

The adoption of Parliamentary system in Pakistan is the result of political experiences of Pakistanis in the past. Elaborate?

Introduction:

Since its inception Pakistan has oscillated between Parliamentary and Presidential system. After independence, Pakistan adopted Government of India Act of 1935 with some modifications and passed Objective resolution on March 12, 1949. After that, Pakistan remained without constitution for seven years and at last on March 23, 1956 the first constitution of Pakistan was adopted. This established Pakistan as an Islamic Republic with a Parliamentary system. However, it was abrogated in 1958 when martial law was imposed in the country. There emerged a new ray of hope with Presidential form of government as second constitution, imposed on April 8, 1962, introduced Presidential form, which was later replaced by interim constitution of 1971. At last, a full constitution, backed by the legislative branch, was adopted in 1973.

2) overview of the term "Parliament"

"Parliament is the supreme legislative body of a nation, embodying the collective will and aspirations of its citizens."

John Locke

Parliament, in Political terms, is a legislative body or assembly that represents the citizens of a country and is responsible for making and passing laws. It is a fundamental system of a democratic system of government.

3) Political experiences of Pakistanis that lead to the adoption of Parliamentary systems.

Background

- 1935 Act of India
- Congress Rej of 1937
- Lahore Resolution
- Indian Independence Act of 1947

From 1935 Act to Independence Act, decentralization of Power was made.

From 1947 - 1969

- Governor-based government under 1935 Act and Independence Act.
- Objective Resolution and Basic Principles Committee.
- First Constituent Assembly dissolved by Chakrabarti.
- 1956 constitution introduced Parliamentary system.
- Military coup in 1958 & abrogation of 1st constitution
- 1962 constitution introduced Presidential system.
- ~~Military~~

Period of formation and dissolution of Parliamentary System.

From 1969 - 1973

- Military coup in 1969 and abrogation of 1962 constitution
- 1973 constitution introduced Parliamentary system again
- 18th Amendment to constitution

Restoration of Parliamentary System

9.1) Government of India Act of 1935:

In August 1935, the British Parliament took a vigilant step and passed the Government of India Act 1935. The Act proposed a federal structure for India, dividing powers between British government and Indian provinces. It also introduced separate electorates for various religious and social groups. This act provided ~~governor-general~~ governor-general with discretionary powers and due to this despite its being bicameral system and democratic system at its center, the government was not fully in-charge. Most of the major issues were to be decided by governor general and his council. There was not any system to check their authority. Under this Act congress Raj of 1937 came, leading to ~~night~~ nightmare for Muslims and demand of Muslims for separate homeland.

9.2) Lahore Resolution

The Lahore resolution, also known as the Pakistan Resolution, was a crucial milestone in the movement for the creation of Pakistan. It was passed on March 23, 1940, during the annual session of the All-India Muslim League held

in Lahore, British India. After the Congress Raj of 1937, Lahore Resolution demanded for autonomy for Muslim-majority regions, creation of independent State, and more Provincial autonomy. This demand of Provincial autonomy change its course after the independence and strong centre was preferred more. After independence some were in favor of federalism, and others were in favour of provincialism. Now one can ~~see~~ observe that how Provincial autonomy was gaining ground and making room for parliamentary government in Pakistan.

3.3) Indian Independence Act of 1947:

On June 3, 1947, Lord Mountbatten, the last viceroy of India, convened a conference with leaders from the sub-continent to present the British Government's plan for the transfer of Power. A notification on July 26, 1947, officially formed the first constituent assembly of Pakistan, initially comprising 69 members, which included one female member. Indian Independence Act of 1947, designated the existing constituent Assemblies as the dominion legislatures, granting them extensive powers, previously held by the central legislature.

4) 1947-1958: The period of formation and dissolution of the Parliamentary system: The period from 1947 to 1958 in Pakistan's history

witnessed the establishment and subsequent dissolution of Parliamentary system. This era embarked the political shifts and constitutional milestones, played a crucial role in shaping the nation's early governance. From the adoption of 1935 constitution to the imposition of the first constitution in 1956, Pakistan's political landscape underwent significant changes. However these developments eventually ~~gave~~ gave way to a military coup in October 1958, bringing an end to the Parliamentary system.

5.1) Governor-based Government under the 1935 Constitution and Indian Independence Act of 1947:

After gaining independence in 1947, Pakistan initially operated under a governor-general system. This system was inherited from British colonial rule and was based on the Government of India Act of 1935. The Governor-General was the head of state, representing the British monarchy, and had significant powers. Muhammad Ali Jinnah, the founder of Pakistan, served as the first Governor-General. However power ^{dynamics} began to shift towards a more Parliamentary form of government.

5.2) Objective Resolution: Foundation of a Parliamentary constitution: The first session of Pakistan's Constituent Assembly was on August 10, 1947, in

Karachi. The primary task of the assembly was to draft a constitution. The objective resolution, a crucial document, was introduced on March 7, 1949, and adopted on March 12, 1949. Additionally, a Basic Principles Committee was established to draft the constitution based on this ~~resolution~~ objective resolution, which now serves as the ground norm of Pakistan. On 16th October 1951, Prime Minister Nawabzada Liaquat Ali Khan, mover of the objective resolution, was assassinated and Khawaja Nizamuddin took over as the Prime Minister on 17th October 1951. After this tragedy, the final draft of the constitution was prepared in 1954. By that time Muhammad Ali Bogra had taken over as the Prime Minister. However, just before the draft could be placed in the House for approval, the Assembly was dissolved by the then Governor-General Ghulam Muhammad on 24th October 1954.

5.3) First Constitution of Pakistan created a Parliamentary System: Maulvi Tameez-ud-din Khan, President of the Assembly, contested the dissolution of the Assembly and initially won in the Sindh Chief Court. However, a landmark decision judgement by Chief Justice Muhammad Munir in the Federal Court reversed the decision. Subsequently, a second Constituent Assembly was formed on May 28, 1955, with 80 members representing East and West Pakistan.

The draft of constitution was introduced on January 9, 1956, and passed on February 29, 1956. It received assent from the Governor General on March 2, 1956, and was enforced on March 23, 1956. This Constitution enforced the Parliamentary system and marked the establishment of Pakistan as an Islamic Republic, marking 23rd March our Republic Day.

5.4) The Ayub Khan Era: Martial Law, Constitutional changes, and Presidential Covenant (1958-1966): In October 1958, President Iskandar Mirza imposed martial law, abrogating the Constitution and dissolving the National and Provincial Assemblies. General Muhammad Ayub Khan assumed power as the second President of Pakistan. He initiated a ^{Constitution} Commission in February 1960 to strengthen democracy in line with socio-political conditions and Islamic principles. The commission's report introduced on March 1, 1962. The Third Constitutional Assembly convened in June 1962, based in Ayub Hall, Rawalpindi. The 1962 Constitution established a Federal State with a presidential system.

6) From Second Martial Law to the 1973 Constitution: Restoration of Parliamentary System: In this period Parliamentary system restored after the second Martial Law.

6.1) Second Martial Law and the Emergence of Bangladesh (1969-1971): Second Martial Law was imposed on March 25, 1969, with General Agha Muhammad Yahya Khan becoming the ~~first~~ President and Chief Martial Law Administrator. He later issued the Legal Framework Order (LFO) which paved the way for Pakistan's first-ever general elections on December 7, 1970, based on adult franchise and population basis. The Assembly consisted of 313 members, including 13 reserved seats for women. Following the elections, East Pakistan seceded, becoming Bangladesh on December 20, 1971. Zulfikar Ali Bhutto assumed the roles of President and first civil Chief Martial Law Administrator.

6.2) The 1973 Constitution and Transition to Parliamentary Governance: After the separation of East Pakistan, the delayed first session of the National Assembly took place on April 14, 1972. An interim Constitution was adopted on April 17, 1972, establishing a presidential form of government. The Constitution Committee was formed to draft the constitution, presenting it on December 31, 1972. It was unanimously passed on April 10, 1973. The Constitution of the Islamic Republic of Pakistan 1973 came into effect on August 14, 1973. Zulfikar Ali Bhutto became the Prime Minister and Chaudhry Fazal Ilahi assumed the Presidency. This constitution introduced a parliamentary form of government with the executive vested in the Prime Minister.

6.3) 18th Amendment a milestone to the Constitution of Pakistan; Pakistan became a Parliamentary Republic on April 8, 2010, when the National Assembly of Pakistan passed the 18th Amendment to the Constitution, removing the President's Power to dissolve Parliament unilaterally. After removing 58-2(B) from Pakistan's 1973 Constitution, this amendment changed everything. This prevented the dissolution of the National Assembly. This amendment has moved Pakistan towards Parliamentary democracy. Thus, all this happened due to Pakistan's worst Political experiences.

7) Conclusion;

To conclude, Pakistan's Parliamentary system is rooted in its Political and historical context. Pakistan became independent from Britain in 1947 and adopted a federal Parliamentary system with a Governor-General as the ceremonial head of the state. However, instability and frequent military interventions have shaped Pakistan's Political system. Despite these challenges, Pakistan's Parliamentary system remains its preferred form of government. The system guarantees regular elections, freedom of speech and assembly, and a balance of power between government branches. In the past, albeit, Pakistan faced Political and economic challenges, but the Parliamentary system allowed for democratic solutions.