***Parliamentary and Presidential System***

***A Comparison and its Relevance to Pakistan***

***Parliamentary System:***

Pakistan operates under a **federal parliamentary system** established by the **1973 Constitution**, which defines the roles of the **President** as the ceremonial Head of State and the **Prime Minister** as the Head of Government, who holds executive powers and is accountable to the Parliament. The Parliament, known as the **Majlis-e-Shura**, is bicameral, comprising the **National Assembly** (lower house) and the **Senate** (upper house). The National Assembly consists of **336 members**, including 266 directly elected representatives, 60 seats reserved for women, and 10 for non-Muslim minorities. Members serve **five-year terms**. The Senate comprises **100 members**, with equal representation from each province, along with members from the Federal Capital and formerly from the **Federally Administered Tribal Areas (FATA)**. Senators serve **staggered six-year terms**, with elections held every three years for half the seats. The **18th Amendment**, passed in 2010, significantly reduced presidential powers, transferring authority to the Parliament and the Prime Minister, thereby reinforcing the parliamentary system. Despite this structure, Pakistan faces challenges such as **political instability**, **military influence**, and issues in **governance and accountability**. The ongoing **civil-military relationship** continues to shape the country's political environment.

***Presidential System:***

Pakistan has experienced periods of **presidential governance**, notably under the **1962 Constitution**, which established a **presidential system** concentrating **executive powers** in the office of the **President**. This system was implemented during **military regimes**, such as those of **General Ayub Khan** and **General Zia-ul-Haq**, where the President held significant authority over the executive branch. However, these periods were marked by limited **democratic participation** and **centralization of power**. The **1973 Constitution** transitioned Pakistan back to a **parliamentary system**, emphasizing the role of the **Prime Minister** and reducing presidential powers. The **18th Amendment** in **2010** further curtailed the President's authority, reinforcing **parliamentary supremacy**. Despite this, debates occasionally arise regarding the adoption of a **presidential system**, with proponents arguing it could lead to more **stable governance**. Critics, however, caution that such a shift might undermine **democratic institutions** and concentrate power excessively. **Legal experts** also highlight that transitioning to a presidential system would require significant **constitutional amendments**, posing substantial **legal** and **political challenges**.

***Comparison of both systems :***

1. ***Structure of Executive and Legislative Branches***

* **Parliamentary System**: The **executive** (Prime Minister and Cabinet) is drawn from and accountable to the **legislature** (Parliament). The Prime Minister is typically the leader of the majority party or coalition in the legislature.
* **Presidential System**: The **executive** (President) is elected separately from the legislature and operates independently. The President is both the **Head of State** and **Head of Government**, with fixed terms of office.

***2. Selection and Accountability of the Executive***

* **Parliamentary System**: The Prime Minister can be removed from office through a **vote of no confidence** by the legislature, allowing for greater flexibility and responsiveness to public opinion.​
* **Presidential System**: The President serves a fixed term and cannot be easily removed from office. Impeachment is typically required, which is often a lengthy and politically challenging process.​

### *3. Separation of Powers*

* **Parliamentary System**: There is a **fusion of powers** between the executive and legislative branches, leading to more streamlined decision-making but potentially less oversight.​
* **Presidential System**: There is a **separation of powers**, with distinct and independent executive and legislative branches, providing checks and balances but potentially leading to gridlock.

### ****4*****. Stability and Flexibility*

* **Parliamentary System**: Can be more **flexible** in responding to changes in public opinion and political dynamics, as the government can be changed without waiting for the next election.​
* **Presidential System**: Offers **stability** due to fixed terms but can lead to **rigidity**, especially if the President and legislature are from opposing parties.

### *5. Role of the Cabinet*

* **Parliamentary System**: The **Cabinet** is composed of members of the legislature and is collectively responsible to it. The Prime Minister leads the Cabinet, and its decisions are subject to parliamentary approval.​
* **Presidential System**: The **Cabinet** (or Council of Ministers) is appointed by the President and serves at their discretion. Cabinet members are not typically members of the legislature and are accountable to the President, not the legislature

### *6. Risk of Authoritarianism*

* **Parliamentary System**: Generally less prone to authoritarianism due to the need for coalition-building and accountability to the legislature, which promotes democratic norms and practices.​
* **Presidential System**: Can be more susceptible to authoritarian tendencies, especially if the President holds significant powers and lacks effective checks from other branches, potentially undermining democratic institutions.

***Experience and failure of both systems***

### *1. Experience of parliamentary system*

* **Introduction of Parliamentary Democracy (1947–1958):** Following independence, Pakistan adopted a parliamentary system, establishing a bicameral legislature with the National Assembly and the Senate.
* **Constitutional Developments:** The Constitution of 1956 marked Pakistan's first formal attempt at parliamentary governance, aiming to define the roles of the President and Prime Minister. However, this constitution was short-lived due to political instability and military intervention**.**
* **Resilience of Democratic Institutions:** Despite challenges, Pakistan's parliamentary system has shown resilience, with regular elections and the peaceful transfer of power in some instances.
* **Civilian Governance Periods:** There have been periods where civilian governments functioned under the parliamentary system, contributing to the development of political processes and institutions.
* **Legislative Reforms: The parliamentary system facilitated significant legislative reforms, including the 18th Amendment in 2010, which enhanced provincial autonomy and curtailed presidential powers, reinforcing parliamentary supremacy.**

### *Failures of parliamentary system*

* **Frequent Military Coups:** Pakistan has experienced multiple military interventions (1958, 1977, 1999), disrupting the parliamentary system and leading to prolonged periods of military rule.
* **Weak Political Parties and Leadership**: Political parties in Pakistan have often been fragmented, with leadership lacking continuity and vision, hindering effective governance.
* **Corruption and Lack of Accountability**: Widespread corruption within political and bureaucratic institutions has eroded public trust and hindered effective governance.
* **Judicial and Military Overreach**: Excessive interference by the judiciary and military in legislative affairs has undermined the authority of the parliament and disrupted the democratic process.
* **Electoral Malpractices**: Elections have often been marred by rigging and unfair practices, leading to questions about the legitimacy of elected representatives.
* **Lack of Civic Engagement**: Limited public participation in the political process has resulted in a disconnect between the government and the citizens it serves.

### *Experience of presedential system*

* **Introduction of Presidential System (1958)**: In 1958, Pakistan transitioned to a presidential system following a military coup led by General Ayub Khan. The presidency became a central authority, consolidating executive powers.
* **Centralized Decision-Making**: The presidential system allowed for centralized decision-making, enabling swift policy implementation. This was particularly evident during times of national crisis.
* **Stability Under Military Rule**: The presidential system, especially under military leadership, provided a semblance of political stability, reducing the frequency of governmental changes.
* **Centralization of Power**: Under the presidential system, especially during military regimes, power was highly centralized in the office of the president, leading to swift decision-making in times of national crisis.
* **Judicial Appointments**: Presidents had the authority to appoint judges, influencing the judiciary's independence and its role in upholding constitutional norms.
* **Legal Framework Orders (LFOs)**: Presidents, particularly during military regimes, issued Legal Framework Orders to amend the constitution, thereby legitimizing their rule and altering the political landscape.

### *Failures of presedential system*

* **Authoritarian Tendencies**: The concentration of power in the presidency led to authoritarian governance, sidelining democratic institutions and processes.
* **Suppression of Political Opposition**: The presidential system facilitated the suppression of political opposition, limiting political pluralism and democratic debate.

* **Judicial Overreach:** Instances like the 2007 state of emergency, declared by President Pervez Musharraf, highlighted the potential for judicial overreach and the erosion of constitutional norms.

* **Political Instability:** Despite centralized power, the presidential system did not guarantee long-term political stability, as seen in the eventual public disillusionment and demand for democratic reforms.
* **Economic Challenges:** The centralized nature of the presidential system did not translate into sustained economic growth, with Pakistan facing persistent economic challenges during periods of presidential governance
* **Concentration of Power in Military Hands**: Under the presidential system, the military's influence over governance increased. General Ayub Khan's rule exemplified this, where the military played a central role in political decisions, sidelining democratic institutions.

***Features of both systems :***

### *Features of presedential system*

* **Separation of Powers:** The presidential system is characterized by a clear division among the executive, legislative, and judicial branches. Each branch operates independently, ensuring a system of checks and balances that prevents any one branch from gaining excessive power.
* **Direct Election of the President:** In this system, the president is typically elected directly by the populace, providing a strong democratic mandate and legitimacy to lead the executive branch.
* **Fixed Tenure:** The president serves for a constitutionally defined term, which cannot be altered arbitrarily. This fixed tenure contributes to political stability and continuity in governance.
* **Single Executive Leadership:** The president serves as both the head of state and the head of government, consolidating executive authority in a single office. This unification can lead to more decisive leadership.
* **Judicial Independence:** The judiciary operates independently of the executive and legislative branches, safeguarding the rule of law and ensuring that laws are applied fairly and consistently.
* **Independent Executive Branch:** The executive operates independently of the legislature. The president does not require legislative confidence to remain in office, allowing for autonomous decision-making within the executive branch.

### *Features of parliamentary system*

* **Fusion of Powers:** In a parliamentary system, the executive branch (the Prime Minister and the Cabinet) is drawn from the legislative branch (Parliament). This fusion ensures that the executive is accountable to the legislature and can be removed through a vote of no confidence.

* **Collective Responsibility:** The Cabinet operates under the principle of collective responsibility, meaning all ministers are collectively accountable to the Parliament for government policies and decisions. If the Parliament passes a vote of no confidence, the entire Cabinet, including the Prime Minister, must resign.
* **Dual Leadership:** There is a distinction between the head of state and the head of government. The head of state (e.g., a monarch or ceremonial president) performs symbolic duties, while the head of government (Prime Minister) handles day-to-day administration and policy-making.
* **Parliamentary Sovereignty:** Parliament holds supreme legislative authority. It can enact or repeal any law, and its decisions are not subject to judicial review, emphasizing the dominance of the legislative branch.
* **Bicameral or Unicameral Legislature:** Parliament may consist of two houses (bicameral) or one house (unicameral), depending on the country's constitution. For example, the UK has a bicameral system, while countries like Sweden have a unicameral legislature.

***Critical thinking of suitable system***

​To address Pakistan's current political and governance challenges, a **reformed parliamentary system**—enhanced by comprehensive **institutional and constitutional reforms**—is recommended. This approach aims to strengthen democratic institutions, promote accountability, and ensure responsive governance.

***Why the Parliamentary System?***

* **Historical Precedent**: Pakistan has a history of parliamentary governance, with the 18th Amendment (2010) transitioning the country from a semi-presidential to a parliamentary republic, aiming to reduce presidential powers and enhance parliamentary sovereignty.
* **Checks and Balances**: A parliamentary system allows for a balance of power between the executive and legislature, facilitating accountability and responsiveness.​
* **Public Engagement**: It encourages greater public participation through regular elections and legislative processes, fostering a more inclusive political environment.

***Challenges to Address in Parliamentary System?***

* **Political Instability**: Frequent changes in government and political alliances have led to instability.​
* **Corruption**: Widespread corruption has eroded public trust in political institutions.​
* **Military Influence**: Historical military interventions have undermined democratic processes.​
* **Judicial Independence**: Instances of executive overreach have compromised judicial autonomy.​
* **Electoral Integrity**: Concerns over electoral transparency and fairness persist