

Pakistan's Experience With Democracy and its Outcomes

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“A country does not have to be deemed fit for democracy; rather, it has to become fit through democracy.” – Amartya Sen

An overview

During the past 57 years, Pakistan’s experiences with democracy have been transitory, as brief democratic rules have been followed by prolonged military regimes. As a nation, Pakistanis have time and again refused to delearn the incremental lessons in parliamentary democracy. Due to this fact, the four military regimes that Pakistanis saw finally reverted to controlled and guided democracy in quest for legitimacy. ‘Basic democracy’ of General Ayub Khan and ‘Islamic democracy’ of General Ziaul Haq were the efforts to appease popular sentiments and ‘sustainable democracy’ of General Pervez Musharraf is also not different from the two previous experiments with democracy.

All the three military dictators patronized and promoted their own factions of Pakistan Muslim League – the party claimant to be the founder of the country – to block the way of normative political forces. In order to supplement their efforts to monopolize the political sphere, the military rulers as unfair referees framed biased rules for the political game. The outcome was a paralysed parliament run by privileged puppets.

So-called intellectual brigades mostly comprising retired generals and former bureaucrats nursed not only militarization of state and society but also pleaded for authoritative presidential system. However, with the exception of Ayub Khan none of the military rulers succeeded in such efforts. Ayub Khan’s so-called presidential system immediately collapsed with his ouster from the political arena. Shockingly, such debates still exist to eclipse the future of parliamentary democracy in Pakistan. The argument derives its logic from the experience of certain East Asian nations that mortgaged their political liberties for economic growth in first place. In this scenario, a qualitative judgement on Pakistan’s democratic experiences can only point to trends and perceptions.

Integrity of a nation state

The lack of continuity in the democratic process meant that most of the interests groups in the country, whether economic or sub-national at one stage or the other, feel that the system is not fully responsive to their interests. It is generally perceived that during the undemocratic regimes, sub-nationalist forces grew in their disenchantment with the state and governance pattern. Conversely, whenever there have been even quasi-democratic governments, these sub-national entities felt to be part of the system and voices of dissent against state have been considerably mild.

To that extent, the democratic experience in Pakistan has played some part in assuaging the concerns of the federating units. Interestingly, with the exception of a few hardcore *jihadi* outfits, all major religio-political parties have been stakeholders in the democratic process. Despite their cherished theological dream and desire of caliphate, the religious parties competed and contested all general elections in the country. The story of ethnic and nationalist voices from periphery namely smaller provinces – Balochistan and NWFP – is not different. These forces have fully participated in the democratic institutions to plead for their demands.

Democratic institutions

Juxtaposed to above-mentioned trends, the governance and the democratic institutions have not been sufficiently participatory and democratic in their conduct, and failed to cobble up some institutional mechanism for making decisions democratically. The conflicts between the opposition and ruling party often led to use of state apparatus against the opposition parties. Thus, it has been common to see rulers of yesterday as prisoners of today. Therefore, the democratic empowerment remained an illusive dream, and execution and exile emerged as alternatives for the politicians.

Many political observers agree that although the country’s political leadership commendably fought for democratic governance whenever they faced a military rule, their own actions in power have been autocratic. “Despite making struggle for restoration of democracy, they have failed to build a legal framework, create a pro-democracy environment and most importantly build a policy framework in which

conflicts may be resolved through negotiations, by making bargain, and by building consensus.” (Saeed Shafqat -- Democracy in Pakistan: Value Change and Challenges of Institution Building)

In this context, no wonder that conflicts between different political forces in the 1980s and 1990s were resolved through the military mediated coercive state powers. Both Nawaz Sharif and Benazir Bhutto launched major military operations in Karachi to counter Muttahida Qaumi Movement. Though the conflict was not entirely political in nature, during the course of events such operations backed by the military establishment somewhere crossed lines from merely a law and order restoration to political vendetta. Present discontentment among Baloch nationalists over the alleged abuse of their resources by the federal government, especially in Gwadar, points to the inability of the state to satisfy the federating units. Moreover, the way these concerns are being addressed exemplify that nothing has changed in terms of coercive methodologies employed to settle major political issues.

Constitutional amendments

In order to evolve and erect a fair social contract between the state and the citizens, Pakistan has had three constitutions in 1956, 1962 and 1973, two interim constitutional arrangements in 1947 and 1972, and two major attempts of constitutional engineering in 1985 and 2002. All these attempts were to oscillate the power pendulum towards the designer. The casualty in the process was the rule of law and a viable social contract between the rulers and the ruled. In spite of these odds, Pakistan has exhibited unique resilience to survive. The critical question, however, remains that whether instability would stay as the professed policy of the powerful civil-military establishment or Pakistan would finally witness any moment of democratic triumph?

Flawed legislation

Legislation process that traditionally flows out of the constitution and contemporary needs of the society is often considered as the most important function of democratic institutions. Unfortunately, this process has been highly flawed even in the democratic eras. In the statute books, majority of the laws are those inherited from the colonial rulers, whereas the second biggest chunk is the set of presidential ordinances (though these are later converted into acts of parliament without any major changes), and very few laws that epitomize the brain of legislators. The tradition of private member bill has never been encouraged in Pakistan.

Role of state institutions in protecting citizens

The state has miserably failed in protecting life and property of its citizens. The actions to curb the crime have been selective and demonstrative, and that too marred by corrupt practices of the functionaries in different state agencies responsible for providing protection to masses. The state of affairs in the country's police department and judiciary is no secret, and popular perception is that all efforts on part of the state have been mere an eyewash.

Registration of cases by the police even on commission of a crime of heinous nature is very difficult for a common citizen, particularly the poor. In some instances, cases are registered even months after commission of a crime and obviously this leads to loss of critical evidence to prove the cases. Not only this, even if an aggrieved person gets a case registered, the rampant corruption in judiciary makes the accomplishment of justice impossible for the weak and vulnerable segments of the society.

Thus, this state of affairs has badly shattered the public confidence in the state institutions, leading to aggravation of situation at the grassroots through giving further boost to the lawlessness and prevalence of uncertainty among the masses.

Decision-making and people's voice

Lack of a culture of public debate before legislation is one of the major reasons that today there may be thousands of laws on the statute books but their enforcement is very weak. Sometimes, multiple laws to address any single issue empower the law enforcers to employ their discretionary powers. Drivers of legislation are often self interests of the ruling class, expediency or some external pressures when it comes to things that have a global perspective.

Constitutional amendments to strengthen the interests of the ruling party or one-sided amendments by the military rulers are also not uncommon. Therefore, the present lawmaking system has been unable to keep pace with the changing realities. The government often comes up with quantitative figures to project its legislative performance that in fact is nothing more than minor amendments to the existing laws. Similarly, policy formulation also remain highly personalized and outside the ambit of the parliament.

Lack of credibility of elections

Country's record in holding fair and free elections is also not very impressive. It has become a common practice of the defeated parties or politicians that they invariably blame the state for manipulating the elections, and the reason for such scepticism is ingrained deep in the country's political history. Understandably, when the state institutions (military and civil bureaucracy) seem to have a lucid tilt towards a particular political force or the other, the losing party has all the reasons to suspect the transparency of elections.

Moreover, the results of the elections are further manipulated when it comes to the formation of a government. Many a time, the party that has gained larger number of votes or larger number of seats is kept out of the power through post election alliance making. This exercise could be a positive development if entirely left to the dynamics of politics alone, as this could lead the political parties to create some kind of minimum consensus. But contrary to this fact, the outside players, like intelligence agencies, take up the responsibility of forging the alliances. Such manipulations not only create further doubts about the democratic process but also have inbuilt flaws and instability. Such alliances mean that the government has no connection with the masses.

Pakistan's history also testifies to another fact that though the people are allowed to elect governments, they have rarely been given an opportunity to vote out governments. The elected governments have been mostly removed through some arbitrary and discretionary power vested in the head of the state or by direct military intervention. In a sense, people in the country are not fully aware of the power that their vote may have.

Communication gap between political parties and masses

Despite a majority of people in the country accepts that democracy is the best system of governance, political parties have not really been able to capitalise on this broad consensus. As the infrastructure of the political parties over the past two decades has lost the ability to educate masses at the grassroots level, and the parties are less interactive with them, the creed known as political workers is becoming extinct. Political parties are now talking to the electorate through media alone, and this practice has led to an ample communication gap between the parties and the people.

While this gap increases, some other impediments in the development of democratic culture continue to influence the common man's mindset. Textbooks taught in schools do not talk favourably about political parties as institutions. Rather these books target some of the elected leaders while eulogising the military rulers of the country. Even the overall sense of the textbooks does not come out positively for a democratic system of governance.

The common perception propagated vehemently by the establishment that members of the parliament do not remain in touch with the electorate once they are elected. Although a deep look at the mechanisms of politics suggest this may not be true, as it might have almost been impossible for politicians to get re-elected if they completely lose contact with the electorate, it is largely true in case of big landlords who

have such clout in their constituencies that they cannot be defeated whatever the situation may be. However, in case of some politicians from the urban centre, the past elections have proved this perception wrong.

Public perception of democracy

Despite all odds pitched against vibrant and transparent democratic governance, 88 per cent Pakistanis value democracy as a good political system. In a survey, conducted between August 15, 2001 and February 28, 2002, 2,000 people were interviewed, and only four per cent of respondents preferred military rule over democratic governance. However, the level of trust in political parties was pretty low as compared to the civil service and the armed forces. See table below:

<i>Questions</i>	<i>Answers Yes in %</i>
Is democracy a good political system?	88
Is democracy despite its problems better than other political systems?	82
Is military government good for Pakistan?	4
Is a strong leader better to make decision without consent of the Parliament?	34
Should technocrats make key decisions rather than elected government?	19
Is Pakistan run by big interest groups who looked out for themselves rather than the benefit of the people?	89
Are you satisfied with handling of country's affairs by the government (military government)?	43
Are you happy with the country's political system?	8
Do you have confidence in political parties?	28
Do you have confidence in civil service?	50
Do you have confidence in armed forces?	86
Would like to have higher economic growth?	76
Would like to have more say in decision making?	4
Would like to see improvement in law and order situation?	57
Would like to see higher economic growth?	76

(Data Published in Daily Times on November 24, 2004.)

The survey was published as part of a publication: Human Beliefs and Values. The lead author was Ronald Inglehart, a professor of political science at the University of Michigan and president of the World Value Surveys Association. The book is a cross-cultural scorebook based on surveys in 82 countries conducted between 1999 and 2002.

According to another opinion poll, conducted by the Pakistan Legislative Strengthening Consortium (PLSC), in Pakistan 45 per cent people believe that political parties are essential and necessary for democracy but 62 per cent think that the parties primarily serve their own interests. Only 13 per cent consider political parties do serve the public interest. These figures show the political parties have to put their house in order to gain wider acceptance and reclaim their lost ground.

Mushrooming of political parties

Political parties have mushroomed in Pakistan in the past couple of decades. Every shade of political opinion or religious/sectarian group is now organized as a full-fledged party. Thanks to the constitution, there is no condition of the minimum membership for registration of a political party. Presently, over 90 parties submit their internal election certificate and annual income and expenditure statements to the Election Commission of Pakistan to qualify for an election symbol.

As many as 62 participated in the general elections in 2002, and 16 parties and two alliances got representation in the National Assembly, 12 parties and two alliances won seats in the Senate, and a few

more in the provincial assemblies. This is the highest number of political parties to reach the democratic institutions in Pakistan.

Interestingly, seven out of 15 parties have just one legislator and another one — Pakistan People's Party Parliamentarians (Patriots) later renamed and registered as the Pakistan People's Party — parachuted from the opposition to the treasury benches after the establishment facilitated division of the Pakistan People's Party Parliamentarians. Amazingly, majority of defectors hailed from Punjab and many of them have been given ministerial slots.

Role of intelligence agencies in politics

The role of the intelligence agencies that are mostly controlled by the military establishment is also a major impediment in the growth of democratic culture. The attempts to downgrade the political forces have been a consistent strategy for the establishment. These outfits work behind the scene to purchase loyalties or force politicians for forging alliances to serve the purposes of the establishment, particularly the military.

Infliction of political parties by corruption

A large number of Pakistanis believe that corruption inflicts political parties, and that political leaders have failed democracy. In Global Corruption Report 2004, published by the Transparency International, Pakistan figures in a category of states where investment in political parties can yield desired policy outcomes sought by the investors in the game. This study conducted by World Economic Forum to expose the extent of political corruption around the world is based on the results of 2003 Executive Opinion Survey in the Global Competitiveness Report.

The report places Pakistan in the category of the countries with 'medium political corruption' where the culture of irregular payments in government policymaking, policy consequences of political donations and odd reality of illegal political donations do exist.

However, the facts belie the popular perceptions about political corruption. Who is really tainted? An answer came on February 28, 2003 when a federal minister told the National Assembly that the National Accountability Bureau had recovered Rs1.8 billion from 87 senior officials and Rs770.10 million from 149 officials working at lower levels. The second biggest recovery of Rs450.10 million was made from military officers and the much-maligned politicians were at number three as Rs260.20 million were recovered from 17 politicians.

Abrupt policy changes

In fact, Pakistan first time experienced across the board general elections in 1970 and people clearly voted in favour of the parties that were challenging the established order. Though these elections resulted in the break up of Pakistan, still the process is described as the most transparent one. After creation of Bangladesh in 1971, the remaining part was led by a leader who tried to establish supremacy of the elected leadership over bureaucracy. This gave a new impetus and confidence to the polity to aspire for civilian control over state institutions.

But General Ziaul Haq's martial law tried to reverse whatever had been achieved by the polity. There were many steps like party-less polls at the local level and also later at the federal and provincial levels. Creating new breed of politicians and doling out state funds for development work to strengthen them were some of the steps that affected the political process negatively. However, as soon as an elected parliament was in place the tussle for supremacy once again started. Driven by demands of the electorate for development, jobs and resolution of their problems by 1999, the polity in fact had increased influence and autonomy to an extent where it started to vie for control over the military appointments. In 1999, Prime Minister Nawaz Sharif's ultimate downfall was a consequence of an attempt to replace the army chief (General Pervez Musharraf) with a general of his own choice, as earlier he had succeeded in securing resignation from General Musharraf's predecessor (General Jehangir Karamat) in October 1998. Before

that, Zulfikar Ali Bhutto had removed an army chief in 1972. Except the two mentioned instances, the military mostly decided its affairs on its own, without allowing a civilian chief executive to do so.

Role of civil and military bureaucracy

The elected representatives had largely been powerless. This could be judged easily through role of deputy commissioner as envisaged by the British when they introduced this office for the basic administrative unit (district) in the then India and the functions a deputy commissioner performed till introduction of a new local government system (or devolution of power by the Musharraf regime) in 2001.

Through introduction of a new local government system, the Musharraf regime institutionalised the supremacy of elected public representatives at the district level over deputy commissioner. It handed over many powers of the deputy commissioner to the district nazim. In a way, the wish of the polity to have a better control over state affairs at the local level has been granted and accepted. However, in this case too the establishment opted to provide a lease of life to traditional political elite by allowing them to contest for election to the office of district nazim. This way, the fresh blood was recruited as councillors with 33 per cent representation of women.

Second odd that goes against the spirit of meaningful devolution of power is that the role of military has been institutionalised at the federal level with a president who is also the chief of army staff and the National Security Council that has representation of the armed forces and is headed by the president. In the words of Jehangir Karamt, a former chief of army staff, the new amendments in the constitution including the one under which the National Security Council has been established were an attempt to settle the question of civil-military relationship on terms of the military.

Even at the district level the military establishment is not ready to allow party-based elections as that would mean strengthening the political parties at the grassroots level and once able to organise would again be ready to challenge the military dominance in the affairs of the state.

Role of people

In the whole equation, where do the people stand? For the people, the elected members remain the only access to the legislatures. However, Pakistani democracy is yet to reach a level where access to parliament means that their issues are debated and laws are framed to safeguard the public interests.

An opinion poll, conducted by the IFES in 2004 on behalf of the Pakistan Legislative Strengthening Consortium with support from the USAID, revealed that the people tend to be satisfied with the closest tier of government. However, the disturbing finding of the survey was that majority of the respondents fall in the category of "don't know" and it reflects their apathy towards democratic governance.

Satisfaction/dissatisfaction with institution

<i>Institution</i>	<i>Very/somewhat satisfied %</i>	<i>Very/somewhat dissatisfied %</i>	<i>Don't Know %</i>
Army	58	10	33
Union Council	28	23	49
District Government	19	22	59
Town/Tehsil Council	18	23	59
Judiciary	18	27	56
Provincial Assembly	15	19	65
National Parliament	14	20	66
Election Commission	12	17	70
The Senate	10	18	72

Public Opinion in Pakistan-2004

Role of judiciary

In functioning democracies a void is filled by the judiciary. But besides corruption, the lack of proper infrastructure and interference of executive in the domain of judiciary are some of the major impediments. Only in the Supreme Court of Pakistan 25,000 cases are pending, though the Chief Justice of Pakistan claims that during the last year a record number of cases were disposed of. The number of pending cases in the lower courts also runs in hundreds of thousands. In absence of speedy justice, medieval *jirga* (tribal jury) system competes with formal judiciary in various parts of the country.

“There is a backlog of civil and criminal cases at the level of subordinate judiciary in all provinces. In the province of the Punjab, the number of cases presently pending is 111,839 sessions cases, 343,732 criminal cases and 439,460 civil cases. In the province of Sindh, the number of pending cases comes to 109,833, in NWFP the figure is 96,332 whereas in Balochistan, it is 5,454.” — The figures have been taken from speech of the Chief Justice of Pakistan on beginning of new judicial year on October 4, 1999, available at: <http://www.ljcp.gov.pk/>

Continuous tussle between different power centres in the country has also led a large number of cases of political nature being decided in the superior courts. In a sharply divided society that translates into question marks over the credibility of the judiciary. Judiciary has not served its cause well by accepting supra-constitutional arrangements to work under. Pakistan's superior judiciary till date is working under an oath administered to them after promulgation of the Provisional Constitutional Order (PCO) 1999. The PCO 1999 was introduced to facilitate General Musharraf. Constitution was restored in 2002 but the judiciary has so far not taken a fresh oath. The lawyers community has been very critical of this role of judiciary, and even today all the major bar associations of the country continue to question the credibility and legitimacy of courts. The Supreme Court Bar Association has for the first time in the country's history published a whitepaper about the undemocratic role of the superior judiciary and continues to campaign for supremacy of the constitution and independence of judiciary.

The collusion between the judiciary and the autocratic rulers has had a very adverse impact on the country's political and social fabric. Many of the laws that were brought on the statute books by the military rulers to back their particular agenda could not be repealed. Many controversial laws now have the religious seal of approval. This means that even democratic majority cannot amend and change these laws as it fears that such a change may bring adverse reaction by the aggressive religious lobbies.

Many of these laws have a potential to be used for selective justice against minorities, women and marginalised sections of the society. This is evident from the laws like blasphemy and Hudood laws. Attempts to change these have met stiff resistance despite attempts by some elected members across the party divide but these have often hit roadblocks.

Functioning and outlook of political parties

In Pakistan, democracy's inability to sustain and deliver on the long-term basis not only lies in the unwillingness of the military establishment to let political process take its own course but also in the way the political parties function and grow.

The political parties in their outlook remain personality oriented. Each party is recognised by the name of one person. Even breakaway factions if they do not try to give themselves a proper nomenclature and try to stick to the parent party's name will be recognised with the name of prominent leader heading the faction.

The elitist leadership of most of the populist parties limits their ability to articulate, propagate and protect the interests of all societal groups. Majority of the mainstream parties excluding those representing religious right are dominated by the landowning classes. These classes bring their traditional mode of control and manipulation to party politics also.

As a result the political parties whenever they had an opportunity have strengthened a system of governance that is more paternalistic where the local political influential provide solutions like jobs, development, etc, but in the process constitutional governance is ignored.

People's participation in policy formulation at the party level is also scant. Most parties believe in the top down approach and tend to follow the decisions of leadership on critical matters. Party workers most often than not will be wondering what way their leadership is going or what kind of compromises these parties are making to win power.

Religious parties have another kind of internal conflict in their discourse about democracy and democratic governance. The religious right has participated in most of the elections since the creation of Pakistan with the best electoral performance in 2002 when these parties joined hands and contested from a single platform. Now at least in one province, the alliance is running a government and in another is a coalition partner. On the other hand, the jihadi offshoots of the religious right do not agree that democracy is the path that can bring the change they desire for.

Role of media and freedom of expression

During the last 57 years, the pattern of governance in Pakistan thrived on the culture of secrecy and information blockade. Resultantly, Pakistanis suffered bad and corrupt governance. Apathy and cynicism emerged as the logical by-products of such closed culture that retarded the citizen's capacity to monitor public institutions run on taxpayers' money. However, now there is a new hope. This hope can transform into good governance and engaged citizenship provided the government functionaries internalize the new spirit of open access to information.

Amongst the non-party political influencers, media besides some organised civil society groups play an important role. Pakistani media environment is going through a rapid transformation. Besides privately owned vibrant print media, a number of new FM radio stations, cable television networks, satellite televisions and interactive websites on the Internet are catering to the citizens' information needs. The unprecedented proliferation of new media outlets could be attributed to the open media policy of the government. Since March 2002, the Pakistan Electronic Media Regulatory Authority (PEMRA) is engaged in providing enabling environment to media entrepreneurs. The role of new enabling information and communication technologies and their cost effectiveness also cannot be ignored.

Encouraging feature of this entire scenario is that emerging media voices are no more confined to urban centres alone, and rather rural areas, though at small scale, are also on their way to alleviate their media poverty. All this will have long-lasting impact on the way society and politics have to move over the next decade or so.

The most lasting of these was the introduction of media friendly laws that after years of martial law provided breathing space to the country's print media. Pakistan's media has in fact fought long and hard for its freedom. The changing world realities also played a major part in ensuring that media is given space and opportunity to play its role. But all said and done, it would be highly risky to conclude that the media is free of any pressures from both the state and non-state actors. While guarding its freedom, media is quite cautious of the fact that whatever freedom it enjoys must be used with care and caution. And a large part of that caution means that some institutions and personalities are not probed enough through quality investigative journalism. Columnists and commentators can express their opinions rather freely.

In a recently conducted nationwide survey by the Pakistan Legislative Strengthening Consortium, it was revealed that for 43 per cent people the source of information on political situation is state-controlled Pakistan Television, for 16 per cent Radio Pakistan, for 13 per cent Geo TV, for 12 per cent daily Jang, for nine per cent BBC Radio and for equal percentage daily Nawa-e-Waqt. Among the rest are ARY TV (seven per cent), FM Radio (five per cent), Indus Vision TV (four per cent), Kawish newspaper (four per cent), family and friends (37 per cent), 'Hujra,' 'Chopal,' and 'Bethak,' etc, (12 per cent). The reasonably high percentage for family, friends, 'Hujra,' 'Chopal' and 'Bethak' provides a hint that the media and the medium that exists at proximity remains an enriching source of information.

Citizens need information to follow and scrutinize actions of the government. Accurate and timely information enables them to have a meaningful say in decision-making processes and enhances their ability to hold the government accountable. Globally, the idea of citizens' right to know is gaining grounds as a proactive concern and today more than 57 countries of the world, including Pakistan, have formally

acknowledged it by adopting freedom of information laws. Resultantly, the culture of openness is replacing the centuries-old practices of secrecy in the arena of governance.

A democratic government is expected to function in a transparent fashion so that the citizens know what their government is doing at taxpayers' expense. This enables them to keep a check on the executive and legislative powers, and assess the efficiency of these vital pillars of a state. It ensures transparency in social and economic fields, facilitates rule of law, equality and fair competition. Free flow of information helps citizens articulate their informed political and economic choices.

In democracy and governance discourse, information is described as 'the oxygen of democracy.' The logic is that if people do not know what is happening in their society, if the actions of those who rule them are hidden, then they cannot take a meaningful part in the affairs of that society.

The president of Pakistan promulgated the Freedom of Information Ordinance on October 26, 2002 that came into force at once. Its manifested purpose is to provide for transparency and freedom of information to ensure that the citizens of Pakistan have improved access to public records to make the federal government more accountable to its citizens.

The Local Government Ordinance 2001 also envisages that the meetings of District Council shall be open to public unless the council by resolution decides to hold any in-camera meeting. Similarly, the Tehsil Municipal Administration is supposed to seek approval of the Tehsil Council to the plans prepared after due process of information dissemination and public inquiry. Tehsil administration as per law is also required to maintain with the assistance of district government, union and village councils a comprehensive database and information system for Tehsil Municipal Administration and provide public access to it on nominal charges along with maintaining municipal records and archives.

Through the Local Government Ordinance 2001, the Tehsil Municipal Administration has also been asked to assign or contract out any of its functions to any public-private, public or private organization only after inviting public objections. The functions of tehsil nazim envisage presentation of a performance report at least once in six months.

The law has provisions to collect and maintain statistical information at union level for socio-economic survey and asks to disseminate information on the matters of public interest. The law requires that Union Council will place a monthly and the annual accounts and other necessary statements at a conspicuous place for public information. Similar clause exists regarding information about the staffing and the performance of the office of a local government during the preceding month.

The law also empowers the citizens to have access to information about any office of the district, tehsil and union administration on the prescribed forms on payment of fixed fees. Presently, these enabling provisions are not being used effectively. Perhaps, the government institutions have not divorced the mindset of secrecy and the citizens are also not adequately trained and capacitated to make use of these laws.

Role of civil society

Non-governmental civil society groups have developed a very potent voice since 1980s. These groups working on human rights, women rights, civic concerns or so many other issues have been the best articulators of opinion on any issue. Despite some questions raised about the motives of such organisations commonly referred to as NGOs, these have not only attracted media but also gained access to important government organisations. But such access has not translated into a partnership and rather the role where accepted is more consultative. The formation of so-called civil society is limited in terms of its size, scale and scope. Secondly, it is often criticized as donor-driven reality. Indigenously, only few individuals and organizations are engaged in service delivery.

Economic issues

In terms of economy, despite two modest waves of land reforms, Pakistanis have failed to break the stranglehold of feudal lords, first patronized by the colonial masters and later retained as obedient souls by the civil-military bureaucracy. Otherwise, the overall economy of Pakistan is heavily regulated and controlled by the government. The ever-increasing burden of taxes and regulations has given rise to a parallel economy commonly known as black economy of which tax evasion and money laundering are two significant features.

Under the circumstances, as Pakistani government has not been able to form and practice a just, uniform and consistent policy of taxation, the process of taxation is in shambles. Indeed, it has become a tool in the hands of the privileged and powerful elites and groups. They pressurize, bribe or influence the authorities to impose a new tax or increase the rate of an old one to reap the benefits or to harm their rivals. Taxes are imposed and/or reduced to suit this or that elite.

The 1973 constitution had clearly provided that "imposition, abolition, remission, alteration or regulation of any tax" would fall in the jurisdiction of the Finance Bill to be passed by the National Assembly. But during the Ziaul Haq era, this power was usurped by the Central Board of Revenue (CBR) which imposed duties, withdrew duties, and exempted industries from payment of taxes and duties, made refunds with retrospective effect when somebody had to be favoured, simply by issuing SROs. In this way, the CBR can enrich individuals and groups beyond one's expectation and imagination by issuing the right Statutory Regulations and Orders (SRO) or vice versa turn them into pauper by starting investigations of tax evasion and assessing tax liability with retrospective effect.

Secondly, owing to the deteriorated law and order situation investment shies away and real estate boom is the only avenue to make quick bucks. In absence of vibrant economic activities, more and more people are falling below the poverty line. Country's socio-economic indicators are also very low. Pakistan ranked 142nd out of 177 on 2004 Human Development Index prepared by United Nations Development Program.

A Special Task Force on Reform of Tax Administration in April 2001 ranked various departments on the basis of a survey. The results speak volumes about citizens' mistrust and miseries.

Corruption Ratings of Government Departments

<i>Department</i>	<i>Corruption Ratings</i>	<i>Ranking</i>
Police	4.20 Points	1
Lower Courts	3.30 Points	2
WAPDA	3.21 Points	3
Income Tax Department	3.21 Points	4
Land Revenue	3.15 Points	5
Customs	3.04 Points	6
Passport and Identity Card	3.04 Points	7
Municipal Corporations and Development Authorities	2.80 Points	8
Sales Tax	2.75 Points	9
PTCL	2.61 Points	10
Government-run Hospitals	2.46 Points	11
Government-run Schools	1.96 Points	12

Lack of consensus on division of resources and other national issues

The country's constitution offers three mechanisms for distribution of economic cake and resolution of inter-provincial disputes. These are the National Finance Commission (NFC), National Economic Council (NEC) and Council of Common Interests (CCI). Ironically, despite existence of three institutions for resolving differences over financial issues between the federal and provincial governments, the distribution of resources has always been a contentious issue in Pakistan.

Under Article 160 of the constitution, the National Finance Commission is required to recommend to the president a formula for distribution of the federal revenues between the federation and the provinces after every five years. So far only three NFC awards could be announced during the last 31 years i.e. the

awards of 1974, 1990 and 1996. Two NFCs were appointed in 1979 and 1985 but no award was announced due to lack of consensus amongst members of the commission. In 1990, the divisible pool was expanded through inclusion of new taxes. The sixth NFC award was concluded in 1997 but has yet not been awarded due to lack of consensus among the provinces and the federal government.

The provinces did not welcome the award and are at loggerheads with the federal government on the issue. The provinces are demanding 50 per cent of the divisible pool which is unacceptable to the federal government. Due to lack of consensus on the award, the last budgetary allocations to the provinces were made under the fifth NFC award.

Even after series of meetings, the sixth NFC award is still not being agreed upon by the provinces. According to the latest reports, the provinces have agreed to accept the president's verdict on the issue.

Similarly, the Kalabagh dam issue, which was actually thought of back in the late 1960s, still remains unresolved and the government is still mere talking of the need for consensus. The problem is simple. There are no efficacious working institutions that allow the people to discuss an issue and attempt to evolve a consensus. The country does not have institutions that have a history and culture of resolving issues and working out things. The nation does not have the people who can act as negotiators and mediators. The result is a lack of trust in both the process and the position of other people. The lack of institutions and history also induces short-sightedness in people that further complicates the situation. The result is embittered provinces and entrenched positions.

Conclusion

So much so, what the Pakistanis have until now seen are just brief glimpses of democracy, however, in this process they have shown unique commitment to democracy. After the troublesome journey spanning over more than half a century, they deserve a better deal but much is yet to be done achieve the cherished objective.