



Presidential Verses Parliamentary Form of Government in Pakistan

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Abstract: The Amendment shall not be effective unless completely performed. The main element of the Amendment was the decentralization of the Power. At the federal and provincial levels, it was merely a concept. It has been highlighted, for instance, that the Federal Government has traditionally tended to direct these groups rather than advise them, undermining the core function of these bodies. The Federal Government issued policy directives that allowed regulatory bodies to operate independently. Similar to the National Finance Commission Awards, the Provincial Finance Commission Awards were necessary to fairly divide the funds to districts. Political, administrative, and financial accountability should be upheld as mandated by Articles 32 and 140 A of the Constitution.

Introduction

Presidential form of Government

The executive branch is distinct from the legislative branch and is led by a head of state, typically with the title of president, in a presidential system, also known as a single executive system. The head of state is chosen under a parliamentary system by garnering the support of an elected legislature.

American Context

In some presidential systems, the word “president” is not a rummage sale. Other systems sporadically employ the title as well. It traces back to a period before the organizational subdivision of administration was divided into a separate department, when a person in this position personally oversaw the legislative body, as was the case with the President of the Continental Congress in the early United States. Semi-presidential system also uses it. In parliamentary republics, presidents are theoretically ceremonial,

heads of state. Whether they were elected by the people, presidents are also frequently used to refer to autocrats or leaders of one-party states.

Canada, Belize, and Suriname are the only three of the 22 independent governments on the continent of North and South America that do not have a presidential republic system of government. Southern and central West Africa as well as Central Asia is both populated by it. are Cyprus and Belarus are only two presidential republics in Europe.

Presidential Election

The president is chosen independently of legislature in presidential government. A popular vote can be used to accomplish this directly, or alternatively, as in the US, the Electoral College might be used to do so indirectly. This characteristic of presidential system is sporadically referred to as being more representative because it grants the president a wider range of powers. After being elected, a president typically serves out the remainder of his or her tenure.

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Fixed Term

In presidential regimes, we applaud fixed-term contracts for providing a level of predictability that other contracts do not. Maintaining stability has proven to be difficult for Italy, Israel, and the French Fourth Republic despite the fact that most parliamentary governments continue for a long period without having to face a vote of confidence.

Stability of Presidential System

Supporters claim that the stability of the presidential system includes the choice of the cabinet. In parliamentary system members of cabinets are selected from the legislative on the contrast the members are selected from bunch of candidates. Followers of the this system point out that presidential system cabinets rarely change, in contrast to the disruptive "cabinet shuffles" that can happen in parliamentary systems when legislators are moved between positions (like the US Cabinet).

Disagreement on Stability among Political Scientists

Political scientists who disagree with this notion of stability claim that in many of the countries where they have been implemented, presidential systems fail to uphold democratic norms and have gradually shifted towards authoritarianism. Presidential systems with fixed terms may be seen as a check on the executive's power in contrast to parliamentary systems, which may allow the prime minister to call elections whenever they see fit or stage their own vote of no confidence to force an election when they are unable to pass a legislative measure. The presidential model, which requires the administration to work within the limitations of a term they are unable to change to suit their interests, is designed to discourage this kind of opportunism.

Limited Mechanisms of Removal

In contrast to parliamentary systems, the presidential system does not grant the legislature the power to recall the president. Nonetheless, presidential systems may have processes in place for removing presidents in exceptional situations,

such as when a president commits a crime or loses the ability to govern. In certain countries, presidents are only allowed to hold office for a set number of terms. Even if they are "proven to be ineffective, even if he becomes unpopular, even if his policy is disagreeable to the majority of his people," a president and his policies must be tolerated when a new election is called.

Head of Government as Head of State

Both the head of state and the leader of the executive branch of government are frequently appointed to be the president. The head of state differs from the head of government in several parliamentary systems and is essentially a symbolic role.

On occasion, the president's position is questioned. Defining presidentialism as the public's cult-like devotion to the leader, Dana D. Nelson criticises the American presidency as fundamentally undemocratic and contends that this undermines civic involvement.

A representative would be founded on "his unbiased opinion, his mature judgement, and his enlightened conscience," according to British-Irish thinker and Politician Edmund Burke. As a result, even if doing so causes short-term backlash, he should think through the reasons for and against certain policies before acting in the best interests of his constituents and the country as a whole. The best path of action isn't always the most popular course of action, and vice versa, according to supporters of presidential regimes.

Parliamentary form of Government

The party (or coalition of parties) with the most seats in the legislature controls the government in a "parliamentary system" of elected government. The prime minister appoints members of the parliament to the cabinet. A majority of the ruling party or the parliament may decide to remove the prime minister from office. Some of the former British colonies adopted the parliamentary system, which was developed in Britain (Parliament). The minority parties have a responsibility to consistently challenge and oppose the majority. A majority of the ruling party or the parliament may decide to remove the prime minister from office.

Table 1.

Basis	Parliamentary	Presidential
Executive	Dual	Single
Accountability	Executive accountable to legislature	Executive not accountable to legislature
Ministers	Only from among MPs	People outside the legislature can be appointed
Dissolution of lower house	PM can dissolve before the expiry of the term	President cannot dissolve
Tenure	Not fixed	Fixed

Presidential and Parliamentary Systems are Contrasted

A table comparison of the presidential and parliamentary systems has been discussed below and is significant from the perspective of the UPSC exam:

Candidates for the UPSC should be conversant with the various forms of governance from the perspective of Indian politics in order to better align their preparation for the UPSC. Understanding the different forms of governance helps to make the political structure of the nation more understandable.

18th Constitutional Amendment of Pakistan

Background

18th amendment was a serious step towards decentralization of power and true implementation of federalism. The PPP government was committed to decentralization of power and provincial autonomy since the inception of the state it was the first committed steps to federalism and parliamentary form of government as a default form of government.

Ethnic Diversity and Representation

Since Pakistan is an ethno-federation, ethnic nationalism has always posed a threat to the country's territorial, political, and national integrity. The biggest bone of disagreement is how the federating units should be allocated political and economic resources. Throughout the history of the nation, Punjab has always benefited from a disproportionate share of this allotment. It has sparked two civil wars and extended periods of ethnically motivated bloodshed in the nation. It has given rise to numerous unsuccessful but violent secession movements in Balochistan and Khyber-Pakhtunkhwa, as well as a successful one

in East Pakistan (K-P). The resources available to the provinces were greatly expanded by the 7th National Finance Commission (NFC) Award. The provinces now receive 57.5% of the divisible pool instead of the previous 45% (including taxes). As variables other than population were introduced, such as the contribution to the national exchequer, degrees of poverty (or backwardness), and inverse population density, the inter-provincial distribution of revenues was also altered (especially important for Balochistan). This resulted in a 5.6% decline in Punjab's share while concurrently increasing K-P and Balochistan's shares by 1.1% and 3.8%, respectively. Balochistan was even given an income ceiling of Rs 83 billion, independent of the results of the current formula.

18th Amendment and National Integration

The 18th Constitutional Amendment was viewed as a critical step towards better ethnic harmony through the restoration of Pakistan's core democratic institutional framework and province autonomy. The amendment strengthened the institutionalization of provincial autonomy and fair resource allocation. The concurrent list's removal essentially gave the provincial government more authority to make important decisions. Clauses 3(A) and 3(B) added to Article 160 established significant guidelines for the NFC Awards. The change to Article 161's Clause 1 stipulates that the provinces have a right to the money made from oil and gas sales. The province government's capacity to raise money through borrowing from domestic and foreign sources is further improved by Article 167, Clause 4. Inter-provincial disparities should have decreased as a result, and the Punjabi ethnic group's influence should have decreased while representation of usually marginalized ethnic interests should have improved. Which leads us to wonder: why would Punjabi politicians approve of

this? According to Katharine Adeney of the University of Sheffield, Punjabi politicians did not think that the 18th Amendment would result in a dramatic shift in the way things were.

Rhetoric of Ethnic and Provincial Representation

A more pragmatic perspective is that unanimity would not have been achievable in the absence of any reimbursement from Punjab. In any case, a historically rare consensus was reached ten years ago, and the rhetoric of ethnic and provincial representation that had been floated since the 1970s began to take on actual institutional shape. The question now is: Has it actually changed anything? What impact, if any, has this had on reducing ethnic tensions across the country? Have the complaints and deprived been appropriately addressed? The first significant shift brought about by these modifications was the expansion of resource availability to provinces other than Punjab. On the ground, however, the preexisting discrepancies appear to be constant. The disparities in human growth are still very obvious. According to the SBP's annual report (2018–19), Sindh and Balochistan continue to have relative higher levels of food insecurity. Additionally, there are still disparities in the amount of access to social programmes, with Balochistan (0.3% of the population) being at a disadvantage to Sindh and K-P. While Gilgit-Baltistan reported 100% coverage, Balochistan reported the largest number of youngsters who missed crucial vaccinations. This imbalance in health outcomes is further supported by a 2018 study conducted by University of Maryland researchers in partnership with USAID. Despite substantial rise in current expenditures, particularly in Punjab and Balochistan, this disparity persists. However, Balochistan continues to have the lowest share of development spending. This brings us to the question of the provinces' ability to properly utilise the increased resources and exercise the new "relative" autonomy to deal with issues of regional importance.

Presidential Versus Parliamentary form of Government in Relation to 18th Amendment

Both the presidential form of government and the parliamentary form of government are closely related to the 18th amendment to the Pakistani

constitution. In 2010, the president gave the prime minister authority and privileges, and as we know, all of those powers and privileges belong to the president, prime minister in their respective form of governments. As a result, the 18th amendment removes those powers and privileges from the president the 2008 ouster of General Musharraf from the presidency and the introduction of federalism. The Eighteenth Amendment also addressed the subject of judicial appointments, and as will be discussed below, it was this issue that sparked a protracted legal battle against the legislature's ability to change the constitution.

Rhetoric of Pakistan People Party

A populist political party, the PPP, whose leader Benazir Bhutto was killed during the campaign, won a minority government in the 2008 elections. The opposing PML-first N's seamless acceptance of several major cabinet positions in the central government, necessary for a coalition government to function, was evidence that the tone of popular politics had slightly softened. This showed a much higher level of political cooperation than had been the case throughout the 1990s, when each party had attempted to overthrow the governments of their rival parties, both in the provinces and at the center, frequently in service to other establishment figures. This was a major factor in the use of article 58(2). (b). eventually, this newly formed Parliament was able to compel the Musharraf's resignation as president. In light of this altered power dynamics, the Eighteenth Amendment was passed. By once more eliminating article 58(2)(b), the amendment returned the office of the President as closely as possible to the status it held in the original 1973 Constitution.

The People's Party Administration and Balochistan

The People's Party administration made an effort to mend fences with the disgruntled Baloch people in 2009. In order to arrive at what would pass for a compromise solution to Balochistan's reincorporation into the federation, a protracted consultation process was staged, which was constrained by the refusal to speak with members of nationalist parties but with supposedly fair representation accorded to "stakeholders". As thousands of Baloch people went missing and

frequently came up dead or with obvious signs of torture, the central government acknowledged the army's heavy-handed approach to the missing person issue. However, the centre refused to agree to a reduction in the building of cantonments in the province or even a pullout of forces. This, along with the focus on creating a Special Economic Zone in the port city of Gawadar and the launch of massive projects like the construction of dams, give a truer indication of how the national elite political class still viewed Balochistan: as a region for the appropriation of resources and wealth for the benefit of the entire country.

Constitutional Amendment

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Additional issues, such as judicial independence, government transparency, and the amendment of rights guarantees, were also taken into consideration throughout the deliberations. To provide advice in particular areas, special advisors from civil society organizations were selected. Additionally, it is said that the public's over 900 petitions calling for improvements were approved. This was done in accordance with both historical precedent and the amending process outlined in the current constitution. An Implementation Commission was also established by the Eighteenth Amendment to aid in the transition to the new constitution. Members of Parliament made up the Commission, which was primarily established to "design and supervise the mechanism and institutional procedures required to finish the process of devolution." The Commission held 68 meetings over a period of thirteen months and reached a number of significant decisions that helped build the new framework for interstate cooperation. In order to achieve the goals of Clause 8 of Article 270AA of the Constitution, the Commission had the authority to "make or pass such directives, orders,

conduct procedures, or force the drafting of revisions to regulations, enactments, notifications, rules, or orders" (Declaration and Continuance of Laws). Its responsibility was to guarantee that the new constitutional framework supported the central government's ongoing operations. 2011 marked the completion of the Commission's work, as planned under the amendment. There were numerous instances where Musharraf's constitutional transgressions might have been easily fixed by applying the fundamental framework concept. The court regularly heard petitions that used the doctrine to contest such variances, but it did not uphold Pakistan's core structure as a viable body of law. In other ways, this was just following precedent; even while it wasn't enough to contest a constitutional amendment; it was used to develop a set of prescriptive rules for the types of amendments that an unelected administration may propose. The suo-moto petition concerning the revised judge appointment process was the closest endorsement of the basic structure theory, nonetheless. In order for a Parliamentary Committee and a Judicial Committee to jointly review nominations to the Higher Judiciary, a new Article 175A was added to the Constitution by the Eighteenth Amendment Act of [2010](#). The Court agreed to examine a constitutional amendment and gave the legislature the go-ahead to reevaluate their desire to participate in this process. The Court under Chaudhry referred the case back to Parliament for "reconsideration" with recommendations regarding the changes that need to be made to the appointment process under Article 175A on the basis of upholding judicial independence, a principle that was integral to a basic structure doctrine that had not yet been fully avowed. These suggestions were more-or-less completely incorporated into the revised Article 175A that was put out by the Nineteenth Amendment Act in 2011. The committee framework is still in place, but the judicial branch now has the advantage in terms of actual power.

Unitary or Presidential Style of Government

Our numerous political and financial issues cannot be solved by a unitary or presidential style of government. Strongmen cannot provide long-term political and economic stability; this is a lesson we should have learned from previous military

dictatorships that further polarized the nation. In actuality, federalism gives the system more dynamism. The change also grants provinces sovereignty over mineral resources, eliminating one of the main reasons why the smaller provinces had been angry with the central and accused it of exploitation. According to opponents of the 18th Amendment, the federal government's financial flexibility is limited because of the transfer of a significant portion of fiscal resources to the provinces, who are responsible for the federal government's largest budget items—defense spending and debt payment. However, a lot of economists dispute the claim, claiming that after paying for defence and debt servicing to cover other bills, the federal government still has surplus funds. Although the economy is in poor shape, the 18th Amendment is not to blame. Although the economy is crucial to national security, the democratic process itself, whatever its flaws, must be maintained.

Conclusion

It is necessary to refute the claim that presidential institutions do not facilitate democratic consolidation. I hope that I was able to show in the preceding chapters that although looking sensible, this theory has little empirical support. While it is true that presidential democracies are less stable than parliamentary ones, this instability is not caused by the incentives produced by presidentialism. Presidential democracies fail because the institutions do not require citizens to seek out extra-constitutional solutions to their problems. Some of the blame should be placed on the conflicts themselves because disagreements are typically challenging to resolve inside any institutional system. Given a "active" military, it is apparent why democracies - of any kind - might deteriorate into authoritarian regimes.

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