

A fragile parliamentary democracy

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PARLIAMENTARY democracy in Pakistan has not yet taken root. A glance at the country's political history will reveal the principal factors which have hampered the growth of parliamentary democracy.

At the time of independence, the Government of India Act with some amendments was adopted as the constitution of Pakistan. The Act provided for parliamentary form of government. Under the original 1935 Act, the governor-general, being the representative of the British government wielded enormous discretionary powers. Though most of these powers were taken away by the amended 1935 Act, some of them remained intact. The most important discretionary power of the governor-general that remained intact was the power to appoint and dismiss the cabinet or council of ministers.

As the political history of Pakistan advanced, the position of head of the state became stronger than that of the Prime Minister. The first major demonstration of this fact was the sacking of PM Khawaja Nazimuddin by governor-general Ghulam Muhammad in 1953 at a time when he was commanding the support of the majority in the legislature. This act of the governor-general struck at the heart of parliamentary democracy whose fundamental principle is that a government should change either following an adverse vote in parliament or by the electorate.

The dismissal of the PM was the beginning of a series of events that culminated in the overthrow of parliamentary democracy in Pakistan five years later. It was followed, the next year (1954), by the dismissal of the constituent assembly, which also acted as federal legislature, in a dramatic fashion. To clip the wings of the governor-general, the assembly had passed a bill whereby he was divested of his powers to dismiss the PM. However, the governor-general retaliated by sacking the assembly.

An ailing Ghulam Muhammad was replaced with Iskandar Mirza, whose views about democracy were similar to his predecessor's. He, therefore, from the very outset sought to strengthen the position of head of the

House of Commons or the electorate can change a PM.

An almost similar situation exists in India. No doubt, a multi-party system gives Indian president some discretion in the appointment of the PM. However, well-established parliamentary conventions in that country ensure that only the leader of the largest party in the Lok Sabha — Indian parliament — is invited to form government. Secondly, although Indian president has the power to dismiss his PM, that power has never been used and is not likely to be used.

The power to hire and fire the PM became a lethal weapon in the hands of the president. PMs were changed one after another not by an adverse vote in the parliament or at general elections — which were not held until 1970 — but by whimsical presidential orders. The parliament, in fact, became a chessboard on which the president played his political game playing off one faction against another. However, it will not be fair to lay the entire responsibility at the door of the president. Political parties had their share of blame as well. In democracy, political parties are the ultimate instrument of political stability. Pakistan, however, lacked any strong and stable political party. As a result of party instability, coalitions had to be formed, which are inherently unstable, prompting lawmakers to change their loyalties frequently and dance to the tune of the president.

Intense as was the power struggle among political parties, by and large they all agreed that

The dismissal of prime minister Khwaja Nazimuddin in 1953 by the governor-general blocked the growth of the convention that it is only the parliament which can make or break a government. Then the 1954 dismissal of the Constituent Assembly prevented the growth of the convention that the life of parliament can come to an end only if it has completed its term or the

the PM to quit and demanded fresh elections under a neutral caretaker setup. The ruling party denied rigging and offered opposition negotiations, which were held. However, before any tangible results could come out, the army intervened, clamped martial law and dismissed the assemblies. The new military ruler Gen Ziaul Haq, though promised to hold elections in 90 days and to transfer power to the elected assemblies, did not have favourable views about democracy, particularly its parliamentary offshoot. He made a number of amendments to the constitution, which were later validated by the parliament as *quid pro quo* for lifting martial law, with the result that when it was revived in 1985, it was a different constitution. The most important amendment to the constitution was the insertion of Article 58-2(b) of the Eight Amendment, which empowered the president to dismiss the National Assembly on the ground of a constitutional crisis. The amendment again established the supremacy of the president over the parliament and the PM and reduced the latter (PM) to merely an adviser to the former (president). The Article, in particular, was a Damocles' sword on elected parliaments and the PMs, which struck at every parliament and elected PM until it was repealed by the Nawaz Sharif government in 1997 — the only government in Pakistan after Z.A. Bhutto's to command a two-thirds majority in the parliament necessary to amend the constitution. With the removal of Article 58-2(b), the position of the PM was again

strengthened, which continued till he was ousted in a coup by the armed forces.

General Musharraf has made a number of amendments to the constitution including the revival of discretionary presidential power to dismiss the National Assembly, thus again making both the parliament and the PM subservient to the president.

In retrospect, the failure to establish strong parliamentary democracy in Pakistan can be attributed in the main to two factors: constitutional provisions, and lack of strong parliamentary conventions and