

# **REAL POLITICS**

**A New Approach**

**Safdar Hasan Siddiqi**

**Publisher**

This work is dedicated to

**The masses of Pakistan**

Who have always faced with courage and perseverance  
attempts of the vested interests of the country  
to dispossess them of their basic needs, their rightful share in  
governance,  
their sovereignty and their final authority of decision-making.

**The memory of Prof. Rafiullah Shahab**

A great scholar. A benefactor and a friend to me. A guide in my  
quest for The Truth. He breathed his last on January 5, 2003.

# REAL POLITICS

## A New Approach

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## FOREWORD

I have the privilege of going through the manuscript of the book titled 'Real Politics' by Mr. Safdar Hasan Siddiqi. Mr. Siddiqi is an accomplished writer and author of a number of outstanding books on politics, sociology, religion and other important topics. He has himself been a political organizer and a political analyst. He has written extensively on political and social topics in the newspapers over the years. His contribution towards peace and democracy is known to every one particularly his work as Secretary to Pak-Soviet Friendship Society and Pakistan-India Peoples forum for Peace and Democracy. His endeavours as political activist and intellectual have been focused towards promotion of peace in South Asia in particular and peace in the world in general.

In his book 'Real Politics', Mr. Siddiqi has ably summarized constitutional and political development in Pakistan. He has dealt with the intricacies of complex politics of Pakistan over the past more than half a century. His deep insight and extensive experience as political activist during all this period has rendered depth in his narration of political events. His treatment of the subject is scholarly and objective. He has tried to squeeze the political events of half century into little more than 200 pages of his work.

The last chapter of his book 'framing our politics anew', is a product of rich intellect, extensive political experience and deep religious knowledge. Mr. Siddiqi has proposed solution to political and social problems confronting the country over the last half century in the context of his political expertise and profound knowledge. I am particularly impressed with his treatment of Islam as a guiding light for the polity in Pakistan without its exploitation for political purposes.

His insistence on wide spread education in the country is highly appreciable because this goal if achieved could lead to enlightenment amongst the people for their rights and for curbing the tendency of greed and avarice amongst the rulers. I am particularly impressed with the steps he has proposed for bringing about good governance in the country that could sustain democracy, administrative excellence and modernization. The importance of accountability in his analysis cannot be over emphasized. His analysis on degeneration of civil and military bureaucracy make interesting reading and are educative. He has though briefly but ably dealt with the failure of judiciary to curb abuse of powers at the hands of civil and military bureaucracy.

He has shown deep insight in analysing the failure of political process and political parties. He has correctly concluded that one of the major reasons for failure of certain genuine political parties to take roots was the want of funding and no system has been evolved over the years to meet the genuine economic needs of political parties.

He has correctly analyzed as to how democracy has been overshadowed and at times stifled by the military rulers. The military rulers, using the argument that checks on abuse of power in democratic dispensation are essential, have virtually engulfed the entire democratic process and rendered it unworkable. The checks have degenerated into curbs and democratic traditions have been sniffed out of the system.

Mr. Siddiqi has dealt with the matter of elections very thoroughly and his statement of the goals of elections make interesting reading and identifies some of the major problems confronted by the country in the electoral process. He has rightly emphasized the importance of free and transparent elections. His discussion on political economy in Pakistan and enumeration of the causes of its retardation make impressive reading.

He has rightly pointed out that the common man, particularly those belonging to the lower middle classes and the working classes have suffered the most due to the inequities and injustices in the sphere of national economy. The poor of this country have paid for the adventures of the rich and stand totally exposed to the vagaries of economic uncertainty and insecurity.

His discussion and analysis on the foreign relations of Pakistan particularly concerning the Pak-India relation are commendable. It shows the depth of his knowledge on the subject and his quest for peace in the region.

In nutshell I think that this book would be a valuable edition to the political literature in the country. It will make useful reading for the students and teachers of political science. It is also a valuable guide for political leaders, workers and activists.

Hamid Khan

## COMMENTS

What Mr. Safdar Hasan Siddiqi calls real politics is in fact the vision of an idealist, which is becoming more and more a chimera in the muddy and turbid environment of post 2002 elections in Pakistan. Yet as an optimist, he would not give up his fight and is determined to carry on his mission through written and spoken words, to seek the lost paradise. Now he has produced a book "Real Politics" summarizing his views and suggestions on various aspects of the State structure and on forces, patent and latent, in our society.

The modus operandi of Mr. Safdar appears to initially present to his readers a candid and clear picture of the society, he is living in. Accordingly first few chapters of the book are like a fast moving but well edited documentary which projects an unbiased record of our failures, faults, omissions and commissions. He has critically touched upon many sections of the society such as politicians, bureaucrats, army, judiciary, journalists and even the civil society. Having thus confronted his reader with a dismal picture, which is designed to give him a shock and a sense of shame, he next proceeds to offer a road map for a way out. His latter chapters are signposts on the road map.

"Real Politics" is therefore, an unmitigated reaction of an honest, well meaning and a sensitive citizen of Pakistan. He has dedicated himself to the vision of Mr. Jinnah and hopes to see the dawn, when Pakistan would become a tolerant, humane and democratic society, acting as a role model for the rest of the Muslim world, in which its people will be the custodian of the values of the State, the Constitution and the law where accountability across the border would be an order of the day. Can this happen in the near future or not at all?

The question assumes significant importance when we notice that idealism and pragmatism are being paraded in public statements and in newly elected legislative bodies. Various stakeholders use these concepts interchangeably whenever one or the other captain justifies the maverick action of his party or his personal cause.

Mr. Safdar has rightly lamented that political parties have failed to develop as strong institutions and that the electoral process could not gain credibility because in order to keep itself in power, every regime has manipulated elections in its favour.

Once again the elections of 2002 are neither inspiring nor have they received national credibility across the board. Furthermore the political parties are less cohesive and disciplined thus allowing the shifting of loyalties with ease.

However, the redeeming feature of the present scenario should not be lost namely, that a purely military regime, which took power on 12<sup>th</sup> October, 1999 through a declaration, which proclaimed that Pakistan is under the control of armed forces of Pakistan, has notwithstanding the absence of any real movement for restoration of democracy began the process of transfer of power within the time granted by the Supreme Court and more importantly, elections have been held on party basis and on adult franchise by enlarging the electorate to include voters between 18 and 21 years.

The Parliament and the four Provincial Assemblies, that have been constituted, though under the LFO, do have all such powers, privileges and incidental parliamentary processes that can facilitate the growth and evolution of parliamentary democracy, providing the members of the newly elected legislature can use their collected talent and experience towards good governance and attend to the vital and necessary issues, confronting the common man. Parliament as an institution is of paramount importance, and occupies a pivotal position in the structure of the State. It has inherent dynamics of its own, which if properly propelled can sooner or later result in the supremacy of the Parliament.

But the sovereignty of the Parliament can neither be guaranteed by the Constitution, nor assured by a mere declaration of its sovereignty by the politicians. History has shown that its status primarily depends upon the courage, wisdom and dedication of its members.

If one looks at the development of the legislature in UK and USA or any other working democracy, including pre-independence India, one finds that parliamentarians, who participated in the legislatures with much less prerogative and limited jurisdiction have been able to achieve, for their people rights, which ultimately not only helped the common man but also raised the stature of the legislature.

Mr. Safdar has raised quite a few issues pertaining to the political and constitutional history of Pakistan but there are one or two other matters that need special attention at this juncture of our development.

One such aspect is the unexplained inability of our political leadership to grasp the importance of time in politics, particularly when there is a crisis. I have noticed that in the most critical moment the decisive step has been postponed (unreasonable or on minor justification), till the undemocratic forces took over with impunity and the public fatigued by the long process of talks, acquiesced in or welcomed the change. Let us see a few examples.

The first and one that left a disastrous and lasting effect on the constitutional development of Pakistan was the indifference and easy pace with which framing of Constitution was undertaken in the first six years since the birth of Pakistan (i.e. from 14/08/47 to 14/07/53) when the Governor-General through an executive order could dismiss the cabinet of Khawaja

Nazimuddin on the ground that his government has “proven entirely inadequate to grapple with the difficulties facing the country”. The delay led to an *administrative coup*. Safdar Hasan Siddiqi has narrated the various steps in which Constituent Assembly remained engaged in framing the Constitution. But the question is why so many long years. There have been some explanations offered for the omission, yet it requires a scholar to pinpoint who individually or collectively were responsible for the criminal lapse.

Secondly, when Muhammad Ali Bogra took over as the Prime Minister and his government was able to finally get the Constitution approved on 21/09/54, why was its enforcement postponement, till 25/12/54, which allowed enough pace to Governor General to plan and strike by dissolving the Constituent Assembly on 10/5/54 on the ground “that by lapse of 7 years or more the members of the Constituent Assembly had lost the confidence of the people.” This time it was a *constitutional coup*. We know the motive why Governor General did what he did, but the non-enforcement of Constitution immediately on passing has not been adequately explained.

Thirdly, when FM Muhammad Ayub Khan called for a Round Table Conference of the political parties on 05/02/1960 for 17/02/1969 with a view to achieve a consensus on political and constitutional issues and members of Democratic Action Committee though they did assemble in Rawalpindi yet did not attend the conference, and raised the demand for release of Sh. Mujib Rehman. This initial prevarication helped the agitation to mount. However even when all the demands of opposition parties were accepted and finally the Round Table Conference did meet on 26/02/69, a *unanimous* demand was made by Opposition to postpone the formal proceeding after Eid. I was participating in the conference as a member of the Government team and was shocked to see the casual attitude of the leaders who had to decide the future of democracy in Pakistan. Both Ayub Khan and myself pleaded for either no postponement or for a very short adjournment. But finally 10/03/69 was accepted for the next date. I was apprehensive that the delay will work in favour of chaos and result in lack of consensus. Violating to an extent the confidentiality, I met various leaders of DAC including Nawabzada Nasrullah, Maulana Abul'ala Maudoodi, Mian Mumtaz Daultana, Khan Wali Khan and informed them that the government side was ready if opposition were to keep their demand to a return to Parliamentary system and adult franchise for election to leave the issues of one unit and parity to the new Parliament and Government would sign on the dotted lines. The reason for my “leak” was to prepare ground for prompt and definite decision on 10/03/69 so that Nation could turn a new leaf

Accordingly on 08/03/69 I made a statement which was reported in National Press in following terms: -

Time too short says Zafar.

“Mr. S.M. Zafar, Central Minister for Law and Parliamentary Affairs has expressed the hope that the DAC would be living to the RTC proposals that would ensure a smooth transfer of power and eliminate the dark spectra of regionalism, sectionalism and class war.”

Although Nawabzada Nasrullah Khan on Behalf of DAC raised two demands as “consensus demands” but he said that on other demands each party will be permitted to raise them before the RTC”, which they did. The sense of urgency was absent. Participation in RTC went out more divided. Nation remained in a state of tension till *Martial Law* over took.

Fourthly, when LFO prescribed that the newly elected constituent assembly must frame the constitution within 120 days (representation of 13 states assembled in Philadelphia in 1787 gave within 120 days a constitution under more critical and climacteric environment than was prevalent in 1970 at Dacca), our political leaders got the time limit removed and the country slipped into *civil war*.

Fifthly, in 1977 in the no-win situation between PPP and PNA while most of the terms for compromise had been hammered, the Prime Minister suddenly left for an unscheduled tour of Middle East casting serious doubts which prolonged the negotiation till on 05/07/77 military took over to put leaders of both camps in “protective custody” i.e. protection from each other.

Once again in 2003, inter party parley on forming governments in centre and provinces were repetitive and prolonged providing *raison-deter* for floor crossing. And now when I am penning this preface the election of Senate too has been postponed to the 25<sup>th</sup> and 27<sup>th</sup> February on the “request of Opposition particularly MMA whose members of Provincial Assembly preferred to perform hajj”, notwithstanding the US attack on Iraq and its inevitable fall out on the politics of Pakistan. I am unable to reconcile with the fact that on the one hand our politicians are criticizing the non completion of election process within the time frame prescribed by the Supreme Court yet elections to most important chamber relevant to the Federal structure is gladly postponed for a date convenient for the return of the Hajjis. I hope and pray the Iraq war does not occur sooner than the completion of the Senate.

These are some of the examples when on critical occasions time-factor was ignored at great risk and high cost. This requires special study and research of a competent sociologist, to find out why do our political elite prefer prolonged acrimony to quick compromise and consensus.

The other aspect that needs to be addressed, is the call or invitation given by leaders when in Opposition to the armed forces to perform their national duty, and not be mere impotent spectators.

In what way should society react towards them who act as catalysts for a take over?

We are passing through a transition and gradually moving from one authoritarian regime towards a sustainable democracy. The best guarantor for a successful transition can come from the earnestness with which the parliamentarians can do their job and finally from the civil society which must play its role to defend constitutional values. The duty of political activists and thinkers is to create awareness in the public. I recommend that non-English-speaking population should be especially targeted. Therefore Safdar Siddiqi may get his work translated into Urdu as well.

S.M. Zafar

## PREFACE

Politics is generally considered to be related to electing members for the National and Provincial assemblies, and to making laws and administering them for achieving good governance of the state affairs. Basically, however, it relates to ensuring sovereignty of the people and their maximum participation in policy making and decision arriving processes, guaranteeing their fundamental rights and securing their basic needs of food, health, education, housing and employment.

Politics necessarily involves the strengthening of the political process by educating the individuals about their political rights and responsibilities, and their role in building the society of which they are an inherent part. It involves the raising of the political consciousness of the masses through a political education drive. Raising the educational level of the people is essential for increasing the effectiveness of the people in their social and economic activities.

The political process is the proper instrument for changing the status quo and bringing in a new vibrant and productive order suited to the different times. Thus, politics relates essentially to planning for the country's future. It is a means to progress and prosperity of the nation. As in other important fields, we must plan the direction and steps for improving the political process. If this process is based on tolerance and dialogue, it will lead to peaceful and healthy existence of citizens of Pakistan and to fraternal relations among the international community.

Politics has a two-fold role to play, both in the present as well as the future; that of changing the present inadequate, defective and outdated system and bringing in a better order. This role, in order to be fruitful, will have to be performed in an overall moral setting. In other words, it will have to be performed in the context of overall requirements of the human race of unity rather than the narrow ethnic, linguistic, religious and sectarian context that disunites them. Such divisive dogmas will have to be shunned if it is desired to give a pronounced, clear and progressive role to politics. This humanitarian approach to politics is essential if we intend to serve humanity as a whole.

Humanity has suffered a lot at the hands of politicians and military dictators during the last many centuries, who have deprived and oppressed the masses by indulging in politics of deceit, intrigue, intolerance, and confrontation that go against the politics of national interest, and protected the vested interests. It is now time, especially for Pakistan, to bury deep down the bad politics that creates a treacherous society and an oppressive state.

This book contains an in-depth review of the mishandling of the constitutional and political issues by the political leaders and army generals, and the baneful effects borne by the people during the fifty-five years since the creation of Pakistan at the hands of the rulers. For this part of the book, I am greatly indebted to Mr. Hamid Khan, a senior advocate of the Supreme Court of Pakistan, and who is presently President of the Supreme Court Bar

Association. I have quoted extensively from his book titled "Constitutional and Political History of Pakistan", published by Oxford University Press, in support of my contentions. This book is indeed a masterpiece of his political understanding of Pakistan's Constitutional and political matters. I also offer my gratitude to all those writers and columnists from whose commendable writings and articles I have benefited in the compilation of my book.

This book also contains certain articles of the author that dilate upon and subscribe to explaining the various aspects of the need for better politics. It contains fresh treatises on the parameters and essential requirements of good politics, which are based on the true concept of democracy. The political concepts formulated in this book can certainly be translated into reality by a core group of ideologically charged and dedicated 'democratic beings'. This process of change can be commenced by nurturing such individuals as are determined and brave, and have a soft corner for the suppressed and deprived in our society.

This book, I believe, will contribute to making the youth of the country, as well as the general public, politically aware. It will prove to be a source of educating and motivating those who are desirous of contributing to the betterment of their fellow-beings irrespective of caste, creed, religion or any other reservations, and goading them to join in this endeavour unreservedly. A 'humanbeing-to-humanbeing' approach is the axis of this endeavour.

This book, I am confident, will serve to contribute usefully in the changed pattern of world politics that has emerged after the fall of the Soviet Union and the emergence of the United States as the sole superpower and arbiter of the 'New World Order'. An important development has since been the eclipse of socialism, and the emergence of capitalism as the underpinning of the globalized economy that is now in the process of emerging. These two factors are the two most formidable challenges facing the well meaning and purposeful amongst the human beings. For them, this book will serve as a useful aid in their endeavours for creating a 'Real New World' whose hallmark would be "Peace - Progress – Prosperity". The new challengers of the so-called World Order among human beings will serve as harbingers of a third inevitable and irresistible benevolent force. They shall have the potential of standing up to the tyranny of the super-powers and defeating the oppressive forces of capitalism let loose by these powers. This force will be that of Islam – the common ideology of emancipated human beings of the world, progressive in outlook.

## INTRODUCTION

Before we dilate upon the various issues related to politics, and explain as to how best to deal with these issues, it will be proper to first dwell upon the meaning and scope of politics.

The meaning of politics includes political principles, political affairs, the science and art of government, statecraft and statesmanship, and life itself. Its scope extends to the shaping of all matters of life – economic, social, cultural, educational and ideological. It is like the blood stream that runs in the veins. Politics makes or mars the human society. From all this one can very well judge the importance of politics. Politics should, therefore, not be taken lightly but considered seriously; it can be shunned only to one's detriment and disaster.

Having considered the meaning and scope of politics briefly, we would now proceed to enumerate and explain the important issues that concern politics. In order to be able to understand the issues well, we will have to contain them separately into various categories like social, economic, political, constitutional, international, educational, cultural, moral and spiritual.

Before we discuss these issues in detail, it will be better to lay them down in the form of points as under:

### Social Issues

1. Equal rights for women as against men.
2. Consensus on basic public and national issues.
3. Enhancement of the individual's capabilities in all fields of activity.
4. Creation of zeal among people for rendering service to others.
5. Abolishing *jagirdari*, *sardari* and absentee-landlordism for putting an end to their economic, social and political domination over the people, and enabling the ordinary persons to live honourable lives.
6. Freeing the masses from the stranglehold of the religious elite. Abolishing their monopoly over interpretation of Islam. Relieving the unsuspecting simple folk from being misguided and misled by the religious and sectarian leaders, in the name of Islam. Rejecting religious elitism and sectarianism and instead promoting religious tolerance.
7. Ridding the nation from ignorance, backwardness and superstitions, and promoting literacy and education.
8. Trusting the 'collective wisdom' of the people, and encouraging and facilitating their participation in social and political activities.
9. Guaranteeing equal rights, opportunities and dignity to all citizens irrespective of caste, creed, religion, or race.
10. Bringing the people of smaller provinces – the Sindhis, Pathans, and Blauchis - to higher levels of competence.
11. Generating national consciousness and the will to work for national solidarity on the basis of "one Pakistani nationhood".
12. Making the defence budget a part of the national budget debatable in the Parliament. Simplifying the tax structure, relying mostly on direct taxes on incomes, and certain other fixed taxes. Promoting tax culture.

13. Ending the monopolistic role of middlemen in the various sectors of economy.

### **Economic Issues**

1. Ensuring extensive land reforms. Making the landless tenants and tiller of the soil owners of agricultural land.
2. Nationalizing the means of production, and providing equal opportunities to all for their utilization. Liberating the resources of the country from the vested interests.
3. Building a self-sustained and debt-free economy. Limiting foreign loans to the minimum. Freeing the economy from the stranglehold of foreign financial institutions, and the dictates of IMF and World Bank.
4. Removing poverty, unemployment and price-hike. Lowering economic disparities and the enormous differences in income levels.
5. Paying attention to the fulfillment of the needs of the masses rather than caring exclusively for the elite classes.
6. Devising a mechanism for ensuring that the fruits of development reach the common man.
7. Promoting industrial development, especially in the small scale and agro-based industries. Giving shares in big industrial units to industrial workers, and raising their salaries and emoluments, and ensuring a reasonable standard of living for them and their families.
8. Developing export potential of the country.

### **Political Issues**

1. Establishing the rule of law, not that of the word of an individual.
2. Strengthening the political process and safeguarding it against all intrusions. Developing political parties as strong institutions. Devising a positive work-plan for this purpose.
3. Giving new direction to politics on strictly democratic lines. Making the civil and military bureaucracy subservient to the will of the people.
4. Developing internal democracy and "collective leadership" as against 'charismatic', 'lifetime' and 'ancestral' leaderships.
5. Raising leadership at the grassroots level from the lower and middle classes.
6. Creating consensus in political parties and the people in general, on basic national issues. Inducting such politicians and policy makers in the political arena who believe in consensus building. Creating consensus on broad principles of politics.
7. Denying any role in politics to the army generals. Allowing only the elected representatives of the civil society to rule.
8. Setting up of a non-political civil service and a non-interfering military service, subservient to the will of the people.
9. Promoting truly democratic and tolerant socio-political values.
10. Doing away with politics of intrigue, deceit, intolerance and corruption. Instead, promoting politics of dialogue, consultation, cooperation,

coordination and accommodation among diverse interests, identities and groups.

11. Developing individuals into 'democratic beings' that practice norms of tolerance, dialogue and consultation.
12. Debarring undemocratically structured political parties and corrupt politicians from participation in elections. Giving political leadership and representation in the assemblies and the senate to honest, capable and educated men and women who hold good reputation in their constituencies, who do not indulge in hoarding, black-marketing, land-grabbing and other evil deeds, and who are not convicted by the courts in a criminal offence.
13. Separating the role of party office-bearers from government ministers. Making the political parties as directive bodies for their representatives in the assemblies.
14. Basing politics on the universal principles of Islam (which are common to all religions) that emphasize equality and fraternity of man and establish the rights, dignity and self-respect of all human beings.
15. Declaring the minorities as part of the Pakistani nation with equal rights, and arranging their full participation in state affairs.

### **Constitutional Issues**

1. Recognizing the overall sovereignty of God Almighty (the Creator and Sustainer of the universe) and accepting the people and their representatives in Parliament as Sovereign in affairs of the State.
2. Restoring the 1993 Constitution in its original form. Empowering democratically elected Parliaments alone, and no one else, to make any amendments in the Constitution.
3. Strengthening the Federation of Pakistan by providing maximum autonomy to the provinces. Establishing a fraternal union of provinces instead of coercing the smaller provinces into unjust submission.
4. Establishing the concept of "One Pakistani Nation" by giving the minorities equal status and rights with the Muslims. Declaring the minorities as an intrinsic part of the nation.
5. Creating balance of power between the Prime Minister (directly elected representative of the people) and the President (indirectly elected or appointed). The President, in a parliamentary system, is a symbol of national unity and respect, not having the power to dismiss an elected government and Parliament. The Parliament may give the President specific powers for making certain appointments only with the consent and approval of the Prime Minister.
6. Disallowing the setting up of the National Security Council (NSC) as a supra-Parliament body with an overriding authority over Parliament. Divesting the army of any political role whatsoever, and the right to rule.

### **Issues of Governance**

1. Formulating people-oriented government policies dedicated to the welfare of the people and betterment of society.
2. Ensuring effective accountability of rulers, public employees, political leaders and others for constitutional, legal, financial and moral crimes, and treachery against the State.
3. Effecting reforms by ascertaining the will of the people and not imposing these from above by the establishment, whose job being only to implement the policies framed by representative governments.
4. Establishing effective national institutions for ensuring continuity of development works.
5. Planning improvement in the working of local bodies in order to solve people's problems at their doorsteps and relieve the masses of undue burden.
6. Making the judiciary fully independent and unshackled, and non-dependent on the executive financially, and strictly abiding by the norms of justice.
7. Setting up a permanent and fully autonomous "Accountability Commission" for countering bribery and maladministration effectively.
8. Providing full information and transparency regarding all government doings.
9. Assigning to the police a 'people-friendly' role that will enable it to attract public faith and cooperation for maintaining law and order.
10. Building a vast infrastructure of road and rail for catering to easy and comfortable traveling by the citizens, agricultural and industrial development, and export development needs.

### **Electoral Issues**

1. Setting up of a fully autonomous and financially independent Election Commission.
2. Guaranteeing absolutely fair, free and transparent elections. Improving the electoral system.
3. Presenting the electoral reforms proposals for eliciting public opinion.
4. Reducing the cost of elections for enabling the candidates from the lower and middle classes to enter the assemblies.
5. Banning all unnecessary election expenses like advertisements in the press and the electronic media, banners, posters, billboards, wall-chalking etc. thus encouraging door to door contact with the voters.
6. Providing time on the official electronic media for presentation by the political parties of their manifestos and programmes.
7. Setting up of unaligned interim governments (whose members would be debarred from taking part in elections) for holding elections to the National and Provincial Assemblies and the Senate.

### **Educational and Cultural Issues**

1. Ensuring literacy to all citizens, and higher quality education to capable persons on merit. Increasing the literacy level to atleast 50 percent up to the year 2003.
2. Utilizing education for developing the human potential and the creative faculties inherent in the human beings.
3. Giving priority to promoting education through the official sector rather than through the private sector. Improving the teaching standards of the schools run by government agencies in order to discourage parents from sending their children to sub-standard *madradas* and costly private schools. Encouraging non-government institutions to lower their fees and raise their educational standards.
4. Preparing a single curriculum for all education institutions. The Urdu and English medium curricula to be discontinued.
5. Starting the teaching of Pushto, Sindhi and Baluchi languages in schools in the Punjab.
6. Introducing Sindhi, Pushto, Baluchi and Punjabi words into the Urdu language for making it more understandable and easily acceptable in all parts of the country.
7. Creating a culture of tolerance and goodwill in all the provinces of Pakistan.

### **International Issues**

- 1 Achieving good relations with all neighbours, the international community and the world powers.
- 2 Working for the establishment of world peace, and unity of the humankind.
- 3 Banning wars, and manufacture of nuclear weapons of mass destruction.
- 4 Rejecting the concepts of 'world power' and 'global economy'. Promoting the concept of 'friendly cooperation of the developed world with the developing and the underdeveloped world' for peace and progress and 'mutually serving economy'.

### **Moral and Spiritual Issues**

1. Framing a 'Human Code of Conduct' to promote good human relationship.
2. Developing the moral and spiritual capabilities inherent in men and women.
3. Believing in Allah/ God (the Creator and Sustainer of the Universe and the Guide and Helper of the human being), and serving humanity.
4. Following God's directives, and the fundamental and universal teachings of all the Prophets. Considering oneself accountable to God for his/her misdeeds in life.
5. Understanding that the human body dies and disintegrates but the human spirit lives on and that the collective life experience continues its journey in the lives of other human beings that continue to inhabit this world.

## CHAPTER I

### SALIENT EVENTS OF PAKISTAN'S HISTORY

#### Jinnah's Role in the Making of Pakistan (1906-1948)

We will now dwell upon an analysis of the salient events of political development of Pakistan's history, and the role of Quaid-e-Azam Muhammad Ali Jinnah in establishing Pakistan. This analysis, I believe will help set a better course for our country's future, and steer clear of the wrong and injurious decisions that had been made in the past.

We begin by noting down briefly the role played by Quaid-e-Azam Muhammad Ali Jinnah. S.M. Burke in his book has very vividly narrated this role "Jinnah: Speeches and Statements". It gives an excellent summary of the Quaid's successful political career. Professor S.M. Burke successively served as a judge in the old Indian Civil Service during the British Raj as High Commissioner for Pakistan in eleven countries and Professor and Consultant in South Asian Studies at the University of Minnesota, USA.

M.C. Rajah, a leader of the Hindu untouchables, while paying a birthday tribute to Jinnah in 1940, sums up the greatness of his leadership thus:

"All religions hold the belief that God sends suitable men into the world to work out His plans from time to time, and at critical junctures. I regard Mr. Jinnah as the man who has been called upon to correct the wrong ways into which the Congress under the leadership of Mr. Gandhi led the people of India. The Congress did a great service to the country so long as it followed the lines of critical co-operation and co-operative criticism towards the British government, as laid down by Dadabhai Naroji and Gokhale. But it took a wrong turn when it adopted wholesale the non-cooperation programme of Mr. Gandhi and assumed an attitude of open hostility towards Britain, and tried to infuse in the minds of the people a spirit of defiance of law and civil disobedience, more or less thinly veiled under a formula of truth and non-violence. Moreover, by 'Mahahmafying' Mr. Gandhi, it appealed to the idolatrous superstitions of the Hindus, thus converting the religious adherence of the Hindu section of the population of the Mahatma into political support of his non-co-operation programme. While this strategy was of some avail in hustling to British government to yield more and more to the demands of the Congress, it divided the people into Hindu and non-Hindu sections.

In these circumstances a man was needed to stand up to Congress and tell its leaders that their organization, however powerful numerically and financially, does not represent the whole of India.

I admire Mr Jinnah and feel grateful to him because, in advocating the cause of the Muslims, he is championing the claims of all classes who stand the danger of being crushed under the steam roller of a (caste) Hindu majority, acting under the inspiration and order of Mr. Gandhi..."

Agha Khan III, who was a contemporary of the Quaid-e-Azam and moved in the highest social and political circles in the world, observed:

"Of all the statesman that I have known in my life – Clemenceau, Lloyd George, Churchill, Curzon, Mussolini, Mahatma Gandhi – Jinnah is the most remarkable. None of these in my view outshone him in strength of character, and that almost uncanny combination of prescience and resolution, which is statecraft.

Some important events need to be recorded before we go on to quote excerpts from Jinnah's speeches. Jinnah was born in Karachi on 25 December 1876. His family was Khojas of the Ismaili sect of Shias. His father sent him to London in 1892 to learn practical business administration. But he was soon bored with his business apprenticeship and gave it up to qualify as a barrister. He chose Lincoln's Inn because on the inner side of the main entrance he saw a fresco depicting the image of the Prophet Muhammad (PBUH) among the group of lawgivers of the world. He came from a devout Muslim family and his mother, whom he deeply loved and respected, was a deeply religious lady. Jinnah at that time in London was an active member of the Muslim Society in England. He joined Lincoln's Inn in June 1893 and passed the Bar finals in April 1895.

Almost immediately after his arrival in London, Jinnah came under the influence of Dadabhoy Naoroji who had been elected to the House of Commons in July 1892 as a liberal. Naoroji took a fatherly interest in Indian students of all denominations. Jinnah, reminisced in his presidential address at the thirteenth session of the All-India Muslim League at Delhi in April 1943 that he has learned politics 'at the feet of that great man, Dadabhoy Naoroji' and that it was 'men of the character of that Great Dadabhoy that inspired us with some hope of a fair and equitable adjustment' between Hindus and Muslims.

While Jinnah was in London his family had moved from Karachi to Bombay. Consequently he returned to Bombay and enrolled himself as an Advocate of the Bombay High Court on 24 August 1896. It was in 1906 that he appeared on the All-India political stage for the first time. In that year he attended the Annual Session of the Indian National Congress. The Muslims, at that time were divided in their attitude towards the Congress Party. Jinnah had been an articulate member of the Congress party from the very beginning. He was of the view that the foundation upon which the Indian National Congress was based was that we are all equal, that there should be no reservation for any class or community. He evidently believed that the Congress party represented the Muslims no less than the Hindus and was the only political voice in the country.

He was also a signatory to a Memorandum, which the Bombay Presidency Association forwarded to Lord Minto opposing separate electorate. His view expressed on 31 December 1913 was that separate electorates would pull Hindus and Muslims further apart and make his dream of Hindu-Muslim unity more difficult to achieve.

In January 1910 he was elected by the Bombay Muslims to represent them in the Imperial Legislative Council. Soon afterwards he wrote to a friend that 'the problem of all problems that the statesmen in India' had to solve was to 'combine' Hindus and Muslims 'in the common good' because 'we have to live together in every district, town and hamlet, where our daily life is interwoven with each other in every square mile of one common country'. He warned that this problem had to be solved 'before any true advance or real progress can be achieved'.

He was invited to attend the Muslim League Council meeting at Bankipur on 31 December 1912 though he was at that time a member of the Congress Party only. The meeting under the presidency of the Agha Khan adopted a resolution laying down the aims of the Muslim League. One of the aims adopted at the meeting, which echoed Jinnah's own dreams, was 'To promote friendship and union between the Mussalmans and other communities of India'. He was also invited to attend the sixth session of the All-India Muslim League at Lucknow as a guest. A resolution passed in the session said 'The All-India Muslim League places on record its firm

belief that the future development and progress of the people of India depend exclusively on the harmonious working and co-operation of the various communities'.

On 10 October 1913, during a holiday in England, the Quaid enrolled himself as a member of the Muslim League at the express desire of his friends Muhammad Ali and Wazir Hasan. After returning to India he first attended the Twenty-eighth Session of the Congress at Karachi 26-28 December) and at Agra attended the Seventh Session of the Muslim League (31 December 1913).

The Congress made a positive response to the league's repeated overtures for communal co-operation. It placed on record...

"...its warm appreciation of the adoption by the All-India Muslim League of the ideal of self-government for India within the British Empire, and expresses its complete accord with the belief that the League has so emphatically declared at its last sessions that the political future of the country depend on the harmonious working and co-operation of the various communities in the country which has been the cherished ideal of the Congress. This Congress most heartily welcomes the hope expressed by the League that the leaders of the different communities will make every endeavour to find a modus operandi for joint and concerted action on all questions of national good and earnestly appeals to all the sections of the people to help the object we all have at heart."

Thus, at the end of 1913 the stage was set for the Quaid to play the role of ambassador of Hindu-Muslim unity. While presiding over the Bombay Provincial Conference at Ahmedabad on 21 October 1916 he summed up, 'the real question was not of a few more seats going to the Muslims or the Hindus; it was a transfer of power from bureaucracy to democracy. If Hindus and Muslims stood united and firm 'the voice of three hundred millions of people vibrating throughout the length and breadth of the country, will produce a force which no power on earth can resist'.

Jinnah's efforts were rewarded at the end of December 1916 when Congress and the Muslim League both held their respective regular sessions at Lucknow and unanimously agreed to accept a scheme of reform which came to be known as the Lucknow Pact. It spelled out the steps which needed to be taken towards the goal of self-government in India and also sought to safeguard the interests of the Muslims in four main ways.

Firstly Muslims were granted separate elections in elections to the Provincial as well as the Imperial Legislative Councils. Secondly, provincial autonomy was assured. Thirdly, '... no bill ... affecting one or the other community, shall be proceeded with if three-fourth of the members of that community in that Council, imperial or provincial, oppose the bill...'. Fourthly, Muslims were granted weightage in the provinces in which they were in a minority.

By negotiating on an equal footing with the League, the Congress tacitly conceded that it neither did nor speaks for all the communities in India and that it was in fact the Muslim League which really represented the Muslims.

In 1919, recalled M.C. Chagla in his autobiography, *Roses in December* Jinnah was the uncrowned king of Bombay. He was the idol of the youth. His personality and his sturdy independence attracted and appealed to the best elements in the city.'

However, in 1920 the political picture in India suddenly underwent a change. Mahatma Gandhi mounted the centre stage of Indian politics and occupied that position for a couple of decades. Gandhi captured the leadership of the Khilafat Conference as well as of the Congress Party. The Muslim League was reduced to the status of an adjunct of the Congress and did not meet as an independent body till 1924. The Congress under Gandhi, on the other hand, became a well-organized mass party. At the same time, however, it turned into a principally Hindu party

because Gandhi had deliberately introduced religion into Indian politics. In his own words... 'my devotion to Truth has drawn me into the field of politics; and I can say without the slightest hesitation, and yet in all humility, that those who say that religion has nothing to do with politics do not know what religion is'.

Taking advantage of the disarray in Muslim ranks, Congress moved to revoke the constitutional concessions it had allowed to the Muslims under the Lucknow Pact. The Nehru Report (1928) negated all that was agreed to. Jinnah proposed amendments to the Report but they were all rejected. He was so dejected that he termed it 'the parting of the ways.'

This policy of the predominantly Hindu Congress party of ignoring political realities resulted in the Hindus and the Muslims continuing as separate political entities and in the end each receiving a separate homeland of their own from the departing British government.

Congress' new attitude became amply clear when Mahatma Gandhi attended the second session of the Round Table Conference in London (1931) as the sole representative of the Congress Party. He declared in that forum that 'Congress alone claims to represent the whole of India' and 'I am here very respectfully to claim, on behalf of the Congress complete control over the army, over the defence forces and over external affairs'.

Jinnah refuted the Congress claim that it represented the whole of India and that the only other party in the field was the British Government. He claimed that there were four parties – the British, the Indian Princes, the Hindus and the Muslims.

The Quaid followed secular politics till the experience of Hindu rule in the Congress provinces (1937-38) finally drove him to the conclusion that if the Muslims wished to practice their faith and culture freely they would have to achieve an independent homeland of their own.

During his speech in the Central Legislative Assembly on 7 February 1935 he said that 'religion should not be allowed to come into politics...Religion is merely a matter between man and God'.

Addressing the Jamiat-ul-Ulema Conference at Delhi in April 1936 he argues that the question of constitutional safeguards for the Muslims 'was not a religious question, but purely a political problem'. Later the same year at the All-India Muslim League Session at Bombay in December 1936 he pointed out that in a system of government by majority rule in India the Muslims would be a minority community. Therefore, 'it was not a religious question. It was a question whether they should not have sufficient safeguards, which would inspire confidence in them, so that they could wholeheartedly join with the sister communities in the march for freedom.

That Jinnah considered safeguards for minorities a basic political question and not a concession due only to the Muslims on religious grounds is further illustrated by his attitude to the Hindu Scheduled Castes (also called Untouchables or Depressed classes). He told the Legislative Assembly on 7 February 1935 that at the Round Table Conference he had pleaded more for the Depressed Classes before Mahatma Gandhi than I did for the Mussalmans'. During his presidential address at the All-India Muslim League session at Delhi in 1934 he said, 'in the name of humanity I care more for them (the Untouchables) than for Mussalmans'.

Early in 1931, Jinnah took up residence in London. He explained during a speech at the Muslim University Union on 5 February 1938 that he had done so because he had felt disappointed and depressed at the Hindu attitude at the Round Table Conference and the hopeless confusion among the Muslims of India. In March 1934 the Muslim League, having decided to close down their two groups and unite, invited the Quaid to return to India and lead the united party. He readily accepted the invitation. Undeterred by the numerous disappointments of the past years, he

immediately resumed his efforts to win India's independence by uniting the Hindus and the Muslims on a constitutional platform. He had said:

"Nothing will give me greater happiness, than to bring about complete co-operation and friendship between Hindus and Muslims."

Jinnah, while presiding over the Bombay Provincial Conference at Ahmadabad on 21 October 1916, summed up: The real question was not of a few more seats going to the Muslims or the Hindus; it was a transfer of power from bureaucracy to democracy. If Hindus and Muslims stood united and firm 'the voice of three hundred millions of people vibrating throughout the length and breadth of the country, will produce a force which no power on earth can resist.

Jinnah's efforts were rewarded at the end of December 1916 when Congress and the Muslim League both held their respective regular sessions at Lucknow and unanimously agreed to accept a scheme of reforms which came to be known as the Lucknow Pact. It spelled out the steps which needed to be taken towards the goal of self-government in India and also sought to safeguard the interests of the Muslims in four main ways. Firstly, Muslims were granted separate electorates in elections to the Provincial as well as to the Imperial Legislative Councils. Secondly, provincial autonomy was assured by the recommendations that 'the Provincial Government should have full authority to deal with all matters affecting the internal administration of the province' and that 'the authority of the Government of India will ordinarily be limited to general supervision and superintendence over the Provincial Governments. Thirdly, 'no bill...affecting one or the other community,...shall be proceeded with if three-fourths of the members of that community in that Council, Imperial or Provincial, oppose the bill...'. Fourthly, Muslims were granted weightage in the provinces in which they were in a majority.

By negotiating in an equal footing with the League, the Congress tacitly conceded that it did not speak for all the communities in India and that it was in fact the Muslim League which really represented the Muslims.

In 1938 when the Congress President, Subhas Chandra Bose, questioned the claim of the Muslim League as the only authoritative political organization of the Muslims of India, Jinnah reminded him that the said status was accepted by the Congress when the Lucknow Pact was arrived at in 1916.

Of the Congress leaders it was Bal Gangadhar Tilak who had mainly co-operated with Jinnah in the making of the Lucknow Pact. Tilak was an orthodox Hindu but he was also a practical politician.

Had the spirit of the Lucknow Pact endured, there is every reason to believe that further advances toward independence would have been extracted and the fusion of Hindus and Muslims into one nation would have become a real possibility. But Gandhi, who emerged as the All-India leader in 1920, discarded constitutional methods and resorted to non-co-operation as the weapon both for the Khilafat cause of preserving the spiritual and territorial status of the Sultan of Turkey and for achieving redress for the

Punjab martial law atrocities of 1919. This made the Indian political movement more emotional than rational, and cool-headed constitutional-minded leaders like Jinnah were eclipsed.

For the time being Jinnah's success in bringing the Hindus and the Muslims on the same platform at Lucknow had made him most respectable and admired leader in the country. To show their appreciation, the citizens of Bombay built a Jinnah Memorial Hall in the Congress House compound.

However, in 1920 the political picture in India suddenly underwent a change. Mahatma Gandhi mounted the centre stage of the Indian Politics and occupied that position for a couple of decades. He captured the leadership of the Khilafat Conference as well as of the Congress Party. His non-co-operation was meant to paralyse the British Government in India.

Speaking at the sixth anniversary of Mahatma Gandhi on 19 February 1921 Jinnah said:

"...he was convinced in his mind that the programme of Mahatma Gandhi for whom I had great respect and admiration was taking them to a wrong channel...what they wanted was a real political movement based on real political principles...He said they were not proceeding according to the constitutional methods. If they were going to regulate everything in their country by the doctrine of non-violence he was afraid they were forgetting human nature. Mr. Gandhi's programme was based on soul force and it was essentially a spiritual movement...He said that it was not a political programme though it had the political goal of the country.

After masterminding the Quit India resolution in August 1942, he was asked in an interview what would happen if the Muslims did not accept Hindu rule. He said...

"I have not asked the British to hand over India to the Congress or to the Hindus. Let them entrust India to God or, in modern parlance, to anarchy. Then all the parties will fight one another like dogs, or will, when real responsibility faces them, come to a reasonable agreement. I shall expect non-violence to arise out of the chaos."

The passionate involvement of Ali Brothers in the Khilafat Movement did not inspire in the Indian Muslims the feeling of Indian nationalism which would have strengthened Indian unity; it nourished instead the feelings of Muslim nationalism which in time developed into the demand of Pakistan..

The Muslims became divided into small factions and did not find any inspiring all-India cause till the Pakistan Resolution of 1940. The Congress under Gandhi, on the other hand, became a well-organized mass party. At the same time, however, it turned into a principally Hindu Party because Gandhi had deliberately introduced religion into Indian politics. In his own words:

"To see the universal and all-pervading Spirit of Truth face to face one must be able to love the meanest of the creation as oneself. And a man who aspires after that cannot afford to keep out of any field of life. That is why my devotion to Truth has drawn me into the field of politics; and I can say without the slightest hesitation, and yet in all humility, that those who say that religion has nothing to do with politics do not know what religion means".

Taking advantage of the disarray in Muslim ranks, Congress moved to revoke the constitutional concessions it had allowed to the Muslims under the

Lucknow Pact. The Nehru Report (1928) negated the principle of provincial autonomy. The Report was rejected not only by the Muslim League but also by the Sikhs.

This policy of the predominantly Hindu Congress Party of ignoring political realities resulted in the Hindus and the Muslims continuing as separate political entities and in the end each receiving a separate homeland of their own from the departing British Government.

In marked contrast with Congress' arrogant policies, Jinnah persevered with his secular politics and carried on his mission to achieve Hindu-Muslim unity based on a constitutional accord between the two major communities of India. Addressing the Muslim League session at Lahore on 1 April 1923 Jinnah said:

"We must not forget that one essential requisite condition to achieve Swaraj is political unity between Hindus and the Mohammedan, for the advent of foreign rule and its continuance in India is primarily due to the fact that the people of India, particularly the Hindus and the Mohammedans, are not united and do not sufficiently trust each other...India will get Dominion Responsible Government the day the Hindus and Mohammedans are united. Swaraj is almost an interchangeable term with Hindu-Muslim unity...If the Hindus and Mohammedans make a wholehearted and earnest effort, we shall be able to find a solution once more as we did at Lucknow in 1916."

Early in 1931, Jinnah took up residence in London. He explained during a speech at the Muslim University Union that he has done so because he had felt disappointed and depressed at the Hindu attitude at the Round Table Conference and the hopeless confusion among the Muslims of India. In March 1934 the Muslim League, having decided to close down their two groups and unite, invited the Quaid to return to India and lead the united party. He readily accepted the invitation. Undeterred by the numerous disappointments of the past years, he immediately resumed his efforts to win India's independence by uniting the Hindus and the Muslims on a constitutional platform. He had said:

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The Quaid followed secular politics till the experience of Hindu rule in the Congress provinces (1937-39) finally drove him to the conclusion that if the Muslims wished to practice their religion and culture freely they would have to achieve an independent homeland of their own.

During his speech in the Central Legislative Assembly on 7 February 1935 he said that 'religion should not be allowed to come into politics...Religion is merely a matter between man and God'.

To fight the elections due in December 1936-January 1937 under the newly passed Act of 1935, the Muslim League issued its Election Manifesto in June 1936. After the election, Jinnah repeated his offer of co-operation more than once. At a public speech on 13 March 1937 he said that there was no difference between the Congress and the Muslims except that the latter stood for the establishment of the rights of the minority community. He said that his

heart was pulsating for the freedom of the country. Genuine unity between Muslims and Hindus was only possible when both the communities had 'developed a better mind by an internal organization'.

But Congress was in no mood to budge from its arrogant stand that it represented all the communities of India and was the sole heir to the British Empire in India. The Congress in fact had set the Muslims on the road to Pakistan. It was on 24 March that the resolution demanding Pakistan was passed.

The Lahore Resolution was loosely worded and was variously interpreted. It was only at the Muslim League Legislators' Convention in Delhi in April 1946 that Pakistan was clearly defined as a single sovereign state comprising six provinces, namely Bengal, Assam, the Punjab, the North-West Frontier Province, Sind and Baluchistan.

With the passing of the Pakistan Resolution in 1940 his reservation of hankering after friendship with the Hindus disappeared; he was instantly hailed as the champion of Islam. He could, moreover, at last fight Gandhi on an equal footing. Gandhi had been promising Ramrajya to the Hindu masses; Jinnah now promised Pakistan to the Muslim masses. If the Mahatma reminded the Hindus of Budha and Mahavira, the Quaid-e-Azam reminded the Muslims of Moses who had led his people to the Promised Land. The masses instantly came to his assistance first; the intelligentsia came last. In the end he was able to defeat Gandhi because he was a practical politician.

Jinnah did not hesitate candidly to admit that he had been over-optimist in his zealous pursuit of Hindu-Muslim unity. At the Lahore session while referring to what happened in the Congress-governed provinces, he confessed 'I never dreamt that they would ever come down so low'. During an address on 3 March 1941 he said, 'it was good' that Providence had frustrated his efforts for twenty-five years to bring about an adjustment between Hindus and Muslims. 'For, if some kind of patchwork would have been done on the basis of oneness of India, it would have resulted in terrible disaster.

On another occasion he explained that :

"Pakistan started the moment the first non-Muslim was converted to Islam in India long before the Muslims established their rule. As soon as a Hindu embraced Islam he was an outcast not only religiously but also socially, culturally and economically. As for a Muslim it was a duty imposed on him by Islam not to merge his identity and individually in any alien society."

In March 1942 the Japanese were poised to attack from the east. To galvanize Indian resistance, Churchill's War Cabinet dispatched Sir Stafford Cripps to India with an offer of Dominion Status after the war. The Congress rejected his proposal. Frustrated by their effort to achieve power immediately, the Congress resorted to open rebellion. It launched the 'Quit India' movement under Gandhi on 8 August 1942. Gandhi and other leading Congress leaders were arrested on the following day. By getting themselves jailed, Congress enabled Jinnah to consolidate the growing power of the Muslim League unhindered by the powerful Congress party machine.

On 6 May 1944 Gandhi, after his release from prison on medical grounds Gandhi wrote to Jinnah proposing that they meet to arrive at a political settlement. The met and conferred a number of times up to 26 September. The talks broke down for two reasons. Congress wanted to get rid of the British first so that they could be in a position to deny Pakistan to Muslims. Secondly, Gandhi said that he could be 'no willing party to a division which does not provide for the simultaneous safeguarding of common interests such as defence, foreign affairs and the like'. Denial of complete control over these vital subjects clearly meant denial of sovereignty to Pakistan.

The Labour government nominated a Cabinet Mission to proceed to India to hold discussions with the Indian leaders. It consisted of The Secretary of State for India Lord Pethick Lawrence (leader) and Sir Stafford Cripps and A.V. Alexander. The Mission arrived in Delhi on 24 March and left on 29 June. Having failed to reach an agreed solution, the Mission issued their statement on 16 May 1946. It rejected the demand for Pakistan and recommended the setting up of a Union of India comprising both British India and the Princely States. The Union will deal with Foreign affairs, Defence and Communications. A Constituent Assembly representing all the Indian Communities would be set up to frame the new constitution. To allay Muslim fears it was laid down that a Province could call for a reconsideration of the Constitution after an initial period of ten years and at ten-yearly intervals thereafter.

Both the Congress and the Muslim League accepted the Statement of 16 May. The Quaid explained at a meeting of the Council of the Muslim League (27-29 July 1946 that the Muslim League had been

"... moved by higher and greater considerations than the rest of India. We, therefore, sacrificed our full sovereignty of Pakistan on the altar of securing independence and freedom for all. We voluntarily delegated three subjects to the Union to work for ten years...I do not think any responsible man could have allowed the situation to give rise to bloodshed and civil war."

The Mission's Statement of 16 May had also recommended that that an Interim Government should be set up without delay. All the portfolios in the Interim Government would be held by 'Indian leaders having the confidence of the people'.

Jinnah was feeling despondent at the outcome of the Cabinet Mission's visit but he was rescued from his predicament by a statement of Jawarlal Nehru who was then the President of the Congress. At a press conference on 10 July 1946 Nehru sabotaged the plan of the Cabinet Mission by declaring that Congress had 'agreed to go into the Constituent Assembly and we have agreed to nothing else...What we do here, we are entirely and absolutely free to determine ourselves. We have committed ourselves on no single matter to anybody'.

Nehru's re-writing of the Cabinet Mission scheme was a godsend to Jinnah. He called a meeting of the Muslim League Council which passed a resolution withdrawing the League's acceptance of the Cabinet Mission proposals.

An interim government including both the Congress and the League representatives was set up by Wavell with much difficulty on 26 October 1946. Its feuds only proved that it is impossible for the Hindus and Muslims to work together amicably.

After the creation of Pakistan Jinnah bravely continued his punishing load of work. His condition became precarious in July 1948 and he passed away on 11 September. He had literally sacrificed his own life for the good of his people. Muslim League was poorly organized as compared to Congress. Until December 1943 it did not have a central organization or secretariat to assist the Quaid-e-Azam.

The last year of the Quaid's life was also saddened by the Kashmir dispute with India. The State of Jammu and Kashmir with an area of 84,417 square miles was the largest Princely State in India. Because of its mountainous terrain it was sparsely populated except in the valley. According to the 1941 census its population was about 4,000,000 of whom seventy-seven per cent were Muslims. In Kashmir Province the Muslims numbered ninety-three per cent.

The State occupied a strategic position because it had borders with Tibet, China and Afghanistan and was parted from the Soviet Union (now Russia) only by a strip of under fifty miles. In the subcontinent, Kashmir bordered largely, though not wholly, on Pakistan. Before the Radcliffe Boundary Award which was made on 16 August, it had no road connection with what was to be the territory of independent India. Its only access to the outside world by road was along the Jhelum Valley via Rawalpindi in Pakistan; its only rail link was also with Pakistan at Sialkot. Pakistan's three vital rivers – the Indus, the Jhelum and the Chenab – all originate in Kashmir. Thus the principles of accession- communal majority and geographical congruity – both demanded that Kashmir should accede to Pakistan

Quaid-e-Azam advised Pakistanis to work together:

"...in a spirit that any one of you, no matter what community he belongs, no matter what relations he had had with you in the past, no matter what is his colour, caste or creed, is first, second and last a citizen of the State with equal rights, privileges and obligations...You may belong to any religion or cast or creed – that has nothing to do with the business of the State...We are starting with this fundamental principle that we are all citizens and equal citizens of one State... We should keep that in front of us as our ideal and you will find that in the course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State."

When this statement is read with the Qaid's other pronouncements it becomes quite clear that he was recommending generous treatment to non-Muslims not as a commendable secular principle but as a mandatory Islamic injunction. Only three days later during the transfer of power ceremony on 14 August when Mountbatten praised the Emperor Akbar's policy of political and religious tolerance, the Quaid pointed out:

"The tolerance and goodwill that the Emperor Akbar showed to all the non-Muslims is not of recent origin. It dates back thirteen centuries ago when our Prophet (PBUH) not only

by words but by deeds treated the Jews and Christians, after he had conquered them, with the utmost tolerance and regard and respect for their faith and beliefs.”

In his Eid Day Message on 13 November 1939 he had already pointed out that ‘no injunction is considered by our Holy Prophet (PBUH) more imperative and more divinely binding than the devout but supreme realization of our duty of love and toleration towards all other human beings’.

During an address to the Bar Association of Karachi on 25 January 1948 he said he could not understand a section of the people who deliberately wanted to create mischief and made propaganda that the Constitution of Pakistan would not be made on the basis of the Shariat. He stressed

“Islamic principles today are as applicable to life as they were 1,300 years ago...Islam and its idealism have taught democracy. Islam has taught equality, justice and fair play for everybody... Let us make it (the future Constitution of Pakistan)... the Prophet (PBUH) was a great teacher. He was a great lawyer. He was a great statesman and he was a great sovereign who ruled.”

The Quaid-e-Azam had to fight against two adversaries simultaneously, the Hindus and the British government. The Hindu community was four times as numerous as the Muslims, was far better organized, had a team of high calibre leaders, was far richer, was better educated and had a far stronger press. The British government, with the power of ultimate decision, was allied with the Hindus in their opposition to the creation of Pakistan. The ailing Quaid fought this overpowering opposition almost single-handedly with unswerving will power, deep political acumen, brilliant advocacy, and the passionate support of the Muslim masses and complete trust in God. Pethick-Lawrence, who as Secretary of State for India had turned down the demand for Pakistan, acknowledged: ‘He had, ofcourse, immense powers of intellect and also of persuasive eloquence which he used with such effect that the idea (of Pakistan), which was at first an idea only, became in the end a reality’.

While walking up the steps of the Government House on arrival at Karachi on 7 August 1947, he said to his ADC, ‘Do you know, I never expected to see Pakistan in my lifetime. We have to be very grateful to God for what we have achieved.’

The greatest tribute that one can pay to Jinnah and the greatest service one can render to oneself and one’s country would be to pause and reflect and resolve to follow the Quaid’s ideals, advice and example and purge their country of the evils of disunity and malpractices that afflict her. One should bear in mind the motto he prescribed: ‘Unity, discipline and faith’.

Taking advantage of Pakistan’s recent difficulties, its critics intensified the criticism that its creation was a mistake. In reality if only Pakistanis would learn to govern themselves efficiently theirs would be an impressively thriving land.

### **GUIDELINES OF QUAID-E-AZAM**

Having gone through briefly the narration of Quaid-e-Azam’s forty-one year’s political struggle during 1906 to 1947, I would now proceed to pen

down the Quaid-e-Azam's guidelines in the form of extracts from his speeches and writings. These extracts from Jinnah's speeches and writings are being given under separate heads to enable the reader to understand fully his concept of Pakistan and his views on various issues faced by the nation.

#### FRONTIER TRIBESMEN

I thank our Muslim brethren of the Tribal Areas across the North-West Frontier Province for their message of good wishes and greetings, which have come in large numbers, and I take this opportunity to assure them that we shall adjust and settle our affairs in a brotherly way. There is no desire on our part to interfere with their freedom. We shall be happy to meet them and enter into such arrangements with them as would be in the mutual interests of both, and the Muslims generally. (17 June 1947)

#### THE STATES

Constitutionally and legally, the Indian States will be independent sovereign States on the termination of paramountcy and they would be free to decide for themselves to adopt any course they like; it is open to them to join the Hindustan Constituent Assembly, or decide to remain independent. In the last case, they enter into such arrangements or relationship with the Hindustan or Pakistan as they may choose. (17 June 1947)

The legal position is that with the lapse of paramountcy on the transfer of power by the British, all Indian States would automatically regain their full sovereignty and independent status. They are, therefore, free to join either of the two Dominions or to remain independent. (30 July 1947)

The Muslim League recognizes the right of each State to choose its destiny. It has no intention to coercing any State into adopting any particular course of action. (30 July 1947)

#### KASHMIR

I have no doubt that the Maharaja and the Kashmir government will give their closest attention and consideration to this matter and realize the interests not only of the Ruler but also of his people. We have made it clear that we are not going to coerce, intimidate or put any pressure on any State making its choice. But those States who wish to join the Pakistan Constituent Assembly will find us ready and willing to negotiate with them agreement for the mutual advantage of both. Those who wish to declare their complete independence may be beneficial for both and secure mutual and reciprocal interest. (11 July 1947)

#### MINORITIES

I assure you that Pakistan means to stand by its oft-repeated promises of according equal treatment to all nationals irrespective of their caste and creed. Pakistan, which symbolizes the aspirations of a nation that

found itself in a minority in the Indian sub-continent, cannot be unmindful of the minorities in its own borders. (3 February 1947)

Minorities, to whichever community they may belong, will be safeguarded. Their religion or faith or belief will be secure. There will be no interference of any kind with their freedom of worship. They will have their protection with regard to their religion, faith, their life, their culture. They will be, in all respects, the citizens of Pakistan without any distinction of caste or creed.

They will have their rights and privileges and, no doubt, alongwith it goes the obligation of citizenship. Therefore, the minorities have their responsibilities also and they will play their part in the affairs of this state. As long as the minorities are loyal to the State and owe true allegiance and as long as I have any power, they need have no apprehension of any kind.

You cannot have a minority which is disloyal and plays the role of sabotaging the State. I advise Hindus and Muslims and every citizen to be loyal to his State. (14 July 1947)

Let us impress the minorities by word, deed and thought that as long as they fulfil their duties and obligations as loyal citizens of Pakistan, they have nothing to fear. (15 August 1947).

The question that has been agitating my mind is the treatment of minorities. I have repeatedly made it clear in my utterances, both private and public, that we would treat the minorities fairly and that nothing is farther from our thoughts than to drive them away I, however, regret to say that the minorities here did not give us a chance to prove our bonafides and give us their whole-hearted co-operation as a citizens of Pakistan when the crisis suddenly overtook us. Before we could assume the reins of office, non-Muslims started pulling out of Pakistan, which, subsequent events have proved, was part of a well-organized plan to cripple Pakistan. (11 October 1947).

The division of India was agreed upon with a solemn and sacred undertaking that minorities would be protected by the two Dominion Governments and that the minorities had nothing to fear so long as they remained loyal to the State. If that is still the policy of the Government of India – I am sure it is – they should put a stop to the process of victimization of Muslims which, if persisted, would mean ruin for both the States. (11 October 1947)

The minorities in both the Dominions must be made to feel that their life, property and honour are absolutely safe and secure and they will get, without question, a fair deal from their respective Governments. (25 October 1947)

We have many non-Muslims – Hindus, Christians, and Parsis – but they are all Pakistanis. They will enjoy the same rights and privileges as any other citizens and will play their rightful part in the affairs of Pakistan. ((February 1948)

It is the duty of every Muslim as a man of honour – and, what is more, his religion enjoins it upon them - that there should be no retaliation or revenge, that it is our bounden duty to protect the minorities and that we mean to give them a fair deal as our citizen. (25 October 1947)

The tenets of Islam enjoin on every Musalman to give protection to his neighbours and to the minorities regardless of caste and creed. Despite the treatment that is being meted out to the Muslim minorities in India, we must make it a matter of our prestige and honour to safeguard the lives of the minority communities and to create a sense of security among them. I would like to impress upon every Musalman, who has at heart the welfare and the prosperity of Pakistan, to avoid retaliation and to exercise restraint. Because retaliation and violation of law and order will ultimately result in weakening the very foundation of the edifice you have cherished all these years to erect. (30 October 1947)

Let me take this opportunity of repeating what I have already said: we shall treat the minorities in Pakistan fairly and justly. Their lives and property in Pakistan are far more secure and protected than in India and we shall maintain peace, law and order and protect and safeguard fully every citizen of Pakistan without distinction of caste, creed or community. (21 March 1948)

#### GOODWILL TOWARDS INDIA

I sincerely hope that they will be friendly and cordial. We have a great deal to do, both States, and I think that we can be of use to each other, not to say to the world. Being neighbours, from our side I do not think you will find goodwill wanting and I hope and appeal to the Press and the news agencies to impress this more upon Hindustan. (14 July 1947)

I bid farewell to the citizens of Delhi, among whom I have many friends of all communities and I earnestly appeal to everyone to live in this great historic city with peace. The past must be buried and let us start afresh as two independent sovereign States of Hindustan and Pakistan. I wish Hindustan prosperity and peace. (7 August 1947)

#### DEMOCRACY

When you talk of democracy, I am afraid you have not studied Islam. We learned democracy thirteen centuries ago. (14 July 1947)

#### FOREIGN POLICY

Pakistan's foreign policy will be most friendly to all the nations. We stand for the peace of the world. We will make our contribution whatever we can. (11 July 1947)

There lies in front of us a new chapter and it will be our endeavour to create and maintain goodwill and friendship with Britain and our neighbouring Dominion – Hindustan - alongwith other sister nations so that we all together may make our greatest contribution for the peace and prosperity of the world. (13 August 1947)

The creation of the new State has placed a tremendous responsibility on the citizens of Pakistan. It gives them an opportunity to demonstrate to the world that how can a nation, containing many elements, live in peace and amity and work for the betterment of all its citizens, irrespective of caste or

creed. Our objective should be peace within and peace without. We want to live peacefully and maintain cordial and friendly relations with our immediate neighbours and with the world at large. We have no aggressive designs against any one. We stand by the United Nations Charter and will gladly make our full contribution to the peace and prosperity of the world. (15 August 1947)

To the freedom loving tribes on our borders and the State beyond our borders, we send our greeting and assure that Pakistan will respect their status and will extend to them its most friendly co-operation in preserving peace. We have no ambition beyond the desire to live honourably and let others live honourably. (15 August 1947)

### **Presidential Address to the Constituent Assembly of Pakistan at Karachi on his election as First President of the Constituent Assembly of Pakistan**

The Constituent Assembly has got two main functions to perform. The first is the very onerous and responsible task of framing our future constitution of Pakistan and the second of functioning as a full and complete sovereign body as the Federal Structure of Pakistan. We have to do the best we can in adopting a provisional constitution for the Federal Legislature of Pakistan. You know really that only we ourselves are wondering but I think, the whole world is wondering in this unprecedented cyclonic revolution which has brought about the plan of creating and establishing two independent sovereign Dominions in this sub-continent. As it is, it has been unprecedented; there is no parallel in the history of the world. This mighty sub-continent with all kinds of inhabitants has been brought under a plan which is titanic, unknown, unparalleled. And what is very important with regard to it is that we have achieved it peacefully and by means of an evolution of the greatest possible character.

Dealing with our first function in this Assembly...The first and the foremost thing that I would like to emphasize is this – the first duty of a government is to maintain law and order, so that the life, property and religious beliefs of its subjects are fully protected by the State.

The second thing is this: One of the biggest curses from which India is suffering ... is bribery and corruption. That really is a poison. We must put that down with an iron hand and I hope that you will take adequate measures as soon as it is possible for the Assembly to do so.

Black marketing is another curse...A citizen who does black-marketing commits, I think, a greater crime than the biggest and most grievous of crimes. These black-marketers are really knowing, intelligent and ordinarily responsible people, and when they indulge in black-marketing, I think they ought to be very severely punished, because they undermine the entire system of control and regulation of foodstuffs and essential commodities, and cause wholesale starvation and want and even death.

Alongwith many other things, good and bad, has arrived this great evil – the evil of nepotism and jobbery. This evil must be crushed relentlessly. I

want to make it quite clear that I shall never tolerate any kind of jobbery, nepotism or any influence directly or indirectly brought to bear upon me.

On both sides, in Hindustan and Pakistan, there are sections of people who may not like it, but in my judgement there was no other solution and I am sure future history will record its verdict in favour of it. And what is more it will be proved by actual experience as we go on that it was the only solution of India's constitutional problem. Any idea of a united India could never have worked and in my judgement it would have led us to terrific disaster... Now, if we want to make this great State of Pakistan happy and prosperous we should wholly and solely concentrate on the well-being of the people, and especially of the masses and the poor. If you work in co-operation, forgetting the past, burying the hatchet, you are bound to succeed. If you change your past and work together in a spirit that everyone of you, no matter to what community he belongs, no matter what relations he had with you in the past, no matter what is his color, caste or creed, is first, second and last a citizen of this State with equal rights, privileges and obligations, there will be no end to the progress you will make.

I cannot emphasize it too much. We should begin to work in that spirit and in course of time all these angularities of the majority and minority communities, the Hindu community and the Muslim community – because even as regards Muslims you have Pathans, Punjabis, Shias, Sunnis and so on and among the Hindus you have Brahmins, Vashnavas, Khattris, also Bengalees, Madrasis and so on – will vanish. Indeed if you ask me this has been the biggest hindrance in the way of India to attain freedom and independence and but for this we would have been free peoples long ago. No power could hold another nation, and specially a nation of 400 million souls in subjugation; nobody could have continued its hold on you, and even if it happened nobody could have continued its hold on you for any length of time but for this. Therefore, we must learn a lesson from this. You are free; you are free to go to your temples, you are free to go to your mosques or to any other place of worship in this State of Pakistan. You may belong to any religion or caste or creed, that has nothing to do with the business of the State. As you know, history shows that in England conditions, sometime ago, were much worse than those prevailing in India today. The Roman Catholics and the Protestants persecuted each other. Even now there are some States in existence where there are discriminations made and bars imposed against a particular class. Thank God, we are not starting in those days. We are starting in the days when there is no discrimination, no distinction between one community and another. We are starting with this fundamental principle that we are all citizens and equal citizens of one State...Now, I think we should keep that in front of us as our ideal and you will find that in the course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense because that is the personal faith of each individual, but in the political sense as citizens of the State.

I shall always be guided by the principles of justice and fairplay without any, as is put in the political language, prejudice or ill will, in other words partiality or favouritism. My guiding principle will be justice and complete impartiality, and I am sure that with your support and co-operation, I can

look forward to Pakistan becoming one of the greatest nations of the world. (11 August 1947).

After having emerged from an eclipse which lasted over a century and a half, the people of Pakistan desire nothing which is not their own, nothing more than the goodwill and friendship of all the free nations of the world. We in Pakistan are determined that having won our long-lost freedom we will work to the utmost limit of our capacity not only to build up a strong and happy State of our own but to contribute in the fullest possible measure to international peace and prosperity. (26 February 1948)

As a newborn State, Pakistan desires nothing so ardently as the goodwill of the world. Its people are determined to work with heart and soul in the task of consolidating their new liberty and while so engaged in the great task they will be deeply conscious of the help and co-operation extended to them by the other States of the world, particularly at this moment. (8 May 1948)

The drama of power politics that is being staged in Palestine, Indonesia and Kashmir should serve as an as an eye opener to us. It is only by putting up a united front that we can make our voice felt in the counsels of the world. (27 August 1948)

#### FOREIGN POLICY

Our foreign policy is one of friendliness and goodwill towards all the nations of the world. We do not cherish aggressive designs against any country or nation. We believe in the principle of honesty and fairplay in national and international dealings and are prepared to make our utmost contribution to the promotion of peace and prosperity among the nations of the world. Pakistan will never be found lacking in extending its material and moral support to the oppressed and the suppresses peoples of the world and in upholding the principles of the United Nations Charter. (February 1948)

#### TIES WITH UNITED STATES

I am hopeful that good relations and friendship already existing between the peoples of America and Pakistan will be further strengthened and the bonds of friendship between our two countries will be more firmly riveted. Your Excellency, I assure you that my Government and I will do all that lies in our power to give you every assistance in the fulfillment of what is our common desire and objective. (26 February 1948)

#### TIES WITH TURKEY

Turkey has been in our thoughts constantly and has drawn our admiration for the valour of your people and the way in which your statesmen and leaders have struggled and fought almost single-handed in the midst of Europe for your freedom and sovereignty which have been happily maintained. (4 March 1948)

## FRANCE

The cry of liberty, fraternity and equality which was raised during your great revolution and officially adopted by your great Republic had its repercussions throughout the world, as is known to every student of History. These ideals and these principles are still keeping up the hopes of many downtrodden nations.

I assure your Excellency that we in Pakistan will give you our support and co-operation which you may require in promoting relationship of goodwill and friendship between our two countries and I trust that in the result, Pakistan and France will unitedly play their part in re-establishing peace and prosperity in the present distracted world. (9 April 1948)

## PAKISTAN-INDIA RELATIONS

I have repeatedly said that; now that the division of India has been brought about by solemn agreement between the two Dominions, we should bury the past and resolve that despite all that has happened, we shall remain friends. There are many things which we need from each other as neighbours and we can help each other in diverse ways, morally, materially and politically and thereby raise the prestige and status of both Dominions. But before we can make any progress, it is absolutely essential that peace must be restored and law and order maintained in both the Dominions. (25 October 1947)

I want to make it quite clear that Pakistan will never surrender and never agree to any shape or form to any constitutional union between the two sovereign States with one common centre.

Pakistan has come to stay and will stay. But we are always ready to come to an understanding or enter into agreements with Hindustan as two independent, equal, sovereign States, just as we may have our alliances, friendships and agreements with any other foreign nation. (25 October 1947)

In answer to the question whether there is any hope of India and Pakistan coming to a peaceful settlement on their own with regard to their differences and disputes on very vital and important matters, said: 'Yes, provided the Indian Government will shed its superiority complex and will deal with Pakistan on an equal footing and fully appreciate the realities. (11 March 1948)

To a question whether in international affairs Pakistan and India will work jointly and also join hands for the defence of their borders – both land and sea - and co-operate against any outside aggression, the Governor-General of Pakistan replied: 'Personally I have no doubt in my mind that our own paramount interests demand that the Dominion of Pakistan and the Dominion of India should co-ordinate for the purpose of playing their part in international affairs and the developments that may take place and also it is of vital interest to Pakistan and India as independent sovereign states to collaborate in a friendly way jointly to defend their frontiers both on land and sea against any aggression. But this depends entirely on whether Pakistan and India can resolve their own differences. If we can put our house in order internally, then we may be able to play a very great part externally in all international affairs. (11 March 1948)

## THE YOUTH AND STUDENTS

Pakistan is proud of her youth, particularly the students who have always been in the forefront in the hour of trial and need.

You are the nation –builders of tomorrow and you must fully equip yourself by discipline, education and training for the arduous task lying ahead of you. You should realize the magnitude of your responsibility and be ready to bear it. (31 October 1947)

My young friends, students who are present here, let me give you a word of warning: you will be making the greatest mistake if you allow yourself to be exploited by one political party or other. Remember, there has been a revolutionary change. It is our own Government. We are a free, independent and Sovereign State. Let us behave and regulate our affairs as free men; we are not suppressed and oppressed under the regime of a foreign domination; we have broken those chains, we have thrown off those shackles. My young friends, I look forward to you as the real makers of Pakistan, do not be exploited and do not be misled. Create amongst yourselves complete unity and solidarity. Set an example of what youth can do. Your main occupation should be – in fairness to yourself, in fairness to your parents, in fairness to the State – to devote your attention to your studies. If you fritter away your energies now, you will always regret. After you leave the portals of your universities and colleges then you can play your part freely and help yourself and the State. (21 March 1948)

It is necessary that you and your other fellow students fully understand the implications of the revolutionary change that took place on the birth of Pakistan. We have broken the shackles of slavery, we are now a free people. Our State is our own State. Our Government is our own government of the people, responsible to the people of the State. Freedom, however, does not mean license. It does not mean that you can now behave just as you please and do what you like irrespective of the interests of other people of the State. A great responsibility rests on you and, now more than ever, it is necessary for us to work as a united and disciplined nation. What is now required of us all is constructive spirit and not the militant spirit of the days when we were fighting for our freedom. It is far more difficult to construct than to have a militant spirit for the attainment of freedom. It is easier to go to jail or fight for freedom than to run a government. (24 March 1948)

Those of you who have still to continue your studies for sometime, do not allow yourself to be exploited by any political party or self-seeking politician.... Only thus you can assist it (your State) in solving the great social and economic problems that confront it and enable it to reach its destined goal among the most progressive and strongest nations of the world. My young friends, I would, therefore, like to tell you a few points about which you should be vigilant and beware... guard against and weed out selfish people who only wish to exploit you so that they may swim...learn to judge who are really true and really honest and unselfish servants of the State who

wish to serve the people with heart and soul and support them.... All this demands complete solidarity, unity and discipline. I assure you, 'Divided you fall, United you stand'. (24 March 1948)

Now that you have achieved your goal that is, a Government of your own and a country which belongs to you and in which you can live as free men, your responsibilities and your approach to the political, social and economic problems must also change. The duties required of you now are: develop a sound sense of discipline, character, initiative and a solid academic background. You must devote yourself wholeheartedly to your studies, for that is your first obligation to yourself, your parents and to the State. You must learn to obey for only then you can learn to command. In your criticism of the Government you must learn to be constructive. Government welcomes constructive criticism. You can make a big contribution towards bringing about harmony and unity where for personal and other selfish considerations some people may adopt courses which are likely to lead to disruption and disunity. Remember that your Government is like your garden. Your garden flourishes by the way you look after it and the efforts that you put towards its improvement. Similarly, your Government can only flourish by your patriotic, honest and constructive efforts to improve it. (12 April 1948)

Finally, I would earnestly advise you to think and act with sobriety and in all humility as selfless and true soldiers of the people, and with absolute loyalty to Pakistan.

The success of our achievements will depend upon our unity, discipline and faith not only in us but also in God who determines the destinies of peoples and nations.

You are not now merely to confine yourself to becoming Government servants which was the avenue to which most of you aspired. You must now realize that fresh fields, new channels and avenues are now being thrown open to you where you have unlimited opportunities, namely, you must now direct your attention to science, commercial banking, insurance, industry and technical education. (12 April 1948)

#### BUREAUCRACY; PUBLIC SERVANTS

I want you to realize fully the deep implications of the revolutionary change that has taken place. Whatever community, caste or creed you belong to, you are now the servants of Pakistan. Servants can only do their duties and discharge their responsibilities by serving. Those days have gone when the country was ruled by the bureaucracy. It is people's Government, responsible to the people more or less on democratic lines and parliamentary practices. Under these fundamental changes I would put before you two or three points for consideration:

- (1) You have to do your duty as servants; you are not concerned with this political party or that political party; this is not your business. It is a business of politicians to fight out their case under the present constitution or the future constitution that may be ultimately framed.... Whichever gets the majority will form the Government and your duty is to serve that Government for the time being as servants not as politicians.... The

government in power for the time being must also realize and understand their responsibilities that you are not be used for this party or that.

(2) The second point is that of your conduct and dealing with the people in various departments, in which you may be; wipe off that past reputation; you are not rulers.... Make the people feel that you are their servants and friends, maintain the highest standard of honour, integrity, justice and fairplay. If you do that, people will have confidence and trust in you and will look upon you as friends and well-wishers.... Now that freezing atmosphere must go; that impression of arrogance must go; that impression that you are rulers must go and you must do your best with all courtesy and kindness and try to understand people. Maybe sometimes you will find that it is trying and provoking when a man goes on talking and repeating a thing over and over again, but have patience and show patience and make them feel that justice has been done to them.

(3) Next thing I would like to impress upon you is this: I keep on getting representations and memorials containing grievances of the people of all sorts of things. May be there is no justification, may be there is no foundation for that, may be that that they are under the wrong impression and may be they are misled but in all such cases I have followed in practice for many years which is this: whether I agree with anyone or not; whether I think that he has any imaginary grievance; whether I think that he does not understand; but I always show patience. If you will also do the same in your dealings with an individual or any association or any organization you will ultimately stand to gain. Let no people leave you with this bearing that you hate, that you are offensive, that you have insulted or that you are rude to them. Not one per cent who comes in contact with you should be left in that state of mind. You may not be able to agree with him but do not let him go with this feeling that you are offensive or that you are discourteous. If you follow that rule, believe me you will win the respect of the people. (25 March 1948)

It is true that with the removal of foreign domination, the people are now the final arbiters of their destiny. They have perfect liberty to have by constitutional means any government that they may choose. This cannot, however, mean that any group may now attempt by any unlawful methods to impose its will on the popularly elected Government of the day. (28 March 1948)

Yours is a great responsibility.... In the great task of building up this State you have a magnificent opportunity. You must continue to face the future, handle your jobs with the same courage, confidence and determination as you have so far displayed. Above all, do not allow yourself to be made the pawns of mischievous propagandists and self-seeking agitators who are out to exploit both you and the difficulties with which a new State is inevitably faced..... You owe it to the great State to which you belong, to the people whom you serve and, indeed, to yourself not to be daunted by any difficulties, but to press on and go forward and maintain sustained efforts with single-minded devotion. Pakistan has a great future ahead of it. It is now for us to take the fullest advantage of what nature has so abundantly provided us with and build up a glorious and mighty State. (28 March 1948)

You should not be influenced by any political pressure, by any political party or individual politician. If you want raise the prestige and greatness of Pakistan, you must not fall a victim to any pressure, but do your duty as servants to the people and the State, fearlessly and honestly. Service is the backbone of the State. Governments are formed, Governments are defeated, Prime ministers come and go. Ministers come and go, but you stay on, and, therefore there is a very great responsibility placed on your shoulders. You should have no hand in supporting this political party or that political party, this political leader or that political leader – this is not your business. Whichever government is formed according to the Constitution, and whoever happens to be the Prime Minister or Minister coming into power in the ordinary constitutional course, your duty is not only to serve that government loyally and faithfully, but at the same time, fearlessly maintaining your high reputation your prestige, your honour and the integrity of your service. If you will start with that determination, you will make a great contribution to the building up of Pakistan, of our conception and our dreams – a glorious State and one of the greatest nations in the world.

While impressing this upon you on your own side, I wish also to take the opportunity of impressing upon our leaders and politicians in the same way that if they try to interfere with you and bring political pressure to bear upon you, which leads to nothing but corruption, bribery and nepotism – which is a horrible disease and for which not only your Province but others too are suffering – if they try and interfere with you in this way, I say, they are doing nothing but disservice to Pakistan.

I hope that each one of you will understand his own sphere of duty and responsibility and act with others harmoniously and in complete co-operation, keeping in mind that each has to do his duty within the sphere to which he belongs. If you on your side start with that determination and enthusiasm – and I hope the other side will also realize what a horrible evil they are raising up and how it demoralizes the services to try and influence this department or that department, this officer or that officer – and if you stick to your determination you will have done a great service to your nation.

You should try to create an atmosphere and work in such a spirit that everybody gets a fair deal, and justice is done to everybody. And not merely should justice be done but people should feel that justice has been done to them. (14 April 1948)

#### PROVINCIALISM

I want the Muslims to get rid of the disease of provincialism. A nation can never make progress unless it marches in one formation. We are all Pakistanis and citizens of the State and we should serve, sacrifice and die for the State so that we can make it the most glorious and sovereign State in the world. (25 January 1948)

Having failed to prevent the establishment of Pakistan, thwarted and frustrated by their failure, the enemies of Pakistan have now turned their attention to disrupt the State by creating a split amongst the Muslims of

Pakistan. These attempts have taken the shape principally of encouraging provincialism. (21 March 1948)

While, however, one must love one's own town and work for its welfare – indeed because of it – one must love better one's country and work more devotedly for it. Local attachments have their value but what is the value and strength of a 'part' except within the 'whole'. Yet this is a truth people so easily seem to forget and begin to prize local, sectional or provincial interests above and regardless of the national interests. It naturally pains me to find the curse of provincialism holding sway over any section of Pakistanis. Pakistan must be rid of this evil. It is a relic of the old administration when you clung to provincial autonomy and local liberty of action to avoid control – which meant – British control. But with your own Central Government and its power, it is a folly to continue to think in the same terms, especially after a time when your State is so new and faces such tremendous problems internal and external. At this juncture subordination of the larger interest of the State to the provincial or local or personal interest would be suicidal. (15 June 1948)

#### BUILDING UP PAKISTAN

There remains the far greater task of constructing and building up Pakistan which will require every ounce of our energy, but by the grace of God we shall build up this new greatest Muslim sovereign State in the world with complete unity, discipline and faith. (7 July 1947)

Finally let me tell you, fellow citizens. Pakistan is a land of great potential resources. But to build it up into a country worthy of the of the Muslim nation, we shall require every ounce of energy that we possess and I am confident that it will come from all whole-heartedly. (15 August 1947)

I fervently pray that Almighty God make us all worthy of our past and hoary history and give us strength to make Pakistan truly a great nation amongst all nations of the world. No doubt we have achieved Pakistan but that is only yet the beginning of an end. Great responsibilities have come to us, and equally great should be our determination and endeavour to discharge them, and the fulfillment thereof will demand of us efforts and sacrifices in the cause no less for construction and building of our nation than what was required for the achievement of the cherished goal of Pakistan. The time for real solid work has now arrived, and I have no doubt in my mind that the Muslim genius will put its shoulder to the wheel and conquer all obstacles in our way on the road which may appear uphill. (18 August 1947)

The establishment of Pakistan for which we have been striving for the last ten years is, by the grace of God, an established fact today, but the creation of a State of our own was the means to an end and not the end in itself. The idea was that we should have a State in which we could live and breathe as free men and which we could develop according to our own lights and culture and where principles of Islamic justice could find freeplay. (11 October 1947)

Unfortunately, the birth of Pakistan was attended by a holocaust unprecedented in history. Hundreds of thousands of defenseless people have

been mercilessly butchered and millions have been displaced from their hearths and homes. People who till yesterday were leading a decent and prosperous life are today paupers with no means of livelihood. (11 October 1947)

The disorders in the Punjab have brought in their wake the colossal problem of the rehabilitation of millions of displaced persons. This is going to tax our energies and resources to the utmost extent. It has made the difficulties inherent in the building of a new State, I referred to earlier, manifold. Are we going to allow ourselves to be overwhelmed by the immensity of the task that is confronting us and let our newborn State founder under the cruel and dastardly blows struck by our enemies? (11 October 1947)

This is a challenge to our very existence and if we are to survive as a nation and are to translate our dreams about Pakistan into reality we shall have to grapple with the problem facing us with redoubled zeal and energy. (11 October 1947)

God has given us a grand opportunity to show our worth as architects of a new State; let it not be said that that we did not prove equal to the task. (11 October 1947)

We have been the victims of a deeply laid and well-planned conspiracy executed with utter disregard of the elementary principles of honesty, chivalry and honour. We thank Providence for giving us courage and faith to fight these forces of evil. If we take our inspiration and guidance from the Holy Quran, the final victory, I once again say, will be ours. (30 October 1947)

Do not for a moment imagine that our enemies can ever succeed in their designs. But at the same time do not make light of the situation facing you. Search your hearts and see if you have done your part in the construction of this new and mighty State. (30 October 1947)

Do not be overwhelmed by the enormity of the task. There is many an example in history of young nations building themselves by the sheer determination and force of character....You have only to develop the spirit of the 'Mujahids'. You are a nation whose history is replete with people of wonderful grit, character and heroism. Live up to your traditions and add to it another chapter of glory. (30 October 1947)

All I require of you now is that everyone of us to whom this message reaches must vow to himself and be prepared to sacrifice his all, if necessary, in building up Pakistan as a bulwark of Islam and as one of the greatest nations whose ideal is peace within and peace without. (30 October 1947)

Keep up your morale. Do not be afraid of death. Our religion teaches us to be always prepared for death. We should face it bravely to save the honour of Pakistan and Islam. There is no better salvation for a Muslim than the death of a martyr for a righteous cause. (30 October 1947)

Do your duty and have faith in God. There is no power on earth that can undo Pakistan. It has come to stay. Our deeds are proving to the world that we are in the right and I can assure you that the sympathies of the world, particularly of the Islamic world, are with you. We in turn are grateful to every nation who has stretched out to us its hands of help and friendliness. (30 October 1947)

Let us now plan to build and reconstruct and regenerate our great nation and our sovereign State of Pakistan which, you know, is not only the biggest Muslim State in the World but the fifth biggest sovereign State in the world. Now is the time, chance and opportunity for every Musalman to make his or her fullest and best contribution and make the greatest sacrifice and work ceaselessly and selflessly in the service of our nation and make Pakistan one of the greatest nations of the world. It is in your hands. We have undoubtedly talents; Pakistan is blessed with enormous resources and potentialities; Providence has endowed us with all the wealth of nature and now it lies with man to make the best of it. (30 October 1947)

Create enthusiasm and spirit and go forward with your task, with courage and hope, and we shall do it. Are we downhearted? Certainly not. The history of Islam is replete with instances of valour, grit and determination. So march on notwithstanding obstructions, obstacles and interference; and I feel confident that a united nation of 70 million people with a grim determination and with a great civilization and history need fear nothing. It is now up to you to work, work and work; and we are bound to succeed. And never forget our motto: 'Unity, Discipline and Faith. ((30 October 1947)

In my public speeches and in every sphere of the Government in which I have influence I have emphasized and enjoined that Pakistan must not sit back and brood over its injuries. Our people must work – and work hard – to repair and enrich their country. We are determined to go ahead. And God willing, we shall succeed. (19 February 1947)

In this machine-age when the misdirected genius of man forges new engines of destruction everyday, you have to keep abreast of the times and keep your knowledge and equipment up to date – not because we have any evil designs against any of our neighbours but because our own security demands that we should not be caught unaware. (21 February 1947)

Finally, let me appeal to you – keep together, put up with inconveniences, sufferings and sacrifices, for the collective good of our people. No amount of trouble, no amount of hard work or sacrifice is too much or to be shirked if you individually and collectively make a contribution for the collective good of your nation and your State. It is in that way that you will build up Pakistan as the fifth largest State in the world not only in population as it is but also in strength, so that it will command the respect of all the other nations of the world. (21 March 1948)

You are only voicing my sentiments and the sentiments of millions of Musalmans when you say that Pakistan should be based on sure foundations of social justice and Islamic socialism which emphasizes equality and brotherhood of man. Similarly you are voicing my thoughts in asking and aspiring for equal opportunities for all. These targets of progress are not controversial in Pakistan, for we demanded Pakistan, we struggled for it, we achieved it so that physically as well as spiritually we are free to conduct our affairs according to our traditions and genius. Brotherhood, equality and fraternity of man – these are all the basic points of our religion, culture and civilization. And we fought for Pakistan because there was a danger of denial

of these human rights in this sub-continent. We aspired for these great ideals because of centuries of dual domination by the foreign rulers and by a caste-ridden social system. This domination continued for over two hundred years until we realized that it would ultimately mean complete extinction of Musalmans individually as human beings and collectively as a nation. After all, the story of Pakistan, its struggle and its achievement is the story of great human ideals struggling to survive in the face of odds and difficulties. The biggest Muslim State came into being on 15<sup>th</sup> August 1947. It was a great day in our history. But on this great day, it was not merely a Government which came into existence, it meant the birth of a great State and a great nation – one supplementing the other and both existing for each other.... I reiterate most emphatically that Pakistan was made possible because of the danger of complete annihilation of human soul in a society based on caste. Now that the soul is free to exist and to aspire it must assert itself galvanizing not only the State but also the nation. (26 March 1948)

It is true that with the removal of foreign domination, the people are now the final arbiters of their destiny. They have perfect liberty to have by constitutional means any government that they may choose. This cannot, however, mean that any group may now attempt by any unlawful methods to impose its will on the popularly elected Government of the day. (28 March 1948)

I am sure that the people of Pakistan will not mind making sacrifices in order to make our State in the near future a really strong and stable State so that we can handle more effectively and with ease our programme, specially for the uplift of the masses. I have no doubt in my mind about the bright future that awaits Pakistan when its vast resources of men and material are fully mobilized. The road that we may have to travel may be somewhat uphill at present but with courage and determination we mean to achieve our objective which is to build up and construct a strong and prosperous Pakistan. (1 April 1948)

It is no longer a foreign government as it was, but it is now a Muslim government and Muslim rule that holds the reins of this great independent sovereign State of Pakistan. It is now the duty of every Musalman, yours and mine, and every Pakistani to see that the State, which we have established, is strengthened in every department of life and made prosperous and happy for all, especially the poor and the needy. (17 April 1948)

We have still a long way to build up Pakistan, but I have no doubt that by the grace of God, by adopting right methods and the right course we shall march along to make it one of the greatest States of the world. (20 April 1948)

If each individual begins scrutinizing himself and forces – for initially it will require a certain amount of force – upon himself the principle of honesty to others as well as to himself, regardless of fear or favour, I see a very bright future ahead. If the individuals both officials and non-officials play their part thus and work in this spirit, the Government, the Nation and the State will immediately bear their stamp, and Pakistan will emerge triumphantly as one of the greatest nations of the world.... Let us subject our actions to

perpetual scrutiny and test them with the touchstone not of personal or sectional interest but of the good of the State. (15 June 1948)

Remember that the establishment of Pakistan is a fact of which there is no parallel in the history of the world. It is one of the largest Muslim States in the world, and it is destined to play its magnificent part year after year, as we go on, provided we serve Pakistan honestly, earnestly and selflessly. I have full faith in my people that they will rise to every occasion worthy of our past Islamic past, Islamic history, glory and traditions. (14 August 1948)

Nature has given you everything: you have got unlimited resources. The foundations of your State have been laid, and it is now for you to build, and build as quickly and as well as you can. So go ahead and I wish you Godspeed! (14 August 1948)

Let me, therefore, appeal to you – in whatever language you may put, when the essence of my advice is boiled down, it comes to this – that every Musalman should serve Pakistan honestly, sincerely and selflessly. (27 August 1948)

#### NWFP POLICY

Pakistan has no desire to unduly interfere with your internal freedom. On the contrary, Pakistan wants to help you and make you, as far as it lies in our power, self-reliant and self-sufficient and help in your educational, social and economic uplift, and not be left as you are dependent on annual doles, as has been the practice hitherto which meant that at the end of the year you were no better of than beggars asking for allowances, if possible a little more. We want to put you on your legs as self-respecting citizens who have the opportunities of fully developing and producing what is best in you and your land.... Pakistan will not hesitate to go out of its way to give every possible help - financial and otherwise – to build up the economic and social life of our tribal brethren across the border. (17 April 1948)

#### ATHLETES

... the success of our people in all walks of life depends upon the cultivation of *sound minds*, the natural concomitant to *sound bodies*. To the athletes and youth of the nation I bid welcome. My message to you is: build up physical strength not for aggression, not for militarism, but for becoming fighting fit, all your life and all the time in every walk of life of your nation wherever you be and always to be a force for peace, international amity and goodwill. (22 April 1948)

#### ECONOMIC DEVELOPMENT

I need hardly dilate on the important role that the State Bank will have to play in regulating the economic life of our country. The monetary policy of the bank will have a direct bearing on our trade and commerce, both inside Pakistan as well as with the outside world and it is only to be desired that your policy should encourage maximum production and a free flow of trade....

The abnormal rise in the cost of living has hit the poorer sections of society including those with fixed incomes very hard indeed and is responsible to a great extent for the prevailing unrest in the country. The policy of the Pakistan government is to stabilize prices at a level that would be fair to the producer, as well as to the consumer. (1 July 1948)

The economic system of the West has created almost insoluble problems for humanity and to many of us it appears that only a miracle can save it from disaster which is now facing the world. It has failed to do justice between man and man and to eradicate friction from the international field. On the contrary, it was largely responsible for the two World Wars in the last half century. The Western World, in spite of its advantage of mechanization and industrial efficiency is today in a worse mess than ever before in history. The adoption of Western economic theory and practice will not help us in achieving our goal of creating a happy and contented people. We must work our destiny in our own way and present to the world an economic system based on true Islamic concept of equality of manhood and social justice. We will thereby fulfilling our mission as Muslims and giving to humanity the message of peace which alone can save it and secure the welfare, happiness and prosperity of mankind. (1 July 1948)

#### COMMERCE AND INDUSTRY

Just as Pakistan is agriculturally the most advanced country in the Continent of Asia as mentioned by you, I am confident that if it makes the fullest and the best use of its considerable agricultural wealth in the building up of her industries, it will, with the traditions of craftsmanship for which her people are so well-known and with their ability to adjust themselves to new techniques, soon make its mark in the industrial field.

Commerce, gentlemen, is more international than culture and it behaves you to behave in such a way that the power and prestige of Pakistan gain added strength from every act of yours. I have no doubt that the commerce of Pakistan would be an effective instrument in the establishment and maintenance of high standards of business integrity and practice..... I would like Pakistan to become a synonym and hallmark for standard and quality in the market places of the world. (27 April 1948)

#### SERVICE BEFORE SELF

Self-advancement, greed and lust for power sway the conduct of individuals as that of nations. If we are to build a safer, cleaner and happier world let us start with the individual – catch him young and inculcate in him the scout's motto of service before self and purity in thought, word and deed. If you young people learn to befriend all, to help other people at all times, subordinate personal interest to the welfare of others, eschew violence of thought, word and action, I am sanguine that the attainment of universal brotherhood is possible and within our reach. (22 December 1947)

We must sink individual and petty jealousies and make up our minds to serve the people with honesty and faithfully. (28 December 1947)

Whatever I have done, I did as a servant of Islam, and only tried to perform my duty and made every possible contribution within my power to help our Nation. It has been my constant endeavour to try to bring about unity among Musalmans, and I hope that in the great task of reconstruction and building up Great and Glorious Pakistan, that is ahead of us, you realize that solidarity is no more essential than it ever was for achieving Pakistan, which by the grace of God we have already done.  
(17 April 1948)

#### DEFENCE FORCES

The Defence Forces are the most vital of all Pakistan services and correspondingly a very heavy responsibility and burden lies on your shoulders.

I have no doubt in my mind, from what I have seen and from what I have gathered, that the spirit of the Army is splendid, the morale is very high, and what is very encouraging is that every officer and soldier, no matter what the race or community to which he belongs, is working as a true Pakistani.

If you all continue in that spirit and work as comrades, as true Pakistanis, selflessly, Pakistan has nothing to fear.

One thing more. I am persuaded to say this because during my talks with one or two very high ranking officers I discovered that they did not know the implications of the Oath taken by the troops of Pakistan. Of course, an oath is only a matter of forms; what is important is the true spirit and the heart.

But it is an important form and I would like to take the opportunity of refreshing your memory by reading the prescribed oath to you:

"I solemnly affirm, in the presence of Almighty God, that I owe allegiance to the Constitution and the Dominion of Pakistan (mark the words Constitution and the Government of the Dominion of Pakistan) and that I will as in duty bound honestly and faithfully serve in the Dominion of Pakistan Forces and go within the terms of my enrolment wherever I may be ordered by air, land or sea and that I will observe and obey all commands of any officer set over me...'

As I have said just now, the spirit is what really matters. I should like to study the Constitution which is in force in Pakistan at present and understand its true constitutional and legal implications when you say that you will be faithful to the Constitution of the Dominion. (14 June 1948)

#### REFUGEES

The very fact that that a large number of the refugees have already been rehabilitated in their new home with the prospect of a new and a happier life ahead of them, is an achievement of no mean order. But for the spirit of brotherhood shown by the people of Pakistan and the courage with which the people as well as the Government faced the almost overwhelming difficulties created by a catastrophe, unparalleled in the history of the world, the entire structure of the State might well have crumbled down. (14 August 1948)

## PAKISTAN HAS COME TO STAY

During the last five months of its existence, Pakistan has had to face terrible trials and tribulations and to suffer tragedies which are almost without parallel in the history of mankind. We have, however, withstood these calamities with courage and fortitude. Through our perseverance, labour and sacrifice we will make Pakistan a great and powerful nation. Pakistan has come to stay and no power on earth can destroy it. (February 1948)

## MUSLIMS IN INDIA

Muslim India will discharge its responsibility with full credit and make its contribution towards world peace. (7 July 1947)

My advice to my Muslim brethren in India is to give unflinching loyalty to the State in which they happen to be. At the same time, they should reorganize themselves and create the right leadership which should give them the right lead in these perilous times. I further hope that the Government of India would see that their fair name is not sullied by ill-advised action on the part of those who are bent upon the eviction or extermination of Muslims of India by brutal and inhuman methods. If the ultimate solution of the minority problem is to be mass exchange of population, let it be taken up at the Government plane; it should not be left to be sorted out by blood-thirsty elements. (11 October 1947)

Minorities belonging to different faiths living in Pakistan or Hindustan do not cease to be citizens of the respective States by virtue of their belonging to a particular faith, religion or race. I have repeatedly made it clear, especially in my opening speech to the Constituent Assembly, that the minorities in Pakistan would be treated as our citizens and will enjoy all the rights and privileges that any other community gets. Pakistan shall pursue that policy and do all it can to create a sense of security and confidence in the non-Muslim minorities in Pakistan. (25 October 1947)

The Muslim minority in India have played a magnificent part in the achievement and establishment of Pakistan. They were fully alive to the consequences that they would have to remain in Hindustan as minorities but not at the cost of their self-respect and honour. Nobody visualized that powerful section in India was bent upon the ruthless extermination of Muslims and had prepared a well-organized plan to achieve that end. This gangsterism, I hope, will be put down ruthlessly by the India Government, otherwise they will forfeit their claim to be a civilized Government. (25 October 1947)

They must hold to their posts, and Pakistan, I can assure them, will not be mere spectator of their sufferings. We are deeply concerned with their welfare and future, and we shall do everything in our power to avert the danger they are facing. I sincerely hope that with the co-operation of the Indian Dominion, we shall be able to secure a fair deal for them. (25 October 1947)

To the Muslims of India in every province, in every district, in every town, I say, your foremost duty is to formulate a constructive and

ameliorative programme to work for the people's welfare, to devise ways and means of social, economic and political uplift of the Muslims and to free the Muslim masses from the British government, the Congress, the reactionaries and the so-called maulvis.

#### INJUSTICE DONE TO PAKISTAN

The division of India is now finally and irrevocably effected. No doubt, we feel that the carving out of this great independent, sovereign Muslim State has suffered injustice. We have been squeezed in as much as it was possible and the latest blow we have received was the Award of the Boundary Commission. It is an unjust, incomprehensive and even perverse Award. It may be wrong, unjust and perverse and it may not be a judicial but political award, but we had agreed to abide by it and it is binding upon us. As honourable people we must abide by it. It may be our misfortune, but we must bear up this one more blow with fortitude, courage and hope. (30 October 1947)

#### EDUCATION POLICY

You know that the importance of education and the right type of education cannot be overemphasized. Under foreign rule for over a century, in the very nature of things, I regret, sufficient attention has not been paid to the education of our people, and if we are to make any real, speedy and substantial progress we must earnestly tackle this question and bring our educational policy and programme on the lines suited to the genius of our people, consonant with our history and culture, and having regard to the modern conditions and vast developments that have taken place all over the world.

There is no doubt that the future of our State will and must greatly depend upon the type of education and the way in which we bring up our children as the future servants of Pakistan. Education does not mean merely academic education, and even that appears to be of a very poor type. What we have to do is to mobilize our people and build up the character of our future generations. There is an immediate and urgent need for training our people in the scientific and technical education in order to build up our economic life, and we should see that our people undertake science, commerce, and trade and particularly, well planned industries. But do not forget that we have to compete with the world which is moving very fast in this direction. Also I must emphasize that greater attention should be paid to technical and vocational education.

In short, we have to build up the character of our future generations which means highest sense of honour, integrity, selfless service to the nation, and sense of responsibility, and we have to see that they are fully qualified or equipped to play their part in the various branches of economic life in a manner which will do honour to Pakistan. (27 November 1947)

I entirely agree that instead of turning our mere clerks and government servants you college is now offering suitable subjects for

students, which would enable them to take their places in commerce, trade, industry, banking and insurance business. It should be the aim of our colleges to produce first class experts in agriculture, zoology, engineering, medicine and other specialized subjects. Only thus shall we be able to come to grips with the problems that are now facing us in the task of raising the standard of living, especially of the common man. (18 April 1948)

#### GOOD GOVERNANCE

So my message to you all is of hope, courage and confidence. Let us mobilize all our resources in a systematic and organized way and tackle the grave issues that confront us with grim determination and discipline worthy of a great nation. (24 October 1947)

Pakistan must be governed through the properly constituted government, and not by cliques, or fifth columnists or a mob, and the Pakistan Government is going to take the severest possible measures against the offenders, and they shall be dealt with sternly and ruthlessly. (9 January 1948)

It is the duty of Government servants, who are responsible for enforcing the policy of Government, to see that this policy is scrupulously carried out so that we may not throw ourselves open to the charge that we do not mean what we say. It is you who can convince the man in the street of the sincerity of our intentions and I am confident that you would not fail us. (11 October 1947)

Pakistan is now a sovereign State, absolute and unfettered and the Government of Pakistan is in the hands of the people. Until we finally frame our Constitution which, of course can only be done by the Constituent Assembly; our present provisional constitution based on the fundamental principles of democracy not bureaucracy or autocracy or dictatorship, must be worked. You officers should realize that these are the principles that should be borne in mind.... If you want to make Pakistan a great country in the comity of nations, you must forget, as far as possible, your pleasures and put in as much time and as much work as you can in the job which is entrusted to you.

Work honestly and sincerely and be faithful and loyal to the Pakistan Government. I can assure you that there is nothing greater in this world than your own conscience and, when you appear before God, you can say that you performed your duty with the highest sense of integrity, honesty and with loyalty and faithfulness. (14 February 1948)

I want you to keep your heads up as citizens of a free and independent sovereign State. Praise your government when it deserves. Criticize your government fearlessly when it deserves, but do not go on all the time attacking, indulging in destructive criticism, taking delight in running down the ministry or the officials.

#### ISLAMIC CONSTITUTION

Islam and its idealism has taught us democracy. Islam has taught us equality, justice and fairplay to everybody. What reason is there for anyone to fear democracy, equality, freedom on the highest standard of integrity and on the basis of fairplay and justice for every body'. Quaid-e-Azam said: 'Let us make it (the future Constitution of Pakistan). We shall make it and we will show it to the world. (23 January 1948)

The Constitution of Pakistan has yet to be framed by the Pakistan Constituent Assembly I do not know what the shape of this 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 us equality of men, 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. (February 1948)

#### ISLAM

Islam is not only a set of rituals, traditions and spiritual doctrines. Islam is also a code for every Muslim which regulates his life and his conduct in even politics and economics and the like. It is based on the highest principles of honour, integrity, fairplay and justice for all, one God and the equality of one God is one of the fundamental principles of Islam. (25 January 1948)

It is my belief that our salvation lies in following the golden rules of conduct set for us by our great lawgiver, the Prophet of Islam. Let us lay the foundation of our democracy on the basis of truly Islamic ideals and principles. Our Almighty has taught us that 'our decisions in the affairs of the State shall be guided by discussions and consultations. (14 February 1948)

The great majority of us are Muslims. We follow the teachings of the Prophet Muhammad (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. 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 and ready to play their part as true and loyal citizens of Pakistan. (19 February 1948)

#### THE PROPHET MUHAMMAD (PBUH)

Today we have met here in a small body to pay tributes to the great man for not only he has reverence of millions but also commands the respect of all the great men of the world. What tribute can I, a humble man, pay to this great man.

The Prophet (PBUH) was a great teacher. He was a great lawgiver. He was a great statesman and he was a great sovereign who ruled. No doubt, there are many people who do not quite appreciate when we talk of Islam.

The Governor-General of Pakistan observed that the life of the Prophet (PBUH) was simple according to those times. He was successful in everything that he put his hand to: from as a businessman to as a ruler. He said that the Prophet (PBUH) was the greatest man that the world had ever seen. 'Thirteen hundred years ago he laid the foundations of democracy'. (25 January 1948)

#### PEACE AND DEVELOPMENT

There is nothing that we desire more than to live in peace and let others live in peace and develop our country according to our own lights without outside interference and improve the lot of the common man. This is no doubt going to be an uphill task but if we are determined to work earnestly and sincerely and are willing and ready to make sacrifices for the collective good of our nation, we shall soon achieve the aims and the end we have in view. (21 February 1948)

#### INDUSTRIALIZATION

If Pakistan is to play its role in the world to which its size, manpower and resources entitle it, it must develop industrial potential side by side with its agriculture and give its economy an industrial bias. By industrializing our State, we shall decrease our dependence on the outside world for necessities of life, we will give more employment to our people and will also increase the resources of the State.

Nature has blessed us with a good many raw materials of industry and it is up to us to utilize them to the best of the State and the people. (26 September 1947)

#### DEFENCE AGAINST AGGRESSION

However strong the United Nations Organization might be, the primary responsibility for the defence of our country will rest with us and Pakistan must be prepared for all eventualities and dangers. The weak and the defenseless in this imperfect world invite aggression from others. The best way in which we can serve the cause of peace is by removing the temptation from the path of those who think that we are weak, and therefore, they can bully or attack us. That temptation can only be removed if we make ourselves so strong that nobody dare entertain any aggressive design against us. (23 January 1948)

Everyone of you has an important role to play in strengthening the defence of the country and your watchwords should be faith, discipline and self-sacrifice. You will have to make up for the smallness of your size by your courage and selfless devotion to duty for it is not life that matters but the courage, fortitude and determination you bring to it. (23 January 1948)

#### LAW AND ORDER

Remember that the scrupulous maintenance and enforcement of law and order are the prerequisites of all progress. (30 October 1948)

#### POLITICAL PARTIES

Asked whether the Muslim League of Pakistan would eventually transform itself into a national organization open to members of all religious communities, the Quaid-e-Azam said: 'The time has not yet come for a national organization of that kind. Public opinion among the Muslims of Pakistan is not yet ready for it. We must not be dazzled by democratic slogans that have no foundation in reality. (19 December 1947)

Honest change is welcome, but the present emergency requires that every Musalman should come under the banner of the Muslim League, which is the true custodian of Pakistan, and build it up and make it a great State before we think of parties amongst ourselves which may be formed later on sound and healthy lines.  
(21 March 1948)

#### BALUCHISTAN

You have got a deep-rooted ancient century-old system which is in vogue here and your administration has been stagnant for nearly a century. This is a problem that I am faced with as the Executive Head of Baluchistan. Now you cannot change these things overnight but we can make wonderful progress and advancement if we all work together sincerely, honestly and selflessly and as servants of Baluchistan. (13 June 1948)

I think there is great future for Baluchistan's development of its mineral wealth, agricultural resources, water supply, communications etc. (13 June 1948)

Let me assure you that I have not for one moment allowed the affairs of Baluchistan to slip out of my mind. I have thought and thought, considered and pondered, over the ways and means of improving the lot of our people in this Province and of enabling them to secure for themselves the same position and the same political status within the polity of Pakistan, which are open to their brethren in other provinces as far as they could be brought about as practical propositions. (14 February)

Gentlemen! The relations of the old Government of India with Baluchistan before the Partition are well known to you. It is not for me to remind you how that Government which was a subordinate branch of the foreign administration, had kept Baluchistan divided in several parts, each with a different name and status, yet all bound together in shackles of backwardness. The administration handed over to us was on the one hand quite impervious to the desires and wishes of the people for moral and material progress, and on the other impatient of criticism and oblivious of the necessity of political reforms of any sort. Consequently, the people of the Province remained in a static position educationally, socially, economically and politically. Nay, I would go so far as to say that the people had to content

themselves for a long time with a state of political and administrative stagnation. (14 February 1948)

The departure of British authority had left several gaps in the judicial and administrative machinery of Baluchistan. These were filled by making temporary legal and administrative arrangements. The relations of the Government of Pakistan with the tribes were reaffirmed on the basis of the referendum until they could be consulted again. (14 February 1948)

I have decided to constitute a Governor-General' advisory Council, a body which would enable the people to play their full part in the administration and governance of their Province, and which will enable me as Governor-General to keep a close watch over the affairs of Baluchistan and to make the problems of the people my own special care as I am bound to do under the present provisional constitution of Pakistan.... In the creation of the Council, as you will observe, special care has been taken to ensure that power and authority is derived as far as possible from the people. (4 February 1948)

From what I have stated, you will see that I am only trying to make a beginning in giving the people of Baluchistan their due share in the administration and I am affording to them the opportunity to play full part in the shaping of their future administration and advancing the welfare of the people generally. For instance, all plans for the future political, economic, social and educational development of the Province will be prepared and submitted through the Advisory Council, and it will be for the Governor-General to see that these plans are implemented with consultation and advice of the Council. (4 February 1948)

The setting up of the Council will in no way affect that measure of independence which is already enjoyed by the people of the tribal areas nor can it change the present status of the leased areas. On the other hand, this new measure is intended to bring about a harmony of ideas between the government and the people in the various areas of Baluchistan and to make the government machinery efficient and responsive to the people. It will impose upon the administration of Baluchistan the responsibility of marching in step with the wishes of its people and afford the people opportunities for sharing henceforth, with their government the cares and responsibilities of the administration. (4 February 1948)

#### KARACHI

Karachi is no ordinary town. Nature has given it exceptional advantages which particularly suit modern needs and conditions. That is why starting from humble beginnings it has come to be what it is, and one could say with confidence that the day is not far hence when it will be ranked amongst the finest. (25 August 1947)

#### AFGHANISTAN

The Government and the people of Pakistan entertain nothing but feelings of warmest friendship towards the Muslim Kingdom of Afghanistan which is our closest neighbour and with whom for many centuries and for

many generations, the people of Pakistan have had countless religious, cultural and social ties. It is doubtless known to Your Excellency that the people of Pakistan have always admired the spirit of independence of the Afghan nation and its great strength of character.

I desire that the relationship between these two sister nations may be of the greatest and the most lasting friendship, and I hope that the two governments will soon be able to settle and adjust, in a spirit of goodwill for the benefit of both, all those matters which require our immediate attention, and I do trust that the coming negotiations, that may take place, will secure and strengthen all the more the goodwill and friendship between our two countries which already exist. (3 December 1947)

#### THE ARAB CAUSE

I have no doubt that your Excellency's mission will further cement the bonds of brotherhood and affection which exist and subsist between our two peoples. Islam is to us the source of our very life and existence and it has linked our cultural and traditional past so closely with the Arab world and there need be no doubt whatsoever about our fullest sympathy for the Arab cause. (*Address in reply to the speech of Envoy Extraordinary of Transjordan – 24 December 1947*)

#### COMMONWEALTH

The Pakistan Constituent Assembly will decide whether Pakistan is to remain in the British Commonwealth of Nations or not. But personally I have no doubt that Pakistan would be ready to stay in the Commonwealth as a willing member for our mutual benefit, and Great Britain should exercise the great moral responsibility she has, as the senior member of the Commonwealth.

At the moment I feel that Great Britain is treating Pakistan with indifference. I fully realize that Britain has no power to intervene in the affairs of any Dominion, but at the same time Britain and other Dominions are in a position to use moral persuasion to help settle differences between members of the Commonwealth. It appears to me that His Majesty's Government is so far shirking its responsibility in this respect. (19 December 1947)

#### U.N.O.

The war-weary humanity is watching with fear and hope the evolution of the United Nations Organization for its ability to successfully deal with the causes of war and threats to world peace will depend on the salvation of mankind and the future of civilization. Pakistan which has been recently admitted to the United Nations Organization will do everything in its power to strengthen the Organization and help in the achievement of the ideals which have been set up as its goal. (23 January 1948)

## THE BIRTH OF A NATION

Having presented the guidelines of Quaid-e-Azam for giving direction to the nation's development, we will now dwell upon an analysis of the salient events of political developments of Pakistan's history since its creation. This analysis, I believe, will help set a better course for our country's future, and steer clear of the wrong and injurious decisions that have been taken in the past. The thoughts being presented in this analysis are the result of half a century of hard thinking, research and dedicated work by the author as a social and political activist. All this effort has been underlined with an honest and upright approach to politics.

We begin by noting down briefly the role of Quaid-e-Azam Muhammad Ali Jinnah in establishing Pakistan.

After being elected the first President of the Constituent Assembly of Pakistan on 11 August 1947, Qaid-e-Azam Muhammad Ali Jinnah delivered his memorable presidential address, in which he clearly outlined the ideal and concept of Pakistan, its constitutional structure, and the hopes and aspirations of its people.

While enumerating the basic duties of the government, the first duty he declared was maintenance of law and order and protection of life and property, and religious beliefs of the citizens. Next, he identified bribery and corruption, black-marketing, nepotism and jobbery as the greatest evil afflicting society, which had to be stamped out. He called upon the majority and minority communities in Pakistan to bury the hatchet, forget the past, and co-operate with each other. He exhorted them to concentrate upon the wellbeing of the people, especially of the poor. He declared that all citizens of Pakistan, regardless of their color or creed, would enjoy equal rights, privileges and obligations.

He affirmed the right to religious freedom in the following words: "You are free; you are free to go to your temples, you are free to go to your mosques or to any other places of worship in this state of Pakistan. You may belong to any religion or caste or creed – that has nothing to do with the business of the state.

This speech contained Jinnah's prescription for the Constitution of Pakistan that: one, all citizens of Pakistan could be equal regardless of their belief, caste, or creed; two, all citizens would be guaranteed freedom to practice whatever religion they believed in; three, all religious, sectarian ethnic, linguistic, and other similar distinctions would cease to matter in political sense, and the Constitution would ensure that the nation should progress regardless of such distinctions; and, four, that Pakistan would not be a theocratic state and religion would be a citizen's private and personal matter.

Jinnah also indicated the broad guidelines for Pakistan's Constitution in various statements and speeches. Had these guidelines been followed in the right spirit, Pakistan would have had by now become a true democracy based on equality and freedom for all citizens; free from all kinds of prejudices and devoted to development and progress.

Jinnah visualized Pakistan as a modern, progressive and democratic state whose energies would be devoted to the uplift of the people, especially the masses and the poor, and evils such as corruption, bribery, black-marketing, nepotism, and jobbery would be stamped out.

Given below are extracts from Jinnah's speeches and writings that will enable us to understand fully his concept of Pakistan and his views on various issues faced by the nation.

### **THE OBJECTIVES RESOLUTION, 1949**

The first step towards the framing of a Constitution was taken by the Constituent Assembly in 1949, when it passed a resolution on the Aims and objects of the Constitution popularly known as Objectives Resolution. It was adopted on 12 March 1949.

This Resolution, presented by Mr. Liaqat Ali Khan the first Prime Minister of Pakistan, constitutes a landmark in the making or unmaking of the nation's future. The text of the Objectives Resolution as passed by the Constituent Assembly was:

"In the name of Allah, the Beneficent, the Merciful:

Whereas 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;

This Constituent Assembly representing the people of Pakistan resolves to frame a constitution for the sovereign independent State of Pakistan;

Wherein the state shall exercise its powers and authority through the chosen representatives of the people;

Wherein the principles of democracy, freedom, equality, tolerance, and social justice as enunciated by Islam shall be fully observed;

Wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as set out in the Holy Quran and the *Sunnah*;

Wherein adequate provision shall be made for the minorities freely to profess and practice their religions and develop their cultures;

Wherein the territories now included in or in accession with Pakistan and such other territories as may hereafter be included in or accede to Pakistan shall form a federation wherein the units will be autonomous with such boundaries and limitations on their power and authority as may be prescribed;

Wherein shall be guaranteed fundamental rights including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship, and association, subject to law and public morality;

Wherein adequate provision shall be made to safeguard the legitimate interests of minorities and backward and depressed classes;

Wherein independence of the Judiciary shall be fully secured;

Wherein the integrity of the territories of the federation, its independence and all its rights including its sovereign rights on land, sea, and air shall be safeguarded so that the people of Pakistan may prosper and attain their rightful and honoured place amongst the nations of the world and make their full contribution towards international peace and progress and happiness of humanity.

As soon as the Resolution was moved, a non-Muslim member Prem Hari Barma proposed that the motion be circulated for eliciting public opinion. Another non-Muslim member Sris Chandra Chattopadhaya in the following words supported this motion: "In fact after 14 August, 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.... 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."

Maulana Shabbir Ahmad Usmani, Sardar Abdur Rab Nishtar, Ch. Zafrullah Khan and Liaqat Ali Khan spoke in favour of the Resolution and gave conventional and cliché-ridden arguments and presented self-confusing dogmas about Islam while justifying the presentation of the Objectives Resolution. Liaqat opposed the motion which was put to vote that very day, 7 March 1949. The House rejected all the amendments to the Objectives Resolution by 10 against twenty-one. No attempt was made to create a consensus about the Resolution.

The debate held on the contents of the Resolution in the Constituent Assembly reveals that some pertinent objections were raised and reasonable proposals advanced in the assembly by some members of the minority community, as well as Mian Iftikharuddin, but these were not taken seriously and objectively by the government benches and the resolution was passed hurriedly. The resolution was neither circulated for eliciting public opinion nor a Committee of the House was constituted to consider it. Also there was no indication of it in the Agenda papers circulated. It cannot be denied that some of the proposed amendments were quite reasonable and moderate and their point of view should have been accommodated in the larger national interest.

### **Proposed Amendments**

The days following the moving of the Resolution generated a lively discussion. A large number of objections to the Resolution were raised particularly by the non-Muslim members. The following amendments were moved.

1. That the paragraphs beginning with the words "Whereas sovereignty over the entire universe" ... and ending with the words "... is a sacred trust", be omitted.

2. That in the paragraph beginning with the words "Whereas sovereignty over the entire universe"...for the words "State of Pakistan through its people"... the words "People of Pakistan", be substituted.
3. That in the paragraphs beginning with the words "Whereas sovereignty over the entire universe ...the words "within the limits prescribed by Him", be omitted.
4. That in the paragraph beginning with the words "This Constituent Assembly..." after the word "independent" the word "democratic", be inserted.
5. That after the paragraph beginning with the words "This Constituent Assembly..." the following new paragraphs, be inserted:-  
 "Wherein the national sovereignty belongs to the people of Pakistan;  
 "Wherein the principle of the State is "government of the people, for the people, and by the people".
6. That for the paragraph beginning with the words "Wherein the State shall exercise..." the following paragraph be substituted "Wherein the elected representatives of the people – in whom shall belong as well executive authority – shall exercise their powers through such persons as are by law authorized to do so. The elected representatives shall control acts of government and may at any time divest it of all authority."
7. That in the paragraphs beginning with the words "Wherein the principles of democracy...", the words "as enunciated by Islam" be omitted.
8. That in the paragraph beginning with the words "Whereas the principles of democracy after the words "as enunciated by Islam" the words, "as based upon eternal principles" be added.
9. That in the paragraph beginning with the words "Wherein the principles of democracy..." after the words "as enunciated by Islam" the words, "and other religions" be inserted.
10. That in the paragraph beginning with the words "Wherein the principles of Islam" the words "but not inconsistent with the Charter of the Fundamental Human Rights of the United Nations Organization", be inserted.
11. That in the paragraph beginning with the words "Wherein the Muslims shall be...for the words "Muslims shall", the words" the Muslims and non-Muslims shall be equally", be substituted.
12. That in the paragraph beginning with the words "Wherein the Muslims shall be ..." for the words "Islam as set out in the Holy Quran and Sunnah" the words "the Muslims and non-Muslims shall be equally" be substituted.
13. That in the paragraph beginning with the words "Wherein the Muslims shall be..." after the words "Holy Quran and Sunnah", the following be added:- "in perfect accord with non-Muslims residing in the State and in complete tolerance of their culture and social and religious customs." for the words "Islam as set out in the Holy Quran and Sunnah" the words "their respective religions" be substituted.
14. That for the paragraph beginning with the words "Wherein adequate provision shall be made for the minorities", the following paragraph be substituted:- "Wherein shall be secured to the minorities the freedom to

profess and practice their religions and develop their cultures and adequate provision shall be made for it.”

15. That in the paragraph beginning with the words “Wherein shall be guaranteed”, the words “and secured to all the people of Pakistan” be inserted.
16. That the paragraph beginning with the words “Wherein adequate provision shall be made to safeguard...” for the words “and depressed classes, the words “classes and scheduled castes” be substituted.
17. That in the paragraph beginning with the words “Wherein adequate provision shall be made to safeguard...”, between the words “backward” and “depressed classes”, the words “and labouring” be inserted.

Some of the important points raised in the above amendments are:

1. Delegation of authority of God Almighty, should have been stated in the resolution as having been given to the “people of Pakistan” and not to the “State of Pakistan”. Such a statement would lead to the erroneous concept of “divine right of the State”. The principles of democracy, freedom, equality tolerance and social justice should have been equated to “the eternal principles as laid down by all the Prophets” instead of merely saying “as enunciated by Islam”, the word “Islam” having been largely misinterpreted by the religious elite. Islam has been made into ‘a religion among other religions.’
2. The principles that would establish real democracy have not been clearly laid down in the Objectives Resolution. The Resolution has been made to appear as being intended to ordering the lives of Muslims alone as if the State not responsible for bettering the lives of the non-Muslims, and that they are not part of the Pakistani nation. The ground reality, however is that that the rulers have failed to set up the Islamic system of governance and order the lives of the Muslims of Pakistan in the last fifty-five years. The dictates of the Holy Quran and the Sunnah have not been followed at all.
3. It has not been clearly stated in the Resolution that Pakistan would be a “Democratic State” wherein national sovereignty would belong to the people of Pakistan.
4. The words “The principles of democracy... as enunciated by Islam” do not convey the true meaning of Islam. The principles of Islam that truly define ‘democracy’ are eternal and have been put forward by the Prophets, and hence are common for Muslims, Christians and Jews, Hindus and other religious entities.

## **Debate on the Resolution**

The debate held on the contents of the Resolution in the Constituent Assembly reveals that some pertinent objections were raised and reasonable proposals advanced in the assembly by some members of the minority community, as well as Mian Iftikharuddin, but these were not taken seriously and objectively by the government benches and the resolution was passed hurriedly. The resolution was neither circulated for eliciting public opinion nor a Committee

of the House was constituted to consider it. Also there was no indication of it in the Agenda papers circulated.

Some of the important points raised and amendments put forward are presented herewith:

Birat Chandra Mandal while addressing the house said, the Great Prophet Muhammad was born in Arabia and Islam also first appeared in Arabia, but not even in that country there is a constitution in which the principles of administration or constitution have been based on Islam. He said, the Constitution has all along been established on the face of the globe on democracy and especially on the economic thinking of the political people of individual countries. He said, the founder of this dominion most unequivocally said that Pakistan will be a secular State. The great leader of ours never said that the principles of the Constitution will be based on Islam. So, we are going to commit a very serious blunder, and we are going to do something, which is unprecedented in the history of the world. He said, no where on the face of the globe we find a constitution, which has been based on the principles of a particular religion. The whole world is gradually progressing and all the civilized countries of the world are progressing. Why is it that our Pakistan should not keep pace with the advancement of other countries of the world. He said, I am not for Christians, not for Hindus, and not for Persians. But I am for the State. I say that my State will be guilty of framing a Constitution which posterity will condemn. I believe from the core of my heart that the most progressive people will be born after our death...there will be a posterity that will outlive us. Today we are fighting that he is a Muslim, he is a Hindu, he is a Christian, he is a Buddhist in Pakistan. But the time will come when people will not believe in their individual religions. Nobody will believe in these things. Now nobody is willing to have a constitution based on Islam or Hinduism or Christianity and nobody is willing to do anything in the name of religion. He said, please look forward and make the Constitution in such a way that you may not have to repent afterwards. He said, consider again and again before finally coming to any conclusion whether we should adopt the resolution at all. I would like to give you this advice in the interest of the State and not in the interests of the Hindus or Christians or Budhists or Musalmans or Parsees. The State has got no religion. He said, you will be held responsible, because you are the sponsors of this Resolution, not only to the countries of the world which have made their constitutions in the past but also the posterity who will think of making their constitution in the future. So, I tell you again and again to ponder over this Resolution before you finally adopt it.

Bhupendra Kumar Dutta also made an eloquent speech. He said, certain laws, rules and regulations must guide and control the relations between the people and the state, Such laws, rules, and regulations have in the modern world come within the domain of matters political. The relations between a state and its citizens are subjects properly of politics. On the other hand, the relation between man and God comes within the sphere of religion. He said, the two – reason and faith – may blend together perfectly. It would be better if we allow each to work separately that each may grow to its fullest maturity

so that a higher synthesis of the two may be attained. – a mellower blending. Even in the evolution towards that ultimate end, the two may be working hand in hand but unobtrusively. He said, politics belongs to the domain of reason. But as you intermingle it with religion, you pass into the other sphere of faith. Thereby on the one hand, you run the risk of subjecting religion to criticism, which will rightly be 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 institutions – grow and progress by criticism, from broader to still broader basis. As long as you remain strictly within the region 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. I have every reason to believe – that were this Resolution to come before this house within the lifetime of the great creator of Pakistan, the Quaid-e-Azam, it would not have come in its present shape. He said, I fear (if this resolution were to be passed) criticism will be stilled or absolutism will find a chance to assert itself. He said, 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, Even in our lifetime, he said, a political adventurer may find a chance to impose his will and authority on this state. He may find a justification for it in this Preamble. To the people of our state, he may justify his claim on the clause in it that refers to the delegation of the Almighty's authority to the state through its people. He has only to forge a further link and get it delegated through the state to himself and declare that he is the ruler of Pakistan, anointed by his Maker.

Mian Muhammad Iftikharuddin opposing this Resolution said, the words used in this Resolution is not the product of the League Party in the House This Resolution is supposed to be the voice of the seventy million people of our country. I feel that we are taking upon ourselves a tremendous responsibility which we are not discharging properly. Had we given the world a proper Islamic constitution, a new way of achieving real democracy, I think we would have performed a great task. He said, I do hope that even at this stage the House, realizing its great responsibility, will incorporate in its Objectives Resolution those principles, which will make real democracy possible.

### **Controversies within the First Constituent Assembly**

After Jinnah's death, the crucial issue to be decided was whether the Governor General should be the constitutional head of State with the Prime Minister and his cabinet exercising real executive power or otherwise. At that time, Liaqat Ali Khan wielded real power and he chose to remain Prime Minister. Khawaja Nazimuddin appeared to be willing to assume the customary privileges of the office of governor-general without Jinnah's real power. He became the constitutional figurehead while the Prime Minister and

his cabinet exercised real power. This harmony continued until the death of Liaqat Ali Khan on 16 October 1951.

After the passing of the Objectives Resolution, the Constituent Assembly set up a number of committees and sub-committees to work out the details of the Constitution on the principles as laid down in the Objectives Resolution. The Basic Principles Committee was the most important one, which set up, among others a special committee for Talimat-i-Islamia.

### **Liaqat Ali Khan's Assassination**

Liaqat Ali Khan was assassinated in Rawalpindi on 16<sup>th</sup> October 1951 while he was addressing a public meeting. This assassination was probably arranged by the vested interests using religious fanaticism as a tool. His assassin was killed on the spot by the security forces as a part of the conspiracy thus destroying all evidence.

Liaqat's death was a blow to Pakistan because he was the last real link with Jinnah. Although he lost Jinnah's confidence to some extent in the latter's last days, and was accused of complicity in the alleged rigging of the Punjab provincial elections in 1951, he stood high above Jinnah's other companions.

He was succeeded as Prime Minister by Khwaja Nazimuddin, the Governor-General at that time. Ghulam Muhammad, who had been finance minister from the earliest days of Pakistan, was selected as Governor-General.

### **Report of Basic Principles Committee, 1952**

Khwaja Nazimuddin presented the basic Principles Committee Report to the Constituent Assembly on 22 December 1952. Salient features of the Report were:

1. The Objectives Resolution was adopted as a preamble to the proposed Constitution.
2. The head of the State was required to be a Muslim and to be elected for a term of five years at a joint sitting of both the houses of the federal legislature. The head of the state could not hold office for more than two full terms.
3. The Prime Minister was to be appointed by the head of the state who also appointed the other ministers on the advice of the Prime Minister. The Council of Ministers was to be collectively responsible to the House of the People only.
4. The federal structure was to comprise two houses – House of the People, and the House of Units. The House of the People was to enjoy the real authority; the House of Units could only recommend revision of hasty legislation. All money bills had to originate in the House of the People. In case of conflict between the houses, joint sittings of both were provided for which a simple majority would decide the issue.
5. Seats were to be allocated to communities in the House of the People. The allocation of reserved seats necessitated preparation of separate electorates.

6. For each of the provinces, states, capital of federation, and tribal areas the word 'unit' was used. There was to be a head of the unit for each unit appointed by the head of the state serving at his pleasure for the maximum period of five years at a time.
7. The Chief Minister of each unit was to be appointed by the head of the unit and the ministers were to be appointed on the advice of the Chief Minister.
8. For each unit, there was to be a unicameral legislature composed of members chosen by direct election. The ministers in the unit were to be collectively responsible to the legislatures of the unit.
9. The head of the state was to have the power to promulgate ordinances during the period when the federal legislature was not sitting. However, an ordinance was to be laid before the federal legislature and would expire six weeks from its assembly. Similar provision was made in respect of the heads of the units regarding the promulgation of ordinances.
10. The authority to dissolve the House of the Peoples was vested in the head of the state, normally to be exercised on the advice of the council of ministers. Where no ministry could command confidence of the House of the People, the head of the state was to be authorized to dissolve the house of the people in exercise of his discretion and hold fresh elections. Similar provision was made for the heads of the units in regard to the dissolution of their respective legislatures.
11. The judiciary was to be headed by the Supreme Court of Pakistan consisting of a Chief Justice and two to six other judges. The Chief Justice of the Supreme Court was to be appointed by the head of the state, after taking into consideration the recommendations made by the Chief Justice.
12. Every judge of a High Court was to be appointed by the head of the state on the recommendations of the Chief Justice of the Supreme Court, who in the case of appointment of a judge, other than Chief Justice of the High Court, was required to consult the Chief Justice of the High Court concerned before making his recommendations. A judge could only be removed on the ground of misbehaviour or infirmity of body or mind if the Supreme Court, on reference made by the head of the state, recommends his removal.
13. There were guarantees to be provided to the civil servants of the federation and the units against dismissal, removal, or reduction in rank with opportunity to show cause.
14. Directive Principles of State Policy were to be made part of the Constitution.

There were, however, obvious defects in the new proposals.

### **Anti-Ahmedia Movement, Martial Law, and Dismissal of Nazimuddin's Government**

In the provincial elections held in Punjab in 1951, the Muslim League lead by Mian Mumtaz Daultana emerged victorious.

Shortage of food was not the only crisis looming on the horizon. Fringe groups, religious or lay, had been waiting for an opportune moment to swing into action.

In a campaign that was to lay the foundations of religious intolerance in Pakistan, the Ahrars reverted to their favourite target – reviling the Ahmedia community and demanding that they be declared a minority. The Ahrars were merely seeking to restore a public image marred by their outspoken opposition to the Pakistan demand. They attracted simple-minded people by alleging, in the Punjab, that Kashmir had been denied to Pakistan because Chaudhry Zafarullah Khan, like many other Ahmedies, was in league with the British. This allegation was advanced by some other interested quarters who wanted his removal as Foreign Minister of Pakistan. For many others, the anti-Ahmediya movement provided an opportunity to have other Ahmedis holding key positions removed from the positions held by them at the centre as well as in the provinces.

The Ahrar agitation was seen by Daultana as an opportunity to browbeat the central government into submitting to the Punjab's economic and constitutional demands. If successful, Daultana could hope to replace Nazimuddin or Zafarullah at the centre. On 13 July, an All-Parties Muslim Convention in Lahore endorsed Ahrar demands. Daultana saw them as an evidence of support for his pro-Ahrar policy. He made a public statement that since the finality of prophethood was an article of faith for all Muslims the issue of declaring Ahmedis a minority should be taken up by the Constituent Assembly. Within less than a week the Council of the Punjab Muslim League had adopted a resolution in support of the anti-Ahmediya agitation.

Thus Ahrar, who had opposed the creation of Pakistan, became the vanguard of the anti-Ahmediya movement that was joined by Jamaat-I-Islami, Jamiatul Ulema-e-Pakistan and Jamiatul Ulema-I-Islam. Nazimuddin tried to fall back on the religious appeal in an effort to confront colossal problems facing his government. He prevailed upon the Basic Principles Committee to welcome in its midst a team of *ulema*, the Talimaat Islam Board, to advise and guide on religious matters. He even toyed with the idea of giving in to the demands of the anti-Ahmediya movement, a line of thinking which invited a strong rebuke from the Governor-General who was indignant about the Prime Minister's reluctance to openly support Zafarullah and issue a public condemnation of the attacks on his person and community.

The bureaucratic-military combine was averse to the introduction of a retrograde section of society into the power structure. The introduction of the Ulema into the Basic Principles Committee as advisers pleased no one. On 6 March, after failing to get sanction from Karachi, General Azam, the Area Commander, had 'taken over on his own', imposing martial law in Lahore and ensuring the dismissal of Daultana's ministry. General Ayub, Commander-in-Chief of the Pakistan Army, proved that the army would not let politicians or religious ideologues lead the country to anarchy.

Sensing his end Nazimuddin considered requesting London for the Governor-General's recall. Apart from being unwell, Ghulam Muhammad was patently in league with the bureaucrats and the Commander-in-Chief. On 17 April 1953, Nazimuddin was summoned by the Governor-General along with his Cabinet and ordered to resign. Nazimuddin declined and had to be dismissed. The Governor-General had

acted under section 10 of the adapted Government of India Act. Despite the constitutional gloss, he had, in fact, carried out a bureaucratic-military coup.

### **The Munir Report, 1954**

After the disturbances of 1953 had subsided and martial law withdrawn, a special Act was passed constituting a Court of Inquiry with Justice Munir, Chief Justice of the Lahore High Court nominated as President of the Committee and Justice Kayani as its member. The inquiry commenced on 1 May 1953 and the report was presented to the government on 10 April 1954. The report covers 387 pages.

The authors of the Report concluded: "The net result of all this is that neither the Shias nor Sunnis nor Deobandis nor Ahl-i-Hadith nor Barelvis are Muslims and change from one view to the other must be accomplished in an Islamic state with the penalty of death if the government of the state is in the hands of the party which considers the other party to be *kafirs* ..... No two *ulema* have agreed before us as to the definition of a Muslim".

### **Dissolution of the First Constituent Assembly**

The Constituent Assembly passed two important Bills on 20 September 1954. The first enactment was Public and Representative Offices (Disqualification) Act of 1949 (PRODA), an effective and proper remedy against abuses of maladministration and corruption in political life. The second enactment was the Government of India (Fifth Amendment) Act, 1954 whereby amendments of sections 9, 10, 10A, and 10B of the Government of India Act 1935, as adapted for Pakistan were made. It divested the Governor-General of his powers to dismiss his ministers who would no longer hold office during his pleasure but would instead be individually and collectively responsible to the federal legislature. Obviously, the Constituent Assembly did this to prevent the repetition of acts such as the dismissal of the Nazimuddin Cabinet in April 1953. It was an important step towards the growth of parliamentary democracy in Pakistan.

The Governor-General as a reaction to curtailment of his powers by the Assembly struck back. On October 1954, he dissolved the Constituent Assembly. The dissolution of the Constituent Assembly threw the country into chaos and confusion by reviving old rivalries and reopening old controversies when it was about to finish its work. The real motive in dissolving the House was personal and was not based on any democratic principles or traditions. In a parliamentary democracy, authority rests in the people who will decide all issues through their representatives. All personal, sectional and provincial interests must, therefore, be subordinated to the supreme national interest. Ghulam Muhammad instructed Muhammad Ali Bogra, the Prime Minister, to form a cabinet without the benefit of a parliament. Hastily, a cabinet was put together which included Major-General Iskandar Mirza, Dr, Khan Sahib, and General Muhammad Ayub Khan as minister of defence. This was the

beginning of the army taking over military power, and the end of the supremacy of civilian over military power.

### **An Era of Legal Battles: Moulvi Tamizzuddin Khan's Case**

The first challenge to the proclamation came from the President of the Constituent Assembly Moulvi Tamizzuddin Khan, a man of high repute and sincere convictions. He challenged the proclamation as 'unconstitutional, illegal, *ultra vires*, without jurisdiction, inoperative, and void'. The full bench of the Chief Court of Sindh decided unanimously in favour of Moulvi Tamizzuddin Khan and allowed his writ petition. It was held that the Constituent Assembly had the sovereign power and supreme prerogative to amend and repeal existing laws. It was held that The Indian Independence Act did not contain any express provision for dissolution of the Assembly and, therefore, the Governor-General had no power of any kind to dissolve the Constituent Assembly. It was a sovereign body created for a special purpose and it was to function till that purpose was accomplished. The right to dissolve the legislature, it was observed, had ceased to be prerogative in England and it was difficult to hold that the prerogative which has ceased to be a prerogative in England.

### **The Federal Court Judgement**

The government filed an appeal to the Federal Court against the decision of the Sindh Court. By a majority of four to one the Federal Court decided on 21 March 1955, in favour of the government. It reversed the judgement of the Sindh Court on technical grounds namely, that Section 223A of the Government of India Act as adapted in Pakistan by virtue of which the Sindh High Court issued the writ in favour of Tamizzuddin Khan was 'not yet a law' because it had not received the assent of the Governor-General and, therefore, the Sindh Court had no power to issue the writs. The majority in the Federal Court, interpreting the provision of the Indian Independence Act, 1947, concerning assent by the Governor-General held that it made the Governor-General a constituent part of the legislature in as much as the right to give assent necessarily included the right to withhold assent. Every bill must, therefore, be presented to him to provide him an occasion to exercise that right and, unless a bill was so presented, a constituent part of the legislature did not function and the proposed legislation did not become law.

Justice A.R.Cornelius wrote a strong dissenting opinion stating that there was no obligation that all laws made by the Constituent Assembly of a constitutional nature required the assent of the Governor-General for their validity and operation. His principal reasons for reaching such a conclusion were:

The argument that the Constituent Assembly derived power to make laws for the dominion under section 6(1) of the Indian Independence Act overlooked the fact that the Constituent Assembly was, as a body, not a creation of the British Parliament. It was a body created by a supra-legal power to discharge the supra-legal function of preparing a Constitution for

Pakistan. Its powers in this respect belonged to itself inherently by virtue of its being a body representative of the will of the people in relation to their future mode of government.

With respect to the necessity of assent by the Governor-General to laws of a constitutional nature passed by the Constituent Assembly, a serious doubt had arisen at a very early stage. The Law Ministry of the Government of Pakistan was of the opinion that such assent was essential but the Constituent Assembly had throughout maintained that view that assent was not necessary, and acting on that view, had made and promulgated a rule, bearing No.62 in the rules of the Constituent Assembly to give formal expression to that view. This rule, as originally framed on 24 February 1948 at a meeting presided over by the President, Qaid-e-Azam Muhammad Ali Jinnah, merely provided that when a bill had been passed by the Assembly, a copy of it should be signed by the President. As this was not followed by any provision for submission to the Governor-General for his assent, it was understood to provide a sufficient formal act to give validity as law to the Bill as passed, but apparently doubts were felt on this subject, and the rules were amended at a meeting presided over by the Deputy President, Tamizuddin Khan, and held on 22 May 1948 to read as follows:

“When a Bill is passed by the Assembly, a copy thereof shall be signed by the President, and it shall become law on being published in the official gazette of Pakistan under authority of the President.” The rule expressed very clearly the opinion of the Constituent Assembly on the subject and has been acted upon for nearly seven years and acquiesced in and accepted by the Executive, including the Governor-General.

The Constituent Assembly was to be placed above the Governor-General, the chief executive of the State, for two reasons, firstly that the Constituent Assembly was a sovereign body, and secondly because the statutes under and in accordance with which the Governor-General was required to function, were within the competence of the Constituent Assembly to amend.

The Constituent Assembly being designed to be a sovereign body and to exercise sovereign power, including the power to alter the constitution subject to which the Governor-General was intended to act, it would clearly be inconsistent with the design and purpose if the ‘qualified negative’ assent by the Governor-General was imposed upon its constitutional laws.

There could be no possible doubt that neither the British sovereign nor the Governor-General, as such, was part of the Constituent Assembly.

### **Justification by the Judiciary of arbitrary, malicious and capricious acts of the Executive**

The judgement of the Federal Court in Tamizuddin Khan’s case caused incalculable harm to the constitutional development of Pakistan in its infancy. It paved the way for future justifications by the judiciary of patently arbitrary, malicious and capricious acts of the executive on hyper-technical grounds or self-serving theories or concepts. Justice Munir’s motives have been seriously criticized by many writers. He is accused of standing by his friend and fellow

Kakkezai Governor-General Ghulam Muhammad in his hour of need and bent the reasoning to justify his act which was patently and palpably *malafide*. After all, Ghulam Muhammad had acted in retaliation to the curtailment of his powers by the Constituent Assembly. Unfortunately such an action was taken when only a few days after the Constituent Assembly had finally, after seven years of continuous deliberation, agreed on a Constitution. Justice Munir remained defensive and apologetic about his judgement in Tamizuddin Khan's case for the rest of his life. However, the most significant aspect of the judgement is that there is no finding in it as to whether the Governor-General could dissolve the Constituent Assembly.

### **Power to make provisions to the Constitution only with the Constituent Assembly**

As a result of the judgement of the Federal Court in Tamizuddin Khan's case, as many as forty-six Acts on the statute books became invalid. The country was faced with a legal vacuum. The Governor-General promulgated the Emergency Powers Ordinance IX of 1955 by which he empowered himself, among other things to make provision for framing the Constitution of Pakistan. A full bench of the Federal Court, presided over by Chief Justice Munir, declared on 13 April in another leading constitutional case of this period, *Usif Patel v The Crown*, that power to make provisions to the Constitution of the country could not be exercised by the Governor-General by means of an ordinance. It was made clear by the latest judgement of the Federal Court that the power to make any provisions to the Constitution of the country was not conferred by law on anybody except the Constituent Assembly whose continuing legal status was recognized. The Court held that the power of the Governor-General to promulgate ordinances did not go beyond the federal legislature's powers to make laws. It is always subject to the control of the federal legislature and he cannot remove these controls merely by asserting that no federal legislature in law or in fact is in existence. Any legislative provision that relates to a constitutional matter is solely within the powers of the Constituent Assembly and the Governor-General is under the Constitutional Acts precluded from exercising those powers. The decision of the Federal Court presented the country with a constitutional crisis of a greater magnitude than when the Governor-General had dissolved the Constituent Assembly.

### **Governor-General's Reference to the Federal Court**

Important political developments followed the decision of the Federal Court rejecting the Governor-General's emergency powers. The Governor-General immediately summoned a 'Constituent Convention' to meet on 10 May. The government also announced that it would request the Federal Court to detail what interim steps should be taken to validate the laws which, by the Court's ruling, the Governor-General himself could not restore. Unless it was decided whether the Constituent Assembly had been legally dissolved and the new one rightly constituted, there might be 'litigation of every sort'.

## **Doctrine of Law of Necessity**

The Federal Court, later on, had to import an alien concept of civil or state necessity to take Pakistan out of the constitutional impasse it had led the country into by the judgements of Moulvi Tamizuddin Khan case and Usif Patel case by validating the laws passed by the Governor-General on the basis of such doctrine, without fully realizing the potential mischief of the doctrine for the future constitutional course of Pakistan.

## **The Impact of Constitutional Cases**

These constitutional cases left a major impact on the politics of the country. The entire constitutional and administrative setup was shaken to its very foundation.

Justice Munir tried to explain that his intentions were good and that he acted with promptness to correct the consequences that started to flow from the judgement in the case of Moulvi Tamizuddin Khan. He offered his defence in the following words: 'The judgement of the Federal Court in Tamizuddin Khan's case led the Governor-General to assume that he could no longer be saddled with a Constituent Assembly and could carry on without representative institutions. He, therefore, issued an Ordinance validating the laws which had been invalidated by the Federal Court and stating *inter alia*, that he himself could give a Constitution to the country, a claim the assertion of which was beyond the contemplation of the Federal Court in Tamizuddin's case. Therefore, when in a subsequent case before the Federal Court the question arose whether a law which had been validated by the Governor-General after the dissolution of the Assembly could have been validated by him, the Court denied that power to him on the ground that the Governor-General was still within the limitations of the constitution that he could not exercise the powers entrusted by the Indian Independence Act 1935 to the Constituent Assembly and that if he needed validation he was bound to call another Constituent Assembly because where representative institutions have been conferred by the Crown on a territory, the conference is absolute, unconditional, and irrevocable.

The Federal Court unanimously declared that the task of framing the Constitution had to be performed by a Constituent Assembly and not by an individual.

Thus the Governor –General Ghulam Muhammad, by a proclamation, summoned a sixty-member Constituent Assembly to meet on 10 May 1955.

## **Second Constituent Assembly**

The first important and highly controversial task performed by the second Constituent Assembly was the unification of West Pakistan. On 30 September 1955 the Assembly passed a bill merging 310,000 square miles into a single province.

The second Constituent Assembly had the advantage of profiting from the deliberations and work of its predecessor. But unlike the first Assembly, it had no party with an absolute majority. The ruling coalition party of the United Front and the Muslim League had within its fold several component groups holding diametrically opposite views on fundamental constitutional issues. As a result of internal conflicts, the constitution, which finally emerged, was a poor product based on compromises and expediency rather than on sound principles.

After nine years of effort, Pakistan finally succeeded in framing a Constitution that was finally adopted on 29 February 1956. The Constitution became effective on 23 March 1956. Pakistan was declared an Islamic Republic with a Constitution of its own, and the legacy of the Government of India Act, 1935 was finally laid to rest. Of greater importance was the fact that democratic institutions and the rule of law had been restored.

### **The Constitution of 1956**

In its general aspect, it was based on the pattern of the Government of India Act, 1935. The Constitution, which finally emerged, was a poor product, based on expediency rather than on sound principles. However, the judiciary was given the power to enforce fundamental rights, and the courts were to decide if a law was repugnant to any provision of fundamental rights.

### **Fundamental Rights**

The 1956 Constitution established the democratic concept of limited government, that is, a government that rules by law is itself ruled by law. The judiciary was given the power to enforce fundamental rights and the courts were to decide if a law was repugnant to any provisions of fundamental rights.

An important provision from the standpoint of civil liberty was provided which laid down that a person arrested should not be detained in custody without being informed, 'as soon as may be' of the grounds of such arrest, and such person should not be denied the right of legal consultation and defence. Further, a person arrested or detained in custody was given the right to be produced before the nearest magistrate within a period of twenty-four hours and no further detention was allowed, except on the order of the magistrate.

The principle fundamental rights guaranteed by the 1956 Constitution were:

1. All citizens were equal before the law and entitled to equal protection of the law.
2. No person could be deprived of life or liberty, save in accordance with the law.
3. No person could be punished for an act which was not punishable when committed.
4. The right to apply for a writ of habeas corpus could not be suspended, except in the case of an external and internal threat to the security of the state or other grave emergency.

5. There should be no discrimination on grounds of religion, race, caste, sex, or place of birth with regard to access to places of public entertainment, recreation, welfare, or utility.
6. All forms of slavery, servitude, forced labour, torture, or cruel or inhuman treatment or punishments were illegal.
7. All duly qualified citizens were made eligible for appointment to the service of the state, irrespective of religion, race, caste, sex, decent or place of birth, provided that it should not be unlawful for the state to reserve posts in favour of any minority or backward section.
8. No person could be deprived of his property without adequate compensation.
9. All citizens were guaranteed (a) freedom of speech, expression, association, occupation, acquisition and disposal of property, and peaceful assembly; (b) the right to move freely throughout Pakistan and to reside in any part of the country.
10. Freedom of conscience and the right to profess, practice, and propagate any religion, subject to public order and morality; were guaranteed.
11. No one attending any educational institution could be required to receive religious instruction or to attend religious workshop other than that of his own community or denomination. No religious community could be prevented from providing religious instruction to pupils of that community in any educational institution, which it maintained. No one could be compelled to pay any special taxes the proceeds of which were specifically appropriated for the propagation or maintenance of any religion other than his own.
12. The notion of untouchability being inconsistent with human dignity, its practice was declared unlawful.

These 'fundamental rights' contained a clear statement regarding the rights of the individuals, and these rights were fundamental not only in the sense that they had been mentioned in and guaranteed by the Constitution but were such as neither the legislature nor the executive could in any manner curtail or diminish. These embodied a permanent and paramount law, which could not be disturbed by the will of the legislature or of the Executive.

### **Directive principles of State Policy**

The following Directive Principles of State Policy were included in the 1956 Constitution:

1. Steps should be taken to enable Muslims to order their lives in accordance with the Quran and the *sunnah, inter alia*, the compulsory teaching of drinking, gambling, and prostitution, and the proper organization of mosques.
2. The provision of food, clothing, housing, education, and medical relief should be made for citizens incapable of earning their livelihood owing to unemployment, sickness, or similar reasons.

3. The improvement of living standards, the prevention of the concentration of wealth and means of production in the hands of a few, and the prevention of the exploitation of the workers and peasants.
4. Abolition of illiteracy as rapidly as possible.
5. Training and education for the population of different areas to enable them to participate fully in all forms of national activity and service.
6. Discouragement of parochial, tribal, and racial feelings among Muslims.
7. Strengthening the bonds of unity between Muslim countries.
8. Promotion of peace and goodwill among the peoples of the world.
9. Separation of the judiciary from the executive, as soon as practicable.
10. Protection of all legitimate rights and interests of non-Muslim communities.
11. Protection of children, young people, and women against exploitation and employment in unsuitable occupations.
12. To achieve parity in the representation of East Pakistan and West Pakistan in all spheres of federal administration.
13. To eliminate *riba* as early as possible.

The state was to be guided by the Directive Principles of State Policy, but they were not enforceable in any court of law.

After gaining independence, it took nine years to make the first Constitution of Pakistan on 23 March 1956. Repeated attempts have been made by the un-elected bureaucrats and army generals as well as the elected political leaders to make amendments in the Constitution that suited them. Governor-general Ghulam Muhammad, a bureaucrat, initiated attack on the Constitution. In a parliamentary democracy, authority vests in the people who will decide all issues including constitutional issues through their representatives. All personal, sectional and provincial interests must be subordinated to the supreme national interest.

### **Parliamentary Form of Government**

The first Constituent Assembly decided in favour of the parliamentary form of government both at the centre and in the provinces. It expressed faith in a parliamentary form of government in the hope that it would ensure better relationship between the executive and the legislature.

The draft presented to the second Constituent assembly in January 1956 had to be modified considerably regarding provisions relating to the powers and position of the head of the state. A parliamentary system was sought where real executive powers vested in a cabinet responsible to the legislature and would be guaranteed within the Constitution.

### **The President and the Cabinet**

The President was to hold office for five years and could not hold office for more than two terms. The President might resign or might, on a charge of violating the Constitution or of gross misconduct, be impeached by the National Assembly by an absolutely majority. If the President was away from Pakistan or unable to perform his duties, the Speaker of the Assembly would

exercise his duties till the President resumes his duties or until a new President was elected.

It was the duty of the Prime Minister to communicate to the President all decisions of the Cabinet and proposals for legislation and to furnish him with information as the President might call for. Under the 1956 Constitution, the executive authority of the Federation was vested in the President, and the Prime Minister served during his pleasure.

## **The Federal Government**

In the 1956 Constitution distribution of legislative powers between the centre and the provinces were exhaustively enumerated in three lists – federal, provincial and concurrent, as in the Government of India Act, 1935. In the 1956 Constitution residuary power was vested with the provincial legislatures which were to have exclusive power to make laws with respect to any matter nor enumerated in the federal, provincial and concurrent lists. During the proclamation of emergency parliament was empowered to make laws for a province with respect to any matters not enumerated in the federal or concurrent lists. The federal government was entitled to give directions to a province with regard to the duties of the provincial authority.

The principle source of income for the provinces were taxes on agricultural income, the capital value of agricultural land, taxes on lands and buildings, taxes on mineral rights subject to the federal list, excise on alcohol and drugs, taxes on electricity, taxes on vehicles and advertisements, animals, boats, on professions and trades, and on luxuries.

## **The Judiciary**

Adequate provisions were made in the 1956 Constitution to ensure the independence of the judiciary. The efficiency and the independence of the judicial system depend to a great extent upon the method of appointment, tenure of service, and salary of the judges.

A judgement of the Supreme Court was binding on all courts in Pakistan; all executive and judicial authorities throughout the country also had to act in aid of the Supreme Court and all directions, orders, decree or writs issued by that court were to be executed as if they were issued by the High Courts of the appropriate provinces.

Like its predecessor, the Supreme Court as entrusted with the task of interpreting the Constitution. It was given the power to adjudicate in any dispute between (a) the federal government and the government of one or more provinces, or (b) the federal government and the government of a province on the one side and the government of the other province, or (c) the governments of the provinces with regard to disputes involving any question of legal rights or questions relating to the interpretation of the Constitution.

The 1956 Constitution departed from the principle of parliamentary supremacy and accepted the principle of judicial review. The Constitution was made the 'supreme law of the land' and the judiciary was made the 'guardian of the Constitution.'

The Chief Justice was to be appointed by the President and other judges were to be appointed by the President in consultation with the Chief Justice.

### **Islamic Provisions**

According to the Constitution of 1956, Pakistan was declared as an 'Islamic Republic' wherein the principles of freedom, equality, tolerance and social justice as announced by Islam should be fully observed.

The Islamic provisions were not enforceable in the law courts but were supposed to serve as a guide to state authorities in the formation of policies. It was laid down that 'no law shall be enacted which is repugnant to the injunctions of Islam as laid down in the Quran and the Sunnah' and the existing laws 'shall be brought into conformity with such injunctions'. Whether a law was repugnant to Islam or not could only be decided by the National Assembly.

Article 198 provided that the President should appoint within one year of the day of commencement of the Constitution a commission to make recommendations for bringing existing laws in conformity with the injunctions of Islam as could be given legislative effect. The Commission was to submit its final report within five years of its appointment and might submit an interim report earlier. These reports were to be laid before the National Assembly, and within six months of its receipt, the Assembly was to enact laws in respect of thereof. It was made clear that nothing in this Article should effect the personal laws of non-Muslims or their status as citizens.

### **Emergency Provisions**

Clause 6 of Article 191 of the 1956 Constitution seemed to have granted the federal executive (the President) an undefined power to suspend democratic process for an indefinite period, not only in the provinces but even at the centre. This lacuna might have enabled the President on proclaiming an emergency, to rule the country for an indefinite period without the help of the National Assembly. The 1956 Constitution put a maximum limit of six months for such suspension of a provincial government. 'A proclamation under Article 193 would cease to operate after two months unless within that period it was approved by the National Assembly which by resolution extend it for a total period of six months.'

It was clearly provided by the emergency provisions of the 1956 Constitution that during a period of political and economic emergency the federal character of the Constitution could be suspended and the country would be governed virtually as a unitary state.

### **THE AYUB ERA: THE FIRST MARTIAL LAW**

On 8 October 1958, Iskandar Mirza, another bureaucrat, imposed martial law. The Supreme Court, led once again by Chief Justice Munir,

upheld the martial law. He held that a victorious revolution or a successful coup d' etat is an internationally legal method of changing a constitution. Even courts would lose their existing jurisdictions, and could function only to the extent and in the manner determined by the new Constitution. The revolutionary government and the new Constitution are, according to international law, the legitimate government and the valid Constitution of the state.

The judgement in Dosso's case, like that in Tamizuddin Khan's case, was a retrogressive one and set the clock back in the constitutional development and strengthening. The Supreme Court judges stripped the citizens of their fundamental rights only to appease the new masters of the country. It had declared that the fundamental rights are not a part of the law of the land.

### **The Constitution Commission Report: Causes of failure of parliamentary form of Government and recommendations**

On 17 February 1960, Ayub appointed a Constitution Commission with the former Chief Justice of Pakistan Justice Shahabuddin, who was a man of integrity and honesty, held in high esteem and respected in East and in West Pakistan, as its Chairman to examine the causes of the failure of parliamentary government in Pakistan. The Commission was also to submit constitutional proposals aimed at giving the country a firm and stable government.

The Commission determined the causes of the failure of the parliamentary form of government to be:

1. Lack of proper election procedure and defects in the late constitution;
2. Undue interference by the head of the state in the ministries and political parties, and meddling by the central government in the functioning of the governments of the provinces; and
3. Lack of well-organized and disciplined parties and the general lack of character in the politicians.

The Commission felt that notwithstanding its defects, the Constitution could

be made workable if those who were entrusted with its implementation had been sincere. It may be added the system of parliamentary democracy had never been given a fair and adequate trial during its infancy by the two bureaucrats Ghulam Muhammad and Iskandar Mirza.

The Constitution Commission noted with regret "the members of the legislature in Pakistan, on an average, with a few honourable exceptions, did not regard any of the duties as binding on them. They were mainly concerned with furthering their individual interests. Ministers granted favours to enlist support for their party. They were so busy helping their political supporters that they could not concentrate on questions of policy which were their domain. They were so concerned with the consolidation of their position that that they showed greater interest in administrative details which, in advanced

countries where the parliamentary system has been successful, is left to the experts and services.

The defects noticed by the Commission in the working of parliamentary democracy ' are but a reflection of the indiscipline, lack of sense of duty, and want of spirit of service and accommodation in an average member of society noticeable particularly in countries which have emerged into independence before attaining universal education and minimum level of economic development.' The Commission stressed the need for reforming the education system in order to create the basis of moral action, and the supreme importance of habit as the moral basis of action. It may also be added

The Commission argued that the people of Pakistan have the right to designate the rulers of the country and to decide questions of national policy according to the requirements of common good. The Commission was of the view that ultimately the safeguards for any democratic system depends on the sense of responsibility of ministers and members of the legislature, and mere statutory prohibition in the Constitution would not solve the problems facing the country.

While recommending the presidential form of governance, the Commission stressed the importance of the legislature. The Commission said, 'if we want to have a democratic form of government, the legislature should be in a sufficiently strong position to act as a check on the exercise by the executive of its extensive power without affecting the fairness of the administration.

The Commission was of the view that the Senate and the House of People should be independent of the executive in the sense that they should have their own programmes and rules regarding the conduct of business. The Commission did not favour the grant of special powers, particularly to suspend some provisions of the Constitution. It did not think it desirable that the power to suspend any of the provisions of the Constitution should be given for any emergency than the war and even that should be strictly subject to immediate ratification by the House of the People if possible or atleast by the Senate.

The Commission's preference for a presidential system, and its view that the franchise should be restricted, was not seen with favour by the political leaders. All of them preferred the parliamentary system for the simple reason that active participation by the people in the affairs of government is a *sine qua non* of a ideal pattern of government, and that a system of restricted franchise was not in the spirit and notion of modern democracy.

The Commission recognized the fact that the essence of the representative form of government is the people's participation and control over the public purse.

### **Recommendations Regarding Political Parties**

The Commission referred to the role of political parties in the process of discovering, sifting, testing and choosing candidates, and it admitted that in a country like Pakistan, where a sense of political responsibility had yet to be fully developed, parties were formed not on principle but after a known personality. The

Commission reached the conclusion, ' if we want to have a democratic form of government our endeavour should be to create condition in which a party based on principles can emerge.'

### **Recommendations Relating to Islamic Provisions**

The Commission affirmed the view that Islam permeates the whole life of a Muslim and does not allow politics to be kept apart from ethics. The State is primarily an instrument to protect and promote good life. Emphasis throughout the Quran is laid on action for the obvious reason that a mere enunciation of belief un-accompanied by action in accordance with that belief, besides being hypocritical, does not contribute to progress either as an individual or as a member of society. If the modern generation doubts the efficacy of Islam, the remedy lies in acquainting oneself with the principles of Islam and with history. If there is any chance of reforming ourselves it lies only in drawing inspiration from Islam.

In view of the diversity of opinion with regard to Islamic traditions it is necessary 'to create a climate wherein different schools of thought could evolve unanimity with regard to the fundamentals of Islam as far as traditions are concerned. Once this is done, the Commission felt, it will be time for the next step to be taken, namely the drawing up of principles which should be regarded as the standard to which the laws of the country should conform.

The Constitution Commission recommended the appointment of another Commission for this purpose and suggested that co-operation should be sought through diplomatic channels from other Muslim countries so that the proposed commission might work in collaboration with any similar commissions in other Muslim countries. The proposed commission would advise whether instructions given by the Prophet (PBUH) with reference to local conditions should be followed literally, regardless of local customs to which the people of various countries are accustomed, or whether only the principles should be adopted. The Commission suggested, as a further step, a study of the basic values of Islam, and proper training and education of those who are entrusted with the task of preaching Islam.

### **Recommendations Regarding the Judiciary**

The Commission preferred a system of impeachment to remove the Chief Justice and other judges of the Supreme Court. The recommendation for a judgeship of the Supreme Court should emanate from the Chief Justice after consultation with his colleagues and, as a matter of convention, the President should accept his recommendation. It noted that although seniority should not be the only consideration in making the appointment to the office of the Chief Justice, normally one would expect the senior judge to be appointed unless there were very strong reasons to the contrary.

An independent judiciary, according to the Islamic tradition and the present-day canons of the democratic free world is a prerequisite for a just and good government.

## **Fundamental Rights and Directive Principles of Policy**

The Commission agreed that fundamental rights should be incorporated in the Constitution and be enforceable by the courts. The Commission also favoured the incorporation of Directive principles of State Policy in the Constitution.

## **The Constitution of 1962**

With respect to the ideology of Islam, Gen. Ayub decided that it should be left to the members of the legislature to interpret all questions related to the Quran and Sunnah. The people as the sovereign authority to whom he was answerable did not figure in his political plan. He viewed the populace as a collection of uneducated and inexperienced persons who needed help, guidance, and protection, and thought it to be his duty and responsibility to provide it.

About the form of government, Ayub decided that the country needed a presidential form of government under which the centre should have powers over all subjects. He firmly opposed direct election of the President or members of the national and provincial legislatures. Ayub did not make part of the Constitution the Constitution Commissions recommendations relating to the system of election, fundamental rights, political parties, and the role of the judiciary.

The main emphasis of the 1962 Constitution was a strong executive, expressed through the office of the President. The fundamentals of the system were:

1. The president was elected independently of the legislature;
2. He was to hold office for a fixed term. He could be removed from office only by a special process of impeachment;
3. The legislature was elected independently and had a fixed term;
4. The legislature worked independently of the executive and could not be dissolved by the executive or the president;
5. The legislature was the supreme law-making body of the country and no proposal could become law unless voted by this body;
6. The judiciary was responsible for the interpretation of laws and executive orders in the light of the principles embodied in the Constitution.

Under the 1962 Constitution, the President was the repository of all powers. The term of the President was fixed for five years. In fact, with the approval of the legislatures there seemed to be no limit to the number of terms for re-election as president. The president could be impeached by the National Assembly on a charge of violating the Constitution, or for gross misconduct. The President had the power to make all key appointments. There was a council of ministers, but their advice was not binding on the President, nor were his ministers responsible to the legislature. The President had the right to veto Bills passed by the National Assembly. The Presidential veto could be overcome only by an absolute majority vote in the legislature and the majority votes of the Electoral College. The President had the power

to make and promulgate ordinances, which had the same effect as Acts of the central legislature. The term of the National Assembly was fixed for five years unless it was sooner dissolved by the President.

Under the Ayub regime, the people had been denied any meaningful participation in the affairs of the state. The Ayub regime became more oppressive and more corrupt without providing any material benefits to the deprived masses. Basic Democrats system had further increased the isolation of the people. Ayub's term of office was the golden era for the bureaucracy who exercised its powers unbridled by any political interference.

It is noticeable that the Supreme Court under the leadership of Chief Justice A.R. Cornelius, established its independence and gave landmark rulings which gave meaning to the fundamental right and civil liberty of citizens. These rulings set in motion the trend toward judicial activism which was later checked by dictatorial regimes and pliable judges. Nevertheless, a sound foundation was laid for liberal constitutional interpretation, particularly by promoting and strengthening concepts like 'judicial review' and 'due process of law'.

Ayub failed to realize that real progress could not be achieved without the participation of people, based on the principles of equality and interdependence. Under his highly centralized system, people in the provinces never had the feeling of equality nor were they bound together in a network of collective self-reliance.

### **THE YAHYA REGIME**

Ayub stepped down and handed over the reins of power to Army Chief General Muhammad Yahya who placed the country under martial law with immediate effect. He assumed the office of the President from 25 March 1969. Gen. Ayub again bypassed the Constitution, according to which he should have handed over power to the Chairman of the National Assembly.

On 4 April 1969, a Provisional Constitution Order was promulgated by the CMLA wherein it was provided that, notwithstanding the abrogation of the Constitution, the state of Pakistan would be governed as nearly as possible in accordance with the last Constitution. However, all fundamental rights, except for security of person, prohibition against slavery, and forced labour, freedom of labour, freedom of religion, access to public places, and abolition of untouchability, were abrogated and all pending proceedings in regard to their enforcement abated.

### **THE BHUTTO REGIME**

#### **Loss of East Pakistan – Birth of Bangladesh**

Bhutto used Yahya to build himself as the sole leader of West Pakistan. He was an extremely ambitious politician. It was difficult for him to wait to get into power.

Yahya and the military leadership deliberately let the situation drift out of their hands and allowed events to take their own course. They did nothing while East Pakistan slid into anarchy and chaos.

The press, politicians and public opinion in West Pakistan are jointly responsible for secession of East Pakistan and they will always stand accountable to history for failing to speak when the truth was necessary, and failing to act when action was imperative.

Political parties generally in West Pakistan actively or tacitly supported the military action in East Pakistan. They failed to understand and appreciate the gravity of the situation and consequences that were likely to follow. The breakup of Pakistan was made inevitable by the growing tension, suspicion and the Bengali intelligentsia.

Mujib and Bhutto were men driven by blind personal ambition and national ambition was of little importance to them. It was tragic and ironic that Bengalis seceded from the union of Pakistan which they had done the most to achieve. Muslims in Bengal had participated in the freedom movement far more actively than any provinces that formed Pakistan. The arrogant military and bureaucratic establishment in Pakistan, coupled with self-centred and shortsighted politicians from West Pakistan, alienated them and ultimately pushed them into the arms of a demagogue like Mujib.

Bhutto's role in the break-up of Pakistan is major. As an extremely ambitious man, he could not wait any longer to take over the reins of power. He knew that in a united Pakistan he could not become the head of government by democratic means. His party had no presence in East Pakistan, which held the majority of seats in the central legislature. That is why he came up with the demand for transfer of power to Mujib in East Pakistan and to him in West Pakistan (*'Udhar tum Idhar hum*). He would rather have dismantled Pakistan that gives Mujib power in a united Pakistan.

Bhutto inherited a large tract of land from his father Sir Shahnawaz Bhutto. Before the 1959 Land Reforms, the Bhutto clan held around forty to sixty thousand acres of extremely productive land in Larkana, Jacobabad, Thatta and Sukkur.

### **The Interim Constitution of 1972**

The Interim Constitution, that came into force on 21 April 1972 on the withdrawal of martial law, was adopted by the National Assembly that had been elected in December 1970 on an all-Pakistan basis. Due to the formation of Bangladesh, the Assembly lost its efficacy and mandate and the members elected from West Pakistan could not act and form a Constituent Assembly of their own. It would have been appropriate to hold fresh elections in West Pakistan for a Constituent Assembly on the basis of the changed constitutional and political realities so that this assembly could have had a fresh mandate to give a new Constitution to the remainder of the country.

But, new elections were not called for immediately after December 1971 and a truncated assembly was rejuvenated into the role of a Constituent Assembly. It adopted the Interim Constitution of Pakistan in April 1972. In

Bangladesh, fresh elections were held soon after December 1971 and a Constituent Assembly was elected under the new circumstances.

The 1956 Constitution became a working paper for future constitutional documents.

### **THE CONSTITUTION OF 1973**

Following the overthrow of Ayub, and the annulment of constitution of 1972 which Bhutto had imposed, a national consensus developed in favour of a parliamentary system of government, universal adult franchise, and direct elections to the central and provincial legislatures. Provincial autonomy, the role of Islam, and the enlargement of democratic principles were the major issues the National Assembly had to address in framing a new Constitution.

The 1973 Constitution was adopted with the consensus of all other political parties in the National Assembly.

In a parliamentary setup real power rests with the Cabinet headed by the Prime Minister, and the president is only a figurehead. But Pakistan has bitter experiences of Governor-general's and President's meddling in politics to advance their own personal interests and objectives.

Under the new arrangement in the 1973 Constitution, the orders of the President had to be countersigned by the Prime Minister to be valid. It was made amply clear that the executive powers of the federation would vest in the Prime Minister. According to clause 90 of the Constitution, the Prime Minister was named the Chief Executive of the Federation, and Article 48 made the President wholly dependent upon his advice.

It was provided that if any existing law or custom or wage having the force of law was inconsistent with any provision of fundamental rights, it would be void to the extent of inconsistency and that no authority national, provincial, or local was competent to make any law, regulation, or any order which might be repugnant to any provisions of the fundamental rights. During an emergency, however, the: resident could, by an order, suspend the enforcement of some of the fundamental rights guaranteed to the citizens under the Constitution. The right to move any court for the enforcement of fundamental rights could also be suspended.

#### **Directive Principles of State Policy**

Like the earlier Constitutions, the new Constitution also included Directive Principles of Policy. It was made the responsibility of each organ and authority of the State, and those performing functions under them, to act in accordance with these principles. These principles are enumerated as under:

1. Steps to be taken to enable Muslims to order their lives in accordance with the Holy Quran and *Sunnah*. The state should endeavour to facilitate learning of Arabic, to promote observance of Islamic moral standards, and to secure the proper organization of *zakat*, *auqaf* and mosques.
2. Securing the wellbeing of the people, prevention of the concentration of wealth and means of production in the hands of a few, providing of basic necessities of life, reducing disparity of income, provision of food, clothing,

housing, education, and medical relief for citizens incapable of earning their livelihood owing to unemployment, sickness, or similar reasons.

3. Promotion of social justice by removing illiteracy; providing of free and compulsory secondary education; ensuring inexpensive and expeditious justice; making provisions for securing just and humane conditions of work; enabling the people of different areas to participate fully in all forms of national activities; preventing prostitution, gambling, alcoholic liquors, drugs etc.

4. Discouragement of parochial, tribal, and racial feelings among Muslims.

5. Strengthening the bonds of unity between Muslim countries and promotion of peace and goodwill among the peoples of the world.

6. Protection of all legitimate rights and interests of the non-Muslim minorities

7. Protection of marriage, the family, the mother, and the child.

8. To ensure full participation of women in all spheres of life.

9. To promote local government institutions.

10. To eliminate *riba* as early as possible.

11. To enable people from all parts of Pakistan to participate in the armed forces of Pakistan.

In the new Constitution, separation of the judiciary from the executive was included in its operative part. It became a dictate of the Constitution, and the separation was required to take place within three years.

## **Parliamentary Form of Government**

The primary concern before the constitution-makers was how to ensure a stable government under the parliamentary system? The following changes were introduced in the new Constitution:

(a) The office of the Prime Minister was made extremely powerful and the office of the President was made correspondingly weak, ineffective and dependent. The President's veto over the legislature was completely done away with. He had only seven days to give assent to a Bill Passed by the Parliament and if he failed to do so within such a period, the Bill would become law. The President was required to act on the advice of the Prime Minister which was binding on him. Such advice was made non-justiceable. The President was also without power to dissolve the National Assembly, which could only be dissolved on the expiration of forty-eight hours from the advice of the Prime Minister to dissolve the Assembly.

(b) The procedure for a vote of no confidence against the Prime Minister was made difficult and cumbersome. Such resolution could not be moved in the National Assembly unless, in that very resolution, the name of another member of the assembly was put forward as the successor.

## **The President and the Cabinet**

The President was reduced to merely a figurehead under the new Constitution. The executive authority of the federation was to be exercised in the name of the President by the federal government consisting of the Prime Minister and the federal ministers. The qualifications for being elected as

President were that he was desired to be a Muslim of not less than forty-five years of age and qualified to be elected as a member of the National Assembly. The President was to be elected by an electoral college comprising the members of the parliament in a joint sitting.

The Prime Minister and the federal ministers were collectively responsible to the National Assembly. Federal ministers and ministers of state were to be taken from Parliament and were appointed by the Prime Minister. No more than one-fourth such federal ministers and ministers of state could be taken from the Upper House, the Senate. Theoretically, the parliamentary system postulates Cabinet and the joint responsibility of the Cabinet. The Prime Minister was part and parcel of the cabinet and not separate or different from it.

The President, subject to the advice of the Prime Minister, was entrusted with multifarious functions. Some of the key appointments, such as those of the Chief Justices and judges of the Supreme Court and the High Courts, the Governors of the provinces were to be made by the President. The Attorney-General and the Chiefs of Staff of the Armed Forces, the Chief Election Commissioner, Auditor-General, and the Chairman and members of the Islamic Ideology Council were to be made by the President. He could constitute the National Economic Council, The National Finance Commission, the Council of Common Interests, and the Islamic Ideology Commission for bringing the existing laws into conformity with the injunctions of Islam. He also had the power to issue proclamations of political or financial emergency and could suspend a provincial government. The President was empowered to raise and maintain the naval, military and air forces of Pakistan. He was also given powers to grant pardon and reprieve, and to remit, suspend or commute a sentence passed by any court, tribunal, or any other authority. All these powers were exercisable on the advice of the Prime Minister.

Similarly, the President was given certain legislative functions to be exercised on the advice of the Prime Minister. He could summon, prorogue, and dissolve the Parliament on his advice. The president could address the National Assembly and send messages to it. When a Bill was passed by the National Assembly, he could not withhold his assent for more than seven days. After the expiry of seven days, the Bill would automatically become an Act of Parliament. When the National Assembly was not in session, the President possessed the positive power of making laws by ordinances which were to be laid before the National Assembly and would cease to operate at the expiration of four months from its promulgation, or at such time as a resolution of disapproval was passed by either House of the Parliament.

## **The Federal Government**

A clear distribution of powers between the national and provincial governments was provided and the principle of decentralization was accepted. The powers were enumerated in two lists, federal and concurrent. With regard to the subjects in the concurrent list, the precedence of federal legislation over provincial legislation was guaranteed. A provincial law, to the extent of repugnancy with the federal law on the same subject would be void.

The Constitution did not provide for a separate provincial legislative list and provincial assemblies were extended power to make laws on the residuary subjects, that is, matters not enumerated in either the federal nor in the concurrent list. The federal legislature could make laws on any provincial matter. While a proclamation of emergency was in operation, parliament was empowered to make laws for a province concerning any matter not enumerated in the concurrent lists.

The Chief Justice of Pakistan was assigned an important role in the settlement of disputes between the federal government and provincial governments.

### **The Federal Legislature (The Parliament)**

Unlike the Constitutions of 1956 and 1962, the 1973 Constitution provided for a bicameral system that included the Parliament and the Senate. From the standpoint of checks and balances, the Senate is considered very useful and has a restraining effect on the Parliament.

In the electoral laws that followed, the system of joint electorates was enforced. The age for entitlement to vote was fixed at 18 years. A candidate for election to the National Assembly was fixed at atleast 25 years of age. The Election Commission, on reference from the Speaker of the National Assembly, could decide questions of disqualification of a member and its decision was to be final. The term of National Assembly was fixed at five years.

The Senate was meant to be a permanent House not subject to dissolution. Term of office of its members was to be four years, half of them retiring every two years. The term of office of the Chairman was to be two years. There were to be atleast two sessions of the National Assembly each year and not more then one hundred-and-twenty days were to intervene between the two sessions. There was a similar provision for the Senate.

Either House of the Parliament was empowered to frame its own rules of procedure and the conduct of its business. No member of the National Assembly could be made liable in any proceedings in court regarding anything said or any vote given by him in the assembly or its committees. The privileges of the National Assembly, committees, the members thereof, and persons entitled to speak therein could be determined by an Act of Parliament. In keeping with the principle of separation of powers, no court could enquire into the proceedings of Parliament and correspondingly, no discussion could take place in Parliament concerning the conduct of any judge of the Supreme Court or of a High Court in the discharge of his duties.

No tax could be levied for federal purposes except by or under the authority of an Act of Parliament.

The subjects enumerated in the concurrent list were of common interest and importance for the federation and the provinces. This being the case, it became imperative that the Senate, being a House of provinces, should be given greater role and voice in legislation on subjects enumerated in Part II of the federal list and the concurrent legislative list.

The money bills could only originate in the National Assembly and, if passed, would be presented to the President for assent, without transmission to the Senate. If a question arose as to whether a Bill was a Money Bill or not, the decision of the Speaker of the National Assembly thereon should be final.

### **Distribution of Powers: Relations between the Centre and the Provinces**

The federal system showed a marked tendency towards centralized control and authority. It was the constitutional duty of the federal government to protect each province against external aggression and internal disturbance and to ensure that the government of each province was carried out in accordance with the provisions of the Constitution. A provincial government was obliged to exercise its executive powers in such a way as to ensure compliance with the Acts of Parliament and existing laws applying to that province. The federal government was entitled to give direction to a province with regard to the duties of the provincial authority.

The new Constitution made no material changes regarding the distribution of financial resources between the centre and the provinces.

### **The Judiciary**

In the new Constitution an effort was made to regulate and confine the powers and jurisdiction of the superior courts. It was clearly stated that no court shall have any jurisdiction except that which was conferred or would be conferred in future, on it by the Constitution or by or under any law. Thus, the courts could not assume unto themselves any jurisdiction or powers, which were not expressly conferred on them by the Constitution or law. The provision was clearly meant to whittle down the concept of inherent powers and jurisdiction of the superior courts.

The Supreme Court was entrusted with the task of interpreting the Constitution. It was specifically given the power to adjudicate in any dispute between any two or more governments. The Supreme Court had appellate jurisdiction, both criminal as well as civil, over the judgements, decrees, final orders, and sentences passed by the High Courts. The Supreme Court also had advisory jurisdiction on any question of law that the President might consider of public importance and refer it to the Supreme Court. The Supreme Court was conferred with original jurisdiction to make orders on a question of public importance with reference to the enforcement of any fundamental rights. The Constitution of 1973 for the first time provided for administrative courts and tribunals to be set up for the civil servants in relation to the

matters of their terms and conditions including disciplinary matters. Appeals against the orders or judgements of such courts or tribunals would lie directly to the Supreme Court.

The qualification for appointment as a judge of the Supreme Court was either five years standing as a judge of a High Court or fifteen years standing as an advocate of a High Court. The retirement age of a Supreme Court judge was fixed at 65 years and he was disqualified from pleading or acting before any court or authority in Pakistan.

A Supreme Court judge could only be removed by the President on the Report of the Supreme Judicial Council to the effect that he was incapable of performing the duties of his office or had been guilty of misconduct. The Supreme Judicial Council would consist of the Chief Justice of Pakistan, two next senior-most judges of the Supreme Court and the two most senior Chief Justices of the High Courts.

A judge of a High Court could not be removed from his office except by an order of the President made on the grounds of misbehaviour or infirmity of mind or body, if the Supreme Judicial Council, on reference being made to it by the President, reported that the judge ought to be removed on any of those grounds.

### **Islamic Provisions**

Islam was declared the state religion of Pakistan. Islamic way of life was to be promoted including steps like the organization of *zakat*, *auqaf*, and the mosques. Strengthening of bonds with the Muslim world was another principle of policy under the Constitution. The Head of the State, the President, was to be a Muslim. The Prime Minister was also required to be a Muslim member of the National Assembly. An Islamic provision declared that 'no law shall be enacted which is repugnant to the injunctions of Islam as laid down in the Quran and the *Sunnah*. The President would appoint within ninety days of the commencement of the Constitution, a Council of Islamic Ideology to make recommendations to Parliament and the Provincial Assemblies for bringing the existing laws into conformity with the injunctions of Islam and as to the stages by which such measures should be brought into effect. The Council was also to compile in a suitable form for the guidance of the Parliament and the Provincial Assemblies such injunctions of Islam as could be given legislative effect.

### **Emergency Provisions**

Under Article 232 the President could issue a proclamation of emergency if he was satisfied that a grave emergency existed in which the security of Pakistan or any part thereof was threatened by war or external aggression or by internal disturbances beyond the power of the provincial governments to control. There was also a provision for the proclamation of emergency due to the breakdown of constitutional machinery in a province, on receipt of a report from the Governor of a Province. In that case the

Parliament might be authorized to exercise the powers of the Provincial Assembly.

### **Other Features**

Other features of the Constitution included the composition of the Election

Commission of Pakistan, determination of the conditions of employment of people in the service of Pakistan, and the establishment and composition of the Public Service Commission. The terms and conditions of service of civil servants were no longer protected under the Constitution but were made subject to ordinary law.

The Constitution, or any of its provisions, could be amended by an Act of Parliament provided it originated and was passed by the votes of not less than two-thirds of the total number of members of the National Assembly and by the votes of a majority of the total membership of the Senate. However, no amendment of a constitutional provision affecting the limits of a province could be made unless such amendment had been approved by a resolution of its provincial assembly by not less than two-thirds of the total membership of that assembly.

Urdu was declared the national language of Pakistan. Steps were to be taken

to bring it in use as the official language within fifteen years of the commencement of the Constitution.

The president, the prime minister, governors, chief ministers, federal ministers, minister of state, and provincial ministers were granted immunity from court action for any act done in exercise of their powers or in performance of their functions.

### **Constitution Enforced on 14 August 1973**

The Constitution formally came into force on 14 August 1973. Bhutto said that the days of palace intrigues and coups were ended and that venom and violence in politics must stop. But two days after the enforcement of the new Constitution, Bhutto initiated confrontation with the opposition in a big way, which lasted till his ouster.

### **Bureaucracy: Administrative Reforms**

It was due to its internal organization, cohesion and unity that Pakistan's history was checkered by frequent interference from the bureaucrats in its early days when the bureaucracy became so powerful and confident that it completely undermined the political process in the country and took over the task of governing the country itself, and from their ranks emerged persons like Governor-General Ghulam Muhammad. During the martial law years of 1958 to 1962, the bureaucracy gained further powers as it was not accountable to the people. The citizens fell completely into the merciless clutches of a bureaucracy unfettered by any political checks and balances. The bureaucracy continued to grow more powerful, arrogant, and indifferent to the needs of the common man.

The Bhutto regime initiated a programme of 'lateral entry' into the public service. The government hoped that these measures would enable it to pursue 'scientific career planning' on the basis of equality and professional competence, undertake more effective performance ratings, and stress merit in promotions. The road to top positions would be open to all. But this did not produce the desired results.

## **AMENDMENTS IN THE 1973 CONSTITUTION DURING BHUTTO'S REGIME**

### **First Amendment: Recognition of Bangladesh**

The first amendment was made in February 1974 at the time of the Second Islamic Summit in Lahore. Article 1 of the Constitution was amended to give recognition to Bangladesh.

Article 17 of the Constitution alongwith Political Parties Act, 1962 was amended. It provided that when the federal government declared that any political party had been formed or was operating in a manner prejudicial to the sovereignty or integrity of Pakistan, the federal government was to refer the matter to the Supreme Court within fifteen days of such declaration, whose decision on such reference would be final. In case the decision of the Supreme Court was in favour of dissolution, that political party shall stand dissolved and all its properties and funds forfeited to the federal government.

### **Second Amendment: Ahmedis Declared Non-Muslim**

Clause 3 was added to Article 260 explaining thereunder who is a non-Muslim. It stated that 'a person who does not believe in the absolute and unqualified finality of the Prophethood of Muhammad (PBUH) as the last of the Prophets or claims to be a Prophet, in any sense of the word or of any description whatsoever, after Muhammad (PBUH), or recognizes such a claimant as a Prophet or a religious reformer, is not a Muslim for the purposes of the constitution or law. They were referred to as 'persons of the Qadiani group or the Lahori Group (who call themselves Ahmadis)

Bigoted political leaders and political parties, by victimizing and prosecuting the Ahmadis in Pakistan for their narrow political ends, have only tarnished the image of Pakistan internationally and have involved the country in a non-issue which has no bearing on the real issues facing the country.

### **Third Amendment: Victimization of Political Opponents**

The Bhutto government was becoming increasing intolerant and repressive towards its political opponents, who were forced to knock the doors of the judiciary which did not have too high a morale. An amendment was introduced in the Code of Criminal procedure prohibiting the courts from granting bail before arrest to a person unless a case was registered and that

an order of bail would be affective only regarding a case that stood registered against him and specified in the order. Previously, the courts had allowed blanket bail before arrest to political opponents.

A constitutional amendment was introduced to curtail the rights of a *detenu* under a law for preventive detention, extending the powers of the detaining authority. It enabled the government to put political opponents under detention for an indefinite period, after accusing them of indulging in anti-state activities.

The Third Amendment also extended the period of Emergency proclaimed by the President for six months at the most. It provided that the emergency would continue indefinitely until a resolution disapproving the proclamation was passed by the votes of the majority of the total membership of the Houses in joint sitting. Pakistan remained under emergency for more than twenty years for political rather than national reasons.

#### **Fourth Amendment: Jurisdiction of the Courts Curtailed**

Through this amendment the powers and jurisdiction of the courts were curtailed. High Courts were forbidden from prohibiting the making of an order for preventive detention of a person or to grant bail to any one even during their detention. It was a major curtailment of constitutional jurisdiction of the courts.

The constitutional jurisdiction of the High Courts was also curtailed in the matter of stay of recovery, assessment, or collection of public revenues. Any stay order granted in such a matter would cease to have effect on the expiry of sixty days unless the matter was finally decided by the Court within such time.

#### **Fifth Amendment: Chastising the judiciary**

Pakistan inherited a fairly good judicial structure with judges known for their competency and integrity. The first Chief Justice of Pakistan, Mr. Justice Abdur Rashid, was known to be extremely discreet. He was a man of unimpeachable character and reputation. His successor Justice Muhammad Munir, proved to be controversial. He was responsible for certain disastrous judgements that rocked the boat of Constitution during Pakistan's formative years. He was also known for having favourites among judges and lawyers.

The method and manner of appointment of judges were also affected by considerations of political patronage, nepotism, and promotion, particularly under Ayub. The Chief Justices started promoting their own sons and sons-in-law or those of their colleagues on the Bench. There were also reports in the press about malpractices of the relatives of the judges. Such was the state of judiciary when the Constitution (Fifth Amendment) Bill was moved before the Parliament on 1 September 1976.

During the debate on the amendment Bill in the National Assembly, the judiciary came under heavy criticism. Federal Education Minister. Abdul Hafeez Pirzada, in his speech on the bill said that the judiciary had been trying to encroach upon the functions of the legislature and the executive. He

said that the judiciary was the creation of the Constitution and drew power from it to impart justice within the given jurisdiction. Any action outside the jurisdiction conferred by the Constitution would tantamount to subversion and treason. Pirzada said that there was consensus all over Pakistan that the interpretation placed by the superior courts about their own powers regarding contempt were too harsh. He said the power of passing interim orders for bail was being taken away because reasons for the order were not given as required by the Constitution. By the exercise of interim power, he said, actions and functioning of the government was being frustrated.

Winding up the debate on the Fifth Amendment Bill, Bhutto said that his government wanted 'harmonious co-existence's of all three organs of the state- legislature, executive, and the judiciary- with none of them transgressing into the orbit of the other. He stressed that independence of the judiciary did not mean the supremacy or sovereignty of the judiciary. In a parliamentary system, he said, sovereignty belonged to the legislature elected by the people. He said that the judiciary had to be subordinate to the law. It could not become a parallel legislature or executive. He said that the Fifth Constitutional Amendment has been necessitated by repeated decisions of the judiciary trespassing into the field of the executive.

The Fifth Amendment was widely criticized by lawyers and in political circles as having greatly undermined judiciary as an independent organ of the State.

### **Sixth Amendment: Extending Terms of Office of Senior Judges**

The sixth amendment to the Constitution was passed overnight. The main provision was extending the term of the Chief Justices of the Supreme Court and the High Courts beyond the age of retirement. According to it those who had attained the retirement age of 65 years were to complete their term of office of 5 years and 4 years respectively beyond their retirement ages. This amendment is another instance of working of the Bhutto government. It was brought about to favour the Chief Justice of the Supreme Court, Yaqub Ali.

### **Seventh Amendment: Providing for Referendum**

The Seventh Amendment provided for a referendum to demonstrate confidence in the Prime Minister. It was inherently repugnant to the parliamentary system. A vote of confidence is to be obtained from the Parliament in a parliamentary system and not through a referendum. If a Prime Minister is obliged to go to the people for a vote of confidence, then he owes nothing to the parliament and should not be answerable to it. The Prime Minister literally assumes the attributes of a president after winning any such referendum since referendum is conceptually a part of the presidential system. Nothing was heard of the referendum soon after the passing of the Sixth Amendment and no law was enacted by Parliament for the constitution of the Referendum Commission.

## **General Elections, March 1977: PNA Movement**

On 7 January, Bhutto announced that general elections will be held in March. On 21 January 1977 Nine opposition parties came together in an electoral coalition called the Pakistan National Alliance (PNA) to oppose the Pakistan Peoples Party. The PPP won nearly four-fifths of the National Assembly seats. The PNA managed to win less than one-fifth, while the remainder went to the independents. Counting the independents with the PPP gave the party 81.5 percent of National Assembly seats.

The PNA, alleging that the elections had been rigged on a massive scale, rejected the results, boycotted the Provincial Assembly elections scheduled for 10 March, and launched a mass movement on 12 March 1977. The PNA demanded Bhutto's resignation, dismissal of the newly elected assemblies, and holding of new elections under the supervision of the judiciary and the army.

Parleys between Bhutto and the PNA started on 18 May 1977. The PNA representatives were not fully empowered to negotiate; any amendment they negotiated required the unanimous approval of the PNA Council, which consisted of two representatives for each of its nine constituent parties. Four of these representatives did not really desire an agreement with the government and preferred that the army oust Bhutto, take over the government, and hold an election. They were Asghar Khan, Sher Baz Mazari, Begum Nasim Wali Khan and Maulana Shah Ahmad Noorani. Their hatred of Bhutto blinded them into believing that the army would seize power only to let them have it. The PNA 'hardliners' looked to the army to remove their formidable foe from the scene and clear the road to power for them. Asghar Khan tried, more than once, to assure the PNA Council that the army would hold new elections within 90 days of taking over power.

Bhutto also had a part, unwittingly, in encouraging the idea of military intervention. Bhutto, at one stage, had asked the chiefs of the armed forces to share power with him and had thus accepted the role of the army generals. He also appointed General (Retd) Tikka Khan as Defence Advisor to liaison with army generals. He involved the generals in devising his responses to the PNA agitation, discussed the political situation with them as it evolved, invited them to Cabinet meetings, kept them posted on the progress of his negotiations with the PNA, and solicited their reaction to its proposals.

Bhutto at his last Cabinet meeting on 4 July 1977 observed that the continuing conflict with the PNA would damage the country's inner stability and international standing. It appears that on the evening of 4 July, apprehensive of a military coup, Bhutto was ready to make a settlement with the PNA. At a press conference held at 11.30 p.m. Bhutto announced his intention to accept the PNA terms and said "I shall sign the accord tomorrow". But Zia struck and overthrew him and martial law was declared throughout the country on the night between 4-5 July 1977.

## ZIA-UL-HAQ'S REGIME

### Fall of Bhutto and Bhutto's Trial

According to an analysis of the 1977 elections by Shahid Javed Burki in his book "Pakistan under Bhutto", by 1977 Bhutto had lost the support of the bulk of the politically articulate electorate, the middle class. Elections as a device for political selection are a device the middle classes use and understand. They are not so used and understood by the large mass of the people who are at the fringes of the political arena. The middle classes in society man all the important centres of power in the country: the armed forces, the bureaucracy, the judiciary and the professions. Alienating them would deprive any party, even if backed by working classes, from effective administration and meaningful government. Elections can, therefore, lead to political succession only when these two classes, the middle and the lower, work together to achieve reconcilable goals.

In 1946, the Muslim League's remarkable success and unexpected victory in all parts of Muslim India was the product of such a coalition between the two classes. Jinnah's demand for the revival of Islam in the Indian sub-continent and the creation of a new Muslim state in the area were popular with the masses. The masses supported not only the Muslim League but helped the middle class that dominated the party to achieve its objectives.

The fact that the tension generated by the elections surprised Bhutto suggests that he had not fully understood the political dynamics that he had helped unleash. His continued popularity with large segments of the population did get him seats in the central and provincial legislatures, but they did not win him the power that he needed to introduce changes in the political and economic order.

Why did Bhutto lead himself toward such a tragic end? He was at home in two very different worlds: the world occupied by Pakistan's elite and the world in which lived the majority of Pakistan's under-privileged people. But he was not comfortable with the ground that lay in-between; the growing space occupied by the middle class. He did not understand their value system, did not appreciate their economic interests, and did not apprehend the power they had begun to wield.

Bhutto had very little respect for Zia whom he regarded as a sycophant and his own creation. He could not humble his pride before a man he had favoured out of the way by promoting him over the heads of senior generals. He had surely fallen into the trap by the outward humility and servility of the man.

### Withdrawal of the Fifth and Sixth Amendments

Since Zia had decided to stay in power and postpone elections, he needed to exercise wide and sweeping powers. Nusrat Bhutto had moved the Supreme Court, which was presided over by Justice Yaqoob Ali Khan. Zia must have sensed that the Chief Justice was not going to play his game. Therefore, by CMLA's order, the Constitution was amended so that the fifth

and sixth amendments incorporated therein were withdrawn whereby Chief Justice Yaqoob Ali Khan, who had crossed the age of retirement, ceased to hold office. Justice Anwar-ul-Haq assumed office in his place.

### **Bhutto's Trial; Appeal before the Supreme Court and His Execution**

The High Court in its judgement dated 18 March 1978 sentenced to death all the five accused. Bhutto filed an appeal against his conviction before the Supreme Court consisting of nine judges. The majority held that the prosecution had fully established the existence of a conspiracy, identity of the conspirators, and the death of the diseased being a probable consequence of such conspiracy, and therefore the accused were rightly convicted. The minority reached the conclusion that the prosecution failed to establish the case against Bhutto beyond doubt and, therefore, he should be acquitted.

Despite reference to clemency by the Supreme Court in its judgement on the review application, Zia showed no mercy. UNO's Secretary-General, President USA, Chancellor of West Germany, President of France, prime Minister of Canada, and prime Minister of UK were amongst the western statesmen who urged clemency. Soviet and Chinese heads of state also requested for mercy. Every Muslim and Arab state, without exception, pleaded for Bhutto's life.

### **Zulfiqar Ali Bhutto: A Failed Political Legacy**

The confluence of events that brought Bhutto to political power offered him an opportunity to reshape Pakistan, to turn it from being a bureaucratic state into a nation with a common purpose. He could have given the country political institutions which it had failed to develop, a Constitution that could not be subverted to fit the aspirations of powerful interest groups, and a political party that would be capable of aggregating and synthesizing the interests of many diverse groups. Under Bhutto, circumstances were favourable enough to help Pakistan graduate from the ranks of poor nations into those of middle income countries. Bhutto had the mandate from the people to develop the mechanism for ensuring that the under-privileged segments of the population gained access to basic human needs. Bhutto could have evolved an administrative structure not beholden to a few interest groups but committed to achieving the nation's purpose. But Bhutto failed.

### **Judiciary Legitimizes Zia's Martial Law**

The Judiciary did the ultimate favour to the Martial Law regime by legitimizing it in Nusrat Bhutto's case giving power to the CMLA to amend the Constitution and, without setting any date or deadline, for holding the general elections. In return, the judiciary assumed the power of judicial review over the acts and orders passed by the martial law authorities. By the verdict in Bhutto's case, the judiciary further obliged the regime and strengthened it by getting rid of its archrival. The martial regime, on its part, put an end to the power of judicial review of the acts and orders of the martial law authorities

by a Presidential Order 21 of 1977 adding Article 212-A to the Constitution through an amendment.

### **Zia's Assumption of Office as President**

President Chaudhry Fazal Ellahi retired on 16 September 1978. Zia assumed office as President of Pakistan in addition to being the CMLA and the Chief of Army Staff. Zia was sworn in as President on 14 September 1978.

### **Constitutional Amendments during Zia's Rule**

On 7 February 1979, a constitutional amendment was made through a President's Order conferring jurisdiction on the High Courts to examine and decide the question whether or not any law or provision of law was repugnant to the injunctions of Islam as laid down in the Holy Quran and *Sunnah*. Every High Court was required to constitute a bench to be called the Shariat Bench. Appeal would lie to the Supreme Court against decisions of the High Courts. For the purpose of hearing and deciding of such appeals the Supreme Court was to constitute a bench called Shariat Appellate Bench. This constitutional amendment was the first step taken by Zia towards his programme of so-called Islamization.

### **Hadood Laws and Zakat**

Soon after this on 9 February three ordinances and one Presidential Order was issued prescribing *hadd* punishments. These related to intoxicants, theft, *zina* and false testimony. These laws have been abused to embarrass an opponent or by the police to blackmail others.

Another step in this process of Islamization was the setting up of an organization for the assessment, collection and disbursement of *zakat* and *ushr*. Under this law, *zakat* was made compulsory and was to be forcibly collected from the savings account of the people, something that is inherently opposed to the concept of *zakat* in Islam.

### **Postponement of Elections**

In February 1979, Zia announced general elections for 17 November 1979, apparently in keeping with the promise made with the PNA parties which were in government. From the events that followed, it was obvious that Zia had no intention of giving up power, particularly after having removed the main hurdle in his way – Bhutto.

Zia decided to postpone these elections and instead declared the holding of local bodies' elections on 28 September 1979 on non-party basis. Regarding general elections, Zia indicated that the method of elections was totally un-Islamic and that there was no concept of political parties in Islam. He also said that it was necessary to complete the introduction of *Nizam-e-Islam* before the elections.

He made extensive amendments to the Political Parties Act, 1962 laying down stringent

conditions for the political parties. This was done to make it difficult for them to participate in the elections.

In his address to the nation on 16 October 1979 he announced the postponement of elections indefinitely; all political parties were dissolved and all political activities banned. It also marked the end of his courtship with the PNA, which he used to his benefit. This was a time-proven reminder that democratic parties cannot share power with dictators; if they do, they only strengthen the dictators and lose their own political capital. After this announcement, the PNA practically ceased to exist.

Zia also came down heavily on the courts in the country calling the structure of civil laws and judicial procedures complex and prone to delay.

### **Introduction of Separate Electorates**

Muslims in India during the British Raj demanded separate electorates in order to ensure adequate representation in the legislature. After independence, the Muslims now in a predominant majority, no longer needed separate electorates.

However, the politics of electorate came to a head in 1977 when the PNA composed of some religious parties felt that it was at a disadvantage in the system of joint electorate. It was felt that the voters belonging to the minorities generally sided with the PPP, primarily because of its liberal views and stance. Zia-ul-Haq, who feared the resurgence of the PPP, bought the idea. He introduced separate electorates through an amendment in the Representation of the Peoples Act 1976. Ultimately separate electorates also found their way into the Constitution through Revival of the Constitution of 1973 Order 1985, Clause (4-A) of Article 51 and Clause (5) of Article 106 were substituted providing for election of members of the national and provincial assemblies belonging to minorities on the basis of separate electorates. It must be noted that there was no demand for separate electorates and the decision was imposed by the majority on an unwilling minority.

### **Military Courts Established under the Constitution**

Martial law was re-invigorated in full force on 16 October 1979, whereas political activity was banned, and the press muzzled. It was also announced that the decisions of the military courts could not be challenged or reviewed by the civil courts. Consequent to this announcement, a constitutional amendment was made by Constitution (Second Amendment) Order 1979 and Presidential Order 21 Of 1979 adding article 212-A to the Constitution establishing military courts or tribunals in the country. By this amendment, the military courts or tribunals that existed and functioned under the Army Act had suddenly been clothed with constitutional recognition.

In pursuance of this amendment one hundred military courts were set up in all the four provinces of the country. There were also large-scale arrests and detentions of political workers and journalists under martial law

regulation. Hundreds of people were sentenced to imprisonment and flogging merely for participating in normal political activity banned under martial law. By this amendment, the powers of judicial review were completely nullified. This, of course, was a challenge to the Courts which had extended legitimacy to the martial law regime.

### **Exorcising the Judiciary**

A constitutional amendment promulgated on 27 May 1980, restricted the 'writ jurisdiction' of the High Courts and barred them from making an Order related to the validity or effect of any Martial Law Regulation or any martial law order or anything done, or action taken, or intended to be done or taken thereunder. It also prohibited the High Courts from reviewing the judgements or sentences passed by military courts and tribunals, or from taking action against anyone acting with the authority of the Martial Law administration. It then went on to declare the 1977 takeover to be legal, with all subsequent orders passed by the military authorities as valid.

Martial Law Order number 72 of 20 October 1979 was substituted by Martial Law Order Number 77 of 2 June 1980 setting out the jurisdiction of the military courts at the expense of civilian courts. Military courts were given exclusive jurisdiction over cases of treason, subversion, sedition, sabotage, activity prejudicial to martial law, and seducing of the members of the Armed Forces. These courts were also empowered to try any 'contravention of any martial law regulation' and all offences under the Pakistan Penal Code.

It goes to the credit of the Baluchistan High Court that despite the constitutional amendment of May 1980, it continued to hear cases in which the *vires* of Articles 212-A had been challenged. The full bench decided in its judgement dated 12 July 1980 that the amendments of the Constitution by way of introduction of Article 212-A and clause 3-A, 3-B and 3-C in Article 199 were ultra vires of the powers of the Chief Martial Law Administrator, though he acted as President while promulgating such amendments. These amendments were held to have failed to come up to the test of necessity laid down in Nusrat Bhutto's case. But for the Baluchistan High Court, the rest of the judiciary was put under a leash after the amendment of May 1980.

### **The Federal Shariat Court**

Another major blow was dealt to the superior courts by the withdrawal of powers to examine any law or any provision of a law if it was in accordance with Islamic injunctions. The Federal Shariat Court was set up with powers to declare invalid any law or provision of a law as repugnant to the injunctions of Islam. Thus the powers that had been conferred only a year earlier on the Shariat Benches of the High Courts under Constitution (Amendment) Order 1979, were withdrawn and vested in a new and parallel court, the Federal Shariat Court. A judge of the High Court who refused to accept appointment as a member of the Federal Shariat Court would be deemed to have retired from his office. Appeal was provided to the Supreme Court Bench called the

Shariat Appellate Bench. Subsequently, appellate powers against the conviction and sentences under the *Haddood* laws were also conferred in this Court.

There was an outcry that *ulema* should be introduced into the Court, a demand to which Zia succumbed to appease the mullahs. A constitutional amendment was made in this respect. In this way the Federal Shariat Court was invaded by the so-called *ulema*. The inherent weakness of the newly established Federal Shariat Court was lack of personal independence on the part of its judges and that this Court was vulnerable to manipulation in order to reach politically desired results.

### **Creation of Permanent Benches of the High Courts**

In January 1981, Permanent Benches of the Lahore High Court were created at Bahawalpur, Multan and Rawalpindi under High Courts (Establishment) Order (Punjab Amendment) Ordinance, 1981. The motive was to punish the lawyers of Lahore by dispersing them throughout the province by undermining the premier bar association. After the postponement of general elections by Zia, and banning of political activities in the country, the lawyer community was offering serious resistance to the martial law regime and demanding restoration of the 1973 Constitution, restoration of the powers of the judiciary, holding of general elections, and the lifting of martial law. The hub of their activities was Lahore where lawyers conventions were being held by the premier Bar of the country.

The permanent Benches of the High Courts were given a semi-constitutional position under the Provisional Constitution Order 1981, which provided for Permanent Benches of:

- i. the High Court at Bahawalpur, Multan and Rawalpindi;
- i. the High Court of Sindh at Sukkur;
- ii. the Peshawar High Court at Abbotabad and Dera Ismail Khan; and
- iii. the High Court of Baluchistan at Sibi.

### **Movement for Restoration of Democracy (MRD)**

After the break between Zia and the PNA in October 1979, nearly all the political parties in the country were arrayed against Zia. Finally they decided to put their differences aside for the time being and face the military dictatorship by uniting against it. The political parties opposed to the PPP thought that the real damage had come from Zia and not the PPP, particularly after the death of Bhutto.

On 6 February 1981, the PPP and several smaller parties formed a group named the Movement for Restoration of Democracy (MRD) that would work both for putting an end to Martial Law and for holding free elections in accordance with the suspended 1973 Constitution. The Jamaat-e-Islami stayed away from MRD and continued to support Zia.

## **The Provisional Constitutional Order, 1981**

The night between 24 and 25 March 1981, the Provisional Constitutional Order (PCO) was enforced which was to serve as the Constitution of Pakistan for years to come. It restated that the 1973 Constitution was held in abeyance, while adopting 138 Articles of that Constitution. Important features of the PCO were as under:

1. All fundamental rights under the 1973 Constitution and the provisions for their enforceability were taken out.
2. The office of the Vice President was created.
3. A Federal Council (*Majlis-e-Shoora*) would be set up consisting of people selected by the President.
4. Only those political parties would be allowed to function, whenever political activity was restored, which had registered themselves with the Election Commission. No new political party could be formed without the previous permission in writing of the Chief Election Commission.
5. The President and the CMLA would have and would be deemed always to have the power to amend the Constitution.
6. All judges of the Supreme Court, the High Courts, and the Federal Shariat Court were required to take an oath under the PCO; the President had the option not to give oath to any judge. Those judges who did not take the oath were to cease to hold office.
7. Judges who took the oath under the PCO, were to be bound by the provisions of the PCO and could not call into question or even permit to be called into question the validity of its provisions.

The provision regarding the Vice President was never acted upon and the office remained vacant.

### **Public Humiliation of the Judiciary**

Zia government believed that merely stripping the judges of their powers and jurisdiction was not enough and that they should also be subjected to humiliation, particularly in the public eye. The judiciary was so demoralized that no judge could entertain the thought of defying the martial law government. The matter of taking the oath was discussed amongst the judges of the Supreme Court. Justice Dorab Patel and Justice Fakhruddin G. Ibrahim were against it.

As an organ of the state, the judiciary was insulted and humiliated by a military government who had no respect for the rule of law and institutions under the Constitution. The judges sacrificed the prestige and honour of the institution of the judiciary at the altar of their ambitions and career. By their actions, they reduced an organ of the state to a mere department of the government. By their conduct they let down and undermined the judicial organ of the State and caused irreparable damage to its prestige. Former Chief Justice A.R. Cornelius, commenting on the unfortunate episode, called it

'the rape of the judiciary'. It did not take long for the judiciary to uphold the PCO as valid. It could not be expected from judges who had taken a humiliating oath under the PCO to invalidate the same.

### **The Federal Council (*Majlis-e-Shoora*)**

Zia constituted the Federal Council (*majlis-e-Shoora*) under Presidential Order No. 15 of 1981. It was a step taken to create a political lobby for Zia and his cronies and to groom these people in future for election to the assemblies in addition to the people elected to the local bodies who owed allegiance to Zia. Nominees to the Federal Council were carefully selected by the Governors of the provinces on the basis of reports of bureaucrats and the intelligence agencies. Their chances of getting elected on their family background were given due weight. In this way, scions of feudal families got generous representation in this Council. After this selection had been finalized by the end of 1981, Zia issued a Presidential Order for setting up the Federal Council.

The President could nominate up to 350 members to the Federal Council. Due representation was to be given to *ulema*, *mashaikh*, women, farmers, professionals, labourers, and minorities. The nominees thereto were expected to serve as the political arm of the military regime. The President could dissolve it anytime. Its members were immune from any prosecution or proceedings in any court for anything said or any opinion expressed in the Council. The Council had no powers. It was a fake parliament holding mock discussions. It was an insult to the intelligence of the people of Pakistan. The sham Council met its end on the holding of general elections in February 1985.

### **The Office of the Ombudsman (*Wafaqi Mohtasib*)**

Since Zia did not want to restore the Constitution and democratic institutions, he kept experimenting with various ideas that could strengthen and validate his government, one of which was the setting up of the office of the Ombudsman. The concept of 'ombudsman' is different in the Scandinavian countries, where he is independent and carries a lot of clout due to support from the legislatures of these countries. In Pakistan the office of the "Ombudsman" is dependent on the head of the government. The citizens have not derived any tangible benefit from it inspite of hundreds of millions of rupees having been sunk therein.

### **The Referendum, December 1984**

Zia did not want to face a national election and risk mobilization of people against him by the political parties. He knew that he could not be elected in a fair election. So a referendum was held for a vote of endorsement

to the process of Islamization which was started by him. The affirmative vote was deemed to have given him a term of five years as President. A Presidential Order 11 of 1984 was promulgated on 1 December 1984 in this respect.

The referendum was held on 19 December 1984. The MRD boycotted the referendum. It was a total hoax. Very few people went to the polling stations and the government staff on duty stuffed the ballot boxes with affirmative votes. All government servants were strictly instructed to cast their votes in the affirmative. Fully aware of the fraud being played on the nation, it was announced by the Chief Election Commissioner that the polling was fair and orderly and about 62% had cast their ballots, and that 97.9% of the total polled had answered in the affirmative to the question put to them.

### **General Elections, February 1985**

After the referendum, Zia announced elections to the National Assembly for 25 February 1985 and elections to the Provincial Assemblies for 28 February 1985. The MRD boycotted the elections for the reason that their demands for party based elections and restoration of the 1973 Constitution were not met. On the contrary, Zia insisted that the political parties should not take part in the elections and, as an additional precaution, detained almost all the opposition's leaders for the period of the elections. Since the elections were on non-party basis, therefore, no party position emerged, but the voters strongly rejected most people who were closely associated with Zia thus sending an indirect message to Zia. Jamaat-e-Islami was the only political party that was allowed to participate as a political organization in the elections but it lost miserably.

### **Constitutional Amendments during Zia's Rule**

Zia could amend and alter the Constitution at will and kept making amendments to the Constitution every now and then. By amendment in the Provisional Constitution Order (PCO) by CMLA Order No.2 of 1981, he introduced the definitions of 'Muslim' and 'non-Muslim', This amendment was made apparently to clarify and determine the status of Ahmedi as 'non-Muslims'. By another amendment Constitution (Second Amendment) Order, 1982. CMLA's Order No.12 of 1982.

By another amendment, The Federal Shariat Court was given revisional jurisdiction over the criminal courts trying cases of *hadd*. The decisions of the Federal Shariat Court were made binding on the High Courts. Thus, the revisional jurisdictions of the High Courts in criminal cases were further curtailed. The status of High Courts was reduced and subordinated to the Federal Shariat Court.

Thus, the *ulema* who had sneaked into the Federal Shariat Court after the judgement in the '*rajm*' case, now found their way into the Shariat

Appellate Bench of the Supreme Court. This development was to disturb the settled laws in a big way.

### **Further Steps towards 'Islamization'**

The process of so-called Islamization that was started in February 1979 with the promulgation of *haddoo* laws, was continued between March 1981 to February 1985. Major steps taken in this regard are:

#### **Profit and Loss Sharing Accounts in the Banks**

With effect from 1 January 1981, all the banks in the country were asked to open non-interest bearing accounts in the name of 'profit and loss sharing accounts'. So what was previously interest was now announced as profits on these deposits.

#### ***Ehtaram-e-Ramzan* Ordinance, 1981**

This ordinance is a rank example of Zia's insult to the people. It was a reprehensible attempt on his part to make political capital out of a religious practice. This ordinance only gave an additional handle in the hands of the police and the magistracy to harass the people to extract money.

#### **Curb on Religious Activities of Ahmedis**

An Ordinance under the name of Anti-Islamic Activities of Qadiani Group, Lahori Group and Ahmedis (Prohibition and Punishment) Ordinance, 1984 was promulgated to prohibit the Ahmedis from using any of the epithets, descriptions, of titles reserved for holy personages or places in Islam. They were forbidden from calling their places of worship 'Masjid'. Anyone contravening this provision was liable to punishment of imprisonment and fine. An Ahmedi found calling himself a Muslim or preaching or propagating his faith was liable to punishment of imprisonment and fine.

The Ordinance XX of 1984 and the judgements that followed are apparently based on the premise that Ahmadis constitute a threat to Islam and the Muslim *ummah*, which premise is incorrect and misconceived. It has blown the importance and strength of Ahmedis beyond all proportions. Those who evidently want to make political capital out of it have blown a non-issue into a big issue. Prosecution of any community for whatever reason is unhealthy and brutalizes the society in which it is practiced. The right way to counter such misconceptions is to present Islam, both conceptually and in practice, in the right perspective.

#### **Islamization of the Law of Evidence**

The law of evidence in Pakistan and India has been regulated under a statute, the Evidence Act, 1872. This statute proved to be a very successful law and was applied by the courts in the subcontinent for more than a century with very few amendments. Zia ordered its Islamization by

Presidential Order 10 of 1984, giving an Islamic name to an old law of *Qanoon-e-Shadat* and effecting only a few minor amendments. It was an attempt at claiming an advance towards Islamization of Laws.

### **Introduction of Islamic banking**

At the end of 1984, two ordinances were promulgated and enforced in the name of Banking and Financial Services (Amendment of Laws) Ordinance, 1984 and Banking Tribunals Ordinance, 1984 with the purpose of introducing Islamic banking in the country. The word 'loan' was substituted by the word 'finance'. Interest was forbidden for banks and, in its place, the concept of participation in profit and loss, mark-up or mark-down in price, hire purchase, lease, rent sharing, licensing, charge or fee of any kind, purchase and sale of property and actionable claims, *musharika* and *modarba* certificates, were introduced. Banking tribunals were established to decide cases arising out of disputes from the Islamic mode of banking.

In reality very little change has come about in the banking practice in Pakistan. The banks, instead of charging interest, now charge mark-up at a pre-determined rate much higher than the previous rates of interest. The cost of obtaining loans from the banks has become much higher and more oppressive than the previous mode of banking that was interest based.

### **Eighth Amendment in the Constitution**

Before the parliament could meet on 23 March 1985, the Constitution was comprehensively amended through a Presidential Order 14, 1985, known as Revival of the Constitution of 1973 Order (RCO) on 2 March 1985. The RCO made fundamental departures from its original premises and concepts. As many as sixty-five Articles were affected. Some conspicuous changes brought by it were:

1. Article 2-A was inserted making the Objectives Resolution of 1949 a substantive and effective part of the Constitution. While reproducing its sixth paragraph in the Annex, the word 'freely' was omitted.
2. The Electoral College for election to the office of the President was modified to comprise both Houses of Parliament and all four provincial assemblies.
3. The President was supposed to act on the advice of the Cabinet, the Prime Minister, or the appropriate minister, but he could require the Cabinet to re-consider such advice.
4. The President was empowered to dissolve the National Assembly at his discretion, where, in his opinion, appeal to the electorate was necessary. On such dissolution, elections were to be called within hundred days.
5. In the event of either his resignation from office or where the National Assembly was dissolved on his advice, the President could ask the Prime Minister to continue in office until his successor entered the office of Prime Minister. Where the National Assembly

was dissolved at the discretion of the President, a caretaker Cabinet would be appointed.

6. The seats reserved for women in the National Assembly was increased from ten to twenty.
7. The number of members in the Senate was raised from sixty-three to eighty-seven, with five seats from each province reserved for technocrats, ulema, or professionals. The number of seats for the federally administered areas was increased from five to eight. Seats for the federal capital were increased from two to three.
8. The period of time provided for the President to give assent to the Bills passed by Parliament was increased from seven to forty-five days. The President could return a Bill (other than a Money Bill) within forty-five days for reconsideration.
9. The President could, at his discretion, appoint any member of the National Assembly as Prime Minister who, in his opinion, could command the confidence from the National Assembly. However, a Prime Minister so appointed had to obtain a vote of confidence from the National Assembly within sixty days. The Prime Minister was to hold office during the pleasure of the President.
10. Federal Ministers and ministers of state were to be appointed by the President on the advice of the Prime Minister.
11. Procedure for passing the motion of no confidence against the Prime Minister was altered and the requirement of giving the name of an alternative candidate in such a motion was omitted.
12. An amendment to the Constitution could only be passed by a majority of two-thirds of the total members in the National Assembly and the Senate and by an absolute majority in all four assemblies. The requirement of laying the Amendment Bill before the Provincial Assemblies was dispensed with except where such amendment had the effect of altering the limits of a province. In such a case, the Provincial Assembly of the concerned province had to pass the amendment by two-thirds of its total membership.
13. The governor was supposed to act on the advice of the Cabinet or the Chief Minister, or appropriate minister, but he could require the Cabinet to reconsider such advice.
14. The period of time provided for the Governor to give assent to the Bills passed by the Provincial Assembly was increased from seven to forty-five days. The Governor could return a Bill (other than a Money Bill) within forty-five days for reconsideration.
15. The Governor could appoint a member of the Provincial Assembly as Chief Minister who, in his opinion, could command the confidence of the majority of the members of the Provincial Assembly. However, a Chief Minister so appointed had to obtain a vote of confidence from the Provincial Assembly within sixty days.
16. Provincial ministers were to be appointed by the Governor from amongst the members of the Provincial Assembly on the advice of the Chief Minister.

17. The seats in the Provincial Assemblies of Baluchistan, the NWFP, the Punjab and Sindh for the minorities were raised.
18. Separate electorates for minorities were given constitutional recognition for the first time in Pakistan.
19. A large number of additions to the qualifications and disqualifications for membership of the parliament were made. Those provided originally in the Constitution were few. Some of these are specific and can be adjudicated upon while others are so general that if they are strictly applied, hardly anyone would qualify.
20. The Executive authority of the federation would vest in the President which should be exercised by him, either directly or through officers subordinate to him, in accordance with the Constitution. This was a clear departure from the original scheme of the Constitution. A similar provision was made regarding the relationship between a Governor and the Chief Minister.
21. The Supreme Court was empowered to transfer any case pending before any High Court to any other High Court.
22. It was provided for the first time that the President could request one of the judges of the Supreme Court to act as Chief Justice of a high Court. This provision of the RCO has been grossly abused ever since. It caused great harm to the independence of the judiciary.
23. The permanent benches of the High Courts mentioned in the PCO were incorporated in the Constitution and thus their establishment was made part of the Constitution.
24. The President was conferred with the discretionary power to appoint the Chairman, Joint Chiefs of Staff Committees, and chiefs of Army, Naval, and Air Staff.
25. All martial law regulations, and orders, laws framed during the martial law regime, and acts and orders made thereunder were validated. Complete indemnity against suits and prosecutions was extended to all people or authorities concerned.
26. Appointment of Governors of a province was left to the discretion of the President.
27. National Security Council was to be constituted which was to include the President, the Prime Minister, the Chairman of the Senate, the Chairman of the Chiefs of Staff Committee, and the Chiefs of the three armed forces.

Zia thus made sweeping changes in the Constitution before reviving it. The RCO, however, was a step towards the restoration of civilian government, even though greatly defaced. The Constitution went under a fundamental change. Zia wanted divided and dependent assemblies, with all powers gravitating in his own hand and in the hands of his nominated governors.

### **Civilian Government Formed under Martial Law**

On 10 March, Zia promulgated a new order enforcing all but 27 Articles of the amended Constitution. Also unenforced was Article 6, which described the abrogation

or subversion of the Constitution as high treason. Elections were held to the Senate on 12 March.

Zia nominated Muhammad Khan Jonejo, a veteran politician from Sindh, as Prime Minister on 23 March 1985. While handing over power to Jonejo and his government, Zia made it clear that it was not a transfer of power from the military to a civilian government. It was at best the sharing of some of the powers by the military with the newly formed civilian government. He plainly stated that the plant of democracy could grow under the tree of martial law. Zia envisaged a servile and subordinate civilian government working under the umbrella of the military with him being the ultimate repository of power.

Mian Nawaz Sharif was appointed Chief Minister by the military Governor, Lieutenant-General Ghulam Jilani Khan, who is reported to have had business connections and dealings with the family.

The new Prime Minister revived the Muslim League and other registered parties were allowed to function and participate in the elections. He was elected president of the All Pakistan Muslim League and also the leader of the Muslim League Parliamentary Party. His popularity increased when he lifted the emergency and restored fundamental rights. A vast majority of the members of the National Assembly joined the Muslim League. Under the rules of business, the Prime Minister was the final authority in the daily administration of the State. The Prime Minister controlled the purse strings and could appoint and transfer civil officials.

### **Eighth Amendment: Comprising the Constitution**

Zia wanted the National Assembly and the civilian government formed under Jonejo to accept his constitutional package of the RCO. It was in these circumstances that the Constitution (Eighth Amendment) Bill was moved. Eighteen articles of the RCO were amended, added, modified, varied, or omitted although the parliament was forced to accept most of the constitutional package of the RCO.

Certain material modifications were brought about by the Eighth Amendment:

1. The President was required to act on the advice of the Prime Minister or Cabinet. The President could, however, require the Prime Minister or the Cabinet to reconsider such advice.
2. The period for giving assent by the President to the Bills passed by the Parliament was reduced from forty-five to thirty days.
3. The President retained the power to dissolve the National Assembly at his discretion, but this power was conditional. The period for holding elections after the dissolution of the National Assembly was reduced from hundred to ninety days.
4. The President retained the power to appoint, at his discretion, Chiefs of armed forces and the Chief Election Commissioner.

5. The power of the President to appoint the Prime Minister was limited to a period of five years, that is, until 20 March 1990 after which date, the President was required to invite that member of the National Assembly who commanded the confidence of the majority of its members, as ascertained in a session of the assembly summoned for the purpose, to assume the office of the Prime Minister.
6. The President retained the power to appoint, at his discretion, Governors of the provinces but in consultation with the Prime Minister.
7. The power of the Governor to appoint the Chief Minister was limited, as in the case of the President, to three years.
8. The Governor could also dissolve the Provincial Assembly at his discretion, but subject to certain conditions and the previous approval of the President.
9. Article 152-A, regarding the constitution of and establishment of the National Security Council, was omitted.
10. In addition to the President's Order, ordinances, martial law regulations, martial law orders, Referendum Order, 1984, the RCO and other constitutional amendments by Zia from time to time were affirmed and validated. This article covered up the fraud played by Zia on the nation in the name of Referendum.

The Eighth Amendment was clearly a capitulation on the part of the newly formed civilian government to get martial law lifted. General Zia lifted martial law on 30 December 1985, through the Proclamation of Withdrawal of Martial Law.

### **Defection Clause in the Political Parties Act**

The Junejo government was weak because it did not come into power as a result of party politics. In order to ensure the stability of his government Junejo had the Political Parties Act amended to provide for a defection clause. It stipulated that if a member of the House (of Parliament or a Provincial Assembly), having been elected as a candidate or a nominee of a political party or having become member of a political party after such election, defected or withdrew himself from the political party, he would stand disqualified from being a member of the House for the unexpired period of his term. The Election Commission on a reference would determine the question of disqualification by the leader of the parliamentary party to which he belonged.

### **Partial Democracy**

Benazir Bhutto and her mother Mrs. Nusrat Bhutto, who had been under confinement for a long time during Zia's martial law, were both allowed to go abroad in 1984, ostensibly for medical treatment. After the lifting of martial law, Benazir felt secure enough to return to Pakistan and take over the leadership of the PPP as an heir to Zulfikar Ali Bhutto. Benazir returned to

Pakistan on 10 April 1968 to a tumultuous welcome in Lahore. However, Benazir soon found that her popularity was not sufficient to oust the government, which was backed by the military and the establishment. And enjoyed the support of the centres of power in the country, like the military, the judiciary, and the business community.

### **The Afghan War Settlement: Geneva Accord**

It has always been said about Afghanistan that it can be invaded and occupied easily but it is very difficult to hold and control power there. Afghans have a history of resisting foreign invaders. The British imperial power failed in three attempts to occupy and hold Afghanistan. The Soviets were to learn the same lesson themselves. The turning point in the war came when the *mujahiddin* were supplied with Stinger missiles by the United States.

Other than the problems faced due to the Afghan war effort, the Soviet empire was breaking apart at the seams. Its size and commitments had grown too big for its resources and its economy was in shambles. The new leader, Gorbachev, promised economic reforms and 'restructuring' and 'openness' of the media and the society. All these factors lead the Soviet leadership to seek peace in Afghanistan.

The offer of negotiations on Afghanistan was accepted by the Jonejo government, which entered into dialogue with the Soviet government and its puppet regime in Afghanistan. As a result of negotiations, the Geneva Accord was signed on 14 April 1988. The Soviet government lived up to its commitment of withdrawal of forces according to the agreed timetable.

Still, the victory in Afghanistan was achieved at a very great cost to Pakistan. It had to look after and feed more than three million Afghan refugees that crossed over to Pakistan. The refugees, apart from being an economic burden, caused enormous problems of overcrowding in the cities of NWFP. The Afghan war caused gun running in the country. Pakistan was glutted with automatic weapons which landed into wrong hands and contributed to the increase in crime and terrorism in the cities. The Klashnikov, an assault rifle of Russian make, became a household word in Pakistan. Dangerous drugs like heroin also came into common use in Pakistan. Pakistan continues to suffer from the legacy of the Afghan war such as refugees, drugs, crime, and terrorism.

The government, particularly the Inter Services Intelligence (ISI) was a conduit for the supply of arms and ammunition to Afghan freedom fighters. This afforded any opportunity to some of the generals involved in this effort to help themselves to handsome money by selling some of the arms to Iran for use in the Iraq-Iran war. It is, therefore, no wonder that some generals have become rich beyond belief.

### **Benazir Bhutto's Case: Requirement for Registration of Political Parties Waived**

In the capacity of co-chairperson of the PPP, Benazir challenged the offending provisions of the Political Parties Act as unconstitutional and

violative of the fundamental right of freedom of association under the Constitution. A constitutional petition was filed directly before the Supreme Court under Article 183(3) of the Constitution. The petition was heard by the full bench of the Supreme Court consisting of eleven judges presided over by the Chief Justice Muhammad Haleem. The Court held in no certain terms that the constitutional guarantees to every citizen (if not in the service of Pakistan), including the right to form a political party, could only be subjected to reasonable restrictions imposed by the law in the interest of the sovereignty or integrity of Pakistan. Compulsory registration of political parties was also declared by the Court as violative of Article 17 as it placed unreasonable restrictions on the exercise of a right by superimposing itself on the fundamental right since it was not simply registration, but was accompanied by penal consequences.

It was also observed that the power of cancellation of registration, which was vested in the Election Commissioner, was without any safeguards and was entirely discretionary to the Election Commissioner and no remedy had been provided against its decision. Hence the Court concluded that it constituted an unreasonable restriction on the right to form associations.

This judgement was announced by the Supreme Court on 20 June 1988 while Zia was still alive. It is one of the very few judgements given against Zia while he was still in power and for this reason, this judgement stands out. It also had the effect of reviving the political party system which Zia had tried hard to suppress for eleven years, This judgement paved the way for party-based elections in November 1988

### **Dismissal of Jonejo's Government**

Zia knew that his real constituency was the armed forces. It was due to their support that he had survived for eleven years in power. This was the reason that despite being the President, he did not shed his uniform and clung so dearly to the office of Chief of Army Staff. He knew that the office of Army Chief was his real power base and ceding this office to anyone (even to a close associate) would make him vulnerable.

Having come under pressure from the military leadership, particularly after the Ojheri incident, Zia decided to act in order to please, or may be protect, his generals. On 29 May 1988, he dissolved the National Assembly and dismissed Jonejo's government. This was followed by the dissolution of the Provincial Assemblies by the Governors. Zia also announced a caretaker government but without a Prime Minister. The ensuing elections would be partyless once again, and elections to the National Assembly would be held on 17 November 1988,

### **Performance of Junejo's Government**

After the lifting of martial law, Jonejo tried to take a course independent of Zia. He annoyed the military generals by withdrawing big staff cars from them and replacing them with small cars. He tried to conduct an independent foreign policy, particularly on Afghanistan, by taking into

confidence and consulting leaders of other political parties, including Benazir. His government even tried to probe into the military bungling and fiasco at the Ojheri Camp near Islamabad on 10 April 1988, which resulted in the death of and serious injuries to a large number of civilians.

Although Jonejo had no claim of his own to power and he was beholden to Zia for being appointed Prime Minister, his performance was commendable. He did what was possible for him. He restored the fundamental rights of citizens under the Constitution that had been denied to them for a very long time. He tried to put the country on the course of development and some progress was made, particularly in the area of construction of roads in the rural areas and the electrification of villages. He, however, is faulted for introducing political corruption by allowing each member of Parliament five million rupees every year for development programmes in his constituency when everyone knew that these funds would be misappropriated. But for a sugar mill in his native village, Sindhri, which he installed in association with some other partners, there is no other blemish on him personally. He was a polite and low-key political personage; traits which are not easy to find in political leaders today.

### **The Shariah Ordinance, 1988**

The dissolution of the National Assembly and the dismissal of Jonejo's government had left Zia more vulnerable than ever before. He was suddenly left alone and exposed. Martial Law had been lifted and he had to run the government under the civilian umbrella, which he was not used to. The dismissal of Jonejo's government was a clear admission on his part of the failure of the constitutional plan he had proudly announced on 12 August 1983. In order to give new life and legitimacy to his regime, he once again fell back on political exploitation of Islam. He promulgated an ordinance on 15 June 1988 for the enforcement of *shariah* in Pakistan under the name Enforcement of Shariah Ordinance, 1988.

The *shariah* ordinance was nothing but window dressing and another last step by Zia to legitimize and perpetuate himself in power in the name of Islam. It was an attempt to cover up his unconstitutional and malafide act of dissolving the National Assembly and dismissing Jonejo's government. The only practical aspect of the ordinance was to usher in a class of so-called *ulema* for appointment as muftis, advocates, and judges, so that this class could serve as the vanguard of his political support and become a rival of lawyers who were disturbed and agitated by his unconstitutional and impetuous act. Zia wanted to create a class of his supporters within the judiciary and the Bar.

### **Zia's Death: a Review of his Regime**

Zia was killed in an air crash on 17 August 1988 near Bahawalpur on his way back from Multan. On the confirmation of Zia's death, a meeting of generals was held in Islamabad to decide the question of succession. Some of the participants were in favour of the imposition of martial law. However, the

other military chiefs present there, including Mirza Aslam Beg, did not support the idea. Hence, Ghulam Ishaq Khan, Chairman of the Senate, according to the constitutional procedure, took over as acting President. One of his first acts was to appoint Mirza Aslam Beg as Chief of Army Staff.

Zia presided over Pakistan's longest period of military rule but then himself lifted martial law to begin a unique power-sharing experience with civilian politicians. His rule was one of Pakistan's worst periods of human rights abuses, which included for the first time in the country's history the whipping of journalists, lawyers, and political workers. But he also tolerated a reasonably lively and free press. During his rule he ensured the weakening of all institutions other than the army, the civil bureaucracy, the judiciary, the political parties and the Constitution. Despite his abiding pro-Americanism, he defied Washington on the nuclear issue and built a close rapport with Iran.

Zia's rule could be truly described as 'ad hocism'. There was no long term, well thought-out policies for specific sectors like industry, agriculture, education, or health. He followed a cautious, moment to moment, reactive, one-step-at-a-time approach that was guided more by his instinct for political survival rather than by a well-defined vision for Pakistan.

Zia was clear on the fate of Bhutto. In July 1978, when Zia was told that the Supreme Court might acquit Bhutto, he responded: 'If the Supreme Court releases him, I will have the bastard tried by a military court and hung'. He wanted to rule with the exclusion of political parties or politicians of stature. He wanted to maintain the status quo as far as possible.

Zia managed to attain a reputation as an honest man, despite the fact that he developed a habit of dishonouring his promises. He is alleged to have been involved in underhand deals for the sale of Stinger missiles to Iran during the Iran-Iraq war from where he is alleged to have made a lot of money. There were about half a dozen bungalows owned by Zia or his near relatives in various places, including Islamabad.

Zia built no political institution that could outlast him. He alternately tried to use the political forces, repress them, confuse them, and confront them, combining the military techniques of surprise and deception. He had little respect for state institutions. He treated the Constitution no better than a scrap of paper, which he could keep amending to his convenience.

Zia's emphasis on Islam helped him create a constituency based on the support of the Islamic ethos among Pakistan's clergy, sections of the middle class, and other conservative segments of society. He was not above exploitation of religious sentiment for his narrow political ends.

The Mohajir Qaumi Movement (MQM) was Zia's gift and legacy to the nation. His objective was temporary and narrow, to create a balancing political force against the PPP in the province of Sindh. He caused the escalation of conflict between *shias* and *sunnis* which was dormant before him. His policies caused schisms within the *sunnis* with militant wings belonging to different Sunni schools going for each other's throat. Various religious groups were encouraged to demand that their rival groups be declared non-Muslim. Thus a disgusting trail of *fatwas* and demands surfaced. The *Anjuman-e-Sipah-e-Sahaba*, a self-styled representative of the *sunni* sect, demanding declaration of the *shia* sect as non-Muslim, and the Deobandi sect

clamoured for *zikris*, *Ismailis*, etc. to be declared *kafirs*. Hiding his guile and brutality under the mask of humility and ostentatious religiosity, Zia relied on two powerful pillars of authoritarianism, military force and obscurantism. These were recklessly employed to suppress every legitimate demand for human rights, constitutionalism, and federalism in the country.

The Afghan war and its debilitating consequences for Pakistan are Zia's most dangerous legacy. Pakistan was burdened with the support of more than three million Afghan *mohajirs*. Due to Pakistan's deep involvement in the Afghan war effort (which was wrongly designated as *jihad*), Pakistan became a target for gunrunning and drugs. The Klashnikov culture and escalation of crime throughout Pakistan are a consequence of the Afghan war. The heroin culture, unknown to Pakistan before him at such a scale, has taken root. The internal conflicts of Afghanistan and their spillover into Pakistan are constant sources of worry, anxiety, and tension.

In his quest for legitimacy, Zia let loose retrogressive forces in Pakistan which continue to bedevil any attempt towards progress. In order to build his constituencies, he mobilized a class of so-called '*ulema*' and tried to create courts for them in the name of *Qazi* courts. He succeeded in creating a parallel court structure in the name of Islam by establishing the Federal Shariat Court which has clearly undermined the institution of judiciary.

### **Dissolution of National Assembly Challenged**

The major constitutional issue arising out of the RCO as modified by the Eight Amendment was the exercise of discretionary powers by the President to dissolve the National Assembly before the expiry of the term for which it was elected. It emerged as the leading problem causing constitutional crises no less than four times within a period of eight years. The exercise of this power led to serious conflicts between the two top functionaries, the President and the Prime Minister. As a result, none of the National Assemblies (elected in the years 1985, 1988, 1990, and 1993) could complete their full term of five years and all of them were dissolved prematurely. Each time the dissolution of the National Assembly was challenged before the superior courts but with different results.

### **Party-based General Elections, 1988**

The elections to the National and Provincial elections, held on 16 and 19 November 1988, were more or less peaceful. They appeared, by and large, to be free and impartial as is evident from the universal acceptance of the verdict by all the political parties. The percentage of voting was rather low – less than 50 per cent. The reason could be general public apathy towards politicians and the political process, the gradual withdrawal of womenfolk, atleast among the uneducated, to their shells, or the strict implementation of the condition to produce the identity card at the time of casting one's vote. No political party could command an absolute majority in the Parliament. PPP emerged as the largest with 93 seats and IJI getting 55 seats.

## **BENAZIR'S FIRST TERM AS PRIME MINISTER**

### **Benazir Nominated Prime Minister**

1. The crucial factor in the power equation was the presidential power to nominate the prime minister. In 1998 the President had the discretionary power to appoint the prime minister. Ishaq Khan at that time was only an acting president and was aspiring for a full five-year term of his own as President. Benazir had her own reasons to seek power. She struck a deal with Ishaq Khan who was offered full support of the PPP in the forthcoming presidential election. The PPP voted for Ishaq. Ishaq had also been adopted as the candidate of IJI. Other candidates, of whom Nawabzada Nasrullah was the most prominent, were ignored. Ishaq won the election with an overwhelming majority. This eventually resulted in Benazir's appointment as Prime Minister of Pakistan by Ishaq Khan on 1 December 1988.

### **Motion of 'No-Confidence' against Benazir**

It did not take long for Benazir and the PPP to fall out with their allies. The alliance with the MQM did not last long. It entered into an agreement with the IJI. The Awami National Party (ANP), though ideologically close to the PPP, also fell out with the PPP due to the latter's style of governance. The government in Punjab led by Nawaz Shahrif of the IJI was already hostile and, with the support of the MQM and the ANP a common front was formed by the name Combined Opposition Parties (COP) which moved a motion of no confidence against the Benazir government. The motion was debated and put to vote on 1 November. It was defeated by 124 against 107 votes.

### **Conflict over Division of Powers between the President and the Prime Minister**

Under Article 94, as replaced by the RCO and the Eighth Amendment, it is the option of the President in case of dissolution of the parliament to ask the Prime Minister to continue to hold office until his successor. He had the discretion to appoint a caretaker cabinet of his choice both at the centre and the provinces. Caretaker governments could be key actors in the manipulation of the election machinery effecting the results. The President could appoint the chiefs of the armed forces and the Chief Election Commissioner without the advice of or even consultation with the Prime Minister. Even in appointment of the governors, the president had the final say. Even if the president was required to act on the advice of the prime minister or the cabinet in other matters, he could still send back the matter to the prime minister or the cabinet for reconsideration of the advice.

It did not thus take long before the President and the Prime Minister ran into conflict with one another. Ishaq was obviously supporting Nawaz Sharif in his opposition to Benazir and was making life difficult for her. He sat

on a number of matters referred to him by her. He was constantly asserting his powers and position and avoided making arrangements on her advice. Consequently, there was widespread frustration in the federal government.

### **Conflict over the Appointment of Judges**

On the face of it, it appears that appointments to the superior courts were required to be made on the advice of the Prime Minister, if Articles 177 and 199 were read in conformity with Article 48. Articles 177 and 193 do not state that the appointments of judges of the Supreme Court and High Courts could be made by the President at his discretion.

### **Dissolution of Assemblies**

The conflict between the President and the Prime Minister came to a head when on 6 August 1990 the President issued an order under Article 58(2)(b) of the Constitution dissolving the National Assembly. This Order was followed by the dissolution of the provincial assemblies.

### **Review of Benazir's First Term**

People of Pakistan had pinned their hopes and expectations on Benazir, but were disappointed. Benazir had no economic programme, no future plans, and no clear idea about how to govern. Her claim to power and political ascendancy was purely hereditary, her political capital being the suffering inflicted on the family from the execution of her father by Zia and her confinement after her his execution. She wasted her political capital and got bogged down in unnecessary and wasteful confrontation with the provincial government of Punjab headed by Nawaz Sharif. Her main concern appeared to be to benefit the members of her party who claimed to have suffered for her. At times, Benazir gave the impression of being not the prime minister of the country but only a head of her political party.

Benazir's foreign policy was without any direction. She had no control over foreign policy and did not even have the option to appoint the Foreign Minister. Her policy on Afghanistan was clearly a failure. Her government was seriously embarrassed by her husband, Asif Ali Zardari, who, it is generally alleged, went on a rampage of corruption, graft, blackmail, high handedness, and even acts of terrorism. Several of her ministers were known to be inept and corrupt. Many of them were in a hurry to make money as if they knew that the government would not last long.

Not only that, Benazir also involved herself in disputes and confrontation with the President and the military, particularly in the matter of appointment of the military chiefs and judges of the superior courts. She was accused of political horse trading, particularly at the time of voting on the resolution for no confidence against her. She showered political favours on her partymen in the form of government jobs and plots of land in Islamabad. Some political leaders of her party obtained loans at favourable terms from government banks. The law and order situation in the province of Sindh,

where PPP was in power, went completely out of hand. When her government was ultimately dismissed by the President, there were few who could defend her performance.

### **The Caretaker Government of Jatoi**

When Benazir's government was dismissed, the President's power to appoint a caretaker cabinets at the federal and provincial level was abused to the maximum. Instead of appointing neutral and non-partisan caretaker cabinets, all the people who were in the opposition and were known to be openly hostile to the dismissed government were appointed in the caretaker cabinets. Nawaz Sharif was rewarded after the general elections by being elected chief minister of the Punjab in the IJI government.

The caretakers, under the guidance and support of the President, were to ensure that the PPP would not return to power and the favourites of the President would get themselves installed as prime minister of Pakistan and chief ministers of the provinces.

### **Appeal before Supreme Court against Dismissal of National Assembly**

The Supreme Court in its leading judgement by Justice Shafiur Rehman upheld the dissolution. However, Justice Abdul Shakoor Salaam, in his strong dissent, held that the discretionary power to dissolve the Assembly was exclusive to Zia, and that such power perished with his demise and that such power could not be deemed to have devolved on his successor. He further held that that it was not advisable to continue the discretionary power of dissolution because that would strike at the very root of the parliamentary system of government established under the Constitution after much trial and error and after loss of half of the country. The learned judge also examined the grounds given in support of the order of dissolution and held that, notwithstanding the dissatisfaction of the President with the functioning of the prime minister or Parliament, the reasons for dissolving the National Assembly were not good enough under the Constitution and the principles previously laid down by the highest courts in the land. It was remarked that it could not be lost sight of that if the national and provincial assemblies were reckoned to be so bad by the President so as to be dissolved, then it was these assemblies that had not long before elected him as the President. So, he questioned how could what was good then have become so bad now? How could a creature condemning the creator sound well?

Another dissenting judgement came from Justice Sajjad Ali Shah. He was of the view that the impugned order of dissolution suffered inherently from malafides, primarily because the unavoidable object behind it was not only that the government of the time be toppled, but the image of the People's Party be tarnished in the eyes of the people so that it could be routed in the ensuing general elections. The learned judge held the order of dissolution as not sustainable under the provisions of the Constitution and the law.

## **General Elections, October 1990**

In the general elections held in October 1990, the IJI won 105 seats and PDA only forty seats in the National Assembly. Prominent party leaders lost in the elections. It was alleged by the PDA that the general elections had been rigged on a massive scale with the objective of defeating the PDA and installing an IJI government. It was alleged that Ishaq Khan had played a major role in the rigging of elections. He made a speech on television on the eve of the elections in which he asked the people to vote against the PDA. Under instructions from Ishaq, an 'election cell' was set up in the President's secretariat in Aiwan-e-Sadar. It was alleged that Ishaq made appointments of such people to the Election Commission whose duty it was to ensure the defeat of PDA. It was also alleged in the White Paper that caretaker governments at the federal and provincial levels played an active role in defeating the PDA. The caretakers, it is alleged, used the power of transfer and posting of public servants to the advantage of the IJI and to the complete disadvantage of the PDA. They applied pressure on subordinate officials in the administration and threatened them with dire consequences if they did not participate in rigging.

No doubt, most of the allegations in the PDA White Paper are correct and the elections were allowed to be held in a manner totally adverse to the PDA and favourable to the IJI. Nevertheless, the PDA was also responsible for its defeat. Its performance during its 20-month rule did not inspire confidence and many voters switched their loyalties to the IJI. The PDA did not contest the election with any concerted planning. They appeared to be demoralized and emotionally defeated.

## **NAWAZ SHARIF'S FIRST GOVERNMENT**

Commanding an overwhelming mandate, Nawaz Sharif, President of IJI, was elected prime minister by a two-third majority in the parliament. He promised to introduce fundamental changes in economic policy thus paving the way to greater prosperity. The IJI swept the polls in the Punjab winning 211 out of 240 seats.

The Nawaz government introduced economic reforms, which included privatization of nationalized industries, free movement of foreign exchange in and out of the country, and incentives to foreign and Pakistani entrepreneurs to invest in industry and other sectors of the economy.

The Nawaz government took bold decisions to privatize not only industrial units and banks, which had been taken over initially from the private sector, or not. While the bureaucratic setup of the Privatization Commission was busy in formulating and following their set procedures, the cartels were busy devising ways and means to take over certain industries so as to retain a monopoly within a particular sector. In some cases, the sale price was even lower than the commercial value of the land on which the unit

was built. The cartels made windfall profits following divestiture of cement factories.

Zahid Sarfraz, one of the ministers of the Nawaz government is reported to have said "almost all the industrial units which are sold to the private sector were making profits and did not fall in the category of financially insolvent enterprises. Privatization is used as vehicle for providing economic benefits to those industrialists who have supported Mr. Nawaz Sharif in securing him political supremacy in the country. Mr. Nawaz Sharif is trying to create monopolies and cartels of high profit earning industrial products, which will ultimately lead to the concentration of economic resources of the country in the hands of four or five families and groups

The former Chairman of the Private Commission, Lieutenant-General Saeed Qadir, is on record as having said that the concentration of economic power was inevitable and suggested that 'It is not always a bad thing', He failed to realize that, in Britain, whose privatization programme has been accepted as a model for other countries, the primary objective was stated to be the improvement of living standards of the people.

The World Bank had written to the Government of Pakistan in September 1993 expressing doubts about the rationale of rapid privatization, adding that a successful sale effort required atleast eighteen months to prepare a comprehensive programme that would cover all aspects of privatization.

Thus the process of denationalization and privatization was contaminated by those involved in it, obviously out of consideration for their own interest or the interest of their political bosses.

### **Twelfth Amendment: Establishment of Special Courts**

The Twelfth Amendment to the Constitution was passed by Parliament in July 1991, the main purpose of which was the establishment of Special Courts for the trial of heinous crimes. For this purpose, Article 212B was added to the Constitution. The twelfth Amendment was a temporary amendment as far as Article 212B was concerned and was to last for a period of three years only.

The Twelfth Amendment created a hierarchy of courts parallel to the constitutional hierarchy consisting of the High Court and the Supreme Court. The Supreme Appellate Court set up through the amendment was an anomalous court ranking somewhere in between the High Courts and the Supreme Court. It had a Supreme Court judge as its chairman and two High Court judges as members.

### **Separation of the Judiciary from the Executive**

The Supreme Court upheld the majority judgement of the Sindh High Court in Sharaf Faridi v The Federation of Islamic Federation of Pakistan in nearly all its material details. The Court held:

- (a) that every judge is free to decide matters before him in accordance with his assessment of the facts and his understanding of the law

- without improper influences, inducements or pressures, direct or indirect, from any quarter or for any reason; and
- (b) that the Judiciary is independent of the executive and the legislature, and has jurisdiction, directly or by way of review, over all issues of a judicial nature.

On financial independence of the judiciary, the Supreme Court laid down the following guideline: That financial independence of the judiciary can be secured if the funds allotted to the Supreme Court and High Courts (by the Parliament and the Provincial Assemblies in their respective budgets) are allowed to be disbursed within the limits of the sanctioned budget by the respective Chief Justices of these Courts without any interference by the Executive.

### **Differences between the President and the Prime Minister, and Dissolution of NA**

In his address to the nation on television and radio on 17 April 1993, Nawaz openly criticized Ishaq and threatened to act in future without consultation with the President. On 18 April 1993, the day following Nawaz Sharif's speech Ishaq retaliated by ordering the dissolution of the National Assembly and dismissed the Prime Minister and his Cabinet.

### **Dissolution Challenged: Supreme Court Judgement**

The Order of Dissolution was challenged by the Speaker of the National Assembly, Gohar Ayub, before the Lahore High Court. While his constitutional petition was pending, Nawaz Sharif, the deposed Prime Minister, filed a constitutional petition under Article 184(3) of the Constitution directly before the Supreme Court. This petition was heard by the Chief Justice Nasim Hasan Shah, on a day-to-day basis. The Supreme Court accepted the constitutional petition by a majority of ten to one on 26 May 1993, holding it in a short order that the impugned order of dissolution did not fall within the ambit of the powers conferred on the President in this behalf and was, therefore, not sustainable under the Constitution. The National Assembly, the Prime Minister and his Cabinet were thus restored and were held entitled to function with immediate effect. The appointment of the caretaker government was held to be of no legal effect.

The detailed judgement of the Supreme Court contained the following salient points:

1. In the scheme of the Constitution, the Prime Minister, in administering the affairs of the government, is neither answerable to the President, nor is in any way subordinate to him. He is answerable only to the National Assembly.
2. The opinion formed by the Prime Minister, in his speech made on 17 April 1993, that the President had ceased to be a neutral figure and had started to align himself with his opponents and was

encouraging them in their efforts to destabilize the government, was indeed one that could be reasonably entertained.

3. No man, howsoever high, can destroy an organ consisting of chosen representatives of the people unless cogent, proper, and sufficient cause exists for taking such an action.
4. The President had no authority to receive resignations of the members of the National Assembly, which had to be handed over personally, by the members concerned to the Speaker of the National Assembly.
5. The grounds mentioned in the dissolution order of 18 April 1993, neither collectively nor individually, justified the interference that a situation had arisen in which the government of the federation could not be carried on in accordance with the provisions of the Constitution and an appeal to the electorate was necessary.

Justice Muhammad Rafiq Tarar went to the extent of observing that the President had no power to dismiss a prime minister, directly or indirectly, howsoever

illegal, unconstitutional, or against public interest his actions might look to him. The Presidency, according to him, by removing the Prime Minister under the cloak of the powers contained in Article 58(2)(b) and dissolving the National Assembly might be accused of subverting the Constitution within the meaning of Article 6 of the Constitution.

Justice Shafiur Rehman held that the President's discretionary power was restricted to the appointment of the Chairman of the Joint Chiefs of Staff and the appointment of the three Chiefs of the Army, Air, and Naval Staff could only be made by the President on the advice of the Prime Minister.

This judgement constitutes a judicial milestone in the history of Pakistan. It is widely believed that that the Courts in Pakistan, at various crucial times in history, have failed to stand up to men in power and their acts or orders, howsoever atrocious, have been upheld on one line of reasoning or another. The positive effects of the judgement in this case cannot be ignored or underestimated. In future, any president will have to think a hundred times before dissolving the National Assembly. The unfettered power of the president has been checked, clipped, and fettered.

### **Exit of the President and the Prime Minister**

A compromise between the President and the Prime Minister was brokered by the Army High Command on 18 July 1993 under which the President and the Prime Minister had to quit. The Prime Minister advised dissolution of the National Assembly and then resigned. The President passed the order of dissolution and then stepped down.

Nawaz Sharif's incompetence and timidity led to mishandling of the situation when everything was going in his favour. He had a two-third majority in the Parliament. The judiciary had restored his government, and Ishaq was due to retire in six months. But his mindless confrontation with the outgoing President and sordid efforts to oust the Punjab government through hasty horse-trading led to the fall of his government. When cornered by the

President, the provincial government and, finally, the military leadership, Nawaz demonstrated no courage and meekly bowed out. But courage is not a quality to be found in those who are nurtured and planted into power by the establishment. In particular, those who have to save their financial empires can show little courage in the face of adversity, that is why conventional wisdom has always held that men who have widespread financial interests are not suitable for political office because, at the time of crisis, they run into the conflict of personal interest against national interest.

### **Performance of the Nawaz Sharif Government, 1990-93**

Nawaz Sharif started his political career as a provincial minister under the Martial Law regime of Zia. Lieutenant-General Ghulam Jilani Khan, Governor of Punjab, patronized and introduced him to the inner circle of the generals around Zia. Nawaz Sharif soon won their confidence, which facilitated his appointment as Chief Minister of Punjab in 1985 while he was still in his thirties. He remained loyal to the military leadership and, in the differences that arose between Zia and Jonejo resulting in the dismissal of Jonejo's government, Nawaz took sides with Zia. He was thus retained as caretaker chief minister of Punjab and was encouraged by the military High Command to take on Jonejo and challenge his leadership within the Muslim League.

It is generally believed that IJI was formed with the assistance of Inter Services Intelligence (ISI), and Nawaz Sharif was installed as its president. It is also widely believed that it was due to the shrewd planning of the ISI that Nawaz Sharif emerged as the principal leader against the PPP that ultimately paved his way to the prime ministership of Pakistan in his early forties.

When Nawaz Sharif took over as the Prime Minister, he presented a package of liberal reforms. It cannot be denied that these were, on the face of it, progressive and, if properly implemented, could have led to economic development. The main reason why they failed was the inherent conflict between the personal interests of Nawaz and his family on the one hand, and national interests on the other. His family rose from a medium size industrial group to an industrial empire of steel units, cotton textile mills, sugar mills, and so on. His official position as a minister have come in handy in the process of building the family empire.

The second cause of the failure of the Nawaz government was corruption. Nawaz is believed to have started his career as a businessman, where bribing officials belonging to the government departments is a way of life. He apparently brought these skills into politics and refined it under mentors like Zia and Ghulam Jilani Khan. He is alleged to have used money, urban plots of land, and other material favours to win over members of Parliament and the Provincial Assembly of NWFP to destabilize the governments when these were headed by the PPP.

Nawaz is also known for using public funds for obtaining political favours. As Prime Minister, he obtained funds out of the Bait-ul-Mal Fund, without any authorization, and distributed to the so-called needy, poor,

widows, orphans and others. There seems to be no systematic and equitable method of selecting the poor and needy for the distribution of funds, nor was any criteria laid down for the allocation of funds per head. So this project meant nothing more than public posturing and self-promotion.

The privation of nationalized industries was done in a not very commendable manner. There was no transparency to it and it clearly degenerated into favoritism and nepotism while favourites were given industrial units at a fraction of their real value. Nawaz seemed to be running Pakistan as his personal fiefdom with a license to do whatever he felt like with its national resources.

Nawaz and some members of his cabinet are believed to be deeply involved in the co-operative societies scandal where 17 billion rupees of the people's savings were siphoned off. The Motorway from Lahore to Islamabad, costing nearly one billion US dollars, came under severe criticism as an example of misplaced priorities and extravagant policies. It is said that for this money, the long-awaited Indus Highway could have been constructed and the national highway could have been doubled.

The foreign policy of Nawaz Sharif appeared to be having no direction and Pakistan was increasingly isolated in the world. Relations with neighbouring countries hit a new low. Foreign aid was fast drying up. Nawaz had little understanding of and exposure to the management of foreign affairs. He allowed the bureaucrats with little initiative and limited perspective to conduct the foreign policy.

Despite being the blue-eyed boy of the establishment and having been beholden to Ishaq, Nawaz Sharif finally fell out with him apparently on the appointment of the Chief of Army Staff.

### **The Caretaker Government**

Moeen Qureshi, a retired bureaucrat who had served for a long time outside the country in the World Bank, was appointed Caretaker Prime Minister. Despite the fact that he was new to the political and social milieu in Pakistan, he made his presence felt. In the short period of ninety days, he tried to expose the misdeeds of the previous governments and published a list of defaulters of bank loans. He also published a list of tax-payers that exposed many affluent people who were dodging the tax collectors while the burden was being borne by other tax payers. The imposition of nominal tax on agricultural income was another significant step that earlier regimes kept shying away from to avoid the displeasure of the feudals. He made the State Bank of Pakistan an autonomous body with the objective of keeping political interference out of commercial banks. Ordinances were passed which made Pakistan Radio and Television autonomous. Other steps included cutting down the size of the bloated administrative machinery, abolishing the discretion of the prime minister and the chief ministers in the allotment of residential plots, and concerted moves against the drug traffickers. Thus he made a serious effort to recover government dues. The only blemish on Moeen Qureshi was that on his last day, he made a large number of promotions and other

administrative decisions, which include a favour to his brother and some other relations.

### **General Elections, October 1993**

The low turnout of voters compared to previous elections demonstrated a lack of interest and apathy on the part of the common citizen, who had discovered to his dismay that successive general elections did not bring any real change in his life and that all governments that came and went were inefficient, corrupt, and indifferent towards the problems of the people.

As a result of elections to the National Assembly, no political party or political alliance emerged with a clear majority in the National Assembly. PPP emerged as the largest party with eighty-six seats, followed by PML (N) with seventy-two seats. The number of votes taken by the PPP were 7,563,909 against 7,890,676 taken by PML (N). According to the percentage of votes taken, however, PPP got 38.1 per cent and PML (N) got 39.7 per cent of the total votes cast, an addition of 1.6 per cent.

On 9 October 1993, elections were held to the provincial assemblies of four provinces. Once again PPP and PML (N) emerged as the principal parties in the provincial polls. The MQM participated in the local polls with the result that it swept Karachi and Hyderabad, winning twenty-seven seats in the Sindh Assembly. Before the general elections, an understanding or alliance had been reached between the PPP and PML (J) on the one hand, and the PML (N) and ANP on the other.

### **BENAZIR'S SECOND TERM AS PRIME MINISTER**

#### **Implementation of Decision to Separate the Judiciary from the Executive**

The Supreme Court of Pakistan had ordered the immediate separation of the judiciary from the executive in Sharaf Faridi's case. However, Benazir's government was dragging its feet over it. The Supreme Court of Pakistan was approached for an extension of time which was denied to the government. Ultimately, steps were taken to implement the decision by the promulgation of Legal Reforms Ordinance, 1996 on 20 March 1996. This was followed by succeeding ordinances after every four month till it became an Act of Parliament on 3 July 1997.

#### **The Local Bodies Case**

Local Bodies are regarded as the backbone of a democratic order. The new leaders, particularly the PML (N), had emerged from the local bodies elections. When Nawaz resigned as Prime Minister on 18 July 1993, the caretaker government decided to undo his main support in the masses, which came from the local bodies. The local bodies elections had been held on 28 December 1991 in the Punjab for a term of four years which expired at the end of 1995. However, on 15 August 1993, the term of office of the local bodies was curtailed with immediate effect through a notification of the

Governor of the Punjab. It was declared that fresh elections to the local bodies would be held in the month of January 1944. Elected officials were replaced by civil servants. It goes to the discredit of Benazir's government that during its three years in office, it did not hold elections to the local bodies not did it allow the restoration of their elected members/office-bearers.

### **Confrontation with the Judiciary**

Appointments to the Superior Courts in Pakistan have been made generally on considerations other than merit, being decided on the basis of political affiliations, nepotism or favouritism. Benazir perceived the judiciary to be a hostile institution. The Supreme Court had conferred legitimacy on Zia's Martial Law in Nusrat Bhutto's case and even allowed him to amend the Constitution of Pakistan unilaterally, a power he exercised recklessly, maliciously, and capriciously, at all times to the detriment of the PPP.

Her acid test came after the retirement of Nasim Hasan Shah. The obvious thing was to appoint Justice Saad Saood Jan as the chief justice, who was the senior most judge of the Supreme Court, in keeping with the forty-year-old practice and precedent of appointing the senior most judge of the Supreme Court as chief justice. But instead Justice Sajjad Ali Shah, who was junior to him and two others, was appointed Chief Justice of Pakistan. The main factor behind this appointment appears to be the shortsighted, narrow-minded, and parochial approach of Benazir and her government. She may have thought that, being a Sindhi and a sympathizer of the PPP (as it appeared from certain of his judgements), he would go along and protect the interests of her government. Subsequent events have repelled this impression and established Justice Sajjad as a man of his own mind.

The PPP government packed the High Courts with political appointees. Nine judges were appointed to the Sindh High Court. In August 1994, the Lahore High Court was packed with twenty appointees. Only six or seven judges could justify their appointment on merit. There seemed to be some kind of quota for governor, chief minister, and the president. Leghari appointed a friend from his native district. In the Supreme Court as well, the courts were packed with ad hoc judges. At one point in time, there were as many as seven ad hoc judges against ten permanent judges, including the Chief Justice, with two of these permanent judges serving as acting Chief Justices of the High Courts. Thus the permanent judges and ad hoc judges in the Supreme Court were nearly equal in number at the time.

Acting Chief Justices of the High Courts were made simple rubber stamps, recommending all that the government desired. Chief Justice Sajjad went along with all this up to a point. He decided to resist when he thought that the actions of the PPP were harmful to the judiciary as an institution.

### **The Judges' Judgement**

The Supreme Court of Pakistan granted leave to appeal, in the Al-Jehad Trust vs Federation of Pakistan, against the appointment of twenty judges to the Lahore High Court so as to consider the constitutionality of such

appointments. After arguments spread over several months, a Bench of the Supreme Court comprising five judges, gave a majority judgement of four to one, accepting the appeal against such appointments. Some salient judgements of the Supreme Court judgement are:

1. Appointment of ad hoc judges against permanent vacancies of the Supreme Court violates the Constitution.
2. Appointment of Acting Chief Justices can only be a stopgap arrangement for a short period and not, in any case, exceeding a period of ninety days.
3. An Acting Chief Justice cannot be a consultee for the purposes of appointment of judges, and the appointments made on the recommendation of an Acting Chief Justice were invalid and unconstitutional.
4. The senior most judge of a High Court has a legitimate expectancy to be considered for the appointment as Chief Justice in the absence of very strong reasons to the contrary to be recorded by the President/Executive.
5. That sending of a Supreme Court judge to a High Court as an Acting Chief Justice would be undesirable.
6. The opinion of the Chief Justices as constitutional consultees was held to binding on the Executive. The Court found it to be a consistent practice that has acquired the status of convention during the pre-partition days of India as well as the post-partition period, that the recommendations of the Chief Justice of a High Court, in India as well as Pakistan, have been consistently accepted and acted upon except in very rare case.
7. The requirement of ten years practice as an advocate of the High Court does not mean mere enrolment but actual practice/experience as an advocate for such period.
8. If a person of integrity and sound knowledge of law is recommended by the Chief Justice of the High Court and the Chief Justice of Pakistan, his past political affiliation would not be a disqualification because a person of integrity and sound knowledge normally severs his part connections with the political party with which he had affiliation and decides the matter on merits. However it would not be advisable to appoint a person who is a strong activist in a political party and for him, it would not be possible to erase an unconscious tilt in favour of his party.
9. The power to transfer judges from one High Court to another cannot be invoked by the President/Executive for any purpose other than public interest, and that too only after consultation with the Chief Justice of Pakistan.

The Supreme Court directed the government to appoint permanent Chief

Justices to the High Courts where Acting Chief Justices are working within thirty days of the judgement.

Benazir took this judgement as a personal affront to her. She could no longer make arbitrary judgements and those already made by her were re-

opened for review. Her reaction to the judgement was confrontational. She criticized, even ridiculed, the judgement publicly before Parliament and the press. Despite her resentment, the Judges' Judgement was implemented

The Judges' Judgement is indeed an important milestone in the judicial history of Pakistan. It made consultation with chief justices on the matter of appointment of judges effective and meaningful. The undesirable practice of appointing ad hoc judges to the Supreme Court and Acting Chief Justices of the High Courts was done away with. Such practices had degenerated into vehicles for rendering the judiciary subservient to the wishes and pressures from the executive. This would eliminate the possibility of infighting or bickering amongst judges and would render the superior judiciary self-operative, free from fear of and inducement from the executive. Continuation in office by the judges was no longer left to the vagaries of the changing governments.

The threat to independent judges, rather to the independence of the judiciary, by their transfer to the Federal Shariat Court or to other High Courts without their consent was removed. This could enhance public confidence in the judiciary by making its independence obvious and transparent.

On 16 May, the government filed a presidential reference (President Reference No. 1 October 1996) in which the validity of the incumbency of the Chief Justice Sajjad was also questioned. The primary focus of the government in filing the reference was to embarrass Justice Sajjad.

### **Dismissal of Benazir's Government**

Differences had been brewing between Leghari and Benazir over several months particularly on the implementation of the Judges' Judgement. The Chief Justice observed that it would be the constitutional duty of the President to see to it that the judgement is implemented and that there is no violation or non-compliance of Article 190 of the Constitution which makes it mandatory for all executive and judicial authorities throughout Pakistan to act in aid of the Supreme Court. If the judgement is not implemented, then such a situation could be construed as an impasse or deadlock and would amount to the failure of the constitutional machinery, and one would be justified to say that a situation had arisen in which a government of federation could not be carried on in accordance with the provisions of the Constitution. Justice Saeeduzzaman Siddiqi, in his separate opinion, went a step further. He observed that if the prime minister fails to tender his advice within the time-frame fixed in the judgement in Al-Jehad Trust Case, he or she shall be deemed to have agreed to the recommendation of the Chief Justice of Pakistan and that of the Chief Justice of the Provincial High Court, as the case may be, and the President may proceed to make the final appointment on that basis.

Apart from the confrontation with Leghari that developed in September 1996, there were other developments that bedeviled Benazir's government and made it vulnerable. The disclosure of corruption at the highest level, particularly the purchase of 'Rockwood', a mansion in Surrey, for 2.7 million pound sterling by Benazir and Zardari was shocking. There were other

disclosures of purchase of property abroad by Zardari and his father. Misgovernance of Benazir was no secret. The Pakistani rupee was being repeatedly devalued and the balance of payments was becoming increasingly adverse. The murder of Murtaza Bhutto on 30 September further embarrassed Benazir and her government. Murtaza's widow, Ghinwa, openly blamed Zardari for his death.

Another development was Leghari's overtures towards the opposition. He met the opposition leader, Nawaz, on 26 September when the latter requested that Leghari dismiss the government and order fresh elections under a neutral caretaker government. Nawaz assured Leghari that the PML (N) would counter any move against him. Leghari also encouraged other opposition forces to rally against Benazir.

The restoration of Wattoo as Chief Minister of the Punjab by the Lahore High Court on 3 November 1996 was another serious blow to Benazir's government. Leghari struck in the night between 4 and 5 November by dissolving the National Assembly under Article 58(2)(b) thereby dismissing the government.

### **Benazir's Second Term Reviewed**

The performance of Benazir's government for the second term was, once again, very disappointing. This time, she did not have any excuse whatsoever. The PPP had its own nominee as President and the military leadership, by and large, stood by it.

The Law and order situation deteriorated daily, particularly in Karachi. The PPP had been horse trading once again. The judiciary had a rough deal at the hands of the second PPP government. Benazir failed even in the conduct of foreign policy. Despite dozens of trips abroad as Prime Minister at a very heavy cost to the exchequer, Pakistan's relations with other countries suffered a serious setback. Even traditional friends and neighbours like Iran and China drifted away and moved closer to India. The government lost face twice by withdrawing resolutions from the United Nations for condemning India on human rights abuses and crimes against humanity in occupied Kashmir. Zardari was, once again, at the centre of the stories circulating about corruption in high places. Federal ministers, federal secretaries, and other high ranking officials were having an open session in bribery, kickbacks, and commissions. Some of the contracts awarded during the previous regime were cancelled without any justification. Benazir and Zardari signed several memorandums of understanding (MOUs) particularly regarding power generation projects. It was rumoured that Zardari received large sums in kickbacks on the MOUs. Benazir's handling of the economy was highly inept. There was virtually no economic policy and she failed to attract any appreciable foreign investment. Textile, the most important industries in Pakistan, suffered from deep recession and a large number of textile units were either closed down or were running at a heavy loss. Export earnings took a nosedive generally. No new industrial units were set up and old ones were closing down. New taxes were being levied and the country was faced with the prospect of runaway inflation. There was political interference with

the normal functioning of nationalized bank loans and bad debts were piling up every day.

Benazir's government was also undermined by family feuds. Her brother Murtaza Bhutto became an open critic of her government and of her husband, whom he accused of embezzlement and looting. Her mother, Nusrat, sided with Murtaza Bhutto, the only surviving male heir of the Bhutto legacy. Benazir fell out with her mother and removed her as Chairperson of PPP. After Murtaza's Murder, the difference became acute and the widow of Murtaza, Ghinwa, headed the party of her husband, PPP (Shaheed Bhutto group). She openly blamed Benazir and Zardari for the death and participated in general elections in February 1997.

In short, Benazir's second term became the symbol of corruption and incompetence. The legacy of her government has been corruption, high inflation, political and economic uncertainty, disillusionment, and widespread apathy amongst the common citizens.

### **CARETAKE GOVERNMENT OF MALIK MERAJ KHALID**

A founder member of the PPP, Meraj Khalid, former Speaker of the National Assembly, and former Chief Minister of Punjab, was appointed as Caretaker Prime Minister on 3 February 1979.

#### **Law of Accountability**

Leghari justified his dismissal of Benazir's government by rolling the process of accountability. The Ehtesab Ordinance CXI of 1996 was promulgated on 18 November, purportedly for the eradication of corrupt practices from public offices and to provide effective measures for prosecution and speedy disposal of cases involving corruption. The Ordinance gave a wide definition of 'corruption' and 'corrupt practices' which included all kinds of activities such as bribery, graft, fraud, misappropriation, enrichment and possessing resources in one's own name or another's beyond known means. An office in the name of Chief Ehtesab Commissioner (CEC) would be a serving or retired judge of the Supreme Court. The proceedings under the Ordinance had to be initiated by the CEC on his own, or upon receipt of a reference received from government, federal or provincial, or a complaint. He could undertake inquiry or investigation into any complaint through any person or authority including a public officer. After due inquiry or investigation, the CEC could send a reference to the High Court which would be heard by a Bench of three judges.

The appeal against any sentence by the High Court would lie before the Supreme Court. The Court was vested with the power to freeze the property, movable or immovable, of the accused pending the proceedings against him. It was provided that an accused could be arrested after reference against him by the CEC to the Court.

### **Election Laws Amended**

Leghari indicate that he would make the forthcoming elections subject to the process of accountability and disqualify those found guilty, and that he would take steps to eliminate big spending by the candidates. With these objectives in view, election laws were amended introducing the following requirements:

1. Every candidate had to declare in his nomination paper that no loan obtained by him from any bank or other financial institution in his name or in the name of his spouse, dependent children, remained unpaid for more than one year from the due date or had been written off. He had also to declare that he and his relatives stated above were not in default for over six months in payment of taxes. Similarly, he had to declare that he and his such relatives were not in default of any government dues or utilities for over six months.
2. A candidate was also to make a statement of assets and liabilities of his own, his spouse, and dependents. He was also required to make statement specifying income tax and wealth tax during the preceding three assessment years.
3. A candidate could however make payment of any loan, tax, government dues, or utilities before the rejection of his nomination papers.
4. The election expenses were restricted to one million rupees for election to a seat in the National Assembly and six hundred thousand rupees to that of a Provincial Assembly. The return of the election expenses had to be filed before notification of the election result and such returns would remain subject inspection by any member of the public.
5. The election expenses by a political party for a national election campaign were restricted to thirty million rupees. The political parties were required to submit the return of their expenses within thirty days of the poll.
6. Affixation of hoardings, posters or banners of any size or wall chalkings were completely prohibited. There was also a ban on the hoisting of party flags on any public property or public places.

These measures were, however, inadequate. The machinery for implementation and monitoring was defective. Ban on transportation of voters by candidates on election day was omitted. The transportation of voters on election day is the single most important factor that gives a huge

advantage to resourceful candidates, particularly feudals in the rural constituencies.

### **Leghari-Nawaz Secret Pact**

The secret deal between the President and Nawaz Sharif became public because of two events. One was the softening of the rigors of law for defaulters on public loans. The other event was the resignation by Fakhruddin G. Ibrahim, the Federal Law Minister, who was the most respected member of the caretaker government. He made a public statement to the effect that Leghari has reneged on his promise to the nation to hold fair and even-handed accountability and had joined hands with Nawaz in a deal to bring him to power. The changes in election laws proved the allegations leveled by Fakhruddin to the hilt.

### **Dissolution of National Assembly Challenged and Upheld**

The dissolution of the National Assembly was challenged before the Supreme Court by Syed Yousaf Raza Gilani, Speaker of the National Assembly on 11 November 1996. The Supreme Court, by a majority of six to one, upheld the order of the President dissolving the National Assembly and dismissing Benazir's government.

One reason given for dismissing Benazir's government was that there is no protection available to an individual member of a legislative assembly to ridicule a judgement of the Supreme Court in the garb of fair comments. Constitution Fifteenth Amendment Bill introduced in Parliament for initiating the process of accountability of judges by sending them on forced leave if fifteen per cent of the members moved a motion against them, was designed to humiliate and embarrass the superior judiciary and ran counter to Article 209 meant for action against judges of by the Supreme Judicial Council

The other reason given, among others, regarding the dissolution of the assemblies was that the members of the assembly are not required to remain mere spectators of violations of the Constitution and infringement of fundamental rights at a massive scale. They have a duty to discharge as required by the Constitution to prevent such violations and infractions. In these circumstances the President was justified in forming an opinion that an appeal to the electorate was necessary.

Justice Zia Mahmud Mirza wrote a strong dissent and noted in particular that: 1. the power under Article 58(2)(b) should only be exercised when the constitutional machinery of the government completely breaks down, making it impossible for representative government to function in accordance with provisions of the Constitution.

2. the provision empowering the President to dissolve the National Assembly at his discretion, being drastic in nature, is to be construed strictly, and this power must be exercised sparingly and only in an extreme situation when no other option is available within the framework of the Constitution.

3. the situation envisaged in sub-clause (b) of Article 58((2) viz. that the government of the Federation could not be carried on in accordance with the

provisions of the Constitution, contemplates a situation where the machinery of the government is completely broken down and its authority eroded and the government could not be carried on in accordance with the provisions of the Constitution, creating an impression that the country was being governed by extra-constitutional methods.

### **Eighth Amendment Held Valid**

A number of citizens, or their organizations, had challenged the Eighth Amendment. Some of these appeals were pending before the Supreme Court since 1990. Chief Justice Sajjad decided to hear all such cases ahead of the cases concerning the dissolution of the National Assembly.

The Supreme Court after hearing all the parties at length, upheld the validity of the Eighth Amendment. These findings were not weighty enough. Two of these findings, which seem erroneous, are given below:

1. That the Eighth Amendment did not alter the basic features of the Constitution and was, therefore, valid. (This finding is obviously erroneous. The Eighth Amendment did alter the parliamentary form of the 1973 Constitution to a semi-presidential form.)
2. The Eighth Amendment was incorporated into the Constitution in 1985 after which three elections were held on a party basis and the resultant Parliaments did not touch this amendment. It amply demonstrates that this amendment was ratified by implication and had come to stay in the Constitution unless amended in the manner prescribed in Article 239. (This argument cannot be adjudged as legal. It is, in fact, a political construction to be used by the erring politicians).

### **General Elections, February 1997**

It was expected that there would be a low turnout of voters at these hurriedly called elections, but the turnout was even less. Turnout in the urban areas had been 26 percent and in the rural areas 27 percent. It could be argued that the low turnout was a rejection by the voters of the corrupt electoral process. According to the election results, the PML (N) won a two-thirds majority in the National Assembly.

### **NAWAZ SHARIF'S SECOND TERM AS PRIME MINISTER**

The PML (N) had obtained more than two-third majority in the National Assembly and consequently, Nawaz Sharif, the leader of the PML (N) was elected prime minister by the National Assembly. He obtained a vote of confidence from the National Assembly on 18 February 1997 and the federal government was formed in coalition with the ANP and the MQM.

### **Thirteenth Amendment: End to the Eighth Amendment**

After the general elections, Leghari emerged very powerful. He got away with the dismissal of Benazir's government and had a government of his

own choice introduced. Leghari assumed an assertive air and got an old friend and civil service colleague appointed as Governor of Punjab, apparently against the wishes of Nawaz and his colleagues in Parliament, without realizing that his position was quite vulnerable with Nawaz having a two-third majority in both Houses of Parliament.

Nawaz struck soon. The Constitution (Thirteenth Amendment Act I of 1977) was moved and passed in a matter of minutes on 4 April 1997. Article 58(2)(b) of the Constitution vesting discretionary power in the President to dissolve the National Assembly was omitted. The corresponding powers of the Governors to dissolve the provincial assembly under Article 112(2) (b) was also done away with. The power of the President to appoint governors was watered down. Previously such appointments were made by the President 'after consultation with' the prime minister. After the Thirteenth Amendment, such power was exercisable on the 'advice of the prime minister. By the amendment of Article 243 of the Constitution, the discretionary powers of the president to appoint chiefs of armed forces was also taken away.

There has been a consensus amongst political parties and legal circles that power under Article 58(2)(b), introduced by the Eighth Amendment, did enormous harm. None of the governments elected in the general elections of 1985, 1988, 1990, and 1993 could complete their five-year term primarily because of the exercise of discretionary powers of the President to dissolve the National Assembly. If it were not for the fact that the amendment had been passed in the late hours of the night, the President, the armed forces, or the judiciary might have intervened and stopped it. The amendment was passed unanimously because both the major parties suffered at the hands of the President.

Once again the President became the titular head with only ceremonial powers as envisaged by the original constitution of 1973. The discretionary powers of the President to appoint the Chief Election Commissioner were not touched. It is an irony that the Eighth Amendment was undone within a few months of its being held valid by the Supreme Court.

### **Fourteenth Amendment of Constitution: End to Defections**

The problem of defection and political horse-trading had assumed alarming proportions in the past. Nawaz had the Constitution (Fourteenth Amendment) Act XXIV of 1997 passed on 3 July 1997. This amendment was also passed in a matter of minutes around midnight unanimously. The Fourteenth Amendment added 63-A to the Constitution. It was provided that the action of the party head cannot be challenged before any court, including the High Court or the Supreme Court. Such an amendment was passed because all party heads wanted to keep dissenting members in line.

Although defections in the political parties had become a problem and need to be addressed, yet the solution offered went beyond the problem. The Fourteenth Amendment silenced dissent within political parties rather than defections therefrom. Voting within the party on a bill or abstention from voting on a bill, is not unusual in established democracies and has never been equated with defection. Nawaz and Benazir tried to kill all dissensions, thus

reducing the members of the Parliament voting for the amendment to mere rubber stamps.

### **New Accountability Law**

The Ehtasab Ordinance, 1996, discussed earlier, was repealed by the Ehtasab Act, 1997. Certain departures have been made in the Act from the previous Ordinance. The Ehtasab Cell was provided for, which was to be set up by the Federal Government for the purpose of investigation and enquiry of offences under this Act. The cell took over the responsibility of enquiries and investigations to the exclusion of any other agency or authority of the government. It can, however, require the assistance of any agency, police officers, or other officials, if it so deems fit. After completion of the inquiry or investigation, the Ehtesab Cell is required to communicate to the Chief Ehtesab Commissioner its appraisal of the material and evidence in the form of reference to him. The effect of such reference is that the Chief Ehtesab Commissioner can direct that the accused be arrested and the case referred to the Court for trial.

The primary purpose of the government in creating the Ehtesab Cell was to take all investigations into its own hands and to undermine the powers and position of the Chief Ehtesab Commissioner. The developments that followed the Act prove that the Ehtesab Cell had become more powerful than the Ehtesab Commissioner and all resources had been placed at the disposal of the Cell. It was headed by Saif-ur-Rehman Khan, a close confidant of Nawaz. This precluded the accountability of Nawaz and his cronies, making it a selective weapon used to victimize any member of the opposition that the Cell chose to proceed against. It, however, goes to the credit of the Cell that it did uncover certain foreign exchange accounts of Benazir, Zardari and other members of the Bhutto family in Britain and Switzerland. It also uncovered properties purchased by Benazir and Zardari in their own names or in the names of their frontmen.

### **Confrontation with the Judiciary**

Although Justice Sajjad was a benefactor of the PML (N) and had paved the way for its coming back into power, it did not take long before serious differences arose between him and the new prime minister. Differences deepened with the enforcement of the Anti-Terrorist Law which Sajjad strongly opposed. Nawaz and his government were committed to the idea of a parallel court structure of anti-terrorist courts to obtain quick results and also to accommodate some PML (N) members as special judges. Consequently the anti-terrorist law was introduced and special courts were established. Appeals against their sentences did not lie before High Courts but before special appellate courts, consisting of High Court judges. Since the appellate forum was not the High Court, therefore, no further appeal would lie with the Supreme Court and, in this way, the High Courts and the Supreme Court were excluded from the due process under the anti-terrorist law.

The situation came to a head on 28 August 1997 when five judges from three High Courts were recommended for elevation to the Supreme Court. Two of the judges recommended were not acceptable to Nawaz. Certainly the power to recommend appointments to the Superior Courts had become a weapon in the armoury of the Chief Justice in the war of dominance with the executive which was being used rather blatantly to further his own agenda.

Another important development that had taken place during one-and-a-half years of confrontation with succeeding governments was that the Chief Justice had antagonized many people within the judiciary. His growing arrogance and autocratic style were alienating the judges of his own Court since he was becoming increasingly intolerant of any difference of opinion or dissent within the Court. He was also promoting partisanship within the ranks of the judiciary.

Another cause for resentment amongst the judges of the Supreme Court was the departure from the tradition of consulting senior judges in important matters who were being kept out of the Benches constituted for hearing important constitutional cases. This resentment and differences that had cropped up between the Judges of the Supreme Court, culminated in the assumption by Justice Saeeduzzaman Siddiqi of the administrative powers of the Chief Justice and the ordering of the constitution of a full fifteen-member Bench in Islamabad to hear the petition against Chief Justice Sajjad Ali.

### **Storming the Supreme Court**

On 28 November, the Supreme Court Bench headed by the Chief Justice Sajjad Ali took up the contempt case against the Prime Minister. Under a pre-planned move, PML workers stormed the Supreme Court building, thus preventing the Bench from continuing the hearings. This move was obviously sponsored by the government and led by its ministers and members of Parliament and provincial assemblies. PML workers from various places in the Punjab were taken to Islamabad in buses under the leadership of their respective MNAs and MPAs. They attacked the building and the police contingent present there stood aside like spectators.

### **A Divided Judiciary**

Justice Ajmal Mian took the oath of Acting Chief Justice of Pakistan after the order passed by the ten-member Bench of the Supreme Court on 2 December 1997. Soon after the ten-member bench headed by Justice Siddiqi commenced the hearing of Asad Ali's case. The Court held that the senior most judge of the Supreme Court, in the absence of any concrete or valid reason, has to be appointed the Chief Justice on the basis of convention. The appointment of Justice Sajjad as Chief Justice, superseding three judges of the Court who were senior to him, was made without any concrete or valid reason. Such an appointment was, therefore, unconstitutional, illegal, and contrary to the decision of the Supreme Court in the case Al-Jehad Trust. The Court ruled that Justice Sajjad would cease to hold the office of Chief Justice of Pakistan and ordered his reversion to the position of a judge of the

Supreme Court in accordance with his seniority among the judges of the Supreme Court. All actions taken or orders passed by him as Chief Justice on and after 26 November 1977 were declared of no legal effect. On 23 December 1997, the federal government denotified

Justice Sajjad as the Chief Justice and notified Justice Ajmal Mian as the Chief Justice who took oath on the same day.

### **Role of Leghari as President**

President Leghari resigned on 2 December 1997, and blamed Nawaz for the constitutional crisis. His resignation brought to an end the high drama of conflict between the judiciary, the executive and the legislature

Leghari began his term with the reputation of being Mr. Clean, but this was soon tarnished by the Mehran Bank scandal. He was responsible for making inappropriate appointments to the judiciary. When the leaders of the armed forces refused to stand with Leghari in his conflict with Nawaz and he faced the prospect of being impeached, he lost courage and resigned in disgrace.

### **Tarar Elected President**

In a surprise move, it was announced by the federal cabinet on 15 December that Justice (Retd.) Muhammad Rafiq Tarar would be the PML candidate for president. The election was held on 31 December 1997 and Tarar won with a huge margin.

A deeply religious man, Tarar, is also known to be a man of strong views and prejudices and makes no secret of them. He is a man of conviction and once he believes in something, right or wrong, he pursues it with an intensity and passion.

Tarar had been a vocal opponent of Justice Sajjad Tarar ever since the latter's appointment as Chief Justice, ahead of three senior colleagues. He believed that the Supreme Court was presided over by someone who had been wrongly appointed as chief justice. It is widely rumoured that that he was instrumental in influencing some judges of the Supreme Court that led to the judicial mutiny resulting in his ouster.

### **Nuclear Tests**

The BJP government embarked upon its ambitious programme by detonating three nuclear devices in the Pokhran desert in Rajasthan on 11 May 1998 and another two nuclear devices on 13 May 1998 at the same site. Following these tests, the Indian government adopted a belligerent attitude towards Pakistan with its leaders making bellicose statements indicating their intention to invade Azad Jammu and Kashmir. Although there was strong reaction from the USA, Canada, and Japan other western powers had a lukewarm response to the Nuclear tests. Russia openly supported India. In the G-8 meeting held immediately after the explosions, no consensus could be

arrived at amongst these powers regarding sanctions against India. France and Germany opposed the sanctions.

In this situation, all political parties in Pakistan came to a consensus that, in order to provide an effective defence and to deter Indian adventurism of nuclear devices, it was imperative that Pakistan respond with its own nuclear tests. On 28 May 1988, Pakistan held five successful tests in the Chagai Region of Baluchistan. Another test was conducted on 30 May 1998.

## **Performance of the Second Nawaz Government**

The performance of the second Nawaz Government has been very disappointing. Despite what has reportedly been called a huge mandate, the failures of the Nawaz government are pronounced and obvious. On 28 May, while the people were still rejoicing the nuclear tests, the government took a hasty decision of proclaiming an emergency throughout the country under Article 232 of the Constitution. Another very unfortunate step taken by the government rather hurriedly was the freezing of all foreign currency accounts in local banks regardless of whether they belonged to the residents or non-residents. This was clearly in violation of the guarantee given to foreign currency account holders under the Protection of Economic Reforms Act, 1992. This step had completely destroyed the credibility of the government and the economy of the country. The Pakistani rupee went into free fall against the US dollar and other leading currencies in the world. The value of Pakistani rupee against the US dollar fell from 44 rupees to more than 55 rupees in a matter of one month.

The government was also a failure in the political sense. It failed miserably in holding on to political alliances. It broke its long-time political partnership with the ANP, which now turned hostile. Nawaz government was also in trouble with its political allies, the BNM led by Akhtar Mengal, Chief Minister of Baluchistan.

Nawaz government failed to check terrorism and deteriorating law and order situation. Nawaz government caused great harm to the federation by alienating smaller provinces from the Punjab. The acts and policies of his government only strengthened the perception that Punjab dominates other provinces, which were not given their due.

Nawaz has done incalculable harm to the judiciary. In his confrontation with Justice Sajjad, he went beyond all limits creating a schism within the Supreme Court and, in this way, divided and destroyed the Court. He engineered an assault by his party workers on the Supreme Court to pre-empt a decision on the contempt of court case against him.

Nawaz's economic policies have been a complete failure. He failed to revive and regenerate economic activity after the disastrous years of Benazir's government. After the nuclear test, the country has come to the brink of economic disaster. Nawaz reneged on his own policy of opening the economy by freezing foreign currency accounts in Pakistan.

Nawaz concentrated on keeping all power in his own hands. He has personalized the system of governance by holding open courts instead of strengthening state institutions. Nawaz Sharif ruled the country like a private

fiefdom He could trust no one but his own brother, Shahbaz, for chief ministership of the Punjab. His father, Mian Sharif, interfered with his decision-making in a big way. The running of the State became a family concern for Nawaz.

The exercise of accountability undertaken by Nawaz's government failed miserably. The only creditable achievement being the uncovering of some foreign bank accounts of Benazir, Zardari, and other members of the family. Otherwise, the process of accountability has been conducted selectively by his close confidants in order to ensure that his family members and important leaders of PML (N) are saved.

## CHAPTER-II

### POLITICAL AND CONSTITUTIONAL ISSUES: A REVIEW

The lessons offered by fifty-five years of the constitutional and political history of Pakistan is that the successive governments have adopted the same course, repeated identical mistakes, and pushed the country deeper and deeper into uncertainty and insecurity.

It should be recognized that Pakistan is a pluralist society with different ethnic, linguistic, cultural, religious, sectarian, and political segments of the population living together. All such groups have their own significant demands and aspirations to which the constitutional and legal set-up must respond with clarity, sincerity and transparency.

Political problems and issues need to be resolved politically. Any attempt to resolve them by force had only resulted in the breakup of Pakistan and the cessation of East Pakistan. The violent suppression of the MRD movement in Sindh in 1983 left deep political scars in the province. Military action in Baluchistan (1973-77) only alienated a large segment of the Baloch and their leaders. Attempts made in 1990 to resolve the political problems of Karachi and other urban areas in Sindh through administrative and military means have not borne fruit either. The aspirations of the people of Karachi can only be satisfied by giving them their due share in the federal, provincial and local governments and their proper quota in the services. The repeated imposition of martial law has only added to constitutional and political problems and resolved nothing. Martial law is responsible for the weakening of constitutional and political institutions and the political process itself in the country.

Political parties have failed to develop as strong institution. Parliamentary traditions have not taken root and members of the legislature have failed to perform their paramount duty of law making, reducing themselves to pawns on the chessboard of power politics. The judicial organ of the State has been emaciated and subordinated to the executive as a result of repeated interference with its smooth working by making judicial appointments on considerations other than merit. Members of the bureaucracy have been reduced to self-seekers, yes-men, and sycophants. Any independent voice in the civil bureaucracy is quickly silenced. People have little respect for and confidence in the Constitution and the institutions functioning thereunder. People in general have been alienated by being denied participation in the political process. Economic activity has been hampered because of corruption, want of accountability, and reckless and disproportionately high expenditures on defence and administration.

Martial law regimes have been a major cause of political instability and constitutional floundering in Pakistan. The electoral process could not gain credibility because, in order to keep itself in power, every regime has used the administrative machinery to manipulate elections in its favour. The military and its intelligence agencies have generally played a negative role during general elections by attempting to tamper with the results.

Minorities in Pakistan have always felt alienated and insecure because they have been made to feel that they are not equal participants in the political process and in national affairs. All members of the assemblies belonging to the minorities voted against the Objectives Resolution, which was apparently bulldozed against their will without making any attempts to allay their fears, or reach any political accommodation with them, on matters that they has reservations about. Separate electorates have been imposed upon them without their consent and clearly against their will. Their political voice has been stifled and they have been deprived of their educational institutions in the name of nationalization, and the promise of returning these institutions to their original owners has not been honoured.

The judiciary, being the third organ of the State under the Constitution, has been relegated to a position inferior to the executive. Constitutional provisions regarding the appointment of judges have been blatantly and consistently abused. The appointment of acting chief justices and ad hoc judges of the superior courts has eroded the credibility of the judiciary in the public mind. Political and personal considerations have taken precedence over merit. As a result, the judiciary has been infected by self-seekers and incompetent, pliable men. People are loosing faith in the judiciary and its ability to dispense justice. Widespread corruption in the subordinate courts and in the superior courts has further undermined the confidence of the people in the judicial process, which they perceive to be an instrument in the hands of the rich, the privileged, and the powerful. Failure to dispense justice has been a fundamental cause of disaffection not only towards government but also in the political system.

Provincial autonomy has been a constant subject of debate and discussion for constituent assemblies while framing the constitution. A number of provisions were made, particularly in the 1956 and 1973 constitutions, with the avowed object of guaranteeing autonomy to the provinces but they have never been put into effect. The political party in power at the centre has rarely tolerated or even countenanced a provincial government headed by a party in the opposition. Provincial governments have been forced to remain dependent on the central government and have not been allowed to function autonomously.

Democracy has never been allowed to function effectively. Governments in power have been destabilized through intrigue and conspiracy. The opposition has never been allowed to play its democratic role. Members of the opposition have generally been harassed through the coercive machinery of the State. False criminal cases are registered against the opposition members. The governments in power have tried to win over the members of the opposition through inducements at State expense. Loyalties of the members of Parliament and provincial assemblies are openly bought and sold. Successive governments have been thus mired in corruption and coercion, and democratic values have counted for little.

The military stands established as the true repository of power in the State structure. The concept of the trio (sharing of power between the president, the Prime Minister, and the military command), though clearly an extra-constitutional development, became a fact of life in Pakistan after the

death of Zia. Hence constitutional working has been largely subverted and the price being paid to appease the military by a disproportionately high allocation in the budget has caused stagnation in all social sectors like education, health, and housing. Corruption has virtually eaten into the State structure in Pakistan. Funds allocated to development and aid received from international and financial institutions like the World bank and Asian Bank, and loans obtained from abroad, have been unscrupulously devoured by corrupt politicians and bureaucrats.

### **Instability of Political Parties**

For any healthy constitutional and political system to function smoothly, strong and well-entrenched political parties are essential. They ensure capable, honest, and motivated leadership and train political cadre from amongst whom political leaders are drawn. They guarantee the continuity of the political process at the national, provincial, and local levels. Political parties act as bridges between people of different provinces, regions, ethnic, and linguistic groups. They lend stability to the political system thus ensuring the smooth functioning of the Constitution. But political parties in Pakistan have failed to develop into strong vehicles of national political will. They have generally been weak and unstable and easily manipulated. Most of the political parties have been top heavy with leaders but without any cadres at the grassroots or at the intermediary level.

At the time of the creation of Pakistan, there was only one national political party, the Muslim League, whose position was undisputed in view of its having led the movement for independence and the creation of Pakistan. It was the party of Muhammad Ali Jinnah who once remarked that he would be leaving behind two legacies for the people: Pakistan and the Muslim League. Jinnah's guidance was essential at that point in time because political parties which organize mass movements for liberation from foreign domination, are not necessarily qualified to for the serious task of governance. The changeover from agitational politics to administration of national affairs is generally slow and painful and full of teething problems, which have to be resolved by an honest and competent leadership. Jinnah, who alone could have provided such leadership, did not have the time and the health to do so. He realized, even during his grave illness, that the lower rung of leadership under him was not up to the task. He was disappointed with Liaqat, whom he had groomed over the years to take his place.

During the last few months of his life, Jinnah's relationship with Liaqat had been strained. He was exasperated with the infighting amongst political leaders of his party, particularly the Mamdot-Daultana feud in the Punjab. He was forced to remark that he had false coins in his pocket. At the time of Jinnah's death, the Muslim League had started showing signs of losing control over political affairs. After Jinnah, Liaqat became the pre-eminent leader of Pakistan. He had the stature and the clout to hold Muslim League together but he was, however, not very successfully in achieving this. He sided with Daultana and tacitly approved the rigging of the polls during elections in the Punjab in 1951.

Daultana, by rigging the polls, laid the foundation of the destruction of confidence in and credibility of the electoral process without realizing that when you ask the administration to rig the polls for you, you cannot expect it to remain loyal and play second fiddle to you. The bureaucracy thus demanded its share in political power. When Liaqat died they got their representative, Malik Ghulam Muhammad appointed as Governor-General. He destroyed the political process in Pakistan by dismissing the government of Nazimuddin without any justification, and replacing him by a bureaucrat from East Pakistan, Muhammad Ali Bogra. His dissolution of the Constituent Assembly in 1954 foiled the political process in the country. To make matters worse, he was replaced by another bureaucrat, Iskandar Mirza, who was a past master in intrigue. More bureaucrats followed. Chaudhry Muhammad Ali was inducted as a Prime Minister who was a career diplomat and did not become Prime Minister through the political process. The Muslim League lost its pre-eminent position and its leaders became a hangout of intriguers, self-seekers, unscrupulous and ambitious people who wanted power at any price. Their Machiavellian methods brought about the downfall of the party and it lost its support amongst the people of Pakistan.

In West Pakistan, bureaucrats were busy destroying whatever was left of political parties. They created a party of lackeys and sycophants called 'The Republican Party', which had no grassroots support or even organization. It was a creation of the establishment which feudals and political opportunists had joined. They were active in the formation, destabilization, and the fall of governments to please Iskandar Mirza. It caused incalculable harm to the institution of political parties in Pakistan and paved the way for martial law.

Ayub's martial law further eroded whatever shabby political structure had survived till October 1958. Political parties were banned and several leaders were disqualified from contesting the elections. Ayub later discovered that it was not possible to run a civilian government under a Constitution without political parties. He finally decided to make his own political party and applied for the name of Muslim League. The earlier Muslim Leaguers were not ready to accept him as the head of the party. Consequently, the Muslim League split into two factions: one, identified as Convention Muslim League, comprising those who accepted Ayub as their leader, and two, the Council Muslim League, comprising those who did not.

### **Mohtarma Fatimah Jinnah's participation in the Presidential Election**

In the presidential election of 1965, all parties other than the Convention Muslim League formed an alliance with the name of Combined Opposition Parties (COP) and nominated Mohtarma Fatimah Jinnah as its candidate for presidency. This alliance did not have anything in common except opposition to Ayub. No effort was made to form a long-term political alliance. Consequently, the alliance fell apart after the presidential elections into several small, weak, unstable and at the same time warring and contending factions.

When Ayub was ousted in 1969, his party the Convention League ended. In this political environment, Bhutto, who gained popularity amongst the masses during the Indo-Pak war of 1965, received a warm response from the people. The political party that he created, Pakistan People's Party (PPP), became popular throughout West Pakistan and did well in the national polls in 1970, winning a majority of seats in the National Assembly in West Pakistan and in the Provincial Assembly of Punjab, and emerged as the largest party in the provincial assembly of Sindh. A real political party of the masses was born in West Pakistan.

But Bhutto, who came from the feudal class of Sindh, ultimately inducted the feudals of Sindh and Southern Punjab into his party. Feudals from other political parties also joined the PPP and by 1977, when general elections were called, the party had changed completely. PPP lost its popular base due to the strong-arm tactics of Bhutto who victimized, jailed, and harassed political opponents. NAP, the leading opposition party, was banned and the leader of the opposition, Wali Khan, was detained and prosecuted for treason. The provincial governments headed by opposition parties in NWFP and Baluchistan were dismissed in 1973 without any justification, which led to the armed insurgency in Baluchistan.

Another factor that hurt the PPP was Bhutto's dependence on bureaucratic channels rather than on party cadre. He did not organize the party on democratic lines and no internal elections were held, all party offices being filled through nominations. The heads of security forces and bureaucrats around him became very powerful and party leaders and workers were sidelined.

A time came when party workers could only reach Bhutto through the bureaucrats around him. He relied on the reports of the intelligence agencies and civil servants at the district and divisional levels in order to decide about the party candidates for national and provincial assemblies. The structure of the PPP was thus weakened.

When general elections were called in 1977, nine opposition parties formed an alliance called Pakistan National Alliance (PNA). This alliance had all shades of ideology and opinion, ranging from religious parties to socialist/secular parties. Their only common objective was opposition to Bhutto and the PPP. When martial law was imposed in July 1977, the PNA started coming apart at the seams.

In 1981 a new alliance known as the Movement for the Restoration of Democracy (MRD) was formed during Zia's martial law. The MRD suffered from the same drawback as earlier political alliances, that they had nothing in common except hostility towards a government or its head. Nevertheless, the MRD waged a commendable struggle for the lifting of martial law, the restoration of the Constitution and democracy, and for the holding of elections. The parties in the MRD did not participate in the polls of 1985 because they stood for party-based elections. When Benazir returned to the country in April 1986, the MRD became increasingly irrelevant and the political scene was again dominated by the PPP.

In the general elections of 1988, fearing the success of the PPP, the establishment managed to forge an alliance of the PML, Jamaat-e-Islami, and

some small parties and named it Islami Jamhoori Ittehad, which was successful in containing the PPP at the polls. When the PPP government was dismissed by Ishaq in 1990, the IJI contested general elections as an alliance and won a landslide to the National Assembly and the provincial elections of the Punjab and the NWFP. The government formed at the federation and in these provinces were headed by Nawaz Sharif and his nominees.

When the PPP was ousted from government in 1990 and lost in the elections, it formed an alliance with some small parties like the PDP led by Nawabzada Nasrullah Khan, and the PML (Q) led by Malik Qasim. This alliance, known as Pakistan Democratic Alliance (PDA), was apparently made to protect PPP leaders from prosecution at the hands of the party in power. The PDA contested the polls in the general elections of 1993 as an alliance after including the dissident elements of PML known as PML (J). The IJI broke up before 1993.

Muhajir Qaumi Movement (MQM), an ethnic organization, came into existence in 1985-1986 with the objective of safeguarding the rights of the *mohajirs* in Karachi and other urban areas of Sindh. Its creation is reputed to be the brainchild of Zia, particularly of the ISI, designed to weaken the hold of the PPP in Sindh. The MQM quickly caught up with mohajirs who had migrated from parts of India other than the Punjab in 1947 and afterwards, and became their sole voice. In the general elections of 1958 the MQM swept the poles in the urban areas of Karachi and Hyderabad. The MQM also fared well in these areas in the 1990 elections.

Looking closely at the political landscape in Pakistan and its leadership, one reaches the conclusion that the political parties have failed to lend stability to the country. The reasons can be summed up as follows:

The Muslim League, as it stood at the time of independence, did not get the chance to organize itself properly. During the liberation movement, it is generally difficult to judge the credentials of those joining the party and, in any case, a liberation movement needs support from all quarters. In this situation, self-seekers get an opportunity to join the ranks of the party and play a negative role when the liberation movement comes to a successful end and the party faces the serious business of governance. This is what happened to the Muslim League, particularly at the hands of the feudals of the Punjab who were, as a class, hostile to the Muslim League which was initially a party of the middle class. When the popularity of the Pakistan movement led by the Muslim League became irresistible in 1945-46, many feudals in Punjab decided to jump on to the bandwagon of the Muslim League. When Pakistan came into existence, their machinations destroyed the party and rendered it unpopular amongst the people. Hence, from the very beginning, the political party system was not allowed to take root in Pakistan.

The meddling of bureaucrats in politics in the early and mid-fifties destroyed whatever party structure existed. They created new political parties and alliances, encouraged floor crossing in the legislatures, maneuvered temporary and unstable alliances and coalitions, and destabilized them when it suited their interests. Political parties and their internal structures became instruments in the hands of manipulators who used them for their own self-advancement and perpetuation.

Repeated imposition of martial law liquidated whatever party structure existed in 1958. The creation of political parties became the domain of martial law regimes. Instead of political parties coming up from the grass roots, they became creatures of patronage by the military generals and their underlings. The party structure was imposed from above and political operatives and self-seekers joined them with the sole objective of self-aggrandizement and self-advancement.

There has been a clear and significant trend over more than twenty years, for political leaders to personalize rather than institutionalize their parties. This is evident from the way Bhutto, Benazir, and Nawaz handled their affairs. They have tended to keep all power in their own hands or with family members, leaving party officials and party channels devoid of any power in decision-making. This is a serious flaw in their line of thinking. Little do they realize that individuals die and perish but institutions live on. The country suffers because the leaders' valuable time in office is lost in petty decision-making and important national issues are often ignored.

Another reason for the weakness of party structures is the lack of democracy in the ranks themselves. Major political parties like the PPP and PML (N) had not been holding internal elections to party offices which were filled through nominations and appointments. Hence party officials are not representatives of the workers who feel frustrated about this imposition from the top. Parties official tend to come from the ruling classes and care little about the workers and the need for remaining in touch with the problems of the common citizen. They turn into sycophants for the leader at the top and end up isolating and insulating him from the political realities, thus achieving their own ends of self-advancement. The party structures are thus alienated from the common man whose voice does not reach the leadership.

## **Debate Over Form of Government**

Debate over the merits of the parliamentary or presidential forms of government is as old as democracy itself. The two models owe their origin to Great Britain and the United States of America (USA), and have spread to other countries of the world. A Constitutional Convention called in 1987 adopted a Federal Constitution for the USA which has worked very successfully for more than two hundred years. This Constitution created a very powerful President in the dual role of Head of State and Chief Executive.

In Pakistan it is generally believed that the founding fathers of Pakistan favoured the parliamentary form of government. Jinnah desired to see Pakistan being governed under a parliamentary democratic system. After his death things took a serious turn in Pakistan, particularly in constitution making. The Constituent Assembly, instead of framing a Constitution at the earliest, started dragging its feet over it with the obvious intention of perpetuating itself.

In the general elections held in December 1970 to elect a Constituent Assembly (for framing a new constitution), all the major political parties promised the introduction of parliamentary democracy under the Constitution to be framed.

On the promulgation of the Constitution in August 1973, Bhutto became Prime Minister and Chaudhry Fazal Elahi was elected President. The office of the president under the 1973 Constitution in its original form was very weak. The Prime Minister was the chief executive and held all the executive powers of the federation under the Constitution.

On the imposition of martial law in July 1977, the debate over the merits of the two systems of government was once again encouraged, obviously at the behest of Zia and his coterie. The blame for the political crisis in 1977 was laid squarely on the parliamentary system and a weak presidency. It was widely publicized that had the president been strong, the political crisis in 1977 could have been resolved without the imposition of martial law. Zia called for an amendment of the Constitution to create a balance in the powers between the president and the prime minister with help of government controlled media and the press. Revival of the Constitution of 1973 Order (RCO) and the Eighth Amendment became the culminating point of this campaign. This Amendment strengthened the position of the president by conferring wide powers on him including the discretionary dissolution of the National and Provincial Assemblies and the Appointment of Chiefs of the Armed Forces. Increase in the powers of the president under RCO, and the Eighth Amendment, was thus the price exorted from the helpless parliament for the lifting of martial law and the restoration of civilian government. The discretionary power of the president to dissolve the National Assembly, has become a dominant constitutional issue in Pakistan of late. This discretionary power has been exercised rather too often.

Every strong man in politics, including Ayub, Zia, and Nawaz has had a predisposition towards the presidential form of government. Those who fear the autocracy and dictatorial inclinations of leaders with exceptional powers have always opposed the idea and favoured the parliamentary system Pakistan's because experience with the presidential has not been good. As a result, the parliamentary system is perceived by the people as something akin to dictatorship, mostly because it is identified with four periods of military government.

For all these reasons, one cannot avoid the conclusion that the parliamentary system, with all its drawbacks and disadvantages may still be more suitable to Pakistan's condition. Efforts should, therefore, be made to curtail the vices and excesses of the parliamentary system such as floor crossing, and destabilization of government by outside forces like the military and the bureaucracy, since dispensing with the parliamentary system altogether may not be in the best interest of Pakistan.

### **Role of Legislature: Sovereign, Subordinate, or Advisory?**

Under the parliamentary form of government, the legislatures are theoretically sovereign They can pass any law within their constitutional competence and the president and the governor has no authority to veto them. The Objectives Resolution of 1949, which has now become, with some modifications, an operative part of the Constitution with the incorporation of Article 2A which declared the Objectives Resolution as a substantives part of

the Constitution, did not intend to make the legislature a subordinate or secondary institution but a sovereign one within its respective sphere under the Constitution subject, of course, to the restriction that while framing laws, it should not transgress the limits set out in the Holy Quran and *Sunnah*.

One violence done by Zia to the language of the Constitution was the introduction of the expression '*Mejlis-e-Shoora*' for Parliament in the RCO. It gives the impression that Parliament is an advisory and not a sovereign body.

Another such transgression of the Constitution was the Federal Shariat Court established through Constitutional amendment in 1980, which created a parallel system of judiciary. Initially in 1979, the provincial High Courts were vested with jurisdiction to declare any law, or any provision thereof, repugnant to the injunctions of the Holy Quran and *Sunnah*. Appeals against the decisions of the Federal Shariat Court do not lie to the Supreme Court but to its Special Bench, known as Shariat Appellate Bench. This court system completely bypasses the Supreme Court and the High Courts. The Federal Shariat Court was further strengthened by vesting jurisdiction in it to hear appeals against the judgements and sentences passed by the trial Courts in *Hudood* cases. The Federal Shariat Court has also infringed upon the independence and sovereignty of Parliament and the Provincial Assemblies. This court has extended its role to giving opinion on anything and everything and even those laws which do not violate any injunctions of the Holy *Quran and Sunnah*. It has done great violence to the laws of pre-emption in the country with the resultant negation of the rights of the citizens acquired over the years under statutes and customary law. Hence, the Federal Shariat Court and its Shariat Appellate Bench have assumed the role of a super-legislature unto themselves, correspondingly reducing the legislature, federal as well as provincial, to a subordinate position.

Another factor undermining the Constitution has been the ordinance-making powers of the president and the governors over subjects assigned to Parliament and the provincial assemblies, respectively. The power was designed to be exercised in the eventuality of an emergence, particularly when the national or provincial assemblies were not in session. Ordinance making was to be exceptional mode of legislation and that also on temporary basis, for six months in the case of a President's Ordinance and three months in case of a Governor's Ordinance. Unfortunately, ordinance making has become the rule rather than an exception in law making. The legislatures have virtually abdicated their function and duty of law making in favour of the executive, and their members have busied themselves with the power game. The legislatures have been reduced to subordinate bodies, which belatedly rubber-stamped the ordinances framed by the executive.

### **The Role of Judiciary: Independent or Docile?**

Judiciary is one of the three organs of the State, executive and legislature being the other two. It is the final arbiter of the Constitution and protector of fundamental rights and civil liberties of the citizens. Its role is vital for a healthy nation and a democratic society.

On independence, Pakistan inherited a healthy judicial system with a reputation for integrity and competence. This was mainly attributable to a fair system of appointment of judges wherein appointments were generally made on merit. The first Chief Justice of Pakistan, Mian Abdur Rashid, was a man of unimpeachable character and reputation and shunned appearance in public functions and gatherings. His successor, Muhammad Munir, became highly controversial due to certain judgements of his but his later successors, particularly Shahabuddin and A.R. Cornelius, maintained high standards of judicial conduct.

Pakistan, in its first Constitution in 1956, adopted the system of judicial appointments prevailing during the times of British India. The Chief Justice of the Supreme Court was appointed by the President and other judges of the Supreme Court was appointed by the President after consultation with the Chief Justice. The Chief Justice of the High Court was appointed by the President in consultation with the Chief Justice of Pakistan and the governor of the concerned province. Other judges of the High Court were appointed by the President in consultation with the Chief Justice of Pakistan, the Governor of the concerned province, and the Chief Justice of the concerned High Court. These provisions of the Constitution of 1956 were more or less repeated in the Constitutions of 1963 and 1973. The presumption behind this system is that all the constitutional functionaries involved in the process are fair and impartial, free from personal interest, bias or prejudice, capable of applying objective standards, and committed to the independence of the judiciary.

Unfortunately, such rationalities and presumptions have eroded or ceased to exist over the years and the constitutional functionaries involved have repeatedly misused their powers. The chief justices concerned have often used the system to get their relatives or favourites appointed to high offices. Constitutional functionaries from the executive involved in the process have used it to have their own favourites and members of their own political parties appointed.

The real trial of the judiciary began during Zia era. The Provisional Constitution Order of 1981 rendered the judiciary totally worthless. A number of self-respecting judges did not take the oath and went into retirement. Some of the others whom the Martial Law regime regarded as antagonistic or independent were sacked by not being invited to take the oath. The terms of the oath were extremely humiliating. This situation led to a race amongst ambitious lawyers to get into the good books of the generals who could help appoint them as judges.

The practice of appointing Acting Chief Justices was resorted to in the Lahore High Court. The retiring Chief Justice was appointed as a Supreme Court judge in the first place and was then sent back to the High Court as Acting Chief Judge. The government in power wanted to ensure that the Court remained in the hands of someone it considered reliable. The PPP's second government made a large number of appointments to the superior courts in 1994 and 1995, a majority of which were made either for political considerations or were based on nepotism or favouritism. In the appointment of Chief Justice of the Supreme Court, a forty-year long convention of appointing the senior most judge was dispensed with. The judges in disfavour

were banished to the Federal Shariat Court. During 1994-1996, three out of the four High Court judges were headed by Additional Chief Justices, two of them were drawn from the Supreme Court. During 1995-1996 there were seven ad hoc judges in the Supreme Court as against nine permanent judges. Thus, nearly half of the strength of the Supreme Court was manned by ad hoc judges.

In several countries, including the USA, India, and Pakistan under the 1956 Constitution, the power of impeachment of judges is conferred in Parliament. The idea of a Supreme Judicial Council was the brain-child of the late Manzoor Qadir who believed that a council of senior judges would be most appropriate for the accountability of judges and would ensure the independence of the judiciary. The idea of Supreme Judicial Council was adopted in the 1962 and 1973 Constitutions. Experience of the last thirty-six years has found that it did not succeed in practice; it degenerated into a judges club meant primarily to protect rather than punish judges for their wrong doings. This situation is all the more unfortunate in a country where the police is corrupt and brutal and the administration indifferent. In these circumstances, the judiciary necessarily becomes the last resort and hope for the common citizen, and if the institution loses its credibility then it is indeed tragic.

It cannot be denied that the judiciary in Pakistan has been repeatedly called upon to perform an exceptionally difficult task. It has burdened with the task of determining questions, which in a stable constitutional setup would be left to the politicians and parliamentarians to resolve. The Courts have been repeatedly obliged to decide difficult issues of validity of dissolution of Assemblies or the legitimacy of a martial law regime. It is indeed the failure of the political system that unjustly burdens the judiciary with resolution of issues that belong to the realm of the political process and not the judicial one.

It is generally believed that the judiciary in Pakistan has always gone along with the establishment. In three out of four cases of dissolution of the National Assembly and dismissal of government, it is alleged that they were not restored because the establishment did not wish it. The only time when the National Assembly and the government were restored by the Supreme Court, it is believed, the establishment was divided over the President's action. This situation provided opportunity to the Supreme Court to act independently. It is ironic that the judiciary, manned by people whose appointments have generally been made on considerations other than merit, are called upon to decide basic questions relating to the State structure or the future of the State itself. The independence of judiciary has been a myth rather than a reality. Successive governments and members of the judiciary have caused incalculable harm to the institution. The role of judiciary has at times been relegated from that of an organ of the State to that of a department of government. It has been the object of manipulation by the executive and is perceived by the people as docile.

### **Role of the Military: Meddling in Politics?**

The armed forces are raised and equipped to defend the country from external aggression. They are supposed to have no political role and are required to take orders from the civilian authorities that work under the Constitution. They are not generally allowed any special role in a democratic Constitution. Countries with a democratic tradition have endeavoured hard to establish the subordination of the armed forces to civilian authorities.

In Pakistan, domination of the armed forces in the affairs of the State began in 1954 when the Governor-General Ghulam Muhammad offered Ayub, Commander-in-Chief of the Army, to impose martial law and take over the administration of the country. This was the turning point in the history of Pakistan when the leadership of the armed forces started considering the option of taking over power through a *coup d'etat*. In October 1958 martial law was imposed, and the Constitution was abrogated. From then onwards, governments have functioned and affairs of the State have been run under the shadow of the military, either by directly taking over State power or by indirectly throwing its weight around to accomplish its desired objectives. It is pathetic to note that civilian authority over the years has meekly submitted to the domination of military authority.

The armed forces had tasted power and were not willing to give it up. Mirza Aslam Beg, Chief of Army Staff, supported the transition of power under the Constitution to Ishaq but also extracted the price of power sharing with a final say in matters of national importance. This power-sharing arrangement was never addressed in writing but it emerged as a reality. It has been given the name of a '*trio*' between the President, the Prime Minister, and the Chief of Army Staff. The office of the President was the medium through which leaders of the armed forces could force their will and control governments.

### **Role of the Bureaucracy: Masters or Servants of the People?**

Since its birth, Pakistan's bureaucratic, military and political elite has governed Pakistan. The bureaucratic elite gradually became more assertive, steadily increasing their power at the expense of the political elite. An important contributory factor in this development was the fact that, at an early stage of Pakistan's history, some erstwhile bureaucratic helped themselves to the high state offices of Governor-General and Prime Minister. They brought with them the tradition, outlook, and attitudes typical of bureaucrats, and their sympathies were slanted towards the bureaucracy rather than towards political institutions. The military governments installed in 1958, 1969 and 1977 had to fall back on civil bureaucracy, further strengthening its power. At the same time, the civil bureaucracy has suffered noticeable decline over the years in its standards, traditions, and professionalism. It is now characterized by inefficiency, irresponsibility, and corruption.

It was through its civil service that the British government maintained a stronghold over Indian affairs – administrative, political, and social. The civil service of India was instrumental in sustaining colonial rule, the rule by so few over so many for so long. This service played its role effectively and

efficiently. Its members were known for their honesty, integrity, and dedication to work. After independence, the civil service of Pakistan continued the same colonial pattern of administration.

The departure of Hindu administrators from the areas that formed part of Pakistan left a void in the administrative structure in the newly formed state. Pakistan, therefore, encouraged all Muslims in the erstwhile superior services of British India, whether serving or already retired, to opt for or come to Pakistan and fill in the administrative void. This situation gave an opportunity to senior civil servants who had opted to Pakistan not only to fill in higher administrative posts, but also to keep an eye on high political offices, particularly since the Muslim League, which was more of a political movement, did not have a trained cadre to occupy high political positions in the area of finance and commerce. It led to the entry of higher civil servants into positions like that of finance minister. Chaudhry Muhammad Ali, Ghulam Muhammad, and Iskandar Mirza came into politics through this gateway. Once they got into cabinet positions, they had an opportunity through maneuvers and intrigue to move into higher positions like those of governors-general and prime ministers.

The fact that the people had attained freedom and the country had become independent had little or no effect on the style, attitude, and the attributes of the bureaucrat. It continued to be imperialistic, elitist, and arrogant. It was in this perspective that Bhutto introduced a new package of administrative reforms in 1973. These reforms were in two parts: first, change in its structure; the second, change in the law affecting the civil service. The salient features of the structural reforms were:

1. The abolition of service labels such as CSP and PSP;
2. The abolition of classes, namely, Class I, II, III, and IV;
3. The merger of all services and cadres into a Single Unified Grade Structure;
4. The introduction of unified 23 grade National Pay Scales
5. Provision of lateral entry into government service for talented individuals from the private sector;
6. Eligibility for horizontal movement from one post/cadre to another; and
7. A commitment to introduce scientific career planning on the basis of merit, job description, and evaluation.

These changes were of comprehensive nature and gave the services a new complexion and orientation. The philosophy behind the reforms was to create a public-oriented administration, efficient and professional in outlook and responsive and accountable to the people. The reforms were accompanied by constitutional and legislative measures aimed at creating a new legal structure for the civil service. The new measures dispensed with the previous practice of providing constitutional guarantees and safeguards as to the tenure and other terms and conditions of service of the civil servants, and administrative tribunals were established to decide cases involving the terms and conditions of service including disciplinary matters. As a consequence, the centuries-old practice of the reservation of the posts for members of the CSP and other elite services was discontinued. The reforms did not change the

colonial structure of the services materially; it only modified it. The relationship of bureaucracy with the common citizen continues to be that of the rulers and the ruled.

The idea of lateral entry into the services at every level was very good provided it was pursued properly and honestly. A few lateral entry examinations were held but their standards left much to be desired. Loyalty to the People's Party became a criterion for selection into such sensitive services like the police service or the foreign service. Most of the selectees appeared to have been taken on the consideration of favouritism, nepotism, or *sifarash*.

All military regimes necessarily depend upon the civil bureaucracy. Such regimes have no public support and need the expertise of the civil services to run the affairs of the country. The civil bureaucracy thus becomes most powerful during military governments and assumed the character of the ruling class. There was an influx of military officers into the civil bureaucracy during Zia's government. Such inductions generally went to close relatives of the generals or those who happened to win their favours.

Political Parties that come to power do not have trained cadre for higher or even medium level administrative positions. The ministers are generally inexperienced and corrupt and regard their office as an opportunity to make money. To accomplish this they need the advice and help of bureaucrats serving under them. This provides an opening to the bureaucrats to help themselves to a lion's share in the money being thus made. Honest and well-intentioned bureaucrats are relegated to unimportant and ineffective positions and are eventually weeded out of services. The bureaucracy has generally ceased to be a professional, efficient, or dedicated outfit and has degenerated into a highly corrupt and inefficient force lacking in dedication and purpose that is oppressive and callous in its approach. The bureaucracy in Pakistan believes, and practices the belief, that it is meant to rule and not to serve the people.

### **Issue of Provincial Autonomy**

Since the creation of Pakistan, there has been a continuing debate on the grant of autonomy to the provinces. A formula, similar to that of the US Constitution, was evolved in the Constitution of 1973 creating a bicameral legislature with the Upper House called the Senate having equal representation from each of the four provinces, and the Lower House called the National Assembly with representation on the basis of population.

Some additional provisions were made in the 1973 Constitution providing greater voice and weightage to the provinces. A Council of Common Interests was introduced. In the 1973 Constitution, the President is required to nominate one member from each province on the recommendation of the government of that province. The Council would formulate and regulate policies in relation to the subjects like railways, water, electricity, oil and gas, and industrial development. It could also exercise supervision and control over institutions responsible for such subjects. The Council reviews the overall economic conditions of the country and formulates financial, commercial, social and economic policies.

Although the Constitution of 1973 made elaborate provisions for safeguarding the interests of the provinces, in practice, most of these provisions have not been acted upon. The provinces did gain in royalties and net profits from natural gas and hydroelectric generation within their territories but the Council of Common Interests, which was designed to monitor provincial autonomy and the safeguard the interests of the provinces in vital areas like distribution of water, electricity, and natural resources, has remained ineffective. The governments at the centre have almost always frustrated the effort towards decentralization or exercise of greater power by the provinces. They have always ensured a strong centre. This is the main reason why central governments have never tolerated provincial governments run by political parties in the opposition and efforts have always been made to destabilize and overthrow them. Hence, provincial autonomy in Pakistan is a dream that has practically eluded Pakistan.

### **Religion and the State**

Proponents of the separation of the State from religion rely on the distinction between actions and opinions. Religions concur themselves with views, beliefs and opinions and the States concern themselves with actions. Religious opinion rests upon the conscience of man for which he is answerable to God. The legitimate powers of government, on the other hand, extend to such acts as are injurious to others. However, when opinions translate themselves into actions or reactions, they enter the sphere of the State. It has thus developed into an established doctrine that religious opinion should be protected by the State, but not seditious or blasphemous preaching, which has the potential to disturb peace and tranquility which the State has a duty to maintain. Hence, belief itself falls outside the domain of the State, but expression of belief can be considered to be an overt action to be judged by its effect on civil society. All this is subject to tolerance by the majority of the religious beliefs of the minorities, their expression, as well as propagation. What appears to be restricted is not the positive statement of a religion, but public criticism and condemnation of religious beliefs of others.

With the democracy and written democratic constitutions, constitution makers were forced to contend with issue of relationship between religion and the State. Historical experience, particularly in Europe, has proved that where religious clergy prevailed over state power, it led to religious wars between countries with different religions or different dogmas of the same religion. It is also a lesson of history that that state power in the hands of the religious clergy leads to victimization and persecution of religious minorities within the state.

A democratic constitution thus has the objective of guaranteeing to the people freedom to freely and openly profess, practice, and propagate their religions. The right also includes the freedom to the people to order their lives in accordance with the teachings and tenets of their religions. The real test about close interaction of religion and the state comes when the constitution of a state establishes a state religion. Establishment of a religion would mean to promote a religion by the state, to prefer one religion to the other, to tax

people in aid of a religion and to force people to practice or not to practice a religion. Separation of religion and the state would essentially mean the denial of such an establishment.

It is commonly asserted that in Islam, unlike in Christianity and other religions, there is no separation of religion and politics. In its most fundamental sense, politic involves a set of active links, both positive and negative, between civil society and institutions of power. In this sense, there has been little separation between religion and politics anywhere. For example, all those countries where Christians are in the majority observe Christmas as a public holiday. Similarly, in all countries where Muslims are in majority, Eids are observed as public holidays. Although the origins of these festivals are religious, they have become an integral part of the ethos and cultures of these societies. Their observance does not in any way indicate the inter-mixing of religion and politics. In this sense, separation between state and religion has existed in the Muslim world for at least eleven of Islam's fourteen centuries. The organic links between religion and state power ended in AD 945 when a Buwahid prince, Muiz al-Dawla Ahmad, marched into the capital city of Baghdad and terminated the Abbasid caliph's dual role as the temporal and spiritual leader of the Islamic nation. The Islamic state effectively ended with the first four caliphs who had been companions of Prophet Muhammad (PBUH).

The establishment or even sponsorship of religion or any particular school of religious thought has not met with favour in Muslim history, because there always existed diversity of religious thought amongst the *umma*. Such diversity was seen with favour even by the Holy Prophet (PBUH) himself, who declared 'differences within the *umma* to be a blessing'.

A fusion of religion and political power was and remains an ideal in the Muslim tradition, but the absence of such a fusion is historically experienced and a recognized reality. The tradition evinced a spirit of tolerance towards other faiths and cultures that has been rare in history of statecraft, and the history of Muslim peoples have been shaped by this fact. The many manifestations of this reality are important in comprehending the Muslim polity as a religious and proselytizing medieval civilization, the Islamic *ummah*. It is important to acknowledge, for the sake of historical veracity as well as for a desperately needed reinforcement of non-sectarian and universalist values in Muslim civilization, that non-Muslims, especially Christians, Jews, and Hindus, have been an integral part of the Islamic enterprise. That the achievement of Islamic civilization in science, philosophy, literature, music, art, and architecture, as well as state-craft, have been the collective achievements of Christians, Jews, Hindus, and others participating in the cultural and economic life of that 'Islamicate'. In fact, the most creative period of Muslim history have been those that witnessed a flowering in the collaborative half of our ecumenical relations.

The first expression of an opinion on the subject of separation of religion and state was made by the founder of the nation himself in his speech to the Constituent Assembly on 11 August 1947, Jinnah made it clear that, with partition, Muslims ceased to be Muslims and Hindus ceased to be Hindus, not in the religious sense but in the political sense. Such an assurance

was extended to the minorities by Jinnah to assure them that religion would not be politically exploited in the new nation.

The Constitutions of 1956 and 1962 did not make any formal declaration to the effect that 'Islam is the state religion of Pakistan'. Certain general statements were made with regard to the promotion of Muslim unity and Islamic principles in the Chapter on 'Directive principles of State Policy'. Article 2 of the Constitution of 1973 has, however, declared Islam to be the State religion of Pakistan in categorical terms, which is a clear departure from the previous Constitutions. Zia, in order to further substantiate his Islamic credentials, went a step further and added Article 2A to the Constitution under the RCO, making the principles and provisions set out in the Objectives Resolution as a substantive and effective part of the Constitution.

The Constitution of 1956 and 1962 (and the 1973 Constitution in its original form), introduced institutions for research and promotion of Islam like the Islamic Ideology Council and Islamic Research Institute. These Constitutions prohibited the enactment of any law repugnant to the injunctions of Islam as laid down in the Holy Quran and *Sunnah*. As a result of amendments, made by Zia in the Constitution of 1973 which was later incorporated in the Eighth Amendment, a machinery has been provided through the Federal Shariat Court and its appellate forum for declaring laws repugnant to the injunctions of Islam as void. This was a major step towards the establishment of religion as part of the polity in Pakistan. Zia played into the hands of reactionary religious forces and mutilated the text and spirit of the Constitution, thus accentuating the divisions in the population based on religion. Once the state establishes a religion, it leads to confrontation between various sects, schisms, and schools within the faith about whose concepts and dogmas would prevail over the others. No wonder we are watching the divisions between Shias and Sunnis becoming sharpened and being increasingly expressed in violent terms through their political parties and militant wings. Even within the Sunnis, there are sharp, and at times violent, divisions amongst their various schools, particularly the Deobandis, the Barelvis, and the Wahabis. This confirms that mankind had learnt over the centuries that to ensure peaceful conditions in a polity, religion and state should be kept separate. It is also conducive to the peaceful development of various schools of religious thought without their being brought into violent confrontation.

### **Issue of Joint or Separate Electorates**

The question of whether electorates should be separate or joint has been an important constitutional issue in the history of the country. Muslims in Pakistan were in a predominant majority (85 –90 percent). They had no reason or justification to demand separate electorates. There was no demand on the part of the minorities in Pakistan for separate electorates. The system was thus imposed by the majority on the unwilling majority. During the PNA Movement it was widely felt that voters belonging to the minorities generally sided with the PPP, primarily because of its liberal views. Zia, who feared the resurgence of the PPP, introduced separate electorates through an

amendment in the Representation of the Peoples Act 1976. Separate electorates considerably reduced the voice and weightage of the minorities, who form only 4 percent of the total population. They have to contest against multiple-seats constituencies. These were highly unfair and inconvenient since there are no separate constituencies

### **Partisan Conduct of Elections**

Elections in Pakistan during the last fifty-five years have been lacking in credibility. Unless adequate measures are taken to ensure the credibility of the electoral process, constitutional functioning will always remain a problem. As soon a government is inducted into office, the opposition starts crying hoarse against its legitimacy and usually raises a demand for fresh elections.

Official machinery has often been used to influence the result in favour of the party in power. This means the involvement of administrative machinery at all levels. Candidates with the government's blessings are given all kinds of facilities to obtain votes, including the assistance of the police, which deals leniently with those supporting the government candidate and severely with those opposing him. It includes conjuring up false cases against the opponents and letting off supporters who had actually indulged in criminal activities. Deputy Commissioners and Assistant Commissioners provide facilities to government candidates at the district and sub-divisional levels.

Although judicial officers are being appointed as returning officers, the presiding officers and other staff at the polling stations are mostly drawn from the official cadre working under the district administration, who take orders from the deputy commissioners rather than from the district judge and the civil judges. Manipulation is allegedly done in the result sheets.

The Election Commission is not a permanent body. It is constituted only when general elections are to be held. This gives the government a lot of leverage in influencing the composition of the Election Commission. The Election Commission is too small a body to control the conduct of elections throughout the country and has to fall back upon the administration that is already party to the manipulation of results. It is helpless in trying to prevent malpractice or to punish the transgressions.

False returns of the election expenses were filed before the returning officers but no action has been taken against any one. Transportation of voters to the polling stations by the candidate is a corrupt practice under election laws, but this is openly indulged in.

The media, particularly television and radio, are controlled by the government, and blatantly used to the advantage of the candidates of the party in power. Very little coverage, and that also with a slant, is given to the opposition parties.

Undoubtedly fair and impartial elections cannot be held by a government whose future is at stake. Only an impartial government with no stakes in the elections can hold fair polls. A caretaker government consisting of people with a good reputation and appointed with the consensus of major political parties contesting the elections needs to be appointed before the holding of any general elections. The Election Commission needs to be made

a permanent body with sufficient staff to cover the general elections independently and effectively. Laws need to be enacted to give adequate and equitable time over the media to the parties participating in the elections to put forward their respective manifestos. There should be a complete ban on the private vehicles being used on polling day so that wealthy candidates do not have an unfair advantage over others

### **Separation of the Judiciary from the Executive**

Separation of powers is one of the cardinal doctrines of democratic constitutions in the world today. The Government of India Act, 1935 did not provide for a judiciary separate from the Executive. When the first Constitution of Pakistan was enacted in 1956 due attention was not paid to this important matter. The separation of the judiciary from the executive was only mentioned as a desired objective in the Chapter of Directive Principles of State Policy in the words "The State shall separate the Judiciary from the Executive as soon as possible." A matter of such importance was not placed in the operative part of the Constitution. Perhaps the ruling classes in Pakistan did not want to lose the handle which had kept the colonialists in the saddle for so long. The Constitution of 1973 took the major step of fixing a timeframe of three years for the purpose. Under the fourth Amendment to the Constitution this period was extended to five years upto August 1978. Under the Zia government this period was extended to fourteen years, which was to expire on 14 August 1987. The government appeared to be least concerned with this constitutional imperative because the delay was in its interest. The inaction on the part of the executive was challenged by the members of the Bar immediately on expiry of fourteen years before the Sindh High Court. A full Bench of the Sindh High Court consisting of seven judges accepted the writ petition filed by Sharaf Faridi by a majority of six to one. The Court held that separation of the judiciary from the executive would mean:

- (a) that executive should place adequate annual funds at the disposal of the judiciary for operating them without any interference by any agency of the executive;
- (b) that appointment of the Chief Justice and judges of the Supreme Court by the President, in consultation with the Chief Justice of Pakistan and Chief Justice of the concerned High Court, as the case may be, should be meaningful;
- (c) that transfer of a High Court judge to another High Court without his consent or his appointment to the Federal Shariat Court without his consent, militates against the concept of independence/separation of the judiciary as envisaged by the Constitution;
- (d) that denial or failure to establish independent courts and tribunals by separating them from the executive would negate the fundamental right to life and liberty guaranteed to citizens by the Constitution.

The Court held that since the various federal and provincial governments after the enforcement of the Constitution failed to do what they

were required to do under the Constitution, a direction under Article 199 could be issued to them to do the same.

The Supreme Court, in its judgement on 31 March 1993, upheld the majority judgement in nearly all its material details. The Court held: the independence of the judiciary means

(a) that every judge is free to decide matters before him in accordance with his assessment of the facts and his understanding of the law without improper influences, inducements or pressures, direct or indirect, from any quarters or for any reason; and

(b) that the judiciary is independent of the executive and legislature, and has jurisdiction, directly or by way of review, over all issues of a judicial nature.

On financial independence of the judiciary, the Supreme Court laid down the

following guidelines: "Financial independence of the judiciary can be secured if the funds allotted to the Supreme Court and the High Courts (by the Parliament and the Provincial Assemblies in their respective annual budgets) are allowed to be disbursed within the limits of the sanctioned budget by the respective Chief Justices of these Courts without any interference by the Executive."

The Federal governments continued to drag their feet in its implementation.

Bureaucrats continue to frustrate this judgement by telling the government that it would be left powerless and ineffective if the judiciary is separated from the executive. The inaction and delay on the part of the government is indeed a negation of their constitutional duty.

## **Fundamental Rights and Civil Liberties**

In the opinion of Justice A.R. Cornelius, in *State v Dosso*, fundamental rights are more important than the Constitution itself, because a Constitution does not create these rights but only recognizes them as these are rights of all human beings accepted over centuries of civilized human existence. The expression 'civil liberties' implies the existence of an organized society maintaining public order without which it would be prey to the excesses of unrestrained abuses. 'Fundamental rights' are more comprehensive than 'civil liberties' which is the concern with the rights of life, liberty and property.

The Constitution of 1973 includes a chapter on fundamental rights, which were similar to and similarly worded as those in the previous Constitutions. All laws inconsistent with, repugnant to or in derogation of the fundamental rights could be declared void. These were made enforceable through orders, directives, and writs of the High Courts. The Supreme Court was conferred with the original jurisdiction to issue such orders, directives, and writs. During the period of emergency, the Constitution does permit legislation repugnant to certain fundamental rights like freedom of speech, movement, assembly, association, trade, business, or profession; and protection of property rights. Such laws would, however, be deemed to have been repealed on the revocation of the emergency. Although fundamental rights and civil liberties are given recognition, protection, and enforcement

under the Constitution, the citizens of Pakistan remained deprived of fundamental rights and their enforceability through courts for a very long period of time. From 23 March 1956 to 30 December 1985 a period of about thirty years, fundamental rights were enforceable through courts for only seven years, and the citizens of Pakistan remained deprived of their fundamental rights and civil liberties for more than half the period of its existence.

### **Corruption and Coercion in the Corridors of Power**

Democratic regimes are expected to be less prone to corruption and coercion because of the transparency of the system of governance. The stipulations of the Constitution and the free press are meant to expose all elements of misgovernment and keep them in check. The health of a constitution, and the system of government that it provides, are determined from the systems of checks and balances it contains between the various organs of the State and various state functionaries. This has been the eternal dilemma of constitution makers everywhere because the Constitutions create and regulate state power. Since power corrupts and absolute power corrupts absolutely, it is imperative that the power conferred on any functionary should not be absolute but circumscribed. The rationale of the concept of 'separation of powers' is to ensure a balance between various institutions of the state thus checking, limiting, and containing one another. Historical evidence suggests that concentration of all power in one hand tends to create tyranny and corruption of the worst kind. It was considered by political philosophers like Montesquieu, Locke, and Rousseau, to be imperative for a healthy state that these three basic state functions be divided and given into different hands so that they may keep an eye on one another and create a balance of state power.

The term 'corruption' broadly covers 'incompetence, corruption, gross immorality, criminal conduct amounting to felony, malfeasance or non-feasance in office'. Pakistan started with a clean slate headed by Jinnah, a man of unimpeachable character and conduct. Even other politicians of the early days of Pakistan, despite their other shortcomings, were not tainted by monetary corruption or financial impropriety. All these leaders lived modestly and did not leave behind big fortunes or fat bank balances in Pakistan or abroad. Even the most detested political/bureaucratic characters of that time, Ghulam Muhammad and Iskandar Mirza, were not known for accepting bribes, commissions and kickbacks. It started with Ayub. A man with a humble background grew very rich while in power. He can be regarded as the pioneer of political corruption and coercion in Pakistan. Despite his other faults, Yahya is not known to have indulged in financial improprieties. He is not known to have left any sizeable fortune behind.

Bhutto's regime has a very poor human rights record. Repression of political opponents was something common in his days in power. All his political opponents suffered detention, false involvement in criminal cases, and personal humiliation. Even in the matter of financial conduct, his regime is not known to have been clean. He is rumoured to have whisked away large

sums to his foreign exchange accounts abroad. Some of the members of his cabinet were known to be thoroughly unprincipled. Corruption in public life became widespread in his regime and industrial and commercial licenses, public offices like ambassadorships and even depots for rationing of essential commodities were used as tools of political bribery. His government also dealt heavy-handedly with dissenting lawyers and journalists.

Zia took coercion and corruption to new heights. He would offer public offices, lucrative business licenses, and expensive plots of land to lure others to his side. He allowed his generals to grow rich overnight by making shady land deals and by accepting big commissions and kickbacks. Despite his Islamic pretensions, Zia had no reservations about using unfair means to perpetuate his power. He bribed generals, bureaucrats, and politicians alike to keep them in line. He 'gifted' expensive commercial plots in Islamabad, Lahore and Karachi as part of political bribery. Cantonment lands became easy prey to his generals and other high-ranking military officials. Intelligence funds were swindled. Funds for the Afghan war were diverted to personal accounts. Even military hardware like missiles were secretly sold to Iran (during Iran-Iraq war) to enrich Zia and some of his closest colleagues. The generals in the junta around him became rich beyond recognition.

Even the civil government of Jonejo was not free from corruption. Jonejo, himself a decent and relatively honest man, had to indulge in political corruption to keep himself in power. He introduced political bribery to the members of Parliament and the Provincial Assemblies by allocating development funds to them on a yearly basis. During his government, commercial and residential plots were used as political bribes.

The governments of Benazir and Nawaz that followed are models of political corruption. Both these governments have pulled out all the stops on corruption. The Sharif family became industrial tycoons and billionaires while in power. The Bhuttos and Zardaris are not far behind. Regardless of the bitter political rivalry between Benazir and Nawaz, their methods are identical and their objectives similar. They do not oppose one another in terms of different visions of the future of the country but for personal gain. The scale of corruption by these two governments alone is mind boggling. Huge amounts have been deposited abroad and national wealth has been looted. Expensive properties in England and Europe have been purchased with the funds from the public treasury in Pakistan. In addition they have adopted a royal style of government. These regimes have imported fleets of Mercedes and other expensive cars for their use and bought airplanes for the Prime Minister and the chief ministers. These leaders, their families and relatives, and close associates regard themselves as above the law and this poor country as their personal fiefdom.

Corruption has taken many forms in Pakistan. Electoral corruption is one of its various forms. It is in vogue ever since the general elections in 1985. The heads of expenditure in this regard included a huge bribe to the major *pirs* in the constituencies who could influence voters, with payment depending upon the extent of influence wielded by the *pir*; payment to principal supporters or those who wielded influence in various areas like village heads or heads of *biradaris*; publicity through expensive colour

hoardings, banners, and posters; and feasting throughout the election month for supporters and for the public at large. Such expensive campaigning drove away political workers belonging to the middle class who aspired to a seat in the Assemblies. Only the very rich could think of venturing into the electoral process.

The general elections of 1988 brought some hope for the middle-rung political workers and people from the middle class because these elections were being held on a party basis. However, the principle contending political parties, namely the PPP and IJI, disappointed the people because, barring a few cases, party tickets were virtually put on sale where the highest bidder could buy himself a party ticket. What happened in the general election of 1988 was repeated with greater intensity in the general elections of 1990 and 1993. In some constituencies, the candidates were rumoured to have spent as much as fifty million rupees. This situation was at its worst during the Benazir government for 1988 to 1990, with a hostile provincial government headed by Nawaz

### **Pakistan at the Crossroads**

Political activity in Pakistan has been confused and clouded by non-issues that have been blown out of all proportions. So much time and energy has been spent debating problems that do not actually exist. Rhetoric and hyperbole have taken the place of serious discussion on real problems confronting the people. Cliches rather than the accurate statements have been the stuff of political life. Serious thinking is not going into identifying the real issues and problems and the so-called think tanks within political parties are busy coining empty but high sounding slogans. The objective of the major political parties is to somehow achieve power and then consider what to do with it. There is nothing behind any party except for the bloated ego and thirst for power of leaders. As a result, political parties do not have any serious manifestos – only hollow slogans.

Apart from the constitutional and political issues, there are other very important issues. They are economic and social issues like poverty, illiteracy, over-population, lack of medical care, housing shortage, unplanned urbanization, pollution of air and water resources, deforestation, and others, which require immediate attention and focussing. Successive governments have failed to address them. These issues have been treated as low priority and the budget allocation for them has been embarrassingly little. Whatever is allocated is not actually spent and budget allocations usually fall prey to top-heavy bureaucracy and greedy politicians. The funds never reach the place or the people for whom they were meant.

One of the favourite slogans of political parties is that if they are allowed to make the society truly Islamic, everything would resolve itself. Overemphasizing the non-issue has created serious problems in the country. The Sunnis and the Shias, who have lived peacefully together for centuries, are now at each other's throat. The schools within the Shia and Sunni sects are also at war with one another. The militant wings of these sectarian political parties are responsible for so many deaths and so much destruction.

It is, therefore, necessary that time and energy should not be wasted on non-issues and attention be focused on the real issues bedeviling the polity. It is imperative that the problems are clearly identified, and only after such identification

can their true solutions be found.

Democracy is that form of government in which sovereign power resides in and is exercised by the whole body of free citizens, directly or indirectly through a system of representation. But democracy does not come overnight. It has to evolve in a society over a long period of time. It has to take root slowly amongst the people and become part of their culture. It cannot be imposed from above; it has to grow from the ground. Pakistan is a classical example of the democratic form being imposed from above without any content. Those who run the system do not believe in it. They see it as an object of exploitation for their own narrow ends. To date, the military has seized power three times and has ruled directly or indirectly for more than half the life of the country

In actual fact, people have lost faith in the electoral machinery which is not independent and autonomous; in the judicial system where judges try to match their constitutional ideas to the exigencies of corrupt politics; where no incumbent elected government allows the people to express political preferences from time to time in an atmosphere free from fear, coercion, or intimidation; where known corrupt people, tax evaders, smugglers and robber barons are foisted upon a poor, illiterate electorate unable to make an informed political choice, and then are sworn in as ministers; where no elected central government has ever lost power on the floor of the House after a vote of no-confidence was brought against it; where elections throw up not the best, not the noblest, not the fittest, not the most deserving, but the scum of the community only because they are the richest, the most corrupt, the most unprincipled and the most unscrupulous; where parliamentary strength does not guarantee the stability or the survival of government, and loss of power is brought about by extraneous forces; where ultimate power, that is the highest power, resides neither in the people, nor the electorate, nor the parliament, nor the executive, nor the judiciary, nor even in the Constitution; where a shadow military state lurks behind a corrupt civilian façade; where all major decisions are made by the military and civil governments merely follow; where neither the government, nor the opposition, nor the judiciary is interested in accountability; where acts of gross misconduct, abuse of power, betrayal of people's trust, rampant corruption, and violation of the oath of office by holders of public office go unpunished; where Parliament is gagged, does not represent the general will of the people, and nobody sheds any tears when it is dissolved and an elected government sacked.

Having ventured into a narrative of the constitutional and political history of Pakistan over the past fifty-five years and having discussed the various constitutional and political issues, there is ample reason to feel grim. Despite the lapse of fifty-five years, basic constitutional and political issues remain unresolved. The basic relationship between the state and the citizens, of protector and protected, has ceased to exist. The judiciary has lost its

credibility and people do not expect justice from the court system. The citizen sees the administration as an oppressor and an instrument in the hands of a corrupt bureaucracy and unscrupulous politicians, which is used to enrich the corrupt and impoverish and oppress the populace. The state structure has all but crumbled.

People have lost all confidence in the political leadership, whereas a positive and substantial change can be brought about only by the political parties through political activation of the people. People do not expect any improvement in their conditions as a result of general elections. The electoral system and structure on which democracy is supposed to rest has lost its moral standing. In this situation, the way out of this morass will have to be determined and followed in right earnest.

The political system has degenerated into a contest between feudal and industrial powers. The interests of these classes are intrinsically in conflict with the national interest. The feudals have a stake in keeping the country backward, illiterate, dependent, and retrogressive so that they can reign supreme. Industrialists and businessmen are trained to maximize their profits, and for them, politics is business. They advance their personal interests at the expense of national interest. They have little concern for the problems of the common man.

Overall, progressive forces are losing ground to retrogressive ones. This is a great betrayal of the people of Pakistan and a betrayal of the vision of the founder of the nation who wanted Pakistan to take an honoured place in the comity of nations as a developed and enlightened state.

Whatever the shortcomings of democracy, it has produced better results than any other system of governance devised in the course of human history. Seen in the light of historical experience and contemporary realities, it can be concluded that Pakistan can progress and prosper only as a modern progressive democratic state.

## **CHAPTER III**

### **MILITARY TAKEOVER OF GOVERNMENT: 12 OCTOBER 1999\***

The military takeover of the government of Nawaz Sharif on 12 October 1999 by General Parvez Musharif is the most important event in Pakistan's recent history with far reaching consequences. Before discussing the military takeover and its aftermath, certain important constitutional and political developments during the Nawaz regime between June 1988 and October 1999 needs to be mentioned.

#### **Supreme Court Judgement on Proclamation of Emergency**

A nation-wide emergency was proclaimed throughout the country on 28 May 1988, the day when nuclear tests were conducted in Pakistan. All the fundamental rights of the citizens were suspended under the proclamation. All the foreign currency accounts with banks in Pakistan were frozen. The imposition of emergency and suspension of fundamental rights were challenged directly before the Supreme Court in its original jurisdiction. The Supreme Court held the proclamation itself justified but proclaimed the order for suspending the enforcement of the Fundamental Rights as without justification.

#### **Fifteenth Amendment of Constitution**

The Nawaz regime suddenly came up with a plan to virtually undo the Constitution through introduction of Fifteenth Constitution Amendment Bill on 28 August 1998. The Bill generated heated debate throughout the country. The opposition in the Parliament was almost united against the Bill and there was even some resistance from within the PML (N). The Bill was tabled before the National Assembly on 9 October 1998 and it passes the Bill 151 in favour and 16 against it. The Bill, however, was not presented before the Senate because Nawaz government did not have the required two-third majority there. The Bill was initially kept back to be tabled after March 2000, when elections to half the membership of the Senate were due to be held and it was expected PML (N) would then acquire two-third majority in the Senate.

The fifteenth Amendment Bill was apparently a blatant attempt by Nawaz to introduce dictatorship in the country in the name of Islam. The Amendment would have empowered the centre more and weakened the provinces thus jeopardizing the provincial autonomy further. It would have created more divisions, accentuated the existing ones, and might have led to more sectarian and other violence. The Constitution would have lost its efficacy and would have been rendered into a meaningless document. The directives issued by them would have prevailed over the constitutional provisions. The Parliament and the Provincial Assemblies would have lost their character as law making bodies and the legislation would have ceased to be

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\* Constitutional and Political History of Pakistan by Hamid Khan

the business of the chosen representatives of the people. The judiciary would have been undermined as an independent organ of the State and its decisions would have been openly flouted and overridden by the executive through directives issued in the name of Islam.

Such directives would have been beyond correction through the process of judicial review. The freedom of press and speech would have been drastically curtailed and draconian censorship might have been clamped. The already difficult position of women in society would have been rendered untenable. The rights and legitimate interests of the minorities would have been further jeopardized and they would have suffered from greater insecurity. It was thus a naked attempt to impose dictatorial rule based on pre-desired fatwas obtained from favourite faqih or ulema.

### **Confrontation with the Military: Kargil Crisis**

Nawaz in his endeavour to acquire more power for himself, soon ran into serious difficulty with the leadership of the Armed Forces. The Chief of the Army Staff, General Jehangir Karamat, proposed the establishment of a National Security Council for addressing important national issues. He was forced to resign for making the proposal. He was replaced by General Pervez Musharaf, who was selected ahead of his senior colleagues. Nawaz was now portrayed by the media as the most powerful Prime Minister that Pakistan ever had. This went to his head leading to the future events that proved to be his undoing.

In February 1999, Nawaz took a major decision towards normalization of the relationship with India. Prime Minister Atal Behari Vajpaee of India visited Lahore on a bus in February 1999 thus launching a regular bus service between the cities of Lahore and Delhi. A joint communiqué known as 'Lahore Declaration' was signed between the two leaders spelling out various steps to be taken by the two countries towards normalization of relations.

Unfortunately good relations between the two countries did not last for long. Within a few months of the Lahore Declaration, the two countries ran into a bitter confrontation within the disputed territory of Kashmir. Certain mountain peaks in the region of Kargil, from where Pakistani forces were ejected by the Indians some years ago, were occupied by the Mujahideen (the freedom fighters) backed by Pakistan's Armed Forces. The Indian Army was badly trapped but India successfully opened a propaganda front at international level accusing Pakistan of aggression. Indian propaganda was so successful that Pakistan was left virtually without friends on the international scene. Nawaz hurriedly appealed to President Clinton of the USA to bail him out. Consequently on 4 July 1999, Nawaz rushed to Washington DC and unilaterally signed an accord with the USA for withdrawal of forces from Kargil and to respect the line of control in Kashmir in future. Consequently, Army personnel and mujahideen were withdrawn from Kargil under very humiliating circumstances. India came out with flying colours because most of the accusations it made stood admitted by Nawaz government in the Washington

Accord. Bharatiya Janata Party (BJP), Vajpayee's party, became the beneficiary of Pakistan's misadventure in Kargil and was returned to power with greater strength in the Lok Sabha this time in the general elections that were held in September 1999. Pakistan suffered a terrible setback and international humiliation. Nawaz in a statement blamed the Army leadership for the Kargil misadventure. Nevertheless, Nawaz being at the helm of affairs cannot escape responsibility for the Kargil fiasco.

### **The Military Takes Over**

In the aftermath of the Kargil crisis, the relationship between the Nawaz government and the leadership of the Armed Forces grew extremely tense. It was rumoured that Nawaz was preparing to sack another Army Chief and to appoint in his place someone of his own personal choice. On 12 October 1999, when General Parvez Musharaf was in Sri Lanka on an official visit, Nawaz tried to promote Lt. Gen Zia ud Din (who was junior to several of his colleagues) to General and appoint him as Chief of Army Staff, but failed.

General Parvez took over control of the affairs of the country. On 14 October 1999, General Parvez proclaimed emergency throughout Pakistan and assumed the office of the Chief Executive. He proclaimed that the Constitution would be held in abeyance but the President would, however, continue in office. The President was to act on the advice of the Chief Executive. No court could pass any judgement, decree, writ, order or process whatsoever against the Chief Executive or any authority designated by him.

General Parvez in his speech of 13 October 1999 announced the following seven-point agenda:

1. Re-building of national confidence and morale;
2. Strengthening of the federation by removal of inter provincial disharmony and restoration of national cohesion;
3. Revival of economy and restoration of investors' confidence;
4. Ensuring law and order and dispensing speedy justice;
5. Depoliticization of state institutions;
6. Devolution of power to grass-root level, and
7. Ensuring swift and across-the-board accountability.

### **Military Government Confronts the Judiciary**

The judiciary was not initially touched by the change. The military government promised the judiciary its independence and full powers and jurisdiction under the Constitution, subject to certain restraints on jurisdiction in regard to acts or orders of the Chief Executive or authorities acting under him. The judges of the superior courts were not required to take oath under the PCO and were allowed to continue to perform their functions and exercise their jurisdiction under the Constitution. This situation was not to stay for long. A number of petitions had been filed in the Supreme Court challenging the military takeover and seeking restoration of the Assemblies. All these petitions had been entertained and were fixed for hearing on 31 January

2000. As the date of hearing approached, the government started panicking. It was strongly rumoured that these petitions might be accepted and that the Assemblies might be restored and the Nawaz government restored.

On 25 January 2000, Oath of Office (Judges) Order, 2000 was promulgated in which all the judges of the superior courts were required to make oath to the effect that they would discharge their duties and perform their functions in accordance with the Proclamation of Emergency of 14 October and the PCO as amended from time to time. However, it was provided that if a judge would not be given oath or would not take oath within the time fixed by the Chief Executive for the purpose, he would cease to hold office. In pursuance of this Order, the Chief Justice of Pakistan, Justice Saeeduzzaman Siddiqi refused to take oath. Only seven judges of the Supreme Court took oath and the senior most among them, Justice Irshad Hassan Khan was appointed the Chief Justice. Two judges of the Lahore High Court, three judges of the Sindh High Court, and two judges of the Peshawar High Court were not given oath and thus they ceased to hold office. None of the judges of the Lahore High Court refused to take oath voluntarily.

### **Accountability under the Military Government**

The military government on taking over the affairs of the government made tall claims about holding accountability of corrupt politicians and bureaucrats across the board. National Accountability Bureau (NAB) Ordinance, 1999 was promulgated for the purpose. A National Accountability Bureau was set up under this ordinance headed by a serving general. So far the process of accountability appears to be selective and not across the board as claimed. Recovery of bank dues has been less than 10 percent.

### **Trial of Nawaz for Hijacking**

Another important event was the trial of Nawaz along with six others for the hijacking of the PIA plane on 12 October 1999 with General Parvez on board. This high profile trial was held in Karachi by a special judge. It ended with a verdict of guilty against Nawaz on 6 April. He was awarded the sentence of life imprisonment. All his co-accused were acquitted. The appeals against his conviction and acquittal of others are pending in the Sindh High Court.

In a later development, an agreement was reached whereby Nawaz Sharif and most of the members of his family were allowed to Saudi Arabia. In a further development they have been barred from taking part in the coming October elections in Pakistan.

### **Supreme Court Upholds Military Takeover**

The petitions against military takeover and for restoration of the Assemblies were heard by a Bench of 12 judges of the Supreme Court headed by Chief Justice Irshad Hasan Khan. After months of hearing, judgement was announced on 12 May 2000 with some of the following findings:

That on 12 October 1999 a situation had arisen for which the Constitution provided no solution and the intervention by the Armed Forces through an extra-constitutional measure became inevitable. Thus, the intervention was validated on the basis of the doctrine of State necessity.

That the 1973 Constitution remained the supreme law of the land subject to the condition that certain parts thereof were held in abeyance on account of State necessity.

That the Superior Courts would continue to function under the Constitution. The mere fact that the judges had taken a new oath did not in any manner derogate from this position because the Courts had originally been established under the 1973 Constitution.

That General Parvez had validly assumed power by means of an extra-constitutional step. He was held entitled to perform all such acts and promulgate all legislative measures as enumerated hereinafter as under:

- (a) All acts and legislative measures which would be in accordance with, or could have been made under the 1973 Constitution, including the power to amend it;
- (b) All acts which tend to advance or promote the good of the people;
- (c) All acts required to be done for the ordinary orderly running of the State; and
- (d) All such measures as would establish or lead to the establishment of the declared objectives of the Chief Executive stated in his speeches of 13 and 17 October 1999.

That the constitutional amendments by the Chief Executive could only be resorted to if the Constitution does not provide a solution for attainment of his declared objectives.

That no amendment should be made in the salient features of the Constitution i.e. independence of judiciary, federalism, parliamentary form of government blended with the Islamic provisions.

That fundamental rights provided in the Constitution should continue to hold the field.

That the Supreme Courts would continue to have the power of judicial review to determine the validity of any act or action of the Armed Forces, if challenged, in the light of the principles underlying the law of State necessity.

That the government should accelerate the process of accountability in a coherent and transparent manner justly, fairly, equitably and in accordance with law.

General Parvez, chief of Army Staff and Chairman Joint Chiefs of Army Staff Committee was held to be holder of Constitutional post.

That the current electoral roles were out-dated and fresh elections could not be held without updating them, which as per report of the Chief Election Commissioner would take two years. Some time would also be required for delimitation of constituencies and disposal of objections etc. Hence three years period was allowed to the Chief Executive with effect from the date of the Army take-over for holding general elections and achieving his declared objectives.

That the Chief Executive would, for holding of a general election to the National Assembly and the Provincial Assemblies and the Senate of Pakistan.

appoint a date, not later than 90 days before the expiry of the aforesaid period of three years.

The Supreme Court went all the way to justify the military takeover of 12 October 1999. The government was allowed a period of three years to accomplish its seven-point programme. The court did not appreciate that the programme was so comprehensive that that it may not even be accomplished in many more years. The court also ignored the bitter experience of the past when Zia as head of a military regime was allowed to amend the Constitution. The Supreme Court in its eagerness to validate the military regime, ventured into matters which were not an issue before the court.

## **Conclusion**

The events of 12 October 1999 and the judgement of 12 May 2000 have brought Pakistan back to square one. It stands today where it was in 1977 when martial law was upheld by the Supreme Court on the basis of the doctrine of necessity in Nusrat Bhutto's case. The head of military government has once again been given the power to amend the Constitution. So once again the country is at a cross-roads seething with discontent and faced with an uncertain future. The military government has already spread itself thin by opening too many fronts which is fast eroding its support among people who are getting disillusioned with the regime after the initial euphoria of high expectations that military government might bring in real change in the lives of the people. Electoral reforms are another area in which the military government could have achieved results.

## CHAPTER IV

### October Elections and After

#### Transfer of Power – Nominal Democracy

Elections to the national and provincial assemblies were held under the military government of General Parvez Musharraf on October 10, 2002. The Chief Election Commissioner Irshad Hasan Khan, who had been appointed CEC by the general, had arranged them. The same Election Commissioner, as Chief Justice of the Supreme Court, had earlier allowed the general to make amendments in the Constitution to suit day to day requirements of governance although according to the Constitution the Chief Justice himself did not have the authority to amend it. He later held the farcical Referendum in favour of the general for Presidentship.

Two months have elapsed since the elections, yet the Senate elections are not in sight, and General Musharraf continues to rule over the head of the Parliament that has no sovereignty and a government with partial authority.

The ways in which these elections were held, and the governments at the centre and the provinces were formed, speaks volumes about the pre-polls and post-polls rigging of the whole process of elections and government formation.

Some of the instances of pre-polls rigging are:

- (1) The Local Bodies election plan of devolution of power from the central to the provincial and then to the district and sub-district levels of government, and the subordination of district officers to elected officials in the newly established district governments, was a covert plan to emasculate the provincial governments and extend the centre's control to the local level. It was also used for the referendum and the October elections in favour of the military government's plans to set up a King's Party.
- (2) Instead of seeking approval from Parliament for becoming President after the elections, as provided in the Constitution, he too like Gen. Ayub tried to find a tenure for himself through a referendum in order to get for himself a vantage position before holding the elections. The Chief Executive's order 12 of 2002 has been "saved" and "validated" through LFO under a new Article 270 AA Referendum Order 2002. General Musharraf has himself "condoned" and granted "immunity" for all his illegal actions and orders passed as Chief Executive since October 1999. Throughout Pakistan's constitutional history, the successor sovereign in accordance with the Constitution could give indemnity of this kind, but further no indemnity could be give according to numerous cases decided by Pakistan courts regarding actions that are malafide. Hence this blanket protection could not be given in the manner proposed in the LFO. By the very fundamental principle of constitutional jurisprudence neither a person-specific law is permissible, nor can one extend his own term of office.
- (3) The leaders of the mainstream political parties, the Pakistan Peoples Party, the Pakistan Muslim League (N), Benazir Bhutto and Nawaz Sharif, in voluntary or forced exile abroad, were disqualified arbitrarily from participating in elections. The cases instituted against them could have been withdrawn, as was done in the case of Ishrat Abad of MQM who has been appointed Governor of Sindh.
- (4) The 'President' promulgated the Legal Framework Order (LFO) on August 21, 2002, under which as many as 29 amendment were made in the Constitution, changing the very complexion of the Constitution from the Parliamentary to Presidential form. This destroyed the democratic constitutional norms of the country. The major constitutional question that now arises is whether in the light

of the observations of the Supreme Court in the cases of ZafarAli Shah and Qazi Hussain Ahmad amendments after the elections can be made in the Constitution at all by the Musharraf regime which was mandated to return to the barracks by 12<sup>th</sup> October 2002 at the latest. Through these amendments it is intended to completely re-write the system of constitutional rule in Pakistan. Great executive powers were given to an otherwise nominal head of State making it manifestly dictatorial and military controlled in form, substance and appearance. There is a clear design to give to the country's armed forces a political role over and above the elected constitutional government. The core amendments of the LFO have the singular purpose of creating a military run administrative system in which all major matters and powers are retained by the Chief of Army Staff, and the National Security Council (NSC) is dominated by his colleague service chiefs making the elected assemblies of no real effect. Any political party willing to accept the undemocratic notion that a serving army general can be considered an "elected" President cannot claim a political role. National Security Council has been created under a new Article 152-A. The NSC is to be composed of the President, the Prime Minister, three service chiefs of the armed forces, the Joint Chief of Staff and the Governors of the Provinces from the President's side. From the civil side it would include some politicians such as the Prime Minister, the Leader of the Opposition and Chief Ministers of Provinces. Under this new provision it will be used ostensibly for "consultation" regarding "strategic matters". This is a fundamental and decisive blow to the very concept of a civilian run democratic government. It is basically to "oversee" the working of the Federal Government that normally should be operated by a Cabinet under the Prime Minister. Indirectly, it substitutes a nominated body for the sovereign parliament, destroying the basic structure of a parliamentary democracy. No nominated set of bureaucrats, indeed all of them from the armed forces, can be made "consultees" of any body for running the government. The LFO takes away fundamental executive power from the Prime Minister. It gives the President the absolute discretion to appoint the armed forces chiefs, which is against parliamentary system. Under this Order, in the name of checks and balances in governance, a National Security Council was imposed only to empower himself to dissolve the Parliament and dismiss the Prime Minister whenever it suited him.

- (5) Prime Minister Nawaz Sharif repealed article 58(2)(b) with the consensus of all political parties that was forced into the Constitution by Gen. Zia in exchange for lifting of martial law in 1997. General Musharraf reinserted this Article through the LFO. This Article is discriminatory and violates the principles of democracy and natural justice. It removes the Prime Minister to the position of a parliamentary figurehead. The President is given power to dismiss the Parliament and the Prime Minister without suffering any adverse consequences himself. As in the past this Article is likely to be used for dismissing civilian governments in future leading to political instability, frequent elections and poor governance. The relations between the President and the Prime Minister have, in this Article, been structured in a way that makes a clash between the two imminent. The presidents have often used it to expand their power and prevent incursions of civil governments into 'prohibited zones', rather than promote public interest.
- (6) Provision has been made by an ordinance to make the Prime Ministers ineligible to run for the third term. Specific faces of two Premiers are being contemplated for this whereas laws, much less constitutions, are never person-specific in operation. Law is justified only if it applies to all and is rational and based on legitimate use of public authority.
- (7) The LFO makes Article 63 of the Constitution that deals with "disqualifications" of membership of Parliament, to make such vague matters as "moral turpitude" or "misuse of authority", which are not criminal offences in Pakistan under the law, subject to the discriminatory powers of the election authorities for deciding possible ouster of specified individuals from such bodies. These actions will

destroy the foundations of representative government. Constitutionally such a system is not acceptable to a democracy. In this way a hybrid system has been forced which has signed instability and corruption to be caused in greater intensity than experienced in the past, with the political parties, civil service and the judiciary all standing wrecked.

- (8) The intelligence agencies of the government had been conspiring jointly against the democratic right from the beginning by trying to create an indirect military rule. The creation of the Muslim League (Q) as a parliamentary party against the mainstream parties out of a vacuum, and a hung parliament, is sufficient proof of pre-election rigging by the establishment. State institutions were thus used in the interest of the privileged few rather than interests of the people at large.
- (9) The Judiciary has been purged by administering oath under the Provincial Constitution Order (PCO) in 1999, and has virtually been made subservient to the Executive ever since.
- (10) The relations between Pakistan and India have been deliberately kept sour by the governments on both sides. National interests, that demand normalization of diplomatic relations with India, have been set aside by autocracy. Our armed forces had been consuming a substantial part of the annual budget in the name of security and defenses against a threatening neighbour, a "perpetual enemy". With such high defence spending our economy cannot sustain. Ways, therefore, must be found out to end confrontation with India.
- (11) Graduations was made essential for a candidate to contest elections, and the *asnad* given by the madrasas were declared equivalent to the graduation degrees of colleges and universities for the purposes of elections. This was an absolutely wrong decision. It deprived the experienced politicians and a large part of honest and dedicated persons from participation in elections. Above all, such a system is not in vogue in any other country of the world.
- (12) Another undemocratic decision imposed during elections was that losers in the elections would not be allowed to stand for the Senate elections. It is quite evident that those who took part in the elections and lost were legally and constitutionally in a better position to contest these elections than those who have not participated in the elections and belong to the bureaucracy and have not participated in the political process.
- (13) The number of members of the Assemblies and the Senate were unnecessarily increase to oblige the assembly members. The bad economic situation prevailing in the country did not warrant such a step for these elections at present.
- (14) Under the pseudo-Islamic stance of Gen. Zia some sectarian religious parties and the MQM (Altaf) were created to counter the Pakistan Peoples Party and the Jamaat-e- Islami, and introduced into the political field.

The ways in which these elections were held, and the governments at the centre and some provinces were formed, are a sufficient proof of the post-polls rigging of the whole process of elections and government formation. I need not go into the details of these exercises as they are too mind boggling, and give a very sorry picture of the sad state of affairs of our country's politics. Yet a few steps taken by the government need to be mentioned here.

- (1) The 14<sup>th</sup> Constitutional Amendment in the form of Article 63-A intended to institutionalize maintaining party discipline was kept in abeyance by the military regime in order to use it for arranging deflections by the establishment of members of various parties to gain majority in a hung parliament in favour of its candidate for prime ministership. This device of floor crossing has been given the very attractive name of "voice of conscience by the government."
- (2) Nineteen defectors from the PPP (Parliamentarian), PML (N) and MMA were arranged. Both groups of the MQM who were at different times considered as proteges of the establishment in its effort to limit the PPP's influence in Sindh' have been made partners in government. The proof of military government's involvement in horse trading lies in that the "Patriots" from the PPP were given

important ministries in the federal ministry, and Ishrat Ibad of the MQM was given the governor-ship of Sindh, although the PPP had the numerical majority in the Sindh assembly.

- (3) The Prime Minister Mir Zafarullah Jamali has announced development funds of Rs.10 million and 5 million respectively to be paid to each member of national and provincial assemblies for spending in their own discretion on development works in their respective constituencies. Former Prime Minister late Muhammad Jonejo had started this practice as bait for keeping the members who had been elected on non-party basis with him. Now Mr. Jamali has embarked on the same. This practice is undemocratic and goes against the principle of institutional development. Such amounts should be spent necessarily through a set process of State management under due audit arrangements. This, I am afraid, will amount to opening a window to corruption.
- (4) The military government revised the terms of service of the judges and their period of service was increased, ofcourse subject to its discretion, to bring them under obligation to serve its interests.

Creation of a 'rational republic' was the aim behind the creation of Pakistan. Failure of political leaders to be rational in their approach and to address national issues, instead of vacillating and indulging in politics of intrigue and machinations, is lamentable. It seems the present military leadership has no intention in allowing politics that would enable politicians to start a process of negotiating with each other and making decisions for which they can subsequently be held responsible by the electorate, and that would make the electorate politically aware to the extent that it can keep a constant watch and criticize in public if the politicians and assembly members go astray.

The real problem of the nation is of replacing despondency with enthusiasm. This can be achieved only if a little bit of hard work is done to build a new psyche of the people to act according to their words and professions, to keep their promises, to be honest in their intentions, to be clear about their direction and objectives of life, to be true to themselves and to their friends, companions and partymen, to trust their comrades sincerely and beg trust in return, to consider their participation in the political process, and to join a party of their our own choosing to consider their participation in the political process as an act of worship from the core of their hearts. This is the right time, and the most favourable environment, for the righteous and capable people in the society, that really abound in it and are in an absolute majority, to come together on the above lines to form a political party on ideological and scientific basis, and face the naughty minority in the country with determination, courage and perseverance, while offering them sympathy, love and tolerance all along. If people, competent, honest and fully committed to the cause, take a decision to stand up and be counted, a truly democratic party can certainly come into existence and its success guaranteed within a few years, and an effective and much better participation in governance can be ensured. But we must agree to the fact that no good can come out of the prevalent political system, and that it should be tendered a deep burial, atleast in our minds and hearts.

The Cabinet is one of the organs of governance, an institution which, like others, must be nurtured and stabilized. New initiatives, and matters of high policy are continuously brought to and decided by the cabinet and not by the individual ministers. Especially, if a government represents a coalition of several parties then important issues must be brought to the cabinet for discussion and decision.

A very serious problem that besets efforts by democratic elements to set up a truly democratic Order in Pakistan is the sway over politics and adverse meddling into national and party politics, of those party heads who are either in self-exile, or were exiled forcibly, but are comfortably settled abroad. It is apparently because these leaders in exile regard their respective parties in Pakistan as units of personal property rather than as institutions that should be capable of outlasting them or any other particular set of leaders.

In view of the above analysis it is imperative that:

- (1) No military chief should be allowed constitutionally to become President.
- (2) No such body as the National Security Council should be

allowed to supercede the Parliament as a sovereign body.

(3) Any civilian too, who is elected indirectly as a President, should not be given discretionary powers to appoint the army chiefs, the chief justice of the Supreme Court and other judges, the governors of the provinces and others without consultation with and assent of the directly elected Prime Minister.

(4) The President should not be given the power to dismiss the Parliament or the Prime Minister.

(5) The 1973 Constitution should be revived in its original form, as constituted by the Constituent Assembly in 1973 and all amendments made thereafter annulled. All amendments made in the Constitution by the military regime should be made subject to approval by the Parliament.

(6) The Judiciary should not be made subordinate to the Executive and should be made fully independent. It should not be subjected to PCOs, and judges should not be dismissed at will, and forced to take oath against the spirit of the Constitution. The judges should be made to dispense with true justice in the interest of the nation, in accordance with their conscience, and in obedience to Allah alone. The judiciary, however, should be made answerable to the Parliament.

(7) The Chief Election Commissioner should be appointed by the Parliament, and made independent both administratively and financially.

(8) All future elections to the assemblies and the Senate should be held under an Interim government constituted by those who have not been in government for the last two terms. Members of the interim government, or their near relatives, should not be allowed to stand for election.

(9) No civil bureaucrat or army personnel should be allowed to take part in politics until after five years' retirement from service.

(10) Article 63 of the Constitution that deals with disqualification of members of Parliament should be made clear and specific, and its vagueness removed altogether.

## **CHAPTER-V**

### **ISSUES FACED BY THE MASSES**

After having reviewed the political and constitutional issues, and the arbitrary and aimless manner in which these were handled during the last fifty-five years, we now go on to analyse and evaluate the issues that we, as a nation, are faced with. I will first venture upon to dwell in some detail on the various issues relating to the social, economic, political, constitutional, electoral, educational and cultural, international, moral and spiritual fields.

This exercise, I believe, will help us understand the gravity of the issues and the need to address these in all seriousness. This exercise will also help us to get out of the morass we are bogged down into and work out for ourselves a right and vivid course to follow in future that would lead the nation to peace and prosperity.

This chapter contains articles, which were written by me from time to time, while being incensed with the longing to work out a positive way of political accomplishment. The discourses, which contain quite a few useful ideas, would induce one to add more ideas while making it a collective exercise. These essays, in addition to unveiling and analysing the issues in depth, also comprise practical solutions to the problems, on the individual and collective levels.

### **OUR CIVIL SOCIETY**

A people living in a country constitute a society. The society includes various elements consisting of different racial, linguistic, cultural and religious groups abounding in diverse and clashing interests, and containing both high and low income strata. The people themselves cannot perform in their individual capacity unless they interact with other members of the society; one's interests are linked with those of others. By working together, one way or the other, they produce results that go to develop the society. The greater the participation the more the speed of development.

When we apply this principle to our society in Pakistan to judge its state of development, we find that it is beset with innumerable problems and complexities. The mishandling of the affairs of the society over half a century by the politicians and civil and military bureaucrats have left its baneful effects in the form of black spots on the face of the nation. Its fair face has been tarnished to the extent that it has become difficult to even recognize it, so much so that it has lost its true identity in the comity of nations. Democratic norms have been flouted and are being jeered at. The spirit as well as the form of democracy has disappeared but its label has been stuck upon some incoherent form that has replaced democracy. Mutual exchanges of love and affection between individuals and families and among people generally, have become a thing of the past, and human fraternity a most sought after illusion. The only instinct that is seen to be flourishing is that of

grabbing money and power, of accumulating affluence and authority, of hoarding and sticking on to one's wealth and stature, of acquiring a position in society based on falsity, deceit and untrustworthiness. If anyone commits a wrongful act the people don't seem bothered about it, and such doings go unnoticed; they tacitly condone it.

The notion of building one's nation has been relegated to the corridors of the past! The poor and the helpless among the people, who have been made so through exploitation by the filthy rich and the heartless religious elite, are labouring under heavy constraints. The false concept of 'religion', as against 'faith', is being used to misdirect people to a wrong course of life that leads to apathy for the realities of life and obliviousness to the obligations that an individual has towards the society from which it benefits. This disengages one from pursuit of learning, from engaging in technological advancement, from arranging a safe and clean environment, from seeking and offering cooperation, and from cultivating friendship. In the rush for accumulating material gains, while neglecting the higher spiritual values of life, people have swerved away from looking inwards to search their souls for fathoming their creative potentials and capabilities that are inherent in them as a human being.

Such inattentiveness and complacency on our part, and our failure to play due part in the affairs of the society by first preparing ourselves individually through acquisition of moral and spiritual goodness, has led to the present sad state of affairs. It has led to the growth of such leadership as are addicted to artifice, insincerity, lust for wealth and power, and are possessed with a longing for lavish living.

A substantial combined drive on the part of the intellectuals and journalists is required for enabling people to establish an illustrious civil society and raise their stature to that of excellence. This can surely be done by giving the people a clear view of their inalienable rights and their status as owners of the lands and resources of the country, and by instilling in them confidence in their capabilities and their bright destiny. Only the personal examples of the political leaders of dedication, sincerity and honesty for the cause of establishing a vibrant and advantageous civil society can induce the masses to come forward to play their part.

To establish such a society the people as a whole will have to be harnessed. They will have to act in unison as if each of us exists for the other. In order to be able to achieve this we must first of all clear our minds about the purpose of life, which is to develop ourselves and the society, to make the individual and the society dynamic and productive, and to keep the environment clean and beautiful. We should develop clear ideas of how to develop the society and achieve prosperity. Without ideas there can be no progress. Of course, the topmost idea is to foster a good human being and create a humane and productive society. In order to do that we will have to rid ourselves of all kinds of communal, racial, linguistic and religious prejudices by combating them and practicing tolerance and restraint in our lives. Secondly we will have to pay due attention to the mechanism of our society and make it work successfully for the benefit of all sections of society. Each one of us should lend our hand and put weight behind establishing institutions on a sound basis so as to provide the needs of the society on an equitable basis. Thirdly, power must be devolved to the lowest strata of society so as to give the people a feeling of

strength and belonging for the country and a sense of responsibility to share the burden of developing the country. In this way the problems of the people will be solved and their differences removed. Thus the various institutions of the society, especially the police, will be democratized and the people on the whole will develop a democratic frame of mind. This will lead the people to enjoy the fruits of democracy, which they have been denied so far. Fourthly, a foolproof and transparent electoral system must be set up to ensure a truly democratic dispensation of good governance.

The formation of an exemplary civil society in Pakistan awaits people's active participation. This will have to be arranged by social and political activists from all sections of society. They will have to take upon themselves this responsibility. They will have to work hard to set up a strictly democratic structure of civilian government that should be in a position to play an effective role in arranging elections and electing honest, sincere and capable members for the assemblies and the senate, and establishing a truly democratic polity.

### **THE POLITICIANS OF YORE HAVE FAILED**

Among the grave challenges in the way of democracy in the coming days are the former politicians and ministers, and ministers turned political analysts. They have failed in governance as well as in political construction in the past, and yet would like to tender political advice to new governments. They willfully or inordinately air the demands of the exploiting upper classes and therefore are not suitable for the present requirements of pure and real democracy which 90 per cent of the people want. These politicians have been used to a mode of political thinking and exercise not commensurate with the will of the people and their needs. They have been conditioned to serve the demands of the jagirdars, capitalists, religious elite and the filthy rich. Exceptions are always there but there are very few politicians capable of rendering suitable advice in the effective working of democracy, the true concept of which they are yet to learn.

Generally the present political leaders of Pakistan cannot be relied upon for promoting democratic politics. Since they are not democrats at heart; they do not believe in consultation. They are used to indulging in diverse and conflicting statements. They have not done in-depth study of the problems faced by the people, nor do they have full understanding of the issues faced by the nation. They are self-centered, egoistic and selfish to the extreme and hungry for wealth and power. These political leaders were not able in over fifty years to separate legislature, executive and judiciary. They could not set up an effective system of checks and balances. They could not bring about a sound system of accountability. They could not develop a high degree of morality of the elected representatives. They could not establish equality of all before the law. They succumbed to fascist methods of governance such as state-controlled media, secret police, political

victimization, personal cult and host of other ills. They were unable to develop an electoral system in which each registered voter could have an inalienable right to vote for whomsoever he/she wants to vote for, without pressure, coercion or fear of reprisal. How could one expect that these political leaders and their personality-based political parties would perform now when they were unable to during the last half a century? A true concept of democracy needs honest political leaders and true democrats. It is now time that this outmoded old leadership representing largely the vested interest of the upper classes is replaced by a new selfless, honest, dedicated and creative leadership representing the 95 per cent masses of the lower and middle classes. The support of the people can only be won through honest and good governance and not by the machinations of the political elite. In addition, cooperation may be sought from such civil society organizations that are working for creating political awareness of the masses or are catering to other needs in a sincere manner

The better ones among the present politicians should realize that the wrongful and selfish political elements that have been wielding power all this while have been doing so in a bad way. They have been interested in creating economic mishap, social chaos and political corruption. They have been used to corruption, bribery, money and land grabbing and other evil doings. If any of these political leaders do really come to believe in democracy any time, and become political beings, they will have to desist from such acts and instead try in good faith to learn afresh real democratic politics from the people themselves by working diligently for the cause of the people. They must accept the fact that the people had been kept suppressed by them, and that they must apologize for this. They should now devote themselves, if they can, to create good political leadership from amongst the lower and middle rungs of the society. They should willfully give way to the newly emerging leadership. Such new leadership will be well placed indeed to build democratic institutions and to evolve a truly democratic setup for good governance. They will certainly prove to be good future leaders of the country. It is the law of Nature that the new and the dynamic should replace the old and the outdated.

We should be very clear in our mind that only those with a democratic frame of mind, who are not infested with racial or religious prejudices, who are imbued with a strong commitment with the cause, and are honest and sincere, will in future be accepted by the people. Now, in order to strengthen the people in their resolve to attain power and dignity for themselves, the electoral system will have to be revised and tailored to the requirements of true democracy. This exercise should be entered into with full consultation of the people. The bureaucracy should be kept at bay in this respect.

### **OH, WESTERN DEMOCRACY!**

The emergence of Pakistan was undoubtedly an epoch-making event. The nature of the event itself required that the constitution and governance of the state should be of an extraordinary complexion commensurate with the nature of the event. It required that the state be run under a system that is

exemplary; that could contribute effectively towards ameliorating the lot of the people and effecting a substantial rise in their standard of living and dignity; that could lead gracefully to the setting up of a model society; that could serve as a good example for other nations to emulate. This system should have been such as would serve equally well the process of governance and development of the society, thus providing both the government and the society the space to grow unhindered towards excellence and bloom.

Now, what could be the device that would be instrumental in converting such a desire into reality? The two major modes of controlling and directing the human will are persuasion and dictation. Persuasion requires dialogue and consultation while dictation necessitates an approach ending in docile submission. In terms of governance, these modes would be democracy on the one hand and autocracy on the other. These are two diametrically opposed concepts of governance. Obviously we will choose the truly democratic rather than the autocratic way because we would want to constitute a commendable society. But democracy, as of today, has developed different colors and shades in the various countries of the world. However, it is basically of two kinds, presidential and parliamentary.

We, in Pakistan, have been trying to practice parliamentary democracy for the last fifty years, but for half the period the nation was subjected to military dictatorship by ambitious generals like Ayub Khan, Yahya Khan and Zia-ul-Haq. The one initiated corrupt practices and plunder in the country, the second broke the country, and the third introduced drug mafia and large-scale arms trade in the country, lust for power and wealth and religious hypocrisy. The so-called democratic civilian governments of Zulfiqar Ali Bhutto, his daughter Benazir Bhutto and Nawaz Sharif did not do better either. They together developed the art of deceitful and autocratic governance by the jagirdars and the moneyed elite.

The commitment of Qaid-e-Azam Muhammad Ali Jinnah that Pakistan will not be made into a theocratic state, was belied by those who followed him. The state of Pakistan, attained by the singular efforts and spectacular guidance of Qaid-e-Azam, was ideologically blurred and weakened by his party, the Pakistan Muslim League, through political infighting and economic mismanagement by its leaders. Later this party gave birth to the Pakistan Peoples Party, which indulged in politics of deceit and intrigue that led to the country's dismemberment. None of these political parties contributed to solving the problems of the illiterate and poverty stricken masses who had been brought to this state by those in government, whether civilians or army men. Together these elements disarranged and confused the ideological construct of the nation and impaired the social setup and the state apparatus. This state of affairs has confronted us with a challenge and the need to re-determine the very meaning, the ethos of Pakistan. We will have to enter into a thorough clarification and subsequent reconstruction of the ideology before we begin to decide upon the mode of governance of the state. The self of a person also must inculcate and experience a new intellectual and moral ferment before it starts indulging in affairs of governance.

The western powers want to get restored the status quo of sham democracy prevailing during the fifty-two years of Pakistan's existence, and

are pressing hard for that. This undue and unjust pressure must be resisted fully because, we have decided in principle that our destiny as a nation has to be a democratic dispensation in all our private and public affairs; that our concept of democracy will have to be a true one and we will adhere to it sincerely and willingly; that good governance is the prerequisite of socioeconomic development in the country. The people of Pakistan have now embarked on discovering that version of democracy which best suits them and their genius. Not only that we should be in a position, sooner or later, to prepare a model of democracy that could also be a guide for others.

But as soon as we commence this journey, we are confronted with the western model of democracy. The West has made this form of democracy the criteria for a standard polity for the present as well the future generations of the world. It is commendable to the extent that the incredibility of dictatorship and fascism in the modern world has been accepted by the world powers. But the West must also accept that their concept of democracy is yet under its way to full development, and is beset with incongruities. There are yet other criteria than that of the West to judge a democratic government. The basic requirement of democracy, as perceived by an emancipated mind, is that it must lead to the creation of a peaceful, clean, equitable, poverty free, educated and helpful society; that it must go to breed non-exploiting, non-monopolist and non-aggressive nations; that it should rid the society of poverty, ignorance, intolerance, exploitation, suppression and injustices of all sorts; that its edifice should be built upon the foundation of conscientious and free consent of the voters and not derived through financial pressures. There should not be any contradiction between professing democracy and practicing it.

When judged against this criterion, Western Democracy loses its charm for the people of Pakistan. It exposes itself painfully when elections are held in America on the basis of huge money exchanges, when riots erupt in America and England against the black and the brown, when shiploads of wheat are dumped in the seas instead of providing it to the poor nations, when western nations indulge in armed aggression in Vietnam, Cuba, Egypt, Iraq, Bosnia and Chechnia and elsewhere, when the blood of underdeveloped nations is sucked dry by the developed nations through their financial giants, the World Bank and the IMF. The great western powers need sham democracies and military dictatorships among the weak nations so that they may be able to exploit them and deplete their resources with much ease. They are not interested in introducing true democracy in these countries to strengthen the political process and help them to become self-sustained and capable of developing their societies to their own advantage. They will want these countries to be dependent on them as long as they may want.

The underdeveloped nations certainly need democratic polity to develop themselves. But these countries should develop these polities by themselves, according to their own aptitudes and on the principles of true democracy. If we may enumerate and define these principles, they are:

1. The representatives of the people in the assemblies should be elected through a free and transparent election process, and monopolies should not be allowed to influence elections.

2. No monopoly classes (*jagirdars, sardars, capitalists and religious elite*) should exist in the society, and the ratio between the high-income and low-income groups should be the least, not more than 1:7.
3. Strong institutions for accountability must be set up on permanent bases so that full accountability of corrupt elements could be held effectively.
4. A small number of well-organized political parties should exist which are formed on the basis of democratically elected 'collective leadership'. The undemocratic concept of charismatic leadership must be done away with forthwith.
5. A foolproof check and balance system must exist in the form of ruling and opposition parties, as well as well organized non-government organizations.
6. The Prime Minister and other ministers should not take any major policy decisions without getting these approved by the provincial and national assemblies and the Senate. On very special issues seminars and referendum should be held to gauge the select national opinion.
7. The assembly members should be made fully accountable before the electorate, so much so that the electorate should be given the right to recall their representatives in the assemblies if they do not perform to their satisfaction.
8. An efficient monitoring system should be established on a continuing basis to monitor the working of government organizations, and their heads, so as to ensure compliance of laws made by the Parliament, and completion of the development projects initiated by the representative government.

### **BROAD PARAMETERS OF DEMOCRATIC GOVERNANCE**

The broad parameters of democratic governance are:

Sincere belief in strengthening the political process in Pakistan on strictly democratic lines, through the joint efforts of the parliament and government machinery, so that the people stand out as the real beneficiaries of socio-political and economic development.

Rejection of politics of self-interest, intrigue, deceit and confrontation, and promotion of politics of co-operation, co-ordination and consensus, in the national interest. The political process and efforts for solving of problems of the deprived people are, in fact, acts of worship. Development of a new political dispensation, quite distinct from the politics of vested interests.

Working towards constructing an ideology for the modern times, of love and tolerance, of human development and unity of humankind, essentially based on the principles of Islam and democracy.

Changing the present redundant system of governance, which is averse to public interest, through close collaboration between the government, political parties and private institutions doing useful work in the various fields of activity. For such collaboration to be possible, honesty of purpose of political leaders a relationship of trust and confidence between the

government agencies and public and private institutions will have to be made operative.

The following commitments will have to be made by the government to the public for eliciting their willing support and assistance:

- (1) Clear indications and noticeable preparations of free, fair and transparent elections that will truly reflect the will of the electorate.
- (2) No checks like the NSC, or monitoring by various government agencies, over the duly elected Parliament or any over-riding powers of the Prime Minister and the President will be provided in the Constitution. The parliament will be considered as the supreme decision making authority answerable to the people and the electorate.
- (3) All government expenditure, including those of defence, will be transparently provided in the budget, and will be subject to audit and public scrutiny.
- (4) All persons holding public offices, as well as all citizens will be held accountable for their serious acts of omission and commission, and a permanent Accountability Commission will be set up.
- (5) Politics of confrontation, intrigue and deceit will not be allowed in future, and all government working will be people-oriented. The role of the Opposition will be clearly defined.
- (6) The economy of the country will be developed on self-sustained basis and attempts will be made to make it debt-free.
- (7) All unnecessary and useless government expenses will be discouraged, and simple living encouraged.
- (8) Price-hike, unemployment and differences in income ratio will be reduced, and the vested interests will be prevented from unjust accumulation of wealth. The state will provide unemployment allowance to the unemployed youth.
- (9) The landless tillers of the soil will be provided with ownership of 12 1/2 acres per family through effective land reforms.
- (10) The government and the Parliament should be made accountable to the people. The people must be accepted for all times as the supreme authority for running the state.

The summary of the Action Plan for implementing these commitments is:

1. FREE AND FAIR ELECTIONS:  
Spending limit of Rs. 20,000/- per candidate.
2. SUPREMACY OF PARLIAMENT:  
Amendments in the Constitution only through the Parliament.  
President not authorized to dissolve parliament
3. PUBLIC SCRUTINY OF EXPENSES:  
Promulgation of " Public Right to Information Act"
4. ACCOUNTABILITY COMMISSION:  
Focus on Pro-active administrative accountability
5. ROLE OF OPPOSITION:

Formation of Shadow Government

6. DEBT-FREE ECONOMY:

Government to spend what it collects. Collection to precede expenditure.

7. SIMPLICITY:

Raise in salaries of public servants and non-allowance of perks.

Taking clear steps for promoting simple living.

8. POVERTY & UN-EMPLOYMENT REDUCTION

Positive steps for reducing prices and providing jobs. Provision of 'cost of living allowance'.

9. LAND REFORMS:

Landless tillers to be made owners of land. Land to be given on easy terms.

10. DISSOLUTION OF HOUSE:

Assemblies to complete their term. Only the President and Prime Minister to be voted in or out.

### CLEAN POLITICS OF THE PEOPLE

The basic concern of politics is welfare of the people and their full participation in the political process. To achieve this objective the people have to be accepted as the country's highest authority. Hence the final option for election of members of the assemblies, and acceptance or rejection of the decisions of the assemblies, must rest with the people. If this argument is accepted as a principle, it becomes necessary that the people should be made politically aware and empowered to the extent that they come to understand that the status of the political leaders is not that of rulers but of servers, and the people have the right to hold the serving rulers accountable to them. If this was true then the impediments in the way of people's authority will have to be investigated, and the elements responsible for these determined. The most serious hindrances in their way are lack of education and political awareness, non-availability of necessities of life and the denial of human rights. All these obstacles have undoubtedly been created through the conspiracies of absentee landlords, industrialists, bureaucrats and the religious elite.

Any discerning person is deeply anxious to come out of this oppressive situation. The political leaders of the past, who had taken upon themselves the responsibility of leading and serving the nation, have failed to show the path to progress and prosperity.

**What is politics?** The most important need of our time is to comprehend correctly the country's political situation and prepare a coherent programme to improve on it. Obviously this cannot be done without active participation of the people. But such participation cannot be effected without differentiating between good and bad politics. The trend of politics in our country so far has been totally wrong. It is essential, therefore, to conceive the true direction of politics. Politics means securing the authority to rule, and using it for the betterment of the people. In order to organize the collective affairs of a

nation and to solve its economic, social, political and cultural problems, a system of good governance has to be formed with consultation and assent of the people, and by giving them some authority. The consent of the nation is acquired through elected representatives of the people. Thus the decisions taken by the governments regarding national matters, with the approval of the assemblies, are considered national decisions. Therefore, if the elections are not fair, and true representatives of the people are not elected through elections, the establishment of a good government and true reflection of national decisions would not be possible.

The authority of rulership is a colossal responsibility. It is a trust from God and the nation, and its exercise is a grave matter. This authority can be used only for the collective interest and not for personal or group interest or for the interests of particular classes. The proper use or misuse of government authority is the ultimate cause of the development or decay of a nation. Hence the nations that intend to progress have to secure exercise of governmental power and use it in the best way possible. The people too should fully supervise the working of their representatives in the assemblies after electing them through a foolproof electoral system, so that they may not get involved in serving their personal or group interests to the detriment of the national interest. The people should not lose their grip on their elected representatives. The democratic concept also includes the requirement of supervision by non-government organisation of any anti-people activities of government officers, and raising of their voices persistently against any wrong steps that may be taken by them.

**Importance of political parties:** Political parties are the best agencies for ideological and political training of the masses and for monitoring the performance of the government and the assemblies. They are an indispensable part of the democratic system. The political parties are the ones that appoint candidates for election contests on behalf of the people. After the formation of governments, the democratic principle of monitoring of government by the political parties and issuing instructions regarding policy framing should be applied diligently. In view of this overall importance of political parties, it must be ensured that its leadership is elected at all levels and not nominated. The elected Prime Minister, according to this democratic principle, should not remain president of his/her political party. Henceforth, the Prime Minister represents the whole nation. Party elections should be held after every one or two years. It should also be reviewed regularly by party members whether or not the party manifesto is being followed.

**Principles of politics:** The basic thing that should be kept in mind regarding politics is in whose hands rests the authority to govern and to which class they belong? In other words it is necessary to know whether those in power belong to the lower and middle classes or the upper class? Those who are in power will work necessarily for the interests of those classes to which they belong. If, therefore, the interests of the people belonging to the lower and middle classes are to be served they should also exercise the control over government. The wealthy class should be pressed for spending sufficient

portion of their wealth on the welfare of the people. But the fact on ground is that the ruling class has consisted mostly of *jagirdars*, absentee landlords, industrialists, traders, bureaucrats and the religious elite. These classes have been engaged all along in amassing wealth and living extravagantly while continuing to deprive the people of their minimum economic needs. They have not shown any attachment to the national interest. Such a ruling class could not have allowed, on its own accord, changes in the existing national and foreign policies in the interest of the country. In such conditions, it becomes essential to train the people about the changes that need to be brought in the existing socio-economic system. The people should be goaded to give a clear verdict in favour of establishing a 'People's Democratic Government' whenever the next elections are held. In this way a pleasant change could be brought about by going through a peaceful "democratic revolution" and saving the people from the travails of a "bloody revolution".

Another important principle of politics is that all the citizens of a country should be rendered equal treatment irrespective of their racial, group or religious affiliations. The government and political parties should work in coordination for economic and social benefit of all the citizens.

**Special features of "politics of the people":** Having understood and accepted the above meaning of politics, we will have to observe the following special features of 'politics of the people' if we wish to partake in positive politics and shun negative politics:

- It devolves power to the people at the lower levels, and gives maximum autonomy to the provinces. It induces the countrymen to work for the collective interest rather than personal interests. This results in benefiting the nation as well as the individuals.
- It safeguards people from sense of insecurity, anxiety, despair and disappointment by providing them with the basic necessities of life and ensuring their basic human rights.
- It formulates effective programmes for raising living standards of the lower classes, and prevents exploitation of the weak and the poor.
- It provides the people with equal opportunity for progress. It arranges equitable distribution of wealth to all people by loosening the grip of the vested interests on the country's resources.
- It paves the way for the establishment of a classless society on the basis of economic and social justice, by accepting the principle of human equality.
- It draws in people from all walks of life (both men and women) in greater numbers to participate in the political process, and matters of governance.
- It gives equal rights to women and men, and raises their economic, social, political and cultural status.
- It develops self-respect in the people. It creates the capacity of listening to others and the capability of speaking to others. It generates friendship, unity, amity, cooperation and interest in collective matters and, by engendering deep relationship with the ideology, generates resolve and courage for achieving the objective.

- It establishes the rule of law, and gives a towering and dignified position to the judiciary by liberating it from the dominance of the executive.
- It treats the press as an ally of the people, and gives full protection to it, so that it may project the viewpoint of the people fully and fearlessly and thus play an effective role for improving the system of government and working for the betterment of the country.
- It restricts all political discussion to arguments based on facts, and focuses on problems of the people. Thus it guards the political process from undemocratic behaviour like religious prejudices, sectarian altercations and groupings. It does not allow formation of political parties on the basis of religions and sects. It brings on record all the assets and other particulars of political leaders to guard against all kinds of corruption.
- It relieves the majority of the people from poverty, unemployment and ignorance by developing their capabilities through scientific education and technological training.
- It establishes only one kind of education system for all, based on merit and not on the basis of richness and poverty.
- It develops the languages and cultures of the various nationalities and enables them to live together amicably. It enables participation of all minorities in the political mainstream, and guards their equal status in the dispensation of human rights.
- It liberates the nation from wrongful political pressures and economic plunder by the international forces, and helps the nation to become self-reliant through proper development of the country's resources.

**Resolving existing political confusion:** In order to get rid of the fifty-five year old bad politics, the first step should be to start making efforts immediately to establish a system that would provide full protection to the interests of the people. Revolutionary changes should be made in Pakistan's economic, social and governmental systems on the basis of the principles indicated by all the Prophets alike, as well as in the light of the experiences of revolutionary movements of the recent eras.

We will have to adopt the principle, contained in the directions given by the Prophets, that all the land and means of production of a country are the collective property of the nation. According to this principle the *Jagirdari* system (in whatever shape it exists at present) should be abolished and the social status of all the people brought at par. Whichever land one may possess (rural or urban), and in whatever form, should be considered as state property and a trust with the people for earning their livelihood. Human labour should be made the basis of economy and capital should be given secondary position. Absentee-landlordism and construction of palatial houses for residential purposes should be prohibited. Such agricultural land as is in excess of a family's requirements, and that which is lying fallow, should be taken into state custody without compensation and distributed to the landless cultivators on easy terms. The industrialists and traders should be made to earn legitimate profits only. Such able and skilled persons who are without

jobs should either be given employment or provided small loans to start business.

The second principle given by all the prophets, which their followers have distorted, is that all human beings, irrespective of their nations or religions, are "one people of one God". During the twenty-first century the leaderships of all world nations will have to rise above all prejudices, religious or ethnic, and by adopting the profound principle of tolerance, working for unity of humankind on the basis of economic and social justice, and utilizing their abilities for establishing world peace.

### **OPEN LETTER TO THE PEOPLE**

The people can make the destiny of a nation once they attain self-confidence. They alone are the true agents of change. In fact, the reality in the scheme of life is the people. The ultimate goal of human life is raising the standard of living and moral standard of the people, and giving them full authority to formulate their collective systems. The salvation of the human race too lies in evolving a system of life that is based on economic and social justice. The responsibility for creating such a system lies primarily with the people and not with the elite. To achieve this goal, the basis of the relationship between the people will have to be laid on sincerity, affection and commitment, which attributes are ingrained in man's nature. What has adversely affected the reputation of political leaders and the religious elite is their arrogant assertion that they belong to the elite class and possess intellectual superiority over the lower classes. They have accredited to themselves the prerogative to render guidance to the people who they think are there to follow their directions. Alas! they have ignored the truth that acquisition of knowledge and wisdom is not a one-sided process but a two-way performance. Every person of understanding increases his/her knowledge and experience by learning from others and by matching these with those of the others. Now, in order to make this two-way intellectual exercise fruitful, it is necessary that every one should consider the other as equal in social status, and endeavour to bring one another into a better material and mental condition. In this way, everyone will start considering the other as friend and well-wisher and start working for each other's betterment. This will yield prosperity and good reputation for the nation as well as the country.

It is important to build a right kind of ideological base for the people in order to enable them to play an effective role in nation building. Without this the people will not be able to free themselves from the trap which the vested interests have laid for them in order to secure their despicable objectives. The people cannot get out of the state of poverty and helplessness unless they free themselves from this snare. They will have to understand that the ideological base was laid down in the days of Prophet Abraham and continued through the periods of Prophets Moses, Jesus and Muhammad (peace be upon them) The meaning of Islam was 'offering sacrifice in the way of God'. Sacrifice really means sacrificing one's lust, one's riches as well as life itself to free the people from all kinds of slavery. Wherever Islam had spread in the different eras in its various forms, it was on account of such sacrifices made

by the adherents of Islam. It was on account of this concept of Islam that the collective struggle of the people in the period of Prophet Muhammad (peace be upon him) introduced Islam to the world as a great power. But after the periods of Moses, Jesus and Christ (peace be upon them), their followers the Jews, the Christians, and the Muslims abandoned this basic teaching of Islam of making sacrifices for others, and instead arrayed themselves against each other as opposing forces. This situation developed because the leaders of all the three religious groups divided the human beings, who were 'one creation of One God', into different religious entities. Thus they negated their common inheritance of peaceful co-existence and progressive mental and spiritual growth and created various vested interests in every religious group. The people of understanding in the various countries will now have to shoulder the responsibility of liberating one another from the claws of the exploiting elite. They will commence with the process of freeing human beings from racial, linguistic, national, sectarian and religious prejudices, and intolerant behaviour. I am certain that the task of introducing Islamic concept of life to the human beings, will be accomplished at the hands of the Pakistani people, and that it will start bearing fruit in the twenty-first century. In order to liberate the people from the deception created by the rulers, the so-called ulema and spiritual guides, which they had been carrying on since long in the name of Islam, the people will have to be introduced to the true concept of "establishment of Islam" (*nifaz-e-Islam*). It is to give oneself up wholly in the obedience of God – the Creator, the Lord, the Sustainer, and the Saviour. This attitude cannot be engendered in the people unless they create fraternal relationship with others of love and amity irrespective of race, nationality, sect or religion, and learn to live amicably with one another. We cannot call ourselves followers and upholders of Islam unless we completely change our present wrong attitudes.

In order to cultivate such attitude in life, the people of Pakistan will have themselves from the fifty-five year old intellectual and ideological servitude of the mock leaders and instead rely on their own strength of thought and action based on sincerity and honesty. They will have to change the existing electoral system altogether, bring themselves out of the state of despondency, dis-heartedness and helplessness, and inculcate trust in themselves. But this can only be possible when the people develop mutual confidence, become well wishers of each other and start serving one another.

The object of the above analysis was to establish the fact that every person in a society is important and venerable. The people should determine the direction of the policies of their country themselves. They should elect their leaders after fully judging their understanding, wisdom and good reputation. The Quran has laid down a definite command for the guidance of both the people and the leaders that decisions on all matters must be taken by mutual consultation. The definition of 'the people' includes all persons (men and women) who belong mostly to the lower and middle classes. Neglecting this basic premise has led to the slipping away of authority from the hands of the people, and going into the hands of the few elite whose main interest is acquisition of personal interests and gains at the cost of the collective interest. Since the acquisition of these advantages rest with power

and wealth, the wealth and power hungry elite appoint themselves as leaders. They bring the people under their influence by overawing them with their machinations and violent methods, and divesting them of their inherent authority to rule.

After having laid these basic premises, I will now address the people instead of the rulers, politicians and the religious elite, and will try to explain as to what place the people of Pakistan have in Pakistani politics. I will also try to explain the viewpoint, one should accept and the path one should tread in life so that usurpation by the vested elements of the country's resources and power is made impossible. By treading this path, the people will be enabled to take their destiny, and that of the nation, into their own hands. Although the matters that I am going to discuss hereafter are seemingly the obligation of the government yet, in essence, they are the responsibility of the people. It is their responsibility to monitor whether or not the government is handling its responsibilities to their satisfaction. In order to take upon themselves this obligation the people will have to establish a strong and organized civil society.

**Public property:** Firstly you, the people, must become aware of the lost position which had actually belonged to you. You are the masters and owners of this country, and have the collective right over the country's means of production. No one class has the right to grab these and dispossess you of your right. You should get the excess lands with the jagirdars and the absentee landlords confiscated by the State. The lands thus acquired should be distributed to landless tenants on easy terms. Such a step by the government will result in immense increase in agricultural production and considerable decrease in unemployment. The mishandling of urban property too should be remedied.

**Authority of the people:** You must use your right to speak out amply in all matters of governance. You should also acquire administrative and financial authority at local and district levels in order to fulfil your needs and solve your problems. You should be able to collect the required tax yourself and spend it according to your own will. If you will use your authority in a good manner at the district level it will have solitary effect on the central level as well.

**Reforming political leadership:** In order to consolidate your authority at the people's level you will have to fulfil two important requirements: reforming your political leadership and improving the electoral system.

Political parties are necessary for political progress, but to make the political process effective the internal makeup of parties should be made truly democratic. You will have to keep a strict watch to ensure that all the office-bearers at the local, district, provincial and central levels are duly elected, and that elections are held every one or two years. The parties should have their manifestos and programmes duly published and the membership register properly maintained. The scope of political parties should be wide enough to assimilate individuals having different points of view, and they should be made to work collectively for the betterment of the country.

Political leadership should not be amenable to narrow-mindedness and mental confusion. A righteous democratic leadership cannot be raised without properly arranging these checks. The sectarian and religious groups should not meddle in politics because it is beyond their domain. If the purpose of the religious groups is propagation of the universal values and moral teachings of Islam that purpose can best be realized by working for character building and personality development. It is not proper to lay the foundation of politics on sectarian and religious assertions and impassioned slogans. The existing political parties do not disagree on the basic principles of Islam, nor will the new ones, in all probability, disagree. The shoddy performance of the existing political parties has made it incumbent upon you to come forward yourself to set up political parties on truly democratic lines, and provide its leadership. This leadership should grow upwards from below; it should not be thrust upon the lower rungs from the top. Leadership should be elected at all levels and should consist of sincere, honest and capable persons. The need for such new political parties is a dire necessity in view of the bitter experiences about the incapacity of the existing political parties to change their bearings.

**Electoral reforms for true representation of the people:** You will have to formulate precise standards for leadership of political parties at the various levels. This is essential for selecting the right candidates for election to the assemblies. You should no longer follow the political leaders blindly. The political leaders should no longer be trusted blindly. They should be judged thoroughly, keeping in view your fifty-five year harsh experience with them.

In order to ensure 'true representation' in the assemblies, you should prevail upon the present government to take the following steps:

- (1) Make the elections completely free, fair and transparent, and effect such arrangements as would make all election trickery impossible.
- (2) Make the electioneering cost very little so that financially weak but suitable candidates could stand for election.
- (3) Make certain that all eligible voters are entered in the voters' list, and that it should not contain bogus votes.
- (4) Disallow the administration, police and other government organizations to influence election results.
- (5) Impose manifest conditions regarding qualification of candidates.
- (6) Give to the voters the right to recall their representatives in the assemblies.
- (7) Bind the Election Commission to invite proposals from the public about reforming the electoral system, and to arrange training of voters on a large scale about the election process.
- (8) Give to the opposition in the provincial and national assemblies legal and constitutional status, and ensure all necessary facilities for the opposition to perform its legal and constitutional role.

In addition to this, you should also constitute "People's Watch Teams" to monitor the election process. Moreover, in order to make the elections fruitful, you should also make yourself aware of the country's economic, social and political situation, and its problems. You should also supervise the working of

your representatives in the assemblies and subject them to accountability for their failings.

Even if you get these election reforms enacted, sending of suitable representatives to the assemblies will still lie entirely upon you. You will have to select such candidates for election as are capable and possess good character, keep themselves engaged in fruitful activities and have good reputation in their constituencies. You will have to discourage those candidates who have bad reputation, are of bad character and who use their wealth and influence to impose themselves upon you. You should reject them outright. Remember that you should never prefer bad people to good people.

**National Reconstruction:** You should conceive your country and nation as great and outstanding. You will have to bear the responsibility yourself of giving this conception a practical shape; the *jagirdars*, absentee landlords, the unbridled capitalists and the religious monopolists will not assist you in this. They will continue to keep themselves engaged in acquiring personal benefits and use power for self-projection rather than working for national construction and development. Their maneuvers and machinations have been responsible for the intellectual and physical decay of the people, and weakening of the nation. Have you ever seen people from the upper classes play any useful role in times of emergency? They are always on the run in such situations. It is you who offer sacrifices on such occasions. The selfish elements of the upper classes have caused collapse of the economy by taking their money out of circulation in their own country and depositing it in foreign banks. They will never lend their support to improve the economy and help bring it out of difficulties. This job too will have to be performed by you. In the future you will have to develop, with the help of truly elected governments, an economic and political system in which no one be able to exploit the other. In other words, it is you who will have to make Pakistan into a self-reliant, strong and dignified state to which the oppressed people of other countries could look up for guidance and assistance.

**Alleviation of poverty:** It is you who will endeavour to alleviate poverty. Those who have been gloating over ill-gotten wealth and the power to govern could not be expected to come to your assistance for this purpose. They will continue to create hindrances in your way; they are helpless at the hands of their false egos. You will have to look into the reasons behind the coming into existence of poverty on such a large scale, and plan its alleviation yourself. Poverty is your problem, and you will have to solve it yourself. The rich exploitative elements will not come to your help. If you want to get rid of poverty then you will have to get back the plundered money from those usurpers who have robbed the country. You will also have to get the principle accepted that those who possess greater amount of wealth should pay more tax.

**Rights of women:** Men and women are like two arms of a body. In order to build a strong society, you will have to arrange removal of the imbalance between the rights of men and women, and eradication of the culture of

exploitation of women by men. The capabilities of both men and women should be pooled and both should join hands to develop the new generation of the human race better. To achieve this objective it is essential that women should be honoured, respected and adorned with education. Women should also be given opportunities to join political parties and become members of the national and provincial assemblies, with not less than one-third seats reserved for them. Women should have their say in governmental affairs.

**Strengthening the judiciary:** You will have to make efforts to establish a judicial system that would institute effectual legal proceedings against those in the society who are bent upon inflicting financial and physical loss to others. This will bring you ease and comfort and provide justice at your doorsteps. You will not have to travel long distances and spend much of your time and money to secure justice. In order to get these facilities you will have to help the judiciary to gain complete freedom from the influence of the executive. The extent of this freedom should be such as would effectively prevent the executive from going against the interests of the people.

**Police system:** You should attempt to establish such police system as would provide you with full protection from the oppressors, armed goondas and bandits. In order to make this possible it will be necessary to create a relationship of trust between the people and the police so that close cooperation between the two could be achieved. The police too should respect and be polite to the people and consider them as their companions in prevention of crime. Carrying of arms by influential persons and the religious elite, and keeping armed bodyguards by them, should be disallowed. In order to get the best results the police should be placed under the authority of public representatives at the district level.

**People and the army:** You should also reflect upon the real relationship between the people and the armed forces. The existing concept of this relationship, as devised by the western thinkers, is that of alienation and estrangement. The armed forces of Pakistan should perform the duty of defending the people and the country against any outside aggression, and come to the nation's help in times of natural calamities and immense difficulties. Hence this concept of alienation of the army from the people, as given by the so-called flag-bearers of democracy, is spurious and iniquitous. You, the people, have to build the future destiny of Pakistan with the deep cooperation of the politicians, intellectuals, judges, civil servants, armed personnel and journalists, and remove all anomalies in the working of these sections of society. If, at the various periods of history, a few senior army officers had usurped state power for their selfish ends, and worked against the national interest, it was wrong and cannot be condoned.

**Cooperation of the press:** The press can play an important role for bettering the lot of the people and in nation building. During the last fifty-five years the press has been playing a factional role in the altercations and machinations of the pseudo-democratic governments run by *jagirdars* and

capitalists and, as a result, it could not become an ally of the people as against the elite. The vested elements had, by clamping a class system in the country from the very start, created a system of economic and social inequality through unjust distribution of national wealth. These elements had put such obstacles in your way as have increased your miseries and hardships and hence you could not gain understanding about your collective gains and losses. Now, the spell created by the vested elements has dissipated and you are coming out of its effects. The press too has liberated itself from this spell to a great extent. You should, therefore, make close contacts with the press, befriend it and seek its assistance in the performance of the tasks suggested above. This time the press will not fail you; it will support you fully.

**Public interest:** You should take well-considered steps to firm up your financial, educational and cultural condition and understanding. Your interest lies in investing your energies in constructing the society. For this purpose you will have to set up civil institutions, with the help of intellectuals and educated persons belonging to the lower classes, that would take you to the heights of advancement.

Be confident that the exploitative and monopolist elements will not succeed in demolishing your sovereignty and authority by masquerading as flag-bearers of Islam and democracy any longer. You must understand that it is you who will demolish the class system and, in its place, build a democratic civil society in which, through a good education system, you will gain access to knowledge and achieve conceptual and intellectual superiority over the elite class.

## **MINDSET FOR THE TWENTY-FIRST CENTURY**

We have now entered the twenty-first century. It is an occasion for humanity to rejoice for their past achievements and future opportunities, and to vow to think and act better in the future. It would be proper on this occasion for individuals, men or women, to enter into a clear assessment of our past failures and a true appraisal of our past contributions in order to learn from these and contribute towards self-advancement as well as collective betterment of the society. Such an attempt will help us organize the educated, enlightened, progressive and democratic elements in society advocating individual liberty and social equality into an invincible force for future development.

But for making any advancement in the new century we shall have to create a new and fresh mindset that would cover all aspects of our life and enable us to be humane in our ways. In order to increase our understanding of affairs, we will have to analyse what we have failed to do in the past. When we enter upon this exercise we find that in spite of humankind's spectacular gains in the field of science and technology in the last century, it has lagged far behind in transferring the fruits of such development to the various strata of society. There must be some cause for this failure. When we analyze the causes of our failure we come to understand that it was due to our not allowing the finer elements of our instincts and intellect to determine

our course of action and frame our programmes. We succumbed to our baser desires of pursuing material gains for ourselves at the expense of others. We let the golden principles of contentment, clemency, tolerance, patience, friendliness, humility and simple living slip out of our minds. We let the race for affluence replace moral elevation and being consideration for others. This naturally led to disorientation of plans for formulating our future for building such societies as would contribute to uniform development of human beings living in these societies. We have overstressed economic development and relegated moral and spiritual development to the background, whereas, these should have been developed side by side being equally important for the human beings. Together, these can lead to balanced progress contributing effectively towards advancement of various societies of the world.

The questions arising out of this analysis are: Which steps should be taken to minimize failures on the way to progress? How to remove disparities of development between the different sections of society and the various countries and regions? How to establish lasting peace in the world? In what way to develop the true concept of democracy which is based on widest consultation and participation of the majority of adult population in the political, social and governance sectors? Which benchmarks of development should be followed in order to ensure smooth and equitable distribution of wealth? In order to answer these questions we will have to consider one by one the steps that ought to be taken for development. For this we will have, first of all, to define the areas that require priority attention. Different mindsets develop different forms of society, but we require a mindset that will enable us to construct a society becoming of the twenty-first century. One thing, however, is necessary that the future social structures should be based on humanitarian concerns.

### **Organizing Civil Society**

The area that requires first priority attention is that of organizing the civil society. In order to develop civil society we will have to dilate upon the various aspects of civil society, study diligently its existing condition and possibilities of balanced development. What we require is a fair, just and equitable society free from authoritarianism and religious bigotry. The situation as it exists today is that countless persons with little or no integrity have installed themselves as leaders with the aim of seeking personal agenda regardless of its cost to the nation, whereas the people of substance have stepped aside from politics leaving the country at the mercy of unscrupulous elements that would not allow capable persons to emerge and lead. Thus, in one way or the other, all of us have contributed to the dismal state of affairs we find ourselves in today.

Our dire need, therefore, is to develop a healthy society. In order to do so we will have to work hard to create a society devoid of elite culture' wherein possibilities of exploitation by the vested interests are minimized, and the right of ownership of the means of production and its equitable utilization on merits by all is existent. It is only thus that a society based on economic justice and social equality can be built. The people in such a society will be considered as co-rulers and not as mere subjects. But all this is possible only

if the masses are made politically aware and enabled to freely elect their representatives in the assemblies and monitors their working. Another important requisite is that the majority of the population should not only be literate but also educated to a reasonable extent, and should be free from religious and racial prejudices. They should consider other human beings equally respectable, believe in human fraternity as a behavioral norm and work collectively for economic and educational advancement of the human race. All the religious minorities should be given equal rights with the Muslim Majority in Pakistan, and be wedded into a strong nation. A concerted effort should be put in to minimize economic disparities among the people and remove poverty and unemployment from the society.

### **Acceptance of the Reality:**

In order to transform this objective into reality, we will have to give top priority in our lives to cognition and recognition of God the Creator, Ruler and Provider of the universe and all its creation, and realize its importance as the real cementing factor in human relationship. This realization (called 'faith') leads one to understand that all human beings are the creation of the One God, that they are equal in status, and that they have been ordained to make collective efforts for the common good of man and use their capabilities and talents towards this end. This straight and simple guidance from the Creator has been turned, in the course of history, into 'personalized religions'. These religions, however, are man-tailored and they divide people instead of uniting them. Such a sad diversion from the truth had led to estrangement between human beings, and to creation of innumerable hazardous problems for humanity. Acceptance of the above argument lends succors to our resolve to play a positive role in constructing our individual lives and in developing our society.

Before we embark upon any errand in this context, it is essential to determine its premise and charter the right course. This, in fact, will determine the success or failure of our endeavours. The lack of cognition by us and our political leaders of the right course have been the main cause of failures of our governments. They have been incensed with the lust for power and wealth. They have all along lived and worked for their self-interest and not for the interests of the people and the country. They have never been conscious of the status of the people as the sovereigns and masters of the country. They have always considered themselves as the masters and the people as their servants, to whom they have never considered themselves answerable.

### **Personality Development:**

Second in importance to cognition of the Creator of the universe is the development of the human personality. This development is a two-way process- internal and external. Internal development starts with self-assessment and self-criticism of one's thought and action in life pursuits, with a sense of responsibility to the Creator. External development results from sensitization to accountability to the society. We give below a code of human

conduct that can assist one to adopt a positive mindset that will be of immense value in determining our stance in life.

- We will look up to each other as fellow human beings having equal rights.
- We will practice tolerance and promote co-existence, and will renounce discrimination on the basis of color, nationality, race, language, religion, gender or any other kind of bias.
- We will seek and promote knowledge, truth and wisdom and work for building a humane society.
- We will endeavor to raise the level of literacy, educational standards and moral values and engender political awareness in order to promote genuine democratic polity and vibrant culture.
- We will strive to establish an efficient socio-economic system that would prevent exploitation of the masses and improve their standard of living and state of happiness.
- We will reject all kinds of fascism aimed at forcing people to think and act according to the whims and dictates of others and denying them the choice to take their own decisions, and will advocate rational dialogue for settling differences.
- We recognize the need to develop human fraternity, banish wars and secure peace at the global level. The inherent human faculties of creativity, love and pursuance of beauty, and the productive potential of the human race, need to be employed in harmony with nature for the protection of environment.
- We consider consumerism (wasteful expenditure on luxurious living) as harmful for positive progression in human relationship. We seek to live frugally and spend our savings for the betterment of society.

Now, we move on to the essential traits that an individual should acquire. They are: (a) preferring national interest to self-interest; (b) adopting simple living instead of luxurious and prodigal living; (c) cultivating humility as against arrogance in one's behavior; (d) acquiring disposition towards doing good to others and treating others in the manner as you would like others to treat you. (e) shedding racial, religious, sectarian prejudices and practicing tolerance; (f) spending liberally for the common good; (g) consulting each other instead of making arbitrary decisions; (h) entering into dialogue for resolving differences instead of indulging into confrontation; (i) refraining from corruption in any form and converting inefficiency and sluggishness into efficient and disciplined conduct; (j) speaking the truth always and refraining from falsehood and hypocrisy; (k) considering others on merit as fellow-humanbeings in one's every day dealings irrespective of their religious or other connections; (l) broadening the horizon of the mind to include the interests of mankind as a whole; (m) accepting women as having equal rights with men and affording them full respect.

For all this to happen, we will have to adopt a fresh and universal mindset free from all kinds of prejudices and accept tolerance as a strict norm of behavior. Such a mindset will help healthy and sustained development in all fields of life. It will help the right thinking people in all societies of the

world to develop their respective societies in a manner as would help create a consensus with other societies for equitable advancement of human beings.

## UNITARIAN POLITICS

There are two main players of the body politic and makers of a country's destiny: One, the political leaders (i.e. representatives of the people, who possess the valid authority to govern a country). The basic principle that governs the authority of the politicians is that they are democratically elected representatives of the people. Two, the civil servants that assist the politicians in governing the country. They are servants of the people who are there to act according to the explicitly laid down policies and programmes that are framed through consultations and discussions by the people's representatives in Parliament.

All other State institutions such as the Judiciary, the Police and the Armed Forces are there to assist the public representatives to govern a country, and to provide a safe and peaceful environment. These institutions are non-elected and have specific roles to play in the formation of an orderly society for the betterment of the people.

The political setup of a country needs more than one political party in order to keep the people constantly abreast of the development process of the country. But only those should enter politics who pledge to serve the public interest rather than party and personal interests. This process includes educational, scientific, technological, material, moral and spiritual advancement of the human being.

Engaging oneself in clean and positive politics is an enormous task. It can only be accomplished by first chalking out a future strategy based on a foolproof Work Plan for securing the democratic, social and economic rights of the people. The work plan, in my view, should include the following: -

- (1) Coordinating with like-minded political parties, intellectuals, journalists and specialists in the various fields of life.
- (2) Engaging in social work among the low-income-group *abadis* (settlements) especially providing medical relief, primary education and adult literacy as well as solving the problems of unemployment and removing difficulties of the people at the grassroots level.
- (3) Breaking the economic and political stranglehold of the feudal lords and big absentee-landowners by abolishing *jagirdaris*, *sardaries* and monopolies over the means of production, which are the collective property of the people.
- (4) Reforming the vital institutions of Judiciary, Police and Bureaucracy and making them effective and fruitful.
- (5) Reforming radically the Electoral System, and making the Election Commission fully autonomous.
- (6) Arranging maximum autonomy for the Provinces.
- (7) Allowing free political activity, and throwing open the electronic media for political parties to present their manifestos and programmes.
- (8) Effecting accountability, to a large extent, before general elections are held of corrupt politicians, bureaucrats and all others that have

looted national wealth and worked against the national interest. It must be understood that a clean political process is the real catalyst of change.

- (9) Creating among the people mass political awareness and the demand for liberty and democracy. Making a conscious effort collectively to create leaders from the lower and middle classes and to bring them into the Parliament and Senate. Touring extensively the towns and villages, and launching a door-to-door campaign against the prevalent exploitative system in order to upgrade human value and dignity.
- (10) Treating all the citizens of Pakistan as one nation, and rejecting the false concept of 'religious minorities', introduced by the West.
- (11) Developing a political culture of coordination and cooperation between the ruling parties and the opposition parties for furthering the common interests of the people.
- (12) Mobilizing the people in defence of Peace as against weaponization and war hysteria. Working for establishing a tolerant and humanitarian society free from sectarian tendencies, and advancing towards unity of humankind and oneness of faith.

Should we not be upright enough as to accept and uphold the truth? We should indeed work together to lend meaning to our words so that they may take firm roots in our soil!

(Presented at the National Political Conference held in Lahore on 25<sup>th</sup> February, 2001.)

## **ROLE OF POLITICAL PARTIES IN BUILDING AN EGALITARIAN SOCIETY**

### **A POSITIVE VIEW**

**The main feature of our age-old heritage of the feudal culture is fascist personalities. Tendency to force others to think and behave their way is so common that it has become an accepted norm for the adults in the society, especially those placed in the position of privilege and responsibility. They expect the younger ones or their subordinates to obey them blindly. Difference of opinion, dissent or new ideas are taken as a threat to the honour of an adult or a senior.**

**Cadres of the political parties too have been nurtured in feudal or semi-feudal milieu. People have strong likes and dislikes; they are either completely for or against something; they are biased or prejudiced; they act hysterically. The situation has deteriorated so much that the most prestigious social and political institutions of the country have fallen victim to hatred, brought about by unbalanced approach and irrational thinking of individuals or sections of society. It is high time we realise that something has to be done to redeem**

**this situation. Our society has to be freed from the evil influences of the feudal culture, economy and politics and given the capability to frame its own destiny, on the other hand. Political sovereignty of the people and equal opportunities of securing benefit from the country's natural resources should be guaranteed. People's participation in the process of governance and development of the country must be assured by devolving power down to the local level. Thus the maturity of the individual and the society at the cultural level will have to be combined with full political awareness and democratic participation of the people in managing and improving the affairs of the country.**

**The twenty-first century is the dawn of a historic role that our political parties must play in reconstructing the society. Only those will survive in the politics that recognizes the need to raise the consciousness level of the masses as well as to organise the society on positive, creative and truly democratic lines with the help of enlightened and organized party cadres. The days of populist politics are over. If our political parties continue to rely upon such gimmicks they will not only lead the country towards anarchy but will also be doomed themselves.**

The political awareness of the masses is a truly noble cause and political parties, worth the name, must commit themselves to this cause. Political parties must develop the capability of steering the development in the individual of a democratic personality. This is absolutely essential to ensure the future of democracy in Pakistan.

## **Prerequisites for Political Education**

### **Literacy and Education**

Historical experience has shown that the political education of the people is an important factor in the progressive transformation of society, and that political education cannot be successfully imparted unless political parties and their governments systematically create the essential conditions and environment for it.

The first and foremost condition is raising the level of literacy of the people. So long as there is illiteracy in the country, it is difficult to think about imparting political education. An illiterate person stands outside politics. Without first learning the basics of politics one may fall victim to rumours, gossips and prejudices. A new life and a dynamic society could not be built without knowledge.

A nation-wide movement for literacy, education and cultural advancement should be initiated by the government, as well as social organizations, as a means of improving the lives of the people and affording them an opportunity to take their fate into their own hands. Thirst for knowledge grows proportionately to rise in the level of education. The involvement of the people in social and political activities and in the administration of the country heightens their intellectual level.

## **Libraries and Clubs:**

Much attention should be paid to the development of literature for children and youth. Fresh books should be written for them keeping in view the modern requirements of education, and the advancements achieved in the fields of science and technology. High moral values, that sustain developmental activities, should be inculcated. Libraries should not only loan books but also advise readers on literature and arrange meetings with writers, poets, artists, scientists, and experienced political workers. Libraries and clubs should be opened in every town to feed the people's growing need for information.

Clubs play a big role in educating people and in bringing about their political and cultural maturity. These clubs could conduct numerous activities of educational, ideological and political nature such as evening gatherings devoted to questions and answers on topical subjects, and lectures and discussions on major events in the life of the nation.

The effectiveness of ideological and educational work among the people largely depends on the competence of those who conduct it. They should have the desire to engage in this work not as idle talkers but fighters for the cause. One of the major tasks of political parties is to train such able individuals.

## **The forms and methods of consciousness-raising work**

### **Intellectual training of cadres**

The process of changing the psyche of the people, who have been under the demoralising influence of an exploitative system, is a very complex matter. The main task is to raise the intellectual level of party members. They should be enabled to understand and analyse national and international events objectively and communicate with people in jargon-free language. Such members will help political parties strengthen and steer the society towards a stable democratic culture, by raising the consciousness level of the party cadre.

### **Rural travelling schools**

Rural travelling schools and mobile photo exhibition, equipped with popular literature, posters and films etc. should be set up. Rural reading rooms should be established in the house of a farmer or the village teacher where the villagers could gather to hear a talk, ask questions or do some reading.

### **Economic instruction**

Economic instruction regarding ways of increasing productivity of crops, of raising one's economic level and understanding of economic issues,

constitute a component part of political education of the people. It also helps people, both urban and rural, to analyse the effectiveness of their labour.

## **Honesty**

An infeasible law of political information and of all ideological activity of a political party is truthfulness and honesty. Tell the people openly and honestly about all the difficulties and hardships which are inevitable in the course of construction of the new life. It is therefore, important that political activists should be trained to participate in dialogues and exchange of views in a way that helps people analyse information correctly. Engaging in direct discussion to prove others wrong and to present oneself as a rightful educator only antagonise people. One has got to be a tactful conversationalist but at the same time a dedicated activist because actions always speak louder than the words.

## **The main aspects of political education**

It is the individuals who shape a society. Therefore, when a political party seeks involvement of the masses in construction of a new society, it must clearly define the qualities to be cultivated among their members.

Work is the backbone of the life of a human being in a society. The main requisite for the success and consolidation of a polity is to create among the people conscious work-discipline and conscientious attitude towards work among people. An exploitative system develops a slave mentality in the workers and destroys their personal dignity. This system leads to anarchy, idleness and disorder. The worker should, therefore, be encouraged to challenge the existing system. A political worker should be educated on a broader concept that includes:

- Fostering genuine interest in work
- Encouraging thriftiness
- Raising the professional skill, organising mutual cooperation, and promoting healthy competition
- Developing in an individual the ability to discover his/her talents and have courage to take initiatives with a creative attitude
- Evolving a rational and balanced sense of patriotism as well as internationalism in order to further the cause of peace and prosperity
- Cultivating the desire to devote all ones energies, abilities and resources to the benefit of the people and the country, enthusiastically and selflessly
- Developing a tolerant and democratic personality - a 'democratic being'

The basis for the formation and development of these qualities is the scientific outlook, an understanding of the world around us and of the laws of development of society. A person who has thoroughly mastered this world outlook is certain to become politically firm and principled on the one hand and emotionally balanced and rational on the other.

These are the basic aspects of the ideological and educational work that should be carried out among the people. These are all closely interrelated and should be carried out by the democratic political parties and the State that

must possess modern progressive outlook, and they should work systematically to raise material welfare and cultural level of the people.

### **Planning and supervising consciousness-raising work among the people:**

Once we determine the nature of the tasks before us, decisions about their implementation should be taken up in right earnest. It is always useful to suggest time limits to accomplish a particular task.

Greatest importance must be attached to the work of mass organisations like that of trade unions, women and youth organisations, cooperative societies etc. They should be rendered full support and assistance and, through them, close contacts with the people should be established and maintained.

Decisions of political parties affect the lives of the masses. Therefore, the political parties are under obligation to adopt scientific, logical, explicit and concrete decisions at the right time. While pursuing its goals of political awareness tasks, a political party must keep adding on to it additional reserves of political activists to accomplish one task or another. The causes of current shortcomings should be analyzed and the ways of eliminating them outlined. This attitude acts as a means of appraising the state of affairs in different sectors of the struggle to build a new society, and regulates the effectiveness of political work. The organisational work should include political education of workers and raising intellectual level of political activists.

Party workers should work both in the urban and rural areas in an attempt to find an opening into the minds and hearts of the people. They and should not be daunted by prejudices, resistance and even insults. They must learn to communicate effectively with members of the society and raise their socio-political consciousness level steadily and patiently.

Planning is the first stage of organisational work and provides the groundwork for gaining and accumulating experience in administration. Planning must meet two basic requirements: it has to be realistic and optimal. Realistic planning means bringing to the fore those tasks that are vitally important today and for the solution of which necessary conditions already exist. Optimal planning is the selection of ways and means that would be most efficient and make it possible to draw effectively on the creative energy of the people. Thus the plans of political and educational work are a practical guide to action.

### **Principles of organisation**

When a political party is in power it must have a firm control over the execution of the decisions, plans and tasks adopted by the party. Party control consists in:

- a. Prompt checking of the implementation of measures and plans.
- b. Delivery of reports by party members on the fulfillment of assignments

- c. Analysing and reviewing the work done
- d. Studying public opinion on certain major political or economic moves made by the party and the government
- e. Ensuring participation of the people in the work of raising the intellectual level of the masses.

While educating the masses, party members must keep a low profile in projecting themselves. They should not assume the role of self-styled leaders who are supposed to exercise control over the people. They should be well informed, and remain humble, polite and confident during their contact with the masses. Party leaders must keep a close contact with the lower cadres to ensure that they get proper training, receive relevant literature and instruction regularly.

In order to do so political parties should hold regular seminars. They should set up information centers at various places for giving training to the party cadres by providing correct information on current events, exchanging ideas, and refreshing their political knowledge.

The political education of the youth is of utmost importance. Attention should be centered on questions relating to intellectual requirements of the youth. To educate the youth is to create a reliable reserve of workers for political parties, and a generation of builders of new life structure for the nation.

In supervising mass education, contact with the people must be strengthened and the conditions of the people's lives understood properly. To win people's support a political party should explain to them every new move in its policy. The success of a political party lies in its bonds with the people. The party cadre must keep regular contact with the people, understand their problems and learn from their experiences.

Today, there exist diverse forms, methods and media for disseminating political information. It is important to utilise the potentials of each. Efforts should be made to improve the quality of radio and television programmes and make wider use of newsletters and magazines for educating party workers.

It must be remembered that the building of a society based on socioeconomic justice, wherein people are empowered to participate effectively in the governance of their country, would enable the people to reach the height of culture and civilization within the shortest possible period. In order to attain that position, citizens should be well-educated and able to understand the laws of social development, appraise world development from a modern angle, and make the best use of their energies and knowledge for the good of their country. Education, on creative and investigative lines, promotes advancement towards a brighter future.

Let the political parties get rid of their age-old attire and demeanour, change their inherited political culture and acquire the new mode of politics, so as to be instrumental in bringing about a truly democratic order in Pakistan.

## **BUILDING QAID-E-AZAM'S PAKISTAN THROUGH THE POPULAR WILL**

I am sure every one has gathered here with conscious minds and throbbing hearts to contribute and exchange their well-considered thoughts on how best to serve their country by extracting it from the quagmire of bad politics, and putting it on the right track of good governance. This is the common concern of both the intellectuals and the ordinary citizens.

I will begin my treatise by stressing that we should not ignore the fact that we owe the very existence of Pakistan to the dedicated efforts and the exemplary leadership of Qaid-e-Azam Muhammad Ali Jinnah. Others, who have followed him, with few exceptions, have done disservice, to a smaller or larger extent, to the cause of Pakistan. We will have to pass this judgement without fear if we intend to reverse this tide and in future contribute positively, as a nation, to build the country. Now, instead of grieving over the happenings in the past we should give our utmost thought and attention to what the father of the nation wished Pakistan to be. We should seek guidance from his advice. I am sure every one has gathered here with conscious minds and throbbing hearts to contribute and exchange their well considered thoughts on how best to serve their country by extricating it from the quagmire of bad politics, and putting it on the right track of good governance. This is the common concern of both the intellectuals and the ordinary citizens. I will try, as best as I can, to lay before you the bases of future Pakistan. I will be very frank and forthright in my presentation. It is for you to judge its correctness. We should follow the directions of Jinnah, left with us as his legacy, and agree to set our political, moral and cultural direction according to his wishes.

But before we do that, you would agree that most of our political leaders after Jinnah were not intellectually, educationally and morally of the desired capability. The concepts and politics advocated and practiced by these political leaders were rotten to the core. These self-styled leaders had saddled themselves in the seat of power through dubious means. These leaders, mostly feudals and capitalists, had installed themselves in positions of power by hook or by crook, on the strength of their wealth, and indulged intensively in promoting their own interests to the detriment of the nation. Their misdeeds brought about poverty, unemployment and a hoard of other disparities in the social, economic, political and cultural fields.

Therefore, after all the frightful experiences that we have had at the hands of our leaders, of betrayal of promises and plunder of national wealth, we will have to finally adopt a new political philosophy and a down- to- earth plan of action based on principles, if we wish to build Pakistan. Now, we shall have to speak out and present the truth, nothing but the truth.

The salient feature of this political philosophy shall be:

- (a) The ownership of all land and means of production will belong collectively to the nation, which includes all citizens of Pakistan irrespective of caste,

colour, race or religion. All citizens will be provided equal opportunities for its utilization according to their capabilities.

- (b) All the citizens of Pakistan will have equal rights. No distinction whatsoever will be made on considerations of gender, race or religion.
- (c) Political leadership will, in future, be thrown upwards from the grassroots from amongst the educated, talented and honest people of the lower and middle classes, and not from the vested interests and exploitative elements of the upper class.
- (d) Duality in our socio-political and judicial systems will be done away with. The duality inherent in the terms 'secular approach' and 'religious approach' will be removed.

The plan of action for national construction shall contain the following steps: -

(1) The 1973 Constitution will be restored in its original form. All amendments made by Zulfikar Ali Bhutto, Gen. Zia-ul-Haq and Mian Nawaz Sharif will be scrapped because their dictatorial governments had made all those changes in the interest of the vested classes and thereby undermined the real interests of the people. The truly democratic government, when it is put in place by 2002, after the necessary land reforms have been effected and electoral reforms made, will indeed have the right to make the necessary changes in the Constitution through Parliament in the interest of the nation.

(2) Elections will be held on joint electorate system as laid down in the 1973 Constitution.

(3) All the political leaders, civil bureaucrats and army generals who had indulged in corruption and dishonesty, during the last decade atleast, will be subjected to strict accountability. All those found guilty will, in addition to penalties and imprisonment, be debarred from any public office for atleast two decades.

(4) Persons belonging to the army, civil bureaucracy or the judiciary (which are auxiliary organizations of the government) will not be allowed to take part in politics, much less take over the administration of the state. Such persons, however, may be allowed to take part in politics after two years of their retirement from service, and fulfillment of the requirements of honest and clean politics.

(5) The politics of intrigue and confrontation will be totally scrapped and politics of dialogue, consultation and consensus adopted instead as a national policy.

(6) *Jagirdari* and *sardari* system will be totally abolished, and absentee landlordism banned. Through a process of land reforms, excess lands of over 50 acres per family will be taken over by the state without compensation, and a minimum of 8 acres will be given to the landless tenants on easy terms. This will result in immense increase in agricultural production and will raise the standard of living of the rural population (which is 70 % of the total population) to a great extent. It will give a tremendous boost to the country's economy as well.

(7) The construction of palatial houses will be banned. The maximum area fixed for houses will be one kanal. Owners of residential properties and commercial plazas valuing over one crore will be subjected to wealth tax on

reasonable rates. Those who leave behind huge properties and massive wealth will be subjected to Death Duty. Such a step will serve as an incentive to spend excess wealth on collective interest in their lifetime rather than leave it behind for their rackist offspring.

(8) Greatest attention in future will be given to democratically organized political parties. The future of politics will hinge on their being propellers of the political process, creators of political awareness in the masses, and monitors of the working of assemblies and elected party governments. Political parties claiming an all-Pakistan status will have branches in all the four Provinces and in majority of the districts in the provinces. Political parties that fail to secure atleast 5 per cent of polled votes in the first round (in the new system of elections) will not be allowed to contest the final round.

(9) Radical electoral reforms are a must if a truly democratic form of government is to be introduced in Pakistan. An easily understood, reasonable, and feasible criteria for selection of candidates and for permitting political parties' participation in elections, will be made. Emphasis will also be laid on elections being least costly and transparently fair

(10) Women's full participation in the affairs of the state and other gainful activities will be ensured, and all social and cultural impediments in its way removed.

Finally, a piece of advice for the politicians who are still masquerading as champions of democracy, and are getting a lot of undue publicity in the press. They have had enough of say in government for the last half-century but have failed miserably; they have spread enormous ideological and intellectual confusion; they have damaged the country's economy and social setup to an immeasurable extent. Therefore, they stand entirely exposed before the people. If they do not acknowledge these facts about their incompetence and dishonesty willingly, they would learn a hard lesson through the coming elections. They should admit their failure to serve the nation and quit the political arena on their own. Let them gracefully give way to clean, honest, dedicated, capable and open-minded leadership. New political parties, un-tinted by trickery, deceit and corruption must now enter the political field to win over the electorate by creating confidence in them, and take the reins of government in their hands. There is no dearth of educated and talented men and women in the society and, in spite of the frustrations and complexities created during the last fifty years by the political and military dictators alike, the majority of Pakistanis are good people. The press must also support and promote the new public spirited political leaders in the national interest, and stop projecting bad politicians that have vested interests of their own.

The need for an upsurge of political activity on truly democratic lines, and the raising of the level of political awareness among the masses, is now looming large. Good people in the society should now come forward and form new political parties or join the existing ones of their choice, take the political process in their own hands, eject the bad elements from the body politic and move on towards establishing a fraternal, just, humane and egalitarian society in Pakistan. Such a society can certainly be developed in the light of the principles of "universal Islam" as embodied in the Holy Quran

and provided by all the Prophets, and also propounded by the great philosophers and spiritual leaders. According to these principles, all humans, irrespective of race, religion or genders are treated equally and un-biasedly, and hence there is no place for religious elitism and their cult of religious intolerance and sectarianism. We will be able to give true shape to Qaid-e-Azam Muhammad Ali Jinnah's dream about his Pakistan if we give up the negative cults and build our future on positive values and creative endeavours.

(Presented at the seminar arranged by the Society for Citizen's Rights at Best Western Hotel, Islamabad on 31<sup>st</sup> July, 2000)

## **PLANNING PAKISTAN'S FUTURE**

In order to plan a good polity for Pakistan, we will have to study in depth the important branches of governance and, on the basis of this study, devise the necessary plans. These branches are personality development, political process, good governance, economy, constitution, judiciary, foreign policy, media and army. I have already dealt with the subject of personality development in my article "Mindset for the Twenty-First Century". Now I will deal with the other subjects to the best of my understanding.

### **Political Process**

Having considered the traits of an individual that are worth acquiring, we now go on to the important aspect of arranging the political process of our country. In this process the quality of leadership is the uppermost consideration. An effective and rewarding leadership alone can steer the nation's ship out of troubled waters. As the fifty-five years' political process in Pakistan has vividly shown, our political leaders, after Qaid-e-Azam, have not come up to the expectations of the father of the nation as envisaged in his various speeches and especially in his first address to the constituent assembly as governor-general. They have made a mess of things by adopting politics of self-interest, exploitation and aggrandizement, and utterly neglecting people's rights and the public interest. They never made any effort in a scientific manner to organize political parties and arrange people's participation in the political process. They never gave the people their rights, or made arrangements to provide basic necessities of life to the masses.

If we analyze the failures of the past governments, civil or military, we come to arrive at the following conclusions:

(a) The feudal lords and their accomplices the industrial and business magnates, the bureaucrats and the religious elite ruled the roost. They kept the majority of the people illiterate and devoid of opportunities to utilize the means of production of the country. They created a class society with the very rich on the one side and the very poor on the other. (b) They kept the political parties marginalized and subservient to their will, and the democratic elements in their parties at bay. They used political workers as mere tools for their abhorrent designs and never allowed them to acquire a sound political status; they instead fed them on financial baits and promises of jobs when they would acquire power. They did not allow leadership to grow from the

lower classes fearing a challenge to their hegemonic authority and clandestine leadership. (c) They amassed wealth for themselves through promotion of corruption, hoarding, smuggling and black-marketing. (d) They created religious and sectarian parties and brought them into politics to use them for their political ends. They fueled sectarian strife and advanced narcotic trade. (e) They took heavy foreign loans from the banks and spent large amounts on nonproductive and nontransparent expenditures for their own gains, thus burdening the country with huge debts and debt-servicing liabilities and shattering the country's economy. (f) They never bothered, after getting themselves elected by foul means through a fake electoral system, to bring in truly democratic governance for benefiting the mass of the people.

Now, to make amends for such criminal negligence by the political leadership, the people of Pakistan will have to make fresh efforts to build the society on clear-cut, truly democratic and really progressive lines and upgrade political parties to the required level. They will have to proceed on a collective basis by developing the society in a scientific and organized manner. New political parties consisting of honest, dedicated and capable leaders and political activists from the lower and middle classes will have to be formed, and the existing political parties purged from corrupt elements and thoroughly overhauled and reframed. Legal conditions should be imposed upon all the political parties to regularly maintain membership registers and account books, to publish their constitutions and manifestos, and to hold periodical elections within their parties at all tiers. Political parties should also be prohibited from using false interpretations of the ideology of Islam and sectarian dogmas for political ends. Islam is not controversial at all, and does not countenance any rigid interpretation, nor does it endow religious classes with any special authority to interpret the Quran and Sunnah. On all matters in which serious differences of opinion may exist, a consensus ought to be achieved through *ijma-e-ummah* (a general consensus of the people)

The electoral system will have to be changed radically to enable people other than the vested interests of the upper classes to enter the assemblies and legislate in the interest of the common man. The election expenses will have to be reduced to the barest minimum by making such rules as would ban unnecessary expenditure on publicity. The Election Commission will have to assume responsibility of introducing the candidates and their election symbols through electronic and print media and posters. The heads of political parties should be provided free access to radio and television to explain their manifestos. It should also take upon itself the responsibility of launching a vast campaign for creating political awareness among the masses, to inform the voters about the election procedure, to lay stress upon the importance of elections for nation-building, and to induce them to go to the polling stations in large numbers to elect candidates of their own choice. Effective steps should be taken by the Election Commission to enroll all eligible voters and remove the names of bogus voters from the voter's list. The Election Commission should be made fully autonomous and financially independent in order to make it immune to pressure from any quarters

The Constitution should also be amended and proper laws framed to increase the number of seats in the assemblies, reduce the voter's age from

21 years to 18 years (the age of officially recognized maturity), to grant at least 1/3<sup>rd</sup> of the assembly seats to women and to fix the vote percentage of more than fifty per cent in elections for declaring a candidate successful. A system should be devised which, prior to fresh elections, would hold accountability of all political leaders and assembly members of the past and debar from elections those held guilty of corruption or misdeeds. Also a movement at the peoples' level should be initiated for creating awareness about elections. Strict rules should be made to judge the admissibility of candidates for elections. Sectarian parties should not be allowed to contest elections, and should be asked to merge with political parties of their choice. The definition of a political party should be clearly spelled out to mean "a group of concerned citizens joining hands on mutually agreed objectives and programme for the purpose of forming a government dedicated to solving the problems of the people, and for welding the people into a great nation." We will also have to consider changing the very culture of elections. The burden of election expenses and organization of election campaign should be shifted from the candidate to the voters and people of the constituency. The voters of the constituencies should even select candidates on their own and no one should offer oneself as a candidate. If we succeed in forming political parties and holding elections under this new method, we will be able to cultivate a new generation of forward-looking politicians who will certainly contribute towards setting up a truly democratic polity and will put an end to authoritarian governance for all times to come. For this we will have to build confidence in the people in their own strength, and step up coordination between intellectuals, educationists, writers, journalists and technocrats of the country. If we adhere faithfully to this line of action we will be usefully contributing towards national reconstruction.

### **Good Governance**

Having considered in quite some detail about streamlining the democratic process we now take up the important issue of good governance. To make Pakistan into a modern national state, an effective democratic government elected through a sound electoral process and fully answerable to the people, is essential. Good governance based on a true vision of the future should be the guiding philosophy for the future democratic governments. Restoring the confidence of the people in government policies, and rebuilding the country's image, both on the national and international levels, should be the main consideration of the government. Political process and governance are closely linked; one supplements the other. The political process cannot be usefully implemented unless the government machinery is well tuned to the political process and made fully receptive and geared to democratically arrived at political decisions.

The bureaucracy is the main tool of governance; it plays the pivotal role of assisting the political leadership and the elected representatives of the people in carrying out their responsibilities. It is true that bureaucracy has been responsible in the past for most of the ills besieging the nation today and it has been the main agent behind the failure of all political heads. It has

been a stranglehold on decision-making by the chief executives of governments. The administrative machinery, because of its red-tapism, has not come up to a level where it could cater well to the needs and aspirations of the masses. The increased isolation of the state from the society has created institutionalized corruption, enormous mismanagement and decay of political authority. It has not dedicated itself to solving the problems of the people and has not behaved as their servants; they have been trained to believe that they are the masters and the people are their servants. But the fault does not lie entirely with the bureaucracy; much of it lies with the political and executive setup created by the politicians and the military rulers during the last fifty-five years. The bureaucracy had been made to obey the orders of the rulers under threat of dismissal or other sanctions. In return for this submission the bureaucracy, of course, made their own gains to their heartsful. Now, if the bureaucracy has to be reformed, it will have to be given free hand to a certain level to perform their onerous task. A foolproof monitoring system will have to be set up to assist in its work and to coordinate between the various government departments. In the background of the rapidly changing scientific and technological advances, restructuring of the administrative machinery is urgently required. Instead of increasing the powers of the bureaucracy it should be given security of service, and appreciation for successfully implementing state policies and adhering to the norms of honesty and sincerity of purpose.

The reorganization of bureaucracy should be based on the following principles:

(a) Civil servants must be guaranteed security of service.

(b) Merit should be considered for all appointments and continuity in service, and

performance made the yardstick for their promotion.

(c) In-built mechanism of accountability of civil servants at all levels and free flow of information between the government and the public should be provided.

(d) A continuous review and modernization of government organizations should be carried out.

(e) All bureaucrats should be required to declare their assets, and strict action under the law should follow against them for their illegally accumulated assets.

Having attended to the role of bureaucracy, an important mainstay of governance, we will now examine the other aspects of good governance. The second important aspect of good governance is the government-people relationship. The relation should be based on mutual trust and accord, and an unassailable integrity of political leadership. A relationship of trust between the people and the government is the main prop that gives strength to the political leaders to carry out successfully the duties of governance entrusted to them by the people.

The third important requirement of good governance is an effective judiciary and institutionalized accountability structure. The judiciary should be absolutely free, strong, and capable of dispensing speedy justice and ensuring basic human rights of the people. In the same way a strong structure on

permanent basis should be established for accountability of individuals, private institutions, government organizations and offices. Accountability should be at all levels and unbiased; it should be immune from all kinds of pressures and influences, and not give any weight to the financial and social status of the accused. If the judicial and accountability systems are completely independent of government influence, positive effects can be achieved in all state branches as well as in the working of the assemblies and the law making process itself. A strong judicial system can also help reform the police and improve law and order. As a consequence, individuals having a criminal bent of mind can, after having been mentally reformed, be engaged in fruitful activities. Thus they can be utilized for construction of the society rather than its destruction.

### **Provincial autonomy**

Good governance requires the granting of provincial autonomy to the provinces and devolution of power from the center to the provinces and on to the district and local levels. Thus the people can get inexpensive and instant justice nearer to their homes and thus be facilitated in their day to day work. They will gain self-confidence and their interest in their country's affairs and participation in the affairs of the state will also increase. Moreover, many of their problems will be solved through their participation in the Local Bodies. By activating the people in this manner, nation- building can be carried out effectively and in a big way.

### **Independent Institutions**

It is necessary to set up institutions on permanent basis, free from government influence. Research and planning are also an essential part of nation-building. Unbounded advancement can be made through these institutions in the fields of education, science and technology. Reformation of the education system has become an extremely important predicament. In the absence of uniformity in the curriculum, a great deal of confusion in thought has spread in the society on account of which the individual's knowledge remains defective and their upbringing imperfect. Due to lack of the right kind of education, the individuals go to add to the society's weakness.

### **Political Awareness of the Masses**

Immediately after the creation of Pakistan, attention should have been given to political awareness of the masses. This would have encouraged establishment of good governance and the building of society. But this could not happen because, from the very beginning, such persons captured political power who belonged to the exploiting classes. They were neither concerned about the public interest nor interested in solving people's problems and building the nation. The painful situation we are in today is because of lack of political education of the people. One who is politically aware does not bear

with evil and is always prepared to honour goodness. Had our leaders given attention to this need we would have by now traversed many stages of development. If we fully attend to this need even now, the Pakistani nation can be made into a strong nation within a short span of five to ten years. For this purpose we shall have to bring revolutionary changes in the electoral rules for effecting absolutely fair, free and transparent elections, send capable and honest persons to the assemblies and the senate. Such persons alone can make parliamentary democracy a vehicle for framing good and effective laws in the common interest.

### **Police Reforms – Establishing Law and Order**

A good police force is essential for good governance. The important role of the police is to provide security to good people in the society and to make the criminal minded persons law abiding. For this purpose it is part of its responsibility to establish law and order and to prevent illegal use of arms. It is, therefore, necessary to ban illegal arms and restrict excessive arms. The setting up of private armies by certain militant groups should be banned and the people generally disarmed. But in order to do so the police should be enabled to provide full sense of security to the people. Above all, the very philosophy behind the police structures, as well as the disposition and psyche of the police, needs to be changed. A Police Commission should be set up to ascertain the views and secure recommendations of the public on police reforms and a long-term plan should be made in the light of these recommendations. Greatest attention should be given to establishing a relationship of trust and friendliness between the law-abiding citizens and the police.

### **Basic Necessities of Life**

To ensure the provision of the basic necessities of life such as food, clothing, health, security of employment and clean environment and leisure to the people are among the main responsibilities of the government. A society does not deserve to be called civilized unless these basic necessities of life are made available. Eradication of poverty is also government's responsibility. Such politicians should not be eager to come into power who do not have the capability to shoulder such responsibilities. The most important thing is to gain complete trust and confidence of the people and to secure their effective participation in the programme. To ensure willful and hearty participation of the masses, and to guard against the machinations of the vested interests and the undemocratic elements, is the key to success of a government.

### **Improving the Economy**

Planning at the government level is necessary for the progress of any country. Positive results accrue in this respect through development of scientific thought. A good society contributes to its own development in a tolerant and civilized manner.

The significance of economy is evident from the fact that a human being comes into contact with economy from the very birth as a baby. At first glance the material needs of life seem to be most important to an ordinary person but, on attaining maturity and awareness, the preferences of human life undergo positive change. Moral values, personality development, political action, system of governance, construction of society, foreign relations etc. become as important as economy for human life. Presently, because of incompetence and imprudence of the former rulers, Pakistan's economy is in a ruinous state. We will have to work on a war footing to pull out the economy from the dire situation in which it is today on the government as well as the people's level. For this purpose we will have to establish a relationship of mutual trust between government and the people, and assure the people that every rupee given by them to the state will be spent rightly and in their interest. Thus, people's confidence in honesty and sincerity of the government is essential for recovery of the economy.

The priorities of an ideological state are different from that of an ordinary nation- state. The initial decision that must be taken by an ideological state relates to the right of possession of land and other means of production of the country. It must be decided whether this right belongs to a particular class of people or the state and its people. If these are determined as belonging to the state and its people then it becomes the primordial responsibility of the government to guard against any monopolization of the means of production by a particular class or a few individuals. Government should also make arrangements to the effect that every individual could profit from the means of production according to one's guts and ability. In this respect the principle of equitable distribution of wealth should be kept in view at all times. In order to enable the people to flourish by dint of labour, an individual or a class should not be given the right to utilize the economic privileges beyond a certain limit. We should neither deceive ourselves, nor the people, into believing that "God gives in abundance to those He wishes and deprives those He wills". No, it is the human being alone who, by devising an erroneous economic system, makes some people rich and the others poor. Then, those who become millionaires and billionaires because of the prevailing exploitative system do not dedicate a portion of their stored wealth for the economic, social and cultural development of the masses and society. While keeping these points in view we now place before the people and the government certain proposals for improvement of various branches of the economy.

### **Agricultural Development; Ownership of Rural Land**

Land reforms should be effected while accepting the view that the ownership of land essentially belongs to Creator of the universe, and that this ownership cannot be transferred permanently to any individual; any portion of

it can only be committed to the care of a person or a corporation as a trust. This partial ownership of land can be transferred to the heirs of the allottee but, all the same, the state reserves the right to take it back in case of its wrong use or failure to cultivate it, or if it is required by the state in the collective interest. Therefore, amendments should be made immediately in the existing land reform laws to enable the state to confiscate excess lands in the hands of few individuals. The *jagirdars* and big landlords should be left with as much land as would secure for them a reasonable income and secure living. The remaining land should be acquired without compensation and distributed among the landless cultivators and tenants, and to those others who wish to adopt this profession seriously, at the rate of 12 ½ acres per family on easy terms. The condition should, however, be imposed that those who do not cultivate the land themselves, or do not work hard enough, it will be taken back from them and given to others who could cultivate better. This condition should also be imposed on the existing landlords because Islam strictly prohibits absentee-landlordism. The widows and the disabled could, however, be exempted from the condition of self-cultivation. Such reformatory measures will lead to sizeable increase in agricultural production, as well as in state income, within a short period of two years. Laws should also be made regarding construction of houses in urban areas, disallowing construction of houses on plots of more than one kanal, or building more than one house.

### **Industrial Development**

Government should pay more attention to development of medium and small-scale industries. Such policy will help in increasing production of cheap goods of national requirement, and lessening unemployment. The people of our own country possess enough expertise, adroitness and creativity. If the government machinery does not come in their way but, on the other hand, extends full cooperation, our entrepreneurs can do a lot for the country. Moreover, the overseas Pakistanis also can develop industries by investing in their own country. We need not bring in foreign experts unnecessarily against heavy emoluments. Then, there are many areas of economy in the country where little development has taken place. By developing the areas of livestock, milk, fishery, fruit etc. lot of foreign exchange can be earned. Government should make it certain that the various government departments do not interfere in the setting up of industrial and other projects and express instructions should be issued to them to extend full cooperation to the industrial entrepreneurs. It is in national interest to do so. In this way the pace of industrial development in the country will increase immensely, and the sick units will soon be replenished. This will also help the trade unions to play an effective role in the development of industry. The government should make such labour laws as would give full protection to workers and make full provisions for education and employment for their children. The industrialists too should give the workers their due rights voluntarily.

## **Taxation System**

Viability of economy to a large extent depends on charging of income tax and excise duty on imports. Income tax is imposed on net income of a person or a corporate body from whatever source the income may accrue – industry, agriculture, commerce or real estate. The percentage of tax on income and property at present is excessive; it should be reduced substantially. Property tax should be decrease from 25 per cent to a maximum of 15 per cent, and at the same time an extensive survey of houses and buildings should be carried out properly. Such reduction will also induce property owners to get their properties registered with the excise department voluntarily. The tax net for income tax should also be widened. Every person with an income exceeding more than Rs. 100,000/- per year should get registered with the income tax department voluntarily and pay their income tax honestly. Moreover, the tax collection system should be corrected and the practice of harassing the taxpayers by the revenue staff stopped altogether.

## **Revenue System**

Pakistan's revenue system needs to be improved as well. The practice of running banks on very high percentage of interest and compound interest should be done away with. Only two per cent may be charged from account holders on the savings accounts as service charges. This percentage will bring in enough income to bankers for covering their running and developmental expenditures. The present heavy rate of interest has led to careless and lavish spending on bank officers and buildings. It also enables bankers to write-off heavy loans given on political basis and to bear the losses due to loan defaults. Giving of big profits on fixed deposits creates habitual aversion to hard work among the account holders and makes them fond of securing easy money. The practice of imposing *zakat* on the interest secured by the account holders on their saving accounts is utterly wrong and against the teachings of Islam. Imposing *zakat* on real savings of all persons is a better way to boost the economy. Thus the state will get more income than presently accruing by levying *zakat* on interest-bearing earnings. Therefore, levying of proper *zakat* should be seriously considered. Necessary facts and figures should be gathered and analyzed to assess the amount that could be collected through *zakat* for the exchequer. Hopefully *zakat* money collected in this way will relieve the people of the load of many indirect taxes.

## **Cooperation of Trading Community**

If the government were also to provide complete protection to the traders from the machinations of government officials, the trading community could not only double its contribution to the national treasury but also reduce its involvement in hoarding, smuggling and black-marketing. The traders' viewpoint regarding imposition of GTS also needs to be given due consideration. The government, instead of readily acting upon the stereotype and loose advises of the Revenue Board unilaterally, should ponder upon

these ideas thoroughly. It should keep in view the interests of the traders and the country and take reasonable steps in consultation with and close cooperation of the trading community.

### **Self-Reliant Economy**

The nation should have been made accustomed to hard work in order to develop the country's resources and derive plentiful income. But the dependence on foreign loans by governments has ruined our economy. Payment of interest and compound interest has heavily burdened the economy. These loans were misspent by the governments and used for personal gains of the ministers and assembly members of the party in power. Now it should be our endeavour, both at the government and national levels, to promote self-reliance and reduce dependence on foreign loans. In order to be able to do so we should concentrate on simple living and do away with all forms of ostentation. Establishment of the *zakat* system will also help us in the drive for self-reliance.

### **Non-Productive Government Expenditures**

Various governments made promises to reduce non-developmental expenditures but never fulfilled them. Needlessly numerous departments were set up and were filled with a host of favourites without merits. The present government should seriously consider merger of unwanted departments and absorption of their excessive staff elsewhere. Government expenditure will thus be considerably decreased and the working of the departments greatly improved. Moreover, more than one department could be accommodated in one government or private buildings. The construction and furnishing of more government buildings at heavy costs should be stopped altogether.

### **Free- Market Economy**

Free-market economy and privatization is part of the western philosophy of globalization. To act upon it hurriedly and extensively is harmful for the nation. By following this path, our economy will become a prey to the conspiracies of world powers, like other developing countries. Initially, the government institutions that are not working well, and the sick industrial units, should be made serviceable by giving them the necessary support at the government level. Privatization should be done only in unavoidable circumstances and that too in a transparent manner. Profitable government institutions should not be given to international bodies at throwaway prices at all.

### **Freedom of the Press - Participation in Nation-Building**

Freedom of the press must be ensured at all cost to enable it to play a positive role in nation building. Unfortunately the press has not been enabled to contribute effectively in nation-building activities. The press will be able to

lend four-fold strength to the people's struggle by providing food for thought, by highlighting the public interest as against the vested interests of the elite, by publishing news about the activities of political and social organizations in the country's interest; and by writing editorials on their fruitful activities. In order to make all this possible, government will have to take the press into full confidence, give it complete assurance regarding government's truthfulness and good intentions, and lay bare before the press its stand vis-a-vis various issues and other useful information.

### **Foreign Policy and the Nuclear Issue**

We will have to rest our foreign policy on the three foundation of fraternal relations with neighbouring countries; honour, dignity, respect and trust of Pakistan in the world community; and sincere commitment for world peace. We will have to make honest efforts, as a nation, to rid ourselves of all internal and external conflicts, extricate ourselves from the hollow concept of "national security", and adopt the true concept of "security of humanity". We ought to move ahead of the limited concepts of "nationality" and "Muslim *umma*" and accept the wider concepts of "one people" (*ummat-e-wahida*) and "Islam of the Prophets", as put forward by Quran and all the Prophets. We should bid farewell to the erroneous concept of "religion", which divides human beings and creates hostility between them, and instead, adopt the concept of "faith in God" and "service to humanity". We should remove any illusion from our hearts and minds that nuclear weapons can serve as a security. The nuclear bomb is not a weapon of defence; it is a weapon of wholesale destruction. Therefore, we should opt outrightly to be the standard-bearers of deliverance of the whole world from the nuclear weapons, and stand up for world peace.

### **The 1973 Constitution**

The 1973 Constitution of Pakistan has been disfigured beyond recognition by Zulfikar Ali Bhutto, General Zia-ul-Haq, Benazir Bhutto and Mian Muhammad Nawaz Sharif together. Now the need of the hour is to restore it to its original form and then proceed to make the necessary changes in the interest of the people. This could be done by forming a Constitution Commission that would gather proposals directly from the people, and formulate recommendations for removing the defects in the Constitution. These recommendations should be finally placed before the National Assembly, freshly elected thorough fair, free and transparent elections, for taking their final decision about the Constitution.

### **The Role of Armed Forces in Nation-Building**

If governance is shaped on some such lines as spelled out above, there is no reason why estrangement could any longer exist between the people and the government. It is true that eventually the politicians (genuine, not fake politicians at whose hands the people have suffered ever since, will have

to play the basic role to establish democracy in the country. The civil administration too can also contribute a lot to make the democratic process a resounding success provided it shows the will and honesty of purpose to accomplish it. Good politicians should be elected and good administrators appointed strictly on merit basis to manage the state. We must take sure steps, not half-measured ones, to lay a firm basis for truly democratic governance.

## **PAKISTAN-INDIA RELATIONS THE WAY AHEAD**

Before dwelling upon the sub-topic of my dissertation, "The Way Ahead", let me first touch upon the issue of the existing Pakistan-India relations. These relations, frankly speaking, are not good; they are pretty bad and will worsen if the people on both sides of the divide do not join their heads and bring out a happy and life-long solution to the problems facing them.

I will begin by saying that Pakistan-India relations are spotted with many hurdles, big and small.

1. The first and foremost hurdle is the unholy alliance of the vested interests constituting the ruling class, the religious elite and the immensely rich. Their narrow interests require that the mass of the people, (especially the workers on whose physical efforts the economy of a country rests) remain illiterate, lack political awareness, are bereft of basic human rights of health, education, proper housing and a certain level of income, that could secure for them not only sustenance in food, education, health care, and housing but also leisure.
2. The second big hurdle is the absence of democratic, forthright and honest leadership from amongst the lower and middle classes. This shortcoming on the part of these classes (that constitute the majority) is due to their not being trained in practicing long-term politics that engenders in one political consciousness and ability to lead people. On the contrary they have been involved in short-term politics that generate false expectations raised in them by the selfish, egoistic, power-hungry and money-grabbing politicians of today. Another reason for lack of trained leadership amongst the lower classes is the refusal by the ruling elite to devolve political and economic power at the grassroots level. Such an exercise would have given effective decision-making powers to the municipal committees so as to enable these to solve the multi-faceted problems of leadership from amongst the lower tiers of society.
3. The third hurdle is the general psyche of the people of both countries that has been constructed by their political leaders over the last half a

century that India and Pakistan are enemy countries for ever, and that they cannot come to terms and develop friendly and brotherly relations. Religious differences and the Kashmir question have been especially used by both governments to build such a frame of mind.

4. The fourth hurdle is lack of right information about each other's developmental efforts in the educational, social and economic fields. Exchange of books, magazines and newspapers of both countries present a tainted picture about each other's activities. The news media is not portraying positive values, and statements of well meaning leaders of public opinion. On the other hand it is flashing news that cause fear and frustration in the ordinary people on both sides. It has turned into an anti-people Mafia. The books in the two countries pertaining to history and social sciences misinterpret historical facts and put forth negative values regarding human relationship.
5. The fifth hurdle is the non-existence of opportunities for the two peoples of India and Pakistan to freely mingle, and have free exchange of views with each other in an atmosphere of tolerance. The visa restrictions and high postal rates disallow such relationship to develop.
6. The sixth hurdle is unwillingness in both the people to learn from each other, and lack of tolerance about each other's views. Of course, there are intellectuals of high calibre on both sides but generally speaking, they are not broadminded enough and are not open to conviction; their historical perspective is coloured and is not based on facts; they only cater to the narrow needs of their countrymen rather than humanity at large; they have a tendency to divide people rather than to unite them; they serve the requirements of shallow politicians of their countries rather than pick up the courage to criticize their own leaders and government, and give a positive direction to their doings; they portray human rights not as a serious subject, as a mission with a definite purpose and a useful direction, as a real opportunity to build their societies (that ultimately benefit the individuals); they project life as an unfettered opportunity to live gaily and carelessly to one's own personal benefit and detrimental to other's needs and aspirations. It is now high time the intellectuals play their part creatively, forcefully and effectively to suitably soften severity of judgement and encourage forgiveness of past mistakes. Innovations in thought and action could thus lay down useful directions for the people, to follow. They should bring out and develop positive thoughts through their articles, columns and editorials while keeping in view the real needs of the people. You may go on adding to these hurdles that exist in the way of peaceful and democratic living of the two peoples of India and Pakistan, and healthy transformation of their societies. But I will stop here in order to proceed to the second part of the subject that deals with securing the future of the two nations.

## The Way Ahead

The way ahead of us, the two peoples, is quite clear and obvious. Having analyzed and learnt the negative aspects of the Indo-Pak relations let us now move forward, sure-footedly, to lay down honestly the steps that are required to ensure the fruitful results.

1. The first step should be to determine our behaviour about the true concept of "One Lord, One People" which is in keeping with the humanistic approach to all matters. Granted, we cannot straightaway jump towards this ideal. Surely, we will have to tread a long way to achieve this objective. But let us start from the concept we can develop ourselves—the concept of "One Subcontinent, One People". The only basis on which this concept can be developed is love and understanding on the individual plane and peace, democracy and development on the collective level.
  2. The second step that needs to be taken is that we, the two peoples, devote our energies and resources jointly towards building up an effective pressure on our respective governments to open up the avenues for exchange of ideas and goods by:
    - Removing visa restrictions between the two countries.
    - \* Minimizing postal rates and travel expenses.
    - Giving MFN status by both states to each other for increasing mutual trade.
    - Fully democratizing the electoral process and devolving power down to the local level with the purpose of throwing up effective and true leadership from the lower and middle classes of the people, and evolving truly democratic governance by the people.
    - Running the business of the state on non-communal lines in order to equally benefit all its citizens irrespective of caste, colour, creed and gender.
    - Discouraging religious intolerance and religious elitism, and encouraging our people to exchange views and construct useful ideas freely for the betterment of the two societies.
    - Giving priority to education, and for that purpose exchanging delegations of students, teachers, intellectuals, and journalists. Revising the curriculum and syllabi for schools and colleges for bringing them in line with modern requirements, and replacing redundant books with those that impart better education. Constructing fresh concepts of child development.
    - Freely exchanging books and magazines.
  3. The third step should be to make the electoral systems of the two countries free, fair, transparent and truly democratic enabling the people of the lower and middle classes to send representatives to the

parliament for looking after their interests well enough. Elections should become instruments of change, not of defending the status quo.

4. The fourth step should be to open up to the maximum extent trade between India and Pakistan. Thus by importing goods at much cheaper rates from each other than from other countries, we will be releasing pressure on the economies of our two countries.
5. The fifth step should be to reduce substantially expense on conventional arms and armed forces mutually so that maximum resources of our countries could be spent for development of the social sector, in the best interest of the masses. We should also ban nuclear tests and manufacture of nuclear bombs, and also work together for getting these banned on the global level as well, for the simple reason that these are weapons of mass destruction and that the costs incurred on the "nuclear game" are prohibitive and unproductive. A "No-War Treaty" should also be signed between India and Pakistan to allay any fears of attack by either country. These fears are being falsely raised in public mind by the vested interests of both countries.
6. As a sixth step a peace movement should be initiated both in India and Pakistan simultaneously, in alliance with Japan and the SAARC countries, which could later be developed into a World Peace Movement.
7. Last, but not the least, we should concentrate on developing a culture based on creativity, tolerance, mutual dialogue and understanding and co-operation on the principles of liberty, equality and fraternity. Such a forward step will bring out the best in man and help in making all out efforts to establish humane and fruitful societies in the world. Such efforts will lead to the flowering of a civilization that humanity could well be proud of. Culture and civilization are the two most valuable end products of human endeavour. The greatness as well as the progress of a nation depends on advancement achieved in these fields. The main factors contributing to greatness and progress, as proved by history, are openness, creativity, variety and the spirit of tolerance. Civilization thrives and greatness grows with the clash of ideas and the convergence of diverse influences, knowledge, viewpoints and cultures. For all these to develop, an environment of peace, friendliness, and understanding is necessary. But, for the creation of such an environment and atmosphere, dialogue and not confrontation is the basic tool.

So let us stand up and get ourselves counted as the torchbearers of such creative and revolutionary endeavour.

(This article was presented at a seminar arranged by the Institute of Peace

and Conflict Studies in collaboration with Pakistan-India Peoples' Forum

at the Indian International Centre, New Delhi on August 17,1998.)

Note: A valuable response to this presentation was received on 25 August 1998 by E-mail as under:

From: General Dipanker Banerjee

My dear Siddiqi Sahib,

I am sorry that it was not possible for us to meet again after the seminar at the India International Centre. You were very busy and engaged. But, it was a delight and a pleasure to meet you in India. It was also high honour. A person of your integrity and devotion to your country, religion and humankind, wherever you go you will cast a spell of friendship all around you. These qualities are particularly valuable in today's tense times, and they are equally difficult to find, on both sides of our border.

We can hope and pray that times will change. But, to make these changes will require a lot of hard work and sacrifice from all of us. Once again with my very sincere good wishes to you and to all our friends in Pakistan,

Yours sincerely

Dipankar Banerjee

## **NUCLEAR TESTS IN PAKISTAN**

The incoming twenty-first century is looking with keen interest to the happenings in the twentieth century brought about by the world leaders in the political, social and economic arenas, and the incumbent effect accruing from these happenings on environment, ecology, human relationship, democratic norms, economic development and living standard of the common man in various countries.

Wars, and preparation for wars, and conflicting thoughts and ideologies, have been the dominant features of human activities in the closing century. Elimination of poverty and human suffering, and prevalence of peace and prosperity, has remained a distant dream. Looking after the welfare of others than oneself, sharing one's another's joys and sorrows and cultivating human fraternity have become redundant concepts, while extreme selfishness, a mad race for accumulating wealth and acquiring power, and living at the cost of others have come to be the order of the day. All this has resulted in social setups replete with injustice, exploitation, stratification, polarisation, intolerance and violence. In such a social arrangement the principle of human dignity and equality is relegated to a faraway venue and a human being, having lost his identity, is regarded as a mere tool in the game of power politics. Human suffering and elimination of human beings in millions, is not considered as a distressing and deplorable event to be consciously aware of and bothered about. The finer sentiments of love and

affection, and sense of beauty, are lost giving place to rabid hate and dire ugliness.

Such an overall situation in human relationship, brought about by a certain mindset developed over the ages by the egoistic, self-seeking world leadership, has led to an arrangement, wherein Pakistan (a country situated in the South Asian region) has become one of the poorest countries in the world standing 120<sup>th</sup> among 160 nations of the world in terms of human development. Thirty six million Pakistanis live below the poverty line. Of every 1000 children, 150 after having lived in squalor die before they reach the age of five. Nearly a million under the age of five die each year from malnutrition or disease, while the growth of nine and a half million is stunted because of malnutrition. Fifty five million have no access to basic health facilities or clean drinking water, a million have no access to sanitation. Forty three million are illiterate, eighty percent of women cannot read and write. On the physical quality of health index, Pakistan ranks 144<sup>th</sup>. This was the situation when Pakistan was not a nuclear state. It has now become one by carrying out the nuclear tests on 28<sup>th</sup> May, 1998. It needs to be imagined what Pakistan would be like if it enters a nuclear arms race with India.

Civilisation and culture are the two most valuable end products of human endeavour. Greatness and progress of a nation depend upon the advancement achieved in these fields. The main factor that contributes to greatness and progress, sustained throughout history, can be described as openness, creativity, variety and a spirit of tolerance. Civilisation thrives, and greatness grows, with the clash of ideas and the convergence of diverse influences, knowledge, viewpoints and cultures. For all these to develop, an environment of peace and friendliness and an atmosphere of understanding is required. For the creation of such an environment, dialogue, not confrontation, is the basic tool. Such a human approach alone can be instrumental in developing civilisation.

Having reviewed in brief the basic premises of humanistic approach and having stressed the need for corporate living, I now proceed with the subject under study – Movement in Pakistan against nuclear tests. Nuclear tests, like conventional armies, have a direct bearing on peace and democracy. Therefore, the primary question that should be answered is which of the two is of more importance and is more productive; preparation for war by developing all sorts of armoury, or working for establishment of peace and democracy? The related question that must also be answered is nuclearisation at what cost?

No sane person will opt for war as against peace and democracy, which has been the human desire for centuries. The world is moving step by step towards the achievement of this goal, and is bound to succeed in the end. Moreover, the pleasure that is acquired by selflessly exerting to founding peace and democracy cannot be had by resorting to machinations for bringing about disintegration of the society through the initiation of a nuclear race.

Nuclear weapons, with their awesome power to destroy, symbolise the mastery of advanced technology. For national chauvinism the nuclear bomb means power. All five permanent members of the Security Council are

nuclear powers, and they are not prepared to do away with their nuclear arsenals; they insist upon continuing their hegemony over the rest of the countries. The United Nation has not been able to prevail upon them. Now, India and Pakistan from the South Asia region have joined in the race by exploding their nuclear devices! They are desirous of joining the “nuclear club”. As against these countries Japan, who no doubt has the ability to build a full-fledged nuclear arsenal in a very short period of time, does not deem it proper, and considers it as against the interest of humanity, because she knows that such weapons would not add to the well-being of the people. The people, on the contrary, will lose to a great degree their prosperity and peace of mind and become more insecure. Therefore, Japan has instead opted for using nuclear energy constructively for power generation, making the largest investment on the advance research of nuclear fusion, so that it could produce power generation on commercial level; a commendable decision indeed. Japan is respected more by other nations because she is offering a higher quality of life and opportunities to its citizens. The nuclear states also should make honest efforts to use nuclear power for developmental purposes and for the betterment of humanity.

The hazards of nuclear weapons development have to be spelled out and explained before we can rightly comprehend the need to get rid of the nuclear menace. The present widely shared premise in India and Pakistan, that possession of nuclear weapons provides the ultimate guarantee of national security and stability, can be exploded only after the facts about the dangers of this game, as given under, are clearly brought out.

1. Even before the nuclear tests in India as well as in Pakistan were carried out the pavement dwellers in Indian cities were tens of millions in number. The street-dwellers of Bombay and Calcutta are a quarter of the of the total city population. The situation is only a little better in Pakistan but it also has innumerable slums.
2. The environment of religious chauvinism and intolerance prevails both in India and Pakistan, which is deeply harmful to the future of the two countries. The nuclear tests in both the countries have worsened the situation in Pakistan. Government owned television repeatedly paints a dark picture of the security situation and dubs opponents of nuclear tests as foreign agents. Just as the religious elite allows no reason in its domain, the high priests of the nuclear lobby in Pakistan tolerate no other opinion or discussion.
3. A nuclear arms race between India and Pakistan carries the seeds of self-destruction, and immense misery for the entire South Asian region. A nuclear war between the two nations would be nothing short of insanity. Both countries are treading a dangerous dead-end path which they can ill-afford in the face of their deteriorating socio-economic problems. It will lead to large-scale destruction of property and great increase of human misery. The concept of ‘perpetual hostility’ between Pakistan and India propounded by the ‘hawks’ in both countries, and maintenance of this hostility, benefits the military establishment irrespective of the immense

damage done to both countries. It is not realised that all the "development" achieved in the two countries would be undone within the first few hours of any nuclear exchange between India and Pakistan. The nuclear bomb will cost Pakistan about 15 to 20 billion rupees a year for 15 to 20 years. Defence spending for 1987-88 was about 26% of total (current and development) expenditure. After the achievement of nuclear capability, defence will take a bigger share of the national wealth. The madness of proceeding with the nuclear preparedness and producing nuclear weapons must, therefore, be stopped. Both nations should instead take steps to make South Asia nuclear-free.

4. The cost of maintaining nuclear weapons is immense because all nuclear weapons have to be tested, inspected and maintained at great cost. The current cost for one simple underground test explosion is US\$ 30 million. The US Department of Energy requested the US government to provide \$428 million for 1994 just to maintain the infrastructure and capability required for nuclear testing. Pakistan and India cannot afford to spend heavily on nuclearisation because they are urgently addressed with economic and social problems of their own. They should learn from history that no nuclear weapon state has been able to derive any immediate military advantage from the possession of nuclear weapon. Moreover, the threat to use nuclear weapon is not morally justified. Therefore, instead of entering the nuclear race, a thrust towards mobilisation of the masses through their basic military training is the only viable defence against any aggression and the sole safeguard for national security. The priority of a nation, however, is in constant engagement in its economic, social and cultural development and not involving itself in preparations for a war. In Pakistan there is a general unavailability of investment in people, and their requirements for creating a modern society. The burden of foreign debt and military spending is such that almost nothing is left over for spending in the social sector for welfare of the people.
5. The terrible effects of a nuclear explosion are very great. The scientific information is that the moment the bomb explodes there is a tiny ball of material that has a temperature and pressure found otherwise only at the centre of the sun. In less than a thousandth of a second the temperature falls to 300,000 degrees centigrade and a shock wave, a shattering blast of air travelling faster than the speed of sound is created. The X-rays emanating out of the fireball are lethal, the light causes blindness and the heat starts raging fires, strong winds flatten buildings up to several kilometers from the centre of explosion. The direct evidence from Hiroshima is that a few days after exposure to the radiation from an atomic bomb explosion, people will begin to suffer radiation sickness, and will show symptoms of nausea, diarrhea, loss of hair and increasing sensitivity to infections. Large numbers of those exposed will begin to have internal bleeding and will die. Many will suffer certain death within a few days. There are also longer-term fatalities due to the increased incidence of cancer. The evidence from Hiroshima is that out of the 300,000 people exposed to the explosion between 1430,000

and 150,000 people died within six months and a further 50,000 to 70,000 died within five years as a direct result of the explosion of one small atomic bomb. The effect of such a bomb on the population of the large cities in Pakistan that will be exposed to fallout will be that in Lahore 240,000 people and in Rawalpindi about 180,000 would die from radiation sickness. The effects of fallout, carried by winds across large areas of the country, would be to poison the land by radioactivity, crops and livestock would be severely affected, and surface water for irrigation and drinking water would be contaminated, while industrial production, which is largely urban, would be decimated.

6. The expenses undertaken by the induction in Pakistan of nuclear weapons will not reduce the existing defence expenditures on conventional arms. It is a wrong assumption that nuclear bombs will reduce conventional arms and the size of the army. The rise in the number and sophistication of nuclear weapons did not lead either of the superpowers, the US and the USSR, to reduce the defence expenditure on conventional arms. Pakistan, with a small GNP than India, spends 7% of its GNP on defence compared to India, which with much larger GNP, spends only about 3% of it on defence. Thus joining the nuclear race with India is going to bring greater penalties to Pakistan than to India.

Pakistan has continuously suffered from political instability and military rule. In the absence of adequate civilian control over the armed forces and over defence expenditure, Pakistani people and their representatives (who have not been chosen so far through a truly democratic process) will not be in a position to take any meaningful steps if the nuclear race starts crippling the economy and society. The best strategy for improving the defence capability of Pakistan is not the acquisition of nuclear weapons, but concentration of all energies on national development. The possession of nuclear weapons will only retard, not promote, national development. The real estimate of the cost of a nuclear arms race has to be seen in terms of the impact of increased defence spending on the country's economy, the progress and development of its society, of its people, and the future of its children.

#### The way out

The recent nuclear tests carried out both in India and Pakistan will now have to be regarded as a compulsion of history. It has been established that the nuclear test carried out by Pakistan was a compulsory response to the nuclear tests by India and the subsequent instigation by the Indian BJP leadership. It had become necessary to maintain balance of power in the Indian subcontinent, and to help initiate meaningful and fruitful dialogues between the governments of India and Pakistan in order to settle the outstanding disputes between the two, including the core issue of Kashmir, in the interest of peace and stability in the region. The way out of the nuclear mess is that, like the banning of the use of poison gas in 1992, nuclear bombs and other nuclear devices should be banned totally throughout the world. No country should be allowed to possess it. Also a regional mechanism should be evolved to de-nuclearise South Asia and to promote the cause of non-

proliferation. The basic thrust for the future in both countries should be towards development of the countries' resources, and use their nuclear capabilities for peaceful purposes for the economic, social and cultural benefit of the masses of both countries.

The movement in Pakistan against nuclear tests is in its preliminary stage. There are certain hurdles in its way some of which are: the concept of "India and Pakistan being eternal enemies" fed to the people over the last five decades have remained unresolved; the fifty-year old Kashmir question; the generally hegemonistic attitude of the Indian political leadership and religious intolerance imbedded in the Indian caste system; imposition of illiteracy and political unawareness among the masses by the vested interests constituting *jagirdars* (*feudal lords*), big industrialists and traders, the rich, and the religious elite in Pakistan; the making of the nuclear issue as a power game by the political leaders in both countries; the induction in politics of religious and sectarian leadership by the politicians to further their own interests, both India and Pakistan; the creation of a false psyche in the people of both countries of fear and doubt against each other; imposition of visa restrictions on travel and on exchange of books and journals between the two countries. A series of steps should be taken to further the cause of peace and amity between the two peoples of the subcontinent and to developing fraternal relations among them. People are in favour of reducing tension between both countries and develop relationship between the people of India and Pakistan. The need of the hour is a culture of tolerance and dialogue.

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## **THE CONCEPT OF JEHAD IN ISLAM**

Prior to giving my views on the concept of Jihad in Islam, I would like to dwell briefly on certain premises of which a clear understanding is necessary. These are:

A clear understanding of the philosophy of life i.e. purpose of creation of the universe and of man by God. Unless we grasp these two aspects of our life we will not be able to understand the meaning of Jihad and Islam. This purpose is given in the Quran in the following surahs/verses:

surah 7— verses 54 to 55. surah 21 verses 16-19, surah 21 verses 30-33, surah 29 verse 44, surah 30 verses 7-8, surah 36 verses 81-83, surah 41 verses 9-12, surah 51 verses 47-51, surah 55 verses 1-8, and surah 45 verse 13

1. According to the Quran the universe was created in six phases (periods) while each phase is of one thousand years. The whole universe, right from the earth to the skies above, constitutes a complete system that is working under strict laws of Nature. This universe is based on reality and

not on superstitions and imaginations. Only that will meet with success here and secure roots in the soil, which conforms to realities and facts. Man has progressed and constructed all things only after discovering the laws working behind all things in the world. All the forces of nature have been subdued by God and delivered for the service of man.

2. As regards the purpose behind the creation of man, God says in the Quran "We have not created the universe and the earth without a purpose" (*surah 27* verse 16). It is evident from the whole divine scheme of the creation that the universe has been created to assist man in rising continuously from the depth of ignorance to the heights of learning and excellence which has been destined for him (of course as a result of his own efforts). This process, however, is subject to the universal law of struggle between the true and untrue. This world is a seriously constituted and established system in which no evil can thrive, and must finally die away. The human being has been endowed with two basic qualities: those of love and creativity. It is on account of these qualities that through collective efforts man will succeed eventually in bringing about an exemplary society having a sound socio-economic structure that will enable human being to raise their standard of living and understanding and ensure prosperity and intellectual fulfillment for all human beings.
3. We must also understand before we go any further that human life is a continuing struggle (*jihad*) amidst two segments of human society: one, the oppressed and two, the oppressor. The nature of oppression may vary with the various tiers and levels of society but the class struggle, which upsets the equilibrium of human existence and hinders human progress and prosperity, will remain the main factor of struggle for progress.
4. Another thing to be understood well is that the removal of the disparity and injustice between people has been the main responsibility given to the Prophets to discharge. All the Prophets played similar roles. They brought the human being out of the darkness of ignorance of the former ages, and prepared them for the coming ages by equipping them with relatively modern thoughts and behaviours. They relieved them of racial, religious and other prejudices and the spell of outdated and harmful customs and traditions that hamper the fostering of fraternal relationship and mutual co-operation. Retrogressive thoughts are a hurdle in the way of learning and understanding of the purpose of life, and derail efforts of well-meaning and talented people for making innovations and inventions in order to create better living conditions for the human society.
5. Another factor that needs to be remembered is that God will not descend Himself upon the earth to fulfil the objectives of His creation – the Universe and Man. These will be achieved by His best creation—man and his counterpart woman—in whom He has endowed all the necessary qualities to make their worldly abode an abode of peace and plenty. Thus the Will of God will be fulfilled and his undeniable greatness proved beyond any ambiguity. It is the willful and sustained efforts of man (God's creation) that will bring this to happen.

6. It should also be understood that the main function of a human being is to be friendly and cheerful, to be helpful and fruitful to others, and to individually and collectively prepare for "*Jihad*" against the individual oppressors as well as the oppressive system, which has been constructed by the vested interests over the centuries. They are in the habit of usurping the rights and privileges of their fellow beings and subjecting them to insults and injuries, both economic and social. Such bad elements are able to have their own way because they do not face any organised resistance from the so-called noble, high born, gentle and pious persons of the middle and upper- middle classes of our society and the religious elite. These elements are in fact collaborators in the foul game of usurpation of the rights of the people.

Now, coming to the subject of today's discourse "Concept of Jihad in Islam", it cannot be honestly and truthfully dealt with, and justice cannot be done to it, unless we bring out the true meanings of the two basic words often used of "Islam" and "*Jihad*", and dwell deep into their import.

Islam: The word "Islam" was first used by God when he asked Prophet Abraham to accept Islam as his "*deen*" (*surah* 2 verse 131) as a way of life i.e. to submit to Him alone and to no one else, and to reject all false deities invented by the vested interests among men. The meaning of Islam was perfected during the prophet-hood of Muhammad (peace be upon him) as a way of life for the human beings (*surah* 5 verse 3). All the Prophets named in the Quran, and even those who have not been named therein, were Prophets of Islam. The authenticity of the word is contained in the Quran. God says: "This (Quran) is exhortation and counseling for all human beings" (*surah* 12 verse 104). Quran is a guidance and a blessing for those who believe" (*surah* 10 verse 58). Thus Islam has no other meaning than that given in the Quran. Islam is not a straightjacket of "*zabta-e-hayat*" (a strictly regulated code of life); it is "a way of life", a state of mind, that makes a man either productive or unproductive, progressive or retrogressive, co-operative or non-co-operative, compassionate or aggressive. The two basic declarations one has to make to become a Muslim are: one, to affirm the oneness of God as the Creator, Sovereign and Sustainer of the universe and what it contains, and to remember Him often, and two, to perform good deeds in the service of other human beings.

There is no place in Islam for religious elitism, or for a class of Ulema feeding on sectarianism. One may have a variety of opinion about various matters, because every person has an inherent right to interpret the Quran for himself / herself as they are answerable to God for their thoughts and deeds, that impinge upon the interests of the society and the state.

Jihad: The word "*Jihad*" in its overall concept means hard and sustained struggle in one's lifetime, both individually and collectively, against injustice and exploitation, oppression and suppression, illiteracy and ignorance, economic strangulation and monopoly over the means of production, perpetrated by man on man. Jihad, in relation to the security of a country

against foreign aggression, would mean taking up arms for personal or national defence. A soldier, who risks his life for the defence of a progressive and just society, is indeed engaged in a *jihad*, and one who offers his life in defence of such a fruitful social structure in the time of dire need is rightly called a martyr, and remembered as a notable and exalted person. The word "*jihad*" does not apply to waging a direct or proxy war on behalf of the vested interests and the imperialist countries to secure their interests in the name of Islam. Fighting wars for others' interests and calling it a *jihad* is a false concept. A war indulged in to safeguard the existence of a rotten system cannot by any stretch of imagination be called *jihad*. *Jihad* is not a war of aggression. A case in point is the Afghan war (named as "Afghan Jihad" by the vested interests) which was fought to secure American interests in Afghanistan as against those of the Soviet Union. It is height of hypocrisy, and misuse of a religious connotation, to call it a *jihad*.

Keeping in view the above definition of "Islam" and "*Jihad*", and considering the purpose of *jihad* as defined by the Quranic verses, a new and fresh meaning of Islam and *jihad* has surfaced as against the prevailing traditional meanings. In this situation I will propose that we start an educational process by which we may come out of the mental grooves we have created for ourselves by defective thinking and weak actions in life by just listening to others and not thinking by ourselves. Let us now apply our intellect and start thinking, on our own, on positive and analytical lines that would go to improve our personalities and our life-style. Let us open up our minds and have a broader view of things around us. Let us formulate our views in such words as could be understood equally well by all human beings. Let us concentrate on fulfilling '*Haqool –ul-Ibad*' and make Islam to mean, as it originally is, giving equal rights to all human beings, especially the downtrodden irrespective of castes, creed or gender. Let Islam mean promoting peace and human fraternity, establishing true democracy, banishing hunger and poverty, removing injustice and exploitation, destroying the vested interests, promoting love, beauty and creativity in all spheres of life and, through such endeavour, develop a vibrant culture and a responsive and humane civilisation worthy of conscientious human beings.

Finally, I will respond briefly to the three scopes of the subject under study:

1. The difference between Jihad and War:

The prerequisites for designating a war as "*jihad*" are:

(a) The participants in a *jihad* should be satisfied that they are fighting in the way of God, that they join in this *jihad* along with their financial resources with a will to die for a cause and be prepared, when hard-pressed, to migrate to other lands, and give sacrifices in His way. Jihad presumes a total effort on the part of a *mujahid*.(references taken from Quran *surah* 9 verses 19-23)

(b) The society should be free from any compulsions imposed by the governments, the religious elite, and those said to have been

imposed by the "*faqih*s" (theologians). Jihad entails a persistent struggle to create, and to secure, a society based on the principles enunciated in the Quran.

- (c) One's fathers, sons, brothers, wives and other relatives should not be dearer to the *mujahids* than *jihad* in the way of God and His Prophet. (*surah 9* verse 23).

## 2. Concept of war as propounded by Quran and Sunnah:

The concept of war as given in the Quran has been circumscribed in explicit words:

- (a) War can be waged only in the way of God, not for national aggrandizement or for personal glorification.
- (b) During a war no excesses are to be committed.
- (c) Once you become engaged in a war in God's path you should conclude it successfully in such a way that persecution of the revolutionaries (who are struggling for establishing a better social system of life) by a government of the vested interests is obliterated, and the instructions and laws of God come to be followed fully. In other words the aggressive role of man over man ceases. This is the most important responsibility of a Muslim.

The command thus given is that firstly, war must not be initiated; secondly, no excesses should be committed and requirements of war should not be exceeded; and thirdly, human lives should not be taken unnecessarily. The Quran does not allow a war wherein these three conditions are not fulfilled. Aggressive wars carried out in Iraq and Bosnia, and now being engaged in Kosovo (Yugoslavia), are not allowed in Islam. (References taken from *surah 2* verses 190-193).

- d) When a just social order in a country is sought to be replaced by an unjust order by any group or nation through aggression, it should be resisted with all the might at the disposal of a nation.

Thus only a defensive war fought, while remaining within the precincts prescribed by the Quran, comes under the definition of "*Jihad*".

## 3. Validity/applicability of concept of Jihad in the present-day world:

Wars, it seems, have become a necessary evil, in the modern world, and will continue to hold its sway till such time as capitalist imperialism remains a dominant force. But the true concept of *jihad*, as I have tried to explain, does not allow the present day wars at all, which are based on aggression and necessitate extermination of millions of human beings for no valid purpose.

The only validity of "*Jihad*" for us in the present day world is that we, the people of Pakistan (the civilians and the army men) should exert together to become instrumental in setting up a just socio-economic order in Pakistan. While doing so, we should be fully prepared to face and defeat any

aggression by unjust regimes and imperialist powers to put obstacles in the way of creating a just and responsive society. This joint effort by the civilians and the army has to be effected as a perpetual *jihad* with full alertness on the part of every member of the nation, be he a Muslim or a non-Muslim. For that we will have to form ourselves into a strong nation with a just and progressive social order, joined together in strong bonds of friendship and co-operation irrespective of caste, race and religion, and, ofcourse, wedded to the ideology of Islam (a universal concept for humanity) not for born Muslims alone but for all peoples. This ideology has been put forth by all the Prophets, and finally propounded in the most authentic way by the Quran and presented through Prophet Muhammad (Peace be upon him), for all times to come. This message of the Quran and Sunnah in the form of "Jihad" and "Islam" is for all peoples and all nations of the world.

Let it be understood well that Islam bases Jihad on peace alone, and that ushering in peace and plenty in this world, through the strivings and assertions (*jihad*) by man, is the ultimate destiny of mankind!

(Presented at PN War College in Lahore on 24<sup>th</sup> September, 1998)

### **CHRISTIAN-MUSLIM DIALOGUE AND HUMAN RIGHTS SOLIDARITY**

At least one thing is visibly and indisputably common between human beings - the spirituality of man. This understanding of oneness of spirituality in man can surely lead to the realization of commonness of human interests in human activities.

The underlying spirit of every faith is that it provides an ethical and spiritual motivation to enable the individual to play a constructive role in building the society in a manner as would be beneficial to all those living in it, irrespective of caste, colour or gender. All the prophets had a common message for the whole of humanity, not for any particular section of the human race. This message relates to the basic issue of human rights, the foremost one being to bring an end to the exploitation of man by man in any form whether economic, social, political, religious or sectarian, and thus move, step by step, towards the creation of a classless society. This goal can be achieved only if we treat all human beings as having equal rights and opportunities, and no discrimination is made between them on the basis of any bias. The biggest hurdles in the way of good human relationship are the biases that are created on account of considerations other than humanitarian. They are created and developed because of narrow thinking, religious intolerance, adherence to old and outmoded customs, hidden fear about supernatural revenge, and the like.

An important aspect of religious practice generally is that we must differentiate between 'faith' and 'religion'. Faith essentially means believing firmly in God—the Creator and Sustainer – and following His directions in order to make oneself a good human being capable of engaging steadfastly in

building the society. In this way confirmation of human rights for all will be available irrespective of caste, colour, creed or gender and man will be rendered free from exploitation and oppression, no matter which religious group he/she is born in. Such an adherence to faith liberates a person from all kinds of prejudices that are a hindrance in developing good human relationship, and averts the division of society into mutually antagonist groups. The betterment of humanity lies in unifying people on the basis of faith, and not segregating them on the basis of religion.

According to democratic principles the people constituting a nation are the deciding factor in matters of thought and action in the social, economic, political or other fields. But the masses have been kept politically unaware and educationally ignorant and illiterate by the vested interests with the help of the elite belonging to the various racial and religious groups. These, in fact, are the elements that usurp the basic rights of the people. Hence the issue of human rights solidarity cannot be deliberated upon separately and in a vacuum. Actually all life activities revolve around human rights, and contribute to their furtherance. So much so that no spiritual advancement can be made by an individual without contributing effectively to securing full human rights for the greatest number.

The concept of 'faith' and 'human rights' go together; they are inseparable. It is the concept of 'religion' that disturbs this natural balance. Faith tends to unite people of various races, colours and cultures for achieving a certain life-purpose. Religion, and the various offshoots of religion in the form of castes, as well as the religious elite formed on the basis of these castes, play the role of catalysts in enhancing division in the human society. They generate hatred among people on frivolous, trivial and immaterial grounds. Thus the natural human commitment to love and beauty recede in the background.

Christians and Muslims are the two largest communities of the world, and they constitute over 50 per cent of the world population. If these two communities enter into close coordination in the service of mankind by building up societies in various countries, and developing the human civilization itself, they can achieve much in the coming twenty-first century. They can help in building sound institutions on a social footing that will contribute to the improvement of governance and development of the social and political structures of various countries. But this work will have to be organized and developed on a long-term basis by initiating a movement for educational and political awareness of the masses with the explicit purpose of establishing democracy and promoting peace.

But, the problem we are faced with is that Islam, Christianity, Judaism, and other creeds have been turned into hereditary religions. The adherents of these religions are Muslims, Christians and Jews etc. by birth, not through acceptance of an ideology. A certain class of religious leaders has cropped up, in all the religions, for performing religious rites, imparting biased religious education, and giving religious sermons. Among the Muslims, the ulema (religious preachers) have also started meddling in politics by forming political parties on religious and sectarian bases, while insisting on their sole right to interpret Islam. This problem can be solved successfully if the well-meaning

and emancipated intellectuals from both the Christian and Muslim communities join their heads and hearts together to interpret and follow the real faith.

This is an age of inventions and innovations. The human beings have invented innumerable things for their material needs. It is time they take the necessary strides to construct a philosophy of life for the modern world in the coming twenty-first century. This will create mutual understanding and trust among the people of various creeds and cultures, and convert the well-meaning slogan of "Liberty – Equality – Fraternity", conceived during the nineteenth century into a reality for all peoples. Such a humanitarian philosophy can only be developed when the human rights issue is rightly comprehended and steps are taken to secure and deliver these to the exploited and oppressed among the people. Allow me to give some hints about this philosophy of life of the twenty-first century. The religious elite, especially among the Christians and the Muslims, must understand that all the Prophets, without exception, had come forward with a similar philosophy of life that may be called "the way of life of the Prophets" (Deen-e-Ambia). Our salvation lies in learning from the way they lived their lives and, on that basis, making ourselves useful to our fellow beings both on the individual and collective basis.

Another point on which I will emphasize is that the question of human rights cannot be dealt with effectively merely by administrative measures or by holding seminars. Its solution is dependent on creating a certain mindset that will make the acquisition of human rights possible and easy. This mindset can be brought into being by accepting with full vigour and intellectual honesty, the Creator and Sustainer of the universe as a faith. We will also have to agree that the human beings are co-partners of the universe, and a vehicle for the furtherance of the human existence in this world. By accepting faith one accepts love, appreciation of beauty and creative endeavour as the bases of human existence, and is thus enabled to put in fruitful efforts for the betterment of the society. Finally I would like to place before you a proposal in the form of a "Code of Human Conduct" that could lead to the formation of the required mindset that will enable us to achieve unity and amity among human beings of all hues on a universal level. This code should be universally affirmed if the desired result is to be achieved.

We must affirm that:

\* We will look up to each other as fellow human beings having equal rights.

- We will practice tolerance and co-existence, will renounce discrimination on the basis of colour, nationality, race, language, religion, gender or any other kind of bias.
- We will seek and promote knowledge, truth and wisdom and work for building a humane society.
- We will endeavor to raise the level of literacy, educational standards and moral values and engender political awareness in order to promote genuine democratic polity and vibrant culture.

- We will strive to establish an efficient socio-economic system that would prevent exploitation of the masses and improve their standard of living and state of happiness.
- We will reject all kinds of fascism aimed at forcing people to think and act according to the whims and dictates of others and denying them the choice to take their own decisions, and will advocate rational dialogue for settling differences.
- We recognize the need to develop human fraternity, banish wars and secure peace at the global level. The inherent human faculties of creativity, love and pursuance of beauty, and the productive potential of the human race, need to be employed in harmony with nature for the protection of environment.
- We consider consumerism (wasteful expenditure on luxurious living) as harmful for positive progression in human relationship. We seek to live frugally and spend our savings for the betterment of society.

Come, let us exert ourselves to generate within us a “good person”, and create a suitable environment around us that would enable us to spread love, harmony, fraternity and peace, so that a blissful atmosphere could be created in this world of ours to breathe and flourish in. I invite you to gather courage and stand up for being counted as torchbearers of such a creative endeavour.

(Note: This paper was presented in a conference held at Bangkok by Christian Council of Asia (CCA) on 7<sup>th</sup> September, 1998, and adopted unanimously. Representatives of seven South Asian Countries attended the Conference.)

The following “**Action Plan**” was also approved unanimously in this Conference for bringing about Christian Muslim amity. This was formulated by the group, formed in the Conference, on the subject of “Human Rights Solidarity”:

1. Visits of solidarity: In times of crisis such as communal or other tensions, riots and disturbances, interfaith groups will visit the disturbed area (homes etc.) to express solidarity, bring peace and solace, even material help when needed.
2. Planned action: Planned action will be taken up in slums of whatever faith as a joint effort of an interfaith group in order to work towards helping the slum dwellers towards internal transformation, and thus put a stop to interventions of vested interests.
3. Advocacy: Collaboration with good political leaders of all parties and assembly members will be done for providing guarantee to uphold human rights so that our point of view may be promoted on a wider level.
4. Concrete steps: Concrete steps will be taken to study the textbooks used in our schools and colleges so that sectarian views may be countered.
5. Values: Values drawn from all religions should be taught to our children from a very early age.
6. Peace movements: Peace movements across the national borders and networking among them should be promoted.

7. Equal rights: All people living in a country should be given equal rights and treated as equal citizens of a nation.

## **THE HUMANIST APPROACH TO INTERFAITH DIALOGUE**

I have been placing my views regarding inter-religious dialogue for the last seven years at various forums. In all my dissertations I had highlighted the need for unifying humanity on a sound footing, and offsetting attempts by the vested interests to divide it, ideologically as well as socially, into innumerable sections on the basis of religions, sects, creeds and nations. These efforts, however, have not gained ground so far.

We, in the twenty-first century, are lucky that we are passing through an era of enlightenment and scientific and technological advancement. Yet we have failed to differentiate between the concepts of "faith" and "religion" and their resultant effects on social development. We have been unable to comprehend the negative effects of 'religion' and understand the positive aspects of 'faith' in our day-to-day relations. Faith, in fact, unites people of different colours, races, and nations, and lends them clarity and vision about various concepts, while religion divides the people and disarranges concepts. Such an understanding has a direct bearing on bettering our social relations, effecting economic development, and improving governance.

True faith, consists in believing fully, and without reservations, in One God who is Almighty, the Highest Ruler over the worldly rulers, the Creator of the universe and mankind and all other creations, and the Framers of the Laws of Nature that are unchangeable. It consists in obeying His command of serving human beings irrespective of caste, creed, and ethnicity, and building societies on the basis of tolerance, justice, fairplay, amity and harmony. We must understand that God is for all peoples, not of the Jews, Christians, Muslims, Hindus and others separately. Another relevant thing that must be kept in mind, while attending to our worldly affairs, is that God has created man with inbuilt qualities of creativity and productivity, as well as with inherent guidance in the form of conscience, that are required for living a fruitful and successful life. Hence God is part of the human self, and runs in his blood. A man should, therefore, look inwards to himself rather than up to the heavens, while performing his daily tasks and facing the challenges of life.

This concept of "faith", in my view, entails the following obligations upon man: -

1. To do people good to the people, and to build the society on positive lines.
2. To remove illiteracy, and promote education. To emancipate man's consciousness, and secure his release from delusions, superstitions and dogmas.
3. To create political consciousness among the masses, and to engender leadership qualities among them.

4. To develop the concept of "collective leadership" and dispel the ideas of "charismatic leadership" and "life-presidentship" in political parties constructed by the vested interests.
5. To secure firmly the representative character of the Parliament by fully safeguarding its members from intrusions by the unelected civil or military bureaucracy in the form of dissolution by them of democratically elected Assemblies of the sovereign people. To get introduced foolproof electoral rules.
6. To prevent the religious elite, the self-appointed interpreters of the word of God, from misguiding the people in the name of Islam, and from interfering, as a class, in the political process and in state management.
7. To work for alleviation of poverty, hunger, backwardness and other imperfections, and to improve the standard of living of the common man. To effect cultural and spiritual development of citizens.

Let us, people of all denominations, Christian, Muslims, Jews, Hindus, and other work unitedly as faithful servants of God for allaying injustice, oppression, exploitation, terrorism and wars for ushering in progress and prosperity in our countries, and establishing peace and amity globally.

Let us not forget that God's pleasure can only be sought by behaving as a worthy human being engaged in pleasing his fellow-beings, providing them with a safe, pleasant and beautiful haven in this world, and giving them a touch of love, happiness, confidence and comfort. Let it be known to all that adherence to one's religious customs alone, while not discharging the rights of the people, is of no consequence in the eyes of God.

Having said all this, let me also say that there is yet a role for the clergy and the ulema to play, provided they change their mindsets by giving due importance to building up a world of happiness, beauty and progress. This they could do by coming in line and working along with other elements in the society for developing the intellectual capabilities of man, and satisfying his material and cultural needs. Thus, they would be able to counter man's alienation from society and enable him to enjoy the material, scientific and technological developments accomplished so far by the society, by applying these advancements for the good of humanity.

(Presented at a meeting of the "United Religions Initiative Pakistan" held at Lahore on 23<sup>rd</sup> January 2002.)

## **FAITH AND HUMAN FRATERNITY**

While articulating on this subject, first of all, we will have to keep in view the reality that every human being has a double relationship with the other. The first one is the human relationship, as all of us are human beings. The second one is the relationship of faith for most of us do believe in God, i.e., the Being that has created the universe and man (remembered by different names) and whose pleasure we desire. The only difference between

Muslims, Christians and other religious groups is that their forms of worship differ from each other and they have separate customs and traditions. Other than this their body chemistry is the same having the same flesh and blood; the requirements of life of the people belonging to various religions are the same; their rights as well as responsibilities are similar; their obligations for making each others' lives better, are identical. If this be true, then the question arises as to why we have not been able to establish affinity and fraternal relationship between these religious groups? Why can't they work together for mutual benefit and national development, while adhering to their religious identities? Why have they become a prey to religious intolerance?

The first reason for this catastrophe is that the leaders of these religious groups do not have true faith in God, nor do they have anything to do with amity and fraternity among human beings; they only keep their sectional interests before them. The religious leaders, instead of putting forth the reality of faith, and following it truthfully themselves, keep the people engaged only in practicing religious rites in order to keep their religious hegemony intact over their followers. The erroneous stand taken by these religious leaders is that salvation is achieved merely by performing religious rites and worship in accordance with the rules prescribed by them. In their view, human fraternity and efforts to establish a political system based on economic and social justice are not necessary for gaining salvation. All they are interested in is to secure personal advantages from the political leaders in seats of power, and the rich, while making secure their religious supremacy over the people. They are averse to taking upon themselves any responsibility regarding national development and prosperity, even though it is evident that majority of the people are suffering from poverty and deprivation, dangerous diseases and ignorance. Thus, the self-seeking politicians and the governments, with the connivance of sectarian religious leaders, succeed in diverting the attention of the people from their real problems and issues and in preventing them from participating in the affairs of the state.

The second reason is that the people related to various religions have not been able to fathom the truth that all the Prophets were appointed by the same High Authority, that they were members of the same brotherhood of Prophets, and hence they should be equally respectable for all human beings. All these prophets had a similar message "Have faith in God and, on the basis of His guidance and instructions, build our society by practicing human fraternity." In other words, they should determine their place while living in a country not as persons belonging to a religious group but as a member of the nation inhabiting a country, and should dedicate themselves to promote national progress and prosperity. This is the only way through which the betterment of each individual constituting the nation is achieved to whichever ethnic, linguistic or religious group he or she may belong.

The third reason is that those involved in religious sectarianism do not differentiate between the two divergent concepts of "faith" and "religion". Faith (way of life) is linked with belief in God and development of the various segments of life, both individual and collective, according to His will. Such thinking brings closer human beings and promotes cooperation and fraternal relationship. As opposed to this concept of faith, religion is a system based on

vague concepts and superstitions tailored by certain human beings having vested interests. The religious elite devises these systems by tampering with the divine teachings and misinterpreting them, and by contriving their own versions, after the Prophets leave the world. The interests of the religious elite lie in creating hatred and distance between each other and intricating problems of the people rather than solving them. The religious elite creates the wrong impression, by their religious maneuverings, that their entity is essential for achieving salvation in the hereafter, whereas the truth is different. The existence of the religious class is absolutely unnecessary for achieving human salvation.

The fourth reason is that those affected by religious intolerance and sectarian arrangements desist from accepting the outlook that the objective for which the Prophets are sent is, in fact, the development of man's personality, and that such developed personalities furnish honest and capable leadership. A clean and dynamic society and a useful collective system cannot be established without going through this basic work of personality building. Education and morality are the two basic foundation stones of the society. Without this no human system can produce useful results. The building of a nation through learning and morality is as much the responsibility of the state and government as it is that of the individuals. It needs to be clarified here that the responsibility for dissemination and propagation of religious viewpoint and teachings is not that of the government. The government's job is to frame laws and make other arrangements for economic, political and social advancement of a country and nation. Especially the religious leaders as a class, should not have any authority to interfere in government affairs. Because this cannot but lead eventually to confusion and disorderliness in the governmental system. Of course everyone who understands the true import of Islam and its political aspects, has the right to place his point of view before the people and the government about the ongoing political process in the country by organizing public opinion and by reaching the assemblies through elections for giving practical shape to his/her views. But no one should possess the right, as a religious monopolist, to unduly pressurize the governing authority through emotional slogan mongering.

This dissertation carries two important words, one is "faith" and the other is "human fraternity". Justice cannot be done to the subject under study without explaining these two words. The meaning in which I have used the word 'faith' is not just any faith but that particular faith which is built on firm belief in God, in all His Prophets and books, and the second life in the hereafter for accountability of the whole of mankind. The basic requirement of faith is that any kind of injustice and exploitation in the society must not be brooked and the oppressed should be supported against the oppressor. Without such an approach faith is meaningless. A person who is wrapped up in self-deception thinks that without siding with the oppressed and giving a helping hand to the dispossessed adherence to faith can be claimed. The way of faith is the way of sacrificing one's ego, wealth and life. The will to sacrifice is generated through love of God, which essentially is loving the human beings and sacrificing one's personal interests in favour of the collective interest. Such a faith alone prepares one to become a "good human being"

and enables one to take full interest in affairs of their world and play an effective role in building the society.

Therefore, humanity can be divided on the basis of faith into two parts: the believers and the non-believers. Human fraternity can be practiced on the basis of faith alone and not on that of non-belief; belief imparts selflessness, mutual love and sacrifice for others, whereas non-belief breeds egotism, selfishness, mutual hatred and enmity. Belief makes the human beings submit with all their hearts and minds to the Will of God, whereas non-belief subjects them to thanklessness and ungratefulness regarding God's bounties.

At this point what should be kept in mind is that a non-believer, or an ethiest, possesses the same right to express his views and adhere to his standpoint as a believer has. According to the teachings of the Prophets no one can be forced to believe in God. A person to explain one's point of view could however, present arguments but all the same the other person possesses the right to agree or to disagree. We should not forget that a non-believer of today could become a believer. of tomorrow, and a believer of today could be converted to a non-believer of tomorrow. We will, therefore, have to make religious tolerance a part of human culture and, in order to make it prevalent, make it part of our Constitution

As far as the phrase "human fraternity" is concerned they would mean, in the context of a nation, affirmation of the concept of "one nation" and rejection of the concept of "religious minority". Moreover, joint-electorate and equal rights for both men and women are included in the perception of human fraternity. Without the above four essential components the raising of the slogan of human fraternity would be a deception, and could never be realized on ground. The right to rule truly rests with such human beings as use state power for equally benefiting all people inhabiting a country without consideration of any racial and religious bias. If the elected representatives of the people do not behave in this manner, the people have the right to recall them during their tenure and elect others in their place.

We should also keep in mind that humanity does not recede backwards; it is always moving forward. Whatever advancement has been made by man in the educational, scientific and technological fields, and the positive way in which he is advancing by making use of the laws of nature and subduing the forces of nature. inspite of all obstacles and interruptions, faith and not religion is his real requirement and the attendant force. It is with the help of this force alone that the human being will he be able to successfully complete the future stages of man's journey and reach the apex of human fraternity, i.e., establishment of universal peace, human unity and humane society. As it were, faith not religion breeds a good human being engaged in doing good and restraining from tyranny and injustice. Such a human being is the need of the hour. The future can be built by such human beings alone. Humanity can benefit only through such people.

## **DIVERGENT CONCEPTS OF "FAITH" AND "RELIGION"**

Human life is a prodigious gift bestowed by the Creator to the human being. This blessing is afforded to man only once in life. Hence it is evident that this gift should not be wasted, and it is unwise nor to benefit from it.

There are two aspects of human life: one is individual and the other is collective. The basic importance in life pertains to the individual for it is for him to determine his role in life by comprehending his inborn capabilities through education and upbringing and then spending all his or her faculties for making the society in which they have been born equally advantageous and gainful for all its dwellers. Such a collective effort is not easy to make. Innumerable hurdles and difficulties come in the way of the people at every step; challenges are thrown before them to weaken their will and divert them from their true path.

Here we must understand the fact of the matter that in order to make human life easy and pleasant it is essential to build the society on the two foundations of social justice and economic justice. To achieve this objective it is necessary to create in an individual full awareness of basic human rights and the immense drive required to achieve and defend them so that no selfish and gain-seeking individual or group may be able, by divesting the people of equal opportunities of progress, to inflict them with poverty and ignorance and depleting them of their resources by monopolizing the means of production of a country.

In order to maintain the equality of status of the human being (both man and woman) and to take the society towards development and prosperity, it is necessary to clear the individual's mind of all kinds of harmful prejudices and equip it with discernment of its rights. The most destructive of these prejudices is religious and sectarian prejudice, which has been given birth by the erroneous concept of religion. Ostensibly, religion is regarded as guidance for human beings from the divine power. But actually religions are the creation of gain-seekers camouflaged in religious cloaks for keeping the masses stuck up in ignorance and unmindful of their rights. They bind them in the net of superstitions and worn out traditions and blemish and corrode their productive capabilities. As a result, the society is incapacitated from progressing and developing itself.

What needs to be understood is that the Prophets did not bring along with them different religions about which they bequeath their followers as permanent features. In reality they had instructed the human beings to believe in the existence of God and to exert for amelioration of the lot of His creation (i.e. to believe, and to serve). Moreover, in order to enable the people to be consistent in performing this duty they had, in accordance with the requirements of their time, devised ways of worship on their own for remembrance of their Creator and for demonstration of their submission to His Will. The basic importance of the teachings of the Prophets lies in the commands and instructions given by the Creator to the human beings for the purpose of leading a successful life in the world. As a result, a progressive and thriving society is created through the efforts of educated, prudent and honest individuals of the era. Thus, by believing in the One Being and by following His instructions, a feeling of love and affection is born in the people

and they utilize their capabilities and reserves of energy jointly for collective benefit.

This mode of life is called "*Deen*" (faithful way of life). As opposed to this, "religion" is an instrument, devised by those minds who deny the existence of the real Creator and who prefer their own will to that of the Creator, for leading people astray. Some people, however, may have been misled inadvertently by their religious fervor in formulating their religions. In any case, religion creates rifts amongst human beings on the basis of various biases, and arrays one against the other for inflicting financial and physical loss. Religion gives birth to selfish and crafty religious classes that serve their personal interests by duping the simple people in the name of religion. They conspire with the ruling and wealthy elements, render the masses educationally and spiritually deprived, economically ruined and politically bereft of authority. As against this the true concept of "faith" generates in the people at the lower levels a capable and creative leadership that takes them forward towards progress and prosperity.

It becomes evident from above lines that while giving the right to those belonging to different religions to worship God and to spend their cultural life in their own ways, we should include them in the process of making human life better, organized efforts for making human life better. In this connection we should follow the principle of religious toleration earnestly and, by establishing human fraternity and adopting the course of mutual understanding, and while working mutually for the common good, extricate ourselves from the quagmire of religious prejudices.

## **RELIGIOUS TOLERANCE IN THE CONTEXT OF ISLAMIC HISTORY**

Islamic history is the history of the achievements of the last of the Prophets Muhammad (Peace be upon him) and his best companions Abubakr Siddiq, Umar, Ali and Usman; Islamic history ended with the passing away of Hazrat Usman the fourth caliph.

The Islamic system that is based on mutual consultation, social justice and economic parity gave peace, tolerance and plenty to the human society. It was set aside by monarchies of the Muslims who, unfortunately, were the descendants of the faithful. The sound foundation of 'faith' and the socio-economic system based on it, however, led to research and advancement in the various fields of learning in the countries that came under Muslim rule. Both the socialist and the capitalist systems that followed the Islamic system gained a lot from the research made by the Muslims.

The dominance in the modern world of the capitalist system developed by the US and the West, and its absolute control over the electronic media, has spread ideological confusion amongst the people of the world and created enormous hindrances in the way of revival of the concept of 'faith' as against 'religion'. However, many attempts have been made throughout history, and will continue to be made in the future, to revive the Islamic faith i.e., the Islamic way of life.

The concept of 'religion', as developed and spread by the capitalist and socialist systems, is the most serious impediment in the way of realization and acceptance of the truth about human existence. The leaders of the two modern systems of capitalism and socialism have coined the word 'religion' for political purposes, i.e., to enable them to rule unhindered over the people, whom the ruling elite consider inferior to them, and would like to exploit them for their selfish ends. This concept of religion thus places the real power and authority in the hands of the few while preventing the majority of the people from managing the society in the wider interests of the people. Through such a narrow and false concept of religion, the interests of the people are maliciously diverted towards useless attempts by them to secure false satisfaction of achieving salvation in the hereafter, without having to exert for the dominance of 'good' over 'evil' in worldly affairs, and making efforts in this world to order their lives for living in peace, progress and plenty. The concept of religion has been restricted to a few acts of worship of a God whose place in bettering the performance of world affairs is not really understood, and who is not considered to be connected in any way with one's daily life. The word 'religion' is, in fact, a misnomer and should not be used to mean the 'faith of the Prophets'. It should be discarded altogether in order to avoid confusion in the minds of the people, and those who manage the State. The word 'faith' should be used instead to represent Islam.

The concept of "religious tolerance" had in fact originated in the Islamic history under a different connotation from the present one. It was first mentioned in the Holy Quran in verse 5 of *Surah "Al-kafiroon"* in the words:

"You are free to follow your faith and leave us to freely follow our faith". This was a clear direction from the Creator to build one's social relationship on toleration of the differences in thought and action of the people living in a society, which include differences in the ways of worship of God.

It would be pertinent to mention here that religions (i.e., religious or sectarian concepts) are man-tailored, while faith is the way of life revealed by God for man through His Prophets). Religions have a tendency towards their being further divided into various sects and creeds. They go to divide people into innumerable dissident groups who disable the people from working together for any common cause.

'Faith', on the other hand, unites people of different ethnic, linguistic and religious

origins for a common humanitarian cause and promotes human wellbeing irrespective of race, colour or creed. Religious dogmas are the source of intolerance, and breed a false concept of "*jihad*" and leads to terrorism. This disassociates one from taking up the responsibility of ordering affairs of the society and the state for betterment of human beings. Most of the evils prevailing in today's world, which is dominated by imperialist powers, are due to the ideological misconceptions that at present sway the human mind and intellect of the world leaders as well as political leaders of various countries.

'Islam' is the name given by the Quran to the "deen-e-Ambia" i.e., the way of life of the Prophets including Abraham, Moses and Jesus and

Muhammad (PBUH). Islam's role lies in its etymological meanings of peace, tranquility, tolerance and amity. Hence the term Islam is best understood if it is used in this context. The Quran says in verse 19 of *Surah Aal-e-Imran*: "Really, the deen – the way of life –you have been assigned is Islam". Men of faith (Muslims in the real sense), therefore, emit peace and amity through their dealings with others. This definition of Islam, given by the Quran, would lead one to understand that all persons who come to believe in God and serve humanity', belong to the category of *ahl-e-iman* even though they may be non-Muslims by birth. Essentially, humanity is composed of two transposable categories of the 'faithful' and the 'negaters', and eventually it must return to its origin, which the Quran says in verse 4 of surah "Atteen" is: "Surely, I have created the human being in excellent disposition".

An important aspect of religious tolerance is that the future generations must be educated on a firm ideological footing and not chained any longer to false and idealistic notions that do not stand the test of rational and scientific inquiry. Such education should be action-oriented and not restricted to mere professed beliefs.

The touchstone for judging the correctness and usefulness of any notion is that it is practicable and serves the interests and basic needs of the common man, and does not promote intolerance, prejudices and superstitions in human society. For this to come about, we will have to pronounce in clear terms that no person shall be subjected to dominance of any kind by another person, be he a ruler, a leader, a religious elite or even a family head. A person should have absolute freedom to form an opinion or make decisions on his own. One should be enabled to seek guidance freely, without any extraneous pressure, from those one respects and trusts. The best guidance, however, is from God who is the bestower of life and sustenance to man. Guidance can be had from Him directly by any person just by asking for it. No support is required from anyone else to seek guidance from God. One should not follow blindly any human being. Anyone demanding abject submission should be held to be an imposter and a fascist deserving full defiance.

## **FACETS OF TOLERANCE THEIR RELATIONSHIP TO HUMAN RIGHTS**

Awareness of Human Rights and its dispensation is closely linked with political awareness of the masses and tolerant behaviour of the people in general. The political process, from time to time, positively contributes to changing the system of governance and the social setup. It is an instrument of change contributing effectively towards changing the status quo. It leads to good governance, economic viability and establishment of a fruitful society. But, in order to be effective, this political process should be creative, progressive, principled, clean and founded on dedication for the cause on the part of political leaders, workers and government servants, with its precincts explicitly laid down.

The various areas in which toleration should be exercised with the purpose of creating cooperative and progressive societies are race, language, color, religion, caste, creed and general behaviour. Cultivation of toleration in its various forms is essential for establishing a democratic, cultured and equitable society.

Prejudices such as ethnic, racial, linguistic, religious, sectarian, and sectional contribute heavily towards violation of human rights. Another aspect that negates the importance of human rights, and its compliance, is giving preference to personal interests as against the collective interest.

Human rights violations are made at two levels - the public level and the government level. Unless we effectively curb these at the public level it becomes difficult to curb it at the government and state levels. Therefore, a mass literacy and education movement and a sound programme will have to be initiated for this purpose.

Adherence to the observation of Human Rights dispensation enables a group of people, or a nation, to develop into a democratic, pluralistic and peaceful society and establish a welfare state. On the one hand, it prevents gross violation of human rights both by state machinery and social structures and, on the other hand, it grants equal opportunities to every citizen to realize his/her full potential as an equal and dignified member of the human society. It safeguards every citizen from all kinds of exploitation by the vested interests. These vested interests are the *jagirdars*, the monopoly capitalists and industrialists, and the religious elite.

The bestowal of human rights requires that the following rights be guaranteed to every individual: -

1. The right to a safe life free from undue financial stress.
2. Full protection of the law for dispensing liberty and dignity of the person.
3. Equal opportunities to utilize the natural resources of one's country and a substantial level of living standard, without any discrimination on the basis of colour, caste, creed, gender, ethnic or cultural identity, language and social status.
4. Devolution of political, administrative and economic power to democratically and freely elected bodies of the people at the lower levels.
5. Special representation in elected bodies to women, religious minorities, workers, peasants and other disadvantaged groups at all levels.
6. Equality of every person before the law, and equal protection of law.
7. Permission to peacefully assemble and associate without interference, and to travel to any part of the country.
8. Freedom of thought and conscience, and the right to express one's opinion freely.
9. Protection against all forms of hate-speech and false propaganda by an individual, group or state organ.
10. Sharing, acquiring and imparting information and ideas through any media without interference from the state.
11. Rendering every assistance to develop the productive and creative potentials and activities of an individual.

12. Providing social security in case of unemployment, sickness, disability, old age or natural disaster.
13. Special legislative and administrative measures for the economic and social uplift of disadvantaged groups, communities, and regions.
14. Freedom to adhere to any religion or belief and to practice it in public or in private.
15. Equal status, rights and opportunities regardless of one's religion and belief, and protection against the linking of political, legal, economic and social entitlements with one's religious identity.
16. Non-interference of the State in religious affairs, and in formulation of religious dogmas.
17. Abolishing all laws and customary practices manifesting gender discrimination, through appropriate legislative measures. Helping women attain equal status and opportunities in every domain of State and society. Giving them constitutional guarantees of their access to the political and electoral structure.
18. Entitling every child to total protection from all forms of violence, forced labour, neglect, abuse and coercion. Giving the child the right to free choice of profession and opinion formation.
19. Preservation and promotion by the State of regional cultures, languages, arts and literature. Promotion of commonalities among various cultural entities to facilitate evolution of a pluralistic culture.
20. Ensuring compulsory and free education to all citizens up to the secondary level, providing them access to higher professional and technical education and promoting education in liberal arts and sciences to develop a humane polity.
21. Providing just working conditions, and giving equal remuneration for equal work.
22. Placing restrictions, in the best interest of the people, on monopolies and socially unacceptable ownership of land and natural resources, which are the collective properties of the people living in the country.
23. Guaranteeing rest, leisure and recreation to all segments of society, and providing a clean environment.
24. Fixing an affirmative role for the State to promote international peace and well being of humanity.

(Presented at a meeting of the SNDP in Lahore on 29 January 2001)

### **ONE GOD - ONE PEOPLE - ONE FAITH**

Ladies and gentlemen! On this auspicious occasion of the coming together of *Ramadan* and Christmas this year, I would like to convey you this evening a message.

God of all peoples, the Almighty, the Creator and Sustainer of the universe and all the creation, the Law-Giver, the Gracious, the Benevolent and the Loving would naturally expect that the human race would, while making use of the inborn capabilities, establish societies in various parts of the world

where peace and progress will reign, where justice and fairness will prevail and where one will help the other live in ease.

For this to happen we will have to uphold the principle of "One Lord, One People, One Faith", both individually and collectively. We will have to understand that 'faith in God and service to humanity' is the real message of conveyed through the Prophets. 'Faith' should, therefore, be preferred to 'religion' - a concept developed by men on their own, centred on the different ways of worshipping God. We should certainly gain inspiration by worshipping God, in whichever way we may, but such worship should propel us to purposeful action in life. The divergent concepts of God-ordained 'faith', and the man-tailored 'religion', when applied to life give different results; the former unites people whereas the latter divides them.

Humankind is divided broadly into two components – the believers and the non-believers. The believers continue to work for building a humane, benevolent and productive society while the non-believers busy themselves constantly in putting hurdles in the way of believers and corrupting the society. A struggle to gain mastery thus prevails between the believers and the non-believers. The believers' job is to proceed with their holy assignment in a tolerant and pleasant way, without thrusting their views on others.

If we concentrate on keeping the purpose of our lives well defined before us, the importance of 'faith' becomes all embracing and other notions take secondary positions. The purpose of life, as understood by a purposeful person, is to build oneself as a knowledgeable, cheerful, cooperating and sharing human being dedicated to a cause, and living a purposeful life. We should never be satisfied with the *status quo* in which we were born and have grown up. We should always be desirous of, and working for, changing the life-system and improving the ways of governance inherited by us, which the vested interests and the monopolists control. We should be constantly engaged in self-development as well as improvement of the society in which we are placed. Man is essentially endowed by nature with the two characteristics of love and creativity. Hence one should be constantly engaged in spreading the message of love and creating new things that are beneficial to humanity.

Now, in order to change the system of governance a sound leadership will have to be established, especially among the youth, that is honest, hardworking, willful and abreast with understanding of the problems faced by the people. Politics, practiced through such a process for bringing forth sound leaders, becomes an 'act of worship'. It ceases to be a 'dirty game'. It is now time that dirty politics be converted into clean politics by strengthening faith in God and reposing confidence and trust in the leadership of men who are above board. The "believers" should now shed their complacency, frustration and cowardice and take on courage to enter the political field for displacing the wrongdoers.

Such an understanding of the concept of life, and the intense desire to contribute usefully for the betterment of humanity, is possible only if all the components constituting a nation, to whichever caste, creed or colour they may belong, are trained in the democratic way and brought into the political mainstream. For this purpose adoption of joint-electoralates as a system of

election for the assemblies is necessary. Not only that, it has to be accepted in principle that even a person belonging to a minority community can become the head of a State, provided he or she is a believer in One God and is serving humanity in an unprejudiced manner.

In this way, the followers of all the Prophets – the Christians, the Muslims and all others professing various creeds - can come together rather than be at loggerheads with one another, destroying each other's lives, properties and environments, and denying them progress and prosperity in this world. The hereafter of every individual too can be made secure, and salvation assured, only by adopting such a "way of life".

(This paper was presented at Loyala Hall, Lahore at a gathering organized by the YWCA on 9<sup>th</sup> December 2000)

## CHAPTER-VI

### NATIONAL POLITICAL CONSULTATION (NPC)

#### Proposals

“Roshni” arranged a National Political Consultation (NPC) with political parties, renowned intellectuals and social activists in Lahore at Ambassador Hotel on 9<sup>th</sup> March 2002 to consider the following objectives for adoption:

1. Creating a new political culture of tolerance and goodwill based on the concept of “Collective Leadership” that assures close consultation with leaders of public opinion at all levels of society, while totally rejecting dictatorial trends.
2. Enabling clean, honest and positive politics to flourish that promotes truly democratic, participatory and tolerant socio-political values, and rejects politics of intrigue, deceit, confrontation and money laundering. Encouraging dialogue and accommodation among diverse interests, identities and groups.
3. Establishing sovereignty of the people and the Parliament.
4. Making useful and effective land reforms to increase agriculture production. Helping industry to flourish and provide jobs, facilities and leisure to workers.
5. Making the state processes oriented to the welfare of the people, and betterment of the society.
6. Providing equal opportunities to all of access to the means of production. Freeing the resources of the country from the hold of vested interests and monopolists.
7. Ensuring literacy to all citizens, and providing higher education to capable persons.
8. Removing poverty, unemployment and price-hike. Bringing inflation rate to the lowest level.
9. Setting up a state system in which the civil and military bureaucracy is made subservient to the elected representatives of the people.
10. Giving political leadership and representation in the assemblies to honest, educated and capable men and women, especially from the lower and middle classes, who hold good reputation in their constituencies, who do not indulge in hoarding, black-marketing, land grabbing and other evil deeds, and are not convicted by the courts in any criminal offence.
11. Strengthening the Federation of Pakistan by providing maximum autonomy to the Provinces.
12. Making the Judiciary independent of the Executive, and ensuring its full dignity. Making the acquisition of justice easy and inexpensive.
13. Setting up a permanent and fully independent “Accountability Commission” for effectively countering bribery and mal-administration.
14. Making the Election Commission autonomous and financially independent.
15. Improving the electoral rules and ensuring free, fair and transparent elections devoid of government interference, so as to bring out true

- reflection of the public will. Giving the election rules constitutional guarantee.
16. Making the elections inexpensive so as to enable the candidates from the lower and middle classes to contest elections.
  17. Holding elections to the national and provincial assemblies on party basis.
  18. Developing political parties as permanent, strong and competent institutions.
  19. Ensuring a self-reliant, developing and flourishing economy. Limiting foreign loans to the minimum.
  20. Declaring minorities as intrinsic part of the Pakistani nation, and arranging their full participation in state affairs. Adopting the joint-electorate system of elections, with reservation of seats, to enable the minorities' effective representation in the Assemblies.
  21. Achieving equitable and friendly relationship with all neighbours, the international community and the world powers, and securing a fair share of global resources.
  22. Disallowing the religious elite from monopolizing interpretation of Islam. Disabling the religious and sectarian aristocracy from bringing simple, unsuspecting people on to the streets for creating a law and order problem in the name of Islam.
  23. Basing our politics on the basic principles of Islam that emphasize equality and fraternity of man, and establish the rights, dignity and self-respect of the human being irrespective of religion, sect, ethnicity or color. To work for peace and unity of humankind.
  24. Curtailing non-developmental and excessive expenditure at the government level, and adopting simple living at the individual level.
  25. Curtailing expenditure on defence and nuclear capability.
  26. Removing poverty, unemployment and price-hike.
  27. Ensuring unity and integrity of Pakistan, and well being and prosperity of the people.
  28. Guaranteeing human rights and basic necessities of life to the people.
  29. Basing governance on consultation and participation rather than on dictation and authority. Increasing the faith of the people in government.
  30. Making the political process people-oriented without extraneous interference on the part of state organs like the army or secret agencies or bureaucracy.
  31. Taking the nation into full confidence in all matters, and accepting willingly, and readily, all decisions made by the people.
  32. Enabling the Pakistani nation to achieve a high place among the comity of nations and for that purpose, increase the budgetary allocation for arranging quality education and technical training. Engendering in the people high moral values and the passion to serve the nation and humanity at large.
  33. Removing all kinds of discrimination on the basis of religion, caste, ethnicity or language. Mobilizing people for creating a peaceful and tolerant society, and relieving it of sectarian tendencies. Promoting religious tolerance in the people.

34. Developing the Pakistani nation as peacemakers, not warmongers and terrorists.
35. Arranging co-operation and co-ordination between the political leaders and political workers of political parties.
36. Holding elections to the National and Provincial assemblies and Local Bodies on party basis.
37. Setting up research cells for the study of public and national issues and for proposing solutions.

### **Ground Realities**

The ground realities being faced by us are that:

- Pakistan is passing through the gravest situation politically and economically, and that its very security is imperiled.
- Pakistan's polity has become hostage to Machiavellian politics with its armoury of deceit, intrigue, opportunism, corruption, confrontation and marked absence of moral content.
- Democracy and good governance have retreated, and the sovereignty of the people in state affairs has been undermined.

In view of the above facts, it is now time for the people of Pakistan to assert for getting rid of all sorts of injustice and inequality.

We, therefore, urge upon the political parties, conscientious intellectuals and social activists to publicly pledge to work together to secure achievement of sovereign rights for the people establish a functional democracy and develop a truly democratic culture in Pakistan.

### **CONSENSUS ON PUBLIC AND NATIONAL ISSUES**

A consensus was achieved in the meeting held in Lahore on 9 March 2002 of political leaders, intellectuals, and social activists on the following issues:

1. The systems of 'jagirdari' and 'absentee-landlordism' be abolished. A minimum of 12 ½ acres per family be given to landless tenants to improve upon agricultural production.
2. State-ownership of the means of production be established. Equal access to the means of production be accorded to all, in accordance with one's ability to work.
3. Positive measures be adopted to develop a self-sustained and debt-free economy, and fruits of its development be delivered directly to the common man.
4. Equal rights, dignity and self-respect be guaranteed to all citizens, irrespective of religion, ethnicity, sect or gender.
5. New leadership from amongst the lower and middle classes be raised to represent the people.
6. Politics of confrontation, intrigue, deceit and exploitation be shunned. Instead, politics of dialogue, consultation, co-operation

and co-ordination among diverse interests, identities and groups be practiced.

7. A free judiciary, a non-political civil service and a non-interfering military be ensured. Their subservience to the will of the people be fully established.
8. Religious elitism and sectarianism be done away with.
9. A culture of tolerance and goodwill be created.
10. Maximum autonomy be provided to the Provinces as against the federal authority.
11. Electoral system be genuinely improved. Correct and practicable criteria be fixed for candidates contesting elections, and those not fulfilling these be debarred from taking part in elections. Inexpensive elections be ensured to provide true representation of the majority of the people in the assemblies. The wealthy be restrained from purchasing votes by declaring this immoral practice a penal offence.
12. Restoring the 1973 Constitution in its original form of 14 August 1993.
13. The authority to amend the Constitution to lie only with the elected and fully representative Parliament.
14. The concept of "National Security Council", over the head of the Parliament, be rejected altogether.
15. "Accountability Commission" be made a permanent institution for countering bribery and mal-administration, and no one be exempted from accountability.
16. Minorities be declared intrinsic part of "One Pakistani Nation", and their full participation in State affairs be arranged.
17. All discriminatory laws against women and minorities be annulled.
18. Women be given equal rights with men in all respects.
19. The workers be given shares in industry, and tenants be given ownership of agricultural land.

## **PRINCIPLES OF DEMOCRATIC POLITICS**

I would add the following principles of democratic politics that could be utilized usefully by the well-meaning section of society to further democratic process successfully:

1. Sovereignty of the people, to be acknowledged.
2. Supremacy of Parliament - All policy-making decisions to be made by Parliament.
3. Amendments to the Constitution only by Parliament.
4. Rule of law – no prerogatives for President and Prime Minister.
5. National ownership of means of production – equal opportunities of access for all.
6. Ending feudalism – land to the tillers.
7. Elimination of religious elitism, religious intolerance, sectarianism, and terrorism.

8. Strengthening the political process to safeguard against anti-democratic elements.
9. Raising political consciousness of the masses, for developing 'democratic culture' of tolerance, goodwill and peace
10. Political leadership from the lower and middle classes, and 'collective leadership' in political parties. All party office-bearers to be elected.
11. Monitoring by political parties of government's working and performance of ministers.
12. Doing away with politics of confrontation, intrigue, deceit, and exploitation.
13. Denying any political role to the army and civil bureaucracy – a 'non-political civil service' and a 'non-interfering military'.
14. A permanent and transparent system of accountability.
15. Security of service for government servants, and their appointments on merit.
16. A fully independent and financially secure Election Commission, for ensuring foolproof electoral process.
17. 'Self-sustained' and 'debt-free' economy.
18. Minorities to be integral part of the nation with equal rights and obligations.
19. Developing consensus on basic issues of public and national importance.
20. 'People-oriented' state policies for development and welfare.
21. Raising literacy level, and providing quality education. Arranging scientific and technological advancement and encouraging creativity.
22. Removing poverty, unemployment, price-hike, and increase in utility bills.
23. Raising the moral and spiritual level of the individual. Developing the individual into a 'democratic being', practicing tolerance and dialogue.
24. Equal rights and financial security for women.
25. 'People-friendly' role for the police.
26. Simplifying the tax structure. Imposing 'direct taxes' as against 'indirect taxes'.
27. Improving the road and rail transport system, for agricultural and industrial development.

## CHAPTER-VII

### FRAMING OUR POLITICS ANEW The Ultimate View

A new direction needs to be given to the politics of Pakistan. Eversince the sad demise of the founder of Pakistan Qaid-e-Azam Muhammad Ali Jinnah, Pakistan's ship has been sailing the turbulent waters rudderless. Various characters seized the helm in an attempt to steer the ship but in vein.

We will not indulge here in mudslinging and tarnishing the image of these players of politics. They have played their part as they willed. It is now for posterity and history to judge and give their verdict on the basis of the record as and when revealed to them. But one thing is certain that the leaders, who were at the helm of affairs at different periods after Qaid-e-Azam, did not have a clear direction before them to follow. They neither had the vision, nor an ideology to follow, or the commitment to render it. Hence they fell victim to their base desires and false egos. Their immediate aim was to grab power through questionable means, and to stick to it as long as possible to satisfy their lust for recognition, power and wealth. They never gave importance to their role as promoters of public interest. They posed themselves as 'rulers' and not 'servers'. This is the common trait of all those who have ruled so far. This brief description of these leaders, I believe, will suffice to satisfy the reader about their credentials. The rest they can add on their own from their personal knowledge and experience of the events.

Now, keeping in view this analysis, we, at this stage of history, should now take a decision to hold the present in our hands and exert to make our future pleasant and worth living. In order to do so we will have, first of all, to reject downright all the political philosophies and methods adopted by the politicians, civil bureaucrats and army rulers during the past fifty-five years. Having done so, we shall have to devise a new political concept, re-compass our direction, reframe our strategies in the light of our understanding based on sound concepts, and start on our journey with a firm commitment. But mere commitment to charter the right direction and frame sound political concepts based on a sound ideology cannot bear fruit unless a foolproof programme or action plan, based on wide and deep consultation, is made out. Even before chalking out such a plan, certain potent traits will have to be developed by the groups venturing out for such a programme.

First of all, we must have a firm belief, with a certainty of action behind it. We will have to start with a firm belief in our existence as human beings after having determined a definite purpose of life. We must understand fully that we have been born in this material world in compliance with certain pre-determined laws of nature. But the question is who made these laws that are in existence since the universe came into being and would continue till eternity. The rules themselves point to the eternal existence of a Being who has caused the laws of nature to be formed that govern the working of the whole universe. The name given, by the Creator of all things, to Himself in His Book, the Quran, is "Allah". He is also known as God,

Parmatma and has many other names. These facts, however, require that we remember Him always and express our profound gratitude for the bounties of nature provided to us by Him. His remembrance should run in our veins visibly!

This belief in God, and expression of our gratitude towards him for conferring on us life, generate in us a sense of determination to work with zeal for a worthy cause under His guidance, with the help of the basic attributes of love and creativity, that have been ingrained by Him in all human beings. Once you partake of this understanding of matters, the other individual attributes of honesty, sincerity, dedication, determination, endurance, and tolerance of others' views and behaviour, will necessarily follow. In addition to these attributes, such basic values as speaking the truth, keeping a promise or an appointment, respecting others, caring and sharing, politeness, self-restraint, sense of responsibility, love for peace etc. will have to be inculcated by personal efforts. These attributes, put together, convert an individual into a considerate person, to say in modern political term a 'democratic being'. Such persons are a prerequisite for initiating a political process in the right direction. Without them no advance towards creating a civilization could be made.

Once we are thus equipped with these attributes, we can be assured of an affirmed role for positively changing and shaping the direction of politics of our country. The political process, in fact, embraces all facets of life and is the only vehicle for changing the existent social setup and achieving progress and prosperity of the human society. If we accept this premise, an all-out effort will have to be made by conscientious persons to strengthen the democratic process on democratic lines, i.e. by associating people from the lower and middle classes at the grassroots level in this endeavour. But in order to be able to do so, we must understand and determine the real issues of the masses and give them top priority. We must go out and sit with them and talk to them and help, as much as we can, remove their difficulties and provide their requirements.

Now, having determined the requisites for political action, we now turn our attention towards fixing and spelling out the parameters of collective effort in order to introduce the new political approach and carry forward its new political programme. There are seven parameters that dominate the political scene: Ideology, Constitution, strengthening of the political process, improving the electoral system, establishing the educational, cultural, and moral base, bringing about good governance, and ushering in economic progress for developing the civil society. The main issues and features contained in these parameters have already been counted in the Introduction to the book.

Having said all that, I would now venture to explain this new approach to politics, and lay down, as I understand, the lines that should be followed for enabling real politics of the people to take roots in the future dispensation.

## **Islam – “Deen-e-Ambia”**

I will commence by explaining the ideological basis of politics without which real progress cannot be made to construct the civil society. The first and foremost challenge faced by humanity is that the people were deprived of equal political, social and economic rights in the name of religion and democracy. In order to construct the ideological basis of politics, I am afraid I shall have to deviate from the general trend followed in the world these days in defining religion. When we talk of ideologies, they are three in existence: the capitalist, the socialist and the Islamic ideologies. The ideology of those who have a craze for wealth is Capitalism; the ideology of those who believe in democratic centralism is Socialism; the ideology of those who believe in human equality, fraternity, and service to humanity (as put forward by all the Prophets) is Islam. I will dwell here on the ideology of the future, which undoubtedly is Islam, and give its salient features with regard to politics. Islam has its own moral principles and concepts of social, economic and political justice, and has a singular approach for addressing the problems of poverty, inequity, rampant corruption and injustice. The failure of the existing political systems to address the basic problems of the people successfully has led to Islam being the only available choice left for humanity. The aim of Islam is to create a sympathetic and friendly society based on the concept of *Tauheed* (oneness of God) and the belief that all men belong to the family of God and, therefore, the social classes created by man on the basis of inequalities, should not exist. Social divisions should be based on free debate, not on the medieval mindset. The purpose of Islam is to establish a society free from oppression and tyranny, fear and grief, poverty and want and devoid of conflict. Islam stands for justice in all walks of life. Islam ensures economic justice by providing means and opportunities to every citizen to realize his or her full potential. Islamic vision of the world constitutes a world where all communities participate in a race to create works of excellence. Islam can also play a pivotal role in developing an excellent model of governance.

The Quran has highlighted nature and history as the two major sources of knowledge apart from *Wahi* (divine inspiration). While Islam does not compromise the essence of its belief and values enshrined in the Quran, it gives liberty to its followers through *Ijtihad* to interpret these principles in the light of their circumstances. Quran and Sunnah guides us to the creation of a model democratic system in which Parliament should have the right to *Ijtihad* for legislation and the Supreme Court could decide otherwise in case the Parliament crosses the limits of *Ijtihad*. There can be no Islamic revolution without the free exercise of *Ijma* and *ijtehad*. Without debate, and tolerance for different points of view, there can be no civil society but only the barbaric dictatorship of half-baked intellectuals who use religion to further their own petty ends. Our best hope lies in reason, free discussion, receptiveness to thought, openness, accommodation, and seeing the other person's point of view. Every single progressive and enlightened idea from the Quran should be analyzed, debated and brought into the social, cultural and political fabric of society. Islam should not be suppressed, hijacked, corrupted and ultimately reduced to a meaningless dumb show of rituals and the organised hypocrisy of our rulers. The most important point missing in Pakistani religious leaders'

priorities is a love of the people and a call for harmony and fraternity that should embrace the entire society. Tolerance of other creeds help us adopt this stance.

The interpretation of Islam was undertaken by the semi-official class of ulema who in turn bolstered the authority of rulers by producing interpretations in line with the state policies. The institution of ulema is a human contrivance. The monopoly of either the state or the ulema over the process of interpreting God's immutable message should be unacceptable and undesirable. Islam does not countenance the existence of clerics to guard or interpret the message of God. It is for the individual to propel his social activities in the light of the guidance received from God through intuition (instincts and insight) and intellectual intercourse for he is answerable for his actions individually. The collective will of the people should be allowed to interpret the Quran in the light of the collective wisdom of the people. No one need intervene between man and God; guidance could be given to an individual by a practicing Muslim to facilitate the relationship between him and God. The glory of the Quran is that its eternal message demands an interpretation to benefit human society in its ever-changing forms.

God's message to man is that he should be well aware of the facts of life, and struggle for improving his quality of life by using his mind to acquire knowledge about making tools and implements, at the same time being warned of not becoming slaves of technology. It is all about finding a balance between the material and the spiritual, and the Quran repeatedly calls for "moderation" and a sense of balance in life.

In Islamic tradition, the pursuit of knowledge is mandatory because the societies that Islam desired to reform consisted of the worst kind of retrogressive and ignorant people. It should, however, be remembered that obscurantism not only flows from religious absolutism but also from the dogmatic pursuit of sense perception, the only relied source of knowledge in the West. The West's over-emphasis on sense perception spoils any reasonable research on other possible sources of knowledge. An amendment in the Constitution is needed to prohibit the use of religion in pursuit of political power. Ibn Rushd (1126-1198), one of the greatest thinkers of Islam, laid the foundation of the concept of separation of the Church and the State. This concept was quickly suppressed in the Muslim world but was fought for at great human cost in Europe. The Muslim mind should be freed from our present Dark Age thinking that has extended for a millenium. There is no conflict between Islam and the term secularism; the two could co-exist and supplement each other. The word 'secular' is actually used in connection with the word 'religion' which mainly relates to dogmas, sects and rituals. Let us, therefore, sanctify the word secular as Allama Iqbal did and give it a place of honour in our political lexicon to facilitate our thought process. 'Religion' and 'faith' are two divergent concepts and the two must be distinguished if we have to come out of the mire of ignorance. Islamic faith i.e., *Deen-e-Ambia* (the way of life introduced by all the Prophets is a mindset that encompasses all spheres of life whether they are personal or collective or pertaining to affairs of the state. Faith simply means "belief in God (the Creator, Sustainer and Al-Mighty) and service to humanity."

The true, dynamic, pristine and revolutionary concept Islam of it emerged in its early years with its emphasis on equality, egalitarianism, social justice and accountability, is emerging as a challenge to western concepts of governance, and is perceived by the West as the greatest threat to its established order based on exploitation, injustice and inequality of opportunity.

Islam is primarily a moral and spiritual order that governs the conduct of man in worldly affairs. Reality, according to the Quran, is spiritual while temporal life consists of its secular activities. All this immensity of matter constitutes a scope for the self-realization of the spirit. The State thus has to be a transformation of a moral and spiritual order and not merely an instrument of domination over the people.

There is a misconception that Quranic verses, which were revealed by way of divine counseling on appropriate occasions, are applicable today in the same manner and meaning as of yore, without regard to the historical context. The truth is that we have to apply the principles of Islam derived from the Quran to our everyday affairs of life. Those who believe sincerely that sovereignty vests in God, that He is our Lord and to Him alone we submit, and that His divine Book, the Quran, is our complete code of life, for them it becomes imperative that they should act according to the teachings of the Book with full resolve.

It is obvious that believers have to work unitedly with selfless motives and actions to meet all challenges of today's world – social, economic, cultural, political, scientific and technological – with dauntless courage and wisdom within the law of God. Without acquiring the sources of modern knowledge and dedication to practical research of the forces of nature, as stressed in the Quran, we cannot reach the height of knowledge and rise as a nation in the comity of nations. The role of the western media, however, has been to deter people from receiving the true picture of Islam - the Truth. But one should keep one's mind open and committed to the search for truth. The key structure of the facts discovered by the western science does not deny the presence of a Supreme Being on its own. Facts of science, just like the facts of history, need interpretation. In this connection the fact should not be ignored that in the face of opposition from the Christian religious elite, the denial of God and such philosophies were consciously woven into the fabric of western knowledge to counter the Truth.

It is worth noting that the basic premise of democracy is human equality, and the capitalists in order to maneuver political decisions in favour of the vested interests always hijack democracy.

There is need for spiritual unity of mankind. But it demands a community, consisting of those who believe in, worship and love God, or those who seek to follow a way of life that is in union with the "Ultimate Truth". Man has been endowed with reason, intellect and choice of freedom of action, which no other creature enjoys in this universe, and by means of which he could make the forces of nature subservient to him. The four basic attributes of God, mentioned in the first chapter of the Quran, *surah Fateha*, should be reflected in all human arrangements, if man is to succeed. They are (1) His being the "*Rabb*" (sustainer and developer) of all the worlds. This puts

the State under obligation to arrange provision of the basic needs of every citizen. (2) His being "*Rahman*" (gracious). He provides all life-giving elements in nature. In operational economic terms, it means providing political, social and economic infrastructure necessary to support economic activity and a healthy environment. (3) His being "*Rahim*" (merciful). He operates in response to human effort to avail of His endowments. (4) His being "*Malik-e-Yaum-ud-din*" (Master of the Day of Judgement). He will hold full accountability and will give full reward to those who believed and did good works. Let human beings, and the ordinary Muslims, decide what is more convincing and acceptable. Such a debate would compel the silent majority to rely on their mental faculties, form an opinion on matters of faith, and pull themselves out of their current state of indifference and despondency that enables a small minority of extremists to hold Islam, its ideology and the majority of human beings hostage to its intolerant and at times militant beliefs. The Holy Book and the holy Prophet distinguish between "*jihad*" (intense struggle) and "*Qital*" (armed conflict), sanctioning war only in self-defence, against a force that threatens the concept and structure of the Islamic State physically, or to resist and vacate aggression by the vested interests against the oppressed people, as Islam stands for the cause of a just world order.

The most vexing problem we face in Pakistan, as elsewhere, is how do we educate our people, and the people of the world, the majority of whom are illiterate or are under the influence of various pulls, about the concept of 'faith' (which is God-given) and unites human beings, as against that of "religion" (which is man-tailored) and divides the humans into antagonistic factions. The solution lies in giving high value to life and taking it seriously, and in convincing the materially advanced 'civilized' world about the correctness of the universal Truth.

### **Moral and Spiritual Development**

Man, essentially, is a spiritual being having finer human elements like honesty, love, faithfulness and mercy which constitute the moving force behind all developmental efforts that come into play in building a civil society. He has a temporary material existence in the world but has a lasting soul.

The individual in a society is the basic unit. Its better upbringing for playing its part effectively in building the society is of utmost importance. An individual's mental growth, maturity and physical fitness are important elements for national progress and development. They must, therefore, develop themselves as a people and rid themselves of the various vices, false concepts and dogmas in which they are entangled. Believing in God – the Creator, Sustainer and the Almighty – and serving the people while behaving as His slave with a living sense of accountability towards Him should be imbedded in an individual as a primary attitude in life and made the axis of all his activities.

Reason and morality are the twin guides to blaze our trail. But rationality and ethics require sustained and organized endeavours to prevail and have to be accepted as the final arbiters if disastrous conflicts are to be

avoided. The invitation to rationality, however, signifies that men should expose themselves to many views, exploring them critically but also willing to learn. Most of the Muslims are sentimental dreamers and not particularly interested in facts and history, preferring to live with myths of their own making, half-truths, or even pure fantasy. The way to spiritual revolution is the Prophet's way that was the unique combination of "*iman* and *amal*". No dictation can bring about spiritual transformation, nor can moral awakening take place by legislation.

All men and women are equal in the sight of God and, therefore, they should be equal before law and have equal rights and access to basic human needs. People of high ranks in society, who themselves are a creation of the exploitative capitalist system on the basis of caste, social status, or income level, have no right to insult and oppress the low-ranking personas. The creation of an unequal society, or a class society, is against the norms of morality and social justice.

Honesty is not only needed in money matters but also in day to day actions, which have to be based on truthfulness. These qualities are deliberately avoided while playing politics. A believer should do something practical for the people and not just pray for the salvation of others. But for the governments, both political and military, who have ruled Pakistan during the past years, hypocrisy and deceiving the hapless people is a way of life. There is a total absence of mutual respect, love, mercy and forgiveness; instead hatred is being spread in the society as a virtue. This hatred is all-pervasive and cuts across ethnic, sectarian and class affinities.

The real modern idea is to build a stable democracy based on people's participation and politics of consensus, and sweep the cobwebs of ancient myths from the Pakistani mind.

## **Constitution**

The Constitution of a country is its most fundamental legal as well as political document. It sets the basic structure of society. It confers power on various institutions of the State and, at the same time, also guarantees fundamental rights of the people and limits the powers of the State functionaries. Being a normative document it is an expression of the aspirations of the people. Each generation is, therefore, entitled to reinterpret and if necessary to amend the Constitution.

Any important amendments in the Constitution that are in the national interest, in addition to being debated in the Parliament, may also be thrown open to public debate. This will contribute to the strengthening of democracy. The mainstream political parties may also be consulted for such amendments. Such an exercise will pave the way for the growth of democracy in the country on a sustainable basis.

Amendments in the Constitution impinging on vital interests of the provinces like provincial autonomy, economic interests and creation of all-Pakistan services that are common to the federation and provinces should be referred to the Senate for seeking advice and amendments. This practice will help remove the present sense of alienation in the Senate. Such an exercise

will also pave the way for the growth of democracy in the country on a sustainable basis. The National Assembly should send a money bill initiated and passed in the National Assembly to the Senate for seeking advice amendments.

None of the democracies with which we are familiar have reserved seats for technocrats in their parliaments. This is because very little of the work in the legislatures requires a high level of technical expertise. The Parliamentary Committees can have recourse to expert opinion on almost any subject within the bounds of human knowledge and understanding. A technocrat does not have time to interact with the general public and, therefore, has no idea of the problems it faces, or of its desires. The induction of so many technocrats to the legislatures without going through the political process is an attempt at introduction into the political process technocracy as opposed to democracy. This reform is an attempt at opening the backdoor to the corridors of power to technocrats who have no political loyalty. Before this reform is enforced, there is need to clearly define the term 'technocrat'.

Making election to a legislature subject to educational qualifications of the candidates is unknown to the democratic system. It would restrict the right of representation. An illiterate person can be a far more 'educated' voter than someone with an academic degree. The judicial verdict on the legislator's academic qualifications has strengthened neither democracy nor the judiciary. Commitment and commonsense are more important than a university degree. Graduation qualification militates against the citizens' equal rights guaranteed by the Constitution because it debars 90 per cent of them from standing for elections. It allows less than 1 per cent of the population to stand for elections. It divides Pakistani society into two distinct privileged and non-privileged classes. It deprives most political parties of their loyal, experienced and popular candidates. It will eliminate 60 per cent of established politicians. It gives undue weightage to education as opposed to service to the people. Nowhere in the world educational limit is prescribed as a condition for candidature. The educated segments of society show low turnout during polls. It is time to self-educate ourselves as politically conscious and serious voters.

Increase in the seats of the assemblies is another unnecessary decision in view of the existing economic conditions. The cost of maintaining the enlarged legislatures will increase manifold. The National Reconstruction Bureau (NRB) has given no justification for increasing the seats. Most of the political and politico-religious parties are against all these three reforms.

Constitutions make sense only if people genuinely believe in the sanctity and supremacy of the Constitution and are prepared to protect and defend it. It makes sense only if people have confidence in the independence and integrity of the judiciary that is the guardian of the Constitution.

In a parliamentary democracy elected parliament is sovereign and the executive is accountable to it. If the parliament cannot endorse or reject changes made in the Constitution and the courts cannot pronounce on their validity, it is autocracy. It is indeed a serious matter if the apex court is deprived of its inherent right to adjudge the validity or otherwise of the laws and ordinances passed by the executive. The Constitution is the wall that

stands between a despot and the people. It does not allow the ruler to make law without referring it to the Parliament. The judicial machinery of the realm limits the ruler's power. Law comes from the people, not from the rulers, and hence can be changed only with the consent of the people's representatives. Law is not the will of the ruler. He can neither make it nor change it.

The Constitution itself is democracy and if one goes by the Constitution he has to be a democrat. Tampering with the Constitution will bring disunity in the federation and would be against the national interest. In a system in which Constitution becomes impotent or subservient to the command of the ruler, people lose faith in the State. Both the Constitution and its amendments should have their source in the ultimate highest authority: in a democracy, this means the sovereign people and not the government agencies. A Constitution can remain intact only if it has the backing of the people. The country's greatest weakness lies in the fact that the Constitution and the law are subject to the whims of rulers, who change the rules when they do not suit them.

The Constitution of Pakistan in its original form as enforced on August 14, 1973 will have to be restored if the objectives explained above have to be safeguarded. This is the only Constitution that reflects the real will of the people. All amendments made therein in a dubious manner after the Constitution was passed, should be scrapped and any amendments in the national interest may be made afresh through a transparent and democratic process. The provisions of the Legal Framework Order (LFO) are a permanent barrier to the supremacy of Parliament elected by the people.

It is the Parliament that elects and ousts government by a majority vote. The National Assembly must get constitutional protection against its arbitrary dismissal at the hands of the President because our ruling classes, since the inception of Pakistan, have never tackled constitution making with the commitment and seriousness it deserves. Under the 1973 Constitution the President is the head of the State and a symbol of the unity of the republic. In order to have a smooth working relationship between the President and the Prime Minister, a mechanism of checks and balances are normally provided. Under it, the Prime Minister's advice in running the government is binding on the President who has almost no discretionary powers. This is proper because the Prime Minister is a duly elected Chief Executive while the President is elected indirectly by the assemblies. The most effective check on the Prime Minister is the Parliament. Hence any further check on him in the shape of the President's directive is not required. It will, as in the past, lead to serious complications.

The military government, by creating additional number of seats in the assemblies of technocrats and women, by bringing about essential changes in the Constitution, has attempted to influence the Parliament in its favour in addition to putting undue burden on the exchequer. Additional seats of technocrats in the Senate will increase bureaucratic influence in the government and dilute the political power base of the Parliament. The constitutional amendments made by the military regime regarding the Eighth Amendment, the National Security Council and the self-appointment of General Parvez Musharraf as President in addition to his being the Chief of

Army Staff are extra-constitutional measures that cannot be accepted in a democratic setup. In this way the real powers to formulate and oversee major national policies, and if necessary to override the Parliament and the Cabinet, will remain with the President in uniform. Thus the real authority and power will rest with the military bureaucrat and the responsibility of day to day administration will be vested in the political government. Large assemblies could also mean large cabinets with too many members trying to become ministers, or topple the government which does not accommodate them.

The very idea of linking political leadership with formal education is flawed. Knowledgeable people are usually self-taught, irrespective of their formal education. This restriction finally boils down to perpetuating the hold of the existing elite on power and hence regressive. The real problem associated with politics or public life is not formal education or the lack of it, but ethical and moral. The man entrusted with power should have a well-developed ethical and moral sense that can only be tested in practice. If only graduates are permitted to contest elections some excellent future leadership will be eliminated. Nelson Mandela said " I discarded my presumptions that graduates automatically become leaders." If we are to exclude anyone formally from contesting elections, it should only be those clearly proved guilty of moral turpitude, financial impurity, or abuse of power.

In view of the peculiar circumstances prevailing in Pakistan the term of the Parliament should be fixed at three years. Thus more frequent elections will help develop greater political awareness and also create greater sense of accountability. They will tend to reduce expenditure on elections by candidates and force political parties to develop grassroots organizations constituency-wise.

### **Good Governance**

Good governance is allowing ordinary people the right to appoint and remove those that govern them. The government should assert the rights of the people and Parliament rather than its own power. Development requires good governance and this means transparent and accountable public institutions and government. There is an urgent need to re-establish the trust and confidence of the common man in the efficacy of institutions and rule of law. Pakistan today presents an image of a country plagued by political, ethnic and sectarian divisions. Legitimacy of a government depends on whether or not the government is using its power rightly in the eyes of the people. In order to determine that there ought to be no secrecy in government functioning. The process of decision making by the government should be transparent and correct information by the government departments and agencies should be readily provided.

The Pakistani society needs to be governed by consensus and not through totalitarian policies. The power of the electorate to elect and be governed by the freely chosen representatives of the people should be in letter and spirit. As a consequence the possibility of bad governance, nepotism, favouratism, bribes and injustice is eliminated. We must come up with a government that sincerely believes in improving the lot of the masses.

This is unlikely to be achieved with the quality of the present day politicians or the bureaucracy. The leadership and the bureaucracy should be brought down to the level of the masses and made to operate from that level, and made to spend their day to day life as an ordinary citizen of the country. They should not be allowed to be arrogant and live a lifestyle portraying power and money. That government is best that governs the least. It should be ensured that the laws made by the parliament are in public interest and are enforced for the greater good.

The essentials of good governance are honesty, justice and fairplay, keeping of covenants, dedication to duty, respect for the law, tolerance of dissent, cherishing of the public domain, and primacy of the public interest. The responsibilities of managing the State should be entrusted only to the persons who are men of integrity and are also competent i.e. '*Hafeez*' (protector, custodian and a man of integrity) and '*Aleem*' (being knowledgeable, competent and well conversant). But we know it for a fact that many of the government representatives do not allow these virtues to guide their official conduct. Can they be relied upon to let democracy work in a reasonably satisfactory manner? Unless the country develops the moral system of checks and balances within the parliamentary framework the decision-making process and by implication the national policies, will always remain warped.

What is direly needed is the orientation of the government to promote the growth of a civil society. For that purpose the wisdom of the people in a truly democratic environment will have to be relied upon. Pakistan's civil society still does not believe that we can prosper without government benefaction. There is little evidence at the level of civil society to suggest that we have learned anything either from our past mistakes or the experience of other countries. Any reforms in government working and the social setup should come from within rather than from the top as sought by the establishment. Self-denial, honesty and integrity are habits of the mind that have to be taught and cultivated by an ongoing system of societal approval and constraints, advancement and punishment. Such traits are necessary for building a vibrant civil society. Political and social institutions are a necessary part of the civil society because they work as a system of constraint against arbitrariness. The Muslim world, however, from 661 AD until relatively recent times has not had political institutions. Institutions are made to serve the interests of the collectives. But they will not prosper until we absorb the idea that the collective interest must prevail over that of the individual. We will begin to protect and nourish our political and social institutions only when we have really begun to value democracy and its *raison d'être*.

It should also be taken note of that government uncertainty, wrongdoing and poor management has a negative impact on development of the country's resources. The government has failed to deliver in the sectors that affect the poor people the most. Pakistan has multiple civil and military intelligence agencies, each actively involved in local politics thus weakening the political process. The hopes and aspirations of the people become the main casualty at the hands of these agencies. Poor governance has also contributed to increase in poverty. The route to increased poverty has

proceeded through growing inequality. Inequality within the provinces has also increased. Belief in the independence or integrity of the judiciary or the objectivity and neutrality of the civil services has been badly damaged. The judiciary and the military have not been subjected to accountability. There are too many employees on the rolls of the government (over 3 billion) which means not only too much expenditure but also more of red tape and larger corruption. Over the years a highly bloated government sector has been created which needs to be cut drastically. Official expenditure should be reduced and more of the funds diverted to development work particularly education, health and other social sectors. Cost of administration along with the pervasive misgovernance is a major issue in Pakistan. Income increase and job creation are what really matters to the common man. Major problems of collective nature that need to be addressed and solved are widespread poverty, pervasive unemployment, low economic growth, lack of educational and health care facilities in much of the country, neglect of environment, destruction of forests, ghost schools and ghost hospitals, inefficient delivery of public services, bureaucratic red tape, low productivity and training of labour force, increase in the number of poor and shrinking of the middle class. The sanctity of the ballot box and independence of the Election Commission are not secure. General Parvez Musharraf, the self-appointed President, has reserved for himself the right to dismiss the Prime Minister and the Parliament at will, and the divine authority to rule. In an address to the Azad Jammu & Kashmir (AJK) Assembly in Muzaffarabad on 5 February, 2002 he said: "This position, this authority has been bestowed by God and as long as I hold this authority, and whatever work I am doing with full responsibility, all Pakistanis should have confidence in that because this is our faith". Poor governance has also contributed in slowing down Pakistan's economic growth and raising the level of poverty.

The country is governed in a secretive manner. Its intelligence services and the military are running the show. It is inconceivable for a civilian government to re-define relations with India or review policies relating to military expenditure and nuclear programme. The military generals have unnecessarily made a number of moves to keep them entrenched at a vantage position of the affairs of government. There should be a genuine transfer of power from the military to the civil. Key decisions pertaining to national security should be backed by popular will.

The only model of Islamic governance on which all divines and sects agree is the one during the lifetime of the Holy Prophet, or include in it the 30 years of the Caliphate from 632 to 661 AD. The overall principle of government and administration laid down by the first Caliph of Islam Abu Bakr Siddiq is to seek guidance from the people in governance. While setting the four principles of governance he told the people that: "Help me, if I am right. Set me right if I am wrong"; "In case I disobey Allah and His Prophet, I have no right to obedience from you"; The third principle is of taking counsel and arriving at decisions preferable by consensus; Fourth principle is that the rulers should have a simple life-style having no charm in power and pelf.

The following steps should be taken to bring about good governance:

- (1) Genuine land reforms should be undertaken to remove feudalism and its distortions perpetrated on the rest of the society and culture. The resultant modernization would also bring immense socio-economic benefits.
- (2) The rule of law should apply to high and low, rulers and the subjects alike. All public servants must follow the law, rules and established procedures.
- (3) The public revenues should be spent for public purposes as authorized by law, not for personal needs of the rulers.
- (4) No government servant, including a judge, should be employed by the State in any capacity once he retires, and no extension should be permissible.
- (5) Total revamping and re-structuring of the police should be done. No corrupt, oppressive and criminalized police force could be tolerated in any civilized scheme of things.
- (6) The bureaucracy should be given constitutional cover after being recruited at all levels on merits alone. The merit should be determined by extending written, oral and psychological tests.
- (7) No discretionary powers and funds should be given to anyone in the government or the high State functionaries including the Prime Minister and the President.
- (8) No person or institution should be exempt from accountability, including the President, the Prime Minister, the judges and the generals.

Accountability is the basis of democratic system of governance and determines the extent to which the ruled have their hold over the rulers. More or less all governments have been installed with the connivance of the military through its intelligence agencies and the assistance of the establishment. They were beholden to the GHQ and took guidance from it when taking any major decision. While in office, the civilian governments wielded very little power and were in fact under the guidance, if not the control, of the GHQ.

The controversy regarding secularism has enlarged to a great proportion unnecessarily. A secular state does not mean a state without religion but a state for all religions (or to be more precise, a state based on the principles of faith). A sect-ridden state is bound to be a theocracy or a tyranny, which permits neither political dissent nor freedom of conscience. Secularism means not differentiating between the religious groups in governance.

The President should be restricted from abusing his powers. He should be answerable to the Parliament and impeachable in Parliament.

The governor's role should be essentially administrative, not political. He should belong to the province other than his own.

### **Powers of the President and the Prime Minister**

No two opinions exist about the powers of the President and the Prime Minister in a parliamentary system of government. The President is ordinarily bound by the advice of and consultation with the Prime Minister in all State

matters because the Prime Minister represents the authority of the sovereign electorate and is directly elected as a member of the Parliament. The President, on the other hand, is indirectly elected by the members of the Assemblies and the Senate. However, the right of the President to be informed and in turn to advise and warn the government against the consequences of a policy or course of action remains enshrined in parliamentary conventions.

The President should not have the authority to nominate the Chief Justice of the Supreme Courts, the Service Chiefs and the Governors of the Provinces in his own discretion. He should also not have the authority to dissolve the Parliament and the assemblies and to dismiss the Prime Minister and his Cabinet. The Parliament could only be dissolved at the behest of the Prime Minister.

The role of the President is mostly ceremonial in nature and represents the prestige of the country. He walks ahead of the Prime Minister in State ceremonies.

Both the President and the Prime Minister have to work in complete harmony with each other and no concept of senior or junior should be interpolated between them. Both of them should work as a benign team.

The Prime Minister represents the supremacy of the Parliament as well as the will of the people. Commonsense will tell us that the Prime Minister performs real functions and should carry effective authority to perform these functions. As under the 1973 Constitution' the President must follow the Prime Minister's advice in all State affairs and appointments. The power under which the Prime Minister can ask the President to dissolve the Parliament and call for fresh elections within ninety days, is a very fundamental pillar of democracy and is enshrined in virtually every constitution of the world that has a parliamentary system of governance.

### **Civil and Military Bureaucracy**

There is need to redefine the role of bureaucracy and lay down the parameters of its working. Recruitment of a neutral civil service on merit is an essential part of the parliamentary system of government.

It is time to reinvent government, bringing it out of sluggish centralization and domination, and in line with the public interest i.e., decision making, principle of equality, sense of social welfare, and sense of achievement. The bureaucracy must come out of poor management and pervading inefficiency and regain their service spirit and discipline.

Elevation of Malik Ghulam Muhammad as Governor-General on 20 October 1951 marks the beginning of the rule of bureaucracy in Pakistan. The concept and actual practice of social responsibility has vanished from public life. Research and development as an independent activity in the bureaucratic setup is almost non-existent. From a commitment to the job, the focus has shifted to a boss-pleasing behaviour. Merit and competence has started taking a back seat. The introduction of lateral entry scheme during Bhutto's tenure has formalized the concept of 'loyalty'. During Zia's period corrupt officers became part of his constituency who were given a free hand to loot and

plunder. The most lethal blow to the institution of bureaucracy was dealt by making political appointments.

The reasons for the deteriorating standard of bureaucracy are: (1) totally unnecessary and fast expansion of bureaucracy (2) Disregard for merit (3) poor training at various levels (4) lack of transparency and accountability (5) poor monitoring and supervision (6) refusal to modernize the management system.

The major cause of Pakistan's continued under-development and slow economic growth is its civil-military bureaucracy. The service that Jinnah called the "backbone of the State" has since then become a whipping boy for the generals and politicians. Most among them have shifted their allegiance to the politicians. The service spirit and discipline both have broken down. A system of service becomes an absurdity if the men running it are appointed ignoring their competence and integrity. The Federal Service Commission once found only three out of 4,545 who appeared before it as really meritorious. The system recently introduced of appointing consultants here and there needs to be reconsidered. For every small thing a consultant is appointed at astronomical cost. There are over two dozen reports on civil service reforms but no one is serious about carrying out meaningful reforms. We inherited a good administration system from the Britishers. Few could doubt the honesty and competence of the majority of ICS officers. Today the system has become obsolete, archaic and irrelevant to our current needs. It has become an impediment to economic and political development. Decisions taken at the highest level never reach the field level. Anything that can be done in a day usually takes couple of months to pass through all the layers of bureaucracy. Bureaucracy by its very nature is a conservative, status quo oriented and slow moving apparatus. With a few exceptions our secretariats and field offices are full of ignorant, incompetent, spineless officials who neither know their job nor have the guts to take decisions. In addition to this they are arrogant, conceited and inaccessible. Something is perhaps wrong in the whole process of recruitment, training, correct planning, promotion policy and disciplinary rules. Atleast five days in a week, meetings are called to review progress, which continue the whole day. Invariably on important issues no decisions are taken straightaway. In such cases committees are formed, which in turn constitute sub-committees. In some cases consultants are appointed either of local or foreign variety. They produce too much paper work and ask for too many reports from their subordinate offices. Our bureaucrats have also developed an expertise in organizing seminars and workshops followed up by group discussions, and punctuated with sumptuous lunches and dinners. The dilemma is that the bureaucracy, inspite of its weaknesses, is indispensable.

To be effective, competent people have to act independently. But no one here seems to be interested in reviving an independent and neutral bureaucracy. The only course of action left open to the few upright people in the civil services is to show fearlessness and be able to use their spine to stand up for principles and be counted, even if in the process they may come to grief. There are no barriers in life, only challenges of perseverance and

commitment to excellence, as well as adherence to universal truths that endure such as honesty of purpose, integrity and patriotism.

Legitimacy of government depends on the success of rejuvenating the institutions of accountability. Personal integrity is a cornerstone of gaining public support and goodwill. Humbleness to learn is a sign of greatness for those who achieve excellence.

Now, coming to the role of military bureaucracy, as distinguished from the civil bureaucracy that excelled itself in mismanagement and corruption, it gained expertise in grabbing State power. The military regime, which seized power in October 1999, has begun to systematically dismantle the consensus Constitution of the country and proposes to use extra-constitutional methods to consolidate its hold in the country. Local government institutions in Pakistan have been typically used by military governments to subvert representative institutions and political parties operating at the national and provincial levels. All this has been done when there is no constitutional legitimacy for a military regime, and the people of Pakistan do not want any role for the military in politics. For the greater part of its existence Pakistan has remained under military rule. During this period the army ruled directly for more than half the period and in the rest of the period it has had an overriding say in national affairs and continued to heavily influence major foreign and security policies which, as subsequent events proved, were a great failure. Since army has ruled directly for over half of Pakistan's existence, it must accept at least half the responsibilities of our many problems.

As long as army occupies the centre of political arena, political institutions will not be able to develop. There is certain rigidity in the mental makeup of the military that precludes the flexibility necessary to solve tricky political problems, whether domestic or foreign. Military rule only compounds problems and do not solve them. It cannot lay the foundations of material growth and renewal. Left to its own devices, the military government cannot lay the foundations of a stable polity. The military's record in politics has been disastrous. After every military invention, Pakistan's leadership crisis has deepened. The army in government is a doomed enterprise, destined to fail. The history of Pakistan tells us that military minds have failed in politics because they cannot be visionaries in the political arena. Many of Pakistan's worst ills – corruption on a grand scale, the spread of religious fundamentalism, the proliferation of weapons and drugs – are either rooted in the Zia era or were exacerbated during that period. Military rule, even with relative freedom of expression, is not a substitute for full and proper democracy. No matter how well-meaning, a dictator, whether civil or military, may be he cannot be a substitute for democracy. Even civilian governments that simply act as a front for the military's decisions are not what Pakistan needs to emerge from difficulties. A decision has to be made as to who is the real ruler: people of Pakistan or the successive Bonapartic generals.

The problem with all military dictators of Pakistan has been that of converting their might into right and obedience into duty, and for this they devise dubious ways and means like referendums and ordinances etc. One sure way of getting the army out of politics is to reduce its manpower, its

industrial empire, its landholdings and its massive funding. The other way is to bring about stable peace among the neighbouring countries. Britain has an army of 106,000 men and women whereas we have four times the number. So long as the people of Pakistan perceive India as a real threat to their existence, the armed forces of Pakistan will enjoy the position of authority and be seen as the saviors, and no matter what the people's political preferences, they will always look towards the armed forces for their security and survival.

In view of the above, under no circumstances should the armed forces be allowed to intervene in the affairs of the State. No institutions should be formed under any name that may serve as a kind of shadow government through which the generals can impose their will on Parliament and the government. They should not be allowed to examine or monitor the affairs of the State, whether related to domestic or foreign policy. The armed forces should not be allowed autonomy in the federal domain, nor should they be allowed immunity from any public criticism. The army must remain professional.

As long as the military regime remains in charge, Pakistan is unlikely to make any meaningful progress on any front, be it Kashmir, democracy, the economy, corruption, law and order or any other issue of national or international importance. Democracy will continue to be stifled, judiciary will be shackled, and any sort of political dissent will not be tolerated. Soldiers with political visions and aspirations must step out of uniform before entering politics and seek a popular mandate. People do not see true democracy as emanating from a military establishment. The Inter-Services and Military intelligence together constitute the real Election Commission. A wide gulf now exists between the armed forces and the civil society and they need to be bridged as soon as possible for the survival of the Federation.

## **Judiciary**

A truly independent, strong and effective judiciary needs to be created which must be seen to be doing justice. An awesome responsibility rests on the shoulders of the Supreme Court. The judges must, therefore, not only be good citizens and men of liberal education, sterling character and unimpeachable integrity; they must also understand the spirit of the age. Independent judiciary is necessary for the improvement of the judicial system. Even the economic progress and other areas of progress of any country is linked with an independent judiciary.

His Majesty's government had accepted the position that the Constituent Assemblies of both India and Pakistan were 'sovereign bodies' not subject to any legal control. The people of Pakistan discovered for the first time through a judgement of Justice Munir, Chief Justice of the Supreme Court, that their Constituent Assembly was not and had never been a fully sovereign body and that its Acts required the Governor-General's assent.

The Supreme Court also validated the imposition of Martial Law and the dissolution of Parliament by the Chief of the Army Staff General Zia-ul-Haq on the ground that it was warranted by the considerations of State

necessity and public welfare. It held that the CMLA was entitled to perform all such acts and promulgate all such legislative measures which fell within the scope of the Law of Necessity, including the power to amend the Constitution. It is of interest to learn that the Judiciary itself is not authorized to make any amendment in the Constitution. How could it give such an authority to any person, especially to him who had illegally usurped power. It did so completely disregarding the accepted view that the Court did not have the power or jurisdiction to circumvent settled constitutional procedures and allow a State functionary to tamper with the Constitution. The superior judiciary failed the country in its hour of greatest need.

It is our misfortune that the judiciary has often functioned at the behest of the executive authority and had been used to further its interests against those of the citizens. Their judgements have often supported the government of the day. It gave little relief to the Assembly in crucial moments of defining the role of the State organs. The superior judiciary has validated every extra-constitutional deviation in Pakistan's history. Pakistan's legal system favours the culprits and protects them from speedy justice.

There is no doubt that the history of Pakistan would have been different had the judiciary played its rightful role. The judiciary has done incalculable harm and undermined the confidence of the people in the independence of the courts. The country could never have fallen into the hands of the autocrats if the judiciary were truly independent. If our judiciary could have proved itself to be a bulwark against abuse of power, the military could have been kept at bay. In this regard the judges have been a dismal failure. Though there have been some fiercely independent judges, the judiciary as an institution still has a long way to go.

## **Political Process**

Pakistan has a checkered political history. The notion of power sharing or working together as a team is almost alien. The exploiting classes have destroyed the institutions in order to maintain their class domination. The laws, the Constitution, the Parliament are no longer of any importance and of use to them. There is a deliberate attempt by vested groups, who are against politics of solidarity and consensus, to undermine efforts to democratically create a new leadership from amongst the lower and middle classes. The emerging scenario points to multiple groupings evolving around the axis of power representing governmental rather than political realities and interests while life continues to be very hard for the vast majority of citizens. Self-perpetuation in power within the political parties and in the government has become a norm in our political culture and all means are considered fair to gain and retain power.

Political parties should be based on love and understanding, cooperation and dialogue. Tolerance, justice, equality should be inculcated among the people in general. Optimism, active attitude towards life, noble ideas and principles of humanism, democracy, peace and friendship among peoples should be stressed upon. Terrorism should not be associated with religion or nationality. Believing in God – the Creator, Sustainer and Almighty

– and behaving as His trivial servant with a living sense of accountability towards Him, become instilled as the primary attitude in the life of an individual and made the axis of all his activities.

Education for the masses, development of human resources, land reforms serious accountability, improvement in political culture, strengthening of the political process, regard for human rights, due regard for the Constitution, institutions, merit and state structure are not considered as of utmost importance for the political process. The woes of Pakistan are entirely due to culpable obscenity of thought while the fist law of both politics and morality is to think straight. All principled policies have come from the brains of intellectuals. Then they have caught the fancy of the people and become movements. The intellectuals of Pakistan must realize that it is their failure to provide political thinking that explains the country's predicament. We have to break up into the future; only there lies our salvation, not in the "national security state" myth. Our politics should not be person-oriented and personality-specific. Politics should be institutionalized, not personalized. Tolerance and sharing of power should be a virtue of the Pakistani political class. Real men of calibre have to take charge of the country and implement the people's agenda. If the political process is allowed to develop freely it generates its own dynamics. Role of women and the youth should be increased in political process.

Politics is mainly concerned in its substantive aspects with political education and mobilization of public opinion. If we, the people, don't know where we want to go, no leader will take us there. Politics is played in the streets and the hearts and minds of the people. Attempts should be made to bring about a political culture more firmly committed to public interest. Politics without some clearly defined principles and objectives is not politics. Continuity in political and economic stability cannot be assured without active participation of the masses in the State affairs of the country. We shall have to reinvent politics in Pakistan. In turn, effective involvement of the people and their aspirations cannot be ensured without political institutions. The future political strategy of the government should be aimed at building a stable democratic system based on strong institutions and dynamic political process. Pakistan needs a robust Parliament with effective Committees, an independent judiciary, a strong Election Commission, a fair and forceful Auditor General's establishment and a free press for democracy to function. Prior to elections there is need to develop a broad consensus on major national issues. The people should be given free choice in selecting their leaders. The political history of Pakistan has been a long sad saga of power struggle between the military and the politicians, and among the politicians themselves. The Government of India Act 1935 gave more political liberty to a conquered people than the present dispensation gives to a free people. This has been played at the cost of the economic and social progress of the country, as well as the welfare and well-being of the people.

The following steps should be taken to remove political corruption: (1) legislators should have no part in handling the development funds (2) legislators should have nothing to do with appointments, transfers and promotion of officials (3) the law forbidding changes in party affiliations

should remain intact (4) the practice of placing “discretionary funds” at the disposal of the President, Prime Minister, ministers and other high officials should be discontinued (5) A special parliamentary committee should make spending by civil and military intelligence agencies subject to scrutiny.

Every western country has built its political system in stages. At every stage, the gains of the past were carried forward to the future and the mistakes were treated as lessons. The reason why we have had bad politicians is because the military intervenes every now and then, undermining the political process each time and depriving the people of a chance to assess past experiences and their leaders’ preferences. The average citizen is all too often so overburdened with the daily problems, cares and apprehensions that he has hardly the time or inclination to become an actively articulate member of the society.

To enter politics one has to toil for recognition in humble positions, or start at the bottom as mohallah politicians or ordinary party worker. Pakistan is probably the only country where any one can enter in any political party at any time. You may be a self-confessed non-believer in democracy and party politics, you may have caused irredeemable loss to your country, you may be corrupt to the fingertip or a leech and debauch or a drug pusher or even a decoit and murderer, none of these attributes is considered a handicap. The new entrants are also granted party tickets to fight elections to the assemblies. Political nobodies are catapulted into the National Assembly and the Senate. Here in Pakistan carefree youth having the facility of millions, with no academic distinctions to their names, may well be advised to join politics.

## **Political Parties**

Political parties in Pakistan have generally failed to educate their party cadre and to enlighten them on the burning issues or to groom the talented ones amongst them for future leadership roles. Political parties have been developed not as institutions but as personal fiefs. Unless political parties are prepared to subject themselves to genuine internal democracy, the prospects of a vibrant democratic Pakistan will remain a distant dream. As a rule, the future leaders should be those who will uphold true democratic norms. In a healthy parliamentary system the political parties throw up new leadership. In Pakistan, where the parliamentary tradition is weak and conventions are not respected rich families or charismatic individuals invariably dominate the political parties. Jagirdars, waderas, sardars and capitalists have a vested control over most of the existing parties and a majority of members are returned to the assemblies on the strength of their ill-gotten wealth. They could not serve the cause of the common man. The political forces, as they are placed now, do not hold promise of throwing up a stable and sensible government. Political leaders and people’s representatives in the assemblies have in the past used their mandate as a license to indulge in corruption and other irregularities. In such a situation there is real need for a people-oriented political party, headed by reliable leaders and with a clear-cut manifesto for solving masses’ problems. The number of political parties should be reduced

to a maximum of six or seven parties, and defections of assembly members to other parties should not be allowed. Regional political parties and independent candidates serve as wreckers of national unity. Regional political parties should be allowed only to participate in the elections of their relative provinces. Election of independent candidates should be debarred; they should join political parties of their choice. Thus only a party-based elected legislature should come into being. A political party securing less than 10 percent of the total votes cast in elections in the first phase should not be entitled to participate in the final phase of elections. Similarly a political party bagging less than 10 per cent of the total polled votes should not be considered qualified for any seat in the Senate. Such political parties, which do not qualify for election to the assemblies, can influence government working from outside. They should wait for their turn in the next elections.

Genuine political leadership should be allowed to emerge from among the masses. It is part of public interest to impel political parties to get rid of personalized or lifetime leadership and become democratic institutions in the real sense. Political parties, which are fascist in nature and want to capture power through militancy have no place in a democratic state and should be banned. To restore true democracy in the country, we need to reassure the nation that political parties are capable of leading the country successfully. For this the politicians must act in conformity with their professed ideals. They must be truthful, wise, active and humble. If they are otherwise, they are not politicians, they are imposters.

The first and foremost challenge to political progress is ideological in which the people are deprived of their equal political, social and economic rights in the name of religion. Political parties, which insist on using religion for their political ends, should be debarred from taking part in elections. Politics should be issue-oriented, relating to the real problems of the people. A political party is essentially formed to highlight and solve the problems of the common man. It should be instrumental in making provisions for the basic need of the people so that Pakistan may become a peaceful, progressive and prosperous country housed by a united, dynamic and spirited nation.

Another important aspect of fruitful politics is that the corporate sector in Pakistan provides funds to political parties. A system of state funding should also be inducted which provides a level field to all parties. This system already exists in Germany, Austria, the Scandinavian countries, Italy, France, Canada, USA, South Korea and Japan. The state funding is equal to the membership fee and private donations raised by a political party during a year. Apart from that, the government could also give funds on the basis of popular votes obtained by a political party in the general elections. It could be given to those political parties which get at least 5 per cent of the general votes cast or at least three constituency seats won by them. These funds could enable such recognized political parties to establish party secretariats and foundations and also secure the services of the best talent for carrying out various assignments. The election Commission could make all security deposits non-refundable and set apart these amounts for distribution among political parties according to number of seats and the percent of votes secured by them in elections. To make themselves eligible for such state

funds, the political parties should have their printed manifestos, constitutions and audited income and expenditure reports.

## **Democracy**

Freely elected representatives of the people should have the last word on policy making. Pakistan needs to become an open democracy with a constitutionally defined power structure. Democracy means a system of government established by the will of the people as expressed through free and fair elections. The longer real political power is withheld from public representatives, the higher will be the level of public alienation from the ruling setup and greater the challenge to the federation. The absence of democracy makes it harder, not easier, for the people to move ahead.

Democracy's real virtue lies in the fact that it provides for a peaceful method for selecting and removing a country's rulers. Democracy thrives on dialogue invigorated by receptiveness to different viewpoints without outright rejections. Real truth emerges from the competition of idea in the market place. For a democracy to be sustainable and fruitful, active and widespread participation of the public is extremely important. Democracy is a system that is ultimately responsive to the needs of the people in a way an autocratic system simply cannot be. Democracy is about accepting the people's will, not about managing or controlling their support. Healthy democracy requires a sense of patriotism. Democracy is an evolutionary process that requires continuity and development of independent institutions within a constitutional framework. Democracy is a process that requires time and patience to attain maturity.

Democracy advances through trial and error. The basic truth is that politics should be left to the workings of democracy. Political parties are the institutions that ultimately produce decent and competent politicians. Democratic societies need consensus embracing all members of society. They need a common understanding of what the issues are about. The way to improve the working of democracy in our

country is to let it operate for an extended period of time. Democracy is good for development and Pakistan needs development. Pakistan cannot, therefore, do without democracy. Democracy, however, cannot be successfully established unless the people are made partners in national assets, and the huge gap between the poor and the rich is filled up, disease, poverty and unemployment are addressed to effectively. Compromise instead of entrenched attitudes is the dynamics of a democratic process. Confrontation, intrigue, insincerity and pretence, which are hallmarks of the present rotten polity, must be abandoned. The people must be accepted as the final arbiters of the nation's destiny, and sovereignty of the Parliament should be established irreversibly. The people in a democratic setup make decisions on the basis of what they consider to be their social interest. How can one be a true democrat unless one allows the principles of democracy and respect for other's opinion to rule in one's entire life and in everything that one does? Democracy is a state of mind and can only be meaningful when it is practiced honestly and in every sphere of one's activities. You have first to be a democratic in your home, in your mohallah and in your city before you can claim to be a champion of democracy at the provincial or national level.

Pakistani society has a growing number of problems which are crying out for solutions; solutions that would warrant an informed public opinion, a conscientious citizenry. All the rulers, civil or military have so far overlooked the people of Pakistan. Pakistan has suffered considerably from general lawlessness and its inability to evolve effective institutions of state or a culture of tolerance

Democracy in Pakistan is threatened with dictatorship. At best a dummy Parliament and a compliant judiciary are sought after to rubber-stamp the decisions of the executive. Democracy is also threatened with the global economic system of

exploitative capitalism, which is based on oppression, economic exploitation and social stratification. Democracy will be established only when the foundation of the exploitative capitalism and feudalism in Pakistan are put to ruin. Multinationals, international capitalism, international trade and speculation are also major impediments in the path of democracy. Western democracy protects capitalism and imperialism and spreads tyranny instead of justice throughout the world. Western democracy is the 'rule of capital in the name of people'. It is 'exploitation in the cloak of democracy'.

Democracy requires that army's meddling with politics must never be legalized. There is no concept in democracy of sharing power with the military; it should be 'full transfer of power' to the elected representatives. A democratic constitution does not allow any role to the army in the shape of National Security Council in either supervisory or advisory capacity. Repeated interventions by military rulers have undermined the evolution of democratic institutions, such as strong political parties and an independent judiciary. General Musharraf has neither reformed the procedures to throw up honest men of merit nor has he strengthened the institutions. In no established democracy in the world, whether parliamentary or presidential, is the Chief-of-Army Staff recognized as a centre of political power.

Pakistan was created by a political genius immersed in the art of law and constitution. The army or a general did not create it. Jinnah's entire struggle for the creation of this country relied fully and exclusively on legal and constitutional methods. Jinnah gave us the vision that Pakistan is to be ruled by the people's representatives and no one else. Pakistan was conceived, justified, fought for, and spelled out in democratic terms. For one thing, it was demanded on the basis of a universally accepted democratic principle – the right of self-determination – in order to rid itself of the domination of a permanent, hostile majority.

We do not want any saviours. We want people who we will elect. We will put

our faith in ourselves through a democratic process. Real men have to take charge of the country and implement the people's agenda. Charisma is the spoiler of democracy and rings the death toll of institutions, whereas institution-building rooted in consensus is the signature of sustainable democracy in our country. Collective thinking of an institution, not the idea of an individual is the real requirement for strengthening democracy. Twenty-first century marks the beginning of a "knowledge and information revolution era" in which democracy has been recognized as inevitable for the progress of human societies. Islamic political values have been converted into democratic values.

Those engaged in the business of pursuing and exercising power must be controlled. One well known solution to this problem is that the centres of power in a polity should be controlled by a system of mutual checks and balances from within the system itself, the organs of civil society and the public at large (cabinet, committees parliamentary opposition) supplemented by public opinion as a court of last resort. Even well-established democracies are always in danger of being damaged unless democratic norms and principles are zealously guarded and addressed to by all the institutions of the State. In Pakistan the silent majority has abdicated its civic and political responsibility, thus facilitating corruption among the legislators and within other branches of the government. The apathy of the people also allows minority groups and sectarian and parochial parties a clout far beyond their actual strength.

History has shown that sooner or later the Parliament or the party that the military establishment supports would inevitable disappoint it. Military powers govern by power and through power alone. Civilian politicians, who rule by mandate, may come into power with the support of military rulers but sooner or later they will find themselves less answerable to their mentors and more answerable instead to Parliament, the people and the man in the street, specially when they find that doing the bidding of the powers that be goes against the opinion and interests of the people. General Zia managed to change the basic character of the 1973 Constitution through an amendment in it through Article 58-2(b), approved by the then National Assembly, that empowered the President to dismiss the elected Prime Minister and his government at will but it backfired.

## **Local Bodies**

Local governments can help in increasing economic and social development at the community level but they cannot do the work of political parties. Like the poor who cannot be empowered and fail to break out of their misery because of power structures that are meant to keep them on the margins, the political parties too cannot break a system that has traditionally been dominated by the military and geared towards sustainable

marginalization of the political process. The present local government plan was meant to provide General Musharraf with a civilian constituency. Mayors were to remain independent of the elected politicians at the provincial and federal levels but under the authority of governors. Unless this vicious circle is broken, and we become a self-governing people, the country cannot begin to address other more essential issues.

## **Elections / Parliament**

Elections should guarantee the establishment of democracy in Pakistan. Independent and effective Election Commission is a prerequisite for fair and free elections and for winning confidence of all parties. A new Election Commission should be set up. It should be given an experienced and conscientious administrator as its secretary. The appointment of Chief Election Commissioner and members of the Commission should be made in consultation with the major political parties. The Election Commission must ensure total transparency and fairness in the poles. It should be given necessary powers to oversee the administrative machinery during the elections.

Low turnout in elections is an indication of the people's lack of faith not in democracy but in their leaders. Majority of the Pakistanis, especially the educated, do not even care to vote in the elections. Voters in millions, the main stakeholders in a democracy, are, by and large, disillusioned by the too many way high-sounding words and the too few actions that match them. Stress should be laid on the sanctity of the vote and the people should be exhorted to exercise their right of vote the way they liked, but with caution and on the basis of principles they believed in. Vote turnout should be increased. Percentage of voter turnout should be made to increase from 30 per cent of men and 17 per cent of women. Men and women voters should be goaded to increase their turnout to 80 per cent and 50 per cent respectively. The votes cast in some urban centres and particularly the rural setup are under duress, intimidation and threat, whereas issues and policies relating to national life should be the foremost in the political agenda. One should prefer defeat to adopting dishonest and corrupt means in elections. A decent upright individual elected from the rival group is better than a shady character elected of our group. As long as the feudal system survives, in which loyalties of the administration can be bought over by discredited politicians, they will continue to be elected by rigged votes. Unless the law bars them from standing for elections they cannot be wished away.

Democracy and dictatorships would remain indistinguishable as long as feudal elite and military generals rule behind the façade of democratic elections. People do not always choose their leaders. They are pre-elected for them by establishment. Manipulation of elections can only be avoided if the President is divested of the powers to meddle in and oversee the political and parliamentary process, and election cells working in the offices of the President and the governors are disbanded. Caretaker governments and an indifferent Election Commission should hold the elections independently. Election cells working in the offices of the President and the governors should

be disbanded. General Parvez Musharraf's referendum, because of these ways of holding elections, was the biggest political fraud of the 21<sup>st</sup> century

## **Electoral Reforms**

Holding of elections at the central, provincial, district, tehsil and local levels is an essential process for determining effectiveness or otherwise of the democratic process. The only way to ascertain the will of the people is to enable the true representatives of the people to reach the assemblies through a fair and unfettered election process. To set up any other system of governance through intrigue and deceit and by manipulating elections, amounts to revolting and arraying against the interests of the people. Adopting this kind of a mindset stops one from giving in to personal and political interests and resorting to the artifice of claiming God's support in one's wrong doings, as is being done by the religious elite, the depraved politicians and the military dictators.

## **Purposes of Elections**

Having laid down the premise of elections, we now proceed to put forward clearly the purposes behind elections. The first purpose is that those who enter the assemblies should be true representatives of the people belonging mostly to the lower and middle classes, and that they should be educated, honest, capable, fully committed, and oriented towards collective gains. It should be ensured that the representatives have been selected voluntarily by the people without fear or greed, that they have good understanding of people's problems, and that they have the will to change the existing rotten system of governance in order to bring into being a clean, creative, peaceful, progressive society.

The second purpose is that the polling of ballot papers should be kept totally free from the influences of money and other pressures, and that the candidates having good reputation and engaged in useful social activities are not prevented from taking part in elections just because they do not have enough financial resources. The police and the administration should also be rendered completely impartial in the electoral process. Utter disregard of these two purposes in the elections held ever since Pakistan came into being, and the undemocratic manner in which state policies and the state administration had been carried out during the past, have resulted in the sad state of affairs that we are confronted with today.

## **Goals of Elections**

Before we propose certain improvements in the electoral system and its rules, it would be proper to first of all fix the goals of elections. Those who are desirous of working for national development will have to appraise themselves of the economic, political, social and cultural issues faced by the nation and harness the knowledge thus gained to solve the problems of the masses. They should also train the people in rendering service to others and generating open-minded leadership. In order to be successful in this pursuit,

we will have to first fix targets for the election process and then go on to make arrangements for creating awareness among the voters regarding the importance and usefulness of elections. The targets to be achieved should contain the following:-

1. Holding of elections by a Caretaker Government and not the sitting government.
2. Reducing the period of membership of provincial and national assemblies from 5 years to 3 years and that of senate members from 5 years to 4 years. These periods should remain till such time as people get politically educated sufficiently, and a good leadership becomes available to them.
3. Increasing the seats for the national assembly from 200 to 300 (one seat for a population of 3 lacs). The seats of the provincial assemblies should be increased in the same ratio.
4. Devolving maximum power from the centre to the provinces and local bodies.
5. Setting up a permanent and fully empowered Accountability Commission, which will receive public complaints and take decisions thereon. It should also be authorized to take *suomoto* action against corrupt and incompetent persons.
6. Making it essential for political parties wanting to participate in elections for national assembly to establish branches in all provinces. Those political parties, which do not have branches in all provinces, or have these in one or few provinces, should only be allowed to participate in the provincial elections of those provinces in which they have their branches.
7. Making it mandatory for political parties to have internal democracy and collective leadership in the party.
8. Making it mandatory for political parties to provide the following documents and information about their candidates while submitting their nomination papers:-
  - (I) Name, age, address and telephone number
  - (ii) Educational status
  - (iii) Annual income and value of personal assets
  - (iv) Amount of taxes paid, and value of unpaid taxes
  - (v) Affidavits by the candidates to the effect that they have not been convicted under any criminal law and that no criminal cases are pending against them
9. Holding elections at the national and provincial levels in the party. All office-bearers of political parties should be elected, not nominated.
10. Disallowing political parties and their candidates to print and distribute slanderous material or use abusive language against other political parties or their candidates or to use racial, sectarian or religious slogans, or accuse the other political parties or candidates for being enemies of Pakistan or Islam, or issue decrees of infidelity against them. There is no difference of opinion about Islam being the ideology of Pakistan. Therefore, the word "Islam". should not be used as a political slogan in elections. All slogans should be issue-oriented. Candidature of those indulging in such activities should be cancelled.
11. Disallowing 'independent candidates' from participating in elections as they contribute to de-stabilizing governments.

12. Thoroughly discussing all aspects of election reforms in print and electronic media, forums, and seminars all over the country so that the people evince keen interest in elections before they are held, and the voters participate in the elections with zeal and fervour.
13. Holding elections in two phases. The first phase should be reserved for the determining eligibility of political parties and candidates for participation in the second and final phase. Those political parties, which are unable to obtain 10% of the votes polled, and those candidates who do not obtain the first two positions, should be disallowed to participate in the final phase of elections. The holding of elections in two phases is essential to determine those candidates who win with more than 50 per cent votes.
14. Giving in trusteeship all their assets by the state luminaries - the President, the Prime Minister and the chief ministers.
15. Holding elections to the national and provincial assemblies on the same date.
16. Arranging direct elections to the Senate.
17. Restoring the 1973 Constitution in its original form as on 14 August 1973. Any amendments to this constitution should be made through strictly constitutional procedure.
18. Giving the right to the electorate to recall their candidates during their term of office on charges of corruption, inefficiency or murder. Thus an able Parliament will be able to elect an able Prime Minister.
19. Reserving at least 30 per cent seats for women in all the assemblies. Also reserving seats for the minorities. Holding elections on Joint Electorate system.
20. Merging the tribal areas and northern areas or joining them with adjoining provinces. People from these areas should be given the right to vote. The candidates for assemblies should be elected rather than nominated by the *sardars*.
21. Giving the Election Commission full authority and financial independence. Arranging a 3-month-long political awareness campaign for the people and voters through the Election Commission for preparing them for effective participation in the elections.
22. Broadcasting dramas on elections on television and radio.
23. Giving the right of vote to those who have attained the age of 18 years.

### **Improving Electoral Rules**

Having fixed the targets for elections, we now come to determining the specific steps that should be taken to improve the electoral rules. The government should take positive and solid steps to decrease election expenses so that persons with average income and resources could participate in the elections. The improvements suggested are:

1. Reducing the election expenses to the barest minimum in order to make elections an affordable exercise for the lower and middle classes who have limited financial resources. The limit to election expenses should be fixed at Rs.20,000/-

2. Banning posters, billboards, neon-signs, banners, wall chalking and advertisements in the print and electronic media. The Election Commission should be asked instead to publish posters constituency-wise giving names of candidates and names of their political parties and their election symbols. These should be pasted outside the election offices and displayed at previously notified public places.
3. Prohibiting use of loudspeakers on vehicles for electioneering campaign. Loudspeakers should be allowed only for public meetings arranged by political parties.
4. Allowing only handbills and 4-page pamphlets for introducing candidates to voters in their constituencies. Candidates should not be allowed election victory processions. Instead they should be content with holding corner meetings and arranging door to door canvassing. Only political parties should be allowed to hold public meetings.
5. Putting a total ban on transporting voters on hired vehicles on the polling day, as well as on offering food and soft drinks in polling camps. The Election Commission should arrange a two-way free transport for women and aged voters for long distant polling stations.
6. Increasing the number of polling stations, and placing these at central places, so as to enable voters to walk down to these stations for polling their votes.
7. Providing every candidate with one free copy of the electoral list of his constituency.
8. Providing the facility to political leaders of presenting their policies and programs through the electronic media, and giving them reasonable time.

### **Steps for making elections free and transparent**

1. All those voters whose names are printed in the voter's list should be allowed to vote. Identification of voters by means other than identity cards should also be allowed. The system of challenging fake should be re-introduced. Fake voters should be arrested immediately.
2. Elaborate arrangement should be made for revising the voters' list well before the holding of elections. Votes of about 2 crore adults in private jails of jagirdars, should be entered in the voters' list. Votes of those living in the villages under the tutelage of *sardars* and big landlords, especially the women, who are not allowed by them to vote, should also be enlisted. There are immensely large numbers of counterfeit votes that need to be remove
3. Limitation of constituencies should be done by keeping in view the convenience of voters and not the interests of certain candidates.
4. Final announcement of the constituencies should be done at least two months, and that of polling atleast one month before the election dates..
5. Taking political parties into confidence for making election rules by seeking their proposals before elections. Proposals may also be sought from the public. A proper record of these proposals should be kept.
- 6 Keeping the ballot boxes in direct view of polling agents and not removing them to another place until the counting of ballot papers is completed and the result sheets signed.

7. Appointing special teams by the Election Commissioner for monitoring the election staff in the polling stations. The polling staff should not indulge in any kind of canvassing. Any member of the staff found indulging in dereliction of duty should be immediately dismissed and blacklisted.

8. Taking the election staff from the education department and judiciary. The army and police should jointly shoulder the responsibility of maintaining law and order outside polling stations. They should only be allowed to enter the polling booths in an emergency at the behest of polling officers.

9. Signing of count sheets by the polling officers and countersigning by the polling agents present. A copy of the count sheet should be duly provided to the polling agents and its copy pasted outside the polling stations.

11. Not arresting candidates or their polling agents after announcement of the election dates and allowing them to perform their work unhindered. In case of any serious crime they could be proceeded against after elections.

12. Publishing of a priced booklet on election rules and procedure by the Election Commission much before the elections for guidance of election and polling agents.

13. Inviting national and foreign organizations to monitor the elections, and instructing the election staff to extend them full cooperation.

### **Corruption / Accountability**

As long as rulers are not accountable to the people and submit to the laws, we cannot hope to eradicate corruption. Instead of honest and capable people serving the government we have come to have too many corrupt elements all over the place. Corruption has become a way of life and has permeated every segment of our society. Corruption in places both high and low, is one of the most grievous violations of the public interest. In order to change the present corruption-ridden environment we will first of all have to insist on a completely open and transparent government whose communication of information must be complete and whose procedures of business totally transparent.

After Quaid-e-Azam there has been a string of weak, ineffective, non-visionary, corrupt, demagogic, dictatorial rulers and leaders. In addition, the continuance of an all-pervasive, out of date and highly damaging feudal system is in direct conflict with democracy, progress and freedom.

We should look into the causes of rampant corruption in our society and propose measures to reduce it. Without reaching and removing the root causes of corruption it is not possible to stamp it out. Pakistan's private sector as well as corporate sector are morally and ethically compromised and subscribe to corrupt practices in a wholly corrupt and morally bankrupt environment. A rat race is going on between the rich and powerful of all sections of our society. Total neglect of education has widespread socio-economic implications and clear-cut effects on the society's moral fabric. There was an absence of a democratic and liberal constitution right up to

1973, which would have ensured the creation of strong public institutions and provided fundamental rights to individuals. Even the 1973 Constitution was defaced soon after its promulgation by seven undemocratic amendments by its founder and a monstrous Eighth Amendment was provided by the military ruler General Zia-ul-Haq. The highest authorities have compromised Justice in our country. To start with, Justice Munir created a new and mischievous concept of the Law of Necessity. Thus "where justice ends tyranny begins". The institution of Police plays havoc with the people both as an oppressor and a denier of justice. When, almost always, the police is a party to the crime, how can there be justice and fairplay. The police is a tool readily used by all resourceful sections of the society. Then there is a collusive corruption in interpreting existing laws and regulations and in formulating new laws or amending existing one's that provides benefits to certain individuals and groups. A major form of corruption presents itself in the financial sector. After the nationalization of banks and financial companies in 1973-74, there soon began a large-scale breakdown of financial discipline and control. Loans were sanctioned without proper analysis and with defective collateral. People who had no background in business became entrepreneurs overnight. Foreign aid is also responsible for increase in corruption in the third world countries including Pakistan.

Coming to corruption at the lower levels the best way to reduce that is to pay living wages to all government employees so as to enable them to meet education expenses of their children. If all those in public service are paid salaries in cash only, the government will save a great deal of money. It could be less burdensome to pay living wages if the employees were not too many. The federation and the provincial governments together employ four million people. Those that hold high positions in State administration should be severely punished if found guilty of corruption and graft. Any person of the higher echelons of leadership should, on conviction, be debarred for life from holding any public office in the future.

## **Economy**

Less than 20 per cent of the world population – the rich countries – dominates the world's wealth and takes away resumes and takes 80 per cent of its dollar income. According to Secretary-General UNO Kofi Annan, "no one in this world can feel comfortable, or safe, while so many are suffering and deprived". Formation of unstable governments keep genuine long-term investment at bay and provide a fertile ground for unscrupulous investors to bring in much needed cash on highly unreasonable terms, thereby further impoverishing the country. The case of IPP's is a stark example before us.

Without fiscal autonomy, political autonomy becomes useless and non-productive. Sound investment has to be preceded by sound policies. The society needs an economic impetus; economic impetus needs sound sustainable policies, which can only be given by stable governments that in turn can only come about through fair elections. Weak governance has severely reduced the effectiveness of public expenditures; weakened the overall microeconomic management, undermined investors confidence,

encouraged tax evasion, loan defaults, non-payment of utility bills and corruption. If the economic potential of Pakistan is to be realized in full and quickly, we need a strategy of full employment. It is essential for the country to spend less and save more and protect itself from all kinds of exuberant consumerist drives. In order to establish democracy it is necessary to spread education widely, provide employment in order to remove poverty, set up industries in the country and promote commerce and agriculture. High taxation, high interest rates and high cost of utility rates, deteriorating law and order problems and little new investments during the last seven years come in the way of economic development. There is no real tie-up between official moves and private sector efforts in the economic sector. People with their low incomes are forced to pay higher prices for essential services like power, gas and water in addition to constantly rising petroleum product's prices.

The cost of running the country has increased to a horrendous level. It consumes about 95 per cent of our revenue income. If we continue to spend 25 per cent of our income on defence, about 55 per cent on debt servicing (debt payments eat up 95 per cent of every dollar collected), 15 per cent on bureaucracy and intelligence services, how can we meet the rising demand for social services?

The poverty in Pakistan has reached the level of 35.39 per cent of the population. GDP growth has decreased to 2.6 per cent. The agricultural output has contracted by 2.5 per cent. Consumer prices registered an increase of 4.6 per cent. Rate of growth in external trade earnings has declined to under 8 per cent. 47.8 per cent of population lives on \$ 1 per day. The number of the poor has increased to 33.5 per cent. Child mortality has continued to remain high with 110 deaths per one thousand live births. Child mortality and infant mortality rates were highest in the South Asian region. The rural poor increased to 34.8 per cent. Population of urban poor increased to 25.9 per cent. 38 per cent of the households live in one-room houses. Poverty is increasing in Pakistan. 40 million out of 145 million (32 per cent) are living below poverty line. Most poverty alienation schemes were hijacked by the middle classes. Most of these schemes seldom reached the needy. Dependence on the aid giving agencies has created new type of 'poverties' and in many cases has resulted in the erosion of sovereignty and destabilization. Rate of growth of population is estimated at 3.1 per cent. Inflation is as high as 20 per cent. The majority spends more than 50 per cent of their income on food, clothing and housing and the other half on utilities. While poverty causes hardships and deprivation for those caught in the poverty web, inequality causes a sense of grievance, and injustice promotes despondency and anger, and generates social and political instability. The poor need a representative government that is accountable to the electorate. The distinguishing feature of non-elected governments is the inability of the citizens to hold them accountable on a regular basis. This leaves such governments freer to pursue policies that are at odds with the citizens interests. If the country does not close its social gap, its long-term ability to grow economically, alleviate poverty and sustain its debt will be

fundamentally compromised. The key issue is of closing the social gap and reducing poverty. Weak government is the root cause of poverty.

What is required, therefore, is a new development paradigm for removing poverty:

- that recognizes the role of the State in protecting the rights of the weaker and poor segments of the population and in meeting their basic needs.
- that accepts balanced social and human development as a basic and essential prerequisites for sustained development that is meaningful for the vast majority of the population, and
- that regards the poor as a part of the solution and not just a part of the problem, by recognizing pro-poor growth policies under which overall growth of the economy can be accelerated by raising the productivity and incomes of the poor.

Unless more effective steps are taken to reduce poverty and deprivation in the world, the unprecedented impact of globalization on the poor, will continue to grow louder.

Pakistan's total external debt during 1990s grew by 6 per cent per annum. It stood at \$22 billion in 1990 and reached \$38 billion by 1999. Domestic debt grew four-fold rising from Rs. 448 billion to Rs. 1642 billion in one decade. In 1990-91 almost 43 per cent of total revenues were consumed by debt servicing and by 1998-99 it reached 73 per cent. On account of it development budget continued to shrink from 6.6 per cent of GDP to 3.3 per cent during the same period. The growing debt burden not only slowed private sector investment but also forced public sector investment to decline. The cost of debt-servicing has risen to over half the federal revenues and defence outlay to a quarter of the revenues. Tax collection cannot improve substantially unless economic growth increases significantly. Overtaxing people, who already are burdened with too many taxes and pervasive corruption in the administration services, will not lead to higher revenue and the correspondingly reduced dependence of aid. Bureaucracy at the lower level is not helpful. The higher the taxation, larger the evasion and wider the corruption in the taxation services. Corruption in the taxation services makes the tax burden too much. Simple forms of taxation, reasonable rates of taxes and easy payment methods should be introduced. The honest taxpayers suffer because there are too many dishonest taxpayers working in collusion with the corrupt tax officer. 40 to 50 per cent of the money paid by the taxpayers is said to go into the pockets of the CBR officials, not the coffers of government. Unrealistic revenue collection targets and subordination of all economic and social goals to revenue collection to fulfil demands of debt servicing, defence and government's non-development expenditure as well as bench marks set by MFIs for the release of assistance. The prices of essential goods and commodities rise while wages and incomes do not. Rise in prices of medicines by the pharmaceutical firms under one pretext or the other has contributed adversely to the difficulties of the poor. Government should consider alternative methods of fulfilling basic needs like lowering government taxes and levies on utilities and petroleum products and giving up the idea of general sales tax on essential goods e.g. food and medicine. As a result of adverse developments at the centre, the provinces have not been able to do

much to promote education, public health, environmental protection, law and order and development of art and culture. The centre has agreed to raise the provincial share of the federally collected taxes to 42 per cent but the provinces want it to be 50 per cent. The realization has yet to sink in that we cannot continue to tax the people without the provision of services and that it is the expenditure side of the budget that need to be addressed first instead of the revenue side. Only Rs. 148.4 billion (20 per cent) is earned by direct taxes. In other words very few moneyed people pay income tax. Therefore the ratio of Direct taxes to indirect taxes should be increased considerably. In Pakistan, people who do not pay income tax have assumed the right to levy and impose taxes. It is rarely that the Prime Minister, Chief Ministers or members of the Cabinet pay tax on their income.

Instead of resorting to 'equitable taxation' we should opt for a more practical 'minimum tax' basis to resolve our needs. All businessmen must pay a 'turnover tax' based on turnover where the tax is about 1 per cent on total turnover in the year regardless of profit and loss. Ofcourse in this manner the CBR would largely become unemployed and the government would lose the hold they have over people. Such a system of taxation would be more equitable than the present and would result in much higher collection of taxes. The threshold for income tax should be raised from Rs.50,000 to Rs.1,00,000. The broadened tax, however, has been the most important element of tax reforms, which would help develop a tax culture. The CBR should publish the list of income tax paying individuals annually with details of amounts originally declared and finally assessed and paid by them.

Stronger institutions should be built up for long-term sustainable development. The first and foremost challenge before us is to restore political and democratic stability and investor's confidence without which there is no chance for any economic recovery. Retreat of the public sector has had an adverse effect on economy. Public sector is an equalizing force while market-determined outcomes of the private sector tend to serve those who have better resources, and it reinforces inequalities. Market-based economy has emerged as the global norm. Social policies in Pakistan have resulted in unequal distribution of incomes and facilities. What the people need are low-cost, easy to implement sustainable projects that can solve their basic problems. Far more have to be spent on development if unemployment is to be reduced and the pervasive property brought down. Sustainable development is only possible through local resources which could always be found if the programmes are participatory in nature and low in cost. The initiative of the communities and small enterprises in allaying their problems needs to be supported and supplemented. The Planning Commission or other experts should scrutinize all major projects before they are approved by the government. What is needed is an enabling environment, and availability of research-oriented technical support in solving problems. But government not only regulates but also tries to control most of the business and trade activities. The cost and the burden of 'over-regulation' make most business uncompetative and difficult to run.

Investment, especially large-scale investment, does not take place in an atmosphere of fear or climate of uncertainty. Unhappy people do not make

good economic actors. If Pakistan is to get anywhere economically, the economic policy should be placed on an even keel with the foreign policy. We need large investments to upgrade the quality of our exports and improve their international acceptance. Pakistan has been suffering from an excess of inflation for the last thirty years resulting in lessening of GDP with the poor bearing a disproportionately large share of its fall-outs. Home remittances from Pakistanis abroad are only 2 billion dollars annually. Our economic situation has reached the point where we need foreign investment even to meet our local needs. Foreign investors find money too costly in Pakistan because of the high interest rates compared to the rest of Asia and the world. Labour is relatively cheap but productivity is low and there are too many holidays and 'hartal' days. Relations with India which are often too intense, also matter to foreign investors. In urban areas of Pakistan, the informal economy is bigger than the formal. In Karachi alone 70 per cent of the economy is informal. No attempt has been made to formalize the economy and link it with the markets, improve its productivity and create mortgageable assets of the poor.

Pakistan is badly dependent on foreign loans, and it has no option but to comply with the IMF conditionalities. With a total foreign aid package exceeding 60 billion dollars and a heavy debt burden, the people of Pakistan have not experienced the gain they had been promised. Most of the loans taken from the World Bank and the IMF were taken away by the rulers, bureaucracy and the vested interests, leaving nothing for the purpose for which they were obtained. Half of the federal budget was being given away in debt servicing. Year after year the government faces a mammoth budgetary deficit of about 200 billion. Heavy borrowing is being done to meet the budget deficit. The national debt exceeds Rs. 4.5 trillion. Tax revenues spent on debt servicing are Rs.192 billion and defence outlay is Rs. 146 billion. The defence sector should also come under the purview of Parliament, as in other democratic countries. The financial management in the military sector should be open to analysis by the Standing Committees of the Parliament. The public figures should also be free to look into the military administration and its large spending. The public sector units with their corrupt practices and gross inefficiency cost the government Rs. 100 billion each year. The real shortcoming of the government in the economic field has been its inability to energize the private sector. The government will have to go all out to promote private investment and general real employment. The current budget provides for an expenditure of 742 billions against an income not likely to exceed Rs. 400 billions, whereas the deficit in the budget needs to be sliced by 95 billion and the tax revenue needs to be increased by Rs.60 billion. Government should consume less and be less ostentatious. The centre should learn to live within 20 per cent of the budget and the rest 80 per cent should go back to the source – the lenders, the people and the provinces. Once it is agreed as a policy it would amount to having achieved an essential part of real democracy. Government will have to reduce its non-productive and non-developmental expenditures. Large increase in the salaries and prerogatives of the top people should be avoided. Now, more is to be paid to increase members of the assemblies, advisors and parliamentary secretaries. In fact,

more amounts should be available for education and health in the social sector. In order to do that the Islamic financial system should be seriously studied and codified which gives central position to *zakat* and does not allow innumerable mundane taxes that hold the masses at ransom. *Zakat* establishes a complete system of social security to all members of the nation irrespective of religion or creed. The economic system of Pakistan should be constructed on the basis of Islamic economic objectives, principles and priorities based on justice and equity. It would be expedient to introduce an Islamic banking system parallel with the existing system.

The feudals have dominated the political scene of the country since the establishment of Pakistan. If Pakistan, like India, had been able to end feudalism, as was envisaged by Quaid-e-Azam, there would have been no military takeovers time and again, and Pakistan would have evolved a better form of democracy. Feudals help the autocratic rulers to tighten their grip over the masses. Jagirdars and big landlords have full control over farm production and they deprive farmers of the fruits of their labour by following the unjust system of distribution of farm production through the absentee landlordism and *batai* systems. According to Islamic law, the tillers are the owners of land. As such there is no room for feudalism in an Islamic State. Government has failed to make significant progress towards major areas related to the wellbeing of the people including poverty alleviation, education, health, gender equality and the environment. Pakistan continues to be dependent on one agricultural commodity of cotton for the major part of its foreign exchange earnings. Government does not tax 70 per cent of the agricultural economy, and has given a tax holiday to all defence personnel. Government employment policies do not bear scrutiny. As a result the rural poor have increased to 34.8 per cent. The farming community is facing an unprecedented increase in the prices of oil, power, fertilizers, pesticides and machinery. Agriculture has become an expensive business. A realistic and sustainable price adjustment mechanism should, therefore, be evolved for oil, gas and power. In order to broadbase prosperity in the rural areas, where two-thirds of the country's poor reside, focusing on the agenda for land reforms is necessary. It has been identified that that inequity in land-ownership and crop-sharing pattern are factors responsible for "low farm yields" and high level of poverty. Land reforms would raise productivity and incomes and reduce the level of poverty. God has created the land for the benefit of all human beings. (Surah Al-Rahman – verse 10) The lands of Pakistan fall under the category of *kharaji*. (Ma-la-Bud-Minho by Qazi Sanaullah Panipati, a famous jurist of the subcontinent) According to this system, these lands are the joint property of the whole nation to be managed by the government on its behalf. (Kitab-ul-Khiraj by Qazi Abu Yousaf) The Holy Prophet himself had defined feudalism as the major form of *riba* (Sunnan Abu Daood Bab-ul-Muzarraah) and ordered the feudals to hand over their extra lands to their needy brethren. (Saheeh Bokhari Kitab-ul- Muzaraah) Hence feudalism and absentee landlordism should be abolished and land beyond one's tilling capacity should be distributed among the landless, as was done in the People's Republic of China. These teachings of Islam have been supported by modern research in economics. Lord Kenyes, father of modern economics,

in his famous book "General Theory" has claimed that rent of land was the major interest being transacted in the old ages (p. 242, 343).

Pakistan had become the largest exporter of heroin by the mid 80s and continued to play a major role throughout the 90s in drug smuggling. During the mid 80s, the Zia government came out with whitener bonds and, thereafter followed the schemes of bringing in foreign exchange with no questions asked, no tax to be paid. This wholesale and indiscriminate permission, given by scheme after scheme and by one government after another, right up to 1999 has created a new breed of businessmen. Yesterday's common criminals and dangerous smugglers have been rehabilitated as today's entrepreneurs and businessmen.

Failure to provide housing to the poor spans the entire history of the country. On the other hand plots have been allotted in official housing schemes to upper-income civil service officials at subsidized rates whereas it is the poor who are in need of subsidies. Over 35 per cent of urban population live in *kachhi abadis*. They do not own that land legally and cannot use these assets as collateral to raise cash. The main reason for squatter settlements in Pakistan not being legal are bureaucratic apathy, cumbersome procedures and corruption. The path of the poor is blocked by officialdom at every step

## **Foreign Policy**

Pakistan should ensure a more transparent foreign policy based on goodwill and cooperation. The parliament should formulate a prestigious and reputable foreign policy. This policy should be based on terms and principles that serve the long-term interests of the people. It is time for the Pakistani people, officials and others alike, to muster up the will and vision to take decisions on their own and get on with the business of democratic governance and a friendly foreign policy. The establishment, however, would rather tow the Western line while paying homage to the foreign powers even at the cost of the sovereignty of their country and persecuting their own countrymen. Good neighbourly relations were not acceptable to many in the traditional Pakistani establishment as it would be a threat to many vested interests.

Since the demise of the Soviet Union, United States has been regarded as the one and only superpower. It is admittedly the mightiest military power and the wealthiest country in the world. The US is indeed the only super power, the only one to be able to project its power to any part of the globe. Its military expenditure is approaching \$ 400 billion – greater than the next eight largest military powers combined. In economic power its only rival is the European Union. The events of September 11, 2001 have been followed by trends and events that are rapidly eroding confidence in a peaceful and stable world that would concentrate its energies and resources on improving the lives of all its citizens.

The UN symbolizes the aspirations of mankind for a just and peaceful order. The US, however, is determined to shape the world in the new century on the basis of its power rather than the ideals enshrined in the UN Charter.

Pakistan should join those who wish to strengthen the role of the UN, and of international law.

A South Asian Block of India, Pakistan, Bangladesh, Nepal, Sri Lanka and Maldives comprising almost one-fourth of humanity could in course of time and in alliance with South-East Asian countries, stand up to any world power and rival its economic strength. In the formation of South Asian Block may also be the solution of the otherwise intractable Kashmir problem. Kashmir could even figure as an equal partner in a South Asian Union with certain safeguards for both India and Pakistan. It could be accessible to both without being a part of either. A new course, in any case, has to be charted out. While we have come nowhere close to winning our proclaimed goal in Kashmir, which has badly sapped us of our resources, our combative stance has certainly made us more and more dependent on the United States for survival. There is lack of awareness of the grave international challenges being faced by Pakistan.

Pakistan's sovereignty is now circumscribed by the political and economic interference of the US and the IFIs. The US wants to impose the regime of privatization and globalization on Pakistan. Foreign troops move in and out of Pakistan without let or hindrance. What is more, any citizen of Pakistan can be picked up by FBI agents in collusion with our government, and taken out of the country, making a mockery of our independence, our sovereignty and our entire judicial system. The American leadership has adopted an arrogant and aggressive attitude against world Islamic movements, social and religious organizations and Muslim personalities in the name of "war against terrorism". If the past conduct of the US is any guide, it amounts to thwarting political process and imposing dictators on Pakistan through bribery and secret service operations. The US would like to benefit from Pakistan's economic progress by coercing it to follow the lines prescribed by international financial institutions which in the last analysis serve the objectives of the US government policies. This US objective puts limits on the country's sovereignty. Political instability and growing economic adversity have made Pakistan more dependent than ever on the US and lending institutions open to its influence. We are now seeing signs and symbols of subservience to America on a scale that we had never seen before. The leading politicians of Pakistan, on the other hand, believe as a ground reality that American approval and support are essential for going forward in Pakistan, and that nothing of any consequence can happen in this country without American approval.

By their own actions, the US policy-makers are inadvertently encouraging an arms race as well as extremism in various parts of the world. Pakistan's predicament regarding Afghanistan is directly rooted in its Afghanistan policy in the nineties, which ignored the changed international power equilibrium, and thus had to take a U-turn. The UN Security Council endorsed the US retaliatory action against Afghanistan even though no positive proof was provided by the US of the direct involvement of the Taliban in the September 11 attacks. Afghanistan is inhabited by brave Afghan Muslims, and is an immediate and a dear neighbour of Pakistan. As such, Pakistan must develop the closest and most brotherly relations with

Afghanistan and help in building its infrastructure and promoting its economic development as much as she can.

We in Pakistan are more interested in owning the Kashmiris, making them part of ourselves, than seeing them as sovereign Kashmiris. We haven't given too good an account of ourselves as an independent democratic people, sensible enough to manage our political, economic and social affairs without making a mess of things. Even our sovereignty is doubtful, considering the authority that the United States exercises on our external and internal affairs. What then shall we offer to the Kashmiris if they become part of Pakistan? An effete and corrupt administration, an undependable political system, squabbles among the provinces, ethnic and sectarian strife leading to extreme intolerance and frequently to bloodshed, and a promise of periodic martial laws. The only solution that would not only resolve the Kashmir Issue but also open the prospects of a bright future for all the people of the subcontinent is to agree to those parts of Kashmir which India and Pakistan hold to be one independent State with one legislature and one government. The three countries with which Jammu and Kashmir have common borders – China, India and Pakistan – should guarantee the sanctity of the borders of Jammu and Kashmir. The possibility of a joint suzerainty of Pakistan and India could also be considered. The new State of Jammu and Kashmir should have no armed forces and should only maintain a police force for internal security. This will not burden the economy of a new Kashmir State with unnecessary defence expenditure. It will open up new vistas of cooperation for both India and Pakistan. The Kashmiri people will have to be involved in the search for a way out of the impasse. The Kashmir imbroglio is not as intractable as is generally believed. The governments of India and Pakistan have miserably failed to resolve the problem of Kashmir. The present position is that Kashmir has been swallowed up and has been made a part of the Indian Union. The Indian leadership wants Pakistan to accept Indian occupation of Kashmir as a fait accompli. It is now abundantly clear that India can hold its own in Kashmir solely by the application of brute force in attempting to suppress the legitimate struggle of the people of Kashmir. We must now depend on public opinion in both India and Pakistan to show the way to a just settlement. Our own domestic cohesion, stability and vitality are essential to forging and honourable and mutually advantageous relationship with India. The Kashmir cause might stand to gain by de-escalating the military activity that has so far discouraged business and investment activity in the country.

The coming into being of nuclear weapons in both India and Pakistan is a grave issue. These weapons are totally indefensible and constitute weapons of mass destruction; they are not of any defensive value. The nuclear bomb is the most anti-democratic, anti-national, anti-human device that man has ever made. Life is a gift of God to be preserved from the atomic bomb at all costs. Nine out of ten of the people of both countries had no idea of the terrible effects of a nuclear blast because the leaders of both countries, irresponsible and self-serving, have not bothered to tell them. There are no benefits, none at all, to be had either from the possession or use of nuclear weapons.

## Pakistan-India Relations

The key to real democracy in Pakistan as well as in India lies with the people of both the countries in asserting themselves upon their leadership to make sense prevail. Will the leadership of these two countries rise above personal vanities and narrow political considerations? If they show the vision and courage to do so, they will save their people from disaster and help in establishing democracy in the real sense in both the countries. The continuing conflicts between India and Pakistan have deprived a majority of the people of both countries of the fruits of freedom, and the national resources were being wasted on wrong priorities. The ordinary citizens of both countries, on the other hand, favoured resolution of differences between the two countries and governments. Securing Indo-Pak relations on more solid foundations is the real challenge.

One-sixth of humanity, the children of the Quran and the Vedas, has been responding to an American tune. It is in the supreme interest of India and Pakistan to put their heads together and strive to achieve the maximum possible regional economic balance in production and trade bilaterally. Pakistan and India should jointly endeavour to keep South Asia free of foreign influence. As a result of the violent and wholly irrational reaction of the US to the events of September 11, 2001 the countries of South Asia individually and collectively are deeply affected. They cannot meet all the demands of the US and are thus threatened. Any long-term presence of the US on the soil of any country of South Asia or Afghanistan is unacceptable. Therefore, it is imperative that India and Pakistan forge a unified approach, and stop relying on any big power for support at the cost of their own better relations. Pakistan and India have not only to stop fighting but also to forge a relationship of co-operation. They can survive and prosper in a block but not individually. For a better climate in the subcontinent both India and Pakistan may have to change their entire policies of the past. The subcontinent can find its own destiny according to its own genius if left alone and if the two peoples are allowed to look within, not without. With the passage of time they may forget their quarrels. As Jinnah once said, "Some nations have killed millions of each other's and yet an enemy of today is a friend of tomorrow, This is history." The change is dependent on how soon economic prosperity comes to the subcontinent so that people could forget religious differences and set themselves the task of improving their standard of living. The conflict will not bring Pakistan and India closer to each other, as demanded by mutual interest. Instead it will deepen the animosity between them. Today a large body of citizens on either side is shouting for peace. In case of a nuclear conflict precious human capital will be wiped out and quasi-religious militancy will grow in both countries. Both countries should, therefore, give up nuclear weapons and consent to convert themselves into non-nuclear powers, and sign a no-war pact and a friendship treaty. Issues involving a people's rights and aspirations can never be solved by force.

It is a pity that the governments of Pakistan and India have ousted civil society from their counsel at a time when its contribution was needed the

most. The fact of the matter is that the integrity and development of Pakistan is essential for the integrity and development of India, and vice versa.

## **Education**

Education should be made an area of public service immune from corruption. Islam gives a revolutionary concept of knowledge and education: the one that blends the spiritual with the mundane in accordance with the nature of man.

The only good solution is to adopt an "education-oriented" policy. A government which provides a reasonably good quality education uniformly to all the citizens at reasonable fees can ensure their entry into the job market in competitive conditions and open new opportunities of development for them. Proper technical education alongside general education should be imparted to increase job opportunities in a big way. Quality education accessible to all at the government level will also offer competition to the private sector and force it to reduce its fees. The massive introduction of the private sector in education has made education immensely expensive and beyond the reach of most people. The private schools account for over 20 per cent of the primary school students.

If the government is serious about changing the dismal literary scene it will have to address the primary education sector more earnestly. Education imparted to the child during the first six years in fact strengthens the foundation of a successful life. Proper education should be given during these years with immediate introduction of English in primary schools. A new syllabus will have to be designed on scientific lines, in line with man's nature, with the objective of building in the child a sound character and capability as a "good human being" Education is the sole answer to the travails and troubles with which this country is faced. Education is the first and final frontier, everything else is in between. To make literate and to profoundly educate over 150 million people with a birth rate of ten births every minute is a stupendous task. A library should be set up in every city and big urban and rural centres by organizing a library movement. India is said to have 60,000 libraries. Instead of sending more and more of our best students abroad and losing them, we should get some of the best teachers from abroad to teach our students in our own institutions and in our own environment.

## **Role of Women**

The most important role of women in public life is their humanizing influence. Little has, however, been done to improve the status of women. As long as women are kept illiterate, there can be no overall progress in the country.

Quaid-e-Azam Muhammad Ali Jinnah, on March 28 1948, told his countrymen and women: "In the great task of building the nation and maintaining its solidarity, women have most valuable part to play, as the prime architects of the character of the youth that constitutes its backbone, not merely in their homes but by helping their less fortunate sisters outside. I

know that in the long struggle for the achievement of Pakistan, Muslim women have stood solidly behind their men. In the bigger struggle for the building of Pakistan that now lies ahead, let it not be said that the women of Pakistan had lagged behind or failed in their duty."

### **Sundry Observations**

The per capita income of Pakistan is \$ 300 per annum or Rs. 1500 per month. Population is estimated to be around 14 crore. The very rich are about ½ per cent, the rich about 1 ½ per cent, the middle class about 7 per cent and the rest 90 per cent fall under the category the poor. The leadership that has emerged in the past is from the first two categories and a very small percentage is from the middle-class; it has rotated within 3 per cent of the entire population. Population has increased from 30 million at the time of partition of the subcontinent to 145 million. The poor man is indifferent to the political scene as he is so heavily burdened with problems of survival of his family. Downtrodden and weak people are unlikely to get justice unless they fight for their rights.

Most of the politicians who emerged as leaders lacked sincerity and the genuine concern for the poor masses. They broke each others records for dishonesty and squandered away assets of the country getting richer and richer. They emerged out of a well-provided stratum of our society unaware of the problems of the masses at grassroots level.

Both the pulpits of mullahs and the circles of Sufis are in the control of dominant moneyed classes. Paddlers of religion, merchants of Islam and a certain class of teachers of the Quran, are misguiding the people from the straight path of truth by aligning truth with capital and power, whereas Islam is allied with constraint and simple living.

Let us think about Pakistan, its people and its institutions. The essence of a political culture is maintaining of a balance between rights and duties. Duties come prior to rights and require re-orientation in our thinking. Kant, the eighteenth philosopher, viewed duty as the basis of rights and justice. Since we all have equal right in democracy, the inference is unmistakable that we all have equal duties. Traditions of patience, tolerance, moderation and realism need to be developed. Mad race for status and accumulation of wealth, irrespective of the means to get it, should be discouraged. For real growth, the key pre-condition is not capital but the work ethic. There is no substitute for collective wisdom. Whoever has attempted to be wiser than the people has invariably caused irreparable loss to the country.

The slogan of "ideology of Pakistan" as part of the official lexicon was conceived during the second military regime of General Yahya Khan in 1970, while 'jihad' was formally injected in the official jargon in 1976 when General Zia gave the Pakistan army its new official motto 'Faith, Piety and Jihad in the way of Allah'. Pakistan's primary think tanks remain addicted to a frozen world view based on a dogmatic and bigoted understanding of religion, emphasis on rituals instead of spirit, hatred instead of tolerance, ideological slogans instead of service to the people, state agencies instead of participative institutions, abhorrence to science and technology, deep

disinclination to reason and rationality, obsession with female behaviour and dress, and the megalomaniac self-image as the flag-bearer and champion of the cause of Ummah. It is only through creating a law abiding, pluralistic and tolerant society that Pakistan can hope for peace, progress, and prosperity with dignity.

## **Epilogue**

If, at all, the Muslim States desire to win world's support and admiration, they should concentrate on economic, scientific and cultural achievements and move away from the stagnant domestic systems in their countries. They should educate their peoples profoundly and free them from subjugation of profligate rulers. The civil societies of these countries should set up effective institutions to further creative and innovative activities.

Of all the Muslim countries, Pakistan, with its inherent qualities and capabilities, high moral standards of its people and abundant valuable resources available to it, is in the best position among other nations to build a model State that could be a beacon for the rest of humanity. But, in order to attain that position, the Pakistanis, as individuals as well as a nation, will have to be objective, not subjective, in their approach to all issues that they may be faced with. They will have to eschew religious intolerance and obsessions, and acquire the habit of respecting others and doing service to them irrespective of caste, creed or color. They will have to concentrate on developing the Civil Society and strengthening the political process by effecting complete control over the armed forces, military intelligence agencies, the civil bureaucracy, fake and corrupt political leaders, the self-appointed and conceited religious elite and other vested interests. They will have to enter upon a serious exercise of raising honest, sincere and competent leadership at the grassroots level and developing them into exemplary leaders of Provincial and national status. These leaders should have a democratic bent of mind and become democratic beings, possessing a mindset that has outgrown petty and restricted thinking. They should place themselves at the disposal of humanity at large that is inhabiting the United States of America, the West, the Middle East, the Central and South-West Asia, South America and other countries.

Thus, Pakistan can lead the way in assisting humanity to establish peace, progress and prosperity, and will be able to live with other countries in mutual friendship, love, fraternity and tolerance in a world devoid of injustice, ill-will, intolerance, intrigue and confrontation. Such a laudable purpose can only be achieved through dedicated strivings and co-operative efforts. For this to happen, we, in Pakistan, will have to keep before us the stirring examples of the Prophets {peace be upon them} and Quaid-e-Azam Muhammad Ali Jinnah.

Last but not least, we should be true to our Creator and Sustainer Almighty Allah deep down in our hearts and minds. We should be grateful to Him who has endowed us with the spirit of life and all the useful things in this beautiful world, and pursue in our lives the path of love, beauty, creativity and happiness.

## **The Author**

### **Safdar Hasan Siddiqi**

He was educated in the Government College, Lahore and graduated from it in 1944. Eversince he has worked with various political parties and religious and cultural organisation for the last 58 years. He has also worked in the labour field for seven years. He published and edited a journal titled "Mehnatkar" (The Worker) for 6 years. He participated actively in all political movements against dictatorial regimes in Pakistan such as NDF, COP, PDM.DAC, UDF and PNA. He organized the presidential election of Miss. Fatima Jinnah against General Ayub Khan.

He worked with the Jamaat-e-Islami Pakistan for 27 years and was its Organizing Secretary in 1957-58. He also worked as Joint-Secretary of National Awami Party (Punjab) in 1970, Joint-Secretary of National Democratic Party (NDP) and Chairman Organising Committee, Pakistan National Alliance (PNA). He also worked as Secretary "Pak-Soviet Friendship Society-Lahore" during 1969-70, Secretary-General "Pakistan-India Peoples' Forum for Peace and Democracy" during 1995-99, Coordinator "Faith-in-action Group" (that worked for amity and unity of thought and action between Christians and Muslims on the basis of "Faith") for three years.

He is author of seven books as under:

1. Muhammad Messenger of Allah, on Social Behaviour
2. Pakistan ki Tameer-e-Nau (Re-building Pakistan) - Urdu
3. Quran aur Insan (Quran and the Human Being) - Urdu
4. The Role of Islam in the Twenty-First Century
5. Mazhabi Rawadari (Religious Tolerance) - Urdu
6. Real Politics of the Future: A New Approach to Politics
7. Samaji Inqilab – Quran ki Roshni Me'in (Social Revolution - in the Light of The Quran - Urdu

He also contributes articles in Urdu and English dailies and magazines.

He has finally joined a political party named " Pak Jamhoor", to translate his political and ideological thoughts into action. He has attained the age of 80 year.

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