

How to reach there

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Dawn
25/9/04

Democracy

FOR a start let us evaluate where we are with respect to the rule of law, free and fair elections and freedom of speech. We are not as bad as the Arabs or even other Muslim countries. We don't have to despair, even if since October 1999 we have been under military rule, and this is likely to continue for the foreseeable future, in the shape of the National Security Council, with some sort of civilian facade.

The good thing about it is that constitutions will probably not be overturned every so many years. There will be some sort of institutional stability. However, it would be safe to make the following assumptions:

(i) The president will continue to exercise the authority to dismiss the PM and/or dissolve the National Assembly; (ii) The COAS will be more powerful than the president; (iii) Devolution would remain (it's a bit of a mess at the moment but that can be resolved).

Given the above assumptions, the present fuss about Musharraf's uniform simply means that such people want a change of general at the top. It is difficult to see how this would benefit the country. Nevertheless, the issue of electing a president with the power to dismiss the prime minister needs to be debated. More important, how is a future COAS to be selected? On this we can no doubt consult the Turks.

It is within this framework that we will have to evolve a suitable democratic system.

Promotion of democrat-

become deserted at around 6:00 p.m. There were crowds gathered around radios listening to the BBC. It is time PTV took some lessons from the BBC provided the government allows it to do so; if they do not, PTV is likely to lose its audience to the private channels.

Although Choudhry Shujaat has modified the libel laws to protect his fellow politicians, the press should do much more investigative reporting than it is doing at present. What newspaper lack is consistent follow-up. Because to a long period of press censorship journalists have become lazy because there is not much reporting that can be done under such a regime. They should buckle down and at least go for the municipal government and then move higher up the ladder. They can't leave everything to some brave columnists — it isn't fair.

The judiciary used to be the institution which interprets the

in which the voter's turnout was only 33 per cent or so. This was the basis of Nawaz Sharif's massive "mandate." Elections which are not perceived as reasonably free and fair lose their relevance. To some extent free and fair elections and a merit-oriented non-political civil service are interrelated.

One of Mr. Bhutto's acts, approved by many people, was his destruction of the civil service. Even people who may have been capable of acting in the public interest and advising without fear or favour, were turned into lackeys of the government overnight. It had a predictable as well as an unforeseen result. He wanted the 1977 elections to be managed in such a way that it gave him a majority sufficient to amend the Constitution. In their enthusiasm to please, the officials in charge went overboard and over-rigged the elections. This resulted in major agitation possibly

encouraged by external forces hostile to Mr. Bhutto. We know the sad ending.

The succeeding government took some temporary notice of malfeasance at the top. However, before long they had to remove two establishment secretaries because they had suggested that there should be a limit to lateral induction from the armed services. This was not well received. The government soon realized that tame civil servants were better than the ones that tended to give impartial and unpleasant advice. And this is how things are at present. For instance, the people who were suspected of rigging the 1977 elections ended up having normal careers.

While the powers that be have avoided going overboard — perhaps remembering 1977 — all

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ic rule is in the national interest. Pontification is not likely to get us anywhere. Nor will the alternative of the presidential form. Actually the presidential form is easier to convert into a dictatorship. We don't have to go very far. All military rulers in Pakistan have initially started out as presidents and only when they wanted to create a facade of democracy that they introduced a prime minister. Ayub Khan didn't even bother to have one but his successors reintroduced the office.

How does one revitalize the democratic process? The performance of our four "elected" governments after 1988 — two led by the PPP and two by the PML — is not very inspiring. Corruption was rampant; good governance was ignored. The prime ministers ruled with an iron hand doing more or less as they pleased, but were probably conscious of the shadow of the army hovering over them. Once Mr Sharif had succeeded in humiliating one COAS and getting him to resign, he felt encouraged, a la Bhutto, to take over the control of the armed forces. The rest is common knowledge.

There are four elements needed for good governance: the right to free speech and freedom of assembly, rule of law which requires independence of the judiciary, free and fair elections and a merit-oriented non-political civil service. These are also the requirements for consolidating the democratic process. Instead of wringing our hands about sour dreams and disillusioning journeys, it would be more productive if concerned citizens concentrated their efforts on these issues instead of lecturing on generalities about democracy.

Freedom of speech is the bedrock of a democratic process. This is the first government after 1958 to have been genuinely liberal in this matter, allowing freedom not only to the press but also to the electronic media. Censorship of the media is possible but difficult to enforce. I recall Mogadishu thirty years ago when the streets used to

law in an impartial fashion. The problem started when Chief Justice Munir decided to go political in aid of the executive. Gradually appointments to the higher judiciary, instead of being based on co-option by the higher judiciary itself became the privilege of executive authority; and therefore susceptible to influence by the executive branch.

One thought that the lowest point had been reached when Shahbaz Sharif's goons stormed the Supreme Court and dispersed the bench being presided over by the Chief Justice. Worse was to follow when the majority of his fellow judges (probably induced, if not forced, by the executive branch) decided to sack the Chief Justice.

General Jehangir Karamat, the COAS, when asked to protect the Supreme Court, prevaricated and allowed Mr Sharif's goons to have a field day. It was poetic justice when this same COAS was humiliated by Nawaz Sharif and forced to resign. The executive has by now become used to controlling the judiciary.

A periodic occurrence in Pakistan is the abrogation or suspension of the constitution. Things can only function under the directions of the military which also happens to be carrying guns. The superior judiciary could, in theory, resign en masse. It might have some sort of salutary effect except that one doesn't see it happening.

However, with the creation of the (highly undemocratic) National Security Council we can probably look forward to 15 or 20 years of constitutional stability. During this period efforts can be made to strengthen democratic processes. The simplest solution is to appoint members of the higher judiciary for life, and on (voluntary) retirement they would carry their emoluments with them. This would be radical but eventually it would work. If people don't like this, they can come up with other means to rescue the judiciary from the clutches of the executive.

The voters have lost interest in the process of elections as can be witnessed from the last election

elections after this date have nevertheless been managed by the local administration supervised by the proverbial "agencies." The neat rotation between Junejo, Ms Bhutto, Nawaz Sharif, Ms Bhutto, Nawaz Sharif does raise questions.

If we are serious, and one is not sure that we are, we can learn something from the experience of our neighbour in the east. After all, they do manage reasonably free and fair election in a very much larger country.

After 1970, Chief Election Commissioners have generally been of somewhat questionable competence. Persons responsible for announcing the unbelievable results of the Ziaul Haq referendum and the current referendum for General Musharraf can't possibly be taken seriously. Even Mr. Shaukat Aziz's vote count in Tharparkar appeared extraordinary. It was, in any case, a safe seat. Some officials just got carried away in their enthusiasm to please. Without official cooperation major rigging is not possible. That is why we need a strong civil service able to resist political pressure.

Not that anything remarkable has to be done for the civil service. The present system of written examination plus interview is probably the best that can be done. The examination subjects can be reviewed. The Chairman of the FPSC should be someone with a known intellectual stature. The terms and conditions need to be such as to attract a certain number of genuinely able people who now seem to be disappearing from the scene. If we are keen on good governance they also have to have a certain amount of plausible insulation from political pressure. It is largely a question of will.

The consistent elements for achieving democracy, freedom of speech, the rule of law, free and fair elections and a non-political merit civil service are interlinked. We have to decide, amongst ourselves, how to proceed. Some cooperation from the top would help.

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