

Legislation is people's right

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By S Rahman

There is not an iota of doubt in anyone's mind that the Parliamentary Committee on Constitutional Reforms is doing its job with sincerity, consistency and perseverance, without being unnerved by the reactions of sorts from different quarters in the wake of reports published in the media, some of which are premature, having come into the print even prior to the complete finalization and publication of the committee report.

This means that the reactions of different nature, some positive and some negative, have come, but the overall impression is that the committee is going to come up with reforms that will be acceptable to the broad cross-section of our public, since almost all the segments are represented in the committee through representatives from different political parties and provinces. Even the much-projected allegation of inordinate delay in the finalization of committee proceedings has fizzled out since the committee work has gained considerable speed and momentum, as acknowledged now by the government opponents and the independent media.

Now, the spirit of unanimity as evidenced at the time of consensus adoption of the historical 1973 Constitution is going to be revived with the finalization of the committee report, which is going to put the country once again on the track of consensus and stability. But certain circles have started quite an odd propaganda campaign purportedly aimed at denying parliament and the elected representatives their legal and constitutional right of legislation. The case in point is reaction from some jurists and a few individuals who eulogize the parliamentarians of Nineteen Seventies for having passed a unanimous Constitution, that of 1973 but are not willing to concede this right to the parliamentarians of today who are working day and night for improvement in the constitution and for repeal of unhealthy amendments that were brought into effect by a military dictator. Isn't this duality of approach unreasonable and full of incompatibilities?

And aren't these critics ignoring one fact that the present committee working is being done with much greater transparency and massive consultation? Informatively, as many as 700 serious suggestions and recommendations have come to the committee on constitutional matters, primarily on the question of appointment of judges and the chief judges. These suggestions were invited by the committee through newspaper advertisements and these were given serious thought not only by senior leaders of the ruling majority party Pakistan People's Party (including the most non-controversial Raza Rabbani) but also by seasoned leaders from the second largest party, Pakistan Muslim League-N and other parties worth the name and having some degree of public representation. Given this composition of the committee and the element of input from public, this body rather gains greater credibility and strength from every angle even in the perspective of collective good, collective wisdom and public aspirations.

It would be unfair to put a question mark on the credibility (or intentions) of the committee and thus on the integrity of the proposed Parliamentary Commission on judges appointment that stand not an iota of chance of mala fide intentions in its working. This Commission is a balanced body and it can't think of dictating its terms as in order to do that, it would have to muster the two-third strength that is not an easy target to achieve because of the diversity of membership of the Parliamentary Commission on judges appointment. The fact is that the privilege and dignity of the Chief Justices has been kept on the top priority in this area and there is no likelihood of this inherent prerogative being compromised by the leaders/Commission members because apart from people's elected representatives, the Commission will also comprise members from amongst senior position-holders of legal fraternity from all the provinces.

The time has now come to assess the realities on the basis of realistic yardsticks instead of on the basis of mere emotionalism or the power to disrupt or dislodge or under the influence of 'pressure group psyche'. Why don't we try to understand the background that necessitated the setting up of the Parliamentary Committee on Constitutional and judicial reforms? The answer lies in tracing the history of extra-constitutional steps taken by the military dictator that disfigured the unanimously adopted constitution and put a wedge in the unity of provinces and within the political ranks thus leading to a big political divide and polarization.

These dictatorial amendments had also given birth to an atmosphere of mistrust at a mass scale that impacted negatively on the minds of both the people and their leaders. The only remedy for these problems lay in doing away with the unreasonable amendments besides putting an end to all kinds of confusion surrounding the crucial most question of appointment of superior judges. The parliament has done an excellent job. It is after a long time and perhaps for the second time in country's history (first instance was adoption of 1973 Constitution) that the parliamentarians have shown unity of purpose on matters of national significance as compared with the past practice of condemnation for the sake of condemnation.

One doesn't understand as to how the critics had been doubting the good intentions of PPP-led government in this pivotal area when the PPP, the president, the prime minister and other top guns in the government, have, throughout, been showing complete regard and respect for other parliamentarians and for diverse opinion even at the cost of their own wishes and preferences. Even the possible, impending surrender of presidential powers by President Asif Ali Zardari, as envisaged in the Parliamentary Committee proposed reforms, is a strong indicator of PPP top leadership's sincere commitment to true democracy.
