

CSB-2021
Political Science

PART-II
SECTION-B

Question no. 7:

Answer Introduction:

(i) Implementation of Parliamentary system in Pakistan: The parliamentary system was implemented in Pakistan as a result of political events.

(ii) Oscillation between Presidential and Parliamentary system: It is clear that Pakistan has oscillated between a presidential and a parliamentary system since its inception, due to various political experiences.

(iii) Subjection to Government of India Act 1935: Due to difficulties in drafting a Constitution at the time Pakistan was founded, Pakistan was subject to the Government of India Act of 1935 with some modifications.

(iv) Pakistan without a Constitution: After that, Pakistan went seven years without a constitution, operating solely under the terms of Objectives resolution, which was adopted on March 12, 1979.

(v) Establishment of Constituent Assembly: However, following Objective resolution, a constitution assembly was finally established with former Prime Minister Liaquat Ali Khan serving as its head. This assembly approved the 1956 constitution.

(vi) Declaration of Martial Law and Emergence of Political Instability: Unfortunately, just two years after, Ayub Khan declared martial law in 1958, political instability and vested interests engulfed the constitution.

(vii) Rejection of Second Constitution: The second constitution of the Islamic Republic of Pakistan was passed on April 8, 1962. But this constitution was later rejected.

(viii) Adoption of Interim Constitution and Full Constitution: In its place, an interim constitution was adopted in 1971, and a full constitution, backed by the legislative branch, was adopted in 1973.

Definition of Parliament.

(i) National Assembly of Pakistan as Pakistan's sovereign legislature. The National Assembly of Pakistan is Pakistan's sovereign legislature, as it represents the people's desire to be governed by the democratic multi-party Federal Parliamentary System.

(ii) Pakistan's Parliament has a bicameral system. According to the 1973 Constitution, Pakistan's parliament has a bicameral system, which includes the Senate and the National Assembly of the Islamic Republic of Pakistan.

(iii) Pakistan's President is Member of Parliament. Under Pakistan 1973 Constitution, the President of Islamic Republic of Pakistan is a member of parliament.

Political Experiences of Pakistanis that led to Adoption of Parliamentary System; Pakistan adopted a parliamentary system due to various events. The following phases define the political experiences of Pakistanis in the pre and post-partition (areas) eras.

Government of India Act of 1935	Maulvi Tamiz ud Din Case
Lahore/Pakistan Resolution	(EX) Extra Constitutionalism (Military Intervention)
Indian Independence Act of 1947	Constitution of 1973
Objectives Resolution	18th Amendment

Table A: Political experiences of Pakistanis that led to the adoption of Parliamentary System.

(i) Government of India Act 1935: In August 1935, British Parliament took a vigilant step and passed the Government of India Act.

longest Act passed by
British Parliament.
At the time, Government of
India Act was the longest
act that the British
Parliament had ever
passed. This act supposedly
makes decentralization simple.

Government of India Constitution
was like American Constitution.
However, the 1955 constitution, which
had a political system
almost exactly like the
American one, went into
effect.

Parts of Indian Constitution system:

The Indian Constitution system
consisted of the following parts:

- (i) A bicameral Congress,
- (ii) An independent judiciary, and
- (iii) A president who would be chosen
at large for a four year
term.

Government was not Fully Incharge:
Despite introducing a bicameral
system and a democracy at its
center, the government was not fully
incharge. This was because the
Governor-General and his council were
given control over the major

issues, and there was no system to check their authority.

(ii) Lahore/Pakistan Resolution:
Reason of Lahore/Pakistan Resolution:
The Pakistan Resolution, which is also known as Lahore Resolution, was passed to give the Muslims of British India their own country.

When was Lahore Resolution Adopted: Lahore Resolution was adopted during All India Muslim League's Annual Meeting, which took place in Lahore. It took place from March 22-24, 1940, and is a landmark document of Pakistan's history.

Lahore Resolution gave Muslims of British India their Nation. With passing of Lahore Resolution, Muslim minority in British India became a nation with its own social, cultural and political traits, a sense of its history, and shared hopes for the future.

Lahore Resolution was contradictory to Government of India Act 1935. However, the Resolution disapproved

of the federal structure proposed by Government of India Act 1935. This is because it was "totally unsuited to and unworkable in the peculiar conditions in this country and is altogether unacceptable to Muslim India."

Any Revised Constitutional Plan would need Muslim's Approval. Any revised constitutional plan would need "their consent and approval" in order for the Muslims to accept it. But this will not remain workable because the situation changed after the creation of Pakistan. Some were in favour of federalism, and some were supporters of provincialism.

Lahore Resolution is a crucial document. Consequently, Lahore Resolution is a crucial document that advances Pakistan's transition to a parliamentary government.

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(iii) Indian Independence Act of 1947:
Indian Independence Act Divided British India; The Indian Independence Act of 1947 was passed by the British Parliament (1947, by Chapters 30, 10, and 11, Geo. 6). It divided British India into two newly independent nations of India and Pakistan.

Government of India Act was Modified: The Government of India Act 1935 was modified in some ways before this act was adopted after the creation of Pakistan.

Government of India Act 1935 was safeguard for federal Government system. Prior to adoption of the new constitution, Government of India Act of 1935 acted as a safeguard for federal government system.

Objectives Resolution Nullified 1935:
Government of India Act after
But in 1979, two years after
the independence of Pakistan, the
Islamic Republic of Pakistan, the
Objectives Resolution was adopted,
nullifying Government of India Act
1935.

(iv) Objectives Resolution:
Objectives Resolution was proposed
by First Prime Minister of
Pakistan: The nations first
Prime Minister, Nawabzada Liaquat
Ali Khan, first proposed Objectives
Resolution on March 7, 1949, and
the Constituent Assembly later
approved it on March 12, 1949.
It is currently the most
fundamental law of Pakistan.

Objectives Resolution Combines
Western and Islamic democracies:
(One) One of the most
crucial documents in Pakistan's
constitutional history, it purports
to combine elements of both
Western and Islamic democracies.

Pakistan Adopted Parliamentary System because of Objectives Resolution. In the Objectives Resolution, the Federal system of government was established. As a result, it was also a major factor in Pakistan's adoption of Parliamentary system.

(iv) **Maulvi Tamiz-ud-Din Case:**
Speaker of Pakistan's Constituent Assembly: Maulvi Tamiz-ud-Din Khan served as the Speaker of Pakistan Constituent Assembly from 1948 to 1954 and Pakistan's National Assembly from 1962 to 1963.

Constituent Assembly of Pakistan Overturned: The Governor General of Pakistan was successful in having the 1st Constituent Assembly of Pakistan overturned by the Federal Court of Pakistan, which upheld the Governor General's decision.

Maulvi Tamiz-ud-Din Filed Legal Challenge: Maulvi Tamiz-ud-Din Khan, who was serving as speaker of the assembly at the time, filed a legal challenge to the dismissal.

Majority of Court Agreed:
Except for one judge's dissenting opinion, majority of the court agreed with the discharge on the grounds that the doctrine of necessity should be applied.

Verdict Was a Blow to Democratic Norms: The verdict was seen as a blow to democratic norms, which had ramifications in present/modern-day Pakistan.

Major Step by Authorities:
So, this was also a major step that the authorities took into consideration which was constitutional setup of Republic of Pakistan for Islamic Republic.

(vi) Constitution of 1973:
Supreme Law of Pakistan:
The 1973 Constitution of Pakistan is Pakistan's Supreme Law which was approved by Parliament on April 10 and on August 14, 1973 after Zulfikar Ali Bhutto's government and opposition parties drafted it.

Powers Under 1973 Constitution

The Prime Minister has executive power under this Constitution's parliamentary system.

The Constitution places the President at the top, symbolizing unity of the Republic.

Parliamentary Form of Government

The 1973 Constitution gave Pakistan a parliamentary form of government, but two military interventions under presidential system occurred after its passage, under which the presidential system was practiced.

(vii) 18th Amendment:

National Assembly Passed 18th Amendment:

Pakistan became a parliamentary republic on April 10, 2010, when National Assembly of Pakistan passed the Eighteenth Amendment to the Constitution.

This Amendment removed the President's power to dissolve the Parliament unilaterally.

18th Amendment Changed Everything:
After removing 58-2 (B) from Pakistan's Constitution, this amendment changed everything. This prevented dissolution of National Assembly.

Pakistan's Worst Political Experience: This amendment has moved Pakistan towards parliamentary democracy. Thus, all of this happened due to Pakistan's worst political experiences.

Critical Analysis:
Stagnance of Pakistan's Constitutional History: In a critical diagnosis, Pakistan's constitutional history was stagnant before and after independence. It began with the 1958 coup, when the military overthrew the government and suspended the constitution, establishing a military rule for over a decade.

Political Parties were Outlawed:
During this time, political parties were outlawed, and the military ruled the nation. Similar interventions occurred three times.

These interventions, turmoil and instability swung the country between legitimate democratic and illegitimate democratic rule. Thus, Pakistan adopted a parliamentary system due to its political history and prior political experiences of Pakistan in the past.

Conclusion: To conclude, Pakistan's parliamentary system is rooted in its political and historical context. Pakistan gained independence from Britain in 1947 and adopted a federal parliamentary system with a Governor-General as the ceremonial head of state, and a Prime Minister as head of government. 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. This system guarantees regular elections, freedom of speech and assembly, and a balance of power between government branches. In the past, though Pakistan faced political and economic challenges, but parliamentary system allowed for democratic solutions.