

QUESTION #2

1- INTRODUCTION:

In world, the governments are divided into two types, mostly. One is Presidential as followed in the United States of America while other is parliamentary as followed in India and other countries. In context of Pakistan, both forms of government has been experienced. This was the result of trying with the idea to find a well-suited system of government for Pakistan. In Presidential system, all powers are vested in President and he is accountable to none. However, in parliamentary system, the head of government is Prime Minister while head of state (nominal leader) is President. Most powers are vested in Prime Minister and he is accountable to legislature for his decisions. Pakistan has experienced Presidential system in 1962 and the parliamentary system in 1956 and 1973 onwards. The oscillation between both systems of governments has taught Pakistan few lessons. These include holding constitution supreme, strengthening democratic institution, curtailing the over extra-constitutional overreach of executives, fostering political and provincial consensus among parties, and cultivating a culture based on democratic values. Hence, the testing of different forms of government has made it clear to Pakistan that parliamentary system is well suited to its needs.

2- PARLIAMENTARY FORM OF GOVERNMENT EXPERIENCED IN PAKISTAN:

Pakistan has experienced and chosen parliamentary form of government for its government structure since its inception, but the rule was not linear. Major eras of parliamentary governments include:

Parliamentary form of govt.

- Since inception - 1956
- 1956 - 1958
- 1973 - 1985
- 1988 - 1999
- 2010 - until now

Since inception of Pakistan, a parliamentary form of government was considered while charting out new government system. The constitution of 1956 was result of this preference. It was inherently parliamentary in nature, where Prime Minister was ~~cons~~ Head of the Government and President as head of state. There existed a fusion of powers and Prime Minister along with his cabinet was chosen from the legislature. The 1973 constitution again reinstated the parliamentary system making the Prime Minister accountable to National Assembly. The Prime Minister can be removed through a vote of no confidence which was a recurrent scenario seen in era of 1988-1999 through frequent change of Prime Minister and use of this provision. The same democratic procedure was used for the ex-Prime Minister in 2022. The parliamentary system has been highly vulnerable in the context of Pakistan. The extra-constitutional over-reach of establishment and executive has rendered it a hybrid system as through 8th Amendment in Zia-ul-Haq era, allowing President to dismiss the Prime Minister or Assembly.

3- PRESIDENTIAL SYSTEM IN PAKISTAN:

Pakistan has also experienced presidential system mostly under military leadership and include:

Eras of Presidential system.

→ 1962 - Ayub Khan

→ 1977 - 1985 - Zia-ul-Haq

→ 2002 - 2008 - Musharraf Era

The ~~first time~~ Presidential form of government was ~~announced~~ introduced in Pakistan through the Constitution of 1962. Under the constitution of 1962, Ayub Khan vested the supreme authority of President

over everyone. It centralized all power into the hands of a single person - the President - Ayub Khan at that time. The President was not directly accountable to legislature so removal was very difficult and required impeachment. This lack of accountability has led to an authoritarian rule, political alienation and marginalization of elected individual. Under Zia-ul-Haq rule (1977-1985) through 8th Amendment gave the President the power to dissolve National Assembly, creating a semi-presidential form. The same semi-presidential and hybrid rule was seen during Musharraf Era (2002-2008) which further weakened the democratic institutions at the ~~cost~~ benefit of stability.

4. COMPARISON OF PARLIAMENTARY AND PRESIDENTIAL SYSTEM:

Both forms of government are poles apart and cannot co-exist. Pakistan has experienced both and a detailed comparison further differentiates both.

a. Parliamentary System:

In parliamentary form of government, powers are vested in Prime Minister and Cabinet who are accountable to legislature (National Assembly). The Prime Minister is elected from legislature through popular vote. There is a greater fusion of powers in this system. This mode of government is effective because it brings greater accountability of executive, has a flexible term i.e. parliam. government can easily be removed through legislative procedure, and has an efficient legislation. However, on the other side it is usually unstable and provides an opportunity for executive dominance in legislature. It also has less separation of powers and offers weak institutional checks and balances on misuse of power. Pakistan has two constitutions i.e. 1956 and 1973, and a most famous 18th Amendment that supported and installed parliamentary form of government.

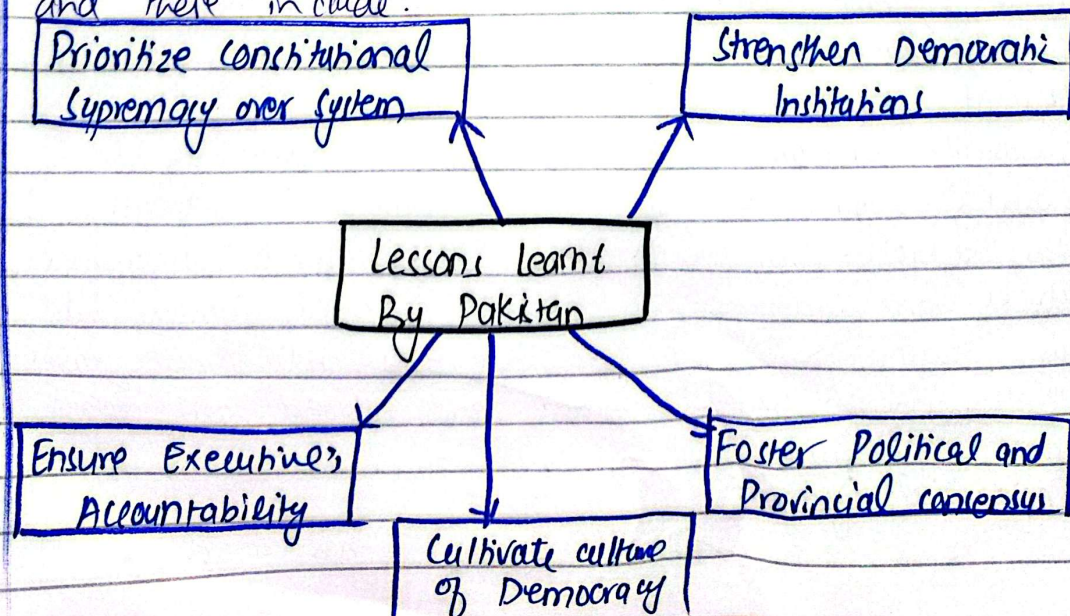
b. Presidential System:

Presidential system has a single.

executive that is head of government as well as head of state, that is, President. The President is elected independently of legislature through popular vote. He is not directly accountable to legislature and all powers are vested in him. This makes his removal difficult. However, the legislature act as a major check on power of President. There is separation of powers in this system. It is most stable form of government due to fixed term. Clear separation of powers of executive, legislature and judiciary creates stronger checks and balances among each other. Moreover, the President has direct mandate due to popular vote. In hindsight, this system has potential for authoritarian rule, a gridlock while policy making ^{between} ~~among~~ president and legislature and rigid system. Pakistan has the 1962 constitution of Pakistan was presidential in nature and the 8th Amendment created a semi-presidential government system.

5- LESSONS LEARNT BY PAKISTAN BY OSCILLATING FORMS OF GOVERNMENT:

The oscillation between presidential and parliamentary form of government created weak institutions, leaders lacking political mandate to lead the parliament, extra constitutional intervention, executive overreach, and political instability for Pakistan. It taught few important lessons to Pakistan regarding form of government and these include:



a- Prioritize Constitutional Supremacy Over System:

with idea of experimenting with different forms of government created an inherent vulnerability in the system. This vulnerability gave way not to elected forces to amend and abrogate constitution as they wanted. ^{Tying} ~~Abrogation~~ of 1956 constitution by Ayub after a military coup in 1958 is one such example. Another is of 8th Amendment passed by General Zia-ul-Haq that gave president undue power over elected persons. Hence, it taught the Pakistan a lesson to uphold supremacy of constitution over everything and everyone. It highlighted ^{valuing} ~~holding~~ constitution over all organs of government and none or no-department is supreme to constitution.

b- Strengthen Democratic Institutions:

The oscillation from parliamentarism to presidential system was due to flaws in parliamentary system but also from compromised autonomy of democratic institutions. E.g. the elections got rigged, the Judiciary supported 1977 coup and military interference found its way to bring those in power they supported. So, the lesson learnt is that a parliament must complete its term and exercise a genuine oversight over the actions of executive. Likewise, an independent judiciary is equally important for settling the constitutional disputes.

c- Ensure Executive's Accountability:

History of Pakistan is replete with incidences where unchecked executive has created constitutional and political crises. The failure of Presidential model of 1962 was due to concentration of power in hands of executive and its overbearing role over legislature. The strength of parliamentary system is the accountability of parliamentarians before legislature. Hence, a pure parliamentary structure can keep a balanced check and balance on executive.

d- Foster Political and Provincial consensus:

Many a times the political and provincial faultlines have been exploited by unconstitutional forces to their benefit. Hence, Pakistan can learn the lesson and can understand that constitutional changes and the functioning of government must be underpinned on cross-party cooperation and genuine respect for the rights of each province to foster harmony in the political landscape. Such unanimous consensus was seen during the 1973 constitution and the Democracy Pact of 2008. Moreover, 18th Amendment is hailed among all parties and provinces for the devolution of powers and a stunning example that through cooperation and consensus, great governance milestones can be achieved.

e Cultivate Culture of Democracy:

The suppression of dissent, abrogation of constitutional rights and political stability are the challenges Pakistan faced during the fluctuation of presidential and parliamentary government. Pakistan can learn from history that through cultivating a democratic culture based on culture of dialogue, tolerance for dissent, and acceptance of electoral defeat are the true elements of democracy rather than recurrent election. Working to instill these factors in democratic culture can help it overcome and buffer the political instability.

6- CONCLUSION:

Call it luck or misfortune but Pakistan had the opportunity to experience both popular forms of government, i.e. Presidential and parliamentary. The 1956 constitution and 1973 constitution were parliamentary in nature while 1962 constitution introduced presidential form of government. The fluctuation between presidential and parliamentary form of system had adverse impacts on socio-political landscape of Pakistan. On one hand, Presidential system brought

stability but at the cost of authoritarian rule. On the other hand, parliamentary system introduced accountability of executive but was usually unstable and provide the gap for manipulation of legislature to executive. However, history has taught Pakistan some lessons to better these mistakes. These lessons includes upholding supremacy of constitution, making foundations of democratic institutions strong, ensuring executive accountability, cultivating a true democratic culture, and fostering political and provincial consensus. This task of buffering the impacts of post challenge is difficult and but not impossible and depends on political will of a Pakistan, political leaders and those in corridors of power.

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QUESTION # 01

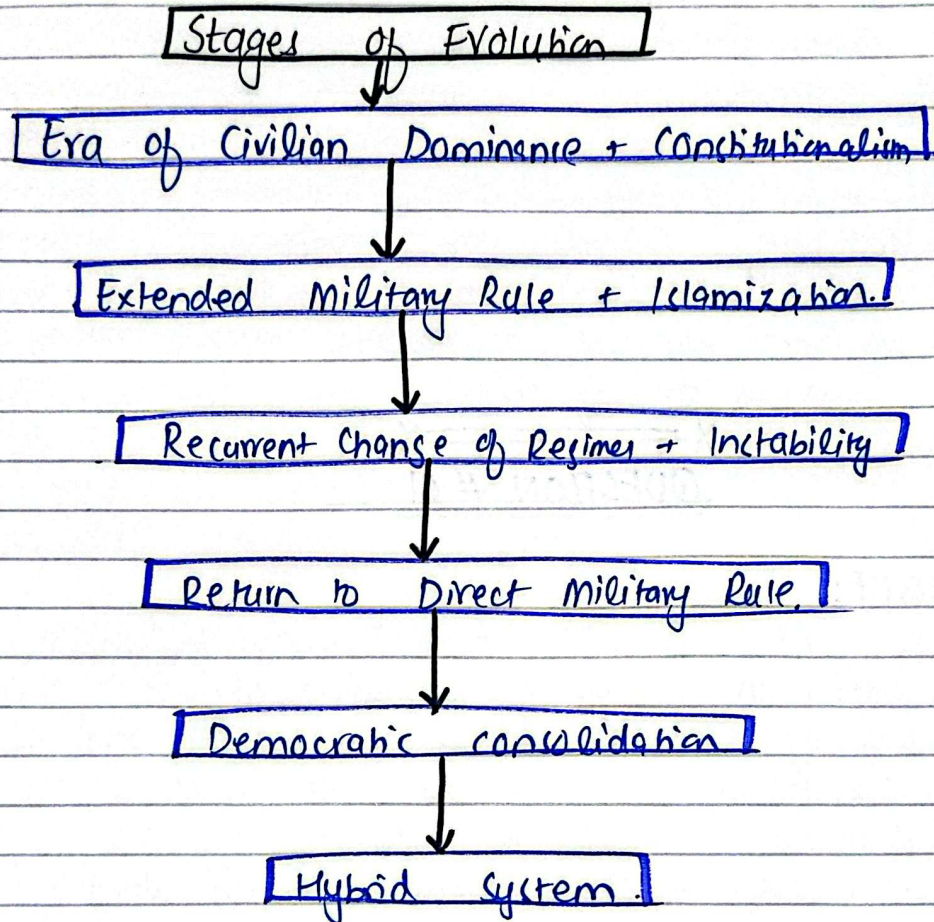
1- PROLOGUE:

The post-1971 political history of Pakistan can be seen as a continuous struggle between civilian and military leadership. The transitions between parliamentary system and military coups had far reaching impacts on democracy in Pakistan. After 1971, the Pakistani democratic system went through civilian dominance (1971-1977), Islamization (1977-1988), recurrent change of government (1988-1999), return to military rule (1999-2001), and democratic consolidation (2008-Present). Each democratic evolutionary stage stumbled the path to democratic rule and had its specific challenges. These challenges resulted into weak democratic institutions, constitutional deficiencies and exploitation, direct confrontation with military leadership and constitutional subservience. These civil-military relations during turbulent time shaped democratic and political instability. The political structure became fragmented. There was incoherence in state policy towards governance and political instability prevailed.

2- EVOLUTION OF PAKISTAN'S DEMOCRATIC SYSTEM SINCE 1971:

Post-1971,

the democratic system of Pakistan evolved through five stages which are explained below.



a- Era of Civilian Dominance And Constitutionalism:

This era

spanned from 1971 to 1977. It was the time right after separation of East Pakistan. Zulfiqar Ali Bhutto was the prime minister then. This era saw a rule of civilian dominance after 12 years of military dictatorship rule. The biggest democratic achievement of this era was passing of The 1973 constitution which was parliamentary in nature, federal and based on Islamic principles. Strengthening of democratic institutions was also carried out. Through passing of article 6 of 1973 constitution, the abrogation of 1973 constitution was declared an act of high treason. A relatively stable democracy.

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View and

period was seen. However, political victimization of the opponents and rigged elections of 1977 led the course astray.

b- Extended Military Rule and Islamization (1977-1988):

At the pretext of political instability, General Zia-ul-Haq established military rule by through a military coup in 1977 and holding the 1973 constitution in abeyance. His military rule was extended till 1988 and it halted the process of democratization and political stability. The authoritarian rule and islamization of laws made the polity of state radical Islamist. The democratic institutions saw a decline and political activity was curtailed. Zia-ul-Haq introduced the Eighth Amendment which resurrected the article 58(2b) of 1973 constitution which allowed President powers to dissolve National Assembly. This undemocratic move further resulted in centralisation of executive power in one hand which was not directly accountable to legislature. This venture opened way for some upcoming presidents to cause extreme political instability.

c- Recurrent Change of Regimes and Political Instability:

The time period from 1988 to 1999 saw alternate governments of Benazir Bhutto and Nawaz Sharif. The governments were short-termed and dissolved prematurely by use of article 58(2b) on the pretext of weak charges like corruption and weak governance. This era highlighted the civil-military asymmetry manifested in premature dissolving of elected governments. A major democratic milestone of this era was Thirteenth Amendment which revoked article 58(2b), hence, creating a direct confrontation between civilian and military leadership.

d- Return to Direct Military Rule (1999-2008):

General Pervez Musharraf carried out a coup, ousting Prime Minister Nawaz Sharif and direct military rule was once again resumed.

A controlled democracy was introduced. Legislative changes like Legal Framework Order and Seventeenth Amendment were introduced which restored supremacy of president. The era saw reemergence of civilian power in the form of lawyers protest.

c- Democratic Consolidation (2008-2022):

Democracy was restored. The 18th Amendment in 2010 caused a better relations between center and provinces due to devolution of power. There was a peaceful transition of government from 2008 to 2013. Democracy was being reinstated. Political instability was controlled.

f- Hybrid Rule:

Now a hybrid rule with the cooperation of civil and military leadership exist. It's not purely democratic but has been effective in countering the economic and security threats.

3- HOW DEMOCRATIC CONTINUITY AND INSTABILITY HAS SHAPED

Democracy ^{has hindered} continuity and instability increased because of unstable civil-military relations. The cyclical coups of 1977 and 1999 have caused democratic instability. The controlled transition from civil to military and vice versa ~~regime~~ has weakened the mandate of elected officials and democratic institutions. The institutional weakness ~~is~~ has deepened due to lack of autonomy and hollowed governance. Moreover, policy has been inconsistent fluctuating between economy and security. The major impact of civil military relation has been on public trust - Public trust has ~~not~~ been eroded from democratic processes like election, democratic institutions and military leadership.

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