

**Institutionalization Challenges of Democracy in Pakistan:
A case Study of Parliament (2002-10)**

**Thesis for the Award of the Degree of Doctor of Philosophy in
Politics and International Relations—A Partial Fulfillment**



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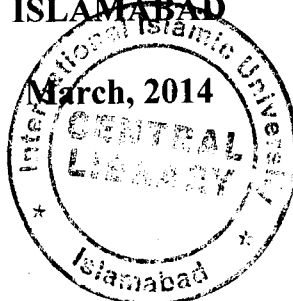
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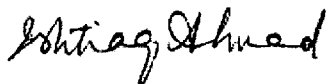
**INSTITUTIONALIZATION CHALLENGES OF
DEMOCRACY IN PAKISTAN:
A CASE STUDY OF PARLIAMENT (2002-10)**

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Submitted in partial fulfillment of the requirements for the
Master of Philosophy/Ph.D degree in discipline of
Politics and International Relations
at the faculty of Social Sciences
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IN THE NAME OF ALLAH, THE MOST MERCIFUL AND BENEFICIENT


DEDICATION

The thesis is dedicated to my parent's teachers and all of my family members and also to the pioneers and defenders of democracy who spent their lives for the restoration of the Institutionalization.

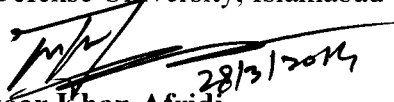
Certification

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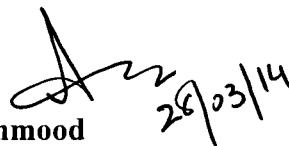
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ABSTRACT

Democracy is a "word" which has common meaning in entire world but it has to face different challenges whether it is in established democratic states or in the developing democratic states. Understanding of democracy is associated with the credibility level of the institutions. It would be correct to say that the democratic regimes have more potential to meet the challenges of states as compare to authoritarian regimes. Since independence, Pakistan has problems in democratic transition process although it has tasted all forms of government. No doubt in saying that political leaders are in continuous struggle to grip the problems of democracy in Pakistan but still their efforts are not producing the required results. Process of democratization could not be successful unless the attributes of democracy are properly examined and addressed. In Pakistan, the authoritarian regimes had introduced controlled democracy whereas the political regimes had neglected the basic concepts of democracy. Institutionalization process in Pakistan is weak because the political culture is not strong. Each segment of society is important to consolidate the democracy. It is the civil society which will point out the inability of institutions, weakness of the institutions and the corrupt leadership. Effective role of judiciary could conclude the performance of the institutions. Efforts are done to control the judiciary by the military and political leadership time to time. The political imbalance has reduced the efficiency level of the institutions within Pakistan. Instead of owing the credibility of the institutions, the attention is spayed to personal power gaining strategy which had weakened the institutionalization process in Pakistan. The political and constitutional history of Pakistan is filled with democratic compromises which altogether damaged the leadership. Soft corner preferences at the expense of democracy should not be tolerated. Now there is growing feeling within all stake holders of state that the weak institutions could not be able to cope the current challenges.

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ACRONYMS

AIML	All India Muslim League
ANP	Awami National Party
BD	Basic Democratic
BDS	Basic Democratic System
CIA	Central Intelligence Agency
C-IN-C	Commander In Chief
CENTO	Central Treaty Organization
CMAG	Common Wealth Ministerial Action Group
COAS	Chief of Army Staff
DC	Deputy Commissioner
DCC	Defense Committee of Cabinet
DCO	District Coordination Officer
DMG	District Management Group
EBDO	Elective Bodies Disqualification Order
EDO	Executive District Officer
FIA	Federal Investigation Agency
FSF	Federal Security Forces
GHQ	General Headquarter
HRCP	Human Rights Commission for Pakistan
IJI	Islami Jahmori Ittehad
ISI	Inter Services Intelligence
JAG	Judge Advocate General

JUP	Jamiat Ulma-e-Pakistan
LFO	Legal Framework Order
MAI	Majlis Ahrar-e-Islam
MRD	Movement for Restoration of Democracy
MMA	Mutahida Majlis-e-Amal
MQM	Mutahida Qaumi Movement
NAB	National Accountability Bureau
NRO	National Reconciliation Order
NSC	National Security Council
NWFP	North West Frontier Province
OUF	One Unit Formula
PPP	Pakistan People's Party
PPPP	Pakistan Parliamentarian Peoples Party
PCO	Provisional Constitutional Order
PCS	Provincial Civil Service
PCCR	Parliamentary Committee on Constitutional Reforms
PM	Prime Minister
PODO	Public Office Disqualification Order
SEATO	South East Asia Treaty Organization
USA	United States of America

FOWARDING SHEET

The thesis entitled “ Institutionalization Challenges of Democracy in Pakistan: A Case Study of Parliament 2002-2010” submitted by Zahoor Ahmed in partial fulfillment of Ph.D Degree in Discipline Politics and international relations has been completed under my guidance and supervision. I am satisfied with quality of students’ research work and allow him to submit this thesis for further process of as per International Islamic University, Islamabad rules & regulations.

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CHAPTER NO: 1

RESEARCH SYNOPSIS

Introduction

Pakistan's political history right from the onset has been bedeviled with the fascinating personality, imagined as a personification of 'the world spirit' in Hegelian terms. Therefore Muhammad Ali Jinnah, the founder of Pakistan, fitted into that role quite perfectly and established himself in the position of centrality but at the detriment of the political and constitutional institutions.

Churchill said that democracy is the best form of government because its qualities offer better prospects to promote public welfare and to integrate national interests. Liberty, equality and justice are the milestone features of democracy which can lead human march towards prosperity and progress. The democracy can be the worst form of government if it is implemented, not flourished. If the political parties will not follow the conceptual understanding of political socialization and interest articulation, the vacuum will be covered by the non-democratic elements.

The concept of controlled democracy is the common phenomenon of the third world countries where the political culture is not framed on the democratic values and traditions. Democracy is the popularly perceived as a political system in which government leaders are chosen through elections. This perception defines the framework of democracy, not its principles. The fundamental objective of democracy is to reward people as sovereign authority and that cannot be exited unless General

Will is not articulated in actual spirit constitutionally and in addition it's not growth. Democracy is attached with institutionalization process.

It is said that democracy has three phases e.g. the transition phase of authoritarianism to democracy, consolidating democracy and finally established democracy. Democracy does not by itself, neither is it imported nor forced through military. It has to grow from within state through gradually institutionalizing and constructing political process and finally spreading the universal values that are core elements to breathe democracy.

Values such as respect for institutions, respect for diversity and pluralism, tolerance, justice, freedom and general will. It is a known fact that democratization process will be taking place in authoritarianism environment that resist change and finally it will lead to process of nation building. Nation Building is a normative concept which is associated government infrastructure in form of stable institutions and existence of transparency and accountability. It will be right to state that idea of democracy should be understood within its principles.

Nothing has dodged Pakistan more for most of its turbulent political history than two core but conflicting issues – the quest for working democracy and the identity problem as a nation. Although these two key issues feature prominently in the discourse of the Islamic Public Sphere in most Muslim Countries and diasporas today with varying degrees, Pakistani political leadership's inability to tackle these issues to-date has mired the country in a host of problems ranging from an increased militarization of the civic society, growing poverty, extremism and terrorism which is increasingly threatening the very foundations of the state, to poor institutional support and debilitating 'governing capacity' which have not only jeopardized the well-being of its own people rather has rendered the country as one of global security's pivotal

states.

The movement for federal parliamentary democracy that had originated in the struggle against the British colonial administration of India in the pre-independence period continued against the ruling elites of Pakistan even after the independence in 1947.

The course of Pakistani politics for more than six decades serves as a *sine qua non* to the constraints of governance and institutional development. Pakistan faced two inescapable challenges in her first nine years of sham parliamentary rule under an interim government. Since Pakistan inherited a shattered economy due to the partition of India, its first challenge was to attain a sustainable rate of economic growth for development. The second, and the most important one, was to consolidate the parliamentary institutions which had been neglected since the independence of Pakistan in 1947.

The rulers of Pakistan miserably failed to demonstrate their ability in solving the economic problems as well as those related to political development. Instead of creating conditions for democratic settlement of the crisis which has been generated over the short span of Pakistan's existence, the ruling elite deliberately abandoned the country's parliamentary process and opted for authoritarian rule by imposing Martial Law on 27 October, 1958.

The crisis of parliamentary democracy in Pakistan further aggravated with the army intervention when General Ayub Khan ruled the country for about 10 years since 10th October, 1958. In order to legitimize the army rule, Ayub Khan introduced a new constitution in June, 1962 based on "*Basic Democracy*" which was nothing but a ploy to destroy the democratic norms of the country. The civilization efforts of the ruling junta failed to attract the political actors as well as the common masses. Instead of

evolving conditions for institutionalization of democracy, the Ayub-styled civil-military bureaucracy tried to shape the country's politics and events to suit its own designs and interests. As a result, democracy was carefully buried in Pakistan's soil by none other than Ayub himself. Ayub's "*Basic Democracy*" closed the constitutional means to institutionalize the parliamentary democracy in Pakistan.

During the ten-year rule of General Ayub Khan (1958-1969), the economic and political situation in Pakistan deteriorated further. As a result, the main opposition political parties led by Awami League of East Pakistan (now Bangladesh) and Pakistan Peoples Party of West Pakistan (now Pakistan) started vigorous and continued anti-government agitation which turned into a mass-uprising that ultimately forced General Ayub Khan to surrender and hand over power to the Army Commander-in-Chief, Agha Muhammad Yahya Khan who imposed Martial Law throughout Pakistan for the second time on 25 March, 1969 and became the supreme authority of Pakistan. Yahya pledged to the nation like his predecessor to strive for democracy in Pakistan. But the Military regime's capacity to solve the problems that confront the people of a country is limited. While Ayub betrayed democracy and imposed his personal rule for about ten years, Yahya's armed action against East Pakistanis and refusal to accept the verdict of the majority of people brought about the end of the united Pakistan in late 1971.

The 1973 Constitution of Pakistan and its Subsequent Amendments

After losing Eastern province, Pakistan went for a third constitution in 1973 and returned to Federal Parliamentary democracy. But within a short span of time, the 1973 Constitution was drastically amended in 1977 and 1999 which was undone by the 18th Amendment in 2010. As a result, it was turned into a pseudo-parliamentary

system leaving the task of institutionalization a difficult proposition. The subsequent two military regimes like other praetorian regimes could not produce a record of good governance in Pakistan. Rather, the regimes produced an all-powerful executive, a “rubber-stamp parliament” and a compliant bureaucracy – which paved the way for centrifugal forces to grow up. During this period, the country witnessed escalating social and economic inequalities and enormous distortion in the educational, social and political fabric of the nation.

Since 1973, almost all the governments of Pakistan had to face challenges on three fronts: *Firstly*, how to institutionalize the parliamentary democracy; *secondly*, how to attain a target rate of economic growth for development; and *finally*, how to improve the law and order situation which went beyond the control of the Government. Unlike most of the third world countries, nearly 80 per cent of Pakistanis suffer from widespread poverty, illiteracy, diseases and malnutrition. Obviously, it is not an easy task for a government to meet these challenges.

STATEMENT OF THE PROBLEM

Pakistan’s political history is associated with the legacy of the British government in the sub continent. Creation of Pakistan in the result of a successful struggle of Mr. Muhammad Ali Jinnah on political and constitutional fronts. From 1857 to 1947, intellectuals, religious scholars, the renowned educationalists and the politicians played vital role to achieve a separate homeland. Being believer in democracy, Quaid-e-Azam, Mohammad Ali Jinnah has laid down the foundations to find out the solution of the problems through positive dialogues and debates. Quaid-e-Azam focused on political and constitutional struggle, associated with Pakistan’s political development. He identified the issues and suggested to evaluate them through consensus, on the

West Pakistan, but it was abrogated. 1962 was highly centralized features based constitution, promoted sense of deprivation 1973 constitution was another good effort to consolidate federation but neither military nor civilian regimes followed. All these things, led to cause of breakup of institutionalization process in Pakistan.

SIGNIFICANCE OF STUDY

Democracy is not a new phenomenon it is as old as the human civilization and for 'institutionalization' it is as important as survival of the human civilization. Rooted democracy is the important issue to keep state's institutions alive and flourished. Traditional knowledge of democracy, in terms of democracy models, presented by different school of thoughts, has been briefly discussed to approach concept understanding. Country's political environment and dynamic relationship among institutions within authoritarian and democratic regimes have been analytically examined in the light of empirical evidences regarding institutionalization process in Pakistan. Pakistan's political history is filled with failed attempts to institutional building process. It has been democratic and authoritarian regimes but institutions did not properly work. Through this research work, efforts have been made to address the basic understanding of democracy and institutional building process. Success of any political system depends how much commitment has been shown to channelize political resources. For example, parliament is an institution, stands for democracy but it is not accessed properly, the opportunities and to strengthen democratic institutions would remain at stake. The research work would emphasize on the supremacy of the system and stability of the system.

rules of political development. Winston Churchill once said that democracy has potential to address liberty, equality, justice, public welfare and national interests. Democracy is the milestone march of the human beings in searching for prosperity and progress. It is academically stated that democracy is linked with a political system, in relation to interest articulation and interest aggregation to execute policy matters. It has been observed that 'open' political systems have more chances of adaptability as compare to 'closed' political system. In third world countries, the democracy has no good performance because it lacks political culture, democratic values and traditions. The modern political thinker Rousseau, Burke and Mill had emphasized on creating a link between popular sovereignty and liberal democracy. It has been argued that democracy requires of maximum participation of the individual within system. Liberal democrats criticized limitations over individual freedom but later on logically it was connected with 'positive' liberty.

Democracy has three phases e.g. transition phase, consolidating democracy and then finally established democracy. It is misfortune of Pakistan that instead of following the actual spirit of democracy, the efforts had been made to plant democracy. The three martial law regimes (From General Ayub Khan to General Pervaiz Musharraf) the authoritarian regimes focused on introducing controlled democracy. From 1947 to up to now, the political elites have opted political shortcomings. The civilian and military establishment always tried to dominate regime. Intentionally, Pakistan has been deprived of grass root level democracy. Ayub Khan, Zia-ul-Haq and Musharraf introduced local government system but underline delivered controlled democracy. In Civilian regimes, the political parties followed central and provincial line features politics. Pakistan has unique society and federalism as suitable political system was chosen for its society. 1956 constitution was good to accommodate East Pakistan and

Justification of the Study

The parliament of Pakistan is one of the least-researched institutions and thereby remains a neglected field of academic enquiry. Although there are some limited studies on the parliamentary democracy, there is no major work on the constraints or problems to institutionalize the parliamentary polity in Pakistan.

In general, the attitudes, interest-articulation and performance of the parliamentarians have remained mostly unexplored. Thus, the proposed study seeks to identify the challenges in institutionalization of parliamentary polity in Pakistan.

Hypothesis

Democracy has always been a delicate plant in South Asia in general and Pakistan in particular. It grows seldom or intermittently in Pakistan. Administration in Pakistan has been permanent and parliament intermittent.

It is hypothesized that a comprehensive development and institutionalization of the democratic organs of the state of Pakistan including the parliament may strongly contribute to the efficiency and performance of the government and may remove constraints for good governance which is the dire need of the time.

Literature Review

In the Post Cold War era, 'Democracy' has been accepted by almost all the countries of the globe as a "universal ideal". Nevertheless, it has been very difficult to achieve or in some cases it met tragic end. However, democracy has to operate in an atmosphere of conflict and consensus. Since mutually conflicting interests are represented in a legislature, the prevalence of a milieu of conflict can well be presumed. Very often, consensus emerges among the actors involved in the conflict and this contributes to the endurance of the representative system. It is wrong to argue that legislative conflict is entirely dysfunctional; rather it has a highly functional aspect. Conflict dictates the actors involved in it to behave in a sensible manner and keeps them alert about the probable security that might originate with any unacceptable behavior.

Parliamentary democracy may be described as a "strategy of conflict management by cooperation and agreement among different elites rather than by competition and majority decision"¹. Thus, parliamentary democracy may be described as a system of government under which the people exercise the governing power through their representatives in the periodically elected parliament. In a parliamentary democracy, parliament is the supreme institution of expression. And in the last analysis, "The population's will on basic questions of social direction and policy is discussed, debated and resolved in the parliament,"² Larry Diamond explored the challenges of maintaining and institutionalizing democracy by analyzing three tensions of

¹ Arned Lijphart. *Democracy in Plural Societies*. New Haven 1977, p.5

² Larry Diamond "Three Paradoxes of Democracy" in Larry Diamond and Mare F. Plattner (eds.), *The Global Resurgence of Democracy*, Baltimore: Johns Hopkins University Press Ltd. 1993, pp.95-1076 only fuel to political conflict and thereby makes it more intense, which may ultimately lead to the breakdown of the system.

“paradoxes” intrinsic to all democracies and particularly troubling for the emerging ones.³

The first, and perhaps the foremost among these tensions, is the tension between conflict and consensus. Dissension and derision are inherent in democracy’s nature. Any attempt by those in power to suppress dissension adds only fuel to political conflict and thereby makes it more intense, which may ultimately lead to the breakdown of the system.⁴

Three leading political scientists, namely, Larry Diamond, Juan J. Linz and Seymour Martin Lipset have very correctly pointed out:

In the ensuing decade, most Latin American dictatorships collapsed or withdrew, defying predictions of a longer reign for the bureaucratic authoritarian regimes. Democratic progress was apparent in East Asia as well, in the Philippines, Korea, and even to some extent Taiwan. In old British South Asian Raj, both the authoritarian states of Pakistan and Bangladesh and the democratic ones, India and Sri Lanka were facing recurrent tensions and conflicts and could lead to a restoration or revitalization of democracy or to a deeper crisis.⁵

In democracy the ruling authority is based on popular mandate and remains accountable to the people⁶.

A more clear account was advanced by Alexis de Tocqueville. He suggests three pre-requisites of democracy: i) voluntary association as mediating institution;

³ Larry Diamond, Juan J.Linz, Seymour Martin Lipset (eds.) *Democracy in Developing Countries*, Colorado, 1992, p. X And also see .

⁴ L.W. Pye, *Aspects of Political Development*, Boston, 1966, p. 33

⁵ M. Nazrul Islam, “Parliamentary Democracy in Bangladesh: An Assessment” *Perspectives on Social Sciences*, Vol.5, October 1998, pp. 52-754

⁶ Iftikharuzzaman, Mahbubur Rehman, “Transition to Democracy in Bangladesh: Issues and Outlook”, *BISSJournal*, Vol. XII, No. 1, 1991, p.97

ii) the division of power in a federal system; and iii) relative socio-economic equality that fostered political participation⁷.

According to Arend Lijphart, social homogeneity and political consensus are conducive to stable democracy. Conversely, the deep social division and cleavages and political differences within plural societies are held responsible for instability and/or break-down in democracy⁸. Lehmbruch observed that for a successful democracy a strategy of conflict management by cooperation and agreement among the different entities rather than by competition and majority decision is a must.⁹ It is a scholarly contribution, in the political subject, for the researchers. It has elaborated the word 'Democracy' in the context of models of democracy. The writer did effort to point out relationship between the ruler and the ruled. Democracy has some pattern and its in-depth understanding would be helpful to grip over its issues like role of individual in democracy, democracy and democratic models and finally to concentrate on the attributes of democracy.¹⁰ The trends of democracy in the context of social movements. Social movements have active influence to introduce democracy. The writer has tried to point out the linkage between the social activist and change. In authoritarian regime, the political issues are discussed with force and state machinery is used to find out the solutions. On contrary, society needs change regarding access to opportunities. Understanding about political socialization and mobilization would

⁷ Discussed in Arend Lijphart, *op.cit.*, p.I, also see Zaglul Haider, "Parliamentary Democracy in Bangladesh: From Crisis to Crisis" in *Journal of Asiatic Society, Bangladesh*, Vol.42, No. 1, June 1997, pp. 68-82.

⁸ Arend Lijphart, *op. cit.*

⁹ Cited in Arend Lijphart, *ibid.*, p.5

¹⁰ Held, "David Models of Democracy" (2006), Cambridge University Press, Great Britain.

encourage taking impressive view about phenomenon of democracy.¹¹ Barker approached two valuable issues e.g. level of participation and strong democracy in bilateral society. In the context of this intellectual debate, the writer pointed out participatory role to penetrate democratic society.¹²

Golam W. Choudhury, as writer and observer, has unique impression to explore the social and political changes in Pakistan since creation. He should be considered a successful attempt to analyze the experiment political history of Pakistan. It's a reality that Zia-ul-Haq regime had changed political spectrum of Pakistan regarding political developments, Islamization process and nature of constitution. The book addressed some important issues, related to Pakistani society, implications of Zia's Islamization and finally which political system suits to Pakistan. Zia regime introduced Islamic orientation within society and further amended 1973 constitution. The writer has laid down the foundation of Zia's period from the demand of the Muslims of the sub continent. It is attempted to convenience that Zia-ul-Haq has great experiment of Islamic democracy and further approached suitable transition phase from military to civilian regime. It was the commitment of Zia-ul-Haq to patronize socio-political system in Pakistan and to conform Islamic principles, and guidance for democracy. The elected parliamentary system in 1985 has been examined and Islamic provisions of country's existing constitution arrangements. Federal Shariat Court, Islamic banking system, Islamic concept of state, Islam as state religion, definitions of Muslim and non-Muslim, Nifaz-i-Nizam-i-Islam and functions of Majlis-e-Shoora were the ultimate constitutional adjustment to acknowledge Islamization process of

¹¹ Bill Moyer, Joann Macallister, Marylou Finely & Steven Soilfer, "Doing Democracy: the Maps-Models for Organizing Social Movements" (2005), New Society Publisher, Gabriola Island, Bc-VOR-IXO, Canada, (ISBN: 0-086571-418-5)

¹² Benjamin R& Barker, "Strong Democracy: Participatory Politicsfor A New Age" (2003), University of California Press, Berkeley and Los Angles, London, England.

Zia-ul-Haq.¹³

According to Javed Iqbal, it is “an attempt to rationalize the ideology or our distinct way of life. It insists in securing an understanding of the powerful vision which inspired the Muslim revivalists of the nineteenth and twentieth century’s, and led to the establishment of Pakistan. The writer did literary efforts to consolidate concept of Islamization of the state in context of demand of Pakistan to approach Islamic spiritual aspiration.” Pakistan is an ideological state, in the result of a long political and social struggle, later determined the future expectations of the Muslims. Pakistan has different ethnic and lingual identities, only a specific common spiritual aspiration faith in Islam can harmonize its society. The writer focused on establishment of a relationship between state and individual regarding about duties and rights. It has been argued that state is responsible for sovereignty of God and to achieve the ideal of equality before law. In same letter of spirit, the individual is responsible for showing complete loyalty and commitment to state and its laws and institutions. Further, the writer pointed out that the judiciary must ensure fundamental rights, an impression of Islamic state. The Islamic state should enforce the rule of law, neither to opt favoritism and nepotism. The states individuals must be confident of life, liberty, equality, property and family protection. State is responsible for equality and equal protection of law to both, majority and minority. Objectives behind the creation of Pakistan are to become a welfare state of the middle class which can be possible if social democracy is implemented. Sir Syed Ahmad Khan and Dr. Mohammad Iqbal focused on regeneration of Islam to address modern day problems.¹⁴

¹³ Choudhury W. Golman, “Pakistan: Transition from Military to Civilian Rule” (1988), Scorpion Publishing Ltd, England, (ISBN 0 905906 86 3)

¹⁴ Iqbal , Javed “Ideology of Pakistan”, Army Officers Book Club, Winter Issue (1978), Ferozsons Ltd, Lahore.

Mustafa Choudhury pointed out the nature of administrative and political developments since independence. Bureaucracy is a powerful institution which has potential to reinforce political developments within required circumstances. In third world countries, Bureaucracy's role is visible and powerful not only in implementation process but also in policy formation process. It will be rightly to say that Bureaucracy has become 'pressure group' to monopoly the growth of institutions. Bureaucrats, having sound advanced training courses, have influential voice to manipulate documents according to their needs. It has been observed that in third world countries, Bureaucracy intentionally failed political institutions and political development. Pakistan has inherited strong bureaucracy which gained strength due to inefficient non democratic attitude of the politicians. Muslim League failed to play a 'national' political party role and soon was controlled by the bureaucracy. Governor General Ghulam Mohammad, ICS Bureaucrat, played dominating role to dictate civil institutions. With passage of time and martial law regimes further strengthened its role to exercise policy formation and monopolized political institutions. Democracy stands for stability of regimes and institutional building but the politicians failed to do so, consequently, it weakened growth of political development. It is the tragedy of Pakistan that powerful legacy of the bureaucracy has paralyzed institutional growth of representative institutions. He also addressed administrative infrastructure, status quo position of bureaucracy, bureaucracy's resistance against administrative reforms and accountability and its increasing involvement in state's political institutions.¹⁵

Pakistani society has multi-ethnic, multi-lingual and multi-cultural features which stand for equal rights and equal opportunities. State's sovereignty is directly

¹⁵ Choudhury, Mustafa, "Pakistan: Its Political and Bureaucracy", 1988, Publication, R. K. Paul Associated Publishing House, New Delhi (ISBN 81-7045-025-X)

associated with identification of problems and solutions. Feroz Ahmed addressed the so-called nationality, failure of national integration, ethnic and lingual polarization within provinces, the separatist movements, and finally the ethnic and lingual causes of East Pakistan separation. Pakistan has experience with ethnic and lingual issues since independence. In pursuing of national integration, political system has to fight for a better outcome. These ethnic and lingual issues badly affected the national development. It's a reality that Pakistan has strong feudal culture in West Pakistan and strong middle class culture in East Pakistan. This indifference attitude on ethnic and lingual basis led to cause of disintegration. In Pakistan, many important development sectors had been neglected due to ethnic variation. It is the beauty of the said book that it identified the ethnic and lingual matters and then further to examine all of them in full strength. The Mohajir Sindhi grievances, issues and the question of the Pushtoon identity are intellectually examined. These groups are now actively engaged in political affairs of the provinces e.g. Baluchistan and Sind. Besides this factor, it is openly argued that Pakistan's decision making circle has been remained influenced by the 'Punjabi' ethnic group. This sort of ethnic polarization deeply affected institutional relationship between East and West Pakistan, patronized trends towards social disharmony¹⁶

Federalism as concept has no fixed meaning. It is a general phenomenon, would address multi-ethnic based pluralist society to unite them on common interest for smooth working relationship. Once, Quaid-e-Azam, Mohammad Ali Jinnah said that 'federalism' as political system suits to Pakistan, having potential to address the challenges of federating units and finally favorable to territorial integration. Pakistan

¹⁶ Ahmad, Feroz, "Ethnicity and Politics in Pakistan", 1998, Oxford University Press, Karachi, (ISBN 0 19577906 1)

faced three constitutions 1956, 1962 and 1973 and three martial law regimes e.g. Ayub Khan Regime, General Zia-ul-Haq regime and General Pervaiz Musharraf regime. It is social rightly that Pakistan has legacy of 'federal' form of government since independence. In sub-continent, the British Government introduced federalism features in 1935 India Act and 'dynasty' was implemented, divided provincial subjects into 'reserved' and 'transferred'. Central dominancy was approached in states affairs and financial and administrative affairs were kept under control over governor (executive body). After 1947, the constitution making authorities followed the 'federal' form of government but instead of decentralization, followed 'centralized' concept. The PRODA proceeding strengthened Governor General, allied him to influence political opponents 1956 constitution was on merit in federalism to maximum level because it enforced 'federal legislative list', provincial legislative list and concurrent legislative list. Powers of Governor General were reduced and finally Ayub Khan, Commander-in-Chief Pakistan Army, imposed 'Martial Law', and finally 1956 constitution was abrogated. 1962 constitution was highly centralized and reinforced powerful central tendency in state's affairs. 1973 constitution considered on 'Federal Legislative List' and 'concurrent legislative list' and finally dissolved 'one unit' formula. To some extent, efforts were made to accommodate federation in 1973 constitution. The book focused on federal province relations, and recommend important suggestions to overcome the federal regional tussle. It has been conveyed that federalism is a smooth political system and its trends will introduce harmony in institutional working relationships.¹⁷

The writer approaches political thoughts to afford a better grip over the subject.

¹⁷ Ali, Mehruunisha, "Politics of Federalism in Pakistan", (1996), Royal Book Company, Karachi (ISBN 969 407 209 3)

Political science is a vast social science subject, addressing the evolutionary process of state and society. From Plato to Karl Marx, state and society had been given different meanings and ideologies. Plato stands for tradition whereas Karl Marx represents modern thought, concerned to changing pattern of state and society. The book addressed the legitimate matters of state and individual, associated with political authority to resolve the current political challenges. Plato followed 'monism approach' and subordinated individual to state completely. Contrary, Aristotle believed in balancing relationship between state and individual. Hobbes, John Locke and Rousseau introduced debatable theory, social contract, raised questions and produced methodological pattern. John Locke introduced limitations over government and endorsed revolution, if sovereign does not protect individuals' rights. Rousseau introduced theory of general will latter on represents the democratic values and norms. Will of the people would lead government. The critiques pointed out the differences between 'general will' and 'will of all'. The social contract theorists talks about liberty, equality, absolute sovereignty and civil and political rights. Bentham introduced principles of morals and legislation in context of two sovereign masters e.g. pain and pleasure. Bentham argued that government is responsible for providing maximum satisfaction to individual. Hegel said that human history should be discussed in context of the idea of freedom because individual freedom is a progressive realization. 'Das Kapital', exponent of historical materialism, capitalist exploitation, surplus values, class struggle and state and revolution. Marx political theories will either away state. It will be correct in saying that Marx contribution in social science is tremendous and attempted to focus on economic inequalities. The book is comprehensive study of the political thinkers categorically, taken extracts

from original works and finally put forward intellectual debate.¹⁸

The writer out British legacy in extracting democracy in South Asian states e.g. India, Pakistan and Bangladesh. The political systems had been remained different in different times, except India. Pakistan and Bangladesh had tasted authoritarianism. The systems in these states still have many common challenges in which ethnic and lingual factors are threatened features. The writer attempted to focus religious and sectarian issues which posses challenging environment to democracy and institutions. Sub continent faced ethnic and lingual movements, including sectarian clashes. Likewise after division, Pakistan and India once again had to opt this 'British' legacy. The said literary work pointed out important features, comparable on both sides e.g. Pakistan and India. These debatable scholarly features and respectively e.g. impact of British legacy over Pakistan and India in post independence phase, comparison of parliamentary democracy in India with authoritarian regime of Ayub Khan in Pakistan, influential leadership role, by Indra Gandhi and Zulfikar Ali Bhutto and finally elaborated the political culture and political economy. She pointed out without understanding the cultural and social balances and imbalances, the boundaries of the political regimes would remain question mark.¹⁹

Comprehensive intellectual effort to consolidate the role of Pakistan's military in political affairs from 1947 to 1997. The writer thoroughly analyzed the authoritarian and democratic regimes, and finally pointed out that more experienced and professional understanding of military establishment weakened the civilian political institutions. Just after independence in few months, the military establishment

¹⁸ Jha, Shefali, "Western Political Thought: From Plato to Marx", Dorling Kindersley, (India) Pvt. Ltd, Licensees of Pearson Education in South Asia, New Delhi (ISBN: 978 81 317 2747 8)

¹⁹ Jalal, Ayesha. "Democracy and Authoritarianism in South Asia: A Comparative and Historical Perspective", (1995) Sang-e-Meel Publications, Lahore.

hijacked civilian institutions. The leaders remained failed to draw a democratic picture on canvas. Muslim League struggled for independence but neither its role powerful nor meaningful just after independence. Ideological clashes, ethnic and lingual issues, personal gaining political influence, feudal class structure shifted the power structure from civilian to military. General Ayub Khan imposed martial law, never opposed by the political elites. The writer had drawn the attention of the research scholars to those factors which derailed the civilian regimes and strengthened the military establishment. It has been discussed how the military regimes introduced political reforms, economic policies to legitimize their government. Besides, this, the thought provoking impression was received as the writer pointed out civil military relations in context of democratization phases in Pakistan. The political elites remained failed to deliver democratic and constructive role, resulted strong bureaucracy and military establishment, both favored to maintain status quo system in Pakistan. The military and bureaucracy have already plus points at early stage of independence, due to their professionalism and strong organizational infrastructure. On the other hand, political leadership was not strong. The book pointed out external factors, responsible for lemmatize the role of civilian leadership and further increased the functions of civilian military bureaucracy. This approach badly affected political machinery. Further the writer attempted to develop a bridge between political culture and democratic institutions.²⁰

Malcom Wallis talked about growth and development of bureaucracy, theories of bureaucracy and performance of bureaucracy. The writer did efforts to link a bridge between polity and administration during authoritarian and civilian regimes. One segment of the book highlighted the conventional thinking of bureaucracy to lead

²⁰ Rizvi, Hassan Askari, "The Military and Politics in Pakistan: 1947-1997". Sang-e-Meel Publication, Lahore, (2004) ISBN: 969-38-1148-4

political wisdom in third world countries but administrative role of bureaucracy is to some extent different in developed states. Development is important matter, directly or indirectly, associated with financial management and administrative planning. Max Weber clearly viewed that bureaucracy as resourceful discipline, capacity of dealing financial affairs and human resource management, has broad scope in pre-legislation. It is pointed out that not only local/ national bureaucracy but also the international bureaucracy has influenced the state to state and state to monetary agencies. On many occasions, bureaucracy failed and produced non satisfactory result in third world countries. Local government system should be approach an alternate solution of the problem. Bureaucracy intentionally collapsed local government system in third world countries and focused to keep control over financial matters of state. In Africa and Asia, the bureaucratic spectrum is strong and especially in those countries, faced the authoritarian regimes. Local government system meant decentralization of power on financial and administrative fronts. It will address the autonomy debate, financial control matters, legacy factor and level of participation. In third world countries, local government system has inherited legacy. For example Indian political system has legacy of Calcutta Local Government Administration. It is further informed that bureaucracy has different perspective and scope is closed political system as compare to open system.²¹

Barbara Goodwin in his book 'Using political ideas' is a strong recommendable book to design political arguments regarding about political ideologies. First of all, the writer introduced conception understanding of the 'word ideology' and political theory. The primary readings regarding political theory and ideology suggested that the theorists' presented ideologies are not value free and clearly concerned to

²¹ Wallis, Malcom, "Bureaucracy: Its Role in the Third World Development", (1989) Macmillan Publishers (Ltd) London, ISBN 0-333-44068-4

assemble the complex socio politico economic features of society. It has been convinced that the political ideologies would address analytical content of the political philosophies from Socrates to Karl Marx, including philosophical objects e.g. political behavior, invention of ideas, and finally social and economic impacts over ideologies in recent work. In next, the writer attempted to develop intellectual impression regarding ideologies e.g. liberalism, Marxism, socialism, anarchism, conservatism, totalitarianism feminism, and nationalism. The next part of the book talked about the political concepts e.g. democracy, freedom of rights, obligations and protest, social justice and equality and finally power, authority and state. The writer argued that although the communism has scattered yet it has valuable challenges to liberal democracy and liberal economic systems. On democracy, the book has unique literally material to highlight the narrow understanding of democratic vision by the communist regimes and broad meanings of 'democracy' by the liberal democrats. Literary space has been provided by the writer for the intellectual debate over state and society role in context of ideologies.²²

Garbiel Almont talked about the meaning of the political process and has laid down the foundations of basic concepts, closely related to individual behavior, participation level; smooth working of institutions and finally 'input output' structure of the political system. Democracy is a system which cannot sustain without political culture and political structure. The process, regarding execution of the policies, has been emphasized. Input structure cannot be work without output infrastructure, both are directly and indirectly connected each other. The readings have highlighted the features of interest articulation, interest aggression and policy process functions. Greater stability of the system depends upon the feedback implementing process.

²² Goodwin, Barbara, "Using Political Ideas", (4thed), John Wiley & Sons (Ltd), England (1982), ISBN 0-471-97343-2

Democracy and institutionalization process need growing understanding of political phenomenon. The feedback of the system will deliver the reliability and adaptability of the political transformation process. Framework of the political system has been examined briefly in two different ideological systems e.g. communism and capitalism, former stands for 'closed system' unlike the latter. Political socialization is the process which could lead cultural manifestation in terms of analyzing the environment in context of school, church, working place, formal organizations, and mass media.²³

Many factors restricted 'democracy in Pakistan. Apart from others, few important have been listed e.g. feudal structure, strong bureaucracy and authoritarian regimes. These factors severely affected political process in Pakistan and did not allow flourishing the political culture in Pakistan. Democracy needs democratic culture not only within system but also, related to democratic values of political parties. Unfortunately, Pakistan lacks of democratic values and norms. The political parties are talking about democracy within state but they have been intentionally deprived of the democratic culture. The feudal and the industrialists have captured the political scene of Pakistan. Gradually, the Pakistani politics was entered into ethnic and lingual politics, changed the features of Pakistani society. The writer emphasized on political culture, party structure, free and fair election procedure and finally reforming political culture.²⁴

Charles H. Kennedy is composed literary effort of various intellectuals to discuss Pakistan's political, economic, social and foreign issues. Pakistan has different experiences with politics and social issues. The scholars did efforts to produce research oriented opinions on various topics, concerned to acknowledge detailed

²³ Almond, Gabriel A & G. Jr, Bingham Powell, "Comparative Politics: Systems, Process and Policy" (1987) Ferozsons (Pvt) Ltd, Lahore, ISBN, 9690007092

²⁴ Qureshi Prof. Muhammad Siddique, "Political Culture in Pakistan" (2002), Dost Muhammad Publications, Islamabad, (ISBN 969 496 207-2)

features and posed challenges to Pakistan. Raisal Bakhsh Rais has elaborated the political confrontation in the context of democratic transition phase through his article “Benazir Return to Power: 1992-1994. Charles H. Kennedy’s article “Presidential Prime Minister Relations: The Role of the Superior Courts”, pointed out the imbalance institutional working relationship between Prime Minister and the President. In addition, the writer added the role of the judiciary in context of de-railed of democracy. Underlying message of the article is to deliver the analytical picture of civilian institutional clashes.²⁵

Therefore, dissent and division in a democracy should be on a basis of consent and cohesion. Too much conflict and least consensus jeopardize the stability of a political system. To enable a democratic system to survive some required elements of political culture are: a degree of restraint in one’s partisanship; considerable trust and minimum of suspicion in rival political actors; tolerance of opposition and criticism; and readiness to compromise, accommodate, and cooperate. Thus, it can be assumed that parliamentary conflict within certain limits is functional, but too much of it entirely dysfunctional --- make a society so conflict-ridden that civil peace and political stability become virtually impossible to achieve. Making a parliamentary system workable to the satisfaction of the electorate is as much a responsibility of the treasury bench as it is of the opposition.

Even though, Pakistan’s acquaintance with parliamentary system is not much longer than many other developing countries, it could awfully craft little progress in consolidating and institutionalizing parliamentary democracy. For a number of reasons, the focus of this study is on the Parliament/National Assembly of Pakistan that has been elected after the successful pro-democratic movement of 2007 and 2008,

²⁵ Kennedy, Charles H. & Rais, Rasul Bakhsh, “Pakistan 1995-96” (Edit), 1995, Vanguard Publication, Lahore, (ISBN: 969-402-269-X)

especially after the National Assembly Elections of 2008.

Objectives of the Study

The proposed study aims:

- i) To examine the constraints to institutionalize the parliamentary democracy in Pakistan
- ii) To identify problems that have limited the scope of the parliament members in discharging their responsibilities
- iii) To ensure an efficient, accountable and transparent governance

In particular, the study will focus on the role of the political leadership (both treasury and opposition) who have so far failed to translate an effective and viable parliamentary political order into practice.

Methodology of Research

The study would include both primary and secondary source materials:

The primary sources include various types of data relating to the Debates and Proceedings of the Parliament and the proceedings of workshop on “The Committee System” and the proceedings of the seminar on “Making Parliament Effective”. These will cover review of the official records and in-depth interviews. Review of the official records will be necessary to collect information on a number of variables that are not otherwise available: number of meetings, the nature of attendance of the members, the types of issues discussed in the meetings and the actual decisions taken by the committees. The main emphasis will be given on in-depth interviews of those parliamentarians who were/are directly involved with the working and policy formulation of the parliament. This is needed in order to collect qualitative

information.

The secondary sources will include books, articles and materials relevant to the topic written by scholars at home and abroad. It also includes newspapers, journals, the electronic media, periodicals and other relevant publications.

Both the primary and secondary sources would help understand the whole gamut of the problem of parliamentary democracy in Pakistan.

Related Research Questions

Main Question

The main research question of the study pertains to the following issue:

What are the main irritants and constraints that hamper the processes of institutionalization and governing capacity in parliamentary democracy in Pakistan to be viable and more functional?

Sub Questions

The sub-questions are as follows:

1. What mechanism is employed to enable an individual MNA/MPA to play independent role in the parliament in the presence of Article 163-A of the Constitution of Republic of Pakistan while the empowerment of the parliamentary democracy depends upon the empowerment of the individual member which is quite absent in Pakistan?
2. What is the history of Parliamentary Committees in Pakistan - the *sine qua non* for any parliamentary system to work? Are they properly formed? How do they function? And how recommendations of the committees were implemented to turn the Parliament from dysfunctional to functional?

3. How are political parties formed in Pakistan? Do they follow a democratic model or adopt an authoritarian one to run their respective parties as authoritarianism begets autocracy and is not conducive to institutionalize parliamentary institutions?
4. How are the powers distributed among the three pillars of the state in Pakistan – Parliament; the Executive; and the Judiciary? How do these power structures and regimes interact among these three branches of the state in Pakistan? Are these as per the role assigned to them by the Constitution of Pakistan? What is its effect on the democratic process and governing structures?
5. What is the status of the Judiciary in Pakistan? Has the separation of the Judiciary from the Executive been ensured enabling it to function independently?

Periodization / Delimitations

The proposed study will encompass the following stages. The first four stages will throw light upon the constitutional history to set the stage for the **fifth stage** which will be the primary focus of the present research.

First Stage: The Interim Constitution of Pakistan (1947-1958)

Second Stage: Abrogation of the 1956 Constitution

Third Stage: Imposition of the 1962 Constitution

Fourth Stage: The 1973 Constitution of Pakistan and General Elections of 2002 and 2008

Fifth stage: **The era ranging from 2002-10**

CHAPTER NO: 2

THEORETICAL FRAMEWORK OF THE STUDY

INTRODUCTION

The subject matter of political science talks about the democratic process how the policies are framed and how the decisions are executed? Democratic process includes the public response to policy and institutions. The political scientists have replaced the word 'Democracy' with 'Institutions'. Parliament is not a word; it is an approach which reflects the expression of the will of a common man. As an institution, it will integrate the theory of political and social development within a society. The political economy of society will be translated into the political resources through a comprehensive institutionalization process, understanding of institution is yet to be interacted with the general will of the people. Democracy is the government of the people, by the people and for the people. Here the word 'people' is important. The people had to govern and had to be governed. It is the institution which established an 'input' and 'output' bridged role between 'governing' and 'governed'. Political development theories have concern primarily with the available resources of institutional growth. Patterns of the institutional growth are briefed in terms of the transformation of society from authoritarianism to democratic regime. The main concerned issue of democracy is the availability of the resources which can mobilize the required elements in order to establish the democratic trends to challenge strong authoritarian approach. The democratic trends will reinforce efficiency level of the institutions.

'Democracy' is a luxury which has been entertained in different regimes, as comparatively in capacity and capability. In modern and developed society, the formation of the institution will penetrate the justification regarding the disposition of power within political systems. On contrary, within closed system, the institutional resources are not properly addressed and the governments had to face challenges like distorted information and rigid thinking. Discussion process will be kept set aside within 'closed' system whereas the decisions will be enforced. The case is some what different in the context of open system where organizations as well as individuals are assessed that how much they have potential to avoid authoritarian structures. Plato argued that it is the only political power which legitimized the 'Philosopher King'. During Medieval Age, the political philosophers focused on divine rule of king as 'vicegerent of God' on earth. Obedience to king on earth means to search for absolute 'truth'. Democratic theories have not only explained that the people should be governed but they also had attempted to elaborate the features of government regarding how an individual can be 'civics'. Plato presented 'Philosopher King' and subordinated individual to society. According to his point of view, democracy means freedom which could kill state and society both. State is above than the individual.

Plato argued that democracy weakened society as whole. Aristotle accepted state but also along with it analyzed the ethical standard of democracy. It means that Democracy had been treated as 'liberty' which is binding force between the 'ruled' and the 'ruling'. The people are provided the right to rule and being ruled as they wish to live. Now the question before Aristotle was to provide 'equality'. It has been observed that survival of equality depends upon the institutions how much they are influential to exercise between the rich and the poor. Contrary to Plato, Aristotle attempted to synthesize liberty and equality which will be exposed negatively in case

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of social disorder. Democracy is based on numerical influence. The social contract theorists e.g. Hobbes, John Locke and Rousseau, identified the idea of a 'contract' when each man will be assumed to be equal led to conclude the things. Hobbes defined 'man' as brutish, egoist and arrogant 'self-centered'. Unlike Hobbes, Locke's man is pre-social but not pre-political. Rousseau identified man, born absolute 'free' but in 'chains' now everywhere. Overall impression of the observation regarding nature of man was not static. Each theorist argued that 'man' has potential to move and to be responsible as matter of holding power and trust in institution. According to John Locke, fear of property compelled the man to lay down the foundation of government in establishing the trust for the people. Locke left the individual to decide by his 'own'. Instead of limiting role of individual, he supported the liberty of the individual. He accepted the 'power' and acknowledges the individual as responsible and the government is bound to keep matters regarding equal natural rights in smooth manner. It means that Locke bounded government to protect the sovereignty of the people. The government was made responsible to uphold the power and the trust in government. Indirectly, the people had the right to overthrow the government if they are not respected and are not acknowledged. In case of losing trust in government, the individuals are not bound to follow social contract. John Locke introduced the theory of General Revolution which rooted spirit of democracy. The people are entitled as the ultimate sovereign of the state, further to be treated as safeguard to democracy. Rousseau further enhanced the idea of democracy when he acknowledged the limitations of a man, bounded to follow as law but perceived or viewed 'traditions' and 'values'. Rousseau argued that man was already social but not 'political'. Social contract was framed to organize 'man' politically. Popular concept of democracy was further exceeding by Montesquieu when democracy was practically

synthesized with check and balance. Now 'Democracy' was placed as a practical concept, which was one step ahead from 'theory'.

The practical aspects of democracy have been illustrated in Magna Carta, French Declaration, and US Declaration of Independence. One common expression clearly reflected among these movements was condemnation of absolute monarchy and advocacy of the rights of the individual, and will of democratic trends. Magna Carta, French Revolution and Declaration of Independence are the milestone features towards political development and institutionalization process. The shifting of thinking from collectivity to individuality and from individuality to collectivity has been reflected by the political theorists when these movements were empirically observed. It has been observed that democracy stands with majority but majority will be treated in terms of establishment of the institutions. Magna Carta strengthened political will of the British society and extended role of the parliament to keep supremacy over authoritarianism. The French Revolution manifested will of the community to uphold the equality of law before the individuals and the institutions. The US Declaration of Independence talked about the 'Bills of Rights in the constitution. The debate between the Federalists and the Anti-federalists strengthened institutions and democratic thinking.

To keep the measures regarding democracy, another political philosopher J.S. Mill said that democracy as word has nothing expression in itself, it is directly associated with the form of government which will reflect the aggregate features of the community's will. J.S. Mill focused on individualism instead of viewing who should be educated and how much rationality and active participation level are required for democracy. J.S. Mill favored political activity and approached it as capable of political development. Individualism and liberty are considered the

exponent features of democracy as according to J.S. Mill but it expressed one thought expression. J.S. Mill's doctrine between 'habit' and viewed in terms of history of ideas unlike J.S. Mill, Karl Marx viewed that denial of economic factor is not reality. Man has been determined by 'economic' factor in the history of ideas. 'idea' will be produced to keep in mind the specific circumstances, led to cause of arguments. Like John Locke, ideas cannot exist without 'prior cause' in the external world. Karl Marx expressed the notion of the society and history in the light of the economic dialectics. Man is determined within the parameters of material and social order. Marx further elaborated the economic activity of the human life in terms of mode of production, form of distribution, economic structure and to determine the relation between the social and political system. Karl Marx's theory of Marxism reinforced the idea of 'Have' and "Have not", resulted due to exploitation of the worker class. Marx rejected the mechanical aspects of democracy and favored the idea of social change. Marx identified that existing society is the history of class struggle. Historical change is economic and mode of production has changed the socio-political features of society. Marx rejected the idea of progress as being an 'idealist' notion. Next, he explained the movement of history and society from one stage to next and finally located 'economic' activity.

Marx believed that state would 'wither away' in the result of class-struggle, which will lead revolution. According to him 'revolution' is the actual destiny of human progress. The critique argued that Karl Marx undoubtedly talked about 'Revolution' in terms of economic means but neglected political factors like political system and culture, having influential role to bring 'Revolution'. Revolution is the outcome of circumstances and will reflect the will of the people. Certain objectives economic and political conditions within existing system will forecast the revolution.

The critique of Marx argued that Marx identified only economic situation of society and might be deliberately ignore other influential determined factors which have connectivity with 'change'. Parallel to questions about the nature of 'change', the Marxists focused on theory of revolution through radical way. On the other hand, John Locke viewed that 'change' is evident in society where individuals are ignored but it should be moderate, means that change within existing political ideology or political system. From Plato to Karl Marx, the society is questioned in terms of identical features of political system. State has political life and truth of political life is placed with 'justice'. Survival of the political society depends upon 'a man own due'. Justice for Plato means theory of functionalism. Everyone has to perform his duty, as assigned to him by Nature. Aristotle believed in justice in terms of equal opportunity to all and further synthesized justice with utility. As Socrates said that in search for 'Good', knowledge is virtue. Conceptual problems, surrounded to word 'change', associated with respect of institutions.

THEORITICAL FRAMEWORK OF STUDY: FROM PLATO TO MARX

Since evolution of Greek thoughts in Political Science the word 'Democracy' has been examined with gradual civilization of the human life as matter to social and state's affairs. The word 'Democracy' is treated as synthesize of two associated phase e.g. 'Demos' and 'Kratein'. The two words, identically appeared in Greek/Latin and further stand with high spectrum e.g. 'the People' and 'to rule' respectively. The word has historical background, referred to Athens and Sparta. It is empirical intellectual expression of Greek history that Aristotle's thoughts have been deeply expressed by

Athens' system of government. On the other hand, Plato understood with Sparta. Plato observed that state has justification to keep an end within itself.¹

*“This was the first systematic attempt to establish binding institutional links between the centre and the periphery and incorporate all of Attica formally within the Athenian polis. The result was less the restructuring of an old political community than the creation of a new one”.*²

According to his point of view, individual is sub-ordinate to state and every aspect of individual is answerable to state. It should be considered that state has supreme expression.³ On contrary to Plato, Aristotle believed in balancing of relationship between ‘state’ and ‘individual’. Neither state is sub-ordinate to individual nor individual is superior before state. It means that Aristotle promoted neither extreme view of state nor the highest expression of individualism. Aristotle felt that ‘law’ will regulate behavior of individual towards state whereas Plato believed in ‘functionalism’ and approach in such a society which will be governed without law. It is just because of this reason Plato had expressed ‘ideal state’ concept in “Republic”. It is also known that Plato focused on education system, and further enhanced theory of assigned duty according to nature, which bestowed upon individual as per his capabilities to take matters, related to society. After taking view from Aristotle’s readings, it has been observed that he attempted to form a government, which will address imbalances, related to each man and further will focus on each man’s participation in decision making body. It means Aristotle’s thoughts developed understanding of the individual in context of society. Instead of rule of ‘philosopher king’, he promoted concept of representative democracy. It is a striking

¹ J.P., Plamenqaz. Consent, Freedom and Political Obligation, (2nd Ed.), Oxford University Press, (1968), London, P. 15.

² Greg, Anderson. The Athenian Experiment: Building An Imagined Political Community in Ancient Attica (2005) 508-490 BC, Ann Arbor, University of Michigan Press.p40.

³ See Also Plato. The Republic, (Translation Edition. H.D.P. Lee) Penguin Press. (1955), pp. 330-31.

feature that it represented 'Total Democracy' but denied to acknowledge the participation of 'women' and 'slave' in Greek political matters. Aristotle argued that slave should take his owner as institution but because of lacking any property, he cannot express that kind of loyalty with state which the latter needed. It is the concept of property which will compel an individual for showing maximum level of responsibility to state.⁴

The Roman Empire derived some governmental ideas from Greek political philosophy. The government stands with representative features and two legislative channels were established to regulate state's affairs. Representatives from nobility belonged to 'SENATE' and representative from the commonness are placed in the 'Assembly'. The legislative structure, divided two organs from law making process to maintain features of the state. It is observed that many Roman philosophers advocated 'Democracy' Cicero was one of them who believed that all people should have complete certain rights and they should be preserved.

"It was to encourage these small farmers to be part of Athenian democracy that payment was introduced. The Athenian countryman had a close and direct relationship with the city, he voted in its assembly, bought and sold in its markets, took part in its religious festivals, sued in its courts, had the same political rights and obligations including that of military service as the urban population".⁵

Along with other intellectual resources, it is evident to say that majority of the Roman political philosophers favored the idea of people's representation in decision making process of government.

⁴ Aristotle (1962), Politics (Trans. T.A. Sinclair) Penguin Publication, Book, V. Chap 2-3.

⁵ Elen. M. Wood (1989), Present, Citizen and Slave: The Foundations of the Athenian Democracy. London, Verso.

*“Whereas the Socrates of the early Platonic dialogues seeks knowledge ethically but keeps avowing that he knows nothing, the Socrates of the later Platonic dialogues seeks demonstrative knowledge and is confident of finding it. The earlier Socrates’ method of philosophical investigation is adversative: he pursues moral truth by refuting theses defended by dissenting interlocutors. The later Socrates is a didactic philosopher, expounding truth to consenting interlocutors. The earlier Socrates’ conception of philosophy is populist that of the later Socrates is elitist. The later Socrates has an elaborate political theory while the earlier one has no such theory”.*⁶

They thought that political power should be derived from the people because state is governed for them. Taking views from Greek philosophers, matters related to democratic trends have been deeply examined by the Roman’s political philosophers.

*“The Socrates” who is the main speaker in most of Plato’s dialogues has certain marked distinguishing features he is drawn to beautiful young men and adolescent boys, while he himself is, by usual standards, remarkably ugly; he knows nothing, but can outsmart anyone he meets; in spite of saying he knows nothing, he goes on saying and evidently believing a number of extremely odd things ‘no one goes wrong willingly’, ‘all the virtues are one’, ‘all desire is for the good’, and so on); he specializes in question-and-answer, but is usually the questioner;? He can drink anyone under the table, but never I gets drunk; he is courageous, hardy, typically goes barefoot; and so on”.*⁷

The intellectuals believed that in actual spirit democracy was not established in Middle Ages but trends of democracy had been keenly observed in this era which indirectly provided roots to democracy. The empirical observation in the case of democracy reflected role of Christianity which preached equality of the human beings before God. This mythological approach became ingredient thing which floated democratic idea of equality in the society of the Middle Ages. By keeping this

⁶ Gregory Vlastos (1991). Socrates, Ironist, and Moral Philosopher, New York: Cornell University Press, pp. 48-49.

⁷ Christopher, Rowe, (2006). Socrates in Plato’s Dialogues in Sara Ahbel – Rappe and Rachana Kamtekar (eds.). A Companion to Socrates, Oxford: Blackwell Publishing, p. 159.

thinking, the Middle Ages utilized another form of government, called feudalism. According to feudalism “People have certain rights and developed a system of courts to defend these rights.” It is the empirical observation that highest form of individualism will lead anarchy and will weaken strength of institutions. The monarchies will demolish the democratic trends and finally the revolutions will overcome monarchies. Magna Carter, American Revolution and French Revolution should be considered empirical thoughts which finally gave proper shape to institutions on democratic characteristics. It has been observed that at the end of the 19th century, the ‘one-man show’ and ‘one-family show’ were on declining way and emerging democratic features curtailed or limited the powers and functions of them. By replacing the ‘monarchy system’, the Parliamentary Representative Democracy was placed to empower common man for taking participation in decision making process. In this phase, the empirical evidence proved that democracy became more and more popular and states’ institutions were going to be established on the “Principles of Democracy”. British Parliament and American Democracy became role models for those societies which were in struggling phase to fight against monarchy or oppressive nature of government against common’s man. The American political thinking viewed that in today’s modern world the American -Judicial system stands with these old concepts. Besides this, the Era of Feudalism introduced many institutions like king councils, assemblies, and finally a parliamentary system.

The Social Contract Theory, opened new debate, belonging to human nature and relationship between individual and state. Besides these eminent debates, the philosophers of the Social Contract theory advocated the system of government. Hobbes, John Locke and Rousseau were main theorists of social contract, who examined their time-oriented societies and finally gave expression about nature of the

human being and identical features of government. John Locke in his learning 'Two Treaties' stated that under social contract, it is the responsibility of state to protect natural rights of an individual e.g. right to life, right to liberty and right to ownership of property. Rousseau expressed same feelings in his famous book.

"There is this to be said for the Many. Each of them by himself may not be of good quality, but when they all come together it is possible that they may surpass collectively and as a body, although not individually the quality of the few best... when there are many who contribute to the process of deliberation, each can bring his share of goodness and moral prudence and when all meet together the people may thus become something in the nature of a single person, who as he has many feet, many hands, and many senses may also have many qualities of character and intelligence".⁸

These two philosophers stated that the people should be treated as 'input' and government should be examined in context of executing the decisions, related to individuals' rights. How their government is functioning in states' aspects, and how balanced relationship is being taking place between government and individual. Unlike these two philosophers, Hobbes considered one-man rule to regulate the matters of state.

"Hereby it is manifest that during time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war as is of every man against every man. For war consisteth not in battle only, or the act of fighting, but in a tract of time, wherein the will to contend by battle is sufficiently known: and therefore the notion of time is to be considered in the nature of war, as it is the nature of weather, For as the nature of foul weather lieth not in a shower or two of rain, but in an inclination thereto of many days together: so the nature of war consisteth not in actual fighting, but in the known disposition thereto during all the time there is no assurance to the contrary. All other time is peace. Whatsoever therefore

⁸ Aristotle (1958). Politics, edited and translated (by) E. Barker, London: Oxford University Press, p. 123

is consequent to a time of war, where every man is enemy to every man, the same consequence to the time wherein men live without other security than what their own strength and their own invention shall furnish them withal? In such condition there is no place for industry, because the fruit thereof is uncertainty and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving and removing such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, constant spiritual fear, arid danger of violent death; and the life of man, solitary poor, nasty, brutish, and short". (Leviathan)

From his perspective, it is better to have Monarchy System instead of representative democracy because only an absolute monarch can save state from internal and external threats.

"For Hobbes, 'the concept of the political covenant is not a means of limiting the powers of the crown; properly understood, it shows that the powers of (the crown have no limit at all.' 'Not only do the members of the multitude have no remaining right to question the actions of their sovereign; they have a positive duty to "own" whatever actions their sovereign undertake in seeking their safety and contentment. But this is to say, according to Hobbes's theory of attributed action, that the public acts out the sovereign, and hence of the state, are nothing other than the acts of the individual members of the multitude. So it will not merely be unjust for them to oppose their sovereign; it will actually be self-contradictory, for they will be opposing themselves".⁹

His theory was based on brutish and egoistic nature of the human being which he empirically observed during Civil War in England. In modern day, the democratic elements, representing common people in decision making process are directly associated with those trends which have been promoted in generalization of people's sovereignty. The US "Declaration of Independence" has been approached as a process

⁹ Quentin Skinner (2002). From the State of Princes to the Person of the State, Visions of Politics; Renaissance Virtues, Vol. 2, Cambridge: Cambridge University Press, pp. 207-208.

of democratization which paved a path of sovereignty of law. American Declaration of Independence promoted the concept of right to liberty, resistance against oppressive approach, guarantees security of honor and wealth of each individual. The rule of law will strengthen institutional process and will flourish those forces within society which can promote democracy.

UNDERSTANDING OF MODELS OF DEMOCRACY: PLURALIST MODEL

By taking a brief view, it has been observed that Pluralist Democracy stands with promotion and protection of diversity. The theorist of Pluralist Model argued that the power exits with few people, known as 'Iron-Law of Oligarchy'. Bernard Berdson, Paul Lazarsfed and William McPhee found evidences, supported to this scenario. One common expression was perceived that mixture of citizen' interests and apathy are contributing factors which positively play a strong role in nation's democratic government. Theme feature penetrates "How could mass democracy work if all the people were deeply involved or needs to be".¹⁰ Social diversity is the basic requirement in successful trend of pluralist politics. The exponents of the pluralist theory argued that although not each individual will have intention to own voice in decision making process. In fact, these are interest groups/leaders whose working has for each member of each specific community. They have strong voice in surrounding areas of decision making because of having comparatively more knowledge related to issues, knowing working environment of government and having potential to channelize the available resources in democratic regime. The leaders of the interest group know how to become more effective and how to calculate interest aggregation.

¹⁰ Jefferson, Thomas, Letter to Thomas Law, June 13, 1814, In the portable Thomas Jefferson, (Ed.). Merrial D. Peterson, new York: Viking – Penguin Press 1975; see also: William, Galston. A. Liberal Purposes: Goods, Virtues and Diversity in the Liberal State, Cambridge: Cambridge University Press. p. 7.

In this way without the participation of each member, the objectives are achieved and active role left everlasting impact over government. The political class will obviously seek the willingness of the interest group leaders and this relationship between interest groups and political leaders can help each other in democratic process. In today world, America is the best representative of Pluralist Model of Democracy.¹¹ US Representative speak for the population towards government. American Medical Association and Jewish Business Community are the best examples which have active role, proper representation and finally influential voice in decision making process of Washington.

For understanding the problems of Democracy, it is essential to have theoretical readings of the principles regarding models of Democracy. "Democracy is a system of rule that permits citizens to play a significant part in the governmental process."¹² Two categorical division of democracy have pointed out 'Direct Democracy' and 'Indirect Democracy'. In Indirect Democracy, all citizens have been empowered to play active role in making decisions. In Direct Democracy, representatives have institutional voice for making laws and for running smooth working of the governmental affairs.

PARTICIPATORY MODEL

'Participatory Model of Democracy' is treated as the closest practicable model of Democracy. Accordingly, the citizens are assigned to play active role in government through neighborhood assemblies and worker's council. The advocator of this theory argued that citizens would have less apathetic tendency towards

¹¹ Holden, D. (1966). Model of Democracy, (2nd Edn) Polity Press Publication. See also D. Held (Ed) Prospects for Democracy (1992), Political Studies, XL, Special Issue.

¹² Andreas Schedler (1998), What is Democratic Consolidation? Journal of Democracy, No. 9, pp. 91-107

government. Apathy is not inherent in nature; in case of given more chances to participate. For achieving objectives, the supporters have to demonstrate for the reform of political, social, and economic institutions. This school of thought believed in public participation not only at governmental institutions but also at corporations, unions, schools, churches, and other institutions. According to their perspective, these institutions have influential voice in day to day state's affairs. These institutions have powerful tendency to articulate opinion infrastructure which cannot be ignored while in process of executing decisions regarding state. The theorists believe in that under subjective authoritative rule, the citizens have no expectation to participate at full length. Groups such as students for a Democratic Society and students Non-Violent Coordinating Committee have exposed different forms of Democracy in the light of Participatory Model.¹³

PROTECTIVE MODEL

'Protective Model' is the basic model of Indirect Democracy. The basic function of this model is to protect liberty of the citizens. The citizens have massive role and the representative speak for their constituents. The British Political Philosopher, Jermeý Bentham stated that the citizens who remained the self-interested and competitive by nature, will be extremely difficult for them to look at government as watchful agent upon their freedom and liberty.

"Utility or happiness is defined in terms of pleasure. A thing or action is useful if it brings about happiness, that is, pleasure. 'By utility is meant that property in any object, whereby it tends to produce benefit, advantage, pleasure, good or happiness.' A person's interest also has the same content: pleasure. 'A thing is said to promote the interest, or to be for the interest, of

¹³ D. Holden (1966), Models of Democracy, (2nd Edn.), Polity Press. See also D. Held (Ed) Prospects for Democracy, Political Studies, 1992, XL, Special Issue.

an individual, when it tends to add to the sum total of his pleasures: or, what comes to the same thing, to diminish the sum total of his pains".¹⁴

Jeremy Bentham and James Mill focused on minimum role of government to have check over individual's liberty. The trends of tyranny can be reduced at maximum level if complete separation of powers is introduced. Federalism and bi-chmeralism are introductory system of government, which ensure political equality and equal protection to state's institution under the law. Minimum governmental existing measures are essential to protect the liberties of nation's citizens.

DEVELOPMENT MODEL

The advocator of 'Developmental Model' focused on person's capacity regarding civic virtue. They believe in that through involvement in state's affairs, individuals, mental understanding regarding governmental affairs can be promoted in better sense. Involvement in government matters through 'voting' should be considered good citizen virtue. Involvement in democracy means to educate individuals and further to increase their level of understanding in political issues. In this way, the citizens can better exercise their judgment in different capacity measures. The 'Developmental Model' prefers to 'Indirect Representation' because direct involvement cannot be possibly practicable what thought by Participatory Democracy. John Stuart Mill argued "The only government which can fully satisfy all the exigencies of the social state is one in which the whole people participate: that any participation, even in the smallest public function is useful. But since all cannot, in a community exceeding a single small town, participate personally in any but some very minor portion of the public business; it follows that the ideal type of a perfect

¹⁴ Bentham, Jermy (1988). *The Principles of Morals and Legislation*, New York: Prometheus Books, pp. 1-2.

government must be representative".¹⁵ It has been observed that only through election mechanism, an active control over representatives can be possible. Political and social equality are directly associated and co-related with each other in Developmental Democracy. The advocates of 'Developmental Model' focused on civics' sense of individual and have shown optimistic expression regarding capability level of the individual to achieve civics' virtue.¹⁶

EMPIRICAL EVIDENCES OF DEMOCRACY

After a comprehensive study of political thoughts from Socrates to today, one cleared view is evident that Democracy in itself is nothing. In fact some factors are possible which can consolidate democratization process, respectively as followed. After taking a comprehensive view of American Democracy, it has been observed that democracy in America has taken place from 'transition to consolidated democracy' only through effective organizations. People formed a broad range of organizations, focused on industrial, religions, moral and other matters. The social scientists argued that effective role of social organizations has been observed in areas such as education, unemployment, urban poverty, and crime and drug abuse. Social interconnectivity has played always substantial role in strengthening communities and always focused on common goals.

"A 20-year study of sub national governments in various regions of Italy by Harvard Professor Robert D. Putnam found that "the quality of governance was determined by longstanding traditions of civic engagement (or its absence)." The study observed that voter turnout, newspaper readership, and membership in social organizations were indicators of a successful region. Social capital provides for a better quality of

¹⁵ Dahl, A. Robert (1956). A Preface to Democratic Theory, Chicago: University of Chicago Press. See also Macpherson, C.B (1977). The Life and Times of Liberal Democracy, Oxford University Press; J. Roland Pennock (1979), Democratic Political Theory (Prince-ton, N.J.: Princeton University Press.

¹⁶ Held, David. Model of Democracy.

life in a community. As the network form is constituted in communities, the level of trust and reciprocity among the citizens increases and opportunism is decreased".¹⁷

Civil engagement is second contributory factor, directly associated with institutionalization process within a regime, converting from Authoritarianism to Democracy. High level of participation or civics engagement will reflect mode of democracy. In developed democratic states, participation of individuals will be at credible level whereas in less democratic states, civic engagement within institutions will be a question mark. It has been empirically observed that voter turnout can be accessed for evaluating democratic behavior of society. In 1960 era, in America declining voter turnout has been observed and gradually thin approach expanded in industrialized states.¹⁸ Not only in election process/electorate system but also the level of participation is continuously declining in other social institutions. Roper Organization conducted a poll in 1973, found that over the past twenty years, the number of participated people in town meeting/school meeting are declined at one third (1/3) level. In the same way, the low level participation from the individuals has been observed in decreased form. Membership in the Parent/Teacher Association provided an opportunity for social engagement, dropped rapidly from 12 Million in 1965 to 05 Million in 1982. The League of Women Voters has experienced a 42% dropping membership since 1969. It has been observed that 61% volunteerism has been declining level of participation in social activities of the Red Cross since 1970. Only 26% fewer people are participating in Boys Scouts of America.¹⁹

¹⁷ Putnam, Robert, D. (1993). *Making Democracy Work: Civics Traditions in Modern Italy*, Princeton University Press. (Sponsored: National Endowment for Democracy). See also: Putnam, Robert. D. (1997). *Bowling Alone*, Journal of Democracy, The New York Times, (National Endowment for Democracy, Project Sponsored Agency)

¹⁸ Ibid.

¹⁹ Ibid.

Less participation in social organizations and institutions has increased radical individualism. The Economist Juliet Schor stated “As compared to previous generation, today US society is less connected with social, political institutions; in result today latter has been potential to co-operate to accomplish shared aims/objectives.” Professor Putnam reinforced “Between 1980 and 1993, the total numbers of voters in US has increased by 10% but the number of state’s votes has been on declining phase rapidly, approximately 40%”.²⁰ This declining tendency in contesting votes in national and state elections in USA is just because of radical individualism and decreasing citizen participation. These two factors threatened democratic process in today political environment. For reducing the trends of radical individualism, the American political scientists and the sociologist focused on improving the participatory level of the individuals which can be accessed through building a communitarian movement. Amitai Etzioni stated “Revival of sense of civic education” can be possible only through understanding the importance of involvement of community in different social activities. The said intellectual focused that US institutions should strengthen the influence of various communities through performance of public services. The credibility of institutions depends upon to evaluate the delivery mechanism of services to common man. It depends upon institutions how much it is delivering to society and how much it has potential to solve the problems. One important feature should be noted that institutions’ role is not time oriented. It has always thesis – Anti-thesis and synthesis approach to evolve mechanism for problems of future.²¹

²⁰ Berelson, B. et.al. “Voting”, Chicago University Press, Chaps. 14, p. 314.

²¹ B. Barry, (1990). Political Argument, Harvester, Emphasis added. M. Olson, The Logic of Collective Action, Harvard University Press, 1971.

Spirit of democracy has not been observed in anywhere. It is said by Vaclav Havel, President of Czech Republic "In this sense, you too are merely approaching democracy but you have one great advantage. You have been approaching democracy uninterruptedly for more than 200 years and your journey towards the horizon has never been disrupted by a totalitarian system."²² Casual observation about democracy in America simply indicated understanding governmental system and participation level of individuals in decision making process. Two factors can prevent democracy at its potential fullness, e.g. lack of citizen's participation and radical individualism. Individualism has been treated as feeling of autonomy, self-sufficiency and detachment from others. Ayn Rand expressed "I came here to say that I do not recognize anyone's right to one minute of my life. Nor to any part of my energy neither to any achievement of mind, I came here to say that I am a man who does not exist for others". By many Americans individualism has been treated as a heroic quality but it's too much tendency among individuals can destroy democratic environment. It has been observed that individualism has always promoted non-democratic behavior, which does not suit to democracy and always devalued democratic features. Democracy stands with equality of law and social justice. People must work together in a government to accomplish mutual goals and better collective state of society. What kind of government should be for the individuals? It's important debate has been core discussion throughout the history of political philosophers. In the beginning, Plato introduced ideal form of government, focused on supremacy of state, functional organ of state and society and finally system of unique education system. After that Aristotle introduced second ideal state concept. Law is the enforcement agency which will regulate individual's liberty within state's

²² Havel, Vaclav (1984). Politics and Conscience, University of Toulouse-Le Mirail, 14th May 1984, p. 267.

features. Gradually, the 'Social Contract Theory' was evolved and representative democracy was generated. It has been observed that little consensus has been reached on the sociology of power and politics. Max Weber and Karl Marx identified 'power' in different identical features.

"In his Theses on Feuerbach, Marx pointed out that his materialism did not share the defects of a 'contemplative' materialism. 'The chief defect of all hitherto existing materialism is that the thing, reality, sensuousness, is conceived only in the form of the object, or of contemplation, but not as sensuous human activity, practice, not subjectively. Hence, in contradistinction to materialism, the active side was developed abstractly by idealism which, of course, does not know real, sensuous activity as such'".

(Source: Karl Marx, Thesis on Feuerbach, Early Writings, p. 421)

Weber defined power as the ability to control the behavior of the others even against their will. According to Max Weber "the most direct source of political power is coercion or the right to use or threaten physical force. This idea is central feature of Weber's learning".²³ The best example to understand the Weber's theory is Cuban Missile Crisis in 1962 when John. F. Kennedy used threat of force to keep Soviet Union far away from Cuba. This kind of institutional approach was approached in terms of understanding the 'growth' of the institutions, given political power to Washington. According to Weber, coercive power is phenomenon of authoritarian government which stood with always illegitimate concept. Weber identified some other sources of political power e.g. number, organizations, money, land, prestige, and knowledge. In fact Weber attempted to focus on organizational behavior/structure of state in context of political system of state which is based on legitimacy. As far as strength of organization depends, it means political power can be obtained through numbers. It has been observed that interest groups can be more powerful if they have

²³ Weber, Max (1958). Essays in Sociology, Oxford University Press, New York, pp. 74-84

organizational structure, money, land and knowledge. Finally if they have credibility among their specific community it means their political power cannot be questionable.²⁴

CREDIBILITY OF POLITICAL SYSTEM

Longstanding credibility of any political set-up depends upon legitimacy. Weber argued that structural and organizational set-up of state are directly associated with credibility of institutions, which will be examined in light of legitimacy. Weber, German Sociologist divided authority concept in background with three basic forms e.g. Charismatic, traditional and finally rational legal. Charismatic authority will be staged when the control of others is based on individual's personal characteristics. Charismatic leaders are obeyed because they have cult of personality and they have been emotionally obeyed. J. F. Hitler, Mahatma Gandhi, Napoleon Bonaparte, Muhammad Ali Jinnah, Winston Churchill and Zulfikar Ali Bhutto were the exponent of the Charismatic leadership. Traditional authority is the authority that stands with customs and tradition. In fact, traditional authority can be observed in view of most common form of governments. These examples can be taken up from traditional feudal system and empire system. Kings and Queens, the representative of British Monarchy, belonging to specific class/family and always keep rule in pocket. The rational legal authority is the manifestation of modern governments. The power is given to them as according to defined principles of state in constitution. Electoral system has been constitutionally organized system which will provide legitimacy to the rulers. The term 'trust in government' is the milestone feature of rational-legal authority. As this specific term will not properly work out, the credibility of the

²⁴ Weber, Max. *The Protestant Ethic and the Spirit of Capitalism*, (Trans) Talcott Parsons, New York: Charles Scribner's Sons. j

system (either presidential/ or parliamentary form) cannot positively responsive.²⁵ Weber, German sociologist, advocated the theory of Bureaucracy, in defining, the theoretical and institutional understanding of the organs of state. State's organ 'Executive' stands with the rule of policy implementation as 'Legislature' has been defined as law making institution. In this matter, the process execution of decision has co-ordination between legislature and executive. Weber defined as "An ideal type is a theoretical construct used as a measuring rod to determine the similarity between actual social institutions and defined ones."²⁶ It has been observed that ideal type bureaucracy can promote economic and political infrastructure of state. Now-a-days, modern day political system is not properly functioning because organs of states have not been given their identical respective place. Bureaucracy and capitalism are directly inter-related to each other and are pursuing profit, competition and free trade economic system. The empirical evidence of political thought, expressed by Max Weber and Michels, focused on improving governmental infrastructure through bureaucracy and systematic arrangement of state's features. Karl Marx and Frederick Engels focused on economic factor at maximum level unlike Hegel. According to their perspective the economic factor is sole determinant force which will shape human developmental force into state's features. 'Haves' and 'Haves Not' are the exponent features of Economic dialectics of society.

"If we look at the section on Estranged Labour with which the first manuscript of Marx's Economic and Philosophical Manuscripts ends, we find that the term 'alienation' covers the twin processes of 'objectification' and 'estrangement'. 'The product of labour is labour embodied and made material in an object; it is the objectification of labour. The realization of labour is its objectification. In the sphere of political economy this realization of labour appears as a loss of

²⁵ Ibid.

²⁶ Ibid.

*reality for the worker, objectification as loss of and bondage to the object and appropriation as estrangement as alienation”*²⁷

Karl Marx said that society has been divided e.g. proletariat and Bourgeois, respectively stands for the workers and the owners. Karl Marx showed the theory of Surplus value, which introduced the Revolution of Communism, struggle towards equality of the human beings on economic front. This approach changed the business affairs of state and society. It has been observed that Marx focused on economic means of state, directly linked with industrial factor and intentionally ignored other aspects of society e.g. religion. socialization and customs and traditions. Marx gave final expression in his intellectual reading ‘Das Capital’, the owners systematically exploited the working class and they were nothing more than a commodity to the owners. In this way, the rich became richer and the poor became poorer. This situation alienated the worker class and frustration reached at the highest level among them. Marx and Engel wrote the laborers’ still form as an incoherent mass scattered over the whole country, and broken up by their mutual competition." But Marx and Engels theorized that it was only a matter of time before the masses realized that they were being unfairly treated and rose up against the bourgeoisie, in a conflict between numbers and the power of wealth. After revolution, Marx believed that a temporary "dictatorship of the proletariat" would arise, restoring ownership of farms, factories, and businesses to the workers. In such a way, the foundation of a classless and fair society would be created. The state would soon "wither away".

“The small peasants form a vast mass, the members of which live in similar conditions, but without entering into manifold relations with one another. Their mode of production isolates them from one another, instead of bringing them into mutual intercourse... In so far as

²⁷ Marx, Karl (1975). Economics and Philosophical Manuscripts: Early Writings, p. 324. (Translated) Rodney Livingstone, Harmonds Worth, Penguin Book, p. 328

millions of families live under economic conditions of existence that divide their mode of life, their interests and their culture from those of other classes, and put them into hostile contrast to the latter, they form a class. In so far there is merely a local interconnection among these small peasants, and the identity of their interests begets no unity, no national union, and no political organization, they do not form a class".²⁸

According to Marx, classless society and boundary less states will emerge in the result of communism. The intellectual readings of Marx reflected in principles of Communism and the Communist Manifesto introduced the Doctrine of the Communist League. It begins with the statement "A specter is haunting Europe -- the specter of communism. All the powers of old Europe have entered into a holy alliance to exorcise this spectre: Pope and Tsar, Metternich and Guizot, French Radicals and German police-spies."²⁹ It has been observed that like Plato and Hobbes, Marx focused on empirical method of study. His readings reflected history, nature and origins of the proletariat, need to abolish poverty, and finally similarities between communist tactics and those of other opposing parties. Marx said that exploitation of society has historical background. The Communist Revolution should be identified in the light of destroying the ideological manifestation of capitalism. He lastly showed optimistic approach in case of promotion of Communism and firmly stated "All Workers Unite together" to fight against the exploiting theory 'Capitalism'.

Alexis de Tocqueville regarded democracy as a dynamic process for which equality of condition is requisite. According to his point of view, American democracy should be viewed more legitimate because sociological features of society have been properly examined. In the presence of class differences, the spirit of democracy cannot be attained. Democracy means a change in social order and it

²⁸ Marx, Karl (2005). *The Eighteenth Brumaire of Louis Bonaparte*, New York: Mondial.

²⁹ Marx/Engels (1969). *Selected Works*, Vol. I, Progress Publishers, Moscow, pp. 98-137.

cannot be taken place in political and social imbalances. Detocqueville stated if 'Democracy' is understood as social change, how this process will remove issues when differences on material and equal representation basis are still present. This approach will be the ultimate actual spirit of democracy. The process of democracy can be continued if all political privileges, given to different segment of society, will be eliminated. By keeping this view, it has been observed that he highlighted negative view of democracy as a system in which many things would be equalized and right of material property would be challenged. In depth, he had reservations of 'Tyranny of Masses' that might exist. Detocqueville observed 'Liberty' as distinction in American Democracy. From his perspective, he viewed liberty as both e.g. protection from tyrannical government and also as an asset that each citizen has a responsibility to exercise. Maximum liberty will lead maximum individualism which can be harmful to democratic process. He treated liberty as necessary feature to regulate the behavior of individual in positive way. Liberty should be examined or treated in context beliefs, mores and laws. Detocqueville viewed liberty as a defense against authority and authority as a defense against liberty. To keep democratic process, the authority should be legitimate. It means that a system in which citizens elect the most qualified persons to serve as representatives.³⁰ Magna Carta was the opening window for the British people after Cromwell's regime in Britain. Magna Carta was a milestone feature for democratic process in England, given legitimacy to state's representatives. It curtailed the unlimited powers of the kings and further strengthened the voice of common man. Petition of Rights (1628) and Bill of Rights (1689) are the outcome of Magna Carta. These acts had given freedom of speech, freedom of association and banned cruel or unusual punishment. In fact, these acts promoted internal expression

³⁰ Alexis, de, Tocqueville (1946). *Democracy in America*, (Book 2, Part 1, Chap. No. 2,5 &3) H. Commager (Ed.), Oxford University Press, pp. 192-194.

of society which gave confidence to the British people to trust in government. The concept of true democracy has been incorporated with democratic ideals. It has been viewed that British Parliament has been considered as sign of freedom and protection.

CONSTITUTION AS INSTITUTIONAL ARRANGEMENT

'We the people of America 'a beautiful expression' of US citizen who has liberty and sense of understanding to behave like a civic man. One thing was common between the federalists and anti-federalists that constitution can protect the liberty of the U.S' individual. American founding father stated 'Constitution is a supreme law of land, and America needs representative democracy, a more fair political system to implement supremacy of law. In colonial era, the Americans had been deprived of liberty and had to face limited representation in spite of providing taxes to the British government. The idea of direct representatives came up with elected representatives rather than direct rule by the people to rule the government. After deriving observations from British political system, they focused on Montesquieu theory 'Separation of Powers'. Instead of over-lapping the institutional features, the constitutional experts believed in complete separation among legislative, executive and judicial organs of state. Infact, Montesquieu perceived regarding separation of the wrong understanding three organs of state in British. The idea was introduced just to keep the objective behind separation of three branches to minimize the corruption. Absolute power theory was bitterly denies which strengthened organs of state, as to reflect balancing picture. Because of this factor, the constitutional policy makers innovated new myths e.g. balance of power in context of check and balance theory. It was believed that this new approach as a system of checks and balances will be helpful to implement perfect form of democracy. They were looking at balanced relationship between state and individual. Principles of democracy are incorporated

with stability of institutions. Institutions are grown gradually in US. The empirical observation, manifested that today Americans are enjoying established democratic institutions and they have evolved a system, called institutionalization of democratic features. In same letter of spirit, the British Government, having combined features of Monarchy and Parliamentary, has strong institution growth and capacity building approach to the individuals.³¹

QUESTION OF DEMOCRACY IN PAKISTAN

Democracy has always a serious problem in Pakistan since its establishment. It has been observed that Pakistan has seen democracy but enjoyed always controlled democracy throughout sovereign life. The democratic features and participatory governance have remained ineffective since independence. This has been due to institutional imbalance which remained throughout political and constitutional history of Pakistan. The state's apparatus e.g. the bureaucracy, the military and intelligence services remained more organized and developed as compared to political elites. After independence, it was decided to run state's affair in the light of 1935 Act with some modification. It has been observed that interim constitution strengthened bureaucracy and authoritarian governance. It happened because of two factors e.g. the political decay organized and influential bureaucratic and military infrastructure.

After independence, Muslim League remained failed to introduce political culture within party and within state. It did not have sufficient organizational infrastructure which can establish relation building and institutional building. The political party was motivated by the personal gaining, power ambition as compared to viable organization, capacity of flourishing democratic features. Meanwhile, it was

³¹ Kelley, Barker, William. American Heritage and Politics, California University Publication, California, USA, pp 145-147.

observed that role of Muslim League was demised at the level of local party. Instead of discussing the national issues, the local matters were discussed. The same situation was with other political parties, focused on the ethnic and lingual affairs. This distorted situation affected internal harmony and have evoked conflicts between two wings of Pakistan. This practice failed to articulate and aggregate interests within participatory national political framework. This blocked the political institutionalization process and further lost capacity level regarding articulation / formulation of national policies on the other hand, the other two institutions e.g. bureaucracy and military maintained their supremacy over civilian institutions because of having disciplined, modernized, professional, hierarchal, and disciplined and Espirt de Corps. The weak civilian government was seeking administrative help, attained from these two institutions. Apart from these factors, tense security situation between Pakistan and India had given strong preference to Military establishment. Due to continuous war with India, the civilian government was under stress to build up strong defense. Meanwhile, the hanging international circumstances compelled Pakistan to join Washington on military and economic fronts. Weak economic position and tussle with India forced Pakistan to sign SEATO and CENTO Agreements. These events facilitated Pakistan by providing weapons and military training in America. Pakistan needs military and economic alliances with America to enhance the military capabilities against India and further to face economic challenges. In these circumstances, support and cooperation between bureaucracy and military absolutely sidelined the political set up of state. The political parties began to assume that without support of these two institutions, the political game cannot be staged. Weak and disillusioned political forces moved towards the military and bureaucratic establishment. The imbalance institutional relationship minimized the

role of civilian leadership in policy making. Gradually, the military establishment dominated complete political set up of state. Induction of Ayub Khan as military officer in civilian cabinet indicated the supremacy of military institution over civilian matters. The military finally staged 1958 Martial Law regime by abrogating 1956 constitution which was a better attempt to normalize political conflicts between East and West Pakistan. This extra-constitutional act was given legitimacy in light of Rule 'Law of Necessity', as generated myth of judicial body. This exercise further weakened the political institutions and strengthened military and bureaucracy. Local Government Election (Basic Democratic System (BD System) and Referendum had been constitutionally protected during 1958 to 1969. Infact the military regime set the pattern to control the democratic regimes through direct and indirect methods. As per the provision of 1962 constitution, the political power should be shifted to speaker of National Assembly who was to be considered next constitutional head of State but it did not happen in this way. The power was shifted to next Army Chief, General Yaha Khan, who introduced Legal Frame Work Order (LFO) and further abolished the One Unit Scheme. In the result of General Election, the polarization was observed at the highest level. The West Pakistan was swept by Zulfikar Ali Bhutto except few seats whereas Sheikh Mujeeb-ur-Rehman entirely electorate controlled East Pakistan. The result was nothing but simply complete separation between the both wings. In this critical time, the role of General Yahya was not like nation builder but he was interested in Presidency. Not only were the internal but external factors also not favorable to Pakistan. A strong conspiracy was staged against the sovereignty of Pakistan across the border and finally East Pakistan appeared as independent state at global level on 16th December, 1971³².

³² Rizvi, Hasan, Askari. Democracy in Pakistan, State of Democracy in South Asia as part of the

One important reason except others behind the disintegration of Pakistan was weak political and social institutional process throughout since independence. Emergence of New Pakistan under leadership of Zulfikar Ali Bhutto framed a new constitution 1973. Parliamentary features had been followed and unanimously it was accepted by almost all political parties. The beginning of new political set up has been observed with weak political culture. Zulfikar Ali Bhutto introduced controlled democracy which weakened grip of the politicians over national issues. To keep political proportional representation between East and West Pakistan, One Unit Formula was implemented. Unfortunately, this was followed not on political terms but only for personal power gaining interests. Finally, rift between East and West Pakistan reached the lowest ebb, further led to disintegration of Pakistan. Zulfikar Ali Bhutto, adopted autocratic style of government and kept judiciary under the control of Executive. Meanwhile, he amended constitution and curtailed power of the judiciary. Anyhow, the system continued and finally again the military Chief Zia-ul-Haq imposed martial law and further hanged the elected Prime Minister. Zia said that the prevailing worst political culture compelled him to overthrow the government because Zulfikar Ali Bhutto was blamea by other political leaders. Election rigging was one of the major blame against him. In the beginning he gave assurance that election in country will be within 90 days. On this issue, the judiciary was given complete commitment with constitution. Before expiring 90 days, Zia stated that Martial Law is the ultimate reality and election cannot be timely given frame due to internal and external issues are not favorable for election game. 1973 constitution was amended by Zia-ul-Haq and basic constitutional parameters were changed. According to 1973 constitution, the power was vested with Prime Minister whereas after introducing 8th

Amendment in 1973 constitution, the maximum powers were given to President. Zia-ul-Haq conducted 'referendum' by himself as President for next five years. The internal and external circumstances forced Zia-ul-Haq to ban political activities. Role of Movement for Restoration of Democracy (MRD) was credible which launched political protest against the military regime of Zia. In consequence of long struggle, Zia decided to conduct non-political party election in 1985. It was another attempt to damage the political parties. Secondly, Zia was fully aware that daughter of Zulfikar Ali Bhutto, Benazir Bhutto will return to Pakistan as future political leader. These two Martial Law regimes absolutely damaged the political and institutionalization process in Pakistan. The leaders were in jail and political parties were strictly banned. The local government institutions were established only to strengthen their personal powers. The narrow issues were discussed and country was thrown into lingual, ethnic and sectarian crises. The ethnic and lingual based political parties had been politically strengthened instead of national political parties. During Zia regime, the process of 'Islamization' was started and the 'Jihadi' organizations were given financial assistance to fight 'Red Forces' in Afghanistan.³³ In post-Zia period, the civilian governments had been subjected to subordinate level. The civilian governments remained failed to promote democratic trends. On the other side, the military establishment always attempted to focus on controlled democracy.³⁴ It has been evident, that political alliance, Islami Jumori Itehad (IJI) was established by Inter-Services Intelligence (ISI) to control the internal and external policy making process. In this regard, the politicians preferred to get favor from military establishment instead of commitment with political parties and democracy. Because of this environment, neither institutions nor democratic practices are grown. Finally, the

³³ Rizvi, Hasan, Askari (1983). Pakistan: Ideology and Foreign Policy, Asian Affairs, An American Review, No. 10, Vol. 1 Spring, pp. 48-59.

³⁴ Rizvi, Hasan, Askari. Democracy in Pakistan.

democratic chapter in Pakistan was again closed when General Musharraf imposed Martial Law. Legitimacy to Martial Law act was given by judiciary and further gave path to act freely for next three years. Musharraf introduced local government system and approached referendum. Later on, Musharraf approached political set up by strengthening King Party (Muslim League Q). During Musharraf regime, the policy making issues remained under the control of military establishment. On foreign affairs front, the military establishment set its own policy matters. Musharraf adopted 'Enlightened' enlightened approach in almost all matters of state. Meanwhile, Musharraf approached Mutahida Majlis-e-Amal (MMA) for 17th Amendment and finally in the result of a silent deal between Q-League/Musharraf King Party and MMA, the said amendment was ratified by the both chambers. Again the 1973 constitution was amended and president was given more power, including 58(2)b Article. The political observers argued that power snatching methodology has been applied throughout regime of President / General Musharraf. The Political Parties Ordinance, The Local Government Ordinance, LFO provisions, 17th Amendment are introduced during Musharraf regime. It has been observed that different segments of society are properly addressed to widen the scope of democracy. In this way, main political framework will be established which will enhance democratic norms and values.

Democracy stands with patience and understanding generally. The tolerance in society can be promoted in presence of sharing of ideas and participation of the individuals. This approach will always encourage political institutional process viable and transparent. The development of understanding among different interest groups allowed an open defense of constitutionalism and norms of democracy. If constitutional debates will be banned, violations of institutions work out. It has been

observed that Pakistan has been ruled by the will of the military dictators. The institutions and will of the people had been least subjected matter to military.³⁵ The non-democratic features have been evoked during these military regimes. The tradition of constitutionalism and respect for institutions will increase institutional governance. Within democratic government, it has been observed that constitutions are amended by adopting parliamentary proceedings and always reflected / expressed the will of the people. This sort of synthesis formation will encourage institutional growth. For debating national issues, democratic atmosphere is required. Ultimately, institutionalization is ongoing process. In this way a broad political framework will be grown to discuss sensitive issues.

The political figures realized that only those who have close interaction with bureaucracy and military establishment can enjoy blessings of government. For them, parliament was not matter of issue but to please bureaucracy and military establishment. Furthermore, when Republic Party was established by the military establishment for Ayub Khan, the political leaders understood that their political career can be secured only in the lap of Republican Party. This tendency promoted the military controlled political culture. Zia-ul-Haq and Musharraf adopted same strategy to dominate political power. Gradually, the situation became more terrible when few political parties were considered favorable for government because they have matched chemistry with establishment. On the other hand, those political parties who raised questions against military establishment were considered as security threat to Pakistan. Awami League won 1970 Election despite facing tough time from military establishment. Baloch Nationalist leaders were sacked and jailed. Pakistan Peoples' Party had to face tough time from intelligence agencies. Latter on political alliance

³⁵ Stephen, P. Cohen (1983). Pakistan: Army, Society and Security. Asian Affairs, An American Review, Vol. 10, Issue No. 2, Summer, pp. 1-26.

was established against Benazir Bhutto in 1988. It has been observed that military sponsored political alliances were established with different political orientations and having of mismatched identical features. In political history of Pakistan, the agenda of the political parties was only to overthrow government instead of parliamentary participation, question-answer session, and Parliamentary procedure to carry on political set up. In democracy, the procedures and practices of democratic values will always encourage to adequate resources of political mobilization and political socialization. Almond theory 'input – output' is directly associated with strong collaboration between supported and resources. Problems of transition phase of a political culture from Authoritarian to Democratic Regime are evident in each society.³⁶ Relationship among institutions will evaluate performances of social forces which have potential of resistance against authoritarian regimes. Role of institutions, political parties, political leaders and process of change are directly interrelated with each other. The political scientists will observe the process of value change, analyze the prevailing circumstances and finally will identify the factors which can discourage and encourage institutional development.

DEMOCRACY AS MATTER OF INSTITUTIONALIZATION PROCESS

As system of governance, democracy demands respect for dissent and opposition. It will acknowledge the principal of majority rule and will ensure to the minorities regarding their rights. It is the characteristic of democracy that it will build strong faith in 'electorate process' and will finally provide legitimacy to political leadership and the political process. Political parties are beauty of democracy because they provide in decision making process of state. Through democratic process, the

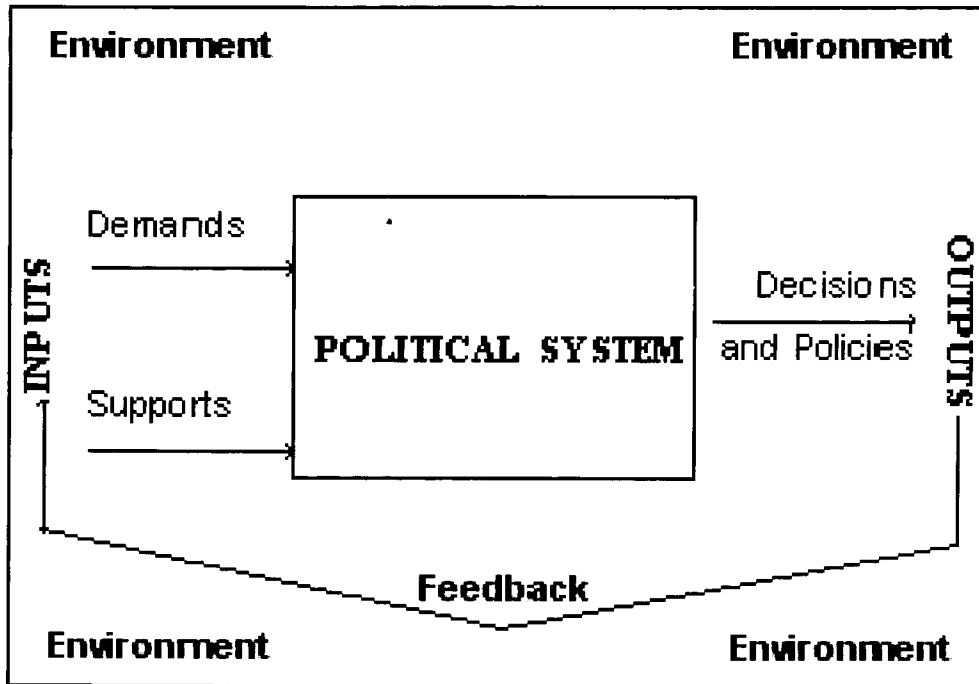
³⁶ Huntington, Samuel. P. & Lawrence, E. Harrison (2000). Culture Matters: How Values Shapes Human Progress, New York: Basic Book Publication, pp. 266-67.

Relationship of Almond Model with the Institutionalization Process:

The model is the significant contribution of Almond to develop the political theory to understand the relationship in modern era.

- i. The model has generalized the political process
- ii. Process function and policy function has been connected to understand the implementation of the political process.
- iii. Various groups, existing within society have been properly examined in the context of their services and regulation of behavior of the society.
- iv. Capacity of the political system has been viewed to treat the institutions.

ALMOND MODEL OF INPUT - OUTPUT



individuals learnt to know decisions are executed. It should be kept in mind that Pakistan opted experimental democracy in terms of military rule and watched controlled democratic rule. The actual spirit of democracy has not been acknowledged at any stage. The involvement of military in political affairs and undemocratic culture within political parties always sabotaged democratic institutions. Prolonged military rule and weak political system did not fulfill the requirement of democratization process. The observers always attempted to find out causes of democratic failure but most of them ignored those factors which have sound contribution. Political parties, leadership, electorate behavior, institutional growth and legislative attitude within parliament are theoretical meaningful features which should be properly examined. How much institutions are democratically functioning? The existing political culture will determine answer. Political culture should be considered as prime agent of democracy because it will reflect the behavior of individual generally and of society particularly.³⁷ The formation of 'King Party' and interference of intelligence agencies in political affairs have been remained corner stone features of military regimes. In 2002 Election, the moderate or secular minded political parties have been sidelined intentionally whereas the religious and Anti-US parties have been given special privileges to promote a specific environment which can ensure Musharraf regime. The country was once again staged politically on ethnic, lingual, sectarian and secular / religious minded polarization. In brief, the institutions were given not space for nourishment irrespectively. The democratic spirit was ignored and planted democracy was germinated in Pakistan. Consequently, social and political disintegration have been observed. Comprehensive view of Pakistan's political history clearly reflected some essential factors, remained prominent to discourage institutionalization and

³⁷ Shafqat, Saeed (Winter 1998). Democracy in Pakistan: Value Change and Challenges of Institution Building. *The Pakistan Development Review* 37: 4 Part II, pp. 281-298.

democratic process in Pakistan. It can be rightly said that these factors failed democratization process and further disintegrated or polarized national political environment. Empirically, these factors are responsible for inadequate performance of democracy.

QUESTION OF ISLAMIC STATE IN PAKISTAN

Since independence, a tussle has been staged continuously between secular minded and orthodox traditionalist religious minded people. It is a fact that a predominant majority of Pakistanis agree that Pakistani political system must have to be associated with Islam. Islam provided foundation to Pakistan and its each feature must be synthesized. The secular school of thought focused social and economic matters of society and ignored religious aspects. On the other hand orthodox religious minded people wanted to see Pakistan as Puritanical Islamic state. On the other hand, the secular thought focused on guidelines for Pakistan e.g. social, political and economic justice, including rights with obligation. The minorities should be given participatory role in decision making process of Pakistan. They believed in Elegatarian Values of Islam and perceived Islam as systematic arrangements of man's life within state. The debate either Pakistan should be Islamic or Muslim state became the polity. In this context, it was argued whether Quaid-e-Azam wants to see Pakistan on religious lines or secular approach. Did he advocate ideological Islamic state or a secular state? In the beginning, Liaqat Ali Khan as first Prime Minister introduced Objective Resolution and Pakistan was announced 'Islamic State' in 1956 Constitution. The secular minded politicians / intellectuals raised objections regarding Objective Resolution but their opinions were not entertained. After that, Ayub Khan introduced Pakistan on moderate outline features. The modernized thinking was visible in his 1962 Constitution. It is also the part of history that Ayub announced Pakistan as

'Republic' not as 'Islamic'. Because of facing pressure from religious parties, he had to amend her constitution and entitled Pakistan as Islamic Republic of Pakistan. Zulfikar Ali Bhutto introduced socialism and publically stated 'sovereignty belongs to people'. The political and social features of Pakistani society have been translated on secular basis. As his government was removed, the spectrum of power again was reshaped by Zia-ul-Haq, having religious outlook and changed features of society. The intellectuals, belonging to Zulfikar Ali Bhutto were strictly banned and they had been publically degraded. On contrary, orthodox religious figures have been given access to policy making. He changed the pattern of Pakistan Army and introduced strict Islamic laws what he thinks to be perfect according to Islam. He introduced legal, administrative, and political changes, reflected conservative school of thought. The religious segment was intentionally moved within Pakistani society. The electronic media like Pakistan Television and Radio Pakistan had been instructed to follow Zia's Islamization. The Soviet – Afghan Crisis over-shadowed the Pakistani society because of massive propoganda against communist Forces in Afghanistan. The religious institutions in Pakistan were given financial and political assistance to generate Mujahedeen against Red Forces. Constitutionalism, rule of law, role of political parties and formation process of institutions were the least priority. Afghanistan crisis completely captured the internal political system of Pakistan.

It has been observed that political elites always attempted to exercise their powers to develop selective consensus through organized political infrastructure, discipline, financial resources and attractive socio-economic programmes. In fact political infrastructure is affected due to factionalism based on personality, region and ideology. In post independence period, the role of the Muslim League was marginalized and it failed to deliver national party message. Its role was damaged due

to organizational incoherence, crisis of leadership and ideological confusion. The political parties emerged in post independence phase, debated minor issues promoted only lingual or ethnic issues. Historically, Jagto Front (lingual based political alliance) that Jagto Front in East Pakistan defeated Muslim League in 1954 Provincial Election. The renowned political figures whose contribution was admirable in struggle for Pakistan, belonging to Muslim League, had joined JAGTO Front. Local community was attracted by its agenda, related to conflict thinking between East and West Pakistan. This environment negated political stability. It has been observed that at initial phase of independence, the country lacked of those political figures who could propose solutions to socio-economic problems. The political parties lack of political consensus, resources and failed to mobilize the process of socialization. It has been observed that the debate level within two houses had to often face quorum issue. This reflected the non-serious attitude of the political parties.

It is also elaborated that when the constitution was enforced on June 8th 1962 the title of the State had been given as the Republic of Pakistan. But demand in the assembly and outside the assemble regarding to change the title as the earlier constitution of 1956. The 1956 constitution entitled the country as the Islamic Republic of Pakistan.*

Democracy will work with behavior of political culture and political education. Within parliament, it is the political education which will promote role of the legislative sessions in meaningful manner. Legislature will approach law making process and legislative committees are treated as ears and eyes of democratic process in formation of law. Effective legislative committees are treated as essential instruments to activate parliamentarians on issues. This behavior is determined only through political socialization. Socialization is the pre-approach towards political socialization. Family, school, institutions and working place play meaningful role to

set out the behavior of individual. Even the religious institutions transmit the pattern of society towards state. In same context, the political parties are instrumental identities which integrate political socialization and political culture. Political culture and political socialization are associated with each other in a given society. Political culture will show capacity level regarding learning of new political ideas and orientations. Like socialization at individual and community level, political socialization is considered a life time process which has two features. First, it will encourage the absorb level of society to face new challenges.

After Zia regime, the two time successive civilian governments have been treated in the light of Pro-Zia and Pro-Bhutto regimes. The pro-Zia forces in military and intelligence forces captured the decision making institutions in these civilian governments. During these civilian governments, the political and policy matters of states have been regulated by intelligence agencies, called military establishment. The concept of controlled democracy was at peak level during these two civilian regimes. Again the moderate ideological features of Islam have been implemented by Musharraf. His theory of enlightenment of Islam was publically sponsored by the modern intellectual community and state machinery. Meanwhile 9/11 event happened and Musharraf favored Washington and did various acts to prove image of Pakistan as moderate state. Fundamentalist groups were banned and massive raids were placed on religious institutions. In brief the ideology was shaped in perspective of each ruler. The institutions were not given due importance and it weakened political and democratic process in Pakistan.³⁸

³⁸ Rizvi, Hasan, Askari. Democracy in Pakistan.

*Pledge redeemed – a pamphlet circulated by the govt. of Pakistan in March, 1962. Explaining and Justifying the constitution. Quoted by G.W Chawdhry Constitutional development in Pakistan. *Supranote 7*, Page No.190

POLITICAL SOCIALIZATION AND PROCESS OF INSTITUTIONALIZATION PROCESS

Minimum consensus is required to continue the political process. The democratic process cannot properly workout in the absence of consensus on national issues. The political consensus should be taken as beginning point in the process of institutionalization process. Sharing of political ideas will flourish opportunities in political advancement. Democracy means who, how and why. This approach will manifest the transition phase of democracy. The theories will determine the systematic transformation e.g. identify the problems and further to make path towards consolidation. The existing prevailing obstacles will have to overcome through democratic culture. Political culture has strong background to determine the future of democracy. Almond argued that political recruitment can be staged if proper environment for political socialization comes true. Turning phase of consolidating democracy is political socialization.³⁹ The concept of democracy has obvious implications for comprehensive understanding of political regime. When dependent variables like democracy and institutions may be different, the output will be theoretically not upgraded.

According to Almond, environment has essential role which always draws the communicative line between input and output. The empirical evidence proved that in closed societies like communist / socialism, the democracy is available but its actual spirit cannot be observed. On the other hand, in open societies like west, the democracy will be properly rooted. The institutions will have background of political socialization and political culture. In open societies, the capacity level will be at extending level to absorb new challenges and opportunities. Supremacy of

³⁹ Curvaley, Carolina (2011). Does Political Participation Affect Political Stability? A Study of Latin America Since Independence, California University Publication, California.

constitution will be properly placed in society and the subjected political elites will be entertained through material benefits of democracy in terms of democratic rights, communitarian values, and political vanguard. Social transformation process is key feature to upgrade political environment. In brief, it can be rightly said that procedural democratic features should be empirically examined for understanding business affair of any political system. The liberal democracy is possible in result of inclination of civil society towards procedural democracy.⁴⁰ For establishment of new structures, the strong measures are adopted not only in structural reforming but also on the part of the individuals who contribute in institution making process. The political observers argued that behavior, norms and values are considered positive attributes for achieving required benefits within democratic environment. In the same way, changes in administrative and legislative structure are required positively. Good governance talked about accountability and transparency. The three tiers of state e.g. legislature, Judiciary and Executive need reforms according to need of time and challenges. The basic objective of state is to ensure fundamental rights of each individual. This can be possible only through supremacy of constitution. The strengthened judicial body, the effective parliament and time oriented administrative approach will oblige to each individual of state. The empirical study of the constitutions of different state focused on operating system of state. The constitutions are amended by the authority to execute the active participatory role of the political parties. In this way, finally the rules are established to govern system. In fact, these rules are called institutions. Factors which contribute to establish proper mechanism of institutional building process, as listed. In brief, judicial independence is first and foremost feature of institutionalization process which can ensure democracy in state. Judicial

⁴⁰ Linz, J.J. (1996). Towards Consolidated Democracy, *Journal of Democracy*, Vol. 7, Issue No. 2, pp. 14-33.

independence has been commonly understood in terms of required independence from influence of other organs' of state. Judicial body should be complete independent from executive. Executive and legislature should be synthesized in form of check and balance. Like US system where the check and balance system has been introduced to have separation among institutions along with check and balance system within system. For achieving such credibility transparent administrative and legal arrangements are approached for interpretation of laws. Reliability and probative rules are carefully structured among institutions. Second is institutional building in local and regional.⁴¹ It has been observed that in federal form of government, the local institutions are strengthened through decentralization process. Decentralization phenomenon is considered a successful political arrangement for pluralist society. The central government will be given specific powers e.g. finance, defense and administrative. The political observers argued that financial and administrative decentralization process will integrate federating units. Federation is a system of government in which interaction will be developed among federal government and federating units. So the each tier of government should be developed and integrated. It is common phenomenon that separate structures are applied in different states. Federation has been also functional in America and Pakistan but to matter of federal and federating units is examined in their respective context.

EXECUTIVE SUMMARY

How important is the issue of institutionalization process? The modern of democratic regimes have traced this issue since beginning of political life. It will not be exaggerated in saying that survival of democracy depends upon the 'Institutions'.

⁴¹ Macgrath, Alen (1996). *The Destruction of Pakistan's Democracy*, Oxford University Press, Karachi, p. 214.

Institutions are not treated as organic theory of natural science but they are the result of proper understanding as matter of behavior of the society, capacity level of society to absorb changes and finally to consolidate the formation process of institutions. Institution demands growth, flexibility and measurement of power. All these things will be calculated if the existing system has proper structure. Democracy is a mechanism which will address human behavior, political culture, political society, traditions, values, customs, role of bureaucracy and military and finally role of judiciary. An important advantage of democracy is the removal of the authoritarianism through evolutionary process. Authoritarian regimes can tolerate freedom of speech to a certain level and will discourage dialogue, public participation and socialization. They will focus on the economic growth and will facilitate people on economic integration. They will speak of rights of the individuals but will restrict community to specific areas. At the end, trust in government will not be observed within authoritarian regimes. In concluding, the authoritarian regimes failed to provide equality, justice, freedom and political practices.

Democratization process is a powerful study relevant still today in different capacity level with some certain. Comparative politics is the branch of political science which addressed the process of execution of the policies. As a distinct subfield, comparative politics talked about the three levels of political functions e.g. system analysis, process analysis and policy analysis. Apart from these, the said subject illustrated the organizing the principles of political culture and political system. A renowned political philosopher, Almond innovated the idea of 'Input-Output' theory and intellectually preceded the functions and features of democratic system. The functions of socialization in the light political culture and political structure has been defined and further elaborated in thought provoking mood. David

Easton, another intellectual of political science viewed that all systems have their specific ground realities, which are examined in context of particular demands and supports. It has been observed that within open system the source of information is politically arranged and policy decisions are entitled as the political arrangement of authority. On contrary, within closed system, the decisions are executed but information is not openly disclosed. It is clearly analyzed that the political parties have level of participation from system to system. In democratic regime, the process to do work will be elaborated systematically and it will reflect political culture and patterned behavior of society. In authoritarian systems, the underlying success will depend upon the secret of the system. The pattern of society will not be shaped according to political culture and will reduce the role of the individual at minimum level. Such kind of society will enforce regime performance as what it has been propagated. Politically organized propaganda will be viewed in pre-policy making process and in pre-decision making process.

Democracy has transition phases. Democratic development of a specific society referred to understanding the phenomenon and realizing the evolving democratization process and further to evaluate the strength of the institutions. Complexity of democratization has been thoroughly observed but the promised superiority of democracy order the authoritarian regimes will pursue of actual spirit of institutionalization process. Outstanding democratic development was observed when the founding fathers of US referred democracy to the phrase 'We – the People'; Here the American Revolution has been certified as the heroes of democracy who questioned how the authoritarian regime can be defeated? In struggle for independence, they attained democracy, established institutions and further to generate the roots of liberty, equality and justice. Unlike democratic regime, the

people, living in authoritarian regimes lack of proper understanding of such democratic values like justice, equality, and rights. In some respect, the values features of democracy are translated in terms of taking pain. It means that democracy seeks assurance and commitment. As a general rule, the authoritarian regime is filled with oppressed thinking, political repression and depressed political culture. Maintaining of democracy is an important complicated issue because its values are translated in terms of strengthening the institutions. Once the democratic regime establishes, it means that now the institutions are responsible for maintaining democracy. After declaration of independence in USA, the founding fathers focused on strengthening institutions to keep democracy. The federalists argued that the central government should enjoy the maximum centralized power structure. On the other hand, the anti-federalist focused on providing limited power to federal government. The debate between the federalists and anti-federalists started on intellectual basis. The foundation of debate was laid down on how to act and how to maintain institutions? It was the debate how distinct democratic virtues should be educated to common man. The role of the political elites and their participation level were discussed. It is the understood phenomenon that US founding fathers had acknowledged the troubles in 'Established' democracy. Corruption, nepotism, despotism and selective accountability are the factors which disturbed the institutions generally and democracy particularly. Widespread disillusionment will devalue the spirit of democracy. It is argued that democracy, and institutions will remain credible until they loose legitimacy. The democracy and institutions are directly connected with each other and their survival is associated with the role of civil society.

CHAPTER NO. 3

BACKGROUND OF THE STUDY

INTRODUCTION

Tremendous efforts had been made by the Muslim leaders of the Sub-Continent for the struggle of Pakistan. During the early days of the British Raj, it was Sir Syed Ahmad Khan whose admirable contribution to educate the Muslims of the Sub-Continent was not questionable. As visionary personality, he realized that only education can revive the heydays of the Muslims in the Sub-Continent. The generation of educated Muslims was just because of Sir Syed Ahmad Khan. Sir Syed Ahmad Khan rationalized the thought of the Muslims in the Sub-Continent, which provoked favorable circumstances for the establishment of a separate home land. In 1905, the Bengal partition brought disillusioning events for the Muslims of the Sub-Continent. Historical events proved that these two nations (Hindus and Muslims) had been remained reluctant to acknowledge each other. The fixed attitude of the Hindu leadership during Bengal partition compelled the Muslims to re-evaluate their policy regarding political affairs in the Sub-Continent. Sir Syed Ahmad Khan alienated the Muslims from politics and suggested them to keep themselves away from Indian National Congress. Now in the result of agitation, raised by the Congress Hindu leadership laid down the foundation of the Muslim League. It gained strength gradually within the Muslims community because the religious minded Muslim personalities responded not positively. It was obvious that Muslim League commanded itself demanded of a separate identity. Simla Deputation was the milestone movement which provided a platform to the Muslim League to express

their reservations before the British Government. The British Government was convinced that the Muslims have their own values, beliefs, economic, political, social and cultural identities, entirely different from the Hinduism. In this context, their demand for 'separate identity' was taken place before the British Government. The script of Minto-Morley Reforms in 1909 had brought new hopes and aspirations for the Muslim League. The Demand for separate identity was acknowledged by the British Government. After few years later, an earnest effort was made between the Muslim League and the congress, finally reached an agreement, called Lucknow Pact. It was the second achievement of the Muslim League, resulted a political revival. One thing was common between Minto-Morley Reforms and Lucknow Pact, both conceded to the Muslims the rights of separate electorates. Quaid-e-Azam, as talented emerging leader played an Ambassador role between the Muslim League and Congress. The seeds of partition of India was laid down in Minto-Marley Reforms and Lucknow Pact which planted in post 1937 congress ministry era. The hostile attitude of congress leadership exposed the so called secular thinking of congress and finally drawn a demarcation line between the Muslim League and Congress. From 1937 to 1939, the Muslims in Sub-Continent faced politically and ideologically oppressed and depressed period, which turned down the Muslim League in a man political movement, struggle for a separate home land. The Muslim League leadership adopted a straightforward course and agreed to a clear motive, led ultimately to creation of Pakistan. Finally, the British Government acknowledged political truth when all its proposed schemes regarding to maintain the geographical unity failed. The Muslims of the Sub-Continent attained an acute sense of honor and integrity on August 14, 1947.

Now the question was how to unite Pakistan? The discussions were started on

the future of Pakistan. Geographically, Pakistan was a unique state, having two wings (East and West wings of Pakistan) were entirely geographically separated each other. Muslim League as leading party role was required to be more responsible and time oriented. It was the charismatic personality of Quaid-e-Azam who gave stout commitment to the Muslim League and its leadership but now the situation was turned into new phase as Mr. Jinnah passed away. New questions with new thinking were staged and Pakistan had to face internal and external challenges. After independence, it was decided that state's affairs will be regulated according to 1935 India Act by modifying some provisions till Pakistan's constitution is not framed. First question before the political elites was constitution making. The first Constituent Assembly was established to do this job. It was the difficult task because both wings lack of adequate harmony. The cultural, lingual and social differences were main obstacles to frame constitution. Language issue and constituent seats on population basis had to be politically adjusted. It is rather unfortunate that the debate, either Pakistan should be secular or the Islamic state was started. The religious leadership argued that Islam is the binding force of the Sub-Continent's Muslims and Pakistan was demanded on the name of Islam. Pakistan must be constitutionally declared an "Islamic" state. On contrary, the western educated intelligencia argued that no doubt Islam is the base of Pakistan but 'theocracy' on the name of Islam cannot be tolerated. As according to the wishes of Quaid-e-Azam, Pakistan should be a Islamic social welfare state. So, with these inherited internal and external challenges, Pakistan's political leadership tried to utilize its resources for development of state.

THE ORIENTATION OF NEW STATE

In result of a longstanding struggle of Muslim League in the leadership of Quaid-e-Azam Muhammad Ali Jinnah, Pakistan emerged on atlas as sovereign state. Independence Act 1947 was the final British document which divided Sub-Continent into two independent states i.e. Pakistan and India. Jinnah, dynamic leadership united the Indian Muslims for getting independent state.¹ On many occasions Jinnah referred Islam in collaboration with Pakistan, but he did not pass out Islam in context of theocracy. He believed in features of Islam e.g. fair play, justice and rule of law. He severely condemned theocratic ideas and in same spirit opposed commitment to a secular state. He argued that Islam demands social and economic justice including tolerance and commitment with respect for all creeds. He delivered speech, "Make no mistake: Pakistan is not a theocracy or anything like it. Islam demands from us the tolerance of other creeds and we welcome in closest association with us all those who of whatever creed are themselves willing to play their part as true and loyal citizen of Pakistan".² On another occasion while addressing he said "The great majority of us are Muslims. We follow the teachings of the Prophet Mohammad (PBUH). We are members of the brotherhood of Islam in which all are equal in right, dignity and self-respect. Consequently, we have a special and a very deep sense of unity. But make no mistake: Pakistan is not a theocracy or anything like it."³ As Pakistan emerged as independent state, discussion reached its peak level whether Pakistan will be a secular state or Islamic state. The founder of state introduced a guideline that national policy should be found instead of highlighting the minor issues. He visualized democracy in

¹Hodson, H.V. (1969) *The Great Divide*, Hutchinson, of London, 1969, Oxford University Press, Karachi. pp 38-39

² Quaid-i-Azam Muhammad Ali Jinnah, *Speeches and Statements as Governor General of Pakistan, 1947-48*. Published by Government of Pakistan, Ministry of Information and Broadcasting, Directorate of Films & Publications, Islamabad, 1989, (Radio Talks on 19th Feb 1948)

³ Ibid.

context of social and economic order and further watched out Pakistan as democratic state where all religions will be given their due respects. Religious identity should be given proper national political environment. He focused on democratic state where institutions are free from any oppressive strain of one man rule or one party system.

From the perspective of Jinnah, Democracy should be examined in light of institutions. It has been observed that in past 1947 era the world political environment was read in the light of communism, socialism, fascism and capitalism. Quaid-i-Azam believed in theory of Islam, introduced by Hazrat Mohammad (PBUH) before fourteen years ago. Being firm believer in Islam and democracy, he was determined that democracy will be established in Pakistan to find out solutions of existing challenges. He said "Islam and its ideal have taught us democracy, it taught us equality of man, justice and fair play to everyone."⁴ While expressing views on question of constitution of Pakistan, Mr. Jinnah said "I do not know what the ultimate shape of our constitution is going to be, but I am sure that it will be of a democratic type, embodying the essential principles of Islam. Today, they are as applicable in actual life as they were 1,300 years ago. Islam and its idealism have taught us democracy. It has taught equality of man, justice and fairplay to everybody. We are the inheritors of these glorious traditions and are fully alive to our responsibilities and obligations as framers of the future constitution of Pakistan. In any case Pakistan is not going to be a theocratic state to be ruled by priests with a divine mission"⁵Jinnah was neither a theocratic nor a secular minded leader. He believed in Islam as ultimate proper destiny for Pakistan. Hazrat Mohammad (PBUH) was his ideal personality and he focused on promoting teaching of Islam in context of sociological and political context. He was inspired by Quran and Sunnah and always referred them for Pakistan

⁴ Quaid-e-Azam Speeches, Karachi, pp 92-93

⁵Quaid-i-Azam Speeches, p 67.(Radio Talks on 19th Feb 1948)

as supreme source of Law. "Nobody has so far openly challenged Jinnah's status as the most authentic enunciator of Pakistan's ideal, though quite a few who had bitterly opposed him and the demand for Pakistan, have tried to pose as his legitimate heirs. The deliberate distortion of his ideal or the adoption of a course diametrically opposed to the goal of a modern democratic state is not merely a question of disowning the father of the nation but embarking on a process which will lead to further fragmentation of the nation. It can be seen that by discriminating against the minorities (through separate electorates and several other laws) Pakistan governments have been violating the Quaid's statement".⁶ On one occasion Jinnah argued that importance of religion cannot be denied but relationship between state and its citizen should be examined in context of nationhood. Religion should be treated as private matter of individual whereas state's affairs are entirely different in approach and context. He simply cleared that Pakistan will not be a papal state, ruled by a priest and exercised by some divinely ordained authority. After death of Quaid-i-Azam, the religious leaders attempted to announce Pakistan as theocratic state. It's a known fact that in the struggle for Pakistan, the religious leaders did not support Mr. Jinnah because according to them Islam has no boundary. Mulana Abul Kalam Azad always opposed idea of separate homeland for the Muslims of the Sub-Continent. The longstanding efforts of Muslim League were politically organized by the western minded intellectuals and leaders. They struggled politically and most of them had no interaction with the religious intelligential of the Sub-Continent.

After 1943, Muslim League leadership focused on religious intellectuals whose contribution towards struggle was not admirable. Muslim league attempted to promote image of state and its constitution as Islamic. In fact, leadership of Muslim

⁶ Ibid. p 67

League came to know that majority of the Muslims in Sub-Continent wanted to see Pakistan as house of Islamic law and values. In this background, the promises were made that Pakistan will be a free homeland for the Muslims of the Sub-Continent. They will live according to Islamic laws and they will be treated legally in the light of Quran and Sunnah. Last years of struggle for Pakistan, few Ulma were convinced and joined Mohammad Ali Jinnah. It was briefed in 'Sub-Continent' among the Muslims that the political leadership of Muslim League was convinced that the religious Ulma had no capability to run state politically because they lack of that required vision which was need of time. Religious leaders thought modern democracy not in accordance with Islam and always focused on Khilafat whereas, the western oriented political leadership of Muslim League believed in democracy and considered Khilafat not acceptable in modern phase. In this visible conflicting thinking between the Ulma and the western educated Muslim, the sphere of religion became importance in the policy of Pakistan after independence. It has been observed that Daural-Islam-Deoband (Deoband School of Thought) believed in medieval concept of Shariah, as orthodox, traditional, unchangeable and always to accept in context of Imam Abu Hanifa and Imam Abu Yousaf. From perspective of this school of thought, they do not believe in democracy and democratic traditional institutions. Even though they argued that boundary system has no concept in Islam because statehood concept has been introduced by the Western political thinkers. It has been a known fact that Sir Syed Ahmad Khan had to face severe criticism from the Ulma as he launched Ali Ghar Movement and focused on English language to fight against the British government. Sir Syed Ahmad Khan was targeted as Anti-Islam and majority of them excluded him from Islam. On various meetings of Islamic Ulma, Sir Syed Ahmad Khan was called on as 'Kafir'. In fact, Sir Syed realized the basic problem of the deprived Muslim of

the Sub-Continent. In the struggle for Pakistan, Quaid-i-Azam had been continuously mentally and emotionally harassed by then Ulma. They always condemned two nation theory, Muslim separate statehood, and western education, concept of democracy and finally establishment of Pakistan. One view has been briefed in history that these congress and non-congress oriented Ulma believed in status quo and new thinking in Islam was not acceptable. Jinnah pointed out to the students of the Muslim University Union: Jinnah said

*"What the League has done is to set you free from the reactionary elements of Muslims and to create the opinion that those who play their selfish game are traitors. It has certainly freed you from that undesirable element of Molvis and Maulanas. I am not speaking of Molvis as a whole class. There are some of them who are as patriotic and sincere as any other, but there is a section of them which is undesirable. Having freed ourselves from the clutches of the British Government, the Congress, the reactionaries and so-called Molvis, may I appeal to the youth to emancipate our women? This is essential. I do not mean that we are to ape the evils of the West. What I mean is that they must share our life not only social but also political."*⁷

It had been observed that on various occasions the leadership of Muslim League, including Quaid-i-Azam was politically adverse. The religious leaders always favored congress and considered religion as private matter. Mr. Gandhi always claimed to be a secular leader and Mulana Abul Kalam Azad supported him whereas in reality, double standard attitude of Mr. Gandhi was absolute clear when he extremely betrayed the Indian Muslims in Khilafat Movement. After that during congress ministries, Mr. Gandhi proved himself as Orthodox Hindu leader. With all these attributes, Congress was acceptable for the Indian Muslim religious leaders but Muslim League was approached not only indifferent to Islam but an enemy of it.

⁷ Quaid-i-Azam Speeches, 5th Feb 1938

After independence, the Ahrar leaders came to Pakistan. It is pointed out that the All India Majlis-e-Ahrar passed a resolution to dissolve organization and further advised rest of the Indian Muslims to accept Mulana Azad as their leader and further to join Congress Party. It showed strong commitment of the Majlis-e-Ahrar to Congress. Jamat-i-Islamia opposed creation of Pakistan and expressed its struggle / name as 'Not Pure'. Not a single literature was published by Jamat in favour of Pakistan. Even then its leadership claimed that creation of Pakistan is a sin and simply violation of Islamic teaching. Mulana Abul Al Mauddidi founder of Jamat-i-Islami were like this

*"Among Indian Muslims today we find two kinds of nationalists: the Nationalists Muslims, namely those who in spite of their being Muslims believe in Indian Nationalism and worship it; and the Muslims Nationalist: namely those who are little concerned with Islam and its principles and aims, but are concerned with the individuality and the political and economic interests of that nation which has come to exist by the name of Muslim, and they are so concerned only because of their accident of birth in that nation. From the Islamic viewpoint both these types of nationalists were equally misled, for Islam enjoins faith in truth only; it does not permit any kind of nation-worshipping at all"*⁸

Mulana said that in case of establishment of Pakistan, the form of government will be secular. After partition, Mulana delivered a speech

*"Why should we foolishly waste our time in expediting the so-called Muslim-nation state and fritter away our energies in setting it up, when we know that it will not only be useless for our purposes, but will rather prove an obstacle in our path."*⁹

It should be pointed out that Mulana himself condemned United Nationalism and considered it as suicidal act. Neither had he advocated Pakistan Movement. It has been argued that Mulana's statements during Pakistan Movement were confused and

⁸Madoodi, Mulana,(1947) Nationalism and India, Pathan Kot, p25

⁹ The Process of Islamic Revolution,(1955) 2nd Edition, Lahore, p37

contradictory complexes. He replied, at once when he was asked to co-operate Muslim League, likely

"Please do not think that I do not want to participate in this work because of any differences, my difficulty is that I do not see how I can participate because partial remedies do not appeal to my mind and I have never been interested in patch work."¹⁰

One idea was perceived from the readings of Mulana during Pakistan Movement was that he talked about Islam more than the Muslims of the Sub-Continent. According to his perspective, each Muslim should have full commitment with Islam and Islam should be strengthened. He was not in acceptable position to believe in Islam in context of saying lip service to it. Again he argued that if Pakistan is established, the implementation of secularism will be possible. The system of government will neither be Islamic. In fact the Indian Muslims are cheated on the name of Islam. Mulana Mauddidi's writings played essential role to demise role of Muslim League and to condemn the intelligentsia who favored Quaid-i-Azam. Even though he said that it should be considered a suicidal attack over the Indian's Muslims because it denied the Islamic spirit and favored west oriented theory of nationalism and state. Islam did not introduce the nationalism and state's boundaries. Islam does not place boundaries within its teaching. It is interesting to note that Mulana passed complicated statement regarding about Pakistan's Movement.¹¹ Idea of United Nationhood had been opposed by Mulana. He said that the Muslims would be drawn away from Islam if they will have to live with the Indian Hindus. When this thought of Mulana is examined, it became obvious that he knows that ideology of Islam,

¹⁰Madodi, Abu al, Syed, Tehrik-i-Azadi-e- Hind aur Musلمان (Indian National Freedom Movement and Muslims) pp 22-23

¹¹Qureshi, Hussain, Ishtiaq, Ulema in Politics, p 368

advocated by Muslim League in the way to get rid of the domination of the Hindu's from social, political, cultural and economic sphere of influence. On the other side, he was not mentally prepared to accept Pakistan because its creation can negate teaching of Islam. He considered first priority of each Muslim to be loyal only Islam not state, nationalism and any identical feature. He does not believe in only Muslim's lip service to Islam. According to his perspective, Islam is beyond the limitations of boundary of any physical state. It has been argued that Mulana did not understand the sufferings of the Indian Muslims, faced by them in Sub-Continent after 1857 Revolt, and during British rule, especially in Khilafat Movement and 1937 Congress Ministries. It is also notable point that Mulana did not condemn hypocritical attitude of Mr. Gandhi who played extremely negative role during Khilafat Movement. Mulana always opposed Muslim League and Muslim Nationalism in Sub-Continent. Another Indian Islamic scholar Mulana Hussain Ahmad Maddani, opposed idea of Pakistan and nothing did effort to favor Muslim League. Even then while delivering lectures on circumstances of the Indian Muslims, he bitterly condemned Two Nation Theory and enthusiastically supported congress. According to his perspective Two Nation Theory has no meaning for him, its false idea and only to expose Islam before the Non-Muslim in wrong way. He said 'Faith was universal and could not be contained within National boundaries.'¹²

Nationality was a matter of geography and the Muslims' duty must be obliged to show commitment to the nation of their birth along with their non-Muslim fellow citizens. Mulana Maddani said

"All should endeavor jointly for such a democratic government in which Hindus,

¹²Madodi, Abu al, Syed, Tehrik-i-Azadi-e- Hind aur Musلمان (Indian National Freedom Movement and Muslims)pp 22-24

Muslims Sikhs, Christians and Parsis are included. Such a freedom is in accordance with Islam."¹³

He said that nations are formed on the basis of homeland instead of ethnicity and religious features. By adopting hard line attitude towards Muslim League, he issued a Fatwa 'Forbidding Muslims from joining the Muslim League'. He favorably passed statements in praise of Congress, and Indian nationalism and extremely condemned Muslim League whether in general public meeting or mosque. Dr. Muhammad Iqbal criticized Mulana Maddani due to his illogical and rigid thinking in matter of Muslim League. His poem on Hussain Maddani in 1938 reflected a severe heated controversy between the so-called Nationalist Ulma and the adherence of Pan-Islamic Ulma. The said subjected attitude of such these Islamic intellectuals helped a lot of Congress. The political leadership of Congress spread over their lectures and instructions within Sub-Continent. The thinking of common man whose inspirations were attached with them favored congress and opposed Muslim League. Congress leadership focused on common man's thinking instead of encountering Muslim League. In this launching movement, the statements passed by such Ulmas placed sympathetic attitude within common mass because he respects for them. This Hindu strategy, called Muslim Mass Contact Movement defeated Muslim League in 1937 Election. It is a known fact that Pandit Jawahar Lal Nehru financed this movement. Mulana Ashraf Ali Thanwi and Mulana Shabir Ahmad Usmani, well reputed Indian Islamic scholars left thinking of Deoband School and favored Pakistan's existence. It is a known fact that Mulana Shabir Ahmad Usmani had been excluded from Jamiat-i-Ulma-i-Hind due to his growing understanding with Muslim League.

¹³Zamzam,(1938), Pakistan's Struggle and Pervez, Talu-e-Islam Trust (17-07-1938)p 614

After taking comprehensive view of history of Post-Pakistan and pre-Pakistan, it has been scholarly observed that religion played a strong determinant role. On religious basis Two Nation Theory was evolved in Sub-Continent. In same better of spirit, this factor remained powerful in constitution making process in post independence scenario. In Khilafat Movement, the Indian Muslims were emotionally backhanded by the clever Hindu leadership when they gave up their education, business matter and declared Hindustan as Darul Harab. In 1857 Revolt, the Muslims were presented as real enemy of the British government and attempt was made by then Indian Hindu leadership to exclude Muslims from all segment of society. Muslim Culture, language, civilization and identification had been removed by the British government due to ill tampered feelings, evoked by the Hindu leadership. So, religion had been remained powerful factor in post 1947 and pre 1947. The question of role of religion in Pakistan political system has been remained as part of debate with political environment and across general public. After independence, the Ulma identified their role with Islam. During Qadiani (Ahmadi) Movement, the Ulma organized themselves to show their full strength. They did not accept Pakistan but they want to see Pakistan as Islamic state. Objective Resolution, passed in 1949, was pressure of the Ulma. They focused on introducing Islamic features and extremely condemned role of the minorities in Pakistan. They want to see Pakistan as theocratic state. Constituents Committee's reports were rejected and further modified because of implementation of Islam as what perceived by Ulmas. This approach disturbed not only to the non-Muslims but also the Muslims who also favored Islamic Pakistan but not theocratic Pakistan. Same pre-independence situation came back, the political leadership was western oriented whereas the common man was influenced by Ulmas who centered Islam in all matters of state. It is interesting to point out that Mulana Mauididi

(Spokesman 'Ameer' of Jamat-i-Islami) argued that his aim to establish Islamic state/government in Pakistan and he had only understanding of Islam. In addition, he said that only he and his organization, having of such kind of commitment and awareness which needed to see this newly born state into Islamic state and culture.¹⁴

Mulana Mauddidi demanded Pakistan as Muslim state. In this way, Jamat-e-Islami became a political party. He said that Pakistan should be Muslim state not Islamic state. A Muslim state, ruled by a Muslim ruler only and high officials are reserved for only the Muslims. Whereas, the Islamic state, ruled by revealed guidance of Islam, accepts of sovereignty of Allaha and supremacy of His laws. After independence, speeches delivered by Mulana Mauddidi expressed Pakistan's struggle only for the enforcement of Islam only in their own understanding perspective. Islamic laws will be enforced. Islamic culture will be revived. And finally in this way, Muslim political government will be established. On the other hand, the Muslim League leadership given impression to see Pakistan in the light of Two Nation Theory, evolved due to rigid Hindu mentality.¹⁵ Whenever demand for separate homeland had been placed before the British government only the differences between two identities related to religion, social, cultural and economic values were highlighted. Second, the rigid mentality of the Hindu leadership forced to the Indian Muslims to have separate homeland. Urdu-Hindi controversy incident and Bengal partition were two striking events which compelled to the Indian Muslims regarding about separate thinking. So demand of the Muslim League should be understood in context of this background. In meanwhile, the religious leaders begun to give impression that Muslim League had been violating the conceptual understanding of the Islamic teachings. It was projected that Muslim League leadership, impressed by

¹⁴Mauddidia'la, Abu,(1980) The Islamic Law and Constitution, Lahore, Islamic Publications p 11

¹⁵Anita.M.Weiss, Islamic Reassertion in Pakistan, p 35

the west oriented education. Concept of nationhood, sovereignty and nationalism were perceived in perspective of Latin/Greek thoughts. In fact, Muslim League was neither condemning Islamic teachings nor impressed by western ideology. In response to Nehru Report,¹⁶ Quaid-i-Azam used the word 'Parting Away'.¹⁷ On many occasions, Quaid-i-Azam attempted to convince to the British government that demand for separate homeland by Muslim League should not be approached in the light of ethnic environment. Islam has united all of us and differences had been removed. After living together, these separate identities had not merged because nothing in common between them. With this background, struggle for Pakistan was started. On the other hand, Ulmas rejected Pakistan first and then conditionally accepted. While addressing at the Law College, Lahore in Feb 1948, Mulana Maudiddi demanded that the Constituent Assembly should declare:

- That the sovereignty of the state of Pakistan vests in God Almighty and that the government of Pakistan shall be only an agent to execute the Sovereign's Will.
- That the Islamic Shariah shall form the inviolable basic code for all legislation in Pakistan.
- That all existing or future legislation which may contravene, whether in letter or in spirit, the Islamic Shariah shall be null and void and be considered ultra vires of the constitution; and
- That the powers of the government of Pakistan shall be derived from, circumscribed by and exercised within the limits of the Islamic Shariah alone.

¹⁶Shaharay,H.K.A, A Legal State of Constitutional Developments of India, supra note. Nababharat Publication, Calcutta, pp357-359

¹⁷ Ibid pp.359-60

CONSTITUTIONAL AND INSTITUTIONAL CHALLENGES

A resolution was passed by Mulana Shabir Ahmad Usmani in Karachi on Jan 13, 1948. According to the said report, government should appoint a leading Alim to the office of Sheikh-ul-Islam. The Jamiat submitted a complete portfolio of Religious Ministry and along with recommendation of names of list that will hold office.¹⁸ It was proposed that ministry would be immune to ordinary changes of government. It is a known fact that Quaid-i-Azam did not bother to take under consideration. Indirectly, he refused to acknowledge this status of Ulma in Pakistan. Mulana Shabir Ahmad Usmani addressed Ulma-i-Islam Conference on Feb 9, 1948 in Dacca and demanded that constituent Assembly:

*"Should set up a committee consisting of eminent Ulma and thinkers... to prepare a draft ... and present it to the Assembly."*¹⁹

While framing constitution for Pakistan, sub-committee reports had been accepted by Ulma as what they demanded. Finally, Objective Resolution 1949 was presented before Constituent Assembly. In spite of raining criticism, it was ratified for next constitution. Prime Minister Liaquat Ali Khan said

"Sir, I consider this to be a most important occasion in the life of this country, next in importance only to the achievement of independence, because by achieving independence we only won an opportunity of building up a country and its polity in accordance with our ideals. I would like to remind the house that the Father of the Nation, Quaid-i-Azam, gave expression of his feelings on this matter on many an occasion, and his views were endorsed by the nation in unmistakable terms, Pakistan was founded because the Muslims of this Sub-Continent wanted to build up their lives in accordance with the teachings and traditions of Islam, because they wanted to demonstrate to the world that

¹⁸Mulana Shabir Ahmad Usmani Speech, The Constituent Assembly of Pakistan Debates, Vol. V (1949), pp 2-7

¹⁹Constituent Assembly Debates, March 12, 1949

Islam provides a panacea to the many diseases which have crept into the life of humanity today."²⁰

Objective Resolution had been remained part of debate within Constituent Assembly for five days. Few Muslim leaders and Non-Muslim leaders raised their concerned apprehensions regarding implementation of Objective Resolution. Sir Chandra Chattopadhyaya said

*"What I hear in this (Objectives) Resolution is not the voice of the great creator of Pakistan - the Quaid-i-Azam, nor even that of the Prime Minister of Pakistan the Honorable Mr. Liaquat Ali Khan, but of the Ulma of the land." Birat Chandra Mandal declared that Jinnah had "unequivocally said that Pakistan will be a secular state." Bhupendra Kumar Datta went a step further: was this resolution to come before this house within the lifetime of the Great Creator of Pakistan, the Quaid-i-Azam, it would not have come in its present shape."*²¹

As Resolution 1949 was imposed, the reaction had been observed by many Muslims and Non-Muslims leaders. The political elites convinced to the minorities, existing in Pakistan, about their respectable place and assured them about their rights and duties. Once the non-Muslim political figure stated that Pakistan lacked of Quaid's vision, Sardar Abd-ur-Rab Nishtar said

*"It was remarked by some honorable members that the interpretation which the mover of this Resolution has given is satisfactory and quite good, but Mr. B.C. Mandal says: "Well tomorrow you may die, I may die, and the posterity may misinterpret it." First of all, I may tell him and those who have got some wrong notions about the interpretation of this resolution that this resolution itself is not a constitution. It is a direction to the committee that will have to prepare the draft keeping in view these main features. The matter will again come to the House in a concrete form, and all of us will get an opportunity to discuss it."*²²

²⁰ Ibid, March, 7, 1949

²¹ Ibid

²² CA Debates March, 12, 1949

As about implication of Objective Resolution in matter of power between Allah and man, Qamar Hayat Malik argued

"The principles of Islam and the laws of Islam as laid down in the Quran are binding on the State. The people or the state cannot change these principles or these laws...but there is a vast field besides these principles and laws in which people will have free play...it might be called by the name of 'theo-cracy', that is democracy limited by word of God, but as the word 'theo' is not in vogue so we call it by the name of Islamic democracy. Ishtiaq Hussain Qureshi further elaborated the concept of Islamic democracy: Since Islam admits of no priest craft, and since the dictionary meaning of the term "secular" is non-monastic -- that is, "anything which is not dependent upon the sweet will of the priests," Islamic democracy, far from being theocracy, could in a sense be characterized as being "secular."²³

In next he said if the word "secular" means that the ideals of Islam, that the fundamental principles of religion, that the ethical outlook which religion inculcates in our people should not be observed, then, I am afraid,...that kind of secular democracy can never be acceptable to us in Pakistan.²⁴ Liaquat Ali Khan argued that as Pakistan came into existence, it should be considered first major achievement to have separate homeland. When the matters regarding about status of state will be debated, possible efforts will be attempted to cover Pakistan into such a state. Islamic experiments are approached to make the Pakistan peaceful and progressive state. He was absolute sure that framing of the constitution will be in terms of Islamic principles. He firmly stated that constitution would be in the direction of the Islamic teachings. He said,

"As a matter of fact it has been recognized by non-Muslims throughout the world that Islam is the only society where there is real democracy. In this approach he was supported by Maulana

²³ ibid

²⁴ ibid

*Shabir Ahmad Usmani: " The Islamic state is the first political institution in the world which stood against imperialism, enunciated the principle of referendum and installed a Caliph (head of State) elected by the people in place of the king."*²⁵

As soon as the said resolution was moved, a Non-Muslim Member, Hari Barma, proposed "that the Motion be circulated for eliciting public opinion there on by the 30 April, 1949."²⁶ This motion was vehemently supported by another non-muslim member, Sris Chandra Chattopadhyaya, in the following words:

Mr. President, "I rise to support the amendment for circulation of the Resolution for eliciting public opinion. I want to make a few observations about the amendment. First, in the course of the last 18 months that have passed after the partition no 'Objectives Resolution' was brought forward. In fact after 14 August 1947, when Pakistan became a sovereign state, we thought no such Resolution was necessary at all. The thing that matters is the constitution itself and not a theoretical resolution on the aims and objects of the constitution. In fact, not even a committee of this House was formed to consider this Resolution. In India they had an Objectives Resolution because the Britishers were still there, and it was necessary to tell the people and the world what her constitution would be like after the British left. Even that was before August 1947, when the sovereignty was made over to the people of Pakistan and India. In some countries there have been Objectives Resolutions after a bloody revolution because everything was in a chaos. But the case is different here in Pakistan. Some 18 months ago, Britisher had left and we are now free to do as we like. And we have been going on without any Objectives Resolution for so long. As a matter of fact, I understand, the Sub-Committee on Fundamental Rights has already finalized their Report. There was no difficulty to recommend Fundamental Rights

²⁵CA Debates, March 09, 1949

²⁶ The Constitution Assembly of Pakistan Debates, Volume V-1949,p8

even without this Objectives Resolution. The fact is that it is the actual constitution that will matter and a theoretical resolution like the one before us may not be necessary at all. So long as we had an idea that the constitution would be based on the eternal principles of equality, democracy, and social justice. We thought that religion and politics would not be mixed up. That was the declaration of Quaid-e-Azam Muhammad Ali Jinnah in this House. But the Resolution before us has a religious basis. We got notice of it some four days back. We have not been able to understand fully the implications of some of the paragraphs of the Resolution. They require study, consultation, deliberation with our friends, both Muslims and non-Muslims, and the citizens of our country who are our masters. We are their servants. But the time given to us for the purpose has been too short. Frankly speaking, example, what the Resolution means and implies in the Preamble, viz, that: - ‘Sovereignty over the entire universe belongs to God Almighty alone and the authority which He has delegated to the state of Pakistan through its people for being exercised within the limits prescribed by Him is a sacred trust; is a thing for which we require time to study it and understand before accepting or modifying it in any way. Then come to paragraph four: ‘Wherein the principles of democracy, freedom, equality, tolerance, and social justice, as enunciated by Islam, shall be fully observed’ has been mentioned. This again is not clear to us – the non-Muslims. We need time to study it, in consultation with our friends in East Bengal and for the sake of clarification. In fact when we left East Bengal this time we had no idea that such a Resolution was to be brought forward. There was no indication of it in the Agenda papers circulated.”²⁷

²⁷ Ibid. p9

Out of the long speeches made by the non-Muslim members of the Constituent Assembly, the speech of Birat Chandra Mandal, made on 9 March 1949, was an eloquent and representative one for the minorities parts of which are:

“Sir, I hear that Ulmas are insisting on this principle of Islam. Are there not pandits in India who could not insist on political thinkers of India to adopt such a constitution? Are there not Bishops in England nor in America – or in any other country which is dominated by Christians on the face of the globe, where these Ulmas, I mean the Bishops, have voices. The constitution has all along been and everywhere on the face of the globe established on democracy and especially on the economic thinking of the political people of individual countries. But, Sir, I find a great deviation in our beloved Pakistan. It is a newly built up dominion. The founder of this dominion most unequivocally said that Pakistan will be a secular state. That great leader of ours never said that the principles of constitution will be based on Islam.

“Individuals might have religion, but the state has got no religion. So, in the interests of the state, of which I am a humble member, I bring it to your notice through the President that you will be held responsible because you are the sponsor of this Resolution not only to the countries in the world which have made their constitutions in the past but also to the posterity who will think of making their constitutions in the future. So, I tell you again and again to ponder over this Resolution before you finally adopt it.”²⁸

Bhupendra Kumar Datta also made an eloquent speech while opposing the Objectives Resolution. Some extracts from his speech are reproduced below:

²⁸ Ibid. pp48-49

“On the one hand, you run the risk of subjecting religion to criticism, which will rightly be shown resented as sacrilegious; on the other hand, so far as the state and state policies are concerned, you cripple reason, curb criticism. Political institutions, particularly modern democratic institution as we all know Sir, grow and progress by criticism, from broader to still broader basis. As long as you remain strictly within the religion of politics, criticism may be free and frank, even severe and bitter”.

‘But as you bring in religion, or things as matters of faith, you open the door ajar for resentment of criticism. You then leave it to absolutism to fling it wide open. Sir, I feel, I have every reason to believe that were this Resolution to come before this House within the life-time of the great creator of Pakistan, the Quaid-o-Azam, it would not have come in its present shape. Even with you, Sir, the Honorable mover of this Resolution at the helm of affairs in the state, I have no fear that criticism will be stilled or absolutism will find a chance to assert itself.’

“But, Sir, we are framing a constitution, which will outlive us, may be, even many of our succeeding generations. So, as far as human reason can guard against it, let us not do anything here today that may consign our future generations to the furies of a blind destiny. May be, may God forbid it, but some day, perhaps even within our lifetime – extremely troublous times as we live in – a political adventurer, a Yanshikai, or a Bacheha-i-Sakao may find a chance to impose his will and authority on this state. He may find a justification for it in this Preamble.”²⁹

Muner Report stated,

“As said that form of the government in Pakistan cannot be described as democratic, if that clause of the Objectives Resolution reads as follows: " Whereas sovereignty over the entire Universe belongs to Allah

²⁹ Ibid. pp 13-17

Almighty alone, and the authority which He has delegated to the state of Pakistan through its people for being exercised within the limits prescribed by Him is a sacred trust." Popular sovereignty, in the sense that the majority of the people has the right to shape the nation's institutions and policy in accordance with their personal views without regard to any higher law, cannot exist in an Islamic state, they added".³⁰

By keeping features of society, based on multi-ethnic identifies the power sharing formula had been remained settled among federal and its federating units.³¹ In some cases, central government has been introduced with maximum powers. On the other hand, in other cares, provincial autonomy has been granted. It has been observed that for heterogeneous societies, federation is always considered the best acceptable choice. Federation has been remained a leading political societies as compared to unitary or confederation. Number of Nation-States is composed of different ethnic, cultural, linguistic groups, can be united only through available political system which can integrate state. R.L.Watts defined federation in these words," a compromise is achieved between Concurrent demands for Union and for territorial diversity within a society, by the establishment of a single political system, within which general and regional governments are assigned coordinate authority such that neither level of government is legally or politically subordinate to the other"³² Federation is categorically divided into three divisible sets of subjects' e.g. federal list, provincial list and concurrent list. Role of the local government will be defined usually in provincial list. In some case, it has been observed that local government is treated has separate segment within constitution. For example, local government system has been defined as a separate chapter in USA, Turkey and Belgium.³³ The supremacy of

³⁰Ahmad, Muneer,(1960) Legislature in Pakistan:1947-58, University of the Punjab, Lahore pp.14-18

³¹Ricker,H.W.(1964) Federalism: Origin, Operation and Significance, Boston, pp.11-13

³²Watts. R.L (1966) New Federations : Experiments in the Commonwealth, Oxford University Press, p.13

³³Elazer.D.J.(1962) The American Partnership, Chicago University Publication, Chicago, USA, p.24

federal government will be above over federating units in case of dispute between both over the items of current list in process of law making. Federalism has been approached as significant means of achieving political harmony among federal government and federating units in terms of establishing institutional relationship among federal, provincial and local set up. In pre-independence era, Muslim League advocated concept of provincial autonomy whereas Congress favored strong centralism. After independence, Pakistan was observed in terms of federation because of facing multi-ethnic and multi-cultural differences matters. The political tussle between East Pakistan and West Pakistan begun as 1935 India Act was implemented in Pakistan with some modifications. 1935 India Act was centralized political structure. After independence, the Central Government was allowed to regulate maximum matters of state and the provinces were permitted to function with measured autonomy. The Basic Principles Committee suggested federalism in context of provincial autonomy but had been ignored. The said committee proposed two reports, neither could be implemented. The first report was condemned by East Pakistan. The Second Report was criticized by West Pakistan but after negotiation, it was amended and then accepted. Finally on 6th October 1954, Second Report was acknowledged.³⁴ The Second Report was highly criticized by the Ulama, reached Karachi in Jan 1953 to discuss thoroughly. Ulama, belonging to different school of thoughts, presented dozen suggestions. In 1951, same Ulama unanimously agreed on 22 points regarding about fundamental principles of Islamic state.³⁵ The main features of Second Report; concerned to Ulama was place of objective resolution in future constitution as preamble.

³⁴Mahmood, Safadar(1990)Constitutional Foundations of Pakistan, Jang Publication, Lahore, pp.84-156(Paras 16&17, Chapter:01, Part. No.III.

³⁵Ahmad, Aziz. (1972) Activism of the Ulama in Pakistan, University of California Press, Berkeley, pp.260-61

*“Objectives Resolution 1949 should form the Preamble of the future constitution; that the Directives Principles of state should be the preservation of democracy within the limits prescribed by the Quran and the Sunnah; that the state should take steps to bring the existing laws in conformity with the Islamic principles "Islamic principles"; that no legislation be made which was repugnant to the Quran and the Sunnah: that the Islamic moral standards be promoted and maintained”.*³⁶

Choudhry Mohammad Zafarullah Khan, Foreign Minister of Pakistan, in his speech of 12 March 1949 before the Constituent Assembly supporting the motion, tried to allay the fears and apprehensions of the minorities in the following words:

“To the opening statement in the Preamble that sovereignty over the entire universe belongs to God Almighty alone, I do not conceive that any person believing in God could take exception. The rest of the Preamble, though based on the assumption that all authority, political or otherwise, which man has been invested with, has been delegated by the Supreme Ruler and must be exercised within the limits said by Him, is designed to emphasize that political authority vested in a people and by them entrusted to the State is a sacred trust and must be exercised and administered in that spirit. Some controversy has been raised as to whether that authority rests primarily in the people or in the state. From the Islamic point of view, there can be no doubt that such authority or sovereignty as Islam concedes to mankind, vests in the people and in the Quran it is the people who are commanded to entrust that authority into the hands of those who are in every respect fit to exercise it. The state is the servant of the people and is like any other instrument in any other sphere brought into being for the purpose of serving the people.”³⁷

Within Constituent Committee, Khawaja had majority. In this way, constitutionally, Ghulam Mohammad cannot dissolve Constituent Assembly. Apart

³⁶ Constituent Assembly Debates, Vol.XV, No.2, p.16

³⁷ The Constituent Assembly of Pakistan debates, Volume V- 1949, pp. 61-62

from this reality, Khawaja was called by Ghulam Mohammad to resign but former refused to do so. Finally, Ghulam Mohammad put up the foundation of non-democratic act as he announced officially on 17th April 1953 “I have watched with growing uneasiness to form a government.” I.H. Qureshi in his book ‘A Short History of Pakistan’ said “The proceeding was not a breach of law but it was an obvious violation of well-established parliamentary conventions”. It has been observed that ultimate bureaucratization and consequent militarization laid down foundation to derail democratic and institutional process in Pakistan.

1956 CONSTITUTION: LONGSTANDING POLITICAL EFFORTS:

On 29th February 1956 after introducing some modifications, Pakistan successfully framed 1956 Constitution, officially imposed / implemented on 23rd March 1956. Issue of population representation was resolved through ‘Principle of Parity’.³⁸ After long debate between the both wings the equal representation formula was finalized. Unicameral legislature was formed and One Unit Formula was adopted. Principle of federation was adopted and power structures were divided among central, provincial and concurrent lists. 30 items were allocated to central government and 74 items were listed in provincial list and 9 items were scheduled in concurrent list. It was observed that provinces were given autonomy but central government remained kept strong. Politicians of East Pakistan were demanding maximum provincial autonomy whereas, Prime Minister Ch. Muhammad Ali favored strong central government. Parliamentary system was introduced but President was given special power. According to 1956 constitution, the President has constitutional power to nominate any person for Prime Minister to whom he wishes. Apart from this, he was constitutionally empowered to dissolve Assembly after consultation from Prime

³⁸Ibid. 9th Feb, 1956, Constitution of Pakistan 1956, Articles 137 & 138

Minister. Along with, President was constitutionally bound to nominate that member of National Assembly who enjoys the confidence of the parliament. Fundamental rights were scheduled in 1956 Constitution and Federal Court of Pakistan was empowered to protect them. Parliament was restricted not to formulate any law which can violate fundamental laws. President was constitutionally empowered to impose emergency in case of failure constitutionally machinery in province. Federal Court of Pakistan was empowered to interpret constitution and to pass out advisory opinion. The notable feature that constituent member derived 'Directive Principles' from the constitution of Ireland.³⁹ These principles had been reaffirmed in the preamble "steps shall be taken to enable the Muslims of Pakistan individually and collectively to order their lives in accordance with the Holy Quran and Sunnah."⁴⁰ These are listed as mention:

- To provide facilities to the Muslims to enable them to understand the meaning of life according to the Holy Quran and the Sunnah;
- To promote unity and observance of Islamic moral standards;
- To secure the proper organization of Zakat and Aukhaf.

It has been observed that 1956 Constitution did not favor to any specific class to define Islam. Article 197 defined that the president has been empowered to set up an organization for Islamic research to restructure of the Muslim Society in Pakistan. According to Article 198, "the President appointed to enact laws in respect thereof." It should be considered a positive thinking to achieve two fold benefits. First the traditionalist views of Islam will have opportunity to be liberal understanding of Islam in context of state's affairs. Second, the constitution will integrate society to be

³⁹Brohi, A.K.(1958) Fundamental Law of Pakistan, Din Muhammad Press. Karachi, p.309.

⁴⁰ ibid

acceptable in context of modern state so that a literary gulf between the Ulma of the traditional thinking and the intelligentsia will be recovered through research orientation debate.

1956 Constitution was publically debated and its implementation with consensus showed that the politicians finally had laid down foundation to democracy, institutionalization and finally a prosperous statehood concept. The religious political parties and non-religious political parties reflected democratic consensus on 1956 Constitution. Religious groups concerned their interests in its Islamic provisions.⁴¹ Jamat-e-Islami described it as an “Islamic Constitution”. On 18th March 1956, the Majles-e-Shura issued a statement “The preamble of constitution – be able to obliterate it”. Besides this, recommendations were given that Head of State should be Muslim and that separate electorate will be adopted in next election. Ulmas showed reservations regarding Objective Resolution. Status of Directive Principles was not defined clearly. These matters were severely criticized within constituent assembly. The Ulma argued that their reservations should be considered on legally enforced and a Board of Ulma should be appointed to check over parliament regarding law making process. It is a known fact that Ulma Board, separate electorate and condition to be a eligibility criteria of President of Pakistan had been severely criticized. The issue of establishment for Ulma Board was also criticized on the ground that Supreme Court should be given power to judge whether laws, passed by parliament are according to Quran and Sunnah. The idea of Ulma Board should be rejected. In Second Report, it was recommended that rigid constitution should be adopted. The objective of introducing rigid constitution was to prevent provinces from the supremacy of central government. It is notable feature that as far as language issue

⁴¹Choudhry, G.W. (1969), Lowe and Brydone (Printers) London, supra note 22, pp.99-100

was concerned; the Second Report did not touch and left it for next assembly. Second Report was criticized on few points. Punjabi oriented politicians viewed that East Pakistan can enjoy majority in future legislature, if constitution is framed in the light of this report. 13 members out of 29 members of the constituent committee refused to sign. Mian Mumtaz Doltana and Mustaq Ahmad Gormani launched movement against Second Report and Governor General Ghulam Mohammad played influential role in this movement behind the curtain. The Bengali politicians condemned report and stated that parity rule cannot be acceptable for them. Parity Rule had given casual representation to East and West Pakistan. East Pakistan is in majority on population so the number of seats should be according to population based formula. It has been argued that Second Report was maximum acceptable in better political way and was the reflection of good compromised draft, and was considered a good attempt to develop reconciliation between East and West Pakistan. In meanwhile, Qadiani Movement was launched in Pakistan. Ulmas pressurized government to exclude Qadiani from the government machinery and further declared them Kafir-Non-Muslim.⁴² The law and order situation was disturbed in Lahore. The government attempted to control but failed and finally Martial Law was imposed in Lahore. Behind the curtain, the political tussle between Khawaja Nizam-ud-Din and Mumtaz Doltana was continued. Mumtaz Doltana's conspiracy had support from Ghulam Mohammad. It is evident that in case of finalizing second draft for constitution making, the powers of the Governor General will be curtailed and his role will be as like British Queen, ceremonial head of state. It was 1953 movement against Ahmady which paved the path for Governor General Ghulam Mohammad to play final game.

⁴²Munir, Muhammad.(1980) From Jihad to Zia, Extract from Muner Report, pp.44-47

He calculated all circumstances and joined hand with feudal class, military Ulma and bureaucracy to close Khawaja Government.

Seven years struggle for democratic institutionalization process was demised when 1956 constitution was abrogated just after two and half years of its birth. President Iskander Mirza finally closed the chapter of democracy in Pakistan. In fact Iskander Mirza was not pleased to see Prime Minister more constitutionally strong. As Iskander Mirza dissolved assembly, Ayub Khan began to think take over and finally imposed martial law in Pakistan which derailed democratic set up.⁴³ It has been observed that military did not face any challenging situation to abrogate 1956 Constitution. The delay in election and mistrust environment were discouraging features which generated favorable conditions for Ayub Khan. Secondly the political elites did not resist to martial law regime. It is evident fact that politicians, belonging to West Pakistan joined Conventional League. Ayub Khan himself stated “Ever since the inception of Pakistan-a true national army”, as written in Herbert Fieldman in his book “Revolution in Pakistan”. Ayub Khan stated in his book “Friends, not Masters” that rapidly declining political circumstances compelled him to over throw government. In fact the national political spectrum was collapsed. Jagto Front bitterly defeated Muslim League in 1954 Provincial Election in East Pakistan.⁴⁴ The continuous dissolution of ministries promoted politics of nepotism. All it was kept in discussion that principle of democracy like freedom, equality, tolerance and social justice are basic attributes of Islam. Theocracy should not be examined or discussed in context of democracy. Islam talked about freedom of conscience and condemned coercion and caste system.

⁴³Jalal.Ayesha, (1990) The State of Martial Rule, Cambridge University Press. London. supra note. 09,pp274-75

⁴⁴ Op.cit, Ahmad, Muner,

*"It believes in equality of all men and in the right of each individual to enjoy the fruit of his or her efforts, enterprise, capacity and skill -- provided these are honestly employed."*⁴⁵

After reading right and left, objective resolution was presented in Constituent Assembly on March 12, 1949. During debate on Objective Resolution, not only hind leaders (minority) but also the Muslim Political personalities criticized. The Hindus argued that objective resolution condemned their identity in Pakistan. It reflected Pakistan as Muslim theocratic state. Before partition, Muslim League always favored minorities and believed in separate electorate. After independence, its stance was changed. Now the minorities have not been privileged and separate electorate was going to be replaced by joint electorate. Mian Iftikhar-ud-Din, leader of Azad Pakistan Party stated:

*"The Islamic conception of a state is, perhaps as progressive, as revolutionary, as democratic and as dynamic as that of any other state or ideology."*⁴⁶

It was 7th October, 1958 when a coup d'état had been staged by Iskander Mirza and further abrogated 1956 Constitution.⁴⁷ In few days, the relationship between Iskander Mirza and Ayub Khan were close to political regime. General Ayub Khan was convinced that Iskander Mirza should be outstretched from political scene. The matters gone into fire and he imposed Martial Law and had taken up the responsibility as Chief Martial Law Administrator. Aziz Ahmad had been appointed as Secretary General and Deputy Chief Martial Law Administrator.⁴⁸ It had been viewed that civil bureaucracy completely advocated Martial Law regime and few civil servants had been inducted in defined cabinet. After complete domination over

⁴⁵ Smith, Conwell, Wilfred, (1963) Modern Islam in India, Mentor Books Publication, New York, p.173

⁴⁶ CA Debates, March 7, 1949

⁴⁷ Jalal, Ayesha, The State of Martial Rule, Supra Note 9, pp.274.

⁴⁸ Khan, Asger (1983) General in Politics: Pakistan 1958-82, New Delhi, pp.8-9

political stage, General Mohammad Ayub Khan removed Iskander Mirza from presidency and practically induction of militarization in political affairs. After three years, Ayub Khan finally decided to introduce constitutional reforms. The Constitution Commission also pointed out that "the bringing of the laws into conformity with the Quran and Sunnah does not by itself make a good Muslim."⁴⁹ For this purpose, Ayub Khan constituted a committee to frame basic parameters of constitution.⁵⁰ It was an effort to gain legitimacy within political set up. Contrary to the recommendations of the constituted commission for drafting constitution, Ayub Khan was the first who intended the Presidential form of government. Ghaur Altaf admits that "Legitimacy derived from the mandate of the people to establish a political order sustained by their full and free participation in the process of decision making was a concept alien to Ayub's mind"⁵¹ Commission had examined the advantages and disadvantages of parliamentary and presidential form of government in the light of Pakistani society.⁵² According to the proposed recommendations, the parliamentary form of government will be favorable to Pakistan because of the differences between East Pakistan and West Pakistan. It was the achievement of the politicians whose efforts consolidated East Pakistan and West Pakistan through One Unit Formula.⁵³ Ayub Administration kept decision in effective regarding one unit formula but had implemented 1962 Constitution which promoted centralized feature of state.⁵⁴ Because of centralized power structure, the created Parliament of Ayub Khan failed to smooth working between both wings. It is a known fact that Ayub

⁴⁹The Constitution Commission Report,(cited by Afzal Iqbal), Islamization of Pakistan,p.74

⁵⁰ Karl von Vorys,(1965) Political Development in Pakistan, Princeton University Press, Princeton, New Jersey, p. 209

⁵¹Gauhar, Altaf(1993) Ayub Khan: Pakistan's First Military Dictator, Sang-e-Meel Publications, Lahore, p 160.

⁵² Report of the Constitution commission, 1961, Government of Pakistan, p-1

⁵³Qureshi, S.M.M." Pakistani Nationalism Reconsidered", Pacific Affairs, Winter (1972-73)p.568

⁵⁴ The Constitution of 1962, Article 11.

Khan 1962 Constitution was a 'Taylor Made' and was resembled with 'Lyal Pur Tower' (located in Faisalabad). It is interesting to note that Ayub Khan had given the power of impeachment to himself. Two important issues were pointed out. East Pakistan blamed that Ayub Khan Administration had injected entire development budget in West Pakistan at the expense of prosperity of East Pakistan. Second, the political elites of East Pakistan had been deprived of policy making and decision making process. The West Pakistan bureaucracy had adopted insulting behavior with East Pakistan. So as matter to fact, the trends of separatist movement increased among the common man of East Pakistan. Ayub Bengali Commerce Minister, Hafiz-ur-Rehman brilliantly perceived the outcome of the 1962 constitutional features as to reflection of centralized features. It is also a known fact that said minister was dropped from the cabinet as the constitution was promulgated. Basic Democracy System had been introduced to strengthen Ayub Khan. It was a directly Electorate College, consisting of 80,000 responsible for electing National Assembly and Provincial Assemblies.⁵⁵ This act bitterly hampered political system of Pakistan and deeply affected interest articulation and political socialization process. In the outcome of this political move, Ayub Khan promoted controlled democracy and incorporated with the feudalists, favorable to Ayub Khan Regime. In case of differences of opinion between Ayub Khan and National Assembly, the former can take the matter to Electorate College where he had majority already. The National Assembly had not been constitutional power to disobey or reject any ordinance, issued by the president.⁵⁶

⁵⁵ The Basic Democracy Order, (Rawalpindi), The Constitution of 1962(Article 144-145. 128)

⁵⁶Choudhary, G.W, Constitutional Development in Pakistan, supra note. 6, pp.204-205, (The Constitution of Pakistan 1962), Article 29.

NUMBER OF COUNCILS AND COMMITTEES UNDER THE B.D. SYSTEM

	East Pakistan	Regular Areas	West Pakistan Special Areas	Total
Rural Areas:				
Divisional councils	4	12	-	16
District Councils	17	46	-	63
(Agency Council)	-	-	9	9
Thana / Tehsil Councils	396	202	-	598
Town Committees	37	215	6	285
Union Councils	4,032	3,302	112	7,446
Urban Areas:				
Municipal Committees (Including Cantonment boards)	29	87	-	116
Union Committees	216	809	-	1,025
Total	4,731	4,673	127	9,531

Source: Hassan Askari Rizvi, The Military and Politics in Pakistan, p 118

The president had enough powers to exercise state's powers but in case of emergency, he had unlimited powers to regulate state's affairs. The impression of National Assembly was not sovereign because only those proposals could be translated into acts which had been sponsored by the President Office. Impeachment process of the president was extremely non-democratic. The member, who attempted to impeach the president, will have to attain one half of the total numbers of the parliament. In case the impeachment was failed, the mover member will have to lose his seat in National Assembly. Ch. Muhammad Ali rightly said, "The constitution had given birth to a government which was a government of the president, by the president and for the president". Article 238 of 1962 Constitution stated that Ministry of Defense Office will be exercised by that person, belonging to military and having at least Lieutenant General rank officer.⁵⁷ Articles 208 and 209 reflected complicated method of constitutional amendment. Amendment in the 1962 Constitution cannot be approved unless the president had willingness to do so.⁵⁸ It is interesting to note that 1962 Constitution was amended and important changes were included. It was amended that the president will hold office beyond the expiry of the term until his successor enters into office. Ayub Khan Administration enforced 1962 constitution and used state's machinery for attaining favorable results but majority of the politicians belonging to East Pakistan were not ready to acknowledge this development.⁵⁹ Eight leading opposition leaders Z.H. Lakri, Mahmood-ul-Haq Usmani, Sheikh Abdul Majeed, Mian Mahmood Ali Kasori, Tufail Mohammad, Mulana Abdur Sittar Niazi, Khawaja Muhammad Rafiq and Nawabzada Nasrullah Khan gathered at Suhrawardi residence

⁵⁷Rizvi, Askari, Hassan.(2000) The Military & Politics in Pakistan 1947-1977, Sang-e-Meel Publications, Lahore,p128.

⁵⁸ The Constitution of Pakistan 1962, Articles 208-209

⁵⁹Gauhar, Altaf. Ayub Khan- Pakista; First Military Ruler, pp410-411.

at Karachi.⁶⁰ The intelligence agencies monitored the meeting and finally arrested all of them. They were charged to criticize government's policies and to raise public agitation by organizing secret meetings. In next, Ayub Khan Administration attacked political parties to demise political pressure against government. Jamat-i-Islami was accused by the Home Minister on charging unwarranted criticism of government. Amir of Jamat-e-Islami Mulana Abul Ala Maudoodi was called as foreign agent. Because of these activities of the authoritarian regime, the students' of organizations launched movement against Ayub Khan. In consequently, the state' authorities expelled students from their institutions but also put forward them into jail. Ayub Government declared Jamat-e-Islami 'an unlawful association' under section 16 of the Criminal Law Amendment Act, 1908 as amended by Ordinance XXI of 1960. Mulana Madoodi challenged this act in West Pakistan High Court. The petition which was filed in this matter was dismissed by West Pakistan High Court in Lahore. On the other hand, same petition was acknowledged by the East Pakistan Court and declared said notification null and void. The court argued that the state had no binding effect to enforce such acts. It is the responsibility of the state to withdraw or cancelled its issued order or notification. The Supreme Court acknowledged the stance of Maulana Madoodi and had dismissed the unlawful deeds of the state's authorities against the political parties.⁶¹ According to the 1962 constitution, Presidential Election had to be held before expiry of the term within 120 days. Ayub Khan was nominated by the Convention League for re-election. Now the opposition political forces joined common strategy to face Ayub Khan and had established a political alliance, called as combined opposition parties. This group consisted of council Muslim League led by

⁶⁰ Feldman, Herbert,(1972)From Crisis to Crisis: Pakistan 1962-1969, Oxford University Press, London, pp 63-64

⁶¹Tamizuddin Ahmad v The Government of East Pakistan.PLD 1964 Dhaka 795.

PRESIDENTIAL ELECTIONS (1965) RESULT

Candidate	Votes Polled		Total	Percentage of Votes Polled
	E. Pakistan	W. Pakistan		
Ayub Khan	21,012	28,939	49,951	63.31
Miss Fatima Jinnah	18,434	10,257	28,691	36.36

Source: Hassan Askari Rizvi, The Military and Politics in Pakistan, p 132

Mulana Madoodi. Now the question before the opposition forces that would compete Ayub Khan for this objective, Miss Fatima Jinnah was chosen to deal with Ayub Khan. No doubt, Miss Fatima Jinnah was the sole lady whose association with the means was at the prestige level but she had no experience how to run state's affairs. The political observers argued that Miss Fatima Jinnah was a glimpse of common man and the people had trust in her. She was believed in the committed lady to shut down the Ayub's authoritarianism. Ayub Khan Administration had used state's machinery and money to defeat Miss Fatima Jinnah. Miss Fatima Jinnah stated, "The most unfortunate aspect of the present conditions is that the administrative machinery of the country is being identified with Mr. Ayub Khan's election campaign".⁶² It had been openly argued that the state's authority had collaborated with those political forces whose associations were with Mr. Ayub Khan. Miss Fatima Jinnah charged that "these elections have been rigged. I am sure that the so-called victory of Mr. Ayub Khan is his greatest defeat".⁶³ No doubt Ayub Khan Administration achieved required results but had left scattered feelings. The political elites of East Pakistan criticized Ayub Khan and raised separatist slogan. Sheikh Mujeeb-ur-Rehman had disclosed his six points which had hit to national integration.

Six Points of Mujeeb were respectively as followed.⁶⁴

- A Federal Constitution of Pakistan.
- Central Government, be limited to Defense and Foreign Affairs of Pakistan.
- Separate currencies
- All taxes to vest in the provinces
- All foreign exchanges, earned by East Pakistan, should be at the disposal of East Pakistan.

⁶² Miss Jinnah's Statement, Dawn, 7th December 1964

⁶³ The Pakistan Times, 4th January 1965.

⁶⁴ Choudhury, The Last Days of United Pakistan, p 50

- An East Pakistan militia to be formed.

Mujeeb Six Points Agenda was a serious threat to Pakistan's Sovereignty. So that he was arrested, vide order Defense of Pakistan Rule and under East Pakistan Safety Ordinance. Trial was started in Salhet Jail. Further he was kept in charge as against of Agartala Conspiracy Trial.⁶⁵ It is a known fact that the government had to withdraw from Agartala conspiracy case because the political forces compelled Ayub Khan to negotiate with them. It was the just political decision because massive demonstration against the government humiliated whole scene and left no options before Ayub Khan. The circumstances reached the lowest ebb and determined the future of Ayub Khan. It was the clear message for Ayub Khan neither he nor his political plans are acceptable for the opposition forces. Finally Ayub Khan declared, "I shall not be a candidate in the next election. This decision is final and irrevocable. All doubts, suspicions, and misgivings must end with this announcement."⁶⁶

Taking expression of Ayub Khan's regime one viewed in cleared that his political regime was extremely authoritarian, recognized Islamic and West oriented thinking to design constitution. Ayub's constitution was lacking of provincial autonomy and was expression full centralized structure of administration and legislative sphere. Ayub Khan Government adopted Pro-US policy and fully facilitated US interests in the region. SEATO and CENTO were the agreements,⁶⁷ later on Ayub Khan provided military base to Washington for a check-mate over Moscow.⁶⁸ Ayub Khan established an Islamic Research Institute, headed by a religious scholar, Fazal-ur-Rehman. The traditionalist Ulmas were not pleased Ayub

⁶⁵Jahan, Rounaq(1972) Pakistan: failure in National Integration, Colombia University Press, New York. pp. 128-131.

⁶⁶Gauhar, Altaf, Ayub Khan-Pakistan's First Military Rule, supra note 6, p.455.

⁶⁷Barnds,J.William.(1972)India-Pakistan and the Great Powers, , Praeger Publication House, New York.pp.83-106

⁶⁸ Khan, Fazal, Muqem,(1963) The Story of the Pakistan Army, Oxford University Karachi, Karachi, p 154

Khan and opposed the modernist thinking of Mr. Fazal-ur-Rehman.⁶⁹ They were interested to restore the Islamic provisions of 1956 constitution. The Ulama opposed Muslim Family Law Ordinance⁷⁰ and assumed it unislamic.

It is the understood reality that Ayub Khan Martial Law had derailed democratic trends in Pakistan. It produced nothing except distortion of political process. Ayub Khan introduced democracy in the form of 1962 Constitution and parliament but all efforts did prove nothing. Most of the time Ayub Administration attempted to control the opposition and had used all resources to curb the opponents. Ayub Khan introduced land reforms⁷¹ and industrial policy but they generated specific families' domination over the political affairs. Gradually the trends of separatism were accessed to the politicians, resulted East Pakistan separation. Ayub Khan intentionally dislocated political system of state and had stopped institutionalization process. Serious political weakness had raised question marks regarding the credibility of the so-called political movements within Ayub era. Ayub Khan devalued long standing efforts of the politicians in the result of 1956 Constitution. The extra constitutional act had generated rifted between East Pakistan and the West Pakistan. Political process was restricted and controlled democracy was framed to run state's affairs.

EXECUTIVE SUMMARY

The prime need of Pakistan's political leadership was to reconstitute the political system to meet challenges but all efforts did not come true. Pakistani

⁶⁹ Dr. Fazal-ur-Rehman advocated reformation of Islam on the basis of Post-Prophetic formative period of Islam DrFazal-ur-Rehman, Islam, Weidenfeld and Nicholson, London(1966)

⁷⁰ Dawn, 4th July 1962. Another attempt was made to repeal the Family Laws Ordinance in 1972. (the Sun, 22nd Sep 1972)

⁷¹ Speeches and Statements by Field Marshal Mohammad Ayub Khan, Volume-I, October 1958-June 1959.pp.47-51

politicians showed autocratic attitude and latterly ignored the democratic values. The issues were not politically settled and their self centered autocratic thinking faded the scope of democracy. Despite of this opportunist atmosphere, the political elites focused to frame constitution. The differences between East Wing and West Wing of Pakistan were finally reached to great extend when 1956 Constitution was debated. The population issue was resolved through parity principle and One Unit Formula. Nine years struggle was politically come true when institutions were redefined in the light of 1956 Constitution. It was hoping that now the political issues will be legitimized. Within two years of the promulgation of 1956 Constitution and before General Election, the Pakistan Army took over the responsibility to regulate state's affairs. General Ayub Khan removed Iskander Mirza and abrogated 1956 Constitution. Ayub Khan emerged with new ideas and reforms. The political leadership challenged the Ayub Khan's martial law but all petitions were not entertained. The court announced Ayub's martial law a "Revolution" in Pakistan. Ayub Khan promised to introduce genuine democracy and implemented 1962 Constitution, legal document, prepared for Ayub Khan. In Ayub Khan Regime, the controlled democracy was introduced and state's machinery was used to curtail the politicians and democratic roots. Ayub Khan's popularity demised after 1965 war when his signed Tashkent Agreement was criticized. His foreign minister Zulfikar Ali Bhutto resigned from ministry and joined opposition to sabotage Ayub period. In East Pakistan, Ayub Khan was considered a 'looted' personality who damaged economy of East Pakistan Ayub's bad image in East Pakistan was his extra constitutional activities to win presidential election against Fatima Jinnah.

NATIONAL ASSEMBLY ELECTIONS, 1977

Party	No. of candidates	No. of seats Won	Percentage of the votes cost
PPP	191	155	58.1
PNA	68	36	35.4
PML-Qayyum	37	1	
Independent	324	8	
Other Minor Parties	21	0	
Total	741	200	

Source: Hassan Askari Rizvi, *The Military and Politics in Pakistan*, p 233

National Assembly Turnout (2008)

Province / Area	Total Number of Seats	Result Declared	Registered Voters	Total votes Polled	Valid votes	Rejected votes	Turnout of Total votes polled	% of valid votes Polled	% of Rejected votes
1	2	3	4	5	6	7	8	9	10
N.W.F.P	35	35	10660785	354805	3445417	91272	33.21	97.47	2.58
FATA	12	11	1280897	394977	392318	4536	30.37	99.33	1.15
Federal Capital	2	2	482801	241475	240000	1531	49.98	99.39	0.63
Punjab	148	146	43882622	21017540	20441274	618527	48.73	97.26	2.94
Sindh	61	61	19461612	8578161	8411541	184141	44.58	98.06	2.15
Baluchistan	14	14	4365274	1213111	1182848	40575	30.90	97.51	3.34
Total:	272	269	80133991	34980069	34113398	940582	43.65	97.52	2.69

Source: IT Wing- Election Commission of Pakistan Thursday, May 28, 2009.

It was the fact that Ayub Khan did every unlawful act to defeat Fatima Jinnah. Anyhow, now the political situation was not favorable for Ayub Khan. Sheikh Mujeeb Rehman, Zulfiqar Ali Bhutto, Mulana Bashani, Khan Abdul Wali Khan, and other religious leaders launched a mass movement against Ayub Khan. Finally Ayub Khan realized that he had no further role at stage and transferred political power to General Yahya Khan. Ayub Khan focused on stability of state and did efforts to provide economic stability but he failed to access political development. He approached democracy but he did not develop democratic system deliberately. Ayub Khan introduced moderate laws like family laws, which had been severely criticized by the religious scholars. Ayub Khan introduced labor reforms, agriculture, land reforms and industrial reforms but except only industrial policy, other remained failed to attain positive results. As matter of fact, Ayub era was politically depressed era which opposed the political activities. Only nominated and selected people had been allowed to continue political activities.

CHAPTER NO: 4

PAKISTAN RETURNS TO PARLIAMENTARY DEMOCRACY

INTRODUCTION

Ayub Khan Preferences had been replaced and now question before Yahya Government was how to comfort the common man and how to articulate new political parameters for strengthening the institutions. Ayub Khan violated his own created 1962 Constitution when political power was transferred to Army Chief, General Yahya Khan instead of National Assembly speaker. It was an objectionable point and East Pakistan was not pleased. In last days, Ayub Khan relieved Sheikh Mujibur Rehman in Agartala Conspiracy case. After holding political power, Yahya Khan had taken two steps immediately e.g. abrogation of 1962 Constitution and demolish of One Unit Formula scheme. Yahya Khan announced General Elections and the political parties were allowed to contest election. Meanwhile, Yahya Khan implemented Legal Frame Work Order (LFO) which was supposed to be as need of the time to reconstruct the political administrative system. It was an indirect effort of Yahya Khan to place himself within next political set up. High or Yahya Khan's agenda were

- i. To conduct election
- ii. To restore the political development
- iii. To create a national loyalty and consensus
- iv. To provide stability to the state on internal and external fronts.

The main political parties welcomed the election debate and launched their

political campaign respectively. It is interesting to note that Sheikh Mujibur Rehman introduced his Six Points Agenda and Bhutto followed Mao's theory "Socialism". The importance given to Six Points Agenda by the East Pakistan was the alarming situation for the national integration. Sheikh Mujibur Rehman's Six Points Agenda reflected loose confederation and exposed the differences openly before the international community. The political observers argued that the warm responded attitude by the East Pakistan on Six Points Agenda showed loose grip of Yahya Government over states' affairs. This raised political polarization between the East Pakistan and West Pakistan.

INSTITUTIONAL CRISIS AND POLITICS OF DISINTEGRATION:

Political unrest and massive public demonstration compelled Ayub Khan to transfer political power to General Yahya Khan. This is again constitutional violation because as according to 1962 Constitution, the power should be transferred to the Speaker of the National Assembly. This act betrayed East Pakistan because the Speaker of the National Assembly was Bengali. General Yahya's regime was the crucial phase of Pakistan's politics. The regime had to settle the inherited political problems along with to secure the external sovereignty. Within state, the nation was facing political and economic crisis and across the border, the Indian government was actively engaged to spread disorderly environment in East Pakistan. Now the question was regarding the credibility of new leadership either it has potential to face such challenges or not. Next, it was debate what options before the government lay to protect internal and external sovereignty. So as a matter of fact, it was complicated regime. List of the large scale problems was present before Yahya government. As far as the disturbing circumstances were concerned, gradually growing in East Pakistan it was believed that mature political leadership can restore peaceful environment but

again the leadership was the military government. After taking over government, General Yahya announced General Elections in both wings. Before General Election, the Yahya Administration had abrogated 1962 Constitution and had introduced Legal Frame-work Order. Apart from abrogation of 1962 Constitution, Yahya Khan dissolved 'One Unit Formula Scheme' and introduced "One Man One Vote" formula system. These were the important steps taken by Yahya Government which changed the basic parameters of Pakistan's Politics. It should be observed that clear difference regarding credibility of Ayub and Yahya regime was visible. Ayub abrogated 1956 constitution which was formulating a political path of conducting elections environment which had decided many things mutually. On the other hand, Yahya regime was going to decide many things on political basis without developing consensus between the both wings. As far as general election was concerned, the people already had a reflection of Basic Democracy (BD) System, Presidential election and performance of National Assembly. Now the General Election, announced by Yahya Khan had to be examined in the light of previous political circumstances.

**ALLOCATION OF SEAT TO PROVINCES IN THE NATIONAL ASSEMBLY
1970 ELECTION**

Province	General Seats	Women Seats	Total
East Pakistan	162	7	169
The Punjab	82	3	85
Sindh	27	1	28
N.W.F.P	18	1	19
Tribal Areas	7		7
Baluchistan	4	1	5
Total	300	13	313

Source: Hassan Askari Rizvi, *The Military and Politics in Pakistan*, p 188

COMPOSITION OF PROVINCIAL ASSEMBLIES

Province	General Seats	Women Seats	Total
East Pakistan	300	10	310
The Punjab	180	6	186
Sindh	60	2	62
N.W.F.P	40	2	42
Baluchistan	20	1	21

Source: Hassan Askari Rizvi, *The Military and Politics in Pakistan*, p 188

**PERCENTAGE OF VALID VOTES POLLED BY THE POLITICAL PARTIES
IN 1970**

Political Party	East Pak.	Punjab	Sind	NWFP	Baluchistan	Total
Awami League	75.11	0.07	0.25	0.22	1.06	39.20
The P.P.P	-	41.66	44.95	14.28	2.38	18.63
Qayum Muslim League	1.07	5.42	10.70	22.64	10.94	4.46
Council Muslim League	1.60	12.66	6.84	4.06	10.99	5.96
J.U.I. (Hazarvi)	0.92	5.19	7.85	25.45	20.00	3.98
J.U.P	-	9.96	6.91	0.02	-	3.94
N.A.P. (Wali)	2.06	-	0.37	18.50	45.23	2.43
Jamat-i-Islami	6.07	4.74	10.1	7.22	1.16	6.03
Convention Muslim League	2.81	5.11	1.79	0.57	-	3.34
PDP	2.81	2.26	0.08	0.32	0.37	2.24
Independent	3.47	11.65	11.11	6.01	6.81	7.04

Source: Hassan Askari Rizvi, *The Military and Politics in Pakistan*, p 191

It had been observed that political attitude was complicated in both the wings. This was not examined and discussed by the military leadership before conducting general election. The political forces were not ready to face new challenges and opportunities.

General Yahya's announcement regarding conducting of the General Election was a smooth breath for the political forces, demanding 'free and fair' election. On the one side, the military government was planning to conduct free and fair election but on the other hand, it was hopeful to bargain next civilian regime, acceptable for them.¹ It was the desire of the military government that the next civilian regime should be Muslim in alliance with religious political parties. The election results were not favorable for the military establishment because Muslim League including religious political parties remained unsuccessful to convince common man in General Election. In East Pakistan, Sheikh Mujeeb-ur-Rehman and in West Pakistan, Zulfikar Ali Bhutto gained majority.² In these circumstances, the political polarization was clearly observed. Sheikh Mujeeb-ur-Rehman talked about 'loose confederation' whereas Zulfikar Ali Bhutto advocated theory of Socialism. Now, the military establishment was confused on both fronts, along with it was interesting to keep itself within power. Yahya had placed a provision already in Legal Frame Work Order (LFO) that in case the Assembly got failed to constitute constitution following 120 days; the political process will be sabotaged. In such dramatic situation when the Assembly Session is not called, how constitutional features can be framed? It is argued that the military establishment wanted to continue political process but as to play partner role. It denied transferring of power either to Mujeeb or Bhutto, as political history remained since independence. The military establishment and civilian

¹ Feldman, H. (1976). *The End and the Beginning: Pakistan, 1969-71*. Karachi: Oxford University Press. pp 24-30

² Ibid. pp 30-34

bureaucracy argued that political deadlock appeared and only military had potential to integrate Pakistan. As far as the internal strife within East Pakistan is concerned, it can be controlled through powerful military action against those who were directly or indirectly connected with Indian agents, actively involved in conspiracy. Now the military had set its mind that in comparison to Mujeeb-ur-Rehman, Mr. Bhutto was a better choice because of his pro-Pakistani approach, sympathy to military regime and pro-Islamic/anti-India agenda whereas, Mujeeb party leaders' association was observed as anti-Islamic and anti-Pakistan. One view expressed that the military establishment advocated Mr. Bhutto as the sole leader of Pakistan. Bhutto was given power in December 1971 with the consent of military. In East Pakistan, the military operation was launched, spread over rapidly raising feelings of insecurity for Pakistan and finally the expected results come true.³ Bhutto as political leader established a secular minded political party, raised slogan 'Socialism is our creed' and mobilized common man politically but it is also true that he failed to do what he could do as political leader. He believed in democracy but he behaved non-democratically. The party organization failed to deliver changes as according to expectations. Soon the sociopolitical ideologies of Pakistan's People Party were cracked and left he himself sacked Marxist elements within party.⁴ In 1977 election, Mr. Bhutto revised political agenda and the feudal and other powerful state, 'stake holders controlled the democracy. The party tickets were given to feudal personalities who dominated political framework. Instead of strengthening democratic institutions, he attempted to dominate political regime. In NWFP and Baluchistan, elected governments were derailed and their political leadership was sacked.⁵ These the non-democratic events demised bright future of the democracy and strengthened military-civilian

³James, M. (1993). *Zulfi Bhutto of Pakistan: His Life and Times*. New York: Oxford University Press.

⁴ Scherer, M.B. (1993). *Society and Dictatorship*. Lahore: Progressive Publishers.

⁵ Jalal, A. (1990). *The State of Martial Rule*. Lahore: Sang-e-Meel Publications.

bureaucracy. Bhutto failed in keeping control over the military and civilian bureaucracy which confused 1977 election result. On political front, he was misguided. Secondly, he miscalculated the mental approach of the military establishment. After tragedy of 1971, the military had intentionally kept itself set aside because people were impressed by Bhutto due to 1972 Simla Accord. Further it was not in the position to criticize role of political government due to its bad performance in East Pakistan. Mr. Bhutto planned to introduce infrastructural changes within Army. He changed 'Command and Control System' of Pakistan Army. For example, he established Joint Chief of Staff Committee which was responsible to articulate 'joint strategy'. Next change was about how to place all military services under Ministry of Defense which strengthened Prime Minister. The designation of Chief of Army Staff was generated by replacing Commander-In-Chief (C-in-C) Commander-in-Chief, and further to equalized powers / services of all the serving chiefs. The three Chiefs of Services were put under the control of Chief of Joint Staff Committee and the President was entitled as Supreme Commander.⁶

ZULFIKAR ALI BHUTTO ERA: CONSTITUTIONAL AND POLITICAL DEVELOPMENTS:

The 1973 Constitution clearly stated that in case of violating or abrogating constitution, the subjected man would be 'high treason', meant capital punishment.⁷ Tenure of the Army Chief was fixed and it was constitutionally decided not to be given extension in service. The function of the military was clearly viewed that it should exercise to protect eternal sovereignty, to "defend Pakistan against external aggression or threat of war, subject to law, act in aid of civil power when called upon

⁶Askari, M.H. (2003, 19 December). The Trauma of 1971 and After. Dawn.

⁷Hasan, M. (2002). The Mirage of Power: An Inquiry into the Bhutto Years, 1971-77, Karachi: Oxford University Press.

to do so." This inclusion in the 1973 Constitution was indicative of the determination of the democratic forces to "put an end" to the military's involvement in the active politics."The constitution defined as high treason any attempt to or any kind of direct or indirect assistance to abrogate or conspire to abrogate and subvert the constitution "by use of force or show of force or by other unconstitutional means."In December 1973, Parliament enacted legislation regarding constitutional subversion to declare this act as death sentence. The military officers are bound to restrict themselves as per their oath that strictly restricted them not to play any role in further political activities. It is argued that these acts of the Pakistan's Peoples Party had strengthened civilian government but had annoyed military officers. It was not acceptable for the military officials to be under the supervision of the civilian government. During Zulfikar Ali Bhutto, regime, another civilian institution, Federal Investigation Agency (FIA), was established.⁸ Besides this, the network of the other agencies was streamlined and was well equipped. It is argued that the military was tolerating Bhutto's interference due to debacle of '1971 Episode', otherwise these changes were not mentally accepted. The internal and external circumstances were not in favor of military. The late 1971 military leadership was not in favor of interference in the political matters. General Tikka Khan argued that now the military should focus 'professionalism'. Now the military officers should be loyal and committed with constitution. After a few years, sense of resentment was developed among the military officer regarding civilian government's policies. The conspiracy against the civilian government was staged by few military officers, belonging to Pakistan Air Force, including two Brigadiers.⁹ This small group attempted to coup but at the eleventh hour, the plan failed. Consequently, this unlawful attempt evoked mistrust environment between the civilian and military

⁸White Paper on the Performance of Bhutto Regime. Vol. No. III, Islamabad, Govt. of Pakistan, 1979, p. 26.

⁹The Pakistan Times, 1 & 3rd April 1973, Dawn, 13 May, 1973.

leadership. The civilian government was convinced that the said attempt should be considered a baseless activity of few military officers who had set their own agenda by themselves. This group had no support from military establishment. They had no sympathy within Army due to this violation. It had been observed that within civilian community, the military adventure was not appreciated. It is further argued that conspiracy was not against civilian government but to demoralize the military. Military leadership stated that it had smooth working relations with civilian government. The military leadership is institution stood by the democratic government.¹⁰ Bhutto government appreciated military establishment and further promised to show full commitment to modernize the military's technological infrastructure. Side by side, Bhutto realized that only strong political institutions can prevent democratizing process in Pakistan. Bhutto adopted socio-economic reforms, formulation of the constitutional features and role of the political parties within institutionalization process. It had been observed that the socio-economic plan, introduced by Mr. Zulfikar Ali Bhutto, absolutely failed. The expectations regarding these said policies did not come true. It was hoped that Pakistan would meet new change but it did not happen accordingly. Disillusionment among the people appeared which generated Anti-Bhutto feelings and led to cause of political agitation against Mr. Bhutto. Meanwhile, Bhutto attempted to curtail the powers of the judiciary. This act developed a negative picture within society against Mr. Bhutto. A part from this, the ideological confrontation within Pakistan People's Party weakened Bhutto's grip over the civilian matters. It was perceived that the 'common man party' had been hijacked by the feudal aristocrats whose prime interest was power instead of 'Ideology'. Two developments had shaken the political set up of Bhutto's

¹⁰Rizvi, Askari, Hassan. *The Military & Politics in Pakistan, 1947-1997*. Sang-e-Meel Publications, 25-Shahrah-e-Pakistan (Lower Mall), Lahore, pp. 221-222.

government. It was the tragedy that Federal government sabotaged Mengal's Government in Baluchistan in February 1973. Second, Mulana Mufti Mahmud's cabinet resigned in NWFP. The two above said political developments were the cause of hallmark protest publically against Bhutto's government. As Mengal's Government was removed in Baluchistan, the wide spread political agitation had been staged by the Bloch's political activists. Baloch 'Sardars' and their respective tribal militants had launched guerilla war against security forces in Baluchistan in response to this act, the military operation was launched.¹¹ This act of Bhutto government was absolutely non-democratic and showed the autocratic attitude of Zulfikar Ali Bhutto. It was claimed that he had to take the decision regarding 'Military operation' against the Baloch because the intelligence sources pointed out their interference in Iran and few were involved in repeat 1971 and tried to find out military solution rather than political settlement. The political observers argued that Bhutto relied on the military operation which discouraged the democratic elements. It was the beginning of the involvement of the military, which further got political space when it imposed semi-martial law in different cities for gaining political results. It can rightly be said that Bhutto himself was involved the military within political affairs. Because of these acts, it was the perceived thinking that civilian government is loosing its grip over the issues. The political agitation increased rapidly and all the political forces, against Bhutto gathered at the platform to launch movement against political government. Religious political parties joined the national leaders. They pointed out political structural flaw within system. The political interest and mass demonstration failed constitutional machinery. It was observed that Army as disciplined institution had

¹¹ Government of Pakistan, White Paper on Balochistan, Rawalpindi, October, 1974. pp. 18-23

begun to point out the political structural imbalanced system of Pakistan's political culture.

*"Bhutto said, Gul Hasan and Rahim had been overheard at a private meeting saying they had anticipated that Military might have to wait two years to take over rule again in Pakistan, but the way the situation was developing, they thought the Military would be in charge within six months. Bhutto said he could not stand for such behavior by his Military leaders and they had therefore been replaced."*¹²

The Pakistani society again got disappointed and watched military as sole hope for peaceful environment. No doubt it was good political movement which encourages democratic trends within Pakistan. Against Zulfikar, the opposition political forces established political alliance. As far as political position of Bhutto was concerned, no doubt question mark but he was interested in 2/3 majority for implementing agenda. It is well-said, "Big people commit big mistakes". Same had been observed in case of Bhutto. For 2/3 majority, Bhutto had neglected comfortable political victory. Approximately 30 to 40 polling stations were stuffed and attempted to rig.¹³ The poll rigging evoked Anti-Bhutto feelings within state. Awami National Party (ANP) and the religious parties controlled agitation rallies and demonstrated within major cities. In the beginning, Bhutto was convinced that opposition political forces did not tolerate PPP's victory. With passage of time, the political unrest circumstances would calm down. Other School of thought argued that Bhutto should take initiative to find political solution through dialogue. In fact Bhutto realized that

¹²Khan, Roaidad. American Press, P. 804.

¹³Hasan, Z. (1995). The Separation of East Pakistan: The Rise and Realization of Bengali, Muslim Nationalism. Karachi: Oxford University Press, Karachi.

circumstances were not favorable to him. So, he must ensure the political activists, including other states stake holders to seek political solution. The dialogue between Zulfikar Ali Bhutto and the opposition started and finally moved to a positive solution. Meanwhile, the military set stage before the political settlement. Zia-ul-Haq imposed Martial Law and derailed democracy. Zulfikar Ali Bhutto commented in his book 'If I Am Assassinated' written in Rawalpindi Jail. The Pakistani political culture should be examined as coup hegemony which indeed in a recurring features of Pakistani polity". It is said that in last days of Bhutto's government, the majority of the opposition leaders were calling military. Even then the retired military officers and civil bureaucrats instigated the Army leaders to impose Martial Law. Air Chief Marshall (R) Asghar Khan wrote letters to Army Chief, Services Chiefs and other officers. The letter concluded "As men of honor it is your responsibility to do your duty and the call of duty is not the blind obedience of unlawful commands. There comes a time in the life of a nation when each man has to ask himself whether he is doing the right thing. For you the time has come. Answer this call and save Pakistan. God be with you."¹⁴ Consequently, Bhutto was closed finally on July 5th, 1979.¹⁵ Hassan Askari Rizvi referred to Military takeover in 1977 "The July 1977 coup was as peaceful as were the coups in 1958 and 1969". The news was telecast that 'Operation Fair Play' is now successful.

ZIA-UL-HAQ: POLITICAL ORIENTATION OF ISLAMIZATION

Chief of Army Staff, General Zia-ul-Haq stated that the martial law was the ultimate end of the political strife.

"I am suffering this ordeal partly because I sought an honorable

¹⁴Khan, Asghar, Muhammad (1983). Generals in Politics: Pakistan 1958-82, New Delhi, Vikas, pp. 116-118.

¹⁵Rizvi, Hassan, Askari. The Military and Politics in Pakistan: 1947-1997, p. 239.

and equitable via media of conflicting interests in order to harmonize our disjointed structure. It seems that the lesson of the coup d' etal is that via media, a compromise is a utopian dream. The coup d' etal demonstrates that class struggle is irreconcilable and that it must result in the victory of one class over the other. Obviously whatever the setbacks may be, the struggle can lead only to the victory of one class."¹⁶

He argued that the former political government was failed to regulate states affairs. The continuous political unrest situation compelled military to overrule Bhutto's government. Like preceding military rulers, he had no intention to continue martial law government and further emphasized on 90 Days to conduct election. General Zia-ul-Haq declared:

*"My sole aim is to organize free and fair elections which would be held in October this year [1977]. Soon after the polls, power will be transferred to the elected representatives of the people. I give a solemn assurance that I will not deviate from this schedule. During the next three months, my total attention will be concentrated on the holding of elections and I would not like to dissipate my powers and energies as Chief Martial Law Administrative on anything else".*¹⁷

¹⁶ Bhutto, Z.A. *If I Am Assassinated*, The Classic Publications, Lahore, P. 55.

¹⁷Zia-ul-Haq First Address to Nation, July 5, 1977.

In other statement he said, "I will not accept a political office because I do not think I am fit for that".¹⁸ He assured Judiciary that 1973 Constitution had not been abrogated but suspended. He stated that in next 90 Days, the election will be conducted. Further he had given impression that election process should be examined as matter of accountability. Only transparent and accountable election can promote democratic trends. It had been argued that Zia's extra-constitutional act was welcomed by the politicians. The religious political parties welcomed Zia's Martial Law. In next few days, he said that the prevailing circumstances did not allow him to hold Local Bodies Elections in 1979 and then in 1983. Meanwhile, Zulfikar Ali Bhutto was charged with a crime and after a long but biased judicial process, he was hanged by 'Supreme Court'. Bhutto's death was clear signal for those who were still stand with PPP.¹⁹ 'Zero tolerance message' was delivered to the political elites who were interested to restore democratic affairs and further challenged martial law regime. On November, 1977 Supreme Court had acknowledge Zia's Marital Law in the light of 'Doctrine of Necessity'. Supreme Court of Pakistan provided justification to Zia's Martial Law, headed by Chief Justice, Anwar-ul-Haq. The bench of Supreme Court had given impression that Zia's Martial Law took place due to constantly distorted political circumstances in Pakistan. Further, Zia clearly ensured that constitutional democracy would be restored as early as possible. The subjected bench viewed that Chief Martial Administrator attempted to save the country at the time of grave national crisis and constitutional breakdown. The Supreme Court judgment said:

*"It will be seen that the declared objectives of the
imposition of Martial Law are to create conditions*

¹⁸ The Philadelphia Inquirer,(News Report) 8 August, 1977.

¹⁹ Jalal, A. (1990). The State of Martial Rule, Lahore: Sang-e-Meel Publications.

suitable for the holding of free and fair elections in terms of the 1973 Constitution, which was not being abrogated, and only certain parts of which were being held in abeyance, namely, the parts dealing with the federal and provincial executives and legislatures. The President of Pakistan was to continue to discharge his duties as heretofore under the same constitution. Soon after the polls, the power is to be transferred to the elected representatives of the people. It is true that owing to the necessity of completing the process of accountability of holders of public offices, the holding of elections had to be postponed for the time being but the declared intention of the Chief Martial Law Administrator still remains the same namely, that he has stepped in for a temporary period and for the limited purpose of arranging free and fair elections so as to enable the country to return to a democratic way of life."

"In the presence of these unambiguous declarations, it would be highly unfair and uncharitable to attribute any other intention to the Chief Martial Law Administrator, and to insinuate that he has not assumed power for the purposes stated by him, or that he does not intend to restore democratic situations in terms of the 1973 Constitution."

*"However, less than four months after the Supreme Court judgment, General Zia ul Haq made it clear that election would be held only when he and his colleagues were fully convinced about what he called the "positive results." He said that Allah had granted him and his colleagues an opportunity to clean the body-politic of the country, and unless this task was accomplished it would be futile to embark on the election exercise."*²⁰

It had been observed that Zia-ul-Haq enforced disqualification tribunals, referred guilty of misconduct. Disqualifications tribunals were established in the light of the PCO Order, issued on February 28, 1978. Zia Administration chalked out plan to extend Martial Law regime.²¹

*"What is a constitution? It is a booklet with ten or twelve pages. I can tear them away and say that from tomorrow we shall live under a new system. Today the people will follow wherever I lead. All the politicians including the once mighty Bhutto will follow me with their tails wagging."*²²

For this purpose, Zia received political support of the religious political leaders. On July 5, 1978 on the occasion of First Anniversary of the imposition of Marital Law, General Zia announced 22 Member Federal Cabinet, composed of the politicians, the technocrats and services officers. The objective of the newly

²⁰Zia-ul-Haq, Statement in Sibi, February 23, 1978.

²¹Dawn, 24 February, 1978

²²Mazari, Sherbaz (2006). A Journey of Disillusionment. Oxford University Press, London, P.521.

constituted cabinet had been followed respectively. First was the implementation of Islamic system.²³ Second was to prepare ground for General Elections as early as possible. Third is to improve of the country's economic conditions. Finally, it's to work for stability at home and Pakistan's prestige abroad.

State has three organs e.g. legislature, executive and judiciary. Zia-ul-Haq imposed Martial Law and attained its legitimacy from the judiciary. Gradually majority of the honorable judges sought shelter under Martial Law Regime. In fact, Bhutto's judicial killing not only exposed the independence of the judiciary but also determined the future status of judiciary. It was the perceived idea that in next few months, the judiciary would have to taste bitter situation. The expectations came true as Zia's Provincial Constitutional Order (PCO) was finally placed before judiciary.²⁴ Zia's intention was to provide political extension to his regime through PCO. Now PCO paralyzed 1973 Constitution and restricted the powers of the civil courts. The jurists including Chief Justice Supreme Court, Anwar-ul-Haq said "PCO curtailed the power of Supreme Court to declare whether legislation was valid". According to PCO, no judge had the right to ask anything contained in it (PCO order). Now the judges of Supreme Court had to take oath from Zia-ul-Haq under PCO. Many petitions were filed against Zia's Martial Law, which had to be now decided but PCO concluded all. It is interesting to note that Supreme Court had strengthened Zia to do as accordingly what institutionally suited him. Now Zia closed 'chapter' of Supreme Court. Zia-ul-Haq banned all political parties except Jamat-e-Islami. The secular / socialist parties were strictly banned. According to PCO political activities were not made without permission of Zia-ul-Haq.

²³ Dawn, 6 July, 1977.

²⁴ Provincial Constitutional Order, 1981. CMLA's Order of 1981, PLD Central Statutes, 183

“Zia declared Martial Law, ruled with a firm hand and tinkered with the 1973 Constitution. He and his colleagues wanted to set Pakistan straight’ or as Zia used to say, correct the politicians qibla, or direction of prayer. Zia’s Islamic conservative orientation broke with that of his predecessors. It was partly out of conviction but also used to obtain the support of the Islamic parties.”²⁵

Under PCO, Zia established Federal Assembly. According to Article 4 of the PCO “There shall be a Federal Council (Majlis-e-Shura) consisting of such persons as the President may, by Order, determine. 2. The Federal Council (Majlis-e-Shura) shall perform such functions as may be specified in an Order made by the President.” PCO was a serious challenging situation for the judges of the Supreme Court and High Courts. General Zia sacked 19 Supreme Court and provincial High Courts judges. Anwar-ul-Haq as Chief Justice Supreme Court refused to take oath under PCO. Mulvai Mushtaq Ahmad was not asked to take oath although he was interested. Zia said, ““We want the judiciary to mind its own business and not to meddle in anything else. Power is an intoxicant. Please do not get me wrong. I personally have not been intoxicated with this. I want to share power, but I refuse to share power with those who do not entitle themselves”.”²⁶ The Time London said, “Pakistan is at present governed by the "Provisional Constitutional Order" of March 1981, a document which has few parallels anywhere in the frankness with which it institutionalizes the unfettered arbitrary power of a single man”.”²⁷ Zia-ul-Haq raised slogan “Retribution

²⁵ Dawn, 2 October, 1977.

²⁶ The Economist, London, 02.04.1981

²⁷ The Times, London, 23.03.1982

first, election latter.²⁸ Zia introduced accountability²⁹ but its scope had remained limited only for PPP. Idea of Accountability was the narrow space for PPP. At early, Zia-ul-Haq declared himself as Chief Martial Law Administrator and showed intention to hold General Election within 90 days. Gradually, he pretended to 'Guardian' of Pakistan who wanted to remove all miss-happenings and mal-administrative practices. Zia clearly viewed that democracy was not the solution of all these evils. For achieving political objectives, Zia issued order to establish Federal Council.³⁰ Federal Council had to perform those assignments, given by the President. The Governors were responsible to choose those who suited for Federal Council. The bureaucracy was assigned tasks to create a political lobby which could strengthen Zia's political plan in future. Role of the intelligence agencies was important. Final recommendation had to be issued after the clearance of the intelligence agencies. Again the feudal families, including few industrialists, finally got place in Federal Council. Zia argued that he had continued political process of Pakistan and his 'Federal Council should be considered a better 'Interim' Management. The President had been given power by PCO to nominate approximately 350 Members to Federal Council.³¹ Khawaja Mohammad Safdar was nominated as Chairman of Federal Council.³² Next, Zia-ul-Haq moved further political legendary movement. Zia-ul-Haq stated in 1984 that he would continue the office of the Presidency. For presidency, he held Referendum in December, popular mandate for legitimacy.³³ The question before public for Zia's Referendum was interesting. The referendum proposition read:

²⁸ Dawn, 17 February 1978.

²⁹ Dawn, 15 March, 1978.

³⁰ Federal Council, (Majlis-e-Shoora) Order 1981. President's Order No: 15 of 1981. PLD 1982, Central Statutes, 123.

³¹ Ibid.

³² AFP Report, 19.08.1988.

³³ President's Order 11 of 1984 (1st December 1984) PLD 14985. Central Statutes 449.

“Do you endorse the process initiated by General Zia-ul-Haq for bringing the laws of Pakistan in conformity with the injunctions of Islam as laid down in the Holy Quran and Sunnah of the Holy Prophet and for the preservation of the ideology of Pakistan, the continuation and consolidation of that process, and for the smooth and orderly transfer of power to elected representatives of the people?”³⁴

The opposition political parties formed political alliance, called ‘Restoration of Democracy’ (MRD). Zia was fully aware of it and banned such activities by using state’s machinery. Furthermore, he banned all the resources, that could be used to mobilize the common man e.g. Student Unions and Labor Unions. Zia used the Islamic Ideology as political tool to counter the secular parties. The religious political parties were intentionally strengthened. It was propagated that western concept of Democracy did not suit Pakistan. Pakistan is an ideological state and its political system should be based on orientation of Islam and its value and spirit. On the other hand, the opposed political forces condemned Zia’s hypocrisy regarding Islam as tool for political power. Zia introduced the idea of Islamization in Pakistan.

Contrary to General Ayub Khan, Zia-ul-Haq converted secular impression of the state into orthodox religious thoughts. It is a known fact that Ayub Khan entitled Republic Pakistan and because of domestic pressure he had to amend 1962 Constitution. After that, Ayub Khan titled Pakistan as Islami Jamori Pakistan. Now General Zia forcefully implemented his ‘own’ Islamization Programme. Zia realized that by using Islam as political tool, he would be convenient to enhance self-created

³⁴IqbalAfzal (1986). Islamization of Pakistan, Vanguard Books, Lahore, p. 122.

democracy. Zia-ul-Haq delivered statement on February 10, 1979 on the occasion of birthday of Hazrat Mohammad (PBUH) "All major political parties despite their other differences agree that the Islamic system should be introduced in this country "I am formally announcing the introduction of the Islamic system in the country." He issued orders which clearly mentioned fixed punishment according to Holy Quran and Sunnah. The Islamic laws existing related to the offenses of theft, robbery and dacoit, adultery, false charging of adultery and wine drinking. Next, General Zia-ul-Haq provided the definition of Muslim and Non-Muslim.

" 'Muslim' means a person who believes in the Unity and Oneness of Almighty Allah, in the absolute and unqualified finality of the Prophet hood of Muhammad (PBUH) the last of the prophets, and does not believe in, or recognize as, a prophet or religious reformer, any person who claimed or claims to be a prophet, in any sense of the word or of any description whatsoever, after Muhammad (Peace Be Upon Him), and 'Non-Muslim' means a person who is not a Muslim and includes a person belonging to the Christian, Hindu, Sikh, Buddhist, or Parsi community, a person of the Qadiani group or the Lahori group (who call themselves 'Ahmedis' or by any other name), or a Bahai and a person belonging to any of the scheduled castes".³⁵

³⁵ Anti-Islamic Activities of Qadiani Group, Lahori Group and Ahmedis (Prohibition and Punishment) Ordinance 1984, Central Statutes, 102.

Zia-ul-Haq introduced Islamization Economy. The National Investment Trust and the Investment Cooperation of Pakistan had been asked to operate on equity basis, instead of interest as of July 1, 1979. Interest - Free counters had been functionalized.³⁶ 70,000 thousands branches of Nationalized Commercial banks had been launched on January 1, 1980. On the other hand, National Saving Schemes had been permitted to operate with 'Interest Bearing' factor. On June 20, 1980, Zakat and Ushar Ordinance³⁷ was implemented to empower the government to deduct 2.5% Zakat annually from mainly interest bearing savings and shares held in National Investment Trust, the Investment Cooperation of Pakistan and other companies of which the majority of shares were owned by the Muslims. Foreign Exchange Bear Certificate Scheme that offered fixed interest was exempted from the compulsory Zakat deduction. This ordinance evoked tense situation for Shia sect. Later on, Shia sect was exempted from the compulsory Zakat deduction. The said ordinance was sharply criticized by the Sunni sect. Two things were pointed out. First the method of deduction Zakat was not acceptable. Second, the compulsory Zakat deduction was not acceptable clause. A parallel to Supreme Court of Pakistan, Zia-ul-Haq established Federal Shariat Court.³⁸ On 13th December 1980, the Federal Shariat Court declared the Land Reform of Ayub's Era and Bhutto's Era, not according to Shariat. It was decided by the judges of the court to introduce new reforms. In fact, Zia-ul-Haq wanted to tease those land lords of Sindh whose loyalty was with still with Bhutto. General Zia said that 'Roti-Kapra-Makan' is non-religious and un-islamic slogan. It humiliated the spirit of Islamic teaching. He said, "It is not for the employers to

³⁶Banking and Financial Services (Amendment of Laws) Ordinance, 1984, (Ordinance LVII of 1984) PLD 1985.Central Statutes 498, Banking Tribunals Ordinance, 1984 (Ordinance LVIII of 1984) PLD 1985 Central Statutes 507.

³⁷Zakat and Ushr (Organization) Ordinance 1979.Ordinance XXIX of 1979.PLD 1979 Central Statutes 277.

³⁸Constitution (Amendment) Order, 1980.Presidents Order 1 of 1980.Central Statutes 89.

provide Roti, KapraaurMakan.It was for God Almighty who is the provider of livelihood to his people. Any increase or decrease in your sustenance comes from Him. Trust in God and He will bestow upon you an abundance of good things in life.” According to Zia, protests and strikes for social security benefits were not Islamic. The industrialists had been assured that any strike against them would be strictly restricted by the police. The labor unions were watched by the special branch of police department. Nineteen factory workers were killed in Multan by the police department, on January 02, 1978. Zia-ul-Haq argued that during Zulfikar Ali Bhutto regime, the country’s economic position was not good. The nationalized policy strictly damaged Pakistan’s Economy. The labor unions were exploiting the industrialists. The economic growth rate had fallen to 3.7% per annum which was 6% during Ayub Khan Regime. For leader economic activities, the role of labor unions was limited and the industrialists were provided financial and political assistance. Zia focused on industrial growth through private sector.

Zia-ul-Haq used ‘Islam’ to provide ‘legitimacy’ to his political agenda.³⁹ He viewed that Islam is the only forceful factor which could remove ethnic, lingual and cultural differences within Pakistani society. It had been observed that Zia-ul-Haq intentionally promoted ethnic and lingual based political parties only to restrict the national political spectrum. Zia-ul-Haq favored all those political figures who acknowledged his political regime. As he imposed Martial Law regime, he freed all those political figures from jail who were politically victimized by Zulfikar Ali Bhutto. The Awami National Party (ANP) leadership and the Baloch Sardars were freed by Zia-ul-Haq.⁴⁰ In return, Zia-ul-Haq’s Martial Law was not opposed by these

³⁹Baxter, Craig &Wasti, Syed Rizvi, Pakistan – Authoritarianism in 1980’s, 1991, Vanguard Books, Lahore, p. 79.

⁴⁰ Dawn, 14 October 1977.

political personalities. Zia-ul-Haq's Martial Law was not revealing around his personality and it was not debated whether this regime was successfully approached or not. One observation was absolutely cleared that Zia-ul-Haq tactfully cashed Afghan War to extend his political regime. In 1979 when Afghanistan was invaded by Red Forces, Zia-ul-Haq became the need of Washington. Zia-ul-Haq cultivated the benefits of Moscow's adventure in Afghanistan. At the initial stage, U.S. President Jimmy Carter was not interested to provide political support to Zia's regime but latter he had to redefine his policy. In Jan 13, 1980 Zia expressed in Press conference that Washington was going to "prove its credibility and durability" as ally before Pakistan accepted U.S. aid. The next day, Washington announced that \$400 million would be the U.S share of a border international effort to holster Pakistan's security".⁴¹

After few days latter, Agha Shahi, in Washington Post, said, "The assistance must commensurate with the size of the threat." The new U.S. Administration, President Ronald Reagan acknowledged ground realities and finally assembled \$3.2 billion, five year proposal.⁴² This new settlement was the beginning of new 'heyday' between Islamabad and Washington. General K.M. Arif told Alexander Haig (Director of Central Intelligence Agency) "we would not like to hear from you the type of government we should have". The Secretary to State replied "General, your internal situation is your problem". Now Zia-ul-Haq was not worried regarding political developments in Pakistan. He knew that Washington's Prime interest was Afghanistan. Neither 'Democracy' nor the political parties were important for U.S. This situation provided license to Zia to drive 'Democracy' in Pakistan. The financial

⁴¹Dodo, Dusko. Pakistan Uninterested in US Aid Offer. Washington Post, March 6, 1980.

⁴²Pervaiz Iqbal Cheema, Pakistan's Security Dilemma – 111, The Muslim 24 May 1982. See also: Rizvi, Hassan, Askari. Pakistan's Defense Policy, Vol. XXXVI, No. 1, 1983. See also: President Carter's Address to Nation, The New York Times, 5 January 1980.

assistance to Pakistan improved the level of Pakistan's economy which upgraded the living standard of a common man. On the other side, the military was pleased to receive technologically advanced weapons from Washington. Besides this, Pakistan's intelligence agency, Inter-Services Intelligence (ISI) was assigned responsibility to work with CIA. It was the responsibility of ISI to collect weapons from CIA and further to distribute among the Afghan Mujahedeen. Saudi Arab was providing financial assistance to Pakistan. The Gulf Region was also supporting Zia-ul-Haq.⁴³ These changing international circumstances released the political pressure, raised by political parties within state. Now it was up to Zia-ul-Haq how he would play with democracy. General Zia enjoyed all institutional and constitutional luxuries under the garb of Afghan Jihad. Zia-ul-Haq cashed Afghan Jihad but Pakistan had to pay its results e.g. monopoly of Madrasa' politics, Afghan refugees, Kalashnikov and drug culture,⁴⁴ ethnic and sectarian violence, the smuggling of goods and emergence of the Jihadi Organizations.⁴⁵ Madrasas and training camps were financed by state. The Afghan refugees posed serious problems in Pakistan like ethnic tension, economic burden and unflustered and different social and cultural barriers. After receiving clear green signal from U.S. and West, including Muslim Countries, Zia planned to temper 1973 Constitution accordingly. Through referendum, he was elected as President of Pakistan but did not leave Army Chief Status. Zia-ul-Haq was pressurized to conduct election. MRD and other political elites criticized Zia's ambitious thinking to overrule democracy. Finally Zia-ul-Haq announced National and Provincial Assemblies

⁴³Weinbaum, Marvin. War and Peace in Afghanistan: The Pakistani Role, Middle East Journal 45, NO. 1 (Winter 1991), pp. 71-72.

⁴⁴ Back to Square One, The Nation, 22 September, 1999.

⁴⁵Hafeez, Malik. The Afghan Crisis and Its Impact on Pakistan, Journal of South Asian and Middle Eastern Studies, Villanova, Vol. 3 (Spring 1982), pp. 40-51.

elections but on non-party basis.⁴⁶ He feared that PPP would lead election. Benazir Bhutto, daughter of Zulfikar Ali Bhutto briefed international community regarding Zia's hypocrisy and his dreadful democratic exploitation. It was argued that Zia-ul-Haq always talked about strengthening of democracy but he was actually depoliticizing the Pakistani society. Finally Zia announced General Elections on February 25, 1985 for National Assembly and February 28, 1985 for the Provincial Assemblies respectively. The MRD (Political Alliance of 11 Parties, composed in 1981) The MRD coalition comprised Socialist democratic and secular forces such as Pakistan Peoples Party (PPP),Majlis-e-Ahrar-e-Islam(MAI), National Democratic Party, Sindhi Awami Tahreek, Awami National Party, Tehrik-e-Istiqlal, Pakistan Muslim League, QaumiMahaz-e-Azadi, Pakistan Mazdoor Kissan Party, Jamiat-e-Ulma-e-Islam, (Pakhtoonkhwa). MRD demanded withdrawal of martial law and immediate elections and JUP, few other political parties boycotted election pool. The candidates were bound not to discuss foreign policy issues, which were strictly restricted to local politics. Because of boycott by the main political parties, the local political alliances based on 'ethnic' and 'lingual' basis reached National/Provincial Assemblies. On 23rd March 1985, Zia-ul-Haq took oath as the elected President for a term of five years (1985-90). He appointed Mohammad Khan Junejo as Prime Minister of Pakistan. It is noted that Zia-ul-Haq engineered the 1973 Constitution on 2nd March 1985 when he issued the revival of the constitution order, which amended or substituted 57 articles, added 6 articles and deleted '2' articles of 1973 Constitution.⁴⁷ The article 270-A in the Constitution for validation of all martial law regulations, law and orders and all other actions including the judgments of the military courts were listed.

⁴⁶Khan, Hamid. Eighth Amendment: Constitutional and Political Crisis in Pakistan, 1994, Wajidalis, (Ltd), Lahore, p. 47.

⁴⁷Askari, Hassan, Rizvi. The Military Politics in Pakistan 1947-1997, p. 26

THE 1985 GENERAL ELECTIONS: CANDIDATES

	General Seats		Candidates	
	Muslims	Non-Muslims	Muslims	Non-Muslims
National Assembly	207	10	1,103	61
Provincial Assemblies				
Punjab	240	8	1,745	78
Sindh	100	9	881	85
NWFP	80	3	590	5
Baluchistan	40	3	341	28

Source: Hassan Askari Rizvi, The Military and Politics in Pakistan, p 262

THE 1985 GENERAL ELECTIONS: VOTERS' TURN-OUT

Percentage of Votes Polled	
National Assembly	52.93
Provincial Assemblies	
Punjab	61.80
Sind	49.82
NWFP	47.61
Baluchistan	46.62

Source: Hassan Askari Rizvi, The Military and Politics in Pakistan, p 262

Next legislative measure, taken by Zia-ul-Haq was the Political Parties (Amendment) Act⁴⁸ which further elaborated working of the political parties. Gradually, the politicians within parliament and out of it started to channelize their resources to pressurize Zia-ul-Haq to hold one portfolio either as President or Chief of Army Staff. Along with the National Assembly and the Provincial Assembly Punjab, Sind and NWFP demanded to withdraw Martial Law. The strain was tangled between the President, Zia-ul-Haq and Prime Minister, Junejo. The political activists reinforced Zia-ul-Haq to decide immediately. Before accepting demands, he proposed '8th Amendment', which was conditionally associated with the parliamentarians' demands.⁴⁹ Finally, Zia uplifted Martial law and restored 1973 Constitution with 8th Amendment. Meanwhile, Benazir Bhutto reached Pakistan and joined MRD. The

⁴⁸Revival of the Constitution of 1973 Order, 1985. President's Order 14 of 1985. PLD 1985 Central Statues 456.

⁴⁹ Aziz, Sartaj. Eighth Amendment: The Real Issues, The Nation, February 25, 1989.

strong political agitation in Sind and Punjab exposed the credibility of the Zia's sponsored election. PPP and MRD demanded next political election on party basis. This was the alarming situation for Zia-ul-Haq. On one side, he was not pleased with Junejo. Once he passed comments,

*“If you don't keep our people informed of our defense potential, it does not mean that the other don't know about it”.*⁵⁰

On the second side, Benazir's warm welcomed was a challenging point. Again he activated religious and jihadi organizations to point out the performance of electorate democracy. In fact, Zia wanted to close democratic process. Junejo-Zia rift reached peak when “Ojhri Camp” episode happened.⁵¹The Parliamentarians and political figures pressurized Junejo Government to start enquiry for knowing facts. Junejo himself wanted to do so and he did to do that. It was not ‘pleasing’ movement for Zia-ul-Haq. He thought if the enquiry was initiated, his position would have a question mark. His portfolio as Army Chief would be at stake. Now he had no choice except to use 58(2) b Article and derail the political process again. Zia-ul-Haq's political ambitious study extended when attempted to leverage the 1973 Constitution before restoration. It is informed that General Zia-ul-Haq had introduced this 8th Amendment during the Corps Commanders Conferences held at GHQ under Zia.⁵² The constitutional parameters of 8th Amendment were drafted by the Judge Advocate General (JAG) Branch of the General Head Quarter. It was finally approved when other Services Chiefs, Air Chief, Martial and Naval Chief Former Air Chief Noor

⁵⁰Hussain, Mushaid. Civil Military Relations, Frontier Post, 23rd March, 1990.

⁵¹V.T.Joshi (1995). Pakistan: Zia to Benazir, Konark Publishers, New Delhi, p. 77

⁵²Arif, K.M. General, Working with Zia: Pakistan's Power Politics 1977-1988, p. 269

Khan was one who said “the amendment was not prepared by the treasury”.⁵³ The National Assembly had to acknowledge 8th Amendment because in case it was not accepted, Marital Law would be imposed. So that other option was before the parliament. General K.M. Arif said that Zia-ul-Haq ensured the parliamentarians that “on the lifting of Martial Law, he would retire from the Army and it was on that firm understanding that they had supported the passage of the 8th Amendment to the constitution. The amendment was passed but to their bewilderment, General Zia reneged from his commitment.”⁵⁴ Zia-ul-Haq pleased the parliamentarians. Finance Department issued an order on the behalf of Zia-ul-Haq that “One lakh and 10 thousand rupees had already been deposited in their personal account for further distribution as loan/aid (Qaraz-i-Hasna) to the needy. The issued letter of Finance Ministry had clarified that the recipient need not return the money”.⁵⁵

Before 8th Amendment, the role of the Prime Minister was important as compared to the President. Now the 8th Amendment changed the identical nature of 1973 Constitution. According to Amended 1973 Constitution these would be the duties of the Prime Minister.

- a) *“To communicate to the President all decisions of the cabinet relating to administration of the affairs of the federation and proposals for legislation.”*
- b) *“To furnish such information relating to the administration of the affairs of Federation and*

⁵³ The Muslim, September 15, 1985.

⁵⁴ Arif, K.M. General, Working with Zia: Pakistan's Power Politics 1977-1988, p. 248

⁵⁵ Published Interview 'Haji Saifullah: AthweenTarmeem: Martial Law KaTawan, p. 218

proposal for legislation as the President may call for and!”

- c) *“If the President so requires, to submit for the consideration of the cabinet any matter on which a decision has been taken by the Prime Minister of a Minister but which has not been considered by the cabinet.”⁵⁶*

In above mentioned clause, the starting phrase “it is the duty of the Prime Minister” was concluding sentence that the President had been constitutionally empowered with maximum powers to sub-ordinate the Prime Minister.⁵⁷ Article 58(2) b the clear demarcation line between the President and the Prime Minister. This provision provided license to the President to dissolve the National Assembly. It limited the sovereignty of the parliament and left the future of the parliament subservient to the will of an ‘individual’ who stood immune despite his blundering and fumbling. Dr. Farooq Hassan said “Present Presidential post is no less than any constitutional dictatorship”.⁵⁸ Zia-ul-Haq was keenly interested to provide constitutional legitimacy to his issued orders during Martial Law regime. Article 270-A (Amended Constitution) stated “All Presidential orders, ordinances, martial law regulations and orders between July 5, 1977 and November 11, 1985 were given constitutional sanction and legal cover.”⁵⁹

⁵⁶ Constitution of Pakistan 1073 (Revised), amended 8th Amendment

⁵⁷ Ahmed, Aqil (1989). The Eight Amendments: A Commentary, Karachi: Royal Book Company, p.12.

⁵⁸ Nawa-i-Waqat, Rawalpindi, March 13, 1993.

⁵⁹ Federation of Pakistan Vs Ghulam Mustafa Khar, PLD 1989. S.C. 26

REVIVAL OF DEMOCRACY IN PAKISTAN:

After the death of President Zia-ul-Haq, then Chief of Army Staff, Mirza Aslam Baig and President Ghulam Ishaq Khan decided to continue election procedure as per schedule, announced by former assassinated President Zia-ul-Haq.⁶⁰ It should be kept in mind that Junejo Government, dissolved by Zia-ul-Haq, had been challenged before Supreme Court but the military establishment planned to conduct new election rather than to take up matter with Junejo Government. Junejo (Former Prime Minister) Government's dissolution had been challenged in Supreme Court. The petition was filed in Supreme Court that Zia-ul-Haq's act should be announced extra judicial act which derailed democratic process in Pakistan. On one side, the petition against Zia was in Supreme Court whereas elections had been announced. It is interesting to note that after Zia's death, the judiciary declared Zia's act as extra-constitutional. Anyhow, the story of petition was closed when new Army Chief 'Mirza Asalm Baig' and President 'Ghulam Ishaq Khan' decided to go on democracy.

⁶⁰ The Nation, 3th May 1988

GENERAL ELECTIONS 1993

Party	Punjab	NWFP	Sindh	Balochistan	Total
PPP	47	5	33	1	86
PML (N)	52	9	10	(Islamabad 1)	72
PML (J)	6	-	-	-	6
PIF (Pakistan Islamic Front)	-	2	1	-	3
ANP	-	3	-	-	3
Other political parties	2	4	1	9	16
Independents	5	1	1	1	8

Source: National Newspapers

GENERAL ELECTIONS 1997

	NA	Punjab	Sindh	NWFP	Baluchistan
PML (N)	134	212	15	31	5
PPP	19	2	36	4	1
HPG (Haq Prast Group)	12	0	28	0	0
ANP (Awami National Party)	9	0	0	28	0
BNP (Balochistan National Party)	3	0	0	0	9
Other Political Parties	6	5	6	3	17
Independents	19	21	15	11	8
Total	202	240	100	77	40

Source: National Newspapers

Although in the case of the Junejo Government petition, the final judgment of Supreme Court reflected restoration of government⁶¹ yet it was decided that political scenario was to be changed so that new political set up must be framed. It is a known fact that military planned to introduce democracy but it was decided that new elected government would have to work in the light of directions, given by Military General Headquarter (GHQ). Military realized that international changing circumstances were forced factors which compelled to provide space political parties. First of all, Pakistan's ally US had given favorable statements to re-launch democratic process in

⁶¹Chaudhary, Barrister A.G., The Leading Cases in Constitutional Law, 1995, Sehar Publishers, Lahore, (PLD 1989. S.C. 166), P. 258.

Pakistan. Besides this, the other European countries also expressed positive statements regarding the launching of democracy. So it was planned that democracy would be launched. Because of changing international environment, military establishment had given positive response but in a different way. That different way was only to dominate political role and to limitize role of the political leadership.

During ten years of democracy (1989-1999), the military establishment had remained absolutely successful to produce controlled democracy. Even then, it is now an open secret that elections were planted and political results were hijacked.

*“Benazir first came to office on December 2, 1988, and was dismissed on August 6, 1990. Like her father, she came to power unexpectedly as a direct result to Zia’s death in an air crash on August 17, 1988. Also like her father, she had a political organization, the PPP, and a degree of popular appeal unmatched by another politician. There was another precedent as well. Fatima Jinnah, Mohammed Ali Jinnah’s sister, had also run for office (against Ayub) and generated massive popular support. But Benazir’s fate was to be only marginally better than that of Fatima Jinnah. She was elected prime minister, but the army and Zia’s successor as president, Ghulam Ishaq Khan an Establishment pillar, ensured that she could not govern”.*⁶²

Again it was argued “Benazir was extremely intelligent, had strong contacts abroad especially in the United

⁶² Cohen, Stephen, The Idea of Pakistan, P. 146

*States, and was the PPP's undisputed leader, She also inherited two grudges and grudges are as important in Pakistan as in any other state. One went back to 1972 when her father had nationalized the Ittefaq Foundry, the heart of the Sharif family's industrial empire. This set the Sharif family against or and their distrust was shared by the entire Pakistan business community. The second grudge was that of the army. Its people doubted her professional competence, were intensely suspicious of her since she was not part of the Establishment, and feared that she might seek revenge for her father's death.*⁶³

Two times Benazir Bhutto and Nawaz Sharif governments respectively, the political setup had remained in the control of military establishment.

*"The second Benazir Bhutto government lasted a little longer than the first. Wiser from her experience, Bhutto avoided conflict with the army and the ISI as much as possible. She took a hard line toward India, supported the Kashmir insurgency, and even acquiesced to the rise to power of the Taliban in Afghanistan, orchestrated by the ISI. Bhutto was unable to control the perception of corruption at the highest levels of government, however, and she failed to end her acrimonious confrontation with Nawaz Sharif."*⁶⁴

⁶³ Ibid, PP.146-147

⁶⁴ Haqanni, Hussain, Pakistan between Mosque & Military, P. 242.

The same politically demoralized role was played in the case of Mian Muhammad Nawaz Sharif, the Prime Minister of Pakistan in both terms. It was a unique feature that the elected Prime Ministers were not given respect as according to the constitution and political norms. It is a known fact that the military establishment insulted the political elites in Pakistan but it is also the tragedy that the political behavior of the political elites was not like democratic whether they were in government or opposition.

“Nawaz Sharif talked about democracy, but his administration was more like a Mughal empire. Nawaz ignored the conventions of cabinet government: he neither held cabinet meetings nor made cabinet decisions. Surrounded by family members and a few close associates, Sharif's actions were more in tune with absolute monarchy than with representative government.”⁶⁵

The military establishment had given limited areas to political leadership for policy making. Even then, the Prime Ministers had been deprived of in the transfer/positing of military officers. In fact, military believed in that political leadership is a serious security threat. Benazir Bhutto (Former P.M) had been treated not as the head of Pakistan but as security threat to Pakistan's interests. While visiting Rajeev Gandhi to Pakistan, during discussion between both Prime Ministers on different national / across border issues, the elected Prime Minister did not enjoy confidence of military establishment. Military establishment attempted to destabilize the elected Prime Minister.

⁶⁵Zering, Lawrence, Pakistan at the Cross Current of History, P. 259.

*"I have two witnesses.... who attended these meetings in which the Corps Commander, Nawaz Sharif and Osama bin Laden were present. Laden was told that a woman in this position (Benazir as PM) was against Islam, so he should give them money to overthrow me. And then Nawaz said that he would bring Islam to Pakistan.... He paid ten million dollars to finance the no-confidence move against me."*⁶⁶

It's a known fact that elected Prime Minister had not been given authority regarding transfer/posting and appointment of senior military officers. The people of Pakistan were blessed with Democracy. In the beginning, it was difficult for the military establishment to accept democratic government as in light of political power to be delivered. It was the intention of the military establishment to share minimum political power with new democratic leadership. It has been observed that two successive democratic governments had been warned whenever they attempted to involve within policy making infrastructure. It is interesting to note that both successive governments had been dissolved due to maladministration and corruption charges. In October 1999, Musharraf removed Nawaz Sharif Government to as weak performance of government in matter of transparency and accountability change it. Again democratic transition framework had abruptly failed and democratic nourishment reached the lowest ebb.⁶⁷ The intelligencia argued to focus failure of democracy in context of transition breakdown and structural legacy of authoritarian regime. In fact, these factors were approached as overriding concerned areas on

⁶⁶ Interview, Benazer Bhutto, *Herald Magazine*, Jan 2001, P. 49.

⁶⁷ Larry Diamond, 'Is Pakistan the (Reverse) Wave of the Future?' *Journal of Democracy* 11:3 (July 2000), P. 92.

matter of democratic failure. In this matter, it has been observed that institutional breakdown should be considered as an actual rooted problem of failure of democracy.⁶⁸ Zia's authoritarian legacy reflected militant society, stifled political process, weakened civil institutions and a culture of pervasive political and administrative corruption.⁶⁹ Apart from constraints on democratic transitions reached lowest level when unified hierarchy based military personalities and showed reluctant attitude regarding transfer of power. In this phase, military imposed restrictions on civilian institutions on issues of policy making capabilities of democratic government through reserves domains and military prerogatives. The political leadership had to face confined restricted limited authority and constant fear of military coups and further removal from government. Inexperienced politicians had been excluded from state power since decades and failed to execute decisions on major issues. Centralization power spectrum dominated political setup. It is observed that throughout political history of Pakistan, the military focused 'weak' economic mismanagement of the politicians and considered this approach always to be threatened for the national's security. The existing evidence proved that political and administrative inefficiency of the politicians had always been highlighted and targeted them to remove from the power. The civilian governments had been ousted whenever they crossed their lines regarding power sharing scripts as accordingly written by the military. All elected governments had been overthrown by the military establishment according to their own interpretation of circumstances. In this scenario, it was observed that elected civilian governments attempted to focus on development

⁶⁸ Guillermo O'Donnell Challenges the Teleology of the Transition Paradigm in 'Illusions About Consolidation', *Journal of Democracy*, 7 (April 1996): 34-51. For a response to O'Donnell's argument, see Richard Gunther, et al. 'O' Donnell's Illusions: A Rejoinder,' *Journal of Democracy* 7 (October 1996), pp. 151-159.

⁶⁹ Juan J Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe* (Baltimore: The Johns Hopkins University Press, 1996).

programmes rather than to approach defense budget whereas, military establishment always approached fear and sense of insecurity due to conflict with India and across border. In post 1999 scenario, Nawaz Sharif attempted to ease tension with the Indian government. On the other hand, military establishment realized that Nawaz Sharif was interested to reduce the defense budget. In matter of this background, military focused on extremist forces and forwarded matters to show stiffness.

On many occasions Nawaz Sharif government was concluded not favorable to the military establishment. As matter of fact, when Nawaz Sharif met Lieutenant General Tariq Pervaiz, it was perceived as serious violation of military norms. So in next few days, he was made to retire from the military by the Army Chief, Pervaiz Musharraf. As the matter continued, the Prime Minister was circled and finally 'Sri-Lanka Episode' happened. The act was welcomed by the political parties and again mistrust environment emerged among the politicians. Instead of strengthening political / democratic set up, the politicians welcomed coup and focused on targeting each other and confrontational politics. The framework of government has remained always highly centralized whether the matters are governed by the civilian government or military government. The matter remained under focus in theoretical understanding of highly centralized structure in practice form and it is completely evident that the actual spirit of 1973 Constitution was not fully accepted / implemented. In some matters, formation of government was looking in like as Visceral system like Colonial British Government Raj. The constitution was not respected. Even though one military dictator Zia-ul-Haq had spontaneously said that constitution could be thrown into basket at any time. It is a fact that military dictator's martial law regimes have always been legitimated by the judicial organs. Now the amendments in constitutions always take place either by the political government or military regime, for the sake

of the person gaining. So as far as respect for institution is concerned, it has remained always question mark. The credibility of constitution has been remained at the lowest ebb. So the issue to strengthen democratic values always remained at stake.

The political spectrum regarding power sharing between civilian / military remained at critical case in sense to de-politicize the cultural pattern of society.⁷⁰ Centralized thinking reflected minimum role of the political parties in decision making process. The political culture has not been flourished. In fact the system as pattern to control democracy has remained chanting feature of Pakistan's political set up. In modern societies, as referred to developed political culture reflection of centralization has been categorically observed. In open democratic societies, the issues are debated and democratically flourished. On the other hand, the closed societies will reflect the restrictions over democratic expression. In the case of Pakistan, the political parties had not remained core elementary feature of election based political structure. Role of political parties and their participation remained ineffective. Almost all military regimes attempted to define their own respective political agenda for strengthening their structure of power. Political parties had been excluded from the election process. This approach blocked democratic trends. For exercising true democracy, political parties should be given major role. If they are ignored, the country will be deprived of genuine political culture. It is strongly stated that political parties are the only useful proper mechanism for strengthening political behavior of each individual.⁷¹ Political parties role has been defined in terms of political recruitment mobilize public opinion and further to promote democracy. The political parties are responsible to educate public opinion and provide systematic

⁷⁰Hasan Askari Rizvi (2009), *The Military and Politics in Pakistan*, Lahore: Sang-e-Meel Publishers, P.72.

⁷¹Ayoob, Mohammad and Subrahmayan, *The Liberation Wars*, New Delhi, S. Chand & Co. (Pvt.) Ltd., P. 54.

orientation for democracy. In view of exercising political parties, it has been observed that political parties are entitled to allocate role or platform for serious discussion of the political matters, so that the matters are executed in terms of decisions. In this way, consensus based decisions will be taken. It has been observed that political parties have always had conflicts with each other. It is the democratic behavior which will flourish democratic attitude among people. Common man has to face new thoughts and matters regarding problems and solutions related to state. Conflicting behavior is a paramount feature of a democratic society. Instead of ethnic, tribal, 'biradari' or other loyalties, the conflict regarding ideological approach is traced as matter of positive thinking. The society will be at stake when conflicting environment, regarding ethnic matters are supported or highlighted. The empirical evidence proved that local government elections, based on non-political parties will encourage ethnic matters. Apart from other matters, one important reason of failure of democracy, related to failed political parties. The subjected political parties have failed to integrate them on big spectrum. The required attributes of a sound political party have not been examined. This behavior has demised the political trends within democratic environment.

Today, Pakistan has weak political party system, political culture, feudal political environment and lacking of democratic norms and values. Leadership of the political parties is not democratic in fashion. Neither democratic culture generally had been observed nor did political parties flourish political culture within their parties. Infact, political parties have not given due respect to genuine democratic culture. Leadership of respective political parties introduced pay lip service to political parties. Whenever elected governments are established, the authoritarian attitude has been placed prominently in leaderships, decisions towards political parties. This

authoritarian attitude of political leadership weakened political culture in state. In addition, massive corruption within political parties has demised the role of political leadership because grass root matters are not highlighted. Generally, the parties have failed to deliver positive attitude which can impress common man. Enforced democratic culture within political parties has weakened the grip of political behavior within state. In fact, very few political parties have democratic trends internally. When the democratic principles are not introduced within democratic parties how system can be democratic. How the political leaders have expectations that they will be treated in terms of democracy. In fact, majority of the political parties lack of internal structural democracy. Contradiction in practice and theory of the political parties are clearly observed on declining way.

Democratic practices are functionalized and valued for promotion of democracy. The election trends within political parties should be encouraged. Democratic attitude is the basic requirement of democracy. Internal party elections are the essence of democratic behavior. Spirit of democratic attitude can strengthen institutions, strong political parties, having democratic features can ensure institutionalization process. Transformation sources of democratic features should be examined in transitional phase. Only two political parties have strengthened in National Assembly, representation of the national politics. Except these two, the others always represented a specific ethnic group. MQM was founded on the issue of Muhajir whereas ANP stands for Pukhtoon representation. In Baluchistan and Sind, the nationalist parties have also influential role. Their role in national parties is minimized and their representation is always approached as pressure group politics. MQM and ANP have influential voice in their respective provincial assemblies as well as in National Assembly but they lack public strength on the whole. Since

creation of MQM, it gained vote bank in number of strength. It has been observed that these ethnic / lingual based political parties always played important role in formation of national government. In 1988 election, Benazir Bhutto had to shake hand with MQM and when it left, government was finished. In 1992, MQM joined Nawaz Sharif government but due to differences, it separated from government. In meanwhile, Altaf Hussain had to face military operation. The allegations were charged against MQM and local leadership was killed over the year. MQM was massively curbed and finally polarization between Mohajirs and Sindhi appeared at serious level. Because of this violent actions, taken on both sides Karachi was badly affected. It was argued by the intelligence agencies that MQM was attempting to launch a separatist movement and anti-Pakistan forces were backing. MQM offices were locked and finally Altaf Hussain had to flee from Pakistan and exile in England. In same letter of spirit, ANP led by Khan Wali Khan was victimized due to considering it as Anti-Pakistan political force. ANP was interested to promote ideology of Bacha Khan and advocated to renaming of NWFP province. The issue gained support from Pukhtoon community and polarization appeared in province. Second ANP always advocated secular theory and focused on friendly relations with India and Russia. The religious parties and Muslim League opposed ANP on ideological basis. On the issue of renaming NWFP, Hazara Division opposed ANP and argued that it would not be welcomed. In Punjab, the politicians belonging to South Punjab and Bahawalpur always advocated their demands regarding establishment of the new provinces.

EXECUTIVE SUMMARY

Destiny of Pakistan met a passive end when 1971 Episode took place. News of separation reached climax and East Pakistan emerged as an independent state in 16th December 1971 "Bangladesh". It was already politically deviated that Mujeeb Six Point Agenda rooted the seed of separation and the external forces had established stage. 1970 General Election categorically acknowledged the seeds of separation. Awami League of Sheikh Mujibur Rehman Awami League got absolute majority only in East Pakistan. In West Pakistan, the said party did not show interest to participate politically. In West Pakistan, majority seats had been gained by Pakistan Peoples Party. Now the responsibility was on political and military leadership to keep both wings united. According to Legal Framework order, the 'One-Man-One vote' formula favored Awami League and on population has, it gained numerical majority but not popular majority. In this situation, the role of Yahya was important. Expectation were raised that Yahya would lead both wings with visionary mind but they did not come true. Yahya showed narrow thinking and launched hidden political which could provide him next Presidency in next political set up. East and West Pakistan compatibility was serious issue which was not politically settled. Neither Sheikh Mujeeb Rehman nor Zulfikar Ali Bhutto was interested to abstain from close window. Sheikh Mujibur Rehman stated that painless change was impossible and change was associated with Awami league. At the time, no one could understand the difficulty involved in irresponsible attitude of the political and military leadership. And finally, the reluctant and uncompromised 'non-democratic' behavior of the military and civilian leadership paralyzed Pakistan. Smoke Screen was shattered. Bangladesh as independent sovereign state was established. In Post 1970 scenario, the political stage was decorated with new character. Zulfikar Ali Bhutto as Civilian Chief Martial Law

Administrator took the responsibility to collect the broken pieces of Pakistan. 1970 defeat damaged the image of Pakistan Army and it was decided not to be in touch with the political affairs. The political observers argued that now military had to discard itself from the political scene because the disintegration episode of Pakistan exposed its power. It was openly said that General Yahya's role was passive. The hordes were insecure but he indulged himself within immoral activities. It was published that 12 corrupt women were ruling Pakistan, headed by General Yahya Khan. General Yahya Khan had lost his senses during last days due to heavy drinking. No doubt, Yahya Khan was the main responsible act to disintegrate Pakistan in 1971 but it is also fact that the continuous Martial regimes did not allow to flourish the democratic society. In the absence of strong institutions, it was not possible to secure future challenges faced by Pakistan in internal and external fronts.

Now the 'New Pakistan' with new challenges was before the political leadership. Bhutto was a political leader but he was also a feudal lord, western educated, impressed by Mao's Socialism and having visionary thinking. First, he took the responsibility to frame constitution. By keeping in mind parliamentary British feature' Bhutto introduced 1973 Constitution which was debated first and then democratically implemented. The political elites kept military away from political life in 1973 Constitution. Article '6' was reflected 'High Treason' in case of violating the constitution. 1973 Constitution's features were laid down on Parliamentary system; the office of Prime Minister was constitutionally empowered whereas the President was like the British Queen 'Rubber Stamp'. Bhutto was trying to provide a neutralizing role to Pakistan's army and further to strengthen it for future. 1971 successful adventure of the Indian Army confirmed its ambitious policy. The Indian government exploded 1974 Nuclear Expulsion 'Peaceful Nuclear Explosion'. This

experiment was the alarming situation for Pakistan. Now, Bhutto planned to achieve nuclear technology to deterrence India. Bhutto designed foreign policy on 'open basis and approached China, Soviet Union, Europe and Gulf World. So as a matter of fact on ground realities Bhutto focused the priorities. Challenges and available options to articulated foreign policy.

On domestic front, Bhutto introduced Land Reforms, Industrial Nationalized Policy and Socialist policies. "Roti-Kapra-Makan" was the slogan of Bhutto's campaign. But it was observed that Bhutto's land reform program me entirely failed. Besides this, Bhutto's nationalized policy deviled the economic prosperity of Pakistan. During Ayub's era the economy was better but it touched the lowest able in era of Zulfikar Ali Bhutto. Overall, it was argued that Bhutto government failed to deliver public economic front. During this era, the political culture evolved but it was weakened by the political elites themselves. Mulana Mufti Mahmood, Khan Abdul Wali Khan and Atta Ullah Mengal were the main opponents of Bhutto. By adopting non-democratic attitude, Bhutto first derailed the Baluchistan government and then threatened NWFP Government. In return, Mulana Mufti Mahmood resigned from NWFP cabinet. These two political developments promoted agitation against Bhutto. Respectively on both sides' non-democratic attitude extremely condemned the institutional building process in Pakistan. The political situation became more detoured when Bhutto government banned Awami National Party and forty three political elites, including Wali Khan were put on trial for anti state activities like 'Hyderabad Conspiracy'. So there offensive non-democratic activities on political front weakened the civilian government. Now the opposition forces pressurized Bhutto to schedule election. It was the turning point when Bhutto was charged for election rigging. The opposition political parties called Army to get rid of Bhutto's

fascist style of government. Bhutto had to rely on army to control political opponents, this was the last blunder of Bhutto government. The political observers argued that Bhutto's loyal committed political colleagues were no more in part. Bhutto's feudal friends hijacked PPP and ideological committed workers and leaders were thrown into basket. At this stage, bureaucracy left Bhutto because he sacked 1700 civilian bureaucrats and annoyed bureaucracy. The developments, taken place within country, were eye watched by military. So it imposed Martial Law although Bhutto-Mufti Mahmood political agreement was decided yet not signed. Again, military chief, General Zia-ul-Haq suspended Constitution and derailed the democracy in Pakistan.

Story of Martial Law was not new for Pakistan. It was the dreadful picture of Bhutto regime when elected Prime Minister was judicially kicked. The political opponents of Bhutto welcomed Martial but resisted Bhutto death to some extent. The religious political parties welcomed Zia-ul-Haq and Pakistan's judiciary provided legitimacy to Zia's Martial Law in the light of the Law of Necessity. Zia-ul-Haq introduced new political order under the grad of Islamization. Zia argued that Bhutto's ideology was anti-Islam whereas demand of Pakistan was Islam. Zia-ul-Haq was elected as the President of Pakistan and amended 1973 Constitution. 8th Amendment strengthened the office of the President and subordinated the Prime Minister to the President. He restored 1973 Constitution on conditional basis. If the Parliament would not acknowledge his order, issued in the light of PCO and further would not accept 8th Amendment, Martial Law would be he imposed again. Zia-ul-Haq amended Political Parties Ordinance, concluded Referendum, announced 1985 'Non-Party' political election, so-called Islamization and changed the features of 1973 Constitution.

CHAPTER NO. 5

MUSHARRAF ERA: FROM MILITARY TO POLITICAL REGIME

INTRODUCTION

As it is evident from Zia's regime, it was needed to consider careful factors to constitute civilian institutional process. Junejo Government was politically victimized because it challenged the military establishment and forced to ask the legitimacy of military supremacy. Now Zia's window was closed and question before General Aslam Baig (New Army Chief) either to continue martial law regime or to start democratic process issues were listed. First, the case dissolution of Junejo Government was in court. Second, the political parties were engaged in political campaign for next election. Third, martial law option was available but international circumstances were not favorable. Fourth, Benazir's return to Pakistan was alarming situation for the military because of Bhutto's death. With these issues, the military establishment focused to launch controlled democracy. It was calculated that Benazir Bhutto would be in position to win majority number of seats but now the question how to limitize Benair Bhutto's wings. For this purpose, the military establishment believed in sponsored political alliance to curtail the power. This factor resulted in encouraging role of intelligence agencies desperately which captured future political set up in Pakistan. Political system in Pakistan had to suffer badly when two times successive political governments were dissolved. Thus, the military establishment in Pakistan was equipped not only with favorable politicians but also to expose the political democracy in Pakistan. Weak political governments, known as corrupted left over negative impact over the common man. The military establishment excluded civilian set up from foreign and defense affairs. It has been argued that one of the

major problematic area between military and Nawaz Sharif government (Second Tenure) was Kargil episode. Kargil episode humiliated civilian government and Nawaz Sharif was primarily concerned to conduct inquiry against Chief of Army Staff, General Pervaiz Musharraf, including a few others military top brass. Military establishment already tolerated resignation of General Jahangir Karamat in result of presenting idea of National Scrutiny Council (NSC) but this time, it was tough to accept. By contrast civilian governments, the military regimes, however, Zia-ul-Haq or Pervaiz Musharraf enjoyed complete access to all issues. The generals argued that holding elections in Pakistan is essential for political process but the political parties remained failed to maintained political order. On the contrary, the civilian leadership said that the presented argument of generals was not concerned with facts. The civilian governments maintained their legitimacy and the people trust in them but their role was occupied by the military establishment. Democracy is an ongoing process and inspired by values and democratic culture, flourishing to institutionalize process. Political culture is the main determinant factors which enhance country's ability to promote democratic behavior among the individuals.

DEMOCRATIC EXPERIENCES IN PAKISTAN

Process of democratic transition has been remained failed due to continuous military interventions in political setup of state. Civilian governments had not been allowed to function smoothly. Since 1947, the military establishment remained in struggle to dictate the civilian set up. The civilian government has been deprived of many issues; related to internal security matters the civilian governments had to take the compulsory adjustment from the military establishment interference in military affairs has been traced to Pakistan's independence. According to Ahmad Rashid, a renowned political writer, the politics of Pakistan revealed around threat, as

determined by the security forces by keeping threats of India in mind. The terms of government will be determined by the security forces. The civilian governments will have to take the instructions from the military establishment. Ayub Khan abrogated 1956 Constitution and implemented 1962 Constitution. Before departure from power, Ayub Khan should shift political power to Speaker National Assembly but he did not do so. The military Chief Yaha Khan had been invited for government. Zulfikar Ali Bhutto, elected Prime Minister, had been thrown from power and further hanged. Zia-ul-Haq controlled the affairs of state according to his wishes. Constitution had no respect for him. 1973 Constitution was amended by Zia-ul-Haq just for sake of gaining personal powers. 1973 constitutional parameters had been changed. Prime Minister's powers had been shifted to the President. The President was empowered to dissolve National Assembly as he did with Mohammad Khan Junejo. When Zia perceived that Junejo Government had crossed red line he was overthrown as when he had set his mind to punish those generals involved in 'Ojari Camp'. Same behavior with forthcoming governments after Junejo had been opted. In matter with Musharraf, Nawaz Sharif had been overthrown through non-constitutional way. It is a known fact that Nawaz Sharif government was not comfortable with military establishment. Nawaz Sharif removed General Jahangir Karamat as the latter expressed his thoughts regarding revival of National Security Council. Military did not take as good gesture when Karamat had to resign from post as Chief. Senior Generals were superseded and Nawaz Sharif chose Pervaiz Musharraf, 'Urdu speaking General' and focused on keeping military away from politics. Tussle between Nawaz Sharif and Musharraf touched peak level as the former was not briefed on Kargil issue.

"As the COAS, Perviaz Musharraf ventured into a tactical conflict having strategic ramifications with India on Kargil without even taking into confidence the Prime Minister, the Naval and the Air chiefs. Not even

his fellow corps commanders. In a meeting of the Defence Committee of the Cabinet (DCC) after the Kargil battle was well under way, it shocked me when the Naval and Air chiefs strongly complained about not having been taken into confidence before the Kargil misadventure."⁷²

Pakistan's Prime Minister came to know that Musharraf and a few Generals were involved in Kargil adventure. In these days, Musharraf removed General Tariq Pervaiz when the latter met Prime Minister Nawaz Sharif. Kargil Episode was major irritant hostile event which deeply affected military-civilian relations. Perviaz Musharraf said that Mian Muhammad Nawaz Sharif had been properly briefed regarding Kargil issue whereas Mian Muhammad Nawaz Sharif argued that Kargil was not discussed and he had been remained out from the scene.

*"During that hectic day, we got word that Sharif did not have time or perhaps did not have enough support from the Pakistan military to arrange for an aircraft to bring him to Washington. He boarded a Pakistan International flight that normally flew from Karachi to New York but would make a special stop at Dulles Airport to drop off Sharif and his retinue. In addition to his advisers he was bringing his wife and children with him. That news caused us to wonder whether he was coming to seek an end to the crisis or political asylum."*⁷³

The politician argued when Musharraf's adventure regarding Kargil episode was exposed and finally Washington elaborated all detailed features of Kargil's episode to Prime Minister. The military removed elected government, Islamabad faced pressure from international community.⁷⁴

⁷²Zahid, Tanveer, Derailment of Democracy, 29th December 2001 (A Letter to Dawn News Paper)

⁷³ Talbot, Ion, Engaging India, p.161

⁷⁴Farah Stockman and Byron Bender, "Questions Rise on US Support for Musharraf," *Boston Globe*, December 29, 2007

FAVORABLE INTERNATIONAL CIRCUMSTANCES FOR MUSHARRAF

It was the 9/11 event changed the destiny of Pervaiz Musharraf. US President addressed his public and put forward the options before Pakistan. Speech is listed as under.

"Thousands of lives were suddenly ended by evil, despicable acts of terror. The pictures of airplanes flying into buildings, fires burning, huge structures collapsing, have filled us with disbelief, terrible sadness and a quiet, unyielding anger. These acts of mass murder were intended to frighten our nation into chaos and retreat. But they have failed. Our country is strong. Great person has been moved to defend a great nation. Terrorist attacks can shake the foundations of our biggest buildings, but they cannot touch the foundation of America. These acts shatter steel, but they cannot dent the steel of American resolve. America was targeted for attack because we're the brightest beacon for freedom and opportunity in the world. And no one will keep that light from shining. Today, our nation saw evil, the very worst of human nature, and we responded with the best of America, with the daring of our rescue workers, with the caring for strangers and neighbors who came to give blood and help in any way they could. Immediately following the first attack, I implemented our government's emergency response plans. Our military is powerful, and it's prepared. Our emergency teams are working in New York City and Washington, D.C., to help with local rescue efforts. Our first priority is to get help to those who have been injured and to take every precaution to protect our citizens at home and around the world from further attacks."

(Source: http://articles.cnn.com/2001-09-11/us/bush.speech.text_1_attacks-deadly-terrorist-acts-despicable-acts?_s=PM:US)

The September 2001 terrorist attacks changed the relations of United States and Pakistan. Musharraf ensured Washington that Taliban government in Afghanistan must be destabilized. US Congress removed economic and political sanctions and large-scale U.S. aid to the country restored in late 2001. The United States viewed

Pakistan as a vital ally in the international terrorism coalition. The Bush Administration refrained from expressing any significant public criticism of Pakistan's internal political practices, while still asserting that the strengthening of civilian political institutions in Islamabad was "a requirement for the development of a stable, moderate Islamic state."⁷⁵

DEVELOPMENTS IN MUSHARRAF REGIME:

The concept of "Enlightened Moderation as expounded by Musharraf himself is a direct response to growing world perception that Islam was linked to fundamentalism and extremism. It is a strategy meant to militancy that is rooted in "political injustice, denial, and deprivation," and to bring "socioeconomic uplift "in the Muslim world. Musharraf addressed Muslims to "adopt a path of moderation and a conciliatory approach to fight the common belief that Islam is not a religion of militancy in conflict with modernization but favored democracy and secularism." Pakistan's Prime Minister, Shaukat Aziz, briefed a policy of "Enlightened Moderation" before the international community.⁷⁶ Many Pakistanis appeared to welcome the approach and watched religious extremists as the main obstacle. However, one renowned Islamabad based politician viewed that Musharraf traced back to expediency, not conviction, and only served to strengthen the perception that neither he nor United States had a genuine interest in Pakistani democracy.⁷⁷ The Bush Administration rejected criticism regarding Musharraf's military government and focused on 'Musharraf' and stated him "the right man in the right place at the right

⁷⁵Op.cit Farah Stockman and Byron Bender, "Questions Rise on US Support for Musharraf," *Boston Globe*, December 29, 2007

⁷⁶See Section 12.2, pp. 367-369, of *The 9/11 Commission Report*, available at [<http://www.gpoaccess.gov/911>]

⁷⁷Pervez Musharraf, "A Plea for Enlightened Moderation," *Washington Post*, June 1, 2004; "Text of Newly-Elected Pakistani Prime Minister's Address to Parliament," BBC Monitoring South Asia, August 27, 2004

time for the right job.”⁷⁸U.S. interest in Pakistani democratization existed in tandem (some would say in conflict) with the perceived need to have a stable and effectively-administered frontline ally in the international anti-terrorism coalition. While many observers believed that U.S. interests in combating terrorism and weapons proliferation in South Asia entailed a “trade-off” with regard to other concerns, some contend that the human rights situation in Pakistan may itself be a crucial aspect of the incidence of terrorism and religious extremism.⁷⁹Congressional oversight of U.S.-Pakistan relations in a March 2003 hearing included Member expressions of concern about problems with Pakistani democratization and the danger of the United States “giving full recognition to a military takeover” through continuous waivers of coup-related restrictions.⁸⁰Pakistan’s military dominated the country’s centralized decision-making process whereas Prime Minister Jamali was referred to President Musharraf as being his “boss.”⁸¹On October 12, 1999, Army Chief Gen. Pervez Musharraf overthrew the elected government of Prime Minister Nawaz Sharif, dismissed the National Assembly, and appointed himself “Chief Executive.” The proximate cause of Musharraf action appeared to have been Sharif’s attempt to remove him from his Army leadership position and prevent his return from abroad, but disgraced Sharif’s authoritarian and allegedly corrupt regime both within the Pakistani military and among the general public. Under a “Provisional Constitution Order” (PCO), Musharraf declared a state of emergency, suspended the Constitution, and, by special

⁷⁸“Democracy Restored: Musharraf,” *Dawn* (Karachi), August 10, 2004; Secretary of State Colin Powell, “Remarks at the Herbert Quandt Distinguished Lecture,” September 10, 2004; Deputy Secretary of State Richard Armitage, “U.S. Hails Pakistan’s Efforts to Fight Terror, Build

⁷⁹Democracy,” U.S. Department of State Washington File, October 1, 2004. For example, a House panel received expert testimony indicating that Pakistan’s worsening religious freedom situation is “part of the larger problem of the suppression of democratic freedoms” there (“House International Relations Subcommittee on International Terrorism, Nonproliferation and Human Rights Holds Hearing on State Department Report on International Religious Freedom,” FDCH Transcripts, February 10, 2004)

⁸⁰“Transcript: Hearing of the Subcommittee on Asia and the Pacific of the House International Relations Committee,” Federal News Service, March 20, 2003

⁸¹“Jamali: Musharraf Elected President for Five Years,” Pakistan Press International, April 18, 2003

decree, ensured that his actions would not be challenged by any court. He promised to introduce good governance and reviewed “genuine democracy.”⁸²

In January 2000, Pakistan’s Supreme Court judges were asked to take an oath promising to uphold the PCO; six jurists, including the Chief Justice refused and were retired. Five months later, the Supreme Court issued a sweeping validation to Musharraf actions, including the PCO and the dissolution of the National and Provincial Assemblies, but it also ordered that elections would be held within three years from the date of the coup. These developments left Pakistan with a “seemingly beginning, but nonetheless very real, military dictatorship.”⁸³ General Musharraf’s October 1999 seizure of power initially met approval among the Pakistani people, many of whom considered the Sharif government to be corrupt. Even many of the country’s more liberal-minded opinion makers acquiesced with the hope that Musharraf might succeed to improve Pakistan’s lot where civilian-led governments had failed. They believed that a military led government was the only alternative to a radical Islamic regime in Islamabad.⁸⁴ Yet Musharraf subsequent actions became widely interpreted, as indicated his intention to impose more or less permanent authoritarian rule over the country, and thus alienated many of the early optimists. While maintaining his promise to hold national elections in October 2002, Musharraf spent ensuing years taking actions that bolstered his ruling position and that of the military. Proponents of Musharraf’s political choices since 1999 insisted that the country is becoming more stable, and less corrupt and personality-centered through

⁸² Ibid.

⁸³ Pakistan’s 1973 constitution envisaged a sovereign parliament where powers rested with the prime minister, but subsequent changes under the military-dominated regime of Gen. Zia-ul-Haq shifted power to the presidency. The very Parliament that provided Zia with these powers was itself dismissed by him in 1988. In 1997, PM Nawaz Sharif oversaw passage of the 13th Amendment to the constitution, repealing Zia’s 8th Amendment (1985) right to dismiss the government and appoint military chiefs (and thus restoring powers to the prime minister’s office)

⁸⁴ Zaffar Abbas, “Analysis: Musharraf Sidelines Parliament,” BBC News, August 21, 2002. A well-received and more clearly progressive change was the reservation of 60 assembly seats for women and non-Muslims

“military-guided” administration.⁸⁵ In June 2001, President Mohammad Rafiq Tarar was forced to resign. Musharraf later legitimized his status as President in April 2002 ‘referendum’. According to Ayaz Mir, a respected newspaper columnist:

“A young friend of mine proudly told me that in front of the Municipal Library he had stamped 135 ballots as a mark of his love for General Musharraf. His mother, an active lady, had stamped another hundred, his sister, all of fourteen years old, 150. Only figure rather than anything else had cut short their exertions.”⁸⁶

Islamabad reported resounding public approval for Musharraf’s continued rule in the results of this exercise, with 98% of votes cast in favor. Yet the opposition parties had boycotted the referendum, and political fraud marred the outcome. Musharraf later apologized for “irregularities” in the process.⁸⁷

REVIEW ON MUSHARRAF REGIME DEVELOPMENTS

India highlighted this matter before international community and blamed Pakistan’s interference in India’s territory as to convince attempted violation of international boundary. India focused that Pakistan supported the terrorist organizations in Kashmir. Forces were deployed on both sides’ borders on reactionary basis. So, the Kargil episode became a bone of contention between the civilian and military leadership. And finally, it was the turning point as adventures episode regarding removal of Pervaiz Musharraf was staged. In against of this act, Mian Muhammad Nawaz Sharif had been not only removed but was also compelled to quit

⁸⁵State Department Spokesman Philip Reeker, “Musharraf’s Constitutional Changes Concern U.S.,” U.S. Department of State Washington File, August 22, 2002

⁸⁶ Ansari, Masooud, How the Referendum was Won, Newline, May 2002, p. 22

⁸⁷Human Rights Watch, “Pakistan: Entire Election Process ‘Deeply Flawed,’” October 9, 2002; SumitGanguly, “The Slide Continues,” *Foreign Affairs*, April 2003. Both of his predecessors as national leaders — Benazir Bhutto and Nawaz Sharif — were, by Musharraf’s own decree, excluded from candidacy regardless of the status of criminal charges against them. While the core membership of the PPP and the PML-N remained loyal to its leadership, it became clear that after 1999 neither could mobilize the levels of support enjoyed during the 1990s. This combined with evidence of a pervasive apathy among the Pakistani people with regard to national politics. Recognizing their weakened positions, the parties — one-time bitter rivals — agreed to cooperate in the 2002 elections, and coordinated regional candidacies in an attempt to maximize their final combined victories

country. With the understanding of the international guarantees, Mian Nawaz Sharif with his family members had been permitted to stay in Saudi Arabia for next ten years. In this way, chapter of civilian government was closed. It has been observed that on starting of Musharraf government, the military was welcomed by the political parties. On the other side, the statements from the politicians appeared that democracy should carry on and that can be possible only through free and fair election. The meanwhile, the dismissal of government was challenged in Supreme Court. It was stated that Pervaiz Musharraf violated 1973 Constitution and now democratic government should be restored. All these stories were dropped when Nawaz Sharif reached Saudi Arabia finally. Process of democratization was again derailed and controlled democracy 'old idea' was going to be introduced in next few days. It is interesting to note that Pervaiz Musharraf suspended 1973 Constitution, imposed emergency and introduced Provincial Constitution Order (PCO). Pervaiz Musharraf asked Chief Justice Supreme Court to take oath. Then Chief Justice refused to take oath, including six other judges of the honorable court. According to their point of view, Musharraf violated 1973 Constitution. Musharraf pressurized the judges and finally rest of the judges, including present Chief Justice Mr. Iftikhar Ch. taken oath from Mr. Musharraf. In this way, Musharraf's extra-constitutional acts were finally legitimized by Judiciary. In addition, Musharraf was accorded next three years to run state affairs as accordingly if he thought to amend constitution. Supreme Court acknowledged Musharraf regime, accommodated PCO including dissolution of National Assembly and provincial assemblies.

Supreme Court ordered Pervaiz Musharraf to hold election within three years. Musharraf promised to introduce 'good democracy' in next three years. The judgment in Zafar Ali Shah case:

“The courts do not decide abstract, hypothetical, or contingent questions or give mere declarations in the air. The determination of an abstract question of constitutional law, divorced from the concrete facts of a case, floats in an atmosphere of unreality; it is a determination in a vacuum, and, unless it amounts to a decision setting rights and obligations of the parties before the court, it is not an instance of the exercise of judicial power.”⁸⁸

In this way, military regime again planned to introduce planted democracy. Musharraf attempted to implement Seven Point Agenda’ delivered first speech on national television. (1) Rebuild national confidence and morale. (2) Strengthen the federation, remove inter provincial disharmony and restore national cohesion. (3) Revive the economy and restore investor confidence. (4) Ensure law and order and dispense speedy justice. (5) De-politicize state institutions. (6) Devolution of power to the grass roots level. (7) Ensure swift and across the board accountability.⁸⁹

It is correct to say that Musharraf speech was appreciated by the public. Musharraf addressed accountability, grass root level politics and to stable economic condition of country. It is a fact that Pakistan was facing serious economic challenges in Nawaz regime. Due to economic sanction over Pakistan due to 28th May Atomic Explosion, the economic condition was rapidly declining. Second, the ‘overseas reserves’ were freezed by the Finance Minister (former) Sartaj Aziz whose policy badly affected the economy. It is also a fact that opposition political parties did not pay attention to look after democratic process. Instead of showing resistance against military regime, they welcomed Musharraf and appreciated ‘Seven Points Agenda’. The liberal thinkers viewed that Musharraf will attempt to introduce a political leadership which will rail Pakistan towards prosperity. In these circumstances,

⁸⁸PLD 1972 SC 139.

⁸⁹<http://presidentmusharraf.wordpress.com/2007/07/10/address-nation-7-point-agenda/>

Musharraf politicized the issues. In June 2001, Musharraf asked President Rafiq Tarar to resign, from Presidentship like Zia-ul-Haq, Musharraf approached common man through Referendum and gained 95% vote throughout Pakistan. The Supreme Court in the Zafar Ali Shah case held in part:

"That the 1973 Constitution still remains the supreme law of the land subject to the condition that certain parts thereof have been held in abeyance on account of State necessity;...[and that the Superior Courts continue to function under the Constitution. The mere fact that the Judges of the Superior Courts have taken a new oath under the Oath of Office (judges) Order No. 1 of 2000, does not in any manner derogate from this position, as the Courts had been originally established under the 1973 Constitution, and have continued in their functions in spite of the Proclamation of Emergency and PCO No. 1 of 1999 and other legislative instruments issued by the Chief Executive from time to time." ⁹⁰

In next, Musharraf attempted to hold General Election in 2002. It had been observed that in the presence of Muslim League (Nawaz Sharif) and PPP (Benazir Bhutto), it was difficult to sustain Musharraf in power. Mian Nawaz Sharif was already in exile due to an agreement whereas Benazir Bhutto was also in exile but in different capacity. Benazir Bhutto was in exile since Nawaz Government due to registered cases of National Accountability Bureau (NAB) and Swiss cases. For getting domination over political matters, he introduced Legal Frame Work Order (LFO) and Political Parties Ordinance. Both these acts perfectly facilitated to Musharraf and politically affected to Nawaz Sharif and Benazir Bhutto. One important condition, imposed over both that a person who had enjoyed the office of Prime Minister two times, he or she cannot be elected for next third time Prime Minister. Second, the leadership of any political party, in exile due to corruption charges, the name leadership of political parties had to be changed. Pakistan People's

⁹⁰ PLD 2000 SC 869

Party was renamed as Pakistan Peoples Party Parliamentarians (PPPP) and Makhdoom Amin Faheem was nominated as Chairperson of PPPP. The Muslim League again split into two parts further. The persons loyal to Nawaz Sharif reoriented political party as named Muslim League (Nawaz Sharif). Others preferred to join Muslim League (Quaid-e-Azam) like Ayub Khan had established conventional League. It was evident that Musharraf planned to rig general election before polling. Muslim League (Q) was supported by the civilian & military bureaucracy. And finally the General Election brought expected result. Benazir Bhutto was not permitted to campaign election whereas Mian Nawaz Sharif was in Saudi Arabia. Both political parties e.g. Muslim League (N) and PPPP were politically victimized. They were legally deprived of rational participation. All religious parties formed a political alliance, called MMA. It should be observed that after dismissal of Nawaz Sharif government, Washington neither supported Musharraf nor negatively reacted against him although Washington had advocated restoration of democracy in Pakistan as early as possible. Destiny of Musharraf was changes as 9/11 event was happened. Musharraf became the 'best friend' of Mr. Bush as the former officially announced to join US led war on terrorism. While delivering a speech on national television, Musharraf said that he had no option except to join Washington. He firmly argued that Pakistan had to lose its strategic interests in the region of in case of avoiding to ally US against 'war on terrorism'. So finally in return, Musharraf gained license to rule and democracy became the least concerned issue of Washington. For achieving national interests, Washington did not pay attention to Benazir Bhutto and Nawaz Sharif. Musharraf focused U.S. ally and MMA gained advantage. On slogan of Anti-US, MMA finally gained politically advantages. It achieved maximum number of seats in North West Frontier Post (NWFP) and Baluchistan. First time in the political

history of Pakistan, religious parties gained such number of seats. Pakistan Election Commissioner announced Pakistan M.L. (Q), single majority party in National Assembly but for formation of the government, it needed further support. For this purpose few members of PPPP established Pakistan Peoples Party (Patriot Group) and joined Q. League when intelligence agencies pressurized Faisal Sallah-e-Hayat and Aftab Sher Pao. In return, the separated members group, Pakistan Peoples Party (Patriot) led by Aftab Sher Pao was awarded with ministries. Peoples Party gained maximum number of votes and was the second largest political party in National Assembly. Although House of Opposition was given to second largest political party of the parliament yet PPPP had been remained deprived of it. Opposition leadership was given to MMA. It is a known fact that in the exchange of a 'dialogue' between MMA and General Pervaiz Musharraf on uniform issue positively, the opposition leader was nominated Mulla Fazal-ur-Rehman. At the time of formation of government, the political parties indulged themselves to alliance for government. The dialogue started between PPP and Muslim League (Q) but did not successfully end. It has been was the serious rumor that Musharraf intentionally wanted to see Makhdoom Amin Faheem as Prime Minister but PPP leadership did not favor this opt. Musharraf wanted to keep Benazir Bhutto in exile from political scene but he agreed to write off all cases against Benazir in case of compromised between both. Second phase of dialogue was stated between Muslim League (Q) and religious / political alliance MMA but it was not pleasant movement for Musharraf. So that deal was cancelled. Again the dialogue process continued and S.M. Zafar, Ch. Shujat Hussain and Mushahid Hussain negotiated with MMA leadership. Finally political deadlock resolved when political bargain was finalized. In this regard, opposition leadership and coalition government with (Q) League in Baluchistan Province was settled.

Musharraf promised to vacate Army Chief Seat in return and all his amendments would be accepted, including LFO. As a result of understanding between Musharraf's sponsored Q. League and MMA, the draft for 17th Amendment was approved which changed complete frame of 1973 Constitution. Prime Minister's powers were given to the President Office. The President was empowered constitutionally to dissolve national assembly, provincial assemblies and senate. President became more powerful as compared to the Prime Minister. In fact, the 17th Amendment should be treated as parallel 18th Amendment, introduced by Zia-ul-Haq. In next, Musharraf was given vote of confidence by Pakistan's Electoral College. In this way, Musharraf's presidency was legitimized. All opposition political parties argued that MMA betrayed democracy and violated its parliamentary mandate. Finally, the opposition parties excluding MMA formed a political alliance, called alliance for Restoration of Democracy. MMA was titled friendly opposition and B-Team of President Pervaiz Musharraf. By introducing the concept of friendly opposition, Musharraf successfully managed leverage between military and civilian leadership as proper institutional place in democracy. Musharraf regime was examined not in the light of democratization process but also to focus on war on terrorism. Washington's area of interest was Afghanistan, Al-Qaeda, Taliban and the growing influence of the militants. It is a fact that Washington had paid maximum importance to war on terrorism rather than democracy.

Although, Musharraf engaged scenario into war against terrorism yet he attempted to introduce new sort of political thinking after election. Local Government Ordinance and National Security Council were milestone efforts, political impacts over Pakistan. It is the history of Pakistan; every dictator introduced Local Government System to access common man. Ayub Khan introduced Basic

Democracy (BD) System. Non-party local government election was scheduled in Zia-ul-Haq era. In same the manner, Musharraf framed Local Government System on non-political party basis. It is also a fact that like Zia-ul-Haq, Musharraf tried to establish National Security Council. During second tenure of Nawaz Sharif, General Jahangir Karamat had given the idea of National Security Council. He had to take back his programme because of facing serious criticism from civilian government. Now this time, Musharraf repeated the idea of National Security Council.⁹¹ In fact, Musharraf planned to dominate civilian government through National Security Council. It was argued that the internal and external national and international matters, related to security issues, will be examined in National Security Council. So, NSC will be approached to bridge between both on policy matters whereas, the parliamentarians argued that Parliament is supreme and it has been constitutionally empowered to execute policy matters, related to internal and external matters. The idea of National Security Council, advocated by Pervaiz Musharraf, was highly criticized and mannered as supremacy of military forces over the civilian government. Finally, National Security Council was constitutionally implemented. It is interesting to note that in the Parliament Session, Musharraf's National Security Council was placed as part of the constitution; Mulana Fazal-ur-Rehman (Opposition Leader) was absent. So, it can rightly be said that the parliamentarians do not show any sort of political resistance within parliament. Local Government Ordinance, 17th Amendment, War on Terrorism and implementation of National Security Council (NSC) were the features of Musharraf regime, minimized the role of democratic trends. Institutions are made but not properly flourished and rooted.

⁹¹Jaspal.Nawaz,Zafar, “ National Security Council: Implications For Pakistan’s Political System. <http://ipripak.org/articles/newspapers/nationalsecurity.shtml>.

It is not now a secret how much powerful role, played by the intelligence agencies as regarding their involvement in the political matters and further to manipulate the election results directly or indirectly. During Musharraf regime, the political parties were deeply stressed under the influential role of powerful spectrum of the intelligence agencies. It is a fact that since 1947, the political parties are instructed by the military establishment. In Zia regime, the Islamist-radical minded Jahadi Organizations had been given importance. The secular political parties had been victimized. Muslim League was again established within parliament in post 1985 although Non-Political Party' base election.⁹² Mohammad Khan Junejo was as Prime Minister nominated as President of Pakistan Muslim League within parliament. Rest of the political parties formed an opposition alliance. After Zia period, during civilian governments, the military dictated and attempted to influence. The same power broken political set up was repeated by Musharraf. The national parties e.g. Muslim League and Pakistan Peoples Party had been marginalized.⁹³ The Islamist political parties, called MMA Alliance were given opposition called status. Instead of MMA, the other political parties played actual role of opposition inside and outside parliament. PPP and PML (N) leadership convinced international community that military leadership had no capability to deal matters and civilian genuine leadership has been marginalized.⁹⁴

⁹²Asim Yasin, "NSC to Help Flourish Democracy: Jamali," *News* (Karachi), April 2, 2004

⁹³Author interviews with PPP and PML-N officials, Islamabad, January 19, 2004

⁹⁴"Pakistan Deports Ex-PM's Brother," BBC News, May 11, 2004; Sajjad Shafiq Butt, "Lahore Under 'Police Siege' Before Shabaz Arriva.," *News* (Karachi), May 11, 2004; "Pakistan's Military Shows No Intention of Letting Slip Its Grip on Power," Agency France Press, May 12, 2004

EDUCATIONAL BACKGROUND OF ZILA NAZIMS

Province	Matriculate	B.A. Degree or Higher	Total
Balochistan	7	15	22
NWFP	4	20	24
Punjab	2	32	34
Sindh	2	14	16
Total	15	81	96

SOURCE: www.nrb.gov.pk (Implementation Devolution: The New Local Government Scheme, Robert LaPort Jr)

That time, Washington was engaged in War on Terrorism, so that political leadership was not focused. Province Pukhtoon Khawna (later NWFP) and Balochistan were ruled by the MMA. It is interesting to note that Pakistan Muslim League (Q) was not independent to run the state's affairs. In 2003, PPP leader Makhdoom Amin Faheem was arrested and jailed. NAB case against Benazir Bhutto and Nawaz Sharif were re-opened. Makhdoom Javed Hashmi was jailed and announced sentence of 23 years. West Media criticized and raised objections. Washington stated that case of Javed Hashmi should be trialed on merit and transparent role of investigation should be highlighted. Musharraf government stated that Makhdoom Javed Hashmi role was negative as determine by the judiciary and its internal matter of Pakistan's political and legal system.⁹⁵ Washington called Hashmi case 'closed nature of Hashmi Proceeding' Islamabad responded by accusing Washington of "Unwarranted and misplace interference in internal affairs. In May 2004, Shabaz Sharif tried to return Pakistan but was disgraced by the commandos and returned to Saudi Arabia after less than two hours stay in Lahore in what some termed as "massive over-reactions" by

⁹⁵NajamSethi, "His Majesty's Loyal Opposition?" *Friday Times* (Lahore), May 28, 2004

authorities. The supporters were jailed and they had to face judicial trial just due to be the welcome of Muslim League (N) leadership. The civil society criticized Musharraf but the situation was maintained. It was publically argued that MMA has now turned into new phase e.g. called now Mulla-Musharraf Alliance. The political figures of Muslim League and Pakistan's Peoples Party were politically victimized. They were legally banned, adopted subtle form of harassment to suppress the opponents throughout country.⁹⁶ In this way, the Martial Law regime impression appeared. In this phase, the opposition in parliament sidelined these political victimization matters. In this scenario, the political matters were controlled by Musharraf rather than civilian government. The PPP leadership was blackmailed to keep Asif Ali Zardari in jail. The cases were registered but the proceedings were kept pending.

In this situation, Benazir Bhutto was asked for political bargaining with Mr. Musharraf through common friends and secret officials. In this matter, the resources informed that secret deal was staged between Musharraf and Benazir when Asif Ali Zardari was freed from jail in the result of a judgment, passed by Supreme Court. After nine years, Mr. Asif Ali Zardari was allowed to visit his family.⁹⁷ In this context, it was openly argued that PPP leadership was compelled to deal Musharraf. It is a known secret that Musharraf and Benazir meeting (one to one) was properly arranged by the intelligence institutions. Deal efforts were successfully approached and NRO was finally accorded..

One central permanent problem, faced by the Pakistan's political parties was 'uniform issue' of President / General Musharraf. The opposition political parties blamed that Musharraf cannot hold two offices at same time. As President, Musharraf

⁹⁶Matthew Pennington, "Pakistan Gives Opposition Tough Time," Associated Press, May 10, 2004

⁹⁷Mazhar Abbas, "MMA's Anti-Musharraf Campaign a Damp Squib?" *Friday Times*(Lahore), January 7, 2005

had to resign from military whereas the (Q) League argued that for political stability in Pakistan, Musharraf Uniform is essential. On many occasions, Musharraf's friends (political) claimed that for next ten times, Musharraf can be elected as President of Pakistan in uniform.⁹⁸ So the tussle continued. At time of 17th Amendment approval, Musharraf promised MMA leadership to leave uniform but as the said amendment was approved / ratified, the issue of uniform remained unresolved.⁹⁹ So again the issue of uniform was highlighted. President Musharraf acknowledged internal and external pressure. While addressing on national television and interviewing, he left the impression regarding to resign from uniform. He addressed nation on national television and promised again to leave uniform. Washington responded by it expected to see continuing progress toward the goal of "fully functioning democracy" in Pakistan and that it continued to view Musharraf planned military retirement as "progress in this general direction."¹⁰⁰ The British Commonwealth, which in May 2004 lifted a four-year suspension of Pakistan, had insisted that Musharraf stand by his pledge to resign from the military or risk further opprobrium".¹⁰¹ In 2004, the ruling party PML (Q) stands by acting to introduce a bill in National Assembly that would allow Musharraf to be in uniform along with Presidentship.¹⁰² So debate was started between Pro-Musharraf and Anti-Musharraf in Parliament. Besides this, 1973 Constitution was neglected completely. So that again Zia-ul-Haq methodology was

⁹⁸ "Musharraf Urged Not to Quit Army," BBC News, April 9, 2004; Ashraf Mumtaz, "Shujaat Wants Musharraf to Stay in Uniform," *Dawn* (Karachi), September 6, 2004; "Key Pakistani Province Urges Musharraf Not to Quit as Army Chief," Agence France Press, September 13, 2004; "Army Post for President Key to Stability: Aziz," *Dawn* (Karachi), September 17, 2004. On Musharraf's insecurity, see Simon Cameron-Moore, "Pakistan's Musharraf Keeps Khaki and Grip on Power," Reuters News, September 9, 2004

⁹⁹ Richard Boucher, State Department Noon Briefing, September 16, 2004

¹⁰⁰ Daniel Cooney, "Pakistan's Parliament Passes Bill Allowing President Musharraf to Stay as Army Chief," Associated Press Newswires, October 14, 2004;

¹⁰¹ Commonwealth Lifts Pakistan Suspension," *New York Times*, May 22, 2004. Opposition parties criticized the Commonwealth's May decision as unjustified given an absence of true democracy

¹⁰² Richard Boucher, "Daily Press Briefing," U.S. Department of State Washington File, October 14, 2004; "Commonwealth Supports Musharraf," BBC News, October 22, 2004; "Uniformed President Not What Commonwealth Expects," *Daily Times* (Lahore), October 24, 2004

adopted to gain maximum constitutional power. It was obvious that being President, Musharraf had desire to see maximum power. Even though, the President Musharraf regained power to dissolve national assembly.¹⁰³ After 17th Amendment, it was understood that the portfolio of Musharraf would be at strength level. Now the question is raised whether Musharraf had intention to enjoy both seats or to leave one of them.¹⁰⁴ On many occasions, Musharraf showed positively to leave Army Chief Portfolio. On the other hand, his supporters suggested him to be in uniform. So that political stability in Pakistan will be maintained.

Even then the Uniform was associated with the political stability. It was considered a vindication situation that political stability had been synthesized with military uniform. Now again the issue of uniform was highlighted and West media criticized Pervaiz Musharraf's Uniform/President role and further focused to decide be 'democratic'. The first time when Musharraf imposed Martial Law, Washington Administration treated this act as unconstitutional and simply violation of democratic principles. As 9/11 event was occurred, Pervaiz Musharraf was given importance and democracy had been set aside. Musharraf was given extra constitutional concession just due to war against Terrorism. Now this time it was assumed that Washington will not support Musharraf on this matter. U.S. Administration stated "Musharraf planned to resign from military is a good thing" functioning democracy". In meanwhile, Musharraf visited Washington and briefed U.S. Administration regarding the Jahadi network and survival of war on terrorism linkage with uniform matter. It astonished to everyone again that Musharraf was given special concession regarding democracy.

¹⁰³M.B. Naqvi, "Why the Opposition Stays Divided," *News* (Karachi), January 12, 2005

¹⁰⁴NajamSethi, "Musharraf's Pakistan 2004-05," *Friday Times* (Lahore), December 31,2004; Ahmed Rashid, "Musharraf Getting Increasingly Isolated in Pakistan," *South Asia Tribune*, December 21, 2004; "Musharraf's Power Games," *Jane's Intelligence Digest*, January 7, 2005; Shafqat Mahmood, "Military Rulers and Popularity," *News* (Karachi),February 4, 2005

While at joint press briefing, U.S. Officials stated that Pakistan's democratic institutions are strong and Musharraf's efforts to flourish democracy are admirable. While giving an interview to American television, Musharraf said "Pakistan Democracy has been fully restored." He further said that during one-to-one meeting between Musharraf and George Bush, everything was debated except uniform. So the hopes were again demised. Democracy had been remained an ineffective parameter, as to keep under control of the military establishment.

DEVOLUTION OF POWER PLAN 2002: IN MUSHARRAF REGIME:

After holding power in the result of 1999 military coup, General Pervaiz Musharraf endorsed local government power plan 2002 in context of introducing decentralization power. It was planned to evolve responsibility framework to local governments. Local Government System was constituted for decentralization at political and administrative fronts. Accountability and transparency were important features to consolidate impressive results. Like Ayub Khan and Zia-ul-Haq, Pervaiz Musharraf focused on legitimacy of election for his personal gaining in terms of overlapping political power. It is viewed that Musharraf fully approached political legitimacy but non-party local government election diffused every segment within society. In case of Devolution Plan's implementation of devolution power accountability changes were observed. The District Administration and District Nazim including Provincial bureaucracy were treated in terms of administrative reforms. It was the good political centralized experiment but did not required results. As according to Pervaiz Musharraf's Devolution Plan, District Co-ordination Officer (DCO) was kept under control the District Nazim. The financial and administrative powers were given to District Nazi whereas the technical reports of the officers will

be written by the concerned competent authority. It has been observed that the civil secretariat was powerful to control the transfer and posting affairs. The Provincial government has enjoyed constitutional power to appoint and to transfer. After their rules, the successive elected governments ignored to introduce local government. Even then instead of introducing the reforms in already existed local governments system, they intentionally ignored to do that. They treated local government system as serious threat to their provincial constituency status. This sort of conflict between provincial representatives and local government deeply affected concept of decentralization in Pakistan. During Pervaiz Musharraf regime, many political provincial representatives vacated their seats just for District Nazimship. It is true that presented plan of Pervaiz Musharraf was lacking of establishment of harmony and coordination among federal, provincial and local level. On same issue, the provincial governments had ruling status over local governments. Allocation of resources and generation of resources were not determined but these areas could be addressed. It is tragic dilemma that instead of moving forward towards institutionalization process, the basic unit of survival of political system was ignored. The three provincial governments e.g. Punjab, Balochistan and NWFP did not show interest to introduce reforms within system. In Sind, the Local Government System was restored in some areas. MQM was interested to restore Pervaiz Musharraf's local government system whereas PPP focused on present status. Few members of PPP argued that their leadership should merge the Zia's local government scheme into Pervaiz Musharraf local government scheme. In Punjab, Provincial Government extended supremacy of bureaucracy after neglecting local government elections. The elections were not contested at local level because the provincial bureaucracy and political elites were not interested to implement decentralization plan. It has been argued that instead of

delivering public services, local government authorities promoted corruption, nepotism, negligence and conflicted environment with provincial government. Local government system, introduced by Musharraf was lacking of check and balance. Therefore, it did not reflect accountability, transparency and constitutional support provincial government.

Pervaiz Musharraf's Local Government focused the devolution concept within addressed political problems, financial matters, and functions of the government. Musharraf said that the Devolution Plan was the one of the core feature of his Seven Points Agenda. Like Ayub Khan, and Zia-ul-Haq, Musharraf sought solutions of many problems in Devolution Power Plan. Musharraf was convinced that actual democracy will be generated through Devolution of Plan.¹⁰⁵ The developed Western countries attained democracy through a proper mechanism. He was confident that his introduced Devolution of Plan will bring changes at the political spectrum. Good Governance can be achieved through Devolution of Plan. Transparency International's Assessment of Pakistan, as having one of the corrupt governments. According to report, the corruption in Pakistan has paralyzed the structure of the economy. Now, Pervaiz Musharraf was interested to introduce transparent political structure. Musharraf government formulated National Reconciliation Bureau and his appointed man Lieutenant General (R) S. Tanvir H. Naqvi as Chairman articulated the design of Devolution of Plan. The subjected plan addressed the district, tehsil and union councils which defined the features of District Management Services and Police Department Role in new Devolution of Power Plan.

The Local Government Plan scheme is defined

*“In the existing system of governance at the local level,
the province governs the districts and tehsils directly*

¹⁰⁵“Devolution of Power to Bring Revolution”, Business Recorder, 19th December 2000.

through the bureaucracy at the division, district, and tehsil levels. And the local government for towns and cities exist separately from those of the rural areas. The provincial bureaucratic set-ups are the designated "controlling authorities" of the local governments and tend to undermine and over-ride them, which breeds a colonial relationship of "ruler" and "subject". The separate local government structures engender rural-urban antagonism, while the administration's role as "controlling authorities" accentuates the rural-urban divide".¹⁰⁶

The plan pointed out the role of DMG and PCS officers,

"The two structured and systemic disjoints mentioned above, coupled with the absence of horizontal integration and the consequent inadequacy of functional coordination between the line departments at the division, district, and tehsil levels, lead to inefficiency and corruption and are the root causes of the crises of governance at the grass root level. The crisis appears to have been addressed through over concentration of authority, particularly in the office of Deputy Commissioner, which besides creating the potential for abuse of authority, diffuses operational focus and results in the expedient handling of routine functions through crisis management".¹⁰⁷

Pervaiz Musharraf government was pleased to introduce the Devolution of

Plan and now it was acknowledged on the finance terms. Finance System Section of

Local Government Plan begins as:

"Almost universally, local governments receive some form of fiscal transfer from higher levels of government. In Pakistan, local governments have been receiving 10 to 15 percent fiscal transfers from provincial sources. The level of self-financing of local government in Pakistan has been much higher than in most countries. This is because provincial departments have been responsible for carrying out government functions and development at the district level. The transfer and grants system has been weak. There is no formula for distribution of funds to districts and provincial budgets do not specify district expenditures. Districts do not know, with certainty, what they will expect from the provincial departments, which affects planning negatively. This results in political machinations, ad-

¹⁰⁶Local Government Plan 2002. www.nrb.gov.pk

¹⁰⁷ ibid

*hocism, and lack of transparency. In order to accomplish a transparent, credible and fair system of transferring funds to the district level, a provincial financial commission will be constituted”.*¹⁰⁸

However, the Local Government states that:

*“The principle of the formula for provincial to district transfers is that district and local government should generate their own resources to the extent possible.”*¹⁰⁹

The provision regarding the reforms related to provincial fiscal transformation process was also mentioned in the Local Government System,

“A formula for provincial fiscal transfers will be devised and implemented. The model provincial formulas will become part of the proposed new provincial finance awards and the resultant formulas developed in conjunction with the provincial governments will be subject to change in a similar fashion as the national finance awards”.

While criticizing Pervaiz Musharraf’s Local Government Plan the Asia Times stated, “The Human Rights Commission of Pakistan (HRCP) rejected the plan, saying the military

“The Human Rights Commission of Pakistan (HRCP) rejected the plan, saying the military rulers have no mandate to take such steps, “The official local election scheme is incomplete, self-contradictory and divisive and the rulers should announce steps for return of democratic rule,” an HRCP resolution said. The Pakistan Muslim League (PML) of Nawaz Sharif and the Benazir Bhutto-led Pakistan People’s Party (PPP) have both rejected the military governments overtures and have demanded immediate restoration of democracy. Among critics of Musharraf’s plan are hard-line nationalist leaders from the provinces of Sindh and Balochistan, who fear that it interferes with provincial autonomy guaranteed in the country’s 1973 Constitution, currently under suspension. The nationalists’ parties have demanded more autonomy for the provinces along with greater financial and administrative control ... The religio-political parties, on the other hand, oppose the devolution plan, saying it is contradictory to the country’s cultural values

¹⁰⁸ Local Government Plan, Sections 138-139 & 28

¹⁰⁹ Local Government Plan, Section 140

*especially with regard to the mandatory representation for women in district governments”.*¹¹⁰

EXECUTIVE SUMMARY

Nicolas Cristof had passed comments while defining ‘feudalistic’ hold over politics in Pakistan. “You should know that in remote areas (of rural Pakistan) you periodically run into vast estates comparable to medieval Europe-in which the landowner runs that town, perhaps operates a private prison in which enemies are placed, and sometimes pretty much enslaves local people through debt bondage, generation after generation. These feudal elite have migrated into politics, where it exerts huge influence. And just as the heartlessness of feudal and capitalist barons in the 19th century created space for Communists, so in Pakistan this same lack of compassion for ordinary people seems to create space for Islamic extremists.”¹¹¹

As matter of fact, a deep sense of democratic virtue has not been remained visible because democratic leaders had to compromise with the authoritarian regimes. In search for minimum satisfaction, the leaders had to neither sacrifice expressive thinking of democracy but neither roots nor enhance of democracy are ignored. The politicians of Pakistan had to play a fix matter with authoritarian regimes on behalf of democracy. In this regard, internal and external factors are shouldering responsibility. In Ayub Khan Regime, the political infrastructure was hijacked. In Zia-ul-Haq regime, Afghanistan’s Jihad was cashed and again Musharraf was lucky. Musharraf was not acknowledged by the international media and civil society but 9/11 event made strong friendship between Musharraf and George Bush. Every dictator, whether it was Ayub Khan or Zia-ul-Haq and Musharraf, attempted to dominant politically by introducing democracy but only that kind of which suits to them. The most urgent role

¹¹⁰Rizvi, Muddassir, Opposition Builds Up Against Devolution Plan, Asia Times, 13th April 2000.

¹¹¹Cristof. D. Nicolas, “Feudalism in Pakistan” New York Times, August 1, 2009

of the military dictators was to legitimize their political regimes. They enthusiastically claimed their political victory as origin democracy but as they were replaced, are things were scattered. Interpretation of democracy to maintain political power was self centered approach. Instead of understanding the specific treatment to nourish democracy and to institutionalize democratization process, the military regimes subsequently instigated non democratic behavior. In developed democratic governments, the balanced trouble with the democratic features in Pakistan stands for a certain degree of as agents of socialization in general. During military regimes, the legitimate concerned issues of society are not properly examined. Democratic virtues in society are not obliged and they are often sacrificed by the military dictators in Pakistan. Specific attributes for democracy always play vital role to articulate institutional making process in developed societies. In fact, democracy would focus on laws, equality, freedom, and other modified political institutions. Within authoritarian regimes, democracy has been compromised, neither safeguarded with political principles.

CHAPTER 6

PAKISTAN VOTE-2008: A NEW WAVE OF DEMOCRACY

INTRODUCTION

Pakistan grew out with the political frustration since independence. Its political history is filled with military and civilian regimes. Musharraf regime should be divided into two parts e.g. military regime and civilian regime. From 1999 to 2002, Musharraf enjoyed complete authority alone whereas from 2002 to 2008, he had to accommodate the civilian government. Double standard political regime had been observed during Musharraf era. National and international political observers calculated his regime in the context of War on Terrorism. Washington had compromised democracy in Pakistan because of concrete steps, taken by Musharraf on War on Terrorism. On political front, he did almost all those things what his predecessors Ayub Khan and Zia-ul-Haq did to extend his power. At the initial stage, Musharraf did not touch judiciary and had taken oath under 1973 constitution as Chief Executive. In return, he was given political concession by the judiciary for next three year in keeping with promise to hold election before expiry 3 years. Superior Judiciary had continued its practice according to 1973 constitution. Issue of Provincial constitution Order (PCO) was raised in 2000, January when the petitions against Musharraf were conceptionally acknowledged. Now Musharraf Administration

decided to approach those judges whose voices were favorable. Finally, judiciary was again hijacked and had entertained Musharraf with oath ceremony under PCO, introduced by military regime. It was not new development in the political spectrum of Pakistan. Later on, Musharraf implemented accountability, introduced pro-Musharraf political party, friendly opposition and National Security Council to dominate parliament. With these developments, Musharraf sidelined moderate and secular minded political parties and put forward MMA in parliament for securing maximum benefits under the garb of War on Terrorism. Musharraf launched military operations against Taliban in northern areas and banned religious Jihadi organizations in Punjab and Karachi. These forceful military operations had promoted extremism and severely damaged the entire society. The observers stated that Musharraf support on War on Terrorism had shaken Pakistan's political and economic infrastructure. The foreign investors packed luggage and local investors preferred to move across the state. No doubt, Washington financially assisted Pakistan but the losses, faced by the Pakistani society was extremely tough. With these circumstances, Musharraf scheduled new election plan in 2008. This time, the situation was not comfortable for him. He was clearly told that all political parties will take part in election. The political elicits, Benazir Bhutto and Mian Nawaz Sharif signed Charter of Democracy with new political ambitions and plans. It was observed that lesson had been learnt from history and now planned political struggle against Musharraf regime. In next, Judiciary was not pleased with Musharraf so that the favorable circumstances were not board. It was the understood reality that Musharraf's King Party will not receive good results in coming election. In the presence of Nawaz Sharif and Benazir Bhutto, Muslim League (Q) was at the lowest ebb. Apart from other social problems, Lal Masjid (Red Mosque) episode and Bughti killing had lemmatized the scope of

Musharraf and Muslim League (Q). The following events misplaced the political scene. Inflation, unemployment, extremist forces, distorted security circumstances, energy crisis and sinking economic conditions had paralyzed the Pakistani society. Situation touched dangerous level when Benazir Bhutto was killed. It is recorded statements that Musharraf government was asked many times to provide “fool-prove” security but requests were not entertained. With these socio-political circumstances, election shades were scheduled with delay of few days. Now the expected election results questioned Musharraf’ regime and raised new challenges before new government. The political elites approached poling of reconciliation’ in the light of charter of democracy and coalition government was formed. Muslim League (N) shared government with Pakistan people’s party with new expectations and hopes. In meanwhile, both leadership signed Boharban Declaration to actualize the spirit of charter of democracy it is observed that Prime Minister, Yousaf Raza Gillani dismantled the imposed restrictions over the judges of the superior judiciary but now challenge to functionalize or restore Chief Justice, Iftikhar Ch. and others honorable judges. This issue became obstacle between PPP and Muslim League (N) which finally compelled Mian Nawaz Sharif to withdraw from ministries. It happened as it was expected because unnatural political alliance faded democracy. So that struggle was started by Muslim League (N) others political parties, lawyers and civil society members to restore Ch. Muhammad Iftikhar. Finally, the long march achieved destiny in Gujranwala when Mian Nawaz Sharif was assured that judiciary, with letter and spirit, will be restored. Question before PPP was not concerned regarding restoration of Iftikhar Muhammad Ch and other judges but actual story was revolving around NRO Deal, which had been challenged already in Supreme Court. It was already argued that NRO Deal was not ethically acknowledged within civil society. Swiss

Case and money laundering case were also filed against Asif Ali Zardari. Mr. Asif Ali Zardari was interested to maintain Justice Dogar status, favorable to Musharraf. It has been observed that institutional interests were not followed and democratic values were manipulated by the civilian government. With this commitment and luck of challenges, the new elected government opened tussle with judiciary. It should be clearly mentioned that Pakistan Armed Forces decided to keep away from internal political involvement. Chief of Army Staff, General Pervaiz Ashfaq Kayany clearly passed out orders to vacate all civil administration posts and only to focus military professionalism. It was good movement licenses military officers' involvement within civil administration evoked had image of Pakistani force within common man. Secondly, the military officers were on board with civilian government to fight against the militant forces. Now the principal function of civilian and military leadership was to stabilize state on internal and external fronts.

CHARTER OF DEMOCRACY: LESSON FROM HISTORY

The following is the full text of Charter of Democracy signed by Benazir Bhutto and Nawaz Sharif on May 14, 2006 in London.

“We the elected leaders of Pakistan have deliberated on the political crisis in our beloved homeland, the threats to its survival, the erosion of the federation's unity, the military's subordination of all state institutions, the marginalization of civil society, the mockery of the Constitution and representative institutions, growing poverty, unemployment and inequality, brutalization of society, breakdown of rule of law and, the unprecedented hardships facing our people under a military dictatorship, which has pushed our beloved country to the brink of a total disaster; nothing the most devastating and traumatic experiences that our nation experienced under military

dictatorships that played havoc with the nation's destiny and created, conditions disallowing the progress of our people and the flowering of democracy. Even after removal from office they undermined the people's mandate and the sovereign will of the people; drawing history's lesson that the military leadership and the nation cannot co-exist-as military involvement adversely affect the economy and the democratic institutions as well as the defense capabilities, and the integrity of the country – the nation needs a new direction different from a militaristic and regimental approach of the Bonaparte's regimes, as the current one. Taking serious exception to the vilification campaign against the representatives of the people, in particular, and the civilians, in general, the victimization of political leaders/workers and their media trials under a Draconian law in the name of accountability, in order to divide and eliminate the representative political parties, to Gerrymander a king's party and concept legitimacy to prolong the military rule; Noting our responsibility to our people to set an alternative direction for the country saving it from its present predicaments on an economically sustainable, socially progressive, politically democratic and pluralist, federally cooperative, ideologically tolerant, internationally respectable and regionally peaceful basis in the larger interests of the peoples of Pakistan to decide once for all that only the people and no one else has the sovereign right to govern through their elected representatives, as conceived by the democrat par excellence, Father of the Nation Quaid-i-Azam Mohammed Ali Jinnah; reaffirming our commitment to undiluted democracy and universally recognized fundamental rights, the rights of a vibrant opposition, internal party democracy, ideological/political tolerance, bipartisan working of the parliament through powerful committee system, a cooperative federation with no discrimination against federating units, the decentralization and devolution of power, maximum provincial autonomy,

the empowerment of the people at the grassroots level, the emancipation of our people from poverty, ignorance, want and disease, the uplift of women and minorities, the elimination of Kalashnikov culture, a free and independent media, an independent judiciary, a neutral civil service, rule of law and merit, the settlement of disputes with the neighbors through peaceful means, honoring international contracts, laws/covenants and sovereign guarantees, so as to achieve a responsible and civilized status in the comity of nations through a foreign policy that suits our national interests; calling upon the people of Pakistan to join hands to save our motherland from the clutches of military dictatorship and to defend their fundamental, social, political and economic rights and for a democratic, federal, modern and progressive Pakistan as dreamt by the Founder of the nation; have adopted the following, “Charter of Democracy”;¹

Charter of democracy, a signed political accord between Benazir Bhutto and Nawaz Sharif, the third political consensus among the politicians, was expressed as democratic march towards institutionalization process in Pakistan. It was called third consensus democratic document after Objective Resolution 1949 and 1973 Constitution. Charter of Democracy, Constitutional Amendments, introduced by General Musharraf will be no more.

- State mechanism, placed by General Musharraf, including the National Security Council will be abolished.
- Pakistan Armed Forces and National Security Council organs will be placed under civilian political control.

¹ Original Text, Charter of Democracy.

- Firm civilian government control and scrutiny over Pakistan's intelligence agencies.

In letter of spirit, the objective of Character of Democracy was to keep military away from interference within the political set up. It was argued that the civilian leadership interpreted 'Charter of Democracy' as document to avoid institutional interference. A welcome and encouraging step of political parties was to consolidate democracy. In Pakistan, it has been termed as, "It is hardly an exaggeration to say that it is one of the most important, and despite its understated prose, the most stirring thing to come out of Pakistan's confused milieu in a long time". It was called Magna Charter of Pakistan, opened new window for democracy. National political consensus was staged out in result of great efforts of the political leaderships, reflected notion of matured political reconciliation. It was observed that the political parties articulated a process of democratic transitions.²

The Parliamentary Committee on Constitutional Reforms (PCCR) introduced following recommendations to the People's Government for establishment of democratic institutions.³(*)

- "The Federal Government, through the Ministry of Defense, shall provide equal opportunities for recruitment to all Provinces, including FATA, so as to ensure uniformity in the recruitment policy of the Armed Forces."
- "The Government may specify a period of 90 days for the Tribunal to complete the trial in the Representation of Peoples Act, 1976 and that a consequential penalty on the parties be imposed for any delay."

²Charter of Democracy Original Text, www.charterofdemocracy/Pakistan.com

³Recommendations By The Parliamentary Committee On Constitutional Reforms(* All Recommendations , mentioned below(1-11) are originally copied)

- “Article 247: The Government should take immediate steps to implement the reforms announced by the President in respect of FATA, particularly, about major changes in the Frontier Crimes Regulation and providing opportunities to the National Political Parties to organize their activities in that area. The Government may also associate other parties who are stakeholders in the ongoing consultations regarding administration of Tribal Areas.”
- Article 9: The Government should make appropriate laws regarding “security of person”.
- “Article 192: The Appointing Authority should bear in mind that the appointment of judges to the Islamabad High Court should include Judges from all the provinces and the Islamabad Capital Territory.”
- “The Government may ensure that the Federal Secretary Finance is not appointed as the Auditor General of Pakistan.”
- “Concurrent Legislative List (Fourth Schedule): The Government should constitute an Implementation Commission for the devolution process and transition as a consequence of abolition of the Concurrent List.”
- “Article 161(1): The Government may expeditiously provide infrastructure for the utilization of water in the Provinces, where it does not exist.”
- “Item 11 of Federal Legislative List: The Committee recommends that in view of a major devolution of powers and responsibilities to the Provinces in the constitutional reforms package, it is imperative that the extent of and modalities for distribution of work between the Federal Public Service Commissions, Provincial Public Service Commissions and the respective services be reworked and the services reorganized as to ensure provincial

autonomy and good governance. It is also recommended that adequate indigenization of the services should also take place as part of this reform.”

- “The Committee recommended that the Islamabad High Court be conferred original civil jurisdiction in cases of the value of Rupees five million or above or such other amount as may be determined by an Act of Parliament.”
- “To promote harmony, stability and goodwill between the Baloch, Pakhtun and all the communities in the Province of Baluchistan, the Committee recommended that equity be maintained in all spheres of life till the structural problems involved are resolved by mutual dialogue and consensus. It is further recommended:
 - That the Federal Government will keep in mind the traditions being followed in the appointments of Constitutional offices in the Province.
 - That the Provincial Government will strictly follow and enforce the zonal employment scheme;
 - That the allocation of development funds in the Province will be done in a manner where in regional disparities and backwardness is given priority.”

Musharraf’s proclamation of imposing emergency, as to justify in terms of, destroyed security circumstances of state approached a serious threat to life and property of the Pakistani citizens. Further, judiciary role was projected as negative, which claimed to be “working at cross purposes with the executive and legislature in the fight against terrorism and extremism thereby weakening the Government and the nation’s resolve and diluting the efficacy of its actions to control this menace.” According to proclamation, “the situation required “emergent and extraordinary measures.” On day of emergency, Pervaiz Musharraf enforced PCO as Army Chief

for Supreme Court. The judiciary was forced to take oath under PCO, which restricted judiciary to challenge orders of Pervaiz Musharraf as under any authority. In fact, fundamental rights, given by 1973 Constitution, were suspended by Pervaiz Musharraf, as regarding about freedom from unlawful arrest and detention, freedom of movement, assembly, association, and speech. Now the question before Musharraf was to ask judiciary for taking oath under PCO in search for legitimacy. In this matter, situation was not favorable to Musharraf likely to be past. Musharraf approached Chief Justice, Iftikhar Muhammad Choudhry for resolving conflict. This time, Chief Justice's response was not positive and had refused simply to follow instructions, passed by G.H.Q. Again independence of judiciary was at stake. Finally Musharraf efforts come true as Justice of Supreme Court Dogar finally took oath in the light of PCO from Musharraf. Along with other six judges of Supreme Court judges adopted line of action, as defined by Justice Dogar. Dogar court was not accepted by the civil society and the lawyers associations throughout country. The 'Lawyer Movement', either literate or illiterate, whether young or old without any discrimination, had participated to restore the independence of the judiciary. It was a civil march towards respect for judiciary, headed by Chief Justice Iftikhar Muhammad Ch. himself. The movement was welcomed throughout country and appeared as a serious challenging situation for Mr. Musharraf. It was observed that Musharraf had taken wrong perception regarding consequences. In meanwhile, 12 May incident shocked everyone, a tragic event happened when few lawyers were fired in Karachi. The day was called Black Day by the judiciary. Mr. Iftikhar Ch. had to come back from Karachi due to insecure environment in Karachi. Musharraf Administration was trying at best level to curb the movement but each step had to revert like Newton law.

Now the political parties channelized a platform for launching Anti-Musharraf campaign. The political leadership especially Muslim League (N) and PPP launched anti-Musharraf political rallies throughout country. Now it was the best time to compel Musharraf for bargaining. The local organizations of the political parties mobilized common man against Musharraf. A full-fledged political crisis was emerged in the context of judicial crisis. The restoration of Chief Justice was considered the credibility of the political system. Secretary of State, Condoleezza Rice telephonically informed that Supreme Court would not be subservient to military rule, and could derail President's Musharraf's political plans. In the meanwhile, Musharraf had to face another political defeat when the exiled leadership was permitted to return Pakistan. It was widen stoppage of the Musharraf government to deal this new political development. In September, the Islamabad police arrested political workers including the leadership of Muslim League (N) and PPP. A statement from U.S. Embassy called the development, "extremely disturbing and confusing" and Secretary, Rice called the arrests "troubling". It has been observation, delivered by Itzar Ahan "U.S. Government not seeming to care about Musharraf's crack down on the Supreme Court and making no mention of the issue in various briefings."

On 6th October 2007, President Musharraf was elected again as President and secured approximately 57% votes, out of 1,170 members Electorate College. Other members of the Electorate College had preferred either remained to out of this process. Musharraf had set his mind that he would leave uniform because of the prevailing circumstances, did not suit to him. It was evident reality for Musharraf that as civilian President, he had to face more institutional challenges because the political understanding was developed among the political parties rather than military. It was a

known fact that military influential institutional force was main contributing factor to sustain Musharraf's regime. The political parties showed reaction against Musharraf's re-election and simply called violation of 1973 Constitution. Again Musharraf had to face serious setback as the Supreme Court of Pakistan ruled that it will accept all those petitions, registered against Musharraf's re-election. Question about legitimacy of the President Musharraf's re-election became question mark. In this new scenario, Musharraf thought that in case of leaving uniform, he might be fail to face against those writs, challenging to Mr. Musharraf's legitimacy as re-elected president. As matter of Mr. Musharraf's idea of leaving uniform became question mark. Musharraf's political friends suggested that he must be given assurance regarding his confirmation as President; uniform issue remained to be pending. Finally the situation cleared as 'New Supreme Court', under PCO given green signal to Mr. Musharraf. All filed writ petitions were cancelled and Musharraf was given path to hold Presidency again. In second thought, Musharraf planned to leave army chief status.

POLITICS OF CONTROLLED DEMOCRACY:

It is not now secret like to be past that Musharraf had shown intention on various occasions to build a political understanding with Benazir Bhutto. In reality, Musharraf wanted to have mutual understanding with PPP but conditionally. In the beginning, Musharraf-Benazir talks failed because the former wanted PPP to be in next government set up but only to exclude latter from the political scene. The cases will not be examined again against both Benazir Bhutto and Asif Zardari would keep themselves from politics. Asif Ali Zardari will be released from jail and he had to leave country. The dialogue failed and Musharraf had to touch with second choice, called Muslim League (Q). For the formation of government in center, Musharraf

arranged a political alliance between Muslim League (Q) and MQM and finally few members of PPP were snatched with heavy price. In this way a government set up was established. Now the circumstances for Mr. Musharraf were not as favorable as in past.⁴ Except many factors, one important factor that Musharraf was politically weak, but still in doing extra-ordinary. Now again a 'deal package' was introduced to patch up between Musharraf and Benazir Bhutto. For this, the west was also interested to arrange a deal between both even though the common friends within state and a crossed were doing efforts for deal. This time, Benazir position was comparatively better. Recently, a historic document was drafted between Benazir and Nawaz Sharif, called Charter of Democracy. So that Benazir was in better position to deal Musharraf. She went forward and signed a deal with Musharraf. Musharraf wanted to keep himself in the presidency and Benazir wanted to get rid of all those cases, registered against her and Mr. Asif Ali Zardari. Benazir knew that her political survival can be matured in case of closing of all cases.⁵ These were the field cases in courts and NAB since 1988 to 1999, during different tenures. Benazir acknowledged that Musharraf's survival was close to die but his breath had come alive only with her support. So as matter of fact, Benazir had to compromise with Musharraf. Negotiations regarding power sharing formula were the staged between both. Musharraf was conscious of his role in next political set up and Benazir Bhutto was worried to be elected as third time Prime Minister. Washington argued that it should be considered better when the role of Mr. Musharraf will be sustained if the moderate political forces will be synthesized in new political set up. It was understood

⁴Hussain, Ijaz "Deal-ing a Bad Hand," *Daily Times* (Lahore), August 29, 2007; Jane Perlez, "Bhutto's Persona Raises Distrust, As Well As Hope," *New York Times*, November 11, 2007; Bruce Wallace, "Skepticism Tinges Support for Bhutto," *Los Angeles Times*, December 3, 2007. Bhutto's own niece has called the political posturing "sheer pantomime" (Fatima Bhutto, "Aunt Benazir's False Promises," *Los Angeles Times*, November 14, 2007)

⁵Lamb, Christina, "Threat to Strip Benazir Bhutto of Amnesty," *Sunday Times* (London), November 18, 2007

phenomenon that Musharraf and Benazir wanted to keep Islamic militancy away from political spectrum. Benazir had to face threats from the Islamic militant organizations occasionally. In this spectrum, Musharraf had to face three serious suicidal attacks, fortunately alive. So the moderate political understanding, towards national and international matters, can be evolved in case of political alliance between both. Benazir and Musharraf met in Dubai and agreed to draft finally. The said deal, called National Reconciliation Ordinance (NRO) Deal. Musharraf issued National Reconciliation Ordinance (NRO) to facilitate all those political leaders who had to face litigation related to maladministration and corruption charges and their cases were still pending. The tenure was fixed from 1988 to 1998. In this ordinance, all cases were declared null and void, simply provided clean sheet to maximum number of politicians. Everyone had received benefits from NRO. The political intellectuals and civil society members argued that said deal damaged Benazir Bhutto because she violated Charter of Democracy.⁶

Ch. Shujat Hussain stated that Musharraf offered NRO deal to Benazir Bhutto only to disunite the opposition. Second, it is a known fact that Charter of Democracy was considered a real threat to political rule of Muslim League (Q). Finally, Washington Administration welcomed a compromise understanding between Musharraf and Benazir Bhutto. It is a fact that in these changing circumstances; Musharraf Administration was interested to accept Benazir but neither to face Benazir-Nawaz Sharif alliance. Even then within Peoples Party, one group argued that Benazir did same thing as Pakistan People Party (Patriot Group), led by Mr. Aftab Sheer Pao, Faisal Saleh Hayat and others. Second group argued that Benazir Bhutto and Asif Ali Zardari were observing political distortion in the presence of these

⁶“U.S. Trying to Revive Musharraf-Bhutto Deal,” *Reuters*, November 17, 2007

registered cases. So that Benazir had to deal NRO finally to give up all these cases. Benazir Bhutto stated that NRO should be considered a political deal for smooth transition of democracy from authoritarian regime.⁷ In these circumstances, it was said that the military establishment played vital role for promoting understanding between Benazir and Pervaiz Musharraf. It was simple power sharing settlement between military and civilian leadership again.

Pakistan's political circumstances were in chaos and assembled with uncertain matters. The issues were not properly addressed. The institutions were treated on basis of personal gaining power instead of strengthening them. Apart from this, the growing Islamic militancy had paralyzed the security system within state. It was constant threat to Pakistan's image as peaceful state internally and externally. The judicial crisis disturbed respects for institutions.⁸ In these circumstances, it was growing political rumor that Martial Law will be imposed by Musharraf through an emergency proclamation. When Condoleezza Rice was asked about the possibility of Martial Law regime in future, she said "it was quite obvious that Washington would not be supportive of extra-constitutional means". In addition, she expressed possible reaction of Washington likely to be, "Pakistan needs to be preparing for a hold free and fair elections."⁹ The next day, the Commander of U.S. Central Command, Adam William Fallon met with Musharraf in Islamabad and warned against declaring state of emergency and that would "Pakistan-US Relationship at risk". On the other hand, it was another statement from Washington that in case of imposing emergency, Musharraf government will be secured due to increasing tendency of Islamic

⁷Witte, Griff and Ali, Imtiaz "U.S. Warns Musharraf Not to Use Martial Law," *Washington Post*, November 2, 2007

⁸"Admiral: U.S. Warned Musharraf Against Emergency Declaration," *CNN.com* (online), November 6, 2007

⁹Jay Solomon & Peter Wonacott, "Pakistan Alerted U.S. It Planned Emergency Rule," *Wall Street Journal*, November 23, 2007

militancy in Pakistan. Some pro-Musharraf friends in Washington argued that Musharraf should be given chance because as 'sole commitment' against war on terrorism of Islamabad with Washington. Musharraf did efforts to convince that security threats from terrorism and extremism had paralyzed state, so that he should be given open choice. Few political observers argued that due to deal between Musharraf-Benazir, should be considered a green signal for Musharraf, whereas, Washington Administration argued that it supported moderate forces in Pakistan as matter of reconciliation in positive direction.¹⁰ As far as issue of imposing Emergency in Pakistan, by Musharraf is concerned, Washington will not support it because election will be ultimate future way for democratic institutionalization process. Finally, Musharraf imposed emergency and it was suspension of fundamental laws again.¹¹ Musharraf advocated emergency by arguing that it is the need of time and he had to take up this action due to threats from the extremist forces, facing to Pakistan continuously. This way of thinking, Musharraf paralyzed the state's institutions. The mass movement was launched against emergency. Throughout country, massive public protests were organized by different organizations.¹²

Musharraf government used state's power to curb the mass movement, cracked down and finally events reflected as extreme form of dictatorship. Washington expressed 'grave concern' at the crackdown, calling such "extreme and unreasonable measures," contradictory to the goal of a fully democratic Pakistan. Musharraf amended 1952 Army Act, allowed military trials of civilians, calling human rights group and potentially providing a retroactive sanctioning of 'disappearances' traced to country's security services and criticized by the Supreme

¹⁰Unofficial speech transcript at [<http://www.indybay.org/newsitems/2007/11/05/18458318.php>]

¹¹Paul Alexander, "Pakistan's Government Threatens Media," *Associated Press*, December 19, 2007

¹²On November 6, 33 U.S. Senators signed a letter to President Musharraf urging him to immediately release leading Pakistani lawyer and opposition political figure Aitzaz Ahsan from prison

Court. Washington called the emergency of Pakistan as serious setback regarding democratization process. International community showed serious consequences.¹³ Pakistan's neighbors were not pleased with Musharraf's act. India stated that internal developments in Pakistan are not hopeful for smooth working relationships. In the difficult times that Pakistan is passing through.¹⁴ In response to prevailing circumstances as to what called unwarranted criticism and excessive reactions from abroad. Commonwealth Ministerial Action Group suspended Pakistan's membership. It issued, "a condemnation of the abrogation of the Pakistani Constitution and threatened Pakistan with suspension from the Commonwealth unless Musharraf repeals the emergency provisions, retires from the army, releases all political detainees, and removes curbs on media freedom by November 22". Commonwealth Ministerial Action Group (CMAG) issued a "condemnation of the abrogation of the Pakistani Constitution and threatened Pakistan with suspension from the commonwealth unless Musharraf repeals the emergency provisions, retires from the army releases all political detainees, and removes curbs on media freedom by November 22."¹⁵ Islamabad expressed "deep disappointment and regret" to the CMAG statement, saying it reflected "ignorance to the ground realities". On November 22, the CMAG made good on its suspension threat pending restoration of democracy and rule of law there. Islamabad expressed "deep regrets" at the "unreasonable and unjustified" decision, saying it "does not take into account the objective conditions prevailing in Pakistan." International human rights groups were vociferous in their criticism: New York-based Human Rights Watch decried the "coup against Pakistan's civil society" and demanded that Pakistan immediately return to constitutional rule

¹³See [http://www.mofa.gov.pk/Press_Releases/2007/Nov/PR_271_07.htm

¹⁴See [<http://www.thecommonwealth.org/news/172238/121107cmag.htm>]
and [http://www.mofa.gov.pk/Press_Releases/2007/Nov/PR_277_07.htm]

¹⁵[<http://www.thecommonwealth.org/news/172238/121107cmag.htm>]
and [http://www.mofa.gov.pk/Press_Releases/2007/Nov/PR_277_07.htm]

and end its crackdown on the judiciary, media, human rights activists, and political opponents. London based Amnesty International warned that the “wholesale abrogation of fundamental human rights protections” represented a “blatant breach of international law” and it also demanded the restoration of human rights and justice.¹⁶ The Pakistani public appeared overwhelmingly opposed to Musharraf’s coup, but street protests were relatively modest in scale (due in part to police crackdowns and blockades).¹⁷ The Pakistani media were largely unanimously in their criticism of what was widely seen to be a bald-faced attempt by Musharraf to maintain his own power in the face of increasing pressures.¹⁸ Many leading U.S. press outlets urged “the Bush Administration to end its reliance on Musharraf, seeking him as an obstacle both to more effective counterterrorism efforts and to democratization”. On December, 15, President Musharraf lifted the state of emergency in what he claimed was a “complete restoration of the constitution”.¹⁹ In a speech to the Pakistan nation, he again asserted that the emergency was declared as a last resort “against my own will” in order to defeat a “conspiracy” to “derail the democratic process. Musharraf also took credit for laying “the foundation of real democracy.”²⁰ Skeptics saw little evidence that the lifting of the emergency would lead to meaningful change, given what they see as

¹⁶[<http://hrw.org/english/docs/2007/11/04/pakist17241.htm>] and [<http://web.amnesty.org/library/print/ENGASA330412007>]. HRW also urged President Bush and key U.S. congressional appropriators to suspend all non-humanitarian aid to Pakistan until Musharraf’s emergency policies are reversed

¹⁷Sam Dolnick, “World Leaders Condemn State of Emergency in Pakistan,” *Associated Press*, November 3, 2007; Indian External Affairs Ministry Press Release, November 3, 2007; “World Reconsiders Pakistan Aid,” *CNN.com*, November 5, 2007; David Rohde, “Anger at Decree Runs Deep in Pakistanis,” *New York Times*, November 9, 2007; “Simon Gardner, “Pakistan’s Media Slams Musharraf’s ‘Second Coup,’” *Reuters*, November 4, 2007. An example is “The General Must Go” (editorial), *Washington Post*, November 11, 2007

¹⁸An example is “The General Must Go” (editorial), *Washington Post*, November 11, 2007

¹⁹“Text of Pakistan President’s Speech on Lifting Emergency,” *BBC Monitoring South Asia*, December 16, 2007

²⁰Quoted in “Analysts Doubt Change After Pakistan Emergency Ends,” *Agency France Press*, December 13, 2007

repressive media curbs and a stacked judiciary. One senior Pakistani analyst visualized Musharraf's move a "public relations exercise".²¹

Politics of Pakistan since 1970 revealed around Pakistan's Peoples Party .Zulfiqar death through judicial trial left serious impacts over this political party. Like Zulfiqar Ali Bhutto, Benazir took over responsibility when dictator was in government. It is a known fact that Benazirs was a serious challenge to Anti-Bhutto and establishment. Benazir Bhutto government was always treated as security threat to national security. In second tenure of Nawaz Sharif, NAB was given task to target Benazir and her husband Asif Ali Zardari. Mr. Saif-ur-Rehman, as Chairman NAB openly targeted both personalities even though the judges were approached to tight the clutch of both.²² It is now no secret that then justice Mr. Malik Qayum, High Court Judge was approached by Mr. Saif-ur-Rehman. Through telephonic conversation, later on leaked out, Mr. Qayum Malik assured Mr. Saif-ur-Rehman that tight policy will be adopted no need to be worried. On such contentions, the Supreme Court held that:

"It appears from the record that notifications were issued by the then learned Chief Justice, Lahore High Court, from time to time to enable Malik Muhammad Qayyum, J. to visit Rawalpindi to hear Ehtesab Reference No. 30 of 1998 and to be present on each and every date of hearing of the aforementioned Reference. It supports the contention of the learned counsel for the appellants that Reference No. 30 of 1998 was virtually

²¹See [<http://hrw.org/english/docs/2007/12/14/pakist17562.htm>]

²²"Who Killed Benazir?," *News* (Karachi), December 30, 2007

*“chased” by Malik Muhammad Qayyum, Judge, and the exercise had caused substantial financial loss to the State exchequer. The “chase” thus given amply demonstrates the keen interest of Malik Muhammad Qayyum, Judge, to impose himself on the matter and take it to its end according to his preconceived notions”.*²³

It is the negation of accountability and transparent justice. Benazir was in political exile since Nawaz Sharif was in power since 1996. Musharraf engineered 2002 election and Benazir was not allowed to return Pakistan.²⁴The elections were neither free nor fair because the observations regarding the election results were not favorable and supporting. Even then Human Right Commission of Pakistan, National Democratic Institute and the European Union quoted as:

“It is an unfortunate fact that the October 10 elections have already been recorded in Pakistan’s checkered political history as having been manipulated by seen and unseen forces for their narrow institutional interests. And, the spate of allegations is not the only basis of this strong perception. There are credible reports of result manipulations in some close contests, and in others the turnout was inexplicably far in excess

²³Asif Ali Zardari Vs. The State, PLD 2001 SC 568, 595

²⁴See [<http://www.state.gov/secretary/rm/2007/11/95758.htm>]

of the national average. Tellingly, in all such cases, the winner was perceived as being officially sponsored.”²⁵

In 2007, she decided to return Pakistan for participating in next election. It is a known fact that Benazir Bhutto was threatened by the Jihadi Islamist organization. Tahreek-e-Taliban Pakistan was the organization which initiated plan to kill Benazir Bhutto. Even though Benazir expressed reservations against her security during exile and demanded tight security from Washington and Musharraf. On many occasions Musharraf was requested by Benazir to provide foolproof security. It is a fact that Benazir criticized Taliban Organizations in Pakistan and watched out them a serious threat to Pakistan. These events were in background as she reached Karachi. Benazir was warmly welcome by the supported in Karachi was encouraging indicator for the PPP. It was assumed that after NRO Deal with Musharraf, Benazir had to face isolation but neither was it happened like perception. Benazir had to face first suicide attack after just and few hours she reached Karachi. More than hundred people were killed in bomb blast, Benazir was saved. The situation was alarming for Benazir in political campaign. She was instructed to be careful during election campaign. On December 27th, 2007, Benazir was assassinated, returning from Liaquat Abad, Rawalpindi, attended political campaign. It was fully planned suicide attack; she was successfully targeted by the killers.²⁶

Washington stated, “Cowardly attack”, strongly condemned by the west media. Throughout Pakistan, massive public protests were started, shut down of services and anticipation of violence. Serious riots occurred in rural Sind Karachi.

²⁵“Priority No. 1,” \editorial, *The News* (Islamabad), October 24, 2002.

²⁶“Benazir Terms Pledge ‘Vague, Insufficient,’” *News* (Karachi), November 9, 2007; “Bhutto to Musharraf: It’s Time to Quit,” *Agence France Presse*, November 13, 2007; “Pakistan’s Bhutto Building Opposition Alliance,” *Agence France Presse*, November 13, 2007; Emily Wax,

First report, issued by government was to confirm Benazir's assassination due to vehicle sunroof, hit her head. After few minutes, the report was issued that Benazir was target killing through proper shoot firing by a young man, close to her vehicle. In time of shooting fire at Benazir, a blast occurred near her damaged her vehicle badly and killed many others who surrounded her. As she was shifted to hospital for recovery, the roads were cleaned and washed, removed all ground evidences. During investigation, a senior police officer argued that everything was washed as he received orders from high authorities. In way of thinking a proper planning was staged to kill Benazir, indirectly to remove from political scene. It was a serious political setback for Pakistan which lost a major political figure.²⁷ Before killing, Benazir herself argued that she is facing serious reservations regarding security. She did not have that kind of required security measures as accordingly she was promised. She approached the Americans and Musharraf to provide security for avoiding complicated situation but promise was not fulfilled. Pakistan People's Party (PPP) demanded that United Nations Organization (UNO) should be given mandate to investigate Benazir Bhutto case. However, the political chapter of Benazir Bhutto was finished.²⁸ In meanwhile, Musharraf's reconstituted Supreme Court acknowledged his re-election as President and provided path to leave uniform. Musharraf had no option except to now appear as civilian president. Secretary of state, Condoleezza Rice called

²⁷"Musharraf, In Interview, Holds Firm on Crackdown," *Washington Post*, November 17, 2007. "Musharraf Ally Battles Foes and Apathy in Pakistan Vote," *Reuters*, December 19, 2007. A public opinion survey undertaken by the Washington-based International Republican Institute during the emergency did not bring good news for Musharraf or the incumbent government: A large majority of Pakistanis expressed their opposition to the measure and nearly two-thirds said they would support a boycott of scheduled elections. Musharraf's approval rating remained low, with nearly three-quarters of respondents saying they opposed his reelection as president and 67% wanting his resignation. When asked who they thought was the best leader to handle the problems facing Pakistan, 31% chose Bhutto, 25% cited Sharif, and 23% said Musharraf (see [<http://www.iri.org/mena/pakistan/pdfs/2007-12-12-pakistan-poll-index.pdf>])

²⁸Benazir Bhutto, "Musharraf's Martial Plan," *New York Times*, November 7, 2007; Benazir Bhutto, "Musharraf's Electoral Farce," *Washington Post*, November 14, 2007; Nawaz Sharif, "Pakistan's One-Man Calamity," *Washington Post*, November 17, 2007

this act ‘Musharraf acknowledged situation and his resignation as Army Chief called first step’. In further, she said, “the most stabilizing thing for Pakistan will be to have of free and fair elections.”⁴¹ Musharraf said that he had planned to conduct election in January but, not assured to inform exact date regarding uplifting emergency. It was obvious that Benazir Bhutto simply refused to do things according to deal with Musharraf. Even though, she launched a long march and convinced others to finally sabotage Musharraf.

It has been observed that Pervaiz Musharraf was interested in controlled democracy. So that democracy will be mixed with blend of dictatorship. Such sort of financial and political interests of the army for interfering in the political process of Pakistan are to be listed respectively.

“The army has such a large monetary stake in the country that it will never allow a populist civilian government to interfere with the status quo. A civilian government may be permitted to continue only so far as it does not interfere with the financial interests of the army. Only a revolution may bring about a change in this state of affairs. Any civilian government brought into office by normal sedate democratic channels will neither have the strength, nor will it be permitted, to pursue a political or economic policy, which the

military does not regard as conducive to its interests."²⁹

By keeping internal and external political scenario, Musharraf allowed Benazir and Nawaz to take part in Pakistan's politics. It's a major fact that Lawyer's Movement extremely disappointed Musharraf because all political parties channelized their resources to compel him to restore original democratic spirit. No doubt Benazir-Musharraf were approached on deal but it lost its importance as emergency was imposed. Before assassination, Benazir publically warned Musharraf that imposition of emergency will be serious violation of fundamental rights and her political party will be on road for long March against him. As Musharraf imposed emergency, Benazir said "Musharraf is over-launched long march towards Islamabad". So finally Benazir Bhutto's reaction was expressed as threat to internal security. Against this, Benazir Bhutto was home arrested.³⁰ Benazir Bhutto asked international and national media and crossed political leaders to stop dictatorial acts and compelled him to patch way to democratic forces. Mian Nawaz Sharif strongly condemned Musharraf's act regarding Benazir home arrest. He said that Benazir's changing stance from Musharraf should be considered a winning situation for democratic institutions because now dictator is alone. Further, he said that he welcomed the swift change of Benazir Bhutto who was interested to provide concession to Musharraf after deal. Qazi Hussain Ahmad, leader of Jamat-i-Islami welcomed Benazir's stance about Musharraf. In this scenario, it was difficult for Musharraf to provide maximum security to Benazir Bhutto. Now situation was difficult for Musharraf to face new circumstances after Benazir's changing attitude. Benazir ruled out any further

²⁹ Khan, Makhdoom Ali, 1973 Constitution – The Founding of the Federation, an unpublished paper read at a seminar: "The Heritage of Prime Minister Bhutto," in Karachi, April 3-5, 1989, note 10.

³⁰ "PPP's New Leader" (editorial), *Dawn* (Karachi), December 31, 2007; Jay Solomon, et. al., "Pakistan's Zardari Poses a Quandary for U.S.," *Wall Street Journal*, January 2, 2008.

possibilities of concession in politics for Mr. Musharraf. She said that she had no interest to conclude power sharing formula with Musharraf. For Muslim League (Q), it was confrontation movement because as ally to Musharraf, the party was not acceptable for public in election campaign. Possibilities of negotiation with Benazir were at the lowest ebb and now public agitation against Musharraf crossed peak level.³¹

Benazir stated that Musharraf sponsored Muslim League (Quaid-e-Azam) will not be able compete PPP in next election because their popularity is continuously on declining path. Benazir showed reservations regarding possibility of ‘hijacking’ election and viewed coming election as ‘Farce election’. She argued that only through intelligence agencies, Musharraf will be in position to provide space to Muslim League (Q) League for next election. The general perception was that Musharraf’s alliance with political friends will be supported by the intelligence agencies only to win next five years political power. Even though, Washington stated that free and fair election will make path for democratization process in Pakistan. Mian Nawaz Sharif stated that US Administration should strengthen democratic institutions rather than only one ‘individual’. Nawaz Snarif opposed Musharraf before local and international media and urged international community to pressurize Musharraf to quite government. Benazir’s assassination shut down options before Musharraf. After assassination, Mr. Bilawal Zardari was called on London to lead party as Chairman. It was further decided that Mr. Zardari as Co-Chairman of PPP will take up the party matters.³²

³¹“Former PM Now Leads Pakistan Opposition,” *Associated Press*, January 1, 2008

³²Simon Gardner, “Pakistan PM Hopeful is Musharraf’s Man,” *Reuters*, December 2, 2007

RETURN TO PATH OF DEMOCRATIZATION: ELECTION 2008

Election 2008 was scheduled by Pakistan Election Commission on 20th November 2007 and it was briefed that General Election will be held on January 08, 2008. The Political observers argued that the General Election in Pakistan will be critical because after a long period of time genuine leadership was within state. Musharraf was absolute clear that election in Pakistan will determine his future in Pakistan. Election discussion should be examined in Pre-Benazir death era and in post Benazir death area. As Benazir reached Pakistan after exile, she had to face two challenges e.g. National Reconciliation Ordinance (NRO Deal) and Charter of Democracy.³³ NRO deal with Musharraf demised Benazir image in Pakistan. Signed document Charter of Democracy was appreciable publically. So, Benazir was on two fold thinking. Benazir had got rid of Musharraf as soon as Musharraf imposed emergency. Benazir challenged and launched Long March against his act. Now the question of democracy was again attached with political forces e.g. Benazir Bhutto and Mian Nawaz Sharif. Benazir, Mian Muhammad Nawaz Sharif and Ch. Pervaiz Elahi were main contesters for next election. In the light of the 17th Amendment, Benazir and Nawaz Sharif cannot be candidate for Prime Minister ship for third term.³⁴ Mr. Pervaiz Elahi was sponsored candidate of Pervaiz Musharraf. For general election, Benazir and Nawaz Sharif had to be Member of Parliament. Now, the situation became more critical as Mian Nawaz Sharif's nomination (papers) were rejected by Election Commission. It was informed to Nawaz Sharif that his papers were rejected due to his convicted crimes and put up judicial judgments against him. MMA position was also weak due to differences between Qazi Hussain Ahmad and

³³Jill Mc Givering, "Pakistan Islamic Bloc 'Suspended,'" *BBC News*, December 12, 2007; Griff Witte, "Pakistan's Islamic Parties Struggle for Support," *Washington Post*, December 23, 2007

³⁴U.S. Presses Pakistan to Go Ahead With January 8 Vote," *Reuters*, December 31, 2007

Mulana Fazal-u-Rehman. MMA played friendly opposition role earlier and its credibility had become question mark as opposition. It had been observed that, Mulana Fazal-u-Rehman favoured Musharraf silently because his political party was enjoying political status in Balochistan and NWFP. In this situation, it was difficult for Mulana to opt uncomfortable attitude with Musharraf. On the other hand, Qazi Hussain Ahmad's was ineffective role but remained directly associated with MMA. As political party, Muslim League (N) did not have proper homework for coming election. Muslim League had short time to launch political campaign entirely. Only Punjab was properly scheduled by Muslim League (Nawaz) Group. Within Punjab now it had to face Muslim League (Q) Pro-Musharraf. In these circumstances, Mr. Qazi Hussain Ahmad approached Mian Nawaz Sharif to boycott election because Musharraf had no intention to conduct free and fair election. It will be engineered and 'farce' election as commented by Benazir. Mian Nawaz Sharif disagreed with Mr. Qazi Hussain Ahmad. In the meanwhile, Benazir dialogued with Nawaz Sharif and convinced him to participate in election. Participation in election is the only one option to get rid of Musharraf. Otherwise again they will not be in position to legitimate their role. Election participation will compel Musharraf to comeback on democracy. It's known fact that Benazir had left no option for Nawaz Sharif except to participate. After comprehensive discussion Nawaz Sharif agreed to participate in coming election.³⁵ It's a known fact that first round of discussion between Nawaz Sharif and Benazir Bhutto failed because neither was convinced. Both political figured argued crossed the board. From Nawaz Sharif's perspective, election will be hijacked and nothing will be gained whereas, Benazir viewed that election in the ultimate source to have legitimate existence on continued arguments between both the

³⁵Muhammed Nawaz Sharif, "The Future Pakistan Deserves" (op-ed), *Washington Post*, January 1, 2008

decisions to fight electorate war against non-democratic forces. On 9th December 2007, Nawaz Sharif announced that his party would participate in election.

During political campaign, Benazir Bhutto was assassinated on 28th December 2008. After Benazir's assassination, the discussion was started, either the election procedure should be suspended or not. It was politically observed that Benazir death paralyzed political campaign. It is a known fact that on same day Mian Nawaz Sharif was targeted but remained safe. One school of thought argued that due to security reasons, elections should be postponed. Others argued that elections date should be extended. Mr. Zardari stated that elections should be conducted on scheduled date. Washington argued that the best way to acknowledge Benazir Bhutto's honor is to hold elections on scheduled date. Benazir's sacrifice should be continued to restore democratic spirit.³⁶ It is in the interest of democratic institutions that democracy is the ultimate destiny of political spectrum. Announced elections should be conducted according to scheduled plan. Pakistan's election should be go ahead if an election can be held safely and smoothly on 8th January. U.S. Secretary of State, Condoleezza Rice said "it is just very important that democratic process go ahead."³⁷ It has been argued that Washington focused on election according to schedule to legitimate Musharraf for further. In the supervision of Mr. Musharraf, elected assembly will be definitely a legitimate impact over Musharraf. Musharraf was only Pro-US factor which can facilitate West's interests in War on Terrorism. Washington was interested to continue Musharraf's legacy for achieving its strategic interests.

³⁶See [<http://www.state.gov/r/pa/prs/dpb/2007/dec/98143.htm>] and [<http://www.state.gov/secretary/rm/2007/12/98131.htm>]

³⁷Kessler, Gleen & Wright Robin. "US Strives to Keep Footing in Tangled Pakistan Situation", Washington Post, 30th December 2007

**2002 PROVINCIAL ASSEMBLY
(Directly Elected Seats)**

PARTIES	Punjab		Sindh		NWF P		Balochistan	
	%	Seats	%	Seats	%	Seats	%	Seats
PML (Q)	33.5	129	7.7	11	14.5	6	19.7	10
PPP	22.8	63	28.1	50	9.0	8	6.6	2
MMA	5.7	9	8.1	9	26.3	48	16.6	13
PML (N)	16.5	39	-	-	9.2	4	-	-
PML (F,J,Z)	2.3	6	5.2	10	-	-	-	-
NA	3.1	12	10.7	13	-	-	8.4	5
MQM	-	-	12.0	32	-	-	-	-
ANP	-	-	-	-	11.1	7	-	-
PPP-S	-	-	-	-	9.8	9	-	-
JWP	-	-	-	-	-	-	9.7	3
BNM	-	-	-	-	-	-	6.8	3
BNP, BNDP	-	-	-	-	-	-	6.9	3
PKMAP	-	-	-	-	-	-	5.0	2
Other Parties	2.3	0	20.0	1	5.3	1	4.9	0
Independents	13.8	38	8.3	5	14.9	14	15.3	7
Total	100.00	296	100.00	131	100.00	97	100.00	48

Source: Data compiled by Andrew R. Wilder (Article: Election 2002: Legitimizing the Status Quo) using Election Commission of Pakistan Data

GENERAL ELECTIONS - 2008

PROVINCIAL ASSEMBLIES TURNOUT

Thursday, May 28, 2009

8:38:44 AM

PROVINCE ASSEMBLY	TOTAL NUMBER OF SEATS	RESULT DECLARED	Total Results Withheld Terminated Postponed	RESULT AWAITED	REGISTERED VOTERS	TOTAL VOTES POLLED	VALID VOTES	REJECTED VOTES	TURNOUT OF TOTAL VOTES POLLED	% OF VALID VOTES POLLED	% OF REJECTED VOTES
1	2	3	4	5	6	7	8	9	10	11	12
N.W.F.P. Assembly	99	99	0	0	10500430	3559276	3469088	104344	33.46	97.47	2.93
Punjab Assembly	297	297	0	0	43780458	20979267	20371240	650293	47.55	97.10	3.10
Sindh Assembly	130	130	0	0	19207129	8498911	8356719	175681	44.30	98.33	2.07
Balochistan Assembly	51	51	0	0	4520766	1493343	1368455	43545	33.29	91.64	2.92
TOTAL:	577	577	0	0	78008783	34530797	33565502	973863	44.27	97.20	2.82

Source: IT Wing- Election Commission of Pakistan Thursday, May 28, 2009.

Pakistan's Election Commission announced that election date will be extended as per date to given schedule. 18th February will be new election date as proposed recommendation of majority number of political parties. Washington welcomed new democratic thinking and stated that independent media should be the observer for coverage election impartially to maintain transparent election, led to and Pakistan's positive image regarding as democratic state will be flourished, Even though, Musharraf's Pro-US friends argued that transparent election can maintain his status if national reconciliation is evolved among political parties and with him.³⁸

Shadow of 9/11 event now demised which changed the national and international environment to a certain level. It has been observed that President Musharraf was being pressurized continuously to conduct election with transparency. On one occasion, George Bush stated that Islamabad should focus on transparent election. George Walven, Special Security Advisor to Washington said that honest and transparent election should be considered a pre-requisite for strengthening democracy. Unlike 2002 Election, Washington forcefully focused on transparent electorate procedure and maximum participation of the political leadership. It was noticed that low level of participation of the individuals and the party elites had been observed due to security threats. The political parties keep themselves to indulge in election campaign at minimum level. Apparently, it was perception that Pakistan Peoples' Party will win the 2008 Election but how many seats it will secure was not confirmed. In Punjab, Muslim League (N), Muslim League (Q), PPP, Jamat-e-Islami and others were in election race. It was predicted that Muslim League (N) did efforts to work hard to vote bank divided between Muslim League (N) and (Q). In this situation PPP will get advantage. In last election, Mian Nawaz Sharif was not present

³⁸Hirsh, Michael "Is Rice Rushing to Elections?," *Newsweek*, December 28, 2007; Robin Wright and Glenn Kessler, "U.S. Strives to Keep Footing in Tangled Pakistan Situation,"

and his voters were not assured but given tough time in some areas. Now circumstances were different. Muslim League (Q) with support of Pervaiz Musharraf was in challenging position. In Punjab, Pakistan People's Party (PPP) was sure for some conventional seats but having no expectations to win maximum seats. One view was staged that by utilizing Benazir Bhutto death card, PPP can be in the position to gain maximum number of seats. So, the party seats position was not easy to be predicted. Pakistan Tehrik-e-Insaf (PTI) and Jamat-e-Islami had boycotted 2008 Election. In Sind, it was the possibility that PPP will get majority because no other political party was in strong position to give tough time. Local parties in Sind were already limited to their specific constituents. MQM was in challenging mood before PPP only in urban areas. Because of the boycott of Jamat-i-Islami, the competition between PPP and MQM was open. In NWFP, the circumstances were now at moderate level as compared to last election. In 2002 election, MMA cashed Anti-US slogan and gained majority but its status as opposition party remained question mark. Secondly, now the emotional factor of the common man was at moderate level. It was assumed that historical legacy of ANP will be in better performance mood. PPP was sure only on specific seats, based on individual's constituencies. In Baluchistan, the circumstances were not integrated. After Nawab Akbar Khan Bughti death, Baloch National Liberation Movement was strengthened, led by Nawab Talal Bughti and Nawab Barahmdad Bughti. Other Baloch Sardars including Mengal and Mari favored 'Azad Baluchistan'. The Baloch Sardars were not pleased with Muslim League (Q) because Nawab Akbar Bughti was not given protection as promised by Ch. Shujat Hussain and Syed Mushahid Hussain. It is a known fact that Musharraf did not follow commitments between Nawab Akbar Bughti and Mushahid Hussain. Electorate situation for MMA in Baluchistan was not favorable because it hard coalition with

Muslim League (Q), Peoples Party and Muslim League (N) were in better position to access Baloch Sardars because both leaders condemned Bughti episode and favoured to adopt dialogue for integration. Now the elections of Baluchistan were associated with these two main political parties. Besides this, individual constituencies, belonging to Sardar Tribal System were reserved as specific seats. Now Baluchistan politics was revolving around specific circumstances. Besides this, the national and international media was present to monitor election as to observe transparency during election campaign. US Secretary of State, Condoleezza Rice said, "Expected poll will be real test for Pakistan's commitment with extremism".³⁹ Further she said that the coming election will determine the future of democratization process in Pakistan.

West openly viewed that Musharraf would have to face serious consequences in the case, elections are rigged. In this phase, Musharraf was mentally prepared to accept election results. Now a new electorate college (National Assembly + Provincial Assemblies) will elect Pervaiz Musharraf for next Presidency. So the coming electorate college was important for President Musharraf's future. On 18th February 2008, the elections were finally conducted. The official results were announced. PPP won 121 seats out of 342 in National Assembly. Muslim League (N) got 91 seats out of same number. PML (Q) secured only 54 seats. The pre-election environment after Benazir death formed reconciliation between PPP and Muslim League (N). It was clear message for Musharraf that he would be out of political scene because both these parties got almost 2/3 majority in National Assembly. Awami National Party (ANP) got credible seats against Islamist Jamiat Ulma-i-Islam (Mulana Fazal-u-Rehman group) but both were in strong position to facilitate as ally party with Muslim League (N) or PPP. In Sind, PPP gained visible majority in rural areas but MQM

³⁹ Hirsh, Michael. Is Rice Rushing to Elections?,

secured its position in urban areas. For establishment of Federal Government, MQM was in better position to bargain and it could facilitate PPP in Sind. Although PPP won maximum number of seats yet coalition government was finally to be staged in Sind. In Punjab, dense populated area of Pakistan, Mian Nawaz Sharif (M. League) attained majority number of seats and Mr. Shabaz Sharif got obvious majority in Punjab. In NWFP, PPP joined secular party ANP for formation of government in province. In NWFP, the voters rejected Islamist coalition and preferred to vote moderate political party. It was a surprising situation that Muslim League (Q) got enough seats to form government but it failed to do so. PPP formed a coalition government in Baluchistan.

Before election, Musharraf realized that in future he had to move with strong opposition which will not tolerate him as the President of Pakistan. In election scenario, Musharraf sponsored Muslim League (Q) failed to facilitate. The political observers concluded Muslim League (Q) failed due to Lal Masjid episode and rising militancy against Musharraf's extra-constitutional acts, favored U.S. forces and War on Terrorism. It had been observed that Musharraf's resignation was the only solution to many problems. On the other hand Musharraf bargained with PPP in terms of NRO Deal and continuity of his presidency. Musharraf rejected opposition call within parliament regarding resignation. He stated that he would continue to go ahead with new parliament in future. Musharraf's expectations were associated with Army to handle the opposition within parliament. After election, the dialogue discussion was started regarding impeachment of Musharraf like U.S President Richard Nixon. On the other side, one school of thought was not in favor of impeachment of Musharraf. The second group of politicians favored Musharraf's trial. Anyhow finally it was decided that Musharraf should be given complete dignified exit. At the last

movement, Musharraf attempted to convince his foreign friends about his commitment with terrorism. It is notable feature that Musharraf was dragged but he had full support on some issues from Washington and Pakistan army. It had been observed that Musharraf's friends within Pakistan and across border did efforts to split the coalition figure of Muslim League (N) and PPP. Musharraf was told that coalition government between PPP and Muslim League (N) scattered his regime. It has been observed that Musharraf was engaged to keep set aside. Muslim League (N) from PPP and further to weaken the civilian government. In fact the powerful state holders of the Pakistani establishment to repeat previous episodes like 1989-1993. In the presence of strong parliament, they will be affected and will be questioned. It is the main problematic concerned area of anti-democratic force. They were interested to save Musharraf and further to dominate the civilian government. Now again the conspiracy against the democratic institutions was prepared. It was obvious that Musharraf will be given 'safe exit' so as military led establishment can maintain its supremacy over the institutions. In result of successful dialogue between Muslim League (N) and PPP, the mutual signed agreement was taken place that democracy and institutions will be strengthened. Pakistan Peoples' Party as majority party in parliament will enjoy Prime Minister Office and Muslim League (N) will play the role of the opposition and including Chief Minister Ship in Punjab. ANP as majority party in NWFP joined PPP for formation of government led government coalition in parliament and constituted Chief Minister Ship in the province. In Sind, PPP was in majority for formation of government within province with MQM. MQM has strong political mileage in Sind and along with parliament. With this formation, the coalition government in central and provinces were constituted. Murree Declaration was approached as 'historic agreement' for strengthening democratic institutions. Dr.

Fahmida Mirza was elected Speaker National Assembly finally announced that Mr. Yousaf Raza Gillani will be the next 22nd Prime Minister of Pakistan. Ch. Nisar Ahmad Khan was nominated as opposition leader. Important things that were coalition ministerial / cabinet included Muslim League (N) and Pakistan PPP. Out of 24 Minister Cabinet, 11 Ministers were taken from PPP and 9 members were from Muslim League (N). Shah Mahmood Qureshi, Ch. Ahmad Mukhtar, Ishaq Dar, Rehman Malik and Nadeem Ghori were given important portfolio respectively as followed Foreign Minister, Defense Minister, Finance Minister, Interior Minister and Shipping Post. Mr. Baloor represented ANP in central cabinet and awarded Ministry of Railway. Rehman Malik reputed as bureaucrat former Additional Director General F.I.A. joined PPP. On the basis of technocrat seat, he was constituted as Interior Minister in Cabinet. A recent account reads“ Pakistan is controlled and ruled by ashrafiya elites comprising, indomitable military complex, civil bureaucracy, higher judiciary, landed aristocracy and its cronies, industrialist-turned politicians, religious and spiritual leaders, media tycoons and some of their powerful employees, and unscrupulous businessmen. The economy of ashrafiya-controlled-Pakistan, thus, serves the interests of the privileged classes.

**VOTER TURNOUT, 1970-2002
(Directly Elected Seats)**

Province	2002	1997	1993	1990	1988	1985	1970
Punjab	46.3	39.8	47.1	49.6	46.5	60.1	66.5
Sindh	36.8	31.3	28.2	43.3	42.4	44.4	58.4
NWFP	33.2	27.8	34.6	35.7	33.9	40.6	46.8
Balochistan	27.2	23.2	24.9	29.2	25.7	37.4	39.0
All Pakistan	41.4	35.4	40.3	45.5	43.1	53.7	61.5

Source: Data compiled by Andrew R. Wilder (Article: Election 2002: Legitimizing the Status Quo), taken from 2002 figures from Gallup Pakistan.

The ruling classes, representing only 2% of entire population, own 95% of national resources".⁴⁰

It was observed that neither a single political event has been examined in the political history of Pakistan since creation except after 2008 Election when two extreme opponents, Muslim League (N) and Pakistan People's Party joined coalition government. Restoration of judiciary was the mutual agreed formula between PPP and Muslim League Nawaz Group. It is a fact that both these political parties had been remained rivals to each other's. Zulfikar Ali Bhutto nationalized industry and Mian Muhammad Sharif was affected. Later on, Zia-ul-Haq imposed Martial Law and during 1985 election, Mian Nawaz Sharif was fully financially and politically supported whereas, Mrs. Benazir Bhutto was politically sabotaged. After Zia, the anti-PPP forces formed political alliance Islami Jahmori Itihad (IJI) to minimize the political leverage of PPP in 1988 election. Since 1988 to 1996 and then to 1999, these two political parties had played as set staged role, by the supremacy of the institutions. The military led establishment interested to dominate civilian regime. With this background, it was said that this was the historic movement when cabinet Muslim League (N) + PPP was formed after 2008 election. In this regard, one group

⁴⁰ ALIIWAH, "Pakistan is Controlled and Ruled by the Elites", June 9, 2012.

argued that both parties had learnt lesson from the ruined history. Few politicians stated that allied cabinet of both parties was a positive step towards institutionalization process but apart from it, the coalition government had to face challenges in future which will determine the status of this alliance. Now others said that alliance is better but they drawn pessimistic picture of this bright time oriented alliance. In this regard, some various sorts of perceptions were examined and interpreted. First important challenge before the coalition government was restoration of the judiciary, suspended and sacked by Mr. Pervaiz Musharraf. Mr. Zardari after Murree Declaration said that a constitutional reform based package had been introduced which had been thoroughly examined along with its political features. In the result of this discussion, it was framed that coalition government will introduce 18th amendment and regarding restoration of judiciary. After formation of government, it was hoped that judiciary will be restored in dignified way. In meanwhile, the NRO deal was the most important challenge before judiciary. Asif Ali Zardari has sought to assure those agitating for the judges' reinstatement that restoration would come in due course of time. Nawaz Sharif himself blamed U.S. government, actively discouraging such restoration. Now the drift was going to appear on scene between Muslim League (N) and PPP. Many observers focused on respect for judicial independence, key strengthening feature for sustaining democratic credibility. In this way, democratic credible institutions were revalued and strengthened. Pakistan's Federal Law Minister stated, "Musharraf November 2007 independent judiciary was taking shape."

EXECUTIVE SUMMARY

Since Pakistan's independence, 'Democracy' still has not been out of excuse from legitimacy. Pakistan has seen democracy in different terms and conditions. During Ayub Khan and Zia-ul-Haq regimes, democracy had been introduced according to requirement. In Musharraf regime, controlled democracy phenomenon had been flourished and parliament was kept under control of the military establishment. It is undemocratic tendency that Mr. Shaukat Aziz, having no political background and no political party affiliation had been nominated Prime Minister of Pakistan. Mr. Shaukat Aziz was a 'banker' and was in good book of the military establishment. Respectively, the parliamentarian party, Muslim League (Q) did not bother to argue before the military establishment. Musharraf implemented National Security Council (NSC) to check over parliament. It had been observed that all important issues had been dominated by the military establishment. Lal Masjid (Red Mosque) and Bughti Killing were the decisions, influence by the military establishment. Pervaiz Musharraf ignored the dialogue process in both cases and the state had to face security challenges. The international media projected both cases against Pakistan. As to take perception, it will be rightly said that military establishment adopted forced mythology to attain result which contradictory to democratic norms and values. With passage of time, the political scenario was changed and political power was transferred to new civilian government. Challenges before new parliament were tremendous and were fully exhausted. Issue of terrorism and Baluchistan crisis were at distortion level. Continuous suicide bombing and massive killing in Karachi had faded that economic prosperity of the state. It was surprised that new blend of government (PPP+ Muslim League (N) was unique political alliance in the shadow of charter of democracy and policy of

'Reconciliation'. Expectations from this unique political alliance were high but complications were still present. On issue of restoration of Judiciary, the alliance was expired and Muslim League (N) followed the option of Long-March to restore judiciary, resulted positive. Now PPP government had to face judiciary tussle and political separation from Muslim League (N) PPP formed political alliance with ANP, Muslim League (Q), Jamiat-e-Ulma Islam (F) Fazul-ur-Rehman group and Muthadia-Qaumi Movement (MQM- Altaf Group). With this new political set up, the civilian government introduced political agenda. One change was staged, caused restoration of 1973 constitution. PPP government introduced 18th Amendment which changed the identical features of the system of government. Prime Minister Office was empowered as compared to president office. The 18th Amendment redesigned the functions of the federal government and provincial governments. Since independence, the civilian governments were fighting for democracy and institutionalization process. 2008 election had revamped Musharraf legacy and new government with unique political alliance had taken up the political matters. New government had to face internal and external challenges like issue of extremism and Baluchistan crisis. Apart from this the declining economic parameters were terrible for the government. Unfortunately the previous government failed to grip over these matters but new hopes were generated regarding to channelize resources for stabilization process. The elected government had to show mature democratic behavior for smooth institutionalization process. 'Charter of Democracy' was a positive development which ensured principal of co-operation and co-ordination among the political forces. It was expected that lesson from history will bring responsibility to hold high offices. It was hoped that the coalition government will readdress the central-province relationship. The political observers argued that the political leadership had to show greater political capacity to

accommodation uneven invest. The dreams were complex and participation level was not meaningful. The spirit of 'charter of democracy' collapsed as the unique political alliance was broken and Nawaz Sharif decided to play role of the opposition. The tussle started with the issue of sacked judges. Mr. Asif Ali Zardari was not interested to restore Chief Justice, Ch. Iftikhar due to some reservations whereas Mian Nawaz Sharif stated that judiciary issue was already settled in charter of Democracy and Boharban Declaration. It should be considered that simple negation of the agreement Asif Ali Zardi said, "Agreement was not a Holy Quran or Hadith."

The struggle for democracy and institutionalization process is a matter of understanding the democratic values and norms. Tolerance and commitment for strengthening the institutions are first and foremost elements to lead democracy in transitional phase. A unified understanding towards challenges will ensure government for an institutional and democratic regime. The government has to understand that negotiated agreement will introduce positive changes to secure democracy and institution.

CHAPTER NO. 7

CHALLENGES OF INSTITUTIONALIZATION

INTRODUCTION

Democracy is a political system which has specific orientation regarding 'input' and 'output' structure. Within 'democracy' treated as implication or theory, the word 'people' has importance, referred to an aggregate of society to a collective mean. The word democracy is considered an absolute truth to overcome the illness of society. People govern the government and government is governed by the people. In retrospective way, both are obliged to each other in search for legitimacy. Democracy is called a process of the political decisions whose justification is hidden within democratic political culture. The classical theorists argued that democracy is the supremacy of the people, stands for 'goodness' and 'rule of law'. Equality and liberty are rationalized connected idea of democratic values and norms. Democracy as institution has been treated and has been viewed in different ways. Plato addressed 'democracy' in fear mode and further expressed individual's liberty to a minimum certain level. Plato argued that democracies can weaken state and individual. On contrary to Plato, Aristotle discussed 'democracy' with ethical principles. As institution, democracy should be applied in both ways like to rule and to be ruled. Aristotle acknowledged 'democracy' as original rational capability of the state's matters of existence. From Locke's perspective, 'democracy' is the ultimate source to provide legitimacy to authority or state's institutions. Representatives are elected and power is delegated which build up a connection to ensure the balanced relationship

between individual and state. Locke did not advocate extreme form of individualism and referred as protection of the institutions. Locke said that government is responsible for protecting freedom and rights if the ruling elite wants to avoid 'revolution'. From Plato to Karl Marx, the word 'democracy' has been taken as practical organization of the state to achieve progress and performance regarding freedom, rights, equality, institution and leadership.

Democracy has attained serious attention in Pakistan after independence but in 'theory' not in 'practical' form. At the same time, Pakistan experienced democracy in different form. Parliamentary and presidential both forms of governments had been politically approached. Besides this, referendum played 'unusual' role in political spectrum of Pakistan. As a new state, Pakistan has legacy with the British government. Shortly after independence, Pakistan meets a new debate. Either Pakistan should be secular state or Islamic state. No doubt, 'religion' played extensive role in the existence of Pakistan. It has been debated by the modern secular and traditional component to articulate state's features. Pakistan has to start its political voyage with such complicated but influential debate. This thing created frustration not only within citizens but also captured the political elite. No doubt in saying, Quaid-e-Azam had defined the state's image features and constitutional parameters. Quaid-e-Azam did not bother to approach apparent differences of the citizens and strongly favored to Islamic welfare state, opposed to theocracy. Pakistan has been demanded on the basis of Islamic ideology, stands for creation of a civil society. Quaid said "we are starting with this fundamental principle that we are all citizens and equal citizens of one state" He once clearly stated that our Prophet, Hazrat Mohammad (PBUH) had laid down foundation of our constitution and vision of state. Islam has taught us the teachings of democracy and it has expressed all matters, related to man's social, economic,

political and cultural values. Subject to the thinking of Quaid-e-Azam, Pakistan should be Islamic welfare state neither 'secular' nor 'theocratic'. Since 1947 to 1956, Pakistan experienced amended 1935 India Act and non-elected representatives. Constituent Assembly was framed to design constitution of state but all issues were made politicized. After longstanding efforts, a compromised formula was shaped between East Pakistan and West Pakistan which positively removed political differences to some extent. It was a good political thinking that finally issues were acknowledged on political terms. Realizing to democratic process as a solution of differences of opinions regarding to shape political attitude and to avoid bias methodologies are the paramount features of institutionalization process in the shadow of democracy. Finally, Pakistan patched on 'democracy' as 1956 Constitution was implemented. Democracy is a serious issue because it is an ongoing process and it should be looped after carefully. Role of democracy has been examined in dynamic way of understanding political regimes especially those, converting from authoritarian regime to democratic regime. Pakistan enjoyed democratic features to some extent since independence because of 1935 India Act, reflected opportunities to avail 'democracy'. Because of prevailing similarities and differences regarding democracy, and further due to British parliamentary form of government, the political elites followed 'federation' from US and parliamentary form of government from British political system. It is the alarming situation for Governor General, whose role was going to be 'lesser' in new coming political set up. Now first time, it has been observed that democracy became at stake when the institutional problems were started between the power structure of Governor General and Prime Minister as according to 1956 Constitution. Governor General, Ghulam Mohammad started to derail democratic process which was finally sabotaged by Iskander Mirza, abrogated 1956

Constitution and called Commander-in-Chief, General Ayub Khan. Iskander Mirza did this act just only to protect his presidency. General Ayub Khan was going to hold charge his presidency. General Ayub Khan was going to hold charge of state as he felt some serious sort of reservations regarding Iskander Mirza. Ayub Khan's marital law regime had been legitimized by Federal Court of Pakistan in the light of 'DOSSO CASE'. It is a known fact that Pakistan's political democratic process was weakened by the military and civil bureaucracy who was equipped, trained and disciplined. On the other hand, responsibility was over the shoulder of the politicians whose dominance over institutions was comparatively incompetent and limited to access. Ayub Khan captured government without painless change but threw society into chaos. His political and economic developments did not win the confidence of the common man and finally his presented 1962 Constitution failed to regulate social, political and economic change. Political opposition passed out Ayub Khan's self centered political structure. At last movement, Ayub Khan had written a letter to General Yahya Khan, Army Chief to pay legal and constitutional responsibility to defend country in order to remove internal disturbed law and order situation. Dramatically, it was a force situation because General Yahya, General Hameed, General Peerzada and General Gul Hassan had already set mind because he (General Yahya) had taken up responsibility unofficially already to regulate state's affairs. History repeated Ayub Khan was just as Iskander Mirza so he was sole obstacle for Yahya Khan to instigate himself in coming political set up officially. Ayub Khan's BD System, 1962 Constitution and referendum were dismantled, weakened democratization and institutionalization process in Pakistan. General Yahya showed full commitment to play a 'king maker' role and cashed conflicted circumstances, resulted disintegration of Pakistan. Civil and military bureaucracy did not

acknowledge the political elite and maneuvered the circumstances. Both attempted to disgrace political leadership and felt them complete 'insecure'. Rebuilding of national integration was not addressed and institutional making process was intentionally denied.

'New Pakistan' after 1971 episode faced new challenges like statebuilding and institution building process. Zulfikar Ali Bhutto promised democracy and finally framed 1973 Constitution. After a long period of time, Pakistan tasted 'democracy' which searched for legitimacy. Bhutto was a democratic leader but his autocratic feudal thinking was main obstacle to flourish democratic features. Zulfikar Ali Bhutto derailed Balochistan Government and disturbed NWFP Government. Bhutto was pressurized to use military options against the Baloch Sardars who were indulged in conspiracy against disintegration of state. It was Mr. Zulfikar Ali Bhutto who curtailed the powers of the judges which evoked negative and non democratic behavior of Zulfikar Ali Bhutto. Finally, Bhutto was convinced to conduct election which enhanced his problems. Elections were rigged and sabotaged political process, such unrest situation was cashed by General Zia-ul-Haq who had been appointed due to his pure loyalty with Mr. Bhutto rather than 'professionalism'. In order to stimulate, Zia-ul-Haq imposed martial law and further reinforced his political ambitious plan. Bhutto's political government was derailed and again concentration of power was under the possession of the military establishment. Zia-ul-Haq was constitutionally acknowledged by Supreme Court in the light of necessity of law. Zia-ul-Haq promised democracy but later he pretended to be 'guardian' of state's interests. Zia-ul-Haq argued that in the presence of continuous mal administrative practices and deficiencies, state's individual cannot enjoy the blessings of democracy. He strongly opposed the political elites and further delayed elections by highlighting

the slogan of 'accountability'. At early stage, Zia-ul-Haq was reluctant to the political elite but later on he was welcomed by the political opponents of Bhutto. Zia-ul-Haq provided political relief to all those political personalities, jailed during Bhutto's era. Zia-ul-Haq's era introduced changes within social, political, economic and institutional system which finally evoked chaos within society. Zia transformed society and insulted democracy. In order to maintain supremacy over civilian institutions, military establishment introduced 8th Amendment, National Security Council, Non Party Local and General Elections, Administrative Reforms and finally followed controlled democracy. As parliament was framed, the tussle between civilian and military tussle was again started, resulted in dissolution of Khan Mohammad controlled democracy but Junejo was found of enjoying 'democracy'. It was not acceptable for Zia-ul-Haq and military establishment.

Again, political spectrum was changed when military establishment decided to transfer political power to civilian government in post Zia-ul-Haq era. It as already decided to provide political limited power to next civilian government. To many observers, as the result of General Election, Benazir Bhutto was expected future Prime Minister, felt complete security threats to Pakistan's interests. To counter complete victory of Benazir Bhutto, the military establishment designed Islami-e-Jamohri Itihad (IJI). Now not secret that IJI was architecture of this political alliance. This was designed to divide and rule. Federal Government and Punjab Government opposed each other and this act restricted institutional and democratic growth. Two times successive democratic governments had been extremely political victimized. Horse trading, nepotism, despotism and negation of the institutions were pointed out. Both times, President Ghulam Ishaq Khan enjoyed the confidence of the military establishment. In first tenure, Benazir was not allowed to discuss interference Kashmir

and Afghanistan policies, nuclear issue, other transfer / posting matters of the army officers. Benazir-Rajev Gandhi talks on Kashmir were not pleasant movement for military establishment. Benazir's stance on issue of Admiral Iftikhar Sarohi was not acknowledged. It's now open secret that 'Operation Midnight Jackel' was staged by military establishment to sabotage Benazir Government. No doubt, the politicians in both governments failed to prove their professionalism and ignored democratic values and standards. They lack political education and training which damaged their image before the common man. In second tenure, Nawaz Sharif behaved autocratic politician who did not want to listen to 'opposition' voice within party. Nawaz Sharif was interested to be Ameer-ul-Momineen, like Saudi King having of absolute power. Nawaz Sharif's tenure was absolute monarchy than representative democracy. The military establishment did not 'acknowledge' resignation of Jahangir Gahanger Karmat, Nawaz Vajpayee peace talks and Kargil episode. It was said that Nawaz Sharif was interested to start inquiry against General Musharraf in response to Kargil failed adventure. Consequently, military as powerful state stake holder controlled Nawaz Sharif. The elected Prime Minister was sacked and exiled for ten years. Nawaz's political opponents welcomed martial law and ready to provide complete series to military chief. In both civilian governments, the political leadership failed to understand the myth of military establishment. Military cannot tolerate interference defense related issues. Whenever civilian government raised questions regarding performance, military expenditure, downsizing in militia and audit funding, the results were always negative. So, military civilian relations had been remained at stake. The military was treated as pure institution, stands for accountability and transparency but facts on ground realities depict different picture. It is now openly said that military is 'hidden' political party. It has not provided democratic space to institutions and

political democratic space to institutions and political elites. With collaboration of civil bureaucracy, military enjoyed maximum strength over political institutions. Question of democracy was remained least priority for the military establishment. In the light of this background, area of discussion was started how institutionalization process can be strengthened? Democracy and institutions are directly interrelated to each other. In Pakistan, military as an institution is strong but it failed to understand the relations with the civilian institutions. In political development, each segment of society and each institution of state is important and can play active role to strengthen democratization process. Within democratic atmosphere, the behavior and values of society are groomed and polished. It has been observed that within third world countries, the democracy has been compromised, resulted in weak political infrastructure. Within open system, the institutions tasted transition phases whereas within closed system, they had not been availed structural growth. The political regimes in developed countries focused on political reforms, social welfare issues, economic problems and civil society issues. Policies are discussed before execution; this fundamental change cannot be run smoothly unless the individual's behavior is framed.

MAN IS A SOCIAL ANIMAL

Aristotle said 'Man is a social animal'. In the light of this valued definition society is treated in terms of association which is bounded to define different parameters. The intellectuals, belonging to Democrat School of Thought, always claim that people have right to rule over the society. In matter of understanding, the people's participation on basis of equality during the process of decision making it has been empirically observed that theoretical understanding of liberty did not manifest the accounting standard of democracy. The role of liberty is minimized to provide the foundations of democratic features. The failed tendency appeared at stage

as 'consensus' has been not properly developed. Society in general and issues in particular always demand matured consensus for finding out the spirit of democracy. Democratic society where democratic foundations are accounted for in particular phase as to majority of the citizens ought to be chosen. It is considered problem as to be incompatibility. The theories of liberty had been remained failed to align the interest of the common people due to undemocratic attitude within decision making process. In decision making process, why equality was not allocated to each individual After all, democracy is called as to be commitment with equality in voting power and further to participate in discussion.¹ From Egalitarian theorist's point of view, concept of democracy should be derived from principle of equality among the persons. Fundamental conflict of interests has been acknowledged by them and it is understood phenomenon that due to lack of consensus among the democratic trends, the convictions are not found. The values explained the basic features of society in terms of framing democratic philosophy of participation. Democratic decision making is not merely a matter of each voting preference. It has been observed that society will show social interaction. Institutional structures will be as result of interaction. Preference of the individuals is examined through democratic transitional phases and finally matured opinion has been drawn in terms of understanding their interests and ideals. According to democratic theory, formation of preferences will be constituted in reasonable and adequate to context. It is said that for maintaining political stability in state, one of the most important feature is called political institution which will prevent to individuals or group from gaining organizational control. Peaceful change is approached as vital significant strengthened feature of modern constitutional

¹Dhall, Robert (1956). A Preface to Democratic Theory, Chicago: University Press, pp. 64-67

democratic state. Political change is possible only through peaceful circumstances.²In modern constitutional democracies, the features related to constitutional developments are extending matters.

The public expresses their opinion regarding future government only through 'elections'. Election is one of the most fundamental features to flourish democracy in country. Now the question is raised regarding the credibility of the election and election procedure. Credibility of election depends upon free and fair procedure to conduct entire process. In third world countries the democracy has mixed feelings. Pakistan is one of the countries which have expression of controlled democracy and electorate rigging. Electorate process and quality of democracy have been remained question mark in Pakistan. Frequent military interventions in the politics of Pakistan and feudal structure of the society promoted lack of national consensus. Basic political values have not been properly developed which further hampered the political development process of the state. Values of the institutions are betrayed which damaged institutional growth. This situation has badly affected the credibility of the institutions since independence. Election and democracy are associated with each other because former builds public opinion whereas latter stands for institutional growth. Elections are considered the most procedural matter for democracy because representation of the common man can be possible only through this way. Representative system should be considered the possible efforts for providing sound policy matters through election procedure. Elections rigging will create flaw regarding transformation of democratization process in matter of institutional affairs. Lack of transparency has demised the credibility of the election in Pakistan.

²In Thomas Rains Borough's "The Putney Debates: The Debate on the Franchise (1647)," in *Divine Right and Democracy*, ed. David Wootton (Harmonds Worth: Penguin Books, 1986), pp. 285-317, especially p. 286.

COMPARISON OF 1970, 1988, 1990, 1993, 1997 AND 2002 ELECTION RESULTS

Party	2002		1997		1993		1990		1988		1970
	%	Seats	%	Seats	%	Seats	%	Seats	%	Seats	%
PPP	25.9	62	21.8	18	37.9	86	36.9	45	38.5	93	38.9
PML (N)	11.3	14	45.9	134	39.9	73	-	-	-	-	-
IJI	-	-	-	-	-	-	37.3	105	30.2	54	-
PML (Q)	25.6	77	-	-	-	-	-	-	-	-	-
PML (F,J,Z)	2.2	7	-	-	3.9	6	-	-	-	-	-
PML/IJI Total	39.1	98	45.9	134	43.8	79	37.3	105	30.2	54	22.8
MMA	11.5	45	-	-	-	-	-	-	-	-	-
JI	-	-	-	-	3.3	3	-	-	-	-	6.0
JUI (F)	-	-	1.8	2	2.4	4	3.0	6	1.8	7	7.3
JUP	-	-	-	-	-	-	1.5	3	-	-	8.2
Other Islamic	1.4	3	-	-	1.1	2	1.1	0	0.4	1	0.2
Total Islamic	12.9	48	1.8	2	6.8	9	5.6	9	2.2	8	21.7
Other Parties	11.9	31	15.5	29	4.2	13	9.9	26	9.4	9	5.7
Independents	10.2	30	15.0	21	7.3	16	10.3	22	19.5	40	10.9
Total	100	269	100	204	100	203	100	207	100	204	100

Source: Data compiled by Andrew R. Wilder (Article: Election 2002: Legitimizing the Status Quo) using Election Commission of Pakistan Data

It has been observed that powerful state holders always interfered in the elections for obtaining favorable results. Now it is clearly viewed that the best way for expressing 'general will' only through transparent electorate process.³

It has been clearly viewed that electorate legacy has two common features e.g. polarization of politics and rejection of election results by the losing parties. Since 1947 to 1956, the electorate process was not approached democratically. The Constituent Assembly was given political power to define the basic features of future

³Sharif al Mujahid, "The 1977 Pakistani Elections: An Analysis," in ed., Manzoor ud Din Ahmad, *Contemporary Pakistan: Politics, Economy and Society* (Durham, North Carolina: Academic Press, 1980), pp. 63-91. For this information I have benefited from Dr. M. Rafique Afzal, "Elections procedures and Malpractices", included as a chapter in this volume-

constitution. The Prime Minister's credibility had always remained question mark. Approximately nine Prime Ministers had been removed just only due to personal differences, not on policy parameters. After imposition of Martial Law, by Ayub Khan the electorate process was controlled by the military establishment. 1962 Constitution as the 'will' of General Ayub Khan was expression of absolute power, allocated for him. After that, Ayub Khan controlled the Presidential Election against Fatima Jinnah and extra constitutional act was played. State's machinery was fully used to win election and final required results were achieved to the wishes of Ayub Khan. Basic Democracy (BD) System, introduced by Ayub Khan was just designed to legitimate Ayub Khan. It is interesting to note that Ayub framed Parliament, had constitutional power to impeach Ayub Khan. Ultimately, Ayub Khan had to decide by himself either he should be impeached or not. So as a matter of fact, the electorate legacy was controlled democracy. When political agitation was started against Ayub Khan, he preferred to hand over political power to next Chief General Yaha Khan rather instead of the Speaker of National Assembly. As according to 1962 Constitution, the Speaker National Assembly was constitutionally empowered to hold President Seat in case of removal of the president. On the other hand, it was simply negation of democratic / constitutional provisions. Again, the same electorate story was staged when General Yahya Khan introduced Legal Framework Order (LFO) without understanding ground realities and without taking opinion from the political leadership. The political polarization was extremely cleared, reflected in results 1970 Election.⁴

It is clearly viewed that Awami League contested election on Six Points, entitled as loose federation whereas People's Party raised slogan of Socialism,

⁴Sharif al Mujahid, "Pakistan: First General Elections," *Asian Survey*, Vol. 11, February 1971, pp. 159-171.

inspired by the Mao' philosophy. As election results declared, both parties claimed for formation of government. Mujeeb-ur-Rehman claimed that Awami League gained majority in election so that government should be framed by Awami League. On the other hand, Zulfikar Ali Bhutto argued that PPP gained absolute majority in West Pakistan so he should be given chance to constitute government. In reality, the results were indicating extreme polarization on both sides. At this time, the Dhaka Session of National Assembly was called but latter on rejected / denied to acknowledge its actual constitutional position. Further, Yahya Khan clearly said if positive development did not take place regarding constitution within 120 days, the National Assembly would be dissolved. So the political polarization affected national integration of Pakistan. After East Pakistan Episode, it is viewed that each election had been criticized. Sometimes, elections were hijacked and sometimes elections were not properly conducted. Creditability of election has remained question mark. Fair and transparent elections have remained a dream since 1947. After taking a complete review, it is clearly argued that mistrust of the electorate machinery left questions over elections results. Proper election mechanism was not developed. Within constitution, Election Commission role has been defined with duties and obligations. Whereas, it has been observed that the governments whether elected or non-elected have been indulged to dominate election process. In Martial Law regime, the referendum was projected to gain legitimacy. On the other side, the elected governments followed pre-poll rigging methods, so that the required results could be gained. Now the Election Commission has failed to show complete independence and transparency as it was expected. In modern democratic countries, the Election Commission has shown always transparent and effective role to flourish the roots of democracy. It has been observed that Election Commission has been deprived of autonomy and independence from

‘Executive branch of the government’. This is one of the important reasons that Pakistan Election Commission is not enjoying genuine trust of the public. It is further observed that non-democratic political culture has dominated election commission. On many occasions, the political leadership tried to manipulate role of election commission.⁵

The political observers focused on ‘non-democratic’ political culture of Pakistan which has negative capability. Since independence, the political culture has been dominated by the feudal and the industrialists. The grass root political system was not developed intentionally which damaged whole society. On the other side, the Election Commission itself failed to control matters. No doubt, the circumstances were not suitable for democratic values but role, assigned to Election Commission was not properly played. Electorate system failed on two fold basis e.g. failures of ‘Election Commission’ and ‘non-democratic culture’. Democracy has vague foresighted meanings which articulated only through public opinion. Elections are the best expression of public opinion. Rigging in elections means simple negation of democracy. Transparent election is treated as to place flourished democracy.⁶ Democratization is an ongoing process which needs civics culture and civics education. According to Almond the civics culture should be considered the basic foundation of democracy. In fact, participation is the foremost feature of democracy and it will encourage the practical orientation of democracy. How public can participate? It is the most important question. Public participation is staged only through elections. Public is the barometer to evaluate the performance of the system. Through elections, it is determined how much democratic system is properly working and further to highlight those points which can build strong political measures to

⁵Rasul Bakhsh Rais, *Pakistani Elections: Troubled Legacy*.

⁶Ibid.

generate public opinion.⁷ The political scientists can evaluate the performance level of system and further to approach equality and quantity of the system. Democracy has identical features e.g. to evaluate its features on quality basis and to examine its attribute on quantity basis. Overall general expression of society is the examining aspect of democracy. In developed societies, performance level of democracy is comparatively high than closed societies. In Post-Colonial states although the system is free but still the performance is not satisfactory because culture is not developed. Stability of the institution is at stake. The institutions are in transitional phase and public response towards democratic features is not positive in terms of policy making and institutional reforms. It is called that elections, treated public opinion for accessing and extending theories of democratic consolidation. Norms and beliefs are main attributes of democracy as according to specified regimes. Public opinion through election means representative approach for strengthening institutionalization process of state.

INSTITUTIONAL PROBLEM OF DEMOCRACY IN PAKISTAN

It's a known fact that entire political history of Pakistan has been dominated by the military.

“Nawaz Sharif was accused of conspiring to destroy the institution of the military. Notwithstanding the lack of Sharif's political acumen and the mistakes he made, he had threatened the military's core interests, which led to his removal. Administrative control of the armed forces and general military planning are areas where the armed forces do not allow any interference. Prime Minister Junejo, it must be remembered, was removed in 1988 because he had tried to take a course opposed to the Army. His efforts to probe into the 'Ojhri' camp disaster and introduce austerity measures in the defense establishment had backfired. Benazir Bhutto's government elected in 1988 had a similar fate. The

⁷ Ibid.

Army manipulated her removal in 1990. Despite her knowledge of this information she remained silent which was due to her fear of the Army's possible retaliation."

In the third world countries, the military has focal voice while formulating internal and external policies. It has been clearly reflected that British Government gave more importance to the bureaucracy of the Sub-Continent and the Local Representatives had been deprived of all political powers. The British legacy 'bureaucracy' and feudal class inherited political set up freeze new developments in state. It was obvious reality that the required circumstances for democracy will be difficult to be flourished. From 1947 to 1958, the newly born state had been ruled democratically only in theory.⁸ The politicians were hijacked by the civil bureaucracy which was experienced as compare to the politicians. Ghulam Mohammad, a civil servant strongly dominated political set up. He joined 'military' as second partner which gradually extended its role within new political set up. General elections were demanded but denied. The future constitution was not politically debated but placed maximum role to bureaucracy and military. Constituent Assembly sessions were controlled by civil bureaucracy. From 1956 to 1958, Parliamentary System was sabotaged many times by Governor General, Ghulam Mohammad and Iskander Mirza. Finally, Ayub Khan imposed Martial Law and abrogated 1956 Constitution. Now, civil bureaucrats were ready to provide their support to military rule which further weakened political set up in newly established state.⁹ During Ayub Khan Regime, the genuine political forces were neglected whereas, the military-civil establishment enforced Ayub Khan's agenda e.g. BD System, new political set up,

⁸From 1947 until 1956, when it became a republic, Pakistan was a dominion and the head of state, the governor-general, was the British monarch's representative. Although a largely ceremonial position, the office of the governor-general was transformed by power-seeking civil bureaucrats into the principal decision-making authority. Crisis Group Report, *Pakistan: Transition to Democracy*, op. cit., p. 5.

⁹, ShafqatMehmood, Crisis Group interview, Lahore, 31 October 2009.

finance policy and foreign policies. Besides this, Ayub Khan made 1962 Constitution, strengthened military infrastructure. It is a known fact that like Liaqat Ali Khan, Ayub Khan introduced Elective Bodies (Disqualification Order). Objective behind this ordinance was only to eliminate opponents on political front. In terms, selective accountability was opted to prevent the opponents from the main political structure. In this way, it has been observed that many political figures had changed loyalties just only to secure their political career. Others who did not support, they had to face serious consequences like jailed and financial penalties. Ayub Khan banned political parties which pleased those who were seeking personal benefits. Tribunals were established, headed by civil servant, judge and Lieutenant Colonel, to enforce orders, issued by Ayub Khan's Administration.¹⁰ Ayub realized that his political standing can be sustained only through local government system. BD System was his attempt to control political set up through Basic Democracy System (BD System) consisted of 80,000 single member constitutions, hold elections on non-party basis. Local councils and district councils were formed and their members were 'nominated' instead of 'elected'. The funds were provided to them which further were monopolized. On one side, Ayub Khan was trying to implement BD System through Civil Administration. On the other side, the bureaucracy was not happy due to curtail of financial powers. The strong bureaucrats controlled financial matters of local matters. The officers' often refused to follow the instructions, issued by District Councils and Municipal Councils. Bureaucracy exercised its powers in full spirit and completely overruled local government system. On many occasions, decisions of District and Municipals Committees, headed by BD Members were suspended by Chief Secretary, Secretary, Deputy Commissioner and Assistant Commissioner of respective Divisions / Tehsils.

¹⁰HasanAskariRizvi, *The Military and Politics in Pakistan 1947-1997* (Lahore, 2000), p. 89.

The bureaucrats realized that Ayub Khan needed BD Members. So that letters were kept in spectrum but with limited powers. In fact, BD Members had to perform its role as Electorate College for supporting his presidency. In 1960 they elected him president in a referendum.¹¹ The referendum was properly staged and state machinery used to obtain final favorable results for Ayub Khan. The same episode was repeated in 1965 Presidential Election against Mothrama Fatima Jinnah. Elections were hijacked and Ayub Khan was given next five years term. During Ayub Khan Regime, the grass root level political system up was introduced and further implemented but unfortunately entire system was controlled by the military establishment. The civil bureaucrats did not acknowledge the BD System. They realized that BD System should be treated as only Electorate College. As Ayub Khan's chapter was closed, the BD System was also finally given up. Again the power structure was transferred to military Chief, General Yahya Khan who introduced LFO and abrogated 1962 Constitution.¹² Furthermore, the One Unit Scheme was also derailed. Provisions of the four provinces were restored. The political scene was staged. Elections were conducted and military establishment attempted to keep control of political affairs. According to LFO, in case the constitution is not framed within 120 days, it means the electorate process will be terminated. So as matter of fact, the polarization was shifted into gaining personal power. In terms of formation regarding institutionalization process, the political process was tangled among PPP, Awami League and military establishment. It is now open secret that Mr. Yahya Khan was interested to continue his job as President of Pakistan. Sheikh Mujeeb had no options except Six Points Agenda implementation. In case of implementation of Six Points Agenda, Pakistan had to face 'loose federation'. Zulfiqar Ali Bhutto gained maximum number of seats

¹¹Hasan Askari Rizvi, *The Military and Politics in Pakistan 1947-1997* (Lahore, 2000), p. 89.

¹²Crisis Group Report, *Pakistan: Transition to Democracy*, op. cit., p. 5..

in election but rest of political parties within West Pakistan did not acknowledge Bhutto's Socialism. Right wing political religious parties including nationalist parties did not accept Bhutto myth. Yahya Khan forced to implement accountability which sacked 303 officers from service.¹³ In fact, military wanted to dictate civil bureaucracy and further to control their loyalties for personal gaining. Institutional supremacy was the prime objective behind civil officer's dismissal. The political culture of Pakistan based on non-political basis which has always affected national integration. National integration and institutions are directly linked up with each other. Continuously derailing political culture finally disintegrated Pakistan and Jinnah's Pakistan was remapped.

Mr. Bhutto, a feudal 'autocratic' personality, westernized oriented education and inspired by the Socialism became head of the state after East Pakistan episode. It's a known fact that Bhutto gained majority but still two provinces were not in his control. ANP and Jamiat-ul-Islam had strong political standing. After holding Civilian Chief Martial Law Administration Office, Bhutto did efforts to frame constitution for Pakistan. After democratically debate the constitution was framed and fully implemented within state. Pakistan has unique 'pluralist society' which can smoothly run only through federation. Constitution gave space to federating units but it had not indicated 'state legislative list'. Constitution reflected federal features but practically it proved centralized political, administrative and financial outlook. Although for smooth working of federation, federating units were accessed through related federal - province institutions¹⁴ e.g. Council of Common Interest, National Economic Council, National Finance Commission and Islamic Ideological Council. Military was again restricted and redefined. After 1971 Episode, credibility of military was question

¹³Hamid Yusuf, *Pakistan: A Study of Political Developments 1947-97* (Lahore, 1999), p. 116.

¹⁴ Original Text of Constitution of Islamic Republic of Pakistan 1973, www.pildat.org.pk.

mark. 92000 thousands military officers and 6000 miles territory, occupied by the Indian forces were restored in the result of 1972 Simla Accord, signed between Zulfikar Ali Bhutto and Mrs. Indra Gandhi. During this regime, Zulfikar Ali Bhutto restructured the Administrative Structure. For improving the efficiency level of administrative departments, reports were prepared but also not implemented. In the meanwhile, Mr. Bhutto started accountability process and 1700 officers were dismissed. It is not clear whether the suspended / dismissed officers were properly re-examined or interrogated. They were charged on behalf of mal-administrative practices of these officers. On political front, Zulfikar Ali Bhutto used state machinery to curb his opponents. Khan Abdul Wali Khan, Sind Nationalists leaders and Baloch Sardars were jailed and put them behind the bar. Bhutto as Prime Minister showed feudal / autocratic attitude. Religious based political parties also opposed Bhutto by arguing his Socialist views. London Conspiracy is the important event when his political opponents were jailed and declared them as Anti-Pakistan. The Baloch Provincial Government, headed by NAP was sabotaged. Sardar Nawab Akbar Bughti (late) was nominated as Chief Minister and then Governor. Nawab Akbar Bughti used state machinery against his components and fully established tribal based government instead of political government.

In the meanwhile, tussle between Bhutto and Nawab Akbar Bughti was started which separated both on political front. Mir Bazenjo replaced Nawab Akbar Bughti. It has been observed that Baloch political environment had not democratic institutional process. Only the Baloch Sardars dominated and they controlled institutions. They wanted to keep themselves within power. Besides this, it is argued that few Baloch nationalist leaders had been indulged themselves within anti-Pakistan activities, linked with Moscow and New Delhi. Two incidents had been taken place e.g. 'Iraqi

Embassy weapons' and London Conspiracy.¹⁵ At both occasions, it was intelligence information that again 1971 episode will be projected. So the Baloch political circumstances revolve around the Sardari System and Baloch Sardar 'Commitment' is first for personal tribal power. It is a known fact that Baloch tribes e.g. Mari, Mengal, Bughti, and Bazenjo had been involved to sabotage political process. Neither Central Government nor Provincial Baloch Government was interested to promote institutionalization process. Common Baloch has no concern about political matters. They prefer tribal commitment. Their loyalty with Baloch Sardar is prominent and they have been convinced that central government has deprived of all their benefits. For on basis of non-institutional development, Baluchistan province has no meaningful role in state's political decisions. Only few Sardar are called to address concerned matters. It is apart from reality that intentionally political culture was not developed. Baloch Sardars need their personal gaining. Central government wanted to continue governmental affairs. So throughout Zulfikar Ali Bhutto regime, the political governments in Baluchistan and NWFP had been remained under stress. Gulf between central government and both provincial governments had been remained tense. Democratic attributes had no. been flourished. None had focused on establishing democratic features. No doubt Bhutto believed in democracy but he remained unsuccessful to frame institutions on democratic basis. Constitution was amended but not strengthened democracy. Zulfikar Ali Bhutto curtailed the powers of judiciary by amending constitutions. Executive was not separated from legislative control. The civil bureaucracy gradually came in position to control the political government. At initial stage, grass root democratic features were addressed but gradually the civil officers maintained their prestige and further dominated. Last phase of Bhutto

¹⁵ Pakistan Times, 16th September, 1972. Awan, A.B. (1985). Baluchistan: Historical & Political Processes, New Century Publishers, London, pp. 266.272.

government showed incompetency of civilian political government to control internal political strife. Political alliance was established against Bhutto. State machinery was used to break the momentum of agitation. Opposition claimed that elections were engineered. State machinery had been used for election rigging. Bhutto Administration helped land lords to win elections. Besides this, Bhutto formed Federal Security Force (FSF) to protect Peoples party from politically disintegration.¹⁶ Political consensus was not developed between Bhutto and Islamic front (Nine-Stars). Nizam-e-Mustafa Tahreek was launched against Bhutto's Socialism. Finally, military set stage and Bhutto Government was removed. Again political process was derailed. It has been observed that Bhutto second phase was revealing around autocratic behavior, strong bureaucracy and negation of democratic norms. Tolerance and civic virtue had been abstained from the political regime. Political governments of provinces opted non-democratic behavior. Institutions were not democratically addressed. Within political governments, the democratic political culture was not flourished.

In the result of military coup of Zia-ul-Haq, martial law removed Zulfikar Ali Bhutto. Now the question before military government was how to control political opponents especially those belonging to Pakistan's Peoples Party. Zia introduced Islamization which satisfied religious parties because they opposed Bhutto's Socialism. In the meanwhile, Zia released political leadership of NAP from jail, opposed authoritarian attitude of Bhutto government. Suppression of political figures and far launching Islamization entirely changed scenario. The Islamist and Jahidi

¹⁶Nawa-i-Waqat, 5th December 1974. See also Rizvi, Hassan, Askari. The Military and Politics in Pakistan 1947-1997, Sang-e-Meel Publications, Sharah-e-Pakistan, Lower Mall, Lahore, p. 216.

organizations were given political space. So that to acquire required results.¹⁷ These acts provided domestic legitimacy to Zia's regime which further tightened political grip. Now the bureaucracy, western/secular minded school of thought had to face Zia's Islamization. It was compelled to reframe the ideological orientation of the civil servant through measures such as uniform dress code and enforced prayers break during office hours. "There was a minimal emphasis on professional work ethics, so long as the officials were deemed 'good' Muslims".¹⁸ Zia introduced civil service reforms, recommended by the commission. These reforms included e.g. abolishing all occupational groups, creating several technical services to adjust specialists in fields such as agriculture, education, engineering and medicine. Besides this, various technical training courses were given to the officers. Zia retained federal bureaucratic structure and merged the TAG into the DMG.¹⁹ Zia introduced military officer's induction into civil service by increasing quota. Military officer's induction policy had been used throughout regimes on ad-hoc basis but Zia-ul-Haq enforced it on permanent basis. In 1962, Ayub Khan introduced 50% reservation for ex-servicemen in some posts in the bureaucracy and appointed 8 army captains to the elite CSP.²⁰ During Zia regime, 83 military officers had been appointed to the senior public service positions.²¹ Zia re-employed military officers on 'Contract' basis. In 1980 he decreased 10% of vacancies in the federal bureaucracy at BPS-17 and BPS-18 would be reserved for retired or released military officers. The said officers would be selected by a nominated Selection Committee, headed by Zia himself. The committee

¹⁷For more on Zia's Islamization, see Crisis Group Asia Reports N°36, *Pakistan: Madrasas, Extremism and the Military*, 29 July 2002; N°49, *Pakistan: The Mullahs and the Military*, 20 March 2003; and N°95, *The State of Sectarianism in Pakistan*, 18 April 2005.

¹⁸Saeed Shafqat and Saeed Wahla, "Experimenting with Democratic Governance: The Impact of the 2001 Local Government Ordinance on Pakistan's Bureaucracy", in Charles H. Kennedy and Cynthia Botterton (eds.), *Pakistan 2005* (Karachi, 2006), p. 206.

¹⁹Kennedy, op. cit., p. 101

²⁰Ibid, p. 122

²¹Ibid

had provision to select officers for BPS-19 and more than, in the secretariat group, Foreign Affairs Group, Account Group and Information Group. Brigadier (R) ranked officers was re-employed as federal and provincial secretaries. In 1982, 18 out of 42 Ambassadors were 'retired' military officers. In 1985, a serving Major General was chosen to lead Intelligence Bureau.²² The bureaucracy was thus reduced to subordinate role by the regime's policy of grafting military officers to key jobs in the central and Provincial Administration, public sector universities, industries as well as other semi-governments/organizations. Like Ayub Khan Zia introduced centralized Local Government System which paved proper role to restrict national political environment. Zia fully attempted to control political set up and implemented Authoritarian System of Local Government. Zia followed Non-political Party basis election/further constituted Union/Council Town Committees held in 1979, 1983 and 1987. These played electorate role for Ziladar Tehsil Council Chairmen while Local Council's main responsibilities were the management of small scale public welfare and development activities. The policy matters at local level had been delivered for discussion to local elected representatives but the bureaucracy controlled the financial and administrative powers and played influential role over elected representatives.²³ New local political system directly framed to provide legitimacy to Zia-ul-Haq Regime. Zia's local government scheme systematically eroded bureaucratic neutrality at the lower level administration. "It was during Zia's period that officers from DMG and PSP became the power base for local politicians at the District Level", said by a former bureaucrat, served as Deputy Commissioner in Punjab during the 1980's.²⁴ The politicians kept in mind that their affiliation should be with military establishment so that they could be strong politically as well as financially. Promotion of

²²Rizvi, op. cit., p. 182.

²³ Crisis Group Report, Devolution in Pakistan: Reform or Regression? Op.cit.

²⁴ Ibid.

Parliamentary Democracy was not in the interest of these elected representatives. One observation had been measured that during Zia's regime, the transfer and posting had been remained in the control of the local representatives. The civil officials preferred to allow local representatives for not development of the area just for creating a linkage with them. Objective behind it was only to seek attractive influential seats. This approach politicized bureaucracy which affected its image and efficiency. Besides this, it had been observed that the likeness and dislikeness attitude was developed not only at Tehsil and District level but also at Provincial and Federal level. The officers are appointed on the basis of political affiliation instead of the merit and their professionalism. Ultimately corruption increased rapidly because of mutual understanding between elected representatives and civil officers, focused on personal gaining instead of developments of the areas. Rooted corrupted system synthesized both components vital to each for others. The elected representatives not on political basis understood the phenomenon that power structure surrounded by military and civilian establishment. So the matters should be aligned with these two powerful/influential segments. This attitude extremely condemned the democratic roots.

After Zia's death, the military establishment decided to go for election as scheduled announced by Zia-ul-Haq. Although, Supreme Court restored Junejo Government, dissolved by Zia-ul-Haq yet the election date for next had been maintained. The establishment (civilian + military) planned to introduce controlled democracy. Simply the limited areas will be given to new elected government. Benazir Bhutto was elected as first female Prime Minister of Pakistan and further restricted to discuss/participate openly on economic, defense and military matters. The democratic governments did not complete their tenures and dissolved before

time. It had been observed that the bureaucracy did not co-operate with the parliamentarians. They did not bother to appear before the Public Accounts Committees. Apart from this, the political leadership preferred to choose bureaucrats, suit to them. Professionalism of the administrative officers was entirely neglected. Bhutto and Sharif both had their own team of Civil Servants who were placed and promoted not on merit but on their perceived locality to their respective political masters.²⁵ Change of government means change of the administration. The Administrators were instructed to follow political decisions. It had been observed that the junior bureaucrats had been appointed on higher seats especially in provinces who served their appointing political authorities. Benazir Bhutto and Nawaz Sharif created such atmosphere where the corrupt could get away with their schemes be they politicians, tax evading businessman or self-service civil servants.²⁶ The elected civilian governments did not bother to introduce Local Government System. Zia's Local Government System was gradually decomposed in NWFP in 1991, in Sind in 1992 and in Punjabi in 1993. The primary motivation behind this act was to restore democracy at grass root level. It was argued that these were forcefully placed within political system and their role was just like a willing client relationship of a military regime. Later on, the local government elections were not conducted. Magistrate System, known as supremacy of bureaucracy, was restored. Powerful bureaucracy controlled Local Government System. Their officers were given authority to run Tehsil and District levels. Even though, the Ministers were compelled to follow the instructions of the higher bureaucracy.²⁷

²⁵ Crisis Group Report (Interview Based Document), Published, 6th November, 2009.

²⁶ Shafqat and Wahla, op.cit., p. 208

²⁷ See Crisis Group Report, Devolution in Pakistan: Reform or Regression? Op.cit.

Judiciary is one of the most important organs of state entitled as ever-vigilant watch-dog over the government in matter of violating constitution. Judiciary is supposed to act as a restraint on any governmental excesses.²⁸ Absolute power corrupts absolutely. Successive governments always attempted to curtail the powers of judiciary. Different strategies had been adopted. Sometimes, constitution was mended and on many occasions, through non-procedural appointments and excessive interference by unconstitutional means. Since independence judiciary has been throughout victimized. Every successive government either elected or military always attempted to subordinate judiciary for gaining political agenda. Military governments need legitimacy which cannot be possible without judiciary. While during democratic regime the elected governments are interested to reinforce their political agenda. Sometimes, corruption and mal-administrative charges are approached in judicial benches. For receiving favorable judicial environment, the judges are approached and Judicial Bar Councils are instructed by the government and the opposition. It had been observed that the judges moved towards favoritism on some occasions whereas no doubt in saying that on various crucial points the judges played credible role and their dignity and recognition have been proved. Justice Cornelius did not provide legitimacy to Ayub Khan.²⁹ Justice Munir acknowledged Ayub Khan's Marital Law as 'Revolution'.³⁰ Some judges refused to take oath under Zia's PCO whereas some involved in judicial killing of Zulfikar Ali Bhutto. So mixed feelings had been observed regarding independence of judiciary since independence. Ayub Khan imposed Martial Law and searched for legitimacy from judiciary. The extra-constitutional act was challenged by Maulvi Tameez-u-Din. Justice Cornelius declared

²⁸ Contempt of Court, The Economist, London, 18-2-1995

²⁹Original Text of Constitution of Islamic Republic of Pakistan 1973. www.pildat.org.pk

³⁰Munir, Muhammad, Constitution of Islamic Republic of Pakistan, 1956, All Pakistan Legal Decisions, Lahore, pp 50-51

Ayub Khan's act as violation of constitution and viewed as simple violation of fundamental rights. The said justice judgment was challenged in Federal Court of Pakistan. Chief Justice Miner's decision was in favor of the Ayub Khan's Government and acknowledged Ayub's Martial Law as 'Revolution' in Pakistan. After that Ayub Khan's referendum and its results were accepted by the Election Commission of Pakistan. Everybody was aware of the credibility of the result. After 1971 Episode, 1973 Constitution was implemented and judiciary was kept under control of the Executive. One year after unanimous approval of the 1973 Constitution, the first constitutional amendment was introduced on May 9, 1974, amended the Article 199 which barred the judiciary from "Issuing writs in the instance of a person who served in the armed forces of Pakistan or who was the time being subject to any law relating to any those forces of Pakistan or in respect of any action in relation to him as a member of the armaea forces or as a person subject to such law".³¹ In 1975, the Fourth Amendment of the 1973 Constitution, the power of the High Court under Article 199 for the grant of bail to a person detained were taken away. The High Court was also denuded of the power to make an order prohibiting the detention a person. Its power to grant a stay order against the government was confined to the span of 60 days only in relation to public revenue and other specified cases. In September 1976 there followed notorious Fifth Amendment under which the grotesque provision was made that after a Chief Justice, whether of the Supreme Court or High Court, had held office for a period of five years, then notwithstanding the fact that he had not attained the age of retirement he was liable to be demoted to the status of an ordinary judge of his court or else forced to leave office. Suspending the rules of procedures, both these debilitating amendments were pushed through

³¹Constitution (Fourth Amendment) Act, 1975, ACT LXXI of 1975. PLD Central Statutes 337

parliament, without discussion, in a matter of hours. However, in 1985, General Zia-ul-Haq also introduced PCO, changed the identical features of 1973 Constitution. Zia's PCO played untold havoc role, which affected judiciary on rooted basis, including citizens of Pakistan. The judges had been given options to join the PCO or to vacate seats. These were the days when the judiciary was at 'hostage'. The kidnapping story of the judiciary had been continued after Zia-ul-Haq. Ghulam Ishaq Khan did not confirm Justice Qazi Jamil because of his verdict in the NWFP Assembly Dissolution Case wherein the High Court set aside the order of Dissolution and finally restored the Assembly and the Cabinet. Justice Abdul Hafeez Memon of the Supreme Court was appointed during PPP Government twice both times, he was not confirmed by Ghulam Ishaq Khan due to having good relations with Benazir Bhutto. Besides this, the practice of appointing the Additional Judges had been continued as according to 197 and 193 Articles. This methodology had been used to please those judges who are victimized either by the ruling or opposition forces. Objective behind this practice was only to control the independence of the judiciary. According to 193 Article of 1973 Constitution contradictory situation is also available in same constitution as Article 197 provides.³²

It has been observed that the judges had been appointed in Supreme Court as according to the directions of the 'ruling' party. In August 1994, Benazir Government filled several vacancies in the High Court of the four provinces. 20 seats of the new judges were filled in the Lahore High Court. 13 judges were the former activists, belonging to Pakistan's People Party. One of them was Mr. Ahmed Saeed Awan against whom a murder case was pending. Three appointed judges had affiliation with Muslim League faction which supported Mrs. Benazir Bhutto's Coalition

³²The News, 17th Nov.1996

Government. The same script had been followed by Muslim League (Now Nawaz Group) against Benazir Bhutto. It has now a known fact that NAB Chief and Justice (R) Malik Qayum had politically bargained to clutch Benazir Bhutto at any cost. Audio 'recordings' are now at official record when a conversation between Justice Malik Qayum and Saif-ur-Rehman (NAB Chairman) regarding political victimization of Benazir Bhutto was tapped³³ It has been further argued that the judges are obliged across the board. Benazir Bhutto appointed justice Sajad Ali Shah as Supreme Court Chief Justice of Pakistan. He belonged to Sind and he was one of them among Eleven Member Bench who did not decision favor to Mr. Sharif to power in May 1993. The rulers generally kept vacancies in the higher judiciary in order to oblige favorites whenever an occasion arose for its or expediency so demanded. The conditions in the courts are not favorable to a common man. 80% people are denied of justice. The cases are pending and delayed justice which is reflecting gloomed picture for any prospective litigant. It is also important to note that during Zia-ul-Haq regime. Federal Shariat Court was constitutionally which limitized Supreme Court of Pakistan on identified features of 1973 Constitution. It is argued that Federal Shariat Court was constituted for gaining political benefits by Zia-ul-Haq.³⁴ It had disrupted the judicial system and treated as parallel to existing supreme judiciary. Federal Shariat Court agenda:

- Islamic Punishments
- An Interest Free Banking System
- A Compulsory Tax: Zakat
- Another Annual Tax: Ushar

³³Asif Ali Zardari Vs The State, PLD 2001 SC 568,595. "Caught with Tapes On," Newline (Karachi), March 2001, pp. 23-36.

³⁴Rizvi, Hassan, Askari, op.cit., p.248

- Revised Education Policy, 1979.
- Appointment of Nazimeen-i-Salaat.
- Promise to set up Qazi Courts.

INDEPENDENCE OF JUDICIARY: CHALLENGE TO DEMOCRACY

Habib Wahab ul Khairi filed a petition, challenged appointment of Ad-hoc judges in Supreme Court. The main issue to be addressed was Article 177 and 193 of the Constitution. These articles stated that appointments to the superior judiciary and the four high courts are to be made by the President of Pakistan "after consultation" with the chief justices concerned. Now the question of debate in the Supreme Court was the word "Consultation", envisaged by the constitution. Either it would be a formality or something more substantial? On March 20, 1996 Supreme Court issued a landmark judgment left doubts. The court held that the constitution "should be effective, meaningful, purposive, consensus based, leaving no room for compliant of arbitrariness or unfair play".³⁵ It was directed by the Supreme Court of Pakistan to appoint judges of the higher courts on permanent basis where at present constitutional features are being performed by acting Chief Justice, applied by the government. The Court ruled that the offices of Chief Justice and judges of the High Court's normally should be filled immediately not later than 30 days but a vacancy occurring before the due date on account of death or for any other reasons should be filled in within 90 days on permanent basis.

The United States 1995 Human Rights Report stated, Judiciary that not as independent in reality. On independence of judiciary was blunt and hard-hitting as it gave details of how the courts were influenced. "The constitution provides for an

³⁵Al-JehadTrustVs Federation of Pakistan, PLD 1996, S.C. 324.

independent judiciary but in reality, however, the judiciary is not independent. Through the President's power to transfer high court justices and appoint temporary and ad hoc justices, the executive branch is able to influence the Supreme Court, the provincial high courts, and the lower levels of the judicial system."³⁶ "It has become a standard practice to appoint judges of the High Court and Supreme Court on temporary basis for a period of one year and later to confirm or to terminate their appointments after an evaluation of their performance." The Legal experts argued that temporary judges, eager to be confirmed following their probationary, tend to favor the government's case in their deliberations. Judges in the Special Terrorism Courts are retired jurists, who are hired on renewable contracts. The desire to maintain their positions has the potential to influence their decisions. "Despite the Government's promise to strengthen judicial independence, it took several measures to influence the court for political reasons. The Supreme Court heard the bail application and denied bail to an opposition Member of the National Assembly (MNA) in case where bail would routinely have been granted by a lower court. Mian Qurban Sadiq Ikram, special judge for the Court of Banking Offenses, was removed from the bench on 31, July 1994, a day after he granted interim bail to the father of opposition leader Nawaz Sharif."³⁷ According to International Narcotics Control Report, published in 1994 the United States alleged like other government departments, corruption is found in judicial department. Various reports findings proved that judicial branch is being corrupted. The report cited the case of Rafi Munir for training Pakistani judiciary. The allegation was based on the perception, drawn from judgments in various cases. "There were other incidents during the year as well, such as the release

³⁶ Statement of the Chairperson of Pakistan Human Rights Commission, Asema Jehangir, Dawn 29-1-1995

³⁷ Dawn 7-3-1996

of Rafi Munir, which would seem to indicate corruption in the judiciary".³⁸ It is said that the judicial system is on the verge of collapse and has come to the straits where it was ready to punish the innocent but most reluctant to punish guilty.

The Chief Justice of the Sind High Court and judges of the Supreme Court told a full court reference held in his honor on April 19, 1999, that confidence of the people in the judiciary had been shaken. He said it was a matter of concern that with the continuing degeneration of the moral fabric of society, the corruption had been linked with the power of judiciary, which had been made the task of dispensation of justice all the more difficult and has shaken the confidence of the people in the courts. 1973 Constitution placed powerful Supreme Judicial Council, identified role and procedure to conduct investigation against those judges, involved in misconduct/others issues. Supreme Judicial Council has been defined as a procedure of accountability of the Superior Judiciary regarding maladministrative within judiciary. It has been observed that Supreme Judicial Council has remained non-functional with the exception of a couple of instances. On many cases, issues are still pending on account of their, misconduct and corrupt attitude.

Phenomenon of judicial accountability means to counter the mal-administrative practices of the officers and the officials. Corruption is a deep rooted phenomenon which demised the future of Pakistan. Now corruption has damaged entire structure of society and it is the utmost need of time to control this social evil.³⁹ Good governance has been introduced throughout and focused on the issue of 'accountability' and 'transparency'. It is evident reality that not a single segment of society is free from corruption. Since independence, the billions of rupees had been

³⁸Dawn 8-3-1995

³⁹Sardar Sherbaz Mazari, Corruption: Stench is Everywhere – Dawn 4-7-1994

shifted across the country. The bank loans were given to politicians, bureaucrats and the industrialists but their loans were written off. While formulating policies, transparency had not been observed.⁴⁰ All successive governments whether elected or military raised the slogan of 'good governance' and 'accountability' but grapes are sour. It has been observed that level of corruption is at maximum rate in developing countries as compared to 'developed' societies. The closed political system has maximum chances of corruption as compare to open political system. It has been carefully examined that corruption has been flourished although the laws are present to check over them. Inadequacy of laws is not problem but the failure to implement them. No doubt in saying that many attempts had been made to control corrupt activities but they started, neither implemented nor implemented and enforced. Accountability has been reflecting in Pakistan since independence but not on merit.⁴¹ Selective accountability has been opted. National Accountability Bureau and Anti-corruption Department have lost their credibility among the people.

Democracy is an ongoing process which needs procedure and proper understanding of the civics sense. The role of the Parliamentary Committees is the essence of political development and its effective contribution can promote the institutionalization process. The democracy is synthesized with the word 'people'. People are beneficiary and are affected due to wrong decisions as well as grievances

⁴⁰Sardar Sherbaz Mazari, Corruption: Stench is everywhere - Dawn 4-7-1994

⁴¹ In 1995, the Berlin-based organization, the Transparency International, had declared Pakistan as the third most corrupt country in the world. However, according to its revised ratings of June 1996, Pakistan filled the second slot after Nigeria. (Jang, Rawalpindi, 3-6-1996) At a briefing of foreign press correspondents, the question was asked of Prime Minister Benazir Bhutto whether she was aware that her country had been rated the third most corrupt country of the world. Rather than refuting the rating, the Prime Minister held that some economists maintain that in developing countries corruption is a necessary evil that provides incentives for development. She must have picked up this idea from a US official, Joseph Nye, who once wrote that he thought that perhaps a little bit of corruption in developing countries, at a very low level, helped to push the file faster. By this, he did not mean institutionalized corruption at the top most level that seeps all the way down to the bottom. [Bare bones - un-refuted, Dawn 6.10,1995]

against the administration. Constitutional democracy can be existed if check and balance system will be properly implemented. Check and balance system can ensure synthesized power structure regarding manipulating and overlapping. It has been observed that constitutional democracy has been remained successful in some countries but not properly working in others. The history of democracy showed that democracy is not a single word, its implementation means its background, norms and values and social structure of the subjected society. It has been argued that institutionalization procedure is result of establishing democracy. Democracy is a matter of institutional building procedure which matters as safeguard of democracy. Constitutional Democracy is based on the process of institutionalization which further strengthened democracy in future.

Parliamentary committee as an institution can grow the concept of elective legislation. It is difficult for parliament to discuss the detailed features of the bill. Appropriate discussions and future measures are compulsory to identify the features of bill. Parliamentary Committees are composed of groups of sitting parliamentarians including the technocrats and the intellectuals.⁴² Parliamentary Committees are constituted to perform various functions in law making procedures. They allow parliament to findings, procedures, short coming of the discussions and to provide opportunities. Role of the committees will be determined by the governing system, attitude of the political parties and their participation level. One perception of democracy is the participation of not only individuals but also of the

⁴²Sita Srivasteva, Constitution and Functioning of Rajya Sabha, Allahbad, Chugh Publication, 1973 (pp 117-150)

parliamentarians.⁴³ So that democracy can be strengthened. The parliamentarians are interested to participate and further to legislate laws after intellectually examining.

- Committee proceedings “operate under less formal rules of procedure than those that govern the entire legislature (plenary or floor proceedings). Committee members are able to discuss issues informally and to develop relationships with committee colleagues who represent other parties. That creates a collegial environment in which compromises on small matters and technical improvements in legislation can be agreed upon expeditiously”.
- Committee members “become authorities on matters within the jurisdiction of their committees and are acknowledged as such by their legislative colleagues, the press and the public. Committee membership is thus a means of establishing leadership within the legislature and visibility in the public arena”.
- Committees that “hold public meetings, thereby allowing citizen and media attendance, educate citizens on important policy issues, the likely implications of proposals and about the democratic process. Open meetings allow committees to gain public understanding and build support for the legislature's subsequent decisions”.
- Committees that “conduct public hearings provide an opportunity for academic, business and nongovernmental experts to present their views. There are two types of hearings: hearings that review the executive's implementation of previously enacted laws (oversight) and hearings that discuss and review draft legislation. In either case, outside experts contribute valuable information

⁴³Alaudin Masood, *The Route to Effectiveness and Efficiency for Parliamentarians*. The Parliamentarian, London (U.K.), July 1997

and guidance to committee deliberations. They can also provide important authoritative support for committee proposals and decisions.”⁴⁴

Parliamentary committees will scrutinize, alter, rejection of bills before giving final shape. These committees are faced with "many obstacles to a strong committee system. The government does not want committees to become centers of decision-making or competing sources of power."⁴⁵In parliamentary systems the draft of the bill is constituted by the sitting parliamentarians whereas in Presidential system, the executive/ministers are chosen and not fully aware of system. In this context, committees will play vital important role within Presidential System as compared to parliamentary system.

LEADERSHIP: INSTITUTIONAL FORCE TO DEMOCRACY

Stanley Waldport said Quaid-e-Azam “Few individuals alter the course of history. Fewer still modify the map of the world. Hardly anyone can be credited with the creation of a nation state. Jinnah did all three”. Mr. Jinnah, a charismatic personality, gathered the Muslims of the sub-continent to establish Pakistan. Pakistan was independent now but Mr. Jinnah, although having strong will to fight against challenges, failed before fatal destiny and passed away. After few years Mr. Liaquat Ali Khan, first Prime Minister of Pakistan was assassinated in Rawalpindi. It was the leadership of Quaid-e-Azam who evoked the Muslims of the Sub-Continent and activated Muslim League and for Pakistan after constitutional struggle. It is argued “The cabinet and other high political appointments reflected a paucity of talent among

⁴⁴Kenneth Bradshaw & David Pring, *Parliament & Congress*, London. Quintet Books, 1972 pp 207-262.

⁴⁵The role of questions on notice in parliamentary democracy’, *Australasian Parliamentary Review*, vol. 24, no. 2, p. 137

the politicians.”⁴⁶After existence, Pakistan’s Constituent Assembly passed Objective Resolution and the next duty was assigned to frame constitution of Pakistan. It is observed that after independence, Pakistan had to face many internal and external challenges. On external front, Pakistan had to face Kashmir, Water Crisis and Durand line issues. On internal front, it had to articulate defined policy about institutions, provincial autonomy, religion, state, joint/separate electorate, minority’s representation, fundamental rights, civil liberties, and language issues. The both wings East & West of Pakistan had different social and political culture. Problems were on both sides but for solutions unified policy was need of time to meet existing and future challenges. In these circumstances, leadership was only sound solution but unfortunately Pakistan had crises of it. After long period of Nine years, 1956 Constitution was framed which was abrogated just after two years. The issues were not settled on merit and overnight changing loyalties of the politician’s weakened democratic features, resulted Ayub Khan’s Martial Law regime. Leadership crisis led to the cause of state’s disintegration in 1971. It badly affected national integration. It is the Leadership which will address issues and by adopting democratic values and norms, reconciliation can be approached. It is misfortune of Pakistan that since independence, it is lacking in true leadership.

⁴⁶The conflict between President Ghulam Ishaq Khan (1988-1993) and Prime Minister Benazir Bhutto (1988-1990) resulted in the dissolution of the National Assembly and the dismissal of the Prime Minister and his cabinet on August 6, 1990. Again differences and confrontation between Ishaq and Prime Minister Nawaz Sharif(1990-1993) made both of them to resign on July 18, 1993. The differences between President Farooq Leghari (1993-1997) and Prime Minister Benazir Bhutto (1993-1996) ended with the dissolution of the National Assembly and dismissal of the government on November 5, 1996. Thereafter, Prime Minister Nawaz Sharif (1997-1999), in a bid to become an authoritarian ruler, is discredited for an assault on the Supreme Court (Hamid Khan, *Constitutional and Political History of Pakistan*, 827), declaring a state of emergency in 1998, allowing establishment of military courts for trial of civilians, amending the Constitution taking away the discretionary powers of the President, preventing the floor-crossing in the assemblies, and introducing the Fifteenth Constitutional Amendment Bill which was “apparently a blatant attempt by Nawaz to introduce dictatorship in the country in the name of Islam” (Hamid Khan, *Constitutional and Political History of Pakistan*, 929). Finally, on October 12, 1999, he sacked the Chief of the Army Staff General Pervez Musharraf while he was Officially visiting Sri Lanka. This resulted in a *coup d’etat* and dismissal of Nawaz Sharif. (Hamid Khan, *Constitutional and Political History of Pakistan*, 219-249).

Role of the political party is evident to flourish democracy. Political parties have proper understanding to democracy. Public is directly and indirectly associated with political parties. It had been observed that party corruption has bitterly affected democracy. Democracy requires constant commitment but majority number of the politicians is habitual of changing loyalties. It has been also observed that the political opportunists have utilized state's resources for a specific agenda. In closed political system, the party corruption has been observed at peak level. Resources are controlled and further mobilized just for seeking specific required result, even though in developing countries, where system is open but controlled by the feudal/industrialists. The party manifesto is not given importance only the 'agenda' of those who sponsored parties through donations, given first preference. The political parties have lack of tolerance and civics education. They lack of democratic values within themselves. Party organizations are not interested to contest internal party elections. For smooth political system and constitutional structure, the role of the parties should be sound, positive and pragmatic. Validity of democracy depends upon the credibility of system.⁴⁷ Unfortunately, the political parties do not play such role which was essential for democracy.⁴⁸ Organized and manifesto based political parties are for sound institutionalization process regarding democracy. After independence, Muslim League's role was extremely limited and further divided on issues.⁴⁹ On language issue, Muslim League had to face defeat in Provincial Election in East Pakistan. Mulana Bashani, close ally to Quaid-e-Azam led Jagto Front. Awami League was formed. Their incompetency and constant non-political attitude derailed democracy in Pakistan. One Unit Scheme was politicized. Urdu-Bengla Language controversy was not properly addressed. Even then 1956 Constitution did not resolve language issue. It

⁴⁷ Hamid Khan, Constitutional and Political History of Pakistan, p.852

⁴⁸ Ibid.

⁴⁹ Ibid.

was interesting when Muhammad Ali Bogra, serving as Ambassador in US, was appointed as Prime Minister of Pakistan. He had not political footage, no any affiliation and no registered member of any political party. From 1947 to 1958, Pakistan had seen Liaquat Ali Khan, Malik Ghulam Mohammad, Khawaja Nazm-u-Din, Mohammad Ali Bogra, Ch. Mohammad Ali, Shaheed Sohwardi, I.I. Chandrigarh, and Malik Feroz Khan Noon as Prime Minister/Governor General of State. Iskander Mirza was last one during this era, who invited Mr. Ayub Khan for taking over state's affairs. The political rift among the politicians was revealing around just for personal gaining. The so-called political rift devalued their capabilities before common man. Unfortunately, the ongoing tussle generated ethnic, and lingual clashes between the both wings which evoked anti-Pakistan feelings and further led to the cause of disintegration of Pakistan. Ayub Khan's Referendum against Motharma Fatima Jinnah had laid down foundation of controlled democracy and clashed with East Pakistan. Even though, Urdu-speaking Pukhtoon lingual clash disturbed political environment in Karachi. On scheme of One Unit Formula, Baloch and Sindi nationalist leaders were annoyed because their provinces had lost identity as 'province'. East Pakistani leaders blamed that they were continuously neglected. The same feelings were present among the leadership of Balochistan and Sind. They had argued that Ayub Khan's economic plans should be considered for only Punjab and NWFP. So the Ayub's Martial Law emerged with depressing feelings between both wings and Sind & Baluchistan. Finally, Mujeeb-ur-Rehman introduced Six Point Agenda which rooted separation. Zia's Martial Law derailed political parties and environment. Local government election and national provincial elections on non-political party basis limited role / scope of political parties which further weakened political parties and discouraged democratic elements. After Zia's martial law,

democracy was introduced but in controlled sense. The political parties were given election politics but policies were remained under control of military establishment. Further the true politicians were not given respect. The industrialists and the feudal controlled political parties. After long martial law, the politicians did not understand actual picture. The military and civilian establishment always desired to implement controlled democracy.⁵⁰ Two successive democratic governments opposed military establishment and finally their chapters were closed. The same happened again when Nawaz Sharif was exiled and Pervez Musharraf controlled political regime. It is evident reality that military establishment did not set rules and regulations of the political parties. Their leadership was hijacked and their political workers were kidnapped. In controlled democratic environment, genuine political leadership was replaced and obviously opportunist politicians held political environment.

POLITICAL INTERFERENCE: INTERNAL DEFECTIONS / PARTY DISCIPLINE

Democracy is an ongoing process which requires a proper environment. Role and place of the political parties are obviously concrete reality which can determine the future of democracy and institutions. It is the tragedy of the Pakistani democracy that political parties are under stress. Whenever the military dictator holds political office, the political parties/politicians get ready to cooperate with him. The military establishment attempted to focus on engineering or defections to limit the influence of the parties. Infact, it wants to ensure the political supremacy and to control the political democratic progress.

⁵⁰ Punjab Chief Minister Mian Mumtaz Muhammad Khan Daultana and Prime Minister of Pakistan Khawaja Nazim ud din, both belonging to PML, were at logger-heads. Hamid Yusuf, Pakistan: A Study of Political Developments 1947-97, p.52.

The state's political development is always hindered by the interference of the military establishment; need to secure its political base within parliament.

"It is also questionable that the army will conceive and implement a strategy of incremental change that would reform Pakistan's ailing civilian institutions. Overwhelming evidence suggests that the armed forces are quite comfortable, personally and professionally with their central position in the management of state affairs, yet this is no substitute for strong civilian institutions and the rule of law, Pakistan's army is strong enough to prevent state failure, but not imaginative enough to impose the change that might transform the state."

Ayub Khan established 'Conventional League', politically assisted him and attempted to replace genuine leadership. General Yahya forced to gain political power and sabotaged political setup. During Zia-ul-Haq regime the political activities were strictly banned and political workers generally and PPP workers were especially kidnapped. Although, Zia announced that he had no political interests at all. In next 90 days, the elections will be conducted and power will be transferred to new civilian government. As Zia-ul-Haq imposed Martial Law, he released all those political figures who were jailed by Zulfikar Ali Bhutto during his regime. The religious-political leadership also assisted Zia-ul-Haq because they were impressed by Zia's Islamization. Non-party basis election of local government and national/provincial elections bitterly affected role of the political parties. After Zia's death, the Islam-e-Jahmori Itihad (IJI) was established by Pakistan's Intelligence Agencies to counter PPP leadership. The political alliance was placed to pressurize the PPP leadership. Throughout the democratic regime, the political parties were blackmailed by the powerful Intelligence Agencies which did not allow the political parties for smooth

working. The state machinery had been used and the opportunist politicians were financially and politically bargained.⁵¹

Haleem Siddiqui, the PML-Q, former General Secretary in Sindh and member of Central Committee said, “the process of engineering a defection is to file corruption charges with the NAB, offer to drop the charges and, in some cases, offer an attractive ministry, if the person comes on board. This has weakened the political system, adversely affecting not only the targeted opposition parties, but also the ruling PML-Q”.⁵² Siddiqui added our partners in power feel that the more people join us, the stronger the party will become. But the strength of a party does not come from getting leaders of other parties to join us. The basket gets too heavy, and the newcomers are looking to cash in. When positions are obtained not due to the member’s history in the party, but because he’s being rewarded for defecting, this weakened the party more than it strengthens it, and blocks out people more committed to the party”.⁵³ In 2002 Election, the political deadlock happened because not a single party was in the position to frame government. The dialogue was started between Muslim League (Q) and Mothida Majlis-e-Amal (MMA), a religious political alliance. During Musharraf regime, the secular / open political parties were sidelined and religious political parties were systematically organized. Consequently, two provinces where anti-US slogans were raised by the religious leader politically captured. Musharraf activated National Accountability Bureau (NAB) to pressurize the politicians to gain political support. It was this methodology that majority of the politicians agreed to join King League.⁵⁴ It is dramatic irony that Musharraf neglected transparency and

⁵¹ Crisis Group Interview, Karachi, February 2005.

⁵² Crisis Group Interview with Siddiq-ul-Farooqi, Central Secretary of Information, PML-N, Islamabad, January 2005.

⁵³ Crisis Group Interviews, Countrywide, December 2004 –July 2005.

⁵⁴ Crisis Group interviews, (Published) Islamabad, January 2005.

accountability by himself just for legitimacy. Old wine into new bottle was the formula which was used by Pervaiz Musharraf. Approximately all the politicians who were the part of the Muslim League joined the leadership of Ch. Shujat Hussain. It is the example of the weak political system that a person, who had no political affiliation with Pakistan politics, was elected as the Prime Minister of Pakistan. Mr. Shujat Hussain as President of Muslim League (Q) was nominated as Prime Minister just for few days. The PML (Q) Central Secretariat now consists on at least 30 Joint Secretaries, 25 Vice Presidents and this number of figure was constantly increasing.

Syed Azeem Chaudhry, the party's former Organizing Secretary said "we created so many party posts to enable as many people to get in and accommodate as many people who'd come to our side as possible. "They do not know who the party's workers are". It is argued that Muslim League (Q) always claimed regarding policy matters role and implementation to be free but it is not true because without approval of the military establishment, the party was not allowed to appoint members within party, government and parliamentary post.⁵⁵ When the party president had not been given proper place and Prime Minister was imported how it can be argued that party system is strong and party ownership is convincing. The same situation was not only with the Muslim League (Q) but also with other politicians. The PPP politicians were not given parliamentary respect. Even though, few parliamentary members of Pakistan People's Party joined formation of government. Makhdoom Faisal Saleh Hayat, Aftab Sherpao and Rao Sikander Iqbal, renowned PPP figures left party and joined hand with Musharraf. In return of this deal, they were given major ministerial portfolio in cabinet. It is a fact that 'kitchen cabinet' of 'Q. League' was the largest cabinet of Pakistan. The cabinet members were interested to keep in touch with

⁵⁵Crisis Group interviews, (Published) Karachi, February 2005.

military establishment rather than their political leadership. The government was composed of different fractions, ethnic groups and regional political figures, seeking for personal gaining instead of institutionalization process.

ROLE OF OPPOSITION BEHIND DEMOCRATIZATION PROCESS

Military form of government had laid down its foundation on fear and domination. Tolerance is not the part of dictatorship. Beauty of democracy is its approach to listen people within and outside parliament. In this regard, role of the opposition is to secure democracy and further to strengthen democratic institutions. Opposition is called 'shadow cabinet' which will watch each act of government. The parameters of policy matters will be discussed in parliament and the opposition will focus on the analysis of said policies and future consequences. Since 1947 to 1956, the role of the politicians was neither positive nor negative but just for seeking personal benefits. Ayub Khan made parliament but it did not have opposition. Ayub Khan can be impeached by Ayub Khan himself. During Zulfikar Ali Bhutto, regime, the opposition was jailed. National Awami Party was banned by Supreme Court. During Zia regime, the political party's ordinance was changed and non-political parties elections were conducted which demised role of the political parties and opposition. Zia's parliament was made and Prime Minister was chosen. MRD alliance played role of opposition across the parliament. Later on, struggle against Zia's dictatorship started in parliament, resulting in dissolution of Junejo government. After Zia's death, the two political parties enabled to understand role of opposition. As opposition, both parties played same tactics and had been victimized by the military establishment. The politicians were bargained and horse-trading was started. State's resources were utilized to let down role of parliament. Instead of paying proper

attention towards democratization and institutionalization, the parliamentarians focused on personal gaining.

“What about the political leaders themselves? Generally speaking, they should stand firmly for democratic ideals and be ready to sacrifice everything for them. There should not be any meeting point between the politicians and military power. But what do we see in Pakistan? Is it not strange that at any given time a large number of political activists and their leaders remain ready to ride the bandwagon of dictatorship?”

Things may have changed recently, but the history of Pakistan is replete with examples where even the leaders of mainstream political parties showed little faith in democratic principles. They simply used the slogan of democracy to have access to power, and have seldom felt ashamed in accepting the military’s terms for short-term gains”.⁵⁶

This attitude weakened party discipline, commitment, maturity and effectiveness. It demoralized ruling party and opposition. According to PPP’s Nisar Khuro, leader of the opposition in Sind Assembly "we have rules [relating to party discipline] but often they are not implemented. Generally we'd rather wait for a member to leave us, rather than having to force him out Parties feel they can't just hack their own people".⁵⁷ It has been keenly observed that the Party system is highly centralized and decisions are imposed rather than shared. Because of highly centralized structure, the parties faced serious consequences whenever their respective leaders were in exile. During exile, Benazir Bhutto fully controlled political party and powers were not shared. The same situation was in case of Mian Muhammad Nawaz Sharif, exile in Saudi Arabia but controlled from abroad.

“Notwithstanding Sharifs policies the coup was driven more by the Army’s concern for saving its own institution. It was feared that by instituting personal control of the Army, Sharif would eventually downsize

⁵⁶Sadiqui, Tasneem, The Drama of Democracy, Dawn, 26th June 2003

⁵⁷ Crisis Group Interview, Karachi, February 2005.

the military and reduce its size. Moreover, the Army did not appreciate the prime minister's interference in military matters. Defence related issues have always fallen in the military's ambit."

So for strengthen role of political parties either they are in government or opposition, must concentrate on parliamentary education, discipline, commitment and respect for institutions.

INSTITUTIONALIZATION OF DEMOCRACY AT GRASS ROOTS LEVEL

Establishment of democracy means that actual spirit of democracy should be accessed. The institutions need smooth democracy when they are deep rooted and when they are supported by the legitimate struggle of the common man. Now the question is how people can participate in decision making process. In fact people's participation is important and required from local to federal level. At local level, elections are conducted to resolve matters regarding local development issues. Local Government System was introduced in sub-continent but the powers were not delegated. The actual power was enjoyed by the British Indian Bureaucracy. In fact role of the local government was kept limited intentionally. Indian Bureaucracy and the British offices were assigned political responsibility. On contrary, Muslim League and Congress were timely discussed.⁵⁸ The British Government always talked central leadership of congress and Muslim League and issues related to constitutional matters were examined rather than administrative or development. So, local government system was not strengthened and they had been made system of government even discussion after independence in Pakistan.

⁵⁸Cheema, A., A. I. Khawaja and A. Qadir (2005). Decentralization in Pakistan: Context, Content and Causes. Kennedy School Working Paper Number: RWP05-034.

Generally speaking local government system means transfer of power from central government to local level. It should be called that from centralized structure to local level, the decisions are responsive to needs of common man. Pakistan's political and administrative structure are highly centralized and absolute unresponsive to people's expectations and extremely nonproductive to society. The problems remained unresolved. After independence, Pakistani politicians focused on constitution making but ignored local government structure which strengthened bureaucracy.⁵⁹ Finally 1956 Constitution was framed and three legislative lists were placed in constitution e.g. federal, provincial and concurrent legislative list. The things which needed to be decided according to the constitutional features must be addressed politically. It has been observed that the political power structure will be transferred from central to local government. Its tragedy that 1956 Constitution was abrogated and Ayub Khan imposed Martial Law. Ayub Khan introduced BD system. He said, "Democracy in Pakistan should be of a type that suits the genius of the people, this would throw up a "patriotic, honest, realistic and dynamic leadership". The bureaucrat's participation remained dominated because BD Members were treated as Electorate College.

During the British Government regime in Sub-Continent, the financial powers were given to selected officers and the local politicians were not acknowledged. The issues were discussed by Central Command and the officers (ICS Officers) were nominated to examine and further to finalize them. After division of the Sub-Continent the local government system was not properly addressed. The power

⁵⁹Ibid. The authors would like to acknowledge invaluable research assistance provided by Usman Talat, Mariam Mufti and Ali Fareed Khwaja. We would like to thank Daron Acemoglu, Mahmood Hasan Khan, Reza Ali, Haris Gazdar, Shandana Mohmand, and Anjum Nasim for their comments. This work would not have been possible without support from the CIDA funded LUMS-McGill Social Enterprise Development Programme

structure remained centralized and the financial powers were given to the bureaucracy who was comparatively more organized, educated and groomed. In these circumstances, the bureaucrats focused to dominate political set up of new state. Governor General Ghulam Mohammad as 'civil servant earlier and then played above board rules to command the political set up. It is a known fact that 1956 Constitution. After the British Government Raj, the Local Govt. System existed not only in Punjab in the terms of Panchayat System as Municipal Councils. All members were not elected except few one. After independence, the politicians were not committed to continue local Government System and decentralization process. District local governments were formed but decisions were taken by the bureaucracy. The bureaucracy controlled them politically and financially. In fact the members of local government were not elected and they lack of legitimacy. The limited franchise and massive maladministrative practices weakened the local government system. 1950's decade reflected political instability which caused of centralization and further controlled by the civil and military bureaucracy. The Muslim League failed to play major role which required of democratization process after independence. The leadership of Muslim League treated local government system not as to provide political bases to meet meeting political challenges but also as strong rival. In fact the leadership of Muslim League wanted to paralyze the local government and to strengthen district administration. These politicians were not deeply mass rooted but ruling as the feudal and the industrialists. They were not interested to provide political base to the common man. Ayub Khan sabotaged 1956 political set up and banned all political parties through the promulgation of Public Office Disqualification Order (PODO) and Elective Bodies Disqualification Ordinance (EBDO) had paralyzed democratic set up which compelled to the politicians to change loyalties and to restrict

them politically.⁶⁰ It was amazing situation that just after a long political struggle for separate homeland, the political activities were banned and the elective members were disqualified. In these circumstances, the politicians were seeking administrative and political favor which can be received only through bureaucracy and military. More than 6000 political personalities were banned and restricted. Ayub Khan introduced Basic Democratic System (BD System) which channeled to legitimate 1962 Constitution and further to strengthen the office of the President. Eighty thousands (80,000) representatives as Electorate College for the election of the President and National / Provincial assemblies had been selected.⁶¹ No doubt Ayub Khan used politicians for personal political gain but it is true that this era provided political basis to rural and urban areas at grass root level. This approach was synthesized with the mobilization of rapid urbanization during fifties and sixties. It had been observed that the political elite mobilized urban community and the students against Ayub Khan. High level politically mobilized forces compelled Ayub Khan for removal from power. Local government system went into dustbin but provided grass root political foundation. Zulfikar Ali Bhutto successfully mobilized urban political forces and impressed them. The urban intellectual community including the lawyers, students, journalists favored Zulfikar Ali Bhutto and derailed Ayub Regime.⁶²

During Zia-ul-Haq regime, it has been observed that the Martial Law Administration focused on centralized structure including decentralization to some extent. As 1973 Constitution was amended through 8th amendment, maximum powers were given to the President and the Prime Minister was bound to follow the former. In meanwhile, like Ayub Khan, Zia introduced local government system which shifted

⁶¹ The Constitution of 1962, Article 158

⁶² Dawn, 26th March 1969

power structure from central to local level. Zia-ul-Haq introduced local government election on 'Non-Party' basis which marginalized the influence of the strong political parties.⁶³ Besides this, Zia's anti-politician strategy left no place for the politicians except to join Zia Regime. It is a known fact that Zia-ul-Haq military administration disqualified majority of the politicians, belonging to PPP directly or indirectly. Later on, the evidences proved that anti-PPP thinking and anti-political party strategy of Zia-ul-Haq promoted ethnic, lingual and sectarian conflict. The ethnic and lingual political personalities were politically framed. Because of Afghan Jihad, the Jahadi organizations were financially and politically facilitated and the religious political parties were strengthened. Zia's local government system was different from Ayub Khan's local government system in terms of some aspects. Zia attempted to reduce the power of bureaucracy by declaring the Mayors as authority. Ayub Khan had given controlling authority to Deputy Commissioner who was dictating District Administration and having of complete autonomous political and financial powers. Zia introduced legislative division between rural and urban. This is different from Ayub Khan's who focused on coordination between urban and rural councils through district councils.⁶⁴

One thing was observed that Zia-ul-Haq intentionally focused on strengthening urban areas political environment and division between urban and local generated disruption regarding allocation of resources and expenditures. This approach helped to consolidate urban political parties, such as Motiheda Qumai Movement (MQM) in Sind and Nawaz Sharif Muslim League faction in Punjab. Zia attempted to accommodate all those political figures in urban and rural areas who

⁶³The Muslim (Editorial) 21th December 1984

⁶⁴ Cohen. P. Stephen,(1984), The Pakistan Army, University of California Press, Berkeley,p.117

were affiliated on ethnic, lingual and sectarian basis.⁶⁵ The concept of numerical majority was counterbalanced in terms of rural and urban consolidation. In 1985 Election, strength of rural majority was uploaded to negotiate development matters at federal and provincial level. It has been empirically observed that rural majority always dominated the parliamentary structure generally and local government structure specially. It had been reflected at political culture environment so that it's encouraged localization concept within parliamentary framework. Non-party election 1985 clearly viewed as personalized patronage because rather than political party politics, the political figures preferred to approach on individual basis. The ideological political environment was converted into powerful local money brokers and party leaders. Collective decision making process regarding pre-election and post-election scenario was completely damaged. Since 1985, the candidates remained switched off from political parties.

DEVOLUTION OF POWER PLAN 2002

Pervaiz Musharraf introduced reforms to define the relationship between the administrative and local bodies' representatives e.g. devolving administrative and expenditure responsibilities to local governments, the decentralization involved, to differing degrees, changes in the administrative level of decision-making, the accountability of the decision making authority (political or bureaucratic) and the nature and amount of fiscal resources available. Secondly, the decentralization process was not uniform across all functions, with significant heterogeneity in its extent not only at different administrative departments but often also across different services within a department. Finally, there form took place fairly rapidly and under military rule concept the time, when no provincial and national elected governments

⁶⁵Hussain, Mushaid, (1990), Pakistan's Politics- The Zia Years, Progressive Publishers, Ichhara, Lahore, p. 134

were in power. As a result it is still in a process of flux and is undergoing changes even as this note is being written. While one can foresee some of these changes, a note of caution needs to be raised in taking any description of the current decentralization as final.

“The most significant accountability change is that the de facto head of district administration under the previous system, the deputy commissioner (DC), used to report to the *non-elected* provincial, whereas in the present system the head of the district administration, the District Coordination Officer (DCO) reports to the *elected* district Nazim. Although it needs to be pointed out that the authority of the Nazim over the DCO and Executive District Officers (EDO) is circumscribed in matters of transfers and promotions, which continue to remain under the purview of the provincial secretariat, and as a result this accountability change remains circumscribed in both a de jure and a de facto sense”.⁶⁶

In order to understand the current decentralization process in Pakistan it is imperative to view the reform in the historical context of previous such reforms. In particular a constant theme that emerges in this context is that these reforms have somewhat paradoxically been brought about by non-representative regimes such as the British during the pre-independence period and the military during post-independence. In fact each of the three military regimes in Pakistan has implemented local government reforms and each political government that has followed has undermined these reforms or at best simply ignored the local governments. These reforms have all involved decentralization from the Province to local levels but often a recentralization at the Federal levels. Our interpretation is that these reforms have

⁶⁶Manning, N., D. Porter, J. Charlton, M. Cyan and Z. Hasnain (2003). *Devolution in Pakistan – Preparing for Service Delivery Improvements*. Pakistan: World Bank

been used as a means for a non-representative centre to gain legitimacy by by-passing the political agents at the provincial and national levels.⁶⁷

Moreover, the conflict between the provincial representatives and local governments we have highlighted does not bode well for the future of the current decentralization programme either. Already, with an elected provincial and national government in place, we have begun to see conflicts arising between the province and local governments. However, what is different about the current decentralization reforms is that they have gone much further in terms of their extent and scope. While the local governments still have little revenue raising abilities, and have effectively limited ability to decide their expenditures given that the majority expenditure is in the forms affixed “establishment costs”, the delivery of most public services has now come under their purvey. While these local governments’ future is still uncertain given the lack of constitutional support and conflict with the provincial governments, what is clear is that if they remain, we are likely to see an impact on the delivery of these public services. Whether this will be for the better, as local governments may become more accountable to the general public, or for the worse, if local governments fall into patronage and “biraderi” politics remains to be seen.⁶⁸

EXECUTIVE SUMMARY

By understanding of the political scientists, institution is synonymous of behavior and attitude which will manifest the anthropological aspects of society regarding political and social developments. The political scientists talked about political culture, political socialization, political authority and formal and informal mechanism of society to examine growth of democracy and democratization process.

⁶⁷Op.cit 108

⁶⁸Ibid.

Established democracy is happened when political culture will be properly investigated and examined. Political socialization is directly associated with political culture. It is the political socialization which will explore the methods to strengthen or reinforce the process. Within political culture, the attitude and behavior of a society are not radically changed but gradually translated, resulted in favor of institutional structure.

Power is in politics and the political scientists believed in struggle for power to protect interests whether individual or state. In the light of establishing institutions, the political process will determine the legitimate sources of society. Within authoritarianism or closed political systems, the mutual consensus will not be examined. On the other hand, the established developed open political system will talk about how and why the issues matter and then how to execute. Within a political system, the political power is a constant struggle which will be among the political actors like individual groups, political parties, ethnic or lingual groups and interest groups. Objectives and resources are elaborated and discussed. The above mentioned political actors are constitutionally authorized to deal power in order to achieve institutionalization process. It is commonly observed that main actors within political process have less influential voice than 'elite' actors. Besides this reality, the role of both cannot be separately examined. Civil Right Movement is not old once, it reflected the combined efforts of 'mass' and 'elites'. Main movements are translated into purposeful orientation when issues are properly discussed and further streamlined in process. Robert Dahl classified regimes e.g. most liberal and least liberal. Dahl (political scientist) has developed his classification in the light of political rights which path towards democratic change. When the issues of society will not be properly addressed, the regime will be weakened and will loose credibility. A political

actor can oppose the regime but cannot deny its existence or process. It has been observed that authoritarian regimes are broken down through revolution or democratic change. The Karl Marx School of thought expressed radical change whereas the sociologists focused evolutionary process.

Democracy, institutionalization process and gradual regime change are the continuous constant reality in pursuing of achieving fruitful results like state building and nation building. Magna Carta, French Revolution and American Revolution are modern political development. The 'people' are referred as victory of democracy. At the end of these regime changes, they got happiness, liberty, equality and get rid of authoritarianism. It has been observed that people had been restricted in East Germany from enjoying the blessings of liberty in West Germany. Democratic movements changed the behavior and attitude of society which replaced military governments. No doubt Communist Revolutions occurred in Asia, Africa and Europe but they restricted societies and deprived their people of open political attitude and cultural attributes. Institutions were not passed through a 'transitional' phase. Memories regarding democratization process and institutionalization process are not admirable. Both are question mark in Pakistan. Apart from this fact that democracy in Pakistan has been insulted, it is a good supporting point that Pakistan's democracy is not depressing. Pakistan has unique experiences with democracy. After long constitutional struggle, the country's existence came true but basic features were complicated. It received British legacy e.g. strong bureaucracy, disciplined army and few powerful feudal class politicians, searching from personal benefits and lacking of democratic vision. Democracy cannot be flourished whether the political power was controlled by the military or politicians. Struggle for constitutional government is dream in Pakistan. In Pakistan, proper mechanism has been evolved to generate

political culture. It is the understood phenomenon that political socialization is the root to plant democratization process in any country. Due to lacking of this important factor, the individual behavior does not match to democracy. Pakistan has multiethnic features and for agreed to political freedom and institutionalization process, federation, like to be US political system, was constituted to consolidate democracy. From 1947-1971, the system regarding understanding of democratic consolidation was not properly developed. How the individuals are taught rights and virtues? How the political elites are politically trained and why system is not working? In post martial law phases, the expectations were pointed out that the political elites would democratically behave but these do not come true. Underlying reality is that it was not acknowledged that process of conversion of any political system from authoritarianism to democracy should not be considered a set pattern. To accept transition is the major challenge and obstacle behind failure of democracy. It is a true fact that the democratic governments' did not enjoy democratic behavior and environment. Mass support for the political activities had been observed in elections but logical temperament of a common man regarding democracy had not been examined. In some respects, the people are not democratically educated. Democracy needs moral, political and social support. David Easton focused on political culture for the survival of the democratic phases. Almond, believed in 'input output'; system as matter to be functionalize democracy. Recent studies viewed that political culture is the foundation of democracy. In the light of the above cited observation, it can rightly be said that political system has not be explained. Successful democracies are happened due to political culture. Democracy is the game of numerical figure and its reliability depends how much political culture is strong. It has been keenly observed that democratic institutions are weak in Pakistan. Political parties are essential

element for democratization and institutionalization process. Democracy in Pakistan has remained a question mark. Since 1947 to update now, the political parties did not pay complete attention to mature democracy. Muslim League's role after partition was narrow and failed to perform a national wide political party role. Just after few years of independence, Muslim League was not only spirit but also had to face defeat in Provincial Assembly 1954 in East Pakistan. The political elites were confused regarding constitution making process and political process. Debate on forms of government, proportional representation, ethnic and lingual cases and civilian military relations were started. Finally, when Pakistan met 1956 Constitution but the tussle between civilian institutions provided chance military to take over the government. Ayub Khan strengthened military and civilian administration to weak political parties. Consequently, the military establishment weakened political infrastructure. EBDO paralyzed the politicians because Ayub Khan wanted 'yes' man, finally resulted controlled democracy. Military and civilian establishment exploited rivalries among the Pakistani politicians and systematically captured the civilian institutions. Ayub Khan's martial law regime was a deplorable and pathetic departure of the parliamentary supremacy. Mirza Ghulam Mohammad, Iskander Mirza and Justice Muhammad Munir were the main exploiters of democracy in Pakistan.

Political parties are responsible to aggregate interests and to articulate policy for the common man. Political parties are the sound options to design institutions and to continue democratization process. Political parties are able to examine the performance of the common man. Side by side, the political parties are accountable before the common man by through electorate process. Pakistan's political history is a setback of disillusionments. Within marital law days, the political parties are hijacked and within parliamentary democracy, the military establishment attempted to control

democracy. So the political parties had been restricted to flow. This tendency extended within political parties when specific political elites are considered to run the trade affairs of the party. The political leadership did not promote democratic values within their respective parties. The marital law regimes reinforced their own interested political class, which can facilitate their interests. The political personalities preferred to have relations with military and civilian establishment. Political parties are the representative of the modern government and democracy. It will be correct to say that there are the constitutional means to define rights and duties of society. Political parties are challenging authority before the authoritarianism. Ayub Khan, Zia-ul-Haq and Pervaiz Musharraf introduced their own suited political party ordinance and controlled 'parliament'. In democracy, elections are breath for the political parties and the political institutions. Elections are held for accountability of the political parties. Political parties are streamlined before elections because they have to defend their past and along with explain future policy matters. Elections are suitable options for the political system; the elections are dictated and suitable results and translated. In Pakistan, Election Commission performed less effective role. Election Commission is responsible for conducting democracy. Political leaders are bound to follow the rules and regulations. Despite of having institutional mechanism, Election Commission office did not prove supremacy. No doubt functions and powers of Election Commission Office have been defined but continuous military and civilian interference have minimized the strength of said institution. For democracy, the institution like Election Commission of Pakistan is considered synonymous to political development. Independent working of election office can ensure credibility of election and voter's voice.

Finally, judiciary is traditionally acknowledged as one of the essential organ of

state to protect the fundamental rights of the individuals. Lord Bryce said dismal picture of judiciary should be considered the failures of institutions. Judiciary has to perform certain functions like protection of individuals' rights and to have checks over the other institutions. Judiciary has to maintain the supremacy of law within state. Experiences with judiciary in context of democracy are not positive in Pakistan. First time the nation had to see depressed movement when Ayub Khan's martial law was legitimized by the Justice Muner. Ayub's 'Adventure' was announced 'Revolution'. Superior Judiciary declared General Yahya Khan martial law regime illegal and Martial Law Regulation Order No. 78, issued by Yahya was void. Bhutto was judicially murdered and Supreme Court acknowledged his martial law regime, in the light of 'Law of Necessity'. Few months later, the superior judiciary had to accept Provincial Constitutional Order (PCO). Judges were selected by Zia-ul-Haq to take oath. Justice Mulavi Mushtaq Mohammad, loyal and committed to Zia-ul-Haq was not called for PCO, although he played his role in Bhutto's case. According to Zia-ul-Haq, man is answerable to God, not to people. Same episode was happened during Musharraf era. Once, the Army Chief was obliged by Chief Justice Iftikhar Mohammad Ch. Second time, imposed emergency of Pervaiz Musharraf was not accepted and needed resistance had to face by Musharraf.

Pakistan's institutional and constitutional arrangements are suffering due to continuous interventions of the military dictators. The established relationship of military and civilian bureaucracy not only divided political parties but also brought instability within judiciary. It is also pointed out that judiciary has failed to play for sighted meaningful role during martial law regimes. Pakistan faced numerous constitutional packages during military regimes. Zia-ul-Haq introduced 8th amendment whereas Pervaiz Musharraf enjoyed 17th amendment. Judiciary has been

routed out many times by the civilian and military governments. With such constitutional engineering, politicians had to face compromised democracy which generated institutional chaos and social repression. By accepting extra-constitutional moves of the military dictators, judiciary strengthened army in Pakistan's politics. This has led a significant distortion of institutionalization process in Pakistan.

By keeping in mind the institutionalization process in Pakistan, this is correct to say that much more attention was not given to political culture, and political mobilization process. Fewer efforts have been made to measure the political development process. Democratization process exists in every system, including behavior of the individual and finally social and cultural values of society. It is important to identify concerned issues on to preferences to be aggregated to the level of collective choices. Pattern of behavior will be reflected in institutions. Continuous social interactions among the individuals can promote civic identity. Institutions are formulated by a process of adaptation. Leadership needs specific role to understand differences between democratic and non democratic actors, in order to minimize institutional problems. While constructing representative institutions, the people will enjoy the legitimacy in established democracy because they are offered political and economic incentives.

CONCLUSION

OBSERVATION:

As being sovereign state, Pakistan emerged on world political map in 1947, having British legacy based political, bureaucratic and military infrastructure. Pakistan was a unique state, geographically disconnected and culturally desalinated state. East Pakistan and West Pakistan has one common factor, called religion, laid down the foundation of Pakistan's Movement. Because of weak state, it had to show dependency over external forces, to meet security and economic challenges. Pakistan had shown full commitment with Western block to counter these challenges. In the presence of weak political culture, Muslim League failed to produce leadership vision, further provided space to military establishment. Ghulam Mohammad, Major General Iskander Mirza and General Ayub Khan derailed political supremacy and established military hegemony. Ayub Khan abrogated 1956 constitution and introduced 'Revolution' which was judiciary legitimized latter on. Ayub Khan Regime focused on economic factors and attempted to facilitate political elites through controlled democracy. The political leadership of West Pakistan was dominated by the feudalists whereas East Pakistan has different approach. The existing political culture on both sides was entirely different and opposing to each other. One Unit Formula was politicized and manipulated in different meanings. 1956 constitution was not acceptable for Governor General Iskander Mirza because his powers were curtailed and office of the Prime Minister was constitutionally more

empowered. Ayub Khan 1962 constitution, Local Government System and National Assembly were made suited only to him. In Ayub Khan regime, fundamental theoretical questions regarding democratic system, political socialization and consolidating features of institutions were not addressed. Zulfikar Ali Bhutto era was an introduction of social democracy, framed 1973 constitution but did not reinforce democratic values in actual spirit. Baluchistan government and NWFP political leadership was politically victimized. Mengal Government was removed and Khan Abdul Wali Khan and Mufti Mahmood were jailed. On some occasions, his attitude was autocratic and absolutely neglected social democratic culture. His land reforms and industrial policy were failed to grasp common man, resulted strong opposition. Bhutto era did not introduce radical changes to patronize democratic values. Political democratic values had been extremely neglected and Mr. Bhutto followed highly centralized political structure. Even his political opponents called him absolute fascist when he had established Federal Security Force (FSF), defined a poor non-democratic attempt to dismantle opposition. Bhutto focused to develop a particular kind of political culture, suits to characterize his political strength. He negated strong commitment to establish institutions. It is a known fact that he did not bother to give political roles to others, resulted hampered political process. In the result of internal and external disharmony Bhutto's regime was collapsed and again political power was shifted to Zia-ul-Haq, Chief of Army Staff whose Islamization policies stopped political and institutionalization process. Zia-ul-Haq era was dominated by Afghanistan Jihad. Internal and external policy matters were controlled by Zia-ul-Haq. Like Ayub Khan, Zia-ul-Haq introduced controlled democracy in shape of Majlis-e-Shoora, Amended Political Parties Registration Act, Referendum, Local Government System and National Security Council. A number of ordinances had been

issued to attain far reaching political benefits, 8th Amendment finally changed the identical features of constitution. Zia-ul-Haq regime was nothing itself except inclusion of Islamization in each segment of state and society.

A specific oriented class within Army was given opportunity to promote views. The working of Parliament was to some extent admirable because Prime Minister, Mohammad Khan Junejo inquired Zia-ul-Haq on some important issues. No doubt his government was the product of Zia-ul-Haq but proved to play a parliamentary role. Zia-ul-Haq faced constitutional and political problems regarding internal and external issues. Zia-ul-Haq felt insulting attitude when he was disagreed on two important issues e.g. Geneva Accord and Ojhari Camp. Through 8th Amendment, Zia-ul-Haq not only provided legitimacy to his extra-constitutional deeds but also introduced a new variety of presidential form of government. On the other side, Zia-ul-Haq deprived of Parliament to induct military officers to command external policy matters through NSC. Zia-ul-Haq social-economic and religious reforms benefited to a specific class within society. Throughout regime, Zia-ul-Haq did not attempt to promote institutional arrangements for strengthening democracy and institutions. In post Zia-ul-Haq period, the political successive governments were awarded limited role to enjoy political power. The intelligence agencies played secret role to rule indirectly by opting 'divide and rule' policy. Immature political leadership was hijacked by military establishment. Instead of focusing political development and of identifying political problems, the political leadership had been indulged into personal gaining. In these eras, the horse trading and floor crossing were the main factors to destabilize democracy. No positive measures were taken to promote understanding between civilian-military relations. The bad governance damaged image of political governments, resulted weak democratic system. This strategy was

designed to minimize the influence of political leadership. Again, Pakistan had to face Musharraf's Martial Law when confrontation between military and civilian leadership was occurred due to Kargil episode. Military was not pleased Nawaz Sharif already due to Karamat resignation as Army Chief and now Kargil episode was happened. The unpleasant environment between civilian-military leadership had paralyzed democratic system. The Musharraf regime had filled with constitutional and extra-constitutional cherished demands. Once he was given constitutionally concession by Supreme Court like Zia-ul-Haq but next time his imposed emergency and extra-constitutional regimes were not acknowledged. Religious militancy was wide spread phenomenon during Musharraf regime. In 2002 election, Pervaiz Musharraf intentionally avoid moderate and secular political parties and had placed Mothida Majlise-e-Amal (MMA) within political set up. Like 8th Amendment, Pervaiz Musharraf introduced 17th Amendment and designed National Security Council (NSC) to dominate internal and external affairs. He was interested to provide a constitutional role to military within framework. Pervaiz Musharraf forced to attain supremacy of military establishment over parliament. Controlled democracy, Local Government System, National Security Council, sponsored king party domination and changing business rules of political parties ordinance were the main factors to demise the role of parliament as an institution.

FINDINGS:

It is the time to say that Pakistan's political history was shaped by the military establishment. Long tenures of Martial Law governments weakened democracy and restricted its growth. It is generally believed that major concession was not given to political parties. Since independence, the political process was restricted. Since 1958

to 1970 and 1979 to 1989 and 1999 to 2008, the military establishment sponsored political parties were given political power. Desperate efforts were made to dominate political elites. Serious contradictions among political elites sidelined actual spirit of democracy and promoted self-centered and opportunist political leadership. On the other side, it will be correct to argue that continuous military regimes paralyzed political socialization process. This benefited to the feudalists and the industrialists. For these political elites, democracy was not a question. These non-democratic political elites were the main cause of the breakup of the political society. Instead of designing institutional arrangements of the political set up, the artificial political elites were engaged with the military and civil bureaucracy for expanding their role. Capable political elites can strengthen democracy. Within parliament, how many political / public representatives have attended parliamentary sessions, debates, seminars, parliamentary committees and cabinet proceedings? Political education to public representatives is considered essential feature for survival of democracy and institutions. Institutionalization process requires the political will to integrate society.

Democracy is a subject matter to world thoroughly. In developed state, it has been accessed as consolidated. On contrary to, it democracy is in transition phase in under developed and developing countries. The open political system assured fair and free thinking whereas the closed societies failed to access open debate and discussion. The intellectuals argued that the communist regimes failed to find out the underlying problems of state and society. The media was controlled and institutions were not flourished. The common man was deprived of addressing issues and investigating democratically. It is the ultimate reality that the closed political systems have lack of legitimacy. Gradually, the communist regimes provided space to their respective societies to some extent but the hard liner governed government with little bit change

environment. Acceptance and reliability were the forcing challenging threats to said societies. Systematically, the change, taking place within societies, were not acceptable for the authoritarian communist regimes. They require the proper democratic values and standards for understanding the balloting procedures. Within communist regimes, the information was kept secret and political propaganda was promoted to great extent. In Soviet Union, former USSR President Gorbacheve attempted to transform society without disturbing but his efforts did not come true. The political system of Soviet Union was not capable of managing political decisions openly. The system focused on maintaining the rule of the one party e.g. communist party. Except this, state lacks institutional arrangement for massive constitutional and political changes. It will be correct to say that the communist or authoritarian regimes have weak institutionalization process and political culture, basic need for democracy. The conditions, existing in these regimes, are not considered opening option for political and social changes. Institutionalization within state is an ongoing process, able to accept democratic counterparts. Within democratic regimes, democracy stands for civics virtues, social association and high level public participation. On the other hand, non-democratic and authoritarian regimes will not allow constituting political groups and will be restricted political socialization. Political opposition will not be tolerated. The democratic societies will encourage political culture, socialization process and progressive trends of society. The democratic regimes will allow discussion and will focus on options as open window to meet competitive challenging environment. Successful democracy has some features like political culture, political parties, free and fair election procedures and legitimacy. In developed democratic systems, political indications are not manipulated. These societies will generate proper political culture and political forces to put forward institutionalization process.

Democracy will address institutions and social system. In the presence of strong democratic regimes, the authoritarian regimes will be flooded. Further it would result in a strong middle class, to actualize the role of civil society. The political thinkers argued that democracy has transitional phases which talked about changing social and political circumstances. Modern political thinkers stated that political culture and economic factors are reinforced elements to democratization process from authoritarianism to democracy. The authoritarianism based regimes will lack political legitimacy, further lead to collapse of state's policy process, and implementation approach. Such regimes will not be in position to define political ideas and goals, further led to politically disaster. Many political experts argued that non democratic factors will attempt to destabilize the transition process of democracy and institutionalization.

RECOMMENDATIONS:

Despite the fact that the political history of Pakistan has seen many military regimes and weak political dispensation, there is a need for taking certain steps to achieve the true spirit of institutionalization in Pakistan. Firstly, the democratic process in Pakistan should be allowed to prevail and the military interference in the form of coups or otherwise is to be discouraged. This can be achieved through accepting each other's mandate by the political parties. India is a successful example to be followed. Throughout the Indian history, the Indian political leadership has learnt to resolve their problems themselves without being led by the military rulers. Britain the oldest democracy has followed and supported the spirit of democracy to strengthen institutions and has taken centuries to be called the greatest democracy of the world. Civil military relations also need to be based on the concept of

constitutional supremacy in Pakistan. In the past, military has dominated over the civilian government as far as policy making is concerned and even sometimes dictated terms of engagement to the government. The recent example is that of closing NATO supply line and its opening. In the same way, the Kargil episode is said to be a military adventure without taking civilian leadership into confidence. Even no inquiry with respect to Kargil debacle has been conducted to bring to surface the facts. India has been successful in maintaining balance in military civilian relations. The US is also a leading example as far maintaining civil military relations are concerned. President Obama removed a tried and tested General from command of US leader troops in Afghanistan where the General ignored orders of the US President, who is the supreme commander of the forces.

Separation of powers for the three pillars of the state as envisaged in the Constitution is necessary for attaining institutionalization in Pakistan. Because of weak institutions, the executive has been controlling judiciary and has made legislature literally subservient. But in the current scenario judiciary has asserted itself and has even brought the executive to the toes in the cases in which executive has failed to deliver. The US is an excellent example of separation of powers. Even the populist leaders like President Wilson who gave the idea of League of the nations could not get membership of this organization because of opposition from the Senate. Media plays an important role in supporting the other three pillars of the state. An effective and positive media through objective and transparent reporting can lead to strong institutions in Pakistan. No doubt media in Pakistan is still said to be in the stage of infancy but it has played pivotal role in restoration of judiciary during lawyers movement and it has even contributed in the awakening of the civil society which otherwise has been dormant.

Pakistan like many other democratic countries as UK and Australia can follow the concept of Shadow Cabinet to politically train the elected representatives. This will not only enhance their capacity but also will be a source of constant check on the various ministries to make them efficient institutions. At the same time opposition should not use the forum of opposition leader for criticism for the sake of criticism. In fact in the wake of the 18th Amendment to the Constitution of Pakistan, the role of opposition leader has attained importance keeping in view judgments of the Supreme Court in the appointment of Chairman NAB and the other appointments. Even the opposition leader has to play his role in the appointment of Caretaker government, which is fundamental prerequisite of holding fair and transparent elections.

Role of Election Commission in a country is instrumental in institutionalizations. Unfortunately in Pakistan, Election Commission has been used by the establishment or by those at the helms of affairs for rigging and achieving the desired results. Even the process of scrutiny has been overshadowed under one pretext or another. In our neighboring countries like India Election commission is a powerful institution which even has executive powers to remove or appoint the officers at key positions before or during elections to ensure transparency. Moreover, holding of elections at regular basis is also necessary for institutionalization. Ever Iran has held elections on regular basis despite reservations shown by the conservatives. During the last political regime (2008-2013), election of local bodies were not held due to political reasons but it has sidelined local government system as a third tier of administration of the state. Now onus of holding local bodies' elections as per the constitutions lies on the current provincial governments for efficient working of local administration.

Institutionalization in Pakistan will remain a dream as long as dynastic politics prevails in Pakistan. Bhutto dynasty and Sharif dynasty have been ruling the roost and same faces change guards. The provision of party elections has been deleted from the Constitution under 18th Amendment which has made the leading political parties dynasties. In fact dynastic politics gives rise to the politics of electable, which again is against the spirit of democracy and institutionalization.

Parliamentary supremacy is of vital importance for institutionalizations in Pakistan. Unfortunately parliamentary committees have not been given due leverage in our parliamentary history rather individual will prevailed over the recommendations of the parliamentary committee which has made these parliamentary committees dysfunctional. It is the responsibility of the Parliamentarians to play active role in the Parliamentary Committees so that the legislation process will be reflection of democratic spirit and path towards institutionalization process.

Accountability lies in the heart of democracy. Sense of accountability is more important than the mechanism of accountability. The various corrupt scandals in Pakistan are reflective of the fact that the political leadership had no interest in accountability which led to massive corruption and weakening of institutions. Now transparent and accountable mechanism of accountability to bring to book the corrupt elements for the sake of justice and fair play in the society must be developed.

Equal responsibility also rests on the legislature to play its constitutional role in legislation. The previous practice of rubber stamp parliament is to be done away with and effective parliament which can guarantee the supremacy of the institutions in Pakistan. All the organs of the state need to be empowered as enshrined in the constitution to play their role in their defined domains. Any clash between the

institutions of the state can be detrimental for institutionalization in Pakistan. No doubt judiciary can take 'Sue- motto' action in the cases where the executive has failed to deliver. But the constitution does not provide that the judiciary should assume role of the executive or cripple functioning of the executive. Rather it is there to put the executive on track or issue directions to the executive to perform certain functions as required under the constitution. Similarly the executive should implement orders of the Superior judiciary in true letter and spirit instead of resorting to the policy of avoidance or escape. Apart from the earlier debate it is an undeniable fact that Pakistan is a growing democracy in which clash of institutions is natural to arise. But good sense should prevail in all the three organs of the state which can only be possible if all those in the corridors of power think beyond their vested personal or political interests and give preference to the national interests by accepting mandate of one another. In this regard policy of restraint and policy of tolerance need to be imbibed for institutionalization in Pakistan to find pragmatic solution to the governance related problems in Pakistan.

BIBLIOGRAPHY

CONCEPTUAL AND THEORETICAL APPROACHES

Books:

- Abbott, Freeland. *Islam and Pakistan*. Ithaca: Cornell University Press, 1968.
- Adams, Charles J. "*The Ideology of Mulana Maududi*."
- Donald E. Smith, (ed) *South Asian Politics and Religion*. Princeton: Princeton University Press, 1966.
- Afzal, M. Rafique. "*Political Parties in Pakistan, 1947-1958*." Islamabad: National Commission on Historical and Cultural Research, 1976.
- Ahmad, Aziz. "*An Intellectual History of Islam in India*". Chicago: Aldine, 1969.
- Ahmad, Aziz. "*Islamic Modernism in India and Pakistan, 1857-1964*". New York: Oxford University Press, 1964.
- Ayub Khan, Mohammad. "*Friends Not Masters: A Political Autobiography*". New York: Oxford University Press, 1967.
- Aziz, K.K. "*The Making of Pakistan: A Study in Nationalism*" London: Chatto and Windus, 1967.
- Aziz, K.K. "*Party Politics in Pakistan, 1947-1958*". Islamabad: National Commission on Historical and Cultural Research, 1976.
- Baxter, Craig. "*Bangladesh: A New Nation in an Old Setting*" .Boulder, Colorado: Westview Press, 1984.
- Baxter, Craig. "*India and Pakistan*" New York: McKay 1974.
- Baxter, Craig. "*Pakistan and Bangladesh*" Lanham, Maryland: University Press of America, 1984.

Bhutto, Zulfikar Ali. "The Great Tragedy". Karachi: Pakistan People's Party, 1971.

Bhutto, Zulfikar Ali. "The Myth of Independence." Karachi: Oxford University Press, 1969.

Binder, Leonard. "Religion and Politics in Pakistan". Berkeley: University of California Press, 1963.

Burke, S.M. "Pakistan's Foreign Policy: An Historical Analysis." London: Oxford University Press, 1973.

Burki, Shahid Javed. "Historical Dictionary of Pakistan." Metuchen, New Jersey: Scarecrow Press, 1991.

Burki, Shahid Javed & Craig Baxter. "Pakistan under the Military: Eleven Years of Zia ul-Haq." Boulder, Colorado: Westview Press, 1991.

Callard, Keith. "Pakistan: A Political Study." London: Allen and Unwin, 1957.

Callard, Keith. "Pakistan's Foreign Policy: An Interpretation." New York: Institute of Pacific Relations, 1959.

Callard, Keith. "Political Forces in Pakistan: 1947-1959". New York: Institute of Pacific Relations, 1959.

Case, Margaret H. "South Asia History, 1750-1950: A Guide to Periodicals, Dissertations, and Newspapers". Princeton: Princeton University Press, 1968.

Chopra, Pran, (ed.) "Contemporary Pakistan: New Aims and Images." New Delhi: Vikas, 1983.

Choudhury, G.W. "Constitutional Development in Pakistan"(2d ed.) Vancouver: Publications Centre, University of British Columbia, 1969.

Choudhury, G.W. "The Last Days of United Pakistan." Bloomington: Indiana University Press, 1975.

Cohen, Stephen P. "The Pakistan Army. Berkeley": University of California Press, 1984.

Coupland, Reginald. "The Future of India". London: Oxford University Press, 1944.

Coupland, Reginald. "Indian Politics, 1936-1942". London Oxford University Press, 1943.

Coupland, Reginald. "The Indian Problem, 1833-1935". London: Oxford University Press, 1942.

Davies, C. Collin. "An Historical Atlas of the Indian Peninsula". London: Oxford University Press, 1959.

Feldman, Herbert. "The End and the Beginning: Pakistan, 1969-1972". London: Oxford University Press, 1972.

Feldman, Herbert. "From Crisis to Crisis: Pakistan, 1962-1969". London: Oxford University Press, 1972.

Feldman, Herbert. "Revolution in Pakistan: a Study of the Martial Law Administration". Karachi: Oxford University Press, 1967.

Hayes, Louis D. "Politics in Pakistan: The Struggle for Legitimacy". Boulder, Colorado: Westview Press, 1984.

Heeger, Gerald. "After the 'Tilt': The Making of U.S. Foreign Policy Toward Pakistan, 1972-1974." Lloyd I. Rudolph and Susanne Hoeber Rudolph, (eds) "The Regional Imperative: U.S. Foreign Policy Towards South Asian States". New Delhi: Concept, 1980.

Jalal, Ayesha. "The State of Martial Rule: The Origins of Pakistan's Political Economy of Defense". Lahore: Vanguard, 1991.

James, Morrice, with Peter Lyon. "Pakistan Chronicle". New York: St. Martin's Press, 1993.

Khaliq-u-zzaman, Choudhry. "Pathway to Pakistan". Karachi: Longman, 1961.

Korson, J. Henry, (ed). "Contemporary Problems of Pakistan". Leiden: Brill, 1974.

Muhammad Ali, Chaudhri. "The Emergence of Pakistan". New York: Columbia University Press, 1967.

Mujahid, Sharif al-. "Quaid-i-Azam Jinnah: Studies in Interpretation". Karachi: Quaid-i-Azam Academy, 1981.

Munir, Muhammad. "From Jinnah to Zia". Lahore: Vanguard, 1980.

Muqem Khan, Fazal. "Pakistan's Crisis in Leadership". Islamabad: National Book Foundation, 1973.

Noman, Omar. "Pakistan: Political and Economic History since 1947". London: Kegan Paul: 1988.

Oldenburg, Philip. "The Breakup of Pakistan." Lloyd I. Rudolph and Susanne Hoeber Rudolph (eds) "The Regional Imperative: U.S. Foreign Policy Towards South Asian States". New Delhi: Concept, 1980.

Rizvi, Hasan-Askari. "Internal Strife and External Intervention: India's Role in the Civil War in East Pakistan [Bangladesh]". Lahore: Progressive Publishers, 1981.

Rizvi, Hassan-Askari. "The Military and Politics in Pakistan, 1947-86." (3d ed.) Lahore: Progressive Publishers, 1986.

Sayeed, Khalid B. "The Historical Origins of Some of Pakistan's Persistent Political Problems." in A. Jayaratnam Wilson and Dennis Dalton, eds., The States of South Asia: Problems of National Integration. New Delhi: Vikas, 1982.

Sayed, Khalid B. "Pakistan: The Formative Phase". Karachi: Pakistan Publications, 1960.

Sayed, Khalid B. "The Political System of Pakistan." Boston: Houghton Mifflin, 1967.

Khalid B. "Politics in Pakistan: The Nature and Direction of Change". New York: Praeger, 1980.

Syed, Anwar H. "The Discourse and Politics of Zulfikar Ali Bhutto". New York: St. Martin's Press, 1992.

Symonds, Richard. "The Making of Pakistan" London: Faber, 1951.

Tahir-Kheli, Shirin. "The United States and Pakistan: The Evolution of an Influence Relationship". New York: Praeger, 1982.

Talbot, Ian. "Provincial Politics and the Pakistan Movement" Karachi: Oxford University Press, 1988.

Waseem, Mohammad. "Pakistan under Martial Law, 1977-1985" Lahore: Vanguard, 1987.

Weinbaum, Marvin. "The March 1977 Elections: Where Everyone Lost," Asian Survey, 17, July 1977, 7.

Wheeler, Richard S. "The Politics of Pakistan: A Constitutional Quest". Ithaca, New York: Cornell University Press, 1970.

Wilcox, Wayne Ayres. "Pakistan: The Consolidation of a Nation". New York: Columbia University Press, 1963.

Wirsing, Robert G. "Pakistan's Security under Zia, 1977-1988: The Policy Imperatives of a Peripheral Asian State". New York: St. Martin's Press, 1991.

Wolpert, Stanley. "Jinnah of Pakistan" New York: Oxford University Press, 1984.

Wolpert, Stanley. "A New History of India" (4th ed.) New York: Oxford University Press, 1992.

Wolpert, Stanley. "Zulfi Bhutto of Pakistan: His Life and Times." New York: Oxford University Press, 1993.

Wriggins, W. Howard, (ed). "Pakistan in Transition" Islamabad: University of Islamabad Press, 1975.

Ziring, Lawrence. "The Ayub Khan Era: Politics in Pakistan, 1958-1969" Syracuse, New York: Syracuse University Press, 1971.

Ziring, Lawrence. "Pakistan: The Hingama of Political Development" Boulder, Colorado: Westview Press, 1980.

Ziring, Lawrence, Ralph Braibanti, and W. Howard Wriggins, (eds). "Pakistan: The Long View". Durham, North Carolina: Duke University Press, 1977.

Ahmad, Munir. "The Civil Servant in Pakistan" Karachi: Oxford University Press, 1964.

Ahmad, Mushtaq. "A Challenging Assignment" Dawn [Karachi], November 12, 1990, 7.

Ahmad, Mushtaq. "Government and Politics in Pakistan" New York: Praeger, 1963.

Ahmed, Jamil-ud-din, (ed). "Speeches and Writings of Mr. Jinnah". (2 vols.) Lahore: Ashraf, 1952.

Bussey, John. "Pakistan Reform Clouded by Civil Strife," The Asian Wall Street Journal, August 1, 1991, 1.

Callard, Keith. "Political Forces in Pakistan, 1947-1959." New York: Institute of Pacific Relations, 1959.

Canfield, Robert L. "Restructuring in Greater Central Asia: Changing Political Configurations," *Asian Survey*, 32, No. 10, October 1992, 875-87.

Choudhury, G.W. "Constitutional Development in Pakistan." (2d ed.) Vancouver: Publications Centre, University of British Columbia, 1969.

Choudhury, G.W. "Democracy in Pakistan." Dacca: Green Book House, 1963.

Choudhury, G.W. "Documents and Speeches on the Constitution of Pakistan." Dacca: Green Book House, 1967.

Choudhury, G.W. "The Last Days of United Pakistan" Bloomington: Indiana University Press, 1975.

Coll, Steve. "In Bombings, Two Indians Meet," *The Washington Post*, March 14, 1993, A1, A22.

Coll, Steve. "Pakistan's Road to Prosperity?" *The Washington Post*, July 4, 1992, A15.

Desmond, Edward W. "The Undoing of Benazir," *Time*, January 29, 1990, 56.

Khan, Mohammad Asghar,(ed). *Islam, Politics, and the State*. London: Zed Books, 1985.

Khan, Rais A. "Pakistan in 1991: Light and Shadows," *Asian Survey*, 32, No. 2, February 1992, 197-206

Khan, Rais A. "Pakistan in 1992: Waiting for Change," *Asian Survey*, 33, No. 2, February 1993, 129-40.

LaPorte, Jr., Robert. "Power and Privilege: Influence and Decision-Making in Pakistan." Berkeley: University of California Press, 1975.

Mahmood, Safdar. "Constitutional Foundations of Pakistan."(2d ed.) Lahore: Jang, 1990

Moore, Molly. "Pakistan's Fragile Democracy under Strain," *The Washington Post*, January 10, 1993, A23.

Moore, Molly, and John Ward Anderson. "Islamic Law--and Zeal-Rise to Challenge Secular Politics in Pakistan," *The Washington Post*, October 21, 1992, A29, A33.

Pakistan. Ministry of Information and Broadcasting. *Nawaz Sharif: Nation's Choice for a Leap Forward*. Islamabad:1990.

Pakistan. "Ministry of Information and Broadcasting. *Pakistan1991: An Official Handbook*." Islamabad: 1991.

Pakistan. "Ministry of Justice and Parliamentary Affairs. *The Constitution of the Islamic Republic of Pakistan (as Modified up to 19th March 1985)*. Islamabad: Federal Judicial Academy, 1985.

Zakaria, Nasim. "Parliamentary Government in Pakistan." Lahore: New Publishers, 1958.

Ziring, Lawrence. "Benazir Bhutto: A Political Portrait," *Asian Affairs*, 18, No. 3, Fall 1991, 178-89.

Ziring, Lawrence. "Dilemma and Challenge in Nawaz Sharif's Pakistan." Charles H. Kennedy, ed. *Pakistan: 1992*. Boulder, Colorado: Westview Press,1993.

Ziring, Lawrence. "Pakistan: The Enigma of Political Development." Folke stone, United Kingdom: Dawson, 1980.

Arneson, R., 2002, "Democracy at the National Level," in *Philosophy and Democracy*,"(ed). T. Christiano, Oxford: Oxford University Press.

Beitz, C., 1989, "*Political Equality: An Essay on Democratic Theory*," Princeton: Princeton University Press.

Buchanan, J. and Tullock, G., 1965, "*The Calculus of Consent: Logical Foundations of Constitutional Democracy*," Ann Arbor, MI: University of Michigan Press.

Christiano, T., 2004, "The Authority of Democracy," *Journal of Political Philosophy*, Vol. 12, n. 3 (August): pp. 266-290.

Christiano, T., 1996, "*The Rule of the Many: Fundamental Issues in Democratic Theory*", Boulder, CO: Westview Press.

Cohen, J., 2002, "Procedure and Substance in Deliberative Democracy," in *Philosophy and Democracy*, ed. T. Christiano, Oxford: Oxford University Press.

Dahl, R., 1959, "*A Preface to Democratic Theory*," Chicago: University of Chicago Press.

Downs, A., 1957, "*An Economic Theory of Democracy*", New York: Harper and Row.

Dworkin, R., 2000, "*Sovereign Virtue: The Theory and Practice of Equality*," Cambridge, MA: Harvard University Press.

Ely, J. H., 1980, "*Democracy and Distrust: A Theory of Judicial Review*," Cambridge, MA: Harvard University Press.

Elster, J., 2002, "The Market and the Forum: Three Varieties of Political Theory," in *Philosophy and Democracy*, ed. T. Christiano, Oxford: Oxford University Press.

Estlund, David, 2002, "Beyond Fairness and Deliberation: The Epistemic Dimension of Democratic Authority," in *Philosophy and Democracy*, ed. T. Christiano, Oxford: Oxford University Press.

Goodin, R., 2003, "*Reflective Democracy*," Oxford: Oxford University Press.

Gould, C., 1988, "*Rethinking Democracy: Freedom and Social Cooperation in Politics, Economics and Society*," New York: Cambridge University Press.

Hayek, F., 1960, "*The Constitution of Liberty*," Chicago, IL: University of Chicago Press.

Hobbes, T., 1651, "*Leviathan*" (ed.) C. B. Mac-Pherson, Harmondsworth, UK: Penguin Books, 1968.

Hume, D., 1748, "Of the Original Contract," in *Hume's Ethical Writings*, ed. Alasdair MacIntyre, Notre Dame: University of Notre Dame Press, 1965.

Mill, J. S., 1861, "*Considerations on Representative Government*," Buffalo, NY: Prometheus Books, 1991.

Locke, J., 1690, "*Second Treatise on Civil Government*," ed. C. B. MacPherson, Indianapolis, IN: Hackett, 1980

Madison, J., Hamilton, A. and Jay, J., 1788, "*The Federalist Papers*," ed. Isaac Kramnick, Harmondsworth, UK: Penguin Books, 1987.

Mansbridge, J. (ed.), 1990, "*Beyond Self-Interest*," Chicago: University of Chicago Press.

Plato, "*The Republic*," revised/trans. by Desmond Lee, Harmondsworth, UK: Penguin Books, 1974, 2nd edition.

Rawls, J., 1996, "*Political Liberalism*," New York: Columbia University Press, revised edition.

Riker, W., 1980, "*Liberalism Versus Populism*," San Francisco: W. H. Freeman.

Rousseau, J.-J., 1762, "*The Social Contract*", trans. Charles Frankel, New York: Hafner Publishing Co., 1947.

Schumpeter, J., 1956, "*Capitalism, Socialism and Democracy*," New York: Harper and Row.

Sen, A., 1999, "*Development as Freedom*," New York: Knopf.

Singer, P., 1973, "*Democracy and Disobedience*," Oxford: Oxford University Press.

Waldron, J., 1999, "*Law and Disagreement*," Oxford: Oxford University Press.

Young, I. M., 1990, "*Justice and the Politics of Difference*", Princeton, NJ: Princeton University Press.

Iqbal and the sub – continents' politics. "The Political philosophy of Iqbal/ Perveen Shaukat Ali- Lahore : Publisher united,(N.D)

Iqbal and the Genesis of Pakistan. "The political philosophy of Iqbal /Perveen Shaukat Ali- Lahore: publisher United (N.D)

The Concept of Pakistan." Iqbal, his political ideas at the crossroads/S. Hasan Ahmad – Aligarh: Prinwell Publication, 1979

Towards Pakistan." The politics of Iqbal /Riaz Hussain – Lahore: Islamic book service, 1977

Riaz Hussain "Iqbal's View of Indian history. The politics of Iqbal" Lahore: Islamic book Service,1977.

T.A.Tasawur "Iqbal: his vision of a Muslim home land."Iqbal studies and Pakistan news papers, Lahore: Bazm-e-Iqbal, (N.D)

T.C.Rastogi "Iqbal and Political awakening in India."Iqbal in final countdown, Delhi: Omsons publications,(N.D)

Hafeez Malik "Ideology of Muslim Nationalism."Iqbal poet philosopher of Pakistan(ed) London: Columbia university press 1971

S.A. Vahid "Iqbal as architect of Pakistan."Karachi: Pakistan publications,(N.D)

Presidential Address delivered at the annual Session of the All-India Muslim conference 21st March, 1932."Speeches, Writing and Statements of Iqbal/L.A.Sherwani.-Lahore: Iqbal Academy Pakistan.1995.

The role of Iqbal as a founding father of Pakistan. "Iqbal and foundations of Pakistan/M.H.Khatana.-Lahore:book traders.(N.D)

The Political environment of the one the eve of Iqbal Birth. "Iqbal and foundations of Pakistan/M.H.Khatana.-Lahore:book traders(N.D)

Iqbal Political philosophies." & Iqbal and foundations of Pakistan/M.H.Khatana.-
Lahore: Book traders (N.D)

Iqbal theory of a Muslim state. "Iqbal and foundations of Pakistan/M.H.Khatana.-
Lahore: Book traders. (N.D)

Ideological orientation of Iqbal demand for Pakistan." index Iqbal Review/Akhtar-
un-nisha.-Lahore Iqbal academy Pakistan

Reports:

Constituent Assembly of Pakistan debates, Vol. 2, No. 1, 24 Feb 1948.

National Assembly of Pakistan Debates, Islamabad: Official Publications of
National Assemblies. Vol. 1, 25th Jan 1956.

Vol. I & II. October 15, 1956.

Vol. III. No.3, June 1st 1974

Vol. IV. No.26, June 30th 1974

Vol. II. No. 16, Feb 12th 1975.

Vol. VIII. No. 19, Sep 3rd 1976.

Report on the Constitution Commission, Pakistan, 1961.

Pakistan: Constitutional Issues in 1964 Author(s): Ralph Braibanti Source: Asian
Survey, Vol. 5, No. 2, A Survey of Asia in 1964: Part II (Feb., 1965), pp. 79-
87 Published by: University of California Press Stable URL:
<http://www.jstor.org/stable/2642484>.

Jurist-Pakistan: Pakistani Law, Legal Research, Human Right.
<http://jurist.law.pitt.edu/world/pak.htm>

Pakistan Rule of Law Assessment-Final Report A subsidiary of Coffey International Limited Management Systems International Corporate Offices 600 Water Street, SW Washington, DC 2002.

Published Reports of Pakistan Institute of Legislative and Development Transparency, Islamabad & Lahore, Pakistan.

Report of Constitutional Reforms Committee on the Constitution 18th (Amendment) Bill, 2010. (<http://www.na.gov.pk/en/index.php>)

Report of the Commission for Creation of New Province(s) in the Province of the Punjab (28th January, 2013) (<http://www.na.gov.pk/en/index.php>)

Report of The Parliamentary committee on the National Security of Pakistan. (<http://www.na.gov.pk/en/index.php>)

Report on Charter of democracy.

Report on Agaze Haqoq-e-Balochistan.

Report on Local Government Plan 2002.

Periodicals

The journal of Punjab Studies.

The Historian, University of the Punjab

Journal of South Asian Studies, University of the Punjab.

Journal of social Sciences and Humanities, University of the Punjab.

Journal of Institute Policy Research Islamabad.

Institute of Defense and strategic Studies Islamabad.

Defense Journal, Pakistan.

Monthly Hilal (Urdu) & (English) Magazine, ISSPR Publication. Pakistan.

Institute of Regional Studies, Islamabad. www.irs.org.pk.

Pakistan Journal of Social Sciences (PJSS), Pakistan.

The Lahore Journal of Economics. Lahore.

www.lahoreschoolofeconomics.edu.pk/EconomicsJournal/LJEIntro.aspx

Journal of Political Economy.

<http://www.press.uchicago.edu/ucp/journals/journal/jpe.html>

American Political Science Review

<http://www.apsanet.org/utills/journal.cfm?Journal=APSR&CFID=30318322>

<http://www.apsanet.org/utills/journal.cfm?Journal=APSR&CFID=30318322>

Politics and Society, <http://www.helvidius.org/>

Journal of Politics. The Journal of Politics is published by Cambridge for

the Southern Political Science Association. <http://www.journalofpolitics.org/>

Comparative Politics. <http://www.jofcp.org/>

Journal of Democracy,

<http://www.journalofdemocracy.org/#sthash.O052pfQH.dpuf>

News Papers:

Daily Jang. (Pakistan)

DAWN. (Pakistan)

The News. (Pakistan)

Daily Times. (Pakistan)

Friday Times. (Pakistan)

The Economist. (Pakistan)

The Nation. (Pakistan).

Daily Times (Pakistan).

News Line (Pakistan)

Pakistan and Gulf Economist. (Pakistan)

Pakistan Christian Post (Pakistan).

Pakistan Today (Pakistan).

Express India. (India)

India Daily. (India)

Out Look India (India)

Economic times. (India)

Economic and Political Weekly. (India)

Times of India. (India)

The Hindu. (India)

The Telegraph. (India)

The Indian Express. (India)

The Guardian, (England)

BBC News. (England)

Daily Express. (England)

Daily Telegraph. (England)

Economist. (England)

Independent. (England)

Mirror. (England)

Observer. (England)

Reuters. (England)

Sky News. (England)

Sun. (England)

Sunday Post. (England)

Times. (England)

Western Mail. (England)

Washington Post. (United States of America)

News Tribune. (United States of America)

Daily Sun News. (United States of America)

San Francisco Magazine. (United States of America)

Gulf News. (United Arab Emirates)

Khaleej Times. (United Arab Emirates)

Websites:

www.crisisgroup.org

www.dawn.com

[www.lib.virginia.edu/area-studies/SouthAsia/SASerial.](http://www.lib.virginia.edu/area-studies/SouthAsia/SASerial)

www.elections.com.pk

www.pildat.org.pk

<http://www.na.gov.pk/en/index.phpwww.senate.org.pk>

www.ipri.org.pk

www.irs.org.pk

www.issi.org.pk

directory.urdumaza.com/urdu-website-directory/.../Pakistani-Website.ht.

www.world-newspapers.com › [Asia](#)

<http://www.ipcs.org/region/pakistan/>

<http://www.ips.org.pk/>

<http://www.bzu.edu.pk/PJSS/>

<http://www.iiu.edu.pk/>

www.pu.edu.pk

Annextures

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CONSTITUTION (EIGHTH AMENDMENT) ACT, 1985

An Act further to amend the Constitution of the Islamic Republic of Pakistan Gazette of Pakistan, Extraordinary, 11th November, 1985

The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on the 9th November, 1985, and is hereby published for general information:-

Whereas it is expedient further to amend the constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. Short title and commencement.

(1) This Act may be called the Constitution (Eighth Amendment) Act, 1985.

(2) It shall come into force at once, except section 19 which shall come into force on the day on which the Proclamation of the fifth day of July, 1977, is revoked.

2. Amendment of Article 48 of the Constitution.

In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution in Article 48,-

(a) in clause (1)

(i) for the commas and words ", the Prime Minister, or appropriate Minister" the words "or the Prime Minister" shall be substituted; and

(ii) for the proviso the following shall be substituted, namely :

"Provided that the President may require the Cabinet or, as the case may be, the Prime Minister to reconsider such advice, either generally or otherwise, and the President shall act in accordance with the advice tendered after such reconsideration.";

(b) in clause (2), after the words "do so", at the end, the words " and the validity of anything done by the President in his discretion shall not be called in question on any ground whatsoever" shall be added ;

(c) clause (3) shall be omitted ; and

(d) clause (5), in paragraph (a), for the words "one hundred" the word "ninety" shall be substituted.

3. Amendment of Article 51 of the Constitution.

In the Constitution, in Article 51, in clause (4), for the word "second" the word "third" shall be substituted.

4. Amendment of Article 56 of the Constitution.

In the Constitution, in Article 56, for clause (3) the following shall be substituted, namely:

"(3)At the commencement of the first session after each general election to the National Assembly and at the commencement of the first session of each year the President shall address both houses assembled together and inform the Majlis-e-Shoora (Parliament) of the causes of its summons.

5. Amendment of Article 58 of the Constitution.

In the Constitution, in Article 58,--

(a)in clause (1), in the Explanation, for the words "resolution for a vote of no confidence has been moved" the words "notice of a resolution for a vote of no-confidence has been given" shall be substituted; and

(b)for clause (2) the following shall be substituted, namely:

"(2)Notwithstanding anything contained in clause (2) of Article 48, the President may also dissolve the National Assembly in his discretion where, in his opinion,

(a) a vote of no-confidence having been passed against the Prime Minister, no other member of the National Assembly is likely to command the confidence of the majority of the member's of the National Assembly in accordance with the provisions of the Constitution, as ascertained in a session of the National Assembly summoned for the purpose; or

(b) a situation has arisen in which the Government of the Federation cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate is necessary.

6.Amendment of Article 59 of the Constitution

In the Constitution, in Article 59-

(a)in clause (1), in paragraph (c), for the word "chosen" the word "elected" shall be substituted:

(b)in clause (3),(i)for paragraphs (a), (b) and (c); the following shall be substituted, namely :-

"(a)of the members referred to in paragraph (a) of clause (1), seven shall retire after the expiration of the first three years and seven shall retire after the expiration of the next three years;

(b) of the members referred to in paragraph (b) of the aforesaid clause, four shall retire after the expiration of the first three years and four shall retire after the expiration of the next three years;

(c) of the members referred to in paragraph (c) of the aforesaid clause, one shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years;

(d) of the members referred to in paragraph (d) of the aforesaid clause, two shall retire after the expiration of the first three years and three shall retire after the expiration of the next three years".

(ii) in the proviso, the words "or chosen" shall be omitted; and

(c) clause (4} shall be omitted.

7. Amendment of Article 60 of the Constitution.

In the Constitution, in Article 60, in clause (2), for the word "two" the word "three" shall be substituted.

8. Amendment of Article 75 of the Constitution.

In the Constitution, in Article 75,-

(a) in clause (1), for the word "forty-five" the word "thirty" shall be substituted; and (b) for clause (2) the following shall be substituted, namely :-

"(2) When the President has returned a Bill to the Majlis-e-Shoora (Parliament), it shall be reconsidered by the Majlis-e-Shoora (Parliament) in joint sitting and, if it is again passed, with or without amendment, by the Majlis-e-Shoora (Parliament), by the votes of the majority of the members of both Houses present and voting, it shall be deemed for the purposes of the Constitution to have been passed by both Houses and shall be presented to the President and the President shall not withhold assent therefrom."

9. Amendment of Article 90 of the Constitution.

In the Constitution, Article 90 shall be renumbered as clause (1) of that Article and, after clause (1) renumber as aforesaid, the following new clause shall be added, namely:-

(2) Nothing contained in clause (1) shall—

(a) be deemed transfer to the President any functions conferred by any existing law on the Government of any Province or other. Authority; or

(b) prevent the Majlis-e-Shoora (Parliament,) from conferring by law functions on authorities other than the President."

10. Amendment of Article 91 of the Constitution.

In the Constitution, in Article 91,-

(a) after clause (2), the following new clause shall be inserted, namely:-

"(2-A)

Notwithstanding anything contained in clause (2), after the twentieth day of March, one thousand nine hundred and ninety, the President shall invite the member of the National Assembly to be the Prime Minister who commands the confidence of the majority of the members of the National Assembly, as ascertained in a session of the Assembly summoned for the purpose in accordance with provisions of the Constitution."

(b) in clause (3), after the brackets and figure "(2)", the words, commas, brackets, figure and letter "or, as the case may be, invited under clause (2-A)" shall be inserted; and

(c) for clause (5) the following shall be substituted, namely :-

(5) The Prime Minister. shall hold office during the pleasure of the President, but the President shall not exercise his powers under this clause unless he is satisfied that the Prime- Minister. does not command the confidence of the majority of the members of the National Assembly, in which case he shall summon the National Assembly and require the Prime Minister to obtain a vote of confidence from the Assembly,".

11. Amendment of Article 101 of the Constitution.

In the Constitution, in Article 101,-

(a) in clause (1), for the words "in his discretion" the words "after consultation with the Prime Minister." shall be substituted;

(aa) in clause (2), the proviso shall be omitted;

- (b) clause (2-A) shall be omitted; and
- (c) in clause (5), after the word "Governor", at the end, the words "in any contingency not provided for in this Part" shall be added.

12. Amendment of Article 105 of the Constitution.

In the Constitution in Article 105,-

- (a) in clause (1),- (i) for the comma and words ", Chief Minister or appropriate Minister" the words " or the Chief Minister" shall be substituted;
- (ii) for the first proviso, the following shall be substituted, namely:-
"Provided that the Governor may require the Cabinet or, as the case may be, the Chief Minister to reconsider such advice, whether generally or otherwise, and the Governor shall act in accordance with the advice tendered after such reconsideration." and ,
- (iii) the second proviso shall be omitted ;
- (b) in clause (2), for the comma and words ", the Cabinet or a Minister" the words "or the Cabinet" shall be substituted; and
- (c) in clause (5), for the brackets and figure "(3)" the brackets and figure "(2)" shall be substituted.

13. Amendment of Article 106 of the Constitution.

In the Constitution in Article 106, in clause (4), for the word "second" the word "third" shall be substituted.

14. Amendment of Article 112 of the Constitution.

In the Constitution Article 112 shall be renumbered as clause (1) of that Article and:-

- (a) in clause (1), renumbered as aforesaid, in the Explanation, for the word "resolution for a vote of no-confidence has been moved" the words "notice of a resolution for a vote of no-confidence has been given" shall be substituted; and
- (b) after clause (1), renumbered and amended as aforesaid, the following new clause shall be added, namely:-
"(2) The Governor may also dissolve the Provincial Assembly in his discretion but subject to the previous approval of the President, where, in his opinion,-
(a) a vote of no-confidence having been passed against the Chief Minister, no other member of the Provincial Assembly is likely to command the confidence of the majority of the members of the Provincial Assembly in accordance with the provisions of the Constitution, as ascertained in a session of the Provincial Assembly summoned for the purpose ; or
(b) a situation has arisen in which the Government of the Province cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate is necessary.

15. Amendment of Article 116 of the Constitution.

In the Constitution in Article 116,-

- (a) in clause (2) for the word "forty-five" the word "thirty" shall be substituted and
- (b) for clause (3) the following shall be substituted, namely;
"(3) When the Governor has returned a Bill to the Provincial Assembly, it shall be reconsidered by the Provincial Assembly and, if it is again passed, with or without

amendment, by the Provincial Assembly, by the votes of the majority of the members of the Provincial Assembly present and voting, it shall be again presented to the Governor and the Governor shall not withhold assent therefrom."

16. Amendment of Article 130 of the Constitution.

In the Constitution, in Article 130,-

(a) after clause (2), the following new clause shall be inserted, namely:-

"(2-A) Notwithstanding anything contained in clause (2), after the twentieth day of March, one thousand nine hundred and eighty-eight, the Governor shall invite the member of the Provincial Assembly to be the Chief Minister who commands the confidence of the majority of the members of the Provincial Assembly, as ascertained in a session of the Assembly summoned for the purpose in accordance with the provisions of the Constitution:

Provided that nothing contained in this clause shall apply to a Chief Minister holding office on the twentieth day of March, one thousand nine hundred and eighty eight, in accordance with the provisions of the Constitution."

(b) in clause (3), after the brackets and figure "(2)" the words, commas, brackets, figure and letter "or, as the case may be, invited under clause (2-A)" shall be inserted; and

(c) for clause (5) the following shall be substituted, namely .-

"(5) The Chief Minister shall hold office during the pleasure of the Governor, but the Governor shall not exercise his powers under this clause unless he is satisfied that the Chief Minister does not command the confidence of the majority of the members of the Provincial Assembly, in which case he shall summon the Provincial Assembly and require the Chief Minister to obtain a vote of confidence from the Assembly."

17. Amendment of Article 144 of the Constitution.

In the Constitution, Article 144, clause (2) shall be omitted.

18. Omission of Article 152-A of the Constitution.

In the Constitution, Article 152-A shall be omitted.

19. Substitution of Article 270-A of the Constitution.

In the Constitution for Article 270-A the following shall be substituted, namely:--

"270-A Affirmation of President's Orders, etc.

(1?) The Proclamation of the fifth day of July, 1977, all President's Orders, Ordinances, Martial Law Regulation Martial Law Orders, including the Referendum Order, 1984 (P.O. No 11 of 1984), under which in consequence of the result of the referendum held on the nineteenth day December 1984, General Muhammad Zia-ul-Haq became the President the day of the first meeting of the Majlis-e-Shoora (Parliament) in joint sitting for the term specified in clause (7) of Article 41, the Revival of the Constitution of 1973 Order 1985 (P.O. No. 14 of 1985), the Constitution (Second Amendment) Order, 1985(P.O.20 of 1985) the Constitution (Third Amendment) Order, 1985 (P O.No.24 of 1985) and all other laws made between the fifth day of July, 1977and the date on which Article comes into force are hereby affirmed, adopted and declared notwithstanding a judgment of any court, to have been validly made by competent authority and

notwithstanding anything contained in the Constitution shall not be called in question in any Court on any ground whatsoever;

Provided that a President's Order', Martial Law Regulation or Martial Law Order made after the thirtieth day of September, 1985, shall be confined only to making such provisions as facilitate, or are incidental to, the revocation of the Proclamation of the fifth day of July, 1977.

(2) All order's made, proceedings taken and acts done by any authority or by any person, which were made, taken or done, or purported to have been made, taken or done between the fifth day of July, 1977, and the date on which this Article comes into force in exercise of the powers derived from any Proclamation, President's Orders, Ordinances, Martial Law Regulations, Martial Law Orders, enactments, notification rules, orders or bye-laws, or in execution of or in compliance with any order made or sentence passed by any authority in the exercise or purported exercise of powers as aforesaid, shall, notwithstanding any judgment of any Court, be deemed to be and always to have been validly made, taken or done and shall not be called in question in any Court on any ground whatsoever.

(3) All President's Orders, Ordinances, Martial Law Regulations, Martial Law Orders, enactment, notifications, rules, orders or bye-laws in force immediately before the date on which this Article comes into force shall continue in force until altered, repealed or amended by competent authority.

Explanation. In this clause, "competent authority" means, -

(a) in respect of President's Orders, Ordinances, Martial Law Regulation Martial Law Orders and enactments, the appropriate Legislature; and

(b) in respect of notifications, rules , orders and bye-laws, the authority in which the power to make, alter, repeal or amend the same vests under the law.

(4) No suit, prosecution or other legal proceedings shall lie in any Court against any authority or any person, for or on account of or in respect of any order made, proceedings taken or. act done whether in the exercise or purported exercise of the powers referred to in clause (2) or in execution of or in compliance with order's made or sentences passed in exercise or purported to exercise of such powers.

(5) For the purposes of clauses (1), (2) and (4), all orders made, proceedings taken, acts done or purporting to be made, taken or done by any authority or person shall be deemed to have been made, taken or done in good faith and for the purposes intended to be served thereby.

(6) Such of the President's Orders and Ordinances referred to in clause (1) as are specified in the Seventh Schedule may be amended in the manner provided for amendment of the Constitution, and all other laws referred to in the said clause may be amended by the appropriate Legislature in the manner provided for amendment of such laws.

Explanation. In this Article, "President's Orders" includes "President and Chief Martial Law Administrator's Orders" and "Chief Martial Law Administrator's Orders."

20. Addition of new Schedule to the Constitution.

In the Constitution after the Sixth Schedule, the following new Schedule shall be added, namely:-

SEVENTH
[Article

SCHEDULE
270-A(6)]

Laws to be amended in the manner provided for amendment of the Constitution.

PRESIDENT'S ORDERS

- (1) The Zulfiqar Ali Bhutto Trust and Peoples Foundation Trust (Re-naming and Administration) Order, 1978 (P.O. No. 13 of 1978).
- (2) The Cantonments (Urban Immovable Property Tax and Entertainments Duty) Order, 1979 (P.O. No. 13 of 1979).
- (3) The Pakistan Defence Officer's Housing Authority Order, 1980 (P.O.No.7 of 1980).
- (4) The Foreign Currency Loans (Rate of Exchange) Order, 1982(P.O.No.3 of 1982).
- (5) The Establishment of the office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (P.O. No. 1 of 1983).
- (6) The Agha Khan University Order, 1983 (P.O. No. 3 of 1983).
- (7) The National College of Textile Engineering (Governing Body and Cess) Order, 1983 (P.O. No. 11 of 1983).
- (8) The Lahore University of Management Science Order, 1985 (P.O.No.25 of 1985).

ORDINANCES

- (1) The International Islamic University Ordinance, 1985 (XXX of 1985).

Thanks: Mr Abdul Hameed Cheema (ahchima@brain.net.pk)

REGISTERED No. M - 302
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**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

ISLAMABAD, WEDNESDAY, DECEMBER 31, 2003

PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 31st December, 2003

The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on 31st December, 2003, is hereby published for general information:

ACT NO. III OF 2003

An Act further to amend the Constitution of the Islamic Republic of Pakistan.

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Constitution (Seventeenth Amendment) Act, 2003.

(2) It shall come into force at once.

(149)

[5393(2003) Ex. Gaz.]

Price : Rs. 5.00

2. **Amendment of Article 41 of the Constitution.**—In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 41,—

- (1) in clause (7), in paragraph (b), for the full stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:—

"Provided that paragraph (d) of clause (1) of Article 63 shall become operative on and from the 31st day of December, 2004."; and

- (2) after clause (7) amended as aforesaid, the following new clauses shall be added, namely:—

"(8) Without prejudice to the provisions of clause (7), any member or members of a House of Majlis-e-Shoora (Parliament) or of a Provincial Assembly, individually or jointly, may, not later than thirty days from the commencement of the Constitution (Seventeenth Amendment) Act, 2003, move a resolution for vote of confidence for further affirmation of the President in office by majority of the members present and voting, by division or any other method as prescribed in the rules made by the Federal Government under clause (9), of the electoral college consisting of members of both Houses of Majlis-e-Shoora (Parliament) and the Provincial Assemblies, in a special session of each House of Majlis-e-Shoora (Parliament) and of each Provincial Assembly summoned for the purpose, and the vote of confidence having been passed, the President, notwithstanding anything contained in the Constitution or judgment of any court, shall be deemed to be elected to hold office for a term of five years under the Constitution, and the same shall not be called in question in any court or forum on any ground whatsoever.

(9) Notwithstanding anything contained in the Constitution or any other law for the time being in force, the proceedings for the vote of confidence referred to in clause (8) shall be regulated and conducted by the Chief Election Commissioner in accordance with such procedure and the votes shall be counted in such manner as may be prescribed by the rules framed by the Federal Government:

Provided that clauses (8) and (9) shall be valid only for the forthcoming vote of confidence for the current term of the President in office."

3. **Amendment of Article 58 of the Constitution.**—In the Constitution, in Article 58, after clause (2), the following new clause shall be added, namely:—

"(3) The President in case of dissolution of the National Assembly under paragraph (b) of clause (2) shall, within fifteen days of the dissolution, refer the matter to the Supreme Court and the Supreme Court shall decide the reference within thirty days whose decision shall be final."

4. **Amendment of Article 112 of the Constitution.**—In the Constitution, in Article 112, after clause (2), the following new clause shall be added, namely:—

"(3) The Governor in case of dissolution of the Provincial Assembly under paragraph (b) of clause (2) shall, within fifteen days of the dissolution, refer the matter to the Supreme Court with the previous approval of the President and the Supreme Court shall decide the reference within thirty days whose decision shall be final."

5. **Omission of Article 152A of the Constitution.**—In the Constitution, Article 152A shall be omitted.

6. **Substitution of Article 179 of the Constitution.**—In the Constitution, for Article 179, the following shall be substituted, namely:—

"179. **Retiring age.**—A Judge of the Supreme Court shall hold office until he attains the age of sixty-five years, unless he sooner resigns or is removed from office in accordance with the Constitution."

7. **Substitution of Article 195 of the Constitution.**—In the Constitution, for Article 195, the following shall be substituted, namely:—

"195. **Retiring age.**— A Judge of a High Court shall hold office until he attains the age of sixty-two years, unless he sooner resigns or is removed from office in accordance with the Constitution."

8. **Amendment of Article 243 of the Constitution.**—In the Constitution, in Article 243, in clause (3), for the words "in his discretion" the words "in consultation with the Prime Minister" shall be substituted.

9. **Amendment of Article 268 of the Constitution.**—In the Constitution, in Article 268, in clause (2), for the full stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:—

"Provided that the laws mentioned at entries 27 to 30 and entry 35 in the Sixth Schedule shall stand omitted after six years."

10. **Substitution of Article 270AA of the Constitution.**—In the Constitution, for Article 270AA, the following shall be substituted, namely:—

"270AA. Validation and affirmation of laws etc.—(1) The Proclamation of Emergency of the fourteenth day of October, 1999, all President's Orders, Ordinances, Chief Executive's Orders, including the Provisional Constitution Order No. 1 of 1999, the Oath of Office (Judges) Order, 2000 (No. 1 of 2000), Chief Executive's Order No. 12 of 2002, the amendments made in the Constitution through the Legal Framework Order, 2002 (Chief Executive's Order No. 24 of 2002), the Legal Framework (Amendment) Order, 2002 (Chief Executive's Order No. 29 of 2002), the Legal Framework (Second Amendment) Order, 2002 (Chief Executive's Order No. 32 of 2002) and all other laws made between the twelfth day of October, one thousand nine hundred and ninety-nine and the date on which this Article comes into force (both days inclusive), having been duly made are accordingly affirmed, adopted and declared to have been validly made by the competent authority and notwithstanding anything contained in the Constitution shall not be called in question in any court or forum on any ground whatsoever.

(2) All orders made, proceedings taken, appointments made, including secondments and deputations, and acts done by any authority, or by any person, which were made, taken or done, or purported to have been made, taken or done, between the twelfth day of October, one thousand nine hundred and ninety-nine, and the date on which this Article comes into force (both days inclusive), in exercise of the powers derived from any Proclamation, President's Orders, Ordinances, Chief Executive's Orders, enactments, including amendments in the Constitution, notifications, rules, orders, bye-laws, or in execution of or in compliance with any orders made or sentences passed by any authority in the exercise or purported exercise of powers as aforesaid, shall, notwithstanding any judgment of any court, be deemed to be and always to have been validly made, taken or done and shall not be called in question in any court or forum on any ground whatsoever.

(3) All Proclamations, President's Orders, Ordinances, Chief Executive's Orders, laws, regulations, enactments, including amendments in the Constitution, notifications, rules, orders or bye-laws in force immediately before the date on which this Article comes into force shall continue in force until altered, repealed or amended by the competent authority.

Explanation.—In this clause, "competent authority" means,—

- (a) in respect of Presidents' Orders, Ordinances, Chief Executive's Orders and enactments, including amendments in the Constitution, the appropriate Legislature; and
- (b) in respect of notifications, rules, orders and bye-laws, the authority in which the power to make, alter, repeal or amend the same vests under the law.

(4) No suit, prosecution or other legal proceedings, including writ petitions, shall lie in any court or forum against any authority or any person, for or on account of or in respect of any order made, proceedings taken or act done whether in the exercise or purported exercise of the powers referred to in clause (2) or in execution of or in compliance with orders made or sentences passed in exercise or purported exercise of such powers.

(5) For the purposes of clauses (1), (2) and (4), all orders made, proceedings taken, appointments made, including secondments and deputations, acts done or purporting to be made, taken or done by any authority or person shall be deemed to have been made, taken or done in good faith and for the purpose intended to be served thereby."

SHAHID IQBAL,
Secretary.

REGISTERED No. M - 302
L - 7646

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, APRIL 20, 2010

PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 20th April, 2010

No. F-9(19)/2010-Legis.—The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on 19th April, 2010, is hereby published for general information:—

ACT No. X of 2010

*An Act further to amend the Constitution of the
Islamic Republic of Pakistan*

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing;

AND WHEREAS the people of Pakistan have relentlessly struggled for democracy and for attaining the ideals of a Federal, Islamic, democratic, parliamentary and modern progressive welfare State, wherein the rights of the citizens are secured and the Provinces have equitable share in the Federation;

(267)

Price : Rs. 40.00

[2363(10)/Ex. Gaz.]

AND WHEREAS it is necessary that the Legal Framework Order, 2002, as amended by the Chief Executive's Order No. 29 and the Chief Executive's Order No. 32 of 2002, be declared as having been made without lawful authority and of no legal effect, and the Constitution (Seventeenth Amendment) Act, 2003 (Act No. III of 2003), be repealed and the Constitution further amended to achieve the aforesaid objectives;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Constitution (Eighteenth Amendment) Act, 2010.
- (2) It shall come into force at once, save as otherwise provided in this Act.
2. **Repeal, etc.**—Subject to Article 264 and the provisions of the Constitution (Eighteenth Amendment) Act, 2010,—
 - (a) the Legal Framework Order, 2002 (Chief Executive's Order No. 24 of 2002), the Legal Framework (Amendment) Order, 2002 (Chief Executive's Order No. 29 of 2002) and the Legal Framework (Second Amendment) Order, 2002 (Chief Executive's Order No. 32 of 2002), are hereby declared to have been made without lawful authority and of no legal effect and, therefore, shall stand repealed; and
 - (b) the Constitution (Seventeenth Amendment) Act, 2003 (Act No. III of 2003), is hereby repealed.
3. **Amendment of Article 1 of the Constitution.**— In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 1, in clause (2), in paragraph (a), for the word "Baluchistan" the word "Balochistan", for the words "North West Frontier" the words "Khyber Pakhtunkhwa", and for the word "Sind" the word "Sindh", shall be substituted.
4. **Amendment of Article 6 of the Constitution.**— In the Constitution, in Article 6,—
 - (i) for clause (1), the following shall be substituted, namely:—
 - (1) Any person who abrogates or subverts or suspends or holds in abeyance, or attempts or conspires to abrogate or subvert or suspend or hold in abeyance, the Constitution by use of force or

show of force or by any other unconstitutional means shall be guilty of high treason.

- (ii) in clause (2), after the word "abetting" the word "or collaborating" shall be inserted; and
- (iii) after clause (2) amended as aforesaid, the following new clause shall be inserted, namely:—

"(2A) An act of high treason mentioned in clause (1) or clause (2) shall not be validated by any court including the Supreme Court and a High Court."

5. **Insertion of new Article in the Constitution.**—In the Constitution, after Article 10, the following new Article shall be inserted, namely:—

"10A *Right to fair trial.*— For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process."

6. **Substitution of Article 17 of the Constitution.**—In the Constitution, for Article 17, the following shall be substituted, namely:—

- "17. *Freedom of association.*—(1) Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.
- (2) Every citizen, not being in the service of Pakistan, shall have the right to form or be a member of a political party, subject to any reasonable restrictions imposed by law in the interest of the sovereignty or integrity of Pakistan and such law shall provide that where the Federal Government declares that any political party has been formed or is operating in a manner prejudicial to the sovereignty or integrity of Pakistan, the Federal Government shall, within fifteen days of such declaration, refer the matter to the Supreme Court whose decision on such reference shall be final.
- (3) Every political party shall account for the source of its funds in accordance with law."

7. **Insertion of new Article in the Constitution.**—In the Constitution, after Article 19, the following new Article shall be inserted, namely:—

"19A. *Right to information.*—Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law".

8. **Amendment of Article 25 of the Constitution.**—In the Constitution, in Article 25, in clause (2), the word "alone" occurring at the end shall be omitted

9. **Insertion of new Article in the Constitution.**—In the Constitution, after Article 25, the following new Article shall be inserted, namely:

"25A. *Right to education.*—The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law."

10. **Amendment of Article 27 of the Constitution.**—In the Constitution, in Article 27, in clause (1), in the second proviso, for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be inserted, namely:—

"Provided also that under-representation of any class or area in the service of Pakistan may be redressed in such manner as may be determined by an Act of Majlis-e-Shoora (Parliament)".

11. **Amendment of Article 29 of the Constitution.**—In the Constitution, in Article 29, in clause (3), for the word "the National Assembly" occurring for the first time the words and brackets, "each House of Majlis-e-Shoora (Parliament)" shall be substituted and after the word "National Assembly" occurring for the second time the words "and the Senate" shall be inserted.

12. **Amendment of Article 38 of the Constitution.**—In the Constitution, in Article 38, —

- (i) in paragraph (e), the word "and" at the end shall be omitted;
- (ii) in paragraph (f), for the full stop at the end a semicolon and the word "and" shall be added and after paragraph (f) amended as aforesaid, the following new paragraph shall be added, namely:—

"(g) ensure that the shares of the Provinces in all Federal services, including autonomous bodies and corporations established by, or under the control of, the Federal Government, shall be secured and any omission in the allocation of the shares of the Provinces in the past shall be rectified."

13. **Amendment of Article 41 of the Constitution.**—In the Constitution, in Article 41, —

- (i) in clause (3), the words, brackets and figure "to be elected after the term specified in clause (7)" shall be omitted; and
- (ii) clauses (7), (8) and (9) shall be omitted.

14. **Substitution of Article 46 of the Constitution.**—In the Constitution, for Article 46, the following shall be substituted namely:—

"46. *President to be kept informed.*—The Prime Minister shall keep the President informed on all matters of internal and foreign policy and on all legislative proposals the Federal Government intends to bring before Majlis-e-Shoora (Parliament)".

15. **Amendment of Article 48 of the Constitution.**—In the Constitution, in Article 48,—

- (i) in clause (1),—
 - (a) after the word "act" the words "on and" shall be inserted; and
 - (b) in the proviso, after the word "that" the words "within fifteen days" shall be inserted and after the word "shall" the commas and words ", within ten days," shall be inserted; and
- (ii) for clause (5) the following shall be substituted, namely:—

"(5) Where the President dissolves the National Assembly, notwithstanding anything contained in clause (1), he shall,—

- (a) appoint a date, not later than ninety days from the date of the dissolution, for the holding of a general election to the Assembly; and
- (b) appoint a care-taker Cabinet."

- (iii) for clause (6) the following shall be substituted, namely:—

"(6). If at any time the Prime Minister considers it necessary to hold a referendum on any matter of national importance, he may refer the matter to a joint sitting of the Majlis-e-Shoora (Parliament) and if it is approved in a joint sitting, the Prime Minister may cause such matter to be referred to a referendum in the form of a question that is capable of being answered by either "Yes" or "No"."

16. **Substitution of Article 51 of the Constitution.**—In the Constitution, for Article 51, the following shall be substituted and shall be deemed always to have been so substituted with effect from the 21st day of August, 2002, namely:—

“51. *National Assembly.*—(1) There shall be three hundred and forty-two seats for members in the National Assembly, including seats reserved for women and non-Muslims.

(2) A person shall be entitled to vote if --

- (a) he is a citizen of Pakistan;
- (b) he is not less than eighteen years of age;
- (c) his name appears on the electoral roll; and
- (d) he is not declared by a competent court to be of unsound mind.

(3) The seats in the National Assembly referred to in clause (1), except as provided in clause (4), shall be allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital as under:—

	General Seats	Women	Total
Balochistan	14	3	17
Khyber Pakhtunkhwa	35	8	43
Punjab	148	35	183
Sindh	61	14	75
Federally Administered Tribal Areas	12	--	12
Federal Capital	2	--	2
Total	272	60	332

(4) In addition to the number of seats referred to in clause (3), there shall be, in the National Assembly, ten seats reserved for non-Muslims.

(5) The seats in the National Assembly shall be allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital on the basis of population in accordance with the last preceding census officially published.

(6) For the purpose of election to the National Assembly,—

- (a) the constituencies for the general seats shall be single member territorial constituencies and the members to fill such seats shall be elected by direct and free vote in accordance with law;

- (b) each Province shall be a single constituency for all seats reserved for women which are allocated to the respective Provinces under clause (3);
- (c) the constituency for all seats reserved for non-Muslims shall be the whole country;
- (d) members to the seats reserved for women which are allocated to a Province under clause (3) shall be elected in accordance with law through proportional representation system of political parties' lists of candidates on the basis of total number of general seats secured by each political party from the Province concerned in the National Assembly:

Provided that for the purpose of this paragraph the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates; and

- (e) members to the seats reserved for non-Muslims shall be elected in accordance with law through proportional representation system of political parties' lists of candidates on the basis of total number of general seats won by each political party in the National Assembly:

Provided that for the purpose of this paragraph the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates."

17. **Substitution of Article 58 of the Constitution.**—In the Constitution, for Article 58, the following shall be substituted, namely:—

- "58. *Dissolution of the National Assembly:*—(1) The President shall dissolve the National Assembly if so advised by the Prime Minister; and the National Assembly shall, unless sooner dissolved, stand dissolved at the expiration of forty-eight hours after the Prime Minister has so advised.

Explanation.—Reference in this Article to "Prime Minister" shall not be construed to include reference to a Prime Minister against whom a notice of a resolution for a vote of no-confidence has been given in the National Assembly but has not been voted upon or against whom such

a resolution has been passed or who is continuing in office after his resignation or after the dissolution of the National Assembly.

(2) Notwithstanding anything contained in clause (2) of Article 48, the President may also dissolve the National Assembly in his discretion where, a vote of no-confidence having been passed against the Prime Minister, no other member of the National Assembly commands the confidence of the majority of the members of the National Assembly in accordance with the provisions of the Constitution, as ascertained in a session of the National Assembly summoned for the purpose.”.

18. **Substitution of Article 59 of the Constitution.**—In the constitution, for Article 59, the following shall be substituted, namely:—

“59. *The Senate.*—(1) The Senate shall consist of one hundred and four members, of whom,—

- (a) fourteen shall be elected by the members of each Provincial Assembly;
- (b) eight shall be elected from the Federally Administered Tribal Areas, in such manner as the President may, by Order, prescribe;
- (c) two on general seats, and one woman and one technocrat including *aqilim* shall be elected from the Federal Capital in such manner as the President may, by Order, prescribe;
- (d) four women shall be elected by the members of each Provincial Assembly;
- (e) four technocrats including *ulema* shall be elected by the members of each Provincial Assembly; and
- (f) four non-Muslims, one from each Province, shall be elected by the members of each Provincial Assembly;

Provided that paragraph (f) shall be effective from the next Senate election after the commencement of the Constitution (Eighteenth Amendment) Act, 2010.

- (2) Election to fill seats in the Senate allocated to each Province shall be held in accordance with the system of proportional representation by means of the single transferable vote.
- (3) The Senate shall not be subject to dissolution but the term of its members, who shall retire as follows, shall be six years:

- (a) of the members referred to in paragraph (a) of clause (1), seven shall retire after the expiration of the first three years and seven shall retire after the expiration of the next three years;
- (b) of the members referred to in paragraph (b) of the aforesaid clause, four shall retire after the expiration of the first three years and four shall retire after the expiration of the next three years;
- (c) of the members referred to in paragraph (c) of the aforesaid clause,—
 - (i) one elected on general seat shall retire after the expiration of the first three years and the other one shall retire after the expiration of the next three years; and
 - (ii) one elected on the seat reserved for technocrat shall retire after first three years and the one elected on the seat reserved for women shall retire after the expiration of the next three years;
- (d) of the members referred to in paragraph (d) of the aforesaid clause, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years;
- (e) of the members referred to in paragraph (e) of the aforesaid clause, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years; and
- (f) of the members referred to in paragraph (f) of the aforesaid clause, two shall retire after the expiration of first three years and two shall retire after the expiration of next three years:

Provided that the Election Commission for the first term of seats for non-Muslims shall draw a lot as to which two members shall retire after the first three years.

- (4) The term of office of a person elected to fill a casual vacancy shall be the unexpired term of the member whose vacancy he has filled."

19. **Amendment of Article 61 of the Constitution.**—In the Constitution, in Article 61, for the word "ninety" the words "one hundred and ten" shall be substituted.

(2) in Part II,—

(i) entries 4, 5, 6, 7, and 8 shall be renumbered as entries 14, 15, 16, 17 and 18, respectively, and

(ii) after entry 3, the following new entries shall be inserted, namely:—

4. Electricity

5. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of port authorities therein.

6. All regulatory authorities established under a Federal law.

7. National planning and national economic coordination including planning and coordination of scientific and technological research.

8. Supervision and management of public debt.

9. Census.

10. Extension of the powers and jurisdiction of members of a police force belonging to any Province to any area in another Province, but not so as to enable the police of one Province to exercise powers and jurisdiction in another Province without the consent of the Government of that Province; extension of the powers and jurisdiction of members of a police force belonging to any Province to railway areas outside that Province.

11. Legal, medical and other professions.

12. Standards in institutions for higher education and research, scientific and technical institutions.

13. Inter-provincial matters and co-ordination.”

(3) The Concurrent Legislative List and the entries thereto from 1 to 47 (both inclusive) shall be omitted.

102. **Omission of the Sixth and the Seventh Schedule in the Constitution.**—In the Constitution, the Sixth Schedule and the Seventh Schedule shall be omitted.

IFTIKHARULLAH BABAR,
Special Secretary.

CHARTER OF DEMOCRACY

LONDON, May 15: The following is the text of the Charter of Democracy signed by former prime ministers Benazir Bhutto and Nawaz Sharif here on Sunday: We the elected leaders of Pakistan have deliberated on the political crisis in our beloved homeland, the threats to its survival, the erosion of the federation's unity, the military's subordination of all state institutions, the marginalisation of civil society, the mockery of the Constitution and representative institutions, growing poverty, unemployment and inequality, brutalisation of society, breakdown of rule of law and, the unprecedented hardships facing our people under a military dictatorship, which has pushed our beloved country to the brink of a total disaster; Noting the most devastating and traumatic experiences that our nation experienced under military dictatorships that played havoc with the nation's destiny and created conditions disallowing the progress of our people and the flowering of democracy. Even after removal from office they undermined the people's mandate and the sovereign will of the people; Drawing history's lesson that the military dictatorship and the nation cannot co-exist – as military involvement adversely affect the economy and the democratic institutions as well as the defence capabilities, and the integrity of the country – the nation needs a new direction different from a militaristic and regimental approach of the Bonapartist regimes, as the current one; Taking serious exception to the vilification campaign against the representatives of the people, in particular, and the civilians, in general, the victimisation of political leaders/workers and their media trials under a Draconian law in the name of accountability, in order to divide and eliminate the representative political parties, to Gerrymander a king's party and concoct legitimacy to prolong the military rule; Noting our responsibility to our

people to set an alternative direction for the country saving it from its present predicaments on an economically sustainable, socially progressive, politically democratic and pluralist, federally cooperative, ideologically tolerant, internationally respectable and regionally peaceful basis in the larger interests of the peoples of Pakistan to decide once for all that only the people and no one else has the sovereign right to govern through their elected representatives, as conceived by the democrat par excellence, Father of the Nation Quaid-i-Azam

Mohammed Ali Jinnah; Reaffirming our commitment to undiluted democracy and universally recognized fundamental rights, the rights of a vibrant opposition, internal party democracy, ideological/political tolerance, bipartisan working of the parliament through powerful committee system, a cooperative federation with no discrimination against federating units, the decentralisation and devolution of power, maximum provincial autonomy, the empowerment of the people at the grassroots level, the emancipation of our people from poverty, ignorance, want and disease, the uplift of women and minorities, the elimination of klashnikov culture, a free and independent media, an independent judiciary, a neutral civil service, rule of law and merit, the settlement of disputes with the neighbours through peaceful means, honouring international contracts, laws/covenants and sovereign guarantees, so as to achieve a responsible and civilized status in the comity of nations through a foreign policy that suits our national interests; Calling upon the people of Pakistan to join hands to save our motherland from the clutches of military dictatorship and to defend their fundamental, social, political and economic rights and for a democratic, federal, modern and progressive Pakistan as dreamt by the Founder of the nation; have adopted the following, "Charter of Democracy";

A. CONSTITUTIONAL AMENDMENTS

1. The 1973 Constitution as on 12th October 1999 before the military coup shall be restored with the provisions of joint electorates, minorities, and women reserved seats on closed party list in the Parliament, the lowering of the voting age, and the increase in seats in parliament and the Legal Framework Order, 2000 and the Seventeenth Constitutional Amendment shall be repealed accordingly.

2. The appointment of the governors, three services chiefs and the CJSC shall be made by the chief executive who is the prime minister, as per the 1973 Constitution.

3. (a) The recommendations for appointment of judges to superior judiciary shall be formulated through a commission, which shall comprise of the following:

i. The chairman shall be a chief justice, who has never previously taken oath under the PCO.

ii. The members of the commission shall be the chief justices of the provincial high courts who have not taken oath under the PCO, failing which the senior most judge of that high court who has not taken oath shall be the member.

iii. Vice-Chairmen of Pakistan and Vice-Chairmen of Provincial Bar Association with respect to the appointment of judges to their concerned province

iv. President of Supreme Court Bar Association

v. Presidents of High Court Bar Associations of Karachi, Lahore, Peshawar, and Quetta with respect to the appointment of judges to their concerned province

vi. Federal Minister for Law and Justice

vii. Attorney General of Pakistan

(a-i) The commission shall forward a panel of three names for each vacancy to the prime minister, who shall forward one name for confirmation to joint parliamentary committee for confirmation of the nomination through a transparent public hearing process.

(a-ii) The joint parliamentary committee shall comprise of 50 per cent members from the treasury benches and the remaining 50 per cent from opposition parties based on their strength in the parliament nominated by respective parliamentary leaders.

(b) No judge shall take oath under any Provisional Constitutional Order or any other oath that is contradictory to the exact language of the original oath prescribed in the Constitution of 1973.

(c) Administrative mechanism will be instituted for the prevention of misconduct, implementation of code of ethics, and removal of judges on such charges brought to

its attention by any citizen through the proposed commission for appointment of Judges.

(d) All special courts including anti-terrorism and accountability courts shall be abolished and such cases be tried in ordinary courts. Further to create a set of rules and procedures whereby, the arbitrary powers of the chief justices over the assignment of cases to various judges and the transfer of judges to various benches such powers shall be exercised by the Chief Justice and two senior most judges sitting together.

4. A Federal Constitutional Court will be set up to resolve constitutional issues, giving equal representation to each of the federating units, whose members may be judges or persons qualified to be judges of the Supreme Court, constituted for a six-year period. The Supreme and High Courts will hear regular civil and criminal cases. The appointment of judges shall be made in the same manner as for judges of higher judiciary.

5. The Concurrent List in the Constitution will be abolished. A new NFC award will be announced.

6. The reserved seats for women in the national and provincial assemblies will be allocated to the parties on the basis of the number of votes polled in the general elections by each party.

7. The strength of the Senate of Pakistan shall be increased to give representation to minorities in the Senate.

8. FATA shall be included in the NWFP province in consultation with them.

9. Northern Areas shall be developed by giving it a special status and further empowering the Northern Areas Legislative Council to provide people of Northern Areas access to justice and human rights.

10. Local bodies election will be held on party basis through provincial election commissions in respective provinces and constitutional protection will be given to the local bodies to make them autonomous and answerable to their respective assemblies as well as to the people through regular courts of law.

B. CODE OF CONDUCT

11. National Security Council will be abolished. Defence Cabinet Committee will be headed by prime minister and will have a permanent secretariat. The prime minister may appoint a federal security adviser to process intelligence reports for the prime minister. The efficacy of the higher defence and security structure, created two decades ago, will be reviewed. The Joint Services Command structure will be strengthened and made more effective and headed in rotation among the three services by law.

12. The ban on a 'prime minister not being eligible for a third term of office' will be abolished.

13. (a) Truth and Reconciliation Commission be established to acknowledge victims of torture, imprisonment, state-sponsored persecution, targeted legislation, and politically motivated accountability. The commission will also examine and report its findings on military coups and civil removals of governments from 1996.

(b) A commission shall also examine and identify the causes of and fix responsibility and make recommendations in the light thereof for incidences such as Kargil.

(c) Accountability of NAB and other Ehtesab operators to identify and hold accountable abuse of office by NAB operators through purgery and perversion of justice and violation of human rights since its establishment.

(d) To replace politically motivated NAB with an independent accountability commission, whose chairman shall be nominated by the prime minister in consultation with the leader of opposition and confirmed by a joint parliamentary committee with 50 per cent members from treasury benches and remaining 50 per cent from opposition parties in same manner as appointment of judges through transparent public hearing. The confirmed nominee shall meet the standard of political impartiality, judicial propriety, moderate views expressed through his judgements and would have not dealt.

14. The press and electronic media will be allowed its independence. Access to information will become law after parliamentary debate and public scrutiny.

15. The chairmen of public accounts committee in the national and provincial assemblies will be appointed by the leaders of opposition in the concerned assemblies.

16. An effective Nuclear Command and Control system under the Defence Cabinet Committee will be put in place to avoid any possibility of leakage or proliferation.

17. Peaceful relations with India and Afghanistan will be pursued without prejudice to outstanding disputes.

18. Kashmir dispute should be settled in accordance with the UN Resolutions and the aspirations of the people of Jammu and Kashmir.

19. Governance will be improved to help the common citizen, by giving access to quality social services like education, health, job generation, curbing price hike, combating illegal redundancies, and curbing lavish spendings in civil and military establishments as ostentious causes great resentment amongst the teeming millions. We pledge to promote and practice simplicity, at all levels.

20. Women, minorities, and the under privileged will be provided equal opportunities in all walks of life.

21. We will respect the electoral mandate of representative governments that accepts the due role of the opposition and declare neither shall undermine each other through extra constitutional ways.

22. We shall not join a military regime or any military sponsored government. No party shall solicit the support of military to come into power or to dislodge a democratic government.

23. To prevent corruption and floor crossing all votes for the Senate and indirect seats will be by open identifiable ballot. Those violating the party discipline in the poll shall stand disqualified by a letter from the parliamentary party leader to the concerned Speaker or the Chairman Senate with a copy to the Election Commission for notification purposes within 14 days of receipt of letter failing which it will be deemed to have been notified on the expiry of that period.

24. All military and judicial officers will be required to file annual assets and income declarations like Parliamentarians to make them accountable to the public.

25. National Democracy Commission shall be established to promote and develop a democratic culture in the country and provide assistance to political parties for capacity building on the basis of their seats in parliament in a transparent manner.

26. Terrorism and militancy are by-products of military dictatorship, negation of democracy, are strongly condemned, and will be vigorously confronted.

C. FREE AND FAIR ELECTIONS

27. There shall be an independent, autonomous, and impartial election commission. The prime minister shall in consultation with leader of opposition forward up to three

names for each position of chief election commissioner, members of election commission, and secretary to joint parliamentary committee, constituted on the same pattern as for appointment of judges in superior judiciary, through transparent public hearing process. In case of no consensus, both prime minister and leader of opposition shall forward separate lists to the joint parliamentary committee for consideration. Provincial election commissioner shall be appointed on the same pattern by committees of respective provincial assemblies.

28. All contesting political parties will be ensured a level playing field in the elections by the release of all political prisoners and the unconditional return of all political exiles. Elections shall be open to all political parties and political personalities. The graduation requirement of eligibility which has led to corruption and fake degrees will be repealed.

29. Local bodies elections will be held within three months of the holding of general elections.

30. The concerned election authority shall suspend and appoint neutral administrators for all local bodies from the date of formation of a caretaker government for holding of general elections till the elections are held.

31. There shall be a neutral caretaker government to hold free, fair, and transparent elections. The members of the said government and their immediate relatives shall not contest elections.