

I. Development of Political System

Soon after the inception of Pakistan, the Government of India Act 1935 and the Act of Independence (1947) after few modifications were adopted as interim arrangements for administering the political business of the state. Besides, the Constituent Assembly was also given the responsibility of framing the new constitution. This assembly failed to respond positively and got entangled into political intricacies thus delayed the process of making constitution. The constitutionalists and the political elites gave following reasons for posing delay in making the first constitution. • Influx of Refugees- An unprecedented Migration • Administrative Vacuum • Economic Collapse • Political Unrest • Indian-British Conspiracies • Insecure Borders In order to resolve growing constitutional issues, the Objective Resolution (1949) was passed by Liaqat Ali Khan (the Prime Minister) but it further exacerbated ongoing political conditions. For the first time minorities were marginalized and forced to raise concerns over the futuristic outlook of Pakistan. The key features of the Objective Resolution were as follows: • Islamic State • Federal Structure • Distribution of Powers • Equality before Law • Independence of Judiciary • Urdu and English be the National Languages Instead of pouring oil on the trouble waters Objective Resolution invited plethora of problems. The language issue, distribution of seats in the Legislative Assembly and the division of powers between the federation and the federating units germinated agitational politics in East Pakistan. With the assassination of Liaqat Ali Khan (1951), political instability anomalously crept in. Moreover the Ahmedis Movement (1953) also polluted the political environment and resulted in the imposition of limited Martial Law in Lahore. Later the dissolution of the Constituent Assembly and re-constituting of the second Assembly also weakened the political system. The arbitrary use of powers by the governor generals seriously jeopardized the working of political system. The growing influence of army and bureaucracy in the politics also rang alarming bells for the politicians who looked incapacitated to counter such preponderance. These developments negatively carved the process of political development. Ch. Muhammad Ali (Prime Minister) was able to present the first Constitution in 1956 and it was hailed as one of the greatest political triumph of a bureaucrat. Unfortunately the Constitution of the Islamic Republic in Pakistan remained in vogue only for couple of years. The salient features were: • Written Constitution (234 articles, divided into 13 parts and 6 schedules) • Islamic State • Federal System with Uni-

Cameral Legislature • Division of Powers • Parliamentary Order • Independence of Judiciary

The failure of the constitution also intensified political crisis. The appalling economic conditions were creating more uncertainties among the masses. In amid environment of political and economic chaos, military had to capture the reins of the government in 1958. Thus Ayub Khan emerged as a savior of a frustrated nation. He abrogated the Constitution of 1956 and attempted to re-structured political order. He blamed politicians for creating political turmoil. The activities of the politicians were brought under heavy restraint by the Elective Bodies Disqualification Order (EBDO) in 1959. In order to give country a type of democracy which the people could understand, Ayub Khan introduced the system of Basic Democracies in 1959. The idea behind this scheme was to ensure democracy at grass root level. He believed that without coherent political culture at local level the foundation of real democracy was not possible. This system provided for the election of 80,000 Basic Democrats, equally divided between East and West Pakistan. They were to be elected on direct adult franchise⁷. However to make it an electoral college for the election of the president was injudicious step. Ayub Khan unilaterally reversed the entire political order from parliamentary system to Presidential one in 1962 Constitution. The salient features were as follows: • Written Constitution (250 Articles, divided into 12 Parts and 3 Schedules).

• Islamic State • Federal System with Uni-Cameral Legislature • Division of Powers • Presidential System • Basic Democracy • Independence of Judiciary

During Presidential election (1965), Ayub Khan successively manipulated Basic Democracy System and defeated Fatima Jinnah. However the political opponents questioned the legality of this election. Later the outbreak of war between Pakistan-India enabled him to maneuver public sentiments in his favor but subsequent talks at Tashkent and signing of Tashkent Declaration (1966) proved to be a swan song for him. The massive agitational movement forced him to hand over power to another military general Yahya Khan in 1969. Yahya Khan just like his predecessor also abrogated the Constitution of 1962 and gave LFO (Legal Frame Work Order) in 1969. One of the significant features of LFO was to hold general election in the state. The general elections were held in 1970. This election instead of bringing political homogeneity resulted in providing unmitigated suffering to the political order. It sabotaged the national integrity of Pakistan. Yahya- Bhutto reluctance to hand over power to Majeed Ur- Rehman (the leader of Awami League) who was

determined to materialize his six point's agenda in the new polity resulted in the breakup of this country. In other words defective political strategies of military-bureaucratic elements led to sad episode. After the drop scene of East Pakistan, Zulfiqar Ali Bhutto formed government in truncated Pakistan. He made efforts to stabilize politico-economic conditions. He presented the Constitution of the Islamic Republic of Pakistan 1973 which was endorsed by the majority of the members sitting in the National Assembly. The significant features were; • Written Constitution (280 Articles, 12 Chapters and 6 schedules) • Islamic State • Federal System with Bi-Cameral Legislature • Division of Powers • Parliamentary Order • Independence of Judiciary Although this constitution provided legitimacy to the political structures but it could not contribute positively to the institutional development. It had to suffer from shocks and break downs. It was amended, suspended but not abrogated. When Zulfiqar Ali Bhutto was replaced by Zia-ul-Haq, he too amended the constitution and incorporated 8th Amendment to strike balance between the powers of the President and the Prime Minister. However, this Amendment proved to be a sword of Damocles for the successive governments. In the decade of democratization from 1988-1998, democratic development jolted badly due to Article 58 II B of 1973 constitution which had empowered the President to dissolve the National Assembly whenever he felt so. During the second tenure of Mian Nawaz Sharif, efforts were made to restore the dignity of the parliamentary system. Consequently the 8th Amendment was replaced by 13th Amendment. These political measures proved to be all moon shine when General Pervaiz Mushraf ousted Mian Nawaz Sharif on 12th October 1999. He made structural changes in the political system. He was given a legal cover by the apex Court of Pakistan under the law of necessity. Alike his predecessor took various steps like, local government system, electoral reforms, increasing the seats of National Assembly and Senate, holding 2002 general election etc. However the most astonishing political step was the 17th Amendment that gave more powers to the head of the state in comparison with the prime minister. The pendulum of powers swung back to the President who could dissolve the parliament under unfavorable circumstances. After 2008 general elections the government of Pakistan People's Party repealed it with 18th Amendment. Over the year's chronic political and economic instability, border conflicts, ineffective internal and external policy mechanism, frequent changes in the constitution has badly weakened the political system. The political system of Pakistan portrayed the following features: 1. Federal Parliamentary Structure 2. Legitimacy of the Government 3. Mushroom Growth of Political

Parties 4. Military-Bureaucratic Oligarchy 5. Absence of Accountability Federal-Parliamentary Structure-: Since the birth of Pakistan federal-Parliamentary structure has been in the state of practice. The system was British legacy and was followed with modifications in the post-independent setup. The formulation of Objective Resolution was also done in the light of it. Later the Constitution of the Islamic Republic of Pakistan 1956 crystallized it in clandestine manner. The only exception was the period of Ayub Khan in which Presidential order was implemented but due to lack of political indoctrination Presidential system, it got catapulted the moment he left government. Federal-Parliamentary structure was reinvigorated under 1973 constitution. However, conspicuous changes in the shape of 8th and 17th Amendments changed the nature of the original Constitution. He was supposed to be a ceremonial head of the state and all powers were to be exercised by the head of the government. The constitution states a person can only be eligible for this office that is a resident of Pakistan, a Muslim, should be mentally sound, has not been punished by any court and meets the age of 40 years. The Electoral College comprising of the members of the National Assembly, Senate and Provincial Assemblies vote for him into power. He remains in office for five years. He can be impeached, if he goes against the principles of the constitution⁸. He enjoys powers like, signing of bills, rejecting bills but if passed by the National Assembly with 2/3 majority then it would become a law without the approval of the President⁹, issuing ordinances whose validity is of six months, during this time Parliament has to pass or reject it otherwise it will cease to function, dissolution of the National Assembly under 8th & 17th Amendments but it has curtailed under 18th Amendment, giving grants to organizations, receiving foreign delegations, dignitaries, diplomats, touring any country, summoning the joint session of the Parliament, addressing that session, appointing state officials on the advice of the prime minister etc. Prime Minister is a leader of the majority party is invited by the President to form government. He is the real executive who performs all functions of the state. He makes cabinet. He can remain in his office as long as he enjoys the confidence of the parliament. On the other Majlis-e-Shura (Legislature) consists of National Assembly and the Senate. Sadly speaking the prerequisite of federation is bicameral legislature but this feature was non-existent in the previous two constitutions. Senate was established under 1973 constitution. Currently National Assembly comprises of 342 members and Senate has 104 members¹⁰. Lower House is directly constituted by the votes of general public where as Senate is elected on the basis of Proportional Representation. Another feature of federation is

distribution of powers. Since the inception of Pakistan there had been political discrepancies over the pattern of distribution of powers. Political bickering continued to weaken federation and the impact was disintegration of Pakistan. After the sad debacle of Bangladesh a uniformed measure of distributing powers was adopted in the Constitution of 1973 and efforts were made to ensure provincial autonomy. By the virtue of the original constitution national government/Central government enjoyed the power of legislating on 67 subjects where as provincial governments were 47 subjects to legislate on¹¹ . Residuary powers belonged to provincial governments. The 18th Amendment abolished the current list, although Criminal Laws, Criminal Procedure and Evidence remained subjects on which both the Parliament and the Provincial legislatures were given powers to make laws. Now there are 77 subjects in federal list including 59 in Part I and 18 in Part II¹². Federalism was always perceived to be the best system for Pakistan due to its peculiar circumstances, even the military rulers adopted it as rhetoric to appease the federating units, however, despite explicit constitutional provisions, and Pakistan mostly functioned as a unitary state¹³ . Judiciary being the cornerstone is represented by the Supreme Court whose judges are to be appointed by the President through Parliamentary Commission. The names of the judges shall be recommended to the Parliamentary Commission by judicial Commission¹⁴. Supreme Court hears appeals against the cases decided by the High Courts, interprets the Constitution, decide cases between provinces, or provinces and the federation, acts as custodian of fundamental rights etc. Legitimacy of the Government with a few Successions While viewing at 68 years history of Pakistan one can argue that more than three decades military rulers usurped powers. Ayub Khan, Zia ul Haq and Pervaiz Musharraf used electoral system and referendum as tools to perpetuate political ascendancy in Pakistan. They moved from defacto sovereigns to de jure sovereigns of the state. The only exception was Yaya Khan, who remained a defacto ruler without election. Interestingly, during referendums voter turnout was astonishing. Ayub Khan bagged 95.6 percent votes from BD"s, Zia ul Haq earned 97.7 percent and President Musharraf mustered 97.5 percent of the total polled votes¹⁵ . Since the inception of Pakistan, the people of Pakistan remained without general elections. The first general election was ever held in 1970 on the basis of popular will. For the first time general public was given the right to cast vote on adult franchise. Political parties played significant role in mobilizing public. However when Zia-ul-Haq overthrew the government of Zulfiqar Ali Bhutto, he screwed general elections and went for holding elections on non- party basis in 1985. The democratic process was jolted by frequent

changes in the government. Most of the political governments failed to consolidate political power. They were either removed by military elites or president applying article 58-2 (B) to unseat them¹⁶. The concept of the troika (sharing power between the president, prime minister and the military command), though clearly an extra-constitutional development, became a fact of life in Pakistan after the death of Zia-ul-Haq. Later Musharraf virtually militarized the entire state structure¹⁷. The impact was, political system suffered heavily. Unfortunately one of the most traumatic experiences was the losing parties always used agitational politics to destabilize political government. They never accepted elections results and blamed winning party for rigging election, misusing state machinery, intimidation and exploitation. The table below portrays the picture of system break downs.

Burgeon Growth of Political Parties

The representative democracy is manifested by the positive, cogent and constructive role of political parties. Political parties are the channels of arousing political awareness among the masses. They remain instrumental in mobilizing public opinion on different national and international issues. The quality of political leadership and how the political parties discharge their tasks go a long way to shape the nature and direction of the political system. The practical demonstration of the politics has to be exhibited by the strong role of political parties. At the same time political parties are also accused of cultivating the seeds of political disharmony. Holistically speaking the more the political parties a state have, the more would be the division of the population. In Pakistan the strength of the political parties is increasing day by day. In the last general election of 2013, there were 162 registered political parties¹⁹. Today, there are 282 political parties working in the political setup.

The Military-Bureaucratic Oligarchy

In modern democracies, all opportunities for progress are provided to the people and governments are regarded as custodians of fundamental rights. In Pakistan military and bureaucracy wielded enormous powers during the period of political instability. With no shadow of doubt, the military has been the most formidable and autonomous institution in Pakistan, capable of influencing the nature and direction of political change²⁵. Retrospectively the institution of military and bureaucracy were designed by the colonial masters to aggrandize

power in the sub-continent, continued to dominate the political landscape of Pakistan in the post-independent scenario. The fragility of Muslim League and compounding problems necessitated the need of such preponderance by these institutions. After the demise of Quaid-e-Azam and with the brutal assassination of Liaquat Ali Khan the political system was dominated by the “gang of four” consisting of Ghulam Muhammad, Chaudhry Muhammad Ali, Skindar Mirza and Ayub Khan. The dominance of the bureaucracy could be realized from the fact when Malik Ghulam Muhammad dismissed the government of Khawaja Nazimuddin even though the constituent assembly had given him a vote of confidence. Governor General not only appointed the new prime minister but also nominated ministers with their designated portfolios. Thus reducing the stature of the constituent assembly merely to a rubber stamp organization. The intervention of army in 1958 further strengthened military-bureaucratic relationship. During the era of Ayub Khan, bureaucracy readily transformed itself into the position of a partner in autocracy. If the military moved with a front assault, the bureaucracy proved its usefulness through slow permeation²⁶. His Martial Law changed the course of the nation. A new brand of colonialism with the connivance of bureaucracy was imposed. During the period of Yahya Khan the role of bureaucracy was relegated in the process of governance. The institution was also disjunct and dispirited by the dismissal of 303 civil servants. In the subsequent era Z.A Bhutto also revamped its structural and functional mechanism. However Zia-ul-Haq gave greater confidence to bureaucracy by putting an end to the practice of screening which was prevalent in the previous regimes. The screening method was a sword of Damocles for bureaucrats who could be dismissed or transferred at short notice. He gave senior bureaucrats relatively long tenures so that they should materialize upon his set objectives. The fact remains that whenever military meddled in the political system it never showed sympathies for political elites rather it blamed them for unleashing politico-economic crisis in the state. Consequently political elites were declared incompetent, docile and corrupt. In order to consolidate power military had to align itself with bureaucracy. Whenever political turmoil crept in and political institutions failed to control such crisis, military stepped into political arena and removed political governments through extra constitutional means. On the other hand military-bureaucratic alliance contributed stupendously to economic development but pushed back state politically. S. Akbar Zaidi discussed although Pakistan’s military played a crucial role in the political process by backing and supporting particular individuals and creating political parties and alliances and working on economic

development but with the disappearance of military rule the institutional decay, political and economic instability was also witnessed²⁷. Political elites were relegated, banned or intimidated to join the hands of army. The politics of referendum, localization of politics, political fractionalization and constitutional engineering helped military elites to maneuver political system in accordance with their own whims and caprices, in materializing such schemes bureaucracy remained a natural partner. Throughout the history of Pakistan bureaucracy remained subservient to the interests of military rulers. In the past it facilitated Ayub Khan, Zia-ul-Haq, and Musharraf in the process of acquiring legitimacy through manipulated referendums. Besides it also helped in establishing some semblance of democracy at grass root level. Mohammad Waseem observed that whenever military intervened it altered the entire political order in collaboration with bureaucracy²⁸. The history bore out the fact that military emerged stronger partner in comparison with bureaucracy. Unfortunately there had been no authority to make them responsible in the performance of their duties and accountable for misuse of power, embezzlements or corruption. With no shadow of doubt one can argue that harmonious relationship between these institutions left indelible imprints upon the political system of Pakistan.

Lack of Accountability

It is universally acknowledged fact that democratic system can only be sustained if system of checks and balances is evolved on sound basis. In Britain parliament is empowered to check the misuse of power by principle of collective accountability. In U.S. the system of checks and balances have been developed to curtail omnipotency in the functional mechanism of political structures. In third world countries like Pakistan neither collective accountability nor checks and balances systems have been followed. Vigilance, recall and referendums have been the useful means of making political and bureaucratic representatives accountable before masses but in the environment of chronic illiteracy, political unconsciousness these tactics were never applied. The concept of accountability always looked farce in administering machinery of the state. Without any exaggeration today Pakistan faces a crisis of governance. The essential elements of good governance, covering rule of law, accountability and transparency have been shattered by corrupt and incompetent Pakistani rulers. The outcome of such oblivion leads to widespread corruption, low human development and higher poverty levels in Pakistan are least surprising. In the absence

of both sound internal controls and institutionalized accountability, Government departments turn into dens of corruption. Public office holders in general face a crisis of ethics, easily accept bribes and embezzle public funds. Lack of transparency in public sector procurement promotes the culture of kickbacks and commissions. Adding fuel to the fire, rampant corruption is proving catastrophic for democracy to survive. Corruption remains a substantial obstacle for Pakistan and democratic system. Transparency International (TI) has ranked Pakistan 34th most corrupt nation in the world. First government of PPP in 1988 was sacked because of charges of corruption, similarly elections held in 1997 were accused of such charges, and the recent compromise on corruption in the form of NRO, has raised many questions in the minds of nation against the credibility of political elite. The menace of corruption is hollowing the roots of already weak democracy. The absence of accountability also provided opportunity to army and bureaucracy to misuse power. While looking at the political history of Pakistan party in power always developed its own scheme of accountability drive. Ayub Khan used EBDO (Elective Bodies Disqualification Order) to remove corrupt politicians from the political scene. Bhutto applied his doctrine of accountability by removing bureaucrats and army officials. Zia-ul-Haq victimized political opponents on the pretext of Ehtesab (Accountability). From 1988-1999 no political government was able to complete its democratically elected tenure. Thus it developed a negative trend and destabilized parliamentary system. In the second tenure of Mian Nawaz Sharif a selective weapon to victimize opposition was also introduced. An Ehtisab Act (1997) was promulgated and Ehtisab Cell was set up under Senator Saif-ur-Rehman, (a close confidant of Mian Nawaz). Regrettably the accountability drive was confined to opponents only. Mian Nawaz and his cronies were exempted from such proceedings. Later it was transformed into NAB (National Accountability Bureau) in 2002. The bureau claimed that it recovered over two hundred and forty billion rupees (four billion US dollars) from corrupt politicians, bureaucrats and businessmen. NAB however remained as a vehicle for detaining former officials and party leaders and a deviation from the normal justice system. Unfortunately in Pakistan accountability method for political, civil and military elites had never been developed properly. The ruling party deciphered accountability as a method to victimize its own opponents. The opposition parties had been generally hostile, violent and blaming government for misuse of power. This behavior badly eroded the credibility of all institutions which were designed to ensure accountability. With no consensus in sight between PML-N and PPP over the draft holders of Public Office

Accountability Bill 2009 to set-up an Independent Accountability Commission, it would be prudent to review and suitably amend Musharraf's National Accountability Ordinance (NAO) to give it a „democratic“ touch while retaining its strong anti-corruption character. Lack of accountability coupled with crisis of governance is posing a challenge to the smooth running of the system. The role of civil society and media is always vital for keeping each component of the government within its allocated domains. Unfortunately, Media's biasness has ignited a flame of political imbalance and disharmony which in turn, has been weakening the roots of democratic culture in Pakistan. The capability of NAB has been called into question. How long this culture of non-accountability would dominate nobody can say anything but one can argue that for maintaining real democracy government personals along with opposition parties will have to chalk out a plan to endure accountability process more vibrant, transparent and dynamic in nature.