

Democracy vs. real democracy

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In keeping with the past practice, the wizards thought it prudent to rush the Seventeenth Constitutional Amendment Bill through the Parliament and get it passed from both the Houses of the national legislature, in their separate sittings, within five days. For accomplishing this feat, they had to suspend the normal rules and procedures for the conduct of parliamentary business, shower favours on obliging MPs and raise the strength of Balochistan's Cabinet of Ministers to 30, thus accommodating almost all the ruling alliance MPs either in the expanded cabinet or against some other top slots.

According to rules/procedures for the conduct of parliamentary business in Pakistan, upon introduction, a Bill stands automatically referred to the concerned Standing Committee of the House - be it National Assembly or the Senate - unless the member-in-charge of the Bill moves a motion in the respective legislative body to dispense with the requirements of this rule. The Standing Committee examines the Bill minutely and submits a report to the House within a stipulated period. When received back from the Committee, the House then starts deliberations upon the Bill.

If the subject matter of a Bill is crucial and of vital importance, the Legislature also, some times, elicits the opinion of the general public before taking up the Bill, as was done by the Senate of Pakistan in the mid-80s when the Shariah Bill was moved in the Upper House of Pakistan's Parliament.

An apparent objective for framing the rules and procedures for the conduct of parliamentary business is to ensure development of consensus, through arguments and by convincing the fellow-members, for transacting the business of the legislative bodies instead of engineering support there through shoddy practices, which can lead to opposition and friction. If the practice of 'bulldozing' the business of assemblies is followed over a period of time, the opposition can gain strength and this can ultimately create chaos and even lead to ugly incidents, as is borne out by experience within and outside the country.

Past record

Some 15 amendments had already been carried out in the 1973 Constitution before the Army's intervention on October 12, 1999. Of these, seven amendments were carried out during the first four years of the Constitution's promulgation in 1973, while the first amendment to the Constitution was carried out within four hours of its adoption on 14 August 1973. The First Amendment was made to deprive the citizens of their constitutionally guaranteed fundamental rights. After snatching the fundamental rights, the then ruler got most of his political opponents arrested and lodged in jails, where they remained till his overthrow four years later. The opposition, in turn, resorted to agitation. The spectacle of massive rallies organized by the combined opposition

before the 1977 army putsch is still fresh in our memory.

Interestingly, except the Eighth Constitutional Amendment Bill, all constitutional amendments, including the seven passed before the civil government's overthrow in 1977, were carried out in haste, and without sufficient debate, by suspending the normal rules and procedures for the conduct of parliamentary business. It was only the Eighth Constitutional Amendment Bill (moved during General Ziaul Haq-Junjo era) on which debate continued in the Parliament for a few months before its adoption in October 1985.

However, in reviving the 1973 Constitution, General Ziaul Haq issued President's Order No. 14 in 1985, making innumerable changes to the Constitution with the result that lacunae and grey areas entered the basic law of the land, making the Constitution's interpretation a difficult and tricky job as many of its Articles and Clauses now contradict each other.

Further, Ziaul Haq introduced Article 58 (2)b under the Eighth Amendment to give more powers to the President, but Mian Mohammad Nawaz Sharif, during his second tenure, through Thirteenth Constitutional Amendment Bill, not only removed 58 (2)b but also acquired the powers to appoint the services chiefs and Governors. The government of Mian Nawaz Sharif also introduced the Fourteenth amendment in the Constitution which prescribed severe action against the parliamentarians who differed with their political party's leadership.

Too frequent changes in the Constitution and altering the powers and authority vested in persons holding the two top slots in the country, reflects a tendency amongst the country's leaders to mistrust others, grab all powers, muzzle the opposition and rule the country by whims.

Practice in developed nations

While most of the leaders in Pakistan have been treating the national Constitution as a document which they could trample, alter or amend, whenever it suited them, the developed countries consider the basic laws (constitutions) of their countries to be sacred documents, which no individual or group, however powerful, could change or amend at his own sweet will.

Even the parliaments in some countries, with well-developed democratic dispensations, do not enjoy the power to alter or amend this basic or fundamental law. Amendments to the constitution in Australia, France, Italy and Ireland can be done only through a referendum or reference to the citizens - the electorate enjoying the sovereign and final authority. Further, all leaders in a democratic set-up are answerable to the Parliament and nobody is immune from parliamentary accountability.

Unfortunately, our record, since the adoption of the 1973 Constitution, shows that the people at the helm of affairs in Pakistan do not hold any esteem for the Constitution. Driven by a desire to perpetuate their rule, most of the rulers in Pak-

istan have tried to amend the Constitution, tailor laws and to interpret them to suit their own particular needs, rather the public weal. Here, whosoever wields power, has tried to grab authority and that explains the reasons for frequent changes in Article 58 of the Constitution.

Against this, in developed countries, the citizens occupy a central or pivotal position. It is their elected representatives who constitute the parliament, as well as the government. The government is answerable to the people through their representatives and while framing laws and policies it remains mindful of the citizens' interest. The representatives in developed countries are also afraid of the citizens' backlash and do not betray the trust reposed in them by the electorate.

No wonder, in such set-ups the masses become a privileged lot. The state laws protect and promote public interest. In such situations, we find entry of cars, including those of cabinet ministers, banned in main shopping centres but the citizens can commute there at ease in public buses or riding the underground train. Bond Street in London can be cited as a case in point.

The former capital city of Germany, Bonn, has 300 railway stations to cater to a population of 300,000. On the other hand, in Pakistan, where non-representative governments have largely ruled the country, even the country's capital city, with a population of over one million people, has no railway station or circular railway of its own. The area earmarked for the construction of city's main railway station was converted into a residential sector, in contravention to the city's original master plan, and allotted to the bureaucracy. Naturally, the commuters suffer. The transportation problem is more acute in bigger cities of the country. The situation is not much different in other social sectors, be it health, education or any one of the service sectors. One should not be surprised if as a result of such policies the poverty has increased in the country over the years, while the elite has continued to amass wealth and become richer day by day.

Experience also tells us that those countries which are deficient in democratic norms and practices, try to cover their shortcomings by adding certain prefixes or adjectives before their nomenclatures. For example, our neighbouring country, Afghanistan was 'Republic of Afghanistan' from 1973-1978, but it became 'Democratic Republic of Afghanistan' after the Saur or Communist revolution. We can find another example from the Korean peninsula where we have a Republic of Korea - the rich and democratic South Korea - and the Democratic Peoples' Republic of Korea - the impoverished and Communist North Korea. A similar desire might have motivated our leaders when they tried to 'label' the present political set-up in Pakistan to be the 'Real Democracy' and not its 'sham' model.

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