Democratization, Institutionalization and Constitution in Pakistan: A Case Study of Musharraf Era

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Abstract: The paper discusses Pervez Musharraf era where various developments were made in Pakistan’s internal and external dynamics. Here only the internal developments have been discussed to analyse course of actions in political landscape. Musharraf has done efforts for democratization in society by introducing the devolution plan to decentralize authority from top to bottom. Under the plan, a hierarchical structure of authority was crafted to make people accessible to their rights at doorstep. The hierarchical structure was from Zilla Nazim-e-Aala (District Chief) to Tehsil Nazim, Municipal Committee and village council. Musharraf government initiated the formation of institutions to strengthen the function of bureaucracy, such as National Security Council (NSC). Being a federal body, NSC was formed in 2004 to facilitate the government in consultation. NSC had to discuss matters related to national security and foreign policy of the state, comprising of security experts and cabinet members. The Musharraf government also tried to amend constitution by extra-constitutional practices. One such practice was Provisional Constitutional Order (PCO) which is an emergency order that suspends either wholly or partially the constitution of the state. As a result nearly all senior judges were required to take oath of the office under PCO which questioned the independence of the judiciary. An effort has been made here in this paper to analyse all the developments.

Keywords: Musharraf, Constitution, PCO, NSC, Devolution

I. Introduction

As it is evident from Zia’s regime, it was needed to consider careful factors to constitute civilian institutional process. Junejo Government was politically victimized because it challenged the military establishment and forced to ask the legitimacy of military supremacy. Now Zia’s window was closed and question before General Aslam Baig (New Army Chief) either to continue marital law regime or to start democratic process issues were listed. First, the case dissolution of Junejo Government was in court. Second, the political parties were engaged in political campaign for next election. Third, martial law option was available but international circumstances were not favorable. Fourth, Benazir’s return to Pakistan was alarming situation for the military because of Bhutto’s death. With these issues, the military establishment focused to launch controlled democracy. It was calculated that Benazir Bhutto would be in position to win majority number of seats but now the question how to limitize Benair Bhutto’s wings. For this purpose, the military establishment believed in sponsored political alliance to curtail the power. This factor resulted in encouraging role of intelligence agencies desperately which captured future political set up in Pakistan.

Political system in Pakistan had to suffer badly when two times successive political governments were dissolved. Thus, the military establishment in Pakistan was equipped not only with favorable politicians but also to expose the political democracy in Pakistan. Weak political governments, known as corrupted left over negative impact over the common man. The military establishment excluded civilian set up from foreign and defense affairs. It has been argued that one of the major problematic area between military and Nawaz Sharif government (Second Tenure) was Kargil episode. Kargil episode humiliated civilian government and Nawaz Sharif was primarily concerned to conduct inquiry against Chief of Army Staff, General Pervaiz Musharraf, including a few others military top brass. Military establishment already tolerated resignation of General Jahangir Karamat in result of presenting idea of National Scrutiny Council (NSC) but this time, it was tough to accept. By contrast civilian governments, the military regimes, however, Zia-ul-Haq or Pervaiz Musharraf enjoyed complete access to all issues. The generals argued that holding elections in Pakistan is essential for political process but the political parties remained failed to maintained political order. On the contrary, the civilian leadership said that the presented argument of generals was not concerned with facts. The civilian
governments maintained their legitimacy and the people trust in them but their role was occupied by the military establishment. Democracy is an ongoing process and inspired by values and democratic culture, flourishing to institutionalize process. Political culture is the main determinant factors which enhance country’s ability to promote democratic behavior among the individuals.

II. Developments in Musharraf Regime

The concept of “Enlightened Moderation as expounded by Musharraf himself is a direct response to growing world perception that Islam was linked to fundamentalism and extremism. It is a strategy meant to militancy that is rooted in “political injustice, denial, and deprivation,” and to bring “socioeconomic uplift “in the Muslim world. Musharraf addressed Muslims to “adopt a path of moderation and a conciliatory approach to fight the common belief that Islam is not a religion of militancy in conflict with modernization but favored democracy and secularism.” Pakistan’s Prime Minister, Shaukat Aziz, briefed a policy of “Enlightened Moderation” before the international community. Many Pakistanis appeared to welcome the approach and watched religious extremists as the main obstacle. However, one renowned Islamabad based politician viewed that Musharraf traced back to expediency, not conviction, and only served to strengthen the perception that neither he nor United States had a genuine interest in Pakistani democracy. The Bush Administration rejected criticism regarding Musharraf’s military government and focused on “Musharraf” and stated him “the right man in the right place at the right time for the right job.” U.S. interest in Pakistani democratization existed in tandem (some would say in conflict) with the perceived need to have a stable and effectively-administered frontline ally in the international anti-terrorism coalition. While many observers believed that U.S. interests in combating terrorism and weapons proliferation in South Asia entailed a “trade-off” with regard to other concerns, some contend that the human rights situation in Pakistan may itself be a crucial aspect of the incidence of terrorism and religious extremism. Congressional oversight of U.S.-Pakistan relations in a March 2003 hearing included Member expressions of concern about problems with Pakistani democratization and the danger of the United States “giving full recognition to a military takeover” through continuous waivers of coup-related restrictions. Pakistan’s military dominated the country’s centralized decision-making process whereas Prime Minister Jamali was referred to President Musharraf as being his “boss.” On October 12, 1999, Army Chief Gen. Pervez Musharraf overthrew the elected government of Prime Minister Nawaz Sharif, dismissed the National Assembly, and appointed himself “Chief Executive.” The proximate cause of Musharraf action appeared to have been Sharif’s attempt to remove him from his Army leadership position and prevent his return from abroad, but disgraced Sharif’s authoritarian and allegedly corrupt regime both within the Pakistani military and among the general public. Under a “Provisional Constitution Order” (PCO), Musharraf declared a state of emergency, suspended the Constitution, and, by special decree, ensured that his actions would not be challenged by any court. He promised to introduce good governance and reviewed “genuine democracy.” In January 2000, Pakistan’s Supreme Court judges were asked to take an oath promising to uphold the PCO; six jurists, including the Chief Justice refused and were retired. Five months later, the Supreme Court issued a sweeping validation to Musharraf actions, including the PCO and the dissolution of the National and Provincial Assemblies, but it also ordered that elections would be held within three years from the date of the coup. These developments left Pakistan with a “seemingly beginning, but nonetheless very real, military dictatorship.” General Musharraf’s October 1999 seizure of power initially met approval among the Pakistani people, many of whom considered the Sharif government to be corrupt. Even many of the country’s more liberal-minded opinion makers acquiesced with the hope that Musharraf might succeed to improve Pakistan’s lot where civilian-led governments had failed. They believed that a military led government was the only

4For example, a House panel received expert testimony indicating that Pakistan’s worsening religious freedom situation is “part of the larger problem of the suppression of democratic freedoms” there (“House International Relations Subcommittee on International Terrorism, Nonproliferation and Human Rights Holds Hearing on State Department Report on International Religious Freedom,” FDCH Transcripts, February 10, 2004).
7Ibid.
8Pakistan’s 1973 constitution envisaged a sovereign parliament where powers rested with the prime minister, but subsequent changes under the military-dominated regime of Gen. Zia-ul-Haq shifted power to the presidency. The very Parliament that provided Zia with these powers was itself dismissed by him in 1988. In 1997, PM Nawaz Sharif oversaw passage of the 13th Amendment to the constitution, repealing Zia’s 8th Amendment (1985) right to dismiss the government and appoint military chiefs (and thus restoring powers to the prime minister’s office)
alternative to a radical Islamic regime in Islamabad. Yet Musharraf subsequent actions became widely interpreted, as indicated his intention to impose more or less permanent authoritarian rule over the country, and thus alienated many of the early optimists. While maintaining his promise to hold national elections in October 2002, Musharraf spent ensuing years taking actions that bolstered his ruling position and that of the military. Proponents of Musharraf’s political choices since 1999 insisted that the country is becoming more stable, and less corrupt and personality-centered through “military-guided” administration. In June 2001, President Mohammad Rafiq Tarar was forced to resign. Musharraf later legitimized his status as President in April 2002 ‘referendum’. According to Ayaz Mir, a respected newspaper columnist: “A young friend of mine proudly told me that in front of the Municipal Library he had stamped 135 ballots as a mark of his love for General Musharraf. His mother, an active lady, had stamped another hundred, his sister, all of fourteen years old, 150. Only figure rather than anything else had cut short their exertions.”11 Islamabad reported resounding public approval for Musharraf’s continued rule in the results of this exercise, with 98% of votes cast in favor. Yet the opposition parties had boycotted the referendum, and political fraud marred the outcome. Musharraf later apologized for “irregularities” in the process.12

III. Review on Musharraf Regime’s Development

India highlighted this matter before international community and blamed Pakistan’s interference in India’s territory as to convince attempted violation of international boundary. India focused that Pakistan supported the terrorist organizations in Kashmir. Forces were deployed on both sides’ borders on reactionary basis. So, the Kargil episode became a bone of contention between the civilian and military leadership. And finally, it was the turning point as adventures episode regarding removal of Pervaiz Musharraf was staged. In against of this act, Mian Muhammad Nawaz Sharif had been not only removed but was also compelled to quit country. With the understanding of the international guarantees, Mian Nawaz Sharif with his family members had been permitted to stay in Saudi Arabia for next ten years. In this way, chapter of civilian government was closed. It has been observed that on starting of Musharraf government, the military was welcomed by the political parties. On the other side, the statements from the politicians appeared that democracy should carry on and that can be possible only through free and fair election. The meanwhile, the dismissal of government was challenged in Supreme Court. It was stated that Pervaiz Musharraf violated 1973 Constitution and now democratic government should be restored. All these stories were dropped when Nawaz Sharif reached Saudi Arabia finally. Process of democratization was again derailed and controlled democracy ‘old idea’ was going to be introduced in next few days. It is interesting to note that Pervaiz Musharraf suspended 1973 Constitution, imposed emergency and introduced Provincial Constitution Order (PCO). Pervaiz Musharraf asked Chief Justice Supreme Court to take oath. Then Chief Justice refused to take oath, including six other judges of the honorable court. According to their point of view, Musharraf violated 1973 Constitution. Musharraf pressurized the judges and finally rest of the judges, including present Chief Justice Mr. Iftikhar Ch. taken oath from Mr. Musharraf. In this way, Musharraf’s extra-constitutional acts were finally legitimized by Judiciary. In addition, Musharraf was accorded next three years to run state affairs as accordingly if he thought to amend constitution. Supreme Court acknowledged Musharraf regime, accommodated PCO including dissolution of National Assembly and provincial assemblies. Supreme Court ordered Pervaiz Musharraf to hold election within three years. Musharraf promised to introduce ‘good democracy’ in next three years. The judgment in Zafar Ali Shah case: “The courts do not decide abstract, hypothetical, or contingent questions or give mere declarations in the air. The determination of an abstract question of constitutional law, divorced from the concrete facts of a case, floats in an atmosphere of unreality; it is a determination in a vacuum, and, unless it amounts to a decision setting rights and obligations of the parties before the court, it is not an instance of the exercise of judicial power.”13

In this way, military regime again planned to introduce planted democracy. Musharraf attempted to implement Seven Point Agenda’ delivered first speech on national television. (1) Rebuild national confidence and morale. (2) Strengthen the federation, remove inter provincial disharmony and restore national cohesion. (3) Revive the

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1Zaffar Abbas, “Analysis: Musharraf Sidelines Parliament,” BBC News, August 21, 2002.A well-received and more clearly progressive change was the reservation of 60 assembly seats for women and non-Muslims
3Ansari, Masooud, How the Referendum was Won, Newsline, May 2002, p. 22
4Human Rights Watch, “Pakistan: Entire Election Process ‘Deeply Flawed,’” October 9, 2002; SumitGanguly, “The Slide Continues,” Foreign Affairs, April 2003. Both of his predecessors as national leaders — Benazir Bhutto and Nawaz Sharif — were, byMusharraf’s own decree, excluded from candidacy regardless of the status of criminal charges against them. While the core membership of the PPP and the PML-N remained loyal to its leadership, it became clear that after 1999 neither could mobilize the levels of support enjoyed during the 1990s. This combined with evidence of a pervasive apathy among the Pakistani people with regard to national politics: Recognizing their weakened positions, the parties — one-time bitter rivals — agreed to cooperate in the 2002 elections, and coordinated regional candidacies in an attempt to maximize their final combined victories
5PLD 1972 SC 139.
It is correct to say that Musharraf speech was appreciated by the public. Musharraf addressed accountability, grass root level politics and to stable economic condition of country. It is a fact that Pakistan was facing serious economic challenges in Nawaz regime. Due to economic sanction over Pakistan due to 28th May Atomic Explosion, the economic condition was rapidly declining. Second, the ‘overseas reserves’ were freed by the Finance Minister (former) Sartaj Aziz whose policy badly affected the economy. It is also a fact that opposition political parties did not pay attention to look after democratic process. Instead of showing resistance against military regime, they welcomed Musharraf and appreciated ‘Seven Points Agenda’. The liberal thinkers viewed that Musharraf will attempt to introduce a political leadership which will rule Pakistan towards prosperity. In these circumstances, Musharraf politicized the issues. In June 2001, Musharraf asked President Rafiq Tarar to resign, from Presidentship like Zia-ul-Haq. Musharraf approached common man through Referendum and gained 95% vote throughout Pakistan. The Supreme Court in the Zafar Ali Shah case held in part: “That the 1973 Constitution still remains the supreme law of the land subject to the condition that certain parts thereof have been held in abeyance on account of State necessity; [...and that the Superior Courts continue to function under the Constitution. The mere fact that the Judges of the Superior Courts have taken a new oath under the Oath of Office (judges) Order No. 1 of 2000, does not in any manner derogate from this position, as the Courts had been originally established under the 1973 Constitution, and have continued in their functions in spite of the Proclamation of Emergency and PCO No. 1 of 1999 and other legislative instruments issued by the Chief Executive from time to time.”

In next, Musharraf attempted to hold General Election in 2002. It had been observed that in the presence of Muslim League (Nawaz Sharif) and PPP (Benazir Bhutto), it was difficult to sustain Musharraf in power. Mian Nawaz Sharif was already in exile due to an agreement whereas Benazir Bhutto was also in exile but in different capacity. Benazir Bhutto was in exile since Nawaz Government due to registered cases of National Accountability Bureau (NAB) and Swiss cases. For getting domination over political matters, he introduced Legal Frame Work Order (LFO) and Political Parties Ordinance. Both these acts perfectly facilitated to Musharraf and politically affected to Nawaz Sharif and Benazir Bhutto. One important condition, imposed over both that a person who had enjoyed the office of Prime Minister two times, he or she cannot be elected for next third time Prime Minister. Second, the leadership of any political party, in exile due to corruption charges, the name leadership of political parties had to be changed. Pakistan People’s Party was renamed as Pakistan Peoples Party Parliamentarians (PPPP) and Makhdoom Amin Faheem was nominated as Chairperson of PPPP. The Muslim League again split into two parts further. The persons loyal to Nawaz Sharif reoriented political party as named Muslim League (Nawaz Sharif). Others preferred to join Muslim League (Quaid-e-Azam) like Ayub Khan had established conventional League. It was evident that Musharraf planned to rig general election before polling. Muslim League (Q) was supported by the civilian & military bureaucracy. And finally the General Election brought expected result. Benazir Bhutto was not permitted to campaign election whereas Mian Nawaz Sharif was in Saudi Arabia. Both political parties e.g. Muslim League (N) and PPPP were politically victimized. They were legally deprived of rational participation. All religious parties formed a political alliance, called MMA.

It should be observed that after dismissal of Nawaz Sharif government, Washington neither supported Musharraf nor negatively reacted against him although Washington had advocated restoration of democracy in Pakistan as early as possible. Destiny of Musharraf was changes as 9/11 event was happened. Musharraf became the ‘best friend’ of Mr. Bush as the former officially announced to join US led war on terrorism. While delivering a speech on national television, Musharraf said that he had no option except to join Washington. He firmly argued that Pakistan had to lose its strategic interests in the region of in case of avoiding to allay US against ‘war on terrorism’. So finally in return, Musharraf gained license to rule and democracy became the least concerned issue of Washington. For achieving national interests, Washington did not pay attention to Benazir Bhuto and Nawaz Sharif. Musharraf focused U.S. ally and MMA gained advantage. On slogan of Anti-US, MMA finally gained politically advantages. It achieved maximum number of seats in North West Frontier Post (NWFP) and Baluchistan. First time in the political history of Pakistan, religious parties gained such number of seats. Pakistan Election Commissioner announced Pakistan M.L. (Q), single majority party in National Assembly but for formation of the government, it needed further support. For this purpose few members of PPPP established Pakistan Peoples Party (Patriot Group) and joined Q. League when intelligence agencies pressurized Faisal Sallah-e-Hayat and Aftb Sher Pao. In return, the separated members group, Pakistan Peoples Party (Patriot) led by Aftab Sher Pao was awarded with ministries. Peoples Party gained maximum number of votes and was the second largest political party in National Assembly. Although House of Opposition was given

14 http://presidentmusharraf.wordpress.com/2007/07/10/address-nation-7-point-agenda/
15 PLD 2000 SC 869
to second largest political party of the parliament yet PPPP had been remained deprived of it. Opposition leadership was given to MMA. It is a known fact that in the exchange of a ‘dialogue’ between MMA and General Pervaiz Musharraf on uniform issue positively, the opposition leader was nominated Mulana Fazal-ur-Rehman. At the time of formation of government, the political parties indulged themselves to alliance for government. The dialogue started between PPP and Muslim League (Q) but did not successfully end. It has been the serious rumor that Musharraf intentionally wanted to see Makhdoom Amin Faheme as Prime Minister but PPP leadership did not favor this opt. Musharraf wanted to keep Benazir Bhattu in exile from political scene but he agreed to write off all cases against Benazir in case of compromised between both. Second phase of dialogue was stated between Muslim League (Q) and religious / political alliance MMA but it was not pleasant movement for Musharraf. So that deal was cancelled. Again the dialogue process continued and S.M. Zafar, Ch. Shujat Hussain and Mushahid Hussain negotiated with MMA leadership. Finally political deadlock resolved when political bargain was finalized. In this regard, opposition leadership and coalition government with (Q) League in Baluchistan Province was settled. Musharraf promised to vacate Army Chief Seat in return and all his amendments would be accepted, including LFO. As a result of understanding between Musharraf’s sponsored Q. League and MMA, the draft for 17th Amendment was approved which changed complete frame of 1973 Constitution. Prime Minister’s powers were given to the President Office. The President was empowered constitutionally to dissolve national assembly, provincial assemblies and senate. President became more powerful as compared to the Prime Minister. In fact, the 17th Amendment should be treated as pararrel 18th Amendment, introduced by Zia-ul-Haq. In next, Musharraf was given vote of confidence by Pakistan’s Electoral College. In this way, Musharraf’s presidency was legitimized. All opposition political parties argued that MMA betrayed democracy and violated its parliamentary mandate. Finally, the opposition parties excluding MMA formed a political alliance, called alliance for Restoration of Democracy. MMA was titled friendly opposition and B-Team of President Pervaiz Musharraf. By introducing the concept of friendly opposition, Musharraf successfully managed leverage between military and civilian leadership as proper institutional place in democracy. Musharraf regime was examined not in the light of democratization process but also to focus on war on terrorism. Washington’s area of interest was Afghanistan, Al Qaeda, Taliban and the growing influence of the militants. It is a fact that Washington had paid maximum importance to war on terrorism rather than democracy.

Although, Musharraf engaged scenario into war against terrorism yet he attempted to introduce new sort of political thinking after election. Local Government Ordinance and National Security Council were milestone efforts, political impacts over Pakistan. It is the history of Pakistan; every dictator introduced Local Government System to access common man. Ayub Khan introduced Basic Democracy (BD) System. Non-party local government election was scheduled in Zia-ul-Haq era. In same the manner, Musharraf framed Local Government System on non-political party basis. It is also a fact that like Zia-ul-Haq, Musharraf tried to establish National Security Council. During second tenure of Nawaz Sharif, General Jahangir Karamat had given the idea of National Security Council. He had to take back his programme because of facing serious criticism from civilian government. Now this time, Musharraf repeated the idea of National Security Council. In fact, Musharraf planned to dominate civilian government through National Security Council. It was argued that the internal and external national and international matters, related to security issues, will be examined in National Security Council. So, NSC will be approached to bridge between both on policy matters whereas, the parliamentarians argued that Parliament is supreme and it has been constitutionally empowered to execute policy matters, related to internal and external matters. The idea of National Security Council, advocated by Pervaiz Musharraf, was highly criticized and mannered as supremacy of military forces over the civilian government. Finally, National Security Council was constitutionally implemented. It is interesting to note that in the Parliament Session, Musharraf’s National Security Council was placed as part of the constitution; Mulana Fazal-ur-Rehman (Opposition Leader) was absent. So, it can rightly be said that the parliamentarians do not show any sort of political resistance within parliament. Local Government Ordinance, 17th Amendment, War on Terrorism and implementation of National Security Council (NSC) were the features of Musharraf regime, minimized the role of democratic trends. Institutions are made but not properly flourished and rooted.

It is not now a secret how much powerful role, played by the intelligence agencies as regarding their involvement in the political matters and further to manipulate the election results directly or indirectly. During Musharraf regime, the political parties were deeply stressed under the influential role of powerful spectrum of the intelligence agencies. It is a fact that since 1947, the political parties are instructed by the military establishment. In Zia regime, the Islamist-radical minded Jahadi Organizations had been given importance. The secular political parties had been victimized. Muslim League was again established within parliament in post 1985 although Non-Political Party’ base election. Mohammad Khan Junejo was as Prime Minister nominated as President of Pakistan Muslim League within parliament. Rest of the political parties formed an opposition

alliance. After Zia period, during civilian governments, the military dictated and attempted to influence. The same power broken political set up was repeated by Musharraf. The national parties e.g. Muslim League and Pakistan Peoples Party had been marginalized.\textsuperscript{18} The Islamist political parties, called MMA Alliance were given opposition called status. Instead of MMA, the other political parties played actual role of opposition inside and outside parliament. PPP and PML (N) leadership convinced international community that military leadership had no capability to deal matters and civilian genuine leadership has been marginalized.\textsuperscript{19}

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<td>Total</td>
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That time, Washington was engaged in War on Terrorism, so that political leadership was not focused. Province Pukhtoon Khawna (later NWFP) and Balochistan were ruled by the MMA. It is interesting to note that Pakistan Muslim League (Q) was not independent to run the state’s affairs. In 2003, PPP leader Makhdoom Amin Faheem was arrested and jailed. NAB case against Benazir Bhutto and Nawaz Sharif were re-opened. Makhdoom Javed Hashmi was jailed and announced sentence of 23 years. West Media criticized and raised objections. Washington stated that case of Javed Hashmi should be trialed on merit and transparent role of investigation should be highlighted. Musharraf government stated that Makhdoom Javed Hashmi role was negative as determine by the judiciary and its internal matter of Pakistan’s political and legal system.\textsuperscript{20} Washington called Hashmi case ‘closed nature of Hashmi Proceeding’ Islamabad responded by accusing Washington of “Unwarranted and misplace interference in internal affairs. In May 2004, Shabaz Sharif tried to return Pakistan but was disgraced by the commandos and returned to Saudi Arabia after less then two hours stay in Lahore in what some termed as “massive over-reactions” by authorities. The supporters were jailed and they had to face judicial trial just due to be the welcome of Muslim League (N) leadership. The civil society criticized Musharraf but the situation was maintained. It was publically argued that MMA has now turned into new phase e.g. called now Mulla-Musharraf Alliance. The political figures of Muslim League and Pakistan’s Peoples Party were politicially victimized. They were legally banned, adopted subtle form of harassment to suppress the opponents throughout country.\textsuperscript{21} In this way, the Martial Law regime impression appeared. In this phase, the opposition in parliament sidelined these political victimization matters. In this scenario, the political matters were controlled by Musharraf rather than civilian government. The PPP leadership was blackmailed to keep Asif Ali Zardari in jail. The cases were registered but the proceedings were kept pending. In this situation, Benazir Bhutto was asked for political bargaining with Mr. Musharraf through common friends and secret officials. In this matter, the resources informed that secret deal was staged between Musharraf and Benazir when Asif Ali Zardari was freed from jail in the result of a judgment, passed by Supreme Court. After nine years, Mr. Asif Ali Zardari was allowed to visit his family.\textsuperscript{22} In this context, it was openly argued that PPP leadership was compelled to deal Musharraf. It is a known secret that Musharraf and Benazir meeting (one to one) was properly arranged by the intelligence institutions. Deal efforts were successfully approached and NRO was finally accorded.

One central permanent problem, faced by the Pakistan’s political parties was ‘uniform issue’ of President / General Musharraf. The opposition political parties blamed that Musharraf cannot hold two offices at same time. As President, Musharraf had to resign from military whereas the (Q) League argued that for political stability in Pakistan, Musharraf Uniform is essential. On many occasions, Musharraf’s friends (political) claimed that for next ten times, Musharraf can be elected as President of Pakistan in uniform.\textsuperscript{23} So the tussle continued. At time of 17th Amendment approval, Musharraf promised MMA leadership to leave uniform but as the said amendment

\textsuperscript{18}Author interviews with PPP and PML-N officials, Islamabad, January 19, 2004
\textsuperscript{20}Najam Sethi, “His Majesty’s Loyal Opposition?”Friday Times (Lahore), May 28, 2004
\textsuperscript{21}Matthew Pennington, “Pakistan Gives Opposition Tough Time,” Associated Press, May 10, 2004
\textsuperscript{22}Mazhar Abbas, “MMA’s Anti-Musharraf Campaign a Damp Squib?” Friday Times(Lahore), January 7, 2005
was approved / ratified, the issue of uniform remained unresolved. So again the issue of uniform was highlighted. President Musharraf acknowledged internal and external pressure. While addressing on national television and interviewing, he left the impression regarding to resign from uniform. He addressed nation on national television and promised again to leave uniform. Washington responded by it expected to see continuing progress toward the goal of “fully functioning democracy” in Pakistan and that it continued to view Musharraf planned military retirement as “progress in this general direction.”. The British Commonwealth, which in May 2004 lifted a four-year suspension of Pakistan, had insisted that Musharraf stand by his pledge to resign from the military or risk further opprobrium. In 2004, the ruling party PML (Q) stands by acting to introduce a bill in National Assembly that would allow Musharraf to be in uniform along with Presidentship. So debate was started between Pro-Musharraf and Anti-Musharraf in Parliament. Besides this, 1973 Constitution was neglected completely. So that again Zia-ul-Haq methodology was adopted to gain maximum constitutional power. It was obvious that being President, Musharraf had desire to see maximum power. Even though, the President Musharraf regained power to dissolve national assembly. After 17th Amendment, it was understood that the portfolio of Musharraf would be at strength level. Now the question is raised whether Musharraf had intention to enjoy both seats or to leave one of them. On many occasions, Musharraf showed positively to leave Army Chief Portfolio. On the other hand, his supporters suggested him to be in uniform. So that political stability in Pakistan will be maintained.

Even then the Uniform was associated with the political stability. It was considered a vindication situation that political stability had been synthesized with military uniform. Now again the issue of uniform was highlighted and West media criticized Pervaiz Musharraf’s Uniform/President role and further focused to decide be ‘democratic’. The first time when Musharraf imposed Martial Law, Washington Administration treated this act as unconstitutional and simply violation of democratic principles. As 9/11 event was occurred, Pervaiz Musharraf was given importance and democracy had been set aside. Musharraf was given extra constitutional concession just due to war against Terrorism. Now this time it was assumed that Washington will not support Musharraf on this matter. U.S. Administration stated “Musharraf planned to resign from military is a good thing” functioning democracy”. In meanwhile, Musharraf visited Washington and briefed U.S. Administration regarding the Jahadi network and survival of war on terrorism linkage with uniform matter. It astonished to everyone again that Musharraf was given special concession regarding democracy. While at joint press briefing, U.S. Officials stated that Pakistan’s democratic institutions are strong and Musharraf’s efforts to flourish democracy are admirable. While giving an interview to American television, Musharraf said “Pakistan Democracy has been fully restored.” He further said that during one-to-one meeting between Musharraf and George Bush, everything was debated except uniform. So the hopes were again demised. Democracy had been remained an ineffective parameter, as to keep under control of the military establishment.

IV. Devolution of Power Plan 2002

After holding power in the result of 1999 military coup, General Pervaiz Musharraf endorsed local government power plan 2002 in context of introducing decentralization power. It was planned to evolve responsibility framework to local governments. Local Government System was constituted for decentralization at political and administrative fronts. Accountability and transparency were important features to consolidate impressive results. Like Ayub Khan and Zia-ul-Haq, Pervaiz Musharraf focused on legitimacy of election for his personal gaining in terms of overlapping political power. It is viewed that Musharraf fully approached political legitimacy but non-party local government election diffused every segment within society. In case of Devolution Plan’s implementation of devolution power accountability changes were observed. The District Administration and District Nazim including Provincial bureaucracy were treated in terms of administrative reforms. It was the good political centralized experiment but did not required results. As according to Pervaiz Musharraf’s Devolution Plan, District Co-ordination Officer (DCO) was kept under control the District Nazim. The financial and administrative powers were given to District Nazi whereas the technical reports of the officers will be written by the concerned competent authority. It has been observed that the civil secretariat was powerful to control the transfer and posting affairs. The Provincial government has enjoyed constitutional power to appoint

24Richard Boucher, State Department Noon Briefing, September 16, 2004
28M.B. Naqvi, “Why the Opposition Stays Divided,” News (Karachi), January 12, 2005
and to transfer. After their rules, the successive elected governments ignored to introduce local government. Even then instead of introducing the reforms in already existed local governments system, they intentionally ignored to do that. They treated local government system as serious threat to their provincial constituency status. This sort of conflict between provincial representatives and local government deeply affected concept of decentralization in Pakistan.

During Pervaiz Musharraf regime, many political provincial representatives vacated their seats just for District Nazimship. It is true that presented plan of Pervaiz Musharraf was lacking of establishment of harmony and coordination among federal, provincial and local level. On same issue, the provincial governments had ruling status over local governments. Allocation of resources and generation of resources were not determined but these areas could be addressed. It is tragic dilemma that instead of moving forward towards institutionalization process, the basic unit of survival of political system was ignored. The three provincial governments e.g. Punjab, Balochistan and NWFP did not show interest to introduce reforms within system. In Sind, the Local Government System was restored in some areas. MQM was interested to restore Pervaiz Musharraf’s local government system whereas PPP focused on present status. Few members of PPP argued that their leadership should merge the Zia’s local government scheme into Pervaiz Musharraf local government scheme. In Punjab, Provincial Government extended supremacy of bureaucracy after neglecting local government elections. The elections were not contested at local level because the provincial bureaucracy and political elites were not interested to implement decentralization plan. It has been argued that instead of delivering public services, local government authorities promoted corruption, nepotism, negligence and conflicted environment with provincial government. Local government system, introduced by Musharraf was lacking of check and balance. Therefore, it did not reflect accountability, transparency and constitutional support provincial government.

Pervaiz Musharraf’s Local Government focused the devolution concept within addressed political problems, financial matters, and functions of the government. Musharraf said that the Devolution Plan was the one of the core feature of his Seven Points Agenda. Like Ayub Khan, and Zia-ul-Haq, Musharraf sought solutions of many problems in Devolution Power Plan. Musharraf was convinced that actual democracy will be generated through Devolution of Plan.30 The developed Western countries attained democracy through a proper mechanism. He was confident that his introduced Devolution of Plan will bring changes at the political spectrum. Good Governance can be achieved through Devolution of Plan. Transparency International’s Assessment of Pakistan, as having one of the corrupt governments. According to report, the corruption in Pakistan has paralyzed the structure of the economy. Now, Pervaiz Musharraf was interested to introduce transparent political structure. Musharraf government formulated National Reconciliation Bureau and his appointed man Lieutenant General (R) S. Tanvir H. Naqvi as Chairman articulated the design of Devolution of Plan. The subjected plan addressed the district, tehsil and union councils which defined the features of District Management Services and Police Department Role in new Devolution of Power Plan.

The Local Government Plan scheme is defined

“In the existing system of governance at the local level, the province governs the districts and tehsils directly through the bureaucracy at the division, district, and tehsil levels. And the local government for towns and cities exist separately from those of the rural areas. The provincial bureaucratic set-ups are the designated “controlling authorities” of the local governments and tend to undermine and over-ride them, which breeds a colonial relationship of “ruler” and “subject”. The separate local government structures engender rural-urban antagonism, while the administration’s role as “controlling authorities” accentuates the rural-urban divide”.31 The plan pointed out the role of DMG and PCS officers,

“The two structured and systemic disjoints mentioned above, coupled with the absence of horizontal integration and the consequent inadequacy of functional coordination between the line departments at the division, district, and tehsil levels, lead to inefficiency and corruption and are the root causes of the crises of governance at the grass root sic level. The crisis appears to have been addressed through over concentration of authority, particularly in the office of Deputy Commissioner, which besides creating the potential for abuse of authority, diffuses operational focus and results in the expedient handling of routine functions through crisis management”.32

Pervaiz Musharraf government was pleased to introduce the Devolution of Plan and now it was acknowledged on the finance terms. Finance System Section of Local Government Plan begins as:

“Almost universally, local governments receive some form of fiscal transfer from higher levels of government. In Pakistan, local governments have been receiving 10 to 15 percent fiscal transfers from provincial sources. The level of self-financing of local government in Pakistan has been much higher than in most countries. This is because provincial departments have been responsible for carrying out government functions and development at the district level. The transfer and grants system has been weak. There is no formula for distribution of funds to districts and provincial budgets do not specify district expenditures. Districts do not know, with certainty,

32ibid
what they will expect from the provincial departments, which affects planning negatively. This results in political machinations, ad-hocism, and lack of transparency. In order to accomplish a transparent, credible and fair system of transferring funds to the district level, a provincial financial commission will be constituted”.

However, the Local Government states that:

“The principle of the formula for provincial to district transfers is that district and local government should generate their own resources to the extent possible.”

The provision regarding the reforms related to provincial fiscal transformation process was also mentioned in the Local Government System.

“A formula for provincial fiscal transfers will be devised and implemented. The model provincial formulas will become part of the proposed new provincial finance awards and the resultant formulas developed in conjunction with the provincial governments will be subject to change in a similar fashion as the national finance awards”.

While criticizing Pervaiz Musharraf’s Local Government Plan the Asia Times stated, “The Human Rights Commission of Pakistan (HRCP) rejected the plan, saying the military

“The Human Rights Commission of Pakistan (HRCP) rejected the plan, saying the military rulers have no mandate to take such steps,” The official local election scheme is incomplete, self-contradictory and divisive and the rulers should announce steps for return of democratic rule,” an HRCP resolution said. The Pakistan Muslim League (PML) of Nawaz Sharif and the Benazir Bhutto-led Pakistan People’s Party (PPP) have both rejected the military governments overtures and have demanded immediate restoration of democracy. Among critics of Musharraf’s plan are hard-line nationalist leaders from the provinces of Sindh and Balochistan, who fear that it interferes with provincial autonomy guaranteed in the country’s 1973 Constitution, currently under suspension. The nationalists’ parties have demanded more autonomy for the provinces along with greater financial and administrative control ... The religio-political parties, on the other hand, oppose the devolution plan, saying it is contradictory to the country’s cultural values especially with regard to the mandatory representation for women in district governments”.

V. Conclusion

Nicolas Cristof had passed comments while defining ‘feudalistic’ hold over politics in Pakistan. “You should know that in remote areas (of rural Pakistan) you periodically run into vast estates comparable to medieval Europe-in which the landowner runs that town, perhaps operates a private prison in which enemies are placed, and sometimes pretty much enslave local people through debt bondage, generation after generation. These feudal elite have migrated into politics, where it exerts huge influence. And just as the heartlessness of feudal and capitalist barons in the 19th century created space for Communists, so in Pakistan this same lack of compassion for ordinary people seems to create space for Islamic extremists.”

As matter of fact, a deep sense of democratic virtue has not been remained visible because democratic leaders had to compromise with the authoritarian regimes. In search for minimum satisfaction, the leaders had to neither sacrifice expressive thinking of democracy but neither roots nor enhance of democracy are ignored. The politicians of Pakistan had to play a fix matter with authoritarian regimes on behalf of democracy. In this regard, internal and external factors are shouldering responsibility. In Ayub Khan Regime, the political infrastructure was hijacked. In Zia-ul-Haq regime, Afghanistan’s Jihad was cashed and again Musharraf was lucky. Musharraf was not acknowledged by the international media and civil society but 9/11 event made strong friendship between Musharraf and George Bush. Every dictator, whether it was Ayub Khan or Zia-ul-Haq and Musharraf, attempted to dominant politically by introducing democracy but only that kind of which suits to them. The most urgent role of the military dictators was to legitimize their political regimes. They enthusiastically claimed their political victory as origin democracy but as they were replaced, are things were scattered. Interpretation of democracy to maintain political power was self centered approach. Instead of understanding the specific treatment to nourish democracy and to institutionalize democratization process, the military regimes subsequently instigated non democratic behavior. In developed democratic governments, the balanced trouble with the democratic features in Pakistan stands for a certain degree of as agents of socialization in general. During military regimes, the legitimate concerned issues of society are not properly examined. Democratic virtues in society are not obliged and they are often sacrificed by the military dictators in Pakistan. Specific attributes for democracy always play vital role to articulate institutional making process in developed societies. In fact, democracy would focus on laws, equality, freedom, and other modified political institutions. Within authoritarian regimes, democracy has been compromised, neither safeguarded with political principles.

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