

## **Parliamentary vs Presidential Systems in Pakistan and US: Orientation and Failure of Governments in Pakistan**

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### **ABSTRACT**

*This paper examines the major differences between the presidential and parliamentary governmental systems. Since the conclusion of World War, I, democratic movements have spread throughout Europe and, of course, the world. Democratic states arose from previous monarchs and colonial regimes, necessitating the creation of a governing structure that would suit the majority of the new states. States with absolute monarchs prefer the presidential or semi-presidential system, while states with constitutional monarchies, such as the United Kingdom, prefer the parliamentary system. Pakistan, on the other hand, has chosen parliamentary government. To begin, this study looks at a basic overview of both presidential and parliamentary systems and separation of powers, as well as brief summaries of each. Second, it focuses on the orientation of Pakistani system of government and the US governmental system. Finally, this article analyses why Pakistan's parliamentary system failed and which type of administration is best suited to the country. The methodology used in this work is descriptive, and it is carried out using a qualitative research design that is more phenomenological and hermeneutic in nature. The qualitative doctrinal research design is used to examine the topic from several perspectives. The study relies on secondary data such as academic books, government publications, articles, journals, magazines, and reports etc.*



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### **INTRODUCTION**

Parliamentary democracy has been demonstrated as a régime by discourse, or more precisely, government govern by dialogue. The term 'parle,' which meaning 'to speak,' originates from the French language. The House of Commons is often referred to as a "talking shop." Though it is a pejorative phrase, "parliament" is what the term refers to, and it primarily defines the institutions (Prasad, 1981). The executive branch of a parliamentary government is accountable to the legislature. Prime ministers are chosen by parliament in certain nations with parliamentary systems, such as the United Kingdom, but not in others, such as the Netherlands. The parliamentary system is a democratic system in which the executive branch should gain

legitimacy from and be answerable to the legislative branch (ibid). Voters elect the president and parliament independently in a presidential system. A right to choose the legislature and the other right to elect the president are two distinct right that every citizen has. And in both the cases the term to hold the office is fixed for the both respectively. Both the powers hold their offices for a definite period of time. Citizens elects the President or the head of the country that serves for a set period of time. The executive branch is immune from parliamentary scrutiny and the cabinet or the government is supervised by the head of the state. The distinction among the parliamentary and presidential systems are that in case of parliamentary democracy, parliaments are in charge of appointing the leader of the cabinet, whereas in the latter, the president is elected by the general community and both governments have different supremacies (Sartori, 1995).

The parliament possess the authority to dissolve or abolish the government at any moment, while the presidential government is only in existence for a defined amount of time until the next election. The presidential government system lacks a consultative body, whereas the parliamentary government structure does (Lijphart, 1992). Each sector of a government with a division in powers, on the other hand, is forbidden from intervening in the activities of the other. Separation of powers, also known as trias politica, is a democratic principle that divides political supremacy among the three fundamental branches of the state: executive, legislative, and judicial (Social studies "Separation of Powers: System of Checks and Balances", 2022). Based on ideas of Baron de Montesquieu, a French political and social philosopher, the concept of power's separation, controlling authorities, among autonomous and cross parts of the régime was developed. In his book Spirit of Law, the latter developed the concept of power's separation, which is based on a mechanism of the authority that controls the power and distribute the powers among different organs of the state rather than remaining in a single hand in administrating a government (1734). An element of the presidential form of government which is more usually associated with it is separation of powers (Baylis et al., n.d.). Moreover, a parliamentary system existed traditionally, authority merging is more communal. While the division in powers under a parliamentary system is a constitutional fiction at best, it provides a number of advantages. At least majority in the lower house of the parliament is the fundamental requirement for the government to function. The government must have a majority in at least the lower chamber of parliament to perform their functions. When a simple majority is not gained through elections, it forces negotiation and bipartisan cooperation, which result in the overthrow of the government and tends the administration to pursue a new authorization if it is overthrown in assembly.

The primary objective of this article is to examine the orientation of the Constitution of Pakistan with reference to the first form of government. Further on, this article observes the failure of the governments in Pakistan. This articles discusses the present form of the government and the governmental form of the USA. Finally, this article concludes that which form of the governments is best fitted for Pakistan.

### **Government in United States of America**

The federal government of the America is composed of three distinct branches. The office of the president and his cabinet is collectively called the executive branch. However, not legislative. The Senate (the upper house) and the House of Representatives (lower house) is the other branch termed as legislative branch whilst compressively called congress. The judicial system, the third branch composed of Supreme Court. Every legislative body has its own set of powers and has the ability to influence the actions of the others.

The executive branch's leader acts as both head of state and head of government in a presidential system like the United States. In the United Kingdom's, the government is led by the prime minister, who is a part of the legislature, and the ruler of the state is a ritualistic sovereign. A president may be the head of state in certain democracies with parliamentary government. The president is in control of all state affairs under a presidential system. Ministers are exclusively responsible to the president for their departments (Bogdanor, 1987). This is particularly factual in authoritarian or dictatorial regimes. The key difference between liberal and illiberal presidential governments is that in case of liberal, proposals in the legislature are amenablely scrutinized. The separation of the powers transmits the authority in the hands of the different branches and rather than investing that absolute powers and authorities in a single person or single department ("Checks and Balances", 2022). This mechanism controls one portion of state to attain all the powers as exemplified in the United States.

In United States the Congress have the legislation responsibilities and it do legislation. While the President have the right to veto these legislations and can also veto that rules and laws that are made by the congress. However, if the congress have a vote majority by 2/3, it can simply supersede the veto and have the powers to override the president's veto. The Supreme Court have the powers to declare any bill unconstitutional despite that it was passed by the President and congress. Although, it was agreed by both the houses yet the Supreme Court possess the authority to call it as unconstitutional. Likewise, the President possesses the powers to engage judges and other government figures, but subject to the confirmation of these appointments by the Senate. They follow the same electoral rules as Latin America. Electoral laws should, first, ensure fair representation of citizens' choices, and second, favour cooperative exchanges between both the presidency and the congress in order to promote good governance under division of powers regimes. In a regime of division of powers, there are four desired qualities of the voting system (Colomer & Negretto, 2005).

- It should encourage voters to be honest about their choices rather than providing incentives for strategic voting for or against expected winning parties.
- It should not result in consolidated government, i.e., a president with a single-party majority in congress, without widespread voter support.
- The median party's preference should be as close to the median voter's preference as possible, in order to achieve collaboratively favorable outcomes within organizations that are also ethically satisfactory from the voters' standpoint.
- People in majority should chose the President, comprising all the middle elector. Given that no electoral technique can ensure this result, it is preferable to use rules set for elections and those rules s that select the middle member with a developed likelihood than others.

### **Evolution of Government in Pakistan**

Pakistan seems to be an executive-dominated state throughout its history, and this pattern can be traced back in British administration in Pak-India subcontinent. Pakistan, on other hand, inherited a parliamentary system of government with a union of executive and judicial powers, based on the British-built state machinery, armed forces, and intelligence services, as well as a core set of laws that rendered the central government all-powerful (Malik, 2020). In fact, the system that existed before Independence was founded on the philosophy of 'strong executive' rather than on any concept of parliamentarism, according to a study of the

advent of democracy by instalments between 1861 and 1935 (Choudhury & Campbell, 1964). In his dominion, the sultan of Muslim (emperor) served as the supreme administrative, single representative, and paramount judge.

The executive, legislative, and judicial branches of government were all centralized in him, and he controlled through decrees (Hamid, 2005). When the British took charge of the subcontinent, and during Muslim administration that remained from the 12<sup>th</sup> century to 18<sup>th</sup> century, it is assumed that there was no constitution in the written form (ibid). The 1935 Act drew on previous legislation while also adding some new ones (Issacs et al, 2018). Under the 1935 Act, the Governor General (Viceroy) was a yet another position. In India, the British crown's ambassador X, he possessed ultimate radical authority, the broadest unrestricted powers, and unique obligations. He was granted leadership of the army, navy, and air force at the same time. The Governor General was endowed with extraordinary legislative powers on all areas protect Defence, foreign affairs, and matters affecting his specific duties, he may seek council advice. He had the option of seeking ministerial guidance, but he wasn't compelled to do so. Certain provisions of the Indian Independence Act 1947 and the Government of India Act 1935, with minute modifications and revisions turn into the interim constitution making of Pakistan. The Act also declared that the Government of India Act of 1935 would be considered as interim.

Constitution during the transition period, with necessary changes. Following that, the Indian Independence Act of 1947 formed the Pakistan Constituent Assembly, which was tasked with monitoring the country's affairs and shaping the Pakistan's Constitution. As per provisions of the Act 1947, every task and function of the state would be performed by the cabinet, and cabinet will be accountable towards the Constituent Assembly (Hamid, 2005). On the instructions of the government, the Governor General's powers were presumed to be exercised. Pakistan began as a parliamentary democracy, but with time it evolved into a quasi-federal bureaucracy with former deputy traditions. The governor general's office was abolished in the first constitution of Pakistan, which was promulgated in 1956, and the same responsibilities were handed to the president, whose administrative powers exceeded than that powers that are invested to the Prime Minister that is elected (Lawrence, 1997).

Despite the creation of the constitution of a parliamentary and federal government, the president retained ultimate supremacy and whereas federal government wielded more power than the powers retained by the provinces. When the first martial law of the state was proclaimed whereby suspending the constitution of 1956, the military leadership transmitted a new constitution (Jeffrey, 1998). The constitution of 1962 was promulgated as a result of Martial law that suspended the former constitution. As per constitution of 1962, the president was granted full administrative powers and the role of prime minister was abolished. A nonpartisan legislature with some legislative authority was also established under the constitution. The state's Chief Martial Law Administrator, General Ayyub Khan, was elected president. He had the right to dissolve the legislature, make laws, dictate orders in case when the assembly is not in the session, and also possessed the authority to announce a state of emergency.

The 1962 constitution established the military's position in politics. Ayyub Khan abolished martial law with the release of the constitution of 1962, but even though it was technically civilian leadership, all national structures, including the overall structure, centred behind his persona. Officers who achieve short-term achievements through unusual methods are frequently regarded as more capable by the regime, which places a premium on rapid

advancement. "A large percentage of money meant for improvement was divided by officials and basic democrats, according to a report from the International Monetary Fund. Unlike the parliamentary democracy it replaced, the dictatorship was proven to be significantly more rotten than the one it replaced. In Pakistan, Ayyub Khan's presidency necessitated a slew of presents to regime supporters, who were descended from the same dynasties which would have risen to power in a parliamentary democracy (ibid). The key distinction was that in a presidential dictatorship with a censored press, one could be more crooked without the reputational consequences that come with the unconstrained operation of parliamentary democracy (Ayyub, 2007). The establishment of a positive working relationship built on mutual respect was a difficult undertaking for the Pakistani government. In such circumstances, Pakistan's elected representatives went twenty-five years without holding general elections or adopting a constitution.

Following the fall of Dacca in 1971, the Pakistan Peoples' Party (PPP) established government in Pakistan, which encountered various issues, including problems in the connection between the centre and the provinces, which remained during the PPP's first tenure under Prime Minister Zulfikar Ali Bhutto (Mubashir, 2000). In such a political scenario, the opposition pressed on a Westminster-style parliamentary system, but the government feared it would bring more problems in a country like Pakistan, where democratic systems are fragile (Shahid, 1981). The Assembly was determined to act as both a Constitution-maker and legislative authority at the same time, first drafting a temporary constitution and then drafting a permanent constitution. Under the Interim Constitution, a session of the Assembly was held on August 14, 1972, to draft a constitution. On August 15, 1972, the first meeting was held. The Constitutional Committee produced its report and presented it to the National Assembly on December 31, 1972, during the session that ran from December 30, 1972, to February 1, 1973.

The task of drafting the constitution was completed on August 14, 1973. It is usually considered that Pakistan's parliament enacted the 1973 Constitution with overwhelming support and that all federating units approved it (Rahat, 2020).

### **Downfall of Governments and Which Form of Government Suits Pakistan**

In Pakistan, there was and still is a belief that the parliamentary model of governance is inadequate to the people's genius, and that current events would be better controlled by a military regime. Dr. Choudhury, however, is adamantly opposed to the assumption that Pakistan's parliamentary system of government is best suited to the country and that its inhabitants are already familiar with its operation. As the military and civil service started to take part in the democratic process and gained de-facto dominance in April 1953, (Niaz, 2020) this worldview formed as a unified viewpoint in the 1950s. A presidential system has been favored by the paramilitary and the bureaucracy, as well as some members of the intermediate and proficient classes, but when civilian politicians have had a chance to establish themselves, they have nearly unanimously preferred parliamentary administration.

Hence, the constitutional history of Pakistan has been staggered among the civil service and military to endorse the unitary presidential government (1956–1972, 1977–88, 1999–2008) and efforts to enact the federal parliamentary democracy (1947–55, 1973–77, 1988–1999, 2008– present). Given the Pakistani military's continued influence in politics and current government members (including the prime minister) it is really surprising that all they have desire for the presidential form of government in Pakistan like that of 1960s. While the elite

class in the country do possess the same desire for the government. The political class's profound disappointment informed the post-1953 regime's outlook. Legislators are alleged to have been more concerned with exploiting public grievances than with finding solutions to problems, according to regime members and also that Pakistan could not really afford a long, difficult transition to parliamentary government. Rather, it wanted a great leadership to manage a unified, unitary, modernizing dictatorship with some sort of public engagement and representative politics (ibid). In letters, public declarations, and government reports, proponents of this position on Pakistan expressed themselves clearly.

By embracing these ideas, the governing organization claimed that it was abandoning colonial history and laying the road for national reconciliation and quick economic success. The nature of the politicians were another concern. They were egotistical, deceptive, and they never acquired the feeling of accountability required to produce a legislative system structured in the country following the pattern of British. Even though elections conducted in a fair manner, the people were too poor and backward to make sensible decisions. For the imperialist rule of law to work, it had to be replaced with a more understandable structure that could be implemented quickly. It is generally believed that, in order to protect the national interest, the intelligence and military services had an inherent right to get involved in politics if the politicians were not acting in accordance with the imperial constitution.

It is commonly understood that a sound and resilient leadership is important to the achievement of a democratic system of the country beset by famine, illiteracy, social transformation, and dictatorial traditions. There have been a number of roadblocks to the execution of parliamentary administration in Pakistan thus far, but the country was tragically bereft of the two great leaders at a young age. There was no one left after Quaid-i-Azam and Liaquat Ali Khan who could carry the entire country with him; as a result, second-rate leaders became entangled in the biggest power war in history almost immediately after Liaquat Ali Khan's death. In truth, these lawmakers should be held responsible for the country's parliamentary systems being strangled (Ghulam, 1964). Politicians were unscrupulous and cynical, lacking the feeling of responsibility required to form a parliamentary democracy in Pakistan modelled after the British model. Even if contests were theoretically fair, the general public was too poor and illiterate to make rational decisions. For the reason that of lack of ability that the politicians must possess to build disciplined organizations and the general absence of character in politicians, parliamentary form of government is unsustainable in Pakistan ("Report of the Constitution Commission, Pakistan, 1961. (Book, 1962) [WorldCat.org]", 2022). To give the impression of grassroots democracy, this may be supplemented by the formation of a local government structure under military/civilian administration. A purge of the political class and government personnel suspected of sympathizing with the displaced legislative elite would bring a sufficient number of lawmakers into the regime's fold.

This prepared the way for the reinstatement of a constitutional government with the president and governors holding all operational authority, a frail parliament, and appointees by the presidential cabinet. With a few exceptions, the military coup General Pervez Musharraf and General Zia-ul-Haq observed the same pattern and reigned for almost nine and eleven years, correspondingly. When the politicians recaptured power and military governments crumbled, Pakistan strove, with varied levels of effectiveness, to dismantle the constitutional framework that had been forced on it, just to find themselves in the same situation when another coup took place. As a result, Pakistan's debate over presidential vs. parliamentary rule has a historical base. Those who support the former argue that Pakistan necessities a strong

administration which would work separately of native administrative forces, resulting in better management and administration. Pakistan has attempted to construct a presidential government since the 1950s and 1960s, as the country's history illustrates that a desire to implement presidential government system have impaired the federation and created illegalities as such dictators tussle for validity and distinction and are compelled to accept major concessions with almost the same political families they otherwise detest.

Pakistan's parliamentary system and colonial rule of law heritage were deemed insufficient to its people's character, ambitions and interests, throughout the 1950s and 1960s. In the late 1960s, the flaws of politicians who showed their interest in the dominant government were brutally exposed (Niaz, 2020). Before General Zia-ul-Haq died in a mystery plane crash in the mid-1980s, a similar crisis was emerging. It was a combination of political and civil society factors that fueled a movement to restore the judiciary after 2005, when it broke with its tradition of aligning with the troops and started using its inherent jurisdiction more strongly, resulting in tremendous public support for the effort. A similar meltdown occurred in 1968, when local government leaders (nazims) and the technocrats of the Pakistan Muslim League Quaid-i-Azam (PML-Q) dissolved into oblivion. However, debate is on whether the parliamentary or presidential system is better. It's possible that in the long run, neither strategy is superior. The only substantial difference between these two constitutional models could be that one (presidentialism) is more resistant to change due to higher institutional disintegration. Within any constitutional category, there may be as many distinctions as there are between them. Indeed, the terms presidentialism and parliamentarianism are used interchangeably in a variety of contexts. In different policy sectors, however, parliamentarism and presidentialism may have different benefits and weaknesses. It's also likely that social, cultural, and historical factors fluctuate from region to region and era to period, influencing the executive's performance. If that's the case, parliamentarism may be even more appropriate in some situations and presidentialism in others.

## **CONCLUSION**

A government apparatus should be built to ensure, among other things, the consolidation of national unity and a sturdy and stable system of governance. The country's most pressing problem has been a lack of effective leadership. Both the presidential and parliamentary systems of government have existed in Pakistan's history, with the former under military rule and the latter under Zulfikar Ali Bhutto's civil martial law. If we look at the data on the country's progress and prosperity, it reflects that the country did well throughout the military rules while the presidential system had been in action in terms of raising livelihoods, education, healthcare, and development.

Despite the fact that many people believe the parliamentary system works effectively in nations like the United Kingdom and Canada. However literacy rates in these countries are far higher than in Pakistan. Even in circumstances where parliamentary systems have failed, such as in Turkey, a presidential form of government can have an exceptional impact, as demonstrated by its performance in the country. America is a prime example of what may be achieved with a well-functioning presidential government. As a result of this balance of powers between the legislative, judicial, and executive departments of government, the United States government is able to operate in accordance with the constitution and in the public's interest. Not the same but a pattern similar to American form of government should be implemented. In a country like Pakistan, one linear system can be best adapted and prove more successful.

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