, on the Management Council. The Management Council will formulate service rules, changing physical working condition in establishment, policy about promotion and discipline, welfare and recreation, training, regulation of daily working hours and preparation of leave schedule of workers etc. with the advice and consent of the representatives of workers on the Management council. If the Management of an establishment fails to respond to the complaints of their workers within the given timeframe of fifteen days or if it fails to solve the matter in the given time, the issue then will be brought before the Labour Court. The Labour Court will have to give its decision within seven days (KP Act No.XVI, 2009).

With the purpose of safeguarding the rights of labours, the coalition government passed another law through which says an Officer will be appointed for the purpose of hearing and deciding the claim of employees or workers in any factory, commercial establishment, industrial establishment and railway staff working in railway lines and stations related to the payment of wages, less payment, late payment or deduction form the payments. Labour Courts were given the appellate jurisdiction against the decision of that authority (Dawn, 2013).

Women Rights

This government passed several laws related to women rights. Like labours women are also one of the marginalized sections of our society. Women rights and emancipation is one of the components of the liberal and progressive political parties. The government established a Commission on the status of women through the passage of a law in the assembly. The aim of the establishment of the commission was the development, elimination of discrimination against women and liberation of women. District level committees of the commission have been established in order to implement the projects of the commission at District level. One important function of the commission is to review the existing provincial laws with the aim to recommend some changes in the laws for women rights and development. It could also propose new legislation for the same purpose. Through the same law a fund was established to run the commission as well as for the welfare and development of women. Through another law by the same government for women development, the government included a female member in the provincial public service commission (KP Act No.XX, 2009). Another law gives women representation at Provincial *Zakat* Council, District and Local *Zakat* Committees. Those councils and committees were responsible for the utilization of *Zakat* fund at their respective domain (KP Act No.XVI, 2010). Another law by this government was related to Women Ownership right. According to that law no one can deprive a woman of her property. No person will reduce, encroach upon, restrain or hinder the right of any women to have property which has come in her possession through gift, inheritance, *Mehr* or purchase. The law prohibits depriving a woman of her property. For those who violates this law the punishment of imprisonment up to five years and up to fifty thousand fine was fixed. Moreover the person will hand over the property to the rightful owner immediately. It was made obligatory on the court to decide such case within six months and also to implement the decision within one month through the assistance of

local police (KP Act No.III, 2012). Regarding women rights another law passed by the government entitles women workers to maternity benefits. The law bounds the employer for the payment of maternity benefits to female workers at the rate of her current salary for twelve weeks (KP Act No.XVIII, 2013). In order to protect women from labours and rigorous works which could harm their health, the government through legislation prevented the factory employers not to employ women on moving machines. Likewise women were banned from employment in pressing of cotton. Night shifts for women were also prohibited. To check all these requirements and to prevent the violation of this law inspector will be appointed. Punishment and penalties were also laid down for the violation of law and disobedience to these liabilities (KP Act No.XVI, 2013). By passing an Act the coalition government banned the Custom of *Ghag*. It's a custom in *Pakhtun* culture where an individual by force assert the hand of a women without her or her parents' consent by spoken or written words that no other person will make proposal or marry her and threatening her family to do so. The law says that no one will demand the hand of women by the way of *Ghag*. The punishment of fine and imprisonment was laid down in the law for those who do so or support and assist someone else in doing so (Dawn, 2013). It is evident from the description of above laws that the coalition government was much interested in women rights during its tenure.

Child Rights

This government enacted a law to educate, protect and train those children who are at risk. At risk children were defined as disable, labours, migrants, beggars or orphan children. A Child Protection Commission was established which is working for the protection and reintegration of at risk children. The Commission plans and formulates such activities which could help in the rehabilitation and protection of at risk children. Another important function of the commission is to review all laws of the province in order to propose amendments and can also suggest new legislation for the development and protection of children in the province. Child Protection Units were established at District level and Child Protection Officers were there to implement the program of the commission at district level. Through this law a fund was also established for the protection and reintegration of at risk children. The law banned corporal punishment and termed it as a crime. It also fixed different penalties for different types of violence against children like physical punishment, child labor, dealing in child organs, child trafficking and involving a child any sexual activity (KP Act No.XIII, 2010). The aim of the law was the protection of children from physical abuse, harassment and drug addiction. The purpose was to educate them in a way to make them useful citizens of the society and could contribute in a positive way (Abdullah, Personal Correspondence, 2016). To stop child labour, another law banned the employment of children in factories and the employment of adolescent was prohibited in pressing of cotton and on moving machinery (KP Act No.XVI, 2013).

Health Sector

In any welfare state health sector is given due importance and health facilities are made easily available to the citizens. In health sector the coalition government of *Awami* National Party and Pakistan Peoples Party passed two laws. One law says that a *Nikkah* registrar must obtain medical tests of Thalassaemia and Hepatitis C of the marrying couple before the registration of *Nikkah* (KP Act No.XVII, 2009). The purpose was that the couple is aware of the medical condition of each other before entering into a relationship as these ailments could affect their coming generation. They also re-established paraplegic centre which was previously run by International Committee of Red Cross for the war victims of Afghanistan. The Centre will have to provide treatment to the patients with spinal cord injuries. The centre also has to offer its services for the establishment of similar centres in public and private sectors to offer treatment to such patients. A fund was also established to maintain the expenses and the affairs of the Board which was established for the administration of the Paraplegic Centre (KP Act No.XX, 2009).

Consumers Protection and Availability of Food

The *Awami* National Party and Pakistan Peoples Party Government passed law for the protection of consumer. The law raised fine on those who keep and sell measuring instruments other than standard weights and measures. It also raised fine on the sale or delivery by such weight or measure which are not according to the standard weights and measure (KP Act No.I, 2013). Through another law this coalition government increased punishment for those hotels which serve such food and beverages to the customers which are harmful for health. The law also penalized those hotels which charge extra on their customers than fixed by the government. Such hotel will refund the extra amount to the customers and will also pay to the government an amount equal to two days of rent in case of first offence and in case of continuing offence an amount equal to one week rent (KP Act No.X, 2013). The coalition government also passed another law which raises fine on those who violate the directions of the government regarding storage of food or those who obstruct the movement of food stuff. This was to ensure the availability

and accessibility of food stuff and fair prices (KP Act No.XV, 2013).

Promoting different Regional Languages

A language is considered to be the expression of cultural identity. Although Urdu is the National language of Pakistan, but a large number of regional languages exists in Pakistan which is considered by the speakers of the languages as mark of their cultural identification. The *Awami* National Party and Pakistan Peoples Party coalition government realized the fact that the side-lining a regional language could alienate its people. They passed a law to launch Regional Languages Authority. A fund was also established for the authority in order to run its programs of promoting regional languages. The Authority was responsible for the arrangements of programs through which regional languages could be promoted throughout the province. The authority will also give recommendation of the curriculum and syllabus to the government for the teaching of regional languages. It also has to publish Dictionaries, Encyclopedia, Reference books, scientific literature and Periodicals in regional languages in order to promote those languages (KP Act No.II, 2012).

Conclusion

Most of the laws passed by *Awami* National Party and Pakistan Peoples Party coalition government during its five years tenure are mostly related to rights. At the same time they established different institutions, funds and authorities. They also passed laws to enhance the salaries and remunerations of ministers and members of the assemblies but no less attention has been paid by them to rights based legislation which includes labour rights, women rights and child rights. The *Awami* National Party and Pakistan Peoples Party are progressive, liberal and secular parties which claim to protect the rights of the marginalized groups of the society. They also claim to protect women and children and to abolish economic disparities. Analysing their five years tenure at the provincial assembly and their legislation in that assembly it could be concluded that when they were provided the opportunity to implement their programs through legislation, they tried to prove their claims true. This government had the advantage that through 18th amendment the provincial assemblies were made more autonomous and several subjects were devolved to the provinces. This government utilized that opportunity to the fullest and legislated on different issues on which previously were not in their domain or were not the exclusive domain of the provinces. Labour rights, women rights and child rights related legislations show the tilt of this government towards right based welfare legislation.

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