

FIFTY YEARS OF DEMOCRACY IN PAKISTAN

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Pakistan's success in implanting democracy has been at best mixed and uncertain. Indeed commitment of Pakistan's political elite to democracy has remained undiluted. After regressing into authoritarian rules several times, the country has returned to democratic path at least three times as a result of anti-authoritarian struggles of its citizens. During last ten years, though elected governments have been dismissed four times, each dismissal has been followed by elections, which, except the 1990 elections, have been relatively fair. Regular elections have raised the political consciousness of the voters who are no longer subservient to wishes of political waderas and demand performance from their representatives failing which they vote them out. Press and judiciary have gained greater independence and have become more assertive. Emergence of some powerful NGOs committed to democracy and human rights represent increasing empowerment of civil society and reduced trust in and dependence on state.

These successes of democracy, however, need to be juxtaposed with some serious failures. Three out of five constitutions drafted were abrogated. The country has experimented with three types of political systems - parliamentary, presidential and the present hybrid one and remains uncertain which suits it best. The country was under nation-wide martial laws for three times lasting for more than 17 years and under partial martial laws twice. Out of ten national assemblies elected (excluding the present one) eight were dissolved prematurely. Excluding the four caretakers there were 15 regular Prime Ministers. Eight of them were dismissed and only four resigned for lack of political support.

The performance of representative institutions in Pakistan does not reflect maturity of democratic system. The first Constituent Assembly took seven years to draft the first constitution. The performance of National Assemblies in terms of legislation appears to be declining. The last national assembly (1993-96) met twice the number of days compared with the first National Assembly (Constituent Assembly acting as legislature). However, it could enact only about one third of the acts passed by the latter. During the life of first National Assembly for every

100 days it met the government issued 38 ordinances. Similar figure for the last National Assembly is 106 suggesting that the number of ordinance issued during the life of last Assembly was almost three times larger than in the case of first Assembly. The class composition of the representative institutions in terms of participation of broader strata of society has remained static changing only in unusual circumstances. Their membership has been largely monopolised by large landowners and industrial cum business class. The doors of participation on urban middle class and intelligentsia in these institution remains closed. Lower classes and their organisations have absolutely no presence in them.

The country has yet to institutionalise fair elections, an important indicator of maturity of democracy. Only two out of 10 elections for national assemblies (held in 1970 and 1993) are generally accepted as fair others considered rigged to varying degrees. These two elections were conducted not by the ruling party but by relatively neutral caretaker governments. The opposition parties accepted the results of only these two elections and often launched agitation to overthrow governments elected in what they considered rigged elections. The opposition also boycotted elections of one national assembly (elected in 1985) and that of 8 provincial assemblies. The opposition's charge of elections being rigged more often ringed true. Two referendums held to "elect" presidents, one in 1962 and one in 1984 were a blatant farce. The president during the 1965 indirect elections rigged the election for president.

The country though nominally a federal republic, the central government has not permitted the growth of federalism often crippling the autonomy of federating units. In mid fifties the centre using draconian methods forcibly merged three federal units into one unit of West Pakistan apprehending that without such a merger the Bengalis would turn their numerical majority into permanent political hegemony. During the periods of civilian rule the Centre imposed President and Governor rules over provinces 11 times. The three martial laws obliterated the line between central and provincial governments. Out of 38 elected provincial assemblies (present PAs not included) 29 were dissolved prematurely and only four for holding fresh elections. During the last ten years the fate of provincial assemblies have become linked to the national assemblies. Four times the national assemblies were dissolved using Article 58(2) b, the dissolution of provincial

assemblies followed automatically without sufficient grounds. The central government dismissed 44 out of 77 chief ministers (the present four CMs excluded) during last 50 years. A considerable number of them enjoyed the support of provincial assembly at the time of their dismissal, as was, for instance, the case with several chief ministers in 50s including Dr. Khan, Mamdot, Khuro, and Fazalul Haq. Only 13 resigned for their failure to retain political support of the assemblies. Failure to evolve acceptable political solutions of problems with federating units led to several military crackdowns and in case of East Pakistan ended up with its separation. An effective local government system has not been nurtured to enable the people to solve local problems locally.

Pakistani state banned seven political parties and three King's parties and one alliance (JI) was created from the top, thus weakening the link between state and society. Political parties have yet to evolve a practice of internal democracy, and culture of political accommodation and compromise. The parties in power persecute the opposition parties which when come to power pays them in the same coin. The opposition parties instead of patiently waiting for next elections to test their popularity immediately after the elections launch agitations to overthrow the government by whatever means available including engineering political conspiracies.

Effective mechanisms of accountability have yet to be developed to rope really corrupt public officials including public servants. Six accountability laws (excluding the present Ehtesab Ordinance) from PRODA to Presidential Orders of Gen. Ziaul Haq were often used for political victimisation. These laws hit more than two thousand politicians. EBDO framed by Ayub Khan took the largest toll. They were selectively used against "undesirable" politicians. Some of the disqualified politicians were rehabilitated later when the rulers who disqualified them need their services. Two military rulers and one civilian ruler (Bhutto) sacked more than 3000 public servants without following due process of law. A civilian Martial Law Administrator sacked more than four dozen senior military officials again without going through proper procedures. Out of 32 Supreme Court and High Court judges removed during the history of the country 28 were sacked arbitrarily or forced to resign during the last martial law. The Supreme Judicial Council removed the remaining four.

Identification of people with the state and nation remains weak partly because they have not been ensured equality before law and equality of opportunity. Laws discriminating against minorities are on the statute, which are occasionally used to persecute them. The separate electorate for minorities separates them from other citizens weakening their feeling of belonging to the Pakistani state and nation. There exist discriminatory laws against women who also lack representation in representative institutions having lost even the reserved seats which they had up to 1988 elections. Since then no significant affirmative actions have been taken to ensure their political participation.

What explains the poor performance and fragile roots of democracy in Pakistan? The explanation lies in the emergence of structural imbalance between the powerful state institutions, military and bureaucracy, and the weak political institutions such as legislatures and political parties. The imbalance originally developed during the colonial period. It persisted, even widened, during most of the life of the country and continues affecting the development of democracy. The state institutions retained their perception formed during the colonial period that politics is an irrational, disorderly and corrupt process. They need to be controlled by state institutions for ensuring the security of the state, The state institutions particularly military measure the performance of political institutions against the criteria they used to evaluate their own effectiveness. They also viewed political institutions as their rivals as they had the potentiality of controlling them if they matured. Political instability, venality of individual politicians and their arbitrary use of political power reinforced the perception of state institutions and tempted them to intervene in the political process frequently. These interventions weakened democracy and aborted the process of self-correction and learning through which democracy grows.

A review of actions of the two state institutions provides evidence for the above hypothesis. Two military coups resulted in the abrogation of two out of the three constitutions promulgated. The third constitution was kept in abeyance by the leader of the third military coup who permitted its revival after eight years only in a mutilated form. Consequently for about one third of its life the country remained under martial law and under the shadow of military top brass

for most of the remaining period. Out of 11 heads of state of the country six came from the military or bureaucracy. They stayed in power for 36 years, dismissed eight out of 15 regular Prime ministers, prematurely dissolved seven out of ten elected national assemblies, and banned five out of seven political parties that were outlawed. They created or supported the establishment of four "Kings parties."

Though the power of state institutions was directly related to the weakness of the political institutions, the latter's frailty was also the product of historical and sociological developments. All India Muslim League which spearheaded Pakistan did not make an unambiguous commitment to democracy. It feared that democracy in United India would perpetuate Hindu domination. League fostered emotion-based Muslim nationalism and when it disintegrated in fifties no strong political institutions capable of controlling state institutions were left. The vertically divided and horizontally fragmented Pakistani society organised on caste, tribal, ethnic, sectarian and religious lines did not permit the development of such institutions and civil society. Besides, the divide between rural urban areas and proliferating ethnic groups created mostly by the state initiated inequitable and unbalanced process of development further fragmented the society. Weakness of political institutions was also due to their control by anti-democratic feudal class, which depended on state institutions for maintaining their local power. This class often sought their patronage of state institutions rather than act as instrument of control of civil society over them. Indeed the society did throw up five anti-authoritarian movements but as they mainly sprang from urban middle classes, their impact on creating a civil society remain limited though whatever democracy exists in the country today owes its existence to these struggles.