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## **PAKISTAN'S TRANSITION TO DEMOCRACY: A SYNTHESIS OF STUDIES ON DEMOCRACY AND ELECTIONEERING**

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Pakistan's transition to democracy over decades has been marred due to external as well as internal factors. Over past three decades, six general elections and almost similar local bodies elections were held in which the people of Pakistan voted for their representatives. If one looks at the very practice of elections, s/he cannot complain of the numbers of elections so far held in this period, but duration of these elections vary in terms of the period between one and the other elections.

In all the elections, the people did vote for their representatives and governments particularly during the last three decades, but they were not given even a single chance to vote out their governments/representatives. All the times either the military stepped in or the successive presidents dissolved the assemblies in disagreement with the successive prime ministers. One fact that need to be acknowledge is that whenever the people of Pakistan were given the right to franchise, they had shown maturity and expressed their liking for democracy. The level of participation in

political process even at village level has been fairly good. The dissolutions of assemblies and governments of Benazir Bhutto (twice) and Nawaz Sharif, (once), were ordered by civilian presidents. These dissolutions though did not allow the two prime ministers to complete their respective terms, yet they did not disrupt the transition to democracy and these dissolutions followed the fresh elections during 1988-1999.

However, dismissal of the governments of Zulfikar Ali Bhutto (5 July 1977) and Nawaz Sharif (October 12, 1999) were at the hands of the military generals who came into power with different stances and introduced their visions of civil-military democracies. If Gen Zia came with his conservative agenda, Gen Musharraf took over with a comparatively liberal agenda. Both introduced democracies of their choice and defined the governance in their own way. Both fabricated would-be ruling parties overnight to install them to serve the general's respective agendas.

General Ziaul Haq during his eleven year rule literally tried to change the basic democratic fabric of Pakistani society with his own brand of the so-called Islamisation that was condoned and sanctioned by the then U.S. policy makers so that they could use the leverage of religious fanaticism against its arch foe the then Soviet Union by defeating the Union troops in Afghanistan. This era brought to Pakistan the culture of Taliban, klashnikov, drugs and other extremist trends linked to the Americans-Osama bin Laden's jihad (war) against the Soviet troops. Ziaul Haq era totally fragmented the Pakistani society along ethnic, caste, creed and religious lines and introduced a separate electorate system when he got elected local bodies to justify his stay in power. He then introduced the highly controversial Hudood laws which in the name of his brand of Islamisation hit heavily on the women, hence Gen Zia played havoc with the marginalized communities and the people making them more vulnerable to social and state violence, depriving them of their fundamental rights and democratic traditions.

The military dictatorship of Gen Zia alone is responsible for Pakistan's multiple crises that blocked the process of transition to democracy, tolerance, peace, social justice, economic growth and institution building. Moreover, it created 'jihaidi' (the so-called worriers) element and extremist groups among otherwise peaceful and democracy loving people of Pakistan. But Gen Musharraf has been hesitant to label his government as Martial Law like his predecessor. He is on record saying he was neither Field Marshal Ayub Khan nor Gen Ziaul Haq and is a breed of his kind. He claims to be a visionary like Lee Kuan of Singapore or Mahathir of Malaysia. That is why he categorically differentiates himself from his predecessors from the armed forces.

Both Gen Zia and Gen Musharraf introduced their own brands of democratic reforms. But Gen Musharraf happens more to be a humane rather than a military dictator. He gave to some extent certain liberties. He introduced a devolution plan that aimed at devolving power at grass roots level thus ensuring transition to democracy at village level. As compared to Gen Zia, Gen Musharraf fulfilled his promise of conducting elections within the period the Supreme Court had mandated to him, amid public accusation of manipulating them to get his "King's party-Pakistan Muslim League (Quaid-e-Azam)" elected at the center and Punjab. The power politics with its traditional tricks managed to leave the Pakistan People Party of Ms Benazir Bhutto out of Sindh province despite being emerged as the single largest party. Similarly, the King's party got power in Balochistan province. Only in North Western Frontier Province, a pro-Taliban religious alliance got the chief ministry.

Before restoring even the selective parliamentary politics, Gen Musharraf introduced a Legal Framework Order (LFO), which according to his government's wizards has become part of the Constitution automatically even without being presented before the parliament. The LFO introduced election reforms including lowering of the age of voters from that of 21 years to 18 years, increase in the seats of the assemblies and the senate and reserve seat quota of 33% for women in local bodies and reserved seat

quotas for minorities and similar other revolutionary provisions. However, it gave sweeping powers to the President under which the state authority under President Muaharraf has even taken over the key administrative functions of the government authority. It is because of this imbalanced power formula in the shape of LFO that Prime Minister Mir Zafarullah Jamali is on record saying that President Musharraf was his boss. This admission is against the spirit of Pakistan's constitution, rules of business and democracy. The opposition is contesting this statement saying how could a grade-22 officer (The Chief of Army Staff) be the boss of an elected Prime Minister.

The LFO controversy has marred the newly elected national assembly which has met six times in short-lived sessions since its inception as result of October 2002 general elections. In the sixth session that ended on April 30, 2003, the national assembly of Pakistan hardly sat less than an hour while it counted 15 working days during which it just transacted a nominal business by introducing one bill that gives powers to the government to sack government employees even on flimsy grounds. Out of these 15 working days, the national assembly literally met for seven days. During these sessions, the opposition continuously launched protest against LFO and a President in the uniform right in the assembly hall immediately after beginning of the sessions. During almost six months, the tug of war between opposition and Jamali-led Musharraf-controlled government continued. The government did not pay heed to the opposition's demand of repeal of certain clauses of LFO giving sweeping powers to the President over and above the Prime Minister and the Parliament and removal of the uniform of the President.

The opposition elaborating the seven points claims that the first among the seven is that the LFO is not part of the constitution as declared by the government. The second is separation of the offices of the President and the Chief of the Army Staff, as one person cannot hold these two positions. The third clause is that the idea of National Security Council should be dropped. Fourth is that the Presidential power under Article 58(2)-B of the

Constitution to dissolve parliament is unacceptable in present form. Similarly fifth point is that all other powers of the President that give him supremacy over the parliament should also be scrapped. Sixth point is that as demanded by the lawyers' fraternity in the country, the three-year extension in the retirement age of the judges should be reversed and last point is the subordination legislation incorporated in the Schedule six of the Constitution. Both military influenced government and the joint opposition are sticking to their guns and Pakistan's transition to democracy again seems in doldrums.

Under these circumstances and in the backdrop of the Election 2002, Pattan Development Organizations that established its election related research work in the recent years organized a two-day national seminar on "Election 2002: Transition to Democracy" during April 30-May 01, 2003. The experts in their papers called for a pledge to promote more research on democracy related issues and urged the authorities to strengthen local body system, contain role of military in political affairs and ensure independence of media and the Election Commission of Pakistan. They of the view that continuation of electoral and political process could strengthen democratic institutions, help emerge a true political leadership free from the influences of the invisible hands in the power game, ensure respect for human rights, specially the rights of the minorities, women and marginalized groups and pave way for reforms in political parties in terms of party democracy. They suggested one point agenda to political parties that they should ponder on reaching out the people as without their participation, no party or country politics or democracy could be promoted.

Almost all the presenters quoted Pattan's data in their papers and presentations. Pattan has also compiled all election related data on a CD ROM. Earlier such data was available only with the Election Commission as an official version and hence Pattan happens to be the first non government research organization that had made this collection for researchers and those who want to utilize this data as an independent view. In his key note address at the seminar,

Chairman National Reconstruction Bureau Daniyal Aziz said the basic idea of devolution plan was to decentralize power by reducing the size of the constituencies so that the local governments could play their due role and the problems of the people are solved at their door step. He said though we could not eliminate the *biradary* factor from the local governments; however, we have been successful in bringing about a fundamental change at the micro level political units, the union councils. The devolution plan has diluted power structure and empowered the people. We have changed the politics of vendetta and replaced it with an issue-based politics at local level. We have made checks and balances in the local bodies system.

Commenting as discussant, Senator Farhatullah Babar said though Mr Aziz made a good defence of the devolution plan but we need to make this plan acceptable for the provinces as they are facing trouble with this system. He particularly mentioned that the federal government has promulgated all legislations and made rules and procedures and if any provincial government wants to amend any of these laws, they have to refer it to the President. The protection and power comes from the President of Pakistan. He said we want local bodies to be strengthened but we have to take care of practical difficulties. We should allow amendments in the LB laws and this process should not be President oriented.

Social scientist/researcher Rafiq Jafar was of the view that we should take confidence-building measures to restore credibility by adopting a democratic attitude inside and outside the parliament. We should eliminate interference of army and agencies like ISI in government affairs, provide full protection to local government system and not allow assembly members to sabotage the system. We should study organisational structure of the organised parties and adopt their positive aspects, such as systematic process of recruitment and promotion, regular elections, fund raising, promotion of volunteerism, development of proper offices, regular training of workers and office bearers regarding party ideology, policies and procedures, regular communication between office bearers and workers.

Raza Hamdani on behalf of Muddasir Rizvi presented a paper on “How media covered elections” The paper says media is either state controlled or privately owned commercial entity. Private media stops where it sees its commercial interests are damaged. People were given information regarding election process in 2002. It was a general perception that politicians were corrupt. Military personnel were hired to uncover what the politicians did in terms of corruption. Fifty-two statues dealing with media including secret classified rules under which information is blocked are in practice. The information is blocked under so-called secrecy act when any body seeks information from the government agencies.

Mr Javed Jabbar in his closing remarks as chair said if we are to look at the role of media in elections, we have to see fairness and balance with which the election were reported. And second aspect is the speed and accuracy with which media reported elections. First reports sometime damage the images and second reports come up with more truthful contents. We have to remember that elections are part of democracy and not the whole democracy itself. It were the first elections which were held under a military government on party basis after 1970 elections. He said 80 percent of the people felt that elections were fair and free. Pattan has come up with data through the public mind. Beauty of public mind is sometime unpredictable. Democracy is deep rooted in the culture of Pakistan even in the feudal system. We are not discovering democracy due to Washington. When we say transition it means we are developing our indigenious system of democracy. Voter turn out is the same in Pakistan as in the developed democracies. Media coverage is important in determining the outcome of the elections.

In the second session, Dr Faqir Hussain, in his thought provoking paper suggested that the Election Commission should be given full autonomy and independence. He suggested that the appointment of the chief election commissioner should not be on the discretion of the President. He should be appointed by the President on the recommendation of a special committee including Prime Minister, Leader of the Opposition, Chief Justice

of Pakistan and other key players. He suggested that election on multiple seats should not be allowed to save resources and time. On the question of disqualification, he suggested that there should be limited restrictions on the candidates.

Barrister Sarwar Khan said present constitution is a mix of military-civil relations where people are totally absent from the political process. We have to see what role civil society is playing. Political parties have fragmented opinions. Some are with the government some are against on the issue of Legal Framework Order (LFOs). He suggested that reforms are required to strengthen various possibilities of popular participation in the democratic process, particularly, those that will provide effective equality of opportunity to contest the elections, which may be measured in terms of the relative inclusion of excluded peoples from positions of effective power.

Dr Ajmal Kamboh said devolution is transfer of functions and delegation of authority. Military governments used devolution plan and local bodies to legitimize their control over governments while the elected governments behaved otherwise. He said LBs and local government machinery influence outcome of general election results in favour of the government candidates. No government system can work if different government institutions are in conflict with each other. He was of the view that local body system has failed to develop indigenous roots due to absence of broad understanding between different stakeholders.

Mir Jamilur Rehman said the LBs system is meant to transfer power at the grass roots level. The subject is of provincial jurisdiction but in this respect the central government is making laws and whole of the scheme regarding local body system that is in conflict with the provincial autonomy. Who will improve the system? The military government of Gen Musharraf should not have implemented the system in hurry rather should have waited for the new provincial governments to come in.

Dr Ayesha Sadiq Agha in her concluding remarks said Dr Faqir's paper is excellent. He seems not in agreement with the government and defends independence of the Election Commission. She said civil society need to be cleared on several fundamentals issues when we talk about democracy. We have to make political parties responsible in introducing party democracy.

On the second day, the speakers urged the need for continuation of electoral and political process saying it could only ensure strengthening of democratic institutions, emergence of a true political leadership free from the influences of the invisible hands in the power game, respect for human rights, specially the rights of the minorities, women and marginalized groups and reforms in the political parties in terms of party democracy. They suggested that the political parties should ponder on one point agenda and that is the reach out to the people as without the people's participation, no party or country politics could be promoted. There is a huge gap between the aspirations of the people and the key players in the power politics.

Speaking on human rights and democratic transitions in Pakistan, Michael Semple, from DFID Islamabad said the situation of human rights in Pakistan is to be seen in the rights based perspective. He said religious intolerance and arbitrary use of force by law enforcing agencies have been making life of the people miserable. He regretted that Prof Younas Shaikh is still behind bars under Blasphemy law. Various human rights reports from national and international groups did talk about violations of human rights. The accused is not given chance to speak to defend. It is hard to disagree with the people running the justice system in the country. He said there is a need for judicial reforms. Human Rights reports talk of break down of justice system, police killing suspects and honour killing. We need to look at how investigations in such cases take place. Police detain arbitrarily the suspects without presenting them before the court of law. He said Ahmedis and other groups are being discriminated even in the electoral rolls even after introduction of joint electorate.

Dr Tariq Rahman said Pakistani society is polarized and ethnicity and communalism are two causes of polarization. Communalism is the religious sort of division. This is like ethnicity but this is an emotional kind of thing. He discussed his research study he conducted in Urdu and English medium schools and Madaris (religious schools) on the level of tolerance toward Ahmedis, Hindus, Christian, and women. He said generally female teachers and students were more tolerant than the male. Tolerance was high in English medium schools. As many as 86.7% students from Madaris said that rights should not be given to Ahmedis though they were not so hard on other religious minorities.

Dr Farzana Bari while speaking on engendering the legislative bodies said the nature of legislative bodies, representation there, social and political conflicts and political process should be analyzed. She said a minority elite class women represent the majority of marginalized women in the legislative bodies. The electorates have no role once the election process is completed and legislative bodies are established. For me the democracy does not mean automatic engendering of the legislative bodies. Gender mainstreaming and integration are must for a viable socio economic and political order of our society. We need complete restructuring on these lines.

She said majority of women parliamentarians have no strong views on women rights. They do not understand how to address larger issues of policy making and engendering of legislative process in terms of budgets and foreign policy related issues. Engendering is not only physical presence of women in the parliament rather it is creating a gender sensitive atmosphere at all level.

Cecil Chaudhry welcomed the restoration of joint electorate system in the country saying the separate electorate system imposed by Gen Ziaul Haq damaged the religious harmony. He said human rights of candidates and voters were violated due to separate electorate system. Minorities are strong in some areas. He deplored that persecution of Ahmedis is continuing unabated

and they have been literally eliminated from the political process. He suggested that there should be no need of an affidavit for passport or other documentation and for registration of votes.

Dr Mansoor Akbar Kundi said election play important and reformist role to take nation state out of crises. Democracy can be established in Pakistan not on Westminster model but of our own model. He called for continuity of electoral process to strengthen democracy in the country. Dr Rasheed said every election raised contentious issues. The results are against expectations. Election produced results completely otherwise of the assessments. The people interviewed by Pattan criticized package of electoral reforms.

Jami Chandio said Sindh has some complexities in its relations with federation. There are three important factors. In this election, political engineering was done in different way. The pre-election rigging was high in Sindh. It was done to exploit results of choice by establishment. We did not witness any responsive signals from the people of Sindh as they knew that the process would not be fair. This was mistrust due to lack of transparency in the electoral process. The role of agencies in Sindh politics was very much active and manipulated. They played vital role to exploit the process to get results of their choice. They were active before during and after election. Policy issues were missing during the election campaign. All parties also missed policy issues regarding the people. These factors have bleak scenarios.

Senior leader of PML-N Ahsan Iqbal said the October election was a breakthrough in terms of Pakistan's transition to democracy because this election developed a partnership among the real political forces of the country. Democratic forces and civil society are together now to think how establishment has been manipulating the political situations. People say political parties are not delivering. Our political party is fighting for its survival. He said ideally the government should be responsible before the party. Civil society could play an important role. Whenever there has been a need to fight a frontline battle, military had been put in

place. Every time Pakistan is given frontline role, democracy is packed and military rule is supported. Unless we do not have our own agenda of building this nation we would have to face these things time and again.

During election campaign, only MMA leadership was given chance to move in the country otherwise it was made just a local level election and no political party was allowed to do electioneering. He said the LFO debate is about the principles. It is about making laws. He said civil society is out of this debate. Lawyers are playing a good role. The LFO debate is the heart of deciding in this important era of transition to democracy. Time has come that civil society and political parties should join hands to construct democracy so that political power should go to the people. Political stability is a key to economic development and prosperity. This election is a breakthrough as all stakeholders are now together and we should convince the establishment that they should behave as professional servicemen and leave the matters of the state to the people of Pakistan. It is continuity of the system that is important for real transition to democracy.

Drawing upon the results of the Pattan's study on elections, Sarwar Bari said Pakistan has the lowest turn out rate if we compare it with South Asia. Party memberships are being declined. In Pakistan, no political party has its membership records. Total membership of Pakistani parties is not definite. MMA has the least solid vote bank in Pakistan. There were secret voting agreements among various parties. Majority of the people feel that there is no difference in manifestos of the parties. Political elite does not want to democratize their parties as it may diminish their control over party. They do not allow party elections. Military in Pakistan would continue to indulge in political affairs. If the political elite wants to change the situation, they have to bring in more people in their party cadres.

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### **Building Democracy without People?**

Sarwar Bari

***“Democracy is based on two core principles: participation and accountability”.***

The Inter-Parliamentary Union’s Declaration on Democracy  
Human Development Report 2002 (P. 55)

Pattan Development Organization has been involved in political research and political education program during last three years. Its research teams met voters in remote areas of Federally Administered Tribal Areas (FATA), North Western Frontier Province (NWFP), Balochistan, Sindh and Punjab provinces. They interviewed them separately for survey research and discussed political issues with them in groups. The respondents were women and men from very rich to very poor sections of society. The teams enjoyed very warm hospitality in a very fearful environment in the FATA areas. In interior Sindh, they were received with affection and love but were told bluntly about domination of Punjab. While, it broke many stereotypes of the research team members, the research journey brought some very disturbing trends to the fore, such as, absence of the people from the political processes, absence of party chapters and parties without members.

Simultaneously, a consensus is building up among the masses on a number of very important political issues, without a real debate or even an interaction within them. This is emerging perhaps because of their common experiences of the ruling elite. This is perhaps a true mirror image of the contradictory politics of the political elite – ridden with broken promises to introduce pro-poor policies, rule of law, respect for human rights and democratic governance. On all these accounts almost all successive governments have failed miserably. Instead they indulged in loot and plunder, suppression of human rights and freedom of expression and promotion of authoritarian rule. The people have seen the same elite coming to power in turns. Since 1985, six elections were held and five elected governments were sacked. On an average, after every two and a half years, the people of Pakistan were forced to face a new election. While demagogic rhetoric of the political elite has made the people aware of their rights and importance of democracy, bad delivery on rhetoric has lowered their expectations from them.

Pattan's research data reveals intensely an increasing gap between people's awareness about political processes and what they expect from the political elite. Their level of information and knowledge about politics and democracy may be very limited and they may not be conscientious about ways and means to bring a meaningful political change but they appear to be able to differentiate between a good and bad political practice. They know very well that construction of democracy is impossible without political parties; they also know that most of the political parties don't have party democracy, they are fully aware of essential characteristics of a political party and they know very well the importance of the vote. They have been bitten many times in the past and this has lowered their expectations of the existing political elite.

Election is perhaps the only time when people are provided an opportunity to participate in the political process in Pakistan. However, the mirror image of socio-economic disparities is often witnessed in the form of differentiated participation of citizens

both as voters and as contestants. Unabated use of money and muscle power in elections plays a decisive role at all levels of state and society that alienate people from the electoral process. Elections in a number of constituencies have not only strengthened the stranglehold of 'political dynasties' but have also paved the way for criminals and mafias to join the ruling elite. Deception and cheating comes along with it. Consequently, people distance themselves from party politics and in some cases even from the electoral processes. This is perhaps one of the emerging challenges to many (including some old) democracies.

This is evident from the falling membership in political parties and declining voter turnout even in the advanced democracies. In the United States the turnout of registered voters in presidential elections fell from 96% in 1960 to 51% in 2000 and in the UK from 78% in 1992 to 59% in 2001). In France, Italy, Norway and the USA party membership is half of what it was 20 years ago.<sup>1</sup> Most recently, this trend accelerated in countries where there was a serious divide between the people and the ruling parties on the Iraq crisis. According to newspaper reports thousands of members of the British Labour Party have either suspended their membership or resigned from the party in protest against Prime Minister Tony Blair's policy on Iraq. Since many political parties don't maintain the record of party members, it is difficult to assess fluctuation of party membership in Pakistan. During our research on political parties, we found that many parties in fact don't have regular members.

Despite declining citizen participation, except for Switzerland, in all the 'established democracies average voters turnout in the last held elections appeared to be still reasonable at 73%. The turnout in medium and low human development countries was 70% and 65% respectively. Many countries, which share certain political similarities with Pakistan, recorded very impressive turn out rate. In the Philippines, Bangladesh, Sri Lanka and Nepal – it was 79%, 75%, 80% and 66% respectively in the last held elections.

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<sup>1</sup> UNDP, *Human Development Report 2002*, P.69

Having 75 registered political parties, Pakistan stands among three countries where voters' participation in elections is the lowest in the world. Pakistan may fall at the bottom of the ladder if electorates were not provided transport on the election day. According to Pattan's survey, nearly 23% voters would not have cast their vote on October 10, had the candidates not provided them transport.

If we look at this situation, we find that the people appear to have withdrawn from the political process. This poses challenges for civil society, political parties and state and raises questions about relationship between the people's participation and their empowerment to make their representatives accountable. This also speaks about the citizens' perceptions on various state institutions.

Like many other countries of Latin America and Central and Eastern Europe, armed forces and mullahs (church) seem to be taking away popular support from political parties. Now 'far fewer people have confidence in political parties than in the church, the armed forces or television.'<sup>2</sup> The situation appears to be showing a similar trend in Pakistan. According to a recent survey "only 30% say they have high or mild level of trust in political parties, as opposed to 73% for the military."<sup>3</sup> Why have the armed forces and the church or the mullah become more popular than political parties in some countries? This question is beyond the scope of this article. However, it seems appropriate to mention here that this has happened because political elite run their parties and when in power, govern country like authoritarian and autocratic regimes and moreover they prove to be less efficient. Resultantly, people see no difference between military and civilian rule and they tend to trust authoritarian institutions such as the military. Unless, political parties perform as true democratic parties and present themselves for regular and transparent accountability, the people's participation will continue

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<sup>2</sup> UNDP, *Report 2002*, P.69

<sup>3</sup> What Do The Voters Think? Election 2002, Pildat, P. 18

to fall. Because of the rising alienation, the gap between the people's perception and political parties has also been increasing.

The positive outcome of the prolonged experiences of bad democracy appears to be an increased level of public awareness about the democratic system. They tend to be fully aware to identify gaps between normal democratic norms and the conduct of political parties. It can be argued, the higher the level of awareness, the higher the level of cynicism and thus lower the expectations of the people from the political processes. In the following pages, the article explains this gap. Let us call it the Awareness-Expectation Gap (AEG).

### **Awareness Level**

To analyze the awareness level of the electorates on different political issues, we have to take into account the following viewpoints on certain ideologies and issues.

### **Secularism VS Religion**

Despite low level of education and very little access to media, a large majority of people in Pakistan has repeatedly proved their collective wisdom. Since 1936, a large majority of the Muslim communities of united India and later the people of Pakistan did not vote for religious parties and they opted for secular and democratic parties. This situation took a dramatic turn in elections 2002 in which MMA, an alliance of all religio-political parties except for Jehadi groups, won substantive number of seats in two provinces and at the centre and ensured their sufficient presence in the Senate. The question as to why people did not vote for religious parties for a long time should be seen in traditional divisions along social and religious lines in the backdrop of our rural power structure. Chaudharys, Khans and Waderas are managing our rural power structure in socio political and cultural context. Mosques and the *mullah* also play their role in assisting people in religious/theological issues. This division comparatively

tilted the traditional power arena across the country towards a secular polity.

### **Legal Framework Order (LFO)**

On the LFO issue, Pattan's research clearly shows a gap between the party-affiliated voters and the party candidates. The survey data reveals that about a quarter of respondents (voters) affiliated with opposition parties appeared to be in favor and 42.8% in opposition to give military government the right to amend the constitution. Ninety four percent contestants of election 2002 belonging to opposition parties (MMA, PPPP and PML-N) also opposed. Nearly 50% of the voters affiliated with opposition parties supported and 22% opposed the formation of National Security Council. At an average, 80% candidates hailing from opposition parties opposed restoration of Article 58(2-B) of the Constitution. About 35.6% voters affiliated with these parties supported and 32.4% voters opposed Article 58(2-B). If we compare the opinion of general voters and party candidates this gap will further increase.

On the question of General Musharraf continuing as chief of army staff, 50% respondent said, "yes" while 28.5% respondents said "no". Nearly 64% respondents wanted Musharraf to continue as president and 20% did not. According to the Newsline opinion poll 73% of the public supports constitutional amendments introduced by the Musharraf government while only 25% opposed them.<sup>4</sup> Another poll also shows similar opinion. 'It appears that voters have by and large reconciled to favor the presidential powers to dismiss the Prime Minister.'<sup>5</sup>

### **Role of Parliament**

The survey results also establish a clear-cut working agenda for winning parties in the first year. According to the nation-wide

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<sup>4</sup> The Newsline, October 2002

<sup>5</sup> Pildat, What Do the Voters Think, October 2002, P.19

ranking, 71.8% opined that the parliament should formulate policies to reduce unemployment and poverty, 13.1% wanted to reduce wasteful military and administrative spending and 12.4% wanted to formulate policy to bridge the gap between the rich and the poor. Neither the ruling nor the opposition parties seem to be even bringing these issues for discussion let alone for policy formulation in the parliament. Both parties are bogged down with the LFO and the parliament has forgotten the people who elected them and this is exactly what the respondents had expected from them. As many as 55.3% respondents nation-wide said they did not think that the candidates and political parties would fulfill promises they made during the election campaign. This has further alienated the people from the political process. To bridge this gap, political parties should either educate the people on why they are giving so much importance to the LFO or they should do what the people expect from them.

### **Democracy**

Despite dismal performance of political parties, low level of people's participation in party politics and lack of political culture, majority (80%) of the people still believe that political parties are the backbone of democracy and politics in Pakistan. Only 3% disagree or strongly disagree with any link between political parties and democracy, while 17% were neutral. The survey also reveals that most of the respondents have a clear idea of fundamental pillars that a political party must possess. For majority of the people, a political party must keep constant contact with the masses, with 25.5% respondents calling it an essential pillar of a political party. Almost 24.2% respondents said the party program and manifesto are also the essential pillars of a political party while 20.1% respondents said a political party should have a party constitution. Other characteristics of a political party in the eyes of respondents were: regular elections of all office bearers, maintenance of party membership and fund record, transparent accounts and fund raising system and democracy at all levels of the party hierarchy.

The majority of respondents (81.3%) said none of the existing political parties possess the above-mentioned characteristics. Only 18.3% respondents believe that political parties have essential qualities of democracy. At an average, 98% candidates of different parties said their respective parties are internally democratic. This reveals a huge gap between the people's expectations and the conduct of the political elite of the country.

### **Mode of Election to Fill Women Seats**

Electorates and party affiliated candidates appear to disagree on the question of the mode of elections to fill women seats. As many as 65% respondents nation-wide were in favour of direct elections and 35% in favour of indirect elections. Except MQM and PML-N a majority of candidates of PPPP, PML-Q and NA/Millat party supported indirect elections for women.

### **Local Government**

A majority of people (69.6%) wanted the elected government to give constitutional cover to local government system. In NWFP, the support for local government is higher than the other provinces. Nearly 83.7% respondents agreed that the Devolution Plan should be given constitutional cover. Similarly, 66.8% respondents agreed to maintain political division between legislative bodies and local governments. This power distribution had maximum support (79.4%) in NWFP, 71.9% in Punjab, 51.4% in Sindh and 53% in Balochistan. This high percentage of respondents expressing their confidence in the Devolution Plan is also reflective of the people's desire to actively participate in vital decision-making processes that affects their daily lives. On the contrary, despite the differential control over local councils, almost all political parties appear to be opposing the local governments

### **The Vote Bank of Political Parties**

Voter turn out is perhaps the only indicator to gauge the electorates' interest in the political process of a country. With

each successive election, turnout has declined in all provinces. As stated above, by 2002 it has declined as low as to 41.8%. In other words, nearly 58%-registered voters did not vote for any party. The following tables show that in real terms PPPP, PML-Q, PML-N, MMA and MQM got 10.4%, 9.7%, 4.6%, 4.5%, 1.3% votes of the total registered voters respectively. The government of PML-Q and its allies in the centre, in fact have a very narrow base of representation and all provincial governments are facing a similar dilemma.

**Table showing vote-bank of leading political parties in national assembly election 2002**

<b>Name of Party</b>	<b>% Of registered votes</b>	<b>% Of polled votes</b>
PPPP	10.4	25.3
PML-Q	9.7	23.7
PML-N	4.6	11.3
MMA	4.5	11.0
MQM	1.3	3.2
Independents	4.0	9.8
Other parties	4.2	10.3

### **Conclusion and Recommendations**

From the above discussion, there appears to be a wide crack in the people's expectations about political parties, democracy, political reforms, LFO, local government and the role of legislative bodies. The most encouraging aspect seems to be a high level of public awareness about the importance of political parties to construct democracy in Pakistan. A large majority also knows that no political party possesses the essential democratic characteristics.

The combined representation of all parties is just 41.8% and individually no government represents more than 10% of the electorates. This shows a very low level of participation of the masses in the electoral process. Unless all men and women of the political parties join hands, the people's confidence could not be restored. There is time now for the political elite to present itself for accountability. They should democratize their respective parties, develop distinct party program, establish party chapters,

launch membership campaigns on regular basis and when in power formulate policies and introduce legislation through consensus by allowing debate in the parliament. This is perhaps the only way forward to bridge the Awareness Expectation Gap.

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## **Pakistan Elections 2002: Emerging Trends**

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History of elections in Pakistan is full of surprises and dramatic results. Every election has produced portentous sequels. For example, the results of the first general elections of Pakistan held in 1970 had defied all pre-poll predictions. Contrary to the assessments made before the polls, predicting a hung parliament with center of the right parties having edge over the left wing political parties, Awami League headed by Sheikh Mujib-ur-Rehman captured all except two National Assembly seats in East Pakistan; while Pakistan Peoples Party, led by Zulfikar Ali Bhutto emerged as the majority party in West Pakistan. The subsequent elections in Pakistan have followed similar patterns, baffling the soothsayers about the outcome of electoral contests. The elections held on October 10, 2002 were no exception. In certain respects, the results of these elections took the concerned circles by surprise because of lack of scientific method for analyzing vital phases in the electoral process, such as aspirations and expectations of the people regarding the elections, perceptions of the voters about the parties and candidates contesting elections,

arrangement and conduct of elections and, above all, the outcome of the polls.

In Pakistan, researchers and scholars generally use data produced by the Election Commission to analyze election results and to identify emerging trends in the electoral politics of the country. But the data provided by the Commission is not considered to be an independent view due to the Commission's controversial role that has rendered the whole electoral process and compilation of elections results as doubtful. The conclusions based on such a data would certainly become questionable and raise serious doubts about the whole process. This situation necessitated a strong need for independent and objective analysis of the electoral process to reach correct conclusions about the pre-poll and post-poll trends in the electoral politics of the country. PATTAN Development Organization took the lead to meet this need by conducting pre-poll and exit poll research on Pakistan's Elections 2002, using both qualitative and quantitative research methods.

The PATTAN's work gained added significance amid allegations by the mainstream political parties that the military government through pre-poll, on the poll and post-poll rigging manipulated the results of elections held on October 10, 2002. Regarding the allegations of pre-poll rigging the package of electoral and political reforms enforced by the government before the elections, especially the condition of graduate status for contesting assembly elections was severely criticized. The President of Balochistan National Party and former chief minister of the province, Sardar Akhtar Mengal, alleged that the government wanted a selected assembly instead of a truly elected one by rejecting nomination papers of some key politicians and accepting nomination papers of some having fake graduate degrees because they were pro-government<sup>6</sup>. The Naib Amir of Jamaat Islami (JI), Professor Gafoor Ahmad, in a statement in Lahore, said that the October 10 elections were 'farce and replay of presidential referendum.'<sup>7</sup>

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<sup>6</sup> *Dawn* (Rawalpindi), September 15  
<sup>7</sup> *The News* (Rawalpindi), October 4, 2002

The JI Ameer, Qazi Hussain Ahmad, leveled similar allegations. Addressing an election rally in Nowshera (NWFP), he claimed that the ‘government had broken all records of pre-poll rigging by forcing the candidates to withdraw from contesting elections and blackmailing them through Accountability Bureau.’<sup>8</sup> The Chief of Pakistan Tehrik Insaf (PTI), Mr. Imran Khan joined the leaders of JI in accusing the government of indulging in pre-poll rigging and questioned the sincerity of President’s (political) reform program.<sup>9</sup> Former prime minister and chairperson of Pakistan People’s Party, Ms Benazir Bhutto alleged fraud in vote counting and called for new elections “under an independent administration and a transparent electoral process”<sup>10</sup> Pakistan Muslim League (N) accused the government of systematic and sustained rigging and threatened to launch movement against the government. Addressing a press conference in Lahore, the PML (N), Punjab General Secretary General, Khawaja Saad Rafique, alleged that the government had taken advantage of lack of vigilance by the political parties in rural areas and committed “massive rigging”; while keeping “peace in the cities”<sup>11</sup> even the leaders of Pakistan Muslim League (Q) alleged government’s interference to help their favourite candidates win elections. The PML (Q) leaders who leveled these charges included Mian Mohammad Azhar, Elahi Bux Soomro, Syeda abida Hussain and Syed Fakhar Imam. The statements by these PML (Q) leaders indicated the presence of a general perception in the party that there was a “well thought out conspiracy’ that led to the defeat of these top PML (Q) leaders including some serious contenders for the office of the prime minister.<sup>12</sup> Almost all political parties directed the allegations of rigging against the government and the Election Commission. A columnist observed: “All but the King’s parties have stabbed fingers at the government and the supine Election Commission. The European Union (EU) also blasted the pre-poll shenanigans. But they added nothing new to what was already being lamented

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<sup>3</sup> *The News* (Rawalpindi), October 5, 2002.

<sup>4</sup> *The News* (Rawalpindi), October 7, 2002

<sup>5</sup> *The News* (Rawalpindi), October 12, 2002

<sup>6</sup> *The News* (Rawalpindi), October 13, 2002.

<sup>7</sup> *The News* (Rawalpindi), October 23, 2002

in the local media. The administration had worked overtime to conjure up pliable parties and secure positive results.”<sup>13</sup> The interim report released by the Human Rights Commission of Pakistan said: “serious irregularities marred the polling”. On post-poll rigging, the report observed that the “changes occurring in the unofficially announced results have raised serious doubts about continuation of efforts to secure predetermined results after the end of polling.”<sup>14</sup>

The purpose of the above discussion on allegations of rigging in the last election is to show how difficult is to secure an objective assessment of the whole electoral exercise. Herein lies the importance of an independent, objective and scientific research on election such as one undertaken by the Pattan Development Organization. The work done by Pattan deserves appreciation due to the fact it has been carried out by using methods of both survey and qualitative research. The sample size includes 49 National Assembly constituencies and 101 Provincial Assembly constituencies. As mentioned in the Draft Report of Focus Group Discussions, the research team conducted 191 Focus Group Discussions in the target locations throughout the country. This has enabled the findings of the research to become fairly representative of the prevalent sentiments, aspirations and feelings of the voters in Pakistan. One is, particularly impressed by the bold initiative taken by PATTAN in employing the Participatory Research Approach (PRA) in the study for the reason that it is the most difficult approach in social and cultural research, requiring utmost patience, sincerity, commitment, dedication and concentration. Very few studies in Pakistan have been conducted using Qualitative Research Methods and we lack skilled and professionally trained researchers in Qualitative Research Methods. An important feature of the research is that it has covered such parts of electoral process that have seldom been given attention by researchers working in the area of election studies. These areas are:

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<sup>13</sup>Anwar Ahmad, “The Rigging Syndrome”, *The News* (Rawalpindi), October 21, 2002

<sup>14</sup> Human Rights Commission of Pakistan, *Interim Report on Elections 2002*

- (7)
- (1) Conduct of elections
  - (2) Determination of voting behaviour
  - (3) Participation of women in electoral process
  - (4) Impact of elections on the Local Government System
  - (5) Level of satisfaction of voters regarding voting elected representatives
  - (6) Democracy and people's participation  
Level of satisfaction of party workers regarding political parties

The research findings in all these areas are revealing and carry far reaching implications for understanding the functioning of Pakistan's political system. For example, the survey on the conduct of elections reveals that there is a wide gap of perceptions between the political parties and ordinary voters on the nature of electoral process. Almost all the political parties accused the government of indulging in widespread rigging in the elections; but majority of the respondents (both voters and candidates of major political parties) denied that they faced any kind of pressure to support/vote for a particular candidate.<sup>15</sup> The survey research has also found that in the eyes of majority of the respondents (44.5%) the military government headed by Chief Executive, General Pervaiz Musharraf had no authority to introduce the amendments in the Constitution.<sup>16</sup> Through this research, it has also been found that majority of the respondents support the restoration of joint electorate.<sup>17</sup> Similar is the case with the reservation of seats in the legislative bodies. Majority of the respondents (voters and candidates from the political parties, including MMA, have supported the expansion of women representation in the national and provincial assemblies.<sup>18</sup>

This runs counter to the generally held view that MMA, an alliance of religious parties, opposed the increase of women seats

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<sup>15</sup> Preliminary Report, *Key Findings of the pre- and exit poll Survey Research, Election 2002*, p.15, Tables 2.3 and 2.4

<sup>16</sup> *Ibid.* P.35, Tables 6.1 and 6.2

<sup>17</sup> *Ibid.* P.37, table 6.5 and 6.7

<sup>18</sup> *Ibid.* P. 39, Tables 6.9 and 6.10

in the representative institutions. Another interesting finding of the survey research is on the issue of restoration of Article 58 (2-b), popularly known as the Eighth Amendment introduced by late General Ziaul Haque, giving the President the power to dissolve the assemblies in his own discretion. The finding reveals sharp difference of opinion between voters and candidates of the major political parties on the question whether or not this clause should be restored.<sup>19</sup>

The Post-Poll Study of the election conducted on the basis of qualitative research methods Focus Group Discussion (FGD), also contains revealing findings. For example, the study finds that disenchantment with political parties was one of the reasons for low turn out. The study has also cited *biradri*, family and community as the determining factors of voting behavior. However, the observation of the Report on Focus Group Discussions on the question of impartiality and transparency of elections sharply contrasts with the findings of survey research on the same issue. The Report says:

*The overwhelming majority of respondents from all parts of the country said that the elections were not held in a fair and transparent manner. Many respondents said that the elections were rigged to help PML (Q) win. A number of candidates mentioned how they were prevented from voting through lack of ID cards or removal of names from the voters' list. Some respondents from Balochistan expressed their distrust about the neutrality of the army. Some respondents mentioned casting of bogus votes. Many respondents, mostly from Southern Punjab, said that changes were made after the completion of polling, including vote casting and counting of votes.<sup>20</sup>*

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<sup>19</sup> *Ibid.* P.41, Tables 6.13 and 6.14

<sup>20</sup> Draft Report, *Pos-poll Study of Elections 2002, Pakistan, Report of Focus Group Discussions*, P. .4

PATTAN Development Organization by undertaking research on various phases of election process has collected valuable data, which can be utilized by researchers and scholars for the purpose of understanding the dynamics of electoral politics in Pakistan.

## 4

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# Engendering the Legislative Bodies

By Dr. Farzana Bari

With the entry of 205 women on reserved seats in the national, provincial assemblies and the senate, it is commonly perceived that our legislature has been engendered now. The critical difference between engendering the legislative bodies and adding women to these structures is hardly understood in Pakistan. Engendering legislature is far more complex issue and a challenging project as oppose to adding women in the legislature through affirmative action measures such as quotas.

In this short paper, I would like to deliberate mainly on three related questions on the issue of engendering the legislature. Firstly, is it possible to engender legislative bodies, which are essentially a patriarchal construct that uphold the interests of male elite? Secondly what are the potentials and limitations of women parliamentarians to play a role in engendering legislative bodies and finally what needs to be done to engender legislature?

### **Legislative Bodies as Patriarchal Construct**

We need to understand the wider socio-political context and the nature of political processes in which legislative bodies are located to answer the question whether it is possible to engender the legislature, which is essentially a patriarchal construct.

Political parties and political processes, in particular elections, have always brought male elite to legislative bodies to represent the interests of the marginalized and excluded majority including women. Therefore, the principle of representation, which is central to the notion of liberal democracy, has been badly mutilated in Pakistan due to entrenched power and domination of feudal and monied class over democratic processes and structures. Thus the monopoly of the dominant class in the formal arena of politics makes democracy as “the rule of people” simply a myth in the specific political context of our country. Our experience of democracy shows that people’s participation to democratic processes has not gone beyond casting the vote that also often not with their own choice (as reported by Pattan’s research study conducted in 2002). Thereafter complete loss of control over their elected representatives, as there is no mechanism in place for the electorates to hold them accountable. The non-representative nature of legislative bodies as a result of non-participative democratic processes poses a major challenge to the project of engendering legislative bodies.

For women, democracy and democratization are highly contested terrain. Liberal democracies around the world have failed to bring gender equality as it builds themselves on public-private dichotomies. Women in western democracies have also been excluded from formal political arena. There are only sixteen countries where women’s representation in national legislature is more than 25% and even when they are in politics, they are made responsible to deal with softer issues and have given social portfolios. Liberal democracies reinforce gender hierarchies and the notion of sexual division of labor. Therefore, my contention is that engendering the wider social and political context is a precondition for engendering of legislative bodies. We need to alter social structures, transform our institutions and democratize our political parties to create equal opportunities for all irrespective of their gender and class and make democracy and democratization meaningful concepts for an average voter.

## **Potential and Limitation of Women Parliamentarians to Engender Legislature**

Due to reservation of 17% seats for women in the national and provincial assemblies and 33% in the local bodies, 205 women are in the national and provincial assemblies and 36,105 are in the local bodies. It is expected that women representatives elected on reserved seats will promote women's interests in legislative bodies. My contention is that there is no linear relationship between women's representation and promotion of gender interest because women are not homogenous and undifferentiated category. Women are also divided along the lines of class, race, ethnicity, religion and rural/urban divide.

Therefore, we must not assume a causal relationship between women's enhanced representation in legislative bodies and the promotion of women's rights. Quotas for women are demanded and justified in a context where they are historically excluded and discriminated against and are unable to compete. Since women constitute nearly half of the population, therefore, it is only fair that they are given a corresponding share in decision-making bodies to comply with a basic principle of democracy. Secondly, quotas for women dent the ideology of sexual division of labor that makes politics as male arena. Thirdly, since women do have common experience of subordination, it is expected that women's presence in political structures will lead to promote women's concerns. However, in my view the later is a complicated issue.

Quotas for women in political structures should not be demanded on the ground that women would essentially bring a difference to politics in terms of bringing female values of caring and mothering. This is a reductionist argument that assumes these values as natural and given to women and prioritize gender on other forms of difference such as class, race and ethnicity. However, I do recognize that because of socially assigned nurturing and mothering roles to women for centuries, women have developed their identities that centered on others and when they enter politics they like to work for others and do give priority

to social sector as continuity in their identities. This can be verified from the experience of several countries around the world where women parliamentarians have particularly worked to promote the social sector and the social welfare policies in their countries.

There are number of factors in the present political scenario of Pakistan which on the one hand impose limitation on women parliamentarians to effectively promote gender interests, while on the other hand there is a window of opportunity for them to play a role towards engendering legislative bodies and institutionalizing gender sensitive governance.

In terms of limitation, one needs to draw one's attention to the class background of the women parliamentarians. The majority of them belong to established political families and the elite class. Some of them are kith and kin of leaders of political parties. They have been brought on paternalistic terms therefore, they face pressure to conform and will not challenge gender hierarchies because of their class position and status quo orientation. Therefore, they will be constrained to develop an oppositional perspective on political decision-making.

Secondly, because of indirect mode of election, women parliamentarians do not have their own constituency. They are highly dependent on male leadership of their parties. Under the circumstances, it is more likely that women representatives may function in the interest of men of their parties rather than fighting for women's right.

Thirdly, the majority of women parliamentarian appears to have weaker understanding of their roles. They believe that they have been elected on women's seats, therefore, they should raise and work for only women specific issues. They are not preparing themselves to give their input and promote gender interests in other important policy and legislative areas such as policy decision in the field of macro-economic, foreign policy and budgetary allocations.

The majority of women parliamentarians (63%) reported that they had never worked with any women's rights groups and 68% never worked for women's rights; they have weak feminist consciousness. With this level of understanding of gender issues, it will be difficult for them to promote women's strategic gender interest that challenges gender relations.

In terms of potential, the representation given to women is an invaluable step toward gender equality. These women can become a critical mass in the politics of the country. Since they have come on reserved seats for women they are compelled to take up women's issues to legitimize their own existence in the national and provincial assemblies. Unlike their party position, many women parliamentarians are already voicing their position against discriminatory legislation. Therefore, it is expected that they will be raising women specific issues or as in Maxine Molyneux terms practical gender interests that arise out of women's position within sexual division of labor in society such as poverty and gender based violence. However, it is unlikely that these women parliamentarians will be challenging gender status quo or will act in strategic areas to reduce gender inequalities.

### **What needs to be done?**

Engendering legislative bodies is not about statistical parity between men and women. It is about transforming and restructuring the socio-economic and political order of the society and removing the gender as one of the organizing principle of the society. Women need to fight this battle with the support of men. Engendering legislative bodies or governance structures demand a partnership between men and women. The critical step is to create gender awareness among both male and female parliamentarians through gender training. It is important to realize that gender equality cannot be achieved without removing social and class injustices. Therefore, it is the role of civil society particularly women's organizations to promote this awareness among parliamentarians.

Women need to form cross-party networks where they share experience and strategies that worked in a male dominated political environment of their parties and find common grounds to work towards to promote gender consciousness and equality across party affiliation. Political parties are still at the level of rhetorical commitment where they do acknowledge the importance of women's inclusion in formal politics but are not willing to take practical steps to translate this commitment. Women have to fight battle for gender equality within legislatures as well as in their parties. They must demand internal party quotas for ticket and decision-making position, which will be more effective in the long run. Pressurize male leaders of political parties to make commitment to ensure women's participation in government, bureaucracy, administration and political bodies through setting quotas and incentives to change institutional rules and structures to promote gender equality. Men accept the notion of gender equality but are unwilling to change and share domestic roles. The link between private and public needs to be brought in public debate and socio-cultural reforms should be initiated along with political and economic reforms.

# 5

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## **PAKISTAN: WHAT IS WRONG WITH DEMOCRACY?**

Prof. Dr. Paul Duncan Scott

### **Introduction**

The main problem is that the new states, -which largely came into existence in the wake of the new international situation as a consequence of the Second World War, lacked the institutional strength necessary to convert demands into policy or action. More importantly, they have even failed to develop consensus regarding the norms to “ignite the whole political system with the strength of the architectonics. This is an important reason for the collapse of democracy in new systems. The most of the new states are still the constellations of kinship groups, religious groups, castes, tribes and even small of groups with rudimentary sense of identity. Society wide institutions, other than the states are scant...the interaction among the different sectors is tenuous. Parties are often communal, sectional and tribal. Civil associations tend to be tribal; trade unions tend to be creations and instruments of the political parties.” (Dr. K. L. Kamal: p. 5)

Among the new states, many fall into the category of civil-military coalition, lacking a strong civil society tradition. This coalition, as it operates in Turkey, Indonesia and in many other

countries, is made of an understanding between civil and military authorities to rule the country. The last elections in both countries (Turkey and Indonesia) once more proved that there is something wrong in the working of democracy. According to the results of the October 10, 2002 elections in Pakistan, the coalition of Pakistani religious groups, the Muttahida Majlis-e-Amal (MMA) garnered approximately a third of the seats in the National Assembly. Although there are many factors affecting the results, one should not miss the fact that, as Shahnaz Rouse indicated, many voters who might otherwise have gone to polls became convinced that the elections were nothing but a mask for continued military power. And some political commentators inside Pakistan would add an additional explanatory factor: corruption among the leadership of the four major non-religious parties that oppose Musharraf's regime. By this reading, only the "easily intelligible slogans" of the religious parties spoke to the average person's economic plight. The combination of consolidated military rule and the inadequacy of the alternatives created the space for the religious parties to far exceed any mandate they had previously achieved in the electoral history of Pakistan.

One should especially pay attention to the second reason in Rouse's explanation: "the inadequacy of the alternatives." On November 3, general elections took place in Turkey, which could be considered as a similar regime in many aspects to Pakistan. Not surprisingly, the pro-Islamic Justice and Development Party (AKP) emerged victorious in the general elections, capturing 35 per cent of the vote and a majority of its own in the parliament. These results might mislead someone to make the conclusion that Islamic militancy is rising in both countries. But rather than that, we should take into consideration the deeper social and political problems in these countries. One should go further, getting into the decades of mismanagement and corruption at the hand of mainstream political parties. Because of these reasons (mismanagement, incompetence and corruption), the Turkish mainstream political parties have steadily declined from 1991 until the last election. Witnessing the economic and social crises

caused by the previous coalition governments in the last decade, electorate now moved to the only remaining non-establishment alternative, the moderate pro-Islamic AKP. As Svante E. Cornell said, this is not because AKP was a religious party, but because it was an untried alternative competing the corrupt political [parties], which led the country to the worst economic crises after Second World War. The reasons behind the success of MMA in Pakistan are more multi-dimensional than the Turkish case but still one should not miss the similar reasons. MMA benefited from discrediting of the two mainstream political parties, the Pakistan Muslim League (PML) and the Pakistan People's Party (PPP), which were both twice in government in the 1990s and blatantly mismanaged the country.

The aim of this paper is to prove that corruption in the internal structure of political parties is one of the main reasons of the victory of the religious parties. As the historical background and social and political conditions are different in two countries, it is harder to develop conclusions including both. So in this study, I am going to take Pakistan as a model and try to show the effect of non-existence of internal party democracy on the working of democracy.

For the sake of simplicity, I divided the paper into two parts. First part is on a brief analysis of Pakistani history: elections, recent developments, political actors and most importantly parties. After I prove that one of the main problems in most of the new states (taking Pakistan as a model) is the lack of internal party democracy, in the second part I will try to set general rules for a political party to be democratic in its own structure. Although those principles seem kind of theoretical, they could be applied step by step in the organization of a political party if the leaders and organizers' intention is to develop democracy instead of just gaining political power, whatever the means are.

## **Part I: Pakistani Politics and Democracy**

### ***Elections in Pakistan: a brief history***

In 1947, when Pakistan gained independence, a limited elective principle was in practice for more than 60 years. The British rulers of united India introduced the principle of representation for the first time in 1892. Under this system, the non-official members of the provincial legislatures elected some of the members of the central legislature. Moreover, the local self-government boards, chambers of commerce and universities elected a relatively larger portion of the members in the provincial legislatures.

The Government of India Act 1909 for the first time introduced a system of election (indirect) for the law-making assemblies. The total membership of the Central Assembly was fixed at 68 of whom 27 were elected.

The Government of India Act 1919 created a bicameral legislature at the centre. The Act introduced direct elections for the upper house at the centre and for the provincial legislatures. The central lower house was to be elected indirectly by the provincial legislatures.

In 1920, the total membership of the Legislative Assembly in the centre was 145 out of which 104 members were elected. The total electorate was 909,874. In 1931, the number of the electorate went up to 1,142,948. In the Provincial Legislative Councils (1931), the total membership was 823 out of which 640 were elected. The total electorate was 6,375,000.

Elections were held in 1937 under the Government of India Act 1935. Under this law, the total number of seats in all the provincial assemblies had risen to 1851, which were elective by an electorate of 41 million. These elections have a special significance for Pakistan's electoral and political history. The people who were elected in these elections in the areas, which later made up Pakistan, continued to hold sway over the country's

politics until their death. Afterwards, the sons and relatives of these people maintained their grip on politics. The families of these people are popularly known as the 'political families' of Pakistan. In the elections of 1945-46, nearly 15 per cent of the population was entitled to vote on qualifications of literacy, property, income and combatant status.

The first direct elections held in the country after independence was to the provincial assembly of the Punjab between March 10 and 20, 1951. The elections were held for 197 seats. As many as 939 candidates contested the election for 189 seats, while the remaining seats were filled unopposed. Seven political parties were in the race. The election was held on an adult franchise basis with about a million voters. The turnout remained low. In Lahore, the turnout was 30 per cent of the listed voters and in rural areas of Punjab it was much lower. The Electoral Reforms Commission observed that the elections in Pakistan were not entirely free and fair.

On December 8, 1951, elections were held on adult franchise basis to the provincial legislature of the North West Frontier Province. The elections were massively rigged. Similarly, in May 1953 elections to the provincial legislature of Sindh were held and they were also massively rigged. In April 1954, elections were held for East Pakistan Legislative Assembly, which marked fall of the Pakistan Muslim League in East Pakistan and heralded the rise of Bengali nationalism.

In October 1958, Army Chief General Ayub Khan imposed martial law in the country. He introduced an indirect method of elections through the Basic Democracy (BD) system. According to this system, the voters elected 80,000 representatives, called BD members. This number was later increased to 12,000, who formed the electorate for the election of members of the national and provincial assemblies. Each of 80,000 BD constituencies consisted of 200-600 voters.

The first elections for BDs were held in the end of December 1959 and early 1960. In West Pakistan (today's Pakistan), the turnout was 75 percent and in the East Pakistan (now Bangladesh) about half of the registered voters cast votes. In Karachi, the turnout remained low – only 35 per cent.

In March 1962, General Ayub Khan announced a constitution for the country and elections were held for the legislature. The political parties were banned. A total of 595 contestants were in the field for 150 National Assembly seats and 1,862 candidates for 300 Provincial Assembly seats. An average of 500 BD members were to elect an MNA and nearly 250 members were to determine each Provincial Assembly seat. The turnout was high: 98.96 per cent in the NA elections and 97.8 per cent in the PA elections. The first session of the NA was held on June 8, 1962.

In October/November 1964, another election was held to elect BD members. Political parties were allowed to contest the elections. The elected BD members formed an electoral college to elect the President of Pakistan in January 1965's presidential election. Ayub Khan was the candidate for presidency from platform of the Pakistan Muslim League (Convention), which was founded in December 1963. Ayub Khan was president of the party as well. Miss Fatima Jinnah, the sister of the Father of the Nation, Quaid-i-Azam Muhammad Ali Jinnah, was the joint candidate of all the opposition parties. Ayub Khan won the elections in both wings of the country. He secured 49,951 (63.3 per cent) out of 79,700 votes cast. Miss Jinnah got only 28,691 votes (36.36 per cent) of the total votes cast.

On March 21, 1965, elections to the NA were held under the BD system but on party-basis. The PML (Convention) secured 120 seats; the opposition (COP 10 and NDF 5) secured 16 seats. The rest of those elected were independents. Afterwards, the elections to the PA were held. In West Pakistan, the PML (Convention) won 96 seats, independents 49 seats and the Jamaat-e-Islami one. In East Pakistan, the PML failed to secure an absolute majority. It

secured only 66 seats while 58 went to the independents and 23 to the opposition parties.

In March 1969, following protest, General Ayub Khan resigned and Army Chief General Yahya Khan imposed the second martial law. In December 1970, General Yahya held the first ever general elections on the basis of adult franchise. Over 1500 candidates were in the field for 300 seats and 25 parties contested the elections. None of these parties contested all the seats throughout the country. The two parties, the Awami League (AL) and the Pakistan People's Party, which emerged as the leading political parties, concentrated on the two wings of East and West Pakistan respectively. The Awami League contested only eight NA seats in the West Wing and the People's Party did not field any candidate in the East Wing.

There was a high level of participation in the 1970 elections. The turnout was 63.4 per cent – 60 per cent in Sindh, 68.7 per cent in Punjab, 48.1 per cent in NWFP, 40.5 per cent in Balochistan and 57.6 per cent in East Pakistan. As many 87 per cent (241) of the total seats (300) were won by two parties: the AL and the PPP. Eight other parties had only 59 seats among themselves. Not a single party had seats from all the four provinces of Pakistan and nor did any party have seats from both the wings of then Pakistan. The Awami League had no seat from West Pakistan yet had a majority in the NA by virtue of its tremendous victory in East Pakistan. Similarly, the PPP had no seat from East Pakistan and Balochistan and only one seat from the NWFP, yet it was the second largest party in the assembly by virtue of its overwhelming victory in the two provinces, the Punjab and Sindh.

General Yahya Khan did not transfer power to the single largest party, Awami League. A long and bloody civil war followed, and East Pakistan gained its independence and became Bangladesh in December 1971. Soon after dismemberment of the country, Zulifkar Ali Bhutto assumed power first as martial law administrator and then as elected Prime Minister of Pakistan under the newly adopted 1973 Constitution.

After four years, on March 7 and 10, 1977, general elections to the provincial and national assemblies were held. On January 11, 1977, all major and some minor opposition parties had cobbled together an electoral alliance, the Pakistan National Alliance (PNA), to contest elections against Bhutto's PPP. The official turnout figure was 63 per cent – if 19 uncontested seats were discounted, the turnout was 80 per cent. The PPP won 58.1 per cent of all the votes that were cast, and 136 of the 173 contested NA seats. The PNA won only 35.1 per cent of the vote and 36 seats. PPP had already won 19 NA seats unopposed including the home seat of Zulfikar Ali Bhutto in Larkana. The PNA leveled allegations of massive rigging in the polling and boycotted provincial elections. An agitation followed and on July 5, 1977 General Ziaul Haq imposed the third martial law.

On December 19, 1984, General Ziaul Haq held a presidential referendum of a dubious nature for his own election as president in which he was the only candidate. The question on ballot papers was whether the voter supported Islamisation process or not. A yes vote meant a vote for Ziaul Haq. The Election Commission of Pakistan announced a turnout of almost 60 per cent whereas the opposition parties and the independent observers claimed a low turnout of 5-10 per cent.

In February 1985, General Ziaul Haq held elections on non-party basis. The opposition parties, joined under the umbrella of the Movement for Restoration of Democracy (MRD), boycotted the polls. There were 33,589,996 registered voters in the country. Out of these 17,250,486 cast their votes. Thus, the elections were well participated in with a turnout of 52.93 per cent and considered relatively fair. Muhammad Khan Junejo was appointed Prime Minister and later formed a new faction of the Pakistan Muslim League within the house. On December 30, 1985, the 1973 Constitution was restored with massive amendments.

On May 29, 1988, President General Ziaul Haq dismissed the government of Mr Junejo and all assemblies by using his powers

under Article 58(2-b) of the Constitution. On August 17, 1988, General. Zia died in a plane crash. Senate Chairman Ghulam Ishaq Khan became caretaker President.

General elections were held to the National Assembly on November 16, 1988, and Provincial Assemblies on November 19, 1988. There were a total of 47,961,670 registered voters. The turnout was low, i.e. 42 per cent because of the mandatory national identity card condition for a voter. The PPP, led by Ms Benazir Bhutto, won 93 of 207 NA seats (38.5 per cent votes) and the Islami Jamhoori Ittehad (IJI), a conglomerate of several parties, won 55 National Assembly seats (30.2 per cent votes). On December 2, 1988, Ms Bhutto took the oath as Prime Minister. Later, on December 12, 1988, the parliament and four provincial assemblies elected Ishaq Khan as President for five years.

On August 6, 1990, President Ishaq Khan dismissed the Bhutto government along with the National Assembly and four provincial assemblies. On October 24, the general elections were held to the National Assembly. There were a total of 48,648,960 registered voters. The turnout was 45 per cent. The Islami Jamhoori Ittehad won 105 NA seats (37.3 per cent votes) and the PPP-led coalition Pakistan Democratic Alliance (PDA) won 45 NA seats (36.9 per cent votes.) The PPP alleged the elections were rigged. Former Punjab Chief Minister Nawaz Sharif took the oath as Prime Minister of Pakistan.

On April 18, 1993, President Ishaq Khan dismissed the government of Nawaz Sharif along with the National Assembly. The Supreme Court restored his government but the power struggle led to resignation of both the President and the Prime Minister on July 18, 1993. Senate Chairman Wasim Sajjad took over as acting President.

On October 6 and 9, 1993, general elections were held to the National Assembly and four provincial assemblies respectively. These elections were considered relatively free and fair. There were a total of 52,297,568 registered voters (including Muslim

and non-Muslim). A total of 20,020,538 valid votes were polled out of 49,648,821 registered Muslim votes, i.e. 40.32 per cent. The PML (Nawaz) won 73 NA seats (39.9 per cent votes), the PPP won 86 seats (37.9 per cent votes) and the PML (J) six seats (3.9 per cent votes.) On October 17, Ms Bhutto again became Prime Minister of the country. This was the first time in Pakistan's parliamentary history that nomination papers were filed for the election of Prime Minister. Later on November 13, 1993, Farooq Khan Leghari, a central PPP leader, was elected as president of the country.

On November 5, 1996, President Farooq Leghari dismissed the Bhutto government along with the National Assembly and four provincial assemblies. On February 3, 1997, general elections were held for the National Assembly and four provincial assemblies simultaneously. A total of 19,506,855 voters polled their votes out of 54,189,534 registered voters for 204 Muslim constituencies, i.e. a turnout of 35.99 per cent. The PML(N) won 135 of 204 contested seats (45.9 per cent votes), the PPP won 18 NA seats (21.8 per cent votes). The losing party leveled allegations of rigging in the results. PML(N)'s Nawaz Sharif was again sworn in as Prime Minister. On October 12, 1999, COAS General Pervez Musharraf overthrew his government and took over as Chief Executive of the country.

On April 30, General Musharraf held a presidential referendum to extend his tenure as president for the next five years. He was the only candidate. According to the Election Commission of Pakistan, 55 per cent voters voted and 98 per cent of them elected General Musharraf as President. The opposition and independent monitors alleged that the turnout was extremely low and massive bogus voting was carried out in General Musharraf's favour.

### ***Overview of the Recent Political Developments***

In 1999, General Pervez Musharraf grabbed power in a bloodless coup. After three years of rule, in April 2002, he called for a referendum to seek a political and constitutional legitimacy. His referendum question read: "Do you want to elect President

Musharraf as President of Pakistan for the next five years for: survival of local government system; restoration of democracy; continuity and stability of reforms; eradication of extremism and sectarianism, and the accomplishment of the Quaid-i-Azam's concept?" Premise of reform and modernity aside, most in Pakistani's understood the referendum as a way for Musharraf to extend his tenure as both president and army chief, and also create a constitutional role for the army in the government decision-making. Actually, this is a quite ordinary scenario in Pakistani politics. Corrupt civilian governments create economic and social crises, the army chief takes over. For example in 1984, Ziaul Haq (who was a military leader as well) ran a similar referendum asking "whether the people of Pakistan endorse the process initiated by.... the President of Pakistan, for bringing laws in conformity with the injunctions of Islam as laid down in the Holy Quran and the Sunnah of the Holy Prophet (peace be upon him) and for the preservation of the ideology of Pakistan, and for the continuation and consolidation of the smooth and orderly transfer of power to the elected representatives of people?".

Why did he decide to hold a referendum? Even if the conundrum of the general population in Pakistan, sick of civilian rule and its venal ministers and intriguing politicians, actually welcoming military rule with great joy; still Pakistan is supposed to be a democracy. So Musharraf recognized that his position and the future progress of Pakistan will not be sustainable if the government's legitimacy is not settled through democratic principles. However, as George Perkovich draws attention, rather than focusing on Musharraf as the embodiment of reform, as the referendum has, the light should shine on the political institutions that must be reformed if progress is to be sustained. Respected Pakistani figures, led by former finance minister and World Bank vice president Javed Burki have proposed a slate of electoral and party reforms that would in particular make political parties more open and countable. Without such reforms, "democracy" in Pakistan will remain an exercise in patronage and power.

### ***Major Political Actors of Pakistani Politics***

The legal bases for a government and its supporting institutions and processes are created largely by a “political elite.” The privileged class or classes regulate, to a greater extent, the participation in political and economic decision-making of any political system; their manner of regulation is a product of their analyses of the needs and desires of the governed. Even in revolutionary settings, an elite attempts to guide events in order to establish the new institutions and processes necessary for the “new order.” (Robert Laporte)

Elite is defined as an identifiable group of individuals who exercise power, influence and authority over others. In other words, elite is the “power holders” of a society. The type of power held maybe economic, political or social. (Robert Laporte) As in many other countries, having political power as a member of the political elite is to hold power in society. As Robert Laporte states, operationally an elite group holds and exercises power, influence and authority over non-elites. Of Pakistan’s three major but overlapping elite groups-political, economic and social – one should pay attention to the first two categories. The political elite groups in Pakistan include:

- a) The top-level military (colonel through general ranks, with emphasis on seniority in rank, and principally the army and air force, since the navy has not traditionally attracted the most ambitious sons of the landowning class and, therefore, has not exercised a great deal of power relative to the other armed forces).
- b) The central elite civil services.
- c) Other members of the large landowning families of the Punjab and Sindh who chose other occupations outside the civil service and the military. (Z A Bhutto is an example of this category who came from a large landowning family in the Sindh). This category has been a source of ministerial talent for all regimes in Pakistan since 1947.

### **Military**

As mentioned before, Dr. K. L. Kamal classifies the new states-which largely came into existence in the wake of the new international situation as a consequence of the Second World War – into many types of civil military relations. According to this classification, the military-oligarchy type is the result of the failure of the politicians to keep the country united and on the path of development within a set of national goals. Pakistan is the best example of this type because one decade of civilian rule proved its inability to meet the national challenge. The six-year Bhutto period was civilian only in the sense that a civilian politician was the head of the government. But a deeper study of the so-called civilian rule reveals the dominant role of military bureaucracy in almost all the aspects of national life where decision-making was required.

As a matter of fact the army remains Pakistan's ultimate political arbiter. It has run the country for as long as civilian governments and was the driving force behind the premature removal of the last four elected administrations – Ms Bhutto's in 1990 and 1996; Mr Sharif's in 1993 and 1999 – all of which paid the price for seeking to consolidate themselves at the expense of the military. As an example of civilian government, Benazir's government showed how a hostile military and a feudal party apparatus were partly responsible for the gross mismanagement and disastrous decisions that characterized her first run as a prime minister. (Weaver)

All the generals, Ayub, Yahya, Zia, Musharraf, who have ruled Pakistan, have tried to legitimize the military rule thereby giving it the semblance of a civilian government. But this bears a danger in itself as well: the thin line of demarcation between the civil and military authorities will disappear too.

Both Mary Anne Weaver and Owen Bennett, in their newly published books on Pakistan, agree on a fundamental point: the differences between democratically elected leaders and military dictators in Pakistan may be less than the differences between one

military leader and another, and prodding Pakistan toward stability and individual freedom is less a matter of the immediate return of democracy than of a sustained and nuanced American commitment to the country.

It is a fact that the Third World countries are spending excessively on defense in proportion to other items of expenditure. In other words, the defense expenditure prevents investment in other activities of nation building. Total world military spending for 2001 of \$839 billion represents a significant proportion of world economic resources. As a global average, it accounted for 2.6 per cent of the world GDP and \$137 per capita. However, both economic resources and military expenditure are unevenly spread.

#### ***Pakistan Military Expenditure***

Reported typical Pakistani expenditure on military R&D: Rs. 130 million.

Value of this figure in foreign exchange: \$4 billion.

Purchasing power of this figure in the Pakistani economy: \$20 billion

In 2002, the share of military expenditures was 4.5 per cent of GDP (CIA The World Factbook).

As Mary Anne Weaver indicates, Pakistan's ruling aristocracy were once a triumvirate of: military officers, tribal chiefs and the feudal landowners – who bankroll the political parties and it is impossible to avoid the conclusion that the military stand a much better chance of delivering radical change in Pakistan than the civilians. (Owen Bennett Jones, *Eye of the Storm*. New Heaven: Yale University Press).

As in Turkey, the military has periodically rescued Pakistan from political anarchy. But the Pakistani military, by constituting a state within the state, is itself a fundamental part of the problem, Bennett Jones concludes. Turkey has functioned reasonably well in recent decades because of an implicit division of power between the generals and the civilian leadership. The former, through a national security council, make the key decisions in

security and foreign affairs, while the prime minister and parliament are sovereign domestically. The question is that if it is not to go on oscillating between military tyranny and democratic anarchy, does Pakistan desperately need a hybrid regime akin to the Turkish model?

One can see that one of the main problems in the Pakistani politics is the inconsistency of stable civilian parties, which represents the elite instead of the people of Pakistan. No need to say, lack of internal party democracy is another obstacle in the way to achievement of that goal. It is hard to get a regular list of political parties in Pakistan. That's because the number of the political parties is changing almost everyday and new parties are being formed on personal desires. As a necessity, I will introduce some of the political parties that are relatively older than the others and have (or had) an effect on the Pakistani politics.

#### ***Pakistan People's Party***

The emergence of the Pakistan's People's Party in 1967 changed Pakistani politics forever. For the first time in the country's history, civilian politics were wrested away from an elite club and brought into the public domain. The charisma of the PPP's founder, the inimitable Zulfikar Ali Bhutto, can still command some 10 million votes for his party. (Human Rights Commission of Pakistan)

The party has undergone a complete overhaul since the early days of nationalization and land reforms. Now, it advocates privatization and has refused to tax agricultural income. The team of leftists, who got the party going, has been replaced largely by feudal lords and agriculturists from all over the country. Its vote bank, meanwhile, has shifted from the country's rapidly expanding urban centers to the villages in the interior of Sindh and the Punjab.

The newfound confidence in the anti-PPP vote bank stems largely from the PPP's own shortcomings. Instead of setting independent goals, it tried to master the agenda set by its predecessors. Benazir

Bhutto's policies and style of government have also come under increasing criticism, and in the absence of a strong second-string leadership, few of the salvos aimed at the person of Ms Bhutto have missed their mark. Bhutto, who has been living in self-exile for the last three years, has been excluded from the elections and threatened with arrest by General Pervez Musharraf's military government if she tries to return to Pakistan.

### ***Pakistan Muslim League***

The Pakistan Muslim League headed by Mian Nawaz Sharif was one of the most fascinating phenomena ever thrown up by Pakistani politics. Unlike most political parties, which were formed to take part in elections and send representatives to parliament, the Muslim League was born inside an elected house. Mid-wifed by the National Assembly of 1985, the PML evolved within a few years into one of the most potent political forces in the country. But actually it is primarily a Punjab-based party. With a few exceptions, almost all its senior leaders and decision makers are Punjabis. This is perhaps one important reason why, even when out of power, it continues to enjoy the support of a very large section of the bureaucracy, something that the PPP has never been able to achieve. Although there are a number of agriculturists and other members of the ruling elite within its fold, PML(N) is the party of industrialists and businessmen with support among the middle classes growing by the day. This is clearly reflected in its policies and sets it apart from the PPP, a party that continues to have a rural base and a feudal outlook.

Since the military takeover by General Pervez Musharraf in October 1999, and the exiling of Nawaz Sharif along with his extended family almost a year later, the PML (N) has been weakened as a result of victimization and intervention. The new PML faction carved out of the PML (N), and headed first by Mian Azhar and then Chaudhry Shujaat Hussain, is widely seen solely as a creation of the current regime. After trading plethora of "rigging" charges in the past four elections, die-hard rivals Benazir Bhutto and Nawaz Sharif have joined hands to harp on the same old tune against their 'common enemy' Elections-2002.

Playing themselves out of October 10 polls, after being disqualified, the two “exiled” leaders could hardly afford to sit idle and see their sliding reputation hit the rock bottom.

After that short look to the history of two major political parties in Pakistani politics, one should not miss the results of the last elections in Pakistan in the sense that it shows clearly the fragmentation of Pakistani politics among political parties, none of which have enough support from the Pakistani people.

At the end of the counting of votes cast in Pakistan’s general elections, the Pakistan Muslim League (Quaid-i-Azam), nicknamed the ‘King’s Party’ (for its supposed proximity to the military establishment), emerged the single-largest party in the 272-member National Assembly with 76 seats.

The Pakistan People’s Party Parliamentarians is the second-largest party in the National Assembly with 63 seats (with Makhdoom Amin Fahim its leader).

Besides the PML(Q), the PPPP and the MMA, the independents have emerged as the fourth largest force by bagging 28 seats. However, under the new law brought in by General Musharraf, the independents had to join a political party of their choice within three days after their election. Many voters who might otherwise have gone to the polls became convinced that the elections were nothing but a mask for continued military power. The religious groups, on the other hand, followed their historical tendency to choose moments when democracy has been weak or non-existent to mobilize for additional clout within the state, in this instance through the electoral process. Some political commentators inside Pakistan would add an additional explanatory factor: corruption among the leadership of the four major non-religious parties, which oppose Musharraf’s regime. By this reading, only the “easily intelligible slogans” of the religious parties spoke to the average person’s economic plight. The combination of consolidated military rule and the inadequacy of the alternatives created the space for the religious parties to far exceed any

mandate they had previously achieved in the electoral history of Pakistan. (Shahnaz Rouse). For the purpose of this paper, one should pay attention to the number of parties who could have seats in the parliament. There are 16 parties in the parliament, none of them having even half of the votes. Besides that, the party that got almost one third of the votes is actually an alliance formed by six religious parties backed by military leader of the country. Just looking at the results is not a proof that there is something wrong with the reliability of the political parties in Pakistan? On top of everything, while working on my paper, I became to understand the fact that having an exact list of Pakistani political parties is almost impossible. The list changes almost every moment: new parties emerging, some withering away, some transforming.

As Dr. Ghulam M. Haniff pointed, political parties in Pakistan seem to sprout up almost overnight. Hardly a month goes by without someone announcing the formation of a new political organization to compete for votes in the public arena. Numerous ambitious individuals, Prime Minister wannabes, have launched their political parties simply by making a declaration.

Pakistani parties, whether major or minor ones, are highly personal affair. They revolve around an individual who is accepted as the leader and a potential Prime Minister. The leader handpicks his supporters who in turn bestow on him the title of the chairperson or the president.

Besides, as a democratic Pakistani commentator noted recently, “the single greatest sin of Pakistan’s politicians is their failure to make their political parties into enduring institutions. Our parties are one-person pantomimes.... Take that pantomime away and the pantomime crumbles...Not one of the Pakistan’s political parties has ever held a meaningful internal election.” (Perkovich)

Almost in all democratic countries, parties are democratically organized and are made up of citizens selected through competitive elections. Membership in every committee and body

is determined through elections. All of the party officers are elected sometimes through intense competition. The parties are organized upwardly from the grassroots at the local level.

But in Pakistan such parties do not exist. The usual pattern there is to create a party from the top downwards, largely by designating selected individuals to run the organization at various levels. The power of control rests squarely in the hands of the leader. Together with the declared leader a select cadre makes up the leadership of the organization who see to it that the party workers and supporters are personally loyal to the individual at the top. The leader is like a general in the army controlling the organization through chain of commands. Loyalty is expected and received from the party workers and supporters. (Dr. Ghulam M. Haniff)

Parties are also described as forming the personality cult of the leader. Followers extol the virtues of the individual at the top. Often the person is given extraordinary titles, as in the case of Benazir Bhutto who was made the president for the life of the PPP. This kind of a transparent subterfuge could be perceived as a big joke in any seriously democratic country.

As a natural result of this, the conundrum of the general population in Pakistan, sick of civilian rule and its venal ministers and intriguing politicians, actually welcoming military rule with great joyousness. If this seems inexplicable, so must their present dissatisfaction with military rule, which is quite normal in the democracies of the world, wherein the turning out of one party and bringing in another to power is greeted with great relief and happiness. (PR Chari)

As a solution to that, Respected Pakistani figures, led by former finance minister and World Bank vice president Javed Burki, have proposed a slate of electoral and party reforms that would in particular make political parties more open and accountable. Without such reforms, “democracy” in Pakistan will remain an exercise in patronage and power.

Owing to the probability of certain defeat, and divisiveness in the society, organizing parties on narrow interests is usually looked upon with disfavour in most democracies. But in Pakistan there is no such concern. Opportunistic individuals, politically ambitious, want only to become leaders at any cost. What consequence their actions may have for the larger society is seen as irrelevant to their goals. This has made political arena resemble a three-ring circus. Unfortunately, it has brought a lot of social turmoil and political instability as well. (Dr. Ghulam M. Haniff)

The call for the restoration of democracy by parties such as the PPP and the PML is laughable. How can these organizations implement democracy in the country when they themselves do not practice democracy internally?

The failure of democracy in Pakistan is due largely to the fact that its crucial voluntary institutions, the parties have not become democratic. The successful implementation of democracy in a country requires political parties, as the basic political institution for the selection of governmental personnel, be democratically organized.

## **Part II: Promoting Internal Party Democracy**

It is argued that the logic that applies to the system of democracy should apply also to the internal affairs of the political parties themselves. The objective of democracy is that the people should have the right to choose. Through elections, they select and gain control over their political masters. Just as the citizens of a nation are entitled to cast ballots in elections, so the citizens of a political party should have the right to select and to reject their leaders, office-holders and candidates for public office.

On the other hand, there is a counter argument, which neglects the necessity of internal party democracy.

First, it may reasonably be argued that the essential feature of democracy involves the choice between a number of political

parties and a variety of candidates. Provided the voter has this choice, the internal structure of each party is immaterial. If a voter does not like the way in which a party runs itself, he has the choice of voting for an alternative party. It is the threat of electoral unpopularity that is the best guarantee against dictatorial and corrupt behavior by party leaders.

A comparison with economics will illustrate this point. Provided the consumer has the choice between several different shops, or between the services of several different companies, it does not matter how each shop or each company organizes itself. Rather than demand that a company's directors are accountable to its consumers, those consumers – if they are dissatisfied – have the power to take their custom elsewhere. Profiteering and other abuses can flourish only when consumer choice is restricted.

Second, there are practical considerations that make internal party democracy difficult to attain and open to abuse. Whereas a relatively high proportion of eligible voters is likely to participate in general elections, only a small, atypically enthusiastic minority will take part in internal elections such as primaries. Experience shows that those who participate in primary elections are not representative of party supporters in general. They are more ideological and more extreme.

In a country, if democracy works properly, the arguments above might be considered as reasonable. But in a country like Pakistan, where democracy is still having many problems and all the political parties are indifferent to people to an extent, lacking internal party organization and democracy, these principles would not work. So what should be done is to introduce some devices to improve internal party democracy. By this way, voters might regain their belief in politics, instead of military.

Once we agreed upon the need of internal party democracy to maintain democracy in a society, we should set up the rules and regulations to make a party democratic. From here on, making a deep analysis on the political parties (not only focusing on

Pakistan but rather general) would be useful. In this second part of the paper, references are made from the website of Administration and Cost of Elections Project (Ace Project) and the publication of National Democratic Institute for International Affairs (NDI).

### ***Definition of a political party***

Duverger (Encyclopedia Britannica) defines parties as “organized groups seeking political power, whether by democratic elections or by revolution”. Another definition of a political party is as a group organized to support certain policies on questions of public interest. The aim of a political party is to elect officials who will try to carry out party’s policies. (<http://gi.grolier.com/presidents/nbk/side/polparty.html>)

Although both definitions are problematic, there are some basic party functions that are agreed upon:

- Contesting and winning elections in order to seek a measure of control of government agencies and institutions.
- Aggregating and representing social interests.
- Providing policy alternatives.
- Vetting and training political leaders who will assume a role in governing society.

Before we start trying to put some principles to maintain the internal democracy of the political parties, the need for that should be clarified. We need to regulate political parties because:

- First, political organizations such as parties, as well as individual candidates for elective office, are, and need to be, subject to the ordinary laws of the land. If a party official steals money from party funds, or if a candidate commits a physical assault, they cannot be immune from the ordinary laws relating to theft and to violent behavior. Similarly, political parties are subject, like other organizations, to the relevant laws and regulations relating to the payment of taxes.
- Second, in countries where parties have a special role in the electoral process – as in those with list systems of proportional representation – the status of parties needs to be regulated.

- Third, the fact that parties compete in elections means that confusion is likely, unless each party has a right to protect its name and (if relevant) its logo or symbol from imitators. Such protection is the equivalent in the field of competitive elections to the protection given in the field of business to company trademarks and symbols. In the marketplace, lack of trademark regulation will result in the risk that consumers will accept shoddy goods that are packaged and marked to give the impression that they are the genuine articles. In politics, unknown candidates and unpopular parties may – unless regulated – seek to gain votes by adopting the names, symbols, and colours of popular ones.
- Fourth, where financial assistance, subsidies-in-kind (such as free access to television), or other special privileges are given to parties and candidates, it is necessary to define and to regulate the organizations and individuals to whom such benefits are given. For example, if donations to political parties have tax benefits, what is to stop all variety of organizations calling themselves ‘parties’ merely to take advantage of such provisions? The only way to enable genuine parties and candidates to receive public funding and other benefits is to define and to regulate them. (<http://www.aceproject.org/main/english/pc/pca.htm>)

### ***Party constitution***

First of all, the question of “why does the party exist?” should be answered clearly at the foundation stage of a party. Writing a constitution is one of the early, essential tasks of a democratic political party. In the constitution, there should be enough specify to distinguish the party’s principles and goals from those of other parties.

Party constitutions typically:

- define membership eligibility.
- classify leadership positions and explain the methods of selecting leaders.
- describe the role and relationship among different administrative units at the national, regional and local levels.

- establish standing committees, or working groups, in important areas such as policy development, finance, and communication.

Overall, party members should be given regular opportunities to take part in the selection of party leaders at all levels. To help ensure that a party is not dominated by one individual, or small group, some party constitutions stipulate that party leaders can only serve limited periods in office. In other words, all the rules and procedures are intended to promote inclusiveness and accountability in the operation of the party.

### ***Party organization***

Too often, political parties make the mistake of devoting all their resources and energy to short-term election campaigns, rather than to building and maintaining a solid, democratic party organization. So party organization must be a priority for party leaders before issues of campaign organization are addressed.

Although the structure of parties may vary, a typical organizational model will include party committees ranging from the national to the local levels.

National Congress

Executive Committee

Provincial Committees

District Committees

Local Committees

Individual Members

At every level, there needs to be clarity about exact roles, responsibilities and authority, in order to ensure coordination and coherence.

### ***Internal party relations***

The party's commitment to democratic values will be reflected in its internal organizational structure. At each level, leaders, organizers and individual members should be accountable for fulfilling clearly defined responsibilities.

In other words, a successful party will have a clear internal management and communication structure that is well known and understood by its members. Its organizers and member activists must:

- Have defined, complementary roles and responsibilities within the party.
- Understand the party's mission, goals and strategies.
- Have established methods for reporting information to the party leadership.
- The ability to engage party leaders in an exchange of ideas and in decision-making.
- Two-way communication is another essential principle of the democratic political party organization. A party must have good channels of communication not only from the local level to the national level, but also from national level to the local level. One method for communicating with party organizers is through a regularly published party newsletter or bulletin.

Once a party's organizational structure is defined, communication procedures need to be established. The first step in ensuring effective communication is to develop reporting relationships. Every party leader, organizer and active member, from the village level to the party headquarters, should know to whom they report and, in turn, who reports them. In a well-organized party, every organizer and leader should be able to describe his or her position. By this way, each organizer will be more invested in the party's mission and believe that they are an instrumental element of the party organization if reporting relationships and other interactions are on a person-to-person basis.

#### ***A defined policy agenda and message***

In established democracies, the majority of people support political parties because of the party's philosophy and policies. Supporting a political party with the hope of getting a job might be the main concern of the voters where patronage system works (such as Turkey and Pakistan), but in democracies this should not

be the case. People will support a political party when the party can demonstrate that it:

- Cares about citizen problems and shares their concerns, and their hopes for the future.
- Has a plan, that is specific, immediate and feasible, for improving the lives of citizens.

First of all, party organizers and leaders must first understand the concerns and priorities of ordinary people, and then discover the best way to address those and compel citizens to support the party. They should answer the voters' question in mind: why should I support your party? So a party should develop a message to show its vision. The problem in the newly emerging 'democracies' is that the parties always have appealing messages such as proposing to feed the country, end hunger, fight for justice, create jobs, help farmers especially during the election campaigns. But they do not really have a policy to make it true. Once they come to power, they are tending to forget about their promises and message. The important thing is that, once they develop a message, they should also develop the practical policies and ideas to support it.

Political parties should develop a system for gauging public opinion and for testing policy proposals before proposals are announced to the general public. Some parties may have the resources to use opinion polls, focus groups and other research techniques. All parties, however, can train party organizers to talk with citizens in order to assess their attitudes and opinions. In any case, when researching public opinion, it is important that party organizers target a representative cross-section of citizens. For example, women, students, pensioners and minority groups need to be included when a party gathers information about public opinion.

### ***Communication and outreach***

Development of a successful communications program is an essential part of party building because it affects everything a party does, from improving membership recruitment and

fundraising, to explaining the party's principles and policies to members, the media, and the public. Basically there are four methods to communicate a message to a target audience: mail, in-person, telephone and mass media (print, television and radio).

It should be taken into consideration that among countries making a transition to democracy, there are vast differences in literacy, the capacity to distribute information and the number of mass media outlets. For example in case of Pakistan, where the literacy rate is still around 42.7 per cent (1998), using Internet or newspaper as the means of communication will not mean much. So a political party must create a communication program that capitalizes on the specific opportunities and limitations that exist in the country. In Pakistan, if possible, in-person communication will be the best option, if not television or radio could be used effectively.

In the simplest form, successful communication occurs when a party organizer talks to one farmer, laborer, or university student about the party's ideas, programs and goals. Not only the external communication (that was mentioned above) but also the internal communication of a party is important to keep abreast of a broad range of party activities, and for creating times and places for two-way communication among party staff, volunteers and members. A systematic approach might include:

- scheduling weekly, biweekly or monthly meetings of party leaders, key staff, organizers and committee chairs.
- accessibility of written reports from party organizers to members.
- soliciting information from party members whose timely ideas and comments can be incorporated into newsletters or disseminated through other communication channels.
- scheduling periodic sessions to evaluate the effectiveness of the party's internal communication.

### ***Membership recruitment***

For various reasons, some parties give little attention to membership recruitment. First, some party leaders think membership recruitment is too difficult, time-consuming and costly. They seem to believe that reaching out beyond a small core membership is more trouble than its worth. Second, some party leaders think that they can win elections without a large, energetic and growing membership. In some countries, television and radio campaign ads have replaced grassroots, people-to-people campaigns in which party members play a prominent role in presenting the party to different communities. Third, some party leaders may not encourage membership recruitment because they feel threatened by the possibility that new members might propose (or demand) new leadership and policies.

The simple truth is that any political party will be more successful in promoting its policy agenda and electing candidates, if it can increase its membership. Members bring money, ideas, energy, campaign-related skills and votes to a party. In short, members are a party's largest resource. If a local party is serious about membership recruitment, it will develop a plan with a budget, time line and goals.

Although targeting a party's voters is the most efficient membership recruitment strategy, there are other approaches that can yield positive results. As an organizer, one should think about organizing political events and recreational or cultural activities that will attract sizable numbers of people who might be sympathetic to the party's philosophy and policy agenda.

Many parties often overlook women when recruiting new members. For this reason, parties miss opportunities to broaden their base of support and to become truly representative bodies. Democratic parties cannot endure for long periods of time without the active support and involvement of women. In addition to comprising more than half the population in many countries and deserving the same rights afforded men. Women are often more active in local communities and aware of community needs and

concerns. To promote women's participation within the party, many parties establish women's caucuses at all levels. Recognizing that women possess the same leadership abilities as men, some parties also place quotas on the number of women in leadership positions.

### ***Activating members***

Just as it is inconceivable to think of a democratic society without active citizens, so too is it impossible to think of a democratic political party without active members. And yet, all-too-often parties do not provide opportunities for members to contribute, or to learn and develop their leadership abilities. If members at the grassroots level feel as if they are the least important people and have no opportunities to contribute to party decisions, they probably will not remain party members for very long. In a political party dedicated to democratic decision-making and the dignity of the individual, respect for those at the base of the party should be just as strong as it is for those at the top.

Individual members must feel they matter. They will feel they matter when it is clear that the party at all levels belongs to all the members, not a small group who are out of touch with the daily realities of ordinary people. The democratic character of a party will be reflected in the way decisions are made and in the tolerance for dissenting views. At the simplest level, the party needs to provide new members in particular with a list of concrete tasks they can perform. From organizing neighborhood meetings, to establishing a party information booth weekly in the marketplace, to distributing literature in the village, these are opportunities for the member to play a part and are early signs from the party that members have a valuable role to play.

To stimulate members' interest and broaden their understanding of the party, political training should be one of the party's regular offerings. A series of discussions on the party's policy agenda is a good starting point. While the party should be clear about its responsibilities to members, the members in turn should

understand what their role and responsibilities of members in a democratically structured party.

### ***Fundraising***

Public funding of political parties is one of the mechanisms that many democracies have used to intervene in the process of political party finance. Public funding aims principally to: 1) address the unequal abilities among competing parties to raise comparable funds, by providing them equal opportunities to participate in public debate and financial resources to present themselves to the public; and 2) eliminate potential conflict of interest that can result from private financing of parties.

Public funding often involves a combination of public contributions to political parties and restrictions on the types and amounts of party expenditures. There are five primary types of public funding offered to parties and party candidates: 1) a government subsidy for campaign expenditures; 2) an annual grant to finance ongoing party activities; 3) free media time during election campaigns; 4) a grant to party-affiliated organizations, such as research and educational institutes; and 5) special tax treatments of contributions. Limits on private political contributions and campaign expenditure limits are the two main types of political finance restrictions. Political parties generally qualify for public funding once they pass a predetermined threshold of votes, such as gaining five per cent of a national vote in previous elections.

No country has yet perfected their political finance system, but many are struggling to level the playing field for parties and candidates, as well as diminish the negative effects that can be attributed to unregulated and disclosed private funding.

### ***Training***

Successful political parties engage in frequent training programs so that a constantly growing number of members are equipped to perform a variety of leadership functions such as: administration and management; fundraising; computer technology; media

relations; message development; and, membership recruitment. Without continuous training, it is impossible to expect that all units of a party will function effectively and be capable of addressing new challenges.

The need for training is particularly important in a political party, because leadership changes regularly (or should change regularly) and members need to be prepared to assume roles in government. Ongoing training will prepare organizers and activists to assume leadership inside and outside of the party. Preparation helps ensure smooth leadership transitions at all levels, and helps keep volunteer activists and organizers invested in the party. Is not one of the biggest problems in Pakistani politics is that party organization is based on personal connections (in other words: party leader's connections) and once the leader is gone, the party just falls apart?

A democratic leader sees his or her role as a facilitator, someone who brings out the potential in others. The democratic leadership style differs significantly from the leader-follower relationship built on charisma, status and coercion. Good group centered leadership constantly creates opportunities for others to develop their leadership skills and talents. By offering many people an opportunity to exercise influence in the effort to achieve party goals, democratic-leadership can empower larger number of people to overcome their apathy, fear, and resignation.

### **Conclusion**

It is a fact that political parties play an important role in democracies. In the new states (which I made the definition at the very beginning), democracies have many shortcomings and consequently the election results in those countries attract attention from the western world, which defines itself as 'democratic world' and ready to make easy comments on the failure of these democracies.

In this paper, I took Pakistan as an example of the new states and try to find at least one of the reasons behind the malfunctioning of

democracy. The motivation behind this attempt was the elections that took place in Pakistan in October 2002, which showed similar results with the Turkish general elections that took place in November. Looking at the results of the two elections, it was really easy for some observers to make the comment that “Islamism is rising in Middle East.” But obviously, this was not the case and this was not the history of Islam rising but it was the history of corrupt political parties losing their power and public support more and more.

So at the second part of the paper, I tried to set some principles to form a party not only defending democracy in its sayings but also actually realizing democracy in its own structure. The question behind that attempt was: “How can political parties implement democracy in the country when they themselves do not practice democracy internally?”

Like any organization, an effective party has a defined purpose, and clear organizational structures and procedures for fulfilling its purpose. Moreover, because political parties are important institutions in a democracy, parties need to operate in a democratic fashion. This means that decision-making is inclusive and leaders are accountable to party members. So mostly, I made the references to the importance of developing and involving the base of a party. External communication and membership recruitment should be principal activities of a party. In order to conduct activities, however, parties also need to raise funds and train leaders and activists.

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## **ELECTORAL LAWS REMOVING ANOMALIES**

Dr. Faqir Hussain

### **Introduction**

A civilised society conducts its affairs through a prescribed legal framework called constitution. The constitution is a basic law that stipulates the nation's aspirations, ideals and basic principles of governance. It establishes the key state organs and defines their powers and functions. It also prescribes limitations on the exercise of powers and functions. The logic behind it is to check the arbitrary exercise of power-authority and ensure harmony and coordination among the key state organs for establishing a viable and coherent system of governance. The constitution is, therefore, an important document. It is rightly said that the good or bad fortune of the nation depends on three factors – its constitution, the way the constitution is made to work and the respect it inspires.

The constitution is, however, an 'organic law'. It evolves and grows, and in the process, transforms itself, in order to remain relevant so as to address the vicissitudes of an evolving society. The changes occur through formal amendments and by judicial interpretation. Such modifications are necessary not only to keep pace with the changing times and meeting the challenges of emerging realities, but also to fill gaps and remove defects. Amendments in the constitution may also become necessary on

account of time-lapse, emergencies or unforeseen circumstances. The third president of the USA, Thomas Jefferson, once said, “We may consider each generation as a distinct nation with a right, by the will of majority, to bind themselves, but not to bind the succeeding generation more than the inhabitants of another country”. Thus, states periodically review the basic laws and codes for updating them so as to make them more responsive to changes and future challenges.

### **Electoral System**

Several general elections were conducted in the country since its independence in 1947. However, the efficacy of the institutions responsible for conducting the polls and the electoral process itself were often castigated. Complaints regarding legal and constitutional anomalies-irritants have hampered the electoral process on many occasions. The electoral system of a country is designed to hold free, fair and impartial elections. Its main objective is to provide an even playing-field to all contesting political parties, groups and individuals so that people have no difficulty in electing competent and honest leaders of their choice. This is the primary goal of an electoral exercise. A system that fails to achieve this objective has to face the brunt – and rightly so. Analysed critically - and of course objectively - our electoral system is unable to produce competent and honest leadership. This state of affairs is indeed harmful to the political evolution and detrimental to the growth of our nascent democratic institutions.

There have been several breakdowns of the constitutional machinery and political system in the country. Various factors are responsible for such failures. These include, inter alia, abuses-malpractices in the electoral process and gaps-defects-contradictions in the legal framework. It is not the intention of the author to carry out a detailed analysis of all factors; as such a discourse cannot be accommodated in the context of a single paper. Therefore, the analysis is restricted to certain defects and deficiencies in various provisions of the constitution relating to the holding of elections, including the institution of Election

Commission. It also covers changes introduced through the Legal Framework Order 2002, Conduct of General Elections Order 2002 and the Political Parties Order 2002. The paper gives an analytical description of the gaps-anomalies-defects in the law and suggests an appropriate reformative framework, so as to improve the electoral system, make it more relevant and give validity and legitimacy to the electoral process.

### **Election Commission**

The constitution assigns the Election Commission the exclusive responsibility of holding free, fair and impartial elections.<sup>21</sup> The composition of the Election Commission, including qualifications and mode of appointment of its chairman and members, is specified.<sup>22</sup> The tenure, terms and conditions of service and grounds as well as procedure for removal of the chief election commissioner is also specified.<sup>23</sup> All these measures are meant to make the Election Commission a fully independent and impartial institution, so that it may not be influenced or pressurised by any quarter. The situation on the ground, however, is different from what was visualised by the framers of the constitution. The Election Commission is neither perceived to be an absolutely free and independent body nor it has the reputation of performing all its functions effectively. The lapse may be partly attributed to the gaps and deficiencies in the law.

### ***Appointment of Chief Election Commissioner and Tenure***

The president has the discretion to appoint the chief election commissioner. The chief election commissioner must be a serving or retired judge of the Supreme Court or a high court. His tenure is fixed at three years. It can be extended another year by a resolution of the National Assembly. With the concurrence of the National Assembly and Senate, the chief election commissioner

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#### **References**

<sup>21</sup> Chapter 1 & 2 of Part VIII

<sup>22</sup> Article 213 & 218

<sup>23</sup> Articles 215

may be reappointed for another term, provided that not more than two years have passed since the expiry of his first term.

Every successive president - whether a politician, a soldier or a bureaucrat - has been anxious to retain his prerogative of making appointments to the office of the chief election commissioner. This urge is reflected in the successive constitutions, assigning such role to the president. The 1973 Constitution, however, made a departure from this practice, in that, such appointment was to be made on the advice of the prime minister. This was in line with the parliamentary norms the world over, according to which all key appointments (including that of the chief election commissioner) should be made by the cabinet. However, the 8<sup>th</sup> Amendment<sup>24</sup> changed this position and once again the president was authorised to appointment the chief election commissioner. The amendment was criticised and is still the subject of intense controversy. It is alleged that on several occasions this power was exercised to induct favourites into the office with a view to rig the elections or manipulate their results. In certain cases, acts-decisions of the Election Commission were clearly perceived to be echoing such partisan behaviour. The Election Commission has yet to acquire the image of a truly independent and impartial institution, inspiring public trust and confidence. This state of affairs is detrimental to the smooth and harmonious development of democratic institutions.

The Pakistani law and practice on the subject apparently have no parallel in other democratic societies. In parliamentary democracies, the appointment of important state functionaries, more so, the chief election commissioner, by the president is unheard-of. Assigning such important powers to an individual, unanswerable to the parliament, smacks of arbitrariness in administration and such a notion does not go along with the modern tendency of ensuring greater and larger participation of people (through their representatives) in national affairs. Thus, there is a need for revising the present law in such a way that

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<sup>24</sup> P.O. No 14 of 1985

greater say is given to wider sections of the population on the subject. It is, therefore, proposed that the chief election commissioner should be appointed by the president on the recommendation of a committee, comprising the prime minister, leader of the opposition in the National Assembly and the chief justice of Pakistan. The tenure of the chief election commissioner should be enhanced to five years with no provision for extension or reappointment. For this, necessary amendments may be made in the constitution.

### ***Appointment of Members***

The constitution provides for a permanent Election Commission, comprising the chief election commissioner as chairman and four members, each being a judge of the high court from every province. The president appoints the members after consultation with the chief justice of the concerned high court and the chief election commissioner.<sup>25</sup> The present procedure has generally worked satisfactorily, but it can be further improved to make the institution of Election Commission acquire greater confidence and credibility. It is, therefore, suggested that the current provision should be changed in such a way that the members of the Election Commission are appointed by the president on the recommendation of a committee, comprising the prime minister, leader of the opposition in the National Assembly, Chief Election Commissioner and the chief justices of the concerned high courts.

### ***Holder of Administrative Post must not be Appointed as Member***

The constitution envisages the Election Commission to be an absolutely independent and impartial body. The four members are, therefore, appointed from amongst the serving judges of high courts. As such, they would have a judicious mind and independent persuasion, and cannot be influenced-pressured by any quarter. Having said so, however, it must be stated that, at times, judges are appointed to a purely administrative post, e.g. secretary of the Ministry of Law and Justice. In that capacity, they

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<sup>25</sup> Article 218

work under the control of the executive. Such an appointment is indeed against the principle of separation of judiciary from the executive and undermines the established norms of judicial independence and impartiality. Anyhow, a judge working on an administrative post must not be appointed as member of the Election Commission. Such an appointment is against the spirit of the constitution. Thus, the practice of appointing high court judges to administrative posts must be discontinued.

### ***Appointment of Secretary and Officers***

Under the constitution, until the parliament by law otherwise provides, the chief election commissioner, with the approval of the president, may make rules for appointment of officers and staff of the Election Commission and determining their terms and conditions of service.<sup>26</sup> The parliament has, so far, not enacted any such law. However, the Election Commission (Officer and Servants) Rules were framed in 1989. Under these rules, the chief election commissioner is authorised to make appointments to the posts in BPS-17 and above.<sup>27</sup> The Election Commission Order 2002 has protected such rules, and the appointments made thereunder.<sup>28</sup> The rules clearly stipulate that the chief election commissioner should appoint the secretary of the Election Commission. Such clear and categorical assertion, however, has not always been followed. There are instances when the government made such appointments through the Establishment Division. This practice has justifiably given rise to criticism. Some such appointments were taken exception to, by the then opposition, criticising the mode of appointment and the credentials of individuals concerned. This practice clearly violates the constitution and goes against the notion of neutrality and impartiality of the Election Commission. Accordingly, it is suggested that the practice of secretary being appointed by the government must be discarded and the rules clarified, so that the writ of the chief election commissioner, with regard to the appointment of staff including the secretary, is fully restored.

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<sup>26</sup> Article 221

<sup>27</sup> Rule 8

<sup>28</sup> Article 7B

### ***Bar on Contest Against More Than One Seat***

Article 223 of the constitution prohibits double membership in the parliament or a provincial legislature or more than one provincial legislatures or a house of the parliament and a provincial legislature. This prohibition, however, applies to members after election and not while contesting the elections. A candidate is permitted to file nomination papers for unlimited number of seats in one body or several bodies. However in the event of a candidate's election to more than one seat in a house of the parliament or different houses, he or she is required to retain one seat and resign the other(s). Some political elite, feudal lords and industrial tycoons continue to avail the concession, by filing nomination papers for multiple seats. As money-ethnic-tribal factor continues to play a dominant role in elections, more often than not, they get elected to several seats. After exercising the option of retaining one seat and surrendering the other(s), the vacant seats are filled through by-election. The number of seats vacated through this procedure is generally high and by-election assumes the aura of a mini-general election.

The permission to contest polls on more than one seat puts extra burden on the national exchequer and creates uncertainty, as the final party positions cannot be determined till the announcement of the by-election results. Subsequent by-election on vacated seats is a source of inconvenience to voters. It unnecessarily adds to the workload of the Election Commission. It serves no purpose. It is, therefore, proposed that Article 223 of the constitution should be amended, so that no candidate is allowed to contest election on more than one seat in a house of the parliament or provincial assembly.

### ***Qualifications and Disqualifications of Candidates***

Articles 62 and 63 of the constitution provide a comprehensive list of qualifications and disqualifications of members of the parliament and provincial assemblies.<sup>29</sup> In the original 1973

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<sup>29</sup> Article 113

Constitution, these articles contained a few, though clear and specific qualifications and grounds, for disqualification. The qualifications prescribed were that the candidate must be a citizen of Pakistan not less than 25 years of age for membership of the National Assembly & 30 years for the Senate and he-she should be registered on the electoral roll. The disqualifications debarred persons of unsound mind, undischarged insolvent or those who had ceased to be a citizen of Pakistan or holding an office in the service of Pakistan. Further, by an act of the parliament, additional qualifications or disqualifications may be prescribed.

The stated qualifications and disqualifications were enough to prevent the entry of too young or inexperienced persons or unpatriotic or unscrupulous elements into the legislative bodies. The articles were indeed patterned on the line of qualifications-disqualifications prescribed elsewhere in the democratic world. The requirements were clear and the grounds mentioned specific and categorical, capable of objective determination by a judicial tribunal or authority.

The 8<sup>th</sup> Amendment, however, added a plethora of new qualifications and disqualifications. It added to Article 62 (qualifications), the requirements that the candidate must be of good character and not commonly known to violate Islamic injunctions; having adequate knowledge of Islamic teachings; practicing obligatory duties prescribed by Islam; abstaining from major sins; being sagacious, righteous, non-profligate, honest and *ameen*; not having been convicted for a crime involving moral turpitude or for giving false evidence and not having worked against the integrity of the country or opposed to the ideology of Pakistan. Similarly, Article 63 (disqualifications) added the new grounds of disqualification, viz. propagating any opinion or acting in a manner prejudicial to the ideology of Pakistan or the sovereignty, integrity or security of Pakistan, or morality, or maintenance of public order or the integrity and independence of the judiciary or defaming the judiciary or armed forces of Pakistan, convicted for an offence involving moral turpitude and

sentenced to imprisonment for not less than two years; having been dismissed from government service on the ground of misconduct; removed or compulsorily retired from service on the ground of misconduct; being in government service or service of a statutory body; found guilty of corrupt or illegal practice; convicted for an offence under the Political Party Act 1962 and being a beneficiary or having a share or interest in a contract of goods or performance of services with the government.

The Legal Framework Order 2002 further amended Act 63 by adding thereto other grounds of disqualifications - having been convicted by a court on the charge of corrupt practice or misuse of power or authority; dismissed from service of federal, provincial or local government or a corporation on the ground of misconduct or moral turpitude; removed or compulsorily retired from government service or service of a corporation on the ground of misconduct or moral turpitude, convicted and sentenced to imprisonment for absconding from trial or having written off or defaulted on payment of loan of an amount of two million rupees or more or payment of government dues or utility charges of an amount of ten thousand rupees or more.

The lists of qualifications and disqualifications are very long and varied. If implemented in letter and spirit, hardly any soul would qualify to contest the elections or remain a member of the legislative body. Most newly added clauses lack clarity and precision and cause considerable confusion. Undefined, the clauses are open to abuse and mischief. Provisions like requiring a person to be of "good character", "not commonly known as one who violates Islamic injunctions", "having adequate knowledge of Islamic teachings", "practicing obligatory duties prescribed by Islam", "abstaining from major sins", "being sagacious, righteous, non-profligate, honest and *ameen*", "propagating any opinion, or acting in any manner, prejudicial to the ideology of Pakistan or the sovereignty, integrity or security of Pakistan, or morality, or the maintenance of public order, or the integrity or independence of the judiciary of Pakistan", "defaming or bringing into ridicule the judiciary or the armed forces of Pakistan" are expressions of

far-reaching implications. Most do not easily submit to clear and precise definition. They are nowhere defined and are devoid of legal exactitude, which is the hallmark of legal or constitutional instrument. The terminology-phraseology used and way and manner drafted, the provisions carry potential for abuse-misuse. Most are open to subjective interpretation by courts, tribunals and election authorities, which are required to decide petitions, challenging the qualifications-disqualifications of candidates-members. Being open to subjective assessment, they may lead to varying conclusion-determination by different tribunals-authorities. The purposes of law, more so the constitution is to clarify rather than confuse and create chaos. The Legal Framework Order added some salutary provisions, e.g. furnishing new grounds of disqualification for default on payment of loan, government dues or utility charges. However, it has also added new grounds of disqualification on the basis of conviction accorded for absconding from trial, which apparently is individual-specific, and will have no long-term effect or utility, and as such, is undesirable.

Articles 62 and 63 in the present format are indeed legal irritants, with wide potential for abuse or misuse. They hamper the smooth and harmonious development of political institutions. They shall remain a source of great confusion for the electorate as well as courts, tribunals and authorities. It is, therefore, desirable that these articles are reviewed and reformed in a manner that the unnecessary and unreasonable requirements mentioned as qualifications and grounds of disqualifications are abolished and greater clarity and certainty is introduced into the law. Similar changes shall have to be made in Section 99 of the Representation of People Act 1976 and Article 8 D of the Conduct of the General Election Order 2002, which incorporate lists of qualifications-disqualifications in the texts.

### ***Political Parties***

The constitution provides for a parliamentary government, based on majority principle, both at the centre and provinces. To make this provision practicable, the constitution envisages the formation

of political parties, subject to reasonable restrictions imposed by law in the interest of the sovereignty or integrity of Pakistan, public order or morality.<sup>30</sup> The Political Parties Order 2002 regulates the organisation and functions of political parties. To operationalise the law, detailed procedure is prescribed in the Political Parties Rules 2002.

Notwithstanding the existence of political parties, unfortunately the norms and principles traditionally associated with parliamentary democracy, failed to take roots in our democratic culture, thereby subjecting the system to meta-legal and extra-constitutional strokes, which on occasions caused its collapse. The frequent breakdown of the system exacted a heavy toll from the nation in the shape of breaking its territorial integrity, hampering national integration and retarding economic development.

It may perhaps be uncharitable to blame the politicians alone for the recurring political-constitutional crisis and collapse of the system, as other institutions equally contributed towards the crisis. However, having said so, let it also be stated, without any fear of contradiction, that it were the politicians who created and mismanaged the crisis, thereby rocking the boat and paving the way for extra-legal intervention. It is also a sad fact of our political history that our politicians never learnt lessons from their previous blunders. Conspiratorial politics and switching of loyalties remained the hallmark of the political system. Consequently, the political scene that we witness today presents a bleak picture and foretells a gloomy scenario of the future.

Parliament, the third pillar of the state structure, occupying a position of primacy among government organs, enjoys the unique distinction of being a sovereign and independent body. It is entrusted with responsibility of making laws for good governance; critical analysis of government policies, thereby exercising control over the executive and ventilating public complaints-grievances, so as to seek relief-redress. The composition, role and

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<sup>30</sup> Article 17(2)

functions of the parliament are clearly laid down in the constitution. Its prestige and privileges are distinctly spelled out. Despite such constitutional safeguards, the performance of the parliament - or for that matter of the provincial assemblies - has been, to use a euphemism, disappointing. It simply does not play its role and cannot pull its weight.

Evaluating the performance of our parliament over the years, one clearly observes a qualitative decline in its role and functions. The quality of leadership has gone down, and consequently, the standard of debates has lowered. As a result, a few enactments that it was able to frame, indeed reflect the poor calibre and intellect of the members of legislative bodies. By and large, the primary functions - legislation, policy formulation and redressing public grievances - are relegated to the background and substituted by somewhat intriguing and at times, patently illegal role of supervising development projects and seeking appointments-transfers in services. This state of affairs does not augur well for the future of parliamentary democracy.

Parliamentary government is a government of the party and a party government is a vital principle of a representative government, said the Supreme Court in its judgment in the case of Benazir Bhutto versus Federation of Pakistan.<sup>31</sup> The Supreme Court of Pakistan has been, over the years, laying emphasis on the necessity and utility of political parties in the political process of the country. Starting from the judgment in the case of Abu A'la Maudoodi<sup>32</sup> down to its verdict in the cases of Nawaz Sharif versus President<sup>33</sup> and Wukala Mahaz Barai Tahafaz Dastoor versus Federation<sup>34</sup> and Syed Zafar Ali Shah versus General Pervez Musharraf<sup>35</sup>, the apex court has maintained the view that political parties are a sine qua non for the political system, and

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<sup>31</sup> PLD 1988 SC 416 at 516

<sup>32</sup> PLD 1964 SC 673

<sup>33</sup> PLD 1993 SC 473

<sup>34</sup> PLD 1998 SC 1263

<sup>35</sup> 2000 SCMR 1137

that such a system is unthinkable in their absence or without their active participation.

In keeping with the requirement of their peculiar domestic environment, the United Kingdom and United States have adopted different, rather divergent policies and approaches, towards regulating the activities of political parties. The United Kingdom leaves party affairs to be regulated through its own constitution and by-laws, whereas the United States regards parties as “inseparable from the republican form of government”<sup>36</sup> and the party organisation as well as its functions together with the rights and interests of its members is subject to statutory regulations.<sup>37</sup> In Pakistan, a middle course was followed. Here parties were regulated, but only to a limited extent. The Political Parties Act 1962 dealt with the subject. It, however, was very sketchy and did not cover certain important and vital areas of party organisation and functions. It was perhaps thought desirable that statutory provisions should be kept to the minimum and the issues of organisation and functions be regulated through the parties’ own constitutions. It was hoped that with the passage of time, education and political consciousness will help the parties to overcome the problem of organisation and their performance will gradually improve. This, alas, was not to be, with the result that today, barring a few exceptions; most political parties remain headed by leaders whose sole claim to office is based either on hereditary principle or their selection by a small coterie of nominated members of the party’s central executive committee. The rest of party’s hierarchy consists of nominated members by the said leader. It is, thus, obvious that the organisation of our political parties is autocratic; and naturally, such undemocratic entities cannot be expected to further the cause of democracy. Many evils that we see today in our political system, such as horse-trading, heavy expenditure on election campaign and the election of inefficient and corrupt persons to legislatures, can be directly attributed to the structural weaknesses in our political

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<sup>36</sup> Smith v Allwright, 321 US 649

<sup>37</sup> Were v Meyner, 13 NJ 185, 98 A2d 573; State ex rel. Ekem v Dammann, 215 Wis 394, 254 NW 759

parties. To solve this problem, certain major provisions were added to the law dealing with political parties. This was done through adoption of the Political Parties Order 2002<sup>38</sup>.

The new law obligates the political parties to organise themselves on and function under sound democratic principles. It requires the parties to have a constitution, stipulating inter alia, the aims and objectives of the party, the organisational structure at federal, provincial and local levels, criteria of membership, qualifications and procedure for election of party leader and office-bearers and procedure for selection or nomination of party candidates for election to public offices and legislative bodies. Political parties are obligated to hold periodic elections (every four years) for electing party leader and office-bearers at all levels. They are further required to give information about the sources of party's funds and submit an annual statement of accounts, including its assets and liabilities, sources of income and expenditure. The law also requires them to provide to the Election Commission, all necessary information of changes to its constitution, holding periodic elections and statement of accounts. Such information is a prerequisite for eligibility to obtain election symbols. The parties are debarred from receiving foreign funding, indulging in terrorism, promoting regional, religious or sectarian hatred, failing which the federal government may issue a declaration of dissolution of such party. The order of dissolution is subject to final decision by the Supreme Court.

The Election Commission, being an independent and impartial constitutional body, is entrusted with the responsibility to ensure compliance with some of the provisions of the law, e.g. to receive certification from political parties as to holding periodic intra-party elections and submission of annual statement of accounts, failing which it shall refuse to allot election symbol to such a party. The new law also prohibits the holders of public offices - president, prime minister, chief minister, governor, federal-provincial minister, minister of state, adviser, special assistant,

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<sup>38</sup> Chief Executive Order No.18 of 2002

speaker and deputy speaker of the National Assembly and chairman and deputy chairman of the Senate from holding party office. This is obviously a measure to maintain the principle of neutrality-impartiality in public administration and to insulate the holders of public offices from party pressure-demand for favours. It is also to prevent state resources from being used for partisan political ends. This provision must be strictly adhered to. There is a need for concerted efforts by political parties to properly organise themselves, have democratic structures, do the necessary homework to prepare for elections, and most importantly, devise policies and strategies to implement, when elected to power. The government and Election Commission must also strive to ensure full and complete compliance with the law.

The Political Parties Order 2002 also contains a provision, which prohibits a party member from being appointed or elected as an office-bearer, if he-she is not qualified or disqualified from being elected as member of the parliament. Graduate degree, being prescribed as qualification for membership of legislature, would have knocked down quite a few party leaders and office-bearers, but following a vehement criticism, it was withdrawn<sup>39</sup>. It is true that leaders and office-bearers of political parties aspire to acquire the membership of elective bodies, however, the two offices are not necessarily interlinked. Political parties do have some senior-seasoned politicians in their ranks who retire from legislative bodies but continue to offer advice-guidance to it. Further, there are also some professionals-technocrats, associated with political parties, without any desire to contest election. Many of the prescribed qualifications and disqualifications for membership of legislative bodies (under Articles 62 and 63) are controversial and somewhat unreasonable; and deserve to be deleted. Applying them to office-bearers of political parties is unwise and an unwarranted interference in their internal organisation. Thus, the two provisos to clauses (1) of Article 5 of the Political Parties Order 2002 may be repealed.

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<sup>39</sup> Chief Executive Order No.20 of 2002

### ***Supplementary List of Voters under Joint Electorate System***

The joint electorate system has been the norm in Pakistan under the successive constitutions, including the 1973 Constitution. This is in line with the aspirations of people to strengthen national unity and cohesion. This was also a constant demand of the non-Muslim community in Pakistan.

In a predominantly Muslim society, having declared Islam as its state religion, one would normally expect the religious minorities to be in favour of a separate electorate system, as it suits them and ensures their adequate representation in the law-policy-making bodies. This is why the Muslim minority of the Indian subcontinent insisted on having a separate electorate and weightage system to protect their economic, cultural, political and religious rights and interests. This demand was acceded to in the Minto-Marley Reforms of 1909 and the system of separate electorate was introduced in India. However, after independence, much against the common assumption, the minority community rejected the idea of a separate electorate and demanded equal civic, political and legal rights as citizens of the country, and supported a political system based on the principle of a joint electorate.

On the pattern of previous constitutions, the 1973 Constitution also provided for a joint electorate system. Through a subsequent amendment in 1975, six seats were reserved for minorities in the National Assembly and nine in the provincial assemblies. The members of the respective legislature filled these seats through indirect election. However, the 8<sup>th</sup> Amendment changed the system and introduced instead the system of separate electorates for minorities. In a sense, the amendment introduced a classification among citizens on the basis of religious belief. Such a classification, besides being discriminatory, also created practical difficulties for minorities. They, being dispersed all over the country, and not being voters for election to the general seats reserved for Muslims, were naturally deprived of the development schemes in their locality. The separate electorate system further deprived them of any mechanism to ventilate their complaints-

grievances and seek relief-redress, as there was none to approach in the constituency and represent them in the elective bodies and before authorities. The minority candidates found it impossible to cover wide areas, sometimes the whole country, in election campaign. In actual practice, therefore, they stood disenfranchised. No wonder, the minorities themselves vehemently opposed and constantly struggled against the separate electorates system, imposed upon them against their wish and despite their protest.

Taking cognizance of the ills of the separate electorate system and responding to the popular desire of the minorities, the government, through the Legal Framework Order 2002, amended Articles 51 and 106 of the constitution and restored the joint electorate system. Article 7 of the Conduct of General Elections Order 2002 provided that elections for members of the National Assembly and provincial assemblies shall be held on the basis of joint electorate system. Further, ten seats were reserved for non-Muslims in the National Assembly and twenty-three in the four provincial assemblies. The reserved seats are to be filled through political parties' list of candidates under proportional representation system, on the basis of number of seats won by a party in the National Assembly or a provincial assembly.<sup>40</sup>

Later, two articles, namely 7B & 7C, were added to the Conduct of General Election Order 2002 providing for the preparation of a supplementary list of voters belonging to the Qadiani Group. Article 7B states that notwithstanding Article 7 of the order (providing for joint electorate system), the status of Qadiani Group shall remain the same as provided in the Constitution of Pakistan, meaning, they will continue to be treated as non-Muslims. Article 7C states that if any person raises objection against a registered voter that he is not a Muslim, the authority under the Electoral Rolls Act 1975, shall cause such registered voter to appear before him and sign a declaration to the effect that he-she is not a member of the Qadiani Group, failing which he

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<sup>40</sup> Articles 5 & 6 of the Conduct of General Elections Order 2002

shall be deemed to be a non-Muslim and his-her name shall be deleted from the joint electorate roll and added to a supplementary list of voters in the same electoral area as non-Muslim. Quite clearly, the Article does not envisage a separate list for all non-Muslims. It prescribes a supplementary list for voters of the Qadiani Group.

These two articles were added to the Conduct of General Elections Order 2002 to pacify some clerics who raised objections to the inclusion of Qadiani Group on joint electoral rolls. Practically however, the change neither debars them from voting on general seats nor to stand as candidates on such seats. It is difficult to conceive the need for this change as it has no practical affects whatsoever on the conduct of elections. Constitution being a supreme law and the status of Muslims and non-Muslims (Qadiani Group being categorised as non-Muslims) is clearly defined thereunder.<sup>41</sup> In fact Articles 7B & 7C do nothing to change that status and serve no useful purpose, hence they may be deleted.

### ***Reserved Seats for Women***

The government, through a recent amendment in the constitution, introduced a salutary provision thereto, whereby 60 seats (17%) have been reserved for women in National Assembly<sup>42</sup> and 17 seats (17%) in the Senate.<sup>43</sup> Similarly, seats have also been reserved for women in provincial assemblies - 11 in Balochistan, 22 in NWFP, 66 in Punjab and 29 in Sindh.<sup>44</sup> The seats reserved for women in the National Assembly and provincial assemblies are required to be filled through political parties' lists under the proportional representation system on the basis of seats won by a party in the concerned legislature. The measure was adopted following consistent demands for adequate representation of women in the elective bodies. Their representation, in the past, remained dismally short. Rarely would a woman contest election

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<sup>41</sup> Article 260(3)

<sup>42</sup> Article 51

<sup>43</sup> Article 59

<sup>44</sup> Article 106

and win a seat. Their representation was mostly against quota, reserved for them in successive constitutions, including the 1973 Constitution. With the lapse of quota in 1988, their representation dwindled to merely 1, 2 & 3% in the 1990, 1993 and 1997 elections respectively in the National Assembly and less than 1% in the provincial assemblies.

Women's representation worldwide, has remained inadequate and much below their ratio in population. It is lower even in the most advanced democracies. At the global level, their representation stands at 12%, whereas at regional level, it is 33% in the Scandinavia, 17% in Western Europe, 11% in Asia-Pacific, 10% in North America, 9% in South America, 8% in Eastern Europe and 4% in Africa. Pakistan, by offering 17% representation to women, takes a giant leap forward and joins the rank of democratically advanced states. It surpasses the USA, Canada and comes at par with the UK and other such countries.

Various strategies and modalities are adopted to ensure adequate representation to women, including constitutional-statutory reservation of quota as in Pakistan, Bangladesh and Tanzania; fixed statutory quota on party lists as in Belgium, the Netherlands, Argentina; informal quota prescribed or special arrangements put in place through party lists as in Norway, Sweden, Germany, South Africa and the UK. Other modalities employed for enhanced representation are the proportional representation system or election under a single party system, etc.

It is instructive to make reference to or quote for the purpose of comparison from foreign countries. It must, however, be emphasised that the transplantation of a social or political system from one country to another is an extremely difficult task and complicated process. This is so because the socio-economic conditions and geo-political environment in the two places may not be alike. Consequently, the essential pre-requisites for the success of an electoral system in one environment may not be available in the other, and therefore, the transplantation of a system to such un-conducive environment, may not produce the

desired results, or indeed, may even produce results, opposed to the ones intended to achieve. Such an effect may more likely be produced when not the whole system but a particular component of it, is transplanted from one country to another. One may, therefore, have to be very cautious in suggesting a foreign model, as a whole or in parts.

Of the various modalities employed-tried the world over, the one leading to a regular and sustained induction of women in politics is a preferred option. This can conveniently be achieved through political parties. It is a preferred option for Pakistan, as it suits our parliamentary system. This particular modality providing for women's affiliation with and integration into the political parties appears to be more plausible and may serve the women's interests better. It will have a more sustained effect because of the fact that it aims at integrating women into the mainstream political process through active involvement and participation. Apparently, this is the aim of the present measure whereunder seats have been reserved for women and are required to be filled from political parties' lists through proportional representation system.<sup>45</sup> Regrettably, however, the system is perceived to be indirect, with little or no involvement of the female candidates in the electoral process, the order of priority on the list being determined by the party leader. No wonder then, most women elected in the 2002 general election, made it through personal relation or affiliation with the leaders of political parties. There are exceptions though, some indeed came on merit on account of prolong association with and services rendered to their respective political parties.

The indirect system of election, though practiced for some time, has failed to attract women into the mainstream politics. The presence of such members in the legislature also did not make any significant impact on politics and issues concerning women. This was so because such female members represented the interest of their parties and were not actively involved in political activities. They secured their election through family or political clout. Their

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<sup>45</sup> Article 5 of Conduct of General Elections Order 2002

presence in the legislature was more symbolic, adding to the numerical strength of the party rather than taking up general issues of concern or interest to women. Therefore, the restoration of reserved seats through an indirect system of election, either by the members of the legislature or through the PR system on the basis of votes obtained or seats won, should not be regarded as a final solution. Such a measure being an affirmative action should continue for the time being. There is still, however, a need for exploring a permanent solution and more appropriate methods of election; the use of the platform of political parties for constituency-based, direct election is one such option. 17% reservation is sufficient for the time being, however, to create a critical mass for effective impact, may perhaps be increased in due course. It is, therefore, suggested that women representation should be enhanced to 33% and the seats should be filled through direct election, with tickets allotted by political parties. The political parties may be obligated to have a fixed percentage of women as members and office-bearers and to allot a fixed percentage of tickets to female candidates against winnable seats in the elective bodies. Such ratio should be gradually increased till it matches women's ratio in population.

## **Summary of Recommendations**

### ***Election Commission***

1. The present procedure of the president appointing the chief election commissioner in his discretion should be changed in a way that there is larger consultation on the issue. The appointment should be made by the president on the recommendation of a committee comprising the prime minister, leader of the opposition in the National Assembly and the chief justice of Pakistan.
2. His tenure should be enhanced to five years with no provision for extension or reappointment.
3. Similarly, the members of the Election Commission should be appointed by the president on the recommendation of a committee comprising the prime minister, leader of the

- opposition in the National Assembly, chief election commissioner and the chief justices of the high courts.
4. A judge holding an administrative post should not be appointed as Election Commission's member. The practice of high court judges being appointed to administrative posts must be discontinued.
  5. The practice of secretary of the Election Commission being appointed by the government should be discontinued. The chief election commissioner should appoint the secretary and other officers-staff of the Election Commission.

***Bar on Contest against more than one seat***

Through an appropriate amendment to Article 223 of the constitution, no candidate should be allowed to contest election against more than one seat in a house of the parliament or provincial assembly.

***Qualifications and Disqualifications of Candidates***

- (1) Articles 62 & 63 should be reviewed with a view to eliminating unnecessary and unreasonable requirements and deleting clauses and expressions therefrom, which are ambiguous and liable to subjective interpretation.
- (2) The newly added clause providing for disqualifications on the basis of conviction for absconding from trial should be deleted.
- (3) Similar changes may have to be made to the Representation of People Act 1976 and the Conduct of General Election Order 2002.

**4. Political Parties**

- (1) The Political Parties Order 2002 providing for periodic election of office-bearers, procedure for nomination of candidates to elective bodies, maintenance of accounts, holders of public offices having to relinquish party posts etc should be strictly enforced.

- (2) Political parties should make concerted efforts to properly organise themselves, do the necessary homework of preparing policies-strategies for implementation, when elected to power.
- (3) Clause 1 of Article 5 of Political Parties Order 2000 imposing the qualifications-disqualifications under Article 62 & 63 of the constitution on party office-bearers, is unjust and an unwarranted interference in the parties' internal organisation, and as such should be repealed.

#### **5. Supplementary List of Voters under Joint Electorates System**

Article 7B & 7C of the Conduct of General Election Order 2002 providing for a supplementary list of voters belonging to the Qadiani Group have no practical utility or need, hence should be repealed.

#### **6. Reserved Seats for Women**

- (1) The reservation of 17% quota for women in the parliament and provincial assemblies is an affirmative measure and should continue for the time being. The system of election, however, is regarded as indirect and permanent, therefore, durable methods may have to be explored. To create a critical mass with positive impact, the quota should be increased to 33% to be filled through constituency-based, direct election on tickets awarded by political parties.
- (2) Political parties should be obligated to have a fixed percentage of women as members and office-bearers and award a fixed percentage of tickets to female candidates against winnable seats in the elective bodies. Such ratio should be gradually increased, till it matches women's ratio in population.

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# Elections 2002 in Balochistan

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## INTRODUCTION

The general elections 2002 were the 8<sup>th</sup> in Balochistan since 1970 when it was given the status of a province. Balochistan remained a chief commissioner/agent to Governor General Province from 1947 to 1970. From 1954 to 1970, it was a part of the one-unit system and experienced very little economic and political development during this period due to three factors. First, the strong hold of 'sardari'/tribal system which did not allow any significant development; second, the entrenched civil and military bureaucratic system without any representation from the province; and third, the insurgencies in different parts of the province against the central government due to which the central government paid little attention to the development.<sup>46</sup>

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<sup>46</sup>For detail see Mansoor Akbar Kundi, 'Balochistan: Hope and Despair,' Quetta, New Quetta Book Stall, 2002, p. 15.

The crises of legitimacy, participation and representation from which the country suffered further aggravated political situation in the province. For example, there has been no federal minister from Balochistan between 1947 and 1956 – the period that saw six prime ministers. In 1956, Nawab Akbar Khan Bugti, a strong tribal chief, was inducted in the cabinet of Prime Minister of Hussain Suharwardy.<sup>47</sup> Similarly, there was no federal minister from Balochistan between 1958 and 1970.<sup>48</sup>

After the first general elections in Balochistan in 1970 soon after it became an administrative unit, the general elections were held in 1977, 1985, 1988, 1991, 1993, 1997 and 2002. In 1970, the Balochistan Assembly comprised 23 members including the reserved seats for women until 1977 when the number of its members was raised to 43. The present strength of the Balochistan Assembly is 65 including minority members and women.

All elections have been held on party basis except in 1985 when they were held under the Zia-ul-Haq regime on nonparty basis. The National Assembly comprised only five members including a woman who was elected on the reserved seats.<sup>49</sup>

#### **BASIS OF SUPPORT FOR POLITICAL PARTIES/ CANDIDATES**

Balochistan is ethnically and politically divided, so no government could get majority in its assembly in all the eight elections since 1970.

There are three major sources of support for a person or political party in Balochistan – tribal, political, and ideological and ethnic

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<sup>47</sup>Under the six prime ministers, there has been no minister from Balochistan until 1956 when Nawab Akbar Khan Bugti was inducted as the federal minister under Hussain Suharwardy.

<sup>48</sup>Mansoor Akbar Kundi, 'Our Neglected Backyard,' *The News*, Islamabad, December 3, 1999.

<sup>49</sup>In 1962, five National Assembly members were elected from Balochistan. All of them had a tribal background. They were Mir Jam Qadir, Begum Khadija Khan, Khair Bakhsh Marri, Dera Khan Khosa and Attaullah Mengal, see *Jhang*, Quetta, October 5, 2002.

affiliations. There can be a personal source but that did not appear to be a strong base. By personal, it is meant that a candidate gets elected to the provincial or National Assembly by his sheer popularity without support of a political party or tribal affiliation. In October 2002 elections, political/ideological and tribal bases appeared to be more effective.

### ***Tribal/Sardari Base***

The tribal bases are rooted in ‘Sardari’ and ‘Khan’ systems in practice for hundreds of years – ‘Sardari’ system in Baloch/Brauhi belt and ‘Khan’ system in areas with majority of Pashtu-speaking population. There are around 35 major tribes in Baloch/Brauhi and Pashtun areas. The Rind tribe is the biggest one in Baloch area while the leading tribes in Brauhi areas are Mengal and Mohamad Hasni. The Kakar is the largest Pashtun tribe (Table 5). Role of the tribal chiefs is evident from the fact that out of 17 provincial chief ministers from 1973 to 2003, none belonged to common public or middle class and all of them were ‘Sardars’ or tribal bigwigs.<sup>50</sup>

The ‘Khan’ system is also a form of tribal setup but it is less stronger than the ‘Sardari’ system in Baloch/Brauhi belt. The ‘Sardari’ system may have lost its entrenched role but it is still continuing due to the lack of roads and communication network. More roads, electricity and schools, the rapid the system will lose its control.<sup>51</sup>

### ***Ethnic Base***

The ethnic bases play a role and are intermingled with ‘Sardari’ system as a supportive factor. As mentioned earlier, the major ethnic groups are Baloch, Brauhi and Pathan. The Pashtu-speaking population has increased after the Afghanistan crisis in 1979. Majority of the Afghan refugees in Balochistan carry Pakistani identity cards and can speak local languages. If one includes Afghans in Pashtu-speaking population in Balochistan, then they constitute the largest ethnic group. The settlers from other provinces constitute a

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<sup>50</sup> *Balochistan: Jamuriyat ka Safar*, a historical and constitutional background of the province published by the Provincial Public Relations Department, Quetta, 1997.

<sup>51</sup> Mansoor Akbar Kundi, ‘Balochistan: A Victim of Ethnic Rivalries,’ *The News*, June 8, 1992.

sizable population.<sup>52</sup> The nationalist parties garner support on ethnic bases in particular.

Some political parties or candidates seek votes on the grounds of being Baloch, Brauhi or Psthun. This ethnic factor played an important role in the past elections, particularly in 1988, 1993 and 1997 elections, and the nationalist parties from Baloch, Brauhi and Psthun belts were successful. But the ethnic factor was less effective in 2002 elections.<sup>53</sup>

### ***Political and Ideological Base***

The political and ideological factors also play a role in elections in Balochistan province and this role has augmented in case of MMA, the alliance that is supported largely on ideological and political grounds. The PML-Q sought support on political and ideological grounds but the candidates' personal influence supported by tribal/'Sardari' and money factors played an important role. The leftist parties also sought support on political and ideological grounds.

### **PERCENTAGE OF VOTES CAST**

According to the Election Commission Office in Balochistan, the total registered votes in Balochistan were 3,413,393, while total 1,015,412 votes were cast in the elections.<sup>54</sup> Thus, the percentage of cast votes was 30%. Similarly, the percentage of the total registered votes in the province has been low and the data of the last seven elections show that it ranges between 22 and 39 per cent. Three factors are responsible for the poor mobilization of voters: lack of communication in the vast constituencies, lack of education and political awareness and lack of party support among voters or party penetration.

According to the report of the Elections Commission of Balochistan, the percentage of cast votes in the elections to the

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<sup>52</sup> Mansoor Akbar Kundi, 'Afghan Refugees: When Going Back is hard Choice,' *The News*, June 12, 1992.

<sup>53</sup> *Dawn*, Karachi, October 17, 2002.

<sup>54</sup> The percentage is based on the facts and figures shown in the 'Elections Results Handout,' published by the Pakistan Election Commission, Quetta, November 2002.

National Assembly varies between 23 and 46.30 per cent. As many as 46.30 per cent votes were cast in NA-265 (Dera Bugti) constituency, while in rest of the constituencies, including the Mekran belt where the ratio of education and voter participation is higher, it was not more than 33.65 per cent. The Dera Bugti figures are disputed and alarmed the monitoring agencies about bogus voting due to the fact that the authorities were unable to check it.

Similarly, in the elections to the provincial assembly, the percentage of cast votes largely varied from 12.29 to 33.71 per cent of the total registered votes. However, in some constituencies it was 39.46 to 41.41 per cent. The lowest voter turn out was witnessed in PB-15 (Loralai-II) constituency where Pakhtoonkhwa Milli Awami Party's Sardar Muhammad Azam Khan Musakhel emerged successful. The highest ratio of cast votes was registered in PB-24 (Dera Bugti) constituency where it was as high as 76.28 per cent.

The voter turn out was the lowest in Quetta city with major factor being the fresh delimitation of constituencies,<sup>55</sup> which deprived a number of people from right to vote, including author of this report and his wife. Interestingly, no party got a simple majority in Balochistan in any of the elections.

The October 2002 elections marked "a shift in the political trends of the province." A paradigm shift was seen as compared to the past elections. First, a change was seen in the voting trends, as voters largely ignored the nationalists' stand and voted for a right wing party that secured a promising success for the first time. Secondly, more support of voters was found for the new candidates. Around 75 per cent new faces reached the assembly.

The decision of the Musharraf regime about reservation of seats for women in the assemblies proved to be a commendable step for promotion of female representation in legislatures and 11 women

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<sup>55</sup>Azizullah Khan, 'Uneven Contest,' in *Herald*, Karachi, February 2003 p. 59

reached the assembly on reserved seats. Three seats were reserved for minorities. In total, the October 2002 elections brought 41 new faces to the assembly.

#### **MAJOR POLITICAL PARTIES IN 2002 ELECTIONS**

Ten political parties were actively in race in 2002 elections and got their candidates elected to the provincial and national assemblies. They were the Pakistan Muslim League-Quaid-i-Azam (PML-Q), Mutahidda Majlis-e-Amal (MMA), which enjoyed strong support of Jamiat Ulema-e-Islam (JUI); Jamhoori Watan Party (JWP); National Alliance (NA); Balochistan National Movement (BNM); Pakistan People's Party Parliamentarian (PPPP); Pakhtoonkwa Milli Awami Party (PMAP); Balochistan National Party-Mengal (BNP-M); Balochistan National Democratic Party (BNDP) and Pakistan Muslim League-Nawaz (PML-N). Independents were also successful in many constituencies. They included Jamal Shah Kakar, who later joined MMA and is now speaker of the provincial assembly.

The political parties drew their support on ideological, political, ethnic and personal basis. Zubaida Jalal, who won election to the National Assembly on general seat, contested polls as an independent candidate but enjoyed support of the establishment and later joined the PML-Q. A turning point in her election was the withdrawal of Sher Jan, a candidate for provincial assembly seat who enjoyed the support of Zikris, who were to vote for nationalists. Sher Jan was forced to withdraw his candidature through the carrot and stick policy, which led to the election of Zubaida Jalal from NA-272 (Kech-cum-Gawadar) constituency.

The support of establishment to a number of candidates cannot be ruled out. In I.A Rehman's words focusing on the role of establishment for selected candidates was very much there and used.<sup>56</sup> It supported candidates in the overall contest, if not necessarily in winning the election.

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<sup>56</sup>I. A. Rehman, 'The Regime is Main Candidate,' *Dawn*, October 5, 2002.

***Pakistan Muslim League-Quaid-i-Azam (PML-Q)***

The leading party in the assembly was the PML-Q, which enjoyed the political, moral and may be the financial support of the Musharraf regime. It was described as a king's party, which was designed and supported to serve interests of the military government. Many among total 21 members of the provincial assembly belonging to the PML-Q are newcomers. Major support to the party was based on personal rather than political influence. Its candidates were influential and bigwigs of the area. The party got elected a woman on a general seat. She is wife of a former provincial minister and a tribal bigwig who himself was debarred from politics. She was elected from PB 17 (Loralai-IV) constituency.

***Mutahidda Majlis-e-Amal (MMA)***

The MMA, an alliance of six religio-political parties forged in 2002, emerged as the second largest parliamentary party with 18 seats (including females).<sup>57</sup> Five component parties of the MMA – Jamaat-e-Islam, Jamiat Ulema-e-Pakistan-Noorani, JUI-Samiul Haq; Tehrik Millat-e-Islami Pakistan of Sajid Naqvi and Jamiat Ahle Hadith of Sajid Mir – do not have political support in Balochistan, however, the Jamaat-e-Islami enjoys influence in Quetta and few other cities.

The JUI-F has been holding political influence in Balochistan politics right from the founding days of the province in 1970. It has joined the coalition government in Balochistan despite all its ideological and political differences with its coalition partner – a factor that led to speculation about its joining the government with PML-Q after the 2002 elections. It joined coalition government with National Awami Party (NAP) in 1970, with JWP in 1973 and BNM-Nationalists in 1988 and under Nawab Akbar Bugti as the chief minister in 1991 and 1993.

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<sup>57</sup>The party liberally supported the female participation in elections as well as in legislatures. The party won female seat for Senate.

The 2002 elections strengthened the JUI-F's position in the assembly as compared to its past success in 1988 elections with six seats in an assembly with 43 seats. Two factors played an important role in the overall success of MMA. Firstly, the fall of the Taliban government in Afghanistan and the US military action in which thousands of Afghans were brutally killed. The second factor was weakening of the nationalist parties in the province including BNP-M, BNP and the Balochistan National Democratic Party (BNDP), which enjoy support in Baloch/Brauhi belt. In Pashtu-speaking areas, the nationalist party is PMAP.

The nationalist parties failed to fetch votes, particular in the Baloch/Brauhi belt. However, as compared to its past performance, the PMAP did not do that bad.

Three factors mainly contributed to the poor performance of parties in Balochistan. Firstly, the division among their ranks over personal/ethnic and political matters not only weakened their stance but also divided them over the issues on which they got votes in the past. Secondly, the lack of development in their constituencies during their stints in power alienated voters in general. Thirdly, the establishment supported the PML-Q candidates in the constituencies, which were claimed by nationalists to be their stronghold. However, it is a fact that support of the establishment was not the only factor in success of the PML-Q candidates.

The JUI-F was traditionally rooted in the Pashtu-speaking belt of Balochistan where its major rival was PMAP, which seemed to have lost political grounds due to the poor performance and won only five seats. The political support for MMA/JUI-F not only came from the Pashtu-speaking areas but also from the Baloch/Brauhi speaking areas. In Kalat division, the MMA/JUI-F defeated many Baloch and Pathan nationalists whose support was based on ethnic and political grounds.

***National Alliance/Millat Party***

The National Alliance, which included the Millat Party, did comparatively well with seven (now six) seats. The party voted for Mir Zafarullah Khan Jamali in election of the prime minister, and its MNA Yar Mohammad Rind, a strong Baloch Sardar and an old political ally of Nawab Bugti in the past, has been inducted in the federal cabinet. The inclusion of Rind in the cabinet was a part of the deal struck with it by PML-Q to win its support in the center and province.

***Jamhoori Watan Party (JWP)***

The JWP has only four seats in the provincial assembly. It supported the nationalists' stand for more development in Balochistan without interference from the center. Due to the condition of academic qualification, Nawab Akbar Bugti, his son and son-in-law were debarred from participation in elections. Bugti, however, played the role of a kingmaker by getting his men elected to the provincial assembly. The JWP's performance in the elections was not unexpected.

No member of the JWP can overrule Nawab Akbar Bugti's decision, and this has caused political commotion within the party many times in the past. Due to past differences with Mir Zafarullah Khan Jamali, Nawab Akbar Bugti did not allow his party to vote for Jamali as the prime minister. During JWP's coalition government with the JUI with Nawab Bugti chief minister during 1988-1991, Jamali was leader of the opposition in the Balochistan Assembly and supported establishment in the center.

Except Balaj Marri, son of Nawab Khair Baksh Marri, six of the seven members of the provincial assembly elected independently joined political parties, mostly the PML-Q. The independents have always played an important role in balancing the provincial politics in Balochistan. This time the restriction on independent members to join a political party after his/her election is a good omen for the stability of provincial government.

***Pakistan People's Party Parliamentarians (PPPP)***

The Pakistan People's Party Parliamentarians (PPPP) won two seats in the elections for the Balochistan Assembly. Both of its MPAs are old party veterans – Sadiq Umrani and Shafiq Ahmed Khan – who have been allegiant to the party since 1980. The PPP members in the Balochistan Assembly during 1991-1993 and 1996-99, when the PPP was in opposition in the center, supported the government for local interests.

***Pakistan Muslim League-Nawaz (PML-N)***

The PML-N, which fielded a few candidates from the province, clinched only one seat of the National Assembly, as Yaqub Khan Nasir won election from NA-263 (Loralai) constituency with a narrow margin. His success against all odds was due to his tribal and personal background. The PML-N enjoyed support in Balochistan from 1988 to 1999 but since the fall of Nawaz Sharif, majority of its activists have changed their loyalties to PML-Q for achievement of their interests with support of the establishment.

***SENATE ELECTIONS***

The Senate elections were held on February 24, 2003 with 38 candidates in the run. The party position in the Senate elections was as expected and the PML-Q emerged as the leading political group with nine seats (five general, one technocrat and three females). The MMA secured six (four general and two technocrats), the National Alliance got two seats (one female and one general) and the BNM, BNP and JWP clinched one seat each. The PMAP could not have won a Senate seat but its candidate succeeded due to support of three of the four JWP MPAs and Nawab Ayaz Khan Jomezai, a young chief of a Pashtu-speaking Jomezai tribe who had lost election for a National Assembly seat against an MMA candidate, was elected as its senator. Saeed Hashmi, a former MPA and provincial minister (1985-1999), was also elected to the Senate.

In Balochistan, three factors played an important role in support for a candidate – ideological and political affiliations, use of money and horse trading, and tribal connections. In success of

the MMA candidates, the ideological and political support played a dominant role. One can say that money was involved in success of the MMA candidates in Senate elections, while the PML-Q and some other candidates, particularly an industrialist from Sindh who enjoyed support of the government, allegedly also used money to win elections.

### CONCLUSION

The elections 2002 in Balochistan were marked with a paradigm shift in the voting behavior. For the first time in history of the province, a political party secured a landslide victory in elections on the basis of ideological and political support. Out of nine political parties that actively participated in the elections, only the MMA and PML-Q secured the highest number of seats in the national and provincial legislatures and Senate. Voters largely rejected the nationalist parties, which have been winning more seats in the past and have been forming coalition governments in the province.

Table 1: Party Position in Balochistan Assembly

Party	General	Female	Minority	Total
PML-Q	16	4	1	21
MMA	14	3	1	18
NA	5	1	1	7
JWP	3	1	0	4
BNM	3	1	0	4
PMAP	4	0	0	4
PPPP	2	0	0	2
BNP-M	2	0	0	2
BNDP	1	0	0	1
Independent	1	0	0	1
<b>Total</b>	<b>52</b>	<b>12</b>	<b>3</b>	<b>65</b>

**Table 2: Party Position in National Assembly**

<b>MMA</b>	<b>7*</b>
<b>PML-Q</b>	<b>3</b>
<b>PML-N</b>	<b>1</b>
<b>NA (Millat</b>	<b>1</b>
<b>PMAP</b>	<b>1</b>
<b>JWP</b>	<b>1</b>
<b>BNM</b>	<b>1</b>
<b>Total</b>	<b>15</b>

\* including one seat of the minority

**Table 3: Party Position in Senate**

<b>Party</b>	<b>General</b>	<b>Technocrats</b>	<b>Female</b>
PML (Q)	5	1	3
MMA	4	2	0
NA	1	1	0
JWP	1	0	0
BNM	1	0	0
BNP-M	1	0	0
PMAP	2	0	0
	15	4	3

**Table 4: Bases of Support for Parties/Candidates**

PML (Q)	Political, tribal/Sardari
PML-N	Tribal/personal
MMA	Political/ideological
NA	Tribal/Sardari
JWP	Tribal/Sardari/
BNM	Political/ideological, ethnic
BNDP	Political/ideological, ethnic
BNP-M	Political/ideological, tribal
PPPP	Political and personal
PMAP	Ethnic/tribal, political,
Independent	Ethnic, tribal/Sardari

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# **IMPACT OF GENERAL ELECTIONS HELD IN OCTOBER 2002 ON LOCAL GOVERNMENTS**

By Dr Ajmal Kamboh

## **INTRODUCTION**

The elected local government institutions have played the role of nurseries for aspiring politicians and in this way the local representatives have always expressed keen interest in the political developments at the national and provincial levels. The nature of the present local government system as envisaged by the National Reconstruction Bureau (NRB) is apolitical and nonparty based. The dynamics of inter-linkages and working of the three tiers of the government are such that it is very difficult to compartmentalize them with the local government institutions functioning on the nonparty basis alongside the national and provincial tiers working on the party basis.

General elections for national and provincial assemblies held in October 2002 have further stretched the already strained apolitical working of the local governments that came to existence under the Devolution of Power Plan, 2000. The elections have unleashed the forces that may be having a serious impact on the local government institutions, both as a concept and in terms of their functional relationship with other tiers of the government.

In this chapter, an attempt has been made to analyze respective positions of different stakeholders of the Devolution of Power Plan, 2000 in light of the data compiled through the Election Survey Research Project executed by PATTAN between August and December 2002. This will help understand threats to the new

local government system posed by different forces in the post-elections phase. A brief discussion on different forms of decentralization of powers and evolution of the local government system in Pakistan has been done to place the whole study in the relevant international and national context. The perceptions of people and candidates about efficacy or otherwise of the Devolution of Power Plan have been presented through the findings of different research instruments used in the Election Survey Research Project, and finally some conclusions have been drawn.

### **VICISSITUDES OF LOCAL GOVERNMENT POLITICS IN PAKISTAN**

Local government institutions have a particularly precarious history in Pakistan. The military governments have generally supported them in the name of basic democracy, grassroots democracy and actual or real democracy. The civil governments, on the other hand, hesitated to take meaningful measures to devolve powers to the grassroots level. Not only there has been discontinuity in the elected local government institutions' tenure but their form and guiding philosophy has also been changing constantly.

The areas included in Pakistan along with other areas of undivided India used to have a form of local government called Panchayat System prior to arrival of the British. The British rulers introduced modern local government institutions in the 19th century to give limited opportunity of self-governance to locals in matters of their immediate concern like sanitation, street lighting and public health. After partition, the municipal laws enacted by the British were retained with minor modifications.

First genuine effort towards local self-governance was made during the martial law regime of General Ayub Khan when the Basic Democracy System was introduced in 1959. Under this system, the local government institutions functioned under the strict control of the civil bureaucracy and overall guidance of the military elite. The established political leaders had been

disqualified by the Ayub regime and stage was set for a new crop of politicians that acted as a loyal constituency of General Ayub throughout his tenure in power. The rationale of the system as given by him was that the “British parliamentary system of democracy was not congenial to the social climate of the country” and that the Basic Democracies have “laid the foundations of a democratic system suited to the genius of our people” (General Ayub Khan in Aziz Beg, 1962). With fall of the Ayub government, the Basic Democracy System was wiped away as it could not develop roots in the socio-political system of Pakistan.

During the democratic era of Zulfikar Ali Bhutto, there was no meaningful attempt to revive the local government institutions as an independent third tier of the government. The Municipal Administration Ordinance 1972 and Local Government Act 1975 were passed but no elections were held during tenure of the Pakistan People’s Party’s government from 1971 to 1977. The military take over in July 1977 revitalized interest in local government institutions. The Local Government Ordinance was passed in 1979 and subsequently elections were held for the local government institutions. The institutions created under this ordinance were divided into urban and rural councils. The urban local government institutions were called corporations, municipalities and town committees depending on size of the urban area. The rural local government institutions, on the other hand, were called the district and union councils.

Formation of local government institutions through elections successfully marginalized the established political parties, which had boycotted the elections. This helped in elevating the second and third level leaders to the leadership role at the district and tehsil level. This leadership quite understandably looked towards the martial law authorities for their survival and progress. Holding of elections on nonparty basis and introduction of separate electorates helped in depoliticizing the masses and increasing the horizontal cleavages on religious, tribal, ‘biradri’ (tribal), ethnic and linguistic lines. Subsequently, the general elections were also held on nonparty basis, and it was observed that the leadership

emerging from local government institutions had taken over the provincial and national assemblies as well. Local issues and politics of patronage, instead of policy debates on national and provincial issues, dominated the elected assemblies.

The local government elections were regularly held, under the Local Government Ordinance 1979, up to 1991. The caretaker government of Moeen Qureshi suspended these local government institutions and subsequently no elections were held up to 1998. The provincial governments ran the affairs of the local government institutions by appointing the civil servants as administrators in the intervening period.

The history of local government institutions in Pakistan shows that they have been unable to establish their independence as an important tier of the government along with the federal and provincial governments. Whereas the military governments found them to be a convenient forum to establish their democratic credentials, legitimize their rule and to create a political base for themselves, the elected provincial governments considered them to be adversaries encroaching on their authority. The political parties in Pakistan, on the other hand, are dominated by a few families, which are wary of any meaningful inclusion of common man in the governance structures. They even do not hold intra-party elections regularly and establish party chapters at the union council, locality or village level simply fearing the loss of their grip on the party affairs. Hence, any attempt to introduce participatory development through local government institutions is viewed as a threat to their political dominance.

#### **DECENTRALIZATION AND DEVOLUTION DEBATE**

The dilemma of the state in the Third World countries is that it has no capacity to develop and modernize for bridging the gap with their western counterparts and fulfilling the aspirations of their people. According to Eriksen et al (P 26 & 27, 1999) in western countries the infrastructural power of the state (i.e. capacity to penetrate society and implement its policies throughout its territory) has increased tremendously. The

developing countries like Pakistan lack this power and they have to rely more on despotic power for bringing change. The development model that was popular until heydays of the Cold War was based on a strong benevolent central authority acting as an agent of change in presence of the decadent local forces. It began to crackdown under influence of the multiple forces, both local and global, in the era of detente between the rival super powers. This model has been totally replaced in the post-Soviet Union new world order.

In the new development model, there is a focus on the decentralization, participatory development and local empowerment, based on a consensus between the new “Left” and the new “Right” albeit with different reasons (see Giles Mohan and Kristian Stokke, 2000 for more discussion). Added to this are the concerns regarding financial viability of the development projects that require ownership by stakeholders and the governance crisis plaguing the developing countries where expectations are rising but the state infrastructure has not increased proportionately. All this has led to an increased focus on “local” amongst the World Bank and other international agencies.

Decentralization is a poorly understood but widely quoted term. Two types of decentralization – political and administrative – are most relevant for the purpose of understanding the Devolution of Power Plan 2000. According to Eriksen et al (P 36, 1999), the political decentralization is called devolution of functions or authority from central levels of government to the local institutions, which are governed by the elected representatives. On the other hand, the administrative decentralization means devolution of authority from central (or provincial) government to their local branches. Though both forms of decentralization have an impact in improvement of local governance and they usually go hand in hand in different combinations, it is political decentralization that is considered to be the real one.

The policymakers in the Third World countries have to guard against a few risks while attempting at devolution and

administrative decentralization. First, the state may lose control over the government apparatus at the local level, which runs the risk of becoming an arena of struggle between competing local interests. This may lead to the conflicts in the local society being reproduced inside state apparatus Eriksen et al (P 37, 1999). Secondly, “in societies with unequal access to power at the local level, devolution would tend to reinforce the power of local elite” (Westergaard & Alam, 1995, P 680).

### **LOCAL GOVERNMENT PLAN 2000**

The Devolution of Power Plan 2000 and the subsequent provincial Local Government Ordinances 2001 are a handiwork of NRB. The Local Government Plan 2000 has replaced the Local Government Ordinance 1979.

#### *Important features*

According to NRB, it is based on following five ‘D’ principles (NRB, 2000).

Devolution of political power by having three tiers of elected leadership at district, tehsil/town and union council level.

Decentralization of administrative authority, giving more functional autonomy to the district level departments, and abolition of the divisional tier of administration with transfer of most of their functions at district level.

De-concentration of management functions by introducing focused approach and responsibility commensurate with capacity to perform.

Distribution of resources to the districts through ability to generate revenue through local taxes, fiscal transfers from the higher tiers of government and provincial finance commission awards.

Diffusion of power authority nexus through monitoring by citizens and elected representatives, involvement of civil society

in development works and in this way introducing effective checks and balances.

Some important features of the new system are:

The provincial bureaucracy functioning at the district and tehsil level has been made formally answerable to the elected representatives through nazims. The district, tehsil and union council nazims are heads of administration in their respective areas.

The distinction between local government functions and local administration has been blurred. The local government functions had previously been basically municipal functions and were being performed by the local government institutions. The local offices of provincial departments were performing the local administration functions.

The offices of commissioner, deputy commissioner and assistant commissioner have been abolished and the functions performed by them have been de-concentrated. These offices provided the mainframe of civil bureaucracy working at division, district and subdivision level since the British rule.

A division of work has been established between the local government institutions and the national/provincial assemblies. The development work at the local level has been assigned to the local government institutions and the elected representatives of the national and provincial assemblies are supposed to work for legislation and policy formulation.

#### ***Absence of consensus***

When announced, the Local Government Plan 2000 was declared to be the most remarkable piece of social and political engineering by the ruling military elite. From the very beginning, it generated a lot of debate and controversy amongst all the major stakeholders, who were being affected by its implementation.

Majority of politicians, especially those belonging to small provinces, opposed the plan on the grounds that it will further erode provincial autonomy and decrease the ability of provinces to administer districts which have been the traditional focus of administration since the colonial era. Major political parties like the Pakistan People's Party (PPP), Pakistan Muslim League-Nawaz (PML-N), Awami National Party (ANP), Mutahidda Qaumi Movement (MQM), Jamaat-e-Islami and Jamiat Ulema-e-Islam (JUI) opposed the local government system from its very conceptual stages with JUI and MQM deciding to boycott the elections. On the other hand, the pro-government political parties and groups like PML-Q, Pakistan Awami Tehrik (PAT), Pakistan Tehrik-e-Insaf (PTI) and Millat Party, all based in Punjab, reluctantly supported the government. The politicians further questioned the mandate available to the military regime for introducing far-reaching changes in the system of local and municipal governance and concluded that it was a ploy to divert attention of people from the discontinuity of the parliamentary democracy in the country.

The civil bureaucracy, especially its elite District Management Group, opposed the plan on the ground that the whole system was a sudden departure from the time-tested district administration system that formed the main framework of the administration, stretching from the provinces to divisions, districts, tehsils and villages. The offices of assistant and deputy commissioners along with commissioners have been abolished and the nomenclature changed. The district administration and municipal functions have been merged and police have been totally separated from administration. Adding insult to injury, much weaker but senior level officers have been placed in total subordination to the district nazim.

The civil society organizations (non-governmental and community-based organizations) generally supported the idea, and after a nationwide consultative process came up with a consensus demand on four issues:

Introduction of land reforms prior to the local government elections  
Abolition of separate electorate system  
Provincial autonomy to be ensured  
Holding of elections on party basis  
(Farzana Bari, P XII, 2001)

The government accepted the demand for abolition of separate electorate system alone, and decided to go ahead without creating a broad consensus among different stakeholders. This gave the impression that “the new local government system was created by a martial regime to strengthen its hold on the country using the guise of the idea of ‘power to the people.’ A tame constituency was sought to be developed disregarding the demands of viability...” (Inayatullah, January 2003).

Despite all the shortcomings, the Local Government Plan 2000 has a lot of positive sides as well. Some of these are reservation of one-third seats for women, involvement of civil society in development, concepts of specialized functions for departments, participatory development and a unified vision for districts and local areas. The Local Government Plan 2000 is an attempt to improve governance at local level by involving public representatives in governance directly. It enjoys a wide support in the civil society and among the international donor agencies.

#### **APOLITICAL NATURE OF LOCAL GOVERNMENT INSTITUTIONS: MYTH OR REALITY?**

Initially NRB had left the question of holding elections on party or nonparty basis open to debate. The civil society was nearly unanimous in demanding for party-based elections. The military government, however, following its predecessors opted for nonparty elections. To understand the background of this decision, the contradictions in interests of the two contenders of power i.e. military and political elite need to be understood.

*Theoretical Framework*

According to Professor Waseem (2000), “The electoral framework of politics leads to functioning of elected assemblies as pumping stations for local interests.... interests of middle classes in general and those from the military and civil bureaucracy in particular are typically safeguarded from outside the parliamentary framework, i.e. through the institutional apparatus of the state.” Hence, the middle classes and especially the military elite have distrust in parliament and its institutions. After ruling the country for most of the time since its independence, the military has developed an institutional interest to keep the politicians and political parties weaker. However, the issue of legitimacy confronts all military rulers, sooner or later. This has led to revival of the local government institutions during the military regimes but always on nonparty or apolitical basis.

General Pervez Musharraf was also under tremendous international pressure to restore democracy since the military takeover on October 12, 1999. In order to establish its credibility, the military put forth the idea of devolution of power and the restoration of the local governments. However, due to the clash of interest with political elite, the local government elections were held on nonparty basis with the declared purpose of refraining from making these bodies forums of mindless political contest (Abid, 2002, P 50). This military regime’s decision was prompted by the desire to curtail influence of political parties, especially two major ones i.e. PPP and PML. According to Waseem (2001), “The idea was that going the political way is obnoxious and therefore totally undesirable.... the current government decided that the party was the real villain. You kill party, you kill politics.”

#### *Working of Local Government Institutions in Practice*

The local government elections were held on nonparty basis with the Election Commission of Pakistan (ECP) that is empowered to disqualify candidates even after elections in case their party affiliation is proven. In practice, all the political parties took keen interest in the local government elections. The PPP and PML-N allowed their leaders and workers not only to contest elections but

also to locally forge alliances with the sole objective of gaining power. According to one estimate, 80 per cent of the elected councilors had declared political affiliations (Salman Abid, 2002).

The desire of gaining power along with the fear of being disqualified by ECP amongst local leaders proved to be invaluable for the government to change their loyalties to their respective parties in its favor. And the military government succeeded in creating mutually beneficial linkages with the local elite. Holding of elections on nonparty basis indirectly helped in undermining the discipline within political parties. Strange alliances that cut across party lines were forged and appeals to primordial loyalties like that of caste, creed and tribe were frequently made to fetch votes. The role of money and power became manifest especially at the level of elections to the offices of tehsil and district nazims. All political parties played their role through proxies. "Nonparty elections.... have destroyed the organizational credibility and institutional ethos of political parties which was inconceivable under a party based elections." (Waseem, 2001). Hence, parties or the influential families dominating parties ultimately managed to take part in the local government elections but the system lost the benefits of holding elections on party basis.

#### ***Linkages Between Local Government Institutions, Development Activities and General Elections***

From the very beginning, the government declared that it would be selective in maintaining impartiality of the local government institutions during the general elections. Even prior to the general elections, the nazims and local government institutions were widely used to mobilize public support in favor of the regime's decision to join war against terrorism and to secure victory for Musharraf in the presidential referendum.

In the pre-election phase, the government agencies openly maneuvered to create favorite political groups like PML-Q, National Alliance and Sindh Democratic Alliance. The district and tehsil nazims along with councilors supported the regime's favorites or the candidate with whom they had family or party

relationships. With the election campaign gathering momentum, the nonpartisan character of the local government institutions as originally conceived by the NRB got compromised in many districts. PATTAN's field research teams engaged in the Election Survey Research Project reported from across the country that the district and tehsil nazims were using the government machinery in favor of their relatives or candidates with the government backing. Daily 'DAWN' reporting from Faisalabad and Vehari said that "the district government secretariat looks like election camp of PML-Q candidates," and that "the political engagements of district and tehsil nazimeen and the staff were not only hampering routine official work but also creating sanitary and cleanliness problems." (DAWN, October 6, 2002). The same report points out that sweepers, peons and other menial staff is busy in pasting posters for candidates while the garbage in streets remains unattended, and that Tehsil Municipal Administration staff is forced to sign attendance at the corner offices of Mushtaq Cheema, a PML-Q candidate. Similar findings have been reported in other election related surveys. According to the Human Rights Commission of Pakistan (HRCP) Report 2002, "District administrations and in particular nazims loyal to the regime are reported in many cases to be actively canvassing for pro-government candidates."

The local governments vigorously initiated development projects to promote candidates and parties in different constituencies. According to one report (Inayatullah, October 7, 2002), provincial governments doled Rs. 1.5 billion to help out PML-Q candidates. The PPP-Parliamentarians and PML-N candidates were generally the sufferers and those belonging to PML-Q and likeminded parties were the favorites. According to PATTAN pre-election survey, 41.7 per cent of candidates of PML-Q interviewed by the field research teams had some family member, who was a nazim or naib nazim, against 20 and 20.5 per cent of the PML-N and PPPP candidates respectively.

The governors of all provinces except Balochistan conducted whirlwind tours of the constituencies of their favorite candidates

along with district nazims and announced development schemes. According to Anwar Abbas (2003), “Punjab governor announced grants amounting to Rs. 72 billion, distributed 10,000 plots and promised improved public utilities like roads, gas, water, electricity, schools, hospitals in the pro-government areas.” He further mentions that the Sindh governor announced grants worth Rs. 16.16 billion and the NWFP governor worth Rs. 2.16 billion for development projects in key constituencies.

It appeared that the posture of keeping the local government institutions apolitical was not maintained uniformly from the very beginning, and by the blatant use of development funds in favor of selected candidates, the government laid foundations of the demand by legislators to be granted development funds contrary to the division of functions as envisaged in the Devolution of Power Plan.

#### **LOCAL GOVERNMENT SYSTEM AND PUBLIC PERCEPTIONS**

In order to assess public perceptions about efficacy of the present local government system, PATTAN included specific questions in structured questionnaires for voters and candidates in its pre-election and post-election surveys. During the pre-election and post-election Focus Group Discussions, voters and party workers were specifically probed to get feedback on efficacy of the new system.

##### ***Observations Regarding Efficacy of Local Government System***

In the questionnaire for voters during the pre-election survey, the respondents’ opinion was sought about the positive impact of local councils on them and the general public. Only 5.9 per cent of the voters interviewed nationwide opined that the local councils had a very positive impact with another 36.2 per cent thinking that the impact is somewhat positive, while 38.1 per cent of the respondents thought that the new system had no impact on their life and another 18.7 per cent did not opine in this regard.

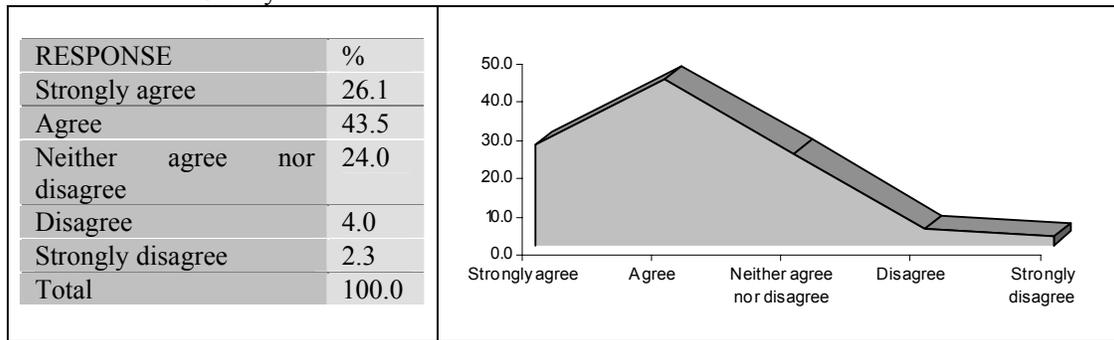
These observations are further corroborated by the response of voters while making comparative assessment of the present government's performance on certain key issues. Improvement in facilities at local level is a key indicator of improvement in governance at the local level. In the survey, 53.6 per cent of the respondents considered that there was no difference in facilities at local level with another 11.7 per cent saying that these have actually worsened, while 27 per cent of the respondents considered that facilities at local level had improved and only 5.6 per cent considered that the facilities at the local had markedly improved. Majority of voters, sympathetic to all political parties including PML-Q, National Alliance and Millat Party, considered that the facilities at the local level had either worsened or there was no difference.

This issue was also probed in detail in Focus Group Discussions (FGDs) held with voters in pre-election phase of the survey. The findings of FGDs compiled by Nazir Ahmed Mahr show that majority of people have second thought about their effectiveness. As compared to 26 per cent of the respondents, who considered the new local government institutions to be effective, 29 per cent considered these institutions to be ineffective with another 39 per cent not responding to this question.

***Whether to give Constitutional Cover to the Devolution of Power Plan?***

In the questionnaires for voters during the post-election survey, the respondents were asked about the extent to which they agreed to give constitutional cover to the Devolution of Power Plan. An overwhelming majority of respondents nationwide favored constitutional cover to the Devolution of Power Plan.

Table/Chart 6.1: Voters' Response in Nationwide Post-Election Survey

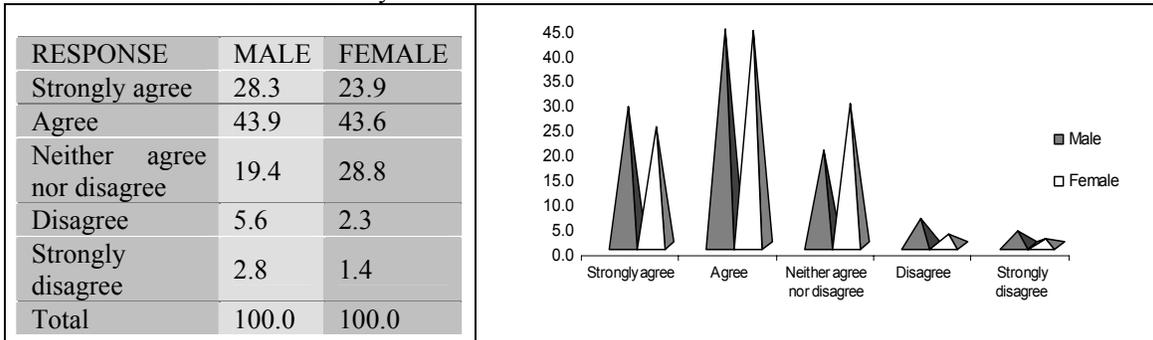


There was a variation on region basis in the desire of voters to give constitutional cover to the Devolution of Power Plan with 42.5 and 36 per cent of the respondents in Sindh and Balochistan respectively neither agreeing nor disagreeing with the idea.

Table 6.2: Voters' Response in Post-Election Survey on Regional Basis respondents and 19.4 per cent of male respondents being not clear whether to agree or disagree.

RESPONSE	NWFP	FATA	ICT	PUNJAB	SINDH	BALUCHISTAN
Strongly agree	46.0	90.5	6.2	27.3	14.4	16.4
Agree	37.6	0.0	59.8	46.7	38.7	44.0
Neither agree nor disagree	9.7	9.5	32.0	18.5	42.5	36.0
Disagree	4.1	0.0	1.0	4.4	3.9	2.8
Strongly disagree	2.6	0.0	1.0	3.1	0.5	0.8
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Table/Chart 6.3: Voters' Response on Gender Basis in Post-Election Survey



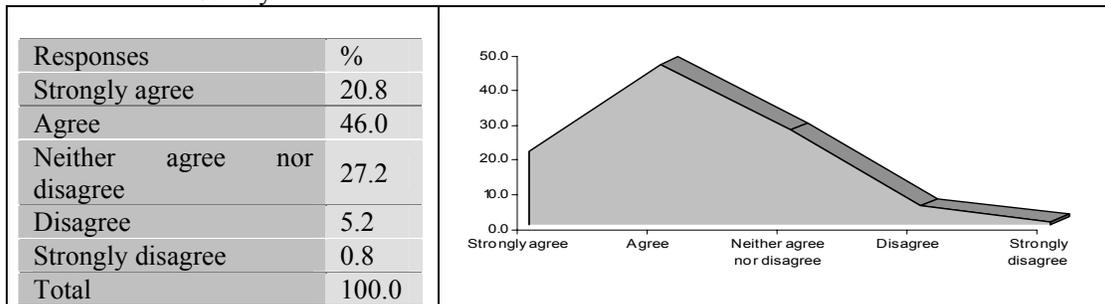
FGD reports for pre-election phase of survey also corroborate the above findings and indicate that 36 per cent of voters supported constitutional cover against five per cent who opposed it with 55 per cent choosing not to respond.

It indicates that people have not lost hope in the Devolution of Power Plan, they understand the importance of granting some autonomy to the district governments and would like smooth working relationship between the provincial and district governments.

*Development and Legislative Functions: Who Should Do What*

In the post-election phase of survey, the voters' opinion regarding the division of work between local governments and national and provincial legislatures was sought. As many as 46 per cent of the respondents agreed and 20.8 per cent strongly agreed that the local governments should carry out the development work and the role of MNAs/MPAs should be restricted to legislation and policy formulation.

Table/Chart 6.4: Voters' Response in Nationwide Post-Election Survey

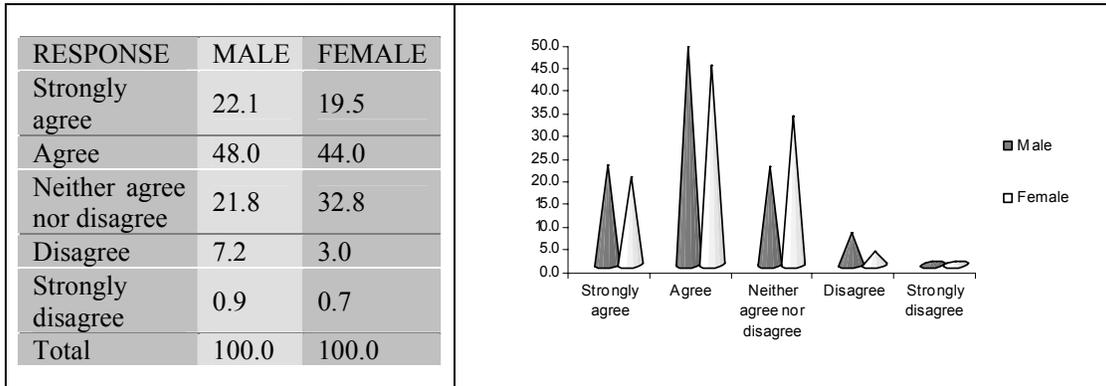


There was a variation in opinion of the respondents on regional and gender basis. Whereas only 12.3 per cent did not opine in NWFP, 43.7 per cent in Sindh and 42.2 per cent in Balochistan neither agreed nor disagreed with Punjab falling somewhere in middle of the two.

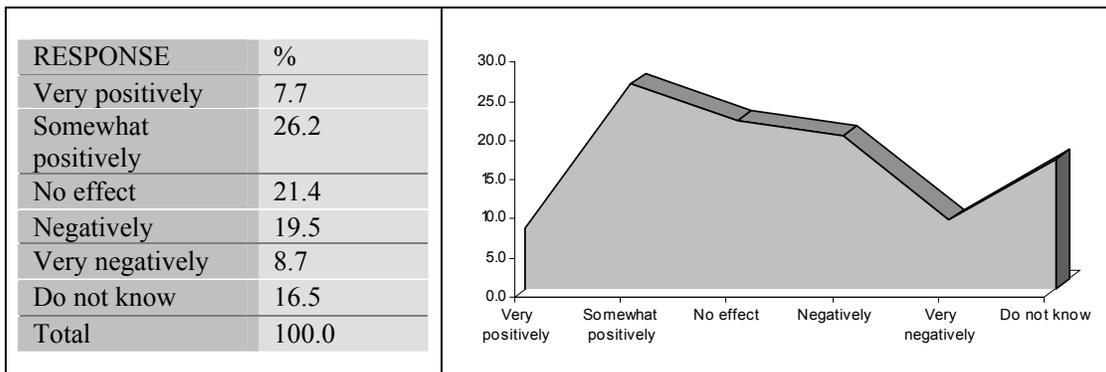
Table 6.5: Voters' Response in Post-Election Survey on Regional Basis Moreover, 32.8 per cent of female respondents did not opine in this regard against 21.8 per cent of male respondents.

RESPONSE	NWFP	FATA	ICT	PUNJAB	SINDH	BALOCHISTAN
Strongly agree	39.0	93.3	10.4	22.0	9.7	11.8
Agree	40.4	6.7	55.2	49.9	41.7	41.2
Neither agree nor disagree	12.3	0.0	33.4	22.0	43.7	42.2
Disagree	6.4	0.0	1.0	5.4	4.5	4.0
Strongly disagree	1.9	0.0	0.0	0.7	0.4	0.8
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Table/Chart 6.6: Voters' Respondent in Post-Election Survey on Gender Basis



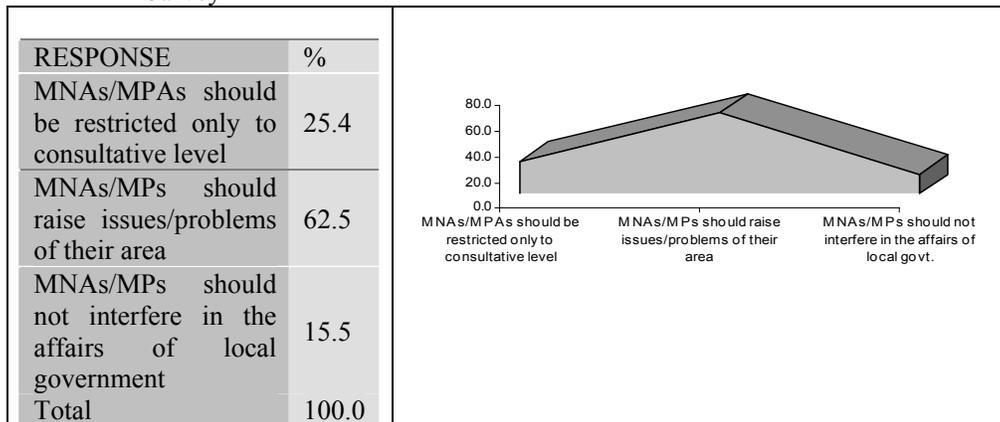
The findings show that majority of people all over the country would like the development work to be carried out through the local government institutions with MNAs/MPAs performing the task of legislation/policymaking. Variations on regional and gender basis represent the level of political and social awareness and ability to make independent decisions.



*Relationship Between District/Tehsil Nazims and MNAs/MPAs*

In the post-election survey, the voters were asked to determine their preferences regarding relationship between representatives of three tiers of the government. It was found that 62.5 per cent of respondents would like the MNAs and MPAs only to raise issues/problems of their area and only 15.5 per cent wanted that they should not interfere in the affairs of local governments with another 25.4 per cent desiring their role to be restricted to consultative level only.

Table/Chart 6.7: Voters Respondent in Nationwide Post-Election Survey



This indicated that though voters are desirous of retaining political division of work between local government institutions and MNAs/MPAs, they do not want the latter to be totally divorced from the local issues and problems and would like to see their elected members of assemblies to coordinate strategies with local governments to solve people’s problems.

When asked regarding effects on working of local governments in case the district/tehsil nazims and MNAs/MPAs belong to different factions or political parties, the voters’ opinion was divided. Contrary to the general perception, the largest group i.e. 26.2 per cent of the respondents considered that it would have somewhat positive effect with 7.7 per cent thinking that it would

have very positive effect and 21.4 per cent considering that it would have no effect. Only 19.5 per cent considered that this would have negative effect with another 8.7 per cent thinking it to be very negative, while 16.5 per cent of respondents did not express any opinion.

This may be an expression of the desire of voters that the public representatives at different tiers should learn to work within their own sphere and tolerate dissent.

#### **LOCAL GOVERNMENT SYSTEM: CANDIDATES' PERCEPTIONS**

Similarly, in the questionnaire for candidates during pre-election survey, their opinion was sought regarding impact of the local government system on people's life at the local level. The respondents were selected and interviewed randomly from a list of candidates of major and minor parties by PATTAN field research teams.

##### ***Observations Regarding Efficacy of Local Government System***

Majority of the candidate respondents expressed their dissatisfaction with the local government system. With the exception of candidates belonging to the pro-government parties/alliances – PML-Q and National Alliance/Millat Party – all of them belonging to different political parties were highly skeptical about impact of the new local government system. The majority of candidates belonging to PPPP, PML-N, Mutahidda Majlis-e-Amal (MMA) and MQM, which polled 25.3, 11.3, 11.4 and 3.2 per cent (ECP Data, 2002) of the cast votes respectively in the elections to the National Assembly considered that the new local government system either has no or negative impact on public life.

Similarly, while making comparative assessment of the military regime's performance regarding availability of facilities at the local level, the majority of candidates belonging to PPPP, PML-N and MMA considered that there was either no difference or the things had deteriorated. In contrast, the candidates belonging to

the pro-government parties/alliances – PML-Q and National Alliance/Millat Party – along with MQM considered that there was an improvement in facilities at local level. The difference in perception of voters and candidates of political parties was also striking.

### **EMERGING THREATS TO NEW LOCAL GOVERNMENT SYSTEM**

The emerging threats to the local government system can be classified as internal and external. Internal threats emerge from the lack of experience on part of councilors and nazims, factionalism at local level, tendency to interfere too much in administrative affairs and domination of the local elite on institutions of power, thereby leading to instability and administrative breakdown. External threats emerge from dissent among politicians and civil bureaucracy, and inability of the federal and provincial governments to commit sufficient funds for making the system financially viable.

The new local government system has been imposed in the absence of political consensus on the level of autonomy to be enjoyed by the district governments from the provincial set up. Political parties and figures had openly expressed their reservations when the system was being conceived and hence it is quite understandable that now when the provincial and national assemblies have been restored, the political elite would try to bring the local government system closer to their point of view. Whereas provincial governments/assemblies consider enlargement of sphere of influence of the local governments as encroachment on their domain, the district governments feel threatened with revival of elected provincial assemblies and governments. On December 26, 2002 an adjournment motion was moved in NWFP Assembly seeking changes in the new local government system on the ground that it was a complicated, full of contradictions, encroaches on provincial autonomy, was introduced by law breakers and was silent over functions of councilors and only nazims were enjoying all the powers (Muhammad Riaz, December 28, 2002). With the sole exception

of an independent and a PML-Q legislator, all political groups were critical of the system. This was followed by strong reaction from the district assemblies of Peshawar and Charsadda. Frictions started appearing between MPAs and district governments, and it is especially so in the districts where rival parties have reached district and provincial assemblies. According to M Ilyas Khan (P. 75, 2003), there are 18 districts where district nazims and members of provincial assemblies are from rival parties.

One of the first major decisions taken by the federal cabinet after taking oath was to directly involve parliamentarians in the development work by allocating Rs. 10 million annually for each constituency. "The legislators have not conceded the conceptual soundness of the new system" (The News, January 12, 2003) and are averse to the whole idea of restricting their role to legislation and policymaking with the district governments doing all the development work.

MNAs and MPAs have traditionally enjoyed a preeminent position in the areas of their constituencies in view of their ability to grant favors and get things done through the good offices of an obliging civil bureaucracy. With the powers of provincial bureaucracy dramatically reduced and the district bureaucracy working under elected nazims, they feel that they have been robbed of their rightful place. As many as 60 members of the Punjab Assembly have asked in writing to reverse the district government system because of "difficulties faced by MPAs in handling administrative affairs" and "feeling of being helpless" in the presence of district nazims (M Ilyas Khan, P. 75 & 76, 2003). The threat to the local government system as envisaged was so real that the government had to categorically state that the present system would continue (The Nation, January 11, 2003). Now, NRB has been assigned the task of sorting out differences between parliamentarians and district government representatives, especially on the utilization of development funds

The Devolution of Power Plan 2000 has been executed without giving due consideration to the reservations expressed by civil

bureaucracy. There is a sense of betrayal amongst its members, who had always acted in partnership with their military counterparts in the previous military regimes. In the post-October 1999 period, the real decision-making lays with army generals. The direction of the official rhetoric during the devolution debate has been anti-bureaucratic. The foundations of modern institutions of civil administration, judiciary and military are based on colonial legacy but only civil service, especially the offices of deputy commissioner and commissioner, were singled out as the elitist and remnants of colonial administration. All this has led to a feeling of bitterness within civil bureaucracy against the Devolution of Power Plan 2000.

Indications are there that politicians and civil servants may join hands to bring changes in the functioning of the new local government system. MQM parliamentarian Sardar Ahmad, for example, has said that bureaucracy should not be politicized and that district coordination officers (DCOs) and executive district officers (EDOs) should be under the control of provincial governments. MQM further feels that it has been a mistake to separate police from local bureaucracy.

Various studies like that of Shahrukh Rafi Khan et al (2002) have pointed out the phenomenon of the elite capturing the local government institutions in absence of the structural changes like land reforms. In Pakistan, where ownership of land is highly skewed, the land owning elite is able to neutralize any attempt to make a meaningful change in the power structure. The new local government system which aimed at empowering the common man and uprooting the exploitative system has been captured by the same exploitative and corrupt political elite posing a much bigger threat to the genuine empowerment of masses.

#### **CONCLUSIONS AND RECOMMENDATIONS**

The Devolution of Power Plan 2000 has brought far-reaching structural changes in the concept and working of governance structures in the country, especially at the provincial and local level. Unfortunately, enough efforts were not made to evolve a

broad consensus between the major stakeholders. This is now leading to a sort of adversarial relationship between local governments, politicians and civil bureaucracy. There is an urgent need to identify points of friction and remove or minimize them without compromising the basic principles.

Historically, the local governments have been too much dependent on provincial government. So, now is the time to understand importance of the local governments as grassroots democratic institutions and should be given constitutional cover.

The nature of working of local government institutions is such that they cannot stay unconcerned with political developments at the national and provincial levels. Practically, the political parties and workers are sitting in all local governments, so the principle of holding elections on nonparty basis is not conceptually sound and should be discarded.

The devolution and decentralization of power has no major impact on life of people and majority of them fail to recognize a big difference. The ultimate guarantee of survival for any reform effort is its ownership by the end users, who in the present case are the people. All efforts should be made to identify and remove factors, which are hampering the visible improvement in governance at local level and local people are not experiencing a big change.

The devolution of power in the presence of unequal access to resources and power at the local level has led to capturing of the local government institutions by the local political elite. The scope of the present study was limited and could not deal with this subject thoroughly. However, there are sufficient indications suggesting that in the absence of a relatively egalitarian socioeconomic system, the local political elite, who already controlled the local resources and access to power, have been able to dominate the working of local government institutions. Holding of elections on nonparty basis and indirect election of district nazims have indirectly helped these local heavyweights. Direct

control over district bureaucracy and police has reinforced their power to formidable level and they may prove to be highly detrimental to the fragile working of our sociopolitical milieu. Paradoxically, attempts to introduce democracy at the grassroots level in form of devolution and decentralization may end up in further consolidating the local elite. So, the government must take policy measures and introduce changes in the Devolution of Power Plan to ensure that common people get a real role in governance at the level and the local bureaucracy is efficient and responsive to their concerns without being politicized.

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Constitutional Amendments & Electoral Reforms:  
Critical Perspectives on the Legal Framework Order 2002

Barrister Sarwar Khan

The 1973 Constitution is accepted by a broad political consensus and ever since its promulgation, political forces have held the document to be a litmus test for political legitimacy and constitutionality<sup>58</sup> in Pakistan. Hence while validating the military takeover on the basis of 'State Necessity',<sup>59</sup> the Supreme Court's 12<sup>th</sup> May, 2002, judgement insisted that the 1973 Constitution should remain the supreme law of the land. However, some parts of the constitution have now been put in 'abeyance'<sup>60</sup> due to 'State Necessity'.<sup>61</sup> The Supreme Court has limited the army rule to three years to remove 'State Necessity', subject to the military not altering the salient features of the constitution in future - independence of judiciary, federalism and parliamentary form of government blended with Islamic provisions.<sup>62</sup>

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<sup>58</sup> Commenting on the constitutional amendments to the 1973 Constitution, the human rights activist and journalist, I. A. RAHMAN, noted:

Hailed as an agreed document [the 1973 Constitution] and representing a considerable advance on the state's earlier constitutions, it has never been fully respected. It was circumvented and altered at will by its authors themselves, and since their ouster 25 years ago it has been mutilated by every regime. General Zia-ul-Haq amended it to an extent that its parliamentary character was gravely undermined and it came to be rightly described as the constitution of 1985.

*Law of Contention*, Newline, Vol. 14, No. 6, December 2002, p. 23.

<sup>59</sup> A succinct statement of the doctrine of State necessity was provided in *Usif Patel v Crown* PLD 1955 FC 435, *per* Mohammad Munir CJ:

Subject to the condition of absoluteness, extremeness, and imminence, an act which would otherwise be illegal becomes legal if it is done *bona fide* under stress of necessity, the necessity being referable to an intention to preserve the Constitution, the state, or the society, and to prevent it from dissolution, and affirms... that necessity knows no laws... necessity makes lawful which otherwise is not lawful... refers to the right of a private person to act in necessity, in case of the Head of State's justification the act must *a fortiori* be clearer and more imperative.

Cited in ZULFIKAR KHALID MALUKA, *The Myth of Constitutionalism in Pakistan*, Oxford UP, 1995, p. 141. The jurisprudential argument underlying the doctrine of State necessity was presented in *Dosso v Federation of Pakistan* PLD 1958 SC 533, *per* Mohammad Munir CJ, controversially invoking Hans Kelsen's 'The Pure Theory of Law', see ALLEN McGRATH, *The Destruction of Pakistan's Democracy*, Oxford UP, p. 214.

<sup>60</sup> Provisional Constitutional Order (Chief Executive's Order No. 1 of 1999).

<sup>61</sup> For a detailed discussion on the doctrine of necessity see PAULA R. NEWBERG, *Judging the State: Courts & Constitutional Politics in Pakistan*, Cambridge University Press, South Asian Studies Series, 1995; ALLEN McGRATH, *op cit*; and ZULFIKAR ALI MALUKA, *op cit*.

<sup>62</sup> Package I (see below, fn. 7), clauses 16-21, pp. 4-6.

The present discussion seeks to determine the government's purpose and sincerity in promulgating the Legal Framework Order 2002 (hereinafter the 'LFO') by testing it against its stated Strategic Objective and positions taken by various stakeholders on the LFO. The following questions would be borne in mind while deliberating on the discussion:

Is the LFO a legitimate instrument?<sup>63</sup>

Will there be a reconstruction of institutions to enable 'a genuine and sustainable democracy'?

Will good governance result from the reforms?

Does the LFO provide for an 'irreversible transfer of power' to the people within the parameters of the Supreme Court's judgement?

How will democratic governance be affected?

Efforts to transfer power to a democratic dispensation began with the National Reconstruction Bureau's publication of the Constitutional Packages I and II, entitled, *Conceptual Framework of Proposals of the Government of Pakistan on the Establishment of Sustainable Federal Democracy* (2002).<sup>64</sup> After a period of apparent consultation, the constitutional packages ultimately gave rise to the Legal Framework Order 2002<sup>65</sup> that would govern the transfer of power and according to the preamble to the LFO, 'revive the constitution with the amendments made herein'. The LFO has made 29 amendments to the 1973 Constitution.<sup>66</sup>

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<sup>63</sup> I. A. RAHMAN, *The State after LFO*, HRCP Newsletter, Vol. XIII, No. 4, October 2002, pp. 22-23. Rahman also poses the following questions that may also be considered in the present discussion.

- a. Will the order envisaged in the LFO be democratic?
- b. What will be the effect of the new system on politics?
- c. What is the attitude of the regime to its own design [i.e. the LFO]?

<sup>64</sup> Package I (Political Structures & Systems) was issued on the 26<sup>th</sup> June, 2002 and Package II (Economic & Governance Structures & Systems) on 14<sup>th</sup> July, 2002.

<sup>65</sup> Chief Executive Order No. 24 of 2002 issued on the 21<sup>st</sup> August, 2002.

<sup>66</sup> For a full list of the amendments see The Schedule to the LFO.

Many important issues have arisen after the promulgation of the LFO. However, the present discussion primarily seeks to study the nature of constitutional amendments and their impact on the election process. Various positions taken on the LFO are considered and their relative merits analysed.

### **The Government's Argument**

The stated Strategic Objective of the proposed reforms is, the:

Reconstruction of the institutions of state for establishing genuine and sustainable democracy to ensure durable good governance for irreversible transfer of power to the people of Pakistan within the parameters of the judgement of the Supreme Court.<sup>67</sup>

The objectives of the proposed constitutional amendments include, strengthening the Election Commission of Pakistan, more inclusive and improved representation, better election methods and to promote a democratic and federal culture.<sup>68</sup> Consolidation and entrenchment of the devolution of power to the local level.<sup>69</sup> And the prevention of concentration and abuse of power and authority by providing checks and balances.<sup>70</sup> These are the respective objectives of the democratic, federal, and checks and balances provisions that make up the Strategic Objective.

The proposed constitutional reforms were argued to be necessary for ensuring continuity of government reforms promised by the chief executive on October 14, 1999, in his Seven-Point Agenda.<sup>71</sup>

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<sup>67</sup> Constitutional Package I, clause 11, p. 3.

<sup>68</sup> Constitutional Package I, clauses 24-26, pp. 7-8.

<sup>69</sup> Ibid, clause 55a, p. 20. Also see clauses 46-55, pp. 19-20. Clauses 16 & 29, The Schedule, Legal Framework Order 2002 provide Constitutional cover to the Local Government plan.

<sup>70</sup> Ibid, clause 68, p. 26. Also see clauses 64-68, pp. 25-26.

<sup>71</sup> The 7-point agenda was to:

- a. Rebuild national confidence and morale
- b. Strengthen the federation, remove inter-provincial disharmony and restore national cohesion
- c. Revive the economy and restore investor confidence
- d. Ensure law and order and dispense speedy justice
- e. Depoliticise state institutions
- f. Devolution of power to the grass-roots
- g. Ensure swift and across the board accountability

Mere restoration of the civilian rule, without minimum reconstruction of pivotal institutions of the state, would carry no assurance of good governance or sustainable federal democracy ... A return to the *status quo ante* would render the exertions of this government over the last three years devoid of meaning. It would have been frustrating not to take the opportunity to introduce the necessary reforms that successive political governments have been unable to institute.<sup>72</sup>

It is debatable how far the final constitutional amendments, effected by the LFO, comply with the Strategic Objective or whether they were merely a tactical device designed to extract maximum advantage over the political actors to secure the military government's own key constitutional demands such as the National Security Council and restoration of Article 58(2)(b). It is, therefore, pertinent to inquire, how effective would the LFO be in realising the Strategic Objective? Given the vagueness of the consultative process and lack of transparency, on what grounds were some proposed constitutional amendments dropped and others accepted? There has been no attempt to explain how the proposed constitutional packages, following public consultation, evolved into the LFO. If the consultation exercise is not to be deemed a sham, there is a need to explain how consultation was an effective feature of the decision-making process. And of course, ultimately, precisely how would 'State Necessity' be mitigated by the LFO (and many other orders and provisions that the LFO validates)?

### **The Legal Framework Order 2002**

This section describes and examines the constitutional amendments that relate to the election process, analysing their formulation, rationale, merits and possible impact.

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For a summary of the government reforms see *3 Years of Reforms & Good Governance (1999-2002)*, The Dawn, 10<sup>th</sup> October, 2002, advertisement supplement.  
<sup>72</sup>Constitutional Package I, clause 8-10, p. 2.

The LFO reduced the voter's age from 21 to 18 years.<sup>73</sup> According to the Election Commission of Pakistan, there were 72 million registered voters. However, figures have not been released that provide a break-up of voters into various age groups. Nonetheless, it has been estimated that 5 million young voters were added to the list of registered voters after lowering of the voter's age to 18 years. The reduction in voter's age would provide an opportunity to young people to take part in the election process. This step was due for a long time.

The LFO made intra-party elections a condition for political parties to participate in the election process.<sup>74</sup> But if this is to genuinely enhance intra-party democracy, then intra-party elections must begin from the grassroots level and thus proceed through to the provincial and national levels. Before the recent elections, however, political parties only held provincial and national party office elections and this was accepted by the Election Commission of Pakistan (hereinafter the 'ECP') as legally sufficient. Arguably, this rendered the intra-party elections and democracy more a sham than real. Without the grassroots participation in intra-party elections, intra-party democracy in particular and democracy in general would continue to have a narrow citizen base, and political parties would remain largely a preserve of the existing political elite. Consequently, opportunities that arise within the party would continue to be taken up by the existing elite.<sup>75</sup>

The overall number of seats in the Senate<sup>76</sup> and National<sup>77</sup> & Provincial<sup>78</sup> Assemblies were enhanced. Besides increasing the general seats, additional reserved seats for women<sup>79</sup>, minorities<sup>80</sup>

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<sup>73</sup> S. nos. 3, 14, The Schedule, LFO 2002.

<sup>74</sup> S. no. 1, The Schedule, LFO 2002 & section 17, Political Parties Order 2002.

<sup>75</sup> Social research is required to determine who is benefiting from new the electoral opportunities arising from the Musharraf Government reforms. See infra, chapters written by Dr Farzana Bari and Dr Muhammad Ajmal???

<sup>76</sup> S. no. 5, The Schedule, LFO 2002.

<sup>77</sup> S. no. 3, The Schedule, LFO 2002.

<sup>78</sup> S. no. 14, The Schedule, LFO 2002.

<sup>79</sup> S. nos. 3, 14, The Schedule, LFO 2002.

<sup>80</sup> S. nos. 3, 14, The Schedule, LFO 2002.

and technocrats<sup>81</sup> have been provided under the LFO. This obviously increases electoral opportunities but given the lack of intra-party democracy, a socio-economic or class-based breakdown of those contesting for elections is required to determine who the real beneficiaries of the increased electoral opportunities are - is it the same elite or have the new electoral opportunities enabled others to enter the electoral contest?

Similarly, given the lack of intra-party democracy, the mode of elections on reserved seats for women<sup>82</sup> and minorities<sup>83</sup> need to be reviewed to prevent such opportunities being concentrated with the elite. The list systems provided by the LFO<sup>84</sup> enabled the political party leadership to 'appoint' whomever they wanted as their candidates (for the reserved seats) and in their desired order of priority. Hence, new electoral opportunities were essentially further opportunities for the ruling elite. Such increased elite participation means, effectively, a reduction in popular political participation and narrowing the essential citizen base of democracy. The list system, therefore, provides opportunities to undermine attempts to install a genuine democratic culture.

One persistent reason for 'State Necessity' being invoked is corruption. Accordingly, the LFO seeks to strengthen the integrity provisions.<sup>85</sup> In addition to the existing anti-corruption departments, in pursuance of the Seven-Point Agenda, the government established the National Accountability Bureau to 'ensure swift and across the board accountability'.<sup>86</sup> From the very beginning, however, both the swiftness and impartiality of the accountability process has been disputed. In addition to the existing religio-moral integrity standards laid down in articles 62 and 63 of the 1973 Constitution, to prevent corruption in public life, the LFO provides, for example, an anti-defaulter provision, whereby, any person or their dependents who have defaulted, had

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<sup>81</sup> S. no. 5, The Schedule, LFO 2002.

<sup>82</sup> S. nos. 3, 14, The Schedule, LFO 2002.

<sup>83</sup> S. nos. 3, 14, The Schedule, LFO 2002.

<sup>84</sup> S. nos. 4, 14, The Schedule, LFO 2002.

<sup>85</sup> S. nos. 7, The Schedule, LFO 2002.

<sup>86</sup> See fn. 10 (supra).

written off or failed for over one year to make payment of a loan worth Rs. 2 million (or more) is disqualified from participating in an electoral contest. Similarly, there is a utility expenses provision covering persons and their dependents who have failed to pay utility expenses amounting to Rs. 10,000 for over 6 months, or persons who have been convicted or absconding are disqualified.

Compounding and apparently confirming allegations of bias, partisanship and victimisation, the local media widely reported the selective application of laws. Besides the criticism of promulgating person-specific laws that target particular people, there have been allegations, for example, that candidates who are locally known not to be graduates have been accepted by the ECP as qualified to contest whilst other's qualifications have been scrutinised. Another widely reported example is the manner in which the Anti-Defection Law<sup>87</sup> was kept in abeyance to assist government formation.<sup>88</sup> In the Weekly Independent, *Out of NAB, into Cabinet*, the front-page article recounted the corruption cases pending with NAB against the prime minister and six ministers.<sup>89</sup> In a subsequent edition, the same paper reported, 'with the inclusion of corrupt politicians in federal cabinet, the National Accountability Bureau has been made to restrict its accountability drive'.<sup>90</sup>

Cases are also pending in the higher courts that allege corruption and violations of constitutional and election laws, such as the cases of Air Marshal (retired) Asghar Khan and Imran Khan, which need to be heard. If such cases are to remain pending, not to be heard in the foreseeable future, then it is not the lack of law that is the problem, rather the lack of enforcement, prosecution and adjudication. Hence where concerned citizens are trying to

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<sup>87</sup> Clause 8, The Schedule, LFO 2002.

<sup>88</sup> See AMIR MIR, *General Lotacracy*, Weekly Independent, Vol. 2, No. 23, 28 November – 4 December 2002, p. 2.

<sup>89</sup> RAUF KLASRA, Weekly Independent, Vol. 2, No. 23, 28 November – 4 December 2002, p. 1.

<sup>90</sup> KHALED QAYYUM, *The NAB hush-up*, Weekly Independent, Vol. 2, No. 25, 12-18 December 2002, p. 3, & ASIF IQBAL, *Offender Offends*, Weekly Independent, Vol. 2, No. 26, 19-25 December 2002, p. 5.

have the law enforced they are confronted with varied institutional resistance and failure. These instances betray a weak rule of law, weak institutions, and poor governance and are contrary to the Strategic Objective and the Seven-Point Agenda.

Although the LFO provides, for purposes of elections to the National and Provincial Assemblies, a ‘permanent’ Election Commission,<sup>91</sup> the lack of institutional capacity and failure also needs to be addressed to enhance the effectiveness of the ECP. For example, the election laws limit election expenditures to Rs. 15 million for the National Assembly and Rs. 10 million for the Provincial Assembly, to reduce the role of wealth and money in the election process, thereby, increasing opportunities for participation in the electoral contest. But despite contestants submitting a statement of their election expenditures, the ECP cannot prima facie verify or refute such expenditure statements for lack of institutional capacity. Consequently, many laws are not effectively enforced or at all. Notwithstanding the institutional capacity gaps, the ECP’s role in the recent elections has been rendered controversial by its failure to take notice of apparent breaches of election laws that were widely reported by the local media, which brings into question the ECP’s autonomy and impartiality.

#### Other Constitutional Amendments

The graduation condition to contest elections addresses the capacity issue,<sup>92</sup> the ability to function as an effective representative and legislator. There is no doubt that legislation and representation are increasingly complex activities requiring a basic level of education and capacity to function effectively. The increasing complexity may be one factor why legislators tend to do less legislating and more local level development work where their visibility is higher, the political kudos greater and less demanding intellectually. In the process, however, legislators are not adequately deliberating and legislating on issues of national

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<sup>91</sup> S. nos. 21, The Schedule, LFO 2002.

<sup>92</sup> Section 8A, Conduct of General Elections Order 2002 & Chief Executive’s Order No. 17 of 2002.

importance with the rigour and care that they demand. The graduation condition, therefore, seeks to ensure that providing for a 'necessary' level of formal education to be eligible to contest elections fills the capacity gap. But given the low literacy rate in the country, it begs the question: what are the relative merits of the provision? Since the provision excludes the majority of the public from contesting for the provincial or national assembly seat, how much popular support does it enjoy?

Moreover, was the 'unfettered' right to participate in an electoral contest a 'real' - as opposed to a mere formal or paper - right? Arguably, the decisive role of money in elections had rendered the right to participate in an electoral contest beyond the financial means or capacity of the ordinary person to enjoy. The Mahbub ul Haq Human Development Centre observed that in 1997, on average, a parliamentary election costs about \$120 000.<sup>93</sup> Given the critical role of money, the cost of invoking the right is so prohibitive that it is beyond the majority of the Pakistani populace. Hence, practically, the persons most affected by the graduation condition are the wealthy elite who are not graduates but had in the past participated in the elections. In other words, in effect, whilst wealth was operating in favour of the elite and excluding the majority, thereby restricting the majority's right to participate in government, with the graduation condition, for the first time, education is excluding the elite from what was exercised by them as a birthright - the right to govern. The political elite is thus irked by the loss of an 'unfettered' right that only they had exercised in the past.

In pursuance of the Referendum 2002, General Pervez Musharraf will be the president of Pakistan for 5 years and will also remain the chief of the army staff.<sup>94</sup> Besides the validity of the referendum, the problem is that the president continues to hold both positions in violation of Article 43, which has been

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<sup>93</sup> *Human Development in South Asia 1999: The Crisis of Governance*, Oxford UP, 1999, p. 45.

<sup>94</sup> S. nos. 2, The Schedule, LFO 2002.

overridden by the LFO.<sup>95</sup> The restoration of Article 58(2)(b) empowers the president to dissolve the National Assembly *en bloc*.<sup>96</sup> All these provisions concentrate power and authority in the president and they breach the Seven-Point Agenda by politicising an institution - the army - and are on the margins of the Supreme Court's judgement. It is a question of formulating the right balance of power and authority to establish a workable parliamentary system. For this purpose, an overall assessment of the LFO is required.

Article 44(2) of the 1973 Constitution prohibits a president more than two terms in office. The military government has extended the same principle to cover the prime minister's and the chief ministers' offices,<sup>97</sup> which effectively bars Benazir Bhutto and Nawaz Sharif from the prime minister's office.<sup>98</sup> Notwithstanding the allegation that this provision is person-specific, it is necessary to examine it on its own merits to determine its impact on democracy. Limiting the number of terms will ensure that political personalities - who normally dominate the weak political party institutions, thereby denying others political opportunities - do not hog high political opportunities for themselves personally for an indefinite period. In other words, it will increase intra-party political activity, strengthen intra-party democracy and increase political opportunities for others,<sup>99</sup> thereby generating new political leadership.

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<sup>95</sup> S. nos. 5, The Schedule, LFO 2002.

<sup>96</sup> S. nos. 4, The Schedule, LFO 2002. There is parallel provision to dissolve the Provincial Assembly under s. no. 15, The Schedule, LFO 2002.

<sup>97</sup> Qualification to Hold Public Offices Order 2002.

<sup>98</sup> Both Benazir Bhutto and Nawaz Sharif were barred under other legislation also.

<sup>99</sup> In 1796, George Washington was asked to run for a third term for the Presidency and he refused, thereby establishing a convention that no president shall run for a third term. The convention was breached by Franklin D. Roosevelt, on being elected President of America for four terms (1932, 1936, 1940 and 1944). The next president, Harry Truman, therefore amended the American constitution to enter a constitutional bar against any president contesting for the presidency for a third term and thereby Truman also disqualified himself from a probable third term. The 22<sup>nd</sup> amendment (1951) provides:

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than twice (section 1).

The National Security Council (henceforth the 'NSC') is ostensibly a consultative forum that brings together the main military and civil actors.<sup>100</sup> Throughout the history of Pakistan, civil-military relations have been a persistent problem, with civil and military authorities competing for political power and resources.<sup>101</sup> Furthermore, according to the National Reconstruction Bureau:

There is no collective forum to pre-empt or resolve crises that have a potential for developing into major impasses. Consequently, in the past, governments found it expedient to supplement the institutions of the cabinet and assemblies with behind-the-scene consultations with other centres of power to resolve political crises ... A top-level inclusive consultative structure would have a positive influence...<sup>102</sup>

The forum will presumably enable an honest, open and frank exchange of views in the formulation of public policy on sensitive national security matters. Given the history of civil-military relations, the NSC may *de facto* help improve relations and thus political stability so that any impasse or instability will be viewed by the public as a collective failure of the institutions represented on the NSC. But ultimately, the NSC is no guarantee that the same institutional and personal distrust and competition would not

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Notwithstanding the electoral popularity of a president who has been elected twice, it was argued that such a 'powerful' president was not in the interest of democracy. Similarly, the Musharraf Government's bar against any person being elected prime minister twice needs to be evaluated on the basis of its overall impact on democracy in Pakistan.

<sup>100</sup> S. nos. 17, The Schedule, LFO 2002. For a detailed discussion on the validity of the Referendum see: AMIR MIR, *Musharraf oath violates SC orders*, Weekly Independent, Vol. 2, No. 22, 21-27 November 2002, p. 1.

<sup>101</sup> For an example of this civil-military antagonism see: Dr. AYESHA SIDDIQA-AGHA, *How can we reduce defense spending?*, The Friday Times, Vol. XIV, No. 39, 22-28 November 2002, p. 7. The European Union Election Observation Mission also noted,

[T]he restoration of democracy in this country [Pakistan] is about the transfer of power from a military to a civilian administration. The powers that have been reserved to the president and the National Security Council raise serious questions as to whether or not this will happen.

[http://www.hrcpelectoralwatch.org/elections\\_reports.cfm](http://www.hrcpelectoralwatch.org/elections_reports.cfm).

<sup>102</sup> Constitutional Package I, clause 80, pp. 33-34.

be carried forward in their deliberations. Furthermore, the NSC is a consultative body, but with a military president, who is also the chief of a participating and dominant institution, presidential or prime ministerial activism may, therefore, further aggravate competing centres of power between a military president and an elected prime minister. As a matter of principle, however, it may be argued that it is not the function of the military to participate in 'matters relating to democracy, governance and inter-provincial harmony',<sup>103</sup> which are essentially political in nature but the NSC is charged with. Thus a careful *modus vivendi*, should be devised to balance the civil-military relations with the respective institutional functions, so that a pragmatic consensus between practice and principle can emerge as a more durable way forward on the road to a substantive and durable democracy.

#### The International Organisation's Response<sup>104</sup>

Both international governmental and non-governmental organisations monitored the election process. Governmental organisations included the Commonwealth Observer Group and the European Union Election Observation Mission. Non-governmental organisations included the Human Rights Watch, National Democratic Institute, SAHR and the Asian Network for Free Elections. This section examines their respective positions on the LFO and its impact on the election process.

#### *Governmental Organisations*

The chairman of the Commonwealth Observer Group doubted whether a level playing field had been provided to all electoral contestants but noted that some reforms were 'constructive and progressive',<sup>105</sup> continuing,

At the same time, it is apparent that certain measures have been enacted which have a limiting effect on the process of restoring

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<sup>103</sup> S. nos. 17, The Schedule, LFO 2002.

<sup>104</sup> For a fuller summary of some of the reports cited herein, see Human Rights Commission of Pakistan Newsletter, *Cheated Again?* Quarterly, October 2002, Vol. XIII, No. 4.

<sup>105</sup> Press conference on 10<sup>th</sup> October, 2002. See [http://www.hrcpelectoralwatch.org/elections\\_reports.cfm](http://www.hrcpelectoralwatch.org/elections_reports.cfm).

democracy, of which these elections were an important part. The Commonwealth Observer Group cannot overlook those measures as they form the framework for the elections.<sup>106</sup>

The European Union Election Observer Mission expressed concern over the impartiality and effectiveness of the Election Commission of Pakistan (henceforth the 'ECP'), noting that the ECP failed to curb the misuse of state resources in favour of certain political parties, created a grievances cell that was *de facto* not operational and failed to stop blatant violations of election laws and the Code of Conduct. Whilst certain elements of the LFO were appreciated, for example, the reduction in voter's age, reserved seats for women and the joint electorate, there was concern at other reforms:

That the parliamentary system had been weakened with further concentration of power in a single individual, who can dismiss the elected assemblies.

Institutionalisation of the military's role in politics through the National Security Council.

By transforming the parliamentary system into a presidential one, the Supreme Court's judgement had been breached.

The qualification criteria for the nomination of candidates, namely, the graduation requirement, which 'deprives some 96% of Pakistani citizens of the right to run for office and dilutes the representative nature of the country's democracy'. Further, there was 'marked ... lack of uniformity' in the enforcement of the qualification criteria.

The European Union Election Observer Mission concluded,

The holding of a general election does not of itself guarantee the establishment of democracy. True democracy must ultimately lead to good governance. Successive military and civilian governments in Pakistan have failed in this regard.<sup>107</sup>

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<sup>106</sup> [http://www.hrcpelectoralwatch.org/elections\\_reports.cfm](http://www.hrcpelectoralwatch.org/elections_reports.cfm).

<sup>107</sup> [http://www.hrcpelectoralwatch.org/elections\\_reports.cfm](http://www.hrcpelectoralwatch.org/elections_reports.cfm). Also see: ASIF IQBAL, *EU Chargesheets Musharraf*, Weekly Independent, Vol. 2, No. 26, 19-25 December, 2002, p. 6.

The European Union Election Observer Mission observed that prominent politicians were kept out of the elections ‘as part of political strategy’, whilst those supporting the government were allowed to contest despite charges against them. There was evidence of ‘totally unjustified arrests’. District nazims used public resources to support their relatives; governors and ministers were also campaigning for certain candidates. The ECP’s ban on bulk transfers of public servants was simply flouted without any form of accountability.<sup>108</sup>

#### *International Non-governmental Organisations*

The New York-based Human Rights Watch termed the Pakistan election process ‘deeply flawed’.<sup>109</sup> It argued that

Pakistan’s military government has employed a variety of legal and political tactics to control the process and outcome of the election process. Those tactics include constitutional amendments giving President Pervez Musharraf virtually unfettered powers over parliament and government, and the revision of electoral procedures that effectively eliminate the leaders of the two major political parties from participating in the election. At the same time, the military government has offered overt support to Pakistan Muslim League-Quaid-i-Azam (PML-QA) candidates...

#### **Human Rights Watch urged to**

Withdraw constitutional amendments unilaterally imposed in August that formalise the military’s role in governance, including the formation of a military-dominated National Security Council.<sup>110</sup>

The Asian Network for Free Elections noted that ‘some ... practices observed ... were serious enough to undermine the

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<sup>108</sup> ASIF IQBAL, *EU Chargesheets Musharraf*, Weekly Independent, Vol. 2, No. 26, 19-25 December, 2002, p. 6.

<sup>109</sup> A press release on 9<sup>th</sup> October, 2002. See <http://www.hrw.org/press/2002/10/pakistan-1009.htm>

<sup>110</sup> *Ibid.*

fairness of the elections and to limit the legitimacy of democratic transition in Pakistan. Intimidation of candidates, biased amendment of electoral framework and regulation, restrictive interpretations of campaign regulations and unbalanced media coverage, accusation of government acting in favour of certain parties or candidates etc. prohibited a fully free environment of equal opportunity'.<sup>111</sup>

SAHR confined itself to a relatively limited and defined observation role that was very much aware of the South Asian context. Without deconstructing the LFO, SAHR concluded:

The circumstances ... for the 2002 Election were not too different from those, which have preceded the present ... New regulatory measures, which have been introduced on each occasion since 1988 find expression, which in most instances do not necessarily energise democratic practices or values, thereby impacting on the will of the people. Political parties have to necessarily engage the political space if democracy were to recover and grow in Pakistan in a manner in which people provided opportunities to support parties of their choice and elect their representatives, no matter their political leanings.<sup>112</sup>

The International Crisis Group produced a comprehensive report entitled, *Pakistan: Transition to Democracy?*<sup>113</sup> Commenting on the LFO, the ICG made the following observations on what it termed 'Constitutional Engineering'.<sup>114</sup>

President versus Prime Minister: The LFO tilts the balance of power in favour of the president.<sup>115</sup>

President versus the Legislature: By granting the president the right to dissolve parliament, 'the LFO undermines the concept of parliamentary sovereignty that underpins the 1973 Constitution'.

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<sup>111</sup> [http://www.hrcpelectoralwatch.org/elections\\_reports.cfm](http://www.hrcpelectoralwatch.org/elections_reports.cfm).

<sup>112</sup> SAHR interim report, 14<sup>th</sup> October, 2002. See [http://www.hrcpelectoralwatch.org/elections\\_reports.cfm](http://www.hrcpelectoralwatch.org/elections_reports.cfm).

<sup>113</sup> ICG Report No. 40, 3<sup>rd</sup> October, 2002.

<sup>114</sup> *Ibid*, p. 21.

<sup>115</sup> *Ibid*, pp. 21-22.

Furthermore, Musharraf rejects parliament's right to ratify his LFO and to validate his appointment as president (since it is Parliament alone that has the right to amend the constitution and choose the head of state).<sup>116</sup>

Restricting Federalism: Under the 1973 Constitution, the prime minister's advice on the appointment of provincial governors binds the president. This, however, has been reversed by the LFO. And provincial governors can dismiss provincial assemblies on the president's advice. The NSC also violates the principle of federalism, which 'will advise the president on vital issues, including dissolution of provincial assemblies'.<sup>117</sup>

NSC and Military Supremacy: 'By giving constitutional cover to ... [the] NSC, the military hopes to attain the legality that has thus far eluded military rule and rulers'. 'Musharraf says that the NSC will only be consultative but its mandate gives sufficient cause for concern. According to the LFO, it covers "strategic matters pertaining to sovereignty, integrity and security of the state; and matters relating to democracy, governance and inter-provincial harmony". Thus the forum will have the right to monitor all institutions of democracy - parliament, judiciary and free press.<sup>118</sup>

Judicial Independence: Since the judges' oath is to the Provincial Constitutional Order (rather than the 1973 Constitution), representatives of the Bar insist that the 'judiciary is not independent' and therefore 'it is of no use to take any controversial constitutional case before them'.<sup>119</sup>

The ICG concludes, 'Musharraf's roadmap to democracy is in reality a blueprint for more military rule. If his political and constitutional reforms become the law of the land, any democratic transition will falter before it has started. The military government's constitutional and political reforms will radically transform Pakistan's parliamentary system, tilting the balance of

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<sup>116</sup> Ibid, p. 22.

<sup>117</sup> Ibid, pp. 22-23.

<sup>118</sup> Ibid, p. 23.

<sup>119</sup> Ibid, p. 24.

power from elected representatives and democratic institutions to unelected leaders and organisations'.<sup>120</sup>

A National Democratic Institute delegation press release expressed concern at 'the very limited transfer of power to civilians contained in recent constitutional changes promulgated by the Pakistan's military government'. Notwithstanding the constitutional amendments however,

The delegation hopes that the people will participate in the election process, that their will is respected and that the military transfers power immediately after the elections. Should this be the case, the October 10 voting may well come to be noted as a referendum on democracy. Should these developments not take place, however, the upcoming elections will have been a hollow exercise.<sup>121</sup>

#### The Local Civil Society Response

Although many Pakistani non-governmental organisations were involved in the political process, for example, Aurat Foundation, SUNGI and Pakistan Institute of Legislative Development and Transparency (hereinafter 'PILDAT')<sup>122</sup> working in political education and awareness, a few monitored the election process to ascertain the 'quality' of elections and the democratic output. In the main, Pattan Development Organisation (hereinafter 'Pattan') monitored the election performance through an empirical research approach, conducting interviews, surveys and discussions to test grassroots opinion and practice against the electoral outcome; whereas the Human Rights Commission of Pakistan (hereinafter the 'HRCP') took a rights-based approach insisting on a strict adherence to constitutional and international political rights and standards. Pattan's findings will be discussed below under 'The Public Response' (and the main reports itself) and the

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<sup>120</sup> Ibid, p. i.

<sup>121</sup> NDI press release on 11<sup>th</sup> September, 2002. See [http://www.accessdemocracy.org/NDI/library/1435\\_pk\\_election\\_091102.pdf](http://www.accessdemocracy.org/NDI/library/1435_pk_election_091102.pdf).

<sup>122</sup> Like Pattan, PILDAT did conduct some empirical research through interviews and polls that will be discussed alongside Pattan's findings.

HRCP findings discussed here. The viewpoints of other leading civil society actors, professionals and members of associations (except political parties) will also be considered in this section.

The HRCP report, entitled, *Pre-poll Rigging* noted that the LFO had amended the ‘Constitution beyond recognition and destroying its federal, parliamentary character’,<sup>123</sup> and that pre-poll rigging had been largely completed by the announcement of constitutional amendments.<sup>124</sup> ‘The chief aim of these reforms appears to be to deprive the new parliament of power and instead concentrate decision-making authority chiefly in the hands of an unelected president’.<sup>125</sup> To a varying degree and intensity, HRCP’s arguments and reasoning are largely similar to those expressed by the international organisations (discussed above).

The former Supreme Court judge and attorney general of Pakistan, Fakruddin G. Ebrahim, in an interview to *Newsline*<sup>126</sup> argued that the amendments to the constitution are neither legal, nor viable. Furthermore, they are changing the basic features of the constitution; the resulting political system will be neither parliamentary nor presidential. He concludes: ‘The question is, was Pakistan created for the army to rule? If the answer is ‘yes’, then accept what is happening, if it is ‘no’, then reject it outright’.

Supreme Court Bar Association President Hamid Khan maintains that the constitution can only be amended by the procedure laid in it. Hence, the LFO cannot legally and legitimately amend the constitution. Similarly, General Musharraf can only be appointed president under the procedure laid down in the constitution. In Hamid Khan’s view, politicians should reject the LFO and only ratify those articles that strengthen democracy and civilian institutions.<sup>127</sup>

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<sup>123</sup> HRCP 2002, p. 2.

<sup>124</sup> *Ibid*, p. 3.

<sup>125</sup> *Ibid*, p. 3.

<sup>126</sup> July 2002, Vol. 14, No. 1, pp. 25-26.

<sup>127</sup> FAKHAR-UL-ISLAM, *Musharraf is illegitimate President*, Weekly Independent, Vol. 2, No. 22, November 21-27, 2002, p. 8.

Writing in the *Newsline*,<sup>128</sup> journalist and human rights activist I.A. Rahman, distinguishes the benign amendments from the ‘manifestly malevolent’. The benign amendments are those that ‘do not adversely affect the nature and spirit of the constitution’ although they lack legitimacy because they have been made in a manner not recognised by the constitution. The manifestly malevolent are an ‘assault’ on the constitution. He argues,

[W]hat has been done to it [the constitution] in 2002, through the Legal Framework Order (LFO), exceeds all preceding attempts at disfiguring it. The LFO has not only grievously damaged its parliamentary scheme to a greater extent than was done by General Zia, it has dealt a fatal blow to the popularly sanctioned system of democratic governance ... The LFO is in the instrument of legitimising Pakistan’s transformation into a praetorian state ... In short, so long as the LFO, in its present form, is treated as part of the constitution, Pakistan will not be able to claim the title of a constitutional, parliamentary democracy.<sup>129</sup>

The arguments formulated by the international organisations and the local civil society imply different constructions of democratic governance. International organisations have been willing to go beyond the formal constitutional order and international rights and standards to comment on a wider range of issues that impinge on ‘democratic’ performance. For example, in the case of the governmental organisations, the Commonwealth Observer Group admits to some ‘constructive and progressive’ reforms and the European Union Election Observer Mission connects ‘true democracy’ with good governance. In both cases, the organisations were willing to look beyond the 1973 Constitution and evaluate reforms on their own merits.

The international non-governmental organisations were, arguably, somewhat more restrained than the governmental organisations. Their criticisms were in the context of international and

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<sup>128</sup> *Law of Contention*, December 2002, Vol. 14, No. 6, pp. 23-25.

<sup>129</sup> Also see, I. A. RAHMAN, *The state after LFO*, HRCF Newsletter, Quarterly, Vol. XIII, No. 4, October 2002, pp. 22-23.

constitutional rights and civil-military relations. Human Rights Watch voiced concern about the distribution and balance of power and the use of constitutional amendments as political strategy. The ICG and NDI, similarly, limited their comments to a constitutional-democratic formalist agenda that was concerned about the new formal distribution of powers in a civil-military relations context. The Asian Network for Free Elections commented on the legitimacy of the political process and equality of opportunity (presumably for the contestants rather than the voting public). By contrast, only SAHR attempted to get away from the formalism and civil-military relations context by bringing the public in, arguing for opportunities for the people to select in accordance with their choice.

Local civil society has tended to construe democratic governance even more restrictively than the international non-governmental organisations. HRCP's approach is committed to a constitutional-democratic formalism that is further restricted to a civil-military context. None of the civil society actors considered here cited any significant role or impact that the public may suffer or benefit by the existing or new amendments. Without assessing its merits in terms of popular participation, ownership and legitimacy of the existing distribution and arrangement of power and responsibilities, local civil society has adopted the existing constitutional order as the final measure to test the 'appropriateness' of new arrangements. Yet arguably, it seems that the present constitutional arrangement lacks public and military commitment: the military puts the constitution in 'abeyance' whenever they think it fit and proper and the general public lack the commitment to protest such an eventuality. In other words, local civil society is protecting a constitutionalism that may not have public support, which begs the question, what is civil society's role? Furthermore, these issues have to be viewed in the context of a pernicious 'state capture' by the elite that are not receptive to 'pro-poor' or 'pro-people' reform opportunities through formal means. When there is such a variance between what is good for the public and what is constitutionally permissible, what then is the correct standard for appropriateness,

what is effectively good for the general public or what is constitutionally permissible? How is this variance to be bridged?

### **The Political Parties Response**

The electoral-political space<sup>130</sup> is broadly divided between those with the military government, led by Pakistan Muslim League (Quaid-i-Azam); those opposing, which include, Pakistan People's Party Parliamentarians and Pakistan Muslim League (Nawaz Sharif), grouped together as the Alliance for the Restoration of Democracy; the religious bloc, Muttahida Majlis-e-Amal, and the moral parties, including Tehreek-i-Insaf.<sup>131</sup> This section examines the nature of the political opposition to the LFO.

The *Herald* interviewed a number of leading politicians to determine their party positions on key issues.<sup>132</sup> Persons interviewed were: PML-N, Raja Zafarul Haq; PML-Q, Mian Azhar; PPPP, Raza Rabbani; MMA, Qazi Hussain Ahmad; MQM, Dr. Farooq Sattar; ANP, Begum Nasim Wali Khan and SDA, Imtiaz Sheikh.

When asked who had the authority to amend the constitution, president or parliament, all were in agreement that only parliament had the authority to amend the constitution.

When asked whether there was any *need* to amend the constitution as proposed by President Musharraf, only Begum Nasim Wali Khan and Imtiaz Sheikh thought there was any such need. Mian Azhar abstained.

But when it was asked, whether Musharraf's proposed reforms were *acceptable*, only Mian Azhar responded by saying that they were completely acceptable with the reservation that the parliament should be superior to the National Security Council. Raja Zafarul Haq and Imtiaz Sheikh said that they were partially acceptable, and the rest rejected them as not acceptable at all.

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<sup>130</sup> State how many political parties actually contested....????

<sup>131</sup> State the electoral position of the NA???? Also see, SAAD SAYEED, AHSAN HILAI, M. ILYAS KHAN & HUSSAIN ASKARI, *Legal Impasse*, Herald, Vol. 33, No. 12, December 2002, pp. 24-27.

<sup>132</sup> AZMAT ABBAS, MUBASHIR ZAIDI, HUSSAIN ASKARI & M. ILYAS KHAN, *Party Speak*, Herald, Vol. 33, No. 10, October, 2002, pp. 38-41.

Raja Zafarul Haq was willing to accept all proposed reforms except the National Security Council and the restoration of Article 58(2)(b), whereas, Imtiaz Sheikh only objected to the National Security Council.

When asked about the restoration of the 1973 Constitution, Imtiaz Sheikh wanted a partial restoration, whereas Dr. Farooq Sattar simply wanted an entirely new constitution. The rest, including Mian Azhar, were in favour of the restoration of the 1973 Constitution in its original form.

Imtiaz Sheikh wanted sovereignty of parliament and restoration of provincial autonomy, whereas Raja Zafarul Haq wanted the sovereignty of parliament restored.<sup>133</sup>

All main parties accepted that only parliament can legitimately amend the constitution but thereafter their response to the proposed constitutional amendments varies. The PML-Q finds the suggested reforms acceptable; PML-N and SDA regard them as partially acceptable and all other parties find the suggested constitutional amendments unacceptable. Yet, at the same, PML-Q, PML-N, PPPP and ANP all want the 1973 Constitution restored in its original form. MQM and SDA would prefer a new constitutional settlement. Only PPPP, MMA, MQM and ANP maintain that the reforms are unacceptable.

The nature of political opposition can be further ascertained from their party position on particular issues. *Herald* queried PPPP, MMA and PMLN on their position on, *inter alia*, the following issues:<sup>134</sup>

The restoration of Article 58(2)(b): According to the PPPP this is a negation of parliamentary democracy by means of which presidents have arbitrarily held elected governments and parliaments hostage. The PML-N maintains that through 58(2)(b)

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<sup>133</sup> AZMAT ABBAS, MUBASHIR ZAIDI, HUSSAIN ASKARI & M. ILYAS KHAN, *Party Speak*, *Herald*, Vol. 33, No. 10, October, 2002, pp. 38-41.

<sup>134</sup> SAAD SAYEED, ALI AHSAN HALAI, M. ILYAS KHAN & HUSSAIN ASKARI, *Legal Impasse*, Vol. 33, No. 12, December 2002, pp. 24-27.

the military has sought powers for the chief of the army staff rather than the president. MMA would like to see the power restored but confined to dissolving the cabinet (rather than the National Assembly, which should only be dissolved on the advice of an independent Supreme Court).

Disqualification of Members of Parliament: PPPP and PML-N maintain the provision to be bad since it is person-specific. The MMA, however, believes that 'the law is not bad but its implementation violates the spirit of the law', claiming that 40% of the elected people have been involved in provable financial crimes but the law has not been enforced against them.

National Security Council: PPPP, PML-N and MMA insist that this is a supra-constitutional arrangement rendering parliament and prime minister subservient to it. MMA is, however, willing to consider a National Security Council whose function is purely advisory and its recommendation not binding.

Given the narrow social composition of the political and ruling classes, it is not surprising that their construction of democratic governance is in terms of democratic formalism and civil-military relations - arguably, rendering it a total elite-institutional affair. The ordinary people are virtually absent from their arguments or are at best instrumental to their respective arguments. Such approaches enable the politicians to avoid such queries as the narrow social composition of the political class, the concentration of power, wealth and opportunities. In other words, through democratic formalism, politicians have conveniently separated the political and social questions. Hence, the political response is in terms of constitutional rule and elections rather than focussing on the lack of popular legitimacy, ownership and benefits that democracy promises and is based on. It is this 'public absence' that enables the military to venture into the political.

### **The Public Response**

The divergence between civil society, politicians and public's construction of democratic governance can be ascertained from the public responses as compared with other actors and their

responses. Furthermore, besides different constructions of democratic governance, different responses reveal the narrow citizen or popular support that Pakistani democracy enjoys. This is clear from the fact that those involved in the political process do not, for example, appear to reflect the public view on constitutional reforms.

*The Newsliner* conducted a public opinion poll in all four provincial capitals to test the electorates' opinion on a number of key issues: 73% of the public supported recent constitutional amendments, only 25% were opposed.

Do you support the recent amendments in the constitutions?					
	Karachi	Lahore	Peshawar	Quetta	Total
Yes (%)	82	52	79	66	73
No (%)	16	48	15	31	25
No Opinion (%)	2	1	3	6	2

Support for specific amendments in the constitution.					
	Karachi	Lahore	Peshawar	Quetta	Total
Graduation clause (%)	82	52	79	66	73
Establishment of NSC (%)	65	74	37	51	60
Empowering the NSC to dismiss the Prime Minister (%)	52	31	26	18	39
Joint Electorates (%)	62	86	40	61	63
Reserved seats for women (%)	91	94	87	82	89
Minimum voting age to 18 yrs. (%)	97	100	97	99	98

Only 36% thought the elections would be ‘fair and independent’ and only 37% held the accountability process to be neutral, yet 58% believed that elections would bring ‘qualitative change’ in the country. These findings are diametrically opposed to the sophisticated constitutional arguments made out by civil society and politicians, which suggests that the public is not very impressed or persuaded by democratic-cum-constitutional formalism.

PILDAT’s pre-election public poll findings, *What do the Voters Think*,<sup>135</sup> revealed that 77% of the general public favoured the graduation requirement,<sup>136</sup> and when asked, should the president have the authority to dismiss the prime minister, 49% favoured the presidential power to dismiss the prime minister, only 27% opposed it.<sup>137</sup> 70% supported women’s participation in the election process.

Pattan’s research provides a more detailed picture of the nature of the variance between the general public and other actors. According to Pattan’s pre and exit poll findings,<sup>138</sup> 79% of the voters favoured the graduation condition. 34.4 % favoured the restoration of Article 58(2)(b), empowering the president to dismiss the prime minister, 26.7% did not respond and 39% opposed it. Whilst 54.9% supported the joint electoral system, 57.3% favoured the reservation of seats for minorities and 71.1% were in support of reserved seats for women. 61.5%, however, wanted direct elections for women’s reserved seats. 42.6% favoured the establishment of the National Security Council, 18.3% did not respond and 39.1% opposed it. 33.9% of the voters conceded the military the right to amend the constitution, 33.8%

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<sup>135</sup> PAKISTAN INSTITUTE OF LEGISLATIVE DEVELOPMENT AND TRANSPARENCY, Election 2002. *What do the Voters Think: A study based on pre-election public opinion survey*, October 2002.

<sup>136</sup> *Ibid.*, p. 20.

<sup>137</sup> *Ibid.*, p. 19.

<sup>138</sup> PATTAN DEVELOPMENT ORGANISATION, *Key Findings of the Pre and Exit Poll Survey Research Election 2002*, 2002. (Also see: PATTAN, *Key Findings of Post Election Survey Research Election 2002: Transition to Democracy –Hopes and Expectations*, February 2002).

did not respond and 32.2% were not willing to recognise such a right.

Noteworthy are different priorities and the discourse that emerges from the public polls and the discourse and priorities argued by other actors, betraying a socially and institutionally fragmented and polarised democracy. Importantly, PILdAT findings also revealed that political parties suffered from a ‘high or mild distrust’, whereas the military enjoy a ‘high or mild trust’.<sup>139</sup> Only the police are less trusted than the political parties, indicating a crisis of trust in public life and officials. Not surprisingly then, Pattan’s findings reveal that 63.7% of the voters wanted General Musharraf to continue as the president of Pakistan.<sup>140</sup> The trust and integrity issues also emerged in Pattan’s findings, where voters viewed ‘corruption-nepotism’ as the leading reason for the failure of political governments in Pakistan.<sup>141</sup>

	High or mild trust	High or mild distrust	No Response
Political Parties	30%	50%	20%
Military	73%	15%	12%
Judiciary	51%	31%	18%
Government Officials	31%	48%	21%
Police	19%	60%	21%

Arguably, a democracy that has popular support would be in touch with public opinion, but in the case of Pakistan, political and civil society actors, and democracy, are poles apart from the public. It raises the question, who are these actors and institutions representing? The breakdown of the representative function of Pakistani democracy is evident. For democracy to enjoy popular support it is essential to close the gap between political and civil

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<sup>139</sup> Op cit, p. 18.

<sup>140</sup> PATTAN DEVELOPMENT ORGANISATION, *Key Findings of the Pre and Exit Poll Survey Research Election 2002*, 2002, p. 42.

<sup>141</sup> Ibid, p. 26.

society actors, and the public, by ensuring that democracy is more responsive to the public or electorate who are the *de jure* benefactors and guarantors of the state.

### **Conclusion**

In order to appreciate the gravity of the LFO, and to place this discussion in context, it is necessary to grasp the significance of the constitution in a nation's life. In addition to prescribing the allocation of powers, duties and functions, a constitution is a fundamental compact that embodies the collective political, economic, social and moral aspirations, which are the foundations of the state.<sup>142</sup> This is explained by Fakhruddin G. Ebrahim:

The constitution is the heart of the republic. It cements the unity of the nation, ensures its continuity and integrity. It took over 20 years to make a constitution. It was a consensus constitution ... The constitution is the basic law of the land ... Quaid-i-Azam was once asked what the constitution of Pakistan would be. He responded that he had neither the power, nor the intention of determining or dictating a constitution. He insisted that it would be the Constituent Assembly of Pakistan that would deliberate constitutional issues and finally adopt a constitution for Pakistan. He went on to state that the Government of Pakistan would be representative and democratic. Quaid-i-Azam made Pakistan. If he had chosen to give the people of Pakistan a constitution they would have accepted it, but he said, 'it's not for me. The elected representatives of the people will decide what constitution the people of Pakistan want'. Now here is an individual [General Musharraf] altering the entire constitution.<sup>143</sup>

Constitutions are not perfect or final documents, they are expected to evolve to address the challenges posed by changing circumstances. As the underlying public consensus shifts, which provides the essential legitimacy to the constitutional process and outcome, accordingly constitutions are amended. Consensus,

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<sup>142</sup> S. E. FINER, *Comparative Government: An Introduction to the Study of Politics*, Penguin Books: Middlesex (England), 1985 reprint, pp. 145-146.

<sup>143</sup> SAIRAH IRSHAN KHAN, Interview, Herald, Vol. 14, No. 1, July 2002, p. 25.

however, is secured through consultation with different stakeholders and through a process that enjoys public endorsement. To maintain public consensus on side it is, therefore, vital to remain engaged with public opinion and in touch with the shifts in public consensus. Formulation of public consensus involves diverse stakeholders, including politicians and civil society. As a result of the repeated 'abrogations', 'suspensions' and 'abeyances' suffered by the constitution, the essential consensus is also tested and inevitably compromised. It also demonstrates public consensus at a point in time.

Arguably, the workability and suitability of the present constitution *is an* issue. The civil-military relations have not been effectively worked out, nor are their respective constitutional roles holding. Given the continuing executive-judiciary tussle, how independent and effective is the judiciary? Many parts of the constitution, such as the Preamble and Fundamental Rights, seem to be honoured more in breach than compliance. Why does the constitution fail to deliver a representative government that is the outcome of a participative and all-inclusive democracy? Why does Pakistani democracy fail to be an actual benefit for the majority? Political parties such as, for example, the MQM are already calling for a new constitutional settlement, whereas others want constitutional reforms. To ensure the durability of the constitution, these and many other issues need to be publicly debated, public consensus engaged and these issues resolved.

It is true that the doctrine of 'State Necessity' has opened the legal gate by which the military can enter the political space, and with this precedent, the military has repeatedly ventured to grab political power. But on the other hand, there has been political incompetence and failure, evidenced by the popular tolerance or tacit approval of such military ventures, which itself is a demonstration of public consensus at one point in time. It is a consequence, of politicians having failed to sufficiently address this crisis of legitimacy that enables the military to easily replace political forces with martial rule. Arguably, had the politicians been even slightly 'representative' of the ordinary people, or

continue to command public respect, confidence and trust, notwithstanding the doctrine of 'State Necessity,' the people of Pakistan would not tolerate such military adventures. In short, in the contest between military and civil authorities, politicians have failed to maintain political consensus in their favour.

Indeed, in the circumstances, it is necessary to inquire, what does the term 'representative' mean in the context of a transitional society, that is still socially 'fragmented' on the basis of *biraderi*, economics, gender and religion; suffers from increasing poverty; where religious and traditional authority and patronage prevail; and there is a huge and increasing gap between the rich minority and the poor majority? Why have the benefits of citizenship failed to flow to the ordinary people of Pakistan who have to confront increasing poverty whilst the rich get richer? Such democratic failings have to be addressed and reflected in the constitutional settlement to ensure a strong and stable constitution and democracy. Thus far, politicians, as public representatives, have failed to strengthen constitutional and democratic practices so that the ordinary person may feel that he or she has an actual stake in the processes and structures of government and governance. This was alluded to by the European Union's Election Observation Mission, when they observed, that 'holding a general election does not of itself guarantee the establishment of democracy. True democracy must ultimately lead to good governance'. The political alienation is reflected in the public consensus and commitment enjoyed by politicians when confronted by judicial or military authority.

Unlike the European Union Election Observer Mission, most Pakistani politicians are evidently committed to a democratic formalist position, campaigning for 'free and fair' elections without arguing for what constitutes genuine representative democracy in the context of Pakistan. For instance, given politicians' apparent commitment to democracy, it is entirely justified to pose the question, why have politicians failed to implement democracy within their own political parties? If this will enhance overall democratic practice in Pakistan, why should

*intra-party* democracy not be a condition for contesting democratic elections? In general, political forces are not willing to debate such substantive failings in Pakistan's experience with democracy. Democratic formalism thus provides a convenient cover; it allows 'democrats' to argue for all formal requirements, such as free and fair elections to qualify as 'democratic', without having to examine the quality and equity of the democratic set-up. Democratic formalism, thereby, favours the *status quo*.

Foreign observers, of course, have a limited role in monitoring the election process, which means that they do not delve into substantive issues of governance and democracy. Similarly, international non-governmental organisations tend to be more concerned with the formal promulgation and availability of political (and other) rights, which of course is an important first step *per se*, and at the international level that is what it required - exerting pressure to protect and implement international rights and standards. But it is rightly *local* civil society's responsibility, as local citizen associations, to rigorously scrutinise the implementation, equity and quality of formal rights and democracy. In any national context, it is primarily local civil society that must query the democratic deficit, the derogation of rights, analyse the actual-real distribution of power and opportunities, and engage opinion makers and stakeholders for change and reform.

As citizen associations, civil society must rigorously query the equity and fairness of the electoral and democratic systems, including the constitution; formulate and argue the pro-poor, pro-people stand; challenge the distribution of power and opportunities that deny real equality of opportunity to the poor and excluded. Was civil society arguing for real democracy or protecting a façade called democracy? In rejecting the LFO, did civil society argue the citizen's case? Or did it civil society *de facto* strengthen the anti-reform forces? On balance, whose interests did civil society argue: the people, the ruling elite or the army? What is the means to secure the public their rightful position in a democratic set-up? The answers to these questions

need to be debated by civil society and other actors to determine their role and clarity in their position to maintain public trust and confidence, and play their rightful role in the formulation of public consensus.

On the basis of available evidence cited, it seems that politicians and civil society do not share the public stand on the LFO and electoral reforms. The public is more receptive and pragmatic towards the LFO than politicians and civil society, which begs the question, what are the respective interests that are leading to such divergent positions? When trust and confidence are compromised in institutional, political or civil society actors, for example, when the public cannot trust their representatives to articulate and protect their concerns and interests, this naturally erodes public ownership and legitimacy of democracy and democratic output. Similarly, it further erodes civil society's weak and narrow citizen base. The Mahbub ul Haq Human Development Centre public opinion found that a mere 3% of the Pakistani public believed political leaders to be honest.<sup>144</sup> The gulf between the public and other actors is also evidenced by the different constructions of democratic governance argued by the respective stakeholders. Civil society needs to unmask the motives and interests that yield different conceptions of democratic governance.

It is not surprising that politicians, enjoying weak public consensus and commitment, are unable to restrain the military through public support and protest. And therefore were compelled to treat the LFO as a given - which reflects the military's *de facto* dominance in politics - that must be negotiated with to protect their respective interests. Hence, whatever the rhetoric, the responses are not a matter of strengthening democracy through public appeal rather how best to ensure their respective positions and interests in politics. The absence of the public from substantive political practise - as opposed to mere electoral participation - itself compels political actors to negotiate with the

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<sup>144</sup> *Human Development in South Asia 1999: The Crisis of Governance*, Oxford UP, 1999, p. 56.

army for the best accommodation, which betrays a lack of democracy and democratic governance, and ultimately, public confidence and trust. In short, given the crisis of legitimacy suffered by the political class, the politicians are unable to muster sufficient public support for their argument. They, therefore, fall back into the lap of the army, thereby ensuring that politics remains substantively and effectively a civil-military affair.

It is evident from the manner in which the proposed reforms were bargained, negotiated and selectively enforced that the qualitative impact on democracy was more instrumental in securing other interests and goals rather than a genuine attempt to establish sustainable democracy. Whatever commitment was apparent behind the façade of democratic and constitutional formalism was a tactical response from the respective stakeholders, designed to extract the maximum advantage for their positions. This sub-text is also apparent in General Musharraf's changing rhetoric, from checks and balances; devolution and decentralisation of power and authority; de-politicisation of state institutions; consultation and consensus; all to be finally replaced by unity of command!

Whilst it appears that the public is less concerned about the LFO than civil society, opposition parties are still vigorously contesting it. Hence even in the context of civil-military relations, the LFO has failed to evince a consensus. Therefore, its legitimacy remains an issue. Consequently, the lack of consensus has rendered problematic the promise that the LFO would provide 'genuine sustainable democracy', good governance or an 'irreversible transfer of power' to the people. It betrays the continuation of the old civil-military contest for power with little real attempt to address substantive issues of democratic failure. There is, therefore, little qualitative shift in debate on democracy. The entire debate on democracy and sovereignty is still in terms of power and powerful government rather than free citizens.<sup>145</sup>

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<sup>145</sup> THE MAHBUB UL HAQ HUMAN DEVELOPMENT CENTRE, *Human Development in South Asia 1999: The Crisis of Governance*, Oxford UP, 1999, p. 43.

Absent from the debate on the LFO are the substantive issues of justice and equity in the distribution of power and opportunities, public participation and popular sovereignty. More important than the ruling classes and formalist approaches is the condition of the ordinary people of Pakistan who are the ultimate beneficiaries and guarantors of the state. It needs to be asked, what is the ordinary person's actual, formal and normative role in democracy and democratic governance? What is the conception of democracy and definition of democratic governance that is being arguing for? What are the merits - in terms of democracy, political morality and constitutionalism - of arguing for a democracy that is more a liability for the poor majority, who are *de facto* the subjects of a relatively unresponsive elected dictatorship, than a benefit? How is effective sovereignty of the people to be restored? For an enduring constitutional settlement these issues must be resolved in line with public aspirations and consensus. It is only when a constitution is derived from public consensus that it will be able to function as an active foundation of the state and society.

#### **Suggested Reforms**

Reforms are required to strengthen various possibilities of popular participation in the democratic process, particularly those that will provide effective equality of opportunity to contest the elections, which may be measured in terms of the relative inclusion of excluded peoples from positions of *effective* power. A prerequisite for such reform will be to dismantle or counter traditional, social and economic structures, distribution, patterns of power and authority that perpetuate privilege and discrimination. For example, land reforms are urgently required to ensure a more equitable ownership of land and agricultural resources, which will, as a result, promise a more equitable distribution of power and authority, including, access to and participation in the political process. Hence, in the context of Pakistani state and society, social and economic questions cannot be detached from the issue of political reforms.

Further research needs to be done to determine the nature, magnitude and impact of these social and economic barriers that

prevent an equality of opportunity to participate in the electoral process. This means acquiring a better understanding of the nature of political exclusion and how it is connected to other types of exclusion. Only then will it be possible to envisage a participative democracy in which the majority have an effective and substantive stake.

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# THE POTENTIAL FOR COMMUNAL CONFLICT IN PAKISTAN: THE RESULTS OF A SURVEY

Dr. Tariq Rahman

## **Introduction**

For the first time in Pakistan's Political History, a coalition of religious parties, the Muttahida Majlis-e-Amal (MMA)<sup>1</sup>, has won power in two provinces and has a considerable presence in the politics of the country. This is unusual in many ways but what is significant for us in the context of this paper is that the different Sunni sub-sects (Deobandi, Barelvi, Ahl-i-Hadith), which were very antagonistic to each other, now seem to be cooperating with each other. Moreover, even though Shia-Sunni conflict goes on, the Muharram (month of grief in which the Shias mourn the tragedy of Karbala and which was marred by attacks on Imambargahs by the Sunnis) passed by without the killings - or very few of them - associated with it. Moreover, the Shias are still part of the MMA.

According to an International Crisis Group report, the 'Shias are 15 to 20 per cent of the Muslim population' of Pakistan. The Deobandis and Barelvis are 77 per cent and the Ahl-i-Hadith about 6 per cent (ICG 2003: 5). While they may be temporarily in harmony, they agree to recognise the Ahmedis (Qadianis or Mirzais) as non-Muslims. The other religious minorities, the

Christians and the Hindus, are small in number but they too are targets of violence at times.

While Pakistan has been experiencing ethnic conflict ever since 1948 when the Bengali Language Movement started (Rahman: 1996; Dil and Dil 2000), communal conflict - called 'sectarian' conflict as it is usually between the two main sects of Islam - the Sunnis and the Shias - started in the eighties and has continued since then. Persecution of the Ahmadis has occurred twice in the form of widespread riots - in 1953 and 1974. The government declared the Ahmedis non-Muslims in 1974 (thus fulfilling a longstanding demand of the *ulema*). Since then, they have been persecuted on an individual level but not attacked on a large scale (for small level persecution, see Human Rights Reports of all the years, including the most recent released in 2003). Sectarian conflict has been blamed on the proliferation of *madrassas* (Nayyar 1998: 215-250) but has not really been analysed in a scholarly fashion. Ethnic conflict has, however, received scholarly attention (Amin 1988; Ahmed 1998; Rahman 1996). It is time that some empirical facts about the potential for communal conflict in Pakistan are obtained. But first, what is the meaning of the term 'communal'?

#### **SECTION-1**

This section is theoretical and historical. The first part defines terms and tries to understand the phenomenon of communalism. The second looks at the cleavages between religious sects and sub-sects in Pakistan.

#### **Communalism and Ethnicity**

The term 'communal' is associated with the antagonism, which developed between Muslims and Hindus or between Muslims and Sikhs in pre-partition India. Because of this historical legacy, Pakistani and Indian scholars have different perceptions of this phenomenon. I would, therefore, begin by disassociating the term from its controversial part. In this paper, it refers to identity-forming or group-creating set of symbols using religion or the emotions created by the religious experience. It is, therefore, very

similar to ethnicity which is too complex a phenomenon to be susceptible to a single definition. Ethnicity, as we observe, is a very similar phenomenon. The essence of ethnicity is the construction of communities on the basis of real or imagined symbols such as language, religion, and history or shared experience. The primordialists thought that these symbols were ascribed and transmitted from times immemorial (Shils 1957; Geertz 1963; Cannor 1993) while the instrumentalists thought they could well be invented, though perhaps unconsciously, in order to mobilise a pressure group so as to obtain tangible and intangible gratifications (jobs, share in power, wealth, prestige etc) (Deutsch 1953; Yinger 1981; Williams 1984). The consensus among scholars, following Benedict Anderson's insights into 'imagining' communities (1983), is that ethnic groups are 'imagined' or 'constructed'. Among other approaches, the 'ethno-symbolists' concern themselves 'with the persistence, change, and resurgence of *ethnies*, and with the role of the ethnic part or parts in shaping cultural communities' (Hutchinson and Smith 1996: 10). In short, there is much interest on change, or imagining groups, on emphasising or de-emphasising certain symbols which constitute the identity of a group and so on.

Under this definition of ethnicity, certain forms of identity formation and group mobilisation - such as that of the Irish Catholics against the English Protestants and that of the Muslims of India - were ethnic. Exploring the role of religion in ethnic formation, Cynthia Enloe writes:

It may be futile and unrealistic to separate religion and ethnic identity. Many individuals behave as if their ethnic affiliation and professed religion are one and the same (Hutchinson and Smith 1996: 199).

However, she goes on to argue that there are counter examples - and Pakistan is given as an example (Enloe 1996; 200) - where ethnicity is a different force from religion and uses other symbols (such as language).

If one looks deeply enough one comes up with surface differences between the ethnic and the communal phenomenon in Pakistan. Ethnic identity is defined with reference to language, culture (Bengali, Sindhi, Baluch and Pathan) or shared experience (Mohajir) while the communal one rests on the interpretation of Islam (Shia versus Sunni; Barelvi versus Deobandi; Ahl-i-Hadith versus other sects; Muslims versus non-Muslims etc). In some cases, ethnic groups want more autonomy within the state or even to break up from it; the communal groups do not talk in these terms though they do want to restrict powerful positions of the state to their own group. This, however, may be true only because conditions demanding autonomy or more political power may not be ripe at present. Basically, religious symbols help 'imagine' a group identity and this can lead to mobilisation and violence under conducive circumstances. Hence, in my view, at the theoretical level at least, communalism is not distinguishable from ethnicity. What does make it distinguishable in Pakistan at present is that communal groups (sects) are inspired more for ideological reasons than for instrumental ones. Even if the priesthood (the *maulvis*) are motivated, at least in part, by the desire to increase power (or clientele or mosques etc), the rank and file is inspired by the certitude that they are striving to establish the true religion. In short, communal identity-formation is ideological and, therefore, part of one's worldview. Thus, the level of tolerance for people of different religious communities is one indicator of the potential for conflict in the country.

#### **Sects and Sub-Sects of Islam in Pakistan**

Because of the disintegration of the Mughal empire and colonial rule, Indian Muslims felt threatened, disillusioned and frustrated. Some, like Sayyid Ahmed of Rae Bareilly (1786-1831), responded militantly but were defeated. Others, like Sir Syed Ahmad Khan (1808-1898) learnt English, entered the British bureaucracy and became junior partners of the British in the exercise of power. Still others, blaming Muslims themselves for their loss of power, tried to purify Islam in various ways. The Wahabis (also called Ahl-i-Hadith), the Deobandis, the Barelvis among the Sunnis as well as the Shias created *madrassas* to

preserve and propagate what, in their view, was the correct interpretation of Islam. As these views are preserved and disseminated by the *madrassas*, let us look at the different kinds of *madrassas* in Pakistan.

### **Deobandis**

The *madrassa* at Deoband, a small town in the United Provinces (now Uttar Pradesh) of India, was founded by Maulana Muhammad Qasim Nanautawi (1833-1877) and Maulana Rashid Ahmed Gangohi (1829-1905). While earlier seminaries were loosely organised, Deoband had a rector (*sarparast*), a chancellor (*muhtamim*) and the chief instructor (*sadr mudarris*). Its income was derived from popular contributions and the curriculum was based on the Dars-i-Nizami, which had been evolved by Mulla Nizam Uddin Siharvi (d. 1748) at Farangi Mahall, a famous seminary of a family of Islamic scholars (*ulema*) in Lucknow (Robinson 2002). The Dars-i-Nizami emphasised studies based on human reasoning (*maqulat*) but at Deoband the traditional sciences, which were transmitted, unchanged to the learner (*manqulat*) were emphasised. Thus Deoband taught much more *hadith* than the Dars-i-Nazami had originally prescribed.

The Deobandis opposed the folk Islam in which intercession by saints occupied a major place, seeking initiation in a mystic order was considered the path to salvation and miracles etc were seen as the crucial and defining attributes of saints and prophets. They did not oppose mysticism altogether but did argue that adherence to the Islamic law (*Shariah*) was the path to mystical exaltation. They also opposed folk practices like fixing days for distributing food to gain spiritual merit and celebrating the days of religious personages (for details see Metcalf 1982).

The Darul Uloom at Deoband was established in 1867 and after a hundred years it had produced 6,986 graduates and established 8,934 *maktabs* (schools) and *madrassas* (seminaries) teaching the Dars-i-Nizami). In 1967 the number of graduates from Pakistan was 3,191 (including those from East Pakistan) (Metcalf 1982: 110-111) while now the number of students exceeds 1,02,865 and the number of those who appeared in the *Alimia* (MA)

examination were 4,676. The number of registered *madrassas* in Pakistan is 7,000 which shows how fast they have multiplied in recent years in this country (all these figures are from the central office of the Wafaq-ul-Madaris, Multan).

### **Barelvis**

The Barelvi movement was inspired by Ahmed Raza Khan of Bareilly (1856-1921) who is highly revered by his followers (Sanyal 1996). The Barelvis justified the 'mediational, custom-laden Islam, closely tied to the intercession of the *pirs* of the shrines' (Metcalf 1982: 296). They believed that Prophet Mohammad (peace be upon him) was made of Divine Radiance (*Noor*) and had knowledge of the unknown (*Ilm ul Ghaib*). The Deobandis and the Ahl-i-Hadith ulema challenged both these beliefs. Relating to this was the debate on the issue of the *imkan-i-nazir* - the question whether God could make another person equal to Prophet Mohammad (peace be upon him). The Barelvis denied the possibility while the others did not. The Barelvi *madrassas* in Pakistan also teach the Dars-i-Nazami and appeal to the ordinary folk of the country (for the views of the Barelvis see Sanyal 1996).

### **Ahl-i-Hadith**

The movement inspired by Sayyed Ahmed was called Wahabi because, like Muhammad bin Abdul Wahab (1703-1792) of Saudi Arabia, Sayyid Ahmed and his associates also wanted to purify and reform Islam. They claimed to follow no particular school of jurisprudence - Hanafi, Shafi, Hambali, Maliki - and were called nonconformists (*ghair muqallid* = one who does not follow a fixed path) by their opponents. They used the term *Jama'at Ahl-i-Hadith* for themselves and appealed to the Government of India that the term Wahabi should not be used for them. The government 'ordered in 1886 that the term Wahabi should not be used in official correspondence' (Ahmed 1994: 203) but it is still used by many people in Pakistan.

The Ahl-i-Hadith *madrassas* also teach the Dars-i-Nazami but they emphasise the Quran and *Hadith* and oppose folk Islam and

common practices like the anniversaries of saints, the distribution of food on religious occasions and popular mysticism.

### **Jamat-i-Islami**

The Jamat-i-Islami is a revivalist political party created by Abul ala Maudoodi (also spelled Mawdudi) (1903-1979) whose life and achievements have been ably described by Syyed Vali Reza Nasr (1996).

Maudoodi believed in borrowing technology and other concepts from the West in order to empower the Islamic community. As such, he favoured more modernist education than any of the orthodox organisers of the traditional *madrassas*. He did, however, also emphasise upon the refutation of Western culture and intellectual domination and, therefore, his anti-Western critique is more thorough, trenchant and appealing than that of the traditionalist seminarians (Maudoodi 1974).

In the Jamat's *madrassas*, the traditional texts are taught but politics, economics and history are also emphasised with a view to preparing the young *ulema* for confronting the ideas of the West.

Besides the Sunni *madrassas*, there are Shia *madrassas* too as we have seen. The Shias believe that the successor of the Prophet (peace be upon him) was Ali Ibn-e-Abi Talib and not the first three caliphs whom Sunnis take to be his successors. They mourn the battle of Karbala, fought between the Prophet's grandson Hussain and the Omayyad caliph Yazid bin Muawiya in 680 A.D. This led to the birth of the supporters of Ali and the rise of Shia Islam which has been described very competently by S.H.M Jafri (1979).

### **Teaching in the Madrassas**

All the *madrassas*, including the Shia ones, teach the Dars-i-Nizami though they do not use the same texts. They also teach their particular point of view (*madhab* or *maslak*) which clarifies and rationalises the beliefs of the sect (Sunni or Shia) and sub-sect (Deobandi, Barelvi and Ahl-i-Hadith). Moreover they train their

students to refute what in their views are heretical beliefs and some Western ideas. All *madrassas* teach modern subjects in some measure and with varying degrees of competence. Let us examine the teaching in the *madrassas* in some detail. This paper will omit the Dars-i-Nizami in order to focus only on that part of the teaching, which may promote divisiveness and antagonism for the 'other' in whatever manner it, may be perceived.

### **The Refutation of Other Sects and Sub-Sects**

Refutation (*Radd* in Urdu) has always been part of religious education. However, it is only in recent years that it has been blamed for the unprecedented increase in sectarian violence in Pakistan.

According to A.H. Nayyar, 'The *madrassahs* have, not surprisingly, become a source of hate-filled propaganda against other sects and the sectarian divide has become sharper and more violent' (Nayyar 1998: 243). However, it appears that there was much more acrimonious theological debate among the Shias and Sunnis and among the Sunnis themselves during British rule than is common nowadays. The militancy in sectarian conflict cannot be attributed to the teaching in the *madrassas* though, of course, the awareness of divergent beliefs does create the potential for negative bias against people of other beliefs.

The theological debate (*munazra*) is taught to students in *madrassas*. Barbara Metcalf describes the *munazras* between the Christians, Muslims and Arya Samajists (1982: 219-232) in her book. She says:

*The debates were, indeed, a form of social event, a public ritual that took on new form and meaning in the late nineteenth century. In a society largely illiterate and equipped only minimally with modern forms of communication, they came to serve as a new forum for communicating issues at once religious and social (Metcalf 1982: 233).*

They were also very bitter as the Deobandi-Barelvi *munazras* of 1928 collected in *Futoohat-e-Nomania* (Nomani n.d) illustrate. Moreover, the pioneers of the sects and sub-sects did indulge in refuting each other's beliefs. For instance Ahmed Raza Khan, the pioneer of the Barelvi school, wrote a series of *fatawa* (plural of *fatwa* = religious decree) against Sir Sayyid of Aligarh, the Shi'is, the Ahl-i-Hadith, the Deobandis and the Nadwat-ul-Ulama in 1896. These were published as *Fatawa al-Haramain bi-Rajf Nadwat al-Main* (1900) (Sanyal 1996: 203). Their rivals, in turn, refuted the Barelvis. The followers of the main debaters sometimes exchanged invectives and even came to blows but never turned to terrorism as witnessed in Pakistan's recent history.

As the inculcation of sectarian bias is an offence, no *madrassa* teacher or administrator confessed to teaching any text refuting the beliefs of other sects. Maulana Mohammad Hussain, Nazim-e-Madrassa Jamiat us-Salfia (Ahl-i-Hadith) (Islamabad) said that comparative religious was taught in the final Almiya (MA) class and it did contain material refuting heretical beliefs. Moreover, Islam was confirmed as the only true religion, refuting other religions. The library did contain books refuting other sects and sub-sects but they were not prescribed in the syllabus. Maulana Muhammad Ishaq Zafar of the Jamia Rizvia Aiz ul Uloom (Barelvi) in Rawalpindi said that books against other sects were not taught. However, during the interpretation of texts the *maslak* was passed on to the student. Students of the final year, when questioned specifically about the teaching of the *maslak*, said that it was taught through questions and answers, interpretation of texts and sometimes some teachers recommended supplementary reading material specifically for the refutation of the doctrines of other sects and sub-sects.

In some cases, as in the Jamia Ashrafia, a famous Deobandi seminary of Lahore, an institution for publication, established in 1993, publishes 'only those articles and journals which are written by the scholars of Deoband school of thought. (Hussain 1994: 42). Moreover, in writings, sermons, and conversation, the teachers

refer to the pioneers of their own *maslak* so that the views of the sub-sect are internalised and became the primary way of thinking.

However, despite all denials, the printed syllabi of the following sects do have books to refute the beliefs of other sects. The *Report on the Religious Seminaries* (GOP 1988) lists several books of Deobandi *madrassas* to refute Shia beliefs including Maulana Mohammad Qasim's *Hadiyat ul Shia* which has been reprinted several times and is still in print. There are also several books on the debates between the Barelvis and the Deobandis and even a book refuting Maudoodi's views (GOP 1988: 73-74) The Barelvis have given only one book *Rashidiya* under the heading of 'preparation for debates on controversial issues' (Ibid, p.76). The Ahl-i-Hadith have given a choice of opting for any two of the following courses: the political system of Islam, the economic system of Islam, Ibn-e-Khaldun' *Muqaddamah*, the history of ideas and comparative religious systems. The Shia courses list no book on this subject.

Recently published courses list no book on *maslak* for the Deobandis. The Barelvis mention 'comparative religions' but no specific books. The Ahl-i-Hadith retain almost the same optional courses as before. The Shia *madrassas* list books on beliefs, which include comparative religions in which, of courses, Shia beliefs are taught as the only true ones. Polemical pamphlets claiming that there are conspiracies against the Shias are available. Incidentally such pamphlets, warning about alleged Shia deviations from the correct interpretations of the faith are also in circulation among Sunni *madrassas* and religious organisations.

Moreover, some guidebooks for teachers note that Quranic verses about controversial issues should be taught with great attention and students should memorise them. In one Barelvi book, it is specified that teachers must make the students note down interpretations of the *ulema* of their sub-sect concerning beliefs and controversial issues so that students can use them later - as preachers and *ulema*.

The Jamat-i-Islami syllabus (2002) mentions additional books by Maulana Maudoodi and other intellectuals of the Jamat on a number of subjects, including the *Hadith*. They also teach ‘comparative religions’.

### **The Refutation of Heretical Beliefs**

One of the aims of the *madrassas*, ever since 1057 when Nizam ul Mulk established the famous *madrassa* at Baghdad, was to counter heresies within the Islamic world and outside influences, which could change or dilute Islam. Other religions are refuted in ‘comparative religions’ but there are specific books for heresies within the Islamic world. In Pakistan, the *ulema* unite in refuting the beliefs of the Ahmedis (or Qadianis) (for these views see Friedmann 1989). The Deoband course for the *Aliya* (BA) degree included five books refuting Ahmedi beliefs (GOP 1988: 71). The Barelvīs prescribe no specific books. However, the *fatawa* of the pioneer, Ahmad Raza Khan, are referred to and they refute the ideas of the other sects and sub-sects. The Ahl-i-Hadith note that in ‘comparative religions’ they would refute the Ahmedi beliefs. The Shias too do not prescribe any specific books. The Jamat-i-Islami’s syllabus (2002) prescribes four books for the refutation of ‘Qadiani religion’. Besides the Ahmedis, other beliefs deemed to be heretical are also refuted. All these books are written in a polemical style and are in Urdu, which all *madrassa* students understand.

### **The Refutation of Alien Philosophies**

The earliest *madrassas* refuted Greek philosophy, which was seen as an intellectual invasion of the Muslim ideological space. Since the rise of the West, *madrassas*, and even more than them revivalist movements outside the *madrassas*, refute Western philosophies. Thus there are books given in the reading lists for *Aliya* (BA) of 1988 by the Deobandis refuting capitalism, socialism, capitalism and feudalism. These books are no longer listed but they are in print and in the libraries of the *madrassas*. The Jamat-i-Islami probably goes to great lengths - judging from its 2002 syllabus - to make the students aware of Western

domination, the exploitative potential of Western political and economic ideas and the disruptive influence of Western liberty and individualism on Muslim societies. Besides Maudoodi's own books on all subjects relating to the modern world, a book on the conflict between Islam and Western ideas (Nadvi n.d) is widely available.

These texts, which may be called *Radd*-texts, may not be formally taught in most of the *madrassas* as the *ulema* claim, but they are being printed which means they are in circulation. They may be given as supplementary reading material or used in the arguments by the teachers, which are probably internalised by the students. In any case, being in Urdu rather than Arabic, such texts can be comprehended rather than merely memorised. As such, without formally being given the centrality which the *Dars-i-Nizami* has, the opinions these texts disseminate - opinions against other sects, sub-sects, views seen as being heretical by the *ulema*, Western ideas - may be the major formative influence on the minds of *Madrassa* students. Thus, while it is true that education in the *madrassa* produces religious, sectarian, sub-sectarian and anti-Western bias, it may not be true to assume that this bias automatically translates into militancy and violence of the type Pakistan has experienced. For that to happen other factors - the arming of religious young men to fight in Afghanistan and Kashmir; the state's clampdown on free expression of political dissent during Zia ul Haq's martial law; the appalling poverty of rural, peripheral areas and urban slums etc - must be taken into account.

As for teaching modern subjects, the Ahl-i-Hadith *madrassas* have been teaching Pakistan Studies, English, Mathematics and General Science a long time (GOP 1988: 85). The Jamat-i-Islami also teaches secular subjects. The larger Deobandi, Barelvi and Shia *madrassas* too have made arrangements for teaching secular subjects, including basic computer skills. However, teachers approved of by the *ulema* or some of the *ulema* themselves do the teaching. Thus the potential for secularisation of the subjects, which is small in any case, is reduced to nothingness.

## SECTION-2

### **Objective**

The objective of this section of the paper is to measure the level of communal tolerance and, hence, the potential for conflict in Pakistan

### **Methodology for the Survey**

This part of the paper reports the findings of a survey of the opinions of school students and teachers conducted between December 2002 and January 2003. The students were roughly between the ages of 14 to 16 in Urdu-medium and English-medium schools. In the Islamic seminaries (*madrassas*), they were older for the same level (10<sup>th</sup> class), being between 18 to 20 years old.

It was a stratified, non-random survey because a complete list of all target institutions was not available. Moreover, we had to restrict ourselves to urban areas because we neither had the time nor the resources to venture into rural ones.

Institutions were used as clusters but only students of class 10 and equivalent were given questionnaires in Urdu or English. They were told that, since they were not supposed to give their names, they should not hesitate to give their real views. After this, the questionnaire was read out and explained. The filled questionnaires were collected at the end of the session.

The major strata are (1) Urdu-medium school, (2) elitist English-medium schools and (3) *madrassas*. There is a further stratification between the students and the teachers of these institutions. Gender-wise breakdown is also available. The following chart helps explain these strata:

<b>FACULTY</b>			
	M (ale)	F (emale)	Total
English-medium	18	47	65
Urdu-medium	42	58	100
Madrassas	27	Nil	27
Grand Total			192

<b>STUDENTS</b>			
	M (ale)	F (emale)	Total
English-medium	62	52	116
Urdu-medium	123	107	230
Madrassas	142	Nil	142
Grand Total			488

As the views of each stratum are taken separately, they do not represent their proportional share in the student population of Pakistan. There are two shortcomings: first, the number of *madrassa* teachers is very less; and secondly, the population of rural areas as well as Balochistan, the interior of Sindh, Northern Areas could not be represented. The first problem is because *madrassa* teachers were very reluctant to fill in the questionnaires. The second, as already mentioned, is because of lack of time and resources.

#### **Results of the Survey:**

The following are the results to the questions concerning giving equal rights to the religious minorities. The other questions, which were about militant policies regarding Kashmir, have not been included in this paper.

#### **Urdu Medium Schools**

Questions about giving equal (equal to Pakistani Muslims) rights to Ahmedis (a sect declared as a non-Muslim minority in 1974 in Pakistan), Pakistani Hindus and Christians and women are tabulated as percentages. These students and teachers both come from the lower-middle class as their income indicates. They were reluctant to reveal their families' income because of the social

stigma of poverty so that 95 (41.30 per cent) did not write their father's income. As for mothers, most of them did not have paid employment so that 220 (95.65 per cent) did not write their income. Out of those who did, most belonged to the poorer classes (working and lower middle classes) as the figures below indicate.

<b>Box – 1</b>					
<b>Monthly Income of Students' Parents</b>					
	Not written	Rs 5000 and below	Rs 5001-10,000	Rs 10,001-15,000	Above 15,000
Father	95 of 230 (41.30%)	82 of 135 (60.74%)	36 of 135 (26.66%)	10 of 135 (7.41%)	7 of 135 (5.18%)
Mother	220 of 230 (95.65%)	8 of 10 (80%)	2 of 10 (20%)	Nil	Nil

In this sample only 3 wrote incomes between Rs 15,001 and 20,000; one showed an income ranging between 20,001 to 20,000 and three wrote an income ranging between 25,001 to 35,000.

The teachers (N=100) responded to the questions on their own income and their spouse's as follows:

<b>Box-2</b>					
<b>Monthly Income of Urdu Medium School Teachers</b>					
	Not written	Rs 5000 and below	Rs 5001-10,000	Rs 10,001-15,000	Above 15,001
	Percentages out of 100				
Own	6 (6%)	17 of 94 (18.09%)	62 of 94 (65.96%)	14 of 94 (14.89%)	1 of 94 (1.06%)
Spouse's	82 (82%)	3 of 18 (16.66%)	8 of 18 (44.44%)	3 of 18 (16.66%)	4 of 18 (22.22%)

No teacher, or spouse, wrote an income above Rs 20,000 per month which means that most of them belong, like their students, to the lower middle class.

The responses to questions about giving the same rights as Muslims in employment and other fields to religious minorities are as follows:

<b>Box-3</b>				
<b>Tolerance Among Urdu-medium school students 2002-2003</b>				
<b>(N=230)</b>				
<b>(In percentages)</b>				
What should be Pakistan's priorities?				
		Yes	No	Don't Know
1.	Give equal rights to Ahmedis in all jobs etc?	46.95	36.95	16.09
2.	Give equal rights to Pakistani Hindus in all jobs etc?	47.39	42.61	10
3.	Give equal rights to Pakistani Christians in all jobs etc?	65.65	26.52	7.83

#### **Tolerance of Religious Minorities Among Urdu School Teachers**

In the previous survey (Rahman 2002: Appendix 14) the opinions of teachers had not been taken. This survey reports the opinions of the teachers also.

#### **Tolerance of Religious Minorities among School Teachers**

<b>Box-4</b>				
<b>Tolerance of Religious Minorities and Women in Urdu-medium Among School Teachers 2002-2003</b>				
<b>(N=100) (In percentages)</b>				
		Yes	No	Don't Know
(1)	Ahmedis	27	65	08
(2)	Hindus	37	58	05
(3)	Christians	52	42	06

As we can see, the teachers are less tolerant of religious minorities, at least as far as their participation in the economic life

and power distribution system of Pakistan (high state positions), than students. This may be because the teachers were exposed to anti-minority rhetoric at crucial periods of their lives such as the anti-Ahmedi agitation of 1974 and the Zia ul Haq years when there was much religious intolerance in the air.

### **Elitist English Medium Schools**

The present survey is on 116 students, 62 males and 52 females, of the average age of 15 who are in class-10 (O' level) in schools of Islamabad and Lahore charging a tuition fee of at least Rs 2,500 per month. Most of them belong to the upper-middle and the upper classes as the following income pattern indicates:

<b>Box-5</b>							
<b>Monthly Income of Students' Parents Between Rs 10,001 and 25000</b>							
	Not written Percentages out of 116	Below 20,000	20,001 to 25,000	25,001 to 35,000	25,000 to 50,000	50,001 to 100,000	Above 100,000
Father	81 (69.83%)	4 of 35 (11.43%)	3 of 35 (8.57%)	11 of 35 (31.43%)	4 of 35 (11.43%)	8 of 35 (22.86%)	2 of 35 (5.71%)
Mother	101 (87.07%)	6 of 15 (40%)	2 of 15 (13.33%)	2 of 15 (13.33%)	4 of 15 (26.66%)	1 of 15 (6.66%)	Nil
NB: The averages of those who have written their parents salaries are out of 35 (fathers) and 15 (mothers)							

Besides what the students have written, an indicator of their socio-economic background is the exorbitant tuition fee their parents pay; their dress (Western and expensive); their lifestyle (travelling in cars, eating out, going to concerts, celebrating birthdays with parties and expensive gifts etc), and the houses they live in (modern, expensive, urban).

The teachers in these institutions are mostly females from middle and, sometimes, higher socio-economic backgrounds. However, they are not from as high socio-economic class as their students. The following figures illustrate this.

<b>Box-6</b>
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<b>Monthly Income of Teachers Families (Percentages in brackets)</b>								
Not Written Percentages out of 65		5000 & Below	5001-10,000	10,001 to 15000	15001 to 20000	20001 to 25000	25001 to 35000	Above 35001
Own	11 (16.92)	3 of 54 (5.55)	22 of 54 (40.74)	13 of 54 (24.07)	5 of 54 (9.26)	4 of 54 (7.41)	3 of 54 (5.55)	4 of 54 (7.41)
Spouse	55 (84.62)	Nil	1 of 10 (10)	4 of 10 (40)	2 of 10 (20)	1 of 10 (10)	Nil	2 of 10 (20)
Source: Appendix-3 NB: The averages of those who have written their family income are out of 54 (self) and 10 (spouse).								

Another indicator of teachers having climbed up the socio-economic ladder is that whereas 15.38 per cent said they were educated in Urdu-medium schools themselves, only 1.54 per cent have children studying in these schools now (the response to the question about own medium of instruction in school is 27.69 per cent and for children's medium of instruction is 58.46 per cent).

The students of English medium schools showed more tolerance for religious minorities than Urdu medium school students as the following figures indicate:

<b>Box-7</b>				
<b>Tolerance of Religious Minorities among Elitist English-medium School Students N=116</b>				
<b>(In percentages)</b>				
What should be Pakistan's priorities?		Yes	No	Don't Know
1.	Gives equal rights to Ahmedis in all jobs etc?	65.52	9.48	25.00
2.	Give equal rights to Pakistani Hindus in all jobs?	78.45	13.79	7.76
3.	Give equal right to Pakistani Christians in all jobs etc?	83.62	8.62	7.76

The opinions of teachers are less tolerant probably because they belong to lower socio-economic classes than their students and were exposed more often to intolerant and anti-minority views when they were younger.

<b>Box-8</b>				
<b>Tolerance for Religious Minorities Among Elitist English School Teachers N=65</b>				
<b>(In percentages)</b>				
		Yes	No	Don't Know
1.	Ahmedis	43.07	36.92	20
2.	Hindus	61.54	26.15	12.31
3.	Christians	81.54	10.77	7.69

### **Madrassas**

*Land grants and wealthy patrons in medieval India supported Madrassas.* They have always been supporting the poor and the lifestyles of the *ulema* were Spartan and closer to the poorer strata of society than the affluent ones. Maulana Abdul Ali Bahr al-Ulum of Farangi Mahall, for instance, 'used in their support all but Rs. 40 of the Rs 1,000 monthly stipend granted by Nawab Walajah. His 'wife and family suffered and complained, as did those of his grandson, Jamal al-Din, who suffered in a similar way' (Robinson 2002: 81). Barbara Metcalf in her study of Deoband tells us that the pioneers of that seminary took no, or very modest salaries, and 'lived like poor men' (1982: 167). The average expense of Deoband on each graduate between 1867 and 1967 was Rs 1,314, which is modest from any criterion (Metcalf 1982: 111). The Ahl-i-Hadith *madrassas*, which were patronised by wealthy people in British India, nevertheless lived in the same frugal manner (Ahmed 1994).

Madrassas in Pakistan are also financed by voluntary charity provided by the bazaar businessmen and others who believe that they are earning great merit by contributing to them. Some of them are also given financial assistance by foreign governments - the Saudi government is said to help the Ahl-i-Hadith seminaries and the Iranian government the Shia ones - but there is no proof of

this assistance. And even if it does exist, it goes only to a few madrassas whereas the vast majority of them are run on charity (*zakat* = alms, *khairat* = charity, *atiat* = gifts etc).

According to the Jamia Salfia of Faisalabad, the annual expenditure on the seminary, which has about 700 students, is Rs 40,00,000. Another *madrassa*, this time a Barelvi one, gave roughly the same figure for the same number of students. This comes to Rs 5,714 per year (or Rs 476 per months) which is an incredibly small amount of money for education, books, board and lodging. As the *madrassas* generally do not charge a tuition fees - though they do charge a small admission fee, which does not exceed Rs 400 - they attract very poor students who would not receive any education otherwise. According to Fayyaz Hussain, a student who completed his ethnographic research on Jamia Ashrafia of Lahore in 1994, students joined the *madrassa* for the following reasons:

<b>Box-9</b>	
<b>Causes of Joining Madrassas Given by Students</b>	
Economic	48.95 per cent
Social	40.63 per cent
Religious	5.71 per cent
Educational	3.12 per cent
Political	2.09 per cent
Source: Hussain 1994 : 84	

The author has not explained the categories nor is it known exactly what questions were asked from the students. According to Singer, the 'Dar-ul-Uloom Haqqania, one of the most popular and influential Madrassahs (it includes most of the Afghani Taliban leadership among its alumni)---has a student body of 1500 boarding students and 1000 day students, from 6 years old upwards. Each year over 15,000 applicants from poor families vie for its 400 open spaces' (Singer 2001). According to a survey conducted by Mumtaz Ahmad in 1976 'more than 80 percent of the madrassa students in Peshawar, Multan, and Gujranwala were found to be sons of small or landless peasants, rural artisans, or

village imams of the mosques. The remaining 20 percent came from families of small shopkeepers and rural laborers' (quoted from Ahmad 2000: 185). The present researcher also observed that many students, upon probing, confessed that their parents had admitted them in the *madrassas* because they could not afford to feed them and educate them in the government schools. Even such students, while making this confession, also insist that they are in the *madrassas* because of their love for Islam.

In short the *madrassas* are performing the role of the welfare state in the country. This being so, their influence on rural people and the poorer sections of the urban proletariat will continue to increase as poverty increases. This is a dangerous trend for the country because *madrassa* students are taught to be intolerant of religious minorities and are hawkish about Kashmir. As they are also from poor backgrounds they express their sense of being cheated by society in the idiom of religion. This gives them the self-righteousness to fight against the oppressive and unjust system in the name of Islam.

<b>Box-10</b>			
<b>Tolerance of Religious Minorities Among Madrassa Students</b>			
<b>N= 142 (in Percentages)</b>			
Abbreviated Questions	Yes	No	Don't Know
(4) Ahmedis	12.68	82.39	4.93
(5) Hindus	16.90	76.06	7.04
(6) Christians	18.31	73.24	8.45

The teachers of *madrassas* were very reluctant to give their views. Thus only 27 questionnaires could be filled in. Moreover, it was not possible to have access to females although there are *madrassas* for females. The views of the teachers, inadequate as they might be, are as follows:

<b>Box-11</b>			
<b>Tolerance of Religious Minorities Among Madrassa Teachers</b>			
<b>N= 27 (in Percentages)</b>			
Abbreviated Questions	Yes	No	Don't Know
(4) Ahmedis	3.70	96.23	Nil
(5) Hindus	14.81	85.19	Nil
(6) Christians	18.52	77.77	3.70

As we can see, the madrassa students and teachers do not support equal rights for Muslims and religious minorities. Secular or educated members of the intelligentsia call this 'intolerance' but the religious people have a different interpretation of it. They believe that non-Muslims are *zimmis* i.e. the responsibility of a Muslim society and the state. As *zimmis* they are entitled to protection and exempted from military service on the payment of a tax called *jaziya*. They do not have the right to be employed in powerful decision-making appointments in an Islamic state. However, Pakistan's founding father, Quaid-i-Azam Muhammad Ali Jinnah did give equal rights to all citizens because of which the liberals insist that it would violate the principles of equality under law if such rights were not given.

#### **Comparison of the Attitudes Towards Religious Minorities Among Pakistani Students**

Let us compare the opinions of students from the three types of institutions we have been considering before.

<b>Box-12</b>					
<b>Consolidated Data of Opinions Indicating Militancy and Tolerance Among three Types of Schools Students in Pakistan in Survey 2003 (in percentages)</b>					
Abbreviated Questions			Madrasahs	Urdu-medium	English-medium
1.	Ahmedis	Yes	12.68	46.95	65.52
		No	82.39	36.95	9.48
		Don't Know	4.93	16.09	25.00
2.	Hindus	Yes	16.90	47.39	78.45
		No	76.06	42.61	13.79
		Don't Know	7.04	10.00	7.76
3.	Christians	Yes	18.31	65.65	83.62
		No	73.24	26.52	8.62
		Don't Know	8.45	7.83	7.76

In short, the madrasah students, for reasons, which they consider, justified according to their interpretation of religion, are the least tolerant of religious minorities. The Urdu medium students, who happen to be in majority in the country, are more tolerant but do not come up to the level of tolerance shown by the elitist English medium students. This is not because English medium students are nicer people but because they live in a more secularised atmosphere than their counterparts. Indeed, English medium students are highly intolerant of people from the villages, people from the lower socio-economic classes, religious people and, especially, the students and teachers of the madrasahs. Moreover, the English medium students are alienated from most of the ordinary people and their life in the country. Thus, what appears, as tolerance is actually indifference to the concerns of the rest of their countrymen.

#### 11. Conclusion

This article presents the results of a survey of three types of educational institutions. This was done so as to get a cross section

of the opinions of the major divisions along socio-economic lines in the country. This is because Pakistan's educational system is stratified according to socio-economic class, which is expressed roughly in terms of media of instruction or type of educational institution. The *madrassas* cater for very poor children mostly from rural and urban working class localities.

The Urdu-medium schools cater for lower middle-class and some middle class children while the elitist English-medium schools cater for the upper-medium and upper classes. There are also non-elitist English-medium schools, which cater for lower middle and middle-class children and cadet colleges (public schools), which cater for the middle classes, especially professionals and armed forces employees. The worldview of the students of these institutions is so different from each other that they seem to live in different worlds. The most acute polarisation is between the *madrassa* students and the students of elitist English-medium schools. The former are deprived but they express their anger - the rage of the dispossessed - in the idiom of religion.

This brings them in conflict with the Westernised elite which looks down upon them in contempt although its most powerful members legitimise their hold on the state apparatus in the name of Islam. The state has strengthened the Islamic lobby itself by Islamising education and sacralising the Kashmir dispute so that religious and nationalistic emotion has come to be invested in it. Now that the state feels obliged to reverse these policies, it is already facing resistance from the Islamic lobby. This may increase if the *madrassa*-educated young men are marginalised even further while remaining both poor and armed. The majority of the students, from the Urdu-medium stream, are also alienated both from their *madrassa* as well as English-medium counterparts. In socio-economic terms, they belong roughly to the same class as the *madrassa* students but their training is different and hence their views are also different. Moreover, not sharing the Westernisation and the wealth of the English-medium students, they too are alienated from them and have a vague sense of having been cheated.

These differences in views and dissatisfaction do not augur well for nation-building or cohesion. They have a divisive potential along class lines, which will probably be expressed in the nationalistic and religious idiom in any future crisis. Indeed, if the state keeps investing only in defense and on the elite, it will withdraw further and further away from the social sector. This has already occurred and both religious extremists and the ethnic nationalists have tried to fill in the vacant space. If the armies of the unemployed and the marginalised are not to be increased till they become unmanageable, the state should invest on the poor.

#### **Notes**

1. The MMA comprises the following parties: Jamiat-e-Ulema-e-Pakistan (Fazlur Rehman); Jamiat-e-Ulema-e-Islam (Samiul Haq); Jamaat-i-Islami (Qazi Hussain Ahmed); Jamiat-e-Ulema-e-Pakistan (Shah Ahmed Noorani); Jamiat Ahl-e-Hadith (Sajid Mir) and the Islami Tehrik, Pakistan (Syed Sajjid Naqvi). The JUI is Deobandi; the JUP is Bareilvi, the JAH is of the Ahl-e-Hadith and ITP or represents the Shias.

This survey was conducted between December 2002 and January 2003. The survey was financially supported by the Social Policy and Development Centre (SPDC), Karachi, to which I am very grateful.

#### **QUESTIONNAIRE (STUDENTS)**

DO NOT WRITE YOUR NAME TO ENSURE SECRECY.

WRITE THE NAME of your SCHOOL with medium of Instruction.

1. age.
2. Class
3. Sex (1) Male (2) Female
4. What is the occupation of your father? Give his rank, title, occupational status; salary; grade; income from all sources etc?
5. What is the occupation of your mother? Give her rank, title, occupational status, salary, grade, income from all sources etc?

## **PART-II**

### **(for both teachers and students)**

What should be Pakistan's priorities?

1. Take Kashmir away from India by an open war?  
(1) Yes (2) No (3) Don't Know
2. Take Kashmir away from India by supporting *Jihadi* groups to fight with the Indian army?  
(1) Yes (2) No (3) Don't Know
3. Support Kashmir cause through peaceful means only (i.e. no open war or sending *Jihadi* groups across the line of control?).  
(1) Yes (2) No (3) Don't Know
4. Give equal rights to *Ahmedis* in all jobs etc?  
(1) Yes (2) No (3) Don't Know
5. Give equal rights to Pakistani Hindus in all jobs etc?  
(1) Yes (2) No (3) Don't Know
6. Give equal rights to Pakistani Christians in all jobs etc?  
(1) Yes (2) No (3) Don't Know
7. Give equal rights to men and women as in Western countries?  
(1) Yes (2) No (3) Don't Know

### **QUESTIONNAIRE (FACULTY)**

DO NOT WRITE YOUR NAME TO ENSURE SECRECY.

WRITE THE NAME of the institution in which you teach with medium of instruction.

1. Sex (1) Male (2) Female
2. Education: (1) Below B.A (2) B.A (3) M.A (4) M. Phil (5) Ph.D
3. Which subject (s) do you teach?
4. What is the occupation of your spouse Give his or her rank, title, occupational status; salary; grade; income from all sources etc?
5. What is your average total monthly income (write income from all sources such as tuition, publications, consultancies, rent etc.

6. What is the medium of instruction of the school in which your children study (or studied)?
7. What was medium of instruction of the school in which you studied most?

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# **MEDIA AND ELECTION AN ANALYSIS OF PRINT AND ELECTRONIC MEDIA COVERAGE OF ELECTIONS 2002**

Muddassir Rizvi

## **1. Introduction**

The role of media in the functioning of democracy is indisputable. It plays a vital role in keeping people informed about the state and its working, and now also the market, which is taking over the space amid shrinking states in the new world order. Media in all its manifestations, in fact, acts as the communication bridge between the civil society and the state, by informing people about performance of the state institutions and helping the civil society in raising its issues and interests.

**1.1 Social and political context:** It is an established fact that media is the key factor in shaping the public opinion directly and through a snowball effect of the messages and images that it disseminates. Though media is not the sole source of information for people, in a world dominated by mass communications it is increasingly becoming the choicest tool for both the rulers and the ruled to set the political agenda, even in technologically less developed corners of the globe.

In an ideal situation, where media is free of state controls and its commercial bindings, the role of media becomes reflective of the interests of people and their needs. But it is just truism, as in modern societies all actors of the state use various forms of media

to propagate their interests – the government by force of its regulations, the private sector by the lure of its advertisements and people and political parties through connections, references and lobbying.

In contemporary societies, media is a major collective source of information and images. Historically, media systems in whatever forms they existed were a critical feature of movements towards democracy and positive change as they provided one of the public spheres where issues of importance to a political community could be discussed and debated, and where information was presented that was essential to people's political participation. More independently media in a country works, more effective and vigorous a civil society is, as it keeps the masses informed what is going on and the options they should weigh, debate and act upon.

Although media is not the only instrument of public sphere as there are also other ways through which masses communicate and discuss their problems and interests, it is pre-eminent vehicle through which the public participates in the political process. This is especially true in Pakistan where ideologically driven politics is taking its last breaths, political parties disintegrating, political activities around popular issues diminishing and a new civil-military relationship is arising from the ashes of political morass. Times are gone when political parties would mobilise people to the streets on the issues of "roti, kapra aur makaan", though the issues are as compelling as decades ago. The political participation by people now is more benefiting to the architects of new civil-military configuration, than the masses themselves. The anti-American politics drummed up by the right wing on issues of importance to the United States is the case in point.

Undoubtedly, the quality of public participation in a political process is an important determinant of the quality of democracy. But when media is not playing its role whether due to controls of the state on the free expression and flow of information or due to its commercial interests, it only adds to the ignorance of people, their isolation and their de-politicisation, allowing a small elite to

easily capture and maintain control over decision-making process on vital political affairs.

In modern societies, the role of media as a watchdog is an ongoing feature, which helps people form their opinion. This opinion leads to their choice in elections, which create democratic institutions. But various forms of media assume added information in the process of the conduct of elections itself in any country as they help people make informed choices. In fact, it is near to impossible to hold free and fair elections in the absence of a vigorous and independent role of media, whether print and electronic. At the same time, recent social research establishes clear links between free media and free elections i.e. an independent media is an important indicator of free and transparent conduct of elections with voters using their right to adult franchise with adequate information regarding the candidate and political parties they choose to vote for. Therefore, the role of media is multi-pronged. It is not only important as a watchdog on the government that holds an election but also as the source of information for people about candidates and political parties in light of their vision, programmes and manifestos.

### **1.2. The need for a report on the role of media in elections:**

Like media plays its role in ensuring people's political participation by evoking feelings of anger and sympathy, it also plays a more specific part in enabling full public participation in elections, not only by keeping a check on the election conduct, but also by educating voters on how to exercise their democratic rights by reporting on the development of the election campaign; by providing a platform to the political parties to communicate their message to the electorate, by allowing the parties to debate with each other, and by reporting results and monitoring vote counting.

It is because of these functions which media performs that election observation teams now comment upon media access and coverage of elections as a criterion for commenting upon the fairness of elections and the process adopted. But at the same time

it is also important to analyse the coverage of media, whether public or private, during the election process to discover whether it was fair and balanced with regard to various contestants of elections. Only a fair and unbiased media can inform people in a way that they can make informed and independent choices.

How did Pakistani media cover the 2002 general elections and whether its coverage was fair was one question that needs to be probed, as it is directly linked to the rights of people and media itself – people have the right to know to make informed choice, election candidates have the right forum to put their policies, and media has the right to report and express their views on matters of public interest.

To comment on how media asserted its right to express and helped people in achieving their right to know is not easy, especially against the backdrop of a string of laws that are dubbed by Pakistani media organisations as repressive and against the spirit of the free press. At the same time, the absence of a law on the freedom of information makes things more complicated, though there is a disputed freedom of information ordinance in place now.

**1.3 Methodology and resources used:** It was against this backdrop of a web of complex issues that PATTAN decided to look at the role the media played in the Election 2002. The task was extensive and intimidating, considering the bulk of publications of different periodicities. Various research methodologies were considered with a view to make the study more reflective of the media coverage. After much deliberation, five leading newspapers in English and Urdu languages published simultaneously in more than one city were selected to get a representative analysis of the election coverage, editorial line and opinion regarding the election.

The five newspapers were thoroughly scanned from a period starting from August 1, 2002 to December 31, 2002, covering the three phases of election:

1. Pre-election phase starting from the announcement of the election schedule to the election day.
2. The conduct of election.
3. The formation of government and the vote of confidence by the newly elected prime minister on December 31, 2002.

The English language newspapers that were analysed included: Dawn, which is published from Islamabad and Karachi; The News, published from Islamabad/Rawalpindi, Lahore and Karachi; and The Nation, published from Islamabad and Lahore. The Urdu-language newspapers included: Jang, published from Rawalpindi, Lahore, Karachi, Multan and Quetta; and Nawa-i-Waqt, published from Islamabad, Karachi, Lahore and Multan. The five newspapers, according to their circulation audit, cover more than 70 per cent of the readership in the country.

While the scanning of newspapers was a difficult proposition and a daunting task in the absence of an established research methodology for a qualitative assessment, PATTAN decided to adopt the approach of comprehensiveness i.e. the entire bulk of material published during the given period that had any link with the election was scanned for their contents, sources and message. The news stories were analysed against their portrayal and placement, while editorial comments were looked into with a view to establishing fairness, balance and accuracy. The opinion columns were thoroughly read to view whether the papers allowed various points of views before and after elections or propagated a particular line. Utmost effort has been made to keep the analysis objective, but the element of subjectivity cannot totally be eliminated in such qualitative studies.

It was also necessary to look at the role of the electronic media in various stages of the elections in view of its growing role. The findings of the Liberal Forum on how the state-run Pakistan Television covered the elections are being included as part of this report. For the Pakistan Broadcasting Corporation, a random

scanning of its current affairs programmes and news was done to form an opinion. At the same time, a comment, basing on interviews of viewers, on the new television channels in the private sector that are mushrooming has been included.

However, any comment on the qualitative aspects of the media performance cannot be made without taking into consideration a whole gamut of issues – the structure of media and its ownership, the state controls and regulations, the capacity of media of holistically covering all aspects of the massive electoral process, the level of professionalism, the sources of information on which the media depends and their authenticity, and the public credibility of media. All these factors need to be understood before any comment on the fairness of media coverage of elections.

## **2. Media in Pakistan**

Besides other factors, the ownership of media is one of the important determinants of its independence. Some mass communication researchers see media ownership as a simple reflection of political conditions – dictatorships or authoritarian regimes and pervasive states control the media directly, while democracies allow pluralism of ownership. In Pakistan, the media ownership is divided between the public and private sectors, but the state control on media is strong. This may itself be a sign of the fact that the country is limping towards a truly democratic polity where the state is not intimidated by popular views.

Television and radio being the most popular media are totally under the state control through ownership, while the print media is owned by the private sector. It was only in mid-1990s that the government allowed radio stations in the private sector but under its watchful eyes, not allowing them to air news or current affairs programmes. This essentially excluded vital issues that impact people's opinion from their domain. As far as private television channels are concerned, the government is still dragging its feet on issuing licenses to them, though it has formed the Pakistan

Electronic Media Regulatory Authority (PEMRA) to regulate and develop broadcast media in the country.

The state's fear of electronic media in private sector also shows its continuing reliance on the policy of keeping people uninformed to effectively rule them. But this essentially becomes an anti-thesis of a vigorous representative and participatory democracy, where informed public opinion is major influence in the decision-making.

It is an established fact that the government control over media through ownership, regulation and overt or covert funding poses serious problem of the information blockade to people. The state-run media outlets serve as the propaganda machines for the government that ignore the core issues and try to focus public attention to the peripheral issues to set an officially determined political agenda. There is nothing wrong for any government to publicise its achievements or even exaggerate them, but the problem arises when the state blocks or disallow other privately-owned media outlets from airing a balanced view through a variety of official and unofficial checks, notwithstanding a series of repressive laws which only serve to block independent information from reaching people.

**2.1 Government-owned media:** The government runs Pakistan Television Corporation (PTV) and Pakistan Broadcasting Corporation (PBC), both covering the widest audiences in a country where illiteracy is rampant. The government statistics claim around 95 per cent population coverage by PBC and 88 per cent by PTV. The Rebroadcast Centres, extending TV signals to remote areas, are 43 for PTV-1, 29 for PTV-2 and 13 for PTV-3. The government is now extending the TV signals by setting up Rebroadcast Centres, two in rural Sindh at Umerkot and Mithi, two in Balochistan at Wadh and Chaghi and four in NWFP. Apart from this, setting up of a TV Centre and 11 Rebroadcast Centres in AJ&K has also been approved through which AJ&K will not only be on PTV's network, but will also be having the facilities of

production and telecast of programmes in local languages according to the need of the time.

PTV is a public limited company with an authorized capital of Rs. 2 billion. The government holds entire paid up share capital of Rs. 1.778413 billion. The government appoints its Board of Directors, which manages its affairs. The Managing Director of the Corporation, also appointed by the government and approved by the Board of Directors, is the administrative and executive head of the Corporation.

Similarly, the government funds functioning of the PBC and appoints its director general and other employees. The government pays up to 80 per cent of the PBC expenditure and the rest comes from revenues.

Although being run by public money, both are, however, more of a mouthpiece for the sitting government, whether civil or military. Protecting and disseminating the strategic priorities of the state and short-term objectives of the sitting government are part of their mandates. In its own words, the PTV says: "In fulfilment of its broad and main objectives, PTV's telecast policy, concerning various matters of national and international interests, has always been motivated and guided by the cardinal principles of educating viewers about the values that are vitally important in building a united, integrated and disciplined society in light of the Islamic injunctions. These objectives have successfully been achieved through a variety of programmes on religion, education, entertainment and culture, etc.

"Pakistan Television News informs its viewers across the country on the latest newsworthy happenings on the national and international levels...PTV News has been making continuous efforts to project right of self-determination of the people of occupied Kashmir and countering Indian propaganda about the fate of our Kashmiri brethren. PTV visualized the brutalities of Indian forces on the oppressed people of Kashmir. PTV telecasts the voice cast interviews of Kashmiri leaders, across the Line of

Control to project inhuman treatment given to the Muslims in the Indian held Kashmir. PTV News has its permanent news bureau at Muzaffarabad, Azad Kashmir, to cover various events including visiting foreign journalists and foreign delegations that witness the plight of Kashmiri refugees who were forced to leave their home. Like international networks, PTV news also sent its camera team to Afghanistan to cover the fighting between different groups and plight of the common man there.”

For PBC, the government says in its Economic Survey, “Radio is playing a significant role in promoting Islamic ideology and national unity, based on the principles of freedom, equality, tolerance, social justice and democracy. Pakistan Broadcasting Corporation is most important and powerful medium for promoting national integration, projecting government policies at home and abroad, providing information, education and entertainment to the people through its programmes.”

The PBC launched its News & Current Affairs Channel in 2001 that radiates seven hours daily transmission based on discussions, talks, analysis and panel discussion on facilities.

The government also owns and operate the country’s largest news agency, Associated Press of Pakistan (APP), which was taken over by the state in 1960 from a private trust. Its only competitor till the 1990s was the Pakistan Press International, which was until recently partially funded by the Federal Ministry of Information. The past decade saw some more news agencies in the private sector coming up, most prominently the News Network International and Online, with the former being funded by the Ministry of Information until a couple of years ago. The funding was named as subsidy, but this had a price in shape of support to the government on important political issues and at times disinformation against its political opponents. These news services, particularly the APP, are one of the most important sources of information for print publications in the private sector.

**2.2. Private Broadcasting:** It is a relatively new phenomenon in Pakistan. The Benazir Bhutto government had first allowed private radio channels in the mid-1990s. However, the permission was exclusive to private parties that were close to the government. Moreover, a couple of radio channels that started were only entertainment based, as they were not allowed to enter the domain of information that the government wanted to retain. Later, the PBC subcontracted its FM-101 channel to private parties, but again disallowing any discourse on real political issues and news. Presently, the channel is operating from Islamabad, Lahore, Karachi and Faisalabad. Four more FM-101 stations are due to be launched shortly from Quetta, Hyderabad, Sialkot and Peshawar.

Private television channels, however, remained a dream till the establishment of PEMRA on March 1, 2002 under an ordinance. However, after the passage of one year, the government is still procrastinating on issuing licenses to the private parties. PEMRA says it has initiated the process of inviting applications from Pakistani companies interested in establishing Satellite Television Broadcast Stations in Pakistan, but does not say when these will be granted.

There are four Pakistani television channels – ARY, Indus Vision, Uni Plus and GEO – that are reaching people through cable are operating from outside the country. However, they are still not on the approved list of channels to be broadcast by cable operators, which are also regulated by PEMRA.

The ordinance, under which PEMRA has been established, also contains some provisions under which the authority may refuse licenses to parties that are in the print media or running advertising agencies to discourage media monopolies. This raises fears that the government may only issue licenses to parties that swear their allegiance to the government policy on what people should know.

The cable television was introduced in the country in the year 2000 under license from the Pakistan Telecommunication

Authority (PTA). But their regulation was transferred to PEMRA in May 2002. As many as 922 cable TV operators are registered with PEMRA, which are allowed to broadcast 49 cable channels including 10 news channels – all foreign. These include BBC, CNN, Euro News, Al-Jazeera, World Net, Sky News, DW News, Bloomberg and Saudi Channel 1 and 2.

PEMRA has also issued licenses for 22 FM radio stations through open bidding. These licenses were issued to private parties for operations in Bahawalpur, Chagla Gali, Faisalabad, Gawadar, Gujrat, Hub Chowki, Islamabad, Karachi, Multan, Muridke, Peshawar, Sarai Naurang, Sialkot, Sukkur and Vehari. These new FM channels have been given permission to air news and current affairs programmes but subject to a censor code.

**2.3. Print Media:** The history of Pakistani press is knitted with the history of politics of the British-ruled subcontinent. Historical evidence suggests that the earliest of the locally owned newspapers appeared in the subcontinent as far back as 1820s. In fact, the Indian newspapers were harbingers of change and truly provided a public sphere identifying themselves with the people rather than the rulers.

The print media in Pakistan still shows the greatest diversity in both ownership and content. It includes daily to weekly newspapers, from news magazines to a range of special interest publications. According to the government figures, in 1999, there were a total of 1,485 periodicals registered with it: 268 dailies, 415 weeklies, 136 fortnightlies, 564 monthlies, 52 quarterlies and 50 bi-annuals. Out of these, 1,196 were in Urdu language, 170 in English, 82 in Sindhi, 23 in Pushto, five in Punjabi, three each in Balochi and Gujrati and one in Saraiki.

From 1947 onwards the media ownership was completely in the private hands until 1959 when the martial law government of the day took over the progressive Pakistan Times and converted it into its official mouthpiece under the National Press Trust (NPT). Over the next 30 years, the Trust annexed and ran four dailies at

the cost of their credibility and readership. In 1996, when the government decided to privatise Pakistan Times and Mashriq, its two other dailies – Imroze and Morning News – had already closed down.

Presently, the print media readership is largely divided among three publication houses. Jang Group of Newspapers, Nawa-i-Waqt Limited and the Herald Publications Limited own half of the country's top 20 local editions. These are either individual proprietorship, joint stock companies or trust-owned. Whatever their legal ownership is, the print media is more or less under the control of three families – the Mirs of Jang, Nizamis of Nawa-i-Waqt and Haroons of Dawn. The three families have interlocking business interests – Mirs own real estate, Nizamis own trading companies and Haroons own an oil company. Members of the three families hold executive titles in their papers and at times influence day-to-day running of the publications. However, such micro interventions are less common in Herald Publications and the office of the editor apparently enjoys the authority in editorial affairs it deserves.

The past decade has also seen the commercial sector making its debt in media business, most prominently the Lakhani of Lakson Group of Companies starting their Urdu and English-language dailies – Express and Business Today. The later was suspended in November 2001. At the same time, some Urdu dailies mushroomed and made a mark, including Khabrain, Pakistan, Ausaf, Kainaat, Sahafat, Naya Akhbar, Din, etc. However, in most cases the publishers assumed the offices of the editors, blurring the line of editorial and commercial interests.

In the words of Prof Eqbal Ahmed, “This practice is frowned upon in democratic countries because it exposes...the editorial policies of a newspaper to the exigencies of the publisher's business and political interests. Separation of publisher and editor's powers serves to cushion against pressures to conform to the interests of power and money. As long as this practice

prevails, Pakistani newspapers shall lack a major attribute of editorial autonomy.”

**2.4. Political Party Media:** Amid print media monopolies and state controls on the electronic media, political parties appear to be least interested in developing alternative channels of communication with people by the use of mass media. Most of them rely on press releases issued in the name of various party leaders from time to time by their media centres. These press releases are sent directly to larger newspapers and fed to small regional press through the news agencies.

According to a survey conducted by the Liberal Forum Pakistan, 15 out of 25 parties surveyed in 2002 claimed to have their own media products like newspapers, magazines, newsletters or a website. Nine claimed that they have separate media centres. Website appeared to be a favourite medium of communication with political parties, with 11 out of 25 claiming to have website while three said their websites are under construction. Internet, although free from official controls and its use growing, is still not a popular medium in a country where only 49 per cent people are literate and the digital have-nots far surpass the digital haves.

Only Pakistan Peoples Party and the Pakistan Muslim League (Functional) said that they are running newspapers, though their circulation and readership could not be confirmed. Eight political parties are publishing either a newsletter or a magazine.

But generally the political parties rely on the mainstream print and electronic media for communicating with masses. Their coverage and portrayal depend on the kind of ties they develop with journalists. Many political parties pay journalists and staff on news desks to ensure that their media releases are carried. In many cases, political leaders’ personal ties with journalists ensure their coverage and projection in newspapers. It will be a fair comment that the political parties’ communication with people is through a fragile bridge that stays up on personal contacts,

references and paid retainers, rather than on organised on sound and sustainable footing.

**2.5. Internet:** The Internet, or new media as it is called, however, is new for most people in Pakistan. The per capita Internet prevalence, however, is growing. The Internet usage is growing at more than 50 per cent per annum and has progressed from 0.011 million users in 1998 to 1.7 million in the year 2001-02. Some studies conducted on how the Internet is used show that most people use it for entertainment and chatting.

Internet use in Pakistan is not matching up to the growth rates in the region. Internet subscription is related with the number of PCs. Internet users are increasing with increase in the number of computers. Another important variable affecting the spread of Internet is tele-density, a tool for gauging penetration rate of basic telephony.

Pakistan has just 2.34 per cent tele-density, which is low as compared to other regional countries. Sri Lanka is having tele-density equal to 2.84 per cent, China has 8.62 per cent and Malaysia has 20 per cent penetration rate in the region. Pakistan is targeting to have it 5.6 per cent by 2003.

Another snag in the expansion of Internet services is inadequate basic telecom infrastructure to meet the demand for telephone. According to the Pakistan Telecommunication Company Limited (PTCL), 3.12 million people have telephones. On the other hand, telephone exchanges are also not digitalized completely, which is a necessary condition for the Internet connection.

According to SDNP, in urban areas and major cities, 70 per cent males are Internet users while 30 per cent are females. In small cities and rural areas, 90 per cent are males and 10 per cent females, though the number of users in rural areas is very small. As many as 80 per cent of total users belong to higher income groups, while most of the users in cyber cafes belong to the low-

income group in urban areas. For rural areas, this percentage is as high as 95.

The age-wise break up of users show that almost 30 per cent of users are between the ages of 12 and 18 years; 40 per cent are between the ages of 18 and 35 years, 25 per cent between the ages of 35 and 55 years and only five per cent are above 55 years.

### **3. Media laws in Pakistan**

The three years of military rule since 1999 had been punctuated by official claims that the press was free and independent. No doubt the military regime was more tolerant to criticism than many of the earlier dictatorial rules and even democratic governments. There apparently was no pressure on particularly the print media that attacked the military regime whether it was conduct of the referendum, its economic policy, its cosyng up with the United States in the aftermath of 9/11, etc. but the decades of government's interference in editorial affairs has already harmed the press to act in favour of honest and balanced reporting and analysis.

Whether it is the commercial interest of owner-editor or more than a dozen laws that repress the flow of information to people, the press in Pakistan is not free. This deprives people of their inherent right to know and express under Article 19 of the Universal Declaration on Human Rights and Article 19 of the 1973 Constitution (which, however, is marred by ifs and buts).

Press in Pakistan is still subject to official controls, which could be used as and when a journalist or a newspapers fall out of line. Criticism, for example, on more topical issues is acceptable, but repudiated by force when strategic issues come under attack. Incidents of thrashing of journalists and threats of physical harm only discourage professionalism. At the same time, the lure of official advertisement proceeds is always another covert way the governments have been able to control the press freedom.

Amid its claims of freeing the press, the military government towards the tail end of its regime introduced some of the most controversial press laws, only strait-jacketing the press further. When the journalist community stood in protest, it promulgated a half-baked ordinance on the much-needed freedom of information but that only legitimised state control over information.

**3.1 The Freedom of Information Ordinance:** It fails to guarantee the right of citizens to access information held by public bodies or to meet international standards in this area, which are designed to promote transparent, accountable government, according to an analysis by Article 19, an international organisation campaigning for people's right to information. It says that the ordinance defines public records narrowly and then provides for an extensive regime of exclusions and exemptions.

The Freedom of Information Ordinance 2002 contains some positive features, such as a 21-day timeframe for the release of information and the inclusion of courts and tribunals among those required to disclose information. However, large amounts of information are not subject to disclosure under the Ordinance, largely undermining the public's right to know. Instead of application to all records held by the public bodies, the Ordinance provides a restrictive list of public records subject to disclosure.

Equally serious is the long list of complete exclusions and exemptions provided for in the law, which include all file noting, all previously classified documents and any document relating to defence. Furthermore, the federal government has power to exclude even documents which are covered if to do so would serve the "public interest." Other problems with the Ordinance are its failure to require public bodies to preserve records adequately and the very limited positive obligation to publish key information.

**3.2. The Press Council Ordinance:** Earlier, the government introduced the Press Council Ordinance whose purpose is to maintain the professional standards of all journalists, to help

maintain the independence of the media and to monitor and review national developments that might impact on the free flow of information. The Ordinance includes a complaints mechanism, allowing members of the public to submit to the Council complaints regarding an Ethical Code of Practice, which is set out in a Schedule to the Press Council Ordinance. The Council also has jurisdiction to hear complaints lodged by the media against the government authorities who restrict the free flow of information.

The purpose of the Ethical Code of Practice, as stated in the preamble, is to allow the press to function “in accordance with the canons of decency, principles of professional conduct and precepts of freedom and responsibility, to serve the public interest by ensuring an unobstructed flow of news and views to the people envisaging that honesty, accuracy, objectivity and fairness shall be the guidelines for the press while serving the public interest.” Its 17 sections deal with issues such as morality, plagiarism, fairness and accuracy, privacy, sensationalism, confidentiality and privilege.

The Press Council will supervise implementation of the Code. Section 3 of the Ordinance states: “There shall be established a Council by the name of the Press Council of Pakistan to implement the Ethical Code of Practice ... and to perform such other functions as are assigned to it under this Ordinance or the rules and regulations made thereunder.”

The Council will be an “independent” corporate entity, with its own staff, secretariat and budget. It will be financed through an annual governmental grant-in-aid as well as other grants and donations and such fees as it may levy from registered newspapers and news agencies.

But the fact remains that it is a statutory council that will be superimposed on media. The democratic countries have rarely such statutory structures to regulate the print media. In fact, such laws are only meant to legitimise the state controls over the press

under the charade of giving representation to press representatives on such bodies. The fears of cooption thus look genuine, considering the way the ownership of media is structured.

What is more worrying is the code of conduct for the print media that is prescribed by the Press Council Ordinance. A number of its provisions are excessively vague and open to abuse, while others contain moral obligations that cannot be enforced by law. For example, several provisions require the press to ‘strive’ to achieve certain standards, such as to disseminate accurate information. While this is an important aspiration for all media, law cannot enforce it – the requirement that the press should ‘strive’ is incapable of sufficiently precise interpretation. This is most apparent in Section 1, which requires the press to ‘strive to uphold standards of morality.’ The concept of ‘morality’ in itself is vague and open to different interpretations; coupled with the requirement that the press should ‘strive to uphold’ it the provision becomes incapable of precise interpretation and is open to abuse on political or other grounds. Other provisions are similarly vaguely worded, requiring the press to ‘avoid’ biased reporting or sensationalism or violence, for example, or to rectify ‘harmful inaccuracies.’ The prohibition on ‘biased reporting’ is also problematic in itself to the extent that it may be interpreted as banning reporting that is critical of the government.

Other provisions contain restrictions that are in themselves illegitimate. For example, Section 9 states that “[t]he press shall avoid printing ... any material which may bring into contempt Pakistan or its people.” This is not an appropriate restriction on media reporting, even of an ethical nature, and is open to abuse on political grounds. As such, it will have a chilling effect on legitimate and even important public debate in Pakistan, for example concerning the position of the government. Section 4 is also illegitimate, posing privacy as an absolute right by stating that the press “shall do nothing which is tantamount to an intrusion into private, family life and home.” This would restrict investigative reporting, for example, where a reporter is using undercover techniques to research allegations of corruption.

Section 6 provides yet another example, requiring the media only to disseminate information that is “true and accurate.” This is far too stark a prohibition to be included in a legally binding code. Journalists, like everyone else, are fallible and some scope must be left for honest mistakes.

It is now well established that anybody with regulatory powers over the media must be independent and protected against government or economic interference. Although the Ordinance does imply that the Council is to be independent of the government – indeed, one of its stated functions is to act as a ‘shield to freedom of the press’ in complaints against the government bodies – it fails adequately to guarantee the independence of the Council or of its members. The Ordinance does not contain a specific guarantee that the Council members should be free to carry out their work without economic or political interference. In other countries, the legislation establishing broadcast regulators, which similarly need to be protected against interference, often has such a specific guarantee.

Furthermore, the fact that the chair of the Council will be appointed by the President and another four members are to be appointed by Governors of the Provinces clearly taints its independence. With the quorum set at nine, this means that government-appointed members could dominate proceedings, including by censoring newspapers without the approval of independent members. That this is problematic is self-evident, particularly in cases where a complaint is brought against a newspaper because it has published reports that are critical of the government, or in cases brought by newspapers against the government.

Finally, the Council is dependent on a government grant-in-aid for funding, a mechanism which is not protected against interference. It would be preferable, for example, if funding were voted by the Parliament.

The penalty provisions of the Ordinance are also problematical. Section 15 states: "Whoever publishes or circulates any matter in contravention of the Ethical Code of Practice or directions of the Commission or Council may ... recommend to the competent authority to suspend the publication." Furthermore, this provision allows for both the complaints mechanism and the ex-officio censoring mechanism provided by Section 19 to be bypassed completely, so that the due process guarantees these procedures can be ignored. Only the courts should impose serious sanctions after a full hearing on the merits.

**3.3. The Registration Ordinance:** It was also part of the set of press laws that the military government enacted. This ordinance requires all books, pamphlets and single-sheet publications as well as all news agencies, newspapers and periodicals to register with the local or provincial authorities. Additionally, all books and newspapers must bear publication data, all printing presses have to be registered and free copies of all publications must be delivered to the authorities. Failure to register or to provide correct details is punishable with a monetary fine as well as imprisonment (up to six months).

In addition to registration as an entity, newspapers are also required to register an individual as 'Page-in-charge' who will, 'in the supervision and superintendence of editor be responsible for checking the contents of the pages and ensure due satisfaction of the material sent to the printer and publisher for publication.'

Under Part III of the Ordinance, all publishers are under an obligation to deliver copies of their publications to the central authorities. One copy of every book printed is to be delivered to the local Information Department, which the government may dispose of from time to time. Under Section 24, newspapers are similarly required to lodge copies of every edition with the provincial authorities. From the information provided, the government will compile a central register of all books and newspapers published or printed in the country. Failure to register

or to deliver copies of publication to the authorities is punishable by a fine or imprisonment of up to six months.

Section 11 the Ordinance restricts foreign ownership of the print media to no more than 25 per cent of the total proprietary interest and Section 7 restricts all ownership, publishing, printing and editing of newspapers to individuals aged 18 years and over.

Under international law, it is well established that any licensing system for the print media, which involves the possibility of being refused a license except on purely technical grounds, is illegitimate. Unlike for broadcasting, where limited frequency availability justifies licensing, there is no practical rationale for licensing requirements for the print media. Furthermore, licensing of the print media cannot be justified as a legitimate restriction on freedom of expression since it significantly fetters the free flow of information and does not pursue any legitimate aim or social goal. However, registration of the print media is unnecessary and may be abused, and, as a result, is not required in most established democracies.

**3.4. The Defamation Ordinance:** The most draconian of all the press-related laws is the Defamation Ordinance. The ordinance revises the law of defamation in Pakistan. It applies to defamatory publications published orally or by print, broadcast or Internet media, and defines ‘defamation’ as “[a]ny wrongful act or publication or circulation of a false statement or representation made orally or in written or visual form which injures the reputation of a person, tends to lower him in the estimation of others or tends to reduce him to ridicule, unjust criticism, dislike, contempt or hatred.”

A number of defences are provided. Under Section 5, it is a defence if the person can show that he or she was not the author, editor, publisher or printer of the statement, the matter commented on was in the public interest and was published in good faith, the statement was based on truth and made for public good, the plaintiff gave its assent for the publication, the author offered to

publish a proper apology, contradiction or denial but was refused by the plaintiff or the matter complained of was privileged, either absolute or qualified.

Section 4 states that “[t]he publication of defamatory matter is an actionable wrong without proof of special damage to the person defamed and where defamation is proved, damage shall be presumed.” In terms of remedies, Section 9 provides that compensatory damages may be ordered with a minimum of Rs. 50,000 (around US\$900) or three-month imprisonment in addition to any special damage that has been incurred by the plaintiff. The court may also order an apology to be made and published.

Section 10 preserves all existing criminal defamation laws, stating that “[n]othing in this Ordinance shall prejudice any action for criminal libel or slander under any law for the time being in force.”

The wide scope of the ordinance raises fears of its misuse. In many countries, criminal defamation laws are abused by the powerful to limit criticism and to stifle public debate. The threat of harsh criminal sanctions, especially imprisonment, exerts a profound chilling effect on freedom of expression. Such sanctions clearly cannot be justified, particularly in light of the adequacy of non-criminal sanctions in redressing any harm to individual’s reputation. There is always the potential for abuse of criminal defamation laws, even in countries where in general they are applied in a moderate fashion. For these reasons, we are concerned that the current Ordinance expressly preserves criminal libel laws in Pakistan and we urge the Pakistan government to repeal all remaining criminal defamation laws.

Many rights groups nationally and worldwide in fact demanded that criminal defamation law should be repealed and replaced with appropriate civil defamation laws. They also demanded that the proof of truth should be a complete defence in a defamation action, and it should not be necessary, in addition, to prove the statements were made for the public good. They also demanded

that no custodial sentence should be able to be imposed for defamation, and public bodies should be prohibited from bringing defamation actions, and public officials should not be able to recover damages for defamatory statements related to their public functions.

**3.5. Media regulations for election coverage:** Interestingly, Pakistan has no specific regulations for the print media for coverage of elections. The Election Commission of Pakistan only issued a code of conduct for the Pakistan Television Corporation and Pakistan Broadcasting Corporation. This Code said:

AND WHEREAS it is expedient to formulate a Code of Conduct for electronic media i.e. Pakistan Television and Pakistan Broadcasting Corporation to ensure that the coverage on television relating to election related activities is fair, unbiased and balanced in respect of any particular political party, candidate or a leader to enable the Election Commission to ensure that the election is conducted honestly, justly, fairly and in accordance with law and that discrimination against any political party, leader or a candidate is guarded against. Complete justice in any matter pending before it and in order for the purpose of securing the attendance of any person of the discovery or production of any document and that any such direction or order shall be enforceable throughout Pakistan and shall be executed as if it had been issued by the High Court.

THEREFORE, in pursuance of the provisions of Article 218(3) of the Constitution of the Islamic Republic of Pakistan, 1973 read with Article 6 of the Election Commission Order, 2002, and in exercise of all other powers enabling it in that behalf, the Election Commission of Pakistan is pleased to formulate the following Code of Conduct for the Electronic Media i.e. Pakistan Television Corporation and Pakistan Broadcasting Corporation.

The coverage on the electronic media should be fair, balanced and unbiased in favour of any political party a candidate or a leader in respect of the following:

- Campaigning and excerpts from campaign.
- Symbols, banners, flags and other campaign material of parties.
- Results of opinion polls by non-political, professional organisations with a proven track record.
- Party manifestos (critical analysis of which is also perfectly legitimate).
- Candidates and their views in different constituencies across the country.
- Debates between major parties and candidates.
- Analysis of previous voting patron, victory, margins, etc.
- There should be no coverage of any election operations or other material that incites violence.
- In any constituency, one candidate alone should not be projected. While it is not necessary to cover every single candidate (as some constituencies may have several candidates) at least the more important should be covered in any report from a constituency.
- No one political party should be given substantially more coverage than others. This balance needs not be achieved in any single day or in a single story, but over a reasonable period of time, say one week.
- Balance does not mean each party must get exactly the same airtime to the last second, but parties should be given broadly the same amount of time.
- Balance implies that to no reasonable person should appear that one political party is being projected to the exclusion of others.

#### **4. Where do people get their information?**

Media is the most important vehicle of information for people in contemporary societies. This is true despite the fact that not all people get their information directly from print or electronic media. Pakistan is just no exception. The role of media assumes more and more importance in large and complex societies, where public participation in political processes is limited largely due to weak political structures, occasional expressions of opinions and protests in public spheres and rare selection of representatives. Whether rural or urban, the role of media in shaping people's opinion about issues is pivotal.

Various studies conducted so far suggest that more people in the country get their information through electronic media as compared to the print media. This could essentially be due to illiteracy, whose rates are one of the highest in the region, and greater area coverage of electronic media to the rural areas, where more than 65 per cent of the population resides. More people have the access to the state-run electronic media as compared to the more recent private television channels that are brought to people's homes in only urban and semi-urban areas through cable operators. The direct access to satellite dishes is confined to richer segments in rural societies.

While people in urban and semi-urban areas have diverse sources of information ranging from print and electronic to Internet media, people in rural areas more or less depend on the state-run electronic media – PTV Network channels and Radio Pakistan. According to official statistics, the PTV-1 covers 38 per cent of the area and 87 of the population, PTV World covers 30 per cent of the area and 75 per cent of the population and the News Channel covers eight per cent of the area and 40 per cent of the population. The estimated television population in the country is around four million, but that may be more if all the unlicensed television sets are also included.

Similarly, Pakistan Statistical Handbook 2000 says that the PBC broadcasts 159,145 hours of transmission through its network of 23 radio stations all over the country – Karachi, Lahore,

Peshawar, Rawalpindi, Islamabad, Hyderabad, Multan, Quetta, Bahawalpur, Dera Ismail Khan, Khairpur, Faisalabad, Skardu, Turbat, Gilgit, Khuzdar, Abbottabad, Sibi, Chitral, Larkana, Loralai and Zhob. Through this massive network, the PBC could reach people in Urdu, English and local languages.

According to a study conducted by Gallup Pakistan on rural lifestyles, the rural Pakistanis are distinctly divided among those who have electricity and others who have not. Almost two thirds of the rural households have now been provided electricity but the remaining one third are still without access to this crucial service of modern life. This study also explored media habits of the rural homes, which have electricity and which have not. Television viewership is nearly 60 per cent in homes with electricity but it is restricted to only 24 per cent of homes without electricity, who for obvious reasons have to go to a public place or another home having electricity for watching TV. Newspaper readership among homes without electricity is less than half of the homes with electricity. Even radio listener-ship is lower among the homes without electricity.

PTV's Khabarnama is the most watched programme as established by various surveys conducted by media research organisations in the country. The latest survey conducted by Mind Share, a media planning, publicity and placement organisation, finds the highest rating for PTV-1, followed by PTV World, Channel 3, GEO, ARY and Indus Vision, in that order.

#### **Rating comparison of Time Slots**

<b>Time Slot</b>	<b>PTV-</b>	<b>PTV- World</b>	<b>Channel-</b>	<b>ARY</b>	<b>Indus Vision</b>	<b>GEO</b>
18:10	10.6	5.7	3.3	0.3	0.1	2.4
19:20	22.5	11.3	3.7	0.7	0.1	2.9
	32.2	12.0	5.5	0.5	0.1	3.2
21:45	14.0	7.0	4.4	0.5	0.1	3.3

The circulation of the print media, on the other hand, is alarmingly low in a population of 140 million, but their readership is high as at times more than seven people read one copy of a newspaper. According to the statistics compiled by the government-run Audit Bureau of Circulation, the circulation of daily newspapers in various languages stood at 3.9 million in 1997. The circulation of monthlies, weeklies and bi-weeklies was 700,253, of fortnightlies 88,934, of monthlies 1,020,312, of quarterlies 16,003 and of bi-annuals 964.

	Urdu	English	Sindhi	Gujrati	Pushto	Balochi/Brohi	Saraiki/Punjabi	Arabic
Dailies	3017310	485073	351868	20249	30578	--	--	--
Weeklies/Bi-weeklies	580380	78494	37217	--	823	1665	--	--
Fortnightlies	65117	11615	12202	--	--	--	--	--
Monthlies	859470	97450	43632	--	1552	10263	5860	2085
Quarterlies	13691	1589	723	--	--	--	--	--
Bi-annuals	--	--	--	--	--	--	--	--
Annuals	--	964	--	--	--	--	--	--

However, the official figures and audit of circulation are always inflated as on it depends the official advertisement quota. The actual circulation is much lower than that officially declared. According to the study by Mind Share, there is a wide difference between the claimed and actual circulation of various newspapers.

But circulation is not the readership. Many studies have shown that in Pakistan one copy of a newspaper is read by more than one persons. According to Dawn's readership survey conducted in 1995, 19 per cent people responded that they are the only person to read their copy of Dawn at home, 34 per cent people said between two and four people read their copy of Dawn, 30 per cent said between five and seven people read their copy of Dawn, 11 per cent said more than seven people read their copy of Dawn and six per cent said no one read their copy of Dawn. The readership

trends are slightly different for workplaces, but establish that more than one person in most cases read one copy of the newspaper.

### **5. How Privately Owned Print Media Covered 2002 General Elections**

After the presidential referendum in April 2002 and a host of new laws and changes in the constitution under the Legal Framework Order, political parties slowly started preparing for another shift to democracy under a military rule, promising to hand down a “true democracy.” The first general elections of the 21st century were held under rules of the last century. The military government made very clear that the political parties have to play by its rules to join the election fray, insisting that the “corrupt” politicians have to be kept away from the power corridors.

The two former prime ministers – Benazir Bhutto and Nawaz Sharif – had to manoeuvre around the new laws to keep their parties in the run, themselves opting out but not before giving the military government nervous moments. The president and his administration had to issue statements with veiled or open threats that the banned persons would face jail if they decided to come to Pakistan to contest the election. The religious parties got their forces together to emerge as the Mutahidda Majlis-e-Amal.

It was the print media that coined the term of pre-poll rigging for the new laws and conditions under the Legal Framework Order and the Musharraf government’s explicit support for the newly formed Pakistan Muslim League (Quaid-i-Azam) brought in the lexicon. The heads of the local governments were also blamed for siding with the PML-Q, especially in the Punjab province. Having already criticised the use of these local leaders in the Musharraf’s referendum, the newspapers were equally critical of the role that was being expected of them in the October 2002 elections in favour of the PML-Q, which was given the title of the king’s party.

The leaders of Pakistan Peoples Party (PPP) and Pakistan Muslim League (Nawaz) understandably used the term “pre-poll rigging” massively because they were the most affected parties. The PPP also dragged in the European Union observer mission, which led to a major tussle between the mission and the Musharraf government. It remained a major pre- and post-election issue, getting extensive media coverage. The Musharraf government was annoyed with the EU for what it considered the mission was engaged in activities beyond its mandate. The government-EU tussle remained a front-page affair even long after the elections. Before the elections, a press leakage of an initial EU report blaming the government for patronising the PML-Q became a major fodder for headlines. The Musharraf government was livid with the EU mission. The newspapers were more or less neutral in the affair, with some English dailies calling upon the mission to put before people the criteria for conduct of fair elections.

Imran Khan, who supported President Pervez Musharraf’s referendum, changed completely when he saw the administration was siding with the Chaudhries of Gujrat. Khan led the charge against the Chaudhries. In early August the Pakistan Tehreek-i-Insaf (PTI) leaders had started protesting the government’s support for the PML-Q, saying the elections would be manipulated. PML-Q had to live with the king’s party tag, as the election process started and the print media in general used it for the party.

As PML-Q and the government did not make secret of their close contacts, the allegations of pre-poll rigging only gathered pace as the election neared. Nearly all newspapers scanned for this report massively covered the opposition-led allegations from all across the country. Ranging from charges of the use of government resources for PML-Q and National Alliance candidates to coercion and coxing of opposition candidates to join the king’s party, the print media was full of juicy stories to establish that some thing wrong was on.

Punjab Governor Lieutenant General (Retd) Khalid Maqbool met with the PML-Q leaders frequently and his statements left no doubt on whose side he was. He asked the public not to vote for those whose “masters” are outside the country, referring to PPP and PML-N. His statements always warned people against “repeating mistakes of the past.” The leaders of the opposition parties sent letters to the Election Commission and the EU, asking them to look into the charges of pre-poll rigging.

The government statements refuting the charges of pre-poll rigging were as frequent as the allegations themselves. The government also tried to be on the offensive, often terming those alleging pre-poll rigging as “early losers.”

However, what the print media did not do was to work proactively to discover the linkages between the government and the PML-Q or Establishment’s efforts to manipulate the election results by forcing PPP and PML-N or other opposition party leaders and workers to break away. The pre-poll rigging charges were generally published as allegations of the opposition parties, with newspapers trying to avoid ownership of the contents of these reports.

Election issues were more of promises, of changing people’s lives for better, of brining in revolutions and to get more and more space in the print media. It seemed that every political party was vying for coming up with new promises along with the old ones. However, the print media more or less appeared reactive in covering such claims and promises, and did not make any effort to analyse whether the parties had the capacity of honouring the promises they are making. At the same time, issues that are affecting people’s lives remained low on the list of priorities of media as it was inclined to cover the saleable stuff like pre-poll rigging.

If MMA promised to bring in Islamic system of governance, Benazir guaranteed “a new era” if voted to power and Imran Khan’s Pakistan Tehreek-e-Insaf said it would work for freeing

the nation from the “economic slavery.” Pakistan Muslim League (Nawaz) understandably vowed to bring back Nawaz Sharif and Shahbaz Sharif. Eradication of poverty was almost everyone’s “top priority.” This headline was repeated almost by every party and got the attention of the press.

If Pakistan Muslim League (Quaid-i-Azam), being the party of the military government, wished for “cohesion” between the government and the armed forces, PML-N repeatedly vowed to block military takeover. The parties also talked of restoring constitution, that is the original 1973 Constitution, which has become a cliché.

Saving judiciary from the influence of the government was also the aim of the parties, as promises were made for “education for all,” more jobs, a corruption-free society, more reforms, uprooting feudalism, more provincial autonomy and an egalitarian society. Of course, the Alliance for Restoration of Democracy (ARD) made it clear that it would undo the LFO once in power.

But how it would be done was missing from almost all the news items in which politicians dilated on their plans if they got the power. It was as if they were gushing out the same old words on impulse and the press has no alternative but to give them space.

The issue of terrorism, surprisingly, remained muted. Naturally MMA used the anti-US feeling, but how to tackle the question of terrorism with Pakistan at the centre of the controversy for both the right and wrong reasons was put on the back burner. MMA rejected the allegation of terrorism, but other leaders seldom touched it, especially PPP and main factions of the Pakistan Muslim League.

Smaller parties making big promises got good place on main pages of the Urdu and English newspapers. Tahirul Qadri, who won the only seat for his Pakistan Awami Tehreek (PAT), vowed to give poor “free houses.” Similarly, Imran Khan’s statement to

rid the country of the World Bank and the IMF got the right space.

MMA's promises, from ousting the foreign troops from Pakistan to making the governor and prime minister houses universities for women, were given extensive coverage. As in the past, election issues were all promises, vows, and that the parties are going to change the people's lives if they are voted to power.

Party manifestoes were conspicuous by their absence, as a major party like PPP made public its manifesto only 10 days before the October 10, 2002 elections. Almost all the parties came out with manifestoes before the deadline given by the Election Commission. No one heeded the election manifestoes, as they were not given the treatment the statements of party leaders got. The News published the PPP election manifesto story on inside pages even a day before it was officially released. Its official release, however, got the back page treatment.

If there was an election issue it was not people-oriented – if the two former prime ministers would come back and lead their parties despite the threat of the arrest. Nawaz Sharif, whose nomination papers were accepted, was obviously not interested in coming back. He scored a good political point when he decided to opt out of the election race in protest because Benazir's nomination papers were not accepted. Additionally, who could and who could not contest the polls under new conditions and laws also became a sort of an election issue for the print media.

Benazir Bhutto kept the military government on toes and the people in suspense about her expected comeback. It remained a hot topic for the print media till the day when Benazir Bhutto announced a new PPP identity to make it eligible for the elections. All in all, it remained an election where parties and leaders were more interested in saving themselves than to think for people. They had nothing new to offer or, at least, this was how the media covered it.

Parties like Awami National Party (ANP) suffered because they were discussing the issues like greater provincial autonomy but the people were shocked by the US-led attack on Afghanistan that disbanded the Taliban government. People listened to the anti-US speeches of the MMA and believed in them. Though ANP always opposed Pakistan's meddling in Afghanistan and the Taliban, the US-led attack made it an irrelevant party in NWFP.

Political parties and their leaders remained occupied with what ailed them. PPP fought for its exiled leader's return to Pakistan and a safe release of her spouse, languishing in jail for graft and murder for the last six years. Benazir targeted President Pervez Musharraf, saying he has got all the powers in his bag and any election without her would be nothing more than a farce.

Though laws to bar Benazir from coming back to the country and contesting the election were clear, the PPP leader did make an attempt and went to the judiciary. Her initial persistence at coming back to Pakistan and making no bones about becoming prime minister for the third time kept the Musharraf administration on toes. Benazir got the most coverage as she kept targeting the president, doubting the election process and giving suggestions like holding polls under judiciary or asking the "big powers" to monitor the elections.

The Pakistan Muslim League (Nawaz) was a spent force and was only interested in getting some members of the Sharif family to lead the party. It made clear that if voted to power, it would make constitutional arrangements to stop military takeovers, which was quite understandable. However, its election manifesto outlining changes in the Army Act to stop army chief from taking over, being the first suggestion of its kind, did not get the treatment it deserved. Only The News wrote an editorial, supporting the suggestion, though acknowledging the difficulties.

Imran Khan took on the powerful Chaudhries of Gujrat. Their tussle gave some colour to otherwise lacklustre election campaign. The two parties came out with vitriolic attacks on each

other. Imran Khan, who backed Musharraf's referendum, was shocked by the official patronage the PML-Q was receiving. He along with others started using the "pre-poll rigging" and the "king's party" to describe the relation between the Musharraf government and the PML-Q. The fear of postponement of elections at the eleventh hour also played on the politicians' minds.

The MMA, a new phenomenon, cashed only on the anti-US feelings in wake of the US-led attack on Afghanistan. The alliance was successful in getting media coverage, perhaps because the rise of MMA was in fact a vindication of military government's stand on the issue of extremism in Pakistan and that the impression it created of being the only viable force to keep extremist parties at bay. It is interesting that the MMA rally in Karachi on the eve of Musharraf's visit to UN to address the General Assembly got the main headline in most newspapers. The Nation did not carry the story, only the picture, suggesting that the event itself was not big enough.

The MMA decided to hold a train march despite the government ban on the public meetings. The march itself was lacklustre, but the MMA statements warning the government not to stop the procession got it the right publicity in the print media. In fact, the MMA's coverage itself is an indication of the kind of linkages it has been able to develop in the media.

The PML-Q, the party of the politicians whose government under Nawaz Sharif was folded in a military takeover, made clear that it had the support of the military government. It targeted Nawaz Sharif and Benazir Bhutto as corrupt and responsible for all the ills, while at the same time praising the government and promising to continue its reforms. But the party of leaders was not without problems. At the time of party elections, it faced embarrassment when Ijazul Haq, son of former military ruler Ziaul Haq, alleged rigging, left the PML-Q and came out with his own faction of the Pakistan Muslim League in the name of his late father.

Smaller parties like PAT were in the news because of their leaders. Tahirul Qadri made claims that nobody believed got place in the print almost everyday in the run up to the general elections. He said he did not need “palaces,” and he was not with the military government, and that he was only a humble servant of the people.

The Mutahidda Qaumi Movement (MQM) surprisingly remained in low key, perhaps it was assured of its seat from Karachi and Hyderabad. Amid anti-US feelings in NWFP, the nationalist ANP almost faced a complete blackout in the print media. It raised voice about greater provincial autonomy and against meddling of the army in civilian affairs, but on the whole it remained in the background.

The statements of politicians and the political parties did not go beyond their noses, save the promises for moon they made. The print media gave politicians and the political parties ample space, making their pages an arena for election fray.

Politicians’ statements did not carry any solid plans on any issues. Blaming the past and the others and promising a good future was a routine feature of almost every statement. It was unfortunate that the print media, despite calling PML-Q a king’s party, did not put in any work to expose its leaders, their past record, scandals they had been involved in, etc. At the same time, not much work was done on stories to inform people about other political parties, their structures, their programmes, their capacities and their ideologies. It was mostly a one-way communication between parties and the people.

Although opinion polls have, of late, become part of the election process in Pakistan, their veracity is seldom accepted, especially by political parties and their leaders and workers. Same was the case in the 2002 elections. Opinion polls were given space but they remained in the background. They got the space because they were relevant to the election process but failed to generate any

debate as none of the political parties and their leaders talked about them.

Print media as such used them as isolated news stories to fill in the pages. Not much was written on the basis of these polls, though they were indicative, to some extent, of people's perspective on issues and politics.

The government remained in the thick of the action and on the front pages as the election campaign started. Most of the time, the Musharraf government was issuing "clarifying" statements or "refuting baseless" allegations, but they all were getting front-page coverage, even to the charges that were published deep inside the newspapers. Each time Musharraf would call Benazir and Nawaz Sharif a looter, it would be front-page story, though the Defamation Law bars such claims.

The cliché of holding "free, fair and transparent" election was repeated every time a government statement was published. It was also surprising to see that how mechanically the words came out and how loyally they got space in the press. Every time President Musharraf said that the polls would be free, fair and transparent, his words were reported again and again.

The press gave priority to the government's statements targeting Benazir Bhutto and Nawaz Sharif – no matter who uttered the words, the president, the governor or the information minister.

If the government was ready for sparring with politicians, it had no idea that an observer mission – EU – would become one of its biggest headaches. From the president to the chief election commissioner, everyone had to defend the validity of the election process. The episode ran parallel to the whole internal fight over elections in the press. The government remained busy in issuing counter statements. However, newspapers did not ignore the military government. In fact, it daily got major share of the election coverage.

The Election Commission became big news with the appointment of Justice (Retd) Irshad Hasan Khan as its head. Retired as the chief justice of the Supreme Court, his appointment remained controversial. Irshad headed the Supreme Court bench that validated the military takeover of October 12, 1999 and gave Musharraf three years for rule and power to amend the constitution.

As the October 2002 elections were held under new laws and conditions, the Election Commission was constantly on the front pages. The chief election commissioner also liked to be in the news, as his much too often press talks frequented the print media. The rejection of nomination papers of various leaders, including Benazir Bhutto, also kept the Election Commission in the news.

Irshad Hasan Khan regularly met with the foreign observer missions and got publicity. The chief election commissioner also defended the election process against the allegations of pre-poll rigging, lapses, and patronisation. He repeatedly asked the EU observer mission to keep itself restrict to observing the election process and refrain from interfering in its duties.

Along with the Election Commission, the judiciary also got the highflying treatment in the press, as it had to deal with a plethora of suits by political parties. The press religiously covered various suits with politicians immediately going to courts after the Election Commission rejected their nomination papers on one pretext or other. Again it were Benazir Bhutto and Nawaz Sharif whose cases hogged the headlines. The Election Tribunals had to take the tough decisions like that of declaring Benazir Bhutto ineligible for the elections.

The Election Commission and the political parties extensively published advertisements. The Election Commission, apart from announcing deadlines for different stages of election processes, used advertisements for appeals to get the new entrants registered as voters, as the government lowered the voting age from 21 to 18

years. The Commission also ran a campaign to make people realise the importance of their vote.

Initially, the political parties used advertisements to invite applications for tickets and publicise their manifestoes but near the elections, the advertisement campaign turned into allegations.

The Millat Party, headed by former president and former PPP stalwart Farooq Leghari, used full-page advertisements against the two former prime ministers – Nawaz Sharif and Benazir Bhutto. It was something new in Pakistani politics and also in the press. The advertisements detailed the alleged corruption of the two former prime ministers, asking the nation to reject their parties in the elections. As the ads were published almost two days before the election campaign ended, PPP and PML-N used press statements to answer back and calling Leghari corrupt and working against democracy at the behest of the “establishment.”

Advertisements were used more extensively in this election as the campaign itself remained lacklustre. A major party like Pakistan Peoples Party did not go for huge rallies, which have been high points of the previous elections. On the whole the political parties used the advertisements to announce their public meetings, promises and manifestoes. Parties like PML-Q, formed some months before the elections, extensively used advertisements to promote their leaders and manifestoes. PML-N used advertisements to recount its successes.

Curiously, ads from organisations that wanted to “correct” the ills of the Pakistani society also appeared. They urged people to choose “righteous” people and reject the corrupt leaders. The print media, however, seemed to be interested in publishing the advertisements, not helping its readers know who were the advertisers.

Most of the newspapers mostly remained critical of the Musharraf government, saying it was not providing level playing field to all the players. They constantly opposed the government’s decision

of debaring the two former prime ministers from contesting elections. Dawn in one of its editorials said: “Electoral rigging has come close to being developed as a fine art in Pakistan. Since the 1977 polls, hardly any election outcome has enjoyed total public credibility...”

On September 3, 2002, Dawn’s editorial – other side of the coin – said: “The government has already compromised its position by enacting a number of laws and constitutional amendments specifically designed to keep certain personalities out of the electoral arena. These include debaring a person from becoming prime minister for a third time or contesting elections if convicted of being ‘an absconder.’ Both laws target the heads of two of the country’s biggest parties – the PPP and the PML-N.”

In the next editorial on the election process, Dawn termed the whole scenario “confusing” and once blaming the Musharraf government, it said: “There are reports also of positive intervention on the part of the government, in the sense that a breakaway faction from the Nawaz Muslim League is alleged to enjoy governmental patronage.”

It said that the election scene in Pakistan has never been distinguished by a debate on issues of daily concern to the public; no leader has ever talked of the urban mess or of the decline in agriculture, or the social problems created by feudal hold on politics. “But this time the news stories and the general discourse appear even more to be restricted to the fate of individual political leaders and a medley of permutations and combinations among the bewildering number of political parties that we have.”

The paper welcomed the voluntary withdrawal of nomination papers by former prime minister Nawaz Sharif after the papers of his rival Benazir Bhutto were rejected. In another editorial, the paper took on the politicians, saying that despite the Musharraf government’s manipulation of the election process, people are not ready to come out for protest. “Seldom have the politicians bothered to see beyond their noses or every thought of working

for the consolidation of democracy. The staple part of their political articulation is empty rhetoric as well as an abundance of promises that are seldom meant to be fulfilled.”

The newspaper also deplored the fact that the election campaign has been lacklustre and the people’s involvement is sorely missing. For this, the reason was growing cynicism, saying the people have lost faith in the politicians as well as the generals. “A nationwide sense of despair bordering on cynicism is also very much there. Many people wonder, often in disgust, why it should have been Pakistan’s lot to have had a long succession of rulers who have let it down again and again. Their dejection is not confined to the politicians alone, for the generals, too, do not have a very inspiring image. In the people’s eyes, both are guilty of failures, mistakes and irresponsible conduct that have held the country back – politically, economically and democratically.”

The newspaper also did not spare the Election Commission, accusing it of being as the elections partisan. On October 5, in its editorial, ‘Reality and perception,’ Dawn said: “It (Election Commission) has an advertisement on television and in the press urging people to take part in elections and vote to initiate the change. It is entirely right that the Commission should seek to encourage citizens to exercise their right of franchise. But by asking them to vote for a change, the Commission’s message acquires a cryptic political connotation.”

In its editorials, The News tried to cover every aspect of the elections from the code of conduct to parties’ manifestoes to urging the people to vote. On the whole, it rapped both the military government and the politicians. Like all other papers, it remained busy with the fate of the politicians, especially the ones who are living in exile, and the government’s efforts to keep them out of the election arena.

Most often than not it asked the Musharraf government to remain neutral. “The basic pre-requisite of an effective presidency is its political neutrality and moral uprightness, not its constitutional

powers. Even a hint of vindictiveness is enough to sully the image and erode the effectiveness.”

But at times, the paper harshly criticised the military government for taking sides. “A bunch of people selected by authorities for election under laws designed by the regime that has stakes in the future political dispensation itself is a fact enough to taint the credibility of the whole exercise,” the paper said in its editorial, ‘Selection or election!’

The Musharraf government was also criticised for not allowing more time to the Election Commission to prepare for the election process, and for not allowing political parties more time to contact people. However, the paper took the politicians by the scruff when it was disclosed that more than 200 legislators did not pay bills of various official residences they occupied during the civilian set-up, not realising that it could be timely leak by the government just before elections. That the paper would take the report at their face value is intriguing.

“The news item identifying the 200 plus former legislators who have failed to clear the dues of the various official residences they had occupied cannot be faulted as an attempt to discredit the politicians. If anything, far from being a sting job, it is a sad reflection on the politicians of all shades that their integrity is not the level necessary for parliamentarians.”

Like Dawn, The News also deplored the fact that the election campaign is listless and people are taking no interest in the important exercise. It also pointed the partisan role of the Musharraf administration, saying it was siding with the PML-Q.

While discussing the manifesto of PML-N, the paper pointed the party’s new thoughts over civil-military relations, saying time has come for the politicians to think anew over the matter. “Military reforms is what the party is apparently intending to introduce that will be aimed at reinforcing the forces’ professional role, not their much-desired political one.”

But while discussing the Pakistan Peoples Party Parliamentarians' manifesto, the paper underlined the fact that the parties not in the good books of the military government are only talking of reigning in the desire of the army to have a say in the civilian affairs. It also questioned the parties how they are going to meet the ambitious promises they made in their manifestoes. "The Pakistan People's Party Parliamentarians manifesto, like that of all other parties, trots out the customary promises of improving the quality of life of the people, which, however, is never done nor is possible to be done."

The paper also opposed deployment of army at the polling stations, saying in the presence of a military government, which has a clear stake in the outcome of the election, it is nothing short of pre-poll rigging. "It would have been prudent for the operational units of the army to have been kept above the political fray and away from the unsavory controversies that unfortunately always mushroom after the poll."

After discussing various aspects of the election procedures in August and early September, The Nation grew critical of the Musharraf administration, accusing it, like other newspapers, of influencing the election.

It also discussed the apparent patch-up between Nawaz Sharif and Benazir Bhutto, the two bitter political rivals. Known for its proximity to the Sharif family, the paper was keen on the knowing the fate of the Sharif family and its party in the elections. While discussing the patch-up between the two former prime ministers, the paper, however, also criticised for the bitter past between them, adding that they must have to show that their amity is not temporary. It also accused them of incompetence when at the helm of the affairs. "Among the mistakes of the past they are now acknowledging, they will have to accept both did an indifferent job of governance."

The paper also felt that the government was manipulating the elections, and pointed towards the adverse reports of the European Union observer mission. In fact, like most newspapers, The Nation, also used the scathing reports from observers and other sources about the fairness of elections to vent its own view of the conduct of elections.

Unlike the English-language newspapers, the largest Urdu newspaper Jang in Pakistan remained cautious while discussing various aspects of the election process. It certainly welcomed the holding of the elections and patted the Musharraf administration for meeting the deadline set by the Supreme Court for the general elections. It also reminded the political parties of their responsibility once they get the power, pointing towards the bitter past, saying it created situations where the military has to intervene, but the paper did not condemn or censure the army for taking over the power.

Its editorials were preaching in nature and a half-hearted attempt at criticism of what was obvious. If it would criticise the government, it would also criticise the opposition parties. In most cases, it would advise the parties to learn lessons from the past and try to evolve a politically congenial atmosphere, not really looking the causes that keep the political discourse heated and at clash.

The editorials in Nawa-i-Waqt were, however, more critical of the military government, accusing it of influencing the election by blocking the two big parties – PPP and PML-N. However, it also did not spare the politicians, saying their conduct both in the government and in opposition has much below the desired level.

The editorial line, for the most of time, was reactionary. The editorials were comments, as the swings manifested a lack of policy. The military and the politicians remained under fire, as it was felt that they both have failed people.

Another missing aspect from the editorials was the estimates about the future set up. The newspapers did not dare to single out parties that would gain majority.

The newspapers also completely ignored the MMA. If ever they were discussed, it was in the past performance of the religious parties in the elections, which was disappointing. Though the newspapers were alive to the MMA's anti-US stance, they did not realise that how strongly it would help the religious parties. They did not realise the people's anger, especially in the NWFP, against the US-led attack on Afghanistan.

'News items' or the day-to-day political developments mostly inspired the editorial comments. There was also a touch of cynicism, as editorials repeatedly pointed out that the Musharraf government's efforts to bring in a pliable government is nothing new, and the elections would not change anything save faces.

### **5.1. Media and the Conduct of General Elections**

The conduct of elections never became an issue in the print media. No one was interested in how the parties conducted themselves before and on the election day. With new rules and new faces, the print media was more interested in the outcome of the election than its conduct. Political parties largely kept themselves within the boundaries set by the Election Commission.

The rise of the MMA surprised everyone, including the print media. The day after the polling was held, the MMA's stunning victory in NWFP hogged the headlines. For the first time in Pakistan's history, the religious forces got the power that eluded them in and everyone seemed to be obsessed with it.

Almost every party, including the PML-Q, the alleged king's party, complained about rigging and polling irregularities. The print media gave ample space to the rigging allegations.

The PPP, which made strong comeback with 80 odd seats under a new identity, still felt that it has been deprived of 30 to 40 seats,

especially in Sindh. In 1997 elections, the PPP bagged only 19 seats. Benazir Bhutto's call for a "new election" got the front-page treatment.

Delay in announcing the election results was also termed as rigging, with complaints of missing ballot boxes frequenting main pages of the newspapers. The newspapers highlighted the charges of vote buying in the remote areas throughout the country. Most of the rigging allegations were about irregularities at the remote places. The MQM and MM came up with rigging allegations against each other, as MMA made inroads into strong MQM constituencies.

However, there was surprising conflict between reports of the observers – the European Union and Commonwealth. The EU, which repeatedly questioned the whole election process, got more prominence in the print media when it termed the voting process "seriously flawed." But the Commonwealth mission termed the voting "transparent," also given prominent place in the print media.

The US satisfaction with the polls was front-page news for every paper. Most newspapers in fact tried to find the positive aspects of reactions that emanated internationally regarding the conduct of polls in the country.

Even the smaller parties like the PTI also complained of rigging and announced to bring out "white paper" to "expose the government's patronisation of the king's party."

The comments and assertions of the international media, including BBC and CNN, were given ample space in the Urdu newspapers. On the whole every complaint, charge, and allegation about the voting process got place in the print media.

Relatively less than the last election but not missed by the print media and covered prominently was violence on the polling day. An essential part of any election process in Pakistan, violence was

part of the lead stories on October 11 in every newspaper. However, the estimates varied as the papers reported different number of deaths, scuffles and firing incidents on the polling day.

Dawn reported eight deaths on the voting day in Sindh, and various numbers in other cities of Pakistan. The paper gave items about violence almost on every page barring the international and sports pages. It was quite clear that no effort was made to take a whole picture of the violent trend on the polling day. But the effort was to report every election-related scuffle, firing and death on October 11. Dawn almost covered whole of the country as far as the incidents of violence were concerned.

Coverage of violence by The News was extensive, but patchy. There was one main story on violence on the front page and a number of other stories on the inner pages. Like Dawn, the effort was not to miss any incident of violence from being reported. Its main story put the number of deaths on the voting day at seven.

The Nation reported eight deaths on the polling day but its coverage of violence on October 10, 2002, was restricted to three items. It tried to cover most of the incidents of violence in its main story.

Nawa-e-Waqt and Jang divided the news items about violence province wise, and reported more incidents of violence than the English language newspapers.

Voting trend was another area that was lost in the split mandate and the rise of the MMA. With conflicting reports about the voter turnout, the print media did not go deep in the voting trend. On October 11, the consensus was that the turnout remained low but it was also reported that the turnout in Islamabad was 50 per cent. Reports about women's absence on the polling in areas of NWFP also got attention of the print media. However, the voting trend remained an ignored area.

Exit polls rightly pointed out Pakistan People's Party Parliamentarians as the party to get most of the votes polled, followed by PML-Q, but did not explain why the PPP got much less seats than the PML-Q. In Pakistan, exit polls are considered manipulated, especially by those who are on the lower ladder of the poll. The newspapers give the exit polls inconsequential space, only because it is another of the election-related news item. Mostly it is on the inside pages.

The Musharraf government patted itself on the back for holding "transparent, free and fair" elections. It claimed a clean election, which was given space in the newspapers. The statements of President Musharraf and his ministers, especially Information Minister Nisar Memon, remained on the front-back pages, hailing the process and conduct of the election.

Though the government ignored the allegations of rigging by the political parties, it came out with full force against the assertion of EU about the election. The row between the EU and the government again became a front-page affair.

Like the government, the Election Commission also claimed one of the most "free, fair and transparent" elections in Pakistan's history. Its explanations about rigging and other complaints were given good space. As the Commission was announcing results, it constantly remained in the news. It also joined the government in the offensive against the EU mission, saying it has become party to the election process, crossing its observer status.

On October 10, 2002, every newspaper's editorial was about the elections. Despite rapping the Musharraf government over its interference in the election process, the newspapers seemed satisfied with the fact that the D-day has finally arrived and is a reality. There apparently was the impression that what happened at election was fate accompli that had to be accepted by everybody.

The News said: “whichever party, or combination, forms the next government will need to ponder the reasons for the consistently declining public participation in the electoral process. The elected government will, above all, need to show a quantum improvement in performance and delivery to build poor political image.”

The Dawn seemed to be more sceptical if the election would bring any change. “The people have seen their elected governments being removed on vague charges of corruption rather than for failing to provide the basic necessities of life, which is a far graver lapse. For most people, today’s elections too are not seen as promising a better life. The sense of uncertainty is so deep and widespread that many people are asking: who rules the country – elected representatives or unelected military men and civilians?”

The Nation maintained that voting in elections after military rule is a must for everyone. “Pakistan was created through the power of the ballot exercised by the Muslims of the subcontinent. The voters have now to play the equally important role of developing the country into a modern Islamic democratic welfare state with sovereignty lying with the parliament as envisaged by the founding fathers, by voting for candidates and parties which, they feel, will bring this about. Casting one’s vote under the circumstances, with the country coming off its fourth bout of military rule, is not merely a routine use of a right, but the performance of an onerous duty.”

Jang said the military government has kept its promises of holding the elections within three-year deadline set by the Supreme Court, saying the politicians are again in the limelight, and that they have to prove they would not repeat the mistakes of the past and work for the betterment of the country and the people.

Nawa-i-Waqt termed the elections a watershed for everyone, saying it is high time to come out of the cycle of abrupt changes in the civilian governments.

## **5.2. Post Elections Coverage**

After the elections, the things were back to square one. The split mandate left everyone stunned, more so the rise of the MMA. Dawn was again uneasy with the Musharraf government's meddling and rightly figured that the government formation would be messy. "Where do we go from here? A hung parliament is always a messy affair, but not necessarily a disaster. Many democracies have coped with the phenomenon and have not allowed it to block progress. The problem in our case is that the government is itself a player and the president wants to keep the legislature from upsetting his major programmes and on a tight leash."

The paper credited the MMA with breaking the two-party pattern that evolved after the 1988 elections. "But it is the MMA's electoral emergence as a major player, breaking the two-party pattern that had prevailed so far, that is going to be the focus of attention. This is the first time that the religious parties will have such a formidable presence in parliament...The MMA campaigned on a revivalist and anti-American platform. Its victory is thus due to a combination of ethnic, religious and nationalistic factors and no less to the policies of the United States, which is accused of being pitted against Islam and Muslim countries."

The paper wanted the political parties to be left "free to work out their own arrangements without meddling by government agencies."

The News also discussed the rise of the MMA in the aftermath of the 9/11 and anti-US feeling in Pakistan. It also discussed various permutations as the split mandate seemed to give everyone right to form a coalition government, with a caution for the Musharraf government to keep itself away from formation of the government. However, like other newspapers it was cautious in pronouncing judgements.

The Nation, however, hoped that the army would go back and leave governance solely to the civilian government. "Now that the

general elections are over, one hopes that the reported remarks of CJCS Gen Aziz Khan that the army would go back to the barracks after the prime minister assumes office would be translated into action. The political process should be allowed to proceed freely, without any outside interference whatsoever, to let democracy take root, which has been the declared aim of the president. It is imperative for the sapling of democracy to grow into a sturdy plant that General Musharraf quietly leave the scene and give up the charge of COAS. If he wishes to remain president, he should get himself properly elected in accordance with the procedure outlined in the Constitution.”

As the excitement died down, everyone – the politicians, the government and the press – realised that there is a difficult road ahead. The PML-Q won the most seats but was way off the simple majority to form the government in the centre. The Pakistan People’s Party Parliamentarians (PPPP) was in no mood to form a coalition government with the PML-Q or MMA. Apart from the three major parties, the Musharraf government itself became the fourth party in the scramble for formation of the government. Matters were also complicated by the fact that the parties were also divided internally. PML-Q unceremoniously ousted its president Mian Azhar. PPPP could not decide road it has to take in the absence of Benazir Bhutto, which resulted in formation of a forward bloc that eventually helped the PML-Q form the government in Islamabad. The MMA briefly showed fissures when its component parties – Jamaat-e-Islami and Jamiat Ulema-e-Islam (F) – fought over chief minister’s slot in NWFP.

The PML-N, which had 14 seats in the National Assembly, saw the whole drama from the fences, though it tried to nudge the PPPP and MMA into a coalition and could not succeed. The MMA and PML-Q seemed to be natural allies but Legal Framework Order (LFO) and a president in the military uniform became a hurdle.

The print media was as confused about talks and meetings for formation of the government as the parties engaged were.

Islamabad became a hub of political activities as politicians, after a hiatus, again made the capital city their base camp. There were so many meetings between politicians that their reporting became a hard task for the press. The politicians simply left no place for other issues. Pakistan-India tension, for the time being, was not touched or discussed; even terrorism was also put on the backburner and the economy was completely ignored. It seemed that the papers have nothing to report but politicians, their statements and meetings. Their photographs were also given importance. No movement of the politicians was missed.

Who is going to London and Dubai and who has telephoned whom, and who has met whom by chance or design was the theme of the coverage. The febrile pace of the politicians' parleys left the print media breathless. But the coverage was without any direction and it reported nothing but a circle of meetings, statements, and behind the door moves that were yielding nothing. Before anyone could realise the month of October passed by, as the Musharraf government again came under attack for interfering in the process of formation of the government.

Though once again the coverage was statement-ridden with access to politicians, the newspapers were able to report matters in advance. The PML-Q leaders disenchantment with their leader Mian Azhar, who lost the general elections, became clear immediately after the elections. With "sources" reporting the PML-Q stalwarts' disappointment with their leader, it became clear that he has to leave though after much bad blood.

The PPP also sided with the MMA but the forward bloc, reported in the early days after the elections, took form as all permutations between the three major parties failed. The newspapers also reported before hand that PPP is facing a crisis within as its leader is trying to run the party from abroad.

The Alliance for Restoration of Democracy (ARD), an alliance of the opposition parties headed by veteran politician Nawabzada

Nasrullah, also faced division, as its chief could not persuade the PPP to help the MMA form the government.

The wrangling over formation of the government again made politicians a villain, and set in a strong sense of disappointment as columnists saw that the game of power between the army and the politicians, and not democracy. “The ongoing struggle is not democracy but for power, not people’s rights or welfare but for aggrandizement,” wrote Kunwar Idris in Dawn.

Though promises were made for a new beginning, the rules of the game were old and ruthless. The press understood well that General Musharraf’s decision to convert his direct rule into an indirect one is not a unique phenomenon. Most the articles, comments and editorials were loud and clear that the general was just following the pattern set by his three predecessors. They concluded that the decision emerged from an elite military culture that has shaped civil-military relations in Pakistan.

As the days passed by, the Election Commission with coverage-hungry chief went into the background, though the press did not miss his activities. There was hardly any in-depth work role of the Commission in conduct of the elections and whether it had performed its duty in line with the legal mandate it has to do so. Print media mostly relied on the Commission’s statements to cover its activities

The print media was understandably excited when the whole election process started in August. It was as if it was waiting for the opportunity to cover political process. It was very clear from the print media coverage that it wanted a political process in the country.

Most of the coverage was statement ridden. From the vows of politicians to their reasons for changing party loyalties, it was all what they said. Once politician spoke, he or she was guaranteed space in the print media. Leaders like Imran Khan, Hamid Nasir Chattha, Ejazul Haq and Tahirul Qadri, who won only their seat

for their parties and seldom figured in the struggle for power, remained in the limelight because their statements got space in the print media. When they addressed a joint press conference after the elections, it was given space on the front page, despite the fact that it has nothing new to offer apart from asking the main parties to work beyond their interests to help form a government in Islamabad.

Rumour mongering remained essential essence of the election coverage. Immediately after the elections, “diplomatic sources” feared for a permanent “martial law” in Pakistan because of the split mandate and rise of the MMA. Shaukat Aziz, Zubaida Jajal and Mian Azhar were propped as future prime ministers long before Mir Zafarullah Khan Jamali was chosen for the post by a slim majority. “Reliable sources” also made a number of assertions that were far fetched. It seemed that rumours in the form of news stories add to the election coverage’s uncertainty.

At the same time, editorials and articles remained reactionary, as the Musharraf government, for most of the time, remained on the receiving end. Most of the articles started by quoting a news item, especially in the Urdu columns, and then divulging into past to link it with the present day situation. Most of the comments were on the matters, decisions and incidents as they happened. However, some of the writers, like Ayaz Amir, were acerbic and cynic in their tone against the Musharraf government. Amir hit back at the president when he blamed the press for spreading despondency. “Musharraf is being unfair. He should be happy enough with the despondency of his countrymen and their incapacity to express any anger. He is overplaying his hand and perhaps tempting the gods by demanding that even if reduced to despair, they should yet refrain enough aplomb to applaud their plight,” Amir wrote in one of his columns.

Urdu columns were mostly self-centred, as the writers mostly started off by narrating a meeting with a general, president, prime minister or a minister, thus patronising the reader while discussing

the election scenario. Urdu columns were also mostly written in a passionate vein, leaving little space for discussing the real issues.

Against the backdrop of handing down a “true democracy” for the first time in Pakistan’s history, the army, its role in the civilian matters and image of a messiah were questioned through press – in the statements, in the editorials and in the columns. Right from the start of the election process to formation of the governments in the centre and provinces, the press became a channel for looking at the military’s role. For the first time, the military was examined, its mentality and its attitude towards the civilians were analysed. “The culture of military elite is based on two basic assumptions about democracy and politicians. First, the democracy practiced by politicians is sham one and an inefficient method of governance. Second, being inherently corrupt and inefficient, civilians lack both the motivation and capability to protect the national interest,” wrote Dr. Inayatullah in Dawn.

#### **6.0. Electronic Media and Election Coverage**

There have been less than few independent monitoring of the way state-run electronic media covered the elections 2002. Needless to say that a media that has been churning out constant Establishment barrage against politicians and dissenting political parties could change the public perceptions about political parties by following the Code that only came into effect three months before the elections. For the past three years, the PTV and PBC worked as the greatest advocates of the reforms of the military government, without analysing their implications for people. The voices of dissent were too few and random that they did not easily wash off images and impressions that were created by constant messages and propaganda.

The people in the country are disenchanted with politicians in general, and for this one of the main reasons has been the role of the media that has always served the objectives of the Establishment. Constant messages about the corruption of politicians and their failure to deliver when come into power far outweigh the spoiler’s role the military has played in ruining the

political fabric in the country. In a country where any criticism of the role of the military is considered a threat to the country's interests and lambasting politicians as public service, the state-run electronic media, with the widest outreach, can play havoc with the political process.

Although there has been no research conducted into the link between decreasing public interest in politics and low voter turnout, the role of the electronic media in creating public unease about the political process and a sense of hopelessness just cannot be ruled out. It has created public perceptions such as the political governments have always failed to bring about a change in the lives of people, the politicians are corrupt, elected representatives forget voters after elections, etc., while the military is the real harbinger of change, error-free and understands the people and their needs. Such constant messaging through news and entertainment programmes alike has just caused a disservice to the political process, forcing people to stay away from participating in such processes.

This dichotomy comes into play especially at the time of elections. Being already biased towards the political forces, the state-run media can hardly be a motivator for people to exercise their right to franchise. It has already taken its sides. It supports policies of the Establishment that serve the interests of civil and military bureaucracies. This civil-military bureaucracy complex considers a genuine political process a threat to immense powers it enjoys and therefore works to pitch people against the political forces that could represent them. One of the major tools in accomplishing that goal has always been its governed electronic media.

The public sector electronic media has never performed its vital duties of educating people about the importance of vote in particular and democracy in general. Both are essential areas that need to be addressed with a long-term goal of strengthening democracy in the country.

Being run by public money, it should be the responsibility of public media to address voters' motivation and preparedness to participate fully in elections. But the PTV and Radio Pakistan lacked programmes about voting and the electoral process, their link to basic human rights and voting rights; the role, responsibilities, and rights of voters; the relationship between elections and democracy and the conditions necessary for democratic elections; secrecy of the ballot; why each vote is important and its impact on public accountability; and how votes translate into seats. Such concepts involve explanations not just a statement of facts.

It was only three weeks prior to the polling day that the Election Commission launched its public information campaign urging the electorate via television and radio spots and newspaper ads to take part in the elections. This was an important task as the voter turnout was less than 35 per cent in the 1997 elections. However, the number of ads was very few due to the high costs involved, which reduced the impact. Furthermore, the Election Commission's public information video explaining the procedures in polling stations inappropriately showed actual election symbols on mock ballot papers broadcast on national television. The most prominent symbol used was that of the PML-Q. It is arguable why the state-run media would not subsidise the costs of ads that were in the interest of public and secondly how could its censors let the ballot paper with symbol of bicycle without being noticed.

The Pakistan Television announced its tariffs for paid political publicity. During the first phase that lasted up to September 15, the parties were given an option to buy time at the rate of Rs. 20,000 per minute. The rates during the second phase (September 16 to September 30) were determined as Rs. 30,000 per minute. During the third phase (October 1 to October 8, 2002), this rate jumped to Rs. 50,000 per minute. The telecast time on PTV was announced between 21:30 hours to 2230 hours with an option of repeat on PTV World at payment of an additional Rs. 100,000. Although the rates were less than the commercials, yet these were higher for many political parties to buy time and reach people

with their message. Only two political parties – PML-Q and PAT – availed the opportunity of paid political publicity. However, the PPPP complained that the PTV censor committee did not approve their advertisement as it carried the footage of two former prime ministers: Zulfikar Ali Bhutto and Benazir Bhutto.

It was the way the electronic media covered the 2002 elections. Despite a code of ethics for it by the Election Commission, there was clearly a bias for some parties and a favouring tone for the ones that were supporting the grinding status quo of the Establishment. The monitoring of PTV programmes conducted by the Liberal Forum Pakistan gave an ample proof of how the government manipulated its controlled electronic media in favour of parties and politicians it was supporting by giving them more time and just the right messages. The European Commission's election observers also monitored PTV against qualitative indicators of favouring, against and neutral coverage. These two reports, in addition to Patten's own random monitoring of Radio Pakistan and PTV, form the basis of our analysis. The following are excerpts from Liberal Forum's monitoring report on PTV's coverage of elections.

According to the Liberal Forum, during August 27 to September 9, 2002, the MMA got maximum coverage of seven minutes and 48 seconds in Kabarnama; followed by PML-Q with six minutes and 40 seconds; the Grand National Alliance with three minutes and 30 seconds; PPP (Sherpao) three minutes and 23 seconds; PPPP two minutes and 53 seconds; PML-N two minutes and 51 seconds; Pakhtoonkhawa Milli Awami Party together with the Balochistan National Party two minutes and 26 seconds; independent candidates from FATA one minute and 55 seconds; ANP one minute and 26 seconds; MQM one minute and nine seconds; PAT 55 seconds; ARD 50 seconds; Qaumi Jamhoori Party 33 seconds; PPP (Shaheed Bhutto) 23 seconds; Millat Party 22 seconds; Blochistan National Congress 22 seconds; and Tehrik-i-Istaqlal 17 seconds.

The only independent candidate Mustafa Khokhar from Islamabad was able to make it to the Khabarnama for seven seconds regarding high court's decision on the acceptance of his nomination papers. The candidates belonging to minorities got one minute and eight seconds, and the citizen's activities related to election 2002 were covered for 51 seconds.

By and large, this coverage was accorded to the party leaders, their rallies and press conferences. Only the PPPP and MMA got the negative coverage. There was two minutes and 10 seconds negative reportage against Benazir Bhutto, Asif Ali Zardari and Larkana-Lahore idiom. Four minutes and 51 seconds criticism of the "corrupt rulers of the past" and one minute and 20 seconds reportage against the train march of the MMA and inconveniences it caused for people. Only one minute and 13 seconds were given to election manifestos and four minutes and 49 seconds to the start of the political campaign.

From September 10 to September 23, 2002, a total of 25 political parties were covered in Khabarnama. PML-Q got the maximum coverage of 14 minutes and four seconds, MMA nine minutes and six seconds; PPPP five minutes and 53 seconds; GNA four minutes and 54 seconds; PML-N four minutes and 31 seconds; MQM three minutes and 26 seconds; PTI two minutes and 44 seconds; PPP-Sherpao two minutes and 26 seconds; Paktoonkhawa Milli Awami Party together with the Balochistan National Party two minutes and 20 seconds; ANP one minute and 34 seconds; PAT one minute and 23 seconds; PML (Functional) one minute and 11 seconds; PML-Zia one minute and three seconds; Tehrik-i-Istaqlal 45 seconds; National Awami Party of Pakistan 39 seconds; ARD and QJP 36 seconds each; PPP-Shaheed Bhutto 26 seconds; Balochistan National Congress 25 seconds; Pakistan Gharib Party seven seconds; and FATA candidates for two minutes and 45 seconds. The only independent candidate Sheikh Rashid Ahmad from Rawalpindi was able to make it to Khabarnama for 49 seconds. The candidates belonging to minorities and women got coverage within the time accorded to the above-mentioned political parties.

The PPP remained on the receiving end. There was two minutes and 43-second reportage on the conference arranged by Transparency International. Four political parties – PTI, PAT, ANP and PPP – failed to attend the conference inaugurated by President Pervez Musharraf but only the PPP was criticised for not attending it and press clippings about its government's dissolution in 1996 were shown with negative commentary on September 19, 2002. However on September 13, there was two minutes and 35-second coverage of the conviction of one of its leaders, Asif Ali Zardari, on corruption charges.

From September 24 to October 7, 2002, PML-Q got the maximum coverage in Khabarnama with 17 minutes and 57 seconds, followed by PPP with 17 minutes and 22 seconds and MMA with 12 minutes and one second. Among rest of the parties, the GNA got 11 minutes and 29 seconds, PTI four minutes and 25 seconds; MQM four minutes and one second; PML-N four minutes; ANP three minutes and 27 seconds; PAT three minutes and 16 seconds; PPP-Sherpao two minutes and 25 seconds; Pakhtoonkhawa Milli Awami Party two minutes and six seconds; Jamhoori Wattan Party one minute and 39 seconds; Tehrik-i-Istaqlal one minute and 13 seconds, PML-Junejo and PPP-Shaheed Bhutto 45 seconds each and PML-Functional 39 seconds.

Other parties that got coverage in the Khabarnama included: Pakistan Sunni Tehrik (33 seconds), Qaumi Jamhoori Party (31 seconds), PML-Zia (30 seconds), Pakistan Ghareeb Party (24 seconds), Mohajir Qaumi Movement (24 seconds), Pakistan Democratic Party (21 seconds), National Awami Party (21 seconds), Mohajir Ittehad (20 seconds) and Balochistan National Party (20 seconds).

As many as 32 parties made it to Khabarnama, while the election related activities of two civil society organisations – Liberal Forum Pakistan (49 seconds) and Aurat Foundation (two minutes and nine seconds) – were also covered. The only independent candidate apart from the candidates from FATA, who was

covered in PTV Khabarnama was former minister Abbas Sarfraz, who got coverage of one minute. In terms of negative reportage on September 26, a 21-second story repeated charges of corruption against PPP leader Jahangir Badar.

There were other programmes like News Night, Election Hour, etc., televised, but the ratio of time division among political parties was more or less the same. Giving the highest coverage time to PML-Q, which was higher by seconds than other parties, was objectionable and put it in an advantageous position. Pattan's surveys also show that a sizeable number of people in the country vote for a party they believe would win.

The European Union election observers mission in Pakistan also recorded and analysed the main evening news bulletins on state-controlled television, PTV 1 (Khabarnama at 9 p.m.) and PTV World (News at 10 p.m.) from August 15 to October 9. These broadcasts were chosen because they are the main evening news programmes. Also monitored were current affairs programmes and the dedicated election broadcast, Election Hour, in which the main parties were given equal time to discuss their manifestos. The methodology of the media monitoring was based on both quantitative and qualitative analysis of the media. The quantitative analysis measured the time devoted to each party while the qualitative analysis assessed the editorial tone, direction or bias of the media outlet.

The editorial tone of a broadcast item was either classified as neutral, negative or positive. When a party, event or speech was estimated as correct, significant or important on behalf of the journalist, it was tabulated as positive. A negative assessment was given when the issue, party or event on part of the journalist was estimated as wrong or unimportant or the item was clearly excessively imbalanced. A neutral assessment was made when the item was reported without an additional commentary by the journalist.

The Khabarnama on PTV1 devoted a total of six hours and 39 minutes to election-related news between August 15 and October 9. The duration of coverage of the main parties was as follows: PML-Q 45 minutes, MMA 37 minutes, PPPP 32 minutes, GNA and PML-N 14 minutes each, PTI 10 minutes, Millat Party, MQM and PPP-Sherpao nine minutes each, PAT six minutes and ARD five minutes. The candidates/politicians collectively received 67-minute coverage, with 44 minutes devoted to other parties, including independents and regional parties. The Election Commission itself received 51-minute coverage and the government received 39 minutes. Week to week variations show the coverage of the PML-Q peaked in mid-to-late September, while coverage of the PPPP increased dramatically in the last week of September.

The news at 10 p.m. on PTV World devoted a total of five hours and 20 minutes to election-related news in the same period. The duration of coverage for the main parties was as follows: PPPP 28 minutes, MMA 21 minutes, PML-Q 16 minutes, PML-N nine minutes, PTI eight minutes, GNA six minutes and Millat Party five minutes. The candidates/politicians collectively received one hour and 41-minute coverage, with 21 minutes devoted to other parties, including independents and regional parties. The Election Commission received 44-minute coverage and the government received 39 minutes. Week to week variations show that coverage of both PML-Q and the PPPP increased in late September.

Televised current affairs programmes such as Newsnight on PTV World appeared slightly more balanced. A special Election Hour programme on PTV-1 in which the main political parties were allocated equal time to discuss their manifestoes was a commendable development. 'UDPD-Election Column,' a pre-election situational comedy aired on PTV-1 continually ridiculed politicians and portrayed them as corrupt and inept. Though light-hearted, it nevertheless reinforced negative perceptions about politicians in the sensitive election period.

The daily news at 8 p.m. on state-controlled radio, Pakistan Broadcasting Corporation, devoted a total of two hours and 57 minutes to election-related news in the monitoring period: August 16 to October 9. The duration of coverage for the main parties was as follows: MMA 17 minutes, PPPP 12 minutes, PML-Q and PPP-Sherpao eight minutes each, PML-N six minutes, PTI four minutes, GNA two minutes and Millat Party three minutes. The candidates/politicians collectively received one hour and 34-minute coverage, with 28 minutes devoted to other parties, including independents and regional parties. The Election Commission received 55-minute coverage and the government received 32 minutes. Week to week variations show that coverage of both PML-Q and the PPPP increased in late September. The coverage of MMA was particularly intense in the fortnight from September 21 to October 4. The tone of all radio broadcasts was assessed as neutral.

Monitoring of regional state-controlled radio and television news in languages including Brahvi, Pushto and Sindhi largely reflected the same trends as displayed at national level, reflecting the centralised nature of the state broadcaster's coverage. Regional newspapers in Peshawar, Karachi and Quetta reflected a wider diversity of views than were aired on regional broadcasts.

The EU media monitoring found that most state television news coverage of political parties' activities was neutral in journalistic tone. Some positive time was allocated on both channels to the Election Commission, the government, PML-Q, GNA, MQM, PAT and others. Negative time was allocated to candidates and politicians and this largely took the form of failings of the past politicians. The PPPP, PML-N and PTI also attracted some negative time.

When it came to election-related issues, the main televised news telecasts consistently promoted the government's views, even though the times were allocated as neutral in terms of journalistic tone. Both PTV-1 and PTV World focused largely on non-contentious factual matters such as the dates for filing of

nominations, the extension of deadline for such activities, scrutiny of papers and the final deadline for appeals, etc.

Controversial issues concerning the authorities were either downplayed or presented in a largely one-sided manner, with analysis and criticism of the constitutional amendments visibly absent. Broadcasts containing dissent or criticism of the authorities were the exception rather than the rule. The administration was often given free reign on state television to criticise the behaviour of the past political rulers, including President Musharraf's eve-of-election televised address to the nation.

#### **7. The need for people-centred media**



## **Recommendations**

### **Group on Civil Society**

- Civil Society should forge unity and launch an effective advocacy campaign to sensitize legislatures on the rights of women, minorities and labour. For this purpose, it could organize brainstorming sessions with all stakeholders, build networks, open dialogue with politicians, legislatures, social organizations, trade unions, media and other segments of society with follow up actions through focal points.
- Civil Society should engage religious political parties on matters of national concerns and of ensuring respect for human rights through dialogue, seminars and media debates.
- Civil Society should mobilize community to play its role in political process and also reactivate those political, social and democratic groups who are inactive due to certain circumstances. Study circles, campaign through media and on the Internet and publications of pamphlets and handbills and dialogue could help achieve this motive.
- Civil Society should establish monitoring committees to monitor the electoral process and report to the Election Commission of Pakistan any violations of the elections rules and procedures and impress upon the EC to implement strictly the election rules.
- Civil Society should focus on promotion of Research activities to bring to the fore the political and electoral realities before the people of Pakistan through field surveys followed by research reports and their dissemination through media.
- Civil Society should inform general masses, labour, farmers, women, downtrodden classes and students about the political developments and political process in the country.

- Civil Society should lobby with the government through sustained advocacy campaign and lobbying to press for the demand to introduce democracy and basic politics in curriculum as subjects.

#### **Group on Government and Election Commission of Pakistan**

- A standing committee comprising the Prime Minister, the Leader of the Opposition and Chief Justice of Pakistan to ensure free and independent Election Commission. It should also be replicated at the provinces.
- The Chief Election Commissioner should appoint the Secretary Election Commission
- A caretaker government having support of all the big parliamentary parties should be installed to hold free, fair and impartial elections.
- Judiciary should be made free from conduct of elections so that conflicts of interests should not bar justice in case of any dispute about the elections.
- Single largest majority party should be invited to form government.
- On transfer of power, both outgoing and incoming ruling parties should sign an agreement expressing their will to abide by certain responsibilities, limitations and internationally agreed conventions.
- Election Commission should build capacity of election staff, particularly teachers deputed for voting and of members of monitoring teams.

#### **Group on Political Parties**

- Political Parties should have their own party constitutions, manifestos and records of membership.
- Parties should well define party structure from bottom to top, hold party elections and have participatory decision-making.
- Marginalized groups such as women, labourers, farmers, and minorities through internal quotas should be involved in decision-making.

- Political Parties should separate party offices from the public offices.
- Non hierarchal nature of executive committees should be observed
- Parties should restrict holding of party offices more than two consecutive terms.
- Parties should establish their think tanks (Study circles) at all level for political training of the party cadres.
- Parties should promote social and regional harmony in the country
- They should form issue-based multi party alliances
- They should strengthen local government system
- They should set criteria for awarding party tickets for contesting elections.
- There should be scrutiny of election manifesto of political parties.
- These conditions should be made compulsory by the Election Commission before allowing political parties to contest elections.