

SUBJECT: POLITICAL SCIENCE VI

COURSE: BA LLB SEMESTER V (NON-CBCS)

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MODULE II, PAKISTAN

1. GOVERNMENT STRUCTURE

Pakistan's independence was won through a democratic and constitutional struggle. Although the country's record with parliamentary democracy has been mixed, Pakistan, after lapses, has returned to this form of government. The constitution of the Islamic Republic of Pakistan adopted in 1985 provides for a federal parliamentary system with a president as head of state and a popularly elected prime minister as head of government.

-President

The president, in keeping with the constitutional provision that the state religion is Islam, must be a Muslim. Elected for a five-year term by an electoral college consisting of members of the Senate and National Assembly and members of the provincial assemblies, the president is eligible for reelection. But no individual may hold the office for more than two consecutive terms. The president may resign or be impeached and may be removed from office for incapacity or gross misconduct by a two-thirds vote of the members of the parliament. The president generally acts on the advice of the prime minister but has important residual powers. One of the most important--a legacy of Zia--is contained in the Eighth Amendment, which gives the president the power to dissolve the National Assembly "in his discretion where, in his opinion . . . a situation has arisen in which the Government of the Federation cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate is necessary."

-Parliament and Federal Government

The bicameral federal legislature is the Majlis-i-Shoora (Council of Advisers), consisting of the Senate (upper house) and National Assembly (lower house). Members of the National Assembly are elected by universal adult suffrage (over twenty-one years of age in Pakistan). Seats are allocated to each of the four provinces, the Federally Administered Tribal Areas, and Islamabad Capital Territory on the basis of population. National Assembly members serve for the parliamentary term, which is five years, unless they die or resign sooner, or unless the National Assembly is dissolved. Although the vast majority of the members are Muslim, about 5 percent of the seats are reserved for minorities, including Christians,

Hindus, and Sikhs. Elections for minority seats are held on the basis of separate electorates at the same time as the polls for Muslim seats during the general elections.

The prime minister is appointed by the president from among the members of the National Assembly. The prime minister is assisted by the Federal Cabinet, a council of ministers whose members are appointed by the president on the advice of the prime minister. The Federal Cabinet comprises the ministers, ministers of state, and advisers. As of early 1994, there were thirty-three ministerial portfolios: commerce; communications; culture; defense; defense production; education; environment; finance and economic affairs; food and agriculture; foreign affairs; health; housing; information and broadcasting; interior; Kashmiri affairs and Northern Areas; law and justice; local government; minority affairs; narcotics control; parliamentary affairs; petroleum and natural resources production; planning and development; railroads; religious affairs; science and technology; social welfare; special education; sports; state and frontier regions; tourism; water and power; women's development; and youth affairs.

The Senate is a permanent legislative body with equal representation from each of the four provinces, elected by the members of their respective provincial assemblies. There are representatives from the Federally Administered Tribal Areas and from Islamabad Capital Territory. The chairman of the Senate, under the constitution, is next in line to act as president should the office become vacant and until such time as a new president can be formally elected. Both the Senate and the National Assembly can initiate and pass legislation except for finance bills. Only the National Assembly can approve the federal budget and all finance bills. In the case of other bills, the president may prevent passage unless the legislature in joint sitting overrules the president by a majority of members of both houses present and voting.

Other offices and bodies having important roles in the federal structure include the attorney general, the auditor general, the Federal Land Commission, the Federal Public Service Commission, the Central Election Commission, and the Wafaqi Mohtasib (Ombudsman).