**A broken democratic system**

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The inexcusable conduct of (most of) our parliamentarians in the national assembly, earlier this week, followed by ‘compulsive intervention’ from powers that be—resulting in orderly speeches thereafter—has lay bare the rotten core of legislative enterprise. It has demonstrated, beyond all reasonable doubt, that the people elected to the corridors of our political power represent the worst of our society. Their language and mannerism (in public eye!) exudes a crassness that is scarcely found even within the lowest ebbs of our culture. This includes people like Ali Nawaz Khan, who speak in a manner that would repulse any listener. Or the likes of Rohail Asghar, who think that Bulley Shah’s language and culture includes cuss words.

These people do not represent who we are as a nation. And yet, term after term, our democratic ‘system’ continues to elect such abominable creatures to corridors of public power. Let me rephrase that: we, the people, continue to elect such individuals to corridors of public power.

[Cuba says homegrown COVID vaccine shows 92% efficacy](https://nation.com.pk/22-Jun-2021/cuba-says-homegrown-covid-vaccine-shows-92-percent-efficacy)

In the circumstances, it is pertinent to ask why the likes of Rohal Ashgar, Ali Nawaz, and other chips of the same block are elected as political leaders. Why does our ‘system’ not weed them out? Despite having a sprawling legislative framework (of Article 62, Article 63 and the Election Act, 2017), why are such individuals qualified to contest and win political office? Does the fault rest in our stars? Or, instead, does it rest with a ‘system’ that is inherently broken?

In light of these developments, much has been said about the constitutional and legal construct of our (democratic) electoral ‘system’. The ability of our constitutional fabric to deliver on its democratic promise has been questioned. At the core of this debate is one elemental question: is our democratic ‘system’ working, or do we need to rethink the fundamentals of our constitutional democracy?

To answer this question, let us start with a humble attempt to articulate the objective of a ‘constitutional democracy’. While legal philosophers and political thinkers all through history have differed in stipulating the mechanics of a constitutional framework, there has existed a broad consensus about what a constitutional democratic ‘system’ should do: ensure that the collective will of the people, concerning issues that relate to welfare of the populi, finds expression in the corridors of political, legal, and administrative power.

[Spanish premier announces pardons for jailed Catalan leaders](https://nation.com.pk/22-Jun-2021/spanish-premier-announces-pardons-for-jailed-catalan-leaders)

As a natural corollary to this objective, functional constitutional democracies must develop legal safeguards that compel elected representatives, the best among us, to focus on public welfare; require the appointed judiciary to punish the guilty and compensate the innocent; and mandate executive authority to deliver services in a non-discriminatory manner, without fear or favour.

Let us try and evaluate our democratic ‘system’, established under the Islamic Republic of Pakistan, 1973, on the touchstone of these overarching principles.

Starting with the legislature: let us honestly ask ourselves, divorced of all partisan biases, whether our ‘system’ elects people who truly represent the public will, and does it then compel these individuals to work (legislate) in public interest? To this end, does our electoral system provide a level playing field, designed to elect the most qualified and deserving candidate from each constituency? Or, instead, has it become a process through which the rich and powerful perpetuate their worldly fiefdoms? Why do the same individuals—despite an insurmountable corpus of corruption charges, decades of public mismanagement and repeated incidents of public ridicule—continue to be elected from their respective constituencies, without any fresh leadership coming to the fro? Why are political constituencies, much like other material things, passed-on as a hereditary title amongst family members? Why does our ‘system’ not guard against such abuses, through institutional checks and balances?

[EU extends sanctions against Russia over illegal annexation of Crimea](https://nation.com.pk/22-Jun-2021/eu-extends-sanctions-against-russia-over-illegal-annexation-of-crimea)

The answer to all these questions is simple: success, in our electoral ‘system’, is a function of the candidate’s financial and physical muscle in the constituency. There is no practical way for Allah Ditta and his family to contest against the financial power (and armed cohorts) of the Waderas’ of Sindh, Sardars of Balochistan, Chaudharys of Punjab and the Maliks of Khyber Pakhtunkhwa. Not only can such (powerful) individuals browbeat any possible competitor in their respective constituencies, they can simply outspend them during the electoral process. And despite strict campaign finance restrictions, under Section 132 of the Elections Act, 2017 (which, for example, stipulate that no more than Rupees 1.5 Million will be spent by a candidate in Senate Elections), our ‘system’ has never (really, never!) enforced any such legal requirement on candidates for elected office.

In terms of the executive, can anyone argue (with a straight face) that the service-delivery mechanism of our State machinery functions without fear or favour? Does the thaana, despite all provisions of the relevant police laws, treat Allah Ditta at par with the local political leader? Does the Patwaar? Does the DHQ hospital? Or the District Commissioner? Is the public education ‘system’ really designed to help Allah Ditta’s kids compete with children from elite private schools in the dynamic modern world? Does the ‘system’ really do all it can for the street children? Or the homeless? Or the thousands of women and children who are sexually assaulted each year? Does our ‘system’ care about the 200 children in Thar, who died from lack of food and water last year? Does it provide efficacious institutional mechanisms to protect the Hazaras of Quetta, or the Christians of Lahore?

[Austria beat Ukraine 1-0 to qualify for EURO 2020 last 16](https://nation.com.pk/22-Jun-2021/austria-beat-ukraine-1-0-to-qualify-for-euro-2020-last-16)

The most deplorable manifestation of this ‘system’ is perhaps best glimpsed in our project for justice. Respectfully, that is. Of course there are good judges, and valuable jurisprudence. But, on the whole, is the ‘system’ really working to provide justice to Allah Ditta? Or is it, instead, designed in a manner that tips the scales in favour of the powerful and wealthy? Can we say that the judicial ‘system’ is working, as it should, when Allah Ditta languishes in jail for decades, while Hamza Shehbaz’s bail is heard over the weekend? Have the courts asked the State to provide ‘guarantee’ for the life of any incarcerated patient, other than Nawaz Sharif? Is the ‘system’ working when Asif Zardari could not be charge-sheeted till November 2020, in a case that was registered back in 1994? Can we say that the ‘system’ provides justice when Majeed Achakzai (an MPA from Balochistan) has been acquitted after running over a traffic warden in Quetta in broad daylight? Oh, by the way, despite the CCTV footage showing how he killed the traffic warden, Majeed Achakzai was acquitted for ‘lack of evidence’! Is the judicial ‘system’ working when our courts, despite a lapse of seven years, have been unable to convict a single individual in the Model Town massacre? Is it working for the people of Baldia Town Factory fire? Is it working for those who lived under Uzair Baloch’s terror regime in Lyari? Did it work for those who were killed during lawyers’ attack on the Punjab Institute of Cardiology?

[Over 19,300 children subject to 'grave violations' in war: UN](https://nation.com.pk/22-Jun-2021/over-19-300-children-subject-to-grave-violations-in-war-un)

As hard as it may be to accept, the truth is that this democratic system is not working. We can make excuses for it. Perhaps our Constitution is not the problem. Maybe the fault rests with a particular political party, or the Army, or a few judges, or the culture, or the time, or the people. Maybe everyone is to be blamed. But, incontestably, our democratic project is broken. It does not nurture deserving and fresh political leadership. It does not deliver basic State services to those who deserve them the most. And it does not punish the wicked or recompense the innocent.

We need a new democratic system in Pakistan. Or, at the very least, we need to amend the existing one in a manner that brings about fundamental changes in our constitutional paradigm. We can choose to do so voluntarily. Or we can wait for Allah Ditta to force our hand. And human history bears witness to the fact that any time people have taken it upon themselves to change the ‘system’, such change has almost always been accompanied by heads on pitchforks, hung at the city gates.