

AN ANALYSIS OF BICAMERALISM AS A VIABLE LEGISLATIVE SYSTEM IN PAKISTAN

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***Abstract:** As a common perception, bicameralism is considered mandatory asset to Federal form of government, while contrary to this perception, the data from April 2014 shows that approximately 41.5% of legislatures around the world practice bicameral legislatures, whereas in Europe alone 64.58% have been noted as unicameral legislatures. In this paper, the researcher reviews and analyzes many of the arguments made on behalf of bicameralism using the data accessible through secondary sources. In, Pakistan bicameralism has become a traditional practice endorsed and legitimized by the constitution of 1973, however, the evolutionary forces of political compulsions require a more experimental approach towards legislative practices in Pakistan. The theoretical model provided by Path-Dependency facilitates this research in understanding the dynamics that obstructs the way of deviation from traditional approach and legislative efficiency in Pakistan. This study is aimed at provoking a debate on more diverse and solution-based ideas towards governance in Pakistan, concluding that it is not the structure of a legislature that decides the prosperity of a state but its efficiency.*

Keywords: Bicameralism, Upper house, Parliament, Election, National Assembly, Federalism

Introduction

Senate- usually referred to as the upper house of the legislature is widely regarded as the fundamental pillar of the modern democratic political system. It is also the permanent house; therefore it maintains the continuity of the political process of the state. It is proclaimed as the symbol of harmony and unanimity, because it is formed on the basis of uniform representation from the respective federating units in the state.

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For instance, in Pakistan twenty -three elected members from each of its four provincial assemblies are sent to the senate, whereas four members of the upper house are elected in the National Assembly as representatives of the federal capital. Besides, under primacy of the President of Pakistan, another eight members are also elected from the Federally Administered Tribal Areas (FATA). Senate holds tenure for the six years; however half of the members are reelected after the duration of three years respectively.¹As far as political efficacy is concerned, Senate is considered as more subtle and wiser in its process of legislation in comparison to the National Assembly, solely because members of the Senate are indirectly elected, unlike the National Assembly which consists of the popular electioneering process. Notably, the public representatives in the National Assembly undergo the pressures of public opinion and accountability which makes the house constantly hustle with parliamentary activities and discussions.

However, embroiled in political impediments of horse-trading², bidding, foul play, power-politics, and malpractices, the unconsolidated bicameral parliamentary architecture is a sheer example of democratic failure and deep-rooted system vulnerabilities that require overhaul in Pakistan. Consequently this makes bicameralism seem like another brownie point all the politicians are salivating to devour. Cronies are accommodated in the house. Loyalties are shifted overnight and renegades are found sitting on powerful seats carrying banners of different parties each time. Money is powerful enough to buy tickets and associations, undermining democratic political ethos.

The concept of the bicameral legislature seems “redundant” in a state which is laden with severe economic woes and also struggling to ensure the provision of sufficient basic necessities of life for its masses in order to make both ends meet. However, Pakistan is a nation clenching tightly to path-dependency as far as traditional practices are concerned, therefore the perspective regarding parliamentary democracy and bicameralism clearly endorses the same structure passed down through circumstantial compulsions. However, current democratic trends in the country do not lay down a standardized governmental structure for its success if the core functions like

¹Senate of Pakistan, "Senate of Pakistan," Senate of Pakistan, accessed February 29, 2020, <https://www.senate.gov.pk/en/index.php?id=-1&cattitle=Home>

² n. a shrewdly conducted exchange, as of favors or objects, usually resulting from or accompanied by very close bargaining, <https://www.dictionary.com/browse/horse-trade?s=t>

equality, Liberty, political consciousness, freedom of expression and other fundamental rights are ensured, nonetheless, any deviation from the traditional bicameral legislature at the expense of sky-rocketing financial expenditure and an overcrowded parliament with scarce effectiveness has not seriously been debated by Pakistan's political pundits.

Historical Analysis on Bicameralism

Does bicameralism matter? The question is problematic because it leads immediately to two more questions. First, does bicameralism matter compared to what? Second, how does bicameralism matter?

There are perpetual claims regarding expenses and finances allocated to the Senate and the justification for its relative irrelevance to the policy making processes. However, there are several academicians and thinkers who hold much positive ideas about bicameralism. Both arguments converge on the lines that bicameralism provides a wider space for veto players and makes policy change difficult; however, both the arguments view this characteristic in negative and positive light respectively. The protection of minorities in bicameralism is largely guaranteed, as the arguments given by the supporters of bicameralism do not stand much ground keeping in view that in lower house minorities still remain at the mercy of majority-rule and can still be vetoed³.

The claims regarding utility of bicameralism stand upon the foundation that expansive sphere of veto players provide better and quality policy solutions in comparison to that of unicameralism. Therefore, by virtue of this argument, if the foundation is not constructed with a concrete material the entire argument is likely to be jeopardized. So, do all the states practicing bicameralism conjure quality policy making? Or in case of a single state analysis, does Pakistan manifests its constitutional legitimization of bicameralism into practicality, in the form of quality policy making, specifically?⁴ The idea that there is an element of competition between the two houses, taking each other as an adversary leads to negative impact on quality of the policy making rather than positive. Moreover, the separate and divided review of the bills and policies

³ William H. Riker, "The Justification of Bicameralism - William H. Riker, 1992," SAGE Journals, last modified June 29, 2016, <https://doi.org/10.1177/019251219201300107>.

⁴ Michael Cutrone and Nolan McCarty, "Does Bicameralism Matter?," Columbia University in the City of New York, accessed January 31, 2021, https://www.columbia.edu/~gjl10/cutrone_mccarty.bicameralism.pdf

in the bicameral legislature leads to further confusion and disharmonious conclusions, leaving more room for conflicting ideas rather than quality and solution based policies (Lupia & McCubbins 1994)⁵. However, several thinkers, such as (Rogers 1998)⁶ believes that differing of opinion and specialization on the part of upper house members in the areas of significance leads to high quality and analytical policy making process. There are further arguments in support of the upper chamber especially with regards to the times when lower chamber is failing at providing any suggestive proposals for the given task. The role of upper chamber is after all legislative in nature and contributes to the policy making process even when it is less significant.

“The most important debate in this regard can be associated with the comparative analysis of Arend Lijphart. Lijphart's classification of bicameral systems is often the starting point for comparison. For Lijphart, bicameralism forms one of the 10 institutional features used to distinguish between his well-known categories of ‘majoritarian’ and ‘consensus’ democracies. Consensus democracies, which demand broader consent for changes to policy, are associated with ‘strong’ bicameralism, while majoritarian democracies are associated with unicameralism or ‘weak’ bicameralism. Lijphart thus goes on to explore which institutional features result in bicameralism that is ‘strong’. He concludes that there are two key dimensions, termed ‘symmetry’ and ‘congruence’. The first of these largely reflects the second chamber's formal powers, while the second focuses on the extent to which its composition differs from that of the first chamber”⁷.

The role of upper chamber was always more than just second opinion on the bills. Therefore, the responsibilities increased overtime as an expression of a rationale for its legitimacy. Indeed a chamber that is precisely allocated the only responsibility for reviewing the bills passed by the lower chamber cannot be considered anything better than a quality control committee. However, the query as to who does the upper chamber actually represent is the matter of debate and could be witnessed with respect to its variation in several countries where

⁵ Arthur Lupia and Mathew D. McCubbins, "The democratic dilemma: can citizens learn what they need to know?," *Choice Reviews Online* 36, no. 02 (1998): xx, doi:10.5860/choice.36-1262.

⁶ Alisdair Rogers, "The spaces of multiculturalism and citizenship," *International Social Sciences Journal* 50, no. 156 (June 2008): xx, <https://doi.org/10.1111/1468-2451.00124>.

⁷ Meg Russell, "Rethinking Bicameral Strength: A Three-Dimensional Approach," *The Journal of Legislative Studies* 19, no. 3 (April/May 2013): xx, <https://www.tandfonline.com/doi/full/10.1080/13572334.2013.773639>.

bicameralism is practiced. For Political Scientist, a significant insight resides in the analysis of effectiveness and the extent to which upper house can and has influence on policy making?

Another important supportive argument for bicameralism is witnessed in the idea that upper house is a platform for the voices which go unheard in normal circumstances, pointing the guns towards unicameralism. Does it mean that lower house is redundant or ineffective in giving space to the diverse array of groups? Or is it so that the voices that seem to have gained least attention in lower house are already weak enough which makes them fail to influence the legislative deliberations in lower house? This particular question points towards the quality of representation nonetheless. As it is not the policy making which requires attention, but rather the legislators and how they organize to make policy.

Research Questions

- 1) Why the political system of Pakistan does necessitate bicameralism?
- 2) What is the utility of the upper house in the legislature given the economic crisis in Pakistan?
- 3) What are the possibilities for the establishment of a successful unicameral legislature in Pakistan?

Research Objectives

- 1) To assess political exigency of the bicameralism in Pakistan to empower unconsolidated democratic architecture
- 2) To explore the utility of the upper house in the legislature given the multifaceted economic crisis in Pakistan
- 3) To evaluate success, feasibility and possibility of unicameral legislature endorsement in Pakistan

Significance of the Research

The upper house or the Senate is usually either an indirectly elected house or simply an appointed house. The purpose is usually to give representation to those segments of the social fabric which have caliber and have rendered contributions for the state; however, they are not politically sanctioned. Although in Pakistan, the bicameralism is representation of federation, a symbol of equality and harmony against the popularly elected lower house. Nevertheless, there is chronic need for reevaluation of Pakistan's governance structure amidst unprecedented economic

crisis. Assessing socio-economic and political exigencies at large, many states in the world have abolished the upper house (senate) either at the regional level or the federal level, due to various reasons, such as elimination of unelected houses, and deficient representation of different religious/ethnic minorities. Likewise, women's under-representation, economizing government spending, over exceeding term limits in offices (monarchism accusations) and to accelerate legislation process due to scrutiny of the upper house are some reasons of abolishment. Despite the fact that there are large number of Parliamentarians and legislators in Pakistan's bicameral legislature, it is quite evident that their productivity is questionable. This paper is based on an analysis of viability of bicameralism in Pakistan, it questions the status quo and insist upon deviation from a traditional approach to governance and replace it with more competent and result-oriented polity. Abolishment of the upper house for the purpose of increasing efficiency is a revolutionary idea, but a revolution is always required to proceed to experience new horizons. Also, despite its prominence, the role of bicameralism in contemporary legislatures has not received the scholarly attention that other legislative institutions have. In this paper, we review and analyze many of the arguments made on behalf of bicameralism using the tools of modern legislative analysis.

Research Methodology

This research is qualitative in nature with reliance on secondary data resources. Whereas, the research design applied in this subject of inquiry is content analysis. The research tools used in this research are academic peer-reviewed research paper, research articles, online sources and content related to bicameralism in theoretical perspective and from the perspective of its evolution and viability in Pakistan. The data has been evaluated on the basis of theoretical framework of "Path-dependency" model. Theoretically, path dependence has been applied to understand the immobility towards change in Pakistan's governmental and legislative structure.

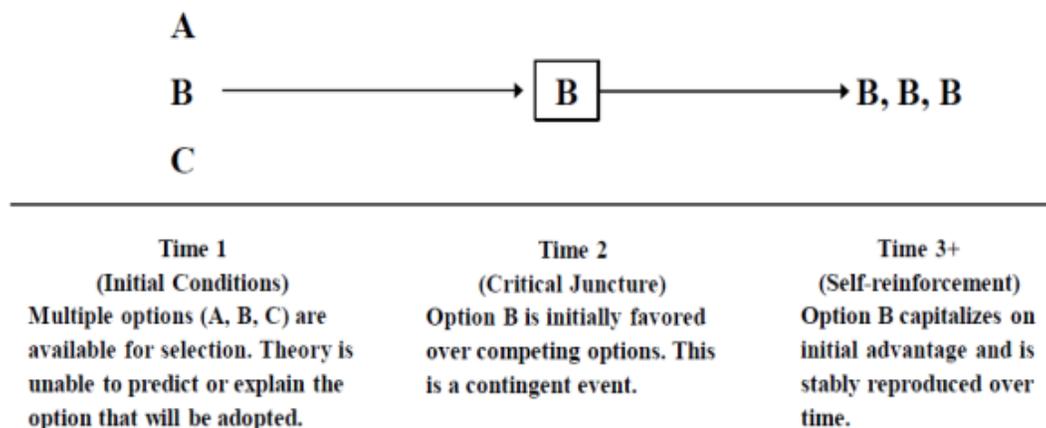
Theoretical Framework

Path dependence is basically institutions or technologies tendency to remain consistent in order to develop in specific domains as a consequence of their structural characteristics or their subjective values and beliefs system respectively. Simultaneously, it is predominantly utilized in different studies pertinent to the historical-institutionalist approach to political science, which tends to explain how different institutions are obliged to organizational life. Further on, it

emerged as fundamental concept to provide justification, why institutions in political life have less transition than the expected level. It is pertinent to elaborate that Path dependence emphasize policymakers operate inside a series of particular assumptions about their perceived world, that they repeatedly unable learn from past experience and that they stress cautiousness in their decision-making methods⁸

Theoretically, path dependence fundamentally lies on respective claim that “history matters.” It tends to justify the particular significance of history through conducting studies of key variables through which limitations on general behavior appear and postulates that those constraints implies. Appraisal suggests that, historical institutionalism and its intellectual roots are two majors’ sources of the resentment of path dependence. Firstly, it is impossible to configure variant path-dependent political processes with ancient preservations in their corresponding form, and suppose if history is significantly important than how one can distinct it, what is the criteria? We isolate from it? What is the mechanism of change? Secondly, how ideas contribute in theoretical assumption of path dependence? What is the nexus between history and ideas, and what are the converging possibilities to ensure sustainability and repelling forces for transformation in the past?⁹

Figure 1. Path Dependency



Source: https://www.scielo.br/scielo.php?script=sci_arttext&pid=S1807-76922015000400005

⁸ Ian Greener, "Path Dependence | Definition & Facts," Encyclopedia Britannica, last modified September 1, 2017, <https://www.britannica.com/topic/path-dependence>.

⁹ Ian Greener, "The Potential of Path Dependence in Political Studies," *Politics* 25, no. 1 (2005): xx, doi:10.1111/j.1467-9256.2005.00230.x.

In this regard, if path dependency is applied on analysis of bicameralism in Pakistan then one can review prominent viewpoint from Pakistan. In “Federalism in Pakistan: Prospects and Problems”, Dr. Iram Khalid (2013)¹⁰ has shed light on the historical narrative on the compulsions and challenges in development of constitution in Pakistan, specifically with reference to bicameralism and unicamealism, that remained a bone of contention paving way for delays in constitution making process. In “The Problems and Issues of Federalism in Pakistan”¹¹, Muntazra Nazir (2008) stresses upon significance of the features necessary for a successful and an effective federalism. The author identifies democracy and geographical contiguity as two of the most important among other features for effective federalism, whereas, centralization and the questions of de-centralizations are expected to differ in various federalist system, however, supremacy of the constitution is integral to the successful working of a federal form of government. A significant consensus based ideology, a goal or a common denominator is an important ingredient for coordinated system of federalism, with economic and social progress as a driving force. Pakistan like several other states have adopted an upper house or Senate taking following the footsteps of the American system of bicameralism, however, Senate of USA is far more stronger and hold more power in the legislative proceedings, it practices equal powers as that of house of representative. In Pakistan, Senate was not very effective when it was initially formed, with passage of time especially after passage of 18th amendment, its role was enhanced yet its role is still recommendatory.

This particular viewpoint suggest that bicameralism is seen as an essential aspect of Pakistan’s federal structure, despite the apparent facts that bicameralism or absence of it in the form of unicameralism has contributed least for the overall improvement in policy-making processes. The constitutional setup under the constitution of 1962 is an example such as many, which reflects that it is not the structure of legislation but the quality of legislation that is the decisive factor in prosperity of a state. This particular notion that only bicameralism is suitable and instrumental in delivering the successful federal system is flawed, as it is not the structure, but the dedication and political-will of the governments that is the most important ingredient in the recipe for government’s success and nation’s prosperity. Keeping in view the figure 1,

¹⁰Iram Khalid, "Politics of Federalism in Pakistan: Problems and Prospects," *South Asian Studies* 28, no. 1 (January/February 2013): xx.

¹¹ M. Nazir, "The Problems and Issues of Federalism in Pakistan," *Pakistan Vision* 9, no. 2 (2008): xx, <http://pu.edu.pk/images/journal/studies/PDF-FILES/Federalism%20-Muntazra-7.pdf>.

visually expressing the themes in path dependence approach relates to the approach towards democratic and federal structure in Pakistan, which is not seen from the perspective of effectiveness, progress and deliverance of solutions but only in the framework of established notions and traditional practices despite questionable policy-decisions and preference towards quantity over quality. The quality of a democracy is in its flexibility towards change in experimental approach in times of crisis and emergency.

Results and Analysis

In Pakistan bicameralism is largely viewed from the lens of federalism. However, there are several states in the world that have opted for bicameralism while they practice unitary form of government at the same time. So many non-federal states opted two or more houses of parliament.

Sr#	States	Bicameralism and unitary form of government
1.	BRITAIN	✓
2.	FRANCE	✓
3.	JAPAN	✓
4.	NATHERLANDS	✓

All federations are not bicameralism too necessarily. Therefore, it is almost a myth that all federal states follow bicameralism. Federalism has grown its affinity with bicameralism as many federal states adopted bicameralism. In United States the debate on decision regarding the mode of representation in Federal legislature remained active for a long time, the dilemma about popular representation or otherwise was the main point of the debate. Following in the footsteps of United States’ decision to make upper house, a house of equal representation and lower house, a popularly elected house, several states joined the bandwagon and adopted similar structure of bicameralism¹².

¹² T. Mahmood, "A Comparative Analysis of the Functioning of the Senate in USA and Pakistan," South Asian Studies 30, no. 2 (December 2015): xx, http://pu.edu.pk/images/journal/csas/PDF/17%20Tahir%20Mahmood_30_2.pdf.

There are approximately 9 federal states that have adopted bicameralism in which senate follows the composition of equal representation, which tentatively includes the following states:

Sr#	States	Upper house based on equal representation
1.	USA	✓
2.	AUSTRALIA	✓
3.	ARGENTINA	✓
4.	MEXICO	✓
5.	BRAZIL	✓
6.	PAKISTAN	✓
7.	RUSSIA	✓

However, there have been enormous variations in method of selection of members and regional composition. Although as staple role prescribed to the upper house is the review of legislation and bills that are passed by the lower house, specifically in the context of the bill's viability and application with regards to the represented regions. However, in Germany the upper house or *Bundestrat*, also takes up the responsibility of interprovincial coordination. In Britain, bicameralism has grown over the period of time without existence of a written constitution. With its Royal and Monarchical traditions in the past House of Lords held utmost significance, whereas, lower house, the House of Commons was established in the 13th century to assist the House of Lords. The membership in House of Lords was prestigious business, as it was based on royal appointment, inheritance or seniority of Catholic Church. The uncontested powers into the hands of an unelected house initiated resistance within the lower chamber, which was expressed as protests and explicit desire for legislative reform in the 17th century. Eventually legislative reforms took place, which re-distributed the legislative powers and lowered the power and position of Church and aristocracy in the House of Commons. At present the role and powers of House of Lords is considerably diminished, yet it holds enough power to delay a bill for as long

as a year¹³. In the year 2011, Canada's New Democratic Party (CNDP) put forward an opposition day motion that suggested two major aspects of Senate is abolishment, and adaptation of proportional representation. The debate over abolishing or reformation of the senate remained active for a long time in Canada¹⁴.

“Madison wrote that the idea of Senate conceived in USA had more practical benefits than theoretical. It is a constant check on government. It could curb the reactionary or emotional legislation of the other chamber. This house had better position of deliberation and verification and it was factor of stability through continuity. For these purposes, Madison had the view that Senate must be small with small number of members. However, in United Kingdom the upper house remained a stabilizing factor against increasing democratization with retaining the character of aristocratic chamber. In systems which are inspired by Westminster models and where governments are part of lower houses, Senates are taken as a body neutralizing and independent factor”¹⁵

Furthermore, senate elections in Pakistan almost moving towards a “covert appointment procedure” rather than a fairly representative elective procedure due to overriding horse-trading practices and pre-election vote bidding, as a result, it delegitimized the democratic sanctity of Senate. The data from April 2014 shows that approximately 41.5% of legislatures around the world practice bicameral legislatures, whereas in Europe alone 64.58% have been noted as unicameral legislatures. United is rightfully considered as the pioneer of bicameral legislature as it was the first state to have formally adopted bicameralism, while others merely followed suit. The confederations of early states expressed interest in acquiring legislative opinion from both the houses with equal significance, however, these systems evolved as is the importance for the popular representation. Earlier in some European states matter of war, peace and truce were all decided with unanimous agreement of both the houses.

¹³Iram Khalid, "Politics of Federalism in Pakistan: Problems and Prospects," *South Asian Studies* 28, no. 1 (January/February 2013): xx.

¹⁴ THE CANADIAN PRESS, "Time for a Referendum on Abolishing Senate, NDP Says," *The Globe and Mail*, last modified April 30, 2018, <https://www.theglobeandmail.com/news/politics/time-for-a-referendum-on-abolishing-senate-ndp-says/article568677/>.

¹⁵ James Madison, "Bicameralism: James Madison, *Federalist*, No. 62, 416--19," *Electronic Resources from the University of Chicago Press Books Division*, last modified February 17, 1788, <https://press-pubs.uchicago.edu/founders/documents/v1ch12s22.html>.

Rhetorically, the allocated expenditure for maintenance of an upper house merely exists as an apparent symbol of equal representation, whilst the number of seats in National Assembly already provides enough representation and legislation opportunities, keeping in view 342 members and the ineffectiveness of their legislation, and considering country's overall progress during democratic regimes. As matter of fact, it seems quite unnecessary to additionally spend on another 104 members who are likely to do less for improvement in legislative effectiveness in parliament and more to increase the financial burden for the state budget.

Preferably a nationwide referendum could be arranged and as a suggestive proposal it could be put forward to general public of Pakistan for consensual endorsement with two possible options: Which particular option do you support: 1) the proposal of Senate reformation 2) or complete abolition of Senate from democratic system? Some Canadian provinces once possessed upper houses, but abolished them to adopt unicameral systems. Newfoundland had a Legislative Council before joining Canada, as did Ontario when it was Upper Canada. Similarly, Manitoba had an upper chamber until it was abolished in 1876, New Brunswick's upper chamber was abolished in 1892, Prince Edward Island's upper chamber was abolished in 1893, Nova Scotia's upper chamber was abolished in 1928 and Québec's upper chamber was abolished in 1968.

Similarly, according to the Estonian 1938 Constitution, the unicameral system was replaced and the *Riigikogu* had two chambers. Its lower chamber was known as *Riigivolikogu* while the upper chamber was called *Riiginõukogu*. However, amid of the Soviet occupation in the year 1940, both chambers were separated and rigged elections were conducted only in the lower chamber *Riigivolikogu*. With reference to the revamped 1992 Estonian Constitution, it once again opted unicameral system for governance.

In Indian democratic system, the *Vidhan Parishad* or Legislative Council is usually known as the upper house of the state legislature. However, various states such as the Tamil Nadu, Punjab and West Bengal abrogated the *Vidhan Parishad*. Likewise, The *Vidhan Parishad* of state of Andhra Pradesh was abrogated in the year 1985 but later restored again in the year 2006.

New Zealand also abolished its Legislative Council in the year 1951. Also the Nebraska state of US is the only state which holds a unicameral legislature, which abolished its lower

house in the year 1934. During the governorship of Jesse Ventura in Minnesota, he called for the state to have a unicameral legislature.

With current parliamentary practices, it is quite clear that in Pakistan path-dependency remains a trend of the day because it feeds power-politics and oligarchic interests of the state functionaries. However, it is evident that the number of houses and the number of members of the legislature does not qualify to be the criterion of democratic success or failure. Countries with less number of parliamentarians and the unicameral legislature can still achieve legislative success and be termed an effective parliament in comparison to the massive number of parliamentarians and bicameral legislature with minimal legislative success. Thus, the policymakers and stakeholders may consider the constitutional reforms to flourish the democratic patterns of governance in a true spirit, rather than relying on a system that promotes undemocratic trends.

The way forward

Pakistan has perfectly appropriate social dynamics for adopting system for bicameral legislature, such as a heterogeneous society and diverse regional and linguistic identities. Pakistan's independence introduced it to the complexities of federalism, which includes the question of equal and equitable representation for diverse array of society. West Pakistan inherited a dominated position in major institutional structure of the state, such as bureaucracy, military and politics. This dominated position lead to East Pakistan's fears about its political position. Moreover, Federal form of government was deemed necessary for the new prospective Muslim state during the struggle for Pakistan. Muhammad Ali Jinnah had declared in 1945 that a federation with a guaranteed autonomy for all the provinces in the country, Muslim League as the political representative party under British rule stressed upon federal form of government in order to insure Muslim representation in the government. Separation of East Pakistan paved for Punjab to become dominant entity in the entire political system, alongside other significant state institutions, population as a prominent reason. Therefore, it is natural for other relatively smaller and less-populated provinces to find themselves in a place of discomfort. In order to address this discomfort bicameralism was adopted as part of federal form of government in the constitution of 1973. In order to deal with the allocation of seats based on popular representation in the lower

chamber, upper house or the Senate was to be established to balance the representation question with equal allocation of seats to all federating units¹⁶.

However, federalism in Pakistan remained afflicted with perpetual political instability which marred the role of upper house in legislative processes. Nevertheless, Pakistan's changing and changed circumstances, both in the essence of socio-political evolution, including a flux of legislative complexities, many of which have remained irrelevant to the issues at hand; require a review of the existing bicameral structure. What are the motivators and benefits for abolishment of upper house in Pakistan is depicted in the following¹⁷:

Financial and administrative burden

The finance allocated for the senators, the chairman and the secretaries is a burden on an already highly indebted economy. Cut down on the expenditure will benefit the development projects aimed at uplifting the lives of people, such as health and education. Maintenance of the upper house, an expansive construction, the administrative equipment, staff, power supplies and all the miscellaneous charges are a burden on the economy. Economy will be relieved from unnecessary expenditure, while the legislative deliberations can be conducted utilizing the procedures of the lower house.

Appointed or indirect representation

Senate does not consist upon popularly elected members. Therefore, it is not representative of the whims and wishes of the people of Pakistan. It is not a direct and integral part of the democratic system. Democracy may get strengthened, but it will not be harmed by the abolishment or reform in the formation of the Senate. Members of the Senate are usually not directly elected therefore; they are unaware of the problems of the public. They do not find themselves at the center of public opinion; neither feel connected to the problems of the people. This trait leaves no room for accountability and responsibility. Accountability and responsibility will get strengthened, which are crucial to the process of democratization. As the elected members will be challenged with the burden of authority and responsibility, they will perform better.

¹⁶ M. I. Rabbani, *Pakistan Affairs* (Lahore: Caravan Book House, 2016), xx.

¹⁷ Senate Secretariat, *The Members of Parliament (Salaries & Allowances) Act, 1974 & The Federal Services Medical Attendance Rules, 1990*, (Islamabad: Government of Pakistan, 2016), <http://www.senate.gov.pk/uploads/documents/sal-all.pdf>.

Irrelevance

Upper house does not have a productive existence in the legislative process. It is only secondary to the National Assembly and merely given place of respect for its equality-based and recommendatory nature. National Assembly which is in fact integral to the process of legislation will be able to realize its full potential and will not leave matters to another house knowing that it is the only house responsible for making decisions. They say, too many cooks spoil the broth. This phrase fits the very idea justifying the abolishment of Senate in Pakistan. It is evident from the outcome of a large parliament that it has failed to perform productively, and rather makes the parliament a mere fish market with unnecessary members taking advantage of the power they may or may not deserve. This way, less but productive and quality legislations will also become more achievable. Unnecessary legislative activity making the process of decision making complex and less result oriented will be minimized.

Party Politics

Senate becomes hotbed of party politics and political rivalry promoting illegitimate ways of power struggle. This undermines the sanctity of the house and parliament. This particular practice deviate the entire process of legislation from the purpose of serving the people of Pakistan. Horse trading and monetary aims prevail during the time of election. Party politics and all the political ills because of it are minimized when Senate is abolished or reformed.

Lack of transparency

The bicameralism in Pakistan has much room for improvement. Appointment procedure is important component which needs transparency in accordance with the democratic norms. Assessing the significance of the upper house, all the parliamentary members hold important role while appointing the new senators. Most often democratic norms of impartiality and self-autonomy are compromised. Formation of Parliament after each successive election will not be as complicated a task as it is with bicameralism.

Moreover, in parliamentary democracies there is apprehension that legislator may become a tool of executive as legislators are controlled by political parties. Upper houses do not constitute the composition of executive. It can play a role of strong reviewing authority. It also may ensure consensus democracy. Upper houses play a role in forming public opinion and a

viable opportunity of second thought. Loaded with apprehensions of such undemocratic practices, the Senate must be revamped or it should be abolished during constituting the next Parliament. Notwithstanding the subjective preferences of stakeholders, it demands mandatory constitutional amendments, and such constitutional reformations are entirely legitimate for promotion of vibrant democratic system. It also potentially necessitates direct inclusion of Pakistani masses into the important proceedings and directly taking citizens into confidence on constitutional reform proposals through exercising consultative referendum.

Conclusion

Pakistan's constitution endorses the idea of bicameralism, however, like human existence has evolved over the period of time, it is about time that mode of governance should also evolve. With a weak governance system that has failed to deliver the results as it should have in Pakistan, it will be more thoughtful to experiment with structural changes in the system of governance. Pakistan faces huge economic crisis and in such times, it is expected of the government to cut down on its expenditure, therefore, Senate can be abolished keeping in view that it is not an integral part of the legislative process and the center of the entire decision making activity remains with the popularly elected National Assembly.

Pakistan's Parliament can still function with absence of an upper house, and perhaps even more efficiently as members of National Assembly will find themselves as the sole guardian of the legislative process and therefore, work diligently to prove their metal as the representatives of the electorate. However, members of the Senate should not be out casted from the political process as they should be given a chance to participate as contestants in the direct election process in the general election, which will give them an opportunity to serve the people in the true sense as members of either regional parliament or the National Assembly.

Constitutional amendment is mandatory to alter structure of senate therefore; it requires at least two-third members of parliament to vote in favor of this idea in order for the amendment to take place. It is advised that this particular should be brought up for debate in realm of academia and civil society in order to gauge the sentiments of the concerned quarters and then a bill should be moved for such an amendment as then there will be less chances for the bill to get rejected when opinion of the public is in favor of the amendment. If abolishment is not accepted

by the ruling governments than reformation in the selection criteria of senators is an urgent matter, which can be considered immediately in place of the current system.