

Polsby and McGuire Concepts of Institutionalization: The Case Study of Role of Parliament and Nawaz Sharif Government (2013-2017)

By

Beenish Khan
Research Scholar

Abstract

In the light of Polsby and McGuire Concepts of Institutionalization paper analysis the sovereignty of parliament under the framework of Pakistan. After going through much imperial evidence, it has been observed that the working of parliament is independent, sovereign and have potential to adopt changings. The paper also examines the stance of the parliament on the major issues of government. The government influence on the parliament and vice versa has been evaluated. The key sources of the paper are the parliamentary debates and reliable works of research.

Key Words

Institutionalization, Autonomy, Leadership, Legislature, Sovereignty

Introduction of Parliament

The paper explains the functions of Parliament of Islamic Republic of Pakistan in the light of Polsby and McGuire ideas of institutionalization. The ideal form of democratic rule relies heavily on the functioning of the parliament as the institution that sets the goals for the larger public in term of decision-making and policy making, After examining a number of resolution and bills passed by Parliament, it has been shown that the work of parliament is providing general perceptible about its members, autonomous and self-regulating in policy making though creating boundaries, capacity to run the organization, following goals in environment changing. The paper also explains that leadership and association in the Parliament have been gradually well bounded and functions have been particular and legalized. It has been also observed, for decision making process the parliament pursues the impersonal worldwide standard instead of particularistic standard.

Institutionalization

Institutionalization is the process by which a body attain a definite way of accomplishment its functions a way that sets it apart from its environment and it's self-regulating of membership and issues of the members. The term refers to the process of surrounding some origin (for example a belief, norm, social role, particular value, or mode of behavior) with in association social system or society as a whole. The term may also be used in a political sense to apply to the formation or organization of governmental institutions or particular bodies responsible for overseeing or implementing policy, for instance; in welfare or development.

How can we measure the process of Institutionalization?

I- Characteristics

Polsby and McGuire Concepts of Institutionalization...

The level of institution of any adaptability, Complexity, autonomy and coherence of its organization and procedure: through these criteria, political system can be measure in terms of their levels of Institutionalization.

Another tool of measurement of the process of Institutionalization is chronological factor.

According to Huntington,

“Political institutions are not created by overnight, political developments are slow, particularly when compared to the apparently, of economic development”.

Here the shift of term from America context to the Pakistani must be explained. McGuire and Polsby studied the institutions in the American context. These studies have been used to different contexts by American writers; we adopted these in Pakistan context.

The study of any institution whether judiciary or the legislature is possible under these models and terms due to the similarity of the basic ingredients of all institution of the state.

Kevin T. McGuire has included these indicators under these general headings

Differentiation: It is a principle indicator of Institutionalization. As in practical terms, its member should constitute a discrete group with a well-defined role in the political system. The members of the institution shares common goal.

Durability: It is a second major indicator of Institutionalization .If an organization can maintain its role in the ebb and flow of politics, this serve as a gauge of integration into the political system. A durable organization .therefore, would be able to pursue its goal when confront with environmental change.

Autonomy: As effective policy maker must also be autonomous, having some degree of independence in making its own decision without dictation from outside actors.

Pakistan and Parliamentary History

Pakistan was created under the Independence Act of 1947. The Act authorized the existing Constituent Assemblies to be the acting legislatures. On 10th August 1947, first session of first Constituent Assembly of Pakistan was held at Sindh Assembly Karachi. On next day, 11th August 1947 Quaid-i-Azam Muhammad Ali Jinnah was elected as the President of the Assembly. On 12th August 1947, a committee was envisioned to guide assembly on lawmaking concerning Fundamental Rights. After it, A Resolution was implemented to officially address Muhammad Ali Jinnah as ' Quaid-e-Azam Muhammad Ali Jinnah'. Quaid-i-Azam, took his oath as a first Governor General of Pakistan on 15th of August.

Framing of constitution was first challenge for the constitution assembly. On 7th March 1949, the Objectives Resolution was drafted and taken into assembly by the first Prime Minister of Pakistan Nawabzada Liaquat Ali Khan, later accepted by the Constituent Assembly on 12th March 1949. The final draft of the Constitution was prepared in 1954 under the office of Prime Minister Muhammad Ali Bogra. However, before the approval of draft the Assembly was dissolved by Governor General Ghulam Muhammad on 24th October 1954. Maulvi Tamizuddin, President of the Assembly, challenged the dissolution in the Sindh Court, and won the case.

The second Constituent Assembly of Pakistan was created on 28th May 1955. The major purpose of this Assembly was to create equivalence between East and West Pakistan. The first Constitution was presented in the Assembly on 9th January 1956 and was passed on 29th February 1956. Pakistan became an Islamic Republic

in first constitution.

On 5th March 1956, Major General Sikandar Mirza became the first elected President of Pakistan. In constitution of 1956, Parliamentary form of government prevailed in the country. All the executive powers were in the hands of Prime Minister. President was just Head of the State. While the first general elections were planned for early 1959. On 7th October 1958, President Sikandar Mirza abrogated the Constitution, dissolved the Assemblies, and declared Martial Law. He selected General Muhammad Ayub Khan as the Chief Martial Law Administrator.

On 27th October 1958 General Muhammad Ayub Khan took charge as a second President of Pakistan. General Ayub Khan selected Constitution Commission on 17th February 1960. A new Constitution was framed on 1st March 1962 on the basis of commission report. General elections were held on 28th March 1962.

The Constitution of 1962 proposed a Federal State with Presidential form of government, with National Assembly at the center and the Provincial Assemblies in the Provinces. The electoral system was made indirect, and the 'Basic Democrats', for both wings for the persistence of electing the Assemblies and the President. Basic democrats were 80,000 in number. The term of this Assembly was three years. The norm was established that if the President was from West Pakistan, the Speaker was to be from East Pakistan and vice versa. One of the major achievements of this Assembly was the passage of Political Parties Act, 1962.

The second Martial law was imposed on 25th March 1969 and General Agha Muhammad Yahya Khan took charge as the President of Pakistan and Chief Martial Law Administrator. This was the first Assembly elected on the adult franchise and population basis. After the elections, due to severe political differences, the Province of East Pakistan separated from West Pakistan. On 20th December 1971 Mr. Zulfikar Ali Bhutto became the President of Pakistan.

The first session of the National Assembly was held on 14th April 1972. Under this Constitution, the National Assembly was not to be dissolved prior than 14th August 1973.

The Assembly formed a Constitution Committee on 17th April 1972 to prepare the first draft for enclosing a Constitution. It was universally passed by the Assembly in its session on 10th April 1973. On the same day, Mr. Zulfikar Ali Bhutto took oath as the Prime Minister, although Mr. Fazal Illahi Choudhary took oath as the President of Pakistan.

From 1947 to 1973, the country had a unicameral system of legislature. Under the 1973 Constitution, Pakistan adopted bicameral system at the centre, called "The Parliament", composing the President, the National Assembly and The Senate. In 1973 constitution National Assembly is elected for five years term, unless sooner dissolved. The seats in National Assembly, unlike the Senate, are allocated to each province and other units of the federation, on the basis of population.

Zulfikar Ali Bhutto, on 7th January 1977 proclaimed the holding of elections before time. Therefore, on 10th January 1977, he recommended the President to dissolve the National Assembly. Elections were held on 7th March 1977. This resulted in severe political instability in the country and on 5th July 1977, Martial Law was imposed by the General Muhammad Zia-ul-Haq.

On 24th December 1981, under Presidential Order (P.O.15 of 1981) a Federal Council was founded by the President. Its members were designated by the

Polsby and McGuire Concepts of Institutionalization...

President. The first session of this Council was held on 11th January 1982. On 2nd March 1985, the revival of Constitution Order (P.O.14 of 1985) was issued in which a large number of amendments were made in the Constitution. In the first session of the National Assembly Mr. Muhammad Khan Junejo, was nominated as the Prime Minister of Pakistan by the General Zia-ul-Haq. He received vote of confidence on 24th March 1985.

The General elections for the 8th National Assembly was held on 16th November 1988. The Assembly was dissolved by the President, Ghulam Ishaq Khan under Article 58(2) (b) on 6th August 1990. The first session was held on 3rd November 1990. Mr. Gohar Ayub Khan elected as Speaker National Assembly and Mian Muhammad Nawaz Sharif took oath as Prime Minister of Pakistan on 11th November, 1993. The Assembly was dissolved by the then President, Ghulam Ishaq Khan, under Article 58(2) (b) on 18th April 1993.

The elections for tenth National Assembly was held on 6th October 1993. The first session was held on 15th October 1993. Mohtarma Benizar Bhutto administered the oath as Prime Minister of Pakistan on October 19th October 1993. The Assembly was dissolved by the President Farooq Ahmad Khan Laghari on 5th November 1996. The elections for eleventh National Assembly was held on 3rd February 1997. Mian Muhammad Nawaz Sharif took oath as Prime Minister of Pakistan and Leader of the House on 17th February 1997.

Sixteen amendments have been made in the Constitution. Ninth and the eleventh Constitutional Amendments were passed by the Senate and fifteenth by the National Assembly alone, hence these amendments lapsed. The fourteenth Amendment in the Constitution empowered a check on floor crossing of legislators.

Chief of Army Staff General Pervaz Musharraf, took over the government from Prime Minister Nawaz Sharif and acknowledged himself as Chief Executive through a Proclamation of Emergency, on 12th October 1999. Through Provisional Constitutional Order (PCO) issued on October 14th 1999, he held the Constitution in abeyance, suspended the Senate, National and Provincial Assemblies, Chairman and Deputy Chairman Senate, Speaker, Deputy Speaker National and Provincial Assemblies and dismissed the Federal and Provincial governments.

Syed Zafar Ali Shah, MNA and Illahi Bukhsh Soomro, Speaker National Assembly, challenged the postponement orders in the Supreme Court. The Court in its judgment on 12th May 2000 legalized the military takeover by giving three years' time frame to the government, starting from 12th October 1999. The Court in its judgment asked the government to complete its agenda and then hand over powers to the elected government. The court permitted the military government to bring necessary Constitutional Amendments, provided that those should not change the basic feature of Federal Parliamentary democracy, independence of judiciary and Islamic provisions in the Constitution.

On 20th June 2001, through a notification (C.E. Order No.1) the Chief Executive supposed the office of the President of Pakistan under President's Succession Order, 2001. On the same day, through another Order (C.E. Order No. 2, 2001), the President converted the orders of suspension of legislative bodies and their presiding officers, in to dissolution.

The elections for twelfth National Assembly was held on 10th October 2002. The inaugural session of the National Assembly was held on November 16, 2002 and Ch Amir Hussain and Sardar Muhammad Yaqoob were elected Speaker and

Deputy Speaker respectively on November 19, 2002. Mir Zafar ullah Jamali was elected Leader of the House on November 21, 2002. National Assembly of Pakistan expressed confidence in the leadership of President General Pervez Musharaf through the resolution on January 1, 2004. The date of next General Election was fixed for January 28, 2008. After the assassination of Benazir Bhutto, date of election was postponed for February 18, 2008.

The first session of the National Assembly was held on 17th March 2008. Dr. Fehmida Mirza and Mr. Faisal Karim Kundi were elected Speaker and Deputy Speaker of the National Assembly respectively on March 19, 2008. Syed Yousaf Raza Gilani was elected the Prime Minister of Pakistan and unanimously obtained the Vote of Confidence from the House on March 29, 2008. Mr. Asif Ali Zardari was elected 13th President of Pakistan for next five years on September 6, 2008. He speak to the Joint Session of the Parliament on September 20, 2008.

After consultation with the leadership of all political parties in the Parliament, Speaker National Assembly announced the Constitutional Reforms Committee (CRC) on April 29, 2009. After the epic consultation in 77 meetings, CRC under the Chairmanship of Senator Raza Rabbani presented report of the Committee on 18th Amendment in the Constitution. After the acceptance of the President on April 19, 2010, 18th Amendments became part of Constitution of the Islamic Republic of Pakistan. 19th Amendment was passed by the National Assembly on December 22, 2010 and Senate on December 30, 2010 respectively.

Syed Yousaf Raza Gillani was disqualified from April 26, 2012 by the Order of the Supreme Court of Pakistan on June 19, 2012. Raja Pervez Ashraf was elected the Prime Minister of Pakistan on June 22, 2012. Justice (R) Mir Hazar Khan Khoso took oath as caretaker prime minister 25th March 2013 and conducting successful general elections in the country on 11th May 2013.

The first Session of the 14th National Assembly was held on June 1, 2013 and Speaker Dr. Fehmida Mirza managed the oath from the newly elected Members. Sardar Ayaz Sadiq was elected as Speaker of the 14th National Assembly of Pakistan and Mr. Murtaza Javed Abbasi as Deputy Speaker. Mian Muhammad Nawaz Sharif elected as third time Prime Minister. The transition of power from one elected government to the newly democratically elected government was smooth and transparent.

Mr. Asif Ali Zardari, the President Islamic Republic of Pakistan addresses both Houses Assembled together (Majlis-i-Shora) on 10th June 2013. The election for the President was held on 30th July 2013 and Mr. Mamnoon Hussain was elected to the office of the President. He took oath on 9th September 2013.

Role of Parliament during the Nawaz Sharif (3rd Government)

Parliament of Pakistan plays an important role in the legislation process during the period of 2013 till 2017 many bills and amendments were passed to make the country more peaceful. Some of the important bills that were passed and introduced during the period of Nawaz government are as follow.

- National Action Plan was passed by two third majority in the National Assembly
- A bill on FATA Reform was present in the parliament
- A resolution was consistently passed by the parliament on Yemen crisis
- A bill on the parliamentary reforms was passed

Polsby and McGuire Concepts of Institutionalization...

The National Action Plan was established by the Government in January 2015 to crack down on terrorism and continuing anti-terrorist aggressive in North-Western Pakistan. It is measured as a major organized state reprisal following the Peshawar school attack. The plan admitted astonishing levels of support country's political field.

It shows foreign and domestic policy initiatives aimed to eliminate organizations across the country. The plan was the agenda for the Twenty-first Amendment to the Constitution of Pakistan which established speedy trial military courts for crimes relating to terrorism.

The National Action Plan permits the Foreign, Finance, and other governmental departments to reach out to the friendly Muslim countries to clamp down on sponsors of sectarian and terrorist networks operating against Pakistan. On 24 December 2014 Nawaz Sharif presided political parties' conference over the issue of setting up military courts for handling terrorism cases.

On 24 December the Prime Minister (PM) address to the nation announced "the 'National Action Plan' (NAP) to deal with terrorism". He said, all political parties had played a major role in preparation of the National Action Plan (NAP) for countering terrorism in the country, adding that everyone would want to see it coming to completion. There is no room for further debate in the Parliament

The Pakistan Tehreek-e-Insaaf (PTI) called off the protests and joined in the APC. Jamiat Ulema-e Islam (F) (JUI F) and Jamaat-e-Islami (JI) also refrained from voting. The Pakistan People's Party (PPP) and Awami National Party (ANP) voted in favour of the bill and amendment.

It shows that parliament have the ability to adopt and persist change to establish the clear boundary line against all internal and external threats.

The Plan

- After the Peshawar incident, government decided to proceed with the execution of extremists convicted in terror related cases
- Special courts, headed by the officers of the armed forces, will be established for the speedy trial of terrorists and Special anti-terrorism force will be raised
- National Counter Terrorism Authority will be revived and made effective
- There will be a crackdown on hate-speech and material against norms
- Financial sources of terrorist organizations will be cut
- Banned outfits will not be allowed to operate
- Measures will be taken to stop religious extremism and Madrassas will be reformed
- Print and electronic media will not be allowed to give any space to terrorists
- Keeping the rehabilitation of IDPs as the top-most priority, administrative and development reforms in FATA will be enhanced
- Social media and the Internet will not be permitted to be used by terrorists
- No space will be given to zealotry in any part of the Punjab
- Operation against terrorists in Karachi will be taken to its reasonable conclusion
- In the interest of political understanding, Baluchistan government will be given complete power by all stakeholders

- Ample policy will be molded for registration of Afghan refugees
- To give regional intelligence agencies access to statement of terrorists and to strengthen anti-terror agencies through basic reforms in the criminal justice system

Fata Reforms

The unification of Federally Administered Tribal Areas (FATA) of Pakistan with Khyber Pukhtunkhwa (KP) or else giving it a distinct status of province has been under deliberations for last few years. As per recent progresses, the federal Government in discussion with all political parties and stakeholders is heading towards its union with KP. Regardless of its future status, the tribal areas need its financial prosperity through peace and stability in the region. The military operation in all Agencies ensued into the dislocation of huge population.

Apart from the seven Agencies of the FATA, the entire frontier region and parts of Khyber Pukhtunkhwa have undergone the process of conversion. Conversely, the law and order has upgraded over the years, yet the elements of stability, peace and economic prosperity are far from being actually taken roots. In November 2015, Prime Minister of Pakistan established a high level committee under the Advisor on Foreign Affairs; Sartaj Aziz to prepare reform package for the mainstreaming of the FATA. The prominent of the reform package is that, FATA will be progressively integrated into Khyber-Pakhtunkhwa (KP).

The other significant features of this reform package are; there will be party based local bodies' elections, which will be held by end of 2017. While levies force will be griped up with 20,000 more troops. This is mainly to provide for the security needs of the FATA. Unlike the current practice, the package proposed that, Afghan inhabitants will only be allowed into FATA areas once they have proper records.

FATA Reform Package came under very severe critic in Legislature and even by Human rights commission. The Coalition partner of the PML (N) Govt, Moulana Fazulur Rehman, has opposed on many aspects. Moreover, Mahmood Khan Achakzai too disparate the bill. JUI (F) chief proposed a referendum to decide, whether FATA people want to be part of KP or would like to have their own separate province.

Nevertheless, the parliamentarians belong to FATA want implementation of the reform package and merger of FATA into KP. Following the heated debate in Parliament, the Government of PML (N) has been able to encourage the opposing groups within alliance and got their accord for the adoption of this bill. The FATA reform package, if implemented would be a major breakthrough in the history of Pakistan. These people were ignored by following governments of Pakistan, so remained under developed and educationally backward.

However, the locals of the tribal areas are key to this all, the administration and principally the federal and Provincial Govt of KP need to play their roles. The local administration must take over the areas cleared by Pak Army, assimilate the within displaced people, and create the opportunities for the economic doings.

Role of Parliament on Yemen Crises

Parliament passed a declaration of Yemen crises. It expressed that the parliament of Pakistan respond the frequently recruiting issues. So it proved that the body of Parliament includes all political parties in decision making.

Parliament passed a unanimous resolution on the crisis in Yemen, urging Pakistan to stay neutral in the conflict. The resolution, which was passed resulting five days of debate after a joint resolution states that Pakistan will not become a party in the

Polsby and McGuire Concepts of Institutionalization...

Yemen crisis. Though, Pakistan will come to Saudi Arabia's defence if the country's autonomy or territorial reliability is threatened.

Important points of the Resolution

- Appreciates the verdict of the Government to call the Joint Sitting of Parliament to consider Pakistan's response to the crisis in Yemen
- Expresses serious concern on the weakening security and humanitarian situation in Yemen and its allegations for peace
- Calls upon the opposing factions in Yemen to resolve their differences peacefully through dialogue
- Appreciates the preparations made by the Government for the safe and swift removal of Pakistanis
- Apprehends that the crisis in Yemen could plunge the region into disorder
- Supports regional and international efforts for renewal of peace and firmness in Yemen
- Underscores the need for sustained efforts by the Government of Pakistan to find a peaceful resolution of the crisis
- Desires that Pakistan should sustain neutrality in the Yemen conflict
- Urges the Muslim Ummah and the international community to strengthen their efforts to promote peace in Yemen
- Expresses clear support for the Kingdom of Saudi Arabia and affirms that in case of any violation of its territorial integrity or any threat to Haramain Sharifain, Pakistan will stand shoulder with Saudi Arabia and its people
- Expresses deep concern at the increasing threats posed by different terrorist groups and non-state actors to the security and stability of the region
- Desires that the Government of Pakistan recruit steps to move the UN Security Council and the OIC to bring about a direct ceasefire in the Yemen.

Electoral Reforms

In spite of the disparities in Pakistan, there is appreciation among all local and international stakeholders that electoral transformations are mandatory. All political parties should recognize that without addressing flaws in the executive and authorized framework and holding a new election without a fresh survey is not in the interest of Pakistan. So, it is proved that the parliament and government of Pakistan works according to the Polsby and McGuire model of Institutionalization because the Parliament of Pakistan contribute a universal understanding of their establishment goals .

Parliament has been worked on electoral reforms for a substantial time under different governments. The aim is to realize the minimum standard of holding free and fair election in Pakistan. The opposition parties mainly Pakistan Tehreek Insaf observed that the general election of 2013 were the most rigged election in Pakistan.

On demand of the PTI, the parliamentary committee on electoral reforms was formed on 25th July 2014. The mandate of committee was to consider and present recommendations ensuring free fair and transparent elections in future.

The parliamentary committee on electoral reforms controlled by finance minister Ishaq Dar has disastrous to complete its work within 90 days as prearranged by the rule of the business of the parliamentary committee on electoral reforms mainly because of its irregular meetings, lack of political will and least consultations with stakeholder.

Critical Analysis

The work of parliament in the Islamic republic of Pakistan is resembles with the Polsby and McGuire concept of Institutionalization. The parliament of state of Pakistan explains and define number of member part of legislation and briefly outline the nature of their work in the political framework and policy making. It briefly explain the common factor and understanding about members.

Secondly, the nature and goals of parliament are durable. Parliament of state of Pakistan is less complex and have the ability to adopt the changing. Therefore, the parliamentary system of Pakistan would be able to pursue its goals when confronted with environmental change.

Thirdly, an affective policy making process in independent and self-sufficient in its decisions without dictation of the other outside factors. However the policy makers of Pakistan are not autonomous. They are under influence and pressure of many factors that is way they are not independent in process of policy making.

Lastly the Parliament of Islamic Republic of Pakistan is sovereign and complex in nature. It have the ability to device system if it works without any internal and external influence. Similarly the government of Nawaz Sharif autonomous, sovereign, adoptive, coherent and universalistic. They made a number of decisions for policy making. Many are acknowledged by Parliament and some of are rejected. Hence it is proved that the parliament is self-sufficient and regulatory. On the other hand, Parliament is under influence of ongoing government and other external factors that is way the Regulatory bodies are subordinate, disunited, rigid and particularistic.

Polsby and McGuire Concepts of Institutionalization...

References

“Pakistan Parliament becomes first in world to run entirely on solar power”,
Economic Times, February 23, 2017.

<http://www.na.gov.pk/en/content.php?id=75>

Kokab, M. H. “Institutional Influence in Pakistan, Bureaucracy, Cabinet and Parliament”, Asian Social Science, 2013.

Mehdi Rubya, The Islamization of the Law in Pakistan, Routledge.

National Assembly Debates

Parliament of Pakistan. “Parliament of Pakistan”. na.gov.pk/. Parliament of Pakistan press. Retrieved 3 March 2015.

Rizvi, H. A. The Military & Politics in Pakistan 1947-97. Lahore: Sang-e-Meel, 2000.

Waseem, M. Democratization in Pakistan, A Study of the 2002 Election. Karachi: Oxford University Press, 2006.

Newspapers

Dawn

Observer

The Diplomat

The Express Tribune

The Guardian

Washington Post