



Parliamentary Democracy in Pakistan (1988 to 1999): An Analysis

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Abstract:

Notwithstanding Pakistan's commitment to democracy, its history has been repeated with periodic and long military rules and autocratic governments. Even periods of democratic rules were not smooth sailings; elected governments being dismissed on one pretext or the other. In this reference point, the era from August 1988 to October 1999 stands out as a test case. The primary focus of the study is to articulate the facets that prompt deterrence in the democratic uplift and early dismissal of the elected governments in a period of topical importance transpired between two lengthy military regimes (Zia: 1977-88 and Musharraf: 1999-2008). The selected parameter is the working relationship between elected and non-elected. The elected institutions' variables encompass the Parliament, Provincial Assemblies, Local Bodies, and Federal/Provincial Governments. The non-elected institutions' variables are Media, Military, Bureaucracy, and Judiciary. The methodology used in this research is investigative and analytical. The result of the study indicates that in the said era, persistently, the political status of the country remained to be a bureaucratic state with its more or less influence. The implications of the concept of absolute democracy were dim, owing to the fact, that the political system was steered by the top brass in Pakistan.

Keywords:

Democracy, Establishment, Government, Bureaucracy, Politics, Martial Law, Institution, Judiciary, Pakistan

Introduction:

The study intends to ponder on the tantamount grounds of feeble democracy from 1988 to 1999. It seeks to discuss the grounds of perpetual dismissal of governments with the main reference to the working relationship between elected and non-elected conventional power hubs. As far as the power dimension and domains are concerned they have been defined by the constitution to assure the effective working of institutions. But even though the democracy has faced several setbacks.

The study seeks to grasp the reason for sacking by looking into the fact that what kind of working relationship had been held on between the elected and non-elected institutions. The selected variables are based on the institutions that come into power through elections, as well as through conventional power systems. The variables of the study have been selected at two levels; the elected variables are Federal and Provincial Assemblies and Local Bodies and unelected power shareholders are Media, Military, Bureaucracy, and Judiciary.

This study enables to draw the pattern of change of political history and analyze the factors that consequently undermined democracy. The role of unelected institutions in politics has been held up in the training and learning process since the inception of Pakistan. This era has been chosen to the fact that it is the pinnacle of the delicate democracy in Pakistan.

1. Historical Background

Pakistan became an independent state in August 1947 on the premise that it will be governed on democratic principles. Yet since its inception, the elected institutions were unable to play their proper role in politics and decision-making. The elected institutions did not get the opportunity to establish a stable political system due to the supremacy and interference of hierarchical institutions. In a political sense, civil-military bureaucracy remained more powerful than legislative assemblies. The elected governments were weak and under the influence of the establishment¹ as democratic traditions were not nurtured. Repeated Martial Laws and bureaucratic interferences created undemocratic

¹ The establishment is a term used for the power politics initiated by the civil and military institutions in making, controlling and debauching the elected civilian governments in Pakistan.

traditions even in politics. In the period (1988-1999), in particular, the free will of elected institutions was missing and elected governments and Assemblies faced premature suspensions (Rizvi, 2000).

In light of the above statement, the study aims at investigating and analyzing the factors responsible for repeatedly disrupting the democratic process in Pakistan. It discusses the role of political and non-political stakeholders in the matter concerning the performance of four democratic governments during 1988 and 1999. This article attempts to investigate the behavior and role of elected and non-elected institutions which made democratic governments weak.

The study investigates the reasons which obliged the governments to surrender their rights to the establishment and promote power-politics, causing power-imbalance and political instability.

2. Research Themes:

- i. Role of establishment in the democratic process
- ii. Relationship between elected and non-elected institutions and their impact on democratization.
- iii. Effects of the tussle for power (between institutions/personalities) on the functioning of governments.

3. Factors Affecting Parliamentary Democracy in Pakistan

Theoretically, in the Parliamentary form of government delegation of power means responsibility but in Pakistan practically the authority was repeatedly misused by the establishment. (Ahmad, 2011, Raisan, 2010)² The void in leadership and institutional imbalance made the establishment more politically potent. In fact, the genuine transfer of power to elected governments did not come about at any point in time (Ahmad, 2011).

The establishment took a dim view of the restoration of democracy in 1988 which implied restricting its direct involvement in the affairs of governments. In military regimes, the establishment played a key role which is manipulated to continue

² Besides, this essence has also been drawn from the series of interviews conducted with the political and civil-military big wigs at the time of PhD research.

even during the elected governments' later (Bose & Jalal, 1998). The establishment, on purpose, undermined the elected governments by non-cooperation, bad advice, and putting hurdles in the reinforcement of democracy (Rizvi, 2000). The military-civil bureaucracy collaborated in bringing down the elected governments. The process of democratization was disrupted with the strengthening of non-elected institutions at the cost of elected institutions. Non-democratic institutions became a hub of power politics; compelling elected institutions to become a part of their power game and center of conspiracies and undemocratic practices (Guahar, 1997) (The Nation, 1997) (Cawasjee, 2011). Due to weak democratic culture since the happening of Pakistan, the era under study has faced several setbacks in formulating true democracy, which is as follows:

4.1 Imbalance of Power

The Eighth Amendment of Zia-ul-Haq regime occurred on 9 November 1985 had disturbed the concept of balance of power introduced in the 1973 constitution. Through Eighth Amendment following articles were amended; 48, 51, 56, 58, 59, 60, 75, 91, 101, 105, 106, 112, 116, 130, 122, 152, 270. (Dawn, 1993).

The eighth amendment had taken democracy to the level of legitimized dictatorship as the President with substantial powers was unimpeachable in any court of law. The amendment in article 48 (b) stated that “ the validity of anything done by the President in his discretion shall not be called in question on any ground whatsoever” (The Constitution of Pakistan, 1985) The said amendment had transformed the Parliament into a body of instigating debates. This amendment had baffled the Parliamentary spirit of the constitution and the supremacy of Parliament was replaced with the Presidency (Hussain, 1989).

Following the elections in 1993, a two-party system was initiated in Pakistan and the PML and PPP were established as main parties in the federal and provincial legislatures. In this epoch power tussles concerning these parties had played a fundamental role in undermining the process of democratization. These parties were politically immature and did not honor each other's mandate to rule (Sayood, 1993). The greed for power in Pakistani politics remained an obvious feature of

this era. The opposition parties were not performing their constitutional responsibilities as they were not accepting their defeat in elections. Politics of vengeance, conspiracies, and blackmailing were those important political realities that gave the establishment a strong base to interfere in politics. The narration pertinent to the ground building for the establishment could be comprehended with the following patterns; the government's response to the opposition's protests came through instituting several cases against the opposition (particularly against Nawaz). Nawaz was accused of being a tax defaulter and corrupt (taking commission from the contractors (Dawn 1995). Sheikh Rashid Ahmad of the PML (N) was summarily tried and sentenced to seven years of imprisonment (Summary Perspective, 1995). Nawaz accused that the PPP had politicized the judiciary. He stated that three election petitions were filed by the opposition members but no progress was made in this regard. Besides the election petitions filed by the government (against the opposition) had reached the Supreme Court immediately (Dawn, 1995).

Since the happening of Pakistan, the advancement in parliamentary democracy was restricted because of the continuous power struggle between elected and non-elected institutions, incessant termination of representative governments, and disequilibrium of might amid the institutions. Throughout this decade (1988-99) institutions remained in disagreement with each other to acquire power. During democracy, institutions must support one another in performing their functions which remained lacking in this era. These reasons which obliged the governments to surrender their rights to the establishment and promote power-politics, causing power-imbalance and political instability was interlinked which are explained in diagram 4.1.

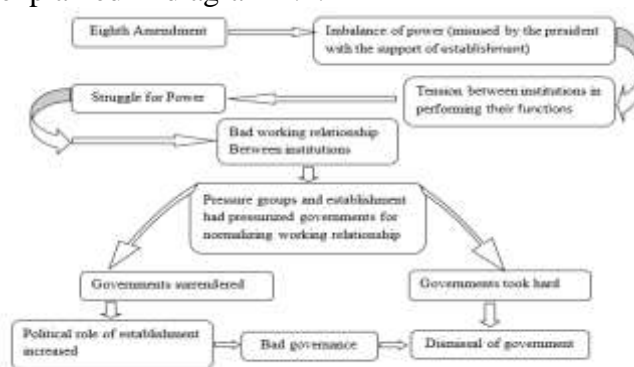


Diagram A

Diagram A represents the power imbalance generated by the Eighth Amendment's enactment. The power struggle among institutions of the state had been triggered by the non-equilibrium in responsibilities. The establishment was of the view that the political process should continue as they were well flourished in the system that had been architected by them. Whenever governments operated on the establishment's lines, they remained intact, otherwise, the decline of the political system took place.

4.2 Models of Political Development in Pakistan

In the first government of Benazir (1988-90) the type of government was more military and less bureaucratic because her first government was the outcome of deal with the army besides due to law and order problems the military got more importance and became more politically powerful than civil bureaucracy (Ashraf, 16 September, 2011). Besides, the United State of America (USA) had a great influence on decision-making in Pakistan and it had pressurized the government to implement its agenda. The government remained under the continuous pressure of internal and external groups (Mitra, 1988).

In Nawaz's first government (1990-93) the power of civil-military bureaucracy was equal. Nawaz had bad relations with the Chief of the Army Staff and a bureaucratic President which resulted in a strong relationship between civil-military bureaucracy. In Benazir's second government (1993-97) the type of government was more bureaucratic and less military. The government had strengthened civil bureaucracy to keep it on its side but of no use. In the second government of Nawaz (1977-99) the role of the establishment was limited due to government policies and the non-political attitude of General Jehangir Karamat. But when General Musharraf became Chief of the Army Staff then army intervention was restarted. The army remained out of politics whenever it was under the command of neutral Chief of the Army Staff like Karamat. During this decade under review, all the Chief of the Army Staff remained politically active and played important role in the toppling of governments (Dawn, 1988) (Aziz, 2009) (Butt, 2011).

4.3 Role of Political Parties

The role of opposition in this decade was partially democratic. Most of the time opposition had politicized the legislation and turned situations in their favor. The culture of long marches, protests, and walkouts had derailed democracy. In every government, the opposition had persuaded the army to interfere in politics and remove the government. The role of opposition one way or another had supported the role of civil-military bureaucracy in Pakistan (Down, 1992) (The Pakistan Times, 1994) (Dawn, 1996).

The establishment had used different political parties and personalities for their power politics. Its main aim was to remain in power and was not sincere with any institution or personality. Due to the establishment controlled democracy has prevailed in this era. The governments were not free to exercise powers but were under the control of the establishment. In this decade Inter-Services Intelligence (ISI) had also worked under the patronage of establishment and politicians (Shaikh, 2000) (Quddus, N.D).

4.4 Status of Democracy

The main characteristics of democratic governments are as follows;

1. Sense of responsibility
2. Devolution of power
3. Completes tenure
4. Independent to make decisions
5. Accountability
6. Guarantee due rights and responsibilities to the institutions
7. Good governance

The Above-cited democratic features were not well developed in this era. Politicians had not realized the fact that great power brings great responsibilities so the culture of misuse of power got enhanced.

The power was centralized and local bodies' elections only happened twice in Punjab during the first and second tenure of Nawaz. At the grassroots level, the culture of politics did not exist and politicians consciously delayed the holding of local bodies' elections. The MNAs and MPAs had concerned that if problems of people were solved through grassroots level politics then their popularity and importance would decrease and

electoral victory would not be guaranteed (Khan, 1999).

In this decade the sense of sharing of responsibilities did not happen due to a lack of devolution of power. Centralization of power did not let the institutions to fulfill their responsibilities within the framework of authority. In fact responsibilities without transfer of power to the institutions had been a major cause of poor governance.

In this decade no government was unable to complete its constitutional terms due to conspiracies and power politics by the opposition, judiciary, and establishment. The governments were working under the guidance of the establishment and were not free to take decisions independently. The establishment was a kingmaker who used politicians to fulfill their vested interests like capital and power gain. The real political matters were nail down by the civil-military bureaucracy whereas the political officials were solely used to get those decisions to the public and to face their music afterward. The USA remained an important external pressure group in the tenures of PPP governments. The USA had always supported pro-USA civil-military bureaucracy in civilian governments as she knew the strength of establishment in the political system of Pakistan (Dawn 1996).

True accountability did not set up in this era for governments had massively used it as a tool to control political opponents. The scope of accountability was too narrow. Bureaucratic presidents had substantial authority but it was unaccountable alike due to the discretion of the office provided in 58 (2) (b) (Bahadur, 1998).

Good governance became possible if all the above-cited features were simultaneously present in the government (Hassan, 1988). Poor governance was the obvious feature as governments were not free to decide themselves and capabilities that were required to assure good governance were lacking in them. Besides several hurdles were caused by elected and non-elected institutions that undermined effective governance.

4.5 Role of Media in Pakistan

In this decade institution of media was controlled by all the governments. The media was not allowed to express its opinions and concerns over the functioning of governments (Dawn, 1997)

(Ziauddin, 1997). The freedom of electronic media was more limited than the press as there was only one government channel and one private channel. The media was relatively free in PPP's governments than tenures of PML (Chand, 1992). The PML had used more violent means to stop the press from performing its responsibilities such as it had imposed sanctions on those newspapers that did not abide by its instructions and demands. The *Jang* group, *Aman* and *Percham* were the main print media that were banned at that time (Shah, 2001). The media was biased and under a stronghold of influential pressure groups (pro-government or anti-government) (Sehbai, 1994). Press was divided into two categories; pro-government press and anti-government press.

The chief purpose of the highly controlled media was to support all policies of the government. Besides, the governments used the press to project its image, cover up its weaknesses and attack opponents. The freedom of media was restricted to hide the poor performance of the governments. The government had supported the culture of violence against media. Anti-government news had rarely appeared in media till 1994 (Shah, 2001).

Nawaz had been making statements in favor of freedom of the press whenever he was in opposition yet after assuming power in 1997 he took a number to the contrary. Within a month of assuming office, the government promulgated the Press and Publication Ordinance (PPO) on March 11, 1997 authorizing the government to forfeit any newspaper, book, or publication if it considered that:

1. Any section of writing had contained false information.
2. Attempts to ruin Pakistan's ties with the international world.
3. Seek to sway the army or police official to abandon his allegiance to his duties and discipline. (Dawn, 1997).

Further, Human Rights Watch Report pointed out that though the government had guaranteed freedom of the press, many journalists were arrested and newspaper offices were shut down on government's orders. An effective relationship between government and media remained out of question throughout the epoch (Dawn, 1998). The controlled media could be

categorized as Pro-Government media as it is spread on those media groups that assented to the inflicted restraints. Whereas, those who did not abide by constraints on freedom of media and stick to the journalism as per its canons and requirements of the time were labeled as Anti- Government media by the governments. (Shah, 2000).

4.6 Role of Judiciary

Judicial activism happened in this decade as a reaction against governments' policies. Judiciary had played an important role in creating problems for the governments only when governments had curtailed their role. The role of the judiciary was politicized by all the governments to prevent them from creating hurdles in legislation making. Judiciary had supported presidents in their extra-judicial actions except in 1993. Pentavalent dissolution of governments transpired by the Presidents in the said decade. The judiciary had only once upheld democracy and ordered the restoration of democracy that was the only available example in the era where the judiciary had succumbed the extra-judicial action (Shah, 2001). The governments had created favorites in the judiciary throughout of turn promotions but even though it favored decisions of bureaucratic presidents. In support of the above-cited point, one reference to reveal the status of compromised judiciary in the decade is as follows; Benazir had promised judicial reforms and appointments of judges with the consensus of opposition as she believed that this procedure would assure merit in recruitments. After assuming office she did the opposite; judges were appointed based on their loyalty to the PPP; appointments were on *ad hoc* basis and confirmation conditional on their leanings towards the PPP. The manifesto of the PPP had promised the separation of judiciary from the executive but it did not materialize. Sajjad Ali Shah was chosen as the Chief Justice of Pakistan by bypassing three senior judges. The appointment of permanent judges was purposely delayed; three provinces had acting chief justices and about one-third of judges of the Supreme Court were *ad hoc* appointees. These actions had politicized the judiciary and curtailed its independence (Dawn, 1996). Due to this attitude of the government, the judiciary was said to be divided into two camps; one group favoring Benazir and the other on Leghari's

side. The judiciary was politicized as cases against Asif Ali Zardari were in courts (Serpaio, 2011).

The status of the judiciary in this decade was as follows:

- a) Judiciary had no role in the first government of Benazir but the matter of nomination of apex court judges remained a constant reason for strained relations between the office of President and Prime Minister (Shah, 2001).
- b) Nawaz had restricted the functions of the judiciary by instituting a parallel judiciary system (special courts) through legislation (Pirzada, 2004).
- c) In PPP's second government *ad hoc* judges and additional judges were appointed to check the independence of the judiciary. While making these appointments, the principles of meritocracy were ignored. Besides the government had not implemented the decree of the Supreme Court related to the separation of judiciary from the executive as bureaucracy had concerns over it. To keep bureaucracy on its side, it turned the superior judiciary against itself (Dawn, 1994) (Dawn, 1996).

In Nawaz's second government the functions of the judiciary were curtailed through Special Courts and *Khidmat* Committees. Besides, continued killings in Karachi caused tension among the coalition partners. The differences within the coalition partners increased when five men of the MQM were shot dead on June 16, 1997. The MQM closed all its party offices in Karachi and stated that the reopening of offices would take place when Nawaz would provide a security guarantee (Dawn, 1997). The MQM had discussed the law and order situation with Leghari and asked him to play his role in normalizing the situation (Dawn, 1997). The government set up a judicial commission to investigate extra-judicial killings to placate the MQM. Nawaz met with the delegation of MQM and assured it that government did not want to enforce Governor Rule in Sindh. He also promised political strategy for the Sindh problems (Dawn, 1997). The wave of terrorism, sectarian violence and crime spread country-wide (Dawn, 1997).

- d) The government remained under pressure as the judiciary was taking *suo motu* action on Karachi situation. Nawaz's policies against the judiciary had rendered confusion within the judges of

superior courts that created a rift within the judiciary and executive. The undemocratic approach of the government towards the judiciary had undermined the status of the judiciary³ (Dawn, 1998). The judicial pressure on the last two governments (1993-96 and 1997-99) had provided a base for the removal of governments.

4.7 Reasons for Abnormal Law and Order Situation

The law and order situation was the continuous reason due to which governments were removed five times during the decade. The nationalist and theological-political parties had massive participation in prompting socio-political chaos and sectarianism. These parties had served as pressure groups and frequently mobilized people against governments. These political groups were so powerful that people could not resist their call of protest or rally. Governments were dependent on them for keeping the peace and business of the state. The bad law and order condition indicated no rule of law and challenged the writ of the government. The flawed administration had held up these parties to stay politically effective (Dawn, 1997) (Dawn, 1998).

The governments had used military means to tackle the law and order conditions in Sindh. The military operations had increased the grievances of the province as they were partial and took place in selected areas. After the termination of military operations, the law and order condition of Sindh became more acute. The governments did not come up with suitable policies towards Sindh even though they had a mandate for this. Since the early '80s, the governments had preferred to call the army to tackle the law and order condition in Sindh (Baxer & Wasti, 1991) (Shaikh, 1990) (Gahur, n.d). In fact, the democratic means to improve law and order was avoided by all the governments of this decade. The governments concerned were to control the law and order situation but not to improve it.

4.8 Vested Political Interests

The pressure groups (feudal, agriculturalist, industrialists) had entered into ministerial offices in

the assemblies through elections that monopolized the politics. They had brought legislation in their approval and underpinned each other in safeguarding their interests. The agriculture tax levied by the caretaker government of Moeen Qureshi was severely condemned by all the political parties as it adversely affected the interests of feudalists which were a paramount source of economic supports to politicians. This step was strongly criticized by all the political parties and after coming to power it was immediately abolished by the PPP (Clifton, 1993). These groups had an increased culture of bribery, corruption, and misuse of power in politics.

4.9 Tussle for Power

The power fight between Nawaz and Benazir had diminished Parliament norms. They were followers of two different legacies and backgrounds. The nature of their disagreements was political and personal. Both political families had filed cases against each for point-scoring. The law enforcement agencies were illegally used for the arrest of Asif Ali Zardari and Mian Muhammad Sharif (father of Nawaz Sharif). Even these two persons were arrested without issuing their arrest warrants (Dawn, 1994) (Nasr, 1992). These parties were pursuing politics for taking revenge and not in national interests.

In this era the performance of political parties was irresponsible. They always contacted the establishment for the dissolution of governments. The establishment was pampered by all the governments especially the opposition. The government had not been effective to bar the power of bureaucracy for being afraid of abandoning power and the undemocratic attitude of the opposition (Hassan, 1999).

From 1988-99 the political process was discontinued five times due to which democratic evolution could not emerge. Due to the repeated overthrow of governments, political leadership remained immature and culture of long-term planning did not establish (Khan, 1999). The establishment had served as a watchdog in politics and explored the weaknesses of the governments and blackmailed them.

³ The composition of the *Khidmat* Committees in provinces was as follows; 157 in the Punjab, 71 in NWFP, 105 in Sindh and 94 in Balochistan. The range of every committee was

from 9 to 11. The minorities and women were included in the committees too.

A large part of the Parliament was comprised of a privileged class that favored the political *status quo* to do the legislation according to their vested interest. Besides, the political representation of the middle class in all assemblies was extremely small due to which their problems did not get resolved nationwide. Governance means what governments deliver to the common man and in this decade the performance of the governments on the grassroots level was disappointing.

The 58 (2) (b) had introduced the imbalance of power between presidents and prime ministers which caused an ineffective working relationship. This amendment had weakened the parliamentary form of government by provided all-important massive powers to the presidents. The governments had exercised some powers and were not free to functioning without the assent of the president. The constitution neither became parliamentary nor presidential however dictatorial. The annulment of 58 (2) (b) was a substantial cause for disagreement between civil-military bureaucracy and the governments (Hussain, 1989). The 58 (2) (b) was the compromise made by the governments to stay in office. The amendment did not prove to be effective to end the promulgation of Martial Law and seized democratic development and bring fall to institutionalization. Due to 58 (2) (b) the governments in their tenures always functioned under the fear of overthrow (Dawn, 1993) (Zafar & Hussain, 1993).

During this phase of history, civil-military bureaucracy became so politically powerful that politicians had to appease it to remain in power. Historically the civil-military bureaucracy got strength during Zia-ul-Haq's regime because he used it as a replacement of political parties to run the affairs of the state.

In this era, the politics of alliances had weakened democracy in Pakistan. The strong alliances such as the IJI and the PDA had a split and did not deliver what was promised to the nation. These alliances had ended on the issue of power-sharing. The main political parties; the IJI and the PPP were reluctant to share federal portfolios with their allies. The politics of alliances in Pakistan had pressurized governments that if their demands were not fulfilled they would leave the treasury benches (Kamran, 2008) (Shaikh, 2000).

The democratic culture was of fundamental importance to halt the way of *coup d'état* as well as it promotes political maturity, democracy, the culture of dialogues, and terminates collisions. The democratic culture could come up if people were endowed with education and the political process did not hamper.

Conclusion

The frequent army adventures have fragile the democratic structure owing to which full democratic notions did not develop. At present, it is more difficult than before to make Pakistan a democratic country as traditions of military regimes have been more strengthened. It is the only motivation of politicians and society that can transform a dream of democracy into a reality. In Pakistan, the journey of democracy has once again started and this time all the stakeholders have to show that how much they have understood from the experience of the '90s.

In Pakistan, the civil-military bureaucracy was the most skilled institution and was guiding the politicians in the affairs of politics. Over time bureaucracy started to influence political decisions and taking control of the country. The military also realized that it is inevitable for the existence of Pakistan and could become a stakeholder in power politics. When the military worked with bureaucracy it started to assert its role and finally became a senior partner in the power play. The bureaucracy-military partnership was inevitable as when the military came to power it required a group that could replace political parties.

Throughout this era, power games continued to happen between power shareholders. The imbalance of power between elected and non-elected seemed to purpose intending to keep power with the establishment to make democratic institutions weak. Bad law and order situations and deteriorating center-province relations were other important factors that let the army get strength. The opposition and judiciary also had a hand in strengthening the position of the establishment. Press did not have complete freedom of expression for most of the time, though it was better than during previous governments.

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