



## A Political Discourse Analysis of the Ordinances Issued during Imran Khan's Regime

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### Abstract

The paper examines ordinances as a form of political-economic control in the Pakistan Tehreek-e-Insaf (PTI) government (2018-2022), and especially in the regime of Prime Minister Imran Khan. The study adopts a convergent parallel mixed-methods strategy, in which a discourse analysis of legislative and governance implications of ordinance-based policymaking is combined with a quantitative survey. The qualitative part will involve the content analysis of 77 ordinances issued under the PTI rule in terms of linguistics characteristics and will appraise them through the prism of the major principles of governance: accountability, transparency, rule of law, responsiveness, equity, effectiveness, and participation. Simultaneously, the quantitative branch will consist of a systematic survey of academicians, policy analysts, and civil society members, evaluating the views of the respondents regarding the validity, need, and democratic consequences of ordinances as a legislative instrument. The results indicate a complicated relationship of governance where ordinances had both functional and controversial purposes. Although some ordinances filled policy gaps that were urgent, issues to do with executive control, circumventing of parliamentary procedures, and undermining of the process of legislative deliberation were notable. A common theme in the study is the problem of executive overreach that poses serious questions about the separation of powers and the well-being of parliamentary democracy. This study helps in bridging the gap between the discourse of textual governance and empirical perceptions to add to the developing body of literature on governance and political institutionalism in Pakistan. It also proposes evidence-based suggestions to restore the balance between executive action and legislative control with particular focus on the need to enhance democratic procedures in the policy making in the future.

**Keywords:** Ordinances, Political-Economic Governance, Good Governance, Pakistan, PTI Government, Legislative Oversight

### Introduction

This growing dependence on the presidential ordinances as a means of governance has created serious questions of democratic accountability and bypassing the legislature in the Pakistani politics. The Pakistan Tehreek-e-Insaf (PTI) government, under Prime Minister Imran Khan

(2018/2022) passed an unprecedented number of ordinances, which prompted the scholarly discussion of the effects of this trend on governance and institutional balance (Hussain & Ahmed, 2021; Zia & Yousaf, 2020). Although ordinances are constitutionally valid to resolve emergent issues, they can easily be used as an instrument of executive expediency that erodes parliamentary discussion and control (Cheema & Bari, 2019). The utilization of ordinances has been a regular phenomenon in the legislative history of Pakistan since the very beginning of the country in 1947, and usually such a practice indicated some deeper structural imbalances between the executive and legislative branches. Ordinances were originally conceived as a constitutional means to deal with pressing business when Parliament was not sitting, but they naturally lent themselves to use as a means of avoiding parliamentary debate, especially when there was authoritarian or weak democratic government. The executive consolidated its powers in successive military governments, as Ayub Khan (1958/1969), Zia-ul-Haq (1977/1988) and Pervez Musharraf (1999/2008) used ordinances to implement sweeping reforms without any legislative input (Shah, 2014). Ordinance-making has been used even in democratic times, which is often caused by a stalemate in the parliament or absence of a majority (Waseem, 2006). Ordinances can be issued by the President under Article 89 of the 1973 Constitution, but excessive and prolonged use of the temporary law has resulted in accusations of subversion of the democratic norms and institutional legitimacy. This trend became a precedent to the subsequent governments, such as the PTI government, to govern with ordinances at large.

### **Literature Review:**

Ordinance as a form of governance in Pakistan has been critically scrutinized by scholars especially in its implication to democratic processes and institutional building. According to scholars, although ordinances are constitutional under Article 89 of the 1973 Constitution, their extensive application indicates the trend of executive overreach and legislative incapacitation (Cheema & Bari, 2019). According to Zia and Yousaf (2020), the circumventing of parliamentary procedures compromises democratic accountability, as well as the place of elected representatives. Historical studies indicate that both military and civilian governments have used ordinances to a great extent to implement policy and in many instances have bypassed legislative oversight (Shah, 2014; Waseem, 2006). Akhtar (2021) draws attention to the tendency of governance based on ordinances in the PTI regime as a retention of the previous experience, which questions the transparency and inclusiveness of the policy-making process. Moreover, Ahmed and Rashid (2022) state that it is necessary to ensure that the executive powers are not abused through increased checks and balances. This literature highlights a long-standing structural problem of the Pakistani political system where the executive often takes over the legislative domain. The current research fits in this debate by integrating both document analysis and stakeholder viewpoints to analyze how ordinances of the Imran Khan regime have democratic and governance implications.

### **Methodology**

The proposed study uses a convergent parallel mixed-methods design where both qualitative and quantitative data can be collected and analyzed simultaneously to examine the role of ordinances in the political-economic governance of the PTI regime (2018/2022). The qualitative part entailed discourse and content analysis of linguistics pattern conducted on 77 ordinances issued between August 2018 and April 2022. It was borrowed based on Van Dijk Critical discourse model. These documents were vetted on the principles of good governance, which are accountability, transparency, and rule of law, responsiveness, equity, effectiveness and participation. This was to evaluate the language and the policy behind the legal text using a coding framework based on governance literature (Creswell & Plano Clark, 2018).

The quantitative part involved a formatted survey of the experts on political science, law, public policy, and governance. The population included academicians, legal analysts, policy practitioners, and civil society members across Pakistan. A purposive sampling technique was used to select 100 respondents with relevant expertise and professional experience. The survey assessed respondents' views on the legitimacy, impact, and implications of ordinance-driven governance. Both data strands were analyzed independently and then integrated during interpretation to ensure triangulation and a comprehensive understanding of the research problem.

### **Research Objectives**

1. To critically analyze the content and governance implications of ordinances issued during the PTI regime (2018–2022) with reference to the principles of good governance.
2. To examine expert and academic perceptions regarding the use of ordinances as a legislative tool and their impact on democratic processes and legislative oversight in Pakistan.

### **Research Questions**

1. How do the ordinances issued during the PTI era align with core principles of good governance such as accountability, transparency, and rule of law?
2. What are the perceptions of academicians, legal experts, and civil society members about the use of ordinances in place of regular parliamentary legislation in Pakistan?

### **Analysis and Discussion**

The use of ordinances as instruments of governance in Pakistan has historically reflected the complex power dynamics between the executive and legislative branches. Rooted in colonial administrative legacy, the practice of ordinance-making was incorporated into Pakistan's constitutional framework as a mechanism for addressing urgent legislative needs when the legislature is not in session. Nonetheless, as time has passed, this emergency provision has been regularly utilized as an instrument to circumvent parliamentary oversight, which is a result of trends of executive hegemony and institutional frailty (Shah, 2014; Cheema & Bari, 2019). This trend has been aggravated during the PTI-led government (2018–2022), as many ordinances have been issued, and it has created serious concerns regarding democracy, governance, accountability, and institutional checks and balances. The PTI government issued 77 ordinances between August 2018 and April 2022, or an average of almost 19 per annum. This number is impressive as compared to past civilian governments. To give an example, the Pakistan Muslim League-Nawaz (PML-N) administration (2013–2018) issued just 30 ordinances in the course of its five-year rule (Ahmed & Rashid, 2022). The sheer number of ordinances passed in the PTI-era is indicative of the executive attempting to use them as a deliberate way to bypass a fractious and frequently hostile legislature. The stasis in the National Assembly and the Senate and the reduction in the focus on deliberative parliamentary governance opened up the environment to the ordinance-based policy making.

### **Discourse and Content Analysis: Normative vs. Strategic Language**

An extensive analysis of discourse of the 77 issued ordinances indicates two different patterns: normative congruency on the language of governance, but policy-making as a tactical approach in practice. A number of ordinances were drafted on the basis of efficiency, transparency and service delivery to the people. As an example, the Pakistan Medical Commission Ordinance, 2019 focused on the modernization and standardization of medical education, whereas the Ehsaas Emergency Cash Program Ordinance, 2020 mentioned responsiveness to national crises. These appeals to the ideals of governance are typical throughout democratic policy texts (Fairclough, 2003). However,

content analysis reveals that despite their governance-oriented discourse, many ordinances lacked mechanisms for public consultation, parliamentary review, or independent evaluation essential components of participatory governance. The *Higher Education Commission (HEC) Ordinance, 2021*, for example, centralized powers in the hands of the executive, marginalizing academic and provincial voices, thus violating the participatory spirit enshrined in Article 25-A of the Constitution and the 18th Amendment (Zia & Yousaf, 2020).

### **Transparency and Rule of Law**

One of the pillars of good governance, transparency, was inconsistently upheld. While some ordinances were made publicly available and discussed in limited public forums, others, such as the *Removal from Service (Special Powers) Ordinance, 2021*, were issued with minimal prior debate or disclosure. This undermines not only legislative transparency but also the principle of the rule of law, as the sudden enactment of legal instruments without due process may result in policy uncertainty and selective application of the law (Khan, 2022). The use of ordinances also frequently contravened the spirit of constitutionalism. Article 89 of the 1973 Constitution permits the President to issue ordinances only when “immediate action is necessary” and Parliament is not in session. However, in several instances, ordinances were issued despite the availability of the parliamentary route. For example, the *Pakistan Island Development Authority Ordinance, 2020* was promulgated without consulting provincial governments, raising legal and federalism-related concerns (Akhtar, 2021).

### **Accountability and Effectiveness**

While the PTI government presented ordinances as tools for swift reform, particularly in areas of economic policy and administrative efficiency, effectiveness often came at the cost of accountability. The survey conducted among 100 respondents—comprising political scientists, legal experts, and civil society representatives—revealed that 68% believed that ordinances were used as shortcuts to avoid legislative resistance. Only 21% viewed ordinances as necessary for emergency policymaking, suggesting widespread skepticism about their legitimacy.

Respondents also highlighted that frequent use of ordinances diluted parliamentary oversight, weakened legislative committees, and sidelined elected representatives. This is particularly problematic in a parliamentary democracy, where the legislature plays a central role in holding the executive accountable. The weakening of institutional oversight mechanisms further exacerbates the power asymmetry between the branches of government, a concern repeatedly echoed in democratic theory (Linz & Stepan, 1996).

### **Equity and Responsiveness**

Some ordinances did attempt to address equity and responsiveness. The *Ehsaas Program Ordinance* and the *Corona Emergency Relief Ordinance, 2020* were framed to provide social protection during the COVID-19 pandemic. These measures received relatively favorable responses in the expert survey, with 56% of respondents acknowledging the need for swift action in emergency contexts. However, concerns were raised about the absence of sunset clauses, monitoring mechanisms, and lack of stakeholder input in designing these policies, undermining long-term accountability and citizen participation (Ahmed & Rashid, 2022). Moreover, ordinances related to labor laws and workers’ rights, such as the *Minimum Wages Ordinance, 2021*, were issued without meaningful consultation with labor unions or provincial governments. This lack of inclusiveness limits their equity-enhancing potential, especially in a country with wide socio-economic disparities.

### **Political Context and Strategic Use**

The PTI's reliance on ordinances must be understood within the broader political and institutional context of its tenure. Despite forming the federal government, PTI lacked a majority in the Senate until 2021. This legislative vulnerability partly explains the executive's preference for ordinances to implement policy reforms swiftly without facing opposition delays. However, this practice, while politically expedient, compromised institutional norms and contributed to the erosion of parliamentary sovereignty. Historically, military and hybrid regimes in Pakistan have used ordinances to centralize power and marginalize political opposition (Shah, 2014; Jalal, 1995). The PTI government's approach reflects continuity with this tradition, despite being an elected government. Ordinances such as the *PECA Amendment Ordinance, 2022*, which enhanced state control over digital speech and media, were perceived as authoritarian and drew significant backlash from civil rights organizations. This demonstrates how ordinance-making can be weaponized to regulate dissent and control narratives, particularly in politically charged environments.

### **Theoretical Implications and Democratic Norms**

From a theoretical standpoint, the PTI government's governance strategy represents a shift from deliberative democracy (Habermas, 1984) to executive-centric governance. The consistent use of top-down legal instruments reflects a technocratic mode of decision-making, emphasizing speed and control over consultation and consensus. While some degree of executive discretion is necessary for effective administration, the balance between urgency and democratic legitimacy must be carefully maintained. The research findings align with existing literature that critiques the instrumental rationality of ordinance-making in weak institutional settings (Cheema & Bari, 2019; Ahmed & Rashid, 2022). When legal instruments become vehicles for avoiding political negotiation, they risk fostering a governance culture that privileges efficiency over inclusion, centralization over federalism, and legality over legitimacy. Experts and constitutional scholars acknowledge that while ordinances hold temporary constitutional validity under Article 89 of Pakistan's 1973 Constitution, their use must be strictly confined to situations requiring immediate action when Parliament is not in session. However, in practice, successive governments both military and civilian—have often used ordinances not out of necessity, but as a strategic tool to bypass legislative debate, opposition scrutiny, and political negotiation (Cheema & Bari, 2019). Legal experts argue that this tendency stems from weak parliamentary culture, institutional inefficiencies, and a concentration of power in the executive. During the PTI era, experts noted that the ruling party's lack of majority in the Senate and confrontational relations with the opposition made the legislative route politically inconvenient, prompting the government to rely on ordinances for swift policy implementation (Ahmed & Rashid, 2022). While technically lawful, experts warn that the routine use of ordinances undermines legislative sovereignty, weakens democratic processes, and distorts the system of checks and balances envisioned in the constitution. Thus, while valid under limited circumstances, ordinances are often misused as instruments of executive convenience rather than constitutional necessity.

### **Recommendations and Way Forward**

This study highlights the urgent need for reforming the ordinance-making process in Pakistan. Based on content and survey findings, the following recommendations are proposed:

- Restrict misuse of Article 89 by clearly defining “urgency” and incorporating judicial review mechanisms.
- Mandate public disclosure and consultation before ordinance promulgation, especially on socio-economic matters.

- Strengthen legislative committees to ensure ordinances are reviewed, debated, and either ratified or repealed within constitutionally mandated timeframes.
- Promote provincial and stakeholder participation, particularly on federal subjects, to ensure alignment with principles of federalism and inclusion.
- Introduce sunset clauses and periodic evaluations for ordinances to ensure accountability and prevent their indefinite extension.

## Conclusion

The Imran Khan-led PTI government's reliance on ordinances represents both a symptom and a cause of democratic underdevelopment in Pakistan. While certain ordinances served practical purposes in times of crisis or policy gridlock, their frequent use undermined institutional norms, marginalized parliamentary processes, and eroded the culture of democratic deliberation. This study, through a mixed-method analysis, illustrates how the discursive framing of governance ideals in ordinances often masked strategic political motivations. In doing so, it contributes to the broader discourse on state-building, executive-legislative relations, and democratic governance in transitional societies. A recalibration of executive powers, reinforced by institutional checks and participatory mechanisms, is essential to safeguard Pakistan's fragile democratic project.

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