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POLICY BRIEF

The Need to Reform Senate Elections in Pakistan

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Executive Summary

Pakistan's Senate, conceived under the 1973 Constitution as the "House of the Federation," was designed to safeguard provincial parity, check majoritarianism, and promote consensus on national legislation. Equal representation for all provinces, regardless of population, was a structural response to the over-centralization and demographic dominance that had contributed to the breakup of 1971. This design remains vital to Pakistan's federal compact. Yet, the Senate's credibility has been repeatedly eroded by flawed electoral mechanisms and political maneuvering that betray the institution's constitutional promise. The indirect, single transferable vote system, conducted by small electoral colleges of provincial assembly members, creates fertile ground for rent-seeking, vote-trading, and cross-party bargaining. Wealthy candidates with elite networks routinely dominate ticket allocation and secure seats, sidelining merit and diversity. In smaller legislatures like Balochistan and Khyber Pakhtunkhwa, each vote carries disproportionate weight, amplifying vulnerability to financial inducement and political coercion.

The 2024–2025 election cycle further exposed these. The denial of PTI's election symbol, subsequent ineligibility for reserved seats, and delayed Senate polls in KP turned what should have been a stabilizing process into a year-long political and legal saga. The Supreme Court's reversal on reserved seats in June 2025 and the July KP Senate polls conducted amid reports of breached secrecy to uphold backroom agreements further entrenched public mistrust.

Across parties, grassroots workers voiced frustration that nominations went to the wealthiest contenders, reinforcing a perception that the Senate is a marketplace for influence rather than a platform for representation.

A central constitutional paradox fuels this dysfunction: Article 226 mandates secret ballots for Senate polls to protect legislators' freedom of choice, yet Article 63-A empowers parties to discipline members in other critical votes. This tension between individual democratic agency and party cohesion has enabled unchecked horse-trading. The Supreme Court, in Presidential Reference No. 1 of 2021, upheld the secret ballot but left room for transparency-enhancing measures, such as traceable ballots. Political will to implement these reforms, however, remains absent. Globally, upper chambers have been reformed to better balance legitimacy, accountability, and federalism. The UK's appointed House of Lords maintains expertise but faces democratic legitimacy concerns; India's Rajya Sabha uses open voting to curb cross-voting; the US Senate is directly elected, enhancing accountability; Germany's Bundesrat ties representation directly to provincial executives. These models offer alternative pathways for Pakistan to consider ranging from direct elections to proportional seat allocation based on general election results.

- **Pathways to Reforms:** To restore trust, Senate elections' reforms must be comprehensive, tackling both systemic vulnerabilities and party-level practices. They may include:
- **New Election Methods:** Consider direct elections for Senate seats, or proportional allocation based on general election results, to eliminate transactional polling.
- **Party transparency:** Institute independent oversight of ticket allocation, enforce mandatory financial audits, and require public vetting of nominees' integrity and political track record.
- **Enforcement:** Empower the Election Commission with investigative and punitive authority, adopt traceable ballot systems consistent with constitutional protections, and set time-bound adjudication of disputes.

The Senate remains one of Pakistan's most important safeguards against majoritarian dominance and a guarantor of provincial equality. Allowing its elections to remain vulnerable to manipulation undermines not just the chamber's legitimacy, but the very principles of federalism enshrined in the Constitution. The choice before policymakers is stark: reform the Senate's electoral system to reflect transparency, fairness, and representation, or watch it continue to be captured by wealth, influence, and political expediency.

Why does the Senate matter?

Pakistan has a bicameral national parliament. Bicameralism is a legislative system in which the parliament or legislature is divided into two separate chambers or houses, each with distinct roles, powers, and methods of representation, designed to provide checks and balances in lawmaking. Roughly 40 percent of national legislatures in the world are bicameral. In bicameral legislatures, members of the two chambers are often chosen by different methods, leading to varied compositions. When both chambers must approve legislation, it is called perfect bicameralism. If one chamber can overrule the other, as in many parliamentary systems, it is imperfect bicameralism¹ (Delledonne, 2018). Some systems, including that in Pakistan, fall between these extremes, allowing overruling only in certain cases.

Like other parliamentary traditions, bicameralism also started in Britain. British bicameralism began in 1341 when the Commons separated from the nobility and clergy, forming the House of Lords and House of Commons. The US also adopted bicameralism, creating the Senate as a stabilizing, elite chamber chosen by state legislatures, and the House as a more populist body, with representation based on population. In 1913, US introduced direct elections for Senate. US has two senators directly elected for from each state for a staggered six-year term. Bicameralism is defended as a safeguard against domination by a single interest and valued for checks and balances, but critics argue it can hinder reforms and cause gridlock. Its form and power balance vary widely, with equal chambers being common in federal or presidential systems and a dominant lower house in unitary parliamentary systems. Notwithstanding the evolution it underwent, bicameralism originated as a compromise by ruling elites and monarchies to retain influence amid demands for full democracy, enabling aristocratic and conservative classes to check or veto decisions by elected representatives² (Fisk, 2024).

In parliamentary systems where upper-house membership is based on status, appointment, or institutional affiliation rather than territorial representation, the arrangement reflects the persistence of class and elite influence in the legislative process. The House of Lords in the United Kingdom is reminiscent of this phenomenon. There are voices for reforming the UK's upper-chamber to make it more democratic³ (Difford, 2022). Direct elections for upper chambers are relatively uncommon in parliamentary democracies; indirect elections through regional assemblies or systems using proportional representation often advantage the privileged.

Pakistan's upper house follows the territorial representation like many other mature democracies, such as the United States and Germany. As noted above, the US has adopted direct elections while Germany has a nomination system for the upper chamber of parliament. Pakistan has an indirect and complex proportional representation system that uses the single transferable vote (STV) method under which members of national and provincial assemblies elect Senators. Pakistan's National Assembly is elected on the basis of the equal suffrage principle, reflecting the will of the majority of the population, while the upper house ensures equal representation for provinces regardless of their population size. The National Assembly commands greater political visibility due to its exclusive domain of electing the Prime Minister and passing money bills. All other legislations, including the Constitutional amendments, a concurrent

¹ <https://www.iris.sssup.it/retrieve/dd9e0b32-2183-709e-e053-3705fe0a83fd/download.pdf>

² <https://www.oxfordbibliographies.com/display/document/obo-9780199756223/obo-9780199756223-0003.xml?utm>

³ <https://electoral-reform.org.uk/how-are-the-members-of-upper-houses-chosen-around-the-world/>

domain of the National Assembly and the Senate. The Senate's origin, structure, and mandate are deeply rooted in the Constitution's power-balancing mechanisms.

Origin and purpose of the Senate in the 1973 Constitution

The Senate was not part of Pakistan's earlier 1956 or 1962 Constitutions. Its creation in 1973 was the outcome of a conscious effort to address the structural imbalances of representation that had contributed to political instability and national disintegration, most notably the separation of East Pakistan in 1971. In the run-up to the 1973 Constitution, smaller provinces, Sindh, Balochistan, and the then North-West Frontier Province (now Khyber Pakhtunkhwa), were acutely aware of their vulnerability in a unicameral legislature dominated by Punjab's demographic weight.

The Senate's creation was one of the contentious issues in framing the 1973 Constitution. The then Law Minister Abdul Hafeez Pirzada defended it as essential for a truly federal system despite population disparities⁴. After heated debates involving walkouts, a bicameral legislature was adopted with consensus combining representation by population in the National Assembly with equal provincial representation in the Senate. Conceived as the House of the Federation, the Senate was given co-equal powers over most legislation to safeguard provincial parity, check majoritarian impulses, and promote consensus on long-term national interests.

Punjab shares over half of Pakistan's population, which grants it an automatic majority in the National Assembly, but what is democratic in numbers can be destabilizing in a federation. Without structural safeguards, smaller provinces would face systemic marginalization, deepening the grievances over resources, development, and centralized control. The Senate is the constitutional arrangement against this imbalance, granting equal representation to all provinces regardless of population and requiring concurrence from both Houses for most legislative decisions.

By reserving seats for women, minorities, and technocrats, it broadens participation beyond mere political weight. This parity is an institutional guarantee that smaller provinces can influence legislation, shape constitutional amendments, and protect their autonomy. Without such a chamber, Pakistan's federal compact would rest on shaky ground, perpetually vulnerable to the dominance of one province.

	Punjab	Sindh	Khyber Pakhtunkhwa	Balochistan	Islamabad Capital Territory	Total
Number of general seats	14	14	14	14	2	58
Number of reserved seats for women	4	4	4	4	1	17
Number of reserved seats for religious minorities	1	1	1	1		4
Number of reserved seats for technocrats/ulema	4	4	4	4	1	17
Total	23	23	23	23	4	96

⁴ <https://www.brecorder.com/news/4494444>

Table 1: Composition of the Senate in Pakistan

One of the Senate’s most important constitutional functions is to guard against majoritarianism i.e., the risk that a single province or dominant party could impose its will on the entire federation without regard for minority or provincial interests. Its equal representation for all provinces ensures that smaller units of the federation have an institutional voice equal to larger ones. This safeguard operates through the constitutional requirement that most legislation, including constitutional amendments, must be approved by both Houses, compelling ruling parties to negotiate with Senators who often represent opposition or regional forces.

The Senate’s permanence further strengthens this role. Unlike the National Assembly, it is never dissolved. Staggered elections replace half its members every three years, ensuring continuity in lawmaking⁵. This staggered structure also serves as a practical check on political overreach. Even a party with a two-thirds majority in the National Assembly and provincial legislatures has to ordinarily wait years before securing comparable strength in the Senate, forcing it to work with other parties in the meantime. Critics see this as undemocratic, but in a first-past-the-post system, where a two-thirds seat majority can be won without essentially winning the majority of the popular vote, this delay prevents destabilizing and unilateral changes. By moderating the pace of reforms and encouraging consensus, the Senate functions as a Constitutional shock absorber, preserving democratic stability and federal cohesion.

The Senate’s composition is defined under Articles 59 and 60 of the Constitution. Senators are indirectly elected by an electoral college comprising members of the Provincial Assemblies (for provincial seats) and members of the National Assembly (for federal capital seats). Because the electoral college is small and politically elite, voting power is concentrated in the hands of a limited number of legislators. This magnifies the stakes in Senate elections, making them vulnerable to manipulation through financial inducements, political bargaining, and coercion.

Secret ballot and defection: A constitutional paradox?

Article 226 of the Constitution stipulates that “all elections under the Constitution, other than those of the Prime Minister and the Chief Minister, shall be by secret ballot.” This safeguard was intended to protect the freedom of choice for members of the electoral college, insulating them from overt pressure by party leadership, powerful political actors, or external interests.

In principle, the secret ballot allows legislators to vote according to their conscience without fear of reprisal, strengthening representative democracy and preserving electoral integrity. In practice, however, it has become the most contested feature of Pakistan’s Senate elections. Judicial debates, most notably in Presidential Reference No. 1 of 2021, have centered on whether Senate elections should remain secret or shift to an open ballot to curb corruption.

This provision sits uneasily alongside Article 63-A, inserted through the Fourteenth Amendment in 1997 to curb rampant defections since the 1988 elections. Under Article 63-A, political parties can discipline members for defection in key votes (election of Prime Minister/Chief Minister, votes of confidence and no-confidence, and money bills). But Senate elections fall outside these categories, meaning party leadership cannot compel members to follow the party line when voting is secret. For critics, this creates

⁵ Article 59 of the Constitution of Pakistan

a constitutional paradox: while the Constitution grants the political parties the power to enforce discipline in crucial parliamentary business, the secret ballot shields members from accountability, undermining the proportional representation that parties secure through general elections and diluting voters' mandates.

Over time, the same secrecy that protects free choice has also been widely alleged to enable vote-trading. Legislators can be bribed or coerced into supporting rival candidates without detection. Multiple videos and testimonies have surfaced over the years showing the Senate functioning as a lucrative marketplace for buying political loyalties. In recent elections, some parties have secured a disproportionate number of seats relative to their strength in legislatures, while independents have won despite lacking the numbers to do so legitimately.

These allegations intensified during the 2018 and 2021 Senate elections, prompting the then-PTI government to push for open balloting. In the 2021 Reference, the then President Dr. Arif Alvi sought the Supreme Court's opinion on whether Senate elections could be held through an open ballot to curb corrupt practices. The Court held that Senate elections are "elections under the Constitution" and therefore subject to Article 226's secret ballot requirement, but also ruled that ballot secrecy is not "absolute" and that the ECP has constitutional authority to adopt measures for transparency and anti-corruption safeguards.

This interpretation theoretically allows for traceable ballots or technological interventions, but political and technical hurdles have stalled reform. Critics of open balloting warn it would invite authoritarian party control and retaliation, while supporters argue that, in Pakistan's context, that is marked by rampant patronage and constitutionally-mandated party discipline, the current system enables personal gain to override democratic mandates. In sum, the Senate's small electoral college and constitutional requirement for a secret ballot combine to create a system uniquely susceptible to manipulation. A safeguard meant to protect democracy has, in Pakistan's political environment, become a conduit for systemic corruption.

Senate Elections 2024–2025: Another credibility crisis

Senate elections take place every three years to replace half the upper house. The delay of the 2023 general elections meant both general and Senate polls became due in 2024—a rare coincidence, as Senate polls normally occur at least a year later. This compressed timeline meant controversies from the general elections bled directly into the Senate elections. The central dispute stemmed from the denial of PTI's election symbol. The ECP stripped PTI of its symbol for non-compliance with party regulations, and on January 13, 2024, just minutes before the nomination deadline, the Supreme Court upheld the ECP's decision. PTI candidates were forced to run as independents in the February 8th general elections. Amid PTI's allegations of massive rigging in the general elections, the PTI-backed independents emerged as the single largest bloc in the National Assembly and the KP Assembly, and a close second in Punjab. They subsequently joined the registered Sunni Ittehad Council (SIC) and claimed a share of reserved seats.

On March 4, 2024, the ECP rejected their claim, ruling that SIC had won no seats on its own and thus was not entitled to be recognized as a parliamentary party. Reserved seats in all assemblies were instead distributed among rival parties, massively boosting their numbers. In KP, the anomaly was stark: PTI-backed candidates had won 91 of 115 general seats, but opposition parties received all 30 reserved seats

for women and minorities from just 24 territorial seats. The KP Speaker refused to administer oaths to these members, and PTI challenged the allocation in court.

While the dispute was pending, the ECP conducted Senate elections in the National Assembly and three provincial assemblies, skipping KP. PTI suffered from not having reserved seats, and its chances of making a majority in the Senate faded. On July 12, 2024, the Supreme Court ruled PTI eligible for reserved seats and ordered the ECP to comply with the order by allocating the seats to PTI through an arrangement it suggested. PTI argued that Senate elections held on disputed reserved seats were illegitimate, but the ECP neither fully implemented the judgment nor reran the polls. Instead, it sought a review in the Supreme Court.

Nearly a year later, on June 27, 2025, the Court accepted the ECP's review, overturned its earlier decision, and declared PTI ineligible for reserved seats. With legal options exhausted, reserved seats in KP were awarded to candidates of other-than-PTI parties. This cleared the way for KP's delayed Senate elections on July 21, 2025. Learning from past missteps, PTI adopted a cooperative approach with opposition parties in KP. The rare consensus saw PTI-backed independents win six of the 11 Senate seats, with five going to the opposition. Had PTI secured its share of reserved seats, it could likely have won at least nine. While the political consensus was welcomed, the conduct of the polls raised credibility concerns. Unconfirmed reports circulated that voting secrecy was breached to honor an informal agreement between government and opposition, ensuring no spoiled ballots and no deviation from agreed outcomes—a difficult feat given the complex single transferable vote system. Party workers from PTI and other parties also complained that wealthy candidates dominated nominations, reinforcing the pattern where vote-buying, ticket-buying, and elite consensus lock ordinary aspirants out of the Senate⁶.

Systemic flaws fueling vote-trading and cross-party negotiations

Frequent allegations of wrongdoing in the Senate elections in recent KP and previous elections support the common notion that Senate elections have long been marred by practices that amount to rent-seeking, where political influence and public office are effectively treated as commodities for trade. The design of the electoral system for the Senate, in which members of provincial assemblies elect senators through a single transferable vote, creates systemic flaws that enable vote-trading and cross-party negotiations. This indirect election process, combined with the absence of robust oversight mechanisms, opens avenues for political parties and candidates to engage in transactions that exchange votes for financial or political gains⁷.

A significant weakness lies in the limited checks on the party tickets. For a good number of political workers across parties, the awarding of party tickets for Senate seats is influenced less by merit or public service and more by the ability of candidates to mobilize substantial financial resources or leverage elite connections. This skews the process in favor of wealthy individuals and entrenched power networks, marginalizing qualified but less affluent aspirants.

The role of wealth and elite networks is particularly pronounced in shaping both candidate selection and electoral outcomes. Since provincial assembly members have relatively small electorates in this context, and political parties can often enforce voting discipline only weakly, well-funded candidates are able to

⁶ <https://tribune.com.pk/story/2556271/pti-workers-cry-foul-over-senate-tickets>

⁷ <https://www.dawn.com/news/1392528/untangling-the-mystery-all-you-need-to-know-about-senate-elections>

forge informal deals across party lines, further distorting democratic representation. The structural factor of smaller legislatures—such as in Balochistan and Khyber Pakhtunkhwa—intensifies this vulnerability. In these provinces, the value of each vote in Senate elections is disproportionately high due to the limited number of provincial assembly members. This makes individual votes more susceptible to targeted persuasion, whether through financial incentives or promises of future political favors. The combination of high per-vote value, weak accountability, and entrenched elite influence creates fertile ground for corruption, undermining both the credibility of the Senate and the broader democratic process⁸ (Pirzada, 2021).

The debate over party discipline versus democratic agency in Pakistan’s Senate elections reflects a deeper struggle between competing principles of parliamentary democracy. As noted above, proponents of the secret ballot argue that it shields members of legislatures from coercion by party leaderships, powerful interest groups, and even state institutions. They make it a case of freedom of choice of legislators⁹ (Mehboob, 2021). The secret ballot is seen as a safeguard for individual legislators to exercise independent judgment, particularly in a federal chamber where regional considerations may diverge from party lines.

However, advocates for the open ballot emphasize transparency, contending that public disclosure of votes deters corruption, prevents “horse-trading,” and reinforces party cohesion. The Supreme Court of Pakistan has repeatedly been called upon to weigh these positions, most notably in advisory opinions and rulings that considered the constitutional provisions governing Senate elections. While the court has generally recognized the importance of curbing electoral malpractice, its pronouncements have also sparked debate over whether enhanced party control erodes the very notion of representative accountability. This tension lies at the heart of Pakistan’s parliamentary system: should legislators be bound strictly by party directives in the name of stability, or should they retain the democratic agency to represent constituents and conscience, even at the risk of undermining party discipline?

Interestingly, there are fewer voices in Pakistan calling for direct elections on Senate seats that can be concurrently or separately held with general elections.

Comparative perspectives

Upper chambers across federations vary greatly in composition, mandate, and electoral mechanisms, offering valuable insights for reforming Pakistan’s Senate. The UK’s House of Lords, as a non-elective upper chamber, derives legitimacy primarily from expertise and tradition rather than direct electoral mandate, raising questions about democratic accountability but insulating members from short-term political pressures. In contrast, India’s Rajya Sabha is elected through proportional representation by state legislatures with open voting, a system designed to minimize secrecy-driven horse-trading, though it still reflects party hierarchies and coalition politics. The US Senate, while directly elected since the 17th Amendment, gives equal representation to states regardless of population, reinforcing federal balance but allowing smaller states an outsized influence in national decision-making. The German Bundesrat offers another model—its members are delegates from state governments, ensuring direct provincial

⁸ <https://moeedpirzada.com/pakistani-senate-elections-the-good-the-bad-and-the-ugly/>

⁹ <https://www.dawn.com/news/1608523>

executive involvement in federal legislation rather than independent parliamentary agency¹⁰ (Svoren, 2024).

These examples illustrate that the balance between representation, accountability, and independence can be structured in diverse ways, suggesting that Pakistan’s Senate reform debate must carefully weigh federal needs, democratic legitimacy, and safeguards against corruption.

Country/ Chamber	Method of Selection	Voting System & Transparency	Key Implications for Democracy
UK – House of Lords	Appointed (life peers, bishops, hereditary peers)	Not elected; membership granted by appointment	No direct democratic mandate; allows expertise and continuity, but raises legitimacy concerns
India – Rajya Sabha	Elected by State Legislative Assemblies	Proportional representation; open voting (since 2003 reforms)	Strengthens party control, reduces cross-voting, but limits MPs’ ability to vote by choice
US – Senate	Direct popular vote in each state (since 1913)	First-past-the-post; open voting	Strong federal representation; highly politicized, with accountability directly to voters
Germany – Bundesrat	Members appointed by state governments	Voting as a bloc per state; positions decided by state executives	Embeds federalism in decision-making; members accountable to state governments, not directly to the public

Table 2: Comparative analysis of upper-chamber elections across major democracies

Reform proposals: Towards transparency, legitimacy, and accountability

Pakistan’s Senate plays a critical role in maintaining federal balance and representing provinces equally in the legislative process. However, recurring controversies around horse-trading, opaque party decision-making, and weak enforcement of election laws have eroded public trust in Senate elections. The following reform proposals aim to strengthen the Senate’s democratic credibility and ensure fair representation.

Election method

The current system of indirect elections through provincial assemblies has been vulnerable to corruption and vote manipulation. Alternative models can reduce these risks:

- **Direct elections on Senate seats:** Direct elections may allow citizens to vote directly for Senate candidates, strengthening democratic legitimacy and fostering direct accountability to voters. The elections can be held simultaneously with the general elections
- **Proportional allocation based on general election results:** The spirit of Article 63-A requires allocation of Senate seats proportionally to parties based on their share of seats or votes in general elections, eliminating the need for separate Senate elections and reducing the scope for transactional politics

¹⁰ <https://www.kcl.ac.uk/policy-institute/assets/kpri/comparing-upper-chambers-across-the-world-paper-2.pdf>

Party transparency

Political parties are the primary gatekeepers in the Senate electoral process. Strengthening their transparency and internal democracy is essential to restoring credibility:

- **Independent oversight of ticket allocation:** Establish a statutory or independent oversight body to monitor how parties award Senate tickets, ensuring merit-based, democratic, and inclusive candidate selection
- **Mandatory financial accountability:** Enforce stringent regulations on intra-party financing, including annual independent audits and public disclosure of income, donors, and expenditures
- **Vetting of Senate candidates:** Require political parties to undertake rigorous vetting of nominees, assessing their political track record, financial integrity, and possible conflicts of interest, with disclosures made public before elections

Stricter enforcement

A strong enforcement regime is essential for deterring malpractice and ensuring compliance with electoral rules:

- **Enhanced powers of ECP:** Further equip the Commission with the legal authority to investigate, penalize, and disqualify candidates or parties involved in bribery, coercion, or other electoral violations
- **Increased transparency:** Adopt measures such as traceable ballots to enhance transparency while preserving the constitutional protection of secrecy as articulated in the Supreme Court advice on presidential reference
- **Time-Bound adjudication:** Mandate resolution of election-related disputes and complaints within a fixed, short timeframe to prevent manipulation of political timelines and preserve electoral integrity

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About Accountability Lab Pakistan

Accountability Lab Pakistan is part of a trans-local network of 13 independent, locally registered, governed, and managed organizations. As a locally registered think tank in Pakistan, Accountability Lab is committed to fostering transparency, accountability, and good governance. With a focus on driving positive change through innovative approaches, the Lab has been at the forefront of initiatives aimed at enhancing the democratic processes in the country.

The Lab's profound impact on the discourse surrounding women's empowerment in Pakistan is a testament to its commitment to catalyzing positive change through innovative and forward-thinking approaches. In the purview of strengthening women's role in the country's development, the Lab has consistently occupied headship by harnessing the power of innovative methodologies, actively contributing to the evolution of inclusive practices in Pakistan. Central to the Lab's mission is its unwavering emphasis on factors such as social acceptability, institutional insulation, and the holistic strengthening of democracy. These core principles not only underpin the Lab's approach but also resonate deeply with the recommendations outlined in this policy brief.



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