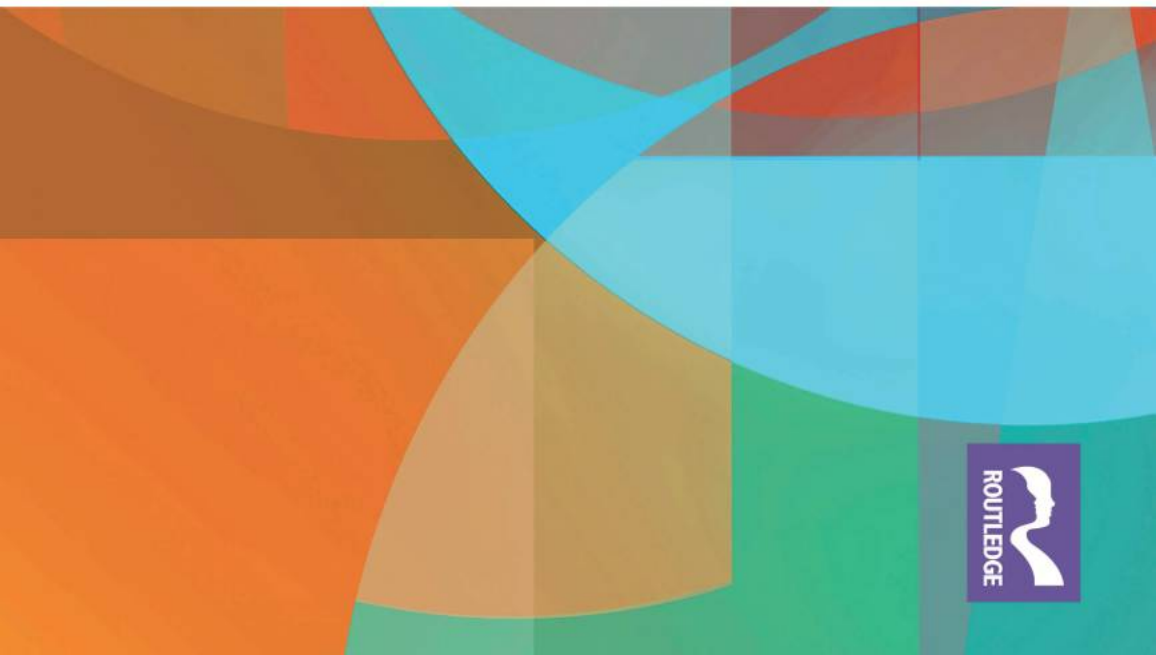




PAKISTAN

THE POLITICS OF THE MISGOVERNED

Azhar Hassan Nadeem



PAKISTAN

This book offers a comprehensive analysis of the state of political institutions, the military establishment and political parties in Pakistan. It provides a nuanced understanding of the practices of disenfranchisement by theocratic governments in the country which has relegated the people to the margins of their society.

The volume provides an in-depth account of the political history of Pakistan focusing not only on national politics and foreign policy but also on their congruences with subnational systems of governance, the criminal justice system, bureaucracy, the electoral system and the police. It discusses challenging issues plaguing the country such as the continued dominance of the military, lagging economic development, lack of accountability within political institutions, sectarianism and terrorism. The author dissects and critically examines Pakistan's hegemonic politics and underlines the need for a new social contract based on the principles of inclusiveness and equality.

The volume offers fresh perspectives on the multifaceted problems in Pakistan's politics. It will be of great interest to policy practitioners and to academics and students of politics, law and governance, sociology, international relations, comparative politics, Pakistan studies and South Asia studies.

Azhar Hassan Nadeem retired as Inspector General Police of Punjab, Pakistan, in 2008 and served as Member of the Punjab Public Service Commission from May 2008 to 2011. He has been delivering lectures from time to time in various universities and training institutions at home and abroad. He is currently serving as Senior Fellow at the Lahore School of Economics. He has a Masters of Economic and Social Studies from the University of Wales, Cardiff, UK, and a Doctorate in Economics from the University of the Punjab in 1998. Apart from policing and administrative experience, he is an economist and a criminologist who has authored a number of books, including *Pakistan: The Political Economy of Lawlessness* (2002). His book titled *The Punjab Police in a Comparative Perspective* (1989) was awarded by the National Book Council of Pakistan and received the Allama Iqbal Award by the Government of Punjab.

“This book brilliantly examines the history of governance in Pakistan and focuses on the critical aspects of the country’s institutional growth. Its emphasis on the centrality of the criminal justice system & rule of law offers readers a very important perspective. The book provides the challenge of terrorism that Pakistan faced for many decades now as a test case of how state institutions responded to this ugly episode. His analysis and prescriptions for governance reform efforts in Pakistan offer much needed clarity and wisdom.

Syed Azhar Hassan Nadeem’s incisive observations, rich experience as a public servant and intellectual approach make it a very valuable narrative. It builds on his earlier acclaimed works on law enforcement, politics and justice and is highly recommended as a text book.”

– Dr. Hassan Abbas, Distinguished Professor
of International Relations at NESU,
National Defense University, Washington, DC

PAKISTAN

The Politics of the Misgoverned

Azhar Hassan Nadeem

First published 2020
by Routledge
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN
and by Routledge
52 Vanderbilt Avenue, New York, NY 10017

Routledge is an imprint of the Taylor & Francis Group, an informa business

© 2020 Azhar Hassan Nadeem

The right of Azhar Hassan Nadeem to be identified as author of this work has been asserted by him in accordance with sections 77 and 78 of the Copyright, Designs and Patents Act 1988.

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

Trademark notice: Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

British Library Cataloguing-in-Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging-in-Publication Data

A catalog record for this book has been requested

ISBN: 978-0-367-34837-3 (hbk)

ISBN: 978-0-429-32828-2 (ebk)

Typeset in Sabon
by Apex CoVantage, LLC

TO MY MOTHER

SYEDA KANEEZ FIZZA – MRS. SYED SAFDAR
HUSSAIN SHAH

FOR HER LOVE, VISION, MOTHERLY CARE,
DEVOTION AND DETERMINATION



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

CONTENTS

<i>List of tables</i>	viii
<i>Preface</i>	ix
<i>Acknowledgements</i>	x
1 Introduction: structure and design	1
2 Pakistan's predicament	11
3 Rule of law and superior judiciary: an overview	26
4 Criminal justice administration system	46
5 Political parties, army and politics	59
6 Local government	77
7 Civil society	89
8 Terrorism and the state response	105
9 Socio-economic scenario in Pakistan: a story of missed opportunities	124
10 Conclusion: a way forward	153
<i>Appendices</i>	159
<i>Bibliography</i>	163
<i>Index</i>	168

TABLES

4.1	Province-wise prison population and authorized capacity	55
7.1	Awareness campaigns by CSOs	93
9.1	Physical targets/achievements 2014–2015 and 2015–2016	140
9.2	Educational institutions in Pakistan	143
9.3	Number of educational institutions in Pakistan	144
9.4	Student enrolment in Pakistan	145

PREFACE

Pakistan, right from its birth in 1947, has suffered from constitutional and political crises. Of particular importance has been an imbalance in relationships between institutions of the state and its civil society. The net outcome of this state of affairs was a failure to develop the practices of good governance and evolve inclusive institutions necessary for economic growth, political advancement, a dynamic and vibrant civil society and a resilient nation-state.

This book, having given a brief chronological overview of Pakistan's institutions and the multiplicity of economic, social, political and security problems with reference to institutional setting theories propounded in 1991 by Douglas North emphasizing the role of culture and ideology in helping or hindering the economic growth of a nation over time, and in 2012 by Acemoglu and Robinson explaining power, prosperity and poverty of states in terms of their ability to develop inclusive political and economic institutions, demonstrates that though the number of people in upward social mobility did increase over time, particularly during the decades from 1999 to February 2019, yet the elitist extractive institutions reign supreme and are considered mainly responsible for Pakistan's current woes.

I have tried to explore, with reference to the concept of rule of law and governance, institutional framework in Pakistan like superior judiciary and democracy, political leadership and parties, civil and military bureaucracy, criminal administration system, local government and civil society.

Thus, in the light of Pakistan's institutional setup, this book analyzes the socio-economic scenario in Pakistan and missed opportunities, economic landscape-challenges and prescription, terrorism and the state's response. The last chapter suggests a way forward in the form of a strategy and design to ensure institutional reinvigoration encompassing sustainable and inclusive economic, political, cultural and social growth of Pakistan in the foreseeable future.

At the end, it will be worthwhile to mention that despite the fact that information for various chapters had to be collected from a variety of sources, I alone remain responsible for any error of facts and also for the views expressed herein.

ACKNOWLEDGEMENTS

Many people have helped make this book possible. I am indebted to Dr. Shahid Amjad, Rector, Lahore School of Economics, for providing a congenial environment for research and institutional assistance in collecting relevant material. To Dr. Muhammad Shoaib Pervez, Chairman, Department of Political Science, University of Management and Technology, Lahore, for his help in collecting information on local government, political parties and civil society in Pakistan. I have incurred debts to colleagues, associates, interlocutors and friends. I gratefully acknowledge the information provided by Mr. Ihsan Ghani, former Director General, National Counter Terrorism Authority, regarding steps being undertaken to devise a pragmatic counter violent-extremism strategy. Thanks are due to Mr. Ali Taimur Baig, my teaching associate in the Lahore School of Economics, for helping me to decipher source material to enable me to navigate the labyrinths of Pakistan's heterogeneous and exclusionary systems of education.

I gratefully acknowledge the insight provided by Dr. Hassan Abbas, Distinguished Professor of International Relations and Dean of Accreditation and Evaluation at NESU, National Defense University, Washington DC, USA, after going through some of the chapters of this book.

My continuing gratitude and appreciation to Mr. Jawad Jaffery of the Central Police Office Lahore; Ms. Anam Ali, my student in the 2019 Rule of Law class; and Fatima, my daughter-in-law, for sorting out computer-related problems. I gratefully acknowledge the permission granted by James M. Dorsey, senior fellow at the S. Rajaratnam School of International Studies, Singapore, and the daily *Dawn* to include their copyright material in this book.

I am indebted to my niece Hub-e-Zahra, my nephews Hasnain Abbas and Haider Abbas and my son Syed Hannan Azhar for their help in typing certain pages of the final manuscript. I am grateful to Mr. Waqar Ahmed for not only typing the final manuscript but also being singularly helpful in steering me towards new material.

For this book I have interviewed a great number of lawyers, economists, politicians, judges and police officers in Pakistan. I thank them all.

ACKNOWLEDGEMENTS

I am also indebted to the Routledge, Taylor & Francis Group, especially Dr. Shashank Sinha and Ms. Antara Ray Chaudhury, for publishing this book. I am grateful to Ms. Shloka Chauhan, in particular, for her useful suggestions with a view to making it reader friendly.

I am thankful to my sons Hassan, Haseeb, Haider and Hannan, daughters-in-law Talaiya, Insiya, Shehrbano and Fatima and my grandchildren Daniyal, Dyana, Hamza, Tobias, Raiha, Ra'ed, Raahim, Zaviyar and Zamin for providing me great moments of love and parental pride which enabled me to spare time and energy for this book.

Last but not least, I am indebted to my soul mate and wife Tasneem, who made the world and life worthwhile for me. She has been a source of inspiration and strength for me, and during the past 40 years, I admit that no good things I have ever done or written would have been possible without her partnership.

Azhar Hassan Nadeem



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

INTRODUCTION

Structure and design

Stanley Wolpert, in his book, *Jinnah of Pakistan*, noted, “Few individuals significantly alter the course of history. Fewer still modify the map of the world. Hardly anyone can be credited with creating a nation-state. Mohammad Ali Jinnah did all three.”¹ Jaswant Singh, similarly in his work on Jinnah and the creation of India and Pakistan, gives the entire credit of creating a new nation-state to Muhammad Ali Jinnah alone.² It is true that Pakistan came into existence as an independent country on 14 August 1947 as a result of the political struggle by Mohammad Ali Jinnah, the founding father of Pakistan. It is, however, more important to emphasize and highlight the fact that this struggle was strictly under the umbrella of a constitutional framework and within the ambit of law. Never ever did Jinnah deviate from the constitutional and legal course. This book seeks to look at the history of law and governance in Pakistan from the time of its creation to its present state. From Jinnah’s vision of dynamic, progressive and democratic polity based on the universal principal of parliament’s supremacy to the explosion of the garrison and theocracy it is important for us to look at the frameworks of the politics in Pakistan for us to base and judge our analyses and Pakistan’s historical narrative.

Jinnah died on 11 September 1948, and Pakistan was not able to follow the idea originally enshrined in the philosophy of a separate homeland for Muslims in the sub-continent. The “Objective Resolution,” in the words of Qazi Faez Isa (Judge Supreme Court of Pakistan), is the “first constitutional document and has adorned each constitution of the country.” The Objective Resolution was tabled by Pakistan’s first Prime Minister Liaquat Ali Khan and approved by the Constituent Assembly in 1949, which included many stalwarts of the Pakistan Movement and other distinguished personalities.³ The promise of the “Objective Resolution” was, however, not fulfilled, and in subsequent years, religious elements were given free rein to exploit it. This brought forth new ideas and interpretation, making room for retrogressive policies which could enable the exclusion of minorities and marginalize the progressive forces in Pakistan.

INTRODUCTION

Pakistan was able to frame its first constitution in 1956, which came into effect on 23 March of the same year. Under this constitution, Iskandar Mirza became the president and swore to “preserve, protect and defend the Constitution.” He did not, however, honour his solemn pledge, and on 7 October 1958, he issued the following proclamation.⁴

For the last two years, I have been watching, with the deepest anxiety the ruthless struggle for power, corruption, and the shameful exploitation of our simple, honest, patriotic and industrious masses, the lack of decorum and the prostitution of Islam for the political ends. The mentality of the political parties has sunk so low that I am unable any longer to believe that elections will improve the present chaotic internal situation and enable us to form a strong and stable Government capable of dealing with the innumerable and complex problems facing us today. We cannot get men from the Moon. It has become fashionable to put all the blame on the President. A wit said the other day. If it rains too much it is the fault of the President and if it does not rain it is the fault of the President.

The person who was supposed to preserve and protect it threw away the constitution, which was being enacted after a lot of struggles and with great difficulty, extending over about nine years, calling it “unworkable” and “full of compromises.” His prescription was that “the country must first be taken to sanity by a peaceful revolution” by “patriotic persons” whom he would select and task, “to examine our problems in the political field and devise a constitution.” He implied that democracy was incompatible with Islam and wanted to enact a constitution which would be “more suitable to the genius of the Muslim people.”

This was in sharp contrast to the idea of Pakistan envisioned by Jinnah, who, while addressing the members of the Karachi Bar Association, said that,

The Prophet was a great teacher. He was a great lawgiver. Islam is based on the highest principles of honour, integrity, fair play and justice for all . . . equality of manhood is one of the fundamental principles of Islam. . . . The qualities of equality, liberty and fraternity are fundamental principles of Islam. . . . Thirteen hundred years ago he laid the foundation of democracy.⁵

Iskandar Mirza, who had dismissed the central and provincial governments, dissolved the parliament and provincial assembly and then proceeded to abolish all political parties and declared martial law in the country by appointing General Muhammad Ayub Khan as the Chief Martial Law Administrator. He was responsible for turning away from the constitution,

and this was the event which became the fount of the problems of bad governance and misrule in Pakistan. General Ayub Khan made Iskandar Mirza leave the country on 27 October 1958 and Khan himself assumed the office of the president. This disenchantment of the people of Pakistan had consequences which became evident when East Pakistan decided to secede from the country. And Pakistan subsequently saw a line of military dictators like Yahya Khan, Zia-ul-Haq and Pervez Musharraf assume power.

It is in this background of the ascendancy of power politics over the constitutional path and adherence to the rule of law that the need for writing this book arose. Those who violated the Constitution of Pakistan with impunity did not keep in mind the following observation that Muhammad Ali Jinnah made while addressing officers of the Staff College in Quetta.⁶

During my talks with one or two Officers, I discovered that they did not know the implications of the oath taken. . . . I would like you 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 word Constitution. . . . I should like you to study the Constitution . . . understand its true constitutional and legal implications when you say that you will be faithful to the Constitution.

Added to these factors was the fact that when Pakistan came into being, Punjab became a hegemon for the reason that the Punjabis were the dominant component in the army and because Punjab possessed perennial irrigation systems and introduced a uniquely authoritarian method of governance, known in colonial bureaucracy as the "Punjab school of administration."⁷

This hegemonic block offset East Pakistan's demographic majority with the refrain that democracy could wait in lieu of defending the country from the neighbouring countries. Landed and other influential politicians in Sindh, Balochistan and then NWFP (presently KPK) sided with the Punjabi and Urdu-speaking combine, who were given a share of the government, while others were deemed seditious and criminalized in the greater national interest.⁸

Furthermore, Punjabi land-owning politicians, in collaboration with the bureaucracy, put out their lot with the civil-military state apparatus to thwart democratic rule.

Counter hegemonic social forces in East and West Pakistan demolished both the material and discursive foundations of the oligarchic project in the 1970 election. Yet even after the eastern wing seceded, the Punjab-centric establishment refused to budge, now armed with

demographic power whilst continuing to be the “guardian of the country’s physical and ideological frontiers.”⁹

This book attempts to analyze the multiplicity of economic, social, political and security problems facing the country, with reference to the institutional setting theories articulated by Douglas North, which emphasized the role of culture and ideology in helping or hindering the economic growth of a nation. This book will also use the theory of inclusive institutional framework propounded by Acemoglu and Robinson, which explains how the prosperity and poverty of states depends on their ability to develop inclusive political and economic institutions. My main point of contention is with the failure on the part of Pakistan to develop inclusive institutions and the continuation of extractive institutions, which are mainly responsible for Pakistan’s current problems.

The second chapter, in the context of the earlier-mentioned theoretical perspective, reviews Pakistan’s predicament through a brief chronological overview of Pakistan’s institutions and the multiplicity of economic, social, political and security problems resulting therefrom during various regimes.

Similarly, Chapter 3 explains the concept of “rule of law” and the objectives it intends to achieve. Thus, this chapter, through the theoretical framework of rule of law, examines the pivotal role that the superior judiciary in Pakistan played in determining the shape of various institutions, particularly when the country failed to develop politically determined constitutional parameters. The most recent example of this trend is the determination of the terms and conditions of reappointment or extension in service of the Chief of Army Staff by the Supreme Court of Pakistan. The apex court, on 26 November 2019, during the hearing of a petition that was converted into a *suo motu* case against the extension in service of General Qamar Javed Bajwa, suspended the federal government’s notification of 19 August 2019 for the extension or reappointment of the Chief of Army Staff for another term of three years after completion of his tenure on 28 November 2019. The Court allowed for the extension or reappointment of General Qamar Javed Bajwa, Chief of the Army Staff, for another six months. At the same time, the apex court shifted the onus to the parliament when it asked the government to determine the tenure, terms and condition of service of the Army Chief through legislation within the same period (i.e. six months). While some quarters expressed their concern that the apex court had asked parliament to adopt a particular course within a specified period on the ground that this was against the principles of the sovereignty of the parliament and the separation of powers, others termed the order courageous and laudable as it had saved the institution of the army from being completely vulnerable to political maneuvering and absolute control in perpetuity by those powerful individuals who occupied the Chief’s slot at any given time.¹⁰ The

Prime Minister of Pakistan, Imran Khan, stated on 29 November 2019 that the Supreme Court verdict, allowing a six-month extension to Army Chief General Qamar Javed Bajwa's tenure, was disappointing to those expecting or hoping for a clash of institutions, external enemies and mafia within the country.¹¹ "I have the greatest respect for CJ Khosa, one of the greatest jurists produced by Pakistan," he tweeted.¹² The superior judiciary in Pakistan therefore had to intervene and adjudicate on matters pertaining to important issues facing the state in the absence of clear-cut constitutional and legal provisions. They had to evolve new concepts of legitimacy. No wonder most of the decisions of the Supreme Court of Pakistan are based on pragmatic considerations.

In Chapter 4, I discuss the four-tier network of the judiciary, administration, police and other ancillary institutions. The chapter critiques the systems of criminal justice and administration in Pakistan by examining the deficiencies of the lower judiciary, administration, police, the prison system and the medico-legal services. The chapter makes it clear that the criminal justice administration system in Pakistan, barring the recent improvements in the Khyber Pakhtunkhwa police, has become marginalized and alienated from people in the community. This has led to conditions in which the lower judiciary, the police, the prisons, the medico-legal services and the prosecution are involved in illegal and corrupt practices. These practices, which have become routine, generate discontent with the law and lead to more crime. The failure of the four tiers of administration I discuss and the mismanagement of the system of rule in which these indulge result in poor service delivery and a loss of legitimacy and authority in the public eye. It also provides cause for extra-constitutional forces to enter this space and manipulate and create systems which are deviations of the rule of law.

Chapter 5 analyzes the civil–military spat by considering the problematic working relationships between various institutions and argues that a fresh understanding between institutions to return to their original constitutional domains is the only solution for Pakistan's multidimensional problems. Pakistan is a country ruled by a military bureaucracy; its political parties can be described as personalized institutions/family dynasties having no arrangements for internal debates on vital issues. Generally, there is a merit-based system of promotion from the junior rungs of the ladder to the top echelons in any institution, but this system in Pakistan is conspicuous in its absence. The political parties do not have a system of conducting research or evolving solutions to problems like sustainable growth, social development, housing, health and education. Elected representatives generally treat their constituencies as family fiefdoms with members of the same families being elected at the tehsil, district, provincial and federal levels year after year. The prime purpose is the maintenance of status quo and ensuring the continuation of the process of the people's exclusion from the decision-making and

legislative bodies in the state. In certain areas of the country, the people are treated as bonded voters and are expected by the local political lords to cast ballots every few years in elections that are at best partly fair.

In order for any change to be constituted, all institutions of power and politics in Pakistan have to recognize that the constitution envisages a separation of powers. The political parties need to abandon the culture of dynastic leadership and make room for a system of political leadership emerging from the lowest to the highest office on the basis of merit determined by experience, hard work and commitment to the manifesto of their party.

Chapter 6 examines issues relating to local government through an analysis of the local government system and determines the impact of giving priority to the process of representation over the politics of representatives on Pakistan's political economy. The local government was always supported and strengthened by non-representative regimes such as the British during the pre-independence period and the military during post-independence. In fact, each of the three military regimes in Pakistan had implemented local government reforms, and each political government that had followed them undermined those reforms or at best simply ignored the local governments. The reforms in question had all involved decentralizing from the province to the local levels but often followed recentralization at the federal levels. Thus, the local government reforms did not mean to facilitate democracy but had been used as a means for a non-representative centre to gain legitimacy through by-passing the political agents at the provincial and national levels.

Moreover, the conflict between the provincial representatives and local governments does not bode well for the future of the local government system. Authoritarian mindsets, in conjunction with a tendency to monopolize local resources for personal political gains and extending patronage, made political governments allergic to the local government system. The current Pakistan Tehreek-e-Insaf (PTI) government came to power with a clear promise to make local government an effective means of creating an inclusive system of political, economic and social development. The process needs to be augmented in the interest of empowering the common people.

Chapter 7 explores the nature and the possible role of civil society in evolving inclusive institutions, ensuring empowerment of a vast majority of people in all segments of Pakistan's society. Notwithstanding the fact of Pakistan's civil society being a composition of incoherent voices, conflicting world views and opposing interests, its role in the fields of countering violent extremism, poverty reduction, sustainable development, women's empowerment and progressive and inclusionary legislation in conformity with human rights has been quite significant. A vibrant civil society can go a long way in resolving many problems inhibiting the evolvement of inclusive institutions in Pakistan.

Chapter 8 elucidates the concept of terrorism, insurgency, violent political dissent and revolution in a theoretical framework. Terrorism and violent political dissent, construed in a strict sense, are basically police-related issues, whereas insurgency and revolution are predominantly military matters. However, regardless of the perception that one may have relating to any terrorist activity, there is a general consensus that behind every terrorist activity, insurgency, revolution or political dissent, there is some type of conflict. This chapter, in a chronological order, identifies factors responsible for the prevailing issue of terrorism in Pakistan. It identifies and deals with the impact of terrorist activities on Pakistan's economy and society, examines international dimensions of terrorism and the obligations of Pakistan as a member of the United Nations. It also discusses the credibility gap that Pakistan is facing in the arena of sovereign global powers in the sense that despite its proactive approach in dealing with terrorism and having suffered from huge losses in terms of human lives and economic costs, the country is generally considered to be part of the problem and is often asked by the international community to do more on this front.

With a view to evaluating the socio-economic scenario in Pakistan, I have divided Chapter 9 into five sections: an overview of Pakistan's economy, human development indicators, work ethics, education and health.

Despite the overall satisfactory performance, Pakistan's economy is suffering from weak trade and fiscal balances. Consumption has been the driving force after the improved macroeconomic conditions. The fiscal deficit is widening and the trade deficit is increasing, partially offset by remittances, CPEC and other financial flows. Inflation has been increasing marginally, and the financial sector has remained stable.

Pakistan's agriculture sector has the potential for growth through increased productivity. The growth generally has been in the financial sectors. The impact on the human development index has not been significant. There are certain vulnerabilities in Pakistan's economy. Growth is driven by growing confidence and domestic consumption. Investment and savings rates continue to languish, constrained by long-term structural factors. On the supply side, subdued industrial activity is compensated by recovery in agriculture and with the services sector remaining steady.

According to the State Bank of Pakistan (SBP), 30 percent of banks' exposure is to only 20 business groups. Growth in credit depends heavily on the appetite of the corporate sector, which currently receives nearly 70 percent of total bank lending, according to "Bank Credit to Private Sector: A Critical Review in the Context of Financial Sector Reforms" issued in July 2017. The penetration of bank credit in the economy is quite low compared to regional and emerging economies. The gap is widening over time, and there has been loan concentration within a few influential and powerful circles. The country's net foreign assets-to-GDP ratio averaged only 5 percent in 2006–2015. While estimates put the contribution of agriculture and SMEs

to Pakistan's GDP within 30–40 percent, these enterprises get only 6 percent of bank credit.¹³

With regard to the government's priority in relation to taxation and revenues, it is worth mentioning that there has been no worthwhile effort to broaden the tax base.

The government's main thrust has been on infrastructure and visible mega projects at the expense of the health and education sectors. Human capital formation remains neglected, with quality education and health being available on the basis of capacity to pay. Pakistan needs a complete transformation and a re-evaluation of priorities in order to become a knowledge economy. Both of these sectors are far from being inclusive and have become a source of social dichotomy and civil unrest. This calls for a human development policy based on the principles of inclusiveness and uniformity in content and structure of the syllabi. It goes without saying that the Tehreek-e-Insaf (PTI) government, within a span of 15 months, at a very high political cost in terms of popularity, made difficult economic decisions. The result was that there was a significant decrease in the current account deficit, tax revenue increased by 15 percent and its global competitiveness improved by 15 positions by the end of the first quarter of fiscal year 2019–2020.¹⁴ The most significant development was that Moody's Investor Services, which had in June 2018 downgraded Pakistan's ratings outlook to "negative," citing a heightened external vulnerability risk due to depleting foreign exchange reserves, on 2 December 2019, upgraded Pakistan's outlook from "negative" to "stable," reaffirming the country's rating of B3. The change in outlook to stable is driven by Moody's expectations that the balance of payment dynamics will continue to improve, supported by policy adjustments and currency flexibility. The rating affirmation affects Pakistan's relatively large economy and robust long-term growth potential coupled with ongoing institutional announcements that raise policy credibility and effectiveness.¹⁵

The thrust of my argument in Chapter 10, the concluding chapter, is that the dismal state of affairs in Pakistan's political, economic and sociological scenes is an outcome of the existence and continuation of extractive institutions. Pakistan's current woes have resulted from a concept of nationhood based on religion and domination of retrogressive forces causing extremism, sectarian dispensation, intolerance and terrorism to make the entire country a hostage to theocracy, the majority of whom had opposed its creation and now brought about an existential crisis thereby retarding Pakistan's economy and politics. This country is internally considered ungovernable and externally believed to be a source of terrorism and instability in the comity of nations. It is also perceived as a state known for marginalizing minorities and weaker sections of society. The institutional setting in Pakistan has been characterized mostly by military dictatorship, undue interference in the domain of other institutions, corrupt practices, merit assassination and deviation from the rule of law.

With a view to making Pakistan a progressive, dynamic, democratic and forward-looking state, I propose a new social contract based on the philosophy of the hallmarks of the rule of law (i.e. equality of all in the eyes of the law, a clear separation of powers, supremacy of law, legal certainty, non-discrimination and protection of human rights) to enable all citizens to own, protect and be loyal to the state of Pakistan as equal citizens. Hence, regardless of the theory on the basis of which Pakistan was created and divergent views thereon, we need to evolve a new basis of our nationhood, based not on religious considerations but on being a nation belonging to the same geographical entity.

Pakistan will have to ensure that civilian supremacy is laid down in its constitution. Pakistan does not consist of a homogenous community but is a multi-lingual, multi-ethnic and multi-religious entity. As a Muslim majority state, Pakistan does not need to worry about any danger to Islam. This means that the garrison and theocracy will be sidelined and confined to their original scope of work. With a view to making Pakistan a pluralistic and inclusive society, it is incumbent upon us to consider abolishing the politics of religion. In this context, an amendment can be introduced in the Constitution of Pakistan on the pattern of the Fifteenth Amendment to the Constitution of Bangladesh, prohibiting religion-based politics. Any change under the new social contract in the structure or system of government and laws of the state in accordance with the principles and beliefs of a particular religion among multi-religious citizens will amount to discrimination on the basis of religion and hence against the provisions of the Constitution of Pakistan. While the military must avoid interfering in civilian and political affairs, the civilian administration should avoid, in so far as possible, summoning security forces in aid of civil power. For example, using the Pakistan Rangers in place of the police is a practice which needs to be done away with. I am making this suggestion on the grounds that such deployment of security forces for police functions results in erosion of professionalism on the part of all institutions. The state of affairs has been responsible for the demise of professionalism on the part of all state institutions. The military needs to eliminate terrorism and extremism and secure Pakistan from internal and external security threats. Simultaneously, the civilian administration must recognize the services rendered and sacrifices made by the military and the police to restore the writ of the state. The guiding principle of the state functioning should be the sovereignty and supremacy of the parliament.

I propose that all judges of lower and superior judiciary be selected through a competitive examination to be conducted by the Federal Public Service Commission. However, once inducted, the judiciary should be completely independent and must be provided full support to enable them to discharge their duties without fear or favour.

The new social contract will also include the basic need to recognize that Pakistan has a geographical South Asian identity and will have to evolve a

foreign policy based on national interest and peaceful coexistence with all our neighbours. Part of the new social contract should also include major reforms to ensure political neutrality of civil bureaucracy. The constitutional protection given to bureaucrats under the 1956 Constitution of Pakistan and withdrawn under the 1973 Constitution needs to be restored.

I further propose that under the new social contract the strategy of economic growth will have to concentrate on job creation, and the education system will need a complete overhaul encompassing an inclusionary system by way of evolving the similar syllabi content for all sections of society.

With this new contract, Pakistan will hopefully be able to become an economic tiger as part of 11 emerging countries (identified in the concluding chapter of this book) by the year 2030.

Notes

- 1 Wolpert, Stanley (1984), *Jinnah of Pakistan*, Oxford University Press, Karachi.
- 2 Singh, Jaswant (2010), *Jinnah: India, Partition, Independence*, Oxford University Press, Oxford.
- 3 Qazi, Faiz Isa (2019), *Constitutional Deviations in Pakistan*, a paper presented at Asma Jahangir Conference on Roadmap for Human Rights, Lahore, 19 October.
- 4 Ibid.
- 5 Ibid.
- 6 Ibid.
- 7 Akhtar, Asim Sajjad, in this article published in *Dawn*, titled, *The Punjab Card*, discusses the politics behind the Punjab school of governance, which uses authoritative measures to maintain political hegemony. *Dawn*, Saturday, 1 November, 2019.
- 8 Ibid.
- 9 Ibid.
- 10 *Dawn*, Friday, 30 November, 2019.
- 11 Ibid.
- 12 Ibid.
- 13 State Bank of Pakistan (2017), *Bank Credit to Private Sector: A Critical Review in the Context of Financial Sector Reforms*, issued in July 2017.
- 14 *World Economic Forum Report*, September, 2019.
- 15 Sherani, Tahir (2019), Moody's Upgrades Pakistan's Outlook from Negative to Stable, *Dawn*, Tuesday, 3 December.

Further reading

For a detailed and incisive overview of the volatile political complexion of Pakistan the following sources are recommended as additional reading:

- Duncan, Emma (1989), *Breaking the Curfew: A Political Journey through Pakistan*, The Arrow Books, London. First published by Michael Joseph in 1989.
- Chaudhary, Sardar Mohammad (1997), *The Ultimate Crime: Eyewitness to Power Games*, Qaumi Publishers, Lahore.

PAKISTAN'S PREDICAMENT

With a view to proposing a policy package related to the totality of measures encompassing the structure and constitutional framework for sustainable economic, political, cultural and social development of Pakistan, this chapter offers an analysis of various institutional setting theories which determine the causes of power, prosperity or backwardness of nations.¹

Institutional makeup in selected growth theories

North's doctrine of new institutional economics

Nobel Laureate Douglas North of Washington University in St. Louis has formulated a more recent perception about the role of law and order.² He has examined the question as to why similar strategies fail to produce similar results in different countries. One of the key reasons for this failure is that too often structural economic reforms have been implemented without corresponding changes in social and political institutions. Douglas North has written extensively about this phenomenon. His studies of economic development in various parts of the world provide important answers to the dilemmas faced by economic reformers and policy-makers in developing countries. He has also underscored the critical role that the rule of law and equitable enforcement of legislation play in effecting lasting economic reforms and building democratic institutions in various countries. The circumstances he mentions in different countries are not different from those in Pakistan or the economists working for economic thought, which he calls new institutional economics.

Professor North recognizes that standard textbook neo-classical economics, though useful and thorough in many ways, cannot explain why many nations with abundant natural resources have failed to grow wealthy, while resource-poor countries have become rich. From his research, North realized that differences in development outcomes could not be simply explained by 'bad' economic systems. Instead, he found that economies function within a broad institutional setting in which culture and ideology can help or hinder

the economic growth of a nation over time. In his words: "History demonstrates that ideas, ideologies, myths, dogmas and prejudices matter." North has therefore focused on the role which institutional settings play in determining the character of economic performance.

From North's perspective, it is not surprising that contemporary identical reform packages often succeed in one place and fail in another. The reasons lie in variations in countries' institutional settings. North defines institutions as the rules of the game, which take two forms: formal law such as the constitution that confides the rules under which a society and an economy functions, and informal codes of conduct and behaviour. A society, however, is also affected by other established codes of conduct and norms that govern behaviour in all interactions. While economies can and have functioned without formal laws, they are bound by established informal codes. Subsistence agricultural villages have persisted effectively for centuries without laws, but they have always had definite standards of social conduct. These are enforced by the conscience of the people and also by communal sanctions such as ostracism.

Informal codes may, in fact, have a more powerful hold on behaviour than formal laws. A law can be enacted to grant rights, say over property, to an individual, but it will be meaningless if it is at odds with norms of group ownership, or it may be enforced only very slowly as beliefs about what is legitimate evolve. Similarly, passing laws establishing private banking will be ineffective if the surrounding culture or environment frowns on it. As North cautions, "While the (formal) rules may be changed overnight, the informal rules usually change only ever so gradually."

North also stresses how crucial enforcement is to the effectiveness of both informal and formal rules. Two governments may enact identical economic reform laws, but the outcome will be very different from one country to the next depending on how they are enforced. If the first government reliably and impartially upholds all legislation and the new law is in accord with social values, there is a good chance it will achieve its intended purpose. But in another setting the same law may not be enforced or may be enforced only selectively, resulting in different behaviour and economic results. This is why in North's view, "economies that adopt the formal rules of another will have very different performance characteristics."

A critical tenet of the new institutional economics is how institutions, involving a nation's rules of the game, create a powerful incentive system for a society. In North's words,

institutions are not necessarily or even usually created to be socially effective; rather they, or at least the formal rules are created to serve the interests of those with the bargaining power to create new rules. Rules constrain people in some ways and open opportunities in others.

If a country's system rewards piracy, to use one of North's favourite examples, its people will have incentives to become pirates, indeed to become the best pirate possible. Piratical organizations will emerge and prosper.

In North's framework, where institutions are the rules of the game, organizations are the players. Organizations such as political parties, companies, trade unions, and bureaucracies may have different objectives; some will try to reap profits, others power and still others prestige. Both have in common the desire to survive and benefit in a given institutional setting. That means they will want to acquire the kind of skills and knowledge that will let them survive and will also invest in trying to change the rules to increase the benefits they receive from the system.

The origins of power, prosperity and poverty

While considering the significance of rule of law and governance issues in facilitating or impeding economic development and prosperity, William Bell Scott Daron Acemoglu, an economics professor at Massachusetts Institute of Technology, and James Robinson, a professor of government at Harvard, have co-authored, *Why Nations Fail: The Origins of Power, Prosperity and Poverty*, to study the question as to why some nations are more prosperous than others.³

The book's biggest strength is the examples it quotes from around the world. It starts with a discussion of the twin towns of Nogales, one on the American side of the border, the other on the Mexican side. The American part has an average income of US\$ 30,000, and the citizens have access to health, education and employment opportunities. Moreover, the government has provided facilities such as roads, transportation, communication and public health. Also, importantly, citizens have the liberty to exercise their democratic rights and to replace their mayors, congressmen and senators. On the other hand, on the Mexican side, people are not as well-educated and grapple with manifold problems like inadequate health facilities, lack of public amenities, rampant corruption and inept politicians. The authors assert that culture, geography or climate have not affected the inequality between the two towns.

According to them, "while economic institutions are critical for determining whether a country is poor or prosperous, it is politics and political institutions that determine what economic institutions a country has." Countries across the globe fare differently in terms of economic success due to differences in institutions, the rules which govern the economy and incentives that are provided to people. Acemoglu and Robinson argue that "inclusive institutions" allow people to effectively participate in economic activities and enable them to utilize and nurture their skills and talents. Economic institutions ensure secure property rights, impartial and unbiased systems of law and justice and provision of public services. "Inclusive economic institutions

also pave the way for two other engines of prosperity: technology and education,” they say, adding that “sustained economic growth is almost always accompanied by technological improvements that enable people (labour), land and existing capital (buildings, existing machines, and so on) to become more productive.”

Inclusive economic institutions are dependent on underpinnings created by inclusive political institutions, which pave the way for a broader distribution of power and eventually resources in a society and restrain groups in power from usurping and capriciously exercising them for their own benefit. The authors substantiate their argument by highlighting the vast disparity between South and North Korea. South Korea laid the foundations for a society that creates incentives, rewards innovation and allows its citizen to freely participate in economic activities. The economic success has been sustained because the government is accountable and responsive to the public. On the other hand, people in North Korea have faced famines, inflationary trends and political repression.

The authors claim that growth under extractive institutions is not sustainable for two reasons: lack of innovation and resistance by the elite. Creative destruction, being a driving force behind modernization and a harbinger of economic change, terrifies the power elite. The policies formulated by Stalin and the subsequent leadership of Russia did produce rapid economic growth. However, they were not able to produce sustainable growth, and, in the 1970s, the growth stalled. The authors attribute this to a lack of incentives and the fear of creative destruction in the power elite.

The inventions that kicked off Britain's Industrial Revolution – the steam engine, spinning jenny, and so on – might never have come about in a society that suppressed creative destruction and denied property rights. The authors have highlighted three factors responsible for the emergence of a more inclusive political institution after Britain's Glorious Revolution and the French Revolution. The first was that the business classes and the merchants were willing to come to terms with the power of creative destruction, which would inevitably benefit them. Second, merchants, industrialists and diverse political groupings came together to eradicate extractive institutions. Furthermore, there was already a tradition of parliament dating back to the Magna Carta in England and the Assembly of Notables in France. The authors emphasize that “both revolutions happened in the midst of a process that has already weakened the grasp of the absolutist, or aspiring absolutists' regime.”

The authors also look into why Botswana, after its independence, has emerged as one of the fastest-growing countries in the world while other African nations, such as Zimbabwe, the Democratic Republic of Congo and Sierra Leone, are still mired in poverty and violence. Botswana set up economic institutions which enforced property rights, created macroeconomic stability and encouraged an inclusive market economy. Legislation which

envisaged that all subsoil mineral rights would be vested in the nation and not in tribes and which effectively forestalled the creation of economic inequities was put in place. Botswana also had relative political centralization and pluralistic tribal institutions that survived colonialism. The traditional elite willingly ceded its power in favour of inclusive political institutions, and elections have been regularly held, leading to political stability.

As compared to these countries, the states with extractive institutions, according to the authors, lead to the concentration of wealth and power in the hands of the few at the top, which culminates in strife, unrest and civil war. Extractive institutions neglect investment in rudimentary public services, causing political instability. As Acemoglu and Robinson say,

nations that have achieved almost no political centralization, such as Somalia and Afghanistan, or those that have undergone a collapse of the state such as Haiti, are unlikely either to achieve growth under extractive political institutions or to make major changes toward inclusive institutions.

Pakistan's story of extractive institutions

Pakistan's woes in terms of its apparent inability to effectively deal with extremism, intolerance, violence and terrorism in juxtaposition with issues pertaining to growth, current microeconomic imbalances, acute energy shortages, economic uncertainty, extremely low tax to GDP ratio and credit squeeze due to large public sector borrowing have resulted from extractive institutions nurtured over time by state policies right from the birth of Pakistan as an independent state.

Pakistan came into existence on 14 August 1947. Until 1956 the constitution could not be framed and the country continued to be governed under the Government of India Act, 1935. The Government of India Act was based on colonial tradition. This vice-regal tradition of colonial India was embedded in plans for Pakistan's own governance. To monopolize power meant to monopolize resources; in turn, the state could provide payment for the political loyalty. Feudal relationships between leaders and followers were not only unchanged after partition, but were assured by the manner of political representation. Land reform barely reached Pakistan. Each attempt to foster changes in distribution and taxation has been met with unceasing hurdles from those who hold the political power. Pakistan's Constituent Assembly struggled to assert its pre-eminence as a legislature and its predominance as a constitutive body, the tasks it only partly achieved. The discourse of Islamic law was sacrificed to the articulations of the religious right, though contentiously and incompletely. The early victims of this state of affairs were federalism, secularism and liberalism. The early death of Mohammad Ali Jinnah, the first Governor General and father of the nation, brought the

dominant feudal elite into the leadership role. The Muslim League and the state easily fell prey to the growing powers of the bureaucracy, the landlords and the military.

In 1954 the Constituent Assembly was dissolved and the country was placed under a state of emergency. In 1955 the four provinces of the Punjab, Sindh, Balochistan and the then North Western Frontier Province (now called Khyber Pakhtunkhwa) were amalgamated into one unit called West Pakistan. The 1956 Constitution envisaged the acceptance of indirect rule, the One Unit policy and the strong executive as required by the Governor General, and confirmed the structure of a vice-regal state. It transferred the Governor General's powers to the President, allowed limited parliamentary rule and offered little challenge to the powerful army and the bureaucracy. This constitutional scheme and the principle of parity included therein sowed the seeds of political conflict. Claims to provincial autonomy would clash with central power, claims to equitable representation would clash with the limits on participation enforced by consolidating the western provinces, and claims to legislative sovereignty would clash with both executive rule and judicial review of laws. Claims to an Islamic state would clash with those of secularism, and claims to democracy would clash with constitutional structures of control.⁴ Before the first elections could be held under the 1956 Constitution, the country was placed under martial law, resulting in the abrogation of the constitution and the military under General Mohammad Ayub Khan and replacing civilian rule in 1958.

In 1962 a new constitution providing for a presidential form of government was promulgated, and martial law was lifted. Keeping the parliamentary participation at bay and pushing popular politics deeply underground, Ayub Khan's administration embarked upon a programme of economic development with the main emphasis on growth rate on the assumption that economic development was "a brutal sordid process, wherein the road to eventual equalities in the distribution of income lies through initial inequalities."⁵ Politically, a system of indirect elections was introduced, and the key positions in all institutions of local government were given to the Civil Service of Pakistan.⁶ Moreover, the regime started patronizing a small industrial and commercial elite through direct and indirect subsidies, protectionist import controls, cheap imported machinery and raw materials through an overvalued exchange rate.⁷ Though the average annual GDP growth rate during the period from 1960 to 1968 was 6.8 percent and the country embarked upon a course of industrialization, urbanization and modernization, the perception of Pakistan being owned by 22 families, conspicuous consumption by the upper income groups while the majority saw little or no improvement due to what Papanek described as the increased "Index of Perceived Poverty" resulted in the demise of the 1962 Constitution and promulgation of another martial law by General Yahya Khan.

Proceeding under the Provisional Constitutional Order of 1969, Yahya Khan, with a view to addressing the grievances of East Pakistan, not only introduced the principle of one man–one vote, but also announced the break-up of One Unit effective from 1 July 1970 and the restoration of the four western provinces (i.e. the Punjab, Sindh, Balochistan and the then North-West Frontier Province – currently Khyber Pakhtunkhwa). He also provided for new elections and proclaimed yet another emergency. The Awami League was the first great majority party that secured 160 seats in the National Assembly, out of which only seven candidates belonged to West Pakistan. However, the Awami League could not win a single provincial assembly seat from any of the west-wing provinces. The Pakistan People's Party won the second great majority in the National Assembly. It got 81 seats out of 130 allotted to the western wing, but it did not have a single seat from East Pakistan. Subsequently, General Yahya Khan, by not handing over power to the Awami League, did not allow civilian instruments to give birth to democracy. The country retained its distrust of military rule, and the deep-seated resentment between provinces and communities resulted in political conflicts in both wings and led to the break-up of Pakistan, with East Pakistan becoming an independent country (i.e. Bangladesh) in 1971.

The 1973 Constitution introduced during Zulfikar Ali Bhutto's Pakistan People's Party's regime offered a new configuration of parliamentary power, including universal franchises, direct elections, a bicameral legislature on the federal level and unicameral assemblies for the provinces. For the first time, the military was made subservient to the Prime Minister, enabling him to set the tone of governance. Zulfikar Ali Bhutto's economic programme failed to deliver the poor from the state of burdensome poverty, failed to provide the unemployed youth with productive jobs and failed to pacify the various regions of the country that were unhappy with the way Islamabad was treating them. Furthermore, by the end of Bhutto's rule, accusations against his appropriation and use of military might sounded suspiciously like those levelled against past military dictators. Zulfikar Ali Bhutto rose to power on the crest of a movement generated by party followers. Soon afterwards, he started relying more on state apparatus than the party machine and realized the mistake only when the party workers had retired and the establishment had completed the script for his ouster.

- General Zia-ul-Haq imposed martial law, suspended the 1973 Constitution and took control of the government in 1977. In 1985 General Zia revived the constitution by ordinance, a process that meant promulgating a presidential constitution atop the 1973 parliamentary outline – a new version of the vice-regal state. It provided an awkward mix that neither the mixed civil military government under Prime Minister Mohammed Khan Junejo (1985–1988) nor the successor civilian governments of Prime Ministers Benazir Bhutto (1988–1990) and Mian Nawaz Sharif

(1990–93) were able to fully discipline. The conflicts between the head of state and head of government were inscribed in an internally contradictory constitutional instrument. General Zia-ul-Haq brought his version of Islam into the Pakistani society. He tried to Islamize the political and economic systems. His approach had the consequence of bringing an extremely restrictive version of religion into a country that had happily followed for centuries the Sufi tradition of tolerance and moderation. He sowed the seeds of sectarianism, extremism and violence. He introduced certain provisions into the constitutional and legal arena which are still causing problems in the body politic of Pakistan. Pakistan, under General Zia-ul-Haq, acted as a conduit for funds and weapons to support the US-sponsored Afghan jihad. A significant proportion of these funds and the sale of some of these weapons enriched individuals and groups favoured by the government.⁸

- Gen Zia-ul-Haq's decade of the 1980s in Pakistan brought war, social strife, religious extremism, sharpening of ethnic and sectarian divides, clamping down on basic liberties of citizens and massive corruption and illegal practices in the public and private spheres of life, including trade and commerce. That was the decade earmarked by international financial institutions for the building of financial capital across the world, including in developing countries. It was the period of fiscal adjustments, debt relief and a renewed emergence of financial and money markets. Pakistan's affluent classes amassed wealth, but no structures were created that could indigenize and sustain financial markets in the country. Even after fighting the Cold War's final battle, no debt write-off could be achieved for Pakistan. The rich benefitted from the war, some directly and some indirectly, while the poor had arms, drugs, bigotry and food insecurity with which to deal.
- Zia's dictatorship was forged in the mould of Cromwell. Both rose to power through regicide. Both relied on the army to sustain themselves, and both used religion to legitimize their tyranny. Not surprisingly, both left a common legacy: religious violence, political conflict, cultural regression and international isolation.
- During the 1988–1998 decade, four governments fell under the axe of Article 58(2)b or under the command of the Chief of Army Staff, and the politicians heading them could do little because they had no party cadres to fight for them. In 1999, Nawaz Sharif tried to beat the state apparatus with a faction from its own ranks and the tactic boomeranged. During all these years of civilian governments under Benazir Bhutto and Nawaz Sharif, the principal form of rent was the alleged siphoning of large funds from public sector banks, insurance companies, and investment institutions such as the National Investment Trust and the Investment Corporation of Pakistan.⁹ Political influence was the law of the area. Different areas were being administered by the whims and

idiosyncrasies of the influential of the area whose sole motive was to perpetuate themselves in offices of benefits. There was a mushroom of finance companies and co-operatives, which deprived a large number of people of their life savings. This was so because the crime received political patronage. The net result was that when the Army Chief of Staff, General Pervez Musharraf, suspended the 1973 Constitution, assumed the title of Chief Executive and replaced the civilian government of Prime Minister Nawaz Sharif, there was virtually no opposition.

- In 2000, Pakistan's fiscal debt was 5.3 percent of GDP, and its total debt stood at 92 percent of GDP. Musharraf's era's high growth rate, during the period from 2002–2007, resulted partly from better management and partly from good luck. The International Monetary Fund's stand-by facility prior to 9/11 and post-9/11 developments, like the removal of sanctions by the USA, the inflow of foreign funds in the shape of coalition support funds, soaring remittances, growth in the service sector in conjunction with a substantial increase in foreign exchange reserves brought the annual growth rate of GDP to 6 percent. One striking piece of evidence of the increased prosperity was the expansion of mobile-phone use in the six-year period from 2001–2007: from 600,000 to around 50 million.¹⁰ The positives of Musharraf's government also included attempted women's empowerment, a proactive local government system, and independent and vibrant media initiatives that helped improve governance.
- Musharraf was unable, however, to make rapid economic growth sustainable. In the aftermath of the 2002 elections, the return of old-style politics resulted in Musharraf entering into increasing compromises and making policy mistakes to stay in power. The 2005 earthquake and the sharp rise in international oil prices from 2005–2008 needed structural adjustments which the government ignored. Other weaknesses included not just low taxation rates and poor physical infrastructure, but also low human capital. During Musharraf's regime, the government allegedly manipulated stock markets to enrich insiders through the funds of banks and companies in the nationalized sector.¹¹ Pakistan lagged behind most of South Asia with respect to Human Development Indicators such as infant mortality, primary school enrolment and expenditures on education. As the Human Development Report for 2007 summed up, "Economic growth in Pakistan is yet to be adequately linked with human development by deliberate redistributive public policy. Indeed the predicament of Pakistan lies in the utter divorce of income distribution policies from growth policies."¹²

Between 2007–2008, exiled leaders Benazir Bhutto and Nawaz Sharif came home to a tumultuous welcome. Another important development of this period was an uncompromising struggle waged by civil society to establish

the rule of law, which won considerable ground against the arbitrary dismissal of the Chief Justice of the Supreme Court of Pakistan by President Musharraf. The pre- 3 November 2007 judiciary, despite pressure to impeach him, redeemed itself by restoring its sacked Chief Justice Iftikhar Muhammad Chaudhry. As a consequence of forceful opposition by civil society and democratic forces, Musharraf – who initially came to power through a military coup of 1999, upheld by judges taking oath under his Provisional Constitutional Order, was subsequently elected president by his handpicked deputies in the outgoing parliament – was forced to resign his post. Despite the tragic murder of Benazir Bhutto, civil society and political parties exerted immense pressure resulting in fair elections in February 2008. The people of Pakistan gave a split mandate. While the Pakistan People's Party emerged as the majority party in the Federation and Sindh and won seats in Balochistan and Khyber Pakhtunkhwa to be part of coalition governments, the Punjab, despite giving a sizeable mandate to the Pakistan Muslim League (Nawaz) resulting in the formation of its government, enabled the People's Party to emerge as the second largest party. At the federal level, a coalition government under the People's party, with Asif Ali Zardari elected as President of Pakistan, assumed power in a milieu of rising public expectations regarding governance and responsive administration. The uninterrupted struggle by civil society to enforce the rule of law by re-instating judges who were sent packing, through the 3 November 2007 abrogation of the constitution, culminated in success in 2009.

On the negative side, the de-facto position was that the ostensible success in getting the judges restored did not, as analysis in the subsequent pages reveals, bring about a government bound by law, equality of all before the law, law and order, predictable and efficient court rulings or the protection of human rights' conditions necessary to actuate the rule of law. The extremists gained much more ground than was believed possible; they struck with impunity at a time and place of their own choosing. The writ of the state receded not only in Khyber Pakhtunkhwa, Balochistan and Karachi but also in the Punjab, wherein about 95 proscribed outfits, under new names, continued spreading their extremist and intolerant ideology. Spiralling inflation, the declining value of the rupee, a fiscal deficit, food and energy shortages and an inter-provincial income gap in conjunction with the growing gap in income distribution within the provinces (e.g. Karachi and Interior Sindh, Central and Southern Punjab), along with urban-rural income inequality in Khyber Pakhtunkhwa (KPK) and Balochistan, remained predominant problems despite the government's response to the people's aspirations through measures like the launch of the Benazir Income Support Programme, the Aghaz-e-Haqooq-e-Balochistan project, the NFC Award, the Eighteenth Constitutional Amendment, the establishment of NACTA (National Counter Terrorism Agency), currency swap agreements with China and Turkey and the ground-breaking ceremony of the Iran Pakistan Gas Pipeline. Added

to the government's woes were inter-institutional wrangling emanating from judicial activism, conflicts between the powerful establishment and the political leadership and a clash between power centres, comprising the incumbent and the challenger, on issues like missing persons and enlargement of turf. The political dispensation elected in 2008 was, however, able to complete its five-year tenure, and elections were held on 11 May 2013.

Keeping in view the significance of free, fair and transparent elections, it was incumbent upon the Election Commission of Pakistan (ECP) and the caretaker setup to ensure a level playing field for all political parties, candidates and political activists. The fact that terrorist outfits effectively targeted election rallies and killed candidates and workers of secular parties in Khyber Pakhtunkhwa, Karachi and Balochistan eroded the efficacy of the elections as a source of legitimacy. Those having seat adjustments with extremist religious parties or advocating a soft approach towards the Taliban were carrying out their election campaign unhindered, while others were busy offering funeral prayers for their dead workers and were being compelled to choose between the right to live and the right to be elected to a political office. Added to their pain and anguish was either the absence of or a half-hearted condemnation by the right-wing parties.

The terrorist outfits created an environment of fear to forestall a respectable turnout of voters. Added to the confusion was television footage showing ballot papers, in certain constituencies, being carried on private vehicles belonging to candidates of the Pakistan Muslim League (Nawaz). This was fraught with dangerous consequences. Subsequently, Imran Khan's Pakistan Tehreek-e-Insaf Party, which had promised an inclusive political dispensation free of corruption and dynastic party structure and emerged as the largest party in Khyber Pakhtunkhwa, with a reasonable number of seats in Punjab and Karachi, described the election results of doubtful efficacy and resorted to street protests and a long sit-in at Islamabad. The very purpose of the electoral exercise was defeated. If the past can be of any guidance, the unacceptability of results and a perception of disenfranchisement under the threat of violence were retrogressive steps with which the state is grappling.

While a positive development was the passion and enthusiasm amongst those sections of society who had never utilized their vote in the past, the worrying factor that was being overlooked by many was that the political parties for whom voters had planned to vote had not accorded due priority in their manifestos to the challenge of extremism, terrorism, intolerance and violence. Even if the problem had been mentioned, the strategy to tackle it was evasive and ambiguous. It may also be added that the electoral strategy of political parties revolved around electable candidates with scant regard to ideological affiliation. The result was that those who might have catered to banned militant organizations in the past were elected again. They were thus, intentionally or unintentionally, through their policy of appeasement of the extremists by hammering on futile efforts of a dialogue

with the terrorist outfits, were instrumental in implementing their ideology, and an unabated wave of terrorist attacks, mostly on non-combatants, continued. The result, despite the 15 June 2014 initiation of Operation Zarb-e-Azb by General Raheel Sharif, was usurpation of the larger-than-life space by the militants and killing by them, on 16 December 2014, of more than 132 school children in the Army Public School, Peshawar. As a consequence of an all-parties conference chaired by Prime Minister Nawaz Sharif and attended by military leadership, there came an apparent abdication of the principle of civilian supremacy, the consensual National Action Plan¹³ and the Twenty-First Constitutional Amendment allowing for the setting up of military courts to prosecute “jet black” terrorists.¹⁴

With corps commanders overseeing internal security in provinces and the GHQ determining the course of external relations with regard to Washington, London, Kabul and Delhi, politicians and the general public seemed to have accepted the army as the primary driving force. The civilian setup was primarily left with its pursuit of mega projects like metro-buses and motorways, civil bureaucracy and energy sector management. While mega projects cannot ensure sustainable inclusive economic growth, the petrol crisis of January 2015 exposed intra-cabinet rivalry culminating in the government's inability to respond to a severe petrol shortage that brought life in the Punjab to a grinding halt.

The political dispensation elected in the 2013 elections completed its tenure in May 2018, and a caretaker setup started monitoring the 2018 election process. The tenure of the Pakistan Muslim League Nawaz's federal government, despite the claims that the economy had started benefiting from the CPEC (China–Pakistan Economic Corridor) in the form of significantly reduced load-shedding in the electricity supply, an improvement in investment and recovery in economic growth, was facing an acute foreign exchange crisis. According to Rashid Amjad, currently professor at the Lahore School of Economics and former vice chancellor of the Pakistan Institute of Development Economics,

our import bill exceeds our export earnings, including the remittances, and if we add to it the repayments due on foreign loans, the gap is immense: \$ 25 billion or over eight percent of GDP. The country's foreign exchange reserves are fast running out.¹⁵

Apart from the non-transparent nature of financing of CPEC-funded investments, a spending spree undertaken by the federal and some provincial governments in the form of launching mega projects, oblivious of their cost and foreign exchange implications, are responsible for this state of Pakistan's economy.¹⁶

As a result of the 2018 elections, Imran Khan's Pakistan Tehreek-e-Insaf (PTI), which had contested the elections on the narrative of making Pakistan

a corruption-free state punctuated with the prevalence of the rule of law, emerged as the single largest party and was able to form government not only at the federal level but also in the provinces of Punjab, Khyber Pakhtunkhwa (KPK) and Balochistan. In Sindh, however, the Pakistan People's Party (PPP) was able to retain its status as the majority party and formed its government.

Another issue has been how to keep the Federally Administrated Tribal Area (FATA)¹⁷ under the federal government's control during the period of the five-year merger plan, allowing it to elect representatives to the provincial assembly of KPK, thus effectively paving the way for the final merger. It goes without saying that all changes in the executive and judicial systems in the FATA would need an adequate institutional arrangement to preclude the possibility of having a resultant vacuum, so as to avoid exploiting the situation by extremist elements. This issue, too, remained unresolved due to short-term political considerations of the party in power during the period from 2013–2017. However, despite the reluctance shown by the incumbent PML(N) civilian government under pressure from its political allies, following the persuasion from the military establishment, punctuated with irresistible public demand, the process of legislation for merging FATA with the KPK was initiated and completed in the parliament along with the provincial assembly's approval during the last five days of its tenure, ending on 30 May 2018. The landmark legislation brought the tribal borderlands, comprising seven agencies and six Frontier Regions, to the mainstream, and they were merged with Khyber Pakhtunkhwa. Tribal people were, as a result thereof, given representation in the KPK Assembly through the Twenty-Fifth Constitutional Amendment of 2018.

Conclusion

This chapter gives a brief chronological overview of Pakistan's institutions and the multiplicity of economic, social, political and security problems under successive governments with reference to institutional setting theories propounded in 1991 by Douglas North emphasizing the role of culture and ideology in helping or hindering the economic growth of a nation over time, and in 2012 by Acemoglu and Robinson explaining power, prosperity and poverty of states in terms of their ability to develop inclusive political and economic institutions. Though the number of people in upward social mobility did increase over time, the elitist extractive institutions reign supreme and are considered primarily responsible for Pakistan's current woes. Subsequent chapters explain the story of political chaos and failure on the part of the state machinery to enforce the rule of law and ensure sustainable economic development. The country's institutional framework, like the rule of law and superior judiciary, political leadership and parties, civil and military bureaucracy, the criminal administration system, local government and civil society,

could not rise to the expectations of the common man, thereby strengthening a culture of exploitation, corruption and merit assassination. Thus, in the light of Pakistan's institutional setup, this book analyzes the socio-economic scenario in Pakistan and missed opportunities, economic landscape challenges and prescription, terrorism and the state's response. The last chapter suggests a way forward in the form of a new social contract to ensure institutional reinvigoration encompassing sustainable and inclusive economic, political, cultural and social growth of Pakistan in the foreseeable future.

Notes

- 1 Nadeem, A. H. (2002), *Pakistan: The Political Economy of Lawlessness*, Oxford University Press, Oxford.
- 2 North, Douglas C. (1991), *Institutions, Institutional Change and Economic Performance*, Cambridge University Press, Cambridge. This section has been reproduced from my earlier work i.e. Nadeem, A. H. (2002), *Pakistan: The Political Economy of Lawlessness*, Oxford University Press, Oxford.
- 3 Acemoglu, D., & Robinson, J. A. (2012), *Why Nations Fail: The Origins of Power, Prosperity and Poverty*, Profile, London, UK.
- 4 Newberg, P. R. (1995), *Judging the State and Constitutional Politics in Pakistan*, Cambridge University Press, Cambridge.
- 5 Haq, Mahbubul (1963), *The Strategy of Economic Planning: A Case Study of Pakistan*, Oxford University Press, Oxford.
- 6 Nadeem, A. H. (1989), *The Punjab Police in a Comparative Perspective*, Progressive Publishers, Lahore.
- 7 Hussain, A. (2013), Institutions, Economic Growth, and Participatory Development, in *Pakistan Moving the Economy Forward*, edited by Rashid Amjad & Shahid Javed Burki, Lahore School of Economics, p. 515.
- 8 Ibid.
- 9 Ibid.
- 10 Talbout, I. (2012), *Pakistan a New History*, Oxford University Press, Oxford, p. 173.
- 11 Hussain, A. (2008), *Institutional Imperatives of Poverty Reduction* (Research Paper Series), Institute of Public Policy, Lahore, Pakistan.
- 12 UNDP (2008), *Human Development Report 2007/2008*, First Published in 2007 by Palgrave Macmillan Houndmills, Basingstoke, Hampshire RG21 6XS and 175 Fifth Avenue, New York, NY 10010.
- Amjad, Rashid (2018), Economic Crisis Management, *Dawn*, Saturday, 30 June.
- 13 Ibid.
- 14 Following is a summary of the short-term National Action Plan against terrorism announced by Prime Minister Nawaz Sharif in a televised address to the nation late Wednesday night:
 - Execution of convicted terrorists will continue
 - Establishment of special trial courts for two years for speedy trials of terror suspects
 - A commitment to ensure that no armed militias are allowed to function in the country

- Strengthening and activation of the NACTA (National Counter Terrorism Authority)
- Countering hate speech and extremist material
- Choking financing for terrorists and terrorist organizations
- Ensuring against re-emergence of proscribed organizations
- Establishing and deploying a dedicated counter-terrorism force
- Taking effective steps against religious persecution
- Registration and regulation of madrassas
- Ban on glorification of terrorism and terrorist organizations through print and electronic media
- Administrative and development reforms in FATA with immediate focus on the return of IDPs (Internally Displaced Persons)
- Dismantling communication networks of terrorist organizations
- Tangible measures against abuse of internet and social media for terrorism
- Zero tolerance for militancy in Punjab
- Taking the ongoing operation in Karachi to its logical conclusion
- Empowering the Balochistan government for political reconciliation with complete ownership by all stakeholders
- Dealing firmly with sectarian terrorists
- Formulation of a comprehensive policy to deal with the issue of Afghan refugees, beginning with the registration of all unregistered illegal refugees
- Revamping and reforming the criminal justice system, to strengthen counter-terrorism departments, including granting of powers to the provincial CIDs (Crime Investigation Departments) to intercept terrorist communications
- Published in *The Express Tribune*, 25 December 2014.

15 UNDP (2008), *Human Development Report 2007/2008*, First Published in 2007 by Palgrave Macmillan Houndmills, Basingstoke, Hampshire RG21 6XS and 175 Fifth Avenue, New York, NY 10010.

Amjad, Rashid (2018), Economic Crisis Management, *Dawn*, Saturday, 30 June.

16 Ibid.

17 See Appendix 1.

Further reading

For a detailed insight into the elections of 2013 and other contents of this chapter the following additional references are recommended:

Nadeem, Azhar Hassan (2013), Elections 2013: A Nemesis, *The Express Tribune*, 26 April, Lahore.

Nadeem, Azhar Hassan (2002), *Pakistan: The Political Economy of Lawlessness*, Oxford University Press, Oxford Chapters 1, 5 and 6.

Sayed, Mushahid Hussain (1990), *Pakistan's Politics: The Zia Years*, Progressive Publishers, Lahore.

Abbas, Hassan (2005). *Pakistani's Drift with Extremism: Allah Then Army and America's War of Terror*, Routledge, Abingdon, UK.

RULE OF LAW AND SUPERIOR JUDICIARY

An overview

As an autonomous legal order, rule of law has at least three meanings: First, rule of law is a regulator of government power. Second, rule of law means equality before law, and third, rule of law signifies procedural and formal justice.¹

The rule of law, as a regulator of government power, ensures that governmental authority is legitimately exercised only in accordance with written and publicly disclosed laws, adopted and enforced in accordance with established procedural steps that are referred to as due process. The principle is intended to be a safeguard against arbitrary governance, whether by a totalitarian leader or by mob rule.

Whenever there is discretion there is room for arbitrariness, and . . . in a republic no less than under a monarchy discretionary authority on the part of the government must mean insecurity for legal freedom on the part of its subjects.²

The supremacy of law puts limits on the discretionary power of the government, including the power to change laws. “In the first place, the absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power, excludes the existence of arbitrariness, of prerogative, or even wide discretionary authority on the part of the government.”³

[Not only that . . . no man is above the law, but (what is a different thing) that . . . every man, whatever be his rank or condition, is subject to the ordinary law of the realm and amenable to the jurisdiction of the ordinary tribunals.⁴

The third meaning of rule of law is formal or procedural justice. First, the legal system must have a complete set of decisional and procedural rules that are fair. Second, the fair rules of decision and procedure must also be pre-fixed and pre-announced. Third, these decisional and procedural rules must be transparently applied. Fourth, these decisional and procedural

rules must be consistently applied. When these four conditions are satisfied, legal experts in a democratic setup will say that they have achieved a certain kind of justice, which is called formal or procedural justice.

In a democratic society, the hallmarks of the rule of law, namely, a clear separation of the powers of the legislature, the executive and the judiciary in conjunction with legal certainty, the principle of legitimate expectation and equality of all before the law, give practical expression to citizen's rights and obligations, determine the style of governance and make a reality of administration and policing by consent. The term "rule of law" has two distinct, but inter-related meanings. The primary meaning relates to respect for the law and an obligation to obey it. The second meaning relates to the balance that must be struck between an ordered and free society by upholding human rights through equality before the law, maintenance of the law and order and efficient and predictable court rulings.⁵ This is despite the fact that all of these ends are subject to different interpretations depending upon politics, the ideals of democracy and the interconnection between the law and language, history, social structure and culture. Furthermore, it is essentially a question of policymaking, institutional development and the international political scene. Notwithstanding the complexities arising out of relativity of the ends of the rule of law, it goes without saying that it includes supremacy of the law in the relationship between the state and its subjects, but additionally encompasses not only the law's demands but also a legal philosophy which abhors arbitrariness on the part of the state or its officials.

The primary institutions believed necessary to actuate the rule of law are: comprehensive, relatively settled and publicly known laws; an independent, non-corrupt, apolitical, efficient and knowledgeable-about-the-law-and-legal-reasoning judiciary; and law-enforcing agencies like the police, bailiffs and enforcement bodies.⁶ Apart from understanding the makeup and functioning of these primary institutions and organization and practices of their supporting bodies, it is important to recognize the significance of the role of political, social and cultural structures in measuring the extent of the existence or nonexistence of the rule of law or actualizing its intended goals.

Having elucidated the conceptual framework of rule of law, it is in the fitness of things to explore the critical role played by the judiciary in shaping the political and economic landscape of Pakistan and the current state of its institutions.

In the body politic of Pakistan, characterized by the domination of the executive,

the superior courts in particular have played unusually important parts in determining the country's political fate. When constitutions have not accomplished their tasks-when they have not adequately constituted the state in terms meaningful to its citizens-judges and lawyers have reconstituted the state anew.⁷

Pakistan developed its constitutional law from a hybrid legacy – part colonial and part reaction – thereto resulting from a conflicting concept of territoriality, nationality, ethnicity, franchise and state authority. In the first major constitutional trial of Maulvi Tamizuddin Khan, the justices presumptively defined public order as the paramount task of political rule.⁸ The dismissal of the Constituent Assembly was upheld under the doctrine of necessity, thus trying to combine the colonial legacy with the conflicting demands of the executive-dominated state. In *The State v. Dosso and other* (PLD 1958 Supreme Court 533), the same justices justified a military coup d'état, imposing a renewed centralism on the state through the doctrine of revolutionary legality. Dosso helped to set Pakistan's future for more than a decade because the court helped to legitimate the regime domestically and internationally.⁹ The illegal usurpation of power was made legal and girded a theory of representation previously endowed by the necessity doctrine.¹⁰ That doctrine, inapplicable in Dosso (for it applied only to actions of a legal regime), but equally dismissive of fundamental rights, was held for another day. In 1977, after General Zia-ul-Haq's coup d'état, the court would pair necessity and revolutionary legality – the judgments of 1955 and 1958 – to create an even more durable basis for the garrison state.¹¹

In 1988, the Supreme Court declared the dissolution of Assemblies by General Zia-ul-Haq (after his death) as illegal but allowed fresh elections.¹²

In August 1990, President Ghulam Ishaq Khan invoked his expanded powers under the revised constitution and dissolved the Assemblies on the basis of what he claimed were political failure and weaknesses of the PPP government. He took this action without recourse to a vote of no-confidence.¹³

The PPP filed suit against the dissolutions. Protesting the “shoddy manner in which the then NWFP Assembly was dissolved,” the Peshawar High Court declared the dissolution of the Frontier Assembly invalid and ordered its restitution.¹⁴

In a pointed concurrence, Acting Justice Qazi Muhammad Jamil took exception to suggestions that presidential powers could supersede ministerial authority. (The president then refused to confirm Justice Jamil's permanent appointment three days later, prompting one former NWFP Advocate-General to lament that “after this, nobody would be inspired to become a judge.”)¹⁵

Similarly, while declaring dismissal of Nawaz Sharif's government and the dissolution of Assemblies by President Ghulam Ishaq Khan as illegal in 1993,¹⁶ the apex court upheld a similar action against Benazir Bhutto's government by President Farooq Khan Leghari in 1997.¹⁷ The decisions of higher courts in 1997 indicated a complete difference of opinion on constitutional matters and culminated in declaring the appointment of Sajjad Ali Shah as Chief Justice of Pakistan as unconstitutional, illegal and contrary to the decision of the Supreme Court in the case of *Al-Jehad Trust v. Federation of Pakistan* (PLD 1996 SC 324). The Supreme Court, consisting of

judges taking their oaths under the Legal Framework Order 1999, in 2000, upheld the military coup d'état of 1999 and granted a three-year tenure to the Chief Executive (General Pervez Musharraf) with the power to amend the constitution.

In March 2007, President General Pervez Musharraf, apprehending a legal threat to his re-election process, suspended the Chief Justice of the Supreme Court, Iftikhar Muhammad Chaudhry, on allegations of misconduct and nepotism. This resulted in a lawyers' movement for the restoration of the Chief Justice. The presidential reference against him to the Supreme Judicial Council was successfully countered by lawyers by taking the matter to the Supreme Court, which restored its Chief Justice in July 2007, who was again sent packing by Musharraf on 3 November 2007 through the declaration of a state of emergency. The lawyers' movement, initially launched in the name of the independence of the judiciary, turned into an anti-Musharraf mass protest which ultimately resulted in his resignation in August 2008.

The PPP government, under President Asif Ali Zardari, under duress arising from the PML(N) agitation and the promptings of the military,¹⁸ reinstated Chief Justice Iftikhar Muhammad Chaudhry on 21 March 2009. A reinvigorated, confident and conscious-of-its-autonomy Supreme Court, bearing the stamp of Chief Justice Iftikhar Muhammad Chaudhry's populist tendencies, questioned the changes in the procedure relating to the appointment of higher court judges envisaged by the Eighteenth Amendment in the Constitution of Pakistan and referred it back to parliament for review. Through the Nineteenth Amendment, passed by the National Assembly, the issue was addressed. However, the clash of institutions continued mainly over the National Reconciliation Order (NRO) 2007 issued by President Musharraf to facilitate Benazir Bhutto's return to Pakistan. This document had given indemnity to around 8,000 people (including President Zardari) who had corruption and other cases standing against them during the period 1 January 1986 to 12 October 1999.¹⁹ The Supreme Court, in July 2009, set 28 November as the deadline for parliamentary approval of the NRO and 36 other ordinances issued by Musharraf.²⁰ When parliamentary opposition, including that from the PPP's coalition partner the MQM, meant that the law could not be endorsed by parliament, the Supreme Court annulled the NRO on 16 December 2009 and asked the government to revive the corruption cases against the President in the Swiss courts.²¹ In contrast to the public commitment of the government to implement the Supreme Court's decisions in this and other instances, the strategy appeared to be to circumvent them through delay and virtual inaction. As a consequence of conflict between institutions, the Supreme Court removed from office Prime Minister Yousaf Raza Gillani for his failure to implement the Supreme Court's directions regarding the revival of corruption cases against President Zardari in the Swiss courts. Furthermore, it asserted its independence by disqualifying elected legislators, declaring former President Musharraf's 3 November

2007 declaration of emergency unconstitutional, ordering Musharraf's treason trial, pursuing missing persons' cases, challenging military intelligence agencies in conjunction with confronting powerful private entities and individuals and questioning parliamentary and executive power in actions like throwing away the Contempt of Court Act 2012 and transferring and posting of senior bureaucrats.

The Supreme Court, under Chief Justice Iftikhar Muhammad Chaudhry, sought to base judicial power on two sources – public support with the threat of public mobilization, and the power of fear. He, in the words of Faisal Siddiqi, “followed Machiavelli’s advice that it is better to be feared than loved.”²² This concept of power did result in creating a public perception of a powerful and publicized judicial activism but at the expense of the Supreme Court being perceived as politicized, partial and biased. Of particular significance, on the negative side, was the mishandling by the Supreme Court of the corruption case of the Chief Justice’s son, Arsalan Iftikhar. According to one commentator, “his was an era of institutional neglect and self obsession wherein he sedulously built up personality cult without contributing in any significant manner to re-building the judicial institution, especially the lower judiciary.”²³

Justice Tassaduq Hussain Jilani succeeded Iftikhar Muhammad Chaudhry as Chief Justice of Pakistan on 12 December 2013. During his short tenure of six months, from 12 December 2013 to 4 July 2014, Chief Justice Jilani proceeded to improve the image of the superior judiciary by keeping the media at bay and reviving the practice of judges speaking through judicial decisions. He presented Jilani doctrine envisaging for the superior courts a role in imparting civic education and developing a constitutional literacy mechanism. This is evident from the emphasis on religious freedom.²⁴ The idea was to give practical shape to the concept of equality before the law regardless of faith, gender or social status. His role as a restorer of the image of the Supreme Court was commented upon by the print media as under:

Tassaduq Jilani may have only spent a few months as chief justice but he has undoubtedly left his mark on the Supreme Court. There was a worry when he took over from Iftikhar Chaudhry that his short tenure and unassuming demeanour would fritter away much of the goodwill and power earned by the Supreme Court in the wake of the lawyers movement. That did not prove to be the case. While not a confrontational man, Jilani never hesitated in taking on the government, be it in the missing persons case or in demanding that the government start filling vacant positions. At the same time, he was not an unreasonable person and, as in allowing local government elections to be delayed, was willing to be swayed by compelling logic. Some of Jilani’s greatest successes will go unnoticed because they were not the type to generate front-page headlines or

create political controversy. But the marked improvement in the rate at which the Supreme Court heard and disposed of cases should be considered a mini-revolution of its own. If justice delayed is indeed justice denied then Jilani dispensed justice to a lot of people who otherwise would have had no recourse. His focus was on the individual who had been wronged and the role he played in correcting those wrongs makes him one of our most prominent advocates for human rights.²⁵

The post-Iftikhar Chaudhry Supreme Court, as a consequence of a memorandum of understanding between the PML(N) and the PTI, set up, in April 2015, a judicial commission, headed by Chief Justice Nasirul Mulk, to probe the 2013 general elections and investigate the principal allegations levelled by the PTI and other opposition parties that the polls had been tampered with, that they were not transparent and that the mandate of the nation had been stolen. The commission did identify “enough flaws in the electoral process to suggest that it is a very long road indeed from credible and acceptable election results to truly free and fair elections.”²⁶

Despite highlighting deficiencies of the Election Commission of Pakistan in terms of its lack of planning and lack of training; overload of returning officers and polling officers; and failure to comply with electoral laws, the judicial commission concluded that “it cannot be said that on an overall basis the elections were not a true and fair reflection of the mandate given by the electorate.”²⁷ The reaction to the findings of the judicial commission, perceived as being in conformity to the past pro-Nawaz Sharif practices of superior courts, was punctuated by a swoon of condemnation in social media alleging that the PML(N) could “skew every procedure in their favour.”²⁸ On the other side of the spectrum, the verdict of the judicial commission was applauded by certain quarters, claiming an objective reading of the report.

Notwithstanding the many failures of our justice system that need urgent attention, the manner in which the JC conducted itself – stuck in the middle of a charged political theatre and under the intrusive gaze of the media – should renew the faith of cynics in the ability of our judges to be neutral arbiters of facts and the law, to conduct themselves in a manner that is beyond reproach and to disregard extraneous considerations even while ruling on divisive partisan matters.²⁹

Upholding the supremacy of parliament and the express language of the constitution, the Supreme Court of Pakistan, on 5 August 2015, dismissed the challenges to the eighteenth and the twenty-first amendments, thereby according legitimacy to the establishment of military courts. In the majority

judgement, the chief justice held that there was no limitation, express or implied, on the powers of parliament to amend the constitution and the amendments brought about in exercise of such power were not liable to be challenged on any ground whatsoever before any court. Since the Supreme Court lacked jurisdiction to strike down any amendment in the constitution, it was not necessary to examine the grounds on which the eighteenth and twenty-first amendments had been challenged, the verdict explained. It also held that neither the basic structure theory nor the Objectives Resolution (OR) of the constitution could be made a ground to annul any amendment to the constitution. "It will be wise for the court to leave the determination of the question regarding political mandate to the 'people' rather than engaging in it as it is purely a political question," the judgement said, adding: "There is also no divide between 'legislative powers' and 'constituent powers' of the parliament in the constitution. The parliament, under the constitutional structure, has both legislative and constitutive powers."³⁰ According to the critics of this approach:

It would have been a different matter if the court had decided through a majority that notwithstanding the wisdom of the 21st Amendment and parliament's decision to place the right of an accused to due process and fair trial at the mercy of architects and enforcers of our national security policy, the apex court is only empowered by the constitution to interpret law and not make it and thus it remains for the people of Pakistan and history to judge whether inscribing military courts within our constitutional scheme is a good idea or bad,

commented Babar Sattar, and went on to say:

But here we find a court that leaps at the opportunity to 'aggrandize' its own power 'at the expense of elected representatives of the people' with not the slightest sense of irony or hint of awareness that public acceptance and support for military courts is rooted in the narrative that our criminal justice system, overseen by the judiciary, is failing this country and its people. That military courts are seen as necessary evil and acceptable (not just for our Wild West but also for urban violence) because 'due process' and 'fair trials' before ordinary courts have come to be regarded as a sanctuary for terrorists. The eight-member plurality judgement that has carried the day reflects a pragmatic mindset and decision of the judges to go with the flow for now, but arm themselves with the tools to fight another day. The army should be happy because it got its military courts. The government should be happy because its amendments

weren't struck down. And the judges should be happy because they now have a veto over constitutional amendments. But also because with khakis exercising judicial powers and crowds cheering instant executions no one will focus on the failings of our criminal justice system for a while at least.³¹

Jawwad S. Khawaja, who retired on 9 September 2015 as Chief Justice of Pakistan, in the words of Faisal Siddiqi,

has been generally understood as being an extension of the judicial thinking of former chief justice Iftikhar Chaudhry . . . shifting the role of the Supreme Court from individual, or micro dispute adjudication, justice and later Chief Justice Khawaja made four key interventions. Firstly, “can constitutional legitimacy flow from the force of arms or as is more graphically put at times – from the barrel of a gun?”, was his first salvo as justice against the powerful military elite. Military accountability became the cornerstone of his Supreme Court career whether it was Musharraf’s treason case or the vested economic interest of the military exemplified by the Makro Habib store case involving the conversion of a playground, or the DHA case involving Lahore’s alleged land grab. Secondly, reforming state, or autonomous, institutions, through judicial interventions into governance of institutions such as the SECP, OGRA, NAB, PTA, the federal bureaucracy and PEMRA. Thirdly, reforming politics and democracy through judicial rectifications (e.g. dual nationality case, striking down constitutional amendments, striking down contempt laws which protected a sitting prime minister, limiting the role of parliament in judicial appointments). Fourthly, to further the key constitutional duty of access to justice for all, he emphasized the *suomoto*/original jurisdiction.³²

Chief Justice of Pakistan (CJP) Anwar Zaheer Jamali was appointed on 10 September 2015. He was one of the few judges who refused to take a fresh oath under Provisional Constitutional Order No.1 of 2007. However, his statement to the effect that our “time-tested judicial system has no defects” was punctuated with scepticism in view of on-the-ground realities. Giving legal cover to “ambitious generals” and permitting the repeated removal of elected governments in conjunction with the highest judiciary’s concentration on high-profile cases like directing the government to switch to Urdu immediately, or trying to regulate the price of sugar despite the pendency of about 1.7 million cases (as of 2013), in view of critics like Irfan Husain, hardly justified the Chief Justice’s claim to perfection.³³ Furthermore, according to Faisal Siddiqi, in an environment of demands for open

and transparent accountability of all public office holders in an emerging democratic setup in Pakistan,

what is indeed disappointing is the denial of such open judicial accountability of the superior judiciary itself through a recent Supreme Court order dated 29 September, 2016, passed by Chief Justice of Pakistan Anwar Zaheer Jamali, in CM Appeal No.135 of 2016 in CP No. Nil of 2016, filed by lawyer Mohammad Raheel Kamran Sheikh. It is especially disappointing for the reason that it is the present chief justice who publicly spoke about the judicial accountability of judges of the high courts and the Supreme Court, an exercise which we naïvely believed would be transparent, open and expeditious.³⁴

In its judgment of 20 April 2017 in the Panama Papers case, the Supreme Court constituted a JIT (joint investigative team) and empowered it to summon the prime minister, his sons and any other person necessary to investigate allegations of money laundering, through which the four apartments in London's Park Lane area were purchased.

Justice Asif Saeed Khosa, who wrote a minority judgement in the Panama Papers case disqualifying Prime Minister Nawaz Sharif, described Article 62 of the Constitution as a recipe for cleansing the fountainhead of the state's authority and ensuring clean leadership at the top.

Article 62 spells out qualifications for becoming members of parliament.³⁵ "Its (Article 62) faithful adherence trickles down to un-pollute the authority," Justice Khosa wrote.

A five-judge Supreme Court bench headed by Justice Khosa had ordered the prime minister and his children to face further investigation by a specially constituted six-man joint investigation team.

On Friday, 21 April 2017, the Supreme Court office dispatched copies of the 548-page judgement in the Panama Papers case to the Federal Investigation Agency, National Accountability Bureau, Securities and Exchange Commission of Pakistan, State Bank of Pakistan, Inter-Services Intelligence and Military Intelligence – the departments whose nominees would be included in the JIT.

Justice Khosa said that if the conditions suggested in Article 62 were achieved, then the legislative and executive limbs of the state were purified at the top and such purity at the top necessarily trickled down to the bottom as well. Thus, this recipe ensures clean leadership at the top, which may legislate for and administer this "land of the pure" (Pakistan) as true delegates of the sovereignty and authority of Almighty Allah.

"This also appears to be the constitutional design and as long as Article 62 is part of the Constitution, the courts of the country are under a sworn commitment to enforce it," the 192-page minority judgement said.

Citing a number of judgements, including the one in the 2010 Nawabzada Iftikhar Ahmed Khan case, Justice Khosa recalled that the Supreme Court had in that case held that the parliament of any country was one of its noblest, honourable and most important institutions making not only the policies and the laws for the nation but also shaping and carving its very destiny. The verdict said,

And here is a man who being constitutionally and legally debarred from being its member, managed to sneak into it by making a false statement on oath and by using bogus, fake and forged documents polluting the piety of this pious body. His said conduct demonstrates not only his callous contempt for the basic norms of honesty, integrity and even for his own oath but also undermines the sanctity, the dignity and the majesty of the august House.

The case in hand (Panama Papers leaks), Justice Khosa observed, was not about asininity or blindness of any law, but the prime minister and his children wanted an asinine and blindfolded acceptance of their explanations in respect of acquisition of the four upscale London flats.

The prime minister held very high public offices when his dependent children and, through them he himself, came into possession of the expensive properties in London and, thus, he was under a legal, moral and political obligation to account for and explain his position in that regard, Justice Khosa said.

The prime minister, the judge regretted, had offered no explanation in respect of the possession or acquisition of the properties in his two addresses to the nation.

Like Caesar's wife, the prime minister should also be above suspicion, Justice Khosa said, adding that in all of his speeches, the prime minister had claimed that the entire record in respect of the acquisition of the relevant properties was available and would be produced when asked for in any inquiry, but, before the Supreme Court, he not only detached himself from his children in respect of those properties but also failed to produce any record explaining how the relevant properties had been "purchased" or acquired as claimed by him.

He also cited excerpts from William Shakespeare's play, "Merchant of Venice," and explained that the punch line was "wrest once the law to your authority: To do a great right, do a little wrong." Justice Khosa said,

Fortunately for me, there is no wresting the law to my authority and no little wrong is to be done by me to do a great right in the matter of issuing a declaration against the prime minister because the original jurisdiction of the Supreme Court under Article 184(3) of the Constitution has already been exercised by this court in such matters in other cases.

The JIT, on 13 June 2017, in an application submitted to the Supreme Court of Pakistan, complained of harassment through official channels and alleged that witnesses were being “intimidated” or “tutored” by certain state institutions.

What reinforced scepticism was the allegation of critical documents being tampered with by some government departments and what appeared to be a systematic campaign to make the inquiry controversial. Provocative statements made by members of the ruling party seemed to be part of the strategy to browbeat the members of the inquiry committee as well as the Supreme Court judges supervising the probe. Prime Minister Nawaz Sharif said, ‘the Joint Investigation Team (JIT) tasked by the Supreme Court to carry out the probe pertaining to the Panama Papers case is a joke in the name of accountability.’³⁶ The JIT, according to him, had lost track of its motives, appeared to be headed towards the direction the opposition had taken as opposed to what was good for the nation, did not know what it was looking for and had objectives that had nothing to do with accountability.³⁷ On the other side of the spectrum, it was observed by independent legal experts that the Panama leaks case, in its narrowest sense, was about the disqualification of Prime Minister Nawaz Sharif. However, a deeper analysis of the issues involved (especially in regards to the ongoing drama concerning JIT proceedings) would reveal that the case was about much more than simply the disqualification of one individual. It involved important (even existential) questions about the tenacity of our state and its institutions to hold the powerful and the mighty accountable for their private and public conduct. This case was not simply about Nielsen Enterprises and Nescoll Limited; in equal measure, it was about the National Accountability Bureau and the Securities and Exchange Commission of Pakistan. It was not simply about Maryam Safdar and Hussain Nawaz; in equal measure, it is about Qamar Zaman and Zafar Hijazi. Panama case has exposed the caustic nature of our politics (re: Nehal Hashmi), and the feeble state of our institutions (re: Qamar Zaman and Zafar Hijazi).³⁸

The all-powerful Sharif family, which had ruled the country for the past several decades, suffered a major setback on 28 July 2017 after the Supreme Court declared that thrice-elected Prime Minister Nawaz Sharif was “not honest” and disqualified him as a member of parliament.

A five-judge Supreme Court bench headed by Justice Asif Saeed Khosa disqualified the prime minister, not on corruption allegations or the issues highlighted by the petitioners in the Panama Papers case, but on the basis of new evidence unearthed by a specially constituted Joint Investigation Team.

The unanimous verdict centred round the discovery that the erstwhile prime minister was chairman of the board of Capital FZE, a UAE-based company, and had receivables in the form of a salary from that company, which constituted assets, a fact he had failed to disclose in his nomination papers for the 2013 general elections.

In line with the court's directions, the Election Commission of Pakistan (ECP) was quick to de-notify Mr. Sharif as a member of the National Assembly from NA-120 (Lahore-III).

To keep the system intact, the court also asked President Mamnoon Hussain to take all necessary steps under the constitution to ensure the continuation of the democratic process.

In addition to disqualifying the prime minister, the apex court gave the National Accountability Bureau (NAB) six weeks to move a number of corruption references against members of the Sharif family before the Rawalpindi accountability court.

Those who would have cases filed against them included Mr. Sharif's three children, Maryam, Hussain and Hassan Nawaz, his son-in-law retired Capt. Mohammad Safdar, and ex-finance minister Ishaq Dar. The apex court further directed that "after receiving the references, the accountability court will have six months to decide the cases. A judge of the Supreme Court, to be nominated by the chief justice, will supervise and monitor proceedings before the accountability court."³⁹

The judgement was announced by the original five-judge bench which had heard the Panama Papers case: Justice Asif Saeed Khosa, Justice Ejaz Afzal Khan, Justice Gulzar Ahmed, Justice Sheikh Azmat Saeed and Justice Ijazul Ahsan.

Justice Khosa and Justice Ahmed, who had already opined that the PM stood disqualified, were not part of the bench that heard the JIT report, where the issue of Capital FZE surfaced.

The judgement was first announced by Justice Ejaz Afzal Khan, after which Justice Khosa delivered the order of the court, signed by all five judges.

The judgement declared that the prime minister was "not honest" under Article 62(1)(f) of the Constitution and disqualified him for furnishing a false declaration under solemn oath and having failed to disclose his receivables, constituting assets from Capital FZE, in his nomination papers in terms of Section 12(2)(f) of the Representation of People Act (ROPA) 1976.

The court asked the NAB (National Accountability Bureau) to move references against the prime minister, his children and others on the basis of the material collected by the JIT, as well as other material that may be available with the bureau or the Federal Investigation Agency (FIA), "having any nexus with assets or subsequently become available," including material that may come in response to mutual legal assistance requests sent by the JIT to different countries.

The first reference will be filed for possessing the four Avenfield House properties in London, whereas two more references will be filed against Nawaz Sharif and his sons for creating the Al-Azizia Steel Mills and Hill Metals Establishment, as well as for setting up Flagship Investments Ltd, Hartstone Properties Ltd, Que Holdings Ltd, Quint Eaton Place 2 Ltd, Quint Saloane Ltd, Quaint Ltd, Flagship Securities Ltd, Quint Gloucester

Place Ltd, Quint Paddington Ltd, Flagship Developments Ltd, Alanna Services Ltd, Lankin SA (BVI), Chadron Inc, Ansbacher Inc, Coomber Inc and Capital FZE (Dubai).

Ishaq Dar will also face a reference for possessing assets beyond his known sources of income.

The court also ordered the NAB to include Sheikh Saeed, Musa Ghani, Kashif Masood Qazi, Javaid Kiyani and Saeed Ahmed in the references, as well as individuals who have any direct or indirect connection with the actions of the Sharif family.

The NAB can also file supplementary references if and when any other asset, which is not prima facie reasonably accounted for, is discovered, the order said.

In case the accountability court finds any deed, document or affidavit filed by the respondents to be fake, false, forged or fabricated, it should take appropriate action against the concerned person in accordance with the law.

The court also appreciated the hard work and efforts of JIT members and their ancillary staff in preparing the comprehensive report. The judgement also directed that the tenure of JIT members be protected and no adverse action be taken against them without informing the monitoring judge of the Supreme Court.⁴⁰

The verdict drew a mixed reaction from the legal community. “As a political worker, I feel that today’s verdict was not very encouraging and may not go a long way in strengthening democracy,” regretted former judge Shafqat Abbasi. He said that though justice should be served, not a single prime minister in Pakistan’s 70-year history had ever completed his constitutional term. “Sharif is the second prime minister to be sent home by the apex court after Yousuf Raza Gilani,” he deplored.⁴¹

Advocate Asad Raheem, who was a member of the legal team which represented the federation in the Panama Papers case, said that after the Maulvi Tamizuddin case of 1954, this case was the most consequential.⁴²

But Pakistan Bar Council Vice Chairman Ahsan Bhoon welcomed the decision, declaring it historic and one that would contribute to the strengthening of the democratic system, freeing it from malpractice and corruption.

It has not been denied that respondent No. 1 being Chairman of the Board of Capital FZE was entitled to salary, therefore, the statement that he did not withdraw the salary would not prevent the un-withdrawn salary from being receivable, hence an asset. When the un-withdrawn salary as being receivable is an asset it was required to be disclosed by respondent No. 1 in his nomination papers for the Elections of 2013 in terms of Section 12(2)(f) of the ROPA. Where respondent No. 1 did not disclose his aforesaid assets, it would amount to furnishing a false declaration on solemn affirmation in violation of the law mentioned previously, therefore, he is

not honest in terms of Section 99(1)(f) of the ROPA and Article 62(1)(f) of the Constitution of the Islamic Republic of Pakistan.⁴³

Former Supreme Court Bar Association President Asma Jahangir described this development as very “unusual and inappropriate,” saying that three judges had heard arguments on the JIT report, but the final judgement was announced by five judges.

“It makes me sad to see that the rule of law, which was upheld after the reinstatement of the judiciary, is now being flaunted in front of my eyes,” she said, adding that judges must remember that they are under oath to remain consistent and give judgements even if they are unpopular. “I feel sorry for the judges, since this case is like an ‘Albatross’ left by former Chief Justice Anwar Zaheer Jamali,” she deplored, referring to the mythical creature that became the symbol of shame in Coleridge’s *Rime of the Ancient Mariner*.⁴⁴

But when asked about whether it was unusual for the five-judge bench, which had already decided the Panama Papers case earlier, to sit in judgement again, Pakistan Bar Council Vice Chairman Ahsan Bhoon brushed aside any impressions of impropriety. Since whatever was announced in the April 20 judgement was an inconclusive order of the court and was signed by all five judges on the bench, the final verdict will also be announced by the same larger bench, he said.⁴⁵

Former additional Attorney General Tariq Khokhar was of the view that the five-member bench was inexplicable and defied all past practice and precedent. “It could have been comprehended if this bench was constituted after the JIT report was filed, but now it does not make sense,” he said, adding that this was a crucially significant detail.

The stance of at least two judges is on the record. They can only proceed further against the prime minister in the matter of perjury, forgery, concealment of facts and submission of false documents. They need just one more judge to turn the minority opinion into a majority view.⁴⁶

The Supreme Court, under Chief Justice Saqib Nisar, used its *suo moto* powers expansively and initiated cases on issues that he considered to be pressing concerns of our time, such as water scarcity and high rates of population growth. In devising remedies, the voice of Justice Saqib Nisar was pre-eminent. That any role played by human rights activists, civil society groups or the affected public was largely muted. The effect of Justice Nisar’s court could be perceived as undermining political institutions by assuming the role and responsibility of political branches or by openly displaying contempt towards elected officials and civil bureaucrats.⁴⁷

Justice Asif Saeed Khosa was the Chief Justice of the Supreme Court of Pakistan from January 2019 to 21 December 2019. He inherited a hyper-activist

Supreme Court accused of judicial overreach under his predecessor, Saqib Nisar. Khosa's tenure was characterized by no unnecessary suo moto cases, officers appearing in court got due respect, the police were supported, action under 22A was diminished significantly, attendance of under-trial prisoners was ensured and case property was required to be exhibited.

It goes without saying that instead of aggressively using suo moto powers, the superior judiciary should encourage cases initiated by affected citizens and civil society groups.

Conclusion

Notwithstanding the claim that the judiciary has been a catalyst in enforcing the rule of law and has expanded democracy,⁴⁸ it is obvious that the superior judiciary in Pakistan had to judge the state mostly in the absence of a "representatively conceived constitution." No wonder they had to seek alternative ways to understand and enforce concepts of political legitimacy and order.⁴⁹ Many important judgments of the Supreme Court of Pakistan were the result not of consistent juristic philosophy, but of pragmatic considerations.⁵⁰ A recent example of this tendency is obvious in the General (Retired) Pervez Musharraf's case.

Iftikhar Mohammad Chaudhry, as the Chief Justice of Pakistan, while heading the full court bench, on 31 July 2009, ruled that former President General (Retired) Pervez Musharraf violated the Constitution of Pakistan by imposing a state of emergency on 3 November 2007 and that he be tried for high treason. Not only did he pronounce the verdict, but he also kept pursuing the matter for implementation of this ruling. The Pakistan People's Party (PPP) government did not file the high treason complaint against Musharraf as ordered by the apex court. The subsequent Nawaz Sharif government, too, apparently showed reluctance to implement this ruling to avoid a possible crisis situation. However, Iftikhar Chaudhry, having launched implementation proceedings, threatened to initiate contempt of court proceedings against Prime Minister Nawaz Sharif for disobeying the judicial orders. Accordingly, the Prime Minister announced in the National Assembly the formation of a special court to try Pervez Musharraf for high treason. The federal government accordingly filed a formal case in the Special Court on 20 November 2013.⁵¹ This court, on 17 December 2019, pronounced the death sentence to General Pervez Musharraf for high treason under Article 6 of the Constitution of Pakistan.⁵² However, the tone of the verdict that was released subsequently contained in paragraph 66 a direction to law enforcement agencies that in case the convicted accused is found dead before the sentence could be executed, "his dead body be dragged to D-Chowk, Islamabad, and strung up for three days."⁵³ While the Pakistan Muslim League (Nawaz) and a section of the Pakistan People's Party supporters described the decision as historic, top legal experts saw lacuna in the verdict. Former

Supreme Court Bar Association President Syed Ali Zafar drew attention to Article 12 of the Constitution of Pakistan, which was attracted in this case. According to him,

in 2007 when Pervez Musharraf declared emergency and allegedly subverted the Constitution it was an offence but it was not an act of high treason. The suspension of Constitution was declared as an act of high treason later in the 18th Constitutional Amendment in 2010. Therefore, under Article 12 of the Constitution the Special Court could not try Musharraf. Moreover, the Prime Minister could not constitute a special bench without the approval of the federal cabinet. No such approval was obtained.

Former Attorney General Irfan Qadir stated that the court announced its verdict in haste.⁵⁴ Reacting to the first announcement of the death sentence, the ISPR Press Release of 17 December 2019 stated that

the decision given by special court about General Pervez Musharraf, Retired, has been received with lot of pain and anguish by rank and file of Pakistan Armed Forces. An ex-Army Chief, Chairman Joint Chief of Staff Committee and President of Pakistan, who has served the country for over 40 years, fought wars for the defence of the country can surely never be a traitor. The due legal process seems to have been ignored including constitution of special court, denial of fundamental right of self defence, undertaking individual specific proceedings and concluding the case in haste. Armed Forces of Pakistan expect that justice will be dispensed in line with (THE) Constitution of Islamic Republic of Pakistan.⁵⁵

The basic question was, however, being raised everywhere irrespective of their position on the matter: the question was under what law had the deciding judge pronounced the punishment of hanging of dead body of Pervez Musharraf in D-Chowk for three days, if he is found dead by law enforcement agencies. Rising to the defence of his institution, a visibly emotional Director General ISPR (Inter Services Public Relations) criticized the verdict language, saying that it went against “humanity, civilization and Islam.”⁵⁶ This was a point that many would have endorsed. On the other side, in a press release, the Pakistan Bar Council issued the following statement:⁵⁷

The Director General, ISPR, who has criticized the judgment of the special court whereunder the Ex-Chief of Army Staff and Former President of Pakistan General ® Pervaiz Musharraf, has been convicted for violating Article 6 of the Constitution of Pakistan and

committing high [treason] we strongly condemn and disapprove the statement of the DG, ISPR. We are of the firm opinion that the statement of DG, ISPR is clear cut violation of the legal and constitutional provisions and thus amounts to contempt of the Court.⁵⁸

The statement further on says that “if there are some flaws in the judgment of Musharraf’s case, in the opinion of DG, ISPR, then the law has provided procedure and proper course for agitating such flaws.”⁵⁹

The Human rights Commission of Pakistan rightly urged “all institutions to remember that they have pledged their loyalty to the Constitution. This is the bedrock of Pakistan’s democracy and of the state’s duty to protect the fundamental rights of its people.”⁶⁰

In its editorial comment, the daily *Dawn*⁶¹ observed that

much ugliness has indeed been spewed in public over the past few days against the third pillar of the state, including veiled accusations that it is playing into the hands of those seeking to sow internal discord. It is an entirely needless and manufactured crisis-but one that can still be defused without disastrous consequences. For that to happen, however, the security establishment must view the former military dictator’s conviction through a more detached lens, and in a historical context.

This narration makes it evident that the superior judiciary of Pakistan, in its search for space in the corridors of power, has been driven by the desire to become a challenger to the incumbent (i.e. the Armed Forces of Pakistan). The casualty has been justice based on law and merit.

Notes

- 1 WJP Rule of Law Index (2016), *The World Justice Project*, worldjusticeproject.org/rule-of-law-index
- 2 Diecy, A. V. (1885), *The Law of the Constitution*, Illustrated Publisher.
- 3 Ibid.
- 4 Ibid.
- 5 Belton, Rachel K. (2005), Carnegie Papers, Rule of Law Series, *Competing Definitions of the Rule of Law: Implications for Practitioners*, Democracy and Rule of Law Project, Number 55, January.
- 6 Ibid.
- 7 Newberg, Paula R. (1995), *Judging the State-Courts and Constitutional Politics of Pakistan*, Cambridge University Press, Cambridge, p. 2.
- 8 Ibid., p. 3.
- 9 Ibid., p. 78.
- 10 Ibid.
- 11 Ibid.
- 12 *Benazir Bhutto v. Federation of Pakistan and another* (PLD 1988 Supreme Court 416).

- 13 *One interpretation of these events suggested that the establishment prevented Bhutto from governing appropriately*; see Maleeha Lodhi, *Why Benazir Bhutto Fell*, *The News International*, Tuesday, 6 August, p. 6.
- 14 *Aftab Ahmad Khan Sherpao, President of Pakistan Peoples Party, N.W.F.P., v. The Governor, N.W.F.P., PLD 1990 Peshawar 192.*
- 15 Cited in *Friday Times*, 4–10 October, 1990, p. 1.
- 16 The Supreme Court of Pakistan (1993), *Mian Muhammad Nawaz Sharif versus President of Pakistan and Others* (PLD 1993 Supreme Court 473), Constitutional Petition No. 8 of 1993, decided on 26 May, 1993.
- 17 This dissolution was also challenged in this Court in the case reported as *Moharama Benazir Bhutto v. President of Pakistan* (PLD 1998 SC 388), but it was held that the action of the President was legal and constitutional.
- 18 Talbot, Ian (2012), *Pakistan: A New History*, Oxford University Press, Oxford, pp. 215–216.
- 19 *Ibid.*, p. 216.
- 20 *Ibid.*
- 21 *Ibid.*, pp. 215–216.
- 22 *Aftab Ahmad Khan Sherpao, President of Pakistan Peoples Party, N.W.F.P., v. The Governor, N.W.F.P., PLD 1990 Peshawar 192.*
- 23 Brigadier (retired) Raashid Wali Janjua (2015), *Letters to the Editor, Dawn*, Thursday, 16 July. Chaudhry, Judging (2015), Faisal Siddiqi, *Dawn*, Monday, 13 July.
- 24 Supreme Court of Pakistan, *Suo Moto Notice*, SMC No. 1/2014.
- 25 *The News International*, Sunday, 6 July, 2014, *Jillani departs*, Editorial.
- 26 *Dawn*, Saturday, 25 July, 2015, *Lessons to learn*, Editorial.
- 27 *The Final Report of the General Elections-2013 Inquiry Commission 2015.*
- 28 Nausheen, Dr. (2015), *tweeted*, Monday, 27 July, 2015.
- 29 *The News International*, Saturday, 25 July, 2015, *Moment of reflection?* Babar Sattar.
- 30 The main points of the verdict:
 - There is no limitation on the powers of the parliament to amend the constitution; as such the amendments so made are not liable to be challenged on any ground before any court: Chief Justice Nasir-ul-Mulk.
 - The 21st Amendment provides a temporary measure for the trial of terrorists accused of offences including waging war against Pakistan by a forum already constituted under the law: Justice Sheikh Azmat Saeed.
 - The amending power should vest upon the chosen representatives of the people and not upon an unelected judiciary even though acting in good faith: Justice Mian Saqib Nisar.
 - The 21st Amendment lawfully extends trial under the Pakistan Army Act (PAA) of terrorists who are unlawful combatants: Justice Umar Ata Bandial
 - The 21st Amendment is liable to be struck down since the parliament is not a sovereign body in the sense that there are limitations on its power: Justice Jawwad S. Khawaja
 - Petitions challenging the 21st Amendment and the PAA are partially allowed by declaring the amendments unconstitutional, without lawful authority and of no legal effect: Justice Asif Saeed Khosa
 - Neither the 21st Amendment nor the PAA militates against the essential features of the constitution: Justice Sarmad Jalal Osmany
 - The Supreme Court can examine the vires of any amendment and annul it if it impairs, undermines or alters any of the parts forming the basic structure of the constitution: Justice Ejaz Afzal and Justice Ijaz Ahmed Chaudhry

- The parliament has no authority to reverse the process of independence of judiciary, which has attained finality. All inquiries, trials and convictions and sentences recorded by the military courts are declared illegal: Justice Dost Mohammad Khan
- The Anti-Terrorism Act, 1997 can help stem terrorism; therefore all cases are to be adjudicated afresh by the anti-terrorism courts instead of the military courts: Justice Qazi Faez Isa.

(Published in *Dawn*, Thursday, 6 August, 2015)

- 31 Sattar, Babar (2015), A New Judicial Veto, *The News International*, Saturday, 8 August.
- 32 Saddiqi, Faisal (2015), CJP Jawwad S. Khawaja: De-Colonising Judicial Thinking, *Dawn*, Tuesday, 8 September.
- 33 *Dawn*, Saturday, 12 March, 2016, *Justice Delayed* – Article by Irfan Husain.
- 34 *Dawn*, Saturday, 29 March, 2016, *Secret Judicial Accountability* – Article by Faisal Siddiqi.
- 35 Under Article 62(1)(f) of the Constitution, a person cannot be qualified as a member of the national or provincial legislatures if he is not “Sadiq and Ameen” – truthful and trustworthy. A brainchild of former military dictator General Zia-ul-Haq, the removal of Article 62, 63 from the Constitution during the drafting of the Eighteenth Amendment was opposed by none other than the Pakistan Muslim League-Nawaz (PML-N) itself. Nawaz has become the first prime minister to have been disqualified under this law. Two years ago, Justice Khosa, in Ishaq Khan Khakwani’s case, had described the words “Sadiq” and “Ameen” as obscure and impracticable and had also talked about “nightmares of interpretation and application that they involved.” Justice Khosa had said that some provisions of Article 62 of the Constitution certainly contained strong moral overtones, but those provisions introduced into the constitution by General Zia-ul-Haq had not been undone by the popularly elected parliaments in the last many decades. He said that as long as the said provisions were a part of the constitution, the courts are obliged not only to decide matters according to the same but also to enforce them whenever called upon to do so. The judge added that one must not forget that the so-called moral provisions of Articles 62 and 63 of the Constitution were meant to be enforced even against those who claim to have popular support or who have already demonstrated their popular endorsement. The articles, in their original form, did not require legislators to be “Sadiq” and “Ameen.” Later, in the tenure of Zia-ul-Haq, the terms were included in the Articles.
- 36 www.geo.tv/latest/147015-panama-jit-is-a-joke-comedy-circus-pm (Accessed 25 June, 2017).
- 37 Ibid.
- 38 Ibid.
- 39 *Dawn*, Saturday, 29 July, 2017.
- 40 Ibid.
- 41 Ibid.
- 42 Ibid.
- 43 Ibid.
- 44 *Dawn*, Friday, 28 July, 2017.
- 45 Ibid.
- 46 Ibid.
- 47 Malkani, Sara (2019), Supreme Court and Democracy, *Dawn*, Wednesday, 16 January.

- 48 Newberg, Paula R. (1995), *Judging the State: Courts and Constitutional Politics of Pakistan*, Cambridge University Press, Cambridge.
- 49 Ibid.
- 50 Khan, Hamid (2016), *A History of the Judiciary in Pakistan*, Oxford University Press, Oxford.
- 51 The News, International (2019), Wednesday, 18 December.
- 52 Ibid.
- 53 *Dawn* (2019), Thursday, 19 December.
- 54 The News, International (2019), Wednesday, 18 December.
ISPR (2019), Press Conference by Major General Asif Ghafoor, DG, ISPR, ARY News Channel, 19 December.
- 55 ISPR (2019), *Press Release, NO. 206*, 17 December, Rawalpindi.
- 56 ISPR (2019), Press Conference by Major General Asif Ghafoor, DG, ISPR, ARY News Channel, 19 December.
- 57 Pakistan Bar Council (2019), Press Release, 19 December, Statement by Syed Amjad Shah, Vice Chairman and Sher Muhammad, Khan, Chairman, Executive Committee, Pakistan Bar Council, Islamabad.
- 58 Ibid.
- 59 Ibid.
- 60 HRCP (2019), Institutions Have Pledged Loyalty to the Constitution: HRCP *The News International*, 21 December.
- 61 *Dawn* (2019), *Unwise Support*, 22 December, Editorial.

Further reading

The following sources are recommended for additional reading:

- World Justice Project (2017), *The Rule of Law in Pakistan: Key Findings from the 2017 Extended General Population Poll & Justice Sector Survey*, August and December.
- Akbar, Nazar (1992), Role of Bar and Judiciary in Pakistan, *The Journal of the Sindh High Court Bar Association*.

CRIMINAL JUSTICE ADMINISTRATION SYSTEM

Strengthening of the role, the autonomy, the independence and the integrity of judicial institutions in the country is an essential need.¹ Keeping this in mind, this chapter will discuss in depth the role of the lower judiciary in upholding good governance and the rule of law.

Lower judiciary

The effectiveness of the lower courts is a major determinant to the enforceability of contracts as far as the small producer, such as one in the informal sector, is concerned. In Pakistan, economic relationships in the formal sector are governed through formal sector institutions, including banks, auditors and government agencies, as well as access of economic agents to the corridors of power. In the informal sector, by and large, it takes place through personal networks of family “biraderi” neighbourhoods and the like. In order to make the informal sector more dynamic, one has to understand the basis upon which these informal institutions function, and the extent and limits of the co-operation they engender. Since mutual co-operation is impossible without enforceable agreements, this determines the limits of mutual co-operation. At the moment, the lower judiciary is overburdened (or because of other problems), and it is not viewed by many as a reliable and speedy recourse. As a result, most small producers tend to limit their co-operation only to their personal networks. This creates a number of obstacles to improvements in efficiency in the informal sector.

The informal sector in Pakistan could not become dynamic because of a failure on the part of the state to strengthen the lower judiciary and establish its creditability as an arbiter of social relations in pursuance of the rule of law. The net result was that an atmosphere of stability and predictability could not be ensured, thereby impeding the ability of economic agents to make long-term economic decisions. Failure to observe proper courses of action and procedures by government institutions eroded public confidence in government functionaries and caused uncertainty and unpredictability. However, it may be added that it is because of the arbitrariness of

the intervention, not because of the intervention itself. The arbitrariness of the government's actions should be reduced. However, this should happen not through the disappearance of the state but through the establishment of systems and procedures, through the provision of prepared systems and procedures, through the provision of proper incentives to officials, through proper supervision and monitoring, and through better training and professionalism. This is exactly what the lower judiciary is perceived to have failed to achieve.

The judicial system in Pakistan has failed to deliver predictable and efficient justice, both on the civil as well as the criminal side. This can be judged from the fact that till June 2015, the total number of cases pending amounted to 27,639.²

The Supreme Court of Pakistan was told on Thursday, 28 June 2018, by the federal government, in reply to a petition seeking fresh rules for lower courts to decide suits, petitions and appeals within a stipulated time limit, jointly moved by Umeer Ijaz Gilani and four others, all legal practitioners, that the data received so far suggested that 38,205 cases, including petitions, appeals and revisions, were pending before different courts in the four provinces against the Centre.³ "I admit openly that I have been unable to put the house in order," acknowledged Chief Justice of Pakistan Saqib Nisar, while heading a four-judge bench that had taken up this petition.⁴ On the same day, the Karachi Bar Association passed a resolution, observing that "sustained improvement in the performance of district courts is only possible through dedicated attention to the structural, procedural and human resource management issues that plague our lower judiciary."⁵

In order to provide constitutional cover to Jirga and "panchayat" systems, a formal enactment titled, Alternative Dispute Resolution (ADR), was passed in the National Assembly on 3 February 2017 to expedite trivial civil matters. The bill comprises 23 offences, including disputes between the landlord and the tenant; pre-emption cases; land and property disputes; civil matters under the Small Claims and Minor Offences Court Ordinance, 2002; commercial disputes; rights or interests arising out of trade and commerce; contractual cases; disputes relating to professional negligence; family disputes; suits for specific performance; companies and banking matters; insurance; negotiable instruments; personal injury; compensation and damages suits; patent, trademark and copyright issues; disputes under the canal and drainage law; disputes for the recovery of moveable property; disputes for separate possession of joint immovable property; disputes for redemption of mortgage property; disputes for redemption of accounts of joint property; disputes to restrain waste and remove nuisances; disputes related to share in profit or property; and other essential matters under the law which are currently not part of the enactment but concurred by the parties for settling disputes.⁶

Restorative justice is the emerging alternative not only in the West but also in post-conflict societies in Africa. All modern restorative justice forums, like victim-offender mediation, Family Group Conferencing in New Zealand, Peacemaking Circles in the US, Truth Commissions in Africa (Transnational Justice), have been enriched by the traditional conflict resolution mechanisms like Circles, Jirga, Panchayat, Sulah, and so on. The underlying strength of these alternatives is that the conflicts and disputes belong to the community, and the primary stakeholders have stakes in maintaining peace. The state must primarily focus on “order” maintenance. The formal state intervention has exacerbated conflicts in the communities. Restorative justice practitioners usually abhor lawyers (being part of the formal system) and due process constraints, as their intervention increases conflict.

However, the response from the members of the civil society and Human Rights Defenders (HRDs) was unwelcoming, as they opposed the ADR Bill in the strongest possible terms. Serious violations of legislative requirements, including absence of quorum and excluding the Senate and President in the entire process, raised serious questions vis-à-vis the legality of the bill. Activists also opined that a bill of this nature should have been debated extensively in both the upper and lower houses to foster democratic exchange of opinions. Opposition parties, in particular, received lambasting for being reticent towards this issue.

ADRs adopted in developed countries are both conceptually and functionally disparate from the one promulgated in Pakistan. Delayed justice and the inability to deal with the matters of utmost importance effectively have rendered our civil and criminal courts dysfunctional. What should be the course of action then? Formation of a new system would exacerbate the problem, as this approach would yield only short-term benefits. Perhaps the best remedy would be to bring about radical changes in the existing laws and to ensure its implementation.

Policing

The police in all provinces of Pakistan, till 14 August 2002, were being governed by the Police Act of 1861. The idea underlying this law was to administer a static, immobile and backward rural society living in villages and small towns. It envisaged the exercise of authority without local accountability. It presupposed a society without any constitution, without basic and fundamental rights, without organized public opinion and without mass media projecting and agitating public interest.⁷ The policing was based on a para-military, paternalistic, colonial empire-building and economies of scale model imposed as a capitalistic rape on a colony.⁸ Recruitment policies, based on patronage and exploitation of the weak and the indigent, resulted not only in the loss of police legitimacy but also demoralized, corrupted and frustrated the police personnel.

The first rot was set in the merit-based transparent system of selection for the post of Assistant Superintendent of Police for the Police Service of Pakistan through the competitive Central Superior Services examination conducted by the Federal Public Service Commission by the introduction, during the last days of Ayub Khan's regime, of a patronage-based scheme of recruitment of Assistant Superintendents of Police in the Police Service of Pakistan through divisional Commissioners out of candidates who had qualified through the intermediate school examination. The candidates so selected were to attain a Bachelor of Arts (BA) from the Government College, Lahore, paid by the government and then to be trained as PSP officers in the Police Academy. This scheme was implemented in 1970, and the 1971 and 1972 batches of Assistant Superintendents included, apart from traditionally recruited officers, undergraduates who had graduated at the government's expense. The defects of the scheme became apparent soon, and it was done away with after 1972 when the patronage extended to the privileged few had achieved its objective. A glaring example of the misuse of this scheme was the fact that, though it had been abandoned in 1972, Shaukat Javed, who, in 2008, following an erroneous path of political connections-based appointments and deviation from rules-based order, managed to attain the rank of inspector general, and that of the provincial interior minister in the 2018 caretaker setup was, in 1975, appointed as assistant superintendent of police and also allowed to join the Police Service of Pakistan (then re-designated as the Police Group) and be trained with the 1973–74 batches of the traditionally recruited Assistant Superintendents of Police.⁹ The outcome was unending litigation on matters of seniority, merit assassination and the birth of a culture of opportunism.

Similarly, for the first time since the inception of the merit-based competitive examination by the Federal Public Service Commission, during the British Raj, as a means for recruitment in the central superior services, in 1973, a system of deviation from merit in allocating service groups to successful candidates was devised in the shape of a Common Training Programme and amalgamation of all services into a group called the First Common. Apart from other superior services, the Police Service of Pakistan became a victim of patronage-based entry of undeserving persons in its cadre. A perusal of the merit list of the 1972 CSS competitive examination issued by the Federal Public Service Commission in July 1973, shows, for example, the mysterious entry of Ahmad Nasim, with a position as low as 88th in the merit list,¹⁰ into the Police Service of Pakistan. He, too, through a culture of manipulation, intrigue, merit assassination, political connections and the backdoor approach, rose to the rank of inspector general.

Uninterrupted and unscrupulous interference from the powerful political and bureaucratic vested interests perpetuated a culture of criminal stereotypes, unscientific investigation, free use of preventive sections of law, excessive use of force and tendencies of the influential and the elite to claim

immunity from the law. The police, as a result thereof, became marginalized from the public. With a view to revamping the police force as an apolitical, people-friendly and professionally autonomous institution, the Musharraf government replaced Police Act 1861 with Police Order 2002. In attempting to curry favour with politicians who had joined hands to give the regime a civilian colour, of 187 articles, 73 were amended in 2004, thereby killing the concept of a politically neutral, professionally autonomous and locally accountable police service. Further damage was done by the political dispensation coming to power in the aftermath of the 2008 elections. Police Order 2002 was promulgated on 14 August 2002. In order to give it continuity and a fair chance to be implemented and tested on the ground, without any hasty and untimely changes, it was placed in Schedule Six of the Constitution under the Seventeenth Amendment so that it could not be amended for a period of six years without the prior consent of the President of Pakistan.

Unfortunately, due to political expediency, the then president amended Police Order 2002 through an ordinance in 2004 that effectively negated most of the essential prerequisites of modern, accountable and politically neutral policing. As parliament could not amend the Police Order without prior sanction of the president, the Ordinance had to be re-promulgated every four months. The last time the Amendment Ordinance was re-promulgated was in November 2009. On expiry of this Amendment Ordinance, Police Order 2002 stood restored in its original form. However, effective 1 January 2010, parliament could amend the Police Order without any prior sanction of the president.

It is important to note that the professional autonomy of the police has been an anathema to successive governments, eager to use them for harassing political opponents, winning elections and achieving extralegal objectives. Police Order 2002, in its original form, contemplated a dynamic, professional, accountable and people-friendly police service. The subsequent amendments and a complete U-turn by the provincial government in Sindh resulted in the revival of the colonial Police Act of 1861. The way the Police Order of 2002 was replaced by the colonial Police Act of 1861 in Sindh and Balochistan for “political expediency” shows unwillingness on the part of the provincial governments to fulfil any protective role or make any attempt to retain the maximum degree of public legitimacy. However, a positive development in Balochistan in January 2018 was an order passed by the Balochistan High Court *vide*, in which the Court declared that the power of all postings and transfers was vested in the Inspector General of Police, and no one was in any way was entitled to interfere in the exercise of this power by him.¹¹

The October 2016 terrorist attack on the Police Training Centre, Quetta, resulting in the death of 61 police personnel, was a sad commentary on the Balochistan police leadership. Not only did the police leadership fail to provide adequate security to the training institution, but also the dead bodies

were handled and transported in a way that reflected command failure. It appeared that moral and professional incompetence translated into so much suffering for the innocent and helpless. Despite the fact that this institution had been targeted by the terrorists in the past, no security revamping was done. The policing in Sindh is perceived as “not an open and shut affair where officers make their calls by the book; instead, policing Sindh is an incredibly politicized matter, where many of the men in uniform tend to act in maverick fashion.”¹² The current setup encourages the politicization of the police force – under this system, officers’ loyalties lie with their political masters, not with the state and the law. Due to heavy politicization of the force and the corruption it engenders, the genuine sacrifices of police personnel are overshadowed.¹³ In Punjab, although the political leadership did not take such a drastic step, the police leadership’s selection was based primarily on considerations other than merit. They were never encouraged to adopt an independent and proactive policing style. As a result, the rank and file of the police lost their drive and commitment to discharge their duties professionally. The police image in Punjab, under IG Mushtaq Sukhera, touched the lowest ebb on account of successive failures to handle law and order situations in a professional and transparent manner. In the 2015 Kasur sexual exploitation scandal, the people at large expressed their lack of confidence in the civilian courts and law enforcement machinery by demanding the trial of culprits through a military court. The scandal, involving at least 280 children, came into the spotlight in August 2015 after the victims clashed with the police during a protest against their failure to prosecute the orchestrators. A gang of 25 men had been facing charges of sexually abusing children and producing films to blackmail the youngsters’ parents. Violent protesters hurled a shoe at Inspector General of Police, Punjab, Mushtaq Ahmad Sukhera, and besieged his car after the press conference in Kasur on Tuesday, 11 August 2015. During the press conference, the protesters chanted slogans against the police and demanded stern action against the responsible officers. The protesters demanded that this incident of terrorism be sent to the Military Court.¹⁴

Again, the Punjab police had to face public wrath when IG Sukhera conducted an ill-planned operation in the Kacha Area of Rajanpur, resulting in ten cops being killed and 20 taken hostage by the Chotoo gang. In the face of police failure and large-scale condemnation pointing out a disconnect between the command and the force and lack of professional approach, the army was to be called to subdue the Chotoo Gang.¹⁵ Similarly, in September 2016, it was decided that the Rangers might be deployed in the Punjab Province under Section 7, read with Section 10, of the Pakistan Rangers Ordinance 1959 to assist police and the Counter Terrorism Department in proceeding against the outlawed organizations and hunting down terrorists and their facilitators.¹⁶ The confusion was more confounded when the Punjab police, in dealing with Imran Khan’s impending protest in Islamabad on

2 November 2016, against alleged involvement of the Prime Minister's family in the Panama leaks scandal, panicked, and, on orders from political bosses, repeated the mistakes of 2014. They tear gassed and committed violence against would-be protesters on 28 October 2016 in Rawalpindi, bringing back to prominence the memories of the 2014 Model Town Lahore incident of police brutality which had resulted in the deaths of 14 innocent persons and was punctuated with a swoon of police hatred hitherto unknown in the contemporary history of the Punjab police. In a writ petition filed before the Lahore High Court, the Pakistan Awami Tehreek (PAT) requested that the court suspend Punjab Inspector General of Police Mushtaq Ahmad Sukhera and others summoned on 7 February 2017 by an anti-terrorist court (ATC) to face trial and charges of killing workers of the party in the Model Town Lahore incident.¹⁷ The Lahore blast by terrorists on 14 February 2017, claimed by Jamaat-ul-Ahrar, a section of the Tehrik-i-Taliban Pakistan (TTP), resulted in 13 deaths, including those of Deputy Inspector General (DIG) Traffic Officer Syed Ahmed Mobin Zaidi and Senior Superintendent of Police (Operations), Lahore, Zahid Gondal and caused serious injuries to over 80 persons. Commenting on the terrorist's capacity to wreak havoc virtually at will, Senator Babar Awan demanded that in view of the "cowardice" and "incompetence" of the Inspector General, whose sole concern was self-aggrandizement through notification of hefty allowances, the law and order in Punjab should be handed over to the Rangers.¹⁸ Thus a gut-wrenching constant of the Punjab Police, under IG Mushtaq Sukhera, had been a combination of poor service delivery, sub-standard man-management and a complete erosion of public confidence in the police. The Punjab government, in view of the opposition parties' criticism of its "confused," "haphazard" and "ill thought-out" response to the devastating spate of terrorist attacks, finally decided on Saturday, 19 February 2017, to seek the assistance of the Rangers in carrying out operations against terrorists in the province.¹⁹ Welcoming the decision to deploy the Rangers in Punjab, the daily *Dawn*, in its editorial on 21 February 2017, observed,

the assault on the Chotoo gang last April woefully exposed the police's planning and execution, and two major bombings in Lahore within a year – on Easter Sunday in 2016 and the Mall attack last week – have shown a province that has not been meaningfully secured.²⁰

The Punjab Police, under IG Mushtaq Sukhera's successor, retired Captain Arif Nawaz, did not prove to be a change for the better. Apart from general failure to improve police performance or image, the child abuse case from Kasur, which related to the tragic death of seven-year-old Zainab, who was kidnapped, raped and killed while on way to her aunt's house on 4 January 2018 for Quran lessons, resulted in a public outcry in the country. The

protesters were fired at by the police, resulting in two deaths. According to the statement of the father of seven-year-old Zainab made before the Senate Standing Committee on Interior on 22 January 2018, the police did nothing to aid in the recovery of the child. They were requested to get sniffer dogs to track down Zainab. The family even offered to pay for this service, but the police did not so it. When the child's body was found and identified, the police were once again requested to bring in sniffer dogs, but they refused.²¹ The police in Punjab have been demoralized by political interference, a lack of necessary investment and poor training. The police leadership in Punjab does not seem to be convinced about its choices: activity and productivity, office and persons, laws and whims, coordination and communication.

In Khyber Pakhtunkhwa, the KPK Police Ordinance 2016 was promulgated on 1 August 2016, which followed the scheme of Police Order 2002, and quintessentially, it addressed five areas: the KPK police organization, criminal (substantive and procedural) law, community policing, civilian oversight mechanisms and the constitutional and legal status of the new law. According to an observation,

the package of the police reforms introduced through the new legislation is a welcome development as it may not be perfect, but will surely undo the status quo. The police leadership, which comprises officers from the Police Service of Pakistan will have to think about the internal security of the country and have to offer a solution that can integrate with the other components of the criminal justice system in Pakistan. The new law, for the first time, has given statutory role to the Chief Minister (section 72) in a policing law in Pakistan: whether it remains a civil oversight or a tool of interference as yet to be seen.²²

However, IG Nasir Durrani, duly supported by former IG Fiaz Toru, under the leadership of Chief Minister Pervez Khattak, was successfully able to get the formal enactment done by the Khyber Pakhtunkhwa Assembly, which replaced this ordinance and passed the Khyber Pakhtunkhwa Police Act, 2017. For the first time in the history of Pakistan, the police have been granted professional autonomy – thereby paving the way for ensuring an open, professional, accountable and dynamic system of policing commensurate with the requirements of a democratic and progressive society.

Despite the fact that peace, economic, social and cultural developments hinge upon the rule of law, no political party, during the 2013 elections, devised a strategy for the administration of national criminal justice in its manifesto. There was a need for a proper policy geared towards gaining public confidence, achieving greater effectiveness and efficiency for the police service, prosecution agency, courts, prisons and medico-legal services. There

was also a need to strike a balance between the needs of the community and the rights of individual citizens.

While formulating their manifestos, political parties did not consider that the police function was distinguished from all others in the field of public protection and public safety by its reliance upon the minimum, and not the maximum, use of force. They also did not realize that the police have to be subordinate to the decrees of the courts, with strict adherence to the essential rule of law and its attachment to the concept of human rights. It did not dawn upon them that the police could only prevent crime, detect offences, maintain order and maintain peace. They did not administer justice, deny civil liberties, engage in reprisals or terrorize communities. Political parties should have, through their manifestos, made it abundantly clear that the police would not be used as sticks to thrash opponents of the well-to-do into submission. Political parties failed to agree to the principle that police functions could be performed by a police force that had a self-contained organizational structure, where there was no distortion of command and no dilution of accountability.

Apart from failing to build a national consensus to fight the forces of extremism with full state might, political parties did not commit to providing adequate resources for the institutionalization of community policing involving effective public participation through various techniques of consultation, a balanced media policy, revival of alternative dispute resolution mechanisms, and professional conferences of police officers at the national, provincial and district levels with meaningful agendas.

Prisons: Pakistan inherited the prison system from the British as a colonial legacy. This system was used by the colonial administrations as an instrument to suppress political opponents and serve as a threat to the Crown as well as having antisocial elements. Jails served as a means to detain freedom fighters and regime defiant persons along with criminals.

Keeping in view the changing and diverse role of prisons, different commissions and committees were constituted to introduce prison reforms in Pakistan. Custody, care, control, correction, community involvement and successful re-adjustment in society are objectives of prisons (Law and Justice Commission of Pakistan, 1997). However, the prisons in Pakistan continue to be governed under an outdated system consisting of laws like the Prisons Act of 1894, the Punjab Borstal Act 1926, the Good Conduct Prisoners Probation Release Act 1926 and the Pakistan Prison Rules 1978.

Prisons in Pakistan are not only over-crowded but also suffer from inadequate financial, administrative and human resources and lack operational ability, logistics and training.

Table 4.1 shows what the status was at the end of 2015.

Prison Rule No 745 envisages that each inmate must get a minimum of 18 square meters in a barrack; however, in practice, the prisoners in the barracks are not even able to turn over if they lie alongside each other. Adiala

Table 4.1 Province-wise prison population and authorized capacity

<i>Sr. no.</i>	<i>Name of province</i>	<i>No. of prisons</i>	<i>Authorized capacity</i>	<i>Prison population</i>
1	Punjab	32	21527	52318
2	Sindh	22	10285	14422
3	Khyber Pakhtunkhwa	23	7982	7549
4	Balochistan	11	2173	2946
5	Azad Kashmir	6	530	663
6	Gilgit-Baltistan	5	173	430
	Total	99	42670	78328

Source: National Academy for Prison Administration

Jail in Rawalpindi was the most crowded prison in Punjab. It had sanctioned the capacity to detain 2,000 prisoners but housed 5,000 inmates in June 2015. The authorized capacity of Central Prison Karachi was 2,400, but it housed around 6,000 prisoners in November 2015. The prisons in Khyber Pakhtunkhwa fared no better, with 10,040 prisoners stuffed into a space meant to house 6,600.

Prison Act 1894 recommends an arrangement whereby under-trial prisoners (still innocent), political convicts, terrorists, petty criminals, serious offenders, habitual offenders and first-time offenders are kept separate. However, in practice, all categories are frequently mixed up in the barracks. Approximately 69 percent of the total prison population comprises under-trial prisoners. This results in prisons becoming a breeding ground for criminality, delinquency and immorality. The under-trials who are convicted of petty offences, when released, are often repeatedly apprehended for heinous crimes. Overcrowding results in problems such as transmittable diseases (TB, Hepatitis C, HIV), sanitation issues, food scarcity and increased violence. According to media monitoring by HRCP, 65 prisoners died in the country's prisons during 2015. Various diseases caused the deaths of 46 of these prisoners. Medical facilities available in our prisons are deplorable; there is an acute shortage of quality doctors and reliable medical laboratories. The medical officer of the prison or a doctor from a public hospital checks the prisoner and often rules out any psychological issues. The staff lacks the modern concepts of prisoners' psychology, rehabilitation programmes, skills development and awareness of crime sociology. The prison system is a provincial subject, but to date no provincial prison training institute exists in Pakistan.

There is only one institute (i.e. National Academy of Prison Administration (NAPA)) which functions under the federal government. After signing and ratifying the United Nations Convention Against Torture (CAT) in 2010, Pakistan has fallen short of complying with its obligations. Unwarranted physical punishments are frequently inflicted on the prisoners. Comforts are

directly proportional to one's bank balance and political connections. If one has the necessary funds, prison staff will arrange all accessories (e.g. drugs, liquor, quality food, home visits, cell phones). The use of cell phones inside prison walls is a serious matter, as the criminals, especially those linked to militant groups, can misuse them. Our corrupt and counterproductive prison system illustrates the collapse of the rule of law and failure of the criminal justice system. Despite the recommendations of different commissions and committees to reform the prison system in Pakistan, the human situation of the jails is still worse. The dreadful injustices caused to poor and vulnerable inmates are never compensated.

There is no definite philosophy of imprisonment in Pakistan. It is not clear as to what is the objective of imprisonment vis-à-vis deterrence, retribution, reformation or incapacitation. We need to define our objectives and adopt a specific philosophy of punishment in accordance with our socio-economic and cultural environment. This, if done, will enhance the effectiveness of the prison service and ensure a pragmatic sentencing policy. The strength of the prison service needs to be increased so that the personnel of the prison service escort the prisoners on judicial remand to courts. This will save police time and resources, and they will be able to concentrate more on crime prevention and detection.

It is proposed that to reduce overcrowding in prisons, reports should be obtained regarding the offender's personality, family background, work record, his/her associates and so on. These reports may contain recommendations relating to suitability or otherwise of particular sentencing measures, although they should be intended only as a guide to the sentencing court. Apart from imprisonment, the following sentencing choices may be considered by the courts:

- Community services orders: a means of restitution to the community, which requires the offender to perform certain tasks for a prescribed duration.
- Probation: allowing the convicted persons to remain at liberty but subject to certain conditions and restrictions. Such sentences may or may not involve supervision by a probation officer.
- Fines: primarily applied as penalties for relatively minor offences.

If sentenced to a prison term, the offender may be eligible for parole after serving a specific portion of the sentence. Parole is a conditional release of a prisoner before serving the full sentence. The decision to grant parole should generally be made by a parole board. These measures need to be strengthened through police cautioning of juvenile offenders and adoption of case screening practices. The sentence policy must aim at reducing the excessively large number of remanded prisoners. At the same time, more separate jails should be built for juveniles and female convicts, and steps should be taken

to provide a healthy and reformatory atmosphere in jails for the convicts. Excessive delays in the investigation and trial of cases must be minimized to reduce overcrowding in the prisons. There should be no special class available for the convicts in prisons. Time spent in jail during trial should be counted in the sentenced period. At present, this provision is discretionary, and it must be made mandatory.

Medico-legal services

Medico-legal services should be improved by ensuring the issuance of medico-legal certificates on merit. Those found guilty of issuing such certificates on considerations other than merit need to be held accountable through appropriate disciplinary measures.

Conclusion

The foregoing discussion makes it clear that the criminal justice administration system in Pakistan, barring the recent improvements in the Khyber Pakhtunkhwa police, has become marginalized from the community. This is a situation where the lower judiciary, the police, the prisons, the medico-legal services and the prosecution commit illegalities and thus generate discontent with the law, and hence crime. The result is the loss of public legitimacy and poor service delivery providing space to extra-constitutional forces leading to deviations from the rule of law.

Notes

- 1 Nadeem, A. H. (2002), *Pakistan: The Political Economy of Lawlessness*, Oxford University Press, Oxford.
- 2 Supreme Court of Pakistan, *Annual Report* (2015–2016).
- 3 *Dawn*, Friday, 29 June, 2018, *CJP Nisar admits failure to put his house in order*.
- 4 *Ibid*.
- 5 *Ibid*.
- 6 *Dawn*, Saturday, 4 January, 2017, *NA passes bill to legalise Jirga, panchayat systems*.
- 7 Aslam Hayat Police Committee, 1985, para 49 d, e, f.
- 8 Nadeem, A. H. (1989), *The Punjab Police in a Comparative Prospective*, Progressive Publishers, Zaildar Park, Ichhra, Lahore.
- 9 Government of Pakistan (1975), Cabinet Secretariat, Establishment Division, Rawalpindi, *Memo no 11/1/71/Police Dated May 21, 1975, Subject: Appointment of Mr. Shaukat Javed as ASP in Grade 17 in the Police Group*: From Mr. Abdul Khaliq Awan, Deputy Secretary to the Government of Pakistan to Captain Shaukat Javed, FA 13523, 26 Punjab, Birdwood Parks, Lahore 3.
- 10 *The Pakistan Times*, Tuesday, 3 July, 1973, *CSS examination result*.
- 11 High Court of Balochistan, *Quetta Civil Misc. Application No. 112 of 2018 in Constitution Petition No. 18 of 2013*, order passed on Tuesday, 9 January, 2018.
- 12 *Dawn*, Editorial, *Policing Sindh*, Sunday, 18 September, 2016.

- 13 *Dawn*, Editorial, *Sindh's Police Culture*, Friday, 10 February, 2017.
- 14 Electronic and Print Media Reports, 9–13 August, 2015: *ARY News*, *The News International*, *GEO TV Channel Monday–Tuesday*, 10–11 August, 2015.
- 15 Samaa TV, *Report*, Wednesday, 20 April, 2016 telecast at 10.41am.
- 16 *Dawn*, Friday, 9 September, 2016.
- 17 *Dawn*, Sunday, 12 February, 2017, *Metro*, Lahore.
- 18 TV 92, Wednesday, 15 February, 2017, News Alert, telecast 8.40pm.
- 19 The Express Tribune, Monday, 20 February, 2017.
- 20 *Dawn*, Tuesday, 21 February, 2017. Editorial.
- 21 *Ibid*.
- 22 Adil, Kamran (2016), The Khyber Pakhtunkhwa Police Ordinance, 2016: A Thematic Analysis, research paper published in *ACADEMIA*, San Francisco, CA.

POLITICAL PARTIES, ARMY AND POLITICS

Pakistan's political parties – historical perspective

A political party, as such is [a] polity or organized political system authority equipped containing power distribution loaded with [a] representative process and paradigm of electoral and decision making mechanism[s]. A political party is a connecting bridge between the public and the government emanating and taking its roots from the general masses. It helps people to have a forum to identify, express and articulate their interests.¹

Although the Independence Act of 1947, which was enacted to give effect to the Mountbatten Plan of 3 June 1947, gave powers to the constituent assemblies of both Pakistan and India to frame their respective constitutions and to evolve a democratic political culture, the ruling and opposition parties in Pakistan could not agree upon a consensus formula due to problems relating to their internal working. The Interim Constitution of 1947 and the Objectives Resolution of 1949 clearly guaranteed the fundamental rights, including freedom of thought, expression, belief, faith, worship and association, subject to law and public morality.

The main ingredients of political development, including interest identification, interest formulation and interest integrations, could not be achieved in Pakistan because, what Khalid bin Sayeed described as “viceregalism” was a legacy of colonial rule.² Its hallmarks were paternalism, the wide discretionary powers afforded to bureaucrats, and the personalization of authority.

The All-India Muslim League, although it conducted the Pakistan movement in terms of the need to protect Muslim minority rights from Hindu majoritarianism, was itself a highly centralized body. Its more “representative” institutions, the council and the provincial branches, were increasingly subject to the authority of bodies nominated by the president, such

as the Working Committee and, from December 1943, the Committee of Action.³

Recourse to elections was considered suicidal by the migrant-led government at Karachi because there was no way it could win elections and return to power in the Centre. Elections were considered dysfunctional for the political system of Pakistan in the immediate post-independence period.

Attitudes in favour of authoritarianism had thus been conditioned by the nature of the freedom movement.⁴

In 1956, Chaudhry Muhammad Ali's Muslim League-United Front Government at the centre was now replaced by a Suhrawardy ministry comprising the Awami League and the Republican Party. Suhrawardy's national assumption of power created deep strains within the Awami League's ranks, especially on the issue of foreign policy, with the provincial leadership seeking an outright condemnation of the pro-Western approach in the fevered atmosphere generated by the Suez affair. Indeed, demands from disgruntled Awami Leaguers for provincial autonomy intensified rather than slackened as a result of Suhrawardy's assumption of national leadership. The ideological clash between the Suhrawardy and Bhashani groups led the latter to form a new national opposition party in July 1957. Its West Pakistan support was drawn from such long-time dissidents as Mian Iftikharuddin, Ghaffar Khan, G.M. Syed and Abdul Majid Sindhi. The grouping was called the National Awami Party, and it campaigned on a five-point programme. This called for the abolition of One Unit, a neutral foreign policy, regional autonomy, early elections based on joint electorates, and the implementation of 14 unfulfilled items of the 21-point Manifesto.⁵

In 1957, Prime Minister Husseyn Shaheed Suhrawardy, an Awami League leader from Bengal, imposed emergency rule in West Pakistan to prevent the Muslim League – one of several parties by then committed to dissolving One Unit – from gaining control of the provincial government and reopening the question of separate electorates. Suhrawardy, unlike many Bengali leaders, saw the end of One Unit as a threat to national unity.⁶ Regional loyalties remained the guide for party politics, although elections scheduled for 1958 were again postponed. Bargaining among weak parties dominated politics, and intra-party squabbling and conflicts of personal interests militated against party discipline. In a striking piece of political theatre, the Khan of Kalat declared independence for his state. His brief movement was quickly repelled – his followers were the only political offenders later executed under Ayub Khan's martial law – and he, too, was placed under arrest.

Political parties, military dictators and politicians

Iskander Mirza proclaimed martial law on 8 October 1958. Stating that “the vast majority of the people no longer have any confidence in the present

system of government,” he claimed that the country’s integrity was “seriously threatened by the ruthlessness of traitors and political adventures whose selfishness, thirst for power and unpatriotic conduct cannot be restrained.”⁷

The military regime of Ayub Khan applied the 1959 Public Offices (Disqualification) Order (PODO) retrospectively to 1947 and disqualified politicians who were found guilty of misconduct by a special tribunal from holding office for up to 15 years. To complement restrictions on the un-compliant political elite, the government put into effect a variety of repressive measures that reduced a mass voice. Strikes and agitations in schools and public utilities were outlawed under martial law regulations, with punishments of ten years’ rigorous imprisonment for their violation. When political party activities were once again allowed, they were strictly limited, and a wide range of publications laws were implemented in order to maintain control over the media after martial law was lifted, and, as we shall see, it sharply restricted media ownership, employment, financing and coverage.⁸

Such scholars as Hasan-Askari Rizvi have pointed out how the military debacle and the break-up of the country provided Bhutto with a major advantage in asserting civilian primacy over the army. While the full details of the government-appointed Hamadur Rahman Commission were not circulated, the press was full of criticisms of the army and its top leadership.⁹

The dismissal of the NAP government in Balochistan was symptomatic of growing authoritarianism. This was evidenced not just in Bhutto’s dealings with rival parties, but within the ranks of his own Pakistan People’s Party (PPP). When this party was founded in Lahore in November 1967, there were high hopes that the prevailing pattern of weakly institutionalized parties might be ended, thereby removing one of the long-term barriers to political development. Ideas rather than clientelism and patronage appeared to be the order of the day when the party’s foundation meeting document set out its progressive credo, declaring that

the people . . . are not willing to tolerate the present conditions much longer. They want a new system based on justice and attached to the essential interests of the toiling millions. Only a new party can discharge his responsibility.¹⁰

These ideas were later to be given fuller expression in the concept of Islamic “musawaat” and to be popularized by such writers as Hanif Ramay. While Bhutto’s charismatic leadership was a crucial factor in the PPP’s success in the 1970 national elections, its progressive ideals were summed up in the phrase *roti, kapra aur makan* (“food, clothes and shelter”) which was an important vote winner that enabled it to capture 81 out of the 138 West Pakistan seats.

In the words of Kenneth Jones, the PPP support represented “a tide of opinion in favour of systemic change. It had been a vote for a party and its programme . . . not for specific individuals.”¹¹ Nevertheless, half of the

election tickets in Punjab had been allocated to members of the traditional elite, "who already had long political careers behind them."¹² Many of the PPP's most "programmatically committed social groups" were outside the legislature. This state of affairs was to set up tensions between the Punjab party cell and those MLAs whose allegiance was personal to Bhutto. This helps explain the factionalism which dominated the PPP's history in this period. Ministerialist views were expressed in such PPP publications as *Musawat* and *Nusrat*, while the more radical organizational wing of the party had its position represented in the daily *Azad* and the weekly *Dehqan* and *Al-Fatah*.¹³ The PPP party organization in Punjab fought an increasingly rearguard action from its Mozang Road headquarters in Lahore. The Chief Minister G.M. Khar had his rival base at Temple Road. Bhutto further exacerbated the divisions by seeking to bolster his power through internal factional manipulation. Rather than transcending Pakistan's traditional personality-based politics and establishing a new intra-party democratization, the PPP increasingly exemplified the old-style approach. What was new was the increasing use of firearms from 1972 onwards, as factional groups became engaged in increasingly bitter internal conflicts.

Party-building, instead of proceeding along the lines of elected institutions and formal structures, revolved around patronage. The PPP's growing organizational weakness coincided with Bhutto's rapprochement with traditional power elites who had feared being swept away at the time of its triumph in the western wing in the 1970 elections. Even before Bhutto had become president, an elite "quiet counter-revolution" of tenant evictions aided by the police and bureaucracy had begun in the countryside.¹⁴ This was designed to nip in the bud any hopes of PPP leftists that the election victory would usher in a *Kisan-Mazdur Raj*. Rather than backing the left wing, Bhutto sought to control it to reduce resistance to his assumption of power. This set a precedent for his later dealings with established power-holders at the expense of PPP radicals. J.A. Rahim, who had drafted the PPP foundation documents, was removed from his cabinet and party positions in July 1974 and badly beaten by FSF members after he had the temerity to voice public disagreement with Bhutto. The comprehensive PPP reorganization of December 1976 emphasized personal loyalties over effective institutionalization. The increasingly autocratic Bhutto selected the higher office-bearers, his secretariat, and even appointed figures at the district level and below. The PPP's progressive founding members were one by one marginalized; sycophancy replaced creative thought as the key to influence.

The PPP increasingly looked like any other party, as it inducted opportunist landowners to gather votes and found itself the victim of their factional rivalries. In Punjab, for example, the PPP government of Ghulam Mustafa Khar relied on time-honoured policies of involving rivals in legal cases. In this way, Khar marginalized and then purged the supporters of his rival,

Sheikh Rashid. Even more worrying were reports of abductions and political as *danda* (stick) *raj* rather than an *awami* (people's) *raj*. Khar's hatchetman, Iftikhar Ahmed Tari, was reputed to have criminal connections and became a reviled figure. Khar was eventually forced out of office in March 1974, but this stemmed neither the erosion of the PPP's popularity nor the growing domination of the rural elite in its ranks. This was exemplified by the emergence in mid-1975 of Nawab Sadiq Hussain Qureshi as the Punjab Chief Minister.

Personal rivalries, not only in Punjab but also in the then Frontier and Sindh, spilled over into violence. Bhutto noted in a memo in August 1973, "Pistols to the right of us, pistols to the left of us, pistols all around us. This seems to be the motto of the party. For the most trivial of things pistols are drawn and flashed."¹⁵ Bhutto was not an innocent bystander in this and was prepared to use threats of violence to get his way. This was to expose him to charges concerning the death of Nawab Muhammad Ahmad Khan, which provided Zia with an opportunity to hang the former prime minister.¹⁶

Bhutto responded to the mounting disorder, which his political style helped generate, by increasing the stifling of political expression through banning the NAP, and the use of Section 144 of the Penal Code, the High Treason Act, Prevention of Anti-National Activities Ordinance and the Press and Publications Ordinance. Rather than introducing a new era, his regime seemed identical in these respects to those of his predecessors, Ayub and Yahya. It completed the alienation of the intellectuals and students who had vested their hopes in the party's formation. Fears that Bhutto was attempting to establish a one-party system were reinforced by his purging and politicization of the bureaucracy and his creation of the Federal Security Force and the People's Guards.¹⁷

Hindsight has reinforced the view that Bhutto's greatest weakness in office was his failure to regard political opposition as legitimate and to institutionalize his own party. In the words of William Milam: the most far-reaching long-term impact was the myopic refusal of Bhutto . . . to transform the (PPP) from a collection of opposition interests centred upon its charismatic leader to an institutionalized party – in other words, into a real political party. The PPP remained undemocratic in its structure, based on patronage, or clientelism, rather than merit or distinction. This may have pre-ordained the return of the army to its self-appointed political role as protector of the state.¹⁸

Like army rule under Ayub Khan, General Zia's regime fell into constitutional and non-constitutional periods, but their relative positions were reversed. The grip of the 1958 martial law loosened as power concentrated in the hands of the military, leading to a new constitution that furthered the designs of the military state but allowed some political discourse and institutional flexibility. The courts could review executive actions, albeit

in limited ways. Explicit repression was reintroduced only when limited freedoms created growing demands for even more.

The dynamics of power under General Zia-ul-Haq were quite different. Whatever satisfaction the People's Party opponents felt at Bhutto's demise diminished sharply as the political arena was closed to almost all political parties except those that might embellish and legitimate the regime. Despite Bhutto's ruthlessness toward his enemies, Pakistanis had grown accustomed to raucous and open politics and bitterly resented renewed military rule. The nexus of support for the regime, a coalition of "military, merchant and mullah," in the words of veteran newsman Nisar Osamani, was neither broad nor deep enough to keep protests at bay. Instruments of the state – particularly the army and police – were viewed as enemies of popular sovereignty rather than vehicles to restore it. The longer the regime stayed in power, the greater the opportunity for citizens to suffer at the hands of increasingly corrupt law-enforcing bodies. Although political parties were muted, local level opposition remained constant, keeping the police and military tribunals active and preventing General Zia from fully consolidating power.

By 1981, General Zia had dismissed the gloss of transition from the military regime and stopped scheduling phantom elections. In the absence of popular backing, he promulgated far-reaching orders to concentrate his rule. Most effective, and consequently most destructive to the civilian state, was the 1981 Provisional Constitution Order (PCO). Issued "for consolidating and declaring the Law and for effectively meeting the threat to the integrity and sovereignty of Pakistan," and because "doubts have arisen . . . as regards the powers and jurisdiction of the superior Courts," the PCO extinguished judicial powers.¹⁹ Its timing coincided with a proposed Supreme Court conclave on the constitutional amendments discussed in Yaqoob Ali's case; it was issued directly after a Pakistan International Airlines plane was hijacked to Kabul, allegedly by the exile group Al Zulfikar, an organization deemed a terrorist threat whose purported members were mercilessly persecuted until martial law was lifted. The judiciary's disapproval of the regime was unmistakable, and its decisions blunted the sharp edge of military oppression for many detainees, in turn creating space for political opposition. Judgments against military rule led to confrontations with the military that the courts could not win; the PCO was General Zia's victory proclamation.

The 1981 Order was a profound weapon against civil society. With it, the 1973 Constitution was effectively abrogated. The PCO was offered as a substitute (and ungratified) national constitution, but it was less a constitutive document than an instrument to preclude democracy. It placed virtually all power in the hands of the executive, provided extensive emergency provisions to extend military rule and gave the President and Chief Martial Law Administrator retrospective power to amend the constitution. All orders and actions taken by the regime were considered to have been validly made,

and “notwithstanding any judgment of any Court” could not be called into question “in any Court on any ground whatsoever.” If political parties were revived, they were to conform to registration standards determined by an Election Commission subordinate to the CMLA.

The PCO excluded the judiciary from hearing a broad range of cases. Members of the armed forces were made fully immune to civil prosecution. High courts were barred from ruling on preventive detention, providing interim relief to detainees under preventive detention, taking action on any case registered in civil or military courts or tribunals or interfering with cases registered at police stations. Pending cases were immediately suspended. In addition, civil courts were barred from entertaining any proceedings concerned with military courts, their pending cases or their sentencing. The Chief Martial Law Administrator had the sole power to “remove difficulties” in these matters.

The effects on the judiciary were debilitating. In one stroke, the martial law government declared its intention to remain in power and resist change. The prospects for renewed constitutional rule diminished to an undisclosed vanishing point, leaving the judiciary in its most awkward situation to date. In the 1950s and 1960s, and under Bhutto’s “awami” (people’s) martial law, the absence of constitutional governance was always treated as a temporary phenomenon. No such understanding could be culled from the PCO. This left the matter of oath-taking, for example, a personal and political decision of considerable reach. To punish and embarrass them further, superior court judges were required to take a new oath to uphold the PCO; not all were invited to do so, and not all who were required to do so agreed to attest loyalty to the military state. Were the entire judiciary to resign, military tribunals, whose arbitrariness and harshness were now well known, could vastly use their jurisdiction. To continue in office, however, meant accepting a political and judicial order that rendered political justice an oxymoron.

Judicial review was effectively cancelled. Prior to 1981, such review could limit the coercive apparatus of the state, albeit in piecemeal ways. The PCO rendered this control mechanism vacant. Attempts to attract judicial attention were allowed only if the issues involved were not touched on by the order’s restrictions.²⁰ Otherwise, the courts were forced to return petitions with neither comment nor action, a stamp indicating only that it was “hit by PCO”; the regime instructed court registrars to return petitions raising martial law matters without referring them to a judge. Unfettered by an independent judiciary, the regime reorganized the discourse of politics and the structure of the state by refining the principle of divide and rule. The martial law regime was transformed into a martial law state. Excluding civil court review of executive action, the regime was free to impose power on its own terms and punish society collectively for the acts of individuals.

Citizens were now subject to an ever-expanding list of martial law regulations and orders, resulting in the detention of thousands of civilians during the regime's life. Although Zia-ul-Haq maintained that military courts were used only to combat threats to national security, both summary and special military courts were used extensively and without oversight. The premise of these military courts was autonomy. Neither records, reasoned judgments nor representations were maintained to facilitate later scrutiny; the regime did not always respond to *habeas corpus* petitions and frequently applied death sentences for political acts. In one Balochistan case, murder charges against a detainee were changed several times when it was discovered that the presumed victim was still alive; the defendant was nonetheless convicted and hanged. High Court Chief Justice Mir Khuda Bux Marri resigned after this incident. In other cases, charges were not framed until sentences were passed. By 1984, the government formally removed itself from the careful standards set in F.B. Ali's case, maintaining publicly that military law, including the 1952 Army Act, applied to civilians.²¹

The regime also took the legal profession to task. The freedom of attorneys and bar associations was sharply curtailed in 1982. The 1973 Legal Practitioners and Bar Councils Act was amended to remove peer review from licensing, giving the councils less power than had been granted in the 1926 Indian Bar Councils Act. Further amendments in 1985 gave regime-appointed judges, rather than bar groups, power to suspend the right to practices before the courts, granted the regime greater latitude in judicial appointments and strictly banned members of bar councils from politics. The amendments were retribution for the national council's expulsion of lawyers who joined the Federal Advisory Council after the PCO was promulgated; a similar expulsion had taken place against PPP members after the 1977 coup d'état. Subsequent to the amendments, the regime transferred judges indiscriminately or as punishment for anti-regime judgments and refused to confirm some judicial appointments; Presidential Order No. 24 of 1985 required judges to accept transfer or be summarily retired.²²

Acting on a presumption that General Zia-ul-Haq shared with his military predecessors, that political parties were divisive forces, parties were prohibited once the pretence of early elections was put to rest. Their leaders were persecuted, imprisoned, tortured and exiled, and many party members were subjected to equally brutal treatment. When civilian opposition did not cease, the government resorted to long-term political trials in special military courts formed under retroactive laws, constructing elaborate cases against alleged anti-state conspiracies that remained unproven after years of imprisonments, and puppet trials conducted with special rules of evidence. President's Order No. 4 of 1982 (Criminal Law Amendment Order), promulgated more than a year after arrests were made in conspiracy cases, allowed the courts to refuse to call defendant witnesses "if the tribunals or court is satisfied that the accused intends to call or examine such witness

to cause vexation or delay or to defeat the ends of justice,” and sanctioned secret proceedings that could proceed without the presence of the accused. It also prohibited the publication of the court, presuming that anyone possessing such information was guilty of offences under the 1923 Official Secrets Act. The government underscored this message with continual instructions to newspapers, already engaged in self-censorship after many journalists were arrested, to omit coverage of a wide range of stories.

The 1990s was a decade of flawed democracy in which Benazir Bhutto and Nawaz Sharif had short tenures as Prime Minister. Musharraf, who was very strong initially and succeeded in keeping both Benazir Bhutto and Nawaz Sharif in self-selected exile for about a decade, became quite weak by the end of 2007.

Musharraf was unable to prevent Benazir Bhutto’s and Nawaz Sharif’s return to Pakistan shortly after his re-election. Benazir Bhutto had returned on 18 October 2007 after amnesty had been granted and all corruption charges against her were lifted. Her triumphant return was marred by an assassination attempt in Karachi in which a suicide bomber killed 136 people and injured at least 450. Nawaz Sharif returned from his Saudi exile in less dramatic circumstances on 25 November 2007. It was increasingly clear that Musharraf would only be able to preserve his position by working with the leaders of the two parties, which would come out on top in the impending elections. In another ill-considered step, however, he painted himself further into a corner by taking the drastic step of declaring a state of emergency on 3 November 2007. This was prompted not by fear of Bhutto and Sharif so much as concern that the Supreme Court would invalidate his recent re-election. The new restrictions on the mainstream media, which had been given freedom to grow earlier, his regime was epitomized by the Pakistan Electronic Media Regulatory Ordinance. The state of emergency was lifted on 15 December 2007, in time for parliamentary elections after new appointees to the Supreme Court ratified Musharraf’s election. Earlier, on 28 November 2007, he had stepped down as Chief of Army Staff, handing control of the army over to General Ashfaq Kayani. This decision, which had long been demanded by opponents, did nothing however to restore his credibility and merely further exposed him to opposition without the army’s “cover.” The emergency had done irreparable damage to both his domestic and international standing. The Commonwealth had suspended Pakistan from membership on 22 November 2007.²³

The election had been delayed from January to February 2008, following Benazir Bhutto’s assassination in Rawalpindi on 27 December 2007. In the 2008 elections, the PPP and PML(N) were successful in forming governments at the federal level and the Punjab Province respectively. The ANP was the main beneficiary of this process in the then NWFP (subsequently renamed Khyber Pakhtunkhwa). The religious-based parties were reduced to the margins. Asif Ali Zardari emerged as the key figure in Pakistan politics.²⁴

Elections 2013 were held at a defining moment in Pakistan's history because one democratic dispensation was replaced by another for the first time since the creation of Pakistan. Another significant factor was the unanimous belief of state institutions that democracy was the only guarantee of freedom and sustainable development for the country. The media, coupled with judicial activism and an election commission constituted strictly under the provision of the constitution, raised the hope that democracy would now be built into Pakistani polity with little chances of wrecking due process. The May 11 decision of the electorate would determine whether this country would be able to deal with militancy and also reshape its political, economic, cultural and sociological landscape. Any mistake, as a nation, at this critical juncture would threaten human rights, fundamental freedoms, and peace, stability and security. Furthermore, our persistent problems relating to governance, corruption, energy shortages, inflation, macroeconomic stability, financial irregularities and tendencies like subordinating institutions to individuals, personalization of power with a family of destiny, inability to build a viable system that is not sustained by appeasement of banned extremist and terrorist outfits, debt burden and shrinking resource flows would hamper our march towards building a knowledge economy.

Keeping in view the significance of free, fair and transparent elections, it was incumbent upon the Election Commission of Pakistan (ECP) and the caretaker setup to ensure a level playing field for all political parties, candidates and political activists. The fact that terrorist outfits effectively targeted election rallies and killed candidates and workers of secular parties in Khyber Pakhtunkhwa, Karachi and Balochistan eroded the efficacy of the elections as a source of legitimacy. Those having seat adjustments with extremist religious parties or advocating a soft approach towards the Taliban were carrying out their election campaign unhindered, while others were busy offering funeral prayers for their dead workers and were being compelled to choose between the right to live and the right to be elected to a political office. Added to their pain and anguish was either the absence of or a half-hearted condemnation by the right-wing parties.

The terrorist outfits created an environment of fear to forestall a respectable turnout of voters, resulting in erosion of the creditability of the election process. This was fraught with dangerous consequences. The net outcome was that the election results were not accepted in full and were dubbed as of doubtful efficacy by the Pakistan Tehreek-e-Insaf .

The political parties did not accord due priority in their manifestos to the challenge of extremism, terrorism, intolerance and violence. Even if the problem had been mentioned, the strategy to tackle was evasive and ambiguous. It may also be added that the electoral strategy of political parties revolved around electable candidates with scant regard to ideological affiliation. The result was that those who might have catered to banned militant organizations in the past managed to still get elected again.²⁵

The PML-N government formed in 2013, completed, for the first time, three years in office in May 2016.

In terms of legislation, the fourteenth National Assembly passed 48 acts since its inception. While the focus of most legislation under the PPP years was purifying the constitution of the “unconstitutional and undemocratic acts of General Pervez Musharraf,” the PML-N’s thrust had been the economy, besides anti-terror measures such as the Protection of Pakistan Act, the National Action Plan (NAP) and the controversial twenty-first amendment.²⁶

By July 2017, the Panama Papers case and recriminations over the likely fate of the prime minister, Nawaz Sharif, and his family brought to the forefront a nexus existing between business and politics in Pakistan. Commenting on the situation, the daily *Dawn*, in its Editorial of 5 July 2017 titled, “Business of politics,” observed,

From the Sharifs’ business partnerships with a number of ruling families in the Middle East and the Gulf to their interests in that most recognizable of political assets, sugar mills, the obvious and perhaps hidden conflicts of interest are numerous. How, for example, can the PML-N government really be trusted to strike the best gas procurement deals with Qatar for the country if the prime minister’s family are themselves directly engaged in business with the ruling family there? Qatar and other monarchies may not distinguish between the assets of the state and those of its rulers, but Pakistan is a constitutional democracy. Moreover, with the political government controlling economic policy, how can the government be trusted to fairly set the rules and tariffs in, for example, the sugar industry if the Sharif family has business interests in the sector?²⁷

The paper further observed,

the sweeping problems are, of course, not limited to the Sharif family or the PML-N. Imran Khan has claimed in the past that only the rich can be trusted to practise clean politics here since the financial temptations in office are so many – a claim not only contradicted by the global history of politics and money, but at odds with the allegations the PTI supremo routinely makes against the Sharifs and sundry political opponents. The PTI chief has also for much of his political career surrounded himself with special interests that can surely be expected to try and recoup their investment over the years if the PTI wins power at the federal level. Other political parties are no less egregious in their mixing of business and politics. Realistically, parliament will for now remain disproportionately populated by vastly wealthy businessmen and industrialists and property

tycoons. The aim then must be to limit the influence they can have in policy areas that affect their businesses.²⁸

In mature democracies, a favoured approach is for politicians to put their assets in a blind trust while in public office. That approach may not work well in less democratic polities where politicians routinely hide their wealth and assets at home and abroad – exactly what the Panama Papers purported to have revealed. With successive governments having little interest in strengthening institutions, the possibility of strong regulators overseeing business sectors has also receded, at least temporarily.²⁹

Civil military relations – recent context (2016–2019)

The opposition and treasury faced off as tensions simmered over the ToR for the Panamagate commission, but despite that, the whole house came together to unanimously vote for the twenty-second constitutional amendment.

The government faced its biggest challenge in their second year in office when Imran Khan and Tahirul Qadri parked themselves – and their followers – outside the parliament between August and December 2014. That protest only ended when the tragic massacre at the Army Public School in Peshawar forced political leaders to sit together and come up with a solution.

In 2016, things were looking up for the government: the China-Pakistan Economic Corridor (CPEC) was in vogue and a rare period of smooth civil-military relations appeared to have emerged. So much so that there were occasions when Prime Minister Nawaz Sharif and Army Chief General Raheel Sharif would meet thrice a week.

Then came the Panamagate scandal. The International Consortium of Investigative Journalists (ICIJ) revealed that the prime minister's two sons and daughter were the beneficial owners of offshore companies set up in the British Virgin Islands, a known tax haven.

The PM addressed the nation twice and offered a detailed account of his family's businesses in the National Assembly, explaining how his late father had built the business empire, which was the source of income used to buy properties in London and other holdings.

An opposition alliance had agreed to sit with the government in a parliamentary committee, which would frame the ToR for the judicial commission to investigate whether the PM's family members, and indeed all others named in the Panama Papers, had used illegal money to set up offshore companies. Commenting on the situation, the *Friday Times*³⁰ wrote in its editorial:

Prime Minister Nawaz Sharif and Army Chief General Raheel Sharif have met after a month of sulking in their respective corners. This

calls for comment because it was routine for them to be pictured together every week on one assignment or the other at home or abroad to demonstrate civil-military unity on important national security issues. Therefore tongues are now wagging about acute tensions between them that could shake up the political superstructure.

The first source of tension between them was Mr. Sharif's decision to prosecute retired General Pervez Musharraf for treason. The army as an institution cannot countenance a former chief in the dock under any circumstances. On top of that, General Sharif owes General Musharraf for advancing his career. The twists and turns in the case have frustrated both sides and led to misunderstandings.

The second source of tension was Mr. Sharif's decision in spring 2014 to opt for endless rounds of futile talks with the Pakistani Taliban when General Sharif was primed to go into Waziristan all guns blazing. That gave the Taliban an opportunity to slip away and regroup, making General Sharif's task more difficult when the green light for Zarb-e-Azb finally came in June 2014 following a string of Taliban attacks on security installations and personnel across the country.

The third source of tension sprang from the ISI's role, two years ago, in directing Imran Khan's dharna at D Chowk in Islamabad aimed at overthrowing Mr. Sharif. Although General Sharif was not fully on board the agency's covert operation and refrained from taking any precipitous steps, Mr. Sharif's trust and confidence in his army chief was definitely eroded.

The fourth source of tension arose from Mr. Sharif's desire to mend fences with India so that he can extract a political and economic "peace dividend." But the military is institutionally opposed to any such strategic move. Therefore, it was irked when Mr. Sharif attended Narendra Modi's swearing in ceremony in 2014 and later agreed to hold secretary-level talks with India on the subject of terrorism without any quid pro quo on Kashmir. Recently, the military was annoyed when Mr. Sharif ordered the registration of a FIR against the perpetrators of the Pathankot attack and when the PML-N government failed to adequately propagate, internationally, the capture of an Indian spy.

The fifth source of tension arose from the military's intent to conduct a "clean-up operation" against terrorism in Punjab similar to the one in Karachi. But Mr. Sharif is opposed to this because he doesn't want the military to stand down his showcase "good-governance" in Punjab like it did the PPP government in Sindh.

The sixth source of tension is the military's bid to link terrorism with corruption and run-down civilian administrations. Mr. Sharif is particularly annoyed by General Sharif's statement for "across the board" accountability following Panama leaks and the ISPR's attempt to demonstrate that the military has initiated such accountability from "home" by

sacking some generals accused of graft. The timing of this “leak” lends credibility to Mr. Sharif’s suspicions that General Sharif means to show him up and do him in.

There are other issues too. The military wants a slice of the cake of building CPEC, but the government is keeping it at arm’s length. It doesn’t like the beefing up of the Intelligence Bureau as a political counterweight to the ISI. The brass wants more funds for IDP rehabilitation in Waziristan to consolidate law and order. It is frustrated that the Foreign Office couldn’t clinch the F-16 deal in Washington. Last but not least, the prime minister isn’t happy at the ISPR’s attempt to propagate General Raheel Sharif as some sort of “messiah-in-waiting” in counter distinction to the perception of Mr. Sharif as a “corrupt and incompetent” prime minister.

In view of this situation, the hot topic of the day is whether the meeting last Monday will serve to stabilize civil-military relations and enable Mr Sharif to weather the Panama leaks’ storm by “neutralizing” the military’s political ambitions.

To be sure, one meeting isn’t going to melt the glacier of institutional distrust on both sides. But there are three factors in favour of Prime Minister Nawaz Sharif. First, the opposition is divided and no one, except for the PTI, wants a military intervention. Second, General Sharif’s “window of opportunity” will end in three months when a new army chief is announced, and he becomes a lame duck. Third, any coup-making general will have to contend with seriously adverse consequences of his action. Except for the PTI, all major political parties, civil society, judiciary and the powerful media will unite against a military dictatorship that inevitably curtails their freedom. The international community will sanction Pakistan, and India and Afghanistan will destabilize the country. Soon thereafter, the coup-maker will realize he is riding a tiger that will maul him like his adventurous predecessors. Given the pros and cons, therefore, we should expect turbulence but no crash in the hot summer months ahead.

In addition to the earlier-mentioned factors, it is noteworthy that the all-powerful military establishment, regardless of the democratic façade orchestrated by political parties, is always in a position to determine the course of foreign policy as it deems fit. For example, former army chief retired General Raheel Sharif, on Friday, 21 April 2017, left for Riyadh to assume the command of the 41-nation Islamic Military Alliance to Fight Terrorism (IMAFT) after the government quietly cleared him to serve the coalition, which was gradually taking shape. The May summit in Riyadh, marked by US President Donald Trump’s presence and attended by dozens of leaders of Muslim-majority countries, widened the sectarian divide in the Muslim world and made it clear that the alliance had been conceived by Saudi Arabia as an anti-Iran alliance. It became clear that the decisions to participate in the IMAFT itself and allow former army chief General Raheel Sharif to

accept a Saudi offer to head it militarily were made in haste without regard to Pakistan's national interest.

"Gen Raheel Sharif has been issued an NOC to join IMAFT after GHQ's consent and meeting legal formalities," Defence Minister Khawaja Asif told a TV channel, as a special aircraft sent by the Saudi government landed in Lahore to take the retired army chief to Riyadh.³¹

General Sharif was lauded at home for leading Operation Zarb-e-Azb that centred on North Waziristan, once considered the hotbed of terrorism, but his decision to serve the Saudi-led alliance was severely criticized. The alliance, believed to be the brainchild of ambitious Saudi Defence Minister and Deputy Crown Prince Muhammad bin Salman, was formed to help member states deal with the problem of terrorism, but people fear that Pakistan may get involved in the Middle East's political disputes.

This perception was strengthened after Saudi Defence Forces Spokesman Gen Assiri told the Wall Street Journal that the alliance wasn't restricted to confronting terrorist organizations like the militant Islamic State group and Al Qaeda. He said the coalition could, at the request of a member, move against rebel groups and militias posing a threat to member countries such as Yemen's Houthis, which were being supported by Iran.

The absence of countries like Iran, Iraq and Syria, which had been at the forefront of fighting terrorism, from the alliance had led many to believe that the coalition was nothing but a sectarian show of force to counter the rising influence of Iran in the region.

Iran publicly expressed its reservations about a Pakistani leading the alliance. Pakistani officials in both private and bilateral engagement tried to assure Tehran that General Sharif would not act against Iranian interests.

The alliance will be governed by a council of defence ministers of the member states. The Joint Command Centre would, meanwhile, be based in Riyadh.

The government had, in a statement in the Senate, assured that the house would be informed before issuance of the NOC, which had so far not been sought by the former army chief. The assurance was not fulfilled, and the announcement regarding the NOC was made only when the general prepared to leave.

Apparently, the government and the military processed the entire issue with great secrecy after strong public criticism of the earlier disclosure that General Raheel would be joining the alliance. It goes without saying that while a close relationship with Saudi Arabia is warranted, better relations with Iran, too, are necessary. Pakistan shares a border with Iran; there are commonalities between large sections of the two populations; Pakistan needs greater trade and connectivity with Iran; Iran can help Pakistan mitigate a persistent deficit of affordable energy; Iran and

Pakistan have several common security problems along the border that demand cooperative solutions. Hence, Pakistan's national interest calls for closer relations with Iran and avoids the risks of aligning Pakistan along sectarian lines.

Conclusion

Working in an environment dominated by military bureaucracy, political parties can be described as personalized institutions/family dynasties with almost the complete absence of internal debates on vital issues.³² Generally there does not exist a merit-based system of promotion from the junior rungs of the ladder to the top echelons. The parties do not have active think tanks to find solutions to problems like sustainable growth, social development, housing, health and education. Elected representatives generally remain absent from their constituencies, which can be described as family fiefdoms with members of the same family elected at the tehsil, district, provincial and federal levels year after year. The prime purpose is the maintenance of a status quo. The people's exclusion from the management of the state is nearly complete. The rulers have no use for them except for asking them to cast ballots after every few years in elections that are at best partly fair.³³

Notes

- 1 Aziz, Khurshid Kamal (2001), *Pakistan's Political Culture: Essays in Historical and Social Origins*, Vanguard, Lahore.
- 2 Sayeed, Khalid bin (1968), *Pakistan: The Formative Phase 1857–1948*, Oxford University Press, Oxford.
- 3 Talbot, Ian (2012), *Pakistan: A New History*, Oxford University Press, Oxford, p. 57.
- 4 Ibid.
- 5 Ibid., p. 73.
- 6 Suhrawardy, Husseyn Shaheed (1957), Political Stability and Democracy in Pakistan, *Foreign Affairs* 35, No. 3, April: 422–431.
- 7 The Civil Military Gazette (1958), Martial Law Proclaimed, *CMG*, 8 October, p. 1.
- 8 Newberg, Paula R. (1995), *Judging the State: Courts and Constitutional Politics of Pakistan*, Cambridge University Press, Cambridge, p. 80.
- 9 Talbot, Ian (2012), *Pakistan: A New History*, Oxford University Press, Oxford, p. 94.
- 10 Ibid.
- 11 Sethi, Najam (2016), Turbulence or Crash?, *The Friday Times*, Friday, 13 May.
- 12 *Dawn* (2017), Saturday, 22 April.
- 13 Politicians are supposed to give vision and lead the country, but Pakistan has an anomaly. Unlike leaders of political parties elsewhere, Pakistani political parties' rules are in dynastic style. They consider themselves accountable to none. With the exception of one or two, the rest of the parties are not

democratic, and dictatorship reigns supreme within the party. Now let us have a look at the major political parties of Pakistan. PPP is perhaps the largest party in Pakistan having roots in masses. The founder was Z.A. Bhutto, a dynamic personality with a vision who ruled the country until his shameful martial and judicial murder. Despite his ability, he could not tolerate criticism within the party and country. The party, after his death, fell into the hands of his wife, Nusrat Bhutto, and down the line to his daughter, Benazir Bhutto, till her assassination in December 2007. The party, now, is being run by Benazir's husband, Asif Ali Zardari, and Bilawal Bhutto Zardari with emergence of new challenges with each passing day. The second largest party is the Pakistan Muslim league (N) headed by Muhammad Nawaz Sharif for decades like a family enterprise. The Awami National Party (ANP), a nationalist party, is now headed by Asfandiyar Wali Khan, after the death of his father Abdul Wali. It seems that the ANP would be led by Aimal Wali, after the death of his father, thus with the fourth generation as party leader. Another political party is the Mutahhida Qaumi Movement, headed by Altaf Hussein, setting in London and steering the party via remote control. It has been into various groups after Altaf Hussain was sidelined by the establishment and other forces.

Then on the religious side, there is Jamiat Ulam Islam (JUI-F), headed by Maulana Fazl-ur-Rehman, succeeding his father to the party leadership. In the inter-party election, Jama'at Islami has a good track record. So far none of the family member has succeeded Amir. Then there are parties like Pakistan Tehreek-e-Insaf (PTI), the new emerging party with a vision of new Pakistan headed by an ex-cricketer, Imran Khan, who seems bent on changing Pakistan socio-politically, and most of his followers are youth, fully committed to transforming the country into Naya-Pakistan, or new Pakistan. In 2013, the elections secured a considerable number of seats in the National Assembly and played the role of opposition in the National Assembly. The PTI was also able to form the coalition government in Khyber Pakhtunkhwa and were claiming to make it an ideal province. In the 2018 elections, the PTI was able to form its government in the Federation as well as in the provinces of Punjab, Khyber Pakhtunkhwa and a coalition government in Balochistan. With the exception of PTI, MQM and Jamat-i-Islami, all other smaller parties have the dynastic character, one way or another. Pakistan cannot make the transition to democracy without a competitive party system. Political parties are indispensable to censure popular sovereignty into representative governance. It is also a fact that whatever political or ideological leanings and propensity these parties may have, their existence is vital to stave off military or civil intervention.

(Taj, Shaista, & Ur, Rehman Zia (2015))

- 14 Rehman, I. A. (2016), Decline of Political Parties, *Dawn*, Thursday, 27 October.
- 15 Talbout, I. (2012), *Pakistan a New History*, Oxford University Press, Oxford.
- 16 Ibid.
- 17 Ibid.
- 18 Milam, William B. (2009), *Bangladesh and Pakistan: Flirting with Failure in South Asia*, Hurst, London, p. 48.
- 19 Sethi, Najam (2016), Turbulence or Crash?, *The Friday Times*, Friday, 13 May.
- 20 *Dawn* (2017), Saturday, 22 April.
- 21 See text from note 13.
- 22 Rehman, I. A. (2016), Decline of Political Parties, *Dawn*, Thursday, 27 October.

- 23 Talbot, Ian (2012), *Pakistan: A New History*, Oxford University Press, Oxford.
- 24 Ibid.
- 25 The Express Tribune, Friday, 26 April, 2013.
- 26 *Dawn*, Monday, 23 May, 2016.
- 27 *Dawn*, Wednesday, 5 July, 2017. *Business of Politics*, Editorial.
- 28 Ibid.
- 29 Ibid.
- 30 Sethi, Najam (2016), Turbulence or Crash?, *The Friday Times*, Friday, 13 May.
- 31 *Dawn* (2017), Saturday, 22 April.
- 32 See text from note 13.
- 33 Rehman, I. A. (2016), Decline of Political Parties, *Dawn*, Thursday, 27 October.

Further reading

The following sources are recommended for additional reading:

- Siddiq, Ayesha (2007), *Military INCI Inside Pakistan's Military Economy*, 2nd Edition, Pluto Press.
- Jafri, A. B. S. (2002), *The Political Parties of Pakistan*, Royal Book Co.
- Taj, Shaista & Rehman, Zia (2015), Role of Political Parties in Pakistan and Perverted Form of Democracy *The Dialogue* Volume X Number 4.

LOCAL GOVERNMENT

Local government is a form of public administration which, in a majority of contexts, exists as the lowest tier of administration within a given state, an administrative body for a small geographic area, such as a city, town, county or state. The term is used to contrast with offices at the state level, which are referred to as the central government, national government or (where appropriate) the federal government. A local government will typically only have control over their specific geographical region and cannot pass or enforce laws that will affect a wider area. Local governments can elect officials, enact taxes, and do many other things that a national government would do, just on a smaller scale.

This chapter contains an overview of local government with reference to the period of its introduction under the East India Company's rule and subsequent development during the British raj (1688–1947) followed by the period of settling down in the aftermath of the creation of Pakistan (1947–1957), the period of relative stability under the military-dominated rule of President Ayub Khan (1958–1968), the settling down period under the civilian setup (1972–1975), the Zia years of military rule (1977–1988) in juxtaposition to the period under civilian rule (1989–1999), military-dominated rule under President Pervez Musharraf (1999–2007) and civilian rule again (2008–2019).

East India Company and the British raj (1688–1947)

Local governments have existed in the Indian subcontinent for many centuries, with the first municipal corporation set up in Madras in 1688 by the East India Company. In 1842, the Conservancy Act, which led to the formation of sanitary committees for garbage disposal, became the first formal measure of municipal organization which applied to the Bengal Presidency. In Karachi, the Board of Conservancy was established in 1846, while in Lahore and Rawalpindi, the Municipal Act was passed in 1867. Subsequent important events were Lord Ripon's Resolution on local self-government in 1882, which allowed for the provision of some elected members in municipal

committees and proposed the establishment of rural local governments. The 1907 Decentralization Commission recommended the appointment of non-official chairmen of municipal committees, a recommendation which was endorsed and extended further by the 1925 Simon Commission, set up to assess the performance of local self-government. The 1935 Government of India Act allowed provincial autonomy and permitted provinces to frame legislation on local government systems.

Period of settling down in the aftermath of the creation of Pakistan (1947–1957)

In 1947, the areas that constituted Pakistan had few developed systems of local government, and they were confined mainly to Punjab. Wherever a local government existed, it was not based on adult franchise and its agenda and budget were under the bureaucratic control of the Deputy Commissioner, who played a critical role in determining its policy.

The Ayub Era (1959–1969)

The period from 1958–1969 saw the promulgation of Pakistan's first martial law and the establishment of a military government, as well as the development of an extensive elected system of local government. The military government, after disbanding the provincial and national governments, realized that there was a need for at least a resemblance of involvement of the people in their own affairs. This gave rise to the Basic Democracies System, providing for a new local government system across the country through which members were elected. In urban areas, town committees were set up for towns having a population of less than 14,000. Under the Basic Democracies Ordinance of 1959, urban areas were defined as areas under the jurisdiction of a municipal body or any other area that the government could declare as an urban area. Town committees were expected to perform 37 functions, ranging from measures for promotion of social welfare and health to the maintenance of infrastructural facilities. These committees could also levy taxes on 29 items that included vehicles and trade.

Urban areas consisted of union committees that had six to ten elected members. The chairman of the union committee was elected as an ex-officio member of the municipal committee. Union committees were deprived of fiscal powers of any sort. While all of the chairmen of union committees were members of the municipal committee, the chairman of the municipal committee itself was appointed by the provincial government or by Commissioners. In rural areas, the first tier of government was the union council, which consisted of a group of villages. Like urban areas, each council elected

a chairman from amongst its members who served as the executive head of the committee. Like town committees, union councils also had 37 functions assigned to them. The chairmen of the union councils in an area constituted collectively a higher council, the tehsil council, which did not perform any executive functions. Its main function was to coordinate the activities of union councils and union committees in its jurisdiction. Unlike union councils, the tehsil council had no taxation powers.

In the Basic Democracies System, a district council was created, consisting of an Electoral College of which all chairmen of union councils, town and union committees were members, removing the distinction between urban and rural areas. The district council had 28 obligatory and 70 optional functions and powers to levy taxes. Its main purpose was to coordinate the activities of all local councils and municipal committees under its jurisdiction. The Basic Democracies system was seen as a substitute for universal suffrage and served as an Electoral College to elect the president and the assemblies. The Basic Democracies Order was followed by implementing orders, including the 1960 Municipal Administration Order, the 1961 Muslim Family Law Ordinance, and the 1961 Conciliation Courts Ordinance. The basic Democracies Order was incorporated into the 1962 Constitution, as was the 1965 Electoral College Act.

Basic democracy substituted the prospects of accessibility of local offices and the benefits of patronage for the possibility of influencing the polity, another way to separate politics from administration. It rested on an analysis of the concept of democracy that was entirely idiosyncratic, not to the “genius of the Pakistani people” as Ayub was wont to say, but to the requirements of his administrative state.¹ Basic democracy functioned in the absence of political parties and generally in the absence of debate. With time, Basic Democracies acquired a mantle of ideology to justify the state’s manipulation of its functions. “Basic Democracy offered the appearance of participation while ensuring that it did not interrupt the functioning of government, thus restricting the meaning of representation and reducing the role of public voice in the political arena.”²

The civilian setup (1972–1975)

However, with the fall of the Ayub Khan regime, to which the system was closely associated, it fell into disfavour. Besides, the first general elections of 1970 and the separation of East Pakistan from Pakistan resulted in the formation of an altogether new system of government in the country. Ironically though, the proposed elections to be held under the People’s Local Government Ordinance of 1975 promulgated by Pakistan’s first democratically elected government and meant to elect town and municipal committees (as well as councils in the rural area) were never held.

The Zia years (1977–1988)

If the first Martial Law Government was the pioneer in devising an extensive system of local governments, it was the second Martial Law Regime of General Zia that implemented elected local governments. These were revived in 1979 under the provincial local government ordinances, which, with amendments, were in operation till 14 August 2001 in Pakistan. Under this ordinance, there were four levels of municipal government in the urban areas: town committees, municipal committees, municipal corporations and metropolitan corporations. Members of the council elected the senior office bearers of these councils, and the controlling authority was the elected house. There was a three-tier system of local government in operation in Pakistan in the rural areas, where union councils, tehsil or taluka councils and district councils were supposed to exist. However, provincial governments had in practice usually abolished the middle-tier, the tehsil/taluka level. As a result, mainly union councils and district councils existed, which were elected on the basis of adult franchise. The elected members elected the chairmen of these councils themselves.

The period since 1985 had seen five general elections, enabling the people to choose members of the provincial and national assemblies. In the absence of elected assemblies however, local governments were the only popularly elected bodies and thus played important political and developmental roles. After the election of Senators and members of the provincial and national assemblies, the role of local governments had been substantially marginalized. These elected representatives had taken over some functions which local governments used to perform. Specific federal and provincial level programmes that were directed at elected provincial and federal members of parliament, such as the Five Point Programme of the Junejo government (1985–1988), the Peoples Programme of the first Benazir Bhutto government and other such programmes, had in many ways intervened in the evolution of proper and improved local government.

Under these programmes, elected members of provincial and national assemblies were given funds of a considerable amount that they could use, largely at their own discretion, for development projects in their political constituency. This had severely undermined the role local governments had been playing and could play in the development of particular (local) areas and regions. Furthermore, the fact that the elected principle of local bodies had been in abeyance reflects the attitude of elected and non-elected government officials. There seemed to be an inherent conflict of interest between different tiers of government in which local governments, assumed to be the most expendable, had had to bear the brunt.

The local governments were revived under General Zia-ul-Haq's military regime. Like Ayub, Zia-ul-Haq combined political centralization at the federal and provincial levels with a legitimization strategy that instituted

electoral representation only at the local level. Political centralization was achieved during the early years (1977–85) of the regime through the imposition of martial law, which held the 1973 Constitution in abeyance and was followed in 1985 by the eighth constitutional amendment that established indirect military rule through a quasi-presidential form of government.³ Local governments were revived through the promulgation of local government ordinances (LGOs), and local bodies were elected in all four provinces during 1979 and 1980. In essence, the army sought to use its old strategy of “divide and rule” by creating a new and competing class of “collaborative” local-level politicians.⁴ However, the increased political importance of local bodies was not complemented by any further decentralization of federal or provincial administrative functions or financial powers to the local level. Cheema and Mohmand’s (2003) comparison of LGO (1979) with BDO (1959) and the Municipal Administration Ordinance (MAO) (1960) shows that there was little change in the functions and financial powers assigned to local governments during the Zia and Ayub periods. Therefore, the increased importance of local governments as a means of political legitimacy did not translate into their substantive empowerment during either the Ayub or Zia periods. In fact, local governments continued to lack constitutional protection, and their creation and maintenance remained at the whim of the provinces, which retained suspension powers.⁵ In spite of these differences Zia’s LGO (1979) differed from Ayub’s BDO (1959) in certain important respects. Zia consciously adopted populist measures introduced by Bhutto’s unimplemented local government legislations (1972, 1975), which abolished the direct representation of the bureaucracy in local governments as members and chairmen, and instead stipulated that all members (including chairmen) of all tiers of local government were to be directly elected through adult franchise (Sections 12 and 13 of LGO 1979). This was a significant change from BDO (1959) and MAO (1960). Although, the provincial administration retained suspension powers and the powers to quash resolutions and proceedings during the Zia period, nonetheless, their control over local government functioning through direct representation was loosened. This was perhaps a circumscribed response to the emergence of mass-based politics during the sixties and seventies. However, the unequivocal adoption of the representative principle was significantly weakened as Zia retained the historical principle of holding local elections on a non-party basis. Although non-party local-level elections had been the general principle in areas that comprise Pakistan since the colonial period, nonetheless, the adoption of this principle by Zia-ul-Haq represented an important reversal because mass-based political parties had emerged as important players in the electoral arena since the 1970 federal and provincial elections. Zia retained this principle in order to neutralize the influence of political parties at the local level. Historical evidence suggests that these measures resulted in the localization and personalization of politics at the local level (Wilder, 1999).

Another continuity between Zia's legislation and the British and Ayub legislations is the rural-urban divide at the level of rural or district councils, town and municipal committees and corporations.⁶ In addition, Zia-ul-Haq abolished the district (rural) councils' function of rural-urban coordination, which made the district council responsible only for governance in rural areas. However, increased urbanization, the growing size of urban markets, the heightened flow of rural goods into urban areas and the selected adoption of tax farming⁷ resulted in a significant increase in the per capita income of urban local councils,⁸ as octroi⁹ and UIPT revenues started to increase in response to these socio-demographic changes, and this trend continued well into the nineties. However, the Zia regime consciously persisted with the rural-urban divide, which meant that the urban councils did not need to share the benefits from this increase in their per capita incomes with their rural hinterland.¹⁰ Historical evidence suggests that during the early part of his regime, Zia sought to accommodate the interests of the urban middle classes,¹¹ who had formed the core of the anti-Bhutto movement,¹² and it appears that the decision to retain the urban-rural divide, at a time when urban local council incomes were increasing, allowed the state to accommodate strong anti-Bhutto urban middle class political mobilizations by giving them control, albeit circumscribed, over funds that could be used for the entrenchment of localized clientelist networks. As opposed to this, the absence of buoyant sources of revenue in the hands of rural local councils meant that their capacity to deliver on even their meagre compulsory functions remained limited.¹³ The precarious revenue situation of rural local councils combined with a legislative rule that denied rural areas access to urban revenues resulted in these areas becoming increasingly dependent on the provincial tier for service delivery.

Evolution of the Local Government Structure 1985–1999: the revival of elected provincial and federal governments in 1985 reinforced the localization of politics that had begun with the 1979 local bodies' elections. The dominance of these revived assemblies by local bodies' politicians¹⁴ and helped transplant the culture of local body politics to the provincial and national levels.¹⁵ This tendency was reinforced by the non-party nature of the 1985 assemblies and governments, which "personalized patronage"¹⁶ as elected government ministers began to use development funds to increase their individual chances of re-election.¹⁷ Moreover, this personalization of politics did not reverse despite the revival of party-based Federal and Provincial Assemblies and governments in 1988. The persistence of this tendency is partly an outcome of weakening party organizations, which is due to adverse *de jure* and *de facto* measures instituted by the Bhutto and Zia regimes.¹⁸ Furthermore, the absence of political linkages between different tiers of government, which was an outcome of the non-party basis for politics, created tensions between provincial and local politicians, with the local

tier being viewed as a competing structure of “patronage.”¹⁹ The “tension” between the province and local governments was exacerbated because of the federal government’s encroachment upon provincial functions, which was seen as a way to weaken the purview of the provinces.²⁰ This created a lack of “political ownership” with regard to the local tier that resulted in a number of serious consequences. “Discretionary” special development programmes became widespread at the higher tiers and became an effective means for federal and provincial politicians to obtain unaudited control over local-level development allocations.²¹ Moreover, the concentration of buoyant revenues in the hands of the federal and provincial governments²² constrained the financial capacity of local governments, prompting the provinces to play an ever-increasing role in service provisions, especially post 1990.²³ Finally, this tension between provincial and local tiers resulted in the suspension of local bodies between 1993 and 1998, and, as before, in the period immediately following independence, somewhat paradoxically it was democratic forces at the provincial and higher levels that pushed for a retrenchment of local governments and further centralized expenditures’ functions in the higher tiers of the state.

Pervez Musharraf’s devolution of power reforms

This section gives an overview of the decentralization reforms introduced as the “Devolution of Power” Plan by General Pervez Musharraf in January 2000 and implemented after a series of local government elections that ended by August 2001. There are several aspects of the reform that are worth highlighting. First, in addition to devolving administrative and expenditure responsibilities to local governments, the decentralization involved, to differing degrees, changes in the administrative level of decision-making, the accountability of the decision-making authority (political or bureaucratic) and the nature and amount of fiscal resources available.²⁴ Second, the decentralization process was not uniform across all functions, with significant heterogeneity in its extent not only across administrative departments but also across services within a department. Finally, the reform took place fairly rapidly and under military rule and hence at the time when no provincial and federal elected governments were in power. The devolution process substantially restructured the sub-provincial (district and below) government structure. The major changes brought about by the devolution plan included the setting up of an elected district government headed by an elected nazim assisted by the district coordination officer (DCO), marking a departure from the old model wherein the non-elected provincial bureaucracy through the deputy commissioner exercised *de facto* control over the elected local bodies. The reforms were an attempt to curb bureaucratic power by abolishing the office of the deputy commissioner (DC). In addition, the new head

of district administration, the district coordination officer (DCO), no longer retained the executive magistracy and revenue collection powers of the old DC. While local governments did exist in periods prior to devolution, they did not have any significant role, as these local governments, especially in rural areas, were practically inactive²⁵ and, more importantly, because most of the state functions, were carried out by the provincial bureaucracy. Post-devolution, the vast majority of public services that were previously under the purview of the bureaucratically controlled district administration were transferred to elected local governments. As a result, the scope of local governments in terms of the services for which they were responsible and how they allocated district-level expenditures across services increased substantially post-devolution. However, the head of the district government, the District Nazim, needed not command a majority of the public vote in a district but rather a majority of the union councillors and union nazims elected in the district.²⁶ Another important electoral change was a significant increase in reservation for peasants and women, with a total of one-third of the seats reserved for both as compared to 5 percent and 10 percent in the district councils previously.

Despite the new local government structure, claiming empowerment at the grass roots level, Pakistan was constitutionally still a two-level federal state (i.e. the local governments were not recognized as the third tier of government by the 1973 Constitution). The seventeenth constitutional amendment provided limited protection to the local governments for a period of only six years, during which provinces could make changes to the local government legislation with the concurrence of the president.

Equally importantly, devolution involved a transfer of provincial powers and responsibilities to the district and lower levels of governments, but interestingly enough, no decentralization of any federal powers to either the provincial or local levels.²⁷

The central tendency revealed by our historical analysis is that local governments have been enacted by non-representative regimes to legitimize their control over the state.²⁸ Legitimacy has been sought by creating a localized patronage structure that produces a class of “collaborative politicians” who act as a conduit between local-level constituencies and the non-representative centre. This is as true of the British period as it is of the post-independence period. The difference between these periods lies in the nature of the non-representative institution that established its authority over the state. In the pre-independence period, it was the British imperial state that introduced modern local self-government. In the post-independence period, it has been the Pakistani military. Musharraf’s local government reforms represented a continuity of this central historical tendency.

Each elected federal government which has followed the military regimes that introduced local governments has at the very least ignored these local governments and often suspended them altogether.

Local government and the post-2013 civilian setup

Given the sheer number of the constituencies involved, the election authorities considered the LG polls a more complicated exercise than holding general elections for the National Assembly and provincial assemblies. For the first time in the country's history, 42 cantonment boards went for polls in April 2015 with election on direct seats. Elections to indirect seats of cantonments were held in May 2015. The LG elections for the Islamabad Capital Territory were held in November 2015 against 731 seats of Metropolitan Corporation Islamabad.

The Election CP in May 2015 organized the LG elections in Khyber Pakhtunkhwa at 42,858 constituencies. After oath of nazims and naib nazims, local government institutions of the KPK started functioning in September 2015.

Direct election in the Punjab and Sindh provinces were held in three phases from October 2015 to December 2015 against 31,692 seats in Punjab and 15,081 seats in Sindh. Polls for indirect seats of Sindh were held from May 2016 to June 2016. After the election of chairmen and vice chairmen, mayors and deputy mayors, the process of the LG polls in Sindh was completed in August 2016.

The ECP conducted elections against 20,075 indirect seats in the Punjab province in November 2016 followed by elections of mayor, deputy mayors, chairmen and vice chairmen on 22 December 2016.

Balochistan was the first province to hold LG polls against 13,180 seats in December 2013.

It goes without saying that the new LG system in Sindh and Punjab, as it is based on powers resting with provincial government's bureaucracy, might lead to bickering between the provincial governments and local governments. With the exception of KPK, the LG Acts passed by the provincial assemblies are driven by considerations to maintain the status quos, as they give provincial governments the final say over matters relating to the local governments. The local bodies faced an uncertain tenure as Clause 126 of the Local Government Act 2015 empowered the Punjab government to dissolve the bodies through a simple notification when general elections were announced. On 30 December 2016, the Punjab Cabinet approved the Civil Administration Ordinance 2016, thereby restoring the offices of commissioners, deputy commissioners, additional commissioners and assistant commissioners. The opposition parties alleged that the move was intended to render the local government institutions toothless and ineffective by making them subordinate to the provincial bureaucracy. Simultaneously, 35 retired IGPs, in a press release, stated that the Punjab bureaucracy was bent upon assuming "illegal" control over the police and elected local bodies. Expressing their concern over "the crude attempt" of a section of the Punjab bureaucracy, they alleged that the Civil Administration Ordinance 2016 aimed at

undermining the authority of the recently elected local government representatives by placing under the deputy commissioners all district heads of the departments.

Instead of confining themselves to the role of coordination, the DCs wanted to be the heads of the district administration as representatives of government, undermining the elected offices of mayors and chairmen of district councils. They wanted to gain control over the district police officers (DPOs), which amounted to a gross violation of the chain of command and authority of the police stipulated in Police Order 2002. Controversies, particularly in Karachi where the MQM's mayor was elected, indicate that a long legal battle over powers would follow not only in Sindh but also in other provinces. Lack of political will to empower the local government institutions is a stumbling block in the smooth functioning of representative institutions at the local level.

Conclusion

This chapter has, in a chronological order, given an overview of the local governments in Pakistan. In particular, a constant theme that emerges in this context is that these reforms have somewhat paradoxically been brought about by non-representative regimes such as the British during the pre-independence period and the military during post-independence. In fact, each of the three military regimes in Pakistan had implemented local government reforms, and each political government that had followed them undermined those reforms or at best simply ignored the local governments. The reforms in question had all involved decentralizing from the province to the local levels but often involved a recentralization at the federal levels. Thus, it becomes clearly evident that local government reforms did not mean to facilitate democracy but had been used as a means for a non-representative centre to gain legitimacy through by-passing the political agents at the provincial and national levels.

Moreover, the conflict between the provincial representatives and local governments does not bode well for the future of the local government system. Already, with an elected provincial and national government in place, we have begun to see conflicts arising between the provinces and local governments.

Notes

- 1 Hassan, Masudul (1968), *Textbook of Basic Democracy and Local Government in Pakistan*, All Pakistan Legal Decisions, Lahore.
- 2 Newberg, Paula R. (1995), *Judging the State: Courts and Constitutional Politics of Pakistan*, Cambridge University Press, Cambridge.
- 3 Noman, O. (1988), *Pakistan: Political and Economic History since 1947*, Kegan Paul International, London.
- 4 Jalal, A. (1995), *Democracy and Authoritarianism in Pakistan: A Comparative and Historical Perspective*, Sang-e-Meel, Lahore.

- 5 Cheema, A., Khwaja, A. I., & Qadir, A. (2005), *Decentralization in Pakistan: Context, Content and Causes*, Kennedy School Working Paper Number:RWP05-034.
- 6 Ibid.
- 7 Applied Economic Research Centre (AERC) (1990), *Local Government Administration in Pakistan*, unpublished manuscript, Karachi.
- 8 During the Zia regime, an area was classified as urban (as given in the 1981 Census) if it had the administrative status of Municipal Corporation, municipal or 422 town committees or a cantonment board, regardless of its population size. This was a departure from the previous system, which combined the administrative criterion with a population criterion and gave census commissioners discretion to declare an area urban if they felt it had “urban characteristics.”
- 9 Octroi was a tax on goods imported into municipal limits for production or consumption. Before it was abolished by the federal government in 1999/2000, octroi had been the biggest source of revenue for urban councils, contributing on average 50–60 percent of these councils’ income. In Punjab and Sindh, the octroi was biased in favour of larger urban councils (World Bank (2000), *World Development Report*).
- 10 For example, in Punjab the average per capita octroi receipts for urban local councils were Rs 74.5 in 1985. In the absence of the urban-rural divide, the per capita octroi revenue for rural and urban areas would have fallen to a meagre Rs 19. Applied Economic Research Centre (AERC) (1990), *Local Government Administration in Pakistan*, unpublished manuscript, Karachi.
- 11 For example, Wilder (1999) and Hasan (2013) argue that the increasing importance of urban middle classes in Punjabi politics, during the seventies and eighties, is underpinned by socio-economic changes that made 423 agriculturalists dependent on mandi (market), arhtis (middlemen) and their transporters who controlled credit as well as the access to mandis with the connivance of the bureaucracy.
- 12 The anti-Bhutto coalition in 1977 included: middlemen; traders and shop keepers from Punjab’s mandi (market) towns; small and large industrialists; and urban professionals. Wilder, A. R. (1999), *The Pakistani Voter: Electoral Politics and Voting Behavior in the Punjab*, Oxford University Press, Karachi.
- 13 This situation was somewhat rectified post 1990 because more items were placed on the District (export) Tax list during the eighties and because of the adoption of tax farming for collection purposes. Applied Economic Research Centre (AERC) (1990), *Local Government in Administration Pakistan*, unpublished manuscript, Karachi.
- 14 For example, nearly 50 percent of the elected members of the Punjab Provincial Assembly were sitting local councillors. Niazi, M. A. (1994), *Local Bodies: The History*, *The Daily News*, Friday, 30 September.
- 15 Wilder, A. R. (1999), *The Pakistani Voter: Electoral Politics and Voting Behavior in the Punjab*, Oxford University Press, Karachi.
- 16 The term “personalized politics” describes the tendency among powerful ministers to use state resources to capture influential: party-, biradari- (community), quam- (tribe or nation) and/or zat- (caste) based local factions.
- 17 As one minister put it during the 1985 National Assembly’s first budget session, “We don’t have one party, or ten parties . . .; we have two hundred parties. Each member of the assembly considers himself responsible only to himself. Haq, M. (1985), *Interview with the Overseas Mashriq*, 27 June.
- 18 Wilder, A. R. (1999), *The Pakistani Voter: Electoral Politics and Voting Behavior in the Punjab*, Oxford University Press, Karachi.
- 19 Ibid.

- 20 World Bank (2000), *World Development Report*.
- 21 Applied Economic Research Centre (AERC) (1990), *Local Government Administration in Pakistan*, unpublished manuscript, Karachi.
- 22 Over 96 percent of Pakistan's revenue was controlled by the Federal and Provincial governments in the last two decades. World Bank (2000), *World Development Report*.
- 23 Data shows that the ratio of municipal corporation per capita income (the richest tier of local governments) to provincial per capita income decreased from 0.78 in 1990 to 0.32 in 1995.
- 24 These reforms were brought about through a new local government ordinance, a new Police Order (2002) and abolition of executive magistracy through amendments in relevant laws.
- 25 Even these limited local governments were mostly suspended during the 1990s, so in fact prior to Musharraf's Devolution Reforms, there were no elected representatives at the local level and their powers were exercised by provincial bureaucrats as local government administrators.
- 26 Cheema, A., Khwaja, I., & Qadir, A. (2005), *Decentralization in Pakistan: Context, Content and Causes*, Kennedy School Working Paper Number:RWP05-034.
- 27 The National Reconstruction Bureau established the Higher Government Restructuring Committee in 2001 to suggest devolution of powers from the federal to the provincial level. However, no concrete steps have been taken on this front as of today.
- 28 PILDAT (2018), Annual Report 2017–2018. An alternative explanation would be the military's need to create a local-level preference aggregation mechanism that could effectively reveal the demands of civil society in the absence of elected higher tiers of government.

Further reading

The following sources are recommended for additional reading:

PILDAT (2018), *Annual Report 2017–2018*.

PILDAT (2019), *Governance, Paidaar Taraqqiati Hadaf No. 6! Sab Kay Liye Paani Aur Sehat o Safai ki Sahuliyat Tak Rasai Ko Yaqeeni Banana*, 17 February.

CIVIL SOCIETY

Civil society: concept and meanings

Civil society is a concept located strategically at the cross-section of important strands of intellectual developments in the social sciences. To take account of the diversity of the concept, the Centre for Civil Society (CCS-LSE) adopted an initial working definition that is meant to guide research activities and teaching but is by no means to be interpreted as a rigid statement.

Civil society refers to the arena of un-coerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organizations such as registered charities, development non-governmental organizations, community groups, women's organizations, faith-based organizations, professional associations, trades unions, self-help groups, social movements, business associations, coalitions and advocacy group.

Social scientists believed that we lived in a two-sector world. There was the market or the economy on the one hand, and the state or government on the other. Our great theories speak of them, and virtually all our energy was dedicated to exploring the two institutional complexes of market and state. Nothing else seemed to matter much.

Not surprisingly, "society" was pushed to the sidelines and ultimately became a very abstract notion, relegated to the confines of sociological theorizing and social philosophy, not fitting the two-sector world view that has dominated the social sciences for the last 50 years.

Likewise, the notion that a ‘third sector’ might exist between market and state somehow got lost in the two-sector view of the world. Of course, there were and are many private institutions that serve public purposes – voluntary associations, charities, non-profits, foundations and non-governmental organizations – that do not fit the state-market dichotomy. Yet, until quite recently, such third-sector institutions were neglected if not ignored outright by all social sciences.

Such a short-sided approach has had disastrous consequences for our understanding of how economy and society interact. For example, the inability of the social sciences to predict and understand the fall of communism in central and eastern Europe, and looking back, we can see how events in central and eastern Europe were indeed instrumental in bringing the topic of civil society to the attention of social scientists in the West. The debate about civil society ultimately is about how culture, market and state relate to each other. Concern about civil society is not only relevant to central and eastern Europe and the developing world, but it is very much of interest to the European Union as well. The Civil Dialogue initiated by the Commission in the 1990s was a first attempt by the EU to give the institutions of society – and not only governments and businesses – a voice at the policymaking tables in Brussels. There is increasing recognition that international and national governments have to open up to civil society institutions. One could reach a similar conclusion about the United Kingdom, where the transition to post-industrial society brings up many important questions about social cohesion and social participation in a country that is becoming increasingly heterogeneous and diverse.

In this view, civil society refers essentially to the so-called “intermediary institutions” such as professional associations, religious groups, labour unions and citizen advocacy organizations that give voice to various sectors of society and enrich public participation in democracies.

Civil society is composed of the totality of voluntary civic and social organizations and institutions that form the basis of a functioning society as opposed to the force-backed structures of a state (regardless of that state’s political system) and commercial institutions.

Civil society in Pakistan

In Pakistan, the contemporary development discourse, academic discussions and journalistic writings tend to employ civil society as an umbrella term for a range of non-state and non-market citizen organizations and initiatives, networks and alliances operating in a broad spectrum of social, economic and cultural fields. These include, on the one hand, formal institutions such as political parties, nongovernmental organizations, trade unions, professional associations, philanthropies, academia, independent and quasi-independent pressure groups and think tanks, and, on the other, traditional, informal

formations such as faith-based organizations, shrines, seminaries, neighbourhood associations, burial groups, Jirgas (council of elders) and savings groups.

Notwithstanding a vibrant history of citizen action in the public sphere in this part of the world, the term civil society has been in vogue only for the past decade or so. It is yet to gain currency in popular parlance. The term has as yet no equivalent in any of the country's many vernacular languages.

Pakistan's civil society is characterized by hybrid forms, multiple inheritances and the unresolved struggle between the practices and values of pre-capitalist society and new modes of social life, between authoritarian legacies and democratic aspirations. Its cultural manifestations appear as a collection of incoherent voices, conflicting world views and opposing interests.

While some social forms, such as councils of elders, neighbourhood associations and shrines continue from previous phases of society, many new groups have been created "organically," through the development of capitalism. Such are the dynamics of an evolving civil society, caught between the throes of a dying social order and the birth pangs of a new one.

Impact

The overall impact of the civil society initiatives can be gauged from the fact that CSOs (civil society organizations) in Pakistan are now accepted as partners in social and economic development. Once an indistinct voice at the edge, civil society today is a force to reckon with in the national arena.

Functioning under resource constraints and in an unfavourable environment as they do, CSOs' contributions to the country are indeed impressive.

Public policy

As mentioned earlier, civil society in Pakistan has evolved under the shadow of frequent military interventions and a debt-ridden and elitist state system.

That the ideals of people-centred development, human rights, gender equality and social justice are slowly but steadily creeping into public policy frameworks has much to do with the efforts that civil society has made over the past seven decades. The emergence of development-oriented and advocacy CSOs in the 1990s was essentially a response to the government's misguided priorities and poor planning as well as resource constraints because of ever-burgeoning defence and debt-servicing expenditures.

By showing the ability to succeed where the government has had difficulties, CSOs have, to an extent, helped to change national perceptions and policies towards development and have also contributed to a shift in donor policies towards CSOs as a more effective vehicle for supporting development initiatives.

However, the role of civil society organizations, particularly development NGOs and advocacy groups in policymaking and monitoring of the government, has apparently remained minimal. Here again, it must be pointed out that the faith-based organizations have had a significant influence on policy drafting and generation. These are sometimes co-opted by the state in order to capitalize on religious sentiments and to legitimize their rule in the name of religion; and sometimes the street power wielded by such groups forces the government to accommodate such demands. The most recent example was the accommodation of faith-based non-governmental organizations by the government and the Pakistan Army in their de-radicalization strategy to counter a militant mindset. Religious schools (madrasahs) were encouraged to present a counter narrative to the extremist narrative propounded by the militants to justify violence and killing innocent people in the name of the Islamic faith. In an underdeveloped public education system, madrasahs are an attractive alternative to private schools because children not only receive a free education, but in many cases, they are also provided with free clothing, housing and food. Faith-based organizations use fatwas to denounce terrorism at the theological level within an orthodox framework. These statements are geared towards at-risk individuals who are swayed by religious justifications of violence. Since 9–11, dozens of scholars have issued such fatwas in Urdu and local languages. Dr. Tahir-ul-Qadri's 600-page fatwa against terrorism and suicide bombings, which has been translated into English, has received international attention. In 2006, Dr. Sarfaraz Naemi, the head of one of Lahore's largest madrasahs, issued a fatwa on suicide bombings and organized several anti-Taliban rallies and seminars. The Taliban threatened to stop him on a number of occasions, and in 2009, he was assassinated in a suicide attack on his school. According to his son, Dr. Raghیب Naemi, after his father's death, many traditional Muslim networks were empowered to speak out against the Taliban. Today, Dr. Raghیب Naemi carries on his father's message and frequently appears on television.¹

In place of a comprehensive government-led strategy to counter extremism, Pakistan's civil society is faced with the responsibility to fill in the gaps for the immediate and short term. CSO efforts have aimed both to increase awareness and counter radicalization at the national and local levels, as is evident from the Table 7.1.

Traditional media

CSOs are using newspapers, television and radio programs, film and music to disseminate counter-radical narratives to the Pakistani public. Organizations such as the Institute for War and Peace Reporting (IWPR) are training citizens in journalism. IWPR works in 42 state schools and madrasahs across Pakistan's troubled areas, including Swat Valley and Karachi and was formerly called FATA. Their programmes have trained

Table 7.1 Awareness campaigns by CSOs

<i>Method/conferences and seminars</i>	<i>Name of the NGO/organizers</i>	<i>Activity</i>
All Pakistan Student Leaders Conference – 2009	Bargad	In July 2009, Bargad brought together 65 student leaders to develop strategies to challenge the influence of extremist groups on college campuses. Bargad also invited young parliamentarians to discuss civic activism and political empowerment strategies. ^[i]
Tribal Communities Jirga – 2009	Bushra Gohar – Member of National Assembly from KPK	“The problems of extremism in Swat – and across the frontier – were entirely unknown to the public in Pakistan’s major cities,” she explained. “Through our jirgas, we devised strategies to raise an awareness of the problem in Islamabad.” ^[ii]
“Say No to Talibanization, Say No to Religious Extremism.” ^[iii] – 2007	The Women’s Action Front	In April 2007, the Women’s Action Front organized the rally in Lahore, “Say No to Talibanization, Say No to Religious Extremism.” ^[iv]
Youth rallies ^[v]	Sustainable Peace and Development Organization (SPADO)	The idea was to denounce violence involving students throughout the country, from Karachi to Peshawar. In 2010, SPADO held a “Peace Walk” to protest gun violence at Peshawar University, in which 500 students participated.

Sources:

[i] Phone interview with Sabiha Shaheen, December 12, 2011.

[ii] Interview with Peer Mudassir Shah. Rawalpindi. June 30, 2011.

[iii] Waqar, Ali (2007), “Thumbs Down on Talibanization,” *Daily Times*, April 20, 2007, www.dailytimes.com.pk/default.asp?page=2007\04\20\story_20-4-2007_pg13_1

[iv] Waqar, Ali “Thumbs Down on Talibanization,” *Daily Times*, April 20, 2007, www.dailytimes.com.pk/default.asp?page=2007\04\20\story_20-4-2007_pg13_1

[v] Interview with Dr. Raghbir Naeemi, Lahore, August 10, 2011.

approximately 4,000 secondary school students in basic journalism and public discussion skills.

Internationally acclaimed films and documentaries, such as Shoaib Mansoor’s *Khuda Kay Liye* and Sharmeen Obaid-Chinoy’s *Children of the Taliban* are popular examples of countering militant propaganda. A departure

from the typical love-story musicals churned out by Lollywood and Bollywood, *Khuda Kay Liye*'s commercial success in Pakistan signalled the broad resonance and appeal of counter-narratives to extremism. In a controversial scene in the film, the celebrated actor Naseeruddin Shah testifies in a courtroom as a progressive Islamic scholar and makes a compelling case against narrow interpretations of Islam promoted by violent extremists.

Social media

Social media represents the newest platform to expand public awareness campaigns. For example, first-hand accounts and videos featuring the plight of Swatis under the Taliban rule were widely circulated through Facebook, Twitter and SMS. Video footage of the Taliban flogging a young girl went viral on YouTube and generated outrage from a broad cross-section of the public. Similarly, an interview of the Taliban Commander Sufi Muhammad, in which he simultaneously denounced democracy and Pakistanis, was widely used by activists to discredit the Taliban.²

More recently, taking inspiration from the Arab Spring and Pakistani youth are also using social media forums such as Twitter and Facebook to promote peace initiatives. Online petitions, such as Amman Ittihad's "Call for Peace," which has received over 17,000 signatures, are urging Pakistanis to foster pluralism and harmony between different faiths and ethnicities. Similarly, Facebook pages such as, "A call to youth to bring peace in Karachi," mobilized students from universities to participate in a march against targeted killings in August 2011 when political violence in Pakistan's commercial centre had escalated to alarming levels.

Some groups also operate at the individual level, focusing on developing positive personal characteristics (e.g. anger management and conflict mediation skills). While these efforts are not as visible as the actions of extremist elements within Pakistani society, they have been powerful mechanisms of building community resilience to violence.

Civil Society and Interfaith Social Harmony Pakistani civil society organizations are promoting religious freedom, tolerance and social harmony through a number of mechanisms, including interfaith cultural celebrations, inter-ethnic dialogues, and conflict mediation. For example, the Pak Turk International School system provides students and their families with the necessary tools for conducting interfaith dialogue to deconstruct tribal, cultural and religious stereotypes that plague Pakistan. Given their success, they have been able to operate in volatile regions such as Quetta and Peshawar where sectarian violence and inter-ethnic tensions are prevalent.³ Several organizations across Pakistan are promoting social harmony by organizing intercultural events. In 2011, just months after the Taliban was driven out of the Swat Valley, the Idara Baraye Taleem-o-Taraqi (Centre for Education and Development) organized the Simam Festival to celebrate Swat's

traditional pluralistic culture that had been proscribed by the Taliban.⁴ Similarly, in Lahore, the arts and culture NGO, Hast-o-Neest, promotes works of artisans across the country and celebrates diverse traditions of poetry, music, miniature painting and calligraphy. Activists believe it is important to remind Pakistanis that – contrary to the view of radical Islamists – Islam has historically championed diversity in cultural practices.⁵

Other organizations are working to bridge relations between Muslim and non-Muslim communities in Pakistan. The Christian Progressive Movement (CPM) of Pakistan, for example, regularly collaborates with Muslim organizations to promote human rights and counter extremism and intolerance. In 2010, CPM partnered with Muslim faith-based organizations to protest Switzerland's ban on mosque minarets, and in 2011 CPM joined peaceful protests against Pastor Terry Jones's suggestion to burn Qurans.⁶

Similarly, the Taangh Wasaib Organization, an organization led by a Christian woman in southern Punjab, promotes social harmony between Muslim, Christian and Hindu populations by drawing examples from local Sufi poetry and folklore.⁷

Muslim organizations lead similar interfaith efforts, reaching out to Pakistan's minority groups. In Lahore, Minhaj-ul-Quran engages their madrasah students in annual Christmas celebrations with Lahore's Christian community. In Makli in Sindh, the NGO Web for Human Development brings together the Muslim and Hindu communities to celebrate the Hindu festival of Holi as well as Sufi Muslim festivals. Other organizations such as Baanhni Beli (A Friend Forever) improve interfaith relations by engaging both Muslim and Hindu communities in rural Sindh in their grassroots development work.⁸ Similarly, on 2 July 2017, the Civil Society Network and Rawadari Tehreek staged a protest at Charing Cross, Lahore, and expressed solidarity with the families of 110 persons, all belonging to the Shia community, killed in terrorist attacks in Parachinar. The protest highlighted the fact that decades of inertia to sectarian militants in the Khurram Agency had resulted in the Lashkar-e-Jhangvi and its affiliates attacking Parachinar in January, March and June of the year 2017. The fact that not a single senior official visited the area to acknowledge their suffering and condole with them in the first several days only compounded the fury and resentment. Although these are successful models, interfaith and intra-faith engagement in Pakistan is in its nascent stages.

Development NGOS and building community resilience

Another strategy to counter violent extremism is building community resilience through development organizations. Although these organizations do not explicitly teach communities how to counter terrorism, their resource mobilization techniques are used to create bottom-up strategies to address challenges – from countering extremism to countering corruption.

CSOs such as the National Rural Support Programme and Sungi, for example, provide communities with the appropriate communications skills so that when a threat is identified, they can develop a strategy within their community to address the problem using their collective resources. These skills are particularly useful for impoverished, rural, at-risk communities. In rural areas of District Abbottabad, for example, villagers employed tools from Sungi's peace and conflict resolution training to counter extremism. A group of radical clerics had offered to build a mosque for the community on the condition that they could bring their own teachers. Not long after, families were alarmed that their children were being radicalized, and the community collectively held the mosque under siege until the clerics were forced out.⁹

Humanitarian relief

Across Pakistan, poverty has provided fertile ground for jihadist recruitment. Militants gain popular support among low-income families by providing free food, medical facilities and education. Pakistani organizations like Jamaat-ud-Dawa (JuD) (the charitable front for the terrorist group Lashkar-e-Taiba) feed off of local economic and political frustrations.¹⁰ Groups like JuD have also gained considerable leverage from the floods that ravaged the country in 2010.¹¹

Limitations and challenges

One of the most common obstacles cited by community organizers is the difficulty in mobilizing diverse groups that constitute the moderate majority. Unlike extremist groups that have developed cohesive platforms and streamlined talking points (despite their ideological differences), moderate groups remain fragmented. Consensus building amongst moderates can prove difficult. The examples highlighted earlier provide valuable models for countering extremism. However, Pakistan's civil society faces many challenges in replicating these initiatives to create a sustained national movement. Many Pakistanis are also reluctant to take ownership of the problem. While some Pakistanis are in denial that their communities could be radicalizing, others simply fail to grasp the severity of the issue and believe that terrorist attacks are only isolated incidents, rather than emblematic of a larger, systemic problem.

The most prevalent concern cited by civil society activists is a lack of funding and resources. Most community-based groups do not receive support from international organizations and rely on small community donations. The lack of manpower further constrains efforts. Volunteers carry out most civil society campaigns, and organizers find it difficult to maintain volunteer commitment in the medium and long term.

While extremist factions have been developing their institutional capacity since the Afghan War, moderate groups – both faith-based and secular – are for all practical purposes three decades behind. Many organizations lack good governance, financial management, and communications and media skills. Those CSOs that lack strategic vision have spread their resources too thin; providing a wide range of services is frequently stalled due to internal disputes. As a result, resources are not well-coordinated between organizations pursuing similar objectives.

While Pakistan's civil society has led several initiatives to educate the population about the threat of extremism, public awareness campaigns are conducted on an ad hoc basis and their content is reactionary (denouncing violence after the fact, rather than pro-actively promoting peace). Following a terrorist attack, there is often a surge of activity among CSOs; however, to be more effective, public awareness campaigns should be conducted on a larger scale and with greater frequency, even when there is a lull in violence.

Furthermore, activists in Pakistan face constant security threats, particularly in conflict zones and their peripheries. Pakistan has become one of the most dangerous countries for journalists,¹² and, as discussed previously, moderate scholars are regularly targeted for speaking out against the Taliban. As such, many CSOs are not able to create bold campaigns or address the issue of extremism directly. Instead, moderate religious scholars often imbed their counter-radicalization messages within speeches or events focusing on broader issues.

Furthermore, in parts of Khyber Pakhtunkhwa and Balochistan provinces where social development indicators are among the lowest in Pakistan, the institutional capacity of civil society is underdeveloped compared to regions like southern Punjab, hindering community mobilization and project implementation. Insecurity in these regions further limits the activities of moderate groups. In former FATA, for example, many moderate faith-based networks have been entirely dismantled.

Improving CSOs effectiveness

This section offers recommendations – based on input from civil society leaders – for strengthening Pakistan's civil society to improve, expand and replicate consensus-building efforts with a view to developing a dynamic, progressive, inclusive and prosperous political economy in Pakistan.

Specific areas that require attention include:

Non-Profit Management & Capacity Building Training: Pakistani CSOs can be categorized into two broad groups: those organizations that receive funding and support from international organizations, and those that are indigenous and rely on grassroots community support. The latter often suffer from poor institutional capacity and

mismanagement, and lack transparent decision-making processes. In addition, some organizations are dominated by single personalities and lack horizontal leadership development opportunities, which inhibits sustainability. They require leadership and good governance training to strengthen their institution's core capabilities to expand their projects so that they can increase their impact at the local and national levels.

Civic Education Development: Pakistani youth are largely disenfranchised and frustrated with the lack of socio-economic opportunities. While some are anxious to become active in their communities, without productive outlets to channel their energy, many youths engage in destructive and sometimes violent acts of social implications.

Humanitarian Relief Distribution Training: Development organizations operating in post-conflict and disaster-affected regions tend to focus on immediate relief rather than sustainable development initiatives. These groups require emergency management and humanitarian relief distribution training to effectively compete against radical charities that have sophisticated distribution mechanisms. In addition, they require skill sets to expand their donor base, improve financial accountability, accelerate distribution of goods and services, strengthen communication with volunteers and improve their marketing and visibility.

Coalition-Building Assistance: CSOs engaged in peace-building efforts need to collaborate and coordinate resources with other organizations involved in similar efforts. To effectively build partnerships and coalitions, CSOs require communications, consensus building, and conflict resolution skills to formulate coherent agendas and prevent internal fissures.

Communications & Media Training: CSOs, particularly traditional Muslim networks, lack communications and media training to disseminate their anti-terror messages to broader audiences. Traditional Muslim scholars, for example, have the capacity to speak at great lengths to promote peace within an orthodox religious paradigm that is palatable to at-risk youth, but lack skills to synthesize their arguments into brief media sound bites. Furthermore, they lack the skills to market their anti-Taliban messaging to non-religious audiences. Public relations firms could help fine-tune their messaging. Similarly, marketing firms could help CSOs disseminate their messages to broader populations.

Social Media Skills Building: In an age where the internet is playing an increasingly menacing role in radicalizing youth, civil society leaders – in particular religious scholars – need to be integrated into modern technological platforms and online social networking sites. With the appropriate training, community leaders can harness the digital age

and share de-radicalization seminars and lectures on YouTube and Facebook. These initiatives should promote religious freedom within an indigenous framework, tapping on historical examples and a lexicon that resonates with the population fragmented. The tension that exists between faith-based organizations and secular organizations in Pakistan is commonly viewed as one of the major internal factors that have adversely affected the development of the non-profit sector in Pakistan.¹³ Although they often provide similar services and pursue comparable objectives, they frame their work in different terms. For example, faith-based organizations may appeal to their community for donations according to the Islamic precepts of *zakat* and *sadaqa* (charity), while secular organizations may frame their appeals in terms of promoting fundamental human rights.

Building a nexus between faith-based and non-faith-based organizations will increase synergy and coordination of resources within Pakistan to challenge extremism.¹⁴ Both sectors would certainly benefit from a partnership. Faith-based groups have grassroots capabilities and legitimacy, whereas non-faith-based organizations tend to have better institutional capacity.

To date, poor communication between these sectors has hindered opportunities to develop a coordinated national anti-extremism strategy. The desire to eliminate violent extremism is visible throughout the country. Despite frequent terrorist attacks, civil society organizations across Pakistan have demonstrated their will and capacity to counter Talibanization by devising indigenous mechanisms of countering extremism within a vernacular that appeals to local populations.

Pakistan's civil society is active on five major levels. First, public intellectuals and community leaders promote peace and social cohesion in an indigenous framework that resonates with Pakistanis in urban and rural areas. Second, advocacy groups educate the public about the threat of extremism by publishing pamphlets and organizing public awareness campaigns and rallies. Third, cultural associations and faith-based organizations challenge the validity of the use of violence by denouncing attacks on innocent civilians. Fourth, faith-based organizations detract the credibility of militant groups by challenging them at an ideological level. Finally, community-based organizations deter impoverished communities from turning to charities associated with extremists by providing alternative channels for humanitarian assistance.

CSOs: poverty reduction and sustainable development

In rural areas, initiatives such as the Aga Khan Rural Support Programme (AKRSP) have made a tremendous impact through micro-credit, education and income generation. In the midst of the government's failure to deliver

assistance to small farmers, growing disparities and deteriorating human conditions have been addressed by various CSOs.

AKRSP, for example, has formed more than 2,300 village organizations and over 1,450 women's organizations; Rs 1,450 million has been disbursed in loans to more than 600,000 villagers. The AKRSP model was replicated by each of the four provinces in addition to the National Rural Support Programme (NRSP) at the national level.

According to one estimate, by 2000, these rural support programmes had in turn formed more than 20,000 village-based organizations across Pakistan and also a rural support network to share experiences and provide support to further their poverty reduction programme. The success of the model can partly be gauged by the fact that the government is becoming increasingly open to accepting the flow of funds to CSOs, which have demonstrated effective strategies for rural development and have worked in complementary ways with government departments.

Having said that, one must add that the centuries-old feudal and tribal systems still reign supreme in many of the country's rural areas and offer the most serious obstacle for the emancipation and development of the rural population.

Despite some lobbying, civil society is yet to catalyze a shift in the agrarian power formation away from a handful of landlords toward the farming communities.

The feudal and tribal systems result in the total subjugation of the rural population in economic, political and social terms. Some CSOs have come in for criticism for being insensitive to the needs and aspirations of local people. The following comment by a civil society informant reflects that view:

Very few CSOs have agendas based on genuine needs and aspirations of their constituents. Most have donor-driven programmes, which often do not have genuine empowerment objectives. Their impact therefore is substantially questionable.

12

Awareness – human and legal rights

Some NGOs in Pakistan have played an important role in creating awareness on issues such as human and legal rights, women's role in development, and over-population.

For women and minorities, who have borne the brunt of religious bigotry and social repression, civil society came as a silver lining in dark, gloomy clouds. Advocacy groups have consistently campaigned for repealing discriminatory laws and reforming the electoral process. Civil society's efforts gave an impetus to the government's slowly growing commitments towards

greater gender equality, culminating in Pakistan ratifying the UN Convention on the Elimination of All Forms of Oppression against Women in 1996.

The efforts of human rights advocates have led judicial institutions to consider the plight of rape victims, for example, and take their claims seriously. They have thus become more responsive to citizens than in the past.

Today, the number of women organizing at the grassroots level and establishing linkages with other institutions is remarkable, even though their impact at the wider societal level is not so visible. However, women across Pakistan still continue to fight against primitive social customs and discrimination.

Civil society's efforts in this regard entail a slow process, as deep-rooted societal norms cannot be altered overnight.

Successful lobbying

Similarly, child rights' organizations have played a key role in reducing child labour in Pakistan's football stitching industry. As a result of years of active NGO lobbying, a partners' agreement to eliminate child labour in the football industry was signed in 1997 by the Sialkot Chamber of Commerce and Industry (SCCI), the International Labour Union and the United Nations International Children's Emergency Fund (UNICEF) project based on a multi-pronged approach of providing education to children displaced from the football stitching industry and giving credit to their families was an immense success and went on to win the government's support. Recently, civil society lobbying and networking catalyzed active women's participation in the local elections.

Aurat Foundation, a major advocacy and support network, mobilized women to exercise their right to franchise and canvass on the seats reserved for them. In collaboration with government agencies, the Foundation held meetings with local communities and disseminated information about the devolution plan. That a substantial number of women turned out at the ballot and were elected to the union councils can partly be attributed to civil society's mobilization and awareness-raising campaigns.

In another instance of effective lobbying, the Society for Conservation and Protection of Environment (SCOPE) filed a case against hunting of an endangered bird species in Sindh.

SCOPE successfully lobbied the case, resulting in the court deeming hunting of the Houbara Bustard illegal and a punishable offence.

INGOs and NGOS – regulatory regime

In 2015, the Interior Ministry started a crackdown on non-governmental organizations (NGOs) involved in what it called "illegal activities" in the federal capital. The new policy to regulate operations of the INGOs,

launched in October 2015, warned them against any engagement in money laundering, terrorist financing, weapons smuggling, anti-state activities or maintenance of links with banned organizations, which would entail cancellation of their registration.

A breach of security or involvement in any activity inconsistent with national interests or contrary to the government's policy will lead to cancellation of registration.

The INGOs have been barred from taking part in any kind of political activity or conducting any research or surveys irrelevant to their terms of reference.

Right of appeal will be applicable only in cases of cancellation of registration, and in the case of any grievance, an INGO may file a representation before a special ministerial committee to be constituted and notified by the government.

The cancellation of registration will not be open for challenge in any court.

The INGOs will be obliged to provide any information that the government may require from time to time, and those not fulfilling the disclosure requirements will be proceeded against. In addition, the organizations will be required to have their financial audit conducted by auditors approved by an INGO committee.

The INGOs receiving contributions from abroad or utilizing foreign economic assistance will require prior registration exclusively with the Interior Ministry. The INGOs will not raise funds or receive donations locally, unless specifically authorized to do so.

The INGOs will also be required to declare all foreign funds, along with their terms and conditions, as well as details of all their bank accounts. They will only be allowed to establish headquarters and field offices, open bank accounts and hire local employees after registration with the government. No unregistered INGO shall be allowed to function or have visas issued for its personnel.

The INGOs will not be able to provide monetary or material assistance to another INGO or local NGO prior to an approval by the government.

Under the policy, the foreign employees of the INGOs will have to seek permission from the ministry to visit places outside their designated areas of activities, and violations may lead to the cancellation of their visas. The interior minister, Chaudhary Nisar Ali Khan, justifying the new regulatory policy of the PML-N government, alleged that some foreign NGOs were registered in Islamabad but were doing work in Balochistan and Gilgit, which was illegal. Some of them were engaged in an anti-Pakistan agenda, he said and added that also a few unregistered NGOs were functioning. He said that those working against their own charters, as well as the law of the land, would be severely curbed, and those which were really extending services would be welcomed and facilitated. He said an online mechanism for coordination between the government and the INGOs should be promoted

to decide the matters relating to them in the minimum time and bring red-tapism to an end.

While we will welcome INGOs to operate freely and independently in Pakistan, let me also make it very clear that now there would absolutely be no margin or space for any INGO to misuse its permission. We would not allow anyone to work against our national security interests under the facade of INGO.¹⁵

Conclusion

This chapter has presented and elucidated the concept and meanings of civil society in the context of Pakistan. Taking into consideration the work they perform, it has further pointed out the nature of training required to be imparted to workers and staff of the NGOs. This type of training will be helpful in their capacity-building and enhancement of their effectiveness. Despite formidable challenges emerging from an authoritarian, extractive, intolerant and misgoverned socio-economic and political milieu, the role of civil society, notwithstanding the fact of its being a composition of incoherent voices, conflicting world view and opposing interests, in the fields of countering violent extremism, poverty reduction, sustainable development, women's empowerment, progressive and inclusionary legislation in conformity with human rights has been quite significant. A vibrant civil society can be instrumental in resolving many problems inhibiting the evolvement of inclusive institutions in Pakistan.

Notes

- 1 Interview with Dr. Raghbir Naemi, Lahore, 10 August, 2011.
- 2 Interviews with community organizers, Swat, 25–29 July, 2011.
- 3 Zaid, Waleed, & Farooq, Mehreen (2011), *Pakistan's Most Powerful Weapon*, 21 October, http://afpak.foreignpolicy.com/posts/2011/10/21/pakistans_most_powerful_weapon
- 4 Interview with Zubair Torwali, Swat, 27 July, 2011.
- 5 Interview with Taimoor Khan Mumtaz, Lahore, 10 August, 2011.
- 6 The Nexus of Sectarian Conflict and Violent Extremism in Pakistan, *WORDE Roundtable Event*, Washington, DC, 27 April, 2012.
- 7 Taangh Wasaib Organization, *Insight on Conflict*, www.insightonconflict.org/conflicts/pakistan/peacebuilding-organisations/two/ (Accessed 7 June, 2012).
- 8 Interview with Javed Jabbar, Karachi, 19 August, 2011.
- 9 Interview with Samina Khan, Islamabad, 5 July, 2011.
- 10 Interviews with community elders, Kashmir, 25 July, 2011.
- 11 Pakistan: The New Radicals, *Al Jazeera*, 27 October, 2011, www.aljazeera.com/programmes/activate/2011/09/20119415101883395.html
- 12 Ahmed, Amin (2012), UNESCO Ranks Pakistan Second Most Dangerous for Journalists, *Dawn*, 3 May, <http://dawn.com/2012/05/03/unesco-ranks-pakistan-second-most-dangerous-for-journalists/>

- 13 Iqbal, Muhammad Asif, Khan, Hina, & Javed, Surkhab (2004), Nonprofit Sector in Pakistan: Historical Background, *Social Policy and Development Centre*: 38.
- 14 Huda, Qamar ul (2010), *Crescent and Dove: Peace and Conflict Resolution in Islam*, USIP, p. 222.
- 15 Chaudhry, Nisar (2017), *Dawn*, Saturday, 17 June.

Further reading

The following source is recommended for additional reading:

- A. K. D. N. (2007), *Civil Society Report, Commission on Social Determinants of Health*, Agha Khan Development Network, Lahore-Karachi-Islamabad.

TERRORISM AND THE STATE RESPONSE

Terrorism – a theoretical framework

At least for the last 16 years, terrorism is one of the most discussed topics in the social sciences. Despite some contributions by academics from political science, international relations and law, the state of theory and evidence about causes of terrorism remains in disarray. Especially the contribution of sociology and criminology in understanding terrorism is negligible. Facts about terrorism, revealed through research, are scattered, and the theory is fragmented. However, all theories seem to be unanimous on one thing: that some type of conflict is at the base of every terrorist movement.

Theories of terrorism – a resume

Crenshaw (2000) explains terrorism with reference to two types of societal factors, namely permissive factors like modernization, industrialization and urbanization, on the one hand, and direct situational factors such as vulnerabilities, opportunities and motivation, on the other.¹ Alexis de Tocqueville, quoted in Brynjar and Katja,² holds social inequality as a factor responsible for terrorism. Engene (1998)³ focuses on vulnerabilities, opportunities and motivation problems of continuity in the development of democracy and the problems of integrating politically marginalized groups as factors generating terrorism.

Recognizing that terrorism is a product of a blending of demographic, economic, and political determinants, Smelser and Mitchell (2002)⁴ observe that regions most likely to generate terrorist threats have a history of colonialist exploitation by Western interests, and of postcolonial economic and cultural penetration. Particularly in nondemocratic societies, conflicts generally reflect class, ethnic, racial or religious divisions.

To explain the dynamics of terrorist organizations, Boyns and Ballard (2004)⁵ construct a sociological theory of terrorism, by means of six theoretical propositions. They, quoting Scott (1990),⁶ define terrorism as “a violent response to hegemonic dominance and may represent an attempt to

overcome the dominant hegemony by the creation of an alternative, a counter hegemonic movement.” According to them, *Terrorism* (T) is a function of *Counter Hegemony* (CH); *Resource Mobilization* (RM); *Counter Institutionalization* (CI); *Power Prestige* (PP); *Ritualization* (R); and *Solidarity* (S). They place their six propositions in the form of an equation:

$$T = f(CH + RM + CI + PP + R + S).$$

To reproduce these propositions, the authors’ exact words are used:

The greater the perceived powerlessness of a counter hegemonic group, the more likely terrorist acts committed by that group against the hegemonic order are to occur. The greater the institutionalization or routinization of a counter hegemonic group, the more likely terrorism will be to emerge against a hegemonic order in reaction to this institutionalization. The greater the imbalance in power-prestige between the hegemonic and counter hegemonic groups, the more likely a symbolic act of terrorism will transpire. Additionally, the more severe and more publicly visible the terrorist attack, and the greater the power-prestige of the victim, the more that prestige will be gained by a terrorist group within its network of power-prestige. The greater the salience, legitimacy, and commitment to the symbolic nature of the objects attacked by an act of terrorism, the greater the impact of the attack and the more profound the feeling of victimization it will provoke. The more successful or visible a terrorist attack, the greater the internal solidarity of both hegemonic (the victimized by the attack) and counter hegemonic (those responsible for the attack) groups.

In the context of criminological theories of terrorism, the starting point is Donald Black’s theory, who defines terrorism as the “unilateral self-help by organized civilians who covertly inflict mass violence on other civilians.”⁷ By unilateral self-help, he means the one-sided handling of grievances with aggression. He takes terrorism as a means of social control because it defines and responds to deviant behaviour. The social control of terrorism, according to Black (2004),⁸ is an instance of the social control of social control – justice in response to something that is itself a form of justice. It is a quasi-warfare – because it is unilateral and covert, it targets civilians, not military forces and obeys no rules. He distinguishes it from crime by saying that it is moralistic in character like law and social control – it is a form of justice. Black (2004) takes terrorism as always perpetrated against superior forces. Just as terrorism is not merely a form of crime, so then the social control of terrorism is not merely a form of criminal justice. Terrorism, according to Black

(2004: 17),⁹ is a rare species of social control; the conditions of its existence ultimately become the conditions of its decline. The intermingling of peoples and cultures – as the social universe shrinks; right and wrong lose the clarity that comes only with sufficient distances in social space. Therefore, the conditions of terrorism’s existence ultimately become the conditions for its demise. Rosenfeld says that Black’s theory is a good starting point but that it neglects two things: the predatory character of terrorism and the institutional conditions under which terrorism emerges and is sustained.

Rosenfeld criticizes Black for emphasizing structures and ignoring agency. He says Black’s theory is free of thoughts, feelings, goals, purposes, psychology and teleology – it is free of people. He takes Black’s explanation of terrorism as limited not only by conceptions of the form that it takes but also the motivation for terrorist violence. In his opinion, Black says little about the social origin and distribution of the grievances that motivate terrorism. While amending Black’s theory of terrorism, Rosenfeld (2004: 21)¹⁰ concludes that terrorism is moralistic or justice-oriented violence, accomplished by predatory or criminal means. According to him, the genesis of terrorist violence lies within a particular configuration of social institutions, at odds with the institutional framework of modern society – free markets, democratic polity and religious tolerance. If any of these conditions are missing, terrorism will not occur. In sum, a wide diversity of conditions could provoke terrorism.

Brynjar and Katja (2000: 8)¹¹ give us an idea that terrorism occurs in rich as well as poor countries; in the modern industrialized world and in less developed areas; during a process of transition and development, prior to or after such a process; in former colonial states and in independent ones; and, in established democracies as well in less democratic regimes.

Because of this wide variety of conditions, “many rival explanations have been advanced but none has managed to command widespread respect” (Kegley, quoted in Brynjar and Katja (2000: 8)).¹² In particular, the field of criminology, which should deal with the criminal aspects of terrorism, has yet to formulate ideas about motivational factors at individual levels, causal factors at societal levels and enforcement systems at both the governmental and societal levels. However, the gist of the matter seems to be that conflict matters most; poverty, form of government, intergovernmental relations, race, religion and sects are important, as long as they generate conflict. The rest of the dynamics are strategic and tactical decisions, when to divert to terrorist strategy, when to escalate, when to deescalate, what victim to choose and what weapon to use.

This is exactly what Collins (1995)¹³ seems to be saying, that social inequities may be causally involved, particularly in originating conflicts, analytical or “structural”; conflict theories attend more to the possibility that

violence may be a product of strategic and tactical decisions in a process of ongoing conflict.

Types of insurgency

Paul Staniland,¹⁴ assistant professor of political science at the University of Chicago, has analyzed various types of militancy in the context of American experience of a wide array of insurgencies across the globe, from the Islamic State in Iraq and Syria to the Taliban in Afghanistan, each one different in its aims, structures and strategies. According to him, every type of terrorist activity needs a different strategy and design to counter it.

A “surge” briefly stabilized Iraq, but the same strategy failed in Afghanistan. Internationally backed negotiations succeeded in Bosnia but have so far failed in Syria. Israel’s targeting of Hamas leaders has not degraded the group, even as the deaths of factional leaders have sowed confusion within the Pakistani Taliban.

This track record is spotty because the insurgents themselves vary tremendously, particularly in the social networks among their leaders, and between those leaders and the local communities in which they operate. All insurgents are not created equal, and so strategies need to be matched to the specific strengths and weaknesses of a group.

That said, it is possible to categorize insurgent groups as one of three primary types. The first, what Staniland¹⁵ called “integrated groups,” like the Afghan Taliban, rely on robust social networks to link leaders to one another and to local communities. They are resilient and cohesive: despite various local feuds and internal disagreements, the Afghan Taliban has never collapsed into internecine warfare.

That cohesion helps to explain why the huge, decade-long American investment in counterinsurgency in Afghanistan has largely failed. Integrated groups can survive many of the standard prescriptions of the counterinsurgency doctrine, leading to long, bloody conflicts. Only intense, often brutal, warfare, like Sri Lanka’s campaign against the Tamil Tigers, is likely to destroy or contain them.

Because organizations like the Afghan Taliban are unlikely to collapse quickly, governments need to consider deal-making as an alternative to protracted warfare, even if the groups pursue undesirable goals. They are cohesive enough to bargain with the government or international community, allowing them to implement agreements without splintering.

According to Staniland,¹⁶ insurgent organizations in another category, “vanguard groups,” have a tight leadership core but weak pre-existing links to local communities. They often emerge when urban, elite or foreign fighters try to mobilize parts of society with which they have few ties. Their cohesion lets them move fast and effectively, as the Bolsheviks did in Russia

in 1917, or as Al Qaeda in Iraq did in the first years after the American invasion.

But unless they quickly embed themselves in local communities, vanguards are vulnerable to dissent and disobedience from below. That's why Al Qaeda in Iraq was so susceptible to the Sunni Awakening in 2007. Similarly, the Islamic State has been able to rapidly expand as a vanguard, but its major weakness remains the possibility of counter-revolt by wary local allies.

Vanguard groups are also vulnerable to a wider range of government strategies than integrated groups. If their leadership is quickly eliminated or politically co-opted, the organization crumbles. The key to counterinsurgency against them, then, is to quickly target leaders while preventing these groups from rebuilding.

Vanguards present difficult dilemmas for peace processes, however: even if leaders agree to a deal, they may not be able to persuade their local units to go along. Negotiating partners therefore need to actively bolster the leadership of such groups in order to prevent dissension and encourage unity – in other words, peace may require that a government support the leaders of a group it has long been fighting.

Groups in a third type, described as “parochial insurgents” by Staniland,¹⁷ have a fragmented leadership splintered across powerful factions, despite existing under a shared organizational banner. They often emerge from loose alliances among distinct local networks. Their local ties make them militarily formidable, but leadership divisions leave them prone to internal splits.

The Pakistani Taliban is a classic parochial insurgent group that has been plagued by infighting, side-switching and an inability to build and maintain coherent strategies, even as it has been able to impose heavy costs on Pakistan's government and society. These internal rivalries have triggered brutal violence against civilians to try to show a faction's power, as in the group's recent attack on a school in Peshawar. (Parochial groups shouldn't be confused with truly fragmented organizations, like some of the non-ISIS groups fighting in Syria; such groups are fatally undermined by the complete absence of central leadership and are easily marginalized.)

Dealing with parochial groups presents a distinct challenge. Targeting the overall leadership – whether through violence or negotiations – is not very productive since central control is weak. Killing top leaders may affect only their own faction, not the broader organization. Counterinsurgents are instead forced into long and messy campaigns focused on imposing state control at the local level.

Peace is also hard to negotiate and implement with parochial groups. Because of the weakness of central leaderships, local factions must be approached individually, an often protracted and byzantine process. Rather than grand bargains or overarching settlements, peace with parochial groups is built through live-and-let-live deals, cease-fires and local accommodations.

This diversity among insurgent groups means that some strategies that work in one place might be counterproductive in another. There is no such thing as a counterinsurgency doctrine; rather, doctrines and strategies have to be tailor-made to unique situations, based on a careful study of the groups and the political, social and economic contexts in which they operate. Only then can America and its allies hope to stabilize conflict-weary regions of the world.

Having considered the theoretical framework, it will be appropriate to examine terrorism in Pakistan and factors contributing to the present terrorist activities.

Terrorism, insurgency and violent political dissent in Pakistan

Terrorism in Pakistan, in terms of motives, weapons, strategy, area, loss of life and international impact, has attracted considerable local and global attention. A good deal of research has been conducted on the subject. It will be appropriate to mention research titled, “Pakistan’s Jihad Culture” (Stern, 2000), “Madrasa Culture” (Schhaffer, 2008), “Sectarian terrorism” (Grare, 2007), “Pakistan’s counterterrorism efforts” (Riedel, 2008), “Pakistan as sponsor of terrorism” (William, 2009), “Pakistan’s performance as an ally of the U.S. in its war against terrorism” (Tellis, 2008) and last but not the least, “Terrorism in Pakistan: incident patterns, terrorists’ characteristics, and the impact of terrorist arrests on terrorism” (Hussain, 2010).¹⁸

English is the official language of Pakistan and is used in official business, government and legal contracts. All of the provinces have their regional languages, such as Punjabi, Sindhi, Pashto and Balochi. Urdu is the national language and is understood practically everywhere. Out of the 95 percent Muslim population, roughly 75 percent are Sunni and 20 percent are Shia. As such, Pakistan has the second largest Shia population in the world after Iran. Thus, terrorism in Pakistan, in the context of diverse factors relating to insurgency, terrorism and violent political dissent, can be classified in the following four types: language-based, sectarian, race-based and religious-intolerance based.

Violent political dissent – historical perspective

It will be appropriate to consider the current state of terrorism and insurgency resulting from political dissent in Pakistan in its historical perspective.¹⁹

The Lahore Resolution of 1940 offered a constitutional scheme as an alternative to the one embodied in the Government of India Act of 1935. In his address to the Constituent Assembly of Pakistan on 11 August 1947, the Quaid-i-Azam also described the creation of Pakistan and Partition of India as the only solution to India’s constitutional problem. This would imply

that the movement for Pakistan was a purely political struggle unrelated to any religious objective. However, the new constitutional scheme advanced for two parts of the British Indian territory was based on the fact that these were Muslim-majority areas and, after the failure of the Muslim leaders to secure adequate safeguards to which they were entitled as a large minority, the All-India Muslim League had won considerable support for the Two Nation Theory. This theory defined the Muslims of India as a nation completely different from the majority (Hindu) community and one entitled to a state of its own. The grounding of Pakistan's demand in the religious identity of the people for whom a state was being demanded gave rise to the idea that Pakistan could be an Islamic state. Jinnah did not advocate a religious polity, but he did not completely disown the religious motivation either. He ignored Gandhi's offer to persuade Congress to concede Pakistan if it was not demanded on the basis of religion. Jinnah often maintained that he was asking for a democratic state and that was what Islam stood for. The only people who believed Pakistan was not going to be an Islamic state were the clerics, with rare exceptions.

The elections of 1945–1946 revealed a significant division in the ranks of Pakistan's supporters. While the League leadership continued demanding that Pakistan become a state without disclosing in detail what Pakistan was going to be (like, religious slogans were raised, especially in Punjab and Khyber Pakhtunkhwa). Although the slogan, *Pakistan ka matlab kia, La Ilahail-Allah*, was not the battle cry, it was frequently raised at some places. Other religious slogans, such as *Muslim hai tau Muslim League meinaa* (If you are a Muslim join the Muslim League) and *Pakistan mein Musalmaanon ki hukumat hogi* (Pakistan will be ruled by Muslims), were freely used. That religion did play a role in the movement for Pakistan was confirmed by the request made by Congress campaign organizers in Punjab to their high command to send some Muslim scholars to help them. Thus, the Pakistan supporters were divided into two camps: one may be loosely defined as the group that swore by democracy, while the other was vaguely attached to the concept of a religious state. The roots of Zia's Pakistan lay in this division.

With the creation of Pakistan, there was a reshuffling of posture by both groups. The Quaid-i-Azam realized he no longer needed the religious card. Three days before Pakistan's emergence as a new state, he said goodbye to the Two Nation Theory and called for the formation of a new nation on the basis of people's citizenship of Pakistan. The religious parties that had opposed the Pakistan demand did a complete volte-face and called for making Pakistan an Islamic state. Two factors guided them: they had opposed Pakistan because they had no hope of it becoming an Islamic state; in Pakistan, the League had demanded, the Muslims were going to be in a nominal majority and declaring it as an Islamic state would have been almost impossible. The partition of the Punjab and Bengal changed the situation. In the new Pakistan's population of 65 million, non-Muslims were only around 20 million,

and most of them were in the eastern wing. The ongoing riots could further reduce the non-Muslim population. Besides, the religious parties had seen in the elections the strength of the religious slogans. These two factors had brightened the prospect of declaring Pakistan an Islamic state.

Maulana Maududi was among the first religious scholars who decided to benefit from this situation. He migrated to Pakistan, deleted the anti-Pakistan thesis from his major publication, *Musalman aur Siyasi Kashmakash* [Muslims and Political Struggle], accepted the Punjab government's invitation to lecture the bureaucrats on Islamic values and broadcast similar messages on the radio. However, he soon lost the government's goodwill when he declared that Pakistan's involvement in Kashmir was not jihad, as the state was not Islamic.

Within a few months of Pakistan's creation, in February 1948, the clerics of various shades of opinion presented the government with a charter of demands containing steps required to establish a religious state. They were put off with promises of favourable consideration of their demands. But the government was rattled by East Bengal's demands for acceptance of its cultural rights and tried to face these demands by raising the standard of Islamic solidarity. Eventually, it took refuge under the Objectives Resolution of March 1949, which displayed a variety of ways to suit different sections of the population.

The most important feature of the resolution was a declaration that sovereignty belonged to Allah. The clerics were jubilant. The slogan-mongers had defeated the Jinnah lobby. The Jamaat-i-Islami now declared Pakistan an Islamic state. The most telling observation on the Objectives Resolution came from a Congress member of the assembly who warned the house that the resolution had cleared the way for the emergence of an adventurer who could claim to be God's appointee. And General Zia behaved exactly like that.

Thus, we find that between 1947 and 1953, the "religious slogan group" acquired a toehold in the political arena, thanks to the failure of the "democratic ideals group" to honour Jinnah's advice to keep religion out of politics and also its failure to promote democratic norms. Further, it made the grave mistake of resisting democratic demands by seeking refuge under a religious canopy. The "religious slogan group" took an exaggerated view of its strength and challenged the government by launching the anti-Ahmadi agitation in 1953. It lost because the state services, especially the army, had not abandoned the colonial policy of denying religious/sectarian elements any accommodation at the cost of law and order. But this was the only victory the "democratic ideals group" was able to achieve against the "religious slogan group."

Between 1953 and 1958, the "democratic ideals group" had to contend with a new challenger – a civil and military bureaucratic combine that had scant respect for the democratic facade that had hitherto been sustained to

a certain degree. Neither party paid much attention to the “religious slogan group” that was left to lick the wounds it sustained in 1953. However, while preparing the country’s first constitution, the civil bureaucracy gave considerable concession to the religious parties by calling the state the Islamic Republic of Pakistan, reserving the presidency for Muslims and creating an Islamic board to advise the government on its religious duties, including the task of the “Islamization” of laws. These provisions were later to be used as the foundations of a theocratic state.

The Ayub regime tried to crush both the “democratic ideals” and “religious slogan” groups. The former was Ebded out of the political arena (Ebded was the Elective Bodies Disqualification Order which threatened prosecution of politicians for “misconduct” unless they promised not to participate in politics for seven years). The latter were controlled by putting mosques under the Auqaf department. Further, Jamaat-i-Islami was subjected to a propaganda campaign in addition to the detention of its leader. When the regime brought in its constitution in 1962, it dropped the word “Islamic” from the state’s title. (It also dropped the chapter on fundamental rights.)

However, the Ayub regime was responsible for strengthening the religious parties’ place in national politics. After most of the politicians had been sent into the wilderness, mosques were the only platforms left for any agitation. When the opposition parties got together to set up their candidates to contest the 1965 presidential election, the alliance had as many religious parties as the quasi-democratic ones and they gained in terms of popular support while campaigning in favour of Fatima Jinnah.

The anti-Ayub agitation was a secular, democratic movement, and therefore Yahya Khan concentrated on removing the people’s political grievances by accepting the “one-man, one-vote” principle and undoing the one-unit. He did not think of pandering to the religious lobby till his attempt to issue a new constitution on the night of surrender at Dhaka, but these parties’ support of this draft constitution was of help neither to Yahya nor to themselves.

The religious parties benefitted a great deal from Zulfikar Ali Bhutto’s attempts to win them over to his side. The 1973 Constitution declared Islam as the state religion and invested the Council of Islamic Ideology with wide powers. In February 1974, Bhutto joined King Faisal’s efforts to counter the forces of Arab nationalism with Islamic nationalism and organized the Islamic Summit. About six months later, his government had the Ahmadis declared non-Muslims. All this did not help him. And after the mishandling of the 1977 election by his advisers, the religious parties spearheaded a movement for his ouster under the slogan of “Nizam-i-Mustafa,” which called for Islamic laws to be implemented in the country. Further concessions to the clergy – such as imposing a ban on the sale and consumption of liquor and declaring Friday as the weekly holiday – did not help Bhutto because Zia had already decided to overthrow him. Now it can be said that the Bhutto government of 1971–1977 provided Zia with a broad enough

platform to launch his plan to redefine Pakistan. And he went about this task with the zeal and confidence of a neo-convert.

Between 1978 and 1985, Zia took a number of steps to complete Pakistan's transformation into a theocracy of the medieval variety. A Federal Shariat Court was created to enforce religious laws, striking down laws it found repugnant to Islam, and with some power to make laws. The state assumed the power to collect zakat and ushr. Ahmadis were barred from calling their prayer houses mosques, from possessing and reading the Quran or using the Muslim ways of greeting one another, using Islamic epithets or naming their daughters after women belonging to the Holy Prophet's (PBUH) family.

The Penal Code was amended to provide for punishment for desecration of the Holy Quran and for punishing blasphemy with death or life imprisonment (later on the Shariat Court made death for blasphemy mandatory). The parliament was designated as the Majlis-e-Shura, and an arbitrarily amended Objectives Resolution – used hitherto as a preamble to the constitution – was made its substantive part. Furthermore, an attempt was made to subvert the system of democratic elections by holding party-less polls.

In addition, Zia amended the constitutional provisions relating to qualifications for membership of assemblies and disqualification of members to make them suggestive of respect for religious criteria. He also subverted the education system, first by facilitating the growth of religious seminaries (while extension and improvement of general education were neglected and books on rights and democracy were burnt) and increased religion-related lessons in textbooks at all grade levels. Further he tried to consolidate his measures through a constitutional amendment (the ninth amendment), but it was not adopted. He was also unable in his attempts to create morality brigades to enforce the system of prayers and puritancal regulations.

Many factors helped Zia to impose his beliefs on the people, including measures that lacked Islamic sanction. He fully exploited the political advantages the religious parties had won from poorly performing quasi-democratic governments. And the conflict in Afghanistan yielded him enormous dividends. He was able to convince a large body of people that through his Afghan policy he had brought glory to Islam.

That Pakistan today is what Gen Zia made it into cannot be denied, and the reasons are not far to seek.

First, it has not been possible to undo the changes made by Zia in the constitution and the laws. Every bit of change made by him is treated by the religious lobby as divinely ordained. Some of the parties that are not included among religious outfits are unabashedly loyal to Zia's legacy – those that are not are afraid of taking on the religious mobs. The secular elements lost the streets to the hordes controlled by the clergy, especially by the madrasah authorities, long ago. The judiciary, never keen to rule against religious

extremists, has often declined to touch Zia's amendments on the grounds that they have been endorsed by elected governments through acquiescence.

The difficulty in interfering with Zia's disruption of the Pakistan structure can be judged from the fact that his name could not be removed from Article 270-A of the Constitution until April 2010 – that is, 22 years and five elections after his death.

Second, the religious landscape is dominated by arch-conservative elements who do not allow any intra-religious discourse, and those who can challenge them dare not stay in the country. Further, the ouster of left-of-centre parties from the councils of influence and power has made the so-called mainstream parties hostages to the orthodoxy.

In this situation, there is little hope of relief from exploitation of belief in the interest of an unjust and oppressive status quo. The curse of the Zia legacy will continue to bedevil the state and the people for quite some time till ordinary citizens realize it has nothing to offer them except for unmitigated misery.

First, General Zia-ul-Haq came to power in 1977 after toppling and arresting elected Prime Minister Mr. Zulfikar Ali Bhutto. Mr. Bhutto was later executed by General Zia in 1979. A direct result of this execution was the formation of a terrorist group named Al-Zulfikar. The group committed acts of terrorism, including hijackings. Throughout his life, General Zia feared the resurgence of Mr. Bhutto's Peoples Party. Sindh was Bhutto's resident province, and hence their stronghold was a nightmare for Zia. To break Bhutto's influence in Sindh, he helped form the Muhajir Qaumi Movement (MQM) (Kukreja, 2003: 143),²⁰ a language-based party of refugees from India in Karachi and the other urban areas of Sindh. Violence by and against the MQM, which passed through certain evolutionary stages, became responsible for almost 90 percent of terrorism in the cities of Karachi and Hyderabad and 40 percent in the country. Second, General Zia, to legitimize his dictatorship and create his own constituency, enforced some Islamic laws in the country. One of the laws was named the Zakat and Usher Ordinance (1980). In the meantime, the Iranian Revolution (1979) established its influence in the Shia community of Pakistan. Encouraged, Shias demanded exemption from the new tax law which was based on Sunni jurisprudence. They also required the government to enforce Shia jurisprudence in their personal matters. Shias forcefully agitated in Islamabad, and General Zia had to accept their demands. To counter the Shia ascendance, General Zia helped Sipah-e-Sahaba Pakistan (SSP) (Haqqani, 2006),²¹ an anti-Shia Deobandi religious organization. Coincidentally, the SSP was further supported by the Iraq-Iran war of the 1980s, as the parties to the war made Pakistan a proxy theatre (Fair, 2004: 104). The SSP was funded by both Iraq and Saudi Arabia (Stern, 2000: 124),²² making it a "cash rich organization" (Hashemi, 2008: 80).²³ The SSP, later on, gave birth to militant splinter groups, the most dangerous and notorious of them being Lashkar-e-Jhangvi

(LeJ), meaning army of Jhangvi, the killed founding father of SSP. Almost 30 percent of terrorism in Pakistan is traced back to the SSP or its subgroups and the Shia groups like Sipah-e-Muhammad (SMP). Therefore, language and sectarian motivations explain about 70 percent of terrorism in Pakistan. Third, the Soviet Invasion of Afghanistan (1979) prompted the US and Saudi Arabia to invest nearly six billion dollars²⁴ in the region to organize, train, and arm fighters against the Soviets. Thousands of Muslim fighters were brought to Afghanistan and Pakistan in the name of jihad. American and Saudi money pushed the Mullahs (Islamic religious scholars) in both Pakistan and Afghanistan to prominence, established madrassas (religious schools) as sanctuaries of jihad culture, and made carrying a Kalashnikov an honour in the society. In addition, it strengthened General Zia against the Peoples Party and Shias. Fourth, after the Afghan jihad against the Soviets ended in 1989, the US left the region with thousands of battle-hardened mujahedeen, many of them in Pakistan. This void created by the US leaving the region without demobilizing the mujahedeen, according to Nawaz (2009: 10),²⁵ drew Inter Services Intelligence (ISI) into action. It tried to divert mujahedeen in two directions: to create strategic depth in Afghanistan²⁶ and to support the independence struggle in the Indian-held Kashmir. With the help of the ISI, mujahedeen (Taliban) came to power in Afghanistan, and they gave refuge to Arab mujahedeen like Osama bin Laden, their erstwhile companion in jihad. After the establishment of the Taliban government in Afghanistan, two important factors led the mujahedeen to challenge the United States. First, the US created grievances in them by ignoring the mujahedeen once the Soviets withdrew. Second, the success of the mujahedeen against the Soviets – a super power – boosted their confidence. Arab mujahedeen had their own grievances, especially the presence of the US army in Saudi Arabia. Mujahedeen, ultimately, challenged the US in the form of 9/11, which brought the US again to Afghanistan, now not as an aide of mujahedeen but as an enemy. Fifth, the US invaded Afghanistan in October 2001, and the Government of Pakistan assisted. Pakistan, as a result, bought enmity of the Arab mujahedeen and the Taliban. Terrorism nowadays in KPK, FATA, Karachi, Balochistan and some parts of Punjab is a direct result of Pakistan's confrontation with the Arab mujahedeen and Taliban. To further aggravate the situation, drone attacks inside Pakistani territory have created "a backlash among the tribesmen and even among the general population of Pakistan (Nawaz, 2009: 15). The US is also concerned about China building Gwadar port in Balochistan, as China is believed to use this port "to project force and undermine US and regional security.

Impact of terrorism on society

Terrorism has damaged the economy, polity and society of Pakistan on multiple levels. The immediate socio-economic costs of terrorist acts include

the loss of human lives, destruction of property and infrastructure, curtailment of short-term economic activity, uncertainty, reduction in confidence and increased risk perceptions – leading to lower rates of investment and lower economic growth. Pakistan's investment-to-GDP ratio nosedived from 22.5 percent in 2006–2007 to 13.4 percent in 2010–2011,²⁷ leading to serious consequences for its job-creating ability in the economy. Pakistan suffered a lot of financial losses due to economic terrorism, and as per official Ministry of Finance estimates, the losses amounted to \$40-45 billion dollars approximately. Going forward, Pakistan needs enormous resources to enhance productive capacity of the economy. The security situation will be the key determinant of the future.

Since Pakistan became a frontline ally of the United States in its war on terror, 16 years after 9/11 the economy of this developing country suffered a whopping \$123.1 billion cost on account of the loss of lives, economic opportunities and damage to the country's infrastructure.

As Pakistan's current GDP volume is \$304 billion, this huge loss is 41 percent of the country's total economy size. This indicates that two-fifths of the economy not only went in the air but it also further damaged the economic growth of the country.

According to the Pakistan Economic Survey 2016/17,²⁸ this huge number has been worked out after thoroughly investigating the effects of war on the national economy for the last 16 years. The war on terror has been drastically affecting our economy, exports, physical infrastructure, tax collection and investment and our social fabric. Since the insurgency started in Pakistan following the US invasion of Afghanistan, more than 60,000 Pakistani civilians, security forces personnel and women and children have been killed in gun, bomb and suicide attacks. Additionally, thousands of others have been seriously injured or handicapped and are unable to buy bread for their children, which ultimately also created other social issues in society.

On average, every year Pakistan suffered losses of \$7.7 billion – more than the country's total expenditures on education, health and other social safety schemes.

In recent years, the security situation has improved to some extent, largely due to successful counterterrorism efforts of the government under the framework of the comprehensive National Action Plan, backed by an extensive and highly effective counterterrorism operation, Zarb-e-Azb by the armed forces, and actions by other security and law enforcement agencies and intelligence-based operations across the country. After successful completion of Zarb-e-Azb, a country-wide operation, Radd-ul-Fasaad, has been launched to eliminate any residual or latent threats.

After the US invasion of Afghanistan, Pakistan saw a huge influx of Afghan refugees as one of the main host countries. There was a sudden rise in the number and scale of terrorist attacks in the country. The cumulative impact of these developments adversely impacted the overall growth rate in

all major sectors of the economy. Normal economic and trading activities were disrupted, resulting in higher costs of doing business and significant delays in meeting export orders around the globe. As a result, Pakistani products gradually lost their market share to their competitors. Economic growth could not pick up as planned.

In fiscal year 2017, \$3.88 billion (Rs 407.2 billion) losses to the economy were recorded, sharply lower than the \$6.49 billion in fiscal year 2016, Pakistan's Economic Survey revealed.

The survey gives further figures, saying that in 2001/2002, the cost was \$2.67 billion, 2002/2003 \$2.75 billion, 2003/2004 \$2.93 billion, 2004/2005 \$3.4 billion, 2005/2006 \$3.99 billion, 2006/2007 \$4.67 billion, 2007/2008 \$6.94 billion, 2008/2009 \$9.18 billion, 2009/2010 \$13.56 billion, 2010/2011 \$23.77 billion, 2011/2012 \$11.98 billion, 2012/2013 \$9.97 billion, 2013/2014 \$7.7 billion, 2014/2015 \$9.24 billion and in 2015/2016 it was \$6.49 billion dollars.²⁹

Pakistan continues to be a serious victim of terrorism, including foreign-sponsored terrorism from our immediate neighbourhood. A substantial portion of precious national resources, both men and material, have been diverted to address the emerging security challenges and to repair damaged infrastructure during the last several years. In addition to economic losses, cross-border terrorism in Pakistan has also been responsible for untold human sufferings due to indiscriminate, brutal terrorist attacks against civilian populations.

International dimensions of terrorism

The events of 9/11 marked what the then UN Secretary General Kofi Annan called a "seismic shift" in international relations. Given Pakistan's strategic location and influence on Afghanistan, its role in the US-led Global War on Terrorism (GWOt) implied changes in its domestic and global strategic posture. The government's policies and decisions were also impacted by the Indo-Pak standoff in the wake of an attack on the Indian Parliament (New Delhi) on 13 December 2001, which India fully blamed on LeT (Lashkar-e-Tayyaba), a Pakistan-based jihadist outfit. Responding to the Indian accusations, the Pakistan government assured the international community that "no one would be allowed to carry out any territorial or subversive activities in or outside the country. At this juncture, it is pertinent to note that in the post-9/11 phase, Islamabad is also obliged to fulfil the obligation of being a United Nations member and ensure the implementation of UN Resolution 1373 (2001), UN Resolution 1624 (2005) and submit periodic reports to the UN Security Council's Counter-Terrorism Committee (CTC) from time to time.

In a report titled, "International Religious Freedom Report for 2017," compiled by the US Bureau of Democracy, Human Rights and Labor,

concerns were expressed over unidentified attackers who continued to target and kill Shia Hazaras in attacks believed to be motivated by religious prejudice in Pakistan and recommended to the Trump administration to declare Pakistan as a country of special concern.³⁰

Pakistan was officially placed on the grey list of the Financial Action Task Force (FATF) on Wednesday, 27 June 2018, after a plenary meeting in Paris. Despite Pakistan's efforts to convince the FATF to decide otherwise, the watchdog argued that Islamabad had failed to take enough measures to curb terror financing from its soil. In wake of this decision, following is a re-plug of the commentary written by Imtiaz Gul, Executive Director CRSS, in February 2018, where he argues that Pakistan now needs pro-active, credible, smart solutions that do not unnecessarily burden our friends, solutions that project us as a forward-looking, honest and responsible member of the global community.³¹

In other words, anti-terrorism efforts are no longer a national enterprise and need to be upgraded and effectively monitored to be in line with guidelines formulated by the UN

Counterterrorism – strategy and design

Pakistan, despite having made huge sacrifices in terms of the loss of human lives and the enormous socio-economic cost in fighting militancy and countering terrorism, appeared to be in a state of denial and suffering from either the lack of political will or a pathetic appeasement syndrome with the result that no political party came out with a clear-cut counter terrorism strategy in its manifesto, either in the 2008 or 2013 elections. Till 2013, the state response towards machinations of the terrorists remained largely reactive and sporadic. Almost at the end of its five-year tenure, the Peoples' Party Government, with a view to addressing the root causes of terrorism and extremism in a holistic manner, established the National Counter Terrorism Authority (NACTA) under NACTA Act 2013.³²

The Prime Minister of Pakistan heads the Board of Governors (BoG) of the Authority vide Section 5 of the Act of 2013. Section 4 of the NACTA Act 2013 mandates the Authority to perform functions relating to the receipt and collation of data or information or intelligence, and dissemination and coordination between all relevant stakeholders to formulate threat assessments with periodical reviews to be presented to the federal government for making adequate and timely efforts to counter terrorism and extremism in addition to coordination and preparations of comprehensive national counter-terrorism and counter-extremism strategies in conjunction with their periodical review.

Notwithstanding the functions assigned to NACTA, the December 2014 National Action Plan had been prepared by a group of retired and serving bureaucrats and police officers randomly selected in the aftermath of

the Army Public School Peshawar massacre. However, its monitoring and review is being done by NACTA. It has also currently undertaken the task of main-streaming madrassahs through registration, development of a national narrative, profiling of militants/terrorists to identify drivers of radicalization and evolution of an appropriate policy to monitor the activities of proscribed organizations. Work is also in progress to engage young people in encountering violence and extremism. Apart from formulating strategies to revamp the criminal justice system, NACTA has undertaken an exercise pertaining to national risk assessment and regulation of charities. Its recent initiatives include a well-thought-out cyber security policy, controlling terrorism financing and raising of countering terrorist financing units.

NACTA, in pursuance of its mandate vide section 4, NACTA Act 2013, has undertaken this drive to counter radical and extremism ideology in the realm of the cyber-sphere. Given that penetration of the internet and social media in Pakistan stands at more than 35 million users, with a growth of more than 20 percent per annum in recent years, it is about time that a mechanism to report extremist online content be put in place. This is just one example of how the militants are trying to control the narrative. Clearly, various militant groups are developing new tactics to reach out to a wider audience. For example, many of them are moving beyond the “traditional” target audience of seminarians.

As the Sindh CTD recently pointed out, the next generation of militants would not emerge from madrassahs, but from universities and colleges. Some of the most lethal militants of the recent past have been graduates of top foreign and Pakistani higher education institutes. This indicates that the militant demographic is changing. Terrorist outfits are interested in recruiting professionals – engineers, accountants, tech wizards etc – to forward their aims. Has the state caught on to this trend?³³

Does the government have enough qualified people to identify the triggers of extremism and militancy in educational institutes, as well as online? While terrorist groups are busy recruiting in universities and cyberspace, it is highly doubtful that our law enforcement agencies have drawn up counter-measures. Another major threat comes from militants returning from the war zones of the Middle East, especially Syria. As security agencies have highlighted, Syria-returned militants are believed to have formed a lethal new outfit called Ansarul Sharia Pakistan. It was always feared that the conflicts of the Middle East, especially its sectarian wars, would one day spill over into Pakistan.³⁴ With the formation of such groups and the return of fighters, those fears may now be coming true. While the repeated calls for the state to wake up to these threats are beginning to sound trite, unless the government evolves a multifaceted counterterrorism policy, the number,

and complexity, of militant threats will only grow. Amidst the din of politics, have we forgotten that much of the National Action Plan has not been implemented, or that agencies formed to counter the threat, such as NACTA, remain inactive?³⁵

Conclusion

As is clear from the foregoing discussion, not only has terrorism given frequent twists and turns to the process of economic growth, but it has also created the widespread perception – notwithstanding tremendous sacrifices in terms of lives, resources and human sufferings – of Pakistan being a state that is part of the problem rather than the solution for the menace that is terrorism. The people of Pakistan today live not in the country envisaged by Quaid-i-Azam Mohammad Ali Jinnah but in the country practically shaped by General Zia-ul-Haq, who drew on a tussle from its founding moments. The military coup of General Zia-ul-Haq fundamentally altered Pakistan's trajectory, whose repercussions are being felt to this day. The confusion was worse confounded by the virtual absence of political will to realize the gravity of the problem till 2013. The credit for the initiative against terrorism can be properly given to the Pakistan Army through the launching of Zarb-e-Azb and virtually bringing the political forces to understand that Pakistan was in fact facing an existential threat. The National Action plan is mainly military centric and does not address the basic issue of strengthening the powers of the police and the courts while maintaining the necessary safeguards for individuals. It does not envisage providing the criminal justice services, such as police, prisons and probation, with the extra resources they need to meet the increasing demands made on them. The mechanism to provide more effective support and reassurance for the victims of terrorism through an institutionalized setup and to demolish all sanctuaries of all types of terrorists is conspicuous by its absence. In the light of Paul Staniland's analysis, the options of deterrence, development and dialogue have to be exercised through a proper on-the-ground study of the makeup and strategy of various terrorist groups active in Pakistan.

Notes

- 1 Crenshaw, Martha (2000), *The Psychology of Terrorism*, International Society of Political Psychology.
- 2 Brynjar & Katja (2004), *Causes of Terrorism: An Expanded and Updated Review of the Literature*, FFI/RAPPORT-2004/04307.
- 3 Engene (1998), *Root Causes of Terrorism: Myths, Reality and Ways Forward*, First published 2005 by Routledge, 2 Park Square, Milton Park, Abingdon, OX144RN.
- 4 Smelser, Neil J., & Mitchell, Faith, *Terrorism: Perspectives from the Behavioral and Social Sciences* National Research Council (U.S.), *Panel on Behavioral, Social,*

- and Institutional Issues*, www.worldcat.org/title/terrorism-perspectives-from-the-behavioral-and-social-sciences/oclc/51094470?referer=di&ht=edition
- 5 Boyns, David, & Ballard, James David (2004), Developing a Sociological Theory for the Empirical Understanding of Terrorism, *The American Sociologist* 35, No. 2, June: 5–25.
 - 6 Scott, James C. (1990), *Domination and the Arts of Resistance*, Yale University Press, New Haven, CT.
 - 7 Boyns, David, & Ballard, James David (2004), Developing a Sociological Theory for the Empirical Understanding of Terrorism, *The American Sociologist* 35, No. 2, June: 5–25.
 - 8 Black, Donald (2010), *The Behavior of Law*, Emerald Group Publishing Limited.
 - 9 Ibid.
 - 10 Ibid.
 - 11 Brynjar & Katja (2004), *Causes of Terrorism: An Expanded and Updated Review of the Literature*, FFI/RAPPORT-2004/04307.
 - 12 Ibid.
 - 13 Collins, Marylyn (1995), *Corporate Philanthropy: Potential Threat or Opportunity*, Basil Blackwell Ltd.
 - 14 Staniland, Paul (2014), *Networks of Rebellion; Explaining Insurgent Cohesion and Collapse*, Cornell University Press, Ithaca, NY.
 - 15 Ibid.
 - 16 Ibid.
 - 17 Ibid.
 - 18 Hussain, Ejaz (2010), *Terrorism in Pakistan*, LAP Lambert Acad. Publ.
 - 19 *Dawn*, Sunday, 2 July, 2017, EOS.
 - 20 Kukreja, Venna (2003), *Contemporary Pakistan: Political Processes, Conflicts and Crises*, Sage Publications, New Delhi.
 - 21 Haqqani, Husain (2006), *Pakistan: Between Mosque and Military*, Carnegie Endowment for International Peace.
 - 22 Ibid.
 - 23 Hashemi, Kamran (2008), *Religious Legal Traditions, International Human Rights Law and Muslim States*, Martinus Nijhoff Publishers.
 - 24 Hussain, Ejaz (2010), *Terrorism in Pakistan*, LAP Lambert Acad. Publ.
 - 25 Nawaz, Shuja (2009), *Pakistan, Its Army, and the Wars Within*, Oxford University Press, Oxford.
 - 26 Hussain, Ejaz (2010), *Terrorism in Pakistan*, LAP Lambert Acad. Publ.
 - 27 Government of Pakistan (2010–11), *Pakistan Economic Survey*, Islamabad.
 - 28 Government of Pakistan (2016–17), *Pakistan Economic Survey*, Islamabad.
 - 29 Ibid.
 - 30 The Express Tribune, Friday, 1 June, 2018. *US religious freedom panel eyes Pakistan with worry*.
 - 31 Gul, Imtiaz (2018), <https://crssblog.com/2018/06/28/lessons-from-fatf-as-pakistan-put-on-grey-list/>
 - 32 Ghani, Ihsan (2017), *Interview by the Author of Ihsan Ghani, Director General National Counter Terrorism Authority (NACTA)*, 3 August, 2017, Islamabad.
 - 33 *Dawn*, Saturday, 29 July, 2017, *Counter Narrative Needed*, Editorial.
 - 34 Ibid.
 - 35 Ibid.

Further reading

For a detailed insight into the subject of terrorism, insurgency and violent political dissent the following resources are recommended for additional reading. It

goes without saying that I have drawn heavily from these sources in writing this chapter.

Nadeem, Dr. Azhar Hassan (2013), Setting Up an Anti Terrorist Force-Strategy and Design, *The Express Tribune*, 4 November, Article.

Nadeem, Dr. Azhar Hassan (2012), Pakistan's Woes: A Diagnosis, *The Express Tribune*, 24 October, Article.

Hussain, Ejaz (2010), *Terrorism in Pakistan*, LAP Lambert Acad.

Staniland, Paul (2015), Every Insurgency Is Different, *The New York*, 15 February, Article.

Harari, Yuval Noah (2018), *21 Lessons for the 21st Century*, Spiegel & Grau, Jonathan Cape, UK.

SOCIO-ECONOMIC SCENARIO IN PAKISTAN

A story of missed opportunities

An overview of Pakistan's economy

Having analyzed the role of various institutions in the body politic of Pakistan, it is pertinent to look at the economic landscape of the country. This section gives an overview of Pakistan's economic performance over the past 70 years, covering periods of recurring cycles of high and low economic growth and identifies factors responsible for these episodes under different successive governments in an attempt to diagnose the reasons for an uneven, unsteady and a non-sustainable growth pattern.

In determining economic policy choices, the crucial factor was India-centric confrontation. A beginning was made by Pakistan's decision not to devalue its currency in 1949, which led to the cessation of trade between the two countries and the start of import-substitution industrialization that fed on the Korean boom as the price of raw materials increased dramatically. Subsequently, the dispute over the division of the Indus River waters remained unsettled for the first decade and a half. These tensions have meant that Pakistan had to set aside far more resources for defence than it could economically afford. Pakistan's average growth during the period from 1960–2016 was around 5 percent. This is far below its potential, especially when compared with the fast-growing East Asian economies and more recently those of China and India. A perceived Indian threat, high population growth, neglect of human resources development, a constant trend of according a low priority to budgetary allocation of funds for education, a low savings rate, failure to translate foreign aid influence into high, sustainable levels of investment and governance, and crises in conjunction with institutional decay and missed economic opportunities have been diagnosed as the main factors for this state of affairs.¹

In the 1950s, the basis for future growth was laid down through increasing investment in physical and human capital and setting up strong economic institutions, like the State Bank of Pakistan, the Water and Power Development Authority, Pakistan Industrial Development Corporation and Pakistan Industrial Credit and Investment Corporation. By 1959–1960,

fixed investment in the then West Pakistan (currently Pakistan) had risen to 11.5 percent of GDP from 4.1 percent in 1949–1950, with public investment accounting for nearly two-thirds of capital formation. It is noteworthy that education was not neglected in the 1950s. Gross primary enrolment grew by 10 percent per annum, though girls' enrolment accounted for only 22 percent of the increment.

State of main economic indicators

Pakistan Economic Survey, 2016–2017, estimates the size of the population in 2017, its rate of growth and its urban-rural distribution. All of these numbers will be revised by the census. It would be interesting to note how close the ministry was to the real picture. According to the survey, Pakistan's population was 197 million in 2017 and was growing at the rate of 1.86 percent a year. According to the UN data, the 2019 estimated population of Pakistan stands at 216 million. This is equivalent to 2.81 percent of the world's population, making Pakistan the fifth largest country population-wise. There was a steady decline in the growth rate; in 2015, it was estimated at 1.92 percent. If this trend continues, the growth may decline to 1.5 percent by the end of the decade. However, even at this diminished rate, the size of the population could double in 48 years, reaching 400 million by the year 2065.

While the total fertility rate at three per woman is still high, it has been declining steadily. It was 3.2 in 2015. The replacement rate is 2.1. It will take a while before Pakistan can reach that level. Only then will the size of the population stop increasing. Other large Asian nations have already reached this steady state or are near it. In China, for instance, the working-age population fell for the first time in 2012 and has been declining since. China will get old before it gets rich.

According to the 2017 survey, 80.72 million people live in urban areas. This means that 40.5 percent of the population is urban. Two years earlier, the urban population was estimated at 75.19 million, or 39.2 percent of the total. This translates into a rate of growth in urban population of 3.6 percent a year, or twice the rate of increase in total population. This is an underestimate and is not likely to be corrected by the 2017 census. The census takers have not revised their definition of an urban area. A significant proportion of the urban population resides in the country's two mega cities: Karachi and Lahore. The two together account for 37 percent of the total urban population.

Life expectancy has been increasing and is now estimated at 68.2 years for women and 65.8 years for men. The higher rate for women is normal for all populations; the female life span will be lower only if women don't have good access to healthcare. Pakistan for years had a very high rate of

maternal mortality. That has declined quite significantly, again pointing to better access to health facilities by women.

Taking into consideration the world situation, according to research by French Economist Thomas Picketty, between 1988 and 2014 the growth in the incomes of the bottom 50 percent has been zero, whereas the income of the top 1 percent has grown 300 percent.²

The situation in Pakistan appears to have followed a similar trend. While the Planning Commission has stopped making public statistics on income inequality for the past few years, evidence suggests that the disparity between the richest and the poorest households has increased. According to the Household Integrated Economic Survey (HIES) 2015–2016, the share of the top 20 percent of households in overall income is nearly 45 percent, while for the bottom 20 percent the share is slightly less than 9 percent – a multiple of five times.

While looking at inequality through the prism of income or wealth distribution is instructive, it tells a less-than-complete story. For a country like Pakistan, the inequality in society is multidimensional – with deep structural as well as institutional roots. The poor and vulnerable are discriminated against, and face exclusion and marginalization in a structured and institutionalized manner. Hence, for a proper understanding of the issue, one has to map the broad areas and extent of “non-inclusion” of citizens, not just the inequitable distribution of wealth/income.

Some dimensions of “non-inclusion” and the resultant inequality include the following:

Inequitable growth: Since the early 2000s, *prima facie* it appears that capital has been rewarded much more than labour in terms of distribution of returns generated from growth. With the preferred model of growth even in Pakistan leading invariably to credit-financed expansion in asset values, owners of assets (land, equities) have gained the most since – leaving the others behind. (This also points to the extreme lack of access to finance by a large part of the population).

Unfair taxation and spending: With around 90 percent of tax revenue collected via indirect taxes and instruments, and personal income tax accounting for barely 1 percent of GDP, the burden of tax collection falls regressively on the less affluent and poor. However, in terms of spending priorities of the government, the beneficiaries appear to be segments of society that contribute less than their share as a cohort (such as the car-owning elite, for example, via construction of flyovers and underpasses in urban centres).

Access to food and nutrition: An estimated 70–80 million people in Pakistan are food-insecure. The most pernicious form of inequality and exclusion arises from the fact that, due to poverty and high food inflation, the poor cannot afford high-protein diets for their children in the latter’s formative years. The resultant malnutrition affects most

of these children throughout their lives as it impedes the development of their mental faculties to their full potential.

Access to justice: Perhaps the most egregious example of institutional bias against the vast majority of the population is in the application of the rule of law and the denial of justice. Numerous examples abound, with the abysmal number of cases pursued by police and the courts against elite members of society in cases of transgression of the law, on the one hand, and the near-automatic application of the “iron hand” of the state and law against the poor, on the other. A recent example of this trend was the ransacking of the Punjab Institute of Cardiology in Lahore on 11 December 2019 by more than 250 lawyers who stormed the institute, ransacked wards and operation theatres and beat up the staff and visitors. They also resorted to aerial firing, smashing windows, and damaging machinery. The patients in critical condition were left unattended as staff and visitors scrambled for safety, and some did not survive. Fayyaz Ul Hassan Chohan, Provincial Information Minister, rushed to the spot to diffuse tension, but the lawyers manhandled him and he had to flee. The unruly mob set police vehicles on fire on the Jail Road, resulting in complete chaos. Though the government announced that a strict action would follow, no licence was cancelled and the vast majority of the arrested accused were sent to jail immediately on judicial remand, and the police were allowed physical remand of only seven accused persons. The condemnation of this high-handedness, barring a few exceptions, was meek and lopsided for fear of retaliation from the lawyers.³

The unequal and unfair structure of society is compounded by the lack of access to even decent healthcare for the vast majority of the population, or to a quality of education that is even a fraction of what children from more advantaged households get.⁴

Given this dismal state of affairs, there is a lot that needs to be done to mitigate the structural and institutional biases against the poor and vulnerable in society. The starting point would be not to exclude them from government statistics and include the issue of poverty and inequality in any narrative of the economy.⁵

According to the World Bank,⁶ Punjab is the most economically unequal province of the country, and this inequality is the highest and increased the most in the urban areas.

Between 2002 and 2014, the consumption of the poorest 40 percent grew by less than that of the top 60 percent, and the gap was wider in the urban areas.⁷

This is particularly true during two periods of high consumption growth – 2002–2005 and 2011–2014, which resulted in widening inequality, with the

Gini coefficient increasing from 27.5 in FY2002 to 29.7 in FY2014, according to the most recent report released by the World Bank.⁸

Stating that the poor are concentrated in the rural areas, the report says that the poverty rate in rural Punjab was twice that in urban areas, and four out of five of Punjab's poor lived in the rural areas as of FY2014.⁹

While remarkably high, the difference between urban and rural poverty rates in Punjab (13.4 percentage points) was the lowest compared to other provinces, and rural Punjab still experienced poverty reduction at a similar pace as urban Punjab.¹⁰

Most of Punjab's districts have done better than those in other provinces. By FY2015, Punjab had 12 of the 20 richest districts in Pakistan and none of the 20 poorest districts.¹¹

Based on the poverty line established in 2014, Punjab reduced monetary poverty by 35.9 percentage points in 13 years; from 61.2 percent in FY2002 to 25.3 percent in FY2014.¹²

This pace of reduction was the second-fastest in the country; slower than 46.5 percentage points in Khyber Pakhtunkhwa, but faster than the 30.8 percentage points in Sindh and 14.4 percentage points in Balochistan.¹³

Punjab's labour market was able to accommodate its fast-growing labour force. Between 2002 and 2014, the working-age population of the province increased by an average of 3 percent a year.¹⁴

Despite the strong demographic pressure, enough jobs were created to maintain the unemployment rate at a very low level – around 3–4 percent – and the share of the employed in the working-age population remained constant at around 50 percent.¹⁵

The report cautions that still-low levels of labour force participation remain a concern, saying that in FY2014, labour force participation in Punjab was only 53 percent, mostly due to the low level of female labour market activity.¹⁶

Women's economic empowerment remains an important challenge in Punjab, with only one in four women being economically active in 2013–2014, despite gains in literacy and education levels.¹⁷

The report says that economic progress was accompanied by an increase in paid employment. The shift out of unpaid work was particularly noticeable in rural areas, where the share of paid employment increased by 10.2 percentage points among male workers and by 15.3 percentage points among female workers.¹⁸

Among men, this shift was accompanied by more going from agriculture into industry: by FY2014, 26.5 percent of rural men worked in manufacturing, up from 19 percent in FY2002, whereas rural women tended to stay within agriculture, but towards paid work.¹⁹

In urban areas, the shift towards paid employment was less significant, but there was a shift from low-skilled services into manufacturing among both men and women.²⁰

Punjab also saw a 9.6 percentage point increase in the share of adults completing lower secondary school between 2002–2014. Households with at least one adult with lower secondary school education or higher were less likely to be poor.²¹

Looking within Punjab, districts that achieved higher rates of poverty reduction also did well on lower secondary school completion rates overall, and among women.²²

Enrolment levels have shown virtually no improvement over the past decade, in both primary and middle school, with children from the poorest families continuing to fare the worst, particularly in rural areas.²³

Low savings

According to a recent study by the Chartered Bank, the current rate of monthly savings among the country's affluent is 14 percent. This figure is a little more than half of the overall average (27 percent) of seven other countries, including India, according to a study carried out by Standard Chartered Bank along with independent research agency Globe Scan. If those earning between Rs 40,000 and Rs 500,000 can put away only 14 percent, one dreads to think what the average savings of other salaried folks in Pakistan would be. Galloping inflation, to a great extent, can be faulted most for this trend. But the 1,000 Pakistanis interviewed last year for the study have their own perception of the problem. They feel they don't make enough money to save and for the most part can't seem to set financial goals for themselves. In all fairness, their spending is out of control, and they reckon the low interest rate environment is responsible for their current state.²⁴

There are several other areas of concern. Apparently up to half of all emerging affluent Pakistanis save their money in their homes rather than use it for a mutual fund or other savings schemes. In comparison, only 15 percent of Indians belonging to the same segment would resort to hoarding cash in their homes. Their reasons are, however, similar: they want to access their savings on short notice and are afraid of financial risks, as the study revealed. Among their preferred savings methods were savings accounts (38 percent), property investment (8 percent), mutual funds (4 percent) and time deposits (3 percent).

The disconnect between soaring inflation and the largely stagnant deposits rate offered by commercial banks has forced people into spending rather than saving. Those who do manage to save prefer to remit their money abroad and invest their savings in offshore accounts.²⁵

What is ignored in the study is the existence of the country's large underground or cash economy, which is estimated at 50 percent or more of the measured economy. This cash is not measured in any study though.²⁶

External account gap

According to Pakistan's economist, Ashfaque Hassan Khan,²⁷ Pakistan's external account financing gap is likely to reach \$11.5 billion by 2019–2020, and the government may resort to the International Monetary Fund (IMF) to avert possible payment default on foreign obligations.

Khan forecast that the financing gap would reach \$6 billion in 2016–2017, \$6.5 billion in 2017–2018, \$10.1 billion in 2018–2019 and \$11.5 billion in 2019–2020. "Pakistan would not have other option but to seek fresh bailout package from the IMF," he said, addressing a pre-budget seminar organized by COMSATS Institute of Information and Technology.²⁸

Khan, former advisor to the finance ministry, alleged that the then finance minister Ishaq Dar brought changes into the definition of debt through the last year's finance bill. The Fiscal Responsibility and Debt Limitation Act (FRDLA) 2016 excluded certain headings from the domain of the debt, which is inconsistent with the definition being used by the State Bank of Pakistan as well as the IMF and the World Bank.²⁹

He projected that the country's external debt would reach \$110 billion by 2019–2020 or 365 percent of exports, \$97.8 billion in 2018–2019 and \$88.5 billion in 2017–18. With a changed definition in accordance with the FRDLA 2016, Khan said the external debt stood at \$57.5 billion, while it amounted to \$73 billion in accordance with the previous and "acceptable" definition.³⁰

Hafiz Pasha, ex-finance minister, said the optimism about the economy is not correct, as the economic situation would be again heading back to the level of 2013 when the Pakistan Muslim League (Nawaz) took the reins of power. The external debt touched \$73 billion, and the current account deficit is widening, resulting in the drawdown of foreign currency reserves.³¹

On the China-Pakistan Economic Corridor (CPEC), Hafiz Pasha observed that there was no need to discriminate against local companies by providing incentives to Chinese companies. Pakistan's exports to China slumped 45 percent in the last three years, while imports increased 35 percent because of the faulty trade regime, Pasha said. India was the ultimate beneficiary of the wrong policy prescription.³²

He further said that the agriculture sector had largely been ignored. The PML-N government announced an agriculture package of Rs 341 billion, but IMF stopped its implementation. Shahid Hafiz Kardar, ex-governor of the State Bank of Pakistan, said the country's exports were declining and the current account deficit jumped to \$6.5 billion during the first nine months of the current fiscal year (2016–2017) against \$4.9 billion a year ago. The widening current account deficit resulted in the drawdown of foreign exchange reserves of \$1.8 billion.³³

Kardar was of the view that the fragmented policies were negatively affecting exports, and the IMF programme caused more damage to the country's

export earnings because the cost of input for exports had gone up manifold. According to him, the overvalued exchange rate also caused damage to exports. The Pakistani rupee appreciated 1 percent, but the currencies of many comparable economies were devalued. Indian currency depreciated 30 percent, Malaysian 38 percent and Indonesian 38 percent.³⁴

Sakib Sherani, a renowned economist, said only 0.24 percent of the country's population were filing their income tax returns. "Only one in 400 individuals files their returns," Sherani said. "The personal income tax contributes one percent of GDP in Pakistan, while in India it is 2.7 percent of GDP." He further said that the development funding to the tune of Rs 22 billion resulted in an achievement of 1 percent growth in 2004. The same percentage point of growth would now require Rs 115 to Rs 120 billion in development spending.³⁵

CPEC – implications for external debt

An IMF report³⁶ estimates that

CPEC related imports could reach 11 percent of total projected imports by 2020, equal to just over \$5.7 billion, while inflows under the corridor will touch 2.2 percent of projected GDP in the year. Gross external financing needs of the country will jump almost 60 percent by then, from a projected \$11 billion for the current fiscal year, to 17.5 billion in 2020.³⁷

Dr. Ishrat Husain states that, "the country would be saddled with costly external loans and outflows forcing Pakistan to go for another bailout. "Frightening numbers such as totals of \$110 billion are floating around."

Dr. Husain has laid out a broad estimate of the additional burden on Pakistan's external payment capacity in the coming years. He estimates that the additional burden on the external account should not exceed \$3.5 billion annually on a staggered basis depending on the project completion schedule. In order to offset this additional burden, exports have to grow by 14 percent annually in dollar terms to compensate for these outflows if all other sources remain unchanged. If the energy crisis has been the main cause of a slow-down in export seen over the last decade, the availability of increased power under the CPEC projects should increase foreign exchange revenues from restored export growth. Dr. Hussain points out, that to make it happen, Pakistan has to take a number of policy actions on a priority basis. Among these he includes: (a) coordinated efforts to increase exports; (b) attract foreign investment. These measures would certainly help in easing the pressure on external accounts. On the other hand, if it is a competitiveness issue, then different policy measures are needed, for example, overvaluation of the rupee may need to be addressed.³⁸

The impact assessment on the country's balance of payment accounts should be done in detail. Dr. Ishrat Husain proposes that, "the Planning Commission and the Pakistan Institute of development (PIDE) use the well-established framework of cost-benefit analysis to evaluate and monitor the net benefits of CPEC projects."³⁹ A comprehensive mode for projecting the energy sector's long-term requirements of foreign exchange is needed, for example, as in Mangla's study (2011).⁴⁰ The simulation analysis in the study indicates that the country will remain chronically dependent on energy imports and exposed to high and volatile energy prices. The energy infrastructure and production projects are heavily capital and technology intensive, and will necessitate large initial foreign investment as well as subsequent foreign exchange outflows on account of repatriation of returns and the principle. A fundamental issue for Pakistan is how the energy projects requiring large inflows of foreign capital and technology would be financed. It is this financial constraint which has not been addressed adequately.

The planning bodies should make their feasibility studies publicly available so a nationwide consensus may be achieved. Dr. Husain notes that, "the government has not helped matters as it has not placed all the data and information about capital structure, detailed sources of financing, project sponsors etc. pertaining to CPEC, in the public domain." IMF officials have also expressed the need for "more transparency in order to build a better picture of the debts being taken on, and the future foreign exchange requirements for servicing these debts." The governor of the State Bank of Pakistan has also emphasized the need for greater disclosure on CPEC projects, particularly as to the commitments to foreign investors.⁴¹

The external debt management is intimately related to the capital flows which have been affected by significant changes in the global and domestic financial environment. Over the last two decades, Pakistan has seen strong growth in the financial sector, spurred by privatization, economic liberalization and deregulation.⁴²

These structural changes, reflecting a worldwide phenomenon termed as financialization, have started to affect the capital flows in many ways.⁴³ It is a concomitant development of the cyberspace, the global deregulation of financial markets, and the rise of shareholder governance. One of the aspects of financialization is to expand the investment opportunity set for the domestic wealth holders, through the emergence of a variety of financial products and new channels for facilitating cross-border capital flows. The powerful incentives to hold wealth in a diversified portfolio would imply that the local wealth holders will optimize their holdings by investing a part of their wealth in international assets. Thus, the increased pressure for the capital to flow out of the country exacerbates the current account deficits and external debt management.

These adverse effects of financialization on the current account are amplified by a weak regulatory and governance environment, fragile political

institutions, rampant corruption and a lack of capacity to deal with the phenomenon. In the absence of countervailing political and regularly controls, opportunities multiply for white-collar economic crimes like tax evasion, money laundering, market manipulation, disruptive speculation and political corruption, which have so forcefully been brought to light by the leakage of the “Panama papers.” The upshot is that capital flows across borders with ease, and any direct measures to stem the outflow of capital is not only ineffective but counterproductive in an open and globalized financial environment. It seems that any controls and outflows are beyond the capital of the individual state and require international co-operation to a degree which may necessitate the creation of a special international regime or a new institution.⁴⁴

Pakistan’s total liquid foreign exchange reserves amounted to \$21.5 billion on 31 March 2017, down \$245.4 million or 1.12 percent from the previous week. The SBP’s reserves decreased from \$264 million to \$16.4 million. The decrease is mainly attributed to external debt servicing and other official payments. Net foreign exchange reserves held by commercial banks amounted to \$5 billion on 31 March 2017, slightly up from the preceding week.⁴⁵

IMF Mission Chief Harald Finger predicted that Pakistan’s current account deficit could reach 2.9 percent of GDP during the ongoing financial year (2016–2017). “During FY2017, the [fiscal deficit] is now projected to reach 4.1 percent of the GDP,” the then Finance Minister Ishaq Dar said at the conclusion of Article-IV consultations with the IMF in Dubai. This was a departure from the budgeted fiscal deficit limit of 3.8 percent of the GDP for the year 2017, a target which the government had repeatedly said it would meet. He admitted that revenue collection faced a Rs 100 billion shortfall due to low oil prices and a support package for exports and agriculture, which necessitated an easing of the deficit limit.⁴⁶ Ishaq Dar observed in a statement issued at the conclusion of the talks,

The shortfall that the FBR experienced in the first eight months of the year 2017 was due to the pro-growth incentives offered to various sectors of the economy, particularly exports and agriculture; the major revenue gap amounting to Rs100 billion was [caused by] not passing the full impact of increasing oil prices to the common man.⁴⁷

The IMF warned that “a number of challenges in the fiscal, external and energy sectors could affect the hard-won stability gains in the period ahead,” calling “for strong efforts with respect to fiscal consolidation and the implementation of key structural reforms, and vigilance in managing the country’s external position.” In particular, IMF Mission Chief Harald Finger predicted that the current account deficit could reach 2.9 percent of GDP during

the current fiscal year, owing to a higher trade balance – in part reflecting increased imports of energy and capital goods – and stagnant remittances.⁴⁸

At the same time, the IMF improved its growth forecast for Pakistan to 5 percent for the current year and 6 percent for the next fiscal year, with average headline inflation expected to be contained at 4.3 percent.⁴⁹

Despite the then finance minister's optimism, it is worth pointing out that two key sectors – agriculture and manufacturing – were not going up. Instead, only the services sector was showing growth, which was a dangerous sign. This is because the services sector is also behind the growth in imports. The decline in the country's foreign exchange reserves, the persistence of circular debt and the increase in overall debt showed there was no substance in the ruling party's economic policy.⁵⁰

Ishaq Dar conceded that the current deficit would almost double, with the trade deficit at \$20 billion. Despite this, he hoped to manage the challenging situation through improved exports in information technology and diversified markets and product lines in the next year.⁵¹

He complained that IT exporters were keeping most of their earnings abroad, as official IT exports stood at \$600 million or so, against actual exports of \$2 billion. He also said his government would reduce net public debt, which stood at 60.2 percent at the close of FY2016, to lay the foundations for sustained growth. His conclusion was that the successful completion of discussions with the IMF indicated the government's continued commitment to undertake further structural reforms in the areas of energy and monetary policy as well as financial and public sector enterprises.⁵²

He downplayed the wide gap between increasing imports and declining exports, saying that the 42 percent growth in imports was from capital goods – plants and machinery – that would support economic growth and job creation. Export quantities, he claimed, were increasing even though prices were on the decline globally. According to him, large-scale manufacturing continued to grow at 3.5 percent with an increase in the production of cement, steel, pharmaceuticals, automobiles, paper and electronics.⁵³

Agriculture, he observed, was also expected to respond to government support given in the budget 2016–2017 and rebound with better cotton, sugar and maize production, alongside increased prospects for wheat production. The minister further stated that the fiscal deficit did not impact development spending, which had doubled in three years. He said foreign exchange reserves had come down from \$23 billion to \$22 billion but were expected to rebound to \$23 billion by the end of June 2017.⁵⁴

The IMF expected the economic growth to reach 5 percent by the end of the year, helped by improving global economic conditions, rising investment related to the China-Pakistan Economic Corridor (CPEC) and the recovering agriculture sector.⁵⁵

“At the same time, slower-than expected growth of large-scale manufacturing and stagnant exports are weighing on growth prospects.”⁵⁶

Over the medium term, growth could accelerate to about 6 percent on the back of stepped-up CPEC and other⁵⁷ investments, an improved energy supply and continued structural reforms. The fund said,

Economic policies in the period ahead need to focus on preserving the hard-won stability and addressing emerging as well as medium-term challenges, notably in the fiscal, external, and energy sectors. Stronger fiscal consolidation efforts will be needed to make up for the lower-than-expected revenue in the first half of this year and achieve a further deficit reduction next year.⁵⁸

The IMF also called for greater exchange-rate flexibility and efforts to improve export sector productivity to address the widening trade deficit as well as strengthen the economy's ability to absorb medium-term CPEC-related and other capital outflows. Bringing the power distribution sector to full cost recovery will be critical to ensure long-term success of new energy initiatives and minimize fiscal costs, the IMF concluded.⁵⁹ Current bearish spells on the stock exchange show that the stock market remained in a tight bear hug on Thursday, 6 April 2017, with the benchmark KSE-100 index descending deeper into the red by 220.71 points (0.46 percent) to close to 47,356.60.⁶⁰ The brokerage Intermarket Securities observed,

With the current state, market players are in a frantic need of clarity related to the Panama-gate case verdict as the future remains uncertain. All investors want is clarity on what the future holds regardless of the outcome as in the end fundamentals will prevail.⁶¹

Trading activity thinned with the volume declining 21 percent over the earlier day to 146 million shares. Volume leaders TRG, ANL and BOP contributed 28 million shares to the aggregate. Traded value decreased 6.8 percent to Rs 8.2 billion.⁶²

Ahsan Mehanti at Arif Habib Corp commented that the stocks closed lower amid thin activity on concerns for economic uncertainty after IMF's red flags over fiscal and energy challenges.⁶³

According to analyst Adnan Sami Sheikh at Topline Securities, banks were down by 91 points and fertiliser 57 points; thus, these sectors continued to bleed.⁶⁴

Major losers were UBL which fell 1.5 percent, ENGRO 1.8 percent, NBP 5 percent, FFC 1.6 percent and AICL 5 percent, wiping out 139 points from the index.⁶⁵

"In a surprising move Fauji Fertiliser Company closed below Rs100 after almost eight years," pointed out analyst Sami Sheikh.⁶⁶

The exploration and production sectors were sailing against the tide as the price of crude oil surged to \$51 per barrel.⁶⁷

OGDC gained 0.30 percent and PPL 0.44 percent. Sui Southern Gas hit its upper limit of 5 percent on the announcement of a capital-intensive RLNG pipeline project worth Rs 65 billion and 30 LPG air-mix plants worth Rs 15 billion.⁶⁸

Reforms needed for high growth

Emphasizing that continued economic reform was essential to reach a high-growth trajectory, the Asian Development Bank (ADB) asked Pakistan to address key constraints on growth since regulation remained burdensome, requiring more reforms to provide an enabling environment that promotes business and encourages investment.⁶⁹

The released Asian Development Outlook 2017 report projected that gross domestic product (GDP) growth was expected to edge up to 5.2 percent in FY17, and 5.5 percent in FY18, underpinned by higher growth in the major industrial economies.⁷⁰

With national elections scheduled for 2018, the budget to be announced in June 2017 was likely to prioritize measures to foster economic expansion.⁷¹

Higher growth in FY18 reflects accelerated infrastructure investment through the China-Pakistan Economic Corridor (CPEC), which is steadily lifting consumer and investor confidence and thereby further catalyzing economic activity.⁷²

This outlook for Pakistan is supported by better security, macroeconomic stability and improved economic fundamentals resulting from the continued implementation of government reforms under the three-year IMF programme, which was completed in September 2016, as well as ongoing and planned infrastructure and other investments under CPEC, which links Pakistan with China.⁷³

The ADB flagship economic publication recommended that the government must continue to address key constraints on growth also to reap the potential benefits of CPEC. Domestic security has improved significantly in recent years, but consolidating these gains would take continued efforts, pointed out the report.⁷⁴

For Pakistan, CPEC is expected to be a major opportunity to boost growth and development. It is expected to provide many benefits, especially eliminating the power shortages that have held down economic growth in recent years.⁷⁵

Human development – a true indicator of economic development

The economy is considered by many as one of the major indicators of how governments have performed in the past. This assessment becomes a bit complex for the countries with a democratic setup lasting only for four

to five years. Within this short span of time, the governments try to prove themselves by comparing their performances with previous governments and other countries, with GDP being the most common means of comparison. One of the major drawbacks of this approach is that governments look after short-term interests of the country, which eventually translates into superior economic performance for the time being. But in the long run, it's the citizens who suffer. The governments can modify the statistics to present a more positive economic condition. Second, the economic data is usually complex, which is beyond comprehension of a normal citizen. Therefore, citizens can easily be manipulated into believing something which is not true. This puts a big question mark on the promises that the democratic forces promise to deliver, which almost obliterates the concept of "Government of the people, by the people and for the people." As a remedy, governments should try to project their economic success by focusing on development outcomes or credentials other than the GDP.⁷⁶

The Government of Pakistan recently tried to camouflage its dismal performance by exaggerating the facts, which in reality were erroneous. The growth rate in large-scale manufacturing was 3.90 percent in the seven months of this fiscal year (2016–2017) against 3.94 percent a year ago. General sales tax decreased 0.3 percent from a year ago. Similarly, exports in seven months fell 1.3 percent to \$12.32 billion this year. In contrast, imports increased 9.2 percent to \$25.54 billion in the same period. As a result, the twin deficits broadened considerably. The trade deficit expanded more than 21 percent to \$13.22 billion, while the current account deficit widened 90 percent to \$4.72 billion in seven months of 2016–2017. This was also contributed to by a marginal fall in remittances that stood at \$10.95 billion in seven months against \$11.16 billion a year ago. Inflation was also on the rise as its measures, the Consumer Price Index, Wholesale Price Index and Sensitive Price Index depicted a gloomy picture. The Consumer Price Index increased at the rate of 3.9 percent in the first eight months of 2016–2017 against 2.5 percent last year. The Wholesale Price Index also rose 3.5 percent in eight months against a negative growth of 1.7 percent a year ago. The Sensitive Price Index escalated to 1.2 percent compared to 1.02 percent last year. On the positive side, the net inflow of foreign direct investment (FDI) increased to \$1.83 billion against \$1.2 billion a year ago.⁷⁷

On 14 December 2019, while addressing the Annual Financial Crime Summit in Karachi, Reza Baqir, the Governor State Bank of Pakistan, justifying the decision to change the exchange rate, through the free floating of Pakistan's currency in the market, stated that the citizens changed their foreign currency accounts to saving accounts, which benefited the economy. He further observed that due to the steps taken by the government, the investors gained confidence and the country's foreign exchange reserves were increasing. As a consequence of tough decisions, "the condition of

our economy has improved immensely and today's situation is far better as compared to the past."⁷⁸

State of human development – key indicators

According to the UNDP website, the composite Human Development Index (HDI) integrates three basic dimensions of life expectancy and the ability to lead a long and healthy life.⁷⁹

Mean years of schooling and expected years of schooling reflect the ability to acquire knowledge.⁸⁰

Gross National Income (GNI) per capita reflects the ability to achieve a decent standard of living.⁸¹

The Gender Development Index compares female and male HDI values, while the Gender Inequality Index highlights women's empowerment.⁸²

According to the HDI 2016 Report, an average Pakistani is expected to receive 8.1 years of schooling, while the average life span of a Pakistani is 66.4 years.⁸³

Broken down, a Pakistani female is expected to receive 7.4 years of schooling, while the average male may receive 8.8 years of normal schooling.⁸⁴

The report further elaborates that an average of 26.5 percent of the female Pakistani population has received some measure of secondary education, while 46.1 percent of men have received secondary education, displaying a 20 percent difference between the two genders.⁸⁵

In contrast, a Pakistani female may live two extra years on average than a male, as the average life expectancy for females stands at 67.4 years while it is 65.4 years for the average male.⁸⁶

According to the report, women in all regions have a longer life expectancy than men, yet in all regions women consistently have, on average, a lower HDI value than men.⁸⁷

In Pakistan, for example, the female HDI value stands at 0.452, while the male HDI value stands at 0.610, with a difference of 0.158 between them.⁸⁸

The report also points out that the largest difference in the male and female HDI is in South Asia, where the average female HDI value is 20 percent lower than the male HDI value.⁸⁹

An even larger gap is seen in the labour force participation rate, where on average only 24.3 percent of women are employed in contrast to an average of 82.2 percent of men. While the country's employment to population ratio stands at 51.0 percent, meaning that nearly half of the Pakistani population over the age of 15 is unemployed, the median age of Pakistani residents is 22.5 years.⁹⁰

A mere 3 percent of legislators, senior officials and managers are women, while they hold 20 percent of the seats in parliament.⁹¹

GNI per capita, for an average Pakistani, stands at \$5,031. It is further elaborated that the average GNI for female Pakistanis is a mere \$1,498, while the male average GNI stands at \$8,376.⁹²

Pakistan faces an average of 178 deaths for every 100,000 live births, while an average of 38.7 children out of 1,000 are born to young girls between the ages of 15–19.⁹³

However, the report suggests that maternal mortality rates have also declined considerably since 1990: 45 percent globally and 64 percent in South Asia, as of 2013.⁹⁴

Overall, the world shows a significant amount of development, and the report suggests that between 1990 and 2015 the number of countries classified as having low human development fell from 62 to 41, and those classified as having very high human development rose from 11 to 51.⁹⁵

Pakistan's ranking on the Human Development Index (HDI) 2019 fell one notch more and stood at the 152nd position out of a total of 189 countries. Most alarmingly, Pakistan's ranking was lower than all comparable regional countries of South Asia. It stood at 13 percent below the average HDI of South Asia, including Bangladesh and India. "Pakistan made progress from 2000 to 2015 but its progress slowed down afterwards," said the Human Development Report launched by the United Nations Development Programme in Islamabad on 11 December 2019.⁹⁶

Pakistan had a higher percentage of inequality in the health and education dimensions, as compared to the average of South Asia and other medium HDI countries. With regard to the Gender Development Index (GDI), Pakistan performed below the average values of South Asia, indicating a deviation from gender parity.⁹⁷

Health

Timely and effective delivery of services vis-à-vis health is considered to be a vital constituent of the health system. It is an obligation of the government to look after the healthcare system of the country, as public health expenditures can have long-term benefits since it not only unravels the state of people's health conditions, but it is also an important measure of a country's economic growth. According to WHO, at least US\$ 44 per capita should be spent by the governments for healthcare services; unfortunately, Pakistan's expenditures pertaining to healthcare is only US\$ 37 per capita.⁹⁸

Paramedics

The healthcare framework in Pakistan, with the passage of time, has evolved all across the nation. As of 2016, there are 1,167 hospitals, 5,695 dispensaries, 5,464 basic health units, 675 rural health centres, 733 mother and child health centres and allied medical professionals (i.e. doctors, nurses, midwives and pharmacists).⁹⁹

As is obvious from Table 9.1, the health sector in Pakistan is oriented towards doctors rather than paramedics, and the main emphasis is on

Table 9.1 Physical targets/achievements 2014–2015 and 2015–2016

Sub-sector	Targets		
	2015–2016	2014–2015	2015–2016
A. Hospital beds	5000	4200	4350
B. Health human resources			
Doctors	5000	4400	4500
Dentists	500	430	450
Nurses	4500	3300	3500
Paramedics	5500	4500	4550
TBAs	500	450	475
Training of LHWs	10000	8000	8300
C. Preventive measures			
Immunization (millions)	8	6	7
Oral rehydration salts (ORS) (million packets)	23	20	21

Source: Ministry of Planning, Development and Reforms

curative at the cost of preventive strategy. This is borne out by the fact that only 4,550 new paramedics and 3,500 nurses were made part of the health sector against the target of 5,500.¹⁰⁰

Disease management

There have been visible signs of polio control in Pakistan over the last two years. There were 54 cases reported in 2015; the number, however, dropped to 9 in 2016. Also, no polio cases were reported in Punjab, FATA, Gilgit-Baltistan and Azad Jammu and Kashmir in 2016. On 17 February 2019, Chief Minister Punjab, Usman Buzdar, reviewed the reasons for polio resurgence and the future strategy for eradicating the same. In this meeting, Deputy Commissioner Lahore presented a report on the polio case at Shalimar Town and stated that the affected child had not been administered a zero dose for the poliovirus but was vaccinated in a routine campaign. The National Polio Management Team (NPMT) suggested that vaccinations should be made compulsory for children up to ten years of age.¹⁰¹

Furthermore, the government has been taking more curative measures rather than preventive. The way the government handled the outbreak of bird flu in 2006 and dengue in 2011 reflects a laid-back attitude. Recently, WHO issued a warning related to the Chikungunya virus in Pakistan. The outbreak of all these diseases initially came as a big surprise, as nothing had been done on the preventive side. However, it is noteworthy that steps taken after the outbreak of each of the aforementioned diseases were concerted efforts made by way of damage control.¹⁰²

With regard to rabies, the World Health Organization (WHO) aims at eliminating rabies globally by 2030, and all assistance to countries is

channelled through the national rabies programme. For Pakistan, this is a tall order. There is no national-scale programme. Drap is apathetic about quality life-saving vaccines and immunoglobulin. Municipal authorities are in denial of this problem that affects the marginalized. Veterinary colleges neither teach nor practice rabies or stray dog control. Mounds of garbage are killing fields for hapless citizens but are inviting pastures for strays. As ever, NGOs, charity hospitals and worried individuals attempt to fend for the poor. Civil society must raise its voice to demand a rabies-free country.¹⁰³

Serious matters of healthcare

Some recent disclosures relating to the state of healthcare in the country only go to erode the ordinary people's confidence in the quality of healthcare being provided to them. On 14 January 2019, a parliamentary panel was informed that 75,000 doctors in the country are working with expired registrations. So, they are now not even registered medical practitioners. In the absence of renewal of their registrations with the Pakistan Medical and Dental Council (PMDC), they cannot be considered as lawful medical practitioners. The delay in renewal of registrations raises doubts about their degrees, so people can trust them only at the risk of their lives.¹⁰⁴

The Chief Justice has asserted recently that "most medical colleges are producing quacks. This is an alarming situation considering these disclosures and general cultures of mediocrity in the country."¹⁰⁵

According to Zia-ul-Haq, Dean Faculty of Public Health, the Khyber Medical University, in collaboration with the Provincial Health Department and Public Health Association, decided to hold a two-day public international health conference in Peshawar from 27 February 2019. This is in the aftermath of the first ever provincial health policy approved by the cabinet of the KPK government and is now in the process of developing strategies for its implementation.¹⁰⁶

Prime Minister Imran Khan launched, on Monday, 4 February 2019, the first phase of the Sehat¹⁰⁷ card scheme in an inauguration ceremony at the federal capital. During the launch, he stated that whenever there is an illness in a household, the budget gets immensely disturbed, and through the service, poor households will get protection. Moreover, the premier revealed that the health card service had initially been launched in Khyber Pakhtunkhwa. PM Khan also revealed that the card will get distributed to families in the tribal areas as well. "We will soon introduce a unified poverty alleviation programme which will be the first of its kind and include a number of organizations under its umbrella," he stated. The Health Ministry and State Life, on 30 January 2019, signed a contract for facilitating health cards to over 15 million families for execution of the Sehat Sahulat Program (SSP) all over the country, with services worth over Rs 720,000.¹⁰⁸

Work ethics

Work ethics cultivates productivity and has the potential to foster economic growth in any state. Labour productivity is one of the most significant measures of economic performance, but still it has not been made part of the Federal Bureau of Statistics. Physical capital, technology, human development and labour relations constitute labour productivity. History is teeming with examples of societies that have triumphed by simply exhibiting strong work ethics. Pakistan, sadly, not only has the lowest productivity rates but, adding insult to injury, the entire system is infested with poor work ethics. Perhaps the blame is to be shared by both the private and the public sector, as apparently work ethics is last on the concerned authority's priorities list.

All is not lost; however, government must take some drastic steps to turn the tables by sorting out the priorities. First and foremost, the government must strive to enhance labour productivity by emphasizing its determinants and increasing spending on public education and health. Similarly, work ethics needs to be inculcated through curriculum at the primary school level to ensure that the future of this country is going to be in good hands and the mistakes committed in the past are not repeated.¹⁰⁹

Education

The declining enrolment of children in schools and the dropouts pose a serious threat to the future of this country. According to the Pakistan Education Statistics (2015–2016), in Pakistan, only 30 percent of the children enrolled in class 1 reach class 10, while the rest of them drop out. Astonishingly, around 44 percent of children are out of school in Pakistan. Amongst all the provinces, the percentage of out-of-school children is 70 percent in Balochistan, which is highest in all provinces. Twenty-one percent of the government primary schools have a single teacher, and only 14 percent have a single classroom.¹¹⁰

An upsurge in the education standards of KPK Province has caused approximately 34,000 students to leave private schools and enrol in government schools. According to a few, this shift in preference is also attributed to the hefty fees charged by private schools; but the credit for these much-needed reforms in the education sector solely goes to the government of Chief Minister Pervaiz Khattak. Other provinces should take a leaf out of KPK's book by emulating a similar model in their provinces as well.¹¹¹

Categories of educational institutions in Pakistan

Table 9.2 shows the categories of the Pakistan educational institutions.

Apart from these, there are institutions catering exclusively to the needs of the elite classes in society which represent a complete disconnect between the elite and the general masses in terms of curriculum, buildings, world views,

Table 9.2 Educational institutions in Pakistan

Pre-primary	Higher secondary	Technical and vocational institutions
Primary	Inter-colleges	Teacher training institutions
Middle	Degree colleges	Non-formal basic education
High	Universities	Deeni Madaris

Source: Academy of Educational Planning and Management 2017

extra-curricular activities and the environment, thereby further widening the cleavage between the affluent and the powerful and the indigent and unprivileged. To this confusion may be added Deeni Madaris (Islamic Religious Schools) with their own curriculum based on a narrow sectarian approach and a system inculcating extremism, intolerance and a utopian approach devoid of any skills useful in practical life. The result is that, as compared with India which has built a reservoir of computer experts and engineers, Pakistan has produced a nursery for would-be jihadists and suicide bombers. All attempts to regulate Deeni Madaris have been proactively resisted by the vested interest.

Number of educational institutions and enrolment

A significant majority, almost 49 percent of the educational institutions in Pakistan, are primary schools. In spite of that, the number of public primary schools declined during the period from 2013–2016 (see Table 9.3). The percentage increase in the enrolment of students in the public-sector primary schools was only 0.9 percent, compared to 3.8 percent in private-sector primary schools. The number of public-sector middle schools decreased from 3,972,739 to 3,907,828 from 2015–2016. Private-sector institutions performed relatively well, with the number of primary, middle and high schools surging from 2013–2016. In Pakistan, universities constitute only 0.05 percent of total educational institutions. In the last five years, considering the growth in enrolment of students in universities from 2015–2016, the number of public universities has remained at 91.¹¹²

Deeni Madaris remains an important constituent of our educational system, with a 10.8 percent share in our educational system. In 2016, about 65 percent of the male students were admitted to Deeni Madaris, as compared to 35 percent of female students. Almost 77 percent of teachers in Deeni Madaris are males. The enrolment of students in Deeni Madaris was the highest among all institutions, followed by enrolment in private-sector universities (see Table 9.4). The number of Deeni Madaris increased at an astonishing rate of 112 percent from 2014–2016.¹¹³

Investment in education

Investment in education and skills is widely recognized as crucial to countries' ability to catch up with the more advanced economies.¹¹⁴ The East

Table 9.3 Number of educational institutions in Pakistan

<i>Institution type</i>	<i>Sector</i>	<i>2013–2014</i>	<i>2014–2015</i>	<i>Growth (2013–2015)</i>	<i>2015–2016</i>	<i>Growth (2014–2016)</i>
Deeni Madaris	Public	345	392	13.60%	831	112.00%
	Other public	48	54	12.50%	115	113.00%
	Private	13012	14771	13.50%	31326	112.10%
	Total	13405	15217	13.50%	32272	112.10%
Primary	Public	124284	124070	-0.20%	121674	-1.90%
	Other public	3586	3759	4.80%	3899	3.70%
	Private	17621	19399	10.10%	20256	4.40%
	Total	145491	147228	1.20%	145829	-1.00%
Middle	Public	16242	16418	1.10%	16457	0.20%
	Other public	396	402	1.50%	405	0.70%
	Private	26282	27998	6.50%	28818	2.90%
	Total	42920	44818	4.40%	45680	1.90%
High	Public	11934	12116	1.50%	12277	1.30%
	Other public	442	451	2.00%	455	0.90%
	Private	18237	18688	2.50%	19008	1.70%
	Total	30613	31255	2.10%	31740	1.60%
Higher secondary	Public	1621	1659	2.30%	1710	3.10%
	Other public	147	151	2.70%	155	2.60%
	Private	3411	3583	5.00%	3605	0.60%
	Total	5179	5393	4.10%	5470	1.40%
Universities	Public	91	91	0.00%	91	0.00%
	Private	70	72	2.90%	72	0.00%
	Total	161	163	1.20%	163	0.00%

Source: Academy of Educational Planning and Management 2017

Asian economies provide a clear example of that. A number of studies show that countries that invested more in human capital (measured in terms of school enrolment rates), other things being equal, tended to grow faster than those that did not (see, for example, Barro, 1991; Baumol, Blackman & Wolff, 1989; World Bank, 2000/2017). There is some evidence that the quality of education in science and mathematics is also a significant factor in explaining a country's economic performance. The high economic performance of Singapore, Korea and Japan during 1970–1990 was seen to be associated with the top high school scores in science and mathematics.

In all these respects, Pakistan is a laggard. It ranks low in terms of general education, science and technology capabilities, and research and development by industry. According to the National Science, Technology and Innovation Policy (NSTIP) 2012, Pakistan has only 162 researchers per million

Table 9.4 Student enrolment in Pakistan

<i>Institution type</i>	<i>Sector</i>	<i>2013–2014</i>	<i>2014–2015</i>	<i>Growth (2013–2015)</i>	<i>2015–2016</i>	<i>Growth (2014–2016)</i>
Deeni Madaris	Public	47750	44517	-7.30%	58701	24.20%
	Other	6230	5808	-7.30%	7659	24.20%
	Public					
	Private	1782163	1661492	-7.30%	2190893	24.20%
	Total	1836143	1711817	-7.30%	2257253	24.20%
Primary	Public	10973729	10987592	0.10%	11088762	0.90%
	Other	360145	369307	2.50%	372214	0.80%
	Public					
	Private	6535985	7011911	6.80%	7290919	3.80%
	Total	17869859	18368810	2.70%	18751895	2.00%
Middle	Public	3992374	3972739	-0.50%	3907828	-1.70%
	Other	126512	130783	3.30%	132006	0.90%
	Public					
	Private	2176585	2315882	6.00%	2405863	3.70%
	Total	6295471	6419404	1.90%	6445697	0.40%
High	Public	2000480	2118462	5.60%	2155758	1.70%
	Other	68338	70864	3.60%	71620	1.10%
	Public					
	Private	940988	1176912	20.00%	1209928	2.70%
	Total	3009806	3366238	10.60%	3437306	2.10%
Higher secondary	Public	901471	1276246	29.40%	1302834	2.00%
	Other	20961	22336	6.20%	22576	1.10%
	Public					
	Private	302049	366908	17.70%	372033	1.40%
	Total	1224481	1665490	26.50%	1697443	1.90%
Universities	Public	1364590	1112625	-22.60%	1141219	2.50%
	Private	230058	186535	-23.30%	214430	13.00%
	Total	1594648	1299160	-22.70%	1355649	4.20%

Source: Academy of Educational Planning and Management 2017

of population, compared to 2,000–5,000 in advanced countries. Similarly, “technician-level manpower” is 64 per million, compared to 1,500–2,000 in advanced countries (Pakistan, Ministry of Science and Technology, 2012, p. 12). The policy document also notes:

As there was no real demand from industry, the R&D system of the country is oriented towards the supply side. R&D activity in the industrial sector itself is assumed to be negligible. This is, in contrast to the industrialized countries, where the sector is a major contributor to the overall R&D effort of the country (p. x).¹¹⁵

We see that entrepreneurship in Pakistan is seriously impaired by government policy, legislation and regulation. The government has continuously

been of the opinion that investment, especially at the large industrial level, is entrepreneurship. As a result, it has been unable to promote genuine entrepreneurship and promoted cartelization and rent-seeking instead (p. 9).¹¹⁶

This diagnosis leads to the rather obvious policy prescriptions: to undo the prevailing policy and governance regime by liberalizing trade, deregulating and letting the government generally move out of the private sector's way. Under this policy environment, rent-seeking firms are expected to become efficiency seekers and profit maximizers, enabling the country to join the ranks of other star performers. This reasoning, however, is seriously flawed.¹¹⁷

It is enough here to note that, while Pakistan is far from being a paragon of economic liberalism, it compares favourably with other Asian countries that performed well in recent times. Over the years, the World Bank's doing-business indices (notwithstanding their deficiencies) have placed Pakistan ahead of China or India in several respects.¹¹⁸ According to Transparency International's global corruption barometer for 2013, Pakistan ranks 34 while India ranks 54.¹¹⁹ Pakistan has also taken steps toward market liberalization and deregulation over the past two decades. Protection has been lowered considerably and several state-owned companies privatized; the capital account is now virtually free, and measures have been introduced to create a more business-friendly environment. Thus far, the fruits of these measures are hard to perceive. Critics argue that more needs to be done, but from the results so far, it appears that not more, but something different, might be required.

Promoting science and technology in Pakistan

For Pakistan to emerge as a dynamic and internationally competitive economy, considerable investment and a fundamental change in priorities is needed to build up local capabilities to generate and manage technological change. At present, these capabilities are totally inadequate to meet the challenges of the global economy and the 21st century. The pace of technological change in Pakistan compares very poorly with the performance of some of its Asian competitors. This is the principal explanation for Pakistan's slow economic growth and faltering performance in the world market.¹²⁰

Sadly, however, four years have elapsed with little progress on any of these proposals. It is not even clear whether the government any longer accepts the NSTIP as a basic policy document. Nevertheless, the policy statement provides a good basis to start rethinking the national approach to science, technology and innovation. The foremost step in this process would be to foster much closer coordination of economic policy and focus on balancing the sources of supply (scientists and engineers) and demand for science and technology capabilities (mainly in the business sector). Specifically, the government has a critical role in:

- Promoting a commitment to national development among firms, managers and owners
- Promoting a culture of technological improvement and upgrading within business firms
- Fostering a long-term strategic perspective of catching up with world leaders in the relevant industries
- Establishing closer employer-worker relationships to achieve higher productivity growth and improvements in product quality
- Ensuring that new firms can join the group of high performers while facilitating the exit of those that fail.

The National Commission for Science and Technology could provide the institutional setting for improved contact and interaction among the business, education and industry sectors to ensure demand-driven technology development and absorption. It could do so by making known to industry – through seminars, reports and other means of publicity – the work programme and output of local research institutes. It could also organize seminars and conferences at Pakistani universities, colleges or even schools to expose them to the needs of business and industry. Equally important would be assistance and advice on how local research and development institutions could market their services to industries. An important resource to tap is the overseas Pakistani community of engineers, scientists and technology experts who are eager to serve Pakistan on an ad hoc basis.¹²¹

Finally, there is the question of education in science and engineering. No country has developed without having an adequate supply of high-level scientists and engineers. As Dr. Abdus Salam observed: “It is just impossible to talk only of technology transfer. One should talk of science transfer first and technology transfer later. . . . Unless you are very good at science you will never be good at technology.”¹²²

There is, therefore, a need to develop ideas on how educational institutions might respond to the emerging requirement for scientists and engineers. A critical issue that many other countries (including advanced countries) also face is what can be done to make the study of sciences, engineering and mathematics attractive fields at the school and university level. Paradoxically, many developing countries, including Pakistan, suffer from the problem of unemployed and unemployable scientists and engineers. This may be the result of poor quality or an unsuitable mix of available skills, which again calls for improving the quality of education as well as building closer relationships between businesses and the institutions engaged in science and engineering education.

Conclusion

The foregoing discussion makes it clear that in the context of the economic landscape, despite overall satisfactory performance, Pakistan’s economy

is suffering from weak trade and fiscal balances. Consumption has been the driving force after the improved macroeconomic conditions. The fiscal deficit is widening and the trade deficit is increasing, partially offset by remittances, CPEC and other financial flows. Inflation has been increasing marginally, and the financial sector remained stable.

Pakistan's agriculture sector has the potential for growth through increased productivity. The growth has been generally in the financial sectors. The impact on the human development index has not been significant. There are certain vulnerabilities in Pakistan's economy. Growth is driven by growing confidence and domestic consumption. Investment and savings rates continue to languish, constrained by long-term structural factors. On the supply side, subdued industrial activity is compensated by recovery in agriculture and with the services sector remaining steady.

A research report by the State Bank of Pakistan (SBP) said 30 percent of banks' exposure is to only 20 business groups. Growth in credit depends heavily on the appetite of the corporate sector, which currently receives nearly 70 percent of total bank lending, according to "Bank Credit to Private Sector: A Critical Review in the Context of Financial Sector Reforms" issued in July 2017. The penetration of bank credit in the economy is quite low compared to regional and emerging economies. "Over the past 25 years, however, the ratio of private credit-to-GDP has shrunk even in absolute terms," said the report. In focusing exclusively on the corporate sector, banks have marginalized other niche segments like small and medium enterprises (SMEs), agriculture and housing, it said, adding that the risk for the banking system has increased as reflected in its loan concentration within a few conglomerates.

Balance-of-payment constraints also have a sizeable impact on the financial system's liquidity, it said, adding that the country's net foreign assets-to-GDP ratio averaged only 5 percent in 2006–2015 compared to other countries like Thailand (42 percent), Malaysia (36 percent), India (18 percent) and Bangladesh (8 percent). More specifically, India, Sri Lanka, Egypt, Turkey and Malaysia ran a persistently high level of fiscal deficits over the past 15 years. Yet their credit growth through these years has been nothing short of enviable. More importantly, India, Egypt and Brazil even have a very high level of bank claims on government. Still their banks managed to contribute meaningfully to the private sector's growth.

While estimates put the contribution of agriculture and SMEs to Pakistan's GDP within 30–40 percent, these enterprises get only 6 percent of bank credit. The main thrust has been on infrastructure and visible mega projects at the expense of the health and education sectors. Human capital formation remained neglected, with quality education and health being available on the basis of the capacity to pay. Pakistan needs a complete transformation of priorities on its way to becoming a knowledge economy. Both of these sectors are far from being inclusive and have become a source

of social dichotomy and civil unrest. This calls for a human development policy based on the principles of inclusiveness and uniformity in content and structure of the syllabi.

Recent measures by the Pakistan Tehreek-e-Insaf (PTI) government in the form of regulatory reforms landed Pakistan among the world's top ten business climate improvers, the World Bank Group's Doing Business 2020 study says. The country climbed 28 positions and rose to a rank of 108 from the previous year's 136th position. Furthermore, Pakistan was able to increase tax revenue by 15 percent in the first quarter of fiscal year 2019–2020. Similarly, Pakistan was ranked the 52nd most dynamic economy in the world.

The PTI government's emphasis on health and education is likely to bring about positive changes in the human capital of Pakistan. However, education and health would need constant supervision by the Prime Minister himself if positive results are intended to be achieved.

Notes

- 1 Hasan, Parvez (2013), Failed Economic Promise: Lessons from Pakistan's Development Experience, in *Pakistan: Moving the Economy Forward*, edited by Rashid Amjad & Shahid Javed Burki, Lahore School of Economics.
- 2 Piketty, Thomas (2015), *The Economics of Inequality*, translated by Arthur Goldhammer, Harvard University Press, Cambridge, MA.
- 3 Pakistan Television (2019), *Current Affair*, 14 December.
- 4 Sakib (2017), Facets of Inequality, *Dawn*, Friday, 9 June.
- 5 Ibid.
- 6 *World Bank Report 2017*.
- 7 Ibid.
- 8 Ibid.
- 9 Ibid.
- 10 Ibid.
- 11 Ibid.
- 12 Ibid.
- 13 Ibid.
- 14 Ibid.
- 15 Ibid.
- 16 Ibid.
- 17 Ibid.
- 18 Ibid.
- 19 Ibid.
- 20 Ibid.
- 21 Ibid.
- 22 Ibid.
- 23 Ibid.
- 24 Editorial, *Published in The Express Tribune, April 26th, 2017*.
- 25 Khan, Ashfaque Hassan, et al. (2017), COMSATS Institute of Information and Technology, Pre-Budgetary Seminar, Islamabad, 16 April.
- 26 Editorial, *Published in The Express Tribune, April 26th, 2017*.
- 27 Khan, Ashfaque Hassan, et al. (2017), COMSATS Institute of Information and Technology, Pre-Budgetary Seminar, Islamabad, 16 April.

- 28 Ibid.
 29 Ibid.
 30 Ibid.
 31 IMF Report (2017), An International Monetary Fund (IMF) Staff Team, led by Harald Finger, visited Dubai during 28 March–5 April 2017 to conduct discussions with the Pakistani authorities on the 2017 Article IV Consultation.
 32 Ibid.
 33 Ibid.
 34 Ibid.
 35 Ibid.
 36 Ibid.
 37 Ibid.
 38 Husain, Ishrat (2017), The Economics of CPEC, *Dawn*, Tuesday, 3 January.
 39 Ibid.
 40 Mangla, I. U. (2011), Reconstructing the Performance of Pakistan’s Political Economy: Another Paradigm, *Labore Journal of Economics*.
 41 Husain, Ishrat (2017), The Economics of CPEC, *Dawn*, Tuesday, 3 January.
 42 Ibid.
 43 Palley (2007), *Financialisation and Income Inequality in OECD Nations: 1995–2007*, BASAK KUS Wesleyan University, CT, USA.
 44 Ibid.
 45 State Bank of Pakistan (2017), *Foreign Exchange Manual 2017*.
 46 IMF Report (2017), An International Monetary Fund (IMF) Staff Team, led by Harald Finger, visited Dubai during 28 March–5 April 2017 to conduct discussions with the Pakistani authorities on the 2017 Article IV Consultation.
 47 Ibid.
 48 Ibid.
 49 Ibid.
 50 Ibid.
 51 Ibid.
 52 Ibid.
 53 Ibid.
 54 Ibid.
 55 Ibid.
 56 Ibid.
 57 Ibid.
 58 Ibid.
 59 Ibid.
 60 Ibid.
 61 Pakistan Stock Exchange (2017), *Weekly Analysis*, 17 April, www.karachistockexchange.org/2017/04/pakistan-stock-exchange-psx-weekly_17.html
 62 Ibid.
 63 Ibid.
 64 Ibid.
 65 Ibid.
 66 Ibid.
 67 Ibid.
 68 Ibid.
 69 Asian Development Bank (2017), *Asian Development Outlook*.
 70 Ibid.
 71 Ibid.
 72 Ibid.

- 73 Ibid.
 74 Ibid.
 75 Ibid.
 76 Sherani, Sakib (2017), Undemocratic Data, *Dawn*, Friday, 3 March.
 77 UNDP (2017), *Human Development Report 2017: Human Development for Everyone*, by Human the United Nations Development Program, 1 UN Plaza, New York, NY 10017 USA.
 78 UNDP (2019), *Human Development Report 2019: Human Development for Everyone*, by Human the United Nations Development Program, 1 UN Plaza, New York, NY 10017 USA.
 79 UNDP (2017), *Human Development Report 2017: Human Development for Everyone*, by Human the United Nations Development Program, 1 UN Plaza, New York, NY 10017 USA.
 80 Ibid.
 81 Ibid.
 82 Ibid.
 83 Ibid.
 84 Ibid.
 85 Ibid.
 86 Ibid.
 87 Ibid.
 88 Ibid.
 89 Ibid.
 90 Ibid.
 91 Ibid.
 92 Ibid.
 93 Ibid.
 94 Ibid.
 95 Ibid.
 96 UNDP (2019), *Human Development Report 2019: Human Development for Everyone*, by Human the United Nations Development Program, 1 UN Plaza, New York, NY 10017 USA.
 97 Ibid.
 98 *Dawn*, Monday, 18 February, 2019.
 99 Ibid.
 100 Ibid.
 101 Ibid.
 102 Ibid.
 103 Salahuddin, Naseem (2019), Eliminating Rabies, *Dawn*, Monday, 7 January.
 104 The Express Tribune, Editorial, *Serious matter of healthcare*, Wednesday, 16 January, 2019.
 105 Ibid.
 106 *Dawn*, Tuesday, 26 February, 2019.
 107 Sehat means Health.
 108 The News, Monday, 4 February, 2019.
 109 Hisam, Zeenat (2017), Work Ethics, *Dawn*, Sunday, 5 February.
 110 Lahore School of Economics (2017), *Lahore School Thirteenth International Conference on Management of the Pakistan Economy*, 29 and 30 March.
 111 *Dawn*, Editorial, "Schools in KP," Sunday, 5 February, 2017.
 112 Lahore School of Economics (2017), *Lahore School Thirteenth International Conference on Management of the Pakistan Economy*, 29 and 30 March.
 113 Government of Pakistan (2016), *Pakistan Economic Survey*.

- 114 Lahore School of Economics (2017), *Lahore School Thirteenth International Conference on Management of the Pakistan Economy*, 29 and 30 March.
- 115 Ibid.
- 116 Ibid.
- 117 Haque, Irfan ul (2014), *Towards a Competitive Pakistan: The Role of Industrial Policy*, Tenth Annual Conference on Management of the Pakistan Economy, Pakistan in the Global Economy-Opportunities and Challenges, 26–27 March.
- 118 Ibid.
- 119 Ibid.
- 120 Lahore School of Economics (2017), *Lahore School Thirteenth International Conference on Management of the Pakistan Economy*, 29 and 30 March.
- 121 Ibid.
- 122 Ibid.

Further reading

The following sources are recommended for additional reading:

- Nadeem, Azhar Hassan (2002), *Pakistan: The Political Economy of Lawlessness*, Oxford University Press, Oxford, *Chapters 1, 2, 3, 9 & 13*.
- Shirazi, Yusuf H. (2013), *Safeguarding Sovereignty: A Collection of Articles and Interviews*, Ferozsons (Pvt.) Ltd, Lahore-Rawalpindi- Karachi.

CONCLUSION

A way forward

Pakistan's sociological, political and economic scene has been polluted by the existence of extractive institutions and the failure of the state to evolve an inclusive institutional setup, notwithstanding the fact that the number of people getting opportunities for upward mobility did increase in the recent past. In the context of theoretical and conceptual clarity and Pakistan's ranking as one of the top ten lawless countries in the world, the role of the superior judiciary, criminal administration system, political parties, civil and military bureaucracy, local government and civil society in determining the course of the citizens-state relationship in Pakistan, particularly during the period between 1999–2017, leaves a lot to be desired. Actually, Pakistan requires a complete overhaul of its governance structure and methodology in conjunction with a through institutional reinvigoration for sustainable and inclusive development of its political economy.

A new social contract and institutional reinvigoration

Whatever the philosophy envisaged in the political struggle for the creation of Pakistan in 1947 and subsequent developments, there has been a sea-change in ground realities all over the globe, making it almost impossible to sustain a body politic polluted by a narrow, sectarian and intolerant religious base making it impossible for those – excluded from the main part of nationhood despite constitutional provisions with regard to equality of all in the eyes of law and claims to the existence of the rule of law – to own, protect and be loyal to the state of Pakistan as equal citizens.

Therefore, the first step in the reform process should be a departure from the status-quo which has defined Pakistan as a dogmatic and extremist state engulfed in exploitative religious slogans setting forth the forces of exclusion of various ethnic, religious, racial and linguistic entities and minorities. Despite the fact that Pakistan was dismembered in 1971 by way of the separation of the eastern part of the country as the independent state of Bangladesh, the need for revisiting the religious basis of our nationhood

CONCLUSION

was never felt. An inevitable fallout was the usurpation of power in Pakistan in 1977 by Zia-ul-Haq who redefined Pakistan as a conservative, sectarian and retrogressive entity in the comity of nations. Hence, the need for the evolvement of a new social contract derived from an on-the-ground geographical reality can hardly be overemphasized. A new narrative encompassing the make-up of Pakistan's identity, a nation-state on the basis of common residence in areas forming part of Pakistan and not on the basis of any religion, is the only way to ensure an inclusive society with significant contributions from all its communities in its economic, cultural, social and political development.

The new social contract so envisaged will be based on the principles of the supremacy of law and the constitution over all state institutions and individuals. This means that the executive, the judiciary and the military establishment will have to work within their constitutional parameters.

"New social contract is needed to make the people of this country the real sovereign. All compromises on human and civil rights, sovereignty of representative institutions, civil-military and judiciary-executive relations will have to be rectified."¹ However, democracy does not mean perpetuation of dynastic rule. The people's mandate does not give elected leaders immunity from the law.

Pakistan will have to have a polity to be run by those ordained by the constitution to do so and not by the theocracy and the garrison. A constitutional amendment on the pattern of the Fifteenth Amendment to the Constitution of Bangladesh passed by its parliament on 30 June 2011 and signed by the president on 3 July 2011 needs to be introduced in Pakistan's Constitution, prohibiting religion-based politics. That does not mean that a political party cannot have in its name words like "Muslim," "Islamic," "Hindu" or "Christian." This is so because it is not just the name of the parties that matters. What matters is whether a political party wants to change the structure of the country and laws of Pakistan on the basis of a particular religious set of guidelines. In such circumstances, it will be considered using religion for political purposes in contravention of the new social contract. Pakistan is a multi-lingual, multi-ethnic and multi-religious entity, though Muslims are in a majority and there is no danger to Islam as a faith. Any change under the new social contract in the structure or system of government and laws of the state in accordance with the principles and beliefs of a particular religion among multi-religious citizens will amount to discrimination on the basis of religion and hence, against the provisions of the Constitution of Pakistan. While the military must avoid unwarranted engagement in civilian and political affairs, the civilian institutions need to review the pattern of summoning of security forces in aid of civil power on the pretext of handling socio-political unrest. The state of affairs has been responsible for the demise of professionalism on the part of all state institutions. The military needs to eliminate terrorism and extremism and secure Pakistan from internal and

external security threats. Simultaneously, the civilian administration must accord due weight to the military's input in security-related matters. While acknowledging the sacrifices rendered by the defence forces and the police in safeguarding the state from collapse, the principle of supremacy of parliament and establishments of civilian supremacy need to be safeguarded.

Under the new social contract, with a view to ensuring an independent yet accountable judiciary, having the confidence of citizens, judges need to be appointed on merit. Appointments should be done through the federal public commission on the basis of open competition and must encourage candidates representing all sections of society having the requisite qualifications and experience. Once appointed, the judges should be completely independent. However, it needs to be pointed out that no accountability mechanism would be credible unless it also brought under its ambit the judges and generals who have, in the words of Senators Aitzaz Ahsen and Farhatullah Babar, "traditionally been treated as sacred cows."² Pakistan needs anti-corruption legislation applicable to all strata of society. Pakistan requires an immediate detente between the civil and military establishments. The new social contract, while ensuring civilian supremacy, must make it abundantly clear that it is highly inappropriate to criticize the judiciary when political leaders approach the apex court, even on issues that need to be settled in parliament.

On the economic front, the new social contract, keeping in view Pakistan's potential social benefits, such as the realization of the fact that a vibrant middle class can be an engine of economic growth through a strong services sector, must take advantage of the strong demand for institutional reinvigoration, conversion of the large population into a skill-based dividend and, with a view to doing away with polarization, integration to the mainstream of Gilgit-Baltistan and Federally Administered Area (FATA). The country needs social cohesion through evolving a democratic ethos and erasing from the constitution all anti-democratic distortions.

The new social contract must recognize the fact pertaining to Pakistan's geographical South Asian identity requiring a principled and national-interest-based foreign policy commensurate with the dictates of peaceful co-existence with all neighbouring countries and sustainable economic development of the region as well as that of Pakistan. A review of our foreign policy is called for to advance the national interest of Pakistan in the comity of sovereign powers as a self-respecting country. For example, Prime Minister Imran Khan, who, along with his Malaysian counterpart and Turkish President Tayyip Erdogan, had been a prime mover behind the Kuala Lumpur Summit of leaders from many Islamic countries to discuss vital issues relating to the Muslims, including Kashmir, made a last-minute decision to withdraw from the meeting. While speaking to reporters in Kuala Lumpur, Erdogan claimed that Saudi Arabia had threatened Pakistan with economic consequences to coerce it into skipping the moot.³

CONCLUSION

The new social contract will envisage appropriate measures for evolving a National Criminal Justice Administration Policy. The policy should include appropriate measures for achieving public confidence, greater effectiveness and efficiency for the police service, prosecution agency, courts, prisons and medico-legal services. For the achievement of these goals, formal intervention is required in the shape of an overhauling of laws and procedures relating to the system of criminal administration.

Part of the new social contract should also include major reforms to ensure political neutrality of civil bureaucracy. The constitutional protection given to bureaucrats under the 1956 Constitution of Pakistan and withdrawn under the 1973 Constitution needs to be restored.

Education – emphasis on eradication of extremism and intolerance

Pakistan has various systems of education, ranging from elitist and exclusive schools and colleges catering to the needs of the top echelons of society, higher middle-class English medium institutions, state-run universities, colleges and schools for the lower middle and relatively disadvantaged sections of the society to madrassahs (religious schools) imparting instruction to students with a narrow world view as contemplated by their respective sectarian outfits. A revitalization of education as a force for development and social cohesion is urgently needed. This implies the need for an education model suited to the practical priorities of natural growth and conditions of rapid social change. Formal education imparted in educational institutions in Pakistan, rather than promoting basic values common to all sectors, has accentuated cultural cleavages and heightened discriminatory policies against ethnically and culturally disadvantaged groups. Not only do we need uniform syllabi in all educational institutions in Pakistan but also skill-based instruction in conjunction with a value system transmitting and building a socialization process oriented towards social justice, co-operation, solidarity, tolerance, critical thinking and respect for others and the environment. A bold initiative is needed to expunge and delete retrogressive, sectarian, hate-based and twisted content from the books included by Zia-ul-Haq with an exploitative religious agenda to perpetuate his illegitimate rule. Therein lies the prescription for a progressive, dynamic, prosperous and inclusive Pakistan oriented towards sustainable economic development.

The conclusion drawn here is reinforced by a Goldman Sachs report⁴ submitted to policymakers in the United States regarding economic trends by 2030. The most significant of those reports includes the list of the “Next Eleven” consisting of Bangladesh, Egypt, Indonesia, Iran, Mexico, Nigeria, Pakistan, the Philippines, South Korea, Turkey and Vietnam who will collectively overtake the EU-27 in global power by 2030. “When this second tier is combined with the non-Western giants of China and India, the shift

CONCLUSION

of power from the West to the emerging or non-Western world is even more pronounced,” the report notes. Over several decades, Pakistan would grow into a relatively stable economy, no longer requiring foreign assistance and IMF support. However, authors of the report stipulate that such a scenario would need sustained good governance and tax reforms that spur new industries, jobs and more resources for modern education in Pakistan.

Notes

- 1 Hussain, Zahid (2017), A New Social Contract, *Dawn*, 16 August.
- 2 Ahsen, Aitzaz, & Babar, Farhatullah (2017), Senators Call for across the Board Accountability, *The Express Tribune*, 10 August.
- 3 The News, International (2019), Pak Absence in Malaysia Summit Unfortunate, Says Erdogan, *News Report*, Saturday, 21 December.
- 4 Iqbal, Anwar (2012), Goldman Sachs Report, *Dawn*, 11 December.

Further reading

For additional reading the following sources are recommended:

- Kakar, Jahangir (2019), Thoughts at Apparition, *The Express Tribune*, Thursday, 5 December.
- Khan, Minhas Majeed (2017), *National Identity versus Religious Identity in Pakistan*, Postdoctoral Research Paper, The Religious Freedom Institute, Washington, DC 20003, 15 March.
- Burki, Shahid Javed (2006), *Historical Dictionary of Pakistan*, 3rd Edition, The Scarecrow Press, Inc., Lanham, MD, USA.
- Saeed, Shafqat (2009), Pakistani National Identity: Muslim, Multilingual and Multicultural, *Research & News Quarterly Q 5*: 2–5.



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

Appendices



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

Appendix 1

KHYBER PAKHTUNKHWA AND FATA

Area and population¹

	<i>Area (sq. km)</i>	<i>Population</i>
Bajaur Agency	1290	595,227
Mohmand Agency	2296	334453
Khyber Agency	2576	546730
Orakzai Agency	1538	225441
Khyber Pakhtunkhwa	74521	17744000
Kurram Agency	3380	448310
North Waziristan Agency	4707	361246
South Waziristan Agency	6620	429841
Tribal areas adjacent to various districts	4813	235083

Source: PCO, 1998 Census

Note

1 This table has been prepared from the data published in the daily *Dawn*.

Appendix 2

HEALTHCARE FACILITIES

<i>Health manpower</i>	<i>2015–2016</i>
Registered doctors	184711
Registered dentists	16652
Registered nurses	94766
Patients per doctors	1038
Patients per dentists	11513
Patients per beds	1613

Source: Pakistan Bureau of Statistics (2017)

BIBLIOGRAPHY

- Acemoglu, D. & Robinson, J. A. (2012), *Why Nations Fail: The Origins of Power, Prosperity and Poverty*, London, UK: Profile.
- Adil, Kamran (2016), The Khyber Pakhtunkhwa Police Ordinance, 2016: A Thematic Analysis, research paper recently published in, www.academia.edu/28506232/the_khyber_pakhtunkhwa_police_ordinance_2016_a_thematic_analysis.
- Aftab Ahmad Khan Sherpao, President of Pakistan Peoples Party, N.W.F.P., v. The Governor, N.W.F.P., PLD 1990 Peshawar 192.
- Ahmed, Amin (2012), UNESCO Ranks Pakistan Second Most Dangerous for Journalists, *Dawn*, May 3, <http://dawn.com/2012/05/03/unesco-ranks-pakistan-second-most-dangerous-for-journalists/>.
- Alam, Imtiaz, (2017), Rule of law - but who rules?, *The News*, August 9, www.thenews.com.pk/print/222408-Rule-of-law-but-who-rules.
- Applied Economic Research Centre (AERC) (1990), *Local Government Administration in Pakistan*, Karachi: Unpublished manuscript.
- Asian Development Bank (2017), *Asian Development Outlook*.
- Aslam Hayat Police Committee, 1985, para 49 d, e, f.
- Aziz, Khursheed Kamal (2001), *Pakistan's Political Culture: Essays in Historical and Social Origins*, Lahore: Vanguard.
- Barro, Rj (1991), Economic Growth in a cross section of Countries, Quarterly Journal of Economics, 1991- Academic. oup.com.
- Belton, Rachel K. (2005), Carnegie Papers, Rule of Law Series, *Competing Definitions of the Rule of Law: Implications for Practitioners*, Democracy and Rule of Law Project, Number 55, January.
- Benzir Bhutto v. Federation of Pakistan and another (PLD 1988 Supreme Court 416).
- Black, Donald (2010), *The Behavior of Law*, Emerald Group Publishing Limited.
- Boyns, David & Ballard, James David (2004), Developing a Sociological Theory for the Empirical Understanding of Terrorism, *The American Sociologist* 35, No. 2 (June): 5-25.
- Brigadier (retired) Raashid Wali Janjua (2015), Letters to the Editor, *Dawn*, Thursday, July 16. Judging Chaudhry 14 Faisal Siddiqi, *Dawn*, Monday, July 13.
- Brynjar & Katja (2004), *Causes of Terrorism: An Expanded and Updated Review of the Literature*, FFI/RAPPORT-2004/04307.
- Cheema, A., Khwaja, A. I. & Qadir, A. (2005), *Decentralization in Pakistan: Context, Content and Causes*, Kennedy School Working Paper Number: RWP05-034.

BIBLIOGRAPHY

- Cheema and Mohmand's (2003), Accountability Failures and the Decentralisation of Service Delivery in Pakistan, *IDS Bulletin*, Volume 38, Issue 1.
- The Civil Military Gazette (1958), Martial Law Proclaimed, *CMG*, October 8, p. 1.
- Collins, Marylyn (1995), *Corporate Philanthropy: Potential Threat or Opportunity*, Basil Blackwell Ltd.
- Crenshaw, Martha (2000), *The Psychology of Terrorism*, International Society of Political Psychology.
- Diecy, A. V. (1885), *The Law of the Constitution*, Illustrated Publisher.
- Dawn*, Thursday, August 6, 2015.
- Dawn*, Saturday, March 12, 2016, Justice Delayed-Article by Irfan Husain.
- Dawn*, Monday, May 23, 2016.
- Dawn*, Friday, September 9, 2016.
- Dawn*, Editorial, Policing Sindh, Sunday, September 18, 2016.
- Dawn*, Saturday, October 29, 2016, Secret Judicial Accountability-Article by Faisal Siddiqi.
- Dawn*, Saturday, January 4, 2017, NA Passes Bill to Legalise Jirga, Panchayat Systems.
- Dawn*, Sunday, February 5, 2017, Schools in KP, Editorial.
- Dawn*, Editorial, Sindh's Police Culture, Friday, February 10, 2017.
- Dawn*, Sunday, February 12, 2017, Metro, Lahore.
- Dawn*, Tuesday, February 21, 2017, Rangers in Punjab, Editorial.
- Dawn*, Saturday, April 22, 2017.
- Dawn*, Sunday, July 2, 2017, EOS.
- Dawn*, Saturday, July 25, 2015, Lessons to learn, Editorial.
- Dawn*, Saturday, July 29, 2017, Counter Narrative Needed, Editorial.
- Editorial, Published in The Express Tribune, April 26, 2017.
- Electronic and Print Media Reports, August 9–13, 2015: ARY News, *The News International*, GEO TV Channel Monday–Tuesday, August 10–15, 2015.
- Engene (1998), Root Causes of Terrorism: Myths, Reality and Ways Forward, first published 2005 by Routledge, 2 Park Square, Milton Park, Abingdon, OX144RN.
- The Express Tribune, Friday, April 26, 2013.
- The Express Tribune, Monday, February 20, 2017.
- The Final Report of the General Elections-2013 Inquiry Commission 2015.
- Ghani, Ihsan (2017), Interview by the author of IhsanGhani, Director General National Counter Terrorism Authority (NACTA) on August 3, Islamabad.
- Government of Pakistan (2010–11), *Pakistan Economic Survey*, Islamabad.
- Government of Pakistan (2012), cited in Pakistan, Ministry of Science and Technology, 2012.
- Government of Pakistan (2016–17), *Pakistan Economic Survey*, Islamabad.
- Haq, Mahbubul (1963), *The Strategy of Economic Planning: A Case Study of Pakistan*, Oxford: Oxford University Press.
- Haqqani, Husain (2006), *Pakistan: Between Mosque and Military*, Carnegie Endowment for International Peace.
- Haque, Irfan ul (2014), *Towards a Competitive Pakistan: The Role of Industrial Policy*, Tenth Annual Conference on Management of the Pakistan Economy, Pakistan in the Global Economy-Opportunities and Challenges, 26–27 March.
- Hasan, Parvez (2013), Failed Economic Promise: Lessons from Pakistan's Development Experience, in *Pakistan: Moving the Economy Forward*, edited by Rashid Amjad & Shahid Javed Burki, Lahore School of Economics.

BIBLIOGRAPHY

- Hashemi, Kamran (2008), *Religious Legal Traditions, International Human Rights Law and Muslim States*, Martinus Nijhoff Publishers.
- Hassan, Masudul (1968), *Textbook of Basic Democracy and Local Government in Pakistan*, Lahore: All Pakistan Legal Decisions.
- Hisam, Zeenat (2017), Work Ethics, *The Dawn*, Sunday, February 5.
- Huda, Qamar ul (2010), Crescent and Dove: Peace and Conflict Resolution in Islam, *USIP*, p. 222.
- Husain, Ishrat (2017), The Economics of CPEC, *The Dawn*, Tuesday, January 3.
- Hussain, A. (2008), Institutional Imperatives of Poverty Reduction (Research Paper Series), Lahore, Pakistan: Institute of Public Policy.
- Hussain, A. (2013), Institutions, Economic Growth, and Participatory Development, published in *Pakistan: Moving the Economy Forward*, edited by Rashid Amjad & Shahid Javed Burki, Lahore School of Economics, p. 515.
- Hussain, Ejaz (2010), *Terrorism in Pakistan*, LAP Lambert Acad. Publ.
- IMF Report (2017), An International Monetary Fund (IMF) Staff Team, led by Harald Finger, visited Dubai during March 28–April 5, 2017 to conduct discussions with the Pakistani authorities on the 2017 Article IV Consultation.
- Interview with Taimoor Khan Mumtaz, Lahore, August 10, 2011.
- Iqbal, Muhammad Asif, Khan, Hina & Javed, Surkhab (2004), Nonprofit Sector in Pakistan: Historical Background, Social Policy and Development Centre, p. 38.
- Jalal, A. (1995), *Democracy and Authoritarianism in Pakistan: A Comparative and Historical Perspective*, Lahore: Sang-e-Meel.
- Khan, Ashfaq Hassan et al. (2017), COMSATS Institute of Information and Technology, *Pre-Budgetary Seminar*, Islamabad, April 16.
- Khan, Iftikhar A. (2017), Ousted PM colluded against three govts: PPP, *Dawn*, August 10, www.dawn.com/news/1350725.
- Kiani, Khaleeq (2017), Published in *The Dawn*, Thursday, April 6.
- Kukreja, Venna (2003), *Contemporary Pakistan: Political Processes, Conflicts and Crises*, New Delhi: SAGE Publications.
- Lahore School of Economics (2017), Lahore School Thirteenth International Conference on Management of the Pakistan Economy, March 29 and 30.
- Malecha, Lodhi (1991), Why Benazir Bhutto Fell, *The News International*, Tuesday, August 6.
- Mangla, I. U. (2011), *Reconstructing the Performance of Pakistan's Political Economy: Another Paradigm*, Lahore Journal of Economics.
- Nadeem, A. H. (1989), *The Punjab Police in a Comparative Perspective*, Zaildar Park, Ichhra, Lahore: Progressive Publishers.
- Nadeem, A. H. (2002), *Pakistan: The Political Economy of Lawlessness*, Oxford: Oxford University Press.
- Nausheen, Dr. (2015), tweeted on Monday July 27.
- Nawaz, Shuja (2009), *Pakistan, Its Army, and the Wars Within*, Oxford: Oxford University Press.
- Newberg, Paula R. (1995), *Judging the State: Courts and Constitutional Politics of Pakistan*, Cambridge: Cambridge University Press, pp. 2, 80.
- The News International*, Wednesday, April 26, 2017, by Mehtab Haider.
- The News International*, Sunday, July 6, 2014, Jillani departs, Editorial.
- The News International*, Saturday, July 25, 2015, Moment of reflection? . . . Babar Sattar.

BIBLIOGRAPHY

- The Nexus of Sectarian Conflict and Violent Extremism in Pakistan, *WORDE Roundtable Event*, Washington, DC, April 27, 2012.
- Noman, O. (1988), *Pakistan: Political and Economic History since 1947*, London: Kegan Paul International.
- North, Douglas C. (1991), *Institutions, Institutional Change and Economic Performance*, Cambridge: Cambridge University Press.
- Pakistan: The New Radicals, *Al Jazeera*, October 27, 2011, www.aljazeera.com/programmes/activate/2011/09/20119415101883395.html.
- Pakistan Stock Exchange (2017), *Weekly Analysis*, April 17, www.karachistockexchange.org/2017/04/pakistan-stock-exchange-psx-weekly_17.html.
- Palley (2007), *Financialisation and Income Inequality in OECD Nations: 1995–2007*, CT, USA: BASAK KUS Wesleyan University.
- Piketty, Thomas (2015), *The Economics of Inequality*, translated by Arthur Goldhammer, Cambridge, MA: Harvard University Press.
- Rehman, I. A. (2016), Decline of Political Parties, *The Dawn*, Thursday, October 27.
- Saddiqi, Faisal (2015), CJP Jawwad S. Khawaja: ‘De-Colonising Judicial Thinking,’ *The Dawn*, Tuesday, September 8.
- Samaa TV, Report, Wednesday, April 20, 2016, telecast at 10.41am.
- Sattar, Babar (2015), A New Judicial Veto, *The News International*, Saturday, August 8.
- Sayed, Khalid bin (1968), *Pakistan: The Formative Phase 1857–1948*, Oxford: Oxford University Press.
- Scott, James C. (1990), *Domination and the Arts of Resistance*, Yale University Press.
- Sethi, Najam (2016), Turbulence or Crash?, *The Friday Times*, Friday, May 13.
- Sherani, Sakib (2017), Facets of Inequality, *Dawn*, Friday, June 9.
- Sherani, Sakib (2017), Undemocratic Data, *Dawn*, Friday, March 3.
- Smelser, Neil J. & Mitchell, Faith, *Terrorism: Perspectives from the Behavioral and Social Sciences*, National Research Council (U.S.), Panel on Behavioral, Social, and Institutional Issues, www.worldcat.org/title/terrorism-perspectives-from-the-behavioral-and-social-sciences/oclc/51094470?refer=di&ht=edition.
- Standard Chartered Bank (2017), Asia’s Emerging Affluent: Missing Out on a Potential 42 Per Cent Uplift in Savings, Standard Chartered Partnered with GlobeScan, an Independent Research Agency to Conduct the Study. Basic Savings versus Low-Risk Wealth Management Percentage Was Calculated by Standard Chartered’s Wealth Management Team.
- Staniland, Paul (2014), *Networks of Rebellion: Explaining Insurgent Cohesion and Collapse*, Cornell University Press.
- State Bank of Pakistan (2017), “Bank Credit to Private Sector: A Critical Review in the Context of Financial Sector Reforms,” report issued in July.
- State Bank of Pakistan (2017), *Foreign Exchange Manual 2017*.
- Suhrawardy, Husseyn Shaheed (1957), Political Stability and Democracy in Pakistan, *Foreign Affairs* 35, No. 3 (April): 422–431.
- The Supreme Court of Pakistan (1993), Mian Muhammad Nawaz Sharif versus President of Pakistan and Others (PLD 1993 Supreme Court 473), Constitutional Petition No. 8 of 1993, decided on May 26.
- Supreme Court of Pakistan, Annual Report (2015–2016).
- Supreme Court of Pakistan, Suo Moto Notice, SMC No. 1/2014.

BIBLIOGRAPHY

- TaanghWasaib Organization, *Insight on Conflict*, www.insightonconflict.org/conflicts/pakistan/peacebuilding-organisations/two/ (Accessed June 7, 2012).
- Taj, Shaista & Rehman, Zia Ur, *Role of Political Parties in Pakistan and Perverted Form of Democracy*, www.qurtuba.edu.pk/thedialogue/The%20Dialogue/10_4/Dialogue_October_December2015_352-365.pdf (Accessed December 17, 2019).
- Talbot, Ian (2012), *Pakistan: A New History*, Oxford: Oxford University Press, pp. 215–216, 57, 73, 94, 173.
- TV 92, Wednesday, February 15, 2017, News Alert, telecast at 8.40pm.
- UNDP (2008), *Human Development Report 2007/2008*, first published in 2007 by Palgrave Macmillan Houndmills, Basingstoke, Hampshire RG21 6XS and 175 Fifth Avenue, New York, NY 10010.
- UNDP (2017), *Human Development Report 2016: Human Development for Everyone*, by the United Nations Development Programme, 1 UN Plaza, New York, NY 10017 USA.
- Waqar, Ali (2007), Thumbs Down on Talibanization, *Daily Times*, April 20, www.dailytimes.com.pk/default.asp?page=2007/04/20\story_20-4-2007_pg13_1
- Wilder, A. R. (1999), *The Pakistani Voter: Electoral Politics and Voting Behavior in the Punjab*, Karachi: Oxford University Press.
- William, B. Milam (2009), *Bangladesh and Pakistan: Flirting with Failure in South Asia*, London: Hurst, p. 48.
- WJP Rule of Law Index (2016), *The World Justice Project*, worldjusticeproject.org/rule-of-law-index.
- World Bank (2000), World Development Report.
- The World Bank (2017), *Pakistan Development Update-Growth: A Shared Responsibility*, May.
- Zaid, Waleed & Farooq, Mehreen (2011), Pakistan's Most Powerful Weapon, October 21, http://afpak.foreignpolicy.com/posts/2011/10/21/pakistans_most_powerful_weapon

INDEX

- 9/11 118
- Abbasi, S. 38
- Acemoglu, D. 4, 13, 15, 23
- Africa 14–15
- Aga Khan Rural Support Programme (AKRSP) 99–100
- agriculture 128, 130, 134
- Ahmed, G. 37
- Ahsan, I. 37
- Ahsen, A. 155
- Ali, C. M. 60
- Ali, F. B. 66
- Ali, Y. 64
- Al-Jehad Trust v. Federation of Pakistan* 28
- All-India Muslim League 59, 111
- Al Qaeda 109
- Alternative Dispute Resolution (ADR) 47
- Al-Zulfikar 64, 115
- Amendment Ordinance 50
- Amjad, R. 22
- Ansarul Sharia Pakistan 120
- anti-Bhutto coalition 82, 87n12
- Army Public School 22, 70
- Article 6 40
- Article 12 41
- Article 58(2)b 18
- Article 62 34, 37, 44n35
- Article 184(3) 35
- Aurat Foundation 101
- Awami League 17, 60
- Awami National Party (ANP) 67
- Awan, B. 52
- awareness campaigns 93, 100–101
- Ayub era 78–79, 82, 113
- Baanhn Beli 97
- Babar, F. 155
- Bajwa, Q. J. 4–5
- Ballard, J. D. 105
- Bangladesh 17
- bank credit 7–8
- Baqir, R. 137
- Bargad 93
- Basic Democracies Ordinance 78
- Basic Democracies System 78, 79
- Bhoon, A. 38, 39
- Bhutto, B. 17, 18, 19, 20, 28, 29, 67, 80
- Bhutto, Z. A. 17, 61, 62, 63, 75n13, 113, 115
- Black, D. 106–107
- Bolsheviks 108
- Botswana 14–15
- Boyns, D. 105
- Britain 14
- British raj 77–78
- Brynjar, L. 105, 107
- Chaudhry, I. M. 20, 29, 30, 40
- Children of the Taliban* (film) 93
- child rights 101
- China-Pakistan Economic Corridor 130, 131–136
- Chohan, F. U. H. 127
- Chotoo gang 51
- Christian Progressive Movement (CPM) 97
- civic education development 98
- Civil Administration Ordinance 85–86
- civil disputes 47
- civil-military relations 70–74
- civil society: concept and meanings 89–90; impact of 91; importance of 6;

- intermediary institutions 90; media and 92–95; in Pakistan 90–91; *see also* civil society organizations (CSOs)
- Civil Society Network 97
- civil society organizations (CSOs): awareness campaigns 93, 100–101; development NGOs 95–96; extremism and 97; humanitarian relief 96; improving effectiveness of 97–99; limitations and challenges 96–97; lobbying 101; non-governmental organizations (NGOs) 91, 95–96, 101–103; poverty reduction and 99–100; public policy and 91–92; social media and 94–95; sustainable development and 99–100; traditional media and 92–93
- coalition-building assistance 98
- codes of conduct 12
- Collins, M. 107
- Common Training Programme 49
- communications & media training 98
- Conservancy Act 77
- Constituent Assembly 1, 15, 16, 28
- constituent powers 32
- constitution: 1947 59; 1956 2, 10, 15, 16; 1958 63; 1973 17, 19; abrogation of 16, 64, 81; amendments 9, 20, 22, 23, 29, 31–32, 41, 43n30, 50, 154; Article 6 40; Article 12 41; Article 58(2)b 18; Article 62 34, 37, 44n35; Article 184(3) 35; parliamentary powers and 32, 43n30; pluralism and 9; suspension of 41
- Contempt of Court Act 2012 30
- corruption 29, 30, 36, 37, 67, 146, 155
- counterterrorism 119–121
- coup d'état 28
- creation of Pakistan 78
- creative destruction 14
- credit 7–8
- Crenshaw, M. 105
- criminal justice: lower judiciary 46–48; medico-legal services 57; policing 48–57; prisons 54–57, 55
- Criminal Law Amendment Order 66
- Dar, I. 130, 133
- decentralization 78, 81, 83–84
- Deeni Madaris 143
- democratic ideals group 112, 113
- Devolution of Power 83–84
- disease management 140–141
- Dosso 28
- Durrani, N. 53
- East India Company 77–78
- East Pakistan 3, 17
- economy: bank credit 7–8; China-Pakistan Economic Corridor 130, 131–136; disease management 140–141; education 142–146, 143, 144, 145; external debt 130–131, 131–136; formal sector 46; growth of 19; healthcare 139–141, 140; human development 136–139; indicators 125–129; inflation 20; informal sector 46; Moody's rating 8; overview 124–125; paramedics 139–140; reforms needed 136; savings 129; science and technology 144–147; sectors of 7; state of 7; work ethics 142
- education 129, 138, 142–146, 143, 144, 145, 156–157
- Eighteenth Constitutional Amendment 20, 29, 31–32, 41
- Election Commission of Pakistan (ECP) 21, 31, 68
- elections: 1970 62; 2007 67; 2008 67; 2013 68; 2015 85; criminal justice and 53–54; first 79; influencing of 21–22; probe of 31; views of 60
- employment 128, 138
- Engene 105
- entrepreneurship 145–146
- Erdogan, T. 155
- ethics, of work 142
- extension of service 4–5
- external account financing gap 130–131
- extractive institutions: nature of 14, 15; in Pakistan 15–23
- faith-based non-governmental organizations 91, 99
- fatwas 91
- Fazl-ur-Rehman, M. 75n13
- Federally Administrated Tribal Area (FATA) 23
- Fifteenth Constitutional Amendment 9, 154
- Finger, H. 133
- First Common 49

- Fiscal Responsibility and Debt Limitation Act (FRDLA) 130
 Five Point Programme 80
 food insecurity 126–127
 foreign exchange crisis 22
 foreign policy 155
 formal law 12
 formal sector institutions 46
 France 14
- GDP growth 19
 Gender Development Index 138, 139
 Gender Inequality Index 138
 Gilani, U. I. 47
 Gillani, Y. R. 29
 Gohar, B. 93
 Government of India Act 15, 110
 Gross National Income (GNI) 138
- Habib, M. 33
 Hamadur Rahman Commission 61
 Hamas 108
 hanging of dead body 40–41
 Hast-o-Neest 97
 healthcare 127, 139–141, 140
 Higher Government Restructuring Committee 88n27
 hijacking 64
 human development 19, 136–139, 139
 humanitarian relief 96
 humanitarian relief distribution training 98
 human rights 100–101
 Husain, I. 33, 131–132
 Hussain, M. 37
- Idara Baraye Taleem-o-Taraqi 96
 Iftikhar, A. 30
 incentive systems 12–13
 inclusive institutions 13–14
 income disparity 126
 income tax 131
 Independence Act 59
 Index of Perceived Poverty 16
 India 71, 124
 Indian Bar Councils Act 66
 Industrial Revolution 14
 inequality 126–128
 inflation 20, 129
 informal codes of conduct 12
 informal sector institutions 46
 Institute for War and Peace Reporting (IWPR) 94
- institutional economics 11–13
 institutional reinvigoration 153–156
 institutions: definition of 13; extractive 14, 15; formal and informal 46; inclusive 13–14; rule of law and 27
 insurgency 108–110
 integrated groups 108
 Interim Constitution of 1947 59
 intermediary institutions 90
 international non-governmental organizations (INGOs) 101–103
 Iranian Revolution 115
 Isa, Q. F. 1
 Islam: after partition 15; All-India Muslim League 59, 111; communications & media training 98; cultural diversity and 97; democracy and 2; militancy and 91; as Pakistani majority 9; political and economic systems and 18; relations with non-Muslim communities 97
 Islamic Military Alliance to Fight Terrorism (IMAFT) 72–73
 Islamic State 108, 109
- Jahangir, A. 39
 Jamaat-i-Islami 112
 Jamaatud-Dawa (JuD) 96
 Jamaat-ul-Ahrar 52
 Jamali, A. Z. 33
 Jamali, Z. 39
 Jamiat Ulam Islam (JUI-F) 75n13
 Jamil, Q. M. 28
 Javed, S. 49
 Jillani, T. H. 30–31
 Jinnah, M. A. 1, 2, 15, 110, 111, 112, 121
Jinnah of Pakistan (Wolpert) 1
 joint investigative team (JIT) 34, 36, 38
 Jones, K. 61
 judicial system: civil matters 47; failure of 47; lower judiciary 46–48; under martial law 65–66; new social contract and 155, 156; restorative justice 48; superior judiciary 26–42
 Junejo, M. K. 17, 80
 justice, access to 127
- Kardar, S. H. 130
 Kasur 51, 52–53
 Katya, S. 105, 107
 Kayani, A. 67
 Khan, A. 49, 60, 61, 78–79

- Khan, A. H. 130
 Khan, E. A. 37
 Khan, G. I. 28
 Khan, I. 5, 69, 70, 141, 155
 Khan, L. A. 1
 Khan, M. A. 2–3, 16
 Khan, M. T. 28
 Khan, N. I. A. 35
 Khan, N. M. A. 63
 Khan of Kalat 60
 Khan, Y. 17, 113
 Khar, G.M. 62
 Khar, G. M. 62
 Khattak, P. 53
 Khawaja, J. S. 33
 Khokhar, T. 39
 Khosa, A. S. 34, 34–35, 36, 37, 39–40, 44n35
Khuda Kay Liye (film) 93, 94
 Khyber Pakhtunkhwa Police Act, 2017 53

 Lahore Resolution 110
 Lahore riot 127
 Lashkar-e-Jhangvi (LeJ) 115–116
 law and order 11, 12
 Legal Framework Order 1999 29
 Legal Practitioners and Bar Councils Act 66
 legal profession 66
 legal rights 100–101
 Leghari, F. K. 28
 legislative powers 32
 life expectancy 125, 138
 lobbying 101
 local government: after creation of Pakistan 78; Ayub era 78–79, 82; civilian setup 79, 85–86; definition of 77; under East India Company and British raj 77–78; Musharraf's reforms 83–84; post-2013 85–86; provincial representatives and 6; reforms in 6, 83–84, 88n24; Zia years 80–83
 Local Government Act 85
 Lord Ripon's Resolution 77
 lower judiciary 46–48

 madrasahs 92, 156
 Mangla, I. U. 132
 Marri, M. K. B. 66
 martial law 60–61, 63, 65–66, 80–83
 Maududi, M. 112

 media: social 94–95; traditional 92–94
 medical registrations 141
 medico-legal services 57
 Mehanti, A. 135
 Milam, W. 63
 Minhaj-ul-Quran 97
 Mirza, I. 2–3, 60
 Mitchell, F. 105
 mobile-phone use 19
 Model Town Lahore incident 52
 Moody's Investor Services 8
 Mountbatten Plan 59
 Muhajir Qaumi Movement (MQM) 115
 mujahedeen 116
 Mulk, N. 31
 Municipal Act 77
 musawaat 61
 Musharraf, P. 19, 20, 29, 30, 40–42, 67, 69, 71, 83–84
 Muslim League 16, 60
 Muslim League-United Front 60

 Naeemi, R. 91
 Naeemi, S. 91
 Nasim, Ahmad 49
 National Action Plan 22, 24n14, 119, 121
 National Awami Party 60
 National Counter Terrorism Authority (NACTA) 119–120
 National Reconciliation Order 29
 National Reconstruction Bureau 88n27
 National Rural Support Programme 96
 National Science, Technology and Innovation Policy (NSTIP) 146, 146–147
 Nawaz, A. 52
 Nineteenth Constitutional Amendment 29
 Nisar, S. 39, 47
 Nogales 13
 non-governmental organizations (NGOs) 91, 95–96, 101–103
 non-inclusion 126–127
 non-profit management & capacity building training 97–98
 North, D. C. 4, 11–13, 23
 North Korea 14

 Objective Resolution 1
 Objectives Resolution 32, 59, 112
 Octroi 87n9
 Official Secrets Act 67
 One Unit 60

- online petitions 96
 Operation Zarb-e-Azb 22
 organizations 13
 Osamani, N. 64
- Pakistan Electronic Media Regulatory Ordinance 67
 Pakistan Muslim League 20, 21, 22
 Pakistan Muslim League-Nawaz (PML-N) 29, 31, 44n35, 67, 69
 Pakistan People's Party 17, 20, 61–63, 67, 74–75n13, 115
 Pakistan Rangers Ordinance 1959 51
 Pakistan Tehreek-e-Insaf Party (PTI) 6, 8, 21, 22, 68, 69
 Pak Turk International School 96
 Panama Papers case 34, 35, 36, 52, 69, 70
 paramedics 139–140
 parochial insurgents 109
 partition 15
 Parvez, H. 87n11
 Pasha, H. 130
 patronage 19, 48, 49
 People's Local Government Ordinance 79
 Peoples Programme 80
 Picketty, T. 126
 plane hijacking 64
 Police Act 1861 48, 50
 Police Order 2002 50, 53, 88n24
 Police Ordinance 2016 53
 Police Training Centre 50–51
 policing: autonomy and 50, 53; patronage and 48, 49; politicization of 51; recruitment 49–50
 polio 140
 political parties: definition of 59; Election Commission and 65, 68; historical perspective 59–60; the military and 61; nature of 5–6, 74–75n13; terrorism and 68
 population 125
 poverty: origins of 13–15; rates of 128; reduction 99–100, 128, 129
 power, origins of 13–15
 Presidential Order No. 24 66
 President's Order No. 4 66
 prisons 54–57, 55
 prosperity, origins of 13–15
 Provisional Constitutional Order 17, 20, 33, 64–65
 Public Offices (Disqualification) Order (PODO) 61
- Punjab 3
 Punjab Institute of Cardiology 127
- Qadir, I. 41
 Qadri, T. 70
 Quaid-i-Azam: *see* Jinnah, M. A.
 Qureshi, N. S. H. 63
- rabies 140–141
 Raheem, A. 38
 Rahim, J.A. 62
 Ramay, H. 61
 Rashid, S. 63
 Rawadari Tehreek 97
 reappointment 4–5
 reforms 6, 83–84, 88n24, 136
 religion: politics and 154; terrorism history and 111–116
 religious freedom 30
 religious slogan group 112, 113
 Republican Party 60
 restorative justice 48
 rights 100–101
 Rizvi, H.-A. 61
 Robinson, J. A. 4, 13, 15, 23
 Rosenfeld 107
 rule of law: application of 127; efforts to establish 20; hallmarks of 27; institutions necessary for 27; judiciary and 27–40; meanings 26–27; North's perception 11, 12
 rural areas 80, 82, 128
 Russia 14
- Saddiqi, F. 33
 Saeed, S. A. 37
 Sattar, B. 32
 savings 129
 Sayeed, K. b. 59
 science and technology 144–147
 Scott, J. C. 105
 Seventeenth Constitutional Amendment 50
 sexual exploitation scandal 51, 52–53
 Sharif, N. 17, 18, 19, 22, 28, 34, 36–37, 40, 44n35, 67, 69, 70–73
 Sharif, R. 22, 70–73
 Sheikh, A. S. 135
 Sherani, S. 131
 Shias 115
 Siddiqi, F. 30
 Simon Commission 78
 Singh, J. 1

- Sipah-e-Sahaba Pakistan (SSP) 115
 Smelser, N. J. 105
 social contract 153–156
 social media 94–95
 social media skills building 98–99
 Society for Conservation and Protection
 of Environment (SCOPE) 101
 South Korea 14
 Soviet Invasion of Afghanistan 116
 Staniland, P. 108, 109, 121
State v. Dosso 28
 Suhrawardy, H. S. 60
 Sukhera, M. A. 51, 52
 Sungi 96
 Sunni Awakening 109
 superior judiciary 26–42
 sustainable development 99–100
 Sustainable Peace and Development
 Organization (SPADO) 93
- Taangh Wasaib Organization 97
 Tahir-ul-Qadri 91
 Taliban 71, 108, 109, 116
 Tamil Tigers 108
 Tamizuddin, M. 38
 Tari, I. A. 63
 Tehreek-e-Insaf (PTI): *see* Pakistan
 Tehreek-e-Insaf Party (PTI)
 Tehreek-e-Talban Pakistan (TTP) 52
 terrorism: causal factors 107–108;
 clean-up operation 71; counterterrorism
 119–121; definitions of 105–107;
 elections and 21, 68; fatwas and
 91; historical perspective 110–116;
 impact of 116–118; international
 dimensions of 118–119; Jamaatud-
 Dawa (JuD) 96; Model Town Lahore
 incident 52; in Pakistan 110–116;
 plane hijacking 64; Police Training
 Centre attack 50–51; prosecution of
 22; religion and 111–116; talks with
 India on 71; theoretical framework
 105–108; types of insurgency
 108–110
 theories of terrorism 105–108
 third sector 90
 Toru, F. 53
 Trump, D. 72
 Twenty-Fifth Constitutional
 Amendment 23
 Twenty-First Constitutional
 Amendment 22, 31–32, 43n30
 Two Nation Theory 111
 two-sector world view 89
- unemployment 128, 138
 United Front 60
 urban areas 80, 82, 87n8, 87n10,
 87n11, 125, 128
- vanguard groups 108–109
 viceregalism 59
 violent political dissent 110–116;
see also terrorism
- Web for Human Development 97
 West Pakistan 16
Why Nations Fail (Acemoglu &
 Robinson) 13
 Wilder, A. R. 87n11
 Wolpert, S. 1
 Women's Action Front 93
 women's empowerment 128
 work ethics 142
- Zafar, S. A. 41
 Zakat and Usher Ordinance 115
 Zarb-e-Azb 71, 121
 Zardari, A. A. 20, 29, 67
 Zia-ul-Haq, M. 17–18, 28, 44n35, 63,
 66, 80–83, 112, 114–116, 121, 141,
 154, 156



Taylor & Francis Group
an informa business

Taylor & Francis eBooks

www.taylorfrancis.com

A single destination for eBooks from Taylor & Francis with increased functionality and an improved user experience to meet the needs of our customers.

90,000+ eBooks of award-winning academic content in Humanities, Social Science, Science, Technology, Engineering, and Medical written by a global network of editors and authors.

TAYLOR & FRANCIS EBOOKS OFFERS:

A streamlined experience for our library customers

A single point of discovery for all of our eBook content

Improved search and discovery of content at both book and chapter level

REQUEST A FREE TRIAL
support@taylorfrancis.com

 **Routledge**
Taylor & Francis Group

 **CRC Press**
Taylor & Francis Group