

# Whither goes democracy?

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The talks between the government and opposition do not seem to be approaching a compromising stage. There are no signs of flexibility from either side. This tug of war would prove catastrophic for nascent democratic institutions. The divided opposition has held poorly attended rallies in Rawalpindi and Lahore on August 14. At the moment, it is difficult to predict what course political activity will adopt in the country.

The stream of democracy has not been flowing smoothly in Pakistan. Does it mean that the parliamentary system has failed? The simple answer to this question is "no". Pakistan had never tried the parliamentary system. It has tried to avoid parliamentary supremacy through almost every device known to political scientists: the so-called viceregal system, military authoritarianism, presidential supremacy, and prime ministerial autocracy, with variants on some of these.

It is best to look at what a "parliamentary system" means and then to note how Pakistan has avoided its use in its governance. A parliamentary system includes the right of the people to elect in free and fair elections their representatives to a body that will be able to enact laws under a constitutional arrangement that enables those representatives to act in the interests of the people at large as they perceive them. These representatives are to be elected for a set term after which they must face the electorate again to decide their retention or dismissal from office. The system also presumes that the representatives will come from roughly equally sized constituencies (unless the people in de-

vising their constitutional arrangements decide to use some form of proportional representations, but this decision is also one that must be taken by a constitution-making body properly representing the people). Whether a "first-past-the-post" system is used, as is the case in Great Britain, the United States, and all those countries that have emerged from the British Indian Empire, or a proportional representation system (as formerly in France) is used, or any variant on either, a regular and accurate census is necessary. This, too, has been irregular in Pakistan, although all indicators show a substantial shift from rural to urban areas.

However, more than a constitutional and legal framework is needed to make a parliamentary system work. These requirements can perhaps be best summed up in three categories: compromise, consultation, and tolerance. The governments that have held office in Pakistan since its independence have been greatly deficient in these areas that provide for the smooth and efficient working of a parliamentary system or, for that matter, a presidential system of government.

The ability of the various parties in the parliament to work together for progressive legislation has been missing. There needs to be a recognition that the ruling party or coalition often can and should accommodate the opposition's views. One means to this end is the assistance that can be given by committees comprised of ruling and opposition members of parliament that are attached to each ministry.

Compromise can only be reached

BY AZMAT RASUL

## The reintroduction of separate electorates by Zia-ul-Haq was a sign of intolerance.

through consultation. It is often forgotten that the leader of the opposition in a parliamentary system has the rank and status of a minister of the government. Meetings between the prime minister and the leader of the opposition can often avoid the displays of unparliamentary behaviour that are far too often seen in many parliaments including Pakistan's, the shouting matches, walkouts, and even fighting. These are not only unseemly, but also sharply lower the confidence the people have in their representatives.

In the parliament, as among the citizens, there will be many variant views on matters concerning politics, economics, and society. Recognition by citizens and parliament that their differences are one of the cornerstones of a democratic system, whether it be parliamentary or presidential. Many of the differences in Pakistan relate to the role of Islam in the state. These differences were clearly cited by the founder of Pakistan, Muhammad Ali Jinnah, in his important address to the Constituent Assembly on August 11, 1947: "You are free to go to your temples, you are free to go to your mosques, or to any other place of worship in this State of Pakistan .... You may belong to any religion or

caste or creed - that has nothing to do with the business of the state." The reintroduction of separate electorates by Zia-ul-Haq was a sign of intolerance. This vitiated the concept of equality of all citizens, the concept advocated by Jinnah. Intolerance, of course, is not limited to religion. It has become a serious and deadly issue within Islam as one sees the sectarian violence in Pakistan. It also is seen in ethnic and linguistic divisions, as in the cities of Sindh, notably Karachi and Hyderabad. It is inevitable that intolerance in the population at large will be reflected in the parliament and undermine its authority and credibility.

It goes without saying that the actions of the parliament and, especially, of its members must be transparent. There should be an "ethics committee" by whatever name that is composed of members of all parties and that has the duty to investigate reports of improper actions by members. Less than this will inevitably undermine the standing of parliament among the people.

Finally, a parliamentary system produces a cabinet that is charged with governance. It receives a vote of confidence from the parliament, usually from the lower and directly-elected house. On major decisions the agreement of the full cabinet can be expected, while on less important actions the decision may be made by the minister in charge of the particular department concerned. This is not to say that the civil and military bureaucracies have no role to play, but their role should be limited to recommendation and implementation. The

cabinet, under the prime minister, must take the lead in decision-making for it is responsible to the electorate. The government should heed the statement credited to Clemenceau that wars are too important to be left to the generals. The troika of president, prime minister and military instituted in Pakistan flies in the face of representative democracy.

It was implied earlier that Pakistan since its independence has actively avoided a political system under which the parliament would be supreme in legislation, subject only to the limits of the constitution as interpreted by the courts, which must be independent of both the legislature and the executive. It is important to note that the judiciary has acted against appointments to the benches of persons who were not qualified to hold judicial appointments according to the constitution.

No democratic system can work without a sovereign parliament. All efforts to curtail the powers of parliament usually go in vain as the weakest of the parliaments has been rebelling against such exercises. We must not forget Muhammad Khan Junejo, who mutinied beyond all expectations. At the same time the politicians cannot be absolved from the charge that they themselves have been responsible for the instability of democratic institutions. They have again been provided with an opportunity to restore the rule of law and build democratic institutions in such a way that no adventurer in future could challenge the supremacy of the will of the people.

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