

state and weaken parliamentary institutions. It was during his governor-generalship that the country adopted a new constitution, on March 23, 1956, and became a republic. The constitution, called the 1956 Constitution, also set up a parliamentary government. Although it sought to make head of the state or president a figurehead, the constitution did leave him with some discretionary powers. Of these, two deserve special mention: One, the power to appoint the PM; two, the power to sack the PM.

The president was empowered to appoint as PM a member of the National Assembly who in his opinion was likely to command the confidence of the majority of its members. In the presence of a multiparty system and weak and unstable political parties that power was enormous. The president was also empowered to sack the PM if in his opinion the latter had ceased to command the support of the majority in the National Assembly. However, the constitution did not specify how the president would determine that such a situation existed. In a country with well-established conventions, the president would convene a session of parliament to test his opinion. However, that did not apply in case of Pakistan, and Mirza dismissed PMs or forced them to resign one after the other. Take an example. Huseyn Shaheed Suharwerdi was appointed PM in September 1956. When some of his coalition partners parted ways with him and his position in the National Assembly weakened, he requested President Mirza to convene a session of the Assembly to determine whether the PM still commanded the support of the majority in the house. That request was perfectly legitimate. However, Mirza turned down the request and asked Suharwerdi to quit or face dismissal. The PM resigned.

The powers to appoint and dismiss PM are also vested in the British Constitution in the head of the state — the Queen. However, in Britain, parliamentary conventions are so strong that these discretionary powers exist only in theory. For instance, the Queen, as required by conventions, is bound to appoint the leader of the majority party in the House of Commons — British parliament — as PM. Since Britain has a two-party system, it is not much difficult to determine which party is in power. As for the power to sack the PM, it has been settled once for all that the Queen shall not exercise that power, and only the

cabinet wants fresh elections. The Nawaz Sharif government's tug of war with the judiciary undermined the principle of the independence of the judiciary and rule of law, vital to smooth functioning of a democratic order.

President Mirza would not be re-elected. And what happened was not much difficult to predict. Just as his predecessor had dismissed the constituent assembly for daring to curtail his powers, Mirza, convinced that he had no chance of a re-election, dismissed the parliament, abrogated the constitution and invited army chief Ayub Khan to assume power. That happened on October 7, 1958, which means that Pakistan's first constitution lasted only two and an half years.

The new ruler, Ayub Khan, believed that parliamentary government was not fit for Pakistan and thus put in place a system calculated to making his position supreme. His constitution, called the 1962 Constitution, established presidential form of government. However, that system was a mockery of constitutionalism for it had made president all-powerful but responsible to none. Moreover that system was a departure from the fundamental principle of presidential form of government — separation of powers between the executive headed by president and the legislature.

The 1962 Constitution worked for seven years and was scrapped by its own architect, President Ayub, when in the face of mounting public pressure he decided to quit and handed over power to another army chief.

The present 1973 Constitution again set up the parliamentary system. Executive powers were vested in the cabinet headed by the PM responsible to a popularly elected parliament. Constitutional provisions as well as strong position of the ruling Pakistan People's Party (PPP) in the parliament strengthened the office of the PM and reduced the president to a figurehead. The people hoped that finally Pakistan might have a strong and stable parliamentary democracy. However, that was not to be. The country's second general elections were held in 1977, which were swept by the ruling PPP led by PM Zulfikar Ali Bhutto. The opposition attributed PPP victory to massive rigging, launched an anti-government agitation, asked

institutions. Constitutional provisions empowering the president to dismiss the parliament or the PM obstructed the growth of parliamentary democracy. Political history of Pakistan may have been different if Article 58-2(b) was never made part of the constitution or the president did not have the power to dismiss the PM. The fact that no parlia-

ment in Pakistan has ever completed its tenure can be ascribed to such constitutional provisions.

However, this does not tell the complete story. Constitutional provisions, though exceedingly important, are not sufficient to guarantee the success of democracy. This is because, as a noted political scientist says, there is always a difference between what a constitution on paper is and how it actually works. Behind constitutional provisions stand political conventions and institutions, which in the end determine how a constitution actually works. Moreover, constitutional provisions in themselves can never constitute an effective bulwark against subversion of the constitution. Take the example of Article 6 of the 1973 Constitution, which describes subversion of the constitution an act of high treason. However the article did not deter General Zia or General Musharraf from staging a coup.

The dismissal of PM Nazimuddin in 1953 by the governor-general prevented the growth of the convention that it is only the parliament which can make or break a government. The 1954 dismissal of the constituent assembly prevented the growth of the convention that the life of parliament can terminate only if it has completed its term or the cabinet wants fresh elections. The Nawaz Sharif government's tug of war with the judiciary undermined the principle of the independence of the judiciary and rule of law vital to smooth functioning of a democratic order.

The threats to parliamentary democracy are as potent today as they were in the past: constitutional provisions, lack of strong and stable political parties and absence of strong parliamentary conventions all give the president control over the parliament and the PM. The probability that the National Assembly or the PM will complete their tenure is slightly above zero. In such a scenario, it is ridiculous to claim that the democratic system in Pakistan is functioning smoothly. In fact, it is still a long way to go before such a claim can genuinely be made. ■