

## 300 lawmakers, or administrators?

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M. ABDUL LATIF MONDAL

THE legislature is one of the three organs of the state, the other two being the executive and the judiciary. The constitution and the rules of procedure of parliament (ROP) spell out the functions and responsibilities of the legislature in such a way that it does not step into the areas of the two other organs. In fact, the constitution has assigned the powers of the republic to these three organs in such a way that no one organ can transgress the limit set by the constitution or encroach upon the powers assigned to the other organs.

There are no two opinions that law-making is the main function of the legislature. The ancillary functions that the legislature has to perform include, inter alia, electing the president, speaker, deputy speaker, framing the ROP, and investigating or inquiring into the activities or administration of the ministries through standing committees.

With the return to parliamentary democracy in the early nineties, there grew a tendency to involve the legislators, commonly known as lawmakers, in the executive functions of the republic. More importantly, the lawmakers started stepping into the management of local government bodies, which is at variance with the Article 59 of the Constitution. Article 59 says that local government in every administrative unit of the republic

shall be entrusted to bodies composed of persons elected in accordance with law.

The abolition of the upazila parishads (UZPs) by the BNP government in the first half of the nineties and the exit of the directly elected upazila parishad chairmen paved the way for the entry of the lawmakers to the stage. As adviser to the upazila development and coordination committee and to some other committees of specific nature, the lawmaker of the concerned upazila became the real executive and he had the last say in all matters within his constituency.

Considering the gravity of the situation, the Public Administration Reforms Commission -- in its report (vol.1) of June, 2000 -- recommended that the role of the lawmaker as upazila adviser might be reviewed and he might be involved only in planning matters relating to jurisdiction. But this recommendation went unheeded.

Meanwhile, civil society leaders and the media started a campaign demanding revival of the upazila parishad system and allowing it to function independently. The last caretaker government promulgated the Local Government (Upazila Parishad) Ordinance in June, 2008, and elections to the UZPs were held under this ordinance immediately after assumption of power by the Awami League (AL)-led alliance government in 2009. The AL-led government enacted the Upazila Parishad Act, which was



Legislators taking oath.

made effective from June 30, 2008, the date of promulgation of the ordinance.

What is most unfortunate is that the new act has not only made a lawmaker elected from a constituency an adviser to the UZP but has also given him authority to control the decisions taken by the UZP. Further, the UZP has to keep the lawmaker informed of the correspondence with the government on any issue. Some knowledgeable people have said that the upazila parishad system was born free, but is now chained.

What has been learnt so far from both the chairman of the parliamentary standing committee on LGRD ministry and the LGRD minister is that lawmakers are also going to be advisers to other local government bodies.

The parliamentary standing committee on LGRD ministry, in its report on scrutiny of the City Corporation Bill, has

recommended that the House should pass the City Corporation Bill-2009 and keep provisions to make lawmakers advisers to the city corporations. The LGRD minister has already made a statement in the House that the government is likely to make lawmakers advisers to the city corporations.

The parliamentary standing committee on LGRD ministry has also recommended that the House pass the Municipalities Bill-2009, keeping provisions to make lawmakers as advisers to municipalities. In that case, the prime minister and the speaker will also become advisers to the municipalities in their respective constituencies. It is most likely that the advisers to the city corporations and the municipalities will control the decisions of these local government bodies.

A recent notification of the govern-

ment allows a lawmaker to be the chairman of four higher secondary level and secondary level private educational institutions in his constituency. He will also have the final say in recommending the names of the persons to be appointed chairmen in other such private educational institutions by the concerned education board. Earlier deputy commissioners, additional deputy commissioners and UNOs were normally appointed chairmen of such institutions at the grassroots level to keep them free from local politics.

Quoting the law minister, the daily Ittefaq recently reported that the government has finalised the policy for appointment of qazis (marriage registrar). A candidate will have to possess aleem pass certificate for appointment as a qazi. There will be a three-member advisory committee headed by a lawmaker in each

city corporation and upazila to recommend three names from each demarcated area to the law ministry. The law ministry will appoint one as qazi from each recommended list.

The question that may be asked is why should appointment of marriage registrars come to the law ministry? At the upazila level, it can be done by the UZP on the recommendation of a three-member committee headed by the UZP chairman or a vice-chairman. A similar arrangement may be made for the city corporation and municipal areas. Rules of business of the government do not require that appointment of marriage registrars have to be approved by the law ministry.

When the aforesaid recommendations come into effect, lawmakers will have little time to attend to their business in parliament. A good parliamentarian has to be well conversant with the functions of the government and the laws of the land. He has to go through the proceedings of the past parliaments and learn from the biographies and writings of reputed parliamentarians, both national and international. A good parliamentarian is an asset for the nation and can make invaluable contributions to the functioning of a democratic system in the country.

Available information suggests that no country practising parliamentary democracy appoints lawmakers as advisers to the elected local government bodies to control their decisions. So the question arises whether we want to see lawmakers as good parliamentarians or as administrators. The latter choice will be violation of the constitutional dictum that one organ of the state will not encroach upon the powers assigned to other organs.

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## Who rules Pakistan?

What obtains today would require a new dimension to the troika. Now it has remained three: the Pentagon in Washington, President Zardari and the Army Chief General Ashfaq Pervez Kayani.

M.B. NAQVI

A seemingly minor incident was reported by India's Hindu newspaper. It said that in a surprise move Lt. General Ahmed Shuja Pasha, the Director General of Inter Services Intelligence Directorate (ISI) indicated that the three Indian military attaches of the army, navy and air force could come and have a cup of tea in his office. This was a surprise move because protocol-wise such requests are made, and in the case of India, seldom listened to. The three went there on July 3.

What went on in the conversation is not fully known. According to the Hindu of July 23 General Pasha suggested, i.e. demanded, that in the next round of Indo-Pakistan dialogue ISI should be given a seat. For, after all, Pakistan's India policy and much else is dominated, if not conducted, by ISI. He could have said that the entire orientation of Pakistan foreign policy is governed by the Pakistani army, the main talking arm being the ISI. The cornerstone of Pakistan's foreign policy is relations with the US. As a corollary, what goes on in Afghanistan has been ISI's remit.

The importance of the army in Pakistan is shown by its budget structure. As a minister said recently, over 80 percent of Pakistan's budget is exhausted by just two items; defence and debt service.

ing. The reality is somewhat more than this bald statement. Internal security as such is also within the four walls of the army's duties-cum-privileges.

Indian authorities were pulled in two different directions by this demand. Realism would seem to suggest that there was substance in what General Pasha said. Why not give ISI a seat in the Indo-Pakistan dialogue? But the whole ethos of India's political system is against it. In this respect, although there is some erosion at the edges, the Indian army is largely subordinate to the government.

No government is ever so foolish as not to take the views of the military high command as an input in their decision-making. But presence of an army general in inter-governmental talks would be a violation of the ethos of Indian politics. One does not know what the final decision of the Indians will be, but one will be mighty surprised if India accedes to this demand.

But what Shuja Pasha was saying is a reality insofar as Pakistan is concerned. Pakistan has had a recognised term for its government during the 1990s -- troika. At that time, it simply meant that three persons count: the army chief, the president and the prime minister. But that system was the reality behind formal democracy. But what obtains today would require a new dimension to the troika. Now it has remained three: the

Pentagon in Washington, President Zardari and the Army Chief General Ashfaq Pervez Kayani. The poor prime minister has been neither here nor there in real power terms, though he tries from time to time to assert himself and proclaim that he is the chief executive of the country. The very fact that he has to proclaim it shows that there are widespread doubts about it.

Some would be amazed by the inclusion of a foreign government's agency, no matter how powerful it is. One includes it because of the extensive role that it is now playing in Pakistan. No week passes when a top general of the American army or Nato forces is not visiting Islamabad. They all come basically to meet the army chief and to get a briefing from him, and to brief him regarding what is needed. America's role is not simply intrusive, it is also decisive. The military offensives in FATA and Malakand show that the American word is paramount.

As for President Asif Ali Zardari, he is truly in command of the National Assembly as well as many other organisations of the state like the Senate and the Sindh Assembly. The reason for it is that he is also the party chief of the Pakistan People's Party; which he controls tightly. All the PPP deputies in various Assemblies take their orders from him. Thus, he has come to acquire a crippling control over the Senate and National Assembly. In NWFP and Punjab the PPP is a junior partner of a coalition that does not wish to remain a coalition. But the president wants the unwilling coalition to stay in Punjab. Therefore it stays in Punjab, NWFP and Balochistan; in Sindh it does not matter because the PPP is in the majority, though it has taken other

parties as coalition partners to give substance to its refrain of reconciliation meant for ensuring a share in power in the other three provinces.

Insofar as the army chief is concerned, it is unnecessary to emphasise that his word counts, and it is sought in any difficult situation. The government of Pakistan has handed over the entire national security question to the army; army agencies control much else. In any crisis, such as the one on March 15 when the lawyers' rally had swelled to impos-

sible proportions, the army chief, probably on Pentagon's advice, forced Zardari to surrender and do as the lawyers' movement leaders said -- to restore all the sacked judges without any conditions.

It was total surrender by Zardari because he was holding out against the restoration of the judges. What else lay behind his antipathy to the restoration of the judges is not known. Typically, it was the army chief who conveyed the government's decision at midnight to

the lawyers' leader that the government had agreed to all their terms.

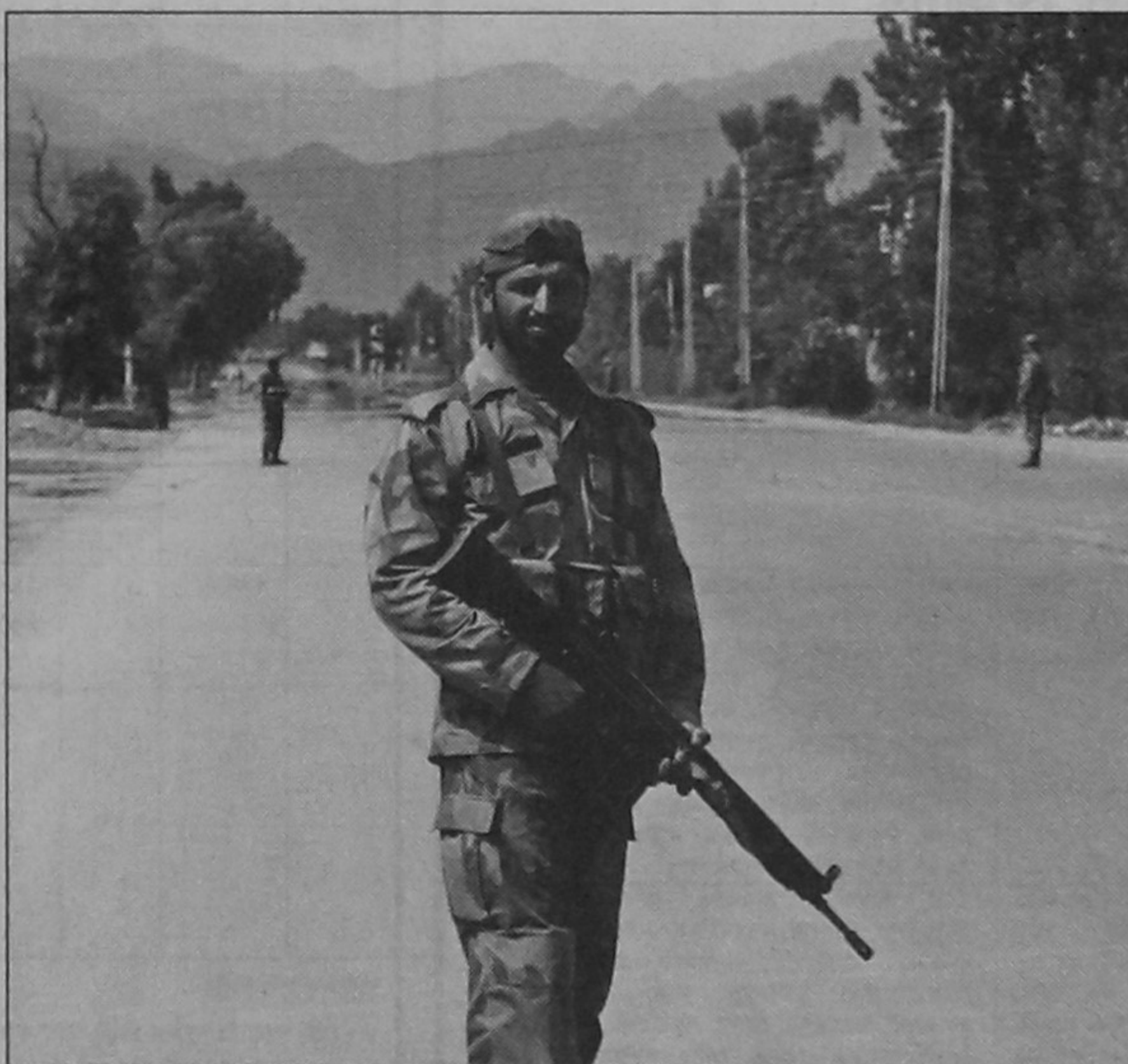
The democracy in Pakistan is fledgling at best. There are powerful vested interests such as the landed aristocracy. A vast majority of the members of the Assemblies are landed gentry; they do not pass any legislation that hurts big landlords, nor do they allow any taxes on themselves. Then there is the military; the government survives at the mercy of the army chief.

During the last 40 years three coups have taken place (one coup took place in 1950s when Pakistan was united). The army in Pakistan is definitely not a subordinate department of the government. At most, it can be said that it is coeval in political importance of the government on day-to-day basis but inherently stronger because it can throw any government into the dustbin anytime.

Pakistan's troubles are due to two factors. One, it has no political class that understands its problem and is efficient enough to lead the country out of its troubles, while its government knows how to spend without being ready to increase tax-GDP ratio, or lead the country to produce more efficiently to cover the cost of imports. Efficiency in terms of cost, quality and packaging is not insisted upon.

On top of it all, the powers that be are dead set on running an arms race with India in all spheres -- nuclear weapons, missiles and conventional armaments. Islamabad is on a borrowing binge, but donors are tired of lending to what they say is a failing state. When and how will Pakistan change its ways?

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The power behind the scene?

## When in danger, sing



EXAM time: Four young people recently took a super-tough spoken language test. Their assignment: Pretend you are a group of hikers who have trekked out of range of cell phone reception. Your friend Kelvin has fallen off the edge of a cliff and hurt his leg. Discuss your response.

The examiners started the clock,

expecting the teenagers to talk about who should help Kelvin and who should get emergency help.

But that's not what happened. Nobody moved. After a moment, the following conversation took place.

Candidate A: "What should we do to help Kelvin?"

Candidate B: "I think we should sing to him because he will be bored."

Candidate C: "I think that's a great idea."

Candidate B: "What shall we sing?"

Candidate C: "I think we should sing Happy Birthday." (It was not Kelvin's birthday.)

The examiners, trying not to laugh, covered their faces with the marking

sheets. After further consideration, the team started on part two of their rescue mission.

Candidate A: "Maybe Kelvin will be hungry."

Candidate B: "Yes, we should throw some food and water at Kelvin."

Candidate C: "But if we throw food at Kelvin, he may get hurt."

Candidate D: "Yes, I think we should throw him cake. It is soft."

Nobody spoke to Kelvin to comfort him or find out how badly he was hurt, nor did anyone get help. They assumed Kelvin would be lying there thinking: "As I lie dying at the bottom of this cliff, my main problem is boredom. Luckily, people are singing happy birthday to

someone and dropping cake on me. Life is good."

I was told about this by the examiner, a regular reader/commenter, who did not want her name printed. She told me that at first she thought it was odd, but then realized that people do respond to dramatic events by singing.

"You can see it all the time in Japanese and Korean drama," she said. It's also true in South Asian movies, where imminent tragedy causes groups of people to sing and dance in the fields.

I mentioned this to a few people to get reactions. "It's not just humans who sing when they're stressed out," a scientist friend reported. An Australian bird called

the splendid fairy wren (*Malurus splendens*) does not tweet an alarm call when a cat approaches, but sings instead. (This species is not expected to last long.)

The boffin reckoned it was because if you are stressed, you can re-set your heart rate to a relaxed, lub-dub lub-dub rhythm by singing along to naff, easy-listening music like the Carpenters.

But he found it weird that young people today listen to music that increases stress levels. If you are about to die, your heart switches to a high-speed thud-thud-thud-thud rhythm, exactly like the electronic backbeat of the *I'm a Barbie Girl* dance version.

I nodded politely but I suspect this scientist has got cause and effect mixed up. Having been a DJ on several occasions, I can bear witness that the repeated playing of *I'm a Barbie Girl* makes death seem an attractive option. Kill me, now! Please!

In the meantime, if your friend falls off a cliff, do not drop cake on him. But do think about performing a medley of chill-out songs such as *Yesterday Once More*. But whatever you do, skip *I'm a Barbie Girl*.

The poor guy will already have suffered enough.

For more on what song to sing when your friend is in grave danger, visit our columnist at [www.vittachi.com](http://www.vittachi.com).