

Delayed Elections and Constitutional Uncertainty in Pakistan: A Study of Democratic Backsliding in 2023



Dr. Noor Ullah Khan

Assistant Professor Department of Political Science, Govt Postgraduate College Nowshera (Higher Education Department Khyber-Pakhtunkhwa, Pakistan. noorfg@gmail.com)

Abstract: The subject of this paper is delayed elections and constitutional uncertainty in 2023 as democratic backsliding in Pakistan. In accordance with the Constitution of Pakistan, elections are supposed to be held within a time after the dissolution of the National or provincial Assembly; however, in 2023, there were multiple conflicts regarding timelines, institutional authority, and the caretaker government's role in elections. The elections were postponed following the deadlock between the Election Commission of Pakistan and provincial governors and the federal government, political parties, and the judiciary due to the constitutional mandate of elections in the regions of Punjab and Khyber Pakhtunkhwa within ninety days of the dissolution of the provincial assemblies. Subsequently, the National Assembly was dissolved, and new census results were approved, adding to the uncertainty about when general elections were to be held as a fresh delimitation of the constituencies was required. This paper examines the delay in the elections of 2023 in Pakistan using a qualitative case-study methodology, and adopting the concepts of constitutionalism, electoral integrity, and judicialization of politics, caretaker governance, and democratic backsliding. The paper suggests that delayed elections compromised constitutional predictability, institutional mistrust, and the continuation of non-elected caretaker rule, and led to the weakening of democratic governance. The crisis, however, did not indicate a total failure of democracy but rather the continuation of Pakistan's mixed political system, where formal democratic institutions are still in place but operate under the stress of political polarization, executive discretion, influence beyond the elected, and contested institutional mandates.

Keywords: delayed elections; Pakistan; constitutional uncertainty; democratic backsliding; electoral integrity; judicialization; caretaker government; hybrid regime

Introduction

The key way by which democratic power is renewed, challenged, and sanctioned is through elections. Unlike in other forms of state government, constitutional democracies have an election time limit that is not arbitrary or a matter of political convenience, but instead are constitutionally required. Citizens have an opportunity to assess rulers, replace governments, and peacefully transfer power through periodic

elections. If elections are delayed beyond the constitutional period, there is a loss of public confidence in institutions and a loss of democracy's legitimacy. The political landscape of Pakistan in 2023 offers a crucial example to analyze the nexus between delayed elections, uncertainty in the Constitution, and democratic backsliding.

The year 2023 was expected to be an important election year in Pakistan. The

provincial assemblies of Punjab and Khyber Pakhtunkhwa were dissolved in January 2023, and the Constitution called for elections to be conducted in the province within 90 days. According to the Constitution of the Islamic Republic of Pakistan, 1973, Article 224, should the National Assembly or any provincial assembly be dissolved, then general elections shall be held within ninety days of the dissolution of the Assembly (Constitution of the Islamic Republic of Pakistan, 1973). The dissolutions, however, did not result in a clear electoral schedule but caused institutional conflicts between the governors and the Election Commission of Pakistan, and between the federal government, political parties, and the Supreme Court.

The issue became more serious when the Election Commission of Pakistan postponed the election in Punjab, citing security, financial, and administrative constraints. Later, the Supreme Court ruled the postponement unconstitutional and set a date for the elections in Punjab. However, the judicial decision did not lead to elections in the stipulated time. This disconnect between the Constitution, its interpretation, and its implementation was the main issue in Pakistan's 2023 democratic impasse.

The National Assembly was dissolved in August 2023, further complicating the constitutional landscape. Approval of new census data necessitated new delimitation, and the Election Commission stated that elections could not be conducted until the delimitation was accomplished. It led to the conflict between the election schedule of Article 224 and electoral law provisions regarding constituencies. It led to long caretaker governments and a long wait for citizens to be able to vote.

This paper aims to address three fundamental questions. Delayed elections in

2023 created constitutional uncertainty in Pakistan for what reason? Secondly, what were the impacts of institutional tensions between the Election Commission, judiciary, executive, presidency, governors, and political parties on democratic stability? Third, how did the delay in the elections embody the democratic backsliding?

The main argument of the paper is that the election delay issue of 2023 in Pakistan constituted a democratic backslide as it undermined the certainty of elections, prolonged non-elected caretaker administration, judicialization of politics, and loss of public faith in the constitutional processes. The crisis, however, is not to be seen as a complete failure of democracy. Rather, it mirrored the more fundamental dynamics of Pakistan's hybrid regime, in which democratic institutions remain but are continually undermined by the partisan use of the state, informal power relations, a lack of institutional independence, and conflicting understandings of constitutional power.

Literature Review

Democratic backsliding is the gradual erosion of democratic institutions, norms, and practices, either legal, semi-legal, or 'informal'. Democratic backsliding is not like the classic military coup, which can take place within seemingly constitutional systems. Elected and unelected actors can maintain a façade of democratic governance while undermining accountability, electoral competition, civil liberties, judicial independence, and constitutional predictability (Bermeo, 2016; Waldner & Lust, 2018).

Bermeo (2016) suggests that the current erosion of democracy is not always in the form of an open regime change. Instead of doing away with elections, political actors reshape election laws, debilitate opposition, politicize institutions, or postpone accountability measures.

Levitsky and Ziblatt (2018) also show that democratic decline is often the result of a failure by political figures to respect the informal rules of conduct, toleration, and institutional forbearance. In this context, the 2023 elections debacle in Pakistan is not a mere administrative problem, but a democratic problem.

Elections are telling in the democratic legitimacy in that they provide citizens with an opportunity to hold rulers accountable. Electoral integrity requires that not only be the day of the election, but that the voter also feel confident that the electoral process is predictable, administered without partisanship, is fair, and that citizens' trust in the electoral process is growing. (Norris, 2014). The democratic process is undermined when election calendars are uncertain. In parliamentary systems, the very legitimacy of the executive is grounded in the elected assemblies, making this a particularly serious issue.

The conflict between constitutionalism and power politics has always been a part of the democratic development in Pakistan. Pakistan has been termed as a hybrid regime where formal democratic institutions operate alongside military influence, weak civilian control, judicial activism, lack of party cohesion, and unequal electoral contestation (Adeney, 2017; Shah, 2014; Siddiq, 2017). In these systems, elections have an impact, but they are carried out in a context full of uncertainty, accusations of manipulation, and conflict between institutions.

The constitutional history of Pakistan also shows that it has faced several issues of delayed and interrupted democratic transfer. The strength of the Constitution has been eroded due to military interventions, presidential dissolutions, and judicial approval of extra-constitutional measures (Khan, 2017; Rizvi, 2000). The 1973

Constitution establishes a parliamentary system and a definite period for the elections, but the political practice has, however, been far from keeping with the spirit of the Constitution.

In Pakistan, the judiciary has been playing a very complex role in the process of democracy. In some instances, the courts have upheld constitutional procedures, and in other instances, judicial rulings have helped to add to political uncertainty or have ratified extra-constitutional arrangements (Khan, 2017). The 2023 election delay crisis is part of a wider trend in the judicialization of politics, whereby judges have become the key players in addressing political conflicts, rather than complying with the Constitution or reaching an agreement between the political parties.

Electoral credibility is also one of the issues that have been pointed out by civil society organizations in Pakistan. In 2023, the Human Rights Commission of Pakistan had also stated that for political stability, there needed to be credible elections, and the electoral system in Pakistan had been seen as fraudulent and uncompetitive on numerous occasions (Human Rights Commission of Pakistan, 2023). In its 2023 Freedom of the Press Index, Freedom House assessed Pakistan as a "Partly Free" country, citing restrictions on political freedom, civil liberties, media freedom, and civilian authority. These findings come to the conclusion that the crisis that Pakistan experienced during the 2023 elections was already fragile and volatile in the democratic landscape of Pakistan.

It is also relevant to the literature on "caretaker governance". Caretaker governments are short-term, impartial, and electoral facilitation governments. Their democratic rationale is in reliance on limited and short-lived authority. Caretaker governments, which may go beyond the constitutional limits of time, may start

exercising powers without a new mandate. It establishes a democratic deficit as citizens are not able to hold caretaker authorities to account directly through parliamentary representation.

Theoretical Framework

In this paper, four related theoretical concepts are used: constitutionalism, democratic backsliding, electoral integrity, and hybrid regime theory.

Constitutionalism is the principle of curbing political power through the rules, institutional constraints, and regard for the legal process provided by the Constitution. A constitution is not only a document, but it is also a rule of authority that imposes restrictions on the exercise of political power. As regards elections, constitutionalism demands that they take place within the time limits provided for by the law and that no institution abstain from holding them for party or extra-constitutional considerations.

Democratic backsliding is a progressive deterioration of democratic rules and norms. For this study, backsliding is defined by four dimensions: postponing elections beyond constitutional schedules; prolonging unelected caretaker rule; institutional conflict that diminishes constitutional predictability; and limitations or pressures that limit fair political competition.

Electoral integrity is the fairness, transparency, and credibility of the electoral process from start to finish. It not only covers voting and counting but also delimitation, eligibility of the candidates, the conditions of campaigns, administrative neutrality, timely conduct of elections, and public confidence in them. When the election is delayed, the integrity of the election may be compromised because delay

can lead to uncertainty, inequality of advantage, or a loss of public confidence.

Hybrid regime theory is a theory that focuses on the weaknesses of formal democratic rules in creating democratic stability. In hybrid systems, elections and constitutional institutions are present, but informal power, unequal access to institutions, media pressure, civil-military imbalance, and selective accountability (Diamond, 2002; Levitsky & Way, 2010) have an impact on political competition. It is analyzed in the context of Pakistan's 2023 crisis, as the formal Constitution laid down clear procedures, but that was challenged by various institutions.

These ideas present a framework for analysing Pakistan's 2023 election delay crisis. Constitutionalism denotes the significance of Article 224 from the legal perspective. Electoral integrity explains why timely elections are important for democratic trust. Democratic backsliding explains how delay can have negative effects on democracy without destroying it. Hybrid regime theory offers a possible reason for the absence of political certainty in Pakistan despite the clarity of the Constitution.

Methodology

The approach adopted for this study is qualitative, with a case-study design. The delay in holding the provincial elections in Punjab and Khyber Pakhtunkhwa in 2023 and the subsequent confusion over the general elections following the dissolution of the National Assembly are the events that have been selected for the case.

The research method used in the study is constitutional analysis, legal interpretation, chronological institutional analysis, and secondary source review. The primary materials comprise the Constitution of the Islamic Republic of Pakistan, the

Elections Act 2017, Supreme Court proceedings and judgments, documents of the Election Commission, and official statements of institutions. Academic production on issues of democratic backsliding, hybrid regimes, constitutional politics in Pakistan, electoral integrity, and civil-military relations constitutes the secondary materials.

The paper sets out to examine the path of the crisis, starting from the disintegration of the Assembly, postponement of elections, role of the Court, census approval, delimitation, and the prolonged caretaker government. The intention is not to measure, statistically, the public opinion, but to understand its meaning institutionally and constitutionally in the context of postponed elections.

In this study, a chronological timeline approach is also used. This is useful because the delay in elections was not an abrupt and acute one, but a gradual one over time. The paper traces the trajectory of the province's assemblies being dissolved, the court's interventions, the Electoral Commission's decisions, the census, the delimitation, the National Assembly being dissolved, and the extended caretaker governance, which have amounted to a series of events that have created constitutional uncertainty. This is to show that in 2023, democratic backsliding in Pakistan was not simply about delayed polling dates, but was also a process of institutional conflict, contested legality, and waning trust in democratic processes.

The major constraint of this study is that it emphasizes mainly the constitutional and institutional aspects of the development, as opposed to any constituency-level electoral behavior or survey responses of the voters' attitudes. However, this method is suitable because the problem is not about electoral results but whether or not the

elections would be conducted within the constitutional limits.

Constitutional Framework for Elections in Pakistan

The Constitution of Pakistan is a parliamentary Constitution where elected assemblies play a big role in democratic governance. The National Assembly shall have a term of five years, subject to earlier dissolution, according to Article 52. The five-year term is also provided for provincial assemblies under Article 107. The period for polls is given in Article 224. When an assembly's term is at an end, elections shall be held not more than sixty days after that term. In case of dissolution of the Assembly before elections, they should be held within 90 days (Constitution of the Islamic Republic of Pakistan, 1973).

These timelines are in place to stop non-elected authority from being extended for an unlimited period. Caretaker governments are supposed to be transitional governments to facilitate the elections. They are only legit if they are 'neutral' and brief. Caretaker governments can also govern without an electoral mandate, reducing democratic accountability and accountability to the public.

The Election Commission of Pakistan has a constitutional responsibility to organize and conduct elections. The Election Commission is mandated to ensure the conduct of elections in an honest, just, fair, and lawful manner by Article 218. The Commission, however, must work within constitutional deadlines. Administrative problems can pose practical issues, but cannot remove constitutional requirements.

The conflict in 2023 arose due to the different constitutional and legal responsibilities that were underlined by various institutions. The supporters of immediate elections highlighted the

requirement of 90 days in Article 224. Election Commission and federal officials highlighted security, financial, logistical, and delimitation considerations. The judiciary highlighted the supremacy of the Constitution and the timely elections, which resulted in a tension between legal certainty and administrative feasibility.

Political Background of the 2023 Election Delay Crisis

2023 is not an independent unit of analysis from 2022 when it comes to the political crisis. Prime Minister Imran Khan was ousted in April 2022 by a vote of no confidence in the parliament. His party, Pakistan Tehreek-e-Insaf, essentially said that the new government was illegitimate and called for early elections. Polarization grew, and the call for immediate elections started to become an integral part of PTI's mobilization.

In January 2023, the Punjab and Khyber Pakhtunkhwa assemblies were dissolved by the PTI-led provincial governments. The political agenda behind the dissolutions was to put pressure for nationwide elections. It also meant, however, that constitutionally, provincial elections had to be held within ninety days of the dissolution. Instead of resolving the crisis, the dissolutions made it more severe.

There was a disagreement soon over which of them would have the mandate to declare election dates, and if the Election Commission could operate without governors, security agencies, and the federal government coming on board. The Supreme Court was called upon to rule. As part of its constitutional mandate, the Court in *Suo Moto Case No. 1 of 2023* considered its responsibilities in holding provincial elections subsequent to the dissolution of the provincial assemblies (*Suo Moto Case No. 1 of 2023*, 2023).

Judicialization of Electoral politics is highlighted by the Supreme Court's intervention. A stable constitutional democracy would have a typical election process, which would be done administratively. However, in Pakistan, where there was institutional disagreement, it needed to be given judicial interpretation. The Court's decisions emphasized the need for enforcing the Constitution and the lack of consensus in politics.

Table 1
Chronology of Major Constitutional and Electoral Events in Pakistan, 2023

Date / Period	Event	Constitutional / Political Significance
January 2023	Punjab and Khyber Pakhtunkhwa provincial assemblies were dissolved.	The dissolutions triggered Article 224 of the Constitution of Pakistan, which stipulates that provincial elections must be held within 90 days.
February-March 2023	Disagreement emerged among the Election Commission of Pakistan, provincial governments, federal authorities, and political parties regarding election dates.	The disagreement led to indecision around institutional leadership and revealed deficiencies in Pakistan's electoral coordination system.
1 March 2023	The Supreme Court decided the matter regarding the election dates of the Punjab and Khyber Pakhtunkhwa assemblies.	The Court highlighted the constitutional obligation to hold elections within the stipulated time frame and emerged as a pivotal player in the electoral tussle.
22 March 2023	The Election Commission of Pakistan delayed the Punjab elections from 30 April 2023 to 8 October 2023.	The delay sparked further constitutional debate because the new date was beyond the 90-day constitutional expectation.
April 2023	The Supreme Court ruled that the postponement of the Punjab elections was unconstitutional and ordered elections for 14 May 2023.	The judgment reaffirmed constitutional timelines but also showed the limits of judicial enforcement where political and administrative support was lacking.
May 2023	The Supreme Court-directed Punjab elections did not take place.	Failure to comply with the judicial ruling further polarized constitutional interpretation and political practice.
Since 5 May 2023	The political atmosphere deteriorated following Imran Khan's arrest, and state actions against PTI increased.	The crisis affected the broader electoral landscape and raised concerns about election fairness, political participation, and civil liberties.
5 August 2023	The Council of Common Interests approved the 2023 digital census results.	The census approval required the redrawing of constituencies, which became another reason to postpone general elections.
9 August 2023	The National Assembly was dissolved.	The dissolution triggered the constitutional clause calling for general elections within 90 days unless there was a legal and administrative impediment.
August-December 2023	The Election Commission started delimitation of constituencies after the census approval.	Delimitation introduced a conflict between representation and speedy elections, deepening uncertainty around the electoral process.
Until the end of 2023	Caretaker governments remained in office.	The long tenure of caretakers raised concerns about democratic accountability, civilian mandate, and constitutional legitimacy.

The delay in the elections in Pakistan in 2023 did not result from a single institutional action, as indicated in Table 1. Instead, it arose as a series of constitutional, administrative, judicial, and political incidents. Consequent upon the disintegration of the Punjab and Khyber Pakhtunkhwa assemblies, there was a constitutional duty to hold provincial elections within 90 days. However, the process was put on hold due to differences in election dates, security, financing, and administration. The Supreme Court tried to bring clarity to the Constitution, but its efforts were not successful in having

elections held on time. The announcement of the 2023 census by the Council of Common Interests and the need for new delimitation brought uncertainty to the national elections later. This series illustrates how democratic backsliding can happen incrementally: by taking too long, by making sure that there are no decisions, and by creating uncertainty in the Constitution.

Delayed Provincial Elections and Constitutional Uncertainty

The closest constitutional situation was the elections in Punjab and Khyber Pakhtunkhwa. Both assemblies had been dissolved by January 2023, and constitutionally mandated elections were expected within 90 days. The Election Commission had taken steps toward holding elections in the first place. Still, the decision to postpone the Punjab election was based on security threats, financial inadequacies, and administrative difficulties.

This delay put the constitutional issue in a tricky position. The Election Commission is tasked on the one hand to ensure that, since elections are to be held, they have to be conducted fairly and safely. Conversely, if the Constitution's timelines are not binding on the administration, then the election timetable is subject to political manipulation. The central question was whether or not the delays would be warranted for the sake of practical issues.

The Supreme Court rejected this idea of the EC to extend the time limitation as laid in the Constitution. The Court was keen to instill some constitutional certainty by conducting the elections in Punjab. However, this order was not put into effect within the time frame. This was an important non-implementation since it proved that judicial power was not sufficient to ensure adherence to the Constitution.

Provincial elections were not held within the time frame provided for under the Constitution, leading to a loss of trust in the rule of law. Citizens noted that the Constitution seemed to call for elections, the Supreme Court seemed to mandate elections, but no elections occurred. This created an alarmingly wide chasm between the promise of the Constitution and its realization.

Also revealed were the limits of institutional coordination in the context of the Punjab and Khyber Pakhtunkhwa election issue. Without administrative support, security measures, and funding, the Election Commission would be unable to run elections. However, a constitutional democracy demands that such support be extended in order to perform constitutional duties. Where state institutions are unwilling to cooperate, as electoral deadlines get erased, a constitutional timeframe becomes ineffective.

National Assembly Dissolution and Census-Delimitation

The second wave of election uncertainties started to set in after the National Assembly dissolved in August 2023. The Assembly had been called to disband before it had finished the usual process of electing a new government, and general elections were required within 90 days of the Assembly's dissolution under the Constitution. However, just before dissolution, the Council of Common Interests endorsed new census figures. According to electoral law, delimitation of constituencies must be carried out again following the official publication of the census results.

This made an institutional and constitutional imbalance. The Election Commission had said that delimitation was a precondition to the holding of general elections. It was pointed out that delimitation should not be resorted to to

circumvent the constitutional provisions for timely elections. This conflict was thus one between two principles: equal representation and representation that is constantly renewed through delimitation, and timely democratic renewal through elections.

The delay of the national election was more complicated than the provincial delay because of the delimitation issue. Most of the provincial issues were around security, finances, and administrative assistance. However, in the national case, the Election Commission appealed to the law that mandates redrafting after the census. This provided a stronger basis for the delay in the legal and administrative process, but did not obviate the constitutional concern. The transfer of power in a democratic system should not be plagued by uncertainty for an extended period of time due to the procedural requirements.

The outcome is a longer period of caretakership. The caretaker government is temporary and neutral as per the Constitution. If they persist past their time limits, they can end up as governments without any democratic accountability. This is detrimental to parliamentary democracy as it means the executive is still operating without a new mandate from the elected representatives.

Caretaker Government and Democratic Accountability

Caretaker governments are an integral part of the electoral system in Pakistan. They are intended to create a level playing field and manage the administrative shift to elections. But they must be neutral, brief in terms, and narrow in scope to be legitimate. The extended caretaker regime of 2023 caused significant questions to be raised on democratic accountability.

A caretaker government is not democratically elected in the same manner as an elected government and does not hold the confidence of an ordinary parliament. Thus, it should have a limited mandate to facilitate day-to-day administration and conduct elections. During elections, caretaker governments might be tasked with making critical policy choices, overseeing economic issues, engaging with foreign stakeholders, and addressing security issues, which gives rise to a democratic deficit.

The 2023 scenario was particularly critical due to economic crisis, security threats, political polarization, and the lack of public trust in the government. Keeping things in a caretaker mode could become a routine. This can help perpetuate democratic decline by lowering the pressure to return to a democratic system of government.

In the eyes of the constitutionalists, the caretaker system of government must be regarded as the exception rather than the rule. The longer it goes on, the more likely there is a risk of decreasing democratic accountability. A delay in the election in Pakistan in 2023 has been shown to give unelected or indirectly elected authorities more power.

Judicialization of Politics

Judicialization takes place when political conflicts are shifted from elected institutions to the courts. In 2023, Pakistan's election crisis became highly judicialized. The Supreme Court emerged as a major player in deciding the timelines for elections, interpreting the Constitution, and settling election disputes between institutions.

Judicial intervention had a positive and adverse result. Fortunately, the Court served as a watchdog on constitutional timelines and worked to avoid allowing the pendulum to drag on. It was a reminder to

state institutions that elections are not something that is done as an administrative routine. In this way, judicial review helped to strengthen the idea of constitutionalism.

The negative aspect was that the use of the courts was seen to be a sign of the fragility of democratic institutions. Election schedules should not need to be repeatedly meddled with by the courts. Since political actors and administrative institutions follow the constitutional timetables, there would be no need for courts to interfere with the electoral calendar. The centralization of the courts demonstrated a lack of political negotiation and institutional coordination.

Judicialization also raised controversy as the judiciary in Pakistan is a politically contested institution. Judicial decisions were interpreted in political terms by various political actors. Those who wished the elections to be held early saw the Court as upholding the Constitution. The opponents regarded judicial interference as judicial intrusion in administrative or political affairs. This polarization made it harder for the judiciary to be a universally accepted constitutional arbitrator.

Democratic Backsliding in 2023

The election delay in Pakistan is democratic backsliding in various aspects and ways. Firstly, the delay eroded electoral accountability. Citizens were no longer able to change or overturn the exercise of political power within the constitutional time limits. Regular elections are important because people have a chance to beat the political elites, the interruptions of elections to this democratic process.

Secondly, delay fostered uncertainty in the constitutional system. Certainty regarding the transfer of power is required in a constitution. If constitutional deadlines start to be ignored, political players are likely to start thinking of the Constitution as

something up for discussion. This undermines the rule of law.

Thirdly, the crisis increased the importance of institutions, which are not elected or indirectly elected. The role of the voters in political transition was reduced to less importance than that of the Election Commission, caretaker governments, courts, security agencies, and administrative authorities. Does not imply the wrongful nature of these institutions. Their role should not supplant; however, it should support elections, if democratic legitimacy is to be achieved.

Fourth, elections were postponed, which exacerbated polarization. Delay meant to deny electoral competition in the eyes of PTI and its allies. The coalition government and its friends highlighted security, economic crisis, and administrative necessity. These conflicting narratives engendered a legitimacy crisis for both sides, with each claiming that the other was undermining democracy.

Fifth, the crisis led to public mistrust. Institutions that fail to be perceived as neutral can often spur democratic backsliding, particularly when citizens lose trust in them. The inability to conduct elections in Pakistan further compounded the impression that the electoral process was subject to political maneuvering.

Hybrid Regime Dynamics

Education on what is exactly going on in Pakistan in 2023 is very important in the context of hybrid regime politics. There were formal democratic institutions throughout the crisis. Political parties were there, there were courts that were ruling, provisions in the Constitution, and the Election Commission was operating. However, the democratic process was far from certain and uncontested.

Sometimes, the elections are not a decisive element in hybrid regimes. Informal power, institutional imbalance, and

selective enforcement are all factors that can affect political competition. It is an experience that has become a regular occurrence in Pakistan's history, with the army prevailing over its people and no civilian authority at the helm (Rizvi, 2000; Shah, 2014; Siddiqua, 2017).

Delayed elections were not only an institutional problem, but they were also a political problem. It was conducted in a climate of mistrust between government and opposition, among institutions and actors, and among various groups of actors, in general. In many of these instances, the Pew Global Patterns of Electoral Neutrality report revealed that electoral institutions appeared to have a very negative orientation, making it hard to perceive their neutrality.

This is partly because of the dynamics of a hybrid regime, which has yet to deliver political certainty from constitutional clarity. The time was ripe for elections, and under the clarion call of Article 224, elections were postponed. This basically translates to the absence of political will to safeguard democratic procedures, even during constitutional procedures. However, there was not only the murky legislation; there was also the political mistrust.

Electoral Integrity and Public Trust

Elections should be held in a timely manner, administered in a neutral way, and fairly in order to preserve electoral integrity and public confidence in the electoral process. Throughout 2023, all four dimensions were tested—delay caused by timeliness. The role of administration in its neutrality came under scrutiny from political actors. Fair competition was affected by polarization and state pressure. Citizens saw ongoing uncertainty and lost faith in the government.

The Human Rights Commission of Pakistan (2023) pointed out that for political stability, credible elections are needed. Elections, in a polarized society, can either decrease conflict when they lead to legitimate findings or increase conflict when they are deemed to be unfair. Delays in the electoral process make it more likely that future elections will be politicized before they come round.

There is also a relationship between electoral integrity and constitutional trust. When citizens feel that institutions can postpone elections when they do not know the outcome, they can lose trust in democratic processes. This is particularly hazardous in Pakistan, where there have been frequent complaints over elections in the past. The 2023 delay, in view of the long-standing issue of electoral legitimacy in Pakistan, added further to the problem.

Findings

Six major findings are identified in this paper.

One is that the 2023 election delay issue was largely due to the conflict between political and administrative deadlines and constitutional deadlines in Pakistan. Article 224 set out clear electoral deadlines, which were not realised in a timely and fair fashion by state institutions.

Second, the failure of the provincial elections in Punjab and Khyber Pakhtunkhwa was the immediate test of constitutionalism, where the constitutional requirement of 90 days was not adhered to, even after the intervention of the courts.

Thirdly, the census and delimitation issue marred the postponement of the national election following the dissolution of the National Assembly. This gave a legal-administrative excuse for delay, but it did not address democratic accountability issues.

Fourth, a long caretaker government damaged the democratic legitimacy as a caretaker government does not have an electoral mandate, and it is only temporary.

Fifth, it exacerbated the politicization of the judiciary. The Supreme Court had become a major player in the scheduling of elections and showed the strength of judicial review and the fragility of political institutions.

Sixth, the overall crisis was a democratic backsliding in a hybrid regime. So, Pakistan did not face democratic failure in 2023, but it had to contend with loss of electoral certainty, institutional trust, and constitutional predictability.

Discussion

The Pakistani case is a part of the wider body of issues on democratic backsliding. There are plenty of resources that address the concerns of elected officials who undermine democracy after securing an election. The 2023 crises in Pakistan point to the risks of Pakistan retreating if the elections are not carried out in time, the institutions are broken down, and the uncertainty lingers. Postponing the right to vote is also a way of bringing about a weakening of democracy, as well as tampering with the results of the elections.

The crisis is also an expression of the need for a constitutional culture. While rules need to be written, it's not sufficient. Article 224 was providing a time frame, but "the time frame is not enough to ensure elections," argues that institutional compliance with rules, where the political context is not favorable, is a precondition for constitutionalism.

The function of the Election Commission was unique and complicated. The Commission was faced with pragmatic challenges, including security, funding, the staffing and boundaries of the Commission,

and deadlines provided for in the Constitution. However, election management authorities need to be mindful that administrative discretion does not fall into the trap of constitutional avoidance. Partisan delays are possible in a polarized environment, as legally valid delays.

The function of the judiciary was also complicated. Election schedules were not constitutionally mandated without judicial review and did not support the constitutional primacy; it was not clear what the responsibilities were. It set a disturbing precedent: What if the courts are mistaken in their timing of these elections? Is the Constitution being observed?

A new challenge to the crisis is the long-awaited 'caretaker rule'. Caretaker governments are not necessarily an issue in the absence of elections, but can be a problem in preventing an incumbent advantage. These can, however, severely damage parliamentary democracy and accountability if they have been in power for a long time.

A crisis of 2023 also brings to light the significance of sequencing in constitutional democracy. There was one stage of the electoral process that was delayed, causing complications in subsequent stages. Delaying the provincial elections until later undermined people's faith in the implementation of Article 224. The failure to comply with court-imposed election timelines had an impact on the rule of law in the election. Lack of implementation of court-imposed timelines for elections led to a loss of faith in the rule of law. The new census was approved before general elections, tackling a new legal mandate for redistricting, thus further postponing the electoral process. Cumulative institutional drift is one way in which democratic erosion can take place, as these developments make clear. The Constitution remained in force in Pakistan,

although it did not have a fixed election date, so the election of the new president was far from a certainty even in those early days.

Recommendations

At first, Pakistan should know what is written in its Constitution about the upcoming elections in the year and administrative issues, including delimitation. The law should be changed to make the approval of the census, the demarcation of the electoral constituencies, and the preparation of elections certain.

Secondly, the Election Commission shall prepare a contingency plan in case any hindrance is encountered in matters of security, finance, or administration. Any delay should have a strong basis, a public explanation of the basis for the delay, and should have judicially reviewable criteria.

Thirdly, caretaker governments were to be given clear and limited powers. The scope of their work should be limited to normal governance and facilitation of the electoral process. Major policies ought not to be considered unless there is a need.

Fourthly, there is a need to improve the coordination of the institutions between the Election Commission, the presidency, the governors, the judiciary, the federal government, and the provincial governments. Clarification of the Constitution's ambiguity should be resolved prior to emergencies.

Fifth, political parties should abide by the constitutional time limits, in the interest of the Constitution. Timely elections are one of the pillars of the stability of the democratic system, and, therefore, the elections for the winners or the losers should be supported by all the political parties.

Sixth, there is the possibility of improving the enforcement. Courts' orders regarding elections need to be clear on how they will be enforced and how they will be monitored.

Last, communication in the public forum needs to be enhanced. The electoral timetable and the reasons to be given for any election delays, and any legal basis on which the decisions of the institutions are taken, should be made clear to the citizens. S. elections must be transparent in order to regain the people's trust in the ballot box.

Conclusion

The postponed elections in Pakistan in 2023 posed a great threat to the constitutionalism and democratic stability of the country. Provincial assembly's dissolution in Punjab and Khyber Pakhtunkhwa was the major cause of the delay in the provincial elections that directly challenged the constitutional requirement of holding an election within 90 days. The unruly National Assembly's dissolution and the census delimitation issue did not clear up the uncertainty about the general elections.

The crisis exposed the fragility of Pakistan's democracy, its institutional conflict, political polarization, and the expansion of caretakers and neglect of the rule of law. Delayed elections in 2023 were not a failure of democracy in Pakistan but a democratic backsliding due to attempts to circumvent accountability for elections and the constitutional predictability.

The key point of the lesson is that democracy is not synonymous with the presence of formal institutions of elections. It requires a timely, neutral election, institutionalization, administration, and politicalization of the constitutional process. While there are clear constitutional provisions with regard to many aspects in Pakistan, the implementation of these provisions is still left to the politics of power. If political and state institutions are more committed to the timelines of elections and to democratic accountability, delayed elections will cease to threaten constitutional stability.

References

- Adeney, K. (2017). How to understand Pakistan's hybrid regime: The importance of a multidimensional continuum. *Democratization*, 24(1), 119–137.
- Al Jazeera. (2023a, April 4). Pakistan's Supreme Court orders Punjab election on May 14. Al Jazeera.
- Al Jazeera. (2023b, August 5). The new census may delay Pakistan's general election. Al Jazeera.
- Atlantic Council. (2023, March 22). Experts react: Elections postponed in Pakistan's Punjab province. Atlantic Council.
- Bermeo, N. (2016). On democratic backsliding. *Journal of Democracy*, 27(1), 5–19.
- Constitution of the Islamic Republic of Pakistan. (1973).
- Dawn. (2023a, March 22). ECP postpones Punjab elections to October 8. Dawn.
- Dawn. (2023b, April 4). SC fixes May 14 as new Punjab poll date after ruling ECP's order to delay elections unconstitutional. Dawn.
- Dawn. (2023c, August 6). Election delay is certain as CCI ratifies the latest census. Dawn.
- Diamond, L. (2002). Thinking about hybrid regimes. *Journal of Democracy*, 13(2), 21–35.
- Election Commission of Pakistan. (2023). Delimitation of constituencies 2023. Election Commission of Pakistan.
- Elections Act, 2017.
- Freedom House. (2023). Freedom in the world 2023: Pakistan. Freedom House.
- Human Rights Commission of Pakistan. (2023). State of human rights in 2022. HRCP.
- Human Rights Commission of Pakistan. (2023). Making elections credible. HRCP.
- International Institute for Democracy and Electoral Assistance. (2021). The global state of democracy 2021: Building resilience in a pandemic era. International IDEA.
- Khan, H. (2017). Constitutional and political history of Pakistan (3rd ed.). Oxford University Press.
- Levitsky, S., & Way, L. A. (2010). Competitive authoritarianism: Hybrid regimes after the Cold War. Cambridge University Press.
- Levitsky, S., & Ziblatt, D. (2018). How democracies die. Crown.
- Linz, J. J., & Stepan, A. (1996). Problems of democratic transition and consolidation: Southern Europe, South America, and post-communist Europe. Johns Hopkins University Press.
- Norris, P. (2014). Why electoral integrity matters. Cambridge University Press.
- Pakistan Institute of Development Economics. (2023). Is delaying elections an option? PIDE.
- Rizvi, H. A. (2000). Military, state and society in Pakistan. Macmillan.
- Shah, A. (2014). The army and democracy: Military politics in Pakistan. Harvard University Press.
- Siddiqi, A. (2017). Military Inc.: Inside Pakistan's military economy (2nd ed.). Pluto Press.
- Suo Motu Case No. 1 of 2023, PLD 2023 SC 720.
- V-Dem Institute. (2023). Democracy report 2023: Defiance in the face of autocratization. University of Gothenburg.
- Waldner, D., & Lust, E. (2018). Unwelcome change: Coming to terms with democratic backsliding. Annual

Review of Political Science, 21, 93–113.

Waseem, M. (2006). Democratization in Pakistan: A study of the 2002 elections. Oxford University Press.