

Democratic Crisis in Pakistan : A Critical View

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Abstract

The long-standing military rule in Pakistan has given the army an opportunity to make inroads into the entire system of government. Political parties, the judiciary, the bureaucracy and the media - military supporters are present in all sections. Therefore, there is no longer any need for military rebellion to unseat a democratically elected political leader who has differences with the army. Indeed, if former Prime Minister Nawaz Sharif had completed his term, he would have been the first elected Prime Minister to do so. He was also in a position to be elected for a second consecutive term. Sharif's political career may have ended with disqualification, but the real defeat in Pakistan is that of democracy. The present paper produces the picture of democratic crisis in Pakistan.

Key-words: *Crisis of Democracy; Constitutional weakness; Panamagate; Judicial Coup.*

Introduction

In 2013, when elections were held in Pakistan for the first time in Pakistan's 70-year history after five years of civilian rule - many commentators felt that democracy had finally arrived in Pakistan. But the disqualification of Prime Minister Nawaz Sharif by the Supreme Court on 28 July 2017 directly reminds that Pakistan is still running a 'virtual government' (ie Deep State) and military to overthrow the government. There may be other ways besides rebellion. It was anticipated that Nawaz Sharif could be elected for a second consecutive term in the 2018 elections and thus create history in Pakistan. This could have given considerable impetus to elected civil rule and Nawaz Sharif. But this was the third time that his term was terminated despite being elected. History is still composed, although this history is of another type.

Constitutional Weakness

Nawaz Sharif took the reins of Pakistan for the first time as Prime Minister in 1990 in the midterm elections held after President Ghulam Ishaq Khan sacked Benazir Bhutto as Prime Minister less than two years ago. The dismissal of Benazir resorted to Article 58-2B of the Constitution. This provision was included in the constitution by General Zia ul Haq. Under this, if the President feels that the elected government is not functioning as per the constitution, then he should dismiss the said elected government, dissolve the house and hold fresh elections. Has the right to. The president, the senator from the former bureaucrat and then the person elected to the post of elected president, was largely considered a representative of power or, in other words, close to the army. Nawaz Sharif's political career was encouraged by the military's grace during General Zia's tenure in the 1980s. His

family business (Ittefaq Foundries) suffered due to the nationalization campaign of Prime Minister Zulfikar Ali Bhutto and was one of the young leaders who were selected to enter the political arena. He first became the Finance Minister of Punjab State in 1982 and then Chief Minister in 1985, first under the supervision of Ghulam Khan, Governor General (Retd) of Punjab State.

Nawaz Sharif's anti-PPP coalition (IJI) united with the help of the ISI in the election held in 1990 after the dismissal of Benazir Bhutto. Less than three years later, his relationship with Army Chief Abdul Waheed Kakar (whom he appointed in 1993 after the sudden death of General Asif Nawaz Janjua) began to weaken. President Ghulam Ishaq Khan, part of the 'Deep State', was once again forced and sacked Nawaz Sharif in May 1993 under the same provisions of the Constitution (Article 58-2B). Sharif opposed this and at the time the Supreme Court delivered an unexpected ruling that restored his government. It was difficult for the army to tolerate this and so General Kakar entered into an agreement under which Prime Minister Nawaz Sharif's government was restored and in July 1993 President Ghulam Ishaq Khan had to step down.¹

In February 1997, Sharif was elected Prime Minister for the second time. Before the end of the year, he removed the term of the Chief of Army Staff (COAS) General Jahangir Karamat, and replaced him with General Pervez Musharraf as Army Chief. His popularity grew from the 1998 nuclear tests. Encouraged by this, Prime Minister Nawaz Sharif reacted positively to the peace initiative being undertaken by the then Prime Minister of India, Atal Bihari Vajpayee, which led to his differences with the army. The Lahore Peace Initiative in February 1999 was thwarted by the Kargil War. On US pressure and on the advice of China, Pakistan's army was forced to retreat. By then, relations between General Musharraf and Prime Minister Nawaz Sharif had deteriorated. Sharif realized this and a failed attempt to replace General Pervez Musharraf led to his dismissal with the October 1999 coup. Nawaz Sharif was arrested and convicted of 'kidnapping, attempted murder, plane hijacking, terrorism and corruption.' US and Saudi governments intervene amid rumors of his life term being handed by an army court Kariya and Sharif were allowed to be deported after undergoing stringent financial penalties and swearing not to participate in politics for 20 years.

It was only after the fall of General Musharraf that restoration of democracy became possible and that Sharif and Benazir ended their exile in 2007 and returned home. The Saudi government expressed the opinion that if President Musharraf is allowing elections to be held, in which Benazir Bhutto can participate, then this opportunity should also be given to Nawaz Sharif. The PPP won the national election after Benazir's assassination in 2008, and Sharif's party joined the PPP-led coalition for some time as part of efforts to restore democracy and impeach President Musharraf. Finally, in June 2013, Sharif was elected Prime Minister for the third time.

Just as he had chosen General Kakar and Musharraf in the past, similarly this time he appointed General Rahil Sharif as Army Chief in November 2013. However differences quickly arose between them. He wanted to prosecute Musharraf for treason, but the army did not allow him to do so. He later accused the army of promoting Imran's agitational politics in Punjab with the aim of weakening the PML (N). (Punjab is the largest province. In the National Assembly with 342 members, 183 seats are in Punjab province)

'Panamagat'

On 3 April 2016, the International Union of Investigative Journalists (ICIJ) released 11.5 million documents from Panama's law firm Mosec Fonseca. The information contained in these documents comes under the purview of the advocate-client's right to privacy. This information relates to about 214,488 foreign companies and bank accounts around the world. Eight of them belong to Prime Minister Nawaz Sharif, his sons Hasan and Hussain, and his daughter and political heir Maryam. These files contain information about four properties purchased by the Sharif family in the Knightsbridge area of London in the 1990s - something that is hardly hidden from anyone in Pakistan. Immediately after this came to the fore, opposition leader Imran Khan (Pakistan Tehreek-e-Insaf) called it 'Panamagat' and demanded the Prime Minister's resignation. He also demanded the formation of an Empowered Commission of Inquiry to investigate this.

Prime Minister Nawaz Sharif agreed to set up a judicial commission headed by a retired judge. After that it was demanded that the format of the terms to be considered should be decided after consulting the opposition. On May 10, COAS General Rahil Sheikh met Prime Minister Nawaz Sharif and requested to resolve the matter. His intervention gave it credibility, as the Army leaked that more than six officers (Lieutenant General, Major General and three Brigadiers) had been dismissed on charges of corruption. The two sacked lieutenant generals were later identified as Lieutenant General Obedullah and Major General Ejaz Shahid, accusations of corruption relating to their tenure in the Frontier Corps. In addition, six JCOs were also dismissed. There was no official confirmation of this news, it was broadcast on a large scale. The news came with the COAS statement that "accountability is essential for the solidarity, integrity and prosperity of Pakistan," as well as the warning that "until corruption is rooted out" of terrorism The war against cannot be won. The media appreciated the move taken by the army and suggested that the judiciary should ensure the accountability of political leaders in the same way.²

In view of the increasing protests, on 18 May 2016, the government agreed to constitute a committee of joint committee to finalize the terms of reference of the judicial commission headed by the Chief Justice. Meanwhile, Prime Minister Nawaz Sharif went to London for six weeks to have a heart operation. Imran Khan took up the matter of the risks inherent in Sharif's return to Pakistan on 9 July despite discussions in the Joint Committee on issues to consider. In September, Sharif called for nationwide protests, which were to be held in Islamabad from October 30 to be closed indefinitely in the capital. In response, the government set the background for the confrontation by imposing Section 144. [iii]

These protests were similar to the protests in 2014, when Imran Khan took out an independence march from Lahore on 14 August, accusing him of massive rigging in the 2013 general elections and demanding that Nawaz Sharif be relinquished. In this, Imran got Khan along with Maulvi-turned-politician Dr. Tahirul Qadri (Pakistan Awami Tehreek), who had just returned from Canada. Both of them planned to stage a sit-in in Islamabad near Parliament and government premises until the government bowed down. Within a week, the protesters gathered in the Blue Zone in Islamabad. However, it soon became clear that public sympathy for the protests was declining. Javed Hashmi, a senior PTI leader, broke away from him, accusing Imran Khan of acting at the behest of the army.

The media called it "soft Ku", while the army backed down and started requesting 'restraint' and 'dialogue'. The 2014 dharna lasted for 120 days and Imran Khan finally withdrew it after the terrorist attack on Army Public School in Peshawar on 14 December. More than 150 children were killed in this attack. It was probably won by Prime Minister Nawaz Sharif.³

The overall reason for Sharif's success was that the civilian intelligence agency (FIA) had found evidence that ISI DG Lt Gen Zaheer-ul-Islam had colluded with PTI protesters to discredit the government. COAS General Rahil Sharif had a different situation. He had to separate the army from the actions of the DG (ISI), but in the meantime he also ensured that Prime Minister Nawaz Sharif could not humiliate General Musharraf and let him go into exile on his own free will. DG ISI removed. The Saudi government once again intervened, this time supporting the military and reminding Prime Minister Nawaz Sharif of his 1999 IOU.

This time in 2016, the Supreme Court intervened to normalize the situation arising out of Imran Khan's call and on 28 October to hear petitions from opposition politicians seeking to disqualify Prime Minister Nawaz Sharif on grounds of corruption. Announced the formation of a five-member bench. This gave Imran Khan a chance to save his reputation and he withdrew the protest. On 1 November, the Supreme Court asked both the government and the opposition to provide two sets of terms of reference to the bench. The five-member bench was reconstituted in January 2017 following the retirement of Chief Justice Zaheer Jamali and its hearing was completed on 23 February.

The establishment of JIT was an unprecedented step in the judicial history of Pakistan. The result of this split decision was appreciated by some, as it showed the independence of the judiciary. After all, this was the first time that the investigation was being carried out against the person in charge of the post of Prime Minister. Both the PTI and the PML (N) declared the split verdict their victory and welcomed the JIT, though some cautioned that its analysis would eventually undermine Prime Minister Nawaz Sharif, as he and his family members were barred. - Have to appear before JIT. The media trial started as a result of a systematically leaked talk. The six-member JIT consisted of Federal Investigation Agency, National Accountability Bureau, State Bank of Pakistan, Securities and Exchange Commission of Pakistan and, interestingly, one officer each of ISI and Military Intelligence Service. The JIT was chaired by WIA Additional Director General Wajid Jia. Brigadier Nauman Saeed (ISI) and Brigadier Kamran Khurshid (MI) were two military officers. Both these officers were also part of the investigation team related to the Donlix case a few months back, this team blamed the office of Prime Minister Nawaz Sharif for these leaks.⁴

Judicial coup

Ironically, after all the investigations, the decision to disqualify was actually taken on technical grounds. The five-member bench disqualified Prime Minister Nawaz Sharif for violating Article 62 of the Constitution. This article states that "Every member of the National Assembly of Pakistan should be intelligent, virtuous and characterful, honest (Sadiq) and candid (Amin)." Nawaz Sharif failed on the last two parameters. They were also considered violators of the Representation of the People Act, which provides for a code of conduct for elected representatives. Among other things, under this law it is

expected that a candidate has a "good character and is not generally considered to be in violation of Sharia orders." He should have knowledge of Islamic teachings and perform the binding duties prescribed by Islam. " Incidentally Articles 62 and 63 were incorporated by General Jia in 1985.⁵

The decision was based on the JIT's finding that Prime Minister Nawaz Sharif has been the chairman of FZE, a company in Sharjah, from 7 August 2006 to 20 April 2014 and has been paying 10,000 dirhams monthly. Sharif did not disclose this while announcing his assets for the 2013 elections. Therefore, the Supreme Court did not consider Nawaz Sharif "honest and upright" and therefore disqualified him for being a member of the National Assembly. Defense lawyers said that the company belonged to his son Hassan and that Nawaz Sharif never took remuneration from that company and that the remuneration was "imaginary" and was actually for a visa, when Nawaz Sharif combined between 1999 and 2008 Was living politically exiled in the Arab Emirates. The Supreme Court interpreted this differently, the amount was technically "achievable" and therefore was "property" and should have been declared. Apparently, this decision had already been taken and only the sentence was pronounced at the end of the trial.⁶

There is no doubt that NAB can make a lot of revelations related to money laundering and corruption for which jails and fines can be imposed. Currently, Sharif has been placed on the exit control list, under which he is prohibited from going out of the country until the NAB proceedings are completed. The Supreme Court has directed NAB to file references in London's assets, Azizia Steels, Hill Mate Establishments and 16 other foreign companies. The former finance minister has a case of disproportionate assets over known sources of income. Justice Ijaz-ul-Ahsan, a member of the five-member bench, has been tasked to oversee the NAB process. The NAB has sought a JIT report, including confidential version 10, detailing the mutual legal assistance sought by the JIT from the UAE, UK, Saudi Arabia, Switzerland, Luxembourg and the British Virgin Islands Administration.

Conclusion

In Pakistan, there may have been a military rebellion only three times, but each time there was a prolonged military rule, the 'deep state' emerged. That is why it is not necessary that only the army should topple Pakistan, other mechanisms can also do it. This time a judicial coup was overthrown, before the case was decided. The constitution contains many provisions that are convenient and the flexible judiciary is mostly willing to cooperate. Every action to overthrow the elected government may be shown as 'the will of the people' or 'independence of the judiciary', but ultimately it only strengthens the army. It provides a convenient opportunity for manipulative security mechanisms to gain a decisive role for themselves, to free others from charges of being anti-corruption or anti-Islam. Therefore, the Army has not only cloaked the territorial integrity of Pakistan but also its ideological boundaries.

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