

Pakistan's Response to Internal Challenges
PART II: GOVERNANCE AND POLITICS

PREFACE

Pakistan's economy, security and politics are partly linked with the issues of governance and partly with the spill-over effects of the war on terror in Afghanistan. There is a small minority within the country which thrives on sectarian, religious and ethnic intolerance. These preachers of hatred and intolerance have given birth to violence and terrorist acts, especially in Karachi, and regions adjacent to Afghanistan. Afghan Jihad against the Soviet occupation of Afghanistan in 1980s led to an influx of refugees and arms in the country. These arms are available to criminals, extremists and terrorists. It will not be incorrect to say that some of these groups are generally better armed than the Pakistani police. The government has banned the militant organizations and laws to counter terrorism have been enacted. Efforts are afoot to train and equip the police with modern arms and communication facilities. High-tech equipment and electronic surveillance is needed to check cross-border movement and fight cyber age criminals.

Extremism and terrorism sponsored and supported by internal and external elements should be dealt with at the holistic level through education and media. Already the government has registered *madrassas* (religious seminaries) and somewhat modernized their syllabi. The curriculum of general educational institutions should be reviewed so that the principles of Islam, such as, justice, fair play, equality, love, tolerance, etc. are taught, besides scientific and technological education and research. Expansion of education facilities requires generous financing that without comprehensive reforms will not be possible.

The present government believes in a policy of reconciliation. All Parties Conference convened in October 2011 has demonstrated unity of the nation to safeguard the sovereignty of the country. This has sent a strong message to the world and is a morale boosting factor for the masses. Besides, the government takes the credit, among other measures, for granting the long standing demand of provincial autonomy to the provinces, which will go a long way in meeting the aspirations of smaller provinces, especially Balochistan. The proposals for division of existing provinces to create more units are under discussion. As for Federally Administered Tribal Areas (FATA), universal adult franchise was granted in 1997. Now the government is considering abolition of Frontier Crimes Regulation 1901, and extending Political Parties Act 2002 to FATA. There are proposals that either FATA be made a province or merged with Khyber Pakhtunkhwa.

The Election Commission has initiated the process of verifying and updating electoral rolls ahead of the next general election, scheduled for February 2013. Democracy has now found its roots in the country, more so because of higher literacy, vibrant civil society, independent media and judiciary.

The *IPRI Factfile* “Pakistan’s Response to Internal Challenges” is a collection of selected articles and newspaper editorials, most of which were published during August-December 2011, on such subjects as governance, economy, energy, climate change, floods, internal security, terrorism, women’s and minorities’ rights as well as political situation in the country.

December 15, 2011

Dr Noor ul Haq

SECTION I: POLITICAL SITUATION

GOVERNANCE AND DEMOCRACY IN PAKISTAN: WEAKNESSES, STRENGTHS AND PROSPECTS

Abstract

Pakistan had no worthwhile civil society and hardly any middle class in 1947 due to rampant illiteracy and absence of an independent media. The masses were poor, the country was described an "economic desert" and there was an unprecedented influx of refugees. The country lacked the necessary infrastructure and institutions. The capability to develop them was lacking. The external and internal threats to the security of the country turned it into a security state. Weak political leadership created space for civil-military bureaucracy. This led to the cut-off periods in democratic governance, which was derailed thrice in 1958, 1977 and 1999. At present, the country is partially developed, the middle class is growing and civil society is assertive; a vibrant media has come up, and majority of the population is literate. There is an overall urge for peace. The people have demonstrated their preference for constitutional government and the rule of law, and to have an independent judiciary to strengthen democratic governance.

Introduction

Democratic governance implies a system of government in which all the people of a country can vote to elect their representatives, who in turn govern the country in the light of the mandate given to them by the people. Pakistan and India emerged as independent democratic nation-states in August 1947, inheriting the same constitution (i.e., Government of India Act 1935), the same system of civil administration, legal apparatus and the armed forces. But unlike India, the governance in Pakistan has been alternating between civilian democratic governments and military-dominated autocratic or partially democratic governments.¹ After several pitfalls, Pakistan has reached a stage where it seems that the people of Pakistan, its vibrant middle class, the civil society, the intelligentsia and the media are convinced that the supremacy of the constitution, strengthening of state institutions, independence of judiciary, and the rule of law are necessary if Pakistan is to become a modern democratic state. Currently, a democratically elected government is keen to strengthen such a system.

¹ Civil supremacy (1947-58); military supremacy (1958-71); civil supremacy (1971-77); military supremacy (1977-88); civil supremacy (1988-99); military supremacy (1999-2008); and civil supremacy (2008 onwards). It may be added that "some of the military dominated regimes were very liberal in their outlook, or tried to be (notably President Pervez Musharraf) whereas some of the civilian governments were quite abusive of their authority" (notably Governor-General Ghulam Muhammad).

Initial Difficulties Obstructing Democratic Governance

There are a number of factors responsible for initial setbacks to democratic governance in Pakistan. For instance:

Ramsbackle Infrastructure

Initially Pakistan was lacking in the necessary infrastructure. For instance, it had no federal government, no secretariat, and no State central bank. “Militarily the country was defenceless and Indian policies were calculated to stifle the new state.”² It had to start from a scratch. Due to extreme level of illiteracy³ the capability to develop the infrastructure was also limited. The country needed time to build and nurture the state institutions which could sustain democratic governance.

Leadership Void

Quaid-i-Azam Muhammad Ali Jinnah, the father of the nation and the first Governor-General, died just one year after the establishment of Pakistan on September 11, 1948 and his right hand lieutenant Liaquat Ali Khan, who was the first Prime Minister, was assassinated on October 16, 1951. About the capability of other leaders of Pakistan Muslim League (PML), the party which had successfully piloted the movement for Pakistan, Jinnah had ruefully

² I.H. Qureshi, ed., *A Short History of Pakistan Book Four* (Karachi: University of Karachi, 1967), 228. In 1947, the British Indian Army was approximately 500,000 strong and the Muslim element in it was about 33 percent. According to British Viceroy in India, at the time of partition, out of 67 battalions available in West Pakistan, only 35 would be left behind. Most of these would be at half strength owing to the movement of Hindu/Sikh companies without Muslim companies being available in Pakistan for replacement. (Viceroy’s personal report, no. 16, August 8, 1947, para 43, Mansergh and others, eds., *The Transfer of Power 1942-47*, vol. XII, 599-600). These battalions constituted into about 10 infantry brigades at less than 50% strength and an armoured brigade with only 13 runner Stuart tanks, less than one weeks ammunition with the Army, no mines, no man-made or natural obstacles. They were required to guard about 5000 miles of frontier of East and West Pakistan. (Noor A. Hussain, *Fifty Years of Pakistan Army 1947-1997* (Rawalpindi: ISPR Publication, 1998), 4). In fact, the regiments of the Indian Army were scattered throughout Indian subcontinent and “overseas mainly in Iraq, Malaya, Burma and with the Allied Contingent in Japan”. (Fazal Muqem Khan, *The Story of the Pakistan Army* (London: Oxford University Press, 1963), 24). These scattered regiments and their equipment had to be brought back and organized into a coherent army. “Thus what was at first only a paper army gradually took shape.” (Stephen P. Cohen, *The Pakistan Army* (New Delhi: Himalayan Books, 1984), 17).

³ The overall literacy in West Pakistan was hardly five per cent. Government of Pakistan, *Census of Pakistan 1951, vol. 1* (Karachi: Census Publications, n.d.), 77.

remarked that “he had false coins in his pocket”.⁴ Consequently, several ministers appointed initially were not politicians and did not have a seat in the Assembly.⁵ Similarly, in 1954, there were several members of Prime Minister’s cabinet without a seat in the Parliament.⁶ “The cabinet and other high political appointments reflected a paucity of talent among the politicians.”⁷

Unprecedented Migration and Settlement of Refugees

Due to the partition of the Punjab, where most of the ex-servicemen and war veterans lived, communal riots erupted into a carnage causing an unprecedented refugee influx. There was an inter-state migration of more than 12 million and killing of about one million human beings across the Pakistan-India borders. There is a long background of riots especially in northern India.⁸ It seems that Indian anger against the partition of “mother India” was also a cause of the intense feeling of hatred.⁹ The carnage in the Punjab was caused by “the chaos and anger” owing to the “surprise of partition” when no one was prepared organizationally to cope with the change, for the British government had advanced the date of transfer of power from June 1948 to August 1947. The Radcliffe Commission’s boundary award was announced three days after partition. It was “mostly the British fault” but local grievances and hatred created a bloodbath which has left its own “lasting scars” in both states. Till 1955, about seven million refugees from India entered West Pakistan and about 5.6 million Hindus and Sikhs left Pakistan.¹⁰ It was relatively easier for India to absorb the calamity of migrants given its size, resources and available infrastructure, as compared to Pakistan, where one out

⁴ Hamid Khan, *Constitutional and Political History of Pakistan* (Karachi: Oxford University Press, 2001), 853.

⁵ Qureshi, *Pakistan*, 229-230. Jinnah’s first cabinet included A.M. Malik, who was a medical practitioner, Finance Minister Ghulam Muhammad was a former civil servant, and Foreign Minister Zafarullah Khan was a lawyer. They had practically no political following.

⁶ In 1954, Governor-General Ghulam Muhammad, who was himself a bureaucrat, asked Muhammad Ali Bogra, another bureaucrat, to form a cabinet, which included, among others, Major-General Iskandar Mirza, a bureaucrat, and General Muhammad Ayub Khan, Commander-in-Chief of the Army.

⁷ Hamid Yusuf, *Pakistan: A Study of Political Developments 1947-97* (Lahore: Sang-e-Meel Publications, 1999), 34.

⁸ See Appendix 20, “Hindu-Muslim Fighting during July 1946-June 1947”, Noor-ul-Haq, *Making of Pakistan: The Military Perspective* (Islamabad: National Institute of Historical and Cultural Research, 1993), 231-34.

⁹ Hamid Khan, 82; Chaudhry Muhammad Ali, *The Emergence of Pakistan* (Rawalpindi: Services Book Club, 1958), 256; quoting Jhon Cornell Auchinleck (London: Cassell, 1959), 906.

¹⁰ Viqar Ahmad and Rashid Amjad, *The Management of Pakistan’s Economy 1947-82* (Karachi: Oxford University Press, 1984), 71, cited by Hamid Yusuf, 35.

of every ten persons was a refugee. “But it was the patriotism and self-denial of the people that pulled the country through the most precarious phase of its existence.”¹¹

Illiteracy and Extremism

Due to the migration of literate Hindus and Sikhs to India, the literacy rate in Pakistan sharply declined. There was about 95 percent illiteracy in Pakistan in 1947¹², which acted as a hindrance to the growth of a civil and democratic society. Feudalism and economic constraint did not permit any Pakistani government to launch a “crash course to expand literacy and grow higher standards.”

Poverty and Scarcity of Essential Goods

Pakistan was established in the northwest and northeast of the South Asian subcontinent. These areas were neglected by the British being closer to the borders. It was considered safer to invest in central India which was beyond the reach of enemy air force. The affluent class in Pakistan was mostly Hindus and Sikhs and they transferred their wealth to India. Thus, at the time of its birth, Pakistan was virtually an “economic desert”¹³ and the masses were abysmally poor. There was “an acute famine of commodities of every day use.”¹⁴ The authorities, who were administering the country, were more interested in the procurement of goods and development of the country rather than promoting the cause of democratic governance. Pakistan’s low literacy, bad infrastructure, and instability made it difficult to take advantage of what is commonly called “globalization”. It did not produce much to offer in the exports market except low value primary goods, its work-force was not educated, and the government controlled trade and investment suffered for political reasons, partly due to mutually constrained relations with neighbouring India.

¹¹ Qureshi, *Pakistan*, 228.

¹² The province-wise literacy was: Punjab 7.3 percent; Sindh 6.1 percent; NWFP 5.2 percent; Balochistan 3.9 percent. This does not include tribal areas. *Census of Pakistan 1951*.

¹³ Yasmin Khan, *The Great Partition: The Making of India and Pakistan* (London: Yale University Press, 2007), 101.

¹⁴ Qureshi, *Pakistan*, 228.

Persisting Problems

Quasi-Federalism and Conflict between Eastern and Western Wings

One of the main bottlenecks in the constitutional development in Pakistan was that its two wings were separated by about 1000 miles of hostile territory. The eastern wing consisted of one province but was more populous than the western wing which was much larger in area and had as many as four provinces. The western wing was not prepared to concede majority representation to the eastern wing in the parliament. After a confrontation of nine years between the two wings, the solution was evolved in the 1956 constitution in the shape of parity of representation in a quasi-federal structure, neutralizing the majority of the eastern wing and paving the way for the manipulated domination of the western wing. The domination of the western wing in governance led to an insurgency in the eastern wing which culminated in the separation and independence of Bangladesh in 1971.

In the post-1971 Pakistan, it came to be realized that ideological moorings alone could not easily overcome ethnic and economic differences. Yet the anti-ethnic attitude and anti-modern thinking prevalent in certain segments of society lean towards a unitary or quasi-federal state as against a true federation. However, Constitution (Eighteen Amendment) Act, 2010 gave full autonomy to federating units to legislate on 47 subjects already enumerated in the Concurrent List, thus giving full autonomy to provinces.

Religion Verses Secularism

Pakistan was not created as a theocracy but as a place where an economically marginalized minority could operate a democracy independently. It was to save the people from religious discrimination and domination by an overwhelming religious majority. Moreover, it emerged as a territorial state in the Muslim majority areas of the subcontinent. But the religious and secular groups soon started making conflicting demands while formulating the constitution of Pakistan. The speech of Mr Jinnah of August 11, 1947, addressed to the first legislative and constituent assembly of Pakistan, had advocated political pluralism and declared that the "religion or caste or creed has nothing to do with the business of the State".¹⁵ This was not adhered to. The Objectives Resolution passed by the Constituent Assembly in 1949, pacified demands of Muslim religious parties and elements, but was not supported by religious minorities. The compromise solution attempted to balance the values and the spirit of Islam with requirements of secularism.

¹⁵ *Quaid-i-Azam Mohammed Ali Jinnah: Speeches as Governor-General of Pakistan 1947-48* (Karachi: Pakistan Publications, n.d.), 8-9.

Due to lack of competent and visionary political leadership, and the fact that Muslims constituted 97 per cent of the population, the conservative religious leaders, partly due to their conviction and partly owing to their parochial interests, advocated and preached the establishment of a religio-political system based on Al-Quran and Sunnah.¹⁶ They were skeptical of the politico-social development of modern times and western political institutions and form of government. Their dogmatic theology clashed with the democratic culture envisioned by the founding fathers.

Another adverse impact of the adoption of religion as a guiding principle in the constitution, was the promotion of religious sectarianism, especially between the two major sects inhabiting Pakistan, i.e., Sunnis and Shi'as. Some sections of these sects, instead of peaceful negotiations to overcome their differences, often resort to violence, which is against the spirit of both Islam and democracy. These rivalries fostered reliance on the security forces for maintenance of law and order, which eroded the hold of democratic institutions in governance.

Delayed Framing of the Constitution

The immediate and foremost requirement of the Constituent Assembly was to frame a democratic constitution for the country. The constitution had to lay down the form of government, the role of judiciary, military, and bureaucracy. It had to decide the basic issues about provincial autonomy, religion and the state, joint or separate electorate, representation of minorities and women in assemblies, fundamental rights and civil liberties. The debate over the representation of eastern and western wings of the country and religion versus secularism were the two main hindrances in the way of framing the constitution. As against India, which was able to frame the constitution of the country within two years of independence in 1949, Pakistan took nine years to finalise the constitution in 1956, which did not work for more than two years and was abrogated. The second constitution was framed by a military ruler General Ayub in 1962 which could last as long as he was in power. Finally, it was after the separation of East Pakistan and a lapse of more than quarter of a century (1947-1973) that the elected representatives of the people under the leadership of Prime Minister Zulfikar Ali Bhutto framed a consensus constitution envisaging a federal, democratic structure for the country and a

¹⁶ "The field of medieval political theory has already been subjected to intensive investigation by Von Kremer, Arnold, Sherwani, Rosenthal, Hamidullah, Tyan and others, and movements of modernism in contemporary Muslim world have also been extensively surveyed by scholars such as Smith, Gibb, Adams and Aziz Ahmad." Manzooruddin Ahmed, *Islamic Political System in the Modern Age: Theory and Practice* (Karachi: Royal Book Coy, 1983); Justice Hamoodur Rehman, *Islamic Concept of State* (Karachi: Begum Aisha Bawany Waqf, 1978).

parliamentary form of government. This constitution has survived in spite of the breakdown of democracy twice in 1978 and 1999, and hopefully has come to stay. But the delay in framing the constitution harmed the growth of political democracy, as it allowed the authoritarian rule of the Governor-General to continue for seven long years (1947-56), which set this inglorious tradition in the country.

Weak Political Parties and their Infighting

For any healthy constitutional and political system to function smoothly, strong and well-entrenched political parties are essential. ... Unfortunately, political parties in Pakistan have failed to develop into strong vehicles of national political will.¹⁷

The main responsibility for safeguarding democracy in a country falls on political parties¹⁸. Pakistan, since its inception, was lacking in well organized and well established political parties that could carry the representative system of governance forward. The All-India Muslim League, which had piloted the movement of Pakistan during 1940-47, was not a well organized political party, but it was primarily a movement. "Leading a movement and organizing a political party are two different things."¹⁹ Most of its leaders belonged to areas which became part of the Indian Union and their majority did not come to Pakistan. Of those who were in Pakistan, barring a few exceptions, belonged to feudal and landowning classes that in their nature were in conflict with democratic dispensation. In fact "the leadership of Pakistan movement had few roots in the land that became Pakistan." Their incompetence and constant wrangling for power in the initial nine years (1947-1956) was also responsible for the delay in constitution-making. Instead of cooperation and mutual accommodation there was ceaseless infighting. For instance, as early as 1953, a clash between the leadership of the Punjab and the central government led to intense communal riots and imposition of Martial Law in Lahore, the provincial capital.²⁰ Even as late as the decade of 1988-99 of civil supremacy, the fight between the PML and the PPP led to repeated dissolution of national

¹⁷ Hamid Khan, 852.

¹⁸ "Any satisfactory analysis of the practice of Western democracy – and any discussion of how it might be made to work better – must recognize and account for the role of political parties." Geoffrey Brennan and Alan Hamlin, *Democratic Devices and Desires* (New York: Cambridge University Press, 2000), 185.

¹⁹ Hamid Khan, 856.

²⁰ Punjab Chief Minister Mian Mumtaz Muhammad Khan Daultana and Prime Minister of Pakistan Khawaja Nazimuddin, both belonging to PML, were at logger-heads. Hamid Yusuf, 52.

and provincial assemblies and dismissal of prime ministers and their cabinets.²¹ Finally, it ended with the military take over in 1999.

Delayed Elections, Rigging and Violence

The representative character of the civilian parliamentary government during the first decade of Pakistan's existence was eroded because the country was governed under Government of India Act of 1935. The purpose of the Act was "to make the appointed governor-general exert dominance over the elected prime minister."²² The Act had introduced a representative and a centralized system of bureaucratic governance, which was an imperative requirement of the colonial government but not of democratic governance.

The first general elections in the country should have been held in 1951, i.e., five years after the previous elections in 1946, but this could not happen till 1970. The reasons for the delay were that the ruling elite, i.e., civil bureaucrats, migrant political leadership, and weak political parties, had few roots in the masses. As a consequence, general elections could not be held for 23 years (1947-1970) of the country's initial history.

On the expiry of the five years term of Prime Minister Zulfikar Ali Bhutto (1972-1977), the second general elections on the basis of adult franchise were held on March 7, 1977 which the PPP won with a vast majority. The opposition parties alleged that the elections had been "rigged on a massive scale". It has been commented:

Elections in Pakistan had been rigged before, notably the presidential election in 1965 and the Provincial Assembly elections in early 1950s, but rigging in these instances did not arouse the mass uprising as it

²¹ The conflict between President Ghulam Ishaq Khan (1988-1993) and Prime Minister Benazir Bhutto (1988-1990) resulted in the dissolution of the National Assembly and the dismissal of the Prime Minister and her cabinet on August 6, 1990. Again differences and confrontation between Ishaq and Prime Minister Nawaz Sharif (1990-1993) made both of them to resign on July 18, 1993. The differences between President Farooq Leghari (1993-1997) and Prime Minister Benazir Bhutto (1993-1996) ended with the dissolution of the National Assembly and dismissal of the government on November 5, 1996. Thereafter, Prime Minister Nawaz Sharif (1997-1999), in a bid to become an authoritarian ruler, is discredited for an assault on the Supreme Court (Hamid Khan, 827), declaring a state of emergency in 1998, allowing establishment of military courts for trial of civilians, amending the Constitution taking away the discretionary powers of the President, preventing the floor-crossing in the assemblies, and introducing the Fifteenth Constitutional Amendment Bill which was "apparently a blatant attempt by Nawaz to introduce dictatorship in the country in the name of Islam" (Hamid Khan, 929). Finally, on October 12, 1999, he sacked the Chief of the Army Staff General Pervez Musharraf while he was officially visiting Sri Lanka. This resulted in a *coup d'etat* and dismissal of Nawaz Sharif. (Hamid Khan, 219-249).

²² Shahab Usto, "Mosquerades of Dictatorship", *Dawn*, August 22, 2008.

did in 1977. The people of Pakistan were evidently not of the same mind now as they were in those earlier periods.²³

Civil-Military Bureaucracy Versus Politicians

The greatest factor impeding the development of the country was the evasion of land reforms in the western wing which strengthened the feudal hold on the instruments of governance. Feudalism was one of the main factors responsible for the weakness of the political parties and the supremacy of the bureaucracy. In West Pakistan (present Pakistan), leaders were mostly drawn from the feudal class. Pakistan being an agricultural country, the landed aristocracy almost dominated the political, social and economic life. Since the feudal leadership of political parties was not capable of dealing with the multifarious problems faced by the country, it depended heavily on the civil and military bureaucracy.²⁴

It is indeed a sad commentary on the elected members of the first Legislature and Constituent Assembly of Pakistan that they could not find a suitable head of state from among their own ranks. Most of them came from the civil bureaucracy or the military.²⁵ The civil-military bureaucracy did not have a favourable opinion about the competence of political leaders and often took decisions without consulting them. This adversely affected their political training, development and growth. The inability to control the Anti-Ahmadiya Movement in the Punjab in 1953 was blamed on an inept political leadership. This religious movement was spearheaded by the religious Ahrar Party which had opposed the establishment of Pakistan and now wanted again to come into limelight. They were supported by other religious parties, i.e., Jamaat-i-Islami, Jamiatul Ulema-i-Pakistan, and Jamiatul-Ulema-i-Islam. The movement was exploited by politicians in their own political interest.²⁶ But the civil-military bureaucracy was against the religious parties to dominate the power structure either in the provinces or the centre. To rescue the city of Lahore where Ahmadis were in a "virtual state of siege" and their properties were

²³ Hamid Khan, 571.

²⁴ Even after six decades of the establishment of Pakistan, Iftikhar Hussain, Minister of Information, NWFP has blamed "feudal, capitalist and tribal systems" responsible for "all social ills and backwardness". *Dawn* (Islamabad), August 24, 2008.

²⁵ During 61 years (1947-2008) of existence of Pakistan, civil bureaucrats or military generals governed the country for as long as 45 years. These were: Mr. Ghulam Muhammad (1951-55); Mr. Iskander Mirza (1955-58); General Muhammad Ayub Khan (1958-69); General Agha Muhammad Yahya Khan (1969-71); General Muhammad Zia-ul-Haq (1978-88); Mr. Ghulam Ishaq Khan (1988-93); and General Pervez Musharraf (1999-2008).

²⁶ Ayesha Jalal, *The State of Martial Rule*, supra, note 70, 151, cited by Hamid Khan, 119.

being “burned or looted”, General Azam Khan, the Area Commander, was ordered by the Defence Secretary, to impose martial law in Lahore. It was met with general approval of the people. It was demonstrated that the civil-military bureaucracy “would not let politicians or religious ideologues lead the country to anarchy”.²⁷ This also laid down the foundations of the supremacy of military and orchestrated the initial rehearsal for recurring imposition of Martial Law in the country and its acceptance by the people.

In fact, “since its birth, Pakistan has been governed by bureaucratic, military and political elites. The bureaucratic elite generally became more assertive, steadily increasing their power at the expense of the political elite.”²⁸ “Ayub’s term of office [1958-69] was the golden era for the bureaucracy, which exercised its powers, unbridled by any political interference.”²⁹ The weakness of political elites can be demonstrated from the fact that during seven years from 1951 to 1958, as many as seven Prime Ministers had been changed.³⁰ During 1988-1999, four democratically elected governments³¹ were replaced on charges of corruption, inefficiency, security risk, etc. The civil-military bureaucracy has dominated governance owing to the inherent weakness of the political parties and their incompetent leadership, resulting in the derailment of democracy thrice in the history of Pakistan, i.e., in 1958, 1977 and 1999.

Kashmir Dispute and Security of the Country

The persistence of external and internal threats to its security converted Pakistan into a security state which thwarted the country’s march towards democracy. The security of Pakistan was threatened externally from its bigger neighbour and internally from communism,³² religious extremism and ethnic ambitions of the rulers of the princely states. The first threat originated in October 1947 when the Indian Army occupied the state of Jammu and Kashmir, which geographically and demographically should have formed part of Pakistan³³, and the second one came to surface through the Socialist

²⁷ Hamid Khan, 120.

²⁸ Ibid., 878.

²⁹ Ibid., 345.

³⁰ After assassination of Prime Minister Liaquat Ali Khan on October 16, 1951, Khawaja Nazimuddin (1951-53), Muhammad Ali Bogra (1953-55), Chaudhry Muhammad Ali (1955-56), Husain Shaheed Suhrawardy (1956-57), I.I. Chundrigar, and Feroz Khan Noon (1957-58) became Prime Ministers.

³¹ Prime Ministers Benazir Bhutto (1988-90), Mian Nawaz Sharif (1990-93), Benazir Bhutto (1993-96), and Mian Nawaz Sharif (1996-99).

³² The Communist Party of Pakistan was banned in 1950s mainly because of own conservative leadership.

³³ All the rulers of Princely states were told “You cannot run away from the Dominion Government which is your neighbour any more than you can run away

inspired Rawalpindi Conspiracy Case (1951), the Anti-Qadiani Movement (1953) by religious parties, and declaration of cessation by the ruler of the state of Kalat (1958).

The external threat resulted in Indo-Pak wars and border clashes and threats of war a number of times (i.e., during 1947-48, 1951, 1965, 1971, 1984, 1999, and 2002). Ari Fleischer, a White House spokesman, speaking on December 20, 2002, about the 2002 situation between India and Pakistan said:

the tension reached alarming level ... As a result of the intervention of the President, the Secretary of State, and numerous leaders around the world including [Russian] President [Vladimir] Putin and [British] Prime Minister [Tony] Blair, there is now a markedly diminished point of tension.³⁴

As for earlier internal threats, the Rawalpindi Conspiracy Case was quelled by the Armed Forces in 1951, the Anti-Qadiani movement was suppressed when Martial Law was enforced in Lahore in 1953, and military action led to the absorption of the state of Kalat. All this was possible because the British trained Pakistan's Armed Forces were mostly secular in outlook and motivated to ensure the integrity of the country.

The security threat and the need for defence forced the nation to strengthen the armed forces rather than democratic governance. The priority to defence can be judged from the fact that, in the beginning, most of the annual budget of the country, was allocated for this purpose which has gradually been scaled down to about 17 per cent in the last budget.

from the subjects for whose welfare you are responsible" (British Indian Viceroy's address to the Chamber of Princes, July 25, 1947). "Keeping in view the geographical conditions, 80% Muslim majority ... the passage of the important rivers of the Punjab through the State, the language, cultural, racial and economic connection of the people and the proximity of the borders of the State with Pakistan ... the Jammu and Kashmir State should accede to Pakistan" (Resolution of All Jammu and Kashmir Muslim Conference, July 19, 1947). The accession "of the State of Jammu and Kashmir will be made in accordance with the will of the peoples expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations" (UNSC Resolution (S/3779) of January 24, 1957). Also see Richard Symonds, *The Making of Pakistan* (London, 1949), 157-58; Alaistair Lamb, *Incomplete Partition: The Genesis of the Kashmir Dispute* (Hertford, 1997); A. H. Suhrawardy, *Trajectory in Kashmir* (Lahore, 1983), 203.

³⁴ *Dawn* (Islamabad), December 21, 2008. Also see Noor ul Haq, "Indian Quest for Hegemony", *IPRI Journal*, vol. III, no. 2, (2003): 21-48.

Immediate Challenges to Governance

Corruption and Nepotism

According to Transparency International, Pakistan got a score of 2.7 out of 10 in 1998, followed by 2.2 in 1999, 2.5 in 2008, 2.4 in 2009, and 2.3 in 2010.³⁵ Corruption³⁶ in bureaucracy and among political leaders poses a grave threat to good democratic governance. Quaid-i-Azam had termed corruption as “poison” and asked to put that down with an “iron hand”.³⁷ Now that the National Reconciliation Ordinance, which had withdrawn from prosecution any person “falsely involved for political reasons or through political victimization” between 1986 and 1999, has lapsed on November 28, 2009, the concerned individuals should get themselves cleared in a court of law in a transparent manner. The tribal nature of society in Pakistan is susceptible to nepotism. As an antidote, accountability and transparency are necessary. It is a challenge to the people to reject those leaders and political parties which indulge in corruption and nepotism.

Unprecedented Inflation and Rising Prices

Another threat to the government comes from inflation and unprecedented rise in prices of daily needs, as this adds to poverty of the people.³⁸

Terrorism and Extremism

The latest threat is emanating from extremism and terrorism, especially in the North West Frontier Province and Federally Administered Tribal Area (FATA). This is the spill over effect of the conflict in Afghanistan and is spreading in Pakistan. It is likely to continue as long as there is no peace and stability in that country. However, the military enjoying the support of the nation is successfully combating against the extremists and terrorists under the supremacy of the civilian democratic government. It is hoped that the process would continue to its logical conclusion.

³⁵ Mansoor Ahmad, “Poor ranking in corruption index no surprise”, *The News* (Islamabad), November 21, 2009; *New York Times* online, November 30, 2010.

³⁶ Corruption, violence and lack of accountability and transparency have been termed as fault lines in Indian democracy. G. Rana Chandhra Reddy, *Fault Lines in Indian Democracy* (New: Delhi: A.P.H. Publishing Corporation, 2007), xi-x. The same applies to Pakistan.

³⁷ *Quaid-i-Azam Mahomed Ali Jinnah Speeches* (Karachi: Pakistan Publications, n.d.), 7.

³⁸ Among the main challenges for Asia Pacific region, poverty, disengagement of the military from political economy, the professionalism of political parties, human rights, human resource development and press freedom have been highlighted. Heraldo Munoz, ed. *Democracy Rising: Assessing the Global Changes* (New Delhi: Viva Books Private Limited, 2006).

Human Rights

Quaid-i-Azam Muhammad Ali Jinnah, the father of the nation, after his election as the first president of the Constituent Assembly on August 11, 1947, outlined his concept and policies for Pakistan, which in essence are secular and democratic. For instance, he emphasized that in Pakistan:

every person no matter what is his colour, caste or creed, is first, second and last a citizen of this State with equal rights, privileges and obligations. ... you are free to go to your temples; you are free to go to your mosques or to any other place of worship in this State of Pakistan. You may belong to any religion or caste or creed – that has nothing to do with the business of the State. ... in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State.³⁹

As Governor-General, he affirmed that he shall always be guided by the “principles of justice and fair play” without any “prejudice or ill-will” or “partiality or favouritism”.⁴⁰ Unfortunately, he died a year after the birth of the country. Consequently –

... Pakistan has encountered frequent, unresolved political crises. They are woven into its concepts of political community, and have withstood uneasy relationships between state institutions and civil society. Pakistan's politics has also been characterized by incomplete constitution-making, a process that has placed the burden of constitutional interpretation and political change on state instruments varying from the bureaucracy to the military to the judiciary.⁴¹

Fundamental human rights are guaranteed in Chapter One of the Constitution of Islamic Republic of Pakistan but injustices against women and members of minorities continue. However, apart from reservation of seats for women in local, provincial and federal assemblies, the Protection against Harassment of Women at Workplace Bill 2009 sets tough penalties “to protect women from harassment and make them feel more secure.”⁴² Similarly, apart from reservation of seats in assemblies, the members of minority communities

³⁹ *Quaid-i-Azam Mahomed Ali Jinnah Speeches as Governor-General of Pakistan 1947-48* (Karachi: Government of Pakistan, n.d.), 6-10. Jinnah's address has been interpreted differently. Ch. Muhammad Ali in his *Emergence of Pakistan* has viewed it as an assurance for security to minorities, whereas Muhammad Munir states that Jinnah believed in secularism. See Muhammad Munir, *From Jinnah to Zia* (Lahore: Vanguard), 29.

⁴⁰ *Ibid.*

⁴¹ Paula R. Newberg, *Judging the State: Courts and Constitutional Politics in Pakistan* (New Delhi: Cambridge University Press, 1995), i.

⁴² *Dawn* (Islamabad), January 30, 2010.

have been given the right of double voting – one vote for general seats and another for choosing their representative for reserved seats. But sustained and firm efforts are necessary for the protection of the rights of minorities and women. It is a challenge for the democratic government to ensure implementation of rules and regulations concerning the fundamental human rights in true letter and spirit.

Strength of Democratic Governance in Pakistan

Pakistan Movement and Traditions

The Pakistan movement envisaged a democratic country with a federal structure. In all Constitutions of Pakistan (of 1956, 1962 and 1973) the objectives of governance, in the words of Dr. Ainslie T. Embree, Professor Emeritus of Columbia University, are:

democracy, freedom, equality, tolerance and social justice as enunciated by Islam, giving Muslims freedom to live their lives in accordance with the teachings of Islam, but with minorities having full freedom to profess their own religions.⁴³

Islamic and Cultural Traditions

Islam lays emphasis on the concept of *Shura*, i.e., consultation among people, which is the essence of democratic culture. Quaid-i-Azam, the founder of Pakistan had stated:

we learned democracy 1300 years ago. ... democracy is in our blood. It is in our marrows. Only centuries of adverse circumstances have made the circulation of that blood cold. It has got frozen, and our arteries are not functioning. But thank God, the blood is circulating again, thanks to the Muslim League efforts. It will be a People's government.⁴⁴

Culturally, in the region of Pakistan, there is a concept of *Jirga* or *Panchayat*, i.e., an assembly of elders, to settle issues and disputes involving two or more than two persons. This system has been prevalent for ages, much before the advent of Islam. Thus, both religion and age-old tradition advocate the concept of consultation in decision-making through an assembly of

⁴³ Ainslie T. Embree, Foreword, Hamid Yusuf, *Pakistan: A Study of Political Developments 1947-9* (Lahore: Sang-e-Meel Publications 1999), viii.

⁴⁴ Syed Sharifuddin Pirzada, *Evolution of Pakistan*, vol. II (Lahore: All Pakistan Legal Decisions, 1963), 415 and 424. The address was in response to the demand of a section of the Muslim Leaguers who, before the opening of the session, had proposed that the Muslim League should declare that the future Constitution of Pakistan would be based on Al-Quran.

people, which is the essence of democracy. During the period of British supremacy in the subcontinent, the practice of elections to assemblies (local, provincial and central) was introduced through various enactments. Finally, it was the Government of India Act 1935 under which the dominions of India and Pakistan functioned after independence till they framed their own constitutions. These enactments provided the groundwork for democratic governance.

It may be of interest to note that even when democratic rule was suspended by the armed forces, the military rulers always came with the promise to restore democratic governance. For instance, in 1970, General Yahya Khan is credited with organising the first ever general elections in the country, which led to the establishment of democratic governments both in Bangladesh and Pakistan. Besides holding of general elections in 2002 and 2007, General Musharraf's introduction of local government system introduced in 2001 is considered a "laudable model of governance" because of its principle that whatever can be done at the local level should not be done at a higher tier of governance.⁴⁵

Growth of Education, Civil Society and Media

The country is on the path to achieve full literacy and progress towards higher standard of education in important disciplines.⁴⁶ This is strengthening the civil society in ensuring the prevalence of democratic culture at the lower and higher level of governance. Secondly, the print and electronic media in Pakistan is vibrant and independent. A responsible media educates the masses, raises political consciousness and thus promotes democratic values, norms and culture. In addition, a number of non-governmental organizations (NGOs) are playing an active role in the field of education and contributing to the growth of a vibrant civil society and good governance.

Growth of Economy and Middle Class

Since 2003, Pakistan's economy has been growing by more than 6.5 per cent per year except for 2007-08, 2008-09 and 2009-10 when the growth declined to 4.1 per cent in 2007-08 and about 2.00 per cent in the following years. The decline is partly due to global economic recession and partly owing to

⁴⁵ Editorial, *Dawn* (Islamabad), January 2, 2010.

⁴⁶ There was only one university/degree awarding institution in 1947. Presently there are 120 universities/degree awarding institutions – 64 in public sector and 56 in private sector. Of these, there are six women universities/degree awarding institutions – five in public sector and one in private sector. See Noor ul Haq, "Education in Pakistan: Historical Perspective," Pervez Iqbal Cheema and other, (eds.), *Pakistan and Changing Scenario: Regional and Global* (Islamabad: Islamabad Policy Research Institute, 2008), 18.

disturbed conditions internally in the wake of the “war against terror”. The per capita income in 2008-09 was US\$ 1046.00, which has nearly doubled during the last decade.⁴⁷ Hopefully, the current phase of slow growth will soon be over, due to the inherent resilience of the economy, external support and remittances of Pakistanis. The Enhanced Partnership Act 2009 (commonly known as Kerry-Lugar Bill) provides assurance for a long-term US assistance and focuses on “democracy, pluralism, stability and fight against terrorism”.⁴⁸ Pakistan is a developing country and needs foreign assistance. Its GDP and per capita income has increased and a growing middle class is visible in the country, which is one of the stake holders and a factor in strengthening self-confidence and democracy.

Security and Democracy

During the entire history of Pakistan, the country has faced military threats from the east. Now the country is facing threats in the west also. It is a heaven-sent opportunity for Indians to be active on Pakistan’s western borders so as to pressurize it from the east as well as the west. The realization is growing that under democratic dispensation the country can fight as well, if not better, as under an authoritarian rule. It is said that “democracies are more capable than other systems of mobilizing their resources” to fight and win a war.⁴⁹ However, the factor of nuclear deterrence has kept hostilities at bay on the country’s eastern borders. Hopefully, the changed policies of the US administration under President Obama will be able to bring peace and stability to Afghanistan with its salutary impact on Pakistan. When Afghanistan’s government has stabilized after withdrawal of foreign forces, it is expected it will revert to its traditional role of a neutral country. This would ensure peace on Pakistan’s western borders also.

Conclusion: Guarded Optimism

It was tragic that the country faced numerous problems and was “hijacked soon after independence by the ruling classes belonging to feudalists, senior bureaucrats, incompetent politicians and ambitious military generals who transformed it into an elitist system.”⁵⁰ It was visualized that the people of Pakistan may “either remain under the feudal stranglehold for ever or gain

⁴⁷ “Growth in Pakistan”, <http://go.worldbank.org/QTEHWNS5Q70>; *Economic Survey of Pakistan 2008-09*; IPRI Factfile: *The State of the Economy of Pakistan*, vol. XI, no. 7, July 2009.

⁴⁸ Senator Dick Lugar’s Floor Statement, May 4, 2009.

⁴⁹ Mathew Evangelista and others, (eds.), *Democracy and Security* (New York: Routledge, 2008), 4.

⁵⁰ Javid Husain, “Public welfare and democracy”, *Dawn* (Islamabad), June 18, 2007.

direct access to political and economic rights by freeing our political culture from the exploitative elitist and feudal political structures.”⁵¹ The latter alternative may now be succeeding. Unlike the past assemblies, at present almost half of the new members of legislative assemblies are young and educated. All stake holders seem desirous to establish the supremacy of the parliament. The 18th amendment to the Constitution ensures the supremacy and sovereignty of the parliament.

Second, the politicians may have learnt lessons from their past mistakes and should be more mature politically. A consensus politics seem to be emerging in the country. In the past, the constant infighting amongst political parties had often led to interference and take-over by the armed forces. Now a culture of reconciliation, accommodation and dialogue is emerging. The ideological polarization is diminishing. After general elections of February 2008, four major political parties, i.e., Pakistan Peoples Party (PPP), PML – Nawaz (PML-N), Awami National Party (ANP), Jamiat-ul-Ulema-i-Islam – Fazalur Rahman (JUI-F) and Muttahida Qaumi Movement (MQM) had joined hands to govern the country and re-establish the supremacy of the Parliament in accordance with the Constitution of 1973.

Third, a vibrant and responsible media can also educate the masses and keep them well informed. Currently, dozens of newspapers and journals, and as many as fifty television channels are operating. They are raising political consciousness and thus promoting democratic values, norms and culture. With the help of the media, the unprecedented country-wide lawyer's movement throughout the country during 2007-2008 has demonstrated the strength of political activism and the people's urge for the rule of law and independence of judiciary. The one hundred thousand strong lawyers' community has experienced its power as a pressure group and may again rise in alliance with civil society if independence of judiciary is threatened.

Fourth, the supremacy of parliament was fully demonstrated when President Musharraf resigned on August 18, 2008 after being threatened with impeachment by the Parliament. In the past, exploiting the confrontation between main political parties (especially PPP and PML), the civilian elected President Ishaq (1988-93) had dissolved the National and Provincial Assemblies twice⁵². Similarly, President Leghari (1993-1997) had dismissed the elected Assemblies⁵³. However, in 1998, President Musharraf, a military ruler, could not do the same because of the changed political consciousness and environment.

⁵¹ Shamshad Ahmad Khan, “Primacy of Democracy in Pakistan”, *Dawn* (Islamabad), August 5, 2006.

⁵² He dismissed Prime Minister Benazir Bhutto (1988-1990) and Prime Minister Mian Muhammad Nawaz Sharif (1990-1993).

⁵³ He dismissed Prime Minister Benazir Bhutto (1993-1996) in November 1996.

Fifth, the Constitution of Pakistan of 1973 provides the politico-legal framework for parliamentary democracy and federal form of government, guaranteeing freedom of expression and religion and free and fair elections, etc. It has withstood the military governments of General Zia and General Musharraf. This constitution, it appears, has sustained democracy, in spite of intervening periods of suspension, and guarantees the continuation of democratic governance in the country.

Sixth, whereas general elections were not held for a quarter century after the birth of Pakistan, these are now being held regularly.⁵⁴

Seventh, the main factors which inhibited and retarded the growth of democracy in the country are slowly dying. Now “the external as well as internal forces that [had] hitherto sustained authoritarianism in Pakistan have either retreated or become dormant.”⁵⁵ It is hoped that the congenial atmosphere thus created would strengthen political parties and political institutions, which, in turn, would further promote and strengthen the cause of democratic governance and democratic values, culture and norms.

To sum up, it is the political leadership which can ensure permanence to democratic governance. The prospects are, however, not as dismal as sometimes portrayed. Already, the literacy rate in Pakistan has increased to more than fifty five per cent.⁵⁶ Efforts are afoot to improve the standard of higher education. The economic growth and industrialization has given birth to a vocal urban society and middle class, which is growing, and gradually lessening the influence of the feudal class. The vibrant electronic and print media is playing an effective role in constructive criticism of the government and in educating the masses. Elections are being held regularly, representative political leadership and political parties are getting stronger and a peaceful mode of transfer of power is becoming the norm. The bureaucracy (both civil and military), though still powerful, may retreat gradually and submit to the peoples’ power and will and concede to democratic governance. The

⁵⁴ Whereas indirect elections were held in February 1960 and January 1965 by General Ayub, and General Zia held non-party elections in February 1985, direct elections to national and provincial assemblies based on adult franchise were held in December 1970 under General Yahya, in March 1977 under Zulfikar Ali Bhutto, in November 1988 and again in August 1990 and October 1993 under President Ishaq, in February 1997 under President Leghari, and in October 2002 and February 2008 under General Musharraf.

⁵⁵ Rashid Ahmad Khan, “President vs. Parliament”, *The Nation* (online), August 19, 2008, <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/Opinions/Columns/19-Aug-2008/President-vs-parliament>.

⁵⁶ Ministry of Education, Academy of Education Planning and Management, 2005 census revealed that the literacy rate by age group 10+ was 54.5 percent during 2005-06. The literacy rate should have increased by 2009-10.

democratic process is progressing and, hopefully, will not be obstructed and derailed, as in the past.

Dr. Noor ul Haq, Senior Research Fellow, Islamabad Policy Research Institute,
IPRI Journal, vol. x, no.1 (Winter 2010): 1-21.

GILANI'S DIALOGUE WITH NATION

True to his known quality of averting all sorts of crises, Prime Minister Syed Yusuf Raza Gilani was once again at his best when he delivered a very remarkable speech in the National Assembly on Monday negating fears of a possible show down with another pillar of the State ie the judiciary. The contents of the statement as well as accommodative tone and tenor of the chief executive has had soothing effect on the overall situation, defusing the crisis if one was brewing.

It, of course, requires a lot of moral courage, wisdom, maturity and sagacity to demonstrate enough flexibility for the sake of harmonious relationship among state institutions and we are glad that Gilani has demonstrated them all during his marvelous discourse in the lower house of the parliament and rightly received applause not only from the treasury benches but also visible appreciation from those sitting in the galleries. His reconciliatory approach was quite contrary to the apprehensions that were being expressed by some segments of the society and would help restore normalcy to the system, putting it once again back on rail and deepening further the philosophy of reconciliation that has become hallmark of the incumbent Prime Minister. And the PM has not performed excellently on this front alone, as he is now concentrating on how to improve governance and come out with meaningful policies and programmes for welfare of the people during remaining period of his tenure. For this purpose, he has initiated a series of interaction with different segments of the society under "Dialogue with the Nation", which is again a marked departure from the past when customary interaction was done with Editors and Journalists for exchange of views on national issues. The aides of the Prime Minister who conceived the idea, deserve credit for this brilliant idea as wisdom is not restricted to any particular class and any one can come out with a proposal or plan that could help address some problem or the challenge confronting the nation. We are confident that the Prime Minister would now be better equipped with ideas and programmes to give a road map on August 14 to turn the country into Quaid's Pakistan which is free from cynicism and is abode of peace and security.

Editorial, *Pakistan Observer* (Islamabad), August 3, 2011,
<http://www.pakobserver.net/201108/03/detailnews.asp?id=106799>

CELEBRATING PROVINCIAL AUTONOMY

July 1, declared as the day of provincial autonomy to mark the completion of devolution process, failed to elicit the kind of public and media attention as it rightfully deserved, given its far-reaching impact on the direction of our state and society. While the national attention was rightfully focused on what was transpiring in Pakistan's financial hub, Karachi, the political parties remained busy in trading allegations without offering any concrete insight into the enigma Pakistan increasingly finds itself in. This trivialisation of debate on key policy issues caused political forces to cut a sorry figure in front of the people who expected better handle on the situation from the political elite. As the Karachi burnt and innocent people lost their lives to the stray bullets, political forces played up to the gallery and did little to stem the tide of violence and mayhem. In these dire circumstances, the country's national political scene remained abuzz with talk of the Grand National Alliance. Despite the severity of these challenges, July 1 deserved to be celebrated with zeal and zest as it represented the success of politics of reconciliation the political forces demonstrated on the occasion of the passage of 18th constitutional amendment. The observers of national scene are aware of the fact that traditionally speaking, lack of political will and inability of the successive administrations to transfer political, economic and administrative power to the federating units has been at the heart of preset predicaments and challenges the country is bogged down in. An historical look at the gradual evolution of provincial autonomy in the context of Pakistan is in order, which would give one an idea as to what the completion of devolution process symbolises. The Muslims of the sub-continent based their demand for separate homeland on their right to self-determination. Their demand reflected a gradual evolution starting from 1882 to 1909 to 1919 to 1935. These constitutional arrangements indicated slow and gradual surrender of power to the federating units though the major bulk of power remained concentrated in the ruling British. The struggle for Pakistan was premised on garnering maximum provincial autonomy for the Muslim-majority areas. After the partition took place in 1947, those who succeeded the Quaid-e-Azam favoured strong centre and invoked the magnitude of post-partition settlement issues and dangers of foreign aggression to support their stance. Three provincial governments were sent packing on the contentious issue of provincial issue. The first and second constitution drafting committees could not come up to the task of reconciling differences between advocates of strong centre and autonomous provincial governments. Hence, the country functioned without a consensus-based constitution simply on the Government of India Act 1935 as amended in 1947. The merger of provinces belonging to West Pakistan into One Unit in 1955 was a strong blow to the idea of provincial autonomy. The Constitutions

of 1956 and 1962 enhanced powers of the central government to the detriment of the federating units. The heart-rending incident of separation of East Pakistan largely owes itself to the denial of provincial autonomy and fair distribution of powers between the federal and provincial governments. Consequently, they launched a mass movement to get their due rights and the military action against them resulted in the creation of Bangladesh. The Fall of Dhaka is a great national tragedy which would continue to haunt the Pakistanis for times to come. The framers of 1973 Constitution were aware of this background. They introduced a federal system of governance, which divided the subjects into federal and concurrent lists with the latter set to be abolished gradually. But alas this was not to be. The successive governments, both military and civilians, shied away from their constitutional obligations to abolish concurrent list and devolve subjects contained in it to the federating units. The military rulers, on the contrary, experimented with new governance structures. The recent example of a flawed local government system introduced by former President Musharraf personifies the dilemmas that faced our successive governments. The protection of local government system given by the previous government by placing it in the Sixth Schedule of the Constitution proverbially made it a federal subject by taking it away from the provincial domain. It was after eight long years that the provincial legislatures got power to legislate on the subject of local governments. The festering wounds of deprivation felt by the Baloch people are, in a large part, due to lack of political, economic and administrative decentralisation. It is in this background that abolishing of the concurrent list and devolution of its subjects to the federating units coupled with consensual adoption of the 7th National Finance Commission Award (NFC) needs to be celebrated by all over and above political divide. It is now upon the provincial governments to make the best use of changed power equation and translate the newly acquired provincial autonomy into direct service and benefits to the people. They need to focus on developing capacity of their respective departments besides imparting training and motivation to its personnel to undertake their responsibilities with full commitment and devotion. They must also ensure the optimum and judicious use of resources, transferred to them under the 7th NFC, by putting in place transparency in the system.

Amanat Ali Chaudhry, *Frontier Post* (Peshawar), August 3, 2011,
<http://www.thefrontierpost.com/?p=39731>

NEW PROVINCE

With the formation of a committee by the PML-N's, the politics of creating new provinces has reached an altogether new level. The committee is to offer suggestions on the creation of a new province. These suggestions, according to

a party spokesman, will have to conform with the “interests of the people and the federation” and be in sync with PML-N chief Nawaz Sharif’s speech to the party’s central general council on July 27, in which he supported new provinces for the purposes of better administration and not on ethnic or racial grounds. This is a significant development considering the PML-N’s presence in Punjab, where the demand for a Seraiki province is at its loudest today. Mr Nawaz Sharif’s position against the creation of new provinces has been tempered by the realisation that the demand for a Seraiki province is gaining popularity. On the other hand, the party’s other top leaders, especially Punjab Chief Minister Shahbaz Sharif, have made it known that, should it suit them politically, the Sharifs will not hesitate to propagate a similar arrangement in other provinces, particularly in the PPP stronghold of Sindh. The message is clearly that if it is the PPP that has begun the story, the PML-N is aware of the political potential of the issue and keen to edit the script to its own advantage. For now at least, the PML-N’s approach to the issue is cloaked in a grand national narrative. Mr Nawaz Sharif’s position in his July 27 speech appears to be a façade that does not quite conceal. Any division will have to ultimately be based on certain geographical realities as well as factors such as language. Beneath the thin veneer thrown over it, the PML-N’s advance brings us all closer to a new province.

Editorial, *Dawn* (Islamabad), August 3, 2011,
<http://www.dawn.com/2011/08/03/new-province.html>

IMPLEMENTATION OF LG SYSTEM

After the inception of the concept of “nation-state”, the countries of western world drafted local government systems in accordance with their indigenous needs which ensured decentralization, delegating administrative and financial powers to the local governments. Irrespective of the model of the state — federal or unitary, these states ensured participation of the people in state affairs through elections. We have models of USA, New Zealand, Scandinavian countries, Japan, Malaysia and Western European countries where the people are provided civic amenities at their door step.

Despite their verbal adherence, the ruling elite of Pakistan have never been ‘democratic’ in its core. To the contrary, most of them believe in an administrative setup which ensures perpetuation of their sway in the process of decision-making. An important factor which did not let any local government system gain strength had been negative attitude of bureaucracy. The bureaucracy has never been “decolonized” and is displaying rather an attitude of “master” than of “servant” to the people. Bureaucracy refused to give up their almighty power which it had been enjoying since British colonial era. If at times, any Government strived to introduce reforms at grass root

level, the bureaucracy ensured it did not happen for the simple reason it did not want to be subservient to locally elected public representatives but it prefers to remain under the absentee bosses' present at provincial or federal capitals.

When Local Government Ordinance 2001' was promulgated by the regime of Gen. Pervaiz Musharraf, the people, though mostly unaware of the complexities of the new system, and the local representatives were not cognizant of their newly acquired role, even then in many parts of the country, decades-old problems at local levels, which had been un-resolved hitherto, were addressed successfully. However after the political governments took charge in federal and provincial capitals in the wake of general elections in 2002', the ruling elite left no stone unturned to undermine the very foundation of the plan and successfully crippled these local governments.

For a democracy, existence and strength of political parties is a pre-requisite because it is their duty to educate the people about their rights and provide their respective manifesto for their particular way to solve those problems so that the people may get lured to vote them to power in general elections. Sadly, no political party in Pakistan has a real intention to devolve power at grass root level. Most of the political parties are being run like family business concerns with no democracy within their own ranks. The party chief acts like a chieftain while the workers are treated like slaves. Their manifesto may carry articles with a pledge to introduce LG system but in the past, all political parties which had had chance to rule, did not manifest any desire to empower people local level.

After knowing the factors which impede implementation of viable LG system, need of the hour is to craft alternate ways to build public opinion in favour of devolution of power. The people have to be educated why some countries are ranked as best places to live in the world. The Organization for Economic Co-operation and Development (OECD) developed the "Your Better Life Index". The study examined 34 countries in 11 different categories: housing, income, jobs, community, education, environment, governance, health, life satisfaction, safety and work-life balance. Concerned about jobs? Go to Norway! More into health? Australia, with its robust government healthcare. All factors being equal, Australia, Canada, Norway, Sweden and New Zealand seem to be at the top of the list. The USA ranks very high in a few factors—income, education and a functional government – while only scoring average in work-life balance. A careful study of those factors which makes some countries as best for living shows what is most important for the people, viz, income, education, a functional government (usually local as well as federal), public health, education, infrastructure, security, Physical planning, town planning and building control, traffic regulation. It is not difficult to understand that all such functions can aptly be carried out by the local governments much better than the federal and the provincial governments.

The only option to impress upon the political parties is to build public opinion and the only way to achieve this target is to provide awareness to the people. A savvy electorate can coerce the political parties to make pledge it will devolve powers from centre to local level after being at the helm of affairs. For the sake of introducing changes to social policy, non-governmental organizations with the help of media can work to achieve this target. International organizations working in local government sector may be encouraged to support the effort.

M Naeem Sidhu, *Pakistan Observer* (Islamabad) August 3, 2011,
<http://www.pakobserver.net/201108/03/detailnews.asp?id=106808>

POWER PLAY

As it happens, another confrontation between the superior judiciary and the government – over the SC orders for Sohail Ahmad to be reinstated as secretary establishment in 24 hours – ended in a whimper. The unfortunate losers are the hapless people of Pakistan who are seeing their government go berserk while the SC appears unable to follow through on its orders. By escaping accountability Houdini-like one more time and that also with a compromise, the government has got the better of the SC once again. Does one wonder why it has led to the erosion of the authority of the SC?

The double-faced perfidy of the government was exposed in detail by friend Ansar Abbasi. The PM blithely declared on the floor of the house that the government had no intention of confronting the judiciary which it held in the “highest respect”. Extracts from the cabinet minutes said otherwise. Instead of being apologetic for its conduct towards the superior judiciary and for ignoring the implementation of the apex court’s orders, “The activism of the judiciary has been counterproductive for the executive authority of the state and is affecting the performance of the civil service, which has also been forced into acts of indiscipline and violation of service rules, pushing the system to a complete collapse, leading to anarchy”, unquote. By making a senior bureaucrat OSD simply for obeying the SC’s orders, the government sent out a clear and blunt warning to all public servants, “fall into line for whatever order we give, legal or illegal, or we will consign you post-haste, SC or no SC, to an insignificant hole-in-the-wall dumping ground, first OSD and then secretary narcotics control, like we did for Sohail Ahmed, and before that, Tariq Khosa!”

According to the PPP dissident, “Pakistan is being pushed towards a dangerous situation only to protect a few faces behind the messy scenario”. No surprise that a majority of the population agree with the mass perception that the government of the day is responsible for the existing tension and circumstances due to non-implementation of court decisions. The PPP game

plan, crafted by Dr (??) Babar Awan, is simple, confront the judiciary on each and every decision, and back down only when faced with certain defeat. Besides damaging the economy this frequent confrontational policy has put the country's population on psychological edge.

To quote the honourable CJ SC, Mr Iftikhar Chaudhry, "Constitutionalism imposes certain restraints on the arbitrary exercise of power by the legislative, executive and judicial organs to help facilitate the establishment of good governance. An independent and impartial judiciary plays a key role in checking constitutional deviations by any institution. In democracies, the use of arbitrary power is considered anathema to the rule of law. Under a democratic system, law is always supreme and against the exercise of arbitrary or capricious authority by any institution or its functionary". One may add respectfully, what one expects from the SC is that justice must be implemented without any other consideration and we should not be subjected to repeated courtroom drama meant only as a sop for the gallery.

In his retirement speech on July 31, 2011, Justice Javed Iqbal, who will continue to head the Abbottabad Commission, said, "The SC plays a crucial role in the dispensation of justice and upholding the rule of law. I have no hesitation in my mind that an independent judiciary is a known trait of any democratic system". He added, "The correlation between constitutionalism and rule of law lies in the fact that constitutionalism provides a minimal guarantee of personal safety, security, dignity, liberty, equality and enjoyment of property. A society built on democratic values ensures dignity and freedom to its people". One may well ask Justice Iqbal, where is the dignity and self-respect of public servants being treated worse than slaves? If the sons of the high and mighty are likely to be indicted for corruption and the government is plainly trying to frustrate the course of justice, where is the national interest, and who will uphold it if not the SC?

The very nature of governance puts the executive and the judiciary on opposite sides of the governance spectrum. Given that misuse or circumventing of authority either deliberately or inadvertently is a part of governance, the judiciary acts as a check and balance for government excess against the common citizen. Most of the time exceeding of authority can be genuinely explained, in day-to-day governance the circumventing and/or negligence in application of the rule of law is commonplace in any civilised society. The problem is when it is deliberate and done for criminal intent, and for various ulterior motives. The judicial system must ensure that neither the inadvertent breaking of the rule of law or the deliberate violation of it takes place, and if and when it does and for whatever reason, to ensure that those perpetrating it are taken to task, whoever they may be.

This systematic erosion of the SC's authority was deliberately planned and meticulously implemented. With the SC failing to penalise the government when it has refused to implement its edicts time and again, their orders (the

threat of Article 190 notwithstanding) became akin to a bluff. The government repeatedly called that bluff successfully. In an “aid to civil power” situation, a lesson every “fighting arm” second lieutenant is familiar with is that, unless given written permission by the magistrate, “do not fire”. Given the necessary permission once the magistrate believes the situation has gone out of control of the police, the fire must be “for effect”, not to maim or temporarily incapacitate.

On first glance this may seem inhuman, the rationale is that unless the crowd is dispersed in the initial stages of the riot by extreme use of force, the situation could well go out of control and the crowd would go berserk. To stop an enraged crowd becoming a mob, the firing would then have to be more widespread; hundreds could well die and/or be injured. The logic is, use force effectively so that you do not have to use force more indiscriminately later.

Ikram Sehgal, *News International* (Rawalpindi), August 4, 2011,
<http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=61065&Cat=9&dt=8/4/2011>

POLITICAL PARTIES IN FATA

Prime Minister Yousuf Raza Gilani indicated in the National Assembly on Wednesday that the government would extend the Political Parties Act to the Federally Administered Tribal Areas (FATA) to allow formation of political parties in the troubled region. He did not specify the time when this would happen but said the regulations were necessitated by continuing terrorist attacks on schools and law-enforcement agencies now through an operation in the troubled region. Formation of political parties has never been allowed in the tribal areas from where 12 members of the 342-seat National Assembly and eight members of the 100-seat Senate are elected as independents who can align with any political party without formally joining it. However, this representation is merely symbolic as FATA lawmakers are neither involved in legislative work nor represent their constituencies in a manner others do. This is not the first time that the prime minister has made the promise, President Asif Ali Zardari held out the same assurance two years ago in addition to setting up of an appellate authority to take judicial review of the political agents’ decisions. Although the president’s initiative was considered to be late and little in the overall scenario and in view of the geo-political strategic location of seven agencies of FATA, many termed it a step forward in bringing the region in the mainstream of political and judicial life. But the president’s commitment has not been honoured although the decision can be enforced through a presidential order and no act of parliament is required to lead FATA to a new transformation. The delay seems to have taken place as the security establishment of the country wants a status quo at least till the time their

operation is over. Same is understood to be the cause of not dispensing with the colonial era Frontier Crimes Regulation of 1901, designed to punish brave Pashtun people who rose to rebellion against the alien rule, provide for the region to be administered by bureaucrats (political agents) who enjoy arbitrary powers under the FCRs that are free from judicial or parliamentary oversight. Comprising seven agencies of Bajaur, Mohmand, Khyber, Kurram, Orakzai, North Waziristan and South Waziristan, FATA has a population of around 10 million and also strategic importance as it borders troubled Afghanistan. The region fully qualifies to be given the status of a new province as its vast and rich potential holds out a promise that this will be financially viable and autonomous. But the prospective remains untapped because FATA, despite its strategic location and a direct victim of terrorism, has no political and socio-economic rights and its people are the poorest of the regions in Pakistan. This unwanted situation owes largely to the region and its people have no government of their own; there is no legislature, high court and law enforcement force. This is the high time FATA is given its due. For the transition, the government can extend the writ of the Peshawar High Court to this disadvantaged area along with political parties setting up their offices. But the step is required to be taken now; any delay will cost the country heavily.

Editorial, *Frontier Post* (Peshawar), August 5, 2011,
<http://www.thefrontierpost.com/?p=40585>

MOVE THAT BACKFIRED

The next 24 hours that Babar Awan had predicted to be "very important" have passed and the political system is still in one piece, proving wrong this official compass on constitutional issues.

Somehow, Prime Minister Gilani managed to stay clear of his former law minister's brief, shunning the path of confrontation with the judiciary by taking a low-profile stand on the floor of the National Assembly.

And to much wonderment of many, the much-talked about 'resolution' that was to assert his government's exclusive right to control and direct the bureaucracy did not materialise.

Not that Prime Minister Gilani was tame and timid in his expression; he was quite rhetorical but less argumentative, and instead of targeting the judiciary he directed his fire at the PML (N) leadership.

In fact, the PML (N) leaders had earned the prime minister's ire for they too - with hindsight it appears wrongly - had over-reacted to the 'resolution' threat and made certain outlandish counter-threats.

Why the hype built over the week, since the Supreme Court's order to restore the then Establishment Secretary Sohail Ahmed and bring back to the

FIA, the Hajj scam investigator Hussain Asghar dissipated so quickly, a cogent explanation has yet to come by.

Given that the National Assembly was called to session after two very high-level conclaves in the Presidency, the mystery remains as to what triggered the shift in the government position vis-à-vis the Supreme Court.

May be, the order of the court that in effect clearly stated that the executive has the right to transfer bureaucrats but does not have the right to punish for compliance with orders of the court, had worked.

But even when Prime Minister Gilani put up a conciliatory face and claimed his government was never short on implementing the orders and verdicts of the Supreme Court, there was ample evidence to suggest that the government would persist in its present mode of defiance.

That he restored Sohail Ahmed just before the National Assembly session it is too inadequate an evidence to justify his claim of 'fully' implementing the apex court's orders and decisions.

The sad truth is that the prime minister of Pakistan was less than forthright and truthful in his address from the floor of the National Assembly.

Against how openly and blatantly his government defied the Supreme Court on almost all of its orders and verdicts that relate to the PPP leadership, he had no case.

If his government had decided finally not to go for an anti-Supreme Court resolution in parliament, Prime Minister Gilani should have then taken the next best step; he should have announced some kind of timelines for implementation of the court's outstanding orders.

And, how come he should accuse the opposition of manipulating the bureaucracy, while the fact remains that it's the government that consistently used its officials, both as investigators and witnesses, before the judges.

Who doesn't know in Pakistan why there is insistence on the part of the government that the judiciary has no say in running affairs of the executive.

Prime Minister Gilani is right in saying that transfers and postings of officers is the prerogative of the chief executive, but that right ceases to exist when the said officers are investigating allegations of corruption against the chief executive.

Isn't it true that in the Hajj scam, the prime minister's son is alleged to be an illegal beneficiary? Then this perception is also misleading and wrong that the parliament is over and above the Supreme Court and is the sole defender of the constitution.

In a democratic system, which we have, the parliament is one of the three principal organs of state, and that its control over the constitution is only to the extent of amending it.

As to what the constitution is and what it implies, in case there is a controversy it is the Supreme Court that shows the way.

Simply stated, while the legislature makes laws and amends the constitution, it is the sole prerogative of the apex court to interpret the laws and the constitution.

This separation of power forms the bedrock of the democratic system, and has to be respected to ensure its survival.

The government would be sadly mistaken if it believes that it is tiring out the apex court and that over the time, the cases involving its leadership would be consigned to limbo.

Yes the court is exhibiting extraordinary patience, but that is what justice with equity is.

In the end, we have no doubt that justice will prevail - letting none of the guilty escape the long arm of the law.

Editorial, *Business Recorder* (Karachi), August 5, 2011,
<http://www.brecorder.com/editorials/single/600/0:/1219678:move-that-backfired/?date=2011-08-05>

CRITERIA FOR NEW PROVINCES

Creation of new provinces has once again become a hotly debated issue with different leaders and interest groups expressing their views in different perspective. Some forces are pushing forward the idea of creation of a new province in Punjab on linguistic basis while others are forcefully advocating that divisions should be made purely on administrative lines and necessities.

Statement of Senator Babar Awan, who is known for loose and boastful talk, that people of Saraiki region would hear good news during Ramzan gave birth to rumours that the President was to announce creation of the Saraiki province on Independence Day but presidential spokesman Farhatullah Babar has put such reports at rest by issuing a clarification. It is obvious that the President cannot make any unilateral announcement in this regard as under the constitutional scheme of things first a unanimous resolution should be passed by the province concerned and only then a constitutional amendment can be made, which is not possible in the Punjab Assembly right now as PPP/PML(Q) and PML(N) have differing perspectives on the issue despite the fact that none of them is publicly opposing the idea of having more province. Indeed there are some rational voices who believe that the existing prejudices and the so-called sense of deprivation can only be addressed by creation of new provinces out of the existing ones but the existing moves seem to be directed mainly against Punjab, ignoring the fact that similar adjustments were also needed in other provinces as well as part of long term solution to issues relating to governance and management. Therefore, there is logic in the proposal mooted by PML (N) stalwart Shahid Khaqan Abbasi, MNA who has advocated conversion of the existing divisions into provinces.

Though this proposal would mean addition in non-developmental expenditure but this could surely take care of problems of the people and promotion of harmonious relationship among different communities of the country. As for additional expenditure, this can be minimized by constitutionally putting restrictions on the size of the government and the bureaucracy.

Editorial, *Pakistan Observer* (Islamabad), August 6, 2011,
<http://www.pakobserver.net/201108/06/detailnews.asp?id=107367>

PPP-MQM THAW

The MQM and the PPP appear to making another, sensible, attempt at resolving Karachi's problems politically. The meeting between Sindh Governor Ishratul Ibad and Babar Awan in Islamabad and the positive signals sent out at a joint appearance before the media afterwards suggest that the beleaguered people of Karachi may finally get some respite in the days ahead. That Governor Ibad was representing the MQM side will also be interpreted positively: he is believed to get along well with the Zardari camp and, perhaps because of his own job being on the line, is keen to get the problems of Karachi resolved as amicably as possible. While little can be said with certainty about the murky world of Karachi politics, it seems fairly plausible the MQM would have had two major demands. One, the party believes that the MQM-Haqiqi and segments of the Baloch population have been activated against the MQM at the behest of its political rivals. A return to peace in Karachi would involve deactivating the MQM-Haqiqi and Baloch elements. Two, the MQM will have demanded that the commissionerate system reintroduced recently be dismantled and a local government system be put in place that allows the MQM to capitalise on its electoral advantages in parts of urban Sindh and in Karachi in particular.

Perhaps, though, much will hinge on the PPP rethinking its approach to politics in Karachi. Having roped in the PML-Q at the centre, the PPP's dependence on the MQM to maintain the federal coalition has evaporated. That appears to have led to a less accommodating approach towards MQM demands and, in some ways, the gloves coming off in Karachi. In areas like Landhi and Malir, MQM strongholds over the past decade, the MQM has been given a bloody nose as its rivals seek to regain political space and power. Further complicating matters is that some in the PPP appear to have an eye on shoring up the party's core voter constituency, rural Sindh, by playing the ethnic card and stoking fears of provincial separatism. Flirting with danger, the PPP has invited an inevitable backlash, leaving Karachi in the grip of escalating violence.

Now, as the PPP counts the 'benefits' of its strategy and the MQM worries about becoming further isolated in a city from which it derives much

of its political strength, both sides appear to be thinking of ways of lowering the temperature. Whether the rapprochement will stick this time is hard to say. These are early days and the denizens of Karachi have reason to be apprehensive. The recovery from the descent into madness is far from a sure thing yet.

Editorial, *Dawn* (Islamabad), August 7, 2011,
<http://www.dawn.com/2011/08/07/ppp-mqm-thaw.html>

RESTORE LG SYSTEM ACROSS THE COUNTRY

The agreement between the PPP government and the MQM for restoration of Local Government system in Karachi and Hyderabad and other issues of differences would be welcomed by all the stake holders in Karachi as the city has been witnessing acts of violence on daily basis and perhaps the removal of political irritants would enable the two parties to work jointly and once again attempt for restoration of peace. An ordinance restoring the system was also issued late on Saturday night after detailed consultations between Sindh Governor Dr Ishratul Ebad Khan, President Zardari's representative Dr Babar Awan and Sindh Chief Minister Syed Qaim Ali Shah.

The way things are moving now between PPP and MQM, it looks that the later would soon join the Federal and Sindh Cabinets and that too would be a positive development at a time when the political temperature is going up. In the wake of new developments, we think the need of the hour is to restore the Local Government system not only in Karachi and Hyderabad but also all over the country. The system, though having some weaknesses, which could be removed after thorough debate between the political parties, has proved its usefulness and is praised by the people particularly in the rural and far-flung areas. Massive resources were allocated to the district councils, which were utilized on the recommendations of elected representatives who were well aware of the development needs of their areas. Before the LG system, development schemes were executed on the recommendations of Deputy Commissioners who were not fully abreast of the needs of the people. For two years now, the Federal and Provincial Governments did not pay any heed to the holding of local government elections, as they feared that perhaps they might not be able to win the seats of district Nazims and thus their authority would be challenged. Different tactics were used to delay the holding of elections including formation of committees for reforms. We believe that while the Federal Government has devolved powers to the Provinces after the passage of the 18th amendment in the constitution, it is time that there must be further devolution to the district level. Therefore we would stress that the Federal Government must give a final date to the Provincial Governments for

the holding of much delayed local government elections before the end of the current year.

Editorial, *Pakistan Observer* (Islamabad), August 8, 2011,
<http://www.pakobserver.net/201108/08/detailnews.asp?id=107747>

GOVERNANCE AND DEVELOPMENT

Governance and human development are closely intertwined as sustainable human development is almost impossible without good governance. No doubt income plays a fundamental role, as argued by Nobel laureate Amartya Sen, in facilitating the access of individuals to opportunities and capabilities but the relationship between income and capabilities is neither automatic nor constant, meaning good governance is a must to translate income/growth (if we can achieve it at all in a setting of bad institutions) into human development. In this context, reform of institutions to promote good governance is highly significant in order to pull the people out of poverty and deprivation.

A majority of our population is faced with acute deprivation. According to a UNDP estimate, about 51 percent of our population is living in multidimensional poverty and as many as 54 percent of the people are living in intense deprivation. The capabilities approach to human development places high reliance on good governance to reduce such deprivations. The report of the Commission (that included two prominent economists of our times – Joseph Stiglitz of Columbia and Amartya Sen currently at Harvard – on the “Measurement of Economic Performance and Social Progress,” has advocated a new approach, based on multidimensionality of well being for measuring and achieving human development.

Only two points of the report need to be emphasised here to make the point. First, we need to go beyond GDP as a measure of human welfare as well being is multidimensional, the report says. The multidimensionality of well being should, *inter alia*, include elements like material living standards (such as income, wealth and consumption), health, education, social connections and relationships, environment, and insecurity (both economic and physical) that shape people’s well being.

Second, the role of the state cannot be downplayed in human development as the state plays an important role in the provision of services in today’s complex economies. The state is responsible for the provision of public services such as education, law and order, justice, and infrastructure. But the state is always faced with scarcity of resources. Performance of the state can be enhanced only if service delivery is made efficient in terms of cost efficiency, reach and quality. It requires that the state not only allocates sufficient resources for the provision of such services but at the same time uses such resources efficiently. This would only be possible if the institutions

are strong, the government is committed to controlling corruption, and effective accountability mechanisms are in place.

The state has also a crucial role to play in enforcing and defining the rules and policies designed to reduce social exclusion and discrimination. If governance is poor, the intended objectives of such rules, however grandiose they are, will not be achieved. For example, education is one of the most important dimensions of development from the capabilities perspective of development. In our case the state of affairs of the public sector education is not that ideal mainly due to weak governance.

How does weak governance contribute towards this unsavoury situation? The vicious circle starts from the inability of the state to raise sufficient revenue due to weak governance. The capacity of the state to raise taxes is now taken as a good proxy for governance in empirical literature. If a state fails to collect due taxes, it signifies that governance is weak. Low revenue collection means that our needs outstrip our resources; hence there are low allocations for the social sectors including education. Budget allocation for education is then spent mainly on two broad expenditure heads: first, for building new infrastructure (schools and colleges) and the maintenance of old institutions and second operational expenditure including the salaries of teachers and other staff.

The story of ghost schools is not that old. It is very much likely that such schools exist even today especially in the far flung areas due to weak accountability and corruption; both indicators of poor governance. Merely scaling up public investment in education sector will not yield high returns unless efforts are made to improve governance at each and every level of government.

The rapid deterioration of the infrastructure, negligence in the provision of basic necessities such as clean water and toilets is not due to resource constraints only; poor governance is equally responsible for this pathetic state of affairs. The same applies to other public service institutions that are directly responsible for human development, where even given resources are not being put to their optimum use due to poor governance.

Poor governance threatens the physical safety of the people as they can become easy prey to criminals and the highhandedness of state institutions. Corruption, violence and weak governance in the society impact the poor more and impose heavy costs on them. The insensitivity of law enforcement agencies, poor administration of justice due to the labyrinthine procedures of the courts, weak enforcement of property rights resulting in violence and land grabbing by the land mafia. Poor law and order, lack of meritocracy and rule of law are hurdles to human development. All these symptoms owe their genesis to bad governance and weak institutions. Poor governance thus becomes a big hurdle in the realisation of the true potential of the people.

While addressing a conference on governance, Mr Kofi Annan former UN Secretary General once said “good governance and sustainable development are indivisible. Without good governance – without rule of law, predictable administration, legitimate power, and responsive regulation – no amount of funding, no amount of charity will set us on the path to prosperity”. Mr Kofi Annan’s remarks are very true in our case. Good governance is the most fundamental prerequisite for the socioeconomic development of the people. It is only through better institutional mechanisms and good governance that we can put the development process on the right track.

It is therefore required that improving governance should be our top most agenda both at the micro as well as macro level. At the micro level, all the processes, procedures and laws of the public service delivery institutions should be examined to make them efficient and pro-development. Supremacy of the rule of law, the introduction of strong accountability mechanisms and tackling corruption must be the top priority areas at the macro-level for improving governance and gearing it towards human development.

Jamil Nasir, *News International* (Rawalpindi), August 8, 2011,
<http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=61666&Cat=9&dt=8/8/2011>

A WELCOME MOVE

An astonishing, and farcical, decision to reintroduce the nazim-led local government system in Karachi and Hyderabad while keeping the rest of Sindh under the old commissionerate system has thankfully been rolled back: Sindh will now have the same form of local government, led by nazims, in all its districts. Sifting through the wreckage of the PPP’s political strategy in Sindh, it appears the party opted for the most fleeting of short-term gains — placating the MQM by keeping Karachi and Hyderabad under a form of local government which plays to the MQM’s electoral strengths in the two major urban centres of the province — while imperilling its standing with the Sindhi nationalist electorate in interior Sindh. It was never going to be a workable strategy and the smaller Sindhi nationalist parties quickly capitalised on the mistake, calling for strikes and protests across the province against the move to ‘divide’ Sindh.

Given recent events, it may be a forlorn hope that Karachi will stabilise in the days ahead and the PPP and the MQM will sort out their differences once and for all. But stabilise it must, for instability in Karachi tends to have all sorts of ramifications for national political stability. A case in point, the corps commanders’ conference yesterday took note of the ‘situation in Karachi’ and expressed ‘concern’. At the very least, then, the various political parties in Sindh need to resolve their differences over how the third tier of government

is to function in the province. Local government is a democratic necessity, while the commissionerate system is a throwback to a colonial past where the maintenance of law and order trumped the provision of services and the need for a local tier of government responsive to the needs and the aspirations of the people.

To be sure, there were many flaws in the system of local government introduced by Gen Musharraf's National Reconstruction Bureau. The 2001 ordinances made local government and the delineation of responsibilities of the various new offices needlessly complex. But the idea was correct: the public needs a local government system to provide the services to communities and neighbourhoods that an elected parliamentarian is too distant to provide and an unelected commissioner too unaccountable for. Of course, given that it is the political parties and the people's representatives themselves who have allowed Karachi to descend into madness does not bode well for better sense to prevail ahead of the next round of elections. Perhaps a look back at history will help: whenever the political class has engaged in bitter infighting, it is the non-democratic and extra-constitutional forces that have gained.

Editorial, *Dawn* (Islamabad), August 9, 2011,
<http://www.dawn.com/2011/08/09/a-welcome-move-3.html>

IMPLEMENTING DEVOLUTION

The devolution of several ministries to the provinces has been one of Pakistan's most important steps towards developing a strong federation that pays due respect to provincial autonomy. But it is also an incredibly complex undertaking, and the quality of its execution will have very real implications for the day-to-day lives of citizens. A report in this paper yesterday showed that a number of areas formerly within the purview of the food and agriculture ministry, for example, require regulatory oversight or inter-provincial coordination best carried out by a central body. One such issue is the equitable distribution of agricultural products across the country; when it comes to wheat, for example, will Punjab be willing to meet the needs of other provinces rather than exporting it at higher prices? Another example is that of safety standards; imported produce may enter the country from Sindh but makes its way to other provinces, and crops grown in one part of the country are sent elsewhere. How will this movement of produce be affected if provinces develop varying standards for pest control and other safety risks? The issue of regulation brings up the case of the pharmaceutical sector as well. The drug regulation function at the health ministry, which controlled the pricing, regulation and licensing of drugs, is reportedly inactive since devolution, exposing consumers to serious health risks. But even if these

functions are finally taken up at the provincial level, inconsistent licensing and pricing across provinces will lead to the creation of black markets in pharmaceutical drugs.

These are examples from just two ministries, but they highlight the kinds of issues that need to be ironed out urgently. Apart from the obvious health and pricing risks for consumers, what would be unfortunate is if the poor execution of devolution became ammunition for those who oppose it. If ministries at the provincial level do not spring into action quickly, and the centre does not devise — using input from the provinces — methods for addressing regulation and coordination issues created by the devolution plan, the entire exercise could be in danger of being diluted or overturned.

Editorial, *Dawn* (Islamabad), August 9, 2011,
<http://www.dawn.com/2011/08/09/implementing-devolution.html>

CREATING MORE PROVINCES?

If people's rights are denied at the grassroots level by centralisation and the need of people's meaningful participation is ignored, the political process creates parochial regional schisms. This leads to deprivation and alienation of the smaller constituent units. The process of alienation is particularly acute in countries with disparate social, linguistic and local affinities, such as Pakistan. Unscrupulous local politicians having no hope of national recognition tend to exploit the situation, further exacerbating prevailing tensions for their own petty individual interests. Unfortunately, good leaders who have emerged have become prisoners of the system and been unable to buck the trend.

To quote my article, "Making the federation effective," about the creation of more provinces (Nov 27, 1999), "the major reason why the finest experiment in nationhood in its time turned into a disaster was that the people of East Pakistan felt ignored and disparaged. A feeling of isolation ('the defence of the East is in the West') during the 1965 war, along with economic and political disparities and discrimination, perceived as well as real, became the bedrock for separatism.

"When partners in any venture feel they are being short-changed and their counterparts are insensitive to their needs, the process of dissolution of the union starts. While economic reasons did contribute heavily, four decades since 1971 inter-provincial disharmony in the remaining part of Pakistan has assumed crisis proportions. The major partner often blames the others for a lack of 'patriotism', 'the last refuge of a scoundrel', (to quote Samuel Johnson)."

Democracy is meant to flow upwards from the populace. The ultimate irony is that Musharraf's military regime, which by nature of its existence meant "centralisation", devolved power to the people while today's

“democratic” system wants to concentrate power in a few hands. Our “democrats” want it to permeate only partially downwards, coming to a dead stop at the chief ministers’ level, giving him, after the 18th Amendment, the status of that of a viceroy’s during British rule, the “king” in this case being the president of Pakistan in Islamabad. Only a moron would be unable to understand why. The commissionerate system, taking away power from the stakeholders at the grassroots level, has stoked the demand for more provinces.

The Presidency played politics by creating commissionerates and trying to deny the right of local rule in Karachi and Hyderabad and the other major urban areas of Sindh. The PPP spokespersons gushed on primetime TV about the advent of a “new era”. There were widespread “celebrations”, all paid for by public money, of course. Pragmatic politics, coloured by the blood of innocents in Karachi, ultimately prevailed and the commissionerates were revoked through an ordinance, but only for Karachi and Hyderabad. This effectively left two systems of administration in the province. Unfortunately, the genie of the division of Sindh then came out of the bottle unexpectedly. Confronted by the enraged reaction from its own rank and file, the PPP hierarchy furiously back-paddled and restored the local governments system throughout Sindh. For the first time since he engineered the takeover of the PPP on the strength of Ms Benazir Bhutto’s will, Asif Zardari learnt a lesson in Realpolitik, that money cannot buy everything. Or has he?

With 60 percent of the population of Pakistan, Punjab is accused by the smaller provinces of domination. For the most part the masses in Punjab suffer the same deprivation and discrimination as anyone else in Pakistan. With administrative power concentrated in Lahore, the province has become unwieldy. Urban growth is much more pronounced there than rural development, leaving agriculture, the backbone of our agriculture-based economy, relatively neglected. The same home truth is largely ignored in the other provinces. The four provinces of Pakistan are too large to administer, either in terms of population or of area. Decisions or problems of even the smallest nature are invariably referred to Islamabad. The divide between federal cadres (the District Management Group – DMG) and the Provincial Civil Service (PCS), and similarly in the Police Services, further contributes to bad governance.

The PPP government has set the ball rolling for a Seraiki Province. Bahawalpur is holding out for the status of a separate province, on the basis of the status it enjoyed before the imposition of One Unit in 1954. Hazara, having its own distinct identity, claims to be a separate province in Khyber-Pakhtunkhwa. Would it not be crass politics to confine the principle of “good governance” to Punjab or Khyber-Pakhtunkhwa alone? If indeed people’s good is of paramount interest to our rulers, should we not apply the same

principles to Sindh and Balochistan? What effect will it have on the unity of the federation if this is not done?

Maj Gen (r) Masood Burki's "Blueprint for Viable and Stable Pakistan" written in the mid-1990s should be examined in depth before any decision to the unity of the Federation is taken, lest the decision proves to be counterproductive. Gen Burki studied countries populated like Pakistan, with diverse people having different languages and cultures – e.g., Switzerland, Belgium, India and Nigeria. Switzerland has German, French, Italian and Romansch as its national languages. Ethnic Germans (70 percent of the population) dominate Switzerland (like Punjab does in Pakistan). Switzerland is divided into 26 self-governing (and quite independent) cantons. In 1947, India had seven provinces and a few Union-administered territories despite the country having 24 distinct languages. For better administration and to ease ethnic diversity, 15 more provinces were created in India by 1999, and the Union territories increased to nine. India recently created more provinces and may create even more. Nigeria, which went through a civil war in the 1960s, went from three regions to seven states to 19 states before a semblance of unity and cohesion could be achieved.

Gen Burki recommended 17 provinces in a reasonable balance between populations and area sizes. In the light of socio-political changes in Pakistan since 1999 and on the premise that there will be no right of secession, the National Assembly taking over any provincial government if it feels the country's sovereignty is endangered. The number of administrative units could be increased. Punjab could have been divided into four provinces, Potohar (Rawalpindi), Punjab (Lahore), Seraiki (Multan), and Bahawalpur. Similarly Sindh should also have four, with Karachi (minus the port and adjacent areas), Hyderabad and Upper Sindh and south-eastern Sindh). Similarly Khyber-Pakhtunkhwa needs such entities: Khyber-Pakhtunkhwa (Peshawar), Hazara (Abbottabad), the Federal Administered Tribal Areas and Provincially Administered Tribal Areas (Fata and Pata). Balochistan should have four administrative units, Quetta-Kalat, the Hazara (mainly Pakhtun) area north of Quetta, the Marri-Bugti areas along with the Pat Feeder area (with headquarters at Sibi) and Mekran Coast (Pasni). The Northern Areas (Gilgit-Baltistan) already constitute a separate entity. All these take the number to 17. The Federal Administered Territories should include Islamabad and Port Qasim. Even our smallest province will be larger than scores of countries of the world. The administrative head must be an elected representative, not a bureaucrat. While the preparation of the plan piecemeal would be counterproductive, implementation, on the other hand must be carried out in stages, on a graduated scale.

If disparities, real and/or perceived, are done away with through the creation of more provinces, and a feeling of being genuine and equal partners is created in the populations of the new provinces, the change will make the

federation much more effective and viable. To quote Gen Burki, “we need unity through the will of the people, where people feel secure and do not nurture fears of domination” of one ethnic group by another.

Ikram Sehgal, *News International* (Rawalpindi), August 10, 2011,
<http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=62235&Cat=9&dt=8/10/2011>

INCREASING DEMAND FOR MORE PROVINCES

After the passage of constitutional 18th amendment when NWFP was renamed as Khyber-Pakhtunkhwa, people of Hazara launched a movement for creation of a separate province for them. Since then demands are being made by all ethnic groups for separate provinces for them and there is no end to it. While there were proposals for the creation of Hazara, Saraiki and Bahawalpur provinces, ANP has come out with its own demand for a separate province of Southern Pakhtunkhwa for the Pakhtuns living in Balochistan and giving representation to FATA in KP Assembly. Provincial President of ANP Senator Afrasiab Khattak speaking at a Party meeting on Tuesday went further by saying that Pakhtuns across the country were one nation and no one can divide them through their separate geographical positions. With general elections only one and a half years away, there would be more demands for new provinces as political parties consider it a tool to gain popularity among the people. But in our opinion it would not be politically and financially advisable to create as much provinces as being demanded. Provinces or smaller units are created to ensure better governance and provide facilities to the people nearest to their homes. However acceding to the demands for provinces on ethnic or linguistic basis would be suicidal for the country and in no case be accepted by the political leadership of the country whether in government or outside because that would lead to further linguistic gulf in the country and weaken our national unity. In fact nowhere in the world administrative units are formed on linguistic or sectarian basis. The politicians who are in the forefront in raising such demands must also do some soul searching to the dangers that lay ahead. In addition the country would not be able to meet the heavy financial burden with the establishment of new provinces. There would not be just more Governors and Chief Ministers but entire new administrative set ups that would eat out all the resources and nothing would be left for development purposes. Already the country is facing major financial crisis due to heavy non-development expenditure and additional provinces burden would be unbearable. We would therefore stress that national interests should be priority and it is time that politicians should sit together and decide about the new provinces rather than making it an election issue.

Editorial, *Pakistan Observer* (Islamabad), August 11, 2011,
<http://www.pakobserver.net/201108/11/detailnews.asp?id=108240>

FATA'S INTEGRATION

Change, it appears, is finally coming to the Federally Administered Tribal Areas. With the president signing amendments to the Frontier Crimes Regulation on Friday as well as extending the Political Parties Order 2002 to the region, it is hoped that the people of the tribal areas will gradually begin to enjoy all the rights their fellow citizens in the rest of Pakistan, at least theoretically, do. The amendments do away with some of the more outrageous aspects of the almost mediaeval FCR. The FCR is, of course, linked to the tribal region's colonial history. It should be recalled that during the Raj, Fata was a buffer between British India and Afghanistan and the FCR was in fact an instrument of control to keep the restive tribes in check, as was rule through the political agent. However, clearly the provisions of the over-one-century-old law are unacceptable in the modern day.

For a long time there had been calls from civil society and political quarters to initiate reforms in Fata. Though the reforms might have come a little late, the government deserves praise for taking the step. The region has suffered from weak administration, massive underdevelopment and most recently the onslaught of militancy as the post-colonial set-up completely failed to deliver. Hence while flaws remain this is a cautious yet positive first step towards mainstreaming Fata. It is hoped that allowing political parties to function will play a role in countering militant influence in the region, while now that they have direct stakes in the tribal areas, parties should devise practical strategies for Fata's uplift and feature the region in their agendas. It should be ensured that the people of Fata have the most prominent voice when it comes to implementing the reforms. Some observers have suggested that instead of doing away with tribal structures they should be democratised and made more representative.

After the initial euphoria over reforms wears off, the state will have to consider some tough questions about Fata's administrative fate. Will the status quo prevail? Will the region be integrated with Khyber Pakhtunkhwa? Will Fata enjoy a Gilgit Baltistan-like status? Also, while the amendments ushering in individual freedoms have been hailed, continued rule through the political agent has been questioned as undemocratic. It is also hoped the tribunal will evolve into a proper high court. The process of reform need not be rushed; it should be carried out gradually as bulldozing it through may lead to more confusion. But ultimately, without a stable security situation, even the most well-intentioned reforms will fail to deliver.

Editorial, *Dawn* (Islamabad), August 15, 2011,
<http://www.dawn.com/2011/08/15/fatas-integration.html>

SOME MORE REAL CHANGE IN FATA

The last time any meaningful reforms were undertaken in the Federally Administered Tribal Areas was in 1997 when people inhabiting this tribal borderland of over 27,220 square kilometres were granted universal adult franchise. Until then only hereditary and appointed maliks, or tribal elders, could vote and contest election for parliament. There was opposition even then to this move by sections of the bureaucracy and the security establishment, but President Farooq Leghari went ahead and gave the right of vote to every tribesman and tribeswoman.

Now, 14 years later more piecemeal reforms have been announced by extending the Political Parties Order, 2002, to Fata to allow formation, organisation and functioning of political parties in the seven tribal agencies and six Frontier Regions and amending the Frontier Crimes Regulation (FCR) 1901 to try and bring this law in conformity with basic human rights. The fact that the Political Parties Order in its present shape dates back to 2002 and has been extended to Fata after nine years shows the slow and cautious pace of introduction of change in the tribal areas. More importantly, FCR 1901 has been amended for the first time in 110 years and this alone explains the significance of the occasion and the importance of the amendments made in this old British-era regulation. In fact, the FCR dates back to 1848 and was promulgated in 1901 by adding new acts and offences to it to extend its scope for serving the interests of the British colonial rulers and enabling them to control the fierce freedom-loving Pakhtun tribes.

The Fata reforms were signed into law by President Asif Ali Zardari in the presence of representatives of the stakeholders including tribal parliamentarians and elders on Independence Day in Islamabad and were meant as a gift to the tribespeople on an auspicious occasion. Independence Days in present-day Pakistan don't bring any real happiness due to the sorry state of affairs in our lawless, insecure, politically unstable and economically depressed homeland. The fact that the tribal people, whose population according to the imperfect 1998 census was 3.1 million but should be more than six million now, were considered worthy of enjoying some of the fruits of freedom for the first time since 1947 is a sad commentary on the uncaring and visionless governments that have selfishly ruled Pakistan to-date.

Besides, announcing reforms and taking credit for heralding a change is one thing and ensuring implementation of the amended laws is another. Didn't President Zardari and Prime Minister Yusuf Raza Gilani announce a decision to do away with the FCR and initiate other reforms in Fata two years ago without doing their homework, and then backed away after realising the enormity of the task they had undertaken? They demanded and received accolades for the announcement, as all politicians do, and then tried to wriggle

out of the embarrassing situation by forming committees to suggest recommendations on Fata reforms. In fact, setting up committees and commissions to propose Fata and FCR Reforms has been an endless exercise all these years, but there has been no implementation.

The verdict on the crucial issue of implementing the reforms in Fata will have to wait because the tribal people need to feel the change before deciding whether the amendments were good or bad. Indeed, the biggest challenge now and in future would be realising the potential of the reforms in view of the uncertain and dangerous security situation in Fata. No real reforms and development could take place in the seven tribal agencies, all of which border Afghanistan except for Orakzai Agency, unless the security situation sufficiently improves to allow the military to end its operations and curtail its presence in Fata and enable the political administration to once again administer the land and its people in a normal way. Only then will the political parties be able to operate freely and the benefits of the amended FCR pass to the tribal people. There is, however, no real hope that the security situation will improve to the desirable extent in Fata unless the Afghan conflict comes to an end. And that isn't going to happen any time soon due to the still ambiguous US agenda in the "Af-Pak" region and the determination of the Taliban to fight as long as it takes in a bid to return to power.

Every political party and all civil society groups have welcomed the reforms, though some have commented that these are still inadequate. The government did well to consult the stakeholders and take into consideration the recommendations of the newest Fata Reforms Committee in which all political parties were represented and the previous FCR Reforms Committee that was non-political and headed by former Supreme Court judge Justice Mohammad Ajmal Mian. The members of the FCR Reforms Committee had visited almost all the tribal agencies to hold town hall-style meeting with tribal elders and commoners. They came to the conclusion that the majority of tribesmen wanted amendments to the FCR to make it a humane law, while a minority, who were mostly political activists, wished to scrap it altogether or in case of the privileged tribal elders sought to maintain the status quo. The trick was to find a balance to curtail the arbitrary powers vested with the political agent and give the right of bail and appeal to every accused. Though a Fata Tribunal was already working to hear appeals against sentences awarded by the political agents and their deputies, the tribunal has now been formally invested with powers similar to the high court. The concept of collective responsibility in the FCR has also been amended and now women and children below 16 and elders above 65 years will be exempt from this clause and the whole tribe won't be punished when punitive action is taken against an accused. Collective punishments and arrests of any accused on the orders of the political agents without assigning reason and denial of bail or appeal had prompted jurists, lawyers and political and civil society activists to describe the FCR as a black

law. It remains to be seen how the administration of tribal areas would be able to operate effectively in these insecure times without such arbitrary powers.

More importantly, the FCR amendments have come soon after the federal government issued two identical regulations, Action (in Aid of Civil Power) Regulation 2011 for Fata and Pata, to give unprecedented powers to the armed forces operating against the militants in the conflict areas. The regulations provide legal cover to the “unlawful acts of armed forces” during military operations with retrospective effect-i.e., Feb 1, 2008—and empower the security forces operating in both federally and provincial administered tribal areas to keep terror suspects in custody at undisclosed location for 120 days. Despite government claims that the regulations will specifically target militants, lawyers and human rights activists have been critical of the move due to fears of misuse of power. If these fears turn out to be real, the FCR amendments will be like giving rights with one hand and taking them away with the other.

As for the political parties now legally empowered to function in Fata, it will require courage and effort on the part of their leadership to organise and win the support of the tribal people. Most parties were already operating in Fata and even fielding candidates in past elections, but now this will no longer be illegal. They will now have a level playing field as earlier secular and nationalist political parties complained that the religious parties were able to use the mosques and the madrassas for influence and votes.

The real test of the reforms would be creating conditions through development inputs for mainstreaming Fata to bring this under-developed part of Pakistan at par with the rest of the country. That should be a long-term project as most tribal people not only want the special status of Fata to stay as they don't want to give up some of their privileges but also favour a separate province instead of merger with Khyber-Pakhtunkhwa.

Rahimullah Yousafzai, *News International* (Rawalpindi), August 16, 2011, <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=63071&Cat=9&dt=8/16/2011>

SENSIBLE ADVICE

With amateurism and foolhardiness so rife in the political class, it comes as a relief when sensible, mature opinions are offered. Senator Raza Rabbani's letter to his party co-chairman and president of Pakistan, Asif Ali Zardari, in which he has warned of stoking regionalism for short-term political gains is a thoughtful riposte to those within his party, and among sections of the political spectrum, who have been agitating on the issue of new provinces. Perhaps the most-needed advice Mr Rabbani offered is to institutionalise the debate on new provinces by having the PPP's central executive committee take up the matter and to initiate consultations at every

tier of the party apparatus. It is advice that ought to be followed by not just the PPP but also other political parties which have waded into the new-provinces issue.

The main thrust of Mr Rabbani's argument is that the issue is a national one, and the national political leadership should be cognisant of the potential unintended consequences of flirting with the idea of carving up Punjab. "Making, sponsoring or supporting a move for creation of new provinces by the party will unleash a snowball effect in which regions in Sindh, Balochistan and Khyber Pakhtunkhwa, which have claims of possessing ingredients of a province, will get legitimacy and begin to agitate for it," the senator has written to President Zardari. But while Mr Rabbani is opposed to the idea of taking up the issue of new provinces — because of the "present fluid political situation" as the country is "plagued by terrorism, extremism, sectarianism and regionalism", according to him — the debate doesn't have to be suppressed. After all, Mr Rabbani himself presided over a process that yielded the 18th Amendment and produced far-reaching results for enhanced provincial autonomy in the same 'fluid political situation'. The issue of new provinces can be taken up; what's key is that it be taken up responsibly.

Responsibly handling the new-provinces issue would entail both vertical consultations within a political party from the grass-roots level to the central executive committee level and horizontal consultations with the leadership of other key political parties. In Punjab, then, a Seraiki province has to be discussed with the PML-N because the PML-N is the biggest party in undivided Punjab. In Khyber Pakhtunkhwa, the issue of a Hazara province would need to be discussed with the ANP.

Likewise, if Fata is to be merged with Khyber Pakhtunkhwa, the ANP and other political parties with a presence in the region would need to be consulted. If decisions are forced without consensus, the destabilisation and strife the senator warns of will become more likely.

Editorial, *Dawn* (Islamabad), August 17, 2011,
<http://www.dawn.com/2011/08/17/sensible-advice.html>

A PLEA FOR MORE PROVINCES

*Woe unto the nation that is split into numerous fragments,
 Each fragment considering itself to be a nation!*

– Khalil Gibran

One of the biggest impediments to progress and development in Pakistan has been its conversion into a multinational state, with its major components at loggerheads. Ibn-e-Insha had lamented that in Pakistan there is a Sindhi nation, a Punjabi nation, a Bengali nation (alas!), all kinds of nations, except a

Pakistani nation. The concept of multiple nationalities within one country is a negation of the Two Nation Theory on the basis of which Pakistan was founded. Its logical conclusion is civil war or disintegration, as we have seen in the Balkans and the former Soviet Union, and as we learnt to our own sorrow in the case of Bangladesh.

The best way to get rid of the evil of multiple nationalities in Pakistan is to remove the ethnic connotation from the administrative divisions of the country, and to restructure them into smaller, more balanced and more governable

units. The Quaid-i-Azam had described the existing demarcation and the consequent provincialism as "a relic of the old administration". He had said: "We are now all Pakistanis - not Balochis, Pathans, Sindhis, Bengalis, Punjabis and so on.....and should be proud to be known as Pakistanis and nothing else." (Quaid-i-Azam speaks, June 15, 1948, p 156, Ministry of Information and Broadcasting, Government of Pakistan).

The re-demarcation of provincial boundaries should be based not on ethnic lines, but on administrative divisions small enough so that democracy can be felt at the grassroots. Such a delineation already exists in the form of the 12 former divisions of West Pakistan under One Unit: Peshawar, Dera Ismail Khan, Rawalpindi, Lahore, Sargodha, Multan, Bahawalpur, Quetta, Kalat, Khairpur, Karachi, and Hyderabad. One Unit failed because of the fear of domination by the Punjab, where the seat of government was located. A setup where 60 percent of the population lives in one province (the Punjab) is unwieldy, and is bound to raise feelings of insecurity in the smaller provinces (in contrast, the population of California, the largest state of the USA, is only 15 percent of the country's population). Many of the political squabbles in recent years have emerged because of tussles between the federal government and Punjab, the most populous state.

Restoring the former divisions of West Pakistan as provinces or states would avoid controversy and hassle, and provide all the benefits of One Unit without the disadvantage of the true or imagined fear of domination by the Punjab. With this manner of division, seekers of conspiracy theories will not be able to describe it as an attempt to divide Punjab, or Sindh, or Pakhtunkhwa or Balochistan, because each province will be subjected to the same treatment, with the purpose of simplifying administration, and getting rid of the evils of ethnicity.

Each of the 12 divisions has enough resources to develop and prosper. For example, the two divisions of Balochistan, considered to be the most disadvantaged, have Sui gas, over which they should be given full control, and a long coastline, which can be developed with port cities and tourist resorts. The new demarcation would not detract from the heritage of any ethno-linguistic group, which did not suffer any cultural shock when the Hindu component was withdrawn in 1947, nor when the groups lived under One

Unit for 15 years. The present provincial setup legitimises ethnic divisions, and results in problems of national significance such as the Kalabagh Dam issue to be viewed from the parochial point of view.

The new provinces should have the right to impose and collect their own taxes and spend the revenues within their own boundaries. As in the USA, government and taxation should be at three levels: Municipal or district, state, and federal. This will avoid squabbles, which invariably occur over the allocation and release of funds by the federal government under the NFC Awards.

With the 12 provinces, no leader would have grounds to exploit sections of the population on ethnic or parochial grounds, and the people would unite to fight the common enemy of injustice, corruption, and absence of meritocracy. In the 21st century, there is no room for ethnicity or other barriers that divide people from other people living in the same area.

Dr I Kamal, *Nation* (Islamabad), August 20, 2011,
<http://nation.com.pk/pakistan-news-newspaper-daily-english-online/Opinions/Columns/20-Aug-2011/A-plea-for-more-provinces>

ELECTORAL PRACTICES

The Election Commission of Pakistan, with the cooperation of Nadra, has begun the vital process of verifying and updating electoral rolls ahead of the next general election, which must be held by February 2013. The process is a vital one – given that our entire democratic process hinges on the casting of ballots based on these rolls. The ECP expects that some 83 million voters will cast their vote this time around. The process that has now begun is thus crucial. This is especially true in the context of our recent history and the allegations that fly around at election time. Allegations of foul play in the writing up of rolls, of names being taken off them or of bogus ones being added and of NICs – necessary for voting – being issued on political grounds, are widespread.

Foul play must not be allowed to compromise the upcoming elections process. The political tensions that already exist could foment very dangerous developments, including violence, if the elections are not held in a transparent and fair manner. We must hope the use of computerised cards verified by Nadra can help prevent wrongdoings. But even in this system, there are potential flaws. What we need in ideal terms is an independent, autonomous EC – as exists in India and many other nations – sadly, like others before it, this administration seems least interested in setting up such a body and ensuring that the electoral process is an uncontroversial one.

Editorial, *News International* (Rawalpindi), August 24, 2011,
<http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=64239&Cat=8&dt=8/24/2011>

PROXY WAR AND POLITICS IN PAKISTAN

The proxy war in Pakistan got mixed up with politics after the occupation of Afghanistan in 2001, creating an orgy of social violence, terror, corruption and bad governance. Day-to-day life in Pakistan thus has lost its charm. Business activities are dying down, capital is flowing out, and fear and despondency have gripped the nation.

It is, however, not difficult to identify the perpetrators of the proxy war, particularly in the provinces of Khyber Pakhtunkhwa, Balochistan and Sindh. The spy network in Afghanistan, which was established in 2001 under the RAW and supported by the CIA, Mossad, MI-6 and BND, has been targeting all the neighbouring countries of Afghanistan, particularly Pakistan, and succeeded in turning the war against it by the year 2005. Since then, our army has been engaged in a running battle with our own tribals. Swat Dir and Bajaur are relatively calm, but FATA is boiling. The insurgency in Balochistan is being fomented by the same spy network in Afghanistan.

Earlier, I wrote about this network operating against Pakistan in the article titled *Global Conspiracies against Pakistan*, published on August 14, 2007: "Sarobi near Kabul is the nerve centre headed by an Indian General officer, who also commands the Border Road Organisation (BRO). Its forward bases are Ghazni, Khowst, Gardez, Jalalabad, Asadabad, Wakhan and Faizabad. The Faizabad training camp depicts a Pakistani camp for Chinese dissidents, with Muslim mullahs, trainers and guards. BRO has built an all-weather road from Sarobi to Asadabad to Faizabad. The Sarobi network targets the province of NWFP (now Khyber Pakhtunkhwa), Pakistan. Dissidents from Pakistan are trained at Sarobi for missions inside NWFP. Wakhan salient has been infested with dozens of electronic outposts covering Pakistan, China, Uzbekistan and Tajikistan.

"Kandahar with its forward bases is targeting Balochistan. The dissidents from Balochistan are trained at Lashkargah for undertaking missions with support of the Balochistan Liberation Army (BLA). One of their tasks is to target the Chinese working in the province, particularly at Gwadar, Sandak and Hab. From the anchorages, on the Pakistani coast at Jiwani and Kot Kalamat, the Americans jointly plan operations with BLA inside Balochistan. They also use the Pakistani outposts at Mand for operations inside Iran. The American warships in the Arabian Sea and their intelligence bases in Muscat, provide the backup support. The facilities at Jiwani and Kot Kalamat were provided by Pakistan, as logistic support bases to the Americans for operation in Afghanistan, but the same are now being used to destabilise Balochistan and Iran."

The proxy war in Sindh presents a different picture, as it targets Karachi - the nerve centre of Pakistan - and when mixed with politics, it presents a very

dangerous situation. The factors, such as the 'demographic imbalance' caused by the influx of Pashtuns from the north and the flood affected internally displaced persons from Punjab; and Sindhis and Balochis seeking refuge in Karachi add to the social disorder being exploited by foreign hands.

The politics in Sindh is hostage to Mutahida Quami Movement's (MQM) hold over Karachi and Hyderabad, which is being challenged by other political and ethnic groups who want to create space for themselves in the areas that the Movement considers as their exclusive preserve. The clash of interests, thus, has resulted into violence and bloodshed. It took a new turn when the MQM decided to split with the government at both the federal and provincial levels. This split was totally unexpected and was viewed as a conspiracy for 'regime change' because USA's relations with the Government of Pakistan and the army had soared, and the desperate situation for the Americans in Afghanistan demanded "a compliant government in Pakistan and an Army Chief of choice."

The conspiracy aimed at creating a grand alliance of the opposition and the demand for early elections in order to get rid of the government in power. But President Asif Zardari acted fast to pre-empt the regime change plan. While he was on a visit abroad, the opposition groups in Karachi were provided a field day against the MQM that took many lives and Karachi shuddered. Zardari returned to Karachi and passed orders to "cut MQM to size." Under the presidential notification, the local body's ordinance was changed denying power, privileges and projects to MQM; the new Karachi-Hyderabad constituency demarcation order was repealed reducing about 30 percent seats, which the MQM could win in the next elections.

At the same time, intelligence reports about the MQM's gung-ho politics were sent to London. It, thus, found itself tricked and cheated by the British and American planners, whose plan for regime change was foiled by Zardari.

Altaf Hussain in London cried out for being scapegoated. The Americans and the British diplomats came rushing to Karachi to negotiate peace. The Sindh government agreed to take MQM back into the fold. The Governor returned to his seat and the damaging presidential ordinances were withdrawn. The MQM now, badly bruised and battered, is expected to join the government. Zardari has won, conspiracy has failed, but many innocent Pakistanis have lost their lives at the alter of our 'politics and proxy war'.

The Pakistani nation is facing a multidimensional threat to its security and this is not the time to rock the boat. Undoubtedly, change is needed, but through the constitutional process because the 'hidden hands' that destroyed Afghanistan, Iraq and Somalia now are focusing on Libya and Syria, and may soon return to strike at Pakistan. The ruling junta in Pakistan is seeking 'political consensus' to complete the tenure and remains devoid of the political will to deal with the burning problems in the northwest region, Balochistan

and Karachi. The Karachi turmoil has given the wake up call to the people of Pakistan to correct the course before it is too late!

And in the absence of good ideas and options for change, let our politicians have a look at the anti-corruption movement of the Indian political activist, Anna Hazare and start a movement in real earnest, rather than giving hollow statements that have no meaning at all. The opposition leaders could provide the lead and many would follow them. But they have to do a lot of homework to carefully prepare 'the bill' to be tabled in the National Assembly. The bill must initiate the policy and plan of action ensuring that "it is forged out of the utter failure of our representative democracy and that the democratic institutions remain accessible to ordinary people."

Anna Hazare seems to have a better understanding of the meaning of the words of God: "Thus, have we placed leaders in every town, its wicked men, to plot (and burrow) there-in, but they only plot against their own souls and they perceive it not" - Surah Al-Annam.

General (retd) Mirza Aslam Beg, *Nation* (Islamabad), August 28, 2011,
<http://nation.com.pk/pakistan-news-newspaper-daily-english-online/Opinions/Columns/28-Aug-2011/Proxy-war-and-politics-in-Pakistan>

OUT IN THE OPEN

After Zulfikar Mirza's extraordinary outburst on Sunday, the focus switched to the Supreme Court's suo motu hearing in Karachi on the violence in the city. Were the two connected in some way, with Mr Mirza hoping to bring more pressure to bear on the MQM in Karachi by placing on the public record much of what the SC is looking for answers to?

Given the murkiness of power politics, it is difficult to say with certainty whether the two events were linked. However, this much is clear: at long last, the SC has taken up a suo motu case of genuine and unquestionable public importance and in doing so has the potential of casting aside the wall of public silence that has met the killings in Karachi that privately are widely understood. What exactly the court can achieve in terms of punishing those responsible for the surge in Karachi remains to be seen, but at the very least the court has a soapbox that it can use to great advantage. Perhaps if the heads of all intelligence and law-enforcement agencies are summoned and asked to put on record all that they know about the violence in Karachi, all the different sides involved in the violence will be publicly exposed — and intense pressure could build on the political parties to have the killers' sheath their weapons.

Regarding Zulfikar Mirza's press conference and his comments later on Sunday to sections of the media, the accusations made by the former senior minister and office holder of the PPP in Sindh are simply breathtaking. From naming names of alleged killers to describing the behind-the-scenes meetings

with the power players in Karachi, Mr Mirza's allegations demand the closest of scrutiny. How are the courts and the prison system being manipulated to favour alleged killers? What truth, if any, is there to the claims of foreign interference in Karachi? What about the allegations against Rehman Malik, the interior minister who is elbows deep in the affairs of Karachi? What transpired during the meeting(s) with the ISI chief, Gen Shuja Pasha, in which Zulfikar Mirza gave his version of what is happening in Karachi and why? Where does the army stand on Karachi today? Whether Mr Mirza has done Karachi and politics a service or disservice by pouring his heart out on the goings-on in Karachi remains to be seen. But it is a story that needs to be told in its entirety, including possibly Mr Mirza's own role in the turf war and violence in the city.

Before the extraordinary political developments over the last couple of days, the unhappiest aspect of the violence in Karachi was that it was a political problem that the politicians appeared to have little interest in solving politically. Since the 1980s, Karachi has suffered every time friction between the various political parties jockeying for power increases. This time, too, since 2008, the violence has been overwhelmingly political in nature. The various accusations of criminal gangs and land mafias being at work have only poorly camouflaged the bloody political fight for control of the city that is ongoing. Once upon a time, violence could be controlled after a tenuous peace was brokered between the various ethnic communities and political parties. But with all sides now so well armed and willing to copy the most brutal of tactics from the wars of the 1980s and 1990s, is there any realistic hope that the political parties can work out even a tenuous and temporary peace in Karachi?

There are many reasons to be pessimistic. So perhaps it is with some sense of helplessness that the last vestiges of hope are switching to the SC's suo motu hearings in Karachi. If facts tumble out and debate on all that ails Karachi is conducted openly and publicly, perhaps the monsters who stalk the unfortunate city by the sea will be forced to rethink their strategies. For too long, criminality and politics have been hand in glove in Karachi. Now, at long last, the opportunity may have come to at least cast off the spell of fear and openly debate all that ails Karachi.

Editorial, *Dawn* (Islamabad), August 30, 2011,
<http://www.dawn.com/2011/08/30/out-in-the-open.html>

PPP SEES PLOT TO DERAIL DEMOCRACY

The Pakistan People's Party has reacted strongly to what it has termed PML-N's deliberate attempt to derail democracy by dissolving the Punjab Assembly in order to stall the Senate elections scheduled in March next year.

Addressing a news conference, PPP's firebrand Senator Babar Awan said: "The so-called 'Unification Bloc' of the PML-Q is a sidekick of the Punjab chief minister and when its leader Tahir Ali Javed says something it cannot be without his consent."

On Sunday, the parliamentary leader of the bloc in the Punjab Assembly had proposed that the chief minister should dissolve the assembly. The Pakistan Muslim League-N dissociated itself from the proposal which triggered a controversy.

Senator Awan demanded that a reference should be filed against the MPA for conspiring to derail democracy.

PPP leader and former federal minister Raja Pervaiz Ashraf and Leader of Opposition in the Punjab Assembly Raja Riaz also spoke at the press conference.

Senator Awan called upon Mian Nawaz Sharif to first pay attention to the province ruled by his younger brother and take action against him for bad governance which had resulted in the outbreak of dengue fever. He said the disease had claimed more lives in Lahore than the 1965 war with India.

The PPP leader said privilege motions would be moved in the Senate and Punjab Assembly against the dissolution proposal.

Raja Pervaiz said people would never accept any conspiracy to derail democracy and even if one provincial assembly was dissolved elections would be held for a new assembly and the PML-N would be completely shunted out from Punjab.

Replying to a question, he said: "The MQM is our coalition partner and we have great respect for it."

Ahmad Hassan, *Dawn* (Islamabad), October 11, 2011,
<http://www.dawn.com/2011/10/11/ppp-sees-plot-to-derail-democracy.html>

OUR EXPERIENCE IN DEMOCRACY

Ever since the emergence of the nation-state, the world has experienced many forms of political systems ranging from monarchies to republics; from aristocracies to oligarchies and from tyranny to democracy. The explanation and appraisal of democracy has been a favourite theme of ever-ongoing discussion since the earliest times of political speculation. After centuries of trial and error, democracy has emerged as the preferred choice. It is now considered universally applicable and is also the most prevalent model of government in our era.

The modern version of democracy is a representative system in which the problem is how to secure a system of voting that ensures the election of representatives who reflect as completely as possible the varieties of opinion of the electorate. The question of representation is thus the most fundamental

problem of today's democracy. "Pure" democracy, in which the politically qualified members of the community meet together for the discussion and decision of public questions, is universally regarded as suitable only for small communities with simple collective needs. It has never widely existed and has now generally disappeared, even from societies that claim to be democratic to their core.

There may be no ideal state but in his *Social Contract*, Rousseau had visualised his own ideal of a state with a democratic system in which the sovereign power rests with the people, for they alone are in possession of an inalienable 'general will'. In his view, only a popularly elected government can implement the general will. Hegel, a 19th-century philosopher, glorified the state power beyond limits but also recognised people's general will.

Government by 'popular majorities' means rule by the average man, who is generally less intelligent, controlled in his opinions and conduct more by emotion than by reason, of limited knowledge, lacking the means of leisure necessary for the acquisition of information, knowledge and understanding, and suspicious of any superior ability in others. What political virtue, it is asked, is there in mere superiority in numbers? Our own philosopher poet Allama Iqbal acknowledged this by saying that "democracy is a form of government in which heads are counted, not weighed."

In practice, therefore, democracy is the most difficult and risky of all forms of government since it requires the widest spread of intelligence and education. In the words of a cynic, "you must not enthrone ignorance just because there is so much of it." But all this notwithstanding, in today's civilised world, there is no alternative to a democratic form of government. This, however, necessitates a state and methods of its governance to be based on a "social contract" to provide for the security and protection of its citizens and their property by utilising the whole force of the community.

No doubt, on their emergence as two independent states on the map of the world as a result of a democratic political process, both India and Pakistan inherited a parliamentary tradition and began their independent statehood with a democratic path clearly charted out for them. To start with, however, there was no level playing field for the state of Pakistan which had to build an entire government from the scratch in 1947 under a state of emergency whereas India was born with an intact bureaucratic apparatus in Delhi. In India, on the other hand, the Congress emerged after independence as virtually a mini-parliament, with habits of debate, argument and negotiation. India managed to forge a democratic constitution by 1950, and despite its huge size and socio-economic challenges, has been holding elections every five years.

In Pakistan, the vision of a democratic and progressive future was unambiguously articulated in a resolution adopted at the first meeting of the Council of the Pakistan Muslim League in December 1947, when it pledged "to work for an ideal democratic state based on social justice, as an upholder

of human freedom and world peace, in which all citizens will enjoy equal rights and be free from fear, want and ignorance.” This vision, however, remains unfulfilled. With its founder's early demise in September 1948, the new State of Pakistan lost the promise of healthy political growth with acute systemic deficiencies and frequent leadership miscarriages, restricting its transition to democracy.

After the Quaid, it was left without any sense of direction, and came to be possessed by a corrupt political hierarchy of no more than a bunch of self-serving, feudalist and opportunistic politicians who were to manage the newly independent Pakistan in collusion with civil and military bureaucracy. In the process, we saw a continuing cycle of governmental changes by non-political means. Machiavelli's political philosophy based on the “doctrine of necessity,” became an integral part of our body politic. Democracy was never allowed to flourish in the country. Pakistan experienced frequent political breakdowns, long spells of military rule, institutional paralysis, endemic corruption, and general aversion to the rule of law.

Given the common history of the twin neighbours, one wonders why India is democratic and Pakistan is not. What after all is wrong with Pakistan? For us, it is not sufficient only to attribute Pakistan's failure in democracy to its leadership miscarriages and military take-overs. There are in fact deep-rooted historical, socio-cultural and geo-political factors that have been conditioning the post-independence democratic tradition in Pakistan. Since independence, the politics and governments in Pakistan have also remained hostage to the elite classes which have been inimical to any political liberalisation in the country.

Historically, in the late nineteenth and early twentieth centuries, the British had been gradually devolving power to local authorities in several provinces across India but those reforms were never extended to the North-West Frontier Province and Punjab, the territories that later made up the bulk of Pakistan after the 1947 partition. Thus several of the provinces India inherited from the Raj already had some experience in democracy, Pakistan inherited two highly militarised provinces with no such tradition. This unpalatable colonial legacy in conjunction with the country's feudalised political parties, social conservatism, and outside influences provided a fertile ground for Pakistan's army to grow in size and scale and gain an increasingly strong influence over the state.

The overbearing feudal power structure in Pakistan is also the cause of our political decay. It has always resisted land reforms in the country which it sees will strike at its own roots. Unlike India's Congress Party, the Muslim League, Pakistan's founding party was almost wholly dominated by a few feudal families, which the British had patronised before partition and were powerful enough to retain control over national affairs through the bureaucracy and the armed forces. Even after the Muslim League's

disintegration, the same feudalised oligarchy consisting of different men at different times under different political flags remained in power with or without military collaboration.

The most important factor circumscribing democracy's growth in Pakistan has been its geopolitical location which not only shaped its personality as a state but also conditioned its domestic as well as external behaviour. In that intensely bipolar world, the young state of Pakistan, faced with the stark reality of its geo-political environment, gravitated naturally to the pole that it thought stood for freedom and democracy. The West, however, looked at Pakistan solely as a strategic asset in its "containment" policy against Soviet expansionism. The ensuing sequence of history speaks for itself in determining what really happened to democracy in Pakistan. For us, the concepts of a good society and a good state or for that matter 'good methods of government' remain merely philosophical expressions with no practical relevance. With an ingrained culture of political opportunism and greed, we have yet to discover a theory of state and methods of government which will suit the genius of our nation.

Shamshad Ahmad, *News International* (Islamabad), October 11, 2011,
<http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=71866&Cat=9>

BATTLE FOR THE SENATE

While the PPP high command has called upon Prime Minister Gilani to use all available resources to gear up support for the upcoming Senate elections, Dr Tahir Ali Javed of the PML-Q's splinter Unification Bloc has suggested that the Punjab government dissolve the provincial assembly before the Senate elections, in what is being seen as an apparent bid to force early elections in the country. While Dr Javed says the 40 or so PML-Q forward bloc members will support him, many senior members of the bloc have categorically rejected Dr Javed's proposal and the PML-N has also quickly disowned the idea. Most insiders insist such a proposal could not have been floated without prior deliberations not just between the bloc members but also with their senior coalition partners, that is, the PML-N. In any case, the PML-N is clearly executing a well-thought out campaign, and no one will be surprised if it culminates in Dr Javed's proposal. After all, why wouldn't the PML-N want the next Senate cohort to be elected by new provincial and national assemblies, more favourable towards the N-League?

On its part, the PPP is not about to let anyone scuttle its chances in the Senate and has warned the PML-N that it won't be allowed to run away from the polls. The Senate is scheduled to get 50 new general, technocrat/ulema and women seats and four new, post-18th Amendment minority seats. With the addition of 54 new members, the PPP thinks it has a chance to grab a

majority in the 104-member Senate. Currently, the PPP is getting help from its coalition partners to help legislate but realises that the lawmaking process would be that much easier if the PPP's ranks were swelled by at least more than 20 senators. The Senate is also the PPP's shield in case the PML-N comes to power after the next general election, in which case the PPP could use its strength in the Senate to foil the N-League's legislative agenda until at least the next scheduled Senate election in 2015. The PPP also has its eyes on the prize: to keep all the main constitutional offices under its belt, including president, prime minister, Senate chairman, speaker of the National Assembly.

Is disruption likely? Some say even if the Punjab Assembly is dissolved, the Senate elections from the other assemblies will not be affected – if one provincial assembly isn't able to elect senators all that will lead to is vacancies against those seats. The Senate business won't be stopped. On the other hand, there are also those who warn that if the PML-N makes good on the threat of dissolution that could have serious consequences. But while the experts quibble over possibilities, the battle may be taken to the streets by the PML-N, which has decided it will no longer woo other parties for the purpose of removing the ruling PPP but instead adopt a 'relief for masses' campaign in and outside parliament. The PML-N has taken almost four years to reach this point and it may not have enough time now to build a serious challenge.

Editorial, *News International* (Rawalpindi), October 12, 2011,
<http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=72119&Cat=8>

PURGING POLITICAL PARTIES OF ARMED WINGS

The Government has finally asked all the political parties particularly those in the ruling coalition to expel militant elements from their ranks as part of the measures to restore peace and order particularly in Karachi. The decision came at a meeting of the senior PPP leaders chaired by the President and the Prime Minister on Monday which discussed the Supreme Court's verdict on the law and order situation and target killings in the mega city.

So far the law enforcement agencies had been carrying out targeted operations in Karachi to nab those involved in target killings. But it was necessary to implement the Apex Court verdict of 6th October, 2011 in letter and spirit, which directed the Government to carry out an across the board operation, deweaponize the city and arrest target killers. The Court had cited a report of the Special Branch of Police, which said almost all major political parties, some religious organisations and banned outfits had militant wings involved in criminal activities including extortion of money. In our view the only way to restore peace and order in Karachi is to eliminate the root causes of target killings as ordered by the Supreme Court. In fact a go ahead signal has gone to Sindh Rangers and Police which raided several sector and unit

offices of MQM on Monday evening, arrested a number of suspects and recovered arms from their possession. After the Supreme Court verdict, the Government now has a free hand to go after the criminal elements, gangs and mafias who have made the life of the people miserable. Though the political parties are denying of having militants wings but people and the law enforcement agencies know that there are elements in their ranks who are involved in killings and extortion. Therefore we would impress upon the Government to take the operation to its logical conclusion by purging the political parties of armed wings because unless the criminal elements are eliminated, the cherished goal of putting the country on the path of peace and prosperity cannot be achieved.

Editorial, *Pakistan Observer* (Islamabad), October 12, 2011,
<http://pakobserver.net/detailnews.asp?id=119268>

NO HIDING PLACE

There is a sense of the burlesque about the scramble that is going to ensue at the Election Commission of Pakistan in the coming days. The scramble is going to be made up of 231 lawmakers from legislatures across the country who failed to file their declaration of assets by the due date and as a consequence have been suspended by the ECP. They will no longer be able to attend parliament, the Senate and the provincial assemblies until they have completed and delivered the required paperwork. The list of those suspended includes some who would have been thought to know better – Finance Minister Dr Abdul Hafeez Sheikh, Interior Minister Rehman Malik and Water and Power Minister Naveed Qamar. The lawmakers had failed to deliver the assets statement by September 30, and then managed to overlook the extension they were given until October 15, at which point the ECP dropped the hammer.

At one level this may seem risible, typical of our ramshackle governance, but at another it is indicative of the desire to avoid public scrutiny and accountability on the part of those who have the responsibility to govern the state. What we are seeing with the action of the ECP is another manifestation of a slow but significant move towards accountability, of a requirement for compliance by figures which had hitherto thought themselves above scrutiny, above the requirement to play by the written rules. Pressure for this has come from the senior judiciary who in the last two years have begun to prove their worth as a pillar of the state; and from the media which these days rarely loses a chance to arrange for a politician to be hoist with their own petard. That the ECP felt sufficiently confident to issue the notice suspending the 231 miscreants is also an indicator that an important institution is itself moving towards conformity and compliance and discharging its duties appropriately.

Our lawmakers may not like the record of their assets being raked over by the Fourth Estate, but if they have nothing to hide then they have nothing to complain about either.

Editorial, *News International (Rawalpindi)*, October 24, 2011,
<http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=74044&Cat=8&dt=10/24/2011>

LAHORE RALLY

The Lahore rally on Friday was expected to be the PML-N's mission statement of its struggle to topple President Asif Zardari. This was only partially achieved by Mr Shahbaz Sharif's emotion-packed address at the large public meeting. The speech conveyed how determined, even desperate, the PML-N is to see the back of Mr Zardari, but fell far short of spelling out the party's strategy towards achieving this goal. Mr Sharif mentioned parliament as a possible forum where Mr Zardari could be held accountable for his acts. Since the PPP and its allies have a majority in parliament, the PML-N is more likely to follow the second option the chief minister indicated: widespread public agitation. Their public messages in recent days clearly indicate the PML-N politicians are hoping that a relentless assault on the presidency will throw up its own choices and its own road map for a forced Zardari exit. The party, the PML-N politicians say, is keeping 'all' options open.

It is obvious that when push comes to shove, Pakistan politicians are prepared to fall back on a past they otherwise tell us they have come out of. Much of the energy of both politicians and their supporters has been spent on painting the current times as being different from the acrimonious and ugly 1990s. Whatever impact the ostensible resort to decency had sought to leave on the minds of the people, the impression has been dispelled by the tone and content of Mr Sharif's diatribe against President Zardari at the Lahore rally. Indeed, the brute force with which he delivered his point of view led to questions being asked about whether he was in any way doubtful about the potency of the issues he was raising. The most perplexing part was when he took time out of his attempt to woo 'disgruntled' PPP workers to his side, attempting to get such elements away from not only Mr Zardari but also Imran Khan, who is scheduled to hold a public meeting of his own today. Mr Sharif threatened the president and the PPP leader with a hanging (only an upside-down hanging in this case). It was perhaps this statement that had the PPP and its allies all over the country up in arms and shouting with disgust.

The sadder part is that the 'derogatory' remarks could well be just a reminder of the shape of things to come. Not a good promo for future politics in a country where the real issues of the people have routinely been eclipsed by

the cheap, emotional, revenge-laden antics of their leaders.

Editorial, *Dawn* (Islamabad), October 30, 2011,
<http://www.dawn.com/2011/10/30/lahore-rally.html>

PTI RALLY

Lahore has broken the monotone and created space for Imran Khan to send his message across. At the Minar-i-Pakistan meeting on Sunday, Mr Khan highlighted some salient features of his 'Save Pakistan' campaign. He threatened a countrywide blockade if those in government did not declare their assets; he vowed he would rather die than beg for money; he said that he would never use the army against its own people. This was more or less a repeat of his recent speeches. It was the size of the rally and its venue which lent greater significance to the Pakistan Tehrik-i-Insaaf challenge. The rally was easily one of the biggest in Lahore in recent times — a surprise to both detractors and old fans frustrated by Mr Khan's inability to live up to the promise he made when his party was set up a decade and a half ago.

Imran Khan the politician has taken a long time to arrive in his hometown. His arrival now has been facilitated in large measure by the popular disillusionment with the old power politicians. These old players are viewed by people as being too involved in their own persistent duels to allow a surge for real change in Pakistan. In a way, Mr Khan today stands at a distance from the deeply polarised Pakistani politics where a debunking of President Zardari is often equal to support for the Sharif camp, and vice versa. His recent rise as a popular leader has coincided with his attacks on the PML-N. His stance on the judiciary has helped as have his relatively bolder positions on serious Pakistani problems such as the war on terror and the drone attacks.

The gathering at the rally was varied as it was big; young and old, men and women, children, professionals, political activists — many drawn from the PML-N and the PPP. Some among them may have an issue with certain parts of Mr Khan's emerging ideology, but it appears as if they are prepared to, for now, ignore these details and commit themselves to a drive for dismantling the old and for creating a third option in Pakistan. They have made a start but the task will take some doing, still.

The successful PTI show on Sunday has led to comparisons with Benazir Bhutto's rally held at the same venue in 1986. The Minar is a pyramid rooted in people's wishes with a cage-like top. It can also serve as a symbol for the sad compromises those who have been hailed in its shadow have later had to make to be in power.

Editorial, *Dawn* (Islamabad), November 1, 2011,
<http://www.dawn.com/2011/11/01/pti-rally-2.html>

CHANGE VERSUS STATUS QUO

After years of wandering in political wilderness Imran Khan appears to have finally arrived at the scene, and what an arrival; his rally in Lahore on Sunday is said to be one of the biggest-ever in that city and immeasurably wild with joy and in high spirits.

For about an hour that he spoke the massive gathering in the shadow of the Minar-i-Pakistan kept bubbling with anticipation and hope.

It was a political rally of a different kind, unlike the ones held every now and then by the political parties as audiences were ferried in from distant places in commandeered transport by loyalist officials.

Spontaneity and resonance obtained all the while as Imran Khan spoke in a measured tone laced with idiom closely in sync with people's aspirations.

At times you had the feeling of sitting through a musical evening.

But it was much more than that, for he spoke of change, a change from the present which fits the definition of an unending nightmare for the people of Pakistan.

The Lahore rally has opened the doors on his Tehrik-i-Insaf to join the league of political bigwigs.

Imran Khan is no doubt an icon for the millions both for his great cricket and his pioneering contribution to the treatment of cancer in Pakistan.

Now he is also a great political leader in his own right that stands confirmed.

The programme that Imran Khan unfolded in his Lahore rally, may not be very revolutionary, as some claim, but what is significant about it is the hope and a possibility that things can change, and everything is not lost yet.

The prescription he wrote advises both care and cure; while good governance, honest bureaucracy, hard work and self-reliance can help retrieve national prestige and restore its vitality, the accountability of the corrupt politicians would stem the rot and give Pakistan new leadership.

That he brought under sharper focus the ill-gotten wealth invested abroad or parked in foreign banks and wanted the politicians to declare their assets or face the 'wrath of the people and civil disobedience' Imran Khan appears to be in rhyme with the din that if repatriated these 'billions of dollars' can help the country out of the woods.

About 100 billion dollars are in the foreign bank accounts of Pakistanis, says the Pakistan chapter of Transparency International and the case is now before the Supreme Court.

Corruption in high places being the burning political issue in the country, he did touch a raw nerve, earning in response the crowd's rapturous cheers.

Whatever else he proposed as the way out of the economic mess, energy crisis and political uncertainty is not new but the manner he presented it does establish his capacity to comprehend the complex nature of national issues and how those should be handled - unlike the whole lot of our veterans in this field whose comprehension of the issues is limited to the prepared text.

But having witnessed what one did in Lahore on Sunday one would still be circumspect in saying Imran Khan is our next prime minister.

As one of his detractors quite rightly argued, a big rally is no guarantee of big electoral victory - if you know how in the past huge processions and massive rallies failed to translate themselves into votes.

Then it is also a fact that the gathering Imran Khan attracted in Lahore was essentially the urban elite comprising the educated class, motivated citizens and the youth, and that hardly stands for the majority of our people.

More importantly, while the Tehrik-i-Insaaf may have very clean people to field in the coming election, it doesn't have the kind of 'experienced hands' who have honed the art of winning at the polls by hook or crook.

But what Imran Khan has done is much more than winning a seat here or there; his entry has the entire wherewithal to prove to be a game-changer in national politics.

Not only the massive turn-up at his rally tends to suggest that an election is in the air, he has presented to people a political option and an alternative to the inescapably existing reality of choosing between the bad and the worse.

And that is no mean achievement on the part of an individual even when he is the determined, indefatigable Imran Khan.

Editorial, *Business Recorder* (Karachi), November 2, 2011,
<http://www.brecorder.com/editorials/single/600/0:/1247993:change-versus-status-quo/?date=2011-11-02>

MILITARY INTERVENTION

Chief Justice Iftikhar Chaudhry's remarks on Saturday to a delegation from the National Defence University emphasising the Supreme Court's opposition to an army intervention or other extra-constitutional means being adopted are important, particularly given the backdrop to the statements. The political opposition in the country has for some time now been calling for the ouster of President Zardari, with Leader of the Opposition in the National Assembly Chaudhry Nisar Khan and Pakistan Tehrik-i-Insaaf chief Imran Khan leading the charge. While other political considerations no doubt are informing the opposition's demand for the president's ouster, there is also an important and legitimate point that has been raised: with the present parliament's term

scheduled to end before that of the president's, the next elections will be conducted in the presence of a partisan president who is head of a party hoping to win re-election. While it is reasonably clear that Mr Zardari is not in violation of the letter of the constitution by holding dual offices, the constitution was not designed with the idea that a partisan president would oversee the interim set-up before polls.

The resolution of this matter — where legality may be on the side of the PPP co-chairman but fairness and democratic principles suggest it is not a wise arrangement — is a delicate one, as evidenced by the remarks of the chief justice. The latter was surely right in stating that an army intervention was neither, directly or indirectly, welcome, nor would it be tolerated. But there are certain other realities that also need to be kept in mind. The transition to democracy is still a work in progress, and neither have old threats vanished altogether nor have the politicians been absolved of the responsibility of nurturing the process.

Perhaps the most sensible way forward is for a division of labour: the PPP-led government decides when it wants to call elections according to its constitutional prerogative, but an interim set-up established with the consent of the opposition parties is put in place once elections have been called. Consent would mean something more than the consultation the government claims to have undertaken in the appointment of officials like the NAB chairman and election commissioners. Such an arrangement would be sensible and fair, and the chatter about extra-constitutional interventions would surely subside if it were to be achieved.

Editorial, *Dawn* (Islamabad), November 14, 2011,
<http://www.dawn.com/2011/11/14/military-intervention-2.html>

POLITICAL REALIGNMENT?

Imran Khan is the talk of the town. Is the political landscape changing? Are the contenders of power realigning? Khan's gain at the Minar-i-Pakistan is generally understood as the PML-N's loss. The latter rushed to pre-empt the former's rally in utter confusion.

The Sharifs were under great pressure from the PPP's agenda of a new province in southern Punjab and Khan's bid to snatch the initiative from them. The impending Senate elections finally triggered the PML-N into action.

The PML-N's idea was to re-establish its credibility as a party that would form the next government, to bring forward the polls before any further loss of initiative and to checkmate Imran Khan. But, the party leadership was in the dark about the public mood as well as its own capacity to appeal to the disgruntled mass of humanity.

Chief Minister Shahbaz Sharif's public meeting at Nasir Bagh was poorly organised. Thousands of people were herded together for long hours for what turned out to be a 30-minute solo performance. The audience lacked the level of mobilisation displayed in the 2009 rally for the 'noble' cause of restoration of the chief justice. Nawaz Sharif's absence was costly. A veiled attempt at political succession failed.

The MQM's public meeting elicited the PML-N's criticism as a rent-a-rally for the incumbent president, much as it was on May 12, 2007. Despite being the largest among the three rallies, it put together only an insipid and robot-like audience. There was no political gain for the party, except strengthening its hands against the PPP on the issue of local government.

In contrast, Khan's meeting was fun. He mobilised the youth, especially students. Women participants lent a progressive character to the event. Half a dozen speakers made the rally worth the time and the effort of the participants. Musical bands created a festive mood. There was a party-like atmosphere. Overall, the rally was well-organised.

The Bhutto legacy was all around, especially through the rhetoric about change and focus on youth. But, Khan's end-message was stultifying: there was no ideological formulation, no set of

policies about social, political, economic, educational and legal reforms and no vision of the future. It was mere banging at the door, declaring that he had arrived.

The Pakistan Tehrik-i-Insaaf (PTI) chief addressed two major themes that had been circulated in the media: anti-Americanism couched in the idiom of national sovereignty, and bad governance with a focus on corruption. He targeted Punjab because he has no following in Sindh and Balochistan, and only a few pockets of support in Khyber Pakhtunkhwa.

He warned both President Zardari and Nawaz Sharif to declare their assets within six months or else. This boiled down to a show of strength rather than a programme. Still, Khan is a significant new presence on the political stage, despite his critics harping on themes that he was an intellectual pygmy and a modern-day Tom Jones.

Imran Khan's critics point to his lack of experience in governance, i.e. his poor CV for the job he is seeking. His followers consider him untried and clean, unlike others who are tried and discredited. In 2002, the Muttahida Majlis-i-Amal also claimed that it was untried. It was defeated in 2008 because of allegations of corruption, nepotism and bad governance.

Khan is the exit option in a polarised political arena. He is short on policy. But, he has emerged as a signpost pointing to 'salvation' for those who are disillusioned with the perceived ineptness of the political leadership. He represents the way out rather than the way in.

In Pakistan's parliamentary system, a serious contender for power needs electables to win a plurality of the 272 contested National Assembly. The

PTI's candidates can win only a handful of seats, if at all. Therefore, Khan is on a shopping spree, looking for potential winners among the vastly tried lot — those who served under Musharraf and others.

Will he or won't he make it, that is the question. His icon — Bhutto — made alliances with the leftist groups, the working-class activists, middle peasantry from central Punjab and the traditional political class of Sindh. In this process, he alienated the middle class that shunned mass mobilisation — later translated into votes.

The middle class instead turned to Asghar Khan. Around two million people joined his rally in Karachi in 1970. He was Mr Clean. But he lost out on ideology, the crystallisation of social and economic issues and policies and a credible organisational base in rural and urban areas. That cost votes. Asghar Khan never made it in his long political career.

Can Imran Khan improve on this model of a clean, popular, untried, middle-class hero? Or can he become another Bhutto, even without his intellectual excellence, vast experience of the national and international affairs and a progressive project of redistributive justice, given the PPP's position against the army, bureaucracy, capitalists, landlords and the ulema in the 1970s?

Some argue that political mobilisation of the middle class by Imran Khan is a welcome change, because that would bring it in the political mainstream. Others find an ultra-rightist movement in the making, characterised by pro-Taliban and xenophobic tendencies. At the same time, the 'modern' boys and girls in his rally were convinced that in his heart of hearts Khan is secular.

The first luminary to join him after his rally was not an ex-minister of Musharraf or Nawaz Sharif but an ex-chief of an intelligence agency. Coming as the move does after speculations that the intelligence apparatus is sponsoring the PTI chief, his inclusion in the ranks can turn out to be suicidal. It can scare off prospective allies who would hate to be considered the establishment's poodles.

The PPP, PML-N, MQM, ANP and others will now try to safeguard their own turfs. Imran Khan will be under pressure to explain a lot in his personal and professional life.

His search for electoral heavyweights can jeopardise his 'message' of clean politics. Perhaps he will overcome these formidable challenges. Or maybe he will not be able to.

Mohammad Waseem, *Dawn* (Islamabad), November 15, 2011,
<http://www.dawn.com/2011/11/15/political-realignment.html>

IMRAN'S MOMENT OF OPPORTUNITY?

Much has been written about Imran Khan's Lahore jalsa and its impact on national politics. His huge and impressive rally has animated a lively public debate about whether the PTI leader can convert a visible groundswell of support into a serious challenge to the major political parties and emerge as a credible 'third force'.

The dismissive tone adopted by Imran's political opponents only revealed how rattled they were by his Lahore show. Their disingenuous effort to cast him as the 'establishment's choice' showed they had nothing else to throw at him other than this tired and hackneyed charge. Some critics ascribed a flash-in-the-pan quality to his jalsa – a one-off event rather than the start of a game-changing trend.

In fact the Lahore rally seemed to crystallise deeper shifts in the public mood that have been underway for some time. Three trends are noteworthy and help to explain why Imran is receiving greater public traction now than in the past. The first and most obvious is growing public disenchantment with the two major parties. Popular discontent with politics-as-usual has been evidenced in successive opinion polls carried out by Gallup and Pew among others. They found public approval ratings for the major political leaders to have tumbled in the past three years.

Two, by emerging as a symbol of hope, Imran is tapping into the spirit of a younger generation that expects leaders to offer them an optimistic vision of the future. His call for a new politics that serves the public good and rejection of dysfunctional, dynastic politics are in sync with the widespread yearning for change across society.

And three, participation in the Lahore jalsa by members of the middle class suggests that a growing and more assertive urban middle class wants a greater voice in the country's politics and governance and is prepared to engage in the political process that it shunned in the past. Many among the middle class see Imran as a possible vehicle for their unfulfilled aspirations. Their heavy attendance at the Minto Park rally was testimony to this.

But to sustain the impact of a successful rally Imran has to deal with many immediate challenges. He must quickly demonstrate an ability to transform himself from a celebrity-politician to a team-leader, assemble a credible team and evolve a serious and clear-cut platform of policy positions that goes beyond simplistic rah-rah rhetoric. His challenge is also to build a team that balances the need for 'electables' in his party with resisting expedient compromises that can erode his popular appeal. He will need to turn his youthful followers into actual voters and catalyse the rising tide of anti-incumbent sentiment into an effective organisation capable of fighting elections.

There are factors at play that can both help and hinder Imran's political prospects. In many respects the political environment is more ripe for a 'third force' than ever before. Politics has increasingly been lagging behind social and economic changes of the past two decades that have been reshaping the national landscape. Several economic and other factors, the impact of globalisation and spread of information technology have injected new dynamics into the political arena. But Pakistan's politics has yet to catch up with its implications.

A wave of urbanisation has produced a larger middle class that seeks a bigger political voice. Demographic changes have led to a youth bulge. An increasingly youthful population with unmet expectations can be an important political force. Modern communications and expansion of the broadcast media have created a more 'connected' society which has been changing the way people relate to the government and what they expect of it. This dynamic has already led to sustained voices for a more accountable and responsive government.

Traditional political parties have mostly ignored these political currents and been unwilling to adapt to them. The disillusionment this has engendered among a wary public is reflected not just in the crumbling public standing of many political leaders, but in the growing numbers of voters staying away from the ballot box. In 2008 – an election that took place after prolonged military rule and in the charged atmosphere of Benazir Bhutto's assassination – more than half the electorate, 56 per cent, did not vote.

By-elections that followed reinforced this trend even if allowance is made for the fact that turnout is always less in by-polls than general elections. Turnout of 20 percent in a Lahore seat in March 2010 denoted a phenomenon that should have rung alarm bells even for the winning party. But neither of the two main parties paid attention to an important political fact: that low and declining voter turnout over the years in large part reflected the public's rejection of the narrow political choice offered to them at the ballot box.

This also gives rise to a central paradox of Pakistani politics today: while the two main parties and their regional allies continue to win the bulk of parliamentary seats, the political ground is shifting in ways that is creating a gap between electoral politics and changing patterns and mood in society. This presents Imran Khan with both a challenge and opportunity.

The opportunity to align politics with a changing society is there for him to seize. But he also has to contend with the entrenched structures of traditional politics that still dominate or determine electoral contests and outcomes. Representational politics continues to pivot around patron-client relationships built on hierarchical social structures of kinship and lineage. Patronage-dominated politics rests on working the spoils system. And this makes electoral contests principally about gaining access to state patronage and then distributing it to reward supporters.

Patron-client forms of political representation involve working networks of rural 'feudal' relationships and biradari or tribal alignments to mobilise electoral support. The major parties are mostly extensions of influential families, biradaris, and local influentials even if the PPP has retained some of its original populist following.

The ability of members or scions of prominent political families and the rural elite to win parliamentary seats is also because constituencies are still delimited on the basis of old census data. Also boundary demarcations have historically mirrored the distribution of clan or biradari groups especially in Punjab. This reinforces the hold of biradari leaders on the electoral game. As there has been no census since 1998, elections predicated on old numbers do not reflect the country's greater urbanisation and end up over representing rural Pakistan.

Unless there is a comprehensive delimitation of parliamentary constituencies (rather than the customary tweaking that precedes elections) newer parties will be at an electoral disadvantage. Imran Khan has yet to demand this as part of wide ranging electoral reforms. These are urgent especially after the Election Commission recently found millions of fake voters on the electoral register.

A key question this raises is whether conventional politics and electoral factors that privilege the present incumbents can be trumped – as happened in 1970 – by a new political force that is able to override the entrenched instruments of power and influence? The answer is that if anything can, it will be the combination of a powerful idea or message, a strong team and an effective political organisation that can mobilise what is clearly a widespread desire for change in the country. A leader's personal charisma alone is insufficient for any enduring political transformation.

Whether Imran Khan can effectively take on this daunting mission only time will tell. But what he has already done is to reinvigorate the country's jaded politics and revive a lost passion for active citizenship. He has challenged the parties of patronage by his promise of a new politics of public service. He has also thrown down the gauntlet to the middle class that has long been content to carp at Pakistan's corrupt and hide-bound politics while abdicating to a political class that has produced uninspired and uninspiring leaders who have failed to either lead or govern.

Dr Malecha Lodhi, *News International* (Rawalpindi), November 15, 2011,
<http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=77508&Cat=9>

SECTION II: MINORITIES' RIGHTS

RIGHTS OF MINORITIES IN ISLAM AND PAKISTAN

Abstract

The minorities in an Islamic state and in Pakistan are provided protection in the same way as it is for the majority. Part II of the Constitution of Pakistan lays down “fundamental rights and principles of policy”. There are clauses that permit freedom of movement, assembly, association, trade, business or profession, and speech. Articles 20-27 provide for “freedom to profess religion and to manage religious institutions”; “safeguards against taxation for purposes of any particular religion or educational institutions in respect of religion”, and that “no person attending an educational institution shall be required to receive religious education, or take part in any religious ceremony, or attend religious worship, if such institution, ceremony or worship relates to religion other than his own”; and ensures equality of citizens and non-discrimination, etc.

The minorities along with the liberal section of the population have reservations regarding the misuse of Hudood Ordinance and Blasphemy Law, which need to be addressed suitably to accommodate their concerns. Regardless of the few discriminatory constitutional provisions that are essentially symbolic in nature, and some laws, there seems an overall consensus in Pakistan that the fundamental human rights as guaranteed under the Constitution of the country must remain applicable to all citizens including minorities.

Introduction

There is always a variation between theory and practice, and perception and reality. In some quarters there are misperceptions, misunderstanding and misinterpretation about teachings of Islam. This is mainly because of differences and dichotomy between what Islam teaches and what many of its followers practice. All religions aim at peace and well being of humanity and so does Islam. What is Islam? It is a world-religion based on belief in ONE GOD and revealed knowledge through Holy Prophet Muhammad (PBUH).

As for minorities in an Islamic state and in Pakistan, the subject will be discussed in two parts:

Islam and Minorities

- i) Quranic Injunctions
- ii) Examples from Sunnah
- iii) Preaching of Islam

Minorities in Pakistan

- i) Population of Minorities
- ii) Pakistan Resolution

- iii) Quaid-i-Azam's Vision, Extremism and Violence
- iv) Constitution, Laws and Reforms Affecting Minorities
- v) Constitutional Rights and Institutions for Minorities

Islam and Minorities

All major religions of the world teach us peace and compassion and Islam is no exception. The word Islam means peace and submission to God. It is wrong to blame Islam for the sins of violence by certain people who claim to be Muslims. An Islamic state is guided by Islamic Law. There are four sources of Islamic Law: Holy Qur'an, and Hadith literature (i.e., traditions/sunnah), and if there is no clear-cut instruction in these sources, scholars are guided by Qayas (i.e., analogy and inference based on Qur'an and Sunnah), and Ijmah (i.e. consensus). The Holy Qur'an and Sunnah give ample proof of tolerance towards minorities in an Islamic state. It is seen even in its early period when Islam had to co-exist with Christianity, Judaism, or Sabians (those who are in possession of revealed knowledge but they are not mentioned in Holy Quran). Following Qur'anic injunctions would clarify the status of non-Muslim minorities in an Islamic state:

Belief in God and Righteousness

Holy Qur'an teaches belief in God and advises to strive for righteousness:

“Those who believe (in the Qur'an) and those who follow the Jewish (scriptures), and the Christians and the Sabians [All those who claim revelation from God, such as Zoroastrians, etc], any who believe in Allah and the Last Day, and work righteousness, shall have their reward with their Lord, on them shall be no fear, nor shall they grieve.” (Qur'an, 2:62)

God Advises to Pursue all that is Good

“To each is a goal to which Allah turns him; then strive together (as in a race) towards all that is good. Wheresoever ye are, Allah will bring you together, for Allah hath power over all things.” Qur'an, 2:148)

No Distinction between Prophets of God

Islam venerates all prophets of God and does not make distinction among them, i.e., between the prophet of Islam and prophets of other religions.

Say “We believe in Allah, and in what Has been revealed to us and what was revealed to Abraham, Isma'il, Isaac, Jacob, and the Tribes, and in (the Books) given to Moses, Jesus, and the Prophets, from their Lord; we make no distinction between one and another

among them, and to Allah do we bow our will (in Islam).” (Quran, 3:84)

Same God for all Religions

“And dispute ye not with the People of the Book, except in the best way, unless it be with those of them who do wrong but say, ‘We believe in the Revelation which has come down to us and in that which came down to you; Our God and your God is One; and it is to Him we submit (in Islam).’” (Qur’an, 29:46)

God has Taught the Same Religion Through His Prophets

“The same religion has He established for you as that which He enjoined on Noah - the which We have sent by inspiration to thee - and that which We enjoined on Abraham, Moses, and Jesus: namely, that ye should remain steadfast in Religion, and make no divisions therein: to those who worship other things than Allah, hard is the (way) to which thou callest them. Allah chooses to Himself those whom He pleases, and guides to Himself those who turn (to Him).” (Qur’an, 42:13)

Religious Diversity is to Strive in Virtue and Not to Quarrel

“To thee We sent the Scripture in truth, confirming the scripture that came before it, and guarding it in safety: so judge between them by what Allah hath revealed, and follow not their vain desires, diverging from the truth that hath come to thee. To each among you have We prescribed a Law and an Open Way. If Allah had so willed, He would have made you a single People, but (His Plan is) to test you in what He hath given you to strive as in a race in all virtues. The goal of you all is to Allah; it is He that will show you the truth of the matters in which ye dispute;” (Qur’an,5:48)

If God Willed, There Could be no Religious Diversity

“Allah alone can show the right path but there are ways that turn aside; if Allah had willed, He could have guided all of you.” (Qur’an, 16:9)

Again, God says:

“If it had been thy Lord’s Will, they would all have believed. – All who are on earth! Will thou then compel mankind, against their will, to believe!” (Qur’an, 10:99)

All are Responsible for their Own Deeds

“Say: Will ye dispute with us about Allah, seeing that He is our Lord and your Lord; that we are responsible for our doings and ye for yours; and that We are sincere (in our faith) in Him?” (Qur’an, 2:139)

Another Verse says:

“Now then, for that (reason), call (them to the Faith), and stand steadfast as thou are commanded, nor follow thou their vain desires; but say: ‘I believe in whatever Book Allah has sent down, and I am commanded to judge justly between you. Allah is our Lord and your Lord! For us (is the responsibility for) our deeds, and for you your deeds. There is no contention between us and you. Allah will bring us together, and to Him is (our) final goal.’” (Qur’an, 42:15)

Everyone Will Follow his Own Religion

Say: O Ye that reject Faith! I worship not that which ye worship, nor will ye worship that which I worship. And I will not worship that which ye have been wont to worship, nor will ye worship that which I worship. To you be your Way, and to me mine.” (Qur’an, 109, 1-6)

No Compulsion or Coercion in Religion/Faith

“Let there be no compulsion in religion: truth stands out clear from error: whoever rejects Taghut [evil] and believes in Allah has grasped the most trustworthy hand-hold, that never breaks. And Allah heareth and knoweth all things.” (Qur’an, 2:256)

Examples from Tradition/Sunnah of Holy Prophet Muhammad (PBUH)

Prophet Muhammad (PBUH) and his followers endured untold hardships and miseries, during the early thirteen years (610-623 AD) of preaching in Makkah, but he never retaliated.¹ When the people of Makkah decided to assassinate him, he migrated to the northern city of Madina, where he lived till his demise in 633 AD. In Madina, he was entrusted with the responsibility to function as head of the city-state where Jews and other tribes lived as citizens.

¹ Muhammad’s followers were thrown into prison, starved and then beaten with sticks. The hill of Ramdha and the place called Batha became thus the scenes of cruel tortures.” Ibn-u-Athir, vol. ii, p. 50, and Ibn-Hisham, pp. 209, cited in Ameer Ali, *The Spirit of Islam*, p. 27.

- 1) He drew up the Constitution of the city-state of Madina known as *Meesaq-e-Madina*, which envisaged a common defence and security against adversaries by all residents of the city irrespective of their religion, caste and colour. He successfully worked to end the tribal wars, which had been rampant for more than a century.
- 2) "When the Abyssinian Christian delegation arrived in Madina, the Prophet provided them with lodging even in his own Mosque, and he himself attended to their hosting and service saying: "They have honoured our people, so I like to honour them myself."²
- 3) When the Christians of Najran came to Madina, the Prophet lodged them too in the Mosque and permitted them to hold their prayers on one side of the Mosque with Muslims on the other side. In this Mosque, dialogues between Christians and Muslims were conducted with freedom, respect and tolerance.³
- 4) In 628 C.E. Prophet Muhammad granted a Charter of Privileges to the Monks of St. Catherine's Monastery on Mt. Sinai and to the Christian community. It contained several clauses covering all aspects of human rights, including such topics as the protection of Christians, freedom of worship and movement, freedom to appoint their own judges and to own and maintain their property, exemption from military service, and the right to protection in war:

"This is a message from Muhammad ibn Abdullah, as a covenant to those who adopt Christianity, near and far: we are with them. Verily I, the servants, the helpers, and my followers defend them, because Christians are my citizens; and by Allah! I hold out against anything that displeases them. No compulsion is to be on them. Neither are their judges to be removed from their jobs nor their monks from their monasteries. No one is to destroy a house of their religion, to damage it, or to carry anything from it to the Muslims' houses. Should anyone take any of these, he would spoil God's covenant and disobey His Prophet. Verily, they are my allies and have my secure charter against all that they hate. No one is to force them to travel or to oblige them to fight. The Muslims are to fight for them. If a female Christian is married to a Muslim it is not to take place without her approval. She is not to be prevented from visiting her church to pray. Their churches are to be respected. They are neither to be prevented from repairing them nor the sacredness of their covenants. No one of the nation (Muslims) is to disobey the covenant till the Last Day."⁴

- 5) This Charter granted to the monastery of St. Catherine and to all Christians "has been justly designated as one of the noblest monuments of enlightened tolerance that the history of the world

² World Security Network Newsletter, London, January 16, 2011.

³ Ibid.

⁴ World Security Network Newsletter, London, January 16, 2011.

can produce. This remarkable document which has been faithfully preserved by the annalists of Islam displays a marvelous breadth of view and liberality of conception. By it the Prophet secured to the Christians privileges and immunities which they did not possess even under sovereigns of their own creed; and declared that any Muslim violating and abusing what was therein ordered, should be regarded as a violator of God's testament, a transgressor of His commandments, and a slighter of His faith. ... If Christians should stand in need of assistance for the repair of their churches or monasteries, or any other matter pertaining to their religion, the Muslims were to assist them."⁵

- 6) This historical document is still preserved in the Monastery of St. Catherine in the Sinai Peninsula.

"The essence of the political character of Islam is to be found in the charter, which was granted to the Jews by the Prophet after his arrival in Madina, and the notable message sent to the Christians of Najran and the neighbouring territories after Islam had fully established itself in the Peninsula. This latter document has, for the most part, furnished the guiding principle to all Muslim rulers in their mode of dealing with their non-Muslim subjects, and if they have departed from it in any instance the cause is to be found in the character of the particular sovereign. If we separate the political necessity which has often spoken and acted in the name of religion, no faith is more tolerant than Islam to the followers of other creeds."⁶

Preaching of Islam

Islam is a missionary religion. Islam spread throughout the world as a result of missionary work. "The Qur'an enjoins preaching and persuasion, and forbids violence and force."⁷ During the period of British supremacy in India, Thomas Arnold, British Professor in Government College, Lahore, carried out a thorough research about the spread of Islam in the subcontinent and in the world. He concluded that it were the missionaries who were responsible for the spread of Islam. Thus he desired that his own Christian missionaries should benefit from the experience of Muslim preachers.

⁵ Ameer Ali, *The Spirit of Islam* (London: Methuen & Co, 1965), p. 84; Also see Akram Zaheer, *Muslim History: 570-1950 CE* and Dr Arif Ali, "A Charter for Christians Muslim harmony", Dawn (Islamabad, October 24, 2006).

⁶ Comp. Gobineau, *Les Religions et les Philosophies dans l'Asie Centrale*, cited in Amir Ali, *The Spirit of Islam*, pp. 271-72.

⁷ A comprehensive research on the preaching of Islam was carried out by Christian Professor Thomas W. Arnold, finalized and published in 1896 in Aligarh, India and further updated in London and published the 2nd edition in 1913. Thomas Arnold, *The Preaching of Islam* (Lahore: Ashraf Printing Press, reprinted, 1961), ix.

To deny the misperception that Islam spread by the sword, several prominent Islamic scholars, in an Open Letter to Pope Benedict XVI, argued:

"The notion that Muslims are commanded to spread their faith 'by the sword' or that Islam in fact was largely spread 'by the sword' does not hold up to scrutiny. Indeed, as a political entity Islam spread partly as a result of conquest, but the greater part of its expansion came as a result of preaching and missionary activity. Islamic teaching did not prescribe that the conquered populations be forced or coerced into converting. Indeed, many of the first areas conquered by the Muslims remained predominantly non-Muslim for centuries. Had Muslims desired to convert all others by force, there would not be a single church or synagogue left anywhere in the Islamic world. The command 'There is no compulsion in religion' means now what it meant then. The mere fact of a person being non-Muslim has never been a legitimate *casus belli* in Islamic law or belief. As with the rules of war, history shows that some Muslims have violated Islamic tenets concerning forced conversion and the treatment of other religious communities, but history also shows that these are by far the exception which proves the rule. We emphatically agree that forcing others to believe - if such a thing be truly possible at all - is not pleasing to God and that God is not pleased by blood."⁸

The history bears witness to the fact that the Jewish minorities when persecuted in Spain were provided protection by the Ottoman Empire. The minorities in an Islamic state are provided protection in the same way as it is for the majority. They are free in the performance of their religion, rites, festivals, etc. and build their own places of worship as per rules. The Penal Laws are the same for both majority and minority except that in such matters as drinking wine the minorities are exempted. Similarly, the Civil Laws are the same for all. Unlike Muslims, they are permitted to drink and deal in wine and can rear, eat and sell pigs. Secondly, all their personal matters would be decided in accordance with their own Personal Law.

There is a misperception about imposition of *jizyah* on non-Muslims in an Islamic state. Let it be understood that *jizyah* was realized for exemption from military service of able-bodied male adults of the community, and the rates were reasonable and sliding. As against this, the Muslims have to pay *zakat* which is applicable for both male and female. Now that non-Muslims are eligible for military service, *jizyah* cannot be levied.

⁸ World Security Network Newsletter, London, January 16, 2011. Also see detailed research in Thomas Arnold, *The Preaching of Islam* (London, 1913)

Minorities in Pakistan

Breakdown of Population

Pakistan was established in Muslim majority contiguous areas to save Muslims from religious discrimination and domination by an overwhelming Hindu majority. In Pakistan, the community-wise population as per the first census of Pakistan conducted in 1951 and the last census about half a century later in 1998 is:

Religious Configuration in Pakistan

Community	Total (in million) 1951	Percentage 1951	Total (in million) 1998	Percentage 1998
Total Population	33.730	-	145.5	-
Muslims	32.732	97.12	139.91	96.16
Ahmadis	-	-	.509	0.35
Hindus	0.531	1.58	1.40	0.962
Scheduled Caste	-	-	0.48	0.33
Christians	0.433	1.28	2.458	1.9
Others	0.046	0.02	0.746	0.512

Source: Census of Pakistan 1951; Population Association of Pakistan Statistics, Table 1.4: Percentage Population by Religion, Source: 1998 Census: Hand Book of Population and Housing Census Pakistan (Islamabad: Government of Pakistan, Population Census Organization Statistics Division, 2002), 50;
<http://www.pap.org.pk/statistics/population.htm>

Percentage Religious Population Province-wise

	Punjab	Sind	NWFP	FATA	Baloch	Islamabad
Muslims	97.2	91.3	99.4	99.6	98.8	95.5
Ahmadis	2.3	1	0.2	0.2	0.4	4.1
Hindus	0.1	6.5	-	-	0.5	-
Sh. Caste	-	0.1	-	-	0.1	-

Christians	2.3	1	0.2	0.1	0.4	4.1
Others	0.1	0.1	0.1	0.1	0.1	0.1

Source: 1998 Census: Hand Book of Population and Housing Census Pakistan (Islamabad: Government of Pakistan, Population Census Organization Statistics Division, 2002), 50.

It will be seen that the percentage of Muslim population has declined from 97.12 to 96.16 percent. Hindus have decreased from 1.58 percent to 1.4 percent. There is an overall increase in the percentage of population of minorities in the 1958 census, partly because of the addition of 0.35 percent Ahmadis, and partly because of the increase in the population of Christian community from 1.28 percent in 1951 to 2.458 percent in 1998.

The major sects amongst Muslims are Shi'as and Sunnis, the former being roughly about 20 percent of the population. The non-Muslim minorities are about 3.84 per cent. Christians and Hindus are two major communities. About ninety percent of Hindus live in Sindh and eighty per cent of Christians live in the Punjab. In addition, there are Ahmadis, and a smaller number of Sikhs, Buddhists, Parsis, and some other minor groups.

Pakistan Resolution and Minorities

When the All-India Muslim League finally decided in 1940 that Muslim interest would be best served if they establish an independent state in contiguous areas where they are in majority, they simultaneously assured equal rights to minorities. Their resolution of March 24, 1940 reads:

“Resolved that it is the considered view of this Session of the All India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principles, viz., that geographically contiguous units are demarcated into regions which should be so constituted, with such territorial readjustments as may be necessary that the areas in which the Muslims are numerically in a majority as in the North-Western and Eastern Zones of India should be grouped to constitute “Independent States” in which the constituent units shall be autonomous and sovereign. That adequate, effective and mandatory safeguards should be specifically provided in the constitution for minorities in these units and in the regions for the protection of their religious,

cultural, economic, political, administrative and other rights and interests in consultation with them and in other parts of India”⁹

Quaid-i-Azam’s Vision and Minorities

Quaid-i-Azam Muhammed Ali Jinnah, the father of the nation, had conceived Pakistan as a modern democratic state. Pakistan was created as a place where an economically marginalised minority could operate a democracy independently. It was to save the people from religious discrimination and domination by an overwhelming religious majority, and that it emerged as a territorial state in the Muslim majority areas of the South Asian subcontinent on August 14, 1947. Quaid-i-Azam after his election as the first president of the Constituent Assembly of Pakistan on August 11, 1947, outlined his concept and policies for Pakistan, which in essence are pluralistic and democratic. For instance, concerning minorities he emphasized:

If you change your past and work together in a spirit that every one of you, no matter to what community he belongs, no matter what relations he had with you in the past, no matter what is his colour, caste or creed, is first, second and last a citizen of this State with equal rights, privileges and obligations, there will be no end to the progress you will make.

I cannot emphasise it too much. We should begin to work in that spirit and in course of time all these angularities of the majority and minority communities, the Hindu community and the Muslim community — because even as regards Muslims you have Pathans, Punjabis, Shias, Sunnis and so on and among the Hindus you have Brahmins, Vashnavas, Khattris, also Bengalese, Madrasis, and so on — will vanish. Indeed if you ask me this has been the biggest hindrance in the way of India to attain the freedom and independence and but for this we would have been free peoples long ago. ...

Therefore, we must learn a lesson from this. You are free to go to your temples, you are free to go to your mosques or to any other place of worship in this State of Pakistan. You may belong to any religion, caste or creed – that has nothing to do with the business of the State. ...

We are starting in the days when there is no discrimination, no distinction between one community and another, no discrimination between one caste or creed and another. We are starting with this fundamental principle that we are all citizens and equal citizens of the State. ...

Now, I think we should keep that in front of us as our ideal and you will find that in course of time Hindus would cease to be

⁹ Nawabzada Liaquat Ali Khan, *Resolutions of the All India Muslim League From December 1938 to March 1940*, n.d., 47-48.

Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State.¹⁰

Again, as the first Governor-General of the country, he affirmed that he shall always be guided by the “principles of justice and fair play” without any “prejudice or ill-will” or “partiality or favouritism”.¹¹ On February 3, 1948, in reply to the Address of Welcome by the Parsi minority community of Sind, he said:

I assure that Pakistan means to stand by its oft-repeated promises of according equal treatment to all its nationals irrespective of their caste and creed. Pakistan which symbolizes the aspirations of a nation that found itself in a minority in the Indian subcontinent, cannot be unmindful of the minorities within its own borders.¹²

Nizam-i-Mustafa Movement

Soon after Jinnah's demise, the Muslim leadership of Pakistan came to be divided into two opposing groups. One group wanted to have Pakistan as a liberal, secular state while the other was for the introduction of Nizam-i-Mustafa according to the Qur'an and Sunnah (i.e., a form of government similar to the one practised by Holy Prophet Muhammad (PBUH) in Madina during 620-32 A.D.). The true Islamic state was founded in Madina in 620 A.D. and ended with the assassination of Caliph Ali in 661 A.D. According to Shi'a belief the Islamic state ended with the demise of the Holy Prophet in 632 A.D.

Due to lack of competent and visionary political leadership, and the fact that Muslims constituted 97 percent of the population, the religious leaders advocated and preached the establishment of a religio-political system.¹³ They were skeptical of the politico-social development of modern times and western

¹⁰ *Quaid-i-Azam Mohammed Ali Jinnah - Speeches as Governor-General of Pakistan 1947-48* (Karachi: Pakistan Publications, n.d.), 8-9.

¹¹ *Jinnah Speeches as*, 6-10. Jinnah's address has been interpreted differently. Ch. Muhammad Ali in his *Emergence of Pakistan* has viewed it as an assurance for security to minorities, whereas Muhammad Munir states that Jinnah believed in secularism. See Muhammad Munir, *From Jinnah to Zia* (Lahore: Vanguard Books Ltd., 1980), 29.

¹² Jinnah – Speeches, 50.

¹³ “The field of medieval political theory has already been subjected to intensive investigation by Von Kremer, Arnold, Sherwani, Rosenthal, Hamidullah, Tyan and others, and movements of modernism in contemporary Muslim world have also been extensively surveyed by scholars such as Smith, Gibb, Adams and Aziz Ahmad.” Manzooruddin Ahmed, *Islamic Political System in the Modern Age: Theory and Practice* (Karachi: Royal Book Coy, 1983), Justice Hamoodur Rehman, *Islamic Concept of State* (Karachi: Begum Aisha Bawany Waqf, 1978).

political institutions. Their theology clashed with the democratic culture envisioned by the founding fathers.

Extremism and Violence

Since Pakistan was conceived by its founders as a modern democratic state and not a theocracy, the clergy felt isolated. They were partly inspired by their faith and conviction and partly by parochial and economic motives. Some of them promoted sectarianism, extremism, and violence. For example, there was excessive violence against Ahmadiya community in 1953, which led to the imposition of Martial Law in Lahore, and later in 1974 categorizing the community as a non-Muslim minority.

Owing to official patronage under General Zia-ul-Haq, the role and influence of the clergy and religious parties increased. It also helped the growth of a few extremist Sunni and Shi'a groups who attempted to promote the sectarian divide in the country.¹⁴ Interested foreign countries came to their help. For instance, after 1979 revolution, the Iranian government supported Shi'a community, while Saudi Arabia supported Sunni groups. The United States supported Zia regime in encouraging and arming "mujahids" to fight against Soviets in Afghanistan. The number of madaris increased and Kalashnikov culture developed.¹⁵ After Zia's death in 1988, during the next decade of democratic civilian rule, according to an assessment, "Pakistan went through a period of worst sectarian killings" and there were instances of attacks on mosques, Imam-bargahs, and churches."¹⁶ After 9/11, the U.S.-led operations in Afghanistan and consequent insurgency in that country had a spill over effect on Pakistan. Consequently, extremism, militancy and violence are persisting throughout the country causing suffering to both majority and minority communities.

Constitution, Laws and Reforms Affecting Minorities

- *Article 2:* Islam shall be the state religion of Pakistan.
- *Article 41:* The President of Pakistan shall be a Muslim.
- *Article 91(3):* By virtue of the oath set out in the Third Schedule of the Constitution the Prime Minister should also be a Muslim.

¹⁴ Sadia Nasir, *IPRI Paper 7: Religious Extremism in South Asia* (Islamabad Policy Research Institute, 2004), 33, cited A.Z. Hilali, "The Costs and Benefits of the Afghan War for Pakistan", *Contemporary South Asia* (Oxford), Vol. 11, No. 3 (November 2002), 301.

¹⁵ Hussain Haqqani, "Islam's medieval Outposts", *Foreign Policy* (Washington), November/December 2002, 63, cited by Sadia Nasir, *IPRI Paper*, 35.

¹⁶ Zafar Abbas, "The Backlash", *BBC*, 17 October 2002, http://news.bbc.co.uk/1/hi/world/south_asia/2337675.stm

Except for the President and the Prime Minister, all other appointments including Federal Ministers, Speaker and Members of National Assembly and Chairman and Members of Senate and all other appointments such as Chief Justice of Pakistan, Chief Election Commissioner, Auditor-General, etc. etc. are open to all without discrimination. For instance, there was Honourable Alvin Robert Cornelius, a Christian (1960-1968) and Honourable Rana Bhagwandas, a Hindu (2009) appointed as Chief Justice of Pakistan, besides other High Court Judges. There is no disqualification for members of national or provincial legislative assemblies on the basis of colour, caste, creed or religion.

Pakistan inherited the civil and criminal laws enacted during British period. Under the Islamisation policy, General Zia's government promulgated certain laws, such as, Hudood Ordinance and Blasphemy Laws.

a) *Hudood Ordinance 1979*: It lays down harsh punishments mentioned in the Qur'an and Sunnah:

- (i) *Zina* (adultery). Maximum punishment is death by stoning, but there is reduced maximum punishment for unmarried couples and non-Muslims, 100 lashes. But for **qazaf** (false accusation of zina) 80 lashes. However, Qur'an prescribes lashes only and not stoning to death.¹⁷ General Pervez Musharraf revised it in 2006 by Women's Protection Bill, allowing rape to be prosecutable under civil law.
- (ii) *Theft*. Maximum punishment is cutting off right hand. But the amputation of right hand, according to an opinion expressed by a former Chief Justice is "contrary to Quran as verse 38 of Surat-ul-Maidah is qualified by the next succeeding verse 39 which says "but whoso repenteth after his wrong doing and amendeth, Lo Allah will relent towards him. Lo Allah is Forgiving, Merciful."¹⁸
- (iii) *Drinking alcohol*. Maximum punishment is 80 lashes. But the "prohibition ordinance which punishes possession, consumption etc. of all spirituous liquors, is against the Hanafi school of thought, based on Quranic injunctions, provided they are drunk in a moderate quantity as medicine."¹⁹

These laws have enhanced the maximum punishment for adultery, theft, drinking alcohol, blasphemy and also made the evidence for zina more stringent. Except for these offences, old punishments under the normal civil

¹⁷ Qur'an, 24:2.

¹⁸ Quran, 5: 38-39; Munir, *From Jinnah to Zia*, xix.

¹⁹ Munir, *From Jinnah to Zia*, xix.

and criminal law and the Evidence Act remain in tact. In addition, all religious communities enjoy the personal laws applicable to their respective religion.

- b) *Blasphemy Law*. The criminal law prohibits and punishes blasphemy and the maximum punishment is up to death, but no judicial execution of a person guilty of the offence has taken place.

Several sections of Pakistan’s Criminal Code forbid damaging or defiling a place of worship or a sacred object; outraging religious feelings; defiling the Qur’an; defaming Holy Prophet Muhammad, but it is a requirement that the offence should be a consequence of the accused person’s intent. Defiling Qur’an merits imprisonment for life and defaming the Holy Prophet merits death with or without a fine. The trial for the defaming of the Holy Prophet is required to be heard by a Muslim District and Sessions Judge.

Objections against Harsh Punishments:

- Some Muslim scholars, such as Jawaid Ghamdi of Pakistan, argue that capital punishment in Islam could be given only to a person who is guilty of “homicide”, i.e., killing somebody deliberately, or to a person who is guilty of “*fitna*” (spreading disorder and conflict in the society). His contention is based on a Quranic injunction: “We ordained for the Children of Israel that if any one slew a person – unless it be for murder or for spreading mischief in the land – it would be as if he slew the whole people: And if any one saved a life it would be as if he saved the life of the whole people.” (Qur’an, 5:32)
- According to Holy Quran, Allah is Forgiving and Merciful but in the Order and Ordinance promulgated, there is not a trace of His Forgiveness and Mercifulness.²⁰
- There is a consensus that most of the cases registered for blasphemy were motivated by personal reasons and to harass opposing parties and members of minority communities.
- This law is opposed by liberal forces in the country. There is a need to look into it so that it is not abused or misused, so as to address the concerns of the people including minorities subject to law and public morality.

²⁰ Munir, xx.

Administrative Reforms

- *Separate Electorates.* Minorities had opposed separate electorate which was re-introduced by General Zia in 1985 (after having been abolished in 1956). An All Pakistan Minorities Conference was held in Lahore in 2000. They demanded that joint electorate be re-introduced. General Pervez Musharraf's government acceded to their demand. Now, the minorities enjoy double votes: one they have for their reserved seats and one for the general seat because of the joint electorate.
- *Private Schools.* The minorities had complaints that their schools were nationalized under the nationalization policy of Prime Minister Zulfikar Ali Bhutto's administration (1972-78). Musharraf's government restored and allowed private schools.

Constitutional Rights of Minorities

The Constitution of Pakistan attempts to balance the values and the spirit of Islam with requirements of secularism. It guarantees equal rights to minorities. For instance:

Preamble: Assures Equal Rights and Status

Para 6: "Wherein adequate provision shall be made for the minorities to profess and practice their religions and develop their cultures;..."

Para 8: "Wherein shall be guaranteed fundamental rights including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality;"

Para 9: "Wherein adequate provision shall be made to safeguard the legitimate interests of minorities and backward and depressed classes."

PART II: Fundamental Rights and Principles of Policy

Article 20: Freedom to Profess Religion and to Manage Religious Institutions

"Subject to law, public order and morality,-

- (a) every citizen shall have the right to profess, practice and propagate his religion; and
- (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions."

Article 21: Safeguard against Taxation for Purposes of any Particular Religion

"No person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than his own."

Article 22: Safeguards as to Educational Institutions in Respect of Religion, etc

- (1) “No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own.
- (2) In respect of any religious institution, there shall be no discrimination against any community in the granting of exemption or concession in relation to taxation.
- (3) Subject to law,
 - (a) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination; and
 - (b) No citizen shall be denied admission to any educational institution receiving aid from public revenues on the ground only of race, religion, caste or place of birth.
- (4) Nothing in this Article shall prevent any public authority from making provision for the advancement of any socially or educationally backward class of citizens.”

Article 25: Equality of Citizens

- (1) “All citizens are equal before law and are entitled to equal protection of law.”

Article 26: Non-discrimination in Respect of Access to Public Places

“In respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination against any citizen on the ground only of race, religion, caste, sex, residence or place of birth.”

Article 27: Safeguard against Discrimination in Services

- (1) “No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth.”

Article 28: Preservation of Language, Script and Culture

“Subject to Article 251* any section of citizens having a distinct language, script or culture shall have the right to preserve and promote the same and subject to law, establish institutions for that purpose.”

(*Article 251 (1) declares that the National language of Pakistan is Urdu...)

Article 33: Parochial and other Similar Prejudices to be Discouraged

“The State shall discourage parochial, racial, tribal, sectarian and provincial prejudices among the citizens.”

Article 36: Protection of Minorities

“The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services.”

*PART IX: Islamic Provisions**Article 227: Provisions relating to the Holy Quran and Sunnah*

(2) “Nothing in this Part shall affect the personal laws of non-Muslim citizens or their status as citizens.”

Article 203A-J: A Federal Shariat Court is established to “examine and decide the question whether or not any law or provision of law is repugnant to the injunctions of Islam”. The Constitution has made the Shariat Benches Order part of it, but the Shariat Benches’ jurisdiction is very much limited; all important laws having been excluded from their jurisdiction.²¹ Article 203F allows an aggrieved party to appeal to the Supreme Court.

Enforcement of Shari’ah Act, 1991: Paragraph 3(1) reads that “Injunctions of Islam as laid down in the Holy Qur’an and Sunnah, shall be the supreme Law of Pakistan”, but the next paragraph 3(2) says that “nothing contained herein shall affect the rights of the non-Muslims guaranteed by or under the Constitution” and its paragraph 1 says: “Nothing contained in this Act shall affect the personal laws, religious freedom, traditions, customs and way of life of the non-Muslims”.

Institutional Arrangements for the Protection of Minorities

The Government of Pakistan has made certain institutional arrangement for the protection and welfare of minorities. There is a federal Ministry of Minority Affairs, which performs the function of safeguarding the rights of the minorities as guaranteed by the Constitution and promoting the welfare of minorities. The National Commission for Minorities established in 1993 works for promoting the welfare and safeguarding religious, social and cultural rights of the minorities. It works under the Ministry of Religious Affairs and promotes welfare of the minorities.

²¹ Muhammad Munir (Chief Justice of Pakistan in 1950s). *From Jinnah to Zia* (Lahore: Vanguard Books Ltd., 2nd ed., 1980), xix.

Conclusion

The minorities in an Islamic state and in Pakistan are provided protection in the same way as it is for the majority. Part II of the Constitution of Pakistan lays down “fundamental rights and principles of policy”. There are clauses to permit freedom of movement, assembly, association, trade, business or profession, speech, freedom to profess religion and to manage religious institutions, and ensuring equality as citizens and non-discrimination, etc.²²

In spite of the Constitution of Pakistan guaranteeing the fundamental human rights, minorities have grievances against Hudood Ordinance and Blasphemy Law, which need to be addressed suitably to accommodate their concerns subject to law and public morality. Regardless of the few discriminatory constitutional provisions that are essentially symbolic in nature, and some controversial laws, there seems an overall consensus in Pakistan that the fundamental human rights as guaranteed under the Constitution of the country must remain applicable to all citizens including minorities.

(Dr. Noor ul Haq, Senior Research Fellow, IPRI, presented his paper at “International Conference on Islam and State: Practice and Perceptions in Pakistan and the Contemporary Muslim World” held on January 25-26, 2011, organized by Islamabad Policy Research Institute (IPRI), the Hanns Seidel Foundation (HSF), Germany and Iqbal International Institute for Research & Dialogue, International Islamic University Islamabad, IIUI.)

NATIONAL MINORITIES DAY OBSERVED

The National Minorities Day was celebrated across the country on Thursday by the religious minorities officially. Events were organized by the minority groups while government also celebrated the day with a pledge to safeguard fundamental rights, safety, security, honour, life, liberty and property of the minorities.

The Democratic Government has declared 11th August, as “Minorities Day”, the day when the father of nation laid down the foundation of a progressive, modern and a democratic Pakistan. The founder of the nation, Quaid-e-Azam Muhammad Ali Jinnah made a solemn pledge at the time of creation of Pakistan that the policy of equality, freedom and security for all communities shall be practiced, said Minister of State for National Harmony, Akram Masih Gill.

“Since the formation of Pakistan, minorities are contributing in every sphere of life and their political involvement is also worth appreciating. Our polity needs to strengthen the spirit of accommodation and communal harmony in the light of Quaid-i-Azam Muhammad Ali Jinnah’s vision of Pakistan,” he said while talking to APP.

²² Preamble and Article 2A and Part II of the Constitution of Pakistan.

History of Islam is full of instances in which the minorities enjoyed peace, protection and equal social status. Government of Pakistan stands committed for the preservation of rights of Minorities in Pakistan. "We continue to be one nation living with mutual respect, honour, peace and harmony. Our Minorities are responsible and patriotic and are playing their due role in nation building. We will, therefore, never allow the miscreants to be successful in their ulterior motives," he said, adding "In current national scenario the need to promote moderation, tolerance and inter-faith harmony, eliminating the menace of terrorism from the society is inevitable." One of the top priorities of the present Democratic Government is to protect the rights of the minorities and to uplift and empower them. Interfaith Harmony is being promoted through the Ministry of National Harmony at international and national levels.

Many steps have been taken by the People's Government for the protection and promotion of minorities like the reservation of 5 percent quota in Government jobs/Services, reservation of four seats for minorities in the Senate, declaration of 11th August as the Minorities Day, including observance of optional holidays and celebration of the festivals of minorities at official level, he said.

In his message on the day, he said, "The 'Minorities Day' provides us with an opportunity to reassure that despite belonging to different faiths, we are one nation which continues to march on for a prosperous, Pakistan." The day has a special significance in the national calendar. as it was August 11, 1947 when the Father of the Nation, Quaid-e-Azam Muhammad Ali Jinnah, in his historic speech to the members of the Constituent Assembly of Pakistan, had laid down the foundations of a modern, tolerant and progressive Pakistan in which every one will have equal rights, regardless of creed, caste and gender. "We should promote tolerance and interfaith harmony as in a pluralistic society, there can always be a divergence of opinion on a number of issues, but these differences can be solved through interfaith harmony which means a cooperative and positive interaction between people of different religions, traditions, faiths, and spiritual or humanistic beliefs, at all levels," he said.

Associated Press of Pakistan (Islamabad), August 11, 2011,
http://ftpapp.app.com.pk/en_/index.php?option=com_content&task=view&id=147647&Itemid=2

MINORITY RIGHTS, EQUALITY ASSURED AFTER DEVOLUTION: ZARDARI

President Asif Ali Zardari has said that the government stands committed to ensure equal rights for minorities as enshrined in the Constitution and the UN Declaration of Human Rights.

In a message on Minorities Day, the President said the recognition and respect for the minorities rights is part of the Pakistan Peoples Party's manifesto. He said it is an occasion to recognize the important role, played by the minorities of Pakistan in nation-building, the sacrifices rendered by them, and the problems and issues, faced by members of minorities.

He said it was the day to renew the commitment to protect their rights and to draw them fully in the mainstream of national life.

President Zardari said Islam and indeed all true religions, stress higher values like equality, social justice and respect for human rights.

He said Islam lays special emphasis on equal and just treatment of the disadvantaged and the minorities.

The President said August 11 also has a special significance in the national calendar. He mentioned that it was on this day in 1947 when the Father of the Nation, Quaid-e-Azam Muhammad Ali Jinnah, in his historic speech to the members of the Constituent Assembly of Pakistan, had laid down the foundations of a modern, tolerant and progressive Pakistan in which every one will have equal rights, regardless of creed, caste and gender.

He said that speech of the Quaid-e-Azam marks the state policy towards minorities, rooted in the freedom to every one to profess his religious beliefs freely and without fear or interference.

President Zardari expressed the confidence that after passage of 18th Amendment, the provincial governments will continue to ensure equality, freedom and security for all communities so that they can freely profess and practise their religions and also safeguard their legitimate and rightful interests.

He said Minorities Day was an opportunity that reminds to reaffirm solidarity for the betterment of humanity and for a prosperous Pakistan.

Express Tribune (Islamabad), August 11, 2011,
<http://tribune.com.pk/story/229355/minority-rights-equality-assured-after-devolution-zardari/>

MINORITIES RIGHTS RECOGNIZED IN PAKISTAN

Pakistan is one of the Muslim countries where minorities are enjoying their rights and every government has tried at their best to facilitate the minor part of the country. Ten seats have already been reserved for them in the national assembly. Recently in compliance with the 18th amendment President Asif Ali Zardari approved an amendment to the senate election rules aimed at reserving four seats for non Muslims in the upper house of parliament. This is for the first time that senate will have reserved seats for non- Muslims. According to official handout the president signed the amended senate election rules 1975.

The next senate election would be held in March 2012 and under the 18th constitution amendment act 2010, four seats for minorities has been reserved in the senate-one from each provincial assembly. This right act may restore the past glory of government in the world.

Syed shahid Ali, *All Voices*, September 1, 2011,
<http://www.allvoices.com/contributed-news/10216854-minorities-rights-recognized-in-pakistan>

MINORITIES PROTECTED IN PAKISTAN

As is generally known, Pakistan is a multi-cultural diverse society where various ethnic and religious groups live together. In fact, minorities in Pakistan have a special place as the white strip on the flag of Pakistan is about them. According to one estimate, minorities form some 3 percent of the total population with Christians forming around 1.5 to 2 percent of their overall strength.

Over the years, minorities have played an important role in all sectors of the country and are represented in professional spheres. They have also representation in government service and armed forces. Unfortunately, there have been some ugly incidents involving the minorities in the recent past.

These incidents, including the murder of three Hindus in Shikarpur, have been highlighted in the international press besides the local media. The Shikarpur incident, which was the result of some local feud involving a girl, was strongly condemned at the highest levels of the government.

It should be noted that incidents involving minorities are not part of any campaign to harass them. These are the result of either some local feuds or the global war on terror that has badly impacted Pakistan. If some churches were attacked, mosques, shrines and imambargahs were not even spared by terrorists. In fact, the deadliest attacks to hit religious places mostly took place at dargahs, imambargahs and mosques and not at worship places of Pakistani minorities.

When any incident involving the minorities took place, the government of Pakistan, the respective provincial governments and law enforcement agencies have immediately taken notice of it. The Shikarpur incident was condemned by all political and religious parties while senior government officials and the leader of the opposition themselves visited the concerned family and condoled the deaths. Not surprisingly, the policemen deputed to guard the deceased who were absent at the time of the incident were sacked.

The Constitution of Pakistan 1973 on fundamental rights and principles of policy in Article 20 talks about the freedom to profess religion and to manage religious institutions. It says (a) every citizen shall have the right to profess, practise and propagate his religion; and (b) every religious

denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.

The Article-21 adds: No person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than his own. Similarly, the Article-22 says: Safeguards as to educational institutions in respect of religion, etc.-(1) No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own. (2) In respect of any religious institution, there shall be no discrimination against any community in the granting of exemption or concession in relation to taxation.

Similarly, Article-25 is about equality of citizens. It says all citizens are equal before law and are entitled to equal protection of law. There shall be no discrimination on the basis of sex alone. Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.

The Article-36: Protection of minorities.-The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services.

As a nation, we should educate our youth that it is against Islam and the laws of the country to stop anyone from observing his or her religion or to kill anyone, including a member of a religious minority. The extremist groups whose ideology is hatred and against Pakistan carry out such abominable incidents that hurt Pakistan and its image among the comity of nations.

When more than 5,000 Muslims were killed in Indian Gujrat, there was no retaliation against the Hindus in Pakistan. No Hindu temple was destroyed or member of minority attacked. This example should be taken to heart.

Abdul Zahoor Khan Marwat, *News International* (Rawalpindi), November 29, 2011,
<http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=10629&Cat=13>

SECTION III: WOMEN'S RIGHTS

THE GENDER DIVIDE

Gender is a social construct that is fluid and varies with relation to time and space. Like any other social learning that humans acquire, the notion of gender is a part of cultural knowledge. The major culture-constituent forces include the social institutions that construct, validate and perpetuate social knowledge.

The first social institution that newborns are exposed to is their family. It is the family that instils in the child's mind the essential attributes that are associated with men and women. Categorisation on the basis of gender starts at birth, when girls and boys are labelled and associated with the colours pink and blue.

At a very early stage, girls and boys are subjected to differential treatment in the family. In South Asian countries, where a large number of people live their lives below the poverty line, for economic reasons boys are generally valued more. Similarly, because of the unfortunate custom of having to have a dowry, girls are considered a burden, particularly in families with fewer resources. Children, when they start growing, observe the environment of their family. They keenly observe the relationship between their mother and father and study social roles very closely, such as who goes out to earn money and who takes care of the home. These early observations become an important source of social knowledge and children start internalising the roles of males and females at a very young age. In families where domestic violence is common, children develop aggressive attitudes which, in some cases, remain with them for a long time.

Besides observing the relationship of their parents, children acquire social norms from their siblings. Differential treatment within the family strengthens gender stereotypes in their minds.

Parental attitudes can impact the process of gender development as the initial formation of self-image takes place in the family. It is the parents that determine roles on the basis of gender through their own example and through their treatment of their children. Similarly it's the parents who associate different sets of expectations with their sons and daughters. In South Asian countries, most parents don't like their daughters to talk loudly or laugh before strangers. However, such expectations in terms of behaviour are not applied to boys.

Parents are also instrumental in providing different sets of opportunities to their children. For example, in mainstream families in a South Asian country a boy faces no problems in going abroad for higher studies but parents are usually reluctant to allow their daughters the same flexibility. Parental expectations regarding attitude, dress, job, responsibility and marriage generally differ on the basis of gender.

The early lessons of gender-dictated roles are taught in families when domestic chores are divided amongst children on this basis. To pick a very common example, boys are made responsible for acting in the public domain and girls are expected to manage the home. The roles that are assigned and practiced in the family are internalised by girls and boys at a very young age. These initial constructions of the self remain with them even when they have grown up. As a result of early internalisation, a number of women choose not to change their lives by challenging the hegemony of male members of the society.

A symbolic divide on the basis of gender lies in the choice of games and toys. Masculine-typed toys and games foster 'male' attributes such as aggression, violence and control. Feminine-typed games and toys cultivate the characteristics of organisation, caring, sharing or cooking. The choice of these games is approved by the parents and if girls try to move into the category of boys' toys, they tend to be discouraged. Boys usually like to play games in which they emerge as warriors, saviours and heroes. The toys commonly given to them include guns, toy planes or racing cars racing. On the other hand, girls are taught to play make-believe as a teacher or cook or baker in a toy kitchen, or apply make-up to their dolls.

Thus, the divide on the basis of gender is strengthened through social categorisation. This social categorisation leads to segregated social norms in lifestyles. For example, a disorganised boy is generally tolerated by society but a girl has to be organised and tidy otherwise she is dubbed ill-mannered and socially unacceptable.

Boys and girls are encouraged to grow in separate environments with different roles and expectations. The initial division at the familial level is strengthened further by the social institutions of schools, and the print and electronic media. All such institutions not only propose that girls and boys grow up in different cultures, they also enforce this 'rule'. That is why there is potential for misunderstandings when they converse with one another. These potential misunderstandings owe to the 'cultural differences' with which they are brought up.

Keeping in view the significant role played by the family as a social institution, it is crucial that the differential treatment of boys and girls be discouraged at as early a stage as possible. Girls should be given confidence and the opportunity to explore and express their potential. The early realisation for the need of mutual respect and recognition plays an important part in peaceful coexistence in society.

Dr Shahid Siddiqui, *Dawn* (Islamabad), January 17, 2011,
<http://www.dawn.com/2011/01/17/the-gender-divide.html>

A TRIBUTE TO PAKISTANI WOMEN

It was because of a family commitment that I happened to visit the Women Entrepreneurs Expo at Islamabad's Convention Centre. The trip lifted my spirits and inspired me to write this piece as a tribute to those members of the opposite sex, who have struck down barriers set up by societal chauvinism to take up professions and careers once considered exclusive to the male domain. My heroines, for that is what they are, have been picked at random out of the many that have made or are even now making their country proud, for writing about all of them would require a great deal of time and space. Pakistan's history of 63 plus years is replete with examples where women empowerment has met with unprecedented success and regrettable setbacks. Fortunately, these successes have set up milestones that are difficult to dislodge and so the painful yet inexorable march towards establishing an equal opportunity environment in all sectors of national life has continued. In so doing, the Pakistani women have stepped out of their traditional roles of lady doctors, female nurses, teachers and beauticians into professions and careers that rub shoulders with the best from their opposite gender, ranging from management of national money flows as the Governor of the National Treasury to firing a missile from a combat aircraft. The profession of arms in Pakistan was an exclusively male domain until a few young women, courageously supported by their families, decided to end this trend. It was somewhere in 1997 that I happened to visit a Pakistan Air Force base and blinked in delight when I saw a coverall clad young woman descend from her perch on the wing of a C-130 transport airplane, where she had been working along with the male technicians. I found out that the young lady was a flight lieutenant from the engineering branch. Some years later, the air force took another giant step when they began commissioning female combat pilots. These young females went through all the rigors and regimes that male cadets were subjected to, including parachute jumps and the very sight of these g-suited figures was like a whiff of fresh air. Shoulder to shoulder with its sister service, the Pakistan army also began inducting female cadets into the Pakistan Military Academy and commissioning them into specialised arms like the Corps of Signals. I met a batch of these young officers at a social gathering and was impressed with their motivation and the way they carried themselves amongst their male colleagues. It was the national airline, however, that took the lead over the armed forces by recruiting female aircrew. The number of these commercial pilots, according to available figures, now stands at six. On January 25, 2006, a friend of mine boarded a Fokker flight from Islamabad to Multan via Lahore, little knowing that he was participating in a momentous event, for this particular airplane was being operated with a completely female flight and cabin crew. The enormity of this milestone dawned on the passengers, when

they saw the crew being garlanded by the ground staff on landing. Who can forget the young Pakistani trekker, explorer and history maker, who lost her life when a residential high rise collapsed in Islamabad during the October 8, 2005, earthquake? Had she not met this tragic end, she would perhaps have been the first Pakistani woman to explore the far reaches of the Amazon with an expedition. More recently, another Pakistani living in Dubai did her country proud, when she not only opted for training as an astronaut in a privately funded space flight, but also landed on the ice in Antarctica as a member of an expedition. Athletics in Pakistan had long been dominated by men, until a slim young woman came along and won two gold medals for her country in the 1993 and 1995 SAF Games. And, more recently, another wisp of a girl became South Asia's fastest female, when she won the gold in the 100 meters track event during the 2010 SAF Games. It was during the same games that a second woman in the Pakistani squad bagged gold in karate. In another refreshing encounter, I recently met two twin sisters, who were covering a wedding as professional photographers. As I search for words to wind up this column, I remember an old newspaper photo that showed female cadets of the Pakistan Military Academy mounting guard on the last resting place of Pakistan's Founding Father Muhammad Ali Jinnah. It is then that I hear a thunderous voice saying: "I have always maintained that no nation can ever be worthy of its existence that cannot take its women along with the men. No struggle can ever succeed without women participating side by side with men. There are two powers in the world; one is the sword and the other is the pen. There is a great competition and rivalry between the two. There is a third power stronger than both, that of the women."

S Tariq, *Nation* (Islamabad), April 13, 2011,
<http://nation.com.pk/pakistan-news-newspaper-daily-english-online/Opinions/Columns/13-Apr-2011/A-tribute-to-Pakistani-women>

NATIONAL ASSEMBLY PASSES LANDMARK WOMEN'S RIGHTS BILL

The women of the National Assembly do not give up easily.

On Tuesday, the assembly passed a twice-snubbed landmark private bill demanding greater social protection for women.

The Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011, which was authored by Pakistan Muslim League-Quaid MNA Dr Donya Aziz, had remained stuck for three years, first in various NA committees and then the house itself. However, after a couple of amendments were incorporated into the final draft, the bill was unanimously passed by the

lower house, which is incidentally headed by a woman Speaker Dr Fehmida Mirza.

The act, hailed by commentators as a show of collective resolve by political parties to fight social taboos against women, deals with issues such as depriving women their inheritance and forcing them into marriage to settle disputes.

The bill outlines strong punishments for social practices like wanni, swara or budla-i-sulh, wherein women are traded to settle personal, family or tribal disputes. For the first time, the bill proposes a minimum benchmark for penalising those involved in “anti-women practices”.

However, the bill does not propose a mechanism to ensure that such cases are reported and reach a court of law, which is a necessity as these crimes often go unchecked and unreported.

Mirza, who had sent the draft to the law ministry last month for vetting, congratulated the house and the author of the bill moments after MNAs voted to pass the legislation.

Congratulations also poured in from Prime Minister Yousaf Raza Gilani who said that the Pakistan Peoples Party (PPP) and its democratic government had always risen above party politics when it came to the rights of women. “All legislators of the PPP lent their full support to this bill and I will continue to lend my support to its implementation,” he said.

In her statement of objects and reasons, Aziz wrote that the legislation aimed to reduce social injustice against women by proposing severe punishments.

The bill was deferred last month after a member from the Pakistan Muslim League-Nawaz objected that proposing a minimum limit for a crime would be in contradiction with the basic spirit of the law.

Pakistan Peoples Party stalwart Justice (retd) Fakharunnisa Khokhar also objected to a clause in the bill proposing inheritance for women in moveable property.

Fair Treatment for the Fairer Sex

- Forcing a woman into marriage for settling a dispute to be a non-bailable offence
- Bartering a woman in such a way to be punishable by three to five years imprisonment and a fine of Rs0.5 million
- Depriving a woman of her inheritance can lead to imprisonment of between five and 10 years or a fine of Rs1 million or both
- Forced marriages (other than those for settling disputes) to be punishable by between three and 10 years imprisonment and a fine of Rs0.5 million

- Forcing a woman to “marry” the Holy Quran to result in a jail term of three to seven years and a fine of Rs0.5 million

Zia Khan, *Express Tribune* (Islamabad), November 16, 2011,
<http://tribune.com.pk/story/292165/prevention-of-anti-women-practices-bill-unanimously-approved-by-na/>

WORKING FOR WOMEN’S WELFARE

The passing of the Prevention of Anti-Women Practices Act 2011 by Parliament, declaring the denial of property rights to women and forced marriages as severe offences, undoubtedly, is an initiative that will take Pakistan several notches up on the ladder of morality and social justice. At the international level, the touchstone of morality of a nation or society is the way it treats its womenfolk. Women are a very important segment of any society, and without their unhindered participation in all spheres of national life, no nation can march towards its cherished goals of economic, political and cultural progress, as well as aspire to earn a respectable place in the comity of nations. That, perhaps, adequately explains the difference between the developed and non-developed nations.

It is a shame that Pakistani women have long been subjected to discrimination, harassment and violence on the basis of misconstrued understanding of religion and cultural traditions. They have been treated as inferior human beings and deliberately kept out of the national mainstream by successive regimes whose prime concern has been to protect their vested interests through the perpetuation of the feudal system of governance, which discourages women’s participation in national affairs.

A close and objective appraisal of Pakistan’s political history reveals that notwithstanding the incessant flak directed at the PPP by its detractors, the party enjoys the unique and unrivalled distinction of pioneering efforts for the emancipation of women in the country. To begin with, the 1973 Constitution given by the party, headed by Zulfikar Ali Bhutto, ensured equal rights for women.

During Benazir Bhutto’s government, the Ministry of Human Rights was established in 1993 to monitor and investigate human rights abuses, particularly against women. Also, Pakistan ratified the UN Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW).

On the development side, First Women Bank was established to provide easy credit to women and encourage entrepreneurial undertakings in order to strengthen their economic emancipation. Thousands of vocational training centres were set up throughout the country to improve skills and chances of employability of women in productive pursuits. A vast network of 133,000 health practitioners, exclusively to cater to the health needs of women, as well

as to address reproductive health issues, was put in place. This initiative has invariably been touted as Pakistan's showpiece health programme by many governments.

The present PPP government has also shown its unswerving commitment and dedication to the cause of women by promulgating the Protection of Women from Harassment at Workplace Bill 2009. The legislation marked the beginning of a pragmatic and forward-looking approach in conformity with the emerging social realities. With the growing number of women joining or aspiring to join the workforce in different fields of national life, the problem of harassment of women at their workplaces had also assumed alarming proportions. According to a survey, about 80 percent of working women in Pakistan at one time or another have been through this ordeal.

The new legislation on harassment, and amendment in Section 509(A) of the Pakistan Penal Code, lays a solid foundation for ensuring a harassment free working environment for women. It is a significant initiative on many counts:

Firstly, it will encourage working women, who have been enduring the humiliation of sexual harassment in the absence of an appropriate legal support, to resist unwanted approaches by their workmates or bosses.

Secondly, it will remove the biggest hurdle in the way of women, who were reluctant to join the workforce.

Thirdly, it would greatly help in changing the mindset of those who indulge in the detestable pursuit of sexual harassment of women. It will also act as a catalyst to nudge the process of social and economic change.

Women constitute nearly 51 percent of our population and their participation in economic activities can impart impetus to the government's efforts to eliminate poverty. The step has been widely acclaimed as epoch-making move by the Pakistan government, including the UN and NGOs dealing with women issues, the world over.

The PPP government can rightly boast of legislating on another very important and sensitive issue of domestic violence. For years, domestic violence has been a source of public concern, but no government ever dared to delve into it. The courage and commitment shown by the present government to deal with this problem through the Prevention of Domestic Violence Act 2008 is beyond any reproach.

The granting of complete administrative and financial autonomy to the National Commission on Status of Women and fixation of 10 percent quota for women in the government jobs, in addition to the initiation of the process to review all discriminatory laws against women, will surely contribute to women emancipation and accelerate the process of development, besides improving Pakistan's image as a progressive Islamic country. Certainly, this

unacknowledged social revolution deserves adequate attention of the media and society.

Malik Muhammad Ashraf, *Nation* (Islamabad), November 22, 2011,
<http://nation.com.pk/pakistan-news-newspaper-daily-english-online/Opinions/Columns/22-Nov-2011/Working-for-womens-welfare>

SENATE PASSES TWO BILLS FOR PROTECTION OF WOMEN'S RIGHTS

The Senate on Monday unanimously passed two private member bills which prohibit forced marriage, marriage with Quran, restricting women to get their rightful share in inheritance and giving women in exchange for settlement of disputes and severe punishment to criminals hurting women caused by corrosive substances.

One of the bills would make acid throwers on women, causing their disfigurement, liable to 14 years imprisonment with a minimum fine of Rs1 million. Senator Nilofar Bakhtiar moved two bills in the upper House of Parliament on Monday, which was a private members day.

According to the Criminal Law (Amendment) Act, 2011, a new chapter of 'Offences Against Women' has been inserted into the Pakistan Penal Code.

As per Section 498A inserted into the Code, whoever by deceitful or illegal means deprives any woman inheriting any movable or immovable property at the time of opening of succession shall be punished for a term which may extend to 10 years but not less than five years or with a fine of Rs01 million or both.

The Section 498B says that whoever compels a woman to enter into marriage shall be punished with imprisonment which may extend to seven years and not less than three years and a fine of Rs0.5 million.

The new law would also prohibit marriage with Holy Quran and the person forcing a woman to do this would be punished with imprisonment of seven years and not less than three years and fine of Rs0.5 million.

The bill says that oath by woman on Holy Quran to remain unmarried for the rest of her life or not to claim her share of inheritance shall be deemed to be marriage with the Holy Quran.

According to substitution in Section 310A, whoever gives a female in marriage or otherwise compels her to enter into marriage, as badal-e-sulh, wanni, swara or any other custom or practice under any name in consideration of settling a civil dispute or a criminal liability, shall be punished with imprisonment of seven years and not less than three years along with fine of Rs0.5 million.

The second bill, The Criminal Law (Amendment) Bill, 2011, two new sections 336A and 336B have been inserted into the Pakistan Penal Code to

arrest the increase in acid throwing incidents on women. Whoever causes hurt by corrosive substance (acid, poison, explosive or explosive substance, heating substance, any chemical, etc) causing disfigurement or dismemberment of any organ or part of the human body or deforms the symmetry or appearance of a person would be punishable with minimum imprisonment of 14 years and a minimum fine of Rs one million.

Muhammad Anis, *News International* (Rawalpindi), December 13, 2011, <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=10937&Cat=13>

PROTECTING WOMEN

The passage of the Criminal Laws (Amendment) Act 2011 by the Senate on Monday means that it only needs presidential assent, which is expected to follow, to make forced marriages (particularly to the Holy Quran, so as to deprive women of their rightful share of property), acid throwing, physical violence against wives, and sexual torture criminal actions, by amending the Pakistan Penal Code and the Criminal Procedure Code. While these actions were offences under existing laws, their being brought to Parliament in the shape of the Anti-Women Practices Bill and the Acid Crime Prevention Bill indicates that they had crept into society as established practices to the extent that they have now become a menace. Also, the actions have all been given enhanced sentences, from seven to 14 years imprisonment. The universal horror in which these customs are held can be judged from the fact that the Treasury in the Lower House had adopted as its own a private member's bill, and it was passed unanimously by all parties, Treasury and Opposition alike.

The main question around the Bill was raised during the Senate debate by the PML-N's Raja Zafarul Haq as well as Leader of the House Nayyer Hussain Bokhari, that of implementation. It is true that a number of measures, whether passed by Parliament or promulgated by a military ruler, have often been ignored, with society treating those laws as dead letters even before they began operating. Raja Zafar's suggestion of an awareness committee was thus important, and a worthwhile suggestion that deserves serious consideration. Only if women are made aware that these injustices are crimes, will they be in a position to register cases if they are made victims. In this context, the suggestion by Senator Jamal Leghari, that the landlords of Sindh and the chiefs of Baloch tribes ensure that the rights of women are not violated in their respective areas and tribes, deserves attention, for Senator Leghari is himself the chief of the Leghari tribe in the Punjab. And apart from anything else, he showed the need for the measure to find ownership among those locally prominent, and pointed to those who should also be the targets of the awareness campaign that Senator Zafar recommended.

In the end, though, it has to be the government which has to exercise due vigilance, and ensure that the laws of the land are obeyed. Though in this particular case, it is all the more important, because not just the cause of women is affected, but the fair name of Islam is also besmirched by offenders. The government should realise that if it allows selectivity, both in which laws are applied, and to whom they are applied, it will not only bring hardship for women victims, but make it impossible to govern society.

Editorial, *Nation* (Islamabad), December 14, 2011,
<http://nation.com.pk/pakistan-news-newspaper-daily-english-online/Opinions/Editorials/14-Dec-2011/Protecting-women>

SPECIAL PROVISIONS FOR PROTECTION OF WOMEN

Constitution of Islamic Republic of Pakistan, 1973

- Article 34: “The State shall take specific measures to ensure full participation of women in all spheres of national life”;
- Article 26(1): “In respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination only on the ground only of race, religion, caste, sex, residence or place of birth”;
- Article 35: “The State shall protect the marriage, the family, the mother and the child”;
- Article 37(e): “The state shall make for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment”;
- Article 25: “(1) All citizens are equal before law and are entitled to equal protection of law. (2) There shall be no discrimination on the basis of sex. (3) Nothing in this Article shall prevent the State from making any special provision for the protection of women and children”;
- Article 27: “No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth”;
- Article 38(d): “Provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment.”

Muhammad Ayub Khan's Government (1958-69)

- Muslim Family Law Ordinance, 1961;
- The Ordinance empowers women and covers marriage and divorce related issues.

Zulfiqar Ali Bhutto's Government (1972-77)

- 10% seats in National Assembly;
- 5% in the Provincial Assemblies;
- 5% quota for women in public services.

Zia-ul-Haq's Government (1977-88)

- Establishment of Women Division in the Federal Secretariat;
- 20 women as members in the Majlis-e-Shoora.

Benazir Bhutto's Government (1988-90, 1993-97)

- For the first Women Police Stations established in five cities;
- Women's Studies Centres at five Universities in Islamabad, Karachi, Quetta, Peshawar, Lahore (1989);
- First Women Bank (1989);
- Established Ministry of Women Development in Federal Cabinet.

Nawaz Sharif's Government (1990-93, 1997-99)

- First Women University (Fatima Jinnah Women University) established in Rawalpindi;

Pervez Musharraf's Government (1999-2008)

- 10% quota for women in public services;
- 33 % seats were reserved for local bodies under Devolution Plan 2001. However, the ratio was reduced to 17 % for the National and Provincial assemblies;
- Programme Jafakash Aurat for economic empowerment of rural women in NWFP (Chitral), Punjab (Sheikhpura, Gujranwala) and Baluchistan (Gwadar) in 2005 – 2006;
- A Criminal Law (amendment) Act 2004, declared honor killing, a murder with a punishment of death and imprisonment up to 25 years. An amendment in section 310 of Pakistan Penal Code, made 'Vani'

i.e. giving away of women in compensation a crime, with a punishment of imprisonment up to ten years.

Present Government (2008-to date)

- Protection Against Harassment of Women at Workplace Bill, 2009;
- Prevention of Anti-women Practices (Criminal Law Amendment) Act 2011.